

AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, February 18, 2020, 1:30 p.m.
Central Library
Pocahontas Greadington Learning & Creativity Center, Lower Level 2
400 Civic Center
Tulsa, OK

Meeting No. 479

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of January 21, 2020 (Meeting No. 478).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **2799—Ronald Dahl**
Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23 – storage not elsewhere classified – in an AG District (Section 1223); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 3801 South 137th Avenue West, Sand Springs
3. **2800—Kyle Whisenhunt**
Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** North of the NE/c of West Coyote Trail & South 209th West Avenue, Sand Springs
4. **2801—Eric Herring**
Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** 11908 North Harvard Avenue, Skiatook
5. **2802—Deanna Wooten**
Special Exception to allow a carport in a required side yard in an RS District (Section 240.2-H); Variance to reduce the side setback for a carport in an RS District (Section 430, Table 3 and Section 420.2.A.2); Variance of the allowable square footage for an accessory building in an RS District (Section 240.2.E). **LOCATION:** 512 North Valley Drive West, Sand Springs

6. **2803—Martin Benson**
Special Exception to permit Use Unit 2, area-wide special exception uses, for a temporary construction facility in the AG District (Section 1202). **LOCATION:** 5342 West Edison Street

7. **2804—Lloyd Anderson**
Variance of the maximum permitted floor area for a detached accessory building in an RS District (Section 240.2.E). **LOCATION:** 16434 West 56th Place South, Sand Springs

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.tulsaplanning.org

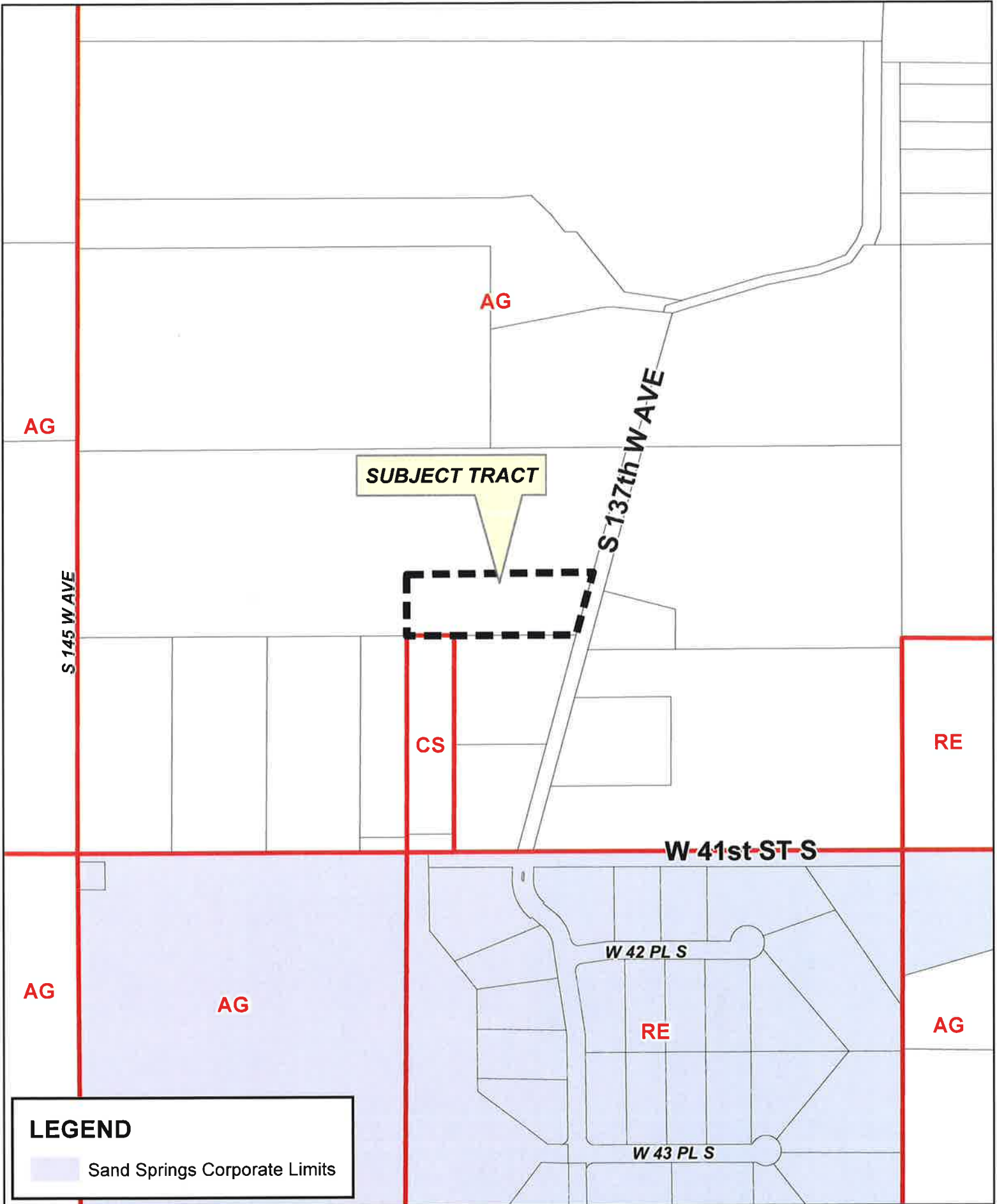
E-mail: esubmit@incog.org

If you require special accommodations pursuant to the Americans with Disabilities Act, please call (918) 584-7526.

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. Ringing/sound on **all electronic devices must be turned off** during the Board of Adjustment meeting.

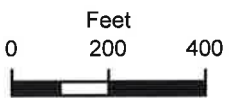
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LEGEND

 Sand Springs Corporate Limits



CBOA-2799

19-11 21

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9121

CZM: 43

CASE NUMBER: CBOA-2799

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Ronald Dahl

ACTION REQUESTED: Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 3801 S 137 AV W

ZONED: AG

FENCELINE: Sand Springs

PRESENT USE: Vacant

TRACT SIZE: 2.6 acres

LEGAL DESCRIPTION: A tract of land being a part of the Southwest Quarter (SW/4) of Section Twenty-One (21), Township Nineteen (19) North, Range Eleven (11) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; said tract of land being described as follows: COMMENCING at the Southwest Corner of said SW/4; Thence North 01°03'31" West along the Westerly line of said SW/4 for 708.70 feet to the Northwest corner of Bowles Acres', a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Thence continuing North 01°03'31" West along said Westerly line for a field measured distance of 607.26 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4-SW/4) of said Section 21; Thence North 88°43'43" East along the Northerly line of said SW/4-SW/4 for 1800.00 feet to the County Road; Thence South 14°16'36" West along said County Road for 421.19 feet to the POINT OF BEGINNING of said tract of land; Thence South 88°40'42" West and parallel with the Southerly line of said SW/4 of Section 21 for 625.64 feet; Thence South 01°49'47" East for 200.01 feet to a point on the Northerly Line of said Bowles' Acres subdivision; Thence North 88°40'42" East along said Northerly Line of Bowles' Acres subdivision, said Southerly line being parallel with said Southerly line of said SW/4 of Section 21 for 568.03 feet to the Northeast Corner of said Bowles' Acres subdivision and the County Road; Thence North 14°16'36" East along said County Road for 207.65 feet to the POINT OF BEGINNING of said tract of land LESS AND EXCEPT the Easterly 30.00 feet thereof reserved for Right-of-Way, Said tract of land contains 113,138 square feet or 2,597 acres, more or less AND E/2 LT 4 LESS S60 THEREOF.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-271 October 1982: The Board approved a *Variance* to locate two mobile homes and one house on a 20-acre tract, on property located north and west of 41st Street and 137th West Avenue (part of the subject property before the lot split).

Related to Subject Property:

CBOA-1691 November 1999: The Board approved a *Special Exception* to allow a min-storage in a CS district and a *Variance* to waive the all-weather surface until warm weather, subject to a building permit and all Code requirements met, subject to the all-weather surface being provided no later than June 30, 2000, located west of the northwest corner of W. 41st St. and S. 137th W. Ave. (The applicant will use this location as the entrance for the storage of boats and recreational vehicles on the subject property.)

Surrounding Property:

CBOA-2290 March 2008: The Board approved a *Special Exception* to permit a church use (Use Unit 5) in an AG district, on property located at 4008 South 137th Avenue West.

CBOA-897 June 1989: The Board denied a *Use Variance* to allow for an automobile transmission repair business in an AG zoned district, on property located at 14113 West 41st Street.

2.2

ANALYSIS OF SURROUNDING AREA:

The subject tract abuts AG zoned properties in all directions; in addition to AG, the subject property abuts CS zoning on the south. The CS zoned property is owned by the applicant and the mini-storage use is related to the present request, CBOA-2799. Additional surrounding uses include a church and single-family homes on large acreages.

STAFF COMMENTS:

The applicant is before the Board requesting a *Use Variance* to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a *Variance* from the all-weather parking surface requirement (Section 1340.D).

The applicant submitted the following statement: "Due to watershed, ground absorption is needed to prevent further pooling of water and run-off onto the adjacent property used for livestock."

According to the submitted survey, the applicant is proposing to use the subject property to store boats and recreational vehicles. This use is in connection with the mini-storage business located south of the subject tract. The storage area will be approximately 420' x 180' and will contain 65 storage pads. The storage area will be secured with fencing. Access will be from West 41st Street South and through the mini-storage business.

Since the storage pads will **not** be on an all-weather parking surface, the applicant is seeking a variance of the requirement of an all-weather parking surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust.

The subject property was recently split from the parent tract, a 20-acre parcel. The applicant may be required to combine the subject tract with the CS zoned property, which is the location of the mini storage business.

A Use Variance is required as storage and warehousing (Use Unit 23) is not a use permitted in the AG district due to potential adverse effects.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed use of the land is compatible with and non-injurious to the surrounding area.

SAMPLE MOTION:

"Move to _____ (approve/deny) a Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

Finding 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; 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."

Case No. 270 (continued)

Mrs. Bullard, Donna Leverette's mother, was present stating that she did not receive notice of the hearing and lives close to the subject property. She stated that if the application is approved, that it will decrease property values and would set a precedent.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units per lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS District; provided the mobile home is used for the applicant's use only and not for rental purposes, subject to the Tulsa City-County Health Department's approval, and subject to the issuance of a building permit, on the following described property:

Lot 3, Block 2, Hilltop Addition, Tulsa County, Oklahoma.

Case No. 271

Action Requested:

Variance - Section 208 - One Single-Family Residence Per Lot of Record - Request to locate two mobile homes and 1 house on a 20-acre tract. This property is located north and west of 41st Street and 137th West Avenue.

Presentation:

Mrs. A. B. Sartors, P. O. Box 33, Sand Springs, Oklahoma, 74063, was present requesting permission to locate three dwellings on the subject property. Mr. and Mrs. Sartors reside in a house and one of their daughters reside in the mobile home on the subject tract. The applicant is requesting permission to locate another mobile home on the tract for another daughter to reside in because of financial reasons. The two daughters will also be able to care for their elderly parents by being permitted to reside on the same lot.

Protestants: None.

Board Comments:

Mr. Martin asked if there are other mobile homes in the area and Mrs. Sartors advised that there are about 6 mobile homes in the surrounding area.

The Board inquired about the septic system and Mrs. Sartors advised that a lagoon system would be put on the subject tract for the three dwellings.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Residence Per Lot of Record) to locate two mobile homes and one house on a 20-acre tract, subject to a lagoon system being put in and subject to the issuance of a building permit, on the following described property:

A tract of land beginning 708.7 feet North of the Southwest Corner of Section 21, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North 608.8', East

10 15 22.25(15)

Case No. 271 (continued)

1,800', Southwest 630.8'; thence West to the point of beginning, Tulsa County, Oklahoma.

Case No. 272

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate mobile homes in an RS District. This property is located at 11116 and 11132 East 139th Street North.

Presentation:

Mr. Walker read a letter from the Collinsville Board of Adjustment recommending approval of the application (Exhibit "D-1").

Neil Young, 301 South 22nd Street, was present stating that the subject property consists of three lots. There is a house on one lot and a mobile home on each of the other two lots. One of the mobile homes is vacant and the other is occupied at this time. The smallest lot in question is 22,620 square feet in size. There are presently 32 mobile homes in the Morrow Heights and Industrial Heights Additions. He requested that a time limit not be imposed because the mobile homes have been financed for 8 years and 14 years.

Protestants:

Ron Cates, 111 West 5th Street, was present representing Don Little, one of the property owners in the subject area, stating that he was concerned about the precedent that has presently been set in the area. He stated that this is a single-family area and if mobile homes are permitted, they should be located in mobile home parks.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate mobile homes in an RS District, on the following described property:

The West 132' of Block 15, and the North 145' of the East 156' of Block 15, Morrow Heights Addition, Tulsa County, Oklahoma.

Case No. 273

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow one mobile home and one single-family dwelling on one lot of record. This property is located at 10421 South 177th East Avenue.

Presentation:

Mr. Walker submitted a letter from the Broken Arrow Board of Adjustment requesting that the case be continued (Exhibit "E-1"). The applicant requested that the case be heard at this time.

Mrs. D. W. Kellams, 10421 South 177th East Avenue, was present requesting permission to allow a single-family dwelling and a mobile home on the 10-acre subject tract. Mr. and Mrs. Kellams reside in the house and their daughter and her husband will reside in the mobile home.

INTERESTED PARTIES COMMENTS:

Martha Cobb, stated that she owns the subject property with her sister. She explained that she wanted to do something to help the north side of Tulsa. She commented that the Victory Christian Center does good work and the family decided to donate the subject property to the center.

Billie Joe Dougherty, Pastor of Christian Victory Center, Inc., stated that the center would like to build out the entire plan quickly. He indicated that the residents in the subject area are in support of the proposal.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Walker aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution & nurse station), per site plan as presented, finding that the special exception 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:

A part of NE/4 of Section 14, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the N boundary line of said Section 14, 810.00' W of the NE/c thereof, and 40.00' N of the NW/c of the Valley View Acres Addition, an addition in the City of Tulsa, thence S 0°12'00" W along the W boundary line of said Valley View Acres Addition a distance of 660.00'; thence due W a distance of 720.00'; thence N 0°12'00" E a distance of 660.00' to the N boundary line of said NE/4; thence due E along the N boundary of said NE/4 a distance of 720.00' to the point of beginning.

Case No. 1691

Action Requested:

Special Exception to allow a mini-storage in a CS district and a Variance to waive the all-weather surface until warm weather, located west of northwest corner West 41st Street & South 137th West Avenue.

FILE COPY

Staff Comments:

Mr. Bruce stated that the subject parcel is approximately 5 acres in size (307' x 709') and is located west of the intersection of South 137th Avenue West and West 41st Street South. The parcel is recently zoned CS with AG zoning surrounding it. Residences are evident to the east and west with 41st St to the south and large lot residential uses beyond. The area to the north appears to be primarily vacant.

Mr. Bruce stated that the site plan indicates that the existing residence will remain, that several buildings will be removed, and that the storage facilities will be located to the northern portion of the site. The plan also indicates that the wall of the storage structures will be utilized as screening along the western boundary and along a significant portion of the northern boundary.

Comments and Questions:

Mr. Walker stated that he has known the applicant for several years.

Presentation:

Keith R. Schultz, 1411 West 41st Street, Tulsa, Oklahoma, submitted a site plan (Exhibit D-1) and stated that the subject property was recently rezoned CS. He indicated that he talked with the neighbors regarding the screening and the neighbors stated that there is no need for a fence.

Staff indicated that the Code did not require screening against the AG district.

Comments and Questions:

In response to Mr. Walker, Mr. Schultz stated that the subject area is planned to be commercial and the City of Sand Springs was in support of the subject property being zoned CS. Mr. Schultz indicated that there were no protestants during the rezoning hearing.

Mr. Looney asked the applicant how large the mini-storage would be. In response, Mr. Schultz stated that there will be between 80 to 100 units. Mr. Schultz stated that the largest unit would be 12' x 26' with a 10' door for boat storage and a 10' x 10' would be the smallest unit.

Mr. Schultz indicated that he will always live on the subject property as long as he owns it.

Mr. Albery asked the applicant if the County Building Inspector has reviewed his plans. In response, Mr. Schultz answered negatively.

Mr. Schultz asked if he could build up to the property line on commercial property. In response, Mr. Stump answered affirmatively, providing that there are no easements or utility lines in the way.

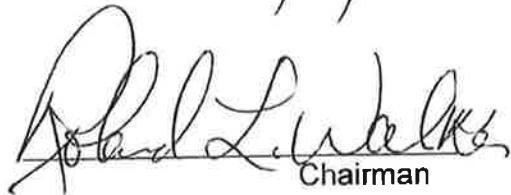
Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Walker aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** a Special Exception to allow a mini-storage in a CS district and a Variance to waive the all-weather surface until warm weather, subject to a building permit and all Code requirements met, subject to the all-weather surface being provided no later than June 30, 2000, finding that the special exception 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 and finding that the granted request will 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:

Lot 4, Bowles Acres in the S/2 of the SW/4 of Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point 921.6' E of the SW/c of Section 21, T-19-N, R-11-E; thence N 708.7'; thence E 307.2'; thence S 708.7'; thence W 307.2' to the point of beginning.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date approved: 12/21/99


Chairman

Mr. Dillard noted in the Findings, it was indicated they would request a vote by roll call. The Recording Secretary called the roll and recorded the votes as follows:

1 Roland Walker, "aye";

2 John Tyndall, "aye";

3 Gene Dillard, "aye";

4 Dana Hutson, "aye";

and

5 David Chamey, Chair, was absent, **APPROVED** by a 4-0-0 vote, on the following described property:

Beg. at the SW/c NW/4 NW/4 of Section 16, T-17-N, R-14-E, and extending E 1,320.00', thence S a distance of 1,312.00' thence W a distance of 240.00' extending N 1° E of true N a distance of 1,122.00', extending W a distance of 1,105.00', thence N a distance of 190.00' to the POB; AND Beg. at a point 1,085.00' E of the SW/c NW/4 of Section 16, T-17-N, R-14-E, thence 33.00' S along a line running 1° W of true S, extending W on a line 1° N of W a distance of 550.00' thence due S 1,290.00' thence E a distance of 1,845.00' to a point in the Arkansas River, then extending northward 1,300.00' along a line 30° E of north to a point in the Arkansas River, then extending northward 190.00' along a line 20° E of N to a point in the Arkansas River, thence 2,000.00' W to the POB; AND Beg. at a point 970.00' E of the SW/c of Section 16, T-17-N, R-14-E, thence E a distance of 1,110.00' to a point in the Arkansas River, then extending northward 1,350.00' along a line 13° E of N to a point in the Arkansas River, thence W a distance of 1,045.00' to a point on the W bank of the Arkansas River, then S a distance of 1,368.00' along a line running 15° W of S to the POB, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 2290

Action Requested:

Special Exception to permit church use (Use Unit 5) in an AG district (Section 301), located: 4008 South 137th Avenue West.

FILE COPY

Presentation:

Wallace Wozencraft, 1619 South Boston, Tulsa, Oklahoma, stated they are developing a one story church with about 7,600 square feet. The sanctuary seating is for about 200 people. They plan to have a family life center, classrooms, and administrative offices. There will be ample parking to meet the zoning code. There will be a detention pond. The property is zoned AG.

CBOA 2290
cont.

Comments and Questions:

Mr. Hutson asked the size of the sanctuary. He responded 58' x 90' includes the baptistery, choir room, dressing room, and two small classrooms. Mr. Wozencraft also informed the Board that the neighbors have shown support.

Interested Parties:

There were no interested parties who wished to speak.

FILE COPY

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** a Special Exception to permit church use (Use Unit 5) in an AG district (Section 301), finding 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 LT 5, BOWLES' ACRES; Tulsa County, State of Oklahoma

Case No. 2291

Action Requested:

Variance of the minimum required land area per dwelling unit from 2.1 acres to 2 acres (Section 330) to permit a lot split in the AG district, located: 14301 East 136th Street North.

Presentation:

Mike Marrara, 2001 South 114th East Avenue, Tulsa, Oklahoma, stated they needed the variance to obtain a lot-split. They proposed to have two dwellings on the property and were just short of the required 2.1 acres. He stated the size, and configuration of the property, plus a creek runs across the front, all of which are the hardship.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** a Variance of the minimum required land area per dwelling unit from 2.1 acres to 2 acres (Section 330) to permit a lot split in the AG district, finding the size of the tract is one tenth of an acre too small, being a minor difference of the requirement, on the following described property:

W346 E838.1 S516.6 SE SE LESS S16.5 THEREOF FOR RD SEC 28 22 14
Tulsa County, State of Oklahoma

Case No. 896 (continued)

Board Action:

On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1200) to allow for a mobile home in an RS zoned district; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two dwellings on one lot of record; subject to the mobile being skirted and tied down; and subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes in the immediate area, and the installation of the mobile will not be injurious to the neighborhood; on the following described property:

The East 50' of Lot 8, Block 7, Twin Cities Addition, Tulsa County, Oklahoma.

Case No. 897

Action Requested:

Use variance - Section 310 Principal Uses Permitted In Agriculture Districts - Use Unit 1217 - Request a use variance to allow for an automobile transmission repair business in an AG zoned district, located 14113 West 41st Street.

Comments and Questions:

Mr. Jones stated that Staff has received a letter (Exhibit C-1) from Sand Springs recommending denial of the application.

Presentation:

The applicant, Shirley McCollough, Route 2, Sand Springs, Oklahoma, stated that there was a complaint concerning the salvage cars on the back portion of her acreage. She pointed out that the property is zoned for agriculture; however, there is a meat processing business two doors away and a tree service business one-half mile to the west. It was noted by the applicant that the garage is detached from her house and one side is rented to the repair business, which constitutes approximately one-half of her income. She stated that the structure is located approximately 250' from 41st Street, and that she has discussed the business with the neighbor to the east, who is supportive of the repair business.

Comments and Questions:

Mr. Looney inquired as to the days and hours of operation, and Ms. McCollough stated that the business is customarily open from 8:00 a.m. to 5:00 p.m., Monday through Friday, but occasionally some work is done after those hours.

Mr. Looney asked if there is any outside work or storage of automobile parts, and she replied that all work is completed inside. She stated that the operator of the business does not have outside storage, and that the salvage cars belong to her son.

Case No. 897 (continued)

In response to Mr. Looney, the applicant stated that the business has been in operation for approximately two years. Ms. McCollough informed that she is before the Board because there was a protest filed concerning the junk cars, which were not illegal when she moved to the property. Mr. Looney asked if the property could be screened, and the applicant replied that screening would be difficult, because of the shared driveway.

Ms. McCollough stated that the property will probably be zoned commercial in the near future, and Mr. Jones pointed out that the property is designated as low intensity residential by the Sand Springs Comprehensive Plan, and a request for zoning that would allow the business in question would not be in conformance with that plan.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **DENY** a Use variance (Section 310 Principal Uses Permitted in Agriculture Districts - Use Unit 1217) to allow for an automobile transmission repair business in an AG zoned district; finding that the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2 of Lot 4, less the south 50', Bowles Acres Addition, Tulsa County, Oklahoma.

Case No. 898

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage on a public street from 30' to 0' to allow for an existing lot, located 19510 West 12th Street.

Comments and Questions:

A letter (Exhibit D-1) from the City of Sand Springs recommending approval of the application was presented to the Board by Mr. Jones. He also noted that a portion of the property is located in a flood area.

Mr. Fields stated that he has had contact with the Corps of Engineers and the lot in question has been removed from the flood area.

Presentation:

The applicant, **Betty R. Joyce**, 5460 South 101st East Avenue, Tulsa, Oklahoma, stated that she acquired the subject property approximately five years ago, and is currently making plans to build a home. She explained that an easement to Wekiwa Road has been acquired, and the road is used by several property owners. She informed that she has been before the Sand Springs Board of Adjustment and requested approval of the variance request.



S 145 W AVE

S 137th W AVE

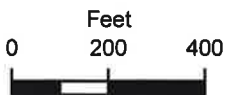
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W 42 PL S

W 43 PL S

CBOA-2799

Note: Graphic overlays may not precisely align with physical features on the ground.



 Subject Tract

19-11 21

Aerial Photo Date: February 2018





S 137th W AVE

0 Feet 50 100



Subject Tract

CBOA-2799

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

19-11 21

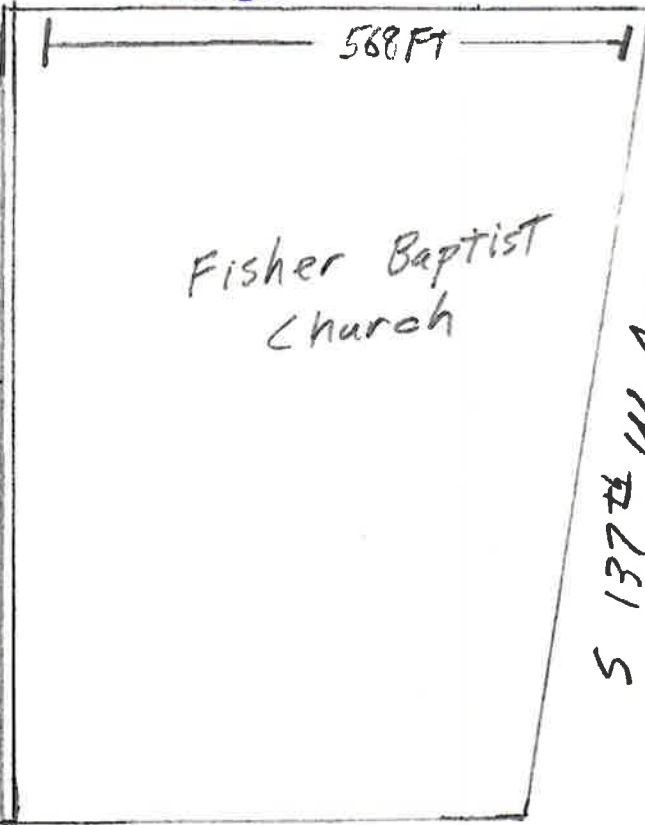
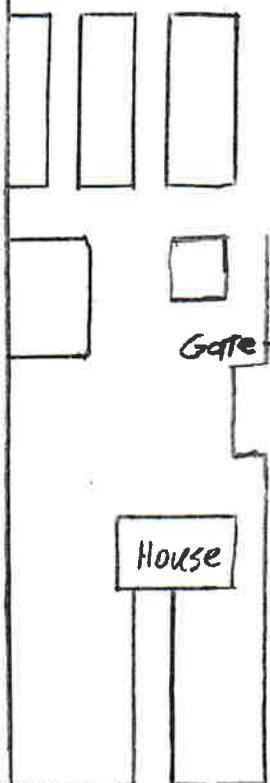
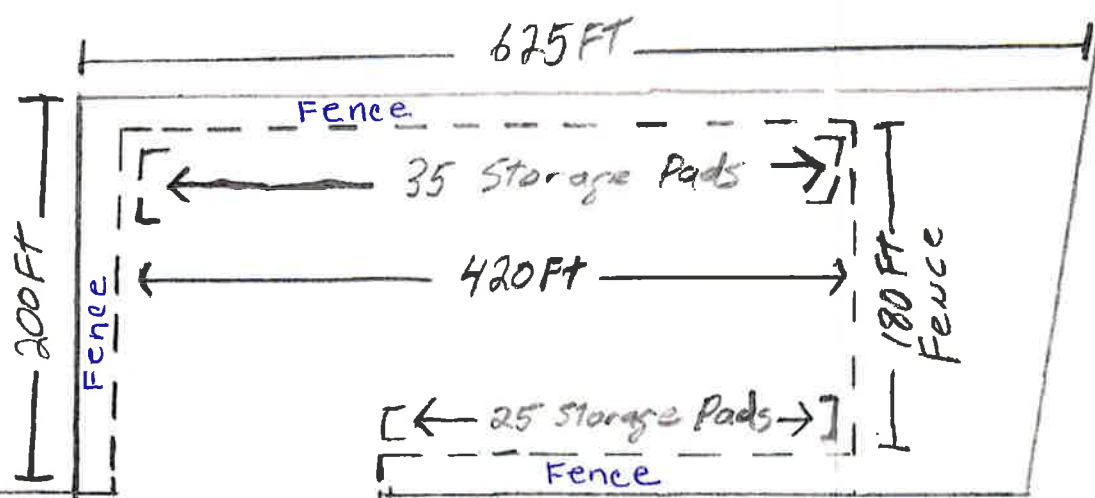
2.15





Looking north into the Mini-Storage site from W. 41st St. S.

This driveway would provide access to the proposed storage of boats and recreational vehicles.



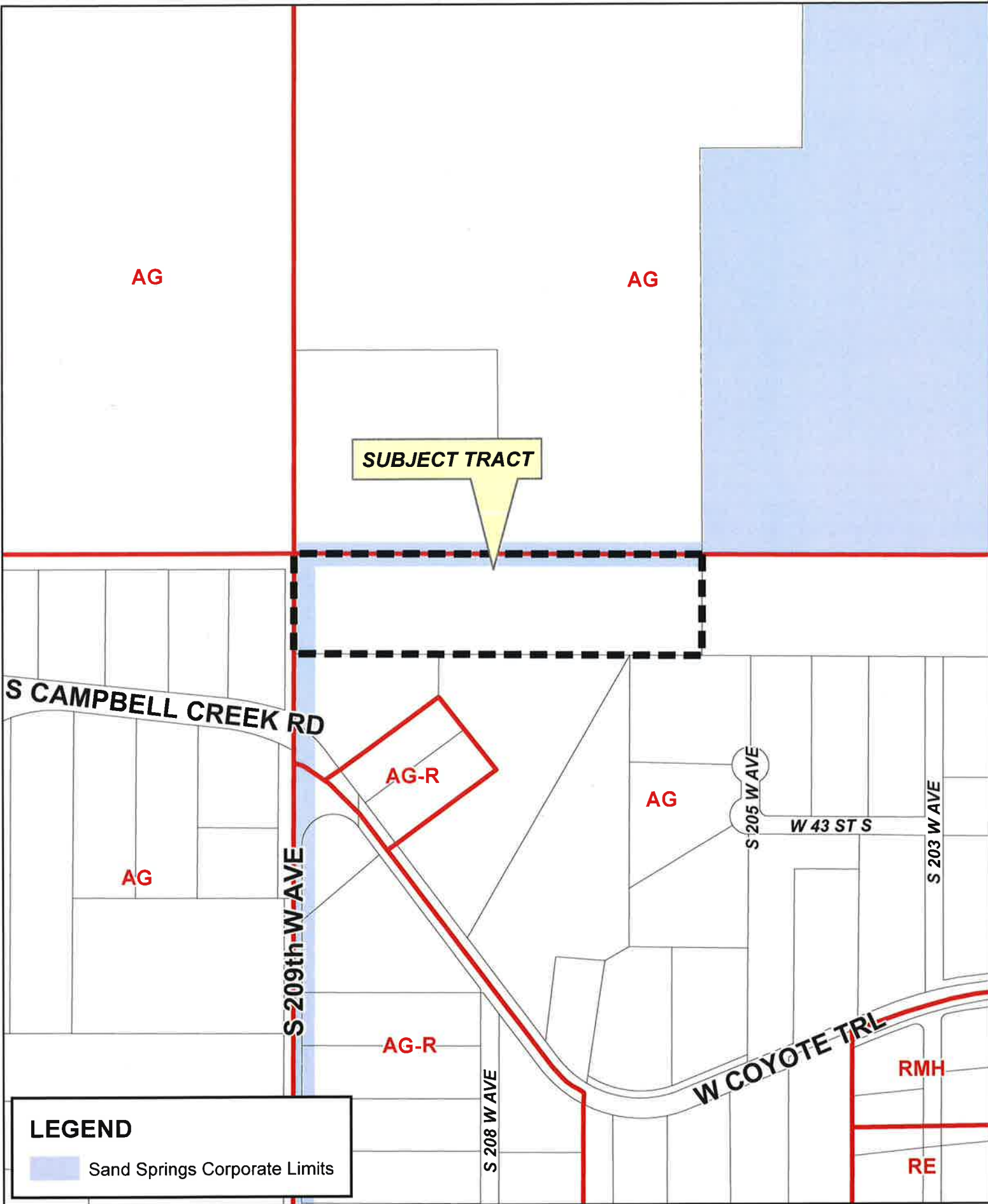
W 41st Street

S 137th W. Ave.

CB0A-2799

2.17

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CBOA-2800

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19-10 26

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9026

CZM: 42

CASE NUMBER: CBOA-2800

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Kyle Whisenhunt

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207).

LOCATION: N of NE/c of W. Coyote Trail & S. 209th W. Ave. **ZONED:** AG

FENCELINE: Sand Springs

PRESENT USE: Vacant

TRACT SIZE: 10 acres

LEGAL DESCRIPTION: W/2 N/2 N/2 N/2 NW SEC 26 19 10 10ACS

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agricultural zoning with both agricultural and single-family residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207). Section 207 of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following statement:

"I am requesting a zero variance to property 4117 S. 209th West Ave, Sand Springs, OK, 74063. I propose the utilization of the thirty foot easement currently owned by the county but maintained by myself. As shown on the drawing it is located between the properties numbered 1 and 3, which I currently own. I am making this request in order to comply with the zoning ordinance so I can build a permanent residence on property number 2, which I also own.

My hardship is that the county requires thirty feet of road frontage in order to obtain a residential building permit. Some peculiar conditions for this property is that it is landlocked on all four sides from a county maintained road, and this easement is the only access point to this property. If granted, I do not see any detriment or impairment being projected onto the public due to this property being landlocked."

According to Tulsa County Engineering Department, the portion of S. 209th W. Ave north of Coyote Trail, is not county maintained. The plat of Hickory Ridge Estates Addition shows a 30' dedicated

3.2

REVISED 2/3/2020

right-of-way but the applicant's property to the east has not dedicated 30' of right-of-way on their parcel to complete the street. Therefore, the applicant can access the platted dedicated right-of-way but he is still required to have the Board's approval for 0' of frontage.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

SAMPLE MOTION:

"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district. (Section 207)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

In granting a Variance, the Board must find 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; 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.



S CAMPBELL CREEK RD

S 209th W AVE

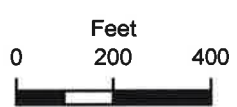
S 208 W AVE

S 205 W AVE

W 43 ST S

S 203 W AVE

W COYOTE TRL



 Subject Tract

CBOA-2800

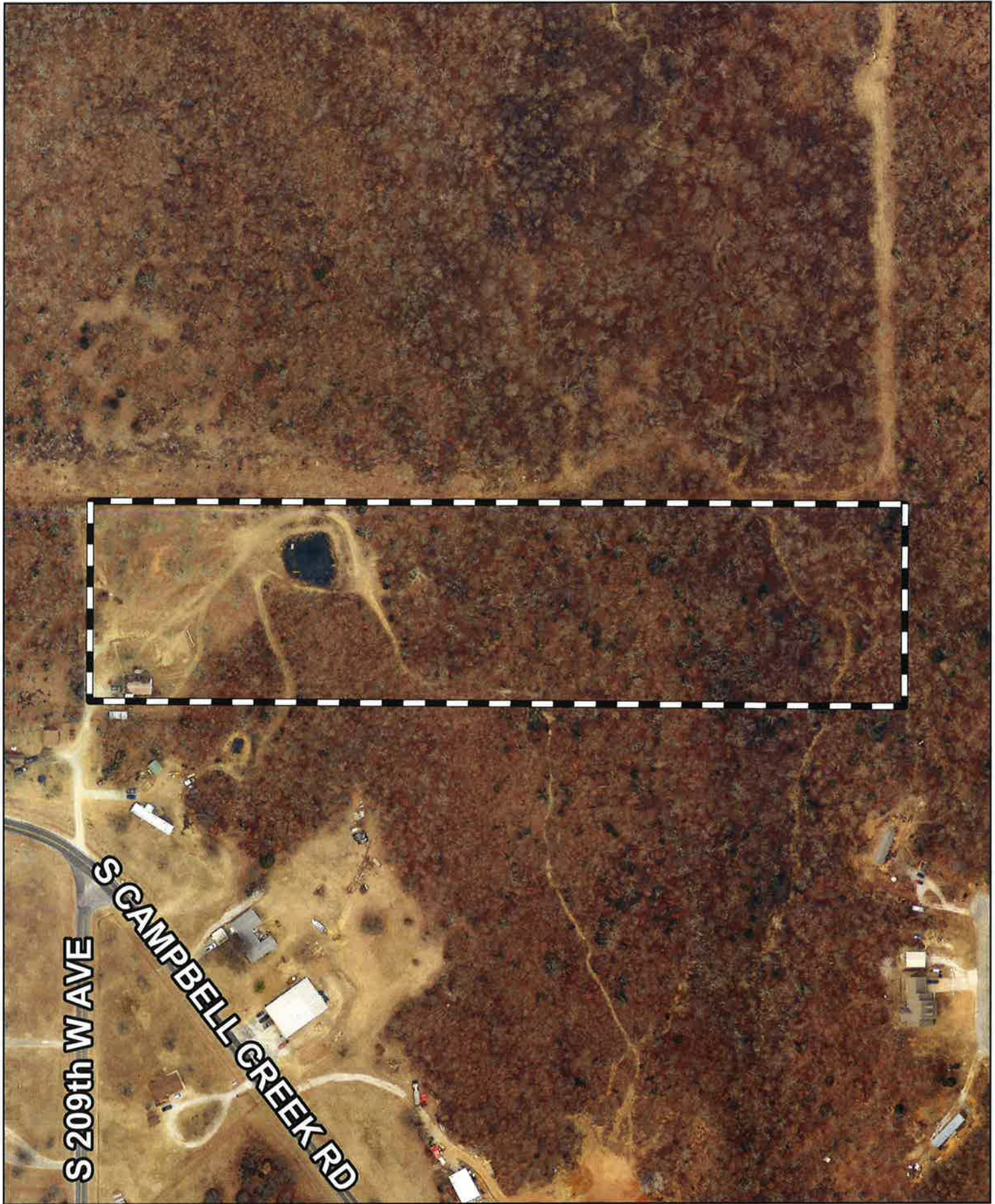
19-10 26

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

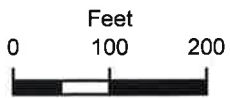
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S 209th W AVE

S CAMPBELL CREEK RD



Subject Tract

CBOA-2800

19-10 26

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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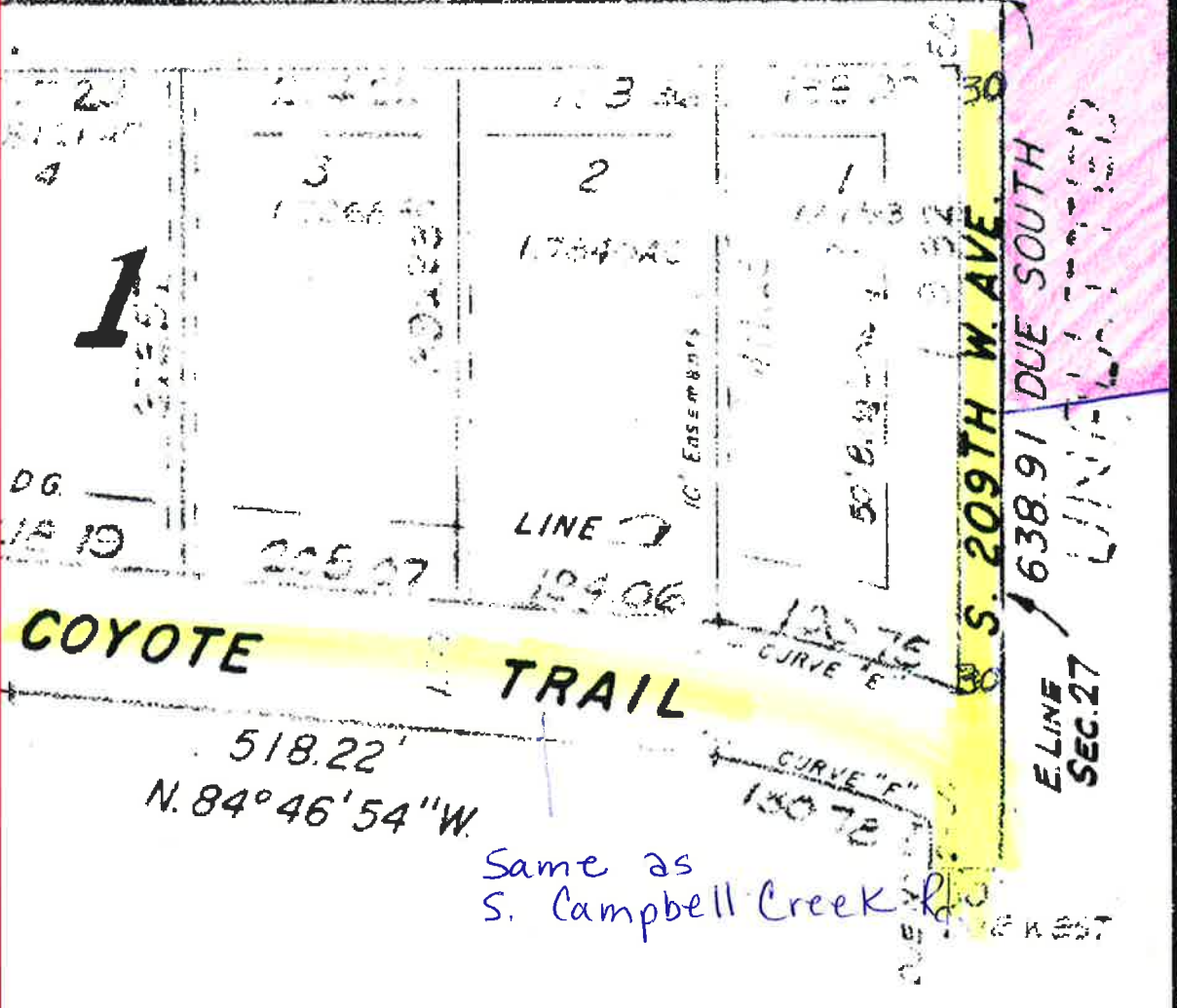
Looking north into entrance of property from S. Campbell Creek Rd.



Looking northwest along S. Campbell Creek Rd. - entrance to property is on the right.



NE 30th Sec.



Subject Property

Same as S. Campbell Creek

51880

HICKORY RIDGE ESTATES

ADDITION TO TULSA COUNTY, OKLAHOMA



Block 2 Lots 1-3 2.6343 Acres per Lot
 Lots 4-6 2.3669 Acres per Lot
 Block 3 1 Lot 1.1750 Acres

WHITE SURVEYING COMPANY
 4742 EAST 6TH ST., TULSA, OKLA.
 WE5-2406

OWNERS:
 WILLIAM F. BOUCHER & MARY E. BOUCHER
 7531 E. 55TH PL. 30, TULSA, OKLA. 74118
 AGNES L. CERRYHART & TWILA G. BROWN
 3010 SO HARVARD AVE., TULSA, OKLA. 74118

UNPLATTED



CURVE NO.	CURVE DATA	CHANG. I.
1	452.60 R 0.1518° 15.18'	11.724
2	175.00 R 0.2486° 24.86'	4.1787
3	150.00 R 0.2865° 28.65'	4.1787
4	150.00 R 0.2865° 28.65'	4.1787
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100	150.00 R 0.2865° 28.65'	4.1787

BEFORE ME, the undersigned authority, on this day personally appeared William F. Boucher & Mary E. Boucher, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 22nd day of March, 1972.

Notary Public in and for the State of Oklahoma.

David J. [Signature]
Notary Public

William F. Boucher
Mary E. Boucher
Agnes L. Cerryhart
Twila G. Brown

RECORDED BY _____ DATE _____

TULSA COUNTY CLERK

INDEXED BY _____ DATE _____

FILED IN _____

APPROVED BY _____ DATE _____

NOTARY PUBLIC

RECORDED BY _____ DATE _____

TULSA COUNTY CLERK

INDEXED BY _____ DATE _____

FILED IN _____

APPROVED BY _____ DATE _____

NOTARY PUBLIC

Case #: CBOA-2800

I am requesting a zero variance to property 4117 S. 209th West Ave, Sand Springs, OK, 74063. I propose the utilization of the thirty foot easement currently owned by the county but maintained by myself. As shown on the drawing it is located between the properties numbered 1 and 3, which I currently own. I am making this request in order to comply with the zoning ordinance so I can build a permanent residence on property number 2, which I also own.

My hardship is that the county requires thirty feet of road frontage in order to obtain a residential building permit. Some peculiar conditions for this property is that it is landlocked on all four sides from a county maintained road, and this easement is the only access point to this property. If granted, I do not see any detriment or impairment being projected onto the public due to this property being landlocked.

Jones, Robi

From: Kyle Whisenhunt <kyle.whisenhunt84@gmail.com>
Sent: Monday, January 6, 2020 7:10 PM
To: Jones, Robi
Subject: Case #CBOA-2800
Attachments: Variance.rtf

Hello,

Attached you will find a copy of my hardship explanation and a drawing.

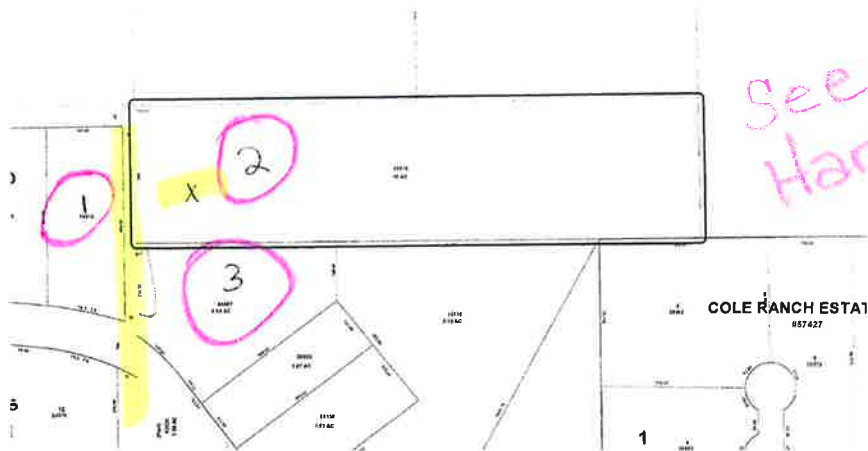
Please let me know if these attachments are sufficient.

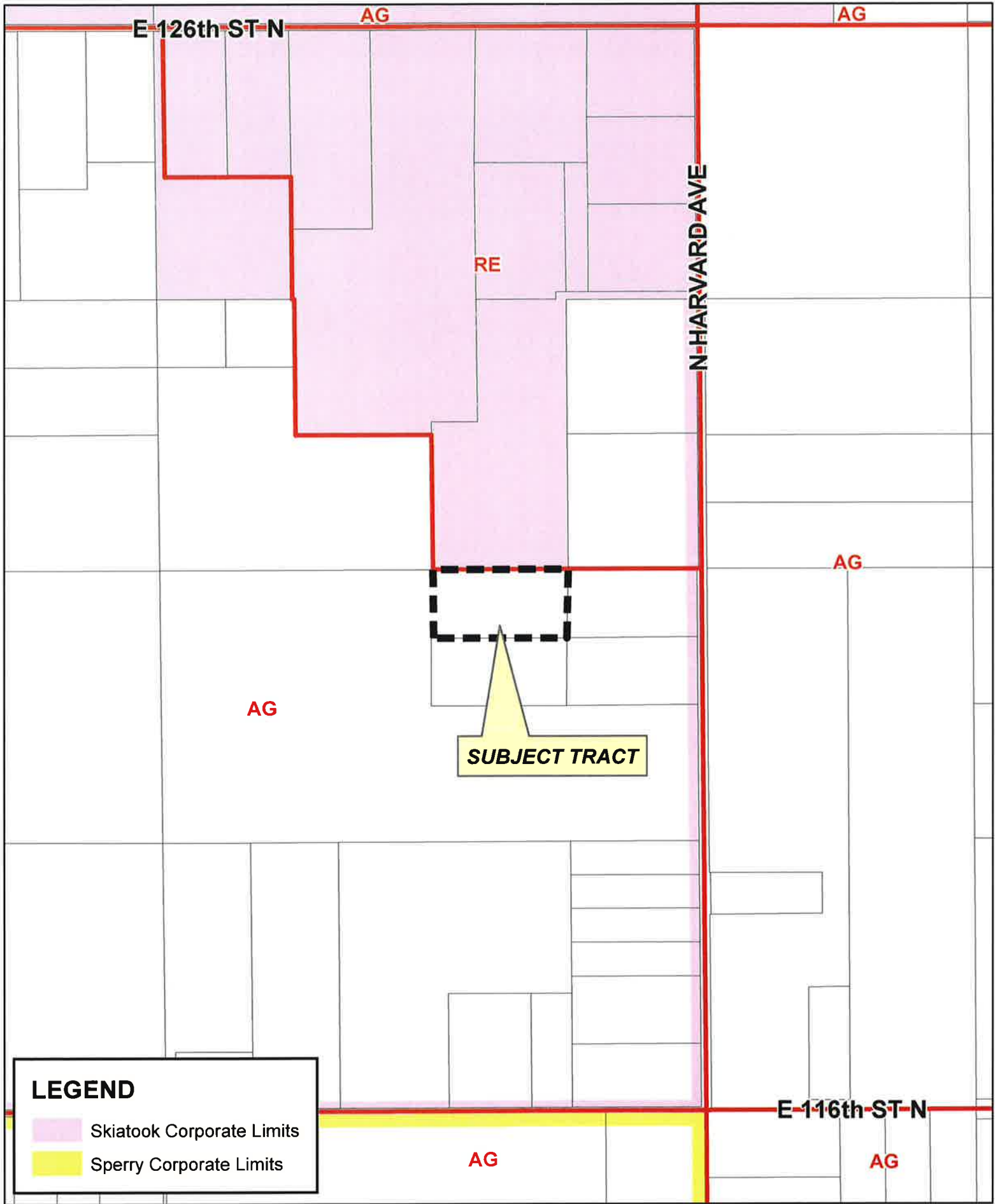
Sincerely,
Kyle Whisenhunt



John A. Wright Tulsa County Assessor www.assessor.tulacounty.org 918.595.5109		Date 12/30/2019
Account Number	99026-90-26-45610	
Mailing Addr.	WHISENHUNT, KYLE WILEY	
	4117 S 209TH WEST AVE	
	SAND SPRINGS, OK 74063	
Property Addr.		
Subdivision		
Legal Description	W/2 N/2 N/2 NW SEC 26 19 10 10ACS	

Acct Type :	Residential 2 imps	BITAs :		Deed Date :	2007-08-01	Rec:	2007088820
Zone :	AG	Bldg Area :		Deed Price :	\$38,000		
School Dist :	15B	Quality :		Multi Parcel Sale :	NO		
Neighborhood :	99301	Year Built :	0	Allocated Val :			
LEA :	1026	Bath :	0	Verification :			
Land Area :	435600.00 Sq. Ft.	Stories :	0	Land Value :	\$ 36,800		
		HVAC :		Adj Actual :	\$ 459		
		Roof :		Actual :	\$ 38,000		
		Condition :		Adjustment :			
		Ext Wall :		Adjustment :			
		Pool :	No	Adjustment :			
		Garage :	0	Adjustment :			





LEGEND

-  Skiatook Corporate Limits
-  Sperry Corporate Limits



CBOA-2801

4.1

21-13 05



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1305

CZM: 10

CASE NUMBER: **CBOA-2801**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Erin Herring

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207).

LOCATION: 11908 N HARVARD AV E

ZONED: AG

FENCELINE: Skiatook

PRESENT USE: Vacant

TRACT SIZE: 5± acres

LEGAL DESCRIPTION: N/2 NW/4 NE/4 SE/4 of Section 5 T21N R13E, Tulsa County, Oklahoma, containing 5 acres more or less

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1672 October 1999: The Board approved a *Variance* of the required 30' of frontage on a public street to 0', on property located north of the northwest corner of East 116th Street North & North Highway 75.

CBOA-1323 January 1995: The Board approved a *Variance* of the required 30' of frontage on a public street, on property located at 11910 North Harvard Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is in an agricultural area with both agricultural and residential uses. The property abuts RE zoning on the north, which is in the corporate limits of Skiatook,

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207). Section 207 of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following statement: "Variance of Section 207 of the Tulsa County Zoning Code is needed to allow access to property (11926 N. Harvard Ave.) through existing (11910 N. Harvard Ave.) road and utility easement.

4.2

Surrounding property owners have submitted letters stating that the applicant has their approval to access the subject property. (See attached letters.)

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

SAMPLE MOTION:

“Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any:_____.

Finding the hardship to be _____.

In granting a Variance, the Board must find 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; 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.”

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 233
Tuesday, October 19, 1999, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

FILE COPY

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Dillard
Walker, Chair

Looney
Tyndall

Arnold
Bruce
Stump

West, County Inspec.

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Thursday, October 14, 1999 at 2:48 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Walker called the meeting to order at 1:31 p.m.

MINUTES:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall "absent") to **APPROVE** the Minutes of August 17, 1999 (No. 231).

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall "absent") to **APPROVE** the Minutes of September 21, 1999 (No. 232).

UNFINISHED BUSINESS

Case No. 1672

Action Requested:

Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED** and Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located North of NW/c East 116th Street North & North Highway 75.

Case No. 1672 (continued)

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, **William E. Bott**, was represented by his wife **Faylee Bott**. Ms. Bott submitted a site plan (Exhibit A-1) and stated that she owns the forty acres. Her grandson now lives on the existing house that is on the forty acres. Ms. Bott stated that her husband is ill and they would like to build a small house on the land so her grandson can help take care of her husband.

Interested Parties:

None.

Comments and Questions:

Mr. Alberty asked the applicant if she has any intent to use the house as rental property or develop the land? Ms. Bott replied that she does not intend to do that.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED** and **Variance** to allow two dwelling units on one lot of record, finding that owner would like to keep the property under one ownership. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, on the following described property:

NW/4, SE/4, Section 4, T-21-N, R-13-E, Tulsa County, State of Oklahoma.

Case No. 1675

Action Requested:

Use Variance to allow a mobile home on a lot in the CH zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6**, located 1202 East 64th Street North

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

FILE COPY

Case No. 1323

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 11910 North Harvard Avenue.

Presentation:

The applicant, **Carl Osborn**, 11910 North Harvard, Skiatook, Oklahoma, submitted a plat of survey (Exhibit D-1) and stated that he purchased a house on a 5-acre tract that does not have frontage on a public street. He informed that an access easement to Harvard Avenue has been acquired and filed of record.

Richard Osborn, 11908 North Harvard, Skiatook, Oklahoma, stated that he is the father of the applicant and has sold his son a house and five acres, which is a portion of his 80-acre parcel.

Mr. Alberty asked Mr. Osborn if he is planning to sell off other lots, and he replied that the land will remain agriculture, with no further sale of property at this location.

In reply to Mr. Alberty, Mr. Osborn stated that a 60' easement to Harvard Avenue is dedicated for access and utilities.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per survey submitted; subject to a 60' easement being filed of record; finding a hardship demonstrated by the existing dwelling and the fact that the subject property and the surrounding 75 acres is family owned; on the following described property:

S/2, NW/4, NE/4, SE/4, Section 5, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1324

Action Requested:

Appeal the decision of an administrative official - **SECTION 1650. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 27, located 4105 West 41st Street.

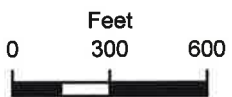
Presentation:

The applicant, **Carl Hopkins**, 4105 West 41st Street, was represented by attorney **Darrell Matlock**, 4410 South 33rd West Avenue. Mr. Matlock informed that he is involved in another hearing at this time and requested that Case No. 1324 be continued to February 7, 1995.

E 126th ST N

N HARVARD AVE

E 116th ST N



Subject
Tract

CBOA-2801

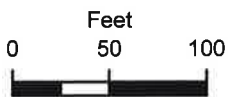
21-13 05

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

4.7





**Subject
Tract**

CBOA-2801

21-13 05

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

4.8



12312

11926 N HARVARD AVE

11910

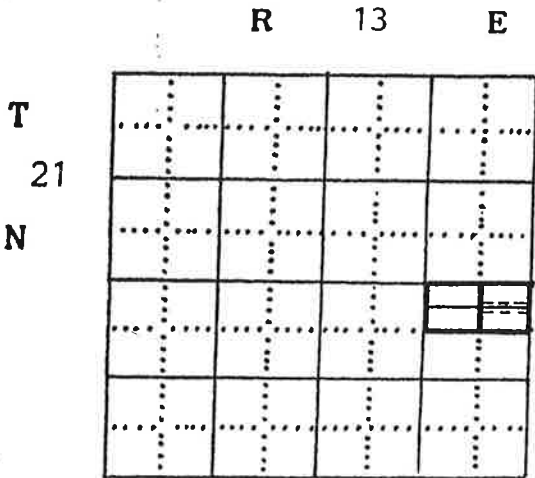
11908

N HARVARD AVE



FOR: Mark Osborn

PLAT OF SURVEY



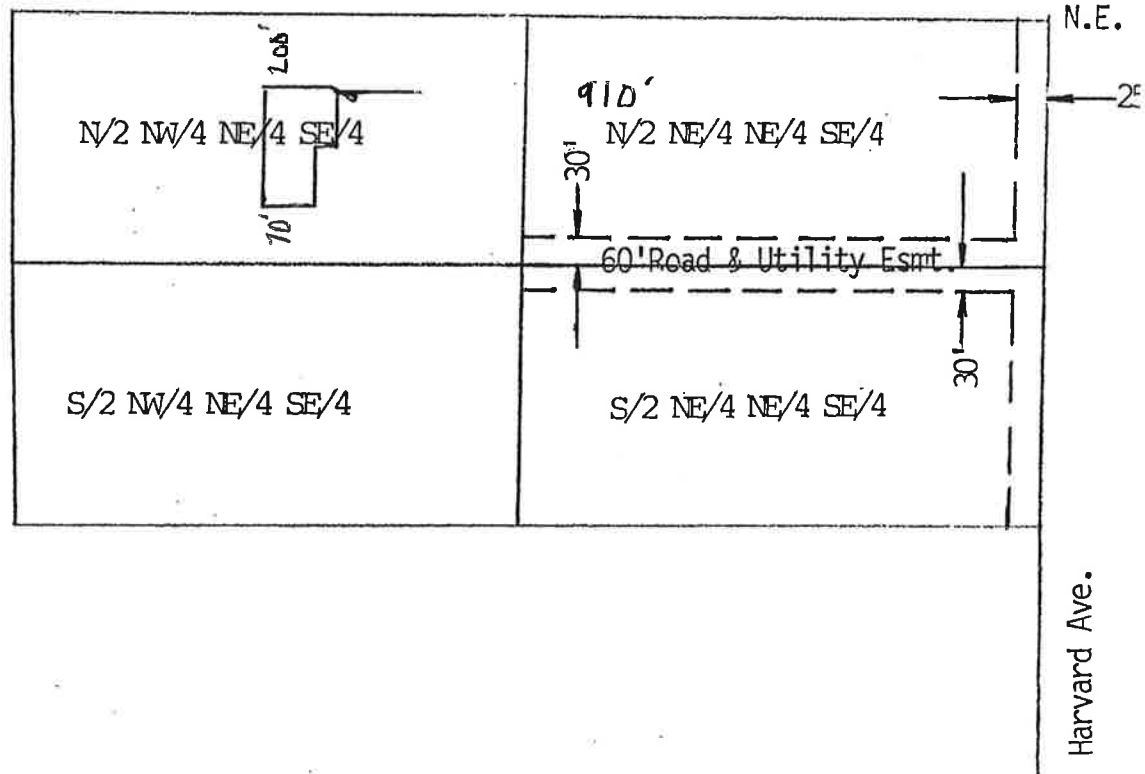
SECTION 5

COUNTY Tulsa
LOCATION MAP

SCALE 1" = 300'

- SECTION LINE
- FENCE
- WATER LINE
- GAS LINE
- ELECTRIC LINE
- TELEPHONE LINE
- IRON PIN
- SANITARY SEWER
- EASEMENT LINE

LEGEND



Sixty foot wide Road and Utility Easement

4.10

A strip of land in the Southeast Quarter (SE/4) of Section 5 T21N R13E, Tulsa County Oklahoma, being sixty (60) feet in width for the purpose of a road and utility easement more particularly described as follows, to-wit:

The South thirty (30) feet of the North half of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 NE/4 SE/4) AND The North thirty (30) feet South half of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (S/2 NE/4 NE/4 SE/4) all in Section 5 T21N R13E Tulsa County Oklahoma



QUITCLAIM DEED

THIS DEED made December 7, 2019, by Billie Dee Osborn, trustee of the Billie Dee Osborn Trust dated July 10, 2003, as amended from time to time, as grantor ("Grantor"), and Erin Kay Osborn Herring, a single woman, as grantee ("Grantee").

Grantor, in consideration of \$10.00 and other good and valuable consideration duly paid, the receipt of which is acknowledged, does quitclaim, grant, bargain, sell, and convey to the Grantee all of Grantor's right, title, interest, estate, and every claim and demand, both in law and in equity, in and to all the following described property situated in Tulsa County, Oklahoma:

N/2 NW/4 NE/4 SE/4 of Section 5 T21N R13E, Tulsa County, Oklahoma, containing 5 acres more or less,

together with all the improvements and appurtenances on the premises.

TO HAVE AND HOLD the described premises to the Grantee, Grantee's heirs, successors, and assigns forever.

Executed on the day and year written above.

Billie Dee Osborn, trustee of
the Billie Dee Osborn Trust dated July 10, 2003
Grantor


CARL M. OSBORNE

PDB 105

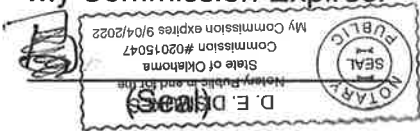
OWASSO 74055

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me in Tulsa County, Oklahoma, on December 7, 2019, by Billie Dee Osborn, as Trustee, who personally appeared before me and is known to me to be the identical person who executed the within and foregoing instrument, and she acknowledged to me that she executed it as her free and voluntary act and deed for the uses and purposes therein set forth.


Notary Public

My Commission Expires:



EXEMPT FROM DOCUMENTARY STAMP TAX PURSUANT TO 68 O.S. § 3202(4).

January 1, 2020

To Whom It May Concern;

Erin Osborn Herring has my permission to use a portion of my property in Tulsa County to drive to her property in the same county.

A handwritten signature in black ink that reads "Karen D. Osborn Stanford". The signature is written in a cursive style with a large, stylized "S" at the end.

Karen D. Osborn Stanford

CBDA-2801

4.13

1/2/2020

Tulsa County Assessor
500 S. Denver ave, 3rd floor
Tulsa, OK 74103
918-596-5071

ATTN: Tulsa County Assessors;

This letter is legal documentation giving permission for Alex and Erin Herring to access their property through my property in Tulsa county. Any questions please notify me.

Sincerely,

Judith Diane Dallas
177 Steeplechase circle
Waxhaw, NC 28173
317-750-9760

CBDA-2801

4.14

To Tulsa County Planning;

I have no issues with Erin Herring using the existing road and easement to access her Property (11926 N. Harvard, 74070).

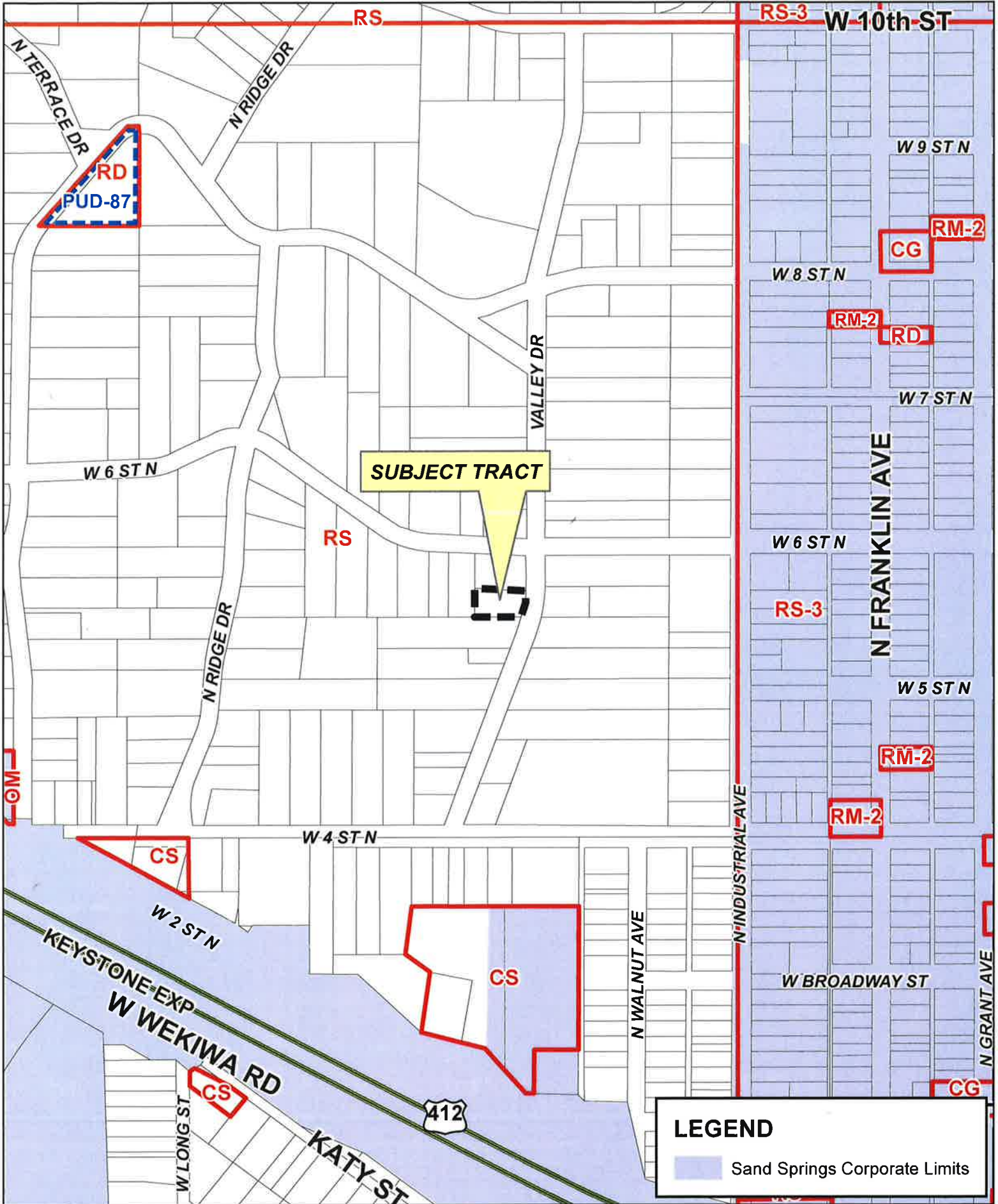
Carl M. Osborn

 1/2/2020

CBOA-2801

4.15

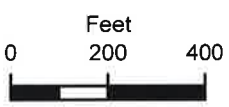
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SUBJECT TRACT

LEGEND

Sand Springs Corporate Limits



CBOA-2802

5.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9110

CZM: 76

CASE NUMBER: **CBOA-2802**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Deanna Wooten

ACTION REQUESTED: Special Exception to allow a carport in a required side yard in an RS district (Section 240.2-H); **Variance** to reduce the side setback for a carport in an RS district (Section 430 Table 3/Section 420.2.A.2); **Variance** of the allowable square footage for an accessory building in an RS district (Section 240.2.E)

LOCATION: 512 N VALLEY DR W

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.34 acres

LEGAL DESCRIPTION: S90 LT 1 & S90 E53 LT 2 BLK 19, CHARLES PAGE HOME ACRES NO 2 & RESUB PRT B10-12

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning with residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow a carport in a required side yard in an RS district (Section 240.2-H); **Variance** to reduce the side setback for a carport in an RS district (Section 430 Table 3/Section 420.2.A.2); **Variance** of the allowable square footage for an accessory building in an RS district (Section 240.2.E).

Section 240.2.H of the code requires a Special Exception for a carport that is proposed for placement in a required yard. The code states that required yards shall be open and unobstructed from the ground to the sky unless the use is a permitted obstruction as detailed in section 240.2 of the code. The applicant has requested a **Special Exception** to allow a carport in a required side yard in an RS district (Section 240.2-H).

Section 420.2.A.2. states: A detached accessory building shall not be located in the front or side yard or encroach upon a minimum building setback line, but the limitation shall not apply to carports, provided the minimum required front yard or side yard or setback line is observed. In this case, the minimum building setback line is not being met so the applicant is requesting a **Variance** to reduce the side setback for a carport in an RS district (Section 430 Table 3/Section 420.2.A.2) from the required 5' to 1'8".

The applicant is also requesting a **Variance** of the allowed square footage for accessory building(s) from 750 SF to 1,100 SF (Section 240.2.E). Section 240.2.E permits accessory buildings in the RS district; the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor

area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures. According to the site plan, the applicant intends to construct a 24'x40' less a 10' x 10' space in the rear (960 sq. ft. - 100 sq. ft. = 860 sq. ft total) carport in the side yard of an existing house on the property. There is an additional accessory building in the rear yard that is 240 sq. ft.

The applicant provided the following statement: "1.) I have lateral lines in backyard. 2.) Close to neighbor's property line (with permission of owner) 3.) Size of property."

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed accessory building is compatible with and non-injurious to the surrounding area.

SAMPLE MOTION:

"Move to _____ (approve/deny) a Special Exception to allow a carport in a required side yard in an RS district (Section 240.2-H); Variance to reduce the side setback for a carport in an RS district (Section 430 Table 3/Section 420.2.A.2); Variance of the allowable square footage for an accessory building in an RS district (Section 240.2.E)

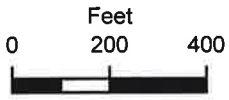
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

Finding the Special Exception 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.

Finding 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; 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."



Subject Tract

CBOA-2802

19-11 10

Note: Graphic overlays may not precisely align with physical features on the ground.

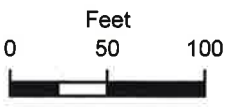
Aerial Photo Date: February 2018





W6STN

VALLEY DR



Subject Tract

CBOA-2802

19-11 10

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.5



November 22, 2019

Office of County Inspector
Carol Crowson Annex Building
633 W 3rd Street
Tulsa, Oklahoma 74127

To Whom It May Concern:

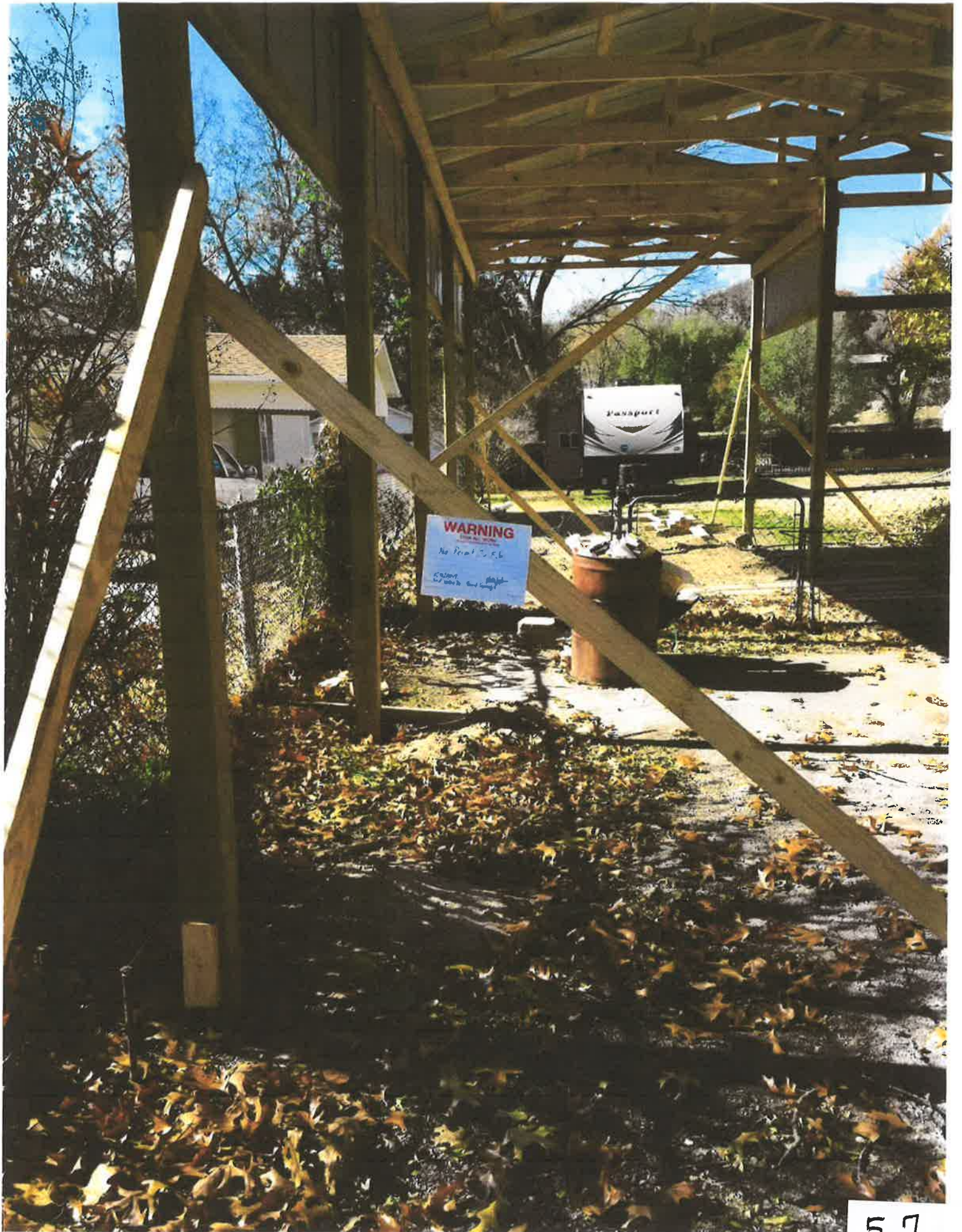
This is to advise that Delilah's LLC of 510 N. Valley Drive, Sand Springs, Oklahoma 74063, does not object to Deanna Wooten of 512 N. Valley Drive, Sand Springs, Oklahoma 74063, building an RV port at the fence line but within her property boundaries.

Sincerely,

Delilah's LLC

Vicki McClafin, Owner

Arthur McClafin, Owner



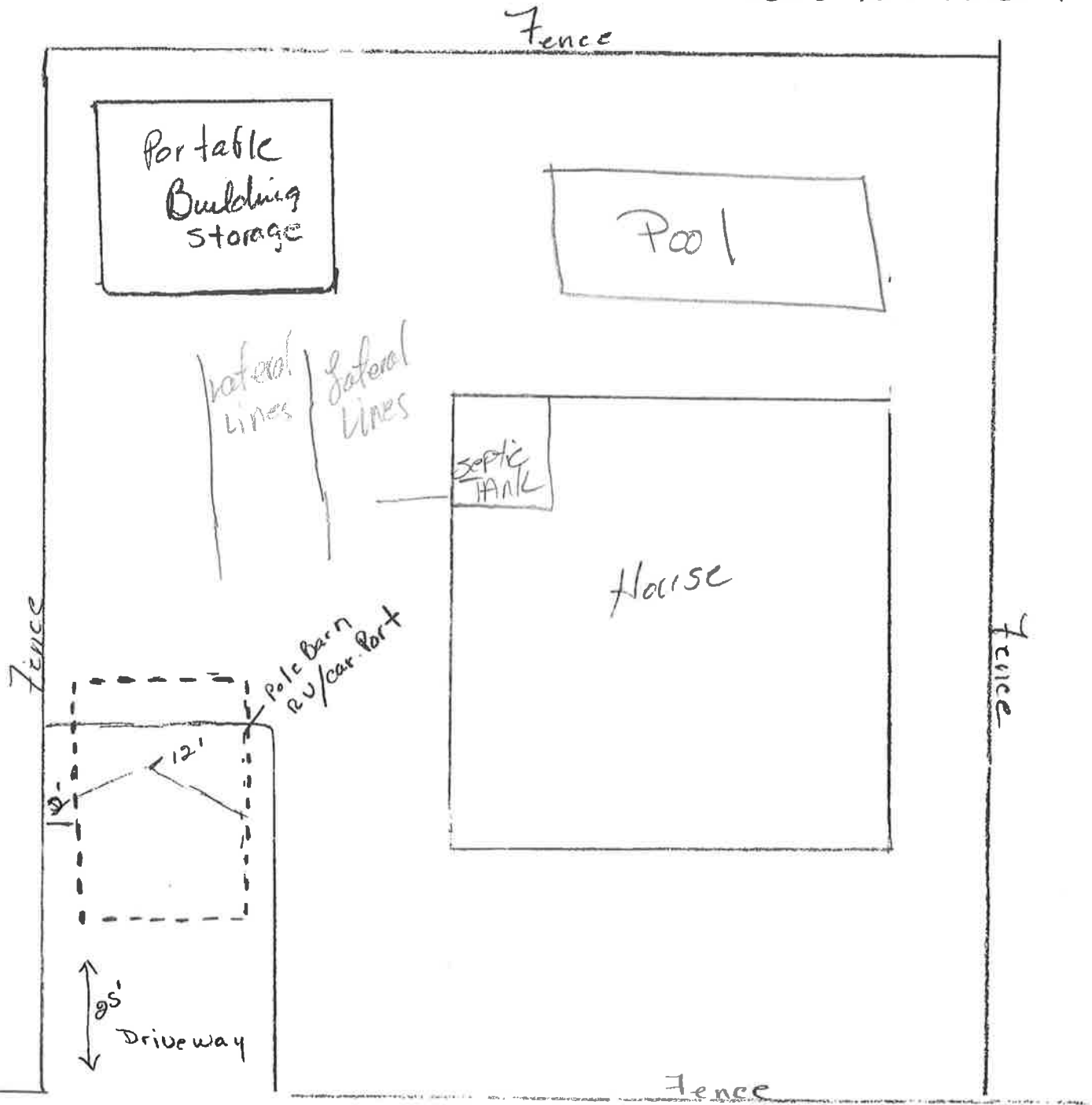
5.7



5.8

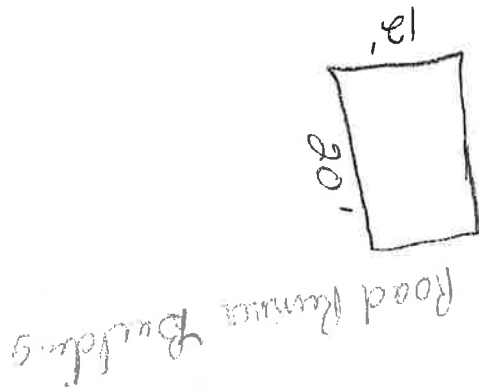
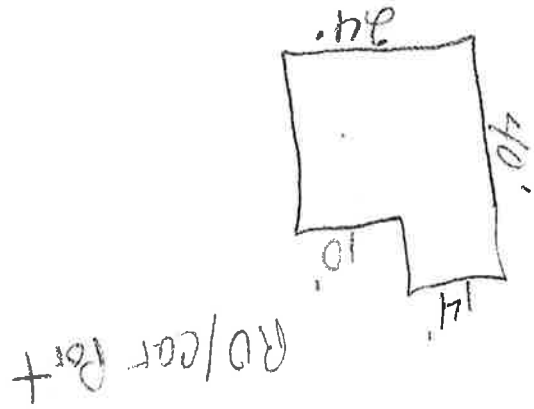
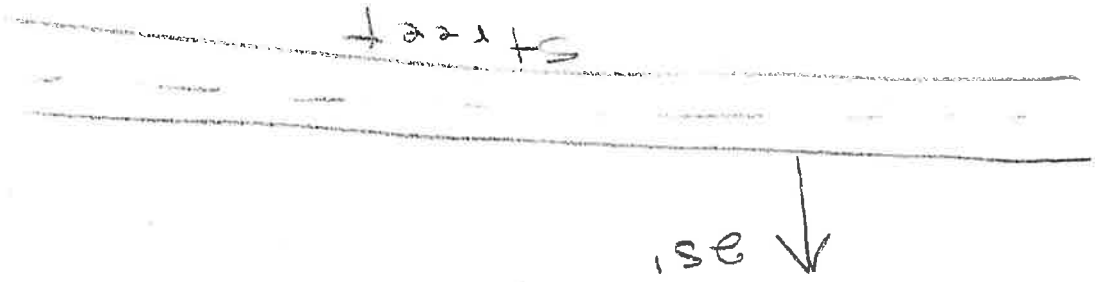
Pole Barn
Cover Storage Area

Charles Page Home Acres No 2
In Tulsa County State of Okla
according to Recorded Plat
Thereof Less the East
260.5 Feet Thereof.



Valley Drive Street

City: Robi Jones
From: Deanna Wooten
512 Valley Drive
Sand Springs, OK
5.10



Deanna Wooten

From: Lucky Airehrour <lairehrour@tulsacounty.org>
Sent: Thursday, December 12, 2019 1:41 PM
To: Deanna Wooten
Subject: RE: Tulsa County Application for Building Permit @ 512 North Valley Drive West
Attachments: SINSPECTION19121213550.pdf

[Here you go!](#)

From: Lucky Airehrour
Sent: Thursday, December 12, 2019 1:21 PM
To: DEANNA@WOWCOATINGS.COM
Cc: Daniel Walden <daniel.walden@tulsacounty.org>
Subject: Tulsa County Application for Building Permit @ 512 North Valley Drive West

Good Afternoon Ms. Deanna,

I hope all is well. With regards to the application you submitted on 12/2/2019, I had a chance to speak with my Zoning Officer (Daniel Walden). He identified a few zoning related issues that need to be addressed before the building permit can be issued.

These issues can be summarized below:

- Section 240 of the Tulsa County Zoning Code states that "In the RS District, detached accessory buildings may be located in a rear yard provided the accessory buildings in the aggregate do not cover more than 20% of the area of the rear yard or exceed 750 square feet of floor area, whichever is less."
- Section 430, Table (3) of the Tulsa County Zoning Code identifies a minimum side yard requirement of 5 feet. Although the site plan indicates the 5 feet is met, our inspector indicated there is only about 20" from the property line to the proposed structure.

In summary, you will need to go through the Tulsa County Board of Adjustment to resolve these issues. This will require you to file for a Board meeting with INCOG (www.incog.org). Their contact information (phone number) is on their website. Tell the first person that you need to file for a variance for the Tulsa County Board of Adjustment. Tell the person that they direct you to speak with what you intend on doing and that you need a variance of the above section(s). They will get you set up with an appointment with the Board.

Please feel free to contact myself or Daniel with any further questions.



Lucky Airehrour
Plans Examiner
633 W. 3rd St
Tulsa, OK 74127
Phone: 918-596-8815
lairehrour@tulsacounty.org

TULSA COUNTY

Where history and progress meet

20" off property

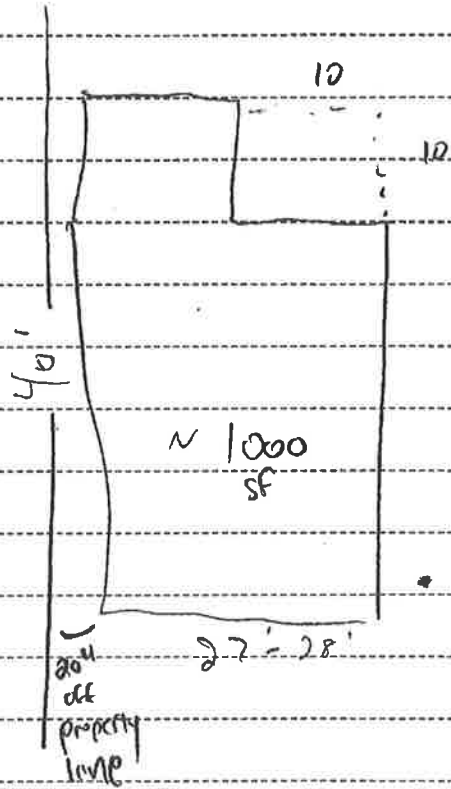
27-28 wide

40' length

Valley Drive

10' x 10'

Conformed by Matt



Equal Opportunity Employer

N 57th W AVE

AG

SUBJECT TRACT

W EDISON ST

N 49th W AVE

W EASTON ST

W EASTON ST

AG

64

RS

51

W CAMERON ST

W BRADY ST

N 53 W AVE

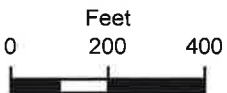
RS-3

N 50 W AVE

W ADMIRAL BLVD

LEGEND

Tulsa Corporate Limits



CBOA-2803

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9205

CZM: 35

CASE NUMBER: CBOA-2803

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Martin Benson

ACTION REQUESTED: Special Exception to permit Use Unit 2, Area-Wide Special Exception Uses, for a temporary construction facility in the AG District (Section 1202).

LOCATION: 5342 W EDISON ST

ZONED: AG

AREA: West Central Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 7.52 acres

LEGAL DESCRIPTION: E551 GOV LT 2 LESS PRT BEG 28.7W SECR GOV LT 2 TH W15 N15 E15 S15 POB & LESS BEG SECR GOV LT 2 TH W28.70 N15 W15 S15 W506.79 N157.81 E550.67 S156.28 POB SEC 5 19 12 7.52ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoned properties in all directions. The northside of the subject property abuts Osage County. All surrounding properties appear to have agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit Use Unit 2, Area-Wide Special Exception Uses, for a temporary construction facility in the AG District (Section 1202). A Special Exception is required as it is a use which is not permitted by right in the AG District because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The temporary construction facility must be found to be compatible with the surrounding area. Construction Facilities must abide by the following Use Conditions:

1202.3 Use Conditions:

- A. The Board of Adjustment shall impose appropriate time limitations on temporary open-air activities, except construction facilities, to ensure that the use is not injurious and is temporary in nature.
- B. Construction Facilities
 1. The use may continue for a period not to exceed two years in the same location.
 2. Ingress and egress must be from arterial or collector streets, provided that such location would result in less traffic on streets in residential areas.

3. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.

The facility is proposed as a temporary use operating for a minimal period of time while the Gilcrease Expressway is under construction. The subject property is agricultural and appears to have a communications tower near the southern portion of the property. According to the Plant Site Lease Agreement, the applicant will be leasing 5 acres from the owner as depicted in EXHIBIT A but at this time, the applicant is not able to provide a legal description for the precise 5 acres.

Staff notified the applicant about the provision number 3. (The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.) There appears to be two properties within 100 feet of the request so the applicant will be required to prove that the homeowners consent to the proposed temporary construction site.

The approval of a special exception will trigger the requirement to conform to the Subdivision and Development Regulations. Issues related to Right-of-Way dedication and storm water management would be addressed during the platting stage.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the construction facility is compatible with the surrounding area.

SAMPLE MOTION:

"Move to _____ (approve/deny) a Special Exception to permit Use Unit 2, Area-Wide Special Exception Uses, for a temporary construction facility in the AG District (Section 1202).

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, or hours of operation if any): _.

Finding the Special Exception 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."



N 57th W AVE

W EDISON ST

N 53 W AVE

N 51 W AVE

N 49th W AVE

W EASTON ST

W EASTON ST

64

51

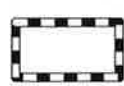
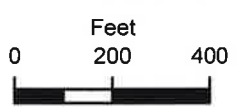
N 53 W AVE

W CAMERON ST

W BRADY ST

N 50 W AVE

W ADMIRAL BLVD



Subject Tract

CBOA-2803

19-12 05

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



W EDISON ST

N 53 W AVE

WEASTON ST



 **Subject Tract**

CBOA-2803

19-12 05

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





Duit Construction Co., Inc.



Concrete Paving

I-35 North Waterloo Rd. Interchange
6250 Industrial Blvd. North

405.340.6026 voice
405.348.7627 fax

P.O. Box 3788
Edmond, OK 73083

"EQUAL OPPORTUNITY EMPLOYER"

PLANT SITE LEASE AGREEMENT

This Plant Site Lease Agreement is between KJMM Inc, Russell Perry, agent, Owners of the real property herein described, hereafter referred to as "Owners" and Duit Construction Company, Inc. an Oklahoma Corporation, 6250 Industrial Blvd., Edmond, OK, hereafter referred to as "Operator."

In consideration of the mutual covenants hereinafter set forth, Operator and Owner agree as follows:

1. Lease of Plant Site

a. WHEREAS, Owners own the following described real property, E551 GOV LT 2 LESS PRT BEG 28.7W SECR GOV LT 2 TH W15 N15 E15 S15 POB & LESS BEG SECRGOV LT 2 TH W28.70 N15 W15 S15 W506.79 N157.81 E550.67 S156.28 POB SEC 5 19 12 7.52ACS Operator hereby leases 5.0 acres of said land, being the area depicted on the google map labeled EXHIBIT A, and made a part of this agreement. All easements appurtenant thereto, including but not limited to those for ingress, egress, and utilities ("the Plant Site"), for the purpose of installing, constructing, maintaining, repairing, using and operating portable concrete batch plant(s) and all machinery, equipment, scales, telephone lines, parking and material storage areas, and other items and improvements desirable in Operator's judgment for its operations on the Plant Site (collectively "the Plant"). Operator agrees to keep the site free of all loose trash and debris.

b. Any utilities required by Duit Construction Co., Inc. will be furnished by Duit Construction Co., Inc. The property is leased in "as is" condition at the commencement of the lease. The existing tower and any guy wires, etc., will be protected from damage with portable concrete barrier walls.

c. At the beginning of the lease period, operator will clear the area of all trees and brush and strip the available topsoil on the lease, and stockpile same in an area to avoid contamination of same. Prior to the termination of this lease, the Operator will haul off remaining aggregate stock piles, remove all equipment, fixtures, inventory and any other personal property brought onto the real property by the Operator. The site shall be graded back to a reasonably smooth surface, and shall be free of all trash, refuse and any other material brought onto the site by Operator. Operator will then spread the stockpiled topsoil back across the property in a smooth and workman like manner with natural drainage and seed with a Bermuda/rye seed combination. Operator shall hold harmless and indemnify the Owner for any hazardous materials brought onto the property during the term of this lease. Operator shall be responsible for any cost related to the removal and/or monitoring of any hazardous material brought onto the property during the term of this lease. Operator shall indemnify and hold Owner harmless for any claims arising from said hazardous material. Operator shall comply with all EPA standards during the term of this lease and shall leave the real property in compliance with EPA standards at the termination of this lease.

1 initial _____

6.6



Duit Construction Co., Inc.



Concrete Paving

I-35 North Waterloo Rd. Interchange
6250 Industrial Blvd. North

405.340.6026 voice
405.348.7627 fax

P.O. Box 3788
Edmond, OK 73083

"EQUAL OPPORTUNITY EMPLOYER"

2. Term, Termination

Term of Lease will begin the date operator enters the site to begin operations, and terminate when the operator has concluded his operations and has satisfied the terms of this lease, but no later than 60 days after final acceptance of OTA Project GCT-2500.

Upon the Termination of this Lease Agreement, Operator shall remove all equipment and materials and surrender the Plant Site to Owner in the condition stated in Section 1.c of this lease, ordinary wear and tear and acts of God excepted.

3. Rental Payments

This Lease Agreement is expressly contingent upon the execution of an agreement by Operator and Owner as follows: Operator will pay Owner [REDACTED] per month, payable in advance, by the first of each month. The first three months payment, [REDACTED] will be payed when the lease is signed by both parties.

4. Warranties of Owner

Owner represents that its ownership of the Plant Site is fee simple and absolute.

5. Damage to Plant Site; Eminent Domain

If the Plant Site is damaged by an act of God and its use by Operator is rendered impracticable, or if all or a portion of the Plant Site is taken by eminent domain, or if for any reason the Plant Site is rendered inoperable for more than thirty days by any government action, Operator may, with sixty (60) days advance written notice to Owner, terminate this Lease Agreement by notifying Owner in writing.

6. Notices

Any notice or communication concerning this Lease Agreement shall be sent by certified mail, return receipt requested, or delivered by hand, if to Operator, addressed to: Duit Construction Company, Inc., 6250 Industrial Boulevard, P.O. Box 3788, Edmond, Oklahoma 73083, Attention: Tim Duit, President. If to Owner, addressed to, KJMM INC, 1528 NE 23rd ST, Oklahoma City, OK 73111, Attention: Russell Perry, Agent.

7. Miscellaneous

Time is of the essence of this Lease Agreement. This Lease Agreement may not be modified or amended except by written instrument executed by both parties. This Lease Agreement shall be binding upon the heirs, successors, administrators, and assigns of both parties.

2 initial _____

6.7



Duit Construction Co., Inc.



Concrete Paving

I-35 North Waterloo Rd. Interchange
6250 Industrial Blvd. North

405.340.6026 voice
405.348.7627 fax

P.O. Box 3788
Edmond, OK 73083

"EQUAL OPPORTUNITY EMPLOYER"

8. Atornment, Subordination, Non-disturbance

Operator shall, in the event of a sale or assignment of Owner's interest in the real property of KJMM Inc. & Russell Perry, or if the real property comes into the hands of a mortgagee or any other person because of a mortgage foreclosure, exercise of a power of sale under a mortgage, not disaffirm this lease and atorn to the purchaser of such mortgage, or other person and recognize the same as Owner hereunder. Operator shall execute, at Owner's request, any atornment agreement required by any mortgagee or other person. Any subsequent Owner will not disturb Operator's quiet enjoyment per the terms of this lease. This lease shall be junior and inferior at all times to the lien of any mortgage or mortgages which now or hereafter have a lien upon any part of the real property and Operator shall execute such instruments as Owner requests, to evidence such subordination.

9. Insurance

Operator agrees to carry public liability insurance on the real property of KJMM Inc. & Russell Perry during the term hereof, covering the Operator and naming the Owner as an additional insured, for limits of not less than \$1,000,000.00 for bodily injury, including death and personal injury for any one occurrence and \$250,000.00 property damage insurance. Operator's insurance will include contractual liability coverage recognizing this lease, products and/or completed operations liability and providing that Owner and Operator shall be given a minimum of thirty (30) days written notice by the insurance company prior to cancellation, termination or change in such insurance. Operator shall provide Owner with a written certificate of said insurance.

10. Indemnification

Operator shall indemnify and save harmless Owner from and against any and all liability, liens, claims, demands, damages, expenses, fees, costs, fines, penalties, suits, proceedings, actions and causes of action of any and every kind and nature arising or growing out of or in any way connected with Operator's use, occupancy, management or control of the real propert

11.. Contingents

This Lease Agreement is contingent on two happenings.

1. Contractor will enter into a contract with OTA to construct the Gilcrease Expressway, project GCY-2500. This is expected to be in January, 2020.
2. Contractor and Owner are able to obtain a zoning variance from Tulsa County to erect and operate a temporary batch plant, for the Gilcrease Expressway project, on property zoned for agriculture use.

3 initial _____



Duit Construction Co., Inc.



Concrete Paving

I-35 North Waterloo Rd. Interchange
6250 Industrial Blvd. North

405.340.6026 voice
405.348.7627 fax

P.O. Box 3788
Edmond, OK 73083

"EQUAL OPPORTUNITY EMPLOYER"

This five-page agreement is deemed to be mutually and equally beneficial to both parties and shall constitute the entire agreement.

Executed by Owner and Operator through their duly authorized representatives this

_____ Day of _____, 2020.

OWNER: KJMM INC

OPERATOR: DUIT CONSTRUCTION CO., INC.

By: _____

By: _____

Title: _____

Title: _____

By: _____

Title: _____

4 initial _____

6.9



Duit Construction Co., Inc.



I-35 North Waterloo Rd. Interchange
6250 Industrial Blvd. North

Concrete Paving

405.340.6026 voice
405.348.7627 fax

P.O. Box 3788
Edmond, OK 73083

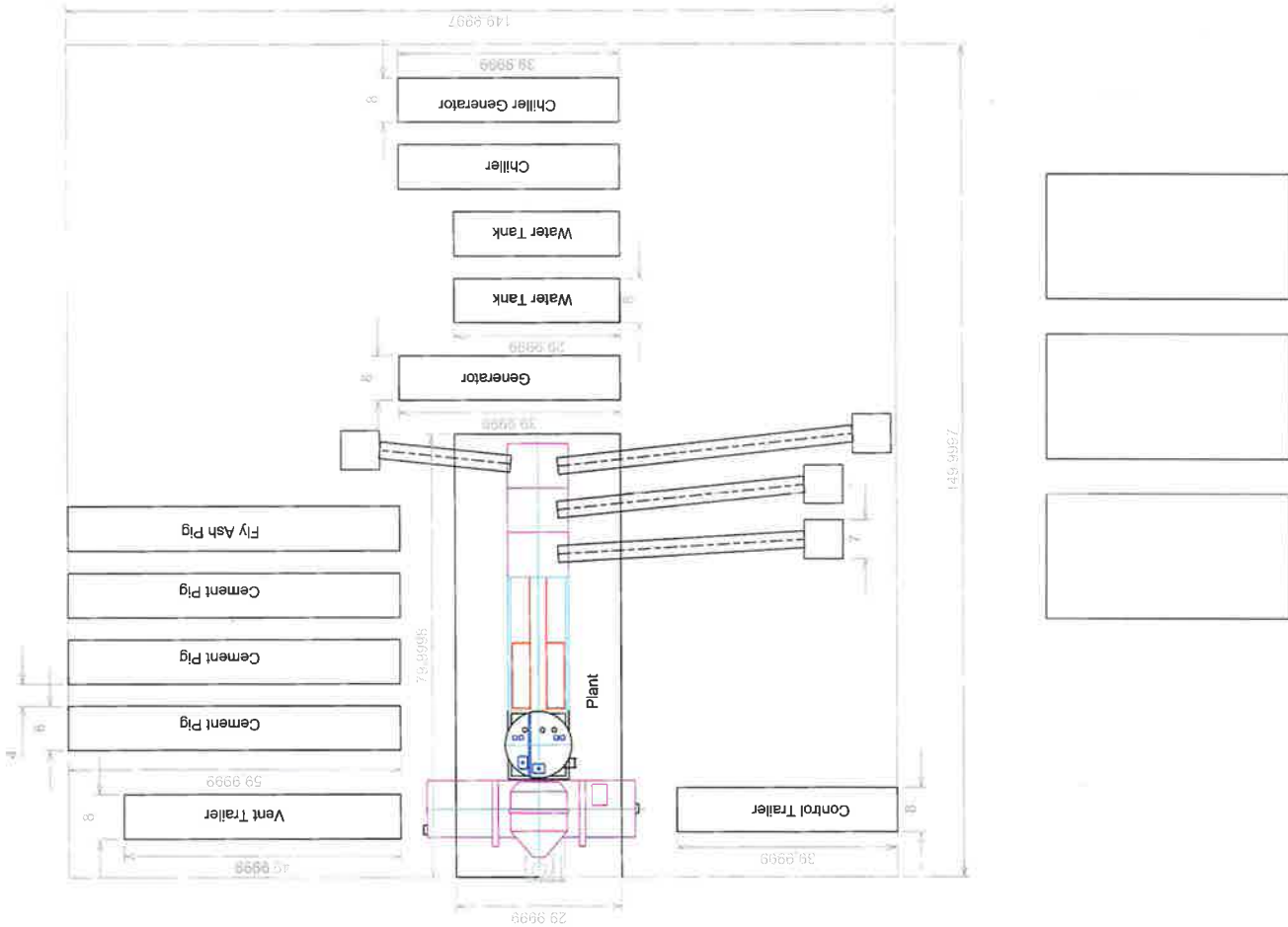
"EQUAL OPPORTUNITY EMPLOYER"

EXHIBIT A



5 initial _____

6.10

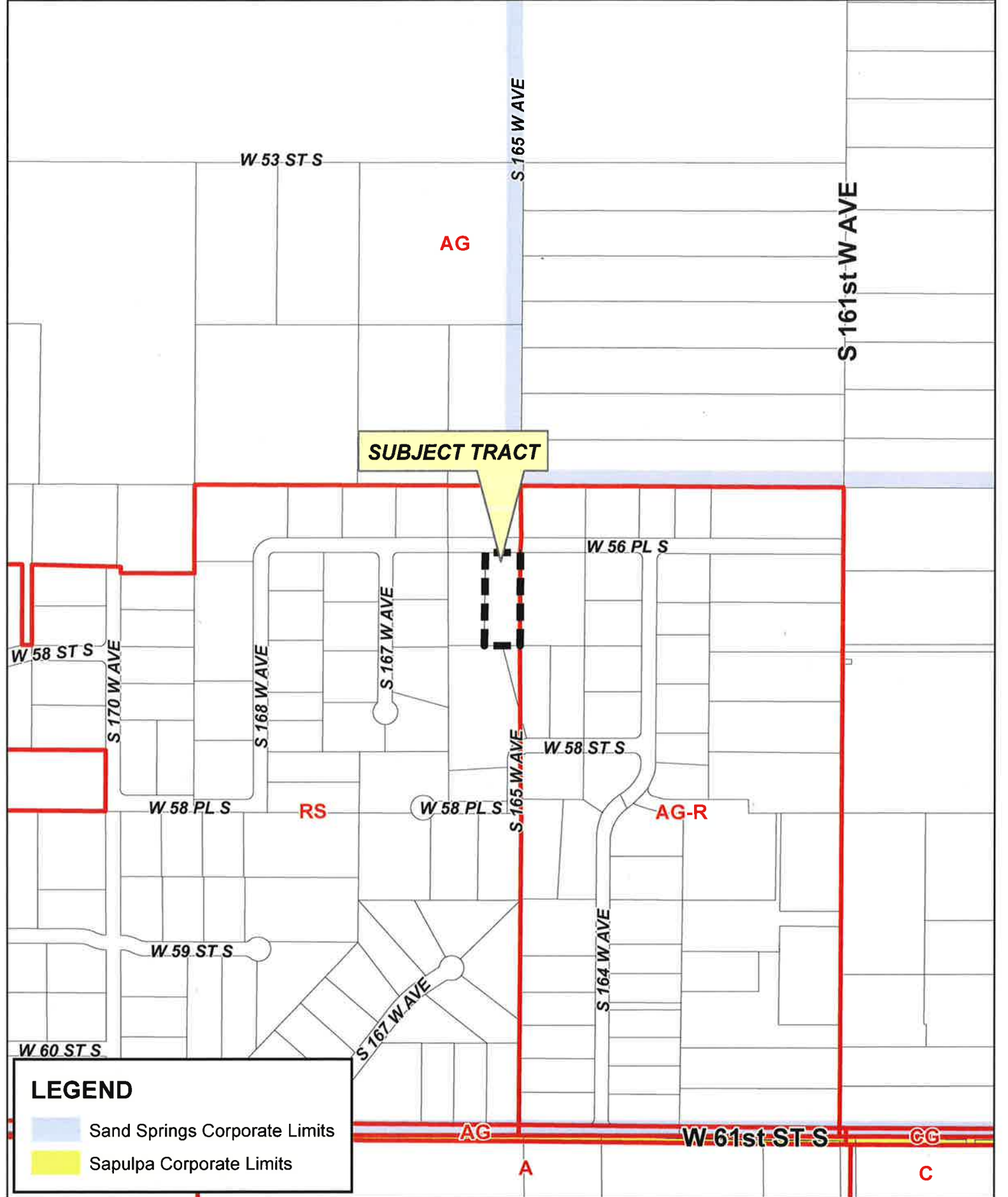


DATE	DESCRIPTION	DR	CHK
1/6/2020	Proposed Plant Site	RCA	
	Russel Perry Site		
REVISIONS		SCALE:	Duit Job # 19104 PAGE: 0F

Duit Construction Co., Inc.
 Concrete Paving
 25 North American Rd., York, PA 17404
 717-765-1111
 www.duitconstruction.com

GILCREASE EXPRESSWAY
 State Project
 GCT-2500
 DR BY R.C. Avery
 TR BY
 SCALE:

6.11



SUBJECT TRACT

LEGEND

- Sand Springs Corporate Limits
- Sapulpa Corporate Limits



CBOA-2804

19-11 31

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9131

CZM: 43

CASE NUMBER: CBOA-2804

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Lloyd Anderson

ACTION REQUESTED: A Variance of the maximum permitted floor area for a detached accessory building in an RS district. (Section 240.2.E)

LOCATION: 16434 W 56 PL S

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 1.22 acres

LEGAL DESCRIPTION: LT 2 BLK 2, PLEASANT OAKS ADDN II

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2354 February 2010: The Board denied a *Variance* of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,200 sq. ft. finding the applicant has made not attempt or communicated no attempt to comply, on property located at 5823 S. 170th W. Ave.

CBOA-2298 June 2008: The Board approved a *Variance* of the maximum permitted floor area for a detached accessory building in the RS district, with conditions not to exceed 1,500 sq. ft.; and no commercial uses associated with it, finding the size of the lot, located at 5633 S. 167th W. Av.

CBOA-2272 July 2007: The Board approved a *Variance* of the maximum permitted 750 sq. ft. of accessory buildings in the RS district to allow a 1,200 sq. ft. garage (Section 240.2.E); finding the oversized lot and the drainage across the rear yard; located at 17250 W. 59th St.

CBOA-2074 November 2003: The Board approved a *Variance* of allowable 750 sq. ft. for accessory building to 1,100 sq. ft., with conditions: no commercial operations on the premises and no living quarters; located at 5651 S. 167th W. Av.

CBOA-1964 June 2002: The Board approved a *Variance* of the allowable 750 sq. ft. for a detached accessory building to 1,750 sq. ft. on a 2.5 acre lot with conditions of wood frame or metal construction with rock veneer and a composition shingle roof, no exposed metal siding or roofing, and that the lot remain intact and not be split, located at 16723 W. 56th Pl. S.

7.2

ANALYSIS OF SURROUNDING AREA: The subject tract is abuts RS zoning to the north, south, and west. It abuts AG-R zoning to the east. Surrounding uses appear to be residential in nature.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the maximum size of a detached accessory building from 750 sq. ft. to 1,200 sq. ft. in an RS district (Section 240.2.E). According to the applicant, their stated hardship is: *“Uniquely large lot for RS zoning. Can support larger building.”*

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

According to the site plan provided with the application the applicant is proposing to construct a new 1,200 SF detached accessory building south of the existing house on the site.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed accessory building is compatible with and non-injurious to the surrounding area.

SAMPLE MOTION:

“Move to _____ (approve/deny) A Variance of the maximum permitted floor area for a detached accessory building in an RS district. (Section 240.2.E)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

Finding 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; 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.”

Case No. 2362

Action Requested: Variance of the minimum required lot width in an AG district from 150 ft. (Section 330), located at 13031 N. Sheridan Rd.

Presentation:

Mike Marrara, 2001 S. 114th E. Ave., Tulsa, Oklahoma, stated his client would like to cutoff/purchase a two and one-half acre track at the rear of this property. During zoning, it was discovered that the minimum lot width is 150 ft. This piece of property is long and narrow its 330 feet wide by a quarter mile deep. The metal building and current house prevent splitting the property so as to achieve the minimum lot width. There is also a proposed 50' wide roadway easement for county for right away.

Comments and Questions:

Mr. Cuthbertson commented that if it splits this way, Tract No. 1 that can still be split if the house is removed.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Osborne**, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to **APPROVE** a variance of the minimum required lot width in an AG district from 150 ft. (Section 330), on following described property: 13031 N. Sheridan Rd. Finding: the hardship being the narrowness of the lot along with the existing structure on the property and the natural ravine and tree line; as presented, per lot-split plan page 4.5.

N/2 N/2 NW SW LESS W16.5 FOR RD SEC 35 22 13, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

FILE COPY

Case No. - 2354

Action Requested:

A Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), located: 5823 S. 170th W. Ave.

Presentation:

The applicant was not present.

Comments and Questions:

Mr. Cuthbertson recommended that this case be denied. He provided even with the denial the applicant can still build a 750 sq. ft., building.

Interested Parties:

Dan Schweitzer, 16907 W. 58th Pl. S. Tulsa, Oklahoma, asked if this recommendation is given would the applicant be required to take down the poles that are already up. The Board informed Mr. Schweitzer that the existing building would have to be brought down to the permitted size.

Board Action:

On Motion of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to Deny a variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), on the following described property: 5823 S. 170th W. Ave. Finding the applicant has made no attempt or communicated no attempt to comply.

LT 5 BLK 1, HIDDEN OAKS, Tulsa County, State of Oklahoma

NEW BUSINESS

Introduction: Venda Zezulka as the new Recording Secretary.

There being no further business, the meeting adjourned at 1:52 p.m.

Date approved: _____

3-16-2010


Chair

Mr. Schuller stated what is unique about this property is the location in this AG area. He then mentioned similar businesses and stated it is characteristic of this unincorporated area. He stated it would be a hardship to move everything to another location.

Mr. Cuthbertson reminded the Board that to the south of this street is zoned residential for single-family residences. Mr. Walker noted the subject tract is just a few hundred feet from a large residential area to the east and to the south. He stated it appears that this area is a growth area for residential. Mr. Osborne considered the business to have outgrown this property.

On **Motion of Walker**, the Board voted 4-0-0 (Tyndall, Walker, Osborne, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **DENY** the alternative request for a Use Variance to permit a (Use Unit 15) Landscaping Service in an AG district, based on the fact there is nothing unique about the land except that it is in an AG setting, but the growth around it is residential; the use of a landscaping business is not appropriate, and would be harmful to the neighborhood, on the following described property:

W.330'N.635'E.660'SESW SEC. 4-17-14, Tulsa County, State of Oklahoma

Case No. 2354

Action Requested:

Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), located: 5823 South 170th West Avenue.

FILE COPY

Presentation:

Oscar Garcia, 5823 South 170th West Avenue, Sand Springs, Oklahoma, 74063, was present and **Earnesto Galvez**, came to interpret for the applicant. Mr. Garcia proposed to build a 2,100 sq. ft. accessory building for the storage of an RV, tractor, motorcycle, and personal property.

Comments and Questions:

Mr. Charney asked if there would be any commercial use in the building. Mr. Galvez stated it is not for commercial use. Mr. Walker noted there were no other metal buildings, nor any with the increased height. He noted others matched the materials and architecture of the homes. Mr. Charney mentioned that though the Board does not consider the covenants of a neighborhood, the applicant should be aware of any that would also be important as a private matter. Mr. Galvez stated the applicant would be willing to use brick on the accessory building to match the house. Mr. Charney found there were no other accessory structures on the property.

CBOA-2354 cont.

Interested Parties:

Mike Roberts, 5721 South 170th West Avenue, expressed concern that the applicant would bring cars from his used car business or use it for a shop. He has had some vehicles parked on the property in the past.

Bryan Chatham, 5822 South 170th West Avenue, was opposed to the size and metal construction. He was not opposed to a size and height within the code requirements and materials that match the house. He would not be opposed to a 14 ft. wall height to store a trailer. He stated all the other accessory buildings in the neighborhood match the materials of the house. He submitted photographs to the Board (Exhibit B-2).

Ray Pertilis, 5809 South 170th West Avenue, stated his property is to the north and adjacent to the subject property. He has made improvements to his back yard with plans to entertain there. He was opposed to the height, size, and metal construction of the proposed accessory building. He has noted trailers in the driveway with auto parts, and numerous farm animals, such as ponies, sheep and goats on the property.

Mr. Cuthbertson reminded the Board that the residential zoning prohibits keeping farm animals.

Brad Sherills, 16918 West 58th Place South, stated he is not opposed to the building. He was opposed to building in the side yard and having live stock, which are both against the covenants. He also mentioned at some time the applicant had two to three hundred old tires stacked along the privacy fence. He would not want tires stored that could catch fire. He did not think the building needs to be any taller than necessary to store an RV. He submitted photographs (Exhibit B-3).

Mr. Roberts asked if the building turned into a commercial venture what recourse the neighbors would have. Mr. Charney responded that they can contact the County Inspector's office.

FILE COPY

James Walker, 5650 South 168th West Avenue, stated he has lived there for 15 years. He was concerned that the subject property could decrease the value of the surrounding properties. He commented that the proposed building is out of character with the neighborhood.

Charles Collins, 17017 West 59th Street, expressed concern that the access to the building crosses over lateral lines. He stated there is already leakage of those lines into the yard and down the drainage ditch. He was not opposed to the proposed building but within the zoning ordinances.

An email with photographs attached was received on the day of this meeting (Exhibit B-1).

Applicant's Rebuttal:

The applicant apologized through Mr. Galvez for upsetting the neighbors. When he understood he is not supposed to bring his work home, he stopped. He proposed to build a brick accessory building in the back yard. He was trying to do something quickly but he wants it to be ok with the neighbors.

Mr. Charney suggested the applicant needs a site plan, showing size, height, roof pitch, and information regarding the building materials. This would help the Board and the neighbors to understand what he proposes to build. Mr. Cuthbertson stated he would help the applicant to prepare for the next hearing.

FILE COPY

Board Action:

On **Motion of Charney**, the Board voted 3-1-0 (Tyndall, Osborne, Charney "aye"; Walker "nay"; no "abstentions"; Dillard "absent") to **CONTINUE** Case No. 2354 to the meeting on February 16, 2010, to allow the applicant time to prepare plans for the proposed building, on the following described property:

LT 5 BLK 1, HIDDEN OAKS, Tulsa County, State of Oklahoma

Case No. 2355

Action Requested:

Special Exception to permit petroleum storage tanks (Use Unit 27) in the IM district (Section 910), located: 3132 West 21st Street.

Presentation:

Tim Terrill, Tulsa Engineering Planning Associates, 6737 South 85th East Avenue, stated his request. He pointed out some setback dimensions they specified on a plan (Exhibit C-1), which come from the Federal Fire Code. He also pointed out three tanks one of which is on two easements, and a pipe line. Those pipelines would be relocated. Magellan Midstream Partners currently owns the property to the east and south. They have a contract on the property in question, and once that is finalized this will all be under one common ownership. He is in the process of looking into a lot combination that may be needed.

Bryan Young, One Williams Center, Tulsa, is with the Magellan Midstream Partners, and displayed an enlargement of an aerial of the area.

Mr. Terrill stated that nothing will be added to the infrastructure. He pointed out various other types of tanks in the area. They feel that the request for the special exception is in character with the neighborhood and is in harmony. They did not feel there would be any kind of adverse affect on the surrounding properties based on the existing structures in the area.

Board Action:

On **MOTION** of Tyndall, the Board voted 3-0-0 (Tyndall, Charney, Walker, "aye"; no "nays"; "abstained"; Dillard, Hutson "absent") to **CONTINUE** to the meeting on July 15, 2008, regarding the following described property:

LT 4 BLK 2, WEKIWA HILLS, Tulsa County, State of Oklahoma

Case No. 2298

Action Requested:

Variance of the maximum permitted floor area for a detached accessory building in the RS district (Section 240.2.E), located: 5633 South 167th West Avenue.

Presentation:

Terry Crambrink, 350 South 41st West Avenue, Tulsa, Oklahoma, 74127, stated he applied for building permits, and he was directed to this Board. He proposed to store his antique cars, a boat, and a motorcycle. He stated his lot is about one acre and he proposed to build a 1,974 sq. ft. home.

Comments and Questions:

Mr. Walker noted the size of the accessory building was compatible with the lot size. Mr. Charney stated the lot is several times larger than the minimal lot size in this zoning district.

Interested Parties:

There were no interested parties who wished to speak.

FILE COPY

Board Action:

On **Motion** of Tyndall, the Board voted 3-0-0 (Tyndall, Charney, Walker, "aye"; no "nays"; "abstained"; Dillard, Hutson "absent") to **APPROVE** a Variance of the maximum permitted floor area for a detached accessory building in the RS district (Section 240.2.E), with conditions not to exceed 1,500 sq. ft.; and no commercial uses associated with it, finding the size of the lot, on the following described property:

LT 2 BLK 2 OAK HAVEN II, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:00 p.m.

Date approved:

8/19/08
David E. Charney
Chair

for septic, skirting, tie-downs, with a lot combination for the south 11 lots, Lots 1-11 Block 46, finding 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:

LTS 55 - THRU 64 BLK 45 & LTS 1 - 10 INCL. BLK 46 NORTH TANEHA Tulsa County, State of Oklahoma

Case No. 2272

Action Requested:

Variance of maximum permitted 750 sq ft of accessory buildings in an RS district to allow a 1,200 sq ft garage (Section 240.2.E), located: 17250 West 59th Street South.

Presentation:

Brian Burris, 17250 West 59th Street South, proposed to add 15 ft. to an accessory building. The building would match the materials on the exterior of the house. He stated he has a one-acre lot. He planned to put it toward the back of the property and the configuration of his lot on a cul-de-sac and the natural flow of drainage on the back of his property limits where he can place the building. He communicated with his neighbors about the application and one sent a letter of support (Exhibit A-1). He expected another neighbor to come to this hearing in support.

Comments and Questions:

Mr. Charney asked about the waterline at the rear of the property. Mr. Burris pointed out the path of stormwater drainage from the neighboring properties that flow across the back of his land. Mr. West commented the variance will have to address placing the building in the side yard rather than the rear yard, as well as the size of the building.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of maximum permitted 750 sq ft of accessory buildings in an RS district to allow a 1,200 sq ft garage (Section 240.2.E), finding the oversized lot and the drainage across the rear yard, to allow an accessory building in the side yard, on the following described property:

LT 8 BLK 2 PLEASANT OAKS III, Tulsa County, State of Oklahoma

Case No. 2073

Action Requested:

Special Exception to permit auto sales and repair in a CS district; and a Variance of required 300' from an R district for display of merchandise for sale. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located: 7035 & 7037 N. Peoria.

Presentation:

EuGene King, 510 S. Hominy, Skiatook, Oklahoma, stated he has two lots on one contract. He proposed to lease the 7037 lot to someone for auto sales/repair. He has a tire shop at 7035 N. Peoria. He would then apply for IL zoning. Both structures have water, restroom facilities, and heat.

Comments and Questions:

Mr. Hutson asked the depth of the property. Mr. King responded that the depth of the property from the center of the highway is approximately 200'. Mr. Walker asked if the cars would be visible from the residential neighborhood. Mr. King replied they would not as there is a screening fence in place on the east and south. Mr. King stated there would be approximately 20-25 autos on the back and front of the property. Mr. Walker stated there are parking requirements, an all-weather surface requirement and setback requirements. Mr. Walker asked about the hours of operation. Mr. King replied the hours of operation would be Monday through Saturday 9:00 a.m. to 6:00 p.m.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 3-0-0 (Walker, Hutson, Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Special Exception** to permit auto sales and repair in a CS district; and a **Variance** of required 300' from an R district for display of merchandise for sale, finding it will 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:

Lot 7, Block 9, Golden Hills Addition, Tulsa County, State of Oklahoma.

* * * * *

Case No. 2074

Action Requested:

Variance of allowable 750 square feet for accessory building to 1,100 square feet. SECTION 240.2. YARDS, Permitted Yard Obstructions, located: 5651 S. 167th W. Ave.

CBOA-2074 cont.

Presentation:

Kenneth Moore, 16427 W. 58th St. S., stated his request for new construction to serve as a pool house, storage and additional parking garage. Mr. Walker asked if he intended to use the building for commercial activity. Mr. Moore responded that he has a shop in town where he works all day and does not want to work at his home.

Comments and Questions:

Mr. Hutson asked the size of the lot. Mr. King replied it is over 1.25 acres. Mr. Tyndall asked about the elevations. Mr. King stated the building would be on the same elevation as the house with the same exterior materials as well. The building is already under construction.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Walker, Hutson, Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of allowable 750 square feet for accessory building to 1,100 square feet, with conditions: no commercial operations on the premises and no living quarters, finding it will 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:

Lot 5, Block 2, Oak Haven II, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*

OTHER BUSINESS

Action Requested:

Approval of the 2004 County Board of Adjustment Meeting Calendar.

Presentation:

Mr. Beach pointed out three of the meetings are scheduled for the Aaronson Auditorium in the Tulsa Central Library.

Board Action:

On **Motion** of **Hutson**, the Board voted 3-0-0 (Walker, Hutson, Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the 2004 CBOA Meeting Calendar.

..*.*.*.*.*.*

ADJOURNED

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 land area per dwelling unit from 2.1 to 1.5 acres, finding other properties in the area with more than one dwelling per lot, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

E 198.00' W 462.00' S 660.00' E 660.00' of NE/4, Section 5, T-21-N, R-14-E, of the IBM, less 25.00' for roadway, Tulsa County, State of Oklahoma.

Case No. 1964

Action Requested:

Variance of the allowable 750 square feet for accessory building to 1,750 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located 16723 W. 56th Pl. S.

Presentation:

Martha Ann Witt, 16723 W. 56th Pl. S., Sand Springs, Oklahoma, stated the variance is to build a garage with a recreation room. The existing garage is too small for their vehicle. The proposed structure would have two larger garage doors. It would be located 170' off the road. A vehicle was stolen from their property, which is part of the reason for the application. She submitted a photograph (Exhibit A-1).

FILED

Comments and Questions:

Mr. Alberty asked if they planned any commercial business in the building. **Mr. Arthur G. Witt, III**, of the same address, replied that he is an electrical contractor, and he offices out of his house. He explained that all of his work is done on other sites. He added that he does not keep trucks or equipment at his home. Mr. Witt stated that the building would be for personal use only. Mr. Alberty asked if there are other similar size buildings in the neighborhood. Mr. Witt replied there is one larger building across the street. Mr. Witt noted that the parties present and in objection to the application, do not live on property adjoining his. The owners of the property abutting his are in support of the application.

Interested Parties:

Mr. Alberty mentioned the Board received a list of the restrictive covenants (Exhibit A-2) for the neighborhood from unnamed homeowners in Pleasant Oaks Addition.

Marita Bridges, 16427 W. 56th Pl. S., stated she opposes a metal building because the size is inappropriate in the neighborhood. She pointed out that the other building Mr. Witt referred to is a wood frame and brick building. She stated

that she was not notified about the other metal building in the neighborhood before it was built.

Rita Hodges, 17157 W. 58th St. S., Sand Springs, Oklahoma, stated this equals a four-car garage. She indicated that tax records show the house on the subject property is about 1793 square feet. The other large building across the street may have been built without a permit.

Claudia Heller, 16662 W. 56th Pl., Sand Springs, Oklahoma, submitted signatures in opposition (Exhibit A-3). She expressed the same reasons for opposition as previously stated.

Lora Dale, 5605 S. 70th W., Sand Springs, Oklahoma, stated she and her husband own the property directly behind the subject property. The applicants talked with them ahead of time, and they are in support. She stated there are other problems the neighborhood needs to deal with, rather than this project.

Applicant's Rebuttal:

Mr. Witt stated that he has two and a half acres, not just a small lot and he would like to utilize it. He stated it is a metal building, but he would be willing to use a rock façade on the building, like his house. He added that the structure would not be visible to most people. He felt that it would increase rather than lower property values.

Comments and Questions:

Mr. Walker commented he could support it with condition for no lot-split and a rock façade. Mr. Hutson asked for the hardship. Mr. Witt stated he has had theft and needs a place to store personal possessions. Mr. Dillard asked what type of roof he planned to use. Mr. Witt responded it would have a metal roof. Ms. Witt asked for more information on hardships. Mr. Alberty explained the need for something unique with the land and the proportional size to the land area. She asked the Board to consider the size and amount of land.

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 the allowable 750 square feet for accessory building to 1,750 square feet, with conditions for a wood frame or metal construction, with rock veneer, and a composition shingle roof, no exposed metal siding or roofing, and that the lot remain intact and not be split, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 4, Block 1, Oak Haven II Addition, Tulsa County, State of Oklahoma.



W 58 ST S

S 170 WAVE

W 58 PL S

W 59 ST S

W 60 ST S

W 53 ST S

S 168 WAVE

S 167 WAVE

W 58 PL S

S 167 WAVE

S 165 WAVE

W 58 ST S

S 164 WAVE

S 165 WAVE

W 56 PL S

S 161st W AVE

W 61st ST S



Subject Tract

CBOA-2804

19-11 31

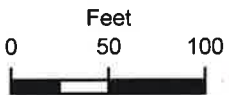
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

7.15



W56PLS



 Subject Tract

CBOA-2804

19-11 31

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



W. 56th Pl. S.

140 FT



Driveway

50 FT

100 FT

House

40 FT

120 FT

30

30 X 40

Accessory Building

40

15 FT

1380 FT

95 FT

220 FT

← 140 FT →

16434 W. 56th Pl. S.

CBOA-2804

7.17

380 FT

