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

APPLICANT: Lloyd Anderson

ACTION REQUESTED: A Variance of the maximum permitted floor area for a detached accessory building in an RS district. (Section 240.2.E)

LOCATION: 16434 W 56 PL S

FENCING: Sand Springs

PRESENT USE: Residential

LEGAL DESCRIPTION: LT 2 BLK 2, PLEASANT OAKS ADDN II

TRACT SIZE: 1.22 acres

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LOCATION: 16434 W 56 PL S

FENCING: Sand Springs

PRESENT USE: Residential

LEGAL DESCRIPTION: LT 2 BLK 2, PLEASANT OAKS ADDN II

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2354 February 2010: The Board denied a Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,200 sq. ft. finding the applicant has made no attempt or communicated no attempt to comply, on property located at 5823 S. 170th W. Ave.

CBOA-2298 June 2008: The Board approved a Variance of the maximum permitted floor area for a detached accessory building in the RS district, with conditions not to exceed 1,500 sq. ft.; and no commercial uses associated with it, finding the size of the lot, located at 5633 S. 167th W. Av.

CBOA-2272 July 2007: The Board approved a Variance of the maximum permitted 750 sq. ft. of accessory buildings in the RS district to allow a 1,200 sq. ft. garage (Section 240.2.E); finding the oversized lot and the drainage across the rear yard; located at 17250 W. 59th St.

CBOA-2074 November 2003: The Board approved a Variance of allowable 750 sq. ft. for accessory building to 1,100 sq. ft., with conditions: no commercial operations on the premises and no living quarters; located at 5651 S. 167th W. Av.

CBOA-1964 June 2002: The Board approved a Variance of the allowable 750 sq. ft. for a detached accessory building to 1,750 sq. ft. on a 2.5 acre lot with conditions of wood frame or metal construction with rock veneer and a composition shingle roof, no exposed metal siding or roofing, and that the lot remain intact and not be split, located at 16723 W. 56th Pl. S.
ANALYSIS OF SURROUNDING AREA: The subject tract is abuts RS zoning to the north, south, and west. It abuts AG-R zoning to the east. Surrounding uses appear to be residential in nature.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the maximum size of a detached accessory building from 750 sq. ft. to 1,200 sq. ft. in an RS district (Section 240.2.E). According to the applicant, their stated hardship is: “Uniquely large lot for RS zoning. Can support larger building.”

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

According to the site plan provided with the application the applicant is proposing to construct a new 1,200 SF detached accessory building south of the existing house on the site.

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

SAMPLE MOTION:

“Move to ______ (approve/deny) A Variance of the maximum permitted floor area for a detached accessory building in an RS district. (Section 240.2.E)

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 _______.

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. 2362

**Action Requested:** Variance of the minimum required lot width in an AG district from 150 ft. (Section 330), located at 13031 N. Sheridan Rd.

**Presentation:**
Mike Marrara, 2001 S. 114th E. Ave., Tulsa, Oklahoma, stated his client would like to cutoff/purchase a two and one-half acre track at the rear of this property. During zoning, it was discovered that the minimum lot width is 150 ft. This piece of property is long and narrow its 330 feet wide by a quarter mile deep. The metal building and current house prevent splitting the property so as to achieve the minimum lot width. There is also a proposed 50' wide roadway easement for county for right away.

**Comments and Questions:**
Mr. Cuthbertson commented that if it splits this way, Tract No. 1 that can still be split if the house is removed.

**Interested Parties:**
There were no interested parties.

**Board Action:**
On Motion of Osborne, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to APPROVE a variance of the minimum required lot width in an AG district from 150 ft. (Section 330), on following described property: 13031 N. Sheridan Rd. Finding: the hardship being the narrowness of the lot along with the existing structure on the property and the natural ravine and tree line; as presented, per lot-split plan page 4.5.

**Board Action:**

\[N/2 N/2 NW SW LESS W16.5 FOR RD SEC 35 22 13,Tulsa County, State of Oklahoma\]

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**UNFINISHED BUSINESS**

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Case No. - 2354

**Action Requested:**
A Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), located: 5823 S. 170th W. Ave.

**Presentation:**
The applicant was not present.

**Comments and Questions:**
Mr. Cuthbertson recommended that this case be denied. He provided even with the denial the applicant can still build a 750 sq. ft., building.

02/16/2010/357(3)
Interested Parties:
Dan Schweitzer, 16907 W. 58th Pl. S. Tulsa, Oklahoma, asked if this recommendation is given would the applicant be required to take down the poles that are already up. The Board informed Mr. Schweitzer that the existing building would have to be brought down to the permitted size.

Board Action:
On Motion of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to Deny a variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), on the following described property: 5823 S. 170th W. Ave. Finding the applicant has made no attempt or communicated no attempt to comply.

LT 5 BLK 1, HIDDEN OAKS, Tulsa County, State of Oklahoma

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NEW BUSINESS

Introduction: Venda Zezulka as the new Recording Secretary.

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There being no further business, the meeting adjourned at 1:52 p.m.

Date approved: 3-16-2010

Chair

02/16/2010/357(4)
Mr. Schuller stated what is unique about this property is the location in this AG area. He then mentioned similar businesses and stated it is characteristic of this unincorporated area. He stated it would be a hardship to move everything to another location.

Mr. Cuthbertson reminded the Board that to the south of this street is zoned residential for single-family residences. Mr. Walker noted the subject tract is just a few hundred feet from a large residential area to the east and to the south. He stated it appears that this area is a growth area for residential. Mr. Osborne considered the business to have outgrown this property.

On Motion of Walker, the Board voted 4-0-0 (Tyndall, Walker, Osborne, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to DENY the alternative request for a Use Variance to permit a (Use Unit 15) Landscaping Service in an AG district, based on the fact there is nothing unique about the land except that it is in an AG setting, but the growth around it is residential; the use of a landscaping business is not appropriate, and would be harmful to the neighborhood, on the following described property:

W.330'N.635'E.660'SESW SEC. 4-17-14, Tulsa County, State of Oklahoma

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Case No. 2354

Action Requested:
Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), located: 5823 South 170th West Avenue.

Presentation:
Oscar Garcia, 5823 South 170th West Avenue, Sand Springs, Oklahoma, 74063, was present and Earnesto Galvez, came to interpret for the applicant. Mr. Garcia proposed to build a 2,100 sq. ft. accessory building for the storage of an RV, tractor, motorcycle, and personal property.

Comments and Questions:
Mr. Charney asked if there would be any commercial use in the building. Mr. Galvez stated it is not for commercial use. Mr. Walker noted there were no other metal buildings, nor any with the increased height. He noted others matched the materials and architecture of the homes. Mr. Charney mentioned that though the Board does not consider the covenants of a neighborhood, the applicant should be aware of any that would also be important as a private matter. Mr. Galvez stated the applicant would be willing to use brick on the accessory building to match the house. Mr. Charney found there were no other accessory structures on the property.
Interested Parties:

Mike Roberts, 5721 South 170th West Avenue, expressed concern that the applicant would bring cars from his used car business or use it for a shop. He has had some vehicles parked on the property in the past.

Bryan Chatham, 5822 South 170th West Avenue, was opposed to the size and metal construction. He was not opposed to a size and height within the code requirements and materials that match the house. He would not be opposed to a 14 ft. wall height to store a trailer. He stated all the other accessory buildings in the neighborhood match the materials of the house. He submitted photographs to the Board (Exhibit B-2).

Ray Pertulis, 5809 South 170th West Avenue, stated his property is to the north and adjacent to the subject property. He has made improvements to his back yard with plans to entertain there. He was opposed to the height, size, and metal construction of the proposed accessory building. He has noted trailers in the driveway with auto parts, and numerous farm animals, such as ponies, sheep and goats on the property.

Mr. Cuthbertson reminded the Board that the residential zoning prohibits keeping farm animals.

Brad Sherills, 16918 West 58th Place South, stated he is not opposed to the building. He was opposed to building in the side yard and having live stock, which are both against the covenants. He also mentioned at some time the applicant had two to three hundred old tires stacked along the privacy fence. He would not want tires stored that could catch fire. He did not think the building needs to be any taller than necessary to store an RV. He submitted photographs (Exhibit B-3).

Mr. Roberts asked if the building turned into a commercial venture what recourse the neighbors would have. Mr. Charney responded that they can contact the County Inspector's office.

James Walker, 5650 South 168th West Avenue, stated he has lived there for 15 years. He was concerned that the subject property could decrease the value of the surrounding properties. He commented that the proposed building is out of character with the neighborhood.

Charles Collins, 17017 West 59th Street, expressed concern that the access to the building crosses over lateral lines. He stated there is already leakage of those lines into the yard and down the drainage ditch. He was not opposed to the proposed building but within the zoning ordinances.

An email with photographs attached was received on the day of this meeting (Exhibit B-1).
Applicant's Rebuttal:
The applicant apologized through Mr. Galvez for upsetting the neighbors. When he understood he is not supposed to bring his work home, he stopped. He proposed to build a brick accessory building in the back yard. He was trying to do something quickly but he wants it to be ok with the neighbors.

Mr. Charney suggested the applicant needs a site plan, showing size, height, roof pitch, and information regarding the building materials. This would help the Board and the neighbors to understand what he proposes to build. Mr. Cuthbertson stated he would help the applicant to prepare for the next hearing.

Board Action:
On Motion of Charney, the Board voted 3-1-0 (Tyndall, Osborne, Charney "aye"; Walker "nay"; no "abstentions"; Dillard "absent") to CONTINUE Case No. 2354 to the meeting on February 16, 2010, to allow the applicant time to prepare plans for the proposed building, on the following described property:

LT 5 BLK 1, HIDDEN OAKS, Tulsa County, State of Oklahoma

Case No. 2355
Action Requested:
Special Exception to permit petroleum storage tanks (Use Unit 27) in the IM district (Section 910), located: 3132 West 21st Street.

Presentation:
Tim Terrill, Tulsa Engineering Planning Associates, 6737 South 85th East Avenue, stated his request. He pointed out some setback dimensions they specified on a plan (Exhibit C-1), which come from the Federal Fire Code. He also pointed out three tanks one of which is on two easements, and a pipe line. Those pipelines would be relocated. Magellan Midstream Partners currently owns the property to the east and south. They have a contract on the property in question, and once that is finalized this will all be under one common ownership. He is in the process of looking into a lot combination that may be needed.

Bryan Young, One Williams Center, Tulsa, is with the Magellan Midstream Partners, and displayed an enlargement of an aerial of the area.

Mr. Terrill stated that nothing will be added to the infrastructure. He pointed out various other types of tanks in the area. They feel that the request for the special exception is in character with the neighborhood and is in harmony. They did not feel there would be any kind of adverse affect on the surrounding properties based on the existing structures in the area.
Board Action:
On MOTION of Tyndall, the Board voted 3-0-0 (Tyndall, Charney, Walker, "aye"; no "nays"; "abstained"; Dillard, Hutson "absent") to CONTINUE to the meeting on July 15, 2008, regarding the following described property:

LT 4 BLK 2, WEKIWA HILLS, Tulsa County, State of Oklahoma

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Case No. 2298
Action Requested:
Variance of the maximum permitted floor area for a detached accessory building in the RS district (Section 240.2.E), located: 5633 South 167th West Avenue.

Presentation:
Terry Crambrink, 350 South 41st West Avenue, Tulsa, Oklahoma, 74127, stated he applied for building permits, and he was directed to this Board. He proposed to store his antique cars, a boat, and a motorcycle. He stated his lot is about one acre and he proposed to build a 1,974 sq. ft. home.

Comments and Questions:
Mr. Walker noted the size of the accessory building was compatible with the lot size. Mr. Charney stated the lot is several times larger than the minimal lot size in this zoning district.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Tyndall, the Board voted 3-0-0 (Tyndall, Charney, Walker, "aye"; no "nays"; "abstained"; Dillard, Hutson "absent") to APPROVE a Variance of the maximum permitted floor area for a detached accessory building in the RS district (Section 240.2.E), with conditions not to exceed 1,500 sq. ft.; and no commercial uses associated with it, finding the size of the lot, on the following described property:

LT 2 BLK 2 OAK HAVEN II, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 2:00 p.m.

Date approved: 8/19/08

Chair

06:17:08:337 (4)
for septic, skirting, tie-downs, with a lot combination for the south 11 lots, Lots 1-11 Block 46, finding it 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:

LTS 55 - THRU 64 BLK 45 & LTS 1 - 10 INCL. BLK 46 NORTH TANEHA Tulsa County, State of Oklahoma

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Case No. 2272

Action Requested:
Variance of maximum permitted 750 sq ft of accessory buildings in an RS district to allow a 1,200 sq ft garage (Section 240.2.8), located: 17250 West 59th Street South.

Presentation:
Brian Burris, 17250 West 59th Street South, proposed to add 15 ft. to an accessory building. The building would match the materials on the exterior of the house. He stated he has a one-acre lot. He planned to put it toward the back of the property and the configuration of his lot on a cul-de-sac and the natural flow of drainage on the back of his property limits where he can place the building. He communicated with his neighbors about the application and one sent a letter of support (Exhibit A-1). He expected another neighbor to come to this hearing in support.

Comments and Questions:
Mr. Charney asked about the waterline at the rear of the property. Mr. Burris pointed out the path of stormwater drainage from the neighboring properties that flow across the back of his land. Mr. West commented the variance will have to address placing the building in the side yard rather than the rear yard, as well as the size of the building.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Walker, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of maximum permitted 750 sq ft of accessory buildings in an RS district to allow a 1,200 sq ft garage (Section 240.2.8), finding the oversized lot and the drainage across the rear yard, to allow an accessory building in the side yard, on the following described property:

LT 8 BLK 2 PLEASANT OAKS III, Tulsa County, State of Oklahoma
Case No. 2073
Action Requested:
Special Exception to permit auto sales and repair in a CS district; and a Variance of required 300' from an R district for display of merchandise for sale. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located: 7035 & 7037 N. Peoria.

Presentation:
EuGene King, 510 S. Hominy, Skiatook, Oklahoma, stated he has two lots on one contract. He proposed to lease the 7037 lot to someone for auto sales/repair. He has a tire shop at 7035 N. Peoria. He would then apply for IL zoning. Both structures have water, restroom facilities, and heat.

Comments and Questions:
Mr. Hutson asked the depth of the property. Mr. King responded that the depth of the property from the center of the highway is approximately 200'. Mr. Walker asked if the cars would be visible from the residential neighborhood. Mr. King replied they would not as there is a screening fence in place on the east and south. Mr. King stated there would be approximately 20-25 autos on the back and front of the property. Mr. Walker stated there are parking requirements, an all-weather surface requirement and setback requirements. Mr. Walker asked about the hours of operation. Mr. King replied the hours of operation would be Monday through Saturday 9:00 a.m. to 6:00 p.m.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On Motion of Hutson, the Board voted 3-0-0 (Walker, Hutson, Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to APPROVE a Special Exception to permit auto sales and repair in a CS district; and a Variance of required 300' from an R district for display of merchandise for sale, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:
Lot 7, Block 9, Golden Hills Addition, Tulsa County, State of Oklahoma.

Case No. 2074
Action Requested:
Variance of allowable 750 square feet for accessory building to 1,100 square feet. SECTION 240.2. YARDS, Permitted Yard Obstructions, located: 5651 S. 167th W. Ave.
Presentation:
Kenneth Moore, 16427 W. 58th St. S., stated his request for new construction to serve as a pool house, storage and additional parking garage. Mr. Walker asked if he intended to use the building for commercial activity. Mr. Moore responded that he has a shop in town where he works all day and does not want to work at his home.

Comments and Questions:
Mr. Hutson asked the size of the lot. Mr. King replied it is over 1.25 acres. Mr. Tyndall asked about the elevations. Mr. King stated the building would be on the same elevation as the house with the same exterior materials as well. The building is already under construction.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On Motion of Tyndall, the Board voted 3-0-0 (Walker, Hutson, Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to APPROVE a Variance of allowable 750 square feet for accessory building to 1,100 square feet, with conditions: no commercial operations on the premises and no living quarters, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 5, Block 2, Oak Haven II, Tulsa County, State of Oklahoma.

Action Requested:
Approval of the 2004 County Board of Adjustment Meeting Calendar.

Presentation:
Mr. Beach pointed out three of the meetings are scheduled for the Aaronson Auditorium in the Tulsa Central Library.

Board Action:
On Motion of Hutson, the Board voted 3-0-0 (Walker, Hutson, Tyndall "aye"; no "nays"; no "abstentions"; Dillard "absent") to APPROVE the 2004 CBOA Meeting Calendar.

ADJOURNED
Board Action:
On MOTION of Walker, the Board voted (5-0-0) (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of land area per dwelling unit from 2.1 to 1.5 acres, finding other properties in the area with more than one dwelling per lot, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

E 198.00' W 462.00' S 660.00' E 660.00' of NE/4, Section 5, T-21-N, R-14-E, of the IBM, less 25.00' for roadway, Tulsa County, State of Oklahoma.

Case No. 1964
Action Requested:
Variance of the allowable 750 square feet for accessory building to 1,750 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located 16723 W. 56th Pl. S.

Presentation:
Martha Ann Witt, 16723 W. 56th Pl. S., Sand Springs, Oklahoma, stated the variance is to build a garage with a recreation room. The existing garage is too small for their vehicle. The proposed structure would have two larger garage doors. It would be located 170' off the road. A vehicle was stolen from their property, which is part of the reason for the application. She submitted a photograph (Exhibit A-1).

Comments and Questions:
Mr. Alberty asked if they planned any commercial business in the building. Mr. Arthur G. Witt, III, of the same address, replied that he is an electrical contractor, and he offices out of his house. He explained that all of his work is done on other sites. He added that he does not keep trucks or equipment at his home. Mr. Witt stated that the building would be for personal use only. Mr. Alberty asked if there are other similar size buildings in the neighborhood. Mr. Witt replied there is one larger building across the street. Mr. Witt noted that the parties present and in objection to the application, do not live on property adjoining his. The owners of the property abutting his are in support of the application.

Interested Parties:
Mr. Alberty mentioned the Board received a list of the restrictive covenants (Exhibit A-2) for the neighborhood from unnamed homeowners in Pleasant Oaks Addition.

Marita Bridges, 16427 W. 56th Pl. S., stated she opposes a metal building because the size is inappropriate in the neighborhood. She pointed out that the other building Mr. Witt referred to is a wood frame and brick building. She stated
that she was not notified about the other metal building in the neighborhood before it was built.

**Rita Hodges**, 17157 W. 58th St. S., Sand Springs, Oklahoma, stated this equals a four-car garage. She indicated that tax records show the house on the subject property is about 1793 square feet. The other large building across the street may have been built without a permit.

**Claudia Heller**, 16662 W. 56th Pl., Sand Springs, Oklahoma, submitted signatures in opposition (Exhibit A-3). She expressed the same reasons for opposition as previously stated.

**Lora Dale**, 5605 S. 70th W., Sand Springs, Oklahoma, stated she and her husband own the property directly behind the subject property. The applicants talked with them ahead of time, and they are in support. She stated there are other problems the neighborhood needs to deal with, rather than this project.

**Applicant’s Rebuttal:**
Mr. Witt stated that he has two and a half acres, not just a small lot and he would like to utilize it. He stated it is a metal building, but he would be willing to use a rock façade on the building, like his house. He added that the structure would not be visible to most people. He felt that it would increase rather than lower property values.

**Comments and Questions:**
Mr. Walker commented he could support it with condition for no lot-split and a rock façade. Mr. Hutson asked for the hardship. Mr. Witt stated he has had theft and needs a place to store personal possessions. Mr. Dillard asked what type of roof he planned to use. Mr. Witt responded it would have a metal roof. Ms. Witt asked for more information on hardships. Mr. Alberty explained the need for something unique with the land and the proportional size to the land area. She asked the Board to consider the size and amount of land.

**Board Action:**
On MOTION of Hutson, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the allowable 750 square feet for accessory building to 1,750 square feet, with conditions for a wood frame or metal construction, with rock veneer, and a composition shingle roof, no exposed metal siding or roofing, and that the lot remain intact and not be split, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 4, Block 1, Oak Haven II Addition, Tulsa County, State of Oklahoma.

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Subject Tract

CBOA-2804

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

Aerial Photo Date: February 2018