

BOA-23083

20-12 21

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**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 0221

Case Number: **BOA-23083**

CD: 1

HEARING DATE: 02/23/2021 1:00 PM

APPLICANT: Stephen Gregg

ACTION REQUESTED: Special Exception to extend the ten year time limit for the manufactured home originally approved in BOA-17066-A for an additional ten years. (Sec. 40.210)

LOCATION: 2828 N Gilcrease Museum Road

ZONED: RS-3

PRESENT USE: Residential

LEGAL DESCRIPTION: The East 774.4 ft of the S/2 of the NE/4 of the SE/4 of Sec. 21, T-20-N, R-12-E, of IBM City of Tulsa, Osage County, State Of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-17066-A; On 01.25.2011 the Board approved a Special Exception to allow a Manufactured Home and to extend the one-year time limit for a Manufactured Home to 10 years.

BOA-17066; On 06.13.95 the Board approved a Special Exception to permit a mobile home and variance to permit two dwelling units on a single lot.

Surrounding Properties: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "New Neighborhood" and an "Area of Growth".

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single- family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the dead end of N. Gilcrease Museum Road immediately North of the intersection of W. 30th St. N. and N. Gilcrease Museum Rd.

STAFF COMMENTS: The applicant is requesting **Special Exception** to extend the ten year time limit for the manufactured home originally approved in BOA-17066-A for an additional ten years. (Sec. 40.210)

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to extend the ten year time limit for the manufactured home originally approved in BOA-17066-A for an additional ten years. (Sec. 40.210)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

_____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

FILE COPY

Case No. 17065

Action Requested:

Special Exception to permit tire sales/ auto repair and the expansion of the structure in a CS zoned district and to permit the expansion of the existing building - **SECTION 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 8118 East 15th Street.

Presentation:

The applicant, **Jack Stacy**, 2329 South Delaware Court, requested by letter (Exhibit K-1) that Case No. 17065 be withdrawn.

Case No. 17066

Action Requested:

Special Exception to permit a mobile home in an RS-3 District, and a variance to permit two dwelling units on one lot of record - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT** - Use Unit 9, located 2800 Gilcrease Museum Road.

Presentation:

The applicant, **James Cremin Jr.**, 2800 Gilcrease Museum Road, was represented by **Bernie Cremin**, 2535 West Cameron, requested permission to install a double-wide modular home on his father's property. A plot plan (Exhibit L-1) was submitted.

Protestants:

None.

Comments and Questions:

Mr. Doverspike inquired as to the location of the mobile home, and Mr. Cremin stated that it will be approximately 80' north of the existing dwelling.

Mr. White noted that the house is not near the road and is hardly visible from the road.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 District, and a variance to permit two dwelling units on one lot of record - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT** - Use Unit 9; per plan submitted; subject to the mobile being skirted and tied down; and subject to a building permit and Health Department approval; finding that the mobile is located off the road in a remote area; and finding the use to be

Case No. 17066 (continued)

compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

East 774.40', S/2, NE/4, SE/4, Section 21, T-20-N, R-12-E, IBM, City of Tulsa, Osage County, Oklahoma.

Case No. 17067

Action Requested:

Appeal the decision of administrative official that the parking of trucks used by "Up With Trees" is a Use Unit 23 and not permitted in the RS-2 District -**SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 2, located 2929 East 31st Street.

Presentation:

The applicant, **George Glenn**, 5520 South 74th East Avenue, was not present.

Comments and Questions:

Mr. Beach advised that Case No. 17067 has been withdrawn.

Case No. 17068

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 2331 East 13th Place.

Presentation:

The applicant, **Sooner Auto Finance Corp.**, 2331 East 13th Place, was represented by **Bill Flynn**, 1827 South 119th East Avenue. He submitted a plot plan (Exhibit M-1) and informed that **Bill Noe** and **Sooner Auto Finance** are requesting permission to finance automobiles at this location. He informed that the bulk of their business will be conducted by phone or fax.

Comments and Questions:

Mr. Doverspike inquired as to the number of vehicles that will be displayed at this location, and Mr. Flynn replied that there will be no more than 20 vehicles on the lot at any given time.

In reply to Mr. Doverspike, Mr. Flynn stated that the business will have six employees, but there will be no sales people on the premises

Case No. 17066-A-Stephen Gregg

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); and a Special Exception to extend the one year time limit (Section 404.E). **Location:** 2828-2830 North Gilcrease Museum Road

Presentation:

Robert J. Getchell, 6846 South Canton, Suite 100, Tulsa, OK; stated he is an attorney representing Mr. & Mrs. Stephen Gregg. The subject property is almost 12 acres in size, and the home will be situated north of the residence that is already in place. The manufactured home will be approximately 500 feet from the road and natural vegetation will screen the home from other properties.

Stephen Gregg, 9375 North 163rd East Avenue, Owasso, OK; stated he is planning to move to the subject property. The new manufactured home will be placed on the existing pad of the previous manufactured home.

Interested Parties:

Ray Owens, 2325 West 30th Street North, Tulsa, OK; stated he has lived in the area for five years and he believes that a manufactured home would be aesthetically inconsistent for the neighborhood.

Ms. Stead asked Mr. Owens if he could see the manufactured home from where he lived and he stated he could but it is because he has a two-story home. He would like the Board to know he would not like the manufactured home to be seen from the subdivision entrance.

Ms. Stead asked Mr. Owens if he would have a problem with the Board granting an extension of more than one year to the Special Exception request, and Mr. Owens stated he did not have a problem with that as long as the manufactured home could not be seen from the subdivision entrance.

Arvin McGee, 2302 West 30th Street North, Tulsa, OK; stated he had no problem with the manufactured home being placed on the subject property because he does not feel it would be detrimental to the neighborhood.

O. C. Walker, 3110 North 24th West Avenue, Tulsa, OK; stated he lives beside the subject property and the manufactured home will be placed behind his house.

Ms. Stead asked Mr. Walker if he could see the manufactured home from his house and Mr. Walker stated he could.

Mr. Henke asked Mr. Walker how long he has lived in his home and Mr. Walker stated he has lived in the house approximately two years. Mr. Henke asked if Mr. Walker could see the previous manufactured home and Mr. Walker stated he could.

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Ms. Stead asked Mr. Walker what his objection is to the new manufactured home being placed on the subject property. Mr. Walker stated he bought his home in a single-family residential area and he would like for the entire area to remain as such.

Ms. Stead asked what the distance is between Mr. Walker's home and the proposed manufactured home. Staff stated the distance is 567 feet.

Rebuttal:

Robert Getchell stated his client, Mr. Gregg, has offered to plant a screening line 50 or 60 feet away from the manufactured home; i.e, evergreen trees.

Comments and Questions:

Mr. Alberty stated that if the Board is going to require screening the Board needs to be more specific, because it is hard to enforce what is adequate. Mr. Alberty suggested the Board specify pines or evergreen type planting material. Perhaps the length of the manufactured home will determine the quantity; i.e., if the trees are set on ten-foot centers, there would probably be eight evergreen plantings.

Board Action:

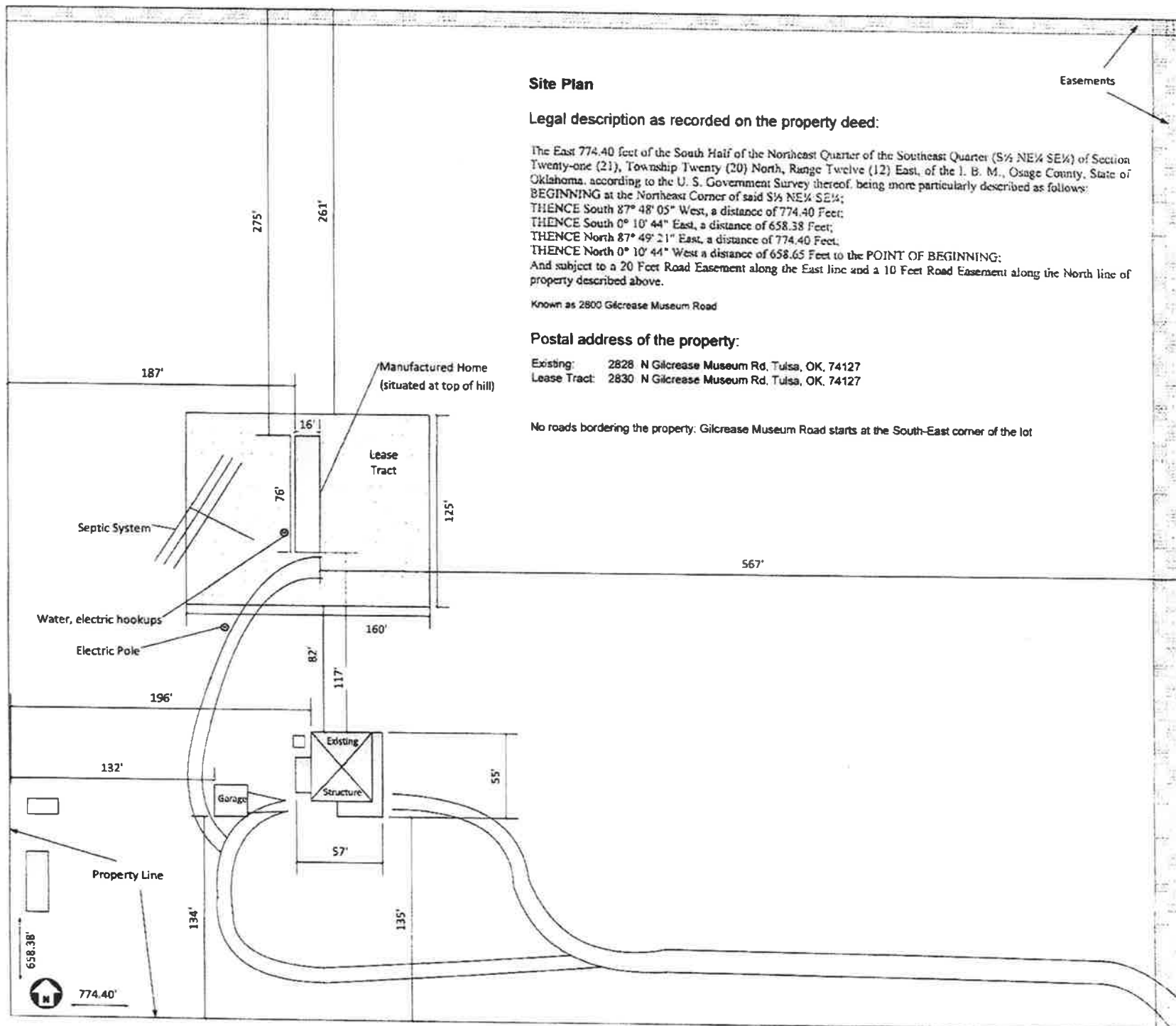
On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); and a Special Exception to extend the one year time limit (Section 404.E) with the time limit to be continued to ten years and the condition of the approval to establish a line of ten evergreens on ten-foot spacing to the east of the proposed manufactured home with the ultimate effect of screening the view of the manufactured home from the subdivision to the east. The manufactured home will be located on the existing pad as shown on page 11.5 and the manufactured home is to be new, and will be in compliance with the conditions of the original Special Exception. The manufactured home will be tied down and skirted; finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

The East 774.4 ft. of the S/2 of the NE/4 of the SE/4 of Section 21, T-20-N, R-12-E, of the IBM, City of Tulsa, Osage County, State of Oklahoma

Case No. 21211-Andrew Shank

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** North of the NE/c of East 91st Street and Hwy. 169



Site Plan

Easements

Legal description as recorded on the property deed:

The East 774.40 feet of the South Half of the Northeast Quarter of the Southeast Quarter (S½ NE¼ SE¼) of Section Twenty-one (21), Township Twenty (20) North, Range Twelve (12) East, of the 1. B. M., Osage County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows:
 BEGINNING at the Northeast Corner of said S½ NE¼ SE¼;
 THENCE South 87° 48' 05" West, a distance of 774.40 Feet;
 THENCE South 0° 10' 44" East, a distance of 658.38 Feet;
 THENCE North 87° 49' 21" East, a distance of 774.40 Feet;
 THENCE North 0° 10' 44" West a distance of 658.65 Feet to the POINT OF BEGINNING;
 And subject to a 20 Feet Road Easement along the East line and a 10 Feet Road Easement along the North line of property described above.

Known as 2800 Gilcrease Museum Road

Postal address of the property:

Existing: 2828 N Gilcrease Museum Rd, Tulsa, OK, 74127
 Lease Tract: 2830 N Gilcrease Museum Rd, Tulsa, OK, 74127

No roads bordering the property. Gilcrease Museum Road starts at the South-East corner of the lot

4.8



W APACHE ST

N 25 W AVE N GILCREASE MUSEUM RD

N 23 W AVE

W 33 ST N

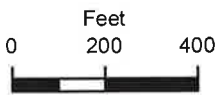
N 24 W AVE

W 31 ST N

N 23 W AVE

W 30 ST N

W XYLER ST



Subject Tract

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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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