Board of Adjustment

Case Number: CBOA-2976

Hearing Date: 07/19/2022 1:30 PM

Continued from 6/21/22

Case Report Prepared by:

Jay Hoyt

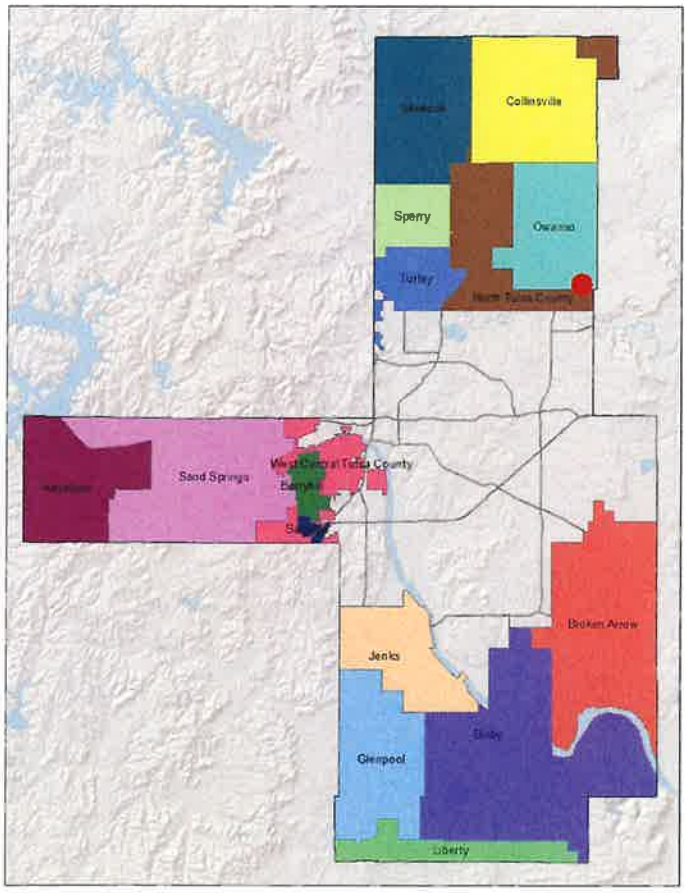
Owner and Applicant Information:

Applicant: Billy Driver

Property Owner: DRIVER, BILLY D AND MONA C

Action Requested: Variance of the street frontage requirements in an AG district from 30' to 0' Tract 1(Section 207). Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. Tract 2(Section 330 Table 3)

Location Map:



Additional Information:

Present Use: Residential

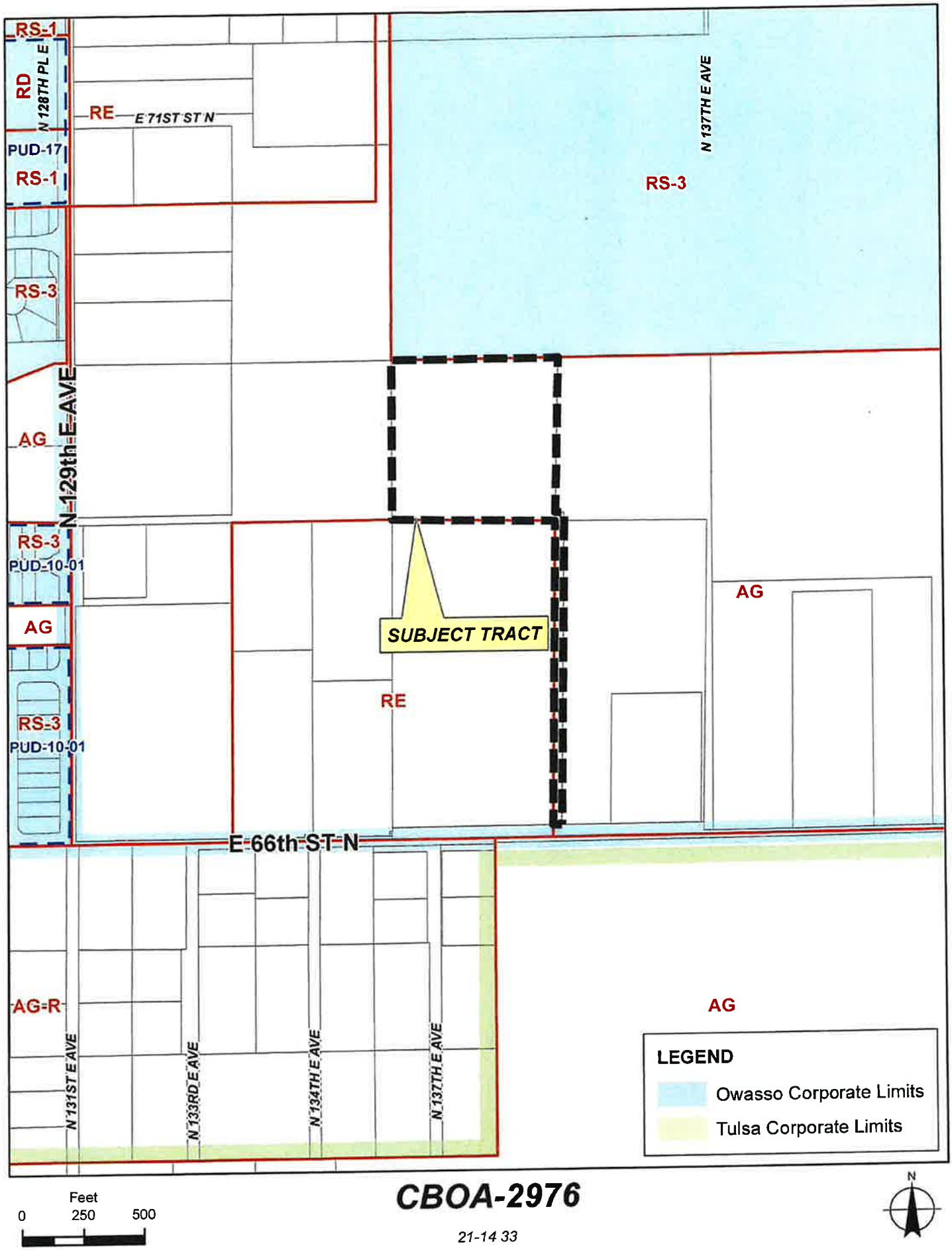
Tract Size: 11.05 acres

Location: 13455 E 66 ST N

Present Zoning: AG

Fenceline/Area: Owasso

Land Use Designation: Residential



CBOA-2976

21-14 33

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1433
CZM: 18

CASE NUMBER: CBOA-2976
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 07/19/2022 1:30 PM

APPLICANT: Billy Driver

ACTION REQUESTED: Variance of the street frontage requirements in an AG district from 30' to 0' Tract 1(Section 207). Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. Tract 2(Section 330 Table 3)

LOCATION: 13455 E 66 ST N

ZONED: AG

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 11.05 acres

LEGAL DESCRIPTION: SW NE SW & S35 W35 SE NE SW & W35 E/2 SE SW LESS S50 THEREOF FOR RD SEC 33 21 14 11.049ACS, MINGO HOLINESS ASSEMBLY OF GOD CHURCH

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG with AG zoning to the west and east, RS-3 zoning (Owasso) to the north and RE zoning to the south.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the street frontage requirments in a AG district from 30 ft t0 0 ft (Section 207) and a Variance of the minimum lot width in the AG district to permit a lot split. (Section 330, Table 3)

As shown on the plans provided by the applicant, they propose to split the existing lot into two lots of 8.1 and 3.0 acres in size. Access to the lots would be per the 35 ft wide segment of the existing lot that extends to E 66th St N.

The applicant provided the following statement "*We are hoping to acquire a lot split from Tulsa County with an easement variance on our property that our son and family currently lives. There is no easement property available for purchase.*

The high cost of housing or land for a modular home seemed to be out of reach for them. If we can deed them a piece of our land at no cost to them makes it affordable for a modular permanent home and have our son near by to help us stay on the property as long as possible during our old age. We are in our seventies.

We also want to deed our other two children a fair and equal part of the property after we have passed."

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance of the street frontage requirements in an AG district from 30 ft to 0 ft (Section 207) and a Variance of the minimum lot width in the AG district to permit a lot split in an AG district. (Section 330, Table 3)

- *Subject to the following conditions (if any)* _____
- *Per the Conceptual Plan(s) shown on page(s) ___ of the agenda packet*
- *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"

Feet
0 250 500

Subject Tract

CBOA-2976

21-14 33

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

Aerial Photo Date: 2020/2021

N

WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

1"=200'

LOT LINE ADJUSTMENT

LEGEND

—x—	FENCE
U/E	UTILITY EASEMENT
D/E	DRAINAGE EASEMENT
M/P	METERING POINT
CB	CHORD BEARING
B/E	BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

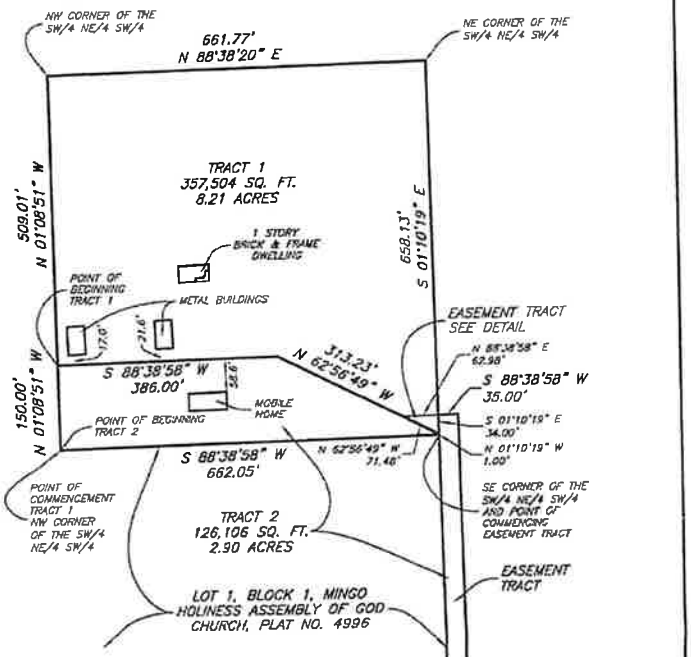
INVOICE NO.: STK 22-108740
CLIENT: BILL DRIVER

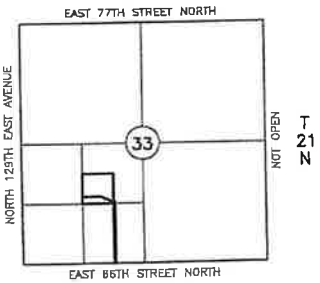
Existing Un-Divided Tract:
A tract of land being the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) AND the South 35.00 feet of the West 35.00 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) AND the West 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof

Tract 1:
A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Commencing at the Southwest corner of the SW/4 of the NE/4 of the SW/4; Thence North 01°08'51" West along the West line of the SW/4 of the NE/4 of the SW/4 for 150.00 feet to the Point of Beginning; Thence continuing North 01°08'51" West along the West line of the SW/4 of the NE/4 of the SW/4 for 509.01 feet to the Northwest corner of the SW/4 of the NE/4 of the SW/4; Thence North 88°38'20" East along the North line of the SW/4 of the NE/4 of the SW/4 for 661.77 feet to the Northeast corner of the SW/4 of the NE/4 of the SW/4; Thence South 01°10'19" East along the East line of the SW/4 of the NE/4 of the SW/4 for 658.13 feet to a point, said point being 1.00 feet North of the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence North 62°56'49" West for 313.23 feet; Thence South 88°38'58" West for 386.00 feet to the Point of Beginning.

Tract 2:
A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Beginning at the Southwest corner of the SW/4 of the NE/4 of the SW/4; Thence North 01°08'51" West along the West line of the SW/4 of the NE/4 of the SW/4 for 150.00 feet; Thence North 88°38'58" East for 386.00 feet; Thence South 62°56'49" East for 313.23 feet to a point on the East line of the SW/4 of the NE/4 of the SW/4; Thence South 01°10'19" East along the East line of the SW/4 of the NE/4 of the SW/4 for 1.00 feet to the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence South 88°38'58" West along the South line of the SW/4 of the NE/4 of the SW/4 for 662.05 feet to the Point of Beginning, AND the South 35.00 feet of the West 35.00 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) AND the West 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof

Easement Tract:
South 35.00 feet of the West 35.00 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) AND the West 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; AND A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Commencing at the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence North 01°10'19" West along the East line of the SW/4 of the NE/4 of the SW/4 for 1.00 feet to the Point of Beginning; Thence North 62°56'49" West for 71.48 feet; Thence North 88°38'58" East for 62.98 feet; Thence South 01°10'19" East along the East line of the SW/4 of the NE/4 of the SW/4 for 34.00 feet to the Point of Beginning.





REVISIONS

NO.	DATE	BY	DESCRIPTION
1	6/10/22	MA	ADDED EASEMENT TRACT

GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE SOUTH LINE OF THE SW/4 OF SECTION 33 BEING N 88°40'14" E AS TIED TO THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011).

SURVEYOR'S STATEMENT

I, JOHN L. LIBBY, JR., CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

REGISTERED PROFESSIONAL LAND SURVEYOR — JOHN L. LIBBY JR. L.S.1806 — OKLAHOMA

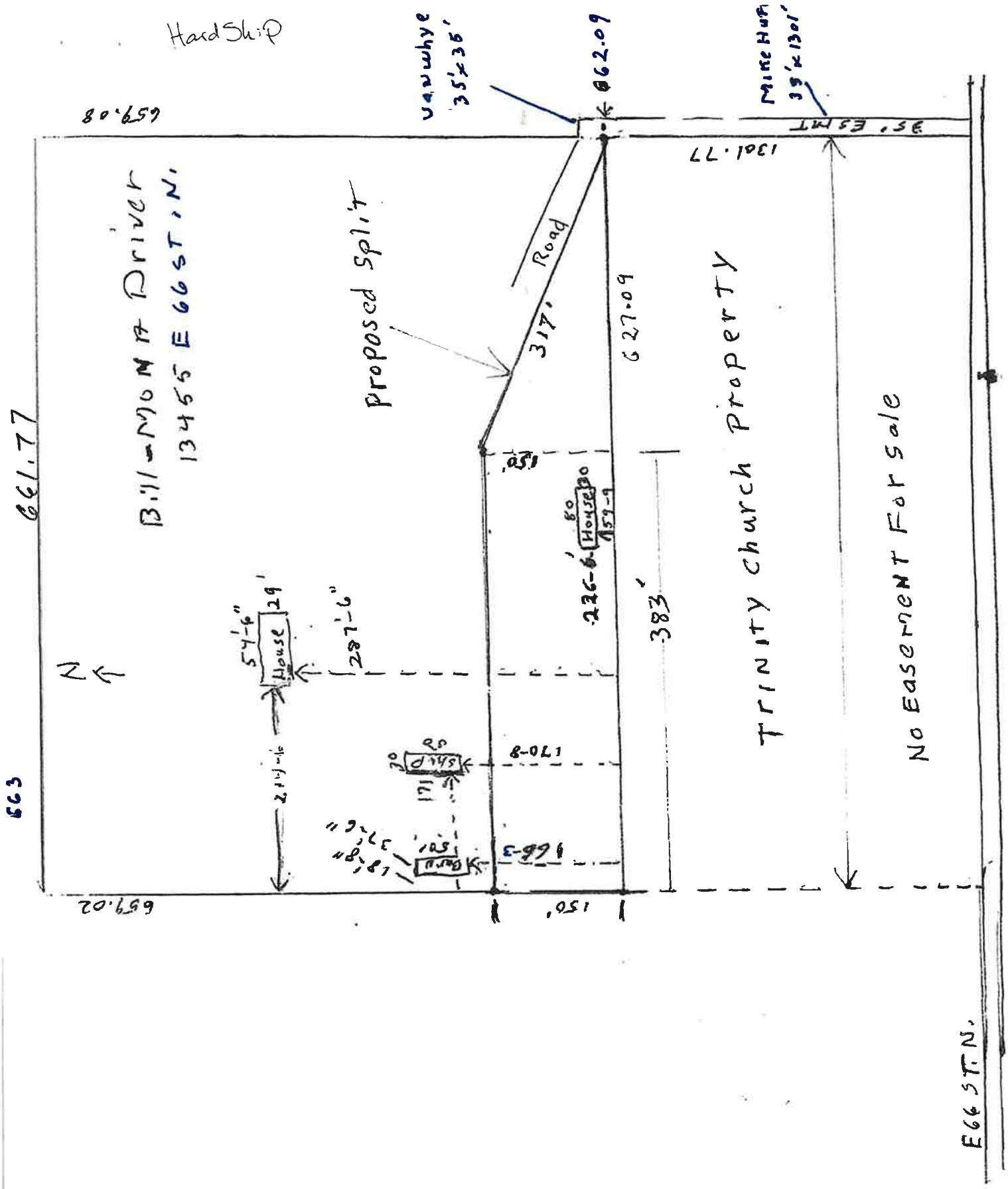
WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO. CA1096

BY: _____ DATED: 6/10/2022
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1806

BEFORE YOU DIG, CALL OKIE FOR LOCATION OF UNDERGROUND UTILITIES. DIAL 811

MRM - N:\33-21-14\SW\108740\Dwg\108740LS22 REV060722.dwg 06/07/22

CBOA-2976 3.6


Hard Ship
Vanwhye 35'x35'
662.09
Mike Huff 35'x1301'
35' ESMT
1301.77
659.08
661.77
663
659.02
Bill-Mona Driver
13455 E 66 ST. N.
Proposed Split
Road
317'
627.09
150'
226-6'
House
80
30
159-9
383'
Trinity Church Property
No Easement For Sale
54'-6"
29'
House
287'-6"
N
Ship
30
171
170-8
166-3
Bus
50'
18'-8"
37'-6"
150'
E 66 ST. N.

We are hoping to acquire a lot split from Tulsa County with an easement variance on our property that our son and family currently lives. There is no easement property available for purchase.

The high cost of housing or land for a modular home seemed to be out of reach for them. If we can deed them a piece of our land at no cost to them makes it affordable for a modular permanent home and have our son near by to help us stay on the property as long as possible during our old age. We are in our seventies.

We also want to deed our other two children a fair and equal part of the property after we have passed.

Bill Driver
Mona Driver

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LOT LINE ADJUSTMENT

LEGEND
—x— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

INVOICE NO.: STK 22-108740
CLIENT: BILL DRIVER

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Tract 2:
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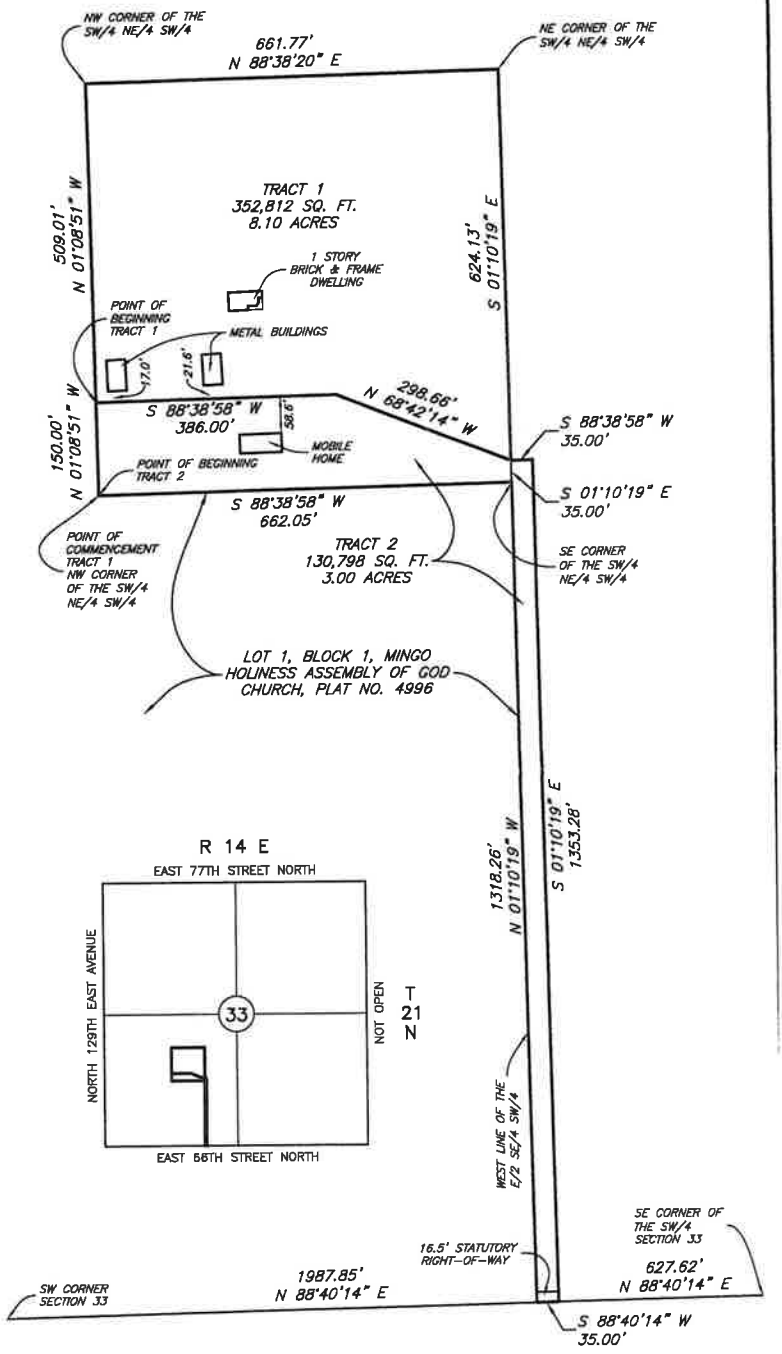

GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011).

SURVEYOR'S STATEMENT

I, RANDY K. SHOEFSTALL, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

REGISTERED PROFESSIONAL LAND SURVEYOR
RANDY K. SHOEFSTALL
L.S.1676
OKLAHOMA

BEFORE YOU DIG, CALL OKIE FOR LOCATION OF UNDERGROUND UTILITIES. DIAL 811

WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO. CA1098

BY: _____ DATE: 5/10/2022
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1676

MRM – N:\33-21-14\SW\108740\Dwg\108740LS22.dwg 05/03/22