

1. Agenda

Documents:

[BOA 4 17 24.PDF](#)

- 1.1. Meeting Materials

Documents:

[BOA PACKET 4 17 24.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Board of Adjustment
Wednesday, April 17, 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 of Adjustment only on items that appear on this Agenda. The Board of Adjustment 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 of Adjustment.

1. Call to Order
2. Roll Call
3. Minutes
 - a. March 20, 2024 Minutes
4. Public Hearings

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).

- b. PUBLIC HEARING: Case No. BOA-2024-08, for which the applicants at 1809 W. Wilshire Boulevard are seeking an 18" height variance.

BOA-2024-08 1809 W. Wilshire Boulevard

The property is zoned R-1-75.

The applicants desire to build a front yard wall. For the proposed wall, the applications are seeking an 18" height variance resulting in a 48" height front yard wall.

- c. PUBLIC HEARING: Case No. BOA-2024-09, for which the applicants at 1808 Westminster Place are seeking a 2' front yard variance, a 2' east side yard setback variance, and a 1' west side yard setback variance.

BOA-2024-09 1808 Westminister Place

The property is zoned R-1-60.

The applicants desire to build an addition to the main dwelling. For the proposed addition, the applications are seeking a 2' front yard variance leaving a 38' front yard setback. For the proposed addition, the applicants are also seeking a 2' east side yard setback variance, leaving a 4'6" east side yard setback. For the proposed addition, the applicants are also seeking a 1' west side yard setback variance, leaving a 5'6" west side yard setback.

5. Adjournment



City Clerk

City of Nichols Hills, Oklahoma

AGENDA

Regular Meeting of the
Nichols Hills Board of Adjustment
Wednesday, April 17, 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 of Adjustment only on items that appear on this Agenda. The Board of Adjustment 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 of Adjustment.

1. Call to Order
2. Roll Call
3. Minutes
 - a. March 20, 2024 Minutes
4. Public Hearings

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).

- b. PUBLIC HEARING: Case No. BOA-2024-08, for which the applicants at 1809 W. Wilshire Boulevard are seeking an 18" height variance.

BOA-2024-08 1809 W. Wilshire Boulevard

The property is zoned R-1-75.

The applicants desire to build a front yard wall. For the proposed wall, the applications are seeking an 18" height variance resulting in a 48" height front yard wall.

- c. PUBLIC HEARING: Case No. BOA-2024-09, for which the applicants at 1808 Westminster Place are seeking a 2' front yard variance, a 2' east side yard setback variance, and a 1' west side yard setback variance.

BOA-2024-09 1808 Westminister Place

The property is zoned R-1-60.

The applicants desire to build an addition to the main dwelling. For the proposed addition, the applications are seeking a 2' front yard variance leaving a 38' front yard setback. For the proposed addition, the applicants are also seeking a 2' east side yard setback variance, leaving a 4'6" east side yard setback. For the proposed addition, the applicants are also seeking a 1' west side yard setback variance, leaving a 5'6" west side yard setback.

5. Adjournment



City Clerk

City of Nichols Hills, Oklahoma



CITY OF NICHOLS HILLS

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 **21st 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 5th day of February 2024.

Amanda Copeland
City Clerk
City of Nichols Hills, Oklahoma



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.

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

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: Michael E. Reel

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> <td style="width: 35%;">Type of Building or Fence</td> <td style="width: 25%; text-align: center;">Check box below</td> <td style="width: 10%; text-align: center;">New</td> <td style="width: 10%; text-align: center;">Addition</td> <td style="width: 20%;"></td> </tr> <tr> <td>Main Building</td> <td>☐</td> <td>☐</td> <td>☐</td> <td></td> </tr> <tr> <td>Accessory Building</td> <td>☒</td> <td>☐</td> <td>☒</td> <td></td> </tr> <tr> <td>Fence</td> <td>☐</td> <td>☐</td> <td>☐</td> <td></td> </tr> </table>						Type of Building or Fence	Check box below	New	Addition		Main Building	☐	☐	☐		Accessory Building	☒	☐	☒		Fence	☐	☐	☐	
Type of Building or Fence	Check box below	New	Addition																						
Main Building	☐	☐	☐																						
Accessory Building	☒	☐	☒																						
Fence	☐	☐	☐																						
Type Of adjustment																									
	Allowed	Proposed	Amount over allowed																						
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																									
Explanation																									
9. Other	Applicant requesting a variance on the west side yard setback and Sec. 50-169 where sport courts are prohibited in R-1-75 districts.																								
NOTE																									

Application for Variance – Development Regulation Worksheet

Applicant's Name: Michael E. Reel

Property Address: 1711 Elmhurst Avenue

Applicable Structure: (Check as applicable)

☐ Main Building	☐ New	☐ Addition
☐ Accessory Building	☐ New	☐ Addition
☐ Fence	☐ New	☐ 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)	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

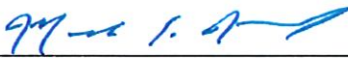
COUNTY OF OKLAHOMA

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.

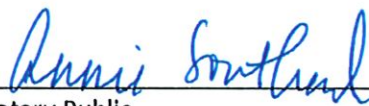
Executed this 15th day of December, 2023.



Michael E. Reel

Notary Acknowledgement

Subscribed and sworn to before me this 15th 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,

A handwritten signature in blue ink, appearing to read "Michael E. Reel", with a stylized, cursive script.

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 H.A. Miller	Heath Miller	1714 Elmhurst
Hamid R. Sima	Hamid R. Sima	1709 Elmhurst
Kathleen Gordon	Kathleen Gordon	1712 Guilford Ln
Sean & Ally Corbett	Sean Corbett	1710 Guilford Ln

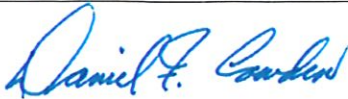
Homeowner's Name	Homeowner's Signature	Homeowner's Address
Daniel F. Cowden		1714 Guilford Ln.
Dax Dilbeck		1716 Guilford Ln.

Exhibit II

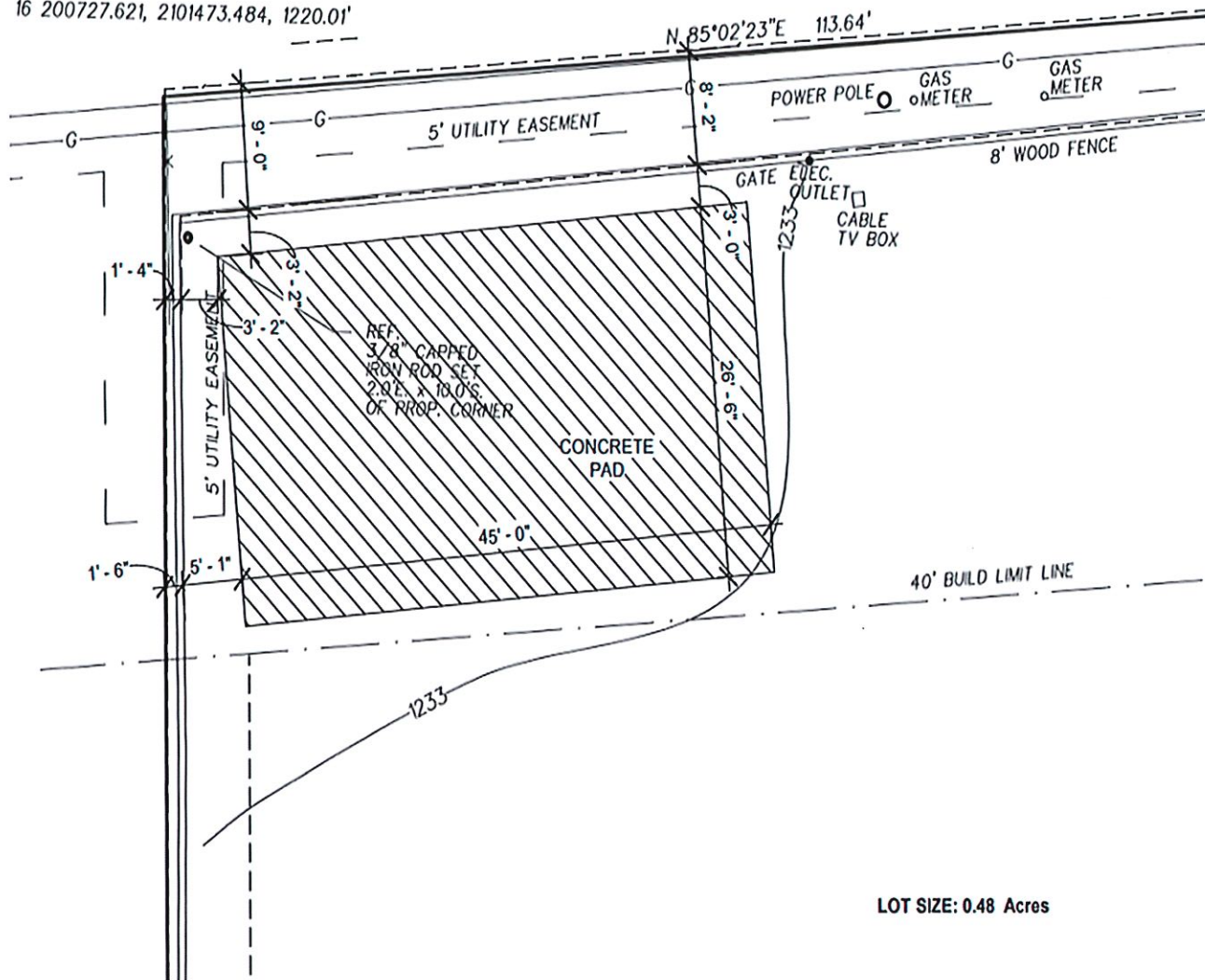


HORIZONTAL AND VERTICAL CONTROL

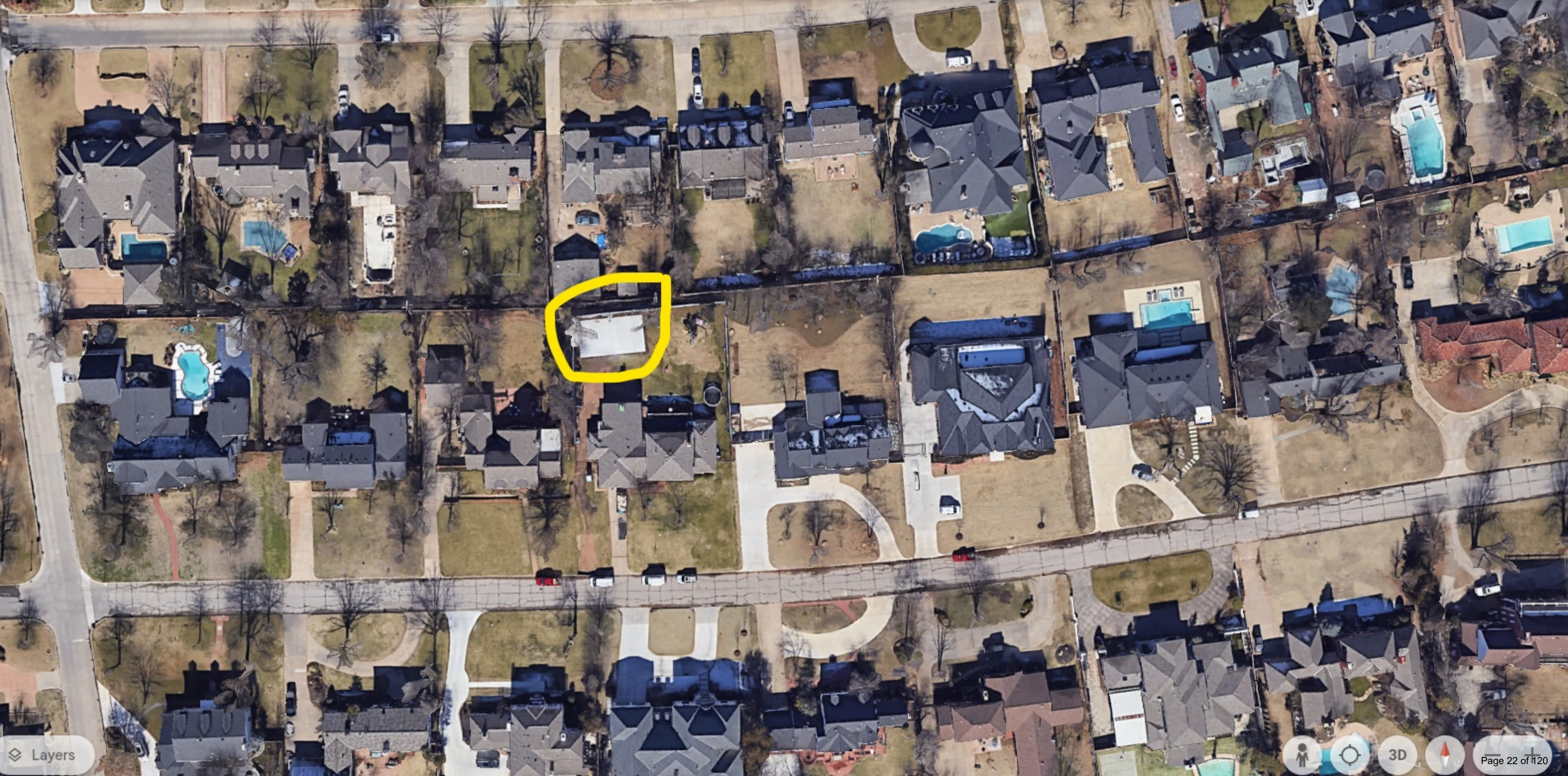
NICHOLS HILLS BENCH MARKS;
THIS SURVEY IS TIED TO MONUMENT # 16

MONUMENTS

16 200727.621, 2101473.484, 1220.01'



LOT SIZE: 0.48 Acres









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.

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.**

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 Franchise report

filed in the office of the County Assessor
on the 28th day of NOV, 2023

Given under my hand and official seal this
28th day of NOV, 2023

County Assessor

Kstrayer Deputy

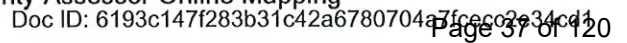
accountno	name1	name2	name3	mailingaddress1	city	state	zipcode	subname	block	lot	legal	location
R169707500	RIESEN THOMAS C TRUST	RIESEN CYNTHIA D TRUST	No Data	1715 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4113	UNPLTD PT SEC 31 13N 3W 000 000	0	0	UNPLTD PT SEC 31 13N 3W 000 000 PT SE4 SEC 31 13N 3W & PT NE4 SEC 6 12N 3W BEG 40FT W & 155.38FT N & 98.59FT SWLY & 821.41FT WLY ALONG A CURVE FROM SE/C SE4 SEC 31 13N 3W TH WLY ALONG A CURVE 0 137.64FT	1715 W WILSHIRE 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 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 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 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 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 PT SE4 SEC 31 13N 3W & PT NE4 SEC 6 12N 3W BEG 155.38FT N & 40FT W & 98.59FT SW & 481.41FT WLY FROM SE/C SE4 TH N25FT WLY 75FT	1709 W WILSHIRE 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 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 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 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 NICHOLS HILLS
R169840025	LAWRENCE CHARLES JR & HILLARY TRS	LAWRENCE CHARLES 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 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 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 NICHOLS HILLS

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

R169840170	FARMER JAZMINE	No Data		No Data	1717 ELMHURST AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	27	NICHOLS HILLS WILSHIRE 096 027	1717 ELMHURST AVE NICHOLS HILLS
R169840175	WOLF MARY LYNN TRUST	No Data		No Data	1715 ELMHURST AVE	NICHOLS HILLS	OK	73120-1011	NICHOLS HILLS WILSHIRE	96	28	NICHOLS HILLS WILSHIRE 096 028	1715 ELMHURST AVE NICHOLS HILLS
R169840180	LASTER THOMAS R & SUSAN R	No Data		No Data	1713 ELMHURST AVE	NICHOLS HILLS	OK	73120-1011	NICHOLS HILLS WILSHIRE	96	29	NICHOLS HILLS WILSHIRE 096 029	1713 ELMHURST AVE NICHOLS HILLS
R169840185	REEL MICHAEL & LEAH	No Data		No Data	1711 ELMHURST AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	30	NICHOLS HILLS WILSHIRE 096 030	1711 ELMHURST AVE NICHOLS HILLS
R169840190	SIMA HAMID	SATVATI NAHID		No Data	1709 ELMHURST AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	31	NICHOLS HILLS WILSHIRE 096 031	1709 ELMHURST AVE NICHOLS HILLS
R169840195	BROWN RYANNE E	BROWN MATTHEW K		No Data	1707 ELMHURST AVENUE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	32	NICHOLS HILLS WILSHIRE BLK 096 LOT 032	1707 ELMHURST AVE NICHOLS HILLS
R169840200	GARNER DANA DENISE	GARNER WILLIAM LANCE		No Data	1705 ELMHURST AVE	OKLAHOMA CITY	OK	73120	NICHOLS HILLS WILSHIRE	96	33	NICHOLS HILLS WILSHIRE BLK 096 LOT 033	1705 ELMHURST AVE NICHOLS HILLS
R169840165	WILSON TROY L REV TRUST	No Data		No Data	1724 GUILFORD LN	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	26	NICHOLS HILLS WILSHIRE 096 026	1724 GUILFORD LN NICHOLS HILLS
R169840145	SPARLING L B & CYNTHIA L TRS	SPARLING 2023 REV TRUST		No Data	1720 GUILFORD LN	NICHOLS HILLS	OK	73120-1014	NICHOLS HILLS WILSHIRE	96	0	LOTS 22 THRU 25	1720 GUILFORD LN NICHOLS HILLS
R169840140	TREACY JON	TREACY HELEN LOUISE		No Data	22 OLD MILL DR BLDG 2, Unit 250	CANTON	CT	6019	NICHOLS HILLS WILSHIRE	96	0	LOTS 19 20 & 21	1718 GUILFORD LN NICHOLS HILLS
R169840125	DILBECK CALEB DAX	DILBECK MOLLIE		No Data	1716 GUILFORD LN	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	0	W12.55FT LOT 15 & ALL 16 17 & 18	1716 GUILFORD LN NICHOLS HILLS
R169840105	COWDEN DANIEL F & SANDRA K	No Data		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 NICHOLS HILLS
R169840095	GORDON BRYAN & KATHLEEN	No Data		No Data	1712 GUILFORD LN	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	0	LOTS 9 10 & 11	1712 GUILFORD LN NICHOLS HILLS
R169840075	PINKLEY ALLYSON A	CORBETT SEAN P		No Data	1710 GUILFORD LN	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	0	WSFT OF LOT 5 & ALL LOTS 6 THRU 8	1710 GUILFORD LN NICHOLS HILLS
R169840070	PRATER SCOTT	PRATER ELIZABETH		No Data	1708 GUILFORD LN	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	5	WSFT	1708 GUILFORD LN NICHOLS HILLS
R169840065	JACKSON BRIAN C & CAMILLE G	No Data		No Data	1706 GUILFORD LN	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	96	0	LOT 4 EX E5FT	1706 GUILFORD LN NICHOLS HILLS
R169840365	GARRETT PATRICK W	No Data		No Data	1721 GUILFORD LN	NICHOLS HILLS	OK	73120-1013	NICHOLS HILLS WILSHIRE	97	0	LOTS 47 48 & 49	1721 GUILFORD LN NICHOLS HILLS

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

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



Memorandum

To: Board of Adjustment
From: S. Shane Pate II, City Manager
Re: 1711 Elmhurst BOA Application
Date: February 16, 2024

Members of the Board of Adjustment:

The application to appeal the City's decision to deny issuance of an accessory structure (sports court) permit at 1711 Elmhurst Avenue provided a memorandum outlining the applicant's opinion as to local law regarding accessory structures. While staff has no objection to the Board of Adjustment allowing the sports court at the applicant's property, staff feels compelled to outline its position as to the law on this point.

1. Prior to the effective date of Ordinance Nos. 1225 and 1226, the City Code required building permits for accessory structures.

The applicant believes a building permit is only required in three specific instances, citing Sec. 50-188(b) of the City Code. To the contrary, the City Code requires building permits in many instances beyond what is listed in Sec. 50-188(b), including accessory structures. (See. Sec. 8-284, requiring building permits for swimming pools; and see Sec. 8-246, requiring permits for fences). Specifically, and pursuant to Section 50-187(a) of the Nichols Hills City Code (last amended October 9, 2018), it is a violation of the City Code "to change or permit the change in use of land, buildings, or structures, or to construct, alter, move, or add an addition to any building or structure until a building permit or certificate of occupancy has been obtained under the conditions set forth in this section." Further, in Sec. 50-341(c) of our City Code (last amended March 10, 2020), building permits for accessory structures are expressly contemplated, stating in relevant part, "Certificates of approval are not required to apply for building permits for fences, swimming pools, or accessory buildings or structures when such proposed construction is the only work for which the building permit is sought." Notably, permits are also required to construct driveways, pursuant to Sec. 38-148 (last amended on June 13, 2017).

In this matter, an accessory structure building permit was required prior to building the basketball court but was not obtained by the applicant. To that end, a phone call to City Hall or Public Works would have resulted in the applicant learning the law on this point and an accessory structure permit application form would have been provided to him.

2. **The concrete pad is a sports court, and as such an accessory structure under the City Code prior to the effective dates of Ordinances 1225 and 1226.**

The sports court was constructed in 2022. At the time of construction, the City’s zoning code in effect at the time, “accessory buildings, structures, and uses” were all contained within a single defined term under Section 50-3 of the Code, to wit:

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.

Using this definition, the City has historically interpreted provisions of the City Code referring to “accessory buildings” to also include accessory structures or uses. To do otherwise would produce an absurd result. For instance, Section 50-48(c)(b) provides that “no accessory building shall exceed the height of the main building.” If this were to only apply to buildings, a property owner could erect at any location in their back yard the Eiffel Tower, the Statue of Liberty, a concrete pad, a basketball goal or a basketball court of height similar to these famous structures. This is particularly of concern in the case of a sports court where impermeable surfaces are constructed in violation of city zoning setbacks, resulting in surface stormwater drainage issues for abutting property owners. Accordingly, the City requires permits for accessory buildings, accessory structures, and accessory uses, such as sports courts.

3. **Ordinance No. 1226 prohibits sports courts in the R-1-75 Residential Zoning District.**

On March 14th, 2023, the City Council approved an ordinance specifically addressing basketball courts. (See Ordinance No. 1226, included with this memorandum). Importantly, Ordinance No. 1226 expressly prohibits sports courts in the R-1-75 zoning district. Since the sports court was constructed without the proper permit, a new permit would now be required; however, staff is no longer authorized to issue a permit for a sports court at this address because it is in the R-1-75 Zoning District.

4. **Side yard setback violation of Section 50-49(e)(3)(b).**

This property is zoned R-1-75 “Single Family Residential”. As such, accessory buildings less than 14 feet in height have a six foot side yard setback. The basketball court, including the goals, appear to be less than 14 feet in height. In this case, the basketball court violates the west side yard setback by one ft, six inches.

Staff Recommendations

While the City Code provisions in effect at the time the sports court was constructed did require a permit and certain setbacks, and ignorance of the law is not a defense, staff does believe the applicant made a good faith effort to follow our City Code when constructing his sports court. Staff concedes the language in the City Code regarding accessory structures prior to 2023 could lead to misunderstandings of the law. To that end, staff recommended, and the City Council adopted, more clearly written ordinances for accessory structures, including sports courts. Staff could even contemplate the ambiguous language in our City Code on these points prior to 2023 as creating an undue hardship on the applicant to understand what rules applied to his structure. However, the authority to make such determinations rests solely with the Board of Adjustment.

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.

Building, Portable, means a movable Accessory Building or Accessory Structure which is not connected to utility services, does not exceed 12 feet in height and 144 square feet in gross floor area. ~~is behind the front of the Main Building, is subject to other Setback requirements, and is included in Lot Coverage requirements.~~

Building, Secondary.

(1) The term ~~"Building, secondary,"~~ Secondary Building means any Structure containing the same uses and located on the same Lot as the Main Building as follows:

- a. In estate and single-family residential districts, Secondary Building means an integrated architectural design including more than one Structure, all of which are intended for occupancy by the immediate family or household staff as permitted. A detached garage which exceeds a 650 square foot Building footprint shall be considered a Secondary Building. Note that effective December 24, 2010, Secondary Buildings are not allowed in any Residential District. Some Secondary Buildings exist in the E-1-Estate and E-2 Urban Estate Districts that were built prior to that date.
- b. In multiple-family residential districts, Secondary Building means an architecturally compatible complex of two or more Buildings on a parcel under one ownership, with all Buildings providing the same type of permitted occupancy and as the Main Building.
- c. In office and retail commercial districts, Secondary Building means a parcel under one ownership with more than one Structure, and having shared parking and access.

(2) All applicable zoning and construction code requirements must be met. Secondary Buildings shall be included with the Main Building in the application of all development regulations of the Zoning District.

Commercial Dumpster means a Large Scale Receptacle (as defined in Section 36-26) that is a metal receptacle, used for commercial garbage collection purposes, designed to be lifted and emptied mechanically for use primarily at multiple-family developments and commercial properties.

Detached Emergency Shelter means a Structure that is not attached to or part of another Building and that is designed and intended for temporary human habitation during periods of violent storms and emergency situations. An emergency shelter that is located below ground inside a Garage is not a Detached Emergency Shelter.

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:

(a) *Permit required.* Unless exempted by this Division or otherwise stated, a Conditional Use Permit is required for all Accessory Buildings, Accessory Structures, and Accessory Uses as set out in Article IV of this Chapter.

(b) *Principal use required.* Accessory Buildings, Accessory Structures, and Accessory Uses are allowed only in connection with lawfully established principal uses.

(c) *Compliance with Zoning District regulations.* Each permitted Accessory Building, Accessory Structure, and Accessory Use is subject to the development regulations for the applicable the Zoning District, including regulations as to Setbacks, height, location, and separation from Main Buildings, all as set out for the City's Zoning Districts in Division 2 and Division 3 of this Article.

(d) *Allowed Accessory Buildings, Accessory Structures, and Accessory Uses.* Allowed Accessory Buildings, Accessory Structures, and Accessory Uses are limited to those set out in this Division and those buildings, structures, and uses that satisfy the following criteria, as determined by the Code Official:

- (1) *Buildings, Structures, and uses that are customarily found in conjunction with the subject principal use or Main Building on the premises;*
- (2) *Buildings, Structures, and uses that are subordinate to and clearly incident to the principal use or Main Building on the premises; and*
- (3) *Buildings, Structures, and uses that serve a necessary function for or contribute to the comfort, safety or convenience of the occupants of the Main Building.*

(e) *Time of construction and establishment.* Accessory Uses may be established only after the principal use of the property is in place. Accessory Buildings and Accessory Structures may be established only in conjunction with construction of the Main Building or after that construction is complete.

(f) *Code Official authority to impose conditions on issuance of permits.* As set out in Article IV of this Chapter, the Code Official is authorized to impose conditions on issuance of Conditional Use Permits for Accessory Buildings, Accessory Structures, and Accessory Uses, including: (1) conditions to address drainage issues attributable to the increase in impervious surface area resulting from a proposed Accessory Building, Accessory Structure or Accessory Use; (2) conditions to require Privacy Landscaping to address privacy concerns resulting from a proposed Accessory Building, Accessory Structure or Accessory Use; (3) conditions to address health and safety concerns. Compliance with all such conditions is mandatory; (4) conditions to address noise issues and to provide noise buffers; (5) conditions to address Light Trespass; and (6) other reasonable conditions necessary to protect the public health, safety, comfort, and welfare.

(g) *Code Official authority to refer applications for hearing.* As set out in Article

IV of this Chapter, the Code Official may refer applications for Conditional Use Permits to the Planning Commission and City Council for public hearings prior to granting the Conditional Use Permit.

(h) *Changing use after approval is prohibited.* Except for minor revisions as discussed in subsection (i), once a Conditional Use Permit is issued for an Accessory Building, Accessory Structure or Accessory Use, such building, structure or use may not be enlarged, extended, increased in intensity, or relocated unless the City issues a new Conditional Use Permit.

(i) *Minor revisions to approved Accessory Buildings, Accessory Structures or Accessory Uses.* Minor revisions to Accessory Buildings, Accessory Structures, and Accessory Uses for which the Code Official has issued a Conditional Use Permit (or other applicable Permit) do not require a new Permit but must be approved by an amendment to the original Permit issued by the Code Official. Minor revisions are revisions to the Accessory Building, Accessory Structure or Accessory Use that:

- (1) *modify no more than five percent of the project from the original Permit;*
- (2) *are consistent with any conditions associated with the original Permit;*
- (3) *do not significantly alter the project previously approved; and*
- (4) *are in conformance with the Nichols Hills City Code and the intent of the Nichols Hills Building Commission Building Demolition, Design, and Construction Guidelines.*

(j) *Lot Coverage implications.* Accessory Buildings, Accessory Structures, and Accessory Uses are included in the Lot Coverage calculations except the following when located outdoors and uncovered by a permanent roof structure:

- (1) *In-ground swimming pools and above-ground swimming pools that do not exceed five feet in height above ground;*
- (2) *Decks or hard surfaced terraces at or within five feet of grade; and*
- (3) *Sports Courts.*

Sec. 50-159. Cabanas and Pool Houses.

Cabanas and pool houses without kitchen facilities are Accessory Structures that are allowed in the Residential Zoning Districts by Conditional Use Permit. Where allowed, cabanas and pool houses are subject to Section 50-158 and the following:

- (1) *Cabanas and pool houses may only be used in connection with swimming pools and recreational activities. They may not be used for household occupancy or for any commercial purpose as prohibited by Section 50-166.*

Sec. 50-160. Carports.

Carports are Accessory Structures that are allowed by Conditional Use Permit. Carports are subject to Section 50-158 and the following:

- (1) Use. Carports may be used only for use for parking one-operable motor vehicles. Carports may not be used for storage of personal property or inoperable vehicles.
- (2) Located on hard surface. Carports must be located over a permanent hard surface.
- (3) Number. There may be no more than one Carport per Dwelling.
- (4) Design. Carports must have an architectural design and appearance compatible with the Main Building, including roof type and pitch, colors, structural design, texture, and materials.
- (5) Maintenance. Carports must be kept in an attractive state in good repair, and in a safe and sanitary condition.
- (6) Existing Carports. Once constructed, Carports may not be enlarged or altered in any way.

Sec. 50-163. Commercial Dumpsters.

Commercial Dumpsters are Accessory Structures that are allowed only in the R-3 Multiple-Family Residential District, the U-4 Church District, the C-1 Office District, and the C-2 Retail Business District by Conditional Use Permits. Commercial Dumpsters are prohibited in all other Zoning Districts.

This Section does not apply to Large Scale Receptacles used on a temporary basis or used in connection with permitted construction and demolition purposes which are addressed in Section 36-26(b). Where allowed, Commercial Dumpsters are subject to Section 50-158 and the following:

- (1) Dumpsters must be comprised of rigid metal construction.
- (2) Dumpsters must be located on a dustless, all-weather surface.
- (3) Dumpsters may not:
 - a. Obstruct traffic (whether motorized or non-motorized).
 - b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than five feet in width.

- c. Be located within ten feet of a fire hydrant or fire suppression connection.
- (1) d. Be located in a required parking space or required landscape area.
- e. Be located in a street Setback or side Setback.
- (4) The site surrounding the dumpster must be maintained free of litter, debris, and other materials.
- (5) Commercial Dumpsters must be screened from view of all streets and public ways. Screening of Commercial Dumpsters in alleys is not required. Signs are not allowed on the exterior of a screening fence or wall. Such screening must be at least six feet in height and must consist of a combination of stone or masonry walls and evergreen landscaping, berms or other methods approved by the Code Official.
- (6) Where the use of a Commercial Dumpster is proposed, the location and intended screening demonstrating compliance with this Section must be included with the submittal of a site plan for a Building Permit or Certificate of Occupancy.

Sec. 50-161. Detached Emergency Shelters.

Detached Emergency Shelters are Accessory Buildings that are allowed by Conditional Use Permit. Detached Emergency Shelters are subject to Section 50-158 and the following:

- (1) Detached Emergency Shelters may not be located in a Front Yard or Side Yard unless it is not physically feasible to install in the Rear Yard, in which case no part of the shelter may exceed 18 inches in height above ground level except for Detached Emergency Shelters built to be handicapped accessible.
- (2) Any part of a Detached Emergency Shelter that is in a Front Yard or Side Yard that is visible from a Street or a public way must be screened. Such screening must consist of a combination of stone or masonry walls and evergreen landscaping or other methods approved by the Code Official.

Sec. 50-162. Detached Garages.

Detached Garages are Accessory Buildings that are allowed in the Residential Zoning Districts by Conditional Use Permit. Detached Garages are subject to the requirements of Section 50-158 and the following:

As set out in Section 50-3, Detached Garages that exceed a 650 square foot building footprint in the E-1 Estate District, the E-2 Urban Estate District, the R-1-75 Single-Family Residential District, and the R-1-60 Single-Family Residential District are considered Secondary Buildings and are prohibited.

And as set out in Sections 50-51 and 50-52, Detached Garages that exceed a 450 square foot building footprint or 20 foot building height in the R-2 Two-Family Residential District or the R-3 Multiple Family Residential District are considered Secondary Buildings and require a Special Use Permit.

- (2) Garage doors are subject to the residential high-wind construction requirements set out in Section 8-29.
- (3) Detached Garages may be constructed only in the Rear Yard or Side Yard of a Lot.

Sec. 50-164. Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces.

Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces are Accessory Structures that are allowed in all Zoning Districts by Electric Vehicle Charging Station Permit. Requirements applicable to Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces are set out in Division 11 of this Article.

Sec. 50-165. Home office use; prohibited business and commercial uses of property in the Residential Zoning Districts.

Use of a Dwelling as a home office is an Accessory Use that is allowed in the Residential Zoning Districts, subject to compliance with this Section. A Conditional Use Permit is not required.

(1) Prohibition on business and commercial use. Any business or commercial use of property within any residential Zoning District in this Chapter is prohibited unless such use is a permitted home office use or the casual and occasional use by resident minors under age 16 years selling lemonade, cookies or other similar items.

(2) Permitted home office use allowed as accessory use and defined. Permitted home office use shall be a permitted accessory use in any residential Zoning District in this Chapter. For purposes of this Section, permitted home office use shall mean an office activity in the main residential dwelling area and not in an outbuilding, carried on for gain by a resident, or an office activity for charitable, private foundation or other similar nonprofit purposes, provided:

- a. The use is limited solely to office use and, at all times, incidental and secondary to residential uses of the property;
- b. The use carried on for gain is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the Dwelling Unit, and no other persons; or the use for charitable, private foundation or other similar nonprofit purposes is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the Dwelling Unit, and no more than one nonresident of the Dwelling Unit;

- c. No nonresident employees, customers, or business invitees or guests shall visit the Dwelling Unit for business purposes, except:
 - i. Customers or business invitees or guests may visit on an infrequent and nonrecurrent basis for any permitted activity; or
 - ii. If the business purposes involves teaching or instruction of arts, music, physical fitness, or academics, customers or business invitees or guests may visit in groups of no more than two such persons at any one time with a maximum of six such persons per day;
 - d. The use shall be located in no more than two rooms of the Dwelling Unit, which shall not be served by an entrance separate from the residence and such total office use shall be no more than 20 percent of the floor area of the residence excluding outbuildings from the calculation of floor area;
 - e. Interior storage of materials shall only consist of office supplies;
 - f. There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage of business materials or equipment, signs, or lights;
 - g. The use involves no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with telephone, Internet or wireless communication, radio or television reception, detectable by neighboring residents;
 - h. The use is not for any of the following:
 - i. The care for infants or children;
 - ii. The boarding or breeding kennels for animals;
 - iii. Barbershop/beauty salon;
 - iv. Massage parlor;
 - v. Restaurant and other retail food service at the Dwelling Unit;
 - vi. Nursing facility or other health-related care serving patients at the Dwelling Unit;
 - vii. Hotel, bed and breakfast or other similar uses serving transient guests for compensation at the Dwelling Unit; or
 - viii. Church business office;
 - i. All vehicular traffic to and from the office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the residential zone district and business guests or invitees parking shall be restricted to on-site use of the driveway or on the same side of the street directly in front of the residential dwelling; and
 - j. The Dwelling Unit is occupied by a resident as a residential Dwelling Unit during non-business hours on the same day that the Dwelling Unit is used as an office as permitted under this Section.
- (3) Administration and enforcement; penalties and violations.
- a. Responsibility for the administration and enforcement of the provisions of this Section are assigned to the City Manager or his designee.
 - b. The City Manager or his designee in the exercise of reasonable discretion may inspect the premises if he deems it necessary in light of the documentation submitted or other information gathered about business or

commercial use of property in residential Zoning Districts. If the City Manager should determine or believe that any use may be in violation of the provisions of this Section, the City Manager or his designee shall conduct such investigation as may be warranted by the circumstances including an inspection of the premises, and upon finding of a violation may direct that the violations be corrected by issuing one warning citation requiring correction within a period of 15 days. If such violations remain uncorrected upon the expiration of such 15 days, City Manager or his designee may file a complaint to be prosecuted by the City in Municipal Court.

- c. Any person, firm or corporation who shall knowingly violate any provision of this Section shall, upon conviction, be subject to a fine of not more than \$450.00. Each day that a violation exists shall constitute a separate and distinct offense.

Sec. 50-166. Landscape Structures.

Landscape Structures are Accessory Structures that are allowed by in all Zoning Districts Conditional Use Permit. Landscape Structures are subject to the requirements of Section 50-158 and the following:

- (1) Greenhouses and storage sheds. Greenhouses and storage sheds may be constructed only in the Rear Yard or Side Yard, provided that any greenhouse or storage shed located in a Side Yard must not be visible from a Street or public way. The maximum height for a greenhouse or storage shed is 18 feet. Greenhouses and storage sheds must be located a minimum of 10 feet from the Main Building.
- (2) Height and maximum dimension. The allowed height and maximum dimension for each Landscape Structures will be based on its proposed location relative to the Setbacks applicable to the Main Building. Without the City's specific approval, Landscape Structures generally may not exceed 10 feet in height and may have no other dimension greater than 20 feet.
- (3) The total area of a lot covered by Landscape Structures on a Lot may not exceed 500 square feet or 20 percent of the total floor area of the Structures on the lot, whichever is greater.
- (4) Exclusions from definition of Landscape Structure. Architectural and landscape elements that are not affixed to the ground, that are easily movable, and that are used for decorative purposes, such as trellises, arbors, flower bed edging, bird feeders, bird baths, flowerpots, ornamental porch items, benches, and lawn library boxes generally do not require a Permit from the City provided that in each case, the architectural design and material used harmonize with the Main Building.

- (5) Code Official determination. The Code Official is authorized to determine whether any particular structure is a Landscape Structure requiring a Conditional Use Permit.

Sec. 50-167. Playground Equipment and tree houses.

Playground Equipment and tree houses are Accessory Structures that are allowed in the Residential Zoning Districts by Conditional Use Permit. Playground Equipment and tree houses are subject to Section 50-158, Article XIII, Chapter 8, and the following:

- (1) Where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, the following additional regulations apply for playground equipment and tree houses:
- a. Additional Setback requirements for Playground Equipment and tree houses.
 - i. For platted Lots, Playground Equipment and tree houses must be located behind the out-building limit line, or the building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the lot where such Playground Equipment or tree house is to be located, and a distance from the side lot line equal to the applicable Main Building Side Yard Setback requirement.
 - ii. For unplatted parcels and platted parcels with no out-building limit line or building limit line, Playground Equipment and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such Playground Equipment must also be located a distance from the side lot line equal to the applicable Main Building Side Yard Setback requirement.
 - b. Screening for Playground Equipment. Playground Equipment shall be screened from view from the public street to achieve a complete 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 Code Official. Any Playground Equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the Playground Equipment, in addition to any walls that may be used to screen the Playground Equipment. Evergreen landscaping or other methods approved by the Code Official shall also be installed between the Playground Equipment 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.

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.

Sec. 50-171. Enforcement.

The provisions of this Division shall be enforced by the Code Official, and it shall be unlawful for any person to interfere with or hinder the Code Official and his/her duly appointed representative(s) in the exercise of their duties under this Chapter. Notwithstanding any provisions contained herein to the contrary, the Code Official and his/her duly appointed representative(s) are hereby granted the authority to issue citations to persons violating any provision of this Division.

Sec. 50-172. Nuisance declared; violation.

Any Accessory Building, Accessory Structure or Accessory Use maintained or existing in a condition that is prohibited by this Division is hereby declared to constitute a nuisance. Any person who shall violate any of the provisions of this Division shall also be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-17. The imposition of penalties hereby proscribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation of this Section as provided for in this Code.

Section 3. Section 50-29 is hereby amended, with new language underlined, to wit:

Sec. 50-29. Setback requirements for corner Lots.

(b) Notwithstanding anything to the contrary contained in this Code:

- (4) Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height shall comply with the Setback requirements of the Setback plan and Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or greater in height shall comply with the Setback requirements of the Setback plan plus one foot of additional Setback for each full foot of additional Building height greater than 14 feet.

Section 4. Section 50-47 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-47. E-1 Estate District.

(c) *Conditional uses.*

- (2) Accessory Buildings, Accessory Structures, and Accessory Uses which are

subject to ~~Section 50-132~~ Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and flag poles,~~ and other types of Accessory Structures that are allowed to be located in the Front Yard as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply: (1)~~ I in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.
- (2) ~~Additional Setback requirements for Playground Equipment and tree houses.~~
 - i. ~~For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
 - ii. ~~For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- (3) ~~Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete 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 playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment 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.~~

(4) ~~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.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- d. Accessory Buildings, Accessory Structures, and Accessory Uses shall be a minimum of ten feet from the Main Building.

(2) Accessory Structure to be used as a guard shack and gate associated with a private country club or golf course.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, Secondary Building, or Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional Building Height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses less than 14 feet in height: Ten feet.
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Ten feet, plus one foot for each full foot of additional Building height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 25 feet.

Section 5. Section 50-48 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-48. E-2 Urban Estate District.

(c) *Conditional uses.*

- (2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to Section 50-132 Division 6 of this Article and the following:
 - a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and~~ flag poles, and other types of Accessory Structures that are allowed to be located in

~~the Front Yard~~ as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply:~~ (1) ~~I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses.~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~ii. For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~

~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete 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 playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment 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.~~

~~(4) 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.

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- d. Accessory Buildings, Accessory Structures, and Accessory Uses shall be a minimum of ten feet from the Main Building.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, Secondary Building, or Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or

more in height: Six feet, plus one foot for each full foot of additional Building Height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses less than 14 feet in height: Ten feet.
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Ten feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 25 feet.

Section 6. Section 50-49 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-49. R-1-75 Single-Family Residential District.

(c) *Conditional uses.*

(2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~Section 50-132~~ Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and~~ flag poles, fountains not exceeding 56 inches in height, and other types of Accessory Structures that are allowed to be located in the Front Yard as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply: (1) I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant

Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses.~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~ii. For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~

~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete 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 playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment 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.~~

~~(4) 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.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- d. No Accessory Building, Accessory Structure or Accessory Use shall have living or conditioned space above the ten-foot plate height.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, ~~or Accessory Building,~~ Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet;

(4) *Rear Yard Setback.*

b. Accessory Buildings, Accessory Structures or Accessory Uses shall be set back as follows:

1. Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height: Ten feet;
2. Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or more in height. Ten feet plus two feet for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

a. Accessory Buildings, Accessory Structures or Accessory Uses: 22 feet.

1. Accessory Buildings will have a ten-foot maximum plate height measured from finished floor.
2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.

b. No build envelope. No Accessory Building, Accessory Structure or Accessory Use is permitted within "no build" areas created as follows:

1. Establish a point at the side, and Rear Yard Setbacks, at the finished floor level then move vertically up ten feet to points "A."
2. At points "A" a 45 degree angle will be drawn to the point where it intersects with the maximum ~~Building~~ height which is point "B."
3. Connect points "A" and "B" to delineate a "no build" area on every side of the Structure.

(13) *Separation of Accessory Buildings, Accessory Structures, and Accessory Uses from Main Building.* Accessory Buildings, Accessory Structures, and Accessory Uses must have a minimum separation of ten feet from the Main Building.

Section 7. Section 50-50 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-50. R-1-60 Single-Family Residential District.

(c) *Conditional uses.*

(2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~Section 50-132~~ Division 6 of this Article and the following:

- a. No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and flag poles, fountains not exceeding 56 inches in height, and other types of Accessory Structures that are allowed to be located in the Front Yard~~ as permitted in this Chapter; provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply: (1)~~ I in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

~~(2) Additional Setback requirements for Playground Equipment and tree houses.~~

- ~~i. For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~ii. For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- ~~(3) Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete 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 playground equipment exceeding eight feet in height must be~~

~~completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment 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.~~

(4) ~~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.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.
- c. No Accessory Building, Accessory Structure or Accessory Use shall have living or conditioned space above the ten-foot plate height.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, ~~or Accessory Building~~, Accessory Structure or Accessory Use be located over a utility easement.

(3) *Side Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses: less than 14 feet in height: Six feet;
- c. Accessory Buildings, Accessory Structures or Accessory Uses 14 feet or more in height: Six feet, plus one foot for each full foot of additional ~~Building~~ height greater than 14 feet;

(4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures or Accessory Uses shall be set back as follows:
 - 1. Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height: Ten feet;
 - 2. Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or more in height. Ten feet plus two feet for each full foot of additional ~~Building~~ height greater than 14 feet.

(8) *Maximum ~~Building~~ Height.*

- a. Accessory Buildings, Accessory Structures or Accessory Uses: 22 feet.
 - 1. Accessory Buildings will have a ten-foot maximum plate height measured from finished floor.
 - 2. The finished floor shall be permitted to be one foot above undisturbed surrounding grade. Anything higher than one foot shall be subtracted from the ten-foot plate height.
- b. No build envelope. No Accessory Building, Accessory Structure or Accessory Use is permitted within "no build" areas created as follows:

1. Establish a point at the side, and Rear Yard Setbacks, at the finished floor level then move vertically up ten feet to points "A."
2. At points "A" a 45 degree angle will be drawn to the point where it intersects with the maximum ~~Building~~ height which is point "B."
3. Connect points "A" and "B" to delineate a "no build" area on every side of the Structure.

(12) *Separation of Accessory Buildings, Accessory Structures, and Accessory Uses from Main Building.* Accessory Buildings, Accessory Structures, and Accessory Uses must have a minimum separation of ten feet from the Main Building.

Section 8. Section 50-51 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-51. R-2 Two-Family Residential District.

(c) *Conditional uses.*

~~(1) Secondary Buildings, subject to the following:~~

- ~~a. A detached garage which exceeds a 450 square foot Building footprint or a 20 foot Building height shall be considered a secondary Building.~~
- ~~b. Secondary Buildings shall be subject to the development regulations for Main Buildings.~~

(2) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~section 50-132~~Division 6 of this Article and the following:

No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, and flag poles, and other types of Accessory Structures that are allowed to be located in the Front Yard as permitted in this Chapter provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, ~~the following additional regulations shall apply: (1)~~ I in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot be located in front of the Main Building on any abutting or adjacent Lot.

- (2) ~~Additional Setback requirements for Playground Equipment and tree houses.~~
- i. ~~For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
 - ii. ~~For unplatted parcels and platted parcels with no out Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- (3) ~~Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete 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 playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment 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.~~
- (4) ~~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.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

(d) *Uses subject to review.*

- (1) Public or private recreation facilities.
- (2) Secondary Buildings, subject to the following:
 - a. A detached garage that exceeds a 450-square-foot Building footprint or a 20-foot Building height shall be considered a Secondary Building.
 - b. Secondary Buildings shall be subject to the development regulations for Main Buildings.

(e) *Development regulations.*

- (1) *General.*
 - a. In no case shall a ~~main or Accessory Building~~ Main Building, Secondary Building, Accessory Building, Accessory Structure or Accessory Use be located over a utility Easement.

- (3) *Side Yard Setback.* The Main Building, Secondary Buildings, and Accessory Buildings, Accessory Structures, and Accessory Uses shall have a minimum Setback of six feet from all side property lines except as follows:
 - a. Lots abutting a street shall have a Setback of 15 feet on the side abutting the street.

- b. Chimneys or fireplaces shall be permitted to encroach two feet into the required Side Yard on one side of the Building only.

(4) *Rear Yard Setback.*

- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be set back from the rear property line a distance of not less than ten feet, provided that, where an alley or drive along the rear of the Lot at least 20 feet in width provides access to the accessory Building, Accessory Structure or Accessory Use, there shall be no Rear Yard Setback requirement for the Accessory Building, Accessory Structure or Accessory Use;

Section 9. Section 50-52 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-52. R-3 Multiple-Family Residential District.

(c) *Conditional uses.*

~~(1) Secondary Buildings, subject to the following:~~

- ~~a. A detached garage which exceeds a 450-square-foot Building footprint or a 20-foot Building height shall be considered a secondary Building.~~
- ~~b. Secondary Buildings shall be subject to the development regulations for Main Buildings.~~

Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to ~~section 50-132~~Division 6 of this Article and the following:

No Accessory Building, Accessory Structure or Accessory Use shall be located in front of the Main Building, except fences, walls, ~~and~~ flag poles, ~~and other types of Accessory Structures that are allowed to be located in the Front Yard as permitted in this Chapter provided, where a Lot with a Main Building has been combined with an abutting or adjacent vacant Lot, the following additional regulations shall apply:~~ (1) ~~I~~ in no case shall any Accessory Building, Accessory Structure or Accessory Use on what was the vacant Lot

be located in front of the Main Building on any abutting or adjacent Lot.

- (2) ~~Additional Setback requirements for Playground Equipment and tree houses.~~
 - i. ~~For platted Lots, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind the out-Building limit line, or the Building limit line closest to the rear wall of the Main Building, established on the recorded plat containing the Lot where such playground equipment or tree house is to be located, and a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
 - ii. ~~For unplatted parcels and platted parcels with no out-Building limit line or Building limit line, playground equipment, as defined in section 8-488 of this Code, and tree houses must be located behind a line running parallel to the rear property line, which line shall be located a distance equal to 25 percent of the average distance from the rear property line to the front property line. Such playground equipment must also be located a distance from the side Lot line equal to the applicable Main Building Side Yard Setback requirement.~~
- (3) ~~Playground equipment, as defined in section 8-488 of this Code, shall be screened from view from the public street to achieve a complete 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 playground equipment exceeding eight feet in height must be completely screened with evergreen landscaping to the height of the playground equipment, in addition to any walls that may be used to screen the playground equipment. Evergreen landscaping or other methods approved by the city code official shall also be installed between the playground equipment 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.~~
- (4) ~~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.~~

- b. No Accessory Building, Accessory Structure or Accessory Use shall exceed the height of the Main Building.
- c. Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

(d) *Uses subject to review.*

- (1) Private recreation facilities related to a permitted project, when such facilities are located outside of the envelope created by the existing primary and secondary Structures.
- (2) Congregate care housing or convalescent homes, provided that such proposed project sites shall have direct access to an arterial street.
- (2) Gated communities with controlled access through a security checkpoint or remote controlled gates.
- (3) Secondary Buildings subject to the following:
which
 - a. A detached garage that exceeds a 450-square-foot Building footprint or a 20-foot Building height shall be considered a Secondary Building.
 - b. Secondary Buildings shall be subject to the development regulations for Main Buildings.

(e) *Development regulations.*

- (1) *General.* Building Setback and Lot Coverage requirements shall conform to all platted Setback and Building lines as specified in section 8-4 or as follows, whichever is greater; provided that in no case shall a Main Building, Secondary Building, Accessory Building, Accessory Structure or Accessory Use be located

over a utility easement.

- (3) *Side Yard Setback.* The Main Building, Secondary Buildings, ~~and~~ Accessory Buildings, Accessory Structures, and Accessory Uses shall have a minimum set back of ten feet from all side property lines, except as follows: a Lot abutting a street shall have a Setback of 15 feet on the side abutting the street.

- (4) *Rear Yard Setback.*

- b. Accessory Buildings, Accessory Structures, and Accessory Uses shall be set back from the rear property line a distance of not less than ten feet, provided that, where an alley or drive along the rear of the Lot of at least 20 feet in width provides access to the Accessory Building, Accessory Structure or Accessory Use, there shall be no Rear Yard Setback requirement for the Accessory Building, Accessory Structure or Accessory Use.

- (7) *Coverage.* Main Buildings, Secondary Buildings, ~~and~~ Accessory Buildings, Accessory Structures, and Accessory Uses shall cover no more than 80 percent of the Lot area within the platted or city-required Setback lines, whichever Setback is greater.

Section 10. Section 50-78 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-78. U-4 Church District.

- (c) *Conditional uses.*

- (1) ~~Secondary Buildings, subject to the Development Regulations for Main Buildings. A Building which exceeds 650 square feet in floor area shall be considered a secondary Building.~~

- (3) Accessory Buildings, Accessory Structures, and Accessory Uses which are subject to section 50-130 Division 6 of this Article and the following: Accessory Buildings, Accessory Structures, and Accessory Uses shall be included in the Lot Coverage calculations, unless expressly excluded by Division 6 of this Article, and are subject to the development regulations of this District.

(d) *Uses subject to review.*

(1) ~~Accessory Buildings and uses, including, but not limited to, storage of church vehicles such as buses. Secondary Buildings~~ subject to the following:

~~a. Secondary Buildings shall be subject to the development regulations for Main Buildings.~~

~~b. A Building which exceeds 650 square feet in floor area shall be considered a Secondary Building.~~

(e) *Development regulations.*

(1) *General.*

a. In no case shall a ~~main or Accessory Building~~ Main Building, Secondary Building, Accessory Building, Accessory Structure or Accessory Use be located over a utility Easement.

(3) *Side Yard Setback.*

c. Church Building standards where the Side Yard line abuts a residentially zoned and developed district not under church ownership:

1. Secondary Buildings, and Accessory Buildings, Accessory Structures, and Accessory Uses 25 feet or less in height shall have a ten-foot Setback;

2. Secondary Buildings, and Accessory Buildings, Accessory Structures, and Accessory Uses over 25 feet in height shall have a 20-foot Setback.

d. Where the Side Yard abuts another church or a property in a commercial Zoning District, Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses shall have a ten-foot Setback.

(4) *Rear Yard Setback.* All Main Buildings, Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses shall be set back from the rear property line a distance of not less than 25 feet.

Section 11. Section 50-79 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-79. C-1 Office District.

(c) *Conditional uses.*

- (1) ~~Secondary Buildings, subject to the development regulations for Main Buildings.~~

- (~~3~~ 2) Accessory Buildings, Accessory Structures, and Accessory uses which are subject to Division 6 of this Article. ~~and Structures, subject to section 50-132.~~

(d) *Uses subject to review.*

- (3) ~~Accessory Buildings, Structures, and uses customarily incidental to the uses listed in this Section when located on the same Lot.~~ Secondary Buildings, which are subject to the Development Regulations for Main Buildings.

(e) *Development regulations.*

(1) *General.*

- a. In no case shall a Main Building, Secondary Building, or Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

Section 12. Section 50-80 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 50-80. C-2 Retail Business District.

(c) *Conditional uses.*

- (1) ~~Secondary Buildings, subject to the development regulations for Main Buildings.~~

- (2) Accessory Buildings, Accessory Structures, and Accessory Uses

customarily incidental to the uses listed in this Section when located on the same Lot.

(d) *Uses subject to review.*

(5) Secondary Buildings, which are subject to the Development Regulations for Main Buildings.

(f) *Development regulations.*

(1) *General.* Building Setback and Lot Coverage requirements shall conform to all platted Setback and Building lines as specified in section 8-4 or as follows, whichever is greater; provided that:

a. In no case shall a Main Building, Secondary Building, or Accessory Building, Accessory Structure or Accessory Use be located over a utility easement.

Section 13. Section 50-126 is hereby deleted in its entirety.

Section 14. Section 50-136 is hereby deleted in its entirety.

Section 15. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 16. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 17. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 14th day of March, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 14th day of March, 2023.

ATTEST:

Steven J. Goetzinger
Mayor

Amanda Copeland
City Clerk

Reviewed as to Form and Legality:

John Michael Williams
City Attorney



CITY OF NICHOLS HILLS

NOTICE OF PUBLIC HEARING CASE NO. BOA 2024-08

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 Fifteen (15), in block Ninety-nine (99), in the Wilshire Section, Nichols Hills, Oklahoma County, Oklahoma, according to the recorded plat thereof.

The property is also known as **1809 W. Wilshire Boulevard**. Current zoning is **R-1-75**.

The applicants desire to build a front yard wall. For the proposed wall, the applications are seeking an 18" height variance resulting in a 48" height front yard wall.

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 17th day of April 2024 at 5:30 p.m.

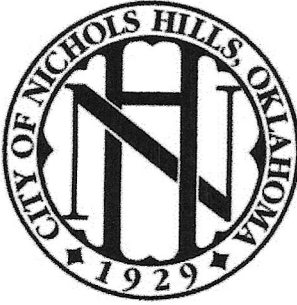
ALL PERSONS, OWNERS, OR RESIDENTS within the above-described area are hereby given notice that they may appear at said hearing or file a petition within the Board of Adjustment and offer arguments and evidence for or against the granting of said application as they deem proper in the premises.

Dated this 2nd day of April 2024.

Amanda Copeland
City Clerk
City of Nichols Hills, Oklahoma

RECEIVED

By Dillion at 10:51 am, Mar 21, 2024



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.

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: FADI & NELLIE GEBRAIL

Mailing address: 1808 DRAKESTONE AVE, NICHOLS HILLS, OK 73120

Telephone number(s): 203-615-8775

Email address(es): ngebrail@gebrailinvestmentco.com

Address and legal description of subject property: 1809 W Wilshire Blvd.

Current zoning classification: R175

Present use of the property: Being built

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

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.

We are seeking to increase the height of our front yard wall by 18 inches more to create a safer space for our small children.

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:

Code Section 8-2471

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

Being on a busy street, not having a barrier to that street is very difficult w/ small children. We intend to beautify the ~~perimeter~~ wall by using a cream stucco that matches the home and greenery for even greater appeal.

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

Several surrounding properties on Wilshire have created various types of walls for safety purposes. This is one of the busiest streets in NIT, so this request is not unreasonable.

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

This project would be executed to add a beautiful aesthetic to the property, therefore would not be in any way 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.

The variant requested only minimally exceeds the current code so it would not impair intent. Further, on this street, various properties have larger walls, so ours would be in line w/ what is currently around.

11.29.22-6.1

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

Our greatest concern is our children, so we are seeking the minimum increase to create a small space for them to play but not be readily near the street. Your understanding is appreciated.

(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 21st day of March 2024

Signature:

Nellie Elana Gebrai

Print applicant's full legal name: Nellie Elana Gebrai

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

Board Of Adjustment

Address	1809 W Wilshire Blvd				
Lot And Block	Lot 15		Block 99		
Zone	R-1-75				
City	Nichols Hills				
County	Oklahoma County				
State	Oklahoma				
Zip Code	73120				

Type of Building or Fence	Check box below	New	Addition
Main Building	☐	☐	☐
Accessory Building	☐	☐	☐
Fence/ Wall	☒	☒	☐

Type Of adjustment	Allowed	Proposed	Amount over allowed
1. Front Setback			
2. Rear Setback			
3. Side Setback East			
4. Side Setback West			
5 Building Lot Coverage			
6 Floor area Ratio			
7. Height	30"	48"	18"
8. Building envelope			
9. Other	Explanation		
NOTE	Homeowner request a variance for the height restriction of a wall in front of the main building.		

**Application for Variance – Development Regulation
Worksheet**

Applicant's Name: Fadi & Nellie Gebrai

Property Address: 1809 W. Wilshire Blvd.
Nichols Hills, OK 73116

Applicable Structure: (Check as applicable)

☐ Main Building	☐ New	☐ Addition
☐ Accessory Building	☐ New	☐ Addition
☒ Fence / Wall	☒ New	☐ 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)			
Building Lot Coverage			
Floor Area Ratio			
Height	30 inches	48 inches	18 inches
No Build Envelope			
Other	Explanation:		

Form of affidavit regarding ownership

Affidavit

STATE OF Oklahoma

COUNTY OF Oklahoma

[Full legal name], being first duly sworn, states:

Nellie Elana Gebrail 1808 Drakestone Ave., Nichols Hills, OK 73120
1. My name is [full legal name]. My address is [full address]. I am over the age of 18. I am a resident of the State of [state]. I have personal knowledge of the matters stated in this Affidavit.

OK
2. I am the current and legal owner of the property in the City of Nichols Hills with the address of [insert address] and more particularly described as:

1809 W. Wilshire Blvd., 73116

[Insert legal description]

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 21 day of March, 2024

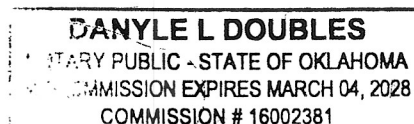
Nellie Elana Gebrail
[Full legal name]

Notary Acknowledgment

Subscribed and sworn to before me this 21st day of March, 2024

Danyle L Doubles
Notary Public

My Commission Expires: March 4 2028
Comm. No. 16002381



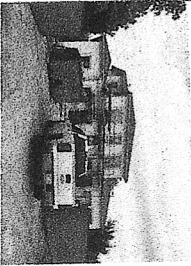
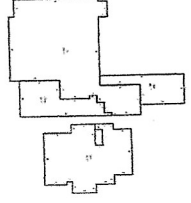


Larry Stein Oklahoma County Assessor (405) 713-1200 - Public Access System

DID YOU
KNOW?

Public schools receive more than
71% of your property
tax dollar?

[Read more](#)

Home	Contact Us	Guest Book	Map Search	New Search																		
Real Property Display - Screen Produced 3/21/2024 10:22:53 AM																						
Just released: Try our new Mapping Service																						
Account: R169841070	Type: Residential	Location:	1809 W WILSHIRE BLVD																			
Building Name/Occupant:	GEBRAIL NELLIE & FADI	Map Parcel	NICHOLS HILLS																			
Owner Name 1:		New service:	New Map Parcel																			
Owner Name 2:		1/4 section #:	3722																			
Owner Name 3:		Parent Acct:																				
Billing Address:	1808 DRAKESTONE AVE	Tax District:	TXD 500																			
City, State, Zip	NICHOLS HILLS, OK 73120	School System:	Oklahoma City #89																			
County: (if noted)		Land Size:	0.44 Acres																			
Personal Property	Land Value: 165,830	Treasurer:	Click to View Taxes																			
Sect 31-T13N-R3W Qtr SE	NICHOLS HILLS WILSHIRE	Block 099 Lot 015	Subdivision Sales																			
Full Legal Description: NICHOLS HILLS WILSHIRE 099 015																						
Photo & Sketch (if available)	Comp Sales Address/Date/Price (ordered by relevancy) Report Coming Soon																					
 	<table><tr><td>1606 COVENTRY PARK NICHOLS HILLS, OK</td><td>07/21/2023</td><td>\$2,650,000</td></tr><tr><td>1624 WESTMINSTER PL NICHOLS HILLS, OK</td><td>04/28/2023</td><td>\$1,635,000</td></tr><tr><td>1846 DORCHESTER DR NICHOLS HILLS, OK</td><td>09/19/2022</td><td>\$1,325,000</td></tr><tr><td>1834 DORCHESTER PL NICHOLS HILLS, OK</td><td>05/31/2023</td><td>\$1,495,000</td></tr><tr><td>1714 DORCHESTER PL NICHOLS HILLS, OK</td><td>06/15/2022</td><td>\$1,440,000</td></tr><tr><td>1708 GUILFORD LN NICHOLS HILLS, OK</td><td>11/11/2022</td><td>\$1,875,000</td></tr></table>				1606 COVENTRY PARK NICHOLS HILLS, OK	07/21/2023	\$2,650,000	1624 WESTMINSTER PL NICHOLS HILLS, OK	04/28/2023	\$1,635,000	1846 DORCHESTER DR NICHOLS HILLS, OK	09/19/2022	\$1,325,000	1834 DORCHESTER PL NICHOLS HILLS, OK	05/31/2023	\$1,495,000	1714 DORCHESTER PL NICHOLS HILLS, OK	06/15/2022	\$1,440,000	1708 GUILFORD LN NICHOLS HILLS, OK	11/11/2022	\$1,875,000
1606 COVENTRY PARK NICHOLS HILLS, OK	07/21/2023	\$2,650,000																				
1624 WESTMINSTER PL NICHOLS HILLS, OK	04/28/2023	\$1,635,000																				
1846 DORCHESTER DR NICHOLS HILLS, OK	09/19/2022	\$1,325,000																				
1834 DORCHESTER PL NICHOLS HILLS, OK	05/31/2023	\$1,495,000																				
1714 DORCHESTER PL NICHOLS HILLS, OK	06/15/2022	\$1,440,000																				
1708 GUILFORD LN NICHOLS HILLS, OK	11/11/2022	\$1,875,000																				

Larry Stein Oklahoma County Assessor's Office



Ownership Radius Report

This Official Report is for Account Number R169841070 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.

Filed in the office of the County Assessor
on the 18th day of Mar, 2024

Given under my hand and official seal this
18th day of Mar, 2024

County Assessor

K Strayer

Deputy

Oklahoma County Assessor's
300ft Radius Report
3/18/2024

accountno	name1	name2	name3	mailingaddress1	city	state	zipcode	subname	block	lot	legal	location
R169841090	PLUMLEY GENE L & LESLIE	No Data	No Data	1801 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4115	NICHOLS HILLS WILSHIRE	99	0	NICHOLS HILLS WILSHIRE 099 000 PT LOT 18 BEG AT SE/C OF LOT 18 N TO NE/C SD LOT W22FT S25FT W OF SE/C 0 SD LOT E TO BEG & ALL LOT 19	1801 W WILSHIRE BLVD NICHOLS HILLS
R169841080	HARRISON CHARLES WILLIAM JR & CELINA MARIE	No Data	No Data	1805 WILSHIRE BLVD W	NICHOLS HILLS	OK	73118	NICHOLS HILLS WILSHIRE	99	0	NICHOLS HILLS WILSHIRE 099 000 LOTS 16 17 & LOT 18 EX PT OF LT 18 BEG SE/C TH N TO NE/C LT 18 W22FT S TO S LINE LT 18 SD POINT BEING 0 25FT W OF SE/C LT 18 E TO BEG	1805 W WILSHIRE BLVD NICHOLS HILLS
R169841070	GEORAIL NELLIE & FADI	No Data	No Data	1808 DRAKESTONE AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	99	15	NICHOLS HILLS WILSHIRE 099 015	1809 W WILSHIRE BLVD NICHOLS HILLS
R169841065	KANADY MICHAEL C	No Data	No Data	1811 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4115	NICHOLS HILLS WILSHIRE	99	14	NICHOLS HILLS WILSHIRE 099 014	1811 W WILSHIRE BLVD NICHOLS HILLS
R169841060	FOUT NATHANIEL	DESOUZA SHIRIN R	No Data	1813 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4115	NICHOLS HILLS WILSHIRE	99	13	NICHOLS HILLS WILSHIRE 099 013	1813 W WILSHIRE BLVD NICHOLS HILLS
R169841055	LEE LARRY & HIEN	No Data	No Data	2009 CATALINA DR	EDMOND	OK	73013	NICHOLS HILLS WILSHIRE	99	12	NICHOLS HILLS WILSHIRE 099 012	1815 W WILSHIRE BLVD NICHOLS HILLS
R169841010	LANCASTER PHIL G	LANCASTER IRENE M	No Data	1804 ELMHURST AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	99	3	NICHOLS HILLS WILSHIRE 099 003	1804 ELMHURST AVE NICHOLS HILLS
R169841005	BROWN JACOB R & ANNA C	No Data	No Data	1802 ELMHURST AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	99	2	NICHOLS HILLS WILSHIRE 099 002	1802 ELMHURST AVE NICHOLS HILLS
R169841015	NEVILLE ROBERT M & JUDY J TRS	NEVILLE FAMILY TRUST	No Data	1806 ELMHURST AVE	NICHOLS HILLS	OK	73120-4718	NICHOLS HILLS WILSHIRE	99	0	NICHOLS HILLS WILSHIRE 099 000 LOT 4 & E10FT LOT 5	1806 ELMHURST AVE NICHOLS HILLS
R169841000	CONGER CHRISTEN J NON EXEMPT RESIDUARY TRUST	No Data	No Data	1800 ELMHURST DR	NICHOLS HILLS	OK	73116	NICHOLS HILLS WILSHIRE	99	1	NICHOLS HILLS WILSHIRE 099 001	1800 ELMHURST AVE NICHOLS HILLS
R169841020	BRADFORD R A & KAREN TRS	BRADFORD LIV TRUST	No Data	1808 ELMHURST AVE	NICHOLS HILLS	OK	73120-4718	NICHOLS HILLS WILSHIRE	99	5	NICHOLS HILLS WILSHIRE 099 005 W105FT	1808 ELMHURST AVE NICHOLS HILLS
R169841025	SNODGRASS JOHN M & DEBORAH C	No Data	No Data	1810 ELMHURST AVE	NICHOLS HILLS	OK	73120-4718	NICHOLS HILLS WILSHIRE	99	6	NICHOLS HILLS WILSHIRE 099 006	1810 ELMHURST AVE NICHOLS HILLS
R169841030	HUFF ASHLEY & JILL	No Data	No Data	1812 ELMHURST AVE	NICHOLS HILLS	OK	73120-4718	NICHOLS HILLS WILSHIRE	99	7	NICHOLS HILLS WILSHIRE 099 007	1812 ELMHURST AVE NICHOLS HILLS

Oklahoma County Assessor's
300ft Radius Report
3/18/2024

R169841175	SINGHISEN ROBERT S & LEIGHN M TRS	RINARD JESSIE LEGACY TRUST	No Data		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	100	33	NICHOLS HILLS WILSHIRE 100 033	1807 ELMHURST AVE NICHOLS HILLS
R169841180	BACHARACH ROBERT FAMILY REV TRUST	No Data	No Data		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	100	34	NICHOLS HILLS WILSHIRE 100 034	1805 ELMHURST AVE NICHOLS HILLS
R169841185	WEGENER DICK R & LINDA B	No Data	No Data		THE VILLAGE	OK	73120-3819	NICHOLS HILLS WILSHIRE	100	35	NICHOLS HILLS WILSHIRE 100 035	1803 ELMHURST AVE NICHOLS HILLS
R169841170	CND FAMILY LIVING TRUST	No Data	No Data		NICHOLS HILLS	OK	73120-4717	NICHOLS HILLS WILSHIRE	100	32	NICHOLS HILLS WILSHIRE 100 032	1809 ELMHURST AVE NICHOLS HILLS
R169841165	BRANTLEY MARIA S	No Data	No Data		ARDMORE	OK	73401-6320	NICHOLS HILLS WILSHIRE	100	31	NICHOLS HILLS WILSHIRE 100 031	1811 ELMHURST AVE NICHOLS HILLS
R169576557	STEVENS QUINCY O & PATTY K TRS	STEVENS QUINCY O & PATTY K LIV TRUST	No Data		NICHOLS HILLS	OK	73116-4102	NICHOLS HILLS ADD	70	0	NICHOLS HILLS ADD 070 000 PT OF LOTS 7 & 8 BEG 110FT NWLY OF SE/C LOT 8 TH NELY 242.61FT WLY 200FT 0 SELY 100FT TO BEG	7608 DORSET DR NICHOLS HILLS
R169576556	PRICE MATTHEW C & DANA B CO TRS	PRICE MATTHEW & DANA REV TRUST	No Data		OKLAHOMA CITY	OK	73116	NICHOLS HILLS ADD	70	0	NICHOLS HILLS ADD 070 000 PRT OF LOTS 6 & 7 BEG AT PT 72.16FT SELY FROM NW/C LOT 6 THSELY 100FT TO PT 46.16FT SELY FROM NW/C LOT 7 SWLY 214.92FT TO PT ON FRONT LINE LOT 7 NWLY TO PT 7FT NWLY FROM SW/C	7710 DORSET DR NICHOLS HILLS
R169576540	KEESEE CHRISTIAN TRS	KEESEE CHRISTIAN K REV TRUST	No Data		NICHOLS HILLS	OK	73116-4116	NICHOLS HILLS ADD	70	0	NICHOLS HILLS ADD 070 000 PT OF LOTS 12 & 10 BEG SE/C LOT 1 TH W200FT N28FT W207.75FT NW88.95FT NELY 263.50FT TH SELY ON A CURVE 399.69FT (400FT RECORD) S344.50FT TO BEG CONT 3.28ACRS MORE OR LESS	1800 W WILSHIRE BLVD NICHOLS HILLS
R169576550	TOURIAN FAMILY LIVING TRUST	No Data	No Data		NICHOLS HILLS	OK	73116-4116	NICHOLS HILLS ADD	70	0	NICHOLS HILLS ADD 070 000 ALL LOT 3 & PT OF LOTS 4 7 & 8 BEG AT NE/C LOT 3 TH WLY 275FT SWLY 223.92FT SELY 313.6FT BEING 22FT SELY OF SE/C LOT 3 NWLY 22FT NELY 263.5FT TO BEG	1804 W WILSHIRE BLVD NICHOLS HILLS
R169576551	CORDER PAULA J TRS	CORDER PAULA J REV TRUST	No Data		NICHOLS HILLS	OK	73116-4116	NICHOLS HILLS ADD	70	0	NICHOLS HILLS ADD 070 000 BEG 50FT WLY FROM NE/C LOT 4 TH SWLY TO A PT ON S LINE 73.84FT NWLY FROM SE/C NWLY 136.16FT TH NLY 168.58FT TO N LINE TH ELY 150FT TO 0 BEG	1808 W WILSHIRE BLVD NICHOLS HILLS

Oklahoma County Assessor's
300ft Radius Report
3/18/2024

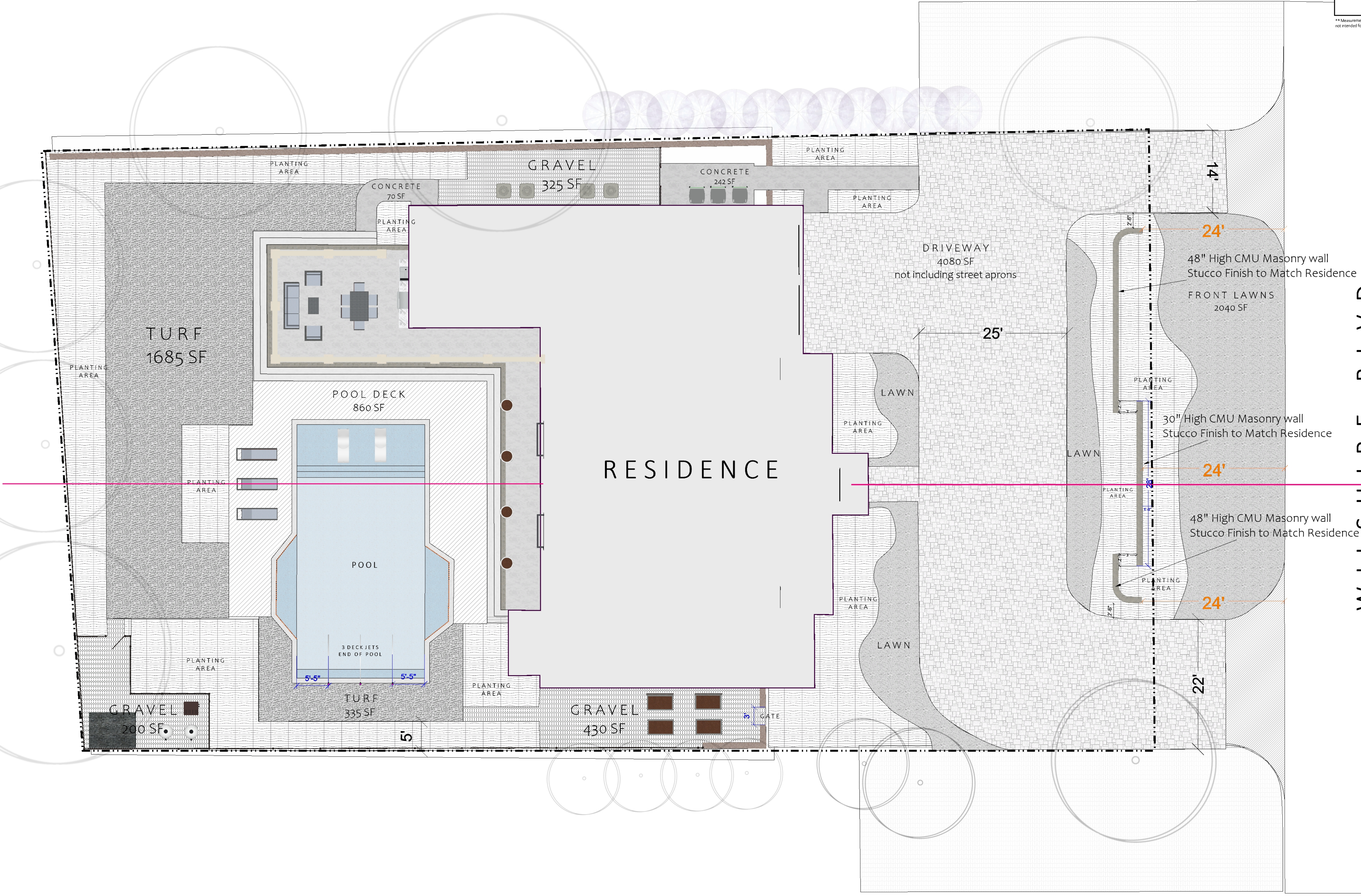
R169576549	BERRY NICHOLS BURWELL TRS	BERRY NICHOLS B FAMILY TRUST	No Data	1812 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4116	NICHOLS HILLS ADD	70	NICHOLS HILLS ADD 070 000 PT LOTS 4 & 5 BEG SW/C LOT 4 SELY ALONG S LINE LOT 4 35.30FT TO W LINE SD TR NELY 174FT TO N LINE SD LOT 4 WLY ALONG N LINE LOTS 4 & 5 150FT TO E 0 LINE SWLY 166.65FT TO SE/C SEL	1812 W WILSHIRE BLVD NICHOLS HILLS
R169841070	GEORAIL NELLIE & FADI	No Data	No Data	1808 DRAKESTONE AVE	NICHOLS HILLS	OK	73120	NICHOLS HILLS	99	15 NICHOLS HILLS WILSHIRE 099 015	1809 W WILSHIRE BLVD NICHOLS HILLS
R169841065	KANADY MICHAEL C	No Data	No Data	1811 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4115	NICHOLS HILLS	99	14 NICHOLS HILLS WILSHIRE 099 014	1811 W WILSHIRE BLVD NICHOLS HILLS
R169841060	FOOT NATHANIEL	DESOUZA SHIRIN R	No Data	1813 W WILSHIRE BLVD	NICHOLS HILLS	OK	73116-4115	NICHOLS HILLS	99	13 NICHOLS HILLS WILSHIRE 099 013	1813 W WILSHIRE BLVD NICHOLS HILLS

RECEIVED
By Dillion at 10:52 am, Mar 21, 2024

GENERAL NOTES:
Grading, drainage and structural details for landscape elements are the responsibility of the landscape contractor. Proper maintenance and repair of landscape elements is the responsibility of the homeowner.
On-Site Tree Protection
Any existing trees to be protected shall be marked with a red flag and a protective zone shall be established. No construction or storage shall be permitted within the protective zone.
Soil Preparation, Amendment & Fertilization
Soil shall be tested for pH and nutrient levels. Soil shall be amended to a pH of 6.0-6.5 and contain 10% organic matter. Fertilizer shall be applied according to the manufacturer's instructions.
Planting Schedule
Plants shall be delivered to the site and installed within the specified time frame. The landscape contractor shall be responsible for the proper care and maintenance of the plants during the establishment period.
Irrigation System
The irrigation system shall be installed and tested prior to the start of construction. The system shall be designed to provide adequate water to all plants and shall be capable of being adjusted to meet the needs of the plants.

LANDSCAPE NOTES
DESIGN NOTES
HARDSCAPE:
TURF: 0000 SF Type TBD
MULCH Areas approx 0000 SF - Mini Pine Bark Nuggets
STEPPING STONES:
PLANTING NOTES
- Final location of beds and lawn to be field located by designer
- All plant substitutions to be approved by designer prior to planting
- All plant material locations to be approved by designer prior to planting
- New compost/soil amendment for all planted beds and lawn areas
- All Plant material to be well watered PRIOR to planting
- Slow-release fertilizer applied with all plantings
- All plants hand watered immediately AFTER planting, and daily for first week while irrigation gets established heavy rain will reduce need to hand water daily
- Pre-emergent herbicide applied to bare soil PRIOR to mulching [all planted beds]
- All larger trees properly staked with tree stakes
- All nursery stakes and nursery tags removed from all plant materials
IRRIGATION NOTES
- All valve boxes to be located away from planned plant materials
- Rotary spray nozzles for all turf areas
- In-line drip tubing for large groundcover areas
- On-p tubing with individual emitters (2 or more for larger shrubs and trees)
- on all plant materials

**Measurements listed on plan are for conceptual purposes only, not intended for construction of design



Project Details:
Address: 1809 Wilshire Blvd
Nichols Hills, OK
Homeowners: Paul and Nellie Gebrail
Landscape Designer: Paul Daniels Design
Pool Contractor:
Landscape Contractor: tbd

PAUL DANIELS DESIGN
Hardscape Layout Plan V1
Date: 3.14.24
1/8" = 1'0"
PO Box 9523
Savannah, GA 31412
912.662.2278
paul@pauldanielsdesign.com

Gebrail Residence
1809 Wilshire Boulevard
Nichols Hills, OK













***** REPRINT RECEIPT*****

REC#: 00190239 3/21/2024 4:32 PM
OPER: NB TERM: 010
REF#: 2136
PAID BY:

TRAN: 850.0000 Variance Request
1809 W WILSHIRE
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



CITY OF NICHOLS HILLS

NOTICE OF PUBLIC HEARING CASE NO. BOA 2024-09

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 Five (05), in Block One Hundred Seven (107), in Blocks 106-109, inclusive and Blocks 112 and 113, Wilshire Section to Nichols Hills, Oklahoma County, Oklahoma, according to the recorded plat thereof.

The property is also known as **1808 Westminster Place**. Current zoning is **R-1-60**.

The applicants desire to build an addition to the main dwelling. For the proposed addition, the applications are seeking a 2' front yard variance leaving a 38' front yard setback. For the proposed addition, the applicants are also seeking a 2' east side yard setback variance, leaving a 4'6" east side yard setback. For the proposed addition, the applicants are also seeking a 1' west side yard setback variance, leaving a 5'6" 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 17th day of April 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 2nd day of April 2024.

Amanda Copeland
City Clerk
City of Nichols Hills, Oklahoma



RECEIVED

By Dillion at 9:28 am, Mar 19, 2024

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.

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: Real World Investments LLC by Member/Manager J. Rhett Wiseman

Mailing address: 13016 Oak Hollow Rd., Oklahoma City, OK 73120

Telephone number(s): 580.799.0198

Email address(es): rhett@oliveco.com

Address and legal description of subject property: 1808 Westminster Pl., Nichols Hills, OK 73120

Current zoning classification: R-1-60 Single Family Residential

Present use of the property: Single Family Residential

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

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.

See attached.

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:

Sec. 50-50 (e) Development Regulations (2) Front Yard Setback and (3) Side Yard Setback

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

The current home already violates the build line. We are not seeking to go further past the line,
just extend the current house back.

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

The current house already violates the build line by the same amount we are requesting. Additionally,
many homes on Westminster violate their build lines by the same or more.

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

I do not believe the relief would cause any detriment. I believe it would continue to improve the value
of all the homes along Westminster and add value to the proposed park at the west end of the road.

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

I do not believe it would impair the purpose or intent of the cities zoning ordinances as I believe the
City put those in place in order to ensure the City retained value over time. The relief would add value.

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

The variance requested is only extending the current house along the same lines as it is now. We do
not want to push beyond the overage, simply extend it to make a nice 3br 2ba home for the neighborhood.

(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 18 day of March, 2024.

Signature: 

Print applicant's full legal name: Real World Investments LLC

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

4. (a) Variance Request

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

1.) We are requesting to expand the garage east to create a two-car garage for the property. The current garage extends 2' over the front set-back line and we are requesting to continue that same 2' overage for the garage expansion. 2.) We are also requesting a 1' overage variance on the West side-yard and a 2' East side-yard overage. The existing structure is already over these build lines, we would just like to continue the expansion per the attached plans.

RECEIVED

By Dillion at 9:40 am, Mar 19, 2024

WARRANTY DEED
(Oklahoma Statutory Form)

KNOW ALL MEN BY THESE PRESENTS:

THAT **Joan S. Voth, A single Person** 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

Jeffery Rhett Wiseman

party 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): 169842540

Lot Five (5), in Block One Hundred Seven (107), in Blocks 106-109, inclusive and Blocks 112 and 113, Wilshire Section to 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 the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, its successors, heirs and assigns, 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 March 8, 2024.

Joan S. Voth
Joan S. Voth

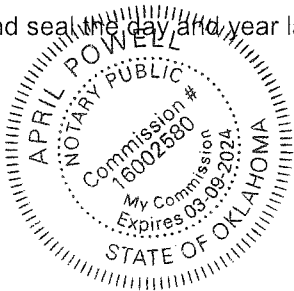
The State of OKLAHOMA

INDIVIDUAL ACKNOWLEDGMENT

County of OKLAHOMA

Before me, the undersigned, a Notary Public, in and for said County and State, on this 8 day of March, 2024, personally appeared Joan S Voth, a single person, to me known to be the identical person(s) who executed the within and foregoing instrument 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.



Notary Public in and for the State of _____
Notary's Printed Name: _____
Notary's Commission Expires: _____

Mail Deed and Tax Statements To:
Jeffery Rhett Wiseman
1808 Westminster Place
Oklahoma City, OK 73120

Presented for filing by and return to:
Chicago Title Oklahoma Co.
1601 NW Expressway, Suite 1000
Oklahoma City, OK 73118
File No.: 714052400235
Title Insurance Commitment, if any, issued by:
Chicago Title Insurance Company

RECEIVED

By Dillion at 9:40 am, Mar 19, 2024

Larry Stein Oklahoma County Assessor's Office



Ownership Radius Report

This Non-Official Report is for Account Number [R169842540](#) 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.**

Oklahoma County Assessor
300 ft. Radius Report
3/6/2024

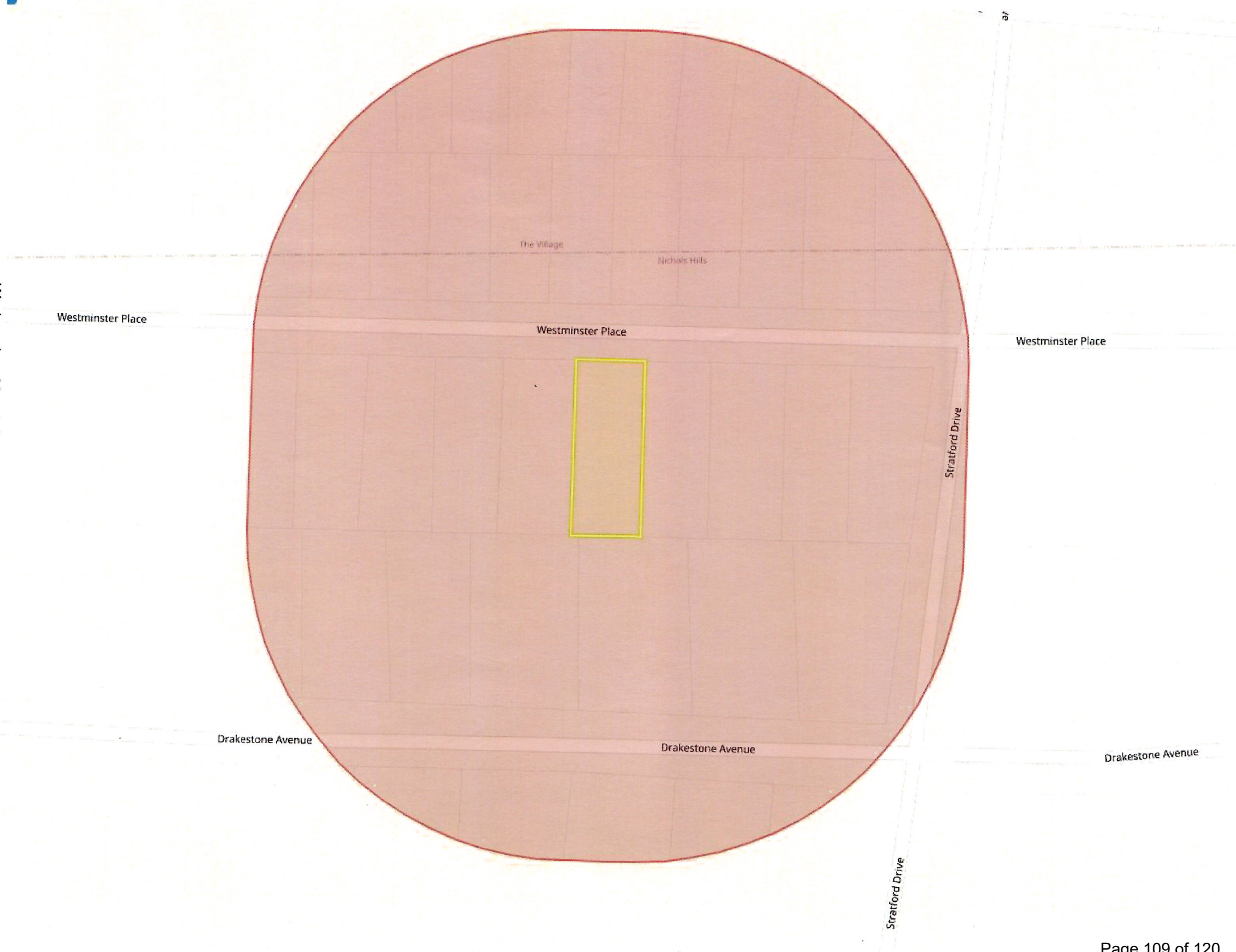
accountno	name1	name2	mailingaddress1	Shape	city	state	zipcode	subname	block	lot	legal	location
R169842015	1800 DRAKESTONE LLC		1021 CHARLES PAGE BLVD		TULSA	OK	74127-8815	NICHOLS HILLS WILSHIRE	106	000	NICHOLS HILLS WILSHIRE 106 000 LOTS 1 & 2	1800 DRAKESTONE AVE NICHOLS HILLS
R169842040	JOHNSON BRADLEY J		1802 DRAKESTONE AVE		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	106	000	NICHOLS HILLS WILSHIRE 106 000 ALL LOTS 3 4 5 & E15FT LOT 6	1802 DRAKESTONE AVE NICHOLS HILLS
R169842045	SIMMS BRIAN M		1804 DRAKESTONE AVE		OKLAHOMA CITY	OK	73120	NICHOLS HILLS WILSHIRE	106	000	NICHOLS HILLS WILSHIRE 106 000 W10FT OF LOT 6 ALL 7 8 9 & E15FT OF LOT 10	1804 DRAKESTONE AVE NICHOLS HILLS
R169842065	CHRISTIANSSEN JANE EVENSON TRS	CHRISTIANSSEN JANE EVENSON REV LIV TRUST	1806 DRAKESTONE AVE		NICHOLS HILLS	OK	73120-4716	NICHOLS HILLS WILSHIRE	106	000	NICHOLS HILLS WILSHIRE 106 000 W10FT OF LOT 10 ALL OF 11 12 13 & E15FT OF LOT 14	1806 DRAKESTONE AVE NICHOLS HILLS
R169842080	SHAHEEN NADIA		1808 DRAKESTONE AVE		NICHOLS HILLS	OK	73120-4716	NICHOLS HILLS WILSHIRE	106	000	NICHOLS HILLS WILSHIRE 106 000 W10FT OF LOT 14 ALL OF LTS 15 THRU 18	1808 DRAKESTONE AVE NICHOLS HILLS
R169842105	HOWELL LINDA JAYME TRS	LJH REV TRUST	1812 DRAKESTONE AVE		OKLAHOMA CITY	OK	73120	NICHOLS HILLS WILSHIRE	106	000	NICHOLS HILLS WILSHIRE 106 000 LOTS 19 20 & 21	1812 DRAKESTONE AVE NICHOLS HILLS
R169842875	ROSENBERG ERIC	ROSENBERG DEVON	1801 DRAKESTONE AVE		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	107	073	NICHOLS HILLS WILSHIRE 107 073	1801 DRAKESTONE AVE NICHOLS HILLS
R169842855	HERRITT ROBERT & BRITTANY T TRS	HERRITT ROBERT & BRITTANY LIV TRUST	1803 DRAKESTONE AVE		NICHOLS HILLS	OK	73120-4715	NICHOLS HILLS WILSHIRE	107	000	NICHOLS HILLS WILSHIRE 107 000 ALL LOT 69 EX BEG SW/C LT 69 TH E2.7FT NLY55.80FT NWLY34FT TO A PT 1.6FT E OF W LINE LT 69 TH NWLY TO NW/C LT 69 SLY164.27FT TO BEG PLUS ALL LOTS 70 71 72	1803 DRAKESTONE AVE NICHOLS HILLS
R169842835	BUCKLER WILLIAM BRYAN & ROBIN		1805 DRAKESTONE AVE		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	107	000	NICHOLS HILLS WILSHIRE 107 000 ALL LOTS 65 66 67 68 & PT LOT 69 BEG SW/C SD LOT 69 TH E2.70FT NE55.80FT TO A POINT 2.70FT E OF W LINE SD LOT NWLY 34FT TO A POINT 1.60FT E OF W LINE SD LOT NWLY TO NW/C	1805 DRAKESTONE AVE NICHOLS HILLS

Oklahoma County Assessor
300 ft. Radius Report
3/6/2024

R169842815	COOPER CODY J	COOPER LAUREN R	1807 DRAKESTONE AVE		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	107	000	NICHOLS HILLS WILSHIRE 107 000 LOTS 61 62 63 & 64	1807 DRAKESTONE AVE NICHOLS HILLS
R169842800	MESSER ANDREW L & HEATHER M		1811 DRAKESTONE AVE		NICHOLS HILLS	OK	73120-4715	NICHOLS HILLS WILSHIRE	107	000	NICHOLS HILLS WILSHIRE 107 000 LOTS 58 59 & 60	1811 DRAKESTONE AVE NICHOLS HILLS
R169842785	RYATT LLC		211 N ROBINSON		OKLAHOMA CITY	OK	73102	NICHOLS HILLS WILSHIRE	107	000	NICHOLS HILLS WILSHIRE 107 000 LOTS 55 THRU 57	1813 DRAKESTONE AVE NICHOLS HILLS
R169842770	DARR KATHERINE ANNE	DARR TIMOTHY DUSTIN	1815 DRAKESTONE AVE		NICHOLS HILLS	OK	73120-4715	NICHOLS HILLS WILSHIRE	107	000	NICHOLS HILLS WILSHIRE 107 000 LOTS 52 53 & 54	1815 DRAKESTONE AVE NICHOLS HILLS
R169842520	KRAKER PATRICIA T		1800 WESTMINSTER PL		OKLAHOMA CITY	OK	73120-4702	NICHOLS HILLS WILSHIRE	107	001	NICHOLS HILLS WILSHIRE 107 001	1800 WESTMINSTER PL NICHOLS HILLS
R169842525	DERR DANIEL	DERR ROSEMARY	9615 N BROADWAY EXT		OKLAHOMA CITY	OK	73114	NICHOLS HILLS WILSHIRE	107	002	NICHOLS HILLS WILSHIRE 107 002	1802 WESTMINSTER PL NICHOLS HILLS
R169842530	LAWP INVESTMENTS LLC		PO BOX 20787		OKLAHOMA CITY	OK	73156	NICHOLS HILLS WILSHIRE	107	003	NICHOLS HILLS WILSHIRE 107 003	1804 WESTMINSTER PL NICHOLS HILLS
R169842535	RODGERS JENNIFER S		1806 WESTMINSTER PL		NICHOLS HILLS	OK	73120-4702	NICHOLS HILLS WILSHIRE	107	004	NICHOLS HILLS WILSHIRE 107 004	1806 WESTMINSTER PL NICHOLS HILLS
R169842540	VOTH KENNETH C & JOAN S		2828 KENT DR		OKLAHOMA CITY	OK	73120-2907	NICHOLS HILLS WILSHIRE	107	005	NICHOLS HILLS WILSHIRE 107 005	1808 WESTMINSTER PL NICHOLS HILLS
R169842545	NORDYKE CINDY ANN TRS	NORDYKE CINDY ANN REV TRUST	1810 WESTMINSTER PL		OKLAHOMA CITY	OK	73120	NICHOLS HILLS WILSHIRE	107	006	NICHOLS HILLS WILSHIRE 107 006	1810 WESTMINSTER PL NICHOLS HILLS
R169842550	RENZ MATTHEW C		1812 WESTMINSTER PL		NICHOLS HILLS	OK	73120-4702	NICHOLS HILLS WILSHIRE	107	007	NICHOLS HILLS WILSHIRE 107 007	1812 WESTMINSTER PL NICHOLS HILLS
R169842555	MCSHANE ANDREW		1814 WESTMINSTER PL		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	107	008	NICHOLS HILLS WILSHIRE 107 008	1814 WESTMINSTER PL NICHOLS HILLS
R169842560	RICHARDSON JAMES & RICHARDSON TRS	RICHARDSON JAMES & SHANNON REV LIV TRUST	2832 RIDGEWAY CIR		JONES	OK	73049	NICHOLS HILLS WILSHIRE	107	009	NICHOLS HILLS WILSHIRE 107 009	1816 WESTMINSTER PL NICHOLS HILLS

Oklahoma County Assessor
300 ft. Radius Report
3/6/2024

R169842565	MCKINNON JACOB & HANNAH		1818 WESTMINSTER PL		NICHOLS HILLS	OK	73120	NICHOLS HILLS WILSHIRE	107	010	NICHOLS HILLS WILSHIRE 107 010	1818 WESTMINSTER PL NICHOLS HILLS
R169842930	MCMANUS CHAD W		14609 TOULON LN		YUKON	OK	73099	NICHOLS HILLS WILSHIRE	108	011	NICHOLS HILLS WILSHIRE 108 011	1821 WESTMINSTER PL NICHOLS HILLS
R169842925	MCSHANE ANDREW		1819 WESTMINSTER PL		OKLAHOMA CITY	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	010	NICHOLS HILLS WILSHIRE 108 010	1819 WESTMINSTER PL NICHOLS HILLS
R169842920	ELDRIDGE ALEXANDRA A		1817 WESTMINSTER PL		NICHOLS HILLS	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	009	NICHOLS HILLS WILSHIRE 108 009	1817 WESTMINSTER PL NICHOLS HILLS
R169842915	LAWP INVESTMENTS LLC		PO BOX 20787		OKLAHOMA CITY	OK	73156	NICHOLS HILLS WILSHIRE	108	008	NICHOLS HILLS WILSHIRE 108 008	1815 WESTMINSTER PL NICHOLS HILLS
R169842910	PEACHTREE INVESTMENTS LLC		1813 WESTMINSTER PL		NICHOLS HILLS	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	007	NICHOLS HILLS WILSHIRE 108 007	1813 WESTMINSTER PL NICHOLS HILLS
R169842905	BAF ASSETS 5 LLC		5001 PLAZA ON THE LAKE, Unit 200		AUSTIN	TX	78746	NICHOLS HILLS WILSHIRE	108	006	NICHOLS HILLS WILSHIRE 108 006	1811 WESTMINSTER PL NICHOLS HILLS
R169842900	MCKEE SIERRA		1809 WESTMINSTER PL		OKLAHOMA CITY	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	005	NICHOLS HILLS WILSHIRE 108 005	1809 WESTMINSTER PL NICHOLS HILLS
R169842895	CLARK PAUL M		1807 WESTMINSTER PL		OKLAHOMA CITY	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	004	NICHOLS HILLS WILSHIRE 108 004	1807 WESTMINSTER PL NICHOLS HILLS
R169842890	HARRISON CANDICE D	HARRISON D ANN	1805 WESTMINSTER PL		OKLAHOMA CITY	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	003	NICHOLS HILLS WILSHIRE 108 003	1805 WESTMINSTER PL NICHOLS HILLS
R169842885	BAILEY B A		6608 N WESTERN AVE, Unit 216		OKLAHOMA CITY	OK	73116	NICHOLS HILLS WILSHIRE	108	002	NICHOLS HILLS WILSHIRE 108 002	1803 WESTMINSTER PL NICHOLS HILLS
R169842880	PUJARI GANGA	PUJARI GITA	1801 WESTMINSTER PL		NICHOLS HILLS	OK	73120-4701	NICHOLS HILLS WILSHIRE	108	001	NICHOLS HILLS WILSHIRE 108 001	1801 WESTMINSTER PL NICHOLS HILLS
R179583630	LEE LEWIS E & LOIS M		1804 WESTCHESTER DR		OKLAHOMA CITY	OK	73120-1129	VILLAGE EXTENDE D	146	002	VILLAGE EXTENDED 146 002	1804 WESTCHESTER DR VILLAGE



Board Of Adjustment

Address	1808 Westminster Place					
Lot And Block	Lot 5		Block 107			
Zone	R-1-60					
City	Nichols Hills					
County	Oklahoma County					
State	Oklahoma					
Zip Code	73120					
Type of Building or Fence	Check box below		New		Addition	
Main Building	☒	☐	☐	☐	☒	☐
Accessory Building	☐	☐	☐	☐	☐	☐
Fence	☐	☐	☐	☐	☐	☐
Type Of adjustment						
	Allowed	Proposed	Amount over allowed			
1. Front Setback	40'	38'	2'			
2. Rear Setback						
3. Side Setback East	6'6"	4'6"	2'			
4. Side Setback West	6'6"	5'6"	1'			
5 Building Lot Coverage						
6 Floor area Ratio						
7. Height						
8. Building envelope						
9. Other	Explanation					
	Homeowners request a variance for the front yard setback; along with a variance for both east and west sideyard setbacks.					
NOTE						

Application for Variance – Development Regulation Worksheet

Applicant's Name: Real World Investments LLC

Property Address: 1808 Westminster Pl., Nichols Hills, OK 73120

Applicable Structure: (Check as applicable)

☒ Main Building	☐ New	☒ Addition
☐ Accessory Building	☐ New	☐ Addition
☐ Fence	☐ New	☐ 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	40'	38'	2'
Rear Yard Setback			
Side Yard Setback (specify north, south, east or west side)	6'6" West 6'6" East	5'6" West 4'6" East	1' West 2' East
Building Lot Coverage			
Floor Area Ratio			
Height			
No Build Envelope			
Other	Explanation:		









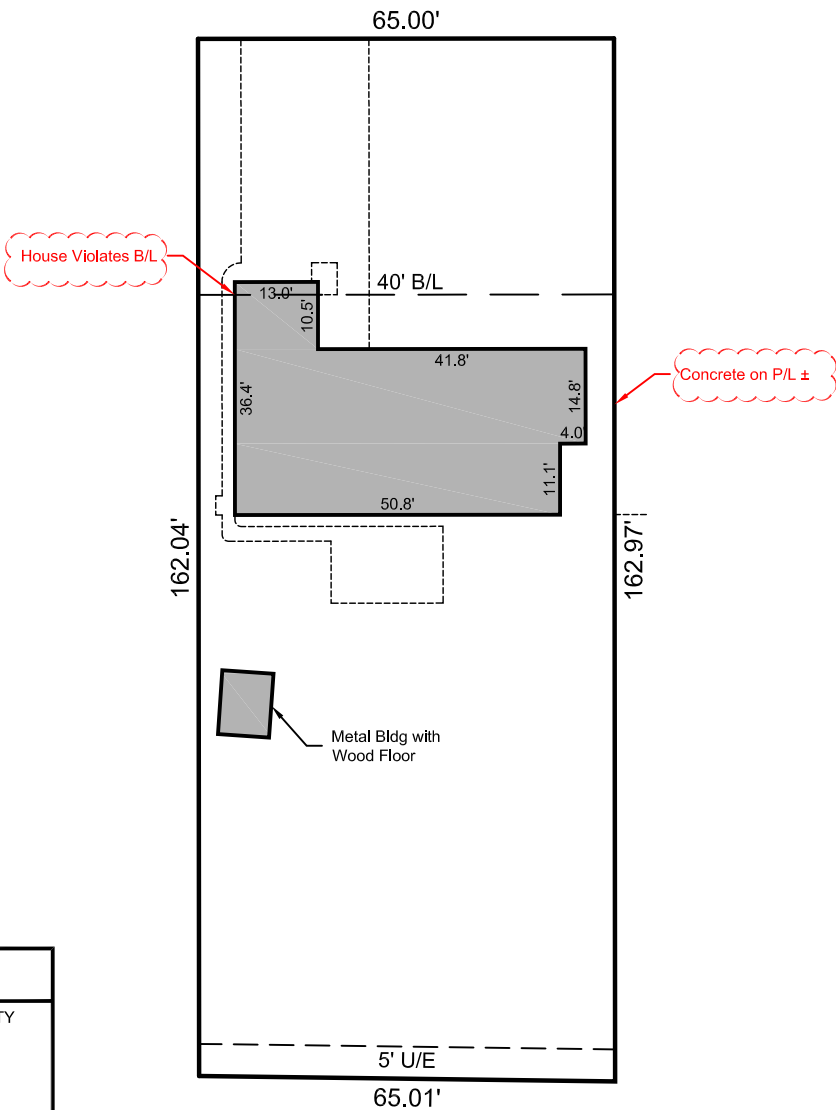
MORTGAGE INSPECTION REPORT

Not a Land or Boundary Survey

RECEIVED

By Dillion at 9:40 am, Mar 19, 2024

Westminster Place
-1808-



Sketch Legend

	SUBJECT PROPERTY
	LOT LINE
	BUILDING LINE
	EASEMENT LINE
	RIGHT-OF-WAY LINE
	FENCE LINE
	P/L PROPERTY LINE
	B/L BUILDING LINE
	U/E UTILITY EASEMENT
	D/E DRAINAGE EASEMENT
	R/W RIGHT-OF-WAY
	DECK
	CONCRETE



I, Curtis Lee Hale, a Registered Land Surveyor, do hereby state that a careful inspection has been made under my supervision on the following described property, to wit;

Lot Five (5), in Block One Hundred Seven (107), in Blocks 106-109, inclusive and Blocks 112 and 113, Wilshire Section to Nichols Hills, Oklahoma County, Oklahoma, according to the recorded plat thereof. Known as 1808 Westminster Place...

This Mortgage Inspection Report was prepared for Chicago Title Oklahoma Co. It is not a land or a boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a representation of the conditions that were found at the time of the inspection and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.

Hale & Associates Survey Co., Inc. assumes no liability for any encroachments, encumbrance, violation, or adverse circumstance affecting the subject property that would be identified by a land or boundary survey.

Curtis Lee Hale Electronically Signed - 2/29/2024

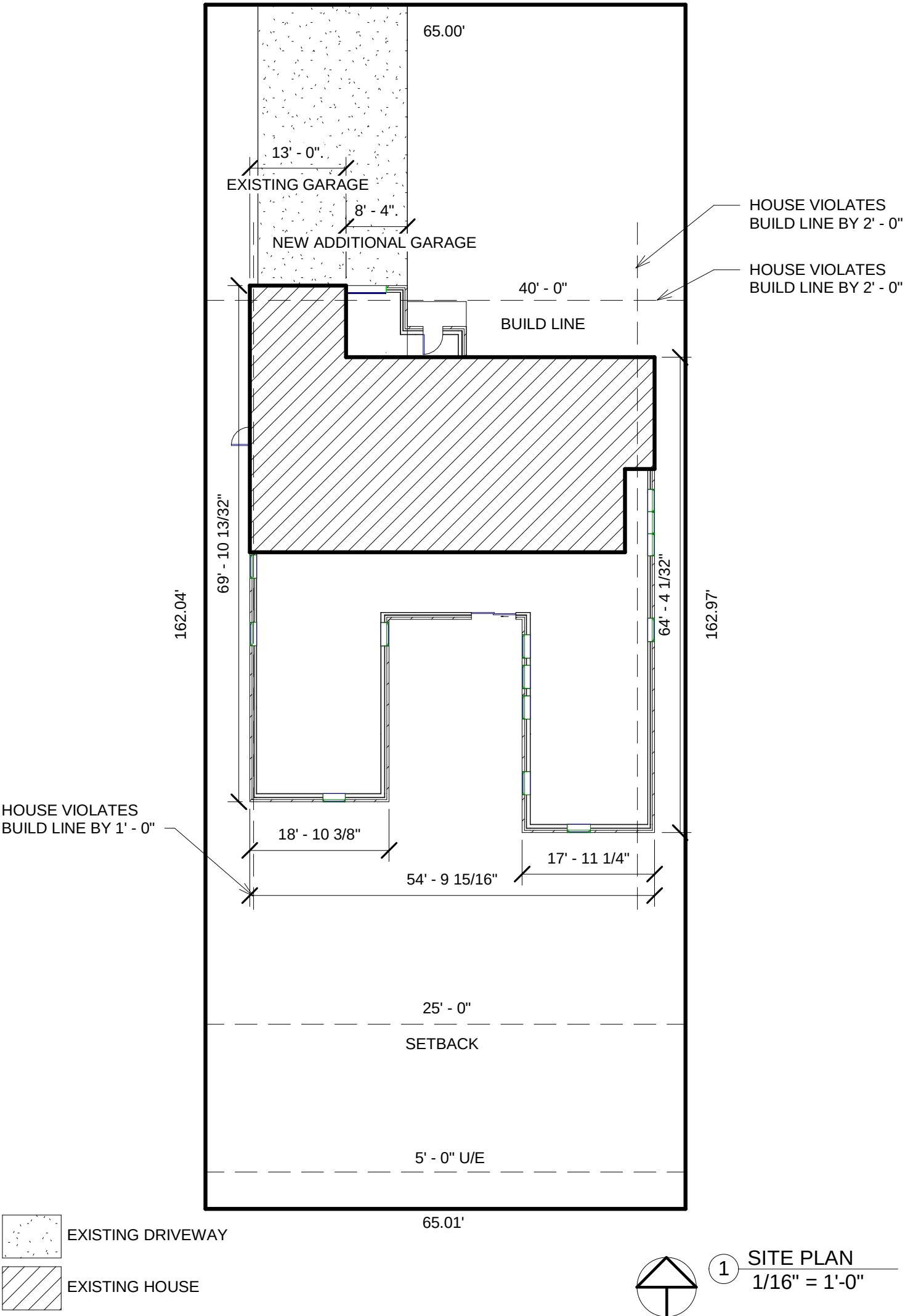
FINALIZED: 29th of February, 2024

Inspection Number: 20240938
Buyer: Wiseman
File Number: 714052400235

Land Surveying and Planning
1601 SW 89th Street, Building C, Suite 200
Oklahoma City, Oklahoma 73159
Tel.: (405) 686-0174 - Fax: (405) 681-4881
C. A.: 819 - Exp.: June 30, 2025
www.halesurvey.com

RECEIVED

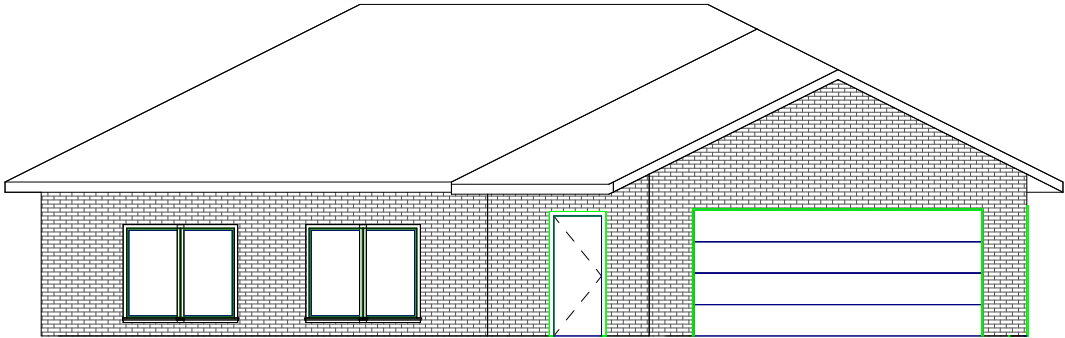
By Dillion at 10:11 am, Mar 20, 2024



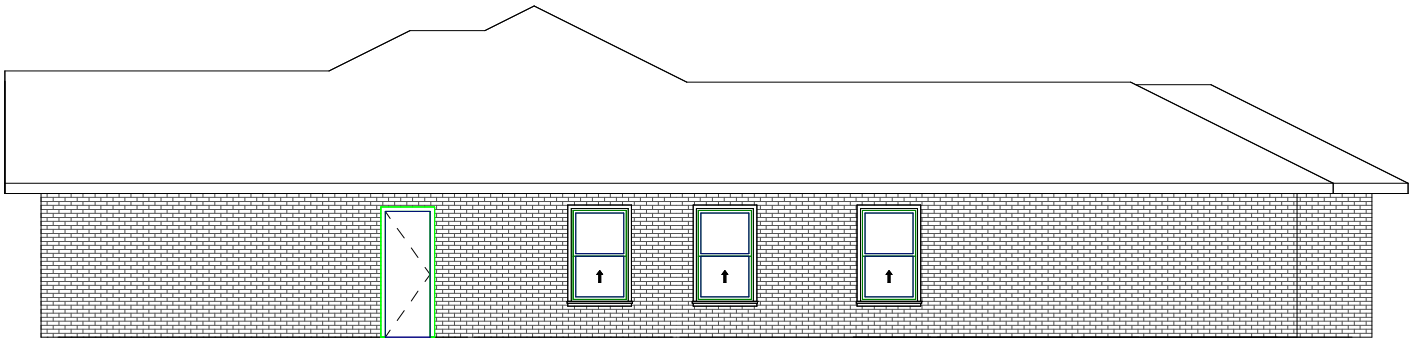
1808 WESTMINSTER
NICHOLS HILLS

SITE PLAN

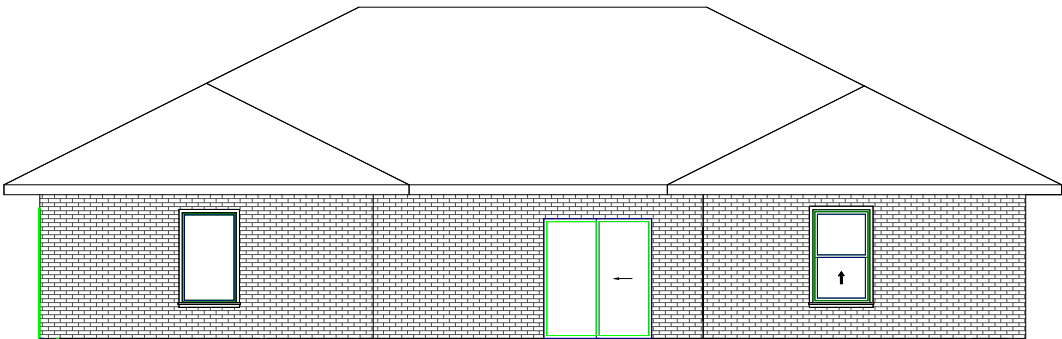
Project number	106	A101
Date	MARCH 11 2024	
Drawn by	ANW	
Checked by	AVR	
		Scale 1/16" = 1'-0"



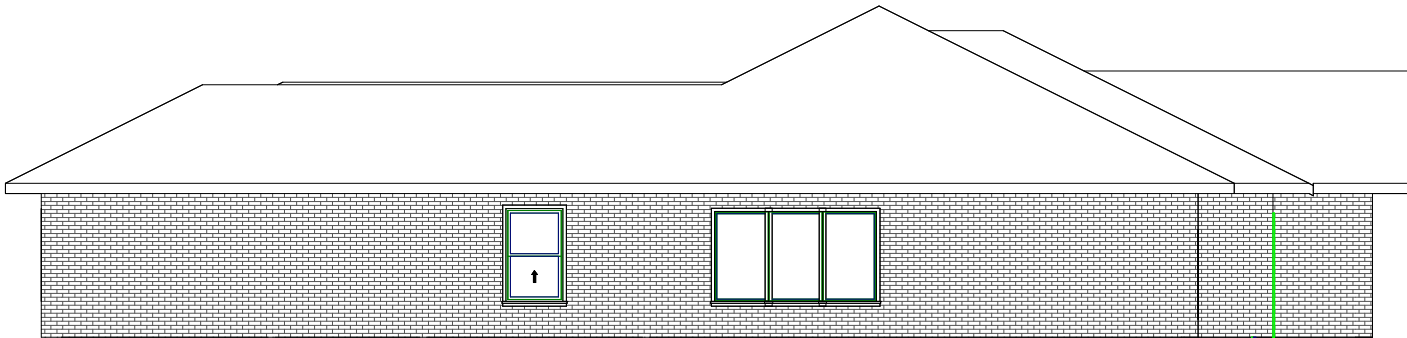
1 NORTH ELEVATION
3/32" = 1'-0"



2 WEST ELEVATION
3/32" = 1'-0"



3 SOUTH ELEVATION
3/32" = 1'-0"

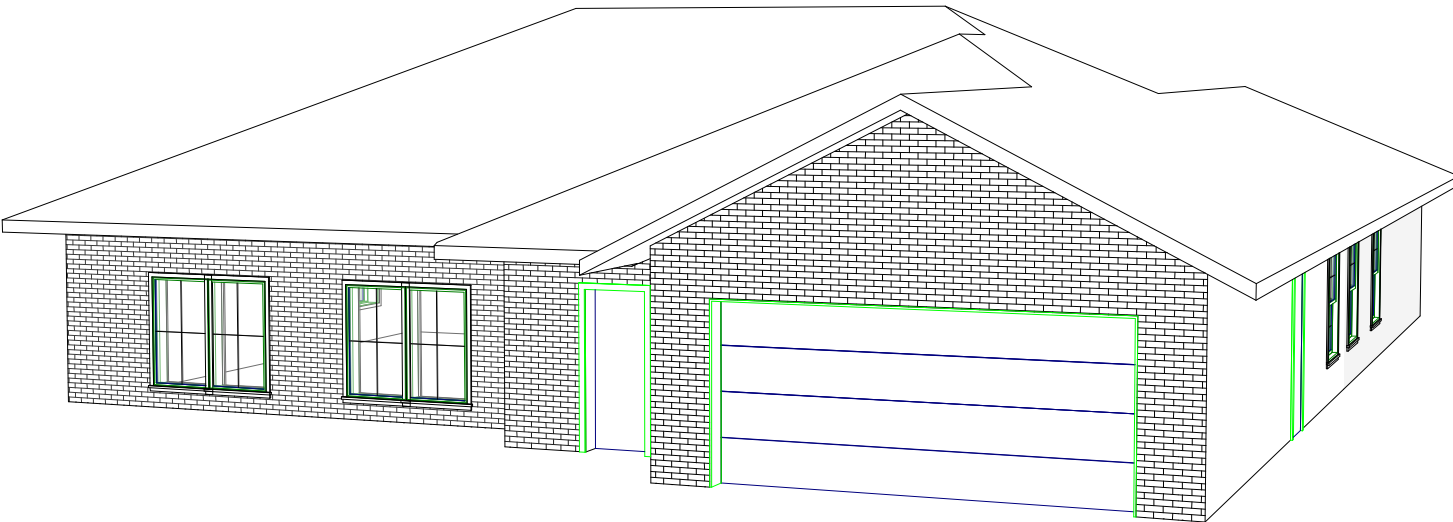


4 EAST ELEVATION
3/32" = 1'-0"

1808 WESTMINSTER

NICHOLS HILLS

EXTERIOR ELEVATIONS		
Project number	106	A103
Date	MARCH 11 2024	
Drawn by	Author	
Checked by	Checker	Scale 3/32" = 1'-0"



1 HOUSE VIEW FROM WEST SIDE



2 HOUSE VIEW FROM EAST SIDE

1808 WESTMINSTER
NICHOLS HILLS

3D VIEW

Project number	106
Date	MARCH 11 2024
Drawn by	Author
Checked by	Checker

A106

Scale



***** REPRINT RECEIPT*****

REC#: 00190217 3/20/2024 9:32 AM
OPER: NB TERM: 010
REF#: 168
PAID BY:

TRAN: 850.0000 Variance Request
1808 WESTMINSTER
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