



P.O. BOX 850 | COWETA, OKLAHOMA 74429 | PH. (918) 486-2189 | FAX (918) 486-5366 | www.cityofcoweta-ok.gov

**AGENDA - REGULAR MEETING
COWETA BOARD OF ADJUSTMENT
COWETA CITY HALL, 310 S. BROADWAY
IMMEDIATELY FOLLOWING THE MEETING OF
THE COWETA PLANNING COMMISSION
MONDAY, JANUARY 17, 2022, 6:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Melanie Lander ____
Jessica Morris ____
Kathy Sloat-Ahlstrom ____
Carter Mathews ____
Joanna Jones ____

III. CONSENT

(All matters under the "Consent Calendar" are considered by the Board of Adjustment to be routine and will be enacted by one motion. Any Member may, however, remove an item from consent by request.)

1. MINUTES OF THE REGULAR MEETING

APPROVAL OF THE MINUTES OF THE COWETA BOARD OF ADJUSTMENT, REGULAR MEETING, HELD ON OCTOBER 18, 2021.

Documents:

[211018 MINUTES OF THE BOARD OF ADJUSTMENT.PDF](#)

IV. PUBLIC HEARINGS

1. PUBLIC HEARING - CBOA 22-01

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON CBOA 22-01, A REQUEST FOR A VARIANCE TO SECTION 240.2 (E) (4) OF THE COWETA ZONING CODE PERTAINING TO ALLOWABLE AGGREGATE SQUARE FOOTAGE OF ACCESSORY BUILDINGS, A REQUESTS FOR A SPECIAL EXCEPTION TO THE ZONING CODE ACCORDING TO SECTION 240.2(E)(5) PERTAINING TO THE MAXIMUM AGGREGATE SQUARE FOOTAGE OF ACCESSORY BUILDINGS IN SECTION 240.2(E) (2), AND A REQUEST FOR A SPECIAL EXCEPTION TO SECTION 240.2 (E) (3) PERTAINING TO THE RELATABLE DESIGN STANDARDS FOR ACCESSORY BUILDINGS ON PROPERTY ZONED RS-1 AND LOCATED AT 29665 EAST 158TH STREET SOUTH IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA.

Documents:

[220117 STAFF REPORT CBOA 22-01.PDF](#)

[220117 PUBLIC HEARING NOTICE CBOA 22-01.PDF](#)
[WOODLAND VIEW.PDF](#)
[CBOA 22-01 SITE PLAN.PDF](#)
[CBOA 22-01 AERIAL VIEW MAP WITH FLOODPLAIN.PDF](#)
[CBOA 22-01 LOCATION MAP.PDF](#)
[CBOA 22-01 ZONING MAP.PDF](#)

2. PUBLIC HEARING - CBOA 22-02

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON CBOA 22-02, A REQUEST FOR A VARIANCE FROM SECTION 1950 PERTAINING TO STRUCTURAL NONCONFORMITIES OF THE ZONING CODE IN PARTICULAR SECTION 1950(D)(1) ON PROPERTY ZONED RS-3 AND LOCATED AT 15811 SOUTH 289TH EAST AVENUE IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA.

Documents:

[220117 STAFF REPORT CBOA 22-02.PDF](#)
[220117 PUBLIC HEARING NOTICE CBOA 22-02.PDF](#)
[CBOA 22-02 AERIAL VIEW WITH FLOODPLAIN.PDF](#)
[CBOA 22-02 LOCATION MAP.PDF](#)
[CBOA 22-02 ZONING MAP.PDF](#)
[LETTER FROM STEVEN TERRY.PDF](#)
[DOC018.PDF](#)
[DOC019.PDF](#)
[DOC020.PDF](#)
[DOC021.PDF](#)
[DOC022.PDF](#)
[ORDINANCE 593.PDF](#)

V. OLD BUSINESS

1. CBOA 22-01 - SPECIAL EXCEPTION SECTION 240.2 (E)(3)

DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 22-01, A REQUEST FOR A SPECIAL EXCEPTION FROM SECTION 240.2 (E)(3) OF THE COWETA CITY CODE PERTAINING TO RELATABLE DESIGN OF ACCESSORY BUILDINGS ON PROPERTY ZONED RS-1 AND LOCATED AT 29665 EAST 158TH STREET SOUTH IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA. (MARK SEIBOLD, COMMUNITY DEVELOPMENT DIRECTOR)

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[CBOA 22-01 LOCATION MAP.PDF](#)
[CBOA 22-01 ZONING MAP.PDF](#)

2. CBOA 22-01 - VARIANCE SECTION 240.2 (E)(4)

DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 22-01, A REQUEST FOR A VARIANCE FROM SECTION 240.2 (E)(4) OF THE COWETA CITY CODE PERTAINING TO ALLOWABLE AGGREGATE SQUARE FOOTAGE OF ACCESSORY BUILDINGS ON PROPERTY ZONED RS-1 AND LOCATED AT 29665 EAST 158TH STREET SOUTH IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA. (MARK SEIBOLD, COMMUNITY DEVELOPMENT DIRECTOR)

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[CBOA 22-01 LOCATION MAP.PDF](#)
[CBOA 22-01 ZONING MAP.PDF](#)

3. CBOA 22-01 - SPECIAL EXCEPTION SECTION 240.2 (E)(5)

DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 22-01, A REQUEST FOR A SPECIAL EXCEPTION FROM SECTION 240.2 (E)(5) PERTAINING TO THE MAXIMUM AGGREGATE SQUARE FOOTAGE OF ACCESSORY BUILDINGS IN SECTION 240.2(E) (2) ON PROPERTY ZONED RS-1 AND LOCATED AT 29665 EAST 158TH STREET SOUTH IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA. (MARK SEIBOLD, COMMUNITY DEVELOPMENT DIRECTOR)

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[CBOA 22-01 LOCATION MAP.PDF](#)
[CBOA 22-01 ZONING MAP.PDF](#)

4. CBOA 22-02

DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 22-02, A REQUEST FOR A VARIANCE FROM SECTION 1950 PERTAINING TO STRUCTURAL NONCONFORMITIES, IN PARTICULAR SECTION 1950(D)(1), OF THE ZONING CODE ON PROPERTY ZONED RS-3 AND LOCATED AT 15811 SOUTH 289TH EAST AVENUE IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA. (MARK SEIBOLD, COMMUNITY DEVELOPMENT DIRECTOR)

Documents:

[220117 STAFF REPORT CBOA 22-02.PDF](#)
[CBOA 22-02 AERIAL VIEW WITH FLOODPLAIN.PDF](#)
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[DOC021.PDF](#)
[DOC022.PDF](#)
[ORDINANCE 593.PDF](#)

VI. NEW BUSINESS

VII. ADJOURNMENT

IF YOU REQUIRE A SPECIAL ACCOMMODATION PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PLEASE NOTIFY CITY HALL BY 9:00 A.M. ON THE DATE OF THE MEETING.



**MINUTES
COWETA BOARD OF ADJUSTMENT
COWETA CITY HALL, 310 S. BROADWAY
MONDAY, OCTOBER 18, 2021**

I. CALL TO ORDER

Chairperson Melanie Lander called the meeting to order at 6:08 p.m.

II. ROLL CALL

Carter Mathews	Present
Kathy Sloat-Ahlstrom	Present
Jessica Morris	Present
Joanna Jones	Present
Melanie Lander	Present

Chairperson Melanie Lander requested that the roll be called, and a quorum was declared to be present.

III. CONSENT

1. Consideration of the minutes of the regular meeting of August 16, 2021.

Motion was made by Board Member Jessica Morris and seconded by Board Member Melanie Lander to approve Consent Agenda.

Motion passed by a vote of 5-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

IV. NEW BUSINESS

1. Elections

Discussion and possible action on the election of Chair, Vice Chair and Secretary to serve on the Board of Adjustment.

- a. Current Chairperson for the Board of Adjustment, Melanie Lander, made a motion for Jessica Morris to be the new Chairperson for the Board of Adjustment. Board Member Carter Mathews seconded the motion.

The motion passed by a vote of 5-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

- b. Current Chairperson for Board of Adjustment, Melanie Lander, made a motion for Kathy Sloat-Ahlstrom to be the new Vice-Chairperson for the Board of Adjustment. Board Member Jessica Morris seconded the motion.

The motion passed by a vote of 5-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

- c. Current Chairperson for the Board of Adjustment, Melanie Lander, made a motion for Joanna Jones to be the new Secretary for the Board of Adjustment. Board Member Jessica Morris seconded the motion.

The motion passed by a vote of 5-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

V. ADJOURNMENT

Chairperson Melanie Lander moved that the Coweta Board of Adjustment meeting be adjourned. There were no objections. The meeting was adjourned at 6:16 p.m.

Approved:

Chairman

Secretary

Date



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Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-01
Date: 01/17/22

BACKGROUND

Applicant

Timothy Ahlstrom, Jr., 29665 E 158th Street S in Coweta, seeks a;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

Action on the Variance (1st item) does not imply or guarantee approval of the individual special exceptions (2nd items a. and b.)

Case Facts

- Applicant's lot consists of approximately 35,344 sq ft or .81 acres with a legal description as: Lot 23, Block 1, WOODLAND VIEW, an Addition to the Town of Coweta, A subdivision of part of E1/2 of SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma
- The property is zoned Residential Single Family (RS-1)
- The principal structure on the property is approximately 1,863 sq ft with a stone and wood exterior and composition shingle roofing
- Property has two existing accessory buildings with an aggregate floor space of 1,035 sq ft:
 - 25 ft X 35 ft (875 sq ft)
 - 20 ft X 8 ft (160 sq ft)
- Applicant wishes to construct an additional 36 ft X 50 ft (1,800 sq ft) wood framed shop with metal siding and roof color matched to the principal structure, the shop will have a peak height of 19 feet (19')
- If constructed, the aggregate square footage of accessory buildings on the lot would be 2,835 sq ft

Pertinent Code

Section 240.2 (e) (3) Detached accessory buildings may be located in the rear yards of RS Districts and shall be regulated as follows:

(1) On RS lots containing less than one-half (0.5) acre of lot area, detached accessory buildings may be located in a rear yard provided that the accessory buildings in aggregate do not exceed 768 square feet of floor area, or cover more than twenty percent (20%) of the rear yard, whichever is smaller.

(2) On RS lots containing one-half (0.5) acre of lot area or greater, detached accessory buildings may be located in the rear yard provided that the accessory buildings in aggregate do not exceed the following: **RS lots containing a minimum of one-half (0.5) acre but less than one (1) acre of lot area - an aggregate maximum floor area of 1,000 square feet;** or RS lots containing one (1) acre or more of lot area - an aggregate maximum floor area of 1,500 square feet.

- Section 240.2 (e) (3) **Accessory Buildings over 750 square feet in size** located upon a property site, or an adjacent property if under same ownership, **shall be designed to relate in materials, color, character and detail to the principal building(s)** located upon the site and/or adjacent lots
- Section 240.2 (e) (4) **In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure** located upon the lot.
- Section 240.2 (e) (5) All accessory buildings not meeting the minimum requirements in (1.) and (2.) above shall require Board of Adjustment action in the form of a Special Exception. **The following factors, at a minimum, shall be considered by the Board of Adjustment in granting Special Exception approval of detached accessory buildings as referenced above: the accessory building height; building construction materials; building color scheme; building, location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form.** (Ord #572)
- Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**
- Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
- (a) 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.**
 - (b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**

(c) 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.**

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

ATTACHMENTS

Notice of Public Hearing
Subdivision Plat
Site Plan
Aerial Map
Area Map
Zoning Map

**NOTICE OF A PUBLIC HEARING BY THE COWETA BOARD OF
ADJUSTMENT: CASE NUMBER CBOA 22-01**

Notice is hereby given that the City of Coweta Board of Adjustment will hold a Public Hearing at Coweta City Hall, 310 S. Broadway, Coweta, Oklahoma at 6:00 pm on the 17th day of January 2022.

At the above time and place a request will be heard from Timothy Ahlstrom, seeking a variance of the zoning code according to Section 240.2 (e) (4); and is seeking a special exception of the zoning code according to Section 240.2 (e) (5). All accessory buildings not meeting the minimum requirements in Section 240.2 (e) shall require Board of Adjustment action in the form of a Special Exception. The property is zoned RS-1. The location of the request is 29665 East 158th Street South, also known as:

Lots 23, Block 1, WOODLAND VIEW, an Addition to the Town of Coweta, A subdivision of part of E1/2 of SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma.

All persons interested in this matter may be present at the hearing to present their support for or objections to the above request.

For additional information, contact the Community Development Department at City Hall 918-486-2189. Please reference the above case number when calling.

Dated at Coweta, Oklahoma this 21st day of December 2021.

WOODLAND VIEW

An Addition to the City of Coweta, Wagoner County, Oklahoma. A Subdivision of the E/2, SW/4 Section 19, Township 17 North, Range 16 East.

Plat Book 1 Page 1
OCT 27 1976
AT J. B. ENGINEERING CO.
JACK C. JONES, County Clerk
By: [Signature]

OWNER:
TRI-KAY DEVELOPERS, INC.
ROUTE 2 BIXBY, OKLA 74008

J-B ENGINEERING CO.
6127 E 31ST STREET
TULSA, OKLA. 74135

DEED OF DEDICATION FOR "WOODLAND VIEW"

KNOW ALL MEN BY THESE PRESENTS:

That TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation, is the owner of the following described property in Wagoner County, State of Oklahoma, to-wit:

A tract of land situated in the E/2 of the SW/4 of Section 19, Township 17 North, Range 16 East, Wagoner County, Oklahoma, being more particularly described as follows: Beginning at the Northeast Corner of said E/2 SW/4; Thence S 0°08'18" W and along the East line of said E/2 SW/4 for 438.18 feet; Thence Due West for 110.14 feet; Thence Due North for 52.69 feet; Thence Due West for 215.03 feet to a point on the West line of said E/2 SW/4; Thence N 0°00'15" W and along the West line of said E/2 SW/4 for 1333.91 feet to the Northwest Corner of said E/2 SW/4; Thence S 89°53'44" E and along the North line of said E/2 SW/4 for 1326.81 feet to the point of beginning and containing 41.9119 acres more or less.

and have caused the same to be surveyed, platted and staked into lots, blocks and streets as shown on the attached plat and survey thereon, and which plat is made a part hereof and has given to said addition the name of "WOODLAND VIEW" an addition to the City of Coweta, Wagoner County, State of Oklahoma, and:

NOW THEREFORE, the Owner does hereby dedicate for public use all of the streets as shown on said plat and does hereby guarantee the title to all of the land covered by said streets, and for the purpose of providing an orderly development of the above described real estate, and in order to provide adequate restrictive covenants for the mutual benefit of themselves and their successors in title to the subdivision of said land (hereinafter referred to as lots) the undersigned does hereby impose the following restrictions and reservations and create the following easements, which shall be binding upon it, its successors and assigns:

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until October 1, 1996, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part. If the parties hereto, or its assigns or successors shall violate or attempt to violate any of the covenants therein, it shall be lawful for any other person or persons owning a property situated in said development of the subdivision to prosecute any proceeding at law or in equity against the parties or person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing, or to recover damages or other dues for such violations. INVALIDATION of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

1. All lots in the Addition shall be known and described as residential lots, and shall be used for residential purposes only. No more than one (1) single family residence shall be erected, altered placed or permitted to remain on any lot other than a single family residence.
2. No single family residence, the ground floor area of which is less than 1300 square feet, exclusive of open porches and garage shall be constructed on any lot.
3. No single family residence shall be constructed which design incorporates a flat roof. All residences shall have a roof pitch of not less than Two and One-Half feet in Twelve feet (2 1/2' : 12'). All residences shall contain a minimum of Three (3) bedrooms, One and One-Half Baths and a Two (2) car garage. All residences shall have a minimum of 75% brick or masonry, excluding window and door openings.
4. No single family residence or open porches shall be located nearer to the front lot line, nor nearer to the side street line than the building lines shown on the attached plat. No residence shall be located nearer than Five (5) feet to any side lot line.
5. No fence shall be erected on any lot forward of the main structure, and no fence on any lot shall be more than Six (6) feet in height.
6. No structure previously used shall be used on any lot in this addition.
7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be used on any lot at any time as a residence either temporarily or permanently.
8. All drive-ways shall be a minimum of Twenty (20) feet in length.
9. No mobile home of any nature shall be used for a residence either temporarily or permanently.
10. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may or may become an annoyance or a nuisance to the neighborhood.
11. All water and sewage disposal systems shall comply with standards and specifications of the Wagoner County and Oklahoma State Department of Health Requirements.
12. No sign of any kind shall be displayed to the public view on any residential lot except One (1) professional sign of not more than One (1) square foot, or One (1) sign of not more than Five (5) square feet advertising for sale or rent, or signs used by a builder to advertise the property during construction and sales period.
13. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
14. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose, said household pets shall be confined in a yard or on a leash.
15. No oil drilling, oil development operations, oil refining or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, minerals excavations or shafts be permitted on any lot. No derrick or other structures designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
- 16a. Overhead pole lines for the supply of electric service may be located along the front, sides and rear of all lots in the addition. Street light poles or standards may be served by underground cable, elsewhere throughout the addition, the supply lines may also be located underground in the easement-ways reserved for general utility services and streets shown on the attached plat. Service pedestals and transformers as sources of supply at secondary voltages may also be located in said easement-ways.
- b. Except to houses on lots described in paragraph (16a.) above, which may be served from overhead electric service lines, underground service cables to all houses which may be located on all lots in said addition may be run from the nearest Overhead pole, service pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot; provided that upon the installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definitive, permanent, effective and exclusive right-of-way easement on said lot, covering a Five (5) foot strip extending 2 1/2 feet on each side of such service cable extending from the overhead pole, service pedestal or transformer to the service entrance of said house.
- c. The supplier of electric service, through its proper agents and employees shall at all times have right of access to all such easement-ways shown on said plat or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground facilities so installed by it.
- d. The owner of each lot shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric facilities. The electric company will be responsible for the ordinary maintenance of underground electric facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- e. The foregoing covenants (16a thru 16e) concerning underground electric facilities shall be enforceable by the supplier of electric service, and the owner of each lot agrees to be bound hereby.

NOW THEREFORE, THE UNDERSIGNED does hereby dedicate for public use all of the streets and public places shown on the attached plat, and does further dedicate for public use forever the easements and rights-of-way as shown and designated on the attached plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm and sanitary sewers, telephone lines, electric lines and transformers, gas lines and water lines together with all fittings and equipment for each of such facilities, including the poles, conduits, pipes, valves, meters and any other appurtenances thereto with the right of ingress and egress to and upon said easements and rights-of-way for the uses and purposes aforesaid, together with similar rights in each and all of the streets shown on said plat; PROVIDED, HOWEVER, that the undersigned reserves the right to construct, maintain, operate, lay and relay water and sewer lines together with the right of ingress and egress shown on said plat and over, across and along all strips of land included within the easements shown thereon, both for the furnishing of water and/or sewer service to the area included on said plat and to any other area.

WITNESS our hands and seal on this 27th day of OCTOBER 1976.

ATTEST:
[Signature] TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation
[Signature] RICHARD C. KETCHUM, Secretary
[Signature] RICHARD C. KETCHUM, President

STATE OF OKLAHOMA } SS
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of OCTOBER 1976, personally appeared RICHARD C. KETCHUM, to me known to be the identical person who subscribed the name of the said plat to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said Corporation for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.
By Commission Expires: April 24, 1980 [Signature] NOTARY PUBLIC

CERTIFICATE OF COUNTY TREASURER:

I, [Signature] County Treasurer of Wagoner County, Oklahoma, do hereby certify that the 1976 taxes and all back taxes have been paid according to the 1976 tax roll.
Dated this 27th day of OCTOBER 1976. [Signature] COUNTY TREASURER, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF COUNTY SANITARIAN:

I, [Signature] County Sanitarian of Wagoner County, Oklahoma, do hereby certify that all lots on the attached plat meet the requirements of the Oklahoma State Department of Health with respect to lots which are served by municipal water, and individual sewage disposal systems.
Dated this 27th day of OCTOBER 1976. [Signature] COUNTY SANITARIAN, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF SURVEY:

I, JOE E. DONELSON, a Registered Professional Engineer and a Registered Land Surveyor in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and staked the lots and blocks and the real estate and premises dedicated as "WOODLAND VIEW" an addition to the City of Coweta, Wagoner County, Oklahoma, and that the attached plat is a true and correct representation of said survey showing the length, width and depth of the lots, blocks and the names, widths, boundaries and extensions of all streets.

WITNESS my hand and seal on this 27th day of OCTOBER 1976, at Tulsa, Tulsa County, Oklahoma.

J-B ENGINEERING CO.
[Signature] JOE E. DONELSON, Eng. Professional Engineer/Reg. Land Surveyor.

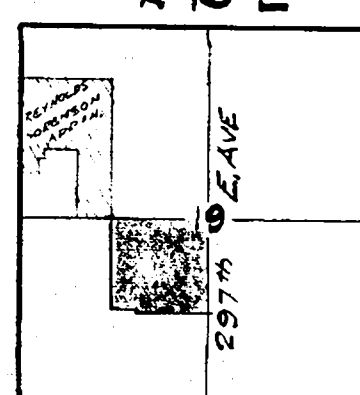
STATE OF OKLAHOMA } SS
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of OCTOBER 1976, personally appeared JOE E. DONELSON, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of J-B Engineering Co., for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.
By Commission Expires: April 24, 1980 [Signature] NOTARY PUBLIC

SCALE
0 100' 200'

R-16-E



LOCATION MAP

LEGEND

CL - CENTERLINE
 B/L - BUILDING LINE
 U/E - UTILITY EASEMENT
 S/E - SERVICE ENTRANCE
 R/W - RIGHT-OF-WAY
 MAE - MUTUAL ACCESS ESMT
 B/E - BURIED ELEC. ESMT
 L/E - LANDSCAPE ESMT
 D/E - DRAINAGE ESMT
 W/E - WATERLINE ESMT
 TRNSFRMR - TRANSFORMER

BAKER SURVEYING, LLC

4677 SOUTH 83RD EAST AVENUE
TULSA, OKLA. 74145

MORTGAGE INSPECTION REPORT

NOT A LAND OR BOUNDARY SURVEY



SCALE: 1"=50'

SELLER: Estate of William Thomas, Sr. and
Willa Ruth Buckner

BUYER: Kathy R. Ahlstrom

CLIENT: Elite Title Services, LLC



SURVEYOR'S NOTE:

THE FOLLOWING FOUND IN TITLE
COMMITMENT #19-12-2658, DATED 01/02/20:
DOES AFFECT THE PROPERTY:

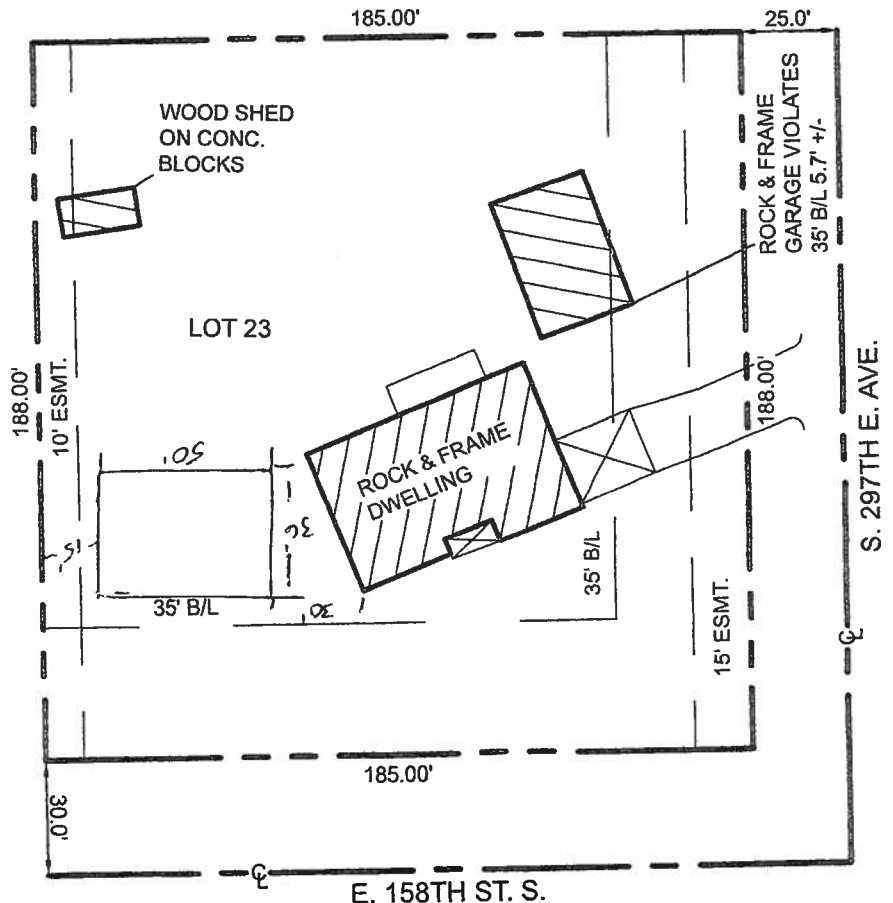
- #11 ITEMS CONTAINED IN THE PLAT AND
DEED OF DEDICATION/COVENANTS AND
RESTRICTIONS, OF WOODLAND VIWE
ADDITION, PLAT BOOK 7 PAGE 17, BK 479
PG 67

DOES NOT AFFECT THE PROPERTY:

- #9 BK 336 PG 82, BK 557 PG 324
- #10 BK 536 PG 168

FLOOD PLAIN STATEMENT:

THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED AREAS) PER FLOOD
INSURANCE RATE MAP 40145C0275H EFFECTIVE APRIL 17, 2012. ZONE X
(UNSHADED) DEFINED AS AREA OF MINIMAL CHANCE OF FLOOD HAZARD.



DATE OF FIELD INSPECTION:
JANUARY 6TH, 2020

LEGAL DESCRIPTION:

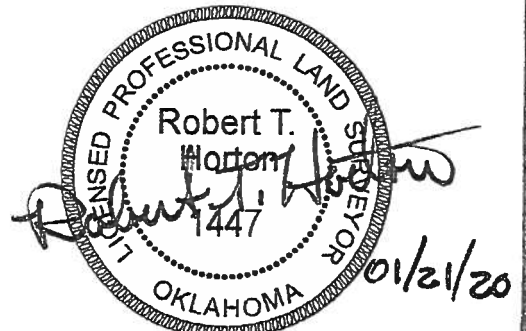
LOT TWENTY-THREE (23), BLOCK ONE (1), WOODLAND VIEW, AN ADDITION TO THE
TOWN OF COWETA, A SUBDIVISION OF PART OF E/2 OF SW/4 OF SECTION 19,
TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER
COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.
ALSO KNOWN AS:
29665 EAST 158TH STREET SOUTH, COWETA, OK 74429

CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR ELITE TITLE SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING.

SIGNED JANUARY 21ST, 2020

BAKER SURVEYING, LLC
4677 SOUTH 83RD EAST AVENUE
TULSA, OKLAHOMA 74145
OKLAHOMA CA #5816 EXPIRES 6/30/2020
(918) 271-5793



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



SUBJECT PROPERTY

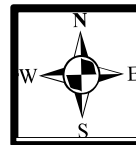


Reynolds Sorenson Addition

Post Oak

Coweta Heights

CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



State Highway 72

157th

296th

297th East

Woodland View

SUBJECT PROPERTY

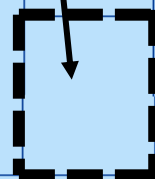
16E17N19

294th

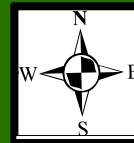
158th

Woodland View II

159th



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)

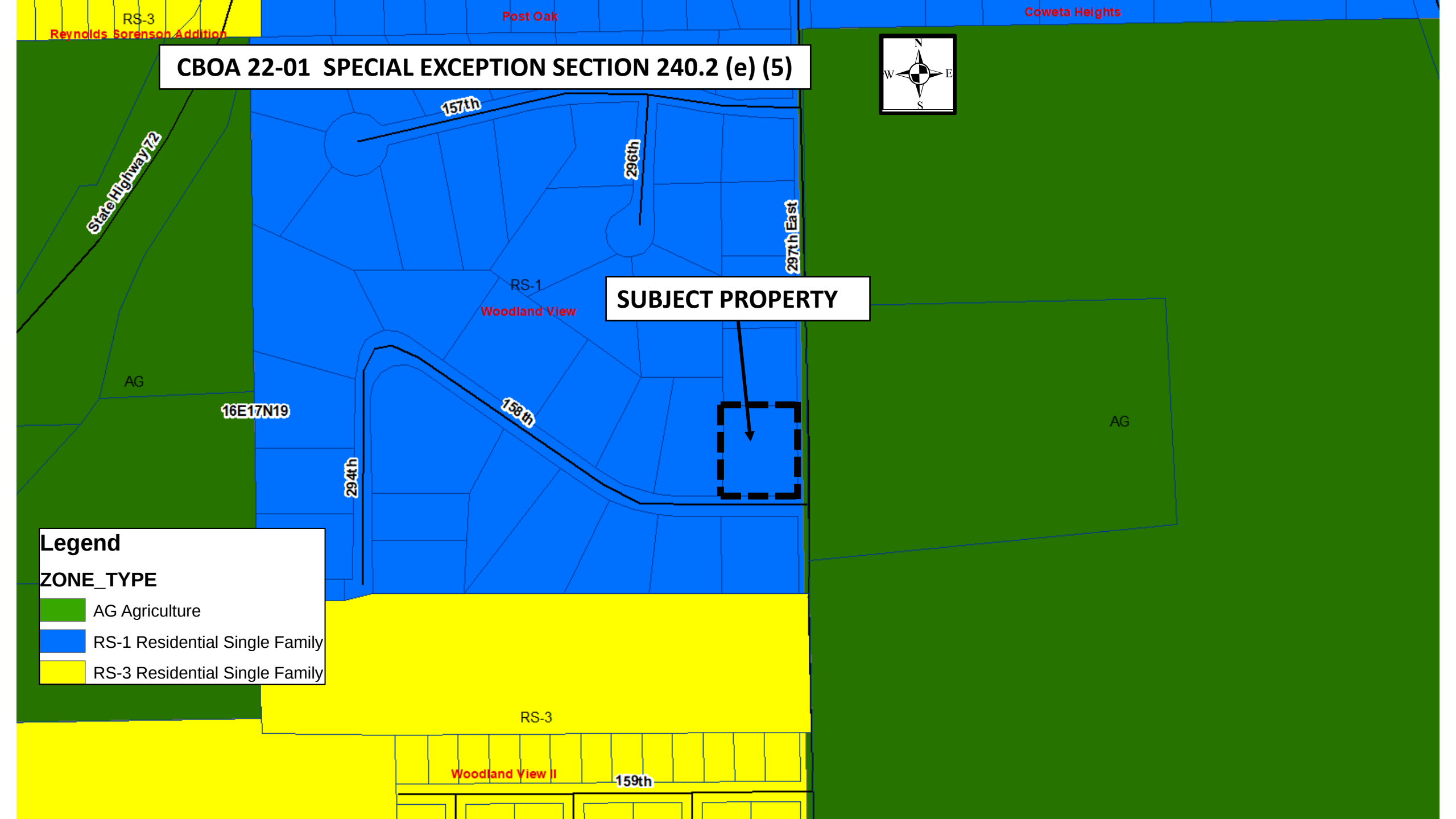


SUBJECT PROPERTY

Legend

ZONE_TYPE

-  AG Agriculture
-  RS-1 Residential Single Family
-  RS-3 Residential Single Family





POST OFFICE BOX 850 ☐ COWETA, OKLAHOMA 74429 ☐ PH. (918) 486-2189 ☐ FAX (918) 486-5366 ☐
www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-02
Date: 01/17/22

BACKGROUND

Applicant

The applicant, Steven and Kathryn Terry, are seeking;

- 1) A variance from Section 1950 Structural Nonconformities;
 - a. Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

Case Facts

- The location of the request is 15811 South 289th, The property is zoned Residential Single Family (RS-3).
- Applicant's lot consists of approximately .56 acres with a legal description as: Tract of land located in the SW1/4 of the NW1/4 of the SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma, and further described as follows, to-wit: Beginning 1705 feet North of the SW corner of the SW1/4 of said Section 19; thence North 115 feet; thence East 210 feet; thence South 115 feet; thence West 115 to the point of beginning.
- The applicants are requesting the variance of the zoning code Section 1950 (d) (1), to allow the placement of a mobile home (Residential Manufactured Home) on their property.

Pertinent Code

Ordinance 593 was approved by Coweta City Council on May 9th, 2003 and limits mobile homes to properties zoned RMHP – Residential Manufactured Home Park or RMHS Residential Manufactured Home Subdivision. ***The subject property is not zoned appropriately.***

Section 725 Tract Area – 5 Acres. **Tract does not comply with required lot size**

Section 1950 A structure, lawfully existing at the effective date of the adoption or amendment of this Code, but which would be prohibited by the terms of this Code by reason of restriction on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be

deemed nonconforming and may continue, **subject to the following provisions:**

Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, **shall not be thereafter reestablished**, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**

Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
(a) 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.**
(b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**
(c) 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.**
Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance from Section 1950 Structural Nonconformities;
 - a. Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

ATTACHMENTS

1. Aerial View Map. 2. Location Map. 3. Zoning Map. 4. Public Hearing Notice.

**NOTICE OF A PUBLIC HEARING BY THE COWETA BOARD OF
ADJUSTMENT: CASE NUMBER CBOA 22-02**

Notice is hereby given that the City of Coweta Board of Adjustment will hold a Public Hearing at Coweta City Hall, 310 S. Broadway, Coweta, Oklahoma at 6:00 pm on the 17th day of January 2022.

At the above time and place a request will be heard from Steven and Kathryn Terry, seeking a variance of the zoning code according to Section 1950 Structural Nonconformities; Section 1950 (d) (1), owner's requesting new mobile home on site. The property is zoned RS-3. The location of the request is 15811 South 289th East Avenue, also known as:

Tract of land located in the SW1/4 of the NW1/4 of the SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma, and further described as follows, to-wit: Beginning 1705 feet North of the SW corner of the SW1/4 of said Section 19; thence North 115 feet; thence East 210 feet; thence South 115 feet; thence West 115 to the point of beginning.

All persons interested in this matter may be present at the hearing to present their support for or objections to the above request.

For additional information, contact the Community Development Department at City Hall 918-486-2189. Please reference the above case number when calling.

Dated at Coweta, Oklahoma this 21st day of December 2021.

CBOA 22-02 VARIANCE SECTION 1950 STRUCTURAL NONCONFORMITIES



SUBJECT PROPERTY



State Highway 72

15E17N24

16E17N19

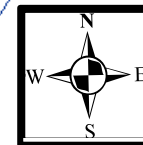
294th

158th

159th

294th East

CBOA 22-02 VARIANCE SECTION 1950 STRUCTURAL NONCONFORMITIES



SUBJECT PROPERTY

289th East



State Highway 72

15E17N24

16E17N19

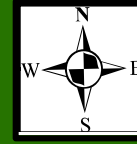
Woodland View

294th

158th

Woodland View II

CBOA 22-02 VARIANCE SECTION 1950 STRUCTURAL NONCONFORMITIES



SUBJECT PROPERTY

289th East

RS-3

State Highway 72

AG

15E17N24

AG

16E17N19

Woodland View

RS-1

158th

294th

Legend

ZONE_TYPE

-  AG Agriculture
-  O Office and institutional
-  RS-1 Residential Single Family
-  RS-3 Residential Single Family

O

RS-3

Woodland View II

Steven D. and Kathryn Terry
15811 South 289th East Avenue
Coweta, Oklahoma 74429

Phone: 918-486-5535

January 15, 2022

City of Coweta
Planning Commission
310 South Broadway
Coweta, OK 74429

RE:: Steven and Kathryn Terry Hardship Claim
Permission to put mobile home at: 15811 S 289th East Avenue, Coweta, OK

To Whom It May Concern:

The City of Coweta has requested that the primary residents (Steven and Kathryn Terry) of 15811 S. 289th East Avenue in Coweta, Oklahoma prove that the placement of a mobile home on their property would be an asset to their physical assistance and daily needs thus fulfilling the hardship requirement.

We are presenting the following which we ask you to consider:

1. Due to our age and various health issues, it is becoming more and more strenuous for us to maintain the house and surrounding property. We have only one living family member who can assist us. Our granddaughter and her husband would reside in the mobile home if placed on the property. It would be located next door to our home.
2. My wife's diagnosis (Kathy) which requires minimal help at this time, but in the not-too-distant future she will require additional help with activities of daily living such as housekeeping, cooking and other chores. Her diagnosis are as follows: Osteoarthritis with joint deterioration, Fibromyalgia, Type 2 diabetes and high blood pressure.
3. My diagnosis, which requires minimal help at this time, but in the not-too-distant future I will need additional help with activities of daily living such as household maintenance and other chores. It is especially hard to maintain the residence specifically in the summertime because of the yardwork.. My diagnosis are as follows: High blood pressure and atrial fibrillation.

The family has owned this property since 1952 and a mobile was placed on the property previously in 1993 and remained until 1997 when it was moved to Coweta Trailer Park. We thank you for your consideration.

Sincerely,

Kathryn Terry

Steven Terry

Kathryn and Steven Terry

BOARD OF ADJUSTMENT APPLICATION
VARIANCE ONLY

It is a requirement of the state that the minutes of the meeting at which a variance is granted shall show that each element listed below was established at the public hearing.
Please state how the following statements apply to your request.

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

See Attached

2. Such conditions are peculiar to the particular piece of property involved:

ANSWERED IN ATTACHMENT

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

Property is Isolated from any Subdivision and has only
ONE Neighboring Property

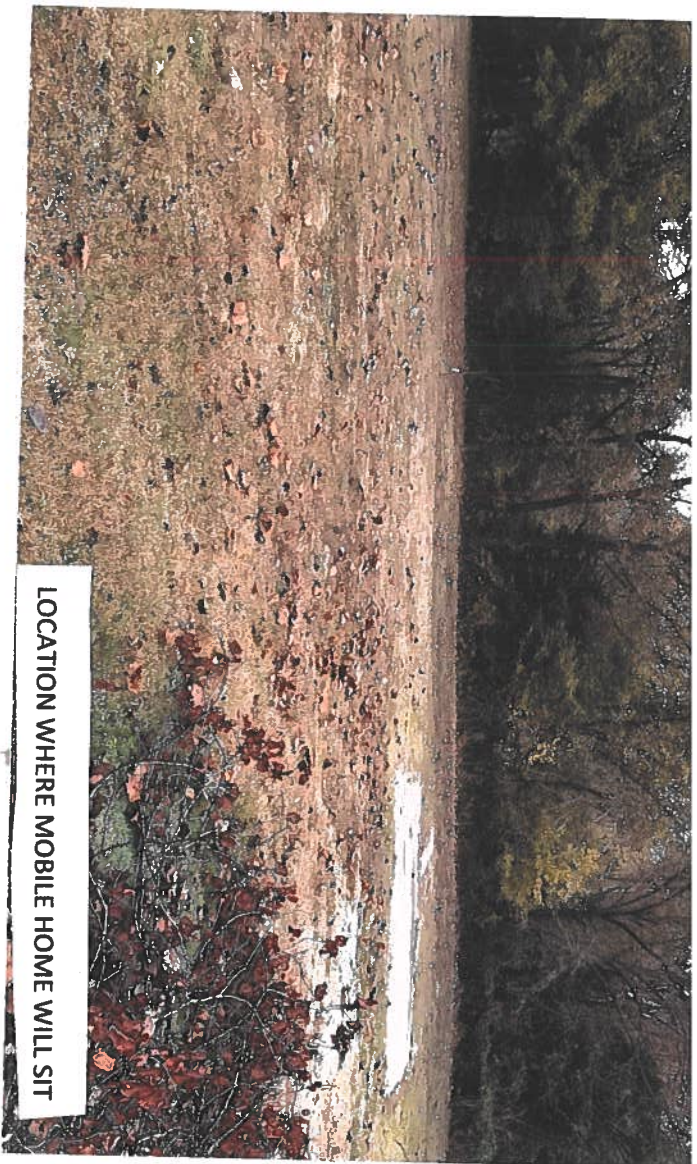
4. The variance, if granted, would be the minimum allowance necessary to alleviate the unnecessary hardship.

We are requesting a permit for a New Mobile Home only
We are NOT requesting ANY Further Variance of the
Property this will fulfill the purpose for granting the
variance.

1. My wife and I would be unable to stay in our home/property in the long term without assistance.
In addition, there would be no reasonable use of the property without the variance.
2. The property is located in a rural area without subdivisions or businesses. There are also mobile homes on property nearby. In addition the property has had a mobile home in the past. It already has concrete footings, electric and water service.
3. There is only one neighboring property.
4. We are requesting a permit for a new mobile home only. We are not requesting any further variance of the property.







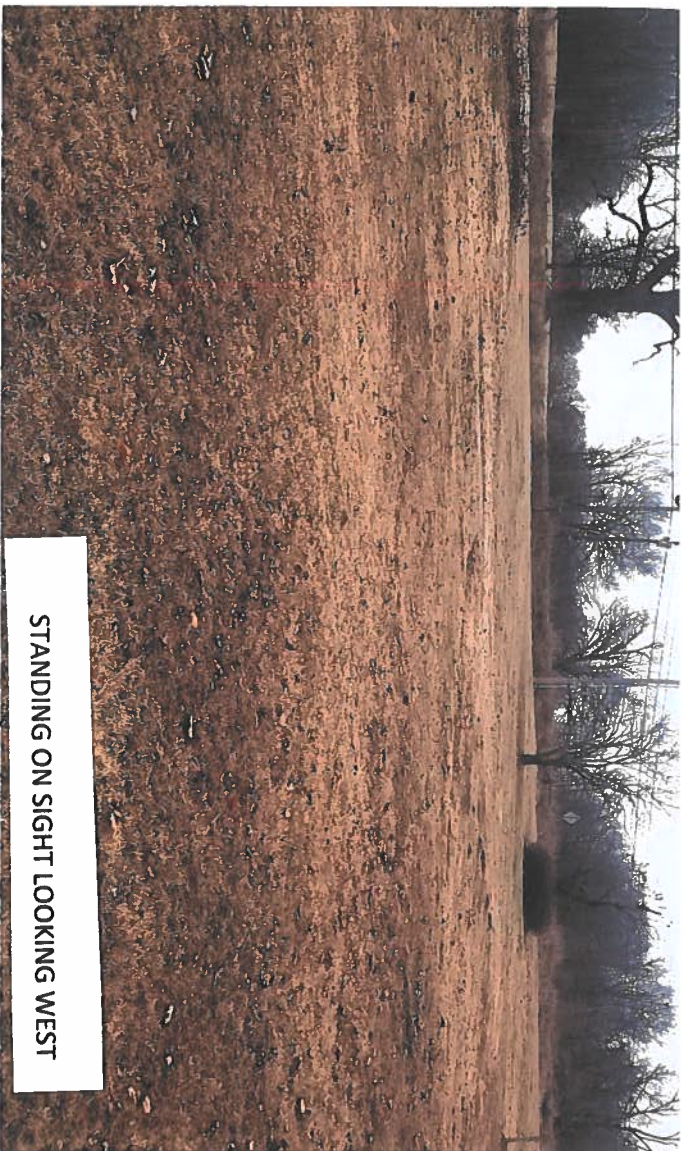
LOCATION WHERE MOBILE HOME WILL SIT



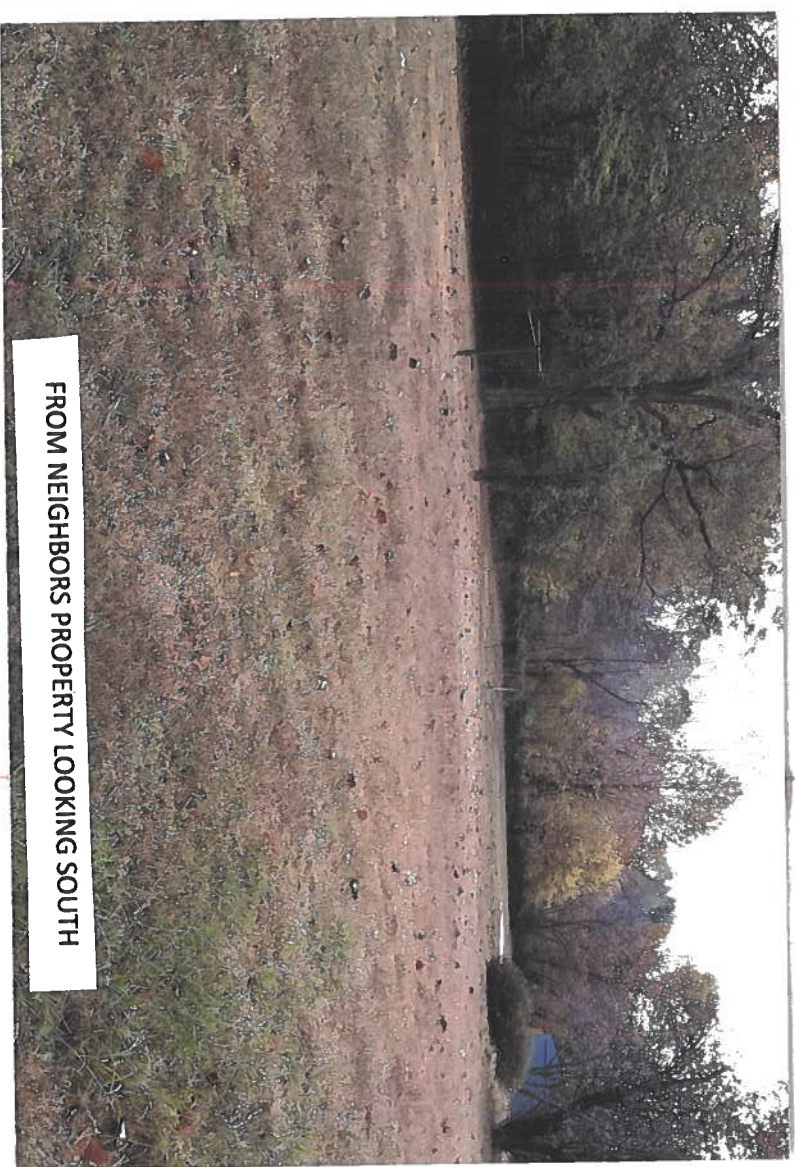
LOCATION WHERE MOBILE HOME WILL BE LOCATED



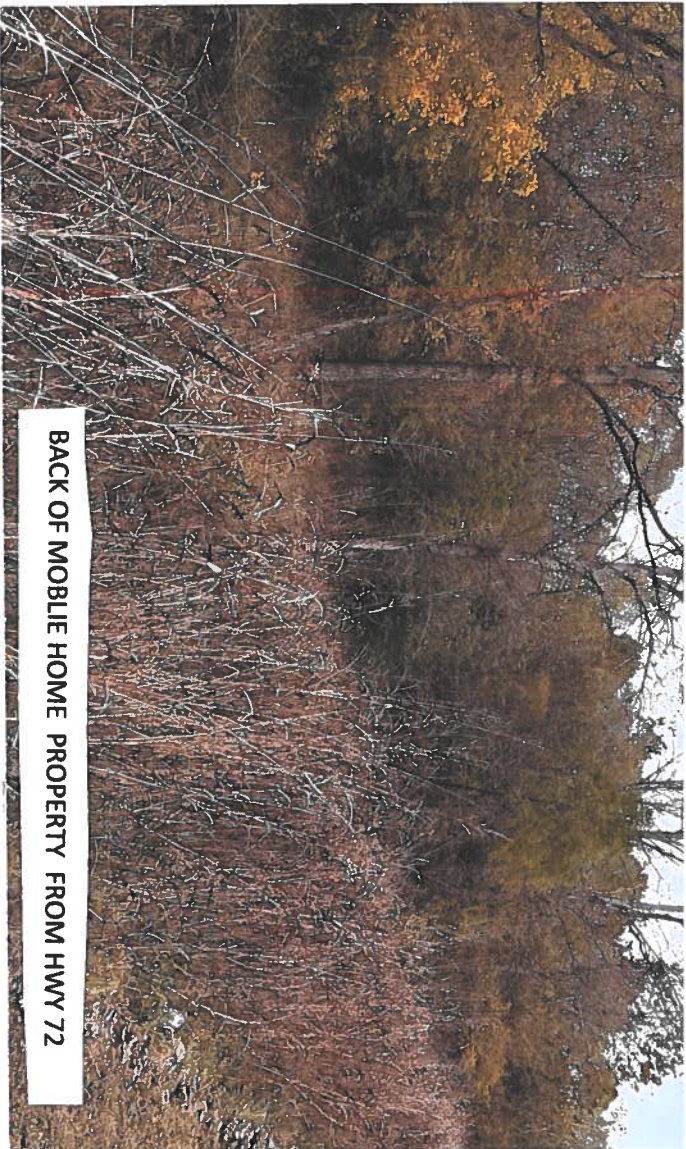
This mobile home was placed
At this location in 1993
before Patio was poured
All hookups are there,
Mobile Home will be new and
Underpinned.



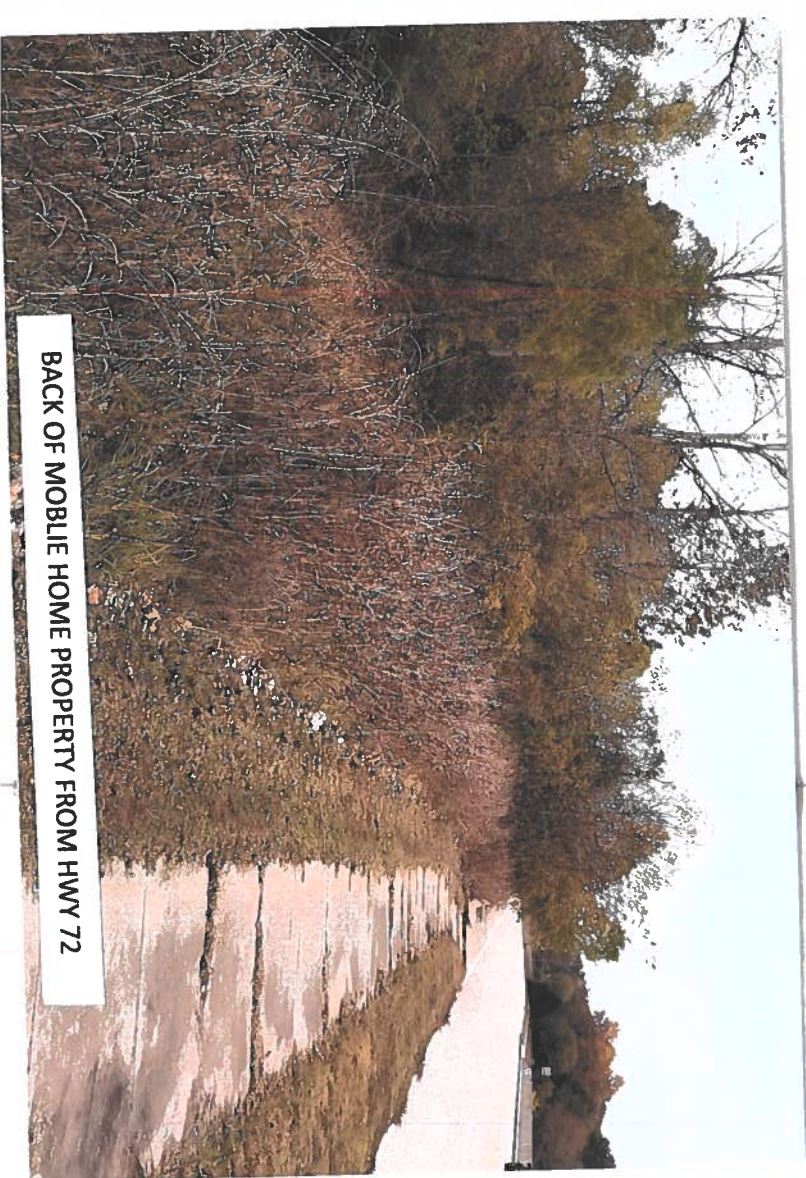
STANDING ON SIGHT LOOKING WEST



FROM NEIGHBORS PROPERTY LOOKING SOUTH



BACK OF MOBILE HOME PROPERTY FROM HWY 72



BACK OF MOBILE HOME PROPERTY FROM HWY 72

ORDINANCE 593

AN ORDINANCE AMENDING ORDINANCE 571 AND ORDINANCE 377 CHAPTER 7 SECTION 700 THROUGH 780 AND CHAPTER 8 SECTIONS 800 THROUGH 870 OF THE CITY OF COWETA ZONING CODE DELETING AND OTHERWISE MODIFYING THE REQUIREMENT WHICH ALLOWS PLACEMENT OF MANUFACTURED AND MOBILE HOMES WITHIN THE CITY OF COWETA; DELETING CHAPTER 8 OF THE ZONING CODE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Coweta currently allows the placement of mobile and manufactured homes within the City of Coweta in certain circumstances.

WHEREAS, the City through additional zoning regulations and subdivision codes is reviewing the placement of manufactured and mobile homes and the effect of such placement on the growth and development of the City of Coweta.

WHEREAS, the City of Coweta, in an attempt to further enforce the zoning regulations of the City and to provide for orderly development within the City limits feels that restricting the placement of manufactured homes to existing manufactured home parks and subdivisions and lots zoned for manufactured home is in the best interest of the residents of the City of Coweta. Mobile homes are no longer an acceptable residential use within any zoning district within the City of Coweta.

THEREFORE, be it ordained by the City of Coweta, Oklahoma that, to wit, the Ordinances are hereby amended as follows.

SECTION 1.

CHAPTER 7 SECTIONS 700 THROUGH 780 IS HEREBY AMENDED AND SHALL FROM THIS POINT FORWARD PROVIDED AS FOLLOWS:

CHAPTER 7

RMHP-RESIDENTIAL MANUFACTURED HOME PARK

RMHS -RESIDENTIAL MANUFACTURED HOME SUBDIVISION

700	General Description - Residential Manufactured Home Park
705	Permitted Principal Uses
710	Permitted Accessory Uses and Structures
715	Uses Permitted by Special Exception
720	General Requirements
725	Tract Development Standards
730	Internal Space Requirements
750	General Description - Residential Manufactured Home Subdivision
755	Permitted Principal Uses
760	Permitted Accessory Uses and Structures
765	Uses Permitted by Special Exception
770	General Requirements
775	Tract Development Standards
780	Definitions

SECTION 700 GENERAL DESCRIPTION - RESIDENTIAL MANUFACTURED HOME PARK

Manufactured Homes within the City of Coweta shall be limited to either residential manufactured home park developments in which there is one land owner, or residential manufactured home subdivisions, as set forth below. This zoning district is intended to provide for manufactured homes in a manufactured home park as an alternate living style and dwelling type to conventional multi family housing. The purpose of this district is to provide a grouping of manufactured home sites within the setting of a manufactured home park which has the necessary improvements and amenities to provide a suitable living environment for its residents. A minimum size for individual manufactured home space is required so that overcrowding is prevented and minimum levels of privacy are maintained. A minimum manufactured home park size is established to assure a desirable residential environment is created and to provide separation from neighboring conventional housing areas.

SECTION 705 PERMITTED PRINCIPAL USES

Principal use permitted in the RMHP Residential, Manufactured Home Park district are as follows:

- (a) One family single, double or triple wide manufactured homes or modular home development that consists of two or more tract(s) under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys, each placed on permanent foundations, tied-down according to city regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

SECTION 710 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in Residential Manufactured Home Park (RMHP) district are permitted in such district.

Accessory Buildings:

- Minimum Area 36 sq. ft.
- Maximum Area 100 sq. ft.
- Minimum Setback from Space Boundary 5 feet
- Minimum Separation from Adjacent Dwelling 10 feet
- Maximum Area Under Roof 45% of the Space
- *area under roof is the sum of the square footages of the dwelling plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

SECTION 715 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Those uses permitted as Special Exceptions in the RS-1 Residential Single Family District.

- (b) Those uses allowed as Permitted Principal Uses in the RS-1 Residential Single Family District.

SECTION 720 GENERAL REQUIREMENTS

- (a) Minimum internal private street surfacing width - 24 feet.
- (b) All dwellings shall be placed on permanent foundation, all wheels and axles removed. All dwellings shall be certified and display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards.
- (c) One identification sign may be erected on each perimeter street frontage of a manufactured home park. The sign shall not exceed two tenths of a square foot of display surface area per lineal foot of street frontage; provided however, that in no event shall the sign be restricted to less than 32 square square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any shall be by constant light.

SECTION 725 TRACT DEVELOPMENT STANDARDS

Tract Area (min.) 5 acres
Land Area per Dwelling Unit (min.) 6,000 sq. ft.
Tract Width (min.) 200 feet
Setback Abutting a Public Street (min.): Measured from the centerline; add to the distance $\frac{1}{2}$ of right of way width designated on Major Street Plan plus the designated distance below, or 25 feet, if not designated on the Major Street Plan:

Abutting an Arterial or a Freeway Service Road: 35 feet
Not abutting an Arterial or Freeway Service Road: 25 feet

Height of Structures: 20 feet maximum (one story)

Common park/recreational open space and facilities (which may include trails, playgrounds, community buildings and tot-lots) shall be delineated and provided on each development established under these regulations equal to at least 6% of the total gross tract area, exclusive of open area on each space.

SECTION 730 INTERNAL SPACE REQUIREMENTS

Exclusive of Streets and Required Open Space

Minimum Space Width	20 feet
Minimum Space Area	1,500 sq. ft
Side Yards (min.)	
One side yard	5 feet
Other side yard	10 feet
Rear yard	10 feet

Front yard

As figured above

Minimum Separation between Dwellings 15 feet

Minimum Paved Off Street Parking Spaces per dwelling unit: 2

A paved outdoor living area shall be provided on each space and shall be a minimum of 100 square feet and shall have an average dimension of not less than 10 feet. This area may be covered with a roof, subject to limitations imposed by maximum area under roof. Required parking areas and driveways shall not be included as part of this outdoor living area. Parking areas and driveways shall be of all weather all purpose material such as concrete or asphalt.

SECTION 750 General Description - Residential Manufactured Home
Subdivision.

Manufactured Homes within the City of Coweta shall be limited to either residential manufactured home park developments, in which there is one land owner, or residential manufactured home subdivisions, as set forth below. A subdivision designed for the sale of lots for the purpose of siting manufactured homes on individual lots, provided that such a development and lots therein shall comply with the requirements set out below as well as the Coweta Subdivision Regulations requiring submittal of a subdivision plat incorporating said requirements submitted to and approved by the Planning Commission, City Council and filed of record in the office of the County Clerk.

SECTION 755 Permitted Principal Uses

Principal use permitted in the RMHS Residential, Manufactured Home Subdivision district are as follows:

- (a) Any principal use permitted, other than by Special Exception, in the RS-3 Residential Single Family district.
- (b) One family single, double or triple wide mobile homes or modular homes located on individual lots, placed on permanent foundations, tied-down according to city regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

SECTION 760 Permitted Accessory Uses and Structures

Accessory uses and structures customarily incident to a permitted principal use in Residential Manufactured Home Subdivision (RMHS) district are permitted in such district. In addition, the following uses are permitted as accessory uses:

Accessory Buildings:

Minimum Area 36 sq. ft.

Maximum Area 100 sq. ft.

Minimum Setback from Space Boundary 5 feet

Minimum Separation from Adjacent Dwelling 10 feet

Maximum Area Under Roof 45% of the Space

*area under roof is the sum of the square footages of the dwelling plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

SECTION 765 Uses Permitted by Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Those uses permitted as Special Exceptions in the RS-1 Residential Single Family District.

SECTION 770 General Requirements

- (1) All dwellings shall be attached to a conventional permanent foundation.
- (2) All manufactured homes placed shall be certified and shall conspicuously display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards, or were constructed after the first edition of said code.
- (3) The tract to be subdivided shall consist of one or more tracts under individual ownership or control which shall be contiguous or separated only by non arterial streets or alleys and have an area of at least 5 acres.
- (4) One identification sign may be erected on each perimeter street frontage of a manufactured home subdivision. The sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

SECTION 775 Tract Development Standards

Tract Area: 5 acres
Lot Area: 5,500 sq. ft.
Structure Height: 35 feet (Maximum)

Livability Space per Dwelling Unit: 2,500 sq. ft.

Setback Abutting a Public Street (min.): Measured from the centerline; add to the distance $\frac{1}{2}$ of right of way width designated on Major Street Plan plus the designated distance below, or 25 feet, if not designated on the Major

Street Plan:

Abutting an Arterial or a Freeway Service Road: 35 feet
Not abutting an Arterial or Freeway Service Road: 20 feet.

Side Yards: 5 ft (minimum)
Rear Yards: 15 ft (minimum)

Accessory building setback from side or rear yard: 3 feet
(Not Permitted in Front Yard)

Minimum paved off street parking spaces per dwelling unit:
2 spaces. The pavement must be all purpose and all weather
such as concrete or asphalt.

SECTION 780 Definitions

Mobile Home: This term used for factory built homes produced prior to June 15, 1976, when the HUD Code went into effect. By 1970, these homes were built to voluntary industry standards that were eventually enforced by 45 states.

Manufactured Home: These are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally regulated national building code. On site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes.

Modular Home: These factory built homes are built to state, local or regional code where the home will be located. Modules are transported to the site and installed.

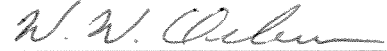
Panelized Home: These are factory built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Homes: This is the name for factory built housing in which building materials are factory cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 3. An emergency exists for the preservation of the public health, peace and safety, and therefore, this Ordinance shall become effective from and after the time of its passage and approval.

This Ordinance was voted on and approved by the Coweta City Council on the 19th day of **MAY**, 2003, with separate vote and approval of the emergency clause on that date.



W.W. Osburn, Mayor

ATTEST:


Joyce Terry, City Clerk




David Weatherford, City Attorney

Affidavit Of Publication

COWETA AMERICAN

STATE OF OKLAHOMA, WAGONER COUNTY, ss:

Bill R. Retherford, of lawful age, being duly sworn and authorized, says that he is the publisher of the Coweta American, a weekly newspaper published in the City of Coweta, Wagoner County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 and 1983 as amended, and thereafter, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates:

May 28th, 2003

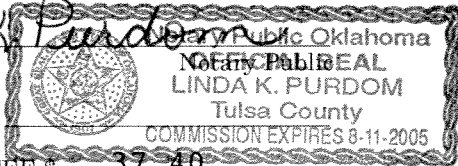
Bill R. Retherford

Subscribed and sworn to before me this 29th

day of May, 2003

Linda K. Purdom

My Commission expires:



PUBLISHER'S FEE \$ 37.40

Published in the Coweta American, Wagoner County, Oklahoma, May 28, 2003.

ORDINANCE 593

AN ORDINANCE AMENDING ORDINANCE 571 AND ORDINANCE 377 CHAPTER 7 SECTION 700 THROUGH 780 AND CHAPTER 8 SECTIONS 800 THROUGH 870 OF THE CITY OF COWETA ZONING CODE DELETING AND OTHERWISE MODIFYING THE REQUIREMENT WHICH ALLOWS PLACEMENT OF MANUFACTURED AND MOBILE HOMES WITHIN THE CITY OF COWETA; DELETING CHAPTER 8 OF THE ZONING CODE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY

This ordinance was voted on and approved by the Coweta City Council on the 19th day of May 2003 with separate vote and approval of the emergency clause on that date.

/s/ W W Osburn, Mayor

ATTEST: /s/ Joyce Terry,
City Clerk
/s/ David Weatherford, City
Attorney



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-01
Date: 01/17/22

BACKGROUND

Applicant

Timothy Ahlstrom, Jr., 29665 E 158th Street S in Coweta, seeks a;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

Action on the Variance (1st item) does not imply or guarantee approval of the individual special exceptions (2nd items a. and b.)

Case Facts

- Applicant's lot consists of approximately 35,344 sq ft or .81 acres with a legal description as: Lot 23, Block 1, WOODLAND VIEW, an Addition to the Town of Coweta, A subdivision of part of E1/2 of SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma
- The property is zoned Residential Single Family (RS-1)
- The principal structure on the property is approximately 1,863 sq ft with a stone and wood exterior and composition shingle roofing
- Property has two existing accessory buildings with an aggregate floor space of 1,035 sq ft:
 - 25 ft X 35 ft (875 sq ft)
 - 20 ft X 8 ft (160 sq ft)
- Applicant wishes to construct an additional 36 ft X 50 ft (1,800 sq ft) wood framed shop with metal siding and roof color matched to the principal structure, the shop will have a peak height of 19 feet (19')
- If constructed, the aggregate square footage of accessory buildings on the lot would be 2,835 sq ft

Pertinent Code

Section 240.2 (e) (3) Detached accessory buildings may be located in the rear yards of RS Districts and shall be regulated as follows:

(1) On RS lots containing less than one-half (0.5) acre of lot area, detached accessory buildings may be located in a rear yard provided that the accessory buildings in aggregate do not exceed 768 square feet of floor area, or cover more than twenty percent (20%) of the rear yard, whichever is smaller.

(2) On RS lots containing one-half (0.5) acre of lot area or greater, detached accessory buildings may be located in the rear yard provided that the accessory buildings in aggregate do not exceed the following: **RS lots containing a minimum of one-half (0.5) acre but less than one (1) acre of lot area - an aggregate maximum floor area of 1,000 square feet;** or RS lots containing one (1) acre or more of lot area - an aggregate maximum floor area of 1,500 square feet.

- Section 240.2 (e) (3) **Accessory Buildings over 750 square feet in size** located upon a property site, or an adjacent property if under same ownership, **shall be designed to relate in materials, color, character and detail to the principal building(s)** located upon the site and/or adjacent lots
- Section 240.2 (e) (4) **In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure** located upon the lot.
- Section 240.2 (e) (5) All accessory buildings not meeting the minimum requirements in (1.) and (2.) above shall require Board of Adjustment action in the form of a Special Exception. **The following factors, at a minimum, shall be considered by the Board of Adjustment in granting Special Exception approval of detached accessory buildings as referenced above: the accessory building height; building construction materials; building color scheme; building, location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form.** (Ord #572)
- Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**
- Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
- (a) 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.**
 - (b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**

(c) 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.**

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

ATTACHMENTS

Notice of Public Hearing
Subdivision Plat
Site Plan
Aerial Map
Area Map
Zoning Map

WOODLAND VIEW

An Addition to the City of Coweta, Wagoner County, Oklahoma. A Subdivision of the E/2, SW/4 Section 19, Township 17 North, Range 16 East.

Plat Book 1 Page 1
OCT 27 1976
AT J. B. ENGINEERING CO.
JACK C. JONES, County Clerk
By: [Signature]

OWNER:
TRI-KAY DEVELOPERS, INC.
ROUTE 2 BIXBY, OKLA 74008

J-B ENGINEERING CO.
6127 E 31ST STREET
TULSA, OKLA. 74135

DEED OF DEDICATION FOR "WOODLAND VIEW"

KNOW ALL MEN BY THESE PRESENTS:

That TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation, is the owner of the following described property in Wagoner County, State of Oklahoma, to-wit:

A tract of land situated in the E/2 of the SW/4 of Section 19, Township 17 North, Range 16 East, Wagoner County, Oklahoma, being more particularly described as follows: Beginning at the Northeast Corner of said E/2 SW/4; Thence S 0°08'18" W and along the East line of said E/2 SW/4 for 438.18 feet; Thence Due West for 110.14 feet; Thence Due North for 52.69 feet; Thence Due West for 215.03 feet to a point on the West line of said E/2 SW/4; Thence N 0°00'15" W and along the West line of said E/2 SW/4 for 1333.91 feet to the Northwest Corner of said E/2 SW/4; Thence S 89°53'44" E and along the North line of said E/2 SW/4 for 1326.81 feet to the point of beginning and containing 41.9119 acres more or less.

and have caused the same to be surveyed, platted and staked into lots, blocks and streets as shown on the attached plat and survey thereon, and which plat is made a part hereof and has given to said addition the name of "WOODLAND VIEW" an addition to the City of Coweta, Wagoner County, State of Oklahoma, and:

NOW THEREFORE, the Owner does hereby dedicate for public use all of the streets as shown on said plat and does hereby guarantee the title to all of the land covered by said streets, and for the purpose of providing an orderly development of the above described real estate, and in order to provide adequate restrictive covenants for the mutual benefit of themselves and their successors in title to the subdivision of said land (hereinafter referred to as lots) the undersigned does hereby impose the following restrictions and reservations and create the following easements, which shall be binding upon it, its successors and assigns:

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until October 1, 1996, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part. If the parties hereto, or its assigns or successors shall violate or attempt to violate any of the covenants therein, it shall be lawful for any other person or persons owning a property situated in said development of the subdivision to prosecute any proceeding at law or in equity against the parties or person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing, or to recover damages or other dues for such violations. INVALIDATION of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

1. All lots in the Addition shall be known and described as residential lots, and shall be used for residential purposes only. No more than one (1) single family residence shall be erected, altered placed or permitted to remain on any lot other than a single family residence.
2. No single family residence, the ground floor area of which is less than 1300 square feet, exclusive of open porches and garage shall be constructed on any lot.
3. No single family residence shall be constructed which design incorporates a flat roof. All residences shall have a roof pitch of not less than Two and One-Half feet in Twelve feet (2 1/2' : 12'). All residences shall contain a minimum of Three (3) bedrooms, One and One-Half Baths and a Two (2) car garage. All residences shall have a minimum of 75% brick or masonry, excluding window and door openings.
4. No single family residence or open porches shall be located nearer to the front lot line, nor nearer to the side street line than the building lines shown on the attached plat. No residence shall be located nearer than Five (5) feet to any side lot line.
5. No fence shall be erected on any lot forward of the main structure, and no fence on any lot shall be more than Six (6) feet in height.
6. No structure previously used shall be used on any lot in this addition.
7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be used on any lot at any time as a residence either temporarily or permanently.
8. All drive-ways shall be a minimum of Twenty (20) feet in length.
9. No mobile home of any nature shall be used for a residence either temporarily or permanently.
10. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may or may become an annoyance or a nuisance to the neighborhood.
11. All water and sewage disposal systems shall comply with standards and specifications of the Wagoner County and Oklahoma State Department of Health Requirements.
12. No sign of any kind shall be displayed to the public view on any residential lot except One (1) professional sign of not more than One (1) square foot, or One (1) sign of not more than Five (5) square feet advertising for sale or rent, or signs used by a builder to advertise the property during construction and sales period.
13. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
14. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose, said household pets shall be confined in a yard or on a leash.
15. No oil drilling, oil development operations, oil refining or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, minerals excavations or shafts be permitted on any lot. No derrick or other structures designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
- 16a. Overhead pole lines for the supply of electric service may be located along the front, sides and rear of all lots in the addition. Street light poles or standards may be served by underground cable, elsewhere throughout the addition, the supply lines may also be located underground in the easement-ways reserved for general utility services and streets shown on the attached plat. Service pedestals and transformers as sources of supply at secondary voltages may also be located in said easement-ways.
- b. Except to houses on lots described in paragraph (16a.) above, which may be served from overhead electric service lines, underground service cables to all houses which may be located on all lots in said addition may be run from the nearest Overhead pole, service pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot; provided that upon the installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definitive, permanent, effective and exclusive right-of-way easement on said lot, covering a Five (5) foot strip extending 2 1/2 feet on each side of such service cable extending from the overhead pole, service pedestal or transformer to the service entrance of said house.
- c. The supplier of electric service, through its proper agents and employees shall at all times have right of access to all such easement-ways shown on said plat or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground facilities so installed by it.
- d. The owner of each lot shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric facilities. The electric company will be responsible for the ordinary maintenance of underground electric facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- e. The foregoing covenants (16a thru 16e) concerning underground electric facilities shall be enforceable by the supplier of electric service, and the owner of each lot agrees to be bound hereby.

NOW THEREFORE, THE UNDERSIGNED does hereby dedicate for public use all of the streets and public places shown on the attached plat, and does further dedicate for public use forever the easements and rights-of-way as shown and designated on the attached plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm and sanitary sewers, telephone lines, electric lines and transformers, gas lines and water lines together with all fittings and equipment for each of such facilities, including the poles, conduits, pipes, valves, meters and any other appurtenances thereto with the right of ingress and egress to and upon said easements and rights-of-way for the uses and purposes aforesaid, together with similar rights in each and all of the streets shown on said plat; PROVIDED, HOWEVER, that the undersigned reserves the right to construct, maintain, operate, lay and relay water and sewer lines together with the right of ingress and egress shown on said plat and over, across and along all strips of land included within the easements shown thereon, both for the furnishing of water and/or sewer service to the area included on said plat and to any other area.

WITNESS our hands and seal on this 27th day of OCTOBER 1976.

ATTEST:
[Signature] TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation
[Signature] RICHARD C. KETCHUM, Secretary
[Signature] RICHARD C. KETCHUM, President

STATE OF OKLAHOMA } SS
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of OCTOBER 1976, personally appeared RICHARD C. KETCHUM, to me known to be the identical person who subscribed the name of the said plat to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said Corporation for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.
By Commission Expires: April 24, 1980 [Signature] NOTARY PUBLIC

CERTIFICATE OF COUNTY TREASURER:

I, [Signature] County Treasurer of Wagoner County, Oklahoma, do hereby certify that the 1976 taxes and all back taxes have been paid according to the 1976 tax roll.
Dated this 27th day of OCTOBER 1976. [Signature] COUNTY TREASURER, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF COUNTY SANITARIAN:

I, [Signature] County Sanitarian of Wagoner County, Oklahoma, do hereby certify that all lots on the attached plat meet the requirements of the Oklahoma State Department of Health with respect to lots which are served by municipal water, and individual sewage disposal systems.
Dated this 27th day of OCTOBER 1976. [Signature] COUNTY SANITARIAN, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF SURVEY:

I, JOE E. DONELSON, a Registered Professional Engineer and a Registered Land Surveyor in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and staked the lots and blocks and the real estate and premises dedicated as "WOODLAND VIEW" an addition to the City of Coweta, Wagoner County, Oklahoma, and that the attached plat is a true and correct representation of said survey showing the length, width and depth of the lots, blocks and the names, widths, boundaries and extensions of all streets.

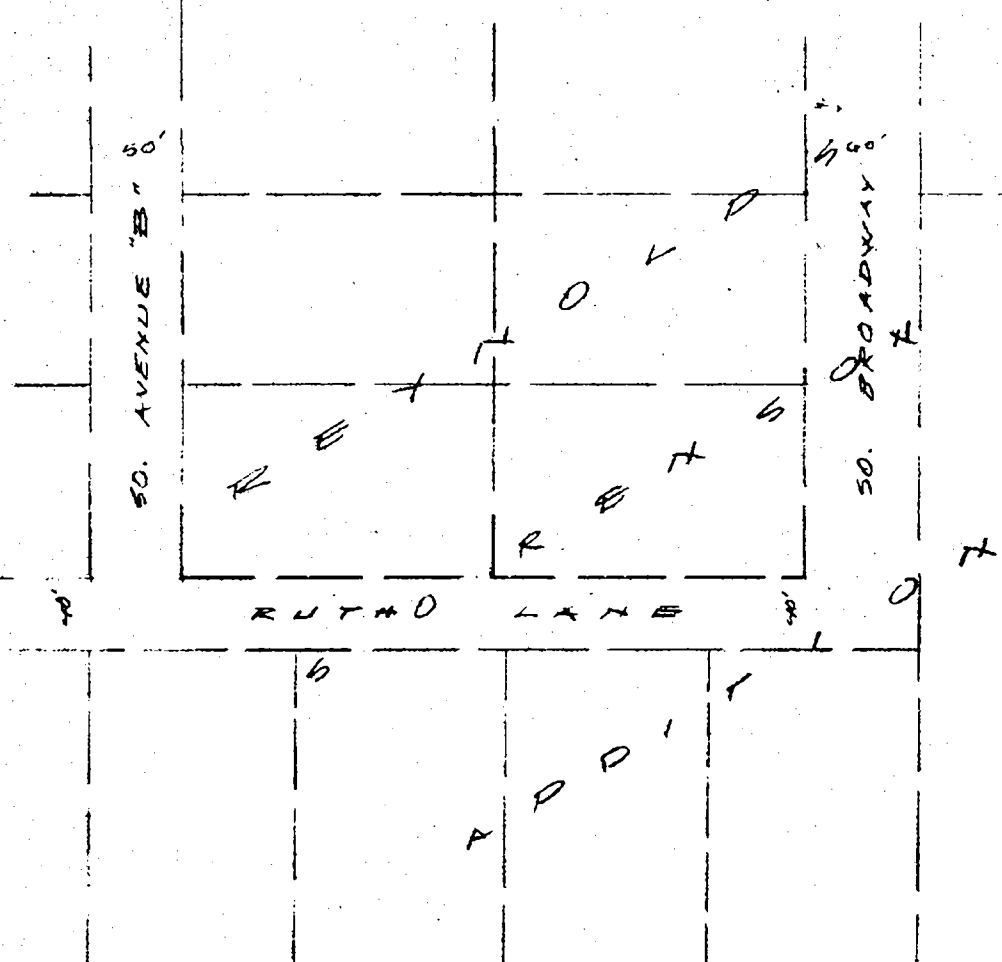
WITNESS my hand and seal on this 27th day of OCTOBER 1976, at Tulsa, Tulsa County, Oklahoma.

J-B ENGINEERING CO.
[Signature] JOE E. DONELSON, Eng. Professional Engineer/Reg. Land Surveyor.

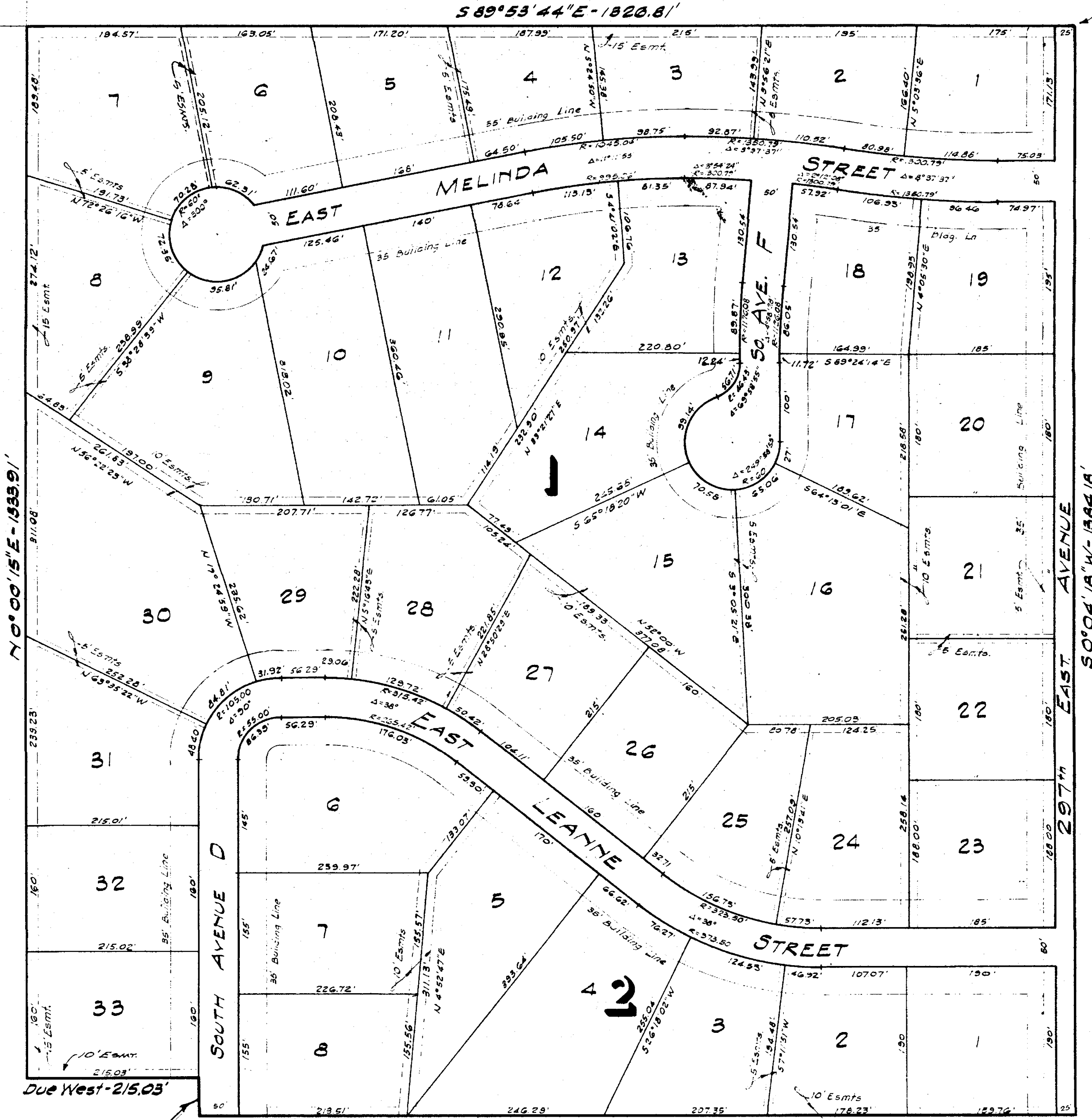
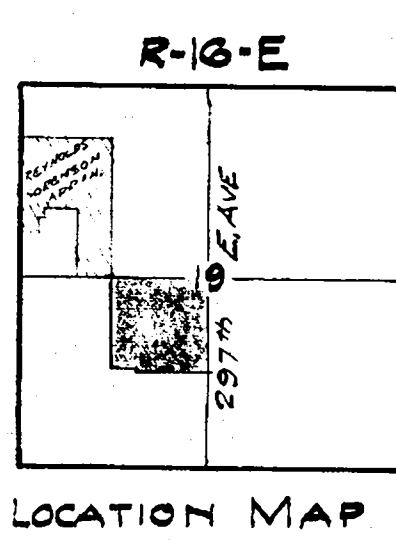
STATE OF OKLAHOMA } SS
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of OCTOBER 1976, personally appeared JOE E. DONELSON, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of J-B Engineering Co., for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.
By Commission Expires: April 24, 1980 [Signature] NOTARY PUBLIC



SCALE
0 100' 200'



LEGEND

CL - CENTERLINE
 B/L - BUILDING LINE
 U/E - UTILITY EASEMENT
 S/E - SERVICE ENTRANCE
 R/W - RIGHT-OF-WAY
 MAE - MUTUAL ACCESS ESMT
 B/E - BURIED ELEC. ESMT
 L/E - LANDSCAPE ESMT
 D/E - DRAINAGE ESMT
 W/E - WATERLINE ESMT
 TRNSFRMR - TRANSFORMER

BAKER SURVEYING, LLC

4677 SOUTH 83RD EAST AVENUE
TULSA, OKLA. 74145

MORTGAGE INSPECTION REPORT

NOT A LAND OR BOUNDARY SURVEY



SCALE: 1"=50'

SELLER: Estate of William Thomas, Sr. and
Willa Ruth Buckner

BUYER: Kathy R. Ahlstrom

CLIENT: Elite Title Services, LLC



SURVEYOR'S NOTE:

THE FOLLOWING FOUND IN TITLE
COMMITMENT #19-12-2658, DATED 01/02/20:
DOES AFFECT THE PROPERTY:

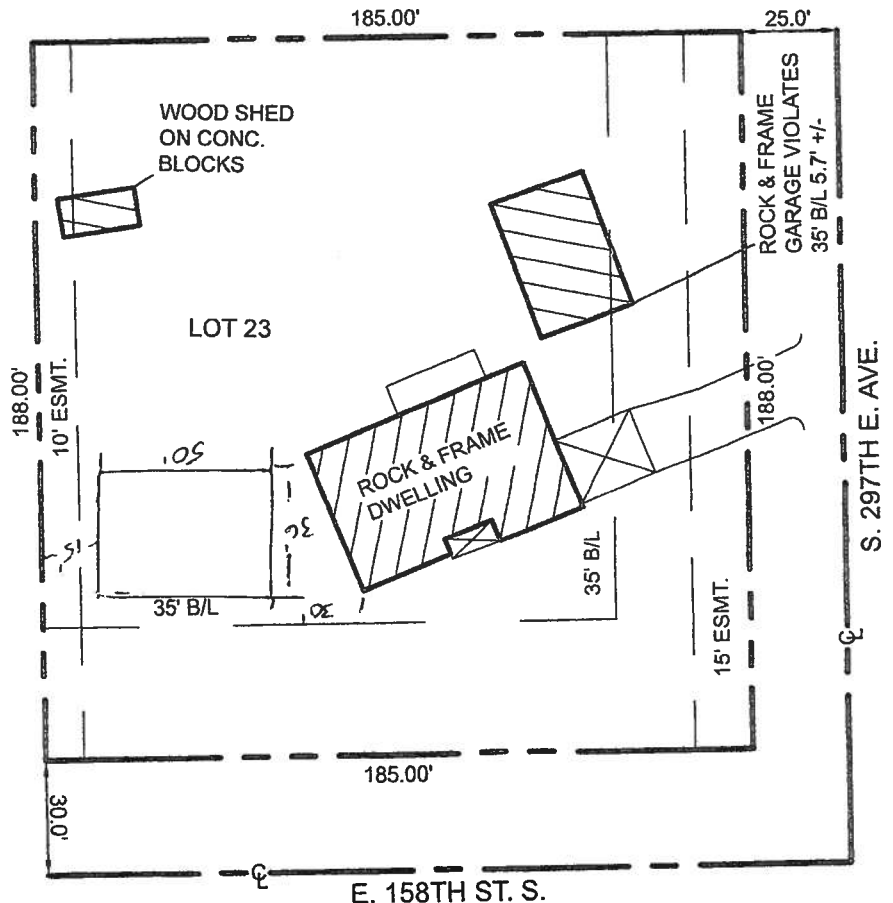
- #11 ITEMS CONTAINED IN THE PLAT AND DEED OF DEDICATION/COVENANTS AND RESTRICTIONS, OF WOODLAND VIWE ADDITION, PLAT BOOK 7 PAGE 17, BK 479 PG 67

DOES NOT AFFECT THE PROPERTY:

- #9 BK 336 PG 82, BK 557 PG 324
- #10 BK 536 PG 168

FLOOD PLAIN STATEMENT:

THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED AREAS) PER FLOOD INSURANCE RATE MAP 40145C0275H EFFECTIVE APRIL 17, 2012. ZONE X (UNSHADED) DEFINED AS AREA OF MINIMAL CHANCE OF FLOOD HAZARD.



DATE OF FIELD INSPECTION:
JANUARY 6TH, 2020

LEGAL DESCRIPTION:

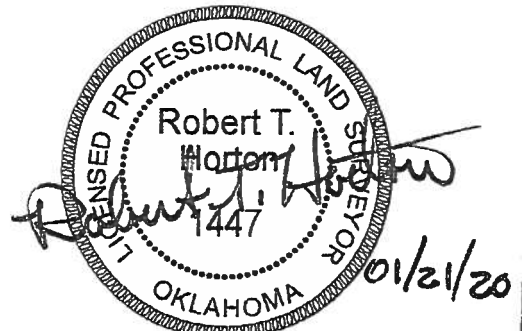
LOT TWENTY-THREE (23), BLOCK ONE (1), WOODLAND VIEW, AN ADDITION TO THE TOWN OF COWETA, A SUBDIVISION OF PART OF E/2 OF SW/4 OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. ALSO KNOWN AS:
29665 EAST 158TH STREET SOUTH, COWETA, OK 74429

CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR ELITE TITLE SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING.

SIGNED JANUARY 21ST, 2020

BAKER SURVEYING, LLC
4677 SOUTH 83RD EAST AVENUE
TULSA, OKLAHOMA 74145
OKLAHOMA CA #5816 EXPIRES 6/30/2020
(918) 271-5793



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



SUBJECT PROPERTY

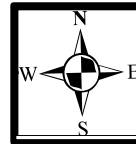


Reynolds Sorenson Addition

Post Oak

Coweta Heights

CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



State Highway 72

157th

296th

297th East

Woodland View

SUBJECT PROPERTY

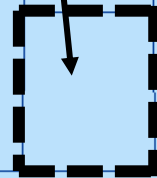
16E17N19

294th

158th

Woodland View II

159th



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)

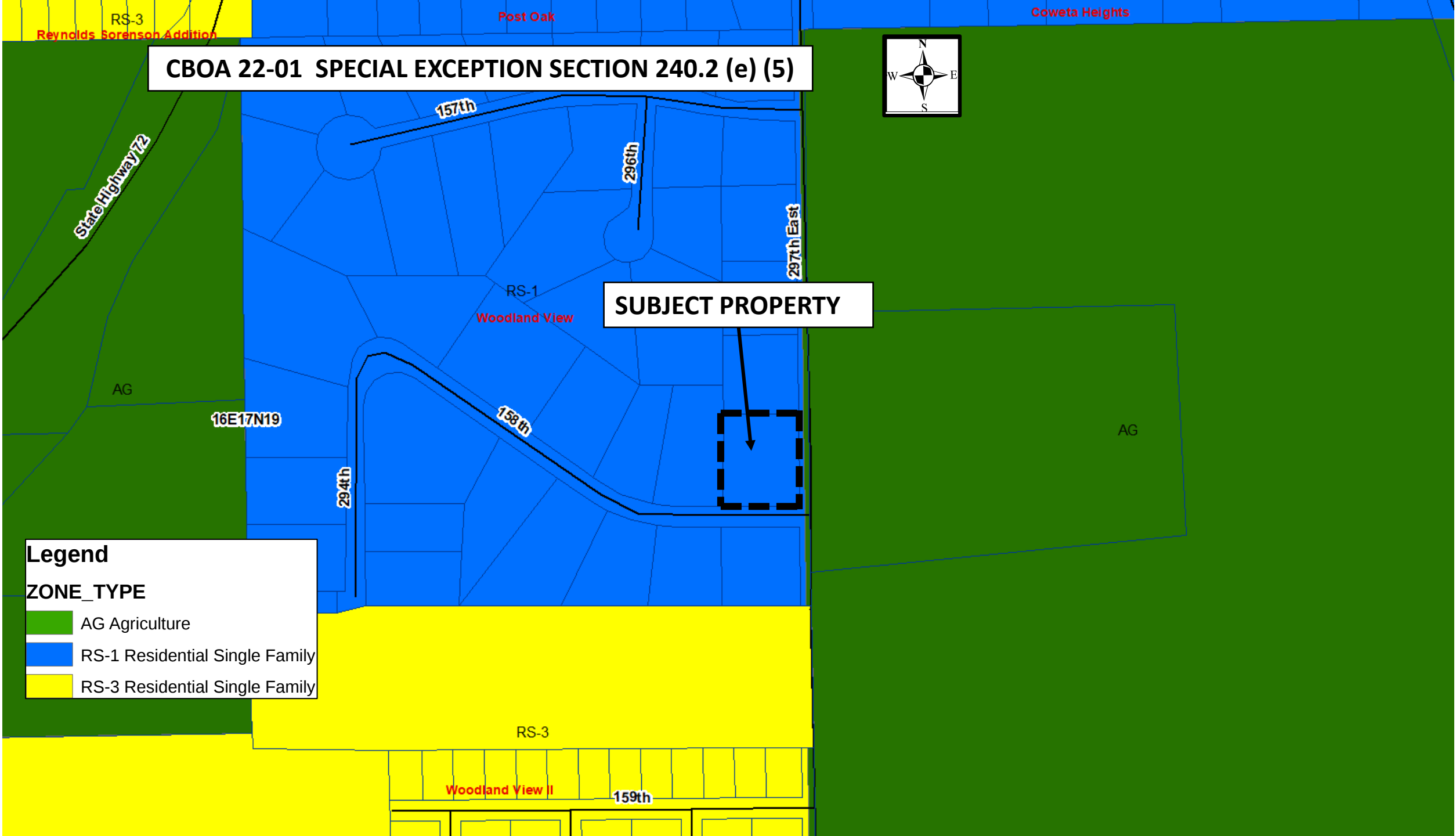


SUBJECT PROPERTY

Legend

ZONE_TYPE

- AG Agriculture
- RS-1 Residential Single Family
- RS-3 Residential Single Family





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Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-01
Date: 01/17/22

BACKGROUND

Applicant

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 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
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- The property is zoned Residential Single Family (RS-1)
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- Property has two existing accessory buildings with an aggregate floor space of 1,035 sq ft:
 - 25 ft X 35 ft (875 sq ft)
 - 20 ft X 8 ft (160 sq ft)
- Applicant wishes to construct an additional 36 ft X 50 ft (1,800 sq ft) wood framed shop with metal siding and roof color matched to the principal structure, the shop will have a peak height of 19 feet (19')
- If constructed, the aggregate square footage of accessory buildings on the lot would be 2,835 sq ft

Pertinent Code

Section 240.2 (e) (3) Detached accessory buildings may be located in the rear yards of RS Districts and shall be regulated as follows:

(1) On RS lots containing less than one-half (0.5) acre of lot area, detached accessory buildings may be located in a rear yard provided that the accessory buildings in aggregate do not exceed 768 square feet of floor area, or cover more than twenty percent (20%) of the rear yard, whichever is smaller.

(2) On RS lots containing one-half (0.5) acre of lot area or greater, detached accessory buildings may be located in the rear yard provided that the accessory buildings in aggregate do not exceed the following: **RS lots containing a minimum of one-half (0.5) acre but less than one (1) acre of lot area - an aggregate maximum floor area of 1,000 square feet;** or RS lots containing one (1) acre or more of lot area - an aggregate maximum floor area of 1,500 square feet.

- Section 240.2 (e) (3) **Accessory Buildings over 750 square feet in size** located upon a property site, or an adjacent property if under same ownership, **shall be designed to relate in materials, color, character and detail to the principal building(s)** located upon the site and/or adjacent lots
- Section 240.2 (e) (4) **In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure** located upon the lot.
- Section 240.2 (e) (5) All accessory buildings not meeting the minimum requirements in (1.) and (2.) above shall require Board of Adjustment action in the form of a Special Exception. **The following factors, at a minimum, shall be considered by the Board of Adjustment in granting Special Exception approval of detached accessory buildings as referenced above: the accessory building height; building construction materials; building color scheme; building, location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form.** (Ord #572)
- Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**
- Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
- (a) 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.**
 - (b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**

(c) 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.**

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

ATTACHMENTS

Notice of Public Hearing
Subdivision Plat
Site Plan
Aerial Map
Area Map
Zoning Map

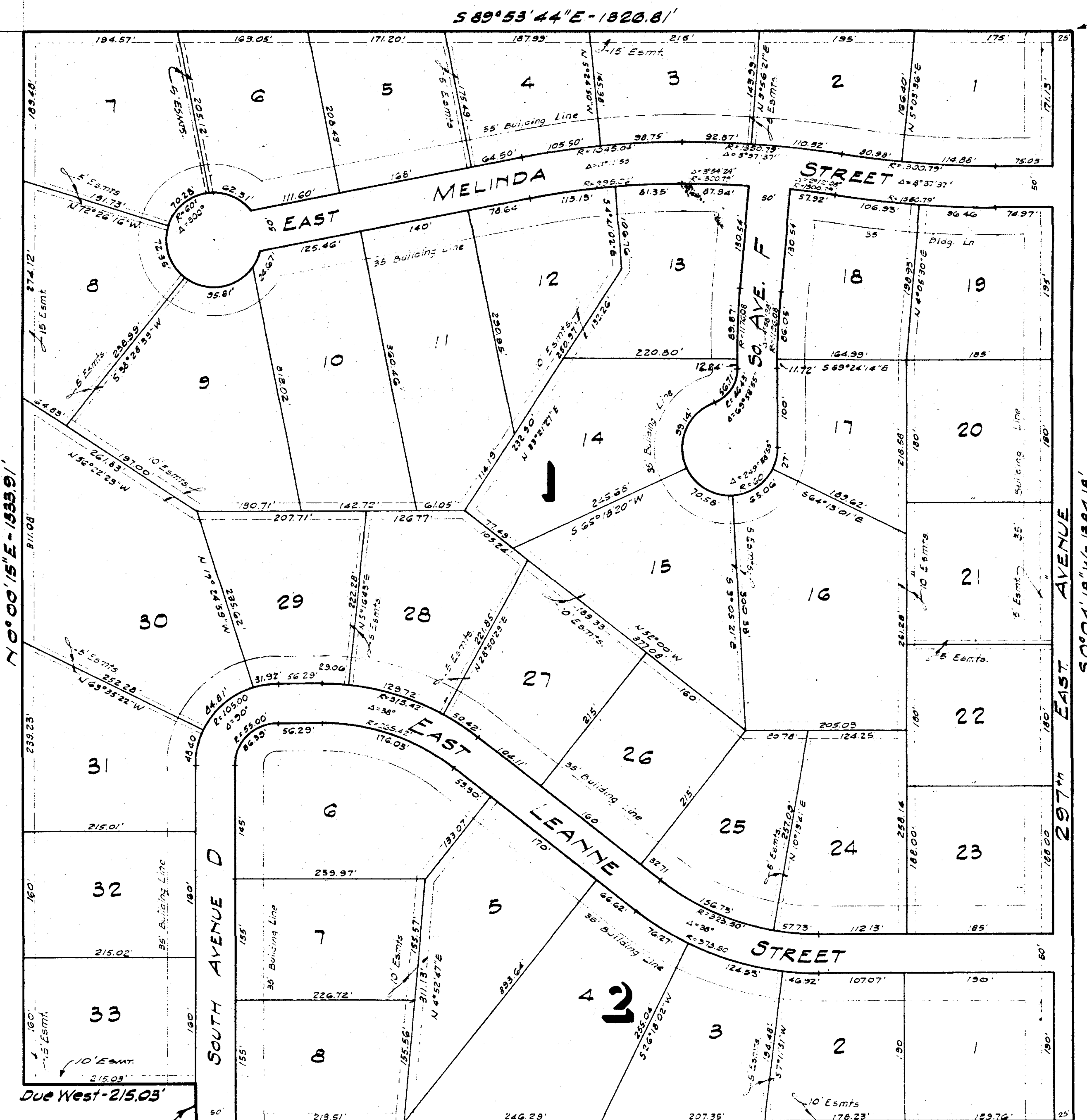
WOODLAND VIEW

An Addition to the City of Coweta, Wagoner County, Oklahoma. A Subdivision of the E/2, SW/4 Section 19, Township 17 North, Range 16 East.

Plat Book 1 Page 1
OCT 27 1976
AT J. B. ENGINEERING CO.
JACK C. JONES, County Clerk
By *[Signature]* Deputy

OWNER:
TRI-KAY DEVELOPERS, INC.
ROUTE 2 BIXBY, OKLA 74008

J-B ENGINEERING CO.
6127 E 31ST STREET
TULSA, OKLA. 74135



CERTIFICATE OF COUNTY TREASURER:

I, *[Signature]* County Treasurer of Wagoner County, Oklahoma, do hereby certify that the 1976 taxes and all back taxes have been paid *[Signature]* to the City of Coweta, Oklahoma.
Dated this 27 day of October 1976. *[Signature]* COUNTY TREASURER, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF COUNTY SANITARIAN:

I, *[Signature]* County Sanitarian of Wagoner County, Oklahoma, do hereby certify that all lots on the attached plat meet the requirements of the Oklahoma State Department of Health with respect to lots which are served by municipal water, and individual sewage disposal systems.
Dated this 27th day of October 1976. *[Signature]* R.P.S. #372 COUNTY SANITARIAN, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF SURVEY:

I, JOE E. DONELSON, a Registered Professional Engineer and a Registered Land Surveyor in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and staked the lots and blocks and the real estate and premises dedicated as "WOODLAND VIEW" at addition to the City of Coweta, Wagoner County, Oklahoma, and that the attached plat is a true and correct representation of said survey showing the length, width and depth of the lots, blocks and the names, widths, boundaries and extensions of all streets.

WITNESS my hand and seal on this 27th day of October 1976, at Tulsa, Tulsa County, Oklahoma.

J-B ENGINEERING CO.

[Signature]
JOE E. DONELSON, Eng. Professional Engineer/Reg. Land Surveyor.

STATE OF OKLAHOMA }
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of October 1976, personally appeared JOE E. DONELSON, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of J-B Engineering Co., for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.

My Commission Expires: April 24, 1980

NOTARY PUBLIC

DEED OF DEDICATION FOR "WOODLAND VIEW"

KNOW ALL MEN BY THESE PRESENTS:

That TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation, is the owner of the following described property in Wagoner County, State of Oklahoma, to-wit:

A tract of land situated in the E/2 of the SW/4 of Section 19, Township 17 North, Range 16 East, Wagoner County, Oklahoma, being more particularly described as follows: Beginning at the Northeast Corner of said E/2 SW/4; Thence S 09°08'18" W and along the East line of said E/2 SW/4 for 438.18 feet; Thence Due West for 110.14 feet; Thence Due North for 52.69 feet; Thence Due West for 215.03 feet to a point on the West line of said E/2 SW/4; Thence N 0°00'15" W and along the West line of said E/2 SW/4 for 1333.91 feet to the Northwest Corner of said E/2 SW/4; Thence S 89°53'44" E and along the North line of said E/2 SW/4 for 1326.81 feet to the point of beginning and containing 41.9119 acres more or less.

and have caused the same to be surveyed, platted and staked into lots, blocks and streets as shown on the attached plat and survey thereon, and which plat is made a part hereof and has given to said addition the name of "WOODLAND VIEW" an addition to the City of Coweta, Wagoner County, State of Oklahoma, and:

NOW THEREFORE, the Owner does hereby dedicate for public use all of the streets as shown on said plat and does hereby guarantee the title to all of the land covered by said streets, and for the purpose of providing an orderly development of the above described real estate, and in order to provide adequate restrictive covenants for the mutual benefit of themselves and their successors in title to the subdivision of said land (hereinafter referred to as lots) the undersigned does hereby impose the following restrictions and reservations and create the following easements, which shall be binding upon it, its successors and assigns.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until October 1, 1996, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part. If the parties hereto, or its assigns or successors shall violate or attempt to violate any of the covenants therein, it shall be lawful for any other person or persons owning a property situated in said development of the subdivision to prosecute any proceeding at law or in equity against the parties or person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing, or to recover damages or other dues for such violations. INVALIDATION of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

1. All lots in the Addition shall be known and described as residential lots, and shall be used for residential purposes only. No more than one (1) single family residence shall be erected, altered placed or permitted to remain on any lot other than a single family residence.
2. No single family residence, the ground floor area of which is less than 1300 square feet, exclusive of open porches and garage shall be constructed on any lot.
3. No single family residence shall be constructed which design incorporates a flat roof. All residences shall have a roof pitch of not less than Two and One-Half feet in Twelve feet (2 1/2' : 12'). All residences shall contain a minimum of Three (3) bedrooms, One and One-Half Baths and a two (2) car garage. All residences shall have a minimum of 75% brick or masonry, excluding window and door openings.
4. No single family residence or open porches shall be located nearer to the front lot line, nor nearer to the side street line than the building lines shown on the attached plat. No residence shall be located nearer than Five (5) feet to any side lot line.
5. No fence shall be erected on any lot forward of the main structure, and no fence on any lot shall be more than Six (6) feet in height.
6. No structure previously used shall be used on any lot in this addition.
7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be used on any lot at any time as a residence either temporarily or permanently.
8. All drive-ways shall be a minimum of Twenty (20) feet in length.
9. No mobile home of any nature shall be used for a residence either temporarily or permanently.
10. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may or may become an annoyance or a nuisance to the neighborhood.
11. All water and sewage disposal systems shall comply with standards and specifications of the Wagoner County and Oklahoma State Department of Health requirements.
12. No sign of any kind shall be displayed to the public view on any residential lot except One (1) professional sign of not more than One (1) square foot, or One (1) sign of not more than Five (5) square feet advertising for sale or rent, or signs used by a builder to advertise the property during construction and sales period.
13. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
14. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose, said household pets shall be confined in a yard or on a leash.
15. No oil drilling, oil development operations, oil refining or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, minerals excavations or shafts be permitted on any lot. No derrick or other structures designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
- 16a. Overhead pole lines for the supply of electric service may be located along the front, sides and rear of all lots in the addition. Street light poles or standards may be served by underground cable, elsewhere throughout the addition, the supply lines may also be located underground in the easement-ways reserved for general utility services and streets shown on the attached plat. Service pedestals and transformers as sources of supply at secondary voltages may also be located in said easement-ways.
- b. Except to houses on lots described in paragraph (16a.) above, which may be served from overhead electric service lines, underground service cables to all houses which may be located on all lots in said addition may be run from the nearest Overhead pole, service pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot; provided that upon the installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definitive, permanent, effective and exclusive right-of-way easement on said lot, covering a Five (5) foot strip extending 2 1/2 feet on each side of such service cable extending from the overhead pole, service pedestal or transformer to the service entrance of said house.
- c. The supplier of electric service, through its proper agents and employees shall at all times have right of access to all such easement-ways shown on said plat or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground facilities so installed by it.
- d. The owner of each lot shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric facilities. The electric company will be responsible for the ordinary maintenance of underground electric facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- e. The foregoing covenants (16a thru 16e) concerning underground electric facilities shall be enforceable by the supplier of electric service, and the owner of each lot agrees to be bound hereby.

NOW THEREFORE, THE UNDERSIGNED does hereby dedicate for public use all of the streets and public places shown on the attached plat, and does further dedicate for public use forever the easements and rights-of-way as shown and designated on the attached plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm and sanitary sewers, telephone lines, electric lines and transformers, gas lines and water lines together with all fittings and equipment for each of such facilities, including the poles, conduits, pipes, valves, meters and any other appurtenances thereto with the right of ingress and egress to and upon said easements and rights-of-way for the uses and purposes aforesaid, together with similar rights in each and all of the streets shown on said plat; PROVIDED, HOWEVER, that the undersigned reserves the right to construct, maintain, operate, lay and relay water and sewer lines together with the right of ingress and egress shown on said plat and over, across and along all strips of land included within the easements shown thereon, both for the furnishing of water and/or sewer service to the area included on said plat and to any other area.

WITNESS our hands and seal on this 27th day of October 1976.

ATTEST:
[Signature] TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation
BOB L. KETCHUM, Secretary
[Signature] RICHARD C. KETCHUM, President

STATE OF OKLAHOMA }
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of October 1976, personally appeared RICHARD C. KETCHUM, to me known to be the identical person who subscribed the name of the above to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said Corporation for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.

My Commission Expires: April 24, 1980

NOTARY PUBLIC

CL - CENTERLINE
B/L - BUILDING LINE
U/E - UTILITY EASEMENT
S/E - SERVICE ENTRANCE
R/W - RIGHT-OF-WAY
MAE - MUTUAL ACCESS ESMT
B/E - BURIED ELEC. ESMT
L/E - LANDSCAPE ESMT
D/E - DRAINAGE ESMT
W/E - WATERLINE ESMT
TRNSFRMR - TRANSFORMER



NOT A LAND OR BOUNDARY SURVEY



SCALE: 1"=50'

BUYER: Kathy R. Ahlstrom

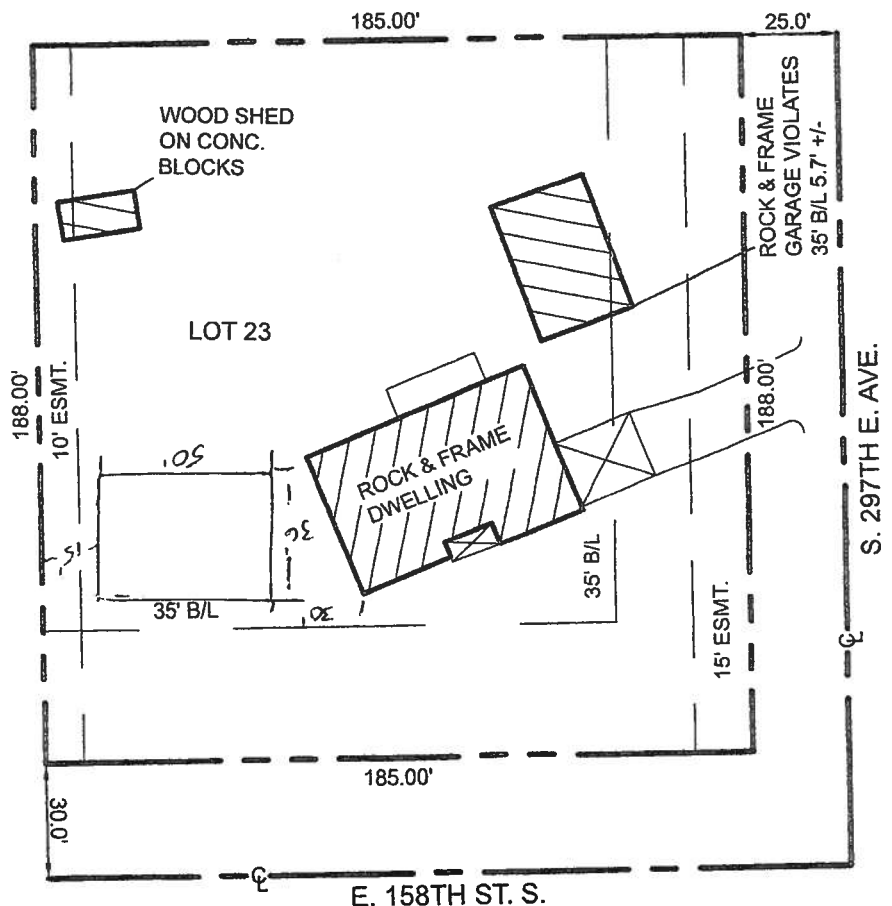
CLIENT: Elite Title Services, LLC



THE FOLLOWING FOUND IN TITLE
COMMITMENT #19-12-2658, DATED 01/02/20:
DOES AFFECT THE PROPERTY:

- #11 ITEMS CONTAINED IN THE PLAT AND DEED OF DEDICATION/COVENANTS AND RESTRICTIONS, OF WOODLAND VIWE ADDITION, PLAT BOOK 7 PAGE 17, BK 479 PG 67

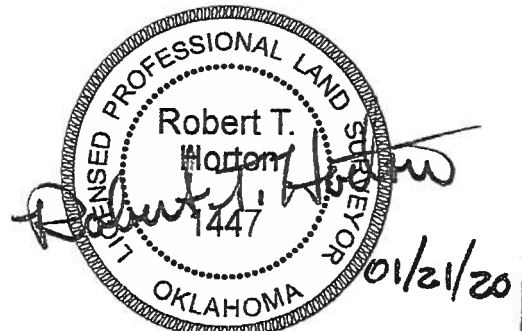
- #9 BK 336 PG 82, BK 557 PG 324
- #10 BK 536 PG 168



LOT TWENTY-THREE (23), BLOCK ONE (1), WOODLAND VIEW, AN ADDITION TO THE TOWN OF COWETA, A SUBDIVISION OF PART OF E/2 OF SW/4 OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. ALSO KNOWN AS:
29665 EAST 158TH STREET SOUTH, COWETA, OK 74429

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR ELITE TITLE SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING.

BAKER SURVEYING, LLC
4677 SOUTH 83RD EAST AVENUE
TULSA, OKLAHOMA 74145
OKLAHOMA CA #5816 EXPIRES 6/30/2020
(918) 271-5793



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



SUBJECT PROPERTY

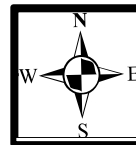


Reynolds Sorenson Addition

Post Oak

Coweta Heights

CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



State Highway 72

157th

296th

297th East

Woodland View

SUBJECT PROPERTY

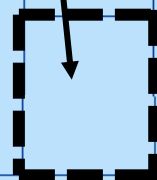
16E17N19

294th

158th

Woodland View II

159th



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)

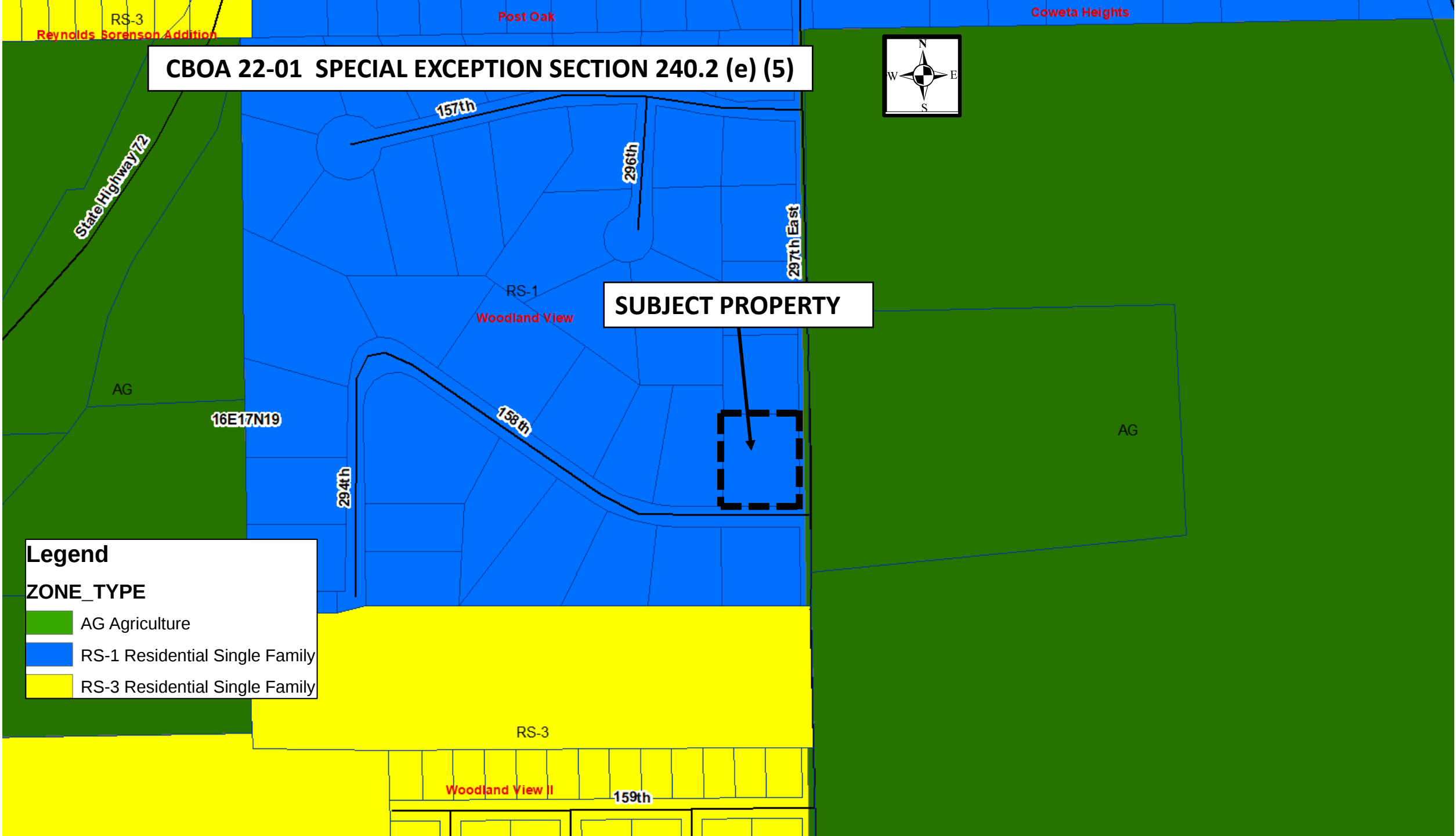


SUBJECT PROPERTY

Legend

ZONE_TYPE

-  AG Agriculture
-  RS-1 Residential Single Family
-  RS-3 Residential Single Family





POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-01
Date: 01/17/22

BACKGROUND

Applicant

Timothy Ahlstrom, Jr., 29665 E 158th Street S in Coweta, seeks a;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

Action on the Variance (1st item) does not imply or guarantee approval of the individual special exceptions (2nd items a. and b.)

Case Facts

- Applicant's lot consists of approximately 35,344 sq ft or .81 acres with a legal description as: Lot 23, Block 1, WOODLAND VIEW, an Addition to the Town of Coweta, A subdivision of part of E1/2 of SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma
- The property is zoned Residential Single Family (RS-1)
- The principal structure on the property is approximately 1,863 sq ft with a stone and wood exterior and composition shingle roofing
- Property has two existing accessory buildings with an aggregate floor space of 1,035 sq ft:
 - 25 ft X 35 ft (875 sq ft)
 - 20 ft X 8 ft (160 sq ft)
- Applicant wishes to construct an additional 36 ft X 50 ft (1,800 sq ft) wood framed shop with metal siding and roof color matched to the principal structure, the shop will have a peak height of 19 feet (19')
- If constructed, the aggregate square footage of accessory buildings on the lot would be 2,835 sq ft

Pertinent Code

Section 240.2 (e) (3) Detached accessory buildings may be located in the rear yards of RS Districts and shall be regulated as follows:

(1) On RS lots containing less than one-half (0.5) acre of lot area, detached accessory buildings may be located in a rear yard provided that the accessory buildings in aggregate do not exceed 768 square feet of floor area, or cover more than twenty percent (20%) of the rear yard, whichever is smaller.

(2) On RS lots containing one-half (0.5) acre of lot area or greater, detached accessory buildings may be located in the rear yard provided that the accessory buildings in aggregate do not exceed the following: **RS lots containing a minimum of one-half (0.5) acre but less than one (1) acre of lot area - an aggregate maximum floor area of 1,000 square feet;** or RS lots containing one (1) acre or more of lot area - an aggregate maximum floor area of 1,500 square feet.

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- Section 240.2 (e) (4) **In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure** located upon the lot.
- Section 240.2 (e) (5) All accessory buildings not meeting the minimum requirements in (1.) and (2.) above shall require Board of Adjustment action in the form of a Special Exception. **The following factors, at a minimum, shall be considered by the Board of Adjustment in granting Special Exception approval of detached accessory buildings as referenced above: the accessory building height; building construction materials; building color scheme; building, location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form.** (Ord #572)
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The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
- (a) 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.**
 - (b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**

(c) 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.**

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

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Aerial Map
Area Map
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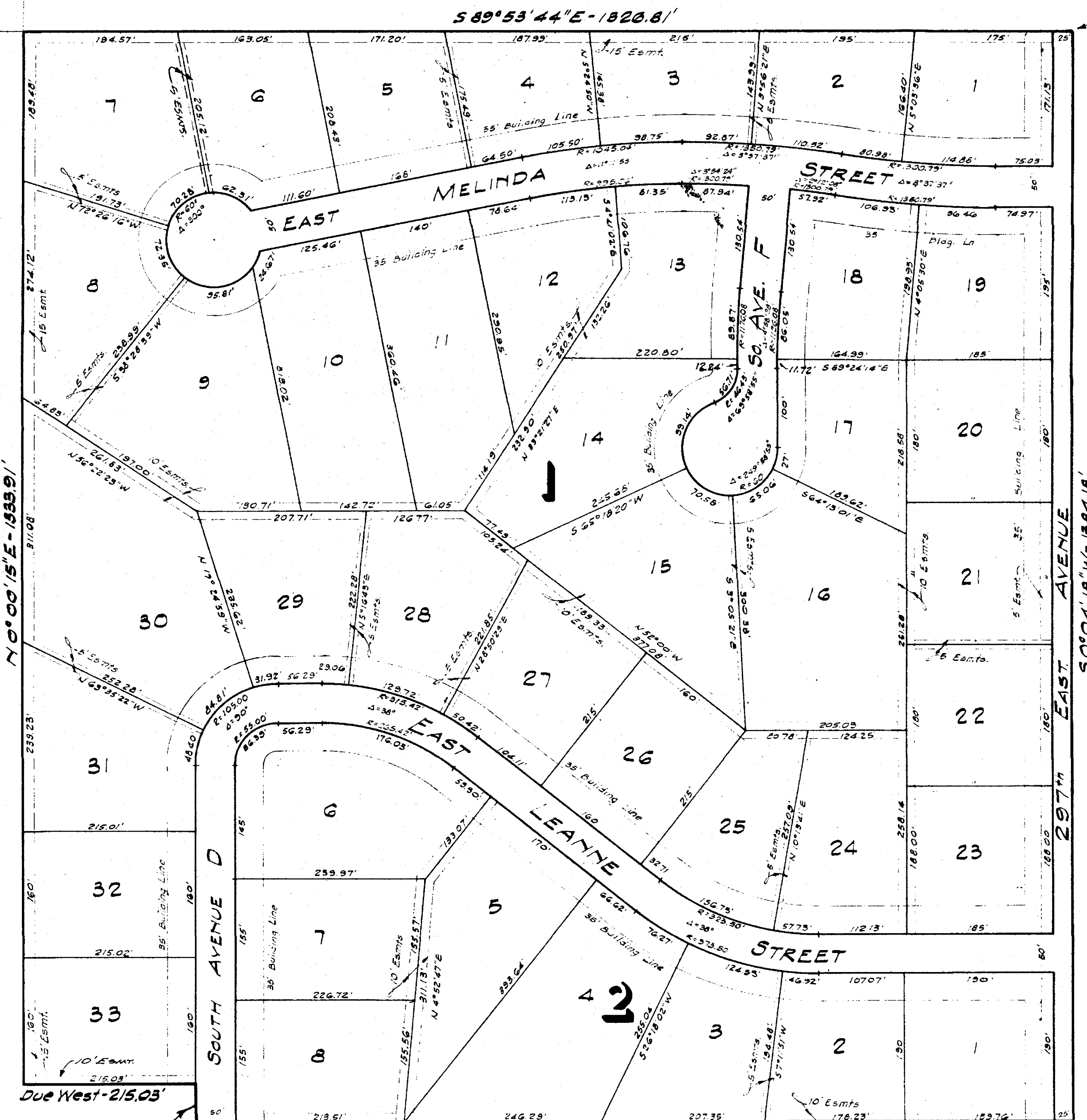
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An Addition to the City of Coweta, Wagoner County, Oklahoma. A Subdivision of the E/2, SW/4 Section 19, Township 17 North, Range 16 East.

Plat Book 1 Page 1
OCT 27 1976
AT J. B. ENGINEERING CO.
JACK C. JONES, County Clerk
By *[Signature]* Deputy

OWNER:
TRI-KAY DEVELOPERS, INC.
ROUTE 2 BIXBY, OKLA 74008

J-B ENGINEERING CO.
6127 E 31ST STREET
TULSA, OKLA. 74135



CERTIFICATE OF COUNTY TREASURER:

I, *[Signature]* County Treasurer of Wagoner County, Oklahoma, do hereby certify that the 1976 taxes and all back taxes have been paid *[Signature]* to the City of Coweta, Oklahoma.
Dated this 27 day of October 1976. *[Signature]* COUNTY TREASURER, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF COUNTY SANITARIAN:

I, *[Signature]* County Sanitarian of Wagoner County, Oklahoma, do hereby certify that all lots on the attached plat meet the requirements of the Oklahoma State Department of Health with respect to lots which are served by municipal water, and individual sewage disposal systems.
Dated this 27th day of October 1976. *[Signature]* R.P.S. #372 COUNTY SANITARIAN, WAGONER COUNTY, OKLAHOMA.

CERTIFICATE OF SURVEY:

I, JOE E. DONELSON, a Registered Professional Engineer and a Registered Land Surveyor in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and staked the lots and blocks and the real estate and premises dedicated as "WOODLAND VIEW" as addition to the City of Coweta, Wagoner County, Oklahoma, and that the attached plat is a true and correct representation of said survey showing the length, width and depth of the lots, blocks and the names, widths, boundaries and extensions of all streets.

WITNESS my hand and seals on this 27th day of October 1976, at Tulsa, Tulsa County, Oklahoma.

J-B ENGINEERING CO.

JOE E. DONELSON, Eng. Professional Engineer/Reg. Land Surveyor.

STATE OF OKLAHOMA }
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of October 1976, personally appeared JOE E. DONELSON, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of J-B Engineering Co., for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.

My Commission Expires: April 24, 1980

NOTARY PUBLIC

DEED OF DEDICATION FOR "WOODLAND VIEW"

KNOW ALL MEN BY THESE PRESENTS:

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A tract of land situated in the E/2 of the SW/4 of Section 19, Township 17 North, Range 16 East, Wagoner County, Oklahoma, being more particularly described as follows: Beginning at the Northeast Corner of said E/2 SW/4; Thence S 09°08'18" W and along the East line of said E/2 SW/4 for 438.18 feet; Thence Due West for 110.14 feet; Thence Due North for 52.69 feet; Thence Due West for 215.03 feet to a point on the West line of said E/2 SW/4; Thence N 0°00'15" W and along the West line of said E/2 SW/4 for 1333.91 feet to the Northwest Corner of said E/2 SW/4; Thence S 89°53'44" E and along the North line of said E/2 SW/4 for 1326.81 feet to the point of beginning and containing 41.9119 acres more or less.

and have caused the same to be surveyed, platted and staked into lots, blocks and streets as shown on the attached plat and survey thereon, and which plat is made a part hereof and has given to said addition the name of "WOODLAND VIEW" as addition to the City of Coweta, Wagoner County, State of Oklahoma, and:

NOW THEREFORE, the Owner does hereby dedicate for public use all of the streets as shown on said plat and does hereby guarantee the title to all of the land covered by said streets, and for the purpose of providing an orderly development of the above described real estate, and in order to provide adequate restrictive covenants for the mutual benefit of themselves and their successors in title to the subdivision of said land (hereinafter referred to as lots) the undersigned does hereby impose the following restrictions and reservations and create the following easements, which shall be binding upon it, its successors and assigns.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until October 1, 1996, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part. If the parties hereto, or its assigns or successors shall violate or attempt to violate any of the covenants therein, it shall be lawful for any other person or persons owning a property situated in said development of the subdivision to prosecute any proceeding at law or in equity against the parties or person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing, or to recover damages or other dues for such violations. INVALIDATION of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

1. All lots in the Addition shall be known and described as residential lots, and shall be used for residential purposes only. No more than one (1) single family residence shall be erected, altered placed or permitted to remain on any lot other than a single family residence.
2. No single family residence, the ground floor area of which is less than 1300 square feet, exclusive of open porches and garage shall be constructed on any lot.
3. No single family residence shall be constructed which design incorporates a flat roof. All residences shall have a roof pitch of not less than Two and One-Half feet in Twelve feet (2 1/2' : 12'). All residences shall contain a minimum of Three (3) bedrooms, One and One-Half Baths and a Two (2) car garage. All residences shall have a minimum of 75% brick or masonry, excluding window and door openings.
4. No single family residence or open porches shall be located nearer to the front lot line, nor nearer to the side street line than the building lines shown on the attached plat. No residence shall be located nearer than Five (5) feet to any side lot line.
5. No fence shall be erected on any lot forward of the main structure, and no fence on any lot shall be more than Six (6) feet in height.
6. No structure previously used shall be used on any lot in this addition.
7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be used on any lot at any time as a residence either temporarily or permanently.
8. All drive-ways shall be a minimum of Twenty (20) feet in length.
9. No mobile home of any nature shall be used for a residence either temporarily or permanently.
10. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may or may become an annoyance or a nuisance to the neighborhood.
11. All water and sewage disposal systems shall comply with standards and specifications of the Wagoner County and Oklahoma State Department of Health requirements.
12. No sign of any kind shall be displayed to the public view on any residential lot except One (1) professional sign of not more than One (1) square foot, or One (1) sign of not more than Five (5) square feet advertising for sale or rent, or signs used by a builder to advertise the property during construction and sales period.
13. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
14. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose, said household pets shall be confined in a yard or on a leash.
15. No oil drilling, oil development operations, oil refining or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, minerals excavations or shafts be permitted on any lot. No derrick or other structures designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
- 16a. Overhead pole lines for the supply of electric service may be located along the front, sides and rear of all lots in the addition. Street light poles or standards may be served by underground cable, elsewhere throughout the addition, the supply lines may also be located underground in the easement-ways reserved for general utility services and streets shown on the attached plat. Service pedestals and transformers as sources of supply at secondary voltages may also be located in said easement-ways.
- b. Except to houses on lots described in paragraph (16a.) above, which may be served from overhead electric service lines, underground service cables to all houses which may be located on all lots in said addition may be run from the nearest Overhead pole, service pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot; provided that upon the installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definitive, permanent, effective and exclusive right-of-way easement on said lot, covering a Five (5) foot strip extending 2 1/2 feet on each side of such service cable extending from the overhead pole, service pedestal or transformer to the service entrance of said house.
- c. The supplier of electric service, through its proper agents and employees shall at all times have right of access to all such easement-ways shown on said plat or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground facilities so installed by it.
- d. The owner of each lot shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric facilities. The electric company will be responsible for the ordinary maintenance of underground electric facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- e. The foregoing covenants (16a thru 16e) concerning underground electric facilities shall be enforceable by the supplier of electric service, and the owner of each lot agrees to be bound hereby.

NOW THEREFORE, THE UNDERSIGNED does hereby dedicate for public use all of the streets and public places shown on the attached plat, and does further dedicate for public use forever the easements and rights-of-way as shown and designated on the attached plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm and sanitary sewers, telephone lines, electric lines and transformers, gas lines and water lines together with all fittings and equipment for each of such facilities, including the poles, conduits, pipes, valves, meters and any other appurtenances thereto with the right of ingress and egress to and upon said easements and rights-of-way for the uses and purposes aforesaid, together with similar rights in each and all of the streets shown on said plat; PROVIDED, HOWEVER, that the undersigned reserves the right to construct, maintain, operate, lay and relay water and sewer lines together with the right of ingress and egress shown on said plat and over, across and along all strips of land included within the easements shown thereon, both for the furnishing of water and/or sewer service to the area included on said plat and to any other area.

WITNESS our hands and seal on this 27th day of October 1976.

ATTEST:
[Signature] TRI-KAY DEVELOPERS, INC., an Oklahoma Corporation
BOB L. KETCHUM, Secretary
[Signature] RICHARD C. KETCHUM, President

STATE OF OKLAHOMA }
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this 27th day of October 1976, personally appeared RICHARD C. KETCHUM, to me known to be the identical person who subscribed the name of the above to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said Corporation for the uses and purposes therein set forth.

WITNESS my hand and seal on the day and year last above written.

My Commission Expires: April 24, 1980

NOTARY PUBLIC

LEGEND

CL - CENTERLINE
 B/L - BUILDING LINE
 U/E - UTILITY EASEMENT
 S/E - SERVICE ENTRANCE
 R/W - RIGHT-OF-WAY
 MAE - MUTUAL ACCESS ESMT
 B/E - BURIED ELEC. ESMT
 L/E - LANDSCAPE ESMT
 D/E - DRAINAGE ESMT
 W/E - WATERLINE ESMT
 TRNSFRMR - TRANSFORMER

BAKER SURVEYING, LLC

4677 SOUTH 83RD EAST AVENUE
TULSA, OKLA. 74145

MORTGAGE INSPECTION REPORT

NOT A LAND OR BOUNDARY SURVEY



SCALE: 1"=50'

SELLER: Estate of William Thomas, Sr. and
Willa Ruth Buckner

BUYER: Kathy R. Ahlstrom

CLIENT: Elite Title Services, LLC



SURVEYOR'S NOTE:

THE FOLLOWING FOUND IN TITLE
COMMITMENT #19-12-2658, DATED 01/02/20:
DOES AFFECT THE PROPERTY:

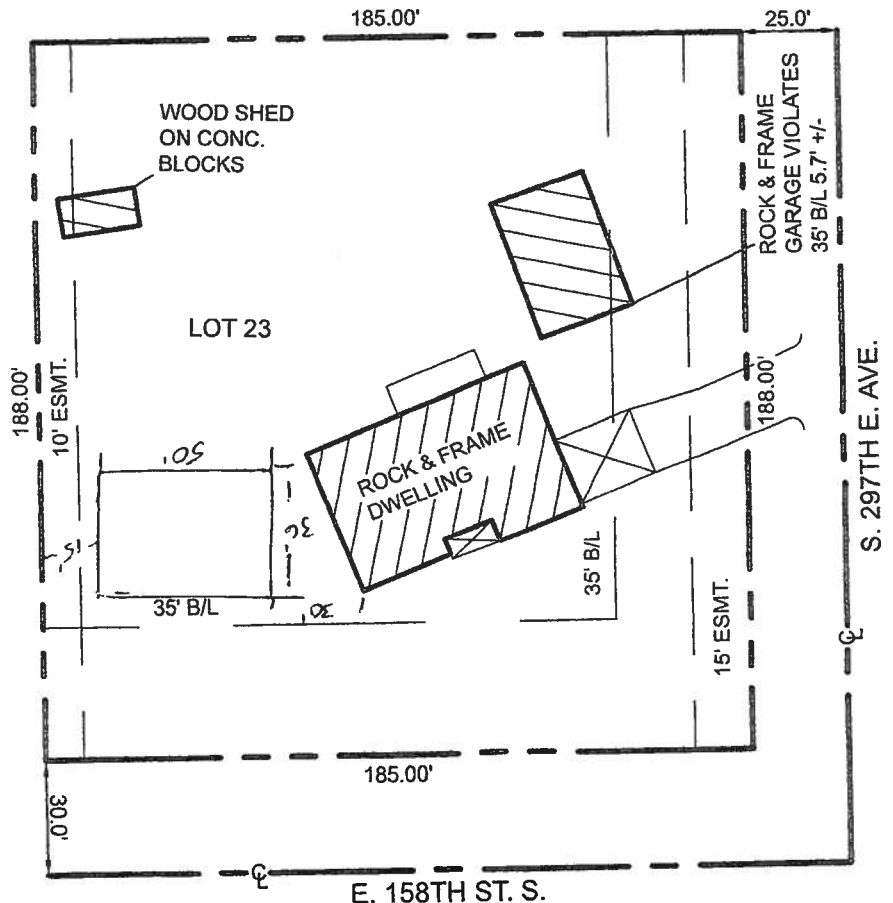
- #11 ITEMS CONTAINED IN THE PLAT AND DEED OF DEDICATION/COVENANTS AND RESTRICTIONS, OF WOODLAND VIWE ADDITION, PLAT BOOK 7 PAGE 17, BK 479 PG 67

DOES NOT AFFECT THE PROPERTY:

- #9 BK 336 PG 82, BK 557 PG 324
- #10 BK 536 PG 168

FLOOD PLAIN STATEMENT:

THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED AREAS) PER FLOOD INSURANCE RATE MAP 40145C0275H EFFECTIVE APRIL 17, 2012. ZONE X (UNSHADED) DEFINED AS AREA OF MINIMAL CHANCE OF FLOOD HAZARD.



DATE OF FIELD INSPECTION:
JANUARY 6TH, 2020

LEGAL DESCRIPTION:

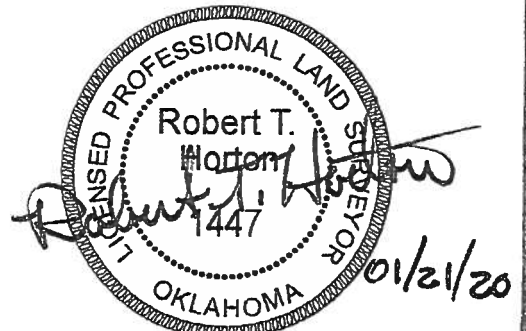
LOT TWENTY-THREE (23), BLOCK ONE (1), WOODLAND VIEW, AN ADDITION TO THE TOWN OF COWETA, A SUBDIVISION OF PART OF E/2 OF SW/4 OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. ALSO KNOWN AS:
29665 EAST 158TH STREET SOUTH, COWETA, OK 74429

CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR ELITE TITLE SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING.

SIGNED JANUARY 21ST, 2020

BAKER SURVEYING, LLC
4677 SOUTH 83RD EAST AVENUE
TULSA, OKLAHOMA 74145
OKLAHOMA CA #5816 EXPIRES 6/30/2020
(918) 271-5793



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



SUBJECT PROPERTY

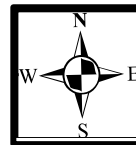


Reynolds Sorenson Addition

Post Oak

Coweta Heights

CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



State Highway 72

157th

296th

297th East

Woodland View

SUBJECT PROPERTY

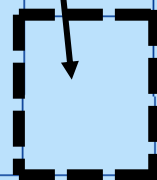
16E17N19

294th

158th

Woodland View II

159th



CBOA 22-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)

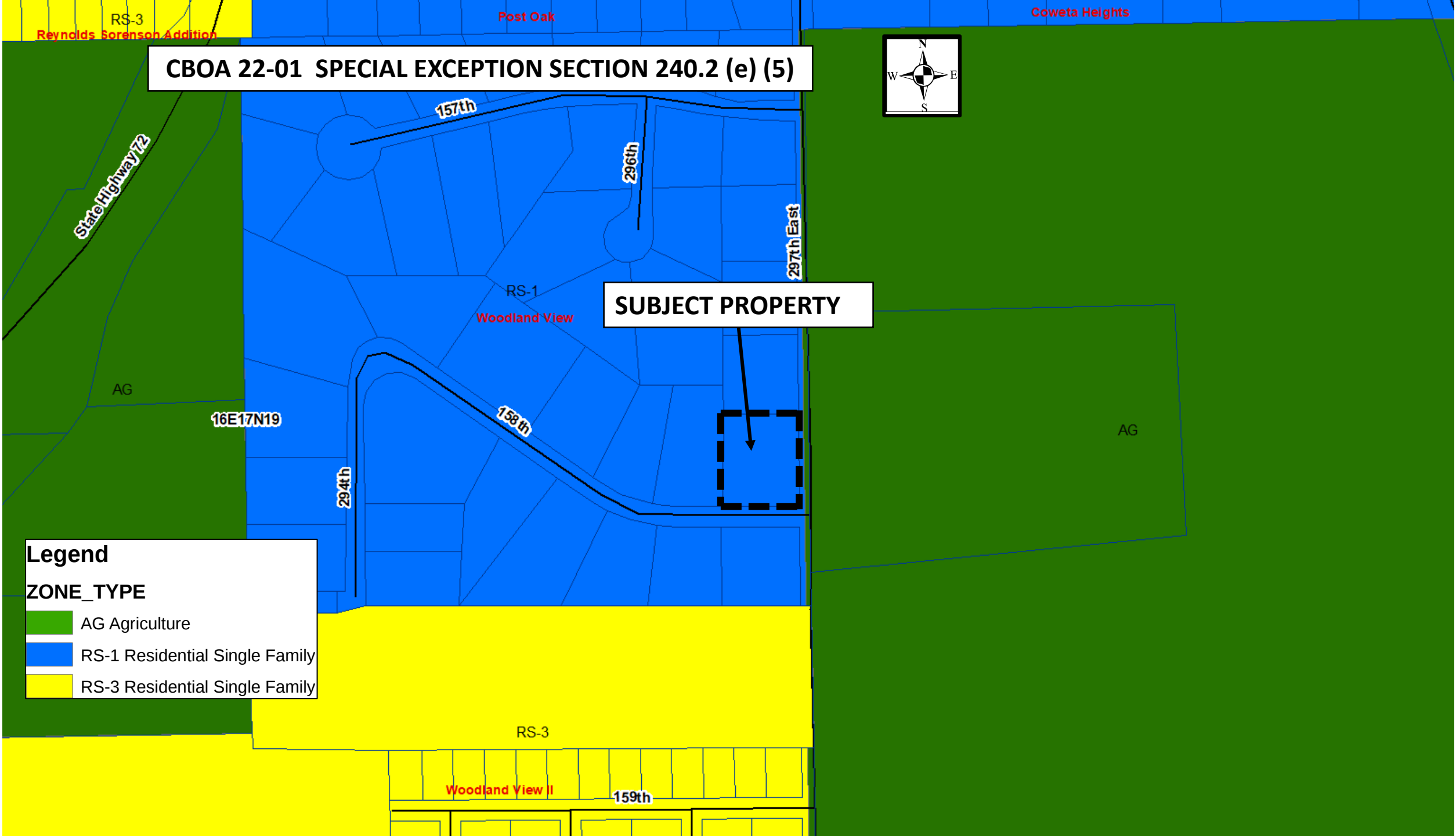


SUBJECT PROPERTY

Legend

ZONE_TYPE

-  AG Agriculture
-  RS-1 Residential Single Family
-  RS-3 Residential Single Family





POST OFFICE BOX 850 ☐ COWETA, OKLAHOMA 74429 ☐ PH. (918) 486-2189 ☐ FAX (918) 486-5366 ☐
www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-02
Date: 01/17/22

BACKGROUND

Applicant

The applicant, Steven and Kathryn Terry, are seeking;

- 1) A variance from Section 1950 Structural Nonconformities;
 - a. Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

Case Facts

- The location of the request is 15811 South 289th, The property is zoned Residential Single Family (RS-3).
- Applicant's lot consists of approximately .56 acres with a legal description as: Tract of land located in the SW1/4 of the NW1/4 of the SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma, and further described as follows, to-wit: Beginning 1705 feet North of the SW corner of the SW1/4 of said Section 19; thence North 115 feet; thence East 210 feet; thence South 115 feet; thence West 115 to the point of beginning.
- The applicants are requesting the variance of the zoning code Section 1950 (d) (1), to allow the placement of a mobile home (Residential Manufactured Home) on their property.

Pertinent Code

Ordinance 593 was approved by Coweta City Council on May 9th, 2003 and limits mobile homes to properties zoned RMHP – Residential Manufactured Home Park or RMHS Residential Manufactured Home Subdivision. ***The subject property is not zoned appropriately.***

Section 725 Tract Area – 5 Acres. **Tract does not comply with required lot size**

Section 1950 A structure, lawfully existing at the effective date of the adoption or amendment of this Code, but which would be prohibited by the terms of this Code by reason of restriction on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be

deemed nonconforming and may continue, **subject to the following provisions:**

Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, **shall not be thereafter reestablished**, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**

Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
The Board shall hold the hearing and **upon the concurring vote of three members may grant a variance after finding:**
(a) 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.**
(b) That **such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,**
(c) 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.**
Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance from Section 1950 Structural Nonconformities;
 - a. Section 1950 (d) (1) A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

ATTACHMENTS

1. Aerial View Map. 2. Location Map. 3. Zoning Map. 4. Public Hearing Notice.

CBOA 22-02 VARIANCE SECTION 1950 STRUCTURAL NONCONFORMITIES



SUBJECT PROPERTY



State Highway 72

15E17N24

16E17N19

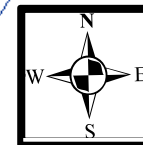
294th

158th

159th

294th East

CBOA 22-02 VARIANCE SECTION 1950 STRUCTURAL NONCONFORMITIES



SUBJECT PROPERTY

289th East



State Highway 72

15E17N24

16E17N19

Woodland View

294th

158th

Woodland View II

CBOA 22-02 VARIANCE SECTION 1950 STRUCTURAL NONCONFORMITIES



SUBJECT PROPERTY

289th East

RS-3

State Highway 72

AG

15E17N24

AG

16E17N19

RS-1

294th

158th

Woodland View

Legend

ZONE_TYPE

- AG Agriculture
- O Office and institutional
- RS-1 Residential Single Family
- RS-3 Residential Single Family

O

RS-3

Woodland View II

Steven D. and Kathryn Terry
15811 South 289th East Avenue
Coweta, Oklahoma 74429

Phone: 918-486-5535

January 15, 2022

City of Coweta
Planning Commission
310 South Broadway
Coweta, OK 74429

RE:: Steven and Kathryn Terry Hardship Claim
Permission to put mobile home at: 15811 S 289th East Avenue, Coweta, OK

To Whom It May Concern:

The City of Coweta has requested that the primary residents (Steven and Kathryn Terry) of 15811 S. 289th East Avenue in Coweta, Oklahoma prove that the placement of a mobile home on their property would be an asset to their physical assistance and daily needs thus fulfilling the hardship requirement.

We are presenting the following which we ask you to consider:

1. Due to our age and various health issues, it is becoming more and more strenuous for us to maintain the house and surrounding property. We have only one living family member who can assist us. Our granddaughter and her husband would reside in the mobile home if placed on the property. It would be located next door to our home.
2. My wife's diagnosis (Kathy) which requires minimal help at this time, but in the not-too-distant future she will require additional help with activities of daily living such as housekeeping, cooking and other chores. Her diagnosis are as follows: Osteoarthritis with joint deterioration, Fibromyalgia, Type 2 diabetes and high blood pressure.
3. My diagnosis, which requires minimal help at this time, but in the not-too-distant future I will need additional help with activities of daily living such as household maintenance and other chores. It is especially hard to maintain the residence specifically in the summertime because of the yardwork.. My diagnosis are as follows: High blood pressure and atrial fibrillation.

The family has owned this property since 1952 and a mobile was placed on the property previously in 1993 and remained until 1997 when it was moved to Coweta Trailer Park. We thank you for your consideration.

Sincerely,

Kathryn Terry

Steven Terry

Kathryn and Steven Terry

BOARD OF ADJUSTMENT APPLICATION
VARIANCE ONLY

It is a requirement of the state that the minutes of the meeting at which a variance is granted shall show that each element listed below was established at the public hearing.
Please state how the following statements apply to your request.

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

See Attached

2. Such conditions are peculiar to the particular piece of property involved:

ANSWERED IN ATTACHMENT

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

Property is Isolated from any Subdivision and has only ONE Neighboring Property

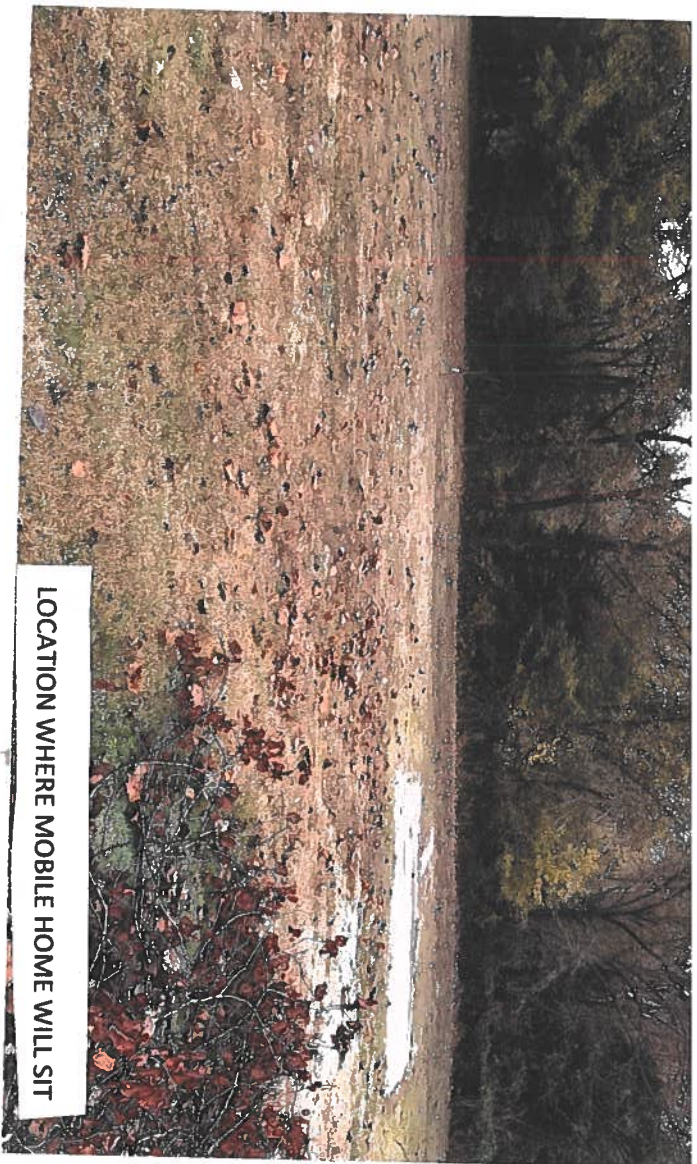
4. The variance, if granted, would be the minimum allowance necessary to alleviate the unnecessary hardship.

We are requesting a permit for a New Mobile Home only
We are NOT requesting ANY Further Variance of the
Property this will fulfill the purpose for granting the
variance.

1. My wife and I would be unable to stay in our home/property in the long term without assistance.
In addition, there would be no reasonable use of the property without the variance.
2. The property is located in a rural area without subdivisions or businesses. There are also mobile homes on property nearby. In addition the property has had a mobile home in the past. It already has concrete footings, electric and water service.
3. There is only one neighboring property.
4. We are requesting a permit for a new mobile home only. We are not requesting any further variance of the property.







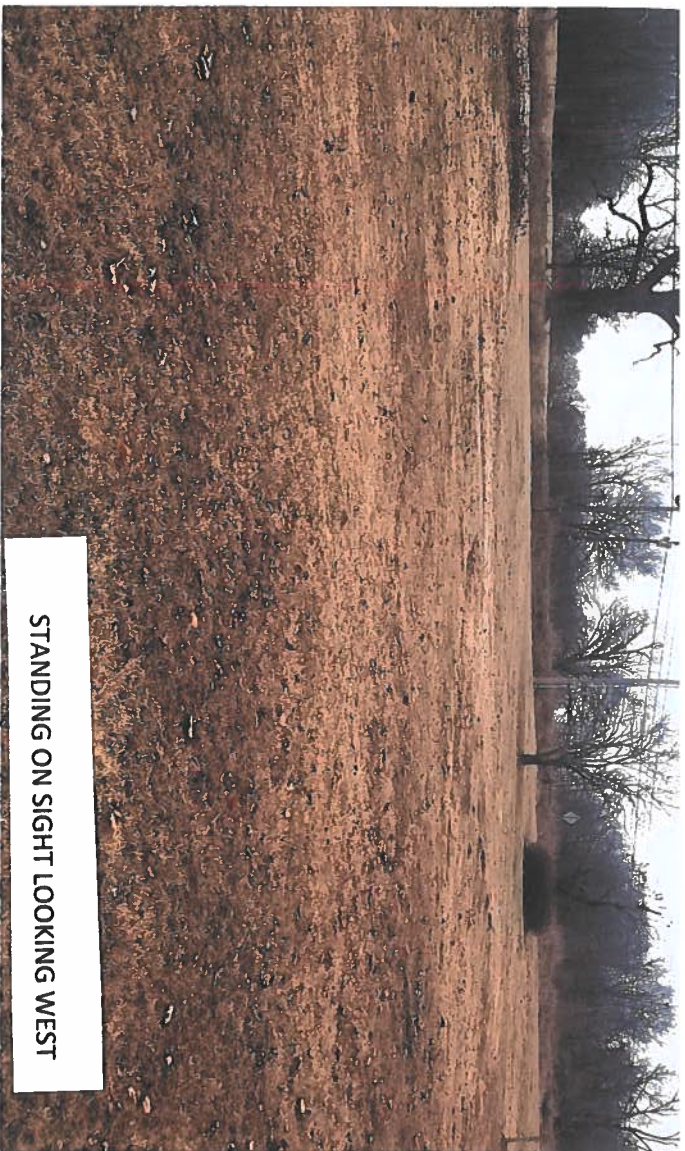
LOCATION WHERE MOBILE HOME WILL SIT



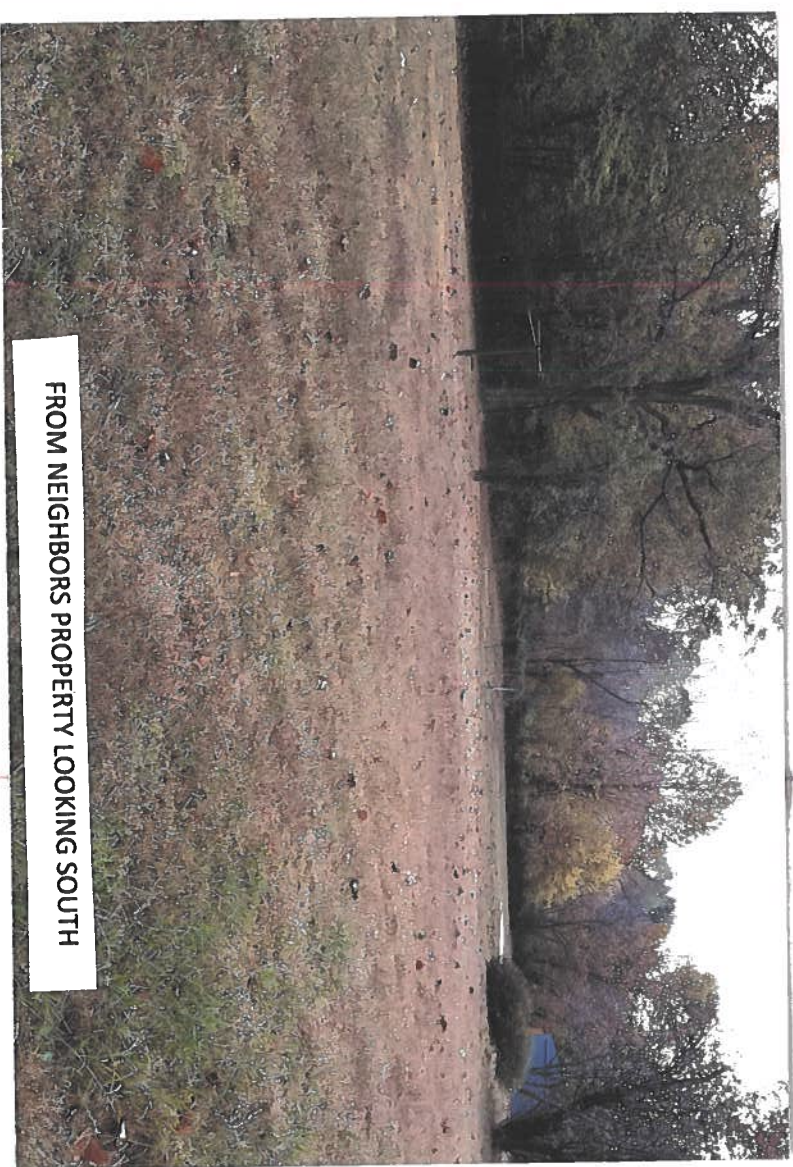
LOCATION WHERE MOBILE HOME WILL BE LOCATED



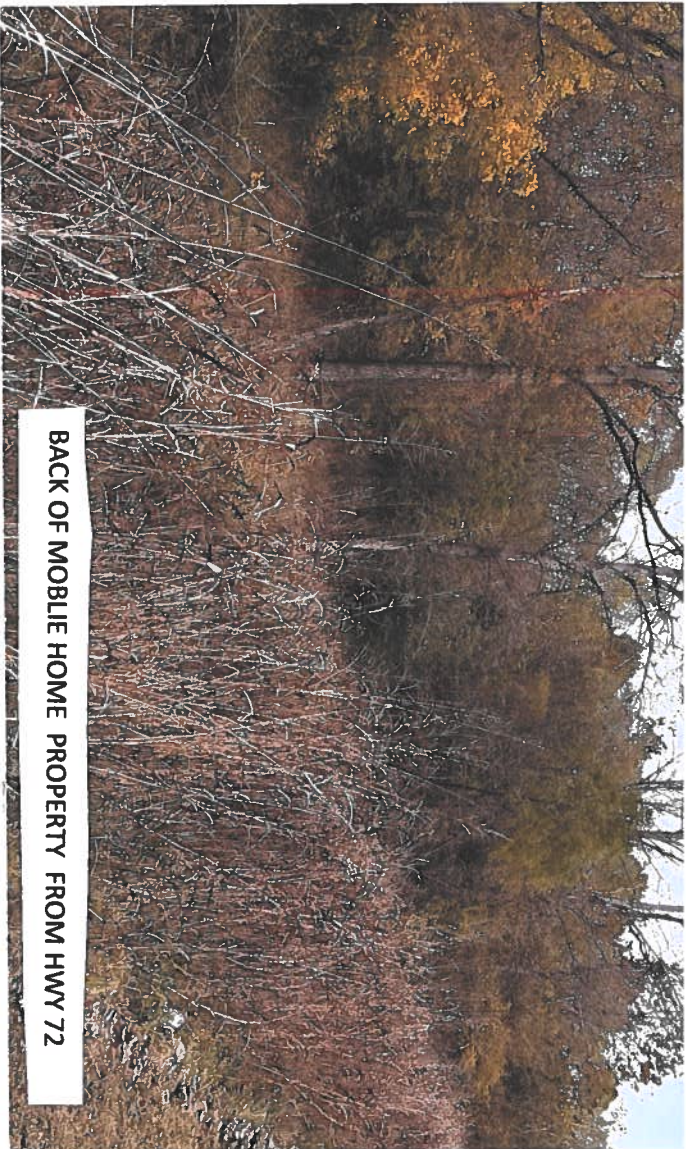
This mobile home was placed
At this location in 1993
before Patio was poured
All hookups are there,
Mobile Home will be new and
Underpinned.



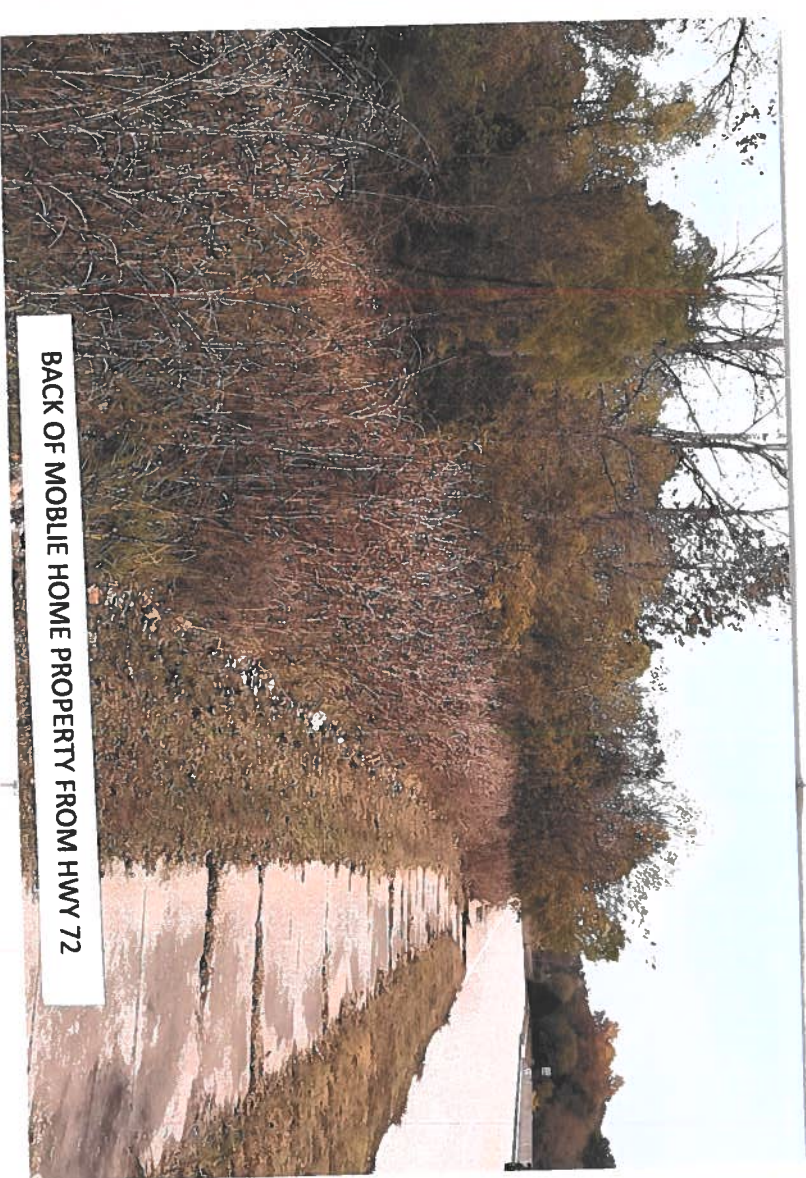
STANDING ON SIGHT LOOKING WEST



FROM NEIGHBORS PROPERTY LOOKING SOUTH



BACK OF MOBILE HOME PROPERTY FROM HWY 72



BACK OF MOBILE HOME PROPERTY FROM HWY 72

ORDINANCE 593

AN ORDINANCE AMENDING ORDINANCE 571 AND ORDINANCE 377 CHAPTER 7 SECTION 700 THROUGH 780 AND CHAPTER 8 SECTIONS 800 THROUGH 870 OF THE CITY OF COWETA ZONING CODE DELETING AND OTHERWISE MODIFYING THE REQUIREMENT WHICH ALLOWS PLACEMENT OF MANUFACTURED AND MOBILE HOMES WITHIN THE CITY OF COWETA; DELETING CHAPTER 8 OF THE ZONING CODE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Coweta currently allows the placement of mobile and manufactured homes within the City of Coweta in certain circumstances.

WHEREAS, the City through additional zoning regulations and subdivision codes is reviewing the placement of manufactured and mobile homes and the effect of such placement on the growth and development of the City of Coweta.

WHEREAS, the City of Coweta, in an attempt to further enforce the zoning regulations of the City and to provide for orderly development within the City limits feels that restricting the placement of manufactured homes to existing manufactured home parks and subdivisions and lots zoned for manufactured home is in the best interest of the residents of the City of Coweta. Mobile homes are no longer an acceptable residential use within any zoning district within the City of Coweta.

THEREFORE, be it ordained by the City of Coweta, Oklahoma that, to wit, the Ordinances are hereby amended as follows.

SECTION 1.

CHAPTER 7 SECTIONS 700 THROUGH 780 IS HEREBY AMENDED AND SHALL FROM THIS POINT FORWARD PROVIDED AS FOLLOWS:

CHAPTER 7

RMHP-RESIDENTIAL MANUFACTURED HOME PARK

RMHS -RESIDENTIAL MANUFACTURED HOME SUBDIVISION

700	General Description - Residential Manufactured Home Park
705	Permitted Principal Uses
710	Permitted Accessory Uses and Structures
715	Uses Permitted by Special Exception
720	General Requirements
725	Tract Development Standards
730	Internal Space Requirements
750	General Description - Residential Manufactured Home Subdivision
755	Permitted Principal Uses
760	Permitted Accessory Uses and Structures
765	Uses Permitted by Special Exception
770	General Requirements
775	Tract Development Standards
780	Definitions

SECTION 700 GENERAL DESCRIPTION - RESIDENTIAL MANUFACTURED HOME PARK

Manufactured Homes within the City of Coweta shall be limited to either residential manufactured home park developments in which there is one land owner, or residential manufactured home subdivisions, as set forth below. This zoning district is intended to provide for manufactured homes in a manufactured home park as an alternate living style and dwelling type to conventional multi family housing. The purpose of this district is to provide a grouping of manufactured home sites within the setting of a manufactured home park which has the necessary improvements and amenities to provide a suitable living environment for its residents. A minimum size for individual manufactured home space is required so that overcrowding is prevented and minimum levels of privacy are maintained. A minimum manufactured home park size is established to assure a desirable residential environment is created and to provide separation from neighboring conventional housing areas.

SECTION 705 PERMITTED PRINCIPAL USES

Principal use permitted in the RMHP Residential, Manufactured Home Park district are as follows:

- (a) One family single, double or triple wide manufactured homes or modular home development that consists of two or more tract(s) under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys, each placed on permanent foundations, tied-down according to city regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

SECTION 710 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in Residential Manufactured Home Park (RMHP) district are permitted in such district.

Accessory Buildings:

- Minimum Area 36 sq. ft.
- Maximum Area 100 sq. ft.
- Minimum Setback from Space Boundary 5 feet
- Minimum Separation from Adjacent Dwelling 10 feet
- Maximum Area Under Roof 45% of the Space
- *area under roof is the sum of the square footages of the dwelling plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

SECTION 715 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Those uses permitted as Special Exceptions in the RS-1 Residential Single Family District.

- (b) Those uses allowed as Permitted Principal Uses in the RS-1 Residential Single Family District.

SECTION 720 GENERAL REQUIREMENTS

- (a) Minimum internal private street surfacing width - 24 feet.
- (b) All dwellings shall be placed on permanent foundation, all wheels and axles removed. All dwellings shall be certified and display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards.
- (c) One identification sign may be erected on each perimeter street frontage of a manufactured home park. The sign shall not exceed two tenths of a square foot of display surface area per lineal foot of street frontage; provided however, that in no event shall the sign be restricted to less than 32 square square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any shall be by constant light.

SECTION 725 TRACT DEVELOPMENT STANDARDS

Tract Area (min.) 5 acres
Land Area per Dwelling Unit (min.) 6,000 sq. ft.
Tract Width (min.) 200 feet
Setback Abutting a Public Street (min.): Measured from the centerline; add to the distance $\frac{1}{2}$ of right of way width designated on Major Street Plan plus the designated distance below, or 25 feet, if not designated on the Major Street Plan:

Abutting an Arterial or a Freeway Service Road: 35 feet
Not abutting an Arterial or Freeway Service Road: 25 feet

Height of Structures: 20 feet maximum (one story)

Common park/recreational open space and facilities (which may include trails, playgrounds, community buildings and tot-lots) shall be delineated and provided on each development established under these regulations equal to at least 6% of the total gross tract area, exclusive of open area on each space.

SECTION 730 INTERNAL SPACE REQUIREMENTS

Exclusive of Streets and Required Open Space

Minimum Space Width	20 feet
Minimum Space Area	1,500 sq. ft
Side Yards (min.)	
One side yard	5 feet
Other side yard	10 feet
Rear yard	10 feet

Front yard

As figured above

Minimum Separation between Dwellings 15 feet

Minimum Paved Off Street Parking Spaces per dwelling unit: 2

A paved outdoor living area shall be provided on each space and shall be a minimum of 100 square feet and shall have an average dimension of not less than 10 feet. This area may be covered with a roof, subject to limitations imposed by maximum area under roof. Required parking areas and driveways shall not be included as part of this outdoor living area. Parking areas and driveways shall be of all weather all purpose material such as concrete or asphalt.

SECTION 750 General Description - Residential Manufactured Home
Subdivision.

Manufactured Homes within the City of Coweta shall be limited to either residential manufactured home park developments, in which there is one land owner, or residential manufactured home subdivisions, as set forth below. A subdivision designed for the sale of lots for the purpose of siting manufactured homes on individual lots, provided that such a development and lots therein shall comply with the requirements set out below as well as the Coweta Subdivision Regulations requiring submittal of a subdivision plat incorporating said requirements submitted to and approved by the Planning Commission, City Council and filed of record in the office of the County Clerk.

SECTION 755 Permitted Principal Uses

Principal use permitted in the RMHS Residential, Manufactured Home Subdivision district are as follows:

- (a) Any principal use permitted, other than by Special Exception, in the RS-3 Residential Single Family district.
- (b) One family single, double or triple wide mobile homes or modular homes located on individual lots, placed on permanent foundations, tied-down according to city regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

SECTION 760 Permitted Accessory Uses and Structures

Accessory uses and structures customarily incident to a permitted principal use in Residential Manufactured Home Subdivision (RMHS) district are permitted in such district. In addition, the following uses are permitted as accessory uses:

Accessory Buildings:

Minimum Area 36 sq. ft.

Maximum Area 100 sq. ft.

Minimum Setback from Space Boundary 5 feet

Minimum Separation from Adjacent Dwelling 10 feet

Maximum Area Under Roof 45% of the Space

*area under roof is the sum of the square footages of the dwelling plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

SECTION 765 Uses Permitted by Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Those uses permitted as Special Exceptions in the RS-1 Residential Single Family District.

SECTION 770 General Requirements

- (1) All dwellings shall be attached to a conventional permanent foundation.
- (2) All manufactured homes placed shall be certified and shall conspicuously display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards, or were constructed after the first edition of said code.
- (3) The tract to be subdivided shall consist of one or more tracts under individual ownership or control which shall be contiguous or separated only by non arterial streets or alleys and have an area of at least 5 acres.
- (4) One identification sign may be erected on each perimeter street frontage of a manufactured home subdivision. The sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

SECTION 775 Tract Development Standards

Tract Area: 5 acres
Lot Area: 5,500 sq. ft.
Structure Height: 35 feet (Maximum)

Livability Space per Dwelling Unit: 2,500 sq. ft.

Setback Abutting a Public Street (min.): Measured from the centerline; add to the distance $\frac{1}{2}$ of right of way width designated on Major Street Plan plus the designated distance below, or 25 feet, if not designated on the Major

Street Plan:

Abutting an Arterial or a Freeway Service Road: 35 feet
Not abutting an Arterial or Freeway Service Road: 20 feet.

Side Yards: 5 ft (minimum)
Rear Yards: 15 ft (minimum)

Accessory building setback from side or rear yard: 3 feet
(Not Permitted in Front Yard)

Minimum paved off street parking spaces per dwelling unit:
2 spaces. The pavement must be all purpose and all weather
such as concrete or asphalt.

SECTION 780 Definitions

Mobile Home: This term used for factory built homes produced prior to June 15, 1976, when the HUD Code went into effect. By 1970, these homes were built to voluntary industry standards that were eventually enforced by 45 states.

Manufactured Home: These are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally regulated national building code. On site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes.

Modular Home: These factory built homes are built to state, local or regional code where the home will be located. Modules are transported to the site and installed.

Panelized Home: These are factory built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Homes: This is the name for factory built housing in which building materials are factory cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

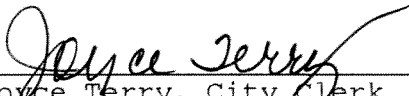
SECTION 3. An emergency exists for the preservation of the public health, peace and safety, and therefore, this Ordinance shall become effective from and after the time of its passage and approval.

This Ordinance was voted on and approved by the Coweta City Council on the 19th day of **MAY**, 2003, with separate vote and approval of the emergency clause on that date.



W.W. Osburn, Mayor

ATTEST:



Joyce Terry, City Clerk





David Weatherford, City Attorney

Affidavit Of Publication

COWETA AMERICAN

STATE OF OKLAHOMA, WAGONER COUNTY, ss:

Bill R. Retherford, of lawful age, being duly sworn and authorized, says that he is the publisher of the Coweta American, a weekly newspaper published in the City of Coweta, Wagoner County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 and 1983 as amended, and thereafter, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates:

May 28th, 2003

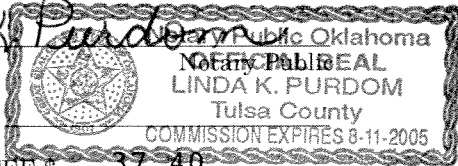
Bill R. Retherford

Subscribed and sworn to before me this 29th

day of May, 2003

Linda K. Purdom

My Commission expires:



PUBLISHER'S FEE \$ 37.40

Published in the Coweta American, Wagoner County, Oklahoma, May 28, 2003.

ORDINANCE 593

AN ORDINANCE AMENDING ORDINANCE 571 AND ORDINANCE 377 CHAPTER 7 SECTION 700 THROUGH 780 AND CHAPTER 8 SECTIONS 800 THROUGH 870 OF THE CITY OF COWETA ZONING CODE DELETING AND OTHERWISE MODIFYING THE REQUIREMENT WHICH ALLOWS PLACEMENT OF MANUFACTURED AND MOBILE HOMES WITHIN THE CITY OF COWETA; DELETING CHAPTER 8 OF THE ZONING CODE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY

This ordinance was voted on and approved by the Coweta City Council on the 19th day of May 2003 with separate vote and approval of the emergency clause on that date.

/s/ W W Osburn, Mayor

ATTEST: /s/ Joyce Terry,
City Clerk
/s/ David Weatherford, City
Attorney