

CBOA-2872

4.1

19-10 29



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9029

CASE NUMBER: CBOA-2872

CZM: 41

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Gary Young

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: 25024 W 41 ST S

ZONED: AG-R

FENCELINE: Keystone

PRESENT USE: Residential

TRACT SIZE: 2.42 acres

LEGAL DESCRIPTION: N330 E380 W760 E/2 NW LESS W25 & LESS N33 THEREOF FOR RDS SEC 29 19 10 2.42ACS TR B,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1861 May 2001: The Board approved a Special Exception to allow a manufactured home in an AG-R district; and a Variance to allow two dwelling units on one lot of record, on property located at 24720 West 41st Street South.

CBOA-1351 June 1995: The Board approved a Special Exception to allow a manufactured home in an AG-R district on property located at 4317 South 252nd West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoning to the west, south, and east. It about IL zoning to the north. There appear to be residential uses to the south along South 252nd West Avenue. The parcel to the east belongs to the Keystone Rural Gas District.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

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 (16' x 80') mobile home on the west 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, except in the case of a lot...with the exception in the AG district that there be not more than two dwellings

4.2

per lot. 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 2.42-acre subject lot.

The applicant provided the following statement: *“My wife, (Linda), has Parkinson’s. I have high blood pressure, diabetes, machine for blood clots, depression, high cholesterol, dementia, tyride (thyroid?) issues, medication for shortness of breath, and prostrate issues. We are wanting to move our trailer to get our youngest daughter closer to help take care of use.”*

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. 1861

Action Requested:

Special Exception to allow a manufactured home in an AG-R zone. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 9; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 24720 W. 41st St. S.

Presentation:

Carl Zickefoose, 1324 N. Garfield, Sand Springs, stated that his mother owns and lives on the subject property and they would like to move a mobile home on the property as a second dwelling.

Comments and Questions:

Mr. Alberty asked if there were other lots with two dwellings in the area. He did not recall any other lots with two dwellings. Mr. Walker noted there are several other mobile homes in the area, and smaller tracts of land along the way.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an AG-R zone; and a **Variance** to allow two dwelling units on one lot of record, finding the property large enough for two dwellings, on the following described property:

S 440' N 468' E 250' W 500' NE, Section 29, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

Case No. 1862

Action Requested:

Tract 1: Variance of lot area from 2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6; a Variance of land area from 2.2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard abutting a public street from 85' of required right-of-way to 50'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; Tract 2: Variance of lot area from 2 acres to 1.55 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.2 acres to 1.55 acres on Tract #2. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 17482 S. 145th E. Ave.

FILE COPY

Case No. 1350 (continued)

Presentation:

The applicant, **Hershal Powers**, Route 1, Box 371, Sperry, Oklahoma, requested permission to install a double-wide mobile home on his property. He informed that a single-wide mobile home is existing and the additional unit will be occupied by his son, who will assist him in maintaining the land. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

In reply to Mr. Tyndall, the applicant stated that Delaware Creek recently overflowed on a portion of his tract, but the area designated for the mobile home was not under water and has never flooded.

Mr. Fields stated that construction is not permitted in a floodway without Board approval of a variance, and if this application is approved the floor of the structure will be required to be 1' above the base flood elevation.

Mr. Alberty remarked that he is not amenable to approving a dwelling unit in a regulatory floodway.

Mr. Fields stated that the applicant can confer with the Federal Emergency Management Agency (FEMA) in regard to the accuracy of the flood map at this location. He pointed out that only FEMA can change a flood map.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1350 to July 18, 1995 to allow the applicant sufficient time to confer with FEMA in regard to the elevation of the subject property.

Case No. 1351

Action Requested:

Special Exception to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6, located 4317 South 252nd West Avenue.

Case No. 1351 (continued)

Presentation:

The applicant, **Donnie Kitchen**, Route 2, Box 411-K, Sand Springs, Oklahoma, requested permission to install a mobile home on land at the above stated location. He informed that there are numerous mobile units in the area. A petition of support (Exhibit D-1) was submitted.

Comments and Questions:

In reply to Mr. Alberty, the applicant stated that he has been told that the land will pass a percolation test.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are other mobile homes in the area and approval of the request will not be detrimental to the neighborhood; on the following described property:

South 300', north 1320', east 380', west 760', E/2, NW/4, Section 29, T-19-N, R-10-E, IBM, Tulsa County, Oklahoma.

Case No. 1352

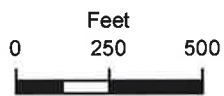
Action Requested:

Special Exception to modify the height restriction in an AG District to permit a 180' monopole - **SECTION 220. HEIGHT EXCEPTIONS**, located south and east of SE/c 111th Street and 145th East Avenue.

Comments and Questions:

Mr. Beach advised that the applicant has requested by letter (Exhibit E-2) that Case No. 1352 be continued to July 18, 1995.

Mr. Alberty explained that Broken Arrow has filed a petition to annex the subject property and, if this is accomplished, the Board will have no jurisdiction.



 Subject Tract

CBOA-2872

19-10 29

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

Aerial Photo Date: February 2018

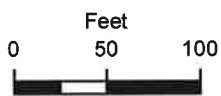


4.7



W 41st ST S

S 252 WAVE



Subject Tract

CBOA-2872

19-10 29

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

Aerial Photo Date: February 2018



4.8



Looking east from South 252nd West Avenue

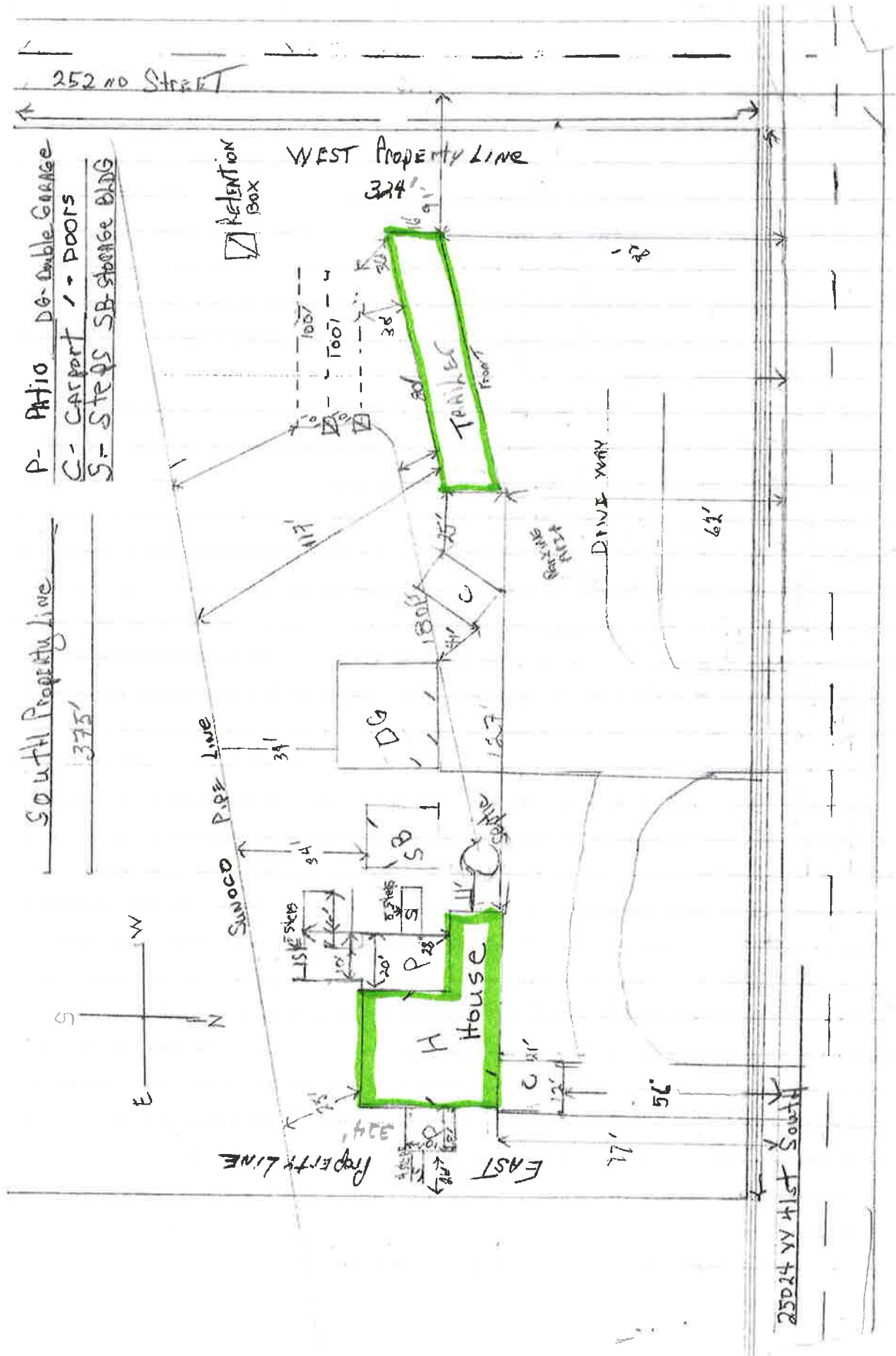


Looking south from West 41st Street South at subject property

Sparger, Janet

From: Rhonda Evans <rlevans52@gmail.com>
Sent: Tuesday, February 2, 2021 9:34 PM
To: esubmit
Subject: Case #CBOA-2872

Our neighbor, Gary Young needing to bring in a mobile home on his property. We do not mind at all. They are good neighbors. Yard and all dwellings are always very well maintained. I would ask that this mobile home be allowed on the property.
Jimmy and Rhonda Evans



**THIS PAGE
INTENTIONALLY
LEFT BLANK**