



STAFF REPORT
Board of Adjustment
April 18, 2024

Item No. IV.B. 1.

Case No. 15490: Request of Starter Investments, LLC, for a variance to Limitations on Dumpsters, All Districts in the R-4 General Residential and AE-2 Airport Environs Zone District located at 3317 Southwest 44th Street.

I. GENERAL INFORMATION

A. CASE HISTORY:

This application has been continued from the December 7, 2023, January 18, February 1, 2024, March 7, and April 4, 2024 meetings in order to confirm placement of the dumpster on the property and provide a site plan.

After many conversations with contractors and City departments, the applicant has been issued a Revocable Permit REVO-2024-00124 by Public Works, and has a pending Fence Permit 2023-01666 to place the dumpster on the east side of the property.

B. EXISTING ZONING AND LAND USE:

Subject site	R-4/ Multi-Family
North:	R-1/Residential
South:	SW 44 th Street
East:	R-1/Residential
West:	R-2/Residential

C. ZONING ORDINANCE:

The applicant requests the following variance to Chapter 59 of the Oklahoma City Municipal Code, 2020, as amended:

Article XII, Section 12200.4 E (2)(3)(4) concerning Limitations on Dumpsters, All Districts.

E. Limitations on Dumpsters, All Districts. Roll-off containers, front-end loader containers, rear-end loader containers, dumpsters and similar trash receptacles with a cumulative volume of two cubic yards or more (hereafter "dumpsters") shall be located behind the front wall of the primary structure, and shall be subject to the following restrictions:

1. If a structure is under construction or being demolished, and has a current building permit, trash receptacles may be located to the front of the primary structure, provided all dumpsters so located are removed at the completion of construction or demolition.

2. All dumpsters shall be screened from view from the right-of-way of any public or private street, and from any adjacent residential zone or use.

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3. Dumpsters shall be screened to a height sufficient to shield dumpster from sight on three sides by using a single opaque material wall or fence, or by using a combination of opaque materials, berming, and/or evergreen landscaping that provides the required screening effect and on the fourth side screened by a solid gate

of height sufficient to shield dumpster from sight. The gate shall remain closed except when trash pick-ups occur. Dumpsters may also be screened by the wall(s) of a principal or accessory structure. Chain-link fencing with woven slats of opaque material is not acceptable for screening dumpsters.

4. All dumpster enclosures shall be located a minimum of 25 feet from a property line adjacent to any residential zone or use.

II. SUMMARY OF APPLICATION

The applicant seeks a variance to the following requirements regarding dumpster location:

- Placement within 25 feet from a residential property line;
- Screening the dumpster; and
- Locating dumpster behind the rear wall of the main structure on the property.

The applicant was advised by the private hauler for trash service that the dumpster needed to be moved from the front of the business for safety reasons. The applicant originally proposed a dumpster location on the west side of the property, and would now like to place the dumpster enclosure in the parking lot on the east side near the stairs to the building. The new location is closer than 25 feet from the abutting residence.

III. STATUTORY STANDARDS

In order for a variance to be granted in accordance with State Statute requirements, the applicant must prove:

- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan; and
- (d) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

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The applicant has submitted the following information to address the statutory standards:

See attached statutory standards and exhibits.

IV. COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

The City of Oklahoma City Solid Waste Management advises that the trash services for this property will need to be provided by a private hauler.

V. PLANNING DEPARTMENT REVIEW

- In review of the public portal, there were several Code complaints regarding the location of the trash dumpster, trash, and smell.
- Photos indicate that the dumpster has been located in the grass in the front/center median since at least September 2001.

In order for this variance to be granted, the required statutory standards listed above must be satisfied, as determined by a majority vote of the Board from information provided in this staff report, and/or evidence presented at the hearing by the applicant, Board Members, or others, in support or protest of the application.