TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT

TRS: 9024  
CZM: 42

CASE NUMBER: CBOA-2870

CASE REPORT PREPARED BY: Robi Jones

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

APPLICANT: Amy and Michael Thayer

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district (Section 207)

LOCATION: N. and W. of the NW/c of W. 35th St. & S. 177th W. Ave  
ZONED: AG

FENCeline: Sand Springs

PRESENT USE: Vacant  
TRACT SIZE: 8.38 acres

LEGAL DESCRIPTION: PRT NE BEG 338E NWC NE TH E335 S1082.57 W323 NE96.48 NW30 N983.88 POB SEC 24 19 10 8.383ACS, TWILIGHT RIDGE

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the west, north, and east. It abuts AG-R zoning to the south. Uses appear to be a mixture of residential and agricultural.

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 30 feet in the AG district (Section 207)

The Code requires that any property intended to be utilized for residential purposes contain at least 30 ft of frontage on a public street. The Code attempts to ensure that each residentially used parcel has unfettered access and emergency access. The Code also attempts to prevent wildcat subdivisions.

According to the site plan provided by the applicant, the property is currently accessed through an Access and Utility Easement off South 184th West Avenue. The applicant is proposing a lot line adjustment that would create a 2.26-acre parcel and a 14.43-acre parcel. The larger parcel would still have 30 feet of frontage. The smaller parcel would have 0 feet of frontage however, it would still abut the easement. The site plan shows an Access and Utility Easement, and the applicant provided the attached copies of the recorded easement.

The applicant provided the following statement, “The total property we own is 16.69 acres with 30 ft of frontage. We plan to build a home on the property in 2021 and have submitted a lot line request. Our daughter and son-in-law would like to build on the property as well to be near family. We’ve had a survey done to show a lot line change to make the property 14.43 and 2.26 acres. We are requesting a frontage variance from 30 to 0 feet on the 2.26 acres so that our daughter and son-in-law can build on that piece of property. There is already an access and utility easement for the property, Doc. # 2018023087 filed 03/19/2018.”
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 minimum frontage requirement on a public street or dedicated right-of-way from 30 feet 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.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Looking north at subject property from S. 184th W. Ave - Google Image 12-27-2018
January 7, 2021

re: Water service availability for proposed lot split

To whom it may concern:

The City of Sand Springs has a 6 inch public main water line running north on the east side of 184th W Ave, Sand Springs, OK, terminating at the northwest corner of the current 3351 S 184th W Ave 1.01 acre lot. This water line is able to service a regular, domestic water tap (1 inch or smaller) each for both the proposed 2.26 acre lot split tract and the 14.43 acre remainder tract as described in the Outline for Lot Consolidation / Lot Split prepared by Winston D. Tallent, LS 1024, on December 14, 2020, for Mike and Amy Thayer, 3441 S 184th W Ave, Sand Springs, OK, part of NE/4 Sec. 24, T19N R10E, together with an Access and Utility Easement described as document 20180223087 filed with the Tulsa County Clerk office.

Ken Boswell
Division Supervisor
918-246-2692
kwboswell@sandspringsok.org
OUTLINE FOR LOT CONSOLIDATION / LOT SPLIT

for

MIKE & AMY THAYER PROPERTY
Part of NE/4 Sec. 24, T19N R10E
Tulsa County, Oklahoma

SHEET 1 OF 4 - DEPICTS AND DESCRIBES THE TWO PROPERTIES
SHEET 2 OF 4 - DEPICTS AND DESCRIBES THE COMBINED PROPERTY
SHEET 3 OF 4 - DEPICTS AND DESCRIBES THE PROPOSED LOT SPLIT
SHEET 4 OF 4 - DEPICTS AND DESCRIBES THE REMAINDER PROPERTY
SUPPLEMENTAL - FILED COPY OF CORRECTED ACCESS AND UTILITY EASEMENT Doc # 2018023087
Tract 1 Description:
A part of the Northeast Quarter (NE/4) of Section Twenty-Four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said NE/4; thence North 88°51'51" E along the North line of said NE/4 a distance of 338.00 feet to the Point of Beginning; thence North 88°51'51" E along said North line a distance of 335.00 feet; thence South 00°13'33" E a distance of 1082.57 feet to the Northeast corner of Lot 5, Block 2 of TWILIGHT RIDGE, a subdivision in said NE/4; thence South 88°47'09" W along the North line of said subdivision a distance of 323.00 feet; thence North 05°49'24" East a distance of 96.48 feet; thence North 84°18'21" N a distance of 30.00 feet; thence North 00°43'04" E a distance of 883.88 feet to the Point of Beginning.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

Tract 2 Description:
A tract of land in the Northeast Quarter (NE/4) of Section Twenty-Four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said NE/4; thence North 88°51'51" E along the North line of said NE/4 a distance of 673.00 feet to the Point of Beginning; thence continuing North 88°51'51" E along said North line a distance of 305.91 feet; thence South 00°00'00" E a distance of 1080.62 feet to a point on the North line of Lot 4, Block 1, of "Twilight Hills Estates", a subdivision in the NE/4 of Section 24, according to the recorded Plat thereof; thence South 87°59'22" W along the North line of said Lot 4 a distance of 151.37 feet to the Northeast corner of Lot 5, Block 1, of "Twilight Hills Estates"; thence South 84°52'17" W a distance of 184.89 feet to the Northwest corner of said Lot 5; thence North 01°21'34" E a distance of 13.34 feet to the Northeast corner of Lot 5, Block 2, of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof; thence North 00°13'33" E along the Easterly line of that certain parcel recorded as doc. # 2018040591 in the office of the Tulsa County Clerk for a distance of 1082.57 feet to the Point of Beginning, containing 8.30 acres, more or less. Subject to Easements and Rights of Way of Record and Statutes.
Consolidated Description:
A tract of land in the Northeast Quarter (NE/4) of Section Twenty-Four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit:
Commencing at the Northwest corner of said NE/4; thence North 88°51'51" East along the North line of said NE/4 a distance of 338.00 feet to the Point of Beginning; thence continuing North 88°51'51" East along said North line a distance of 665.91 feet to a point on the North line of Lot 4, Block 1, of "Twilight Hills Estates", a subdivision in the NE/4 of Section 24, according to the recorded Plat thereof; thence South 87°59'22" West along the North line of said Lot 4 a distance of 151.37 feet to the Northeast corner of Lot 5, Block 1, of "Twilight Hills Estates"; thence South 84°52'17" West a distance of 184.89 feet to the Northwest corner of said Lot 5; thence North 01°21'34" East a distance of 13.34 feet to the Northeast corner of Lot 5, Block 2, of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof; thence South 89°47'09" West along the North line of said Block 2 a distance of 323.00 feet; thence North 05°49'24" East a distance of 96.48 feet; thence North 84°18'21" West a distance of 30.00 feet; thence N 00°43'04" East a distance of 983.88 feet to the Point of Beginning, containing 16.69 acres, more or less, Subject to Easements and Rights of Way and Statutes.

Together with an Access and Utility Easement benefitting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

Prepared for Lot Consolidation and Lot Split consideration.

WITNESS my hand and seal this 14th day of December 2020.

\[Signature\]

Sheet 2 of 4  Registered Land Surveyor
Lot Split Tract Description:
A tract of land in the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Beginning at a point on the North line of Lot 5, Block 2 of "Twilight Ridge", a subdivision in the NE/4 of Section 24, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said point being 15.00 feet East of the Northwest corner of said Lot 5; thence North 01°12'51" West a distance of 91.67 feet; thence North 56°38'55" East a distance of 146.92 feet; thence North 00°00'00" East a distance of 492.24 feet; South 00°00'00" E a distance of 158.00 feet to a point on the North line of Lot 4, Block 1, of "Twilight Hills Estates", a subdivision in the NE/4 of Section 24, according to the recorded Plat thereof; thence South 87°59'22" West along the North line of said Lot 4 a distance of 151.37 feet to the Northeast corner of Lot 5, Block 1, of "Twilight Hills Estates"; thence South 84°52'17" West a distance of 184.89 feet to the Northwest corner of said Lot 5; thence North 01°21'34" East a distance of 13.34 feet to the Northeast corner of Lot 5, Block 2, of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof; thence South 88°47'09" W along the North line of said Lot 5 a distance of 278.00 feet to the Point of Beginning, containing 2.26 acres, more or less. Subject to Easements and Rights of Way of record and statutes.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

Prepared for:
Mike and Amy Thayer
3441 South 184th West Ave.
Sand Springs, Oklahoma
918 688 9717

Prepared for Lot Consolidation and Lot Split consideration.
WITNESS my hand and seal this 14th day of December 2020.
Remainder Tract Description:
A tract of land in the Northeast Quarter (NE/4) of Section Twenty-Four (24), Township Nineteen (19) North Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, wit:

Commencing at the Northwest corner of said NE/4; thence North 88°51'51" East along the North line of said NE/4 a distance of 338.00 feet to the Point of Beginning; thence continuing North 88°51'51" East along said North line a distance of 665.91 feet; thence South 00°00'00" East a distance of 922.62 feet to a point; thence South 90°00'00" West a distance of 492.24 feet; thence South 56°39'55" West a distance of 146.92 feet; thence South 01°12'51" East a distance of 91.67 feet to a point on the North line of Lot 5, Block 2 of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof, said point being 15.00 feet Easterly of the Northwest corner of said Lot 5 thence South 88°47'09" West along the North line of said subdivision a distance of 45.00 feet; thence North 03°49'24" E a distance of 96.48 feet; thence North 84°16'21" West a distance of 30.00 feet; thence North 00°43'04" East a distance of 983.88 feet to the Point of Beginning, containing 14.43 acres, more or less. Subject to Easements and Rights of Way of Record and Statutes.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 2018023087 in the office of the Tulsa County Clerk.
THIS INDENTURE, made this 19th day of March, 2018, between WINSTON D. TALLENT and LINDA L. TALLENT, husband and wife, parties of the first part, hereinafter called “Grantors” and the “RECORD OWNERS” of land lying North, East and West of the hereinafter legally described land referred to as the Easement Strip, party of the second part, hereinafter called “Grantees”.

That the Grantors are owners of the legal and equitable title to land in Section 24, Township 19 North, Range 10 East, hereinafter legally described and referred to as the Easement Strip, for and in consideration of value received, the receipt of which is hereby acknowledged, Grantors do hereby grant and convey to Grantees, their heirs and assigns an access easement over the following described property, situated in Tulsa County, Oklahoma and described as follows:

Beginning at the Northeast corner of Lot 10, Block 3 of “Twilight Ridge” a Subdivision in the Northeast Quarter (NE/4) of Section 24, Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded Plat No. 5967; thence S 88°47'09" W along the North line of said Lot 10 a distance of 15.00 feet; thence N 01° 12' 51" W a distance of 102.57 feet; thence S 84° 18'21" E a distance of 90.66 feet; thence S 01° 12' 51" E a distance of 91.67 feet to a point on the North line of Lot 5, Block 2 of said “Twilight Ridge”; said point being 15.00 feet Easterly of the Northwest corner of said Lot 5; thence S 88° 47' 09" W a distance of 75.00 feet to the Point of Beginning.

This easement is for the purpose of permitting access and maintenance of a private driveway, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and affording the aforesaid, their heirs, assigns, 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 private driveway and utilities. Provided however, that the Grantors reserve the right to construct, maintain, operate, lay and relay any and all utilities, use the private drive, build a private drive, and grant additional access rights to these easements, as long as they do not restrict reasonable access to easement holders of property adjacent and contiguous to said Easement Strip.

Grantors reserve the option, and hereby put Grantees on notice of said option, to give a similar easement over the same Easement Strip to future grantees of land that is contiguous and adjacent to the Easement Strip.

Each Grantee of an easement over the Easement Strip shall maintain the road in proportion to the Grantee’s use of the road as determined by linear feet. In the event contiguous and adjacent property owners abut the North, West and East boundaries of the Easement Strip, each such owner shall share the proportionate cost of maintenance with the other owners of land adjacent and contiguous to the Easement Strip. (See attached Exhibit A for an example.)
The Easement Strip will be maintained as a gravel drive, with bar ditches, suitable for vehicular travel. The cost of maintenance for the Easement Strip shall be solely determined by Grantors, their heirs or assigns. In the event any grantee of such easement does not wish to pay the established cost of maintenance, said grantee agrees to issue Grantors, their heirs and assigns a Release of Easement for the Easement Strip. If Grantors, their heirs and assigns, file suit to enforce this agreement, Grantees, their heirs and assigns, agree to pay all of Grantors' attorney fees and costs. In the event Grantors do file suit to enforce this agreement, Grantors, in addition to monetary damages may elect, as a remedy, to terminate Grantees' easement granted herein.

Grantors reserve the option, and hereby put Grantees on notice of said option, to dedicate the area described as the Easement Strip to the Public. In the event such a dedication is made any existing easement, with corresponding duty of maintenance, related to such area shall cease to exist.

This easement runs with the land.

The servient estate for this easement is the Easement Strip.

IN WITNESS WHEREOF, the said Grantors, have hereunto set their hands the day and year above written.

________________________
WINSTON D. TALLENT

________________________
LINDA L. TALLENT

STATE OF OKLAHOMA )
) ss.
COUNTY OF TULSA )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this _19_ day of _March_ , 2018, personally appeared WINSTON D. TALLENT and LINDA L. TALLENT 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 acts and deeds for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

________________________
Notary Public

My Commission expires: 11/13/21

7.13
Exhibit A

The basis for determining the specific share each easement user will pay will be dependent upon the length of the total easement and the number of easement users. For example, if the Easement Strip were 200 feet long and there is a grantee on the East, one on the West and one on the North, then the linear feet is 200 feet times 3 or 600 feet. If the East and West users had driveways 100 feet down the drive opposite each other (using the same 100 feet) each would be responsible for 1/6 and the one on the North would be responsible for 4/6—which would be fair since the 3 of them use 100 feet (1/6th each) and the Northern one uses the last 100 feet by himself (3/6).