City of Choctaw  
Regular Board of Adjustments Meeting  
March 23, 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 Hold a public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements.  

   Applicant: Paul Maxwell  
   Location: 15870 SE 29th Street  
   Current Zoning: General Agriculture District (A-G)  
   Legal Description: UNPLTD PT SEC 13 11N 1W PT NE4 SEC 13 11N 1W BEG 475.20FT W OF NE/C OF NE4TH S412.50FT W52.80FT S247.50FT W132FT N660FT E184.80FT TO BEG CONT 2.50ACRS MORE OR LESS  

   4.1.1 Consideration and possible action on the “variance” request of Paul Maxwell.  

4.2 Hold a public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements.  

   Applicant: Jim and Nancy Cox  
   Location: 610 S Anderson  
   Current Zoning: General Agriculture District (A-G)  
   Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 N ½ OF S ½ OF N ½ OF SW4 OF NW4 OR TRACT 3 PT SEC 4 11N 1W  

   4.2.1 Consideration and possible action on the “variance” request of Jim and Nancy Cox.  

4.3 Hold a public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements.  

   Applicant: Tyler Hand  
   Location: 16535 SE 29th Street  
   Current Zoning: Rural Residential District (R-R)  
   Legal Description: UNPLTD PT SEC 21 11N 1E 000 000 PT NE4 SEC 21 11N 1E BEG 165.02FT E & 122.34FT S OF NW/C NE4 TH SELY 287.9FT SWLY1080.33FT W170.85FT N1197.70FT TO BEG CONT 5.71ACRS MORE OR LESS SUBJ TO ESMTS OF RECORD
4.3.1 Consideration and possible action on the “variance” request of Tyler Hand.

4.4 Hold a public hearing to solicit general public input regarding an application requesting a “variance” of the Permitted Uses.

Applicant:  Gladys Beakley  
Location:  14958 Gilbert Street  
Current Zoning:  Central Business District (CBD)  
Legal Description:  CHOCTAW OLD TOWN ADD 035 000 LOTS 21 THRU 24

4.4.1 Consideration and possible action on the “variance” request of Gladys Beakley.

4.5 Hold a public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements.

Applicant:  Thomas Miller  
Location:  NE 10th Street  
Current Zoning:  Rural Residential District (R-R)  
Legal Description:  SEC 31 12N 1E

4.5.1 Consideration and possible action on the “variance” request of Thomas Miller.

4.6 Hold a public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements.

Applicant:  Bradley Craig  
Location:  4963 N Choctaw Road  
Current Zoning:  Rural Residential District (R-R)  
Legal Description:  PT OF S/2 OF E/2 OF E/2 OF NE/4 OF NE/4 OF SEC14 T12N R1W OF IM

4.6.1.1 Consideration and possible action on the “variance” request of Bradley Craig.

4.7 Regular meeting minutes for January 27, 2020.

5. Commissioner/Staff Remarks: This item is listed to provide 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 March 20, 2020 in accordance with the Oklahoma Open Meeting Act.

Amanda Valen, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC PLACE 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.
AGENDA TITLE: A Variance Request Application for 15870 SE 29th Street, submitted by Paul Maxwell

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

General Report: Paul Maxwell is the variance request applicant for this 2.5 acre R-R "Rural Residential District" tract of land (assuming City Council approved the request to rezone to R-R "Rural Residential District" from A-G "General Agricultural District").

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 184.8 feet and requested lot widths are 119.8 feet proposed Tract A and 65 feet for proposed Track B.

Staff Comments: City Water & Sewer- existing twelve (12) inch water line in the SE 29th Street right-of-way. Connection to City Water will be required with any future development or large improvements on Mr. Maxwell’s property. The residential property is served by a private septic system due to being out of the serviceable boundary for city sanitary sewer.

Comprehensive Plan: The subject site falls within the “Rural protection boundary” on the future density plan, which notes a development density of 0.5-1 dwelling unit per acre. This request is also consistent with the Future Land Use Plan which delineates this area as Low Density Residential, which is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.

The future land use designation for the property is Regional Business, which is described as: retail and professional office activities that aim to meet the needs of both local and regional residents.
Applicant: Paul Maxwell
Location: 15870 SE 29th Street
Subject: Variance for § 12-263 Area and Height Regulation

Proposed Zoning: R-R “Rural Residential District”

Paul Maxwell is the owner of this 2.5 acre tract of land located at 15870 SE 29th Street. Mr. Maxwell’s property is currently zoned A-G “General Agricultural District” but he has a request to rezone to R-R “Rural Residential District” under review. The Planning Commission had a public hearing regarding this request on March 5th, 2020 and recommended approval of the rezone. City Council will review request on March 17th, 2020. So at the time of this report was written, the request had not been reviewed by the City Council. If the City Council does not approve Mr. Maxwell’s rezoning request, the request before the Board of Adjustment will no longer be valid.

The request before the Board of Adjustment is for a variance to the minimum lot frontage in order for Mr. Maxwell to apply for a lot split for his 2.5 acre tract and then apply for a lot merge for the eastern divided piece with the property located directly south (shown in blue below) of the subject site. The southern parcel is currently owned by Mr. Maxwell, however, it does not have access to any right-of-way; therefore, Mr. Maxwell is going through this process to allow for access to the four (4) acre southern piece he owns.
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 184.8 feet and requested lot widths are 119.8 feet for proposed Tract A and 65 feet for proposed Tract B. Below is the specific language as listed in the City Code regarding the lot width requirement for an R-R “Rural Residential District”; 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

At the time this report was written, zoning for the subject site is A-G “General Agricultural District”. However, on March 17th 2020 the City Council will review the request to rezone to R-R “Rural Residential District”. The applicant is requesting the variance to minimum lot frontage from the R-R District, assuming City Council approves his request to rezone to the R-R District.

A single-family dwelling is a permitted use in the A-G “General Agricultural District”; however, the required minimum lot area is five (5) acres and minimum lot frontage is 330 feet. Mr. Maxwell’s property is 2.5 acres and his lot frontage along SE 29th Street is approximately 182 feet. He is requesting to rezone to R-R “Rural Residential District” in order to bring his property up to code and to move forward with the lot split application as described in Page 1.

There is currently a single-family residence with a detached garage, a shop and several storage buildings located on the site.

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with subdivision regulations, designated zoning classification, and all State of Oklahoma rules and regulations.

COMPREHENSIVE PLAN

- Future Development Density Plan: The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre. Mr. Maxwell’s request is to rezone is within the parameters set for the “Rural Protection Boundary” density.
• **Land Use:** The existing property is used as a single-family residence for the owner.
  
  o **Future Land Use:** The future land use designation for this property is Regional Business, which is described as: retail and professional office activities that aim to meet the needs of both local and regional residents. Development in this area should be unique and high-quality, creating a destination area to attract visitors to Choctaw. This land use category could also include a regional hospital or urgent care center.

  Mr. Maxwell’s request for R-R “Rural Residential District” is not consistent with what is shown on the Future Land Use Map; however, as seen in the surrounding land use and zoning section, there are properties zoned R-R “Rural Residential District” abutting his property and there are several properties not zoned residential, but are being used for residential purposes.

  o **Physical Constraints** – there are no natural or physical constraints on the property.

• **Transportation** – SE 29th Street is an arterial street with a 57.5 foot wide roadway and utility easement.

• **Infrastructure** – This area is currently not served by sanitary sewer; however there is public water available nearby. Please refer to paragraph below “Water and Sewer” to see more details regarding mandatory connections and extensions.

**WATER AND SEWER**

The subject property is served by private water at this time. There is an existing twelve (12) inch water line in the SE 29th Street right-of-way. However, this area of the City is not serviced by public sewer.

City Code states the following regarding mandatory water/sewer connections and extensions:

• **§19-164.A Mandatory Connections** – The following properties must connect to Authority Water and Sanitary Sewer Main Lines:
  
  o New primary building development that abut existing public water and/or sanitary sewer mains;
  o Developed properties that abut existing water mains with failed water wells;
  o Developed properties that abut existing sewer main with a failed septic system;
  o In the event that a sanitary sewer extension or service is installed within twenty five (25) feet of a private water well, the well shall be abandoned and the property owner shall connect to the Authority’s water systems;
  o Lawn irrigation only is exempt from this rule. A backflow device must be installed and tested annually as required in the adopted International Plumbing Code.

• **§19-165.C Mandatory Extension** – The said property must extend the utility main if any point of the property is within five hundred (500) foot circumference of an existing public water or sanitary sewer main:
  
  o Platted or un-platted new primary building development;
  o Existing platted or un-platted developed properties that has a failed private water well(s) and or failed private sanitary sewer systems.

Connection to City Water will be required with any future development or large improvements on Mr. Maxwell’s property, based on the Code’s Mandatory Connection requirement.
The subject site is likely served by a private sanitary system, such as a septic system, as it is outside of the City’s current service boundary. There are no public sanitary sewer mains located within five hundred (500) feet for the property owner to extend or connect to as required by §19-165. Therefore, a private sanitary system is required and the installation/maintenance will have to adhere to the requirements of the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION

The property has frontage along South SE 29th Street which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. There currently is a 57.5 foot right-of-way easement along the north property line. Therefore, no additional easements will be required.

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 justice 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 Paul Maxwell. Staff has completed its review of the variance request of §12-263.
APPLICATION
Variance

Subject Address: 15970 S.E. 29th St. Choctaw, OK 73020

Applicant: Paul R. & Susan M. Maxwell  Phone: 405-642-2182
15970 S.E. 29th St. Choctaw, OK 73020

Address City State Zip

E-mail address: pmmaxwell65@bellsouth.net

Property Owner: Paul R. & Susan M. Maxwell  Phone: 405-642-2182
15970 S.E. 29th St. Choctaw, OK 73020

Address City State Zip

Proposed Property Zoning: BB  Code Section No.: 12-263

Reason for Variance?: To subdivide property and provide future access to landlocked property.

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: ____________________________
[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: ____________________________

June 2016
I am applying for a frontage variance to subdivide property and provide access to a landlocked parcel.

Paul Maxwell
LEGAL DESCRIPTION
15870 S.E. 29th St., Choctaw, OK, 73020
PART OF THE NE/4, SEC. 13, T11N, R1W, I.M., OKLAHOMA COUNTY, OKLAHOMA

=S.E. 29th STREET=

LEGAL DESCRIPTION ONLY TO SERVE
MAXWELL
S&H-4847
11/22/2019

LEGEND
- X - X - FENCE
- DP - DP POWER LINE
- * - POWER POLE
- * - LIGHT POLE
- □ - SET IRON PIN
- □ - FOUND IRON PIN
- G - GAS/PROPANE TANK
- ▼ - FLOW DIRECTION

FEMA FLOOD MAP INFO.
CITY OF CHOCTAW
400357
ZONE X
401099C0365H
eff. 12/16/2009

BEFORE YOU DIG
If you are digging, please check the Oklahoma underground utilities law (42 Okla. Stat. § 2071) and Chapter 35C, Title 15, of the state of the Board of Directors for the Professional Engineers and Land Surveyors.

CALLED OKLAHOMA ONE-CALL SYSTEM
If you have any questions, call 811.

LEGAL DESCRIPTION ONLY TO SERVE
MAXWELL
S&H-4847
11/22/2019

GIRD NORTH

maps.eku.edu
LEGAL DESCRIPTION

15870 S.E. 29th ST., CHOCTAW, OK., 73020
PART OF THE NE/4, SEC. 13, T11N,
R1W, I.M., OKLAHOMA COUNTY, OKLAHOMA

LEGAL DESCRIPTION

I, Allen E. Henry, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that the hereon shown Legal Description was made under my supervision of a tract of being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

TRACT A

A tract of land being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Commencing from the Northeast Corner of the Northeast Quarter (NE/4) of Section 13; thence North 89°51'40" West a distance of 540.20 feet to the Point of Beginning; thence South 00°00'00" East a distance of 57.50 feet to a point; thence South 32°00'08" West a distance of 47.17 feet to a point; thence South 00°09'10" East a distance of 275.00 feet to a point; thence North 90°00'00" West a distance of 144.80 feet to a point; thence North 00°00'00" West a distance of 372.82 feet to a point; thence South 89°51'40" East a distance of 119.80 feet to the Point of Beginning, containing 1.19 acres more or less and subject to all Easements and Right-of-Way records.

TRACT B

A tract of land being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Commencing from the Northeast Corner of the Northeast Quarter (NE/4) of Section 13; thence North 89°51'40" West a distance of 475.20 feet to the Point of Beginning; thence South 00°09'10" East a distance of 412.50 feet to a point; thence South 00°09'10" East a distance of 247.50 feet to a point; thence South 90°00'00" West a distance of 132.00 feet to a point; thence North 00°00'00" West a distance of 287.18 feet to a point; thence North 90°00'00" East a distance of 144.80 feet to a point; thence North 00°09'10" West a distance of 275.00 feet to a point; thence North 32°00'08" East a distance of 47.17 feet to a point; thence North 00°00'00" West a distance of 57.50 feet to a point; thence South 89°51'40" East a distance of 65.00 feet to the Point of Beginning, containing 1.31 acres more or less and subject to all Easements and Right-of-Way records.

SUBSCRIBED TO AND SWORN BEFORE ME THIS 2 DAY OF MARCH, 2020.

LARRY JAMES
NOTARY
# 16000981
STATE OF OKLAHOMA
EXP. 01/29/2023
PUBLIC COMMISSION #16000981

LEGAL DESCRIPTION ONLY
TO SERVE
MAXWELL
S#H-4947

This Plot of Survey meets the minimum standards established State statute 39 O.S. 471.1 and Chapter 24019–1–3 of the rules of the Board of Licensees for Professional Engineers and Land Surveyors.

BASIS OF BEARING:
GRID NORTH

LAST SITE VISIT:
11/22/2019

STOUT & HENRY SURVEYING, INC.
5001 S. BERRYMAN RD.
OKLA. CITY, OKLAHOMA 73139
PHONE (405) 741-1675
FAX (405) 741-1687

DATE: 03-20-2020
SCALE:
N/A

DRAWN BY: LDJ

SHEET NO.

SURVEYOR:
ALLEN E. HENRY
L.S. #1335
1 OF 2
Ownership Radius Report

This Report is for Account Number R194650785 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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AGENDA TITLE: A Variance Request Application for 610 S Anderson Road, submitted by Jim and Nancy Cox.

General Report: Jim and Nancy Cox are the variance request applicants for this 5 acre A-G "General Agricultural District".

The applicant is requesting a variance to §12-258 Area and Height Regulations, specifically the minimum lot frontage width requirement of a minimum of 330 feet in order to adjust the property line with the southern parcel at 616 S Anderson Road. The current lot width is 165.23 feet and requested lot width are 180.46 feet.

The applicants will be seeking to rezone proposed Tract 1B to R-R "Rural Residential District; therefore a variance to Tract 1B is not requested.

Staff Comments: City Water & Sewer- there is an existing water main in the South Anderson Road right-of-way. Connection to City Water will be required with any future development or large improvements on the property. The residential property is served by a private septic system due to being out of the serviceable boundary for city sanitary sewer.

Comprehensive Plan: The subject site falls within the "Rural protection boundary" on the future density plan, which notes a development density of 0.5-1 dwelling unit per acre. This request is also consistent with the Future Land Use Plan which delineates this area as Low Density Residential, which is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.
Applicant: Jim and Nancy Cox
Location: 610 S Anderson Road
Subject: Variance for § 12-258 Area and Height Regulation
Current Zoning: A-G “General Agricultural District”

Jim and Nancy Cox are the owners of this 5 acre tract of land located at 610 S Anderson Road. The property carries an A-G “General Agricultural District” zoning classification. The applicants are requesting a variance to the minimum lot frontage in order to adjust the property line with the southern parcel at 616 S Anderson Road, which is also owned by the applicants.

**APPLICANT PROPOSAL**

The applicants is requesting a variance to §12-258 Area and Height Regulation, specifically the minimum lot frontage width to allow for an application for a short form subdivision (lot split). The current lot width is 165.23 feet and requested lot width is 180.46 feet for proposed Tract 1A. The applicants will be seeking to rezone proposed Tract 1B to R-R “Rural Residential District; therefore a variance to Tract 1B is not requested. Below is the specific language listed in the City Code regarding the lot width requirement for the A-G “General Agricultural District”.

§12-258: Area and Height Regulations
A. The following designates area and height:
   (2) Minimum lot frontage 330 feet

The image below shows the proposed future lot split. The lot for which the frontage variance is requested is shaded in red. This lot will remain as an A-G “General Agricultural District” zoning designation. The applicants will be requesting an R-R “Rural Residential District” designation for the un-shaded lot (Tract 1B).
EXISTING ZONING AND BUILDING USE REGULATIONS

The current zoning for the property is A-G “General Agricultural District” which requires a minimum of five (5) acre lot size. The property is bound by R-R “Rural Residential District” on the north and east; A-G “General Agricultural District” on the south and Midwest City on the west.

As discussed on Page 1, the applicants’ intent is to adjust the property line with the southern parcel at 616 S Anderson Road. The applicants will be seeking to rezone proposed Tract 1B to R-R “Rural Residential District” and keeping the A-G “General Agricultural District” zoning for Tract 1A. Both lots currently have a single-family residences with accessory buildings on each lot. The property for which the variance is requested for has a mobile home. There is a shared access drive between the two properties and the applicants will either have to provide a driveway onto South Anderson Road from the southern property or provide an access easement for the shared access drive at the time of lot split.

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 applicants are not requesting a change of zoning for the subject site with the variance application. They will be requesting a rezone of the southern property at 616 S Anderson Road at the time of lot split.
  - 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 AND SEWER

The subject property is served by private water at this time. There is an existing water main in the South Anderson Road right-of-way. City Code states the following regarding mandatory water/sewer connections and extensions:

- §19-164.A Mandatory Connections – The following properties must connect to Authority Water and Sanitary Sewer Main Lines:
  - New primary building development that abut existing public water and/or sanitary sewer mains;
  - Developed properties that abut existing water mains with failed water wells;
  - Developed properties that abut existing sewer main with a failed septic system;
  - In the event that a sanitary sewer extension or service is installed within twenty five (25) feet of a private water well, the well shall be abandoned and the property owner shall connect to the Authority’s water systems;
Lawn irrigation only is exempt from this rule. A backflow device must be installed and tested annually as required in the adopted International Plumbing Code.

Connection to City Water will be required with any future development or large improvements on the property, based on the Code’s Mandatory Connection requirement.

The subject site is likely served by a private sanitary system, such as a septic system, as it is outside of the City’s current service boundary. There are no public sanitary sewer mains located within five hundred (500) feet for the property owner to extend or connect to as required by §19-165. Therefore, a private sanitary system is required and the installation/maintenance will have to adhere to the requirements of the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**

The property has frontage along South Anderson Road, south of its intersection with East Reno Avenue. 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 western property lines to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with this lot split along South Anderson Road to allow for 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 justice 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 Jim and Nancy Cox. Staff has completed its review of the variance request of §12-258.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.
APPLICATION

616 S. Anderson Road, Choctaw, OK 73020

Subject Address: 610 S. Anderson Road, Choctaw, OK 73020

Applicant: Tim & Nancy Cox
Address: 318 S. Czech Hall Road, Mustang
City: OK
State: 73064
Phone: (405) 615-0074
E-mail address: coxjiml@cox.net

Property Owner: Tim & Nancy Cox
Address: 318 S. Czech Hall Road, Mustang
City: OK
State: 73064
Phone: (405) 615-0074

Property Zoning: A-G
Code Section No.: 12-258.A
Reason for Variance?: Lot frontage requirements

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: Nancy Cox
[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:

June 2016
We are asking for a variance of the frontage requirement to enable us to perform a lot split of our property.

Jim Cox
Tract 1
A Part of the NW/4 of Section 4
T 11 N, R 1 W IM,
Oklahoma County, Oklahoma,
Project No. 4616.12

A tract of land being a part of the North Half (N/2) of the South Half (S/2) of the North Half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) and the South Half (S/2) of the South Half (S/2) of the North Half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described by Curtis Lee Hale, LS 1084 on February 12, 2020, with metes and bounds as follows:

Commencing at the Northwest corner of said NW/4;
Thence South 00°41'14" East as the Basis of Bearing on the West line of said NW/4 a distance of 1500.31 feet to the Point of Beginning, said point being the Northwest corner of the N/2 S/2 N/2 SW/4 of said NW/4:

Thence South 89°29'46" East a distance of 1309.70 feet to the Northeast corner of the N/2 S/2 N/2 SW/4 of said NW/4, said point being on the West line of Block One (1) of the recorded plat of Quail Hollow, to the City of Choctaw, Oklahoma County, Oklahoma;
Thence South 00°20'23" East on the West line of said Block 1 a distance of 330.10 feet to the Southeast corner of the S/2 S/2 N/2 SW/4 of said NW/4;
Thence North 89°30'38" West on the South line of the S/2 S/2 N/2 SW/4 of said NW/4 a distance of 726.78 feet;
Thence North 00°41'14" West and parallel to the West line of said NW/4 a distance of 150.00 feet;
Thence North 89°30'38" West a distance of 580.92 feet to the West line of said NW/4;
Thence North 00°41'14" West on the West line of said NW/4 a distance of 180.46 feet to the Point of Beginning.

This description contains 345,051 square feet or 7.92 acres, more or less.

Curtis Lee Hale, LS 1084
Date

2-12-20
Tract 2
A Part of the NW/4 of Section 4
T 11 N, R 1 W IM,
Oklahoma County, Oklahoma,
Project No. 4616.12

A tract of land being a part of the South Half (S/2) of the South Half (S/2) of the North Half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described by Curtis Lee Hale, LS 1084 on February 12, 2020, with metes and bounds as follows:

Commencing at the Northwest corner of said NW/4;
Thence South 00°41’14” East as the Basis of Bearing on the West line of said NW/4 a distance of 1680.77 feet to the Point of Beginning:

Thence South 89°30’38” East a distance of 580.92 feet;
Thence South 00°41’14” East and parallel to the West line of said NW/4 a distance of 150.00 feet to a point on the South line of the S/2 S/2 N/2 SW/4 of said NW/4;
Thence North 89°30’38” West on said South line a distance of 580.92 feet to the Southwest corner of the S/2 S/2 N/2 SW/4 of said NW/4;
Thence North 00°41’14” West on the West line of said NW/4 a distance of 150.00 feet to the Point of Beginning.

This description contains 87,120 square feet or 2.00 acres, more or less.

Curtis Lee Hale, LS 1084

2-12-20

Date
Return To:
Jim Cox and Nancy Cox
318 S. Czech Hall Road
Mustang, OK 73064

WARRANTY DEED
JOINT TENANCY
(Trustee Form)

File No.: 1691051-OK12 (DSW)
Doc Stamps: $67.50

That Wesley Gene Rutledge, Trustee and Nancy Alice Thompson, Trustee of The Granville Glenn Rutledge Trust dated April 8, 2004 and Wesley Gene Rutledge and Carol Rutledge, husband and wife, party(ies) of the first part, in consideration of the sum of TEN & NO/100------Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto Jim Cox and Nancy Cox, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor, party(ies) of the second part, the following described real property and premises situated in Oklahoma County, State of Oklahoma, to wit:

The North Half (N/2) of the South Half (S/2) of the North Half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, according to the Government Survey Thereof.

Property Address: 610 S. Anderson Road, Choctaw, OK 73020

Less and except all of the oil, gas, and other minerals in and under the above property, which have heretofore been reserved or conveyed or which are reserved by the Grantor(s) herein. It is the intention of the Grantor(s) to convey to the Grantee(s) the surface and surface rights only in and to the above-described real property.

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint tenants, and to the heirs, successors and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral reservations or conveyances of record.

First American Title
133 N.W. 8th
Oklahoma City, OK 73102

DC1691051 mN 2/15 DOC-67.50
Signed and delivered this **May 01, 2012.**

The Granville Glenn Rutledge Trust dated April 8, 2004

By: **Wesley Gene Rutledge, Trustee**  
   Nancy Alice Thompson, Trustee

Wesley Gene Rutledge  
Carol Rutledge

**ACKNOWLEDGMENT - OKLAHOMA FORM**

**STATE OF OKLAHOMA**  
**COUNTY OF OKLAHOMA**

This instrument was acknowledged before me on **May 01, 2012**, by Wesley Gene Rutledge, Trustee and Nancy Alice Thompson, Trustee of The Granville Glenn Rutledge Trust dated April 8, 2004.

**ACKNOWLEDGMENT - OKLAHOMA FORM**

**STATE OF OKLAHOMA**  
**COUNTY OF OKLAHOMA**

This instrument was acknowledged before me on **May 01, 2012** by Wesley Gene Rutledge and Carol Rutledge, husband and wife.

**Mail Tax Statements To:**

*Same as above*
Ownership Radius Report

This Report is for Account Number R194663020 and R194663030, 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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AGENDA TITLE: A Variance Request Application for 16535 SE 29th Street, submitted by Tyler Hand.

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

General Report: Tyler Hand is the variance request applicant for this 24.11 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 rear yard setback requirement of 20% depth of the lot in order to construct a new residence.

Mr. Hand’s property is approximately one thousand six hundred and fifty (1,650) feet deep, which would require a rear yard setback of three hundred and thirty (330) feet. He is requesting a rear yard setback of one hundred and fifty (150) feet.

Staff Comments: City Water & Sewer- The subject property will be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary. Installation of a well and septic system will require all appropriate permits and must meet installation standards as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

Comprehensive Plan: Future Land Use Map designation as “Low Density Residential” for the majority of the property (the back 20 acres). However, the front six hundred and ten (610) feet of the property (4 acres) is designated as Regional Business.

There are physical constraints on the property. The front portion of the property is in the floodplain. Additionally, there are some steep grades in this portion of the site too – a difference in grade of approximately 28 feet.
Applicant: Tyler Hand
Location: 16535 SE 29th Street
Subject: Variance for § 12-263 Area and Height Regulation
Current Zoning: R-R “Rural Residential District”

Tyler Hand is the owner of this 24.11 acre tract of land located at 16535 SE 29th Street. The property carries an R-R “Rural Residential District” zoning classification. The applicant is requesting a variance to the minimum rear yard setback in order to construct a new single-family residence on the subject site.

APPLICANT PROPOSAL
The applicant is requesting a variance to §12-263 Area and Height Regulations, specifically the minimum rear yard setback to construct a new single-family residence on the lot. The applicant has noted the location for the home was chosen based on the size, shape and topography of the property. Additionally, the front portion of his property along SE 29th Street is in the floodplain.

Mr. Hand’s property is approximately one thousand six hundred and fifty (1,650) feet deep, which would require a rear yard setback of three hundred and thirty (330) feet. He is requesting a rear yard setback of one hundred and fifty (150) feet. Below is the specific language as listed in the City Code regarding the rear yard setback requirement:

§12-263: Area and Height Regulations
A. The following designates area and height:
   (6) Minimum rear yard setback 20% Depth of Lot

The image of the property with the floodplain and contours is attached on the next page.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of one (1) acre lot size. The property is bound by R-R “Rural Residential District” on the north, east and west. The properties to the south are zoned A-G “General Agricultural District”.

The applicant has a building permit under review currently for the new home. Staff is awaiting the decision of the Board of Adjustment of the requested rear yard setback prior to issuing any permits to the applicant.

All construction and development will have to comply with all subdivision, zoning regulations and city code requirements.
COMPREHENSIVE PLAN

- **Land Use:** The applicant is not requesting a change of zoning for the subject site with the variance application.
  - *Future Land Use:* The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the majority of the property (the back 20 acres). However, the front six hundred and ten (610) feet of the property (4 acres) is designated as Regional Business, which is described as: retail and professional office activities that aim to meet the needs of both local and regional residents.
  - *Physical Constraints* – As seen in the image above, the front portion of Mr. Hand’s property is in the floodplain. Additionally, there are some steep grades in this portion of the site too – a difference in grade of approximately 28 feet.

- **Transportation** – 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 AND SEWER**

The subject property will be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary. The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. Additionally, extensions are required if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split is within one thousand two hundred (1,200) feet of an existing water main. The closest water main is over one thousand three hundred (1,300) feet away from this property.

Installation of a well and septic system will require all appropriate permits and must meet installation standards as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**

The property has frontage along SE 29th Street, east of its intersection with Triple X Road. At the time of the building permit, an additional seventeen (17) feet of public roadway and utility easement will be required along the southern property line to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated along SE 29th Street to allow for 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 justice 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 Tyler Hand. Staff has completed its review of the variance request of §12-263.
City of Choctaw
PO Box 567
2500 N.Choctaw Rd
Ph. (405) 390-8198
Fax: (405) 390-3332

PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.

Map Created:
March 12, 2020
APPLICATION
Variance

Subject Address: 16535 SE 29th

Applicant: Tyler Hand

16324 SE 26th

Phone: 405 613 0600

Address City State Zip

E-mail address: tylerstripingandpaving@yahoo.com

Property Owner: Tyler and Kristie Hand

16324 SE 26th

Phone: 405 613 0600

Address City State Zip

Property Zoning: RR

Code Section No.: 

Reason for Variance?: change of setback to 150 feet

because of size, shape and topography.

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: ______________________________
I am requesting a variance for the rear property line setback, to enable me to build new home. The placement of the home is due to the size, shape and topography of the property. We are unable to meet the zoning standard of 20% of depth due to the hydrology closer to the front of the property.

[Signature]

Tyler Hand
JOINT TENANCY
WARRANTY DEED

Know All Men by These Presents:

THAT, Laura Kathryn Harris, a single person, of the first part, in consideration of the sum of TEN and No/100 ($10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and convey unto Tyler L. Hand and Kristie S. Hand, husband and wife as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Tax ID No.: 194951060
Grantee's Mailing Address: P.O. BOX 197 - NEWALLA, OK 74857

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as joint tenants, and to the heirs and assigns of the survivor forever, fee, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

Signed and delivered this 27th day of June, 2016

Laura Kathryn Harris

01043-38549 msc
Doc Stamp: $10.25
INDIVIDUAL ACKNOWLEDGMENT

State of Oklahoma
County of

Before me, the undersigned, a Notary Public in and for said County and State on this 27th day of June, 2016, personally appeared, Laura Kathryn Harris, a single person, 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.

Gaylene Harris
Commission Expires:

RETURN TO:
Stewart Abstract & Title of Oklahoma
A-71 N. Broadway, Suite 300
Oklahoma City, OK 73102

CERTIFIED COPY
MAR 02 2021
DAVID B. HOOTEN
County Clerk, Oklahoma County
By: GRAHAM, Deputy
EXHIBIT "A"
LEGAL DESCRIPTION

File No.: 01043-39549

A part of the Southeast Quarter (SE/4) of Section Seven (7), Township Eleven (11) North, Range One (1) East of the Indian Meridian, Oklahoma County, Oklahoma and a part of Lot Ten (10), in Block Five (5), of ROLLING ACRES, an Addition to Choctaw, Oklahoma County, Oklahoma, more particularly described as follows:

Commencing at the Northeast corner of the SE/4 of said Section 7; Thence South 89°57'00" West along the North line of said SE/4 a distance of 2639.17 feet to the Northwest corner of said SE/4; Thence South 0°03'23" West along the West line of said SE/4 a distance of 990.75 feet to the Point of Beginning;
Thence North 89°57'00" East a distance of 659.99 feet; Thence South 0°03'23" West a distance of 663.64 feet; Thence South 89°57'00" West a distance of 329.58 feet; Thence South 0°03'23" West a distance of 983.46 feet to a point on the South line of said SE/4; Thence due West a distance of 333 feet to the Southwest corner of said SE/4; Thence North 0°03'23" East along the West line of said SE/4 a distance of 1847.00 feet to the Point or Place of Beginning.
AND
All of Lot Six (6), in Block Three (3), of SANDWOOD ACRES, an Addition to Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.
Larry Stein
Oklahoma County Assessor's Office

Ownership Radius Report

This Report is for Account Number R194951060 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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Oklahoma County Assessor
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3/2/2020
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AGENDA TITLE: A Variance Request Application for 14958 Gilbert Street, submitted by Gladys Beakley.

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

General Report: Gladys Beakley is the variance request applicant for this 0.32 acre tract of land zoned CBD “Central Business District”.

The applicant is requesting a variance to §12-332 Permitted Used to add a bedroom, bathroom and porch to the existing home. The code states the following regarding single-family units: Single-family residential units expanded or rebuilt due to natural disasters.

The existing home was built in 1976 and is 1,104 square feet. The addition will be approximately 285 square feet for new a bedroom and bathroom and a porch area of 80 square feet.

Staff Comments: Comprehensive Plan:

- Future Land Use: The Future Land Use Plan delineates this property as Downtown which is generally defined by NE 36th Street to the north, Choctaw Road to the east, NE 23rd Street to the south, and Harper Street to the west.

- Future Development Density Plan: The property falls within the Urban Density Boundary as well, which has the adopted development density of 4 to 8 dwelling units per acre.

- Downtown Revitalization: The Downtown Land Use Concept Plan delineates this area of downtown a Mixed Use Residential and Service; it is intended to serve as a transition and buffer between core and commercial development to outlying neighborhoods.
Gladys Beakley is the owner of this 0.32 acre tract of land located at 14958 Gilbert Street. The property carries CBD “Central Business District” zoning classification. The applicant is requesting a variance to the permitted use in order to add a bedroom and bathroom to the existing 2 bedroom home.

**APPLICANT PROPOSAL**

The applicant is requesting a variance to §12-332 Permitted Uses. The applicant is requesting to add a bedroom, bathroom and porch to the existing home for her daughter. The language in the CBD “Central Business District, §12-332 Permitted Uses, states the following regarding single-family units: **Single-family residential units expanded or rebuilt due to natural disasters.** As Ms. Beakley is requesting a variance to add to her home without damage due to a natural disaster.

**EXISTING ZONING AND BUILDING USE REGULATIONS**

The current zoning for the property is CBD “Central Business District”, which is defined with the boundaries of NE 23rd Street from Choctaw Road, west to Harper Street, north to Grand Street, east to Choctaw Road and south to NE 23rd Street. §12-330 states “all property, business and residential within the area shall remain in their present use until a change is desired”. The applicant is not requesting a change to the use, she is requesting a variance to expand her current home (existing use).

The existing home was built in 1976 and is 1,104 square feet. The addition will be approximately 285 square feet for new a bedroom and bathroom and a porch area of 80 square feet. The applicant has submitted a preliminary floor plan and elevations; these are attached to this report.

If the variance request is approved, the applicant will submit a building permit for the addition. All construction and development will have to comply with all subdivision, zoning regulations and city code requirements.
**COMPREHENSIVE PLAN**

- **Land Use:** The applicant is not requesting a change of zoning for the subject site with the variance application.
  - *Future Land Use:* The Future Land Use Plan delineates this property as Downtown which is generally defined by NE 36th Street to the north, Choctaw Road to the east, NE 23rd Street to the south, and Harper Street to the west.
  - *Future Development Density Plan:* The property falls within the Urban Density Boundary as well, which has the adopted development density of 4 to 8 dwelling units per acre.
  - *Downtown Revitalization:* The Downtown Land Use Concept Plan delineates this area of downtown a Mixed Use Residential and Service; it is intended to serve as a transition and buffer between core and commercial development to outlying neighborhoods. In the image below the Mix Use zone is shown in yellow.

![Downtown Land Use Concept Plan](image)

**WATER AND SEWER**

The subject property is already connected to City water and sewer; therefore no extensions or additional connections will be required.

**TRANSPORTATION**

The property has front along Gilbert Street and Maupin Street, with the driveway on Gilbert Street. The applicant is not requesting any changes to the existing driveway. Additionally, there are no easements required along both these streets as they are not considered arterials.
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 justice 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 Gladys Beakley. Staff has completed its review of the variance request of §12-330.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.

Map Created:
March 16, 2020
APPLICATION

Variance

Subject Address: 14958 Gilbeet St, Choctaw, OK 73020

Applicant: Gladys L. Bealby (Living Trust) Phone: 405-308-0425 Cell
14958 Gilbeet St, Choctaw OK 73020

Address mailing address Anoka, MN City State Zip
E-mail address: gbealby@chemail.com

Property Owner: Gladys L. Bealby Phone: 405-390-1294 Home

Address City State Zip

Property Zoning: CBD Code Section No.: 1Z-330

Reason for Variance?: See Exhibit "A"

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: ____________________________
[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: ____________________________

June 2016
EXHIBIT "A"

PROJECT DESCRIPTION

I am requesting a building permit to add on a bedroom and bathroom with a closet to my small two bedroom home. I moved into this home in February of 1994 and have improved the yard and appearance of the home greatly over the years.

I am 80-years-old and my 63-year-old daughter lives with me. Our long-term plan is for her to care for me when the time comes that I am unable to do so for myself. At the present time, she works from home for a word processing firm based in California. She lives and works in one small bedroom. The add-on requested would give each of us our own personal space. I host a women's group that meets twice a month in the living room, in addition to a church-sponsored discovery group, which meets once a week in the evenings in six-week increments. When my daughter needs to use the bathroom while my groups are meeting, she has to come out into the open hallway to enter the bathroom. The noise generated by the meetings in the living room (which includes round-table discussions and videos) is sometimes an unmanageable distraction to my daughter, who is trying to work a mere 20 feet away.

I appreciate the plan Choctaw has for the future; however, I am at a loss to understand how my add-on is going to affect Choctaw's long-term plan. The people I have talked to at the City advise me it would be 20 to 30 years before completion of such a project. I will be long gone before then, but in the meantime, it would mean a great deal to me to have the opportunity to live a bit more comfortably, my daughter included.
RETURN TO: Brady R. Hunt, 8000 S. E. 15th, Midwest City, OK 73110

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT Gladys C. Beakley, a single person, party of the first part, in consideration of the sum of TEN DOLLARS and other valuable consideration, in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto Gladys C. Beakley, Trustee of the Gladys C. Beakley Living Trust, or successors in trust of P. O. Box 883, Choctaw, Oklahoma 73020, Oklahoma County, State of Oklahoma, party of the second part, the following real property and premises situate in Oklahoma County, State of Oklahoma, to-wit:

14958 Gilbert Street, Choctaw, Oklahoma 73020, a/k/a:

All of Lots Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24), in Block Thirty-five (35), in CHOCTAW OLD TOWN ADDITION, to the City of Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party o’ the second part, her heirs and assigns forever, free, clear, and discharged of and from all former grants, charges, taxes, judgments, mortgages and other lien and encumbrances of whatsoever nature.

Signed and Delivered this 19th day of September, 2019.

Gladys C. Beakley

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Documentary Stamps not required 68 O.S. §3202(4) as a deed between grantor and grantor’s trust.

Before me, the undersigned, a Notary Public, in and for said County and State, on the 19th day of September, 2019, personally appeared Gladys C. Beakley, a single person, to me known to be the identical person who executed the attached document as a free and voluntary acts and deeds for the uses and purposes therein set forth.

My Commission Expires: 10/18/2023
Gilbert St.
60’ R/W PUBLIC ASPHALT STREET

SURVEYOR’S CERTIFICATE
February 13, 2020

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

All of Lot Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24), in Block thirty-five (35), in CHOCATAW OLD TOWN Addition, to the City of Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.

This survey does not show: The identifying sides of all recorded plat, filed maps, right of way maps, or similar documents with their appropriate recording data, filing dates and map numbers, or the surveyed premise. Nor does it show the names of adjoining owners as they appear of record and recorded lot parcel numbers, recording information identifying the current description of record and similar information, where appropriate.

I further certify that the property corners were set or found as shown.

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.

Note: Only the improvements as shown hereto were located as per client’s request.

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 plat of survey to which it relates.

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.

Building lines shown herein are representing requirements found in City of Choctaw’s Central Business District. §1-337
Larry Stein
Oklahoma County Assessor’s Office

Ownership Radius Report

This Report is for Account Number R1978025902 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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| Name                          | Address                      | City | Zip | County | Description                                                                 
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<td>4031 FRED STEVENS LN</td>
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<td>73020</td>
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https://oklahomacounty.geocortex.com/Html5Viewer/Index.html... 1/10/2020
**Oklahoma County Assessor's Public Access System**

320 Robert S. Kerr #313
Oklahoma City, Ok 73102
(405) 713-1200

*All records are current as of close of previous working day*

---

**Larry Stein-Oklahoma County Assessor Public Access System**

<table>
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<tr>
<th>Real Property Display</th>
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<td>Type: Residential</td>
<td>Location: 14958 GILBERT ST</td>
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<tr>
<td>Building Name/Occupant:</td>
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<td>Owner Name 1: BEAKLEY GLADYS C LIV TRUST</td>
<td>Parent Acct:</td>
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<td>Billing Address 1: PO BOX 883</td>
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<td>Billing Address 2:</td>
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<tr>
<td>City, State, Zip: CHOCTAW, OK 73020</td>
<td>Land Size: 0.32 Acres</td>
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<td>Associated Land Value: 25,200</td>
<td>Lot Dimensions: Width 100 Depth 140</td>
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**Sect 23-T12N-R1W Qtr SE** CHOCTAW OLD TOWN ADD Block 035 Lot 000 Subdivision Sales

**Full Legal Description:** CHOCTAW OLD TOWN ADD 035 000 LOTS 21 THRU 24

**Photo & Sketch (if available)**

<table>
<thead>
<tr>
<th>Comp Sales Address/Date/Price (ordered by relevancy)</th>
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<tbody>
<tr>
<td>2895 N CHOCTAW RD CHOCTAW, OK 73020-8597</td>
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<td>2580 W MAIN ST CHOCTAW, OK</td>
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https://ariisp1.oklahomacounty.org/AssessorWP5/AN-R.asp?Pro... 1/10/2020
### Valuation History

*2020 Valuations are subject to change until certified June 15th, 2020*

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<th>Market Value</th>
<th>Taxable Mkt Value</th>
<th>Gross Assessed</th>
<th>Exemption</th>
<th>Net Assessed</th>
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### Property Deed Transaction History

(Recorded in the County Clerk's Office)

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### Last Mailed Notice of Value (N.O.V.) Information/History

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<th>Taxable Market Value</th>
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### Property Building Permit History

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Click button on building number to access detailed information:

- **Bldg #:** Vacant/Improved Land
- **Bldg Description:** Ranch 1 Story
- **Year Built:** 1976
- **SqFt:** 1,104
- **Stories:** 1

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https://ariisp1.oklahomacounty.org/AssessorWP5/AN-R.asp?Pro... 1/10/2020
AGENDA TITLE: A Variance Request Application for a property located along NE 10th Street, submitted by Thomas Miller.

General Report: Thomas Miller is the variance request applicant for this 11.8 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 rear yard setback requirement of 20% depth of the lot in order to construct a new residence.

Mr. Miller’s property is approximately one thousand seven hundred and eighty (1,780) feet deep, which would require a rear yard setback of three hundred and fifty six (356) feet. He is requesting a rear yard setback of two hundred (200) feet.

Staff Comments: City Water & Sewer- The applicant will be required to extend the twelve (12) inch water line across the frontage of his lot. There is a twelve (12) inch water main along NE 10th Street which terminates at the western property line. The subject site will have to be served by a private sanitary system, such as a septic system, as it is outside of the City’s current service boundary. The applicant will be responsible for obtaining all appropriate permits and must meet installation standards.

Comprehensive Plan: The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the property.

The applicant wishes to build his home on the southern portion of his lot, where the width of the property is wider; however, this area of the property has a ravine. If the applicant were to adhere to the rear yard setback, the front portion of his lot would be in the ravine.
Thomas Miller is the owner of this 11.8 acre tract of land located at off of NE 10th Street, two thousand five hundred (2,500) feet east of its intersection with North Indian Meridian Road. The property carries an R-R “Rural Residential District” zoning classification. The applicant is requesting a variance to the minimum rear yard setback in order to construct a new single-family residence on the subject site.

APPLICANT PROPOSAL
The applicant is requesting a variance to §12-263 Area and Height Regulations, specifically the minimum rear yard setback to construct a new single-family residence on the lot. The applicant has noted the location for the home was chosen based on the topography of the property.

Mr. Miller’s property is approximately one thousand seven hundred and eighty (1,780) feet deep, which would require a rear yard setback of three hundred and fifty six (356) feet. He is requesting a rear yard setback of two hundred (200) feet. The applicant wishes to build his home on the southern portion of his lot, where the width of the property is wider; however, this area of the property has a ravine. If the applicant were to adhere to the rear yard setback, the front portion of his lot would be in the ravine. Below is the specific language as listed in the City Code regarding the rear yard setback requirement:

§12-263: Area and Height Regulations
A. The following designates area and height:
   (6) Minimum rear yard setback 20% Depth of Lot

The image of the property with the contours is attached on the next page.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of one (1) acre lot size. The property is bound by R-R “Rural Residential District” on the north, south and east. The properties to the west are zoned R-S “Single Family Residential District” and are part of the Silver Chase residential subdivision.

The applicant has a building permit under review currently for the new home. Staff is awaiting the decision of the Board of Adjustment of the requested rear yard setback prior to issuing any permits to the applicant.
All construction and development will have to comply with all subdivision, zoning regulations and city code requirements.

**COMPREHENSIVE PLAN**

- **Land Use:** The applicant is not requesting a change of zoning for the subject site with the variance 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* – As discussed above the applicant wishes to build his home on the southern portion of his lot, where the width of the property is wider; however, this area of the property has a ravine.
- **Transportation** – 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 AND SEWER**
The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. There is a twelve (12) inch water main along NE 10th Street which terminates at the western property line. The applicant will be required to extend this main across the width of his lot along NE 10th Street and will be required to connect to this water line extension. The applicant will be responsible for obtaining all appropriate permits and must meet installation standards as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

The subject site will have to be served by a private sanitary system, such as a septic system, as is it outside of the City’s current service boundary. There are no public sanitary sewer mains located within five hundred (500) feet for the property owner to extend or connect to as required by §19-165. Therefore, a private sanitary system is required and the installation/maintenance will have to adhere to the requirements of the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**
The property has frontage along NE 10th Street, east of its intersection with North Indian Meridian Road. At the time of the building permit, an additional seventeen (17) feet of public roadway and utility easement will be required along the northern property line to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated along NE 10th Street to allow for 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 justice 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 Thomas Miller. Staff has completed its review of the variance request of §12-263.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.

Map Created:
March 12, 2020
APPLICATION
Variance

Subject Address: TBD SEC 31 12N 16, CHOCTAW, OK 73020

Applicant: THOMAS W. MILLER Phone: 405-409-0849
800 E. TOWRY DR. MIDWEST CITY OK 73110
Address City State Zip

E-mail address: twmiller1984@yahoo.com

THOMAS W MILLER REV TRUST

Property Owner: RICHARD L WILSON & TAMARA A REV TRUST Phone: 405-744-7697
650 MURRAY DR. CHOCTAW OK
Address City State Zip

Property Zoning: RR Code Section No.: 12-263

Reason for Variance?: REAR SETBACK REQUIREMENT IS PROHIBITING THE LOCATION OF THE HOME I AM BUILDING. THERE IS A LARGE RAVINE PREVENTING POSITIONING THE HOUSE FURTHER NORTH.

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: thomas w. miller
[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: __________________________________________

June 2016
WARRANTY DEED
STATUTORY FORM INDIVIDUAL

Deed presented for filing by: Stewart Title of Oklahoma, Inc.
File No.: 601851
Stewart Title Guaranty Company

Know All Men by These Presents:

THAT, Linda M. Dyer, a single person, party/parties of the first part, in consideration of the sum of TEN and No/100 ($10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and convey unto Thomas William Miller and Richard L. Wilson and Tamara A. Wilson Revocable Trust party/parties of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

See Exhibit "A" attached hereto and made a part hereof.

TAX ID No.: 192552030
Grantee's Mailing Address: TBD Sec 31 12N 1E, Choctaw, OK 73020
together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party/parties of the second part, his/her/heirs/its heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

Signed and delivered this 17th day of January, 2020

Linda M. Dyer

_________________________

State of Oklahoma
County of Oklahoma

Before me, the undersigned, a Notary Public in and for said County and State on this 17th day of January, 2020, personally appeared, Linda M. Dyer, a single person, to me well 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.

Corinne Beadle
Commission Expires:________________________

RETURN TO:
Stewart Title of Oklahoma, Inc.
1712 South Post Road, Suite A
Midwest City, OK 73110
Filing Fees: $20.00
Doc Stamps: $262.50
Certificate of Survey

December 31, 2019

I, Chris Fairchild, a Registered Professional Land Surveyor, do hereby certify, as of the date set forth above, that I or others under my direct supervision, have made a careful survey of a tract of land described as follows:

A part of the Northeast Quarter (NE 1/4) of Section Thirty-one (31), Township 12 North, Range 1 East of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows:

BEGINNING at the Northwest corner of said NE 1/4;

THENCE East along the North line of said Section a distance of 480.67 feet;

THENCE South 10°43'55" West a distance of 651.00 feet;

THENCE West and parallel to the North line of said Section a distance of 172.60 feet;

THENCE South and parallel to the West line of said NE 1/4 a distance of 610.40 feet;

THENCE East and parallel to the North line of said Section a distance of 349.82 feet;

THENCE South and parallel to the West line of NE 1/4 a distance of 531.80 feet;

THENCE West and parallel to the North line of said Section a distance of 513.67 feet;

THENCE North along the West line of NE 1/4 a distance of 1780.45 feet (1781.81 feet Record) to the POINT OF BEGINNING.

LESS AND EXCEPT

A part of the Northeast Quarter (NE 1/4) of Section Thirty-one (31), Township 12 North, Range 1 East of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as;

COMMENCING at the Northwest corner of said NE-1/4;

THENCE North 89°22'15" East along the North line of said NE 1/4 a distance of 218.67 feet to the POINT OF BEGINNING;

THENCE continuing North 89°22'15" East a distance of 242.00 feet;

THENCE South 10°43'55" West a distance of 651.00 feet;

THENCE South 89°22'15" West a distance of 120.77 feet;

THENCE North 00°00'00" East and parallel with the West line of said NE 1/4 a distance of 636.28 feet to the POINT OR PLACE OF BEGINNING, subject to a 33 foot road easement along the North side.

Said tract of land contains an area of 630,289 square feet or 14.4694 acres, more or less.

I further certify that 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.

Chris Fairchild, P.LS.
12/31/19

Notes:

1. The bearing of North 89°22'15" East as shown for the North line of the Northeast Quarter of Section 31 was used as the basis of bearing for this survey.
2. A title commitment, indicating applicable easements, was not provided to us at the date of the survey; therefore all easements and encumbrances may not be shown.
Larry Stein
Oklahoma County Assessor’s Office

Ownership Radius Report

This Report is for Account Number R192552030 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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<td>Owner Name</td>
<td>Address 1</td>
<td>City</td>
<td>Zip Code</td>
<td>Section 1</td>
<td>Section 2</td>
<td>Section 3</td>
<td>Section 4</td>
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</table>
AGENDA TITLE: A Variance Request Application for 4963 North Choctaw Road, submitted by Bradley Craig.

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

Bradley Craig is the variance request applicant for this 2.94 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 rear yard setback requirement of 20% depth of the lot in order to construct a new residence.

Mr. Craig’s property is approximately three hundred and thirty (330) feet deep, which would require a rear yard setback of sixty six (66) feet. He is requesting a rear yard setback of fifty (50) feet.

City Water & Sewer- The subject property will be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary. Installation of a well and septic system will require all appropriate permits and must meet installation standards as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

Comprehensive Plan: The Future Land Use Plan delineates this property as Local Business, which is described as: light retail, service uses, and professional office activities that aim to meet the needs of residents in the immediate vicinity.

There are physical constraints on the property, approximately half of Mr. Craig’s property is in floodplain. He request for variance to the rear yard setback is to keep the home outside of the designated floodplain areas.
Bradley Craig is the owner of this 2.94 acre tract of land located at 4963 N Choctaw Road. The property carries an R-R “Rural Residential District” zoning classification. The applicant is requesting a variance to the minimum rear yard setback in order to construct a new single-family residence on the subject site.

**APPLICANT PROPOSAL**

The applicant is requesting a variance to **§12-263 Area and Height Regulations**, specifically the minimum rear yard setback to construct a new single-family residence on the lot. The applicant has noted the location for the home was chosen based on the floodplain that covers parts of the property.

Mr. Craig’s property is approximately three hundred and thirty (330) feet deep, which would require a rear yard setback of sixty six (66) feet. **He is requesting a rear yard setback of fifty (50) feet.** Below is the specific language as listed in the City Code regarding the rear yard setback requirement:

§12-263: Area and Height Regulations

A. The following designates area and height:

   (6) Minimum rear yard setback 20% Depth of Lot

The image of the property with the floodplain and contours is attached on the next page.

**EXISTING ZONING AND BUILDING USE REGULATIONS**

The current zoning for the property is R-R “Rural Residential District” which requires a minimum of one (1) acre lot size. The property is bound by R-R “Rural Residential District” on the north and south. The property to the west is zoned A-G “General Agricultural District” and the property to the east is zoned C-G “General Commercial District”.

The applicant has a building permit and floodplain permit under review currently for the new home. Staff is awaiting the decision of the Board of Adjustment of the requested rear yard setback prior to issuing any permits to the applicant.

All construction and development will have to comply with all subdivision, zoning regulations and city code requirements.
COMPREHENSIVE PLAN

- **Land Use**: The applicant is not requesting a change of zoning for the subject site with the variance application.
  - Future Land Use: The Future Land Use Plan delineates this property as Local Business, which is described as: light retail, service uses, and professional office activities that aim to meet the needs of residents in the immediate vicinity. This land designation includes boutique retail shops, small sized restaurants and services such as financial, legal, and insurance.
  - Physical Constraints – As seen in the image above, approximately half of Mr. Craig’s property is in floodplain. He request for variance to the rear yard setback is to keep the home outside of the designated floodplain areas.

- **Transportation** – 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 AND SEWER

The subject property will be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary. The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. Additionally, extensions are required if any portion of a subdivision, multi-family development, non-
Residential development, or illegal lot split is within one thousand two hundred (1,200) feet of an existing water main. This property is outside the five hundred (500) foot radius from the closest water main and over one thousand three hundred (1,300) feet away from the closest sewer line; therefore, connections and extensions will not be required.

Future installation and/or connection to a public water and sewer service or changes to the existing well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**

The property has frontage along North Choctaw Road, south of its intersection with NE 50th Street. At the time of the building permit, an additional seventeen (17) feet of public roadway and utility easement will be required along the southern property line to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated along North Choctaw Road to allow for 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 justice 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 Bradley Craig. Staff has completed its review of the variance request of §12-263.
APPLICATION
Variance

Subject Address: 4963 N. CHOC TAW RD.

Applicant: Bradley K. Craig
4158 S. Henney Rd.
Address
City Choctaw
State OK
Zip 73020

Phone: (405) 408-8162

E-mail address: bradcreigplumbing@yahoo.com

Property Owner: Collin Spriggs
4963 N Choctaw Rd.
Address
City Choctaw
State OK
Zip 73020

Phone: (405) 911-4070

Property Zoning: Code Section No.:

Reason for Variance: To stay further out of flood plan.

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:
[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: Bradley K. Craig
Address: 4158 S. Henney Rd.

Signature: 

County Parcel Number:

June 2016
I am requesting a rear setback variance to obtain a building permit. This residence will require setting closer to the rear property line due to the flood area.

Bradley Craig
LEGAL DESCRIPTION

I, Allen E. Henry, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that the hereon shown Survey was made on the ground under my supervision of a tract of land being a part of the South Half (S/2) of the East Half (E/2) of the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 14, Township 12 North (T12N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

Commencing at the Northeast Corner of Section 14; thence South 00°00'00" West along the East line of said Section 14 a distance of 819.64 feet at the Point of Beginning; thence continuing South 00°00'00" West a distance of 192.64 feet; thence South 89°52'21" West a distance of 333.00 feet; thence South 00°00'00" West a distance of 327.00 feet; thence South 89°52'21" West a distance of 197.98 feet; thence North 00°03'36" East a distance of 519.10 feet; thence North 89°46'41" East a distance of 330.44 feet to the Point of Beginning, containing 2.94 acres more or less and subject to all Easements and Right-of-Way records.

LEGEND

- SET IRON PIN
- FOUND IRON PIN
- FENCE

SUBSCRIBED TO AND SWORN BEFORE ME THIS 15 DAY OF APRIL, 2019.
MY COMMISSION EXPIRED: 04/23/2020

LARRY DALE JAMES
NOTARY PUBLIC
STATE OF OKLAHOMA
NOTARY PUBLIC COMMISSION #16000981
LARRY DALE JAMES

SPRIGGS
S&H-4695

GRID NORTH

04/15/2019

LARRY E. HENRY
LS. #1335
CA #3798 EXPIRES: 6-30-2019
PLAT OF SURVEY
TO SERVE

SCALE: 1" = 200'

This Plat of Survey meets the minimum standards established in Title 58 O.S., Chapter 30 and Chapter 30E-15-1-3 of the rules of the Board of Licensees for Professional Engineers and Land Surveyors.

Basis of Bearing:
GRID NORTH

Last Site Visit:
04/15/2019

SPRIGGS & HENRY SURVEYING, INC.
5001 S. BERRYMAN RD.
OKLAHOMA CITY, OKLAHOMA 73165
PHONE (405) 741-1675
FAX (405) 741-1667

Surveyor:
ALLEN E. HENRY
LS. #1335
## ELEVATION CERTIFICATE

**Important:** Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

### SECTION A – PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>A1. Building Owner's Name</th>
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<tr>
<td>Collin Spriggs</td>
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<th>A2. Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</th>
<th>Company NAIC Number:</th>
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<td>AKA 4963 N Choctaw Rd</td>
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<th>A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)</th>
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<th>A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)</th>
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<th>A5. Latitude/Longitude: Lat: 36°30'55.69&quot; N</th>
<th>Long: 97°16'35.70&quot; W</th>
<th>Horizontal Datum: □ NAD 1927 □ NAD 1983</th>
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<th>A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.</th>
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<th>A7. Building Diagram Number</th>
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| A8. For a building with a crawlspace or enclosure(s): |

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<th>a) Square footage of crawlspace or enclosure(s)</th>
<th>N/A</th>
<th>sq ft</th>
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<td>b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade</td>
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<tr>
<td>c) Total net area of flood openings in A8.b</td>
<td>N/A</td>
<td>sq in</td>
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<tr>
<td>d) Engineered flood openings?</td>
<td>Yes □ No ☒</td>
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| A9. For a building with an attached garage: |

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<th>a) Square footage of attached garage</th>
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<th>sq ft</th>
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<td>b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade</td>
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<tr>
<td>c) Total net area of flood openings in A9.b</td>
<td>N/A</td>
<td>sq in</td>
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<tr>
<td>d) Engineered flood openings?</td>
<td>Yes □ No ☒</td>
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### SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

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<th>B2. County Name</th>
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<th>B5. Suffix</th>
<th>B6. FIRM Index Date</th>
<th>B7. FIRM Panel Effective/Revised Date</th>
<th>B8. Flood Zone(s)</th>
<th>B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)</th>
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<td>12/19/2009</td>
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<th>B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B8:</th>
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<th>B11. Indicate elevation datum used for BFE in Item B9:</th>
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<td>- NGVD 1929 ☐</td>
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<th>B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?</th>
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<td>- Yes ☒</td>
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FEMA Form 088-D-33 (7/15) Replaces all previous editions. Form Page 1 of 5
ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
4801 N. Choctaw Road

City
Choctaw

State
Oklahoma

ZIP Code
73020

FOR INSURANCE COMPANY USE

Policy Number:
Company NAIC Number:

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:
   □ Construction Drawings* □ Building Under Construction* □ Finished Construction

   "A new Elevation Certificate will be required when construction of the building is complete.

Complete items C2.a–h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: LOMA / 40019CD220H

Vertical Datum: NAVD 88 / FEMA 286

Indicate elevation datum used for the elevations in items a) through h) below.

□ NGVD 1929 □ NAVD 1988 □ Other/Source:

Datum used for building elevations must be the same as that used for the BFE.

a) Top of bottom floor (including basement, crawl space, or enclosure floor) __________ feet __________ meters
   1138 50

b) Top of the next higher floor
   N/A

Check the measurement used.

□ feet ■ meters

□ feet □ meters

c) Bottom of the lowest horizontal structural member (V Zones only)
   N/A

d) Attached garage (top of slab)
   N/A

□ feet ■ meters

□ feet □ meters

e) Lowest elevation of machinery or equipment servicing the building
   (Describe type of equipment and location in Comments)
   N/A

□ feet ■ meters

□ feet □ meters

f) Lowest adjacent (finished) grade next to building (LAG)
   1138 19

□ feet ■ meters

□ feet □ meters

g) Highest adjacent (finished) grade next to building (HAG)
   1138 71

□ feet ■ meters

□ feet □ meters

h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support
   N/A

□ feet ■ meters

□ feet □ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S.C. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ■ Yes □ No □ Check here if attachments.

Certifier's Name
Allen E. Henry

License Number
LS 1335

Title
Land Surveyor

Company Name
Stout & Henry Surveying, Inc.

Address
5001 S. Berryman Road

City
Oklahoma City

State
Oklahoma

ZIP Code
73150

Signature

Date
10/28/2019

Telephone
(405) 741-1675

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

FEMA Form 088-0-33 (7/15)
Replaces all previous editions.
## ELEVATION CERTIFICATE

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

**FOR INSURANCE COMPANY USE**

| Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. | 4901 N. Choctaw Road |
| State | ZIP Code | Company NAIC Number |
| Choctaw | Oklahoma | 73020 |

### SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)

**FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

**E1.** Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

- **a)** Top of bottom floor (including basement, crawlspace, or enclosure) is:
  - N/A
  - [ ] feet [ ] meters
  - [ ] above or [ ] below the HAG.

- **b)** Top of bottom floor (including basement, crawlspace, or enclosure) is:
  - N/A
  - [ ] feet [ ] meters
  - [ ] above or [ ] below the LAG.

**E2.** For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is:

- N/A
  - [ ] feet [ ] meters
  - [ ] above or [ ] below the HAG.

**E3.** Attached garage (top of slab) is:

- N/A
  - [ ] feet [ ] meters
  - [ ] above or [ ] below the HAG.

**E4.** Top of platform of machinery and/or equipment servicing the building is:

- N/A
  - [ ] feet [ ] meters
  - [ ] above or [ ] below the HAG.

**E5.** Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community’s floodplain management ordinance? [ ] Yes  [ ] No  [ ] Unknown. The local official must certify this information in Section G.

### SECTION F - PROPERTY OWNER (OR OWNER’S REPRESENTATIVE) CERTIFICATION

The property owner or owner’s authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

**Property Owner or Owner’s Authorized Representative’s Name:**

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
</table>

**Signature**

**Date**

**Telephone**

**Comments**

[ ] Check here if attachments.
## ELEVATION CERTIFICATE

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

<table>
<thead>
<tr>
<th>FOR INSURANCE COMPANY USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>Choclaw</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Company NAIC Number:</td>
</tr>
</tbody>
</table>

### SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C, and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G9–G10. In Puerto Rico only, enter meters.

G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. The following information (Items G4–G10) is provided for community floodplain management purposes.

<table>
<thead>
<tr>
<th>G4. Permit Number</th>
<th>G5. Date Permit Issued</th>
<th>G6. Date Certificate of Compliance/Occupancy Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

G7. This permit has been issued for:   

- [ ] New Construction
- [ ] Substantial Improvement

<table>
<thead>
<tr>
<th>G8. Elevation of as-built lowest floor (including basement) of the building:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>G9. BFE or (in Zone AO) depth of flooding at the building site:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>G10. Community's design flood elevation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Official’s Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Community Name</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Comments (including type of equipment and location, per C2(e), if applicable):

N/A

☐ Check here if attachments.
If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; “Front View” and “Rear View”; and, if required, “Right Side View” and “Left Side View.” When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.
16 September 2019

Engineering and Construction Division
Hydraulics and Hydrology Branch – 12th Floor
Floodplain Management Services: (12-30)

Stout & Henry Surveying, Inc.
Att: Mr. Allen Henry
5001 Berryman Road
Oklahoma City, OK 73150

RE: 35.521029° N, -97.266667° W: Spriggs Property
NE ¼, NE ¼, Sec. 14 T12N R01W Indian Meridian
Oklahoma County, Oklahoma

Dear Mr. Henry,

This is in response to your request to develop a Base Flood Elevation (BFE) for property located in the Northeast Quarter of the Northeast Quarter of Section 14 Township-12-North Range-01-West of the Indian Meridian, in Oklahoma County, Oklahoma.

The current Federal Emergency Management Agency's Flood Insurance Rate Map (community-panel 40019C0220H, dated December 18, 2009) indicates the property is in Zone A (the 100-year floodplain of an unnamed tributary of the North Canadian River).

Based on data obtained in Letter of Map Amendment (LOMA) 11-06-0791A dated January 25, 2011, we have determined that the base flood elevation for this property to be 1137.9 feet NAVD 88 (North American Vertical Datum). This base flood elevation was determined using acceptable guidelines, outlined in FEMA 265, but should not be considered a detailed hydraulic analysis. To officially remove structures from flood insurance requirements, a Letter of Map Change (LOMC) can be obtained from FEMA. Any development on this property must be constructed to local floodplain regulations.

Our fee for this flood hazard evaluation, determined in accordance with ER 1105-2-100 guidelines, is $150.00. This letter is also an invoice for the hazard evaluation. Payment if due upon receipt Please send a money order or check payable to USAED Tulsa, to the above address, ATTN: EC-HF-PPMS. To assure proper crediting for your evaluation, please include a copy of this letter when submitting your fee. If you have any questions, please call Floodplain Management Services at 918-669-4920.

Sincerely,

Neal Harton, P.E., CFM
SWT Floodplain Project Manager
The City of CHOCTAW
PUBLIC WORKS DEPARTMENT

FLOOD Permit Application
For Proposed Development on
Lands Located in Floodplain Area

Permit # ______________

Project Address: 4901 N. CHOCTAW Rd.  AKA 4963 N Choctaw Rd

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>Lot #</th>
<th>Block #</th>
<th>Subdivision: (If un-platted, submit copy of warranty deed)</th>
</tr>
</thead>
</table>

Owner of Property: Collin Spriggs
Name
(405) 971-4010
Phone #

Mailing Address: 4901 N. Choctaw
Choctaw, OK 73020
Street # City State Zip

Contractor/Engineer: Bradley K. Craig
Name
(405) 408-8162
Phone #

Mailing Address: 4158 S. Henney Rd. Choctaw, OK 73020
Street # City State Zip

List Type and Purpose of Development:
New residential

<table>
<thead>
<tr>
<th>NFIP Community No.</th>
<th>Base Flood Elevation</th>
<th>Proposed Lowest Floor Elevation</th>
<th>NFIP Community Panel No</th>
<th>Lowest Finished Floor Elevation</th>
<th>Lowest Adjacent Grade</th>
<th>Flood Map Effective Date</th>
<th>Flood Zone Type</th>
<th>Flood Zone Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>400357</td>
<td>1137.9</td>
<td>1139.9</td>
<td>40109C02204</td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td></td>
</tr>
</tbody>
</table>

Permit Information
(Please check only one)

- Construct
- Mine
- Drilling
- Demolish
- Storage (Equipment or Supplies)
- Construct Addition
- Remodel
- Manufactured Home (Placement)
- Elevate
- Add Fill
- Other

Plans, specifications and application for permit filed by the applicant shall constitute by reference, a part of this permit.

Printed Name: Brad Craig
By: [Signature]
Date: 1/15/20

Approved by: ____________________________

7/01
APPLICATION GUIDELINES
FLOOD PERMIT

TO COMPLY WITH FLOODPLAIN MANAGEMENT REGULATIONS AND TO MINIMIZE POTENTIAL FLOOD DAMAGE, IF YOU ARE BUILDING WITHIN AN IDENTIFIED FLOOD HAZARD AREA, YOU MUST AGREE TO CONSTRUCT YOUR PROPOSED DEVELOPMENT IN ACCORDANCE WITH THE FOLLOWING SPECIAL PROVISIONS:

SPECIAL FLOODPLAIN PROVISIONS:

1. For RESIDENTIAL structures, the lowest floor (including basement) must be elevated to or above the base flood elevation (100-year flood elevation). See provisions for manufactured homes in local regulations.

2. For NON-RESIDENTIAL structures, the lowest floor must be elevated 1 foot above the base flood elevation, or floodproofed to withstand the flood depths, pressures, velocities, impact and uplift forces associated with the 100-year flood.

3. For ALL STRUCTURES, the foundation and the materials used must be constructed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood.

4. All utility supply lines, outlets, switches and equipment must be installed and elevated so as to minimize damage from potential flooding. Water and sewer connections must have automatic back flow devices installed.

5. You must submit certification on the attached form(s) from a REGISTERED ENGINEER, ARCHITECT or LAND SURVEYOR, that the floor elevation and/or floodproofing requirements have been met. Failure to provide the required certification is a violation of this permit.

6. Other Provisions ..... See attached list _____ None _____

AUTHORIZATION

I have read or had explained to me and understand the above special provisions for floodplain development. Authorization is hereby granted the permitting authority and their agents or designees, singularly or jointly, to enter upon the property described on the application during daylight hours for the purpose of making inspections or for any reason consistent with the issuing authority’s floodplain management regulation. I further verify that the information provided by me on the application is true and accurate to the best of my knowledge and belief.

Signature of Applicant

Date 12-09-19
JOINT TENANCY
QUIT CLAIM DEED

THIS INDENTURE, made this 27th day of August, 2018 between Tony Rasco, a single person, party of the first part, and Tony Rasco and Collin Spriggs, as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part, Witnesseth, that said party of the first part, in consideration of the sum of Ten and 00/100 Dollars ($10.00) or there paid, the receipt of which is hereby acknowledged, do(s) hereby quitclaim, grant, bargain, sell and convey unto the said parties 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 County, State of Oklahoma, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

COURTESY FILING ONLY
NO LIABILITY ASSUMED

Tax ID No. 194691020
Grantee's Mailing Address: 91564 S County Road 196, Arnett, OK 73522-1705
DOCUMENTARY STAMPS NOT REQUIRED SECTION 3222 NO. 4

To Have and to Hold the above described premises unto the said parties of the second part, as joint tenants and to the heirs and assigns of the survivor forever, so that neither the said party of the first part, nor any person in his name and behalf, shall or will hereafter claim or demand any right or title to the said premises of any part thereof but they and everyone of them shall be by these presents be excluded and forever barred.

In Witness Whereof, the said parties of the first part hereunto set their hand(s) this 27th day of August, 2018.

Tony Rasco

STATE OF OKLAHOMA
COUNTY OF OKLAHOMA

Before me, the undersigned, a Notary Public in and for said County and State on this 27th day of August, 2018, personally appeared, Tony Rasco, a single person, 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.

Misty Smiley
Commission Expires 06/30/2021
Notary Public
State of Oklahoma

STEWART ABSTRACT & TITLE
701 N BROADWAY, SUITE 300
OKLAHOMA CITY, OK 73102
EXHIBIT "A"

Part of the South Half (S/2) of the East Half (E/2) of the West Half (W/2) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Fourteen (14), Township Twelve (12) North, Range One (1) West of the Indian Meridian, Okfuskee County, Oklahoma, more particularly described as follows:

Commencing at the Northeast corner of Section 14, thence S 86°00'00" W along the East line of said Section 14 a distance of 838.88 feet to the point of beginning; thence continuing S 00°00'00" W a distance of 422.64 feet; thence S 89°52'21" W a distance of 327.36 feet; thence S 89°52'21" N a distance of 197.96 feet; thence N 00°02'35" E a distance of 519.20 feet; thence N 89°46'44" E a distance of 339.44 feet to the point of beginning.
This Report is for Account Number R194691020 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.
<p>| accountno | name1       | name2               | mailingaddress1 | mailingaddress2 | city     | state | zipcode | subtype | block | lot | location                                                   |
|-----------|-------------|---------------------|-----------------|-----------------|----------|-------|---------|---------|-------|------------------------------------------------------------|
| R168531725| EASTERN OKLAHOMA COUNTY | AREA VOCATIONAL SCHOOL 423 | PO BOX 567      |                  | CHOCTAW  | OK    | 73020-0967 | TOWNSHIP | 000   | 000 | CHOCRAW TOWNSHIP 000 000 PT NE4 SEC 14 12N 1W BEING THE S 1/2 OF 5D NE4 EXEMPT | 0 UNKNOWN |
| R168531891| MOBY LARRY G &amp; DANA C     |                   | PO BOX 755      |                  | CHOCTAW  | OK    | 73020-0755 | TOWNSHIP | 01W   | 013 | CHOCRAW TOWNSHIP 01W 013 PT NW4 SEC 13 12N 1W BEG 150FT N OF SW/C NW4 TH NW43.39FT E1323.18FT 51677.02FT W323.53FT N500FT W600FT S550FT W400FT TO BEG CONT 42.8836ACRS MORE OR LESS SUBJ TO ESMTS OF RE | 4600 N CHOCTAW RD UNINCORPORATED |
| R194863075| CHEROKEE PAINTING LLC     |                   | 9600 NAWASSA DR |                  | MIDWEST  | OK    | 73130-4405 | PT SEC 13 | 000   | 000 | UNPLTD PT SEC 13 12N 1W 000 000 PT NW4 SEC 13 12N 1W BEG 680.63FT S OF NW/C NW4 TH E1319.96FT S323.77FT W1320.59FT N323.76FT TO BEG AKA TR C PLUS A TRI BEG 855.24FT S &amp; 500FT 1/2 OF NW/C NW4 TH E158. | 0 UNKNOWN |
| R194601000| LOPEZ MARIO               |                   | 14844 NE 50TH ST |                  | CHOCTAW  | OK    | 73020    | PT SEC 14 12N 1W 000 000 PT NE4 SEC 14 12N 1W W 1/2 OF E 1/2 OF NE4 OF NE4 CONT 10ACRS MORE OR LESS | 0 UNKNOWN |</p>
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Address</th>
<th>City</th>
<th>County</th>
<th>State</th>
<th>Description</th>
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<tbody>
<tr>
<td>R194863073</td>
<td>LATTIN JESSICA K</td>
<td>LATTIN BRAD K</td>
<td>4984 N CHOCTAW RD</td>
<td>CHOCTAW</td>
<td>OK</td>
<td>UNPLTD PT SEC 13 12N 1W 000 000 PT NW4 SEC 13 12N 1W BEG 355.24FT S OF NW/C NW4 TH E500.05FT S322.69FT W500.02FT N325.39FT TO BEG CONT 3.719ACRS MORE OR LESS SUBI TO ESMTS OF RECORD</td>
</tr>
<tr>
<td>R194691020</td>
<td>RASCO TONY</td>
<td>SPRIGGS COLLIN</td>
<td>203 847 ECR 57</td>
<td>VICI</td>
<td>OK</td>
<td>UNPLTD PT SEC 14 12N 1W 000 000 PT NE/4 SEC 14 12N 1W BEG 819.64FT S OF NE/C NE4 TH S392.64FT W133.3FT S227FT W197.99FT N513.10FT E330.44FT TO BEG 0 UNKNOWN</td>
</tr>
<tr>
<td>R194691005</td>
<td>DICKSON DAVID &amp; LISA</td>
<td>4965 N CHOCTAW RD</td>
<td>CHOCTAW</td>
<td>OK</td>
<td>UNPLTD PT SEC 14 12N 1W 000 000 PT NE/4 SEC 14 12N 1W BEG NE/C S/2 E2 E2 NE/4 NE/4 TH S150FT W330.44FT N150FT E330.28FT TO BEG 4965 N CHOCTAW RD CHOCTAW</td>
<td></td>
</tr>
<tr>
<td>R194691025</td>
<td>POSADA BOURBON G &amp; CYNTHIA D</td>
<td>PO BOX 282</td>
<td>CHOCTAW</td>
<td>OK</td>
<td>UNPLTD PT SEC 14 12N 1W 000 000 PT NE4 SEC 14 12N 1W BEG 512.52FT S OF NE/C NE4 TH S156FT W330.20FT N156FT E330.03FT TO BEG 4995 N CHOCTAW RD CHOCTAW</td>
<td></td>
</tr>
<tr>
<td>Parcel Number</td>
<td>Description</td>
<td>Address 1</td>
<td>Address 2</td>
<td>City</td>
<td>Zip</td>
<td>Description 1</td>
</tr>
<tr>
<td>---------------</td>
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<tr>
<td>R194691007</td>
<td>AMERICAN BUTANE &amp; PROPANE GAS CO</td>
<td>PO BOX 82456</td>
<td>OKLAHOMA CITY</td>
<td>OK</td>
<td>73148-0456</td>
<td>UNPLTD PT SEC 14 12N 1W</td>
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<td>AMERICAN BUTANE PROPANE GAS COMPANY</td>
<td>PO BOX 82456</td>
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<td>OK</td>
<td>73148-0456</td>
<td>UNPLTD PT SEC 14 12N 1W</td>
</tr>
</tbody>
</table>
City of Choctaw  
Regular Board of Adjustments Meeting  
January 27, 2020 @ 7:00pm  
Choctaw City Hall, 2500 N Choctaw Road  
Choctaw, Oklahoma 73020

MINUTES

1. Call to Order by Chair @ 7:00 p.m.
2. Invocation and Pledge of Allegiance given by Brandon Clabes.
3. Roll Call:
   4 Present: Ray Sikes; David Murdock; Lloyd DeShazo; Brandon Clabes
   1 Absent: Mike Potts

Staff: Guy Henson, Planning & Development Director  
       Purvi Patel, Planner  
       Amanda Valent, City Clerk

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

4.1 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

   Opened Public Hearing @ 7:01pm
   Receive Comments. None.
   Closed Public Hearing @ 7:05pm.
MOTION BY Brandon Clabes and SECOND BY David Murdock
to approve the variance contingent upon the Planning
Commission’s approval of a lot split of the property.

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

4.2 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

Opened Public Hearing @ 7:07pm
Receive Comments. None.
Closed Public Hearing @ 7:12pm.

MOTION BY Lloyd DeShazo and SECOND BY David Murdock
to approve the variance as presented.

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

4.3 Special meeting minutes for December 16, 2019.

MOTION BY Brandon Clabes and SECOND BY Lloyd DeShazo
to approve minutes as presented.
MOTION CARRIED:
4  Ayes:       Sikes, Murdock, DeShazo, Clabes
0  Nays:       None
1  Absent:     Potts

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 @ 7:14 p.m.

PLANNING COMMISSION

ATTEST:  Ray Sikes, Chairman

Amanda Valent, City Clerk