

To make a special assistance request, call 739-1220 or email tanderson@midwestcityok.org no less than 24 hours prior to the start of a meeting.

**AGENDA FOR THE SPECIAL MEETING OF THE
MIDWEST CITY
BOARD OF ADJUSTMENT
October 3, 2023 – 5:00 p.m.
City Council Chambers
City Hall
100 North Midwest Boulevard**

For purposes of all meetings of the Midwest City elected and/or appointed officials, the term “possible action” shall mean possible adoption, rejection, amendments, and/or postponements.

A. CALL TO ORDER

B. MINUTES

1. Discussion and consideration of adoption, including any possible amendments of the minutes of the September 6, 2022 Board of Adjustment meeting.

C. ANNOUNCEMENTS

Introduction of new Director of Planning and Zoning, Matt Summers.

D. NEW MATTERS

1. (BA-413) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance/exception to the Midwest City Zoning Ordinance, Section 5.2.3. (B), Fencing and screening be a maximum of four (4) feet in height as measured from ground, a maximum of 50% opacity, location in relation to the front building line, and the use of wooden posts for the property described as a part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North, Range Two (2) West, addressed as 624 S. Douglas Boulevard.
2. (BA-414) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance to the Midwest City Zoning Ordinance, Section 5.12. – Exterior Construction and Design Requirements (B), Masonry requirements for nonresidential uses- concerning the requirement that Office and Commercial Districts: Building shall consists of eighty (80) percent masonry materials for the property described as a part of the Northwest Quarter (NW/4) of Section Thirty-Six (36), Township Twelve (12) North, Range Two (2) West, addressed as 9018 NE 10th Street.

E. BOARD DISCUSSION

F. PUBLIC DISCUSSION

G. FURTHER INFORMATION

H. ADJOURN

MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT SPECIAL MEETING
September 6th, 2022 – 5:30 P.M.

This special meeting of the Midwest City Board of Adjustment was held in the City Court, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on September 6th 2022, with the following members present:

Present: Jess Huskey
 Frank Young
 Cy Valanejad
 Charles McDade

Absent: Tammy Cook

Staff present: Billy Harless, Community Development Director
 Emily Richey, Current Planning Manager

The meeting was called to order by Huskey at 5:30 P.M.

A. MINUTES:

A motion was made by Young, seconded by Valanejad, to approve the minutes of the meeting of April 7th, 2022 as presented. Voting aye: Young, Valanejad, and Huskey. Nay: none. Motion carried.

B. NEW MATTERS:

(BA-412) Discussion and consideration for adoption, including any possible amendment of an application for a variance to the terms, standards, and criteria for the Specific Parking Requirements for the use Automotive Equipment Light as outlined in Table 5.3-2 of the Zoning Ordinance, for the property located in the Couch Heights Addition, Block 4, the eastern ½ of Lot 3, also addressed as 9018 NE 10th Street.

Staff gave a brief overview of this item.

Young – wanted to know what the intent was- ie: parking standards, requirements for the city. He also asked about the flood issues.

Staff responded that they had worked it out with the Engineering Dept.

The applicant, Mark Ramsey, was present and addressed the Board members.
9810 NE 10th St.

The following people addressed the board:

Name - Jeremey Miller

Address – Johnson & Associates – Bricktown- OKC

Discussed the 15' easement, gravel in back of building.

There was general discussion about the application.

General discussion amongst the Board.

Motion to approve the # of spaces of 20 - by Young and seconded by McDade.

Motion to approve the gravel in the back of the lot by McDade and seconded by Young.

A motion was made by McDade, seconded by Valanejad, to affirm the determination made by the City Official to grant the variance. Voting aye: Young, Valanejad, McDade and Huskey. Voting nay: None. Motion carried.

C. **BOARD DISCUSSION:** None

D. **PUBLIC DISCUSSION:** None.

There being no further business, a motion was made by Valanejad, seconded by McDade, to adjourn the meeting. Voting aye: Young, Valanejad, McDade and Huskey. Nay: none. Motion carried.

The meeting adjourned at 5:53 P.M.

JESS HUSKEY, Chairperson

(TA)

To: Chairman and Board of Adjustment
From: Emily Richey, Current Planning Manager
Date: October 3, 2023
Subject: (BA-413) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance/exception to the Midwest City Zoning Ordinance, Section 5.2.3. (B), Fencing and screening be a maximum of four (4) feet in height as measured from ground, a maximum of 50% opacity, location in relation to the front building line, and the use of wooden posts for the property described as a part of the Northwest Quarter (NW/4) of Section One (1), Township Eleven (11) North, Range Two (2) West, addressed as 624 S. Douglas Boulevard.

Executive Summary: The applicants (and owners) of the property, Mike and Veronica Gray are requesting variances for the fence in their front yard.

The applicant applied for a fence permit on August 4, 2023 and was approved by staff. After the fence was erected, it was deemed that more information should have been provided before being considered for approval.

The fence exceeds maximum allowable height, does not meet opacity requirements, the location of fence is not allowable, and wooden posts are not permitted.

Due to the unique property conditions, the owners decided to petition the Board of Adjustment for variance consideration.

The property is east across Douglas Boulevard from John Conrad Golf Course, and has sustained damage from golf balls. The fence was erected as a barrier to protect their property and vehicles. The golf course does not provide a barrier of protection.

The application with the applicant’s answers to the four questions that the Board must consider when reviewing a variance is included within this report.

Due to the unnecessary hardship, unique property conditions, no substantial detriment to the public good, and the minimum necessary to alleviate the unnecessary hardship, staff recommends approval of this item.

Action is at the discretion of the Board of Adjustment.

Applicant: Veronica Gray

Owner: Mike and Veronica Gray

Council Ward: Ward 3, Rick Dawkins

Zoning Districts:



Subject Site: R-6 Single-Family Detached Residential District
North: R-6 East: R-6
South: R-6 West: R-6

Land Use:

Subject Site: Single-Family Detached Residential
North: Single-Family Detached Residential East: Single-Family Detached Residential
South: Single-Family Detached Residential West: Single-Family Detached Residential

Municipal Code Citation:

7.7. - Variance

7.7.1. Purpose. The Board of Adjustment is authorized in specific cases to grant a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variances except as provided in 7.7.3. Powers Relative to Variance (below).

7.7.2. Variance Criteria. A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part, or upon reasonable conditions, only upon a finding by the Board of Adjustment that:

- (A) *Unnecessary hardship.* The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (B) *Unique property conditions.* Such conditions are peculiar to the particular piece of property involved;
- (C) *No substantial detriment to the public good.* Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
- (D) *Minimum necessary to alleviate the unnecessary hardship.* The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

7.7.3. Powers Relative to Variance. Upon appeal, the Board of Adjustment is hereby empowered to permit the following variances:

- (A) *Hear and decide oil and/or gas well applications.* To hear and decide oil and/or gas applications or appeals unless prohibited by city ordinance. The Board of Adjustment shall be required to make findings prescribed by
- (B) *Hear and decide variances to the Zoning Ordinance.* To hear and decide variances to the Zoning Ordinance when such variances are shown not to be contrary to the public interest if owing to special conditions.

5.2. – Screening and Landscaping

5.2.1. General. The purpose of this provision is to provide visual separation along city streets and between residential areas and areas of higher intensity land uses. The development regulations in individual zoning districts indicate sight-proof screening and landscaping requirements subject to the provisions of this section.

5.2.2. Definitions and Standards. For the purposes of this section the following words and phrases shall have the definitions as prescribed below:

- (A) *Sight-proof screening.* Sight-proof screening shall be:

- (1) Sight-proof fencing or sight-proof landscaping, including decorative fencing, evergreen vegetation, or landscaped earthen berms maintained for the purpose of concealing from view the property or structure behind such fence, evergreen vegetation or berm; and
- (2) Strategic placement of buildings to restrict view of items required to be screened by this Ordinance. Such buildings can be used for screening individually or in combination with fences or landscaping elements.

(B) *Sight-proof fence*. A sight-proof fence is a fence or wall that conforms to the following standards:

- (1) A minimum of six (6) feet but not more than eight (8) feet in height;
- (2) Made of wood, masonry, metal poles, metal or other suitable material which serves to beautify, decorate or adorn the property;
- (3) Stockade (i.e., wood) poles are not permitted;
- (4) Sufficiently stable to withstand wind force at fifteen (15) pounds of pressure per square foot;
- (5) Permanently anchored to the ground by a base situated entirely upon its subject property;
- (6) Obscures vision from one property to another. Note: If a chain link fence is used, metal, plastic, or wooden inserts must be used to obscure vision; and
- (7) Kept in an attractive state and in good repair at all times by the property owner.

Staff Comments-

The applicant applied for a fence permit for the subject structure on August 4, 2023 and permit was issued August 11, 2023.

The permit lacked a lot of pertinent information, but was approved by staff.

The owners came in for a pre-application meeting and provided detailed packet that included pictures of sustained damage as well as brought in 2 bags full of golf balls that have ended up on their property.

Notices of this request were sent to all property owners within 300 feet of the area of request as well as published in the local newspaper. No formal protest regarding this matter has been submitted to staff at the time of this writing.

Staff believes the criteria needed for granting a variance is satisfied by this application, and recommends approval of this request. A strict application of the regulations would not allow the property owner to protect their property from damage. The site is uniquely situated in proximity to the golf course and has demonstrated a history of damage to both vehicles and the house on the lot. Approval of the requested variances to the fence regulations would not be detriment to the public good, since the fence will not adversely impact the public health, safety, or welfare. The proposed fence is the minimum necessary to protect the applicant's property, and is not proposed to be extended to a greater length than the posts already set on the property.

Action Required:

Approve or reject the variance(s) to the terms, standards, and criteria for the requirements as outlined in Section 5.2 of the Midwest City Zoning Ordinance for the property noted herein, subject to staff comments as found in the October 3, 2023 agenda packet and made part of the BA-413 file.

Please feel free to contact my office at (405) 739-1223 with any questions.



Emily Richey
Current Planning Manager



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

BOARD OF ADJUSTMENT APPLICATION

Property Information

Location/Address of Property: 624 S. Douglas Blvd. MWC, OK 73130
Legal Description: Sect 1-T11N-R2W Qtr. NW

Applicant Information

Name: Veronica + Mike Gray	Company:
Mailing Address: 9101 Pine Creek Dr.	
City: Midwest City, OK	State: Zip: 73130
Phone: 405-414-3431	Fax: Email: Vgray3203@gmail.com

Owner Information

Name: Veronica Gray + Mike Gray	Company:
Mailing Address: 9101 Pine Creek Dr.	
City: Midwest	State: OK Zip: 73130
Phone: 405-414-3431	Fax: Email: Vgray3203@gmail.com

Please check the type of appeal:

- Appeal of an administrative or interpretation decision by a City official
- Variance
- Special Exception
- Oil and gas well applications

Please describe how a variance from the terms, standards and criteria pertaining to an allowed use category within a zoning district would meet the criteria required for a variance:

A. Unnecessary hardship – The application of the ordinance to the particular piece of property would create an unnecessary hardship: _____

* Unnecessary hardship- On or around April 2019 We had a storm window broken from an apparent golf ball during the day. Mike, Abby and myself (Veronica) have been standing outside when a golf ball hit the carport of the house. Additionally Mike, Abby and myself have been standing outside when a golf ball hit one of the cars parked in the driveway. We have picked up 2 - gallon sized ziploc baggies full of golf balls since the reopening of the golf course.



The City of
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COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved : _____

624 S. Douglas is located directly across from the driving range of John Conrad golf course. Due to the location of our house to the golf course, we are having several golf balls hit our property several times a week.

C. No Substantial detriment to the public good – Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan: _____

No substantial detriment- If our request for the variance/special exception is approved The protection wall will not be a detriment to the public good. The people pulling out of the driveway can clearly see the traffic on Douglas and 6th street. While driving north or south on Douglas you can still clearly see the front of the house.

D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship: _____

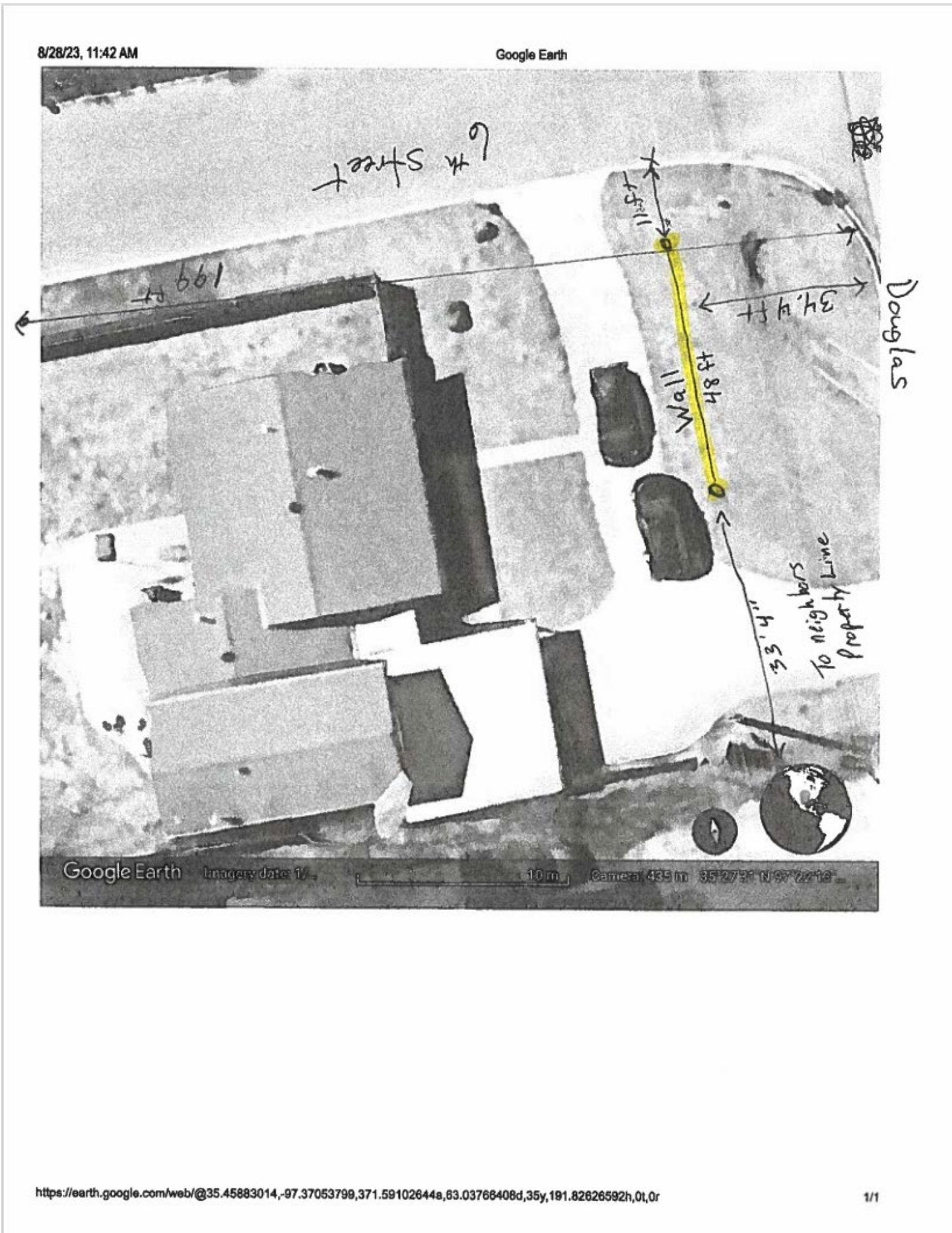
Minimum necessary to alleviate the unnecessary hardship- The minimum necessary dimensions of this wall need to be 48 ft long and 8 feet high. This will give the protection necessary to the vehicles in the driveway.

Please describe the purpose of this appeal: _____

Purpose of the appeal- I (Veronica) applied for a fence permit. This is where I believed I should start. I included in the application a picture of what the fence would look like. I also tried my best to draw the line to show the approximate location of the protection fence. When my application was approved, we started the project immediately. I then received an email telling me I was not in compliance with the city ordinances. We stopped construction immediately. I am not asking the city to pay for any part of this project, we just want to be able to protect our property.

Veronica Gray
Signature

8-29-23
Date



To: Chairman and Board of Adjustment
From: Emily Richey, Current Planning Manager
Date: October 3, 2023

Subject: (BA-414) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance to the Midwest City Zoning Ordinance, Section 5.12. – Exterior Construction and Design Requirements (B), Masonry requirements for nonresidential uses- concerning the requirement that Office and Commercial Districts: Building shall consist of eighty (80) percent masonry materials for the property described as a part of the Northwest Quarter (NW/4) of Section Thirty-Six (36), Township Twelve (12) North, Range Two (2) West, addressed as 9018 NE 10th Street.

Executive Summary: The applicant (and owner) of the property, Mark Ramsey, is requesting a variance for the exterior masonry material of his auto shop.

The applicant submitted his Commercial New Construction Building Permit March 18, 2022. Staff rejected his submitted elevations (all metal) because the plans do not comply with Midwest City’s exterior masonry ordinance.

The applicant then submitted updated plans with canyon cobblestone veneer and was approved September 9, 2022.

The permit (B-22-0674) is still in the inspection process.

Mr. Ramsey would now like to use masonry only on front of building and decided to petition the Board of Adjustment for variance consideration.

The application with the applicant’s answers to the four questions that the Board must consider when reviewing a variance is included within this report.

Due to the variance criteria required as outlined in Midwest City Municipal Code not being met, staff does not recommend approval of this item.

Action is at the discretion of the Board of Adjustment.

Applicant: Mark Ramsey

Owner: Mark Ramsey

Council Ward: Ward 3, Rick Dawkins

Zoning Districts:

Subject Site: C-3, Community Commercial District
North: C-3, Community Commercial District



South: R-6, Single-Family Detached Residential
East: C-1, Restricted Commercial District
West: R-6, Single-Family Detached Residential

Municipal Code Citation:

7.7. - Variance

7.7.1. Purpose. The Board of Adjustment is authorized in specific cases to grant a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variances except as provided in 7.7.3. Powers Relative to Variance (below).

7.7.2. Variance Criteria. A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part, or upon reasonable conditions, only upon a finding by the Board of Adjustment that:

- (A) *Unnecessary hardship.* The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (B) *Unique property conditions.* Such conditions are peculiar to the particular piece of property involved;
- (C) *No substantial detriment to the public good.* Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
- (D) *Minimum necessary to alleviate the unnecessary hardship.* The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

7.7.3. Powers Relative to Variance. Upon appeal, the Board of Adjustment is hereby empowered to permit the following variances:

- (A) *Hear and decide oil and/or gas well applications.* To hear and decide oil and/or gas applications or appeals unless prohibited by city ordinance. The Board of Adjustment shall be required to make findings prescribed by
- (B) *Hear and decide variances to the Zoning Ordinance.* To hear and decide variances to the Zoning Ordinance when such variances are shown not to be contrary to the public interest if owing to special conditions.

5.12. – Exterior Construction and Design Requirements

5.12.1. Exterior Construction Requirements and Standards

(B) *Masonry requirement for nonresidential uses.*

- (1) Office and Commercial Districts: Buildings shall consist of eighty (80) percent masonry materials.
- (2) Industrial Districts: Buildings shall consist of sixty (60) percent masonry materials.
- (3) Nonresidential Uses within Residential Districts: Buildings shall consist of eighty (80) percent masonry materials.

Section 38-65.101. Masonry Construction

Masonry construction shall include the following exterior construction materials: fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and three-step stucco process.

Staff Comments-

The applicant was granted a variance for parking requirements September 6, 2022.

The applicant submitted his Commercial New Construction Building Permit March 18, 2022. Staff rejected his submitted elevations (all metal) because the plans do not comply with Midwest City's exterior masonry ordinance.

The applicant then submitted updated plans with canyon cobblestone veneer and was approved September 9, 2022.

Mr. Ramsey would now like to use masonry only on front of building and decided to petition the Board of Adjustment for variance consideration.

Notices of this request were sent to all property owners within 300 feet of the area of request as well as publish in the local newspaper. No formal protest regarding this matter has been submitted to staff at the time of this writing.

Staff does not believe the criteria needed for granting a variance is satisfied by this application, and does not recommend approval of this item. The applicant lists "trees and shed" as unnecessary hardships; neither of those in regard to the subject property would be a hardship for installation of approved masonry material(s). There are no unique property conditions at the site that would prohibit the use of approved masonry materials for 80% of the building. Though no substantial detriment to the public good may be incurred by the allowance of this variance, it would impair the purposes and intent of the ordinance. Applicant proposes to brick the front face of the building as the minimum necessary for alleviation of hardship.

Action Required:

Approve or reject the variance(s) to the terms, standards, and criteria for the requirements as outlined in Section 5.12 of the Midwest City Zoning Ordinance for the property noted herein, subject to staff comments as found in the October 3, 2023 agenda packet and made part of the BA-414 file.

Please feel free to contact my office at (405) 739-1223 with any questions.



Emily Richey

Current Planning Manager



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

BOARD OF ADJUSTMENT APPLICATION

Property Information

Location/Address of Property:	9018 NE 10th St
Legal Description:	Ramsey AUTO & TRANSMISSION / 75x300

Applicant Information

Name:	Mark E Ramsey	Company:	Ramsey AUTO + TRANSMISSION
Mailing Address:	11911 SE 44th St	City:	OKC
State:	OKLA.	Zip:	73150
Phone:	405-361-5990	Fax:	
Email:	Pearl11911@aol.com		

Owner Information

Name:	Mark E Ramsey	Company:	Ramsey AUTO + TRANSMISSION
Mailing Address:	11911 SE 44th St	City:	OKC
State:	OK	Zip:	73150
Phone:	405-361-5990	Fax:	
Email:	Pearl11911@aol.com		

Please check the type of appeal:

- Appeal of an administrative or interpretation decision by a City official
- Variance
- Special Exception
- Oil and gas well applications

Please describe how a variance from the terms, standards and criteria pertaining to an allowed use category within a zoning district would meet the criteria required for a variance:

A. Unnecessary hardship – The application of the ordinance to the particular piece of property would create an unnecessary hardship: Trees and Shed



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CURRENT PLANNING DIVISION

B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved: Property conditions are very good and unique

C. No Substantial detriment to the public good – Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan: This Building will be kept very close to the Public + Professional

D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship: Front Face of Building

Please describe the purpose of this appeal: Brick, Masonary to be applied only on Front Face of Building.
The Sides of Building is Not Visible to Road.
The Building Sets Back at least 90ft From Curve.

Mark E Ramsey
Signature

8-30-23
Date



NO.	DESCRIPTION	BY	DATE
1	REV. EL. VENEER	ND	4/22

SHEET TITLE:
STONE VENEER ELEVATIONS

PROJECT DESCRIPTION:
RAMSEY AUTOMOTIVE & TRANSMISSION
9018 N.E. 10TH ST., MINC, OK

DRAWINGS PROVIDED BY:
KINSEY DESIGN GROUP, LLC.

DATE:
5.27.22

SCALE:
3/16" = 10"

SHEET:
EL

Approved Elevations (September 9, 2022)