

AGENDA
City of Sand Springs
BOARD OF ADJUSTMENT
Regular Meeting

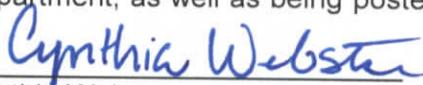
April 18, 2016, 6:00 p.m.
100 E. Broadway, Council Chambers Room 203

1. Call to Order
2. Attendance
3. Consider Approval of Minutes of BOA Meeting of March 21, 2016
4. SSBOA-711 Ivan White, Jr. STR 02-19N-11E

Board will discuss and consider the possible approval of a Variance to the Sand Springs Zoning Code Section 5.04.A.Table 3, Bulk and Area Requirements in Residential Districts, to allow a reduction in the required front yard setback, on an existing, non-conforming lot, from 25' to 16'2" at property located at 1316 N. Main St., zoned RS-2 (Residential Single-Family Medium Density).
5. SSBOA-712 Jessica Hendricks STR 22-19N-11E

Board will discuss and consider the application of Jessica Hendricks appealing Staff and Code Enforcement determination that operation of a nail salon is a Use Unit 13 as defined in the Sand Springs Zoning Code and prohibited in a RS-3 (Residential Single-Family High Density) district.
6. Director's Report
7. Adjournment

This agenda was posted at 10:15 (a.m.) / p.m. on April 12, 2016, on the digital display board located in the lobby of the Sand Springs Municipal Building, 100 E. Broadway, Sand Springs, Oklahoma, 74063, by Cynthia Webster, Planning Department, as well as being posted on the Sand Springs Website at www.sandspringsok.org.


Cynthia Webster

**City of Sand Springs
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
March 21, 2016 – 6:00 p.m.
Municipal Building
100 East Broadway, Room 203**

MEMBERS PRESENT: Randy Beesley, Chairman 7-0
Kenny Roberts, Vice-Chairman 7-0
Larry Johnston, Secretary 6-1
Dennis Currington 5-2
Nancy Riley 4-0

MEMBERS ABSENT: None

OTHERS PRESENT: Brad Bates, City Planner
Cynthia Webster, Recording Secretary

The Board of Adjustment met in regular session on March 21, 2016, at 100 E. Broadway, Council Chambers Room 203, Sand Springs, Oklahoma, pursuant to the agenda filed with the City Clerk's office and posted at 2:35 p.m., on March 15, 2016, on the digital display board located in the first floor lobby of the Sand Springs Municipal building, 100 East Broadway, Sand Springs, Oklahoma, 74063, and on the City of Sand Springs Website www.sandspringsok.org.

1. Call to Order

Chairman Beesley called the meeting to order at 6:00 p.m.

2. Attendance

Chairman Beesley called for an individual roll call with members replying in the following manner: Mr. Johnston, here; Mr. Roberts, here; Mr. Beesley, here; Mr. Currington, here; Ms. Riley, here.

3. Consider Approval of Minutes of BOA Meeting of January 28, 2016

The minutes of the January 28, 2016, Special Board of Adjustment meeting were presented for members' review and/or approval.

Chairman Beesley made a motion to approve the Minutes of the January 28, 2016 Special Board of Adjustment meeting, as presented. Mr. Roberts seconded the motion.

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, aye; Mr. Roberts, aye; Mr. Beesley, aye; Mr. Currington, aye; Ms. Riley, aye. The motion carried 5-0-0.

4. SSBOA-709 – Gary Bottoms

City Planner Brad Bates presented the staff report. Applicant has submitted a request for a Special Exception to allow a 30x35 (1,050 sf) detached accessory building on the subject property. The applicant owns Lots 7 and 8, Block 1, Prattwood Estates 2nd Addition. These lots were formally combined by the Sand Springs Planning Commission in 2010. The combined lots are roughly 4 times the minimum lot size in a RS-3 (Residential Single-Family High Density) district.

The detached garage would house a boat and trailer and various other items and a smaller, detached accessory building currently on the property would be removed. The Zoning Code would allow an 818 sf accessory building by right based on the square footage computation allowed by the Code. The garage would be built using materials matching the materials on the home.

Applicant was present for questions. There was no one in the audience to speak either for or against the application.

Mr. Johnston made a motion to approve SSBOA-709, as presented. Chairman Beesley seconded the motion.

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, aye; Mr. Roberts, aye; Mr. Beesley, aye; Mr. Currington, aye; Ms. Riley, aye. The motion carried 5-0-0.

5. SSBOA-710 – AAB Engineering, LLC

City Planner Bates presented the staff report. The subject property is approximately a 97 acre tract that has recently gone through the annexation process and a rezoning process resulting in RE (Residential Estate) zoning. A RE zoning designation requires a minimum lot size of 24,000 sf. The applicant is requesting a variance to reduce the lot size requirement by 2,200 sf, allowing for lots to be developed at a minimum of 21,800 sf. Due to topographic and terrain issues, some of the lots will be larger than 21,800 sf but none will be smaller. A half acre lot size is required by the DEQ for an aerobic septic system which will be standard for the homes in this development.

Applicant Alan Betchan was present for questions. Jeanne Groeneman stated she lives just west of the subject property. She was concerned about traffic and access issues. Chairman Beesley advised that the only thing that the Board could consider today was a variance to the lot sizes. The applicant will also have to go through a platting process which will address infrastructure requirements.

Chairman Beesley stated that he would make a motion to approve the Variance request of SSBOA-710 allowing for lot sizes to be developed at a minimum of 21,800 sf. Mr. Johnston seconded the motion.

BOA Minutes
March 21, 2016

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, aye; Mr. Roberts, aye; Mr. Beesley, aye; Mr. Currington, aye; Ms. Riley, aye. The motion carried 5-0-0.

6. Director's Report

There was no director's report given at this time.

7. Adjournment

There being no further business, the meeting adjourned at the noted time of 6:14 p.m.

Date

Larry Johnston, Secretary



CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063
Phone: 918.246.2500 • sandspringsok.org

STAFF REPORT – SSBOA-711

TO: Board of Adjustment Members

MEETING DATE: April 18th, 2016

REQUEST: Variance to the Sand Springs Zoning Code, Section 5.04.A.Table 3, Bulk and Area Requirements in Residential Districts, to reduce the required front yard setback, in a RS-2 (Residential Single-Family Medium Density) district, from 25' to 16'2" on an existing non-conforming lot.

LOCATION: 1316 N. Main St., Lot 1, Block 2, Timberview Estates Addition in Section Two (02), Township Nineteen (19) North, Range Eleven (11) East, Tulsa County, State of Oklahoma.

Site Conditions:

The property is located along the west side of N. Main St. north of W. 13th St. where Main St. curves and inevitably connects to N. Garfield Ave. The property is zoned RS-2 (Residential Single-Family). The lot is uniquely shaped due to the lot being located along a curved portion of Main St. It is somewhat pie shaped in nature making it hard to determine true front, side, and rear yards. Additionally, Timberview Estates as a neighborhood was platted with a 25' front yard building line, but by today's zoning code RS-2 neighborhoods are required to have a 30' front building setback so the entire subdivision is considered legal non-conforming.

Applicable BOA Activities in the Area:

None Available

Zoning Code References:

Section 17.08 of the Code, the Board of Adjustment (Board) may grant such **variance** from the terms of the Code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the Code will result in unnecessary hardship.

The Board may grant a **variance** after finding:

1. That 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 hardships;

2. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and

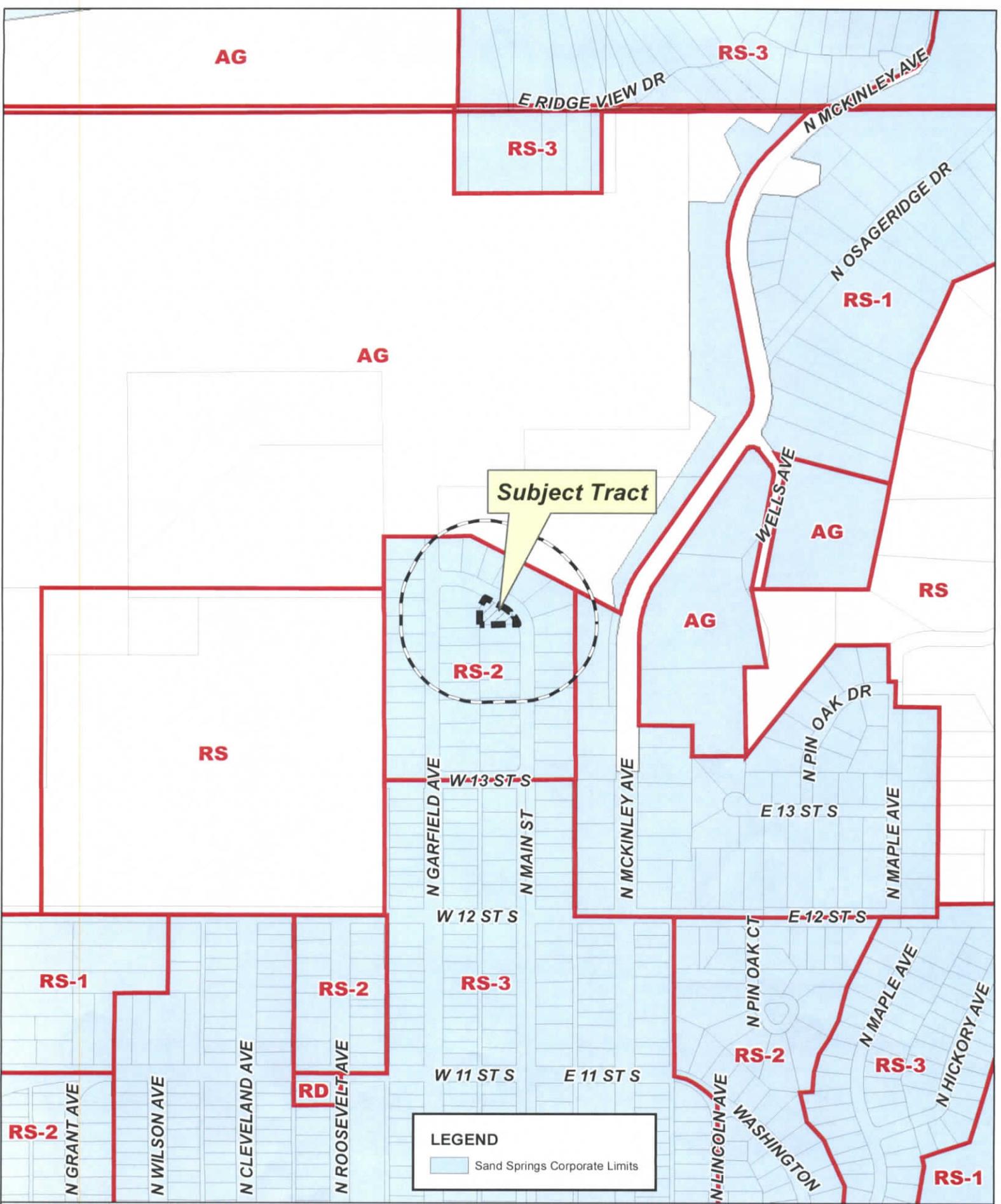
That the **variance** to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan.

Staff Recommendation:

The applicant is requesting the relief of the existing non-conforming setback from 25' to 16'6". It is the intent of the applicant to build on an attached addition to the existing house. Due to the unique shape of the lot being pie shaped, it presents an issue with building an extension on to the house that will not cross the 25' front setback. The proposed addition is approximately 685sf. Of the proposed addition only a small fraction of the add-on will be across the existing building setback. All other required bulk and area requirements will be maintained and met per the City of Sand Springs Zoning Code.

Due to the peculiarity of the land the literal enforcement of the terms of the Code would result in unnecessary hardship. The proposed request would not be a detriment to the public or surrounding properties as special circumstances exist that do not generally apply to other properties in the same use district.

Staff recommends **APPROVAL** the variance request as submitted.



Subject Tract

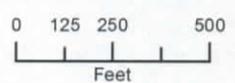
LEGEND

- Sand Springs Corporate Limits

300' Radius

Subject Tract

SSBOA-711



02 19-11



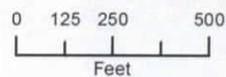
Subject Tract



Subject Tract

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: March 2014

SSBOA-711



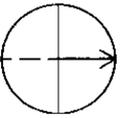
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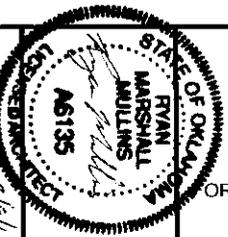


The Owner shall provide full information about the objectives, constraints and existing conditions of the Project. The Architect shall be entitled to rely on the accuracy and completeness of the Owner's information. The Owner shall furnish consulting services not provided by the Architect, but required for the Project, such as surveying, which shall include property boundaries, topography, utilities, and wetlands information; geotechnical engineering; and environmental testing services.

A1
SITE PLAN
 1/16" = 1'-0"



NORTH



IVAN WHITE JR.
 HOUSE ADDITION
 1316 N. MAIN ST.
 SAND SPRINGS, OK 74063
 ARCHITECTURAL SITE PLAN
 OR PLANNING REVIEW PURPOSES
 VARIANCE APPLICATION

PROJECT NUMBER: R-1501
PROJECT PHASE: SD
ISSUE DATE: 03/08/2016
SHEET SIZE: 11" x 17"
DRAWN BY: RMM
REVIEWED BY: CSM

URBAN DESIGN STUDIO, PLLC
 26781 W. 15TH STREET SOUTH
 SAND SPRINGS, OK 74063
 (405) 418 - 8581
 www.urban.limited

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IDENTIFICATION
 A-101

SEE ATTACHMENT

BOARD OF ADJUSTMENT
APPLICATION FOR A VARIANCE

ADDRESS OF REQUESTED VARIANCE: 1316 N. Main St., Sand Springs, OK 74063

LEGAL DESCRIPTION (or attach separate sheet): Lot 1, Block 2 Timberview Estates Addition

DESCRIBE SPECIFICS OF THE REQUEST: (Include attachments showing uses, distances, dimensions, plot plans, photos, and other pertinent information. An application is not complete until all information is attached).

Variance of the required front setback in an RS-2 District for a non-conforming lot from 25' to 16.12' (Section 5.04.A. Table 3)

(X) RECORD OWNER: Ivan White Jr. Does Owner consent to this BOA application? Yes

() APPLICANT: PHONE: (w) (c) (h) 918-245-7102

ADDRESS: 1316 N. Main St. CITY Sand Springs ZIP: 74063

SIGNED: [Signature] Send Bill to: (X) Owner () Applicant () Other:

THE BOARD OF ADJUSTMENT WILL ONLY APPROVE VARIANCES AFTER DETERMINING FROM THE EVIDENCE AND ARGUMENTS PRESENTED THAT THE CONDITIONS LISTED BELOW EXIST IN ACCORDANCE WITH STATE LAW (11 O.S. Section 44-107 and the Sand Springs Zoning Code Section 17.08).

IT IS A REQUIREMENT OF OKLAHOMA STATE LAW THAT THE MINUTES OF A MEETING AT WHICH A VARIANCE IS GRANTED SHALL SHOW THAT EACH ELEMENT LISTED BELOW WAS ESTABLISHED AT THE PUBLIC HEARING. PLEASE STATE HOW THE FOLLOWING STATEMENTS APPLY TO YOUR REQUEST AND SATISFIES EACH OF THESE CONDITIONS. (See attached, "What is a Variance?")

1. By reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, how would the literal enforcement of the Zoning Code requirements on this property create an unnecessary hardship?
Property abuts same non arterial street on front and side yard. This situation imposes a larger building setback for the side yard. Literal enforcement would prevent the full use of property for building purposes typically afforded to other property owners.

2. Are there extraordinary or exceptional conditions or circumstances that apply to you which do not apply to other property in the same zoning district?
Yes, this property has 3 sides. Zoning code allows for owner to chose front and side yard when properties abut street ROW on 2 sides which reduces the setback on the side, however in this case both the front and side abut the same street ROW.

3. If the Variance is granted, could it cause substantial detriment to the public good, or impair the purpose, spirit and intent of the Zoning Code or Comprehensive Plan?
No.

4. Would the Variance, if granted, be the minimum necessary to alleviate the unnecessary hardship?
Yes.

***** APPLICANT: DO NOT WRITE BELOW THIS LINE *****
Application received 3/10/16 by: CW BOA Hearing Date: 4/18/16
Action: CONDITIONS:



CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063

Phone: 918.246.2500 • sandspringsok.org

STAFF REPORT – SSBOA-712

TO: Board of Adjustment Members

MEETING DATE: April 18th, 2016

REQUEST: Appeal of Staff and Code Enforcement determination that operation of a nail salon is a Use Unit 13 as defined in the Sand Springs Zoning Code and prohibited in a RS-3 (Residential Single-Family High Density) district.

LOCATION: 506 W. 35th Pl., Lot 10, Block 1, Prattwood Estates IV

Site Conditions:

Property is located in a RS-3 (Residential Single-Family) district. The property is located on a cul-de-sac at the end of W. 35th Pl. just east of S. Nassau Ave. This property abuts only two other houses with one to the north and one to east. To the south and west of the property is a wooded reserve area.

Applicable BOA Activities in the Area:

None Available

Zoning Code References:

SECTION 17.06. APPEALS FROM AN ADMINISTRATIVE OFFICIAL

An appeal to the Board of Adjustment may be taken by any person aggrieved or by the City, where it is alleged there is error in any order, requirement, decision or determination of the Code Enforcement Officer/Building Inspector in the enforcement of this Code.

1. The Board shall hold the public hearing and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
2. The Board shall make its decision within 30 days after the final hearing, and the decision shall be in writing and filed of record in the office of the City Clerk.

3. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer/Building Inspector.

Board of Adjustment Action

It is the Board's duty to determine if City Code Officials have appropriately designated the use that the applicant is proposing. The Board may where a question arises as to the zoning district classification of a particular use, may find and determine the classification of the use in question.

City Staff evaluated the applicant's proposed use to run and operate a Nail Salon in an RS-3 (Residential Single-Family) district. It was the determination of both the City Planner and City Code Enforcement that the proposed use would be considered by the City of Sand Springs Zoning Code as Use Unit 13 (Convenience Goods & Services). This unit includes like and similar uses such as Barber Shops, Beauty Shops, and Tanning Salons, but does not specifically state Nail Salons as the appendix of uses is not all encompassing leaving staff to determine proposed uses not specifically addressed by the code.

Historically, Nail Salons that have been issued Certificates of Occupancy within the City of Sand Springs have been done as Use Unit 13. The City Zoning Code does not differentiate between a Nail Salon that would be ran as an in home business on a temporary basis and one that is in a commercial area and open 7 days a week. City Staff in determining Use Units typically errs on the side of caution to protect the general welfare of public and surrounding property owners.

6. Home Occupations (Sec.5.03.B.6)

- a. Home Occupations permitted by Right, shall include but are not limited to:

- Artists
- Authors and composers
- Catering/Food Service
- Computer programming
- Home cooking and preserving
- Home crafts
- Ironing
- Music Lessons, limited to one student at a time
- Sewing
- Telephone answering and/or solicitation
- Tutorial service, limited to one student at a time

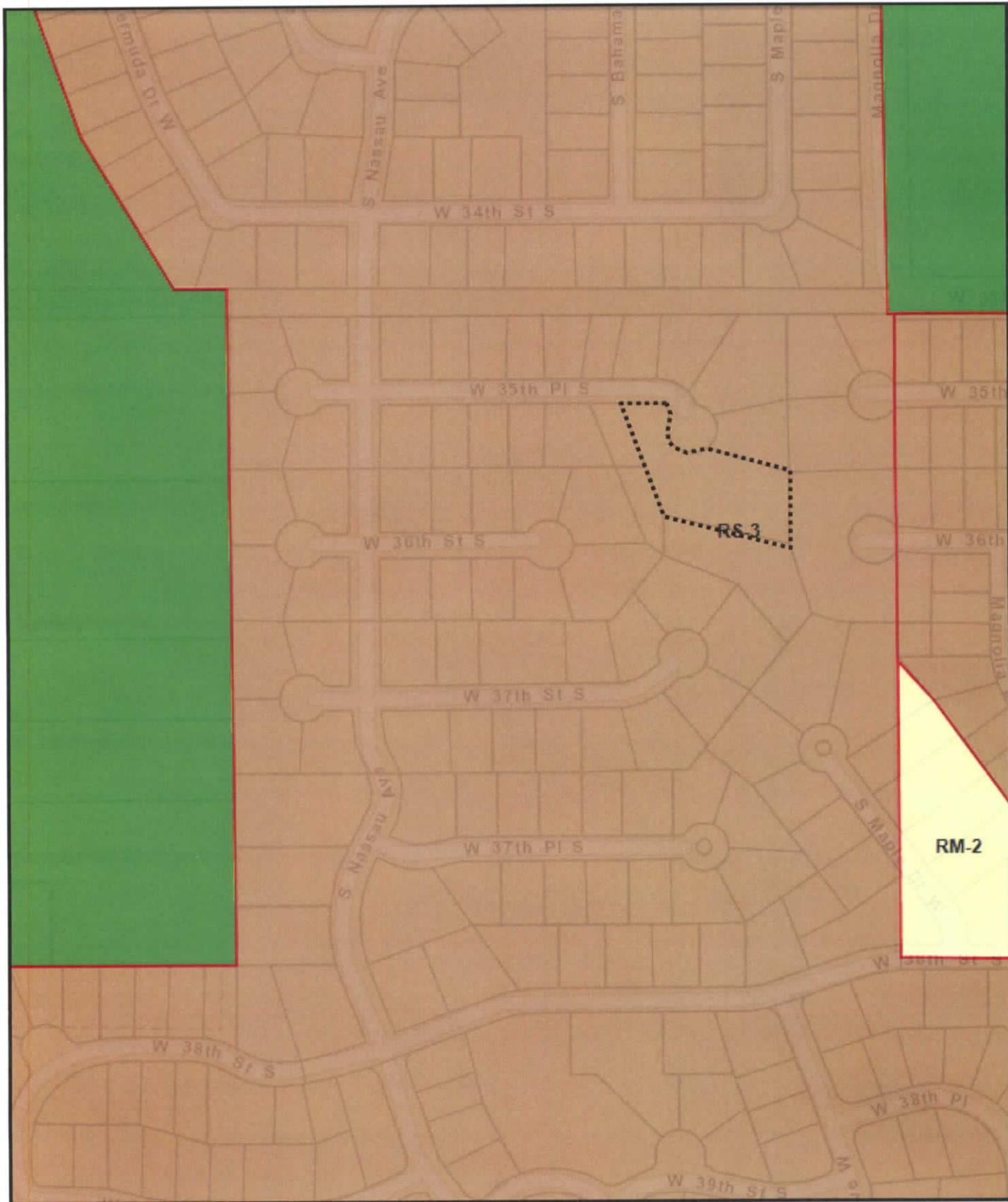
Such Home Occupations shall comply with the following requirements:

- (1) Only members of the family residing in the dwelling shall participate in the Home Occupation.
- (2) Signs or displays, including signs exceeding two (2) square feet on a vehicle, advertising the Home Occupation on the premises, which are visible from outside the lot are prohibited.
- (3) The Home Occupation shall be conducted entirely within an enclosed principal residential structure or other customary accessory building.
- (4) Mechanical equipment which creates noise, dust, odor or electrical disturbance is prohibited.
- (5) Exterior alterations of the structure which would detract from the residential character of the structure are prohibited.
- (6) Outside storage or display of materials or items associated with the Home Occupation is prohibited.
- (7) A maximum of 500 square feet of floor area may be used in the Home Occupation.
- (8) Vehicles used in conjunction with the Home Occupation shall be parked off the street, on the lot containing the Home Occupation, and shall be of a type customarily found in a residential area.
- (9) The sale of merchandise on the premises is prohibited.
- (10) The pick up of home craft or food items at the Home Occupation site is prohibited.

b. Home Occupations permitted by Special Exception.

Home Occupations which are not permitted by Right and which do not consist of uses within Use Unit 12 or 12a nor uses within Use Units 13 through 28 inclusive may be permitted as a Special Exception subject to the minimum requirements as set forth in Section 5.05.B and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

c. **Uses within Use Units 12, 12a and 13 through 28 inclusive shall not be considered as Home Occupations and are prohibited in all Residential and Agricultural Districts.**



SSBOA-712



SSBOA-712

BOARD OF ADJUSTMENT
APPEAL OF CODE OFFICIAL DETERMINATION

ADDRESS OF REQUESTED SPECIAL EXCEPTION: 506 W. 35th Pl.

GENERAL LOCATION: Prattwood IV

LEGAL DESCRIPTION (or attach separate sheet): Lot 10, Block 1, Prattwood Estates IV

DESCRIBE SPECIFICS OF THE REQUEST: (Include attachments showing photos, plot plans, distances, dimensions, uses, and other pertinent and factual information. Attach any narratives you wish. An application is not complete until required information is submitted).

REQUEST FOR ZONING PERMISSION TO OPERATE NAIL SPA OUT OF MY HOME OFFICE

WITH CERTIFICATION AND LICENSING FROM THE STATE BOARD OF COSMETOLOGY. THIS IS MAINLY FOR RECREATION AND IS NOT CONSIDERED TO BE A SALON WHERE THERE WILL BE TRAFFIC.

() RECORD OWNER: JONATHAN AND JESSICA HENDRICKS Does Owner consent to this BOA application? yes

() APPLICANT: JESSICA HENDRICKS PHONE: _____

ADDRESS: 506 W. 35th Pl. CITY SAND SPRINGS ZIP: 74063

SIGNED: [Signature] Send Bill to: () Owner () Applicant () Other:

1. What activities are anticipated on the property concerning the requested use if a Special Exception is granted?

MANICURES AND PEDICURES IN THE HOME OFFICE WHICH WILL ONLY BE 10-15 HRS A WEEK AND NO PARKING WILL BE ON THE STREET.

Hours of Operation: TUES-WED 10-2 Number of Anticipated Customers: 5-8 PER WEEK Signage? ~~FOR THE SIDE OF HOUSE~~

Amount of Anticipated Vehicular Traffic: 1 CAR PER HOUR Number of Parking Spaces Needed: NONE - HAVE A VERY LARGE DRIVEWAY

Could the following situations become a neighborhood nuisance? Noise NO

Traffic/UPS/FedEx pick-ups & deliveries, etc NO Lights NO

2. What would you do to eliminate any of the above or other potential intrusions in the neighborhood?

TAKE CARE OF ANY PROBLEM IF THERE BECOMES ONE. IT IS MORE LIKE A HOBBY THAN A BUSINESS SO THERE WONT BE ANY RULES BROKEN

3. Has anyone expressed opposition to your request? NO If so, what was the reason? _____

4. If a Special Exception is granted, could it cause substantial detriment to the public good, or impair the purpose, spirit and intent of the Zoning Code, the Zoning District, or Comprehensive Plan? NO

***** APPLICANT: DO NOT WRITE BELOW THIS LINE *****

Application received 4/5/16 by: CW APPEAL DETERMINATION: Section 5.02, Table 1 UU

13
BOA Hearing Date: 4/18/16 Action: _____

CONDITIONS: _____