



12:16 pm, Sep 09, 2024

**\*AMENDED\* AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday September 17, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No.535**

1. Approval of **Minutes** of August 20, 2024 (Meeting No. 534).

**UNFINISHED BUSINESS**

2. **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

3. **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

**NEW APPLICATIONS**

4. **CBOA 3206 - Michael and Donna Hargis**

**Action Requested:**

Special Exception to permit a carport in a required yard in the RS district (Section 240.2.H). **Location:** 1053 W 4th Street

5. **CBOA 3207 - CJ & Kristi Wiseley**

**Action Requested:**

Variance of the street frontage from 30' to 0' in an AG district (Section 207) and a Variance of the lot and land area per dwelling unit in an AG district (Section 330) to permit a lot split. **Location:** 2212 W 91st St S

6. **CBOA 3208 - Josh Clark**

**Action Requested:**

Variance of the required rear and side yard setback in an RS district (Section 430). **Location:** 304 N Walnut Ave

**7. CBOA 3209 - Sheldon & Cynthia Dillingham**

**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:** 1800 S 155th W Ave

**8. CBOA 3210 - Ron Koepp**

**Action Requested:**

Variance of the required 40 ft rear yard setback in the AG district (Section 330)

**Location:** 281 W 131st St S

**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.



**Case Number:** CBOA-3193

**Hearing Date:** 09/17/2024 1:30 PM  
(Continued from 08/20/2024)

**Case Report Prepared by:**

Jay Hoyt

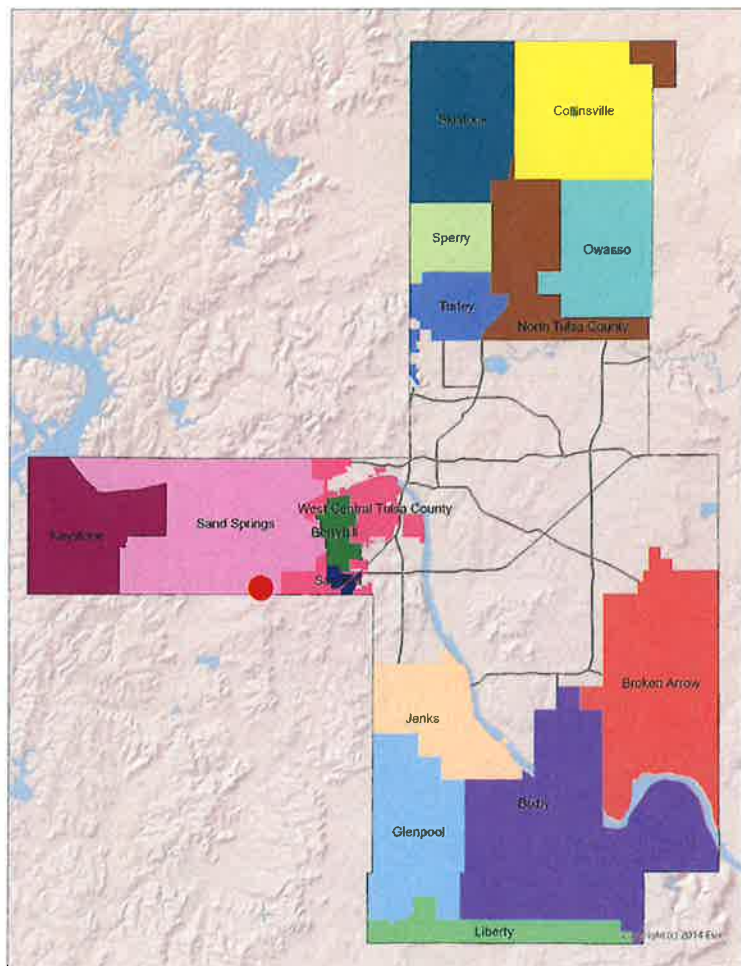
**Owner and Applicant Information:**

**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:** 09/17/2024 1:30 PM (Continued from 08/20/2024)

**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.***

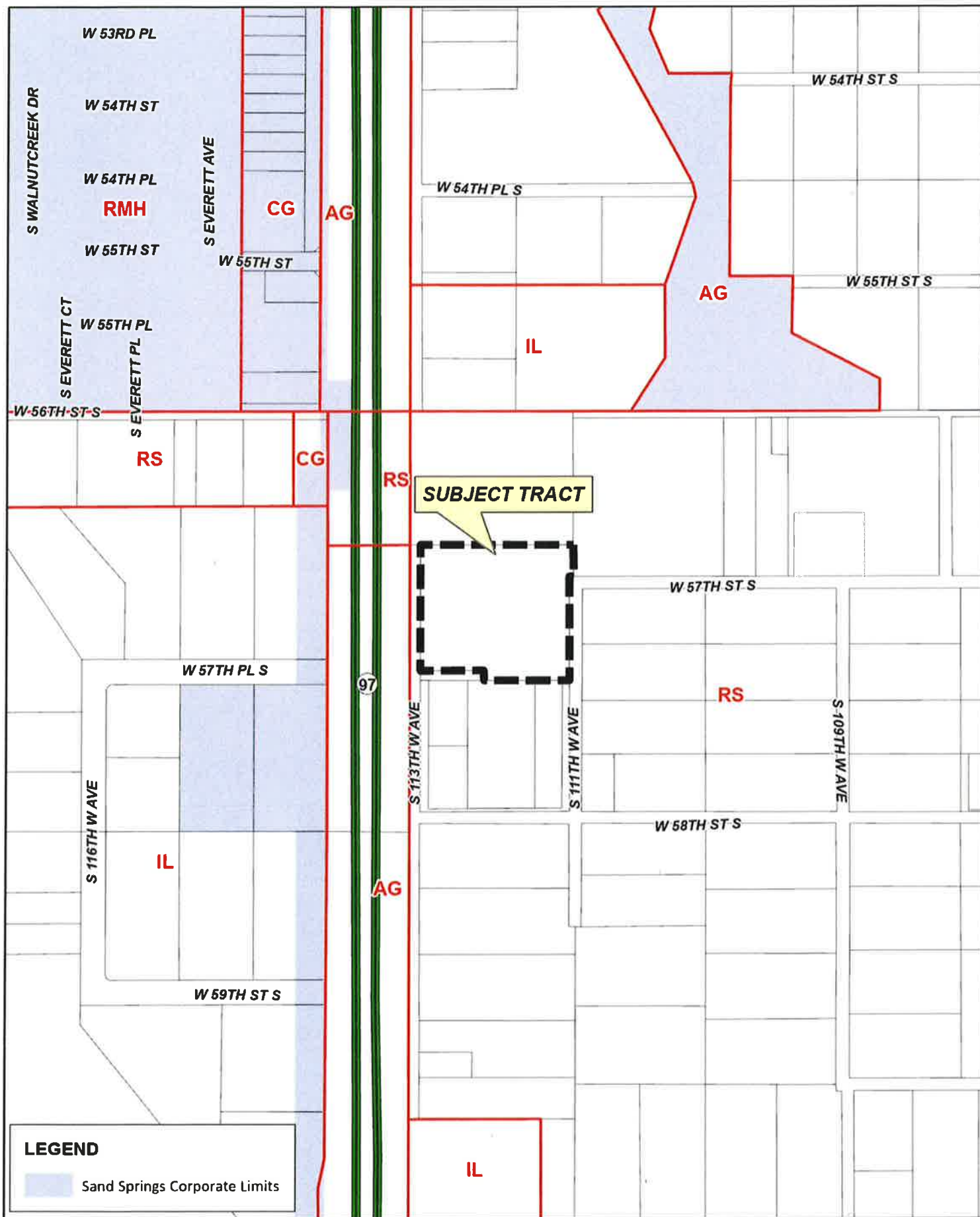


**Subject tract looking Southeast from the S 113<sup>th</sup> W Ave**



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



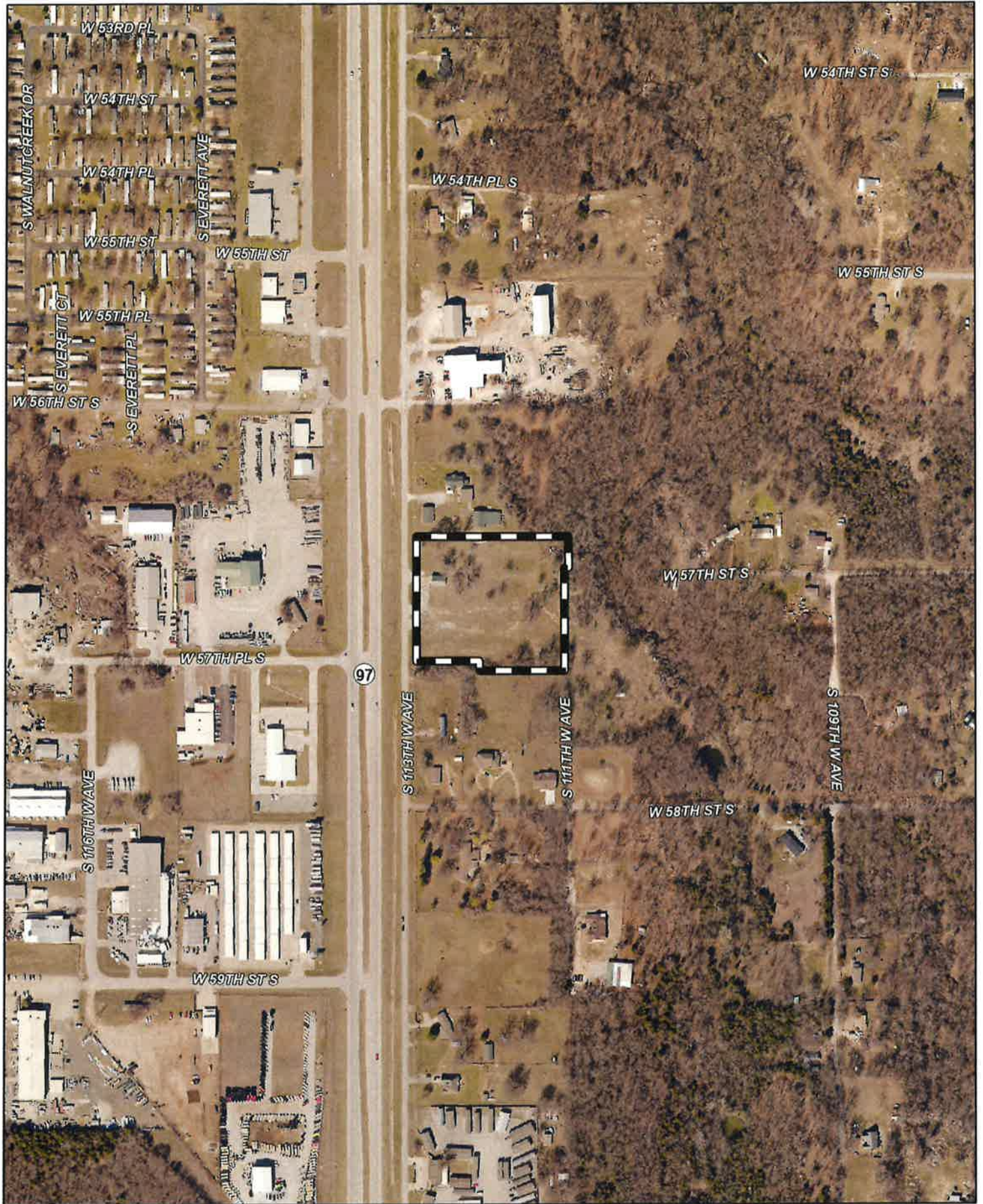


CBOA-3193

19-11 35

CBOA-3193 2.5





0 200 400  
Feet



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 2.6



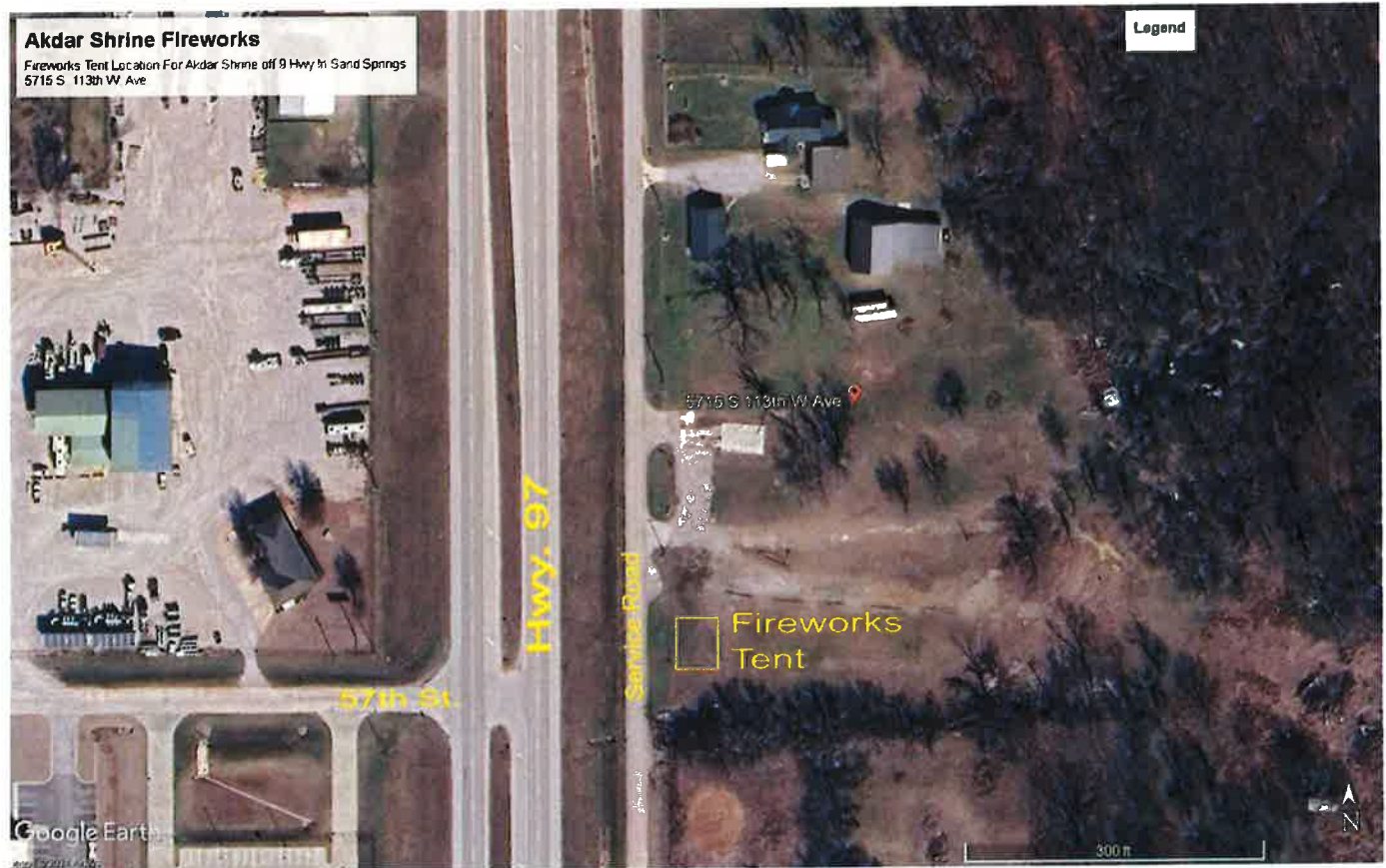


# Akdar Shrine

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'





## Board of Adjustment

**Case Number:** CBOA-3199

**Hearing Date:** 09/17/2024 1:30 PM  
(Continued from 08/20/2024)

**Case Report Prepared by:**

Jay Hoyt

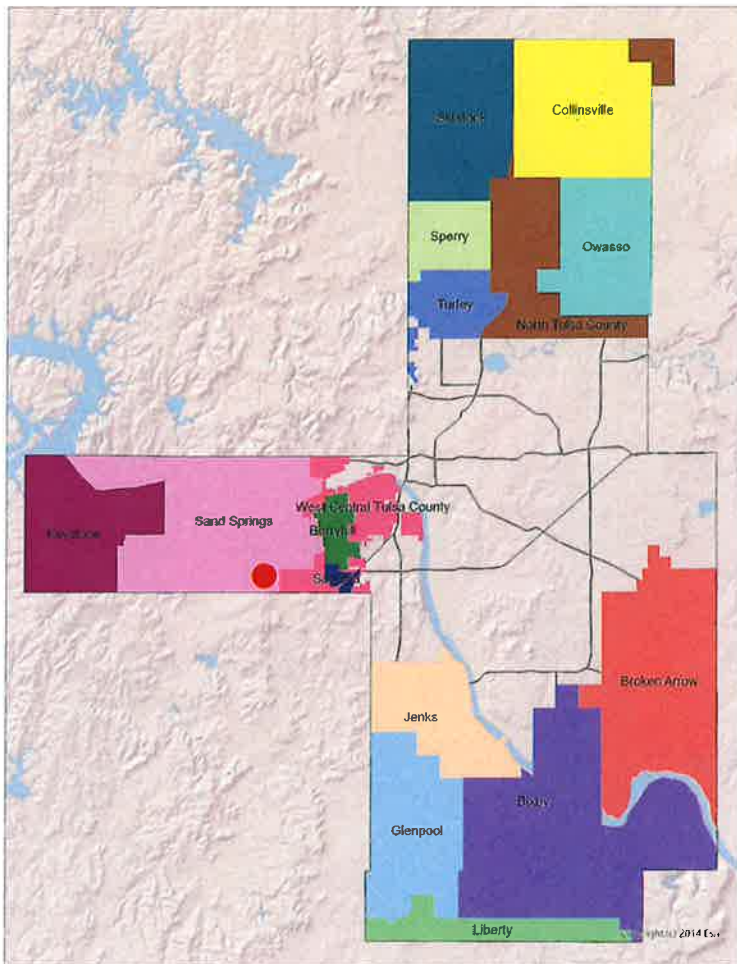
**Owner and Applicant Information:**

**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:** 09/17/2024 1:30 PM (Continued from 08/20/2024)

**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.*

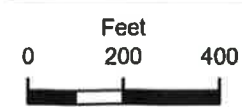
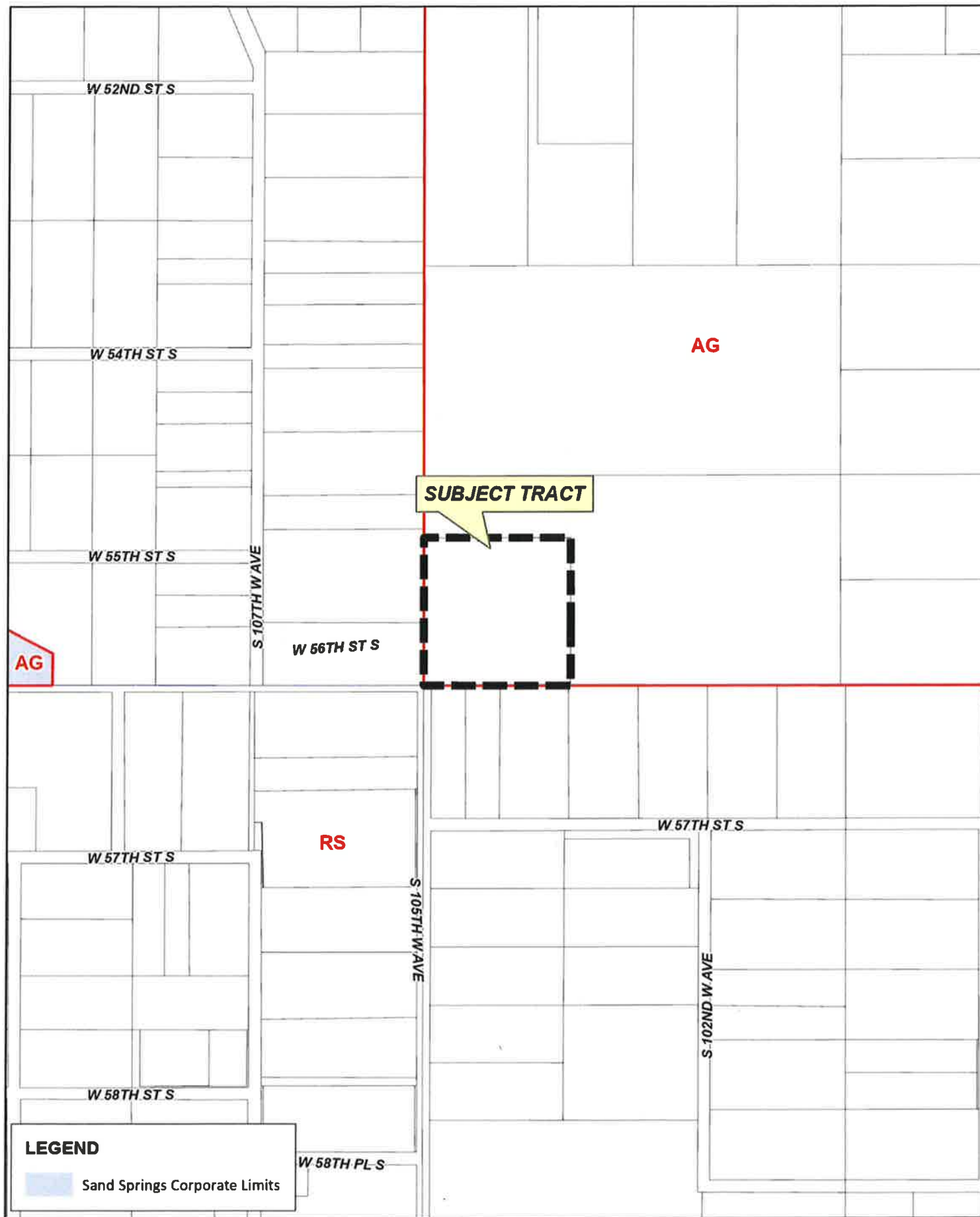


Subject tract looking Northeast from S 105<sup>th</sup> W Ave



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





**CBOA-3199**

19-11 35

CBOA-3199 3.5







0 Feet 200 400



Subject Tract

**CBOA-3199**

19-11 35

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

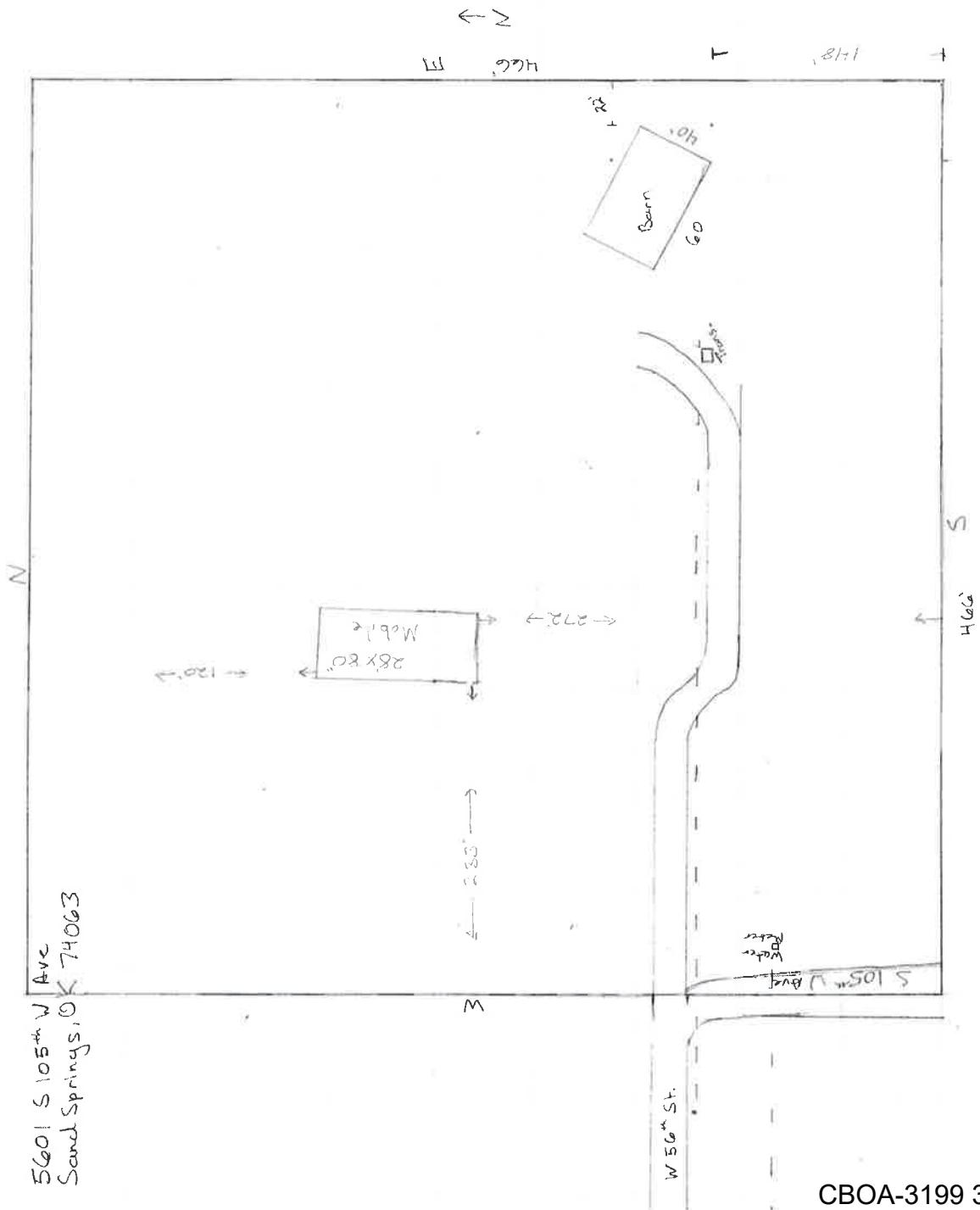
Aerial Photo Date: 2023



CBOA-3199 3.6



5601 S 105<sup>th</sup> W Ave  
Sand Springs, OK 74063





## **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-3206

**Hearing Date:** 09/17/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

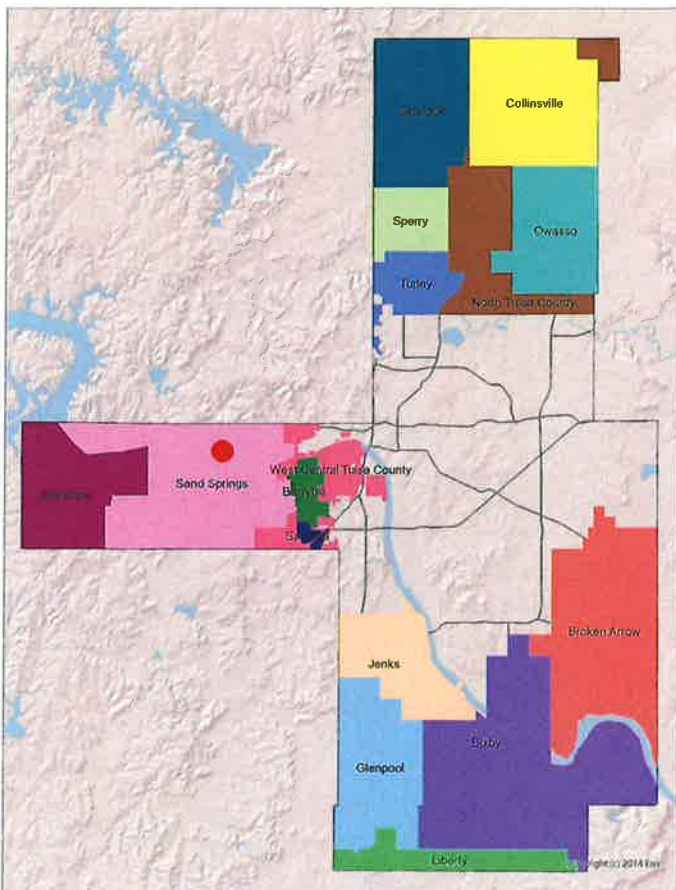
**Owner and Applicant Information:**

**Applicant:** Michael and Donna Hargis

**Property Owner:** HARGIS, DONNA J AND MICHAEL E

**Action Requested:** Special Exception to permit a carport in a required yard in the RS district (Section 240.2.H).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 0.36 acres

**Location:** 1053 W 4 ST N

**Present Zoning:** RS

**Fenceline/Area:** Sand Springs

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9110

**CASE NUMBER:** CBOA-3206

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 09/17/2024 1:30 PM

**APPLICANT:** Michael and Donna Hargis

**ACTION REQUESTED:** Special Exception to permit a carport in a required yard in the RS district (Section 240.2.H).

**LOCATION:** 1053 W 4 ST N

**ZONED:** RS

**FENCELINE:** Sand Springs

**PRESENT USE:** Residence

**TRACT SIZE:** 0.36 acres

**LEGAL DESCRIPTION:** LT 10 BLK 1, VALLEY VIEW ESTATES Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS and contains a single-family residence. The site abuts RS zoning to the north, east and west containing single-family residences and to the south by RS zoning containing HWY 64/412.

**STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to permit a carport in a required yard in the RS district (Section 240.2.H).

Section 240.2.H of the code requires a Special Exception for a carport that is proposed for placement in a required yard. The code states that required yards shall be open and unobstructed from the ground to the sky unless the use is a permitted obstruction as detailed in section 240.2 of the code. The applicant is proposing to place a carport within the required front yard of the subject lot, necessitating the need for a Special Exception.

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

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a carport in a required yard in the RS district (Section 240.2.H).*

*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.*



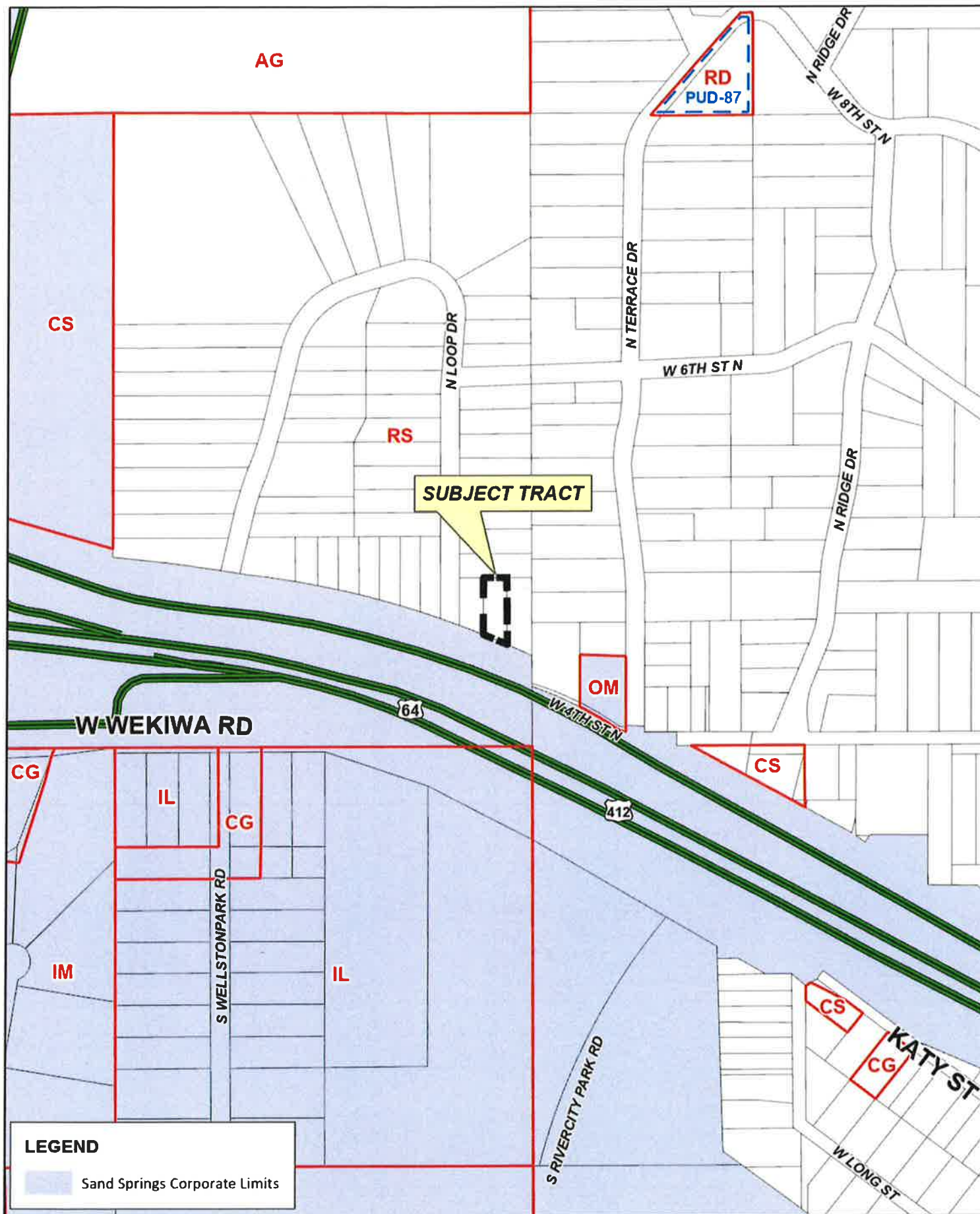


Subject tract looking North from W 4<sup>th</sup> St N



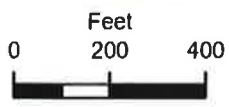
Subject tract looking Northwest from W 4<sup>th</sup> St N





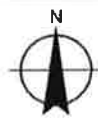
**LEGEND**

Sand Springs Corporate Limits



**CBOA-3206**

19-11 10



CBOA-3206 4.4





0 Feet 200 400



Subject Tract

**CBOA-3206**

19-11 10

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

Aerial Photo Date: 2023

CBOA-3206 4.5











## Board of Adjustment

**Case Number:** CBOA-3207

**Hearing Date:** 09/17/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

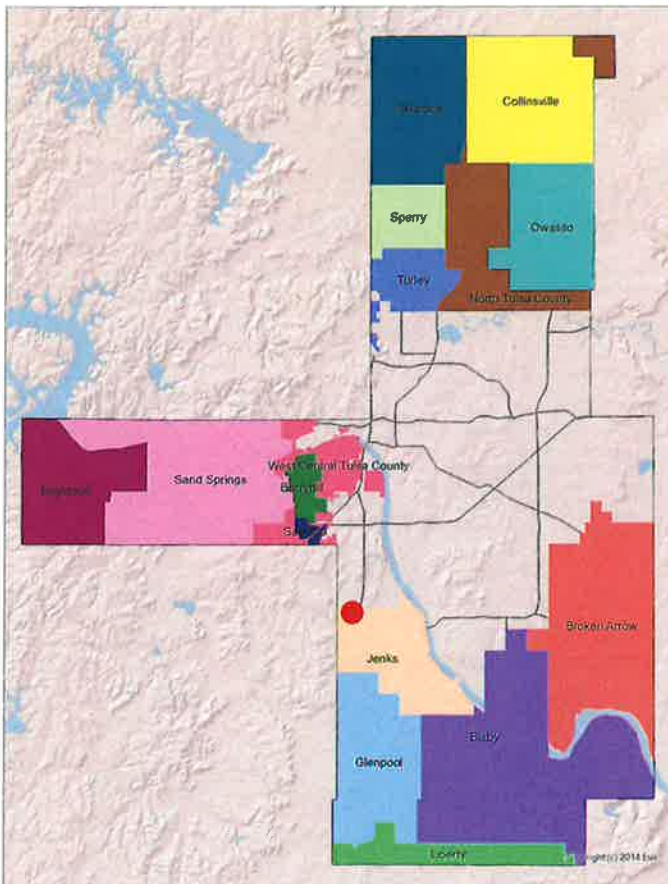
**Owner and Applicant Information:**

**Applicant:** CJ & Kristi Wiseley

**Property Owner:** BASSETT FAMILY TRUST

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

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 5 acres

**Location:** 2212 W 91 ST S

**Present Zoning:** AG

**Fenceline/Area:** Jenks

**Land Use Designation:** High Intensity Single-Family

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 8222

**CASE NUMBER:** CBOA-3207

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 09/17/2024 1:30 PM

**APPLICANT:** CJ & Kristi Wiseley

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

**LOCATION:** 2212 W 91 ST S

**ZONED:** AG

**FENCELINE:** Jenks

**PRESENT USE:** Residence

**TRACT SIZE:** 5 acres

**LEGAL DESCRIPTION:** W 330' E 495' SW NW NE SEC 22 18 12, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains a single-family residence. The tract is surrounded by AG 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) and a Variance of the lot and land area per dwelling unit 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 5 acres in size. The applicant is proposing to split the existing subject lot into lots of approximately 1.2 and 3.8 acres, resulting in one of the lots being less than the 2.1 acres required per dwelling and the minimum of 2 acres for any lot in the AG district. The exact configuration of the lots has not been determined at this time, but will approximately be similar to what is illustrated in the image included with this report.

The lots would not have access to 30 ft of frontage on a publicly maintained road or right-of-way, as required by the Tulsa County Zoning Code necessitating the need for a variance of the frontage.

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

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

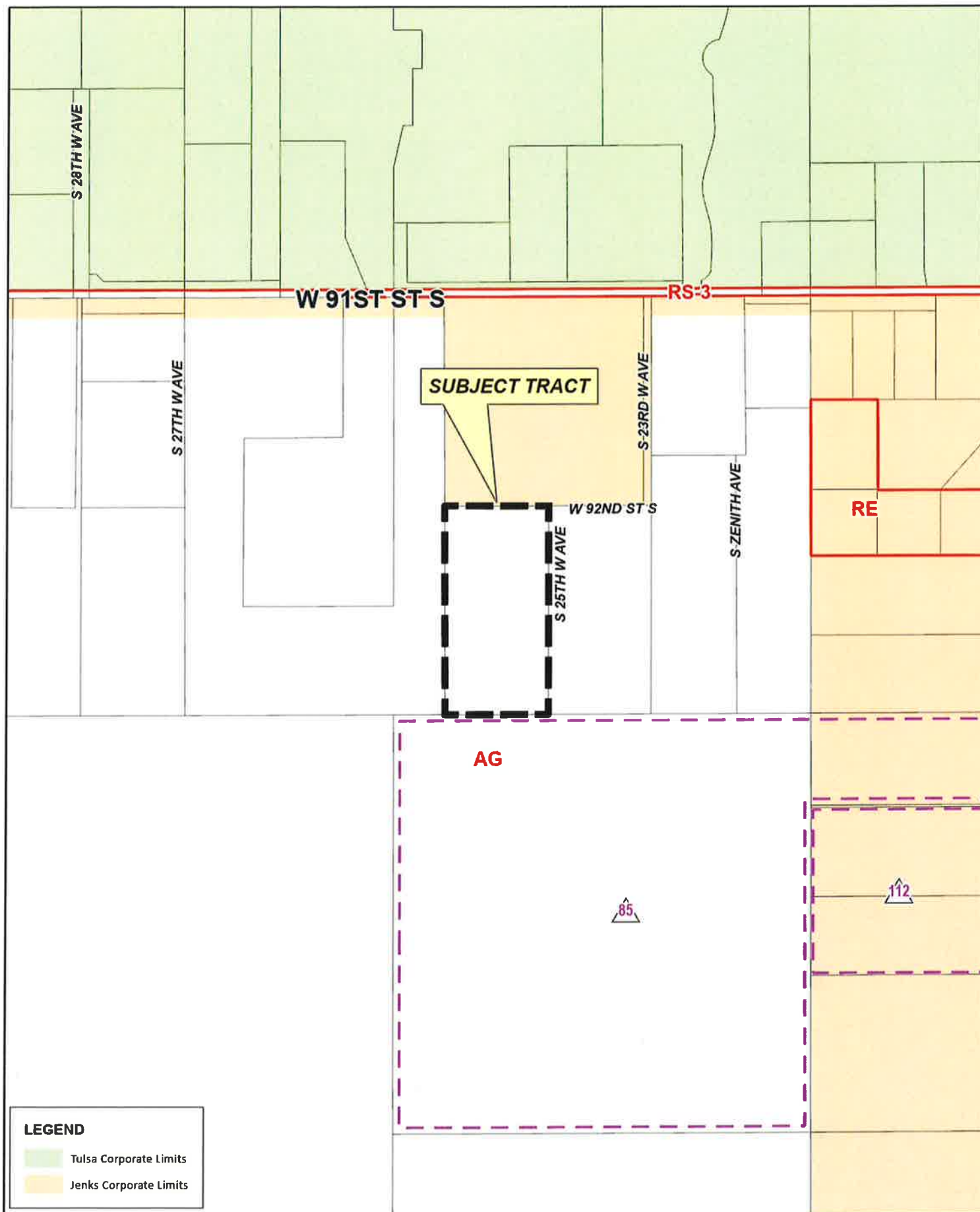
Finding the hardship to be \_\_\_\_\_.

*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.*



View of current access to subject tract looking Southeast from W 91<sup>st</sup> St S





**CBOA-3207**

18-12 22

CBOA-3207 5.5



0 Feet 200 400



Subject  
Tract

**CBOA-3207**

18-12 22

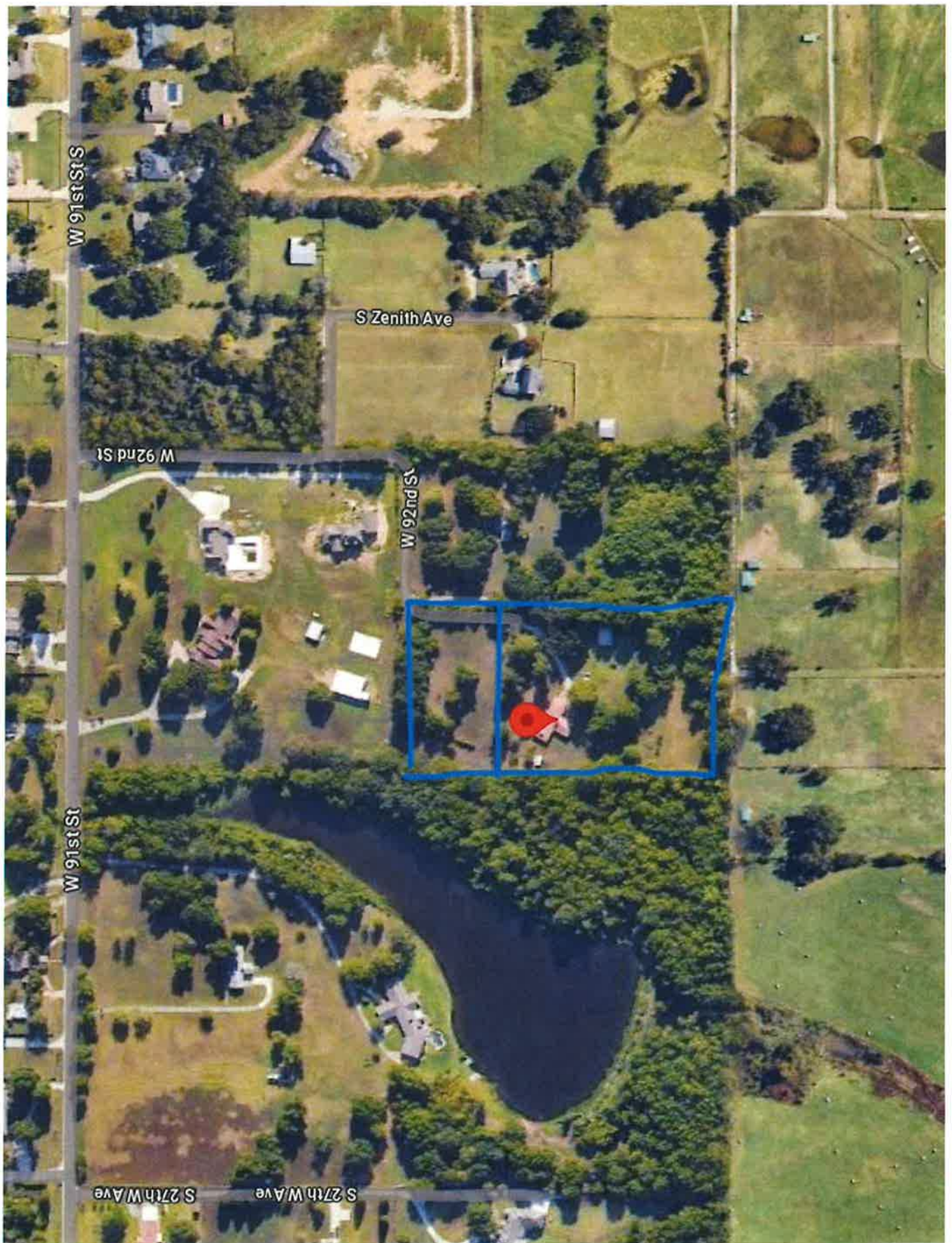
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2023

CBOA-3207 5.6













## Board of Adjustment

**Case Number:** CBOA-3208

**Hearing Date:** 09/17/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

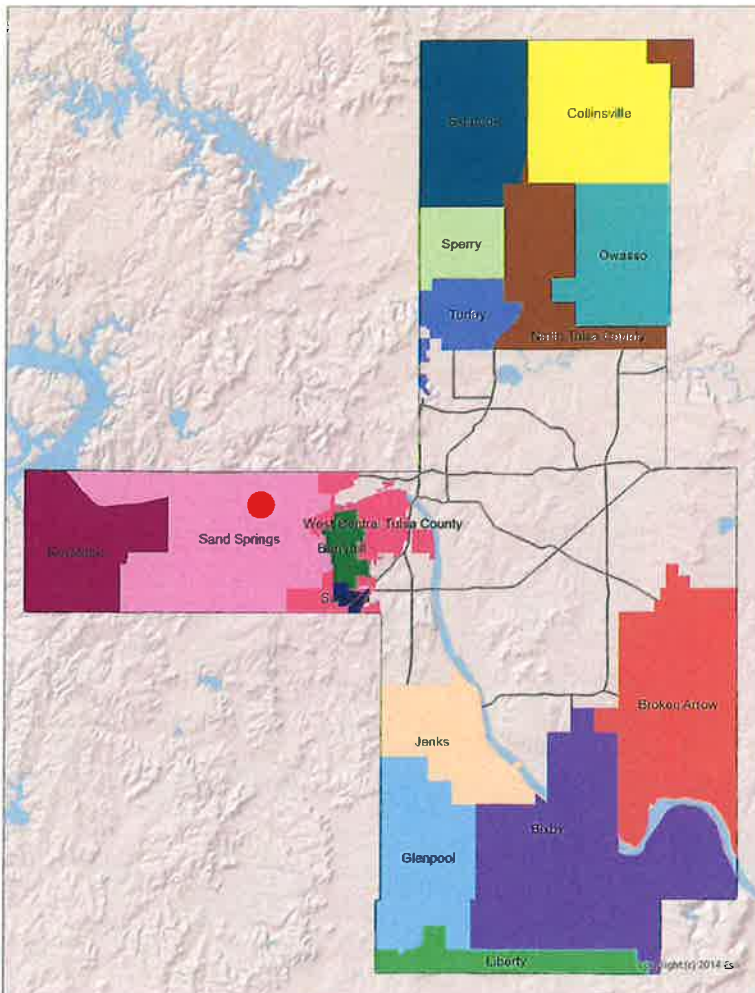
**Owner and Applicant Information:**

**Applicant:** Josh Clark

**Property Owner:** CLARK, KAYE

**Action Requested:** Variance of the required rear and side yard setback in an RS district (Section 430).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 0.16 acres

**Location:** 304 N WALNUT AV W

**Present Zoning:** RS

**Fenceline/Area:** Sand Springs

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9110

**CASE NUMBER:** CBOA-3208

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 09/17/2024 1:30 PM

**APPLICANT:** Josh Clark

**ACTION REQUESTED:** Variance of the required rear and side yard setback in an RS district (Section 430).

**LOCATION:** 304 N WALNUT AV W

**ZONED:** RS

**FENCELINE:** Sand Springs

**PRESENT USE:** Residence

**TRACT SIZE:** 0.16 acres

**LEGAL DESCRIPTION:** LT 6 BLK 6, HALL'S FIRST ADDN Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

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

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the required rear and side yard setback in an RS district (Section 430).

The Tulsa County zoning code requires a rear yard setback of 20 feet in the RS district as well as a side yard setback of 5 feet. The applicant is proposing to place a storage shed in the northwest corner of the property. The shed will be 4 feet from the west property line (rear yard) and 6 inches to a foot from the north property line (side yard).

The applicant has provided the statement, *"There is a giant tree and an underground storm shelter in my back yard. The yard also has a slight slant. The only place to build this storage shed is the far NW corner. It is the only flat area as well. The shed will be 4 feet from the west property line and 6 inches to a foot from the north property line."*

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

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Variance of the required rear and side yard setback in an RS district (Section 430).*

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

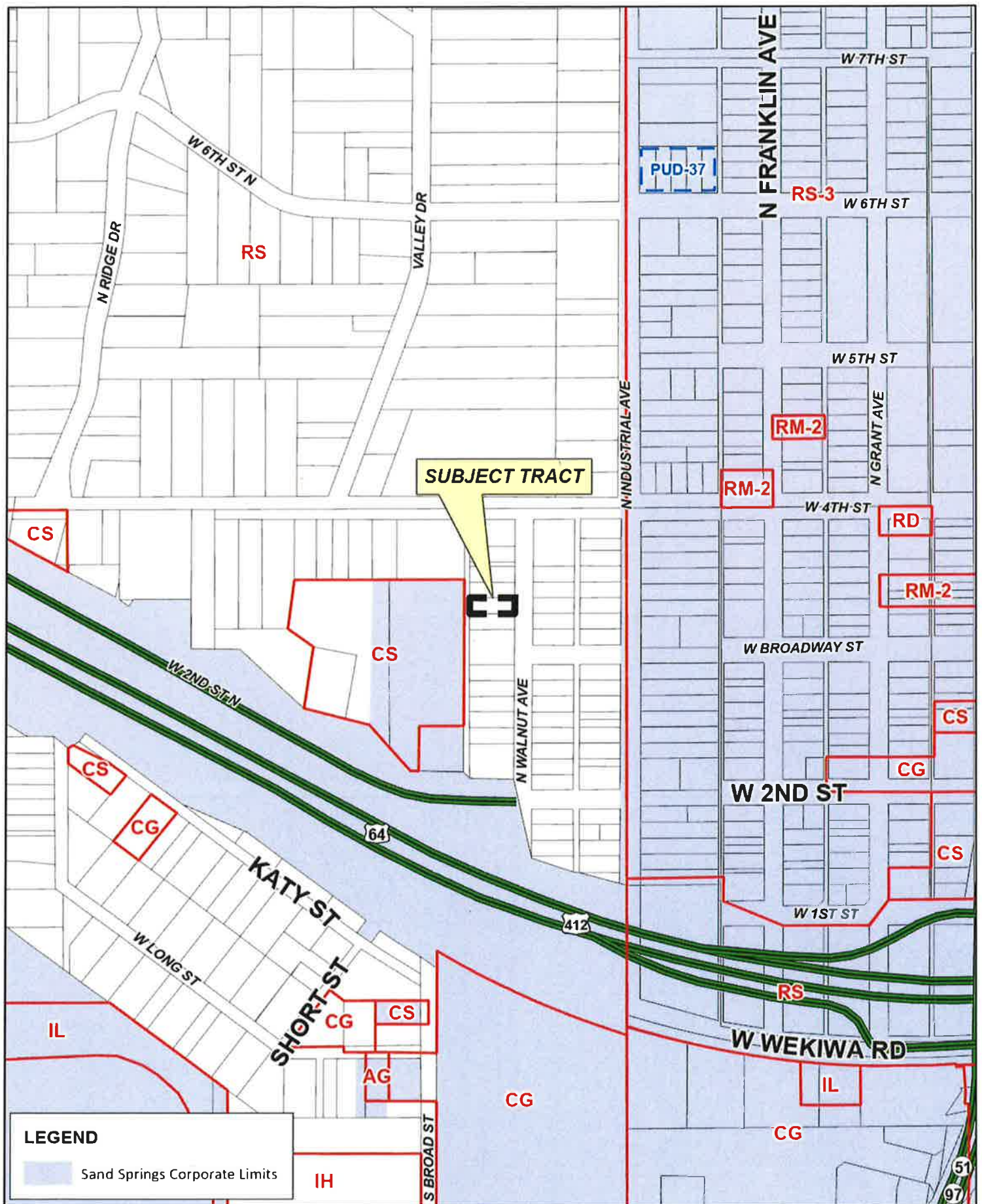
*Finding the hardship to be \_\_\_\_\_.*

*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 Southwest from N Walnut Ave



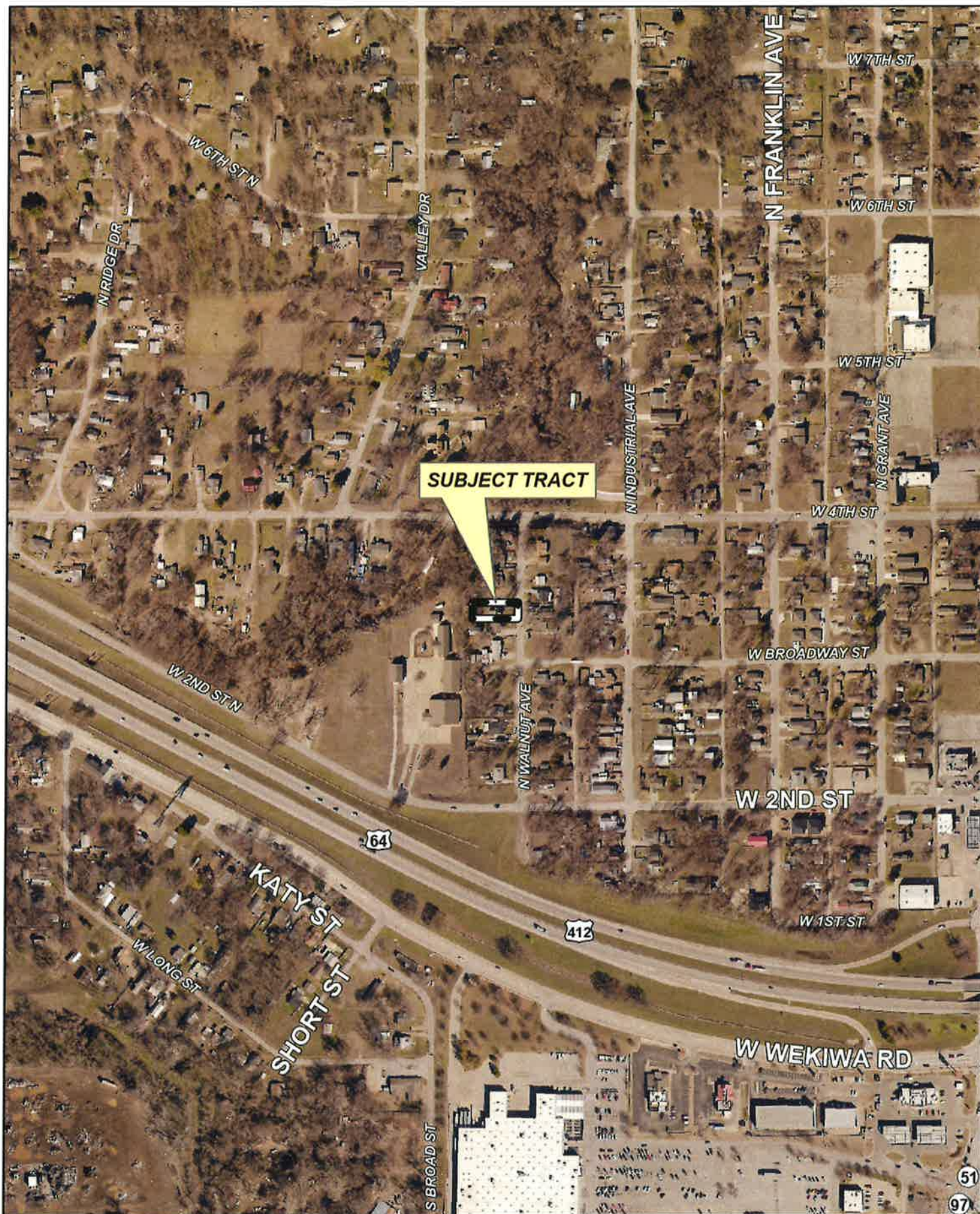
**CBOA-3208**

19-11 10

CBOA-3208 6.5







0 Feet 200 400



Subject Tract

**CBOA-3208**

19-11 10

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

Aerial Photo Date: 2023

CBOA-3208 6.6







## Board of Adjustment

**Case Number:** CBOA-3209

**Hearing Date:** 09/17/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

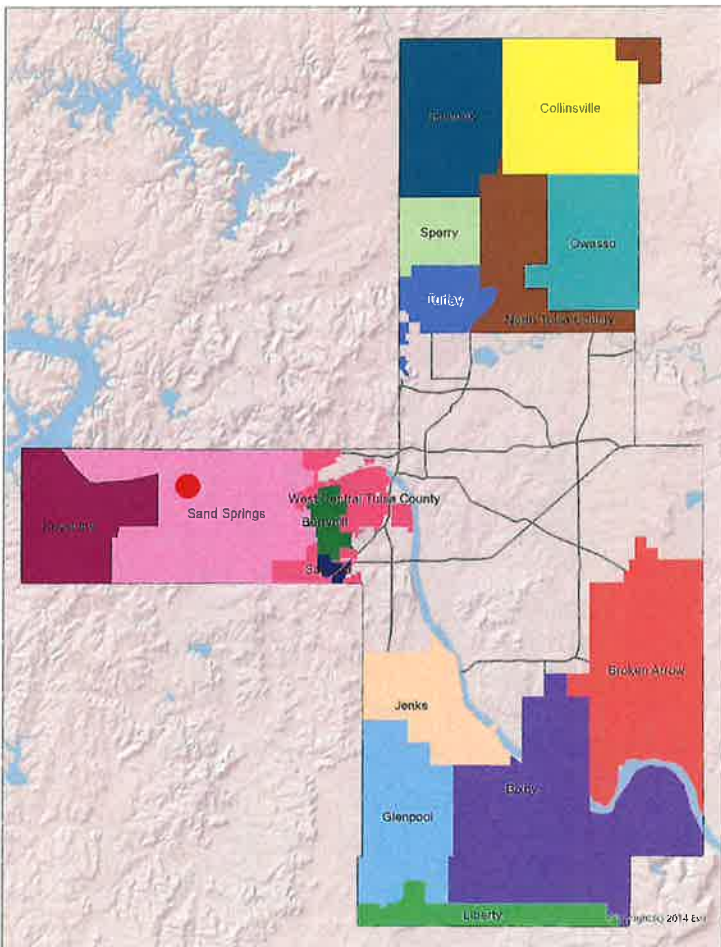
**Owner and Applicant Information:**

**Applicant:** Sheldon & Cynthia Dillingham

**Property Owner:** DDI ENTERPRISES LLC

**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:** Home and Farm

**Tract Size:** 2.51 acres

**Location:** 1800 S 155 AV W

**Present Zoning:** AG,RS

**Fenceline/Area:** Sand Springs

**Land Use Designation:** Residential

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9108

**CASE NUMBER:** **CBOA-3209**

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 09/17/2024 1:30 PM

**APPLICANT:** Sheldon & Cynthia Dillingham

**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:** 1800 S 155 AV W

**ZONED:** AG,RS

**FENCELINE:** Sand Springs

**PRESENT USE:** Home and Farm

**TRACT SIZE:** 2.51 acres

**LEGAL DESCRIPTION:** BEG 267.3E SWC NE SW TH N392 E279 S392 W279 POB SEC 8 19 11 2.51ACS, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Properties:**

**CBOA-2640 August 2017:** The Board approved a Variance to reduce the side yard setback to permit a garage (Section 430, Table 3) and a Variance to exceed the maximum size requirement for a detached accessory building in the RS district (Section 420.2-A.5.b)

**CBOA-2855 October 2020:** The Board approved a Use Variance to allow Use Unit 25, Light Manufacturing and Industry to permit a medial marijuana processing facility in an AG district (Section 1225).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG/RS and contains a single-family residence and farm. The tract abuts RS zoning to the east and south containing single-family residences and by AG zoning to the north containing a single-family residence as well as AG zoning to the west 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 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 2.51 acres in size. The applicant is proposing to split the existing subject lot in order to place a home for their children on the second lot. The second lot will be approximately 1 acre in size.

The applicant provided the statement "We would like to obtain a variance to split our AG zoned land into 2 parcels smaller than the zoning code required size of 2.1 acres. It is our intention that agricultural practice continue on both lots including growing vegetables, fruit and raising small livestock such as chickens, goats and sheep. We are actively participating in OK Department of Agriculture and NRCS programs. Both of these organizations are helping and advising us on good and acceptable Agricultural practices. Would

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would like to build another home for our children and/or barn on the second parcel of land and retain the AG zoning. Each parcel will have the required frontage and not cause injury or detriment to the public welfare.”

*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.***

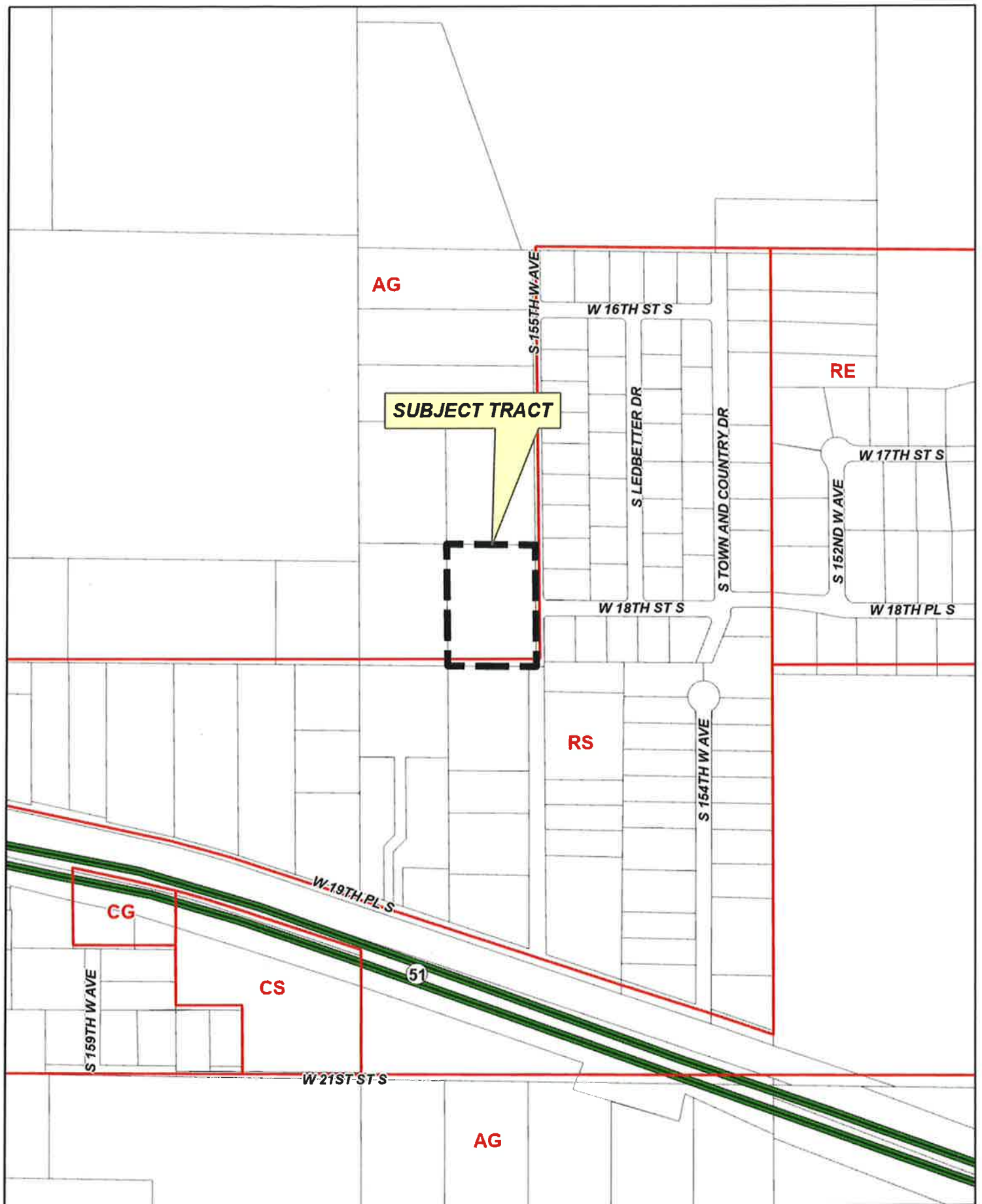




Subject tract looking Northwest from S 155<sup>th</sup> W Ave



Subject tract looking Southwest from S 155<sup>th</sup> W Ave



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19-11 08

CBOA-3209 7.5















## Board of Adjustment

**Case Number:** CBOA-3210

**Hearing Date:** 09/17/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

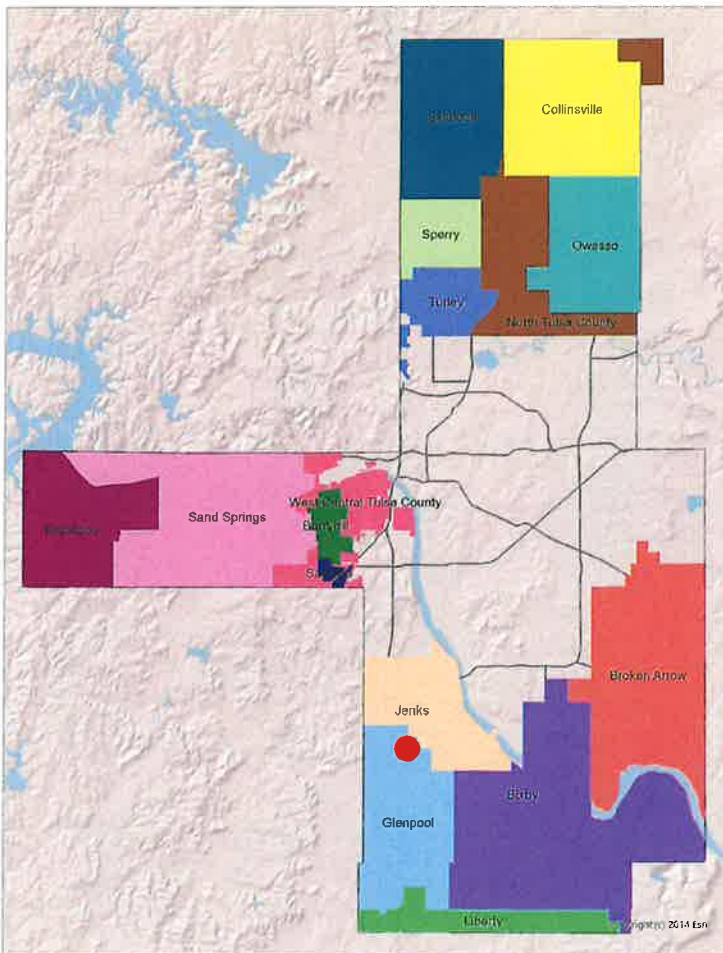
**Owner and Applicant Information:**

**Applicant:** Ron Koepp

**Property Owner:** KOEPP, RONALD A & KRISTYN B

**Action Requested:** Variance of the required 40 ft rear yard setback in the AG district (Section 330)

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 3.92 acres

**Location:** 281 W 131st St S

**Present Zoning:** AG

**Fenceline/Area:** Jenks

**Land Use Designation:** Medium Intensity Single-Family



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7201

**CASE NUMBER:** CBOA-3210

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 09/17/2024 1:30 PM

**APPLICANT:** Ron Koepp

**ACTION REQUESTED:** Variance of the required 40 ft rear yard setback in the AG district (Section 330)

**LOCATION:** 281 W 131st St S

**ZONED:** AG

**FENCELINE:** Jenks

**PRESENT USE:** Vacant

**TRACT SIZE:** 3.92 acres

**LEGAL DESCRIPTION:** S/2 SW SW SW LESS W50 & S50 THEREOF FOR RD SEC 1 17 12 3.921ACS, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and is currently vacant. The tract abuts AG zoning to the north and east that is currently vacant, CS zoning to the west containing a commercial establishment, CS zoning to the south containing retail as well as RM-1 and RS-3 zoning to the south containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the required 40 ft rear yard setback in the 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 a new home that will be located closer to the rear property line than the 40 feet required by the zoning code necessitating the need for a variance. The applicant did not state the distance the home will be built from the rear property line.

The applicant provided the statement that they "Want to avoid moving the house south, which would result in the removal of established trees inhabited by hawks. Preservation of the vegetation and wildlife is a primary focus of myself and my wife."

*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 40 ft rear yard setback in the 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 E 131<sup>st</sup> St S**

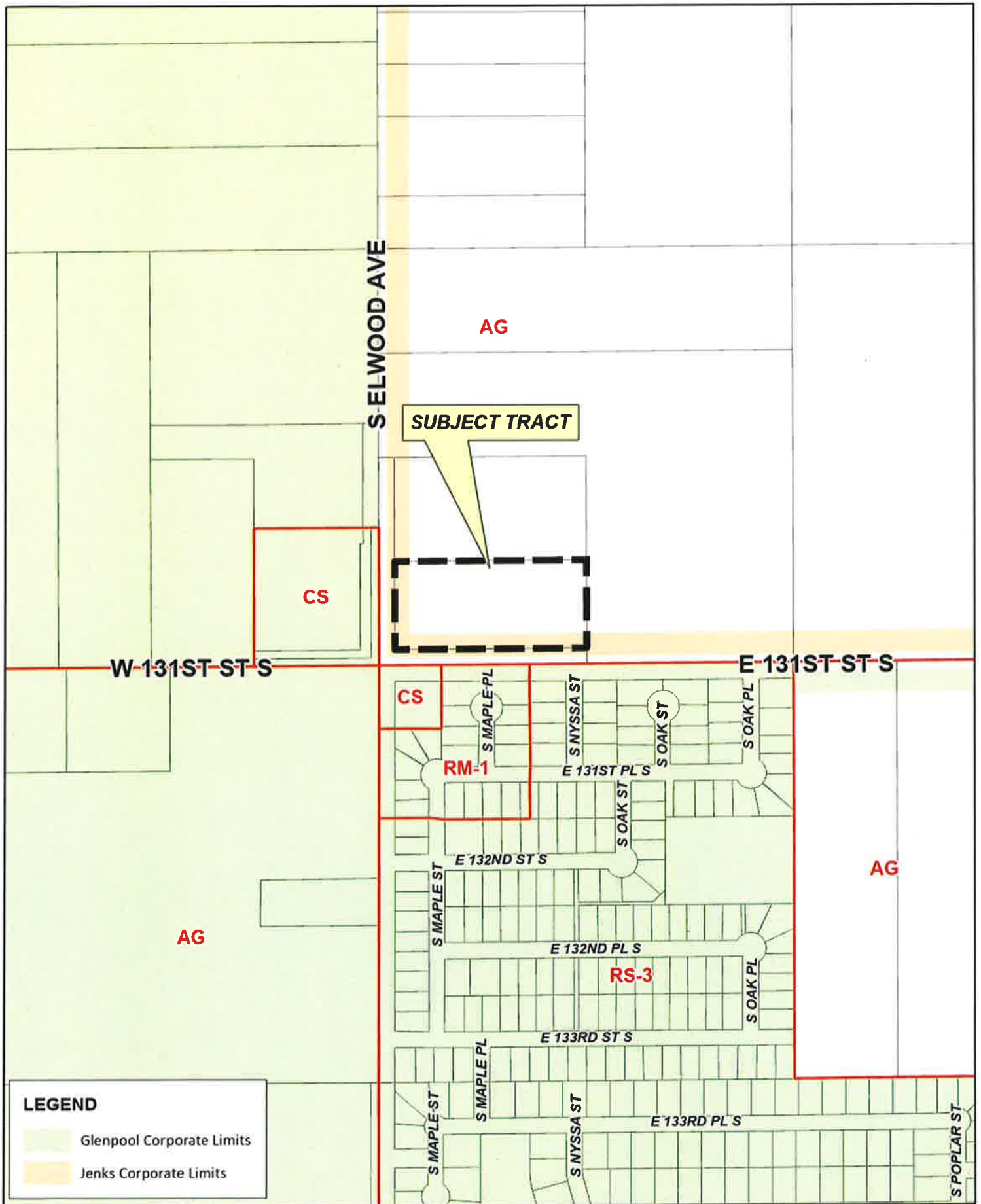


**Subject tract looking Northwest from E 131<sup>st</sup> St S**





Subject tract looking North from E 131<sup>st</sup> St S



**CBOA-3210**

17-12 01



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SUBJECT TRACT

W 131ST ST S

E 131ST ST S

S MAPLE PL

S NYSSA ST

S OAK ST

S OAK PL

E 131ST PL S

E 132ND ST S

E 132ND PL S

E 133RD ST S

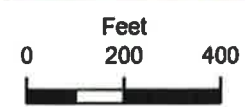
E 133RD PL S

S MAPLE ST

S MAPLE PL

S NYSSA ST

S POPLAR ST



Subject  
Tract

**CBOA-3210**

17-12 01

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

Aerial Photo Date: 2023

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