



POST OFFICE BOX 850 ☐ COWETA, OKLAHOMA 74429 ☐ PH. (918) 486-2189 ☐ FAX (918) 486-5366 ☐
www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-02
Date: 01/17/22

BACKGROUND

Applicant

The applicant, Steven and Kathryn Terry, are seeking;

- 1) A variance from Section 1950 Structural Nonconformities;
 - a. Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

Case Facts

- The location of the request is 15811 South 289th, The property is zoned Residential Single Family (RS-3).
- Applicant's lot consists of approximately .56 acres with a legal description as: Tract of land located in the SW1/4 of the NW1/4 of the SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma, and further described as follows, to-wit: Beginning 1705 feet North of the SW corner of the SW1/4 of said Section 19; thence North 115 feet; thence East 210 feet; thence South 115 feet; thence West 115 to the point of beginning.
- The applicants are requesting the variance of the zoning code Section 1950 (d) (1), to allow the placement of a mobile home (Residential Manufactured Home) on their property.

Pertinent Code

Ordinance 593 was approved by Coweta City Council on May 9th, 2003 and limits mobile homes to properties zoned RMHP – Residential Manufactured Home Park or RMHS Residential Manufactured Home Subdivision. ***The subject property is not zoned appropriately.***

Section 725 Tract Area – 5 Acres. **Tract does not comply with required lot size**

Section 1950 A structure, lawfully existing at the effective date of the adoption or amendment of this Code, but which would be prohibited by the terms of this Code by reason of restriction on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be

deemed nonconforming and may continue, **subject to the following provisions:**

Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, **shall not be thereafter reestablished**, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board 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. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**

Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
(a) 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 hardship.**
(b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**
(c) 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.**

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance from Section 1950 Structural Nonconformities;
 - a. Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

ATTACHMENTS

1. Aerial View Map. 2. Location Map. 3. Zoning Map. 4. Public Hearing Notice.