



10:32 am, Aug 14, 2024

**AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday August 20, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No. 534**

**Consider, Discuss and/or Take Action On:**

1. Approval of **Minutes** of July 16, 2024 (Meeting No. 533).

**UNFINISHED BUSINESS**

2. **CBOA 3186 – Joshua Harbin**

**Action Requested:**

Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years (Section 710, Table 1). **Location:** 5602 N Lewis Ave

3. **CBOA-3187 – Jon and Diana Kreder**

**Action Requested:**

Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split. **Location:** 13019 N 97th E Ave

**NEW APPLICATIONS**

4. **CBOA 3172 - Zachery Buntin**

**Action Requested:**

Variance of the street frontage from 30' to 0' in an AG district (Section 207).  
**Location:** 9020 N Lewis Ave

5. **CBOA 3192 - Ian Golden**

**Action Requested:**

Special Exception to permit a fireworks stand (Use Unit 2) in an IL district for a period of five years (Section 910, Table 1) **Location:** 4812 E 76th St N

6. **CBOA 3193 - Chris Hammond**

**Action Requested:**

Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410, Table 1) **Location:** 5715 S 113th W Ave

**7. CBOA 3194 - Fong Chang & Mai Xiong**

**Action Requested:**

Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the side yard setback in an RE district (Section 430) and a Variance to permit a detached accessory building to be located in the side yard (Section 420.2.A.2).

**Location:** 7386 E 86th St N

**8. CBOA 3195 - Travis & Lisa Troxell**

**Action Requested:**

Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the street frontage from 30' to 0' in an AG district (Section 207). **Location:** 11032 N 145th E Ave

**9. CBOA 3196 - Kaci Ray**

**Action Requested:**

Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208). **Location:** 11972 N 93rd E Ave

**10. CBOA 3197 - Gary & Barbara Bentley**

**Action Requested:**

Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 4650 S 203rd W Ave

**11. CBOA 3198 - Dana Cantrell**

**Action Requested:**

Variance to permit two dwelling units on a single lot of record in the RS district (Section 208) and a Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410). **Location:** 5920 W 33rd St

**12. CBOA 3199 - James Morris**

**Action Requested:**

Variance of the required rear yard setback in an AG district (Section 330).

**Location:** 5601 S 105th W Ave

**13. CBOA 3200 - Ronald D. Brown**

**Action Requested:**

Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2) and a Variance of the front and side yard setbacks in the RE district to permit a detached garage (Section 430.1). **Location:** 8806 E 105th St. North

**14. CBOA 3201 - Andrew Ruleford**

**Action Requested:**

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

**Location:** 2122 E 176th St S

**15. CBOA 3202 - Creek Valley Farms, LLC**

**Action Requested:**

Variance of the land area per dwelling unit in an AG district (Section 330), a

Variance of the lot area requirement in an AG district (Section 330) and a

Variance of the 150 ft lot width requirement in an AG district (Section 330).

**Location:** 7900 E 76th St N

**16. CBOA 3203 - Oscar Garcia**

**Action Requested:**

Use Variance to permit Use Unit 27 for a commercial wrecker service storage facility in an AG district (Section 310). **Location:** 1655 E 76th St N

**17. CBOA 3204 - Gary Stringfellow**

**Action Requested:**

Use Variance to allow Use Unit 13 - Convenience Goods and Services in an RS district to permit a commercial ice and water machine (Section 1213) and a

Use Variance to allow Use Unit 23 - Warehousing and Wholesaling to permit outdoor storage of boats, RVs and automobiles in an RS district (Section 1223).

**Location:** 10831 E 138th St N

**18. CBOA 3205 - Kyle Vinson**

**Action Requested:**

Variance of the land area per dwelling unit in an RE district (Section 430) and a

Variance of the 150 ft lot width requirement in an RE district (Section 430).

**Location:** 11515 E 68th St N

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [https://www.incog.org/Land\\_Development/land\\_main.html](https://www.incog.org/Land_Development/land_main.html)

**E-mail:** [esubmit@incog.org](mailto: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.





## Board of Adjustment

**Case Number:** CBOA-3186

**Hearing Date:** 08/20/2024 1:30 PM  
(Continued from 07/16/2024)

**Case Report Prepared by:**

Jay Hoyt

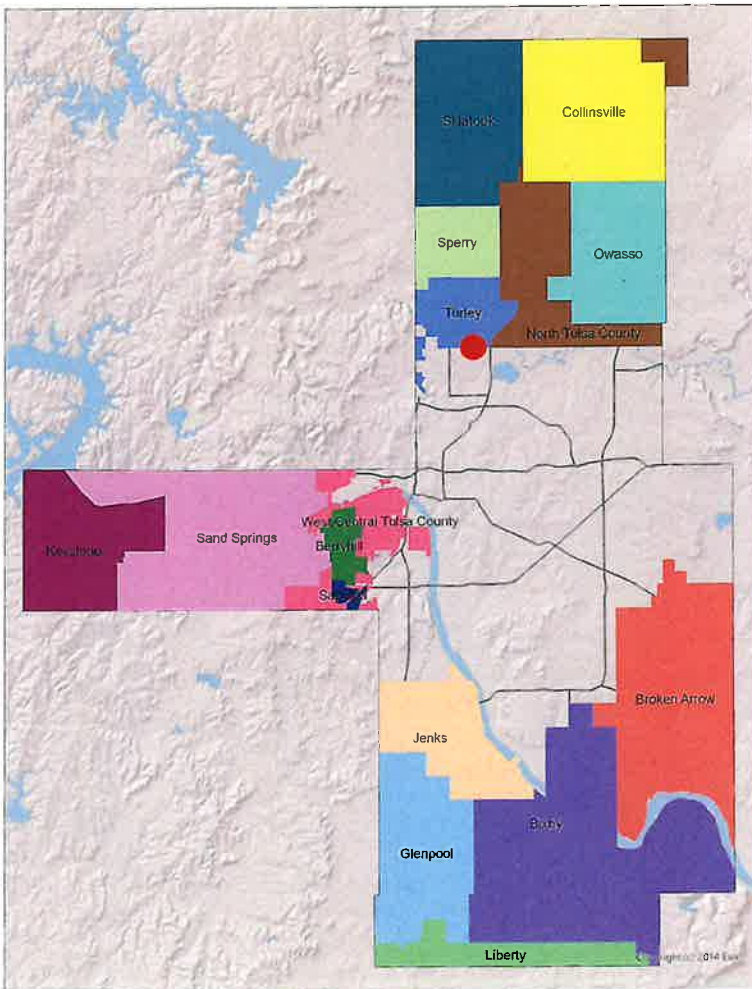
**Owner and Applicant Information:**

**Applicant:** Joshua Harbin

**Property Owner:** JUBILEE  
CONCESSIONS LLC

**Action Requested:** Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years (Section 710, Table 1)

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 1.6 acres

**Location:** 5602 N LEWIS AV E

**Present Zoning:** CH

**Fenceline/Area:** Turley

**Land Use Designation:** Rural  
Commercial

# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 0306

**CZM:**

**CASE NUMBER:** CBOA-3186

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM (Continued from 07/16/2024)

**APPLICANT:** Joshua Harbin

**ACTION REQUESTED:** Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years (Section 710, Table 1)

**LOCATION:** 5602 N LEWIS AV E

**ZONED:** CH

**FENCELINE:** Turley

**PRESENT USE:** Vacant

**TRACT SIZE:** 1.6 acres

**LEGAL DESCRIPTION:** LT 1 LESS BEG SECR LT 1 TH W28 NE39.78 S28 POB FOR RD BLK 2, BELFLOWER HGTS Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**CBOA-2695 July 2018:** The Board approved a Special Exception to allow a fireworks stand in a CH zoned district. Use Unit 2 Section 1202.2.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned CH and is currently vacant. The tract abuts RS zoning to the North, East and West and RS-3 zoning (City of Tulsa) to the South containing single-family residences.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years (Section 710, Table 1).

The subject tract where the applicant intends to place the fireworks stand has been use for this purpose for the last 6 years.

A special exception is required as the proposed Use Unit 2 is a use which is not permitted by right but by exception in the CH 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 proposed use 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 fireworks stand is compatible and non-injurious to the surrounding area.*

**Sample Motion:**

***"Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years (Section 710, Table 1)***

***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.***

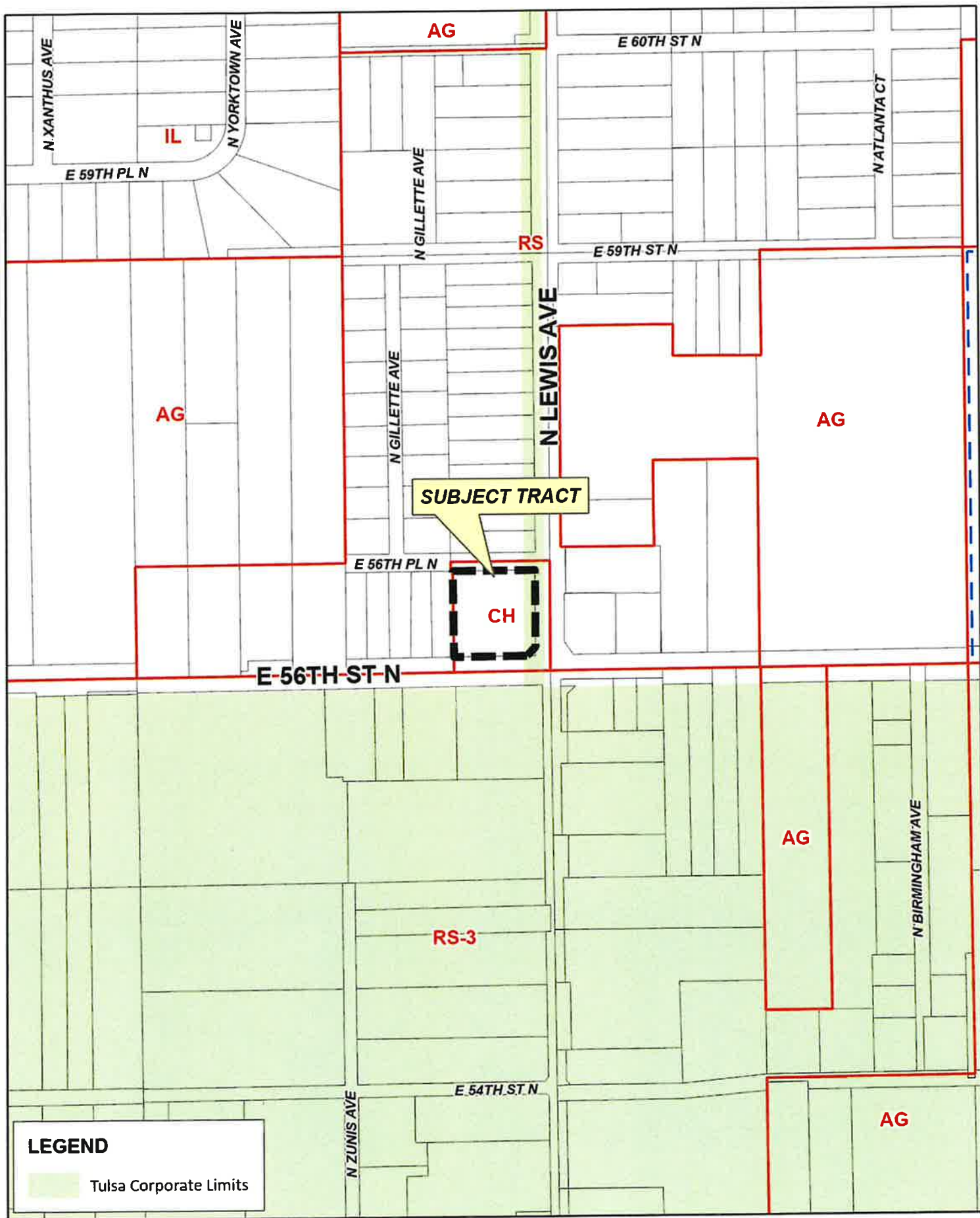


Subject tract looking Northwest from the intersection of E 56<sup>th</sup> St N and N Lewis Ave



Subject tract looking West from N Lewis Ave

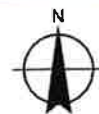




**CBOA-3186**

20-13 06

CBOA-3186 2.5







0 Feet 200 400



Subject  
Tract

**CBOA-3186**

20-13 06

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

Aerial Photo Date: 2023



CBOA-3186 2.6





## Board of Adjustment

**Case Number:** CBOA-3187

**Hearing Date:** 08/20/2024 1:30 PM  
(Continued from 07/16/2024)

**Case Report Prepared by:**

Jay Hoyt

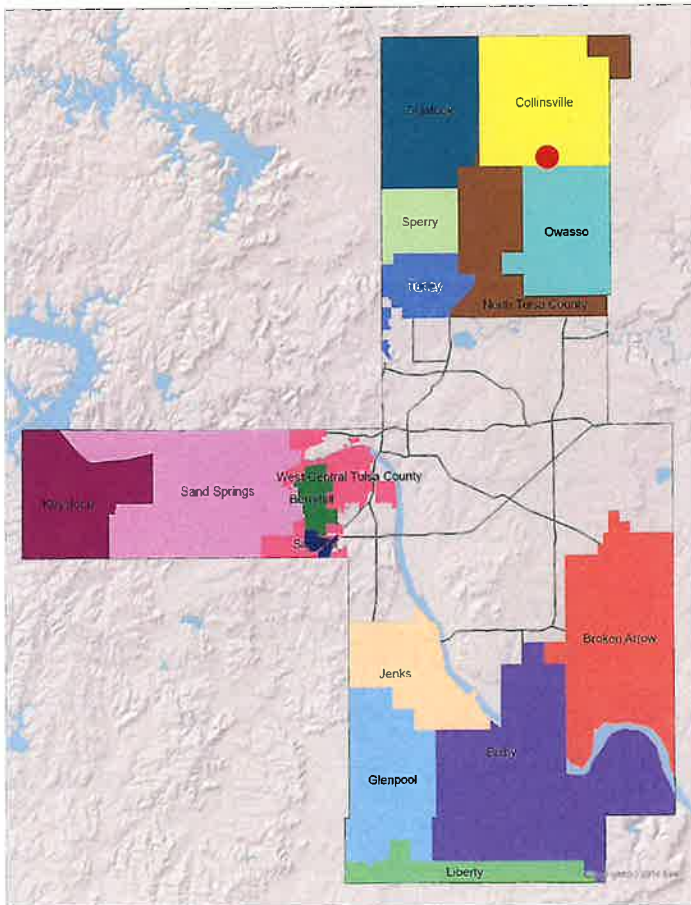
**Owner and Applicant Information:**

**Applicant:** Jon & Diana Kreder

**Property Owner:** KREDER, JOHN ROBERT  
& MARK LEWIS

**Action Requested:** Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split.

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 2.605 acres

**Location:** 13019 N 97 AV E

**Present Zoning:** AG

**Fenceline/Area:** Collinsville

**Land Use Designation:** Residential

# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 2431

**CASE NUMBER:** **CB0A-3187**

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM (Continued from 07/16/2024)

**APPLICANT:** Jon & Diana Kreder

**ACTION REQUESTED:** Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split.

**LOCATION:** 13019 N 97 AV E

**ZONED:** AG

**FENCELINE:** Collinsville

**PRESENT USE:** Residence

**TRACT SIZE:** 2.605 acres

**LEGAL DESCRIPTION:** BEG NWC LT 3 TH S506 E224.73 N506 W223.74 POB SEC 31 22 14 2.605ACS, NORTH-DALE ACRES, DAWN CREST ESTATES Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**CB0A-803 March 1988:** The Board approved a Variance of the lot width requirement in an AG-R district to permit a lot split.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains two single-family residences. The tract abuts AG zoning to the North, South and East containing single-family residences and AG-R zoning to the West containing single-family residences.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split.

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 subject tract is approximately 2.605 acres in size and contains two single-family dwellings. The applicant is proposing to split the existing subject lot so that each existing home will be on its own lot, resulting in two lots that are less than the 2.1 acres required per dwelling and the minimum of 2 acres for any lot in the AG district.

The applicant provided the statement "Both property owners would like to request a lot split for the two dwellings that currently exist in order to obtain two separate deeds."

*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 \_\_\_\_\_ (approve/deny) a Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split.**

**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.**



Subject tract looking Northeast from N 97<sup>th</sup> E Ave



Subject tract looking East from N 97<sup>th</sup> E Ave



SUBJECT TRACT

**LEGEND**

 Collinsville Corporate Limits

**CBOA-3187**

22-14 31

CBOA-3187 3.5







Subject  
Tract

**CBOA-3187**

22-14 31

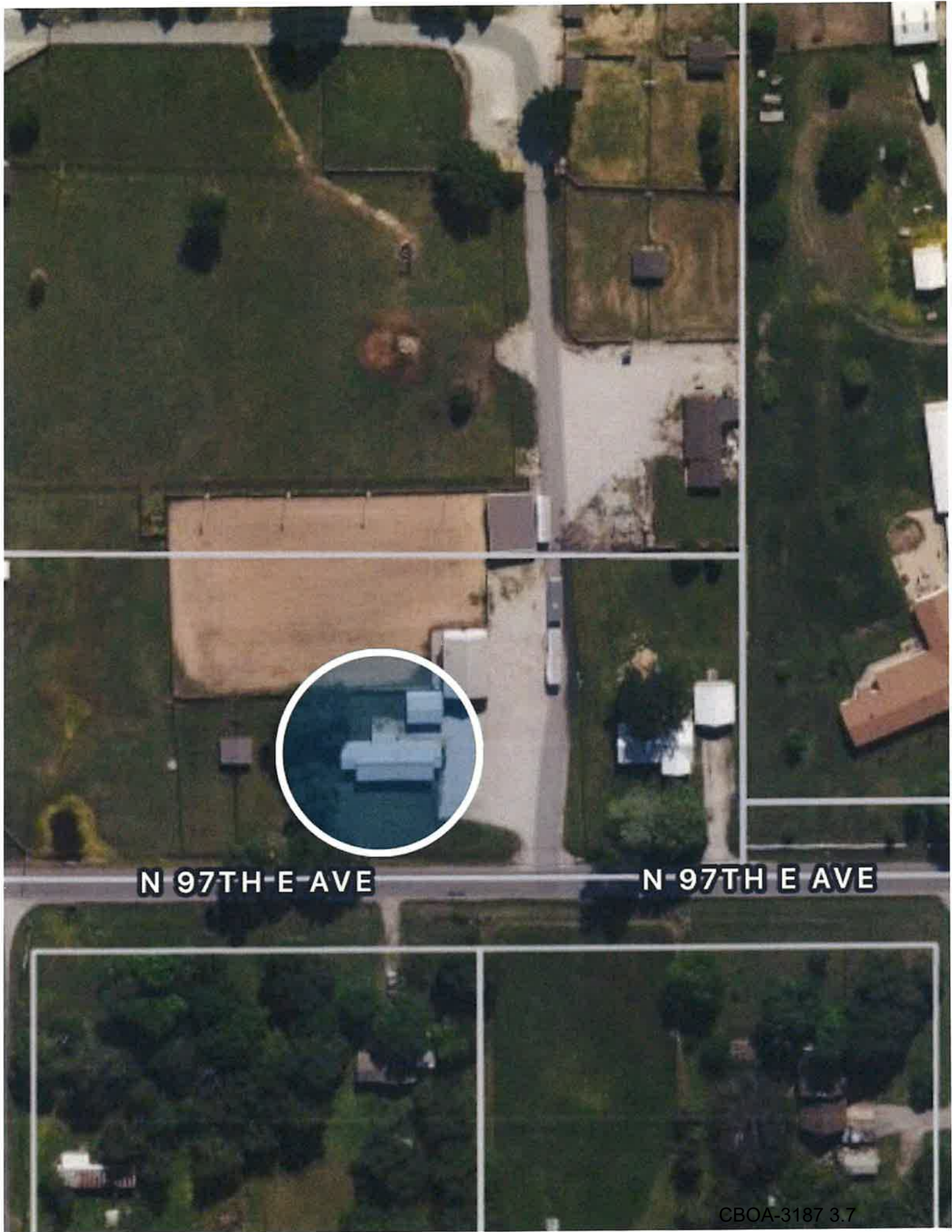
*Note: Graphic overlays may not precisely align with physical features on the ground.*

Aerial Photo Date: 2023



CBOA-3187 3.6





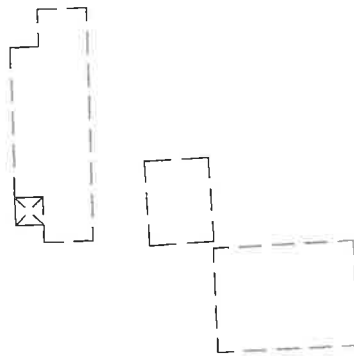
N 97TH E AVE

N 97TH E AVE

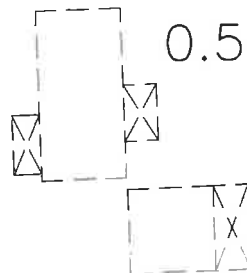
CBOA-3187 3.7

CLS-43  
Drove  
Kredok

1.92 Ac.  $\pm$



0.56 Ac.  $\pm$





**Case Number:** CBOA-3172

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

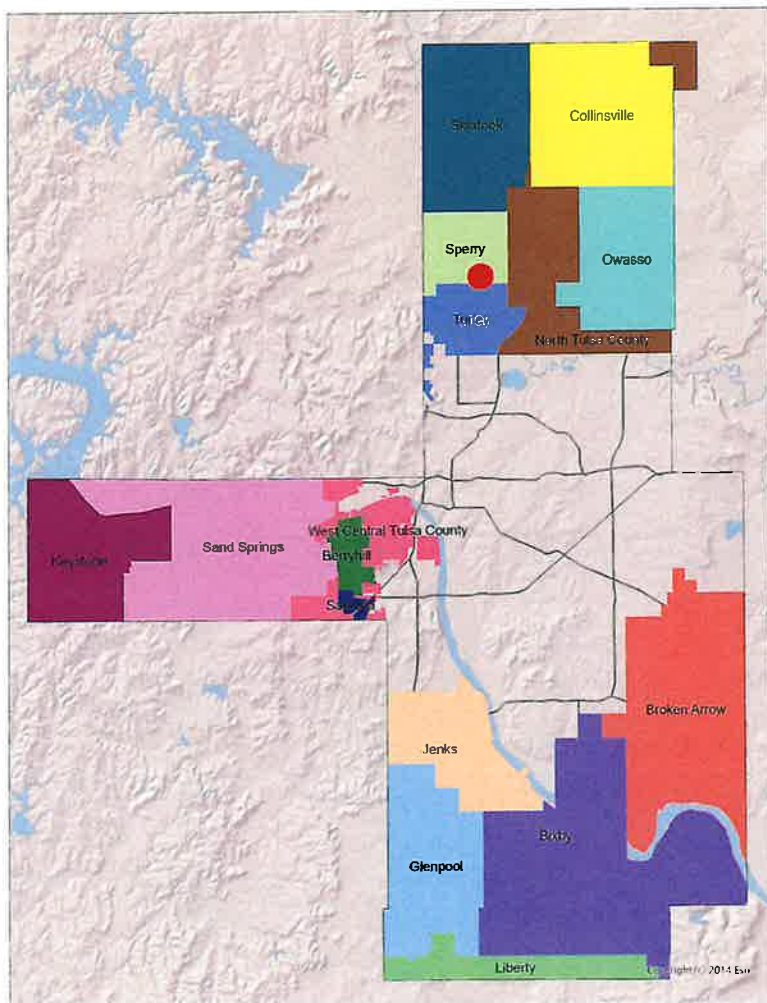
**Owner and Applicant Information:**

**Applicant:** Zachery Buntin

**Property Owner:** Same

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

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 14 acres

**Location:** 9020 N LEWIS AV

**Present Zoning:** AG

**Fenceline/Area:** Sperry

**Land Use Designation:** AG-Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1319

**CZM:**

**HEARING DATE:** 08/20/2024 1:30 PM

**CASE NUMBER:** CBOA-3172

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Zachery Buntin

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

**LOCATION:** 9020 N LEWIS AV

**ZONED:** AG

**FENCELINE:** Sperry

**PRESENT USE:** Vacant

**TRACT SIZE:** 14 acres

**LEGAL DESCRIPTION:** N/2 NE SE LYING N OF BIRD CREEK BEG NEC N/2 NE SE TH W1320 S70 TO CTR BIRD CREEK TH SELY ALG CL TO PT 30N SECR N/2 NE SE TH N630 POB 19 21 13 14ACS

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and is currently vacant. The tract is surrounded by AG zoning containing vacant land and 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).

North Lewis Avenue ends north of the subject tract and does not extend to the tract. The applicant would need to obtain an access easement through a neighboring property in order to provide access to the subject tract. As shown on the document provided by the applicant, a 16.5 ft statutory right-of-way exists for Lewis Avenue along the eastern portion of the property.

The applicant provided the statement that this tract "is undeveloped property and we are taking the first steps in trying to permit a house." The applicant intends to develop the tract for a single-family residence.

*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:**

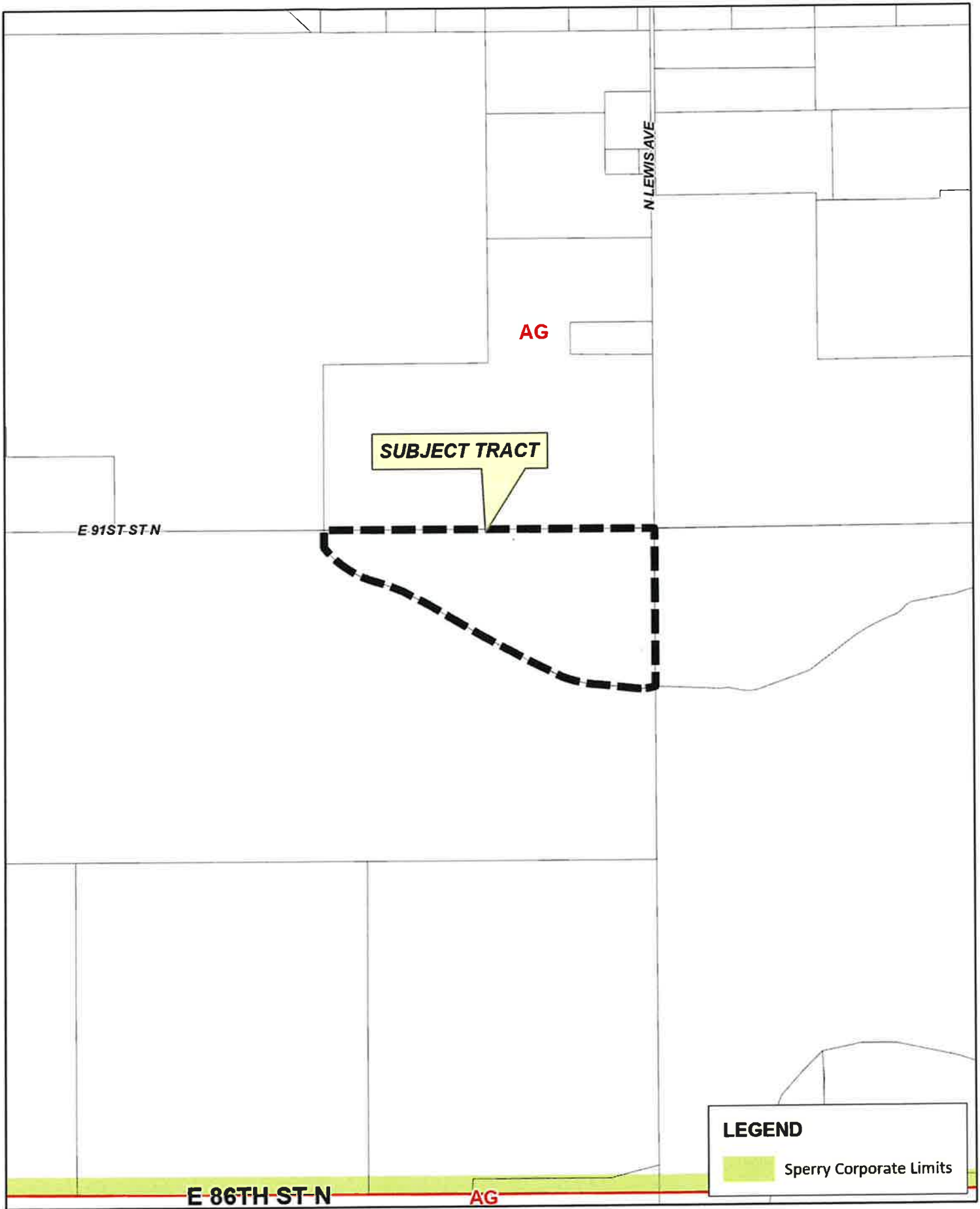
"Move to \_\_\_\_\_ (approve/deny) a Variance of the street frontage from 30' to 0' in an AG district (Section 207).

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.*



E 91ST ST N

N LEWIS AVE

AG

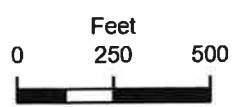
SUBJECT TRACT

E 86TH ST N

AG

**LEGEND**

 Sperry Corporate Limits



**CBOA-3172**

21-13 19



CBOA-3172 4.4



E 91ST ST N

N LEWIS AVE

E 86TH ST N

0 Feet 250 500



Subject  
Tract

**CBOA-3172**

21-13 19

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

Aerial Photo Date: 2023

CBOA-3172 4.5





REGISTERED LAND SURVEYOR'S  
MORTGAGE INSPECTION REPORT

THIS PROPERTY IS LOCATED IN ZONE AE PER FLOOD INSURANCE  
RATE MAP # 400462 0115 L, EFFECTIVE OCTOBER 16, 2012

LENDER:

Arvest Bank, ISAOA/ATIMA

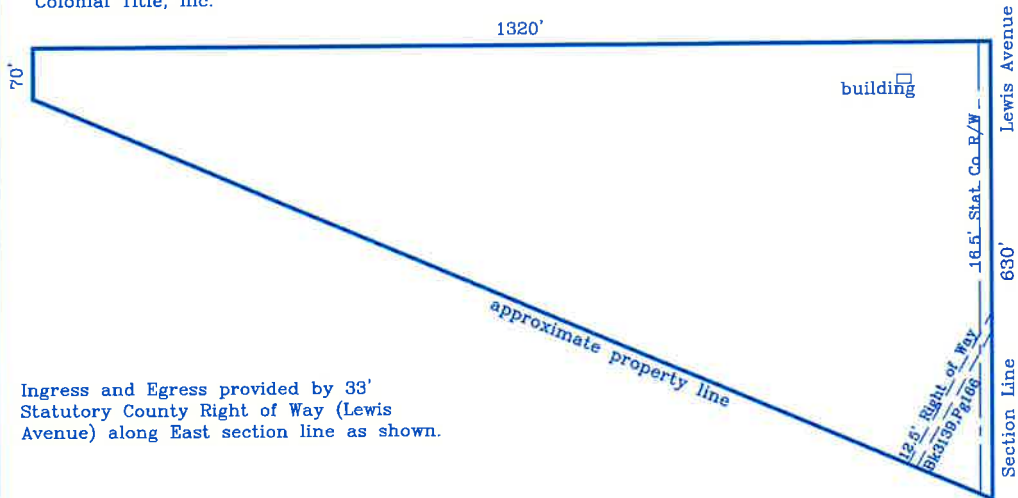
BORROWER:

Zachery Buntin and Melissa Buntin

ORDERED BY:

Colonial Title, Inc.

SCALE  
1"=200'



Ingress and Egress provided by 33'  
Statutory County Right of Way (Lewis  
Avenue) along East section line as shown.

LEGAL DESCRIPTION

The North Half of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 SE/4) of Section 19, Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, lying North of Bird Creek, more particularly described as follows: BEGINNING at a stake, the Northeast Corner of said N/2 NE/4 SE/4; thence West 1320 feet to the Northwest corner of the said N/2 NE/4 SE/4 of Section 19; thence South 70 feet to the center of Bird Creek; thence in Southeasterly direction following the center of the channel of said Bird Creek to a point 30 feet North of the Southeast Corner of the said N/2 NE/4 SE/4 of Section 19; thence North 630 feet to the PLACE OF BEGINNING.

9020 N. Lewis Ave., Sperry, OK 74073

EASEMENTS

Statutory County Right of Way along Section Lines.

Decree of Incorporation of Conservancy District No. 30 of The State of Oklahoma recorded August 9, 1961, Book 3166, Page 612. (blanket easement)

Right of Way in favor of Gulf Oil Corporation, successors and or assigns as their interests may appear, recorded in Book 3139, Page 166; Assignment of Right of Way Agreements in favor of A. J. Geiger recorded May 4, 1966 in Book 3709, Page 67. (shown)

Assignment, Conveyance and Transfer by and between Texaco Exploration and Production Inc. and Chevron U.S.A. Inc. recorded June 7, 2002, Book 6762, Page 52. (blanket easement)

No additional easements per Title Commitment No. 24-1319, Commitment Date: March 19, 2024, as provided to surveyor.

CERTIFICATION

This Mortgage Inspection Report was prepared for Colonial Title, Inc., and Arvest Bank, ISAOA/ATIMA. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a true representation of the conditions that were found at the time of the inspection, March 27, 2024, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.

Signed this 2nd day of April, 2024.

TIMOTHY L. KING, RPLS  
35925 S. CASE ROAD  
INOLA, OKLAHOMA 74036  
TEL: 918-543-1699

TIMOTHY L. KING RPLS# 1534



2024-03064



## Board of Adjustment

**Case Number:** CBOA-3192

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

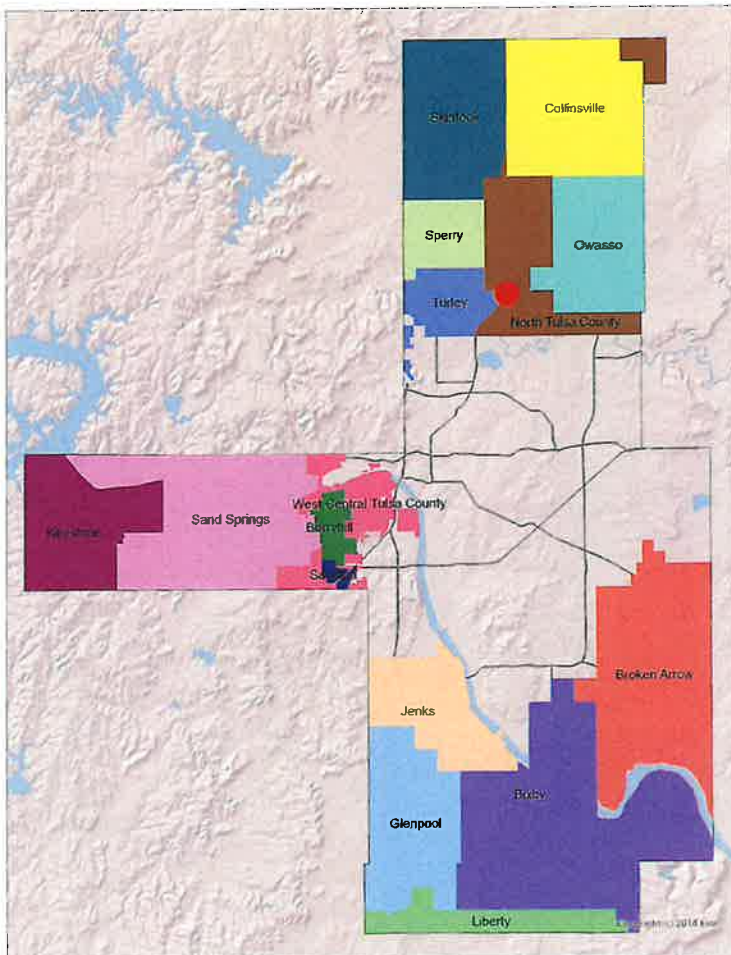
**Owner and Applicant Information:**

**Applicant:** Ian Golden

**Property Owner:** RUBIO, ABEL G & ROJELIO G

**Action Requested:** Special Exception to permit a fireworks stand in an IL district for a period of five years (Use Unit 2).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 4.53 acres

**Location:** 4812 E 76 ST N

**Present Zoning:** IL

**Fenceline/Area:** North Tulsa County

**Land Use Designation:** Industrial

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1333

**CZM:**

**HEARING DATE:** 08/20/2024 1:30 PM

**CASE NUMBER:** **CB0A-3192**

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Ian Golden

**ACTION REQUESTED:** Special Exception to permit a fireworks stand in an IL district for a period of five years (Use Unit 2).

**LOCATION:** 4812 E 76 ST N

**ZONED:** IL

**FENCELINE:** North Tulsa County

**PRESENT USE:** Vacant

**TRACT SIZE:** 4.53 acres

**LEGAL DESCRIPTION:** TR BEG 90S NEC NE TH S569.96 W396 N569.87 E396 POB LESS E50 THEREOF FOR RD SEC 33 21 13 4.527ACS, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CB0A-2494 June 2014:** The Board approved a Special Exception to allow an event center (UU5) in an IL district (Section 910).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned IL and is currently vacant. The tract abuts IM zoning to the east containing an industrial use and to the south containing vacant land. The tract also abuts AG zoning to the west containing single-family residences and to the north containing vacant land.

**STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to permit a fireworks stand in an IL district for a period of five years (Use Unit 2).

A special exception is required as the proposed Use Unit 2 is a use which is not permitted by right but by exception in the IL 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 proposed use 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 fireworks stand is compatible and non-injurious to the surrounding area.*

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a fireworks stand in an IL district for a period of five years (Use Unit 2).*

*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.***



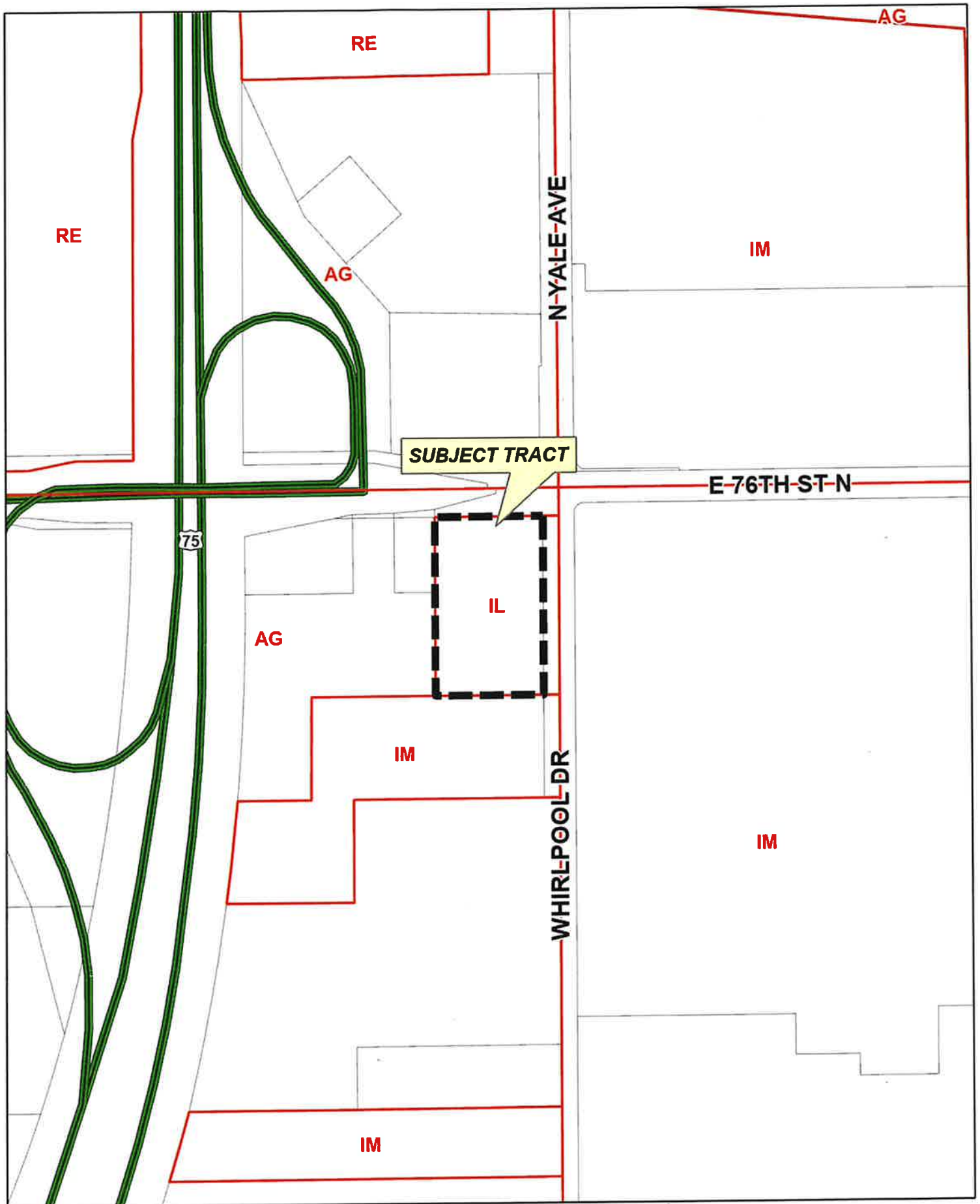


Subject tract looking West from the N Yale Ave (Whirlpool Dr)



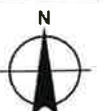
Subject tract looking South from the E 76<sup>th</sup> St N





**CBOA-3192**

21-13 33



CBOA-3192 5.5



0 Feet  
200 400



Subject  
Tract

**CBOA-3192**

21-13 33

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

Aerial Photo Date: 2023



CBOA-3192 5.6





## Board of Adjustment

**Case Number:** CBOA-3193

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

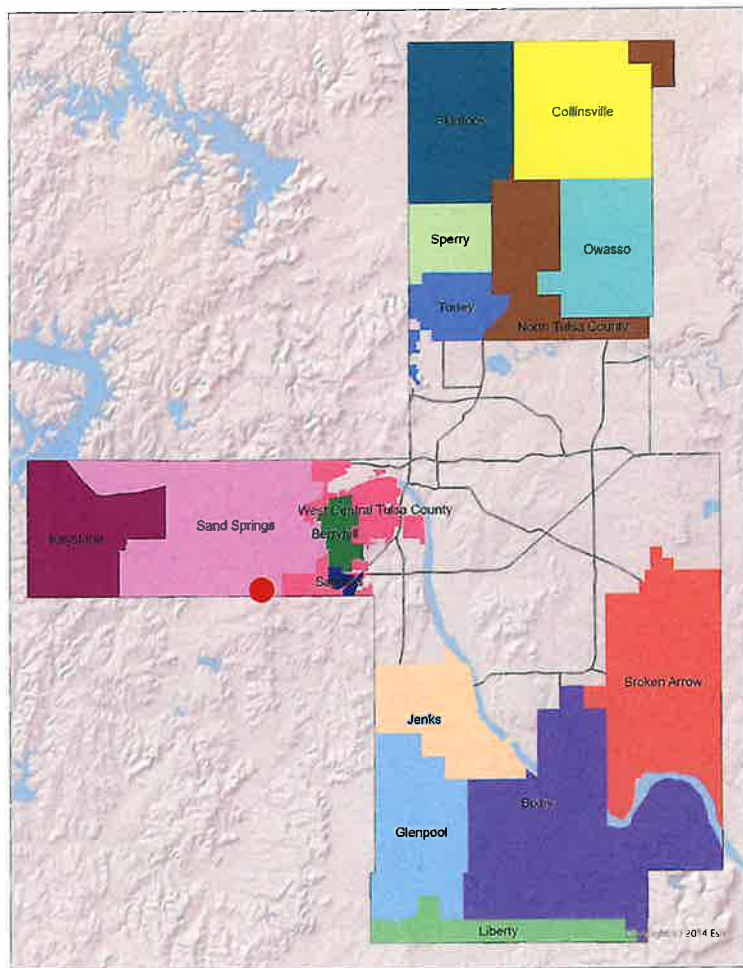
**Owner and Applicant Information:**

**Applicant:** Chris Hammond

**Property Owner:** GRAGG SUE A

**Action Requested:** Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410, Table 1).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 4.47 acres

**Location:** 5741 S 113 AV W

**Present Zoning:** RS

**Fenceline/Area:** Sand Springs

**Land Use Designation:** Residential

# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 9135

**CASE NUMBER:** **CBOA-3193**

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

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Chris Hammond

**ACTION REQUESTED:** Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410, Table 1).

**LOCATION:** 5741 S 113 AV W

**ZONED:** RS

**FENCELINE:** Sand Springs

**PRESENT USE:** Vacant

**TRACT SIZE:** 4.47 acres

**LEGAL DESCRIPTION:** LTS 3 & 4 LESS S30 W200 LT 4 BLK 7, BUFORD-COLONY Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**CBOA-2754 May 2019:** The Board approved a Special Exception to allow a single-wide mobile home in a RS district (Section 410).

**CBOA-2775 October 2019:** The Board approved a Variance of the allowable square footage for an accessory building in the RS district (Section 240) and a Variance to permit an existing accessory building in the front yard in the RS district (Section 420.2).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS and is currently vacant. The tract abuts RS zoning to the north, east and south containing single-family residences and vacant land and to the west by IL zoning containing industrial uses.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410, Table 1).

A special exception is required as the proposed Use Unit 2 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 proposed use 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 fireworks stand is compatible and non-injurious to the surrounding area.*

**Sample Motion:**

***“Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410, Table 1).***

***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.***



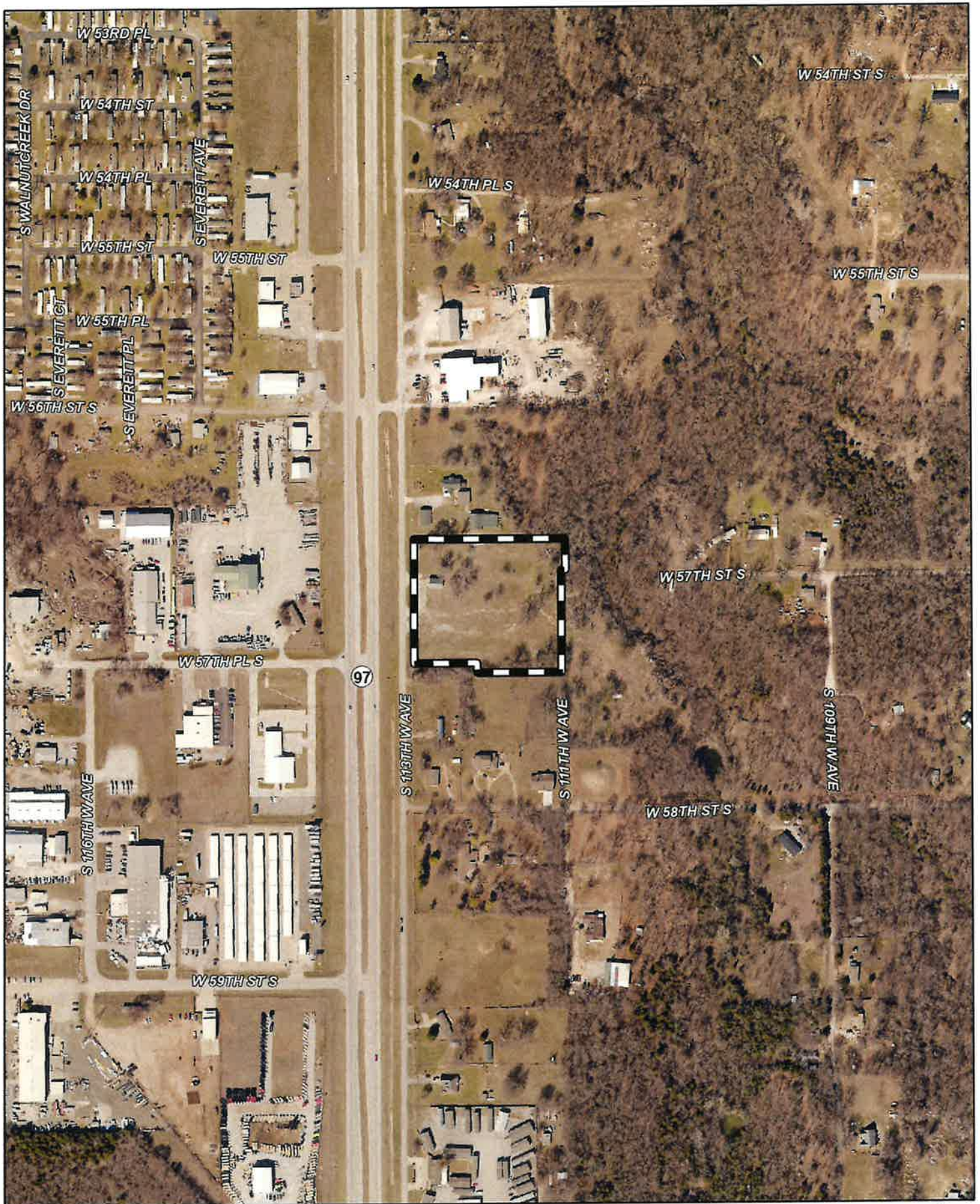
**Subject tract looking Southeast from the S 113<sup>th</sup> W Ave**



**Subject tract looking Northeast from the S 113<sup>th</sup> W Ave**







0 Feet  
200  
400



Subject  
Tract

**CBOA-3193**

19-11 35

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

Aerial Photo Date: 2023



CBOA-3193 6.6

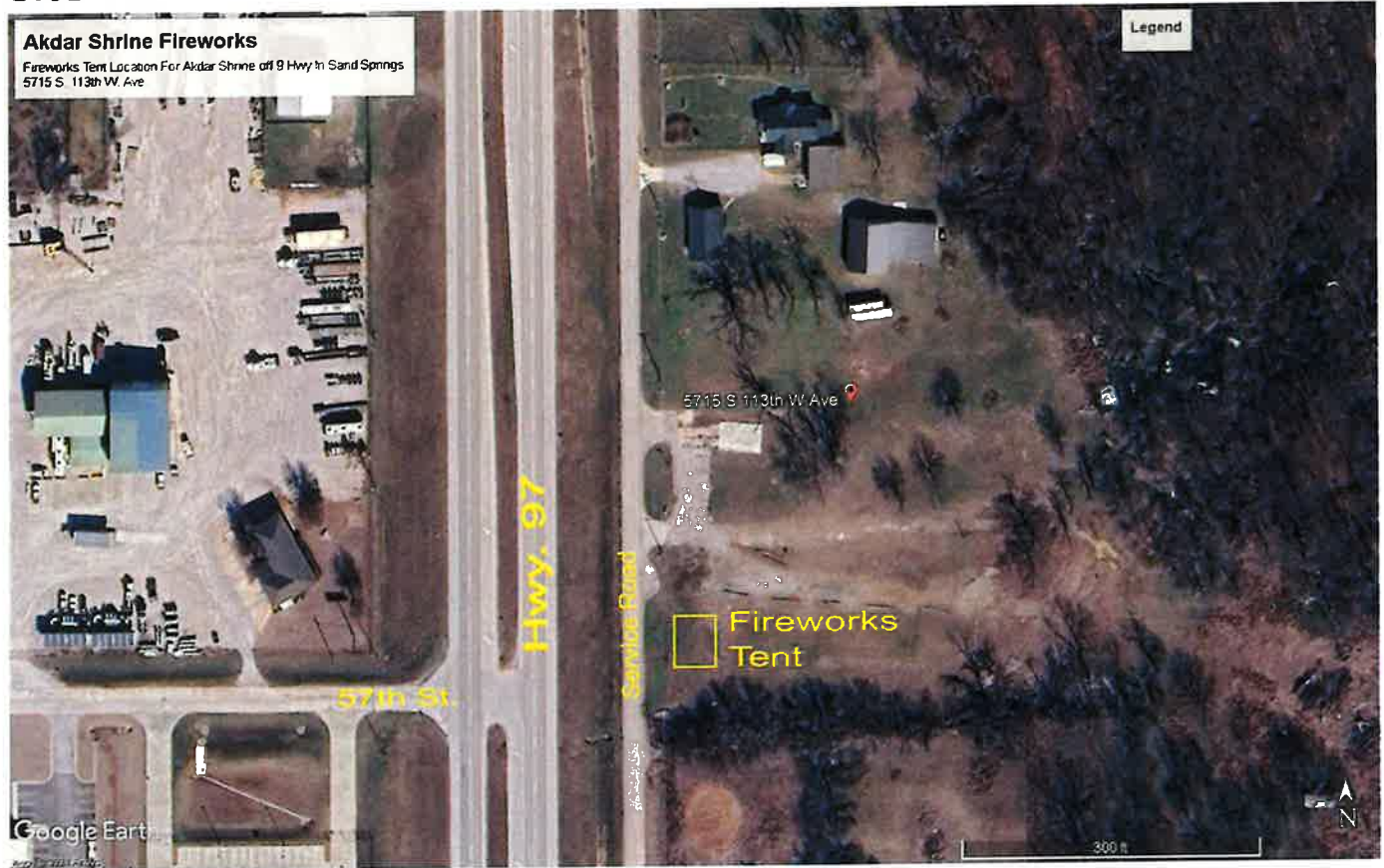


# Akdar Shrine

6-25-24

Akdar Shrine Fireworks Tent  
5715 S. 113<sup>th</sup> E. Ave.  
Tulsa, OK

## Site Plan



Tent Size is 40' x 60'





**Case Number:** CBOA-3194

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

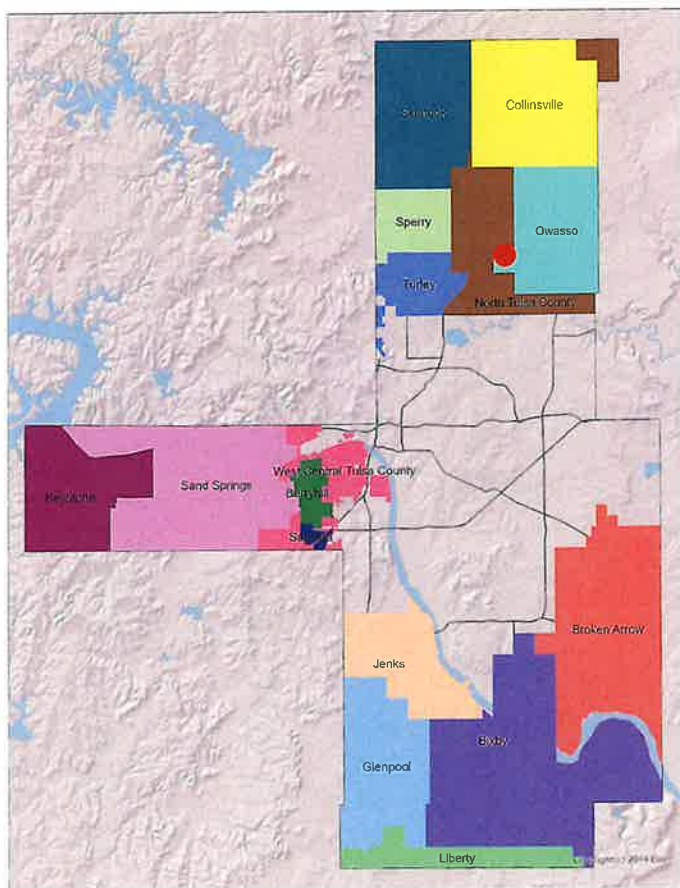
**Owner and Applicant Information:**

**Applicant:** Fong Chang & Mai Xiong

**Property Owner:** Capital Market Properties, LLC

**Action Requested:** Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the side yard setback in an RE district (Section 430) and a Variance to permit a detached accessory building to be located in the side yard (Section 420.2.A.2).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 2.5 acres

**Location:** 7386 E 86 ST N

**Present Zoning:** RE

**Fenceline/Area:** Owasso

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1326

**CASE NUMBER:** CBOA-3194

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Fong Chang & Mai Xiong

**ACTION REQUESTED:** Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the side yard setback in an RE district (Section 430) and a Variance to permit a detached accessory building to be located in the side yard (Section 420.2.A.2).

**LOCATION:** 7386 E 86 ST N

**ZONED:** RE

**FENCELINE:** Owasso

**PRESENT USE:** Residence

**TRACT SIZE:** 2.5 acres

**LEGAL DESCRIPTION:** BG.190'E.NW COR NWNE TH S.660'E.165 N.660W.165'TO BG. SEC. 26-21-13

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RE and contains a single-family residence. The tract abuts RE zoning to the east and west, RS zoning to the north and AG zoning to the south containing single-family residences.

**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 RE district (Section 208), a Variance of the side yard setback in an RE district (Section 430) and a Variance to permit a detached accessory building to be located in the side yard (Section 420.2.A.2).

The Tulsa county zoning code places a limit of one dwelling unit per lot of record in the RE district necessitating the need for a variance if two dwellings are proposed. The minimum land area per dwelling unit in the RE district is 26,250 sf. The subject tract contains 2.5 acres or 108,900 sf, which is more than the minimum required for two dwellings. The applicant intends to convert an existing two car garage into a mother-in-law suite.

Additionally, the applicant is proposing to build a new 3 car garage to the west side of the existing home. Due to the layout of the lot, the applicant is proposing to place the new garage 5 ft 5 inches from the wester property line. The RE district requires a 15 ft side yard setback. The Tulsa County Zoning code also prohibits accessory buildings to be located in the side yard of a residence, so that applicant is requesting a varaince so that the proposed garage may be built within the side yard, as illustrated on the plan provided by the applicant.

The applicant provided the statement "The detached 2 car garage's doors were facing west, which does not have room for entry. The building sits far behind the main house. We desire to convert the building into a mother-in-law suite and desire to install a new metal building of 20 ft x 40 ft x 14 ft for a 3 car garage.



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

**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) a Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), a Variance of the side yard setback in an RE district (Section 430) and a Variance to permit a detached accessory building to be located in the side yard (Section 420.2.A.2).*

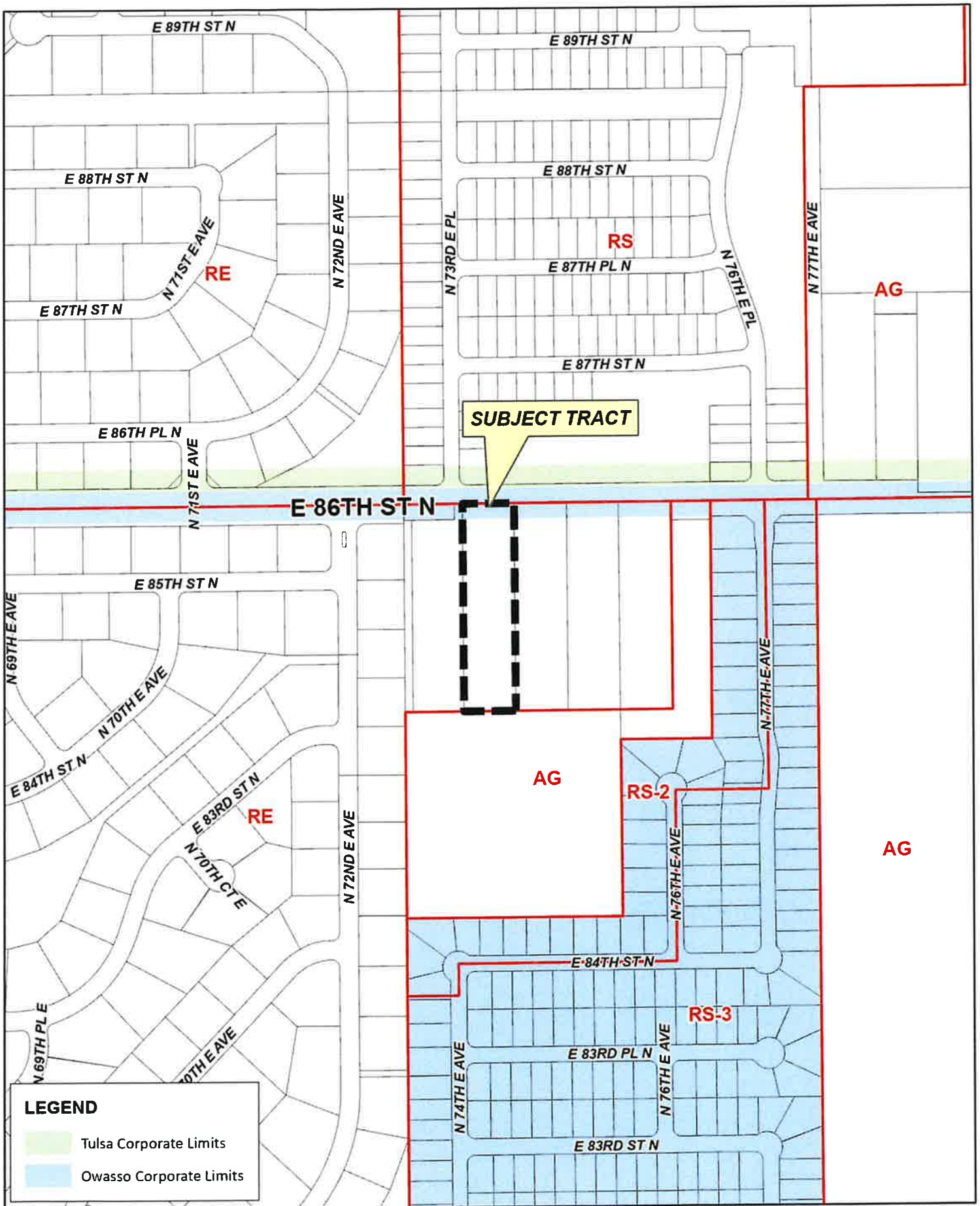
*Subject to the following conditions, if any: \_\_\_\_\_.*

*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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.*



Subject tract looking Southeast from E 86<sup>th</sup> St N



**CBOA-3194**

21-13 26

CBOA-3194 7.5







0 Feet 200 400



Subject Tract

**CBOA-3194**

21-13 26

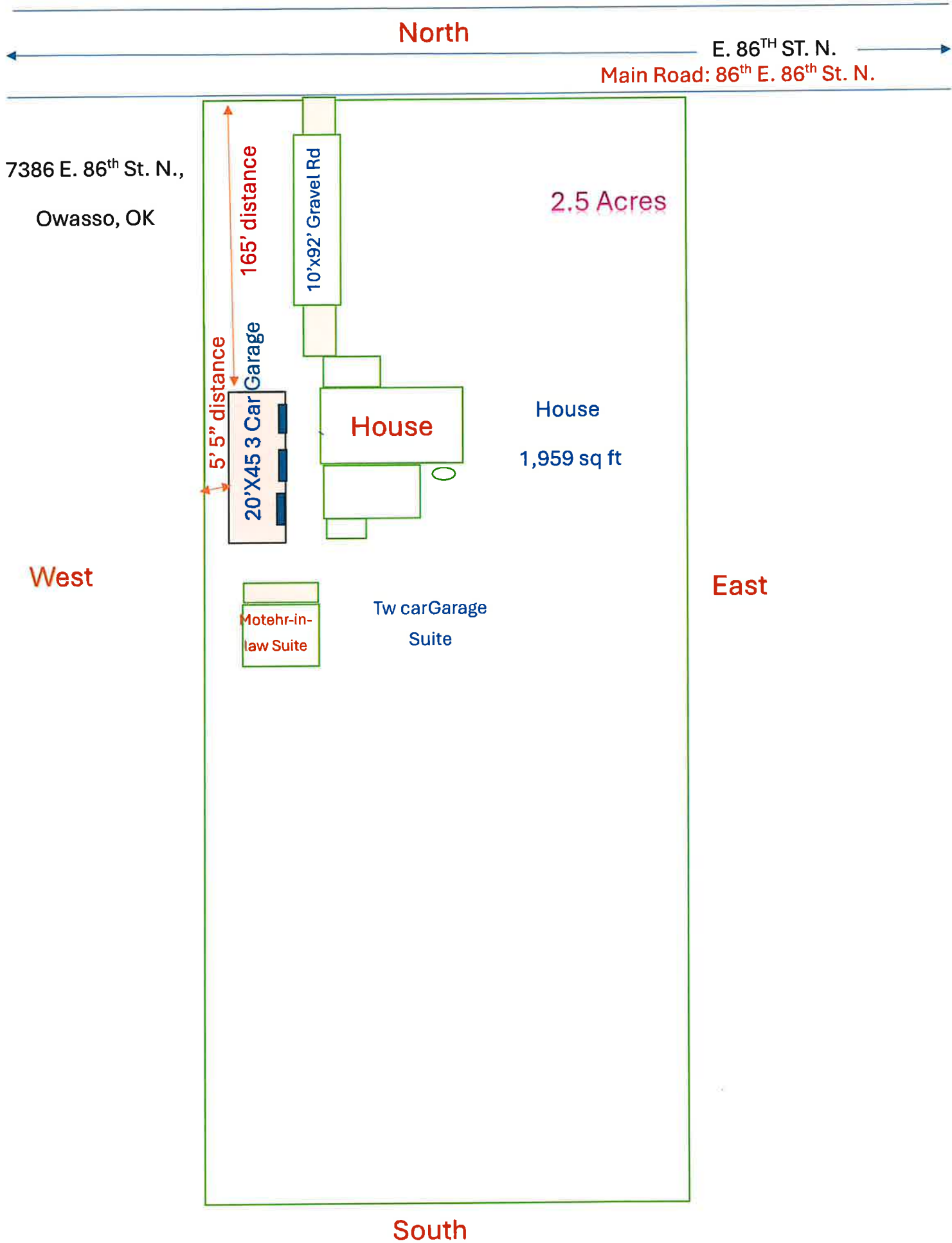
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023

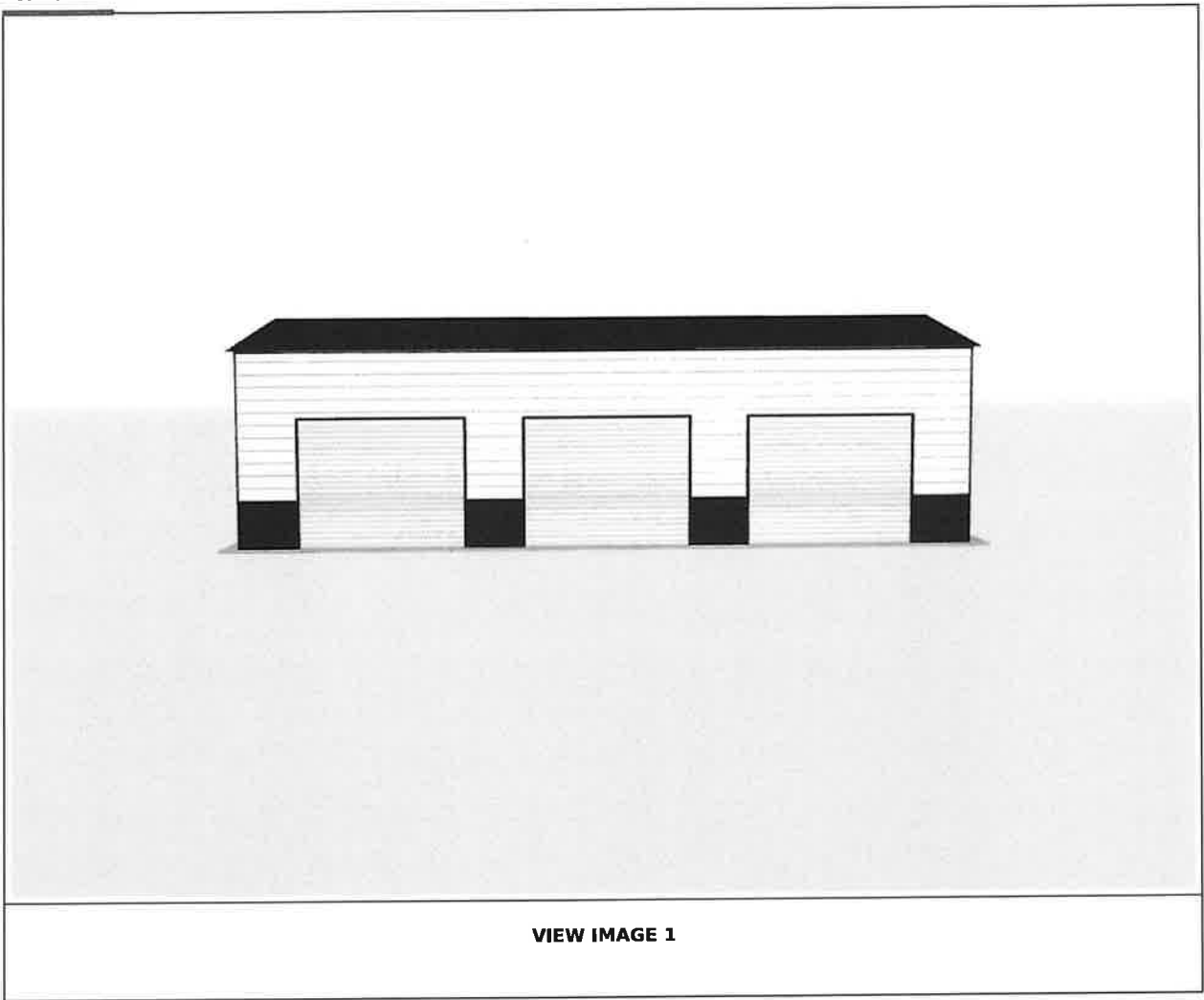
CBOA-3194 7.6







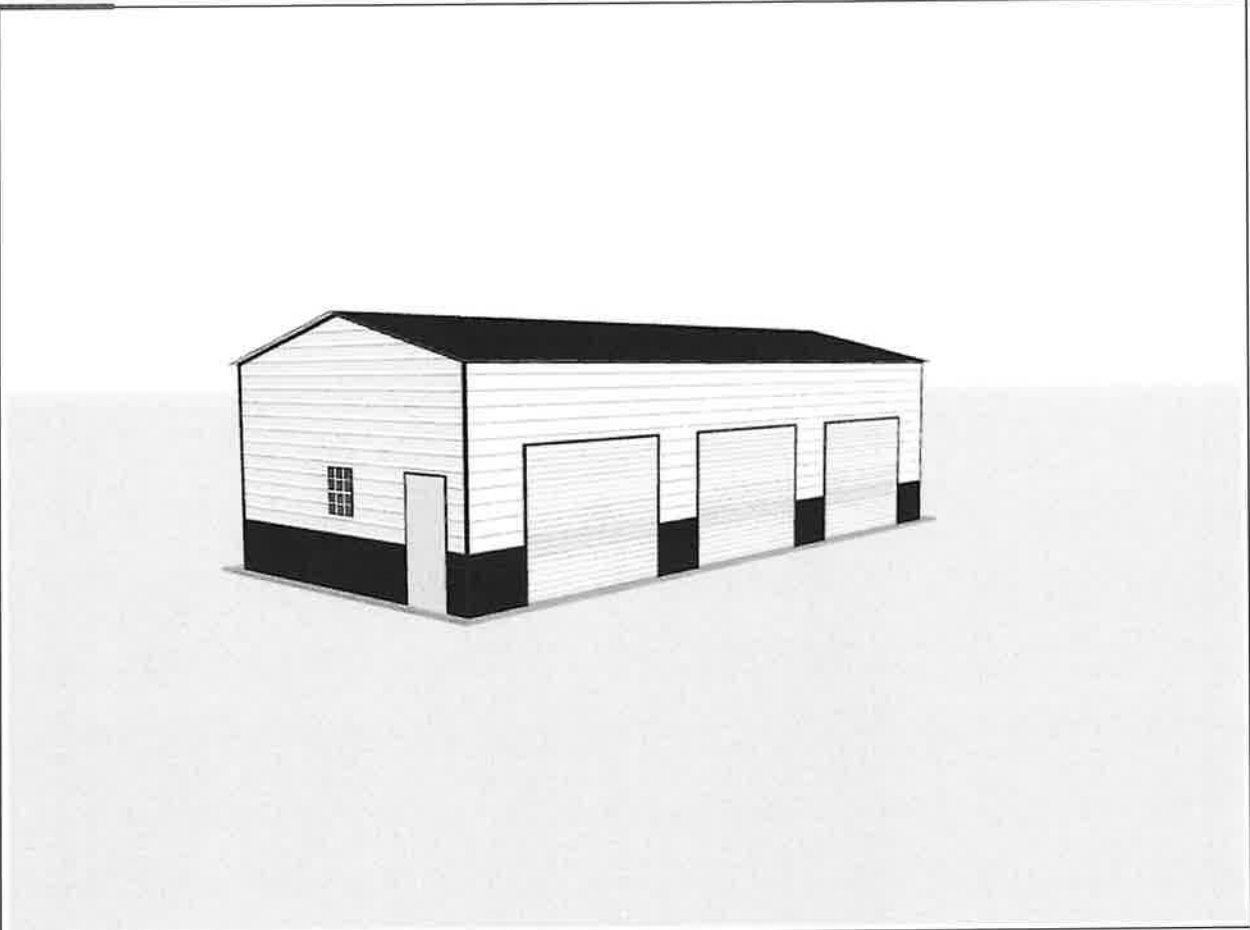
**BUILDING VIEW**



**VIEW IMAGE 1**

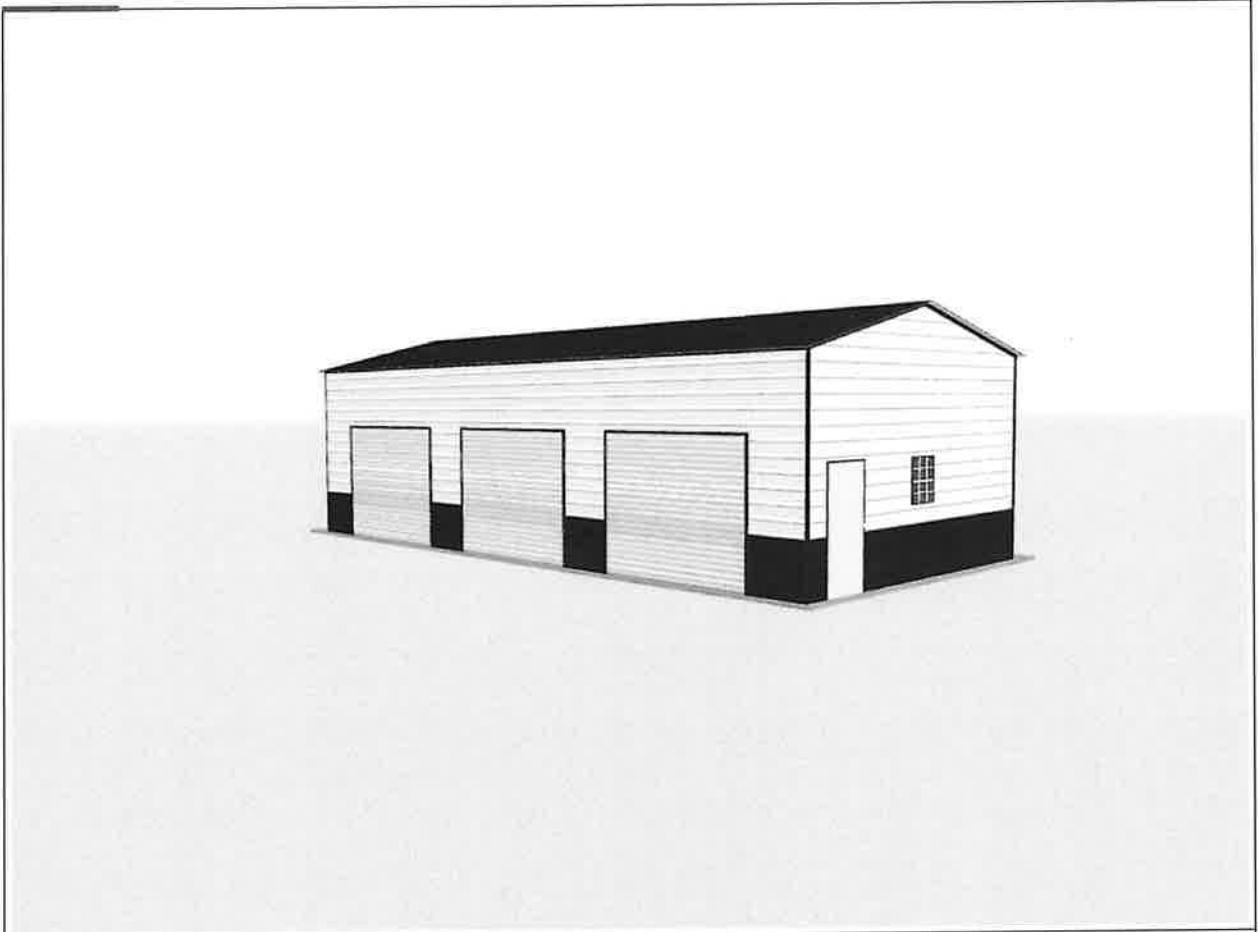


**BUILDING VIEW**

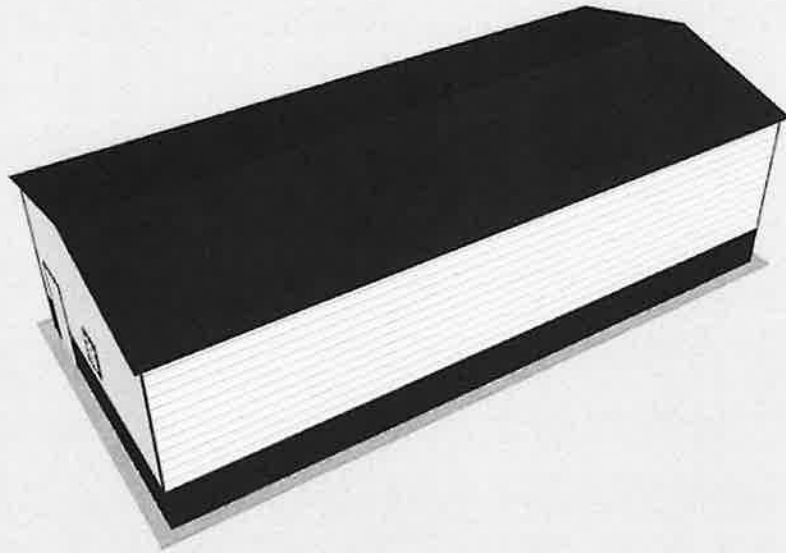


**VIEW IMAGE 2**

**BUILDING VIEW**

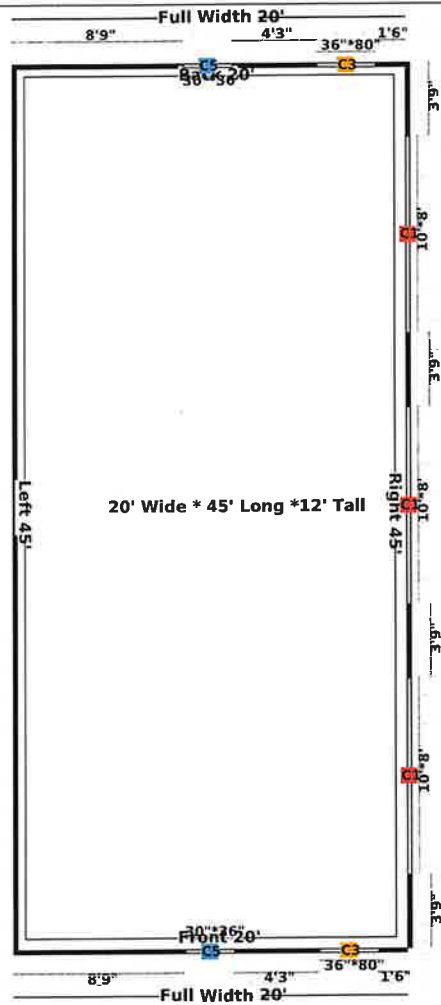


**VIEW IMAGE 3**



**VIEW IMAGE 4**

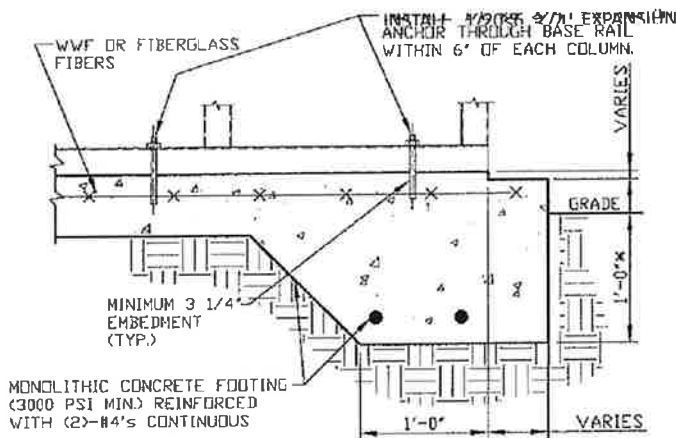




LEGENDS

- |             |                      |                          |                       |         |                  |           |
|-------------|----------------------|--------------------------|-----------------------|---------|------------------|-----------|
| Garage Door | Garage Door Frameout | Walk in Door             | Walk in Door Frameout | Windows | Windows Frameout | Open Wall |
| Close Wall  | Distance             | Storage Length (Utility) | Cupola                |         |                  |           |

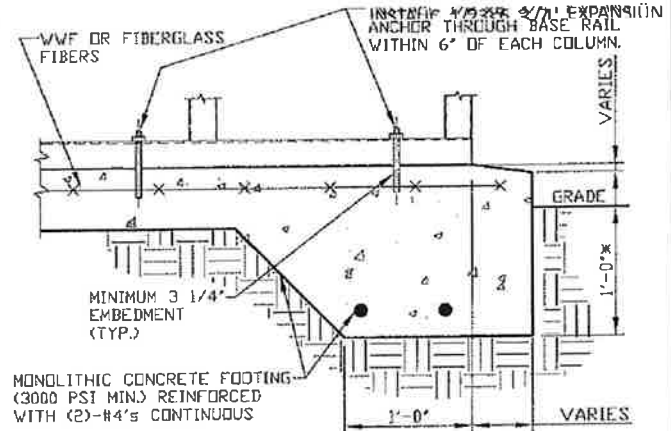
## BASE RAIL ANCHORAGE OPTIONS



3A

### CONCRETE MONOLITHIC SLAB BASE RAIL ANCHORAGE

SCALE: NTS  
MINIMUM ANCHOR EDGE DISTANCE IS 4".  
\* COORDINATE WITH LOCAL BUILDING CODE  
AND/OR BUILDING OFFICIAL REGARDING  
REQUIRED FOOTING DEPTH.



3B

### CONCRETE SLAB BASE RAIL ANCHORAGE

SCALE: NTS  
MINIMUM ANCHOR EDGE DISTANCE IS 4".  
\* COORDINATE WITH LOCAL BUILDING CODE  
AND/OR BUILDING OFFICIAL REGARDING  
REQUIRED FOOTING DEPTH.

## GENERAL NOTES

NOTE: CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 1,500 PSF.

### CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS.

### COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318.  
3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH OR WEATHER, AND 1 1/2" ELSEWHERE.

### REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

### REINFORCEMENT MAY BE BENT IN THE SHOP OR THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.

### HELIX ANCHOR NOTES:

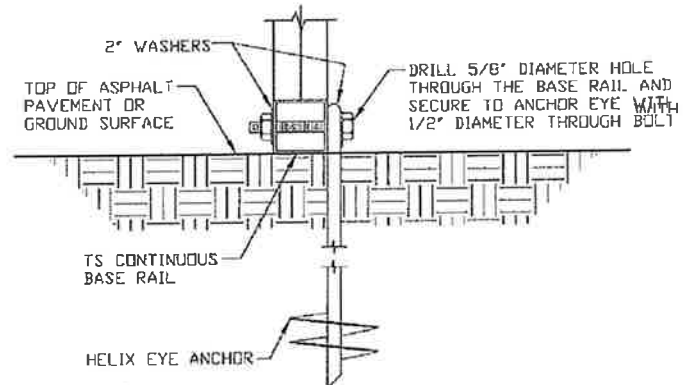
1. VERY DENSE AND/OR CEMENTED SANDS, GRAVEL AND COBBLES, CALICHE, PRELOADED SILTS AND CLAYS,  
MINIMUM 4" HELICES WITH MINIMUM 60° EMBEDMENT OR SINGLE 6' HELIX WITH MINIMUM 50" EMBEDMENT

2. FIRM CORAL USE MINIMUM HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6' HELIX WITH MINIMUM 50" EMBEDMENT.

3. R MEDIUM DENSE COARSE SANDS, SANDY GRAVELS. VERY STIFF SILTS. AND CLAYS USE MINIMUM (2) 4" HELICES WITH MINIMUM 12 INCH EMBEDMENT OR SINGLE 6' HELIX WITH 50" EMBEDMENT.

4. FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILTS ALLUVIAL FILL, USE MINIMUM HELICES WITH MINIMUM EMBEDMENT,

VERY LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS  
AND ALLUVIAL FILL, USE MINIMUM 8' HELICES  
WITH EMBEDMENT.



3C

### GROUND BASE HELIX ANCHORAGE

SCALE: NTS (CAN BE USED FOR ASPHALT)







## Board of Adjustment

**Case Number:** CBOA-3195

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

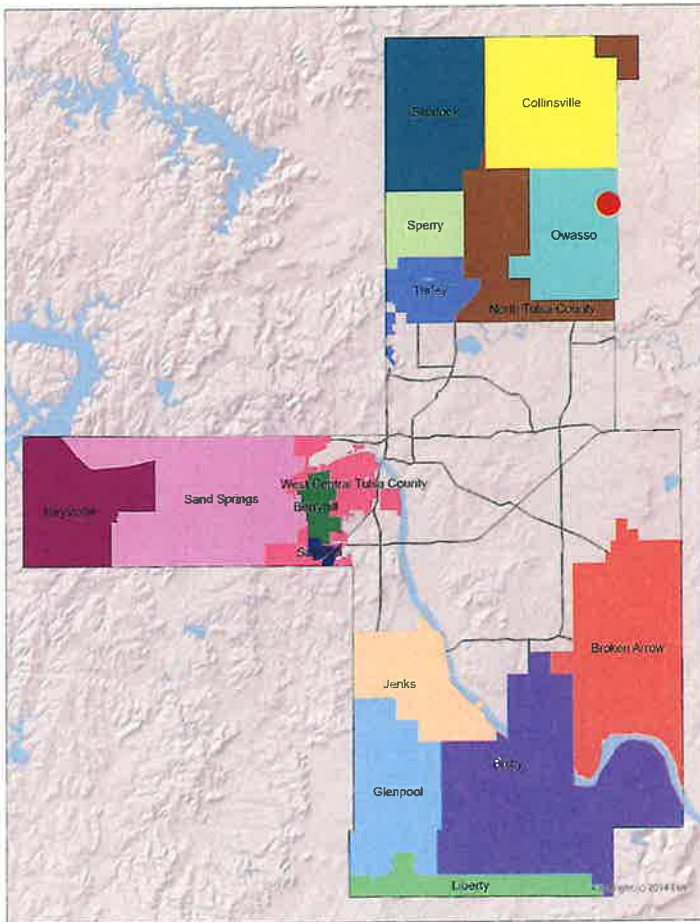
**Owner and Applicant Information:**

**Applicant:** Travis & Lisa Troxell

**Property Owner:** Same

**Action Requested:** Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the street frontage from 30' to 0' in an AG district (Section 207).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 2.46 acres

**Location:** 11032 N 145 AV E

**Present Zoning:** AG

**Fenceline/Area:** Owasso

**Land Use Designation:** Transitional

# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 1409

**CZM:**

**HEARING DATE:** 08/20/2024 1:30 PM

**CASE NUMBER:** CBOA-3195

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Travis & Lisa Troxell

**ACTION REQUESTED:** Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the street frontage from 30' to 0' in an AG district (Section 207).

**LOCATION:** 11032 N 145 AV E

**ZONED:** AG

**FENCELINE:** Owasso

**PRESENT USE:** Vacant

**TRACT SIZE:** 2.46 acres

**LEGAL DESCRIPTION:** N290 E560 S/2 N/2 NE SE LESS E50 N145 THEREOF & LESS S145 E330.42 N290 E560 S/2 N/2 NE SE SEC 9 21 14 2.462ACS

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and is currently vacant. The tract abuts AG zoning to the north, west and south as well as RS-3 zoning to the east containing single-family residences.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the street frontage from 30' to 0' in an AG district (Section 207).

The Tulsa County zoning code requires 2 acres minimum for a lot within the AG district and 2.1 acres of land area per dwelling. The applicant proposes to split off a .934 acre tract from the subject tract which is under the requirement for land area for a lot in the AG district and for a lot with one dwelling. Due to the lot size being smaller than the requirement for a lot in the AG district and smaller than the lot area per dwelling requirement, a Variance would be required for the applicant to construct a home on the proposed .934 acre tract. As currently configured, there would also be a remainder tract of 1.527 acres, however the applicant intends to combine this remainder tract with an existing 4.282 acre tract they also own to the west. They have requested a variance of the requirement that a lot have at least 30 ft of frontage on a public road or right of way for the 1.527 acre remainder tract so that it can be conforming until the proposed combination of that tract and the 4.282 acre tract, which has access to a public road or right of way, can be completed.

The applicant provided the statement that they are "Separating approximately one acre for a homesite with road frontage for our son."

*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 area and land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the street frontage from 30' to 0' in an AG district (Section 207).***

***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.***





Subject tract looking West from N 145<sup>th</sup> E Ave

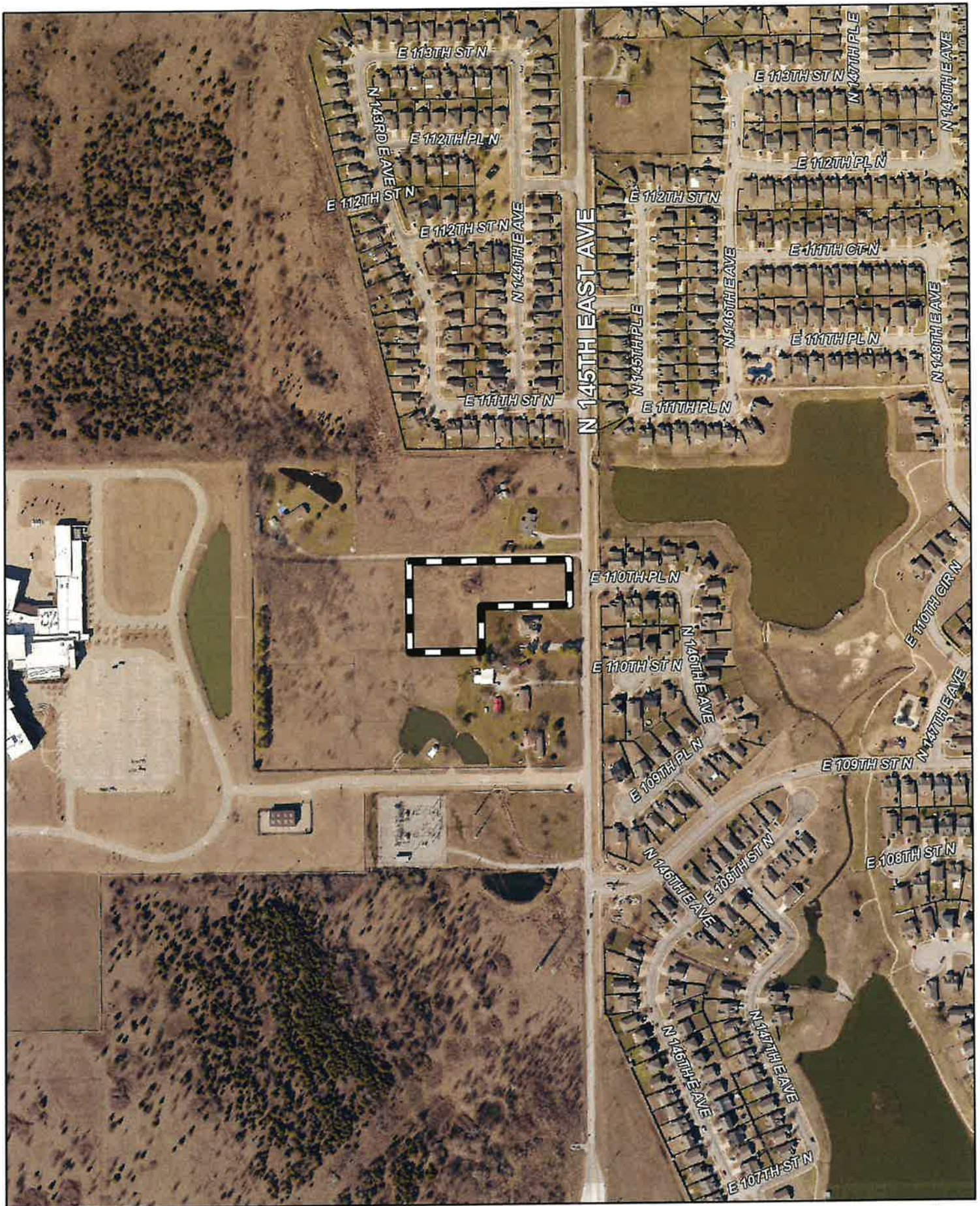


Subject tract looking Southwest from N 145<sup>th</sup> E Ave









0 Feet 200 400



Subject Tract

**CBOA-3195**

21-14 09

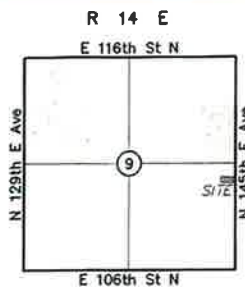
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023



CBOA-3195 8.6





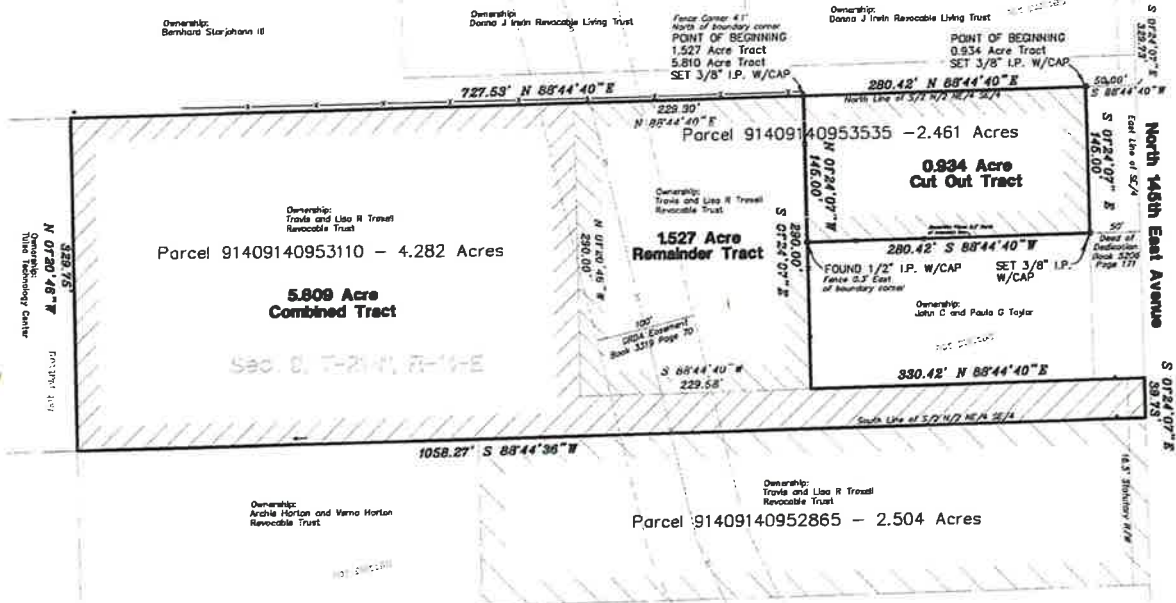
Location Map  
SCALE: 1"=2000'

# **Plat of Survey** **Lot Split/Combination Boundary** of **A part of the S/2 N/2 NE/4 SE/4** **Sec. 9, T-21-N, R-14-E, I.B.&M.** **Tulsa County, Oklahoma**

Scale: 1"=80'



**Legend**  
○ CORNER FOUND  
● CORNER SET  
— FENCE LINE  
— IRON PIN  
— R/W RIGHT OF WAY



## **\*PARCEL 91409140953110 & REMAINDER OF PARCEL 91409140953535** **Legal Description of 5.809 Acre Combined Tract**

A tract of land located in Section Nine (9) in Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U. S. Government Survey, thereof, Tulsa County, State of Oklahoma, being more particularly described as follows: COMMENCING at the NE corner of the SE/4 of Sec.9, T-21-N, R-14-E, I.B.&M.; THENCE S 01°24'07" E along the east line of said SE/4 at a distance of 329.73 feet; THENCE S 88°44'40" W along the north line of the S/2 N/2 NE/4 of said SE/4 at a distance of 330.42 feet to the POINT OF BEGINNING; THENCE S 01°24'07" E a distance of 290.00 feet; THENCE N 88°44'40" E a distance of 330.42 feet to the east line of said SE/4; THENCE S 01°24'07" E along the east line of said SE/4 at a distance of 39.73 feet; THENCE S 88°44'40" W along the south line of said S/2 N/2 NE/4 SE/4 at a distance of 1058.27 feet; THENCE N 01°20'46" W a distance of 329.75 feet; THENCE N 88°44'40" E along the north line of said S/2 N/2 NE/4 SE/4 at a distance of 727.53 feet to the POINT OF BEGINNING, and containing 5.809 acres, more or less.

## **\*Base Deed Legal Description — Quit Claim Deed Doc. No. 2020008768**

**PARCEL 91409140953535 — 2.461 ACRE TRACT**  
The North Two Hundred Ninety(290) feet of the East Five Hundred Sixty(560) feet of the South Half of the North Half of the Northeast Quarter of the Southeast Quarter(S/2 N/2 NE/4 SE/4), LESS the South One Hundred Forty-five(145) feet of the East Three Hundred Thirty and forty-two hundredths(330.42) feet and LESS the East Thirty(30) feet thereof for road, Section Nine(9), Township Twenty-one(21) North, Range Fourteen(14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.  
AND

**PARCEL 91409140953110 — 4.282 ACRE TRACT**  
The South Half of the North Half of the Northeast Quarter of the Southeast Quarter(S/2 N/2 NE/4 SE/4) of Section Nine(9), Township Twenty-one(21) North, Range Fourteen(14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government Survey thereof, LESS AND EXCEPT the West 264.0 feet and LESS AND EXCEPT the North 290.0 feet of the East 560.0 feet thereof.  
AND

**PARCEL 91409140952865 — 2.504 ACRE TRACT**  
The North One Hundred Sixty-five(165) feet of the East Six Hundred Sixty-one(661) feet of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter(S/2 N/2 NE/4 SE/4) of Section Nine(9), Township Twenty-one(21) North, Range Fourteen(14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

## **Notes**

1. This firm was not contracted 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 by this plat.
2. All underground utilities may not be shown.
3. The bearing base for this survey is based on the Oklahoma State Plane Coordinate System.

## **\*PARCEL 91409140953535 — CUT OUT & REMAINDER TRACTS** **Legal Description of 0.934 Acre Cut Out Tract**

A tract of land located in Section Nine (9) in Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U. S. Government Survey, thereof, Tulsa County, State of Oklahoma, being more particularly described as follows: COMMENCING at the NE corner of the SE/4 of Sec.9, T-21-N, R-14-E, I.B.&M.; THENCE S 01°24'07" E along the east line of said SE/4 at a distance of 329.73 feet; THENCE S 88°44'40" W along the north line of the S/2 N/2 NE/4 of said SE/4 at a distance of 50.00 feet to the POINT OF BEGINNING; THENCE S 01°24'07" E a distance of 145.00 feet; THENCE S 88°44'40" W a distance of 280.42 feet; THENCE N 01°24'07" W a distance of 145.00 feet to said north line of S/2 N/2 NE/4 SE/4; THENCE N 88°44'40" E a distance of 280.42 feet to the POINT OF BEGINNING, and containing 0.934 acres, more or less.

## **Legal Description of 1.527 Acre Remainder Tract**

A tract of land located in Section Nine (9) in Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U. S. Government Survey, thereof, Tulsa County, State of Oklahoma, being more particularly described as follows: COMMENCING at the NE corner of the SE/4 of Sec.9, T-21-N, R-14-E, I.B.&M.; THENCE S 01°24'07" E along the east line of said SE/4 at a distance of 329.73 feet; THENCE S 88°44'40" W along the north line of the S/2 N/2 NE/4 of said SE/4 at a distance of 330.42 feet to the POINT OF BEGINNING; THENCE S 01°24'07" E a distance of 290.00 feet; THENCE S 88°44'40" W a distance of 229.58 feet; THENCE N 01°20'46" W a distance of 290.00 feet; THENCE N 88°44'40" E along the north line of said S/2 N/2 NE/4 SE/4 at a distance of 229.30 feet to the POINT OF BEGINNING, and containing 1.527 acres, more or less.

## **Surveyor's Statement**

I, Kevin M. Newlin, a Registered Land Surveyor in the State of Oklahoma, hereby certify that the above plat represents a boundary survey. The above plat reflects all instruments that have been disclosed and furnished at the time of survey. No opinion is versed as to the ownership of fences or any other appurtenances on said property. This Plat of Survey meets the minimum technical standards as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

BENCHMARK SURVEYING & LAND SERVICES, INC.

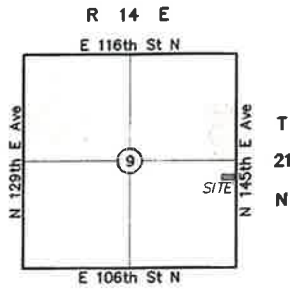


KEVIN M. NEWLIN RLS # 1289

July 11, 2024  
DATE OF CERTIFICATION

BENCHMARK SURVEYING AND LAND SERVICES, INC.			
710 NOK 125 OKLAHOMA 74005 OKLAHOMA 74005		PHONE: (918) 274-8800 FAX: (918) 274-8802 CITY: OKLAHOMA	
REVISIONS	BY	DATE	
LAST FIELD VST	cc	06/17/24	
FILE:	2114.0920	SURVEY BY:	cc
ORDER:	35187	DRAWN BY:	meif
BOOK:	16/418	CHECKED BY:	tg
DATE:		7/11/2024	
SCALE:		1"=80'	
SHEET:		1 OF 1	

# Plat of Survey Lot Split Boundary of A part of the NE/4 SE/4 Sec. 9, T-21-N, R-14-E, I.B.&M. Tulsa County, Oklahoma



Location Map  
SCALE: 1"=2000'

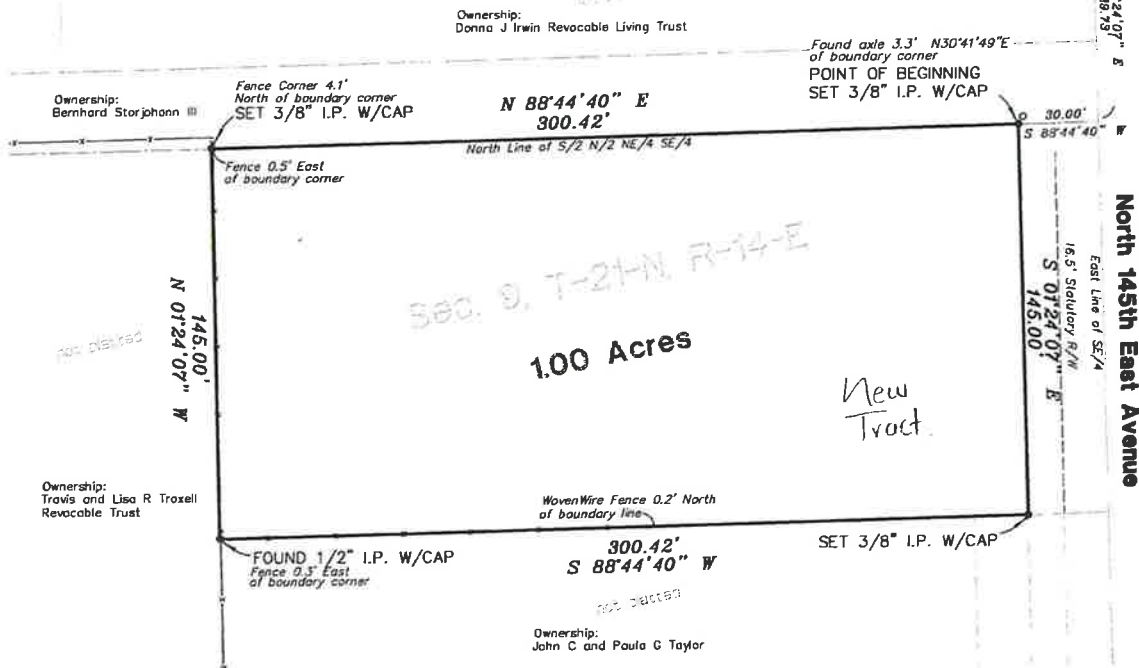
## Legend

○ CORNER FOUND  
● CORNER SET  
— FENCE LINE  
IP IRON PIN  
R/W RIGHT OF WAY  
U/E UTILITY EASEMENT

Scale: 1"=30'



South Line of NE/4  
North Line of SE/4  
POINT OF COMMENCEMENT  
NE Corner of SE/4  
Sec. 9, T-21-N, R-14-E



## Base Deed Legal Description - Doc. No. 2020008768 - 9.31 Acres

The North Two Hundred Ninety(290) feet of the East Five Hundred Sixty(560) feet of the South Half of the North Half of the Northeast Quarter of the Southeast Quarter(S/2 N/2 NE/4 SE/4), LESS the South One Hundred Forty-five(145) feet of the East Three Hundred Thirty and forty-two hundredths(330.42) feet and LESS the East Thirty(30) feet thereof for road, Section Nine(9), Township Twenty-one(21) North, Range Fourteen(14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, AND

The South Half of the North Half of the Northeast Quarter of the Southeast Quarter(S/2 N/2 NE/4 SE/4) of Section Nine(9), Township Twenty-one(21) North, Range Fourteen(14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT the West 254.0 feet and LESS AND EXCEPT the North 290.0 feet of the East 560.0 feet thereof.

AND

The North One Hundred Sixty-five(165) feet of the East Six Hundred Sixty-one(661) feet of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter(S/2 N/2 NE/4 SE/4) of Section Nine(9), Township Twenty-one(21) North, Range Fourteen(14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

## Lot Split Notes

1. The Base Deed Remainder Tract contains 8.31 Acres, more or less.
2. The Base Deed Remainder Tract has 204.73 feet of access to North 145th East Avenue.

## Notes

1. This firm was not contracted 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 by this plat.
2. All underground utilities may not be shown.
3. The bearing base for this survey is based on the Oklahoma State Plane Coordinate System.

## Legal Description of Surveyed Tract - 1.00 Acres

A tract of land located in Section Nine (9) in Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M), according to the U. S. Government Survey, thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

COMMENCING at the NE corner of the SE/4 of Sec.9, T-21-N, R-14-E, I.B.&M.; THENCE S 01°24'07" E along the east line of said SE/4 at a distance of 329.73 feet; THENCE S 88°44'40" W at a distance of 30.00 feet to the POINT OF BEGINNING; THENCE S 01°24'07" E at a distance of 145.00 feet; THENCE S 88°44'40" W at a distance of 300.42 feet; THENCE N 01°24'07" W at a distance of 145.00 feet; THENCE N 88°44'40" E a distance of 300.42 feet to the POINT OF BEGINNING, and containing 1.00 acres, more or less.

## Surveyor's Statement

I, Kevin M. Newlin, a Registered Land Surveyor in the State of Oklahoma, hereby certify that the above plat represents a boundary survey. The above plat reflects all instruments that have been disclosed and furnished at the time of survey. No opinion is versed as to the ownership of fences or any other appurtenances on said property. This Plat of Survey meets the minimum technical standards as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

BENCHMARK SURVEYING & LAND SERVICES, INC.



KEVIN M. NEWLIN RLS # 1289

June 26, 2024  
DATE OF CERTIFICATION

BENCHMARK SURVEYING and Land Services, Inc.			
P.O. BOX 1078 OWASSO, OKLAHOMA 74656 O.C.A. NO. 1258		PHONE: (918) 274-0541 FAX: (918) 274-0551 DOB DATE: 05/01/2008	
REVISIONS	BY	DATE	
LAST FIELD VISIT	cc	06/07/24	
FILE:	2114.0820	SURVEY BY:	cc
ORDER:	35187	DRAWN BY:	marf
BOOK:	18/418	CHECKED BY:	lg
DATE:		7/1/2024	
SCALE:		1"=30'	
SHEET		1 OF 1	





## Board of Adjustment

**Case Number:** CBOA-3196

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

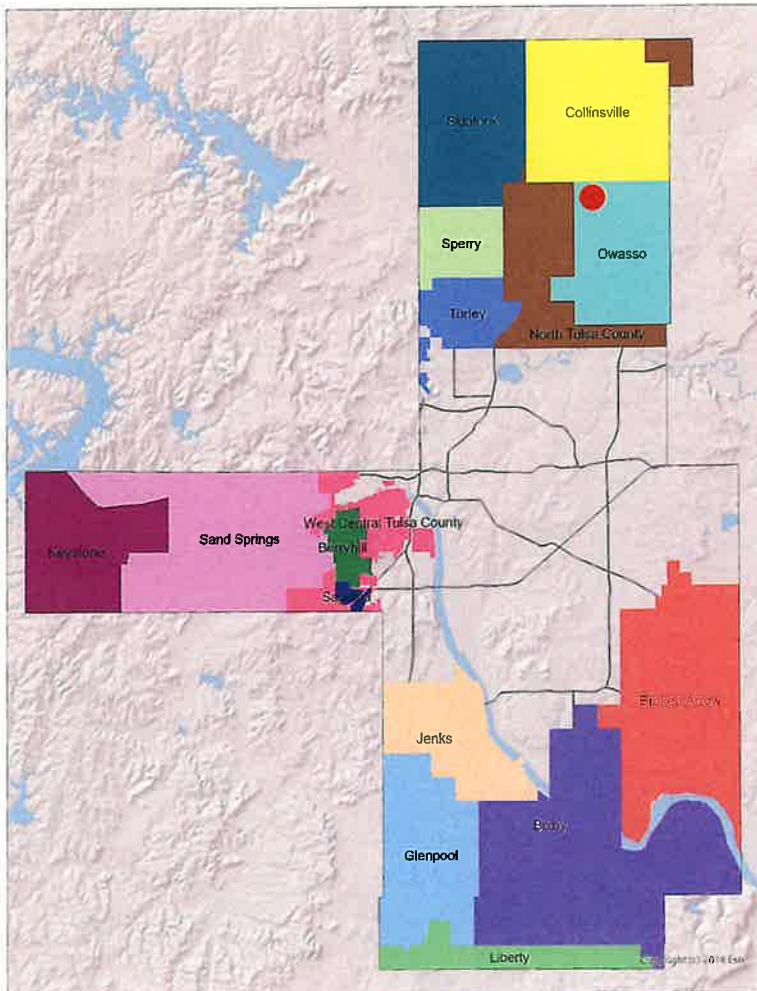
**Owner and Applicant Information:**

**Applicant:** Kaci Ray

**Property Owner:** RAY, DIANA BETH

**Action Requested:** Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 2.72 acres

**Location:** 11972 N 93 AV E

**Present Zoning:** AG-R

**Fenceline/Area:** Owasso

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1301

**CZM:**

**HEARING DATE:** 08/20/2024 1:30 PM

**CASE NUMBER:** CBOA-3196

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Kaci Ray

**ACTION REQUESTED:** Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208).

**LOCATION:** 11972 N 93 AV E

**ZONED:** AG-R

**FENCELINE:** Owasso

**PRESENT USE:** Residence

**TRACT SIZE:** 2.72 acres

**LEGAL DESCRIPTION:** BEG 1180W & 1022N SECR N/2 SE TH W26.33 SW ON CRV 267.73 TH NWLY ON CRV 93.8 NW151 S279.49 E470 N302.39 POB SEC 1 21 13 2.72ACS, 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. The tract is surrounded by AG-R zoning containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208).

The AG-R district requires minimum of 1.1 acres per dwelling unit. The subject tract is 2.72 acres in and contains a single-family residence with the lot containing enough acreage to comply with the minimum land area per dwelling for a second dwelling. Per the zoning code only one dwelling is allowed on a lot of record in the AG-R zone. The applicant intends to construct a second dwelling on the lot, necessitating the need for a variance of the number of dwelling units. The dwelling is intended to be constructed on the west end of the tract.

The applicant provided the statement "Would like to build a second dwelling on the property and need permission so that I can continue with the permit application."

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

**Sample Motion:**

"Move to \_\_\_\_\_ (approve/deny) a Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208).

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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.*



Subject tract looking West from N 93<sup>rd</sup> E Ave



Subject tract looking South from E 120<sup>th</sup> St N

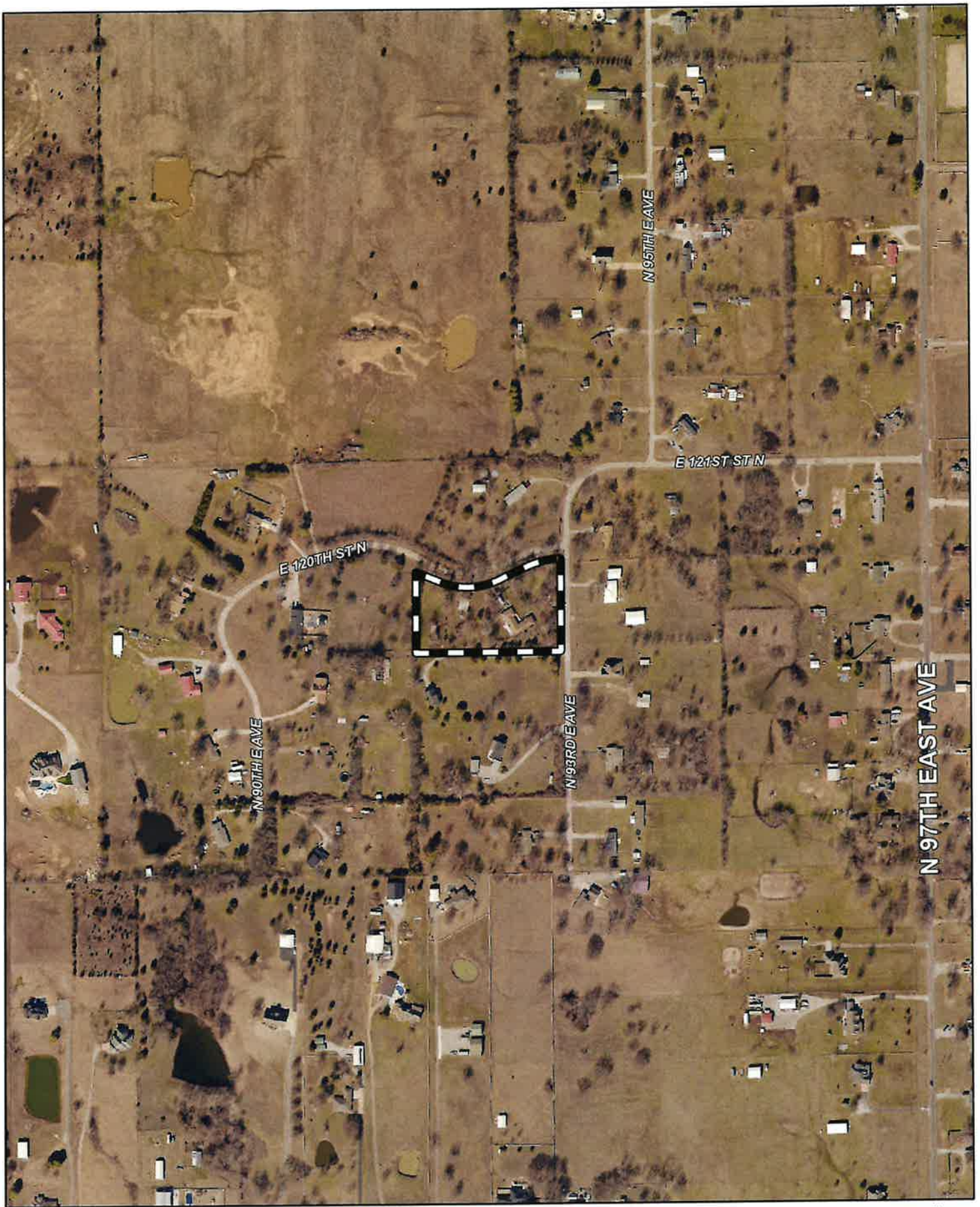


**CBOA-3196**

21-13 01

CBOA-3196 9.5





0 Feet 200 400



Subject  
Tract

**CBOA-3196**

21-13 01

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

Aerial Photo Date: 2023



CBOA-3196 9.6





## Board of Adjustment

**Case Number:** CBOA-3197

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

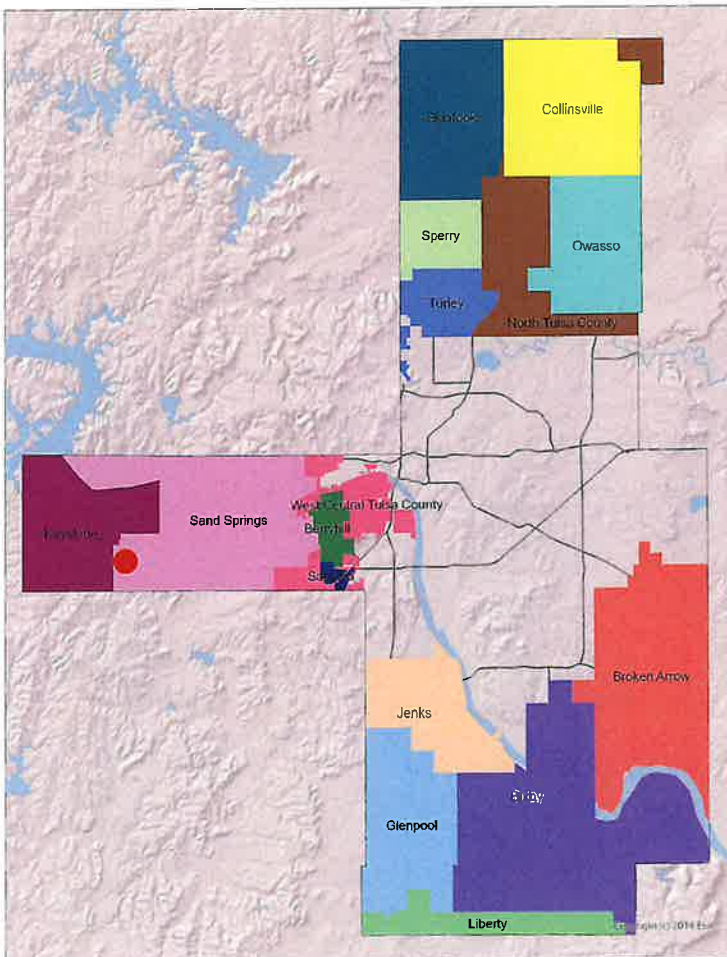
**Owner and Applicant Information:**

**Applicant:** Gary Bentley

**Property Owner:** BENTLEY,  
CHRISTOPHER ALAN & EMILY MARIE

**Action Requested:** Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330)

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 26.12 acres

**Location:** 4650 S 203 AV W

**Present Zoning:** AG

**Fenceline/Area:** Sand Springs

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9026

**CASE NUMBER:** CBOA-3197

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Gary Bentley

**ACTION REQUESTED:** Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330)

**LOCATION:** 4650 S 203 AV W

**ZONED:** AG

**FENCELINE:**

**PRESENT USE:** Residence

**TRACT SIZE:** 26.12 acres

**LEGAL DESCRIPTION:** SW BEG 1812E NWC S/2 N/2 N/2 NW TH E263.50 N150.02 E263.43 S150.01 E302.86 S989.94 W1149.81 N672.87 NE344.50 E127.06 N30 POB LESS BEG S150 LT 3 BLK 1 C-BAR-C RANCH 2ND ADDN & PRT SW BEING DESC AS BEG SWC LT 3 TH E29 SWLY139.33 SE295.65 NE200.47 W95, C BAR C RANCH SECOND ADDN Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Properties:**

**CBOA-2540 June 2015:** The Board approved a Variance of the required street frontage from 30' to 0' in an RE district (Section 207) to permit a lot split.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains a single-family residence. The tract abuts AG zoning to the north, east, west and south containing vacant land and RE zoning to the north containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330)

The Tulsa County zoning code requires 2 acres minimum for a lot within the AG district and 2.1 acres of land area per dwelling. The applicant proposes to split off an approximately half acre tract from the subject tract which is under the requirement for land area for a lot in the AG district and for a lot with one dwelling. Due to the lot size being smaller than the requirement for a lot in the AG district and smaller than the lot area per dwelling requirement, a Variance would be required for the applicant to construct a home on the proposed tract.

The applicant provided the statement that they are "My wife and I would like to build a home on our son's family's acreage It is a 24 acre site with his house and 2 small outbuildings. Most of the 24 acres is wooded, including the site of our future home. I am 80 years old and my wife is 74. We don't need nor want a large home site. Whatever the size of the lot we will not have a yard as the site is heavily wooded. We will be located at the end of the street and have no neighbors other than our son's family. Sand Springs Water, Indian Electric and an aerobic sewer system are all available at the site at this time."

*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 area and land area per dwelling unit requirement in an AG district (Sec. 330)*

*Subject to the following conditions, if any: \_\_\_\_\_.*

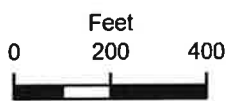
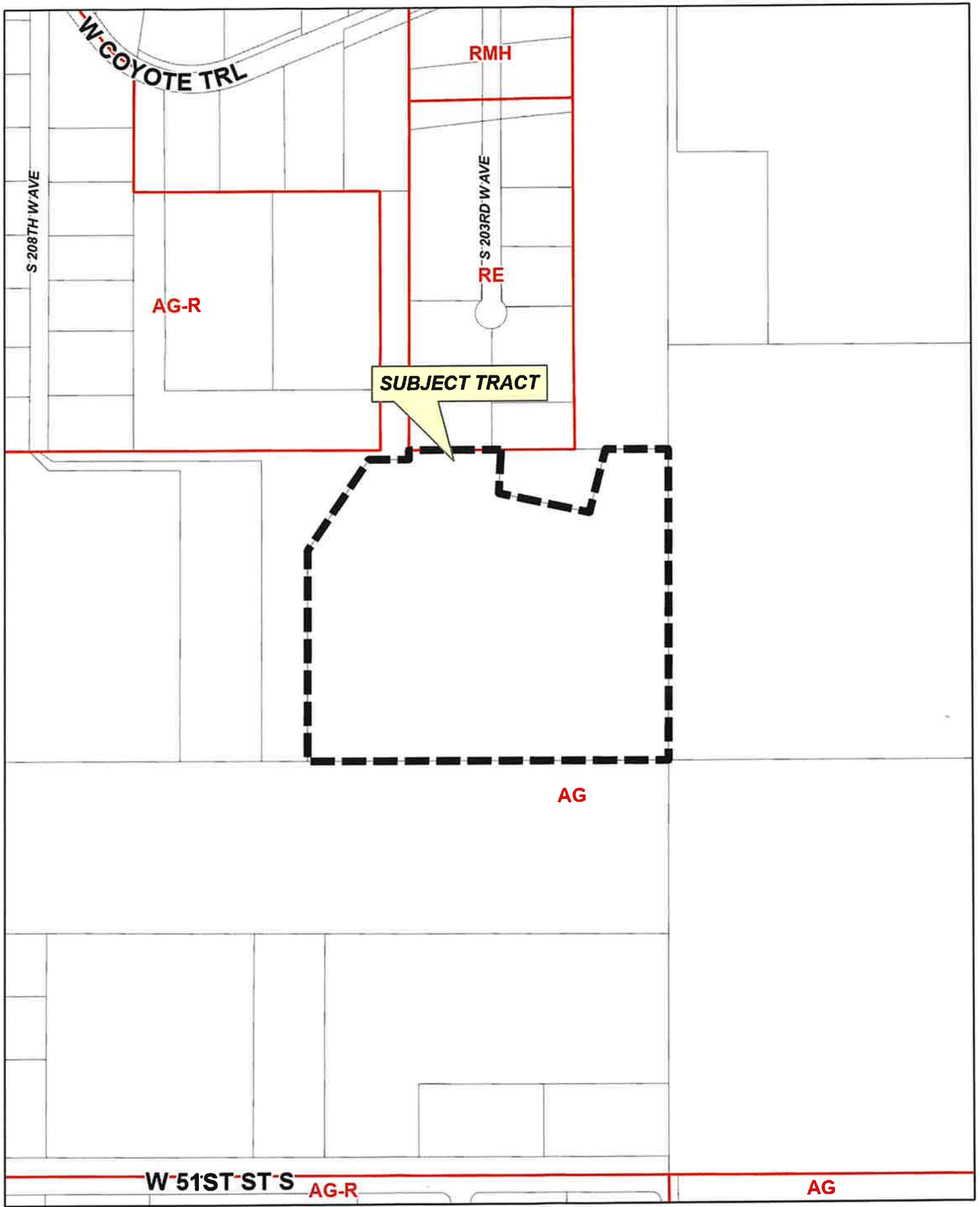
*Finding the hardship to be \_\_\_\_\_.*

*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.*





Access road to subject tract looking South from S 203<sup>rd</sup> W Ave



**CBOA-3197**

19-10 26

CBOA-3197 10.5







0 Feet 200 400



Subject Tract

**CBOA-3197**

19-10 26

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

Aerial Photo Date: 2023



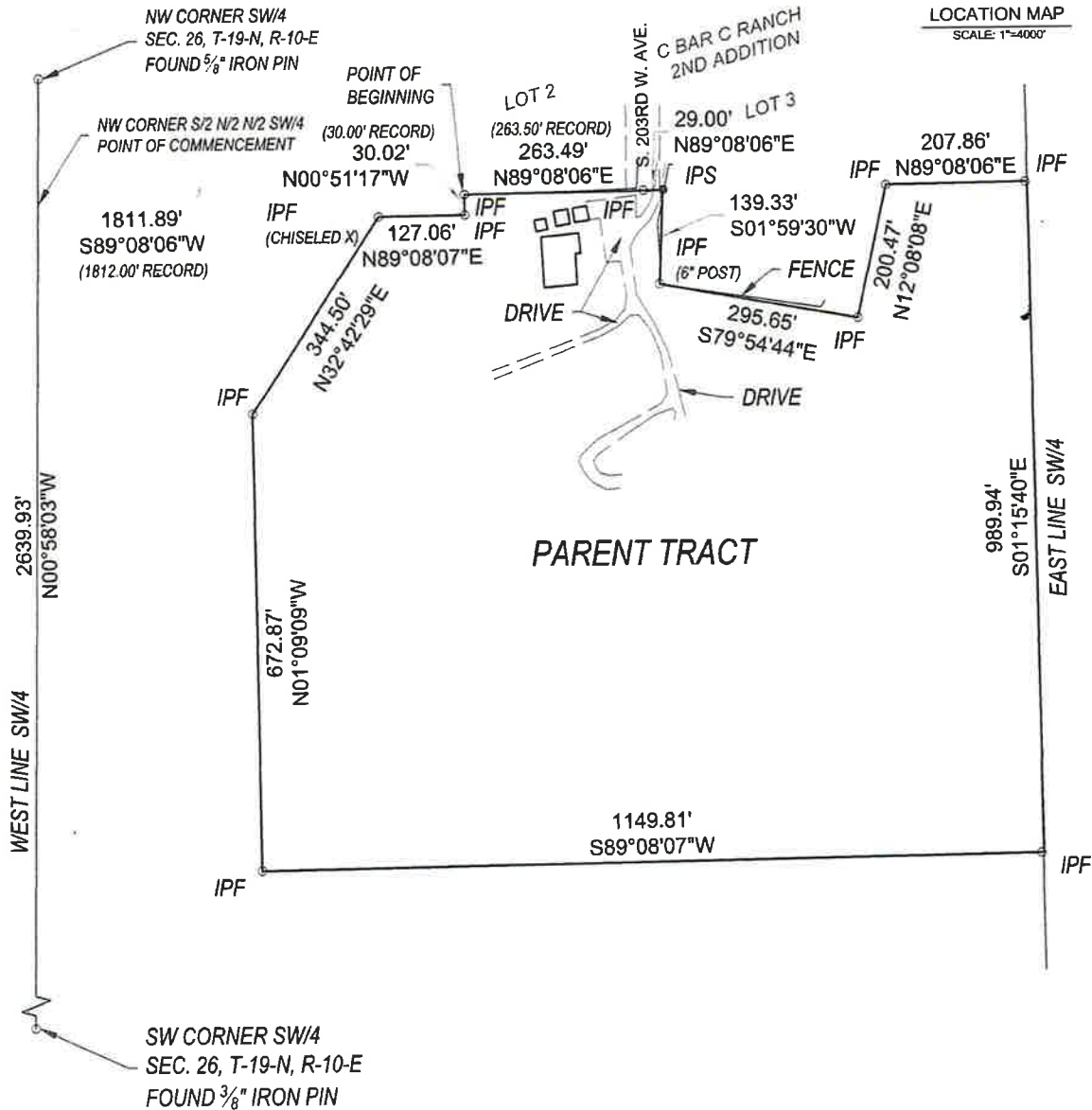
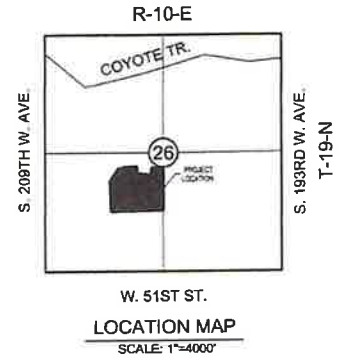
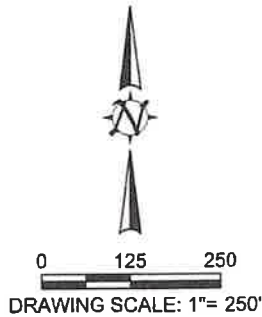
CBOA-3197 10.6



# Parent Tract

PART OF THE SW/4 OF SECTION 26,  
TOWNSHIP 19 NORTH, RANGE 10 EAST,  
TULSA COUNTY, OKLAHOMA

(PAGE 1 OF 2)



## LEGEND

IPF - IRON PIN FOUND  
IPS - IRON PIN SET (W/ CAP  
STAMPED CA 6318)

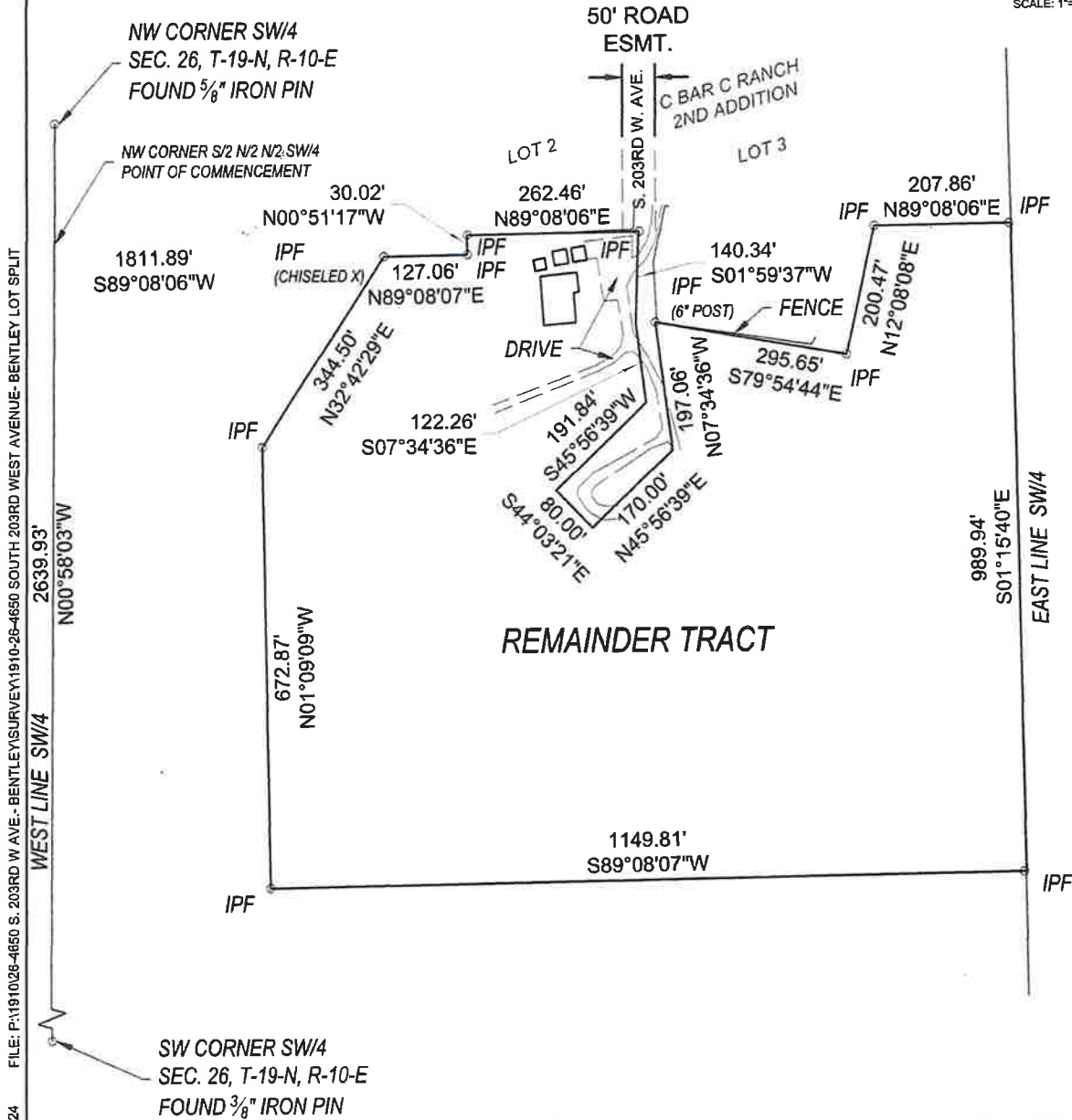
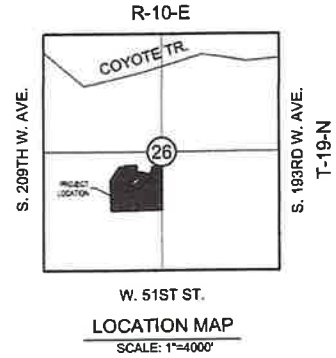
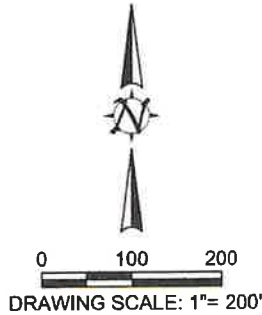
BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE  
COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE  
NORTH LINE OF THE S/2 N/2 N/2 SW/4 BEING N 89°08'06" EAST.



# Remainder Tract

PART OF THE SW/4 OF SECTION 26,  
TOWNSHIP 19 NORTH, RANGE 10 EAST,  
TULSA COUNTY, OKLAHOMA

(PAGE 1 OF 2)

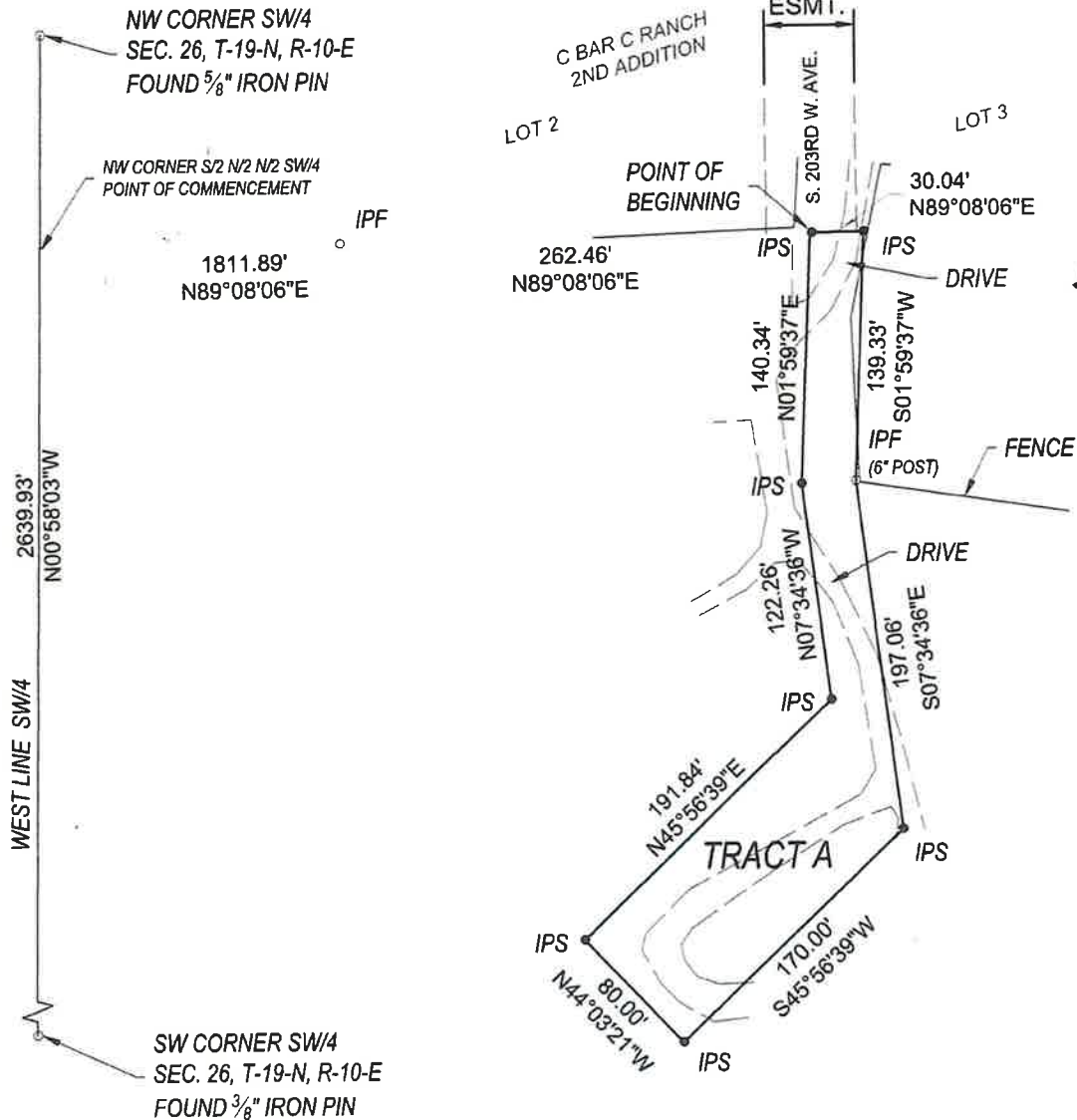
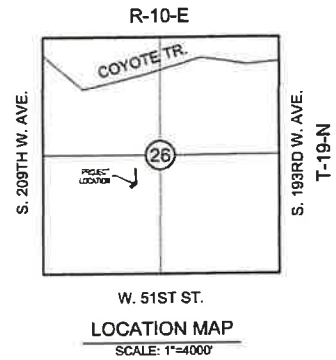


**LEGEND**  
IPF - IRON PIN FOUND  
IPS - IRON PIN SET (W/ CAP  
STAMPED CA 6318)

BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE  
COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE  
NORTH LINE OF THE S/2 N/2 N/2 SW/4 BEING N 89°08'06" EAST.



PART OF THE SW/4 OF SECTION 26,  
TOWNSHIP 19 NORTH, RANGE 10 EAST,  
TULSA COUNTY, OKLAHOMA



BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE  
COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE  
NORTH LINE OF THE S/2 N/2 N/2 SW/4 BEING N 89°08'06" EAST.

IPF - IRON PIN FOUND  
IPS - IRON PIN SET (W/ CAP  
STAMPED CA 6318)









## Board of Adjustment

**Case Number:** CBOA-3198

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

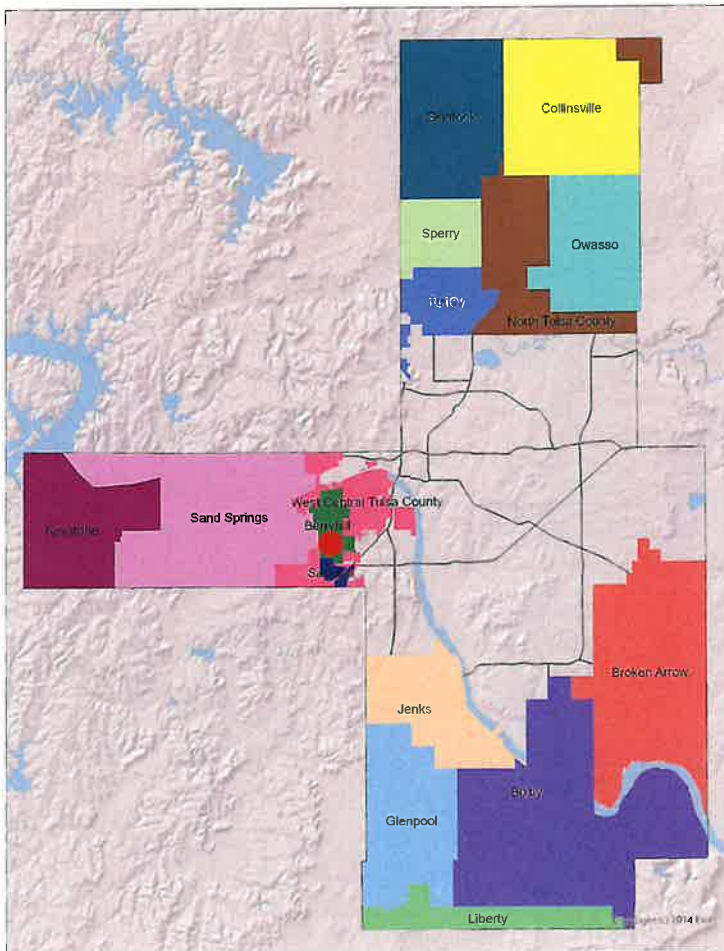
**Owner and Applicant Information:**

**Applicant:** Dana Cantrell

**Property Owner:** Dana Cantrell

**Action Requested:** Variance to permit two dwelling units on a single lot of record in the RS district (Section 208) and a Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 3.02 acres

**Location:** 5920 W 33 ST S

**Present Zoning:** RS

**Fenceline/Area:** Berryhill

**Land Use Designation:** Existing Neighborhood

# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 9220

**CZM:**

**HEARING DATE:** 08/20/2024 1:30 PM

**CASE NUMBER:** **CBOA-3198**

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Dana Cantrell

**ACTION REQUESTED:** Variance to permit two dwelling units on a single lot of record in the RS district (Section 208) and a Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410).

**LOCATION:** 5920 W 33 ST S

**ZONED:** RS

**FENCELINE:** Berryhill

**PRESENT USE:** Residence

**TRACT SIZE:** 3.02 acres

**LEGAL DESCRIPTION:** N420.20 E337.30 W576 SE NW LESS N30 FOR RD SEC 20 19 12 3.022ACS

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**CBOA-2254 March 2007:** The Board approved a Variance of the maximum permitted square footage for an accessory building in the RS district from 750 sf to 1,600 sf (Section 240.2.E).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS and contains a single family residence. The site is surrounded by RS zoning containing single-family residences.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance to permit two dwelling units on a single lot of record in the RS district (Section 208) and a Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410).

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.

A variance is required due to there being an existing home on the subject lot. The manufactured home requested as part of the special exception portion of this proposal would be the second dwelling unit on the lot, which would require a variance to be permitted due to the zoning code limitation on the number of dwelling units allowed on a single lot of record in the RS district. The RS district requires 8,400 sf of floor area per dwelling unit. The subject lot is 3.02 acres in size so has enough land area for two dwellings per the Tulsa County Zoning Code requirements.

The applicant provided the statement "We have recently built an ADA compliant home to share with our disabled daughter. We wish to place a single wide mobile home on our 3 acre property in addition to our main residence to provide a residence for our youngest daughter who helps our disabled daughter with

CBOA-3198 11.2

REVISED 8/7/2024



care. By having a mobile home on our property, it will allow for a safe and affordable home as well as immediate care for her sister and possibly us in the future.”

***If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed special exception and variance are compatible and non-injurious to the surrounding area.***

**Sample Motion:**

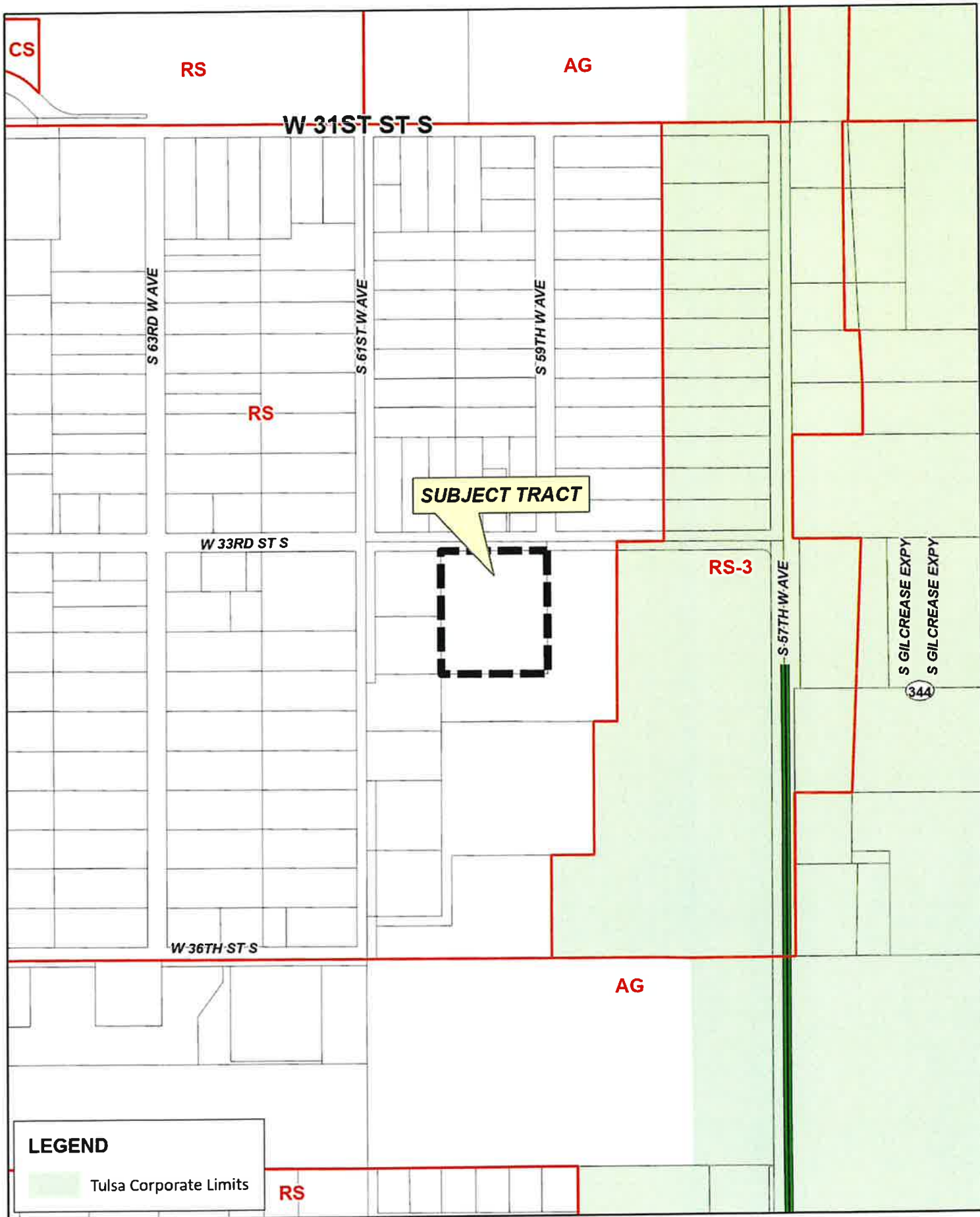
***“Move to \_\_\_\_\_ (approve/deny) a Variance to permit two dwelling units on a single lot of record in the RS district (Section 208) and a Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410).***

***Subject to the following conditions, if any: \_\_\_\_\_.***

***In granting a Special Exception and Variance, the Board must find that the Special Exception and Variance 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.***



Subject tract looking South from W 33<sup>rd</sup> ST S



**CBOA-3198**

19-12 20

CBOA-3198 11.5





0 Feet 200 400



Subject  
Tract

**CBOA-3198**

19-12 20

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

Aerial Photo Date: 2023

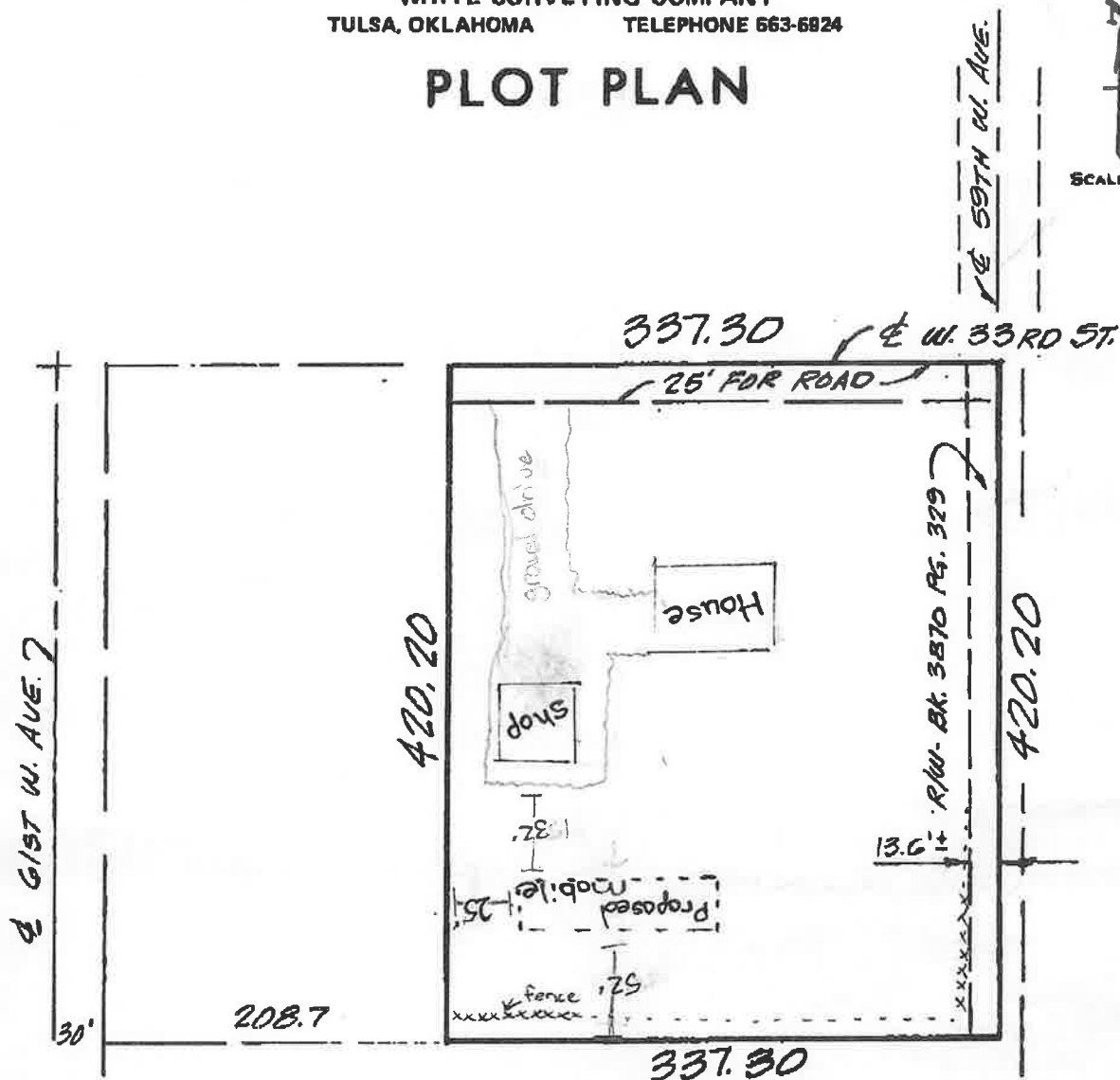


CBOA-3198 11.6

For:

WHITE SURVEYING COMPANY  
TULSA, OKLAHOMA TELEPHONE 663-6824

# PLOT PLAN



Showing proposed improvements on

The North 420.20 feet of the East 337.30 feet of the West 576.00 feet of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) of Section 20, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Total P.01







# Board of Adjustment

**Case Number:** CBOA-3199

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

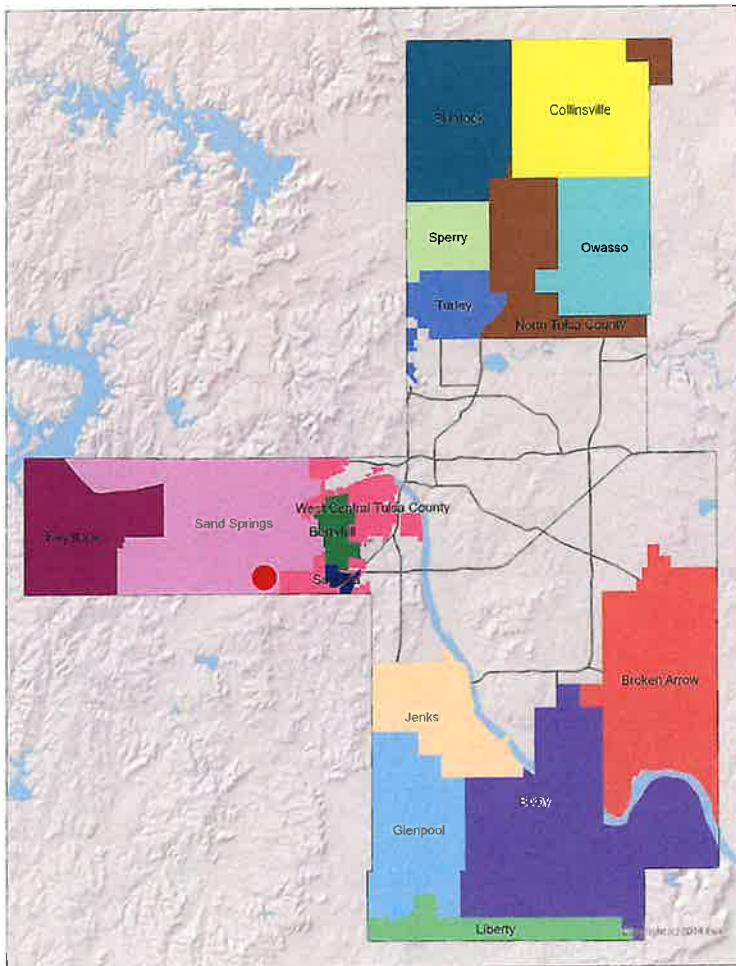
**Owner and Applicant Information:**

**Applicant:** James Morris

**Property Owner:** James Morris

**Action Requested:** Variance of the required rear yard setback in an AG district (Section 330).

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 4.99 acres

**Location:** 5601 S 105 AV W

**Present Zoning:** AG

**Fenceline/Area:** Sand Springs

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9135

**CASE NUMBER:** CBOA-3199

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** James Morris

**ACTION REQUESTED:** Variance of the required rear yard setback in an AG district (Section 330).

**LOCATION:** 5601 S 105 AV W

**ZONED:** AG

**FENCELINE:** Sand Springs

**PRESENT USE:** Residential

**TRACT SIZE:** 4.99 acres

**LEGAL DESCRIPTION:** PRT S/2 SW NE BEG SWC SW NE TH N466 E466 S466 W466 POB SEC 35 19 11 5ACS

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains a single-family residence. The tract abuts AG zoning to the North and East containing vacant land and by RS zoning to the West and South containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the required rear yard setback in an AG district (Section 330).

The Tulsa County zoning code requires a rear yard setback of 40 feet in the AG district. The applicant is proposing to construct an accessory building that will be approximately 22 feet from the rear property line as shown on the site plan provided by the applicant necessitating the need for a variance if constructed in the location illustrated. The proposed building consists of 60 ft x 40 ft barn.

The applicant has stated that the reason for the variance is that they would like to place the building as proposed to preserve the existing trees on the tract. They have provided a document addressing their hardship, which has been 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 \_\_\_\_\_ (approve/deny) a Variance of the required rear yard setback in an AG district (Section 330).

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.*

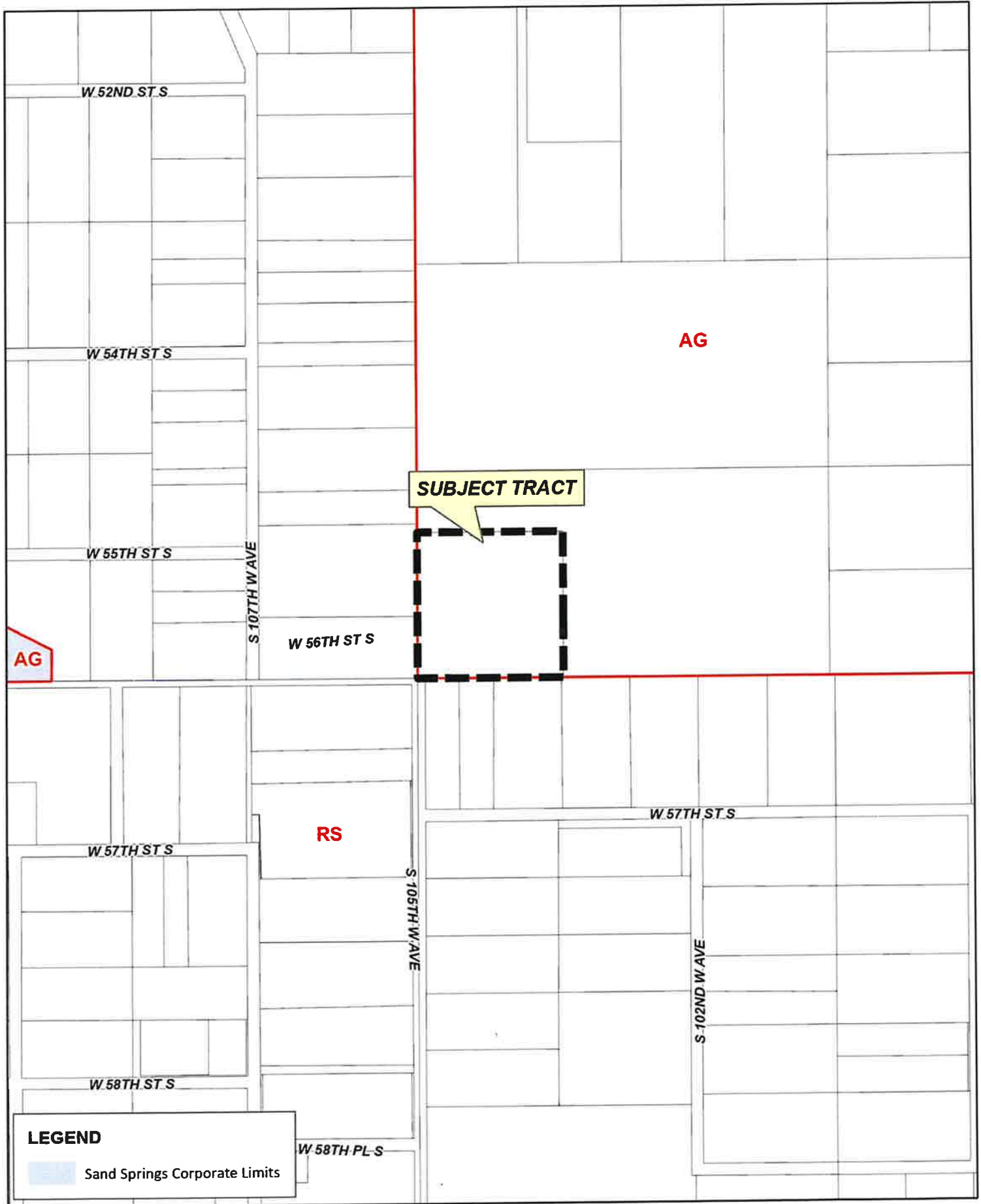




Subject tract looking Northeast from S 105<sup>th</sup> W Ave



Subject tract looking East from S 105<sup>th</sup> W Ave



**LEGEND**  
 Sand Springs Corporate Limits



**CBOA-3199**

19-11 35



CBOA-3199 12.5





0 Feet 200 400



Subject  
Tract

**CBOA-3199**

19-11 35

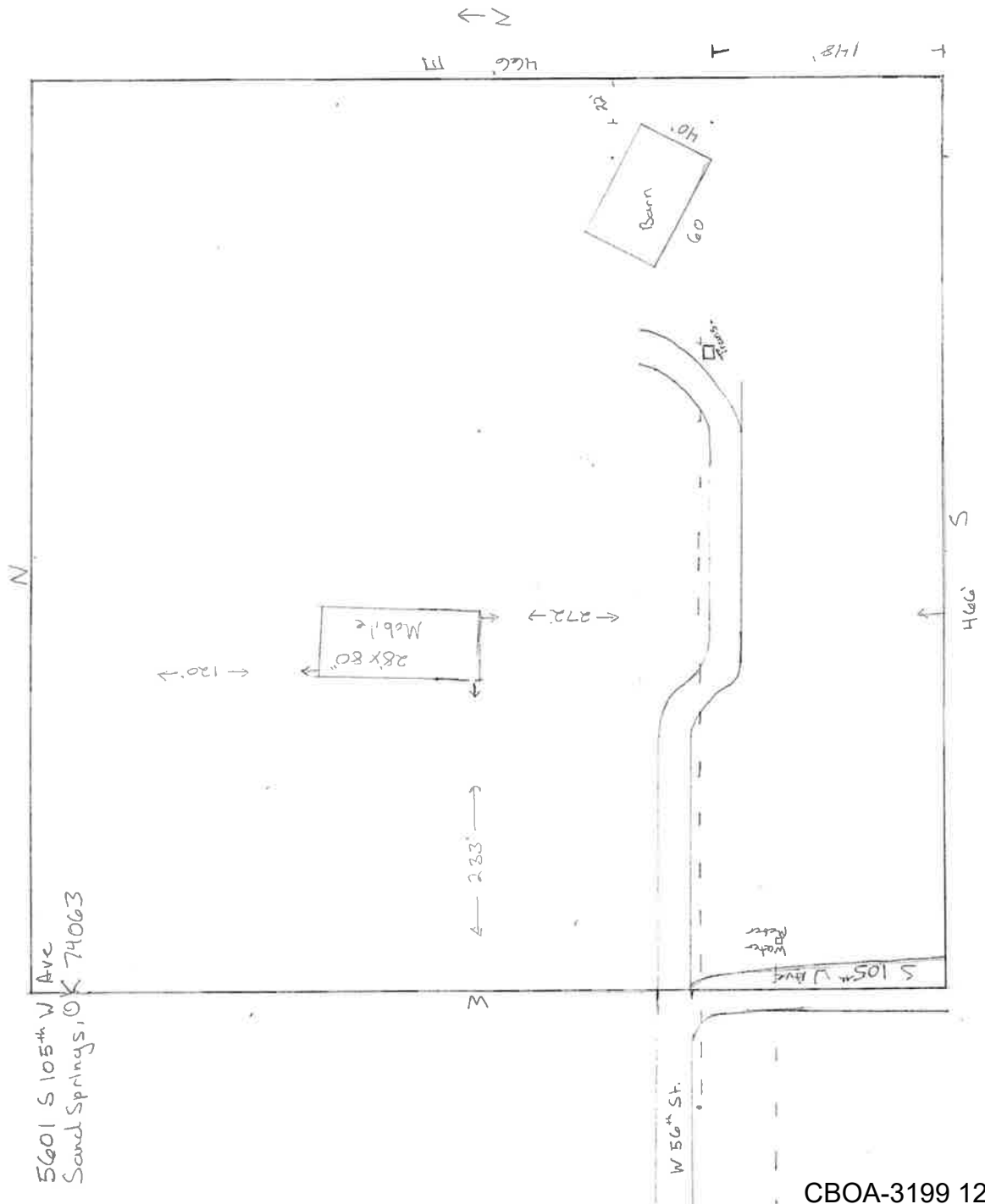
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2023



CBOA-3199 12.6





## **Addressing the Hardship:**

### **1. Unique Circumstances:**

- Your property has significant natural features, specifically large, beautiful trees, which add to the environmental and aesthetic value of the area.
- These trees cannot be easily replaced, and removing them would cause an unnecessary environmental impact.

### **2. Practical Difficulties:**

- Relocating the structure to comply with the 40-foot setback would require cutting down these trees, which would be both costly and environmentally detrimental.
- The terrain and layout of your property make it impractical to move the structure without causing significant disruption.

## **Showing No Substantial Detriment:**

### **1. No Impact on Public Access:**

- The area where the variance is requested has no public access, ensuring that the structure's placement will not interfere with public use or enjoyment of the land.

### **2. Consistency with Surrounding Area:**

- The structure will be adjacent to your father's property, which means it is within a family-controlled area and not near any public or unrelated private properties.
- Your father supports the variance, indicating there is no objection from the immediate neighboring property owner.

### **3. Maintaining Aesthetic and Environmental Integrity:**

- By keeping the trees intact, you are preserving the natural beauty and environmental health of the area, which aligns with broader community and environmental goals.

### **4. Minimal Visibility and Impact:**

- The structure will be largely hidden by the existing trees, minimizing its visual impact on the surrounding area.
- Since the area is zoned agricultural and not densely populated, the variance will not affect the broader community's use or enjoyment of the land.

## **Impairing Purpose and Intent:**

### **1. Agricultural Zone Compatibility:**

- The primary purpose of the agricultural zoning is to preserve open space and maintain the rural character of the area. Your proposal supports this by preserving the trees and natural landscape.

### **2. No Change to Land Use:**

- The variance will not change the land use or the overall agricultural nature of the property.
- The structure is intended for personal use that aligns with typical activities in an agricultural zone.

### **3. Support for Environmental Goals:**

- Preserving mature trees supports environmental sustainability, which is often a key goal in comprehensive planning and zoning ordinances.







## Board of Adjustment

**Case Number:** CBOA-3200

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

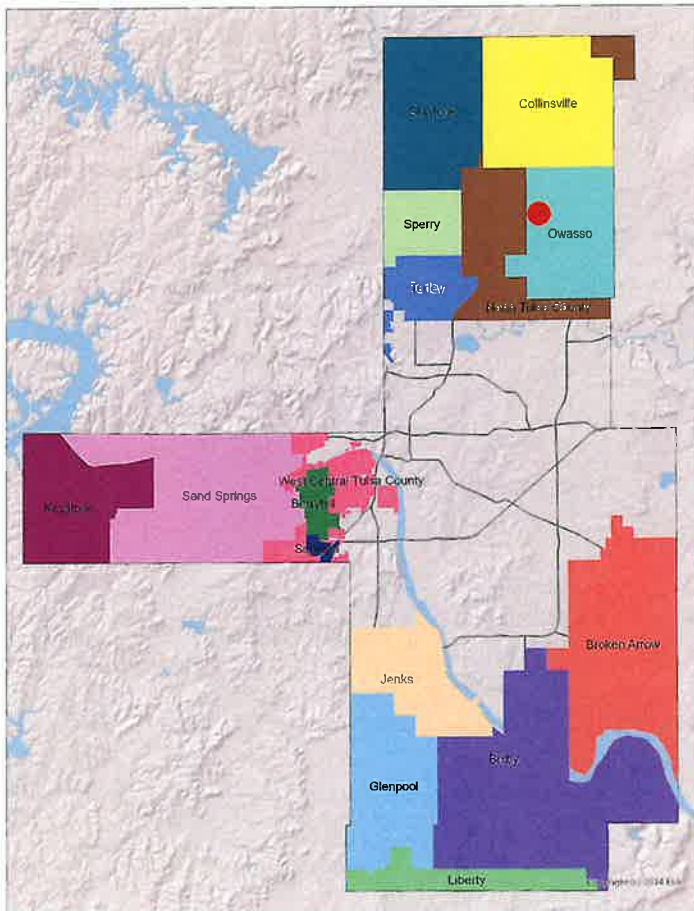
**Owner and Applicant Information:**

**Applicant:** Ronald Brown

**Property Owner:** BROWN, RONALD D  
AND MARY L

**Action Requested:** Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2) and a Variance of the front and side yard setbacks in the RE district to permit a detached garage (Section 430.1).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 0.52 acres

**Location:** 8806 E 105 ST N

**Present Zoning:** RE

**Fenceline/Area:** Owasso

**Land Use Designation:** Residential

# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 1313

**CZM:**

**HEARING DATE:** 08/20/2024 1:30 PM

**CASE NUMBER:** CBOA-3200

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Ronald Brown

**ACTION REQUESTED:** Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2) and a Variance of the front and side yard setbacks in the RE district to permit a detached garage (Section 430.1).

**LOCATION:** 8806 E 105 ST N

**ZONED:** RE

**FENCELINE:** Owasso

**PRESENT USE:** Residence

**TRACT SIZE:** 0.52 acres

**LEGAL DESCRIPTION:** LT 1 BLK 4, RANCH CREEK ADDN Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**CBOA-2567 April 2016:** The Board approved a Variance to allow more than one dwelling unit on a single lot of record (Section 208) and a Variance to reduce the required rear yard setback to be 25 ft (Section 330, Table 3).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RE and contains a single-family residence. The tract is surrounded by RE zoning containing single-family residences.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2) and a Variance of the front and side yard setbacks in the RE district to permit a detached garage (Section 430.1).

The Tulsa County Zoning Code does not allow an accessory building to be built within the required side yard in a residential zoning district. Additionally, the required front yard in an RE district is 35 feet and the side yard is required to be 15 feet. Due to the unusual shape of the subject tract, this means that the front yard is considered the frontage along E 105<sup>th</sup> St N and the side yard to be the southern property line. This unusual lot configuration forces any accessory buildings closer to both the front and side yards than would otherwise be the case. The applicant is proposing to construct a 36 ft X 30 ft detached garage.

The applicant provided the statement "Our hardship is the shape of the lot we have. It is the only lot in the addition that is pie shaped. Because we have to be 35 ft from the center of the street, our house takes the larger portion of our lot and pushes our backyard to the east side of our house. Most of the buildings in the neighborhood are basically built on the side of the house and not behind the house. This building is behind the front of our house, just not to the degree the zoning code requests."



*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 \_\_\_\_\_ (approve/deny) a Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2) and a Variance of the front and side yard setbacks in the RE district to permit a detached garage (Section 430.1).*

*Subject to the following conditions, if any: \_\_\_\_\_.*

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

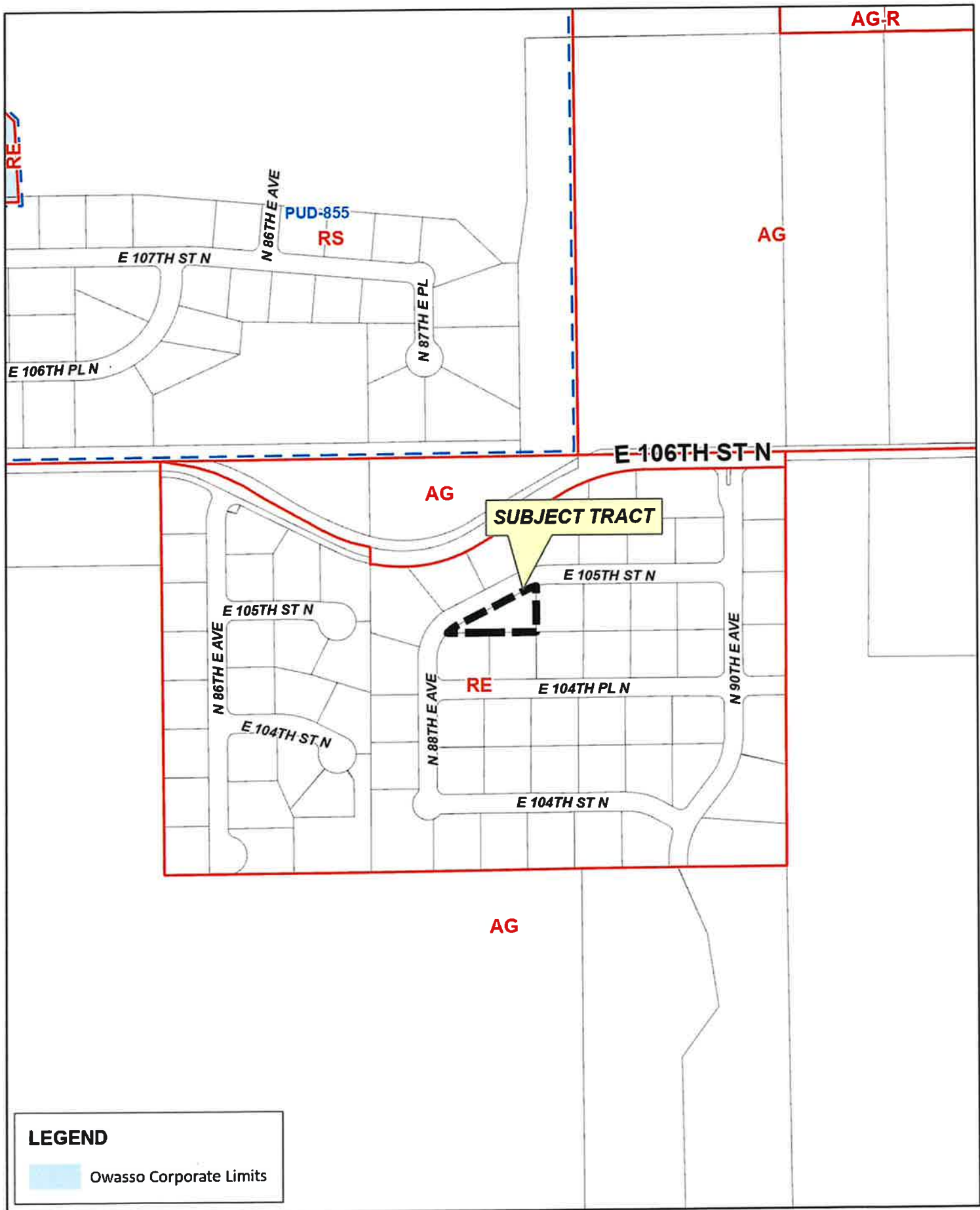
*Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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.*



Subject tract looking Southeast from E 105<sup>th</sup> St N



Subject tract looking South from E 105<sup>th</sup> St N



**LEGEND**

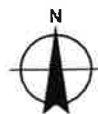
 Owasso Corporate Limits



**CBOA-3200**

21-13 13

CBOA-3200 13.5







0 Feet 200 400



Subject Tract

**CBOA-3200**

21-13 13

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

Aerial Photo Date: 2023

CBOA-3200 13.6





105<sup>TH</sup> STREET

8806 E 105<sup>TH</sup> ST. N.  
OWASSO, OK 74058

PROPOSED  
GARAGE

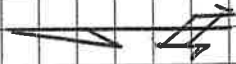
36' X 30'

POOL  
AREA

33' X 49'

HOUSE

69' X 50'



## Hoyt, Jay

---

**From:** Alicia Martch <amartch@OAI.Aero>  
**Sent:** Wednesday, August 07, 2024 9:02 AM  
**To:** esubmit; Hoyt, Jay  
**Cc:** Alicia Martch; William Martch  
**Subject:** Case Number: CBOA-3200

To Whom it May Concern,

This letter is in reference to Case Number: CBOA-3200. We are neighbors with Ronald Brown, our properties are adjacent to each other. There are several houses in the neighborhood with detached garages and Ronald's property lines are such that only the front or side yard would permit a structure. We are not opposed to this. We do not believe that it detracts from the neighborhood in any way, and he has our full support in the building of the detached garage.

Sincerely,  
William & Alicia Martch  
8825 E. 104<sup>th</sup> Pl. N.  
Owasso, OK 74055



I have no problem with the improvements

Mr. Brown is making on his property.

All the improvements he has made on his property is well done and improves the neighborhood.

Jean Realis





**Case Number:** CBOA-3201

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

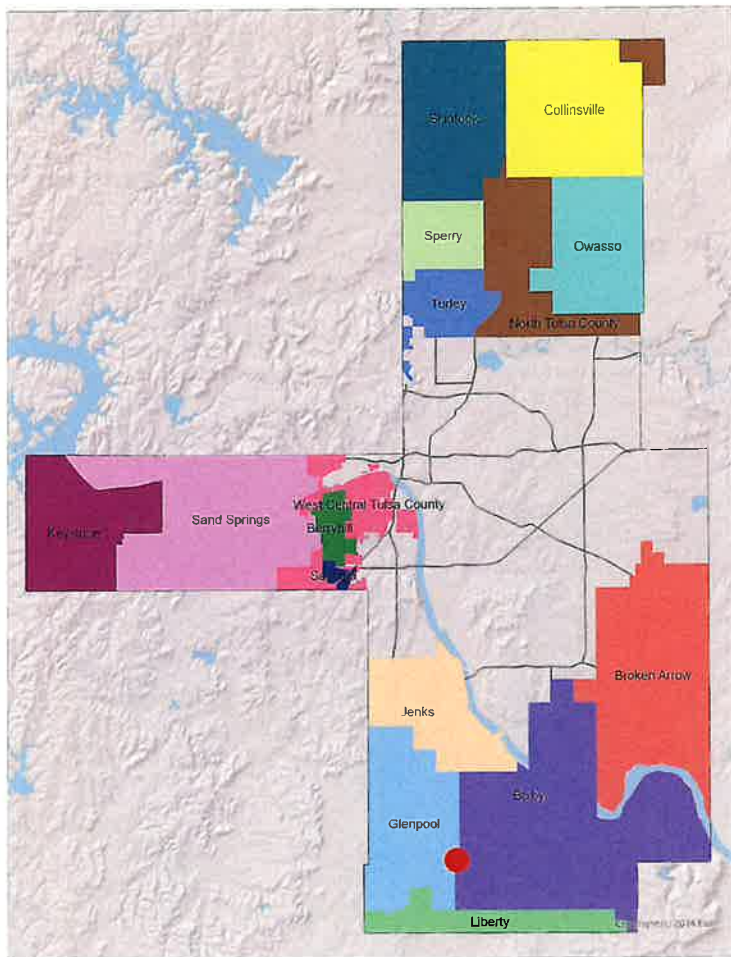
**Owner and Applicant Information:**

**Applicant:** Andrew Ruleford

**Property Owner:** Same

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

**Location Map:**



**Additional Information:**

**Present Use:** Agricultural

**Tract Size:** 60 acres

**Location:** 2219 E 181 ST S

**Present Zoning:** AG

**Fenceline/Area:** Glenpool

**Land Use Designation:** Rural



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7331

**CASE NUMBER:** CBOA-3201

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Andrew Ruleford

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

**LOCATION:** 2219 E 181 ST S

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Agricultural

**TRACT SIZE:** 60 acres

**LEGAL DESCRIPTION:** W/2 E/2 SE & W/2 E/2 E/2 SE SEC 31 17 13 60ACS, SPRING HILL FARMS Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Properties:**

**CBOA-2973 June 2022:** The Board approved a Variance of the minimum lot width requirement from 150 ft to permit a lot split in an AG district (Section 330, Table 3).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains a single-family residence. The tract is surrounded by AG zoning 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 has purchased a 6 acre tract at the northern end of the subject tract. This 6 acre portion does not have frontage as required by the Tulsa County Zoning code. The applicant has file an access easement to provide access to his tract from E 176<sup>th</sup> St S as shown on the documents provided by the applicant. The applicant has filed the easement, which provides 40 feet of frontage for his tract as well as having constructed a new driveway to provide access.

The applicant did not provide a statement.

*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 street frontage from 30' to 0' in an AG district (Section 207).**

Subject to the following conditions, if any: \_\_\_\_\_.

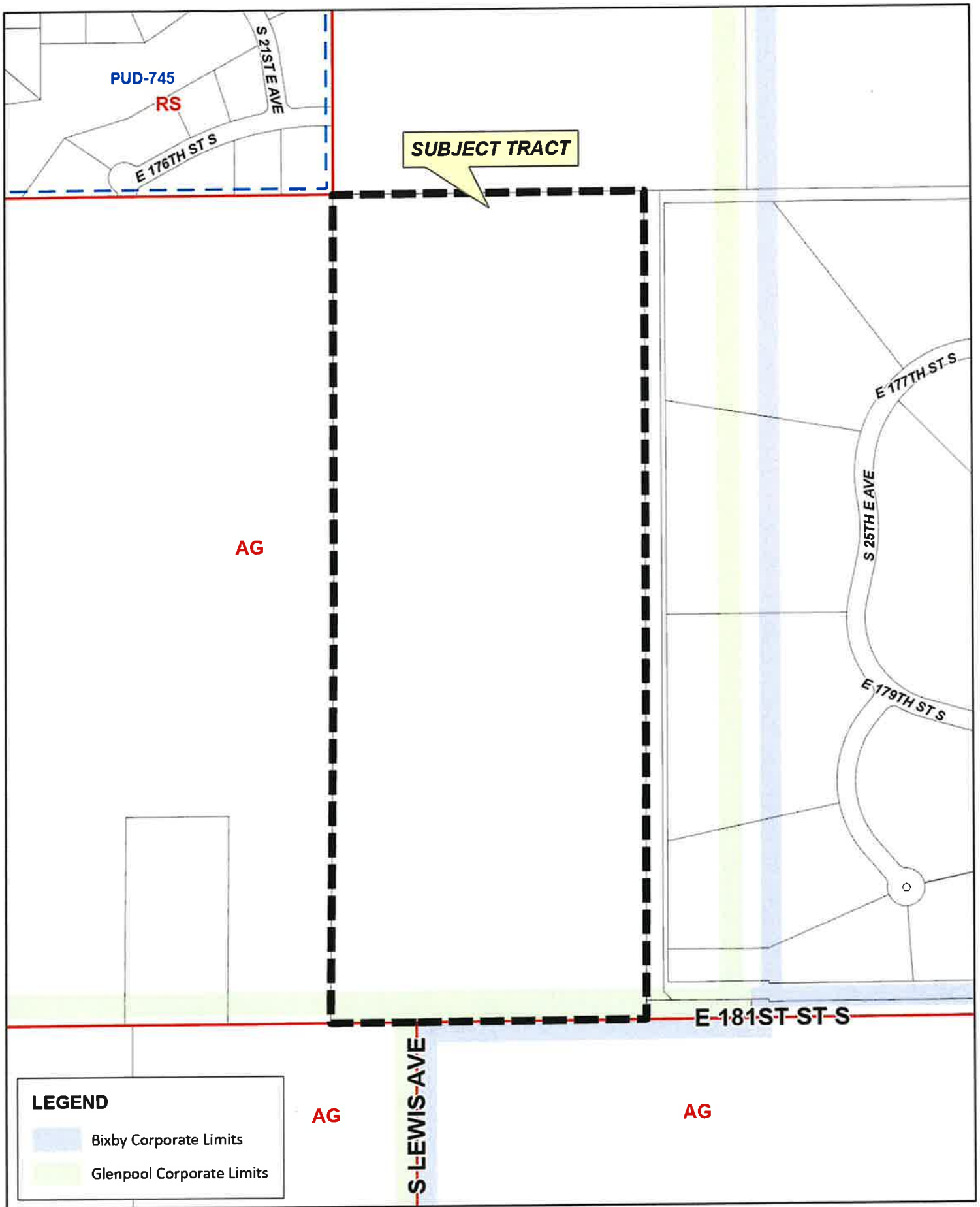
Finding the hardship to be \_\_\_\_\_.

*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.*



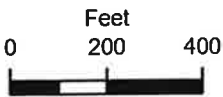
Access to Subject tract looking East from E 176<sup>th</sup> St South





**LEGEND**

- Bixby Corporate Limits
- Glenpool Corporate Limits



**CBOA-3201**

17-13 31



CBOA-3201 14.5



0 Feet 200 400

**CBOA-3201**

17-13 31



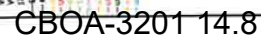
CBOA-3201 14.6





Legal filed easement and new installed driveway is in the red box and “tract A” border is highlighted in red. Tulsa County road E. 176<sup>th</sup> st s ends at the easement and allows 40’ of frontage for full access filed with “tract A”. The easement filed is filed and goes with “tract A” property and to its successors.





Legal description

**LEGAL DESCRIPTION - TRACT "A" 6.0 ACRES**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE/4 OF SAID SECTION 31; THENCE SOUTH 88°48'16" WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 330.80 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER (W/2 E/2 SE/4) OF SAID SECTION 31 AND THE POINT OF BEGINNING;

THENCE SOUTH 01°04'24" EAST ALONG THE EAST LINE THEREOF 263.37 FEET; THENCE SOUTH 88°48'16" WEST A DISTANCE OF 992.38 FEET TO THE WEST LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER (W/2 E/2 SE/4) OF SAID SECTION 31; THENCE NORTH 01°04'35" WEST ALONG SAID WEST LINE A DISTANCE OF 263.37 FEET TO THE NORTHWEST CORNER OF THE W/2 E/2 SE/4 OF SAID SECTION 31; THENCE NORTH 88°48'16" EAST ALONG THE NORTH LINE OF THE SE/4 A DISTANCE OF 992.39 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 281,360.0 SQ. FEET OR 6.00 ACRES. BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

## ACCESS EASEMENT AND MAINTENANCE AGREEMENT

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between Blue Flame 47, Inc., as Grantor and Andrew Ruleford, as Grantee.

WHEREAS, Grantor is the owner of and in possession of the following described real property, to-wit:

The West Half of the Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section Thirty-one (31), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof (hereinafter referred to as "**Tract A**").

WHEREAS, Grantee is the owner of and in possession of the following described real property, to-wit:

A tract of land that is part of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE/4) of said Section 31; Thence South 88°48'16" West along the North line thereof a distance of 330.80 feet to the Northeast corner of the West Half of the East Half of the East Half of the Southeast Quarter (W/2 E/2 E/2 SE/4) of said Section Thirty-one (31) and the point of beginning; Thence South 01°04'24" along the East line thereof 263.37 feet; Thence South 88°48'16" West a distance of 992.38 feet to the West line of the West Half of the East Half of the Southeast Quarter (W/2 E/2 SE/4) of said Section Thirty-one (31); Thence North 01°04'35" West along said West line a distance of 263.37 feet to the Northwest corner of the West Half of the East Half of the Southeast Quarter (W/2 E/2 SE/4) of said Section Thirty-one (31); Thence North 88°48'16" East along the North line of the SE/4 a distance of 992.39 feet to the point of beginning (hereinafter referred to as "**Tract B**").

WHEREAS, Tract B is landlocked, Grantee requires an access easement over and across Tract A and Grantor has agreed to grant an access easement subject to the terms herein.

NOW, THEREFORE, in consideration of the terms and conditions herein, the parties hereto hereby agree as follows:

1. Grantor hereby grants an Access Easement to Grantee and his heirs, successors and assigns over and across the following described real property, to-wit:

A tract of land that is part of the Northeast Quarter (NE/4) of Section Thirty-one (31), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base



and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

Commencing at the Southeast Corner of the NE/4 of said Section 31; THENCE South 88°48'16" West along the South line thereof a distance of 1283.19 feet to the Point of Beginning; THENCE continuing South 88°48'16" West a distance of 40.00 feet to the Southeast corner of Lot Three (3), Block Eight (8), SPRING HILL FARMS, an addition to Tulsa County, State of Oklahoma, according to the recorded Plat thereof; THENCE North 01°04'49" West along the East line of said Block 8 a distance of 280.00 feet; THENCE North 88°48'26" East and parallel with the North line of said Lot 3 a distance of 40.00 feet; THENCE South 01°04'49" East and parallel with the East line of said Lot 3 a distance of 280.00 feet to the South line of the NE/4 of said Section 31 and the Point of Beginning.

2. Grantee and his heirs, successors and assigns shall be solely responsible for constructing, grading and maintaining said Access Easement.

3. The Access Easement granted herein is a perpetual easement which shall run with the title to Tract B.

4. This Agreement may be modified by a written agreement executed by the then record owners of each Tract and recorded in the office of the Tulsa County Clerk. If the owner of Tract B, or his heirs, successors and assigns, determines that this easement is no longer necessary, the then record owners of Tract B may execute a Release of Easement and record the same in the office of the Tulsa County Clerk.

5. To the fullest extent permitted by law, the Grantee, his heirs, successors, and assigns, shall indemnify and hold harmless the Grantor, its successors and assigns, and their agents for any and all claims, liabilities, and damages arising out of the occupation and use of the right of way. The only liabilities for which a party's obligation to indemnify the indemnitees does not apply are the liabilities wholly caused by the sole negligence or willful misconduct of an indemnitee.

This Agreement contains all of the conditions and stipulations of the parties hereto with respect to the granting of the Access Easement and Maintenance Agreement and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors, and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

**BLUE FLAME 47, INC.**

---

**Loren Weber, Executive Vice-President**

---

**Andrew Ruleford**

STATE OF OKLAHOMA    )  
                                  )  
COUNTY OF \_\_\_\_\_ )       ss.

      This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by  
Loren Weber, Executive Vice-President of Blue Flame 47, Inc.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
My Commission No. \_\_\_\_\_

STATE OF OKLAHOMA    )  
                                  )  
COUNTY OF \_\_\_\_\_ )       ss.

      This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by  
Andrew Ruleford.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
My Commission No. \_\_\_\_\_



## Board of Adjustment

**Case Number:** CBOA-3202

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

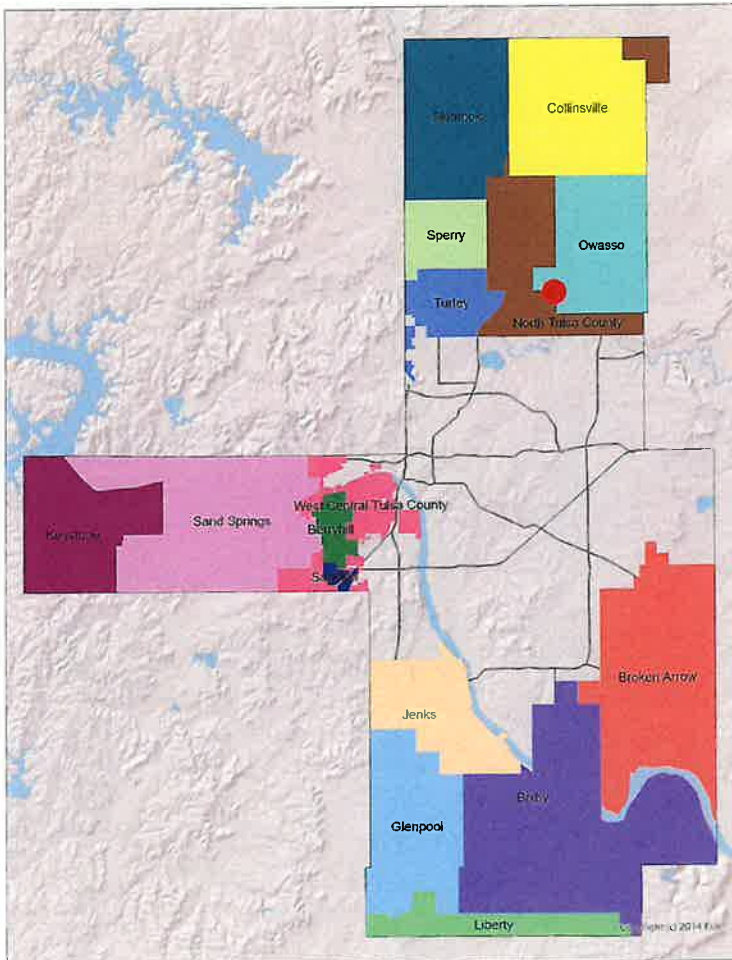
**Owner and Applicant Information:**

**Applicant:** Creek Valley Farms, LLC

**Property Owner:** VAUGHN, SANDRA K

**Action Requested:** Variance of the land area per dwelling unit in an AG district (Section 330), a Variance of the lot area requirement in an AG district (Section 330) and a Variance of the 150 ft lot width requirement in an AG district (Section 330).

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 3.55 acres

**Location:** 7900 E 76 ST N

**Present Zoning:** AG

**Fenceline/Area:** North Tulsa County

**Land Use Designation:** Rural Residential/Agricultural



# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 1335

**CASE NUMBER:** CBOA-3202

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Creek Valley Farms, LLC

**ACTION REQUESTED:** Variance of the land area per dwelling unit in an AG district (Section 330), a Variance of the lot area requirement in an AG district (Section 330) and a Variance of the 150 ft lot width requirement in an AG district (Section 330).

**LOCATION:** 7900 E 76 ST N

**ZONED:** AG

**FENCELINE:** North Tulsa County

**PRESENT USE:** Residential

**TRACT SIZE:** 3.55 acres

**LEGAL DESCRIPTION:** PRT E/2 NE BEG 80S & 25W NEC NE TH S120 W363 S150 W332.2 N310 E103 S10 E562.20 SE42.43 POB SEC 35 21 13 3.551ACS, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**CBOA-2066 October 2003:** The Board approved a Variance of the required land area per dwelling unit from 2.1 acres to 1.25 acres (Section 330).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and currently contains a single-family residence. The tract abuts AG zoning to the East, South and West containing single-family residences and vacant land as well as PF and O zoning (City of Owasso) containing a school and a religious facility.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the land area per dwelling unit in an AG district (Section 330), a Variance of the lot area requirement in an AG district (Section 330) and a Variance of the 150 ft lot width requirement in an AG district (Section 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 subject tract is approximately 3.55 acres in size. The applicant is proposing to split the subject tract into 3 lots, containing 0.73 acres, 1.58 acres and 1.24 acres as shown on the document provided by the applicant resulting in lots that are less than the 2.1 acres required per dwelling and the minimum of 2 acres for any lot in the AG district. Additionally, the western most proposed lot is shown with a width of 103 ft, which is under the 150 ft lot width requirement of the Tulsa County Zoning Code.

The applicant provided the statement that they are "Splitting the land into 3 parcels which do not meet the minimum acreage requirement."

*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 \_\_\_\_\_ (approve/deny) a Variance of the land area per dwelling unit in an AG district (Section 330), a Variance of the lot area requirement in an AG district (Section 330) and a Variance of the 150 ft lot width requirement in an AG district (Section 330).*

*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.*

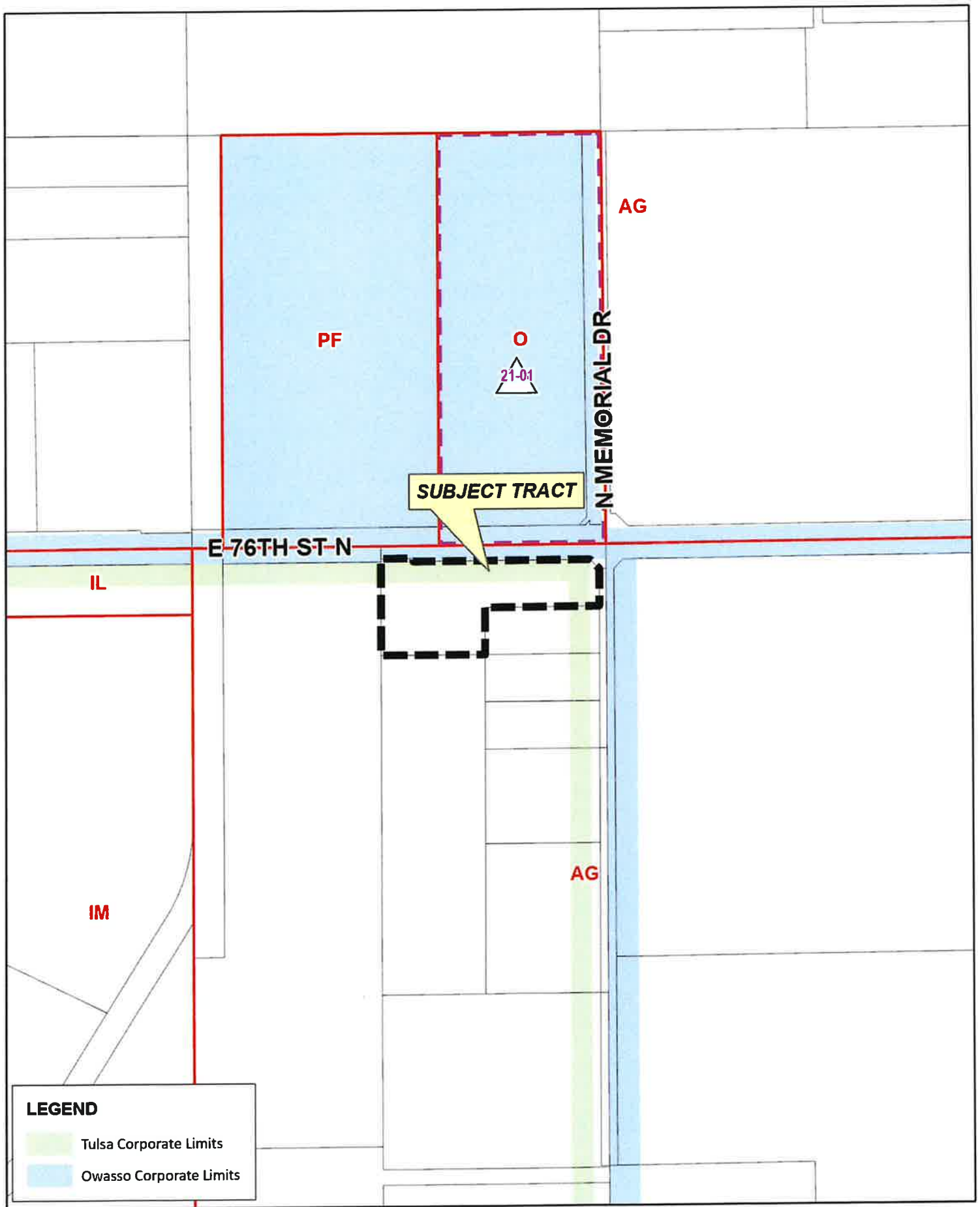


Subject tract looking Southeast from E 76<sup>th</sup> St N



Subject tract looking Southwest from E 76<sup>th</sup> St N





**CBOA-3202**

21-13 35

CBOA-3202 15.5



E 76TH ST N

N MEMORIAL DR

0 Feet 200 400



Subject Tract

**CBOA-3202**

21-13 35

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

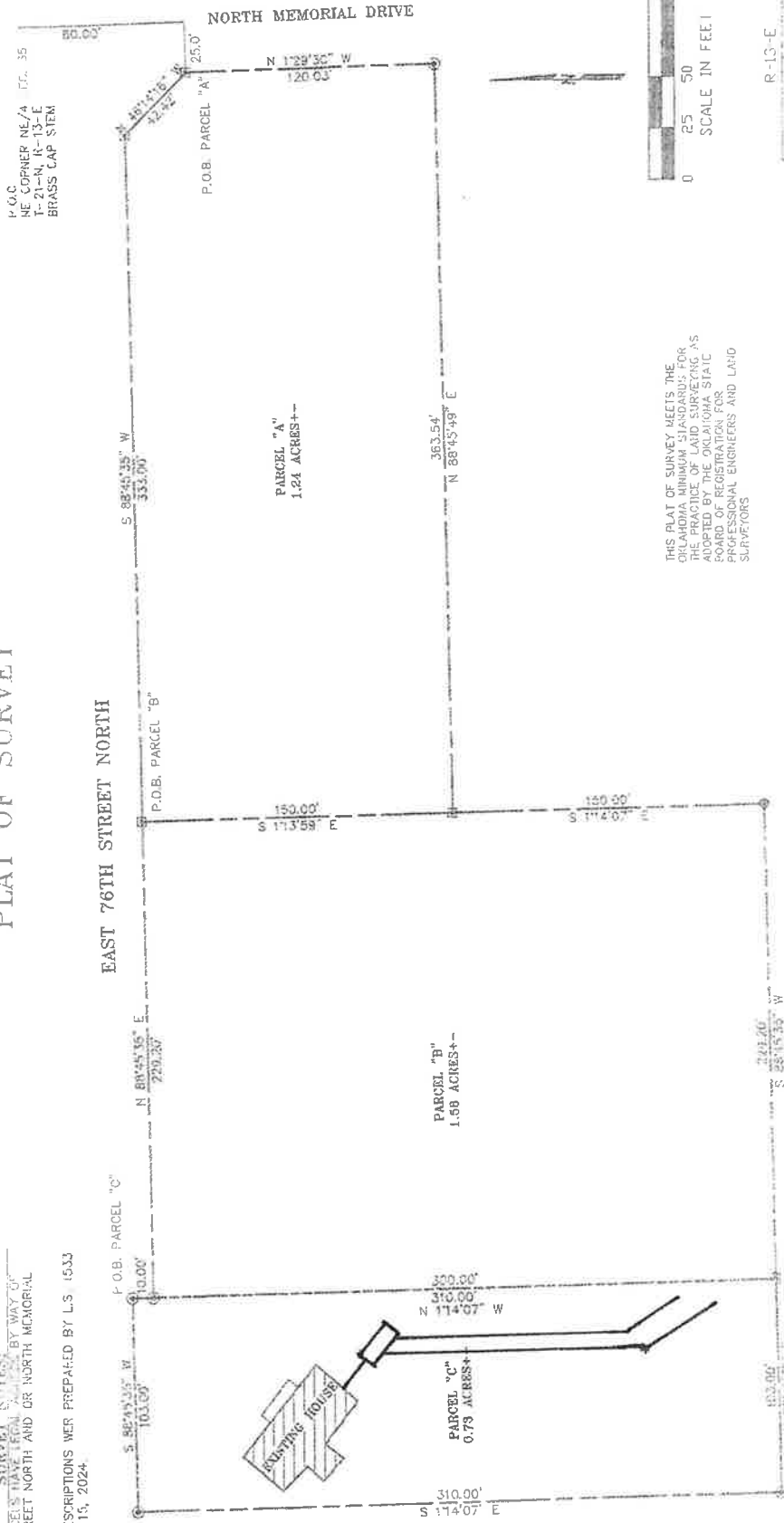
Aerial Photo Date: 2023



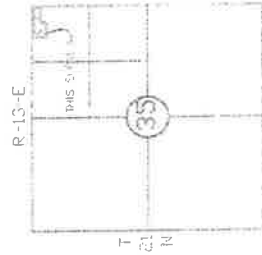
CBOA-3202 15.6

# PLAT OF SURVEY

**SURVEY NOTES:**  
ALL PARCELS HAVE BEEN ALIGNED BY WAY OF  
76TH STREET NORTH AND OR NORTH MEMORIAL  
DRIVE.  
LEGAL DESCRIPTIONS WERE PREPARED BY L.S. 1533  
ON JULY 15, 2024.



THIS PLAT OF SURVEY MEETS THE  
OKLAHOMA MINIMUM STANDARDS FOR  
THE PRACTICE OF LAND SURVEYING AS  
ADOPTED BY THE OKLAHOMA STATE  
BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND  
SURVEYORS



BASIS OF BEARINGS, OKLAHOMA STATE PLANS

- ⊙ DENOTES SET MAG NAIL W/FLASH
- ⊙ DENOTES FOUND 1/2" IRON PIN
- ⊙ DENOTES EXISTING FENCE CORNER
- ⊙ DENOTES SET 1/2" IRON PIN W/CAP



THE WRITTEN CERTIFICATE OF THE SURVEYOR AS SHOWN  
HEREIN IS A TRUE AND CORRECT COPY OF THE  
ORIGINAL RECORD OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY  
OR GUARANTEE OF ANY KIND

**CERTIFICATE**  
I, Brett King, the undersigned, a Registered Land Surveyor, L.S. 1533, in the State of Oklahoma  
of Lanchester Surveying, C.A. 4572, E.P. 6-30-25, of 245 South Taylor St., City of Oklahoma  
(518-825-2804) do hereby certify that a careful survey of the following described property was  
made under my supervision

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTIONS

*[Signature]*

Witness my hand and seal this 15th day of April, 2024







## Board of Adjustment

**Case Number:** CBOA-3203

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

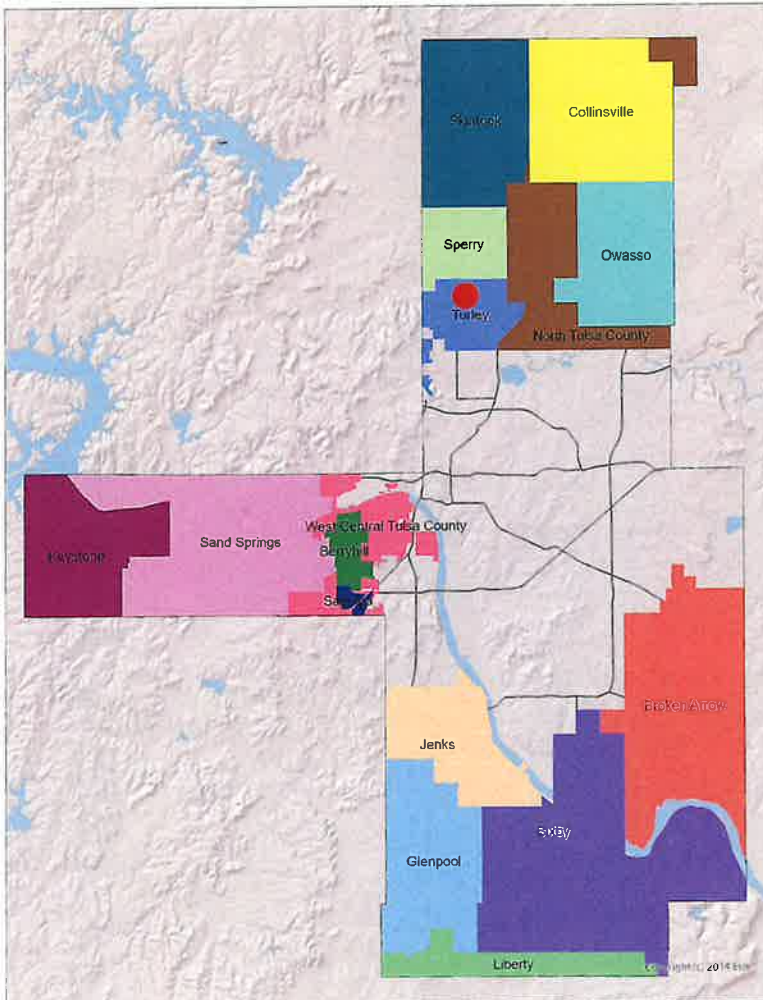
**Owner and Applicant Information:**

**Applicant:** Oscar Garcia

**Property Owner:** GARCIA, OSCAR

**Action Requested:** Use Variance to permit Use Unit 27 for a commercial wrecker service in an AG district (Section 310).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 20 acres

**Location:** 1655 E 76 ST N

**Present Zoning:** AG

**Fenceline/Area:** Turley

**Land Use Designation:** Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1330

**CASE NUMBER:** **CB0A-3203**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Oscar Garcia

**ACTION REQUESTED:** Use Variance to permit Use Unit 27 for a commercial wrecker service in an AG district (Section 310).

**LOCATION:** 1655 E 76 ST N

**ZONED:** AG

**FENCELINE:** Turley

**PRESENT USE:** Vacant

**TRACT SIZE:** 20 acres

**LEGAL DESCRIPTION:** W 1/2 SE SW SEC 30-21-13

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Properties:**

**CB0A-2005 October 2002:** The Board approved a Special exception to permit a radio tower in the AG district (Section 310).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and is currently vacant. The tract abuts AG zoning to the North containing agricultural uses and West containing radio towers. The tract also abuts RMH zoning to the West that is currently vacant, RE zoning to the East containing single-family residences and RS zoning to the South containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Use Variance to permit Use Unit 27 for a commercial wrecker service in an AG district (Section 310).

Use Unit 27 – Heavy Manufacturing and Industry is not a use that is permitted by right or exception in the AG district, which a wrecker yard would fall under, necessitating the need for a Use Variance on the subject tract. A Use Variance is required as the proposed use is not permitted by right in the AG district because of the potential adverse effects, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The proposed use must be found to be compatible with and non-injurious to the surrounding area.

The applicant did not provide a statement.

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



**Sample Motion:**

***"I Move to \_\_\_\_\_ (approve/deny) a Use Variance to permit Use Unit 27 for a commercial wrecker service in an AG district (Section 310).***

***Subject to the following conditions, if any: \_\_\_\_\_.***

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

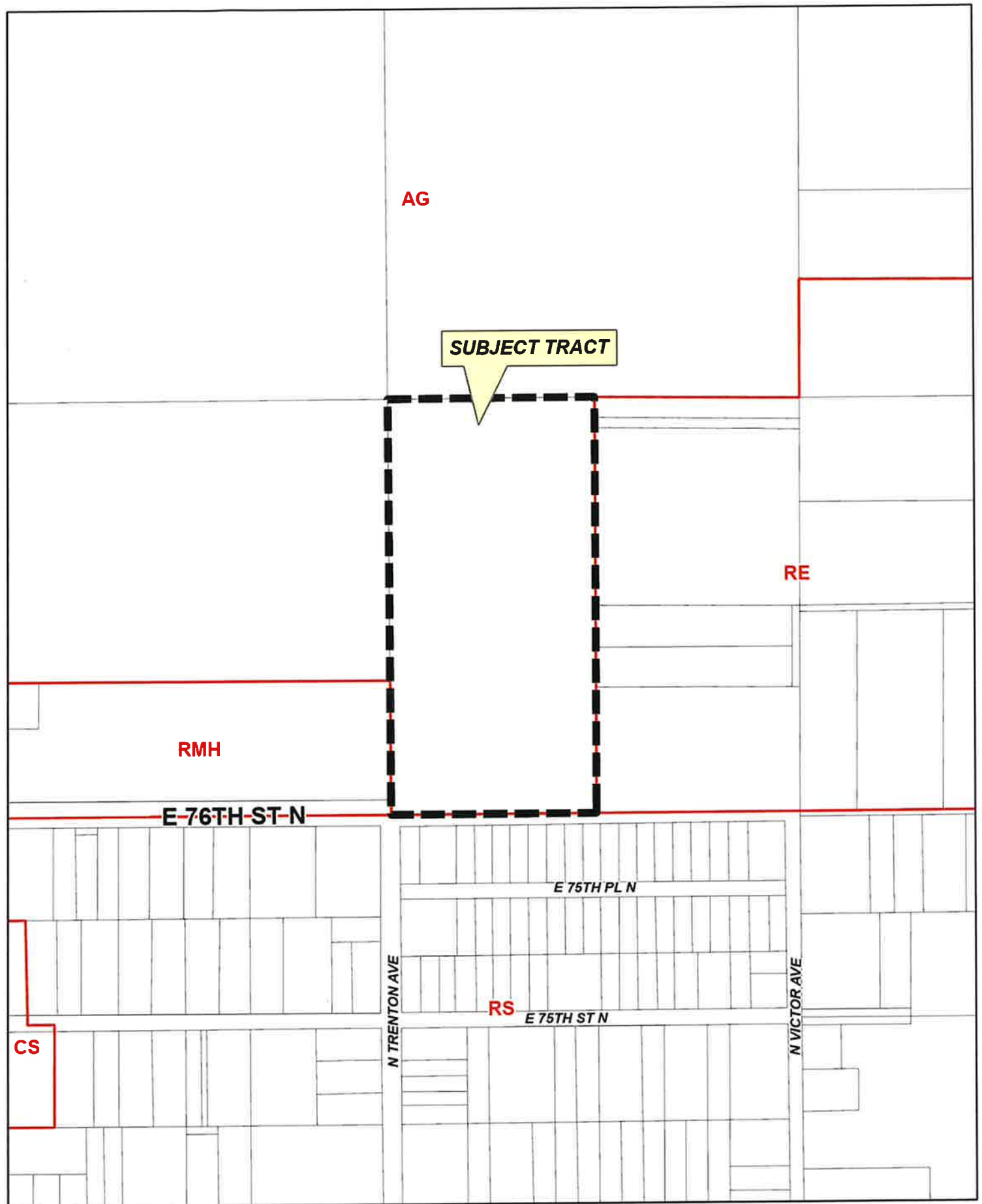
***Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do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



Subject tract looking Northeast from E 76<sup>th</sup> St N



Subject tract looking Northwest from E 76<sup>th</sup> St N



**CBOA-3203**

21-13 30

CBOA-3203 16.5







E 76TH ST N

E 75TH PL N

E 75TH ST N

N TRENTON AVE

N VICTOR AVE

0 Feet 200 400



Subject Tract

**CBOA-3203**

21-13 30

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

Aerial Photo Date: 2023



CBOA-3203 16.6

August 4, 2024

Tulsa County Board of Adjustment c/o INCOG  
2 W. 2<sup>nd</sup> St., Ste. 800  
Tulsa, OK 74103

Re: Case Number CBOA-<sup>3203</sup>~~3202~~

To Whom It May Concern,

I am writing in protest of Oscar Garcia's application for a zoning variance at 1655 E. 76<sup>th</sup> St. North. I live in the same neighborhood as the applicant.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole, in part, or upon reasonable conditions as provided in this article, only upon a finding by the board of adjustment that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

11 O.S. 44-107.

The Board will notice the use of the conjunction "and" between the penultimate and ultimate enumerated conditions. This necessitates the existence of *all four* conditions in order to grant a variance. The Tulsa Zoning Code speaks to this point: "Unless the context otherwise expressly indicates, conjunctions have the following meanings:

1. "And" indicates that all connected items or provisions apply; and
2. "Or" indicates that the connected items or provisions may apply singularly or in combination." *Tulsa Zoning Code §1.090-D.*

Each point of § 44-107 is addressed with a corresponding number below:

- 1) It is unknown what kind of hardship would be visited upon Mr. Garcia were he to prevail in obtaining a zoning variance. What can be known is the hardship endured by the neighboring landowners. Surrounding landowners have purchased their land relying, in part, upon the city's



zoning. They have a reasonable expectation that the land surrounding their investment will be free of jails, gun clubs, childcare facilities, or any of several other uses enumerated in Table 25-1 of the Tulsa Zoning Code. They further have a reasonable expectation that their agricultural land and animals will not suffer from petroleum and chemical runoff (which is inevitable given the tendency of this area to flood), industrial noise, increased traffic, and ruined aesthetics of the current community of family farms. More to the point, in the same table referenced above, “Uses that are identified with an “-“ are expressly prohibited. Uses that are not listed in the table . . . are also prohibited.” Table 25-1 lists many uses that “may be allowed only if reviewed and approved in accordance with the special exception procedures . . .” Commercial Wrecker Service is not among the enumerated uses. It is not subject to variance and should be denied.

- 2) 1655 E. 76<sup>th</sup> St. North has no conditions peculiar to it. The land is perfectly suited to agricultural use. There is nothing to differentiate it or to make it unusable for its zoning. The Tulsa Zoning Code is somewhat cryptic on this point. Thankfully the Oklahoma Court of Civil Appeals referenced the more helpful code of a neighboring municipality (Broken Arrow) when deciding whether an appellee was entitled to a variance:

Broken Arrow Zoning Code §6.8(B)(8) provides that the board of adjustment may approve a variance only if it finds that all of the following criteria have been met:

- i. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property;
- ii. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;
- iii. Such physical circumstances or conditions were not created by the applicant;
- iv. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Ordinance.

*McCleary v. City of Broken Arrow Bd. of Adjustment*, 2022 OK CIV APP 2.

It seems clear that the applicant in the present case does not meet the peculiarity requirement of the Tulsa Zoning Code. The property in question is not substantially different from its neighbors and there are



no unusual circumstances or topography not shared by the adjacent land.

- 3) The variance, if granted, will alter the essential character of the neighborhood and will permanently impair the appropriate use of adjacent property. As stated earlier, the successful management of agricultural property and small farms requires clean land and water free of chemical runoff. Adjacent landowners have a reasonable expectation for their land to not be negatively impacted by pollution, increased traffic, noise, and sightlines marred by masses of wrecked automobiles.
- 4) Point four is moot in that there is no unnecessary hardship of the landowner. The land in question is not especially suited to accommodate a commercial wrecker service. It is suited for agricultural use – hence its designation. The applicant is free to purchase land already appropriately zoned.

The applicant in the case before the Board has the burden of proving each of the four criteria necessary to obtain a variance. He cannot and should be denied.

---

J. Calvin Teague  
918.406.5922  
7901 N Victor Ave  
Sperry, OK 74073

**August 4, 2024**

**Tulsa County Board of Adjustment c/o INCO  
2 West Second St. Ste 800  
Tulsa, Ok. 74103**

**Re: Case Number: CBOA-3203**

**Letter of protest:**

**The acreage that Mr. Garcia owns at 1655 E. 76<sup>th</sup> St N. is in a flood plain. That is the reason all these years it has been zoned for agricultural purposes.**

**Shortly after Mr. Garcia took ownership of this property he proceeded to bring in by "tow" a very large amount of what appeared to be disabled salvage vehicles (too many to count but at least 100-200). Eventually he was requested by Tulsa County to remove these vehicles, which he did.**

**As a near-by resident and property owner I know that Mr. Garcia's property floods each time "Bird Creek" floods, which causes near-by "Delaware Creek" and "Hominy Creek" to also flood.**

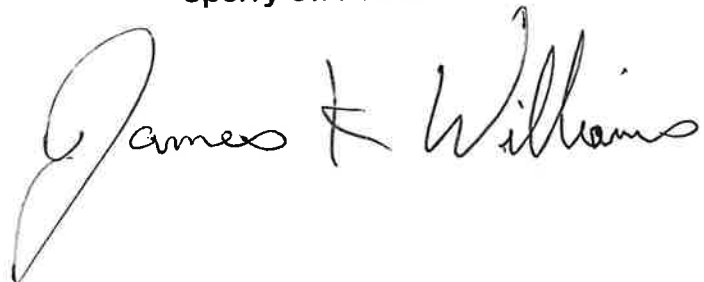
**Mr. Garcia's "auto wrecker service" appears to be another way for him to once again bring in hundreds of disabled vehicles creating what would appear to be an auto salvage.**

**This would certainly decrease surrounding property values as well as create a safety hazard for all other near-by property owners.**

**Therefore, for reasons listed above Mr. Garcia's request for a commercial wrecker service should be denied and his property should remain zoned for agricultural purposes only.**

**Sincerely submitted,**

**James K. Williams  
1642 E. 76<sup>th</sup> St. N.  
PO Box 246  
Sperry Ok 74073**

A handwritten signature in black ink that reads "James K. Williams". The signature is written in a cursive, flowing style with a large initial "J" and "W".

August 4, 2024

Tulsa County Board of Adjustment c/o INCO  
2 West Second St. Ste 800  
Tulsa, Ok. 74103

Re: Case Number: CBOA-3203

Letter of protest:

The acreage that Mr. Garcia owns at 1655 E. 76<sup>th</sup> St N. is in a flood plain. That is the reason all these years it has been zoned for agricultural purposes.

Shortly after Mr. Garcia took ownership of this property he proceeded to bring in by "tow" a very large amount of what appeared to be disabled salvage vehicles (too many to count but at least 100-200). Eventually he was requested by Tulsa County to remove these vehicles, which he did.

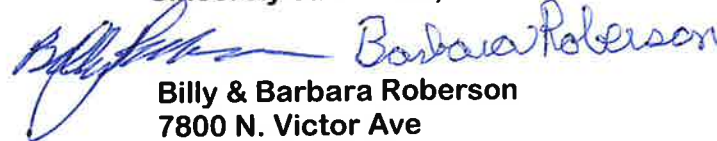
As a near-by resident and adjacent property owner we know that Mr. Garcia's property floods each time "Bird Creek" floods, which causes near-by "Delaware Creek" and "Hominy Creek" to also flood.

Mr. Garcia's "auto wrecker service" appears to be another way for him to once again bring in hundreds of disabled vehicles creating what would appear to be an auto salvage.

This would certainly decrease surrounding property values as well as create a safety hazard for all other near-by property owners.

Therefore, for reasons listed above Mr. Garcia's request for a commercial wrecker service should be denied and his property should remain zoned for agricultural purposes only.

Sincerely submitted,

A handwritten signature in blue ink, appearing to read "Billy & Barbara Roberson", is written over the typed name.

Billy & Barbara Roberson  
7800 N. Victor Ave  
Sperry Ok 74073



August 4, 2024

Tulsa County Board of Adjustment c/o INCO  
2 West Second St. Ste 800  
Tulsa, Ok. 74103

Re: Case Number: CBOA-3203

Letter of protest:

The acreage that Mr. Garcia owns at 1655 E. 76<sup>th</sup> St N. is in a flood plain. That is the reason all these years it has been zoned for agricultural purposes.

Shortly after Mr. Garcia took ownership of this property he proceeded to bring in by "tow" a very large amount of what appeared to be disabled salvage vehicles (too many to count but at least 100-200). Eventually he was requested by Tulsa County to remove these vehicles, which he did.

Living adjacent to this property for 50 years we, the Kapples can certainly attest to the fact that Mr. Garcia's property floods each time "Bird Creek" floods, which causes near-by "Delaware Creek" and "Hominy Creek" to also flood.

We can just vision many of those (if not all) disabled vehicles flooding onto the other near-by properties and streets such as E. 76<sup>th</sup> St. North and N. Victor Ave creating property damage and safety hazards for all near-by residents and property owners.

Mr. Garcia's "auto wrecker service" appears to be another way for him to once again bring in hundreds of disabled vehicles creating what would appear to be an auto salvage.

This would certainly decrease surrounding property values as well.

Therefore, for reasons listed above Mr. Garcia's request for a commercial wrecker service should be denied.

Sincerely submitted,  
  
Ronald & Carla Kapple  
7638 N. Victor Ave  
Sperry, Ok 74073

August 4, 2024

Tulsa County Board of Adjustment c/o INCO

Re: Case Number: CBOA-3203

Letter of protest:

The acreage that Mr. Garcia owns at 1655 E. 76<sup>th</sup> St. N. is in a flood plain. That is the reason all these years it has been zoned for agricultural purposes.

Shortly after Mr. Garcia took ownership of this property he proceeded to bring in by "tow" a very large amount of what appeared to be disabled salvage vehicles (too many to count, but at least 100-200). Eventually he was requested by Tulsa County to remove these vehicles, which he did,

Living near-by to this property, we know first hand that this property floods each time "Bird Creek" floods, which causes near-by Delaware and Hominy Creek to also flood.

Mr. Garcia's "auto wrecker service" appears to be another way for him to once again bring in hundreds of disabled vehicles creating what would appear to be an auto salvage.

Having disabled vehicles flooding onto near-by resident's property as well as onto the streets of E. 76<sup>th</sup> St. and N. Victor Ave would create a safety hazard and property damage.

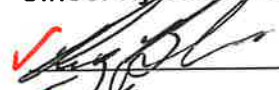
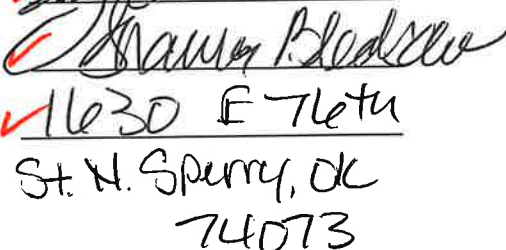
Additionally, certainly decreasing surrounding property values.

Therefore, for reasons listed above Mr. Garcia's request for a commercial wrecker service should be denied.

Sincerely submitted,

Signature:

Address:

  
  
1630 E 76<sup>th</sup> St. N. Sperry, OK  
74073

August 4, 2024

Tulsa County Board of Adjustment c/o INCO  
2 West Second St. Ste 800  
Tulsa, Ok. 74103

Re: Case Number: CBOA-3203

Letter of protest:

The acreage that Mr. Garcia owns at 1655 E. 76<sup>th</sup> St N. is in a flood plain. That is the reason all these years it has been zoned for agricultural purposes.

Shortly after Mr. Garcia took ownership of this property he proceeded to bring in by "tow" a very large amount of what appeared to be disabled salvage vehicles (too many to count but at least 100-200). Eventually he was requested by Tulsa County to remove these vehicles, which he did.

As a near-by resident and property owner I know that Mr. Garcia's property floods each time "Bird Creek" floods, which causes near-by "Delaware Creek" and "Hominy Creek" to also flood.

Mr. Garcia's "auto wrecker service" appears to be another way for him to once again bring in hundreds of disabled vehicles creating what would appear to be an auto salvage.

This would certainly decrease surrounding property values as well as create a safety hazard for all other near-by property owners.

Therefore, for reasons listed above Mr. Garcia's request for a commercial wrecker service should be denied and his property should remain zoned for agricultural purposes only.

Sincerely submitted,

✓ Ans Walker  
✓ 1725 E 76<sup>th</sup> St N  
SERRY OUIF  
74103



August 4, 2024

Tulsa County Board of Adjustment c/o INCO

Re: Case Number: CBOA-3203

Letter of protest:

The acreage that Mr. Garcia owns at 1655 E. 76<sup>th</sup> St. N. is in a flood plain. That is the reason all these years it has been zoned for agricultural purposes.

Shortly after Mr. Garcia took ownership of this property he proceeded to bring in by "tow" a very large amount of what appeared to be disabled salvage vehicles (too many to count, but at least 100-200). Eventually he was requested by Tulsa County to remove these vehicles, which he did,

Living near-by to this property, we know first hand that this property floods each time "Bird Creek" floods, which causes near-by Delaware and Hominy Creek to also flood.

Mr. Garcia's "auto wrecker service" appears to be another way for him to once again bring in hundreds of disabled vehicles creating what would appear to be an auto salvage.

Having disabled vehicles flooding onto near-by resident's property as well as onto the streets of E. 76<sup>th</sup> St. and N. Victor Ave would create a safety hazard and property damage.

Additionally, certainly decreasing surrounding property values.

Therefore, for reasons listed above Mr. Garcia's request for a commercial wrecker service should be denied.

Sincerely submitted,

Signature:

✓ Dan Taylor

Address:

✓ 7641 N Victor Ave  
✓ Sperry, OK 74033





**Case Number:** CBOA-3204

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

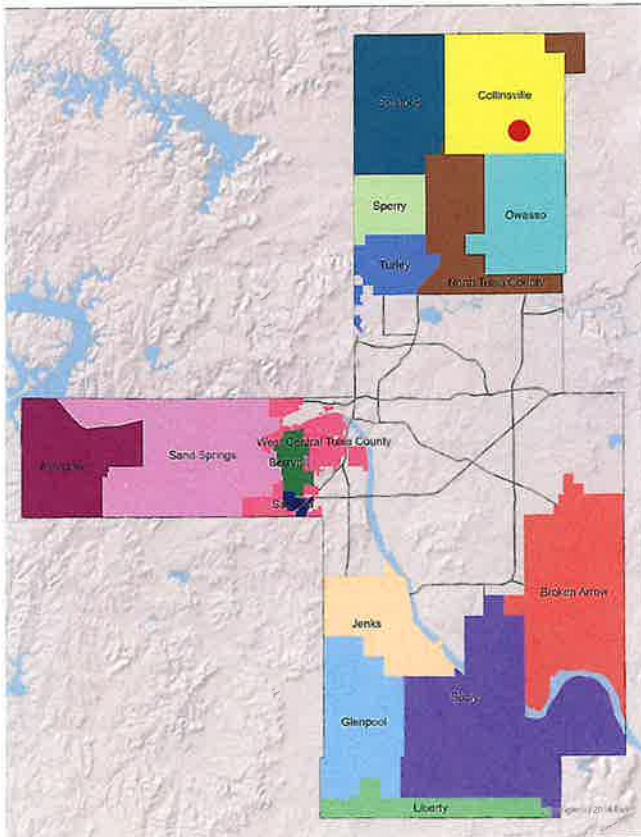
**Owner and Applicant Information:**

**Applicant:** Gary Stringfellow

**Property Owner:** STRINGFELLOW, GARY  
H AND

**Action Requested:** Use Variance to allow Use Unit 13 - Convenience Goods and Services in an RS district to permit a commercial ice and water machine (Section 1213) and a Use Variance to allow Use Unit 23 - Warehousing and Wholesaling to permit outdoor storage of boats, RVs and automobiles in an RS district (Section 1223).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 2.2 acres

**Location:** 10831 E 138 ST N

**Present Zoning:** RS

**Fenceline/Area:** Collinsville

**Land Use Designation:** Residential



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 2430

**CASE NUMBER:** CBOA-3204

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Gary Stringfellow

**ACTION REQUESTED:** Use Variance to allow Use Unit 13 - Convenience Goods and Services in an RS district to permit a commercial ice and water machine (Section 1213) and a Use Variance to allow Use Unit 23 - Warehousing and Wholesaling to permit outdoor storage of boats, RVs and automobiles in an RS district (Section 1223).

**LOCATION:** 10831 E 138 ST N

**ZONED:** RS

**FENCELINE:** Collinsville

**PRESENT USE:** Residence

**TRACT SIZE:** 2.2 acres

**LEGAL DESCRIPTION:** BLK 17, INDUSTRIAL HGTS ADDN Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**CBOA-2080 January 2004:** The Board approved a Special Exception to permit a mobile home in the RS district (Section 410) and a Variance to permit two dwellings on one lot of record (Section 208).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS and contains a single-family residence. The tract abuts RS-3 zoning to the North (City of Collinsville) which is currently vacant and RS zoning to the East, West and South containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Use Variance to allow Use Unit 13 - Convenience Goods and Services in an RS district to permit a commercial ice and water machine (Section 1213) and a Use Variance to allow Use Unit 23 to permit outdoor storage of boats, RVs and automobiles in an RS district (Section 1223).

Use Unit 13 - Convenience Goods and Services, which a commercial ice and water machine would fall under and Use Unit 23 - Warehousing and Wholesaling, which outdoor storage of boats, RVs and automobiles would fall under are not uses that are permitted by right or exception in the RS district necessitating the need for a Use Variance on the subject tract. A Use Variance is required as the proposed uses are not permitted by right in the RS district because of the potential adverse effects, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The proposed use must be found to be compatible with and non-injurious to the surrounding area.

The applicant provided the statement that they are "Wanting to install an ice machine with water on the corner and make a parking/storage area for boats, RVs and cars."

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

Sample Motion:

*"I Move to \_\_\_\_\_ (approve/deny) a Use Variance to allow Use Unit 13 - Convenience Goods and Services in an RS district to permit a commercial ice and water machine (Section 1213) and a Use Variance to allow Use Unit 23 – Warehousing and Wholesaling to permit outdoor storage of boats, RVs and automobiles in an RS district (Section 1223).*

*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."*



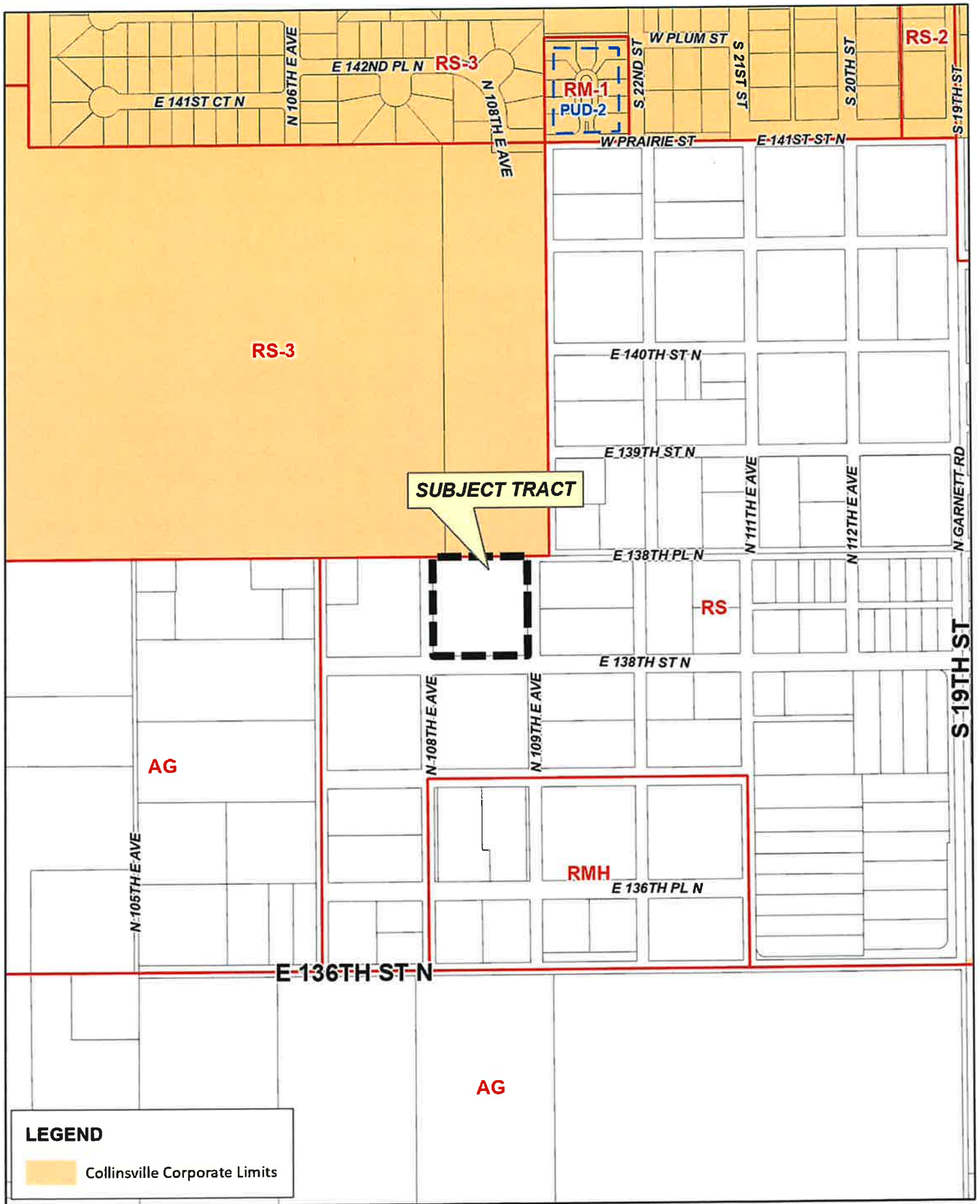


Subject tract looking Northwest from N 109<sup>th</sup> E Ave



Subject tract looking Southwest from N 109<sup>th</sup> E Ave





**CBOA-3204**

22-14 30

CBOA-3204 17.5





**Hoyt, Jay**

---

**From:** ROBERT BENFORD <toolmanrmb@sbcglobal.net>  
**Sent:** Friday, August 02, 2024 12:27 PM  
**To:** Hoyt, Jay  
**Cc:** esubmit  
**Subject:** Case Number: CBOA-3204

Mr. Jay Hoyt

Robert M Benford & Angela M Benford (REV TR) at 13711 N. 109 E. Ave, Collinsville, OK 740213712  
Referring to case no: CBOA-3204

**I contest the request:**

Use variance to allow use unit 13 - convenience Goods and services in an RS district to permit a commercial ice and water machine (section 1213) and a use variance to allow use unit 23 to permit outdoor storage of boats, RVs and automobiles in an RS district (section1223)

**For reasons of**, it is a **residential area**, high **traffic concerns** in our neighborhood and our **streets are not adequate** for the traffic that would be generated.

Sincerely

***Laus Deo / Praise be to God***

***Vivat Jesus! /***

Robert Benford

918-639-2035







## Board of Adjustment

**Case Number:** CBOA-3205

**Hearing Date:** 08/20/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

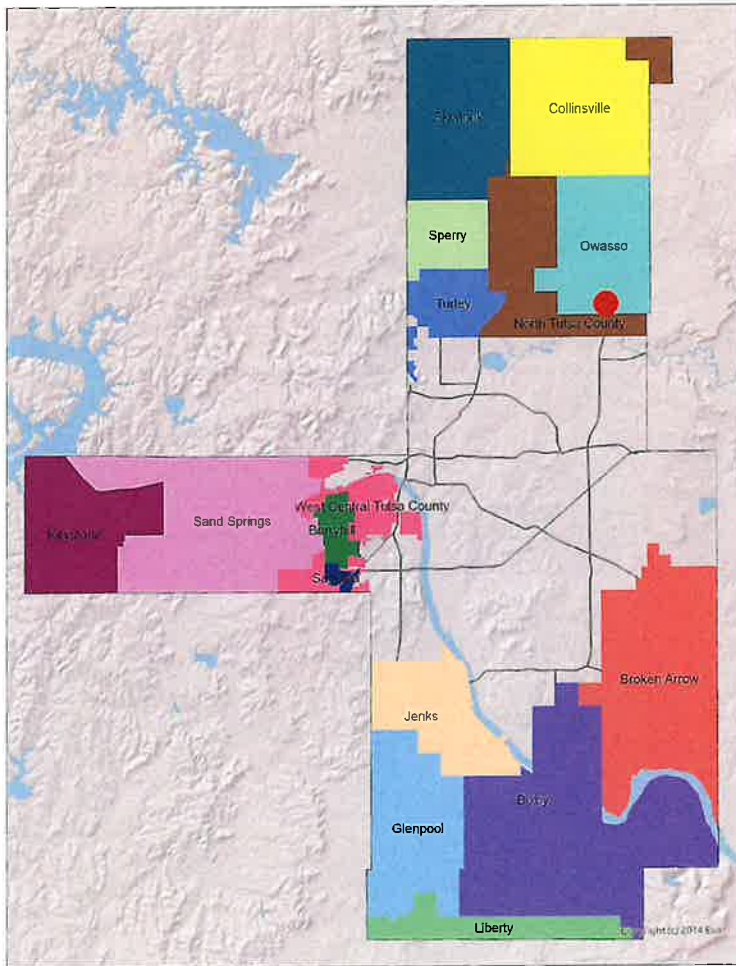
**Owner and Applicant Information:**

**Applicant:** Kyle Vinson

**Property Owner:** Highest Homes, LLC

**Action Requested:** Variance of the land area per dwelling unit in an RE district (Section 430) and a Variance of the 150 ft lot width requirement in an RE district (Section 430).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 1.16 acres

**Location:** 11515 E 68 ST N

**Present Zoning:** RE

**Fenceline/Area:** Owasso

**Land Use Designation:** Residential



# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 1432

**CASE NUMBER:** **CBOA-3205**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 08/20/2024 1:30 PM

**APPLICANT:** Kyle Vinson

**ACTION REQUESTED:** Variance of the land area per dwelling unit in an RE district (Section 430) and a Variance of the 150 ft lot width requirement in an RE district (Section 430).

**LOCATION:** 11515 E 68 ST N

**ZONED:** RE

**FENCELINE:** Owasso

**PRESENT USE:** Residence

**TRACT SIZE:** 1.16 acres

**LEGAL DESCRIPTION:** LT 7, JONESVILLE Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**CBOA-1234 March 1994:** The Board approved a Variance to allow two dwelling units on one lot of record (Section 208) and a Variance of the lot and land area per dwelling unit to allow a second dwelling (Section 430).

**CBOA-2846 September 2020:** The Board approved a Use Variance to allow Outdoor Storage (Use Unit 23) in an RE district (Section 1223) and a Use Variance to allow for an office use (Use Unit 11) to permit an office in an RE district (Section 1211).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RE and contains a single-family residence. The tract abuts RE zoning to the North, East and West containing single-family residences and IL zoning to the South containing an industrial use.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the land area per dwelling unit in an RE district (Section 430) and a Variance of the 150 ft lot width requirement in an RE district (Section 430).

The Tulsa County Zoning Code requires a minimum of 26,250 sf for each RE zoned lot with a dwelling. The applicant is proposing to split the subject tract into two tracts of 25,177.5 sf and 25,147.5 sf each, which is just below the 26,250 sf requirement. In addition the Tulsa County Zoning Code requires an average lot width of 150 ft. The lot split proposed would result in the two lots being below that required average lot width.

The applicant did not provide a statement.

*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 \_\_\_\_\_ (approve/deny) a Variance of the land area per dwelling unit in an RE district (Section 430) and a Variance of the 150 ft lot width requirement in an RE district (Section 430).**

**Subject to the following conditions, if any: \_\_\_\_\_.**

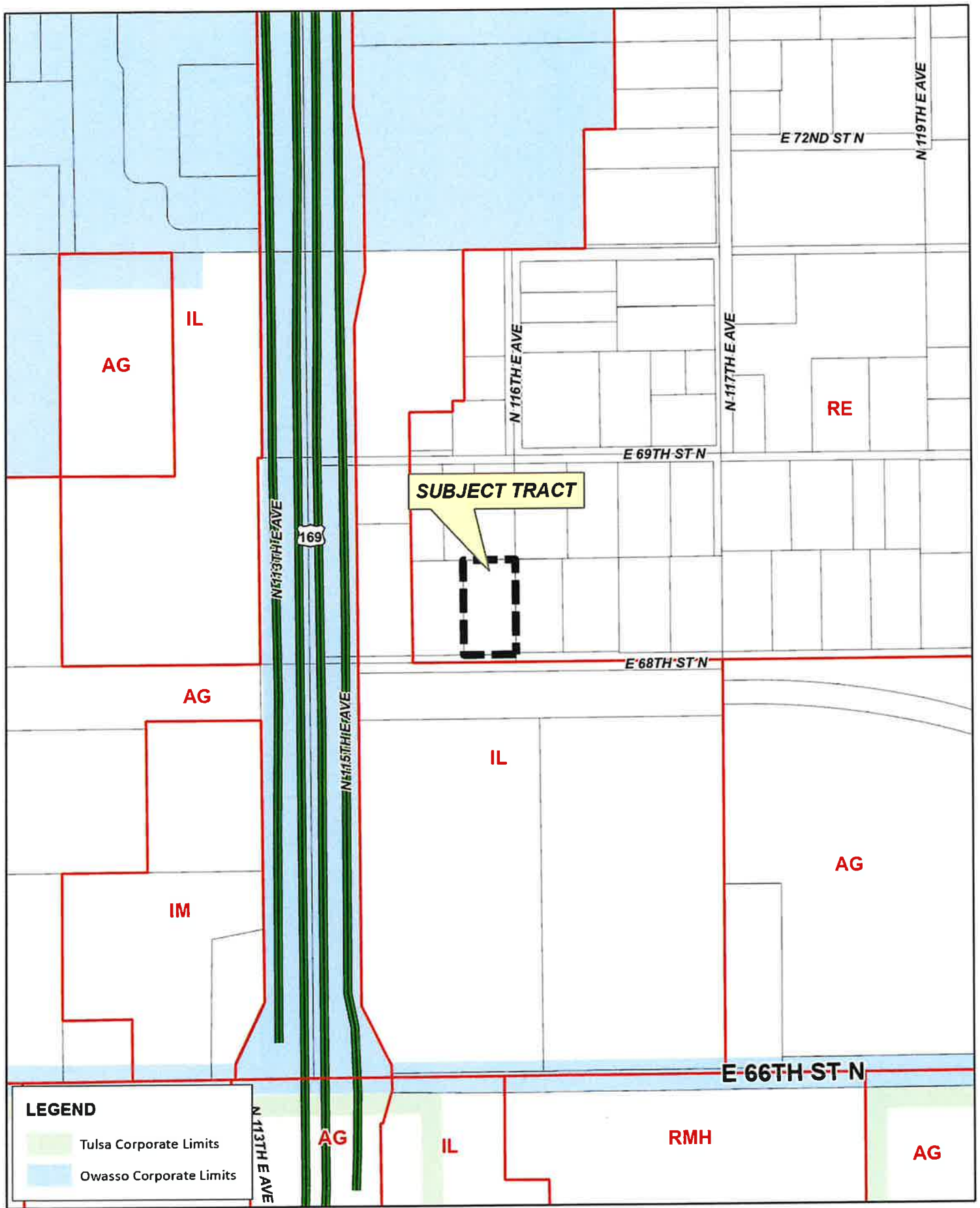
**Finding the hardship to be \_\_\_\_\_.**

**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.**



Subject tract looking North from E 68<sup>th</sup> St N





**CBOA-3205**

21-14 32

CBOA-3205 18.5





0 200 400  
Feet



Subject  
Tract

**CBOA-3205**

21-14 32

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

Aerial Photo Date: 2023

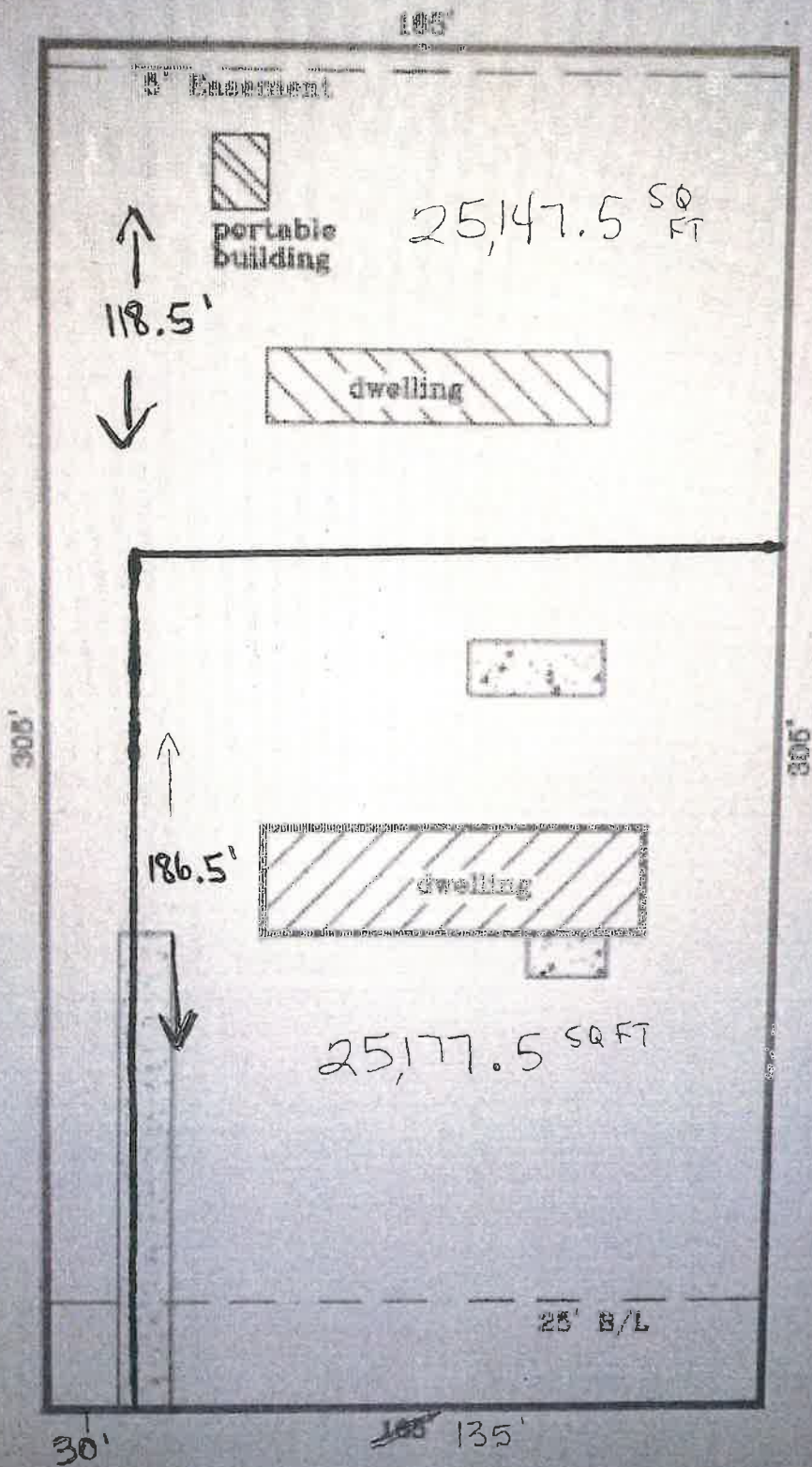


CBOA-3205 18.6



ng to  
1052

t.  
nent



66th Street North