

To make a special assistance request, call 739-1220 or email [tanderson@midwestcityok.org](mailto: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  
November 21, 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 October 3, 2023 Board of Adjustment meeting.

**C. ANNOUNCEMENTS**

**D. NEW MATTERS**

1. (BA-415) 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 requirements for two-family and single-family residential districts – concerning the fencing material requirements for the property described as a part of the Northeast Quarter (NE/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West, addressed as 2225 Sandra Drive.
2. (BA-416) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance to the Midwest City Zoning Ordinance, Section 5.17.1 – Carport Requirements (B), *Number of carports allowed* – concerning not allowing more than one (1) carport be permitted for each dwelling unit for the property described as a part of the Northwest Quarter (NW/4) of Section Thirty-One (31), Township Twelve (12) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, addressed as 700 N. Post Road.
3. (BA-417) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a special exception to the Midwest City Zoning Ordinance, Section 7.8.2 – Powers Relative to Special Exceptions (C), Grant exceptions to the off-street parking requirements– concerning requirement of standard parking spaces for office uses for the property described as a part of the Northwest Quarter (NW/4) of Section Twelve (12), Township Eleven (11) North, Range Two (2) West, addressed as 9104 SE 15<sup>th</sup> Street.
4. (BA-418) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance to the Midwest City Zoning Ordinance, Section 5.7.7. – Accessory Structures in Residential Zoning Districts (A), Tract, parcel, or lot with a gross area of one-half acre or less- concerning the maximum allowable accessory building square footage per lot and the maximum allowable size of a single

accessory building for the property described as a part of the Southeast Quarter (SE/4) of Section Three (3), Township Eleven (11) North, Range Two (2) West, addressed as 405 Russell Drive.

**E. BOARD DISCUSSION**

**F. PUBLIC DISCUSSION**

**G. FURTHER INFORMATION**

**H. ADJOURN**

**MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT SPECIAL MEETING  
October 3<sup>rd</sup>, 2023 – 5:00 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 October 3<sup>rd</sup>, 2023 with the following members present:

Present:                                Jess Huskey  
    Frank Young  
    Charles McDade  
    Tammy Cook

Absent:                                    Cy Valanejad

Staff present:                        Matt Summers – Planning and Zoning Director  
    Emily Richey - Current Planning Manager  
    Tami Anderson – Administrative Assistant

The meeting was called to order by Huskey at 5:10 P.M.

**A.     MINUTES:**

A motion was made by Frank Young seconded by Charles McDade, to approve the minutes of the meeting of September 6<sup>th</sup> 2022 as presented.

Voting aye: Young, Huskey, McDade, & Cook

Nay: none.

**B.     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.

Staff gave a brief overview of this item.

The applicant, Veronica & Mike Gray, of 9101 Pine Creek Dr. was present and addressed the Board members.

Discussed the issue of all the golf balls that are coming across Douglas Blvd. from the John Conrad Golf Course onto their property. With this fence it will protect their vehicles and the

front of the house, also damaged storm windows. They had pictures for the board members to refer to.

The following people addressed the board:

Name – Linda

Address – 9000 6<sup>th</sup> St. Midwest City.

Discussed---They are in favor of them putting up the fence. They are neighbors across the street on 6<sup>th</sup> St. but agree with all the golf balls coming over Douglass Blvd.

There was general discussion about the application.

Meets all requirements.

A motion was made by Frank Young seconded by Charles McDade, to approve the variance/special exception for the fence as proposed.

Voting aye: Young, Huskey, McDade, & Cook.

Voting nay: None.

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.

Staff gave a brief overview of this item.

The applicant, Mark Ramsey, was present and addressed the Board members.

Address – 9018 NE 10<sup>th</sup> St.

He gave a brief overview of his property and a few pictures to the board. He explained that the building sits far enough back that the sides would not be seen from the street. He would like to use just Masonry on just the front of the building.

The following people addressed the board:

Name – Dan

Address – 9024 NE 10<sup>th</sup> St

Discussed--- He is the neighbor and has no problem with what he is asking for. He has lived there forever.

There was general discussion about the application.

The Board asked the Applicant about the variance criteria in Section 7.7.2 of the Zoning Regulations. The Board discussed the Applicant's statements and application materials in light of the criteria necessary for granting a variance.

A motion was made by Frank Young seconded by Charles McDade, to deny the application for a variance based upon finding the application does not meet the necessary criteria in Section 7.7.2 of the Zoning Regulations.

Voting aye: Young, Huskey, McDade, & Cook.

Voting nay: None. Motion carried.

**B. BOARD DISCUSSION:** It was discussed that they would make these meetings a set time if needed per month – Third Tuesday at 5pm (Special Meeting)

**C. PUBLIC DISCUSSION:** None.

There being no further business, a motion was made by Cook seconded by McDade, to adjourn the meeting.

Voting aye Young, Huskey, McDade, & Cook.

Nay: none. Motion carried.

The meeting adjourned at 5:51 P.M.

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JESS HUSKEY, Chairperson

(TA)

**To:** Chairman and Board of Adjustment  
**From:** Emily Richey, Current Planning Manager  
**Date:** November 21, 2023

**Subject:** (BA-415) 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 requirements for two-family and single-family residential districts – concerning the fencing material requirements for the property described as a part of the Northeast Quarter (NE/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West, addressed as 2225 Sandra Drive.

**Executive Summary:** The owner of the property, Debra Sadler, is requesting a variance for a proposed fence in her backyard.

The owner’s contractor inquired about obtaining a fence permit and stated it would be sheet metal. At that time, staff told contractor that sheet metal is a prohibited fence material per Midwest City Municipal Code in the property’s governing zoning district. The contractor purchased the material prior to verifying Code with the City.

The owner feels the maintenance of a wood fence would cause hardship, that due to the surrounding rental properties a metal fence would provide security and privacy, that the metal fence would not cause detriment to the surrounding properties, and that it would be an asset to the area. Therefore, the owner has decided to petition the Board of Adjustment for variance consideration.

The application with the applicant’s answers to the four criteria 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:** Debra Sadler

**Owner:** Debra Sadler

**Council Ward:** Ward 1, Susan Eads

**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.

**5.2.3. Fencing and Screening.** Residential fences and walls may be erected in residential districts under the following provisions and regulations. A permit must first be obtained from the city before any residential fence is constructed.

- (B) *Fencing and screening requirements for two-family and single-family residential districts.*
  - (3) *Fence material.* Fencing material must be kept in an attractive state, in good repair, and in safe and sanitary condition at all times by the property owner.

- a. Approved fence materials in two-family and single-family districts include wood, vinyl, wrought iron, brick/stone and chain-link.
- b. Prohibited fence materials in two-family and single-family districts include sheet metal, plastic or plywood. Stockade (i.e. wood) posts are prohibited. Only the caps of costs or poles may extend past the top of the fences line.

**Staff Comments-**

The owner's contractor inquired about obtaining a fence permit and stated it would be sheet metal. At that time, staff told contractor that sheet metal is a prohibited fence material per Midwest City Municipal Code in the property's governing zoning district. Contractor had purchased the material prior to verifying Code with the City.

The contractor came in for a pre-application meeting September 27, 2023 and staff provided the Board of Adjustment application packet and explained the criteria that must be met for variance(s).

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 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 "maintenance" as the unnecessary hardship. With regard to the subject property, that would not be a hardship for installation of approved fence material(s). There are no unique property conditions at the site that would prohibit the use of approved fence material for the property. Approval of the variance would impair the purposes and intent of the ordinance. Industrial districts and the most intensive commercial zoning district are the only areas that allow sheet metal fencing. Approval of sheet metal fencing in this area would shift the character of the neighborhood to those similar to industrial areas in Midwest City. The Applicant did not provide an adequate minimum alleviation to their believed unnecessary hardship.

**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 November 7, 2023 agenda packet and made part of the BA-415 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:	2225 Sandra Dr. Midwest City OK 73110
Legal Description:	Lumbermans #1 BLK 002 LOT 006

**Applicant Information**

Name:	Debra L. Sadler	Company:	
Mailing Address:	2225 Sandra Dr		
City:	Midwest City	State:	OK
		Zip:	73110
Phone:	405-476-3815	Fax:	
		Email:	newmooma@gmail.com

**Owner Information**

Name:	Debra L. Sadler	Company:	
Mailing Address:	2225 Sandra Dr.		
City:	Midwest City	State:	OK
		Zip:	73110
Phone:	405-476-3815	Fax:	
		Email:	newmooma@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: We are Appiling for a metal fence. The maintenance on a wood fence would cause hardship in our senior years. A metal fence would be a major upgrade that has little or no maintenance that would last the rest of our lives.



The City of  
**MIDWEST CITY**  
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CURRENT PLANNING DIVISION

B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved: The property is surrounded by several repkept rentals. Previous rentals have had dogs that tore through wood fence that is needing replaced. An upgrade to metal fencing would provide security and privacy to enjoy our backyard.

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: would not cause detriment to surrounding properties, will be a great upgrade to property and area.

D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship: A metal fence would be an asset to property & area

Please describe the purpose of this appeal: There are many homes in our area that have installed metal fencing. The beauty of the fence, the security of the fence and ability to have privacy from surrounding rental properties would greatly benefit our future 3 years living in this home and area.

Debra L. Spiller  
Signature

10-4-23  
Date

**To:** Chairman and Board of Adjustment  
**From:** Emily Richey, Current Planning Manager  
**Date:** November 21, 2023

**Subject:** (BA-416) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance to the Midwest City Zoning Ordinance, Section 5.17.1 – Carport Requirements (B), Number of carports allowed – concerning not allowing more than one (1) carport be permitted for each dwelling unit for the property described as a part of the Northwest Quarter (NW/4) of Section Thirty-One (31), Township Twelve (12) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, addressed as 700 N. Post Road.

**Executive Summary:** The owner of the property, Richard Layman, is requesting a variance for the allowance of more than one (1) carport be permitted for each dwelling unit for the property.

The owner applied for a building permit for a carport October 4, 2023. There is already a carport on the property that is to remain. Code permits one (1) carport per each dwelling unit.

The owner feels by not allowing the additional carport, there would be an unnecessary hardship of cost and physical effort, that the property is unique by being approximately 3 acres, that the carport would be an improvement to the property, and that there is already a concrete slab for proposed carport to be erected over. Therefore, the owner has decided to petition the Board of Adjustment for variance consideration.

The application with the applicant’s answers to the four criteria 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:** Richard Layman

**Owner:** Richard Layman

**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.

**5.17. – Carports**

**5.17.1. Carport Requirements.** Carports are permitted to be added to residential structures and are subject to the following conditions and regulations:

- (A) *Building permit.* Any person erecting or constructing a carport, in whole or in part, shall obtain a building permit.
- (B) *Number of carports allowed.* No more than one (1) carport shall be permitted for each dwelling unit.
- (C) *Carport condition and maintenance.* All carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.
- (D) *Side setbacks and exceptions.* No portion of a carport shall violate a required side setback as prescribed within this Ordinance with the exception that open eaves may extend two (2) feet into the side setback as

prescribed in 5.6.2. Projections into Required Setbacks (Page 110) and with the exception that carports may be located abutting or less than five (5) feet from the side property line under the following conditions:

- (1) The abutting owner(s) of the property immediately adjacent to the proposed construction must sign an agreement stating his/her name, and address, and that they give permission for the carport to be located abutting or less than five (5) feet from the side property line;
- (2) The eave of the carport shall in no instance overhang the adjacent property;
- (3) Guttering shall be installed and maintained in a manner to prohibit any increase of water runoff onto the adjacent property;
- (4) If the proposed carport is to be located over a utility easement paralleling the side property line, the following provision must be agreed to by the applicant for the building permit and the property owner, if different from the applicant:
  - a. In the event access is required to the dedicated easement by the city or any franchised public utility, the property owner shall be responsible for relocating the carport structure in a manner to allow such access.
  - b. The property owner shall be notified of the need to relocate said carport and from that point in time have seventy-two (72) hours to do so. If the property owner cannot or refuses to relocate said carport, the city or franchised public utility may have said carport relocated at the owner's expense.
  - c. The property owner shall not hold the city or franchised public utility responsible for any damages to said carport or property due to the required relocation.

#### **Staff Comments-**

The owner applied for a building permit for a carport on October 4, 2023. At that time, staff told Mr. Layman that only one (1) carport is allowed on his property per Midwest City Municipal Code.

The owner came in for a pre-application meeting and staff provided the Board of Adjustment application packet and explained the criteria that must be met for variance(s).

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 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 "cost and physical effort" as unnecessary hardships; neither of those in regard to the subject property would be a hardship for not permitting more than the allowable amount of carports per property. There are no unique property conditions at the site that would require an additional carport or make it difficult to comply with the regulations set by the City of Midwest City. 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 to approve a variance not meeting the first two criteria. Applicant did not provide an adequate minimum alleviation to their believed unnecessary hardship.

#### **Action Required:**

Approve or reject the variance(s) to the terms, standards, and criteria for the requirements as outlined in Section 5.17 of the Midwest City Zoning Ordinance for the property noted herein, subject to staff comments as found in the November 7, 2023 agenda packet and made part of the BA-416 file.

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

A handwritten signature in blue ink that reads "Emily Richey". The signature is written in a cursive, flowing style.

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: <i>700 N Post Rd. Midwest City, OKLA 73130</i>
Legal Description:

**Applicant Information**

Name: <i>RICHARD LAYMAN</i>	Company:
Mailing Address: <i>700 N Post Rd.</i>	
City: <i>Midwest City</i>	State: <i>OKLA</i> Zip: <i>73130</i>
Phone: <i>405-854-6679</i>	Fax: <i>NONE</i> Email: <i>NONE</i>

**Owner Information**

Name: <i>RICHARD LAYMAN</i>	Company:
Mailing Address: <i>700 N Post Rd</i>	
City: <i>Midwest City</i>	State: <i>OKLA</i> Zip: <i>73130</i>
Phone: <i>405-854-6679</i>	Fax: <i>NONE</i> Email: <i>NONE</i>

**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: *By not allowing this application the elements would cause more migration, less profit and loss of value, plus the additional cost and physical effort from me I am a 100% Disabled Vet*



The City of  
**MIDWEST CITY**  
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CURRENT PLANNING DIVISION

B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved: Property is @ 3 acres the Carport in question would be for a Class -A Motor Home that size is detailed in the plans This Carport is self supporting and is simple & Clean

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: the Carport would be a improvement to the property increasing Property Value

D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship: the Carport would allow the Motor Home to be parked inside and keeping the element off of the Motor Home, there is a 24' x 51' concrete slab all ready there. it is 4000 PSI w/ water proof and rebar 4" thick

Please describe the purpose of this appeal: to allow me to have installed a 25'x35'x14' Carport to house my Class A motorhome out of wash element

Richard Spayman  
Signature

10-11-2023  
Date





**APPLICATION FOR A RESIDENTIAL BUILDING PERMIT  
FOR THE CITY OF MIDWEST CITY, OKLAHOMA**

Permit # \_\_\_\_\_  
Date Submitted - \_\_\_\_\_  
Permit Fee - \_\_\_\_\_  
Date Issued - \_\_\_\_\_

Owner: Richard Rayman  
Applicant: Richard Rayman  
Address of Applicant: 700 N Post Rd  
City: Midwest City State: OK Zip: 73130  
Phone # - ~~405-834~~ Cell # - 405-834-6679  
Email of Applicant: None

**A plot plan must be submitted with the application showing to scale the size and location of the property as well as the dimensions and location of the existing and proposed buildings and structures on the property.**

I. Location of Work;  
Address - 700 N Post Rd MWC, OKLA

II. Type of Permit - Circle all that apply

- A) Fence: Height: \_\_\_\_\_  
Chain Link   Stockade   Vinyl   Other: \_\_\_\_\_
- B) Accessory Building: Width: \_\_\_\_\_ Length: \_\_\_\_\_ Height: \_\_\_\_\_
- C) Swimming Pool: Above Ground   Below Ground
- D) Carport: Width: 22 Length: 35 Height: 14
- E) Patio Cover: Width: \_\_\_\_\_ Length: \_\_\_\_\_ Height: \_\_\_\_\_
- F) Other: \_\_\_\_\_
- G) Retaining Wall: Height: \_\_\_\_\_  
Masonry Block   Brick   Concrete   Other: \_\_\_\_\_

**Wall details need to be submitted with permit application**

III. Estimated Cost - 6050<sup>00</sup>  
(This includes Electrical, Plumbing, Heating/Air and Paving)

Contractor: Name/Company- C & H CARPORTS  
Address - 3593 SH 19 South Emory Tx 75440  
Phone # - 877-687-1999 Cell # - \_\_\_\_\_  
E-mail address - Support@canhdhcarports.com

Electrical Contractor: Name/Company- \_\_\_\_\_  
Address - \_\_\_\_\_  
Phone # - NONE Cell # - \_\_\_\_\_  
E-mail address - \_\_\_\_\_

Mechanical Contractor: Name/Company- \_\_\_\_\_  
Address - \_\_\_\_\_  
Phone # - NONE Cell # - \_\_\_\_\_  
E-mail address - \_\_\_\_\_

Plumbing Contractor: Name/Company- \_\_\_\_\_  
Address - \_\_\_\_\_  
Phone # - NONE Cell # - \_\_\_\_\_  
E-mail address - \_\_\_\_\_

**I hereby certify that the statements in this application are true and correct to the best of my knowledge and belief, and that all construction work under this permit will comply and conform to the attached plans, specifications and drawings. I further agree to comply with all MWC Codes and attached recommendations of the City of Midwest City, Oklahoma.**

**Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.**

**I hereby certify and acknowledge that I have read and agree to all comment and conditions herein written.**

Applicant: Richard Layman Date: 10-4-2023





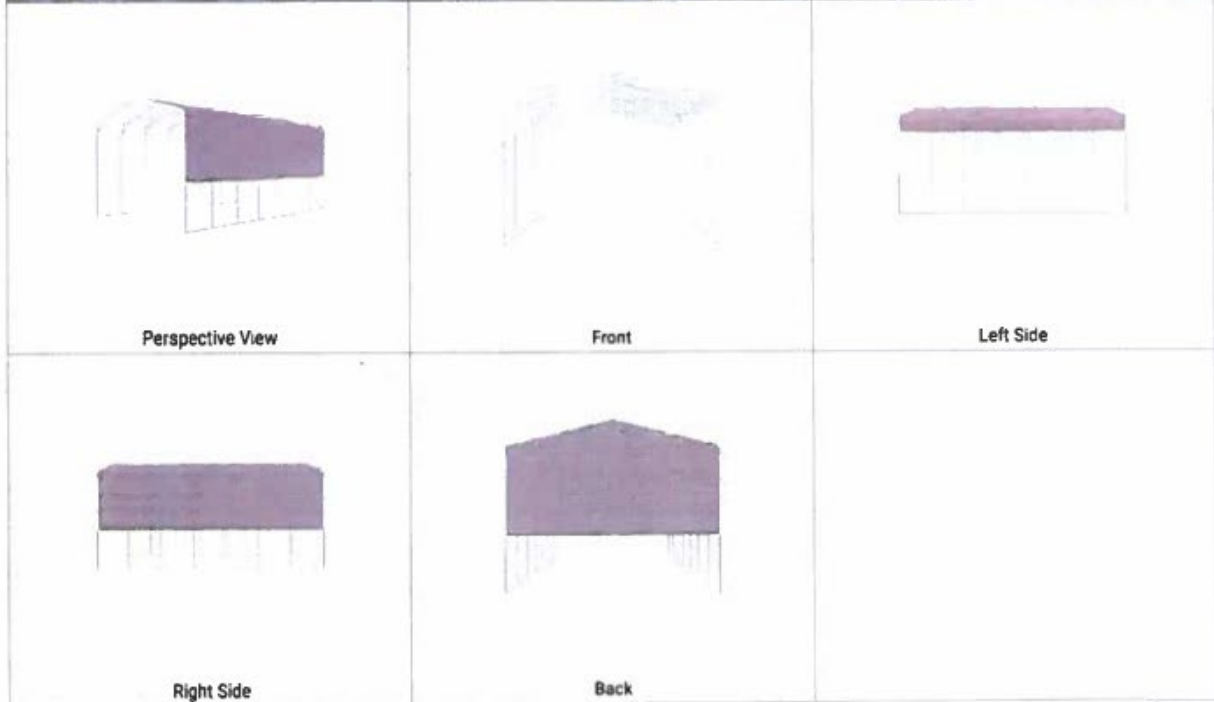
**C&H Carports**  
3593 SH 19 South  
Emory, TX 75440  
877-687-1999  
support@candhcarports.com

Customer Order - Sep 22, 2023

Ship To			Order #		Dealer	
Name	RICHARD LAYMAN		1695406123441789		Better Barns	
Install Address	700 N. POST ROAD				Noble, OK	
City	MIDWEST CITY	State	OK	Zip Code	73130	Phone: (405) 872-7433
Email	chris@betterbarns.net	Phone #	405-834-6679	Mobile #		<a href="mailto:randy@betterbarns.net">randy@betterbarns.net</a>

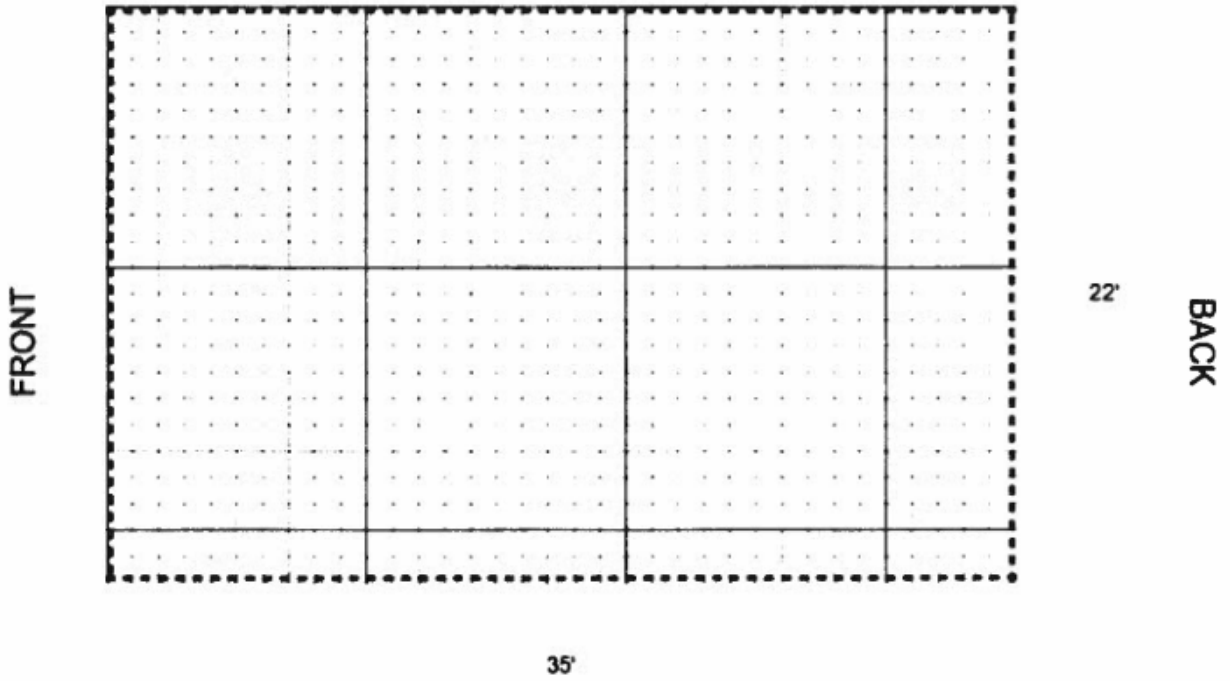
Building Info		Size		Color		Anchoring & Site Preparation	
Style:	RV Cover	22' X 35' X 14'	Width X Length X Side Height	Roof	Gray <input type="checkbox"/>	Installation Surface	Concrete
Roof Overhang:	None			Trim:	White <input type="checkbox"/>	Engineer Certified	Certified
Roof Style:	Regular (Horizontal) Style			End Wall Color	Gray <input type="checkbox"/>		
Gauge:	14-Gauge Framing			Side Wall Color	Gray <input type="checkbox"/>		
Leg Style:	Single Leg						
Brace:	4' Brace						

Building Images



#1695406123441789

LEFT SIDE



= 1R

SYMBOL LEGEND	
----	Open Wall

#1695406123441789

**To:** Chairman and Board of Adjustment  
**From:** Emily Richey, Current Planning Manager  
**Date:** November 21, 2023

**Subject:** (BA-417) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a special exception to the Midwest City Zoning Ordinance, Section 5.3.1 – Parking and Loading General (F), Minimum Parking Standards for Retail, Office, Manufacturing and Industrial, and Warehousing – concerning requirement of standard parking spaces for office uses for the property described as a part of the Northwest Quarter (NW/4) of Section Twelve (12), Township Eleven (11) North, Range Two (2) West, addressed as 9104 SE 15th Street.

**Executive Summary:** The applicant (and owner) of the property, Gail Scott, is requesting a special exception to the minimum parking space requirements for her property at 9104 SE 15<sup>th</sup> Street.

The applicant applied for a Certificate of Occupancy for her business, Cobblestone Realty, on March 13, 2023 and called for inspections in September. Planning & Zoning failed their portion of the inspection due to the property not meeting the minimum parking requirements. There are four (4) parking spaces and six (6) parking spaces are required for the use type at this location per calculations of Table 5.3-3 and submitted square footage.

The property is serviced by a septic system, and an extension of the parking lot would interfere with the lateral lines. The current amount of spaces have been adequate for the business as they do not have set office hours and it is more so a “mobile” business. For those reasons, the applicant has decided to request a Special Exception to the minimum parking space requirements through the Board of Adjustment.

Due to the size and shape of the lot, the off-street parking provisions could not be complied with and the proposed use will not create undue traffic congestion in the adjacent streets. Staff recommends approval of this item because it falls within the guidelines of special exceptions to the off-street parking requirements.

Action is at the discretion of the Board of Adjustment.

**Applicant:** Gail Scott, Re/Max Cobblestone Realty

**Owner:** Gail Scott

**Council Ward:** Ward 2, Pat Byrne

**Zoning Districts:**  
Subject Site: C-3, Community Commercial District



North: R-6, Single- Family Detached Residential District  
South: C-3, Community Commercial District  
East: PUD, Planned Unit Development  
West: C-1, Restricted Commercial District

**Land Use:**

Subject Site: Cobblestone Realty  
North: Single-Family Detached Residential East: Olde Towne Addition  
South: Vacant Land West: Soldier Creek Baptist Church

**Municipal Code Citation:**

**5.2. – Parking and Loading**

**5.3.1. General.** These regulations provide that adequate parking, loading, and maneuvering facilities will be a part of all land uses within the city. These regulations establish standards and review procedures intended to assure that the demand created by each land use will be satisfied by facilities which are functionally adequate and aesthetically pleasing.

*(E) Approval procedure for off-street parking, loading, and access.*

(1) New construction/enlargement/change of use.

- a. No building permit shall be approved until a plan has been reviewed and approved by the Community Development Director as a part of the building and site plan review process.
- b. No certificate of occupancy shall be issued until all off-street parking and loading facilities have been constructed in accordance with the approved building permit.

(2) Plan and information required.

- a. The applicant for a building permit of new construction, expansion, change in use resulting in an increase in this parking requirement or new striping arrangement of an existing parking area shall submit a plan (this may be a part of the site plan) showing the number, location, size, and type of parking spaces and circulation pattern.
- b. The applicant shall submit information regarding the projected number of employees, seating capacities, gross floor area, gross leasable area, number of dwelling units, and any other appropriate data necessary to verify compliance with these regulations.

(3) Plans for surfacing of parking areas.

- a. Plans for surfacing of all off-street parking areas, aisles, and access driveways, including detailed drainage plans, shall be reviewed and approved by the city engineer for compliance with city specifications.

**7.8. – Special Exceptions**

**7.7.1. Purpose.** The Board of Adjustment is authorized to hear and decide special exceptions to the Zoning Ordinance to allow a use, or a specifically designated element associated with a use, which is not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the Zoning Ordinance in 7.8.2. Powers Relative to Special Exceptions (below) and in accordance with the substantive and procedural standards of the Zoning Ordinance.

**7.8.2. Powers Relative to Special Exceptions.** Upon appeal, the Board of Adjustment is hereby empowered to permit the following special exceptions:

(C) *Grant exceptions to the off-street parking requirements.* To grant exceptions to the off-street parking requirements set forth in 5.3 Parking and Loading (Page 91) when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and the proposed use will not create undue traffic congestion in the adjacent streets.

**Staff Comments-**

The applicant applied for a Certificate of Occupancy on March 13, 2023 and called for inspections in September. Planning & Zoning failed their portion of the inspection due to the following:

Current Zoning: C-3, Community Commercial District

Zoning Use Unit Classification: 4.4.1. Administrative and Professional Office

Minimum Parking Standards for Proposed Occupancy at this Location: 1 space/250 sq. ft. + 1 handicapped space.

\*6 parking spaces (to include 1 handicapped space) are required for the use type at this location per calculations of Table 5.3-3 and submitted square footage.

The subject site currently has 4 parking spaces.

The owners came in for a pre-application meeting October 16, 2023.

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 authorizing a special exception is satisfied by this application, and recommends approval of this request. The site's lot is uniquely situated abutting the lateral lines for its septic system, therefore, the parking provisions could not be complied with without extensive utility work. The current spaces have been adequate for the business as they do not have set office hours and it is more so a "mobile" business.

Action is at the discretion of the Board of Adjustment.

**Action Required:**

Approve or reject the Special Exception to the terms, standards, and criteria for the requirements as outlined in Section 7.8 of the Midwest City Zoning Ordinance for the property noted herein, subject to staff comments as found in the November 7, 2023 agenda packet and made part of the BA-417 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:	9104 SE 15th St.
Legal Description:	

**Applicant Information**

Name:	Gail Scott	Company:	RE/MAX Cobblestone
Mailing Address:	9104 SE 15		
City:	Midwest City	State:	OK
Phone:	405-820-1626	Fax:	
		Zip:	73130
		Email:	gail.scottok@gmail.com

**Owner Information**

Name:	same	Company:	
Mailing Address:			
City:		State:	
Phone:		Fax:	
		Zip:	
		Email:	

**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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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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 : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

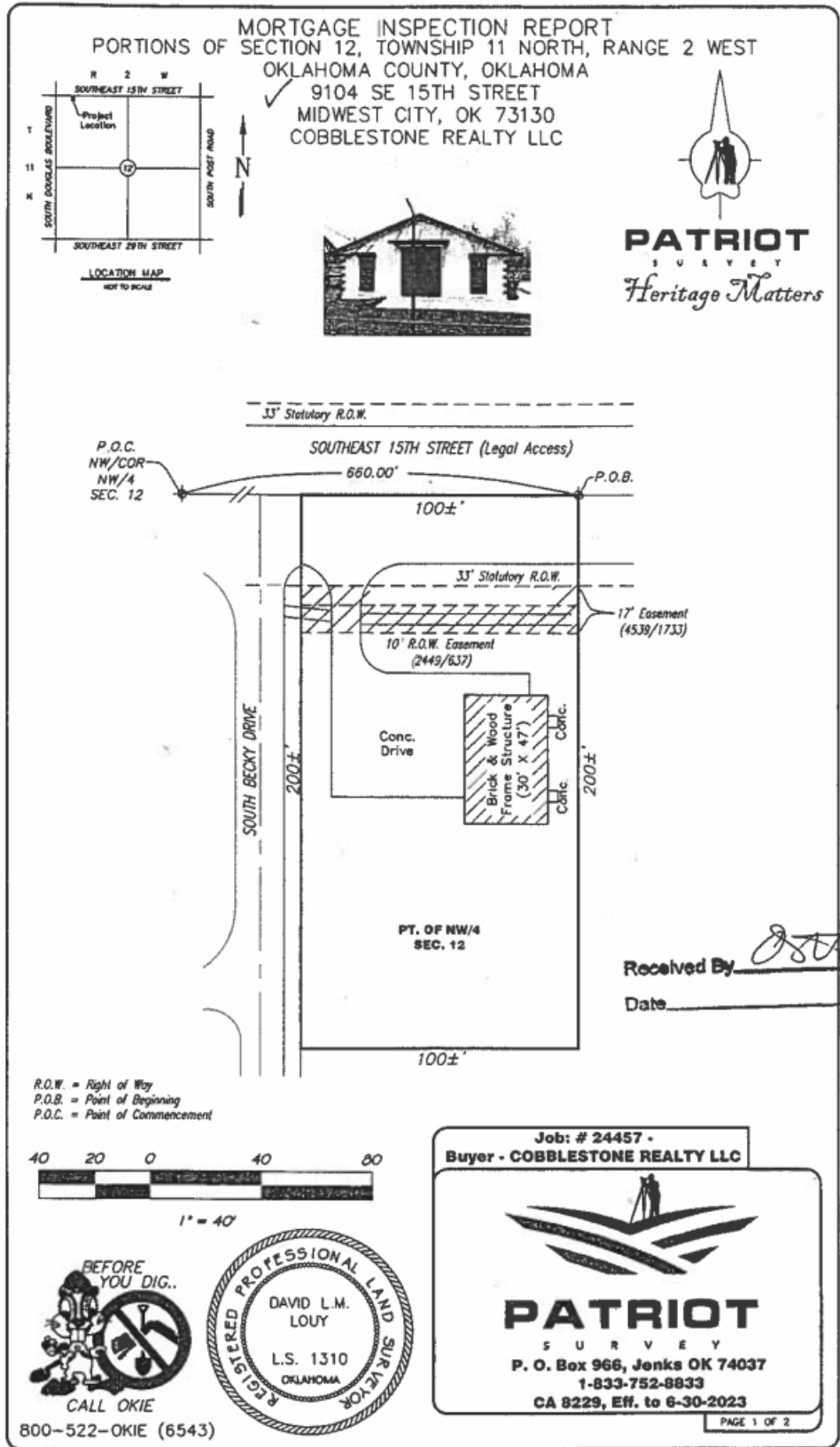
C. No Substantial detriment to the public good – Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

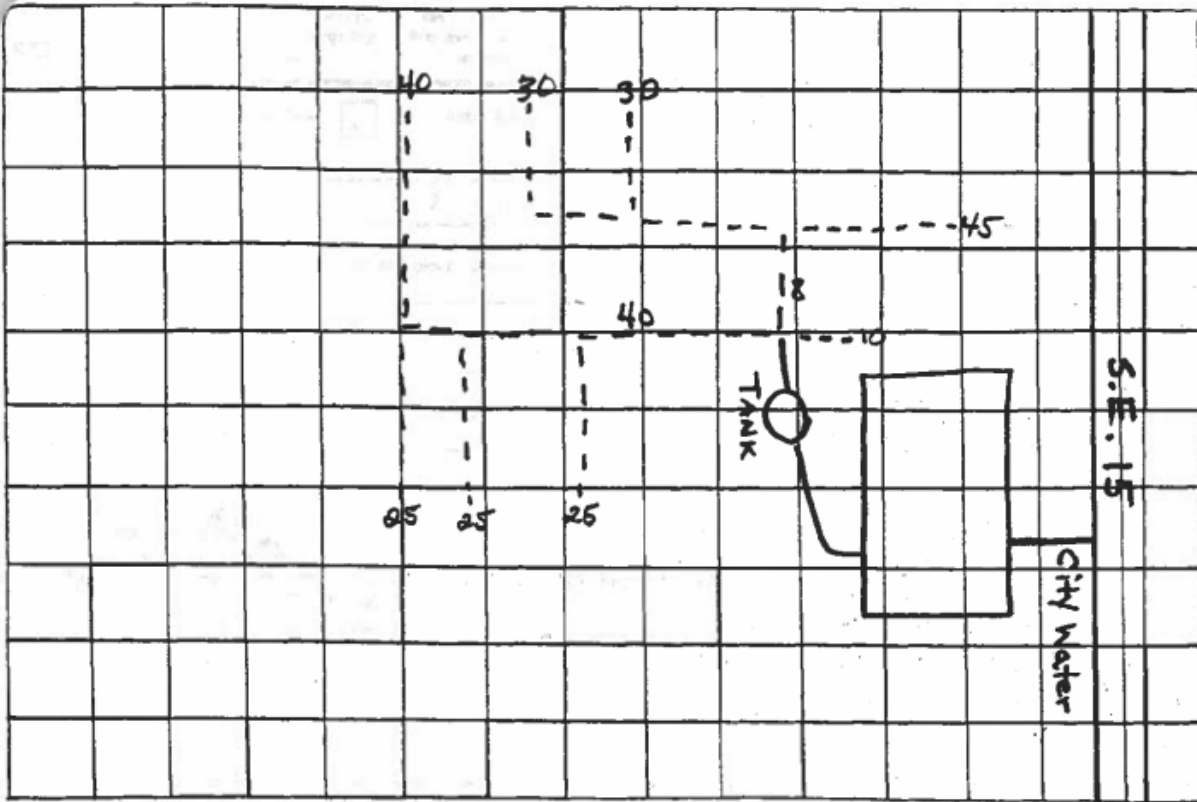
Please describe the purpose of this appeal: existing lateral lines  
are where the spaces would go.  
Cost prohibited at this time to extend parking  
w/o having to change sewer lines  
Our spaces now are adequate for our  
# of people. No set gc hours & come & go mostly

Opil Scott  
Signature

10-16-23  
Date



SKETCH LAYOUT OF SYSTEM



- 
- 

TO THE HOME OWNER

A septic tank and an absorption field installation meeting State Department of Health minimum standards does not guarantee that the system will operate trouble free indefinitely. Extended periods of heavy rainfall and high land population density will adversely affect the capability of the soil to absorb wastewater. Most failures occur in the absorption field due to excessive water use by the occupants. Conservation of water is most important to prevent sewage system failure.

**To:** Chairman and Board of Adjustment

**From:** Matt Summers, Director of Planning and Zoning

**Date:** November 21, 2023

**Subject:** (BA-418) Public hearing, discussion, consideration, and possible action of any possible amendment of an application for a variance to the Midwest City Zoning Regulations, Sections 5.7.7 (A)(1)(a) & 5.7.7 (A)(1)(c) concerning the maximum allowable size of a single accessory building and the maximum allowable accessory building square footage per lot for the property described as a part of the Southeast Quarter (SE/4) of Section Three (3), Township Eleven (11) North, Range Two (2) West, addressed as 405 Russell Drive, Midwest City, Oklahoma, 73110.

**Executive Summary:** The Applicant is requesting approval of two variances related to the size of accessory buildings on their lot at 405 Russell Drive. The lot is zoned R-6 and according to the Oklahoma County Assessor page is 0.22 acres in size.

In April 2023, the Applicant applied (B-23-1039) for a 720-square-foot accessory building which was approved. In May 2023, the Applicant applied (B-23-1262) for a carport adjoining the previously approved accessory building permit. This carport application was denied because it was not compliant with carport requirements. In June 2023, the Applicant applied (B-23-1442) for a 720-square-foot accessory building adjoining the accessory building approved in April, which was erroneously approved by staff. The permit applied for in June 2023 did not comply with local regulations related to the size of accessory buildings.



Once the staff error was discovered, construction on the site was stopped. Staff worked with the Applicant to apply for a variance to bring the site and permits into compliance. After notices for this application were mailed, the Applicant indicated through a drawing that they may be constructing a carport instead of an accessory building as the application had indicated.

The construction of a carport or an accessory building for vehicular use in the rear yard of this lot presents a problem. There is no driveway access to the rear yard of this lot from Russell Drive, and staff suspects the Applicant intends to utilize the Bomber Run Trail for motorized vehicular access to the lot, which is illegal.

Staff recommends denial of this application unless the Applicant can prove to the Board of Adjustment that the proposed structure will not be a carport or detached garage, and the lot will never illegally use Bomber Run Trail for motorized vehicle access.

**Date of Hearing:** Board of Adjustments- November 21, 2023

**Council Ward:** Ward 1, Susan Eads

**Owner:** Albert A Pray and Emiliana Hoover

**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 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.

**5.7. – Accessory Uses and Structures**

**5.7.7 Accessory Structures in Residential Zoning Districts**

- (A) Tract, parcel, or lot with a gross area of one-half acre or less.

(1) Accessory structures when located, constructed, or otherwise erected on a tract, parcel, or lot with a gross area of one-half acre or less, shall:

- a. Not exceed seven hundred fifty (750) square feet in size.
- b. Not exceed the height or size of the main structure on the tract, parcel, or lot.
- c. Be limited to a total of seven hundred fifty (750) square feet of storage buildings per lot.

(2) Barns in the A-1, Agricultural District shall be exempt from the size requirements.

(3) The accessory structures shall not be within five (5) feet from the side property line.

### 8.3 – Words and Terms Defined

8.3.15 *Building*. Any structure intended for the shelter, housing, or enclosure of any individual, animals, processs, equipment, goods, or materials of any kind or nature. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure.

8.3.21 *Carport*. A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

**Staff Comments-** The Applicant submitted a request for a permit for an accessory building on April 26<sup>th</sup>, 2023, under number B-23-1039 for a 720-square-foot structure proposed in their backyard. The permit was approved.

The applicant submitted another request for a permit for a carport on May 22, 2023, under number B-23-1262. The Appendix A (Zoning Regulations), section 5.17.1 (B) states:

*(B) Number of carports allowed. No more than one (1) carport shall be permitted for each dwelling unit.*

This lot has an existing carport in the front yard, so this permit (B-23-1262) was denied.

The City received a third application for this lot, an accessory building permit, on June 2<sup>nd</sup>, 2023 under number B-23-1442 for 720 square feet of accessory building at the same property. This application did not meet the requirements under Section 5.7.7 (A) of the Zoning Regulations. Due to a staff error, the application was approved. Construction had already started when the error was discovered and all work was stopped.

Staff had initiated the variance application process and mailed/published the notice regarding the hearing to correct what had been an error made by staff. Since then, new information has been brought to staff's attention, and analysis of the proposed development has raised concerns.

First, the Applicant has indicated that, despite having applied for a permit for an accessory building, they intend to construct a carport for their RV. When their carport permit application from June was correctly denied, the Applicant applied for a permit for an accessory building while seemingly intending to construct a carport. The permit that was applied for and the basis for this variance request was for an accessory building. Because the notification for this hearing is for a variance related to the size of an accessory building and the cumulative size of accessory buildings, and not for a second carport, the Board of Adjustment cannot take action to approve a second carport.

Secondly, further analysis of the request made by the Applicant reveals there is no driveway or other access for a car, truck, or RV to access the rear yard of the subject property from Russell Drive. Even if the Applicant

intends to build a detached garage for an RV, there is no legal access to the rear yard where the vehicle is proposed to be parked. Staff fears the Applicant, like the adjoining house at 403 Russell Drive, intends to illegally use Bomber Run Trail for motorized vehicle access to the rear yard. The City is currently working on plans to make such access impossible for all but city maintenance vehicles, but illegal activity should not be encouraged by the approval of permits or variances.

Staff recommends denial of this application unless the Applicant can prove to the Board of Adjustment that the proposed structure will not be a carport or detached garage, and the lot will never illegally use Bomber Run Trail for motorized vehicle access.

**Action Required:** Approve or reject the application for variance concerning the maximum allowable accessory building square footage per lot and the maximum allowable size of a single accessory building.

Please feel free to contact my office at (405) 739-1228 with any questions.



Matt Summers  
Director of Planning and Zoning







The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

**BOARD OF ADJUSTMENT APPLICATION**

**Property Information**

Location/Address of Property: 405 Russell Drive, MWC, OK 73110
Legal Description: A part of the Southeast Quarter (SE/4) of Section Three (3), Township Eleven (11) North, Range Two (2) West

**Applicant Information**

Name: Albert A Pray	Company:	
Mailing Address: 403 Russel Drive		
City: Midwest City	State: OK	Zip: 73110
Phone: 405-593-5381 cell 405-496-3942 home	Fax: N/A	Email: emmiehoover@yahoo.com

**Owner Information**

Name: The same as applicant	Company:	
Mailing Address:		
City:	State:	Zip:
Phone:	Fax:	Email:

**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: A building permit for the accessory building was approved by planning staff. It was later determined that the permit was issued in error because the proposed building exceeds the size requirements for an accessory structure and the total size of all accessory structures on the lot exceeds that maximum area as well. Because construction was allowed to start due to staff error, it would be an unnecessary hardship to apply the requirements of the ordinance at this time.



The City of  
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CURRENT PLANNING DIVISION

- B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved: It is unique to this property that a building permit was issued in error.
  
- 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: The structure will not obstruct any street visibility or prevent any neighbors from utilizing their property rights. The back property line of our yard faces a railroad line. It will help our family to protect the RV. Approval of the variance will not adversely impact the public health, safety, or welfare.
  
- D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship: The requested variance is the minimum needed to alleviate the hardship. If any smaller a variance were granted, the buildings under construction would become non-compliant.

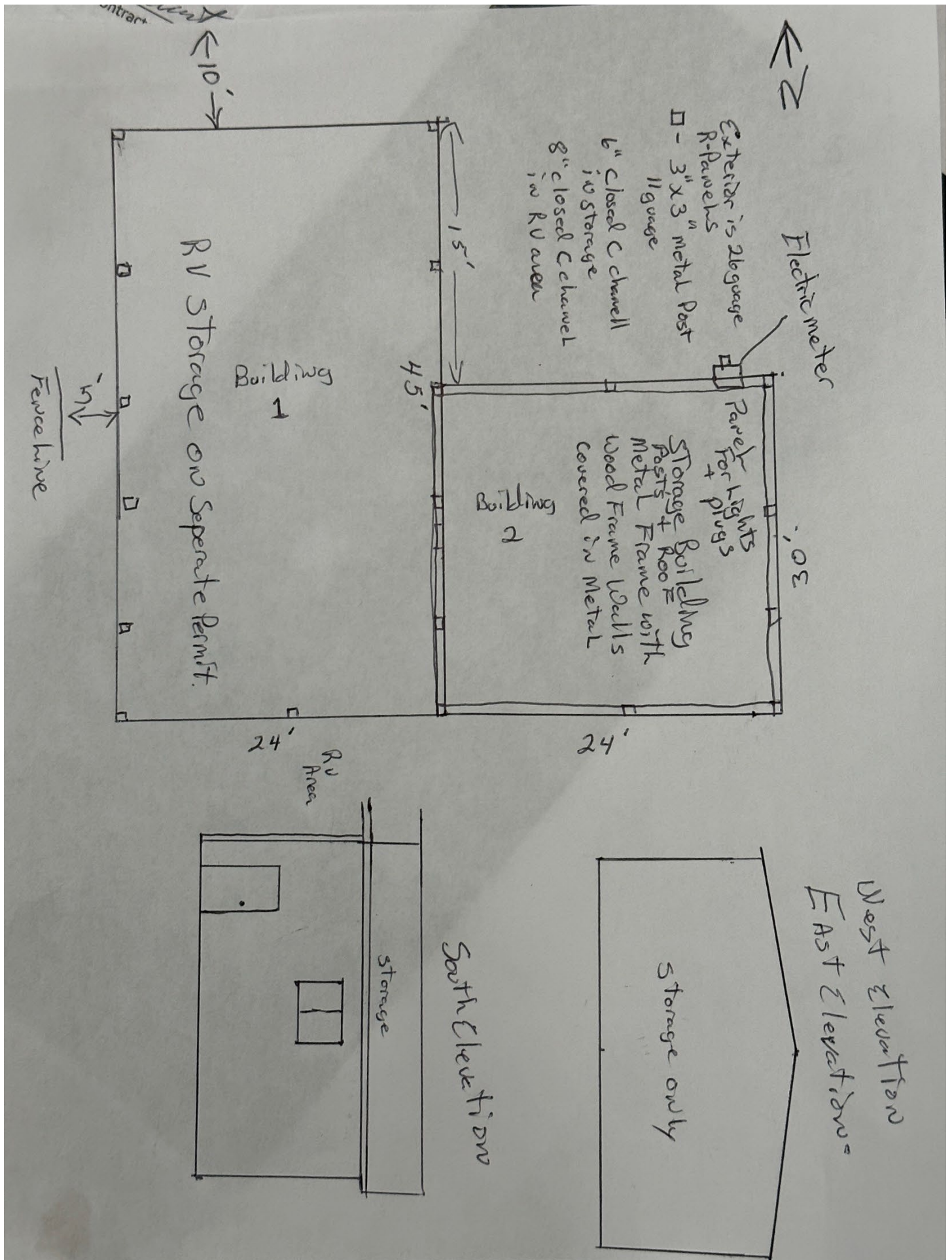
**Please describe the purpose of this appeal:**

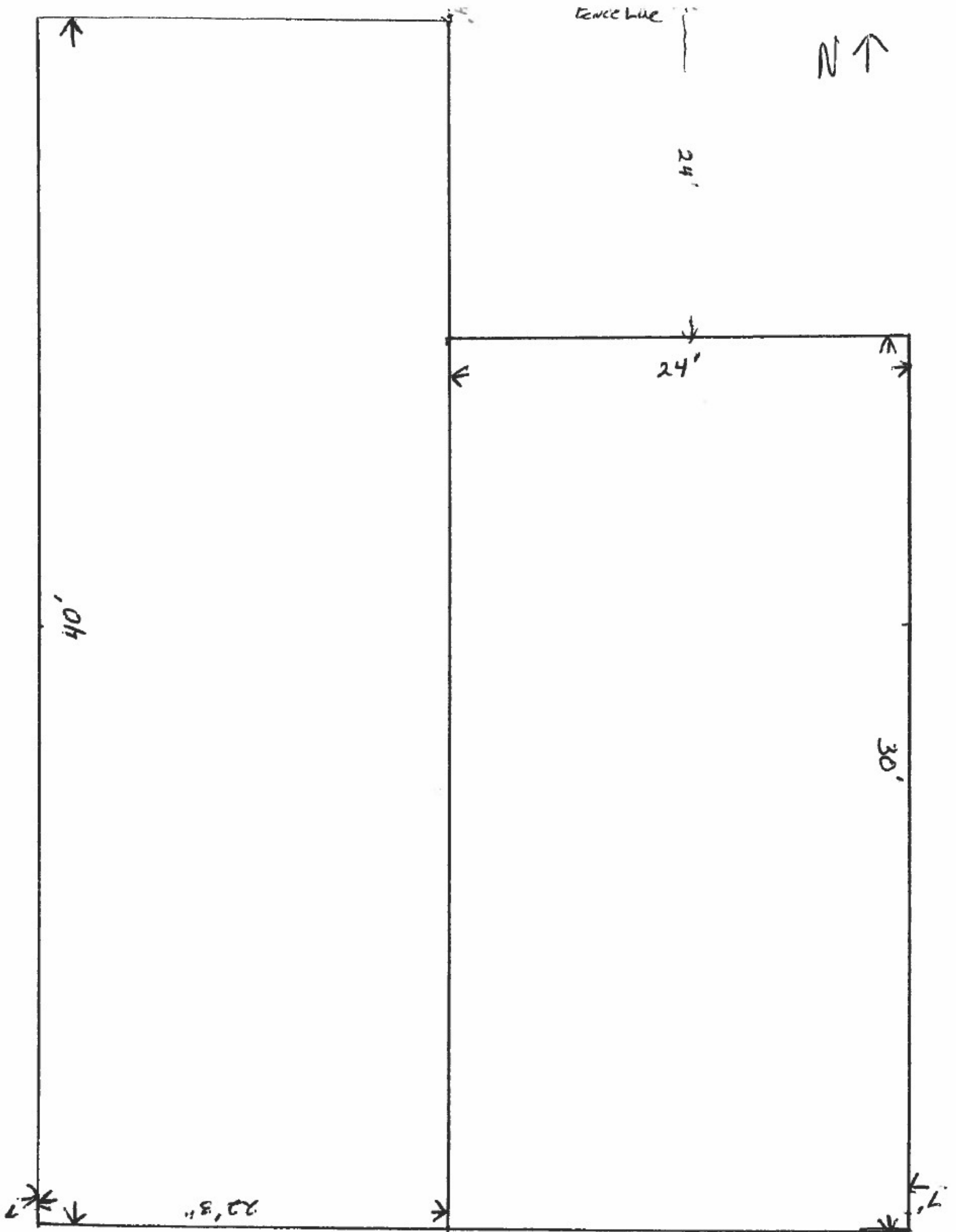
The purpose of this appeal is to attempt to bring buildings, that have begun to be constructed under a permit approved by the City, into compliance. This application requests a variance to increase the maximum size of an accessory building from 750 square feet (SF) to 1,080 SF. It also requests a variance to increase the maximum allowable area to be covered by storage buildings for a lot from 750 SF to 1,800 SF.

1,600

*Albert Pray*  
Signature

12/25/2023  
Date





East Elevation

