



LEGEND

-  Sand Springs Corporate Limits
-  Sapulpa Corporate Limits



CBOA-2913

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19-11 32



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9132

CZM: 43

CASE NUMBER: CBOA-2913

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/21/2021 1:30 PM

APPLICANT: Chris & Rebecca Voight

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district. (Section 310 Table 1)

LOCATION: 5801 S 155 AV W

ZONED: AG-R

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 2.31 acres

LEGAL DESCRIPTION: S/2 S/2 SE NE SW LESS E25 & W25 THEREOF FOR RD SEC 32 19 11 2.31AC,

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-705 November 1986: The Board approved a *Special Exception* to allow a mobile home in an AG-R district, on property located at 5711 South 155th West Avenue.

CBOA-642 March 1986: The Board approved a *Special Exception* to allow a mobile home in an AG-R district; and approved a *Variance* to allow 2 dwelling units per lot of record, on property located at 5811 South 155th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG & AG-R zoning and what appears to be residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district. (Section 310 Table 1).

As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a single-wide mobile home on the east side of the property. Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot with the exception in the AG district that there not be more than two dwellings per lot. Additionally, Section 330, Table 3 of the Code requires a minimum lot area of 1 acre and a minimum land area per dwelling unit of 1.1 acres in the AG-R district. The applicant is proposing two dwelling units on the 2.31-acre subject lot.

3.2

The applicant provided the following statement: "1) Variance to allow two dwelling units on a single lot in AG-R District. 2) Exception to permit a mobile home in an AG-R district. 3) Request to park on a gravel surface – Variance from the all-weather parking surface requirement."

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district. (Section 310 Table 1).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Finding the hardship to be _____.

(Variance) Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan"

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.

Case No. 704 (continued)

purpose of screening the barn and barn lot; subject to no cows being pastured on the subject property, and being brought to the barn for milking only; and subject to applicant supplying Staff with a plot plan depicting the location of the barn, house and screening fence; finding that the subject tract and adjoining areas to the north and east are predominately agricultural in nature and that the property in question could be downgraded to AG zoning by making application; on the following described property:

W/2, W/2, SW/4, NE/4 of Section 5, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 705

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG-R District, located at 5711 South 155th West Avenue.

Presentation:

The applicant, Nancy Logan, 5711 South 155th West Avenue, Sand Springs, Oklahoma, submitted a petition of support (Exhibit D-1) and asked permission for her son to place a mobile home on the subject property. She informed that the mobile will be located on the north 1 1/4 acres and a septic tank has been installed for sewage disposal. Ms. Logan pointed out that there are other mobile homes in the neighborhood.

Board Action:

On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG-R District; subject to Building Permit and Health Department approval; finding that there are other mobile homes located in the neighborhood; on the following described property:

East 330' of the N/2, S/2, SE/4, NE/4, SW/4, and S/2, S/2, N/2, SE/4, NE/4, SW/4 of Section 32, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 641 (continued)

the lot area from 2 acres to 1.12 acres and a variance of the lot width from 200' to 198' in order to permit a lot split; located on the NW/c of 41st Street and 177th West Avenue.

Presentation:

The applicant, Andrew Underwood, was represented by Alma Underwood, Route 2, Box 55, Sand Springs, Oklahoma. She stated that she owns 10 acres and asked the Board to permit a lot split which would enable her to give each of her 3 children a 1 1/2-acre lot.

Comments and Questions:

Mr. Alberty asked if the lots would have an access road and Ms. Underwood stated that adjoining property is being developed and access is already provided.

Mr. Looney asked Ms. Underwood if the road has been dedicated and she answered that it has not.

Mr. Alberty pointed out that the road is not built to county standards, but the Board accepted it from the standpoint of meeting our requirements.

Mr. Walker voiced a concern that the access is on a road that is not dedicated at this time.

Mr. Gardner informed that TMAPC approved the lot split on March 5, 1986.

Protestants: None.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Minor Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of the lot area from 2 acres to 1.12 acres and a variance of the lot width from 200' to 198' in order to permit a lot split; finding a hardship demonstrated by the shape and size of the tract; on the following described property:

E/2, E/2, SE/4, SE/4, Section 24, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 642

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG-R District.

3.18.86:70(10)

Case No. 642 (continued)

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Request a variance to allow 2 dwelling units per lot of record, located at 5811 South 155th West Avenue.

Presentation:

The applicant, Tony Barens, was represented by Jean Shook, 5811 South 155th West Avenue, Tulsa, Oklahoma, who is the daughter of the applicant. Ms. Shook asked the Board to allow her parents to live in a mobile home on the back portion of her property. She informed that her home faces 155th Street and the mobile home would face 153rd Street.

Comments and Questions:

Mr. Alberty asked if a percolation test has been acquired for the property and she answered in the affirmative.

Mr. Alberty inquired if this would be a permanent residence for Ms. Shook's parents and she replied that she would like for them to have a permanent home nearby.

Interested Parties:

Pat Grode, 5800 South 155th West Avenue, Tulsa, Oklahoma, stated a concern that other mobile homes would locate on the remaining 2 1/2-acre tracts and that they would be placed too close to the boundary lines.

Mr. Alberty informed that mobiles being placed on any property in the area would be required to comply with the county zoning regulations as to setbacks.

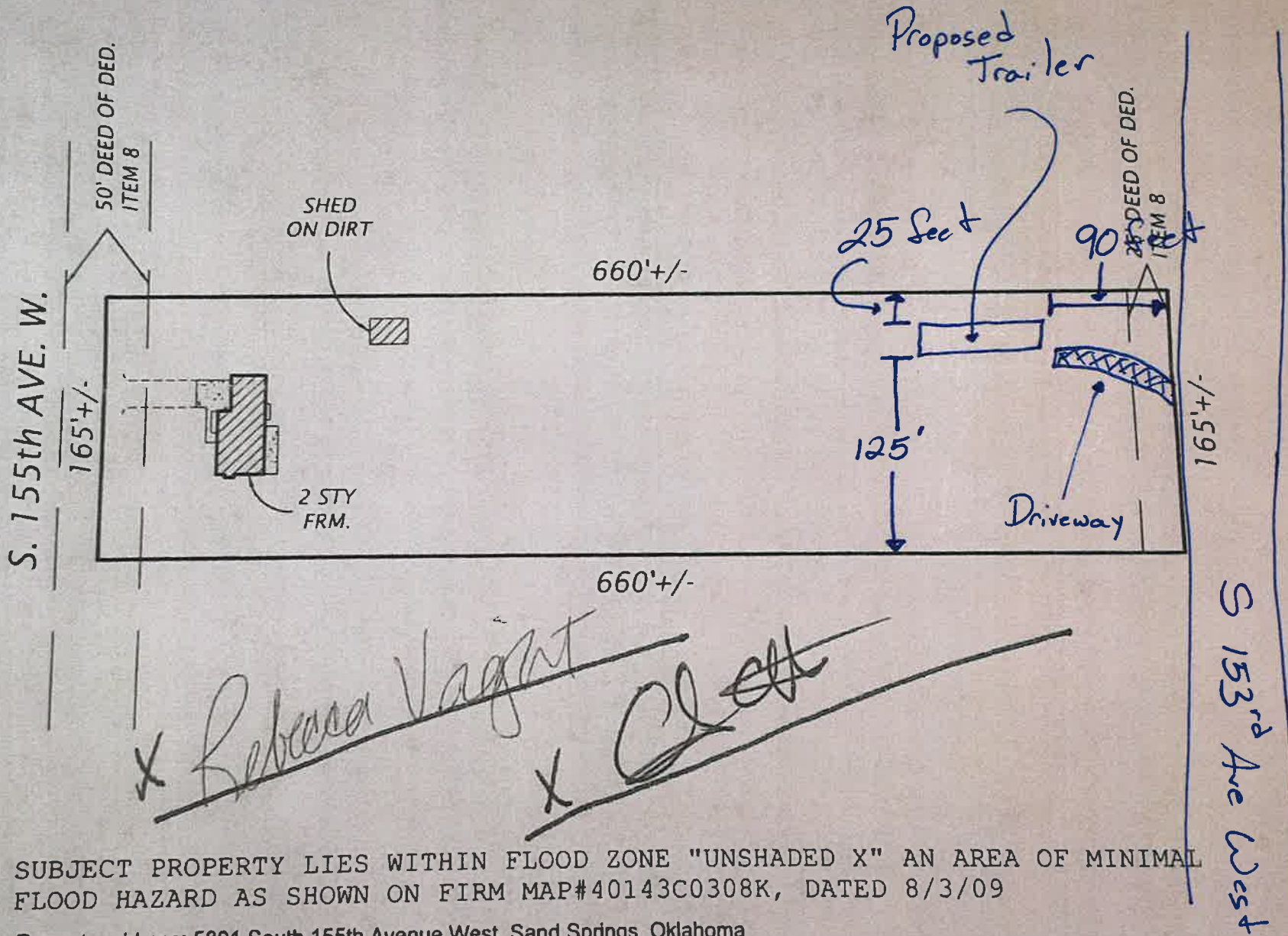
Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture districts - Use Unit 1209) to allow a mobile home in an AG-R District; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling Per Lot of Record) to allow 2 dwelling units per lot of record; subject to a Building Permit and Health Department approval; subject to the mobile home being occupied by a family member only; finding a hardship imposed on the applicant by the size and shape of the tract; and finding that that there are other mobile homes in the area and the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

S/2, N/2, NE/4, SE/4, SW/4 of Section 32, T-19-N, R-11-E, Tulsa County, Oklahoma.

3.18.86:70(11)

3.6



SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#40143C0308K, DATED 8/3/09

Property address: 5801 South 155th Avenue West, Sand Springs, Oklahoma

SURVEYORS STATEMENT

I DARRELL BIBLE PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN MY PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS.

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