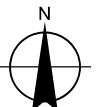


BOA-23210

20-14 29

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0429

Case Number: **BOA-23210**

CZM: 31

CD: 3

HEARING DATE: 12/14/2021 1:00 PM

APPLICANT: Roxann Hertzog

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

LOCATION: 1823 N. 129th E. Ave. (A.K.A David Patrick Ave.) **ZONED:** RS-3

PRESENT USE: Vacant

TRACT SIZE: 32098.19 SQ FT

LEGAL DESCRIPTION: A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. DESCRIBED AS FOLLOWS: THE SOUTH 100.21 FEET OF THAT TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED AS DOCUMENT NO. 2011070771 IN THE OFFICE OF THE TULSA COUNTY CLERK, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01°14'46" W, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4), A DISTANCE OF 417.51 FEET, TO THE POINT OF BEGINNING; THENCE S 88°45'14" W A DISTANCE OF 313.00 FEET; THENCE N 01°14'46" W A DISTANCE OF 100.21 FEET; THENCE N 88° 45' 14" E A DISTANCE OF 313.00 FEET, TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4); THENCE S 01°14'46" E, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4), A DISTANCE OF 100.21 FEET, TO THE POINT OF BEGINNING.

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA-18296; On 01.26.99 the Board approved a Special Exception to allow a manufactured home and to allow it permanently and denied a variance to allow a gravel driveway. Property is immediately North of the Subject property 1920 N. 129th E. Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" land Use and an "Area of Growth".

Employment areas contain office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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 North of the NW/c of E. Pine Street and N. 129th E. Ave.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); **Special Exception** to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

Section 40.210 **Manufactured Housing Units**

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

40.210-A The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is

authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

40.210-B No more than one manufactured housing unit may be located on a lot.

40.210-C Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); **Special Exception** to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

- 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.



Subject property



Facing North on N. 129th E. Ave. (A.K.A David Patrick Ave.)

Case No. 18296

Action Requested:

Special Exception to permit a manufactured home dwelling in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception of the one-year time limit for a manufactured home to permanent. **SECITON 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** and a Variance to permit gravel parking. **SECTION 1303. D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 1920 N. 129th E. Ave.

Presentation:

The applicant, **Dwayne Hendrickson**, was represented by Randy Smith who works for Oakwood Homes, 12547 E. Skelly Drive. Mr. Smith submitted a site plan (Exhibit H-1) and stated that his customer is purchasing a 28'x70' double wide mobile home that will be placed on poured footers, will be skirted, tied down, etc. There will be a septic tank and a driveway put in.

Comments and Questions:

Mr. Dunham asked Mr. Smith the reason for the gravel drive and Mr. Smith responded by saying economics. The drive that they have proposed extends a long distance because they are building off of the highway.

Mr. Dunham mentioned that he is not supportive of a gravel drive.

Mr. Stump pointed out that the entire 18' width of the drive depicted does not have to be paved, only a single wide lane. Mr. Smith mentioned that the 18' wide drive is to accommodate moving the mobile home in.

Mr. White mentioned that he is not supportive of the variance of the gravel drive but he could support the manufactured home.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit a manufactured home dwelling in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception of the one-year time limit for a manufactured home to permanent. **SECITON 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, finding that the special exceptions 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 per plan submitted

Case No. 18296 (continued)

AND

DENY a Variance to permit gravel parking. **SECTION 1303. D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, on the following described property:

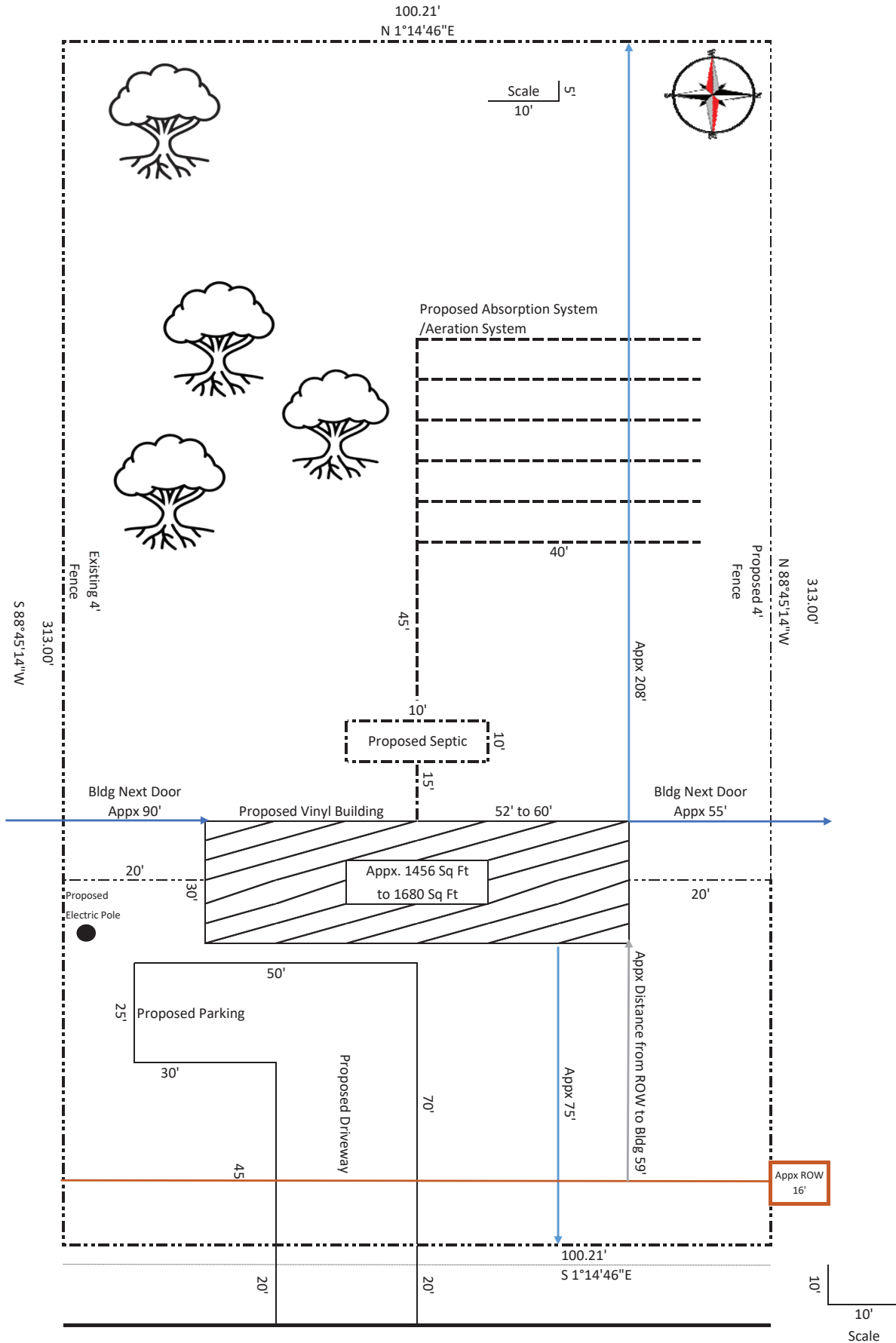
Part of the NE, SE Beginning 417.51' N of SE/c NE SE; thence W 313', N 60', E 313', S 60' to POB Sec. 29, T-20-N, R-14-E, and Beginning at a point 477.51' N, SE/c NE SE, thence W 313', N 278.34', E 313', S 278.34' to POB less N 78.34 Sec. 29, T-20-N, R-14-E

There being no further business, the meeting was adjourned at 2:25 p.m.

Date approved: FEBRUARY 9, 1999



Chair



1823 N. 129th E. Ave; a.k.a. David Patrick



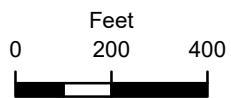
DAVID PATRICK AVE

N 127 E AVE

E READING PL

N 129 E AVE

E PINE ST



 Subject Tract

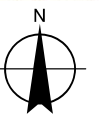
BOA-23210

20-14 29

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

Aerial Photo Date: 2020/2021

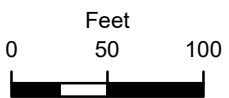
5.8





DAVID PATRICK AVE

N 129TH E AVE



 Subject Tract

BOA-23210

20-14 29

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

Aerial Photo Date: 2020/2021

