

STAFF REPORT
Board of Adjustment
May 6, 2021
Item No. IV.B. 3

Case No. 14843: Request of Charney Properties, for a variance to the requirement that new mobile home parks must have means of ingress and egress on at least a minor arterial street in the R-MH-2 Mobile Home Park District located at 8021 Melrose Lane.

I. GENERAL INFORMATION

A. CASE HISTORY:

This is a new application.

B. EXISTING ZONING AND LAND USE:

Subject site:	R-MH-2/ vacant
North:	R-4/ Residential
South:	I-3/ Industrial
East:	PUD-555/vacant
West:	R-4/Apartments

C. ZONING ORDINANCE:

The applicant requests the following variance(s) to Chapter 31 of the Oklahoma City Municipal Code, 2020, as amended:

Section 31-95 concerning new parks “abut and have their major means of ingress and egress on at least a minor arterial street”.

Definition:

Street, Minor Arterial: Streets which augment the major arterial system in those more densely developed areas requiring a closer spacing of arterial facilities. Minor arterials should not penetrate identifiable neighborhoods, but may provide slightly greater direct access to abutting property than a major arterial.

II. SUMMARY OF APPLICATION

The applicant is proposing the construction of a new manufactured (mobile) home park. Section 31-95 of the code requires new parks “abut and have their major means of ingress and egress on at least a minor arterial”. The only point of access to the property is the unimproved Melrose Lane, and the applicant seeks to improve Melrose Lane to provide appropriate access to the property.

III. STATUTORY STANDARDS

In order for a variance to be granted in accordance with State Statute requirements, the applicant must prove:

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- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan; and
- (d) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The applicant has submitted the following information to address the statutory standards:

Applicant seeks a variance for an approximately 26.16-acre undeveloped and unplatted tract of land, located northwest of the intersection of North Council Road and Melrose Lane, from the restrictions imposed by the Oklahoma City Municipal Code (the “Code”) § 31-95 requiring new mobile home parks abut a minor arterial. The Conceptual Site Plan attached hereto as **Exhibit A** (the “Proposed Site Plan”) indicates the area at issue in this Application (the “Subject Site”). Also attached hereto as **Exhibit B** and **Exhibit C** is a Survey and an overhead image pulled from the County Assessor, respectively, further displaying Subject Site and surrounding area.

Applicant is proposing the construction of a new manufactured (mobile) home park on the Subject Site. See **Exhibit A**. The Subject Site is currently zoned R-MH-2, which allows for the proposed mobile home park. However, § 31-95 of the Code requires new parks “abut and have their major means of ingress and egress on at least a minor arterial.” For reasons explained below, strict enforcement of § 31-95 of the Code presents as an unrealistic burden which would function in direct conflict with the underlying zoning of the Subject Site.

Applicant therefore request a variance from this Board allowing the Subject Site to be developed in a manner consistent with the current zoning, but without the requirement that the proposed manufactured (mobile) home park abut a minor arterial.

1. The application of the Ordinance to the particular piece of property would create an unnecessary hardship.

Strict application of the Ordinance creates an unnecessary hardship by requiring the proposed development abut a minor arterial. The Subject Site is specifically zoned for a manufactured (mobile) home park. The current zoning allows for only two other permitted uses besides manufactured mobile home residential: Light Public Protection and Utility-restricted; and Family Daycare Homes. See Table 6100.1. However, the Subject Site does not abut a minor arterial. Therefore, compliance with both the zoning and the Ordinance is not possible and creates an unnecessary hardship.

2. Such conditions are peculiar to the particular piece of property involved.

Conditions exist on the Subject Site and surrounding area which are peculiar and further justify the granting of the requested variance. Melrose Lane, a gravel unimproved public road which ties into North Council Road, abuts the south boundary of the Subject Site. See Exhibit B and Exhibit C. The north and east boundary of the Subject Site are adjacent to an R-4 residential subdivision. To the west of the Subject Site lies a bike/walking trail which runs along the North Canadian River and connects to the paths around Lake Overholser. See Exhibit C. The only point of access to the Subject Site is the unimproved Melrose Lane. Applicant, as part of the proposed development, seeks to improve Melrose Lane to provide appropriate access to the Subject Site. A newly improved Melrose Lane would tie directly into the major arterial of North Council Road to the east. Even with these efforts, Melrose Lane likely cannot become a minor arterial due to the peculiar conditions to the west, i.e., the Canadian River and the public bike/walking path. Given the current zoning and inability of bringing a minor arterial to the Subject Site despite a major arterial being nearby, the peculiar conditions involved with this piece of property warrant a variance.

3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan.

Relief, if granted, would not cause any detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan. Instead, relief would actually promote public good and further the purposes of the Comprehensive Plan. The proposed development of the Subject Site will serve to diversify the housing supply in the area, further infill development, increase supply of affordable housing options all while maintaining the existing zoning. The Subject Site abuts a R-4 zoned subdivision, which mixes in with R-2 and R-1 development to the northeast. The existing zoning therefore allows a diverse supply of residential development in the area with a natural flowing increase in density from the northeast to the southwest. However, the full range of this carefully planned mixed residential area cannot be achieved without a variance.

Additionally, the improvement to Melrose Lane will provide the adjacent R-4, R-2, and R-1 neighborhoods with a supplementary point of access onto Davis Avenue. See Exhibit C. This additional access would serve to enhance these neighborhoods without creating unnecessary traffic and benefit the overall public good of the surrounding area.

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

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Since the Subject Site is already properly zoned for the proposed development, the requested relief is the minimum necessary to alleviate the unnecessary hardship as all other code requirements will be met.

IV. COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

Parks Department – The West River Trail is directly adjacent to the proposed mobile home development. It would make sense for the developer to provide at least one connection for residents to easily be able to access the trail.

Public Works-Paving - Melrose Lane must be improved to industrial street standards. Built Manufactured homes shall only use Melrose Lane for access/egress from the site. Davis Avenue does not have the pavement structure to handle manufactured homes loads.

V. DEVELOPMENT SERVICES DEPARTMENT REVIEW

Favorable Considerations

1. Applicant plans to improve Melrose Lane for development.
2. The property was previously zoned to permit mobile home park development.

Unfavorable Considerations

1. No unfavorable considerations have been identified.

In order for this variance to be granted, the required statutory standards listed above must be satisfied, as determined by a majority vote of the Board from information provided in this staff report, and/or evidence presented at the hearing by the applicant, Board Members, or others, in support or protest of the application.

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