1. **Call to Order.**

2. **Invocation and Pledge of Allegiance.**

3. **Roll Call.**
   Ray Sikes, Lloyd DeShazo, Mike Potts, Brandon Clabes and Dave Murdock will be joining the meeting via teleconference.

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

   4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements, Section 12-258.

   **Applicant:** Gladys Beakley
   **Location:** 14958 Gilbert Street
   **Current Zoning:** Central Business District (CBD)
   **Variance:** 12-332, Permitted Uses
   **Legal Description:** CHOCTAW OLD TOWN ADD 035 000 LOTS 21 THRU 24

   Open public hearing.
Receive Comments.
Close public hearing.

4.1.1 Consideration and possible action on the “variance” request of Gladys Beakley, 14958 Gilbert Street.

4.2 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements, Section 12-258.

Applicant: Dan Ross
Location: 12549 SE 15th Street
Current Zoning: Rural Residential District (R-R)
Variance: 12-263, Area and Height Requirements
Legal Description: A TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP 11 NORTH (T11N), RANGE 1 WEST (R1W) OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA BEING MORE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4); THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE/4), NORTH 89°58’08” EAST A DISTANCE OF 166.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF SECTION FOUR (4), NORTH 89°58’08” EAST A DISTANCE OF 166.78 FEET TO A POINT; THENCE NORTH 00°27’33” WEST A DISTANCE OF 659.91 FEET TO A POINT; THENCE SOUTH 89°58’08” WEST A DISTANCE OF 165.00 FEET TO A POINT; THENCE SOUTH 00°18’16” EAST A DISTANCE OF 659.89 FEET TO THE POINT OF BEGINNING

Open public hearing.
Receive Comments.
Close public hearing.

4.2.1 Consideration and possible action on the “variance” request of Dan Ross, 12549 SE 15th Street.
4.3 Regular meeting minutes for April 27, 2020.

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

6. **Adjournment:**

   This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on June 30, 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 MEETING IS NOT POSSIBLE DUE TO A DISABILITY, PLEASE NOTIFY THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING SO THAT NECESSARY ACCOMMODATIONS CAN BE MADE. ACCESS TO RESTROOMS DURING THE MEETING WILL BE AVAILABLE UPON REQUEST TO CITY STAFF.
CITY OF CHOCTAW

STAFF REPORT

AGENDA TITLE: A Variance Request Application for 14958 Gilbert Street, submitted by Gladys Beakley.

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.

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.
CITY OF CHOCTAW
Staff Report

Applicant:   Gladys Beakley
Location:   14958 Gilbert Street
Subject:   Variance for § 12-332 Permitted Uses
Current Zoning: CBD “Central Business District”

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 used 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 request 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.

**Figure 1. 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 just is 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 Gilbee St, Choctaw, OK 73020

Applicant: Gladys E. Beakley (Living Trust) Phone: 405-308-0425 Cell 405-308-0425
14958 Gilbee St, Choctaw Phone: 405-390-1294 Home
PO Box 383 City: OK State: Zip: 73020
E-mail address: beakleych@bellsouth.com

Property Owner: Gladys E. Beakley Phone: 405-390-1294 Home

Address: Property Zoning: CBD Code Section No.: 17-330
City: State: Zip:

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: Gladys E. Beakley
[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 B. 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 CHOCRAW 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 of 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 ) ss

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 act and deeds for the uses and purposes therein set forth.

Notary Public

My Commission Expires:

10/18/2023

Documentary Stamps not required 68 O.S. §3202(4) as a deed between grantor and grantor’s trust.
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 CHOCOTA W OLD TOWN ADDITION, to the City of Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.

This survey does not show: The identifying titles of all recorded plans, filed maps, right of way maps, or similar documents with their appropriate recording data, filing dates and map numbers, of the surveyed premises. Nor does it show the names of adjoining owners as they appear 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 as or found as shown.

This survey meets the Oklahoma Minimum Standard 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, encroachments, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.

Building lines shown hereto are representing requirements found in City of Choctaw's Central Business District. §12-337
Larry Stein
Oklahoma County Assessor’s Office

Ownership Radius Report

This Report is for Account Number B1978075909 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'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>
<thead>
<tr>
<th>Home</th>
<th>Contact Us</th>
<th>Guest Book</th>
<th>Map Search</th>
<th>New Search</th>
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### Real Property Display - Screen Produced 1/10/2020 12:54:44 PM

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<tr>
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<td>Owner Name 1: BEAKLEY GLADYS C TRS</td>
<td>1/4 section #: 2290</td>
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<tr>
<td>Owner Name 2: BEAKLEY GLADYS C LIV TRUST</td>
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<td>Billing Address 1: PO BOX 883</td>
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<td>Billing Address 2:</td>
<td>School System: Choctaw #4</td>
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<td>City, State, Zip CHOCTAW, OK 73020</td>
<td>Land Size: 0.32 Acres</td>
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### Associated Personal Property

- **Land Value**: 25,200
- **Lot Dimensions**: Width 100 Depth 140

### 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)

### Comp Sales Address/Date/Price (ordered by relevancy)

- 2895 N CHOCTAW RD CHOCTAW, OK 73020-8597 09/01/2016 $105,000
- 2580 W MAIN ST CHOCTAW, OK 10/17/2017 $110,000
- 2408 MUZZY ST CHOCTAW, OK 04/30/2018 $110,000
- 2715 N MAIN ST CHOCTAW, OK 04/12/2017 $49,000
- 2800 HAWKINS CHOCTAW, OK 03/02/2018 $124,500
- 2715 N MAIN ST CHOCTAW, OK 04/12/2017 $49,000

### Valuation History

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

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<th>Year</th>
<th>Market Value</th>
<th>Taxable Mkt Value</th>
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<th>Exemption</th>
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(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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#### 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

[https://ariisp1.oklahomacounty.org/AssessorWP5/AN-R.asp?Pro... 1/10/2020]
AGENDA TITLE: A Variance Request Application for 12549 SE 15th Street, submitted by Dan Ross.

Report:

Dan Ross is the variance request applicant for this 2.5 acre tract of land zoned R-R “Rural Residential District”.

The applicant is requesting a variance to §12-263 Area and Height Regulations, specifically the minimum side yard setback to construct a new single-family residence on the lot. The minimum side yard setback requirement is 15 feet for interior lots lines; for buildings of more than one story, the minimum width of side yard on interior lot lines shall not be less than 20 feet.

Mr. Ross is building a 2 story home, which requires a 20 foot side yard setback in the R-R “Rural Residential District”. He is requesting to place his home 15 feet away from the side yard line away due to existing soil conditions.

The applicant has noted in order to move the house 5 feet to the west, he would need to bring in additional dirt on to the site and a wait upwards of 6 months to see how the soil settles. The soil settlement would also then determine if a post tension slab foundation will be a viable option.

The neighbor’s property sits 35 feet away from eastern property line; if Mr. Ross builds his home 15 feet away from his western property line, the distance between the two homes would be approximately 50 feet.

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

City Water & Sewer- The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.
Applicant: Dan Ross

Location: 12549 SE 15th Street

Subject: Variance for § 12-263 Area and Height Regulation

Current Zoning: R-R “Rural Residential District”

Dan Ross is the owner of this 2.5 acre tract of land located at off of NE 15th Street, between Hiwassee Road and Anderson Road. The property carries an R-R “Rural Residential District” zoning classification. The applicant is requesting a variance to the minimum side 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 side yard setback to construct a new single-family residence on the lot. The applicant has noted the location for the home was chosen based dirt/soil of the site. Mr. Ross has chosen a post tension slab foundation for his new home; the engineer’s study found the ground has compacted favorably where the house is proposed to be built – 15 feet away from the west property line.

Mr. Ross is building a 2 story home, which requires a 20 foot side yard setback in the R-R “Rural Residential District”. He is requesting to place his home 15 feet away from the side yard line versus 20 feet away due to existing soil conditions. The applicant has noted in order to move the house 5 feet to the west, he would need to bring in additional dirt on to the site and a wait upwards of 6 months to see how the soil settles. The soil settlement would also then determine if a post tension slab foundation will be a viable option.

The applicant has noted the property owner to the west has no objections to his request. Staff has not received any objections either. The neighbor’s property sits 35 feet away from eastern property line; if Mr. Ross builds his home 15 feet away from his western property line, the distance between the two homes would be approximately 50 feet.

Below is the specific language as listed in the City Code regarding the side yard setback requirement:

§12-263: Area and Height Regulations

A. The following designates area and height:

   6. Minimum side yard setback: 15 feet for interior lots lines; for buildings of more than one story, the minimum width of side year on interior lot lines shall not be less than 20 feet.
EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of one acre lot area and a minimum lot frontage of 110 feet. The current parcel is 2.5 acres in size and has 166.78 feet frontage along SE 15th Street.

The property is bound to the east and north by properties zoned A-G “General Agricultural District”; to the east are properties zoned R-R “Rural Residential District” and to the south is Midwest City.

Mr. Ross is currently building his home on this site. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

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.
- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one are or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along SE 15th Street.
- **Infrastructure** – The property is outside of the City’s water and sewer serviceable area.
- **Livable City** – The development of these properties will have to ensure that the livability standards within the comprehensive plan are being met and follow all required regulations within the City’s adopted ordinances and resolutions.

WATER AND SEWER
The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

City Council recently passed an ordinance that would not require Mr. Ross to extend water or sewer to his property as he is an unplatted single lot building a single-family home.

Installation of the 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 SE 15th 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. 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 was dedicated with their lot split application in April 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 Dan Ross. 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:
June 30, 2020
APPLICATION

Variance

Subject Address: 12549 SE 156 Choteau OK 73020

Applicant: Dan Ross

Phone: 405-640-3313

13170 Red Oak Dr, Choteau OK 73020

Address City State Zip

E-mail address: iamdan 34@yahoo.com

Property Owner: Dan Ross

Phone: 405-640-3313

13170 Red Oak Dr, Choteau OK 73020

Address City State Zip

Property Zoning: RR

Code Section No.: 12-263

Reason for Variance?: House is set to be built 15 ft. of property line due to better dirt/soil. It is to be a 1½ story house so if not, it must be 20ft. Neither (12 ft. high) is good with house location. Well our 45 feet between structures.

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
Variance Request:

Ian Pugh and I purchased the 5 acres at roughly 12500 SE 15th Street with the intention to split the lot evenly and build ourselves each a personal residence.

The 20 foot requirement presents a hardship on me because of the dirt/soil. I elected to have a post tension slab built which requires a professional engineers stamp after a study and review. It was found that the ground has compacted very favorably where the house is proposed to go. By sliding it over the additional 5 feet, I would have to potentially bring in more dirt and then wait upwards of 6 months to see how it settles to ensure that post tension slab will be a viable option.

In addition, I do not feel this request is out of line with the spirit of the ordinance. The spirit is to be fair and “neighborly” as well as create a fair amount of distance between structures. First, the neighbor, Ian Pugh, will go on record and state he has no objections with the location of the house. Second, there is well over 45 feet between the two homes being built. Based on ordinance, the requirement is 40 feet.

Thank you for your consideration.
The variance is being requested for 5 feet as part of a 1 ½ story structure being built on 2.5 acres at 12549 SE 15th. The request is to build at 15 feet from the property line opposed to the 20 required by ordinance. This is because of the dirt and soil compaction being better and the slope of the land. This has been studied by a professional engineer while reviewing plans for a post tension slab.

The neighbor which this moves closer to is a gentlemen named Ian Pugh. Ian and I bought this 5 acres together and have coordinated the lot split and worked together on house placement. There is well over 45 feet between the two structures.

There will only be one single structure built on the property at this time. There will be a drive on the east side of the house connecting to SE 15th street. The home will sit approximately 150 feet north of SE 15th.
JOINT TENANCY
WARRANTY DEED

Know All Men by These Presents:

THAT, Ian Pugh and Ashley Pugh, husband and wife, 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 Daniel Gene Ross and Tiffany Jade Ross, 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, party of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

TRACT B

A tract of land being part of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section Four (4), Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more specifically described as follows:

Commencing at the Southwest Corner of the Southwest Quarter (SW/4) of Section Four (4); thence East along the South line of the Southeast Quarter (SE/4), North 89°58'08" East a distance of 166.78 feet to the Point of Beginning; thence continuing East along the South line of Section Four (4), North 89°58'08" East a distance of 166.78 feet to a point, thence North 00°27'33" East a distance of 659.91 feet to a point, thence South 89°58'08" West a distance of 165.00 feet to a point, thence South 00°16'16" East a distance of 659.99 feet to the Point of Beginning.

Grantee's Mailing Address: 13170 Rd 460 W, Choctaw, OK 73020

TO HAVE AND TO HOLD said described premises unto the said party of the second part, as joint tenants, and to the heirs 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. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

Signed and delivered this 13th day of April, 2020,

Ian Pugh
Ashley Pugh

INDIVIDUAL ACKNOWLEDGMENT

State of Oklahoma
County of Oklahoma

Before me, the undersigned, a Notary Public in and for said County and State on this 14th day of April, 2020, personally appeared, Ian Pugh and Ashley Pugh, husband and wife, 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.

Commission Expires: 08/30/2020

[Notary Stamp]
Larry Stein
Oklahoma County Assessor's Office

Ownership Radius Report

This Report is for Account Number R194664010 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>OK</td>
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Property Owners within 300 Feet of requested variance (Data collected from Oklahoma County Accessor’s website utilizing their mapping/GIS tool).

John and Beth Amico  
12601 SE 15th Street Choctaw, OK 73020

Ian Pugh  
1086 Chaparral Nest Choctaw OK 73020

Gerald and Rosella Nelson  
12485 SE 15th Street Choctaw, OK 73020

Tehran Clinton Jones  
12969 SE 15th Street Choctaw, OK 73020

Timothy Nossaman  
12500 Max Lane Choctaw, OK 73020

Kyle Jones  
12969 SE 15th Choctaw OK 73020

Michael and Stephanie Cron  
12437 SE 15th Choctaw OK 73020

Lindsay and William Nowlin  
12525 SE 16th Court Choctaw OK 73020

Jennifer Jobe  
12521 SE 16th Choctaw OK 73020

Frances Kerr  
12601 SE 16th Court Choctaw OK 73020

Mark Hensley  
1205 SE 16th Ct Choctaw OK 73020

SDI SFR LLC  
6824 N Robinson OKC OK 73116

Collin Stearns  
12613 SE 16th Ct Choctaw OK 73020

Cary Bowers  
12517 SE 16th Ct Choctaw Ok 73020
MINUTES
In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw Board of Adjustments hosted a virtual meeting option for the Regular Board of Adjustments meeting on April 27, 2020 at 7:00pm using the following options:

Teleconference dial in number: +1 301 715 8592
Conference ID: 862 3875 8145
Meeting Password: 017219
Join Meeting:
https://us02web.zoom.us/j/86238758145?pwd=djB4aHdsc3JYS0pnbU1kM2JhTWlUQT09

1. Call to Order by David Murdock @ 7:15 p.m.
2. Invocation and Pledge of Allegiance given by Mike Potts
3. Roll Call:
   4 Present: Mike Potts (teleconference) left meeting at 7:24pm;
             David Murdock (teleconference);
             Lloyd DeShazo (teleconference);
             Ray Sikes @ 7:24pm (teleconference)
1. Absent:    Brandon Clabes

Staff:  Guy Henson, Development Services Director (teleconference)
        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 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements, Section 12-258.

**Applicant:** Johnson & Associates (Choctaw Road Baptist Church)

**Location:** 14971 E Reno Ave

**Current Zoning:** General Agriculture District (A-G)

**Legal Description:**
UNPLTD PT SEC 35 12N 1W 000 000 PT SE4 SEC 35 12N 1W BEG AT SE/C SE4 TH W665FT N1020FT E665FT S1020FT TO BEG

Opened Public Hearing @ 7:25pm
Receive Comments. None.
Closed Public Hearing @ 7:26pm.

MOTION BY Ray Sikes and SECOND BY Lloyd DeShazo to approve the variance as presented.

MOTION CARRIED:
3 Ayes: Murdock, DeShazo, Sikes
0 Nays: None
2 Absent: Potts, Clabes

4.6 Special meeting minutes for April 16, 2020.

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

MOTION CARRIED:
3 Ayes: Murdock, DeShazo, Sikes
0 Nays: None
2 Absent: Clabes, 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 @ 7:29 p.m.

   PLANNING COMMISSION

   ATTEST: David Murdock, Vice Chairman

   ________________________________
   Amanda Valent, City Clerk