



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
MONDAY, AUGUST 21, 2023, 6:00 PM

I. CALL TO ORDER

II. ROLL CALL

Kristi Rentie ____

Jessica Morris ____

Tim Ahlstrom ____

Bruce Watkins ____

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 JUNE 20, 2022.

Documents:

[220620 MINUTES OF THE BOA.PDF](#)

2. MINUTES OF THE REGULAR MEETING

APPROVAL OF THE MINUTES OF THE COWETA BOARD OF ADJUSTMENT, SPECIAL MEETING, HELD ON OCTOBER 24, 2022.

Documents:

[221024 MINUTES OF THE BOA.PDF](#)

IV. PUBLIC HEARINGS

1. PUBLIC HEARING CBOA 23-01

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON CBOA 23-01, A REQUEST FOR A SPECIAL EXCEPTION TO SECTION 240.2(E)(3) AND 240.2(E)(5) OF THE COWETA ZONING CODE, PERTAINING TO THE MAXIMUM AGGREGATE SQUARE FOOTAGE OF ACCESSORY BUILDINGS AND THE RELATABLE DESIGN OF ACCESSORY BUILDINGS ON PROPERTY

ZONED RS-1 AND LOCATED AT 26158 E 104 STREET SOUTH IN SECTION 26, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA.

Documents:

[230821 PUBLIC HEARING NOTICE CBOA 23-01.PDF](#)
[LOCATION MAP.PDF](#)
[SURVEY.PDF](#)

V. OLD BUSINESS

1. CBOA 23-01

DISCUSSION AND POSSIBLE ACTION ON A RECOMMENDATION OF APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 23-01, A REQUEST FOR A SPECIAL EXCEPTION TO SECTION 240.2(E)(3) AND 240.2(E)(5) OF THE COWETA ZONING CODE, PERTAINING TO THE MAXIMUM AGGREGATE SQUARE FOOTAGE OF ACCESSORY BUILDINGS AND THE RELATABLE DESIGN OF ACCESSORY BUILDINGS ON PROPERTY ZONED RS-1 AND LOCATED AT 26158 E 104 STREET SOUTH IN SECTION 26, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA.

Documents:

[230821 STAFF REPORT CBOA 23-01.PDF](#)
[230821 AERIAL MAP.PDF](#)
[SURVEY.PDF](#)
[ZONING MAP.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, JUNE 20, 2022**

I. CALL TO ORDER

Board Chairperson Jessica Morris called the meeting to order at 6:09 p.m.

II. ROLL CALL

Bruce Watkins	Present
Jennifer Taylor	Present
Jessica Morris	Present
Joanna Jones	Present
Melanie Lander	Present

Board Chairperson Jessica Morris 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 April 18, 2022.

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

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

Bruce Watkins	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve
Jennifer Taylor	Yes – to approve

IV. PUBLIC HEARINGS

1. Public Hearing – CBOA 22-05

Public hearing to receive public comment on CBOA 22-05, a request for a variance to Section 1740 (D) of the Coweta Zoning Code pertaining to design standards for off-street parking areas on property zoned Light Industrial (IL) and located at 10848 South 265th East Avenue, in Section 26, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Board Chairperson Jessica Morris read the agenda item. The applicants and business owners, Eddie Russell and Scott Roberts, were present for this meeting, as were the property owners.

The floor was opened for public comment. There were no public comments. The public hearing for this item was closed.

V. OLD BUSINESS

1. CBOA 22-05

Discussion and possible action including approval, approval with conditions, or denial of CBOA 22-05, a request for a variance to Section 1740 (D) of the Coweta Zoning Code pertaining to design standards for off-street parking areas on property zoned Light Industrial (IL) and located at 10848 South 265th East Avenue, in Section 26, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Board Chairperson Jessica Morris read the agenda item. City Planner, Tom E. Young Jr., discussed the Staff Report.

The applicants discussed their plan and the timeframe for the property with the Board Members.

Board Chairperson Joanna Jones made a motion to approve the variance request on the basis of the project plan and timeframe presented by the business owners. Board Member Jennifer Taylor seconded that motion.

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

Bruce Watkins	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve
Jennifer Taylor	Yes – to approve

VI. NEW BUSINESS

VII. ADJOURNMENT

Board Chairperson Jessica Morris moved that the Coweta Board of Adjustment meeting be adjourned. There were no objections. The meeting was adjourned at 6:19 p.m.

Approved:

Chairperson

Secretary

Date



**MINUTES
COWETA BOARD OF ADJUSTMENT
COWETA CITY HALL, 310 S. BROADWAY
SPECIAL MEETING MONDAY, OCTOBER 24, 2022**

I. CALL TO ORDER

Board Chairperson Jessica Morris called the meeting to order at 6:29 p.m.

II. ROLL CALL

Bruce Watkins	Present
Jessica Morris	Present
Joanna Jones	Present
Melanie Lander	Absent
Tim Ahlstrom	Present

Board Chairperson Jessica Morris requested that the roll be called, and a quorum was declared to be present.

III. PUBLIC HEARINGS

IV. OLD BUSINESS

2. City of Coweta Board of Adjustment Training

Presentation by Ronald D. Cates, City Attorney, and Robyn Murray, Community Development Supervisor, Regarding Oklahoma Board of Adjustment Law and Procedures.

V. NEW BUSINESS

VI. ADJOURNMENT

Board Chairperson Jessica Morris moved that the Coweta Board of Adjustment meeting be adjourned. There were no objections. The meeting was adjourned at 7:00 p.m.

Approved:

Chairperson

Secretary

Date

**NOTICE OF A PUBLIC HEARING BY THE COWETA BOARD OF
ADJUSTMENT: CASE NUMBER CBOA 23-01**

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 21st day of August 2023.

At the above time and place a request will be heard from Raymond Allen Magallan, seeking a special exception of the zoning code according to Section 240.2 (e) (3); 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 26158 East 104th Street South, also known as:

Lot 12, CEEJAY ACRES, a subdivision of part of S/2 of the NW/4 of Section 26, Township 18 North, Range 15 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 7th day of July 2023.

103rd

Stone Horse Farms

Natural Springs II (Amended)

CBOA 23-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



SUBJECT PROPERTY

104th

Ceejay Acres

15E18N26

105th

State Highway 51

15E18N27

Midway Acres

Panda Oneta Plant

105th

257th East

107th



WHITE SURVEYING COMPANY

• 9936 EAST 56TH PLACE TULSA, OKLAHOMA 74146 • (918) 863-8924



MORTGAGE INSPECTION REPORT

INVOICE NO.: FATA 20-103033

MORTGAGOR: MAGALLAN, RAYMOND ALLEN & SALAS, REBECCA SUE

CLIENT: FIRST AMERICAN TITLE & TRUST
GATEWAY MORTGAGE GROUP, A DIVISION OF GATEWAY FIRST BANK
FIRST AMERICAN TITLE INSURANCE COMPANY
2529021-TU02

LEGEND

—X— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
B/L BUILDING LINE
O.B.L. OUTBUILDING LINE



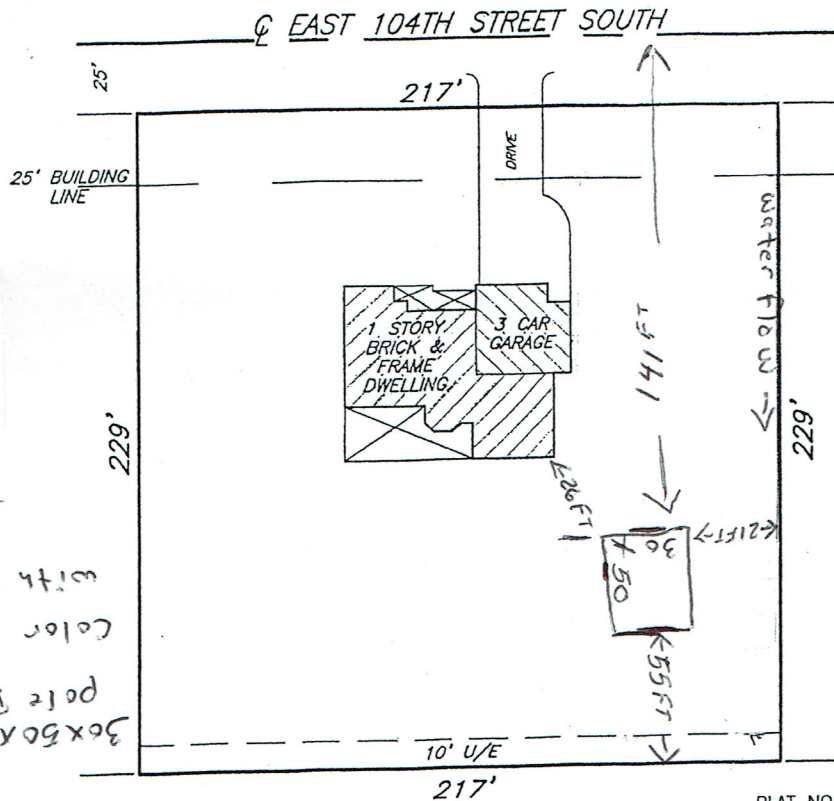
BEFORE YOU DIG,
CALL OKIE
1-800-522-6543

THE FOLLOWING RECORDED DOCUMENTS DO NOT AFFECT THIS PROPERTY:
4. DEDICATION DEED FOR HIGHWAY PURPOSES RECORDED IN BOOK 325 PAGE 238.
9. EASEMENT RECORDED IN BOOK 227 PAGE 58.
10. EASEMENT RECORDED IN BOOK 367 PAGE 212.
11. RIGHT OF WAY RECORDED IN BOOK 361 PAGE 428.

THE FOLLOWING RECORDED DOCUMENTS INCLUDE THIS PROPERTY:
6. ORDER TO ENLARGE RECORDED IN BOOK 662 PAGE 539.
7. RIGHT OF WAY/EASEMENT BY ASSIGNMENT AND ASSUMPTION AND BILL OF SALE AGREEMENT RECORDED IN BOOK 2388 PAGE 652.
8. RIGHT OF WAY/EASEMENT, BY ASSIGNMENT AND ASSUMPTION OF REAL PROPERTY INTERESTS RECORDED IN BOOK 2135 PAGE 434.

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 40145C0120H, AS LAST REVISED 4/17/12.

THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, COVENANTS, RESTRICTIONS, EASEMENTS, LIMITATIONS AND SETBACK LINES CONTAINED IN THE RECORDED PLAT AND DEED OF DEDICATION OF CEEJAY ACRES ADDITION.



PLAT NO. N/A

LEGAL DESCRIPTION AS PROVIDED:

LOT TWELVE (12), CEEJAY ACRES, A SUBDIVISION IN WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AN DKNOWN AS 26158 EAST 104TH STREET SOUTH.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1098 (RENEWAL DATE: JUNE 30, 2021), DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT IS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY; THAT NO PROPERTY CORNERS WERE SET AND IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT; UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY IS ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.

WITNESS MY HAND AND SEAL THIS DATE: 8/4/2020

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Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Tom E Young Jr, City Planner
Re: CBOA 23-01
Date: 21 August 2023

BACKGROUND

Applicants

Raymond Allen Magallan, property owner, is seeking;

- 1) 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) All accessory buildings not meeting the minimum requirements shall require Board of Adjustment action in the form of a Special Exception.

Case Facts

- The property legal description: Lot 12, CEEJAY ACRES, a subdivision of part of S/2 of the NW/4 of Section 26, Township 18 North, Range 15 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 2,418 sq ft with a brick and wood exterior and composition shingle roofing.
- Applicant wishes to construct a 30 ft X 50 ft (1,500 sq ft) metal framed shop with metal siding and roof color matched to the principal structure.
- If constructed, the aggregate square footage of accessory buildings on the lot would be 1,500 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) (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 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) All accessory buildings not meeting the minimum requirements shall require Board of Adjustment action in the form of a Special Exception.

ATTACHMENTS

1. Area Map
2. Zoning Map
3. Property Survey

15E18N22

101st

15E18N23

CBOA 23-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



102nd

102nd

103rd

103rd

SUBJECT PROPERTY

State Highway 5

257th East

15E18N27

15E18N26

104th

105th

105th

107th

105th

257th East

260th East

264th East

260th East

263rd East



WHITE SURVEYING COMPANY

• 9936 EAST 56TH PLACE TULSA, OKLAHOMA 74146 • (918) 863-8924



MORTGAGE INSPECTION REPORT

INVOICE NO.: FATA 20-103033

MORTGAGOR: MAGALLAN, RAYMOND ALLEN & SALAS, REBECCA SUE

CLIENT: FIRST AMERICAN TITLE & TRUST
GATEWAY MORTGAGE GROUP, A DIVISION OF GATEWAY FIRST BANK
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2529021-TU02

LEGEND

—X— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
B/L BUILDING LINE
O.B.L. OUTBUILDING LINE



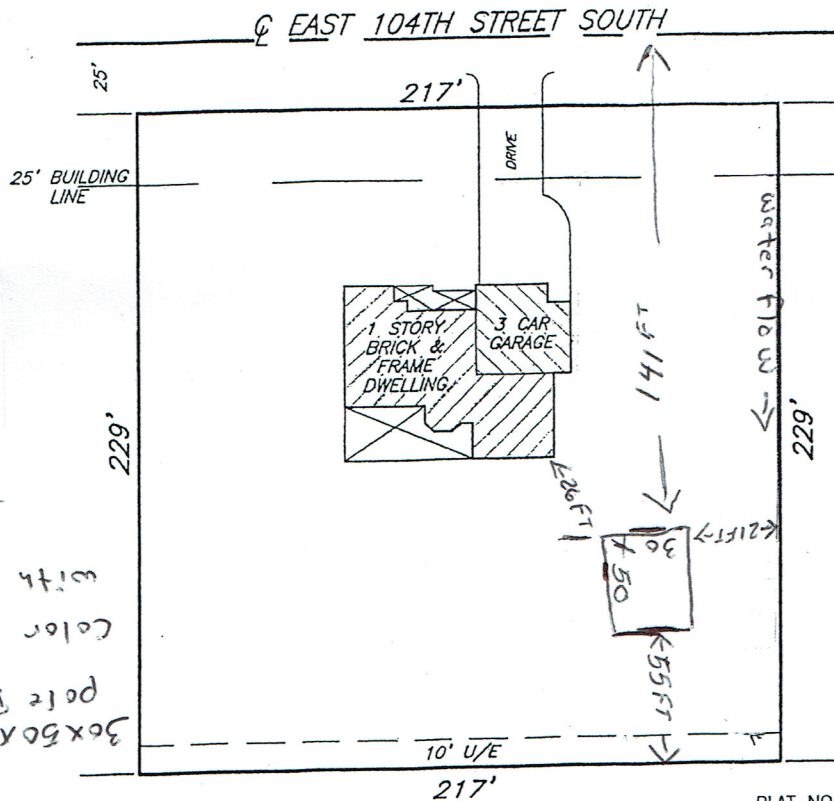
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SURVEYOR'S STATEMENT

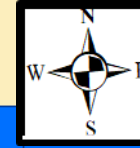
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CBOA 23-01 SPECIAL EXCEPTION SECTION 240.2 (e) (5)



SUBJECT PROPERTY

104th

15E18N26

105th

RS-1

CG

RMH

260th East

260th East

263rd East

264th East

RM-1

RMH

CG

RM-1

RS-3

Stone Horse Farms

Midway Acres

IL Panda Oneta Plant

Legend

ZONE_TYPE

- AG Agriculture
- CG General Commercial
- IL Light Industrial
- RM-1 Residential Multi-Family
- RMH Residential Manufactured Home
- RS-22.5 Residential Single Family Wag. Co.
- RS-1 Residential Single Family
- RS-22.5 Residential Single Family Wag. Co.
- RS-3 Residential Single Family

257th East