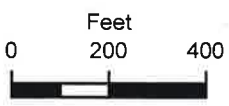


**LEGEND**

 Sand Springs Corporate Limits



**CBOA-2682**

19-11 21

7.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:**9121

**Case Number:** CBOA-2682

**CZM:**43

**PD:**

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

**APPLICANT:** Joseph Hull

**ACTION REQUESTED:** Use variance to permit an Agriculture use ( Use Unit 3) in an RE district; Use variance to permit a Storage, NEC use (Use Unit 23) to permit a pole barn (Section 410)

**LOCATION:** 13103 W 40 ST S

**ZONED:** RE

**PRESENT USE:** Vacant

**TRACT SIZE:** 5 acres

**LEGAL DESCRIPTION:** W 330 OF N 660 OF S 1370 OF E/2 SE SEC 21-19-11,

**RELEVANT PREVIOUS ACTIONS:**

None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by AG zoned residential on the north and RE zoned residential on the south, east and west.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Use Variance** to permit an Agriculture use ( Use Unit 3) in an RE district (Sec.410). The applicant has submitted the attached statement of hardship.

A Use Variance is required as the keeping/raising of livestock and agricultural animals is not a use permitted in an RE zoned district because of the potential adverse affects on neighboring properties. The keeping/raising of livestock and agricultural animals must be found to be compatible with and non-injurious to the surrounding area.

According to the submitted survey the applicant is proposing to construct a 36' x 30' pole barn that will sit northeast of the proposed house. The applicant has stated, the proposed barn would be completed before construction began on the proposed primary residence and would be used as housing for the livestock.

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.

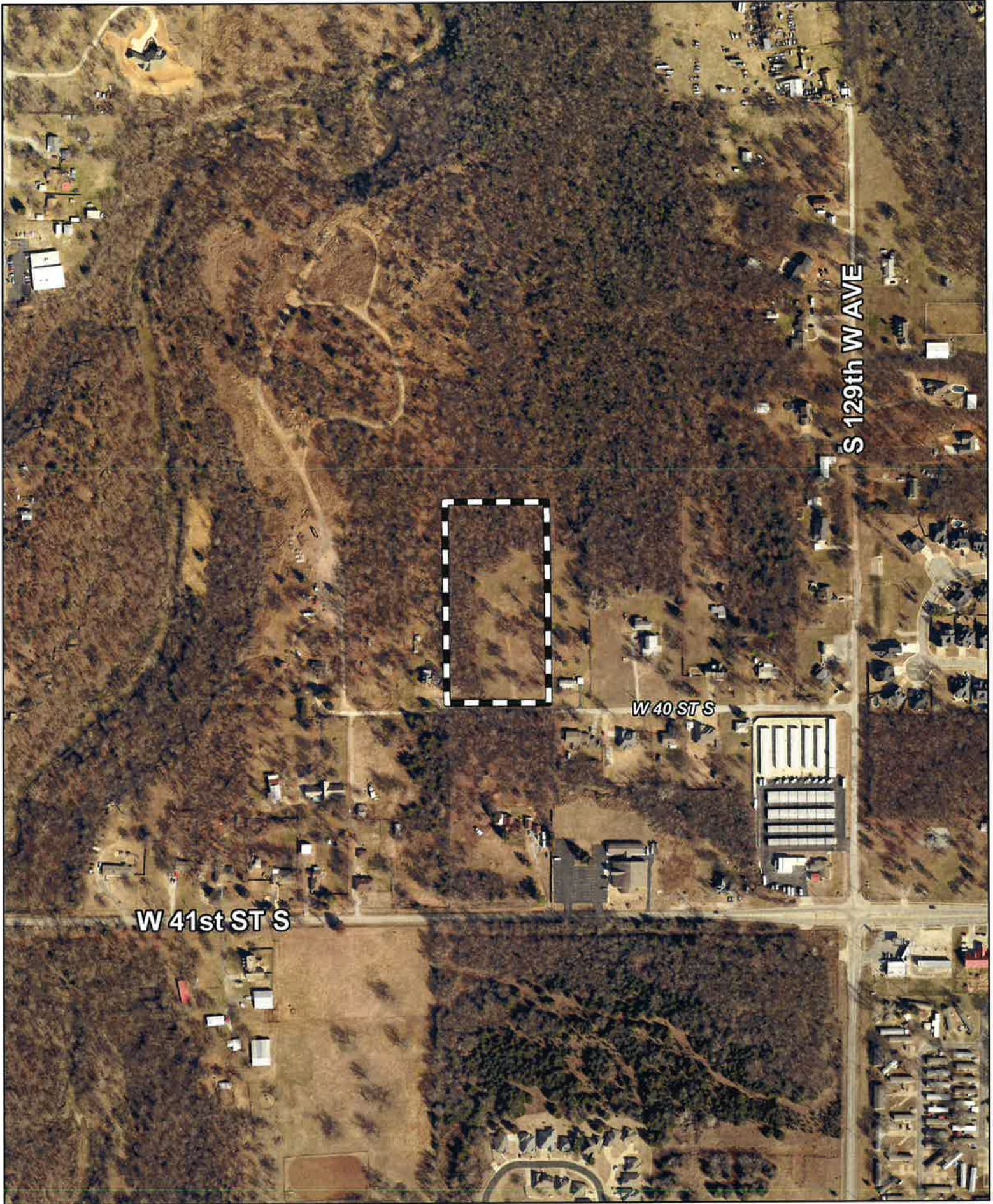
**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Use variance to permit an Agriculture use ( Use Unit 3) in an RE district; Use variance to permit a Storage, NEC use (Use Unit 23) to permit a pole barn (Section 410)*

7.2

Finding the hardship to be \_\_\_\_\_.

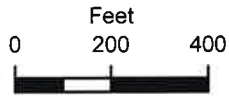
*Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do 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.”*



S 129th W AVE

W 40th ST S

W 41st ST S



 Subject Tract

**CBOA-2682**

19-11 21

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

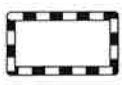
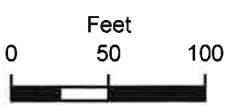
Aerial Photo Date: February 2018



7.4



**W40 STS**



*Subject Tract*

**CBOA-2682**

19-11 21

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

*Aerial Photo Date: February 2018*

7.5



## STATEMENT OF HARDSHIP

Applicant submits that extraordinary or exceptional conditions or circumstances exist, which are peculiar to the subject property, and which don't generally apply to the surrounding properties in the same use district. It is common for there to be seen livestock and agricultural animals similar to those sought to be raised on the subject property, as well as shelters for their care, that existed both before and after the RE zoning classification of the subject property was instituted. At least half of the subject RE zoned properties are surrounded by AG zoned property where farm/ranch animals are raised, and have been for many years. Consequently, the literal enforcement of the terms of the Code would result in unnecessary hardship, and the variance sought will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Zoning Code for Tulsa County.

## Ulmer, Amy

---

**From:** Joseph L. Hull, III <jlhulliii@yahoo.com>  
**Sent:** Thursday, June 07, 2018 7:47 AM  
**To:** Ulmer, Amy  
**Subject:** Re: CBOA-2682

Amy: Ms. Nix responded that they expect to begin construction on the house in November. They estimate the barn to be completed in late July, if given the go ahead in the CBOA meeting.

The barn may be of higher quality than a pole infrastructure building. It will house livestock.

Do you have an estimate of when the report will be completed? Please advise, Thanks

Joseph L. Hull, III  
Joseph L. Hull, PLLC.  
1717 South Cheyenne  
Tulsa, OK 74119  
(918) 582-8252  
(918) 582-7830 (fax)

On Wednesday, June 6, 2018, 1:45:50 PM CDT, Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

I do have some additional questions so that I can add the information to my staff report. Your client is wanting to build a pole barn to store livestock, correct? Will the pole barn be built before the primary residence?

**Amy Ulmer | Land Development Planner**

2 West Second Street, Suite 800

Tulsa, OK 74103

918.579.9437

918.579.9537 fax

[aulmer@incog.org](mailto:aulmer@incog.org)



Site Plan for Proposed Structures

13103 W 40th St  
Sand Springs, OK

