

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, August 18, 2020, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 485

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment members and members of the public may attend the meeting in the St. Francis Room but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

Attend in Williams Tower I, St. Francis Room, 1st Floor
Person: 1 W. 3rd St., Tulsa, Oklahoma

Attend Virtually: <https://us02web.zoom.us/j/89803469668>

Attend by Phone: 1-312-626-6799 Meeting ID: 898 0346 9668

Additional Directions: During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

The following County Board of Adjustment members plan to attend remotely via ZOOM, provided that they may still be permitted to appear and attend at the meeting site, St. Francis Room, Williams Tower I, 1 West 3rd Street, Tulsa Oklahoma: David Charney, Don Hutchinson, Don Crall, Gene Dillard, Larry Johnston

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of July 21, 2020 (Meeting No. 484).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **2832—Connie Blizzard & Kelly Schiavo**
Modification to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG District (Section 310). **LOCATION:** 7845 East 86th Street North, Owasso

3. **2833—Desirae Ozark**
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203). **LOCATION:** 21609 West 14th Street South

4. **2834—Larry Hotson**
Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E); Variance to permit a detached accessory building in the side yard in an RS District (Section 420.2-A.2); Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2). **LOCATION:** 3116 South 61st West Avenue

5. **2835—Sandra Million**
Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E). **LOCATION:** 4620 West 30th Street South

6. **2836—Terri Williams**
Special Exception to permit a manufactured home in a RE District (Section 410); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 17111 West 41st Street South

7. **2837—Michael Parham**
Variance of the rear yard setback in an AG District to permit an accessory building (Section 330, Table 3). **LOCATION:** 9998 North Memorial Drive East

8. **2838—Randall Vaughn**
Variance of the minimum lot area and land area per dwelling unit in an AG District to permit a lot split (Section 330, Table 3); Variance of the minimum lot width in the AG and RE Districts to permit a lot split (Section 330, Table 3 & Section 430, Table 3). **LOCATION:** 7901 North Sheridan Road East

9. **2839—Roger Brock**
Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E). **LOCATION:** 5615 South 85th Avenue West

10. **2840—Amanda Tabor**
Special Exception to permit a mobile home (Use Unit 9) in the RS District (Section 410). **LOCATION:** 5150 West 28th Street South

11. **2842—Jeffery Columbia**

Variance of the required 30 feet of frontage to permit construction of a single-family home (Section 207). **LOCATION:** 5110 West 21st Street South

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

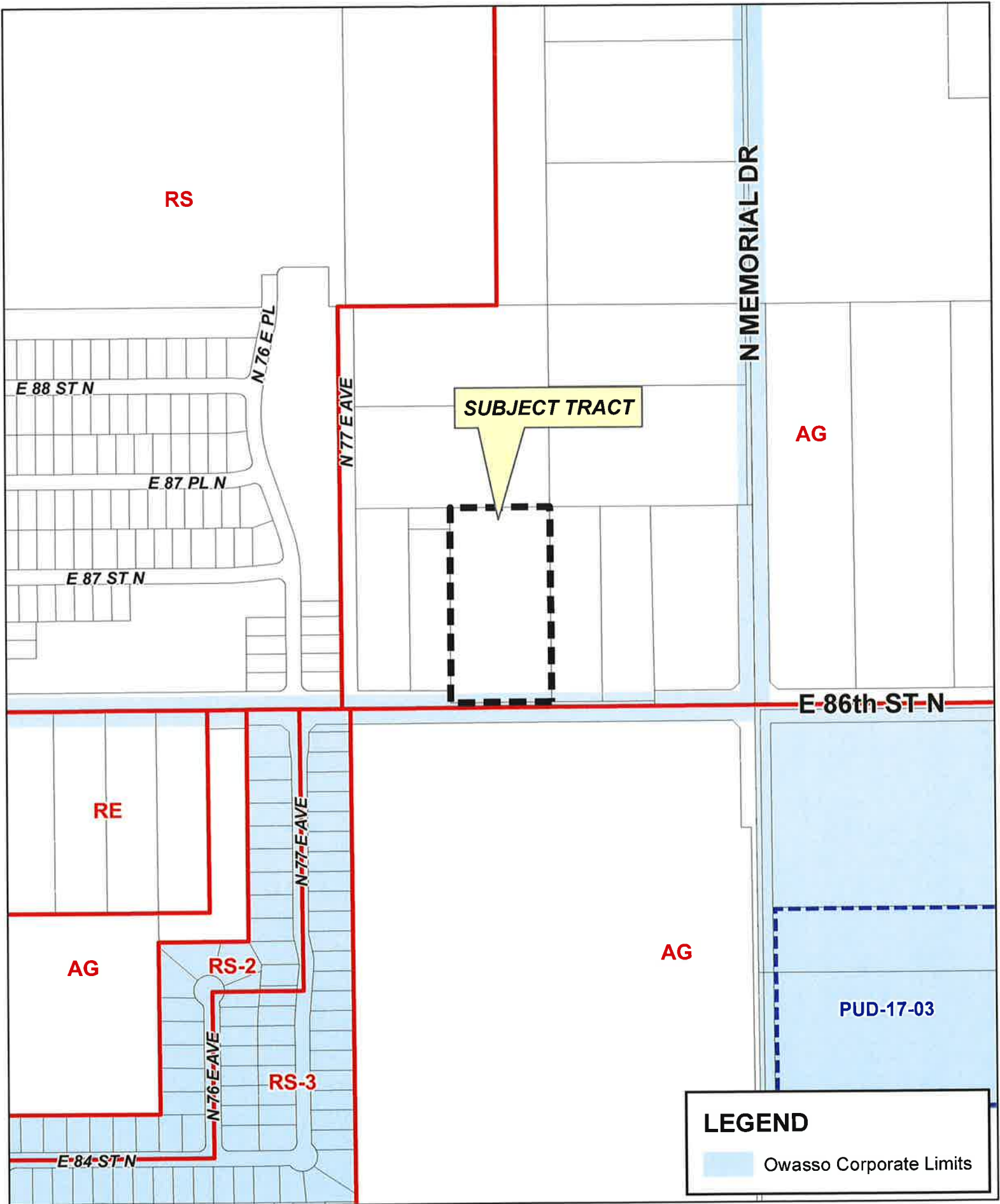
Website: tulsaplanning.org

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. All electronic devices must be silenced during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.



CBOA-2832

21-13 23

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1323

CASE NUMBER: CBOA-2832

CZM: 17

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Connie Blizzard & Kelly Schiavo

ACTION REQUESTED: Modification to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG district (Section 310).

LOCATION: 7845 E 86 ST N

ZONED: AG

FENCELINE: North Tulsa County

PRESENT USE: Wedding Venue with Accessory Lodging

TRACT SIZE: 4.88 acres

LEGAL DESCRIPTION: E/2 SW SE SE LESS .12 AC FOR RDS SEC 23 21 13 4.88 ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2641 August 2017: The Board **approved** a *Special Exception* to allow a wedding/event venue with accessory lodging (Use Unit 2) in the AG District and a Variance to reduce the required side yard setback to 10 feet in the AG District subject to conditions for a period of three years, on property located at 7845 E. 86th St. N.

BOA-7945 June 1973: The Board **approved** a *minor variance* to reduce the frontage requirement on an AG zoned lot to permit a lot split on the subject property

Surrounding Property: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agriculturally zoned parcels with residential uses.

STAFF COMMENTS:

The applicants are requesting a **Modification** to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG district (Section 310). A Special Exception is required and was approved (CBOA-2641) as the weddings and events are uses 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 surrounding area and to the general welfare, may be permitted.

The Board previously approved the attached site plan, conditions, and hours of operation:

2.2

There is to be a 6'-0" screening fence of the east side and the west side of the subject property.

Hours of operation will be Tuesday through Thursday from 9:00 a.m. to 6:00 p.m. for tours, for prospective clients and maintenance of the property. Most events will be held on the weekends, with a 12-hour rental period from noon to midnight, with the event ending at or before 11:00 p.m.

If inclined to approve the Board may consider the following conditions:

- Limiting the number of onsite events per year.
- Limiting the days and hours of operation.

Sample Motion:

"Move to _____ (approve/deny) a Modification to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG district (Section 310).

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

Subject to the following conditions (including time limitation, 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.

7915

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) for a modification of rear yard setback requirements on corner lots from 20' to 10' in an RS-3 District located at 71st Street and Darlington Avenue.

Presentation:

Never Fail, the applicant, was not present.

Protests:

None.

Board Action:

On MOTION of HENDRICKS, the Board (3-0) continued application 7915 to June 21, 1973, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and instructed the Staff to notify the applicant to be present.

7945

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1430) for a modification of frontage requirements to permit a lot-split in an AG District located at 86th Street and Memorial.

Presentation:

R. E. Periman, the applicant, was not present.

Mr. Jones submitted the plot plan (Exhibit "L-1") and advised the Board that the lot-split (L-13104) had been approved by the Planning Commission, subject to Board of Adjustment approval.

Protests:

None.

Board Action:

On MOTION of REEDS, the Board (3-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1430) for a modification of frontage requirements to permit a lot-split (L-13104) as per plot plan in an AG District on the following described tract:

The SW/4, SE/4, SE/4 of Section 23, Township 21 North, Range 13 East, to the City of Tulsa, Oklahoma.

6.7.73:139(20)

request for a Variance to reduce the side yard (street) setback from 25 feet to 5 feet to permit a garage (Section 430); Variance to increase the maximum permitted size of a detached accessory building from 750 square feet to 1,200 square feet (Section 240.2-E). The Board has found the hardship to be the location of the lateral lines and the location of the street; for the following property:

LT 5 BLK 5, TOWN & COUNTRY ACRES NO 2 SUB, OF TULSA COUNTY, STATE OF OKLAHOMA

2641—Connie Blizzard & Kelly Schiavo

FILE COPY

Action Requested:

Special Exception to allow a wedding/event venue with accessory lodging (Use Unit 2) in the AG District (Section 310); Variance to reduce the required side yard setback to 10 feet in the AG District (Section 330). **LOCATION:** 7845 East 86th Street North, Owasso

Presentation:

Kelly Schiavo, 14013 East 90th Street North, Owasso, OK; stated this request is to allow wedding and event venue with accessory lodging. There is an existing shop that she would like to remodel to use for offices, storage and as part of the buffet area and it is too close to the side yard setback thus the need for the Variance request.

Mr. Hutchinson asked Ms. Schiavo if she was purchasing the property. Ms. Schiavo answered affirmatively. Mr. Hutchinson asked Ms. Schiavo if someone else had built the accessory building that close to the property line. Ms. Schiavo answered affirmatively.

Mr. Hutchinson asked Ms. Schiavo what the hours of operation would be. Ms. Schiavo stated that during the week the hours of operation would be 9:00 A.M. to 6:00 P.M. during the week to show the venue to potential clients. On Friday, Saturday and Sundays there would be indoor and outdoor weddings with the hours of operation being from 9:00 A.M. until midnight. All music will be shut down by 11:00 P.M.

Mr. Dillard asked Ms. Schiavo if she had spoken with any of the neighbors. Ms. Schiavo stated that she has spoken with the neighbors on the east side and on the west side because she wants a harmonious relationship with them.

Mr. Hutchinson asked Ms. Schiavo if she has done anything about noise control. Ms. Schiavo stated she will be using off-duty police officers for security and all the music will be cut off at 11:00 P.M. on the weekends. Ms. Schiavo stated that all receptions will be held inside.

Mr. Hutchinson asked Ms. Schiavo what kind of sound proofing she had inside the building where the receptions will be held. Ms. Schiavo stated that the way the building is constructed there will actually be two layers so it will be quiet.

Mr. Dillard asked Ms. Schiavo if there would be alcohol served. Ms. Schiavo stated that it would be served if requested, but it will be served only by a licensed and insured bartender which will probably come through the catering company.

Mr. Crall asked Ms. Schiavo about a screening fence. Ms. Schiavo stated there will be a six foot screening fence located to the east and to the west.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Special Exception to allow a wedding/event venue with accessory lodging (Use Unit 2) in the AG District (Section 310); Variance to reduce the required side yard setback to 10 feet in the AG District (Section 330), subject to conceptual plan 4.9. The hours of operation will be as shown on page 4.10. There is to be a 6'-0" screening fence of the east side and the west side of the subject property. The Board has found the hardship to be that existing building was in compliance prior to the lot changing. This approval is for a period of three years, August 2020; for the following property:

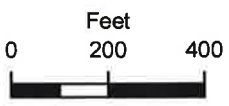
E/2 SW SE SE LESS .12 AC FOR RDS SEC 23 21 13 4.88 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2642—Marcus Durham

Action Requested:

Special Exception to permit a wedding/event venue (Use Unit 2) on an AG zoned property (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** East of the SE/c of East 171st Street South and South 161st East Avenue, Bixby

Mr. Hutchinson stated that there is a letter for a request of continuance on this case, and he asked if anyone would like to challenge the request.



Subject Tract

CBOA-2832

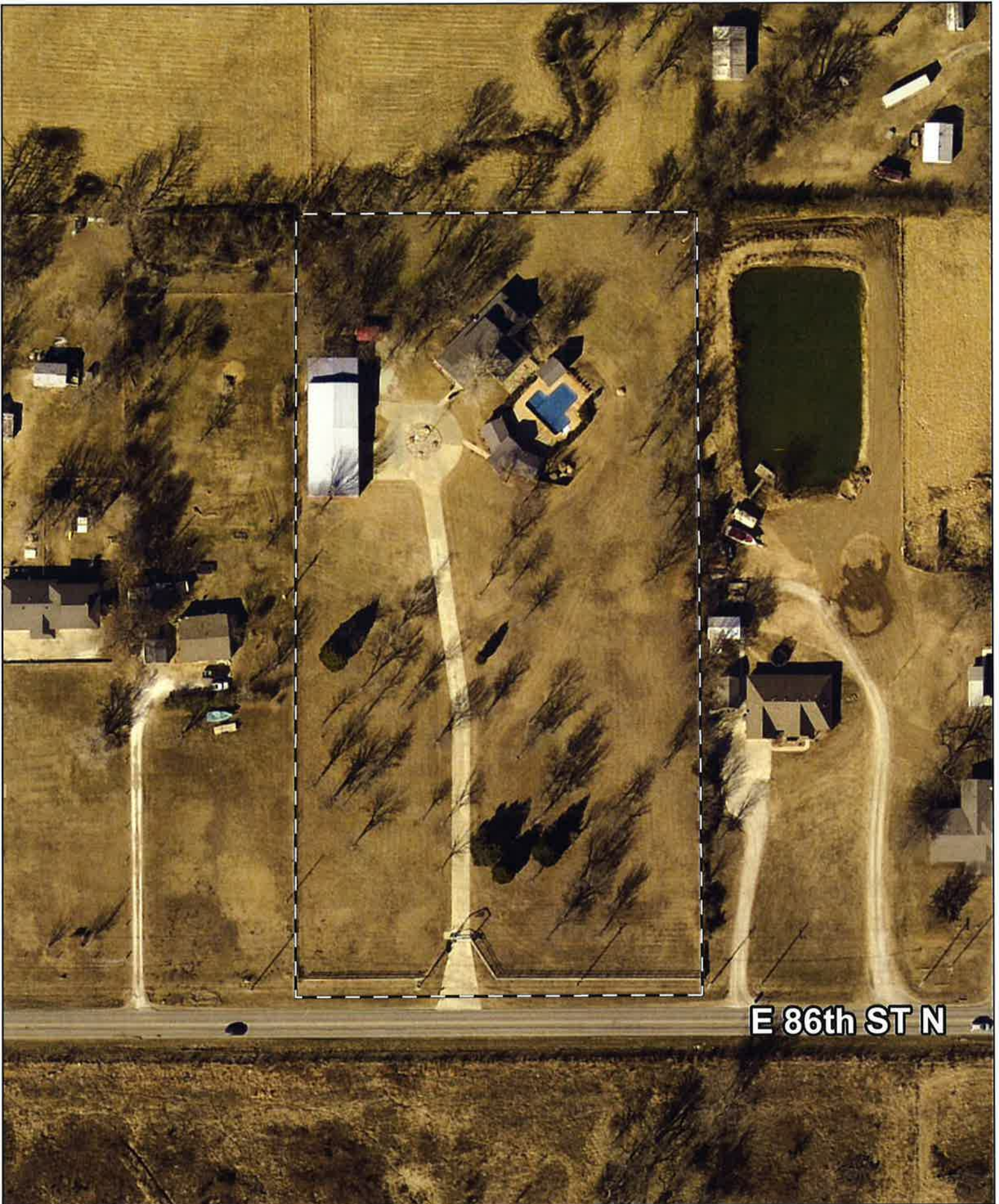
21-13 23

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

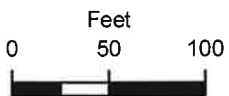
Aerial Photo Date: February 2018

2.7





E 86th ST N



Subject Tract

CBOA-2832

21-13 23

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

Aerial Photo Date: February 2018 **2.8**



Carpe Diem Venues, LLC

Owner: Kelly Schiavo (918) 625-3585 kellyschiavo@yahoo.com

Owner: Connie Blizzard (918) 520-0547 connieblizzard1@gmail.com

Business Plan Summary

Carpe Diem Venues LLC is a business that will rent the physical location and permanent building structures to clients for weddings and receptions.

The existing work shop will be renovated to host the receptions and a wedding chapel will be constructed to host the indoor wedding ceremonies, with a designated area outside to accommodate the outdoor wedding ceremonies. There are two existing dwellings on the property which will be used as a bridal suite and a groom's suite and for overnight accommodations for the bridal parties.

Our hours of operation will be Tuesday through Thursday from 9:00am to 6:00pm for tours for prospective clients and maintenance on the property. Most events will be held on the weekends, with a 12 hour rental period from noon to midnight, with the event ending at or before 11:00pm.

SITE PLAN

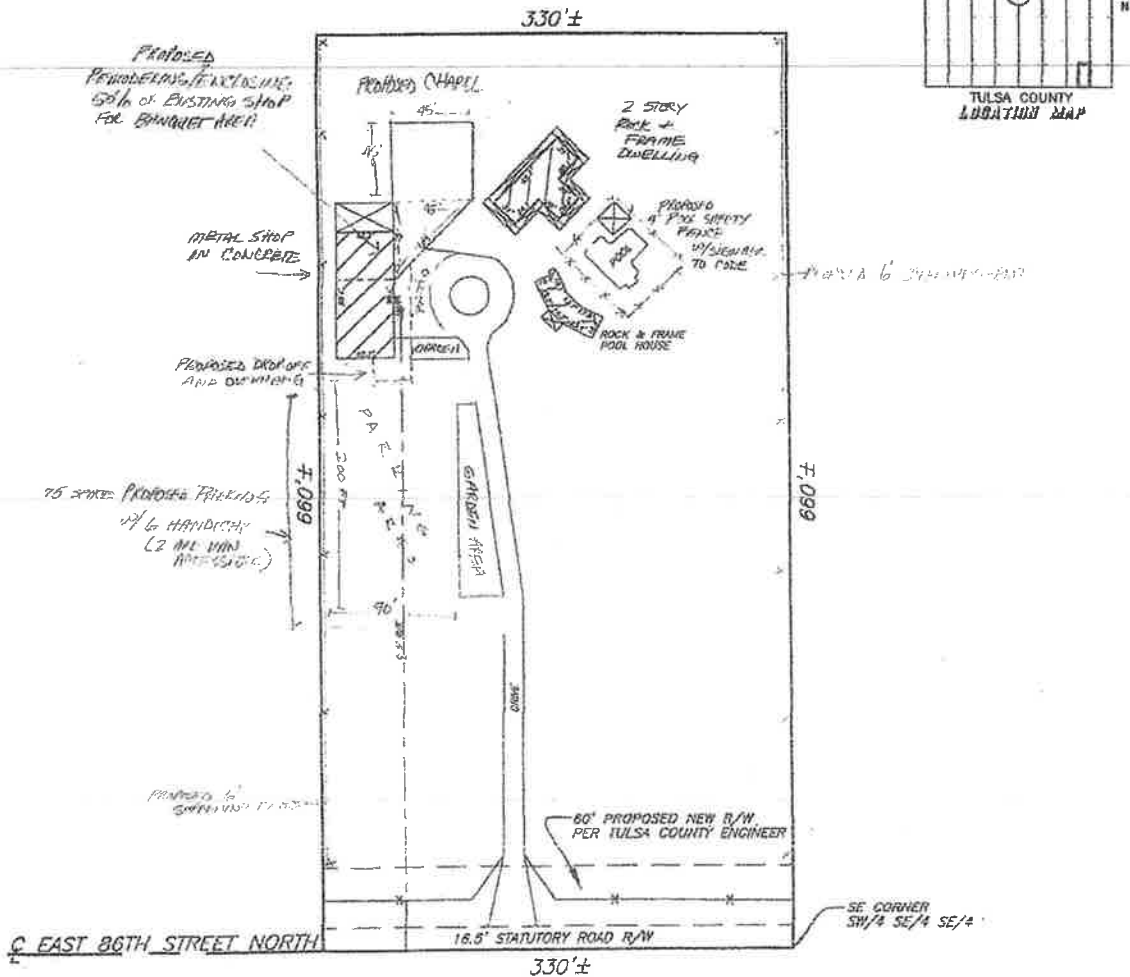
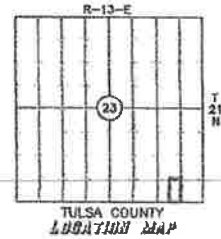
LEGEND

- W- FENCE
 - U/E UTILITY EASEMENT
 - D/E DRAINAGE EASEMENT
 - M/P METERING POINT
 - B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
 - P.L. BUILDING LINE
 - O.S.L. OUTBUILDING LINE
- BEFORE YOU DIG, CALL ONE
 1-800-522-8943



1"=80'
 INVOICE NO.: BLIZZAR 17-88889

CLIENT: CONNIE BLIZZARD



PLAT NO. N/A

LEGAL DESCRIPTION AS PROVIDED:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (E/2 SW/4 SE/4 SE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND KNOWN AS 7845 EAST 86TH STREET NORTH.

WITNESS MY HAND AND SEAL THIS DATE: 6/30/17

WARNING: If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of White Surveying Company.

REVISED: 07/10/17

Copyright 2015 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, altered in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471875, Tulsa, Oklahoma.

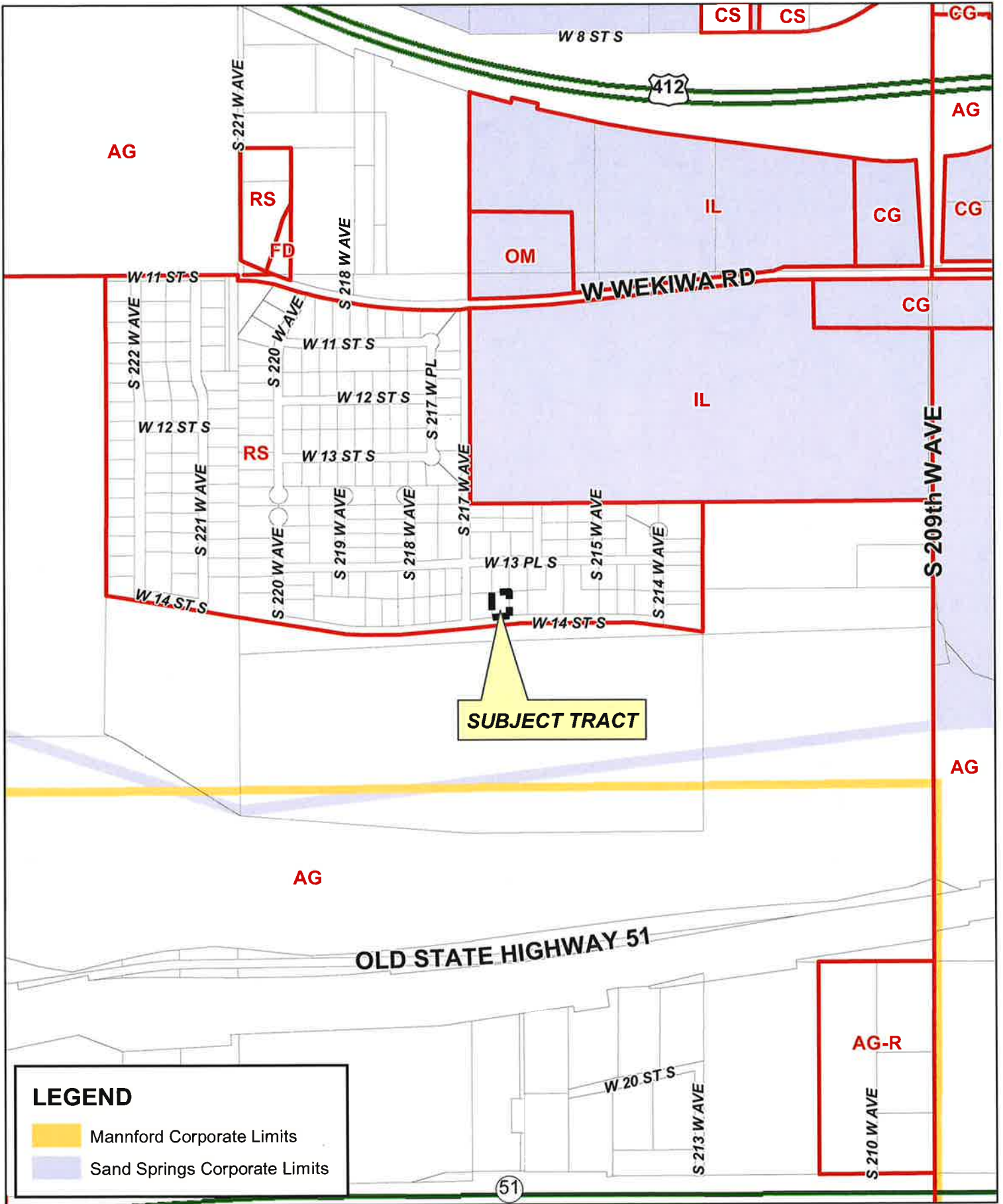


Sign on the front of the property



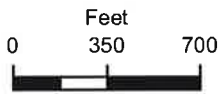
Looking north from E. 86th St. N.

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LEGEND

- Mannford Corporate Limits
- Sand Springs Corporate Limits



CBOA-2833

19-10 10

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9010

CZM: 33

CASE NUMBER: CBOA-2833

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Desirae Ozark

ACTION REQUESTED: Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an RS District (Section 1203).

LOCATION: 21609 W 14 ST S

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.33 acres

LEGAL DESCRIPTION: LT 2 BLK 2, CANDLESTICK BEACH

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2144 January 2005: The Board approved a Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, on property located at 21609 W. 14th St. S.

Surrounding Property: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts other residential properties with RS zoning to the west, north, and east. It abuts AG property to the south which appears to be vacant.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an RS District (Section 1203).

A Use Variance is required as Agriculture is not a use permitted in an RS zoned district because of the potential adverse effects on neighboring properties. A horticulture nursery must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: *"We already have a great shop with electric, heat, and air behind our house to use for our agricultural business. It would cost too much money to buy AG zoned property, build a shop, and add utilities. Our business will not pose any problems for our neighborhood, it will be virtually unnoticeable."*

According to the submitted site plan, the horticulture nursery will be located in a 900 sq. ft. accessory building in the rear of the yard. The accessory building was approved in 2005 (CBOA-2144).

3.2

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 permit Use Unit 3, Agriculture, for a Horticulture Nursery in an RS District (Section 1203).

Approved 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.”

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 296
Tuesday, January 18, 2004, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

XEROX COPY

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair
Hutson, Vice Chair
Dillard, Secretary
Tyndall
Charney

Alberty
Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, January 14, 2004 at 1:30 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

MINUTES

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 21, 2004 (No. 295).

NEW APPLICATIONS

Case No. 2144

Action Requested:

Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, 21609 West 14th Street South.

Presentation:

Larry Bush, 21609 West 14th Street South, Sand Springs, Oklahoma, stated he maintains the lawns at Candles Stick Beach. He needs storage space for the lawn equipment. The homeowners' association is in support of this application.

Comments and Questions:

Mr. Walker stated that it appeared the building is already built, and asked if they just wanted to add to the existing building. Mr. Bush replied that the building is already up and he needed relief to keep it this size. Mr. Walker asked for the hardship. Mr. Charney noted the lot is approximately 101' by 154', which is larger than most RS lots.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, finding the increased land area, on the following described property:

LT 2 BLK 2 CANDLESTICK BEACH, Tulsa County, State of Oklahoma

Case No. 2145

Action Requested:

Variance of required rear yard setback from 40 feet to 15 feet to permit an accessory building in an AG district, SECTION 320.2.A.2 -- Use Unit 6, 580 South 221st Avenue West.

Presentation:

Jerry Oakes, 580 South 221st Avenue West, Sand Springs, Oklahoma proposed to move the accessory building fifteen feet from the rear property line. The presence of lateral lines, a natural run-off, and a 100 year old red oak tree are the hardship for this variance. He has spoken with the neighboring property owner and she is in favor of the application.

Comments and Questions:

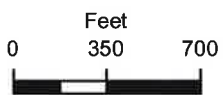
Mr. Tyndall asked the location of the utility lines. Mr. Oakes replied that the utilities are at the front of the house. Mr. Hutson asked for the difference in the elevation from the house to the proposed site of the building. Mr. Oakes replied there is about a six to eight foot drop.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a



 Subject Tract

CBOA-2833

19-10 10

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

Aerial Photo Date: February 2018

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Subject Tract

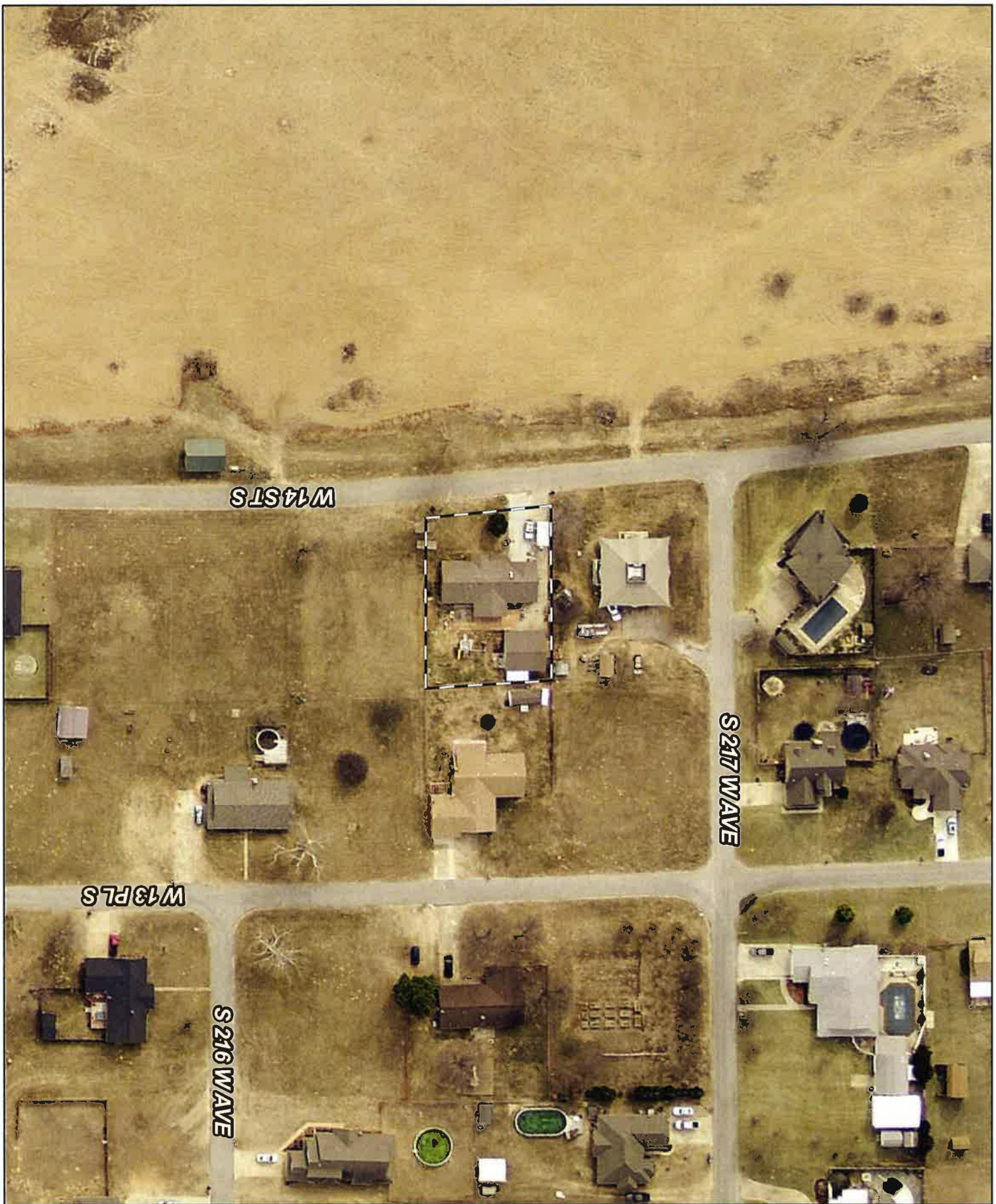
CBOA-2833

19-10 10

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

Aerial Photo Date: February 2018

3.7





Looking northeast from W. 14th St. S.

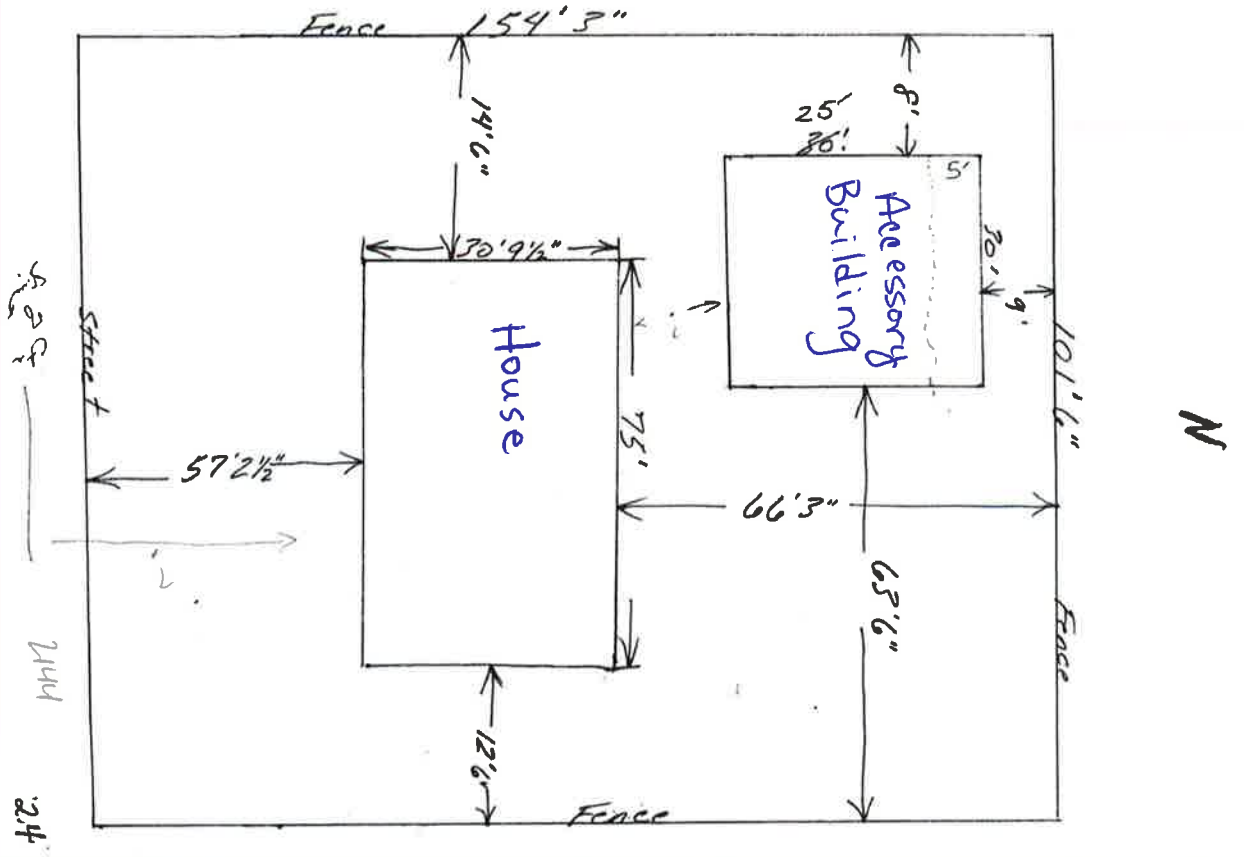


Looking north from W. 14th St. S. – subject property is on the right

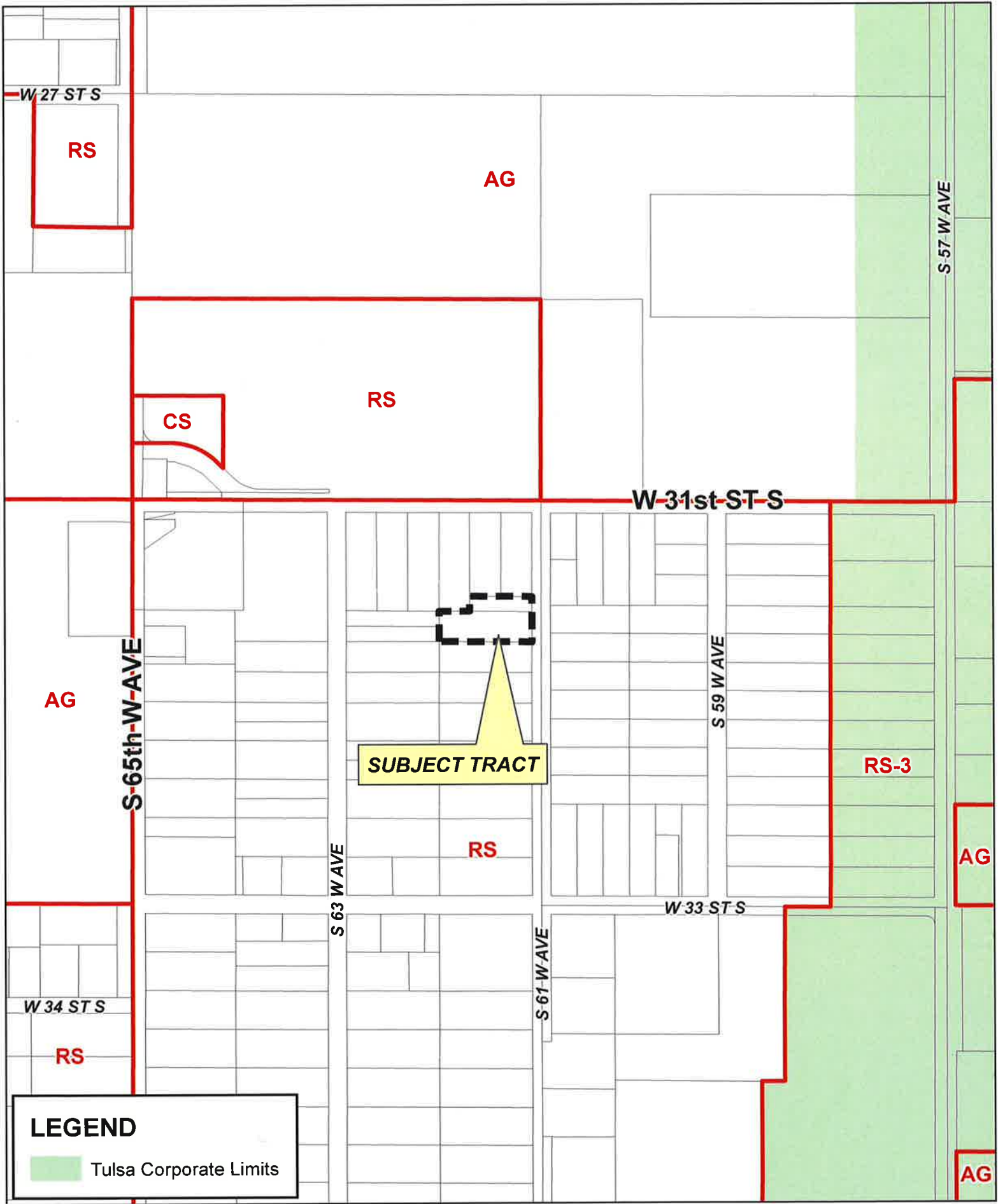
Site Plan for Desirae Ozark



Desirae Ozark <desiozark@gmail.com>
To Jones, Robi

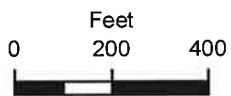


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CBOA-2834

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19-12 20



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9220

CZM: 45

CASE NUMBER: CBOA-2834

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Larry Hotson

ACTION REQUESTED: Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS district (Section 240.2.E); Variance to permit a detached accessory building in the side yard in an RS district (Section 420.2-A.2); Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2)

LOCATION: 3116 S 61 AV W

ZONED: RS

AREA: West Central Tulsa

PRESENT USE: Single Family with garage

TRACT SIZE: 0.23 acres

LEGAL DESCRIPTION: S50 LT 5 & S50 LT 6 BLK 4, BERRY HILL ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1483 February 1997: The Board approved a *Variance* of the required setback from 85' to 72' to permit a carport and a *Variance* to permit construction of a detached accessory building in the side yard in a RS district with conditions, on property located at 6110 W. 31st Street.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood surrounded by RS zoning.

STAFF COMMENTS:

The applicant is requesting a Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS district (Section 240.2.E); Variance to permit a detached accessory building in the side yard in an RS district (Section 420.2-A.2); Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2)

Section 240.2.E permits accessory buildings in the RS district up to 750 sq. ft. of floor area in aggregate regardless of the lot size. 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.

4.2

Section 420.2-A.2 states that detached accessory buildings shall not be located in the front or side yard or encroach upon a minimum building setback line. According to the submitted conceptual plan, one of the constructed accessory building extends into the north side yard of the existing house; the applicant has requested a variance to allow the proposed accessory building in the side-yard. The accessory building also encroaches into the minimum building setback line and appears to be 0 feet from the property line. Please note that there is a home and additional accessory building depicted on the site plan that should be demolished before the date of the Board Meeting on August 18, 2020.

The applicant provided the following statement, "I need to run electrical line to existing building."

The applicant is applying for a lot line adjustment to combine the two lots. He is wanting to be in compliance with Tulsa County Zoning code. The total aggregate square footage for the two accessory buildings appears to be 1500 sq. ft. + 364 sq. ft. (1,864 sq. ft.). The site plan also shows an additional 10' x 16' building or porch. If it is a building, the total square footage will increase to 2,024 sq. ft.

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 to exceed the allowable square footage for accessory buildings in aggregate in an RS district (Section 240.2.E); Variance to permit a detached accessory building in the side yard in an RS district (Section 420.2-A.2); Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2)

Subject to the following conditions (if any) _____.

Finding the hardship to be _____.

In granting the Variances, 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 circumstance 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. 1482 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a county maintained public street. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 9; per plan submitted; finding that the road is existing, but is not maintained by Tulsa County; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

W/2, SE, SW, SW, Sec. 31, T-19-N, R-12-E, lying N of railroad right-of-way & Less S 50' dedicated for road, Tulsa County, Oklahoma.

Case No. 1483

Action Requested:

Special Exception to permit a carport in an RS district. **SECTION 240.2H. PERMITTED YARD OBSTRUCTIONS**, a Variance of required setback from 85' to 55' to permit a carport. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; SECTION 420.2.A.2 ACCESSORY USES IN RESIDENTIAL DISTRICTS** and a Variance to permit construction of a detached accessory building in the side yard in a RS district. **SECTION 410.2.A.2. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6110 West 31st Street South.

Presentation:

The applicant, **Dale McDaniel**, 6110 West 31st Street, Berryhill, submitted a site plan (Exhibit C-1) and an application for a building permit (Exhibit C-2). Mr. McDaniel stated he would like to build a detached garage with a carport, which will cover the walk to his front entry way. He explained he needed the carport to stay out of the weather.

Comments and Questions:

Mr. Walker asked the applicant if the garage is an existing structure? He answered negatively.

In response to Mr. Walker, Mr. McDaniel stated the garage will be 10' from the house. He explained that the reason for setting 10' off from the house is because the eaves fall the same way and the two roofs cannot be connected.

Case No. 1483 (continued)

Mr. Walker asked the applicant if he has a garage currently? He stated he does not have a garage but he does have an 8'x10' shed for storage. He explained that the carport would be tied in to the front entry way of his home so that he can enter his home without getting in the weather.

In response to Mr. Beach, Mr. McDaniel stated the garage will be 24'x30' and the carport will be 24'x20'.

Mr. Walker asked the applicant why he wanted to set closer to the street than what is allowed? Mr. McDaniel indicated that there was one garage down the street that sets approximately 50' to 60' from the centerline of the road. He explained that the reason for setting so close to the road is because the only entrance to his home is through the front door. He indicated the backdoor is on the far right side of his home. He stated the garage will be 85' from the road.

Mr. Tyndall stated he didn't understand why the garage could not be built farther back on the subject property.

In response to Mr. Tyndall, Mr. McDaniel stated if he built the garage farther back and had a carport, then he would be building over his lateral lines. He further stated he would still have to leave the carport and be in the weather to get to his front door, which would be defeating his purpose. Mr. McDaniel explained that his wife and niece have illnesses, which require that they be able to load into a car out of the weather.

Mr. McDaniel stated that if he built the garage where the building inspector indicated and installed the carport in between his home and garage, he still wouldn't be out of the weather when entering and exiting his vehicles.

Mr. Walker asked the applicant what his side yard dimensions will be? He stated it is 40' to the property line.

Mr. Tyndall commented the carport should be moved back even with the entry and that should solve the problem.

Mr. Walker suggested the carport be aligned with the front porch of the home and that would push the garage back further. He stated the 85' relief would change to 72'.

Mr. Beach asked the applicant if there is a reason why he cannot attach the garage to the house? Mr. McDaniel stated the garage will have metal roofing and the roof on his home is shingled.

Mr. Beach stated the existing house encroaches on the setback.

Case No. 1483 (continued)

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **STRIKE** the **Special Exception** to permit a carport in an RS district. **SECTION 240.2H. PERMITTED YARD OBSTRUCTIONS**, finding that a carport in an RS district is allowed and the special exception is not necessary.

AND

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Variance** of required setback from 85' to 72' to permit a carport. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; SECTION 420.2.A.2 ACCESSORY USES IN RESIDENTIAL DISTRICTS** and a **Variance** to permit construction of a detached accessory building in the side yard in a RS district. **SECTION 410.2.A.2. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the setback being at 72' and the subject to the carport aligning with the front face of the porch; finding that the existing house and the layout of the tract prevents the garage being attached to the house; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

N 271.40', Lot 5, Block 4, Berryhill Acres, Tulsa County, Oklahoma.

Case No. 1484

Action Requested:

Special Exception to permit a church use in an OL and AG zoned district. **SECTION 610 AND 310 PRINCIPAL USES PERMITTED IN AGRICULTURE AND OFFICE DISTRICTS** - Use Unit 5, located 5161 East 171st Street.

Presentation:

The applicant, **B.P. Waldron**, represented by Jim Gregor, 2415 East Skelly Drive, submitted a site plan (Exhibit D-1), plot plan (Exhibit D-2) and an application for a building permit (Exhibit D-3). Mr. Gregor stated he is representing Midwest Agape Church. He explained that the church has 20 acres of land, which is 600' east of the intersection of 171st and Yale. Mr. Gregor stated the tract of land is presently zoned AG. Mr. Gregor explained that the church would like to rezone the 20 acres to start the first phase of the church, which will be a five (5) phase project. He stated the church is requesting this variance to start the first phase of this project.

02:20:97:201(6)



W 27 ST S

S 57 W AVE

W 31st ST S

S 65th W AVE

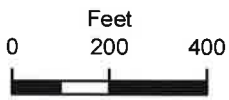
S 59 W AVE

S 63 W AVE

W 33 ST S

W 34 ST S

S 61 W AVE



Subject Tract

CBOA-2834

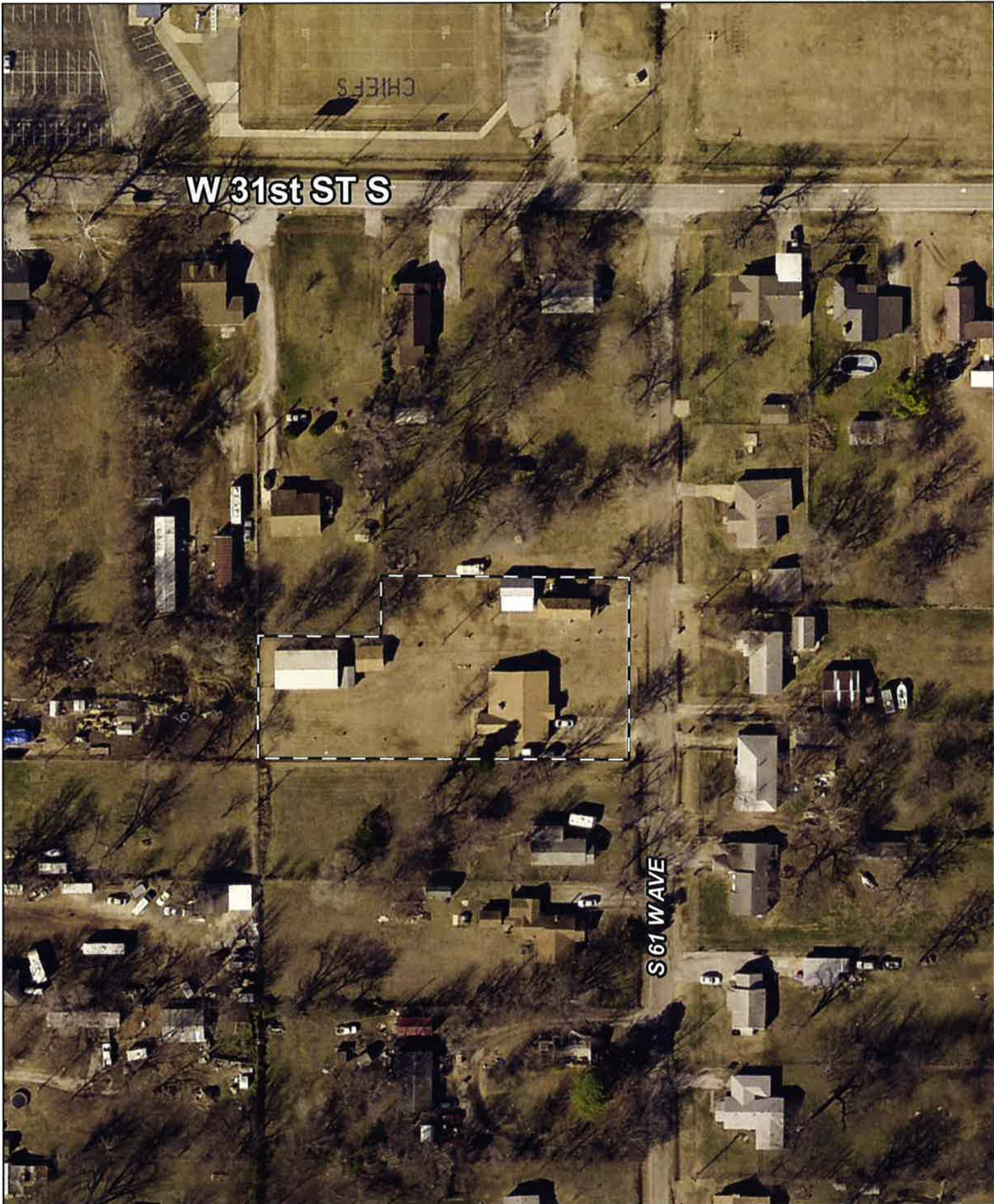
19-12 20

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

Aerial Photo Date: February 2018

4.7

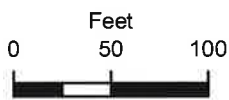




W 31st ST S

S 61 WAVE

CHIEFS



Subject Tract

CBOA-2834

19-12 20

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

Aerial Photo Date: February 2018

4.8





Looking north in an aerial view of property



Accessory building - looking south from S. 61st W. Ave.

S 61st W Ave

PROPOSED ELECTRIC
LINE
61'

4.10



150'

21'
71'

3118

55.8'

46'

45'

49.8'

14'x40'

DEMO

19'x26'

12'x26'

3116

76.8'

62'

62'

30'x50'

16'

10'

16'x20'

DEMO

25'

50'

8.7'

100'

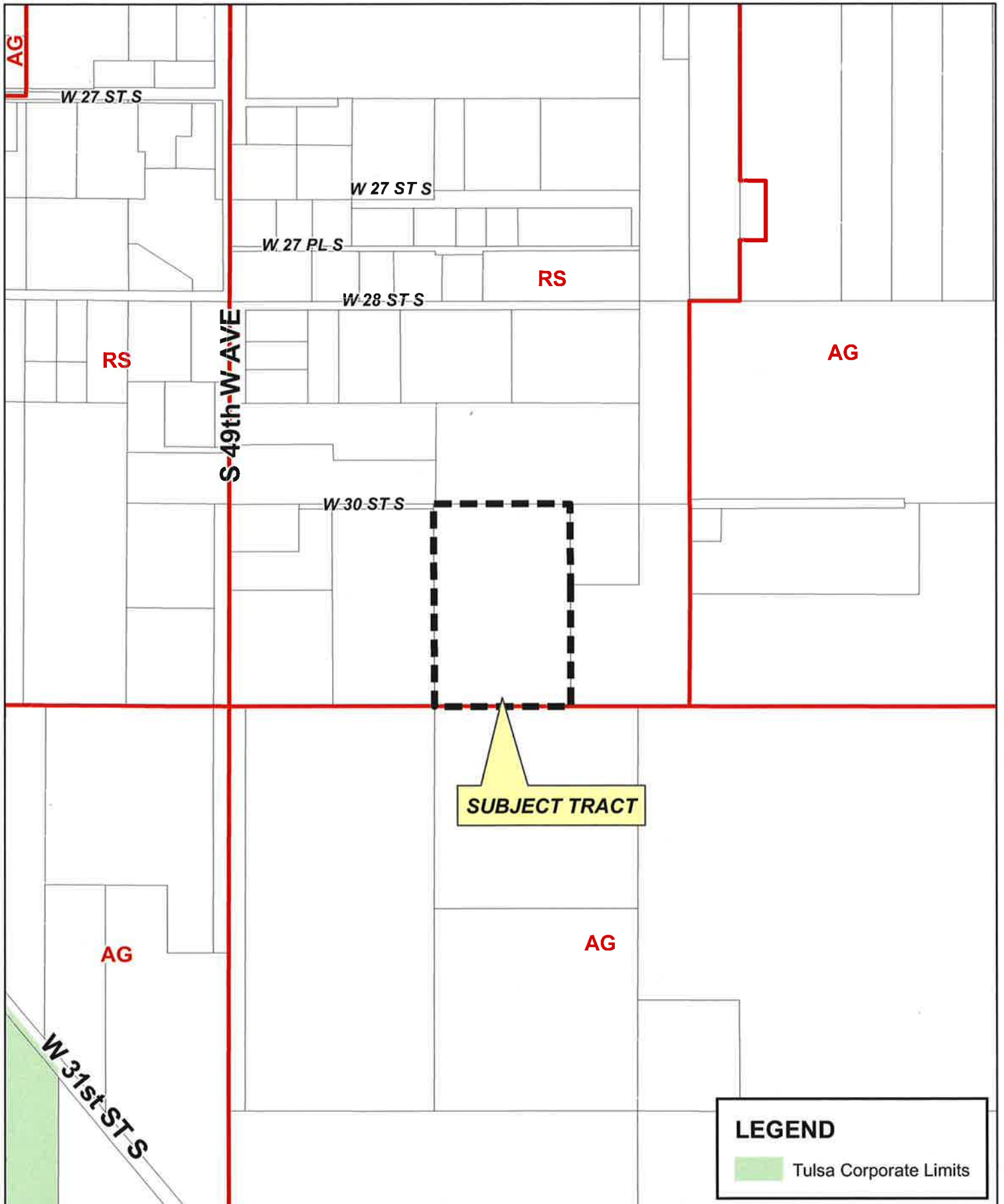
100'

15'

10.4'

77' 26' 97'

N



CBOA-2835

5.1

19-12 16



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9216
CZM: 35, 45

CASE NUMBER: CBOA-2835
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Sandra Million

ACTION REQUESTED: Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS district (Section 240.2.E)

LOCATION: 4620 W 30 ST S

ZONED: RS

FENCELINE: West Central Tulsa

PRESENT USE: Single Family Residence

TRACT SIZE: 6.67 acres

LEGAL DESCRIPTION: W 440 SE SW SW SEC 16 19 12,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the west, north, and east. It abuts Agricultural zoning to the south. Surrounding properties appear to be residential in nature.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS district (Section 240.2.E). Section 240.2.E permits accessory buildings in the RS district however, 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.

The applicant provided the following statement: *"Need more equipment and storage space."*

According to the drawing provided, the applicant has or is proposing to construct three accessory buildings on the property which is 6.67 acres. The total square footage of all three buildings is 2,267 sq. ft.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS district (Section 240.2.E).

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

5.2

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."



W 27 ST S

W 27 ST S

W 27 PL S

W 28 ST S

S 49th W AVE

W 30 ST S

W 31st ST S



Subject Tract

CBOA-2835

19-12 16

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

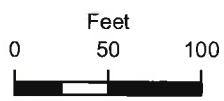
Aerial Photo Date: February 2018



5.4



W 30 ST S



Subject Tract

CBOA-2835

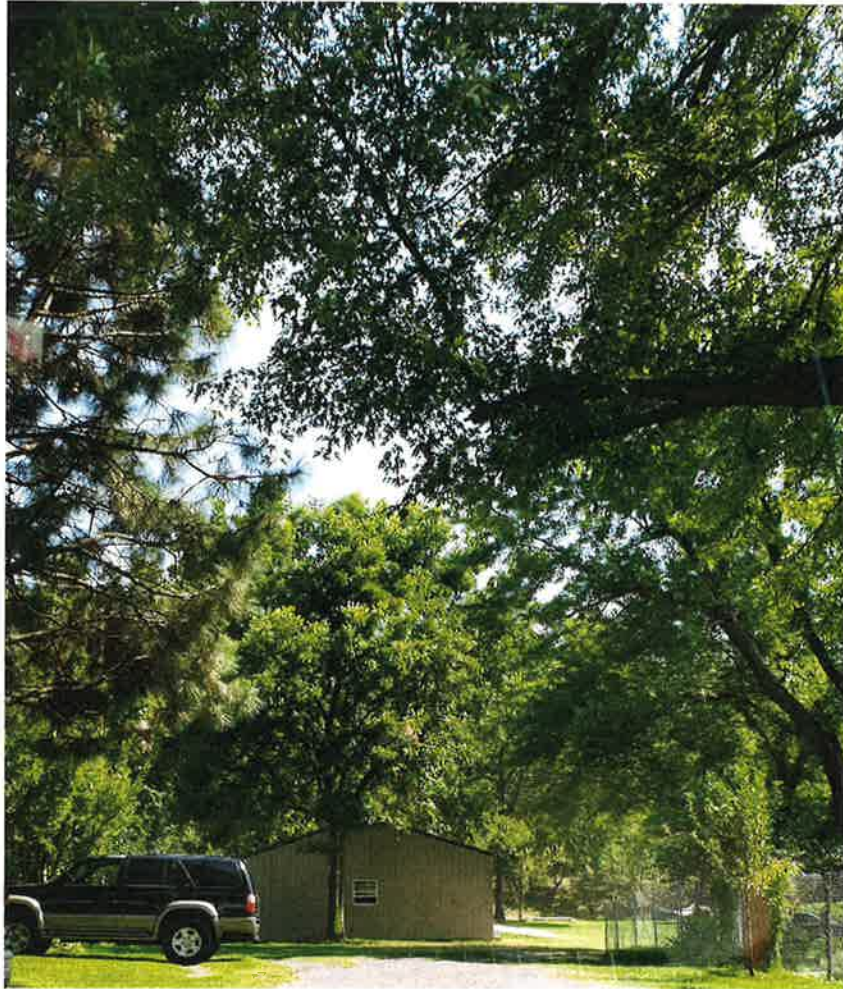
19-12 16

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

Aerial Photo Date: February 2018

5.5





Looking south at the accessory building on the west of the property



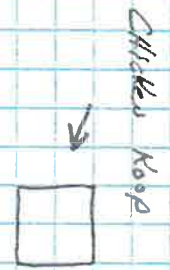
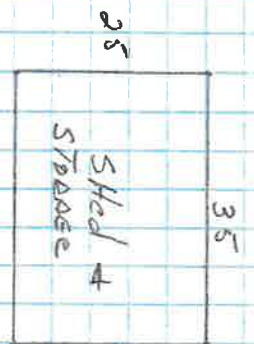
Looking southeast from W. 30th St. S.



Looking south from W. 30th St. S.

W. 30' S.

North

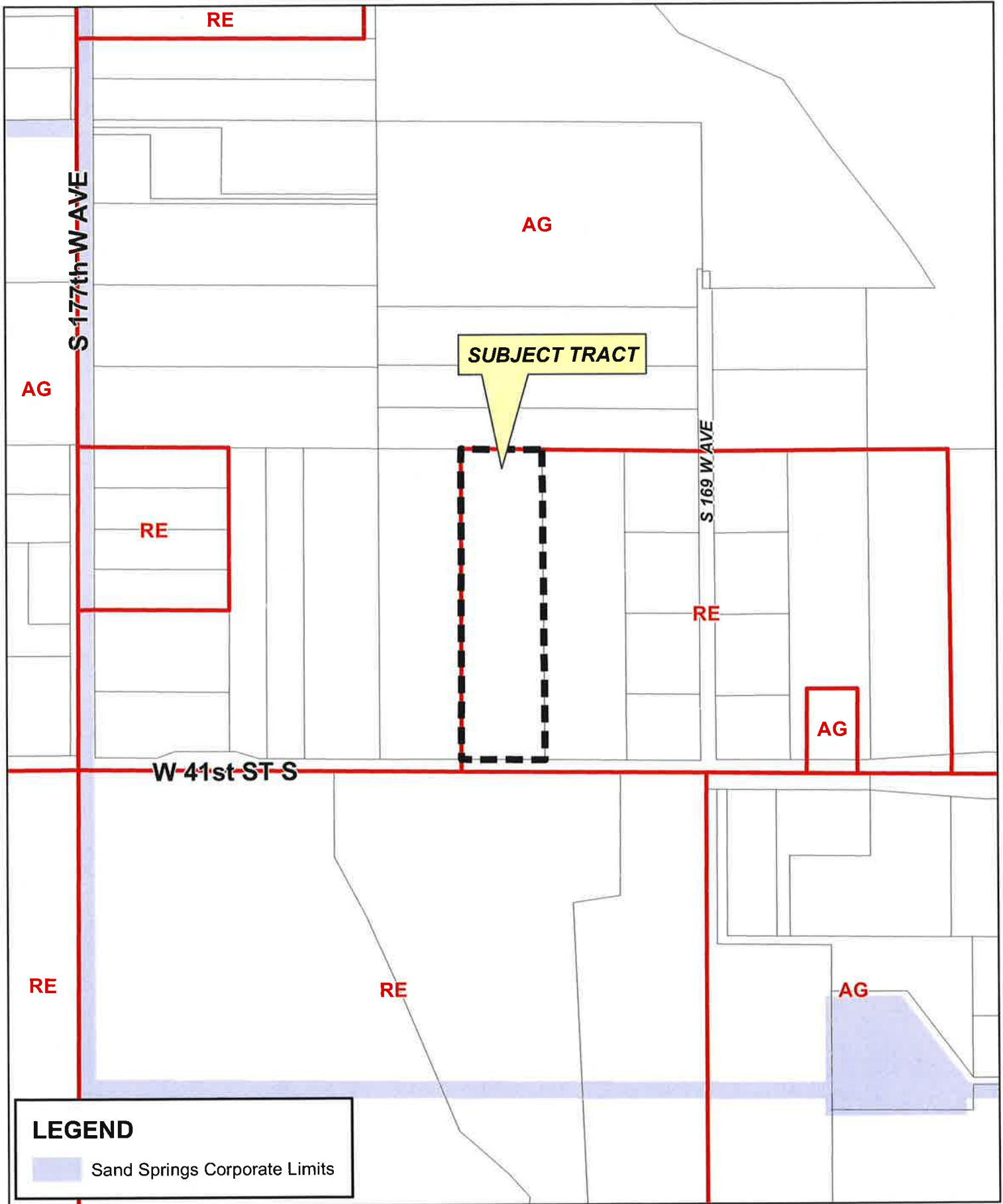


West


EAST

South

5.8



LEGEND

 Sand Springs Corporate Limits



CBOA-2836

19-11 19

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9119

CASE NUMBER: CBOA-2836

CZM: 43

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Terri Williams

ACTION REQUESTED: Special Exception to permit a manufactured home in an RE District (Section 410); Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 17111 W. 41st St. S.

ZONED: RE

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 9.55 acres

LEGAL DESCRIPTION: E/2 W/2 SE SW LESS S60 FOR ST SEC 19 19 11 9.545ACS, WESTERN HILLS RANCHETTES

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG districts to the west and north which appear to have residential use and possible agricultural uses as well. The parcels to the east and south are zoned RE. The parcel to the east has a residential use and the parcel to the south appears vacant.

STAFF COMMENTS:

Special Exception to permit a manufactured home in an RE District (Section 410); Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant is requesting a lot split as shown on the attached Plat of Survey. A special exception is required as the proposed manufactured home is a use which is not permitted by right in the RE district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The manufactured home must be found to be compatible with the surrounding neighborhood.

The existing mobile home on the west parcel has been there since 1983 which was about the same time the property was rezoned from AG to RE. CZ-96 was approved November 24, 1983 by Resolution 105525. A mobile home would have been allowed by right in AG districts.

The Code requires all parking surfaces be paved to maintain a minimum level of aesthetics, but more importantly to control air-borne particles like dust and to control the tracking of dirt and mud onto public streets. The applicant is requesting a Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant provided the following statement: *"We are asking for this variance because we only have a graveled driveway."*

6.2

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed manufactured home is compatible and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a manufactured home in an RE District (Section 410); Variance from the all-weather parking surface requirement (Section 1340.D).

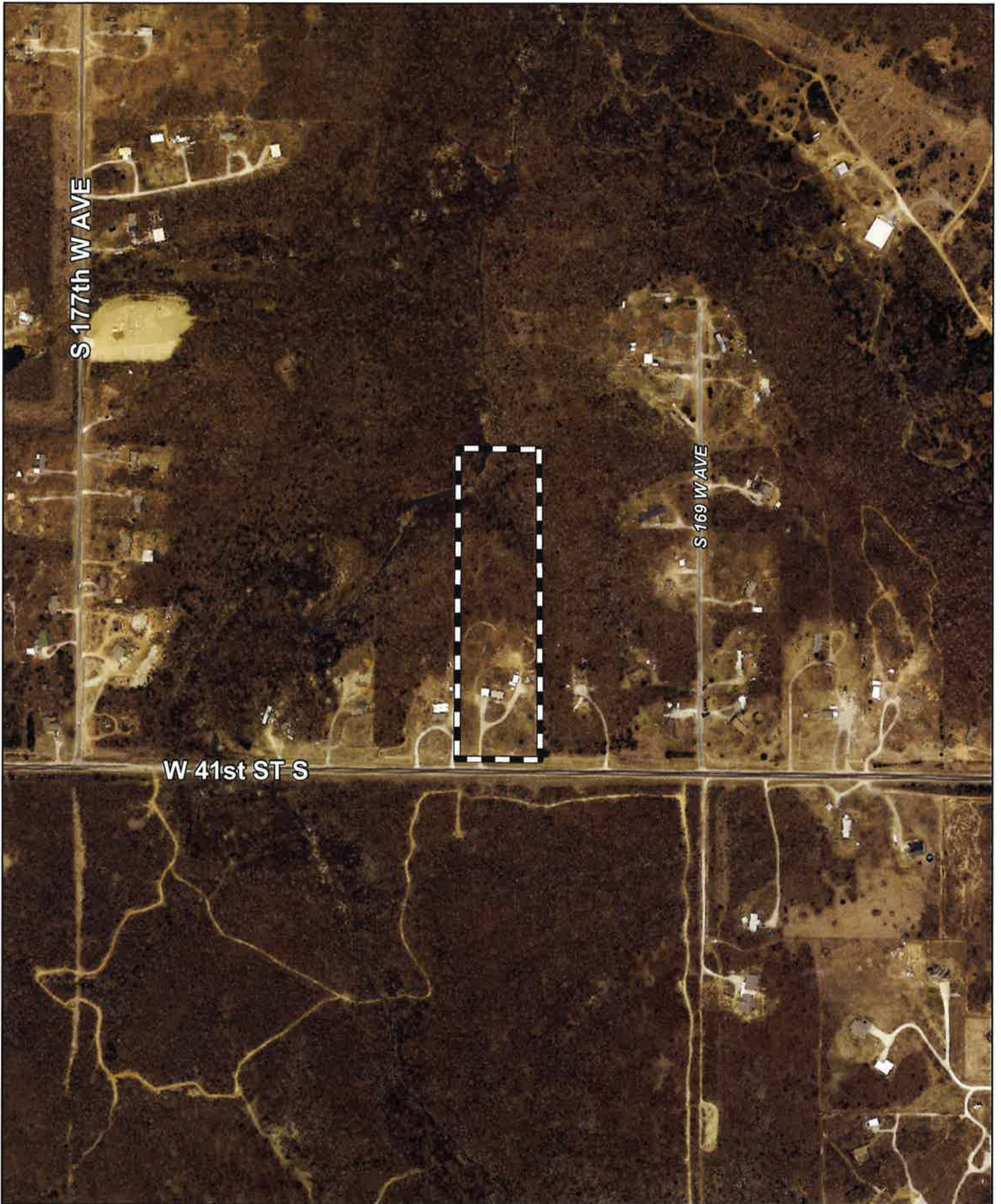
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

In granting a Special Exception, the Board must find 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.

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 177th W AVE

S 169 W AVE

W 41st ST S



Subject Tract

CBOA-2836

19-11 19

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

Aerial Photo Date: February 2018

6.4





Looking northeast from W. 41st St. S.



Looking north from W. 41st St. S. in an aerial view

330'

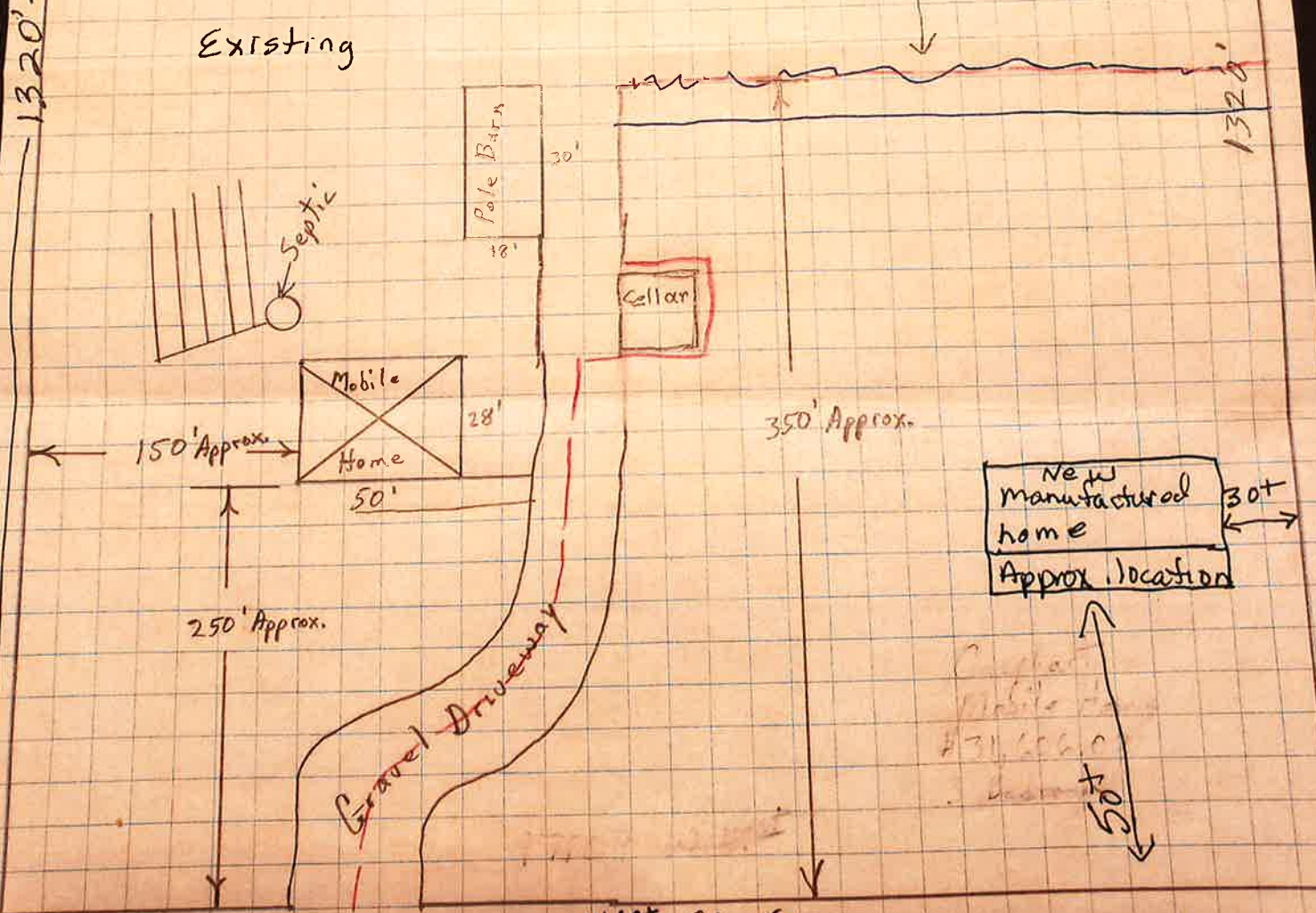
C. L. Williams
Legal Description 19-19-11 E/2 W/2 SE SW

Existing Home Since May 1983
Coephart Mobile Home
3 bedrooms \$31,606

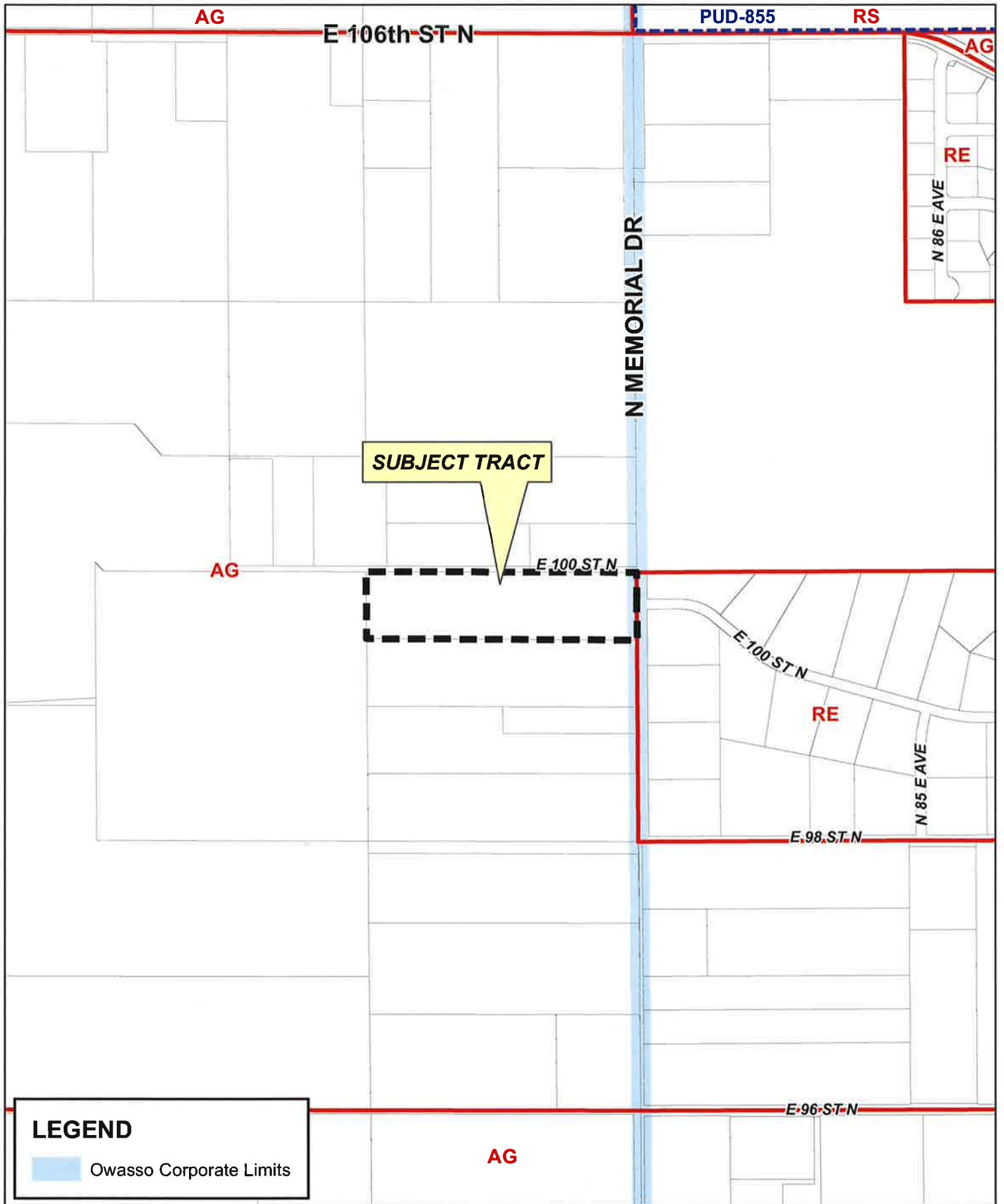
17111 W 41st St

Area to be surveyed

Existing

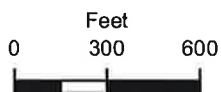


W. 41st St So



LEGEND

 Owasso Corporate Limits



CBOA-2837

21-13 14

7.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1314

CZM: 11

CASE NUMBER: CBOA-2837

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Michael Parham

ACTION REQUESTED: Variance of the rear yard setback in an AG District to permit an accessory building (Section 330 Table 3).

LOCATION: 9998 N MEMORIAL DR E

ZONED: AG

FENCELINE: North Tulsa County

PRESENT USE: Residential

TRACT SIZE: 10 acres

LEGAL DESCRIPTION: N/2 N/2 NE SE SEC 14-21-13 10 AC.,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG districts to the north, west, and south. It abuts an RE district to the west. Surrounding uses appear to be residential in nature.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the rear yard setback in an AG District to permit an accessory building (Section 330 Table 3).

The applicant provided the following statement: *“Basically, for me to build a 50 x 50 shop, it would have to be 20 ft. off of back fenceline. If I moved it 40 ft. off back fenceline, it would be very close to the creek. There are no utility easements on that property.”*

The Code requires a 40 ft rear yard setback in an AG district. The applicant has requested a variance to reduce the rear yard setback to 20 ft. to permit a 50 x 50 accessory building.

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

Sample Motion:

“Move to _____ (approve/deny) a Variance of the rear yard setback in an AG District to permit an accessory building (Section 330 Table 3).

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

7.2

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”



E 106th ST N

N 86 E AVE

N MEMORIAL DR

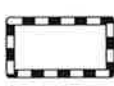
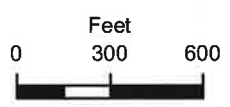
E 100 ST N

E 100 ST N

N 85 E AVE

E 98 ST N

E 96 ST N



Subject Tract

CBOA-2837

21-13 14

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

Aerial Photo Date: February 2018



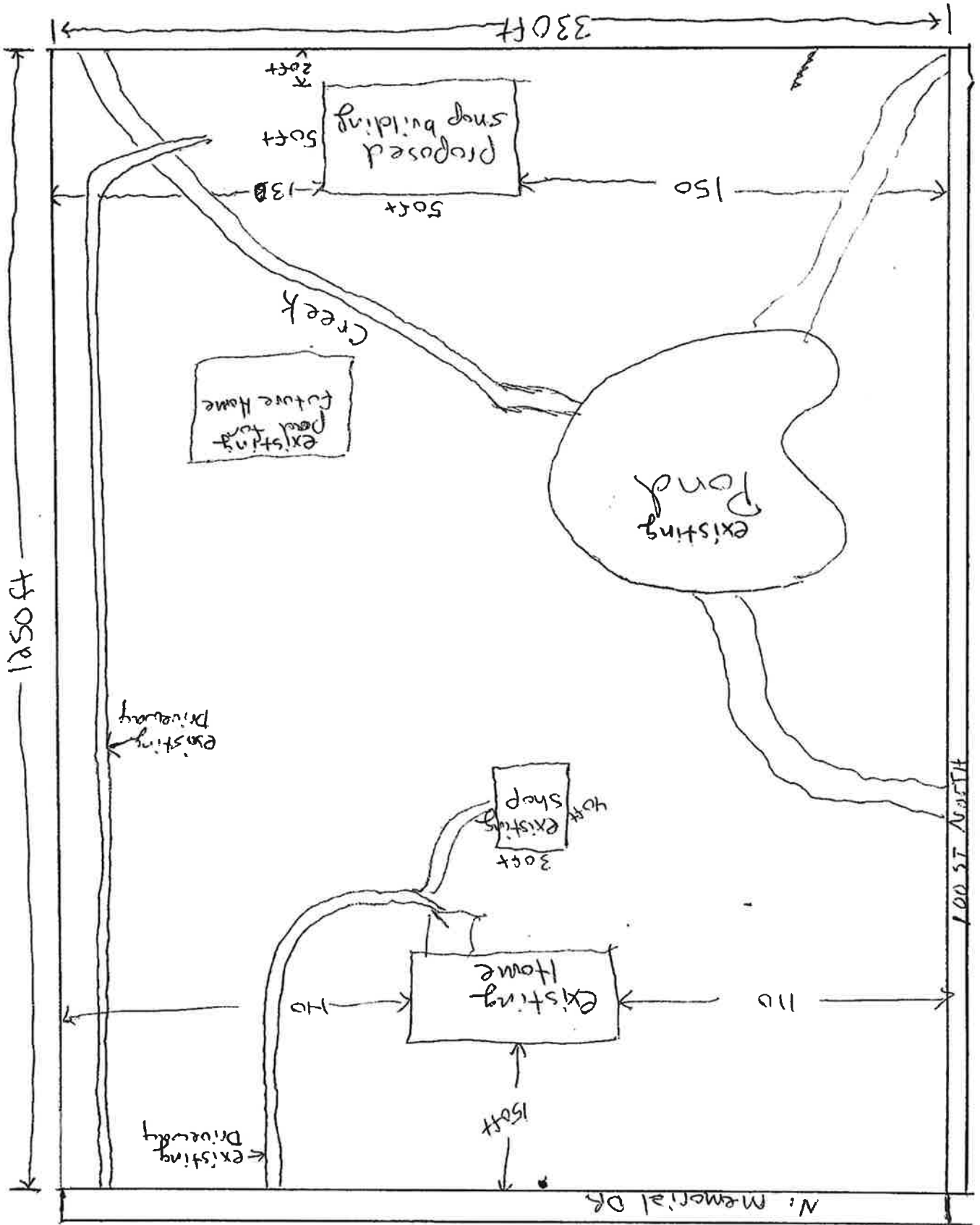
7.4



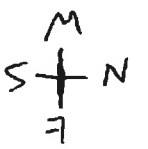
Looking southwest from the SW corner of N. Memorial Dr. and E. 100th St. N. – subject property is on the left

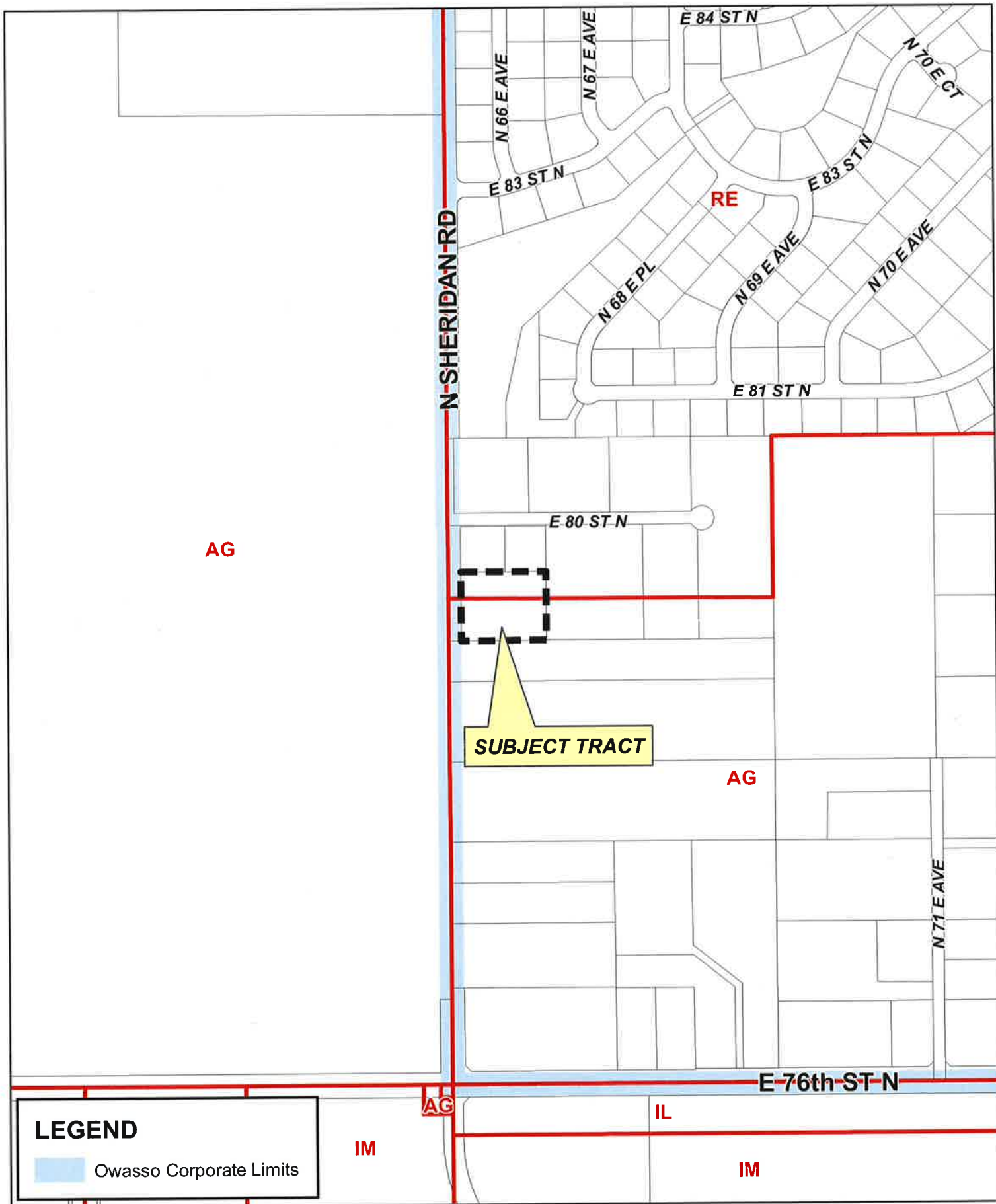


Looking south into subject property from E. 100th St. N.



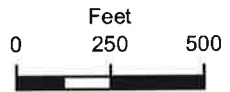
998 N. Memorial Dr.
 Gwasso, OK
 74055





LEGEND

 Owasso Corporate Limits



CBOA-2838

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1326

CASE NUMBER: CBOA-2838

CZM: 17

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Randall Vaughn

ACTION REQUESTED: Variance of the minimum lot area and land area per dwelling unit in an AG District to permit a lot split (Section 330 Table 3). Variance of the minimum lot width in the AG and RE Districts to permit a lot split (Section 330 Table 3; Section 430, Table 3).

LOCATION: 7901 N SHERIDAN RD E

ZONED: RE, AG

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 2.22 acres

LEGAL DESCRIPTION: N165 W396 S/2 NW SW LESS W50 THEREOF FOR RD & S330 W396 N/2 NW SW LESS N216 THEREOF & LESS W50 THEREOF FOR RD SEC 26 21 13 2.216ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is located within two zoning districts. The north third is in a RE district and abuts RE zoning to the north and east. The southern 2/3 is in an AG district and abuts AG zoning to the east, south and west. Surrounding uses appear to be residential with some agricultural uses to the west.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum lot area and land area per dwelling unit in an AG District to permit a lot split (Section 330 Table 3). Variance of the minimum lot width in the AG and RE Districts to permit a lot split (Section 330 Table 3; Section 430, Table 3).

The applicant supplied the following statement: *"The location of the home sits within a neighborhood covenant, and the covenant requires a 50 foot setback on the property line from the side of the property."*

The AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. The Code also requires a minimum lot width of 150' in an AG district. As shown on the submitted survey, the proposed lot split will create two lots. Tract 1 will be 57,024 sq. ft. (1.31 acres) and the proposed lot width is 144 feet. Tract 2 will be 51,480 SF (1.18 acres) and will have a lot width of 130 ft.

In order to permit a lot split as proposed, the applicant is requesting a variance to reduce the lot area and the land area per dwelling unit requirement to 1.31 acres on Tract 1 and 1.18 acres on Tract 2 as shown on the attached plan. The majority of Tract 1 is located in RE zoning which requires a minimum lot area of 22,500 SF and a minimum land area per dwelling unit of 26,250 SF. The parcel will meet that requirement after the lot split in the RE district but because it also has

8.2

AG zoning on the same parcel, the request was made to approve the bulk and area requirements for AG districts.

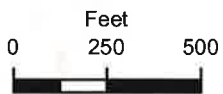
The applicant has also requested variance of the minimum lot width from 150 ft. to 144 ft. for Tract 1 and 130 ft. on Tract 2. (Both RE districts and AG districts require a minimum lot width of 150 ft.)

Sample Motion:

"Move to _____ (approve/deny) Variance of the minimum lot area and land area per dwelling unit in an AG District to permit a lot split (Section 330 Table 3). Variance of the minimum lot width in the AG and RE Districts to permit a lot split (Section 330 Table 3; Section 430, Table 3).

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

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-2838

21-13 26

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

Aerial Photo Date: February 2018

8.4





N SHERIDAN RD

E 80 STN



Subject Tract

CBOA-2838

21-13 26

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

Aerial Photo Date: February 2018

8.5





Looking south from E. 80th St. N.



Looking northeast from N. Sheridan Rd.

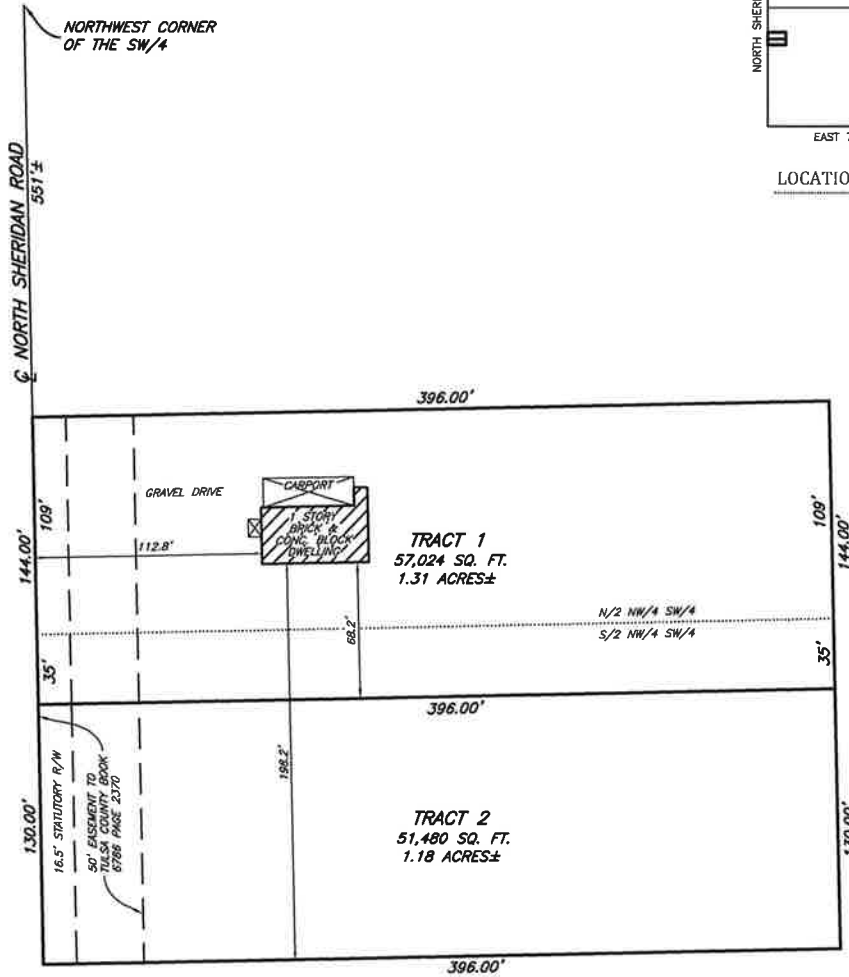
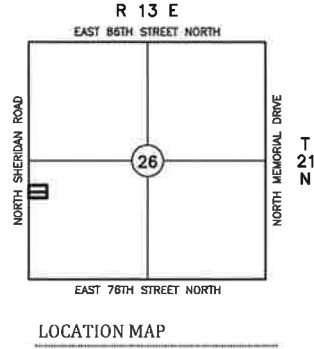


Looking east from N. Sheridan Rd.



LOT SPLIT EXHIBIT

PART OF NW/4 OF THE SW/4,
SECTION 26, T-21-N, R-13-E,
TULSA COUNTY, STATE OF OKLAHOMA.



LEGAL DESCRIPTION

Existing Un-Divided Tract:

The South 330 feet of the West 396 feet of the North Half of the Northwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4) less the North 216 feet of Section 26, Township 21 North, Range 13 East, of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

and

The North 165 feet of the West 396 feet of the South Half of the Northwest Quarter of the Southwest Quarter (S/2 NW/4 SW/4) of Section 26, Township 21 North, Range 13 East, of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Tract 1:

The South 109 feet of the West 396 feet of the North Half of the Northwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4) Section 26, Township 21 North, Range 13 East, of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

and

The North 35 feet of the West 396 feet of the South Half of the Northwest Quarter of the Southwest Quarter (S/2 NW/4 SW/4) of Section 26, Township 21 North, Range 13 East, of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Tract 2:

The South 130 feet of the North 165 feet of the West 396 feet of the South Half of the Northwest Quarter of the Southwest Quarter (S/2 NW/4 SW/4) of Section 26, Township 21 North, Range 13 East, of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

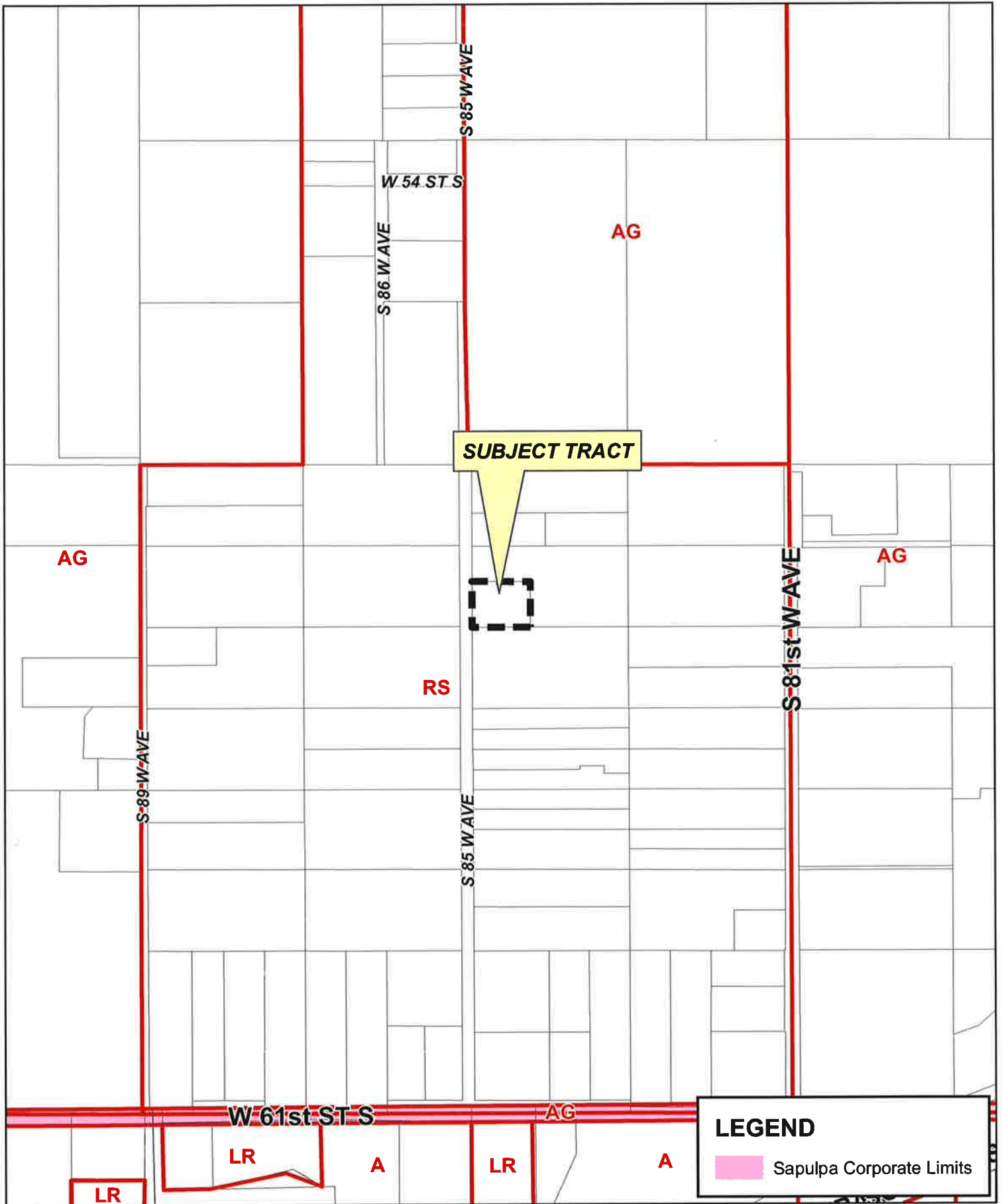


WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098
(RENEWAL 6/30/2021)

BY: *RKS* DATE: 7/14/20
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676

8.7

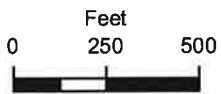
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SUBJECT TRACT

LEGEND

 Sapulpa Corporate Limits



CBOA-2839

9.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9136

CZM: 44

CASE NUMBER: CBOA-2839

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Roger Brock

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

LOCATION: 5615 S 85 AV W

ZONED: RS

FENCELINE:

PRESENT USE: Residential

TRACT SIZE: 1 acres

LEGAL DESCRIPTION: S185 W260.46 S/2 NW NE SE LESS W25 FOR RD SEC 36 19 11 1.00ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2764 September 2019: The Board APPROVE the request for a Variance of the maximum size permitted for an accessory building in an RS District from 750 square feet to 1,200 square feet, on property located at 5606 South 89th Avenue West.

CBOA-2208 June 2006: The Board approved a *variance* of the maximum size permitted for an accessory building in an RS district from 750 SF to 2,832 SF, on property located at 5633 South 89th Avenue West.

CBOA-1537 October 1997: The Board approved a *variance* of the maximum allowed floor area for a detached accessory building from 750 SF to 1600 SF; and a *variance* to permit a garage as a principal use in an RS district, on property located at 5780 South 85th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large rural residential lots with residential uses. The area is residential/agricultural in character.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.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

9.2

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.

The client has provided the following statement: *“There are many similar buildings on this block. This structure will in no way cause any detriment to the public good.”*

According to the drawing provided the applicant is proposing to construct a 30' x 60', (1,800 SF), detached accessory building northeast of the existing house on the site. The applicant has requested a variance to increase the total permitted square footage of accessory buildings to 1,800 SF.

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 to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.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 _____.

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.

presentation and each interested party five minutes. The applicant will be allowed a rebuttal to all interested parties concerns.

Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

FILE COPY

2764—Scott Robbins

Action Requested:

Variance of the maximum size permitted for an accessory building in an RS District from 750 square feet to 1,200 square feet (Section 240.2-E). **LOCATION:** 5606 South 85th Avenue West

Presentation:

Scott Robbins, 5606 South 85th West Avenue, Tulsa, OK; stated he would like to build a 30'-0" x 40'-0" pole barn to store his tractor, tractor attachments, a boat and other personal items.

Mr. Hutchinson asked Mr. Robbins if he had any other buildings on his property. Mr. Robbins stated that he did not.

Mr. Hutchinson asked Mr. Robbins if he had five acres. Mr. Robbins answered affirmatively.

Mr. Hutchinson asked Mr. Robbins if he had spoken with any of his neighbors. Mr. Robbins stated that he had not.

Interested Parties:

Jacquelyn Allen, 5602 South 85th West Avenue, Tulsa, OK; stated she lives adjacent to the subject property. Ms. Allen stated that it appears Mr. Robbins wants to build the proposed building right by her fence, and there is another entrance to the subject property where he could place the building. Ms. Allen suggested if Mr. Allen did not want to move the building, he could build a privacy fence between her property and his property so she would not have to look at the building. She does not want a building in front of her property, because the pasture used to be beautiful.

CRBA - 2764

FILE COPY

Rebuttal:

Scott Robbins came forward and stated that he is not placing the building right at Ms. Allen's property line, it will be 40 feet off the property line, and he does not think the other neighbors would appreciate a pole barn being built in their front yard.

Mr. Hutchinson asked staff about the spacing between the proposed building and the property line. Ms. Jones stated the spacing in an RS zoning is 5'-0" in the side yard and 20'-0" in the rear yard.

Mr. Johnston asked Mr. Robbins how tall the building would be. Mr. Robbins stated the building would have a 10'-0" ceiling on the inside with a pitched roof.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** of the maximum size permitted for an accessory building in an RS District from 750 square feet to 1,200 square feet (Section 240.2-E), subject to conceptual plan 2.12 of the agenda packet. The Board has found the hardship to be the size of the lot and the applicant is not requesting a great deal of additional space for the building. 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; for the following property:

S/2 NE NW SE LESS E 25 FOR ST SEC 36-19-11, OF TULSA COUNTY, STATE OF OKLAHOMA

2765—Lisa Lewis

Action Requested:

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:** 16034 North 97th East Avenue

Presentation:

Richard Lewis, 7056 East 149th Place North, Collinsville, OK; stated this request is for his mother and father-in-law who are elderly who own the property; they have had the property since 1960. The property was originally ten acres and they built a house on the northeast 2 ½ acres in 1964. They sold the southeast 2 ½ acres and in 1990 had

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 312
Tuesday, May 16, 2006, 1:30 p.m.
Aaronson Auditorium
Tulsa Central Library
400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair
Charney, Vice Chair
Dillard, Secretary
Tyndall
Walker

Alberty
Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, May 11, 2006 at 8:28 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Hutson called the meeting to order at 1:34 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of April 18, 2006 (No. 311).

Charney arrived at 1:36 p.m.

NEW APPLICATIONS

Case No. 2208

Action Requested:

A Variance of the maximum size permitted for an accessory building in an RS district from 750 to 1,500 sq. ft., located: 5633 South 89th Avenue West.

Mr. Cuthbertson informed the Board that Case No. 2208 may not be advertised correctly. He stated the applicant was attempting to add a 1,500 sq. ft. building in

place of one of the existing accessory buildings. The zoning code considers the total square footage of all the accessory buildings in the RS district. The applicant proposed to keep two of the existing buildings. This would make the aggregate square footage for accessory buildings greater than 1,500 sq. ft.

Presentation:

Denny Bullington, 5633 South 89th West Avenue, proposed to remove a 1,200 sq. ft. building and build a 1,500 sq. ft. building.

Comments and Questions:

Mr. Walker asked if Mr. Bullington leased any other land. Mr. Bullington replied he leases the property across the street, about 65 acres. He added he owns forty acres on South 81st. The Board members agreed the case needs to be re-advertised. Mr. Alberty advised the applicant to obtain a better site plan with surveyed dimensions because he would need one for a permit. He added that it should also include the existing buildings, dimensions, location, an indication of buildings to be removed and show where the new building is going to be located.

~~Mr. Bullington stated he did not know he was in residential zoning. He stated he had informed all of the neighbors and they indicated support.~~

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 **CONTINUE** Case No. 2208 to the meeting on June 20, 2006, on the following described property:

S/2 NW NW SE LESS W 25 FOR ST SEC 36-19-11, Tulsa County, State of Oklahoma

Case No. 2209

Action Requested:

Variance of the required 30 ft. frontage on a public street to 0 ft Section 207, located: North and West of the NW/c of E. 86th St. N. and N. Sheridan Rd.

Presentation:

Patrick Hilberling, 12405 East 90th Street North, stated he purchased this property to build a home. He made inquiries with all of the attorneys and two abstract companies before purchase regarding road and utilities easements and he was told everything was good to build. After purchase Mr. West informed him that he did not have the required 30 ft. frontage on a public street. He provided a deed and right-of-way easement (Exhibit A-1 and A-2).

Case No. 1536 (continued)

Comments and Questions:

In response to Mr. Alberty, Ms. Richardson stated that there are singlewide trailers in the area that have been in the area for several years.

Ms. Richardson informed the Board that the three-perc tests have passed.

Mr. Glenn asked the applicant if the variance for the two dwelling units is on the north end of the subject property? Ms. Richardson answered affirmatively.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Special Exception** to permit 3 mobile homes permanently in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 9 and a **Variance** to permit 2 dwelling units per lot of record on the north 331' of the subject tract. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

W 566.25', S 660', SW, SE, Sec. 35, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1537*Action Requested:*

Variance of the maximum allowable floor area for detached accessory buildings from 750 SF to 1600 SF. **SECTION 240.2.E.YARDS** and a Variance to permit a garage as a principal use in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 23 (Storage, NEC), located 5780 South 85th West Avenue.

Presentation:

The applicant, **Timothy D. Spiker**, 1104 West Oakridge, Broken Arrow, submitted a site plan (Exhibit J-1), architectural drawing (Exhibit J-2) and photographs (Exhibit J-3). Mr. Spiker stated he purchased the subject five acres and would like to build the proposed facility to store maintenance equipment for the subject property. He explained that the five acres has a pond and requires additional upkeep. He indicated that he plans to build a home on the acreage in the near future. The building will not be used for a commercial use, but will be used for storage. The proposed building will be a double car garage and once the house is built it will be the main garage. Mr. Spiker stated that the proposed building is not different than the out buildings in the immediate area.

Case No. 1537 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if he is requesting the garage before the house is built? He answered affirmatively.

Mr. Alberty asked the applicant what type of construction the building will be? He stated the garage will be metal construction.

Mr. Alberty asked the applicant if he planned to provide sleeping quarters in the proposed building or strictly a garage? Mr. Spiker stated that there will be a restroom facility for convenience. He explained that the proposed building is strictly for storage of construction materials.

Mr. Alberty asked the applicant when he plans to begin construction of the home? Mr. Spiker stated his goal is three years maximum.

Board Action:

On **MOTION of WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** a **Variance** of the maximum allow floor area for detached accessory buildings from 750 SF to 1600 SF. **SECTION 240.2.E.YARDS** and a **Variance** to permit a garage as a principal use in an RS district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 23 (Storage, NEC); per plan submitted; subject to a time limitation of 5 years; finding that the size of the land can handle the size of the building; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

N/2, SE/4, NW/4, SE/4, Sec. 36, T-19-N, R-11-E, IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

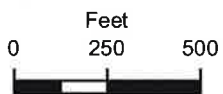
Case No. 1538

Action Requested:

Special Exception to allow a doublewide manufactured home in an RMH zoned district, located 1919 East 62nd Place West.

Presentation:

The applicant, **Peter J. Stahl**, withdrew his application.



 Subject Tract

CBOA-2839

19-11 36

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

Aerial Photo Date: February 2018



9.10



S 85 W AVE



Subject Tract

CBOA-2839

19-11 36

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

Aerial Photo Date: February 2018



9.11

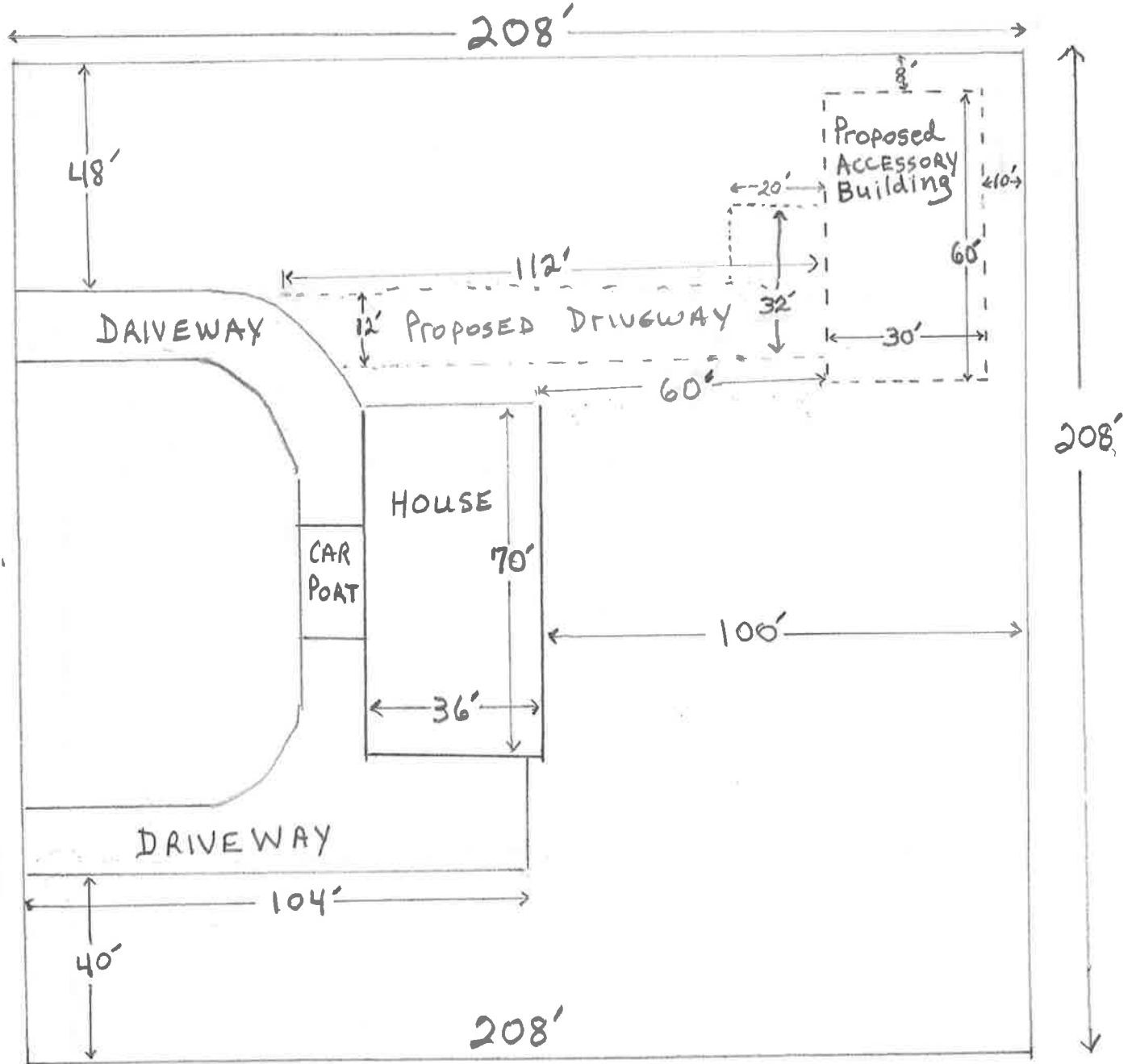


Looking east from S. 85th Ave. W. at proposed location of accessory building



Looking south from S. 85th Ave. W. – subject property is on the left

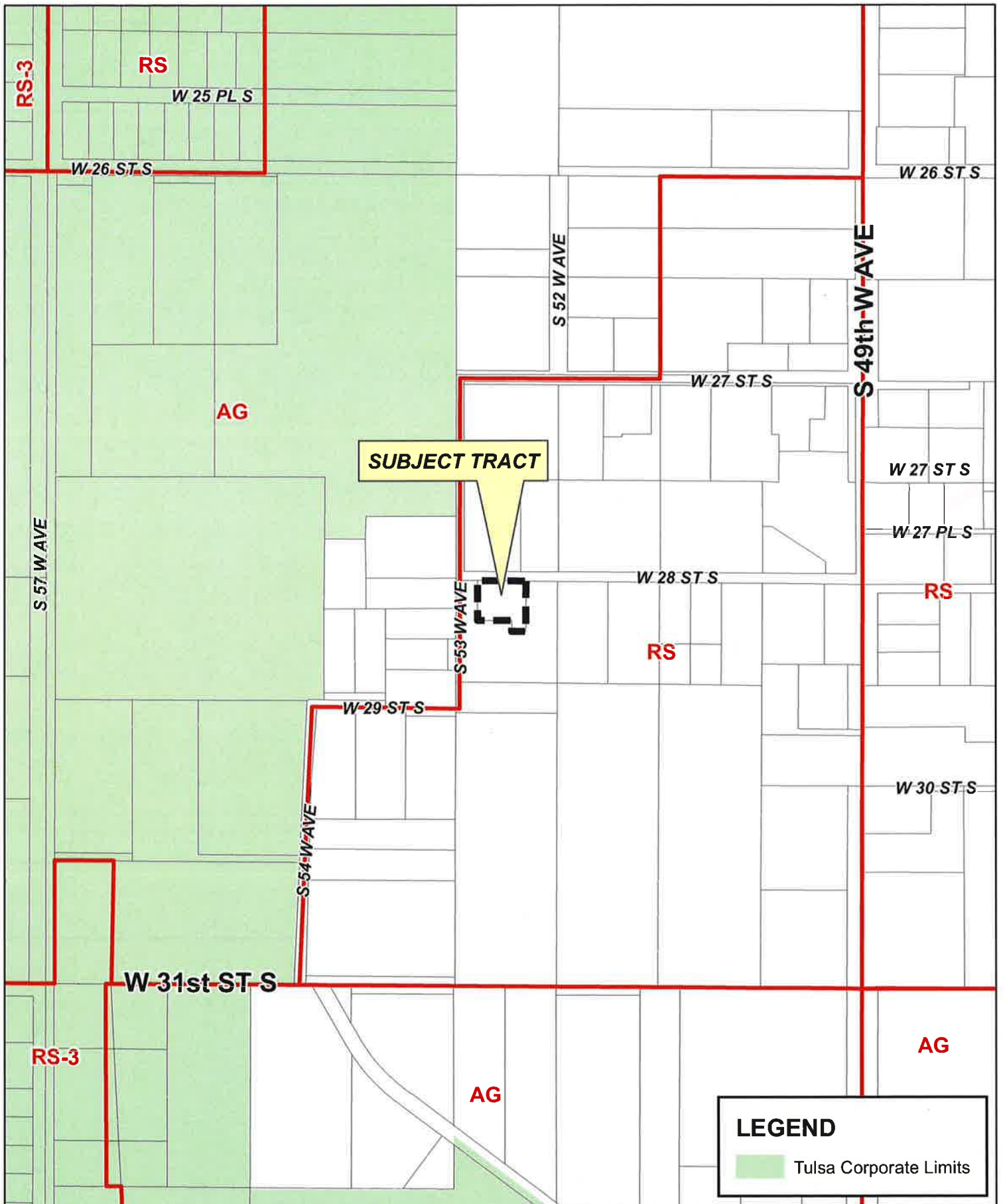
↑
NORTH



↑
South
85th
W. AVE.
↓

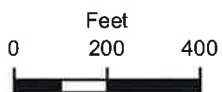
5615 S. 85 W. AVE.

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LEGEND

Tulsa Corporate Limits



CBOA-2840

19-12 17

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: CBOA-2840

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Amanda Tabor

ACTION REQUESTED: Special Exception to permit a mobile home (UU9) in the RS district. (Section 410)

LOCATION: 5150 W 28 ST S

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Vacant

TRACT SIZE: 0.5 acres

LEGAL DESCRIPTION: PRT NW NW SE SE BEG 70E NWC THEREOF TH E156.22 S164.98 W45.32 N35.38 W110.90 N129,61 POB SEC 17 19 12 0.50AC, ELLIOT'S SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1799 December 2000: The Board approved a Special Exception to permit a mobile home in an RS district; and a Variance to permit two dwelling units on a single lot for a period of three years with conditions, on property located at 5300 W. 29th St.

CBOA-1038 August 1991: The Board approved a Special Exception to allow a mobile home in an RS zoned district, on property located at 4914 W. 28th St. S.

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

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit a mobile home (UU9) in the RS district. (Section 410).

A special exception is required as the proposed mobile home is a use which is not permitted by right in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The mobile home must be found to be compatible with the surrounding neighborhood.

According to the site plan, the mobile home will be placed in the area where a single-family home was demolished. There appears to be a garage available for parking.

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed mobile home is compatible and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a mobile home (UU9) in the RS district. (Section 410).

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

Subject to the following conditions, if any: _____.

In granting a Special Exception, the Board must find 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.

Case No. 1798 (continued)

business activity and related equipment dated October 16, 2000, located 12919 N. 110th E. Ave.

Presentation:

Ms. Fernandez stated that a request was made for a Continuance until January 16, 2001 for Case No. 1798. She added that technically the legal description would include more property than what was advertised.

Interested Parties:

The interested parties that were present did not have an objection to the Continuance.

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1798 to the next hearing on January 16, 2001.

Case No. 1799

Action Requested:

Special Exception to permit a mobile home in an RS district; and a Variance of Section 208, one single-family dwelling per lot to permit two dwelling units. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9, located 5300 W. 29th St.

Presentation:

Ty Inman (no address given) stated that he was speaking for his daughter, Jill Akin. He stated that he owns the land adjacent to the subject property. He has planned to clear off the subject property and build a house and in the mean time place a mobile home there for up to three years. He added that the land belongs to his mother-in-law, and a septic and utilities are there from a previous mobile home. The mobile home would be a second dwelling unit on the same lot of record. Mr. Inman expressed desire to keep the extended families close together on the lots, without changing ownership.

Comments and Questions:

Mr. Walker asked about the hardship. Mr. Alberty stated the lots were large enough to permit the density of more than two dwelling units on one lot of record, but it appears they want to keep the legal description intact.

Interested Parties:

None.

12:19:00:247(4)

10.4

Case No. 1799 (continued)

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a mobile home in an RS district; and a **Variance** of Section 208, one single-family dwelling per lot to permit two dwelling units, for a period of three years, to allow for clearing the land to construct a stick built home, finding the hardship that the size of the land is adequate for two dwelling units and the conditions for required permits, tie-downs, and skirting, on the following described property:

W/2 SW SE & SW NW SE, less N 100' SW NW SE SE, Section 17, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1800

Action Requested:

Special Exception to allow fireworks stands in a CH zoned district and to allow them for 20 years at this location. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 5522 W. Skelly Dr.

Presentation:

Lonnie Bassey, 4732 S. Columbia Pl., stated he came as an associate of William Manley for the request of a Special Exception to allow the sale of fireworks on the subject property. Mr. Manley purchased the property in 1980 with the intent to sell fireworks at that location.

Comments and Questions:

Mr. Alberty asked about the previous use of the property. Mr. Bassey replied that currently there is a billboard, and it has been leased to a trucking firm to park semi-trailers. Mr. Alberty asked if there were gasoline sales adjoining the property. Mr. Bassey replied there was not. Mr. Walker asked where the applicant's main warehouse facility was located. He replied that it was across the street. Mr. Alberty asked if the plan was to place three stands on the property as per the site plan. He replied in the affirmative.

Interested Parties:

John Moody, 7146 S. Canton, stated he represented John Ellsworth, the owner of the Oklahoma Truck Supply Company. This company is located at 5526 S. 48th W. Ave., directly west of the subject property. Mr. Ellsworth has concerns that the three temporary structures, which are on the property, obstruct the view, and could be there for as much as twenty years. Mr. Moody stated that he understands the property is zoned CH and other structures could be constructed there. He noted that these temporary structures are only allowed to be open for limited periods of

12:19:00:247(5)

Case No. 1038

Action Requested:

Special Exception to permit a manufactured home dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 4914 West 28th Street South.

Presentation:

The applicant, **Richard Debolt**, 4703 West 81st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and requested permission to install a mobile home on property at the above stated location.

Comments and Questions:

Mr. Alberty asked if there is an existing structure on the property, and the applicant replied that the house has been removed.

In response to Mr. Alberty, the applicant stated that there are numerous mobile homes in the immediate area.

Protestants: None.

Board Action:

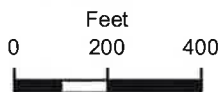
On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plot plan submitted; subject to Health Department approval and a Building Permit; finding that there are other mobile homes in the area, and granting the variance requests will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

The east 130' of the NW/4, NE/4, SE/4, SE/4, Section 17, T-19-N, R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:52 p.m.

Date Approved Sept. 17, 1991

Wayne Alberty
Chairman



CBOA-2840

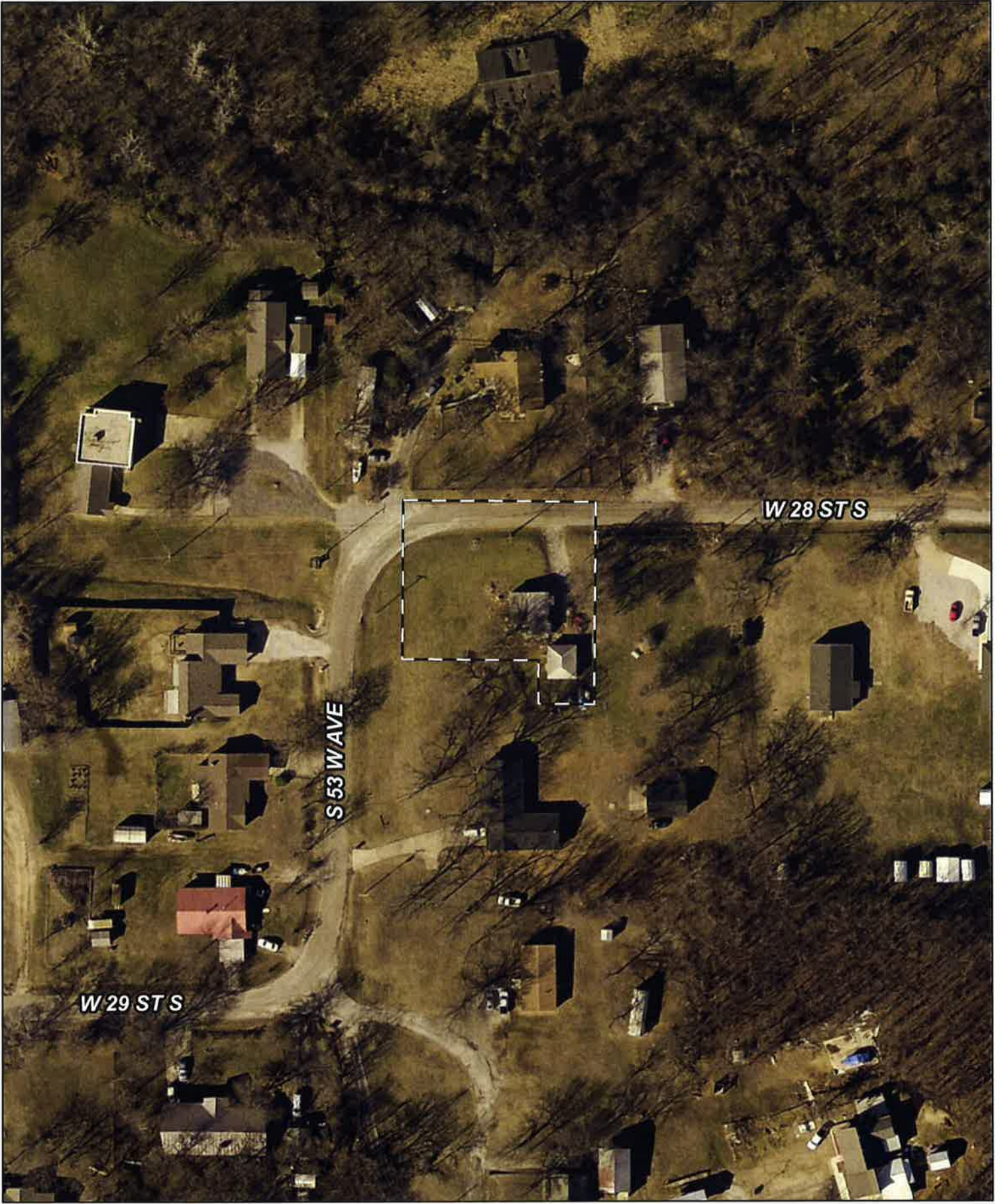
19-12 17

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

Aerial Photo Date: February 2018



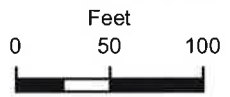
10.7



W 28 ST S

S 53 WAVE

W 29 ST S



Subject Tract

CBOA-2840

19-12 17

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

Aerial Photo Date: February 2018



10.8



Looking southeast from W. 28th St. S.



Looking east from S. 53rd W. Ave.

18°23"E 70.00'

N89°18'23"E 156.22'

N89°18'23"E 105.00'

ASPHALT
PAVEMENT

W 28TH STREET

TRACT 2
21,850 S.F.
0.50 AC.

80'

Mobile Home

GRAVEL
DRIVE

N00°41'37"W 164.98'

S00°41'37"E 129.61'

N89°17'56"E 110.90'

OVERALL TRACT
109,290 S.F.
2.51 AC.

S00°41'37"E
35.98'

N89°17'56"E
45.32'

35.1'

GARAGE

12.9'

10.7'

25.5'

TRACT 1
87,440 S.F.
2.01 AC.

1-STORY
RESIDENCE

GARAGE

29.6'

133.2'

77.7'

50.2'

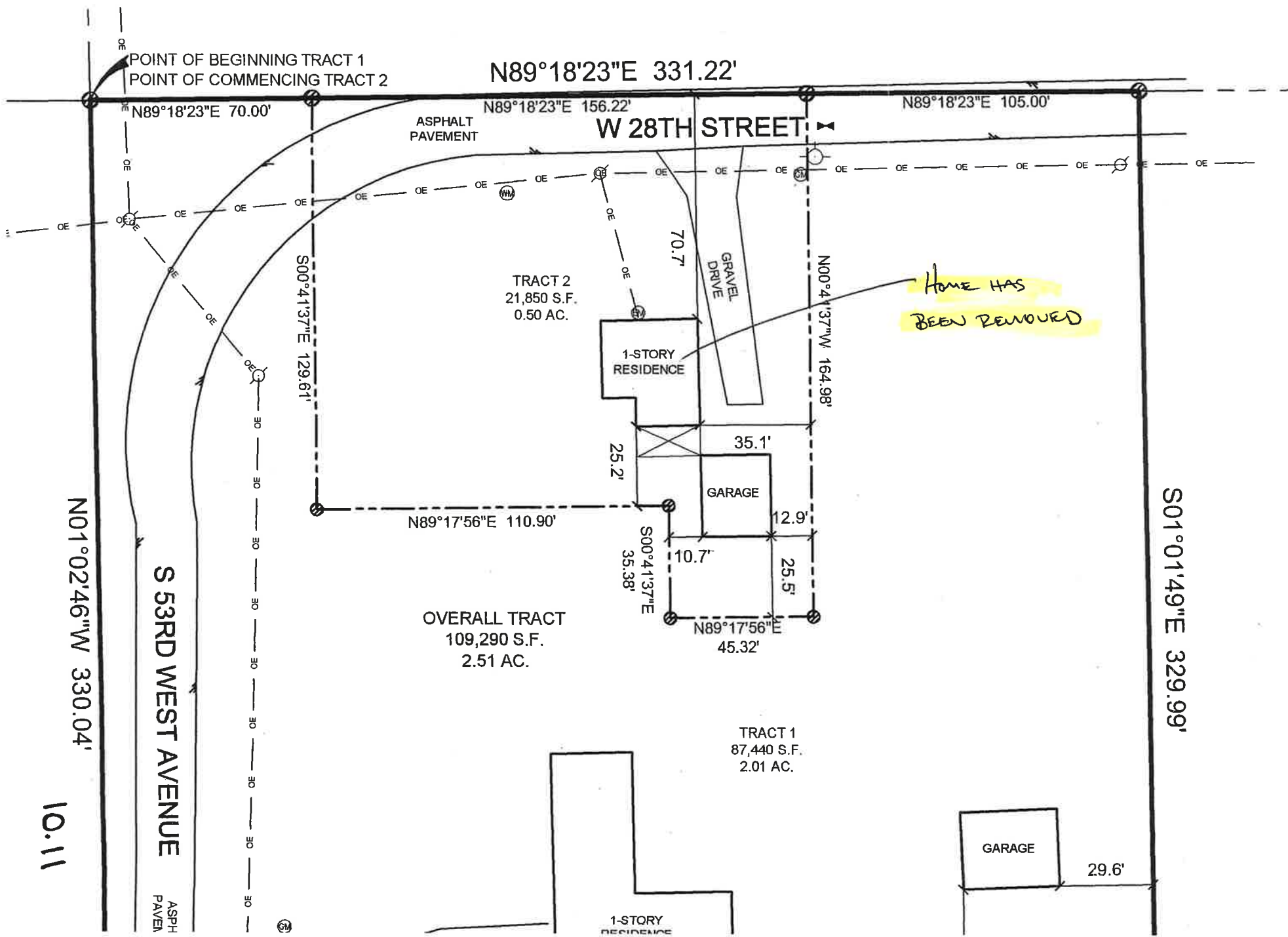
S89°17'56"W 331.13'

S01°01'49"E 329.99'

ASPHALT

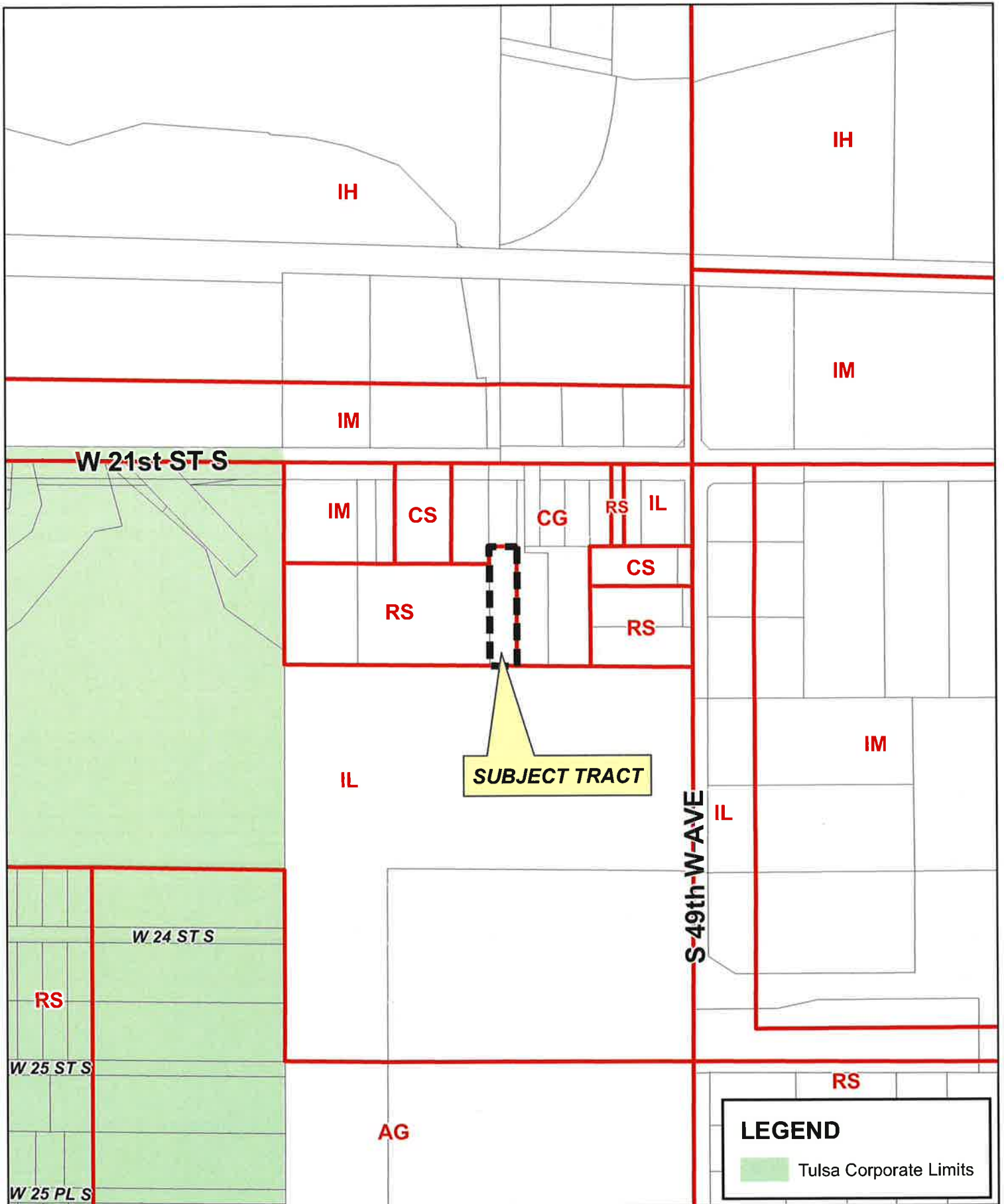
ASPHALT

CONCRETE
DRIVE



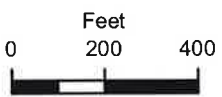
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LEGEND

Tulsa Corporate Limits



CBOA-2842

19-12 17

11.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: CBOA-2842

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/18/2020 1:30 PM

APPLICANT: Jeffery Columbia

ACTION REQUESTED: Variance of the required 30' of frontage to permit construction of a single-family home. (Section 207)

LOCATION: 5110 W 21 ST S

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Vacant

TRACT SIZE: 0.82 acres

LEGAL DESCRIPTION: W 90 S 396 NE NE NE SEC 17 19 12,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CZ-447 December 21, 2016: All concurred in approval of a request for rezoning a 2.2± acre tract of land from RS/CS to CG on property located W of SW corner W. 21st St. S. & S. 49th W. Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts a CG district to the north and east with commercial uses. It abuts RS zoning to the west and IL zoning to the south, both appear to have residential uses.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the required 30' of frontage to permit construction of a single-family home. (Section 207) in as RS district. The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way.

The applicant has provided a hardship: *"Our hardship is that we would like to construct a house on the residential lot that we occupy at 5110 W 21st St in Tulsa, but we do not have the minimum 30' of frontage required. We have, however, established a legal permanent easement on the property to the east of our lot, through which we access the 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 use and future development of the subject property is compatible with and non-injurious to the surrounding area.

11.2

Sample Motion:

“Move to _____ (approve/deny) a Variance of the required 30' of frontage to permit construction of a single-family home. (Section 207)

- **Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.**
- **Finding the hardship(s) 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.”

13. **CZ-447 Stephen Schuller** (County) Location: West of the southwest corner of West 21st Street and South 49th West Avenue requesting rezoning from **RS** to **CG** (continued from December 7, 2016)

SECTION I: CZ-447

DEVELOPMENT CONCEPT: The applicant has submitted an application to combine all of his property into a single zoning category. There is no comprehensive plan to guide growth however the large majority of the surrounding property is industrial.

DETAILED STAFF RECOMMENDATION:

The development pattern for the area could support industrial uses. Staff has discussed, with the applicant, the opportunity to re-zone this site to light industrial. The applicant prefers to move forward with CG zoning to remain consistent with adjacent property zoning regulations. Many light industrial uses can be accommodated through the special exception process therefore staff supports the request as submitted and;

CZ-447 is non injurious to the existing proximate properties and;

CG zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-447 to rezone property from RS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject area is not located within a designated Comprehensive Plan Area.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: West 21st Street is a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site consists of a combination of existing commercial structures, single-family homes and vacant land.

Environmental Considerations: Parts of the northern portion of the proposed area are located in the 500 year floodplain. A large portion of the site currently zoned RS and south of the existing building has been used for illegal dumping. Rezoning will require a Plat and provide a redevelopment opportunity that could help start remediation efforts.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 21 st Street	Secondary Arterial	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	N/A	N/A	Industrial
South	RS / IL	N/A	N/A	Single-Family
East	IL / CS / RS	N/A	N/A	Commercial/Single-Family
West	CS / RS	N/A	N/A	Vacant Commercial Occupied Single-Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 108037 dated October 22, 1984 (CZ-113), and 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

CZ-113 December 1990: All concurred in **approval** of a request for *rezoning* a 50' x 214' tract of land from RS to CG for industrial use, on property located west of the southwest corner of W. 21st St. and S. 49th W. Ave. and is also a part of the subject property.

Z-4370 March 1973: Staff and TMAPC concurred in **denial** of a request for rezoning a tract of land from RS-2 to RMH for a mobile home park, on property located south of the southwest corner of W. 49th E. Ave. and W. 21st St. and also known as a part of the subject property.

Surrounding Property:

CZ-394 October 2008: All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from RS to CS, for commercial use, on property located west of southwest corner of West 21st Street South and South 49th West Avenue and abutting west of the subject property.

CZ-186 December 1990: A request to *rezone* a 3± acre tract from RS to IH or CH for industrial use, on property located west of the southwest corner of 49th West Avenue and West 21st Street South, and west of subject property. All concurred in **denial** of IH and CH, and the **approval** of IM zoning on said tract.

Z-4167 September 1972: All concurred in **approval** of a request for *rezoning* a tract of land from IL to RS-3, for residential use being the property is not conducive to industrial use due to topography, on property located west of the southwest corner of W. 21st St. and S. 49th W. Ave. and abutting south of subject property.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of DIX, TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** CZ-447 rezoning from RS to CG per staff recommendation.

Legal Description of CZ-447:

East 50 feet of West 165 feet of North 264 feet of NE/4 NE/4 NE/4; West 70 feet of North 264 feet of NE/4 NE/4 NE/4 NE/4; East 82½ feet of North 264 feet of

NW/4 NE/4 NE/4 NE/4; West 90 feet of North 264 feet of NE/4 NE/4 NE/4; East 120 feet of N/2 NW/4 NE/4 NE/4; AND The East 140 feet of the South 396 feet of the West 330 feet of the NE/4 NE/4 NE/4 AND The North 25 feet of the East 75 feet of the South 396 feet of the West 190 feet of the NE/4 NE/4 NE/4 AND The East 100 feet of the West 190 feet of the South 371 feet of the NE/4 NE/4 NE/4 AND The East 25 feet of the West 115 feet of the North 289 feet of the NE/4 NE/4 NE/4, All in Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma

15. Z-7162 Plat Waiver (CD 9) Location: West of the southwest corner of East 51st Street South and South Yale Avenue

The platting requirement is being triggered by a rezoning from RS-2 to OL that was approved by City Council on March 24th, 2011.

Staff provides the following information from TAC for their December 1, 2016 meeting:

ZONING: TMAPC Staff: The property has been subject to a platting requirement since the approval of the rezoning in 2011; however, building permits were issued and construction was completed in early 2015 and the platting requirement was missed. At this time, the property owner is seeking permits for new occupancy and potential new signage. No additional construction is proposed.

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

Staff can recommend **APPROVAL** of the plat waiver for this property given that construction is finished, an IDP was completed with permits, and no additional requirements have been identified by the Technical Advisory Committee.



W 21st ST S

S 49th W AVE

W 24 ST S

W 25 ST S

W 25 PL S



Subject Tract

CBOA-2842

19-12 17

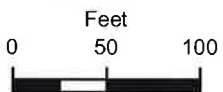
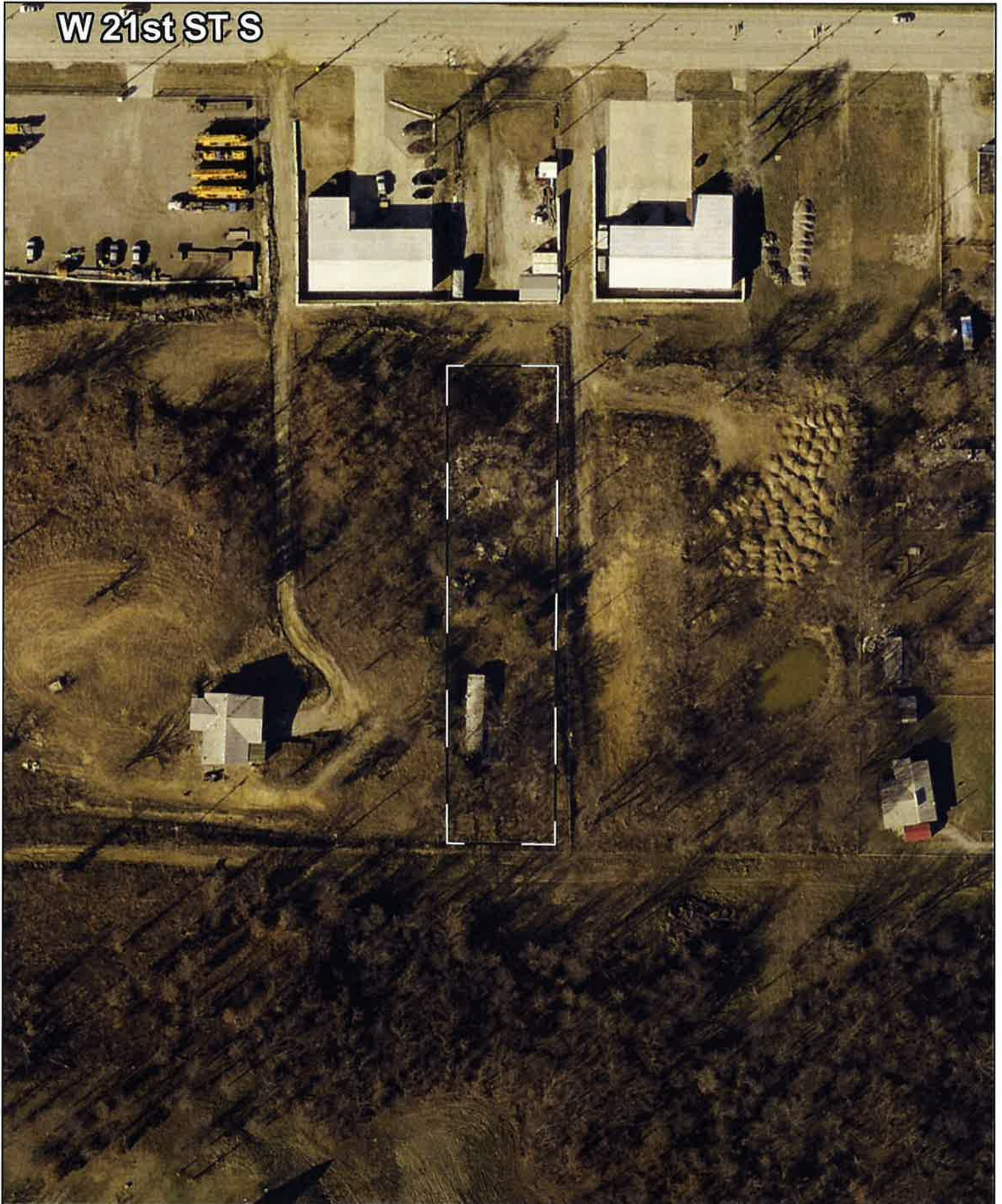
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



11.8

W 21st ST S



Subject Tract

CBOA-2842

19-12 17

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

Aerial Photo Date: February 2018



11.9



Looking south from W. 21st St. S. – this driveway appears to go to a house this is also south of the business.



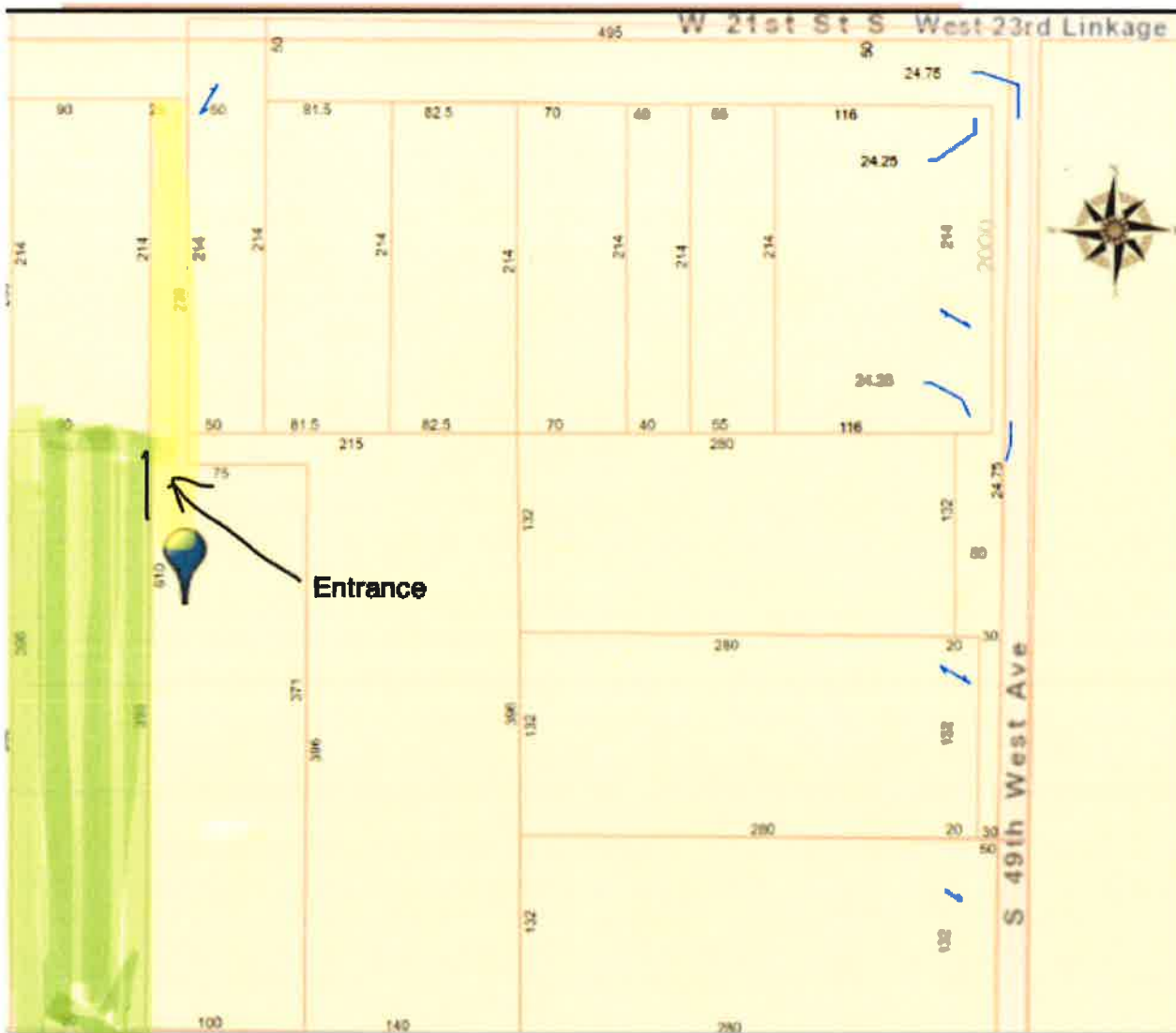
Looking south from W. 21st St. S. – the driveway on the left appears to be part of the flag lot that is east of the subject property.

Jones, Robi

From: drew columbia <dsmnewb@gmail.com>
Sent: Monday, August 10, 2020 3:09 PM
To: Jones, Robi
Subject: Re: CBOA-2842
Attachments: hardship.docx

Hi Robi,
Thank you for reaching out to me today. I have done the best I can to create a site plan with the tools at my disposal in this moment, but I would be more than happy to make any changes that you see fit.

The green area is our lot, and the yellow is our easement.



Thank you,
Drew Columbia

Sent from my iPhone

On Aug 4, 2020, at 3:42 PM, Jones, Robi <rjones@incog.org> wrote:

I still need a copy of your site plan as well as a hardship. Please let me know that you received this email.

Thanks,

<image002.png> **Robi Jones**
Community Planner
County Board of Adjustment Administrator
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9472
rjones@incog.org

From: Jones, Robi
Sent: Tuesday, July 28, 2020 3:13 PM
To: drew columbia <dsmnewb@gmail.com>
Subject: CBOA-2842

Jeffery,

I am working on your Board of Adjustment case for 5110 W. 21st St. S. I am unable to find your hardship, the document just said "see attached" but nothing is attached. Would you mind sending it to me?

Thanks,

Robi Jones

<image004.png> **Robi Jones**
Community Planner
County Board of Adjustment Administrator
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9472
rjones@incog.org

<CBOA-2842.docx>