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**AGENDA FOR THE REGULAR MEETING OF THE
MIDWEST CITY
BOARD OF ADJUSTMENT
January 16, 2024 – 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 November 21, 2023 Board of Adjustment meeting.

C. ANNOUNCEMENTS

D. NEW MATTERS

1. (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.

E. BOARD DISCUSSION

F. PUBLIC DISCUSSION

G. FURTHER INFORMATION

H. ADJOURN

**MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT SPECIAL MEETING
November 21, 2023 – 5:00 P.M.**

This special meeting of the Midwest City Board of Adjustment was held in the Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on November 21, 2023 with the following members present:

Present: Jess Huskey
 Frank Young
 Cy Valanejad
 Charles McDade
 Tammy Cook

Absent: None

Staff present: Matt Summers, Planning and Zoning Director
 Emily Richey, Current Planning Manager
 Petya Stefanoff, Comprehensive Planner
 Vicki Floyd, Municipal Prosecutor

The meeting was called to order by Huskey at 5:00 P.M.

A. MINUTES:

A motion was made by Young seconded by Valanejad, to approve the minutes of the meeting of October 3, 2023 as presented.

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

Nay: none.

Motion carried.

B. 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.

Staff gave a brief overview of this item.

The applicant, Debra Sadler, was present and addressed the Board members with Kevin. The

applicant discussed the surrounding properties, maintenance issues with different types of fences, and non-compliant fences in the area.

Board member Valanejad asked if the applicant had considered using approved fencing materials or if there were any unique conditions on the lot necessitating the variance request. The applicant stated there were no unique conditions.

There was general discussion about the application and the criteria needed to grant a variance.

A motion was made by McDade seconded by Cook, to deny the variance citing the application's inability to meet the criteria necessary for granting a variance.

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

Voting nay: None.

Motion carried.

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.

Staff gave a brief overview of this item.

The applicant, Richard Layman, was not present. The chair tabled the item to give the applicant a chance to arrive.

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 15th Street.

Staff gave a brief overview of this item.

The applicants, Gail Scott & Amy Voelker, were present and addressed the Board members.

There was general discussion about the application.

A motion was made by Valanejad seconded by McDade, to approve the Special Exception.

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

Voting nay: None.

Motion carried.

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.

Staff gave a brief overview of this item.

The applicants, Albert Pray and Emiliana Hoover, were present and addressed the Board members. They described the circumstances which lead to their variance request. The applicants stated they are seeking to construct a carport for their RV, and that they would utilize the trail for motor vehicle access to their rear yard.

The following people addressed the board:

Name – Morley Nugent

Address – Not stated

Discussed--- The applicant has spent too much time and money on this project to have it denied.

There was general discussion about the variance application, the various building permit applications for the lot, and what actions the Board could take on the application.

General discussion amongst the Board about carports, accessory buildings, and vehicular access on trails.

A motion was made by McDade seconded by Young, to deny the application for variances to the maximum size of an accessory structure and maximum size of accessory structures on a lot. The motion cited the application's inability to meet the criteria necessary for granting a variance and approval of the variance would allow for an illegal use of a city trail.

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

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 Young, to adjourn the meeting.

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

Nay: none.

Motion carried.

The meeting adjourned at 6:10 P.M.

JESS HUSKEY, Chairperson

(MS)

To: Chairman and Board of Adjustment
From: Emily Richey, Current Planning Manager
Date: January 16, 2024
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 January 16, 2024 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 style with a large initial 'E' and a stylized 'R'.

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
COMMUNITY DEVELOPMENT DEPARTMENT
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 Layman
Applicant: Richard Layman
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 - 6050⁰⁰
(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

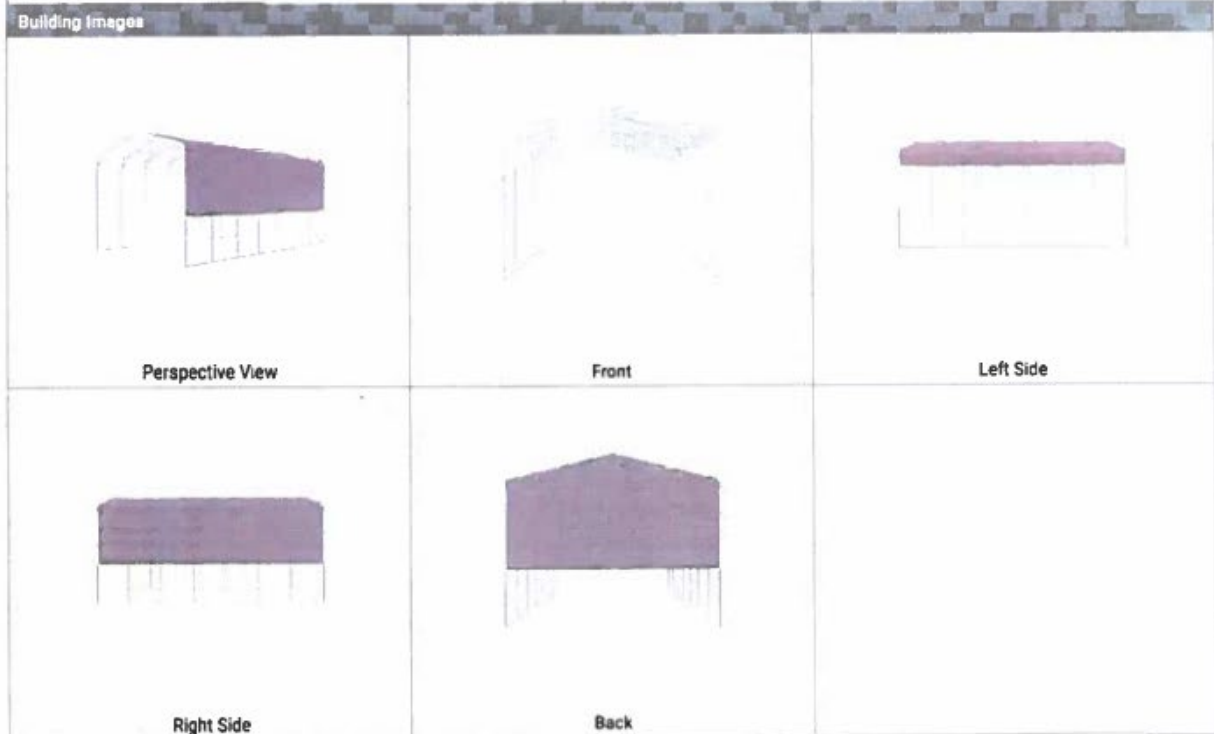


C&H Carports
3593 SH 19 South
Emory, TX 75440
877-687-1999
support@candhcarports.com

Customer Order - Sep 22, 2023

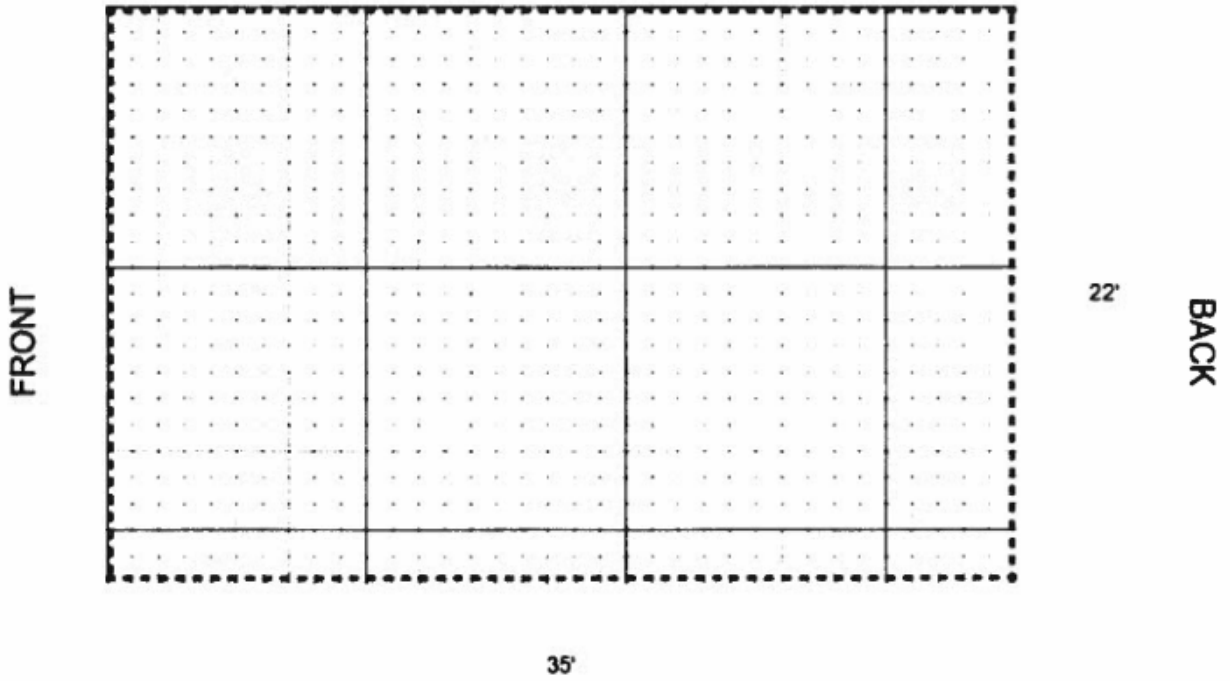
Ship To			Order #		Dealer	
Name	RICHARD LAYMAN		1695406123441789		Better Barns	
Install Address	700 N. POST ROAD				Noble, OK	
City	MIDWEST CITY	State	OK	Zip Code	73130	Phone: (405) 872-7433
Email	chris@betterbarns.net	Phone #	405-834-6679	Mobile #		randy@betterbarns.net

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						



#1695406123441789

LEFT SIDE



RIGHT SIDE

= 1R

SYMBOL LEGEND	
....	Open Wall

#1695406123441789