

# Jenks | PC Staff Report



To Planning Commission  
Hearing Date March 03, 2022  
Case Number JZ 22 PUD 61A Minor Amendment No. 01 | Oasis Pools  
Request *Approve reduction of the required 10 ft. side yard setback required by pools*  
Location 12810 S Birch St

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## Staff Report

Preparer | Marcaé Hilton

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### Attachments

Drawing

### Preparer

Oasis Pools | Todd Briggs

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## Background Information

Staff was contacted by Oasis Pools regarding a pool at 12810 S Birch St. Originally they designed and laid out the pool at the required ten-foot (10') setback. They believed that the City only required them to adhere to the platted build line, not knowing that pools had a minimum 10' setback regardless of the platted build line. After contacting the utility companies, they moved the pool five feet (5') south due to electrical lines underneath the back yard of the house. Once they did that, they began building the pool. The site is completely excavated, plumbed, and the rebar is installed. The ten-foot (10') setback issue was finally noticed when a City Inspector came to do an inspection and told them the problem. The applicant originally applied for a variance for relief of the ten-foot (10') setback, but there is no hardship as defined by State statute. A minor amendment to the PUD would correct the encroachment. Staff does not see any adverse impact from the relief for the setback as described.

Zoning Request PUD 61A Minor Amendment No. 1 | Amend the 10' side yard pool setback to 5'. No other lots are impacted by the request.

Public Comment None | Minor Amendments are not advertised

Use Single-family Subdivision | No Change

Zoning RS-1 PUD 61A | Single-family Residential | No change to the zoning

Comprehensive Plan Medium Intensity Single Family (Horizon Jenks | New Comp Plan)

General Location North of 131st and East of Elm

Plat Birmingham at Yorktown | Plat No. 6530 | April 14, 2014  
Lot 10, Block 16  
Parcel ID 60410730633310

Property Address 12810 S Birch  
 Gross Acres 0.18  
 Property Address 227 W 130 ST S

STR Section: 06, Township: 17, Range: 13  
 Zoning North | Single-family Residence  
 East | Single-family Residential  
 South | Single-family Residential  
 West | Single-family Residential

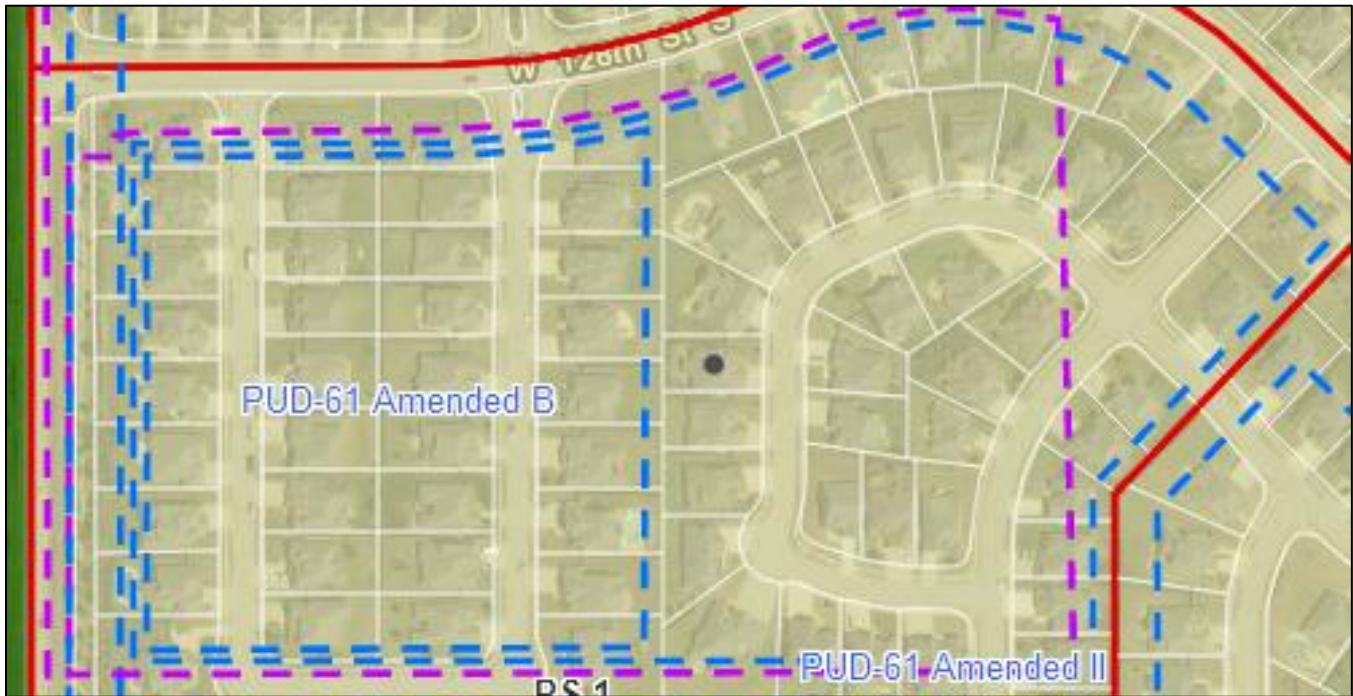


Figure 1: Zoning Map | INCOG

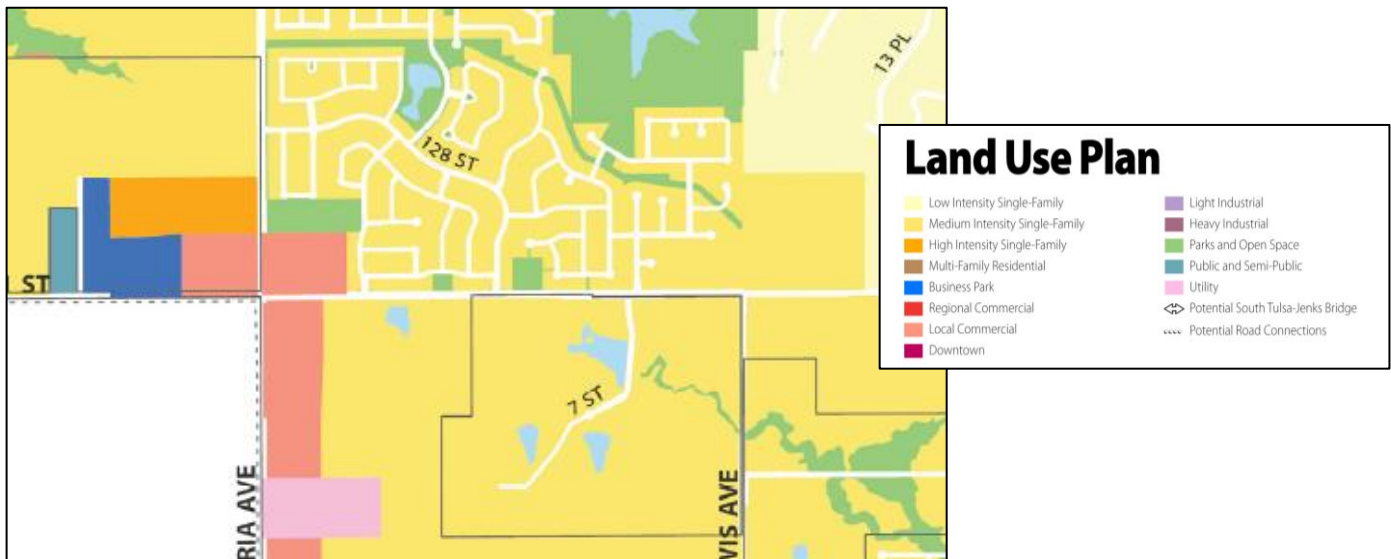


Figure 2: Legend for Horizon Jenks Comp Plan



Figure 3: Google Map View

**PUD 61A | PUD ZONING LANGUAGE | [Sec. 980. - Amendments.](#)**

- A. *Minor Changes in the PUD may be authorized by the Planning Commission and City Council, which may direct the procession of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the development plan and the purposes and standards of the PUD provisions hereof.*
- B. *Changes which would represent a significant departure from the site development plan shall require compliance with the notice and procedural requirements of an original*

*Planned Unit Development. It shall be the duty of the zoning administrator to determine whether any specific request shall be considered a major or minor change, but this decision may be reversed when reviewed by Planning Commission and the City Council. If it is determined that a major change is requested, then a new application will be process in accordance with the provision of Chapter 15 of the Zoning Code.*

**YARDS | SETBACK REQUIREMENT | [Sec. 240. - Yards](#)**

*Obstructions are permitted in required yards as follows:*

- (g) *Swimming pools, tennis court, patios, storm and other protective shelters shall be located in the rear yard and shall have a minimum setback of ten feet from any side or rear lot lines.*

**Staff Evaluation & Recommendation**

**Evaluation | Ten-foot (10') pool side yard encroachment relief request:**

1. Approving this request would allow the current and future property owners which have been identified by Parcel and Lot & Block relief from the required 25-foot setback by changing it to a 20.5-foot front build line setback.
  - a. This is only for one lot.
  - b. The request is for relief of five (5') feet.
  - c. No other lots in the Valley View Ride are impacted by this decision.
  - d. The five (5') foot requirement is consistent with the recommendations in the upcoming UDO.
2. Approving this request will clear the title of the encroachment.
3. Consider
  1. *Whether the PUD (amendment) is consistent with the comprehensive plan; (Consistent, but not applicable)*
  2. *Whether the PUD (amendment) harmonizes with the existing and expected development of surrounding areas; (Yes, it harmonizes)*
  3. *Whether the PUD (amendment) is a unified treatment of the development possibilities of the project site; (Not applicable)*
  4. *Whether the PUD (amendment) is consistent with the stated purposes and standards of this chapter. (Yes)*

**RECOMMENDATION | Staff recommends approval of the requested pool, side yard, setback, reduction from 10' to 5' for PUD 61A | Minor Amendment Number 01.**