AGENDA

Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday December 17, 2024, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room



Meeting No. 538

Consider, Discuss and/or Take Action On:

1. Approval of Minutes of November 19, 2024 (Meeting No. 537).

UNFINISHED BUSINESS

2. CBOA – 3232 Donna Savant

Action Requested:

<u>Variance</u> of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3) **Location**: 4617 E 171st St S

NEW APPLICATIONS

3. CBOA – 3233 Michael Daczewitz

Action Requested:

<u>Variance</u> to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district (Section 8.040-C.6) **Location**: 18617 W Hwy 51

4. CBOA – 3234 Sherri Bacon

Action Requested:

<u>Variance</u> of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) **Location:** 12935 N 143rd E Ave

5. CBOA – 3235 Mindy James

Action Requested:

<u>Variance</u> of the lot area and lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) **Location:** 1530 E 163rd PI S

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: https://www.incog.org/Land Development/land main.html

E-mail: esubmit@incog.org

If you require special accommodations pursuant to the Americans with Disabilities Act, please call 918-584-7526.

<u>NOTE</u>: 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. <u>All electronic devices must be silenced</u> during the Board of Adjustment meeting.



Case Report Prepared by:

Jay Hoyt

Case Number: CBOA-3232

Hearing Date: 12/17/2024 1:30 PM (Continued from 11/19/2024)

Owner and Applicant Information:

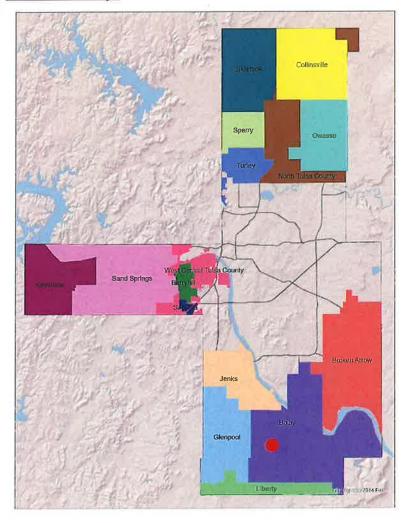
Applicant: Donna Savant

Property Owner: Michael & Ins

Savant

<u>Action Requested</u>: Variance of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 5.0 acres

Location: 4617 E 171st St S

Present Zoning: AG

Fenceline/Area: Bixby

Land Use Designation: Rural

Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7328

CASE NUMBER: CBOA-3232

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/17/2024 1:30 PM (Continued from 12/17/2024)

APPLICANT: Donna Savant

ACTION REQUESTED: Variance of the side yard setback in the AG district to permit a carport (Section 2.050,

Table 2-3)

LOCATION: 4617 E 171st St S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residence

TRACT SIZE: 5.0 acres

LEGAL DESCRIPTION: W/2 SW SE SE SEC 28 17 13 5AC

RELEVANT PREVIOUS ACTIONS: None Relevant

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

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3).

The Tulsa County zoning code requires a side yard setback of 15 feet in the AG district. The applicant is proposing to construct a carport that will be located closer to the side property line than the 15 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 "Are currently trying to build a carport to place our two new campers and boat to create a more uniform and clean image." That applicant did not state how close the carport would be placed relative to the side yard.

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 (Section 2.050, T	(approve/deny) a Variance of the side yard setback in the AG district to permit a carport able 2-3).
Subject to the foll	owing conditions, if any:

Finding the	hardship	to be	
-------------	----------	-------	--

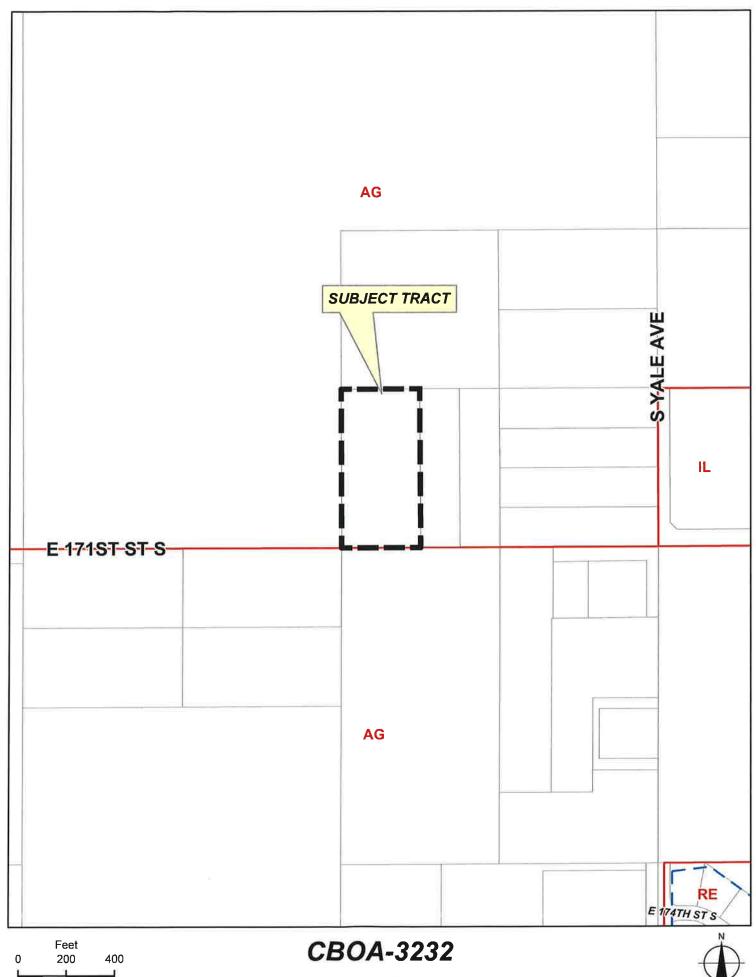
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 171st St S



Subject tract looking Northwest from E 171st St S



17-13 28

CBOA-3232 2.5



Feet 0 200 400



CBOA-3232

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





Case Number: CBOA-3233

Hearing Date: 12/17/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

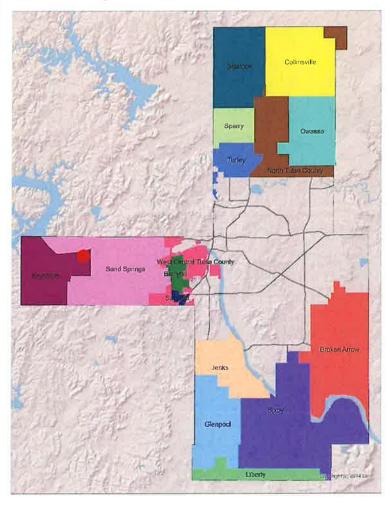
Owner and Applicant Information:

Applicant: Michael Daczewitz

Property Owner: Francis Daczewitz

<u>Action Requested</u>: Variance to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district (Section 8.040-C.6)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 2.96 acres

Location: 18617 W Highway 51

Present Zoning: AG

Fenceline/Area: Keystone

Land Use Designation: Rural

Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 9012

CASE NUMBER: CBOA-3233

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/17/2024 1:30 PM

APPLICANT: Michael Daczewitz

ACTION REQUESTED: Variance to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district

(Section 8.040-C.6)

LOCATION: 18617 W Highway 51 **ZONED:** AG

FENCELINE: Keystone

PRESENT USE: Residence TRACT SIZE: 2.96 acres

LEGAL DESCRIPTION: BEG 447.57W NWC SE SW TH S152.91 SWLY121.54 SW168.40 N570 E252

S280.39 POB SEC 12 19 10 2.961ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-971 July 1990: The Board approved a Variance to allow two dwellings on a single lot of record.

Surrounding Properties:

<u>CBOA-2920 September 2021:</u> The Board approved a Variance of the minimum land area per dwelling unit from 2.1 acres in the AG district to permit a lot line adjustment (Tract B); Variance of the minimum lot area from 2 acres in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the rear and side setbacks in the AG district to permit a lot line adjustment (Tract B) (Section 330- Table 3).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family dwelling and mobile home. The tract is surrounded by AG zoning with single-family residences to the North, East and West and a trucking company to the south.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district (Section 8.040-C.6)

The Tulsa County Zoning code, Section 8.040 permits accessory dwelling units in the AG district without the need for additional land area from what is required for one residence. The accessory dwelling unit is limited to 750 sf in area. The applicant is proposing to replace an existing mobile home with a new home, either pre-built or built on site with 1,000 sf of floor area, necessitating the need for a variance of the area.

The applicant provided the statement that the "I currently am living in a mobile home so I have full utilities, septic, gas, electric is all in place. I have sent a copy of the floor plan we want but don't have digital plans. We are looking to buy a pre-built or I build to this floor plan."

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

Sample Motion:
"Movè to(approve/deny) a Variance to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district (Section 8.040-C.6)
Subject to the following conditions, if any:
Finding the hardship to be

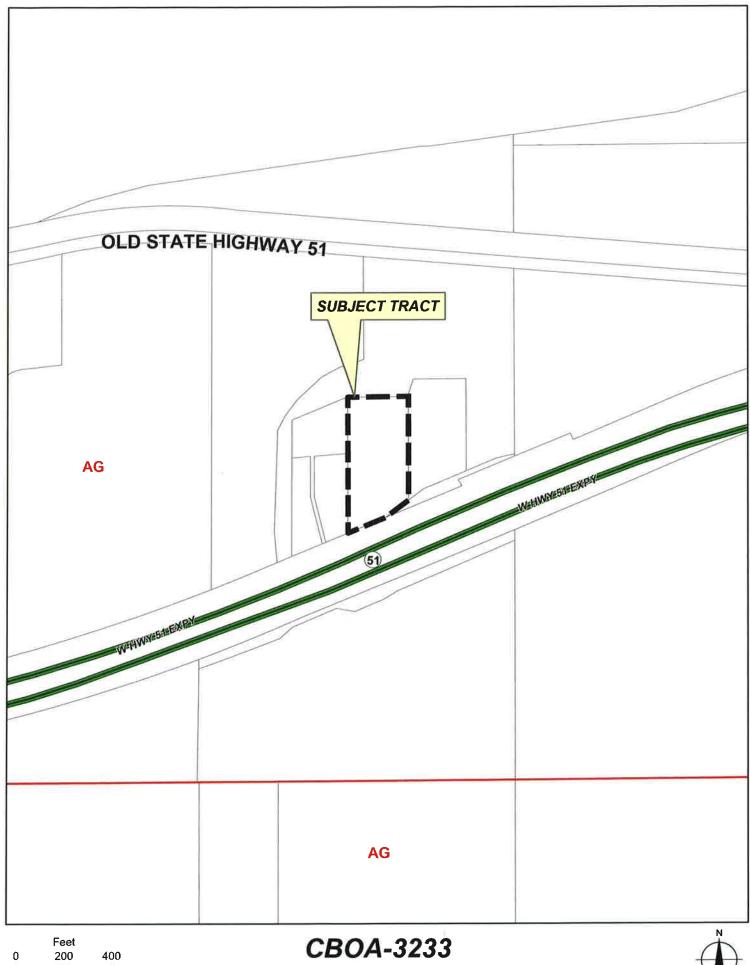
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 North from Highway 51

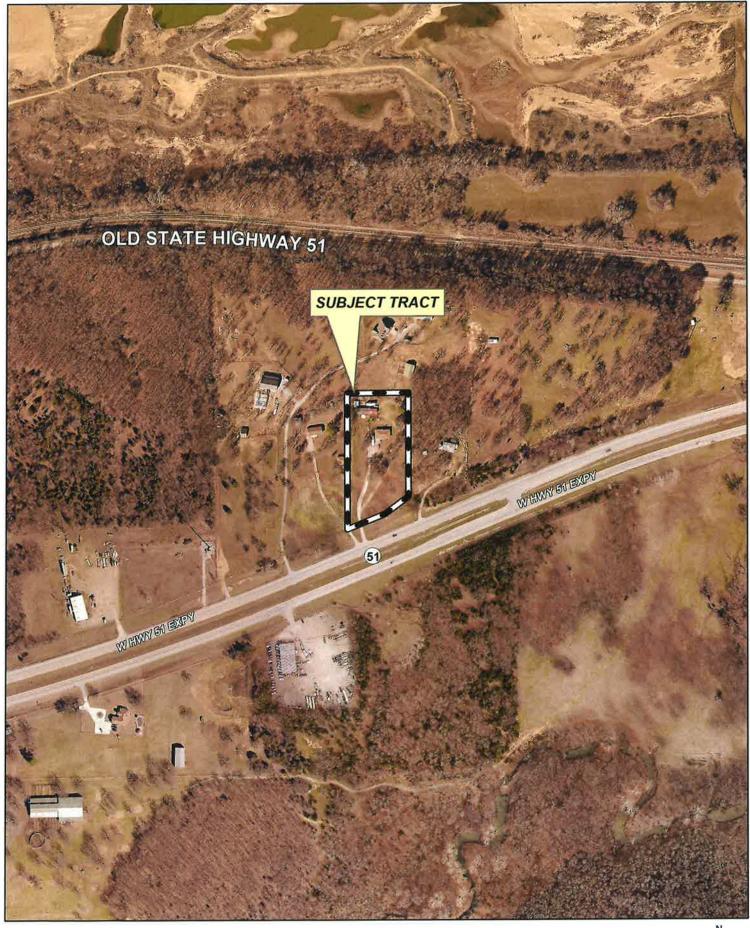


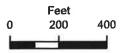
Subject tract looking Northeast from Highway 51



12 19-10





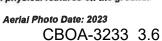


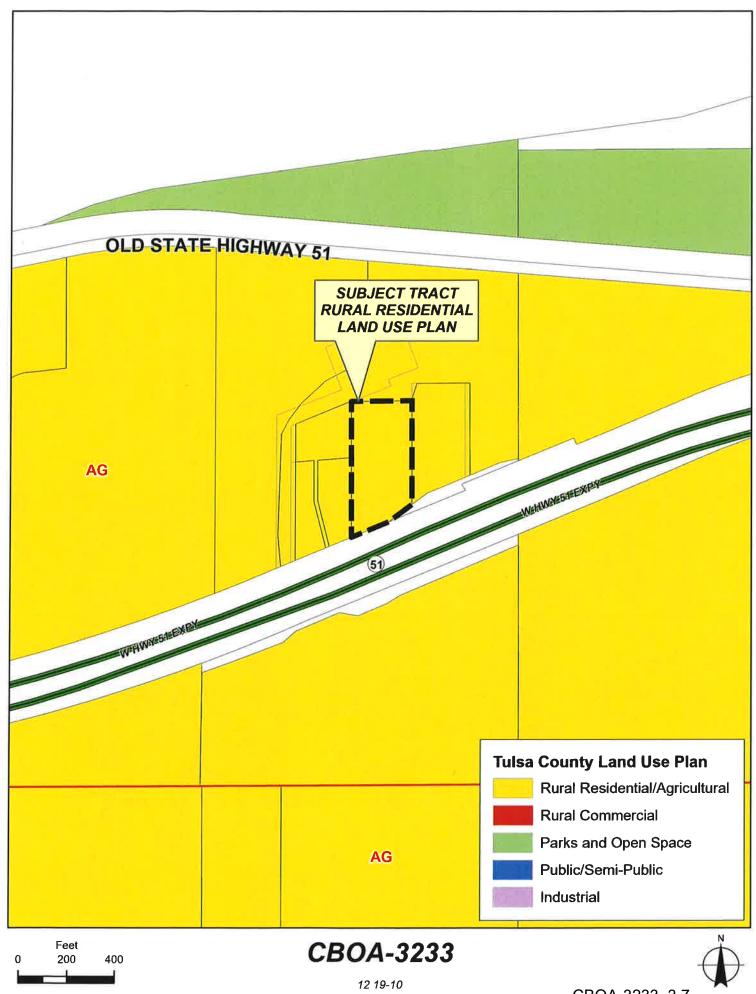


CBOA-3233

12 19-10

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





BOARD, I CURRENTY AM L'V'ND IN A MOBILE HOME SO I HAVE FUIL Ut, Lit'ES. SEPTIC, GAS, ELECTRIC 'S All IN PACE. SO I MAVENT DONE A SOIL TEST.

I MOE SENT A COPY OF Floor PAN WE WANT BUT DON'T MAVE D'ITAL PLANS, WE ARE LOOKING to BUY A PRE BUILT OR I M'gHT Build TO THIS Floor PLAN.

204501 E20' > TINY HOME 150 MAIN 3 ACRE PROPERT

CBOA-3233 3.10

Board members,

I am responsible for taking care of my parents. We moved a double wide onto their property 20+ years ago with the intention of helping with all the upkeep of the property in their retirement. In the last couple of years my parent's health has declined relatively fast with my mom having multiple strokes. She is having a hard time navigating all the steps / stairs going in and out of the house. The house is not set up for a handicap type environment nor is the current mobile home I reside in. It has more steps / stairs than theirs.

My plan was to sell my mobile home and replace it with a small modest home that will be low to the ground with a ramp. The floor plan will be set up for wheelchair bound people. It will have an open floor plan as I discussed with Jay because I can see in the future having to use the living space as a hospice type set up. Hospital bed and other equipment as needed. We just don't feel that 750 square feet would allow for everything noted plus home health workers or family.

I would like to add that our proposal of 20' x 50' is downsizing right at 400 sq. ft. from what has been there for over 20 years.

We want to thank you for your consideration.

Thanks,

Mike & Minnie Daczewitz

I GIVE MIKE & CHRISTINA DACZEWITZ

PERMISION TO BEPLACE THICK CURRENT

MOBILE HOME WITH A PRE BUILT

OR SELF BUILT TINY HOME.

ADDRESS; 18619 WEST HIGHMAY 51

SAND SPRINGS OK 74063

FRANCIST, DACZEWITE

LOIS ANDACZEWITZ Lois a Naczewitz

STATE OF OKlahoma County of Thisp

Signed or attested before me on 11/01/2024 by Francis J. Daczewitz and Lois A. Daczewitz



Kayu Janemed

Notary Pubic

My commission Expires 12/22/2024

My commission # 06012102



Case Number: CBOA-3234

Hearing Date: 12/17/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

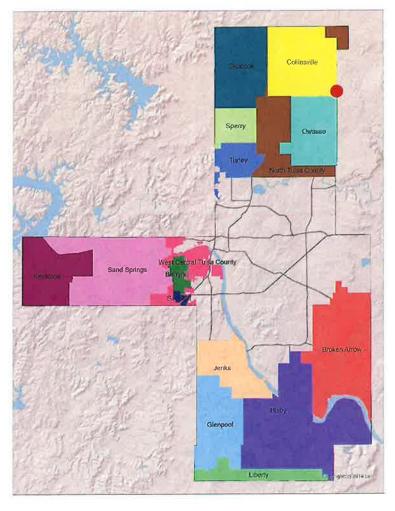
Owner and Applicant Information:

Applicant: Sherri Bacon

Property Owner: Same

<u>Action Requested</u>: Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 1.57 acres

Location: 12935 N 143rd E Ave

Present Zoning: AG

Fenceline/Area: Collinsville

Land Use Designation: Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 2433

CASE NUMBER: CBOA-3234

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/17/2024 1:30 PM

APPLICANT: Sherri Bacon

ACTION REQUESTED: Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3)

LOCATION: 12935 N 143rd E Ave **ZONED:** AG

FENCELINE: Collinsville

PRESENT USE: Residence TRACT SIZE: 1.57 acres

LEGAL DESCRIPTION: S110 N660 E/2 E/2 SE LESS W25 THEREOF FOR RD SEC 33 22 14 1.60AC

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2204 April 2006: The Board approved a Special exception to allow retail sales of farm produce in an AG zoned district Sect 320.1.2 and a variance of the required hard surface parking to allow gravel parking for customers Sect. 240.3

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 and agricultural land.

STAFF COMMENTS:

Sample Motion:

The applicant is before the Board to request a Variance of the lot area per dwelling unit in the AG district (Section 2.040, Table 2-3)

The Tulsa County zoning code requires 2 acres of land area per dwelling per Section 2.040, Table 2-3 of the Tulsa County Zoning Code. The subject tract currently contains a mobile home that is intended to be replaced. The tract is 1.57 acres in size, which is below the 2 acres that would be required for a dwelling in the AG district. The proposed home will be a single-wide manufactured home. There are several single-wide manufactured homes within the 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 that the proposed variance is compatible with and non-injurious to the surrounding area.

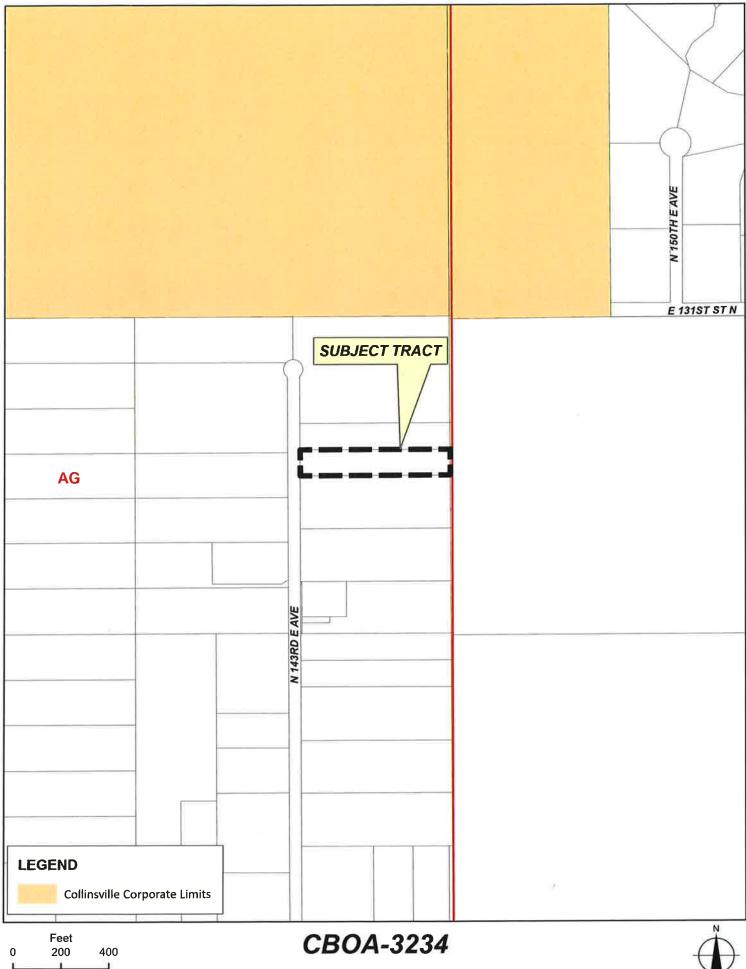
"Move to	_ (approve/deny) a Variance of the lot area per dwelling unit in the AG district (Sectior
2.040, Table 2-3).	

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 East from N 143rd E Ave



33 22-14



Feet 0 200 400



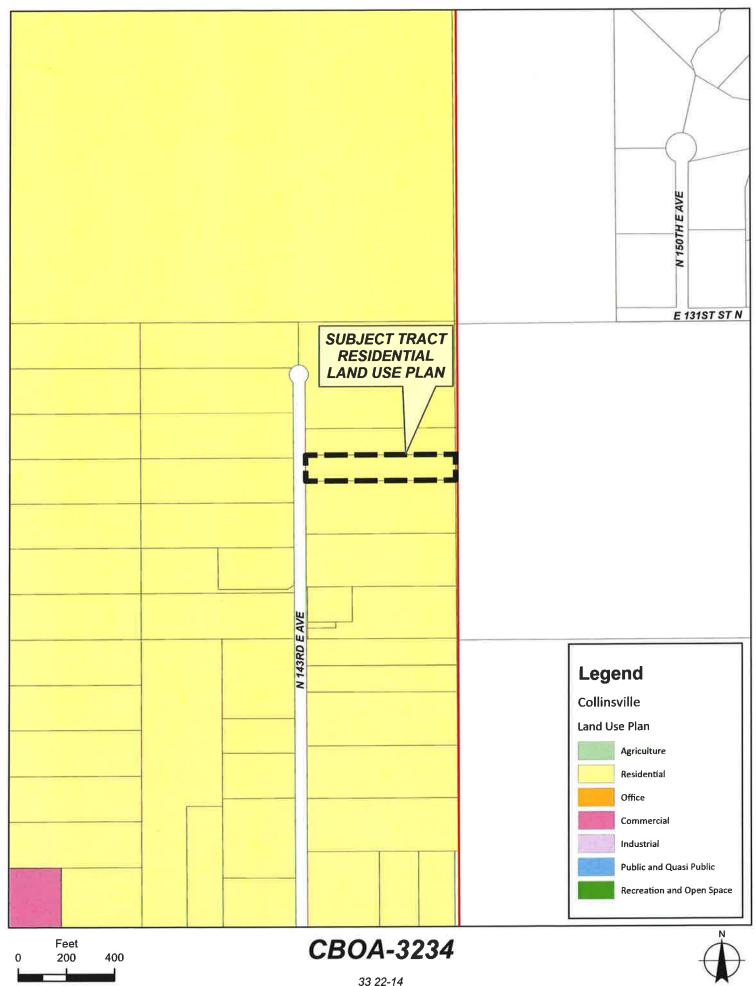
CBOA-3234

33 22-14

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

Aerial Photo Date: 2023

OBOA-3234 4.6



33 22-14



Case Number: CBOA-3235

Hearing Date: 12/17/2024 1:30

PM

Case Report Prepared by:

Jay Hoyt

Owner and Applicant Information:

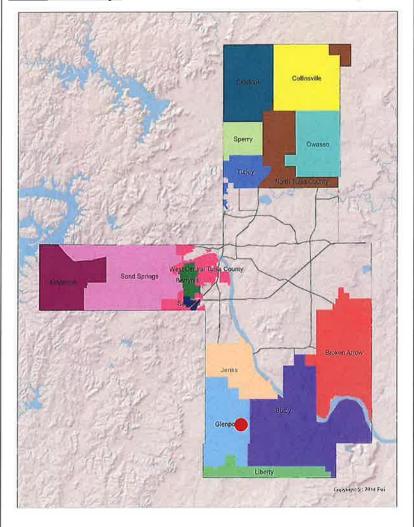
Applicant: Mindy James

Property Owner: Rocky & Mindy

James

<u>Action Requested</u>: Variance of the lot area and lot area per dwelling unit in an AG district (Section 2.040, Table 2-3)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 2.03 acres

Location: 1530 E 163rd PI S

Present Zoning: AG

Fenceline/Area: Glenpool

Land Use Designation: Rural

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7330

CASE NUMBER: CBOA-3235

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 12/17/2024 1:30 PM

APPLICANT: Mindy James

ACTION REQUESTED: Variance of the lot area and lot area per dwelling unit in an AG district (Section 2.040,

Table 2-3)

LOCATION: 1530 E 163rd PI S ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Residence TRACT SIZE: 2.03 acres

LEGAL DESCRIPTION: LT 2 LESS S21 THEREOF BLK 2 FAULKENBERRY ESTATES

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2744 April 2019: The Board approved a Variance of the minimum lot area in the AG district (Section 330 Table 3) and a Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split.

<u>CBOA-2978 October 2022:</u> The Board approved a Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

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

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the lot area and lot area per dwelling unit in an AG district (Section 2.040, Table 2-3).

The Tulsa County zoning code requires 2 acres minimum for a lot in the AG district as well as 2 acres of land area per dwelling per Section 2.040, Table 2-3 of the Tulsa County Zoning Code. The subject tract contains a single-family residence. The applicant is proposing to split the current 2.03 acre tract into two tracts of approximately equal area. The subject tract contains an existing single-family residence and associated barn, which will be located on the northern tract of the proposed lot split. A second house will be built on the southern proposed tract for the applicant's daughter.

The applicant provided the statement "The lot split will allow a new house to be built for our daughter that will increase property values within Faulkenberry Estates."

Sample Motion:
"Move to (approve/deny) a Variance of the lot area and lot area per dwelling unit in the AG district (Section 2.040, Table 2-3).
Subject to the following conditions, if any:
Finding the hardship to be

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

area.

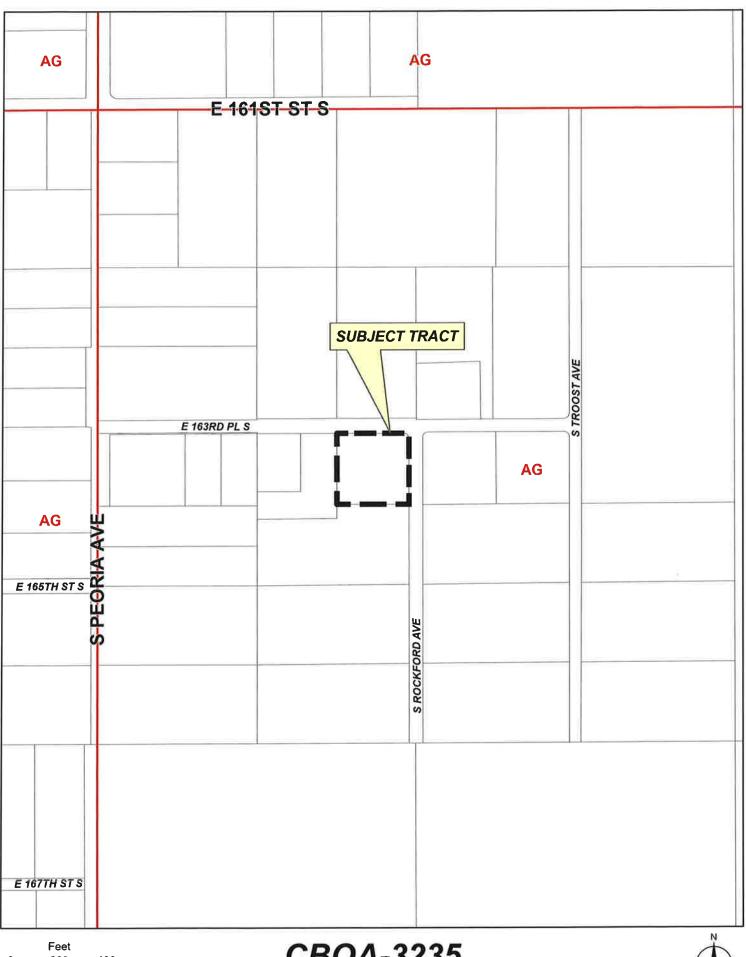
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not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



Subject tract looking Southwest from the intersection of E 163rd PI S and S Rockford Ave



Subject tract looking West from the S Rockford Ave



200 400 CBOA-3235

30 17-13





Feet 0 200 400



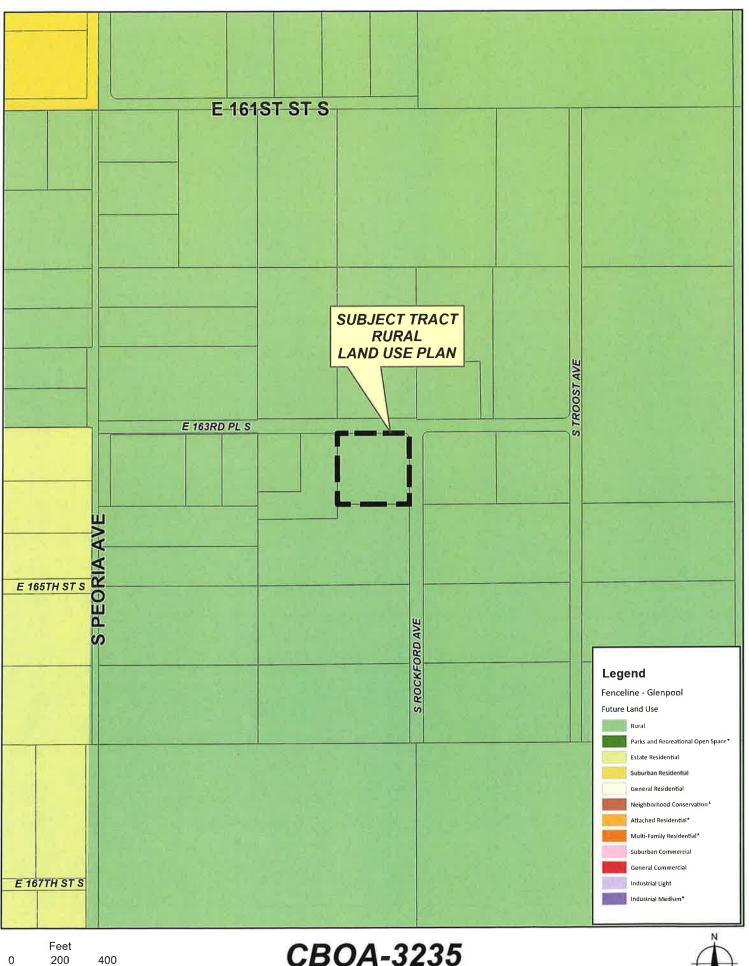
CBOA-3235

30 17-13

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

Aerial Photo Date: 2023 CBOA-3235 5.6



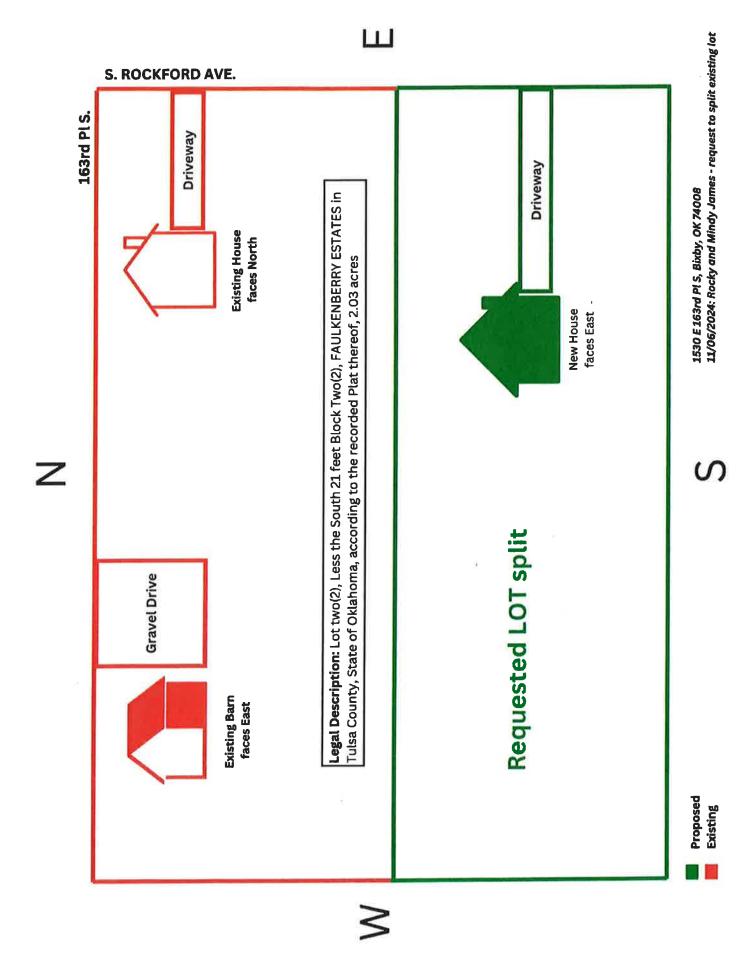


200

CBOA-3235

30 17-13





Hoyt, Jay

From: Judy Evers < judy.mccallumandsons@gmail.com>

Sent: Wednesday, December 11, 2024 12:32 PM

To: Hoyt, Jay

Subject: Re: BOA Case Number: CBOA-3235

In discussing this further my husband and I would like to re-construct our appeal slightly. What I am saying is the conscientious of the neighbors on S Rockford Pl, however I am speaking for my husband and I.

If you would go to the corner of 163rd St & S Rockford you will see a couple of lot splits on the 163rd St side. If you look down the S Rockford Pl side you will see homes with acreage 4.5 acres to 15 acres. We have lived there for over 22 years and there have been no lot splits or additional construction of any type. The families on this street have worked hard to maintain their country and private lifestyle with wildlife, farm animals, etc. That is why we all paid a premium to move there. This is a dead end street with only 5 homes on it. If the construction truck are working on the Rockford Pl side our access to our homes on Rockford is blocked. This happened when this family renovated the house they bought on the corner. In fairness, I must say that the renovation on that house is very nice and a great improvement from the house that was there.

Our driveway and home are on 4.5 acres right next to where they wish to put the new driveway entrance for the lot split. We ask that no impact or changes to the Rockford side be approved. We do not wish to have a driveway with traffic next to us. We do not wish our good roads be damaged by heavy construction trucks and construction noise. Keep in mind it does not take a few days or weeks to build even a small house. It easily takes a year if weather cooperates. There will be excavators, concrete trucks, large building material delivery boom trucks, roofers, framers, drywallers, and on and on passing to and from the edge of your driveway for a very long time. Being only 5 houses on our street we enjoy very minimal traffic. Trucks and new occupants guests will be traveling up and down Rockford regularly. They will be turning around at the dead end often impacting those homes at that end.

END RESULT:

We would like to ask that if you approve the lot split you require that they put the driveway on E 163rd side rather than S Rockford side. This would flow with the current make-up of the 163rd street side and have a significantly less impact on the Rockford Pl street for the reasons I have stated above. The 163rd street side has multi street access to those homes as they are not a dead end and connect with other streets for reaching their property. Our Rockford side being a dead end has only one entry street to get to our homes. The driveway being on the 163rd side would place it next to their parents/grandparents home. The house they build will be next to the grandparents home as it is their lot being split. There is already a short concrete with gravel driveway there on 163rd where they could continue the driveway to the new home. Wherever the driveway we simply ask it be on 163rd not Rockford.

Another non-compromise issue is our property line going from East to West which is next to our 30'x50' garage on a concrete slab attached to the end of our driveway. We will not allow encroachment onto that property line. Taking down any fencing will then leave our farm animals no

fencing to contain them. The pipe fencing belongs to them, but any barb wire fencing was put up by us to contain horses and belongs to us.

I speak of the fence and property lines in that line particularly because the builder we bought the home from did not adhere to property lines. He built a 30'x50' concrete slab metal building/garage approx 2 feet onto the neighbors property. We had no idea of this and had no idea that our survey was more of a "drive-by" survey than a factual re-measured one. When the Mudds decided to sell their home years later they brought this to our attention and said that the builder we bought from knew this and had promised them to pay for that encroached strip of land, but he never did. There was no way to move the property line because he had built a concrete slab building on it. We then forced the builder to pay the Mudds for that strip of land, they then quit claim deeded that strip of land to us, and we had it re-surveyed and certified properly as being our property. This was filed at the court house as well and we have the documentation of the merged strip of land. My husband recently came home to notice a wooden stake on our property. If this stake was a boundary marker it was incorrect and excluded the strip of land which we merged. This boundary line as well as our owned fencing must be observed.

I have stated many valid reasons for not allowing the lot split and no Rockford street driveway in the above paragraphs. If these requests can be agreed upon and met we will agree to the lot split and not pursue any legal means of blocking it. No one wants legal expenses and to be tied up in court for months or years. This is not an attack on the neighbors. Not at all. They are nice people and good neighbors in which we want no conflict. We only request that we are given the respect of the above couple of modifications to their plans.

Do you not feel you owe us some respect after allowing the lot split on 163rd behind us which invades our property, health, and safety in a very negative manner? Against neighbors and our appeals you allowed that lot split. As we told you it would be, it is now abandoned, they moved back to CA and no structure has ever been built there. Only grass taller than I am which is never mowed, all kinds of varmints and bugs spilling onto our property from the tall grass and weeds. I realize this has no bearing on the current lot split request. However, you might consider that current long term property owners better know the impact on their property and family than people who have never even bothered to go by there to properly evaluate the situation. I suggest you go to our Rockford street and the 163rd street and look at the structure of each community. In doing that you will see that what I am telling you is accurate.

Thank you for your consideration. You may reply to this email address or my phone number below. I hope we can resolve this amicably.

Judy Evers for James and Judy Evers 16418 S Rockford Ave Bixby, OK 918-857-5197

On Mon, Dec 9, 2024 at 8:29 AM Hoyt, Jay < JHoyt@incog.org > wrote: