

AGENDA
City of Sand Springs
BOARD OF ADJUSTMENT
Regular Meeting

July 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 June 20, 2016
4. Election of Officers

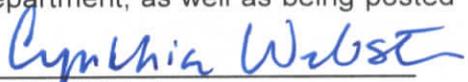
Election of a Chairman, Vice-Chairman and Secretary are required by the BOA By-Laws.

5. SSBOA-714 Joshua Eardley STR 22-19N-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 an encroachment of 1.3' into the required 25' build line setback located at 3709 S. Maple Dr., zoned RS-3 (Residential Single-Family High Density).

6. Director's Report
7. Adjournment

This agenda was posted at 11:15 a.m. / p.m. on July 13, 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
June 20, 2016 – 6:00 p.m.
Municipal Building
100 East Broadway, Room 203**

MEMBERS PRESENT: Randy Beesley, Chairman 9-0
Kenny Roberts, Vice-Chairman 8-1
Larry Johnston, Secretary 8-1
Dennis Currington 6-3
Nancy Riley 6-0

MEMBERS ABSENT: None

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

The Board of Adjustment met in regular session on June 20, 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 10:55 a.m., on June 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 April 18, 2016

The minutes of the April 18, 2016, Regular Board of Adjustment meeting were presented for members' review and/or approval.

Chairman Beesley made a motion to approve the Minutes of the April 18, 2016 regular Board of Adjustment meeting, as presented. Mr. Johnston 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-713 – Steven Shepherd

City Planner Brad Bates presented the staff report. The subject property is located on 1st Street between Grant and Franklin Avenues. The subject property is a legal, non-conforming lot comprised of 3,770 sf. At some point in the past, there had been a single family home on the lot. By today's zoning standard setbacks, a 960 sf structure could be built on the lot. Applicant is proposing to build a 20x30 (600 sf) stand-alone garage structure to store personal property. Applicant would like to utilize a concrete slab that remains on the property.

Discussion was held among the board regarding the property's location, the proximity to other residences and to the commercial development on the east. The Board also discussed the factors needed to determine whether a variance can be granted.

Applicant was not present for questions and it was staff's recollection that applicant works out of the country. There were no audience members either for or against the application. Planning staff had received one letter from an adjacent property owner and a copy of the letter had been given to the Board in advance of today's meeting.

Mr. Johnston made a motion to approve SSBOA-713 with the conditions that any security lighting be faced downward away from neighboring residences and that a privacy fence be erected between the garage and neighboring residences. The motion died for lack of a second.

Chairman Beesley made a motion to approve SSBOA-713, as presented. Mr. Currington seconded the motion.

With no further discussion, Chairman Beesley called for the vote recorded as follows: Mr. Johnston, nay; Mr. Roberts, aye; Mr. Beesley, aye; Mr. Currington, aye; Ms. Riley, nay. The motion carried 3-2-0.

5. Director's Report

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

6. Adjournment

There being no further business, the meeting adjourned at the noted time of 6:27 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-714

TO: Board of Adjustment Members

MEETING DATE: July 18th, 2016

REQUEST: Variance to the Sand Springs Zoning Code, Section 5.04.A. Table 3, reduction of front yard setback in a RS-3 (Residential Single-Family High Density) district from 25' to 23.7' for the construction of a new single-family home.

LOCATION: 3709 S. Maple Dr., Lot 8 Block 8 Prattwood Estates IV L1-2 B7, Section Twenty-two (22), Township Nineteen (19) North, Range Eleven (11) East

Site Conditions:

Property is located in a RS-3 (Residential Single-Family)/RM-2 (Residential Multi-Family) district. The property is adjacent to single-family housing of like or similar zoning districts.

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

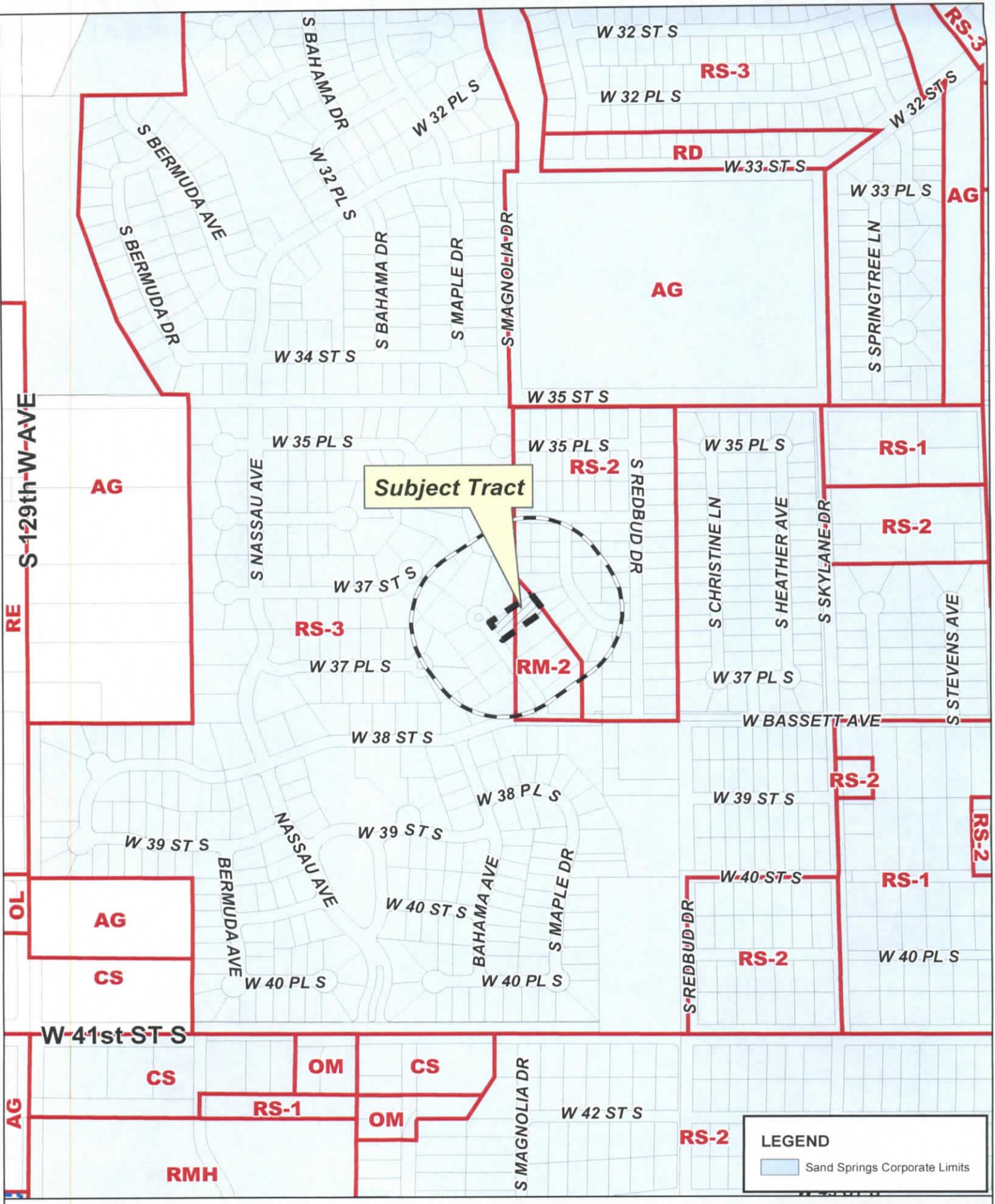
That the **variance** to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan.

Staff Observation:

The applicant is requesting that the front setback in a RS-3 District be reduced from 25' to 23.7' for the construction of a new single-family home. The home is already under construction and nearing completion. At the time a mortgage survey was done on the property for loan purposes the encroachment was found and noted. The majority of the structure sits behind the setback line with the only the front portion of the garage encroaching. The lot is unique in the sense that it is the last lot before a cul-de-sac where the visual line of sight of the front of homes is not contiguous and maintained due to the curve and radius of the properties along the cul-de-sac. The small nature of the encroachment is very minor. In comparison the Sand Springs Zoning Code allows architectural elements to encroach into required yards by up to 2'. These can include but not limited to cornices, canopies, eaves, fireplaces, and other similar features. The encroachment being asked for would encroach less than the zoning code will allow architectural elements to encroach.

The literal enforcement of the terms of the Code would result in an unnecessary hardship in this situation as the request does not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code.

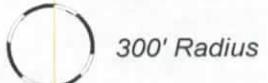
Staff recommends approval of the variance request.



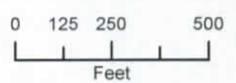
Subject Tract

LEGEND

 Sand Springs Corporate Limits



SSBOA-714



22 19-11



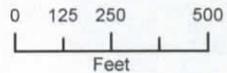


Subject Tract

SSBOA-714



Subject Tract



22 19-11



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



W36 STS

S MAGNOLIA DR

Subject Tract

S MAPLE DR

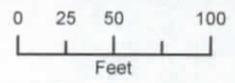
W BASSETT AVE

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



Subject Tract

SSBOA-714



22 19-11



REGISTERED LAND SURVEYOR'S INSPECTION
 PLAT AND CERTIFICATE FOR MORTGAGE
 LOAN PURPOSE

COLLINS LAND SURVEYING, INC.
 3340 W. 151st ST. S. - P.O. Box 250
 KIEFER, OK. 74041

OFFICE (918)321-9400 FAX (918)321-9404

J.O. NO.: 15-11-085A

Customer: American Heritage Bank
 Eardley, Joshua James &
 Borrower: Sunnie June

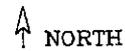
Plat No: 5243

B/L=Building Line
 U/E=Utility Esmt.
 F/E=Fence Esmt.

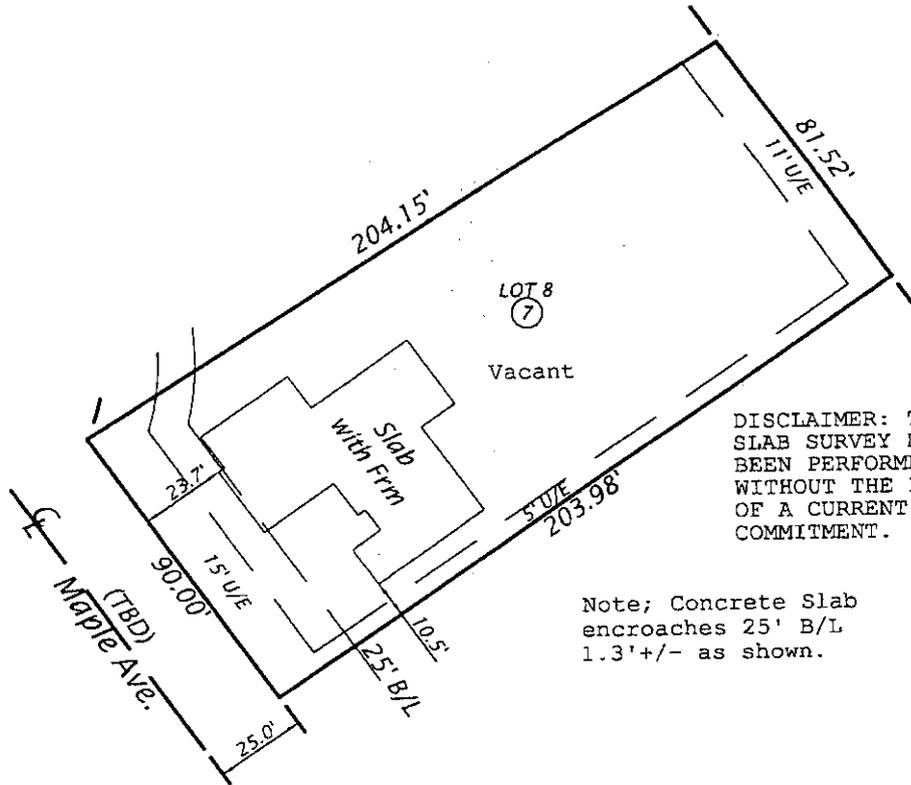
OB/L-Out Building Line
 SW/E-Sidewalk Esmt.
 R/W=Right of Way

D/E=Drainage Esmt.
 B/E=Buried Tele. & Elec. Cable Esmt.
 S/E=Service Entrance

SCALE: 1"=40'



SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#400211 0307K, DATED 08/03/2009.



DISCLAIMER: THIS SLAB SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

Note; Concrete Slab encroaches 25' B/L 1.3'+/- as shown.

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:

American Heritage Bank

FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED

Lot Eight (8), Block Seven (7), PRATTWOOD ESTATES IV, Block Seven (7), Lots One (1) thru Twelve (12), an Addition to the City of Sand Springs, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 5243.

Property address: Unassigned Land, Sand Springs, Oklahoma

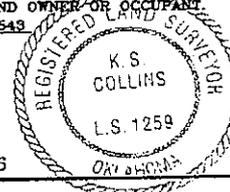
SURVEYORS STATEMENT

COLLINS LAND SURVEYING INC., AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED. THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED: THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY. THAT NO PROPERTY CORNERS WERE SET AND IS NOT TO BE USED OR RELIED UPON, FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS. THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION, AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE. CALL OKIE BEFORE DIGGING 1-(800)-622-8543

WITNESS MY HAND AND SEAL THIS DATE:
 Final; 05/20/2016



K.S. Collins
 K.S. COLLINS
 OKLAHOMA REGISTERED
 LAND SURVEYOR NO. 1259
 CA#2656 EXPIRES: 06/30/2016



SEE ATTACHMENT

BOARD OF ADJUSTMENT
APPLICATION FOR A VARIANCE

ADDRESS OF REQUESTED VARIANCE: 3709 S. Maple Dr. Sand Springs, OK 74063

LEGAL DESCRIPTION (or attach separate sheet): LOT 8 BLOCK 7, PRATTWOOD ESTATES IV L1-12 B7

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 front yard setback in a RS-3 (Residential Single-Family) District from 25' to 23.7' for the construction of a new single-family home. (Section 5.04.A.Table 3)

() RECORD OWNER: Josh and Sunnie Eardley Does Owner consent to this BOA application? yes

() APPLICANT: Josh Eardley PHONE: (w) 918-245-0927 (c) 918-695-0282 (h) 918-245-6127

ADDRESS: 611 W 37th Pl. 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?
Discovered on slab Survey that house has been built 1.3' +/- encroaching on 25' B/L.

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?
Inadvertently built over the 25' B/L.

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 6/8/16 by: CW BOA Hearing Date: 7/18/16
Action: _____ CONDITIONS: _____