

CBOA-2868

16-13 06

LEGEND

 Glenpool Corporate Limits

5.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 6306

CASE NUMBER: CBOA-2868

CZM: 71

CASE REPORT PREPARED BY: Robi Jones

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

APPLICANT: Jerry Gordon

ACTION REQUESTED: Variance of the rear yard setback in an AG District to permit a pole barn (Section 330 Table 3).

LOCATION: 1376 E 181 ST S

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Residential

TRACT SIZE: 8.38 acres

LEGAL DESCRIPTION: BEG 258.45S NEC GOV LT 4 TH S525.10 W511.67 NW799.95 TO PT ON NL GOV LT 4 E254.97 S78.80 SE189.08 SE164.30 E137.96 POB LESS N50 THEREOF FOR RD SEC 6 16 13 8.378ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2750 May 2019: The Board approved a Variance of the minimum lot area in the AG District; and a Variance of the minimum land area per dwelling unit to permit a lot split, on property located at 1327 East 181st Street South.

Surrounding Property: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning. The property to the west is within the city limits of Glenpool and appears to be residential. Properties to the north, east, and south appear to be a combination of residential and agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the rear yard setback in an AG District to permit a pole barn (Section 330 Table 3).

The Code requires a 40 ft rear yard setback in an AG district. The applicant has requested a variance to reduce the rear yard setback to 20 ft. to permit a 35' x 45' barn.

The applicant provided the following statement: *"My intent was to reskin existing barn build in 2005. Called to clear with County. Once started, barn was rotted so we were reframing over old structure not knowing about 40' easement min. Barn was finished in 3 days then I was notified of min. setback. It is sitting where it has been since 2005. I can't move it. There are no neighbors anywhere close."*

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In May 2019, the parent tract was split into two parcels which required Board Action as one of the tracts did not meet the minimum land area and lot size in an AG district. The request was approved. The applicant split the parcel and retained ownership of the 8.23-acre tract. A single-family home was built on the property in 2019.

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

Sample Motion:

“Move to _____ (approve/deny) a Variance of the rear yard setback in an AG District to permit a pole barn (Section 330 Table 3).

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”

that the easement was executed by the necessary partners to make it permanent speaks to maintenance and satisfies the Board's conditions. The Board has found that the hardship is the access in the standard manner with the topography makes it unreasonable; the topography, drainage, the existing trees make it unique and peculiar to the land. The Variance will not cause substantial detriment to the public good or impair the purposes, spirit or intent of the Code or Comprehensive Plan; for the following property:

**E/2 SW NE NW & W/2 SE NE NW & W30 E/2 NW NE NW SEC 30 22 13 10.436ACS,
OF TULSA COUNTY, STATE OF OKLAHOMA**

2750—Jerry Gordon

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Action Requested:

Variance of the minimum lot area in the AG District (Section 330 Table 3);
Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split. **LOCATION:** 1327 East 181st Street South

Presentation:

Jerry Gordon, 12818 South Birch Street, Jenks, OK; stated he purchased 11 acres and would like to build a house on the subject property. The land at the north end is a small triangular piece and he would like to sell it since it does not benefit him. There are ponds on the property, and he needs to maintain those ponds himself, so he is pushed back as far as he can go.

Mr. Charney asked Mr. Gordon if he had any objection to the granting of the additional right-of-way on the northerly boundary of the property. Mr. Gordon stated that he does not. Mr. Charney stated that it pinched down the usable land because of the topography and the ponds on the property. Mr. Gordon stated that he wants to make sure that he maintains the ponds.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the minimum lot area in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split, subject to conceptual plan 8.7 of the agenda packet. The approval is contingent on the applicant dedicating the necessary right-of-way along the northerly portion of the property as required by Code. The Board has found the hardship to be the topography

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and the ponds. It is such extraordinary or exceptional conditions or circumstances to other property in the same use district, and the Variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit or intent of the Code or the Comprehensive Plan; for the following property:

BEG NEC LT 4 TH S783.55 W1119.68 N774.78 E1116.75 TO POB LESS W518 THEREOF & LESS BEG 598.76W & 389.76S NEC LT 4 TH S399.97 W90 N389.04 TO POB & BEG 598.76W NEC GOV LT 4 TH S389.76 NW399.98 E90 TO POB SEC 6 16 13 10.682ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2751—Kathy Portley

Action Requested:

Special Exception to permit a manufactured home in an RS District (Section 410).

LOCATION: 3001 South 49th West Avenue

Presentation:

Kathy Portley, 9516 East Admiral Place, Tulsa, OK; stated the subject property is for her customer who could not attend today who like to have a manufactured home on the property.

Interested Parties:

There were no interested parties present.

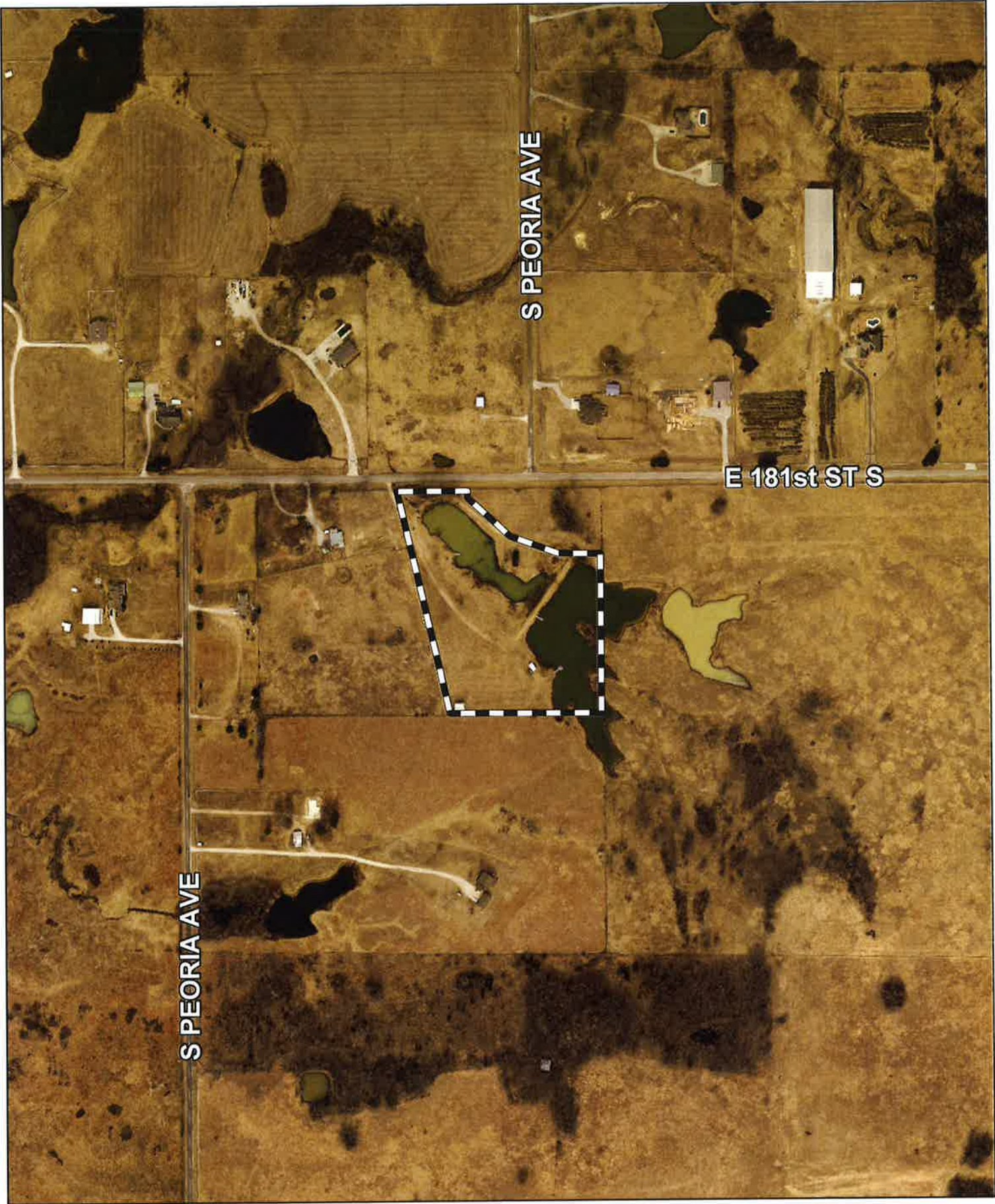
Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home in an RS District (Section 410), subject to conceptual plan 9.34 of the agenda packet. The approval is subject to the standard manufactured home conditions, referring to the listing that is on file at the permit office. The approval of the manufactured home is required to have a solid hard surface parking pad. The Special Exception is in harmony with spirit and intent of the Code and would not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

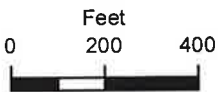
BEG 503.98N SWC SW TH N155 E224.50 S155 W224.50 POB SEC 16 19 12 .796ACS, OF TULSA COUNTY, STATE OF OKLAHOMA



S PEORIA AVE

E 181st ST S

S PEORIA AVE



Subject Tract

CBOA-2868

16-13 06

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

Aerial Photo Date: February 2018



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E 181st ST S



Subject Tract

CBOA-2868

16-13 06

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

Aerial Photo Date: February 2018

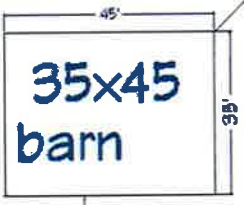


5.7

112'-2 5/16"

Home
Built in
2019

Barn
Built in
2005

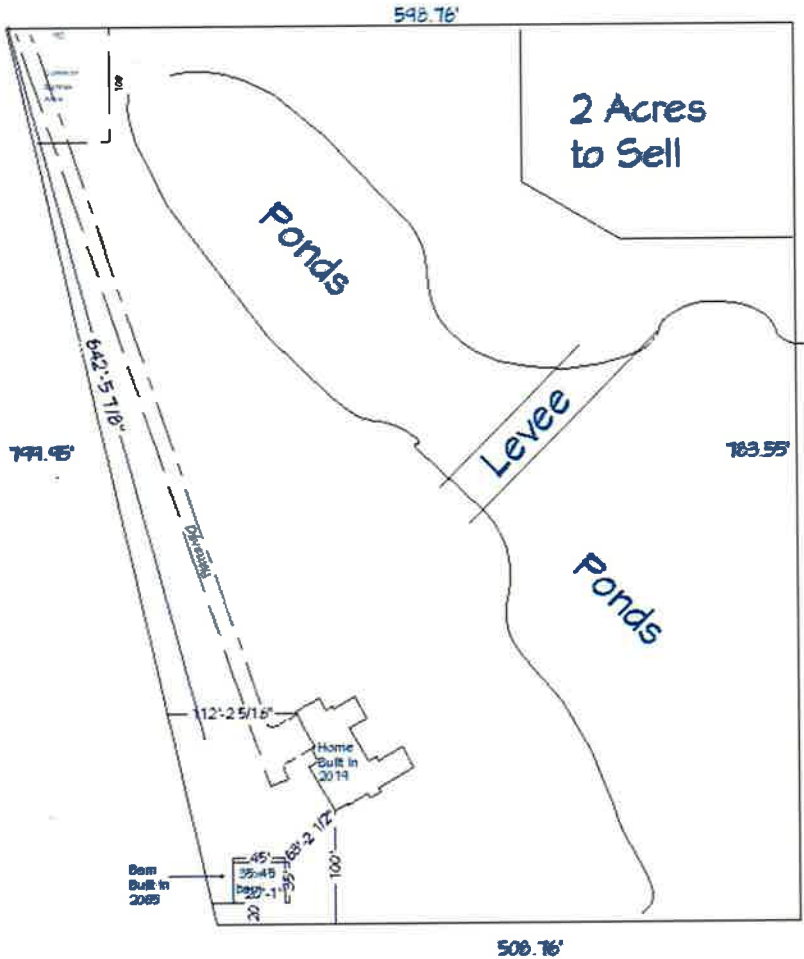


63'-2 1/2"

100'

1376 E. 181st St. So.

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