

**BOARD OF ADJUSTMENT MEETING**  
**George Fina Municipal Building – 314 Edmond Road NW**  
**Thursday, July 24, 2014, at 6:30 p.m.**

**MEMBERS PRESENT:** Board Member Louis Dickerson, Board Member Don Woodard  
Board Member Brad Neff and Chairman Bill Long

**ABSENT:** None

**STAFF PRESENT:** Community Development Director Wade Harden,  
City Attorney Mike Segler

1. **ELECTION OF OFFICERS** –
2. **CALL TO ORDER** – Chairman Bill Long called meeting to order at 6:30 p.m.
3. **ROLL CALL** – Community Development Director Wade Harden called roll. A quorum was present.
4. **CONSENT AGENDA** – All items on the consent agenda are non-controversial and may be approved by one motion.
  - a. **Approval of Minutes of the Piedmont Board of Adjustment meeting held June 30, 2011.**

Chairman Bill Long made a motion to accept minutes of the Piedmont Board of Adjustment from June 30, 2011 with the substitution of Vice Chairman Bobby Williamson where Chairman Buel Hoar name is shown, also correct voting record to delete reference to Mr. Hoar. Motion was **seconded** Brad Neff.

**The Vote was:**  
**AYE:** Chairman Bill Long, Board Member Louis Dickerson, Board Member Don Woodard and Board Member Brad Neff  
**NAYE:** None
5. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**  
None
6. **HEARING OF CITIZENS** – Topics to include those items not listed in the agenda.  
None

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7. **BUSINESS ITEM**

**MOTION TO OPEN PUBLIC HEARING**

Chairman Bill Long opened Public Hearing at 6:41 p.m.

Community Development Director Wade Harden gave a staff report describing the request. Request is for a variance side yard setback that has been established on the final Plat, there is a 35 foot building line on the side yard and 35 foot from the front yard. This is the only lot within the Plat that has a double 35 foot side back. Ordinance does allow for a 20 foot setback. Review of request does not appear to cause any concern to other neighbors or the safety or health of the surrounding area. City Staff recommends approval of request.

- a. **PUBLIC HEARING ON A REQUEST FROM HAROLD ROTHER FARMS INC, FOR A VARIANCE FROM THE ESTABLISHED RESIDENTIAL ZONING DISTRICT, TO CHANGE THE SIDE YARD SETBACK LINE FROM 35' TO 20' ON THE PROPERTY DESCRIBED AS FOLLOWS:**

Lot 26, Block 3, of Eastwind Estates Addition, Phase II to the City of Piedmont, Canadian County, Oklahoma.

Generally located on the NW corner of Harold Drive and Bethany Drive, approximately 765' NW of N Sara Road and Washington Street.

Leon Myers represented Shirley Bornhoff, the lot is an oversight the rest of the Plat is consistent with the 20 foot setback. This 35 foot setback is simply an oversight. Joey Burns has offered to purchase the lot if we can have this 20 foot setback instead of the 35 foot setback. OAR Garr is his home builder and his plan is to build at 3500 square foot home which will be an asset to the City of Piedmont.

Chairman Bill Long asked about surrounding land owners, have they been informed? Community Development Director Wade Harden explained yes all land owner within 300 feet have been notified.

**MOTION TO CLOSE PUBLIC HEARING**

Chairman Bill Long Closed Public Hearing at 6:54 p.m.

- b. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON THE REQUEST FROM HAROLD ROTHER FARMS INC., FOR A VARIANCE FROM THE ESTABLISHED RESIDENTIAL ZONING DISTRICT, TO CHANGE THE SIDE YARD SETBACK LINE FROM 35' TO 20' ON THE PROPERTY DESCRIBED AS FOLLOWS:**

Reference 7(a) above for the property description.

Chairman Bill Long asked about adverse impact to people that live in the area. How is the Board to know if there is an adverse impact?

City Attorney Mike Segler explained that is the purpose of the letter sent to all property owners within 300 feet of the property.

Would the Home Owner Association receive the same letter?

City Attorney Mike Segler explained in this situation, no they would not be entitled to notification in this situation because they are not adjacent property owners. Nor does the association own property within 300 feet of the discussed lot.

Board Member Don Woodard asked about City ordinance pg. 34 of Chapter 4 talks about front yard and side yard setback requirements for corner lots shall be determined from the front plated front line. How does that affect this property?

Community Development Director Wade Harden explained, the front line would be the 35 foot, on this property either the front or side yard is the front line.

Board member Louis Dickerson made a motion to approve request, Chairman Bill Long seconded the motion with an amendment that the front line of the property be on the east side of the property.

**The Vote:**

**AYE:** Chairman Bill Long, Board Member Louis Dickerson, Board Member Don Woodard and Board Member Brad Neff

**NAYE:**None

**MOTION TO OPEN PUBLIC HEARING**

Chairman Bill Long opened public hearing at 7:02 p.m.

- c. **PUBLIC HEARING ON A REQUEST FROM COLE JUSTIN ENGLAND, FOR A VARIANCE FROM THE ESTABLISHED RESIDENTIAL ZONING DISTRICT, TO CHANGE THE SIDE YARD SETBACK LINE FROM 10' TO 7' ON THE PROPERTY DESCRIBED AS FOLLOWS:**

Lot 2, Block 2, of Emerald Pointe Section 1, and known as 1987 Silver Crossing Cir NE, City of Piedmont, Canadian County, Oklahoma.

Generally located on the NW corner of Golden Brook Ln and Silver Crossing Cir, approximately 1199.59' from the intersection of Sara Road NE and Washington Street E.

Cole Justin addressed the Board explained he has received board approval from Emerald Point HOA. Asking for Board approval for variance. Did not file for a permit. Slab has been poured and it is 3 feet over the setback line. Use of the building will be for vehicles and family use. Resident Cole Justin took ownership for oversight of the permitting.

Tim Lawy is the contractor, cost to pour slab was \$9600, options are to tear out the existing piers, footing and side wall and pour the 3 feet on the other side but it would cost prohibited. To correct the problem would be an additional \$9000. Have spoken with surrounding neighbors and they are supported. City has not received any objections from surrounding neighbors.

City Staff recommended denying request.

#### **MOTION TO CLOSE PUBLIC HEARING**

Chairman Bill Long made a motion to close the public hearing at 7:13 p.m.

d. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON THE REQUEST FROM COLE JUSTIN ENGLAND, FOR A VARIANCE FROM THE ESTABLISHED RESIDENTIAL ZONING DISTRICT, TO CHANGE THE SIDE YARD SETBACK LINE FROM 10' TO 7' ON THE PROPERTY DESCRIBED AS FOLLOWS:**

Reference the above property description.

Board member Louis Dickerson explained that the Planning Commission spends a great deal of time making sure rules are in place and we are to support what they set up. The only authority that we have to overrule is if there is hardship, failing to get a building permit, naturally causes a hardship but does not think that is the Board's hardship.

Board Member Brad Neff is concerned about allowing this one except what about the next one.

Chairman Bill Long agrees with city recommendation and appreciates that the homeowner has come before the board and is doing the best he can.

Board Member Don Woodward thinks that approval would set an exception for

others, asked past board member John Bickerstaff for his thoughts.

John Bickerstaff explained that the Board of Adjustment is here to help a residence out when mistakes are made.

Board Member Don Woodward commented had the homeowner gotten the permit we would not be at this meeting. Feeling is to vote no.

Chairman Bill Long made a motion to deny request.

**The Vote was:**

**AYE:** Chairman Bill Long, Board Member Louis Dickerson, Board Member Don Woodard and Board Member Brad Neff

**NAYE:**None

**MOTION TO OPEN PUBLIC HEARING**

- e. **PUBLIC HEARING ON A REQUEST FROM ADAM AND AMBER DEVRIES, FOR A VARIANCE FROM THE ESTABLISHED AGRICULTURAL ZONING DISTRICT, TO CHANGE THE REAR YARD SETBACK LINE FROM 50' TO 25' ON THE PROPERTY DESCRIBED AS FOLLOWS:**

T14N, R05W, S04 of the NW/4 Beginning 996.07' W & 692.3' S of the NE Corner, and known as 9397 Tuscany Way, City of Piedmont, Canadian County, Oklahoma.

Generally located approximately 961.19' E of Azalea NE on Tuscany Way, approximately 1939.27' from the intersection of Piedmont Rd N and Azalea NE.

**MOTION TO CLOSE PUBLIC HEARING**

**The Vote was:**

**AYE:** Chairman Bill Long, Board Member Louis Dickerson, Board Member Don Woodard and Board Member Brad Neff

**NAYE:**None

- f. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON THE REQUEST FROM ADAM AND AMBER DEVRIES, FOR A VARIANCE FROM THE ESTABLISHED AGRICULTURAL ZONING DISTRICT, TO CHANGE THE REAR YARD SETBACK LINE FROM 50' TO 25' ON THE PROPERTY DESCRIBED AS FOLLOWS:**

Reference the above 7(e) for property description.

Chairman Bill Long made a motion to continue the item with City Staff to determine new date for item to be discussed. Also to provide current information in the next packet. Motion was **seconded** by Don Woodard.

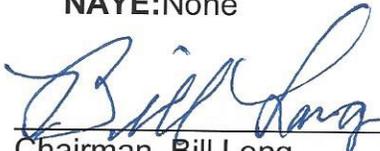
8. **ADJOURN** - Chairman

Chairman Bill Long made a motion to adjourn the meeting at 7:47p.m. Motion was **seconded** by Board Member Louis Dickerson.

**The Vote was:**

**AYE:** Chairman Bill Long, Board Member Louis Dickerson, Board Member Don Woodard and Board Member Brad Neff

**NAYE:**None

  
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Chairman, Bill Long

  
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Secretary, Mary Ramsey