

AGENDA
City of Sand Springs
BOARD OF ADJUSTMENT
Regular Meeting

June 20, 2016, 6:00 p.m.
100 E. Broadway, Council Chambers Room 203

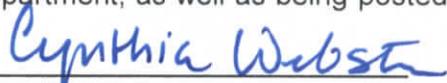
1. Call to Order
2. Attendance
3. Consider Approval of Minutes of BOA Meeting of April 18, 2016

4. SSBOA-713 Steven Shepherd STR 11-19N-11E

Board will discuss and consider the possible approval of a Variance to the Sand Springs Zoning Code Section 5.03.A., Accessory Uses Permitted in Residential Districts, to allow construction of a 600 sf accessory building on an existing, non-conforming lot, with no principal residence located at 505 W. 1st St., zoned RS-3 (Residential Single-Family High Density).

5. Director's Report
6. Adjournment

This agenda was posted at 10:55 a.m. / p.m. on June 15, 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
April 18, 2016 – 6:00 p.m.
Municipal Building
100 East Broadway, Room 203**

MEMBERS PRESENT: Randy Beesley, Chairman 8-0
Larry Johnston, Secretary 7-1
Nancy Riley 5-0

MEMBERS ABSENT: Kenny Roberts, Vice-Chairman 7-1
Dennis Currington 5-3

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

The Board of Adjustment met in regular session on April 18, 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 10:15 a.m., on April 12, 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, no response; Mr. Beesley, here; Mr. Currington, no response; Ms. Riley, here. Mr. Roberts and Mr. Currington were noted as absent.

3. Consider Approval of Minutes of BOA Meeting of March 21, 2016

The minutes of the March 21, 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 March 21, 2016 Special Board of Adjustment meeting, as presented. Ms. Riley seconded the motion.

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, aye; Mr. Beesley, aye; Ms. Riley, aye. The motion carried 3-0-0.

4. SSBOA-711 – Ivan White, Jr.

City Planner Brad Bates presented the staff report. Applicant has submitted a request for a Variance to the Sand Springs Zoning Code, Section 5.04.A. Table 3, to allow a reduction in the required front yard setback from 25' to 16.55'. The homes in this subdivision were platted with 25' setbacks when the homes were originally constructed making the neighborhood non-conforming with today's current required setback of 30' in a RS-2 (Residential Single-Family Medium Density) district. The subject lot is an irregular, pie-shaped lot and the proposed addition will encroach over the setback line by less than a foot. The remainder of the encroachment will be due to the construction of a projecting awning attached to the proposed addition.

Applicant was present for questions. Chairman Beesley asked for speakers in opposition to the application. Two speakers were in opposition due to concerns about traffic and pedestrian safety. Chairman Beesley then asked for speakers in support of the application. Two speakers stated that they had no opposition to the addition as proposed.

Chairman Beesley made a motion to approve SSBOA-711, as presented. Mr. Riley seconded the motion.

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, aye; Mr. Beesley, aye; Ms. Riley, aye. The motion carried 3-0-0.

5. SSBOA-712 – Jessica Hendricks

City Planner Bates presented the staff report. Applicant appeals a Staff and Code Enforcement determination that operation of a nail salon would be classified as a Use Unit 13 (Convenience Goods and Services) and prohibited in a RS-3 (Residential Single-Family High Density) district. Applicant attempted to get her cosmetology license which required a zoning letter from the City stating that the use was permitted at the given address.

Chairman Beesley noted that the only issue the Board can consider is whether the classification given by City Staff is incorrect and a different use unit is more appropriate.

Applicant was present for questions and comments. Applicant feels that this part-time occupation is more in line with that of an artist and other businesses permitted as in-home occupations.

Chairman Beesley stated that staff has classified the business of a nail salon in the same category as barber shops, beauty shops and tanning salons, all businesses which are regulated by the State Board of Cosmetology. Historically, permits for Certificates of Occupancy for nail salons are coded as a Use Unit 13 as in the case here.

Chairman Beesley made a motion to confirm the staff's determination that a nail salon is classified as a Use Unit 13 and prohibited in a RS-3 district.

BOA Minutes
April 18, 2016

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, aye; Mr. Beesley, aye; Ms. Riley, aye. The motion carried 3-0-0.

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 6:36 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-713

TO: Board of Adjustment Members

MEETING DATE: June 20th, 2016

REQUEST: Variance to the Sand Springs Zoning Code, Section 5.03.A., Accessory Uses Permitted in Residential Districts, to allow a 600 s.f. detached accessory building on an existing, non-conforming lot with no principal structure or residence, in a RS-3 (Residential Single-Family High Density) district

LOCATION: 505 W. 1st St., W58 LTS 11 & 12 & 15 VAC FIRST ST ADJ ON S BLK 8, Sunrise Addition, Section Eleven (11), Township Nineteen (19) North, Range Eleven (11) East

Site Conditions:

Property is located in a RS-3 (Residential Single-Family) district. The property is located along W. 1st St. between N. Grant Ave. and N. Franklin Ave. This property is a portion of several originally platted lots. All abutting properties are zoned RS (Residential Single-Family). This site is currently vacant and is around 3,770sf in size.

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

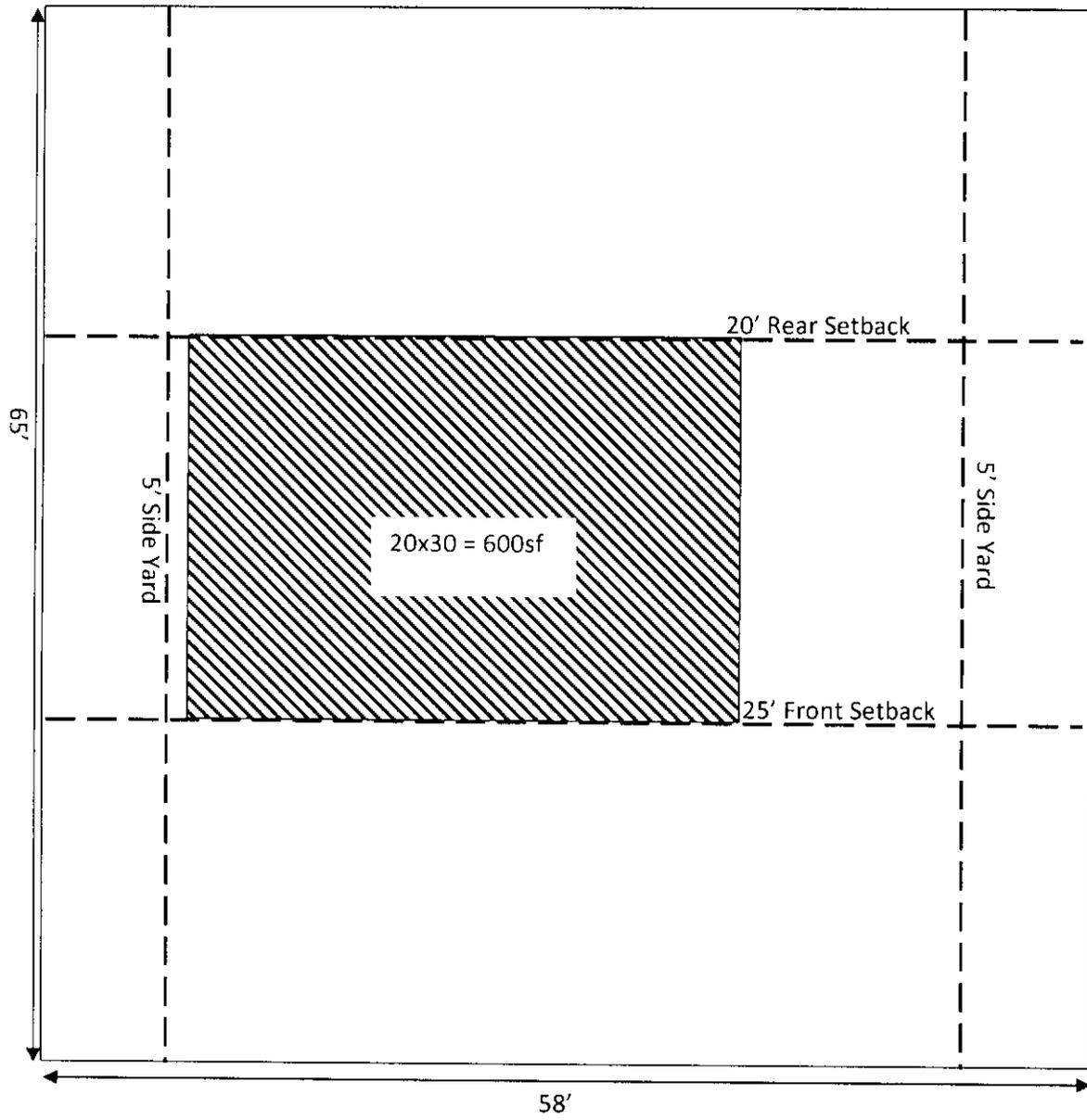
That the **variance** to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan.

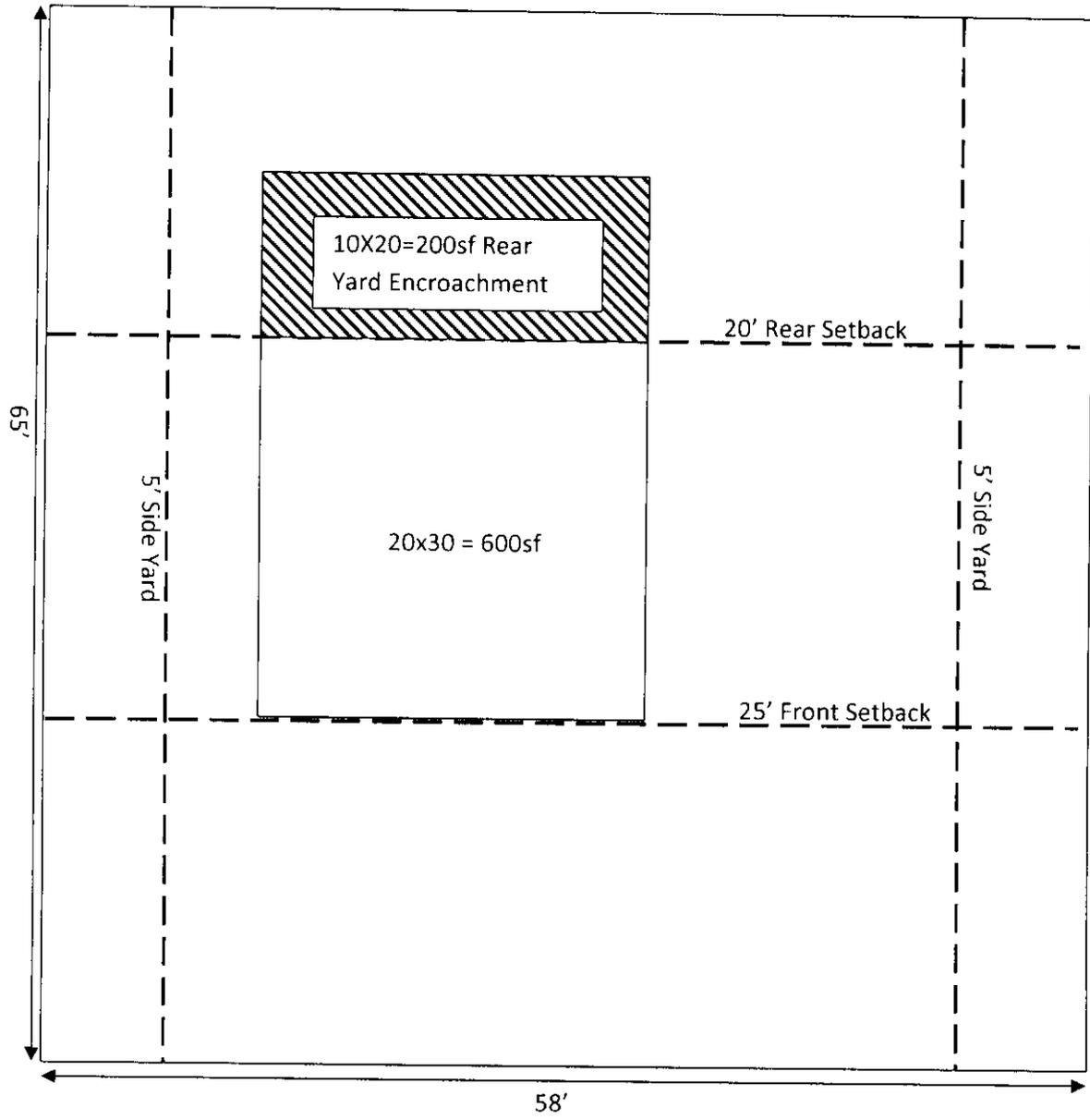
Staff Observation:

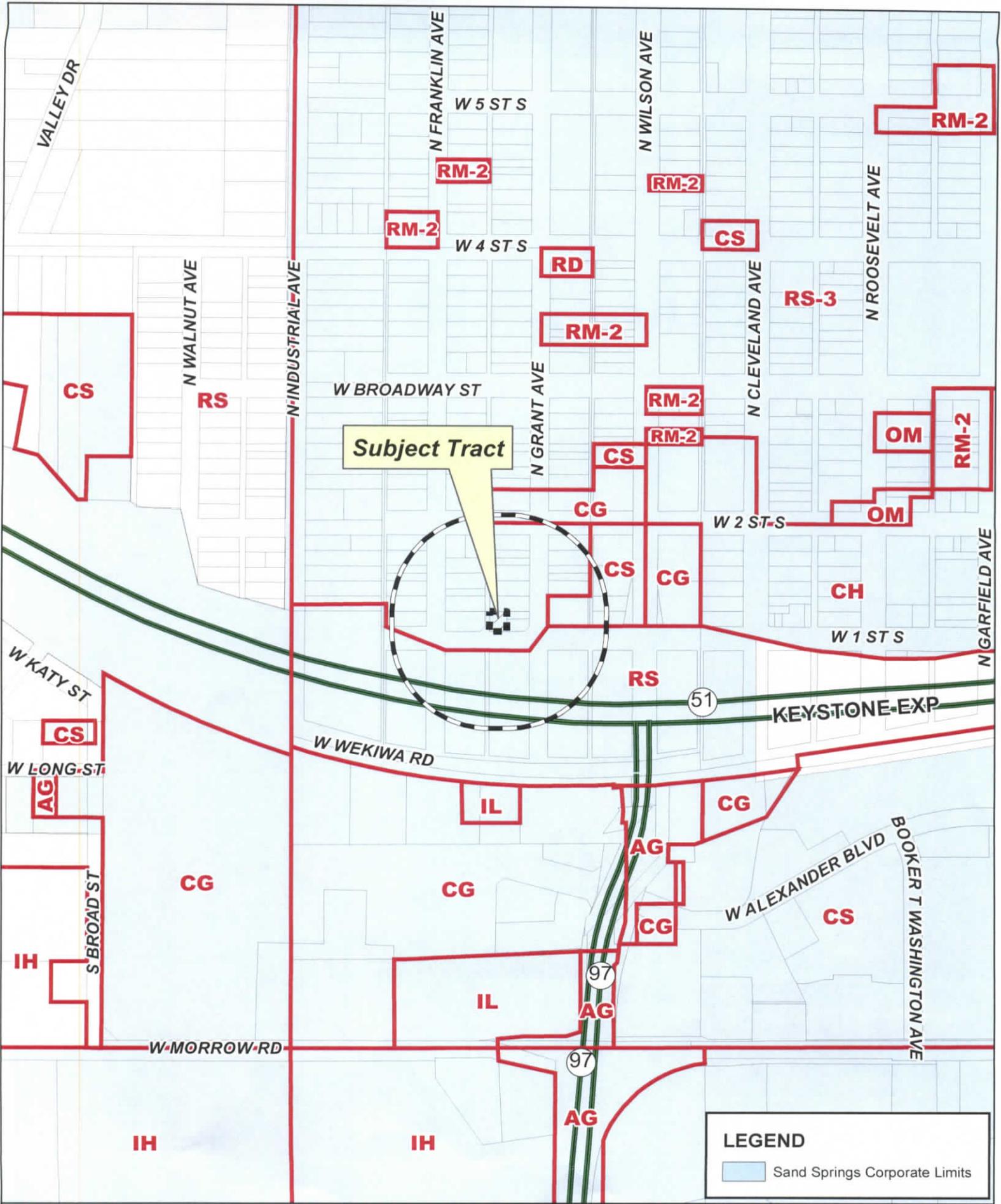
The applicant is requesting that an accessory structure be allowed on a property without a principal structure. The Zoning Code only allows detached garages, storage buildings, etc. as an accessory use to a principal structure (house). This property is a legal non-conforming lot that is 58x65 equaling 3,770sf. RS-3 zoning requires a lot area of 6,900 sf and a land area per dwelling unit of 8,400sf (Land Area includes right-of-way). However, non-conforming lots can be utilized and built on subject to the development meeting the existing required setbacks for the underlying zoning district. RS-3 Zoning requires a 25' Front Setback, 20' Rear Setback, and 5' Side Yards. This means that 2,810sf of the lot would not be buildable and would leave only 960sf of area for a structure. A 20x30 structure could fit within the existing setbacks running east to west. If the structure is to be situated north and south then it would extend into the required rear yard. The Zoning Code does however allow accessory structures to encroach into required rear yards as long as the structure does not cover more than 30% of the required yard. The proposed structure would only cover 17% (200sf) of the required rear yard (1,160sf).

This lot will be difficult to accommodate a single-family home, but not impossible. The property is adjacent to single-family homes with residents. To have an accessory structure in the area would not seem out of place but it would be unusual in the sense that it would not be a part of a principal structure or owned by a property owner with a home in the area. However, due to the location of the property, its proximity to the highway and commercially zoned property on the east side of N. Grant Ave. this may be a suitable site to allow a standalone accessory garage. The applicant intends to use the property for his own purpose of storing personal property.

In order to grant this variance request the Board must find that a hardship exists that is consistent with the requirements stated above.







Subject Tract

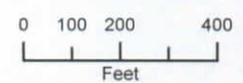
LEGEND

Sand Springs Corporate Limits

300' Radius

Subject Tract

SSBOA-713



11 19-11



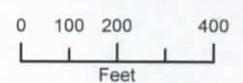
Subject Tract

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2016



Subject Tract

SSBOA-713



11 19-11





W2 STS

N FRANKLIN AVE

N GRANT AVE

Subject Tract

51

KEYSTONE EXP

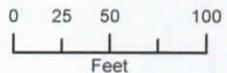
W WEKIWARD

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2016



Subject Tract

SSBOA-713



11 19-11



Franklin & 1st



Ken Yazel
Tulsa County Assessor

www.assessor.tulsacounty.org 918.596.5100

Date 3/30/2015

Account Number 62800-91-11-13840

Mailing Addr. TULSA COUNTY BOARD OF COUNTY COMMISSIONERS
TULSA COUNTY ADMINISTRATION BUILDING
500 S DENVER AVE 3RD FLOOR
TULSA, OK 741033840

Property Addr. 505 W 1 ST N

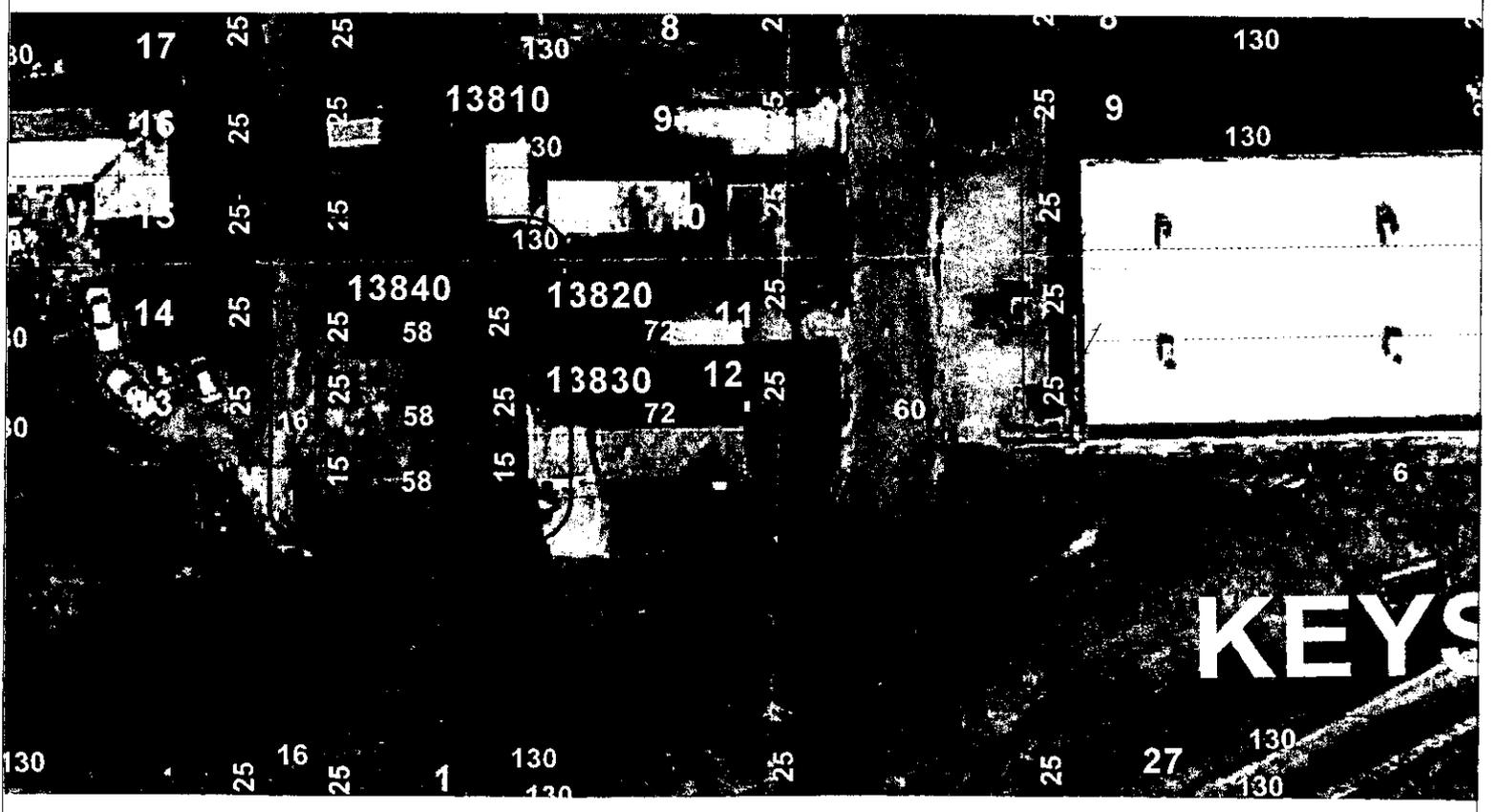
Subdivision
SUNRISE ADDN

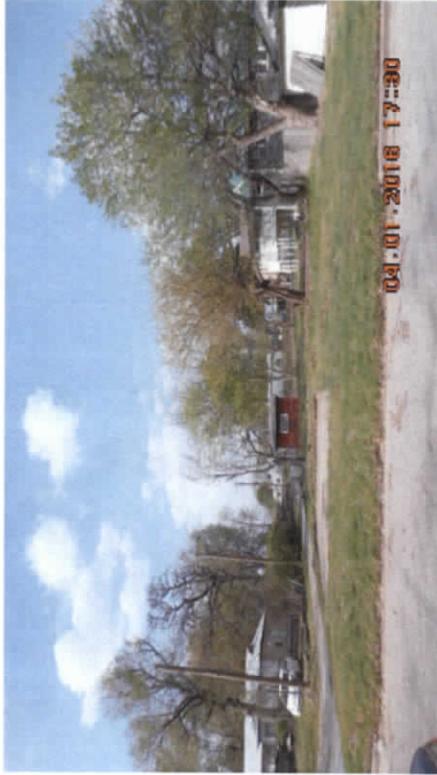
Legal Description
W58 LTS 11 & 12 & 15 VAC FIRST ST ADJ ON S BL
K 8

Acct Type : Exempt
Zone : RS3
School Dist : SS-2A
Neighborhood : 9746
LEA : 9746
Land Area : 3770.00 Sq. Ft.

BlAs :
Bldg Area :
Quality :
Year Built : 0
Bath : 0
Stories : 0
HVAC :
Roof :
Condition :
Ext Wall :

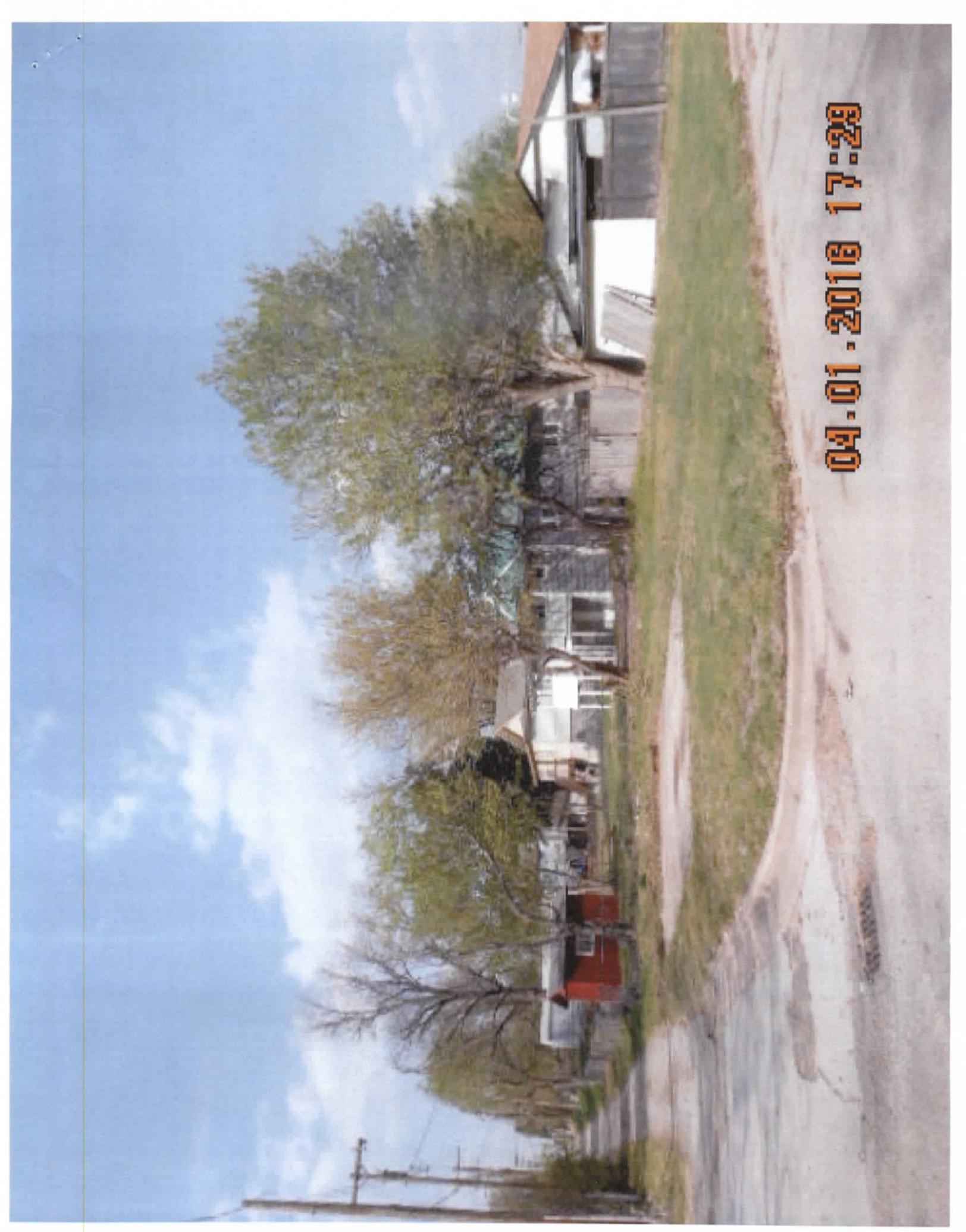
Deed Date : Rec:
Deed Price : \$
Multi Parcel Sale : NO
Allocated Val :
Verification :
Land Value : \$ 7,100
Total Taxable : \$
Total Market : \$
Adjustment :
Adjustment :
Adjustment :
Adjustment :







04-01-2016 17:29





Proposed re-construction of pre-existing structure to utilize existing foundations

I am requesting to build a garage on my lot although located in a residential zone, this wouldn't be a detriment to the area at all, and in fact it would be a good addition to revitalize the area with new construction and greater tax base.

- I would like to take advantage of using the original foundation that is currently located on the lot foregoing extra expenses for concrete that already exists.
- I have spoken with every neighbor on the block about building a simple garage; nobody has any objections to this idea.
- The original foundation does fall into the city specifications and at one time was permitted for the same type of building that I wish to re-construct at the same location (grandfathered).
- The backyard fence is 20 feet from the foundation.
- The side (alley) section is at least 5 feet from the foundation.
- The front is more than 25 feet from the curb.
- There will be no additional traffic.
- There will be no additional noise levels.
- There will be no debris or junk kept outside of the building at any time.
- There will be many improvements to the entire block as in curb/street/trash maintenance which I have already started implementation of said services via my labor at no cost to the city.
- I am requesting the board to kindly approve this special exception because of the small size of the lot which makes it difficult to construct any other types of structures onto it and fall within the city specifications.

Variance

BOARD OF ADJUSTMENT
APPLICATION FOR A SPECIAL EXCEPTION

ADDRESS OF REQUESTED SPECIAL EXCEPTION: 505 West 1st north

GENERAL LOCATION: 1st and Grant

LEGAL DESCRIPTION (or attach separate sheet): W58 LTS 11+12+15 VAC First St.

ADJ ON S BLK 8

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).

Size of lot is small, wanting to add a garage only, this will allow use of existing in ground concrete foundations.

() RECORD OWNER: Steven Shepherd Does Owner consent to this BOA application? yes

() APPLICANT: Steven Shepherd PHONE: 918-606-6787

ADDRESS: 5211 South Bass Drive CITY Sand Springs ZP: 74063

SIGNED: Steven Shepherd Send Bill to: Owner () Applicant () Other:

THE BOARD OF ADJUSTMENT CAN ONLY APPROVE A SPECIAL EXCEPTION AFTER DETERMINING FROM THE ZONING CODE THAT THE PARTICULAR USE REQUESTED IS IN ACCORDANCE WITH STATE LAW. (11 O.S. Section 44-106 and the Sand Springs Zoning Code Section 17.09)

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

enclosed area to work on personal hobbies only

Hours of Operation: 8-5 Number of Anticipated Customers: none Signage? none

Amount of Anticipated Vehicular Traffic: none Number of Parking Spaces Needed: none

Could the following situations become a neighborhood nuisance? Noise no

Traffic/UPS/FedEx pick-ups & deliveries, etc none Lights none

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

none expected

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 - none

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

Application received 5/6/16 by CW SPECIAL EXCEPTION: Section 5.03.A UU # 5

BOA Hearing Date: 6/20/16 Action: _____

CONDITIONS: _____