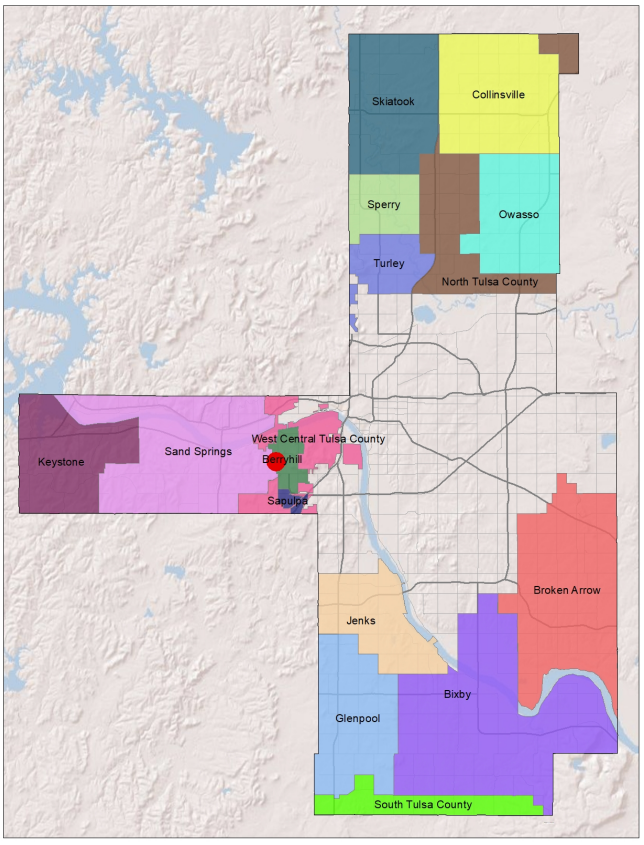
Board of Adjustment	**Case Number**: CBOA-2944 **Hearing Date**: 01/18/2022 1:30 PM
Case Report Prepared by: Robi Jones	**Owner and Applicant Information:** **Applicant:** Justin Liekhus **Property Owner:** LAWSON, PATRICIA A AND RONALD W

Action Requested: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

Location Map:



Tulsa County Comprehensive Land Use Map

Additional Information:

Present Use: Residential

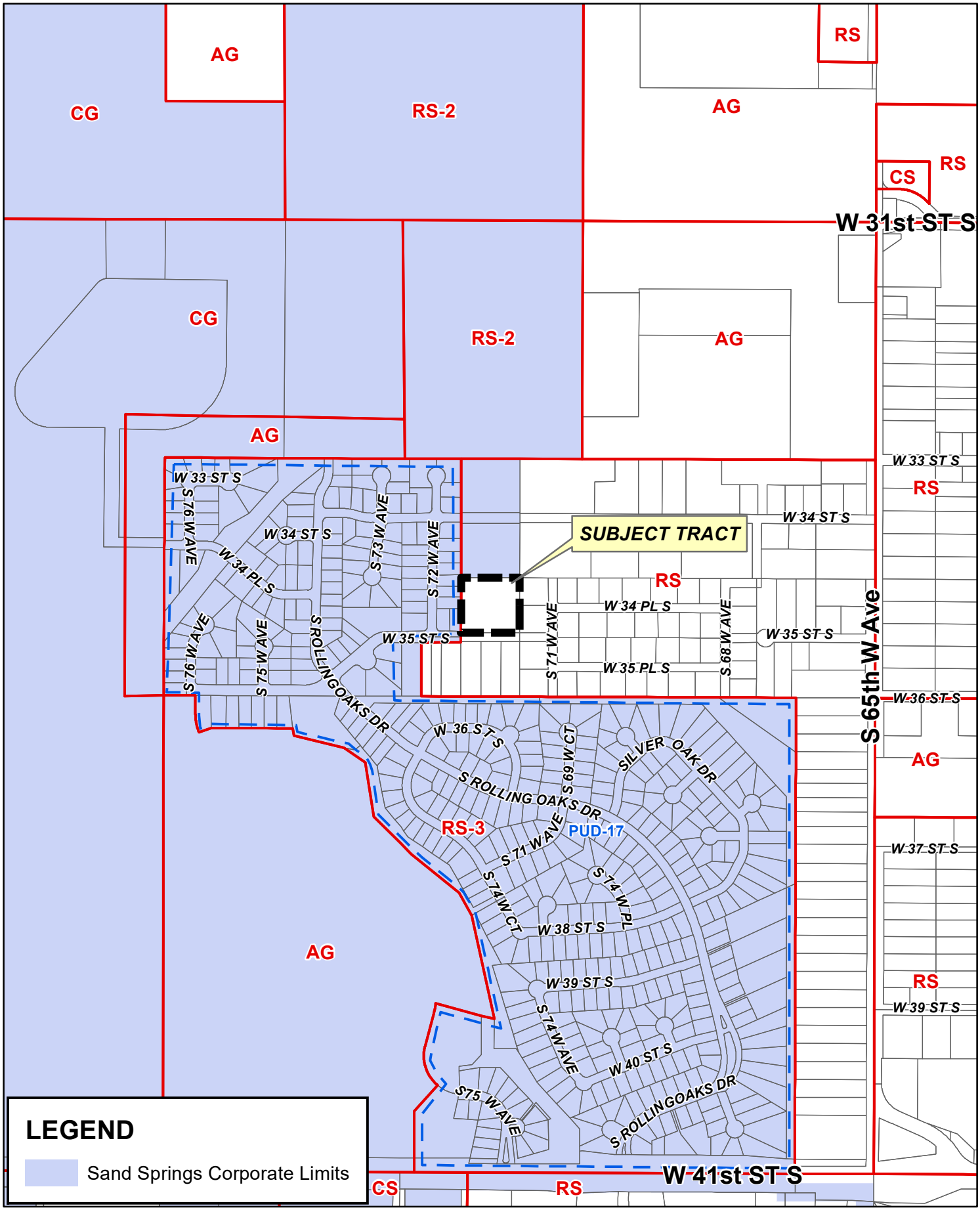
Tract Size: 2.31 acres

Location: 7111 W 35 ST S

Present Zoning: RS

Fenceline/Area: Berryhill

Land Use Designation: Existing Neighborhood



CBOA-2944

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TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9219
CZM: 45

CASE NUMBER: CBOA-2944
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Justin Liekhus

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

LOCATION: 7111 W 35 ST S

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Residential

TRACT SIZE: 2.31 acres

LEGAL DESCRIPTION: N305.46 E/2 SW SW NE SEC 19 19 12 2.31 ACS, ROLLING OAKS AMD RESUB ROLLING OAKS

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2817: The Board **approved** a *Variance* to permit a detached accessory building to exceed 750 square feet in an RS district, on property located at 6902 West 34th Street South.

CBOA-1305 November 1994: The Board **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory building and a *Variance* to permit an accessory building in the side yard, on property located at 6802 West 34th Street South.

CBOA-434 March 1984: The Board **approved** a *Variance* of the maximum area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS district, on property located west of the southwest corner of West 34th Street and 68th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning in a residential neighborhood.

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. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

The applicant has provided the following statement: "*The property is very large and has plenty of room for this garage. There are other garages similar in size in the same area as well.*"

According to the site plan provided with the application, the applicant is proposing to construct a new 30' x 35' (1050 sq. ft.) detached accessory building in the side yard. Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area in aggregate. There are two existing accessory buildings. One is 12' x 19.3' (231.6 sq. ft.) and the other is 10' x 12' (120 sq. ft.), so the total square footage in aggregate is approximately 1402 sq. ft. 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 Code states that detached accessory buildings shall not be located in the front or side yard (section 420.2). According to the submitted conceptual plan the proposed accessory building will be constructed in the side yard; the applicant has requested a Variance to allow the accessory building in the side yard.

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)* Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

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."

NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE N 89° 02' 23" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 1318.52 FEET, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 01° 09' 06" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 559.65 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING S 01° 09' 06" E, CONTINUING ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 06" W, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 89° 04' 33" E, PARALLEL WITH AND 759.84 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5.75 ACRES / 250,465.01 SQUARE FEET., OF TULSA COUNTY, STATE OF OKLAHOMA

2817—Tammy Rotert

FILE COPY

Action Requested:
Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E). **LOCATION:** 6902 West 34th Street South

Presentation:
Ken Rotert, 6902 West 34th Street, Tulsa, OK; stated the neighbors on the north side of 34th Street have no restriction requirements; they can build as large as they wish and they do. The neighbors on the south side of 34th Street have a restriction of 750 feet. The neighbors to the east and to the west have both been before the Board to build larger buildings. Mr. Rotert stated he purchased the house right out of high school and it was only 525 square feet in size. He has increased that house footage to be about 7,000 square feet. The outbuildings have been built over the years with what he could afford and now he is in the position to raze them all and build one nice building which he would make look like an authentic barn with full sized windmill and a silo. Mr. Rotert stated he would like the property to look like a farm property. The position of the proposed building will be nestled against the hill with a restricted view from the road, but it does not take any of the trees away.

FILE COPY

Mr. Charney asked staff if the property was in a platted sub-division. Ms. Jones stated the request is due to the property being inside an RS District, it is not in a platted sub-division.

Mr. Charney asked Mr. Rotert if his lot size was 1.85 acres. Mr. Rotert answered affirmatively.

Mr. Charney asked Mr. Rotert about the height of the barn. Mr. Rotert stated that to the top of the rooster it will be below 35 feet. With a gambrel roof, he will probably have to reduce the width of the building. He would like to do 36 feet wide on the barn structure but he does not believe he will be able to do so. The footage will not change because the barn he has chosen has the gambrel roof to look like a barn and for it to be proportional there will be a lean-to that comes out one side that will meet the 36 feet. Mr. Rotert stated that if he maintains a 30 to 32-foot width he can keep the point of the rooster below 35 feet.

Mr. Johnston asked Mr. Rotert what type of exterior materials he would be using. Mr. Rotert stated that he plans to build a steel building and use corrugated metal for the roof, then he will use saw mill oak on the front because he wants the front to look like a barn, and then R panel metal will be used on the two sides which is what the neighbors have; his panels will be grey in color.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **HUTCHINSON,** the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E), subject to conceptual plan 13.11 in the agenda packet. Once the new building is completed all the other out-buildings will be razed. The Board has found the hardship to be the large tract of land, 1.8 acres. 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; for the following property:

E264 S305.8 NE SW NE SEC 19 19 12 1.853ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 174
Tuesday, November 15, 1994, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller	Alberty	Moore	Glenn, Building
Looney	Walker	Russell	Inspection
Tyndall, Chairman			

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, November 14, 1994, at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:39 p.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** the **Minutes** of October 18, 1994 (No. 173).

NEW APPLICATIONS

Case No. 1305

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building and a variance to permit an accessory building in the side yard - **SECTION 240. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6, located 6802 West 34th Street South.

Presentation:

The applicant, **Michael Patton**, 6802 West 34th Street, submitted a plot plan (Exhibit A-2) and informed that he is proposing to construct an accessory building on a two-acre tract, which will be large enough to allow him to restore antique cars and build a small aircraft. Photographs (Exhibit A-1) were submitted.

Comments and Questions:

Mr. Tyndall inquired as to the size of the new structure, and the applicant replied that the building will be 30′ by 40′.

Case No. 1305 (continued)

In response to Mr. Tyndall, Mr. Patton informed that there is an accessory building across the street that is similar in size (30' by 48'), and one to the east that is 30' by 40'. He informed that the proposed building will be constructed of metal sheeting and will be 14' in height.

Mr. Looney inquired as to the height of the overhead door, and the applicant replied that a 10' by 10' door will be installed.

Mr. Looney asked the applicant if any type of commercial activity will be conducted in the building, and Mr. Patton replied that the building will be for his personal use only.

In response to Mr. Looney, the applicant stated that all activity will be inside the building and there will be no outside storage of material.

Mr. Tyndall inquired as to the amount of noise created by the airplane engine, and the applicant advised that the aircraft will have a four-cylinder engine, which is comparable to those installed in automobiles.

Board Action:

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building and a **variance** to permit an accessory building in the side yard - **SECTION 240. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6; per plan submitted; subject to no outside storage and no commercial activity on the property; finding that there are numerous large accessory buildings in the neighborhood; and finding a hardship demonstrated by the large size of the tract (approx. 2 acres) and the rural nature of the area; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

West 240', S/2, NW/4, SE/4, NE/4, less north 25', Section 19, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1306

Action Requested:

Special Exception to permit a single-wide mobile home in an AG-R zoned district, a variance to permit two dwelling units on one lot of record - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** and **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9, located 11635 North 97th East Avenue.

Case No. 433 (continued)

Mr. Alberty agreed that there is no locational criteria that has been presented that would make this a bad location for a church other than the fact that the immediate property owners are not in favor of it.

Mr. Martin moved that this application be approved, subject to the strict interpretation of the usability of this by all proper Health Department standards.

Mr. Tyndall asked if there had been a time frame presented for the completion of the proposed building. There had not been one. Mr. Martin informed he has no objection to a time frame being injected. He is talking about the use of the property. If it will not meet the Health Department requirements, then the application should be denied.

Mr. Martin's motion for approval died for the lack of a second.

Mr. Martin suggested that they continue this until a date that the applicant could have a testing of the property to the satisfaction of whatever agency would be required. This information could then be submitted to the Board. He does not want to see the property used for this purpose if it is incompatible with health standards.

Mr. Gardner suggested that this case could be continued for one month with the requirement that the applicant meet with the Health Department and find out if the existing system is meeting the needs of the congregation and if the land will handle a new facility.

Mr. Tyndall moved that this application be denied, but this motion died for the lack of a second.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to continue Case No. 433 to the April 13, 1984, meeting.

Additional Comments:

Mr. Alberty recommended that the applicant check with the Health Department before the next meeting.

Case No. 434

Action Requested:

Variance - Section 240.2 (e) Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum Area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS District under the provisions of Section 1670, located west of the SW corner of West 34th Street and 68th West Avenue.

Presentation:

A. B. Maxwell, 7108 West 34th Street, submitted a plot plan (Exhibit "E-1") and informed he wants to use this building to store antique and classic-type cars. The cars are already completely restored. The facility will be built to hold 9 cars and will be strictly a noncommercial use. The subject tract is 3 acres minus the road easement. There are other large accessory buildings in the area. He will be able to

Case No. 434 (continued)

meet with all the required setbacks. None of the surrounding property owners are opposed to the application. The building will be built of rough cedar to match his house and will have a composition roof. It will probably be rocked halfway up. He informed he will service the vehicles which is a customary accessory use.

Protestants: None.

Comments:
Mr. Gardner suggested that the Board condition this to the storage of operable vehicles (classic show automobiles).

Board Action:
On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker Wines, "absent") to approve a Variance (Section 240.2 (e) - Yards - Permitted Yard Obstructions - under the provisions of Use Unit 1206) of the maximum area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS District under the provisions of Section 1670, subject to this building never being used for inoperable vehicles, on the following described property:

The West 396' of the South 305.8' of the NE/4 of the SW/4 of the NE/4 of Section 19, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 435

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RM-2 District under the provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Units 1206 and 1209 - Request for a variance to permit 3 dwellings (1 house, 2 mobile homes) per lot of record in an RM-2 District under the provisions of Section 1670, located south of the NE corner of 75th West Avenue and West 17th Street.

Presentation:
Walter D. Nelson, 4348 Sunburst East, Sand Springs, informed he would like to move a mobile home on his future mother-in-law's property. There are other mobile homes in the area. They do not plan to split up the property. Mr. Nelson's future mother-in-law informed that she lives in the house and her son lives in the existing mobile home. This mobile home will be for her daughter and Mr. Nelson. She informed that her daughter does not intend to live there forever. They will save their money until they are able to buy a house. They have had a percolation test approved.

Protestants: None.

Comments and Questions:
Mr. Jones submitted a letter of referral from Sand Springs which stated they voted in a public hearing not to oppose this application (Exhibit "F-1").

Case No. 433 (continued)

Mr. Alberty agreed that there is no locational criteria that has been presented that would make this a bad location for a church other than the fact that the immediate property owners are not in favor of it.

Mr. Martin moved that this application be approved, subject to the strict interpretation of the usability of this by all proper Health Department standards.

Mr. Tyndall asked if there had been a time frame presented for the completion of the proposed building. There had not been one. Mr. Martin informed he has no objection to a time frame being injected. He is talking about the use of the property. If it will not meet the Health Department requirements, then the application should be denied.

Mr. Martin's motion for approval died for the lack of a second.

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Mr. Gardner suggested that this case could be continued for one month with the requirement that the applicant meet with the Health Department and find out if the existing system is meeting the needs of the congregation and if the land will handle a new facility.

Mr. Tyndall moved that this application be denied, but this motion died for the lack of a second.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to continue Case No. 433 to the April 13, 1984, meeting.

Additional Comments:

Mr. Alberty recommended that the applicant check with the Health Department before the next meeting.

Case No. 434

Action Requested:

Variance - Section 240.2 (e) Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum Area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS District under the provisions of Section 1670, located west of the SW corner of West 34th Street and 68th West Avenue.

Presentation:

A. B. Maxwell, 7108 West 34th Street, submitted a plot plan (Exhibit "E-1") and informed he wants to use this building to store antique and classic-type cars. The cars are already completely restored. The facility will be built to hold 9 cars and will be strictly a noncommercial use. The subject tract is 3 acres minus the road easement. There are other large accessory buildings in the area. He will be able to

Case No. 434 (continued)

meet with all the required setbacks. None of the surrounding property owners are opposed to the application. The building will be built of rough cedar to match his house and will have a composition roof. It will probably be rocked halfway up. He informed he will service the vehicles which is a customary accessory use.

Protestants: None.

Comments:

Mr. Gardner suggested that the Board condition this to the storage of operable vehicles (classic show automobiles).

Board Action:

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Presentation:

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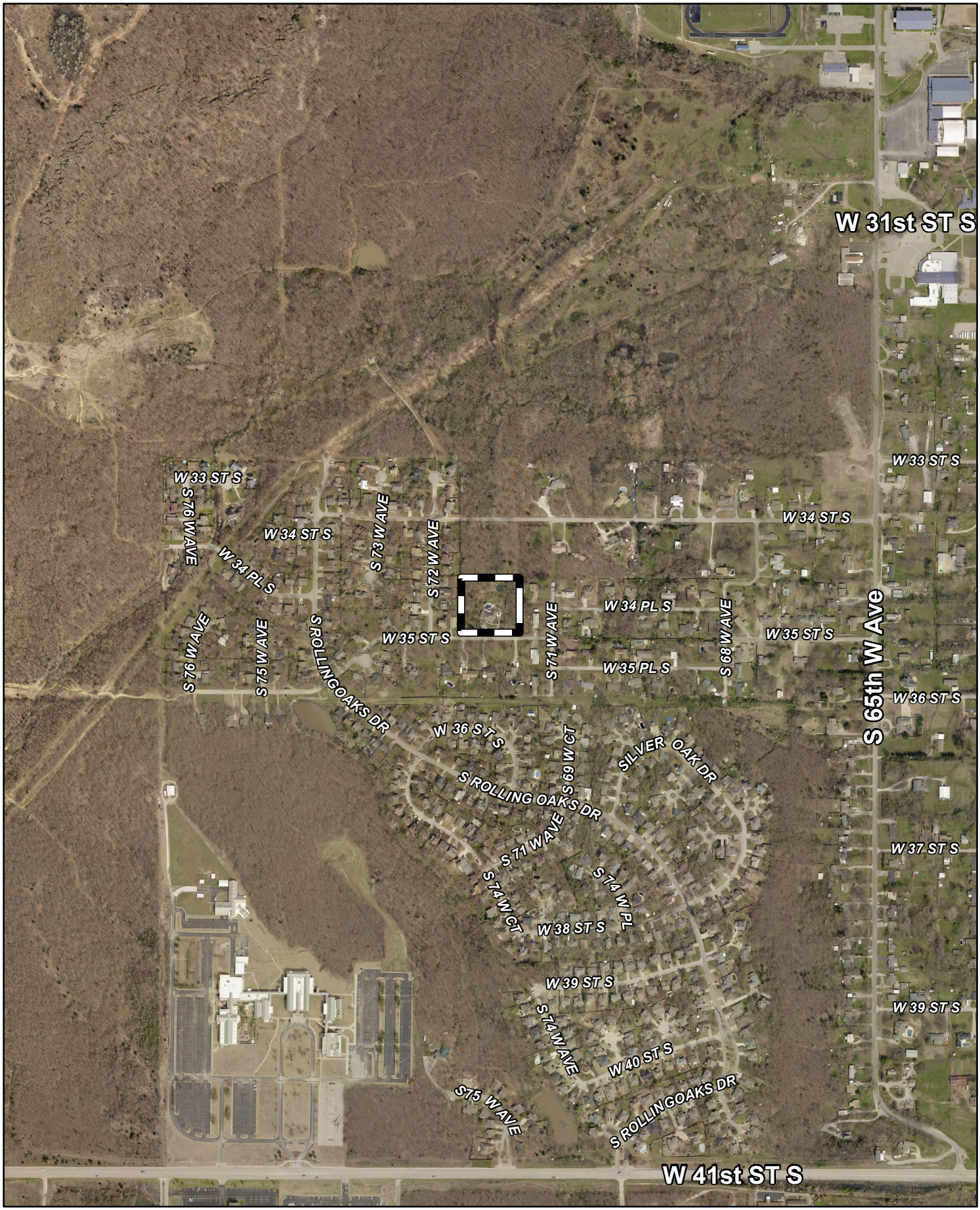
Protestants: None.

Comments and Questions:

Mr. Jones submitted a letter of referral from Sand Springs which stated they voted in a public hearing not to oppose this application (Exhibit "F-1").



Feet
0 200 400

Subject Tract

CBOA-2944

19-12 19

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

Aerial Photo Date: 2020/2021

N

Feet
0 50 100

Subject Tract

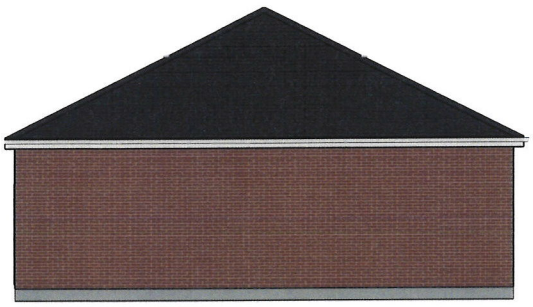
CBOA-2944

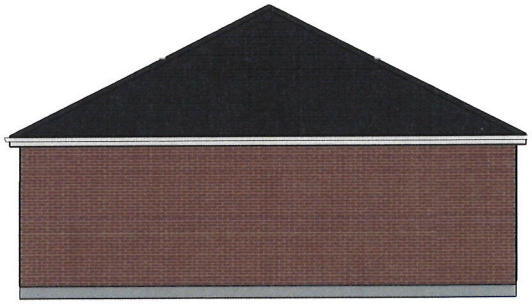
19-12 19

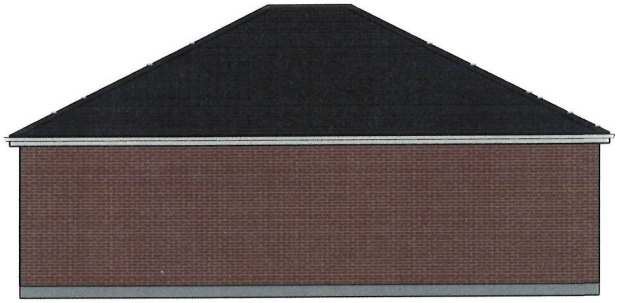
Note: Graphic overlays may not precisely align with physical features on the ground.

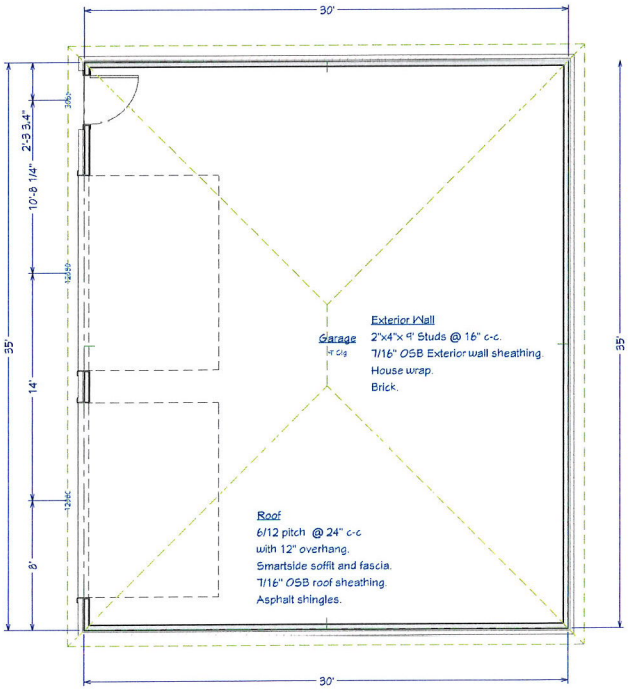
Aerial Photo Date: 2020/2021

N









NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

PROJECT DESCRIPTION:
Greenscapes
30' x 35' x 9' Garage

DRAWINGS PROVIDED BY:
ACE Cornerstone
Skiatook, OK

DATE:
9-23-21

SCALE:

SHEET:
A-1

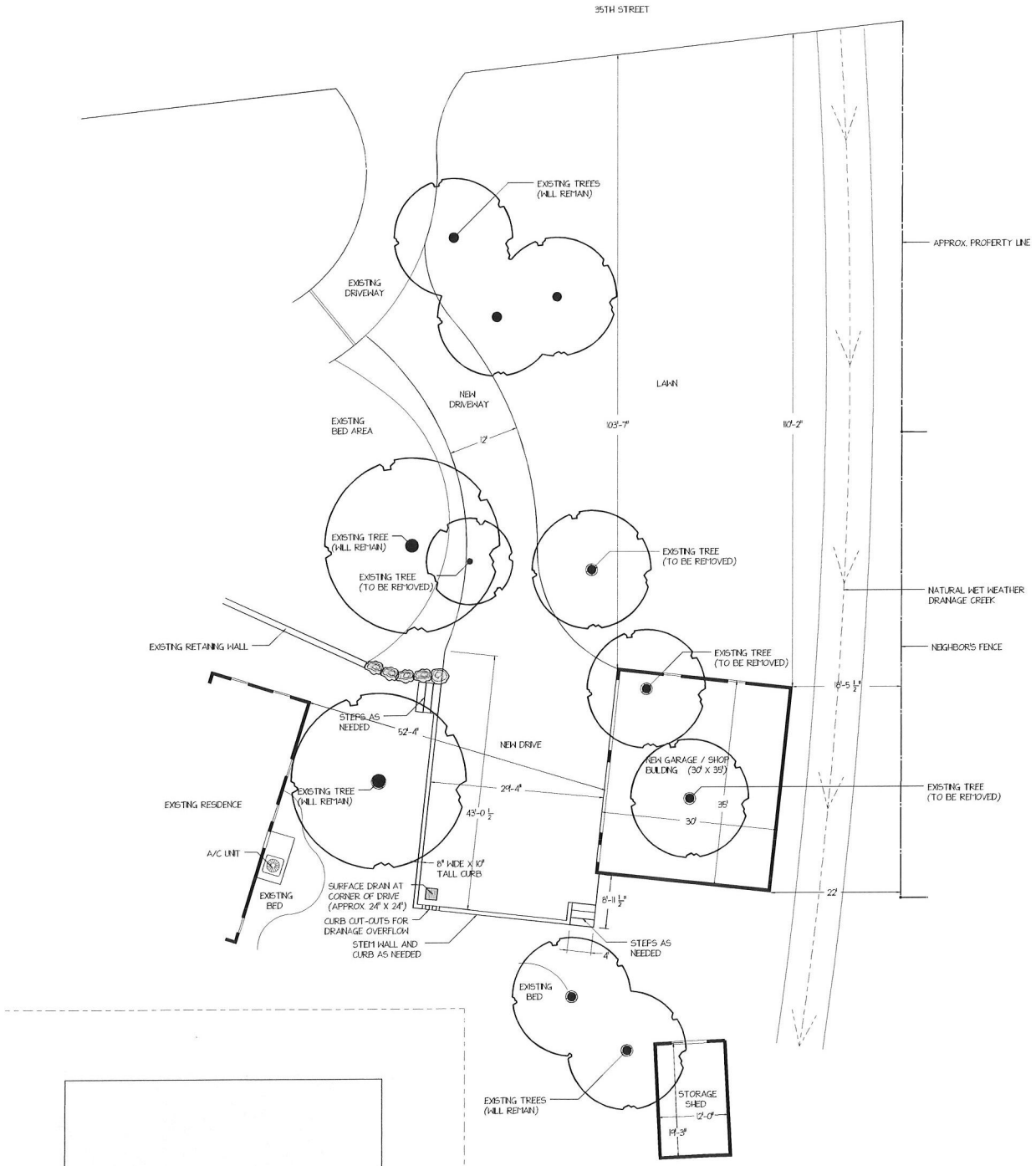
CBOA-2944 3.15

GREENSCAPES OUTDOOR

LAWSON RESIDENCE - 7111 W 35TH ST, TULSA, OK

client: NEW GARAGE AND DRIVEWAY SITE PLAN

scale	date	revision
1/8" = 1'-0"	OCT. 22, 2021	JANUARY 3, 2022
drawn by: ALICIA OSEI	checked by	drawing #



DETAIL OF PORTION SHOWN OF PLOT