TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1305
CZM: 10

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Erin Herring

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207).

LOCATION: 11908 N HARVARD AV E

ZONED: AG

PRESENT USE: Vacant

TRACT SIZE: 5+ acres

LEGAL DESCRIPTION: N/2 NW/4 NE/4 SE/4 of Section 5 T21N R13E, Tulsa County, Oklahoma, containing 5 acres more or less

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1672 October 1999: The Board approved a Variance of the required 30' of frontage on a public street to 0', on property located north of the northwest corner of East 116th Street North & North Highway 75.

CBOA-1323 January 1995: The Board approved a Variance of the required 30' of frontage on a public street, on property located at 11910 North Harvard Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is in an agricultural area with both agricultural and residential uses. The property abuts RE zoning on the north, which is in the corporate limits of Skiatook,

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207). Section 207 of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following statement: “Variance of Section 207 of the Tulsa County Zoning Code is needed to allow access to property (11926 N. Harvard Ave.) through existing (11910 N. Harvard Ave.) road and utility easement.
Surrounding property owners have submitted letters stating that the applicant has their approval to access the subject property. (See attached letters.)

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/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207).

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

Subject to the following conditions, if any:______________.

Finding the hardship to be ________.

In granting a Variance, the Board must find that 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."
COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 233
Tuesday, October 19, 1999, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT
Alberty
Dillard
Walker, Chair

MEMBERS ABSENT
Looney
Tyndall

STAFF PRESENT
Arnold
Bruce
Stump

West, County Inspec.

OTHERS PRESENT

The notice and agenda of said meeting were posted in the Office of the County Clerk on, Thursday, October 14, 1999 at 2:48 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Walker called the meeting to order at 1:31 p.m.

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MINUTES:
On MOTION of DILLARD, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall "absent") to APPROVE the Minutes of August 17, 1999 (No. 231).

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MINUTES:
On MOTION of ALBERTY, the Board voted 3-0-0 (Alberty, Dillard, Walker, "aye"; no "nays", no "abstentions"; Looney, Tyndall "absent") to APPROVE the Minutes of September 21, 1999 (No. 232).

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UNFINISHED BUSINESS

Case No. 1672

Action Requested:
Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED and Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located North of NW/c East 116th Street North & North Highway 75.
Comments and Questions:
Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:
The applicant, William E. Bott, was represented by his wife Faylee Bott. Ms. Bott submitted a site plan (Exhibit A-1) and stated that she owns the forty acres. Her grandson now lives on the existing house that is on the forty acres. Ms. Bott stated that her husband is ill and they would like to build a small house on the land so her grandson can help take care of her husband.

Interested Parties:
None.

Comments and Questions:
Mr. Alberty asked the applicant if she has any intent to use the house as rental property or develop the land? Ms. Bott replied that she does not intend to do that.

Board Action:
On MOTION of ALBERTY, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to APPROVE a Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED and Variance to allow two dwelling units on one lot of record, finding that owner would like to keep the property under one ownership. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, on the following described property:


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Case No. 1675

Action Requested:
Use Variance to allow a mobile home on a lot in the CH zoned district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6, located 1202 East 64th Street North.

Comments and Questions:
Mr. Bruce reviewed Staff Comments from the Case Report.
Action Requested:
Variance of the required 30’ of frontage on a public street - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, located 11910 North Harvard Avenue.

Presentation:
The applicant, Carl Osborn, 11910 North Harvard, Skiatook, Oklahoma, submitted a plat of survey (Exhibit D-1) and stated that he purchased a house on a 5-acre tract that does not have frontage on a public street. He informed that an access easement to Harvard Avenue has been acquired and filed of record.

Richard Osborn, 11908 North Harvard, Skiatook, Oklahoma, stated that he is the father of the applicant and has sold his son a house and five acres, which is a portion of his 80-acre parcel.

Mr. Alberty asked Mr. Osborn if he is planning to sell off other lots, and he replied that the land will remain agriculture, with no further sale of property at this location.

In reply to Mr. Alberty, Mr. Osborn stated that a 60’ easement to Harvard Avenue is dedicated for access and utilities.

Board Action:
On MOTION of ALBERTY the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to APPROVE a Variance of the required 30’ of frontage on a public street - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6; per survey submitted; subject to a 60’ easement being filed of record; finding a hardship demonstrated by the existing dwelling and the fact that the subject property and the surrounding 75 acres is family owned; on the following described property:

S/2, NW/4, NE/4, SE/4, Section 5, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1324

Action Requested:
Appeal the decision of an administrative official - SECTION 1650. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 27, located 4105 West 41st Street.

Presentation:
The applicant, Carl Hopkins, 4105 West 41st Street, was represented by attorney Darrell Matlock, 4410 South 33rd West Avenue. Mr. Matlock informed that he is involved in another hearing at this time and requested that Case No. 1324 be continued to February 7, 1995.
Note: Graphic overlays may not precisely align with physical features on the ground.

Subject Tract

CBOA-2801

21-13 05

Aerial Photo Date: February 2018
Sixty foot wide Road and Utility Easement

A strip of land in the Southeast Quarter (SE/4) of Section 5 T21N R13E, Tulsa County, Oklahoma, being sixty (60) feet in width for the purpose of a road and utility easement more particularly described as follows, to-wit:

The South thirty (30) feet of the North half of the Northeast Quarter of the North Quarter of the Southeast Quarter (N/2 NE/4 NE/4 SE/4) AND The North thirty (30) feet South half of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (S/2 NE/4 NE/4 SE/4) all in Section 5 T21N R13E, Tulsa County, Oklahoma.
QUITCLAIM DEED

THIS DEED made December 7, 2019, by Billie Dee Osborn, trustee of the Billie Dee Osborn Trust dated July 10, 2003, as amended from time to time, as grantor ("Grantor"), and Erin Kay Osborn Herring, a single woman, as grantee ("Grantee").

Grantor, in consideration of $10.00 and other good and valuable consideration duly paid, the receipt of which is acknowledged, does quitclaim, grant, bargain, sell, and convey to the Grantee all of Grantor's right, title, interest, estate, and every claim and demand, both in law and in equity, in and to all the following described property situated in Tulsa County, Oklahoma:

N/2 NW/4 NE/4 SE/4 of Section 5 T21N R13E; Tulsa County, Oklahoma, containing 5 acres more or less,

together with all the improvements and appurtenances on the premises.

TO HAVE AND HOLD the described premises to the Grantee, Grantee's heirs, successors, and assigns forever.

Executed on the day and year written above.

[Signature]

Billie Dee Osborn, trustee of
the Billie Dee Osborn Trust dated July 10, 2003
Grantor

CARL M. OSBORN
P.O. BOX 105
OWASSO 74055
STATE OF OKLAHOMA  
COUNTY OF TULSA  

This instrument was acknowledged before me in Tulsa County, Oklahoma, on December 7, 2019, by Billie Dee Osborn, as Trustee, who personally appeared before me and is known to me to be the identical person who executed the within and foregoing instrument, and she acknowledged to me that she executed it as her free and voluntary act and deed for the uses and purposes therein set forth.

[Signature]
Notary Public

EXEMPT FROM DOCUMENTARY STAMP TAX PURSUANT TO 68 O.S. § 3202(4).
To Whom It May Concern;

Erin Osborn Herring has my permission to use a portion of my property in Tulsa County to drive to her property in the same county.

Karen D. Osborn Stanford

[Signature]

Karen D. Osborn Stanford
ATTN: Tulsa County Assessors;

This letter is legal documentation giving permission for Alex and Erin Herring to access their property through my property in Tulsa county. Any questions please notify me.

Sincerely,

Judith Diane Dallas
177 Steeplechase circle
Waxhaw, NC 28173
317-750-9760
To Tulsa County Planning;

I have no issues with Erin Herring using the existing road and easement to access her Property (11926 N. Harvard, 74070).

Carl M. Osborn

1/2/2020
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