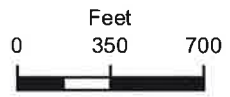


**SUBJECT TRACT**

**LEGEND**

- Mannford Corporate Limits
- Sand Springs Corporate Limits



**CBOA-2833**

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9010

**CZM:** 33

**CASE NUMBER: CBOA-2833**

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 08/18/2020 1:30 PM

**APPLICANT:** Desirae Ozark

**ACTION REQUESTED:** Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an RS District (Section 1203).

**LOCATION:** 21609 W 14 ST S

**ZONED:** RS

**FENCELINE:** Sand Springs

**PRESENT USE:** Residential

**TRACT SIZE:** 0.33 acres

**LEGAL DESCRIPTION:** LT 2 BLK 2, CANDLESTICK BEACH

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

CBOA-2144 January 2005: The Board approved a Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, on property located at 21609 W. 14<sup>th</sup> St. S.

Surrounding Property: None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts other residential properties with RS zoning to the west, north, and east. It abuts AG property to the south which appears to be vacant.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an RS District (Section 1203).

A Use Variance is required as Agriculture is not a use permitted in an RS zoned district because of the potential adverse effects on neighboring properties. A horticulture nursery must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: *"We already have a great shop with electric, heat, and air behind our house to use for our agricultural business. It would cost too much money to buy AG zoned property, build a shop, and add utilities. Our business will not pose any problems for our neighborhood, it will be virtually unnoticeable."*

According to the submitted site plan, the horticulture nursery will be located in a 900 sq. ft. accessory building in the rear of the yard. The accessory building was approved in 2005 (CBOA-2144).

**3.2**

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

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an RS District (Section 1203).*

*Approved 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."*

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 296  
Tuesday, January 18, 2004, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Walker, Chair	Alberty	West, Co. Inspector
Hutson, Vice Chair	Butler	
Dillard, Secretary	Cuthbertson	
Tyndall		
Charney		

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, January 14, 2004 at 1:30 p.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

\*\*\*\*\*

**MINUTES**

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 21, 2004 (No. 295).

\*\*\*\*\*

**NEW APPLICATIONS**

**Case No. 2144**

**Action Requested:**

Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, 21609 West 14<sup>th</sup> Street South.

**Presentation:**

**Larry Bush**, 21609 West 14<sup>th</sup> Street South, Sand Springs, Oklahoma, stated he maintains the lawns at Candles Stick Beach. He needs storage space for the lawn equipment. The homeowners' association is in support of this application.

**Comments and Questions:**

Mr. Walker stated that it appeared the building is already built, and asked if they just wanted to add to the existing building. Mr. Bush replied that the building is already up and he needed relief to keep it this size. Mr. Walker asked for the hardship. Mr. Charney noted the lot is approximately 101' by 154', which is larger than most RS lots.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, finding the increased land area, on the following described property:

LT 2 BLK 2 CANDLESTICK BEACH, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 2145**

**Action Requested:**

Variance of required rear yard setback from 40 feet to 15 feet to permit an accessory building in an AG district, SECTION 320.2.A.2 -- Use Unit 6, 580 South 221<sup>st</sup> Avenue West.

**Presentation:**

**Jerry Oakes**, 580 South 221<sup>st</sup> Avenue West, Sand Springs, Oklahoma proposed to move the accessory building fifteen feet from the rear property line. The presence of lateral lines, a natural run-off, and a 100 year old red oak tree are the hardship for this variance. He has spoken with the neighboring property owner and she is in favor of the application.

**Comments and Questions:**

Mr. Tyndall asked the location of the utility lines. Mr. Oakes replied that the utilities are at the front of the house. Mr. Hutson asked for the difference in the elevation from the house to the proposed site of the building. Mr. Oakes replied there is about a six to eight foot drop.

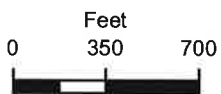
**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a





Subject Tract

**CBOA-2833**

19-10 10

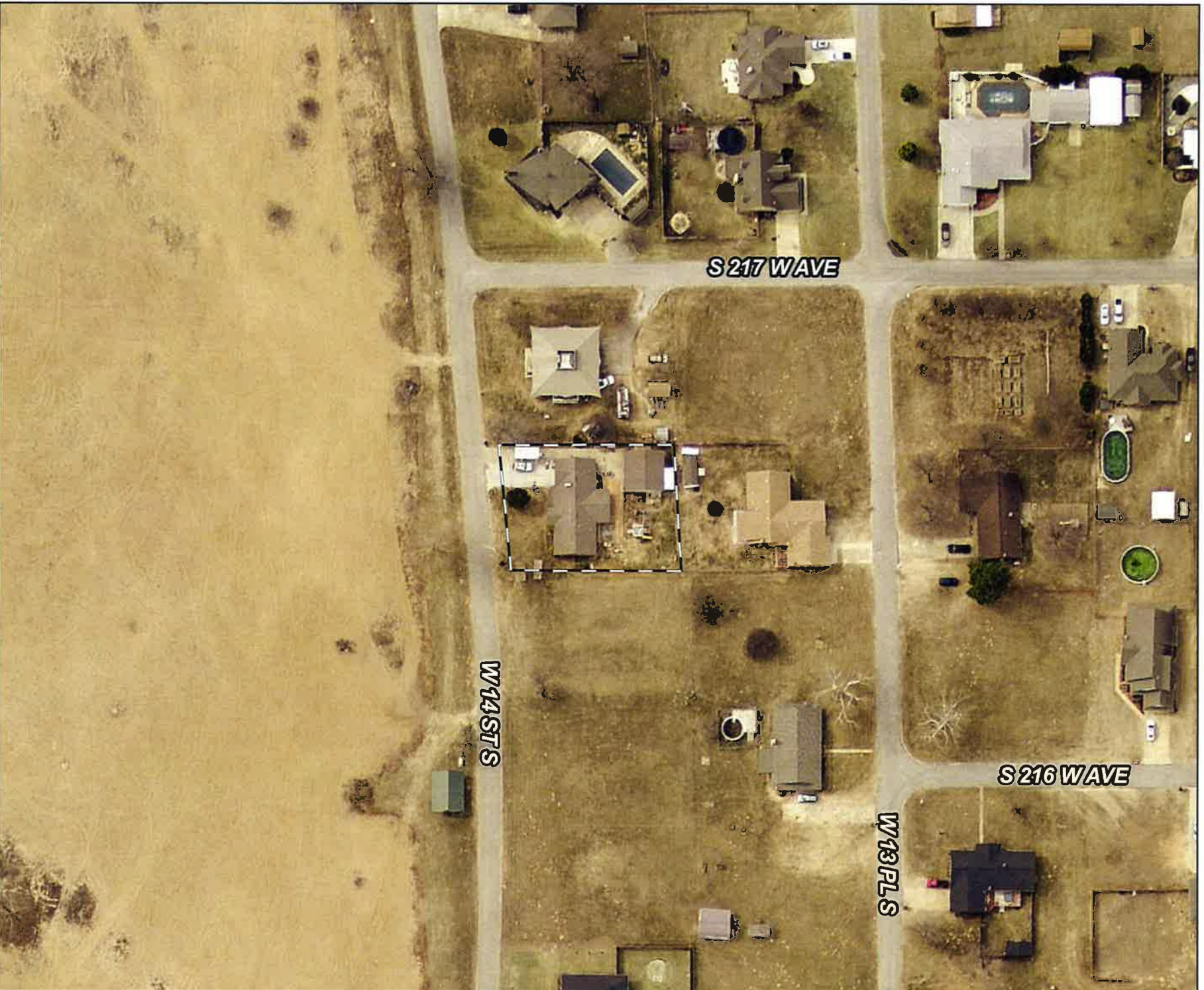
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



3.6





**S 217 WAVE**

**S 216 WAVE**

**W 14 ST S**

**W 13 PLS S**



Subject  
Tract

**CBOA-2833**

19-10 10

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

Aerial Photo Date: February 2018

**3.7**







*Looking northeast from W. 14<sup>th</sup> St. S.*



*Looking north from W. 14<sup>th</sup> St. S. – subject property is on the right*





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