City of Choctaw
Regular Board of Adjustments Meeting
January 27, 2020 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Roll Call.

4. Business Agenda: The following items are hereby designated for discussion and consideration which requires individual action.

4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Roadway Frontage.

Applicant: Toby Traweek
Location: 12526 NE 10th Street
Current Zoning: Rural Residential District (R-R)
Legal Description: UNPLTD PT SEC 33 12N 1W 000 000 PT OF NE4 SEC 33 12N 1W W165FT OF W 1/2 OF NW4 OF NE4 LESS S7FT OF N40FT

4.1.1 Consideration and possible action on the “variance” request of Toby Traweek.

4.2 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Side Yard and Rear Yard Building Line Restrictions, Section 12-268 (6 & 7).

Applicant: Angelia Brantner
Location: 1821 Butterfield Trail
Current Zoning: Single Family Residential District (R-S)
Legal Description: CHOCTAW TRAILS SEC 1 005 013
4.2.1 Consideration and possible action on the “variance” of Angelia Brantner.

4.3 Regular meeting minutes for December 16, 2019.

5. Commissioner/Staff Remarks: This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. **No action will be taken.**

6. Adjournment:

*This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on January 24, 2020 in accordance with the Oklahoma Open Meeting Act.*

[Signature]

Amanda Valent, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC MEETING IS NOT POSSIBLE DUE TO A DISABILITY, PLEASE NOTIFY THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING SO THAT NECESSARY ACCOMMODATIONS CAN BE MADE. ACCESS TO RESTROOMS DURING THE MEETING WILL BE AVAILABLE UPON REQUEST TO CITY STAFF.
CITY OF CHOCTAW

STAFF REPORT

Board of Adjustments  Meeting of:  1/27/2020

Purvi Patel
Prepared By

Guy Henson
Department Head

Planning & Development
Department

[Signature]
City Clerk Approval

AGENDA TITLE: A Variance Request Application for 12526 NE 10th Street, submitted by Toby Traweek Jr.

**Public hearing required if this box is checked**

General Report: Toby Traweek Jr. is the variance request applicant for this 4.99 acre R-R "Rural Residential District" tract of land.

The applicant is requesting a variance to §12-263 Area and Height Regulations, specifically the minimum lot frontage width requirement of a minimum of 110 feet in order to subdivide the subject site in the future.

The current lot width is 165 feet and requested lot widths are 65 feet proposed Tract 1 and 100 feet for proposed Track 2.

Staff Comments:

Water: The subject property has an existing private water well at this time. There is a 12" City water main located within the 10th Street right of way, approximately 1,800 feet from the subject property.

Sanitary Sewer: The property has an existing private sanitary septic system. A ten (10) inch public sanitary sewer main is located within North Hiwassee Road right of way, approximately 2,420 feet from the subject property.

At the time of the subdivision of the lot, an additional seventeen (17) feet of public roadway and utility easement will be required along the north property lines to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan.

No additional access along NE 10th Street will be requested at the time of the lot split. The 2 tracts of land will share the existing concrete driveway serving the property currently. Required access easements will be dedicated with the lot split application as well.
Applicant: Toby Traweek Jr.

Location: 12526 NE 10th Street

Subject: Variance for § 12-263 – Traweek

Current Zoning: R-R “Rural Residential District”

Toby Traweek is the owner of this 4.99 acre tract of land located at 12526 NE 10th Street. The property carries an R-R “Rural Residential District” zoning classification. The applicant is requesting a variance to the minimum lot frontage in order to subdivide the property in the future.

**APPLICANT PROPOSAL**

The applicant is requesting a variance to **§12-263 Area and Height Regulations**, specifically the minimum lot frontage width to allow for an application for a short form subdivision (lot split). The current lot width is one hundred and sixty-five (165) feet and requested lot widths are sixty-five (65) feet for proposed Tract 1 and one hundred (100) feet for proposed Tract 2. Below is the specific language as listed in the City Code regarding the lot width requirement; as well as the image depicted the proposed future lot split.

**§12-263: Area and Height Regulations**

A. The following designates area and height:

(2) Minimum lot frontage 110 feet
EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of 43,560 square foot lot size. The property is bound by R-R “Rural Residential District” on all sides.

There is an existing 3,396 square foot single family residential structure that was constructed around 1939 on the property. The applicant has indicated to staff that he intends to subdivide this property and give a portion of it to family for a future single family residential construction. The applicant will not be seeking an additional access point onto 10th Street with the lot split request. Both lots will share the existing concrete drive serving the subject site. An access easement will be required for the shared access at the time of the property subdivision.

Any development will require a submittal of a site development plan and appropriate permits. The development will have to comply with all subdivision and zoning regulations.

COMPREHENSIVE PLAN

- **Land Use**: The applicant is not requesting a change of zoning with the variance application nor will be with the lot split application.
  - **Future Land Use**: The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the property.
  - **Physical Constraints** – There are no built or natural constraints present as listed in the Comprehensive plan, but if the property is developed, the developer will need to be aware of any stormwater drainage, stormwater quality, and all other environmental impacts.

- **Transportation** – The necessary right-of-way and easement dedications listed in the Comprehensive Plan will be reviewed with the lot split application. Please refer to the “Transportation” paragraph below to identify the required right of way dedication.

- **Infrastructure** – The property owner will have to meet all infrastructure requirements as discussed in the Comprehensive Plan and the City Code with any future development of this site. Please refer to paragraphs “Water”, and “Sewer” to see more details regarding mandatory connections and extensions.

WATER

The subject property has an existing private water well at this time. There is a twelve (12) inch City water main located within the 10th Street right of way. The said twelve (12) inch water main is approximately 1,800 feet from the subject property.

The City Code states if any portion of a single residential tract that is listed in sub-sections §19-164 or §19-165 comes within 500 feet from a public water main, the developer will be required to extend the water main to the furthest end of the newly developed tract. If a water main is adjacent to the tract of land or is within 500 feet from a water main, the tract will be required to connect to the City water. Additionally, if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split that is listed in sub-sections §19-164 or §19-165
comes within 1,200 feet from a public water main, the developer will be required to extend the water main to the furthest end of the newly developed tract and connect to the City water.

The subject site is outside of the 500 feet and 1,200 feet radius requirement in the Code. However, future development could require an extension or connection to the City’s water main.

The installation of a public water service or private water well requires all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

SEWER
The subject property has an existing private sanitary septic system. A ten (10) inch public sanitary sewer main is located within North Hiwassee Road right of way. The said ten (10) inch public sanitary sewer main is approximately 2,420 feet from the subject property. With any additional structures or remodel, the applicant will have to meet the Oklahoma Department of Environmental Quality regulations regarding the existing septic system. Additionally, if any future development requires additional sanitary sewer services, the developer may have to upgrade the public sanitary sewer system within the area. Depending on elevation the development could also require a sanitary sewer lift station or an update to the existing sanitary sewer lift station. If this is to occur, the developer/owner will be responsible for the engineering, street bore, tap, case, effluent line, lift station, upsizing, and any other means for installation of a public sanitary sewer service. The connection to the public sanitary sewer main requires all appropriate permits and installation as required by the Choctaw Utilities Authority and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION
The property has frontage along N.E. 10th Street, west of its intersection with North Hiwassee Road. At the time of the subdivision of the lot, an additional seventeen (17) feet of public roadway and utility easement will be required along the north property lines to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan. The easement will allow the proper width for utility relocation and proper road widening.

POWERS TO GRANT VARIANCES
The Board of Adjustment shall have the following powers as outlined in Article B, Sections 12-125 of the City of Choctaw Zoning Ordinance:

The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Section 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured,
and substantial Justine done. **Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:**

(1) *At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, or other extraordinary or exceptional situations or condition of a specific piece of property.*

(2) *The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner of developer.*

(3) *Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area.*

(4) *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in §§ 12-201, “Title known as the Zoning Ordinance of the City of Choctaw, Oklahoma”, of this code.*

The Board may grant an appeal, subject to such terms and conditions, provided the applicant has demonstrate to the satisfaction of the Board that the conditions governing the granting of a variance as set forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

**CITY OF CHOCTAW STAFF**

The City of Choctaw’s staff has reviewed the variance request by Toby Traweek. Staff has completed its review of the variance request of §12-263.
APPLICATION

Variance

Subject Address: 12526 N. E. 10th

Applicant: TOBY TRAWEK JR. Phone: 405-769-4970

Address: 12526 N. E. 10th City: Choctaw

E-mail address:trawek@aol.com

State: OK Zip: 73020

Property Owner: TOBY TRAWEK JR. Phone: 405-769-4970

Address: 12526 N. E. 10th City: Choctaw

State: OK Zip: 73020

Property Zoning: RR Code Section No.:__

Reason for Variance: Roadway Frontage.

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Adjustment are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating the Variance application.

PROPERTY OWNER’S SIGNATURE: [Signature]

[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. A power of attorney is attached.

Name: ___________________________ Address: ___________________________

Signature: ________________________ Telephone: _________________________

County Parcel Number: ___________________________
Larry Stein
Oklahoma County Assessor's Office

Ownership Radius Report

This Report is for Account Number R194890380 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.
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SURVEYOR'S CERTIFICATE
December 11, 2019

I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an on the ground survey was made under my supervision of a tract of land described as follows:

LEGAL DESCRIPTION
The West One Hundred Sixty-five (165) Feet of the West Half (W/2) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty-three (33), Township Twelve North (T12N), Range One West (R1W) of the Indiana Meridian, Oklahoma County, Oklahoma.

Only the improvements shown herein were located as per client's request.

The property has direct access to NE 10th Street. The address is 13230 NE 10th.

I further certify that the property corners were set or found as shown. The shown description does form a mathematically closed figure.

This survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma Board of Registration for Professional Engineers and Land Surveyors, as adopted July 25, 2018.

Any alteration of this property boundary survey or legal description by any party other than the author, stated below, voids this property boundary survey and legal description and the plot of survey to which it relates.

This survey does not show:
1. The identifying titles of all recorded plat, filed maps, right of way maps, or similar documents with their appropriate recording date, filing dates and map number(s), of the surveyed premises. Nor does it show the names of adjoining owners as they appear on said recorded plat and recorded lot or parcel numbers, recording information identifying the current description of record and similar information, where appropriate.
2. Lacking exception, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 411 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where detailed information is required, the client is advised to consult with the respective utility locate request may be necessary.

I further certify that by graphic plotting only, this property is located within an area having a Zone Designation of "C" by the Federal Emergency Management Agency, and Federal Insurance Rate Map Number 041001003581 (with a date of identification of 12/20/2009), for Community No. 000557, the City of Choctaw, Oklahoma County, State of Oklahoma, which is the current Flood Insurance Rate Map for the community in which said premises is located. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

MICHAEL A. DAWSON
1816
12/16/2019

[Signature]

12526 NE 10TH, CHOCTAW, OK

PART OF THE NORTHEAST QUARTER
SECTION 33, T12N, R1W, OKLAHOMA COUNTY, OKLAHOMA

EXHIBIT DRAWING

LEGEND

12/17/19

MADISON & WAGNER
1918

بونز، أوكلاهوما 73110
هاتف (405) 429-1490
michael@madisonwagner.com
Exhibit A - Proposed Tract 1

SURVEYOR'S CERTIFICATE
December 11, 2019

I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that the plan and plot was made under my supervision of a tract of land described as follows:

LEGAL DESCRIPTION

A tract of land in the Northeast Quarter (NE/4) of Section Thirty-three (33), Township Twelve (12) North, Range Ten (10) West of the Indian Meridian, Okfuskee County, Oklahoma, being more particularly described as follows:

With a bearing being the North line of said NE/4, N89°39'44"E:

BEGINNING at the Northwest corner of said NE/4, thence N90°27'44"E along the North line of said NE/4 a distance of 65.00 feet; thence S90°17'11"E, a distance of 100.00 feet; thence S90°17'11"E, a distance of 218.75 feet; thence S89°37'30"W, a distance of 125.00 feet to a point on the West line of said NE/4; thence N90°17'11"W along said West line a distance of 1209.30 feet to the point of beginning.

Said tract contains 3137719.4 square feet, or 3.62 acres more or less. Subject to assessment and improvements.

Only the improvements shown herein were located as per client's request.

The property has direct access to NE 10th Street. The address is 12526 NE 10th.

I further certify that the property corners were set or found as shown. The shown description forms a matheamatically closed figure.

This survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors, as adopted July 25, 2013.

Any attention of this property, boundary survey or legal description by any party other than the author, stated below, voids this property boundary survey and legal description and the plat of survey in which it refers.

This survey does not show the identifying titles of all recorded plats, filed maps, right of way maps, or similar documents with their respective recording dates, filing dates and map numbers of the recorded plats. Nor does it show the names of adjoining owners as they appear of record and recorded title or patent records, recording information identifying the current description of record and similar information, where appropriate.

Note: Lack of enclosure, the exact location of underground features cannot be accurately, completely, and satisfactorily depicted. In addition, in some jurisdictions, a line or other similar utility locate requests from surveyors may be ignored or result in an insufficient response.

When detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

I further certify that, by graphic plotting only, this property is located within an area having a "Zone Designation of "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 47100C012301 with a date of identification of 12/19/2009, for Community No. 46587, the City of Choctaw, Okfuskee County, State of Oklahoma, which is the current Flood Insurance Rate Map for the community in which said premises is situated. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.
Exhibit B - Proposed Tract 2

SURVEYOR’S CERTIFICATE
December 11, 2019

1. Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an as the ground survey was made under my supervision of a tract of land described as follows:

LEGAL DESCRIPTION

A tract of land in the Northeast Quarter (NE/4) of Section Thirty-three (33), Township Twelve (12) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows:

With a basis of bearing being the North line of said NE/4, N 88°33’44” E.

COMMENCING at the Northwest corner of said NE/4, thence N 88°33’44” E, a distance of 65.00 feet to the POINT OF BEGINNING, thence continuing N 88°33’44” E a distance of 300.00 feet; thence S 88°33’44” W a distance of 100.00 feet; thence S 88°33’44” W a distance of 300.00 feet to the point of beginning.

Said tract contains 0.59999 acres, or 1.18 acres more or less.

Only the improvements shown hereon were located as per client’s request.

The property has direct access to NE 10th Street.

I further certify that the property corners were set as shown. The shown description does form a mathematically closed figure.

This survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors, as adopted July 23, 2013.

Any alteration of this property boundary survey or legal description by any party other than the owner, named below, voids this property boundary survey and legal description and the plat of survey to which it relates.

This survey does not show:

The identifying titles of all recorded plans, filed maps, right of way maps, or similar documents with their appropriate recording data, filing dates and map numbers, of the surveyed premises. Nor does it show the names of adjoining owners as they appear on records and recorded lot or parcel numbers, recording information identifying the current description of record and similar information, where appropriate.

Note: Lack of execution, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 111 or other similar utilities locate requests from surveyors may be ignored or result in an incomplete response. Where detailed information is required, the client is advised that correlation with a private utility locate request may be necessary.

I further certify that by geospatial plotting only, this property is located within an area having a "Zone Designation of "A" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 401/0033351 with a date of Identification of 12/14/2009 for Community No. 401097, the City of Chickasha, Oklahoma County, State of Oklahoma, which is the current Flood Insurance Rate Map for the community in which said premises is situated. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this designation or apply for a variance from the Federal Emergency Management Agency.
QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That Toby Glenn Traweek, Jr. and Frances Lorene Traweek, husband and wife, party to the first part, in consideration of the sum of Ten Dollars, and other valuable consideration, in hand paid, the sufficiency and receipt of which is hereby acknowledged, does hereby quit-claim, grant, bargain, sell and convey unto the Traweek Family Revocable Trust Dated the 28th day of October, 2015, party of the second part, any and all interest which party of the first part may now or hereafter claim in and to all the following described real property and premises situated in Oklahoma County, State of Oklahoma, to wit:

The West One Hundred Sixty-five (165) Feet of the West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Thirty-three (33), Township Twelve North (T12N), Range One West (1W) of the Indian Meridian, Oklahoma County, Oklahoma. Also known as: 12529 NE 10th ST, Choctaw, Oklahoma 73020

together with all the improvements thereon and the appurtenances thereto belonging. To have and to hold the above described premises unto the said party of the second part, its heirs and assigns forever.

Signed and delivered this 28th day of October, 2015:

Toby Glenn Traweek, Jr.

Frances Lorene Traweek

NO DOCUMENTARY STAMPS REQUIRED PER TITLE 68 O.S. §3202(4)

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Before me, the undersigned, a Notary Public in and for said County and State on this 28th day of October, 2015, personally appeared Toby Glenn Traweek, Jr. and Frances Lorene Traweek, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument in my presence and acknowledged to me that they executed the same as a free and voluntary act and deed for the uses and purposes therein set forth.

Mark Mathews
Notary Public, Commission # 01002617

When Recorded, Return To: Mark A. Mathews, PLLC, P.O. Box 1026, Harrah, Oklahoma 73045-1026

2015/12828116449206
Filing Fee: $12.00
10/28/2015 10:36:08 AM
DEED
AGENDA TITLE: A Variance Request Application for 1821 Butterfield Trail, submitted by Angelia Brantner.

**Public hearing required if this box is checked**

General Report: Angelia Brantner is the variance request applicant for this 0.17 acre R-S "Single-Family Residential District" tract of land.

The applicant is requesting a variance to §12-268 Area and Height Regulations, specifically the minimum side and rear yard setbacks of five (5) feet and twenty-two (22) feet in order to install a twelve (12) foot by sixteen (16) foot shed.

The requested location is a few feet off the side and rear property line, as this is the only flat area in the applicant's rear yard for the shed install.

Staff Comments: Water: The subject property served by a six (6) inch City water line. The requested Tuff Shed install shall have no adverse impact on the existing water lines nor will any changes be required to them.

Sanitary Sewer: The subject property served by an eight (8) inch City water line. Similar to the water, the requested shed install shall have no adversarial impact on the existing sewer lines nor will any changes be required to them.

There are no right-of-way and easement dedications required with this proposal.
CITY OF CHOCTAW
Staff Report

Applicant:  Angelia Brantner
Location:  1821 Butterfield Trail
Subject:  Variance for § 12-268 – Brantner
Current Zoning:  R-S “Single-Family Residential District”

Angelia Brantner is the owner of this 0.17 acre tract of land located at 1821 Butterfield Trail. The property carries an R-S “Single-Family Residential District” zoning classification. The applicant is requesting a variance to the minimum side yard and rear yard setbacks in order to add a twelve (12) foot by sixteen (16) foot shed to the rear of the property.

**APPLICANT PROPOSAL**

The applicant is requesting a variance to §12-268 Area and Height Regulations, specifically the minimum side yard setback and rear yard setback to add a twelve (12) foot by sixteen (16) foot Tuff Shed to the rear of the property. The applicant has noted this is the only flat area in the rear of the property for the shed install. The location is a few feet off the side and rear lot lines. Below is the specific language as listed in the City Code regarding the setback requirements:

§12-263: Area and Height Regulations

A. The following designates area and height:

   - (6) Minimum side yard setback 5 feet Interior Lots
   - (7) Minimum rear yard setback 20% Depth of Lot

The subject property is an interior property; therefore, the **required side yard setback is five (5) feet.** The lot is 110 feet deep, so the **minimum rear yard setback is twenty-two (22) feet.**

**EXISTING ZONING AND BUILDING USE REGULATIONS**

The current zoning for the property is R-S “Single-Family Residential District” which requires a minimum of 10,000 square foot lot size. The property is bound by R-S “Single-Family Residential District” on all sides.
There is an existing 1,488 square foot single family residential structure that was constructed around 1994 on the property. The applicant is not requesting any changes to the existing structure. The applicant’s request is to install a Tuff Shed within the required minimum side and rear setbacks, as this is the only flat area of her yard.

The applicant will require a building permit for the shed install and will have to meet current building standards with various International, State and local codes.

**COMPREHENSIVE PLAN**

- **Land Use**: The applicant is not requesting a change of zoning with the variance application. The current property meets the existing zoning regulations.
  - Future Land Use: The existing zoning matches the City’s Future Land Use Map designation as “Suburban Density Residential” for the property.
  - Physical Constraints – There are no built or natural constraints present as listed in the Comprehensive plan.
- Transportation – There are no right-of-way and easement dedications required with this proposal.
- Infrastructure – There are no changes required to the existing infrastructure with this request. However, any future redevelopment of the property will have to meet all infrastructure requirements as discussed in the Comprehensive Plan and the City Code.

**WATER**

The subject property served by a six (6) inch City water line. The requested Tuff Shed install shall have no adverse impact on the existing water lines nor will any changes be required to them.

**SEWER**

The subject property served by an eight (8) inch City water line. Similar to the water, the requested shed install shall have no adversarial impact on the existing sewer lines nor will any changes be required to them.

**TRANSPORTATION**

The property has frontage on Butterfield Trail, which is considered a local/minor street. The principle objective of local or minor streets is to provide access to adjacent properties, such as residential areas. At this time, there are no changes proposed to Butterfield Trail nor will there be any additional right of way or easement dedication associated with the shed install.
POWERS TO GRANT VARIANCES
The Board of Adjustment shall have the following powers as outlined in Article B, Sections 12-125 of the City of Choctaw Zoning Ordinance:

The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Section 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial Justine done. **Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:**

1. **At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, or other extraordinary or exceptional situations or condition of a specific piece of property.**

2. **The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner of developer.**

3. **Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area.**

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in §§ 12-201, “Title known as the Zoning Ordinance of the City of Choctaw, Oklahoma”, of this code.**

The Board may grant an appeal, subject to such terms and conditions, provided the applicant has demonstrate to the satisfaction of the Board that the conditions governing the granting of a variance as set forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the variance request by Angelia Brantner. Staff has completed its review of the variance request of §12-268.
APPLICATION

Variance

Subject Address: 1821 Butterfield Trail, Choctaw, OK 73020

Applicant: Angela Brantner

1821 Butterfield Trail Choctaw
OK 73020

Phone: 405-250-2478

E-mail address: angiebrantner07@gmail.com

Property Owner: Angela Brantner

1821 Butterfield Trail Choctaw
OK 73020

Phone: 405-250-2478

Property Zoning: RS

Code Section No.: 12-265

Reason for Variance?: Topographical - The only flat spot in yard.

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Adjustment are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating the Variance application.

PROPERTY OWNER’S SIGNATURE: Angela Brantner

[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. A power of attorney is attached.

Name: ___________________________ Address: ___________________________

Signature: ________________________ Telephone: _________________________

County Parcel Number: _________________________
QUIT CLAIM DEED

THIS INDENTURE, Made this 7th day of September 2004

between DAVID L. BRANTNER AND ANGELIA M. BRANTNER, HUSBAND AND WIFE of the first part,

and DAVID L. BRANTNER AND ANGELIA M. BRANTNER, HUSBAND AND WIFE as joint tenants

and not as tenants in common, with the full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, of the second part,

Witnesseth, that said par TIES of the first part, in consideration of the sum of TEN AND NO/100 DOLLARS in hand paid, the receipt of which is hereby acknowledged, do(s) hereby quitclaim, grant, bargain, sell and convey unto the said par TIES of the second part all THEIR right, title, interest, estate, and every claim and demand, both at law and in equity, in and to all the following described property situate in OKLAHOMA, State of OKLAHOMA, to wit:

LOT THIRTEEN (13), BLOCK FIVE (5), CHOCTAW TRAILS, SECTION ONE, CHOCTAW, OKLAHOMA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

DOCUMENTARY STAMPS NOT REQUIRED SECTION 270220.

GRANTEE'S MAILING ADDRESS: 1821 BUTTERFIELD TRAIL, CHOCTAW, OK 73022

RETURN TO:

together with all and singular the hereditaments and appurtenances thereto belonging.

To Have and to Hold the above described premises unto the said parties of the second part as joint tenants,

in THEIR name and behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof; but they and every one of them, shall by these presents be excluded and forever barred.

In Witness Whereof, the said par TIES of the first part have here unto set THEIR hand(s) the day and year first above written.

DAVID L. BRANTNER
ANGELIA M. BRANTNER

STATE OF OKLAHOMA
COUNTY OF OKLAHOMA

Before me, the undersigned, a Notary Public in and for said County and State, on this 7th day of September 2004, personally appeared DAVID L. BRANTNER AND ANGELIA M. BRANTNER, HUSBAND AND WIFE to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that same was executed as the free and voluntary act and deed of said person(s) for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

MELISA GRAYHAM
COMM. # 04006983
NOTARY PUBLIC
EXP. AUG. 03, 2008
OKLAHOMA COUNTY
OKLAHOMA

Notary Public
NOTE: According to the Flood Insurance Rate Map (FIRM) Community Panel Number 400357 0005 B, dated April 15, 1981, the subject property is located in ZONE C, which is not in a flood hazard area.

NOTE: The Easement of record filed in Book 105, Page 486 (assigned in Book 2960, Page 192) does affect Quarter Section, however as of date of survey pipeline is located in platted utility easements. The Easements of record filed in Book 6, Page 370, Book 3615, Page 381, Book 4049, Pages 436 & 441, Book 4156, Page 479, Book 4781, Page 818, Book 4785, Page 1265 and the Agreement recorded in Book 5131, Page 1931 do not cross the subject property.

CERTIFICATE FOR MORTGAGE INSPECTION

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

Lot 13, Block 5 of CHOCTAW TRAILS SECTION 1 to Choctaw, Oklahoma County, Oklahoma. Known as 1821 Butterfield Trail.

as shown on the annexed plat hereeto and there are no encroachments of dwelling structures except if shown hereon. The Mortgagee's inspection has been prepared for identification purposes for the Mortgagee 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 drawing for establishing fencelines or building lines. 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 _______ of ________, 2001.

Survey No. 005034

Buyer: Brannter……00020066

HALE & ASSOCIATES SURVEYING CO.
CA-819 Expires 6-30-2001

TELEPHONE: (405) 585-0174 FAX: (405) 661-4881

1621 S.W., Rm. 100, Bldg. C, Suite 200, Oklahoma City, Oklahoma 73155

Registered Land Surveyor

CURTIS LEE
HALE
L.S. 1084
Project Description

Proposed Use: To Store Stuff
Type of proposed buildings: Tuff Shed 12' x 16'
Number of proposed buildings: 1

Applicant: Angelia Brantner
1821 Butterfield Trail
Choctaw, OK 73020
(405) 250-2478
Larry Stein
Oklahoma County Assessor's Office

Ownership Radius Report

This Report is for Account Number R123602380 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.
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City of Choctaw
Special Board of Adjustments Meeting
December 16, 2019 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

1. Call to Order by Chair @ 7:05 p.m.

2. Invocation and Pledge of Allegiance given by Brandon Clabes.

3. Roll Call:
   4 Present: Ray Sikes; Mike Potts; Lloyd DeShazo;
              Brandon Clabes
   1 Absent:  Dave Murdock

Staff:       Guy Henson, Planning & Development Director

4. Business Agenda: The following items are hereby designated for discussion and consideration which requires individual action.

4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Commercial Paving Requirements per Ordinance Section 12-234.

   Applicant: Tara Sharp
   Location:  15104 SE 15th Street
   Current Zoning: General Commercial District (C-G)
   Legal Description:
   UNPLTD PT SEC 12 11N 1W 000 000 PT NW4 SEC 12 11N 1W
   BEING E 1/2 OF W 1/2 OF N 1/2 OF N 1/2OF NW4 OF NW4

   Opened Public Hearing @ 7:07pm
   Receive Comments. None.
   Closed Public Hearing @ 7:25pm.
MOTION BY Mike Potts and SECOND BY Brandon Clabes to approve the variance as stated.

MOTION CARRIED:
4 Ayes: Sikes, Potts, DeShazo, Clabes
0 Nays: None
1 Absent: Murdock

4.2 Regular meeting minutes for October 28, 2019.

MOTION BY Brandon Clabes and SECOND BY Mike Potts to approve minutes as presented.

MOTION CARRIED:
4 Ayes: Sikes, Potts, DeShazo, Clabes
0 Nays: None
1 Absent: Murdock

5. Commissioner/Staff Remarks: This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

None.

6. Adjournment:
Called @ 7:30 p.m.

PLANNING COMMISSION

ATTEST: Ray Sikes, Chairman

__________________________
Amanda Valent, City Clerk