

CBOA-2680

6.1



19-12 29



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:9229

Case Number: CBOA-2680

CZM:45

PD:

HEARING DATE: 06/19/2018 1:30 PM

APPLICANT: Justin Melton

ACTION REQUESTED: Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2); Variance to allow a detached accessory building in the front yard (Section 420.2).

LOCATION: 4275 S 61 AV W

ZONED: RS

PRESENT USE: Single-family

TRACT SIZE: 2.31 acres

LEGAL DESCRIPTION: BEG 660S & 30E & 158.75S NWC NE NW TH S158.75 E634 N158.75 W634 POB SEC 29 19 12 2.31ACS, THE MEADOWS ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoned single family residential neighborhoods.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the maximum size of a detached accessory building from 750 sq. ft. to 1,200 sq. ft. in an RS district (Section 240.2.E); and a **Variance** to allow a detached accessory building in the front yard (Sec.420.2). According to the applicant their stated hardship is: "*Due to location needed for use*".

According to the site plan provided with the application the applicant is proposing to construct a new 1200 SF detached accessory building to the west of the south of the proposed house on the site. Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The Code states that detached accessory buildings shall not be located in the front or side yard (section 420.2). According to the submitted conceptual plan the proposed accessory building will be constructed in the front yard; the applicant has requested a **Variance** to allow the accessory building in the front yard.

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.

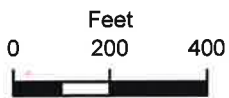
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Sample Motion:

“Move to _____ (approve/deny) Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2) from 750 sq. ft. to 1,200 sq. ft.; Variance to allow a detached accessory building in the front yard (Sec.420.2).

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.”



Subject Tract

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

Aerial Photo Date: February 2018

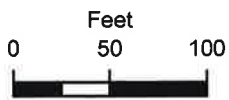


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S 61 WAVE

W 43 STS



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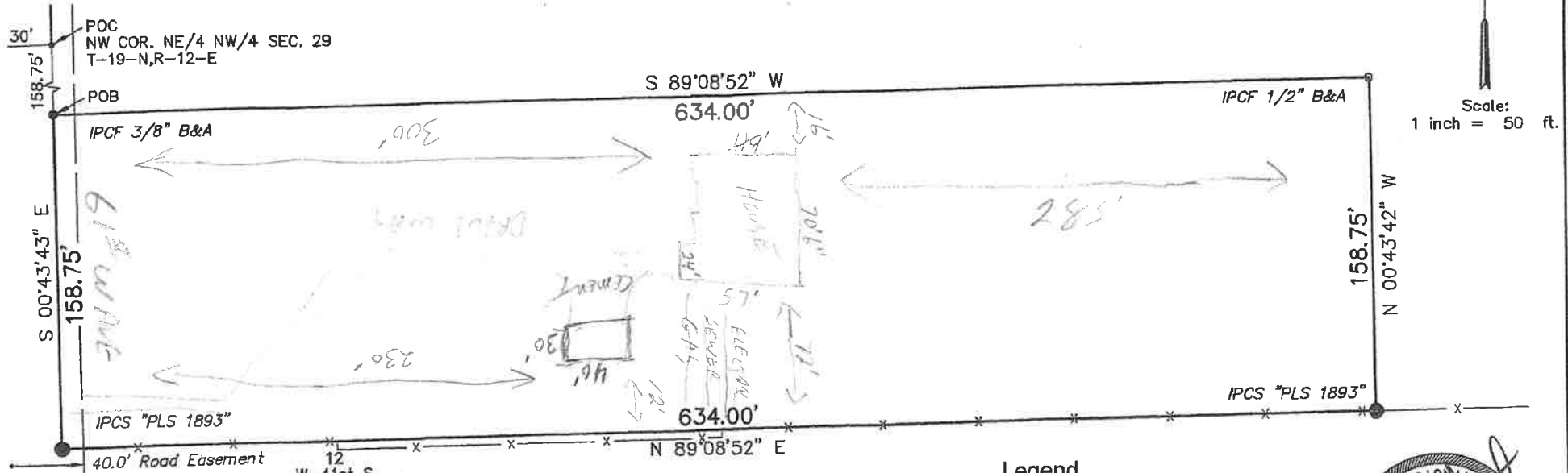
Aerial Photo Date: February 2018



PLAT OF SURVEY

- NW COR. NE/4 NW/4 SEC. 29
 - T-19-N, R-12-E

A TRACT OF LAND LOCATED IN THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.



Scale:
1 inch = 50 ft.



Legend

- O IRON PIN FOUND
- IPCS ● IRON PIN W/ CAP SET
- x- EXISTING FENCE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT



DESCRIPTION:
 at a point 660 feet South and 30 feet East of the Northwest Corner of the Northeast Quarter of the Northeast Quarter (NE/4 NW/4); THENCE South 158.75 feet to the POINT OF BEGINNING; THENCE South 634.00 feet East 634 feet; THENCE North 158.75 feet; THENCE West 634.00 feet to the POINT OF COMMENCEMENT; THENCE North 158.75 feet; THENCE West 634.00 feet to the POINT OF BEGINNING. This plat represents a true and accurate survey performed under my direct supervision, and that this Plat of Survey meets or exceeds the Oklahoma Minimum Standards, as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. Field survey was completed on July 31st, 2017. Witness my hand and seal this 3rd day of August, 2017.

Bearings: Grid North as established by State Plane Datum Nad83(2011).

This survey was not contracted to research easement or encumbrances of record. No attempt to research county Records or other Record Offices was performed by this firm, therefore, easements may affect the subject Tract that are not reflected by this plat.

TROUT LAND SURVEYING, LLC
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 CA 7312 (LS) Exp. 6-30-2019

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