

## 1. Agenda

Documents:

[BOA AGENDA 3 20 24.PDF](#)

### 1.1. Meeting Materials

Documents:

[BOA 3 20 24.PDF](#)

## **AGENDA**

Regular Meeting of the  
Nichols Hills Board of Adjustment  
Wednesday, March 20, 2024 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. February 21, 2024
4. Public Hearing

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

- a. PUBLIC HEARING: Case No. BOA-2024-05, for which the applicants at 1711 Elmhurst Avenue desire to appeal the City Code Official's decision to not issue a permit for an accessory structure (Sports Court). Alternatively, the applicant is seeking a 1'6" variance from the west side yard setback.

BOA-2024-05 1711 Elmhurst Avenue

The property is zoned R-1-75.

The applicants desire to appeal the City Code Official's decision to deny the issuance of a permit for an accessory structure (Sports Court).

In the event the appeal is unsuccessful, the applicant is seeking a 1'6" variance from the west side yard setback, leaving a 4'6" west side yard setback.

- b. PUBLIC HEARING: Case No. BOA-2024-06, for which the applicants at 1204 Belford Avenue are seeking a 1'8 1/2" variance from the west side yard setback. The applicants are also seeking a 6' building envelope variance on the west side of the building.

BOA-2024-06 1204 Belford Avenue

The property is zoned R-1-60.

The applicants desire to build an addition to the dwelling. For the proposed addition, the applications are seeking a 1'8 1/2 " variance from the west side yard setback, leaving a 4'9 1/2 " west side yard setback. For the proposed addition, the applicants are also seeking a 6' building envelope variance on the west side of the dwelling.

- c. PUBLIC HEARING: Case No. BOA-2024-07, for which the applicants at 6403 N. Hillcrest Avenue are seeking a 4'5 1/4" variance from the north side yard setback.

BOA-2024-07 6403 N. Hillcrest Avenue

The property is zoned E-1-75.

The applicants desire to build an addition to the dwelling. For the proposed addition, the applications are seeking a 4'5 1/4" variance from the north side yard setback, leaving a 3'6 3/4" west side yard setback.

5. Adjournment



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City Clerk  
City of Nichols Hills, Oklahoma

## **AGENDA**

Regular Meeting of the  
Nichols Hills Board of Adjustment  
Wednesday, March 20, 2024 at 5:30 PM  
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Nichols Hills, OK 73116

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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. February 21, 2024
4. Public Hearing

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

- a. PUBLIC HEARING: Case No. BOA-2024-05, for which the applicants at 1711 Elmhurst Avenue desire to appeal the City Code Official's decision to not issue a permit for an accessory structure (Sports Court). Alternatively, the applicant is seeking a 1'6" variance from the west side yard setback.

BOA-2024-05 1711 Elmhurst Avenue

The property is zoned R-1-75.

The applicants desire to appeal the City Code Official's decision to deny the issuance of a permit for an accessory structure (Sports Court).



In the event the appeal is unsuccessful, the applicant is seeking a 1'6" variance from the west side yard setback, leaving a 4'6" west side yard setback.

- b. PUBLIC HEARING: Case No. BOA-2024-06, for which the applicants at 1204 Belford Avenue are seeking a 1'8 1/2" variance from the west side yard setback. The applicants are also seeking a 6' building envelope variance on the west side of the building.

BOA-2024-06 1204 Belford Avenue

The property is zoned R-1-60.

The applicants desire to build an addition to the dwelling. For the proposed addition, the applications are seeking a 1'8 1/2 " variance from the west side yard setback, leaving a 4'9 1/2 " west side yard setback. For the proposed addition, the applicants are also seeking a 6' building envelope variance on the west side of the dwelling.

- c. PUBLIC HEARING: Case No. BOA-2024-07, for which the applicants at 6403 N. Hillcrest Avenue are seeking a 4'5 1/4" variance from the north side yard setback.

BOA-2024-07 6403 N. Hillcrest Avenue

The property is zoned E-1-75.

The applicants desire to build an addition to the dwelling. For the proposed addition, the applications are seeking a 4'5 1/4" variance from the north side yard setback, leaving a 3'6 3/4" west side yard setback.

5. Adjournment



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City Clerk  
City of Nichols Hills, Oklahoma

## MINUTES

Regular Meeting of the  
Nichols Hills Board of Adjustment  
Wednesday, February 21, 2024 at 5:30 PM  
City Hall, 6407 Avondale Drive  
Nichols Hills, OK 73116

1. Call to Order
2. Roll Call

| Attendee Name   | Title | Status  | Arrived |
|-----------------|-------|---------|---------|
| Kathy Lippert   |       | Absent  |         |
| Robert Slater   |       | Present |         |
| Edward Clements |       | Present | 5:32 PM |
| John Covington  |       | Present |         |
| Larry Herzel    |       | Present |         |

3. Minutes

- a. January 17, 2024

**MOTION:** Herzel moved to approve the January 17, 2024 minutes as presented. Covington seconded the motion.

|                  |                             |
|------------------|-----------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b> |
| <b>MOVER:</b>    | Larry Herzel                |
| <b>SECONDER:</b> | John Covington              |
| <b>AYES:</b>     | Slater, Covington, Herzel   |
| <b>ABSENT:</b>   | Lippert, Clements           |

4. Public Hearing

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

- a. PUBLIC HEARING: Case No. BOA-2024-03, for which the applicants at 1712 Elmhurst Avenue are seeking a 1'4" variance from the east side yard setback, leaving a 10'2" east side yard setback.

BACKGROUND  
BOA-2024-03 1712 Elmhurst Avenue

The property is zoned R-1-75.

The applicants desire to enclose their existing porch. For the proposed enclosure, the applications are seeking a 1'4" variance from the east side yard setback, leaving a 10'2" east side yard setback.

Mr. Morgan Connelly presented the application to the Board of Adjustment.

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

No one expressing a desire to be heard, the public hearing was closed.

**MOTION:** Covington moved that application number BOA-2024-03 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.

|                  |                                     |
|------------------|-------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>         |
| <b>MOVER:</b>    | John Covington                      |
| <b>SECONDER:</b> | Edward Clements                     |
| <b>AYES:</b>     | Slater, Clements, Covington, Herzel |
| <b>ABSENT:</b>   | Lippert                             |

- b. PUBLIC HEARING: Case No. BOA-2024-04, for which the applicants at 6911 Avondale Drive are seeking a 10' variance from the west side yard setback. The applicants are also seeking a front elevation variance.

BACKGROUND  
BOA-2024-04 6911 Avondale Drive

The property is zoned E-1.

The applicants desire to build a new main building. For the proposed new house, the applicant is seeking a 10' variance from the west side yard setback, leaving a 70' west side yard setback.

The applicants are also seeking a front elevation variance to move the front elevation of the property from Avondale Drive to NW Grand Boulevard.

Mr. Scott Spradling, representing Mrs. Susan Binkowski, presented the application to the Board of Adjustment.

Mr. David Wendling, Studio Architecture, spoke to the Board of Adjustment members concerning the home's placement and the requested variance.

Mrs. Susan Binkowski expressed to the Board of Adjustment the design challenges and the expenses that have been incurred, relying on the Board of Adjustment's prior variance granted in 2022.

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:** Clements moved that application BOA-2024-04 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; this variance is the

minimum necessary to alleviate the unnecessary hardship.  
Covington seconded the motion.

|                  |                             |
|------------------|-----------------------------|
| <b>RESULT:</b>   | <b>APPROVED [3 TO 1]</b>    |
| <b>MOVER:</b>    | Edward Clements             |
| <b>SECONDER:</b> | John Covington              |
| <b>AYES:</b>     | Slater, Clements, Covington |
| <b>NAYS:</b>     | Herzel                      |
| <b>ABSENT:</b>   | Lippert                     |

- c. PUBLIC HEARING: Case No. BOA-2024-05, for which the applicants at 1711 Elmhurst Avenue desire to appeal the City Code Official's decision to not issue a permit for an accessory structure (Sports Court). Alternatively, the applicant is seeking a 1'6" variance from the west side yard setback.

#### BACKGROUND

BOA-2024-05 1711 Elmhurst Avenue

The property is zoned R-1-75.

The applicants desire to appeal the City Code Official's decision to deny the issuance of a permit for an accessory structure (Sports Court).

In the event the appeal is unsuccessful, the applicant is seeking a 1'6" variance from the west side yard setback, leaving a 4'6" west side yard setback.

**MOTION:** Clements moved to continue agenda item 4c to the next regular schedule meeting. Covington seconded the motion.

|                  |                                     |
|------------------|-------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>         |
| <b>MOVER:</b>    | Edward Clements                     |
| <b>SECONDER:</b> | John Covington                      |
| <b>AYES:</b>     | Slater, Clements, Covington, Herzel |
| <b>ABSENT:</b>   | Lippert                             |

## 5. Adjournment

**MOTION:** There being no further business, Covington moved to adjourn the meeting. Clements seconded the motion.

|                  |                                     |
|------------------|-------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>         |
| <b>MOVER:</b>    | John Covington                      |
| <b>SECONDER:</b> | Edward Clements                     |
| <b>AYES:</b>     | Slater, Clements, Covington, Herzel |
| <b>ABSENT:</b>   | Lippert                             |

\_\_\_\_\_  
Chairman  
City of Nichols Hills, Oklahoma

\_\_\_\_\_  
City Manager  
City of Nichols Hills, Oklahoma

\_\_\_\_\_  
City Clerk  
City of Nichols Hills, Oklahoma



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**CITY OF NICHOLS HILLS**

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**NOTICE OF PUBLIC HEARING  
CASE NO. BOA 2024-05**

**NOTICE IS HEREBY GIVEN** that an application has been filed appealing an administrative official decision, or alternatively, seek a variance from the Nichols Hills City Code on the following described property:

All of Lot Thirty (30), in Block Ninety-six (96), of Wilshire Section of Nichols Hills, to Oklahoma County, Oklahoma, according to the recorded plat thereof.

The property is also known as **1711 Elmhurst Avenue**. Current zoning is **R-1-75**.

The applicants desire to appeal the City Code Official's decision to deny the issuance of a permit for an accessory structure (Sport Court).

In the event the appeal is unsuccessful, the applicant is seeking a 1'6" variance from the west side yard setback, leaving a 4'6" west side yard setback.

**A PUBLIC HEARING WILL BE HELD** on said application by the Nichols Hills Board of Adjustment in the Council Chambers, City Hall 6407 Avondale Drive, Nichols Hills, Oklahoma 73116 on the **21<sup>st</sup>** day of **February** **2024** at 5:30 p.m.

**ALL PERSONS, OWNERS, OR RESIDENTS** within the above-described area are hereby given notice that they may appear at said hearing or file a petition within the Board of Adjustment and offer arguments and evidence for or against the granting of said application as they deem proper in the premises.

Dated this 5<sup>th</sup> day of February 2024.

Amanda Copeland  
City Clerk  
City of Nichols Hills, Oklahoma

Attachment: BOA-2024-05 (7117 : BOA 2024-05 1711 Elmhurst Avenue)





**CITY OF NICHOLS HILLS, OKLAHOMA**  
**Application for Nichols Hills Board of Adjustment**  
**Hearing and Action**

Staff use only

Case # \_\_\_\_\_

Date filed \_\_\_\_\_

Fee receipt # \_\_\_\_\_

Completed applications should be submitted to the Nichols Hills Public Works Department via email at [buildinginspections@nicholshills.net](mailto:buildinginspections@nicholshills.net).

Required fee should be submitted to the Nichols Hills City Clerk, 6407 Avondale Drive, Nichols Hills, Oklahoma 73116.

Applicant is encouraged to consult the applicable provisions of the Nichols Hills City Code ("the Code") regarding the Nichols Hills Board of Adjustment when completing this Application.

Attach a separate sheet to provide complete answers if necessary.

Applicant's name: Michael E. Reel

Mailing address: 1711 Elmhurst Avenue, Nichols Hills, OK 73120

Telephone number(s): 405-830-0245

Email address(es): michael.reel2@gmail.com

Address and legal description of subject property: same as mailing address

Current zoning classification: R-1-75

Present use of the property: Primary Residence

This is an application for: ☒ Variance ☒ Appeal from administrative official decision

The following must be attached to this Application:

1. **Proof of authority.** Proof of applicant's authority to make this Application by attaching a copy of the applicable deed evidencing applicant's ownership or an affidavit regarding ownership (a form for which is attached to this Application).
2. **Ownership list.** Report certified by a bonded abstractor stating the names and mailing addresses for the owner(s) of record whose property is within a 300-foot radius of the exterior boundary of the subject property.
3. **Supporting Information.**
  - (a) For Applications that relate to a denied Application for Building Permit (or other Application related to Chapter 50 of the Code): a copy of the denied Application and originals of all supporting information that was required for it pursuant to the Code (specifically Sec. 50-188(c) for Applications for Building Permits).
  - (b) For Applications for a variance prior to submission of an Application for Building Permit: photos of the subject building or building site; a conceptual site plan drawn to scale showing the exact size and location of lots or land, the size and location of buildings and floor plans, and measurements showing distance from

Attachment: BOA-2024-05 (7117 : BOA 2024-05 1711 Elmhurst Avenue)



the outside line of buildings (existing and proposed) to the outside property lines; renderings of the proposed changes to the site; and a survey meeting the requirements of Sec. 50-188(c) of the Code.

**4. Explanatory Statements.** Provide responses applicable to this Application. Attach additional pages as necessary to provide complete answers.

**(a) Variance requests.** See Sec. 50-158 of the Code.

i. State the details of the variance you are seeking.

A sideyard setback variance of 6 inches on the northwest corner of the concrete pad.

If the variance sought relates to a development regulation applicable for the District in which the property is located (setback, lot coverage, floor area ratio, height, no build envelope), complete the worksheet that follows on page 4.

ii. Code Section(s) from which a variance is requested:

50-49(e)

iii. State why you believe application of such Code Section(s) to the particular piece of property creates an unnecessary hardship.

I don't believe the Code applies to the concrete pad in my backyard, but if it does it's an unnecessary hardship

to tear up the concrete pad. Please see additional pages.

iv. State why you believe such conditions are peculiar to the particular piece of property involved.

The concrete pad is not an accessory building that is subject to setback requirements. Please see additional pages.

v. State whether you believe the relief, if granted, would cause a detriment to the public good and why.

Granting me a permit and the requested setback variance creates no detriment to the public good. Please see additional pages.

vi. State whether you believe the relief, if granted, would impair the purposes and intent of the City's zoning ordinances and why.

The relief sought would not impair the purpose or intent of the City's zoning ordinances. Please see additional pages.

vii. State how the variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Granting the permit and variance is the minimum necessary to alleviate the unnecessary hardship. Please see

additional pages.

(b) **Appeals.** See Sec. 50-294 of the Code.

i. State the details of the relief you are seeking.

A reversal of the City's decision to make me get a permit for the concrete pad in my backyard, or in the alternative granting me a permit and approving the requested variance.

ii. Date and nature of the order, requirement, decision or determination appealed:

Violation of Section 8-91 of the City Code.

iii. Name and title of the City officer who made the order, requirement, decision or determination appealed:

Dillion Thompson

iv. Details of the alleged error in the order, requirement, decision or determination appealed:

I don't believe the Code applies to the concrete pad in my backyard. Please see additional pages.

This Application will be considered officially submitted and filed only after it is examined by the City Clerk and found to have met the applicable requirements of Chapter 50 of the Code and those set out in this Application and after the fee of \$750 as required by the Code has been paid. At that time, the City Clerk will set the Application for hearing before the Nichols Hills Board of Adjustment. Applicant will be advised of the date and time for that hearing. It is highly recommended that applicant attend (or have a representative attend) the hearing and be prepared to answer questions.

The above statements in this Application and all attachments to it are true and correct.

Submitted and agreed to this 15 day of Dec., 2023.

Signature: 

Print applicant's full legal name: Michael E. Reel

Print signatory party's title if applicant is a legal entity: \_\_\_\_\_

## Board Of Adjustment

| Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1711 Elmhurst                                                                                                                               |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------|--|--|---------------------------|-----------------|-----|----------|--|---------------|--------------------------|--------------------------|--------------------------|--|--------------------|-------------------------------------|-------------------------------------|--------------------------|--|-------|--------------------------|--------------------------|--------------------------|--|
| Lot And Block                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Lot 30                                                                                                                                      |                                     | Block 96                   |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | R-1-75                                                                                                                                      |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Nichols Hills                                                                                                                               |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| County                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Oklahoma County                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| State                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Oklahoma                                                                                                                                    |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| Zip Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 73120                                                                                                                                       |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 35%;">Type of Building or Fence</th> <th style="width: 25%;">Check box below</th> <th style="width: 10%;">New</th> <th style="width: 10%;">Addition</th> <th style="width: 20%;"></th> </tr> <tr> <td>Main Building</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Accessory Building</td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Fence</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td></td> </tr> </table> |                                                                                                                                             |                                     |                            |  |  | Type of Building or Fence | Check box below | New | Addition |  | Main Building | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Accessory Building | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  | Fence | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| Type of Building or Fence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Check box below                                                                                                                             | New                                 | Addition                   |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| Main Building                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/>   |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| Accessory Building                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/>                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| Fence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/>   |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| <b>Type Of adjustment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Allowed</b>                                                                                                                              | <b>Proposed</b>                     | <b>Amount over allowed</b> |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 1. Front Setback                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 2. Rear Setback                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 3. Side Setback East                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 4. Side Setback West                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 6'                                                                                                                                          | 4'6"                                | 1'6"                       |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 5 Building Lot Coverage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 6 Floor area Ratio                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 7. Height                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 8. Building envelope                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| <b>Explanation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| 9. Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Applicant requesting a variance on the west side yard setback and Sec. 50-169 where sport courts are prohibited in R-1-75 districts.</p> |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |
| <b>NOTE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                             |                                     |                            |  |  |                           |                 |     |          |  |               |                          |                          |                          |  |                    |                                     |                                     |                          |  |       |                          |                          |                          |  |

### Application for Variance – Development Regulation Worksheet

Applicant's Name: Michael E. Reel

Property Address: 1711 Elmhurst Avenue

**Applicable Structure:** (Check as applicable)

|                                             |                              |                                   |
|---------------------------------------------|------------------------------|-----------------------------------|
| <input type="checkbox"/> Main Building      | <input type="checkbox"/> New | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Accessory Building | <input type="checkbox"/> New | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Fence              | <input type="checkbox"/> New | <input type="checkbox"/> Addition |

**Type of Adjustment Sought:** Provide information in inches and feet. Do not use decimals.

|                                                                | Allowed by City Code                                                                                                       | Proposed Variance                           | Amount over Allowed                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--------------------------------------------|
| Front Yard Setback                                             |                                                                                                                            |                                             |                                            |
| Rear Yard Setback                                              |                                                                                                                            |                                             |                                            |
| Side Yard Setback<br>(specify north, south, east or west side) | 6 feet (west side)                                                                                                         | 4'-6" for the NW corner of the concrete pad | 1'-6" on the NW corner of the concrete pad |
| Building Lot Coverage                                          |                                                                                                                            |                                             |                                            |
| Floor Area Ratio                                               |                                                                                                                            |                                             |                                            |
| Height                                                         |                                                                                                                            |                                             |                                            |
| No Build Envelope                                              |                                                                                                                            |                                             |                                            |
| Other                                                          | Explanation: my backyard tilts at an angle so that's why I'm only seeking a variance on the NW corner of the concrete pad. |                                             |                                            |

Affidavit

STATE OF OKLAHOMA

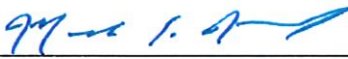
COUNTY OF OKLAHOMA

Michael Edward Reel, being first duly sworn, states:

1. My name is Michael Edward Reel. My address is 1711 Elmhurst Avenue, Nichols Hills, Oklahoma 731320. I am over the age of 18. I am a resident of the State of Oklahoma. I have personal knowledge of the matters stated in this Affidavit.
2. I am the current and legal owner of the property in the City of Nichols Hills with the address of 1711 Elmhurst Avenue, Nichols Hills, OK 73120.
3. I am the applicant for the hearing and action by the Board of Adjustment pursuant to the Nichols Hills City Code.
4. This address accurately describes the property for which the hearing and action is requested.

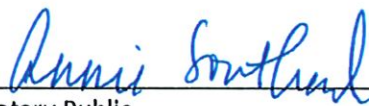
I declare to the best of my knowledge and belief that the information in this Affidavit is true, correct, and complete.

Executed this 15<sup>th</sup> day of December, 2023.

  
Michael E. Reel

Notary Acknowledgement

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2023.

  
Notary Public

My Commission Expires: 2/12/24

Comm. No. 08001548





**To:** Nichols Hills Board of Adjustment  
**From:** Michael E. Reel  
**Re:** 1711 Elmhurst Avenue Nichols Hills, OK 73120 Appeal from Administrative Official Decision or in the Alternative Grant of Permit and Variance

Members of the Board of Adjustment:

I wanted to provide this letter along with my Application for Hearing and Action to provide some background on what I am seeking in front of the Board of Adjustment.

The issue here is the City of Nichols Hills has determined that the concrete pad in my backyard at my residence at 1711 Elmhurst Avenue, Nichols Hills, OK 73120 required a building permit when I built it in December of 2022 and that I am in violation of NH City Code §8-91 for not obtaining a building permit before building the concrete pad in my backyard. Thus, The City of Nichols Hills has requested that I tear up and remove the concrete pad in my backyard. I adamantly disagree with the decision of the City and it has put me in a position that I must either adhere to the requests of the City and remove the concrete pad in my backyard or sue the City of Nichols Hills and seek a ruling from the judicial system of Oklahoma. After discussing my position with the City, I have agreed to seek an appeal of the City's decision in front of the Board of Adjustments to see if a reasonable outcome can be obtained without having to turn to the judicial system.

To provide the Board of Adjustment with a quick summary of why I disagree with the City's decision that a building permit is required, the below bullet points guide my appeal of the City's decision:

1. §50-188(b) provides that a building permit is required in three specific instances, none of which apply to the concrete pad in my backyard.
2. §50-49(e) provides that there are development regulations and setback requirements for three items, none of which apply to the concrete pad in my backyard.
3. The City of Nichols Hill's official Application for Variance – Development Regulation Worksheet which is part of an Application for Nichols Hills Board of Adjustment Hearing and Action lists three, and only three, options for applicable structures that need a variance, none of which pertain to the concrete pad in my backyard.
4. The concrete pad in my backyard was built in 2022 before the enactments of City Ordinance No. 1225 and City Ordinance No. 1226 and thus is not subject to those ordinances.

To determine when a building permit is required in the City of Nichols Hills, one must first look to NH City Code §8-91 which sets forth the Code requirements for building permits. NH City Code §8-91(a) provides that building permits shall be required and issued in the manner provided in the building and residential codes adopted in this article and as provided in Chapter 50.

The relevant provision in Chapter 50 of the NH City Code which states when a building permit is required is found in §50-188(b). NH City Code §50-188(b) provides that a building permit is required in these three specific instances: (1) whenever required by the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Existing Building Code, and/or the International Fuel Gas Code, each as applicable and



each as modified and adopted by the city in Chapter 8 of the Code, including whenever any building is to be constructed, moved, or altered structurally; (2) whenever a parking lot is constructed or have access points or loading/unloading spaces changed, and (3) whenever a change in drainage is proposed.

In looking at these three specific instances, none of these apply to the concrete pad in my backyard. There is nowhere in the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Existing Building Code, or the International Fuel Gas Code that address when a building permit is required when building a concrete pad in the backyard. Furthermore, the concrete pad is not a building that was constructed, moved, or altered structurally. This is supported by the definition of a "building" in NH City Code §50-3 which defines a building as – "any structure intended for the shelter, housing or enclosure of persons, animals, or movable or transferrable personal property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure." Thus, the first of the three specific instances is not applicable to the concrete pad in my backyard. The concrete pad is not a parking lot and does not have access points or loading/unloaded spaces. Thus, the second of the three specific instances is not applicable to the concrete pad in my backyard. Finally, I am not proposing a change to the drainage in my backyard because the concrete pad is flush with the surface of my backyard and slightly tilts downward toward my house to flow with the natural leveling of my backyard which slopes towards my house and to the street. Thus, the third specific instance is not applicable to the concrete pad in my backyard.

As stated in *Ledbetter v. Alcoholic Beverage Laws Enforcement Comm'n*, 764 P.2d 172, 179 (Okla.1988), the primary goal in construing statutes is "to follow the intent of the legislature". Furthermore, Courts will give the words of a statute a plain and ordinary meaning, unless it is clear from the statute that a different meaning was intended by the legislature. *Fanning v. Brown*, 2004 OK 7, 85 P.3d 841. Thus, pursuant to the plain and ordinary meaning of the language of the NH City Code, specifically §50-188(b) which dictates the three specific instances for when a building permit is required, a building permit is not required for the concrete pad in my backyard because none of the three specific instances apply to the concrete pad in my backyard.

Even if the Board of Adjustments were to agree with the City of Nichols Hills and determine that a building permit is required for the concrete pad in my backyard, the concrete pad is not subject to setback requirements. This is clearly articulated in both NH City Code §50-49(e) which provides the development regulations for lots in R-1-75 and in the City of Nichols Hills' official Application for Variance – Development Regulation Worksheet which is part of an Application for Nichols Hills Board of Adjustment Hearing and Action.

In addressing NH City Code §50-49(e) first, the Code clearly and unambiguously states that in my backyard, the setback requirements are for the following three, and only three situations: (1) main buildings, (2) accessory buildings, and (3) chimneys or fireplaces. The concrete pad in my backyard is not a main building, it is not an accessory building, and it is not a chimney or a fireplace. Thus, the three specific situations that are subject to setback requirements in a backyard for lots in R-1-75 do not apply to the concrete pad in my backyard. This is supported by the fact that that if I applied for a building permit (which I don't believe I have to) and the City of Nichols Hills denied my building permit because of setback requirements, the City of Nichols Hills' official Application for Variance – Development Regulation Worksheet which is part of an Application for Nichols Hills Board of Adjustment Hearing and Action states that "if a variance sought relates to a development regulation applicable for the District in which the property is located (setback, lot coverage, floor area ratio, height, no build envelope),



complete the worksheet that follows on page 4". Page 4 lists three, and only three, options for the applicable structure that is seeking the variance: (1) a main building, (2) an accessory building, or (3) a fence. A concrete pad is neither of these three options.

As stated above, the Supreme Court of Oklahoma has stated that Courts will give the words of a statute a plain and ordinary meaning, unless it is clear from the statute that a different meaning was intended by the legislature. *See also Fanning v. Brown*, 2004 OK 7, 85 P.3d 841. Here, §50-49(e) is clear that in my backyard, setback requirements are only for (1) main buildings, (2) accessory buildings, and (3) chimneys or fireplaces. None of which apply to a concrete pad in my backyard. Thus, even if the City of Nichols Hills were to determine that a building permit is required for the concrete pad in my backyard, it would be a determination that is contrary to the plain and ordinary language of the Code.

I also want to briefly address City Ordinance No. 1225 and City Ordinance No. 1226. City Ordinance No. 1225 was published in the Journal Record on February 17, 2023 and City Ordinance No. 1226 was published in the OKC Friday on March 24, 2023. As previously mentioned to the City, the concrete pad in my backyard was built and completed in December of 2022. Both ordinances were published after the concrete pad in my backyard was built and thus are not applicable or governing as to the concrete pad in my backyard. *See Okla. Stat. tit. 11, §44-107.1* which provides that "the lawful nonconforming use of a building, structure, or premises as such existed at the time of the adoption and recording of any ordinance affecting it, may be continued, although such use does not conform with the provisions of such ordinance." A stance by the City, that the concrete pad in my backyard must now conform to City Ordinances that were enacted after the concrete pad existed is against the plain and ordinary language of the Oklahoma State Statutes.

In order to get around the plain and ordinary meaning of the statute, the City of Nichols Hills may take the position that the use of "accessory buildings" in the NH City Code also includes and means "accessory structures" in order to make a determination that the concrete pad in my backyard is subject to setback requirements. The City may want to take this position that "accessory buildings" also mean "accessory structures" because the development regulations in §50-49 relating to setback requirements in backyards only, and specifically, refer to main buildings, accessory buildings, and chimneys and fences. §50-49 does not refer to setback requirements for accessory structures in backyards. To do this the City of Nichols Hills must take the position that at the time of construction of the concrete pad in my backyard, an accessory structure is the same thing as an accessory building because "accessory buildings, structures or use" are all contained within a single defined term under §50-3 of the NH City Code. However, this isn't a position that is rooted in the plain and ordinary language of the Code. To take this position, it would purely be a judgement call decision by the City of Nichols Hills. Furthermore, if the legislature intended for this to be the case, then the legislature could have, and should have, used the term "accessory building, structure, or use" in §50-49(e) when it was defining what is subject to setback requirements in a backyard. However, the legislature did not do this. Rather, the legislature purposely decided to specifically use the terms "main building", "accessory building", and "chimneys or fireplaces". I believe this is supported by the fact that the City of Nichols Hills enacted City Ordinances No. 1225 and No. 1226 to clarify the ambiguity in the statute when the legislature deleted the previously defined term of "Accessory Building, Structure, or use" and in its place provided three separate and new definitions for "Accessory Building", "Accessory Structure", and "Accessory Use". If the statute was already clear at the time I build the concrete pad in my backyard, City Ordinances No. 1225 and No. 1226 would not be necessary and would thus be redundant.

Without clear authority in the Code, the judgment call by the City that the concrete pad is subject to a building permit and setback requirements when such a decision runs counter to the express and plain



language of the Code could be viewed as a decision that is in excess of its statutory authority or arbitrary and capricious which is against the law in Oklahoma. *See Okla. Stat. tit. 75, §322. See also Patrick v. State ex rel. State Bd. Of Educ.*, 1992 OK CIV APP 153 and *Metcalf v. Oklahoma Bd. Of Medical Licensure*, 1992 OK CIV APP 174 and *Agrawal v. Oklahoma Dept. of Labor*, 364 P.3d 618.

I also want the Board of Adjustment to know that I did not build this concrete pad without first researching the Code. I also did not intend to purposely try to do something that is against the regulations of the City of Nichols Hills. As you may be aware, Elmhurst Avenue between Penn and May is a street that is frequented by cars trying to get around the lights and stop signs located at Wilshire and Penn. Because of this, we constantly have people driving fast down our street. This caused me to want somewhere else where my kids could play basketball, learn to ride their bikes, use chalk to draw art on the ground, and roll around on their scooters other than in my front yard where a kid could inadvertently go into the street, or a ball could fly into the street and thus subject them to cars quickly driving by. I researched the Code to see if I could build a concrete pad in my backyard so my kids could have a safe place to play that is surrounded and protected by my backyard fence. After fully researching the NH Code I came to the determination that I did not need a building permit before building the concrete pad in my backyard. I say this so that the Board of Adjustment knows that I did not do this to try and skirt the Code, or without consideration of the Code.

I also want the Board of Adjustment to know that I reached out to all neighbors that could potentially be affected by the concrete pad in my backyard. Please see Exhibit I. As you will see, I have secured signatures from my all my neighbors that I share a property line with and could potentially be affected by the concrete pad in my backyard. Their signatures signify their support that the court in my backyard stay as-is and that it not be removed or altered. I think it is important for the Board of Adjustment to know that the residents of Nichols Hills who could potentially be affected by the concrete pad in my backyard are all in agreement that the concrete pad in my backyard should stay in place as-is. To further help the Board of Adjustment visualize where all the residents of Nichols Hills that signed the support letter shown on Exhibit I reside, I've also attached an Exhibit II to my application to show the Board of Adjustment that all Nichols Hills residents that surround each corner of my backyard support my application in front of the Board of Adjustment today. I think that it's also important to make the Board of Adjustment aware that I built this concrete pad back in December of 2022 which is over a year ago and the City of Nichols Hills has not received any complaints of noise from my house or from the concrete pad in my backyard. This goes to further show the Board of Adjustments that they have a years' worth of evidence to prove that this concrete pad is not affecting my neighbor's enjoyment of their property.

In summary, I would ask that the Board of Adjustment reverse the decision of the City of Nichols Hills that a building permit was required for the concrete pad in my backyard that was built over a year ago in 2022, or if the Board of Adjustment believes that a building permit is required, that a building permit be granted for the concrete pad in my backyard and that any setback variances be granted as well. Reversing the decision by the City of Nichols Hills that a building permit is required or allowing for a permit to be granted and granting all setback requirements would not cause substantial detriment to the public good and it would be the minimum necessary to alleviate the unnecessary hardship caused by the City's decision.

I appreciate the time of the Board of Adjustments and thank you for your consideration of my appeal.

Respectfully,



Michael E. Reel

Exhibit I

[Please See Attached]

## To Whom It May Concern:

By signing this letter, I am voicing my support for the application being filed by Michael and Leah Reel who live at 1711 Elmhurst Avenue, Nichols Hills, OK 73120. Specifically, I am supportive of Michael and Leah Reel having a court in their backyard, continuing to have a court in their backyard, and do not believe that it should be subject to removal, any setback requirements, variances, or modifications. Furthermore, if the City of Nichols Hills determines that Michael and Leah Reel should have to obtain a building permit then I am in support of Michael and Leah Reel obtaining a building permit for the court without stipulations or fines and that all setback variances be approved by the City of Nichols Hills without change to the court as currently built. The court in the backyard of Michael and Leah Reel's house does not bother me and I do not object to them having the court in their backyard as they have built it.

| Homeowner's Name            | Homeowner's Signature | Homeowner's Address |
|-----------------------------|-----------------------|---------------------|
| THOMAS R. LASTER            | T.R. Laster           | 1713 Elmhurst       |
| Morgan P. Connelly          | Morgan P. Connelly    | 1712 Elmhurst       |
| Heath Miller<br>H.A. Miller | Heath Miller          | 1714 Elmhurst       |
| Hamid R. Sima               | Hamid R. Sima         | 1709 Elmhurst       |
| Kathleen Gordon             | Kathleen Gordon       | 1712 Guilford Ln    |
| Sean & Ally<br>Corbett      | Sean Corbett          | 1710 Guilford Ln    |



| Homeowner's Name | Homeowner's Signature                                                             | Homeowner's Address |
|------------------|-----------------------------------------------------------------------------------|---------------------|
| Daniel F. Cowden |  | 1714 Guilford Ln.   |
| Dax Dilbeck      |  | 1716 Guilford Ln.   |
|                  |                                                                                   |                     |

Exhibit II



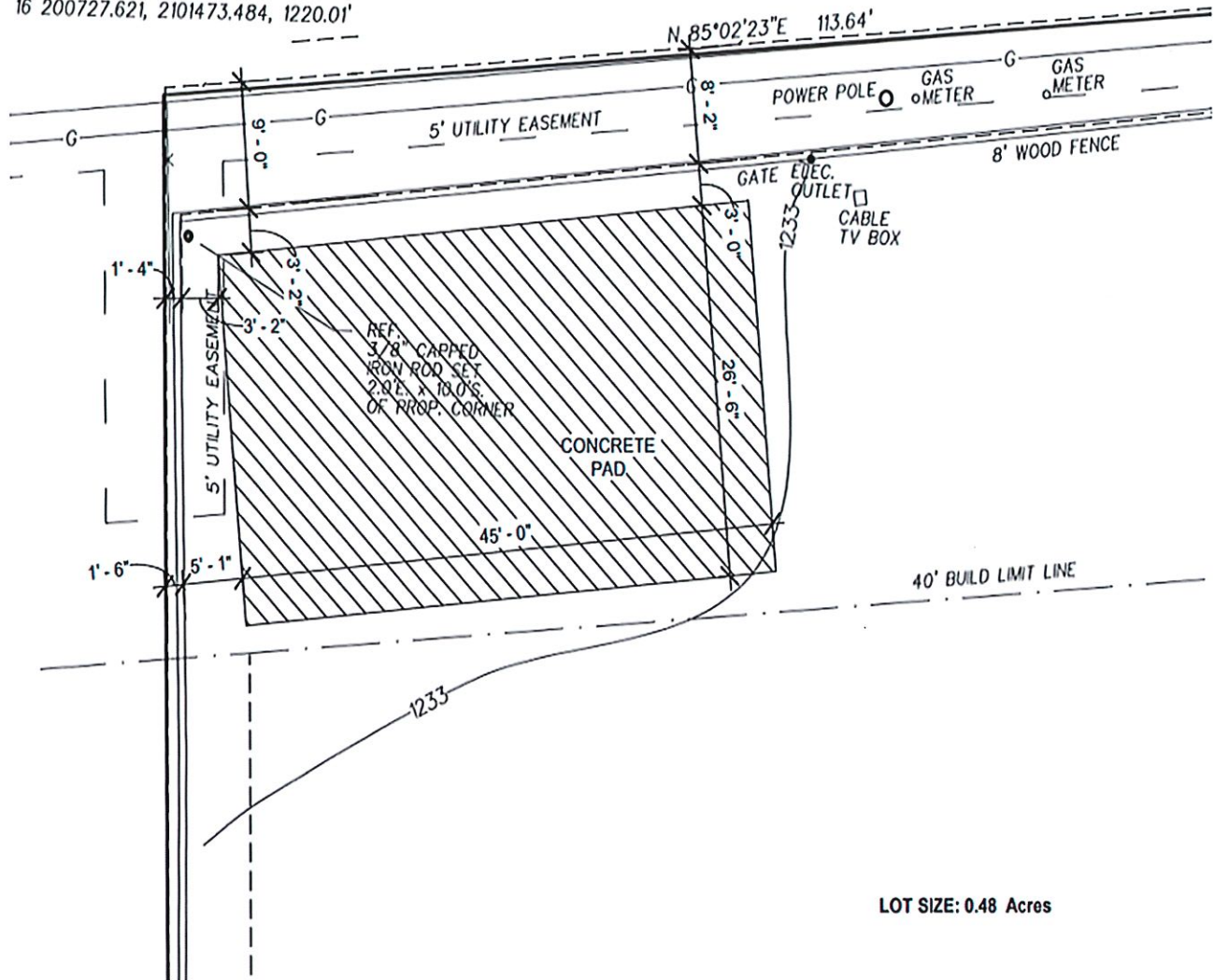


## HORIZONTAL AND VERTICAL CONTROL

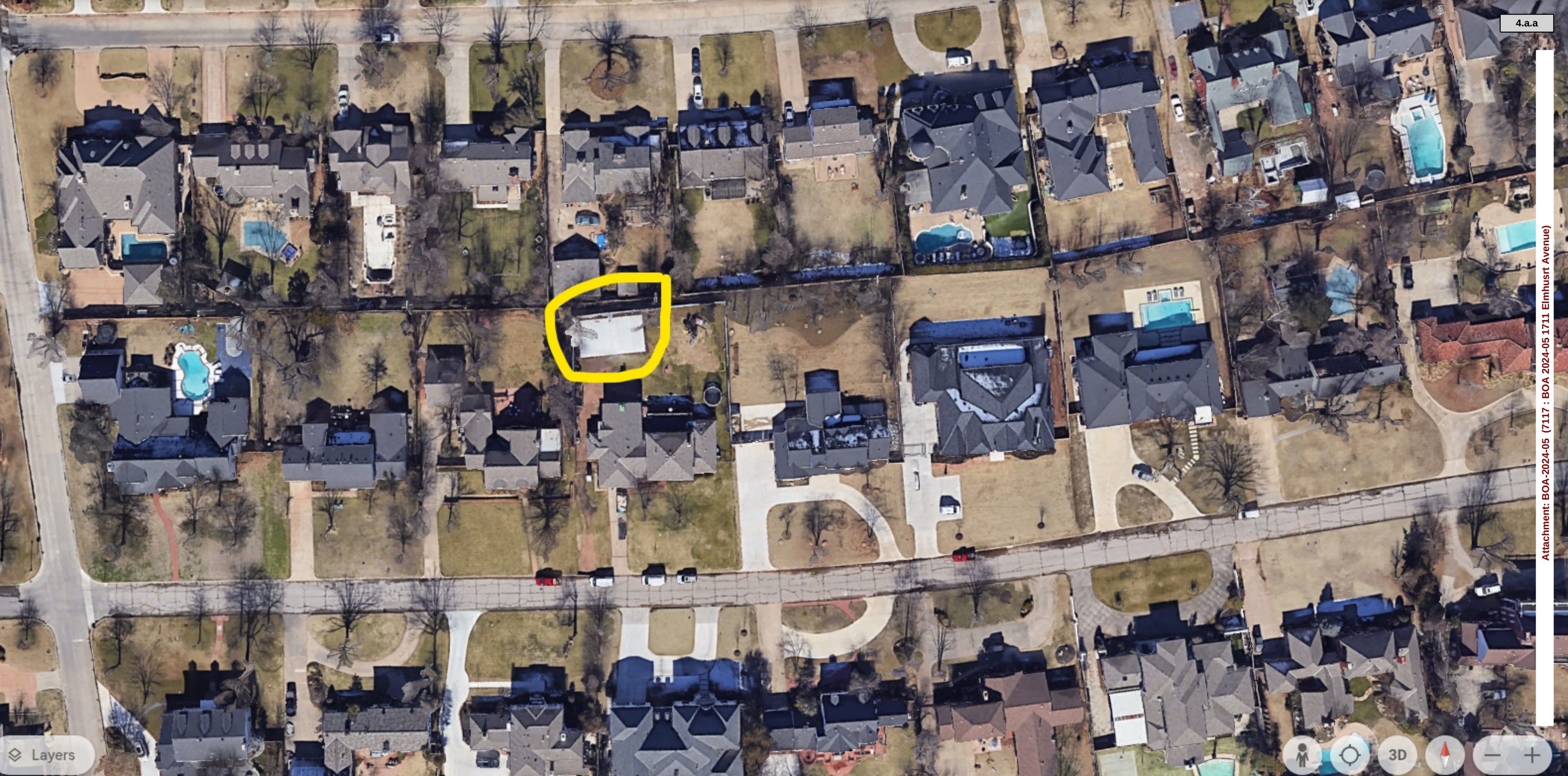
NICHOLS HILLS BENCH MARKS;  
THIS SURVEY IS TIED TO MONUMENT # 16

## MONUMENTS

16 200727.621, 2101473.484, 1220.01'



















Published in OKC Friday on March 24, 2023

## ORDINANCE NO. 1226

AN ORDINANCE AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING SECONDARY BUILDINGS, ACCESSORY BUILDINGS, ACCESSORY STRUCTURES, AND ACCESSORY USES; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

### EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 50-3 of the Nichols Hills City Code is amended, with deleted language stricken through and new language underlined, to wit:

#### **Sec. 50-3. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

~~Accessory Building, Structure, or use means a Building, Structure, or use that is incidental, appropriate, and subordinate to the principal use of the land or Buildings located upon the same premises. A permitted home office use defined and allowed in Section 50-136 is an accessory use. Typical accessory Structures on a residential property would be a detached garage, carport, greenhouse, cabana, gazebo, pergola, storage shed, and any other Structure that is incidental, appropriate, and subordinate to the principal use of the residence. Architectural elements such as trellises and arbors that are used only for decorative purposes are not accessory Structures provided that the architectural design and material used harmonize with the Main Building. All portable Buildings are accessory Structures subject to the regulations of this chapter.~~

Accessory Building means a Building that is less than 650 square feet and that is incidental, appropriate, and subordinate to the principal Building(s) located on the same Lot.

Accessory Structure means a Structure that is less than 650 square feet and that is incidental, appropriate, and subordinate to the principal use of the Building(s) or land located on the same Lot.

Accessory Use means an activity or use in connection with or in a Building or Structure that is incidental, appropriate, and subordinate to the principal use of the Building(s), Structures or land on the same Lot.

\*\*\*\*\*

Landscape Structure means any Structure erected or installed outside and separated from the Main Building that is affixed to the ground and associated with landscaping or used in association with outdoor activities. Landscape Structures include greenhouses, storage sheds, gazebos, pergolas, artwork, statuary, and fountains.

\*\*\*\*\*

Lot means any plot of land occupied or intended to be occupied by one Building, or a group of Buildings, and Secondary Buildings, Accessory Buildings, Accessory Structures, and/or Accessory Uses, including such open spaces as required by this Chapter and other laws or Ordinances, and having its principal frontage on a Street. For the purposes of this Chapter, Lot includes, but is not limited to, a measured plot of land having fixed boundaries and designated on a plat and of at least sufficient size to meet the requirements in this Chapter and in Chapter 40. Minimum Use Regulations and Development Standards, as the term "Lot" is defined in the City Subdivision Regulations.

\*\*\*\*\*

Lot Coverage means the percentage of the Buildable Area of a Lot which is covered by a roof or other Structure and is not open to the sky, calculated from outside face of frame to outside face of frame. The term "Lot Coverage" includes, but is not necessarily limited to, the Main Building, Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses. covered Porches and decks, covered terraces, Carports, and Porte Cocheres. "Lot Coverage" does include unenclosed swimming pools, unenclosed tennis or game courts, and driveways.

\*\*\*\*\*

→ Sports Court means any outdoor uncovered surface area designed for athletic or recreational purposes, including tennis, basketball, handball, pickleball, paddleball, badminton, bocce ball, volleyball, and racquetball courts. Sports Courts include any slabs, fences, and lighting accessory to the Sports Court. Sports Courts do not include driveways or parking areas that are used for athletic or recreational purposes (such as a single basketball goal installed on a residential driveway). Swimming Pools are not Sports Courts.

Section 2. New Division 6 of Article II is hereby added to Chapter 50, with new language underlined, to wit:

**Division 6 – Accessory Buildings, Accessory Structures, and Accessory Uses.**

**Sec. 50-158. Accessory Buildings, Accessory Structures, and Accessory Uses in general.**

Except as otherwise set out in this Division, all Accessory Buildings, Accessory Structures, and Accessory Uses are subject to the following:

or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

c. *Additional requirements for tree houses.*

- i. *Developmental regulations.* Tree houses may not exceed 14 feet in height and may not exceed 100 square feet in area.
- ii. *Screening requirements.* Tree houses shall be screened from view from the public street to achieve a visual barrier to the height provided herein. Such screening shall be at least six feet in height and shall consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the city code official. Any tree houses exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the tree house, in addition to any walls that may be used to screen the tree house. Evergreen landscaping or other methods approved by the city code official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier. Except where sidewalks, evergreen landscaping, or other landscaping approved by the code official exist, lawn quality natural grass must cover the entire property between the public street and the wall facing the street.

**Sec. 50-168. Portable Buildings.**

Portable Buildings are Accessory Buildings that are allowed in all Zoning Districts and that do not require a Permit. Portable Buildings are subject Section 50-158 (except that they do not require a Permit) and the following:

- (1) Portable Buildings may not be located in a Front Yard. Portable Buildings may be located only in a Rear Yard or Side Yard.
- (2) Portable Storage Buildings and Portage Storage Containers for temporary storage purposes are addressed in Section 8-65.
- (3) Any Building that is moveable but that is larger than a Portable Building requires a Conditional Use Permit.

 **Sec. 50-169. Sports Courts.**

Sports Courts are Accessory Structures that are allowed only in the E-1 Estate District, the E-2 Urban Estate District, and the U-4 Church District by Conditional Use Permit. Sports Courts are prohibited in all other Zoning Districts.

Where allowed, Sports Courts are subject to Section 50-158 and the following:



 (1) *Building Permit required.* In addition to the Conditional Use Permit required by Section 50-158, the applicable Permit must be obtained for any hard surface area, slab, wall, fence, enclosure or other Structure, as required by this Chapter.

(2) *Landscaping required; Planting Plan.* Sports Courts must be screened from view from the street or any public way by landscaping. For installation of a Sports Court, the application for a Building Permit must be accompanied by a Planting Plan, as defined by Section 50-300 of this Code, which includes graphic and written criteria of plant placement, plant specification of type, sizing, and spacing and other features to comply with the provisions of this Section. The Planting Plan will be reviewed as part of the Building Permit review processes. A Building Permit will not be issued until the Planting Plan has been reviewed, approved, and made a part of the Building Permit file. The Planting Plan may be included in a site plan or other construction document.

(3) *Location and Setbacks.* Sports Courts may be constructed only in the Rear Yard or Side Yard of a Lot.

(4) *Fencing.* Any fence enclosing a Sports Court must comply with the requirements set out in Article VI, Chapter 8 of this Code as to height and appearance. Notwithstanding such requirements, the portion of any fence that exceed six feet in height must be open fencing.

(5) *Lighting.*

a. *General.* Sports Court lighting must comply with the requirements set out in Division 9, Article II of this Chapter.

b. *Hours of illumination.* Sports Courts lights may not be on at any time on any given day from one-half hour after sunset to one-half hour before sunrise.

(6) *No commercial use.* A Conditional Use Permit issued by the City for a Sports Court is for the sole use and enjoyment of the Property Owner, such owner's tenants and guests. A Sports Court may not be used for any commercial purpose.

(7) *Existing Sports Courts.* Sports Courts existing as of the effective date of this Division must comply with the provisions in this Section applicable to operation and maintenance of Sports Courts.

### **Sec. 50-170. Swimming Pools.**

Swimming Pools are Accessory Structures that are allowed by Swimming Pool Permits in the Residential Zoning Districts. Where required by this Code, a Certificate of Approval from the Building Commission may also be required. Swimming Pools are subject to Section 50-158 and the requirements set out in Article VII, Chapter 8 of this Code.

Published in OKC FRIDAY on June 23, 2023

## ORDINANCE NO. 1231

AN ORDINANCE AMENDING CHAPTER 3 OF THE NICHOLS HILLS CITY CODE REGARDING THE CITY FEE SCHEDULE; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

### ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Chapter 3 of the Nichols Hills City Code, Section 3-3 (City Fee Schedule) is hereby amended, with new language underlined and deleted language dashed through, to wit:

#### **Sec. 3-3. Fee schedule.**

The following City Fee Schedule is hereby adopted.

#### **CITY FEE SCHEDULE**

##### ***Chapter 2. Administration***

Permit and inspection fees.

- (a) Connection to a storm sewer ..... \$62.00
- (b) Connection to a sanitary sewer, inside City ..... \$117.00
- (c) Connection to a sanitary sewer, outside City ..... \$344.00

Note: For other permit and inspection fees see Chapter 38: right-of-way use; paving and curb cuts; Portland cement, driveways and driveway approaches

Engineering services performed by the City.

- (a) *Paving plans.* Where the City Engineer or his designated representative prepares paving plans, fees shall be the maximum permitted by state assessment paving laws.
- (b) *All other public improvements.* The fee shall be a percentage of estimated costs as provided herein:

| Estimated Construction Cost | Fee in Percentage |
|-----------------------------|-------------------|
| Up to \$10,000.00           | 13.8              |

Plus, per opening ..... \$10.00

Plus inspection fees

First inspection ..... \$30.00

Second inspection ..... \$35.00

Third and each subsequent inspection ..... \$55.00

Portland cement construction, repair or replacement of driveways, driveway approaches, or portion thereof, located on street, parking or other public easement or property ..... \$115.00

Plus inspection fees

First inspection ..... \$30.00

Second inspection ..... \$35.00

Third and each subsequent inspection ..... \$55.00

All other Portland cement work ..... \$115.00

Plus inspection fees

First inspection ..... \$30.00

Second inspection ..... \$35.00

Third and each subsequent inspection ..... \$55.00

Application to close public way or easement ..... \$1750.00

#### **Chapter 40. Subdivisions**

Plat and planned unit development application fees

Preliminary plat ..... \$3,500.00

Final plat ..... \$3,500.00

Planned unit development ..... \$3,500.00

Deed approval application fees

Lot line adjustment deed approval application fee ..... \$250.00

Metes and bounds tract deed approval application fee ..... \$250.00

Lot split deed approval application fee ..... \$500.00

Combined lot deed approval application fee ..... \$500.00

#### **Chapter 42. Taxation**



# Larry Stein Oklahoma County Assessor's Office



## Ownership Radius Report

This Official Report is for Account Number R169840185 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. **Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.**

Attachment: BOA-2024-05 (7117 : BOA 2024-05 1711 Elmhurst Avenue)

STATE OF OKLAHOMA } ss:  
COUNTY OF OKLA.

I, the duly elected, qualified and acting  
County Assessor, in and for the County  
and State aforesaid, do hereby certify that  
the within and foregoing is a full, true and  
complete copy of 2024 Ft. Collins report

filed in the office of the County Assessor  
on the 28<sup>th</sup> day of NOV, 2023

Given under my hand and official seal this  
28<sup>th</sup> day of NOV, 2023

County Assessor

Kstrayer Deputy

| accountno  | name1                                             | name2                                  | name3   | mailingaddress1      | city          | state | zipcode    | subname                         | block | lot | legal                                                                                                                                                                                                            | location                              |
|------------|---------------------------------------------------|----------------------------------------|---------|----------------------|---------------|-------|------------|---------------------------------|-------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| R169707500 | RIESEN THOMAS C TRUST                             | RIESEN CYNTHIA D TRUST                 | No Data | 1715 W WILSHIRE BLVD | NICHOLS HILLS | OK    | 73116-4113 | UNPLTD PT SEC 31 13N 3W 000 000 | 0     | 0   | UNPLTD PT SEC 31 13N 3W 000 000<br>PT SE4 SEC 31 13N 3W & PT NE4 SEC 6 12N 3W BEG 40FT W & 155.38FT N & 98.59FT SWLY & 821.41FT WLY<br>ALONG A CURVE FROM SE/C SE4 SEC 31 13N 3W TH WLY ALONG A CURVE 0 137.64FT | 1715 W WILSHIRE<br>BLVD NICHOLS HILLS |
| R169707510 | ALMARAZ LOUIS TRS                                 | ALMARAZ LOUIS LIV TRUST                | No Data | 1711 W WILSHIRE BLVD | NICHOLS HILLS | OK    | 73116-4113 | UNPLTD PT SEC 31 13N 3W 000 000 | 0     | 0   | UNPLTD PT SEC 31 13N 3W 000 000<br>PT OF SE4 SEC 31 13N 3W BEG 155.38FT N & 795FT WLY OF SE/C OF SE4 TH WLY 165FT S225FT ELY 165FT                                                                               | 1711 W WILSHIRE<br>BLVD NICHOLS HILLS |
| R169708500 | MCDONALD WILLIAM M REV TRUST                      | No Data                                | No Data | 1707 W WILSHIRE BLVD | NICHOLS HILLS | OK    | 73116-4113 | UNPLTD PT SEC 31 13N 3W 000 000 | 0     | 0   | UNPLTD PT SEC 31 13N 3W 000 000<br>PT SE4 SEC 31 13N 3W & PT NE4 SEC 6 12N 3W BEG 40FT W & 155.38FT N & 98.59FT SWLY & 306.41FT WLY ON A CURVE FROM SE/C SE4 SEC 31 13N 3W TH WLY ON A CURVE 170FT               | 1707 W WILSHIRE<br>BLVD NICHOLS HILLS |
| R169709000 | OSTROWE DAVID 2004 TRUST                          | OSTROWE CAMILLA 2004 TRUST             | No Data | 1709 W WILSHIRE BLVD | NICHOLS HILLS | OK    | 73116-4113 | UNPLTD PT SEC 31 13N 3W 000 000 | 03W   | 13  | UNPLTD PT SEC 31 13N 3W 03W 013<br>PT SE4 SEC 31 13N 3W & PT NE4 SEC 6 12N 3W BEG 155.38FT N & 40FT W & 98.59FT SW & 481.41FT WLY<br>FROM SE/C SE4 TH N25FT WLY 75FT S250FT ELY 175FT TH N TO BEG                | 1709 W WILSHIRE<br>BLVD NICHOLS HILLS |
| R169840045 | MCF REV TRUST                                     | No Data                                | No Data | 1716 ELMHURST AVE    | NICHOLS HILLS | OK    | 73120-1012 | NICHOLS HILLS WILSHIRE          | 95    | 9   | NICHOLS HILLS WILSHIRE 095 009                                                                                                                                                                                   | 1716 ELMHURST AVE<br>NICHOLS HILLS    |
| R169840040 | MIRELES HEATH B TRS & 2018 TRUST                  | MIRELES JESSICA J TRS & 2018 TRUST     | No Data | 1714 ELMHURST AVE    | NICHOLS HILLS | OK    | 73120-1012 | NICHOLS HILLS WILSHIRE          | 95    | 8   | NICHOLS HILLS WILSHIRE 095 008                                                                                                                                                                                   | 1714 ELMHURST AVE<br>NICHOLS HILLS    |
| R169840035 | CONNELLY MORGAN P TRS                             | CONNELLY MORGAN 2017 TRUST             | No Data | 1712 ELMHURST AVE    | NICHOLS HILLS | OK    | 73120      | NICHOLS HILLS WILSHIRE          | 95    | 7   | NICHOLS HILLS WILSHIRE 095 007                                                                                                                                                                                   | 1712 ELMHURST AVE<br>NICHOLS HILLS    |
| R169840030 | FALCON MILLENNIUM TRUST                           | No Data                                | No Data | 10001 NANCY RD       | OKLAHOMA CITY | OK    | 73131      | NICHOLS HILLS WILSHIRE          | 95    | 6   | NICHOLS HILLS WILSHIRE 095 006                                                                                                                                                                                   | 1710 ELMHURST AVE<br>NICHOLS HILLS    |
| R169840025 | LAWRENCE CHARLES A JR & HILLARY TRS               | LAWRENCE CHARLES A JR & H S 2015 TRUST | No Data | 1708 ELMHURST AVE    | NICHOLS HILLS | OK    | 73120-1012 | NICHOLS HILLS WILSHIRE          | 95    | 5   | NICHOLS HILLS WILSHIRE 095 005                                                                                                                                                                                   | 1708 ELMHURST AVE<br>NICHOLS HILLS    |
| R169840020 | FELLRATH DOUGLAS & REBECCA ANN                    | No Data                                | No Data | 1706 ELMHURST AVE    | NICHOLS HILLS | OK    | 73120-1012 | NICHOLS HILLS WILSHIRE          | 95    | 4   | NICHOLS HILLS WILSHIRE 095 004                                                                                                                                                                                   | 1706 ELMHURST AVE<br>NICHOLS HILLS    |
| R169840015 | JENNINGS CHRISTOPHER ANDREW & KELSEY LAINE CO TRS | DKJ REV TRUST                          | No Data | 1704 ELMHURST AVE    | NICHOLS HILLS | OK    | 73120      | NICHOLS HILLS WILSHIRE          | 95    | 3   | NICHOLS HILLS WILSHIRE 095 003                                                                                                                                                                                   | 1704 ELMHURST AVE<br>NICHOLS HILLS    |



|            |                              |         |                         |                                 |               |    |            |                        |    |    |                                        |                                    |
|------------|------------------------------|---------|-------------------------|---------------------------------|---------------|----|------------|------------------------|----|----|----------------------------------------|------------------------------------|
| R169840170 | FARMER JAZMINE               | No Data |                         | 1717 ELMHURST AVE               | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 27 | NICHOLS HILLS WILSHIRE 096 027         | 1717 ELMHURST AVE<br>NICHOLS HILLS |
| R169840175 | WOLF MARY LYNN TRUST         | No Data |                         | 1715 ELMHURST AVE               | NICHOLS HILLS | OK | 73120-1011 | NICHOLS HILLS WILSHIRE | 96 | 28 | NICHOLS HILLS WILSHIRE 096 028         | 1715 ELMHURST AVE<br>NICHOLS HILLS |
| R169840180 | LASTER THOMAS R & SUSAN R    | No Data |                         | 1713 ELMHURST AVE               | NICHOLS HILLS | OK | 73120-1011 | NICHOLS HILLS WILSHIRE | 96 | 29 | NICHOLS HILLS WILSHIRE 096 029         | 1713 ELMHURST AVE<br>NICHOLS HILLS |
| R169840185 | REEL MICHAEL & LEAH          | No Data |                         | 1711 ELMHURST AVE               | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 30 | NICHOLS HILLS WILSHIRE 096 030         | 1711 ELMHURST AVE<br>NICHOLS HILLS |
| R169840190 | SIMA HAMID                   | No Data | SATVATI NAHID           | 1709 ELMHURST AVE               | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 31 | NICHOLS HILLS WILSHIRE 096 031         | 1709 ELMHURST AVE<br>NICHOLS HILLS |
| R169840195 | BROWN RYANNE E               | No Data | BROWN MATTHEW K         | 1707 ELMHURST AVENUE            | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 32 | NICHOLS HILLS WILSHIRE BLK 096 LOT 032 | 1707 ELMHURST AVE<br>NICHOLS HILLS |
| R169840200 | GARNER DANA DENISE           | No Data | GARNER WILLIAM LANCE    | 1705 ELMHURST AVE               | OKLAHOMA CITY | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 33 | NICHOLS HILLS WILSHIRE BLK 096 LOT 033 | 1705 ELMHURST AVE<br>NICHOLS HILLS |
| R169840165 | WILSON TROY L REV TRUST      | No Data |                         | 1724 GUILFORD LN                | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 26 | NICHOLS HILLS WILSHIRE 096 026         | 1724 GUILFORD LN<br>NICHOLS HILLS  |
| R169840145 | SPARLING L B & CYNTHIA L TRS | No Data | SPARLING 2023 REV TRUST | 1720 GUILFORD LN                | NICHOLS HILLS | OK | 73120-1014 | NICHOLS HILLS WILSHIRE | 96 | 0  | LOTS 22 THRU 25                        | 1720 GUILFORD LN<br>NICHOLS HILLS  |
| R169840140 | TREACY JON                   | No Data | TREACY HELEN LOUISE     | 22 OLD MILL DR BLDG 2, Unit 250 | CANTON        | CT | 6019       | NICHOLS HILLS WILSHIRE | 96 | 0  | LOTS 19 20 & 21                        | 1718 GUILFORD LN<br>NICHOLS HILLS  |
| R169840125 | DILBECK CALEB DAX            | No Data | DILBECK MOLLIE          | 1716 GUILFORD LN                | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 0  | W12.55FT LOT 15 & ALL 16 17 & 18       | 1716 GUILFORD LN<br>NICHOLS HILLS  |
| R169840105 | COWDEN DANIEL F & SANDRA K   | No Data |                         | 1714 GUILFORD LN                | NICHOLS HILLS | OK | 73120-1014 | NICHOLS HILLS WILSHIRE | 96 | 0  | LOTS 12 13 & 14 & E12 1/2FT LOT 15     | 1714 GUILFORD LN<br>NICHOLS HILLS  |
| R169840095 | GORDON BRYAN & KATHLEEN      | No Data |                         | 1712 GUILFORD LN                | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 0  | LOTS 9 10 & 11                         | 1712 GUILFORD LN<br>NICHOLS HILLS  |
| R169840075 | PINKLEY ALLYSON A            | No Data | CORBETT SEAN P          | 1710 GUILFORD LN                | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 0  | WSFT OF LOT 5 & ALL LOTS 6 THRU 8      | 1710 GUILFORD LN<br>NICHOLS HILLS  |
| R169840070 | PRATER SCOTT                 | No Data | PRATER ELIZABETH        | 1708 GUILFORD LN                | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 5  | WSFT                                   | 1708 GUILFORD LN<br>NICHOLS HILLS  |
| R169840065 | JACKSON BRIAN C & CAMILLE G  | No Data |                         | 1706 GUILFORD LN                | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS WILSHIRE | 96 | 0  | LOT 4 EX 5FT                           | 1706 GUILFORD LN<br>NICHOLS HILLS  |
| R169840365 | GARRETT PATRICK W            | No Data |                         | 1721 GUILFORD LN                | NICHOLS HILLS | OK | 73120-1013 | NICHOLS HILLS WILSHIRE | 97 | 0  | LOTS 47 48 & 49                        | 1721 GUILFORD LN<br>NICHOLS HILLS  |

Oklahoma County Assessor's  
300ft Radius Report  
11/28/2023

|            |                                  |                             |         |                            |               |    |            |                           |    |                                                                                                                                                            |                                   |
|------------|----------------------------------|-----------------------------|---------|----------------------------|---------------|----|------------|---------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| R169840385 | MAHMOOD<br>AAMIR                 | No Data                     | No Data | 10600 S PENN<br>AVE STE 16 | OKLAHOMA CITY | OK | 73170-4257 | NICHOLS HILLS<br>WILSHIRE | 97 | NICHOLS HILLS WILSHIRE 097 000<br>LOTS 50 51 & 52                                                                                                          | 1719 GUILFORD LN<br>NICHOLS HILLS |
| R169840395 | FORD ASHLEY                      | FORD MICHAEL<br>RYAN        | No Data | 1717 GUILFORD<br>LN        | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS<br>WILSHIRE | 97 | NICHOLS HILLS WILSHIRE 097 000 ALL<br>LOTS 53 54 55 EX PT LT 55 BEG SE/C<br>N181.38FT TO NE/C WLYSFT SELY<br>APPROX 182FT TO BEG                           | 1717 GUILFORD LN<br>NICHOLS HILLS |
| R169840415 | RASMUSSEN<br>TIMOTHY D           | OLMSTEAD SEAN<br>C          | No Data | 1715 GUILFORD<br>LN        | NICHOLS HILLS | OK | 73120-1013 | NICHOLS HILLS<br>WILSHIRE | 97 | NICHOLS HILLS WILSHIRE 097 000 PT<br>OF LOT 55 BEG AT SE/C LT 55 TH<br>N181.38FT TO NE/C TH WLYSFT TH<br>SELY APPROX 182FT TO BEG & ALL<br>LOTS 56 57 & 58 | 1715 GUILFORD LN<br>NICHOLS HILLS |
| R169840425 | WOFORD KIRK                      | No Data                     | No Data | 1713 GUILFORD<br>LN        | NICHOLS HILLS | OK | 73120-1013 | NICHOLS HILLS<br>WILSHIRE | 97 | NICHOLS HILLS WILSHIRE 097 000<br>LOTS 59 60 & 61                                                                                                          | 1713 GUILFORD LN<br>NICHOLS HILLS |
| R169840445 | NICHOLS HILLS<br>INVESTMENTS LLC | No Data                     | No Data | 1711 GUILFORD<br>LN        | NICHOLS HILLS | OK | 73120      | NICHOLS HILLS<br>WILSHIRE | 97 | NICHOLS HILLS WILSHIRE 097 000<br>LOTS 62 THRU 64                                                                                                          | 1711 GUILFORD LN<br>NICHOLS HILLS |
| R169840455 | JOHNSTON<br>REBECCA B TRS        | JOHNSTON<br>REBECCA B TRUST | No Data | 1709 GUILFORD<br>LN        | NICHOLS HILLS | OK | 73120-1013 | NICHOLS HILLS<br>WILSHIRE | 97 | 65 NICHOLS HILLS WILSHIRE 097 065                                                                                                                          | 1709 GUILFORD LN<br>NICHOLS HILLS |









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**CITY OF NICHOLS HILLS**

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**NOTICE OF PUBLIC HEARING  
CASE NO. BOA 2024-06**

**NOTICE IS HEREBY GIVEN** that an application has been filed seeking a variance from the Nichols Hills City Code on the following described property:

Lot Three (3), in block Twenty-three (23), of Nichols Hills, Oklahoma County, Oklahoma, as shown by the recorded plat thereof.

The property is also known as **1204 Belford Avenue**. Current zoning is **R-1-60**.

The applicants desire to build an addition to the dwelling. For the proposed addition the applications are seeking a 1'8 ½ " variance from the west side yard setback, leaving a 4'9 ½ " west side yard setback. For the proposed addition, the applicants are also seeking a 6' building envelope variance on the west side of the dwelling.

**A PUBLIC HEARING WILL BE HELD** on said application by the Nichols Hills Board of Adjustment in the Council Chambers, City Hall 6407 Avondale Drive, Nichols Hills, Oklahoma 73116 on the 20<sup>th</sup> day of March 2024 at 5:30 p.m.

**ALL PERSONS, OWNERS, OR RESIDENTS** within the above-described area are hereby given notice that they may appear at said hearing or file a petition within the Board of Adjustment and offer arguments and evidence for or against the granting of said application as they deem proper in the premises.

Dated this 5<sup>th</sup> day of March 2024.

Amanda Copeland  
City Clerk  
City of Nichols Hills, Oklahoma

Attachment: BOA-2024-06 (7154 : BOA 2024-06 1204 Belford Avenue)



**CITY OF NICHOLS HILLS, OKLAHOMA**  
**Application for Nichols Hills Board of Adjustment**  
**Hearing and Action**

Staff use only

Case # \_\_\_\_\_

Date filed \_\_\_\_\_

Fee receipt # \_\_\_\_\_

Completed applications should be submitted to the Nichols Hills Public Works Department via email at [buildinginspections@nicholshills.net](mailto:buildinginspections@nicholshills.net).

Required fee should be submitted to the Nichols Hills City Clerk, 6407 Avondale Drive, Nichols Hills, Oklahoma 73116.

Applicant is encouraged to consult the applicable provisions of the Nichols Hills City Code (“the Code”) regarding the Nichols Hills Board of Adjustment when completing this Application.

Attach a separate sheet to provide complete answers if necessary.

Applicant’s name: Jacob Fricks (owner)    Matt Cooper (contractor)

Mailing address: 1204 Belford Avenue, Nichols Hills, OK 73116

Telephone number(s): (949) 370-8540 (owner)    (405) 627-3925 (contractor)

Email address(es): jacob.fricks@gmail.com

Address and legal description of subject property: 1204 Belford Ave    Lot 3 Block 23 Nichols Hills Addition

Current zoning classification: R - 1 - 60

Present use of the property: Single Family Residence

This is an application for: ☒ Variance    ☐ Appeal from administrative official decision

The following must be attached to this Application:

1. **Proof of authority.** Proof of applicant’s authority to make this Application by attaching a copy of the applicable deed evidencing applicant’s ownership or an affidavit regarding ownership (a form for which is attached to this Application).
2. **Ownership list.** Report certified by a bonded abstractor stating the names and mailing addresses for the owner(s) of record whose property is within a 300-foot radius of the exterior boundary of the subject property.
3. **Supporting Information.**
  - (a) For Applications that relate to a denied Application for Building Permit (or other Application related to Chapter 50 of the Code): a copy of the denied Application and originals of all supporting information that was required for it pursuant to the Code (specifically Sec. 50-188(c) for Applications for Building Permits).
  - (b) For Applications for a variance prior to submission of an Application for Building Permit: photos of the subject building or building site; a conceptual site plan drawn to scale showing the exact size and location of lots or land, the size and location of buildings and floor plans, and measurements showing distance from

Attachment: BOA-2024-06 (7154 : BOA 2024-06 1204 Belford Avenue)

the outside line of buildings (existing and proposed) to the outside property lines; renderings of the proposed changes to the site; and a survey meeting the requirements of Sec. 50-188(c) of the Code.

**4. Explanatory Statements.** Provide responses applicable to this Application. Attach additional pages as necessary to provide complete answers.

**(a) Variance requests.** See Sec. 50-158 of the Code.

i. State the details of the variance you are seeking.

The setback of the existing residence is 4'-9 1/2" from the property line. We would like to add to the house along the property line. The new addition would follow the existing elevation and this would continue to encroach on the setback. In addition, the application of the "Double Stepback No Build Envelope" ordinance would prevent the addition from being built

If the variance sought relates to a development regulation applicable for the District in which the property is located (setback, lot coverage, floor area ratio, height, no build envelope), complete the worksheet that follows on page 4.

ii. Code Section(s) from which a variance is requested:

Section 50-50 (e) (3) (a) and Ordinance 1224

iii. State why you believe application of such Code Section(s) to the particular piece of property creates an unnecessary hardship.

Having to inset the addition to the current setback will not allow sufficient space for the interior of the project to be functional.

iv. State why you believe such conditions are peculiar to the particular piece of property involved.

The conditions are peculiar to this project because of the existing encroachment of the structure.

v. State whether you believe the relief, if granted, would cause a detriment to the public good and why.

The extension of the property will not impact the public good in any way. There will be no significant change to the relationship of this property to its neighbors.

vi. State whether you believe the relief, if granted, would impair the purposes and intent of the City's zoning ordinances and why.

Since the existing property is already encroaching on the setback, I do not believe adding to the structure along the current elevation would impair the intent of the ordinance



- vii. State how the variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

If granted, the ability to continue the structure along the existing setback will allow sufficient space for the interior project to be functional.

**(b) Appeals.** See Sec. 50-294 of the Code.

- i. State the details of the relief you are seeking.

\_\_\_\_\_  
\_\_\_\_\_

- ii. Date and nature of the order, requirement, decision or determination appealed:

\_\_\_\_\_

- iii. Name and title of the City officer who made the order, requirement, decision or determination appealed:

\_\_\_\_\_

- iv. Details of the alleged error in the order, requirement, decision or determination appealed:

\_\_\_\_\_

This Application will be considered officially submitted and filed only after it is examined by the City Clerk and found to have met the applicable requirements of Chapter 50 of the Code and those set out in this Application and after the fee of \$750 as required by the Code has been paid. At that time, the City Clerk will set the Application for hearing before the Nichols Hills Board of Adjustment. Applicant will be advised of the date and time for that hearing. It is highly recommended that applicant attend (or have a representative attend) the hearing and be prepared to answer questions.

The above statements in this Application and all attachments to it are true and correct.

Submitted and agreed to this \_\_\_ day of \_\_\_\_\_, 202\_\_.

Signature: \_\_\_\_\_

Print applicant's full legal name: \_\_\_\_\_

Print signatory party's title if applicant is a legal entity: \_\_\_\_\_

## Board Of Adjustment

|                                  |                                                                                                            |                          |                                     |
|----------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|
| Address                          | 1204 Belford Ave                                                                                           |                          |                                     |
| Lot And Block                    | Lot 3                                                                                                      | Block 23                 |                                     |
| Zone                             | R-1-60                                                                                                     |                          |                                     |
| City                             | Nichols Hills                                                                                              |                          |                                     |
| County                           | Oklahoma County                                                                                            |                          |                                     |
| State                            | Oklahoma                                                                                                   |                          |                                     |
| Zip Code                         | 73116                                                                                                      |                          |                                     |
| <b>Type of Building or Fence</b> | Check box below                                                                                            | New                      | Addition                            |
| Main Building                    | <input checked="" type="checkbox"/>                                                                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Accessory Building               | <input type="checkbox"/>                                                                                   | <input type="checkbox"/> | <input type="checkbox"/>            |
| Fence                            | <input type="checkbox"/>                                                                                   | <input type="checkbox"/> | <input type="checkbox"/>            |
| <b>Type Of adjustment</b>        |                                                                                                            |                          |                                     |
|                                  | <b>Allowed</b>                                                                                             | <b>Proposed</b>          | <b>Amount over allowed</b>          |
| 1. Front Setback                 |                                                                                                            |                          |                                     |
| 2. Rear Setback                  |                                                                                                            |                          |                                     |
| 3. Side Setback East             |                                                                                                            |                          |                                     |
| 4.Side Setback West              | 6'-6"                                                                                                      | 4'- 9 1/2"               | 1'- 8 1/2"                          |
| 5 Building Lot Coverage          |                                                                                                            |                          |                                     |
| 6 Floor area Ratio               |                                                                                                            |                          |                                     |
| 7. Height                        |                                                                                                            |                          |                                     |
| 8. Building envelope             | 0                                                                                                          | 6'                       | 6'                                  |
| 9. Other                         | <b>Explanation</b>                                                                                         |                          |                                     |
| NOTE                             | Homeowner request variance for the west sideyard setback; along with building 6' in the no-build envelope. |                          |                                     |

### Application for Variance – Development Regulation Worksheet

Applicant's Name: Jacob Fricks

Property Address: 1204 Belford Ave, Nichols Hills 73116

**Applicable Structure:** (Check as applicable)

|                                                   |                              |                                              |
|---------------------------------------------------|------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Main Building | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Addition |
| <input type="checkbox"/> Accessory Building       | <input type="checkbox"/> New | <input type="checkbox"/> Addition            |
| <input type="checkbox"/> Fence                    | <input type="checkbox"/> New | <input type="checkbox"/> Addition            |

**Type of Adjustment Sought:** Provide information in inches and feet. Do not use decimals.

|                                                                   | Allowed by City Code | Proposed Variance | Amount over Allowed |
|-------------------------------------------------------------------|----------------------|-------------------|---------------------|
| Front Yard Setback                                                |                      |                   |                     |
| Rear Yard Setback                                                 |                      |                   |                     |
| Side Yard Setback<br>(specify north, south,<br>east or west side) | 6'-6"                | 4'-9 1/2"         | 1'-8 1/2"           |
| Building Lot Coverage                                             |                      |                   |                     |
| Floor Area Ratio                                                  |                      |                   |                     |
| Height                                                            |                      |                   |                     |
| No Build Envelope                                                 | 0                    | 6'-0"             | 6'-0"               |
| Other                                                             | Explanation:         |                   |                     |

Attachment: BOA-2024-06 (7154 : BOA 2024-06 1204 Belford Avenue)





(Individual Form)  
**JOINT TENANCY WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

**LGH Revocable Family Trust dated October 13, 2020** party of the first part, in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable considerations to it in hand paid, the receipt of which is hereby acknowledged does hereby grant, bargain, sell and convey unto

**Jacob Ray Fricks and Merich Fricks**

as joint tenants and not as tenants in common, with the right 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:

**For Tax Map ID(s): 169572970**

Lot Three (3), in Block Twenty-three (23), of NICHOLS HILLS, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Subject to easements, rights of way and restrictive covenants of record. Less and except all oil, gas and other minerals previously reserved or conveyed of record.

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

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, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed and delivered June 5, 2023.

LGH Revocable Family Trust dated October 13, 2020

BY: [Signature]  
Matthew Jared Howard  
Trustee

BY: [Signature]  
Kaitlin Dawn Howard  
Trustee

The State of OKLAHOMA

**TRUSTEE ACKNOWLEDGMENT**

County of OKLAHOMA

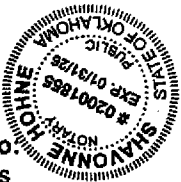
Before me, the undersigned, a Notary Public, in and for said County and State, on this 5 day of June, 2023 personally appeared Matthew Jared Howard and Kaitlin Dawn Howard, Trustee(s) of the LGH Revocable Family Trust dated October 13, 2020 to me known to be the identical person(s) who executed the within foregoing instrument as its Trustee, and acknowledged to me that (he/she/they) executed the same as (his/her/their) free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

[Signature]  
Notary Public in and for the State of Oklahoma

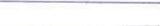
Notary's Printed Name: Sharon R. [Signature]  
Notary's Commission Expires: 12/31/2024

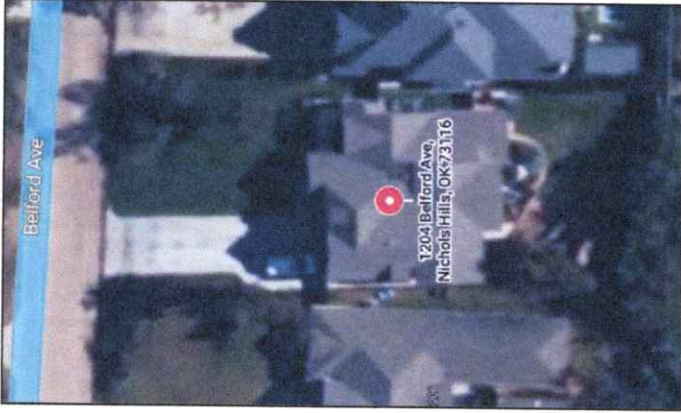
**Mail Deed and Tax Statements To:**  
Jacob Ray Fricks and Merich Fricks  
1204 Belford Avenue  
Nichols Hills, OK 73116



**Presented for filing by and return to:**  
Chicago Title Oklahoma Co.  
3401 NW 63rd, Suite 300  
Oklahoma City, OK 73116  
File No.: 714052300517  
Title Insurance Commitment, if any, issued by:  
Chicago Title Insurance Company

Attachment: BOA-2024-06 (7154 : BOA 2024-06 1204 Belford Avenue)

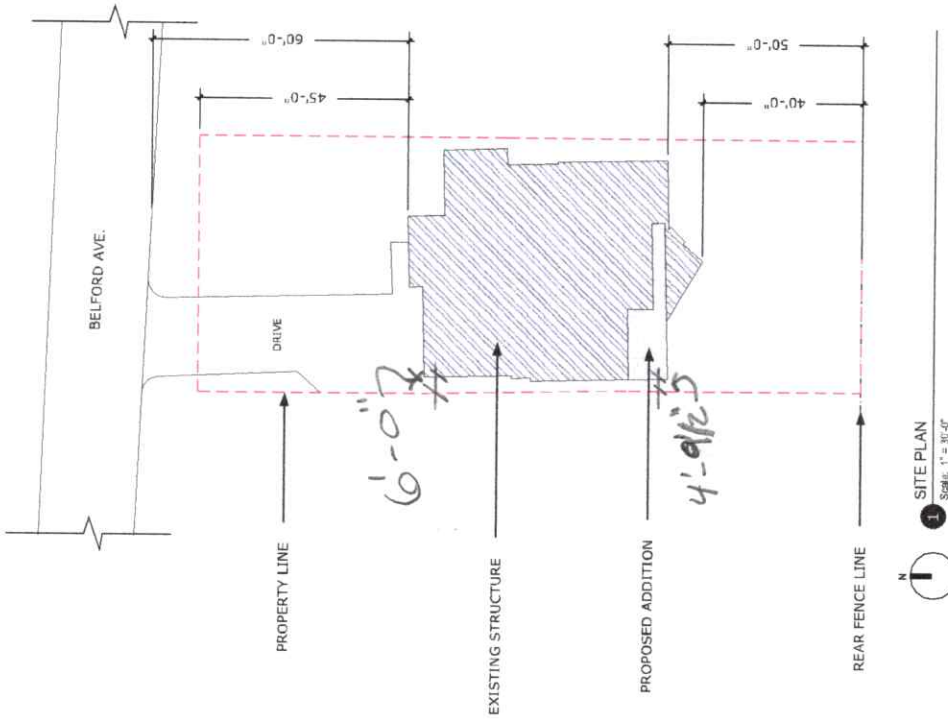
|                                                                                                   |                 |                                                                                                   |
|---------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------|
| Site Plan                                                                                         | 10:40 am, 2     |                                                                                                   |
|                                                                                                   | January 3, 2024 | Drawn By: VTID                                                                                    |
| JACOB & MERICH FRICKS<br>1204 BELFORD AVE.<br>NICHOLS HILLS, OK 73116<br>CITY PERMITTING PLAN SET |                 | VON TUNGELN<br>INTERIOR DESIGN<br>(405) 514-6840<br>6414 N SANTA FE AVE., STE. A<br>OKC, OK 73116 |
|                    |                 |                                                                                                   |



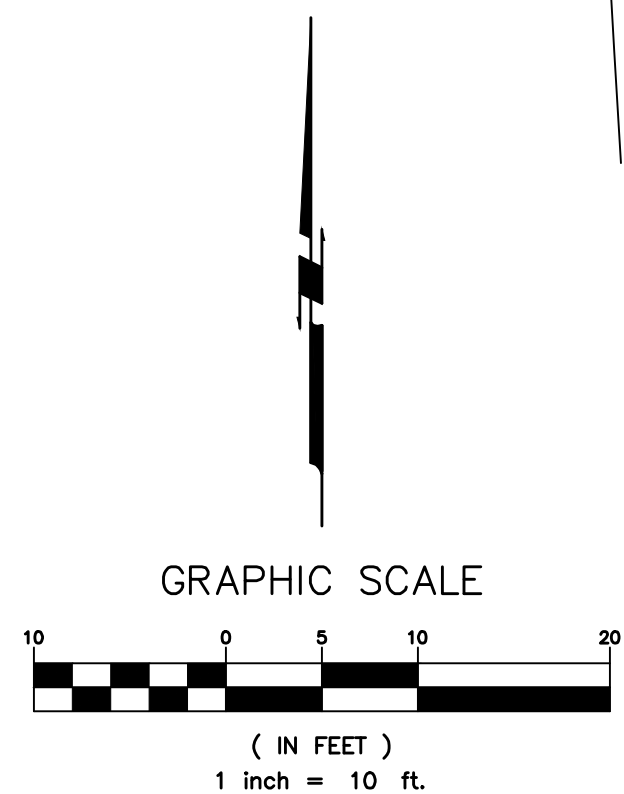
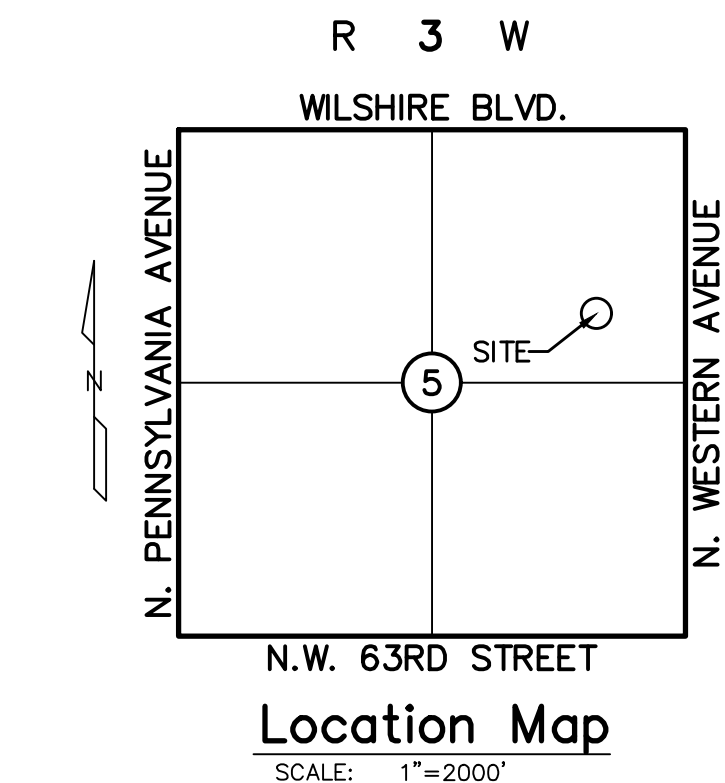
2 GOOGLE MAPS BIRDSEYE VIEW



3 OK COUNTY ASSESSOR PARCEL VIEW







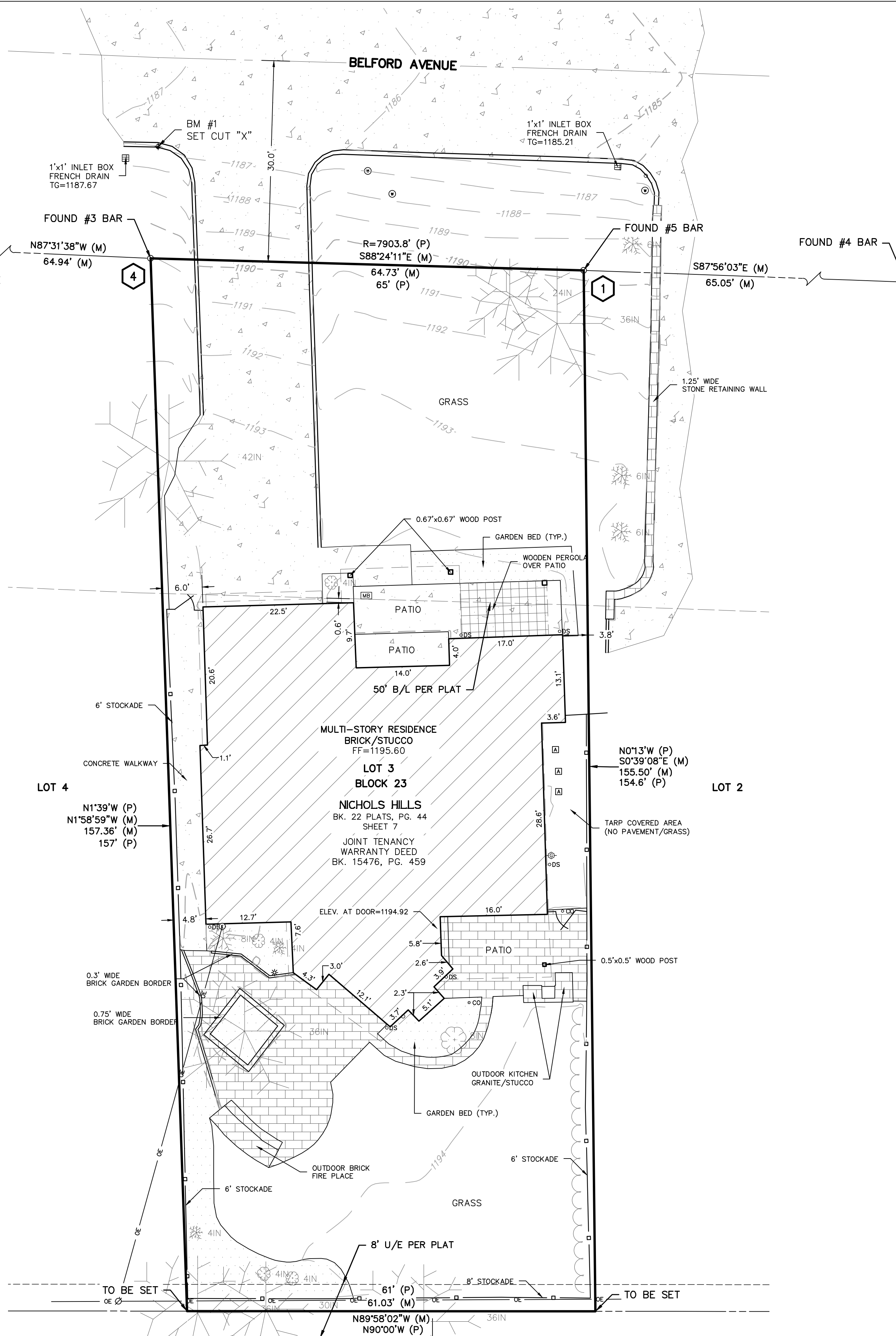
NOTE: 11" X 17" SHEETS ARE PRINTED AS HALF-SIZE DRAWINGS AND ARE THEREFORE AT A SCALE WHICH IS DOUBLE THE SCALE SHOWN HEREON.

### Survey Legend

NOTE: NOT ALL SYMBOLS MAY BE SHOWN ON THIS SURVEY PLAT

|                                 |      |                                 |
|---------------------------------|------|---------------------------------|
| TELEPHONE PEDESTAL              | (D)  | DEED                            |
| TELEPHONE MANHOLE               | (M)  | MEASURED                        |
| TRAFFIC CONTROL BOX             | (P)  | PLATTED                         |
| TRAFFIC SIGNAL POLE             | (R)  | RECORD                          |
| TRAFFIC - PARKING METER         | ℄    | CENTERLINE                      |
| CABLE TV RISER                  | FF   | FINISHED FLOOR                  |
| POWER POLE                      | ℄    | FLOWLINE                        |
| LIGHT POLE                      | TR   | TOP OF RIM                      |
| GUY WIRE                        | TG   | TOP OF GRATE                    |
| UTILITY MANHOLE                 | A/E  | ACCESS EASEMENT                 |
| ELECTRIC MANHOLE                | U/E  | UTILITY EASEMENT                |
| ELECTRIC METER                  | D/E  | DRAINAGE EASEMENT               |
| ELECTRIC RISER                  | D&U  | DRAINAGE & UTILITY EASEMENT     |
| TRANSFORMER                     | B/L  | BUILDING LINE                   |
| UTILITY PULL BOX                | ESMT | EASEMENT                        |
| GUARD POST                      | LNA  | LIMITS OF NO ACCESS             |
| SIGN                            | R/W  | RIGHT-OF-WAY                    |
| SANITARY SEWER MANHOLE          | OG&E | OKLAHOMA GAS & ELECTRIC CO.     |
| SANITARY SEWER FORCE MAIN VALVE | ONG  | OKLAHOMA NATURAL GAS CO.        |
| CLEAN OUT                       | SBC  | SOUTHWESTERN BELL TELEPHONE CO. |
| DOWNGROUT - ROOF DRAIN          | CMP  | CORRUGATED METAL PIPE           |
| STORM SEWER MANHOLE             | RCP  | REINFORCED CONCRETE PIPE        |
| STORM GRATE/INLET               | RCB  | REINFORCED CONCRETE BOX         |
| STORM CURB INLET HOOD           |      |                                 |
| FIRE HYDRANT                    | X    | BARB WIRE FENCE                 |
| WATER METER                     | O    | CHAIN LINK FENCE                |
| WATER WELL                      | □    | WOOD FENCE                      |
| WATER VALVE                     | P    | UNDERGROUND PIPELINE            |
| GAS VALVE                       | UG   | UNDERGROUND NATURAL GAS         |
| GAS METER                       | UT   | UNDERGROUND TELEPHONE           |
| PIPELINE MARKER                 | UE   | UNDERGROUND ELECTRIC            |
| VENT PIPE                       | UTS  | UNDERGROUND TRAFFIC SIGNAL      |
| MONITORING WELL                 | FO   | UNDERGROUND FIBER OPTIC         |
| PETRO INTAKE VALVE              | UC   | UNDERGROUND CABLE TV            |
| HANDICAPPED SPACE               | ST   | STORM SEWER                     |
| MAIL BOX                        | SS   | SANITARY SEWER                  |
| DECIDUOUS TREE                  | W    | WATER LINE                      |
| EVERGREEN TREE                  | OE   | OVERHEAD ELECTRIC               |
| #3 BAR FOUND                    |      |                                 |
| UNLESS OTHERWISE NOTED          |      |                                 |
| #3 BAR SET w/ YELLOW CAP        |      |                                 |
| UNLESS OTHERWISE NOTED          |      |                                 |
| SET MAG NAIL w/ SHINER          |      |                                 |
| UNLESS OTHERWISE NOTED          |      |                                 |
| OKLAHOMA CERTIFIED CORNER       |      |                                 |
| RECORD FILED IN THE DEPT.       |      |                                 |
| OF LIBRARIES ARCHIVE DIVISION   |      |                                 |
| ASPHALT                         |      |                                 |
| CONCRETE                        |      |                                 |
| GRAVEL                          |      |                                 |

T:\V\CD\LEGEND\LEGEND\_SURVEY.dwg



### Topographic Survey

I, Damon K. Durham, a Professional Land Surveyor licensed in the State of Oklahoma, do hereby certify that this project was completed under my direct and responsible charge from an actual survey made under my supervision; that this ground survey was performed at the 95 percent confidence level to meet Federal Geographic Data Committee Standards; that this survey was performed to meet the requirements for a topographic/planimetric survey and meets the Oklahoma Minimum Technical Standards for the practice of land surveying as adopted on January 17, 2019, by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. The original data was obtained on December 26 and 27, 2023; that the survey was completed on December 27, 2023; and all coordinates are based on Oklahoma State Plane Grid North 'NAD 83', and all elevations are based on NAVD 88. All unit of measurements are US Survey feet.

### Legal Description

Lot Three (3), in Block Twenty-three (23), of NICHOLS HILLS, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Transcribed by Durham Surveying, Inc., from the Deed recorded at Book 15476, Page 459, filed in the offices of the County Clerk of Oklahoma County, Oklahoma.

### Survey Notes

- We have examined a map by the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM), for Oklahoma County, Oklahoma and Incorporated areas, Map number 40129 C 0170 H, with an effective date of December 18, 2009, which shows the entire portion of the property described hereon as located in unshaded Zone (X) which is classified as areas determined to be outside of the 500-year floodplain.
- All underground utilities may NOT be shown hereon. The utilities shown hereon have been located in the field by above ground inspection only, which was marked by others. The underground utilities shown hereon have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown hereon comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown hereon are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. The surveyor has not physically located the underground utilities.
- The field survey was performed between the dates of December 26 through December 27, 2023 and the site was last visited on January 12, 2024.
- The basis of bearings for the plat of survey shown hereon is a measured chord bearing of South 88°24'11" East along the North line of said Lot, Oklahoma, based on State Plane Coordinates NAD-83 (U.S. Survey Foot), Oklahoma North Zone.
- This survey is valid only if the original signature and seal of the Surveyor is present.
- No title commitment was provided to Durham Surveying, Inc.; therefore, not all easements, rights of way or documents of record may be shown hereon.
- The property described hereon is subject to a 50 foot front Building Setback line and a 4 foot rear Utility Easement set forth on the final plat and is shown hereon.
- The Centroid elevation for the lot is 1195.0 feet and existing Finished Floor elevation is 1195.6 feet.

### Original Benchmark

City of Nichols Hills GPS Reference Station No. 11, being a brass cap monument in top of curb, located at the North quadrant of the intersection of Avondale Drive and Huntington Avenue.

Elevation = 1180.110 feet  
(City of Nichols Hills GPS datum)  
(NAVD-88 datum)

### Onsite Benchmark #1

Set Cut "X" on the South side of Belford Avenue, located ±220 feet West and ±9 South of the intersection Belford Avenue and Trenton Road.

Elevation = 1187.13 feet  
(NAVD-88 datum)

| Point | Northing    | Easting      | Elevation | Description                   |
|-------|-------------|--------------|-----------|-------------------------------|
| 1     | 198978.6970 | 2107417.0770 | 1189.72   | FOUND #5 BAR                  |
| 2     | 198976.3520 | 2107482.0880 | 1187.05   | FOUND #4 BAR                  |
| 3     | 198983.3030 | 2107287.4930 | 1191.89   | FOUND 1.5 INCH PIPE           |
| 4     | 198980.5010 | 2107352.3740 | 1191.07   | FOUND #3 BAR                  |
| 5     | 199250.0660 | 2106522.7640 | 1180.11   | NICHOLS HILLS GPS MONUMENT 11 |

DURHAM SURVEYING, INC.

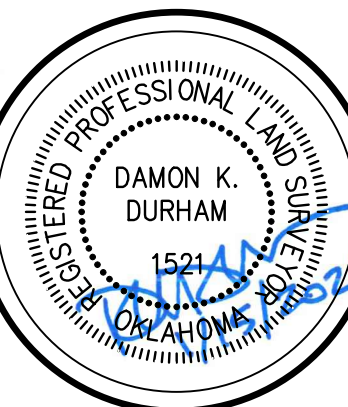
1800 SOUTH SARA ROAD, YUKON, OK 73099

Phone (405) 265-3404

Fax (405) 265-3649

CERTIFICATE OF AUTHORIZATION NO. 5313

EXPIRATION DATE: JUNE 30, 2024



NICHOLS HILLS

LOT 3, BLOCK 23  
1204 BELFORD AVENUE  
NICHOLS HILLS, OKLAHOMA CO., OKLAHOMA

TOPOGRAPHIC SURVEY

### REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

Proj. No.: 23-175  
Date: 01-12-2024  
Scale: (horiz) 1"=10'  
(vert.) 1"=10'  
Drawn By: NAD  
Checked By: SD  
Approved By: DKO

SHEET NUMBER

1

1204 BELFORD AVE, NICHOLS HILLS, OK

23-175





VON TUNGEN  
INTERIOR DESIGN  
(405) 514-6840  
6414 N SANTA FE AVE., STE. A  
OKC, OK 73116

JACOB & MERICH FRICKS  
CITY PERMITTING PLAN SET  
1204 BELFORD AVE.  
NICHOLS HILLS, OK 73116

January 16, 2024

Drawn By: VTID

Cover Page



1 NEW FRONT OF HOME EXTERIOR VIEW



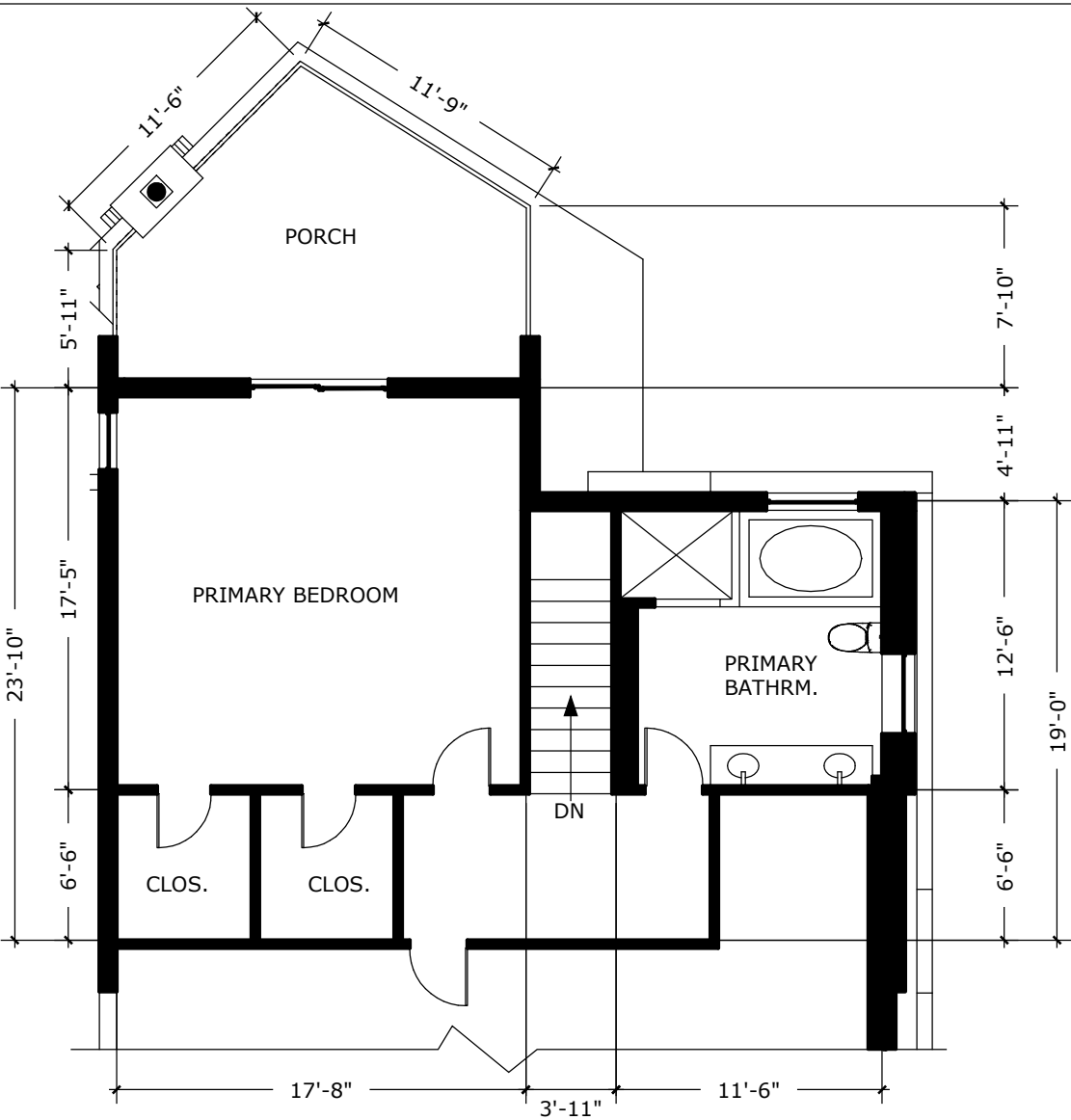
2 NEW BACK OF HOME EXTERIOR VIEW

## JACOB & MERICH FRICKS

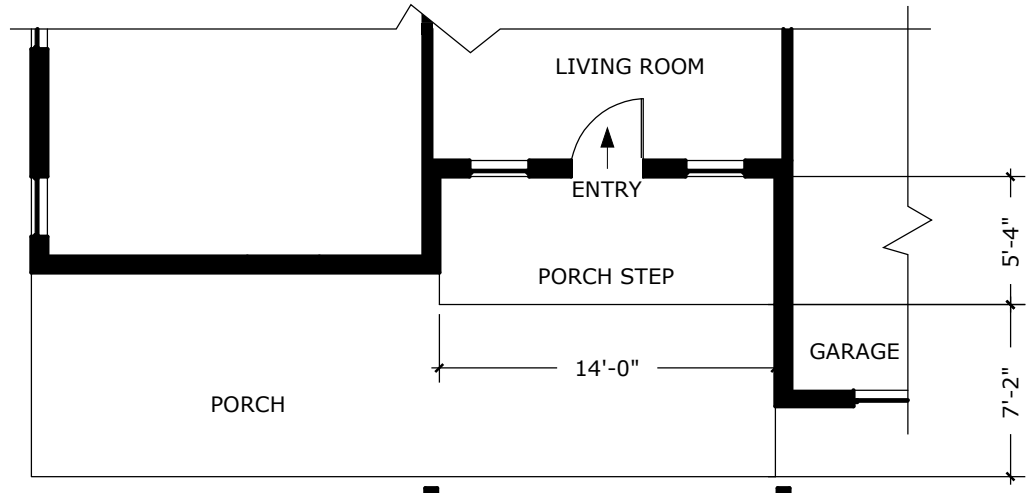
PROJECT ADDRESS:  
1204 BELFORD AVE.  
NICHOLS HILLS, OK, 73116

- BRIEF PROJECT OVERVIEW:
- SECOND STORY ADDITION.  
• APPX. 255 SQFT ADDED.
  - PRIMARY BEDROOM AND BATHROOM  
REMODEL ALONGSIDE EXTERIOR ROOFING  
AND SIDING UPDATES.
  - FIRST STORY ENTRY/FOYER EXPANSION  
• APPX. 90 SQFT ADDED.
  - LANDSCAPING UPDATED

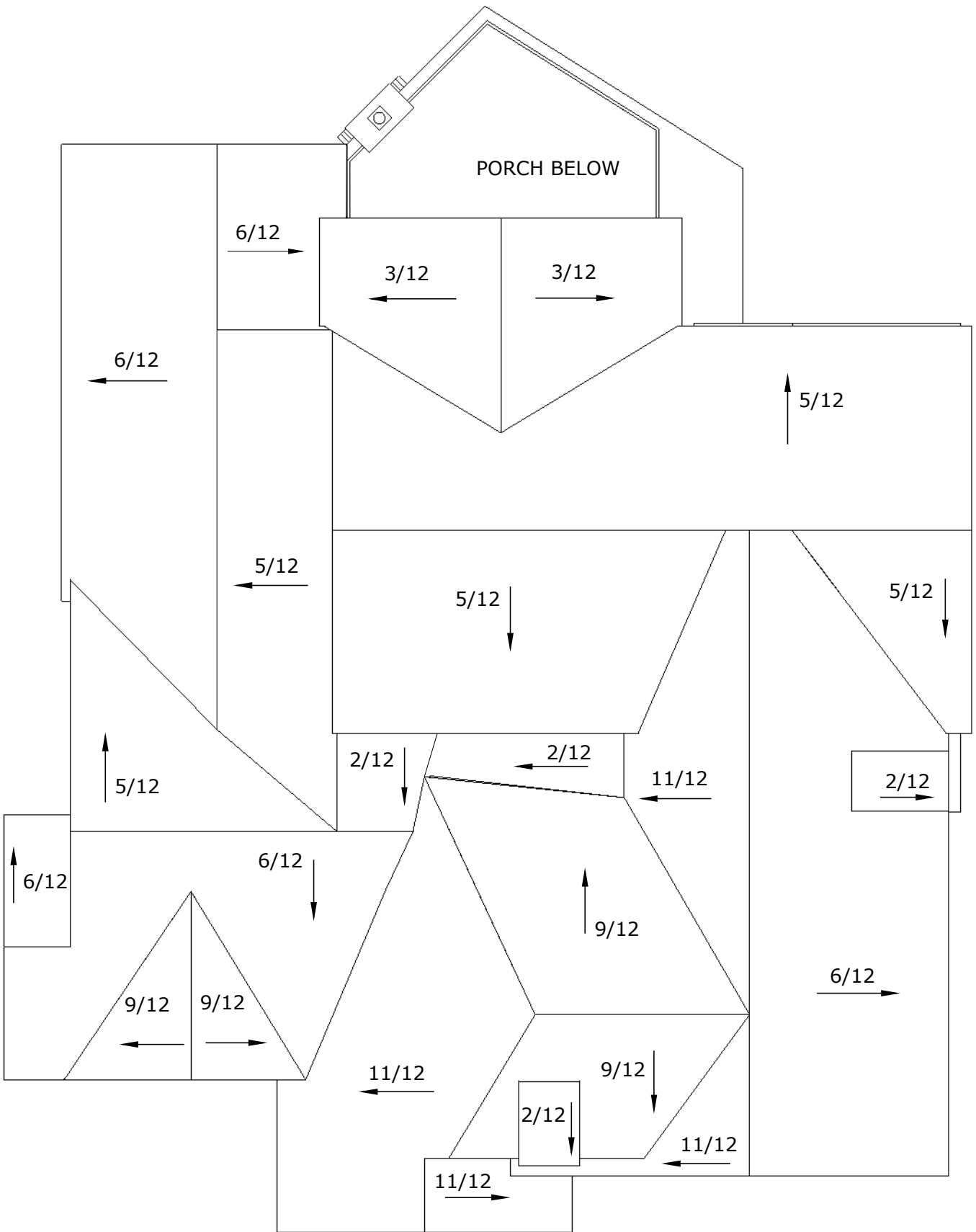
| SHEET NUMBER | SHEET NAME                       |
|--------------|----------------------------------|
| Sheet 001    | Cover Page                       |
| Sheet 002    | Existing Landscaping Plan        |
| Sheet 003    | Proposed New Landscaping Plan    |
| Sheet 004    | Existing Plans                   |
| Sheet 005    | Existing Exterior Elevations     |
| Sheet 006    | Proposed New Plans               |
| Sheet 007    | Proposed New Interior Elevations |
| Sheet 008    | Proposed New Exterior Elevations |



1 EXISTING 2ND LEVEL FLOOR PLAN  
Scale: 1/8" = 1'-0"



2 EXISTING 1ST LEVEL FLOOR PLAN (ENTRY)  
Scale: 1/8" = 1'-0"



3 EXISTING ROOF PLAN  
Scale: 1/8" = 1'-0"



VON TUNGELN  
INTERIOR DESIGN  
(405) 514-6840  
6414 N SANTA FE AVE., STE. A  
OKC, OK 73116

JACOB & MERICH FRICKS  
CITY PERMITTING PLAN SET  
1204 BELFORD AVE.  
NICHOLS HILLS, OK 73116

January 16, 2024  
Drawn By: VTID

Existing Plans

MATERIAL SYMBOL LEGEND

ROOFING

FC SIDING

STONE

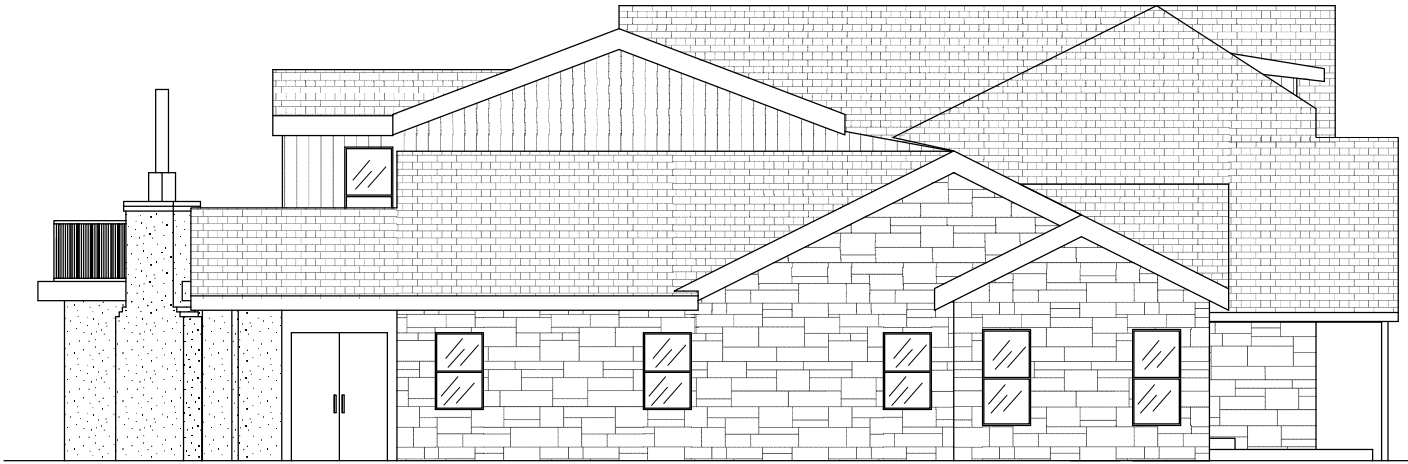
STUCCO



1

EXISTING NORTH EXTERIOR ELEVATION

Scale: 1" = 10'-0"



2

EXISTING EAST EXTERIOR ELEVATION

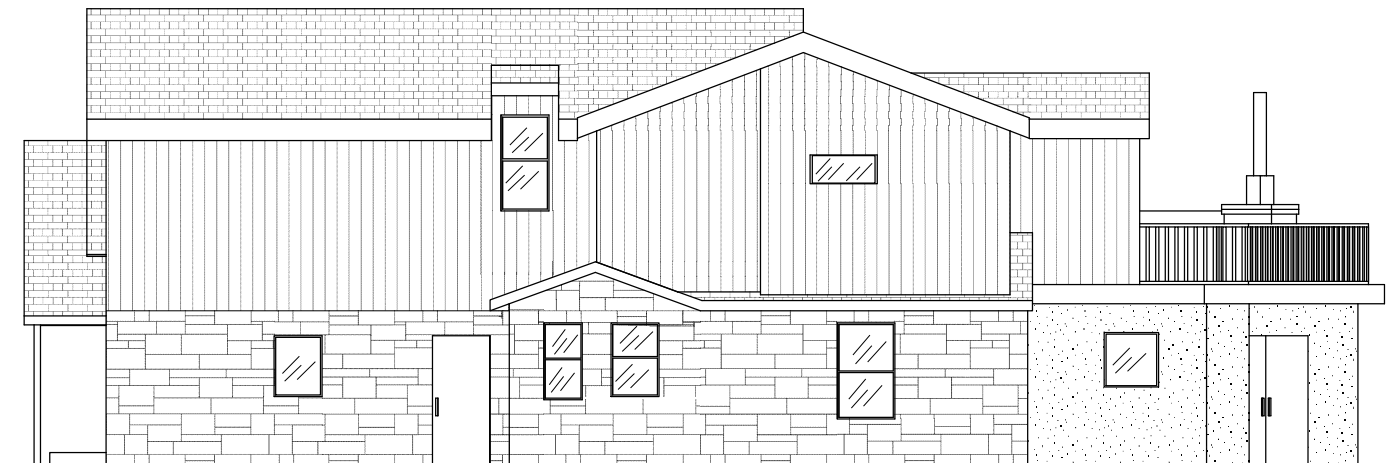
Scale: 1" = 10'-0"



3

EXISTING SOUTH EXTERIOR ELEVATION

Scale: 1" = 10'-0"



4

EXISTING WEST EXTERIOR ELEVATION

Scale: 1" = 10'-0"



VON TUNGEN  
INTERIOR DESIGN

(405) 514-6840  
6414 N SANTA FE AVE., STE. A  
OKC, OK 73116

JACOB & MERICH FRICKS

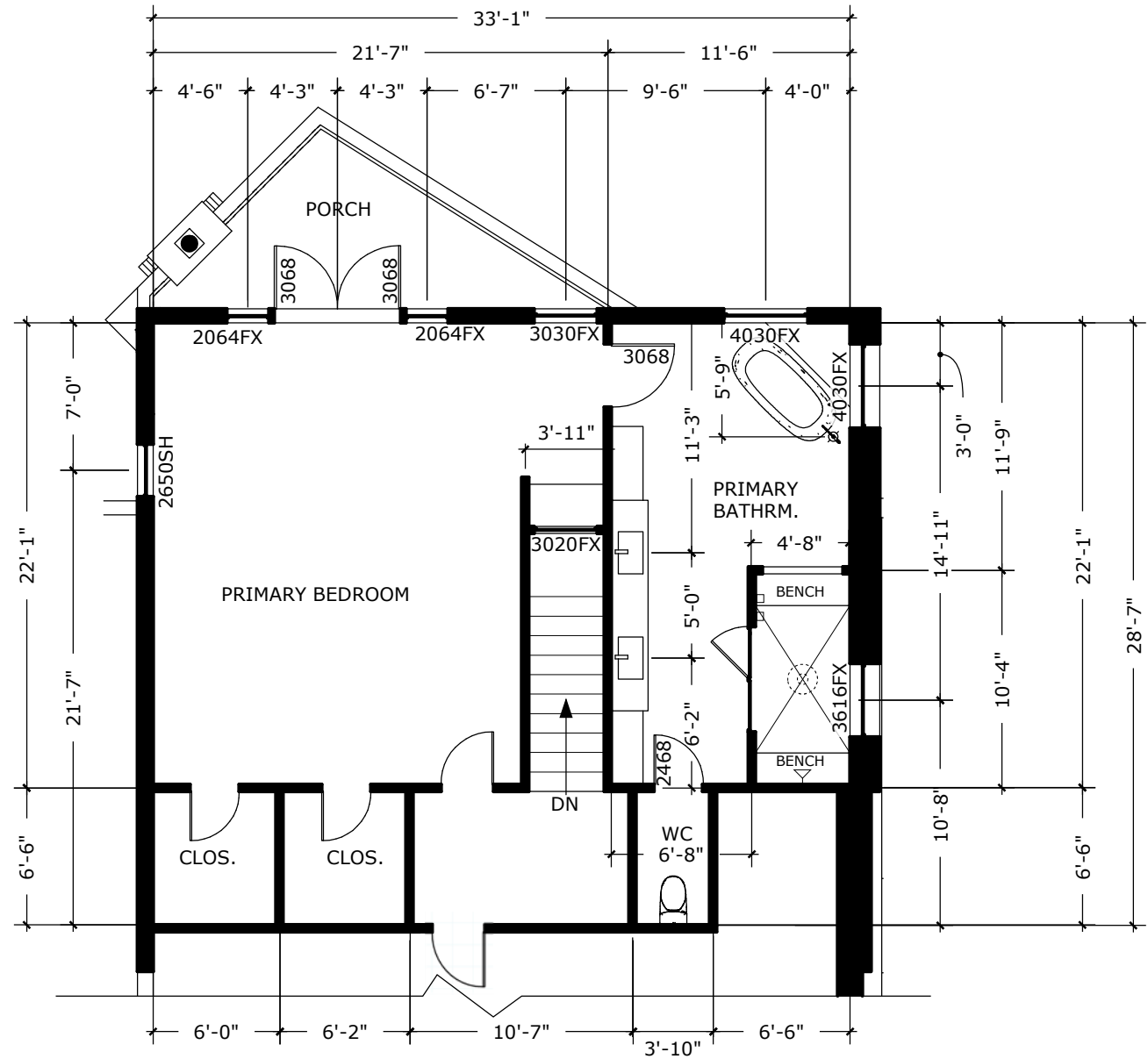
CITY PERMITTING PLAN SET  
1204 BELFORD AVE.  
NICHOLS HILLS, OK 73116

January 16, 2024

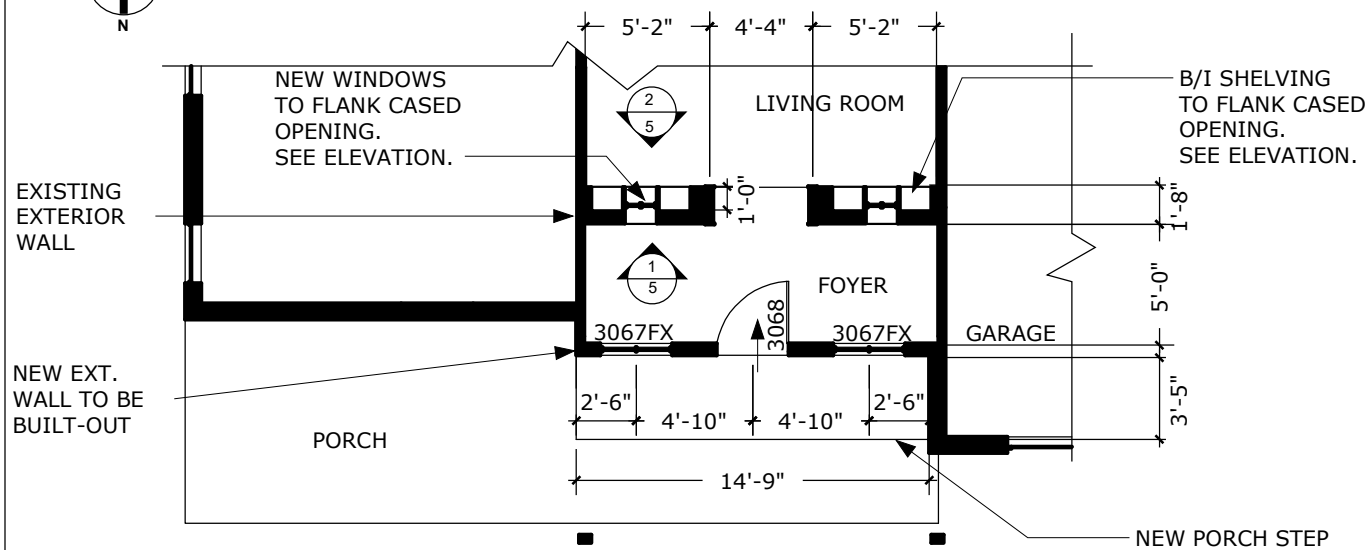
Drawn By: VTID

Existing Exterior Elevations

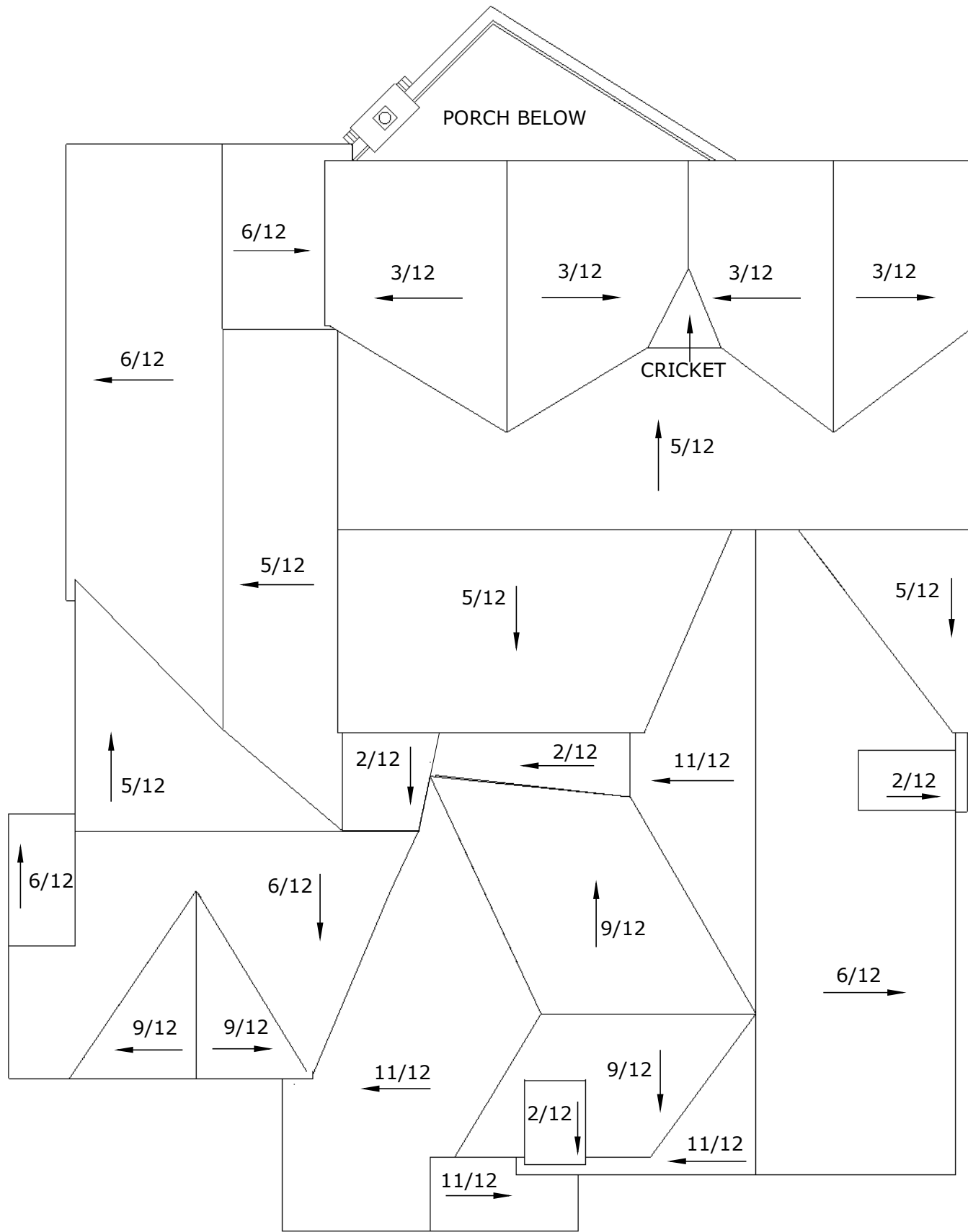




1 NEW SECOND LEVEL FLOOR PLAN  
Scale: 1/8" = 1'-0"



2 NEW FIRST LEVEL FLOOR PLAN (ENTRY)  
Scale: 1/8" = 1'-0"



2 NEW ROOF PLAN  
Scale: 1/8" = 1'-0"

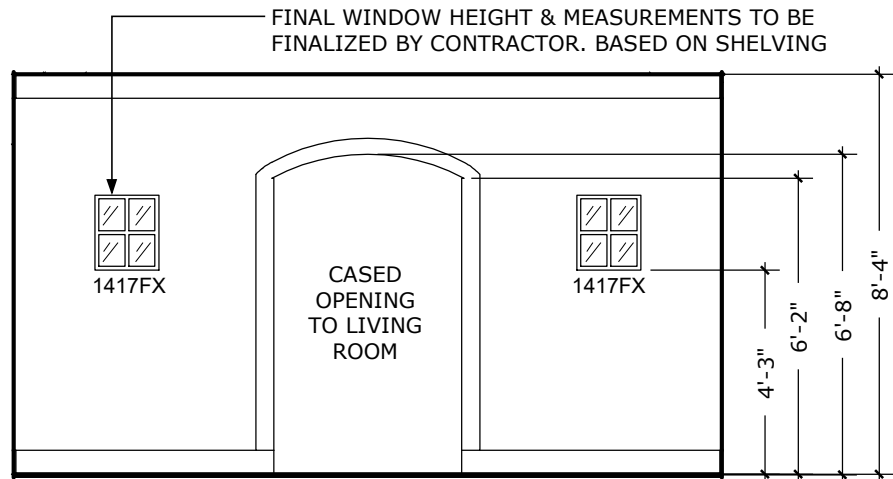


**VON TUNGEN  
INTERIOR DESIGN**  
(405) 514-6840  
6414 N SANTA FE AVE., STE. A  
OKC, OK 73116

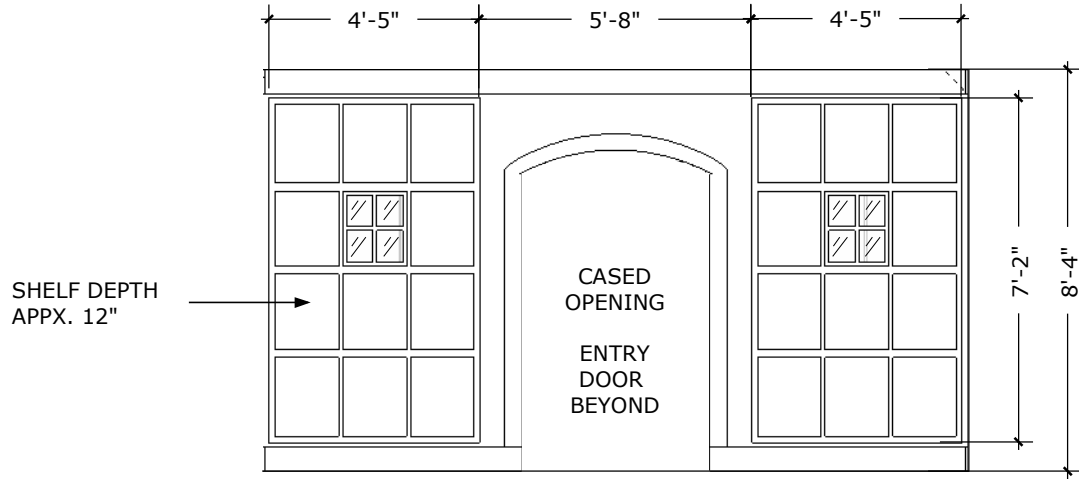
**JACOB & MERICH FRICKS**  
CITY PERMITTING PLAN SET  
1204 BELFORD AVE.  
NICHOLS HILLS, OK 73116

January 16, 2024  
Drawn By: VTID

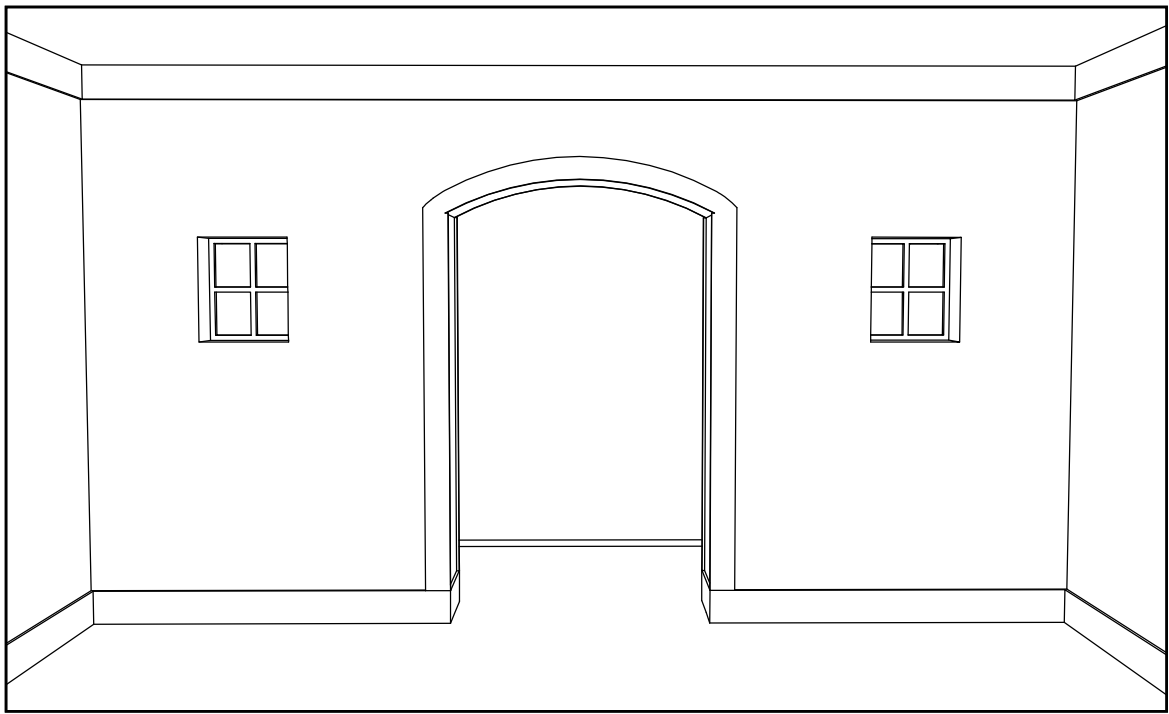
Proposed New  
Plans



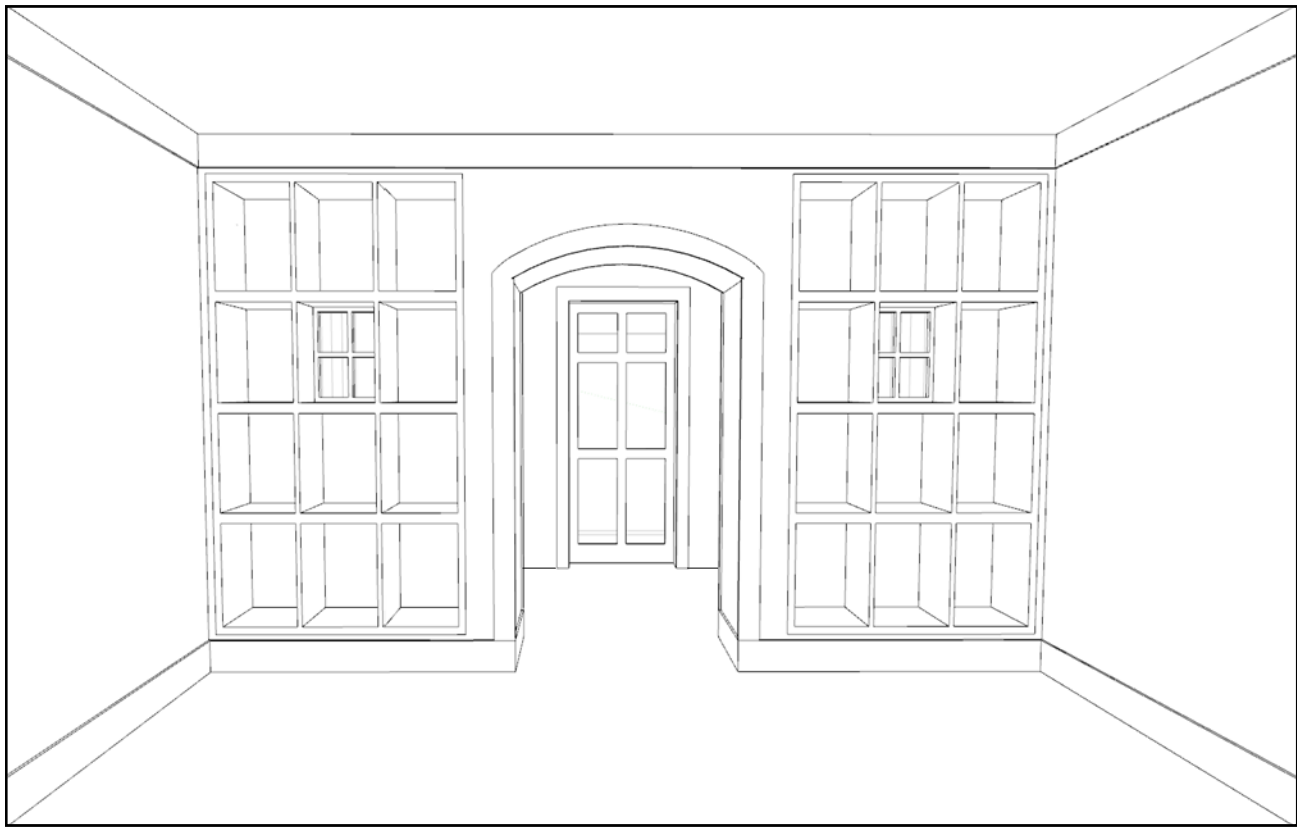
1 FOYER/ ENTRY WALL ELEVATION  
Scale: 1/4" = 1'-0"



2 LIVING RM. SHELVEING WALL ELEVATION  
Scale: 1/4" = 1'-0"



3 FOYER/ ENTRY WALL VIEW



4 LIVING RM. SHELVEING WALL VIEW



VON TUNGELN  
INTERIOR DESIGN  
(405)514-6840  
6414 N SANTA FE AVE., STE. A  
OKC, OK 73116

JACOB & MERICH FRICKS  
CITY PERMITTING PLAN SET  
1204 BELFORD AVE.  
NICHOLS HILLS, OK 73116

January 16, 2024

Drawn By: VTID

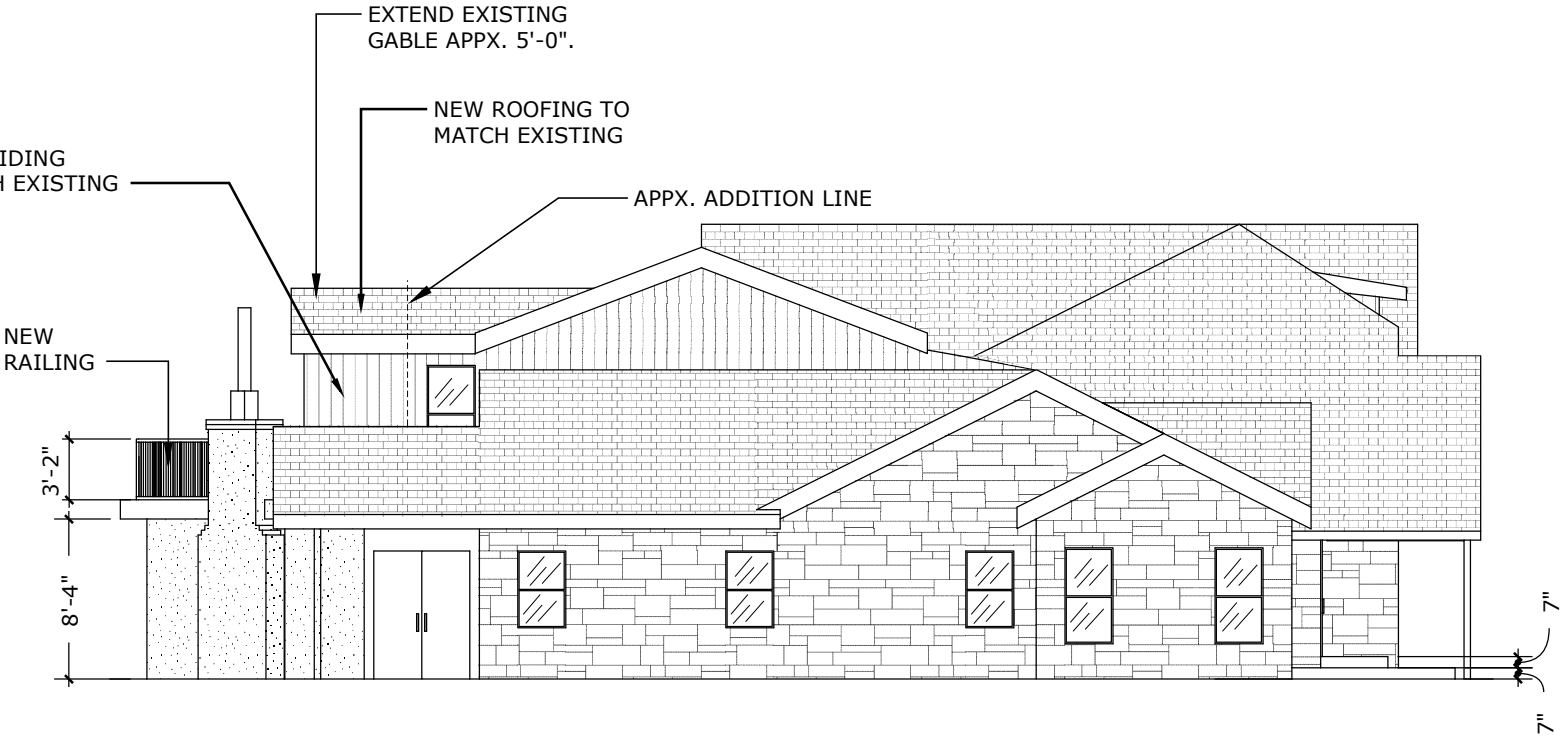
Proposed New  
Interior  
Elevations

**MATERIAL SYMBOL LEGEND**

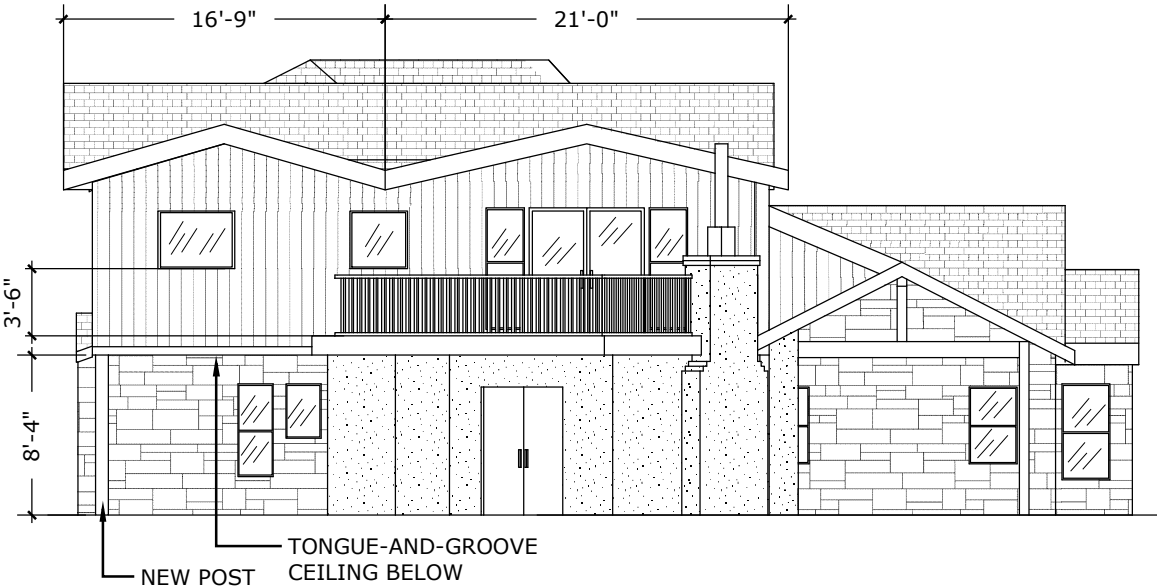
|                                                                                   |           |                                                                                   |        |
|-----------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------|--------|
|  | ROOFING   |  | STONE  |
|  | FC SIDING |  | STUCCO |



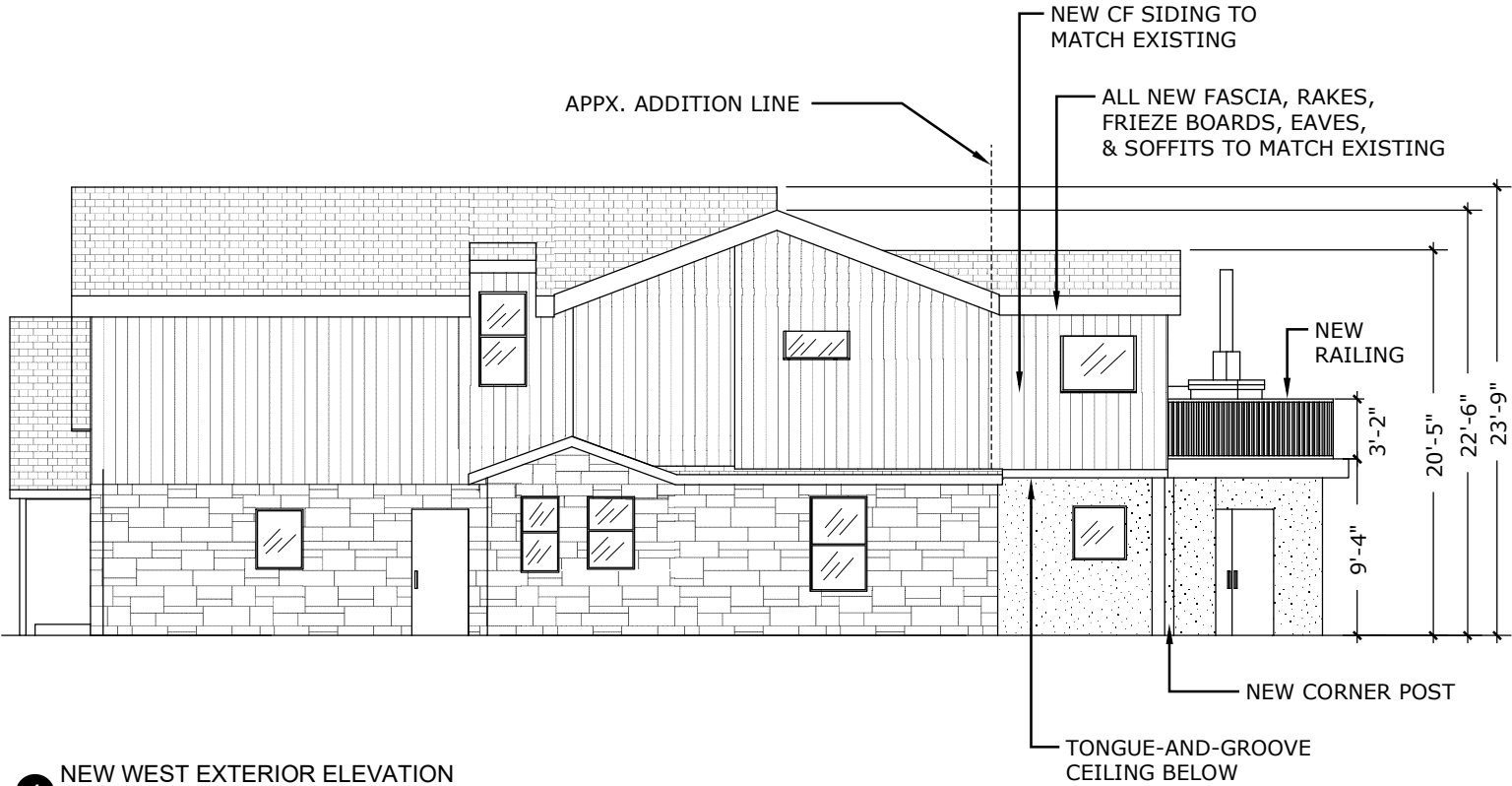
**1** NEW NORTH EXTERIOR ELEVATION  
Scale: 1" = 10'-0"



**2** NEW EAST EXTERIOR ELEVATION  
Scale: 1" = 10'-0"



**3** NEW SOUTH EXTERIOR ELEVATION  
Scale: 1" = 10'-0"



**4** NEW WEST EXTERIOR ELEVATION  
Scale: 1" = 10'-0"



**VON TUNGEN  
INTERIOR DESIGN**  
(405) 514-6840  
6414 N SANTA FE AVE., STE. A  
OKC, OK 73116

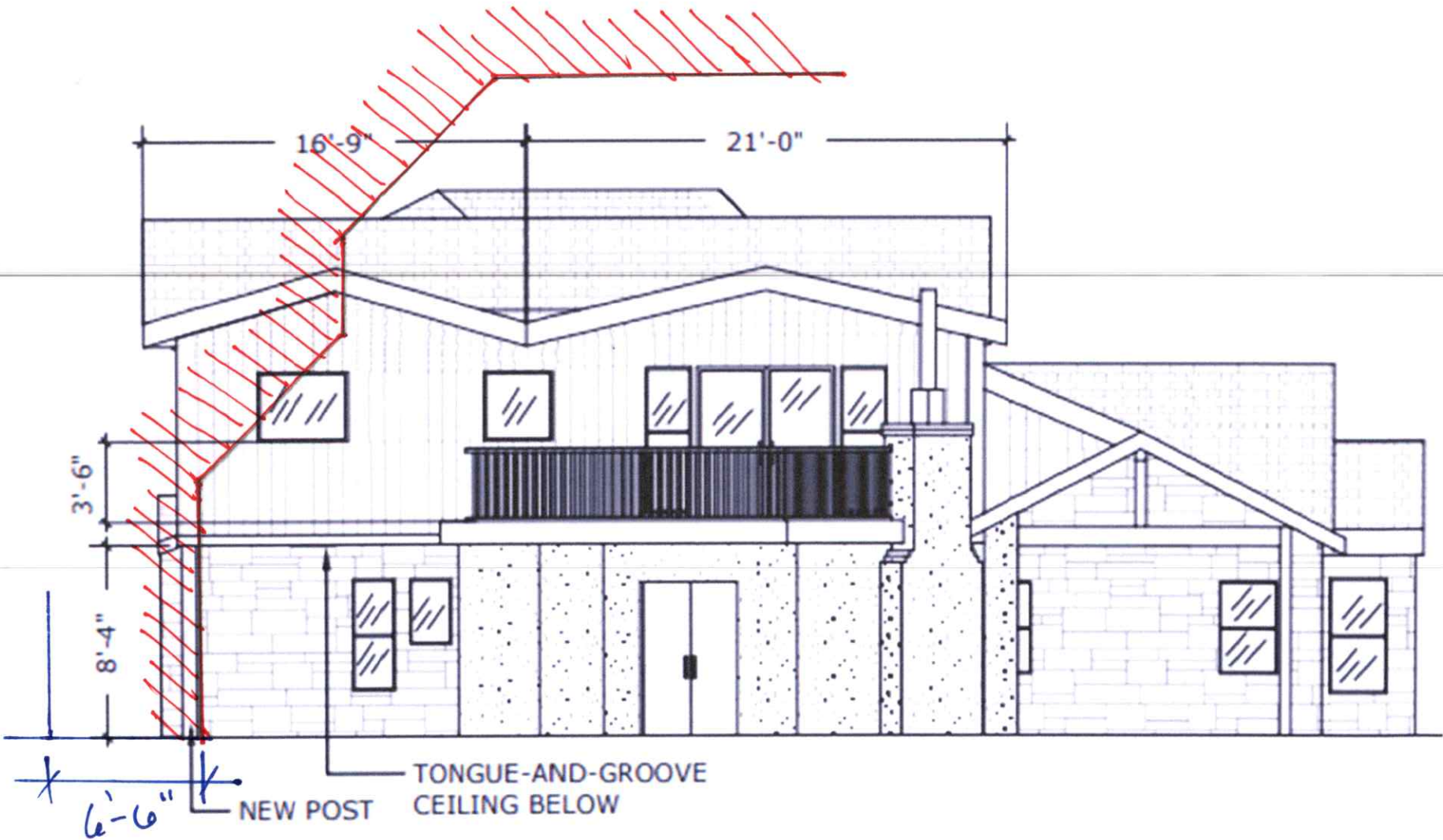
**JACOB & MERICH FRICKS**  
CITY PERMITTING PLAN SET  
1204 BELFORD AVE.  
NICHOLS HILLS, OK 73116

January 16, 2024  
  
Drawn By: VTID

Proposed New  
Exterior  
Elevations



Double Stepback at required setback





West Side Facing North





West Side facing South





West Side Facing South



















# Larry Stein Oklahoma County Assessor's Office



## Ownership Radius Report

This Non-Official Report is for Account Number **R169572970** 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. **Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.**



STATE OF OKLAHOMA } ss:  
COUNTY OF OKLA.

I, the duly elected, qualified and acting  
County Assessor, in and for the County  
and State aforesaid, do hereby certify that  
the within and foregoing is a full, true and  
complete copy of 300 ft. Radius

filed in the office of the County Assessor  
on the 31st day of October, 202

Given under my hand and official seal this  
31st day of October, 202

County Assessor

K. Burch Deputy

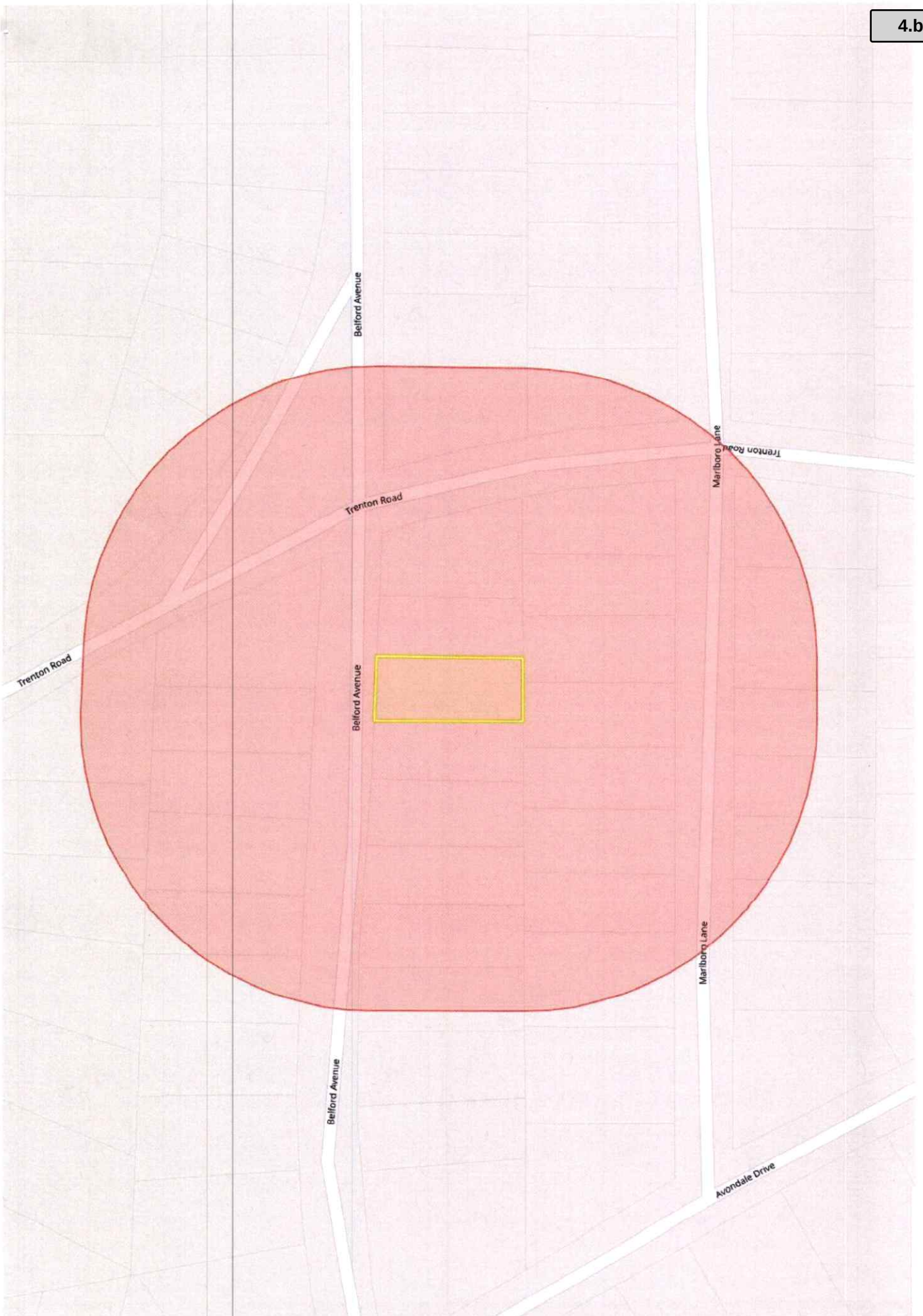
| accountno  | name1                                 | name2                        | mailingaddress1   | Shape | city          | state | zipcode    | subname           | block | lot | legal                                                     | location                       |
|------------|---------------------------------------|------------------------------|-------------------|-------|---------------|-------|------------|-------------------|-------|-----|-----------------------------------------------------------|--------------------------------|
| R169573220 | ELLIOTT BRENDAN                       | RUDDY KATHERINE              | 1224 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS ADD | 024   | 007 | NICHOLS HILLS ADD 024 007                                 | 1224 MARLBORO LN NICHOLS HILLS |
| R169573210 | COLTON CYNTHIA SUE REV TRUST          |                              | 1220 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116-6221 | NICHOLS HILLS ADD | 024   | 006 | NICHOLS HILLS ADD 024 006                                 | 1220 MARLBORO LN NICHOLS HILLS |
| R169573200 | MCCUBBIN MARTA F TRS                  | MCCUBBIN MARTA REV TRUST     | 1216 MARLBORO LN  |       | OKLAHOMA CITY | OK    | 73116-6208 | NICHOLS HILLS ADD | 024   | 005 | NICHOLS HILLS ADD 024 005                                 | 1216 MARLBORO LN NICHOLS HILLS |
| R169573190 | WEBB DREW D TRS                       | WEBB DREW D GST EXEMPT TRUST | 1212 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116-6221 | NICHOLS HILLS ADD | 024   | 004 | NICHOLS HILLS ADD 024 004                                 | 1212 MARLBORO LN NICHOLS HILLS |
| R169573180 | BAKIR ERCUMENT KORAY TRS              | BAKIR FAMILY TRUST           | 1204 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116-6221 | NICHOLS HILLS ADD | 024   | 000 | NICHOLS HILLS ADD 024 000 2 & 3                           | 1204 MARLBORO LN NICHOLS HILLS |
| R169573160 | COLLISON STEPHANIE K TRS              | COLLISON MICHAEL P TRS       | 1200 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS ADD | 024   | 001 | NICHOLS HILLS ADD 024 001                                 | 1200 MARLBORO LN NICHOLS HILLS |
| R169571110 | TRENTON ROAD LLC                      |                              | 1720 KINGSBURY LN |       | NICHOLS HILLS | OK    | 73116-5316 | NICHOLS HILLS ADD | 010   | 012 | NICHOLS HILLS ADD 010 012                                 | 6800 TRENTON RD NICHOLS HILLS  |
| R169573100 | NELSON PAIGE L TRS                    | NELSON PAIGE L REV TRUST     | 1217 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116-6220 | NICHOLS HILLS ADD | 023   | 000 | NICHOLS HILLS ADD 023 000 E 1/2 OF LOT 15 & ALL OF LOT 16 | 1217 MARLBORO LN NICHOLS HILLS |
| R169573110 | BIG SKY TRUST                         |                              | 1215 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS ADD | 023   | 017 | NICHOLS HILLS ADD 023 017                                 | 1215 MARLBORO LN NICHOLS HILLS |
| R169573120 | CTG LIVING TRUST                      | BENNETT NATASHA A TRS        | 1211 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS ADD | 023   | 018 | NICHOLS HILLS ADD 023 018                                 | 1211 MARLBORO LN NICHOLS HILLS |
| R169573130 | 1209 MARLBORO LANE LLC                |                              | 211 N ROBINSON    |       | OKLAHOMA CITY | OK    | 73102-7103 | NICHOLS HILLS ADD | 023   | 019 | NICHOLS HILLS ADD 023 019                                 | 1209 MARLBORO LN NICHOLS HILLS |
| R169573133 | SOUTHWICK MARY J TRS                  | SOUTHWICK MARY J REV TRUST   | 1207 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116-6220 | NICHOLS HILLS ADD | 023   | 020 | NICHOLS HILLS ADD 023 020                                 | 1207 MARLBORO LN NICHOLS HILLS |
| R169573135 | HARRIS JAMES R TRS                    | HARRIS JAMES R REV TRUST     | 1205 MARLBORO LN  |       | NICHOLS HILLS | OK    | 73116-6220 | NICHOLS HILLS ADD | 023   | 021 | NICHOLS HILLS ADD 023 021                                 | 1205 MARLBORO LN NICHOLS HILLS |
| R169573140 | DEUTSCH HARVEY & MAYAKO REV LIV TRUST |                              | 1203 MARLBORO LN  |       | OKLAHOMA CITY | OK    | 73116      | NICHOLS HILLS ADD | 023   | 022 | NICHOLS HILLS ADD 023 022                                 | 1203 MARLBORO LN NICHOLS HILLS |
| R169573150 | NEDROW 2019 TRUST                     |                              | 6801 TRENTON RD   |       | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS ADD | 023   | 023 | NICHOLS HILLS ADD 023 023                                 | 6801 TRENTON RD NICHOLS HILLS  |
| R169571100 | WELCH JENNIFER D TRS                  | JDW 2023 TRUST               | 1120 BELFORD AVE  |       | NICHOLS HILLS | OK    | 73116-6203 | NICHOLS HILLS ADD | 010   | 011 | NICHOLS HILLS ADD 010 011                                 | 1120 BELFORD AVE NICHOLS HILLS |

|            |                                         |                                    |                  |               |    |            |                       |     |                                                                                       |                                |
|------------|-----------------------------------------|------------------------------------|------------------|---------------|----|------------|-----------------------|-----|---------------------------------------------------------------------------------------|--------------------------------|
| R169571095 | MEREDITH LINDA L JACKSON & DENNIS W TRS | MEREDITH LINDA L JACKSON REV TRUST | 1118 BELFORD AVE | NICHOLS HILLS | OK | 73116-6203 | NICHOLS HILLS ADD 010 | 010 | NICHOLS HILLS ADD 010 010                                                             | 1118 BELFORD AVE NICHOLS HILLS |
| R169572950 | TACCIA THOMAS M JR & BREANNA            |                                    | 1200 BELFORD AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS ADD 023 | 001 | NICHOLS HILLS ADD 023 001                                                             | 1200 BELFORD AVE NICHOLS HILLS |
| R169572960 | ALLEN ROBERT W & PAULA SINCLAIR TRUST   |                                    | 1202 BELFORD AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS ADD 023 | 002 | NICHOLS HILLS ADD 023 002                                                             | 1202 BELFORD AVE NICHOLS HILLS |
| R169572970 | FRICKS JACOB RAY                        | FRICKS MERICH                      | 1204 BELFORD AVE | NICHOLS HILLS | OK | 73116-6205 | NICHOLS HILLS ADD 023 | 003 | NICHOLS HILLS ADD 023 003                                                             | 1204 BELFORD AVE NICHOLS HILLS |
| R169572980 | WARD CHARIS LEE                         | GALLAS JUSTIN ZENNON               | 1206 BELFORD AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS ADD 023 | 004 | NICHOLS HILLS ADD 023 004                                                             | 1206 BELFORD AVE NICHOLS HILLS |
| R169572990 | LOUGHMILLER MARY LOUISE TRS             | LOUGHMILLER MARY L REV TRUST       | 1208 BELFORD AVE | NICHOLS HILLS | OK | 73116-6205 | NICHOLS HILLS ADD 023 | 005 | NICHOLS HILLS ADD 023 005                                                             | 1208 BELFORD AVE NICHOLS HILLS |
| R169573000 | ARNOLD WILLIAM C & MARILYN A TRS        | ARNOLD WILLIAM & MARILYN TRUST     | 1210 BELFORD AVE | NICHOLS HILLS | OK | 73116-6205 | NICHOLS HILLS ADD 023 | 006 | NICHOLS HILLS ADD 023 006                                                             | 1210 BELFORD AVE NICHOLS HILLS |
| R169573010 | YORK C DEAN TRS                         | YORK LIV TRUST                     | 1212 BELFORD AVE | NICHOLS HILLS | OK | 73116-6205 | NICHOLS HILLS ADD 023 | 007 | NICHOLS HILLS ADD 023 007                                                             | 1212 BELFORD AVE NICHOLS HILLS |
| R169573020 | HENNIGAN ROBERT & MARISSA REV LIV TRUST |                                    | 1214 BELFORD AVE | NICHOLS HILLS | OK | 73116-6205 | NICHOLS HILLS ADD 023 | 008 | NICHOLS HILLS ADD 023 008                                                             | 1214 BELFORD AVE NICHOLS HILLS |
| R169572940 | RICE ANDREW & APPLE N                   |                                    | 1201 BELFORD AVE | NICHOLS HILLS | OK | 73116-6204 | NICHOLS HILLS ADD 022 | 021 | NICHOLS HILLS ADD 022 021                                                             | 1201 BELFORD AVE NICHOLS HILLS |
| R169572930 | FLINN SEAN                              | FLINN ERIN                         | 1203 BELFORD AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS ADD 022 | 020 | NICHOLS HILLS ADD 022 020                                                             | 1203 BELFORD AVE NICHOLS HILLS |
| R169572970 | WILSON CURTIS G & WENDI L               |                                    | 1205 BELFORD AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS ADD 022 | 019 | NICHOLS HILLS ADD 022 019 EX BEG SW/C LOT 19 N TO NW/C E5.6FT S68FT SW TO SW/C        | 1205 BELFORD AVE NICHOLS HILLS |
| R169572900 | FURSETH SHERRY TRS                      | FURSETH SHERRY LIVING TRUST        | 1209 BELFORD AVE | NICHOLS HILLS | OK | 73116-6204 | NICHOLS HILLS ADD 022 | 000 | NICHOLS HILLS ADD 022 000 LOT 18 & BEG SW/C LOT 19 N TO NW/C E5.6FT S68FT SWLY TO BEG | 1209 BELFORD AVE NICHOLS HILLS |
| R169572890 | KATIGAN FAMILY LLC                      |                                    | 1609 DRURY LN    | OKLAHOMA CITY | OK | 73116      | NICHOLS HILLS ADD 022 | 017 | NICHOLS HILLS ADD 022 017                                                             | 1211 BELFORD AVE NICHOLS HILLS |
| R169572880 | HOLLIDAY HAL M & TONI M                 |                                    | 1213 BELFORD AVE | NICHOLS HILLS | OK | 73116-6204 | NICHOLS HILLS ADD 022 | 016 | NICHOLS HILLS ADD 022 016                                                             | 1213 BELFORD AVE NICHOLS HILLS |



Oklahoma County Assessor  
300 ft. Radius Report  
10/31/2023

|            |                           |                             |                      |                  |    |            |                          |     |                              |                                    |
|------------|---------------------------|-----------------------------|----------------------|------------------|----|------------|--------------------------|-----|------------------------------|------------------------------------|
| R169571254 | PATTON GUY L              | PATTON<br>CAROLINE L D      | 1119 BELFORD AVE     | NICHOLS<br>HILLS | OK | 73116      | NICHOLS<br>HILLS ADD 011 | 013 | NICHOLS HILLS<br>ADD 011 013 | 1119 BELFORD AVE<br>NICHOLS HILLS  |
| R169571250 | HARRIS ROBERT A           | HARRIS DEBRA A              | 1121 BELFORD AVE     | NICHOLS<br>HILLS | OK | 73116      | NICHOLS<br>HILLS ADD 011 | 012 | NICHOLS HILLS<br>ADD 011 012 | 1121 BELFORD AVE<br>NICHOLS HILLS  |
| R169571240 | JONES KYLE & DAWN KATE    |                             | 1120 GLENWOOD<br>AVE | NICHOLS<br>HILLS | OK | 73116-6207 | NICHOLS<br>HILLS ADD 011 | 011 | NICHOLS HILLS<br>ADD 011 011 | 1120 GLENWOOD AVE<br>NICHOLS HILLS |
| R169572740 | DAVIS CYNTHIA L REV TRUST |                             | 6903 TRENTON RD      | NICHOLS<br>HILLS | OK | 73116-6224 | NICHOLS<br>HILLS ADD 022 | 001 | NICHOLS HILLS<br>ADD 022 001 | 6903 TRENTON RD<br>NICHOLS HILLS   |
| R169572750 | MAGUIRE JOAN S TRS        | MAGUIRE JOAN S<br>REV TRUST | 1202 GLENWOOD<br>AVE | NICHOLS<br>HILLS | OK | 73116-6209 | NICHOLS<br>HILLS ADD 022 | 002 | NICHOLS HILLS<br>ADD 022 002 | 1202 GLENWOOD AVE<br>NICHOLS HILLS |
| R169572760 | PRATT NIKKI E TRS         | PRATT NIKKI E<br>TRUST      | 1204 GLENWOOD<br>AVE | NICHOLS<br>HILLS | OK | 73116-6209 | NICHOLS<br>HILLS ADD 022 | 003 | NICHOLS HILLS<br>ADD 022 003 | 1204 GLENWOOD AVE<br>NICHOLS HILLS |





## \*\*\*\*\* REPRINT RECEIPT\*\*\*\*\*

REC#: 00188607 2/14/2024 2:47 PM  
OPER: NB TERM: 010  
REF#: 1161  
PAID BY:

TRAN: 850.0000 Variance Request  
1204 BELFORD  
Variance Request 750.00CR

TENDERED: 750.00 CHECK  
APPLIED: 750.00-

CHANGE: 0.00

City of Nichols Hills  
6407 Avondale Dr  
Nichols Hills, OK 73116  
(405) 843-6637





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**CITY OF NICHOLS HILLS**

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**NOTICE OF PUBLIC HEARING  
CASE NO. BOA 2024-07**

**NOTICE IS HEREBY GIVEN** that an application has been filed seeking a variance from the Nichols Hills City Code on the following described property:

Lot Eleven (11), in block Ninety-two (92), of Nichols Hills, Oklahoma County, Oklahoma, as shown by the recorded plat thereof.

The property is also known as **6403 N. Hillcrest Avenue**. Current zoning is **R-1-75**.

The applicants desire to build an addition to the dwelling. For the proposed addition the applications are seeking a 4'5 1/4" variance from the north side yard setback, leaving a 3'6 3/4" west side yard setback.

**A PUBLIC HEARING WILL BE HELD** on said application by the Nichols Hills Board of Adjustment in the Council Chambers, City Hall 6407 Avondale Drive, Nichols Hills, Oklahoma 73116 on the **20<sup>th</sup> day of March 2024** at 5:30 p.m.

**ALL PERSONS, OWNERS, OR RESIDENTS** within the above-described area are hereby given notice that they may appear at said hearing or file a petition within the Board of Adjustment and offer arguments and evidence for or against the granting of said application as they deem proper in the premises.

Dated this 5<sup>th</sup> day of March 2024.

Amanda Copeland  
City Clerk  
City of Nichols Hills, Oklahoma

Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)



# CITY OF NICHOLS HILLS, OKLAHOMA

## Application for Nichols Hills Board of Adjustment Hearing and Action

Staff use only

Case # \_\_\_\_\_

Date filed \_\_\_\_\_

Fee receipt # \_\_\_\_\_

Completed applications should be submitted to the Nichols Hills Public Works Department via email at [buildinginspections@nicholshills.net](mailto:buildinginspections@nicholshills.net).

Required fee should be submitted to the Nichols Hills City Clerk, 6407 Avondale Drive, Nichols Hills, Oklahoma 73116.

Applicant is encouraged to consult the applicable provisions of the Nichols Hills City Code ("the Code") regarding the Nichols Hills Board of Adjustment when completing this Application.

Attach a separate sheet to provide complete answers if necessary.

Applicant's name: CHIP OPPENHEIM

Mailing address: 6403 N. HILLCREST, NICHOLS HILLS OK.

Telephone number(s): 405-232-0361

Email address(es): KEENA@MIDAMERICAOK.NET

Address and legal description of subject property: LOT 11, BLK 92 NICHOLS HILLS OK COUNTY, OK

Current zoning classification: R-1-75 zoning district

Present use of the property: RESIDENTIAL HOME

This is an application for: ☒ Variance ☐ Appeal from administrative official decision

The following must be attached to this Application:

1. **Proof of authority.** Proof of applicant's authority to make this Application by attaching a copy of the applicable deed evidencing applicant's ownership or an affidavit regarding ownership (a form for which is attached to this Application).
2. **Ownership list.** Report certified by a bonded abstractor stating the names and mailing addresses for the owner(s) of record whose property is within a 300-foot radius of the exterior boundary of the subject property.
3. **Supporting Information.**
  - (a) For Applications that relate to a denied Application for Building Permit (or other Application related to Chapter 50 of the Code): a copy of the denied Application and originals of all supporting information that was required for it pursuant to the Code (specifically Sec. 50-188(c) for Applications for Building Permits).
  - (b) For Applications for a variance prior to submission of an Application for Building Permit: photos of the subject building or building site; a conceptual site plan drawn to scale showing the exact size and location of lots or land, the size and location of buildings and floor plans, and measurements showing distance from

Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)

the outside line of buildings (existing and proposed) to the outside property lines; renderings of the proposed changes to the site; and a survey meeting the requirements of Sec. 50-188(c) of the Code.

4. **Explanatory Statements.** Provide responses applicable to this Application. Attach additional pages as necessary to provide complete answers.

(a) **Variance requests.** See Sec. 50-158 of the Code.

- i. The Owner is wishing to remove the old metal flat roof and provide a NEW wood Hip Roof, which will improve the Residentail charactor of the existing house and solve water rentention issues that are plaquing the garage area currently.

If the variance sought relates to a development regulation applicable for the District in which the property is located (setback, lot coverage, floor area ratio, height, no build envelope), complete the worksheet that follows on page 4.

- ii. Code Section(s) from which a variance is requested: SETBACK SECTION 50-49(e)

- iii. State why you believe application of such Code Section(s) to the particular piece of property creates an unnecessary hardship.

The property has existed since 1947 with few if any remodeling and the setback currently will not be affected negatively by this remodel.

- iv. State why you believe such conditions are peculiar to the particular piece of property involved.

The setback requirements were not in affect when this residence was built or was not verified by the builder. The current Owner should not be punished for this oversite and his desire is to enhance the look of the property.

- v. State whether you believe the relief, if granted, would cause a detriment to the public good and why.

The relief if granted will only enhance the property and will not be a detriment.

- vi. State whether you believe the relief, if granted, would impair the purposes and intent of the City's zoning ordinances and why.

this relief is a one and only one relief for this situation and should not be used for other zoning issues.



- vii. State how the variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The relief will be very minimal to the existing property and not impeded any other neighbors in the area.

**(b) Appeals.** See Sec. 50-294 of the Code.

- i. State the details of the relief you are seeking.

The existing structure encroaches over the setback on the west side by 2.2' and on the east side by .5'. The encroachment is the reason for the Variance and the garage is extending to the west by approx 1'-4 3/4", to make the Garage a little deeper for the added length of today's automobiles.

- ii. Date and nature of the order, requirement, decision or determination appealed:

February 15th 2024

- iii. Name and title of the City officer who made the order, requirement, decision or determination appealed:

Kristi Makowicz

- iv. Details of the alleged error in the order, requirement, decision or determination appealed:

City Code (Sec 50-49(e)(3))

This Application will be considered officially submitted and filed only after it is examined by the City Clerk and found to have met the applicable requirements of Chapter 50 of the Code and those set out in this Application and after the fee of \$750 as required by the Code has been paid. At that time, the City Clerk will set the Application for hearing before the Nichols Hills Board of Adjustment. Applicant will be advised of the date and time for that hearing. It is highly recommended that applicant attend (or have a representative attend) the hearing and be prepared to answer questions.

The above statements in this Application and all attachments to it are true and correct.

Submitted and agreed to this 22 day of FEB, 2024.

Signature: Keena Cornman

Print applicant's full legal name: Keena Cornman

Print signatory party's title if applicant is a legal entity: President

Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)

## Board Of Adjustment

|                                  |                                                            |                          |                            |                          |                                     |                          |
|----------------------------------|------------------------------------------------------------|--------------------------|----------------------------|--------------------------|-------------------------------------|--------------------------|
| Address                          | 6403 N Hillcrest Ave                                       |                          |                            |                          |                                     |                          |
| Lot And Block                    | Lot 11                                                     |                          |                            | Block 92                 |                                     |                          |
| Zone                             | R-1-75                                                     |                          |                            |                          |                                     |                          |
| City                             | Nichols Hills                                              |                          |                            |                          |                                     |                          |
| County                           | Oklahoma County                                            |                          |                            |                          |                                     |                          |
| State                            | Oklahoma                                                   |                          |                            |                          |                                     |                          |
| Zip Code                         | 73116                                                      |                          |                            |                          |                                     |                          |
| <b>Type of Building or Fence</b> | Check box below                                            |                          | New                        |                          | Addition                            |                          |
| Main Building                    | <input checked="" type="checkbox"/>                        | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Accessory Building               | <input type="checkbox"/>                                   | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Fence                            | <input type="checkbox"/>                                   | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Type Of adjustment</b>        |                                                            |                          |                            |                          |                                     |                          |
|                                  | <b>Allowed</b>                                             | <b>Proposed</b>          | <b>Amount over allowed</b> |                          |                                     |                          |
| 1. Front Setback                 |                                                            |                          |                            |                          |                                     |                          |
| 2. Rear Setback                  |                                                            |                          |                            |                          |                                     |                          |
| 3. Side Setback North            | 8'                                                         | 3'-6 3/4"                | 4'-5 1/4"                  |                          |                                     |                          |
| 4.Side Setback                   |                                                            |                          |                            |                          |                                     |                          |
| 5 Building Lot Coverage          |                                                            |                          |                            |                          |                                     |                          |
| 6 Floor area Ratio               |                                                            |                          |                            |                          |                                     |                          |
| 7. Height                        |                                                            |                          |                            |                          |                                     |                          |
| 8. Building envelope             |                                                            |                          |                            |                          |                                     |                          |
| 9. Other                         | <b>Explanation</b>                                         |                          |                            |                          |                                     |                          |
|                                  | Homeowner request variance for the North sideyard setback. |                          |                            |                          |                                     |                          |
| NOTE                             |                                                            |                          |                            |                          |                                     |                          |

Application for Variance – Development Regulation  
Worksheet

Applicant’s Name: CHIP OPPENHEIM

Property Address: 6403 N HILLCREST NICHOLS HILLS OK

Applicable Structure: (Check as applicable)

|                                                   |                              |                                              |
|---------------------------------------------------|------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Main Building | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Addition |
| <input type="checkbox"/> Accessory Building       | <input type="checkbox"/> New | <input type="checkbox"/> Addition            |
| <input type="checkbox"/> Fence                    | <input type="checkbox"/> New | <input type="checkbox"/> Addition            |

Type of Adjustment Sought: Provide information in inches and feet. Do not use decimals.

|                                                             | Allowed by City Code | Proposed Variance | Amount over Allowed |
|-------------------------------------------------------------|----------------------|-------------------|---------------------|
| Front Yard Setback                                          |                      |                   |                     |
| Rear Yard Setback                                           |                      |                   |                     |
| Side Yard Setback (specify north, south, east or west side) | 8'-0"                | 3'-6 3/4"         | 4'-5 1/4"           |
| Building Lot Coverage                                       |                      |                   |                     |
| Floor Area Ratio                                            |                      |                   |                     |
| Height                                                      |                      |                   |                     |
| No Build Envelope                                           |                      |                   |                     |
| Other                                                       | Explanation:         |                   |                     |

Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)



**Affidavit**

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Charles L. Oppenheim, being first duly sworn, states:

1. My name is, **Charles L. Oppenheim**. My address is **6403 N. Hillcrest Avenue, Nichols Hills, OK 73116**. I am over the age of 18. I am a resident of the State of Oklahoma. I have personal knowledge of the matters stated in this Affidavit.
2. I am the current and legal owner of the property in the City of Nichols Hills with the address of 6403 N. Hillcrest Avenue and more particularly described as:

**Lot Eleven (11), Block Ninety-two (92), Nichols Hills, Oklahoma County, OK**

3. I am the applicant for the hearing and action by the Board of Adjustment pursuant to the Nichols Hills City Code.
4. This address and legal description accurately describe the property for which hearing and action is requested.

I declare to the best of my knowledge and belief that the information in this Affidavit is true, correct, and complete.

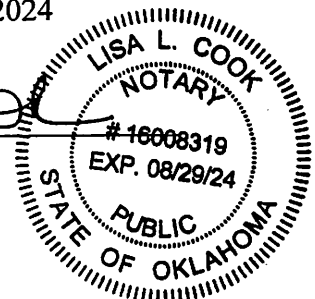
Executed this 16<sup>th</sup> day of February, 2024.

Charles L. Oppenheim  
Charles L. Oppenheim

**Notary Acknowledgment**

Subscribed and sworn to before me this 16<sup>th</sup> day of February, 2024

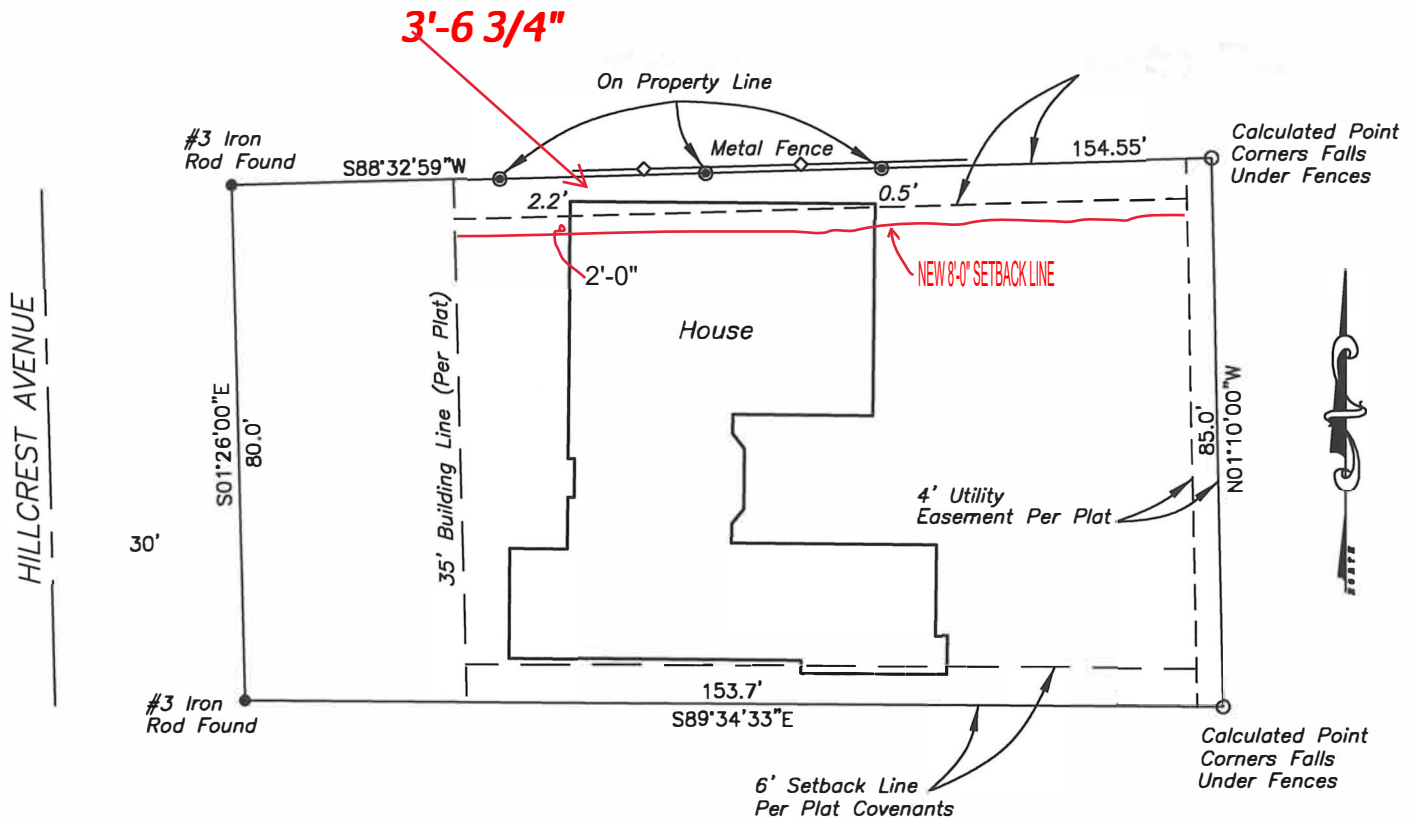
Lisa L. Cook  
Notary Public



My Commission Expires: 8/29/2024  
Comm. No. 16008319

LOT 11, BLOCK 92, NICHOLS HILLS,  
OKLAHOMA COUNTY, OKLAHOMA

4 c a  
REVISED  
By kmaakowicz at 3:20 pm, 2/23/24



LEGAL DESCRIPTION

Lot Eleven (11), Block Ninety-two (92), Nichols Hills, Oklahoma County, Oklahoma, according to the recorded plat thereof.

CERTIFICATE OF SURVEY

This plat of survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

*Kenneth E. Hauk* 10/6/23  
Kenneth E. Hauk, PLS#1300



Bearings shown are based on  
the recorded plat Nichols Hills

6403 N. Hillcrest Avenue ~ Nichols Hills



915 N. Greenway Drive - Oklahoma City, OK 73127  
(405) 265-4700 (405) 412-5955  
Certificate of Authorization No. 5272 Expires 06/30/2024

DATE: 10/4/23

SCALE: 1" = 30'

JOB #: 323041

DRAWN BY: KH

APPROVED BY: KEH

SHEET 1 OF 1

NO. REVISION DATE BY

SURVEYED BY: AEH

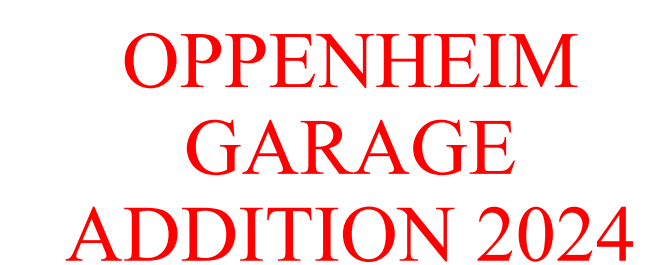
Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)



CONSULTANTS

REVISÉ

By kmakowicz at 7:45 am, 2/21/24



6403 N Hillcrest Ave.  
Oklahoma City, OK, OK 73116

|      | //   |             |
|------|------|-------------|
| MARK | DATE | DESCRIPTION |

PROJECT NO:

MODEL FILE:

DRAWN BY:

CHK'D BY:

**COPYRIGHT**

Copyright 2023 MBK, Architects

SHEET TITLE

NEW GARAGE FLOOR  
PLAN-rev 021024

## A1.01

































# Larry Stein Oklahoma County Assessor's Office



## Ownership Radius Report

This Official Report is for Account Number R169577880 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. **Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.**



STATE OF OKLAHOMA } ss:  
COUNTY OF OKLA.

I, the duly elected, qualified and acting  
County Assessor, in and for the County  
and State aforesaid, do hereby certify that  
the within and foregoing is a full, true and  
complete copy of 300 ft radius report  
made in the office of the County Assessor  
on the 16<sup>th</sup> day of Feb, 20 24  
Given under my hand and official seal this  
16<sup>th</sup> day of Feb, 20 24.

County Assessor

K Strayer Deputy

Oklahoma County Assessor's  
300ft Radius Report  
2/16/2024

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| accountno  | name1                         | name2                       | name3   | mailingaddress1                   | city          | state | zipcode    | subname                       | block | lot | legal                                                                                                                                                                                                                      | location                              |
|------------|-------------------------------|-----------------------------|---------|-----------------------------------|---------------|-------|------------|-------------------------------|-------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| R133021500 | COLONY LANE                   | HOMEOWNERS ASSOCIATION      | No Data | 6208 COLONY LN                    | OKLAHOMA CITY | OK    | 73112      | UNPLTD PT SEC 07 12N 3W       | 0     | 0   | UNPLTD PT SEC 07 12N 3W 000 000<br>PT OF NE4 SEC 7 12N 3W BEG<br>1503.6FT E OF NW/C OF NE4 TH<br>SLY270.62FT SELY 65.06FT SLY & SELY<br>529.25FT SWLY 449.59FT E24.09FT<br>NELY 448.23FT NWLY 592.69FT<br>W38FT NWLY 251.1 | 0 UNKNOWN<br>OKLAHOMA CITY            |
| R169786000 | GOLDBERG BEN                  | GEIST GALIA                 | No Data | 3101<br>CASTLEROCK RD,<br>Unit 69 | OKLAHOMA CITY | OK    | 73120-1861 | NICHOLS CLUB<br>ESTATES       | 0     | 6   | NICHOLS CLUB ESTATES 000 006                                                                                                                                                                                               | 1736 NW 63RD ST<br>NICHOLS HILLS      |
| R169785000 | GOLDBERG BEN                  | GEIST GALIA                 | No Data | 3101<br>CASTLEROCK,<br>Unit 69    | OKLAHOMA CITY | OK    | 73120      | NICHOLS CLUB<br>ESTATES       | 0     | 5   | NICHOLS CLUB ESTATES 000 005                                                                                                                                                                                               | 1734 NW 63RD ST<br>NICHOLS HILLS      |
| R133022600 | OKLAHOMA CITY<br>GOLF &       | COUNTRY CLUB                | No Data | 7000 NW GRAND<br>BLVD             | NICHOLS HILLS | OK    | 73116-4199 | UNPLTD PT<br>SEC 07 12N<br>3W | 0     | 0   | UNPLTD PT SEC 07 12N 3W 000 000<br>PT NE4 SEC 7 12N 3W THAT PT OF 18<br>HOLE GOLF COURSE IN NE4                                                                                                                            | 7000 N GRAND BLVD<br>OKLAHOMA CITY    |
| R169577860 | WHEAT FAMILY<br>LLC           | No Data                     | No Data | 5613 NW 125TH<br>ST               | OKLAHOMA CITY | OK    | 73142      | NICHOLS HILLS<br>ADD          | 92    | 9   | NICHOLS HILLS ADD 092 009                                                                                                                                                                                                  | 2017 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577870 | WILLIAMS R E TRS              | WILLIAMS ROY E<br>REV TRUST | No Data | 6401 N HILLCREST<br>AVE           | NICHOLS HILLS | OK    | 73116-5108 | NICHOLS HILLS<br>ADD          | 92    | 10  | NICHOLS HILLS ADD 092 010                                                                                                                                                                                                  | 6401 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577250 | MALAKOUTI<br>ABDOLLAH SEYED   | MIRZAIE SEMIRA              | No Data | PO BOX 1676                       | NORMAN        | OK    | 73070      | NICHOLS HILLS<br>ADD          | 88    | 0   | NICHOLS HILLS ADD 088 000 S18FT<br>LOT 61 & ALL LOTS 62 & 63                                                                                                                                                               | 6400 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577858 | RUDNICKI LAURA A              | No Data                     | No Data | 2015<br>HUNTINGTON<br>AVE         | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS<br>ADD          | 92    | 8   | NICHOLS HILLS ADD 092 008                                                                                                                                                                                                  | 2015 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577880 | OPPENHEIM<br>CHARLES L        | No Data                     | No Data | 6403 N HILLCREST<br>AVE           | NICHOLS HILLS | OK    | 73116-5108 | NICHOLS HILLS<br>ADD          | 92    | 11  | NICHOLS HILLS ADD 092 011                                                                                                                                                                                                  | 6403 N HILLCREST AVE<br>NICHOLS HILLS |
| R169578320 | MATHAI RINY &<br>SURESH       | No Data                     | No Data | 17413 BRAKEN<br>DR                | EDMOND        | OK    | 73012      | NICHOLS HILLS<br>ADD          | 94    | 18  | NICHOLS HILLS ADD 094 018                                                                                                                                                                                                  | 1733 NW 63RD ST<br>NICHOLS HILLS      |
| R169578310 | DARTER JAMES<br>MICHAEL TRS   | DARTER J<br>MICHAEL TRUST   | No Data | 2010<br>HUNTINGTON<br>AVE         | NICHOLS HILLS | OK    | 73116      | NICHOLS HILLS<br>ADD          | 94    | 17  | NICHOLS HILLS ADD 094 017                                                                                                                                                                                                  | 2010 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577855 | 2013<br>HUNTINGTON AVE<br>LLC | No Data                     | No Data | 2013<br>HUNTINGTON<br>AVE         | OKLAHOMA CITY | OK    | 73116      | NICHOLS HILLS<br>ADD          | 92    | 7   | NICHOLS HILLS ADD 092 007                                                                                                                                                                                                  | 2013 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577240 | ESAK LLC                      | No Data                     | No Data | 150 FAIRVIEW RD<br>STE 333        | MOORESVILLE   | NC    | 28117      | NICHOLS HILLS<br>ADD          | 88    | 0   | NICHOLS HILLS ADD 088 000 S34FT<br>LOT 59 & ALL LOT 60 & N32FT LOT 61                                                                                                                                                      | 6404 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577890 | GIBBS FAMILY<br>TRUST         | No Data                     | No Data | 6405 N HILLCREST<br>AVE           | OKLAHOMA CITY | OK    | 73116      | NICHOLS HILLS<br>ADD          | 92    | 12  | NICHOLS HILLS ADD 092 012                                                                                                                                                                                                  | 6405 N HILLCREST AVE<br>NICHOLS HILLS |
| R169578300 | EDWARDS AMY L<br>& EDWARD B   | No Data                     | No Data | 2008<br>HUNTINGTON<br>AVE         | NICHOLS HILLS | OK    | 73116-5113 | NICHOLS HILLS<br>ADD          | 94    | 16  | NICHOLS HILLS ADD 094 016                                                                                                                                                                                                  | 2008 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577850 | BRAND DENNIS L<br>& CARLA K   | No Data                     | No Data | 2011<br>HUNTINGTON<br>AVE         | NICHOLS HILLS | OK    | 73116-5112 | NICHOLS HILLS<br>ADD          | 92    | 6   | NICHOLS HILLS ADD 092 006                                                                                                                                                                                                  | 2011 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577900 | DODSON BEN S                  | No Data                     | No Data | 6407 N HILLCREST<br>AVE           | NICHOLS HILLS | OK    | 73116-5108 | NICHOLS HILLS<br>ADD          | 92    | 13  | NICHOLS HILLS ADD 092 013                                                                                                                                                                                                  | 6407 N HILLCREST AVE<br>NICHOLS HILLS |

Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)

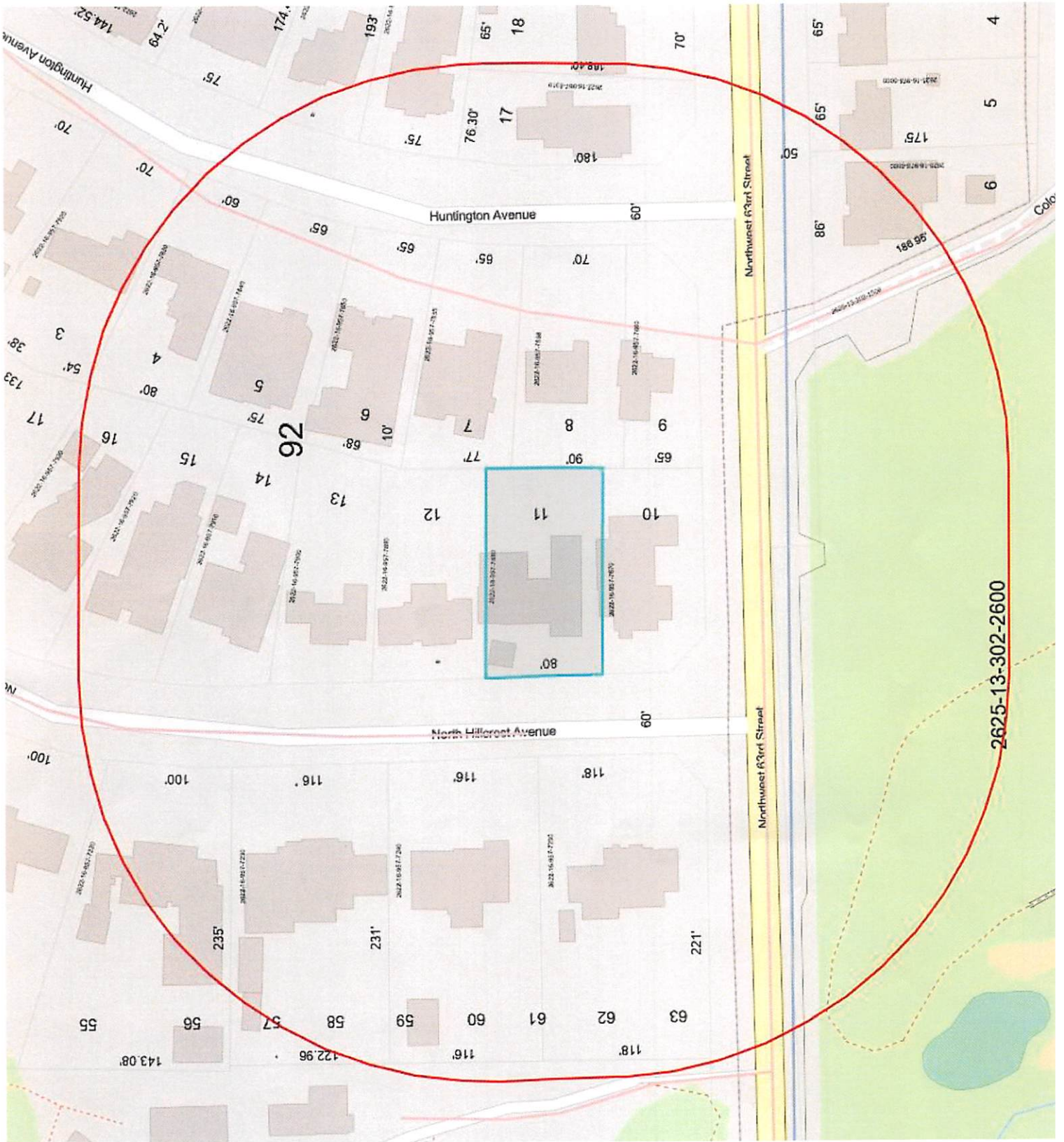
Oklahoma County Assessor's  
300ft Radius Report  
2/16/2024

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|            |                                    |                                   |         |                           |               |    |            |                               |    |    |                                                                                                                                                                                                                      |                                       |
|------------|------------------------------------|-----------------------------------|---------|---------------------------|---------------|----|------------|-------------------------------|----|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| R169578290 | KAISER<br>KRISTOPHER &<br>GLENN    | No Data                           | No Data | 2006<br>HUNTINGTON<br>AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS<br>ADD          | 94 | 15 | NICHOLS HILLS ADD 094 015                                                                                                                                                                                            | 2006 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577230 | HART LINDSEY &<br>BRANDON          | No Data                           | No Data | 6406 N HILLCREST<br>AVE   | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS<br>ADD          | 88 | 0  | NICHOLS HILLS ADD 088 000 LOTS 57<br>& 58 & N16FT LOT 59                                                                                                                                                             | 6406 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577840 | KLM LIV TRUST                      | No Data                           | No Data | 2009<br>HUNTINGTON<br>AVE | NICHOLS HILLS | OK | 73116-5112 | NICHOLS HILLS<br>ADD          | 92 | 5  | NICHOLS HILLS ADD 092 005                                                                                                                                                                                            | 2009 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577910 | HOLLIMAN JOHN H<br>MD              | No Data                           | No Data | 1203 ASTURIA<br>AVE       | CORAL GABLES  | FL | 33134      | NICHOLS HILLS<br>ADD          | 92 | 14 | NICHOLS HILLS ADD 092 014                                                                                                                                                                                            | 6409 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577830 | HAHN DEVON<br>WOOLBRIGHT TRS       | No Data                           | No Data | 1902<br>HUNTINGTON<br>AVE | NICHOLS HILLS | OK | 73116-5506 | NICHOLS HILLS<br>ADD          | 92 | 4  | NICHOLS HILLS ADD 092 004                                                                                                                                                                                            | 2007 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577920 | EVANS SHERRON S<br>TRS             | EVANS SHERRON<br>S REV TRUST      | No Data | 6411 N HILLCREST<br>AVE   | NICHOLS HILLS | OK | 73116-5108 | NICHOLS HILLS<br>ADD          | 92 | 15 | NICHOLS HILLS ADD 092 015                                                                                                                                                                                            | 6411 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577220 | WILLIAMS C BRAD<br>& AMY           | No Data                           | No Data | 6408 N HILLCREST<br>AVE   | NICHOLS HILLS | OK | 73116-5116 | NICHOLS HILLS<br>ADD          | 88 | 0  | NICHOLS HILLS ADD 088 000 LOTS 55<br>& 56 PLUS A TR ON W SIDE OF SD<br>LOTS BEG AT SW/C LOT56 W4FT<br>NELY 57.56FT NELY 87.18FT TO NW/C<br>OF LOT 55 SWLY ALONG REAR LINES<br>OF LOTS 55 & 56 FOR 143.80FT TO<br>BEG | 6408 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577820 | KRATZER DANIEL<br>TYLER TRS        | KRATZER DANIEL<br>TYLER REV TRUST | No Data | 2005<br>HUNTINGTON<br>AVE | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS<br>ADD          | 92 | 3  | NICHOLS HILLS ADD 092 003                                                                                                                                                                                            | 2005 HUNTINGTON<br>AVE NICHOLS HILLS  |
| R169577930 | CLEMENTS<br>ROBERT H &<br>LOUISE M | No Data                           | No Data | 6413 N HILLCREST<br>AVE   | NICHOLS HILLS | OK | 73116      | NICHOLS HILLS<br>ADD          | 92 | 16 | NICHOLS HILLS ADD 092 016                                                                                                                                                                                            | 6413 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577210 | FOLIART DANFORD<br>W TRS           | FOLIART LIVING<br>TRUST           | No Data | 2349 EL MORENO<br>ST      | LA CRESCENTA  | CA | 91214-3160 | NICHOLS HILLS<br>ADD          | 88 | 0  | NICHOLS HILLS ADD 088 000 LOTS 53<br>& 54                                                                                                                                                                            | 6410 N HILLCREST AVE<br>NICHOLS HILLS |
| R169577935 | BEFFORT MARK &<br>JULIE            | No Data                           | No Data | 6415 N HILLCREST<br>AVE   | NICHOLS HILLS | OK | 73116-5108 | NICHOLS HILLS<br>ADD          | 92 | 0  | NICHOLS HILLS ADD 092 000 LOTS 17<br>& 18                                                                                                                                                                            | 6415 N HILLCREST AVE<br>NICHOLS HILLS |
| R169711495 | OKLA CITY GOLF &<br>COUNTRY CLUB   | No Data                           | No Data | 7000 NW GRAND<br>BLVD     | NICHOLS HILLS | OK | 73116-4199 | UNPLTD PT<br>SEC 06 12N<br>3W | 0  | 0  | UNPLTD PT SEC 06 12N 3W 000 000<br>PT NE4 & SE4 SEC 6 12N 3W THAT PT<br>OF OKLA CITY GOLF & COUNTRY<br>CLUB IN THE NE4 & SE4 CONT<br>125ACRS MORE OR LESS                                                            | 7000 NW GRAND<br>BLVD NICHOLS HILLS   |

Attachment: BOA-2024-07 (7155 : BOA 2024-07 6403 N. Hillcrest Avenue)







## \*\*\*\*\* REPRINT RECEIPT\*\*\*\*\*

REC#: 00188886 2/21/2024 1:25 PM  
OPER: NB TERM: 010  
REF#:   
PAID BY:

ACCT #: XXXXXXXXXXXXXXXXXXXX  
AUTH #: 852393  
TRAN #: 000000897403

TYPE: PURCHASE  
APP NAME: American Express  
ENTRY MODE: CHIP

AMOUNT USD\$ 750.00

EMV DETAILS:  
AC: 6BF0455DE28696A1  
AID: A000000025010801  
ATC: 0185  
TSI: E800  
TVR: 0000008000

TRAN: 850.0000 Variance Request  
6403 N HILLCREST  
Variance Request 750.00CR

TENDERED: 750.00 CREDIT CARD  
APPLIED: 750.00-

CHANGE: 0.00

City of Nichols Hills  
6407 Avondale Dr  
Nichols Hills, OK 73116  
(405) 843-6637