**Case Report Prepared by:**

Jay Hoyt

**Owner and Applicant Information:**

Applicant: Heath Timmerman

Property Owner: TIMMERMAN, HEATH G & STEPHANIE

**Action Requested:** Variance to reduce the required 15-foot side setback in the AG District to permit a lot split (Sec. 330, Table 3)

**Location Map:**

![Location Map](image)

**Additional Information:**

Present Use: Residential

Tract Size: 9.43 acres

Location: 16140 S ELWOOD AV W

Present Zoning: AG

Fenceline/Area: Glenpool

Land Use Designation: Estate Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7226
CZM: 65

CASE NUMBER: CBOA-3077
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/26/2023 1:30 PM (Continued from 06/20/2023)

APPLICANT: Heath Timmerman

ACTION REQUESTED: Variance to reduce the required 15-foot side setback in the AG District to permit a lot split (Sec. 330, Table 3)

LOCATION: 16140 S ELWOOD AV W

ZONED: AG

FENCeline: Glenpool

PRESENT USE: Residential

TRACT SIZE: 9.43 acres

LEGAL DESCRIPTION: BEG 24.75W & 1699.28N SEC R NE TH N282 W1298.24 S387.75 E423 N105.75 E875.27 TO POB SEC 26 17 12 9.430ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence and is abutted to the north, south and east by AG zoning containing single-family residences and to the west by RE zoning that is currently vacant.

STAFF COMMENTS:
The applicant is before the Board to request a Variance to reduce the required 15-foot side setback in the AG District to permit a lot split (Sec. 330, Table 3).

The applicant is proposing to split the subject tract into two tracts as illustrated on the materials provided by the applicant. Currently the subject tract is approximately 9.43 acres in area. After the proposed split, Tract 1, as shown on the applicant materials, will contain 2.46 acres and an existing home and shop/barn building. Tract 2 will contain 6.97 acres and will be accessed via a 30 ft wide strip along the norther edge of the subject tract.

The Tulsa County Zoning Code requires a side setback in the AG district of 15 ft. Based on the proposed lot split configuration, the existing shop/barn would fall within that required setback. It would lie 10.1 ft from the 30 ft strip that is proposed to be used as access to Tract 2.

The applicant has provided the statement that the reason they are seeking a variance is to avoid leaving an awkward shape of land near the existing shop/barn.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed variance is compatible with and non-injurious to the surrounding area.
Sample Motion:

“Move to _________ (approve/deny) a Variance to reduce the required 15-foot side setback in the AG District to permit a lot split (Sec. 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.
Legal Description (Tract 1)

A tract of land located in the East Half of the Northeast Quarter (E/2 NE/4) of Section Twenty-six (26), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: to-wit:

Commencing at the Southeast Corner of the NE/4 of said Section 26; THENCE South 89° 57' 06" West along the South line of said NE/4 a distance of 24.75 feet to a point on the West Right-of-Way line of South Elwood Avenue; THENCE North 00° 02' 25" East along said West Right-of-Way line a distance of 1699.28 feet to the Point of Beginning; Thence S89°57'39"W a distance of 426.00 feet; thence N00°02'25"E a distance of 252.00 feet; thence N89°57'39"E a distance of 426.00 feet; thence S00°02'25"E a distance of 252.00 feet to the Point of Beginning. Containing 2.46 acres more or less.

Legal Description (Tract 2)

A tract of land located in the East Half of the Northeast Quarter (E/2 NE/4) of Section Twenty-six (26), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: to-wit:

Commencing at the Southeast Corner of the NE/4 of said Section 26; THENCE S89°57'06"W along the South line of said NE/4 a distance of 24.75 feet to a point on the West Right-of-Way line of South Elwood Avenue; THENCE N00°02'25"E along said West Right-of-Way line a distance of 1951.28; Thence S89°57'39"W a distance of 426.00 feet to the Point of Beginning; thence continuing S89°57'39"W a distance of 449.21 feet; thence S00°02'44"W a distance of 105.75 feet; thence S89°57'39"W a distance of 423.00 feet; thence N00°02'44"E a distance of 387.75 feet; thence N89°57'39"E a distance of 1298.24 feet; thence S00°02'25"W a distance of 30.00 feet; thence S89°57'39"W a distance of 426.00 feet; thence S00°02'25"E a distance of 252.00 feet to the Point of Beginning. Containing 6.97 acres more or less.
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LEGAL DESCRIPTION (Tract 2)

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