

BOARD OF ADJUSTMENT

WAYNE GILLEY AUDITORIUM

MARCH 13, 2026

Minutes of the Board of Adjustment meeting held March 13, 2026, in the Wayne Gilley Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 9:06 A.M. by Shane Lupi.

ROLL CALL

MEMBERS PRESENT Tony Layton
 Shane Lupi
 Johnny Owens
 Melissa Busse

MEMBERS ABSENT: Jesse Cross

ALSO PRESENT: Christine James, Director of Planning
 Kameron Good, Senior Planner
 Christy Ryans-Huffer, Planner I
 Garrett Lam, Assistant City Attorney
 Jennifer Wynne, Recording Secretary
 Trey Smith, Builders Investment Group, LLC

The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

OLD BUSINESS

None

NEW BUSINESS

1. **Consider approving minutes from the regular scheduled meeting on September 12, 2025.**

Motion by Layton, Second by Busse to approve the minutes from the regular scheduled meeting on September 12, 2025, as written. **Aye:** Busse, Layton, Lupi, Owens **Nay:** None **Motion Passed 4-0**

2. **Consider an appeal filed by Builders Investment Group, LLC of the Planning Director's interpretation of the side yard setback variance for the property at 2002 SW NH Jones Avenue, Lawton, OK 73501.**

Shane Lupi: OK item number 2: Consider an appeal filed by Builders Investment Group, LLC of the Planning Director's interpretation of the side yard setback variance for the property at 2002 SW N H Jones Avenue, Lawton, OK 73501.

Kameron Good: Hey, Kameron Good with the Planning Department. I'll just give you kind of a brief rundown and explanation of what's going on and then I'll have Trey come up here and talk to you guys. This is located in the Lawton View area just east of Sheridan, south of Lee, at the corner of N H Jones and SW 20th. This is for a new construction of a single-family residence. There are two 25-foot lots here. The house existing, as you can see, is built one foot from the property line. Which that house was constructed in the 70s. So, rather than tearing down that portion of the house, they requested a Board of Adjustments variance to shift the house over into the side yard setback which you were provided that code section that says 30% of the structure. And what we're talking about today is this only involves a minor portion of the structure or not. So, here's the site plan provided. The request is to shift the house over to the east, closer to 20th Street. Closer to their property line on 20th. A 15-foot side yard setback is required because it's a corner lot. And they're requesting to shift over just so that they're away from that other house. See a closer look at the site plan the dark bold line is their property lines. The 15-foot setback is shown, the red line is where they would like to shift that over to. So, on the aerial you can see 20th Street is roughly about 22-foot wide. That right of way for 20th Street is 60 feet. So, you have additional room from the street to the property line. But right now, what we're looking at is the interpretation, the appeal of Christy's decision, on the minor portion of the structure. I'd be happy to answer any questions or if you guys would like Tery to come up and speak.

Tony Layton: I'd like to ask what are the safety concerns?

Kameron Good: So, the set back is typically in place to keep the site obstructions for the street and then also for a uniformity look of the neighborhood to have the houses in line. That being said if there was a house to the south of this facing 20th Street on the lot on the other side of the alleyway then the setback for this house would actually be 20 feet to keep that in-line. But there is not a house constructed facing 20th Street to the south. That's why

this one is a 15-foot setback instead of that 20. But, that setback requirement on the corner is to help side obstructions and to keep the uniformity look of the neighborhood so that when you go through a neighborhood you kind of see all the houses in the line. If the corner lot turned sideways, you wouldn't want that house shifted way out, you know, and not be in line with the rest of the houses. That's why that's built into code. It's just that site visual of it and for the concern of the intersection. But this is a 60 foot right of way. Christy, did you have something to want to say.

Christine James: Yes, I just wanted to explain a little bit about what I felt was a minor encroachment. In Chapter 18-2-1-212 it talks about the variances, but then and 18-1-4-404.1 it talks about acceptable encroachments. And in that section lists items like porches, balconies, fire escapes, heating and air equipment, and etc. And so, I didn't feel the whole side of the house was minor, even though it's a minor portion of the complete structure. It's at 15%, but it was a whole side of the house. And again, if this house, like Kameron said on the south side would have been built facing 20th street the setback would have been 20 feet instead of 15, and so the 15 is already the lesser of the side setbacks. An encroachment of the whole side of the house I didn't feel was a minor especially when we have the list of acceptable encroachments in a different section of the code. So, that's just where I came from.

Kameron Good: Trey, did you want to come up?

Trey Smith: Any specific questions I'd love to answer them.

Kameron Good: He said if you have any questions, he'd be happy to answer or if you would like him to say anything.

Tony Layton: I'd just like to know what the remedy is if we do not approve of this.

Christine James: He would build a smaller house. It's new construction so they have the ability to, you know, modify the floor plan to make it fit what he has.

Trey Smith: At this time, I don't have a plan for a secondary house or if it wasn't approved. To kind of back up, we were approved - our plans are approved of the lot and, you know, after our permit was issued, we had a survey. And that's when we realized that the house to the west had been built only a foot from their property line. So, we were just asking for a variance so that we maintain that fire lane in between the two houses just for safety.

Melissa Busse: How big is this house?

Trey Smith: I'm sorry.

Melissa Busse: How big is this house?

Trey Smith: It's an 865 square foot house.

Kameron Good: Yes. So, when he's talking about the fire lane typically you have a 5-foot setback from each property line, so you maintain the 10-foot separation required by fire code. With them shifting over they didn't maintain on their property the required 5 feet. But again, that house was built back in the 70's. The other thing besides shortening his property, or shortening his house, to meet this there's legal ramifications that they could go after that property since they built too close to their property line.

Christine James: They could also build a firewall but that would be a bigger financial investment on Trey. But they could do a firewall to get that to meet the fire code because it says 10 feet of separation, or you can build a firewall.

Kameron Good: Yes, so really the request was just to shift the house over to alleviate the burden on that property owner and this Builders Investment Group. But what hung us up is the minor portion of structure. That's what we're here to see if you guys agree with the minor portion of structure or if you guys would say that this 15% should be considered minor. Then that would allow them to shift this house over, actually, I'm sorry, apply for the variance. Then we would go through the variance, and we'd be back seeing you guys for the actual variance. That's what we're talking about right now is just the interpretation of minor. Is this 15% considered minor or not. And if you say yes, we will go through the variance and come back to see you guys to actually request the shift. If you say no, then he's going to have to find another solution.

Shane Lupi: You're saying there's 60-foot right of way. So, essentially from the center of the road there's 30-foot to the property line, and with 10 foot it would be 40 feet from the center of the road. OK.

Trey Smith: There's about 10 and a half feet between the lot line and the road.

Kameron Good: Yes, so where the fence would be built, you'd still have additional no matter what because we're not adjusting the lot line here. We're only requesting the house to be shifted. So, the lot line is still going to stay there. Where their fence could be constructed isn't going to change. So, as far as the site obstruction the fence is going to stay in the same spot. The house is just being requested to shift over the 4 and a half feet. Can you turn your mic on. I'm sorry.

Melissa Busse: Are you guys just shifting over 4 and a half feet?

Trey Smith: Yes. Yes, ma'am. I'm sorry, just the house.

Melissa Busse: Just the house. So, we're moving 4 and a half feet to the east, right?

Trey Smith: Yes.

Melissa Busse: Thank you.

*Johnny Owens stated he didn't want to hold them up any longer than needed and requested to hold a special meeting to move Builders Investment Group's variance request forward. Kameron Good proposed the Planning Department can send out notices quickly for the new special meeting to be held on March 27, 2026. The board members agreed.

Motion by Layton, Second by Busse to approve the appeal filed by Builders Investment Group, LLC of the Planning Director's interpretation of the side yard setback variance for the property at 2002 SW NH Jones Avenue, Lawton, OK 73501. **Aye:** Layton, Lupi, Owens, Busse **Nay:** None **Motion Passed 4-0**

Commissioner's Reports or Comments

None

Secretary's Report

None

Audience Participation

None

Adjournment

Motion by Owens, Second by Layton to adjourn the meeting **Aye:** Layton, Lupi, Owens, Busse. **Nay:** None **Motion Passed 4-0**

With no further business the meeting was adjourned at 9:20 A.M.

These meeting minutes were approved by the BOA members at their meeting on

_____ 2026-03-27

Jesse Cross

Chairman

Board of Adjustment