AGENDA

Tulsa County Board of Adjustment Regularly Scheduled Meeting Tuesday May 16, 2023, 1:30 p.m. Williams Tower I 1 West 3rd Street, St. Francis Room

Meeting No. 519

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 April 18 (Meeting No. 518).

NEW APPLICATIONS

2. 3061 – Lonnie Basse Action Requested:

Modification of a previously approved <u>Special Exception</u> (CBOA-2683) to extend the time limitation (Section 310). **Location:** E of NEC N 129th E Ave & E 86th St N

(CD 1)

3. 3062 - David Henke Action Requested:

Variance of the street frontage from 30' to 0' in an AG district (Section 207) **Location:** 18402 S Memorial Dr E. **(CD 3)**

4. 3064 - Cynthia A. Schweizer Action Requested:

Variance of the minimum lot width from 150' in the AG district to permit a lot split (Sec 330) **Location:** W of the NW/c of S Peoria Ave & W 171st St S (CD 3)

5. 3065 - Robin Mayhugh

Action Requested:

<u>Variance</u> to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) **Location**: 5654 S 167th W Ave **(CD 2)**

6. 3066 - Matt King Action Requested:

Modification to a previously approved site plan (CBOA-2971, CBOA-2934, CBOA-1690) to allow an additional building (Use Unit 5) community market in the AG district. **Location:** 200 W 46th St N **(CD 1)**

7. 3067 - John Simons

Action Requested:

<u>Special Exception</u> to permit a single-wide mobile home to replace existing mobile home in an RS district (Section 410) **Location**: 5520 S 67 AV W **(CD 2)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

<u>ADJOURNMENT</u>

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.



Case Number: CBOA-3061

Hearing Date: 05/16/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

Owner and Applicant Information:

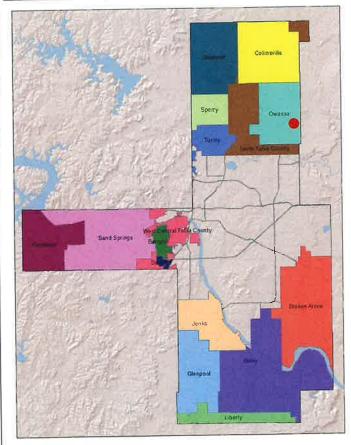
Applicant: Lonnie Basse

Property Owner: OWASSO FFA ALUMNI

ASSOC INC

<u>Action Requested</u>: Modification of a previously approved Special Exception (CBOA-2683) to extend the time limitation (Section 310).

Location Map:



Additional Information:

Present Use: Agricultural

Tract Size: 4.63 acres

Location: E of NEC N 129th E Ave & E

86th St N

Present Zoning: AG

Fenceline/Area: Owasso

Land Use Designation: Public/Institutional

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 1421 CASE NUMBER: CBOA-3061

CZM: 18 CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 05/16/2023 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Modification of a previously approved Special Exception (CBOA-2683) to extend the time limitation (Section 310).

LOCATION: East of the NE Corner N 129th E Ave and E 86th St N

ZONED: AG

FENCELINE: Owasso

PRESENT USE: Agricultural TRACT SIZE: 4.63 acres

LEGAL DESCRIPTION: BEG SWC SE SW TH N550 E411.44 S550 W POB LESS S60.01 THEREOF FOR RD SEC 21 21 14 4.628ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2910 August 2021: The Board approved a Special Exception to permit a communication tower, Use Unit 4, in an AG district (Section 1204).

CBOA-2683 June 2018: The Board approved a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D).

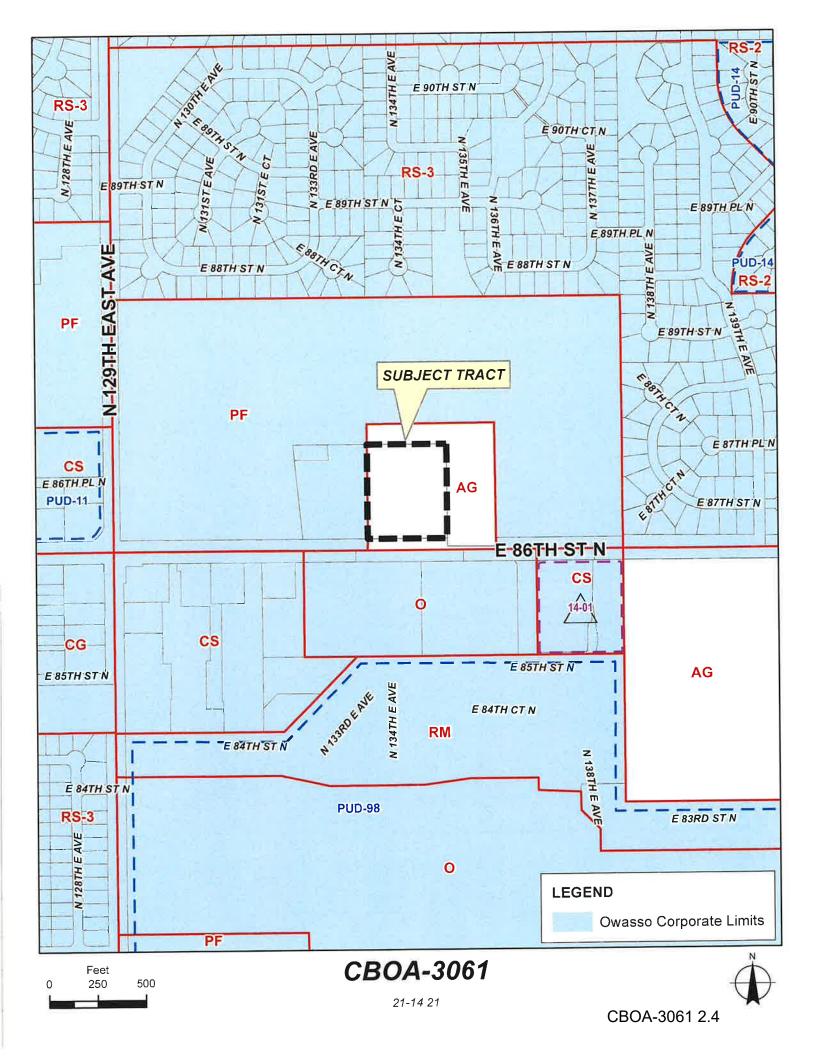
ANALYSIS OF SURROUNDING AREA: The subject tract is located on the FFA property in Owasso but is outside of city limits. It abuts PF (Public Facilities) zoning to the west and AG zoning to the north and east. Across East 86th Street North is O (Office) zoning. Owasso High School is nearby along with some office and commercial uses.

STAFF COMMENTS:

The applicant is before the Board to request a Modification of a previously approved Special Exception (CBOA-2683) to extend the time limitation for fireworks sales (Section 310).

Previously, CBOA-2683 was approved by the Board granting a Special Exception to allow a fireworks stand with a five year time limit, which expires in June of this year (2023). The applicant wishes to extend this time limit so that they may continue to utilize the subject lot for fireworks sales. Also as part of CBOA-2683, a Variance of the all-weather surface requirement for parking areas was approved.

| A special exception was required as the proposed fireworks sales is a use which is not permitted by right but by exception in the AG district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The fireworks sales must be found to be compatible with the surrounding neighborhood. |
|---|
| "Move to(approve/deny) a Modification of a previously approved Special Exception (CBOA-2683) to extend the time limitation for fireworks sales (Section 310). |
| Per the Conceptual Plan(s) shown on page(s) 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. |





Feet 250 500



CBOA-3061

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

Aerial Photo Date: 2020/2021

| | 3-27-2023 5-17-18 | Site Plan | |
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| | | CBOA-3061 2.6 | |



Case Number: CBOA-3062

Hearing Date: 05/16/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

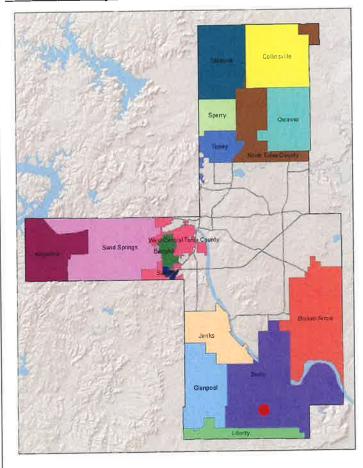
Owner and Applicant Information:

Applicant: David Henke

Property Owner: ARY LAND LLC

Action Requested: Variance of the street frontage from 30' to 0' in an AG district (Section 207)

Location Map:



Additional Information:

Present Use: AG

Tract Size: 76.96 acres

Location: 18402 S MEMORIAL DR E

Present Zoning: AG

Fenceline/Area: Bixby

Land Use Designation: Rural Agriculture

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 6302 CASE NUMBER: CBOA-3062

CZM: 72 CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 05/16/2023 1:30 PM

APPLICANT: David Henke

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

LOCATION: 18402 S MEMORIAL DR E ZONED: AG

FENCELINE: Bixby

PRESENT USE: AG TRACT SIZE: 76.96 acres

LEGAL DESCRIPTION: BEG 548.44E & 532.83S NWC GOV LT 4 TH E766.72 S1191.88 E1316.87 S988.91 W1317.75 N329.92 W1317.43 N1512.21 E549.22 N TO POB LESS E50 THEREOF FOR RD SEC 2 16 13 76.960ACS, SPRINGVIEW ESTATES ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2745 May 2019: The Board approved a Variance of the minimum lot area in the AG district (Section 330, Table 3) and a Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split.

CBOA-2745 July 2005: The Board approved a Variance of the average lot width required from 150 ft to 100 ft (Tract 1) a Variance of lot area from 2 acres to 0.57 acres (Tract 1 and 1.14 acres [Tract 2]) and a Variance of land area from 2.1 acres to 0.57 acres (Tract 1) and 1.14 acres (Tract 2) for a lot split.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and is currently vacant. It is surrounded by AG zoning to the north, south, east and west by AG zoning containing single-family residences and agricultural land as well as RS zoning to the east containing single-family residences.

STAFF COMMENTS:

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

The applicant is proposing to construct a sudivision, Cooper Valley Estates, as shown on the preliminary plat included with this report. The subdivision consists of 10 lots. The western lots (lots 1-7) do not have frontage on a public street. Access to these lots will be provided by a private drive shown as S 73rd E Ave. A roadway easement has been dedicated for this drive.

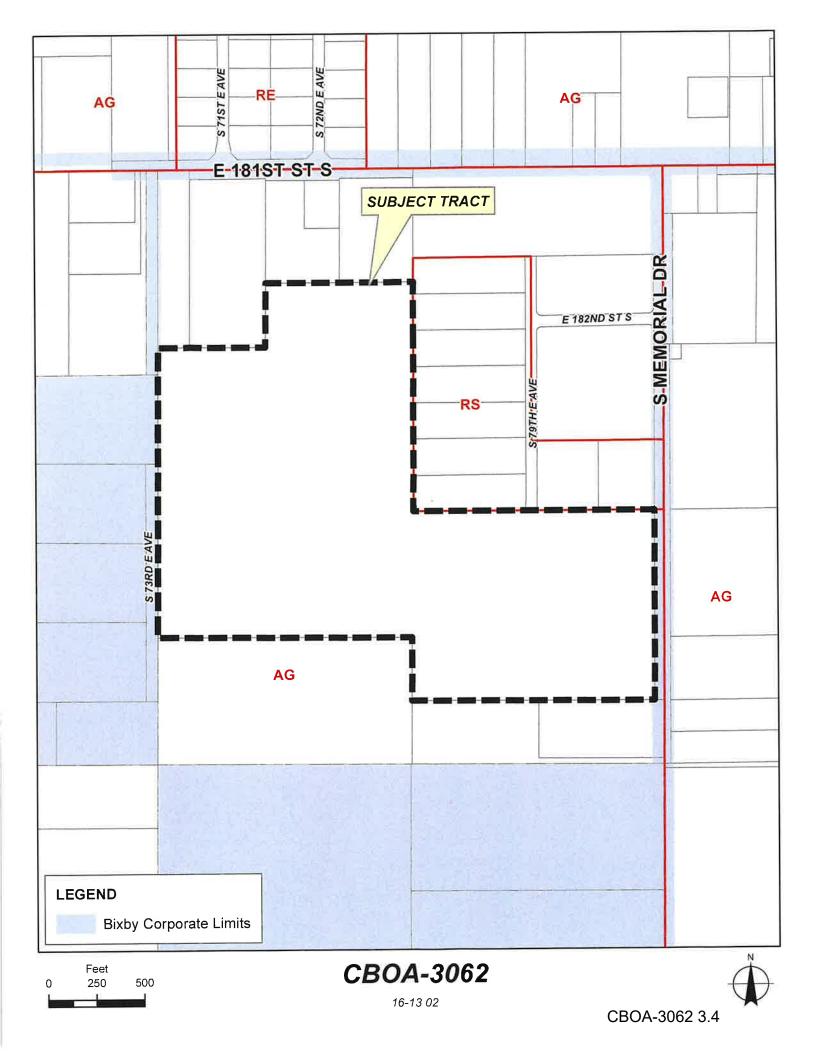
The applicant provided the statement that they were seeking the variance so that the lots that have frontage on the private drive may be accessed by that drive.

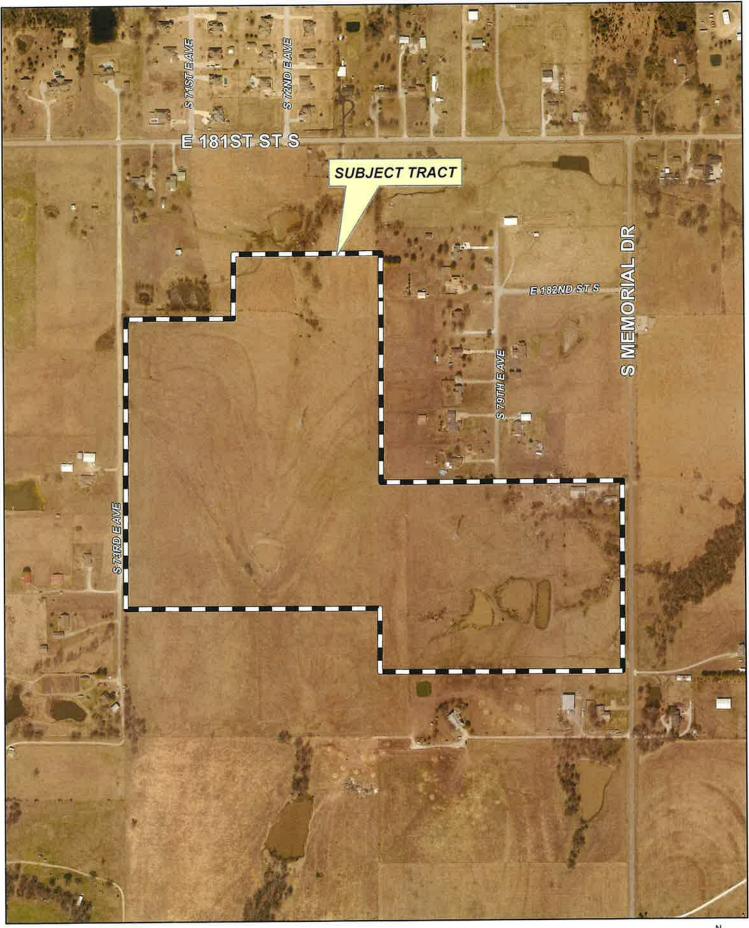
| Sample Motion: |
|--|
| "Move to (approve/deny) a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) |
| Per the Conceptual Plan(s) shown on page(s) of the agenda packet. |
| Subject to the following conditions, if any: |
| Finding the hardship to be |

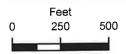
If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed variance is compatible with and non-injurious to the surrounding

area.

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.







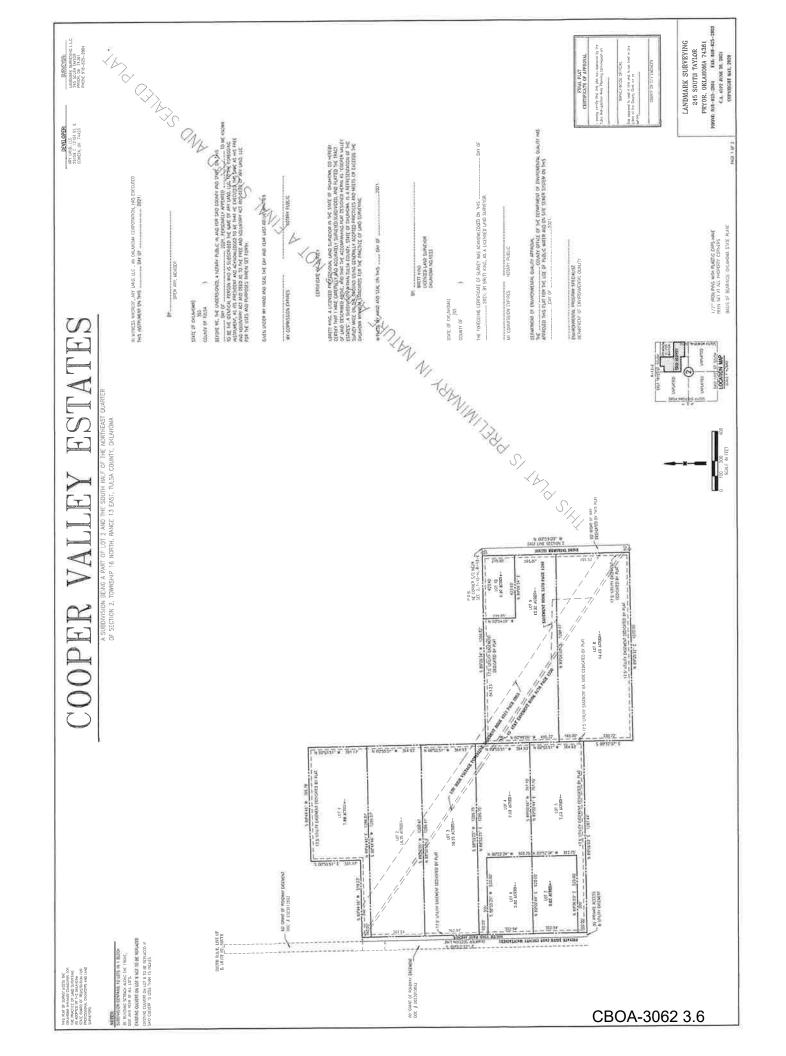


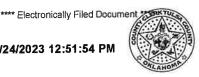
CBOA-3062

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









GRANT OF ROADWAY EASMENT

This Grant of Roadway Easement is made this 24th day of February, 2023, by ARY LAND LLC, an Oklahoma limited liability company ("ARY") for the benefit of the grantees hereinafter designated ("Grantees"), including their respective heirs, grantees, successors, assigns, and invitees.

WHEREAS, ARY is the owner of the tracts of land described as follows (hereinafter referred to as the "Ary Parcels"):

A tract of land in Government Lot 3, in Section 2, Township 16 North, Range 13 East of the I.B. & M., Tulsa County, State of Oklahoma, according to the United States government survey thereof, being more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Government Lot 3;

Thence S 00°52'20" E a distance of 1075.66 feet;

Thence S 89°70'40" W a distance of 60.00 feet:

Thence N 00°52'20" W a distance of 1075.66 feet;

Thence N 88°44'28" E a distance of 60.00 feet to the Point of Beginning;

AND

A tract of land in Government Lot 3, in Section 2, Township 16 North, Range 13 East of the I.B. & M., Tulsa County, State of Oklahoma, according to the United States government survey thereof, being more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Government Lot 3;

Thence S 00°52'20" E a distance of 1523.67 feet to the Point of Beginning;

Thence S 00°52'20" E a distance of 1242.37 feet;

Thence S 89°70'40" W a distance of 60.00 feet;

Thence N 00°52'20" W a distance of 1242.37 feet:

Thence N 89°07'40" E a distance of 60.00 feet to the Point of Beginning.

WHEREAS, ARY is also the owner of the tract of land described as follows (hereinafter referred to as the "Cooper Valley Estates Parcel"):

A tract of land being part of the South Half of the Northeast Quarter (S/2 NE/4) and of Government Lot 2, in Section 2, Township 16 North, Range 13 East of the Indian Base & Meridian., Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit:

Beginning at the Northeast corner of the South Half of the Northeast Quarter, thence S 89°06'34" W a distance of 1316.82 to the Southeast corner of Lot 2; thence N 00°55'51" W a distance of 1190.17 feet and along the East line of Lot 2;

thence S 89°44'46" W a distance of 766.68 feet; thence S 00°55'51" E a distance of 331.17 feet; thence S 88°45'48" W a distance of 549.23 to a point on the West line of the Northeast Quarter; thence S 00°52'32" E a distance of 1511.58 feet to the Northwest corner of the South Half of the Southwest Quarter of the Northeast Quarter; thence N 89°06'03" E 1317.44 feet to the Northeast corner of the South Half of the Southwest Quarter of the Northeast Quarter; thence S 00°32'37" E 330.72 feet; thence N 89°05'32" E 1320.00 feet to a point on the East line of the Northeast Quarter; thence N 00°59'09" W 991.04 feet to the Point of Beginning.

WHEREAS, the Cooper Valley Estates Parcel, and specifically Lots One (1) through Seven (7), inclusive, of the proposed plat of Cooper Valley Estates, abuts the Ary Parcels on the West boundary of the Cooper Valley Estates Parcel; and

WHEREAS, the Ary Parcels would provide a means of ingress to East 181st Street South for the lots on the Western portion of the Cooper Valley Estate Parcel; and

WHEREAS, the Grantees find it necessary to obtain a legal right of access to a dedicated roadway over the Ary Parcels, and it is the desire of ARY to execute and record this Grant of Roadway Easement to establish an easement for the benefit of the owners of land in the Cooper Valley Estates Parcel abutting the Ary Parcels; and

WHEREAS, ARY also has a separate easement for ingress and egress recorded on May 3, 2022 as Document #2022046160 in the office of the Tulsa County Clerk (the "Reyes Easement") over the following property:

The East 60 feet of the North 448.50 feet of the South 698.50 feet of Government Lot 3, in Section 2, Township 16 North, Range 13 East of the I.B. & M., Tulsa County, State of Oklahoma, according to the United States government survey thereof.

NOW THEREFORE, in consideration of the mutual benefits of this grant, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, ARY hereby grants and convey to Grantees a non-exclusive roadway easement over the Ary Parcels and partially assigns its rights in the Reyes Easement to Grantees all to be utilized for vehicular and pedestrian traffic to and from the Copper Valley Estates Parcels. Grantees, their heirs, grantees, successors, and assigns shall be solely responsible for the costs of reasonable maintenance of the easement granted herein.

Executed on the day and year written above.

Signature page follows

ARY LAND LLC, an Oklahoma limited liability company

By: Drew Ary

Title: Manager

ACKNOWLEDGEMENT

STATE OF OKLAHOMA) : ss. COUNTY OF TULSA)

On February 241 2023, the foregoing instrument was acknowledged before me, the undersigned, a Notary Public, by Drew Ary, as manager of Ary Land, LLC, an Oklahoma limited liability company.

Given under my hand and seal of office the day and year above written.

My Commission Expires: 4/25/2

[SEAL]



Case Number: CBOA-3064

Hearing Date: 05/16/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

Owner and Applicant Information:

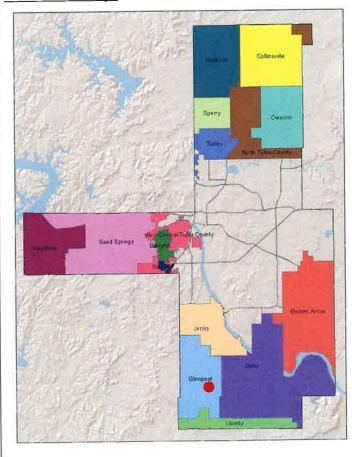
Applicant: Cynthia A. Schweizer

Property Owner: SCHWEIZER, CYNTHIA

& MEGAN

Action Requested: Variance of the minimum lot width from 150' in the AG district to permit a lot split (Sec 330)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 10 acres

Location: W of the NW/c of S Peoria Ave

& W 171st St S

Present Zoning: AG

Fenceline/Area: Glenpool

Land Use Designation: Rural

TULSA COUNTY BOARD OF ADJUSTMENT **CASE REPORT**

CASE NUMBER: CBOA-3064 TRS: 7225

CASE REPORT PREPARED BY: Jay Hoyt **CZM:** 65

HEARING DATE: 05/16/2023 1:30 PM

APPLICANT: Cynthia A. Schweizer

ACTION REQUESTED: Variance of the minimum lot width from 150' in the AG district to permit a lot split

(Sec 330)

LOCATION: W of the NW/c of S Peoria Ave & W 171st St S ZONED: AG

FENCELINE: Glenpool

TRACT SIZE: 10 acres PRESENT USE: Residential

LEGAL DESCRIPTION: BEG SECR SW SE TH W329.50 N1321.84 E329.50 S1321.92 POB SEC 25 17 12

10ACS, COUNTRY ACRES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-698 October 1986: The Board approved a Variance of the required frontage to permit all lots of County Acres Subdivision to front on a private Road and a Variance of the required lot width in an AG district from 200 ft to 171 ft for lot 14.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and 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 width from 150' in the AG district to permit a lot split (Sec 330).

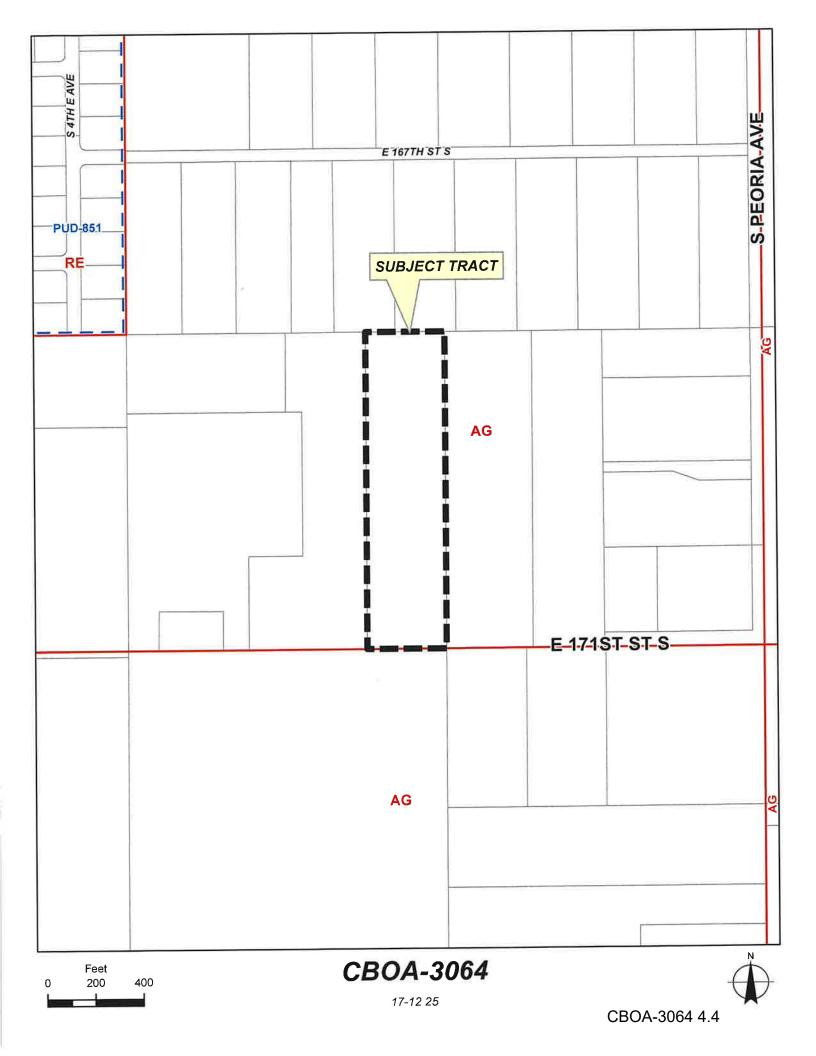
The minimum lot width in the AG district is 150 ft. The proposed lots, as shown on the lot split exhibit provided by the applicant would not meet the minimum lot width requirement since portions of the proposed lots are 30 ft in width which would bring the lot width below the required 150 ft.

The applicant has provided the statement "The hardship is the width of the property after a Lot Split would be less than the County required 150 ft of width for Tracts 1 and 2."

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 (approve/deny) a Variance of the minimum lot width from 150' in the AG district to permit a lot split (Sec 330) |
| Per the Conceptual Plan(s) shown on page(s) of the agenda packet. |
| Subject to the following conditions, if any: |
| Finding the hardship to be |

Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.





Feet 0 200 400



CBOA-3064

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

Aerial Photo Date: 2020/2021



The hardship is the width of the property after a Lot Split would be less than the County required 150 feet of width for Tracts 1 and 2.

This property is located in the southern portion of Tulsa County and was initially used as a horse pasture by the previous owners. My desire is to split the 10-acre lot into three 3.3-acre tracts and gift Tract 1 and Tract 2 to my two daughters so they can build a house on it with their husbands. Tract 1 is 159 feet wide, and Tract 2 is 170 feet wide. As you can see on the survey, we have included the 30 feet of frontage for each tract for its own individual access points. These 30 feet strips of land is contribution to our total square footage which is causing the Planners equation to show we have less than the required 150 feet.

This variance, if approved, will not impair the purpose, or cause any detriment to the public good due to each tract being 3.3 acres and having the required 30 feet of frontage.

R-12-E PEORIA 25 E 171ST ST S

PLAT OF SURVEY FOR LOT SPLIT

NTS

PREPARED FOR CINTHIA SCHWEIZER

BASIS OF BEARINGS: ASSUMED

> 329.50 N 88'46'17" E

> > 01'09'46"

N 88'47'05" 269.50'

TRACT 3 (REMAINDER)

C/L HIGH VOLTAGE TRANSMISSION LINE

140.11

568.72

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159.39

TRACT 2

783.12

z 1321 170.11

TRACT 1

LOCATION MAP COUNTY: TULSA

LOCEND

N/ CUP LETSIE

TIGHTON CHORS

W/ SHINER LS1316

TRACT 1

A tract of land situated in the SWIA SE/4 of Section 26, T17, R12E, I.B. SAI, Tuts a County, Ohlbhome, described as follows: Beginning at the SE comer of said SWIA SE/4; thence S 58*4705*W along the south Earl of said SWIA SE/4; thence S 58*4705*W along the south Earl Seid SWIA SE/4 situated of 30,00 feet; thence N 01*09*45*W a distance of 568.72 feet; thence S 58*4705*W a distance of 140.11 feet; thence S 01*405*W a distance of 175.16 feet; thence S 01*407*W a distance of 175.16 feet; thence S 01*09*46*W a distance of 175.16 feet; thence S 01*09*46*E a distance of 132.192 feet to the Point Of Beolandry, containing 3.33 acres, more or Beginning, containing 3.33 acres, more or less...Basis of Bearings: Assumed, Legal Description prepared by: Daniel S. Gass PLS \$1318 on October, 14, 2022.

TRACT 2

A tract of land silvated in the 8W/4 SE/4 of Section 29, T17, R12E, I.B.8IA, Tutian County, Otlahoma, described as follows: Commencing at the BE corner of said SW/4 SE/4; thence 5.88*4705* Walong the south fine of said SW/4 SE/4 a distance of 30,00 feet to the Polntoid Beginning; thence continuing S.88*4705* Walong the doubt fine a distance of 538.72 feet; thence N of 10945* Wa distance of 783.12 feet; thence N 810*4017* E a distance of 783.12 feet; thence N 810*4017* E a distance of 783.10 feet; thence N 80*4017* E a distance of 783.10 feet; thence N 80*4017* E a distance of 783.10 feet; thence N 80*4705* E a distance of 109.11 feet; thence N 80*4705* E a distance of 109.11 feet; thence N 80*4705* E a distance of 109.11 feet; thence S 01*00*45* E a distance of 109.11 feet; thence S 01*00*45* E a distance of 109.11 feet; thence S 01*00*45* E a distance of 109.11 feet; thence N 90*4705* E a distance of 109.11 feet; thence S 01*00*45* S a distance of 109.11 feet; thenc

TRACT 3 (REMAINDER TRACT)

A tract of land situated in the SW/4 SE/4 of Section 25, T17, R12E, LB.A.M., Tuise A creat or sand anticace in the south of Section 25, 117. R 12E, LB AM, Tubsa County, Ohlahoma, described as follows: Commencing at the BE corner of said SWM 5E/4; thence 8 88 *1705* W along the a cuther of said SWM 5E/4 at leance of 50.00 fard to the Pohl of Beginning; thence conthuling 8 88 *4705* W along said couth line a distance of 289.50 feat; thence N 01'09/46* W a distance of 583.72 feet; thence N 01'09/46* W a distance of 583.72 feet; thence \$ 01'09/46* E a distance of 583.72 feet; to the Pohl of Beginning, containing 3.33 acres, more of lasts. Basis of Beardage; Assumed, Legal Describbon prepared by: Daniel S. Goss PLS #1316 on October, 14, 2022.

1323.30

P.O.B. TRACT 1 P.O.B. TRACT 3 24.75' STATUTORY, RAY . 269.50 SW CORNER SE/4 SECTION 25-17-12 \$ 88'47'05 SE CORNER SW/4 SE/4 SECTION 25-17-12 E 171ST ST S P.O.B. TRACT 2

CERTIFICATE

I, DANIEL S. GOSS, A REGISTERED SURVEYOR BY THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS IS NOT A LAND OR BOUNDARY SURVEY AND THAT NO EFFORT WAS MADE TO RESEARCH FOR ANY OTHER EASEMENTS AT THE COUNTY CLERK OR OTHER RECORDS OFFICE.

THIS PLAT WAS PREPARED FOR LOT SPLIT PURPOSES ONLY, AS REQUIRED BY THE TMAPC

MY HAND AND SEAL THIS 14TH DAY OF OCTOBER, 2022

993.74

DANIEL S. GOSS P.L.S. NO. 1316



DATE: 10/14/22

SE CORNER SE/4 SECTION 25-17-12



D. GOSS & ASSOCIATES 12347 HEYWOOD HILL RD

SCHWEIZER DRAWN BY: DG JOB # 13982 REVISED:

Scale: NONE

SAPULPA. OK 74066 PH. 10181371-0096 FAX 19181371-7750



Case Number: CBOA-3065

Hearing Date: 05/16/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

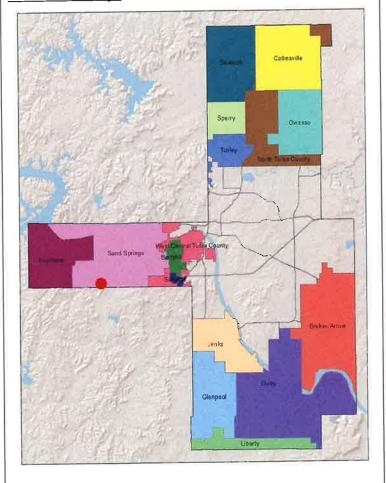
Owner and Applicant Information:

Applicant: Robin Mayhugh

Property Owner: MAYHUGH, ROBIN LEE

<u>Action Requested</u>: Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 1.07 acres

Location: 5654 S 167 AV W

Present Zoning: RS

Fenceline/Area: Sand Springs

Land Use Designation: Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 9131 CASE NUMBER: CBOA-3065

CZM: 43 CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 05/16/2023 1:30 PM

APPLICANT: Robin Mayhugh

ACTION REQUESTED: Variance to permit a detached accessory building in the RS district to be greater

than 750 sf of floor area (Section 240.2.E)

LOCATION: 5654 S 167 AV W ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residence TRACT SIZE: 1.07 acres

LEGAL DESCRIPTION: LT 7 BLK 2, OAK HAVEN II Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2074 November 2003: The Board approved a Variance of the allowable 750 sf for an accessory building in the RS district (Section 240.2.E).

CBOA-2298 June 2008: The Board approved a Variance of the maximum permitted floor area for a detached accessory building in the RS district (Section 240.2.E).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is surrounded by RS zoned lots containing single-family residential homes.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E).

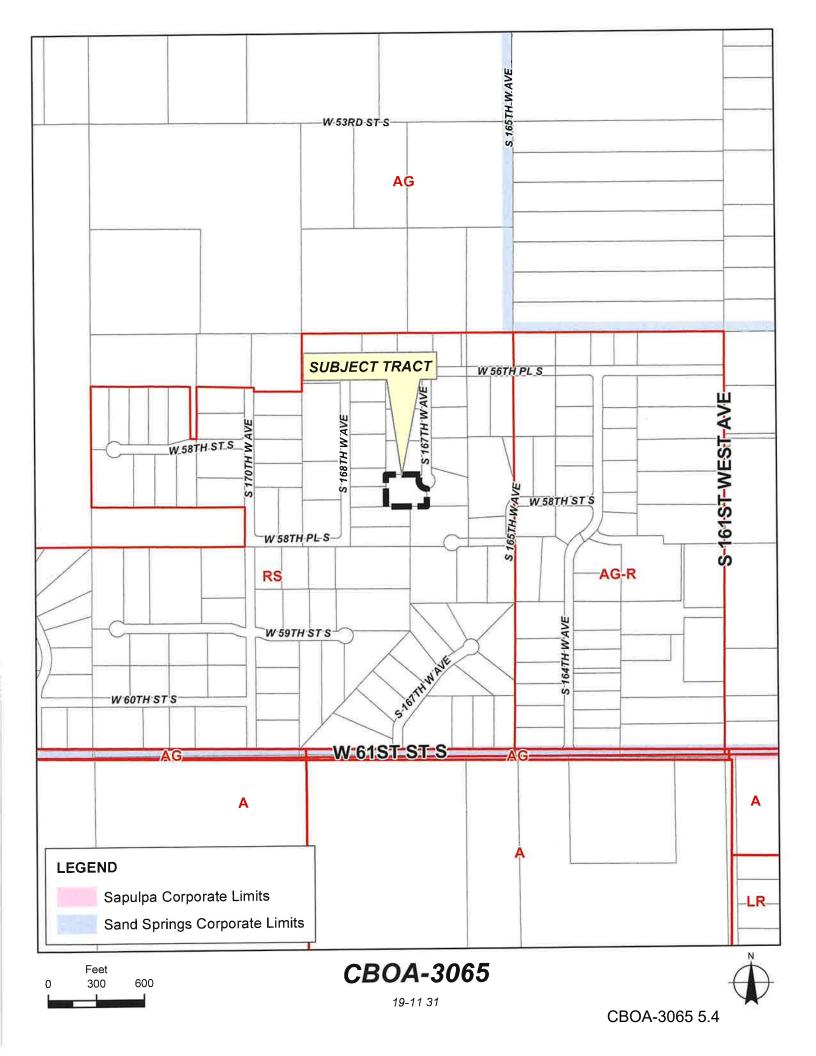
The applicant is proposing to build an accessory building to the west of the existing home approximately 1,050 sf in area. The Tulsa County Zoning Code limits accessory buildings in the RS district to 750 sf. This proposal would be 300 sf over the code allowance for an accessory building.

The applicant provided the statement "A Variance would allow a building large enough to store RV and additional car plus storage. RV currently sitting outside and would improve overall appearance of the home. Several homes in the neighborhood have large building for this purpose."

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

| Sample Motion: |
|--|
| "Move to (approve/deny) a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) |
| Per the Conceptual Plan(s) shown on page(s) of the agenda packet. |
| Subject to the following conditions, if any: |
| Finding the hardship to be |

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.





Feet 300 600

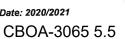


CBOA-3065

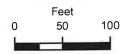
19-11 31

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

Aerial Photo Date: 2020/2021









CBOA-3065 19-11 31

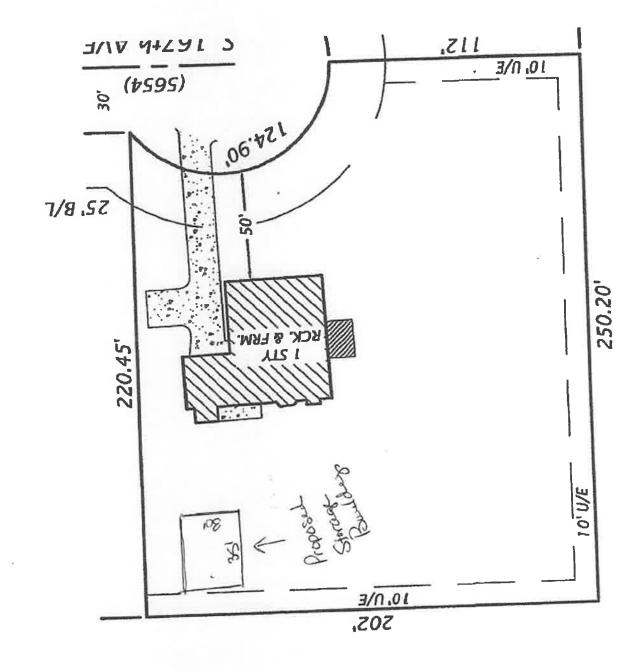
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

CBOA-3065 5.6



Lot Seven (7), Block Two (2), OAK HAVEN II, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 4304.







Case Number: CBOA-3066

Hearing Date: 05/16/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

Owner and Applicant Information:

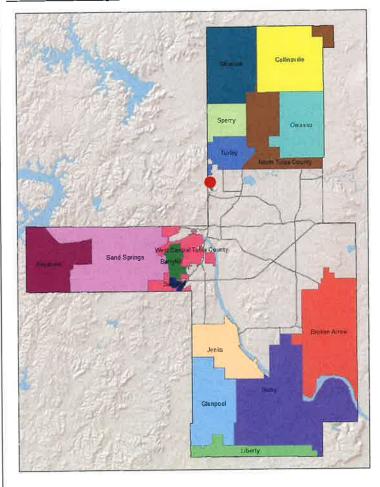
Applicant: Matt King

Property Owner: TULSA DREAM CENTER

INC

<u>Action Requested</u>: Modification to a previously approved site plan (CBOA-2971, CBOA-2934, CBOA 1690) to allow an additional building (Use Unit 5) community market in the AG district.

Location Map:



Additional Information:

Present Use: Community Center

Tract Size: 10.08 acres

Location: 200 W 46 ST N

Present Zoning: AG

Fenceline/Area: Turley

Land Use Designation: Rural Residential/Agricultural

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 0214 CASE NUMBER: CB0A-3066

CZM: 21 CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 05/16/2023 1:30 PM

APPLICANT: Matt King

ACTION REQUESTED: Modification to a previously approved site plan (CBOA-2971, CBOA-2934, CBOA

1690) to allow an additional building (Use Unit 5) community market in the AG district.

LOCATION: 200 W 46 ST N **ZONED**: AG

FENCELINE: Turley

PRESENT USE: Community Center TRACT SIZE: 10.08 acres

LEGAL DESCRIPTION: LT 1 BLK 1, TULSA DREAM CENTER Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2971 June 2022: The Board approved a Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

<u>CBOA-2934 November 2021:</u> The Board approved a request for a Modification to a previously approved site plan (CBOA-1690) to add additional building and splash pad Section 1205)

<u>CBOA-1690 November 1999:</u> The Board approved a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution, and nurse station), on property located at 46th and North Cincinnati.

ANALYSIS OF SURROUNDING AREA: The subject tract is

STAFF COMMENTS:

The applicant is requesting a Modification to a previously approved site plan (CBOA-2971, CBOA-2934, CBOA 1690) to allow an additional building (Use Unit 5) community market in the AG district.

In 1999, the Board approved a request for a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution, and nurse station) subject to the following condition:

Per site plan as presented

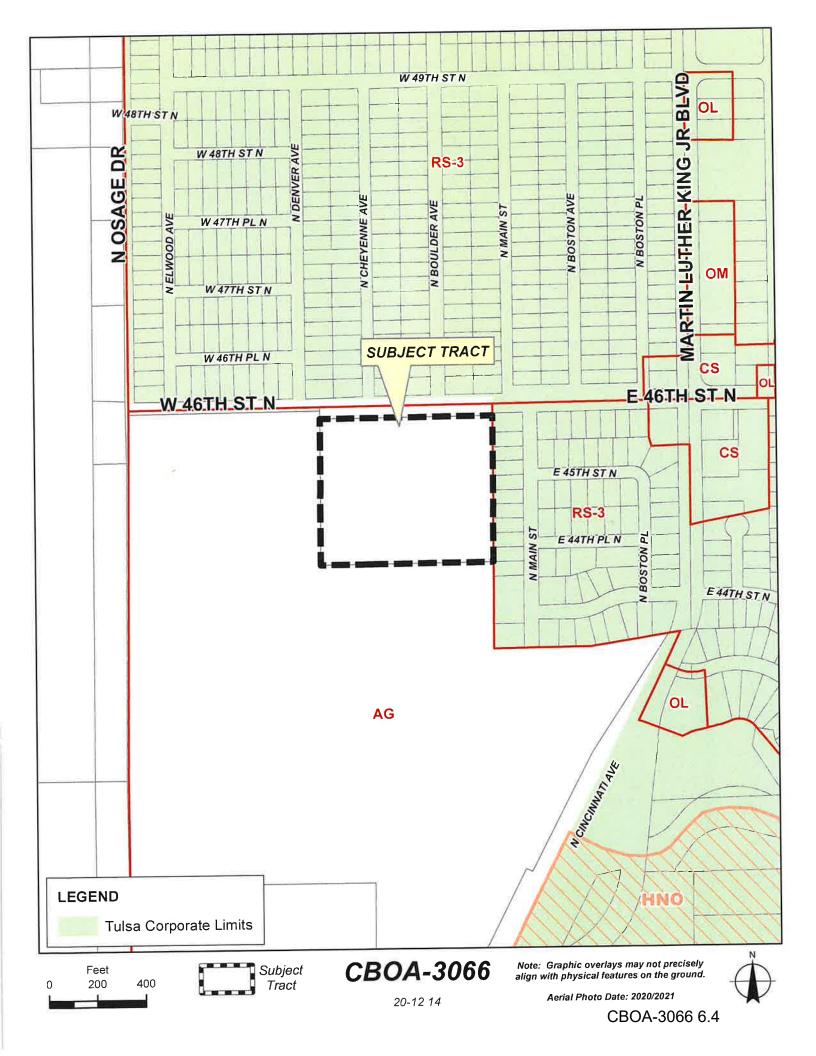
In 2021, the Board approved a request for a modification to a previously approved site plan to add an additional building and splash pad, with no additional conditions imposed at the time.

In 2022, the Board approved a request for a modification to a previously approved site plan to add a garage, with no additional conditions imposed at the time.

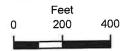
The applicant is proposing to add a building to the site to serve as a community market, as shown on the plans provided by the applicant.

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 is compatible with the surrounding area.

| Sample Motion for Modification: |
|---|
| "Move to (approve/deny) a Modification to a previously approved site plan (CBOA-2971, CBOA 2934, CBOA 1690) to allow an additional building (Use Unit 5) community market in the AG district. |
| Subject to the following conditions (if any): |
| 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." |









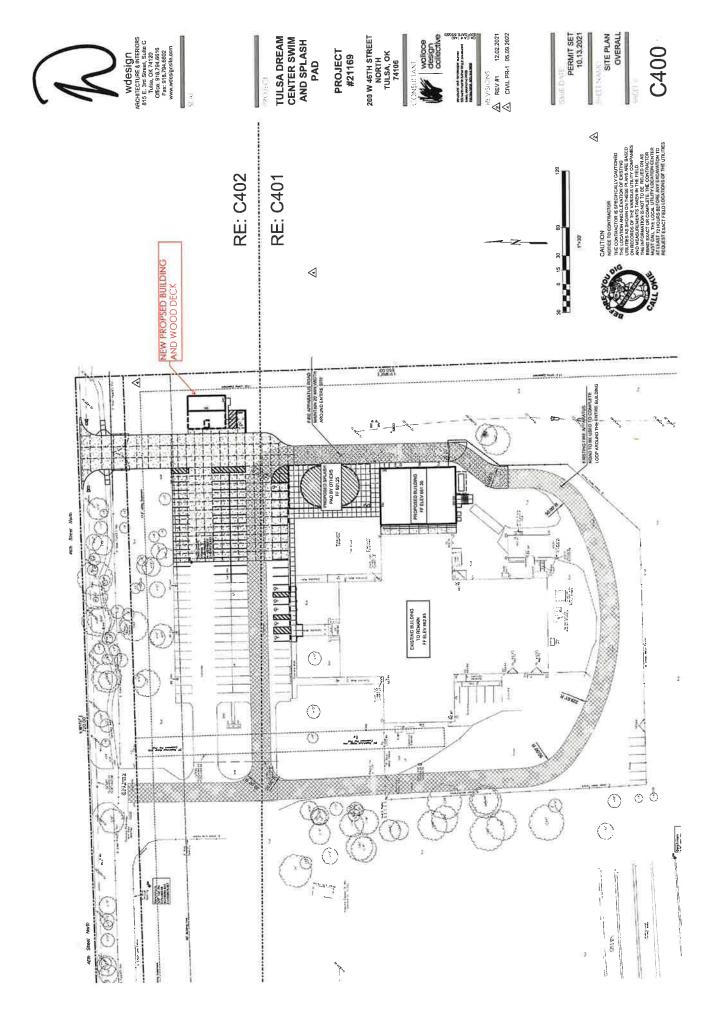
CBOA-3066

20-12 14

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







SITE PLAN NORTH

Wdesign ARCHITECTURE & INTERIORS 815 E. 3rd Street, Sulte C. Tutes, OK 74120 Office 918,794,6602 www.wdesignsile.com

132,708 SF 13 080 Et 0.90 ACRES IMPERVIOUS AREA TABLE PROPOSED IMPERVIOUS AREA EXESTING IMPERVIOUS AND PROPOSED PERVIDUS AREA INCREASE IN IMPERVIOUS TOTAL DISTURBED AREA

| PARKING SUMMARY | ARY |
|------------------|------|
| ACCESSIBLE | 290 |
| VAN ACCESSING | × |
| STANDARD PARKING | 011 |
| TOTAL PARKING | 1118 |

GENERAL SITE NOTES

LAL MORN AND MATERIALS SHALL COMPLY WITH ALL MURSH
REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.

2, ALL VIORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARD

3. CONTRACTOR BUALL BE RESPONSIBLE FOR ALL RELOCATIONS IN BURN FOR MELOCATIONS IN BURN FOR LINE STORED FOR ALL THE STORED FOR ALL THE PROPERTY OF THE WORK SHALL BE IN ACCORDANCE WITH CONTRINING ALTHOUGH AND SHALL BE PAPPROVED BY SUCK, SHALL BE INCLUED IN MASSE BIO.

4. COORDINATE CONSTRUCTION OF SPLASH PAD FENCING W SPASH PAD CONTRACTOR TO ENSURE ADEQUATE ACCESS IS MANTAINED FOR COMPLETION

5. CONTRACTOR SHALL INCLUDE CONSTRUCTION JOINT EVERY 150 FEE UNLESS NOTED OTHERWISE

6. CONSTRUCTION JOINTS ARE TO BE DOWELED AT LOCATIONS WHERE CONTRACTOR STOPS CONCRETE PAVING AND RESUMES THE NEXT DAY 7. CONGRETE PAVEMENT JOINTS SHALL BE SAW CUT AND SEALED. CONSTRUCTION JOINTS SHALL BE LOCATED PER PLAN AND SEALED.

». ALL NEW CONCRETE PAVEMENT AND SIDEWALK SHALL HAVE ISOLATIO? JOINTS WHERE ABUTTING BUILDINGS, EXISTING PAVEMENT. WALKS, AND (CONCRETE SIDEWALK JOINTS SHALL BE TOOLED UNO

10, TRAFFIC ACCESS DN ALL STREETS SHALL BE MAINTAINED AT ALL TIMES. CONTRACTOR MAST MAINTAIN PROPER CONSTRUCTION SIGNAGE AND TRAFFIC CONTROL. IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

wallace design collective

A ADDENDUM #1 10.28,2021

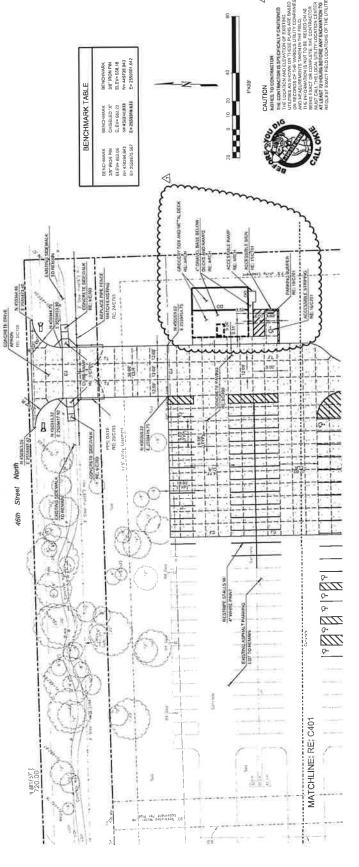
REV #1 12,02,2021

CIVIL PR-1 05,08,2022

CIVIL PR-5 01.23,2023

PERMIT SET 10.13.2021

C402



Hoyt, Jay

From:

MARTHA THOMAS < rcobb3@aol.com>

Sent:

Tuesday, May 02, 2023 10:19 AM

To:

Hoyt, Jay

Subject:

Formal Objection.

To the Board of Adjustments.

Chas D Thomas Trust owns the property on 3 sides of the Dream Center who is asking for this variance.

I strongly object.

We donated the land the Dream Center sits on in good faith.

If you look at the deed it is subject to the oil and gas lease and they knew this going in.

They have hired a lawyer trying to break the lease, they have built a playground over a well that we had to cap because of them.

They have harassed our pumper/owner and have locked him out previously.

We gave them 10 acres and they wanted one more acre and totally changed the lines we gave them when they got to closing with no prior warning or discussion.

We trusted them to do the right thing.

What a mistake.

Nothing is ever enough for these people.

I regret ever giving the land to them.

Numerous other churches would have not been so greedy and tried to circumvent an agreement like these people did costing us legal fees and more.

They said they would correct the error and they had the info and agreed to it but never showed up for closing.

They think they are above the law and they do not keep their word. Its the most entitled dishonest group you will come across.

I strongly object to any variance and the proposed structure and splash pool.

If you are determined to grant it ... you better go measure everything as its being built to protect the property rights of the east neighbors.

If they build it we per our deed can come drill through it.

They think they are above the law and made us cap one well.

Sorry to air this publicly but I do not believe in protecting anyone who has done everything possible to steal and show their greed.

They think the people who are helped justify's whatever they want.

Nothing is enough.

There is a scripture about cursed is the man who moves ancient boundaries of the widow.

I am that widow.
I stand on this.
The property has been in our family 100 years.

Thankfully the real property rights and oil and gas rights are equally strong in Oklahoma.

Sincerely Yours,

Martha Ann Thomas

Case Number CBOA-3066

Martha Thomas 918.625.3177



Case Number: CBOA-3067

Hearing Date: 05/16/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

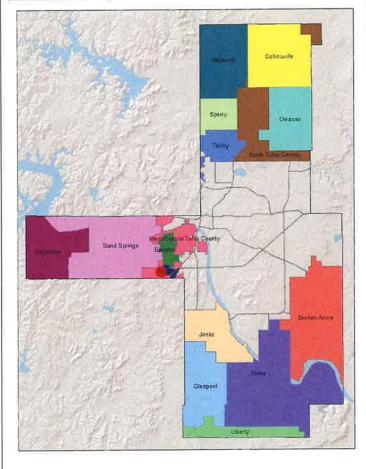
Owner and Applicant Information:

Applicant: John Simons

Property Owner: SIMONS, JOHN A

<u>Action Requested</u>: Special Exception to permit a single-wide mobile home to replace existing mobile home in an RS district (Section 410).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 2.85 acres

Location: 5520 S 67 AV W

Present Zoning: RS

Fenceline/Area: Sapulpa (West Central

Tulsa County)

Land Use Designation: Rural Residential/Agricultural

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 9231 CASE NUMBER: CB0A-3067

CZM: 45 CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 05/16/2023 1:30 PM

APPLICANT: John Simons

ACTION REQUESTED: Special Exception to permit a single-wide mobile home to replace existing mobile

home in an RS district (Section 410).

LOCATION: 5520 S 67 AV W ZONED: RS

FENCELINE: Sapulpa (West Central Tulsa County)

PRESENT USE: Vacant TRACT SIZE: 2.85 acres

LEGAL DESCRIPTION: LTS 1-62 BLK 39, NORTH TANEHA Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-782 November 1987: The Board approved a Special Exception to permit a mobile home in an RS district and a variance to allow two dwelling units on one lot of record in the RS district.

Surrounding Property:

CBOA-2616 January 2017: The Board approved a Variance of the allowable square footage for accessory buildings in the RS distrct from 750 sf to 4,650 sf to permit an addition (Section 240.2.E)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains an existing mobile home. The site is surrounded by RS zoned lots to the North, East and South containing single-family residences and to the West by AG zoned lots containing single-family residences and agricultural land.

STAFF COMMENTS:

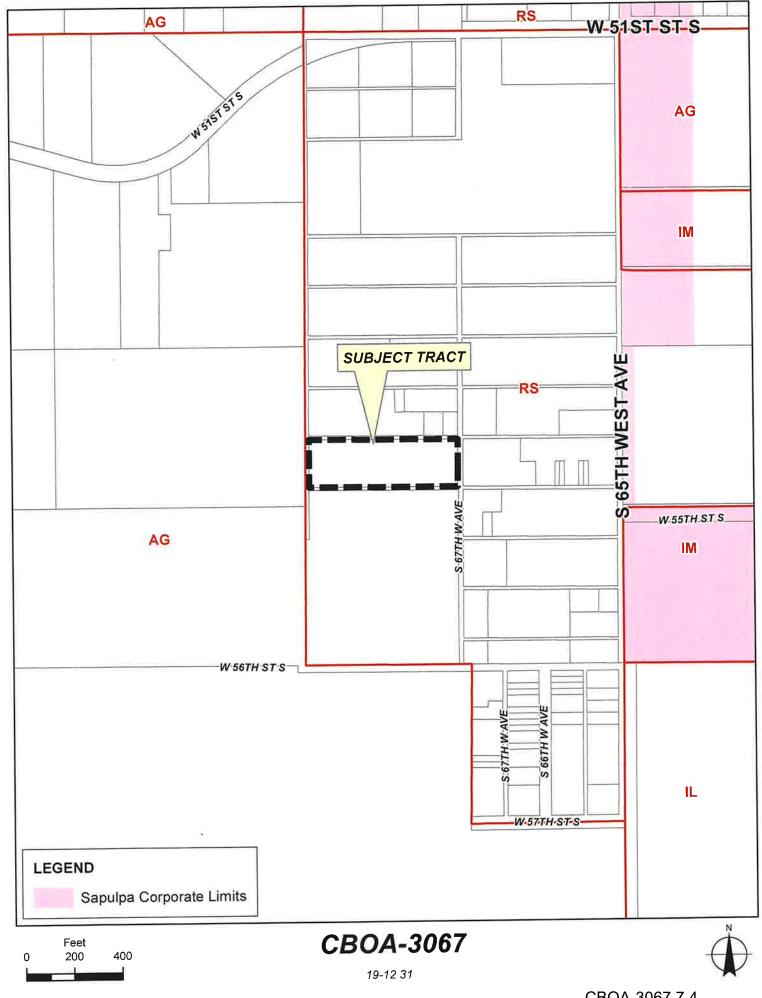
The applicant is before the Board to request a Special Exception to permit a single-wide mobile home in an RS district (Section 410).

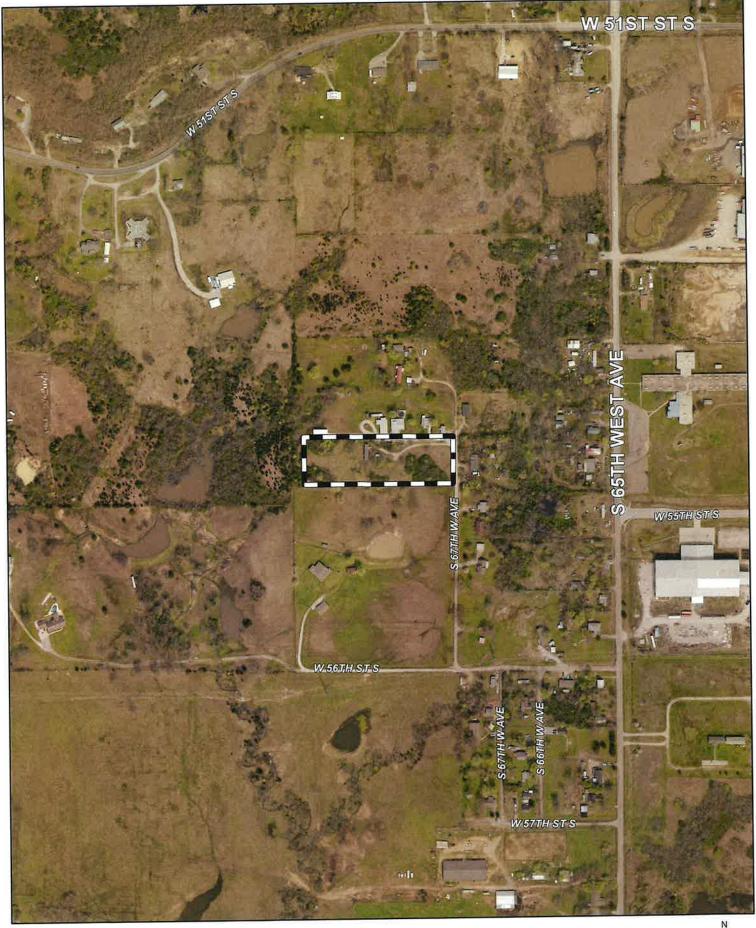
The subject tract contains an area of 2.85 acres. The applicant intends to place a new mobile home on the lot to replace and existing mobile home. A special exception is required as the proposed mobile home is a use which is not permitted by right but by exception in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The mobile home must be found to be compatible with the surrounding neighborhood.

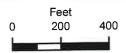
If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed mobile home is compatible and non-injurious to the surrounding area.

| Sample Motion: |
|--|
| "Move to (approve/deny) a Special Exception to permit a single-wide mobile home in an RS district (Section 410). |
| Per the Conceptual Plan(s) shown on page(s) of the agenda packet. |
| Subject to the following conditions, if any: |

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare









CBOA-3067

19-12 31

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

Aerial Photo Date: 2020/2021



