# AGENDA <br> Tulsa County Board of Adjustment <br> Regularly Scheduled Meeting <br> Tuesday December 20, 2022, 1:30 p.m. <br> Williams Tower I <br> 1 West 3rd Street, St. Francis Room 

Meeting No. 514

## INTRODUCTION AND NOTICE TO THE PUBLIC

At this Meeting, the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

Review and possible approval, approval with modifications, denial, or deferral of the following:

1. Approval of Minutes of November 15, 2022 (Meeting No. 513)

## NEW APPLICATIONS

2. 2926-A - Nathalie Cornett

## Action Requested:

Modification to previously approved conditions and site plan for CBOA-2926.
Location: 16700 S. 163rd East Ave. (CD 3)
3. 3017-AAB Engineering, LLC

Action Requested:
Special Exception to allow a mini storage (use Unit 16) in a CS district (Section 710) Location: E of Hwy 75 and S of E 86th St N. (CD 1)
4. 3018-Guadalupe Juan Varela

Action Requested:
Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410) Location: 1725 E 66th St N (CD 1)
5. 3019 - Jimmy R. Harvey Jr.

Action Requested:
Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207). Location: N. $37^{\text {th }}$ E. Ave. (CD 1)

## 6. 3020 - Denny Fitzmorris

Action Requested:
Variance of the rear setback from 40 ft in the AG district;(Section 310, Table 3); Variance of the side setback from 15 ft . in the AG district (Section 310, Table 3).
Location: 15717 S Yale Ave (CD 3)
7. 3021-Mark Hines

## Action Requested:

Variance to permit two dwelling units on a single lot of record in an RE district (Section 208). Location: 11711 E 68th St N (CD 1)
8. 3023-Mark Allen Adams

## Action Requested:

Variance to reduce the side yard on the north side of the property from 15 feet to
8 feet in an AG-R district. (Section 330) Location: 5641 S 164th W Ave (CD 2)
9. 3024-Terry Hanzel

Action Requested:
Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts 2 \& 3 (Section 330- Table 3) Location: 5560 E 191st St S (CD 3)
10. 3025 - Jennifer Osborn

Action Requested:
Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). Location: 5311 S 107th W Ave (CD 2)
11. 3027-Gerado Rodriguez

Action Requested:
Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) Location: 9207 E 166th St N (CD 1)
12. 3028 - Donald LeBlanc

Action Requested:
Special Exception to permit use Unit 27 in an IM district to permit a wrecker service (Section 910) Location: 8015 S 81st W Ave (CD 2)
13. 3029 - Phillip Ostrander

Action Requested:
Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) Location: 8716 E 156th St N (CD 1)
14. 3030 - Amanda Metzger

Action Requested:
Variance of the maximum amount dwelling units on a single lot from 2 to 3 (Sec 208) Location: 16922 N 113th E Ave (CD 1)
15. 3031 - B + T Group

Action Requested:
Special Exception to permit a 190 ft . Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3) Location: 13051 N Memorial Dr (CD 1)

## OTHER BUSINESS

## NEW BUSINESS

## BOARD MEMBER COMMENTS <br> ADJOURNMENT

Website: tulsaplanning.org
E-mail: esubmit@incog.org
If you require special accommodations pursuant to the Americans with Disabilities Act, please call 918-584-7526.

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Board of Adjustment meeting.
NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.

| Board of Adjustment | Case Number: CBOA-2926-A <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Nathalie Cornett <br> Property Owner: AGEMA MX LIVING TRUST |
| Action Requested: Modification to previously approved conditions and site plan for CBOA-2926 |  |
| Location Map: | Additional Information: <br> Present Use: Residential <br> Tract Size: 4.01 acres <br> Location: 16700 S 163 AV E <br> Present Zoning: AG <br> Fenceline/Area: Bixby <br> Land Use Designation: Residential |

## TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7426
CASE NUMBER: CBOA-2926-A
CZM: 69
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Nathalie Cornett
ACTION REQUESTED: Modification to previously approved conditions and site plan for CBOA-2926
LOCATION: 16700 S 163 AVE ZONED: AG
FENCELINE: Bixby
PRESENT USE: Residential
TRACT SIZE: 4.01 acres
LEGAL DESCRIPTION: PRT W/2 SW BEG 881.6S NEC W/2 SW TH S500 W349 N500 E349 POB SEC 26
1714 4AC, Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS:

Subject Property:
CBOA-2926 October 2021: The Board approved a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202).

Surrounding Property:
CBOA-2905 August 2021: The Board approved a Special Exception to permit a wedding/event venue on an AG zoned property; a Variance of the all-weather surface material requirement, on property located 17700 East US Highway 64.

CBOA-2642 August 2017: The Board approved a Special Exception to permit a wedding/event venue on an AG zoned property; a Variance of the all-weather surface material requirement for parking subject to conceptual plans for a period of five years, on property located at east of the SE/c of East 171 ${ }^{\text {st }}$ Street South and South 161 ${ }^{\text {st }}$ East Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with a combination of residential and agricultural uses.

## STAFF COMMENTS:

The applicant is before the Board to request a Modification to conditions for a previously approved Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202). (CBOA-2926 October 2021).

The motion to approve the Special Exception of CBOA-2926 required there be a 50 guest maximum, that operating hours are not to be extended beyond midnight, that, except for clergy conducting a wedding, there be no exterior speakers for events and that all events are to be held indoors.

The applicant is proposing, with this proposed modification, to allow an increase in the permitted occupancy to 100 guests and also to modify and clarify the indoor limitations as follows:

1. Wedding ceremonies and photo shoots are permitted to be held indoors and outdoors.
2. Events such as wedding receptions, parties and catered sit-down dinners shall be held indoors.
3. Movement of people and vehicles between buildings and to and from the parking areas shall not be considered an outdoor activity and is permitted.
4. Food trucks are permitted to park, prepare and serve food outside.
5. Except for use by clergy and music during a wedding ceremony, no external speaker amplification shall be permitted outside.

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Modification to conditions of a previously approved Special Exception (CBOA-2926).

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code.



## Exhibit "A"

A tract of land located in the West Half of the Southwest Quarter (W $1 / 2 \mathrm{SW}^{1 / 4}$ ) of Section Twentysix (26), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at a point 881.6 feet South of the Northeast Corner of said $\mathrm{W} 1 / 2 \mathrm{SW} 1 / 4$; Thence South a distance of 500 feet to point; Thence West a distance of 349 feet to a point; Thence North a distance of 500 feet to a point; Thence East 349 feet to the point of beginning; said property being bounded on North by Highway 64.

## Exhibit "B"

The Applicant requests a modification to a previously approved Special Exception for a Wedding and Event Venue (Use Unit 2) in an AG district located at 16700 S. $163^{\text {rd }}$ E. Ave. (the "Property"). As originally approved in the Board minutes in October 2021, events are permitted after midnight, occupancy of the venue is limited to 50 guests and "all events will be held indoors".

The Applicant desires to increase the permitted occupancy to 100 guests and to clarify and modify the indoor limitation as follows:

1. Wedding ceremonies and photo shoots are permitted to be held indoors and outdoors.
2. Events such as wedding receptions, parties, and catered sit-down dinners shall be held indoors.
3. Movement of people and vehicles between buildings and to and from the parking areas shall not be considered an outdoor activity and is permitted.
4. Food trucks are permitted to park, prepare and serve food outside.
5. Except for use by clergy and music during a wedding ceremony, no external speaker amplification shall be permitted outside.

The proposed use has already been approved for the Property by the Board. The Property is large enough accommodate the increase in guests from 50 to 100 without any impact on surrounding properties and the above list creates clarity for the owner and Tulsa County Inspections on what are permissible indoor and outdoor uses. Accordingly, the modified conditions for the approved special exception remain 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.


| Board of <br> Adjustment | Case Number: CBOA-3017 <br> Hearing Date: 12/20/2022 1:30 PM |
| :--- | :--- |
| Case Report Prepared by: | Owner and Applicant Information: <br> Jay Hoyt |
| Applicant: AAB Engineering <br> Property Owner: OWASSO 86 <br> Development LLC |  |

Action Requested: Special Exception to allow mini-storage (Use Unit 16) in a CS district (Section 710).


# TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT 

TRS: 1328
CZM: 16, 17

CASE NUMBER: CBOA-3017
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM

## APPLICANT: Alan Betchan

ACTION REQUESTED: Special Exception to allow a mini-storage in a CS district (Section 710).
LOCATION: E of Hwy 75 and S of E 86th St N
ZONED: CS

FENCELINE: North Tulsa County

## PRESENT USE: Vacant

## TRACT SIZE: 20 acres

LEGAL DESCRIPTION: TRACT 2 LEGAL DESCRIPTION: A TRACT OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER ( $\mathrm{N} / 2 \mathrm{NE} / 4 \mathrm{NE} / 4$ ) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 NE/4 NE/4); THENCE SOUTH 01¹7'26" EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH $01^{\circ} 17^{\prime} 26^{\prime \prime}$ EAST ALONG SAID EAST LINE, A DISTANCE OF 605.78 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER ( $\mathrm{N} / 2 \mathrm{NE} / 4 \mathrm{NE} / 4$ ); THENCE SOUTH $88^{\circ} 38^{\circ} 09^{\prime \prime}$ WEST ALONG SAID SOUTH LINE, A DISTANCE OF 918.73 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 113.79 FEET, A CHORD BEARING OF NORTH $19^{\circ} 32^{\prime} 38^{\prime \prime}$ EAST, A CHORD DISTANCE OF 11.10 FEET, AND A CURVE DISTANCE OF 11.10 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH $18^{\circ} 14^{\circ} 59^{\prime \prime}$ EAST, A DISTANCE OF 344.17 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 816.21 FEET, A CHORD BEARING OF NORTH $10^{\circ} 07^{\prime} 32^{\prime \prime}$ EAST, A CHORD DISTANCE OF 230.69 FEET, AND A CURVE DISTANCE OF 231.47 FEET; THENCE NORTH $88^{\circ} 37^{\prime} 28^{\prime \prime}$ EAST, A DISTANCE OF 483.15 FEET; THENCE SOUTH $01^{\circ} 22^{\prime} 32^{\prime \prime}$ EAST, A DISTANCE OF 301.26 FEET; THENCE NORTH $88^{\circ} 37^{\prime} 52^{\prime \prime}$ EAST, A DISTANCE OF 220.41 FEET; THENCE NORTH $01^{\circ} 17^{\prime} 26^{\prime \prime}$ WEST, A DISTANCE OF 336.84 FEET; THENCE NORTH $77^{\circ} 56^{\prime} 33^{\prime \prime}$ EAST, A DISTANCE OF 50.90 FEET TO THE POINT OF BEGINNING. CONTAINING 397,373 SQUARE FEET OR 9.12 ACRES.

## AND

TRACT 1 LEGAL DESCRIPTION: THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (S/2 NE/4 NE/4), LESS THAT PORTION OCCUPIED BY HIGHWAY RIGHT OF WAY, ALL IN SECTION TWENTY EIGHT (28), TOWNSHIP TWENTY ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4 NE/4; THENCE SO1¹7'21"E ALONG THE EAST LINE OF SAID NE/4 NE/4 A DISTANCE OF 660.14 FEET TO THE NORTHEAST CORNER OF SAID S/2 NE/4 NE/4; THENCE $588^{\circ} 36^{\prime} 09^{\prime \prime} \mathrm{W}$ ALONG THE NORTH LINE OF SAID $\mathrm{S} / 2 \mathrm{NE} / 4 \mathrm{NE} / 4$ A DISTANCE OF 918.73 FEET TO THE EASTERLY RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT (TANGENT BEARS S $17^{\circ} 44^{\prime} 14^{\prime \prime}$ W), SAID CURVE HAVING A RADIUS OF 1332.40 FEET AND A CENTRAL ANGLE OF $15^{\circ} 09^{\prime} 14^{\prime \prime}$ FOR AN ARC DISTANCE OF 352.40 FEET; THENCE $502^{\circ} 34^{\prime} 59^{\prime \prime}$ W ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 316.61 FEET TO A POINT ON THE SOUTH LINE OF SAID S/2 NE/4 NE/4; THENCE N $88^{\circ} 34^{\prime} 36^{\prime \prime} E$ ALONG SAID SOUTH LINE A DISTANCE OF 1010.36 FEET TO THE SOUTHEAST CORNER OF SAID S/2 NE/4 NE/4; THENCE ND1¹7'21"W A DISTANCE OF 660.14 FEET TO THE POINT OF BEGINNING.

## RELEVANT PREVIOUS ACTIONS:

## Subject Property:

CBOA-3000 September 2022: The Board approved a Variance of the parking required from 48 to 35 (Section 1214.4)

Surrounding Property: None Relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CS and contains vacant single-family homes. The adjacent tracts are zoned CS, AG and RE and contain single-family homes and a religious facility.

## STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow mini-storage (Use Unit 16) in a CS district (Section 710).

The applicant is propsing to construct a mini-storage facility on the subject lot as indicated on the site plan provided by the applicant, which would require a Special Exception to be approved by the Board due to the CS zoning of the site.

A previous Board request (CBOA-3000) has been approved for another portion of the subject lot reducing the parking requirement for a Dollar General Store that is to be located on the northeast portion of the subject lot. The site of the mini-storage facility is proposed to be south of the Dollar General location, as indicated on the site plan.

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Special Exception to permit a mini-storage (Use Unit 16) in a CS district (Section 710).

Approved per conceptual plan on page $\qquad$ of the agenda packet.

Subject to the following conditions (including time limitation, if any): $\qquad$ .

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.



|  | Feet |  |
| :--- | :--- | :--- |
|  | 200 | 400 |
|  |  |  |
|  |  |  |

CBOA-3017
21-13 28

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


| Case Report Prepared by: | Case Number: CBOA-3018 <br> Hearing Date: 12/20/2022 1:30 PM |
| :--- | :--- |
| Jay Hoyt | Owner and Applicant Information: <br> Adjusticant: Guadalupe Juan Varela <br>  |
| LENDA |  |

## TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 1331
CASE NUMBER: CBOA-3018
CZM: 16
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Guadalupe Juan Varela
ACTION REQUESTED: Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410)
LOCATION: 1725 E 66 ST N ZONED: RS
FENCELINE: Turley
PRESENT USE: Residential
TRACT SIZE: 0.76 acres
LEGAL DESCRIPTION: PRT E/2 SE SE SE SW BEG SECR THEREOF TH N199.70 W165.21 S199.73 E165.21 POB SEC 312113 .7574ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and currently contains a single-family residence. The surrounding lots are zoned RS and contain single-family residences.

## STAFF COMMENTS:

The applicant is before the Board to request a Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410).

A food truck is classified as Use Unit 12 - Eating Places Other Than Drive-Ins by the Tulsa County zoning code. The applicant wishes to be able to park their food truck on the RS zoned subject lot and operate at this location. Per the photos provided by the applicant, the truck is to be parked on the southeast corner of the subject lot.

The applicant provided the statement: "I am wanting to put my food trailer next to the house, where I live at. The food trailer is my only job to work."

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410)

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ .

Finding the hardship to be $\qquad$ .

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 of Adjustment | Case Number: CBOA-3019 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Jimmy R. Harvey Jr. <br> Property Owner: BROOKS, NATHLIA A \& MELANEE L TOSH |
| Action Requested: Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207). |  |
| Location Map: | Additional Information: <br> Present Use: Residential <br> Tract Size: 7.5 acres <br> Location: 3701 N 37 AV E <br> Present Zoning: AG <br> Fenceline/Area: North Tulsa County <br> Land Use Designation: Rural Residential/Agricultural |

# TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT 

TRS: 1321
CASE NUMBER: CBOA-3019
CZM: 16
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Jimmy R. Harvey Jr.
ACTION REQUESTED: Variance of the street frontage requirements in an AG district from $30^{\prime}$ to $0^{\prime}$ (Section 207).

LOCATION: 3701 N 37 AV E
ZONED: AG

FENCELINE: North Tulsa County
PRESENT USE: Residential
TRACT SIZE: 7.5 acres
LEGAL DESCRIPTION: N660 S1320 W/2 E/2 W/2 E/2 SW \& W/2 W/2 E/2 SW LESS BEG 823.23W \& 661.39N SECR SW TH N220.46 W494.04 S220.50 E494.04 POB SEC 2121134.999 ACS; BEG 823.23W \& 661.39N SECR SW TH N220.46 W494.04 S220.50 E494.04 POB SEC 2121132.501 ACS, Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant
Surrounding Property:
CBOA-2345 August 2009: The Board approved a Variance of the frontage requirement to permit a lot split (Section 330).

ANALYSIS OF SURROUNDING AREA: The subject tract is vacant and zoned AG. The surrounding lots are zoned AG and contain single-family residences and agricultural land.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207).

The applicant is proposing to have access through a private drive (labeled as $\mathrm{N} 37^{\text {th }} \mathrm{E}$ Ave on attached case maps) that currently exists along the western boundary of the subject lot which extends south to E $86^{\text {th }} \mathrm{St} \mathrm{N}$ to the proposed lot, which is the southern 2.5 acres of the subject area. The applicant wishes to build a single-family home on the subject lot and will use the private drive ( $\mathrm{N} 37^{\text {th }} \mathrm{E}$ Ave) for access.

The applicant provided the statement that "In order to build my home on the 2.5 acres, I need the variance"

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

Sample Motion:
"Move to $\qquad$ (approve/deny) a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207)

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ -

Finding the hardship to be $\qquad$ .

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




A TRACT
A TRACT LOCATED in THE WEST HAF OF THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (W/2 E/2 W/2 E/2 SW/4) AND THE
 NORTH, RANGE THRTEEN (13) EAST OF THE I.B.\&M., ACCORDING TO THE U.S, GOVERNMENT SURVEY THEREOF, BEING MORE PARTHE SECTION A DISTANCE OF B23.23 FEET COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST SOUTHEAST CORNER OF THE W/2 E/2 W/2 E/2 SW/4; THENCE N O107'27* W ALONG THE EAST UNE OF SAD W/2 E/2 W/2 E/2 SW/4 A DISTANCE OF 681.39 FEET TO THE POINT OF BEGINNING: THENCE CONTNUING N OI'D7'27' W ALONG SAID EAST UNE A DISTANCE OF 220.46 FEET; THENCE S $888^{\prime 2} 38^{\prime} 27^{\circ}$ W A 681. 39 FEET TO THE POINT OF BEGNNING, THE NEET UNE OF THE W/2 W/2 E/2 SW/4; THENCE S OTOT 394.04 FEET TO A POINT ON THE ALONG SAID WEST LINE A DISTANCE OF 220.50 FEET: THENCE N B8'38'10" E A DISTANCE OF 494.04 FEET TO THE POINT OF BEGNNING,
SAID TRACT OF LAND CONTAINS 2.50 acres, MORE OR LESS.
IBACT 2
A TRACT LOCATED IN THE WEST HALF OF TME EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (W/2 E/2 W/2 E/2 SW/4) AND THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER ( $\mathrm{W} / 2 \mathrm{~W} / 2 \mathrm{E} / 2 \mathrm{SW} / 4$ ) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE I.B. $\delta$ M., ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER, THENCE S $88^{\prime} 37^{\prime} 28^{\circ}$ W ALONG THE SOUTH LINE OF THE SECTION A DISTANCE OF 823.23 FEET TO THE SOUTHEAST CORNER OF THE W/2 E/2 W/2 E/2 SW/4; THENCE N OI'O7'27* W ALONG THE EAST LINE OF SAID W/2 E/2 W/2 E/2 SW/4 A DISTANCE OF 881.85 FEET TO THE POINT OF BEGNNING; THENCE $S 88^{\prime} 38^{\prime} 27^{*}$ W A DISTANCE OF 434.04 FEET TO A PONT ON THE WEST UNE OF THE W/2 W/2 E/2 SW/4; THENCE N O1O7'34 ${ }^{\circ}$ W ALONG SAID WEST LINE A DISTANCE OF 440.99 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER (SE/4 SW/4): THENCE N $88^{\prime} 38^{\prime} 51^{\circ}$ E ALONG THE NORTH UNE OF SAID SE/4 SW/4 A DISTANCE OF 494.06 FEET TO

SAID TRACT OF LAND CONTANS 5.00 ACRES, MORE OR LESS.
DEED LEGAL DESCRIPTION
THE NORTH 660 feet of the south 1320 fert of the west half of the east half of the west half of the east half of the southwest guarter (W/2 E/2 W/2 E/2 SW/4) AND THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (W/2 W/2 E/2 SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP THENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDHAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCOROING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.
SURVEYOR'S STATEMENT
1, JAMES COLT LARIMORE, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF OKLAHOMA HEREBY
CERTIFY THAT THE ABOVE PLAT REPRESENTS A BOUNDARY SURVEY. THE ABOVE PLAT REFECTS ALL
INSTRUMENTS THAT HAVE GEEN OISCLOSED ANO FURNISHED AT THE TIME OF SURVEY. NO OPINION IS VERSED AS TO THE OYNERSHIP OF FENCES OR ANY OTHER AADOPTED BY THE STATE BOARD OF' REGSTRATION FOR PROFESSIONAL ENGNEERS AND LAND SURVEYORS.
NOTES

1. THIS SURVEY LEGAL OESCRIPHON WAS PREPARED BY JAMES COLT LARIMORE, OKLAHOMA LICENSED PROFESSIONAL SURVEYOR FIGBS, AND IS WHOLIY CONTANED WTHIN THE LEGAL DESCRJPTION PREVOUSLY FLLED IN GENERAL WARRANTY OEED FILED AS DOCUMENT
201815599 IN THE RECORDS OF TULSA COUNTY CLERK.
2. THIS FIRM WAS NOT CCNTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED EY THIS PLAT.
3. ALL UNDERGROUND UTIUTES MAY NOT EE SHOMN.
4. THE BEARING BASE FOR THIS SURVEY IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE. US SURVEY FEET.
5. property has legal access va driveway (N. 3Tth e. ave.) to EAST BGTH STREET NORTH.


| Board of Adjustment | Case Number: CBOA-3020 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Denny Fitzmorris <br> Property Owner: FITZMORRIS, DENNY L \& LISA A |
| Action Requested: Variance of the rear setback from 40 ft in the AG district;(Section 310, Table 3). Variance of the side setback from 15 ft in the AG district;(Section 310, Table 3). |  |
| Location Map: | Additional Information: <br> Present Use: Residential <br> Tract Size: 2.51 acres <br> Location: 15717 S YALE AV E <br> Present Zoning: AG <br> Fenceline/Area: Bixby <br> Land Use Designation: Low Density <br> Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT 

TRS: 7322
CASE NUMBER: CBOA-3020
CZM: 67
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Denny Fitzmorris
ACTION REQUESTED: Variance of the rear setback from 40 ft in the AG district;(Section 310, Table 3). Variance of the side setback from 15ft in the AG district;(Section 310, Table 3).

LOCATION: 15717 S YALE AV E
ZONED: AG
FENCELINE: Bixby
PRESENT USE: Residential
TRACT SIZE: 2.51 acres
LEGAL DESCRIPTION: PRT SW BEG 1545N SWC SW TH N365 E330 S365 W330 LESS W30 FOR RD SEC 221713 2.51AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence. The subject tract is bordered to the north, south and east by AG zoning containing single-family residences and RS-3 zoning to the west that is currently vacant.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance of the rear setback from 40 ft in the $A G$ district;(Section 310, Table 3) and a Variance of the side setback from 15 ft in the AG district;(Section 310, Table 3).

The applicant is requesting a variance of the 40 ft rear setback to permit a newly constructed accessory building. The accessory building was built 5 ft from the rear property line so would need a variance to allow a 5 ft rear yard setback.

The applicant is also requesting a variance of the 15 ft side yard setback to permit an existing accessory building which was built adjacent to the side (north) property line of the subject tract and would need a variance to permit a 0 ft side yard setback.

The applicant provided the statement "Location of sited accessory building is too close to property setback. At time of construction, I wasn't aware of the setback. Self constructed over a year time period. Property behind my property has no buildings. A lagoon sets off about 30 feet."

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance of the rear setback from 40 ft in the AG district;(Section 310, Table 3) and a Variance of the side setback from 15ft in the AG district;(Section 310, Table 3).

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ .

Finding the hardship to be $\qquad$ .

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.





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| Board of Adjustment | Case Number: CBOA-3021 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Mark Hines <br> Property Owner: HINES, MARK F |
| Action Requested: Variance to permit two dwelling units on a single lot of record in an RE district (Section 208). |  |
| Location Map: | Additional Information: <br> Present Use: Residential <br> Tract Size: 1.2 acres <br> Location: 11711 E 68 ST N <br> Present Zoning: RE <br> Fenceline/Area: Owasso <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT 

TRS: 1432
CASE NUMBER: CBOA-3021
CZM: 18
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Mark Hines
ACTION REQUESTED: Variance to permit two dwelling units on a single lot of record in an RE district (Section 208).

LOCATION: 11711E 68 ST N
ZONED: RE
FENCELINE: Owasso
PRESENT USE: Residential TRACT SIZE: 1.2 acres
LEGAL DESCRIPTION: W/2 W/2 S344 W633.6 S/2 NE SW LESS S25 FOR RD. SEC. 32-21-14, Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant
Surrounding Property:
CBOA-1015 April 1991: The Board approved a Special Exception to permit a mobile home dwelling in an RE zoned district on a permanent basis. (Section 410)

CBOA-1015 April 1991: The Board approved a Variance of required rear yard from 25 ft to 3 ft and side yard from 15 ft to 3 ft to permit a detached accessory building (Section 430) and a Variance of the maximum 750 sf for detached accessory building to 2,700 sf. (Section 240)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RE and contains a single-family residence
and is bordered to the north, west and east by RE zoned properties containing single-family residences and
to the south by AG zoned property containing a railroad and vacant land.

## STAFF COMMENTS:

The applicant is before the Board to request Variance to permit two dwelling units on a single lot of record in an RE district (Section 208).

The subject lot is approximately 1.2 acres in size. The minimum land area per dwelling unit in the RE district is $26,250 \mathrm{sf}$, so the subject lot would contain enough land area to support the request for two dwelling units on the subject lot. There is one house currently existing on the subject tract.

The applicant provided the following statement "We are wanting to add a home structure to our existing property."

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an RE district (Section 208).

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ .

Finding the hardship to be $\qquad$ .

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.








| $\square$ Board of Adjustment | Case Number: CBOA-3023 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Mark Allen Adams <br> Property Owner: ADAMS, MARK ALLEN |
| Action Requested: Variance to reduce the side yard on the north side of the property from 15 feet to 8 feet in an AG-R district. (Section 330) |  |
| Location Map: | Additional Information: <br> Present Use: Residential <br> Tract Size: 0.64 acres <br> Location: 5641 S 164 AV W <br> Present Zoning: AG-R <br> Fenceline/Area: Sand Springs <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 9131
CASE NUMBER: CBOA-3023
CZM: 43
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Mark Allen Adams
ACTION REQUESTED: Variance to reduce the side yard on the north side of the property from 15 feet to 8 feet in an AG-R district. (Section 330)

LOCATION: 5641 S 164 AV W
ZONED: AG-R
FENCELINE: Sand Springs
PRESENT USE: Residential TRACT SIZE: 0.64 acres
LEGAL DESCRIPTION: LT 2 BLK 2, PLEASANT OAKS ADDN Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG-R and contains a single-family residence and is surrounded by AG-R zoned lots containing single-family residences.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance to reduce the side yard on the north side of the property from 15 feet to 8 feet in an AG-R district. (Section 330)

The Tulsa County Zoning Code requires 15 ft side yard setbacks in the AG-R district. The applicant is proposing to construct a new garage onto the existing structure, as shown on the plans provided by the applicant, that encroaches into that required side yard setback by 7 ft resulting in the need for the reduction in the setback from 15 ft to 8 ft .

The applicant provided the statement " 1 would like to add a 20 'x 30 ' garage to my existing home. My lot is only 0.66 of an acre and is zoned AG-R which has a side setback of $15^{\prime}$. In order for me to be able to build a garage I am asking to be able to build within 8 ' of the property line."

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance to reduce the side yard on the north side of the property from 15 feet to 8 feet in an AG-R district. (Section 330)

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ $\cdot$

Finding the hardship to be $\qquad$ .

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.



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Subject




| Din Board of <br> Adjustment  | Case Number: CBOA-3024 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Terry Hanzel <br> Property Owner: HANZEL, TERRY \& SHERRI |
| Action Requested: Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts $2 \& 3$ (Section 330- Table 3) |  |
| Location Map: | Additional Information: <br> Present Use: Vacant <br> Tract Size: 8.75 acres <br> Location: 5560 E 191 ST S <br> Present Zoning: AG <br> Fenceline/Area: Bixby <br> Land Use Designation: Rural Agriculture |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 6310
CASE NUMBER: CBOA-3024
CZM: 72
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM
APPLICANT: Terry Hanzel
ACTION REQUESTED: Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts 2 \& 3 (Section 330-Table 3)

LOCATION: 5560 E 191 ST S
ZONED: AG

FENCELINE: Bixby

## PRESENT USE: Vacant

TRACT SIZE: 8.75 acres

LEGAL DESCRIPTION: W/2 E/2 NE NW LESS E30 THEREOF \& LESS N50 THEREOF FOR RD SEC 101613 8.747ACS, Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and is currently vacant. The subject tract is surrounded by AG zoning containing single-family residences and agricultural land.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum lot width from $150^{\prime}$ in the AG district to permit a lot line adjustment (Section 330-Table 3).

The applicant is proposing to split the subject lot into 3 separate lots as illustrated on the lot split survey provided by the applicant (Tracts 1, 2 \& 3). They applicant intends to split the lot so that their son and his family may build a home on one lot (Tract 2) and their daughter and her family may build a home on another lot (Tract 1). The applicant intends to build their own home on the remainder lot (Tract 3). The applicant is requesting the lot width variance so that they may split the lot into 3 tracts and maintain a 30 ft access for Tracts $2 \& 3$ which will place the lot width for those lots below the required 150 ft .

The applicant has provided a statement that details their intentions for the subject lot and reason for the lot width variance, included with this report.

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Section 330-Table 3).

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$
Finding the hardship to be $\qquad$ .

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 width variance requested.
A variance of the minimum lot width from 150 ' in the AG district to permit a lot line adjustment (Tracts 2 \& 3 (Section 330-Table 3).

My wife and I are building our retirement home on Track 3. Our son's family is planning on building on Track 2 and our daughter's family plan on building on Track 1. It is our plan to have family living close to us in our aging years to check in on us and to help maintain our quality of life.

The deed has a restriction of building too close to the back (south) border of Track 3. In order to comply with that restriction and comply with the county Land Area Per Dwelling Unit (2.1 acres) and the minimum of 30 feet of frontage on a public street for all three proposed tracts we are asking for a Lot Width Variance for Tract 2.
The attached lot split survey indicates that Track 2 meets the acreage and 30 feet frontage requirements of the county. Track 2 is plotted as 269 feet wide and 296 feet long in the area my son plans to build his home. The width is reduced when the calculation includes the length of the property to meet the 30 -foot frontage road requirement.

We appreciate you taking the time to review our request.
Terry and Sherri Hanzel


| Board of Adjustment | Case Number: CBOA-3025 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Jennifer Osborn <br> Property Owner: Mathew \& Jennifer Osborn |
| Action Requested: Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). |  |
| Location Map: | Additional Information: <br> Present Use: Single-Family <br> Tract Size: 5.8 acres <br> Location: 5311 S 107 AV W <br> Present Zoning: RS <br> Fenceline/Area: Sand Springs <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 9135
CASE NUMBER: CBOA-3025
CZM: 44
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/20/2022 1:30 PM
APPLICANT: Jennifer Osborn
ACTION REQUESTED: Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

LOCATION: 5311 S 107 AV W ZONED: RS
FENCELINE: Sand Springs
PRESENT USE: Single-Family
TRACT SIZE: 5.8 acres
LEGAL DESCRIPTION: LOT 6 BLK 1; LOT 5 BLK 1; N100 LT 7 BLK 1, BUFORD COLONY SECOND ADDN Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS:

## Subject Lot:

CBOA-3003 September 2022: Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family home. The surrounding lots are zoned RS and AG and contain single-family homes and vacant agricultural land.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

The subject lot was previously approved for a variance to permit a detached accessory building to be greater than 750 sf (CBOA-3003). The applicant is proposing to construct an accessory building approximately $2,500 \mathrm{sf}$ in area and would like a dwelling unit to be located within this accessory building.

The applicant provided the statement "We are trying to build a metal shop with living quarters attached so that we can care for my in-laws as they grow older. They have already sold their home and are living with us until we can get this shop built. We require approval from the Board because the current laws limit the size of the building you can add and we have to have approval to build a second dwelling on out property as well.

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 $\qquad$ (approve/deny) a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ .

Finding the hardship to be $\qquad$ .

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.




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| Bundin Board of <br> Adjustment  | Case Number: CBOA-3027 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Gerado Rodriguez <br> Property Owner: RODRIGUEZORTIZ, GERARDO \& HILDA |
| Action Requested: Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) |  |
| Location Map: | Additional Information: <br> Present Use: Agricultural <br> Tract Size: 19.98 acres <br> Location: 9207 E 166 ST N <br> Present Zoning: AG <br> Fenceline/Area: Collinsville <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 2312
CASE NUMBER: CBOA-3027
CZM: 3
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM

## APPLICANT: Gerado Rodriguez

ACTION REQUESTED: Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207)

LOCATION: 9207 E 166 ST N
ZONED: AG
FENCELINE: Collinsville
PRESENT USE: Agricultural
TRACT SIZE: 19.98 acres
LEGAL DESCRIPTION: S/2 NW SE SEC 122213 19.977ACS, Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS:

## Surrounding Properties:

CBOA-2757 June 2019: Variance of the required 30' frontage to support a single family dwelling in an AG district. (Section 207)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and is surrounded by AG zoning containing a mixture of agricultural land and single-family residences.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207).

The applicant proposes to utilize the subject lot for a single-family residence. There is currently a drive leading from $E 166^{\text {th }}$ St $N$ to the subject property along the eastern side of the properties to the south of the subject lot. This drive is intended to be used for access to the subject lot.

The applicant has provided the statement "We are requesting a variance for use of an existing 40' driveway. The applicant and two other homeowners also share use of the driveway from E $166^{\text {th }} \mathrm{St} \mathrm{N}$. Applicant is being required by Tulsa County to obtain this variance in order to be issued a building permit.

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207)

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ $-$

Finding the hardship to be $\qquad$ .

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.



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CBOA-3027


2023 West 111th Street Jenks, OK. 74037 OFFICE (918)640-4162 FAX (918)894-5248 darrellbibleegmall.com

Order No. 2103167
Client: Investors Tille \& Escrow Company, LLC
Borrower. Gerando Rodriguoz and Hilda Rodriguez
File Number, 2021-1083
Lender. First Bank of Owasso


SEE "ATTACHMENT"
FOR LEGAL DESCRIPTION AND EASEMENT INFORMATION


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roperty address: 9207 East 166th Street North, Collinswillo, Oklahoma 5 K, DATED 8/3/09.
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|  | Case Number: CBOA-3028 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Donald LeBlanc <br> Property Owner: SEMPER IRREV TRUST |
| Action Requested: Special Exception to permit Use Unit 27 in an IM district to permit a wrecker service (Section 910) |  |
| Location Map: | Additional Information: <br> Present Use: Vacant <br> Tract Size: 0.64 acres <br> Location: 8016 W 18 ST S; 7926 W 18 ST S; 7922 W 18 ST S <br> Present Zoning: IM <br> Fenceline/Area: Sand Springs <br> Land Use Designation: Industrial/Regional Employment |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 9207
CASE NUMBER: CBOA-3028
CZM: 35
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/20/2022 1:30 PM

## APPLICANT: Donald LeBlanc

ACTION REQUESTED: Special Exception to permit Use Unit 27 in an IM district to permit a wrecker service (Section 910)

LOCATION: 8016 W 18 ST S; 7926 W 18 ST S; 7922 W 18 ST S
ZONED: IM

FENCELINE: Sand Springs
PRESENT USE: Vacant
TRACT SIZE: 0.64 acres
LEGAL DESCRIPTION: LT 9 BLK 4; LT 8 BLK 4; LT 7 BLK 4; LT 6 BLK 4, LAKE SUB Tulsa County, State of Oklahoma

## RELEVANT PREVIOUS ACTIONS:

## Subject Property:

CZ-530 May 2022: The Board of County Commissioners approved a zoning change from RM-2 to IM for the subject lot.

## Surrounding Properties:

CBOA-2498 May 2014: Special exception to permit asphalt refining and manufacturing, conrete repurposing and recycling and oil, asphalt and polymer storage (Use Unit 27) in an IM zoned district (Section 910, Table 1)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned IM and is currently vacant. The tracts to the north, south and west are zoned IM and contain industrial uses. The tract to the east is zoned RM-2 and contains a single-family residence.

## STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit Use Unit 27 in an IM district to permit a wrecker service (Section 910).

The applicant is proposing to construct a wrecker service establishment on the subject tract. The subject tract was rezoned in early 2022 from RM-2 to IM (CZ-530) to permit industrial uses.

The applicant has provided the statement "We are proposing to build a parking lot with the intention of an automotive storage yard/wrecker service impound yard. We would like to lay the asphalt milling/gravel at a 2 inch minimum and a 12 inch maximum with textile road fabric underlayment. We are proposing to slope the lots to the northwest corner into small detention for runoff and from the detention install a ten inch pipe direct to the storm grate. On each side of the detention, there will be a small berm. On the north side,
the berm will be approximately 130 feet long and 10 feet wide. On the west side, the berm is approximately 80 feet long by 10 feet wide. We have attached an image of the property."

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

- Limiting the day and hours of operation.


## Sample Motion:

"Move to $\qquad$ (approve/deny) a Special Exception to permit Use Unit 27 in an IM district to permit a wrecker service (Section 910)

Approved per conceptual plan on page $\qquad$ of the agenda packet.

Subject to the following conditions (including time limitation, if any): $\qquad$ -

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.




# Proposal to build an asphalt milling/gravel parking lot for an automotive storage yard/wrecker service impound yard 

Legal description Subdivision: LAKE SUB LT 6 BLK 4 Section: 07 Township: 19 Range: 12 Address 7922 W $18^{\text {th }}$ St Tulsa, Ok 74127

Legal description Subdivision: LAKE SUB LT 7 BLK 4 Section: 07 Township: 19 Range: 12 Address 7926 W $18^{\text {th }}$ St Tulsa, Ok 74127

Legal description Subdivision: LAKE SUB LT 8 BLK 4 Section: 07 Township: 19 Range: 12
Legal description Subdivision: LAKE SUB LT 9 BLK 4 Section: 07 Township: 19 Range: 12 Address 8016 W $18^{\text {th }}$ St Tulsa, Ok 74127

The subject properties are $7,000 \mathrm{sq} \mathrm{ft}$ each with a total of $28,000 \mathrm{sq} \mathrm{ft}$. Approximately 160 ft deep and 300 ft long.

To whom it may concern:
We are proposing to build a parking lot with the intention of an automotive storage yard/wrecker service impound yard. We would like to lay the asphalt milling/gravel at a 2 -inch minimum and a 12 -inch maximum with a textile road fabric underlayment.

We are proposing to slop the lots to the northwest corner into small detention for runoff and from the detention install a ten-inch pipe directed to the storm grate. On each side of the detention, there will be a small berm. On the north side, the berm is approximately 130 feet long and 10 feet wide. On the west side, the berm is approximately 80 feet long and 10 feet wide. We have attached an image of the property.


## Power:

We would like to install a $200-\mathrm{amp}$ service on a galvanized steel H post with a $50-\mathrm{amp}$ plug, $30-\mathrm{amp}$ plug, and two 20 -amp plugs. So that we can plug in trucks in cold weather and with the preparation of having an electric vehicle charging installed at some point.

| Board of Adjustment | Case Number: CBOA-3029 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Phillip Ostrander <br> Property Owner: OSTRANDER, PHILLIP \& MEMORY LIVING TR |
| Action Requested: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) |  |
| Location Map: | Additional Information: <br> Present Use: Agricultural <br> Tract Size: 5.59 acres <br> Location: 8716 E 156 ST N <br> Present Zoning: AG <br> Fenceline/Area: Collinsville <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 2324
CASE NUMBER: CBOA-3029
CZM: 7
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM

## APPLICANT: Phillip Ostrander

ACTION REQUESTED: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330)

## LOCATION: 8716 E 156 ST N <br> ZONED: AG

FENCELINE: Collinsville
PRESENT USE: Agricultural
TRACT SIZE: 5.59 acres
LEGAL DESCRIPTION: BEG 2017E NWC N/2 NW TH S570 E639 N240.01 W332 N330 W307 POB LESS N16.5 THEREOF \& LESS E25 THEREOF SEC 242213 5.592ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence. The tract is surrounded by AG zoned lots containing single-family residences and agricultural land.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330).

The Tulsa County Zoning Code requires a minimum of 2 acres for each AG zoned lot and 2.1 acres per dwelling unit on an AG zoned lot. The applicant is proposing to split the existing subject lot into two lots, one approximately 3.90 acres (Tract 1 on the survey provided by the applicant) and one approximately 1.69 acres (Tract 2 on the surverys provided by the applicant). A single-family home is proposed for each of the two resulting lots.

The applicant provided the statement "In order to split the lot into two equal parts, it would cause irregular shaped lots."

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330).

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ -

Finding the hardship to be $\qquad$ -.

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.




CBOA-3029


LEGAL DESCRIPTION

SEE ATTACHMENT

## CERTIFICATE

1. DANIEL S. COSS, A REGISTERED SURVEYOR BY THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ABOVE TRACT HAS BEEN SURVEYED UNDER MY DIRECT SUPERVIIIN. TO THE BEST OF MY KNOWLEDGE, THE ABOVE PLAT IS AN ACURATE REPRESENTATION OF SAID SURVEY. NO UNDERGROUND UTLMIES WERE OCATED, AND THERE ARE NO BUILDING ENCROACHMENTS THEREON EXCEPT AS INDICATED, AND THAT NO EFO THERE ARE NO BUILDING ENCROR ANM EASEMENTS AT THE COUNT CLERK OR THER RECORDS OFFICE
WITNESS MY HAND AND SEAL THIS 07 DAY OF NOVEMBER, 2022
AL/
DANIEL S. GOSS P.L.S. NO. 1316, CA NO. 3932
D. GOSS \& ASSOCIATES

12347 HEYWOOD HILI RD.

| Scale: NONE | DATE: $11 / 07 / 2022$ |
| :--- | :--- |
| OSTRANDER | DRAWN BY: CJ |
| JOB \# 13991 | REVISED: |
| SITE LAST VISTED: CB/254 20222913.7 |  |

# Rural Water District No. 3 Washington County, Oklahoma 

17227 N. $129^{\text {th }}$ E. Ave ${ }_{\text {g }}$ P.O. Box 70, Collinsville, OK 74021-0070
Ph. (918) 371-2055 • Fax (918) 371-3864 - TRS 711

October 12, 2022

INCOG
201 West $5^{\text {th }}$ Street
Suite 600
Tulsa, OK 74101-4236
FAX 583-1024

## To Whom It May Concern:

The tract of land owned by Phil Ostrander situated in the N/2 of the N/2 of section 24, Township 22 North, Range 13 East of the I.B.\&M., Tulsa County, State of Oklahoma, has been approved for one 5/8" water tap. The tap must be installed on North $89^{\text {th }}$ East Avenue.

Sincerely,
Chad Pennington
Field Supervisor

| Board of Adjustment | Case Number: CBOA-3030 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: Amanda Metzger <br> Property Owner: FOWLER, DAVID MICHAEL REV TRUST |
| Action Requested: Variance of the maxmimum amount dwelling units on a single lot from 2 to 3 (Sec 208) |  |
| Location Map: | Additional Information: <br> Present Use: Residential <br> Tract Size: 25 acres <br> Location: 16922 N 113 AV E <br> Present Zoning: AG <br> Fenceline/Area: Collinsville <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 2407
CASE NUMBER: CBOA-3030
CZM: 4
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/20/2022 1:30 PM
APPLICANT: Amanda Metzger
ACTION REQUESTED: Variance of the maxmimum amount dwelling units on a single lot from 2 to 3 (Sec 208)

LOCATION: 16922 N 113 AVE
ZONED: AG

FENCELINE: Collinsville
PRESENT USE: Residential
TRACT SIZE: 25 acres
LEGAL DESCRIPTION: S879 N/2 SE LYING NORTH \& EAST KANSAS OKLAHOMA CENTRAL SOUTHWESTERN RR R/W LESS S402 E300 N/2 SE SEC 72214 25ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains two single-family residences. The tract is surrounded by AG zoned lots containing single-family residences and agricultural land.

## STAFF COMMENTS:

The applicant is before the Board to request a Variance of the maxmimum amount dwelling units on a single lot from 2 to 3 ( Sec 208 ).

The Tulsa County Zoning code allows up to two dwelling units to be located on a lot in the AG district provided the land area meets the minimum land area requirements per dwelling unit. The subject tract is approximately 25 acres in size and contains two dwellings. The minimum land area per dwelling unit in the AG district is 2.1 acres, so the subject lot would contain enough land area to support the request for three dwelling units on the subject lot, since the total land area required for three dwelling units is 6.3 acres.

The applicant provided the following statement that they are seeking the variance "to move another home on the property for son to take care of owner and land. The home will be a double wide."

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

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Variance of the maxmimum amount dwelling units on a single lot from 2 to 3 (Sec 208)
$\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$

Finding the hardship to be $\qquad$ .

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.




| An)Board of <br> Adjustment | Case Number: CBOA-3031 <br> Hearing Date: 12/20/2022 1:30 PM |
| :---: | :---: |
| Case Report Prepared by: Jay Hoyt | Owner and Applicant Information: <br> Applicant: B + T Group <br> Property Owner: ROBINSON, WANDA MAE |
| Action Requested: Special Exception to permit a 190 ft . Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3) |  |
| Location Map: | Additional Information: <br> Present Use: Agricultural <br> Tract Size: 9.75 acres <br> Location: 13051 N MEMORIAL DR E <br> Present Zoning: AG <br> Fenceline/Area: Collinsville <br> Land Use Designation: Residential |

# TULSA COUNTY BOARD OF ADJUSTMENT <br> CASE REPORT 

TRS: 2336
CASE NUMBER: CBOA-3031
CZM: 7
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: $12 / 20 / 2022$ 1:30 PM

## APPLICANT: B + T Group

ACTION REQUESTED: Special Exception to permit a 190 ft . Wireless Communications Tower (Use Unit 4 Public Protection and Utility Facilities) in an AG district (Section 1204.3)

LOCATION: 13051 N MEMORIAL DR E
ZONED: AG

FENCELINE: Collinsville

## PRESENT USE: Agricultural

TRACT SIZE: 9.75 acres
LEGAL DESCRIPTION: NW NW SW LESS W16.5 THEREOF FOR RD SEC 362213 9.75ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and is currently vacant. The surrounding lots are zoned AG and contain single-family homes and agricultural land.

## STAFF COMMENTS:

The applicant is before the board to request a Special Exception to permit a 190 ft . Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3).

Communications towers are classified under Use Unit 4, Public Protection and Utility Facilities, and are permitted in the AG district by Special Exception. A Special Exception is required as the proposed cell tower is a use which is not permitted by right in the AG district because of potential adverse effect, but if controlled in the particular instance as to its relationship to the area, may be permitted.

The applicant has included a site plan. The proposed tower has a height of 190 feet. The Tulsa County Zoning Code requires towers to be set back a distance equal to at least on hundred ten percent (110\%) of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed communications tower will be non-injurious to the surrounding area.

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Special Exception to permit a 190 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)
$\qquad$ of the agenda packet.

Subject to the following conditions (including time limitation, if any): $\qquad$ .

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.




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