

1. Agenda

Documents:

[2022-12-21 BOARD OF ADJUSTMENT - PUBLIC AGENDA-1772.PDF](#)

2. Meeting Materials

Documents:

[2022-12-21 BOARD OF ADJUSTMENT - FULL AGENDA-1772.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Board of Adjustment
Wednesday, December 21, 2022 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Board only on items that appear on this Agenda. The Board may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the Board.

1. Call to Order
2. Roll Call
3. Minutes
 - a. November 16, 2022 Minutes
4. Public Hearing

Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. PUBLIC HEARING: Case No. BOA-2022-13, for which the applicants at 1706 Drakestone Avenue are seeking a 3' variance from the front yard setback.

BOA 2022-13 - 1706 Drakestone Avnue

The property is zoned R-1-75.

The applicants desire to extend the existing garage. For the proposed variance, the applicants are seeking a 3' variance to the front yard setback, leaving an 47' front yard setback.

- b. PUBLIC HEARING: Case No. BOA-2022-14, for which the applicants at 6911 Avondale Drive are seeking a 45' variance from the west side yard setback.

BOA -2022-14- 6911 Avondale Drive

The property is E-1.

The applicants desire to construct a new house. For the proposed new house, the applicants are seeking a 45' variance to the west side yard setback, leaving an 80' west side yard setback.

5. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 2:00 PM on the 9th day of December, 2022 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 2:30 PM on the 9th day of December, 2022; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 9th of December, 2022; and transmitted by email at 5:00 PM on the 9th day of December, 2022 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Board of Adjustment
Wednesday, November 16, 2022 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 3:52 PM on
the 3rd day of November, 2022.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Kathy Lippert		Absent	
Robert Slater		Present	
Edward Clements		Present	
John Covington		Present	
Larry Herzel		Present	5:35 PM

3. Minutes
 - a. October 19, 2022 Minutes

MOTION: Covington moved to approve the October 19, 2022 minutes as presented. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Covington
SECONDER:	Edward Clements
AYES:	Slater, Clements, Covington, Herzel
ABSENT:	Lippert

4. Public Hearing

Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. PUBLIC HEARING: Case No. BOA-2022-08, for which the applicants at 1211 Larchmont Lane are seeking a variance to City Code Section 50-50 (c) (2) (a).

BOA-2022-08 1211 Larchmont Lane

The property is zoned R-1-60.

The applicants desire to install an accessory structure in the front yard. For the proposed accessory structure, the applicants are seeking a variance to City Code Section 50-50 (c) (2) (a).

Mr. Robert Haggard, Haggard Design Build, presented the application to the Board of Adjustment members.

Following discussion among Board of Adjustment members, and staff, Chairman Slater opened the public hearing.

Chairman Slater read an email from a neighbor speaking against the application.

Mr. Doug Todd Scherm spoke of his concerns of the large amount of concrete taking up the majority of the front yard.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Clements moved that variance request BOA-2022-08 be denied for failing to meet the hardship criteria to grant a variance. Covington second the motion.

RESULT:	DENY [UNANIMOUS]
MOVER:	Edward Clements
SECONDER:	John Covington, Larry Herzel
AYES:	Slater, Clements, Covington, Herzel
ABSENT:	Lippert

- b. PUBLIC HEARING: Case No. BOA-2022-09, for which the applicants at 7007 Nichols Road are seeking an 11'11" variance to the east side yard setback.

BOA-2022-09 7007 Nichols Road

The property is zoned E-2.

The applicants desire to build an addition to the existing house. For the proposed addition, the applicants are seeking an 11'11" variance to the east side yard setback, leaving a 28'1" east side yard setback.

Mr. and Mrs. Donald Bullard, property owners, presented the application to the Board of Adjustment members.

Following discussion among Board of Adjustment members and staff, Chairman Slater opened the public hearing.

Chairman Slater read a letter from Mrs. Carolyn Sharp which gave her concerns on changing the style of the existing home.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Covington moved that application BOA-2022-09 be approved because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Herzel seconded the motion.

RESULT:	APPROVED [3 TO 1]
MOVER:	John Covington
SECONDER:	Larry Herzel
AYES:	Slater, Covington, Herzel
NAYS:	Clements
ABSENT:	Lippert

- c. PUBLIC HEARING: Case No. BOA-2022-10, for which the applicants at 1419 Sherwood Lane are seeking a 3'4" variance from the northwest side yard setback.

BOA-2022-10 1419 Sherwood Lane

The property is zoned R-1-75.

The applicants desire to build a new house. For the proposed new house, the applicants are seeking a 3'4" variance from the northwest side yard setback, leaving an 8'8" northwest side yard setback.

Mr. and Mrs. Burt Hopps, property owners, presented the application to the Board of Adjustment members.

Following discussion among Board of Adjustment members, and staff, Chairman Slater opened the public hearing.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Covington moved that application number BOA-2022-10 be approved because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Clements seconded the motion.

RESULT:	APPROVED [3 TO 1]
MOVER:	John Covington
SECONDER:	Edward Clements
AYES:	Slater, Clements, Covington
NAYS:	Herzel
ABSENT:	Lippert

- d. PUBLIC HEARING: Case No. BOA-2022-11, for which the applicants at 1711 Camden Way are seeking a 9'10" variance from the (east) rear yard setback.

BOA-2022-11 1711 Camden Way

The property is zoned R-1-75.

The applicants desire to build a new house. For the proposed new house, the applicants are seeking a 9'10" variance from the (east) rear yard setback, leaving an 15'2" (east) rear yard setback.

Mr. Chris Candelaria, builder with Candelaria Design Build, presented the application to the Board of Adjustment members.

Following discussion among Board of Adjustment members, and staff, Chairman Slater opened the public hearing.

Mr. Ronan Bakker asked Mr. Candelaria to show the plan to him for clarification of the setbacks.

Chairman Slater read an email from Mrs. Tori Raines spoke in opposition of the proposed variance request.

Mr. Paul Digoy also requested clarification from Mr. Candelaria on the proposed plan.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Herzel moved that application number BOA-2022-11 be approved, subject to a permanent 25 foot setback on the

north of the property, because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Covington seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Herzel
SECONDER:	John Covington
AYES:	Slater, Clements, Covington, Herzel
ABSENT:	Lippert

5. Adjournment

Chairman Slater adjourned the meeting.

Chairman
City of Nichols Hills, Oklahoma

City Manager
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

See City Clerk's office.

See City Clerk's office.