

**MINUTES OF THE
BOARD OF ADJUSTMENT SPECIAL MEETING
May 24, 2022
5:30 P.M.**

The Board of Adjustment of the City of Moore, Oklahoma held a special meeting on May 24, 2022 at 5:30 p.m. in the Council Chambers, Moore City Hall, 301 North Broadway, Moore, Oklahoma.

Agenda Item No. 1, being: ROLL CALL

After noting a quorum present Chairman Sherrard requested that roll be called. The following members reported present:

Shelia Haworth Janie Milum Hermes Arevalo Ralph Sherrard

Absent: Gary Lunow

Staff: Elizabeth Weitman, Director Community Development. Nora Kerbo, Administrative Assistant.

Agenda Item No. 2, being: REPORTS

- a) Board of Adjustment Members – None
- b) Community Development Department - None

Agenda Item No. 3 being: MINUTES

- a) Approval of the **Minutes of the Board of Adjustment Meeting held April 12, 2022.**

Chairman Sherrard requested a motion.

Motion: Shelia Haworth motioned for approval of the **Minutes of the April 12, 2022.**

Motion: Shelia Haworth motioned for approval of the **Minutes of the April 12, 2022 Board of Adjustment Meeting**, as written. Janie Milum seconded the motion. Roll was called.

Ayes: Haworth, Milum, Arevalo, Sherrard

Nays:

Abstained:

Absent: Lunow

Agenda Item No. 4 being: NEW BUSINESS

a) Appeal No. BOA 242

REQUEST: VARIANCE TO PART 12, CHAPTER 2, ARTICLE B, DIVISION 6 SECTION 12-264 OF THE MOORE CITY CODE REGULATING AREA AND HEIGHT REGULATIONS IN THE R-2 TWO-FAMILY DWELLING DISTRICT.

PROPOSED USE: CONSTRUCTION OF A RESIDENTIAL DUPLEX

APPLICANT: WILLIAMS, BOX FORSHEE & BULLARD P.C./EMILY MIDGETT

ADDRESS: 218 NE 2ND STREET

LEGAL DESCRIPTION:

Lots Seven (7) and Eight (8), in Block Nine (9), of TOWN OF MOORE, Cleveland County, Oklahoma, according to the recorded plat thereof.

Property Address: A/K/A 218 NE 2nd Street, Moore, OK 73160

Ms. Weitman gave the following presentation.

This lot is located at 218 NE 2nd Street in Old Town. The lot was previously part of the property at 214 NE 2nd Street and utilized as yard space. In 2021 the applicant purchased the subject site; City approval of the lot split was not obtained. The applicant is requesting to construct a new residential duplex on a lot with 50' in width. Because the lot size does not meet the minimum R-2 lot size requirements for a duplex, the applicant is requesting a variance to city code.

The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties.

The subject site is zoned R-2 Two Family Residential District; city code requires a 75' lot width to accommodate duplex lots. Enforcing the R-2 lot requirements on the subject site would prohibit any duplex construction. Even constructing a single-family residence would not meet the minimum lot width of 55' required for a single-family dwelling, however there is precedent within the City of Moore of allowing single-family homes on lots of 50' width utilizing a variance with Board of Adjustment approval. However, no precedent exists within the city, including Old Town, for the construction of a duplex on a lot with only 50' width.

It should be noted that the applicant purchased the property in 2021 without lot split approval well after the adoption of the current zoning code in 2000; therefore the applicant should have known of the restrictions which City Code imposed on the property. In order to make the necessary showing of hardship, the applicant for a variance may not show a hardship which could have been avoided.

Such conditions are peculiar to the particular piece of property involved.

This portion of Old Town was zoned R-2 Two-Family Residential District with the city-wide 1973 City Code

and Zoning Map update, along with other large single-family neighborhoods.

To allow for a higher density while retaining the single-family character, the R-2 zoning district allows for duplexes in addition to single-family homes, but only on lots of 75' width which would allow the duplexes to be developed within the context of the existing neighborhoods, such as attached garages and comparable square footages. Because so many single-family neighborhoods were zoned R-2 but developed with lots far narrower than what is required for a duplex, the zoning of the subject site as R-2 is not peculiar to this piece of property.

Some may argue that the narrow lot width of the subject site is peculiar to this piece of property, which should in turn be granted relief from code requirements. Old Town was originally platted in the traditional town site pattern of 25' wide lots with 140' depth.

The most common lot size for single-family residential construction in Old Town is 50' X 140'. There is no prevailing precedent in Old Town for a standard or common lot size for duplexes, as duplexes are not found in Old Town. Higher density uses are either multi-family projects approved through a Planned Unit Development or 'granny flats' developed long before the current code was adopted and are considered grandfathered-in. And in subsequent code updates, no exceptions were codified for Old Town to vary from the minimum lot width.

Board of Adjustment approval of this application would set a precedent for duplex construction in all areas zoned R-2 and on lots under 75' in width.

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 intent of the residential lot size requirements in the Moore Zoning Code is to create residential lots that provide for the enjoyment of light, air, and open space as well as promote a general compatibility and continuity of the built environment. If the precedent is set to allow duplexed in any area zoned R-r on lots with a minimum of 50' feet in width, the density and character of all R-2 neighborhoods are in jeopardy. The density of these neighborhoods could be significantly increase.

The Envision Moore 2040 Plan recognizes that Old Town is ripe for re-development, therefore the plan goes into great detail in that area. The subject site lies within an area of Old Town that is designated by the Old Town Land Use Concept Map as "Residential". As such, it recognizes that the block on NE 2nd Street is dominated by existing single-family homes, and that new development should be context sensitive. The only mention of higher density possibilities within Old Town's "Residential" land use is for accessory dwelling units, but not duplexes.

The Envision Moore 2040 Plan devotes an entire Chapter to Old Town- "Create a Vibrant Old Town"- wherein Policy #7 states "Encourage Context-sensitive Residential at a Scale and with Architectural Elements that Fit the Character of Old Town". Strategy 7.1 states "Encourage single family homes in residential areas shown on the Old Town conceptual Plan". While accessory dwelling units are listed as an option, the plan recognizes that all minimum lot sizes and setbacks must be met.

The requested variance of a duplex on a 50' wide lot at this location does not meet the intent of the Moore Zoning Code or the Envision Moore 2040 Comprehensive Plan.

The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The subject site is considered unbuildable by the lot width requirements as set forth in the City of Moore zoning code. Should the applicant request to construct a single-family house, a 5' variance from the 55' lot width minimum would be required. However, the applicant wishes to construct a duplex which requires a 25' variance from the 75' lot width minimum. Therefore, the minimum variance necessary to utilize the lot would be a variance of 5' to construct a single-family home, and not a 25' variance to construct a duplex.

The City has been anticipating a revitalization of Old Town. Moore City Council has adopted the city's comprehensive plan which dedicates a large portion of the plan on the future of Old Town to inform new zoning and development codes applicable to Old Town. If and when these zoning and developments codes are developed and adopted by City Council, the density allowances in the area may potentially increase by amending the current development standards.

The fact remains that the City has not yet changed the zoning ordinance and development requirements specific to Old Town, therefore the current City of Moore zoning code must be applied in this situation. The question before the Board of Adjustment is quite simply- should a duplex be allowed on a lot zoned R-2 which is only 50' wide? As the state requires the answer to the four questions above, none of the answers were favorable to this application:

Although it is possible that the City of Moore zoning code may change in the future to allow more density and housing types within Old Town that concession would likely come with aesthetic and other land development controls. It is not within the purview of the Board to create the development standards for Old Town through variances. Therefore, staff recommends denial of this application.

Chairman Sherrard noted that improvements to Turner Avenue are underway, and several other streets in Old Town are also scheduled for improvements. Chairman Sherrard asked if there are any plans to improve Main Street. Ms. Weitman answered, nothing in the short term plan.

Chairman Sherrard asked if the applicant was present. David Box, 522 Colcord Drive introduced himself as representing the applicant, Emily Midgett who was also in attendance. Mr. Box stated, it is important to understand, the outcome of this proceeding in no way sets a precedent. The Board of Adjustment is a statutory body created by the legislature to provide relief to zoning ordinances, in special instances, when justifications warrant. Your vote on this case creates no legal precedent. Every case is required to meet the 4 statutory conditions on their own merit.

Mr. Box went on to say it is the function of the Board of Adjustment to answer the 4 statutory elements and not City Staff.

Regarding the element of hardship: The applicant owns a piece of property that by virtue of zoning code makes it unable to be developed. Our client has no ability to develop her property even though she purchased it, it is zoned R2; and because of a lot width requirement, that she did not create, she has no ability to go develop property that she owns.

Mr. Box explained, one of the largest areas of case law that exists on hardships is; the hardship cannot be self-imposed. According to the Staff Report, staff would somehow have you believe, the applicant purchased the

non-conforming lot after the adoption of the current zoning code, and therefore, the hardship is of their own making.

Mr. Box requested an opportunity to address each of the four statutory elements as presented by Ms. Weitman. Mr. Box argued, his client was not involved with zoning the property or creating the lot width requirements. Mr. Box asked, how in the world this could be a self-imposed hardship.

Regarding the element of a self-imposed hardship: Mr. Box stated, the following is an example of a self-imposed hardship; an Ordinance exists that establishes the maximum height for a residential fence to be 8 feet. A person erects a 10 foot fence which is non-compliant with the existing Ordinance and then requests a variance. You created the hardship when you built something that violated the zoning code.

Mr. Box stated, his client purchased a piece of property that the City zoned as R-2. The City also created the lot width requirement. There is no logical conclusion that his client somehow created the hardship. Mr. Box stated, he would argue that a hardship exists today because his client owns a piece of property that cannot be developed because of the conditions that exist within the Code.

Regarding the element of conditions peculiar to the property: The City created the peculiarity when it zoned the property R2 and also imposed a minimum 75' lot width requirement, resulting in the property being undevelopable.

Regarding the element of relief if granted would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comp Plan: Mr. Box stated that they believe, at the time the City designated this property as R2 zoning, the City believed that a duplex zoning and a duplex development was appropriate here. Mr. Box stated, his client is trying to enjoy the zoning that the city's council, through a legislative process decided was proper, and thereby seeks to develop accordingly.

Regarding the element of the variance if granted would be the minimum necessary to alleviate the unnecessary hardship: Mr. Box explained that the applicant seeks no additional variances to set-backs, to height restrictions, to parking standards or building materials. Mr. Box stated they only seek the variance to the lot width. Mr. Box stated, this is the minimum necessary to alleviate the hardship. The hardship being the inability to develop the property. Without the variance, not only can we not develop it with a duplex, the lot does not meet the lot width requirements for a single family home. My client owns a piece of property that is unbuildable. The City of Moore zoned the property R2, the City Council at the time it was zoned determined a duplex is appropriate here and through no fault of our own, we are unable to meet the 75' width requirement. All Cities are required to have Boards of Adjustment to deal with situations just like this. The Board of Adjustment is the only body that can determine whether these four elements are met, so we ask the Board to agree with us that they have been met and to allow my client to develop the piece of property that she paid good and valuable consideration for and that the City of Moore decided legislatively was appropriate for duplex zoning. Mr. Box, offered to answer questions.

Chairman Sherrard stated. The current zoning codes have been in place since 2000. Chairman Sherrard stated, it is worth noting, the codes were in place well before your client purchased the property. Mr. Box stated he fails to see the relevance. On the date that 50-foot wide tract was zoned R-2 they, they in effect, declared the property unable to be developed.

Chairman Sherrard stated it is worth noting that your client chose the configuration of those lots that resulted in a 50' width. Mr. Box stated, although a good point, if you look at the maps, had my client assembled an additional lot in order to gain another 25', the home on the original lot would have been lost. Mr. Box stated, he would argue there was only 50' feet available to be split.

Ms. Weitman stated, it is also important to note, the lot split was never presented to City Council. The 50' feet in question was originally part of the lot where the home exists today. The lot split was done without City approval.

Chairman Sherrard stated, so for clarification the 50' was purchased without a Lot Split approval. So what you have is a recorded deed without the approval of the City. Mr. Box stated, a lot split was not needed. It was an independent 50' foot lot. Whether someone used it as outdoor space at some point in the past, the fact remains, it is a 50' foot lot that is zoned for duplexes and there are not 25' available to add to it.

Chairman Sherrard asked if any of the Board Members had questions of Mr. Box. Mr. Arevalo stated the plan proposes a structure that is 15' wide, is that correct? Mr. Box answered, well what we have shown is kind of our conceptual plan, but that, frankly, is not relevant to the discussion of the lot width. The lot width is 50' regardless of what is proposed to be developed there. The lot is unbuildable the way it sits today. Without a variance from this Board no building permit would be issued by the City for this property, even though my client owns it and it is zoned R2. Right now, the zoning code would prohibit any development whatsoever, on this tract. Mr. Arevalo asked Ms. Weitman for clarification on how this situation came about.

Ms. Weitman stated, originally this 50' wide lot was combined with its neighbor to the West. At that time, the lot was 100' in width, compliant with City code, and a home was built on the lot. Subsequently, the property owner sold off 50' of the original lot, through a private land transaction without the approval of the City. The separation of this 50' tract has resulted in a lot that is unbuildable because it does not comply with any building code that would allow a building permit to be issued.

Again, another one of the statutory elements to consider is whether the variance if granted would be the minimum necessary to alleviate the unnecessary hardship. Ms. Weitman stated, the request could have been for a variance of 5' to construct a single family home vs a 25' variance to build a duplex.

Mr. Box stated he believes that is a misinterpretation of that 4th element. The hardship is, we seek to develop a duplex because that is how we are zoned.

Mr. Arevalo asked for clarification on lot width. Why would a single family home only require a variance of 5' and a duplex require a variance of 25'. Ms. Weitman stated, lot width is determined by City Code and will vary between different types of structures. She went on to explain, a single family house, by City Code, requires 55' width and most of these lots in Old Town that have houses on them are 50' in width. The applicant seeks to build a duplex which requires 75' width, resulting in a requested variance of 25'.

Janie Milum asked Ms. Weitman to clarify why the owner should have requested City approval for the lot split prior to the sale of the property. Ms. Weitman stated, Cleveland County records indicate, at one time this was 4 separate lots that were combined into one and held under one ownership under one deed.

City code requires lot splits resulting in lots smaller than 5 acres to be approved by City Council.

Mr. Box stated, City approval is not required. This is not a platted subdivision. The title company did not flag it. We did not need City approval. These two lots were independent and were able to be sold to my client. My client purchased these 2 lots. These two lots, that comprise 50', are zoned duplex. So this is not a Lot Split Application and it has nothing to do with a lot split. Through no fault of our own, we do not have 75' so in order to make use of this property we must have relief from this board.

Chairman Sherrard stated, I have a clear understanding of the situation.

Hermes Arevalo asked, how long has the City Code requirement of 55' lot width for single family house and 75' lot width for duplex been in effect? Ms. Weitman answered, at least since the year 2000. Prior to 2000, the minimum lot width for single family home was 65', it was reduced.

Chairman Sherrard asked if anyone in the audience wished to address this item. After no response. Shelia Haworth shared the following comments.

Ms. Haworth stated, in the past few weeks she has driven around the neighborhood many times. Ms. Haworth shared some observations she made about the neighborhood.

- Located at 228 NE 2nd is a large metal commercial building
- Located at 235 N3 2nd is a large commercial building with a boxcar that is used for storage and appears to have been there for many years. The boxcar appears to be located inside the building line set-back.
- 236 NE 3rd is a 6-plex and looks great.
- Langley Village is an apartment complex which includes some duplexes and quad-plexes and looks great.
- Located at 214 NE 3rd is an old abandoned blacksmith shop. It is a cinder block structure.
- Located at 201 NE 2nd, directly across from the subject site, is a commercial body shop with wrecked cars littered about.

Ms. Haworth stated she agrees that Old Town is in need of much improvement. She went on to say, it is important to be open minded. She stated, a brick building landscaped well, could be an addition that would encourage additional types of improvement in the area. Ms. Haworth stated she has no problem with the proposed duplex.

Chairman Sherrard commented, the list provided by Ms. Haworth includes items that were "grandfathered" and would not necessarily meet City Code today. Everyone can agree, we want to see the City of Moore improve and continue to grow, however, we do have codes and ordinances in place that control how those improvements will come about. These codes specifically, for minimum lot width, have been in place since 2000.

Chairman Sherrard went on to address Mr. Box's comment, regarding the outcome of this proceeding not setting a precedent for future applications of this type. Chairman Sherrard stated, he is in agreement with the Staff Report which states a precedent could indeed be set for these type of applications.

Chairman Sherrard requested a motion.

Motion: Shelia Haworth motioned to approve the requested variance Appeal No. BOA242. Hermes Arevalo seconded the motion. Roll was called.

Ayes: Haworth, Arevalo

Nays: Milum, Sherrard

Abstained:

Absent: Lunow

The motion did not carry.

b) Appeal No. BOA 241

REQUEST: VARIANCE TO PART 12, CHAPTER 4, ARTICLE C, SECTION 12-406 OF THE MOORE CITY CODE REGULATING AESTHETIC REQUIREMENTS IN THE C-3 GENERAL COMMERCIAL ZONING DISTRICT.

PROPOSED USE: CONSTRUCTION OF METAL BUILDINGS

APPLICANT: SEAN PATTON

ADDRESS: 825 NW 24TH STREET

LEGAL DESCRIPTION:

A part of block A, REGENCY PARK ADDITION, to Moore, Cleveland County Oklahoma, according to the recorded plat thereof, being more particularly described as follows:

COMMENCING AT THE Northeast corner of said Block A;

Thence South 00°00'00" East and parallel to the Est line of said Block A, a distance of 366.28feet to a point on the North line of a Private Street Easement recorded in book 1843, Page 316;

Thence North 89°26'18" West (Recorded North 90°00'00") on the North line of said Private Street Easement a distance of 150.00 feet;

Thence South 00°00'00" East and parallel to the East line of said Block A, a distance of 28.00 feet;

Thence North 89°26'18" West and parallel to the North line of said Block A, a distance of 154.47 feet;

Thence North 00°00'00" West and parallel to the East line of said block A, a distance of 394.18 feet;

Thence South 89°26'18" East and parallel to the North line of said Block A, a distance of 304.47 feet to the Point of Beginning.

Property Address: 825 NW 24th Street, Moore, OK 73160

Ms. Weitman gave the following presentation.

The applicant proposes to build select metal commercial buildings within an approved commercial development

with 75% bricking on the east and south sides and a full metal façade to remain on the north and west sides. Which falls short of the 75% bricking requirement.

This subject site is located at 825 NW 24th St and is currently developed with one existing metal building. The applicant purchased the site in 2020 with plans to develop the property into office/warehouse uses under C-3 zoning and remodel the existing metal building. The applicant is requesting to construct the western-most buildings with only 37% masonry facades as opposed to the 75% required by City Code due to material shortages and the development's location adjacent to other metal structures.

The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties.

The applicant purchased the property in 2020 well after the adoption of the current zoning code in 2000. Prior to the purchase of the property the applicants corresponded with City Staff to determine the feasibility of their project, where the 75% masonry requirement was discussed. Therefore the applicant knew of the masonry requirements prior to the purchase of the lot. In order to make the showing of an unnecessary, or not self-induced, hardship, the applicant for a variance may not show hardship which could have been avoided.

The applicant contends that the supply line disruptions caused by the pandemic have dramatically delayed materials and/or inflated the cost of the materials. Although these challenges are recognized, the courts have ruled in the past that economic conditions pertaining to the cost of following the zoning codes should not be considered in variance requests.

The applicant has not shown that the application of the ordinance would create an unnecessary hardship or result in exceptional practical difficulties.

Such conditions are peculiar to the particular piece of property involved.

There are no defects peculiar to the subject site which prevents the property from being developed to meet the City of Moore zoning code. Physically, the lot is comparable to any other C - 3 zoned property across Moore. The lot is situated in a heavy commercial and industrialized area that is developed with a mixture of masonry and metal structures, which is typical of C-3 developments in other older areas within the city.

Challenges with the supply chain and inflation are not peculiar to this property, but are felt across the nation and in all construction projects. The City has not been asked to consider variances to the aesthetic requirements or any other development requirements due to these issues. Granting such a variance would create a wide-ranging precedence for virtually all development requirements found within the City of Moore zoning code if a developer deems that the materials are too expensive, such as building systems, landscaping, parking, etc.

There are no peculiar defects or circumstances with the subject site that qualifies this property to a variance from the City's aesthetic requirements found within the zoning code.

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 intent of the aesthetic requirements in the City of Moore zoning code is two-fold: 1) to help ensure commercial developments enhance the physical appearance of the community and reduce the monotony and incongruity in appearance of the structures within the neighborhood; 2) to protect property values within the area.

The Envision Moore 2040 Plan supports the aesthetic goals of the zoning code with the Goal of “Promote development that is attractive in appearance and reflects Moore’s character”. The Plan supports the aesthetic regulatory framework that places protections for both existing and future property owners against declining property values and increased maintenance costs for metal structures.

The aesthetic requirements exist to enhance the character and long-term viability of commercial areas. However, the bricking plan provided by the applicant may satisfy the intent of the ordinance in that, to the casual observers, the buildings would appear to meet the City of Moore zoning code. Therefore, if the variance is granted, it is not anticipated to cause substantial detriment to the public good or impair the purposes or intent of the ordinance or comprehensive plan.

The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The applicant is requesting a variance to the masonry requirements as shown in Exhibit A. The applicant contends that complying with the 75% masonry requirement for all metal structures within the development is a hardship. If the facts supported such a hardship, it can be assumed that the request would be for elimination of the bricking requirement altogether. With the bricking reduction limited to the western-most buildings, the applicant has recognized the importance of requesting the minimum necessary variance to allow relief from the City of Moore zoning code.

The City has been experiencing a renewed interest in infill development over the past 5 years. This type of development has its challenges, but if done right can help uplift an area suffering from disinvestment. The Moore City Council approved aesthetic requirements to be included in the zoning code to improve the appearance, quality of life and property values stemming from all new commercial development, regardless of the economic winds or location of the development within Moore.

In considering variances, the state requires the Board of Adjustment to answer the four questions above, and 2 of the answers were favorable to this application:

- Applicant’s request does meet the intent of the City of Moore zoning code and adopted Comprehensive Plan by ensuring appropriate bricking on all sides of the buildings seen from public streets as shown in Exhibit A; and
- The minimum variance required to meet the perceived hardship of the applicant is likely equal to the applicant’s proposal.

However, the questions regarding the threshold of whether an unnecessary hardship exists, the answers can only be in the negative because the applicant knew of the bricking requirement when the property was purchased.

- Applicant purchased the C-3 zoned property after discussions surrounding city code requirements for development, including the bricking requirement, therefore this hardship is of their own making; and

- The applicant's reasons for the hardship of supply chain issues and location of development adjacent to other metal buildings are not peculiar to this site.

While the applicant has tailored this application to have the least impact on the area as possible, staff does not agree with the establishment of a hardship in this situation and has serious concerns regarding the precedent that may be set for other commercial properties within Moore. Therefore, in considering all aspects of this application, staff must recommend denial of this variance request.

However, should the Board of Adjustment feel that the applicant has shown an unnecessary hardship, any approvals shall be subject to the following:

1. Masonry requirement for all metal buildings associated with the development of the subject site shall meet the proposal as shown in Exhibit A.

Chairman Sherrard asked about the placement of the sight-proof fence shown in one of the drawings. It appears on the west side of the property that abuts the church, they will be providing a sight-proof fence. Ms. Weitman answered the applicant is present and could speak to that.

Chairman Sherrard asked if the applicant was present. Sean Patton introduced himself as the applicant, 6712 NW 130th Street, Oklahoma City, OK 73142.

Mr. Patton stated, the pandemic has impacted everything to do with buildings. Mr. Patton went on to say, their contention is; the hardship of access to building materials. Mr. Patton explained, when the architect drew up the plans, he made sure that anything visible from the street, from both Janeway and from 24th, is 75% brick.

The variance request is limited to only areas that will not be visible from the street. Even if the brick were to be included on those areas, due to the fencing and the other buildings it will never be seen. Additionally, even if the brick were available it depletes the supply for application to an area that is not seen.

Mr. Patton went on to say, they are working diligently to create a development that elevates the area. This site will be the best looking development in the area.

Mr. Patton stated the hardship is one of circumstances that exist due to Covid, not only for themselves but for everyone else who is struggling to get building materials.

Chairman noted, the zoning will also prevent any outside storage and all business activities are contained inside the buildings, which also serves to keep the area looking nice from the street. Mr. Patton stated, in an effort to maintain a cohesive and overall well maintained outside appearance of the buildings. Some of the items to be included, will be outside display, bricking, and signage on the buildings.

Chairman Sherrard asked, the plan for the existing building out front. That building has already been totally remodeled, including a new roof, new electrical and new HVAC. The building will be freshly painted in a paint scheme to blend with all of the other structures that will be there. Mr. Patton in answer to the Chairman's question regarding placement of the sight-proof fence, he stated there will be an 8 foot sight-proof fence installed along the length of the west boundary where it abuts the church property.

Chairman Sherrard stated, he has driven by the property and already is an attractive addition to the neighborhood. Ms. Haworth, agreed. Ms. Haworth asked if they will use metal poles for the new fence. Mr. Patton answered, yes.

Chairman Sherrard asked if there were any members of the audience who wished to address this issue. Hearing none a motion was requested.

Motion: Shelia Haworth motioned to recommend approval of Appeal No. BOA 241. Janie Milum seconded the motion. Roll was called.

Ayes: Haworth, Milum, Arevalo, Sherrard

Nays:

Abstained:

Absent: Lunow

Agenda Item No. 5, being: CITIZENS TO BE HEARD - None

Agenda Item No. 6, being: ADJOURNMENT

Chairman Sherrard requested a motion to adjourn at 6:35 p.m.

Motion: Shelia Haworth motioned for adjournment. Janie Milum seconded the motion. Roll was called.

Ayes: Haworth, Milum, Arevalo, Sherrard

Nays:

Abstained:

Absent: Lunow

RECORDED & TRANSCRIBED BY: _____
Nora Kerbo, Recording Secretary

I CERTIFIY THAT THESE MINUTES HAVE BEEN APPROVED BY THE CITY OF MOORE BOARD OF ADJUSTMENT ON JUNE 14, 2022.

Ralph Sherrard, Chairman
Board of Adjustment