

MINUTES

Regular Meeting of the
Nichols Hills Board of Adjustment
Wednesday, July 19, 2023 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 12:24 PM
on the 5th day of July, 2023.**

1. Call to Order
2. Roll Call

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

3. Minutes
 - a. June 21, 2023

MOTION: Herzel moved to approve the June 21, 2023 minutes as presented. Clements seconded the motion.

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

4. Public Hearing

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

- a. PUBLIC HEARING: Case No. BOA-2023-10, for which the applicants at 1606 Drury Lane are seeking a 6' variance from the front yard setback. The applicant are also seeking a 6" height variance.

BACKGROUND
BOA-2023-10

The property is zoned E-1.

The applicants desire to rebuild a fence/wall. For the proposed construction, the applicants are seeking a 6' variance from the front yard setback, leaving a 14' front yard setback. For the proposed construction, the applicants are also seeking a 6" height variance.

Mr. Ford Austin presented the application to the Board of Adjustment.

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

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

MOTION: Herzel moved that application number BOA-2023-10 be approved because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Lippert seconded the motion.

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

- b. PUBLIC HEARING: Case No. BOA-2023-11, for which the applicants desire to appeal the City Code Official's decision to issue a permit for an accessory structure (Sports Court).

BACKGROUND

BOA-2023-11

The property is zoned E-2.

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

Mr. Kelly Work, representing Mr. and Mrs. Gary Hanna, presented the appeal of the permit issuance.

Mr. Clint Whitworth, representing Mr. and Mrs. Kendall King, explained the current building permit and the plans for the new sports court.

Mr. Kendall King spoke to the Board of Adjustment members, stating his intent is to work within the codes.

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

Mrs. Barbara Young expressed her concerns of the noise of a sports court. Mrs. Young was in favor of the Hanna's application.

Mr. Luke Curley encouraged the City to look hard at the setbacks.

Mr. Jason Rogers, representing Mr. Lew McGinnis, spoke in favor of the Hanna's application.

Mr. Gary Hanna spoke of the noise of a sports court and lack of privacy since trees were removed in the construction of the first sports court.

Mr. Clint Whitworth spoke to the Board of Adjustment members of the plans that were submitted to the City for the permit. The plans specifically show the planting of twenty-seven trees to help with privacy and noise.

Mr. Steve Sherman spoke in favor of the application and urged

the City to reconsider the permit.

Ms. Martha Justice spoke in favor of the application.

Mrs. Kelly Whitworth spoke in favor of Mr. and Mrs. King and the concerns she has with the ability to prevent kids playing in their own yards.

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

MOTION: Herzel moved to deny the appeal and uphold the City's issuance of the building permit. Clements seconded the motion.

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

- c. PUBLIC HEARING: Case No. BOA-2023-12, for which the applicants at 6600 NW Grand Boulevard are seeking a 30' variance from the front yard setback.

BACKGROUND
BOA-2023-12

The property is zoned E-2.

The applicants desire to construct a new dwelling. For the proposed construction, the applicants are seeking a 30' variance from the front yard setback leaving a 45' front yard setback.

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

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

Mr. Ford Austin spoke in favor of the application.

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

MOTION: Lippert moved that application BOA-2023-12 be approved because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Herzel seconded the motion.

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

- d. PUBLIC HEARING: Case No. BOA-2023-13, for which the applicants at 6600 NW Grand Boulevard are seeking a 30' variance from the front yard setback.

BACKGROUND
BOA-2023-13

The property is zoned E-2.

The applicants desire to construct a new dwelling. For the proposed construction, the applicants are seeking a 30' variance from the front yard setback, leaving a 45' front yard setback.

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

Following discussion among Board of Adjustment members and

staff, Chairman Slater opened the public hearing.

Mr. Ford Austin spoke in favor of the application.

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

MOTION: Herzel moved that application BOA-2023-13 be approved because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Lippert seconded the motion.

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

- e. PUBLIC HEARING: Case No. BOA-2023-14, for which the applicants at 6600 NW Grand Boulevard are seeking a 30' variance from the front yard setback.

BACKGROUND
BOA-2023-14

The property is zoned E-2.

The applicants desire to construct a new dwelling. For the proposed construction, the applicants are seeking a 30' variance from the front yard setback leaving a 45' front yard setback.

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

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

Mr. Ford Austin spoke in favor of the application.

Mr. Steve Sherman, representing Mrs. Karen Samis, supports the application, but would like to establish the maximum square footage of the homes for these lots.

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

MOTION: Clements moved that application BOA-2023-14 be approved subject to keeping in place the existing building lot coverage of 5960.72 square feet and the existing floor area ratio of 6954.17 square feet because the application of the ordinance to this particular piece of property would create an unnecessary hardship; such conditions are peculiar to this particular piece of property; the granting of this variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and this variance is the minimum necessary to alleviate the unnecessary hardship. Herzel seconded the motion.

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

5. Adjournment

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

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



Chairman
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma