CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of December 18, 2018 (Meeting No. 463).
2. Approval of Minutes of January 15, 2019 (meeting No. 464).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

3. 2728—Jennifer Lawson
Variance of the minimum required frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). LOCATION: South of SW/c of Highway 64 and South 193rd Avenue West

4. 2729—Charles Shoaf, Jr.
Variance of the rear and side yard setback in an AG District to permit a pole barn (Section 330). LOCATION: 2543 East 171st Street South

5. 2730—Ricky Jones
Variance to permit two dwelling units on a single lot of record (Section 208). LOCATION: 12221 North 97th Avenue East

6. 2731—Brent Allen
Variance to reduce the minimum required street frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). LOCATION: 5501 East 201st Street South

7. 2732—Dennis Knott
Variance of the minimum lot width to permit a lot split (Section 330). LOCATION: North of the NE/c of East 106th Street North and North Sheridan Road East
8. **2733—Will Wilkins**
   *Variance* to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** West of the NW/c of West 14th Street South & South 124th Avenue West

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

_Website:_ www.countyoftulsa-boa.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 Land Development Services, INCOG. Ringing/sound on all electronic devices must be turned off during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.
BOARD OF ADJUSTMENT
CASE REPORT

STR:9011 Case Number: CBOA-2728
CZM:33
PD:

HEARING DATE: 02/19/2019 1:30 PM

APPLICANT: Jennifer Lawson

ACTION REQUESTED: Variance to allow 0 feet of frontage on a public street in an AG District to permit a lot split. (Sec. 207)

LOCATION: South of the SW/c of HWY 64 & South 193rd W. Ave. ZONED: AG

PRESENT USE: Agricultural TRACT SIZE: 7 acres

LEGAL DESCRIPTION: E231.66 W821.1 GOV LT 1 SEC 11 19 10 7AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2103 May 18, 2004: The Board approved a variance of the street frontage requirement from 30' to 0'; a variance of land area per dwelling unit from 2.1 acres to 1.99 acres; and a variance of the lot area from 2 acres to 1.99 acres, on property located at 1123 South 196th West Avenue.

CBOA-1024 December 17, 1991: The Board approved a variance of the required 30' of frontage on a public street to 0', on property located at the southwest corner of South 193rd West Avenue and West Wekiwa Road.

CBOA-898 June 20, 1989: The Board approved a variance of the required frontage on a public street from 30' to 0', on property located at west of the southwest corner of West Wekiwa Road and South 193rd West Avenue.

CBOA-246 August 20, 1982: The Board approved a variance of the minimum lot size from 2 acres to 1.2 acres; and a variance of land area per dwelling unit from 2.2 acres to 1.4 acres to permit a lot split, on property located two blocks west of South 193rd West Avenue and West Wekiwa Road.

CBOA-174 April 16, 1982: The Board approved a variance of the minimum lot and land area requirements in an AG district to permit a lot split, on property located at 19720 West 11th Street.

REVISED 2/2/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded Agricultural zoned districts in all directions with scattered single-family homes.

STAFF COMMENTS:

According to the attached survey, the existing parcel does not have frontage onto West Wekiwa Road (the nearest public street). The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street maintained by Tulsa County. The applicant is proposing to split the existing tract into 2 tracts; Neither Tract “1” nor Tract “2” will have 30 feet of frontage. To permit the proposed lot-split on the site the applicant is before the Board requesting a 

**Variance** of the minimum frontage requirement on a public street or dedicated right of way from 30 ft. to 0 feet.

The totality of the parcel is located within the 500 year floodplain. A portion of the property is located within the 100-year floodplain.

The applicant provided this statement of hardship: “...because this land has been here forever and no roads nearby are county maintained.”

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

Sample Motion:

“Move to (approve/deny) a **Variance** to allow 0’ of frontage on a public street in the AG district for Tract “1” and Tract “2”. (Section 207)

- 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.”
Board Action:
On Motion of Dillard, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance to allow two dwellings on one lot of record; for three years, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:
Lot 5, Block 6, Charles Page Home Acres Sub. No. 1, Tulsa County, State of Oklahoma.

Case No. 2103

Action Requested:
Variance of street frontage requirement from 30' to 0'. SECTION 207. STREET FRONTAGE REQUIRED; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the lot area from 2 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located: 1123 South 196th West Avenue.

Presentation:
Charles Hope, 1123 S. 196th W. Ave., Sand Springs, Oklahoma, proposed to decrease his property ownership to two acres.

Comments and Questions:
Mr. Charney asked about legal access to Tract B. Mr. Hope informed them there is access from 196th according to his abstract. Mr. Hope added that he would have Sand Springs water but not access to the sewer line.

Interested Parties:
Bob Lawson, 19119 W. Wekiwa, Sand Springs, Oklahoma, stated his property is adjacent to the east. He has been developing his property and was in support of this application.

Board Action:
On Motion of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVED a Variance of street frontage requirement from 30' to 0'; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres; and a Variance of the lot area from 2 acres to 1.99 acres, finding the legal access easement is adequate for the 30' issue, as submitted, on the following described property:
North 712.00' E 417.31' W 589.44' Government Lot 1, Tulsa County, State of Oklahoma.

* * * * * *

**Case No. 2104**

**Action Requested:**
Variance of street frontage from 150' to 88.80' and 135.67' to permit a lot-split.

**SECTION 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS,** located: 6130 West 41st Street.

**Presentation:**
Daniel Smith, 6130 W. 41st St., stated he was applying for a lot-split. His business is on W. 41st St. and he has entered a contract with Taco Mayo Corp. pending this lot-split. Mr. Smith informed the Board that the two businesses have agreed to share the existing curb cuts.

Board discussion ensued.

**Interested Parties:**
There were no interested parties present who wished to speak.

**Board Action:**
On **Motion** of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of street frontage from 150' to 88.80' and 135.67' to permit a lot-split, with condition: the existing curb cut on W. 41st St. be used by the user of the split tract; and applicant show legal proof of access with the existing curb cut, finding this hardship, on the following described property:

Commencing at the SE/c of Lot 2, Block 1, Southwest Plaza Shopping Center, an addition to Tulsa County, State of Oklahoma, according to the recorded Plat No. 2754; thence due W along the S line of Lot 2, Block 1, a distance of 165' to the POB; thence W along the S line of Lot 2, a distance of 216.86'; thence due N 250' to a point; thence due E parallel with the N line of Section 29, a distance of 88.80' to a point; thence N 84°25'10" E a distance of 154.25' to a point on the W line of Lot 1, Block 1 of said Addition; thence S 00°05'57" W, a distance of 100' to the SW/c of said Lot 1, Block 1; thence due W, a distance of 25'; thence S, a distance of 165' to the POB.

* * * * * *
**Action Requested:**
Variances of the required 30' frontage on a public street or dedicated right-of-way - Section 207. STREET FRONTAGE REQUIRED – Use Unit 6, located west of SW/c 193rd West Avenue and Wekiwa Road.

**Presentation:**
The applicant, Juanita Miller, was represented by Henry Miller, 19420 Wekiwa Road, Sand Springs, Oklahoma, who submitted a plot plan (Exhibit E-2), and stated that he is proposing to sell 2.6 acres in the northwest corner of his 15-acre tract. He pointed out that the subject property, which contains his home, does not have 30' of frontage on a public street. Mr. Miller explained that he was permitted to build his home on the property approximately 5 years ago, and the requirement was obviously overlooked at that time. He informed that the lot he intends to sell is located 265' from 193rd West Avenue, which is a dedicated road. He added that the east/west section line has been opened up from his gate on 193rd West Avenue, and will border the 2.6 acres that he is proposing to sell; however, the road will not be maintained by the County. A copy of the resolution opening the section line was submitted (Exhibit E-1).

**Comments and Questions:**
Mr. Alberty informed that the Sand Springs Board of Adjustment has recommended approval of the application (Exhibit E-3); however, it was noted that the existing private driveway is in the right-of-way of the newly opened section line.

In response to Mr. Alberty, Mr. Miller stated that he has constructed a private road to his home and assumed that the buyer of the 2.6 acres could use his road. He informed that the owner of a landlocked parcel of land to the west requested that the section line be opened up to allow access to that property. Mr. Miller stated that the recently opened road extends west 727' from 193rd West Avenue.

Mr. Alberty asked Mr. Miller if he plans to sell other lots in the future, and he replied that he is proposing to sell only the 2.6 acres. He added that a mutual access agreement will be executed.

Mr. Jones informed that the property has frontage on a County road, but does not have frontage on a road maintained by the County.

**Interested Parties:**
Larry Abbott, a property owner at 193rd West Avenue and Wekiwa Road, voiced a concern that an environmental study has not been made to open up the section line road, and pointed out that any change in the roadway could have an adverse impact on the wetlands in the area.

In response to Mr. Alberty, Mr. Abbott replied that he is not opposed to the variance request, but is not supportive of another dead-end road.
Case No. 1024 (continued)

Applicant's Rebuttal:
Mr. Miller stated that he is requesting that the new property owner be permitted to use his existing driveway, and the opening of the section line is not an issue in this variance request. He pointed out that he only has 25' of frontage on 193rd West Avenue, but because of an error, he was granted a building permit approximately five years ago. Mr. Miller pointed out that this is the reason the case is before the Board at this time.

Mr. Walker pointed out that the property owner to the west is permitted to use Mr. Miller's road because it is located on the section line right-of-way.

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 required 30' frontage on a public street or dedicated right-of-way to 0' - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6; per plan submitted; finding that the existing private roadway will be used to access the property; finding a hardship demonstrated by the fact that the land in question has access to an unimproved section line road that will not be maintained by the County if, and when, it is improved; and finding that the granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

The east 15 acres of Lot 1, Section 11, T-19-N, R-10-E, Tulsa, County.

Case No. 1059

Action Requested:
Special Exception to permit a mobile home in an RS District - Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS - Use Unit 9, located 6013 South 59th West Avenue.

Presentation:
The applicant, Evaristo Tovias, Route 13, Box 350, Tulsa, Oklahoma, stated that he has purchased five lots at the above stated location, and requested permission to install a mobile home for his dwelling.

Comments and Questions:
Mr. Alberty asked the applicant if the property is served by the City sewer, and he answered in the affirmative.

In response to Mr. Alberty, Mr. Tovias stated that there are other mobile homes in the area.

Protestants:
Ell Glass, 1018 West H, Jenks, Oklahoma, stated that his mother's estate is located across the street from the applicant's property, and pointed out that there are no mobile homes in the immediate area. Mr. Glass stated that he is proposing to sell his mother's property,
Case No. 897 (continued)

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

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

Board Action:

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

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

Case No. 898

Action Requested:

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

Comments and Questions:

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

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

Presentation:

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

6.20.89:109(6)
Case No. 898 (continued)

Comments and Questions:
Mr. Looney asked the applicant if she plans to live on the property, and she answered in the affirmative.

In the Sand Springs Board of Adjustment minutes supplied to the Board, Mr. Treadway informed that some of the lot splits in the area were obtained through the Sand Springs Regional Planning Commission, who traditionally accepted 30' easement-of-record as an acceptable access to property. Also, Mr. Ford pointed out that future problems could arise for the applicant in obtaining loans or mortgages if the property is sold.

Protestants: None.

Board Action:
On MOTION of ELLER, the Board voted 3-0-0 (Aliberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage on a public street from 30' to 0' to allow for an existing lot; finding that easements have been granted between the subject property and Wekilwa Road to access the subject property; and finding that other properties in the area are serviced by similar private roads; on the following described property:

The west 208.64' of the east 417.3' of the west 589.44' of Government Lot 1, LESS the north 712' thereof, Section 11, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 899

Action Requested:
Special Exception - Section 320 - Accessory Uses Permitted in Agriculture Districts - Use Unit 1206 - Request a special exception for a home occupation to allow for a kennel in an AG zoned district, located north of NW/c of 129th East Avenue and 121st Street South.

Presentation:
The applicant, Jonathan Melton, was represented by Marlon Dyer, 319 West Washington, Broken Arrow, Oklahoma, who stated that the structure on the property has previously been used as a kennel, but has been abandoned. He pointed out that the only residence in the area is that of the applicant's mother, who lives to the east of the property, with vacant land being located to the south. Mr. Dyer stated that the owners of this property were present when the case was heard by the Broken Arrow Board of Adjustment, but did not object to the kennel if there is no expansion planned. He informed that the Mr. Melton's aunts own the property to the north of the kennel and support the use. A letter of support (Exhibit E-1) was submitted.
Case No. 242 (continued)

requested variance and suggested the neighborhood monitor the situation during the continuance period to see if the applicant opens the southern road.

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to continue consideration of Case No. 242 to September 17, 1982, at 9:00 a.m. in Room 119, Administration Building of the Tulsa County Court House.

Case No. 243

Action Requested:
Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request to allow a 30' x 50' garage in an RS Zoned District (1,500 sq. ft.). This property is located at 7140 North Peoria Avenue.

Presentation:
Dale Cooley, 7140 North Peoria Avenue, was present and submitted a plot plan (Exhibit "M-1") and a petition in support of the application signed by five (5) property owners in the subject area (Exhibit "M-2"). Mr. Cooley advised that he intends to build the proposed garage to store antique cars, boats, and his personal cars. He advised that he has talked to his neighbors and they have no objection to the request. The old garage will be torn down and a new structure erected.

Protestants: None.

Board Comments:
Mr. Martin asked if the new structure would be used for his own personal use only and Mr. Cooley answered in the affirmative.

Board Action:
On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to allow a 30' x 50' garage in an RS Zoned District (1,500 sq. ft.), per plot plan, subject to a building permit being issued, to be used for personal use only, rather than commercial use, on the following described property:

The North 148.5' of the SE/4, SE/4, NE/4, lying East of the railroad, Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 246

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the minimum lot size from 2 acres to 1.29 acre and a variance of the land area from 2.2 acres to 1.4 acre to permit a lot-split. This property is located two (2) blocks west of 193rd Street and Old Wewiwa Road.

Presentation:
Juanita Miller was present and advised the Board that she intends to split the subject tract. The prospective buyer intends to purchase the house on

8.20.82:24(17)

3.10
Case No. 246 (continued)

the subject property, but does not want the full 2-1/2 acre tract.

Protestants: None.

Board Comments:
Mr. Alberty read a letter from the Sand Springs Board of Adjustment who recommended approval of the application (Exhibit "N-1").

Board Action:
On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot size from 2 acres to 1.20 acre and a variance of the land area from 2.2 acres to 1.4 acre to permit a lot-split, on the following described property:

The East 36.42' of the NW/4, of the NE/4 of Section 11, Township 19 North, Range 10 East, LESS and EXCEPT the North 777' thereof, and the West 172.13' of the NE/4 of the NE/4 of Section 11, Township 19 North, Range 10 East, LESS and EXCEPT the North 777' thereof, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 12:23 p.m.

Date Approved Sept. 17, 1982

Chairman
Case No. 158 (continued)

of Oklahoma, and the South 1,270' of the W/2, W/2, W/2, NE/4; and the East 12.5' of the North 1,370.00' of the W/2, W/2, W/2, NE/4, ALL in Section 33, Township 18 North, Range 14 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 174

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a Variance of the minimum lot and land area requirements in an AG District to permit a lot-split. This property is located at 19720 West 11th Street South.

Presentation:

David Raglin, 1002 Forest Drive, Sand Springs, Oklahoma, 74063, was present to address the Board requesting the lot-split so he can build his home on the subject property.

Mr. Martin read a letter from the Sand Springs Planning Commission and from the Minutes of their meeting on March 2, 1982, in which they recommended approval (Exhibit "C-1"). The lot-split on the 2.6 acre tract will create two lots, one to contain 1.5+ acres and the other to contain 1.1+ acres. Four conditions were placed on their recommendation which include: 1. A certified perk test being submitted for the 1.1+ acre lot, 2. a Variance being applied for and received from the Tulsa County Board of Adjustment for minimum required lot area (2.0+ ac.) and land area (2.2+ ac.) for both lots created, 3. a survey being conducted on the legal description for the property being adequate and acceptable to the Regional Planning Commission to determine the exact lot line dimensions for the lots to be created, and 4. language added to the deeds or filed by separate instrument to describe adequately a mutual access and utility easement providing permanent means of egress/ingress to both properties.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the minimum lot and land area requirements in an AG District to permit a lot-split (SSRL-46), subject to the above conditions stated by the Sand Springs Planning Commission, on the following described property:

The West 208.5' of the E. 244.92' of the NW/4 of the NE/4 of Section 11, Township 19 North, Range 10 East; LESS and EXCEPT the North 770' thereof, Tulsa County, Oklahoma.
Subject Tract

CBOA-2728
19-10 11

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

Aerial Photo Date: February 2018
EASEMENT
PART OF LOT GOVERNMENT LOT 1,
SECTION 11, T-19-N, R-19-E,
TULSA COUNTY, OKLAHOMA

20' EASEMENT
The South 20.00 feet of the North 732.00 feet of the East 208.66 feet of the West 589.44 feet of Government Lot 1, Section 11, Township 19 North, range 10 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098
(RENEWAL 6/30/2019)

TOM A. HAYNES
LS.1052
OKLAHOMA

DATE: 10/3/18
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1052
To confirm my previous statement, I checked my maintenance maps as far back as 1978. In addition, I consulted my District 2 Superintendent. He said that the original sign was red, but that at some point in the past a non-County person replaced it with a green sign. There was never an intent by the County to change its designation. It should probably be made more clear as to its private status.

Harry E. Creech  
Asst. County Engineer  
Tulsa County  
Ray Jordan Admin. Bldg.  
500 S. Denver  
Tulsa, OK  74103  
P: 918.596.5737  
F: 918.596.5743

---

From: Jones, Robi [mailto:rjones@incog.org]  
Sent: Wednesday, December 19, 2018 11:57 AM  
To: Harry Creech  
Subject: RE: County Street

Harry,

This is the information the I received from the client. They are under the assumption that South 196th West Avenue is a public street. Are they correct about the red and green signs?

Good morning Robi, sorry that you didn't get the permission to use writing I guess they went to Texas for Christmas so that will come later as far as S 196th west ave. we were all told by county that if the street sign is red its private, if green its public and this is a green street sign. Jennifer Lawson

On Tue, 12/18/18, Jones, Robi <rjones@incog.org> wrote:

Subject: RE: County Board of Adjustment  
To: "BOB LAWSON" <belawson@prodigy.net>  
Date: Tuesday, December 18, 2018, 3:29 PM

Jennifer,

I did not receive anything after we spoke. I was hoping to include something in writing that gives you permission to use the easements leading to W. Wekiwa Rd. I have found out the S. 196th West Avenue is a private road.
Thanks,

Robi Jones

Thanks,

Robi Jones

From: Harry Creech [mailto:hcreech@tulsacounty.org]
Sent: Tuesday, December 18, 2018 8:34 AM
To: Jones, Robi
Subject: RE: County Street

Robi—

Thanks for your inquiry. That is a private road (not on our maintenance system).

Regards,

Harry E. Creech
Asst. County Engineer
Tulsa County
Ray Jordan Admin. Bldg.
500 S. Denver
Tulsa, OK 74103
P: 918.596.5737
F: 918.596.5743

From: Jones, Robi [mailto:rjones@incog.org]
Sent: Monday, December 17, 2018 3:31 PM
To: Harry Creech
Subject: County Street

Harry,

I am working on a County Board of Adjustment case and I need to know if South 196th West Avenue is a public street just south of W. Wekiwa Road. It is identified in our system but it shows that it is located on private property.

Thank you,

Robi
Contract

Agreement made this 11th day of October, 2018, between
Jeanne Allen and Brad Miller and Vanessa Miller.

The parties to this agreement, in consideration of the mutual covenants and stipulations set out, agree as follows:

Jeanne Allen, of Tulsa County in the State of Oklahoma, party of the first, hereinafter called "Grantor" and Brad Miller and Vanessa Miller, husband and wife, as joint tenants with right of survivorship, party of the second part, hereinafter called "Grantees". For the sum of $51,000.00, the said Grantor hereby grants their heirs and assigns, all the following described real estate, situated in the County of Tulsa, State of Oklahoma, to wit:

A 20 foot roadway easement being the North 20 feet of the West 208.66 of the East 417.3 of the West 589.44 feet of Lot One (1) same being the Northeast Quarter of the Northeast Quarter (NE/4, NE/4) of Section Eleven (11), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Less the North 712 feet thereof.

SECTION I: INSTRUMENT AS ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this contract shall be valid or binding; this contract may not be enlarged, modified or altered except in writing signed by both parties and endorsed on this agreement.

SECTION II: EFFECT OF AGREEMENT

This agreement shall inure to the benefit of and be binding on the heirs, executors, assignees and successors of the respective parties.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

Jeanne Allen
Signature of First Party

Brad Miller and Vanessa Miller
Signature of Second Party

Jeanne Allen
Print Name of First Party

Brad Miller and Vanessa Miller
Print Name of Second Party

1325 S 1984 W Ave
Street Address of First Party

1653 E. Angel Lane
Street Address of Second Party

Said Springs, OK 74063
City/State/Zip

Cleveland, OK 74020
City/State/Zip

[Signature]
Contract

Agreement made this 7th day of October, 2018, between

Janis Miller and Brad Miller and Vanessa Miller

The parties to this agreement, in consideration of the mutual covenants and stipulations set out, agree as follows:

Janis Miller, of Tulsa County in the State of Oklahoma, party of the first, hereinafter called "Grantor" and Brad Miller and Vanessa Miller, husband and wife, as joint tenants with right of survivorship, parties of the second part, hereinafter called "Grantee", The said Grantor hereby grants their heirs and assigns, all the following described real estate, situated in the County of Tulsa, State of Oklahoma, to wit:

A 20 feet roadway easement of the North 732 feet of the East 208.66 feet of the West 589.44 feet of Government Lot 1, Section II Township 19 North, range 10 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

SECTION I: INSTRUMENT AS ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this contract shall be valid or binding; this contract may not be enlarged, modified or altered except in writing signed by both parties and endorsed on this agreement.

SECTION II: EFFECT OF AGREEMENT

This agreement shall inure to the benefit of and be binding on the heirs, executors, assignees and successors of the respective parties.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

Signature of First Party

Janis Miller

Signature of Second Party

Brad Miller and Vanessa Miller

Print Name of First Party

Janis Miller

Print Name of Second Party

Brad Miller and Vanessa Miller

Street Address of First Party

1255 S. 196th W. Ave

Street Address of Second Party

1653 E. Angel Ln

City/State/Zip

Sand Springs, OK 74063

City/State/Zip

Cleveland, OK 74020

LP-01 Contract (09-17)
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2729

STR: 7329
CZM: 66
PD:

HEARING DATE: 02/19/2019 1:30 PM

APPLICANT: Charles Shoaf Jr.

ACTION REQUESTED: Variance of the rear and side yard setbacks in an Agriculture District to permit a pole barn. (Sec. 330)

LOCATION: 2543 E 171 ST S
ZONED: AG

PRESENT USE: Agriculture with Residential uses
TRACT SIZE: 1.72 acres

LEGAL DESCRIPTION: E277.2 S/2 SE SW SW LESS S60 THEREOF SEC 29 17 13 1.718AC,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by Agricultural zoning with large single-family homes to the east and south. The properties to the north and west are vacant agricultural properties.

STAFF COMMENTS:
According to the site plan, the applicant intends to construct a 30' x 40' or 1200 sq. ft. pole barn in the rear and side yard. Section 320.2 states that accessory buildings shall meet the minimum yard or building setback requirements in Section 330. Section 330 states that the minimum rear yard setback is 40 feet and the minimum side yard setback is 15 feet in an Agriculture District.

The applicant is asking to reduce both the rear yard and side yard setbacks to 6 feet. To permit the pole barn as proposed, the applicant has requested a Variance to extend into the rear and side setbacks. The applicant provided this statement of hardship: "I have a smaller lot."

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

Sample Motion:

"Move to _________ (approve/deny) a Variance of the 40 ft. rear yard setback; and a Variance of the 15 ft. side yard setback for an accessory building (Section 330).

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."
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
PROFESSIONAL LAND SURVEYOR'S INSPECTION PLAT
FOR MORTGAGE LOAN PURPOSE

AMERICAN EAGLE LAND SURVEYING, LLC
2023 West 111th Street Jenks, OK 74037
OFFICE (918)640-4162 FAX (918)694-5248
darrellbible@gmail.com

Order No. 1808174
Client: Executive Title & Escrow Company, LLC
Borrower: Charles Roy Shoaf Jr
File Number: 18080198
Lender: Great Plains National Bank ISAOA/ATIMA

LEGAL DESCRIPTION

The East 277.2 feet of the following described tract of land: The Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SW/4 SE/4 SW/4 SW/4) and the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SE/4 SE/4 SW/4 SW/4) of Section Twenty-nine (29), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP #40143C0440L, DATED 10/16/12.

PROPERTY ADDRESS: 2543 East 171st Street South, Mounds, Oklahoma

SURVEYOR'S STATEMENT

I, DARRELL BIBLE, PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN MY PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS COMPLETELY WITHIN THIS DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED. FENCING NOT SHOWN THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THERETO PROVIDED TO US. THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY. THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON, FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT. THAT THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED AS ABOVE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY ASSUMED HEREIN OR HERETO TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE. CALL BEFORE DIGGING 1-(800)-522-8543.

LEGAL DESCRIPTION

LEGEND

- Collinsville Corporate Limits
- Owasso Corporate Limits

Collinsville Corporate Limits
Owasso Corporate Limits

SUBJECT TRACT

CBOA-2730

21-14 06
Board of Adjustment
Case Report

Case Number: CBOA-2730

Hearing Date: 02/19/2019 1:30 PM

Applicant: Ricky Jones

Action Requested: Variance to permit two dwellings units on a single lot or record (Sec. 208)

Location: 12221 N 97 AV E

Zoned: AG/RE

Present Use: Agriculture

Tract Size: 90.83 acres

Legal Description: PRT GOV LTS 2,3&5 & PRT SE NW & PRT SW NE BEG 663.85N & 16.5E SWC NW OR GOV LT5 TH N659.97 E2024.81 N1322.64 E349.28 S1322.44 E698.29 N861.64 E348.67 SE402.70 SE25.24 TO PT ON WL RR R/W SW2454.42 TO PT ON SL SE NW W1237.11 N662.12 W1318.53 POB SEC 6,

Relevant Previous Actions:

Subject Property: No relevant history

Surrounding Property:

CZ-471 July 2018: All concurred in approval of a request for rezoning a 9.80+ acre tract of land from AG to RE for a residential subdivision on property located north of the northeast corner of East 120th Street North and North Mingo Road; abuts the subject property on the southern boundary.

CBOA-1972 July 16, 2002: The Board approved a variance of required side yard in the AG district from 15' to 11'; denied a variance of average lot width in the AG district from 150' to 144.64' and 150' to 111.84'; denied a variance of land area per dwelling unit from 2.1 acres to 1.93 acres; and denied a variance of lot area from 2 acres to 1.83 acres, on property located at 10316 East 126th Street North; abuts the subject property.

CBOA-1559 March 17, 1998: The Board approved a variance to allow two dwelling units on one lot of record in an AG district (Section 8), on property located at 10316 East 126th Street North; abuts the subject property.

CBOA-1068 March 17, 1992: The Board approved a variance of the required 200' lot width to 174.64' to permit a lot split to, on property located at 10316 East 126th Street North; abuts the subject property.

Analysis of Surrounding Area: The subject tract is located within the fence line of Owasso. The 2030 GroWasso Land Use Master Plan identifies the land use category in this area as
Industrial/Regional Employment. The subject tract is abutted by AG zoning on the north except for a small portion which abuts IM zoning to the north; it abuts RS-3 property to the east; and abuts both AG-R and RE zoning to the south and west. The development in the area is generally single-family homes to the east, south, and west with agricultural type development to the north.

STAFF COMMENTS:

As shown on the attached survey, the site currently contains an existing dwelling. The site plan shows that the applicant intends to build a second single-family dwelling unit on the property. The Code permits two dwelling units on a single lot of record in an AG zoned district and the Code states that not more than one single-family dwelling may be located on a lot in an RE zoned district (Section 208). As shown on the attached survey, a portion of the lot of record is zoned RE and this is also the area where the second dwelling unit will most likely occur. A subdivision plat is expected to be filed on the subject tract at a later date. To permit the residential structures as proposed the applicant has requested a Variance to permit two dwelling units on a single lot of record (Sec. 208).

The applicant provided this statement of hardship: “The subject property is currently being developed into a large lot single-family subdivision. With that, a rezoning/Planned Unit Development (PUD) application is being prepared and then the property will be included into a subdivision plat. In order to facilitate the construction of a family member residence, this application is being submitted. The new dwelling will be incorporated into an existing lot within the subdivision plat.”

Sample Motion:

“Move to ________ (approve/deny) a Variance to permit more than two dwelling units on a single AG/RE zoned lot (Section 208).

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.

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.”
4. Necessary utilities and easements are in place and nothing further is required.

Staff recommends approval of the plat waiver with the following conditions:
1. If approved, the development standards for CO-4 must be recorded with the Tulsa County Clerk's office.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action: 11 members present:
On MOTION of DIX, TMAPC voted 11-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to APPROVE the Plat Waiver CO-4 per staff recommendation.

19.CZ-471 Kevin Vanover (County) Location: Northeast corner of East 121st Street North and North Mingo Road requesting rezoning from AG to RE

STAFF RECOMMENDATION:

SECTION I: CZ-471

DEVELOPMENT CONCEPT: The applicant proposes to rezone the subject property from AG to RE to permit a new single-family, residential subdivision. The first phase of the proposed development would consist of four lots along N

DETAILED STAFF RECOMMENDATION:

RE zoning is non injurious to the existing proximate properties and;

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

Staff recommends Approval of CZ-471 to rezone property from AG to RE.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
Staff Summary: The subject lot is outside of Tulsa County Comprehensive Plan boundaries. It is located within the City of Owasso Comprehensive Plan boundary and is designated as Industrial/Regional Employment, however staff has spoken with the Community Development Director with the City of Owasso. He says that given the location of the lot and the difficulty of extending sewer to this area, he has no objection to the rezoning of the subject property.

Land Use Vision:

Land Use Plan map designation: N/A (County), Industrial/Regional Employment (Owasso)

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: N 97th E Ave (Mingo Rd) is designated as a Secondary Arterial. A residential collector is designated along the Northern boundary of the lot. No improvements currently exist along this proposed route.

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 is currently vacant agricultural land.

Environmental Considerations: None

Streets:

<table>
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<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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Utilities:

The subject tract has municipal water available. Sanitary Sewer will be provided by individual septic systems for each lot.
**Surrounding Properties:**

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<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
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<td>AG-R</td>
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<tr>
<td>West</td>
<td>AG-R</td>
<td>N/A</td>
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<td>Single-Family</td>
</tr>
</tbody>
</table>

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

**Subject Property:**

The subject property was annexed into the city of Owasso in January, 2003.

While in the jurisdiction of Owasso, the property was rezoned from AG to RS-3 with a PUD overlay in May, 2004.

In 2011, property owners requested to be de-annexed from Owasso stating that they wanted to use the property as it was prior to annexation, which was primarily used for raising horses, and they had no intention of developing the property for single family homes.

On April 11, 2011, the Owasso Planning Commission and the Owasso City Council reviewed and approved the request and the property was de-annexed from the city limits of Owasso.

**Surrounding Property:**

**CBOA-2316 January 2009:** The Board of Adjustment denied a special exception to permit a manufactured home in the AG-R district (Section 310); and a variance to permit two dwellings on a lot of record (section 208), on property located south of North Mingo Road and East 120 Street North.

**TMAPC COMMENTS:**
Mr. Covey asked staff if the subject property was outside of Tulsa city limits.

Staff answered “yes”, its Tulsa County.
Mr. Covey asked if there was a Comprehensive Plan for this area.

Staff answered the subject property is covered by the Owasso Comprehensive plan and the development director in Owasso is fine with this rezoning.

INTERESTED PARTIES:

Sharie Moore 12047 North 97th East Avenue, Collinsville, OK 74021
Ms. Moore stated she lives south of the subject property. Ms. Moore stated she talked to all the neighbors on 120th Street which backs up to the subject property and most of the neighbors across the front of 97th East Avenue and they are concerned about the water runoff in this area causing flooding if this rezoning is approved. Ms. Moore stated the neighbors have not seen any plans for what is being proposed here and there was not a neighborhood meeting to talk about the plans. Ms. Moore stated most of the neighbors are elderly and could not come to meeting today in Tulsa. Ms. Moore stated the area has sewer problems and there is concern about sewer flow unless using aerobic system. Ms. Moore stated the neighbors would like to see footprints of the homes that would be built on the subject property and the price point. Ms. Moore stated the applicant wants to put half acre lots and all the homes in the area are 2.5 acres. Ms. Moore stated if the applicant is approved she would like to see a privacy fence with metal fence posts and screening trees. Ms. Moore stated the streets in this area need to be improved to accommodate the extra traffic this development would provide. Ms. Moore stated this property was for sale last year and didn’t sell because it was agriculture instead of residential.

Mr. Covey stated this application is just for a rezoning to get it to residential and after that there will be other applications on this property but this is just for the rezoning. Mr. Covey stated if a subdivision is going to be built the plats will have to come back to the planning Commission and Tulsa County would have to look at the sewer issues and utilities in the area.

Staff stated as a point of information the rezoning would allow the applicant to do 4 lot splits and if that is the process used there would not be additional notice to the neighbors about those lot splits. Staff stated if they come back later to plat more of the property for a subdivision the neighbors would then receive a notice.

Applicant stated the subject property was annexed into Owasso and 20 acres was rezoned RS-3 at that time and 90 homes were planned for that area. The applicant stated if the RE is approved they are planning to split these lots as they are sold. Applicant stated a covenant has been created to carry with the lots that defines minimum building size and materials used to maintain the look and feel of the neighborhood. Applicant stated the lots will be served by aerobic systems and all are about an acre in size. Applicant stated the stormwater drains to the southeast and into a pond on the applicant’s property. Applicant stated to Ms.
Moore that the City of Owasso is widening 116th Street and the intersection will be improved.

Mr. Ritchey asked what the AG-R zoning designation allowed. Mr. Ritchey stated the properties surrounding this one is AG-R.

Staff answered AG-R is large lot agricultural residential zoning.

Mr. Ritchey asked if that zoning designation was still offered.

Staff stated "yes".

Mr. Ritchey asked what the minimum lot size was in AG-R.

Staff answered "1 acre".

TMAPC Action; 11 members present:
On MOTION of MILLIKIN, TMAPC voted 10-0-1 (Covey, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; Dix, "abstaining"; none "absent") to APPROVE CZ-471 rezoning from AG to RE per staff recommendation.

Legal Description of CZ-471:
A TRACT OF LAND LYING IN THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SIX (6), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,
TO WIT:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4) SAID POINT ALSO BEING THE SOUTHWEST CORNER OF GOVERNMENT LOT 5; THENCE NORTH 00°06'48" WEST AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) FOR A DISTANCE OF 647.85 FEET; THENCE SOUTH 89°42'19" EAST FOR A DISTANCE OF 660.02 FEET; THENCE SOUTH 00°06'48" EAST FOR A DISTANCE OF 645.19 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 89°56'11" WEST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.80 ACRES.

20. Z-7439 Tanner Consulting, LLC (CD 2) Location: South of the southwest corner of West 81st Street and South Maybelle Avenue requesting rezoning from RS-3 to RS-4 with optional development plan

STAFF RECOMMENDATION:

SECTION I: Z-7439

05:02:18.2769(12)
line parallel to the N line of said SE/4 NW/4 a distance of 884.00' to the POB; thence continuing along said line a distance of 437.61'; thence N on a line parallel to the E line of said SE/4 NW/4 a distance of 100.00'; thence E and parallel to the N line of said SE/4 NW/4 a distance of 437.61'; thence S a distance of 100.00' to the POB, less and except the E 1291.61' of the N 100.00' of the S 615.00' of the N 1015.00' thereof, less and except: The N 200.00' of the S 526.00' of the W 450.00' of the SE/4 NW/4 and less and except the N 200.00' of the S 266.00' of the W 450.00' of the SE/4 NW/4 of Section 29, T-19-N, R-12-E, of the IBM, Tulsa County, State of OK.

**********

Case No. 1972

Action Requested:
Variance of average lot width in the AG district from 150' to 144.64' and 150' to 111.84'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of required side yard in the AG district from 15' to 11'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area per dwelling unit from 2.1 acres to 1.93 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of lot area from 2 acres to 1.83 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 10316 E. 126th St. N.

Presentation:
Richard True, 10316 E. 126th St. N., stated the owners propose to place a doublewide mobile home on the property. The existing home needs a variance on the west side yard.

Comments and Questions:
Mr. Alberty stated that the lot width is what the Board is concerned about. Mr. Alberty asked about the site for the new home. Mr. True replied it would be on the backside of the property where the handle stops.

Interested Parties:
Steve Schuller, 500 OneOak Plaza, stated he represented John and Judy Dicks, the owners of the property to the south. They are opposed to the application: It is an AG zoned area, though in character is rural residential. Mr. Schuller indicated there was no hardship peculiar to this property. He stated this would increase the density of this area.

Applicant’s Rebuttal:
Mr. True stated the neighbor to the east has two mobile homes and two septic systems on the same amount of property.

The Board went into review session.
Mr. True asked to speak again. Mr. Hutson recognized him. Mr. True stated that the width of the property did not meet the requirement when he purchased the lot. He added that it is a very narrow lot. He added that if he split off the property in the back it would be landlocked.

Mr. Schuller responded that the aerial and site plan show that it is not a narrow lot. It is 175' wide and that is wider than Mr. Schuller’s city lot, which is a very big lot. Mr. Schuller noted that the zoning code was just changed to allow a lot of 150' from the previous 200'.

**Board Action:**

On MOTION of Hutson, the Board voted 3-1-0 (Walker, Dillard, Hutson "aye"; Alberty "nay"; no "abstentions"; Tyndall "absent") to APPROVE a Variance of required side yard in the AG district from 15' to 11'; and to DENY a Variance of average lot width in the AG district from 150' to 144.64' and 150' to 111.84'; a Variance of land area per dwelling unit from 2.1 acres to 1.93 acres; and a Variance of lot area from 2 acres to 1.83 acres, finding there is an existing dwelling and the zoning code has been changed to require a greater setback, on the following described property:

A tract of land being a part of Government Lot 3, lying in the NE/4 NW/4 of Section 6, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at the NE/c NW/4 NE/4 of Section 6; thence N 89°27'38" W a distance of 1463.56' to the POB; thence N 89°27'38" W a distance of 174.64' to a point; thence S 00°03'32" W a distance of 1322.38' to a point; thence S 89°34'42" E a distance of 174.57' to a point; thence N 00°03'42.51" E a distance of 1322.02' to the POB.

Case No. 1973

**Action Requested:**

Use Variance to permit auto repair in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 17, located 6123 E. 181st St. S.

**Presentation:**

Todd Reynolds, 6123 E. 181st St. S., stated he wanted to get in compliance with the zoning code. He has a hobby of restoring cars, one at a time and he proposes to build a business out of it.

**Comments and Questions:**

Mr. Alberty asked how many vehicles he would work on at any one time. Mr. Reynolds replied there would probably be at the most, six vehicles other than his own on the property at one time. They are inside where they can’t be seen and they are his vehicles.

07:16:02:266(5)
Presentation:
The applicant, Jim Bennett, 10421 S. Kingston, Tulsa, OK 74137, is representing his pastor Bruce and Linda Ewing. They purchased the subject tract several years ago. About a year ago they came in and got a building permit for a barn that was approved. Several years ago this tract was before the Board and was denied because they did not show evidence that the easements closed to 151st St. Mr. Bennett has that evidence with him. There is a 60' easement that runs all the way down to the subject tract. All of the surrounding property owners say that they support the request and the building of a residence. The Variance is simply to allow them to build a 3,300 sq. ft. house, which is consistent with the surrounding houses. He sees no detriment to the area or the County.

Comments and Questions:
Mr. Tyndall asked if the easement continued across the property? Mr. Bennett answered that there is an additional easement that goes across to the riding stable behind the subject tract and yes the easement does connect across the other property.

Mr. Alberty asked when the deed was filed on the property? Mr. Bennett believes it was filed in 1996. The original tract was subdivided in Sept. of 1979.

Mr. Glenn stated that was the one element that killed it the previous two times.

Mr. Walker asked if the hardship was the fact that the lot of record was created before 1980. Mr. Alberty agreed.

Board Action:
On MOTION of LOONEY, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; no "absent") to APPROVE a Variance of required 30' of frontage to 0' to allow a residence in an AG district SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6 on the following described property:

N/2 of SE NW SE of Sec. 18, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1559

Action Requested:
Variance to allow two dwelling units on one lot of record in an AG district SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9-6 located 10404 E. 126th St. N.
Case No. 1559 (continued)

Presentation:
The applicant, Robert L. Taylor, Sr., 10404 E. 126th St. N., Collinsville, OK 74021 stated that he owns 5.29 acres and has a home on the first 2 acres and wants to put a mobile home the other part of the tract.

Comments and Questions:
Mr. Alberty stated that the property was large enough and asked the applicant if the mobile home was going to be on a septic tank. The applicant answered yes.

Board Action:
On MOTION of WALKER, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; no "absent") to APPROVE a Variance to allow two dwelling units on one lot of record in an AG district SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9-6 on the following described property:

Beginning 1,288.92 W of NE/c NW NE Sec. 6, T-21-N, R-14-E; thence W 174.64'; thence S 1,322.02'; thence E 174.57'; thence N 1,321.66' to point of beginning, Tulsa County, Oklahoma.

Case No. 1560

Action Requested:
Special Exception to permit Use Unit 4 fire station in an RS district SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 4 and a Variance of required 25' setback from abutting residential properties SECTION 440.G.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 4 and a variance to permit gravel parking SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 4 located SE/c W 60th St & S, 58th W. Ave.

Board Action:
On MOTION of WALKER, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to CONTINUE Case No. 1560 to April 21, 1998 at 1:30 p.m. because the notices were not properly sent

There being no further business, the meeting was adjourned at 2:24 p.m.

Date approved: ________________
Chair

April 21, 1998
Case No. 1067

Action Requested:
Variance of the required lot width from 200' to 165' to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6, located 23418 West Coyote Trail.

Presentation:
The applicant, Jerry Carter, 23418 West Coyote Trail, Sand Springs, Oklahoma, requested that Case No. 1067 be continued to April 21, 1992 to allow additional time to prepare his case.

Board Action:
On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to CONTINUE Case No. 1067 to April 21, 1992, as requested by the applicant.

Case No. 1068

Action Requested:
Variance of the required 200' lot width to 174.64' to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located East 126th Street North between Mingo and Garnett.

Presentation:
The applicant, Jeannette Mattingly, PO Box 2395, Tulsa, Oklahoma, requested permission to split a 10-acre tract into two parcels. She informed that the tract is narrow and, although the two proposed lots can comply with the area requirement, a variance of the lot width is needed.

Comments and Questions:
Mr. Looney asked if both tracts will have an access to the street, and the applicant answered in the affirmative.

Mr. Gardner advised that the tract has sufficient land area for five lots, however, because of the long narrow shape and the width requirement, it is not possible to divide the property into two lots without Board approval.

Protestants:
None.
Case No. 1068 (continued)

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to APPROVE a Variance of the required 200' lot width to 174.64' to permit a lot split - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; finding a hardship imposed on the applicant by the long narrow shape of the lot; and finding that approval of the request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

A tract of land being a part of Government Lots 3 and 2 lying in the NE/4 of the NW/4 and the NW/4 of the NE/4 of Section 6, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows:

Beginning at a point 1288.92' N 89°27'38" W of the northeast corner (iron pin) on the NW/4 of the NE/4 of Section 6; thence N 89°27'38" W a distance of 174.64' to a point; thence S 00°03'42.51" W a distance of 1322.02' to a point; thence S 89°34'42" E a distance of 174.57' to a point (iron pin); thence N 00°03'53" E a distance of 1321.66' to the point of beginning. Said tract containing 5.2999 acres more or less and a tract of land being a part of Government Lot 3, lying in the NE/4 of the NW/4 of Section 6, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point 1463.56' N 89°27'38" W of the northeast corner (iron pin) of the NW/4 of the NE/4 of Section 6, thence N 89°27'38" W a distance of 174.64' to a point (iron pin), thence S 89°34'42" E a distance of 174.57' to a point, thence N 00°03'42.51" E a distance of 1322.02 feet to the point of beginning, tract containing 5.2999 acres more or less.
DEVELOPMENT SUMMARY
- Phase 1 Lots - 20 Total
- 20 Single Family Lots
- Approx: 200' x 300' Lot Dimensions
- Gated Private Drive
- Views of Farm from Front Porches

CBOA - 2730

PRAIRIE LANE FARM
EQUESTRIAN CENTER

CONCEPT 1
11/27/2018
Project #18157

PROPOSED SINGLE FAMILY HOME
APPROXIMATE LOCATION

EXISTING SINGLE FAMILY HOME

Tanner Consulting LLC
landscape architecture | land planning
5523 south lewis avenue, tulsa oklahoma 74105-6533
DEVELOPMENT SUMMARY
- Phase 1 Lots: 20 Total
- 20 Single Family Lots
- Approx: 200' x 300' Lot Dimensions
- Gated Private Drive
- Views of Farm from Front Porches

Lot of Record

EXISTING SINGLE FAMILY HOME

PROPOSED SINGLE FAMILY HOME APPROXIMATE LOCATION

CBOA - 2730

PRAIRIE LANE FARM
EQUESTRIAN CENTER

CONCEPT 1

Tanner Consulting LLC
LANDSCAPE ARCHITECTS | ENGINEERS | LAND PLANNING | ENVIRONMENTAL | COMPLIANCE
3132 South Lewis Avenue, Tulsa Oklahoma 74105-4019
373,488.7 Sq Feet
Janet,

This morning I took a call from Karen Ward who lives on N. 97th E. Ave 3 lots South of the subject property for CBOA-2730, she does not have an objection to the variance request but she does have an objection to the future development shown on the site plan mostly related to concerns over the way the property drains and the increased traffic on N. 97th E Ave. Please include this with the packet for the CBOA members.

Best,

Austin Chapman | Assistant Planner
2 West 2nd Street Suite 800 | Tulsa, Oklahoma 74103
ph: 918.579.9471 | fax: 918.579.7522
web: www.incog.org | email: achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit. ((918) 596-9456)
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BOARD OF ADJUSTMENT
CASE REPORT

STR:6310  Case Number: CBOA-2731
CZM:72
PD:

HEARING DATE: 02/19/2019 1:30 PM

APPLICANT: Brent Allen

ACTION REQUESTED: Variance to reduce the minimum required street frontage from 30' to 0' in an AG district to permit a lot split (Section 207).

LOCATION: 5501 E 201 ST S  ZONED: AG

PRESENT USE: vacant  TRACT SIZE: 20 acres

LEGAL DESCRIPTION: PRT W/2 E/2 SW BEG SWC THEREOF TH N2640.55 E659.55 S1255.22 W629.13 S1385.32 W30 TO POB SEC 10 16 13 20ACS,

RELEVANT PREVIOUS ACTIONS:
Subject Property:
No relevant history
Surrounding Property:
CBOA-1355 June 20, 1995: The Board approved a variance of the required 30' of frontage on a public street; subject to mutual access easement being filed of record; subject to only one single-family residence being constructed on the property; and subject to the access road being privately maintained, on property located south and east of the southeast corner of East 191st Street South and South Yale Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts by AG zoning in all directions. The development in the area is mainly agricultural with a few scattered single-family homes.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance to reduce the minimum required frontage on a public street or dedicated right-of-way from 30' to 0' (Sec. 207) to permit a Lot-Split. Section 207 of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following hardship: "I'm splitting my 20 acre tract into two 10 acre tracts and I need an easement for access to the back 10 acre site."

The applicant is proposing to perform a lot-split of the existing 20 acre tract of property to create two tracts. Tract A will be 10 acres and Tract B will be 9.95 acres. Tract B does not have access to a public street or dedicated right-of-way. According to the survey the client submitted, the applicant currently has access to Tract A through a road/easement along the west boundary line of the subject
lot. According to the survey, the same road/easement will be extended along the west boundary of Tract A until it reaches Tract B thus providing access to East 201st Street South.

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

SAMPLE MOTION:
"Move to (approve/deny) a Variance of the frontage requirement on a public street or dedicated right-of-way from 30 ft. to 0 ft. (Section 207)

Finding the hardship(s) 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.
Case No. 1354 (continued)

Protestants:
None.

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 Special Exception to permit sandblasting (Use Unit 26) in an IL zoned district - SECTION 910. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 26, subject to no outside sandblasting within 300' of the R District to the north; finding the use to be appropriate for the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 5, Block 1, Prattville Industrial Park, Tulsa County, Oklahoma

Case No. 1355

Action Requested:
Variance of the required 30' of frontage on a public street - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, located southeast of NW/c South 191st Street and South Yale Avenue.

Presentation:
The applicant, James Michael Webster, PO Box 543, Bixby, Oklahoma, requested permission to construct a dwelling on the subject property, which is to be accessed by a private road. He submitted a plot plan and access easement (Exhibit G-1) and stated that the easement has been filed of record.

Comments and Questions:
Mr. Gardner advised that, if approved, the Board should impose a condition that the property be used only as a central development site, which would prevent the applicant from selling off the land in small parcels.

The applicant stated that it is not his intent to divide the land into smaller parcels.

Mr. Fields asked if the access easements all connect, and the applicant answered in the affirmative.

Mr. Alberty advised that the County will not maintain the private road, and Mr. Webster stated that he is aware that the homeowners must provide road maintenance.
Case No. 1355 (continued)

Protestants:
None.

Board Action:
On MOTION of ALBERTY the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance of the required 30' of frontage on a public street - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6; subject to mutual access easement being filed of record; subject to only one single-family residence being constructed on the property; and subject to the access road being privately maintained (no County maintenance); finding that approval of the request, per conditions, will not be detrimental to the area, on the following described property:

N/2, SE/4, NW/4, and N/2, S/2, SE/4, NW/4, Section 10, T-16-N, R-13-E, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 1300

Action Requested:
Final site plan review.

Comments and Questions:
Mr. Beach informed that church use was approved in October 1994, subject to final site plan review by the Board.

Presentation:
The applicant, Gospel Assembly Church, 6811 South 30th West Avenue, was not represented.

Additional Comments:
Mr. Alberty stated that the final plan is relatively similar to the sketch that was previously approved; however, he requested that the northwest corner be designated on the plan as a landscaped area.

Board Action:
On MOTION of ALBERTY the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE the final site plan; subject to the northwest corner of the tract, as designated on the site plan, being reserved as a landscaped area; finding that the final site plan is not significantly different from the initial proposal; on the following described property:
Note: Graphic overlays may not precisely align with physical features on the ground.
PLAT OF BOUNDARY SURVEY

EXISTING

REMARKS

1. The surveys herein were made by Nathaniel J. Reed, R.L., in December, 1974.
2. The surveys herein were approved by the Board of County Commissioners of Uinta County, Wyoming.
3. The surveys herein were recorded in the office of the Clerk of the District Court of Uinta County, Wyoming.

NATHANIEL J. REED, R.L.
CLERK OF THE DISTRICT COURT
UNITA COUNTY, WYOMING

SCALE 1:200

Surveyor's signature: [Signature]

Surveyor's stamp: [Stamp]

Date of survey: December 24, 1974

Reference to plat: This plat is an approved plat of boundary survey of the property described in the plat.
Ms. Jones,

Here is my opposition letter for CBOA-2731 as I am unable to attend the meeting due to my work schedule. I will be checking with you on Monday to verify you have received and reviewed.

Thank you,

Steve Barnes
January 10, 2019

Dear Ms. Jones,

I am writing to you and the BOA because unfortunately, due to work, I will not be able to attend the hearing personally, and I hope this letter clearly outlines my concerns and strong disagreement with the land split being considered in case #CBOA-2731. I own the forty-acre parcel immediately to the west of this requested land split. Having spoken to Incog several years ago about the rules regarding division of land in this area, I was led to believe you would not approve the split of a landlocked parcel with no access other than an easement. However, this is exactly what has taken place to the east of my property! A twenty-acre parcel was allowed to be split off and then only serviced by a 1320’ long 30’ wide easement! Now, here we are a couple of years later and the new owner wants to again split this section even further into two, ten-acre parcels, served only by the same easement from 201st. I would also question, if this were approved, at what point will another owner ask to split a ten-acre parcel further into 5 or 2.5 acre lots and wouldn’t this just be a back-door way to start a subdivision, cut off from the main road and only serviced by an exceedingly narrow easement a quarter of a mile long? This built up easement already does not have adequate drainage which is causing water to back up on the lands west of it, as there is a natural swale through the area that drains a large portion of the lands from the northwest properties. I hope you will consider my reasons for objecting to this proposal when considering the application.

Sincerely,
Steve Barnes

Photo 1: Taken from west property facing east after rain.
Photo 2: Taken from west property facing southeast after rain.
Dear Robi,

I am writing this letter as the lease holder of the SW ¼ SW ¼ of SEC 10 T16N R13E where Brent Allen is requesting a Zero Frontage Lot Split. The 30' Easement lies parallel to the east fence of this property and a road has been constructed to reach his property. Said road is lacking proper drainage and is backing water up on the leased land. My wife and I oversee this property for our Aunt and Uncle, Tim & Joan Endicott of Perry, OK. We will all be at tomorrow’s meeting and we are against said Variance. We feel like the variance could be the beginning of a continuing lot split in the future. If a lot split is desired, then there is a procedure for doing this properly and we wouldn’t end up with water backing up on our property or things like this in the future.

We are in an AG zone and there are cattle and or horses on all four sides of property. We have met Brent and his family, they are very nice people. Brent and I constructed a new fence before he built the road. It has nothing to do with him, it has to do with a Zero Frontage in Tulsa County. As a former appraiser for the Federal Land Bank Association, I feel like that would have a Negative effect on the property values in our area. Not to mention, short cutting road easements and all those detriments that go with it.

We appreciate your consideration of our viewpoint and hope you don’t allow this to happen, or at least go through the proper prodigal for a legal Subdivision.

MOORE CATTLE COMPANY, LLC
Ritch & Kelly Moore
1201 W. 41st
Tulsa, OK 74107
Office 918-446-3567
Cell 918-595-5681

"Since 1986"
BOARD OF ADJUSTMENT
CASE REPORT

STR:1311
CZM:11
PD:

HEARING DATE: 02/19/2019 1:30 PM

APPLICANT: Dennis Knott

ACTION REQUESTED: Variance of the minimum lot width to permit a lot split (Section 330)

LOCATION: N. of the NE/c of E. 106th St. N. & N. Sheridan Rd. ZONED: AG

PRESENT USE: Agriculture

TRACT SIZE: 9.88 acres

LEGAL DESCRIPTION: S/2 S/2 NW SW LESS W16.5 THEREOF FOR RD SEC 11 21 13 9.875ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agriculturally zoned properties on all sides. The development in the area is scattered single-family homes and vacant agricultural properties.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance from the minimum lot width requirement from 150 ft to 125 ft for Tract 3 to permit a lot split (Sec. 330, Table 3).

The applicant provided the following statement concerning the hardship: “To be presented at the meeting on February 19, 2019.”

As shown in the submitted survey, the applicant is attempting to split the 9.88 parcel into three tracts. Tracts 1 and 2 meet the minimum lot width but Tract 3 only has an average width of 125.4 feet. Per Section 330 of the Code, the AG district requires a minimum lot width of 150 ft.

Tract 3 shown on the submitted survey will not meet the minimum lot width requirement, thus needing County Board of Adjustment approval.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject property is compatible and non-injurious to the public good and spirit/intent of the Code.

Sample Motion:

"Move to ________ (approve/deny) Variance of the minimum lot width to permit a lot-split (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 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."
LOT SPLIT EXHIBIT

PART OF THE S/W
SECTION 11, T-21-N, R-13-E,
TULSA COUNTY, STATE OF OKLAHOMA

LEGAL DESCRIPTION

Existing Un-Divided Tract:
The South Half of the South Half of the Northwest Quarter of the Southwest Quarter of Section 11, Township 21 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Tract 1:
The South 270.00 feet of the West 450.00 feet of the South Half of the South Half of the Northwest Quarter of the Southwest Quarter (S/2 S/2 NW/4 SW/4) of Section 11, Township 21 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Tract 2:
The South 300.00 feet of the West 900.00 feet of the South Half of the South Half of the Northwest Quarter of the Southwest Quarter (S/2 S/2 NW/4 SW/4) of Section 11, Township 21 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof. LESS and EXCEPT the South 270.00 feet of the West 450.00 feet.

Tract 3:
The South Half of the South Half of the Northwest Quarter of the Southwest Quarter (S/2 S/2 NW/4 SW/4) of Section 11, Township 21 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof. LESS and EXCEPT the South 300 feet of the West 900.00 feet. 
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9010
CZM: 33
PD:

HEARING DATE: 02/19/2019 1:30 PM

APPLICANT: Will Wilkins

ACTION REQUESTED: Variance to allow an accessory building to exceed 750 Sq. ft. in an RS Zoned District (Section 240.2.E)


PRESENT USE: residential TRACT SIZE: 0.98 acres

LEGAL DESCRIPTION: LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2508 July 2014: The Board approved a variance to permit construction of a detached accessory building in a side yard located in an RS District; and a variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built, on property located at 1333 South 215th West Avenue.

CBOA-2506 July 2014: The Board approved a variance of the allowed square footage for an accessory building from 750 square feet to 1,560 square feet (Section 240.2.E) in a RS zoned District, on property located at 1322 South 217th West Avenue.

CBOA-2429 May 2012: The Board approved a variance to permit a detached accessory structure in an RS District larger than 750 square feet; and a variance to permit a detached accessory structure in the side yard, on property located at 1325 South 214th West Avenue.

CBOA-2144 January 2005: The Board approved a variance of the allowable 750 square feet for an accessory building to allow a 900 square foot accessory building in an RS zoned district, on property located at 21609 West 14th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an RS zoned neighborhood with a smattering of vacant lots and single-family homes. There is IL zoning just north of the neighborhood and agricultural zoning to the south and east of the neighborhood.
STAFF COMMENTS:

The applicant is requesting a Variance of the maximum allowable square footage for an accessory building in an RS district to permit the construction of a 2000 sf accessory building (Section 240.2.E).

Section 240.2.E permits accessory buildings in the RS district up to 750 sf. of floor area 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.

According to the applicant their stated hardship is: "Excessively large lot – 750 square feet is too small for lot size. 2000 square feet would not be intrusive to surrounding lots, some of which contain accessories larger than 750 square feet."

According to the site plan submitted with the application the applicant is proposing to construct one 40' x 50' or 2000 sf. accessory building on the north side of the existing home. The parcel is part of a recent lot combination although our system does not show that the lots are combined at this time.

The subject property is located in an RS district with an AG district to the south. The proposed accessory building does not appear out of scale or character for the property in the surrounding neighborhood; however, the applicant did not provide elevations to show the height or architectural style of the proposed building.

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) Variance to allow an accessory building to exceed 750 sq. ft. in an RS Zoned District (Section 240.2.E).

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."
Interested Parties:
There were no interested parties present.

Comments and Questions:
Mr. Osborne asked Mr. West if there were any requirements for gravel or paved parking. Mr. West stated that normally those requirements are waived because this is a temporary stand and an all-weather surface is not wanted at other times of the year.

Mr. Schmidt stated that there is a commercial business next to the stand and he allows the fireworks stand customers to use his parking lot.

Board Action:
On MOTION of HUTCHINSON, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to APPROVE the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). The fireworks stand will be allowed to operate from June 15th to July 4th, opening at 8:00 A.M. and closing at 10:00 P.M. June 15th through July 2nd. Hours of operation for July 3rd and July 4th will be 8:00 A.M. to 12:00 midnight; for the following property:

N273 NW SW SW LESS S223 N273 W195.34 & LESS BEG 273S & 195.34E NWC NW SW SW TH N67.01 E462.96 S67.44 W462.86 POB FOR HWY SEC 24 22 12 2.39ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Action Requested:
Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). LOCATION: 1333 South 215th West Avenue

Presentation:
Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he would like to build a 30 x 30 detached shop beside his house. After the shop is constructed he would like install a 20 x 20 foot awning on the north side of proposed shop.

Mr. Charney asked if the awning is like a carport. Mr. Castoe answered affirmatively.

Mr. Walker asked Mr. Castoe what he would be using the shop for. Mr. Castoe stated that he has hobbies and that is where he will be for those hobbies.

Mr. Charney asked Mr. Castoe if he would working in the shop, doing any work of any sort for pay or commercial purposes. Mr. Castoe stated that he would not.
Mr. Walker stated that Mr. Castoe has quite a bit of outside storage. Mr. Castoe stated there are two detached sheds and he plans to keep the metal shed. Mr. Castoe stated that he owns a 1929 Chevy that he wants to restore and two trailers. If he is working on his hobbies in the building he can place the trailers on the carport area to keep them out of the weather.

Mr. Hutchinson asked Mr. Castoe if the carport would be open. Mr. Castoe answered affirmatively.

Mr. Osborne asked Mr. Castoe if the three separate lots depicted in the drawing in the Board's agenda packet were tied together. Mr. Castoe answered affirmatively.

Ms. Miller asked Mr. Castoe if he had gone through the lot combination process. Mr. Castoe stated that he paid his fees and went through the process for the lot combination.

Mr. Charney asked Mr. Castoe if he had heard anything from the owner of the pasture near his property. Mr. Castoe stated that he has not heard anything from that owner. Mr. Charney asked if anyone around him had spoke to him about what he was wanting to do. Mr. Castoe stated that he had spoke to a couple of the neighbors and they do not have any problems with what he is proposing to do.

Mr. Osborne asked Mr. Castoe what the building is to look like. Mr. Castoe stated the building will be a metal red-iron building that will be matched to look like the other metal building on the property, and it will be close to matching the home.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to APPROVE the request for a Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). The hardship for the Variances for the detached accessory building and open carport be placed in the side yard is the unusual configuration of the three lots that are tied together, as they run more north-south than they do east-west. The size of the lot is of such that an accessory building of that nature would not be out of character architecturally with the balance of the neighborhood. The new detached accessory building will have an open attached carport with a concrete floor. There is to be no commercial use; for the following property:
LT 12-14 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

**************
NEW BUSINESS
None.

**************
OTHER BUSINESS
None.

**************
BOARD COMMENTS
None.

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved: Aug 19, 2014

Chair
Mr. Charney stated that since Mr. Osborn cannot present the Board with an easement, the Board might want to continue this case for a 30 day period to allow the applicant time to provide the Board with a satisfactory private road easement, or some sort of publicly dedicated roadway easement. Mr. Charney suggested that Mr. Osborn even seek legal counsel to make certain there is legal access to the subject property, because the Board needs the technical document.

Mr. Walker stated that Tulsa County does not accept a dedication to the road right-of-way unless the road is brought up to the County standards. Mr. Parsells stated that was too expensive to do so he stopped, and now the Board is discussing the middle of a wildcat subdivision. All of this generated by doing this wildcat subdivision, and that is why the 1987 request was nixed.

Mr. Charney stated this is an example of selling off five acre tracts without the engineering and corresponding road construction. He thinks rather than denying the applicant's request today, he would suggest this case for a 30 or 60 day period. This would allow the applicant to speak with everyone involved, starting with Mr. Parsells, and to seek legal counsel. He wants Mr. Osborn to understand what he is getting into and what is there before he invests in building a house. He also wants Mr. Osborn to understand the difference between a private roadway easement with maintenance responsibilities and a publicly dedicated roadway that has been accepted by the County.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE the request for a Variance to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207) for a period of 30 days, which would be the August 19, 2014 Board of Adjustment meeting; for the following property:

W/2 SW NE SE SEC 35 19 10 5ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2506—Richard Borchers

Action Requested:
Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E). LOCATION: 1322 South 217th West Avenue

Presentation:
Rich Borchers, 1322 South 217th West Avenue, Sand Springs, OK; stated he has an existing 24 x30 building, and had a portable building next to it with a carport. He has
removed the carport and the portable building and he would like to erect an additional 24 x 35 metal building to store his boats, truck and gardening equipment.

Mr. Osborne asked Mr. Borchers if the new building was to be a garage. Mr. Borchers stated that it will basically be a work shop.

Mr. Charney asked staff if the existing building was non-conforming. Mr. West stated that a 750 square foot building is allowable in the rear yard, so the existing building is legal. The applicant needs relief for the second building.

Mr. Borchers stated that there are two lots and they are tied together. Mr. Walker stated that the drawing in the Board’s agenda packet shows that the building is only five feet off the back. Mr. Borchers stated there is a 15 foot easement in the rear. Mr. Walker stated that the rear yard setback for the District is 20 feet. Mr. West stated that is for a dwelling. An accessory building can be within five feet of the property line.

Mr. Charney asked Mr. Borchers to describe the proposed building. Mr. Borchers stated that it will be like a carport but enclosed. He only wants to be able to keep his vehicles and garden equipment out of the weather.

Mr. Charney asked Mr. Borchers if any of his neighbors, especially the ones closest to the proposed building, have any objections to the proposal. Mr. Borchers stated that he is not aware of any objections. Mr. Charney asked Mr. Borchers if he had a chance to visit with the neighbors. Mr. Borchers stated that the letters were mailed out notifying the neighbors. Mr. Charney asked Mr. Borchers if he had talked to them. Mr. Borchers stated that he had not.

Mr. Walker stated that he had visited the site and Mr. Borchers has an immaculate place, and what he is proposing is going to be a great improvement. There are other properties in the area that are not as well kept as Mr. Borchers.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WALKER, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to APPROVE the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E) with the hardship being the oversized lot, two tied together, and the two lots forever joined together. The Board finds this will be harmonious and with the spirit of the neighborhood; for the following property:
LTS 2 & 3 BLK 6, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

2057—Brent Schmidt

Action Requested:
Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). LOCATION: E of the NE/c of North Cincinnati Avenue and Highway 20

Presentation:
Brent Schmidt, P. O. Box 255, Skiatook, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Charney asked Mr. Schmidt if he had a fireworks stand on the site before. Mr. Schmidt stated he has had one for the last two years. Last year he received a permit from the City of Skiatook, and this year when he tried to obtain a permit he found the site is County property. Mr. West issued a permit with provision that he appear before the Board of Adjustment.

Mr. Charney asked Mr. Schmidt if he has any problems with the ingress or egress from the site. Mr. Schmidt stated there have been no problems.

Mr. Charney asked Mr. Schmidt if he has received any complaints from the neighbors or anyone. Mr. Schmidt stated that he has not. One of the neighbors, to the east, did call because she was concerned about him erecting a building on the property.

Mr. Charney asked Mr. Schmidt when he wanted to have the fireworks stand operational. Mr. Schmidt stated that he wanted to have it for the 4th of July each year.

Mr. Charney asked Mr. Schmidt what were his hours of operation for the last couple of years. Mr. Schmidt stated that on the 3rd an 4th he has been open until midnight, and the rest of the time until 10:00 P.M. while opening at 7:00 or 8:00 A.M.

Mr. Charney asked if there was a residence or commercial business near the stand. Mr. Schmidt stated that it is a commercial business. The closest residence is to the east and about 1/8 mile away.

Mr. Osborne asked Mr. Schmidt how many days before the 4th of July did he open his stand. Mr. Schmidt stated that he normally opens about ten days prior to the 4th.

Mr. Charney asked Mr. Schmidt if he closed the stand on the 5th of July. Mr. Schmidt stated that he closes for the season on the night of the 4th.
property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, 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; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

Case No. 2429—Ronnie VanLandingham

Action Requested:
Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). Location: 1325 South 214th West Avenue

Presentation:
Ronnie VanLandingham, 13255 South 214th West Avenue, Sand Springs, OK; stated he has joined two lots together. He has visited with all the neighbors and explained to them what he wants to do and why he wants to do it. The side yard variance request is because he has a GRDA non-active power line in the back yard with a 145'-0" easement so he cannot build anything in the back yard. The reason he wants to build a larger building, larger than 750 square feet, the building will have the appearance of a house in the middle of the lot instead of a small out-building in the middle of the lot. The building will be a steel building on a steel frame, with a four foot brick wall around three sides. There will also be vinyl siding across the front of the building. Eleven out of the twelve neighbors within the 300'-0" radius are in favor of his request being approved, and the twelfth neighbor lives about 250'-0" away from the subject property. The home owners association has also seen his proposed plan and they have given their approval for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the additional storage building in the backyard. Mr. VanLandingham stated that he had installed the carport to protect his boat but they are still deteriorating, and that is one of the reasons for the proposed building. The additional storage building was on the property when he purchased the house and he plans to demolish that building.
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of OSBORNE, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker “aye”; no “nays”; no “abstentions”) to APPROVE the request for a Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). The new building is not to be larger than 1,600 square feet. The approval of the accessory structure in the side yard is due to the exceptional conditions placed upon the applicant due to restrictive easements on the property related to the existing powerline structures. The existing carport and storage facility on the property shall be demolished or removed no later than six months after the completion of the new building; for the following property:

Lots 3 and 4 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2430—Glenn Harden

Action Requested:
Special Exception to allow a temporary mobile home in an AG District (Section 310); Request to extend the time limit from two years to three years (Section 310.6). Location: 16709 West 41st Street South

Presentation:
Glenn Harden, 16709 West 41st Street, Sand Springs, OK; stated that approximately 20 years ago his brother and wife bought the subject property. Mr. Harden, with his mother, then moved onto the property to live in a second mobile home. Since then his mother and his brother have passed away, and the brother’s wife still lives on the property. Mr. Harden’s sister-in-law currently lives in a double-wide mobile home on the property and has asked him to move back onto the property to help her. He would like to do so and move a mobile home into the spot where the second mobile home was previously located.

Mr. Charney asked Mr. Harden if there are other mobile homes in the area, and Mr. Harden stated that there are several. Mr. Charney then asked Mr. Harden if he knew of other lots in the area that held two mobile homes on the same lot. Mr. Harden was not quite sure if there were, but he thought there might be on the side road west of the property.
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

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

MEMBERS ABSENT

STAFF PRESENT
Alberty
Butler
Cuthbertson

OTHERS PRESENT
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.

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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).

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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-2733

19-10 10

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
S. 213th W. AVE.

LOT 15
BLOCK 2

25' BLDG

15' ESMT

7.5' ESMT

42'-0'' 40'-0'' 20'-0''

102'-0''