**TULSA COUNTY BOARD OF ADJUSTMENT**

**CASE REPORT**

**TRS:** 9021  
**CZM:** 41

**HEARING DATE:** 03/16/2021 1:30 PM

**APPLICANT:** Jeremy and Elizabeth Morris & Joshua Glovatsky

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

**LOCATION:** N. and E. of the NE/c of W. 41st St. S. & S. 249th W. Ave.  
**ZONED:** AG

**AREA:** Keystone

**PRESENT USE:** Vacant  
**TRACT SIZE:** 160 acres

**LEGAL DESCRIPTION:** NW SEC 21 19 10 160ACS,

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoning and what appears to be agricultural uses or just vacant land.

**STAFF COMMENTS:**

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

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 to 0 feet in the AG district (Section 207).

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0’ of frontage onto West 41st Street South. The applicant has submitted a copy of a 30’ access easement from West 41st Street South to their property.

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

Finding the hardship to be ________.

Subject to the following conditions (if any) ________________.
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."
ROADWAY EASEMENT

The Roadway Easement described herein (the “Easement”) is hereby granted this 16th day of July, 2017, by CLAUDE W. MCCOY and BETTY L. MCCOY, husband and wife (“Grantors”) to the owners of the parcels of real property described on Exhibit A hereto or any part thereof and their assignees as herein provided (“Grantees”).

Grantors own the property described on Exhibit B hereto (the “Grantors’ Property”). This Easement is granted to Grantees and their successors and assigns of the Grantees’ Properties (the “Grantees’ Assigns”) to assure access to Grantees’ Property.

Grantors, as the legal and equitable title owner of the real estate subject to the Easement described herein hereby grants and conveys unto Grantees and the Grantees’ assigns a private, permanent, non-exclusive access easement over and across the property described on Exhibit C hereto (the “Easement Property”), part of which traverses Grantors’ Property and part of which traverses adjacent properties, for a private roadway for the purposes of providing vehicular and other access for the non-exclusive use of the owners of the Grantees’ Property, their successors and assigns, refuse collection service, the United States Post Office, law enforcement agencies, personnel of Tulsa County, Oklahoma, the State of Oklahoma and United States of America, the operators of all emergency vehicles, and the guests, tenants, invitees and licensees of the owners, from time-to-time, of the Grantees’ Property. No owner, tenant, guest, invitee, or other person using said Easement shall in any manner obstruct said Easement or interfere with the use of said Easement for vehicular or other access. Said Easement shall be used only for a private roadway. No above ground structures shall be permitted on the Easement.

This Easement, and the rights granted hereunder to Grantees and the owners of the Grantees’ Property and their successors and assigns, may be released or limited at any time by the then owners of the properties.
IN WITNESS WHEREOF, the Grantors have executed this Roadway Easement effective the date first above written.

Claude W. McCoy

Betty L. McCoy

STATE OF OKLAHOMA  } ss.
COUNTY OF TULSA  }

Before me, a Notary Public in and for said county and State, on this 1st day of 2017, personally appeared Claude W. McCoy and Betty L. McCoy, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Commission:

Melody K. Jennings
Notary Public
EXHIBIT "A"

Parcel 8
A tract of land being a part of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County Oklahoma and being more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section 20; thence S 89°38'35" E along the North line of the Northeast Quarter a distance of 1318.13 feet to the Northwest corner of the Northeast Quarter of the Northeast Quarter; thence S 00°01'57" E 1322.84 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter; thence S 00°00'28" W 3168.10 feet; thence S 56°50'28" E 209.41 feet; thence S 21°22'09" E 116.33 feet; thence S 04°01'03" E 199.92 feet; thence S 04°02'29" E 125.03 feet; thence S 12°24'18" W 184.13 feet; thence S 36°10'06" W 57.52 feet; thence N 00°17'38" E 331.47 feet; thence N 89°26'20" W 331.95 feet; thence S 00°47'38" W 33.00 feet; thence N 89°26'22" W 825.74 feet; thence N 00°17'38" E 33.00 feet; thence N 89°44'35" W 668.93 feet; thence N 00°03'01" E 623.85 feet; thence N 00°06'42" E 2648.82 feet; thence N 53°12'36" W 457.97 feet to a point on the Easterly right of way line of a County road; thence N 33°39'04" E 96.80 feet along said County road; thence N 12°33'56" W 197.76 feet along said County road; thence N 21°53'04" E 20.50 feet along said County road; thence S 67°14'12" E 630.04 feet; thence N 20°17'59" E 223.50 feet; thence N 02°58'01" W 190.14 feet; thence N 69°20'01" W 336.59 feet to a point on said County road; thence N 21°44'20" E 397.72 feet along said County road; thence N 42°15'57" E 673.21 feet to the point of beginning.

Parcel 9
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Southwest corner of the Northeast Quarter, thence S 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet; thence N 50°55'18" E 1884.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1176.23 feet to the Southwest corner of the Northwest Quarter of Section 21; thence N 00°09'19" W 1322.06 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

Parcel 10
The Northwest Quarter (NW4) of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma.

Parcel 11
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southeast corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 661.57 feet to the Southeast corner of Section 20; thence N 89°26'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 50°55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the point of beginning.
EXHIBIT "B"

Parcel 9
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Southwest corner of the Northeast Quarter, thence S. 00°00'28" W 3158.10 feet; thence S 56°50'28" E 208.41 feet; thence N 50°55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1175.23 feet to the Southwest corner of the Northwest Quarter of Section 21; thence N 00°09'19" W 1322.06 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

and

Parcel 11
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 09°02'00" E 661.57 feet to the Southeast corner of Section 20; thence N 89°26'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45' 49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 118.33 feet; thence N 50°55'16" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the point of beginning.
EXHIBIT C

LANDMARK SURVEYING, L.L.C.
Brett King, L.S.
245 South Taylor Street
Pryor, Ok. 74361
PHONE 918-825-2804
C.A. 45272 EXP. 6/30/2017

EASEMENTS IN SECTION 20 & 21, TOWNSHIP 19 NORTH,
RANGE 10 EAST, TULSA COUNTY, OKLAHOMA

A tract of land being a part of the Southeast Quarter of Section 20, Township 19 North,
Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma,
and being more particularly described as follows: Beginning at point on the South line of
the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner, thence
N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence S 00°17'38" W
33.02 feet; thence N 89°26'19" W 332.80 feet to the point of beginning.

AND

A 33 foot strip of land being a part of the Southeast Quarter of Section 20, Township 19
North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County,
Oklahoma, the centerline of which is being more particularly described as follows:
Commencing at point on the South line of the Southeast Quarter of Section 20 and 1492.5
feet West of the Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E
331.95 feet to the point of beginning of said centerline of easement; thence N
36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W
125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet;
thence N 56°50'28" W 209.41 feet to the point of termination of said easement.

AND

A 33 foot strip of land being a part of the Southeast Quarter of Section 20, Township 19
North, Range 10 East and the West Half of Section 21, Township 19 North, Range 10
East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, the
centerline of which is being more particularly described as follows: Commencing at point
on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the
Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet;
thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W
125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet to
the point of beginning of said easement; thence N 30°55'18" E 1864.91 feet; thence N
51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85
feet to the point of termination of said easement on the South line of the Northwest
Quarter of Section 21.

Witness my hand and seal this 11th day of April, 2016.

BRETT KING
Professional Land Surveyor
OKLAHOMA
SURVEY PLAT

BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- Denotes found original stone or set Ang Nail
- Denotes set 1/2" Iron Pin W/Chap
- Denotes Iron Pin

THE WORD CERTIFICATE, OR CERTIFICATES, AS SHOWN
AND USED HEREBY MEANS AN EXPRESSION OF
PROFESSIONAL OPINION READING IN PAGE
OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY
OF QUALITY, EXPRESSED OR IMPLIED.

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.E. 1333, in the State of Oklahoma,
of Landmark Surveying, O.A. 4572 B-30-17, of 245 South Taylor, P.O. Box 1528, Pryor, Oklahoma
(918-825-2844) do hereby certify that a careful survey of the following described property was made
under my supervision:

The Northwest Quarter of Section 21, Township 19 North, Range 10 East of the Indiana Meridian
and Principal Base Line, Tulsa County, Oklahoma.

I further certify that the above and foregoing is a true and correct plot of the same.

Witness my hand and seal this 7th day of April, 2018.

[Signature]

[Copyright, 2016]