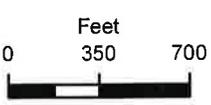


CBOA-2896

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9131

CZM: 43

CASE NUMBER: **CBOA-2896**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 07/20/2021 1:30 PM

APPLICANT: Rick Portilloz

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Sec. 240)

LOCATION: 5809 S 170 AV W

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 1.03 acres

LEGAL DESCRIPTION: LT 4 BLK 1, HIDDEN OAKS

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2661 February 2018: The Board approved a *Variance* to permit a detached accessory building to exceed 750 sq. ft., on property located at 16918 W. 58th Pl. S.

CBOA-2354 February 2010: The Board denied a *Variance* of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2100 sq. ft, on property located at 5823 S. 170th W. Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning with residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Sec. 240). Section 240.2.E permits accessory buildings in the RS district, however, the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The applicant provided the following statement: *"The subject property is 1.03 acres. Tulsa County zoning requirements that limit detached accessory buildings to 750 square feet, would not allow for adequate building size to meet all the needs for the building. Proposed building is 1,200 square feet."*

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According to the site plan provided, the applicant is proposing to construct a 60' x 20' building at the rear of his property. The total square footage will be 1,200 square feet.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the proposed accessory buildings are compatible with and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Sec. 240)

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."

Residential Estate District (Section 410, Table 1). **LOCATION:** South of the intersection of South 179th West Avenue and West 41st Street South

Presentation:

The application was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

E/2 NE LESS S/2 S/2 S/2 E/2 NE SEC 25 19 10 70ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

FILE COPY

2661—Brad Sherrill

Action Requested:

Variance to permit a detached accessory building (pole barn) to exceed 750 square feet (Section 240). **LOCATION:** 16918 West 58th Place South

Presentation:

Brad Sherrill, 16918 West 58th Place South, Sand Springs, OK; stated he would like to actually build a stick built accessory garage, so it will look more like his house. The garage will be approximately 1,200 square feet. Mr. Sherrill stated that he is a car collector and works on them as a hobby, and the garage would be for storage for those cars. The garage will be for personal use and there will be no commercial use.

Mr. Charney asked Mr. Sherrill if the building will architecturally conform to the house. Mr. Sherrill answered affirmatively and stated the garage will have a shingled roof and siding just like the house.

Mr. Crall asked if the proposed garage is going to be on the same corner as the existing shed. Mr. Sherrill answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

CSDA-2661

FILE COPY

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to permit a detached accessory building to exceed 750 square feet (Section 240) as requested in conformity with the site plan that has been submitted. The outbuilding will be 1,200 square feet. The Board has found the hardship to be the unusual size and shape of the lot coupled with the underlying zoning; for the following property:

LT 1 BLK 1, PLEASANT OAKS III, OF TULSA COUNTY, STATE OF OKLAHOMA

2662—Greg Guerro

Action Requested:

Special Exception to allow an Agritourism Facility (Use Units 5 and 20) in an AG District; **Variance** from the all-weather parking surface requirement (Sections 310 and 1340.D). **LOCATION:** North of 33rd West Avenue and East 36th Place South

Presentation:

Greg Guerro, 1120 South Boston Avenue, Suite 100, Tulsa, OK; stated that Agritourism is broadly defined as any operation or activity that brings people onto a farm or a ranch. The Oklahoma Department of Agritourism highlights some of the activities as trail riding, mazes, country stays, guest ranches, petting farms, bird watching, teachable moments, pumpkin picking, weddings, etc. The development plan submitted with the application highlighted the activities he would like to develop over time. These activities are consistent with the ones described by the Oklahoma Department of Agritourism. In addition, he would argue this venue is especially helpful to teach and celebrate the history of Tulsa and its development. Red Fork Mountain is uniquely well situated for teaching about this history. The focus for the planned activities is just below and around Channel 8 on 29th West Avenue, which is also known as Lookout Mountain Road. This is the best access road, the easiest to find, the least intrusive to the neighbors, and the topography is suitable. It is also closest to the historically significant places and views that he believes are the most helpful in learning about the history of Tulsa and its development. What is attractive about the subject property is its country agricultural aspect. The atmosphere of being in the country is not achievable if there are activities near existing houses, which is why it is helpful that there is a large parcel of agricultural land. The surrounding property to the east is industrial, to the north is a little industrial and primarily agricultural, to the south and to the west is primarily agricultural but there is a neighborhood on the east end of the south side of the old Red Fork District. There is a neighborhood on West 30th Street coming into the property on the far west side. Both neighborhoods have unique characteristics in that they have almost a country feel. What he is planning to do is not contrary to these neighborhoods

Case No. 2362

Action Requested: Variance of the minimum required lot width in an AG district from 150 ft. (Section 330), located at 13031 N. Sheridan Rd.

Presentation:

Mike Marrara, 2001 S. 114th E. Ave., Tulsa, Oklahoma, stated his client would like to cutoff/purchase a two and one-half acre track at the rear of this property. During zoning, it was discovered that the minimum lot width is 150 ft. This piece of property is long and narrow its 330 feet wide by a quarter mile deep. The metal building and current house prevent splitting the property so as to achieve the minimum lot width. There is also a proposed 50' wide roadway easement for county for right away.

Comments and Questions:

Mr. Cuthbertson commented that if it splits this way, Tract No. 1 that can still be split if the house is removed.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Osborne**, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to **APPROVE** a variance of the minimum required lot width in an AG district from 150 ft. (Section 330), on following described property: 13031 N. Sheridan Rd. Finding: the hardship being the narrowness of the lot along with the existing structure on the property and the natural ravine and tree line; as presented, per lot-split plan page 4.5.

N/2 N/2 NW SW LESS W16.5 FOR RD SEC 35 22 13, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

FILE COPY

Case No. - 2354

Action Requested:

A Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), located: 5823 S. 170th W. Ave.

Presentation:

The applicant was not present.

Comments and Questions:

Mr. Cuthbertson recommended that this case be denied. He provided even with the denial the applicant can still build a 750 sq. ft., building.

Interested Parties:

Dan Schweitzer, 16907 W. 58th Pl. S. Tulsa, Oklahoma, asked if this recommendation is given would the applicant be required to take down the poles that are already up. The Board informed Mr. Schweitzer that the existing building would have to be brought down to the permitted size.

Board Action:

On **Motion of Tyndall**, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to **Deny** a variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 2,100 sq. ft. (Section 240.2.E), on the following described property: 5823 S. 170th W. Ave. Finding the applicant has made no attempt or communicated no attempt to comply.

LT 5 BLK 1, HIDDEN OAKS, Tulsa County, State of Oklahoma

NEW BUSINESS

Introduction: Venda Zezulka as the new Recording Secretary.

There being no further business, the meeting adjourned at 1:52 p.m.

Date approved: 3-16-2010

Robert L. Walker
Chair



 Subject Tract

CBOA-2896

19-11 31

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

Aerial Photo Date: February 2018



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W 53 ST S

S 170 WAVE

W 53 PLS



Subject Tract

CBOA-2896

19-11 31

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

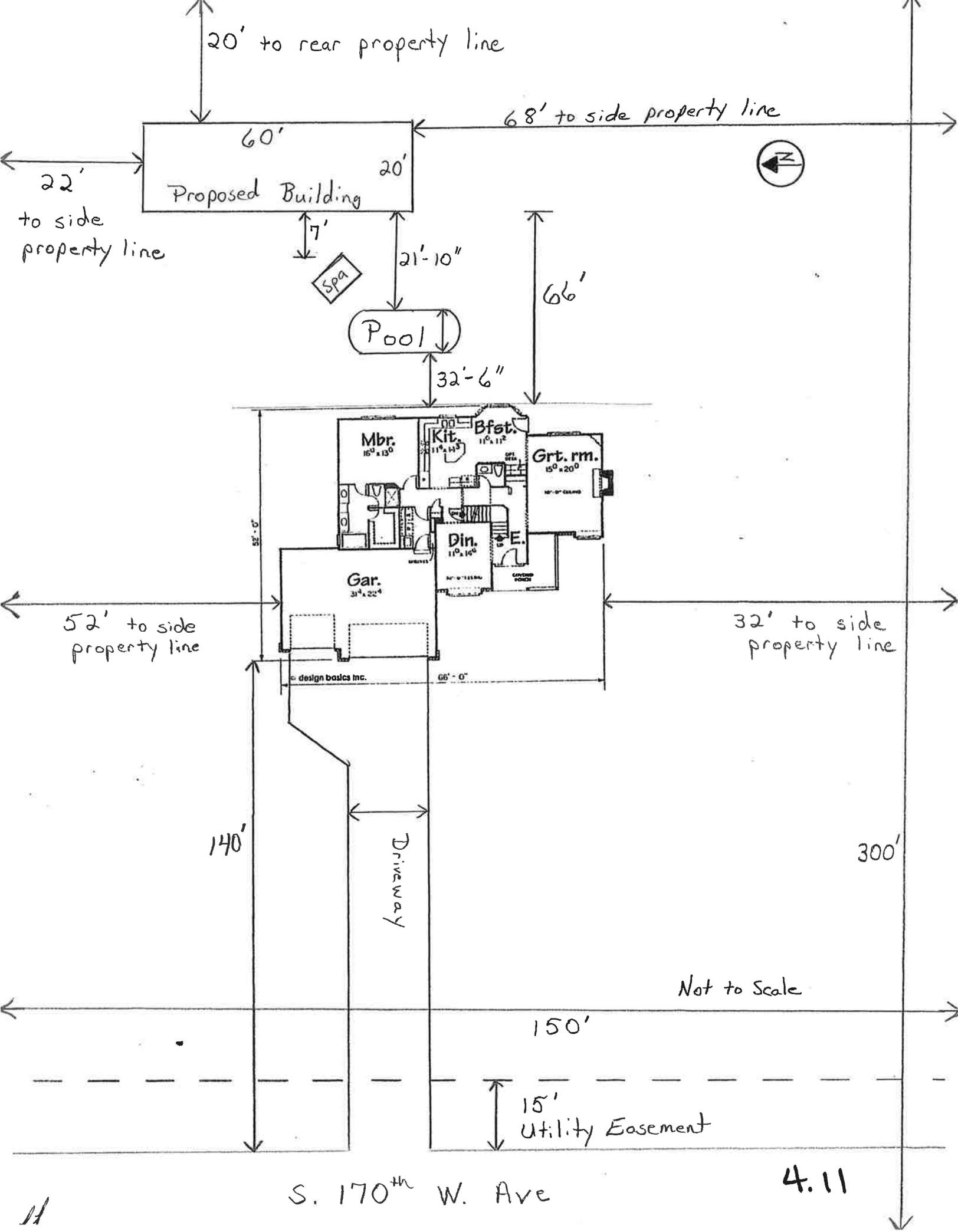
Aerial Photo Date: February 2018



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Looking east at subject property from S. 170th W. Ave.



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