

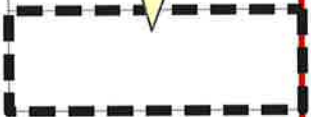
E 131 ST N

N 143 E AVE

ROGERS COUNTY
ZONING
UNAVAILABLE

AG

SUBJECT TRACT



E 126th ST N

US-169 Overlay

CS

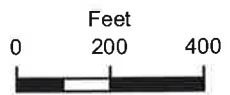
AG

N 145th E AVE

N MARIAN AVE

LEGEND

-  Collinsville Corporate Limits
-  Owasso Corporate Limits



CBOA-2867

4.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2433

CASE NUMBER: CBOA-2867

CZM: 75

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/19/2021 1:30 PM

APPLICANT: Michael Swaffar

ACTION REQUESTED: Variance of the side setback from 15 feet in an AG District (Sec. 330 Table 3).

LOCATION: 12815 N 143 AV E

ZONED: AG

FENCELINE: Collinsville

PRESENT USE: Residential

TRACT SIZE: 3.2 acres

LEGAL DESCRIPTION: S220 N1980 E/2 E/2 SE LESS W25 THEREOF FOR RD SEC 33 22 14 3.21AC (TR 9 PH 1),

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2472 August 2013: The Board approved a *Variance* of the lot area per dwelling unit from 2.1 acres to .76 acres to allow a lot-split; and a *Variance* of the side yard setback from 15' to 0' on property located at 12857 North 143rd Avenue East.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north, west, and south. Rogers County is to the east and it appears to be agricultural in use. The properties on N. 143rd East Avenue appear to be mainly residential in use with some possible agricultural uses scattered throughout the area.

STAFF COMMENTS:

The applicant is before the Board requesting a *Variance* of the side setback from 15 feet in an AG District (Sec. 330 Table 3). The Code requires a side yard setback of 15 feet in the AG District.

According to the site plan, the proposed accessory building will be 8'3" from the side setback and the size of the accessory building is 20' x 30'. The size of the accessory building is not limited in the AG district. There is an existing 20' x 30' shop located on the property and it is 6'8" from the side setback. It is unclear if the existing shop is legally non-conforming or not. The oldest aerial photography on Google Maps shows the existing shop was there in 1995.

The applicant has supplied the following statement of hardship: "*I believe that the variance in question will not cause detriment to the public good or impair the purpose of the zoning ordinance in that my neighbor is okay with the placement of the building.*"

4.2

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 side setback from 15 feet in an AG District (Sec. 330 Table 3).

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 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.

**LT 1 & ALL VAC SPRING ST ADJ ON N BLK 6, CHARLES PAGE HOME ACRES
SUB NO 1, OF TULSA COUNTY, STATE OF OKLAHOMA**

Case No. 2472—Stephanie Martin

FILE COPY

Action Requested:

Variance of the Land-Area per dwelling unit from 2.1 acres to .76 acres to allow a lot-split (Section 330, Table 3); Variance of the side yard setback from 15 feet to 0 feet (Section 330, Table 3). LOCATION: 12857 North 143rd East Avenue

Presentation:

Stephanie Martin, P. O. Box 68, Owasso, OK; stated she represents the land owners, Gene and Naomi Blood. They have owned the property since 1979, and at the time they purchased the property there was one mobile home on the property. In 2000 they moved another mobile home onto the property. Now the owners have reached a time in their life where they can no longer take proper care of the property and they have secured a buyer for the property. In 2004 they refinanced the property, paid for a survey, and was told that a lot-split would be done at that time. At a much later date it was discovered that the lot-split process was never finished. Now the owners want to due everything properly so they may sell the property if they want.

Mr. Draper asked about the mutual driveway that is mentioned in the Board's agenda packet. Ms. Martin stated there is a driveway on the property that is shared. Mr. Draper asked if there was a legal right for use of the driveway filed with Land Records. Ms. Martin there is not an agreement that has been recorded because it has never been an issue.

Mr. Bates stated that a mutual access agreement would be good, but the property does access to North 145th Street which is a dedicated roadway.

Mr. Charney asked if there has been any opposition from any of the neighbors. Ms. Martin stated that when she was taking pictures of the property a couple of the neighbors asked her questions, and they did not object.

Mr. Bates stated that staff had received a few calls and they were in support of the applicant's request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

FILE COPY

CSDA-02472

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Draper "aye"; no "nays"; no "abstentions"; Osborne, Walker "absent") to **APPROVE** the request for a **Variance** of the Land-Area per dwelling unit from 2.1 acres to .76 acres to allow a lot-split (Section 330, Table 3); **Variance** of the side yard setback from 15 feet to 0 feet (Section 330, Table 3), finding that there has been a long standing non-conforming use. The hardship is the long and narrow nature of the lot with some of the lots along the street being varying widths; for the following property:

S220 N1320 E/2 E/2 SE LESS W25 THEREOF FOR RD SEC 33 22 14 3.21AC (TR 6 PH 1), OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2473—Leon M. Kragel

Action Requested:

Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 square feet to 1,500 square feet (Section 240.2.E).

LOCATION: 2525 South 61st West Avenue

Presentation:

Leon Kragel, 2525 South 61st West Avenue, Tulsa, OK; stated he wants to replace the existing building and build a larger building in the same location. The building would be used to store his personal equipment.

Mr. Charney asked Mr. Kragel what type of building he was planning. Mr. Kragel stated that he plans to build a red-iron metal building that will be similar in color as the house.

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, Draper "aye"; no "nays"; no "abstentions"; Osborne, Walker "absent") to **APPROVE** the request for a **Variance** of the maximum permitted floor area for a detached accessory building in an RS district from 750 square feet to 1,500 square feet (Section 240.2.E). The hardship is the size of the lot which is long and deep, and several times the statutory zoning minimum of 6,900 square feet. This approval is subject to the site plan as submitted and there is to be no commercial use; for the following property:

LT 7 BLK 5, SECOND WEST TULSA VIEW ACRES SUB, OF TULSA COUNTY, STATE OF OKLAHOMA



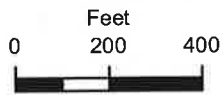
E 131 ST N

N 143 E AVE

E 126th ST N

N 145th E AVE

NIMARIAN AVE



 Subject Tract

CBOA-2867

22-14 33

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

Aerial Photo Date: February 2018



4.6



N 143 E AVE



Subject Tract

CBOA-2867

22-14 33

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

Aerial Photo Date: February 2018

4.7





Looking north onto subject property from N. 143rd E. Ave.



Looking northeast from N. 143rd E. Ave. toward location of the existing and proposed shops



Looking east from N. 143rd E. Ave. toward the northern property line

untitled map

untitled layer

 Property Line

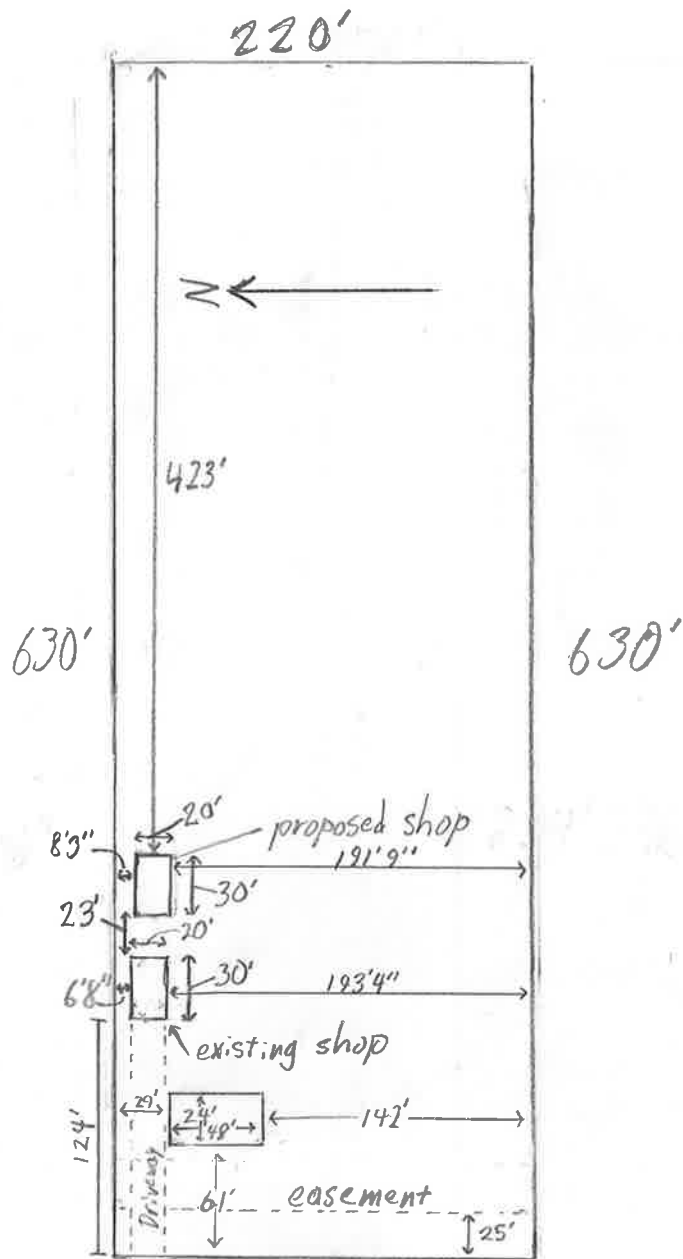


4.10

Site Plan for 12815 N 143 E Ave

CBDA-2867

824' 9 5/8"

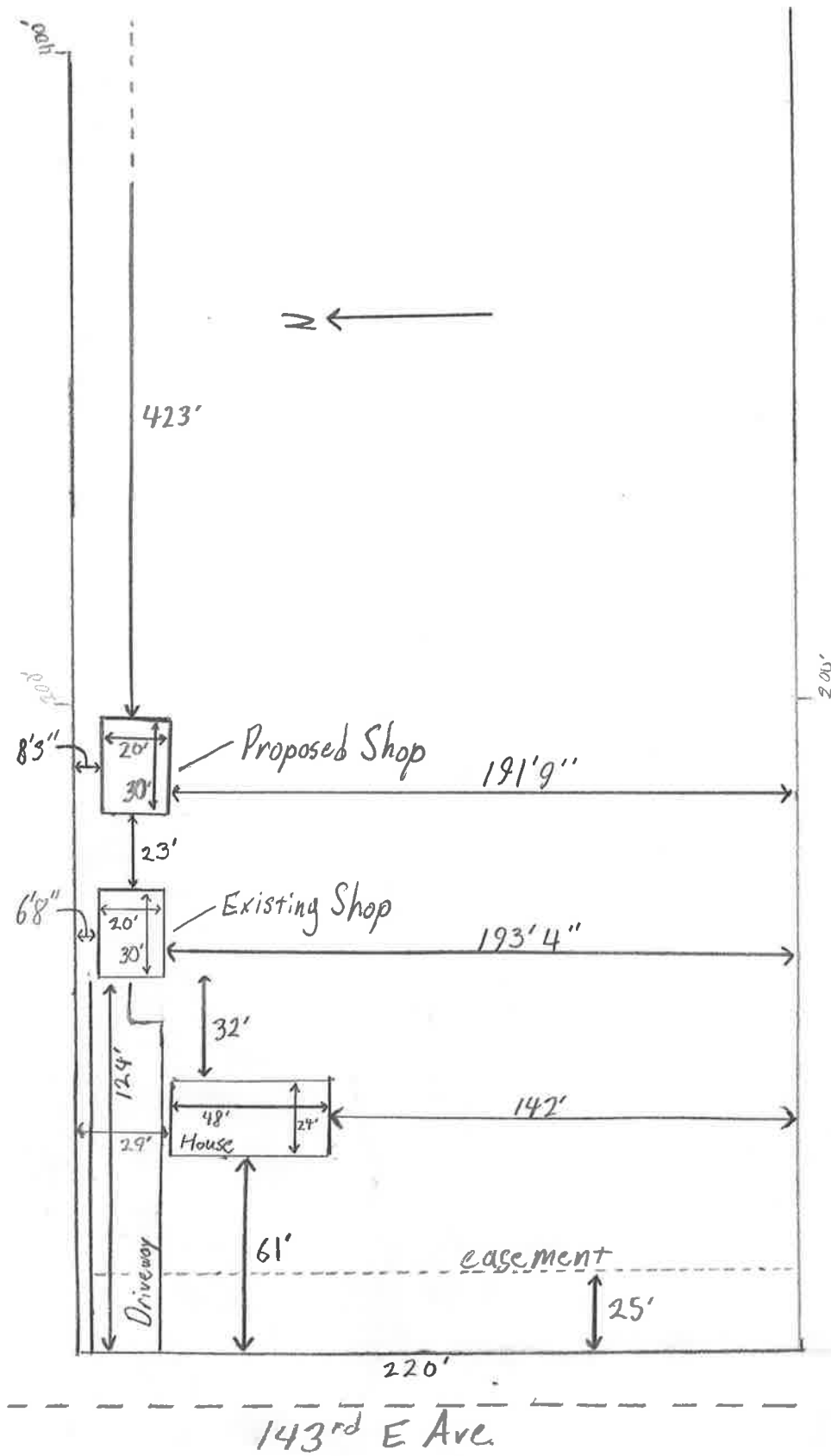


3.16 ac

scale - 1:1224 (1" = 0.25mm)

4.14
pg 1

West end of 12815 N 143 E Ave.



scale - 1:612 (1" = 0.5mm)

4.12