

City of Choctaw
Regular Board of Adjustments Meeting
August 27, 2018 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

1. **Call to Order.**
2. **Invocation and Pledge of Allegiance.**
3. **Roll Call.**
4. **Business Agenda:** The following items are hereby designated for discussion and consideration which requires individual action.
 - 4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Uses Permitted per Ordinance Section 12-215 (A) (42) C for a Home Occupancy-Type II.

Applicant: Travis Caresia
Location: 14261 NE 4th
Current Zoning: Single Family Residential District (R-S)
Legal Description:
All of Lot Twenty-Two (22), in Block Thirteen (13) in Replat of Seikel’s Oak Park Addition, Section Three, an Addition to Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.
 - 4.2 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Side Setback Requirements per Ordinance Section 12-287 (A).

Applicant: Zeke Ventures, LLC
Location: 2843 S Choctaw Rd
Current Zoning: General Commercial District (C-G)
Legal Description:

Part of the SE/4 of Section 11, Township 11 North, Range 1 West of the Indian Meridian, Oklahoma County, Oklahoma, according to the recorded plat thereof.

- 4.3** Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Side Setback Requirements per Ordinance Section 12-263 (B) (6).

Applicant: Nick Malaske

Location: 3095 S Indian Meridian

Current Zoning: Rural Residential District (R-R)

Legal Description:

Part of the NE/4 of Section 13, Township 11 North, Range 1 West of the Indian Meridian, Oklahoma County, Oklahoma, according to the recorded plat thereof.

- 4.4** Regular meeting minutes for June 25, 2018.

- 5. Commissioner/Staff Remarks:** This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

6. Adjournment:

This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on August 24, 2018 in accordance with the Oklahoma Open Meeting Act.

Tina Rodriguez, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC MEETING IS NOT POSSIBLE DUE TO A DISABILITY, NOTIFICATION TO THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING IS ENCOURAGED TO MAKE THE NECESSARY ACCOMMODATIONS. THE CITY MAY WAIVE THE TWENTY-FOUR (24) HOUR RULE IF SIGNING IS NOT THE NECESSARY ACCOMMODATION.



CITY OF CHOCTAW
 2500 N Choctaw Rd / PO Box 567, Choctaw, OK 73020
 Phone 405.390.8198 / Fax 405.390.3332

Cash
 Check
 Credit Card VISA
 Permit # 1808003
 Received \$ 75.00
 Date: 8-1-18
 Receipt No. RN-6990

HOME OCCUPATION PERMIT

Applicant Name: TYLER PEST SOLUTIONS LLC
 Property Owner's Name: TRAVIS CHARLES
 Business Name: TYLER PEST SOLUTIONS LLC
 Business Mailing Address: 14261 NE 4th CHOCTAW, OK 73020
 Business Physical Address: 14261 NE 4th CHOCTAW, OK 73020
 Business Owner's E-mail: TRAVIS@TYLERPESTSOLUTIONSLLC.COM
 Owner Phone No.: 405-996-0135 Owner Cell No.: SAME
 Fax No.: N/A Emergency No.: 996-8823
 State/Fed ID#: CA 29823 OR C-986
 Total Dwelling Sq Ft: 720 SF Sq Ft used for Business: 720 SF
 Number of Buildings on Property: 2 Number of Buildings to be used: 1
 Will detached structure be used: Yes No If yes, how many Sq Ft? 720
 Type of Use: COMM Number of Employees: 0
 Describe activity: PEST CONTRACT

Subdivision: SEIKLE OAK PARK Lot: _____ Block: _____
 Unplatted Tract: Acres: .38 Section: _____ Township: _____ Range: _____

Which type of Home Occupation Class are you applying for? Type I (Minor) Type II (Major)

I hereby certify that the above information is true and correct; that I have read the notes and policies and procedures; that I will observe and conform to all codes and ordinances governing such business in the City of Choctaw.

[Signature]
 Signature of Owner or authorized agent

08/01/18
 Date

Home Occupation Permit Fees:

A. Home Occupation Type I	B. Home Occupation Type II
1. Permit Fee \$25.00	1. Permit Fee \$75.00
2. Renewal Fee \$25.00 (Yearly by June 30 th)	2. Renewal Fee \$25.00 (Yearly by June 30 th)



CITY OF CHOCTAW

Staff Report



Applicant: **Tyler Pest Solutions, LLC**

Location: **14261 N.E. 4th Street**

Current Zoning: **R-S “Single Family Residential District”**

Use Request: **Home Occupation (Type II) – IT (Pest Control)**

Travis Caresia is the owner of this 0.38 acre tract of land, located on Lot 22, Block 13; Seikels Oak Park, Section 3 Addition. The property is located at 14261 N.E. 4th Street. The applicant is requesting a Type II Home Occupation to run a Pest Control Service.

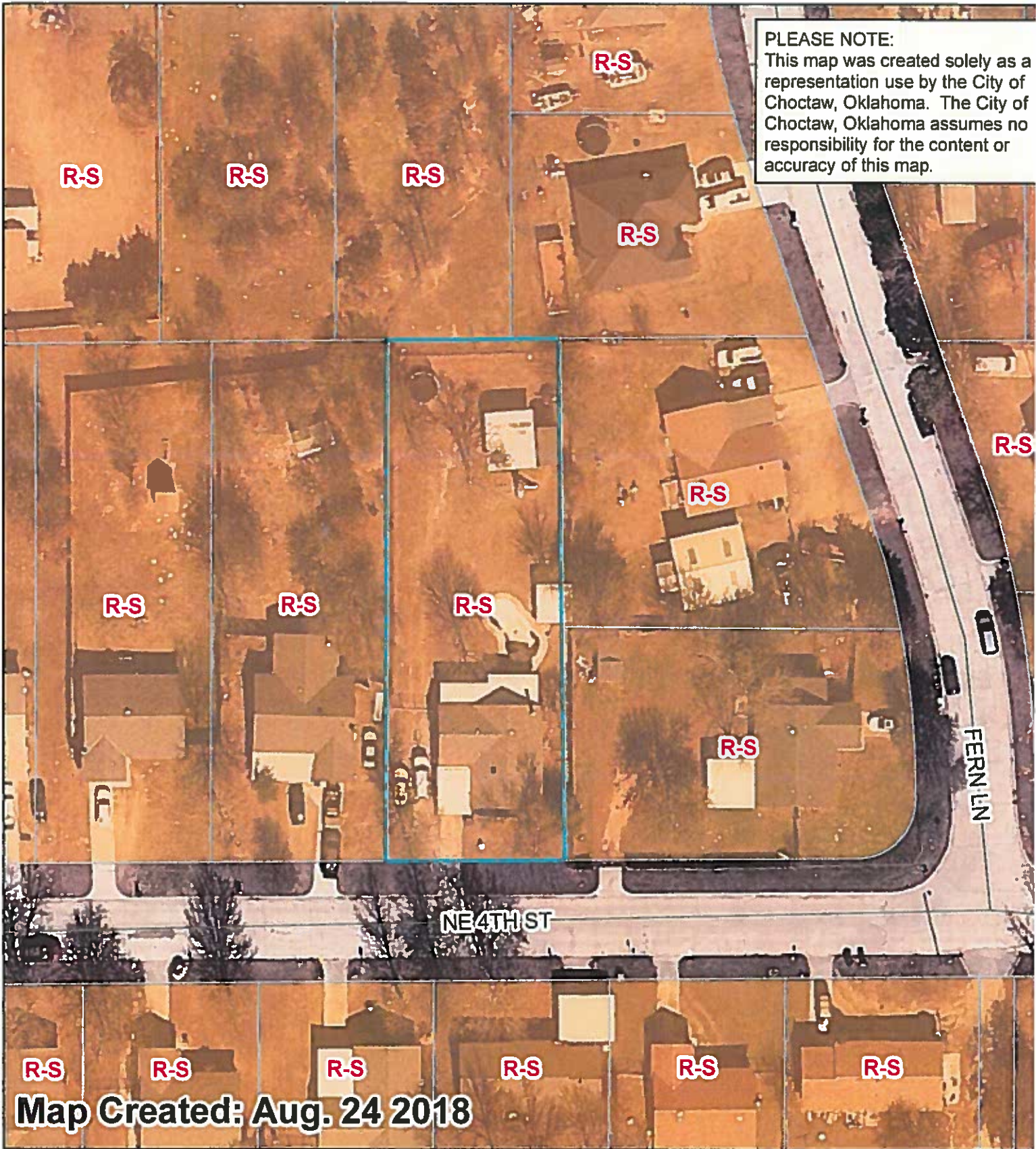
TYPE II HOME OCCUPATION REQUIREMENTS

1. The application shall be renewed annually.
2. Operate entirely within a residential structure or permitted accessory structure.
(Applicant has indicated that the activities will occur within the mobile vehicle and paper work will be performed at a desk.)
3. Be within an platted area.
(Lot 22; Block 13; Seikels Oak Park, Section 3 Addition)
4. Use no more than 25% of the floor area of the primary building.
(The occupation will occur within the residence and proposing to use only 180 square feet of the residence. The applicant is allowed up to a maximum of 296 square feet in the residence. There are two accessory structures that are not being used for the Home Occupation.)
5. No remodeling of the exterior of the dwelling.
(Applicant has no plans to remodel)
6. Home Occupation’s one un-illuminated and not to exceed 2 ft² sign
(Applicant has indicated to staff that no sign will be used or displayed.)
7. No use or storage of heavy vehicles.
(No heavy vehicles are to be on site nor needed for the type of use for the home occupation business.)
8. No retail selling of merchandise provided that orders are made by telephone.
(Applicant has no plans to have sell merchandise only to provide service)
9. Produce no noise or obnoxious odors.
(Applicant does not forecast any obnoxious odors or noise.)
10. Involve fewer than 10 customers daily entering the premises.
(The applicant provides a service and they commute to the customer’s destination.)
11. Employ no more than 1 person in addition to those who are permanent residents of the dwelling.
(The applicant has indicated that there are no other employees at this time)
12. Off-street Parking.
(The applicant does not need any additional parking)

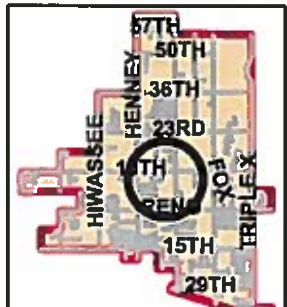
POWERS TO GRANT VARIANCES

The Board of Adjustments shall study the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and authorize or deny the issuance of a permit for the use of land or buildings as requested.

PLEASE NOTE:
 This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.



City of Choctaw
 PO Box 567
 2500 N. Choctaw Rd
 Ph. (405) 390-8198
 Fax: (405) 390-3332



Legend

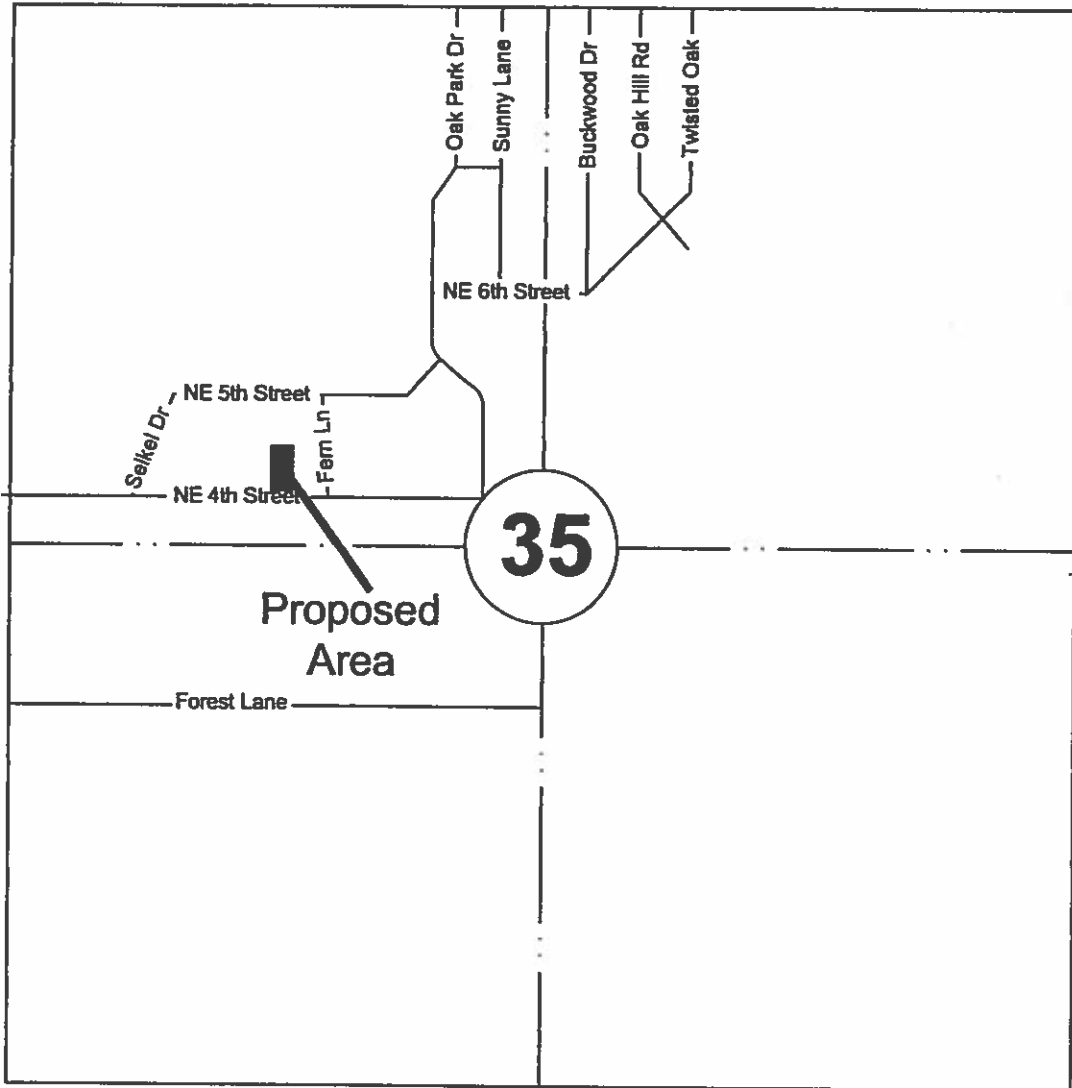
— Centerline_City □ Single-Family Residential District

R 1 W
N.E. 10th Street

N. Henney Road

N. Choctaw Road

12 N



E. Reno Ave.

LOCATION MAP

NOT TO SCALE

name1	name2	mailingaddress1	city	state	zipcode
BROWNE MARILYN E TRS	BROWNE MARILYN E LIVING TRUST	14159 FOREST LN	CHOCTAW	OK	73020-7508
EASLEY JANET LYNNE		14253 FOREST LN	CHOCTAW	OK	73020-7536
SHAR JAN INVESTMENTS LLC		1319 VERNA MARIE DR	MIDWEST CITY	OK	73110-1419
COX BAYLI		14314 NE 5TH ST	CHOCTAW	OK	73020-7548
OGEE HORNSBY CATHY D	HORNSBY PHILLIP D	PO BOX 1392	CHOCTAW	OK	73020-1392
JILGE PATRICK		14245 NE 4TH ST	CHOCTAW	OK	73020-7543
COLTHARP JEREMY C & MADISON		14331 NE 4TH ST	CHOCTAW	OK	73020-7543
LONEBEAR BILLY S JR & JERRICA L		14233 NE 4TH ST	CHOCTAW	OK	73020-7543
AUDUELLE FAMILY	LIMITED PARTNERSHIP	PO BOX 998	HARRAH	OK	73045-0998
COOPER GARRY W		14200 NE 5TH ST	CHOCTAW	OK	73020-7547
CARESIA TRAVIS & JENNIFER		14261 NE 4TH ST	CHOCTAW	OK	73020-7543
KNIGHT HEATH A		14214 NE 5TH ST	CHOCTAW	OK	73020-7547
PHELPS JOHN W & PHYLLIS A		14230 NE 5TH ST	CHOCTAW	OK	73020-7547
COLLIER KEVIN B	KENNEDY HALEY A	14205 NE 4TH ST	CHOCTAW	OK	73020-7543
WITCOSKY NICOLE L		14244 NE 5TH ST	CHOCTAW	OK	73020-7543
ANASTASIA INVESTMENTS LLC		PO BOX 95	CHOCTAW	OK	73020-0095
AMG RENTALS LLC		14187 NE 4TH ST	CHOCTAW	OK	73020-7501
ELLIS DYANNA U		14283 NE 5TH ST	CHOCTAW	OK	73020-7547
JENKINS HAZEL I TRS	JENKINS HAZEL I TRUST	14299 NE 5TH ST	CHOCTAW	OK	73020-7547
SPRINGER RODGER J & VENNA K		12419 ELIZABETH CV	MIDWEST CITY	OK	73130-4931
ROOFFENER CORENE & CALVIN F		14255 NE 5TH ST	CHOCTAW	OK	73020-7547
MALLOW LINDA C		14241 NE 5TH ST	CHOCTAW	OK	73020-7547
EDINGTON GAYLA		14227 NE 5TH ST	CHOCTAW	OK	73020-7547
TARLTON TYLER D		501 FERN LN	CHOCTAW	OK	73020-7522
GRIFFIN ANTHONY GENE		14328 NE 4TH ST	CHOCTAW	OK	73020-7544
VANHOOSER LUCINDA M		14280 NE 4TH ST	CHOCTAW	OK	73020-7542
MARLA APRIL D		14266 NE 4TH ST	CHOCTAW	OK	73020-7542
CARESIA BENNIE L	CARESIA TRAVIS K	14250 NE 4TH ST	CHOCTAW	OK	73020-7542
GREGG CECIL T & EMILY L		14300 NE 5TH ST	CHOCTAW	OK	73020-7548
SPEARS BOB TRS, KINMAN BARBARA TRS	SPEARS KINMAN FAMILY REV TRUST	14236 NE 4TH ST	CHOCTAW	OK	73020-7542
PAYNE HOWARD LYNN & ROBERTA J		14192 NE 4TH ST	CHOCTAW	OK	73020-4602
HANDSPRING PROPERTIES LLC		3918 NW DELLA ST	NORMAN	OK	73072-1235
STIVER MICHAEL T		525 FERN LN	CHOCTAW	OK	73020-7522
HILL GARY & ILA		524 FERN LN	CHOCTAW	OK	73020-7522
WALLACE RAYMOND		533 FERN LN	CHOCTAW	OK	73020-7522
GILL BOBBY R JR & JESSICA G		599 FERN LN	CHOCTAW	OK	73020-7522
SIMPSON PAUL W & RUTH		43474 CURTIS DR	MEEKER	OK	74855-5003
CITY OF CHOCTAW		2436 MAIN ST	CHOCTAW	OK	73020



Variance Case No. 1808004

Application Date: 8/1/18

Cash Check 1262 Credit Card

Received \$ 200.00 Receipt No. 6991

APPLICATION

Variance

Subject Address: 2843
2825 S Choctaw Rd

Applicant: Zeke Ventures LLC Phone: (405) 412-6188

2825 S Choctaw Rd Choctaw OK 73020
Address City State Zip

E-mail address: zekealanp@yahoo.com

Property Owner: Zeke Ventures LLC Phone: (405) 412-6188

P.O. Box 583 Choctaw OK 73020
Address City State Zip

Property Zoning: Commercial Code Section No.: 12-287 A

Reason for Variance?: Request side yard setback be reduced from 30 feet
to 15 feet.

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Adjustment are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating the Variance application.

PROPERTY OWNER'S SIGNATURE: [Signature]
[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. A power of attorney is attached.

Name: _____ Address: _____

Signature: _____ Telephone: _____

County Parcel Number: _____



CITY OF CHOCTAW

Staff Report



Applicant: **Zeke Ventures, LLC**

Location: **2843 S. Choctaw Road**

Current Zoning: **C-G “General Commercial District”**

Use Request: **Variance – Minimum Side Setback**

Zeke Ventures, LLC is the owner of this 2.05 acre tract of land, located at 2843 S. Choctaw Road. The applicant is requesting a Variance on the minimum side setback for a commercial structure. The property is zoned C-G “General Commercial District”.

The property owner is constructing a single 2,400 square foot metal commercial building. The applicant has indicated to staff verbally that additional commercial buildings are to be constructed. When those proposed commercial building are to be constructed, the applicant is requesting a forty-five (45) foot variance along the north side property line.

The required minimum amount of side setback for a commercial building adjacent to a residential district is fifty (50) feet. The applicant is requesting a forty-five (45) foot variance for the commercial side setback.

12-287 AREA AND HEIGHT REGULATIONS

- (A) Front and side yard: Front and side yard regulations shall conform to the C-O District, but no side yard shall be required for uses other than dwellings;

12-282 AREA REGULATIONS

- (B) Side yard. Where a side yard is adjacent to a dwelling, no building shall be located closer than fifty (50) feet to the side lot line. In all other cases, no building shall be located closer than thirty-five (35) feet to the side lot line.

APPLICANT’S REASON FOR VARIANCE

The applicant did not submit a written form, but told staff during the application submittal. The applicant is looking at the possibility of developing a two to three additional 2,400 individual commercial structures. With the placement of an existing pipeline easement on the south side the applicant is proposing a variance to allow the needed space for fire lanes, parking, and business separation.

EXISTING ZONING

The property for which carries a C-G “General Commercial District” zoning is bound to the east, west, and south by C-G “General Commercial District” and bound to north by the “Un-incorporated Limits of Oklahoma County” which carries a residential district under the Oklahoma County regulations.

POWERS TO GRANT VARIANCES

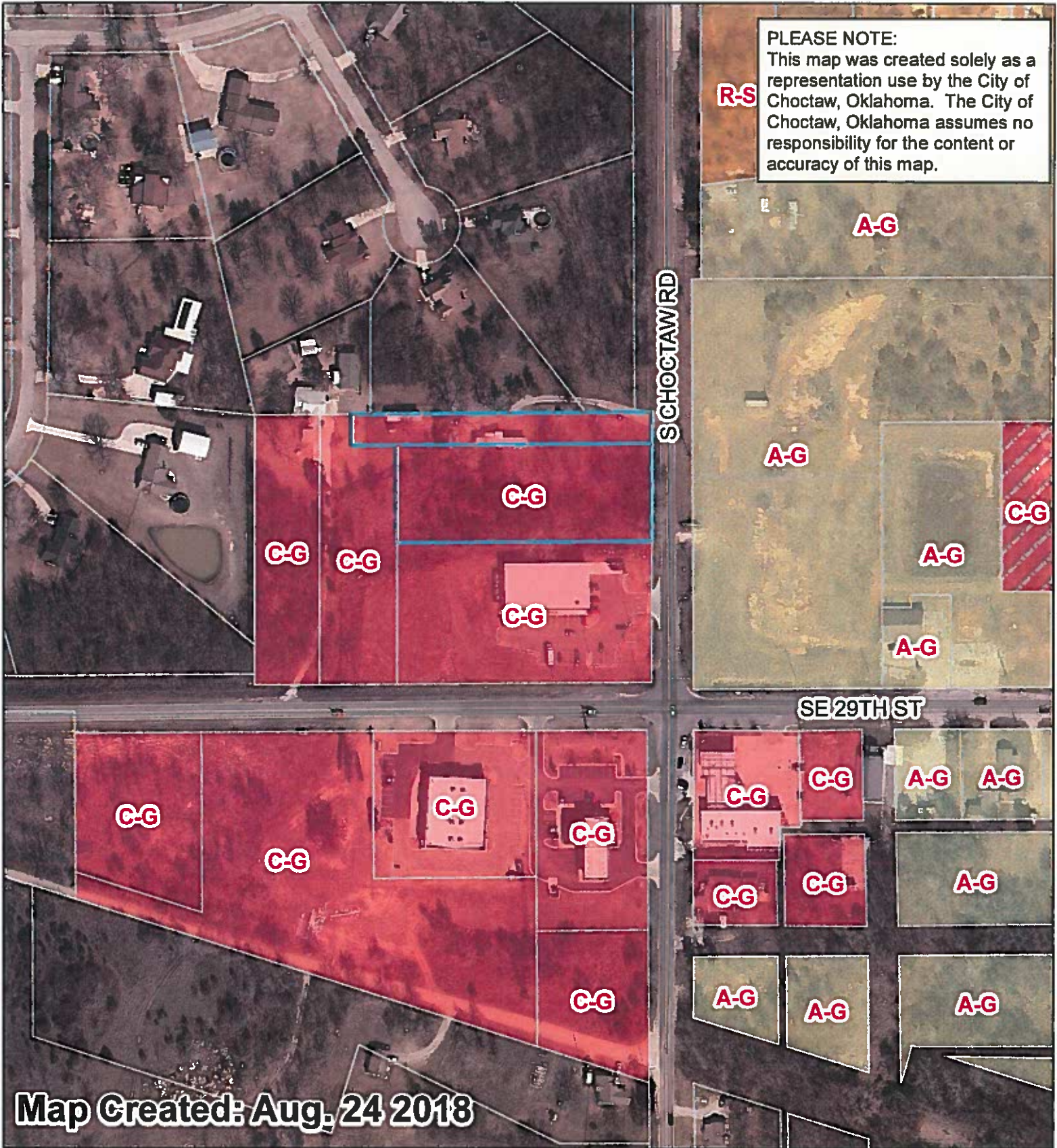
The Board of Adjustment shall have the following powers as outlined in Article B, Sections 12-125 of the City of Choctaw Zoning Ordinance:

The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Section 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial Justice done. **Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:**

- (1) At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, or other extraordinary or exceptional situations or condition of a specific piece of property.*
- (2) The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner of developer.*
- (3) Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area.*
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in §§ 12-201, "Title known as the Zoning Ordinance of the City of Choctaw, Oklahoma", of this code.*

The Board may grant an appeal, subject to such terms and conditions, provided the applicant has demonstrate to the satisfaction of the Board that the conditions governing the granting of a variance as set forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

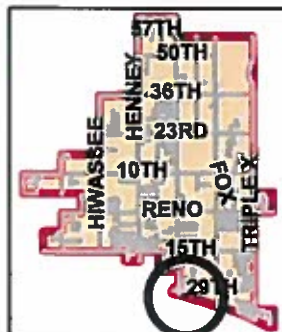
PLEASE NOTE:
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Map Created: Aug. 24 2018



City of Choctaw
 PO Box 567
 2500 N. Choctaw Rd
 Ph. (405) 390-8198
 Fax: (405) 390-3332



Legend	
	Centerline_City
	General Agricultural District
	Single-Family Residential District
	General Commercial District
	Planned Unit Development

Oklahoma County Assessor
400ft. Radius Report
03-01-2018

accountno	name1	name2	mailingaddress1	mailingaddress2	city	state	zipcode	subname	block	lot	legal	location
R194646077	WOODALL EXCHANGE LLC		15406 SE 29TH ST		CHOCTAW	OK	730206544	UNPLTD PT SEC 12 11N 1W	000	000	PT SW4 SEC 12 11N 1W BEG SW/C TH N627.91FT E823.95FT S219.36FT W494.95FT S438.56FT W329.75FT TO BEG SUBJ TO EASMENTS OF RECORD	
R194646061	NOSSAMAN RICHARD O		15406 SE 29TH ST		CHOCTAW	OK	730206544	UNPLTD PT SEC 12 11N 1W	000	000	PT SW4 SEC 12 11N 1W BEG 657.88FT N OF SW/C SW4 TH E1004.16FT N179.75FT W631.40FT SW373FT S140.3FT TO BEG	2764 S CHOCTAW RD CHOCTAW
R194707005	J LOU PROPERTIES LLC		1613 N BROADWAY AVE		OKLAHOMA CITY	OK	73103	UNPLTD PT SEC 11 11N 1W	000	000	PT OF SE4 SEC 11 11N 1W BEG SE/C SE4 TH N250FT W395FT S250FT E395FT TO BEG CONT 2.27ACRS MORE OR LESS	2895 S CHOCTAW RD CHOCTAW
R198861230	THOMPSON RICKY DALE & JANET		14710 SE 27TH CT		CHOCTAW	OK	730206596	FOREST OAKS ESTATES	002	009		14710 SE 27TH CT UNINCORPORATED
R194646060	WOODALL EXCHANGE LLC		15406 SE 29TH ST		CHOCTAW	OK	730206544	UNPLTD PT SEC 12 11N 1W	000	000	PT SW4 SEC 12 11N 1W BEG 329.76FT E OF SW/C SW4 TH N438.56FT E176.89FT S261FT E77FT S177.56FT W253.89FT TO BEG CONT 2.09ACRS MORE OR LESS EX A TR BEG 330FT E & 50FT N OF SW/C SW4 TH N106.99FT E44.16FT	15021 SE 29TH ST CHOCTAW
R198861250	BERUBE MICHAEL	DOZAL OLAYA	2758 SE 27TH CT		CHOCTAW	OK	730206571	FOREST OAKS ESTATES	002	011		2758 SE 27TH CT UNINCORPORATED
R198861950	OPELA MICHAEL		2810 SE 27TH CIR		CHOCTAW	OK	730206572	FOREST OAKS ESTATES	007	010		2810 SE 27TH CIR UNINCORPORATED
R198861260	WITT DANIEL T & DONNA L		2700 SE 27TH CT		CHOCTAW	OK	730206571	FOREST OAKS ESTATES	002	012		2700 SE 27TH CT UNINCORPORATED
R198861940	SMITHEE MARK W & APRILL		2750 SE 27TH CIR		CHOCTAW	OK	730206505	FOREST OAKS ESTATES	007	009		2750 SE 27TH CIR UNINCORPORATED

Oklahoma County Assessor
400ft. Radius Report
03-01-2018

R194707000	ZEKE VENTURES LLC					2109 WOODY LN	CHOCTAW OK	73020	UNPLTD PT SEC 11 11N 1W	000	000	PT OF SE4 SEC 11 11N 1W BEG AT SE/C OF SE4 TH N400FT W395FT S400FT E395FT TO BEG EX A TR BEG SE/C SE4 TH N250FT W395FT S250FT E395FT TO BEG	14900 SE 27TH ST UNINCORPORATED
R198861980	CAVENAR CLARENCE W & SANDRA J CO TRS	CAVENAR CLARENCE W & SANDRA J FAM TRUST				14900 SE 27TH ST	CHOCTAW OK	730206527	FOREST OAKS ESTATES	007	013	PT LOT 11 BEG NE/C LOT 11 TH SELY 310.56FT SWLY 315.49FT N157.22FT NELY 100FT TH NELY ALONG A CURVE TO THE LEFT 75.10FT TO BEG SUBJ TO EASEMENTS OF RECORD	2835 SE 27TH CIR UNINCORPORATED
R198861960	LACHER ROLAND R & RUTH M					2835 SE 27TH CIR	CHOCTAW OK	730206572	FOREST OAKS ESTATES	007	000	PT LOT 12 BEG NE/C LOT 12 TH SELY 71.09FT TH SELY ON A CURVE TO THE LEFT 90.34FT SWLY 100FT SWLY 220.56FT NWLY 180.90FT NELY 279.66FT TO BEG SUBJ TO EASEMENTS OF RECORD	2755 SE 27TH CIR UNINCORPORATED
R198861970	FRYE WILL E JR					1024 SW 21ST ST	OKLAHOMA CITY OK	731087439	FOREST OAKS ESTATES	007	000	PT SE4 SEC 11 11N 1W BEG 395FT W OF SE/C OF SE4 TH W120FT N448FT E50FT S48FT E70FT S400FT TO BEG CONT 1.16ACRS MORE OR LESS	14905 SE 29TH ST CHOCTAW
R194706000	BANCFIRST					PO BOX 26788	OKLAHOMA CITY OK	731260788	UNPLTD PT SEC 11 11N 1W	000	000	PT OF SE4 SEC 11 11N 1W BEG S15FT W OF SE/C OF SE4 N465FT W100FT S465FT E100FT TO BEG	14903 SE 29TH ST CHOCTAW
R194705000	MICHAEL MARIORY F					14903 SE 29TH ST	CHOCTAW OK	730206529	UNPLTD PT SEC 11 11N 1W	000	000		
R201401310	MCWHIRTER DEVELOPMENTS LLC					3101 TINKER DIAGONAL	DEL CITY OK	731151019	SCOTTSDALE	001	032		

Oklahoma County Assessor
 400ft. Radius Report
 03-01-2018

R198861965	MICHAEL MARIORY FERN					CHOCTAW	OK	730206529		FOREST OAKS ESTATES	007	000	PT LOTS 11 & 12 BEG SW/C LOT 11 TH W65FT NWLY 85FT NELY 220.56FT S157.22FT S18.30FT W118FT TO BEG SUBJ TO EASEMENTS OF RECORD	UNINCORPORATED
R194707010	WEST LAVADA LORENA					CHOCTAW	OK	730206559		UNPLTD PT SEC 11 11N 1W	000	000	PT OF SE4 SEC 11 11N 1W BEG 400FT N OF SE/C OF SE4 TH W465FT N65FT E465FT 2825 S CHOCTAW RD CHOCTAW	



Variance Case No. _____

Application Date: _____

Cash Check _____ Credit Card _____

Received \$ 200.00 Receipt No. _____

APPLICATION

Variance

Subject Address: 3095 S. Indian Meridian

Applicant: Nick Malaske Phone: 405-830-4818

3095 S. Indian Meridian Choctaw OK 73020
Address City State Zip

E-mail address: Nick Malaske @ Gmail. com

Property Owner: Nick Malaske Phone: 405 830-4818

3095 S. Indian Meridian Choctaw OK 73020
Address City State Zip

Property Zoning: RR Code Section No.: _____

Reason for Variance?: Unable to place building to meet code

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Adjustment are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating the Variance application.

PROPERTY OWNER'S SIGNATURE: Nick Malaske
[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. A power of attorney is attached.

Name: _____ Address: _____

Signature: _____ Telephone: _____

County Parcel Number: _____



CITY OF CHOCTAW

Staff Report



Applicant: **Nickalous E. & Holli B. Malaske**

Location: **3095 S. Indian Meridian Road**

Current Zoning: **R-R “Rural Residential District”**

Use Request: **Variance – Minimum Side Setback (Accessory)**

Nickalous and Holli Malaske are the owner of this 1.67 acre tract of land, located at 3095 S. Indian Meridian Road. The applicant is requesting a Variance on the minimum side setback for an accessory structure. The property is zoned R-R “Rural Residential District”.

The property has an existing 3,249 square foot single family dwelling. The structure was built in 2016. There are no accessory structures on the property.

The required minimum amount of side setback for an accessory structure for R-R “Rural Residential District” is ten (10) feet. The applicant is requesting a five (5) foot variance for the accessory structure.

12-263 AREA AND HEIGHT REGULATIONS

(B)(6) Minimum side setback for an accessory structure: 10 feet

APPLICANT’S REASON FOR VARIANCE

The applicant did not submit a written form, but told staff during the application submittal. The applicant is looking at the possibility of developing a forty (40) foot by sixty (60) foot accessory structure. With the placement of the house, well, and septic system the applicant is needing to construction the proposed accessory structure five (5) feet from the north property boundary.

POWERS TO GRANT VARIANCES

The Board of Adjustment shall have the following powers as outlined in Article B, Sections 12-125 of the City of Choctaw Zoning Ordinance:

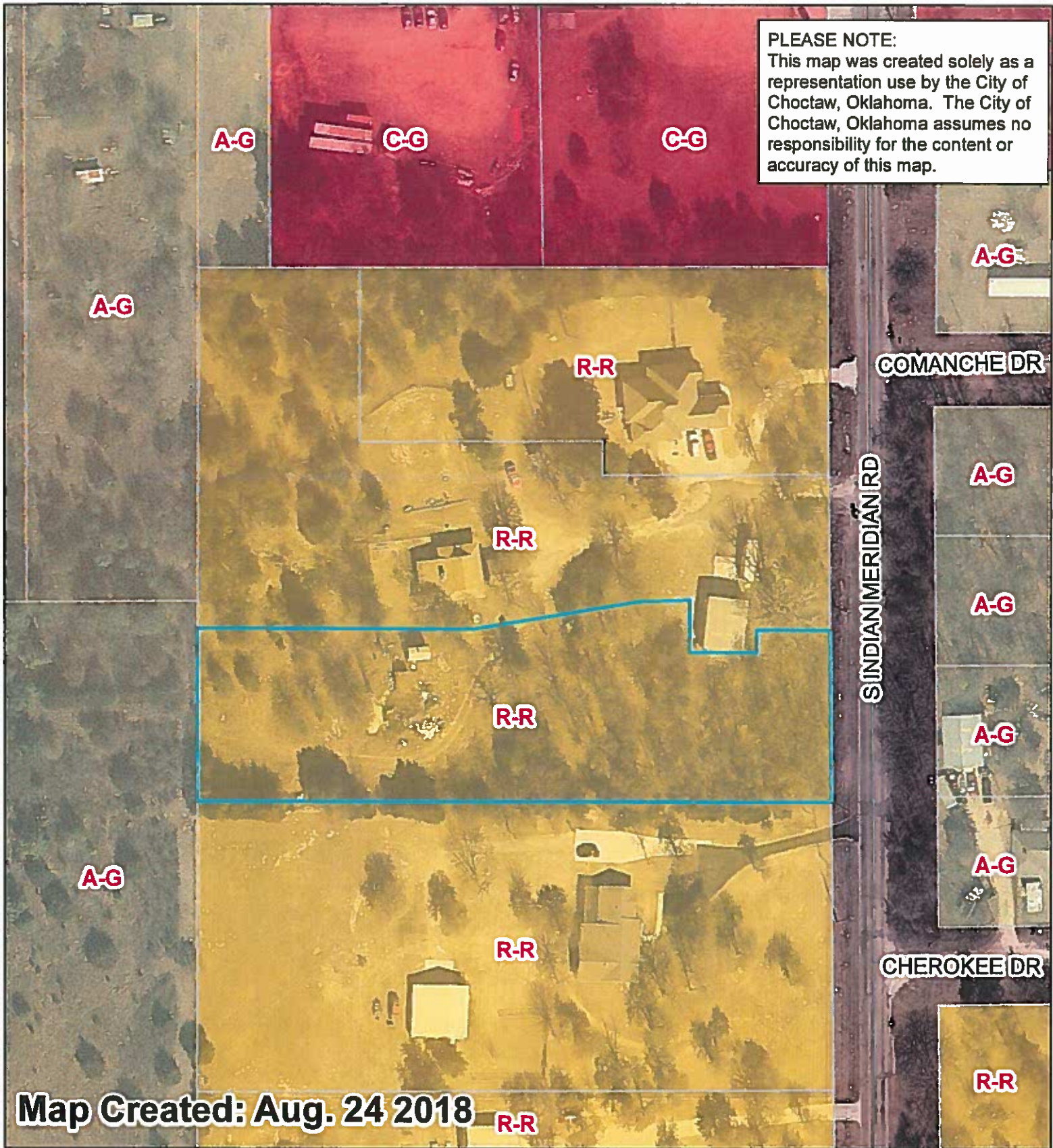
The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Section 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial Justice done. **Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:**

- (1) At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, or other extraordinary or exceptional situations or condition of a specific piece of property.*

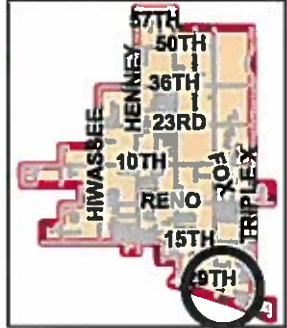
- (2) The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer.*
- (3) Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area.*
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in §§ 12-201, "Title known as the Zoning Ordinance of the City of Choctaw, Oklahoma", of this code.*

The Board may grant an appeal, subject to such terms and conditions, provided the applicant has demonstrated to the satisfaction of the Board that the conditions governing the granting of a variance as set forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

PLEASE NOTE:
 This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.



City of Choctaw
 PO Box 567
 2500 N.Choctaw Rd
 Ph. (405) 390-8198
 Fax: (405) 390-3332



Legend	
	Centerline_City
	General Agricultural District
	Rural Residential District
	General Commercial District



NAME	NAME 2	MAIL ADDRESS	CITY	STATE	ZIP
MAXWELL PAUL RICHARD	MAXWELL SUSAN MARIE	15870 SE 29TH ST PO BOX 511	CHOCTAW	OK	73020-6548
FONTENROY RICHARD P III & CARLA S		15812 SE 29TH ST	CHOCTAW	OK	73020-6548
BARNARD VAN PHILLIP & SHARON		16208 INDIAN HILL RD	CHOCTAW	OK	73020-4930
WILLIAMS BILLY E		3201 S INDIAN MERIDIAN	CHOCTAW	OK	73020-6045
CARSON ROGER & ANITA FAMILY TRUST		14400 SE 29TH ST	CHOCTAW	OK	73020-6530
MALASKE STAN W & BARBARA L		PO BOX 507	CHOCTAW	OK	73020-0507
OLD GERMANY RESTAURANT INC		620 SW 149TH ST	OKLAHOMA CITY	OK	73170-7504
WITHAM GAYLE ANN	C/O SUSAN CALHOUN	15870 SE 29TH ST	CHOCTAW	OK	73020-6548
MAXWELL PAUL R & SUSAN MARIE		1400 S INDIAN MERIDIAN	CHOCTAW	OK	73020-7039
PANEK ALFRED E & JESSIE E REV TRUST	BALCZON LINDA D & DOWD LISA D	PO BOX 153	CHOCTAW	OK	73020-0153
MALASKE NICKALOUS E & HOLLI B		3075 S INDIAN MERIDIAN	CHOCTAW	OK	73020-6012
SHATTUCK SHANNAMAY D & BRIAN K		15870 SE 29TH ST	CHOCTAW	OK	73020-6548
MAXWELL PAUL RICHARD	MAXWELL SUSAN MARIE	16005 CHEROKEE DR	CHOCTAW	OK	73020-5903
FABIAN OTTO		16126 COMANCHE	CHOCTAW	OK	73020-9551
WARLICK GREGORY S & JENNIFER D		3232 S INDIAN MERIDIAN	CHOCTAW	OK	73020-6045
LEVERICH JAMES EUGENE & ANGELA		16126 COMANCHE	CHOCTAW	OK	73020-9551
WARLICK GREGORY S	WARLICK JENNIFER D	16005 CHEROKEE DR	CHOCTAW	OK	73020-5903
FABIAN OTTO A		3010 S INDIAN MERIDIAN	CHOCTAW	OK	73020-6012
MCCOOL DEBORAH D					

City of Choctaw
Regular Board of Adjustments Meeting
June 25, 2018 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

1. Call to Order by **Chair @ 7:00p.m.**
2. Invocation given by **Chad Denson** and Pledge of Allegiance given by **Dave Murdock.**
3. **Roll Call:**
 - 3 **Present: Lloyd DeShazo; Joseph Asebedo; Dave Murdock**
 - 2 **Absent: Jared Frazier; Ray Sikes**

Staff: Chad Denson, City Planner

4. **Business Agenda:** The following items are hereby designated for discussion and consideration which requires individual action.
 - 4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Accessory Building Size per 2015 International Residential Building Code R202 and per Ordinance 777.

Applicant: Paul Murphy
Location: 670 N Westminster
Current Zoning: Rural Residential District (R-R)
Legal Description:
Part of the NW/4 of Section 32, Township 12 North, Range 1 West of the Indian Meridian, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Opened Public Hearing @ 7:02pm

Paul Murphy, 670 Westminster, he is building a barn 40' x 80', he needs the length for his RV trailer. He plans on storing his farm equipment, RV, Boats, Hay in the building.

Mark Morris, 11095 NE 5th St, wants clarification of the use and location.

Stephanie Bryan, 427 Slim Dr, HOA for Windmill Farms.

Closed Public Hearing @ 7:08pm

MOTION BY Lloyd DeShazo and SECOND BY Joe Asebedo... to provide and accept an additional 200 sqft of accessory structure for 670 N Westminster

MOTION CARRIED:

3 Ayes: DeShazo; Asebedo; Murdock

0 Nays: None

2 Absent: Sikes; Frazier

- 4.2** Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Uses Permitted per Ordinance Section 12-215 (A) (42) C for a Home Occupancy-Type II.

Applicant: Charles Herrera

Location: 13724 NE 10th

Current Zoning: Single Family Residential District (R-S)

Legal Description:

Lots Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15), in Block One (1) of GILLESPIE ESTATES, an Addition to Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Opened Public Hearing @ 7:22pm

Charles Herrera, 13724 NE 10th, spoke in favor, he is trying to run his home business. He carries a 1,000,000 insurance policy. He does bring leftovers from jib sites to his house. The reason he stores some material outside is because they can run to 25' long. He will let scrap material accumulate to have enough to take to dump because there is a minimum \$80 fee. He will go to the dump a month or two. He gets a burn permit when he burns the tree limbs.

Pat Williams, 13733 NE 9th, is opposed to the request. He has accumulation of brush and he burns it. There is also trash.

Bill Harvada, 13731 NE 9th, he lives behind the applicant. He feels we shouldn't make it a commercial piece of property.

Closed Public Hearing @ 7:45pm

MOTION BY Lloyd DeShazo and SECOND BY Joe Asebedo... to approve with the stipulation of a 30' x 30' stockade fence within 3 months installment.

MOTION CARRIED:

3 Ayes: DeShazo; Asebedo; Murdock

0 Nays: None

2 Absent: Sikes; Frazier

- 4.3** Conduct public hearing to solicit general public input regarding an application requesting a "variance" of the Uses Permitted per Ordinance Section 12-215 (A) (42) C for a Home Occupancy-Type II.

Applicant: Steven A. Shipman

Location: 2081 S Choctaw Rd

Current Zoning: Rural Residential District (R-R)

Legal Description:

Part of the NE/4 of Section 11, Township 11 North, Range 1 West of the Indian Meridian, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Opened Public Hearing @ 7:55pm

Steve Shipman, 2081 S Choctaw Rd spoke in favor. He has operated an agriculture business for 23 years, he has had a building there for 15 years, no sign. Has one full time employee, his son, and part time and seasonal employees. Most of his employees are dropped off, but he does have a parking area that is gravel. He stores his mower and equipment within the accessory 30' x 60' accessory structure. He has no signs on the property, a sign was permitted on 23rd by the resident back. They can have up to seven employees at a trailer and vehicle are kept outside. Steve does not feel it has outgrown its current use and does not feel like it needs to be moved to a commercial property.

Dan Mitchell, 15124 Hickory Hollow, he has asked Mr. Shipman to fix a driveway and damaged the storm drainage by delivery trucks. The trucks park on Hickory Hollow and unload by a fork lift to deliver it to the property.

Chance Shipman, 1283 Elizabeth Dr, Choctaw dug the ditches and hasn't used the driveway in the last 3 years. They have fixed the driveway and drainage. The applicant property is up hill from Hickory Hollow. The applicant driveway is concrete so no gravel goes onto the street.

Paul Murphy, 670 Westminster, is in favor for a small business.

Closed Public Hearing @ 8:10pm

MOTION BY Lloyd DeShazo and SECOND BY Dave Murdock... to approve.

MOTION FAILED:

2 Ayes: DeShazo; Murdock
1 Nays: Asebedo
2 Absent: Sikes; Frazier

4.4 Special meeting minutes for May 21, 2018.

**MOTION BY Lloyd DeShazo and SECOND BY Dave Murdock...
to approve the minutes as presented.**

MOTION CARRIED:

3 Ayes: DeShazo; Asebedo; Murdock
0 Nays: None
2 Absent: Sikes; Frazier

5. Commissioner/Staff Remarks: This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

None.

**6. Adjournment:
Called @ 8:16 p.m.**