

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 251
Tuesday, April 17, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Tyndall
Walker
Hutson
Dillard, Vice Chair

Butler
Fernandez

West, County Inspec.

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Thursday, April 12, 2001 at 4:20 p.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m.

UNFINISHED BUSINESS

Case No. 1828

Action Requested:

Variance of the required 30' frontage on a public street to 0'.
SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6,
located 16920 N. 117th E. Ave.

Presentation:

Bobby Joe Eberle, stated that the previous owner was not present to clear up the questions that came up during the last hearing regarding the subdivision and access to the subject property. He did not have any new information to submit.

Comments and Questions:

Mr. Alberty summarized the issue from the last meeting. A developer of land north of the subject property stated that he was required to follow the County subdivision regulations in his subdivision. The developer indicated that the subject property was a part of a larger parcel that had been subdivided without the benefit of a subdivision plat. Mr. Alberty stated that the Board wanted some previous history of the property before making a decision. Mr. Eberle concluded that

the previous owner has split the property seven times and has been building an addition.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of Tyndall, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required 30' frontage on a public street to 0', finding a lack of hardship.

Case No. 1830

Action Requested:

Diane Fernandez informed the Board that Case No. 1830 was continued to this meeting but it needs to be re-advertised. It was advertised as a monopole structure for a cell tower, and it is not a monopole. This case has been continued to the meeting on May 15, 2001.

Case No. 1832

Action Requested:

Variance of side yard abutting a public street from 25' to 10' to permit an existing dwelling. SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6, located 12743 S. 124th E. Ave.

Presentation:

John Engelman, 16500 S. 161st E. Ave., Bixby, Oklahoma, stated he recently sold his home on the subject property. He added that he has been informed that the house was built over the building line and he needs to clear the problem to complete the sale.

Comments and Questions:

Mr. Alberty ascertained that the applicant was not the original owner of the property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of side yard abutting a public street from 25' to 10' to permit an existing dwelling, finding that it is a minor infraction, not created by the applicant, and the City of Broken Arrow did not respond to this application, on the following described property:

Lot 8, Block 9, Willow Springs Estates Addition, Tulsa County, State of Oklahoma.

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Case No. 1833

Action Requested:

Variance of Section 207 to permit a landlocked parcel with 0' frontage on a dedicated or public road. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 10333 E. 131st St. N.

Presentation:

Brad Webb, 10333 E. 131st St. N., Collinsville, Oklahoma, stated he is the owner of the property on which he built his home. There is not a County road to the property, but he has a right-of-way from 131st Street. The seller gave him a 30' easement on the north when he purchased the property. When he built his house he obtained an easement from his other neighbor.

Comments and Questions:

Mr. Alberty asked Mr. Webb for a hardship in this case. Mr. Webb wants to divide the property into four lots and build three more homes for his children.

Interested Parties:

Fred Catlett, 13216 N. 105th E. Ave., Collinsville, stated he and his son own the fifteen acres directly north of the subject property. He built a road to his own home on an easement near the applicant's property. Mr. Catlett stated he would object to the applicant using his road to access the subject property.

Comments and Questions:

Mr. Alberty informed Mr. Catlett, that if the easement has been granted for roadway purposes and has been filed of record, then Mr. Webb would have the right to use it. Mr. Hutson noted that the easement to both properties is tied together on the northeast corner.

Comments and Questions:

Mr. Alberty explained that this application is not for a lot split, just a second dwelling. Mr. Walker asked Mr. Vantrese about other dwellings than the stone house. Mr. Vantrese responded that a workshop on the property has been used for a dwelling. Mr. Walker asked if it was detached, to which he replied in the affirmative. He added that a fifth-wheel is parked on the place and it has been occupied.

Therman Hillsbury, 16609 W. 21st St., stated that one mobile home had been on the place before and later removed. He was opposed to placing a mobile on the place.

Comments and Questions:

Mr. Alberty asked if he was aware that there were two other structures besides the main house being occupied.

Interested Parties:

Bill Vineyard, 16601 W. 21st St. S., stated he lives north across 21st St. from the subject property. He objected to the application with concern for a decrease in his property value.

Bill Boone, 16036 W. 21st St., stated he objected for the same reasons as listed above.

Applicant's Rebuttal:

Mr. Justice stated that he has been living in the workshop because they ran out of room, but there are no bathroom or kitchen facilities. He added that the fifth-wheel is parked there and it is for traveling. Mr. Alberty asked if it is occupied, and he replied that it is occupied sometimes. He stated that it is hooked up to electric but there is no plumbing to it.

Comments and Questions:

Mr. Walker commented that he could not support the application. Mr. Tyndall added that there is no hardship.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the request for a **Variance** of Section 208 to permit two dwelling units on one lot of record; and a **Variance** of required land area per dwelling unit from 2.2 to 1.25 acres per dwelling unit, finding a lack of hardship.

Case No. 1836

Action Requested:

Variance of side yard requirement of 5' to 3" to permit an existing pole barn in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 9, located 25107 W. 41st St.

Presentation:

Mr. Alberty noted the building permit and asked Mr. West if he sent the applicant or found that the barn was not built according to the permit. Mr. West replied that they discovered the slab had been poured and that it was two feet over the side yard setback.

Terry Tucker, 605 Prattwood Ct., Sand Springs, Oklahoma, stated his son owns the property. He informed the Board that they had staked the building lines but the pole barn company staked the building themselves from the telephone pole. He stated that it is not on the neighbor's property but it is in violation of the setback.

Comments and Questions:

Mr. Hutson asked if it was just one end of the building. Mr. Tucker replied that it was. He added that they had tried to work out a land trade with the neighbor, but the neighbor was not interested. Mr. Hutson asked when the error was discovered. Mr. Tucker stated they did not know until they received notice from County Inspections. Mr. West stated that the slab was poured on the weekend.

Interested Parties:

Ron Baker, 3908 and 3910 S. 252nd W. Ave., submitted photographs (Exhibit A-1) of the area and fence line. He stated that he just purchased the land with the easement road and the building is one foot on his property. He stated that the applicant was issued three setback violations and they were all taken down and continued to work on the building. He stated he wants the applicant to move the building.

Applicant's Rebuttal:

The applicant stated he would like to get a survey first. Mr. Alberty commented that it sounds like he has a dispute outside of the jurisdiction of the County Board of Adjustment.

Comments and Questions:

Mr. Alberty asked if he verified that the applicant received three Cease and Desist Orders, and continued to work. Mr. West answered in the affirmative.

Board Action:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the request for a **Variance** of side yard requirement of 5' to 3" to permit an existing pole barn in an AG district, due to lack of hardship.

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Case No. 1837

Action Requested:

Special Exception to Section 410 to permit an existing oil injection well site in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 24a, located SW/c W. 4th Pl. & 65th W. Ave.

Presentation:

Ms. Fernandez stated that the applicant asked for a Continuance to provide more information to the Board. She added there are interested parties present and they presented a letter of protest, with request for Continuance to May 15, 2001.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1837 to the hearing on May 15, 2001 to re-advertise.

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Case No. 1838

Action Requested:

Special Exception to permit a Bed and Breakfast in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 23; and a Special Exception to permit a driving range and recreation area in an AG district in conjunction with a Bed and Breakfast. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT, located 3750 S. 137th W. Ave.

Ms. Fernandez noted that the application taker thought she heard that they wanted a driving range, but there is no driving range planned for this facility.

Presentation:

Tom Warren, 4221 E. 77th St., proposes to open a Bed and Breakfast. He stated it is zoned AG and he has a ranch shop with a duplex below. He proposes to offer the two sides of the duplex as cabins for the Bed and Breakfast. He stated if it goes well then he would like to add some authentic teepees and cabins and bathhouse.

Comments and Questions:

Mr. Alberty asked if he was familiar with the guidelines for a Bed and Breakfast. Dr. Warren replied that that he was somewhat familiar with them.

Interested Parties:

Cheryl McCubrey, stated that her property is on the south border of the subject property. She stated that she was in support of the application. She has been in favor of all the improvements he has made, such as the tree plantings.

Mr. Alberty read a letter of protest from Stuart Anderson. Mr. Walker, Ms. McCubrey, and Dr. Warren agreed that they were not aware of anyone by that name in the immediate vicinity of the subject property

Mr. Alberty noted that the Board received a letter from the City of Sand Springs and they have no objection to this application.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a Bed and Breakfast in an AG district; and a **Special Exception** to permit a recreation area in an AG district in conjunction with a Bed and Breakfast, finding that it 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, on the following described property:

S/2 N/2 SW/4 NW/4 and S/2 N/2 N/2 SW/4 NW/4; and S/2 SW/4 NW/4 and SE/4 NW/4 less and except the N 627.31' of the S 990' E of highway, in Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

Case No. 1839

Action Requested:

Comments and Questions:

Mr. Alberty stated his concerns regarding the location for visibility and accessibility of fireworks. Mr. Hutson asked if stands have been there before. Mr. Basse replied that this location has been used before. Mr. Alberty stated that other companies have located there also, and that is part of the reason for his objection.

Interested Parties:

There were no interested parties.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-1-0 (Walker, Tyndall, Dillard, Hutson "aye"; Alberty "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit outdoor sales (fireworks) in three stands for a period of 30 days in an IL district, finding that it 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, on the following described property:

NE SW NW SW NW, Section 32, T-21-N, R-14-E, Tulsa County, State of Oklahoma.

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Case No. 1841

Action Requested:

Special Exception to permit a mini-storage in a CS district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16 & 6; and a Special Exception to permit a dwelling unit in a CS district to provide security for a mini-storage. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located 4335 E. 96th St. N.

Presentation:

Stan Kent, 4335 E. 96th St. N., proposes to put in a small mini-storage on the subject property. He stated that he purchased a home in Park Meadows Addition. It would be used for storage of residents in the immediate neighborhood. The plans submitted are preliminary. The dwelling that is on the plans will be his dwelling.

Comments and Questions:

Mr. Alberty asked if the dwelling was included on the plans. The applicant replied that it would be one of the storage units with a window, and utilities. He stated that irrigation would be his main concern. Mr. Alberty reminded the applicant that he could not exceed 50% of the net land area with regards to the developed area.

Case No. 1842

Action Requested:

Variance of setback of 75' to 60' on IL tract abutting an RS district. SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 16; and a Variance of required paved parking to allow existing gravel. SECTION 1320.G. GENERAL REQUIREMENTS, located 1540 N. Yale.

Presentation:

Jim Sublett, 1540 N. Yale, stated he plans to build a mini-storage building. He described that the property is only 200' wide and the City has a sanitary sewer system down the middle.

Comments and Questions:

Mr. Alberty asked for information on the existing structures on the south. He replied that they are mini-storage buildings with small units. The applicant submitted photographs of before and after they made improvements. The applicant lives on the premises. The hours of operation are 6:00 a.m. to 9:00 p.m. Mr. Alberty questioned Mr. Sublett regarding screening to the south. Mr. Sublett replied that they have a six foot galvanized metal sheeting security fence.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of setback of 75' to 60' on IL tract abutting an RS district; and a **Variance** of required paved parking to allow existing gravel, finding the existing conditions, and finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The N 198' of the SE/4 SE/4 SE/4 of Section 28, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

Case No. 1843

Action Requested:

Variance of Section 207 of the 30' required frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6; and a Variance of the required minimum lot width from 200' to 195.5' and from 200' to 179.4'. SECTION 330. BULK AND AREA

REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located S of SW/c E. 126th St. N. & Lewis Ave.

Presentation:

Robert Dunkle, 1600 E. 126th St. N., Skiatook, Oklahoma, stated that a Special Exception was granted to Frank and Sandy Cartelitto last year to purchase five acres, Lot 6. The owners of Lots 5 and 6 do not want a public road but prefer to maintain it as a private drive for their use only with a U-turn for emergency vehicles. He admitted that he made a mistake in the division of the property.

Interested Parties:

Bryan Curthoys, 601 S. Boulder, Ste. 400, stated he represented King Kirchner a neighbor to the subject property. Mr. Kirchner opposes the application due to lack of a hardship.

Sandra Cartelitto, 1425 S. New Haven, stated that they have no objection and it does not matter to them if the road is private or County as long as they have the use of the road.

Comments and Questions:

Mr. Alberty commented that the applicant sought advice but the hardship has been self-created and could not support subdivision of land in this manner. Mr. Walker commented that if the road was dedicated to the County and brought up to County specifications to access Lots 4, 5 and 6, he could support the application. He added that he could support Lot 7 because they own property to the 30' frontage, which is in substantial compliance to the requirements.

Board Action:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 207 of the 30' required frontage on a public street to 0'; and a **Variance** of the required minimum lot width from 200' to 195.5' and from 200' to 179.4', subject to the area shown on the submitted site plan, as two 30' easements going to Lots 3, 4, 5, and 6 being improved to County specifications and dedicated to the County for a County road to serve Lots 3, 4, 5, and 6' and accept Lot 7 with the panhandle, and the road would include a turn around, finding that it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A part of the SE/4 NE/4 and the S/2 SW/4 NE/4 Section 6, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, described as

follows: Commencing at the SE/c of said SE/4 NE/4; thence on an assumed bearing of N 00°00'00" W along the E line of said SE/4 NE/4 a distance of 345.00' to the true POB; thence N 89°09'20" W distance of 1384.00'; thence N 00°00'51" E a distance of 315.32' to the N line of said S/2 SW/4 NE/4; thence S 89°09'20" E along said N line a distance of 64.88' to the W line of said SE/4 NE/4; thence N 00°01'46" E along said W line a distance of 660.26' to the NW/c of said SE/4 NE/4; thence S 89°09'31" E along the N line of said SE/4 NE/4 a distance of 1318.72' to the NE/c of said SE/4 NE/4; thence S 00°00'00" E along the E line of said SE/4 NE/4 a distance of 975.65' to the POB.

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Case No. 1844

Action Requested:

Special Exception to allow church use with related facilities, day care, and private school in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT and SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located 13413 E. 106th St. N.

Presentation:

Danny Mitchell, 4111 S. Darlington, Ste. 140, stated that the church previously obtained approval of private church and private school use. He stated that they were running a daycare for which they did not have approval. He stated that they are proceeding with a PUD zoning application and a plat. The property is served for a sanitary sewer by a lagoon system. It is possible that the City of Owasso sewer system will be extended close enough for them to connect in the near future. He stated that they anticipate the need for six additional classrooms. This application involves all three parcels.'

Interested Parties:

William Jacobs, 11039 N. 129th E. Ave., Owasso, stated he owns the Owasso Christmas Tree and Berry Farm. He stated he owns twenty acres near the subject property. Since they put in the lagoon his fishing pond became muddy from the run-off and now is full of algae. He indicated that they cut the dams on the ponds, which had been very effective for flood control. His main concerns were stormwater run-off and if this application would allow the applicant to build all they want. He stated that he works on the rural water district and the church facility has run over 1,000,000 gallons of water through the lagoon in the past year and the lagoon was not built to handle that much.

Mike Loffer, 13109 E. 136th St. N., informed the Board of his concerns that the school was running without proper zoning; they had no permit for the lagoon; the lagoon was built for 625,000 gallons holding capacity and the rural water district had recorded 1,145,300 gallons to this facility. He also found that the Fire Marshall's inspection report of the facility in March 2000 included fourteen violations of the state fire code, one of which was not corrected from the October 1999 inspection.

Larry Loffer, 13227 E. 106th St. N., stated his property abuts the subject property to the west. He stated his concern was the run-off and that they comply with the Code as others.

Applicant's Rebuttal:

Mr. Mitchell responded that they understood that they were in full compliance with the Zoning Code until last year, when they discovered that the daycare portion had not been approved. The school and church use were approved. The Fire Marshall at the last inspection called to their attention that the daycare is not allowed under County regulations to be located above ground level. He thought it was under the Owasso City jurisdiction, which does not have that requirement. He informed the Board that he met with the engineer and the lagoon was designed to state standards, submitted, approved, and according to his understanding permits were issued. The Board reviewed previous case actions.

Comments and Questions:

Mr. Hutson asked what the church's plans to address these issues immediately. Mr. Mitchell responded that the engineers were contacted when the lagoon overflowed. The result was that engineers determined it had been designed to compliance, so the water has been tested to see if current situation is due to run-off. The daycare was moved to the ground floor within one week of the Fire Marshall's inspection, and they returned to verify compliance. The facility at this time is in compliance with all codes. Mr. Alberty noted that they have been running the school out of compliance, to which the Pastor, Leonard Pearl disagreed. Rev. Pearl understood from Larry Glenn, with County Inspections, that it was the daycare that would be out of compliance. Mr. Alberty asked if it was his understanding that the lagoon was permitted. He replied that it was and they had contracted with Horizon Engineering to handle there specifics.

Board Action:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no

"absences") to **CONTINUE** to the meeting on May 15, 2001, to give the applicant time to show proof of permit for lagoon, determine if the school or daycare was in violation and proof of compliance with the codes per the Fire Marshall.

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Case No. 1845

Action Requested:

Special Exception to allow a temporary 32' x 80' manufactured building for the intended use for additional classrooms associated with the current church use. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located SW/c E. 91st St. & Co. line.

Presentation:

Ms. Fernandez stated the applicant requested a Continuance, as these were property owners in Wagoner County, whose names were not provided in a timely manner.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1845 to the meeting on May 15, 2001, to allow time for notification of Wagoner County property owners.

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Case No. 1846

Action Requested:

Special Exception to permit boat sales, skidoos, ATV four wheelers. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance to permit open-air storage of boats and watercraft offered for sale within 300' of an R district, located 6841 N. Peoria.

Presentation:

Shirley Hennessey, 6841 N. Peoria, proposes to sell boats, other watercraft, and ATV four-wheelers in a separate building on the south side of the lot. Outside display would be on the south side between the building and fence, and alongside the driveway. She stated outside storage would be during the hours of operation.

Comments and Questions:

Mr. Hutson asked how the neighbors were responding to their business. Mr. Hennessey stated that the neighbors were very pleased with the improvements. Mr. Hutson asked about a screening fence. Mr. Hennessey stated they only had a chain link fence. Mr. Alberty informed the applicant that the Zoning Code would require a 6' solid surface, screening fence on the south side. Diane reminded the Board that the applicant asked for a waiver of the screening fence in their last application. Mr. Alberty noted that there was screening to the east, but with outside display on the south it would need a screening fence. Mr. Hutson suggested plastic slat for the chain link fence. Mr. West reminded the Board they would have to specify that type of fence would be approved.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit boat sales, seadoos, ATV four wheelers; and a **Variance** to permit open-air storage of boats and watercraft offered for sale within 300' of an R district, subject to acceptable screening which could be metal or plastic slats in a chain link fence on the south and east, and no outside storage higher than the screening fence, and finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The N 53' of the N 80' of Lot 7 and the S 27' of the N 80' of Lot 7 and the N 120' of the S 220' of Lot 7, all in Block 10, Golden Hill Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS

Request for Interpretation:

Terry West, stated that in the past year he has been asked if a singlewide mobile home, doublewide or a modular home is placed on a permanent foundation, can it be classified as a Use Unit 6.

Mr. Alberty responded that when the Code was written, the intention was different for the County and City Codes. The City Code did not allow a modular home to be considered single-family for any reason. The County wanted it to be considered a single-family dwelling if it was put on a permanent foundation, and it came in at least two pieces with a pitched roof. It had to comply with the single-family dwelling code for footing, foundation, electrical, plumbing and everything.

Mr. West replied that another complication is that the electrical meter cannot be mounted on the structure as it would if it was a U.U. 6. If it is transported in on a wheels or flatbed then it is still a mobile home, no matter if it is a double or triple-wide.

Mr. Alberty stated if it is a 10', 12', or 14' wide, it is a mobile home, whether it is on a permanent foundation or wheels with skirting. He stated that was the intent.

Mr. Dillard stated that when the bank loans money, if it has an axle underneath it, it is a mobile home.

Mr. West asked if they must require that the axle be removed. Mr. Alberty replied that the axle must be removed or it cannot be attached to a permanent foundation.

Mr. Alberty stated that a mobile home, no matter the number of the pieces or units is a mobile home as long as it has an axle, tongue and wheels so that it can be transported, regardless of whether it is skirted or tied down. A modular home that would be brought to the site in multiple pieces and attached on a permanent foundation, and can meet the residential code for a single-family dwelling can be considered a Use Unit 6. In no instance could a singlewide mobile or singlewide modular home be considered a Use Unit 6.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the interpretation of doublewide and modular homes that can and cannot be considered a Use Unit 6 as: a mobile home, no matter the number of the pieces or units is a mobile home as long as it has an axle, tongue and wheels so that it can be transported, regardless of whether it is skirted or tied down. A modular home that would be brought to the site in multiple pieces and attached on a permanent foundation, and can meet the residential code for a single-family dwelling can be considered a

Use Unit 6. In no instance could a singlewide mobile or singlewide modular home be considered a Use Unit 6.

Training Session:

Ms. Fernandez stated that a tentative date of May 22, 2001 was set for training for the City and County Boards of Adjustment at the INCOG 5th floor Conference room. Alan Jackere and Jay Stump will be the speakers and lunch will be served. We would like to hold quarterly meeting for the two Boards. We have identified a liaison with the District Attorney's office, and they would be glad to come the training sessions.

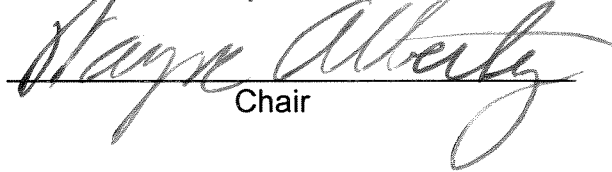
MINUTES:

On **MOTION** of Walker, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** the Minutes of March 20, 2001 (No. 250).

There being no further business, the meeting was adjourned at 5:06 p.m.

Date approved: _____

5/19/01


Chair