

**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
September 2, 2021  
4:30 P.M.**

The Board of Adjustment of the City of Moore, Oklahoma held a meeting on September 2, 2021 at 4:30 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:

Gary Lunow      Shelia Haworth      Hermes Arevalo      Ralph Sherrard

**Absent:**      Janie Milum

**Staff:**      Elizabeth Weitman, Director Community Development, Sarah Copeland, Assistant City Planner. Nora Kerbo, Administrative Assistant

**Agenda Item No. 2 being: SWEARING IN**

*Vanessa Kemp, City Clerk administered the oath to the reappointments Hermes Arevalo and Gary Lunow.*

**Agenda Item No. 3, being: ROLL CALL**

Chairman Sherrard requested that roll be called. The following members reported present:

Gary Lunow      Shelia Haworth      Hermes Arevalo      Ralph Sherrard

**Absent:**      Janie Milum

**Staff:**      Elizabeth Weitman, Director Community Development, Sarah Copeland, Assistant City Planner. Nora Kerbo, Administrative Assistant

**Agenda Item No. 4 being: REPORTS**

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

**Agenda Item No. 5 being:** MINUTES

- a) Approval of the **Minutes of the Board of Adjustment Meeting held July 13, 2021**.

Chairman Sherrard requested a motion.

**Motion:** Gary Lunow motioned for approval of the **Minutes of the July 13, 2021 Board of Adjustment Meeting**, as written. Shelia Haworth seconded the motion. Roll was called.

**Ayes:** Lunow, Haworth, Arevalo, Sherrard

**Nays:**

**Abstained:**

**Absent:** Milum

**Agenda Item No. 6 being:** ELECTION OF OFFICERS

- Chairman
- Vice-Chairman
- Secretary

Chairman Sherrard opened the floor for nominations.

**Motion:** Shelia Haworth made a motion to retain the current slate officers. Hermes Arevalo seconded the motion. Roll was called.

**Ayes:** Haworth, Arevalo

**Nays:**

**Abstained:** Lunow, Sherrard

**Absent:** Milum

**Agenda Item No. 7 being:** NEW BUSINESS

- a) Appeal No. BOA 236

**REQUEST:** VARIANCE TO PART 12, CHAPTER 3, ARTICLE C, SECTION 12-386 OF THE MOORE CITY CODE REGULATING ACCESSORY BUILDINGS

**PROPOSED USE:** CONSTRUCTION OF A 2400 SF STORAGE BUILDING WITH AN OVERALL HEIGHT OF 16 FEET, LOCATED ON A RESIDENTIAL LOT UNDER THREE-QUARTERS (3/4) ACRE IN SIZE

**APPLICANT:** MARK MILLER

**ADDRESS:** 520 CASS AVENUE, MOORE, OK 73160

**LEGAL DESCRIPTION:**

**Lots Three (3) and Four (4) in Block Six (6), of LOCKHOMA ESTATES, to Moore, Cleveland County, Oklahoma, according to the recorded plat thereof.**

**Property Address:** 520 CASS AVENUE, MOORE, OK 73160

*Sarah Copeland, Assistant Planner gave the following presentation.*

The applicant applied for a building permit for a 2400 sq. ft. metal accessory building at 520 Cass Avenue in the Lockhoma Addition. The applicant's lot is 0.74 acres and has 1 other existing accessory building on the property. If the building permit is approved, the applicant intends to remove the existing accessory building. Because the building permit application did not comply with the size and height requirement as set forth in City Code, the application was denied.

In each Board of Adjustment case, the following questions must be considered.

Section 12-126 of the Land Development Code permits the Board of Adjustment to grant variances upon finding that:

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

The application of the City Code itself does not create a hardship, as there is no unusual circumstance that prohibits applicant the general enjoyment and utilization of the property as a residence with a maximum of 600 square feet of accessory structures meeting all requirements.

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

The Lockhoma Addition has larger residential lots than a typical R-1 development. Most lots in this addition are over  $\frac{1}{2}$  acre in size, but below  $\frac{3}{4}$  acre to allow a larger storage building. The lot in question is 0.74 acres in size.

- 3. 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 ***Envision Moore 2040*** plan designates the subject site as Neighborhood Preservation District, discouraging commercial encroachment. Large storage buildings in older neighborhoods oftentimes transition to businesses, which could lead to land use conflicts and not supported by the comprehensive plan. However, the applicant has stated that if approved, many of the items stored outside on his property would be moved into the building, which would work to support the city's overall goals for the Lockhoma Addition.

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

The intended accessory building is for personal use, is above the minimum square footage and maximum wall height requirement as set forth by the Ordinance. It is unclear whether this is the minimum necessary solution to alleviate any perceived hardships.

The intent of the updated Accessory Buildings Ordinance is to help ensure accessory structures match or compliment the residential architectural design of the surrounding homes and feel of the overall neighborhood. Based on the established large-lot character of the addition and because there are currently several non-conforming accessory structures within the addition that are similar in size, approval of this variance is not anticipated to compromise the intent of the Ordinance, Comprehensive Plan, and the overall feel and composition of the Lockhoma Addition. Additionally, the storage of vehicles and materials inside a building as opposed to outside improve the aesthetics of the neighborhood. Staff recommends approval of this application. Ms. Copeland offered to answer any questions.

Hearing none, Chairman Sherrard asked if the applicant was present.

Mark Miller, 520 Cass Avenue, introduced himself as the applicant and offered to answer any questions.

Chairman Sherrard asked Mr. Miller how he intends to use the proposed building. Mr. Miller stated, he owns an RV and a boat and would use the building for personal storage.

Commissioner Lunow asked Mr. Miller if he owns a tree removal business. Mr. Miller answered yes. Mr. Lunow stated he has noticed the chippers on the property. Mr. Miller stated that is something he does on a part-time basis.

Ms. Haworth commented that she drove by to take a look at the property. Ms. Haworth noted there are several existing accessory buildings that are similar in size to the proposed building. In addition, the proposed building will be located behind the house, the old existing building will come down, and items currently stored outdoors would be able to go inside the new building. All of those things would improve the appearance of the property. Ms. Haworth went on to say, she does not see how granting this variance would have any adverse effect to the area and therefore, would be in support of approval of the application.

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

**Motion:** Sheila Haworth motioned for approval. Gary Lunow seconded the motion. Roll was called.

**Ayes:** Lunow, Haworth, Arevalo, Sherrard

**Nays:**

**Abstained:**

**Absent:** Milum

**Agenda Item No. 8, being:** CITIZENS TO BE HEARD - None

**Agenda Item No. 9, being:** ADJOURNMENT

Chairman Sherrard requested a motion to adjourn at 4:45 p.m.

**Motion:** Gary Lunow motioned for adjournment. Shelia Haworth seconded the motion. Roll was called.

**Ayes:** Lunow, Haworth, Arevalo, Sherrard

**Nays:**

**Abstained:**

**Absent:** Milum

RECORDED & TRANSCRIBED BY: \_\_\_\_\_  
Nora Kerbo, Recording Secretary