

CBOA-2898

20-14 04

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0404

CASE NUMBER: **CBOA-2898**

CZM: 24

CASE REPORT PREPARED BY: Robi Jones

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

APPLICANT: Darrell Moody

ACTION REQUESTED: Special Exception to permit a carport in an AG-R district (Section 240.2.H); Variance of the side setback in an AG-R district to permit a carport (Section 320.2-2 & Section 330, Table 3).

LOCATION: 6492 N 134 AV E

ZONED: AG-R

AREA: N. Tulsa County

PRESENT USE: Residential

TRACT SIZE: 1 acres

LEGAL DESCRIPTION: TR BEG 745.80W & 244.40S NEC NE NW TH S195 W248.60 N195 E248.60 POB LESS E25 THEREOF FOR RD SEC 4 20 14 1.001AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2157 May 2005: The Board approved a *Variance* to allow accessory building as a principle use in an AG-R district; a *Variance* of the setback for a building in AG-R district from 15 ft to 7.4 ft (Tract A); and a *Variance* of the setback from the property for an accessory building in an AG-R zoned district from 40 ft to 8 ft (Tract B) to allow for a lot split, on property located at 6550 N. 134th East Ave.



Surrounding Property:

CBOA-2049 July 2003: The Board approved a *Variance* of lot area from 1 acre to .85 acre for a lot split finding the same size lots across the street, on property located at 13302 E. 66th St. N.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG-R zoning with large lot residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a carport in an AG-R district (Section 240.2.H); Variance of the side setback in an AG-R district to permit a carport (Section 320.2-2 & Section 330, Table 3).

Section 240.2.H of the code requires a Special Exception for a carport that is proposed for placement in a required yard. The code states that required yards shall be open and unobstructed

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from the ground to the sky unless the use is a permitted obstruction as detailed in section 240.2 of the code.

Section 320.2.A.2. states: An accessory building shall meet the minimum yard or building setback requirements. In this case, the minimum building setback line is not being met so the applicant is requesting a **Variance** to reduce the side setback for a carport in an AG-R district (Section 320.2-2 & Section 330, Table 3) from the required 15' to 8'.

The applicant provided the following statement: *"If we moved the building to the north side of the property to stay in the side setback, it would cause us to have to put in a second driveway and create water run-off problems for the neighboring house to the north. It would also decrease the front yard green space."*

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 Special Exception to permit a carport in an AG-R district (Section 240.2.H); Variance of the side setback in an AG-R district to permit a carport (Section 320.2-2 & Section 330, Table 3).

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."

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Use Variance** to permit the cultivation of grapes, wine production and retail sales (winery) in an AG District; per plan, finding the literal enforcement of the code would not permit the applicant to reasonably use the subject property to grow grapes for the vineyard purposes, on the following described property:

BEG 659.16N & 150W & 648.4N SECR NW TH N875 NW249.35 S941 E240.22
POB SEC 31 19 12 5.010ACS, Tulsa County, State of Oklahoma

Case No. 2157

Presentation:

Tony Stevenson, 6550 North 134th East Avenue, and his sister, **Nancy Cook**, 13601 East 66th Street North introduced themselves to the Board. Their parents purchased this property many years ago and recently deeded it to them. They proposed a lot-split to sell the house separately. Ms. Cook commented that her parents built a nice workshop and suggested it should go with the house. They considered tearing down the barn but it was well built. She stated that everyone built their barns close to the property line. A site plan and photographs were submitted (Exhibits E-1 and E-2).

Comments and Questions:

Mr. Walker noted a lot-split on the property adjacent to them. Mr. Cuthbertson commented this is the only way to split the property. There is not an alternative to create two legal lots in regards to land area and lot area, and to avoid the structural encroachments.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow accessory building as principle use in an AG-R district (Section 18); a **Variance** of the setback for a building in AG-R district from 15 ft to 7.4 ft (Tract A) (Section 330); and a **Variance** of the setback from the property for an accessory building in an AG-R zoned district from 40 ft to 8 ft (Tract B) (Section 330) to allow a lot split (19814), per plan, finding existing conditions, on the following described property:

PRT NE NW BEG 745.80W NEC NE NW TH S439.40 W248.60 N439.40
E248.60 POB LESS N25 & E25 FOR RD SEC 4 20 14 2.13AC, Tulsa County,
State of Oklahoma

SW/c SE/4 of Section 14, T-22-N, R-13-E; thence S 89°51'10" E along the S line of the SE/4 a distance of 209.00'; thence continuing S 89°51'10" E a distance of 30.00'; thence N 00°00'29" E a distance of 30.00'; thence N 89°51'10" a distance of 5.00'; thence N 00°00'29" E a distance of 383.00'; thence S 89°51'10" E a distance of 200.50'; thence N 00°00'25" E a distance of 247.30'; thence N 89°51'44" W a distance of 225.495'; thence S 00°00'29" W a distance of 660.26' to the POB, Tulsa County, Oklahoma.

..*.*.*.*.*.*

Case No. 2049

Action Requested:

Variance of lot area from 1.00 acre to .85 acre for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 13302 E. 66th St. N.

Presentation:

Edward L. Smothers, Jr., 219 W. 1st St., Owasso, Oklahoma, stated he purchased one and a quarter acres (Tract A) on which to build a home. He found out later that previous owners did not get the necessary lot split. Also, Tulsa County now requires more street frontage leaving only .85 acres on which to build. He submitted a letter from the homeowner's association in support of the application and photographs (Exhibits C-1 and C-2).

Interested Parties:

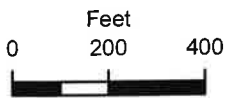
There were no interested parties present who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **APPROVE** a **Variance** of lot area from 1.00 acre to .85 acre for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, finding the same size lots across the street, on the following described property:

Part of the NE/4 NW/4 of Section 4, T-20-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, to-wit: Beg. at a point 994.4' W of the NE/c of said NW/4; thence S 219.7'; thence W 248.6'; thence N 219.7'; thence E 248.6' to the POB, less the W 30.00' and N 50.00' for road, AND beg. at a point 994.4' W and 219.7' S of the NE/c of said NW/4; thence S 219.7'; thence W 248.6'; thence N 219.7'; thence E 248.6' to the POB, less the W 30' for road.

..*.*.*.*.*.*



 Subject Tract

CBOA-2898

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

Aerial Photo Date: 2021

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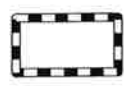
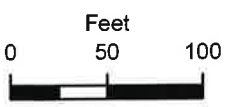




E 66th ST N

N 134 E AVE

N 133 E AVE



Subject Tract

CBOA-2898

20-14 04

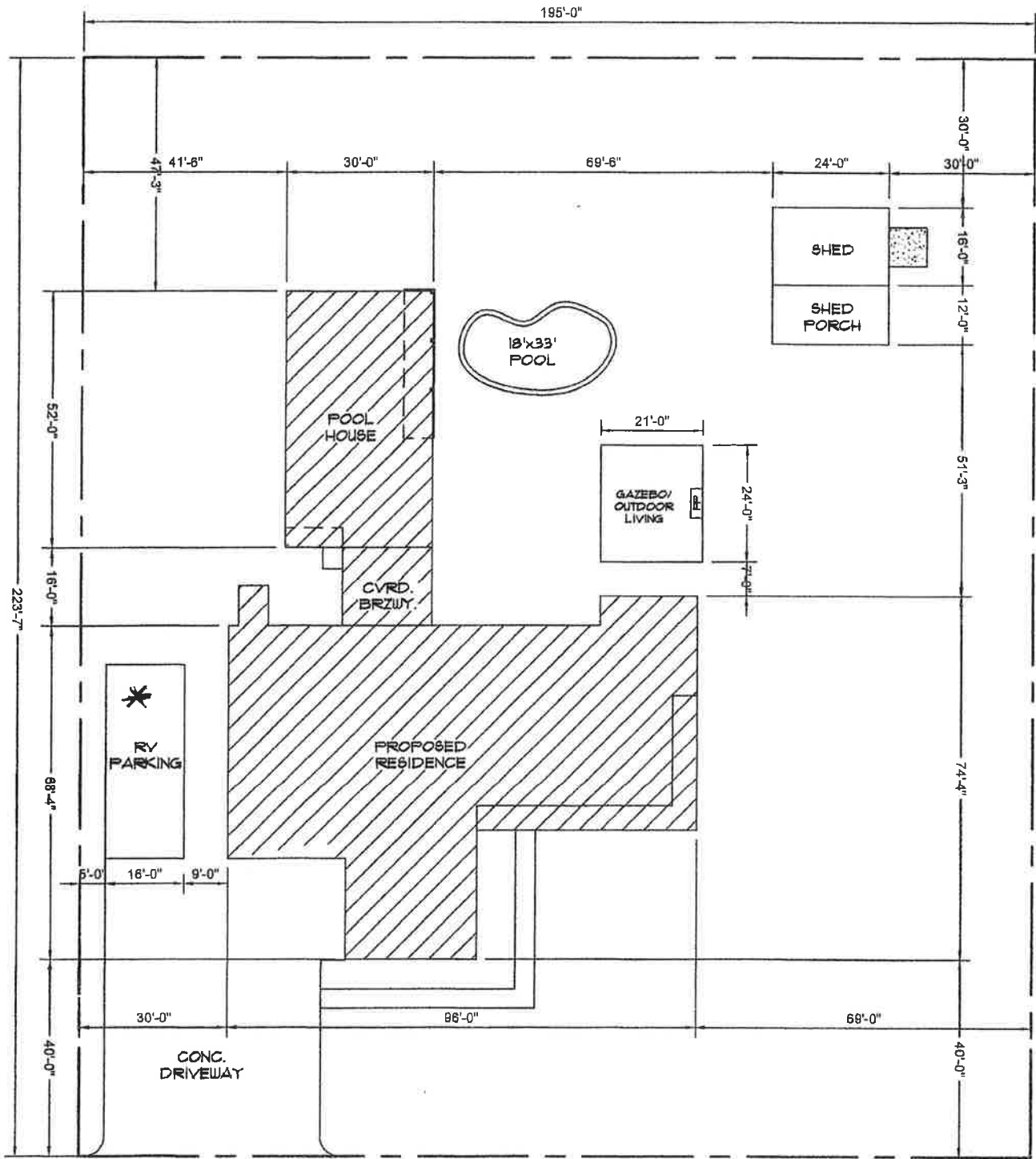
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021

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NORTH
→



6492 134TH EAST AVENUE

SITE PLAN

1" = 30'-0"

BUILDING FOR
* PROPOSED VARIANCE