

MINUTES

Regular Meeting of the
Nichols Hills Board of Adjustment
Wednesday, September 21, 2016 at 5:30 PM
Public Works, 1009 NW 75th
Nichols Hills, OK 73116

**Original Agenda Filed in the Office of the Municipal Clerk at
3:30 PM on the 16th day of September, 2016.**

1. Call to Order

2. Roll Call

Attendee Name	Title	Status	Arrived
Julie Hall		Present	
John Covington		Present	
Robert Slater		Present	
Edward Clements		Present	
Larry Herzel		Present	

3. Minutes

a. February 17, 2016 Minutes

Herzel moved to approve the February 17, 2016 minutes as modified. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Herzel
SECONDER:	Edward Clements
AYES:	Hall, Covington, Slater, Clements, Herzel

4. Public Hearing - Variance Requests

- a. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of Case BOA 2016-02, for which the applicants at 1200 Marlboro Lane, are seeking a variance for a retaining wall and privacy fence along the bank and side yards.

BACKGROUND

BOA 2016-02 - 1200 Marlboro Lane

The property is zoned R-1-60.

The applicants are seeking a variance for a retaining wall and privacy fence along the back and side yards of the property. The adjoining property to the South was lowered after the fence was built, leaving a fence and retaining wall that is 14 feet tall, at the highest point, and the maximum allowed is 8 feet. This exceeds the max by 6 feet.

Mr. Andres Carlson presented the variance request on behalf of the applicant. Following lengthy discussion among Board of Adjustment members, Attorneys and staff, Chairman Slater opened the public hearing. Mr. Gene McClendon, 1115 Tedford spoke in opposition of the “walled in lot” city. Mrs. Cathy London, opposed the variance due to decreasing the value of her property. No others expressed a desire to be heard, the public hearing was closed.

Hall moved to approve the variance, dies from a lack of second.

Hall moved that application number BOA 2016-02 be approved with the stipulation that landscaping will be done along the east side of the fence in accordance with submitted application as presented at this meeting because:

- I. The application of the ordinance to this particular piece of property would create an unnecessary hardship;
- II. Such conditions are peculiar to this particular piece of property;
- III. 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

The variance is the minimum necessary to alleviate the unnecessary hardship. Seconded by Covington.

RESULT:	APPROVED [4 TO 1]
MOVER:	Julie Hall
SECONDER:	John Covington
AYES:	Hall, Covington, Slater, Clements
NAYS:	Herzel

- b. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of Case BOA 2016-03, for which the applicants at 1606 Randel Rd Lane, are seeking a variance to add a second story on the existing main building.

BACKGROUND

BOA 2016-03 - 1606 Randel Road

The property is zoned R-1-75.

The applicants are seeking a variance to add a second story on the existing main building that is located on the subject property. The rear yard setback for a second story is 40 feet and applicants wish to build the second story 35 feet from the rear property line. This will exceed the minimum setback for the second story by 5 feet.

Mr. Joe Weeks explained the variance application request. Following discussion among board members and staff, Chairman Slater opened the public hearing. Having no one present express a desire to be heard, the public hearing was closed.

APPROVED: Hall moved that application number BOA 2016-03 be approved in accordance with submitted application as presented at this meeting because:

- I. The application of the ordinance to this particular piece of property would create an unnecessary hardship:

- II. Such conditions are peculiar to this particular piece of property;
- III. 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

The variance is the minimum necessary to alleviate the unnecessary hardship. **Seconded** by Herzel.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Hall
SECONDER:	Larry Herzel
AYES:	Hall, Covington, Slater, Clements, Herzel

5. Adjournment

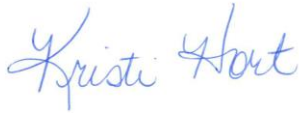
Chairman Slater meeting is adjourned.



Chairman
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma