

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, April 20, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 493

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment members, applicants and members of the public are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Attend in Person: Williams Tower I, St. Francis Room, 1st Floor
1 West 3rd Street, Tulsa, Oklahoma

Attend Virtually: <https://us02web.zoom.us/j/89804517749>

Attend by Phone: 1-312-626-6799 Meeting ID: 898 0451 7749

Additional Directions: During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

The following County Board of Adjustment members plan to attend remotely via ZOOM, provided that they may still be permitted to appear and attend at the meeting site, St. Francis Room, Williams Tower I, 1 West 3rd Street, Tulsa Oklahoma: David Charney, Don Hutchinson, Don Crall, Larry Johnston, and William Tisdale

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of March 16, 2021 (Meeting No. 492).

UNFINISHED BUSINESS

2. **2876—Codey Zickefoose**

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District to permit the construction of a single-family home and lot split (Section 207). **LOCATION:** 784 East 165th Street South

NEW APPLICATIONS

3. **2879—Eichard Lyons**

Variance of the required lot area in the AG District (Section 330, Table 3); Variance of the required land area per dwelling unit in the AG District to permit an existing dwelling to remain during construction of a new dwelling (Section 330, Table 3). **LOCATION:** 11106 South 26th Avenue West

4. **2880—Brian and Sheila Hopper**

Variance to permit a detached accessory building in the side yard in an RE District (Section 420.2-A.2). **LOCATION:** 9017 North 67th East Avenue

5. **2881—Jake's Fireworks – Jason Marietta**

Special Exception to permit a fireworks stand (Use Unit 2) in an RE District (Section 410); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 13108 East 106th Street North

Staff requests a continuance for new notifications.

6. **2882—Jackie Dodgin**

Variance of the minimum land area per dwelling unit in the AG District to permit two dwelling units on one lot of record (Section 330). **LOCATION:** 4327 West 26th Street South

7. **2883—Eller & Detrich – Lou Reynolds**

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 150 feet to 30 feet in the CS District to permit a lot-split (Section 730). **LOCATION:** 5031 East 116th Street North

8. **2884—Chris Burnette**

Variance to permit a detached accessory building (Pole Barn) in the side yard in an RE District (Section 420.2-A.2); Variance to reduce the required side yard setback from 15 feet to 4 feet to allow a detached accessory building (Pole Barn) in an RE District (Section 430). **LOCATION:** 9477 East 139th Street North

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

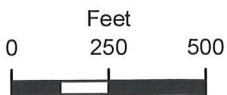
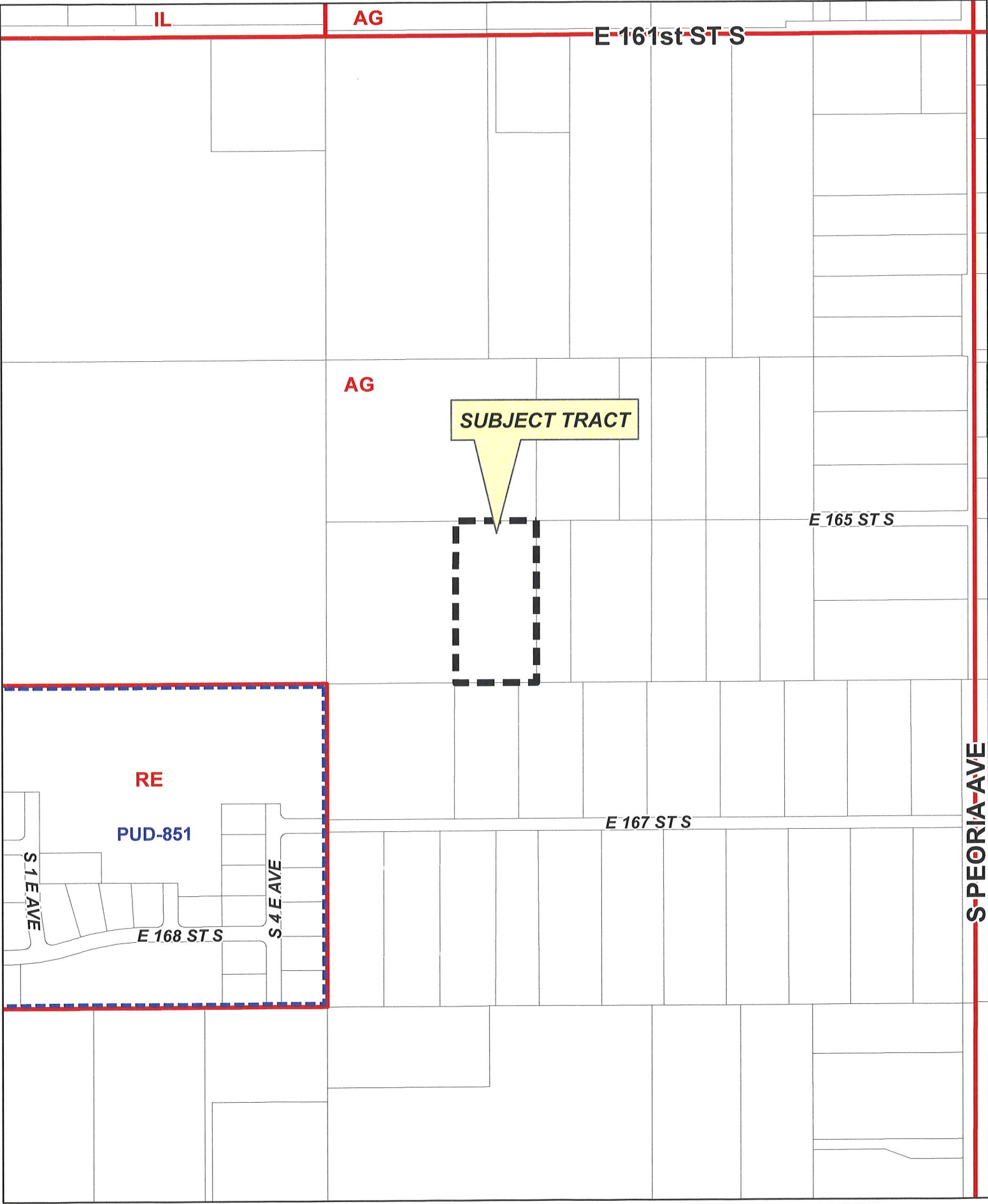
Website: tulsaplanning.org

E-mail: esubmit@incog.org

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

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. *All electronic devices must be silenced* during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.



CBOA-2876

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TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7225

CZM: 65

CASE NUMBER: CBOA-2876

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/20/2021 1:30 PM

APPLICANT: Codey Zickefoose

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

LOCATION: 784 E 165 ST S

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Vacant

TRACT SIZE: 5 acres

LEGAL DESCRIPTION: The East 329.58 feet of the West 857.00 feet of the South Half of the Southwest Quarter of the Northeast Quarter (S/2 SW/4 NE/4) of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Containing 5.00 acres, more or less.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1609 October 1998: The Board approved a *Variance* of the required frontage on a public street from 30' to 0' to construct a single-family dwelling subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on property located at 819 E. 165th St. S. (See map – this was part of a 40-acre parcel has now been divided into two 13± acre parcels, two 2± acre parcels, and two 5± acre parcels. The proposed application would require a lot split approval to split 5-acres from one of the 13± acre parcels.)

Surrounding Property:

CBOA-2857 January 2018: The Board approved a *Variance* to allow 0 feet of frontage on a public street in the AG District subject to a right-of-way easement or a dedication easement running along the front of the subject property, on property located west of the southwest corner of East 165th Street South and South Peoria Avenue East (1038 E. 165th St. S.).

CBOA-1601 September 1998: The Board approved a *Variance* of the required 30' frontage on a public street to 0' subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc. test, on property located at 1039 E. 165th St. S.

CBOA-945 January 1990: The Board approved a *Variance* of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling subject to an easement, extending from Peoria Avenue to the west side of the subject property, being filed

2.2

of record, on property located ¼ mile west of Intersection of 165th Street south and South Peoria Avenue (906 E. 165th St. S.).

CBOA-698 October 1986: The Board **approved** a *Variance* of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street; and **approved** a *Variance* of the required lot width in an AG District from 200' to 171' for Lot 14 subject to the filing of an approved plat by TMAPC, on property located ½ mile south and west of East 161st Street South and Peoria Avenue. This is south of the subject property.

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

STAFF COMMENTS:

New Comments:

The applicant was not present at the meeting on 3/16/2021 so the case was continued to 4/20/2021.

Original Comments:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

The applicant provided the following information:

1. Unnecessary hardship currently exists to the applicant due to living arrangements with family members at the current temporary residence.
2. This property is not located within 30 feet of a county-maintained road. Private road access only.
3. The proposed house will not cause substantial detriment to the public good and will meet all required permitting during the building process to ensure it doesn't impair the purpose and intent of the zoning ordinance.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for residential purpose has public emergency access.

The submitted site plan indicates that the subject lot has a proposed 50' wide private roadway and utility easement. The applicant has submitted a copy of a Non-Exclusive Easement that provides access to the subject lot from East 165th Street South; the easement is attached to this case report for the Boards review.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207)."

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Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

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.”

Case No. 1608 (continued)

and 1,300' long. Mr. Lynchard wants to place the home in the middle of the property. All the surrounding homes do not meet Code either.

Comments and Questions:

Mr. Walker stated that he is from Sand Springs and is familiar with the area, this area has grown into a development by default. This applicant has ended up with a tract that has existing tracts around it. Mr. Walker supports this application.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of required lot width from 200' to 160' on an existing lot in an AG district. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** on the following described property:

W 160' of E 640' of the SW/4 of the SE/4 of Section 29, T-19-N, R-11-E,
Tulsa County, State of Oklahoma.

Case No. 1609

Action Requested:

Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. **SECTION 207. STREET FRONTAGE REQUIRED**, located 819 E. 165th St. S.

Presentation:

The applicant, **Thomas Zickefoose**, submitted a site plan (Exhibit C-1) and stated that 165th Street dead ends on his 40 acres that he has owned for many years. Mr. Zickefoose now lives next to the 40 acres and he is asking for a variance in order to build a new home on the 40 acres.

Comments and Questions:

Mr. Tyndall asked if the street goes to his acreage. The applicant and Mr. Beach said that the street goes to his acreage but it is a private street.

Mr. Alberty asked if the two previous Board actions were in the immediate area. Mr. Beach answered yes, they are in the general area.

Mr. Beach stated that there is a mutual access easement that has been filed of record that identifies all of the abutting owners' property.

Case No. 1609 (continued)

Mr. Alberty expressed concern about further development on the property but if it will only have the one development then he has no concern with it.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. **SECTION 207. STREET FRONTAGE REQUIRED** subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on the following described property:

SW, NE, Section 25, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1610

Action Requested:

Special Exception to permit an existing church and accessory uses in an AG district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5; OR a Variance to expand a nonconforming church use. SECTION 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION**, located 3029 S. 57th W. Ave.

Comments and Questions:

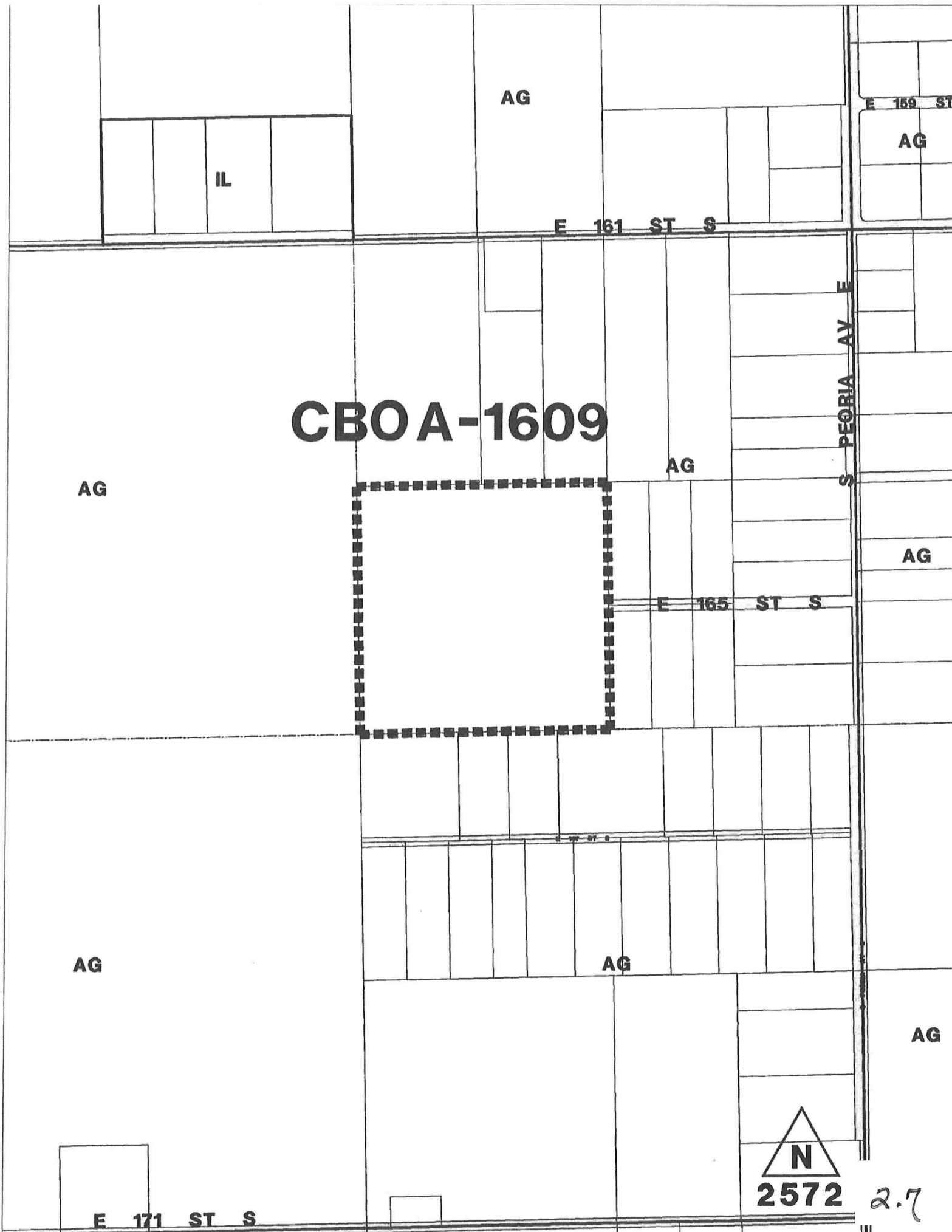
Mr. Beach stated that the reason for the "either/or" request is that this is a lawful nonconforming church that has been at the location since prior to 1980. If there were a questions about whether it is lawfully nonconforming or not, they wanted to make sure that he was advertised for either use.

Presentation:

The applicant, **Mike Smith**, submitted a site plan (Exhibit D-1) and stated that he represents the Berryhill United Pentecostal Church. Mr. Smith stated Mr. Beach informed him to bring evidence that the church had been at that location since before 1980. Mr. Smith submitted copies of utility bills, etc. dated 1978 and 1979 (Exhibit D-2). Mr. Smith said that the church would like to construct a fellowship hall on the back of the building.

Comments and Questions:

Mr. Alberty asked the applicant if this structure is going to be two stories. Mr. Smith answered that it may be in the future. The ceiling height will be 23' or 24'. They have no intention to make it two stories right now, but they might in the future.



CBO A-1609

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2657—Kyle Zickefoose

Action Requested:

Variance to allow 0 feet of frontage on a public street in the AG District (Section 207). **LOCATION:** West of the SW/c of East 165th Street South & South Peoria Avenue East

Presentation:

Kyle Zickefoose, 15608 South Elwood Avenue, Glenpool, OK; stated he has 3 1/3 acres that is on a family farm. There is a maintained gravel driveway that goes all the way to the barn where the family runs a hay business. He applied for a permit to build a house and he was told that he would need to asphalt that entire road in order to build his house. After receiving estimates, he determined that to asphalt that road it would cost more than his house. There are plans to asphalt that road in the future, but this Variance request will allow him to build his house now.

Mr. Charney asked Mr. Zickefoose if 165th Street South terminated before his property. Mr. Zickefoose stated that 165th terminates after his property, because it goes another 990 feet approximately.

Mr. Charney stated the County does not like to issue a building permit to build a house in front of the house when there is not a publicly dedicated road, unless there is a significant mutual access easement that gives the person ingress and egress to a County road. Mr. Zickefoose stated that everyone that lives on the subject road is family, and there is a house that was permitted to be built at the very end of the road.

Mr. Dillard asked Mr. Zickefoose if he was going to borrow money to build the house. Mr. Zickefoose answered affirmatively. Mr. Dillard stated that he does not think Mr. Zickefoose will be able to obtain financing.

Mr. Charney stated that when mortgage financing studies this and they see there is no publicly dedicated right-of-way, they will very often mandate what the County wants to see which a mutual access roadway or a dedicated easement that runs in front of the subject property.

Mr. Zickefoose stated he has a road easement agreement with all the people on the road. There are houses on the north and south side of the road, and he had to have that before he could even put the road in.

Mr. Charney asked Mr. Zickefoose if it was a filed mutual access easement of record that services all the property to the west of the termination of the County right-of-way. Mr. Zickefoose answered affirmatively. Mr. Zickefoose stated that when he wanted to build the barn he had to present that easement to mortgage lender and the loan was granted.

CBOA-2657

FILE COPY

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to allow 0 feet of frontage on a public street in the AG District (Section 207), subject to a right-of-way easement or a dedication easement running along the front of the subject property. The Board finds the hardship to be the unique inset configuration of the land; for the following property:

E220 W440 S/2 W/2 SE NE SEC 25 17 12 3.33ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

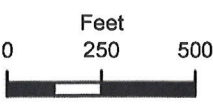
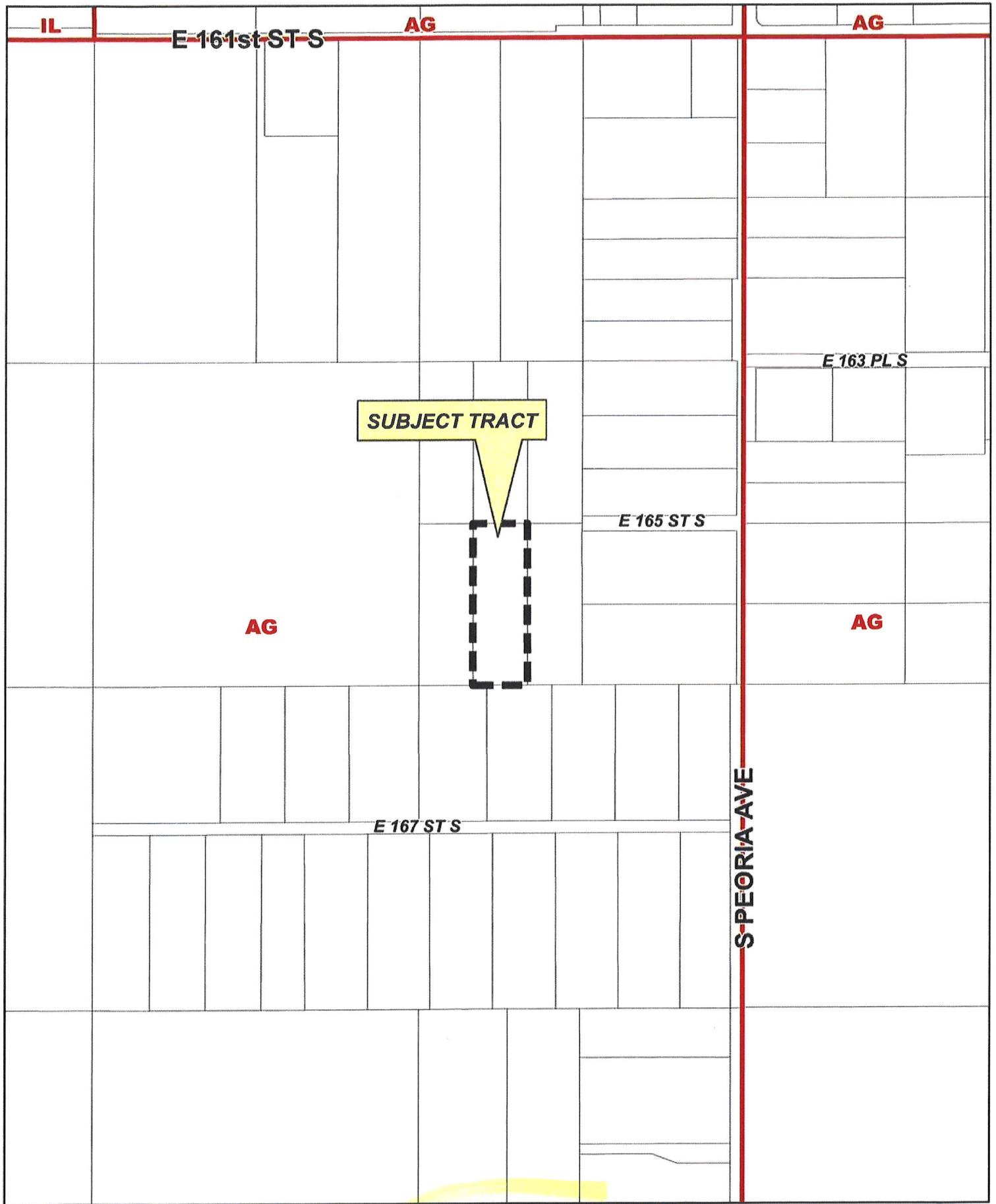
Mr. Dillard left the meeting at 2:45 P.M.

Mr. Charney explained to the applicants and interested parties that there were only four board members present now, because Mr. Dillard had to leave this meeting. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

2658—Stever Arterberry

Action Requested:

Variance to permit more than one dwelling unit on a single RE zoned lot (Section 208); **Special Exception** to permit three manufactured housing units in a Residential Estate District (Section 410, Table 1). **LOCATION:** South of the intersection of South 179th West Avenue and West 41st Street South



CBOA-2657

17-12 25

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Tract "A" – a tract of land in the S/2 of the NE/4 of the NW//4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 152.38'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 152.38' to the point of beginning and Tract "B" – a tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM Tulsa County, State of Oklahoma described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 152.38' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 156.57'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 148.18' to the point of beginning.

Case No. 1601

Action Requested:

Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 1039 E. 165th St. S.**

Presentation:

Jason Jackson, 13975 S. Oak Pl., Glenpool, Oklahoma, 74033, stated that he is requesting a Variance of the 30' street frontage so that the subject property will not be land-locked in the future.

Comments and Questions:

Mr. Beach pointed out that the public street extends west from Peoria and stops just east of this property. The Board discussed the easement that runs in front of the subject property.

Interested Parties:

David Brant, 1043 E. 165th St. S., stated that there are several homes on 3 1/3 acre tracts that are served by a private road with an easement.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **APPROVE** a Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc test on the following described property:

Case No. 1601 (continued)

W 440' of the NW/4, SE/4, NE/4 of Section 25, T-17-N, R-12-E, Less the W 220' thereof, Tulsa County, Oklahoma.

Case No. 1602

Action Requested:

Variance of the required 30' frontage on a public street to 0', for 4 lots to permit construction on each lot. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 175th St. S. & Harvard

Presentation:

Becky Fugett, 8717 S. 72nd E. Ave., purchased the subject property at an auction in which the land was represented as being in two 15-acre tracts and two 13.9-acre tracts. She submitted a road maintenance agreement showing four owners having 1/4 ownership in the road, recorded as Exhibit B-1. The road has been built and the applicant would like to keep it as a private road. Currently it is constructed to county standards with the exception of the asphalt. She indicated that there are plans to "chip and seal" the drive at a future date.

Interested Parties:

Vernoy Godwin, 17417 S. Harvard, stated that the 60' gravel easement runs 699' along his south fence line, which stirs up a lot of dust, and noted that his son has asthma. He would like the road built to county standards, which would also allow him access to the south of his property. The county road would have to be dust free and the drainage would be maintained.

Comments and Questions:

Mr. Beach explained that if the County agreed to accept this road, the property would have to be dedicated to the County, the applicant would have to build it to County standards, and the County would then maintain it.

Applicant's Rebuttal:

Ms. Fugett stated that Mr. Godwin's drive is gravel, and they are trying to keep the traveling on that roadway to a minimum. Mr. Godwin had approached her about using the road to access his south property, and they explained to him that that is part of their property.

Comments and Questions:

Mr. Looney asked if the four owners would be agreeable to resurfacing the road. Ms. Fugett stated that the road was recently completed. She explained that she was told that road needs time to settle, make sure there is sufficient gravel, and fill the potholes before the oil/chip is applied.

CBO A-1601



COUNTY BOARD OF ADJUSTMENT
Meeting No. 116
Tuesday, January 23, 1990, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Tyndall Walker	Looney	Gardner Jones Moore	Andrew, Building Inspection Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, January 19, 1990 at 9:39 a.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:32 p.m.

MINUTES

On MOTION of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE the Minutes of December 19, 1989 (No. 115).

UNFINISHED BUSINESS

Case No. 945

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6, located 1/4 mile west of intersection of 165th Street South and South Peoria Avenue.

Presentation:

The applicant, Thomas E. Zickefoose, PO Box 789, Glenpool, Oklahoma, stated that he owns the land surrounding the property in question. He pointed out that he maintains the road, and requested permission to construct a dwelling on three and one-half acres of the land.

Comments and Questions:

Mr. Alberty asked if the property is being split, and Mr. Zickefoose stated that he sold 10 acres, which was later split.

Case No. 945 (continued)

Mr. Gardner advised that the applicant should have a legal instrument that has been filed of record, which will assure access to the property.

The applicant remarked that there is a 60' easement off Peoria Avenue to access the property, but stated that he is not sure the easement has been filed.

Mr. Alberty pointed out that the 40 acres to the west will be landlocked if the easement has not been filed.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to an easement, extending from Peoria Avenue to the west side of the subject property, being filed of record; finding that there are similar sized tracts in the area; and the granting of the request will not be detrimental to the area or violate the spirit, purposes or intent of the Code; on the following described property:

The west 220' of the SW/4, SW/4, NE/4, Section 25, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 946

Action Requested:

Special Exception to permit additions to public school facilities - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5.

Special Exception to permit additions to public school facilities - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located NE/c of 65th West Avenue and West 31st Street South.

Comments and Questions:

Mr. Jones informed that Staff has reviewed the plan and advised the applicant to get approval for the master plan, which would prevent his returning to the Board for any future phase of work which conformed to the plan.

Case No. 945

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance to permit construction of single-family dwelling with 0' frontage on a dedicated street, located 1/4 mile west of Intersection 165th Street South and Peoria.

Presentation:

The applicant, Thomas E. Zickefoose, was not present.

Comments and Questions:

Mr. Jones informed that the application was taken too late to complete the advertising portion of the case, and suggested that Case No. 945 be continued to January 23, 1990. He stated that the applicant has been notified of the need for a continuance.

Board Action:

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 945 to January 23, 1990.

OTHER BUSINESS

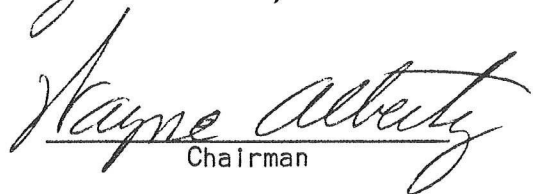
Review and Approval of 1990 Meeting Schedule

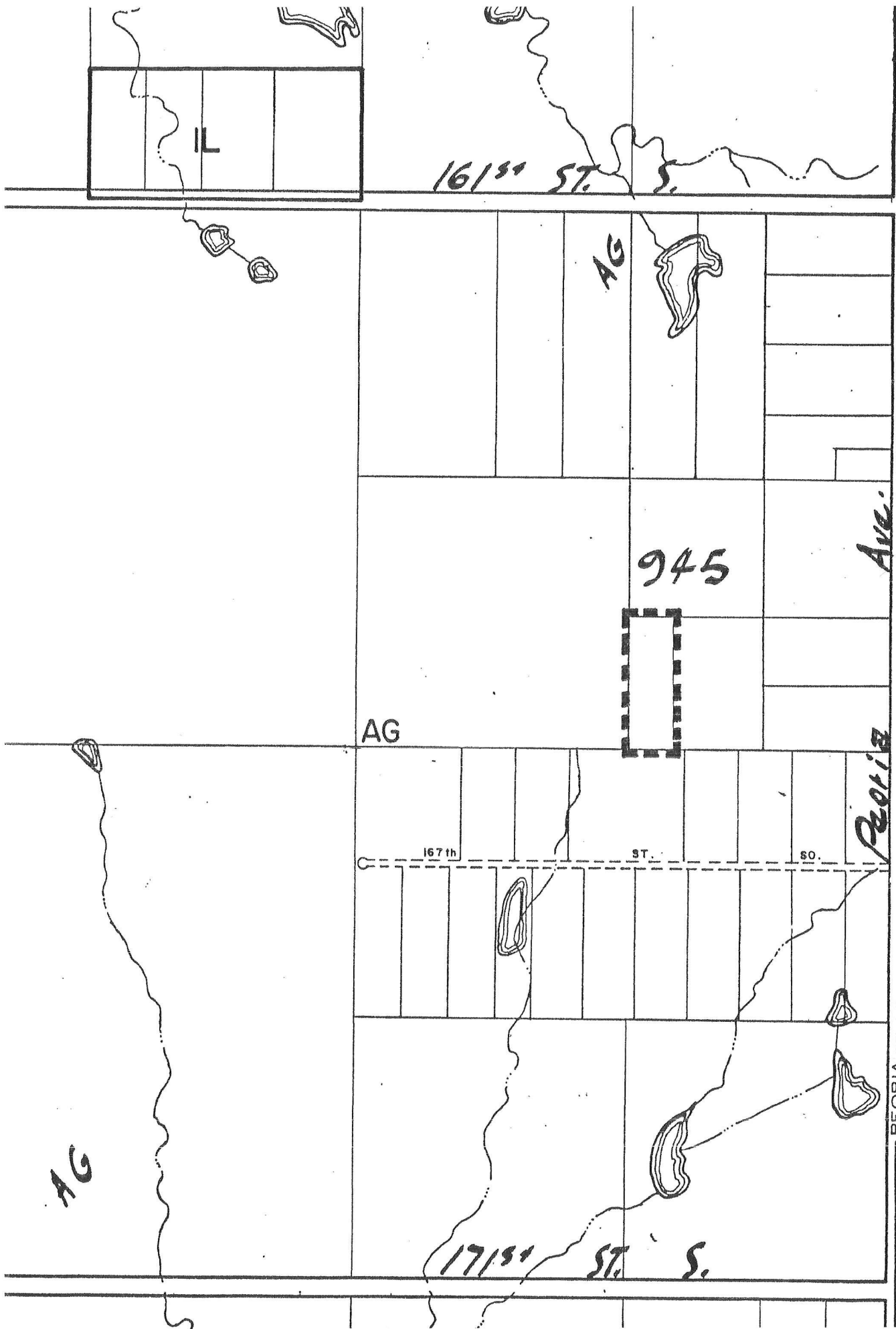
Board Action:

On MOTION of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the 1990 meeting schedule (Exhibit D-1) as presented.

There being no further business, the meeting was adjourned at 2:04 p.m.

Date Approved Jan. 23, 1990


Chairman



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Case No. 696 (continued)

Board Action:

On MOTION of LOONEY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home; and to **APPROVE** a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow more than 1 dwelling unit (2) per lot of record; subject to Building Permit and Health Department approval; finding that the subject property is partially surrounded by industrial zoning; finding that there are numerous mobile homes in the area and that the granting of the requests will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

The north 132' of the south 264' of the east 330' of the NE/4 NE/4 NE/4, less the east 30' for roadway, Section 17, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 698

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street.

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request a variance of the required lot width in an AG District from 200' to 171' for Lot 14, located 1/2 mile south and west of East 161st Street South and Peoria Avenue.

Presentation:

The applicant, Jack Cox, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) and a copy of the preliminary plat (Exhibit C-2), stated that he represents the owners of the property in question. He asked that a private street be permitted in lieu of a dedicated street and that the lot width of Lot 14 be reduced. Mr. Cox pointed out that this lot exceeds the acreage requirement. He stated that Glenpool requested that a cul-de-sac be installed, which has been complied with.

Comments and Questions:

Mr. Alberty asked the applicant if a covenant has been drawn up that states that the homeowners are responsible for maintenance of the street and he answered in the affirmative.

Protestants: None.

Case No. 698 (continued)

Board Action:

On MOTION of LOONEY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street; and to **APPROVE** a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the required lot width in an AG District from 200' to 171' for Lot 14; subject to the filing of an approved plat by TMAPC; finding a hardship demonstrated by the size of the lot and the fact that it exceeds the acreage requirement; on the following described property:

N/2, SE/4 of Section 25, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 700

Action Requested:

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1206 - Request a variance to allow three dwelling units per lot of record, located approximately NW/c of 52nd Street and 107th West Avenue.

Presentation:

The applicant, Corrine Briscoe, 2914 Victor, Kansas City, Missouri, stated that she owns the property in question. She stated that a house was moved on her property to use for rental units and that she was not aware that she needed permission for the additional dwelling.

Comments and Questions:

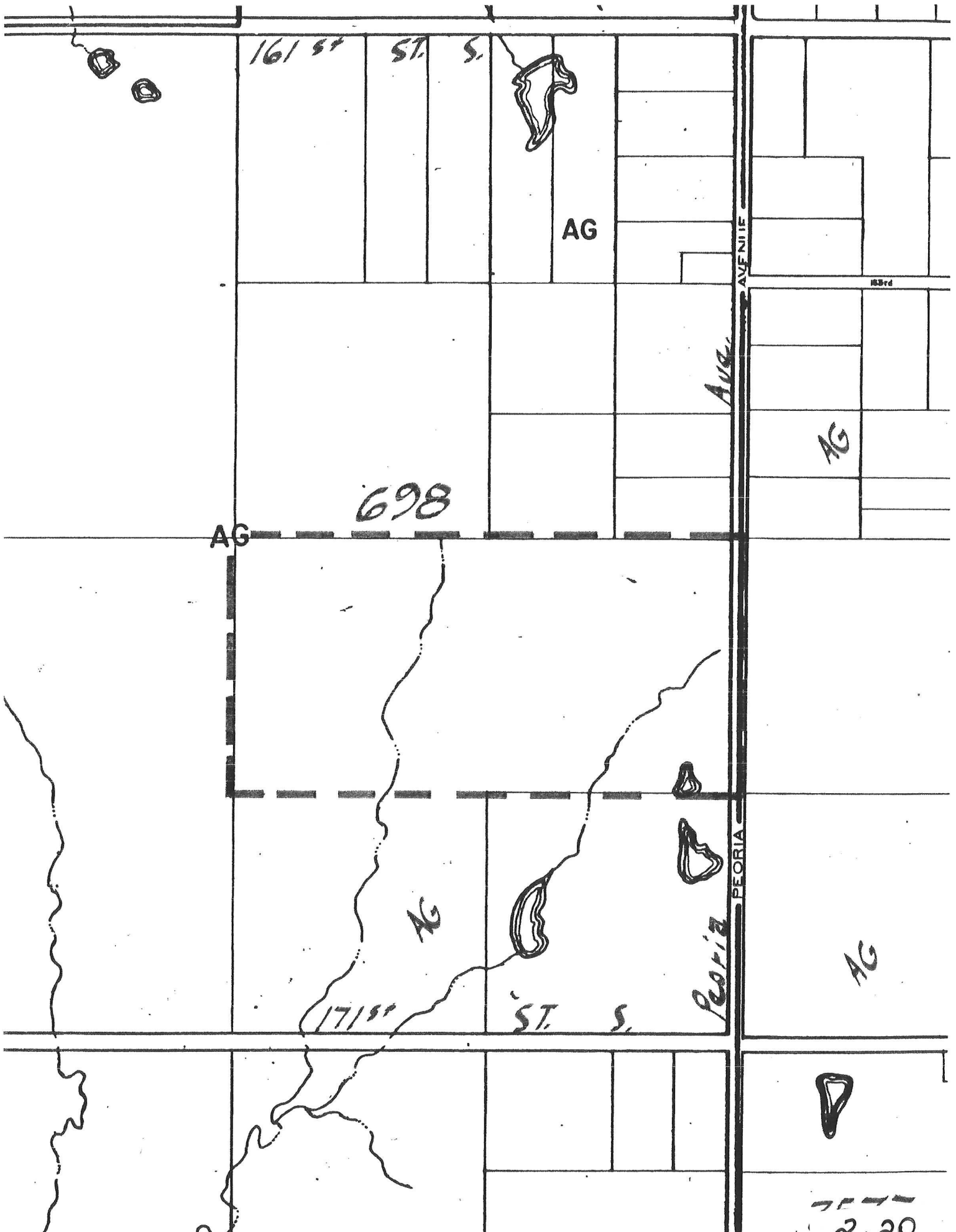
Mr. Alberty asked where the additional house is located on the property and Ms. Briscoe informed that it was placed between the 2 existing houses.

Mr. Alberty inquired if the houses are on a septic system and she answered in the affirmative.

Mr. Alberty asked Ms. Briscoe if she lives in one of the dwellings and she informed that they are all rental units. The applicant pointed out that there is another lot with 3 dwellings located down the street from her property.

Mr. Jones stated that the irregular tract could be split into 3 separate lots by right, but Ms. Briscoe did not want to create 3 separate parcels.

Protestants: None.



E 161st ST S

E 165 ST S

E 167 ST S

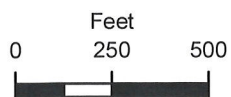
E 168 ST S

S PEORIA AVE

S 1 E AVE

S 2 E PL

S 4 E AVE



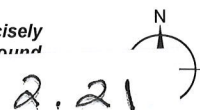
Subject
Tract

CBOA-2876

17-12 25

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

Aerial Photo Date: May 2020





0 Feet 50 100



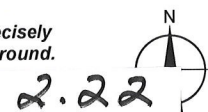
Subject
Tract

CBOA-2876

17-12 25

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

Aerial Photo Date: May 2020



NON-EXCLUSIVE EASEMENT

The undersigned Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, and Andrew Zickefoose, a single person, (hereinafter "Grantors") do hereby grant, bargain, sell and convey to Codey Zickefoose, a single person, (hereinafter "Grantee"), his lawful invitees, successors and assigns, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration a non-exclusive road and utility easement over and across the following described property, to-wit:

TRACT A: The South 30 feet of a tract described as beginning at the NE/corner of the SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, thence South 660.93 feet; thence West 467.08 feet; thence North 660.86 feet; thence East 467.25 feet to the point of beginning.

AND

TRACT B: The North 30 feet of the East 463 feet of the S/2 SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma,

This road and utility easement is given for the express purpose of allowing Grantee access to and ingress and egress to and from his lands which are more particularly described as follows, to-wit:

The East 329.58 feet of the West 857 feet of the S/2 SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma,

and for permitting Grantee to locate, construct, build and maintain utility facilities reasonable and necessary for the development, use and enjoyment of Grantee's land.

Grantee shall save and hold harmless Grantors from any liability or damage resulting from Grantee's use of the easements granted to them herein.

Grantors, acting in their sole discretion, reserve the right to make use of the subject easement in a manner which is not inconsistent with the rights granted to Grantee herein. In this regard, Grantors shall have no responsibility or liability for the maintenance of any road constructed and/or used by Grantee, unless and until Grantors actually makes use of such road for their own purposes.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set their hand seals this

10 day of Feb., 2021.


Clinton T. Zickefoose


Tamara L. Zickefoose


Andrew Zickefoose

STATE OF OKLAHOMA)

)ss.

ACKNOWLEDGMENT

COUNTY OF Tulsa)

Before me, a Notary Public in and for said County and State, on this 10th day of February, 2021, personally appeared Clinton T. Zickefoose, Tamara L. Zickefoose, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires:

11-19-21

(SEAL)


Notary Public/Commission # 13010632



ACKNOWLEDGMENT

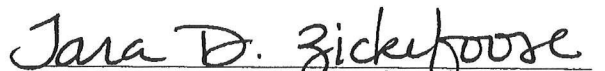
Before me, a Notary Public in and for said County and State, on this 10th day of February, 2021, personally appeared Andrew Zickefoose, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

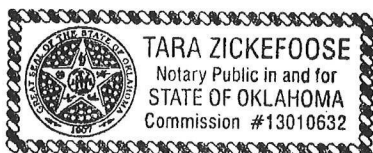
Given under my hand and seal the day and year last above written.

My Commission Expires:

11-19-21

(SEAL)


Notary Public/Commission # 13010632





P.O. Box 781 Glenpool, OKla. 74033

876768

BOOK 5237 PAGE 2221

DEDICATION FOR PUBLIC ROAD

Dedication made this 20th day of February, 1990, by BOBBY J. HUNT and LISA M. HUNT, husband and wife, of 16430 South Peoria, Bixby, Oklahoma, 74008, herein referred to as "Grantor" to the County of Tulsa, State of Oklahoma, herein referred to as "Grantee".

Grantor for the consideration of One Dollar (\$1.00) and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, Grantor hereby grants to Grantee, its successors and assigns, an easement hereinafter described, over and across the hereinafter described land for a public road. The easement is located and described as follows:

The South 30 feet of the following described property: The South 220 feet of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE/4 SE/4 NE/4) more particularly described as beginning 661.17 feet North of the Southeast Corner of the Northeast Quarter; Thence North 220 feet; Thence West 662.2 feet; Thence South 220 feet; Thence East 662.15 feet to the Point of Beginning, all being a part of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East, Tulsa County, Oklahoma containing 3.34 acres, more or less.

IN WITNESS WHEREOF, the Grantors have executed this Dedication the day and year first above written.

STATE OF OKLAHOMA
TULSA COUNTY
FILED FOR RECORD
90 FEB 23 PM 12:36
JOAN HASTINGS
TULSA COUNTY CLERK

Bobby J. Hunt
BOBBY J. HUNT, "Grantor"

Lisa M. Hunt
LISA M. HUNT, "Grantor"

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

Before me, the undersigned, a Notary Public, in and for said County and State, on this 20th day of February, 1990, personally appeared Bobby J. Hunt and Lisa M. Hunt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Martha Wehrle
Notary Public

My Commission Expires:



#92-1250

92-049476

TULSA ABSTRACT & TITLE CO.
11 MEMORIAL PLACE
3023 E. 63RD PL. SUITE 101
TULSA, OK 74133
(918) 250-9080

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED

92 JUN -8 PM 3:31

DEDICATION OF PUBLIC ROAD
AND ROAD MAINTENANCE AGREEMENT
(AGREEMENT)

JOAN HASTINGS
TULSA COUNTY CLERK

0215

5411

THIS AGREEMENT entered into this 23rd day of May, 1992, by and among Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, (Clinton Zickefoose), and Thomas E. Zickefoose and Frances D. Zickefoose, husband and wife (Thomas Zickefoose) and David R. Brandt and Judith Y. Brandt, husband and wife, (Brandt), and Kyle E. Zickefoose and Kiristi J. Zickefoose, husband and wife, (Kyle Zickefoose) and Sam E. Smith and Jackie L. Smith, husband and wife (Smith), and Bobby J. Hunt and Lisa M. Hunt, husband and wife, (Hunt);

WHEREAS, Clinton Zickefoose is the owner of

West 220 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SE/4 SE/4 NE/4), Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 1)

WHEREAS, Thomas Zickefoose is the owner of:

West 220 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 2)

WHEREAS, Thomas Zickefoose is the owner of:

East 220 feet of the West 440 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW/4 SE/4 NE/4) Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 3)

WHEREAS, Brandt is the owner of:

East 440 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 4)

WHEREAS, Kyle Zickefoose is the owner of:

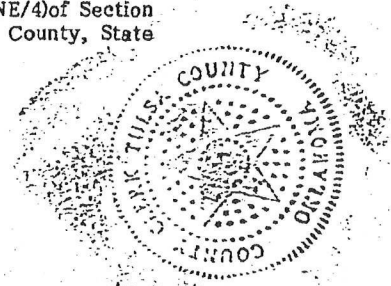
East 220 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 5)

WHEREAS, Smith is the owner of:

North Half of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter N/2 SE/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 6)

WHEREAS, Hunt is the owner of:

South 220 feet of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 7)



TULSA ABSTRACT & TITLE CO.

2.27

5411 0216

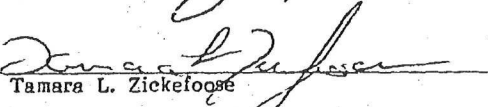
WHEREAS, Hunt, pursuant to document recorded in Book 5237 at Page 2221, have granted a 30 foot roadway easement across the South 30 feet of Tract 7, and

WHEREAS, Smith, pursuant to document recorded in Book 5237 at Page 2220, have granted a 30 foot roadway easement across the North 30 feet of Tract 6, and

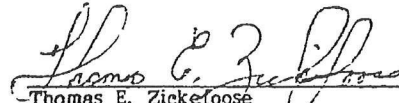
NOW, THEREFORE, the parties hereto do agree as follows:

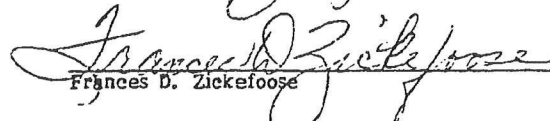
1. That C. Zickefoose does hereby grant, create, convey and devise to the Public a 30 foot strip over the North 30 feet of Tract 1 for roadway purposes;
2. That Thomas Zickefoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the South 30 feet of Tract 2 for roadway purposes;
3. That Thomas Zickefoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the North 30 feet of Tract 3 for roadway purposes;
4. That Brandt does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the South 30 feet of Tract 4 for roadway purposes;
5. That Kyle Zickefoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the North 30 feet of Tract 5 for roadway purposes;
6. That each owner grants a perpetual non-exclusive mutual access easement for the purposes of permitting access to and from public streets to and from each of the lands to which this mutual access easement extends.
7. That vehicular parking upon a mutual access easement shall be limited to parking which does not prohibit or unreasonably interfere with the passage of other owners to and from their respective lands.
8. That each owner whose land derives its access from a mutual access easement shall be responsible for a pro rata share of the cost of maintaining in good repair the surfacing in the configuration and at the standard of construction existing at the time of occupancy of the first land which derived its access from the mutual access easement.
9. That any two land owners, whose lands derive their access from a mutual access easement, may undertake necessary maintenance of the surfacing and recover from the other lands who derive access from the mutual access easement a pro rata share of the costs of maintenance; provided, however, maintenance activity shall meet a standard, both as to need and as to materials and workmanship, as would be acceptable by FHA or VA standards.
10. That in the event of any dispute arising concerning maintenance of the common drive or mutual access easement, each party shall choose one arbitrator and such arbitrators shall collectively choose an additional arbitrator, and the decision shall be by majority of all the arbitrators.
11. That this Agreement shall be binding upon the heirs, successors and assigns of the parties and further any grantee of any party shall bear his or her portion thereof.

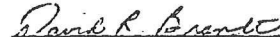

Clinton T. Zickefoose

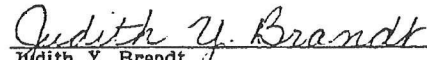

Tamara L. Zickefoose

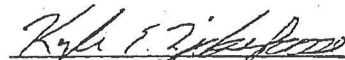
5411 0217

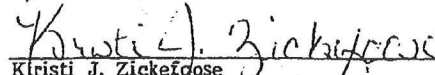

Thomas E. Zickefoose

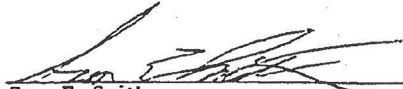

Frances D. Zickefoose


David R. Brandt

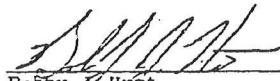

Judith Y. Brandt

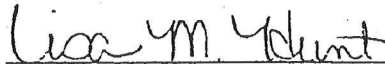

Kyle E. Zickefoose


Kristi J. Zickefoose


Sam E. Smith


Jackie L. Smith


Bobby J. Hunt


Lisa M. Hunt

5411 0218

STATE OF OKLAHOMA)

) ss

COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 28th day of July, 1992, personally appeared Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Sherry A. Greif
Notary Public

My Commission Expires: 12-31-93

STATE OF OKLAHOMA)

) ss

COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 28th day of July, 1992, personally appeared Thomas E. Zickefoose and Frances D. Zickefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Sherry A. Greif
Notary Public

My Commission Expires: 12-31-93

STATE OF OKLAHOMA)

) ss

COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 28th day of July, 1992, personally appeared David R. Brandt and Judith Y. Brandt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Sherry A. Greif
Notary Public

My Commission Expires: 12-31-93

5411 0219

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Kyle E. Zickefoose and Kiristi J. Zickefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Sherry A. Greif
Notary Public

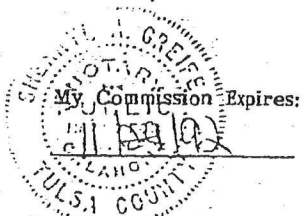


STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Sam E. Smith and Jackie L. Smith, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Sherry A. Greif
Notary Public



STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Bobby J. Hunt and Lisa M. Hunt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Sherry A. Greif
Notary Public



Pt 2 Box 181-A
Bryce Ok. 74008

736389

STATE OF OKLAHOMA
TULSA COUNTY

FORM 7011

JOINT TENANCY
WARRANTY DEED
(INDIVIDUAL FORM)

79 JAN -5 AMT 56

BOOK **4375** PAGE **1192**

28
ANITA NESBITT
COUNTY CLERK

KNOW ALL MEN BY THESE PRESENTS:

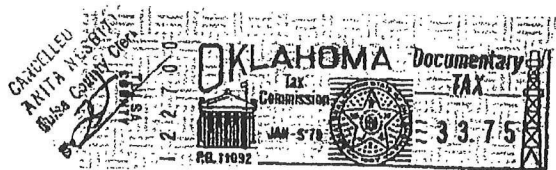
That Thomas E. Zickafoose and Frances D. Zickafoose, husband and wife
a/k/a Thomas E. Zickefoose and Frances D. Zickefoose

part ies of the first part,
in consideration of the sum of Ten and other dollars

and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby
grant, bargain, sell and convey unto Robert Edward Harris and Daisy Kathryn Harris,
husband and wife

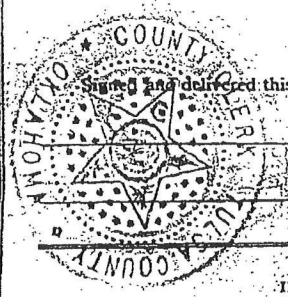
as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the
survivor, parties of the second part, the following described real property and premises situate in
TULSA County, State of Oklahoma, to-wit:

The North Half (N2) of the West Half (W2) of the Southeast Quarter
(SE4) of the Northeast Quarter (NE4) of Section 25, Township 17
North, Range 12 East of the Indian Base and Meridian LESS AND
EXCEPT all the oil, gas, minerals and mineral rights, and RESERVING
unto the grantors a roadway easement and right-of-way over and
across the South 30 feet of the described property.



together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title
to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint
tenants, and to the heirs and assigns of the survivor, forever, free, clear and discharged of and from all former
grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.



Witness my hand and seal this 2nd day of January, 19 79
Thomas E. Zickafoose
Frances D. Zickafoose

INDIVIDUAL ACKNOWLEDGMENT—OKLAHOMA FORM

STATE OF OKLAHOMA County of Creek, SS.
Before me, a Notary Public in and for said County and State, on this 2nd day of January, 19 79
personally appeared Thomas E. Zickafoose and Frances D. Zickafoose, husband
and wife a/k/a Thomas E. Zickefoose & Frances D. Zickefoose

to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that
they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of the County and State last above written.
My commission expires Jan 25 1980 William L. Wilson Notary Public

2.32

71155

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED

EASEMENT

BOOK 4628 PAGE 1504

1982 AUG -2 AM 11:02

KNOW ALL MEN BY THESE PRESENTS:

ANITA NESBITT
COUNTY CLERK

That the undersigned owner of the legal and equitable title to the following described real estate, for and in consideration of the value received, the receipt of which is hereby acknowledged, does hereby grant and convey to Rural Water District Number 2, Creek County, State of Oklahoma, a perpetual easement through, over, under, and across the following described property:

The North Half (N2) of the West Half (W2) of the Southeast Quarter (SE4) of the Northeast Quarter (NE4) of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, LEASS AND EXCEPT all the oil, gas, minerals and mineral rights, and RESERVING unto the grantors a roadway easement and right-of-way over and across the South 30 feet of the described property.

Tulsa County, Oklahoma

for the purposes of permitting the construction of water lines, telephone and electric lines, cables, conduits, pole lines and roads thereon, through, over, under, and across said property, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and affording the owners and operators of the above mentioned Rural Water District Number 2, Creek County, Oklahoma, their officers, agents, employees, and/or all persons under contract with them, the right to enter upon said premises and strip of land for the purpose of surveying, excavating for, constructing, operating, and maintaining such utility, and for terminating such use.

The Rural Water District Number 2, Creek County, Oklahoma is hereby given and granted possession of the above described premises for the purposes aforesaid, and the undersigned, for himself, and his heirs, administrators, successors, and assigns, covenants and agrees that no building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed, or permitted upon the above described premises; and further covenants and agrees that in the event the terms of this paragraph are violated by the undersigned, or any person in privity with him, such violation will be corrected and eliminated immediately upon receipt of notice from the above mentioned Rural Water District Number 2, or that utility shall have the right to correct and eliminate such violation.

TO HAVE AND TO HOLD such easement unto Rural Water District Number 2, Creek County, Oklahoma forever.

Dated this 29th day of July, 1982.

ATTEST: (SEAL)

Robert S. Harris
Daisy K. Harris

STATE OF OKLAHOMA)
COUNTY OF TULSA)SS

Before me, the undersigned, a Notary Public in and for said County and State, on this 29th day of July, 1982, personally appeared ROBERT S. HARRIS and DAISY K. HARRIS, to me known to be the identical person s who executed the foregoing instrument and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My commission expires: DEC. 4, 1982

Thurmond B. Steid
Notary Public

STATE OF _____)
COUNTY OF _____)SS

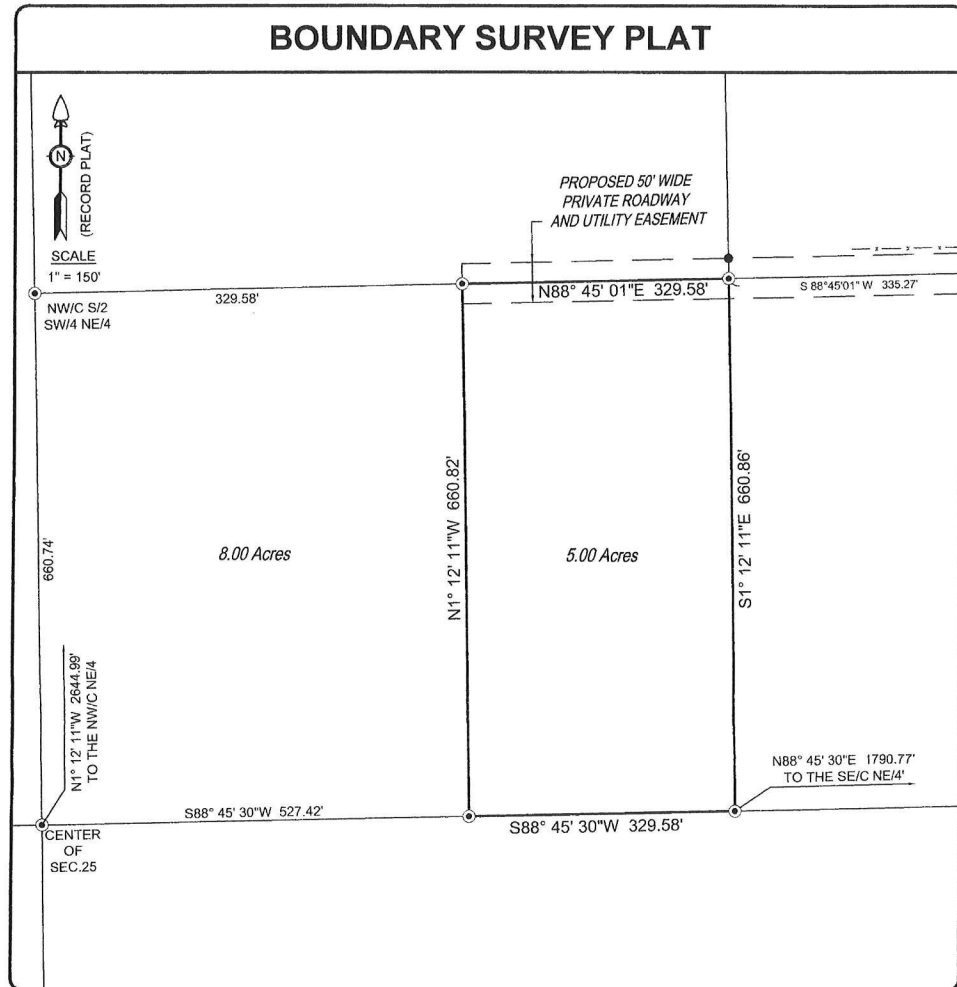
Before me, the undersigned, a Notary Public in and for said _____ State of this _____ day of _____, 19____, personally appeared _____ to me known to be the identical person who subscribed the name of the _____ to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed of such corporation for the uses and purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My commission expires: _____

Notary Public

BOUNDARY SURVEY PLAT

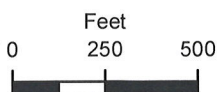
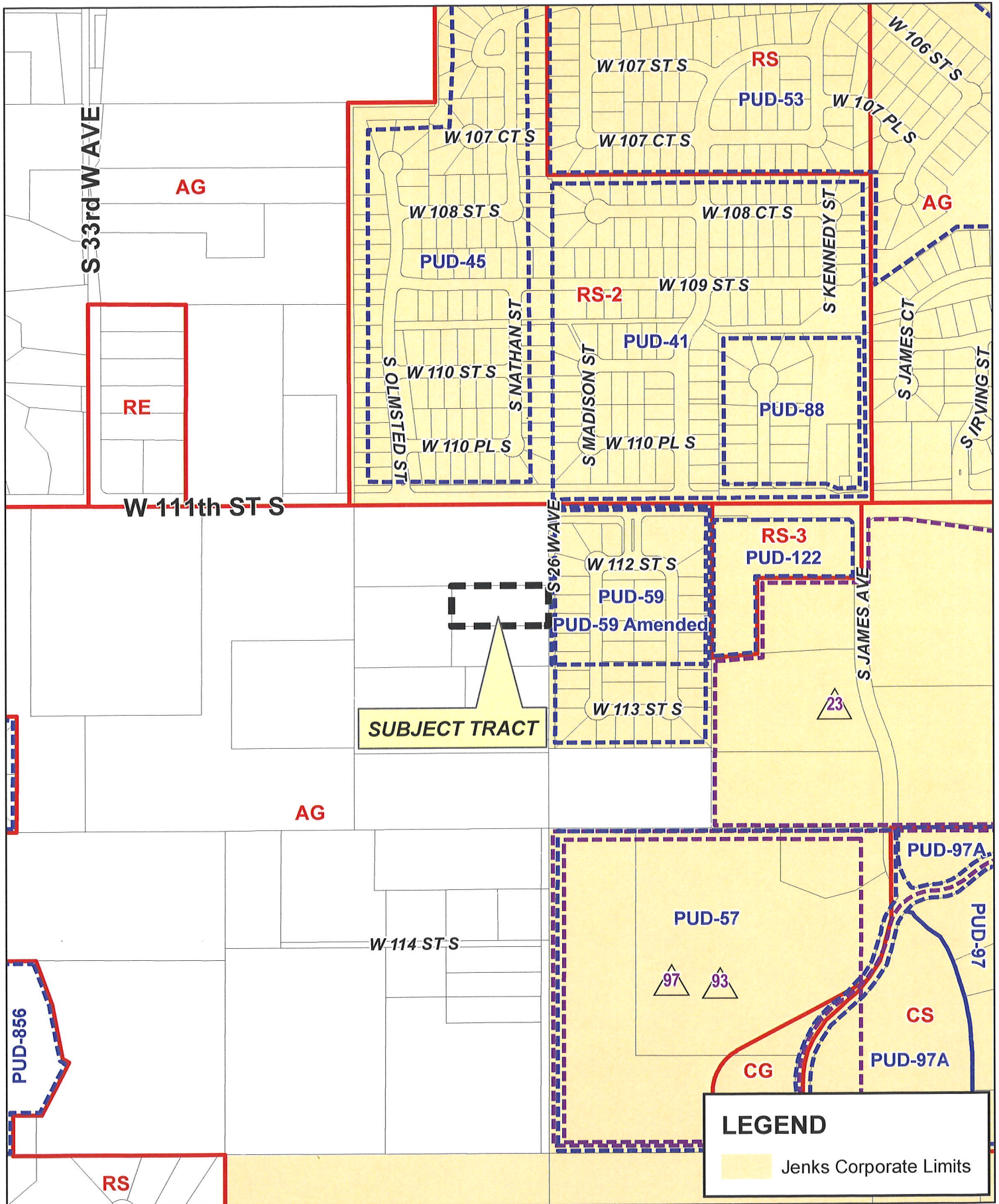


LEGAL DESCRIPTION	LINE AND SYMBOL LEGEND
The East 329.58 feet of the West 857.00 feet of the South Half of the Southwest Quarter of the Northeast Quarter (S/2 SW/4 NE/4) of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Containing 5.00 acres, more or less.	1/2" Iron Rod Set, CA 7652 3/8" Iron Rod Found A/C Unit Power Pole Water Meter Property Line Fenceline Overhead Electric Easement Gravel Concrete Asphalt
NOTES	SURVEYOR'S CERTIFICATE
- Current Owner: Clinton Thomas & Tamara L. Zickefoose - No title report furnished. Easements, rights of way, or other encumbrances other than those shown hereon may exist. - Property subject to all covenants, easements, restrictions, reservations, conditions, and rights of way of public record. - The basis of bearings is Grid North (Oklahoma State Plane, Zone North), NAD83 (2011). - The purpose of this survey is to split the land as shown hereon in accordance with the desires of the current record owners.	I, Jason R. Lilly, a Registered Professional Land Surveyor of the State of Oklahoma, do hereby certify that I or others under my direct supervision have made a careful survey of the property shown hereon. I further certify that this Plat of Survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.
	FORESIGHT LAND SURVEYING, LLC 318 WEST MAIN STREET HENRYETTA, OK 74437 918-268-2502 OFFICE@FORESIGHTSURVEYING.NET WWW.FORESIGHTSURVEYING.NET CA #7652 SHEET: 1 OF 1 Date: 6/01/2020 Fieldwork by: RLW Drawn by: JSB Checked by: JRL Owner: Zickefoose Project No. 20-0081



Proposed Driveway 2

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CBOA-2879

3.1

18-12 34



TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 8234

CZM: 55

CASE NUMBER: CBOA-2879

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/20/2021 1:30 PM

APPLICANT: Richard Lyons

ACTION REQUESTED: Variance of the required lot area in the AG district. (Section 330 Table 3) Variance of the required land area per dwelling unit in the AG district to permit an existing dwelling to remain during construction of a new dwelling. (Section 330 Table 3)

LOCATION: 11106 S 26TH AV W

ZONED: AG

FENCELINE: Jenks

PRESENT USE: Residential

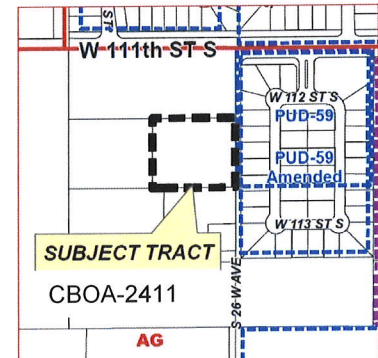
TRACT SIZE: 1.5 acres

LEGAL DESCRIPTION: N/2 E/2 S/2 N/2 E794.3 NE NW SEC 34 18 12 1.505ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2411 October 2011: The Board approved a *Variance* to allow a second residential dwelling on a lot containing less than 4.2 acres in an AG district, on property located at 11110 South 26th West Avenue.



Surrounding Property:

CBOA-2292 April 2008: The Board approved a *Variance* from the minimum lot area, land area per dwelling unit, and lot width to permit a lot split in the AG district on property identified as 11214 S. 26th West Avenue.

CBOA-1600 September 1998: The Board denied a *Variance* of the lot width from 200' to 152.38' and 151.88'; a *Variance* of the land area per dwelling unit from 2.2 acres to 1.19 acres; and a *Variance* of lot area from 2 acres to 1.08 acres to allow a lot split on property identified as 11234 S. 26th West Avenue.

CBOA-1581 July 1998: The Board denied a *Variance* of the lot width from 200' to 97.39'; 101.58'; and 101.58' in order to obtain a lot split on property identified as 11234 S. 26th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with mainly residential uses. The neighborhood to the east is located within the City of Jenks and has parcels that are approximately one quarter (1/4) acre in size.

3.2

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the required lot area in the AG district. (Section 330 Table 3) and a Variance of the required land area per dwelling unit in the AG district to permit an existing dwelling to remain during construction of a new dwelling. (Section 330 Table 3). As shown on the attached site plan, the applicant has an existing mobile home on the lot and is proposing to construct a new home behind the existing home. The mobile home is to be moved out after the construction of the new home is complete.

The applicant provided the following statement: *"This is all the land I have, 1.5 acres. I need to build a house for my family. Right now, we live in a mobile home on same property. I want to build a real house and have the mobile home moved."*

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres in the AG district. The applicant is proposing two dwelling units temporarily on the 1.5-acre subject lot. To permit two homes on the site, the permitted land area per dwelling unit must be reduced to .75+ acres temporarily. If approved, a condition of the approval should reflect the temporary nature of the second home.

The subject lot was before the Board in 2011 (CBOA-2411) for a *Variance* to allow a second residential dwelling unit on a lot containing less than 4.2 acres in an AG district. At that time, the lot was 3.0 acres and the Variance was approved. The lot was later split and did not receive relief for land area per dwelling unit or minimum lot area. This request, if approved, will put the lot in compliance with Zoning Code.

Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot...in an AG district, with the exception in the AG district that there be not more than two dwellings per lot.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) Variance of the required lot area in the AG district. (Section 330 Table 3) Variance of the required land area per dwelling unit in the AG district to permit an existing dwelling to remain during construction of a new dwelling. (Section 330 Table 3)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- 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"

Case No. 2411—Bruce Lyons

Action Requested:

Variance to allow a 2nd residential dwelling on a lot containing less than 4.2 acres in an AG District (Section 330). **Location:** 11110 South 26th West Avenue

Presentation:

Bruce Lyons, 2224 West 81st Street, Tulsa, OK; stated he has owned and lived on the subject property for 20 years. He has two sons; one is living on the subject property and the second would like to live there also and that is the reason for the variance request. The current property is on a lagoon system and Mr. Lyons will have a new aerobic system installed if the variance request is granted.

Interested Parties:

Chris Crain, 11204 South 26th West Avenue, Sapulpa, OK; stated that he owns approximately two acres directly south of the subject property and does not object to the proposal by Mr. Lyons. In this area there are subdivisions quickly surrounding the subject property, and the lots in the subdivisions are less than a quarter acre in size. Mr. Crain believes Mr. Lyon's proposal of splitting his property into approximately 1-1/2 acre lot sizes is a great lot size for the area.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance to allow a second residential dwelling on a lot containing less than 4.2 acres in an AG District (Section 330). The Board finds the hardship to be that the lot is almost square in nature with excessive frontage and not exceptionally deep, and the applicant is to comply with aerobic system requirements, drainage requirements on the land; for the following property:

E/2 S/2 N/2 E794.3 NE NW SEC 34 18 12 3.014ACS, OF TULSA COUNTY, OKLAHOMA

Case No. 2412—Gene Reeves

Action Requested:

Variance of the 30 ft. of frontage required on a public street to permit a dwelling in an AG district (Section 207). **Location:** 3222 South 265th West Avenue

Presentation:

Gene Reeves, 3222 South 265th West Avenue, Sand Springs, OK; stated he needs a variance for the 30 foot easement because his property does not go all the way to the county road. The property on the east side of his land is owned by three people who

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 335
Tuesday, April 15, 2008, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson	Charney, Chair	Butler	West, Co. Inspector
Tyndall, Vice Chair	Dillard	Cuthbertson	
Walker			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, April 10, 2008 at 3:17 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

* * * * *

MINUTES

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Tyndall, Walker, Hutson "aye"; no "nays"; "abstained"; Charney, Dillard "absent") to **APPROVE** the Minutes of March 18, 2008 (No. 334).

* * * * *

NEW APPLICATIONS

Case No. 2292

Action Requested:

Variance of the minimum required lot area, land area per dwelling, and lot width to permit a lot split in the AG district (Section 330) to permit a second dwelling, located: 11214 South 26th Avenue West.

Mr. Hutson informed the applicant that there must be a quorum of three to approve a case and that if one member voted no, his case would not be approved. He added that the applicant could continue his case until next meeting. The applicant wanted to present his application.

Presentation:

Demetrius Thompson, 11214 South 26th West Avenue, Sapulpa, Oklahoma, 74066. He proposed to build a separate structure on AG zoned property. The other property to the north is 11204 South 26th West Avenue in the lot split. The pipeline easements that run diagonally through the property will prevent any further division to develop in AG or residential districts. They proposed to place a mobile home on 3/8's of an acre and construct a home on the remaining 1.998 acres. The utilities have been obtained. He indicated that the subdivision across the street from the subject property has lots smaller than what they are asking for. They do not plan to develop any further.

Interested Parties:

Jeff Zoller, 11312 South 26th West Avenue, stated he owns the property directly south of the subject property. He was in favor of one home on the two and three-eighths acres. He expressed concern this would start a precedent, causing sewage problems, multiple mobile homes, and an increased density of homes. He stated that the smaller lots are on property annexed into the City of Jenks.

Maggie Parks, 11434 South 26th West Avenue, stated she has lived there for 30+ years. She petitioned every neighbor and none of them are opposed to this application. She was not concerned about the aerobics sewage system.

Larry Cagle, 6701 East Forest Ridge, Broken Arrow, Oklahoma, stated he is the builder and designer of the house. He added that he built a similar house and it will increase the value of the property. The aerobic system they will use is so effective it is the only type allowed in the state of Texas.

Applicant's Rebuttal:

Mr. Thompson responded that they plan to retire on this property and want it to be a family compound.

Comments and Questions:

Mr. Hutson confirmed that Mr. Thompson deeded the 3/8 acre to his son and that the utilities were all operational. Mr. Thompson replied in the affirmative. He added that a mobile home was previously on that same site. He informed the Board that through the permitting and mortgage process they discovered the need for relief from the Board of Adjustment to complete their plans.

Mr. Walker stated he could support the application. Mr. Tyndall stated there is a lot of activity north and east of the subject property. He noted the smaller lots in the area to the south. The area is in transition. He understood this is a family compound situation and it is not going to increase the density to any great degree.

Board Action:

On **Motion** of **Hutson**, the Board voted 3-0-0 (Tyndall, Walker, Hutson "aye"; no "nays"; "abstained"; Charney, Dillard "absent") to **APPROVE** Variance of the minimum required lot area, land area per dwelling, and lot width to permit a lot split in the AG district (Section 330) to permit a second dwelling; per plan, with conditions that both pieces of property be restricted from use for any type of livestock operation, pet horses, goats, pigs or other; the two tracts are not to be subdivided again while AG; any subdivision would have to go through the zoning process; a private family garden and aerobic system are allowed; finding the pipeline divides the property and finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

BEG NEC S/2 NE NW TH W340.20 S308.95 NELY340.22 N300.56 POB SEC 34
18 12 1.998ACS, Tulsa County, State of Oklahoma

NEW BUSINESS

Mr. Cuthbertson reminded the Board members about a training session they discussed previously. They need to agree on a Board of Adjustment meeting date and staff would serve lunch during the training.

There being no further business, the meeting adjourned at 2:15 p.m.

Date approved: _____

6/16/08
David E. Charney
Chair

COUNTY BOARD OF ADJUSTMENT
MINUTES OF Meeting No. 220
Tuesday, September 15, 1998, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Looney, Vice Chair Tyndall, Chair Walker	Alberty	Beach Stump	West, Zoning Officer

The notice and agenda of said meeting was posted in the Office of the County Clerk on Friday, September 11, 1998, at 8:45 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Tyndall called the meeting to order at 1:00 p.m.

NEW APPLICATIONS

Case No. 1600

Action Requested:

Variance of lot width from 200' to 152.38' and 151.88'; Variance of land area per dwelling unit from 2.2 acres to 1.19 acres per lot; and Variance of lot area from 2 acres to 1.08 acres to allow a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, 11214 & 11234 S. 26th W. Ave.**

Presentation:

Nettie Carr Scott stated that originally she had requested variances to split this property into three tracts and it was denied. She is now seeking two lots, each having 150' frontage on 26th W. Ave.

Comments and Questions:

In response to the Board's question regarding the hardship, Ms. Scott stated that she does not live in the area and is unable to maintain the property, mowing, removing of trees, etc. The Board explained that a hardship, something unique about the land, not just of financial benefit to the owner, has to be identified before the Board can approve a variance. Ms. Scott stated that she is unable to maintain the property and has tried to sell it as one tract but has been unsuccessful.

Interested Parties:

Bruce Lyons, 11110 S. 26th W. Ave., owns the 3-acre plot immediately north of subject lot. He expressed his concern that the failed perc test would result in the waste water would travel downhill onto his property. It would appear that the pipeline easements would limit the amount of area available for development or a septic system. The smaller lots, at 113th St. S., are on top of a hill and do perc. In response to the Mr. Walker's question, Mr. Lyons stated that elevation difference between his property and those on 113th St. S. would be approximately 35' to 40'.

Jeff Zollar, 11312 S. 26th W. Ave., owns 5.4 acres south of the property, and he questioned the size of the lots. The lots on top of the hill are out of sight, but the surrounding properties are of 4 acres or more. If this property is split, future owners will want to build houses, garages, shops, and it would not fit in the neighborhood. When asked about the differences of land value on the their properties and the properties on top the hill, Mr. Zollar responded that he is located within Tulsa County and the Jenks School district, and he paid a premium for his land. He was unsure how much the hill top lots were selling for, noting that they had nice homes located on the property.

James Dross, 11224 S. 26th W. Ave., expressed his concern that there are two high pressure gas lines, each having a 50' easement, running diagonally across the property. He submitted a pipeline map, recorded as Exhibit A-1. He would prefer to see one lot than two.

Applicant's Rebuttal:

Ms. Scott stated that there is only one pipeline running through the property. Also, the Tulsa County Health Department has recommended an ETA system for the north lot, the south lot passed its perc test. The driveway for the north lot did not have a drainage ditch, which would cause runoff. A ditch has been opened along 26th W. Ave. and she feels the septic systems would work.

Comments and Questions:

Mr. Walker stated that he could not support this request, noting that there was no hardship found with the property. He thought perhaps that the applicant should try to rezone this property in order to create smaller lots.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-1 (Eller, Tyndall, Walker, "aye"; no "nays", Looney "abstentions"; Alberty "absent") to **DENY** a Variance of lot width from 200' to 152.38' and 151.88'; Variance of land area per dwelling unit from 2.2 acres to 1.19 acres per lot; and Variance of lot area from 2 acres to 1.08 acres to allow a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** on the following described property:

Case No. 1600 (continued)

Tract "A" – a tract of land in the S/2 of the NE/4 of the NW//4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 152.38'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 152.38' to the point of beginning and Tract "B" – a tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM Tulsa County, State of Oklahoma described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 152.38' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 156.57'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 148.18' to the point of beginning.

Case No. 1601

Action Requested:

Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 1039 E. 165th St. S.**

Presentation:

Jason Jackson, 13975 S. Oak Pl., Glenpool, Oklahoma, 74033, stated that he is requesting a Variance of the 30' street frontage so that the subject property will not be land-locked in the future.

Comments and Questions:

Mr. Beach pointed out that the public street extends west from Peoria and stops just east of this property. The Board discussed the easement that runs in front of the subject property.

Interested Parties:

David Brant, 1043 E. 165th St. S., stated that there are several homes on 3 1/3 acre tracts that are served by a private road with an easement.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **APPROVE** a Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc test on the following described property:

Case No. 1580 (continued)

Comments and Questions:

Mr. Looney asked Mr. Thomas if there was City water and sewer on the property. Mr. Thomas answered yes.

Interested Parties:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **APPROVE** Special Exception to permit a single-wide mobile home dwelling in a RS District. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, subject to the removal of the existing home and subject to building permit, tie downs and skirting on the mobile home on the following described property:

S 100' of Lot 1, Block 3, Golden Hills Addition, Tulsa County, State of Oklahoma.

Case No. 1581

Action Requested:

Variance of lot width from 200' to 97.39'; 101.58' and 101.58' in order to obtain a lot split. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6**, located 11214 – 11234 S. 26th W. Ave.

Presentation:

The applicant, **Gerald Snow**, 9304 E. 46th St., submitted a site plan (Exhibit B-1) and stated that he has been a builder since 1972. This parcel of ground is on W. 26th St. about a quarter of a mile off of Highway 75. Mr. Snow has bought the property from Nattie Carr and they already have a client interested in building a home on the property. Mr. Snow believes that they are not degrading the area, they are making an improvement. Mr. Snow stated that they are going to put nice houses in the \$100,000 to \$150,000 range. Water and utilities are available to the property. Mr. Snow stated that he is in the process of getting all of his building permits, etc. and he has always complied with the building regulations of the City and he will continue to do so.

Comments and Questions:

Mr. Alberty stated to Mr. Snow that the problem is all of the other lots in the area are larger than what he is trying to create and it is somewhat inconsistent with what is established. Mr. Alberty stated that he has a problem with the granting of a variance. Mr. Snow asked Mr. Alberty if he would go for two variances. Mr.

Alberty feels like in this instance they need to hear what the protestants have to say. Mr. Alberty mentioned to the applicant that in order to grant a variance they have to have a hardship and without the finding of a hardship the Board does not have grounds to grant a variance.

Interested Parties:

Bruce Lyons, 11110 S. 26th W. Ave., stated that the property in question is immediately south of his property and is uphill from him. Mr. Lyons submitted photos to the Board (Exhibit B-3) Mr. Lyons stated that his concern about this application is waste running down the hill to his lot. Mr. Lyons stated that the photos show the Williams pipeline that goes through his property and others in the area that would limit the construction to being in the front of the property. Mr. Lyons has a problem with putting two or three houses on the lot because of poor seepage of the land and it is unable to perk. Mr. Lyons stated that all of the uphill properties on 26th W. Ave. are served by a 2" water line from Creek County. Every line that is added to the 2" water line is going to decrease water pressure further up the hill.

Mr. Alberty asked Mr. Lyons about the photo showing the excavation and what direction it is looking. Mr. Lyons stated that it is looking from the street looking due west across the property in questions. The pond in the photo is being developed by the gentleman who bought the land directly behind the property in question.

James Dross, 11224 S. 26th W. Ave., stated that on the piece of paper he handed out to the Board, (Exhibit B-2) his property is highlighted in yellow. The blue line signifies the high pressure line running across the three tracts to be divided. Mr. Dross stated that his biggest concern is that they are using his address. The addresses stated are 11214-11234 and his address is 11224. Mr. Dross stated that they cannot have his address under any circumstance.

Mr. Looney asked Mr. Dross is he was going to sell any of the front area to the applicant. Mr. Dross answered, no. He bought the yellow area (on the map) from Nettie Carr. It was originally 6.38 acres and he had an option to buy it all, but at the time he could not afford it. Now Mr. Carr is trying to develop it.

Mr. Alberty mentioned to Mr. Dross that the address assignment comes from the County and the Board does not have anything to do with that. Mr. Dross stated that he understands it.

Mr. Looney asked Mr. Dross if he is opposed to them building three homes. Mr. Dross stated that he is on a septic system and is at the top of the hill, his concern is for those people who are on lagoons.

Jeff Zoller, 11312 S. 26th W. Ave., stated that he is approximately fifty feet south of the proposed three lots and he owns the 5.6 acres south of the proposed three lots. Mr. Zoller stated that his concern is about the area being a rural area and having three homes that close together would not be consistent with the area. Mr. Zoller is extremely concerned that the area will not perk and he does not want to look at three lagoons. Mr. Zoller stated that he would not be opposed to one home on the property but he is opposed to three homes.

Applicant's Rebuttal:

Mr. Snow stated that he has been to the Health Department and the property will not have any lagoons. If the property will not perk, they will have the new type of system where it is all purified and is all monitored and is on a sprinkler system and has been approved by the Environmental Protection Agency. Six Hundred feet to the East is the new Industrial Park through the City of Jenks and these houses will be facing the Industrial Park. Mr. Snow spoke to Mr. Richardson of the City of Jenks and he had no problem with what he was proposing. Mr. Snow does not believe that this is degrading to the neighborhood. Sooner or later this is going to happen when people buy in rural areas. Mr. Snow stated that with the Industrial Park going in, there will be more building and development in the area.

Comments and Questions:

Mr. Looney asked Mr. Snow if he has come up with a hardship. Mr. Snow stated that his hardship is when a person pays \$45,000 for property, you can't put one large house on it. Now with the Industrial Park going in, he can't put a quarter of a million dollar house there. The people who are going to buy there are probably going to be people who work at the Park. Mr. Snow cannot put one house on the property and make a profit.

Mr. Looney stated that financial reasons cannot be a hardship considered by the Board. Mr. Snow stated that they have taken the pipeline into consideration. They went to White Surveying to lay out the land and houses and make sure everything would fit and it does.

Mr. Alberty mentioned that he is not sure he objects to what Mr. Snow is trying to do, but the method is where he has the problem. Mr. Alberty asked Mr. Beach what would the property need to be zoned to make this work? Mr. Beach stated that AGR would not work. RS is the minimum. Mr. Beach stated that the resulting three tracts are about three-quarters of an acre each and RE would allow about a half acre lot. You could get there with RE. RS requires a minimum lot size of about 6,900 SF. Mr. Beach stated to the Board that if they are inclined to approve this application, there would be additional relief needed for the lot area and land area.

Board Action:

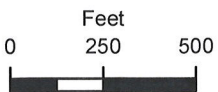
On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to **DENY** Variance of lot width from 200' to 97.39'; 101.58' and 101.58' in order to obtain a lot split.

SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, finding that there was not an adequate hardship on the following described property:

Tract "A" - A tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 101.58'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 101.58' to the point of beginning. Tract "B" – A tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 101.58' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 101.58'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 101.58' to the point of beginning. Tract "C" – A tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 203.16' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 105.79'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 97.40' to the point of beginning.

Comments and Questions:

Mr. Looney mentioned to the applicant that under RE zoning since he has a 300' frontage, he might be able to build two houses on the property but he would have to readvertise for that.



Subject
Tract

CBOA-2879

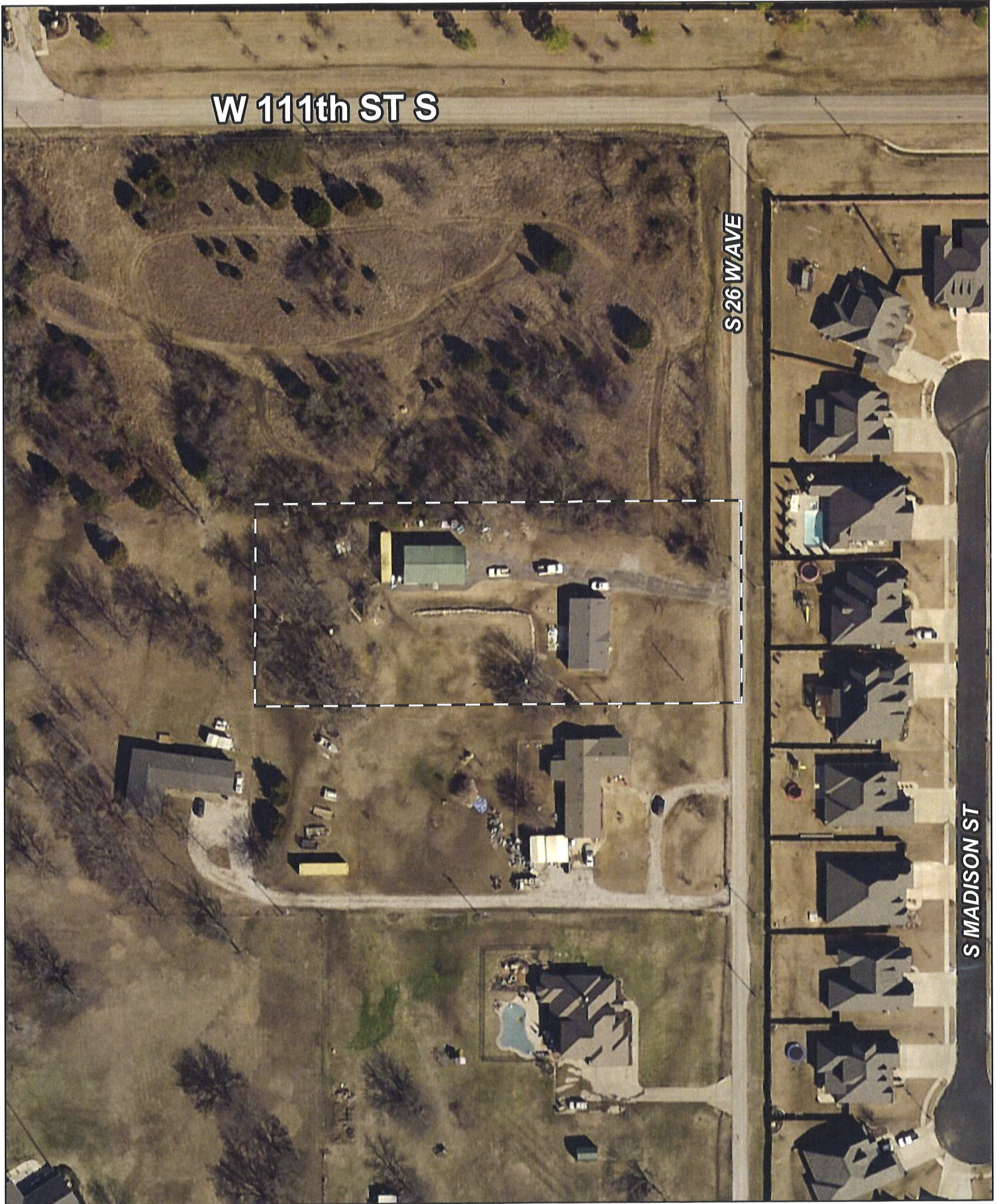
18-12 34

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

Aerial Photo Date: February 2018



3.15



W 111th ST S

S 26th W AVE

S MADISON ST

0 50 100
Feet



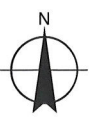
Subject
Tract

CBOA-2879

18-12 34

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

Aerial Photo Date: February 2018



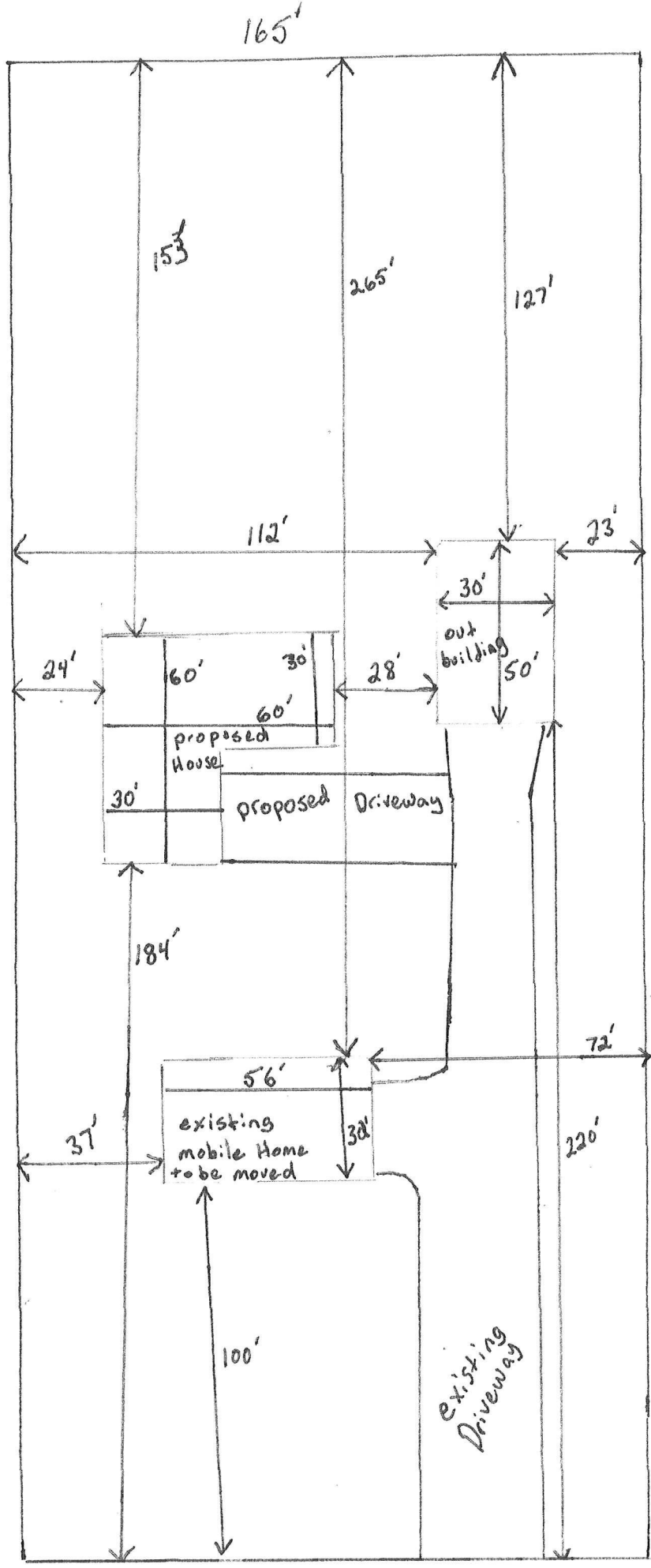
3.16

$$\frac{1''}{4'} = 10'$$

11106 S. 26th W. Ave
Jenks, OK 74037

N →

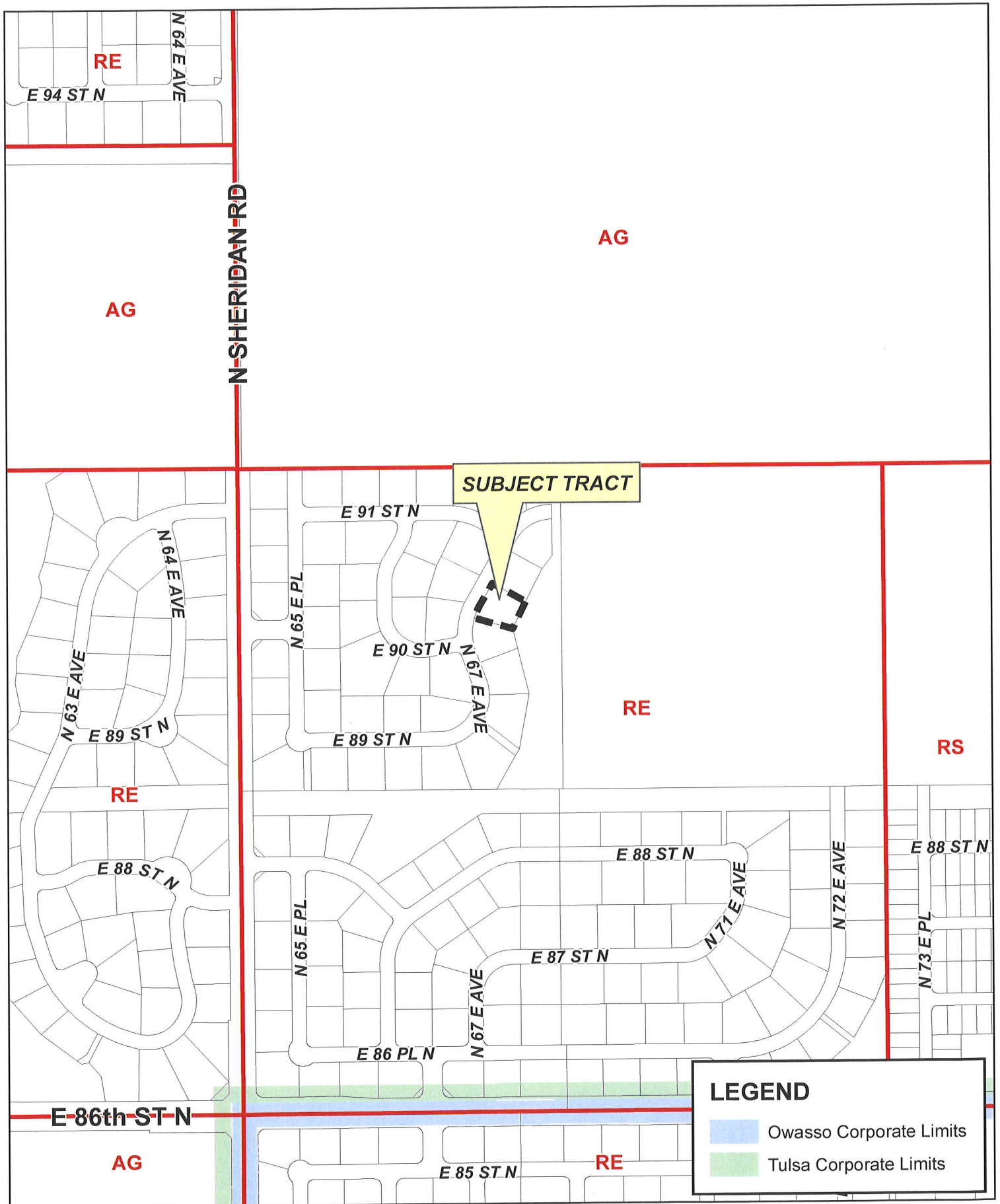
397.15



3.17

S. 26th W. Ave

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CBOA-2880

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1323

CZM: 17

CASE NUMBER: CBOA-2880

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/20/2021 1:30 PM

APPLICANT: Brian/Sheila Hopper

ACTION REQUESTED: Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2).

LOCATION: 9017 N 67 AV E

ZONED: RE

AREA: North Tulsa County

PRESENT USE: Residential

TRACT SIZE: 0.52 acres

LEGAL DESCRIPTION: Lot 4 Block 4, SHERIDAN CROSSING PHASE III

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2819 June 2020: The Board approved a Variance to permit a detached accessory building in the side yard in a RE district, on property located at 9015 North 65th East Place.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood and surrounded by RE zoning.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2). According to the site plan, the applicant intends to construct a 24' x 36' (864 sq. ft.) accessory building in the side yard, northeast of the existing house on the site.

Section 420.2 states that a detached accessory building shall not be in the front or side yard or encroach upon a minimum setback line. The detached accessory building does not encroach into the minimum 15 ft. side setback requirement.

The applicant provided the statement: *"Drainage / Easements / Adjacent Neighbors / Reserve Area."*

Sample Motion:

"Move to _____ (approve/deny) a Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2).

Finding the hardship to be _____.

4.2

REVISED 4/7/2021

Conditions (if any): _____.

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.”

finding that the request does not fit with the Master Plan and it would be detrimental to the neighborhood; for the following property:

E1/2SESWSESE SEC. 13-21-13, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** the request for a Special Exception to exceed the fence height in the required yard (Section 240.2); for the following property:

E1/2SESWSESE SEC. 13-21-13, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

FILE COPY

2819—Smalygo Properties, LLC

Action Requested:

Variance to permit a detached accessory building in the side yard in a RE District (Section 420.2-A.2). **LOCATION:** 9015 North 65th East Place

Presentation:

Kyle Smalygo, Smalygo Properties, 123 North 7th Street, Collinsville, OK; stated the subject property is a RE subdivision with ½ acre lots and he was contracted to build a replica of other detached accessory buildings in the same addition. Over the last couple of years with the Planning Department, Tulsa County being its own department, along with the new subdivision regulations there was an item in the new sub regs that stated any accessory building would be beyond the back corner of the house. This particular structure is somewhat half as far back as the house, beyond the front edge of the house. Mr. Smalygo believes this is just a housekeeping item that is required per the sub regs of the Zoning Code for the RE subdivision. The accessory building on the subject property is on the side of the house with all the air conditioning units, the electric meter, the gas meter, as well as there is no auxiliary door to access the building. Due to the topography of the adjacent lot behind it, which is also is a bigger lot, there is about eight feet in elevation change and the water does shed flowing from the east to the west. Any other placement of this building would adversely affect the drainage.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

C/BOA-2819

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to permit a detached accessory building in the side yard in a RE District (Section 420.2-A.2). The Board has found the hardship to be the location of this particular accessory building needs to be where it is placed on the property by virtue of the topography of the lot and the drainage plan of the subdivision. The Board finds that this will not be detrimental to the neighborhood and is consistent with other structures in the neighborhood; for the following property:

Lot 2 Block 7, SHERIDAN CROSSING PHASE III, OF TULSA COUNTY, STATE OF OKLAHOMA

2820—American Promotional Events

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 526 South 209th Avenue West, Sand Springs

Presentation:

Lonnie Basse, TNT Fireworks, 5401 West Skelly Drive, Tulsa, OK; stated this request is for a fireworks stand. This is a new location for TNT and that is why he is before the Board today.

Mr. Charney asked Mr. Basse if he had spoken with any of the neighbors on either side of the subject property. Mr. Basse answered no because most of the area is commercial or vacant.

Mr. Charney asked Mr. Basse what the hours of operation would be for this stand. Mr. Basse stated that normally the stand would open on June 15th but this year the stand will start selling fireworks around June 22nd. On opening day, the hours would be 10:00 A.M. to 10:00 P.M. until July 3rd, and on that day and on July 4th the hours would be 10:00 A.M. to 12:00 midnight; on July 5th the hours would be 10:00 A.M. to 10:00 P.M.

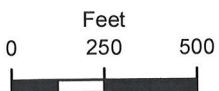
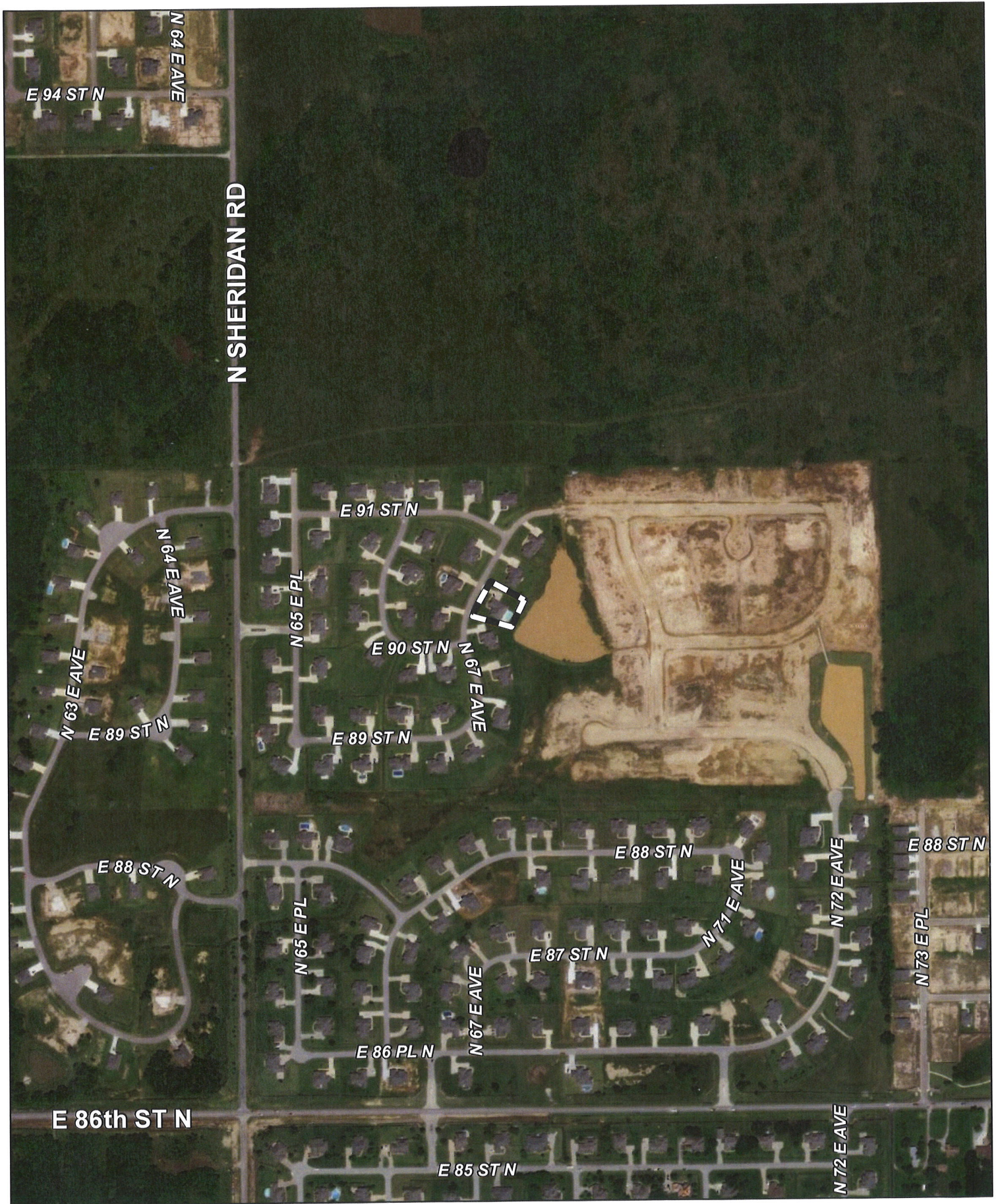
Mr. Charney asked Mr. Basse if there was an existing gravel parking lot. Mr. Basse answered affirmatively. Mr. Basse stated the stand would be placed at the north end of the Western Market Trading parking lot and the lot is well maintained.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.



Subject
Tract

CBOA-2880

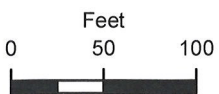
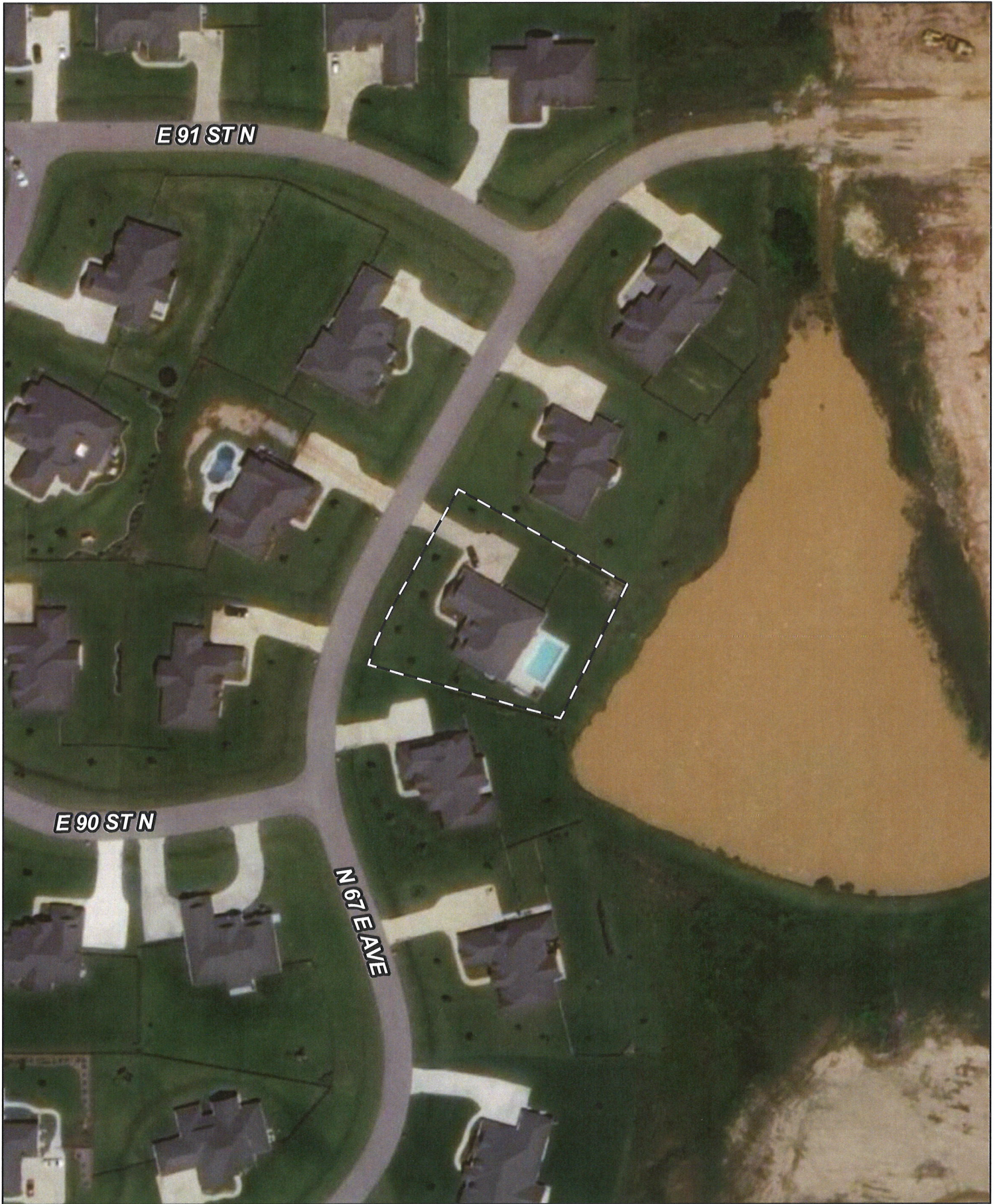
21-13 23

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

Aerial Photo Date: May 2020



4.6



Subject
Tract

CBOA-2880

21-13 23

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

Aerial Photo Date: May 2020



4.7

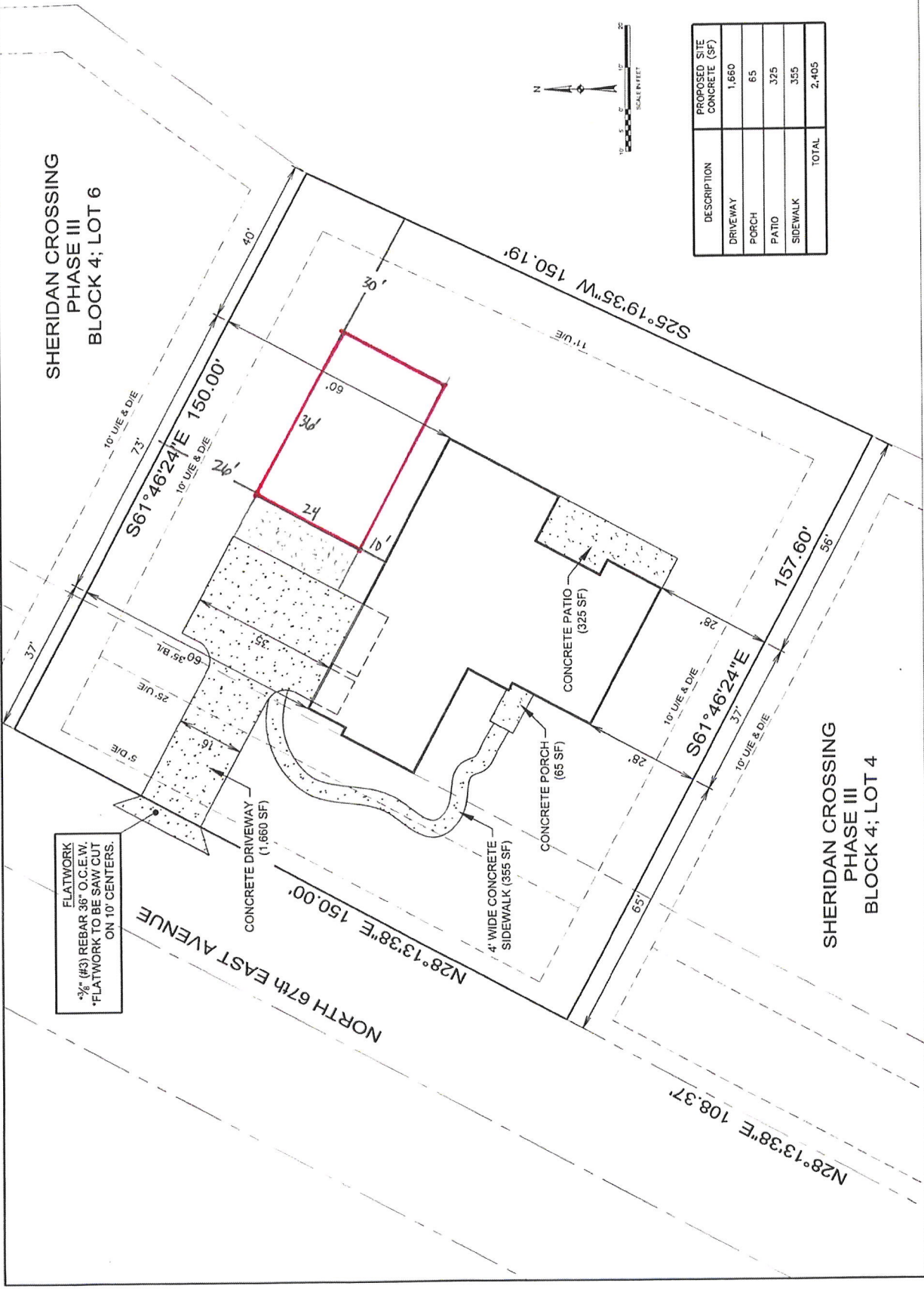


DATE	NOV 20 2018
BY	10/20/18
CHECKED BY	
DATE	
PROJECT NO.	
CLIENT	
LOCATION	
DESCRIPTION	

OWNER	
DESIGNER	
DATE	
PROJECT NO.	
CLIENT	
LOCATION	
DESCRIPTION	

HOPPER SITE PLAN
SHERIDAN CROSSING
PHASE III
LOT 4; BLOCK 4

SHEET
REFERENCE
NUMBER
C-100

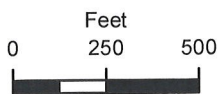
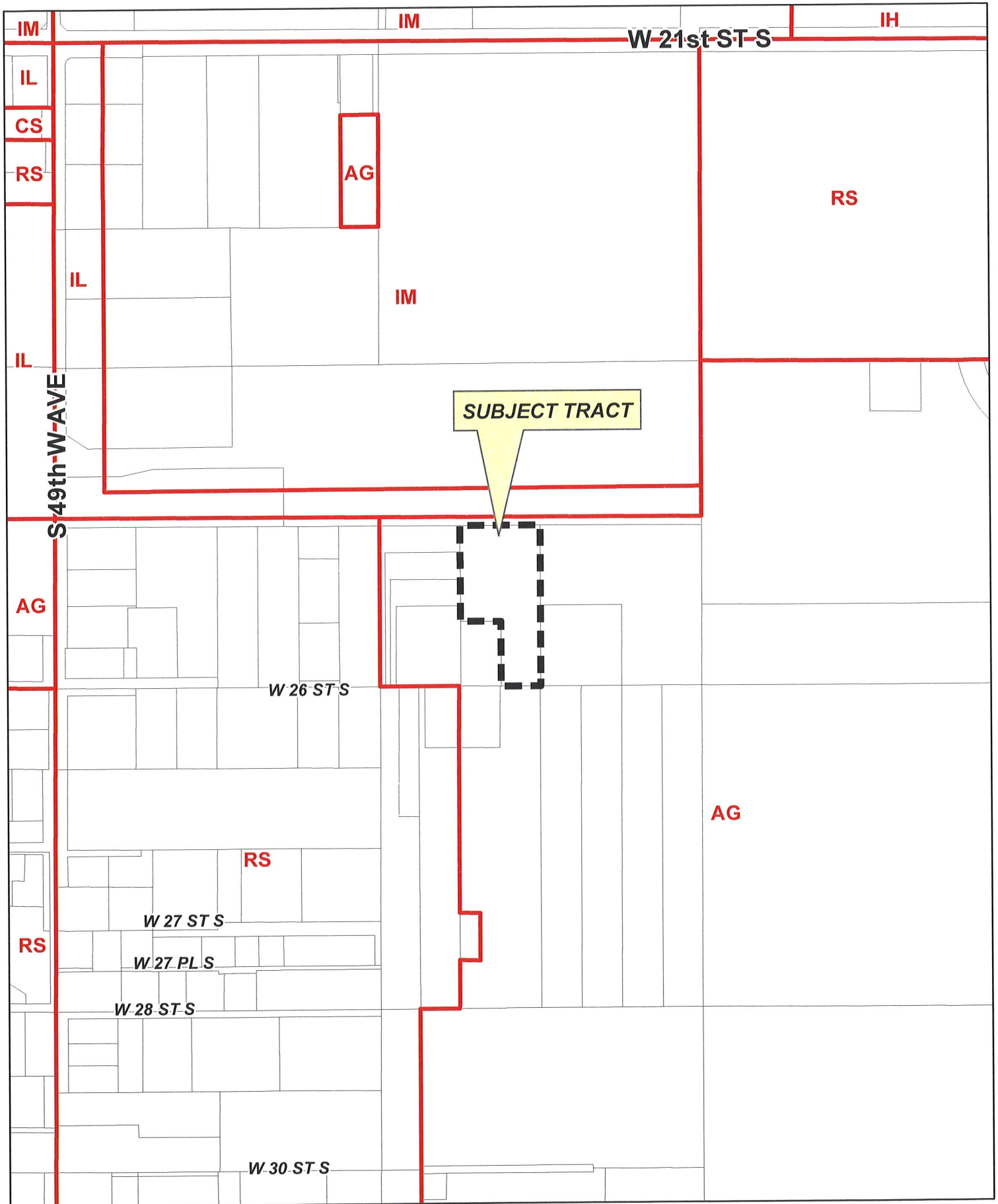


DESCRIPTION	PROPOSED SITE CONCRETE (SF)
DRIVEWAY	1,660
PORCH	65
PATIO	325
SIDEWALK	355
TOTAL	2,405

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CBOA-2881 – JAKE’S FIREWORKS

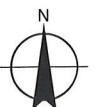
**STAFF REQUESTS A CONTINUANCE FOR NEW
NOTIFICATIONS**



CBOA-2882

19-12 16

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9216

CZM: 35

CASE NUMBER: CBOA-2882

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/20/2021 1:30 PM

APPLICANT: Jackie Dodgin

ACTION REQUESTED: Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330).

LOCATION: 4327 W 26 ST S

ZONED: AG

AREA: West Central Tulsa

PRESENT USE: Residential

TRACT SIZE: 4 acres

LEGAL DESCRIPTION: BEG 265N SWC E/2 SW SE NW TH N394.76 E330.23 S659.76 W165.18 N265 W165.20 POB SEC 16 19 12 4ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2830 July 2020: The Board approved a *Variance* of the minimum lot and land area per dwelling unit in an AG district to permit a lot split, on property located at 4327 West 26th Street.

CBOA-2480 October 2013: The Board approved a *Variance* of the minimum frontage requirement of 30 feet on a public street or dedicated right-of-way to 0 feet to allow a lot split, on property located at 4121 S. 26th St. S.

Surrounding Property:

CBOA-807 April 1988: The Board approved a *Variance* of lot width from 200' to 175' and a *Variance* of lot area from 2 acres to .8 acre and a variance of the street frontage from 30' to 20', Located: East of the NW/c West 26th Street and South 49th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the west, south, and east. To the north there is a small strip of AG but north of that strip is IL zoning. Surrounding uses appear to be residential, vacant, or used for agricultural purposes.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330). As shown on the attached plan, the applicant is proposing to construct a mother-in-law residence to the west of the existing home.

6.2

The applicant provided the following statement: *"We are trying to build a small garage with living quarters so my mother-in-law can stay in it so we can keep a close eye on her. Also, later on, this will be a place our autistic son can live and we can keep a close eye on him. Because of the variance of the minimum lot area, 2.1 acres per dwelling unit in the AG district, we would like a permit for two dwellings on 4.0 acres."*

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a land area per unit requirement of 2.1 acres in the AG district. The applicant is proposing two dwelling units on the 4.0 acre subject lot. To permit two homes on the site the permitted land area per dwelling unit has to be reduced to 2.0 acres. Section 208 states that in the AG district, there can be up to two homes on a lot (as long as they meet the Bulk and Area Requirements).

If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- 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"

2829—Charles Stewart

Action Requested:

Use Variance to allow a machine shop (Use Unit 25 - Light Manufacturing Industry) in an RS District; Variance of the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E). **LOCATION:** 712 North Willow Road West

Presentation:

Charles Stewart, 703 North Willow Road, Sand Springs, OK; stated the machine shop already exists and he would like to bring everything up to Code. The shop has been in existence for at least 40 years and is under powered; the property has been in his family for 90+ years. Mr. Stewart stated he has worked out of the shop his entire life and he would like to upgrade what his uncle has in place; nothing will change. Mr. Stewart stated there are two properties there, 1806 Persimmon and 712 Willow, and when he made application for an electrical upgrade to 299 AMP three phase wiring, he found the power line has to be underground to go across the property.

Mr. Crall asked Mr. Stewart if he was currently using the shop. Mr. Stewart answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Use Variance to allow a machine shop (Use Unit 25 - Light Manufacturing Industry) in an RS District; Variance of the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E), subject to conceptual plan 10.12 of the agenda packet. The Board finds the hardship to be that the shop already exists and producing; for the following property:

LT 1 BLK 8; LT 2 BLK 8, CHARLES PAGE HOME ACRES SUB NO 1, OF TULSA COUNTY, STATE OF OKLAHOMA

2830—Jay Howard

Action Requested:

Variance of the minimum lot and land area per dwelling unit in an AG District to permit a lot split (Section 330, Table 3). **LOCATION:** 4327 West 26th Street

FILE COPY

CBOA-2830

FILE COPY

Presentation:

Jay Howard, 4327 West 26th Street, Tulsa, OK; stated he would like to split his property into a one-acre lot. He purchased the property in 2013 and built the house in 2015, and because of the way the land is split with the driveway and the creek, he cannot split the property into two acres.

Mr. Hutchinson asked Mr. Howard if there was a reason why he did not want to split the property down the middle, or was he attempting to make his property 3.9 acres and have one acre west of the existing driveway. Mr. Howard stated that was correct.

Mr. Howard stated he is actually wanting to move to the one-acre portion and sell the other property.

Mr. Hutchinson asked Mr. Stewart what is the typical lot size around his property? Mr. Stewart stated there are several one-acre lots throughout the neighborhood, and there are five-acre and ten-acre lots.

Mr. Hutchinson asked Mr. Stewart how much road frontage he would have. Mr. Stewart stated that it would be 165 feet.

Interested Parties:

John Fothergill, 3410 South 73rd West Avenue, Tulsa, OK; stated this application is well suited. The peculiar nature of the land with the creek running through the property precludes it from being an easy way to split the property and still have access to the other side of the property. It is typical of the area to have small acre lots and he believes more and more of that will be seen as the Gilcrease Expressway is developed; there should be a lot of growth in this area. Mr. Fothergill stated he is in support of this request.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** of the minimum lot and land area per dwelling unit in an AG District to permit a lot split (Section 330, Table 3), subject to conceptual plan 12.11 of the agenda packet. The Board has found the hardship to be that this is a large tract and there is a creek running through the property making it difficult to split the property. 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; for the following property:

07/21/2020/#484 (23)

CPDA-2830

FILE COPY

E/2 SW SE NW SEC 16 19 12 4.99ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2831—Kenneth Johnson

Action Requested:

Use Variance to allow Use Unit 25, Light Manufacturing Industry, in an AG District (Section 1225). **LOCATION:** 7703 West 7th Street South

Presentation:

Kenneth Johnson, 7703 West 7th Street, Tulsa, OK; stated he would like to be able to process his cannabis crop. He makes pre-row out of ice extraction bubble hatch and the crop is full organic. There is no C1D1, there are no hydrocarbons or anything like that. Mr. Johnson stated that his property is certified through the Department of Agriculture for USDA certification when he was growing produce. The land is kept organic. He has been growing cannabis since February 18, 2019. There is fencing around the property. He has his compliance from Tulsa County. The processing started in September 2019 and his renewal is August 25th. Mr. Johnson stated that he takes the product after it has been trimmed and put the trim in an ice water bath that runs like a washing machine, freeze it, the product is then strained off and place that in a freeze drier turning it into powder. The powder is added to infused pre-row. Pre-row is like a cigarette without a filter. The product is then sold.

Mr. Hutchinson asked Mr. Johnson if people come to his property when he sells his product. Mr. Johnson answered no and stated that he sells to dispensaries. There is no traffic that comes to the property. He has been doing this for a year and growing for a year and half. No one knew what he was doing until they received their notices about this request.

Mr. Johnson stated there is no environmental impact; he wakes up every morning to see 35 deer in the field.

Ryan Kuzmic, Viridian Legal Services, 1602 South Main Street, Tulsa, OK; he represents Mr. Johnson and he has handled most of the introduction to what is being asked for. Mr. Kuzmic stated this part of a reapplication process for Mr. Johnson; he is already using the property for this purpose and has been doing so legally for a year with no issues. The subject property is surrounded on three sides by family and he owns about 51 acres. Mr. Johnson has a processing license and when he obtained that license the certificate of compliance was not required. There are only three employees and they are all family living on the site. This will not increase the foot traffic to the site, and it will not increase the footprint or the affect on the neighborhood in any way. The subject property has a history of industrial use and had been previously been given a Special Exception for a land fill and it functioned as a construction land fill for about 30 years. When it was a land fill there were trucks going to the site until about four years ago. The land fill left scars on the land that he thinks does not make it appropriate for a commercial agriculture grow.

CBOA-02480

FILE COPY

place, which is actually an agreement with himself, and it has been filed with Tulsa County.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Draper, Osborne "absent") to **APPROVE** the request for a **Variance** of the minimum frontage requirement of 30 feet on a public street or dedicated right-of-way to 0 feet (Section 207) to allow a lot-split with the stated hardship being the configuration of the land and the lack of access to a public road. This approval is subject to the standard permitting requirements; for the following property:

A tract of land being a part of the S/2 SE/4 NW/4 of S16, T19N, R12E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described by K.S. Collins, L.S. #1259 in and for the State of Oklahoma on 08/26/2013 as follows; BEGINNING at the Southeast Corner of said NW/4; thence S 89°53'29" W along the South line of said NW/4 a distance of 660.20 feet; thence N 00°02'51" W a distance of 659.04 feet to a point on the North line of said S/2 SE/4 NW/4; thence N 89°56'48" E a distance of 659.79 feet to a point on the East line of said NW/4; thence S 00°05'01" E along said East line a distance of 658.40 feet to the POINT OF BEGINNING, containing 9.98 acres of land, more or less, OF TULSA COUNTY, STATE OF OKLAHOMA

2481—Holiday Sand and Gravel

Action Requested:

Special Exception to permit mining (dredging) and quarrying of sand in an AG district (Arkansas River Channel) (Section 310, Table 1). **LOCATION:** Southeast of the SE/c of East 141st Street South and South 129th East Avenue

Presentation:

Mike Odell, Vice President of Production for Holiday Sand and Gravel, 14900 South Garnett Road, Bixby, OK; stated the request will cover approximately 114 acres in the Arkansas River channel. Holiday Sand currently operates under a lease arrangement with Watkins Sand. Holiday does not propose any activity on South 145th East Avenue on the east side of the river, only in the river itself. Holiday proposes to operate a hydraulic dredge in the river channel and pump sand to the existing plant on the west side of the river. Holiday Sand has been dredging sand in the Tulsa area since 1992,

Case No. 802 (continued)

Mr. Looney pointed out that the two east lots are not under application and cannot be considered at this time.

The Board concurred that, due to the fact that utilities are in place, they would be inclined to be supportive of the location of the mobile home on the east two lots for a maximum period of two years.

Board Action:

On **MOTION** of WALKER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 802 to May 17, 1988, to allow the applicant to advertise the eastern lots.

NEW APPLICATIONS

Case No. 807

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of lot width from 200' to 175' and a variance of lot area from 2 acres to .8 acre.

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the street frontage from 30' to 20', located east of the NW/c West 26th Street and South 49th West Avenue.

Comments and Questions:

Mr. Jones informed that the Technical Advisory Committee has heard and recommended approval of the case. He stated that the application will be heard by TMAPC on April 20, 1988 and action taken by this Board should be made subject to Planning Commission approval.

Presentation:

The applicant, Harvey McGehee, 6147 West 23rd Street, Tulsa, Oklahoma, was represented by his son, Claude McGehee, Booneville, Arkansas. He asked the Board to allow a 2.91 acre tract to be split into three lots with each lot having a 20' handle to west 26th Street for access to the street and for utilities. He informed that newly created lots do not meet the minimum lot size for the AG District, but there are other lots in the area of comparable size.

Comments and Questions:

Mr. Alberty asked the applicant who will maintain the road, and Harvey McGehee informed that the owners of the land will maintain the road.

4.19.88:95(3)

6.8

Case No. 807 (continued)

Mr. Alberty pointed out that many times properties in the county are sold and later there is confusion as to the party responsible for maintaining the street. He stated that he would suggest that a clause be inserted in the deed that would clarify who is responsible for the street maintenance. Mr. Alberty pointed out that any street dedicated to the County is required to comply with their specifications.

Mr. Gardner stated that if approved, the Board could make the approval subject to TMAPC approval, and subject to each lot being recorded with the stipulation that each of the owners of the lots be required to maintain the street.

Mr. Fields stated that the three 20' strips of land will be attached to and made a part of the three lots and will not be a dedicated street, per se'.

Mr. Gardner informed that the strips will be private pieces of land, but they will be combined to make a mutual private street.

Protestants: None.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of lot width from 200' to 175' and a variance of lot area from 2 acres to .8 acre; and to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the street frontage from 30' to 20'; subject to TMAPC approval; and recommending that the ownership of the street be satisfied in order that there is no future dispute regarding street maintenance; finding that there are other lots in the area that are similar in size to the lots in question; and finding that the lots are located on the rear portion of a tract, with limited street access; on the following described property:

A tract of land lying in the W/2, W/2, SE/4, NW/4, of Section 16, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point on the east line of said W/2, W/2, SE/4, NW/4, said point lying 330.06' north of the SE/c thereof; thence N 89°54'56" W a distance of 265.12' to a point; thence S 00°08'30" W a distance of 330.08' to a point on the south line of said W/2, W/2, SE/4, NW/4; thence N 89°55'09" W along said south line a distance of 60' to a point; thence N 00°08'30" E a distance of 660.17' to a point on the north line of the S/2, W/2, W/2, SE/4, NW/4 of said

Case No. 807 (continued)

Section 16; thence S 89°54'41" E along said north line a distance of 325.12' to the NE/c of said S/2, W/2, W/2, SE/4, NW/4; thence S 00°08'03" W along the east line thereof, a distance of 330.07' to the Point of Beginning, Tulsa County, Oklahoma. (The west 60' of the above described property being reserved for roadway purposes for the use of the grantor or his assigns.)

Case No. 808

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1202 - Request a special exception to allow for a temporary concrete batch plant in an AG zoned district, located west of NW/c of 116th Street North and US 169.

Presentation:

The applicant, Dult Construction, PO Box 3788, Edmond, Oklahoma, was represented by Neil Bolin, who asked permission to construct a temporary batch plant at the above stated location to supply concrete for the 169 Highway project. He informed that the farmland will be used for approximately eight months and then the land will be returned to its original use.

Comments and Questions:

Mr. Looney asked if there are homes located in the area, and Mr. Bolin informed that the nearest home is approximately one-half mile to the west.

Mr. Looney inquired as to the location of the plant on the property, and Mr. Bolin replied that it sets approximately 150' from the front fence line.

In response to Mr. Alberty's question as to the amount of time required to complete the project, Mr. Bolin stated that the construction will be completed within a one year period. He informed that the land will then be cleared and restored to its original condition.

Protestants: None.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1202) to allow for a temporary concrete batch plant in an AG zoned district for a period of one year only; subject to the land being cleared and restored to its previous condition at the end of the one year period; finding that the granting of the temporary request will not be detrimental to the area; on the following described property:

4.19.88:95(5)

6.10



W 21st ST S

S 49th W AVE

W 26 ST S

W 27 ST S

W 27 PL S

W 28 ST S

W 30 ST S

0 Feet
250 500



Subject
Tract

CBOA-2882

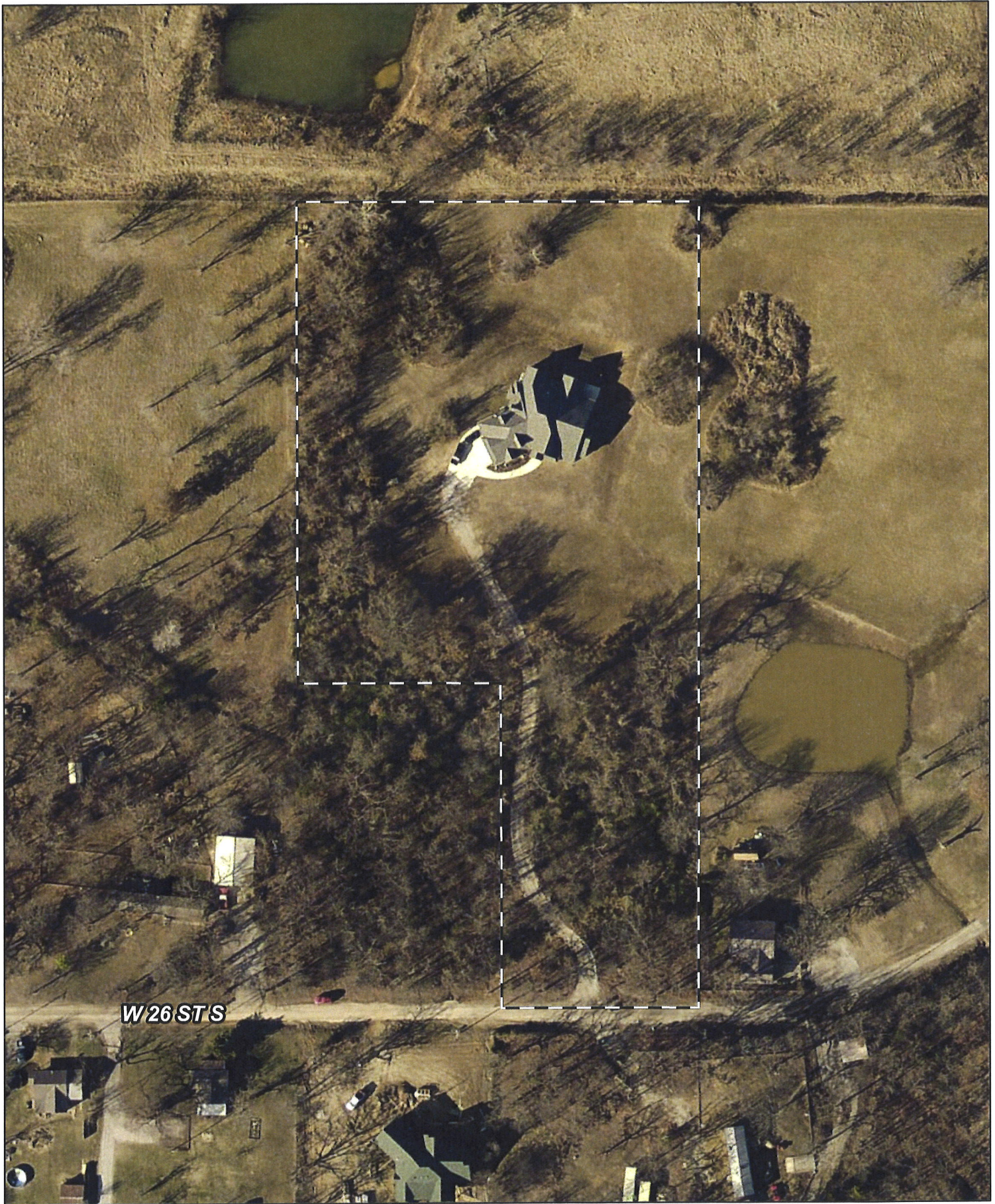
19-12 16

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

Aerial Photo Date: February 2018



6.11



W 26 ST S

Feet
0 50 100



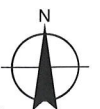
Subject
Tract

CBOA-2882

19-12 16

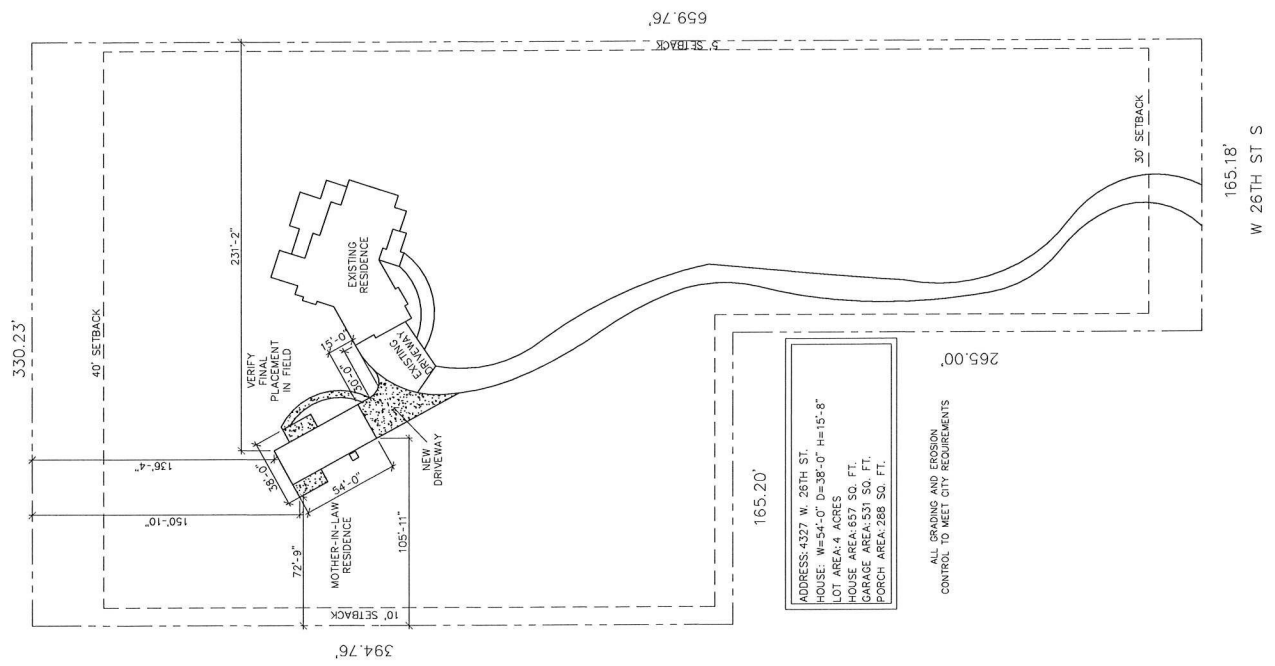
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align with physical features on the ground.

Aerial Photo Date: February 2018



6.12

1 SITE PLAN
SCALE: 1/32"=1'-0"



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N YALE AVE

AG

SUBJECT TRACT

CS

E 116TH ST N

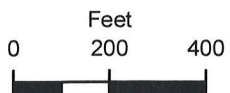
IH

IL

IL

AG

IL



CBOA-2883

21-13 03

7.1



TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 1303

CZM: 11

CASE NUMBER: CBOA-2883

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/20/2021 1:30 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 150 feet to 30 feet in the CS district to permit a lot split (Section 730).

LOCATION: 5031 E 116 ST N

ZONED: CS

AREA: North Tulsa County

PRESENT USE: Commercial

TRACT SIZE: 2.26 acres

LEGAL DESCRIPTION: BEG 440E SWC SW TH N497 E220 S497 W220 POB LESS S50 THEREOF FOR RD SEC 3 21 13 2.26ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CS zoning to the west and north. It abuts AG zoning to the east and IL zoning to the south. All abutting properties appear to be vacant or have agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 150 feet to 30 feet in the CS district to permit a lot split (Section 730). The applicant provided the attached statement (Exhibit "B") with their application.

The Code requires 150 feet of frontage on an Arterial Street in a CS district. East 116th Street North is identified as a Primary Arterial Street in the Major Street and Highway Plan. The applicant has submitted a site plan of the proposed lot split. Lot 1 will meet the minimum requirement with 190 feet. The proposed Variance is requested for Lot 2 which will only have 30 feet of frontage.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 150 feet to 30 feet in the CS district to permit a lot split (Section 730)."

Finding the hardship to be _____.

7.2

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."



N YALE AVE

E 116th ST N



0 Feet 200 400



Subject
Tract

CBOA-2883

21-13 03

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

Aerial Photo Date: February 2018

7.4





E 116th ST N

0 50 100
Feet



*Subject
Tract*

CBOA-2883

21-13 03

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

Aerial Photo Date: February 2018

7.5



Exhibit "A"

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4), SECTION THREE (3), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 3; THENCE N 89°03'57" E A DISTANCE OF 440.00 FEET; THENCE N 00°56'03" W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N 00°56'03" W A DISTANCE OF 447.00 FEET; THENCE N 89°03'57" E A DISTANCE OF 220.00 FEET; THENCE S 00°56'03" W A DISTANCE OF 447.00 FEET; THENCE S 89°03'57" W A DISTANCE OF 220.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 98,340.00 SQUARE FEET OR 2.26 ACRES MORE OR LESS.

Exhibit "B"

The Applicant requests a Variance of street frontage requirements of Section 730 of the Tulsa County Zoning Code (the "Code") to allow a lot split in a CS District for property located at 5031 E. 116th Street North (the "Property").

The Property is a 2.26 acre tract located north and east of the intersection of N. Yale Ave. and E. 116th Street N. and is currently the site of a dental office. The owner, Dr. Smith who resides just north of the Property on Yale, is retiring and in the process of selling his dental practice. Dr. Smith desires to divide the Property in order to sell a one acre tract with the dental office, and to retain the remaining 1.26 acres. A survey of the proposed lot split is attached hereto.

The Code requires 150 feet of street frontage in a CS District. The Property currently has 220 feet of street frontage along 116th Street North. The lot split will result in two tracts, one tract with 190 feet of street frontage and the remainder tract, a flag lot, with approximately 30 feet of frontage.

With 220 feet of total street frontage, the Property could not be split into any configuration that would meet with the frontage requirements of the Code, which results in unnecessary hardship to the owner. The southern (rear) half of the Property is not currently utilized and the flag lot configuration will allow for the potential development of the remainder tract in the future. The 190 foot lot width of the split tract will provide ample spacing between the existing curb cut and any future access point to the remainder tract. Based on the foregoing, the requested Variance will not cause substantial detriment to the public good or impair the spirit and intent of the Code or the Comprehensive Plan.

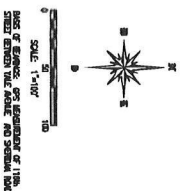


Looking north in the general area of proposed Lot 2 from East 116th St. N. (see site plan)



Looking north at proposed Lot 1 from East 116th St. N. (see site plan)

PLAT OF SURVEY



DESCRIPTION LOT 1

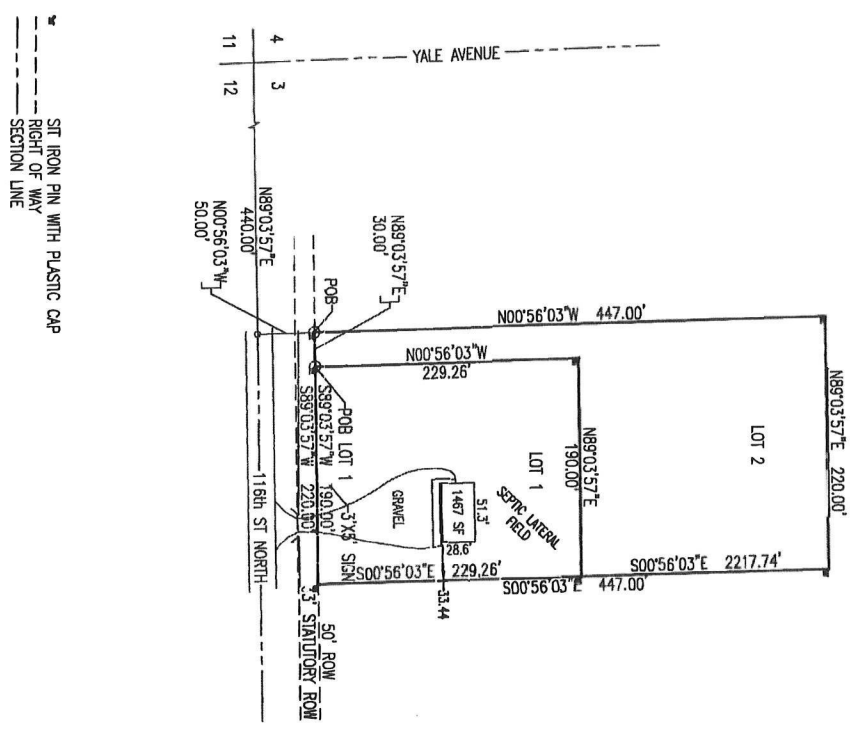
A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) SECTION THREE (3), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST (SW/4) OF SAID SECTION 3 THENCE N89°03'57"E A DISTANCE OF 470.00 FEET; THENCE N00°56'03"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N00°56'03"W A DISTANCE OF 229.26 FEET; THENCE N89°03'57"E A DISTANCE OF 190.00 FEET; THENCE S00°56'03"W A DISTANCE OF 229.26 FEET; THENCE S89°03'57"W A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 46,560 SQUARE FEET OR 1.0 ACRES MORE OR LESS.

DESCRIPTION LOT 2

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) SECTION THREE (3), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST (SW/4) OF SAID SECTION 3 THENCE N89°03'57"E A DISTANCE OF 440.00 FEET; THENCE N00°56'03"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N00°56'03"W A DISTANCE OF 447.00 FEET; THENCE N89°03'57"E A DISTANCE OF 220.00 FEET; THENCE S00°56'03"W A DISTANCE OF 217.74 FEET; THENCE S89°03'57"W A DISTANCE OF 190.00 FEET; THENCE S00°56'03"E A DISTANCE OF 229.26 FEET; THENCE S89°03'57"W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 54,780.50 SQUARE FEET OR 1.26 ACRES MORE OR LESS.



DESCRIPTION ORIGINAL LOT

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) SECTION THREE (3), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

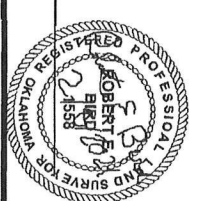
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST (SW/4) OF SAID SECTION 3 THENCE N89°03'57"E A DISTANCE OF 440.00 FEET; THENCE N00°56'03"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N00°56'03"W A DISTANCE OF 447.00 FEET; THENCE N89°03'57"E A DISTANCE OF 220.00 FEET; THENCE S00°56'03"W A DISTANCE OF 447.00 FEET; THENCE S89°03'57"W A DISTANCE OF 220.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 98,340.00 SQUARE FEET OR 2.26 ACRES MORE OR LESS.

CERTIFICATION

I, ROBERT E. BIRD, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND A CORRECT REPRESENTATION OF THE SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THAT THIS SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF SURVEYORS. WITNESS MY HAND AND SEAL ON THIS 20th DAY OF JANUARY 2021.

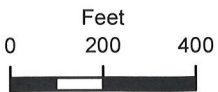
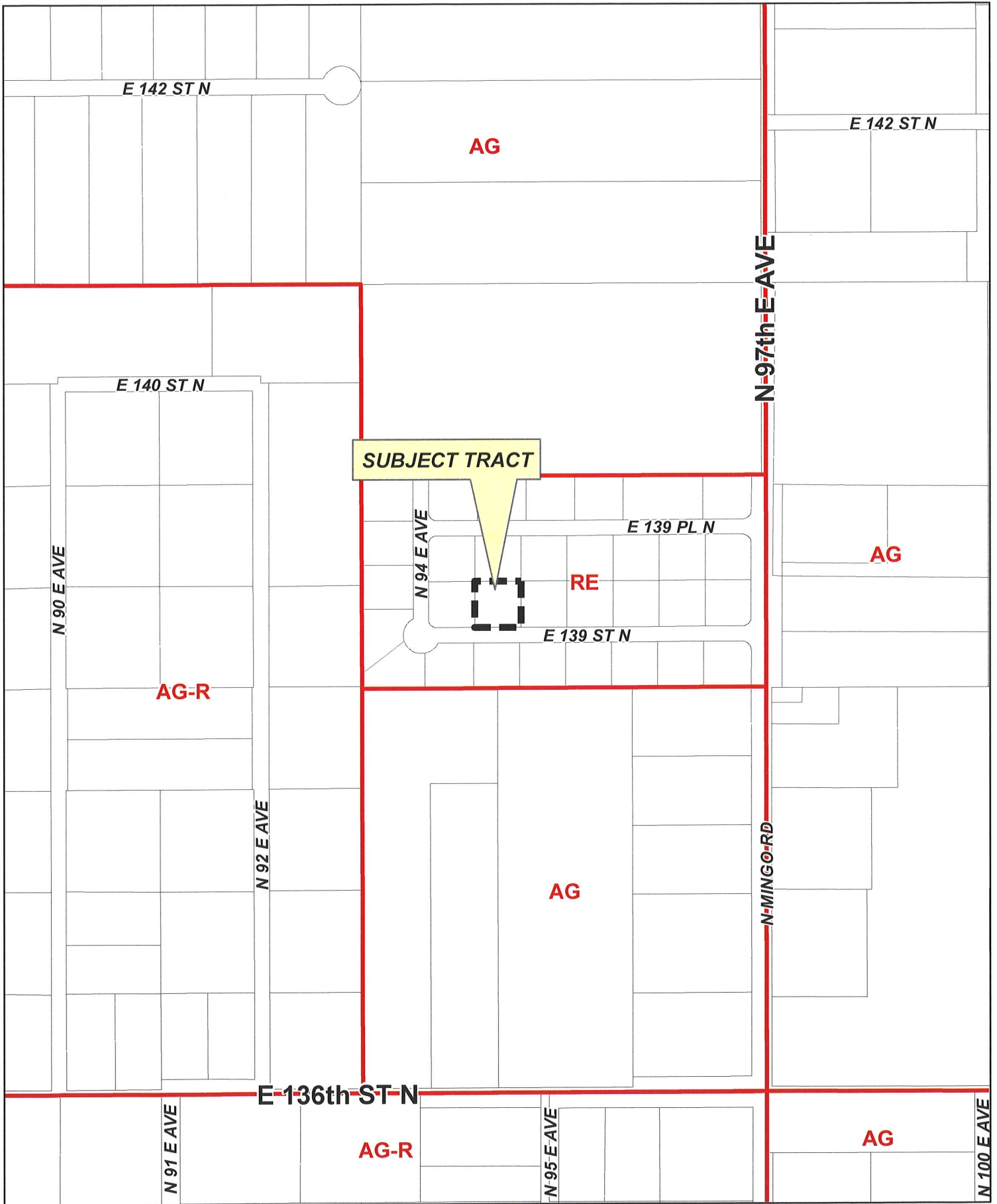
DATE OF LAST SITE VISIT JANUARY 20, 2021.

ROBERT E. BIRD, P.E., PLS.
OK PLS 1558
FEBRUARY 8, 2021



BIRD SURVEYING & DESIGN, PLLC
3020 NORTH 175TH EAST AVENUE
OWASSO, OK 74055
(918) 645-8392
OK 4454 Exp 6/30/2022

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CBOA-2884

22-13 25

8.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2325

CASE NUMBER: CBOA-2884

CZM: 7

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/20/2021 1:30 PM

APPLICANT: Chris Burnette

ACTION REQUESTED: Variance to permit a detached accessory building (Pole Barn) in the side yard in an RE district (Section 420.2-A.2); and a Variance to reduce the required side yard setback from 15 ft. to 4 ft. to allow a detached accessory building (Pole Barn) in an RE district (Section 430).

LOCATION: 9477 E 139 ST N

ZONED: RE

FENCELINE: Collinsville

PRESENT USE: Residential

TRACT SIZE: 0.52 acres

LEGAL DESCRIPTION: LT 9 BLK 2, MINGO CROSSING

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RE zoning in a residential neighborhood.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit a detached accessory building (Pole Barn) in the side yard in an RE district (Section 420.2-A.2); and a Variance to reduce the required side yard setback from 15 ft. to 4 ft. to allow a detached accessory building (Pole Barn) in an RE district (Section 430).

According to the site plan, the applicant intends to construct a 30' x 24' or 720 sq. ft. detached accessory building in the side yard, east of the existing house on the site. Section 420.2-A.2 states that a detached accessory building shall not be in the front or side yard or encroach upon a minimum setback line. Section 430 states that the minimum side setback in an RE district is 15 feet. The proposed detached accessory building (Pole Barn) will be located in the side yard and encroach into the minimum 15 ft. side setback requirement and be located 4 feet from the property line.

The applicant provided the statement: *"Due to pool size in backyard, unable to put brick pole barn in backyard, need to place in side yard."*

Sample Motion:

"Move to _____ (approve/deny) a Variance to permit a detached accessory building (Pole Barn) in the side yard in an RE district (Section 420.2-A.2); and a Variance to reduce the required side yard setback from 15 ft. to 4 ft. to allow a detached accessory building (Pole Barn) in an RE district (Section 430).

8.2

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.”



0 Feet 200 400



Subject
Tract

CBOA-2884

22-13 25

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

Aerial Photo Date: February 2018



8.4



0 50 100
Feet



Subject
Tract

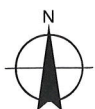
CBOA-2884

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

Aerial Photo Date: February 2018

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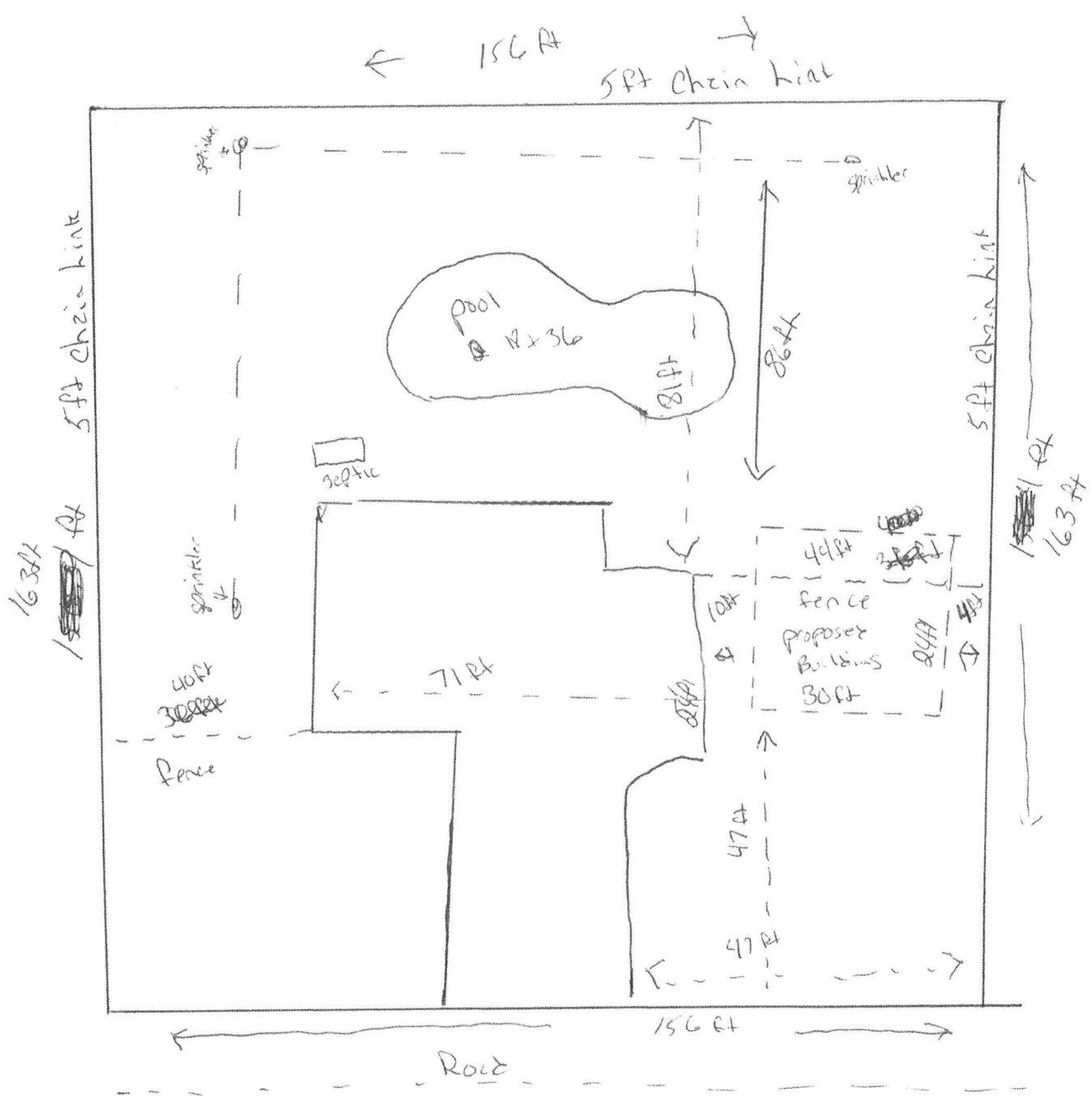
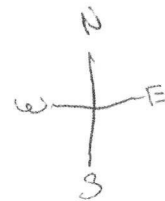




Looking north from East 139th St. N.



Looking northeast from East 139th St. N.



9477 east 139 st N

Chris Bumette