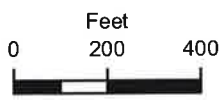


LEGEND
Tulsa Corporate Limits



CBOA-2840

10.1

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CASE NUMBER: CBOA-2840

CZM: 35

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Amanda Tabor

ACTION REQUESTED: Special Exception to permit a mobile home (UU9) in the RS district. (Section 410)

LOCATION: 5150 W 28 ST S

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Vacant

TRACT SIZE: 0.5 acres

LEGAL DESCRIPTION: PRT NW NW SE SE BEG 70E NWC THEREOF TH E156.22 S164.98 W45.32 N35.38 W110.90 N129,61 POB SEC 17 19 12 0.50AC, ELLIOT'S SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1799 December 2000: The Board approved a Special Exception to permit a mobile home in an RS district; and a Variance to permit two dwelling units on a single lot for a period of three years with conditions, on property located at 5300 W. 29th St.

CBOA-1038 August 1991: The Board approved a Special Exception to allow a mobile home in an RS zoned district, on property located at 4914 W. 28th St. S.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning with residential uses.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit a mobile home (UU9) in the RS district. (Section 410).

A special exception is required as the proposed mobile home is a use which is not permitted by right in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The mobile home must be found to be compatible with the surrounding neighborhood.

According to the site plan, the mobile home will be placed in the area where a single-family home was demolished. There appears to be a garage available for parking.

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed mobile home is compatible and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a mobile home (UU9) in the RS district. (Section 410).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

In granting a Special Exception, the Board must find that 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. 1798 (continued)

business activity and related equipment dated October 16, 2000, located 12919 N. 110th E. Ave.

Presentation:

Ms. Fernandez stated that a request was made for a Continuance until January 16, 2001 for Case No. 1798. She added that technically the legal description would include more property than what was advertised.

Interested Parties:

The interested parties that were present did not have an objection to the Continuance.

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1798 to the next hearing on January 16, 2001.

Case No. 1799

Action Requested:

Special Exception to permit a mobile home in an RS district; and a Variance of Section 208, one single-family dwelling per lot to permit two dwelling units. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9, located 5300 W. 29th St.

Presentation:

Ty Inman (no address given) stated that he was speaking for his daughter, Jill Akin. He stated that he owns the land adjacent to the subject property. He has planned to clear off the subject property and build a house and in the mean time place a mobile home there for up to three years. He added that the land belongs to his mother-in-law, and a septic and utilities are there from a previous mobile home. The mobile home would be a second dwelling unit on the same lot of record. Mr. Inman expressed desire to keep the extended families close together on the lots, without changing ownership.

Comments and Questions:

Mr. Walker asked about the hardship. Mr. Alberty stated the lots were large enough to permit the density of more than two dwelling units on one lot of record, but it appears they want to keep the legal description intact.

Interested Parties:

None.

Case No. 1799 (continued)

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a mobile home in an RS district; and a **Variance** of Section 208, one single-family dwelling per lot to permit two dwelling units, for a period of three years, to allow for clearing the land to construct a stick built home, finding the hardship that the size of the land is adequate for two dwelling units and the conditions for required permits, tie-downs, and skirting, on the following described property:

W/2 SW SE & SW NW SE, less N 100' SW NW SE SE, Section 17, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1800

Action Requested:

Special Exception to allow fireworks stands in a CH zoned district and to allow them for 20 years at this location. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 5522 W. Skelly Dr.

Presentation:

Lonnie Bassey, 4732 S. Columbia Pl., stated he came as an associate of William Manley for the request of a Special Exception to allow the sale of fireworks on the subject property. Mr. Manley purchased the property in 1980 with the intent to sell fireworks at that location.

Comments and Questions:

Mr. Alberty asked about the previous use of the property. Mr. Bassey replied that currently there is a billboard, and it has been leased to a trucking firm to park semi-trailers. Mr. Alberty asked if there were gasoline sales adjoining the property. Mr. Bassey replied there was not. Mr. Walker asked where the applicant's main warehouse facility was located. He replied that it was across the street. Mr. Alberty asked if the plan was to place three stands on the property as per the site plan. He replied in the affirmative.

Interested Parties:

John Moody, 7146 S. Canton, stated he represented John Ellsworth, the owner of the Oklahoma Truck Supply Company. This company is located at 5526 S. 48th W. Ave., directly west of the subject property. Mr. Ellsworth has concerns that the three temporary structures, which are on the property, obstruct the view, and could be there for as much as twenty years. Mr. Moody stated that he understands the property is zoned CH and other structures could be constructed there. He noted that these temporary structures are only allowed to be open for limited periods of

12:19:00:247(5)

Case No. 1038

Action Requested:

Special Exception to permit a manufactured home dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 4914 West 28th Street South.

Presentation:

The applicant, **Richard Debolt**, 4703 West 81st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and requested permission to install a mobile home on property at the above stated location.

Comments and Questions:

Mr. Alberty asked if there is an existing structure on the property, and the applicant replied that the house has been removed.

In response to Mr. Alberty, the applicant stated that there are numerous mobile homes in the immediate area.

Protestants: None.

Board Action:

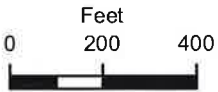
On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plot plan submitted; subject to Health Department approval and a Building Permit; finding that there are other mobile homes in the area, and granting the variance requests will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

The east 130' of the NW/4, NE/4, SE/4, SE/4, Section 17, T-19-N, R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:52 p.m.

Date Approved Sept. 17, 1991

Wayne Alberty
Chairman



Subject
Tract

CBOA-2840

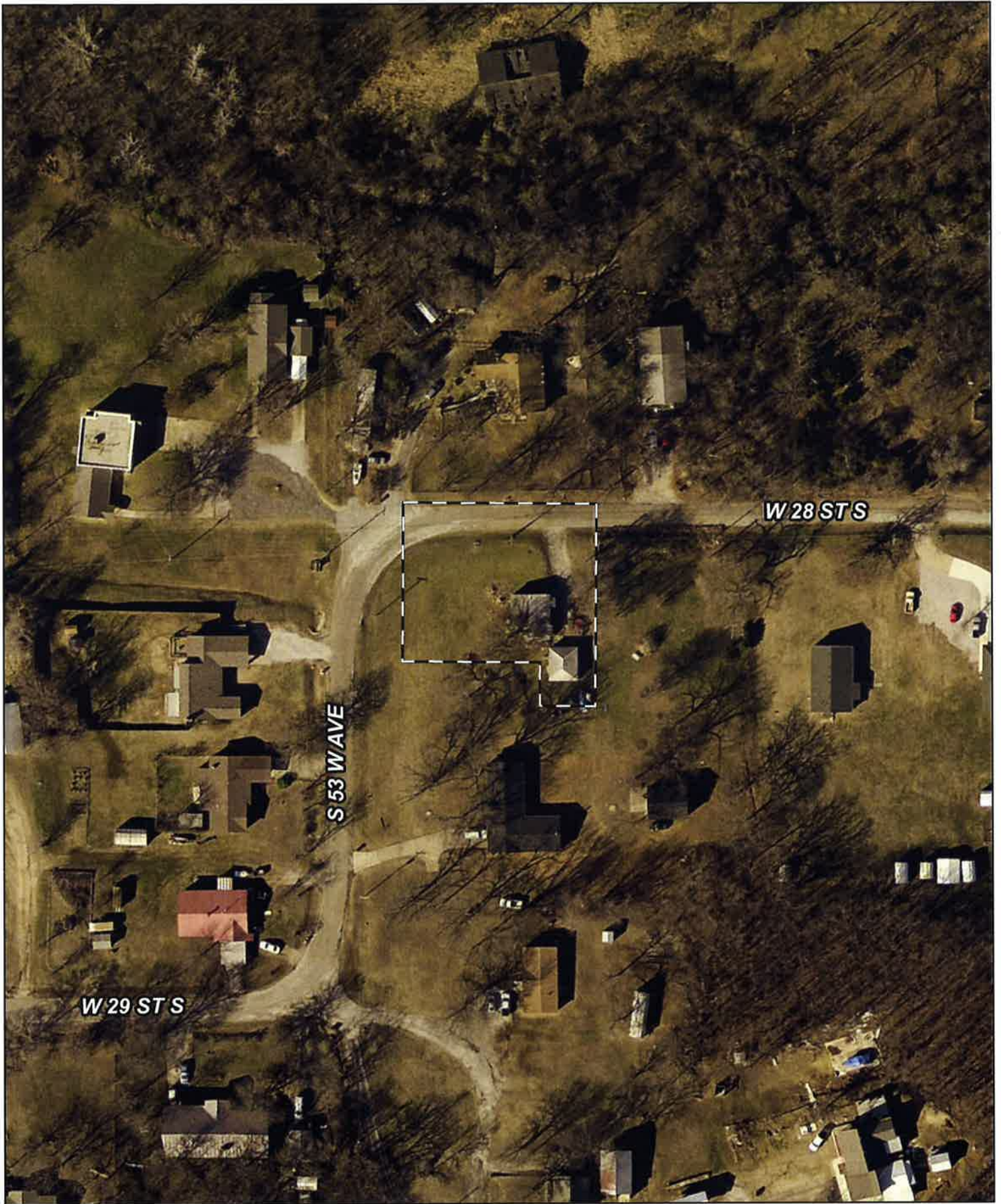
19-12 17

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

Aerial Photo Date: February 2018



W.7



W 28 ST S

S 53 WAVE

W 29 ST S



Subject Tract

CBOA-2840

19-12 17

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

Aerial Photo Date: February 2018



10.8



Looking southeast from W. 28th St. S.



Looking east from S. 53rd W. Ave.

18°23'E 70.00'

N89°18'23"E 156.22'

N89°18'23"E 105.00'

ASPHALT PAVEMENT

W 28TH STREET

S00°41'37"E 129.61'

TRACT 2
21,850 S.F.
0.50 AC.

80'

Mobile Home

GRAVEL DRIVE

N00°41'37"W 164.98'

35.1'

GARAGE

N89°17'56"E 110.90'

S00°41'37"E 35.38'

10.7'

25.5'

N89°17'56"E 45.32'

OVERALL TRACT
109,290 S.F.
2.51 AC.

TRACT 1
87,440 S.F.
2.01 AC.

1-STORY RESIDENCE

GARAGE

29.6'

133.2'

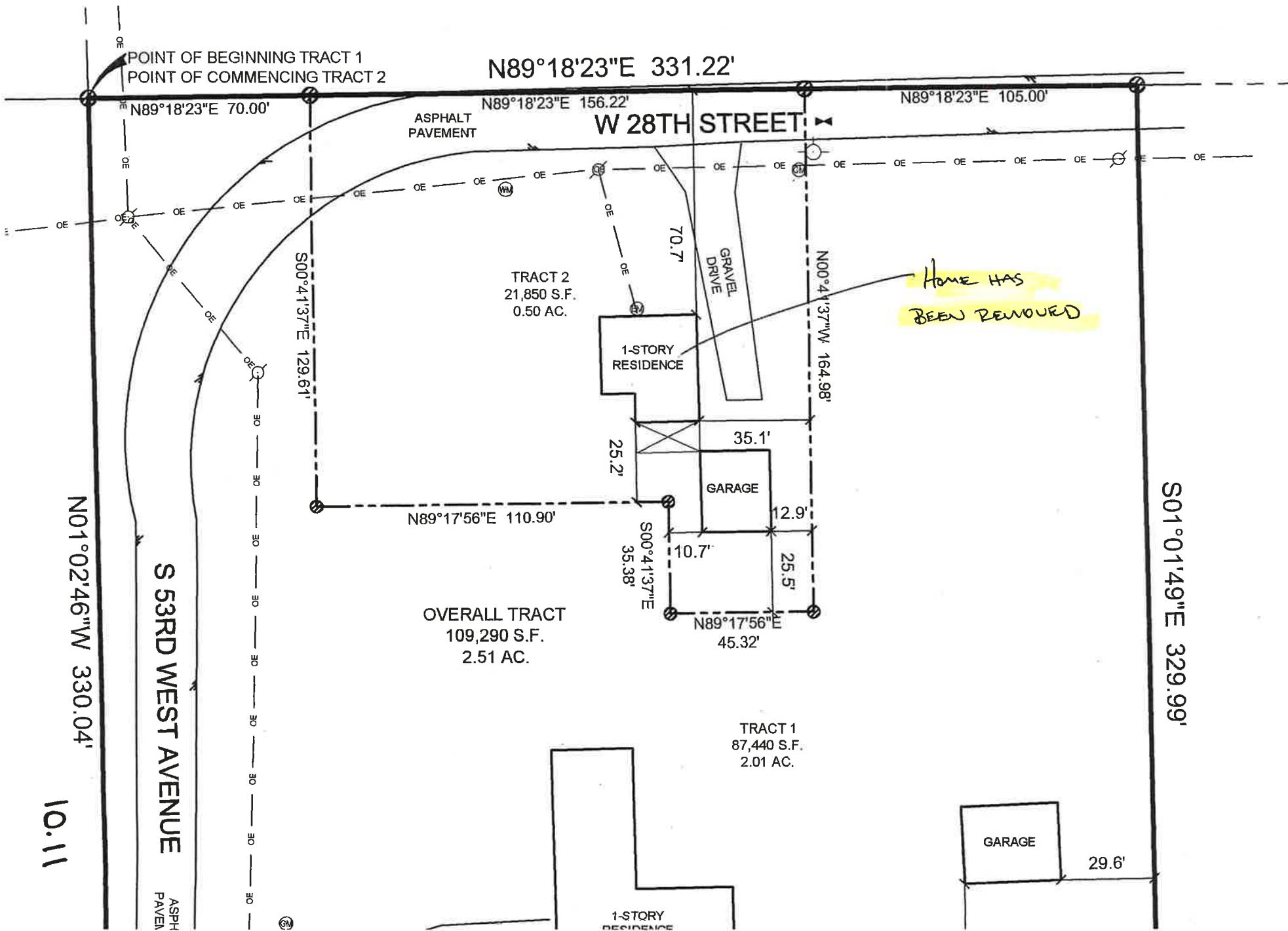
CONCRETE DRIVE

50.2'

77.7'

S89°17'56"W 331.13'

S01°01'49"E 329.99'



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