



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

AGENDA - REGULAR MEETING  
COWETA BOARD OF ADJUSTMENT  
COWETA CITY HALL, 310 S. BROADWAY  
Tuesday, February 20, 2024, 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 Regular Meeting

Approval of the minutes of the Coweta Board of Adjustment regular meeting held on November 20, 2023.

Documents:

[11202023 BOA MINUTES.DOCX](#)

IV. PUBLIC HEARINGS

1. PUBLIC HEARING CBOA 24-01

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON CBOA 24-01, A REQUEST FOR A VARIANCE FROM SECTION 450 (A) OF THE COWETA ZONING CODE PERTAINING TO FRONT YARD REQUIREMENTS. THE PROPERTY IS ZONED RESIDENTIAL SINGLE-FAMILY (RS-3) AND LOCATED NORTHWEST OF EAST 151<sup>ST</sup> STREET SOUTH AND SOUTH DIVISION, IN SECTION 13, TOWNSHIP 17 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA.

Documents:

[CREEKWOOD SUBDIVISION.PDF](#)

PHNOTICE CBOA 24-01 FISH.PDF  
240220 STASSREPCBOA 24-01 FISH\_TY.DOCX  
CBOA 24-01 AERIAL VIEW MAP.PDF  
CBOA 24-01 AERIAL VIEW W FLOODPLAIN.PDF  
CBOA 24-01 LOCATION MAP.PDF  
CBOA 24-01 ZONING MAP.PDF

## V. ADMINISTRATION

### 1. CBOA 24-01

DISCUSS AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 24-01, A REQUEST FOR A VARIANCE FROM SECTION 450 (A) OF THE COWETA ZONING CODE PERTAINING TO FRONT YARD REQUIREMENTS. THE PROPERTY IS ZONED RESIDENTIAL SINGLE-FAMILY (RS-3) AND LOCATED NORTHWEST OF EAST 151<sup>ST</sup> STREET SOUTH AND SOUTH DIVISION, IN SECTION 13, TOWNSHIP 17 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA.

Documents:

CREEKWOOD SUBDIVISION.PDF  
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CBOA 24-01 LOCATION MAP.PDF  
CBOA 24-01 ZONING MAP.PDF

## VI. 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.**



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## Minutes

COWETA BOARD OF ADJUSTMENT  
COWETA CITY HALL, 310 S. BROADWAY  
MONDAY, NOVEMBER 20, 2022, 6:00 PM

**COMMISSIONERS PRESENT:** Jessica Morris, Tim Ahlstrom, Joanna Jones, and Kristi Rentie.

**COMMISSIONERS ABSENT:** Bruce Watkins

### I. CALL TO ORDER

The meeting was called to order by Chairperson Jessica Moris at 6:11 p.m.

### II. PLEDGE OF ALLEGIANCE

Given

### III. ROLL CALL

Roll call taken. Board of Adjustment members present as shown above.

### IV. CONSENT

1. Consideration of the minutes of the regular meeting of August 21, 2023.

Joanna Joans make a motion to approve the minutes. The motion was seconded by Tim Ahlstrom. Kristi Rentie recuses herself from the Public Hearing and Administration Portions of this meeting due to a conflict of interest.

**Aye:** Joanna Jones  
Tim Ahlstrom  
Jessica Morris

### V. PUBLIC HEARINGS

1. Public Hearing CBOA 23-02

Jessica Morris opens the Public Hearing. Jerry Stroup steps to the podium and explains the need for the variance. Jessica Morris closes the Public Hearing.

### VI. ADMINISTRATION

1. CBOA 23-02

Jerry Stroup of the Nazarene Church steps to the podium available to answer questions of the Board of Adjustments. Jessica Morris makes a motion to Approve with Conditions. Conditions will allow for a one-year extension from the date of this meeting, 11/20/2023, to complete the hard surface parking of the Nazarene Church. Tim Ahlstrom seconds the motion.

**Aye:** Jessica Morris  
Tim Ahlstrom  
Joanna Jones

VII. NEW BUSINESS

**No New Business**

VIII. ADJOURNMENT

**Meeting is adjourned at 6:36 p.m.**

**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.**

PRELIMINARY PLAT

CREEKWOOD SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF COWETA, WAGONER COUNTY, STATE OF OKLAHOMA.

OWNER:

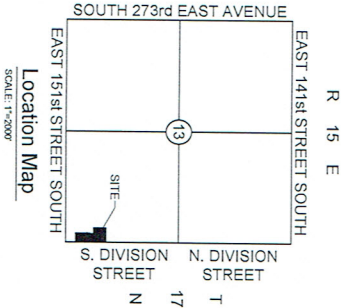
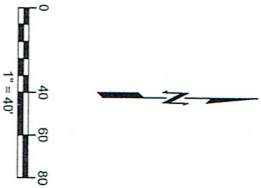
Fish Residential, LLC  
200 Blue Sage Court  
Irving, Texas, 75063-3362  
CONTACT: DEBBIE NORMAN-DAVIS  
CORRESPONDENCE ADDRESS:  
P.O. Box 457 Ketchum Oklahoma 74349  
email: debbie@debbenorman.us

ENGINEER:

Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2025  
DANNY BALDWIN P.E.  
danny.baldwin@wallace.design

SURVEYOR:

Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
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OK CA NO. 1460, EXPIRES 6/30/2025  
R. WESLEY BENNETT, PLS 1562  
wes.bennett@wallace.design



EXCEPTIONS FROM ALTA

- [12] EASEMENT IN FAVOR OF THE TOWN OF COWETA, DATED MAY 5, 1928, FILED MAY 18, 1928, AND RECORDED IN VOL. 195 AT PAGE 624, TR. 1-10 (AFFECTS SUBJECT PROPERTY AS A BLANKET)
- [19] ENCROACHMENT OF S. DIVISION STREET ALONG THE EAST PROPERTY LINES OF ALL TRACTS BUT TRACT 7, SUBDIVISION SEVEN (7) EAST OF THE INDIAN BASE AND MERIDIAN, DATED JULY 6, 2023 (ROADWAY FALLS WITHIN 24.75' STATUTORY SECTION LINE RIGHT-OF-WAY)

| LEGEND  |                         |
|---------|-------------------------|
| B/L     | = BUILDING SETBACK      |
| R/W     | = RIGHT-OF-WAY          |
| U/E     | = UTILITY EASEMENT      |
| BK/P.G. | = BOOK/PAGE             |
| P.O.B.  | = POINT OF BEGINNING    |
| P.O.C.  | = POINT OF COMMENCEMENT |
| [XXXX]  | ADDRESS                 |
| ①       | BLOCK NUMBER            |
| 2       | LOT NUMBER              |
| O       | IRON PIN FOUND          |

| SUBDIVISION STATISTICS                                      |  |
|-------------------------------------------------------------|--|
| SUBDIVISION CONTAINS TWELVE (12) LOTS IN ONE (1) BLOCK.     |  |
| SUBDIVISION CONTAINS 182,964 SF (4.20 ACRES)                |  |
| R/W BEING DEDICATED BY PLAT CONTAINS 35,949 SF (0.83 ACRES) |  |
| PROPERTY ZONED "RS-3"                                       |  |

| MONUMENTATION                                      |  |
|----------------------------------------------------|--|
| MONUMENTATION FOUND AS NOTED                       |  |
| 1/2" IRON PINS TO BE SET AT MAIN BOUNDARY CORNERS. |  |

| BENCHMARK     |  |
|---------------|--|
| 3/8" IRON PIN |  |
| ELEV. 607.64  |  |
| N=352902.009  |  |
| E=265286.171  |  |

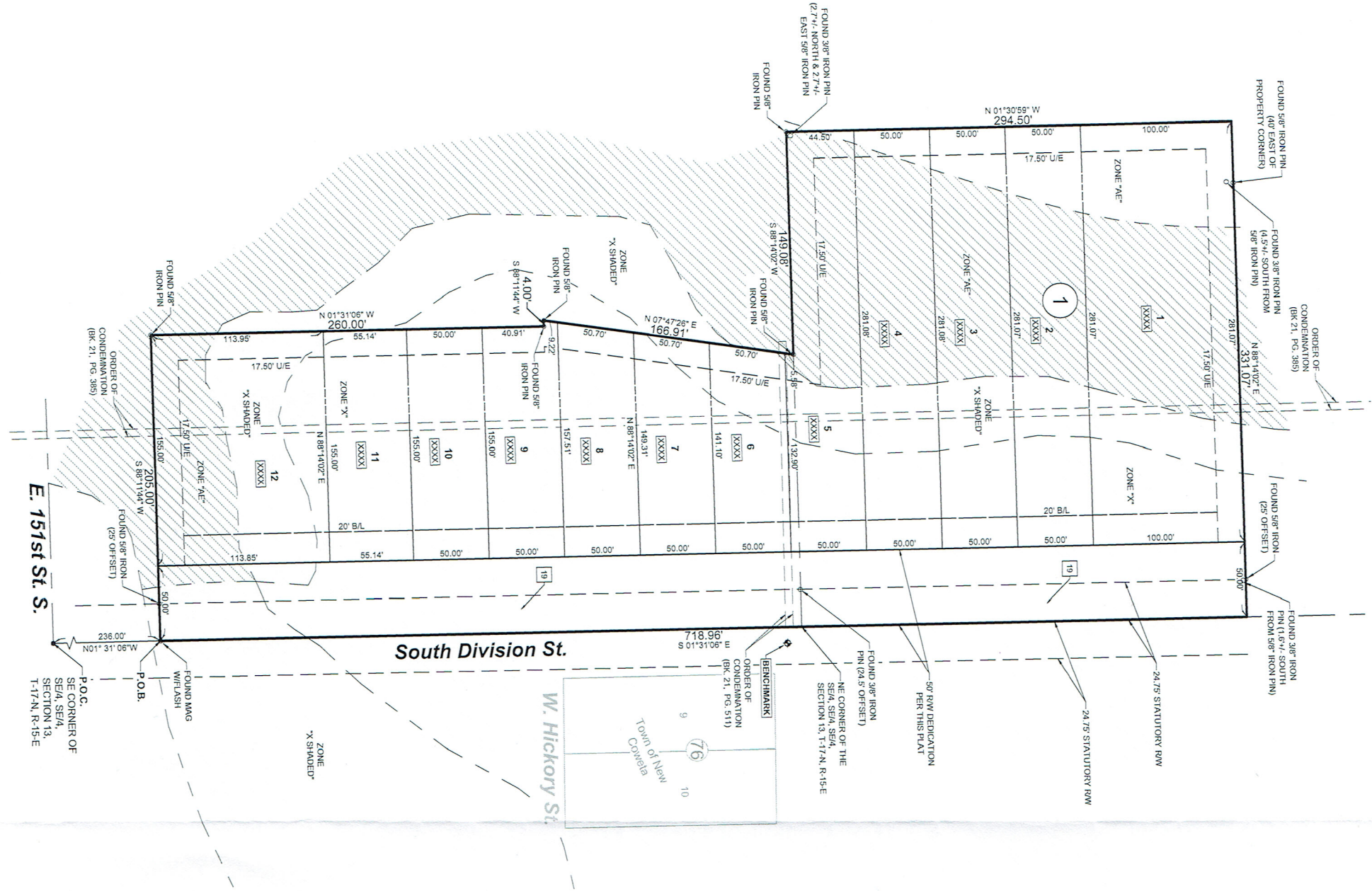
| BASIS OF BEARINGS                                |  |
|--------------------------------------------------|--|
| HORIZONTAL DATUM BASED UPON OKLAHOMA STATE PLANE |  |
| COORDINATE SYSTEM NAD 83 (2011) NORTH ZONE 3601. |  |
| VERTICAL DATUM NAVD 1988 GPS DATA                |  |

| ADDRESS NOTE                                                                                                                                                             |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION. |  |

FLOODPLAIN NOTE

THE PROPERTY DESCRIBED HAS BEEN EXAMINED BY A MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FLOOD INSURANCE RATE MAP, WAGONER COUNTY, OKLAHOMA, MAP NO. 40145C0260H, MAP REVISED APRIL 17, 2012, WHICH SHOWS A PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) SHADED, ZONE (AE) AND ZONE (X) NOT SHADED WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE INSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

| SURVEYOR'S LAST SITE VISIT: |  |
|-----------------------------|--|
| 11/2/23                     |  |



PRELIMINARY PLAT

CREEKWOOD SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE4 SE4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF COWETA, WAGONER COUNTY, STATE OF OKLAHOMA.

OWNER:

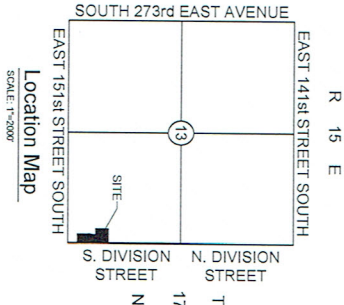
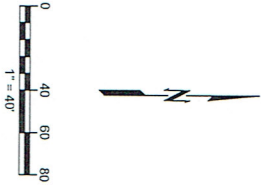
Fish Residential, LLC  
200 Blue Sage Court  
Irving, Texas, 75063-3362  
CONTACT: DEBBIE NORMAN-DAVIS  
CORRESPONDENCE ADDRESS:  
P.O. Box 457 Ketchum Oklahoma 74349  
email: debbie@debbienorman.us

ENGINEER:

Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2025  
DANNY BALDWIN P.E.  
danny.baldwin@wallace.design

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- [19] ENCROACHMENT OF S. DIVISION STREET ALONG THE EAST PROPERTY LINES OF ALL TRACTS BUT TRACT 2 AS SHOWN ON THE ALTA SURVEY OF THE SUBJECT PROPERTIES PREPARED BY HEARLAND SURVEYING & MAPPING, P.L.C. LS #1886, DATED JULY 6, 2023 (ROADWAY FALLS WITHIN 24.75' STATUTORY SECTION LINE RIGHT OF WAY)

| Lot Area Table (Block 1) |           |         |
|--------------------------|-----------|---------|
| Lot #                    | Area      | (ACRES) |
| 1                        | 28.107.12 | 0.65    |
| 2                        | 14,053.69 | 0.32    |
| 3                        | 14,053.77 | 0.32    |
| 4                        | 14,053.86 | 0.32    |
| 5                        | 13,236.07 | 0.30    |
| 6                        | 6,850.15  | 0.16    |
| 7                        | 7,260.24  | 0.17    |
| 8                        | 7,670.33  | 0.18    |
| 9                        | 7,779.53  | 0.18    |
| 10                       | 7,749.94  | 0.18    |
| 11                       | 8,566.41  | 0.20    |
| 12                       | 17,654.38 | 0.41    |

| LEGEND  |                |                       |
|---------|----------------|-----------------------|
| BL      | =              | BUILDING SETBACK      |
| R/W     | =              | RIGHT-OF-WAY          |
| U/E     | =              | UTILITY EASEMENT      |
| BK./PG. | =              | BOOK/PAGE             |
| P.O.B.  | =              | POINT OF BEGINNING    |
| P.O.C.  | =              | POINT OF COMMENCEMENT |
| XXXX    | ADDRESS        |                       |
| ①       | BLOCK NUMBER   |                       |
| 2       | LOT NUMBER     |                       |
| O       | IRON PIN FOUND |                       |

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PROPERTY ZONED "RS-3"

**MONUMENTATION**  
MONUMENTATION FOUND AS NOTED  
1/2" IRON PINS TO BE SET AT MAIN BOUNDARY CORNERS.

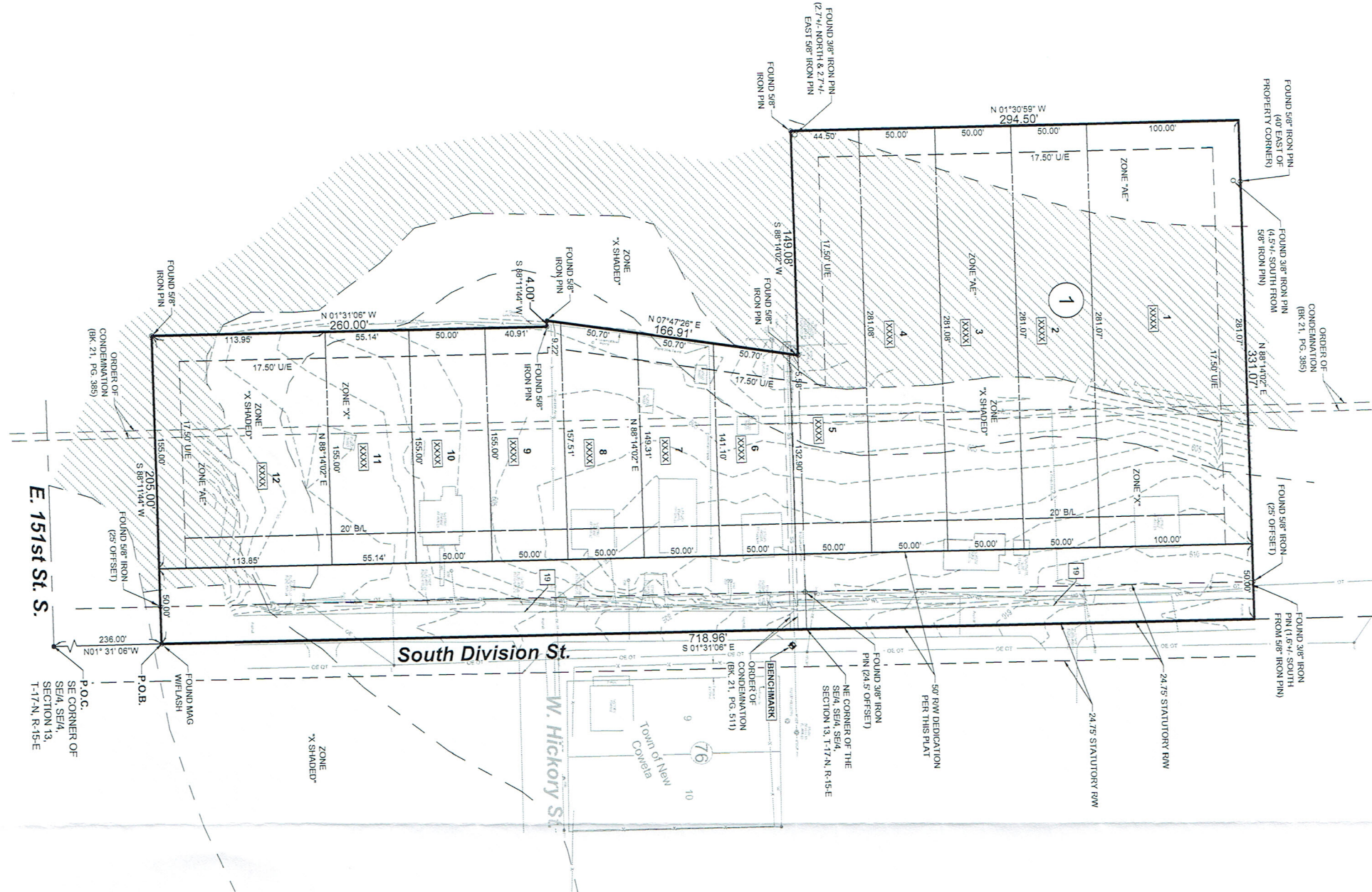
**BENCHMARK**  
3/8" IRON PIN  
ELEV. 107.64  
N 88° 14' 02" E  
E-2862890.171

**BASIS OF BEARINGS**  
HORIZONTAL DATUM BASED UPON OKLAHOMA STATE PLANE  
COORDINATE SYSTEM NAD 83 (2011) NORTH ZONE 3501.  
VERTICAL DATUM NAVD 1988 GPS DATA

**ADDRESS NOTE**  
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**SURVEYORS LAST SITE VISIT:**  
11/2/23



PRELIMINARY PLAT

CREEKWOOD SUBDIVISION

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CITY OF COWETA, WAGONER COUNTY, STATE OF OKLAHOMA.

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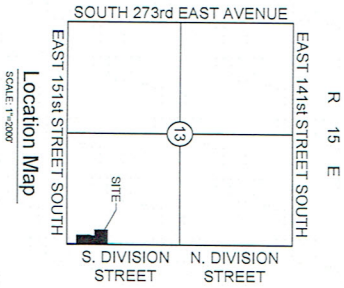
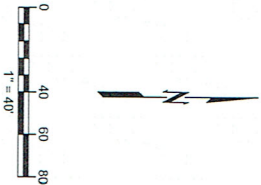
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Location Map

SCALE: 1"=200'

- LEGEND**
- B/L = BUILDING SETBACK
  - R/W = RIGHT-OF-WAY
  - U/E = UTILITY EASEMENT
  - EXISTING WATER
  - PROPOSED WATER
  - EXISTING SANITARY SEWER
  - PROPOSED SANITARY SEWER
  - EXISTING STORM SEWER
  - PROPOSED STORM SEWER



**NOTICE OF A PUBLIC HEARING BY THE COWETA BOARD OF  
ADJUSTMENT: CASE NUMBER CBOA 24-01**

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 20<sup>th</sup> day of February 2024.

At the above time and place a request will be heard from Justin DeBruin, Wallace Design Collective, for the Property owner's Fish Residential, LLC, is seeking a variance of the zoning code according to Section 450 Minimum Yard Requirements: Section 450 (a) Front Yard; Requirements. Located Northwest of East 151<sup>st</sup> Street South and South Division, Coweta, Oklahoma, in Section 13, Township 17 North, Range 15 East of the Indian Base and Meridian, also known as:

Part of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Twenty-Five (13), Township Eighteen (17) North, Range Fifteen (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 17<sup>th</sup> Day of January 2024.



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

## Memorandum

To: Honorable Chairperson, Members of the Board of Adjustment  
From: Tom E Young Jr, City Planner  
Re: CBOA 24-01  
Date: 02-20-2024

## **BACKGROUND**

### Applicant

The applicant, Justin DeBruin, Wallace Design Collective, for the Property owner's Fish Residential, LLC, Developer, are seeking;

- 1) A variance of the zoning code according to Section 450 Minimum Yard Requirements;
  - (a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

| <u>District</u> | <u>Arterial Streets</u> | <u>Non-Arterial Streets</u> |
|-----------------|-------------------------|-----------------------------|
| RS-3            | 35 feet                 | 25 feet                     |

The applicant for the Property owner's Fish Residential, LLC, Developer; Creekwood Subdivision are requesting; the variance from Section 450 Minimum Yard Requirements; (a) Front yard - the minimum thirty-five (35) feet, front yard setback requirement on a arterial street; to twenty (20) feet that abuts South Division Street.

Due to the encroaching floodplain, central to the property, along with the required, additional 50' ROW dedication, buildable space is severely limited. Reviewing other properties along Division Street, even with a 20-foot setback, the subject development will be further off the road than what exists.

### Case Facts

- The property is located Northwest of East 151<sup>st</sup> Street South and South Division in Section 13, Township 17 North, Range 15 East, of the Indian Base and Meridian, Wagoner County, State of Oklahoma.
- The property is zoned RS-3 (Residential Single Family).
- The property legal description: A Subdivision in the City of Coweta, Oklahoma; Part of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Twenty-Five (13), Township Eighteen (17) North, Range Fifteen (15) East, of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

### Pertinent Code

#### Section 2170.3. Board of Adjustment Action

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.

The City's legal standard in Zoning Code Section 2170.3 is based on Oklahoma state statute legal standard in 11 O.S. 11 O.S. §44-107:

#### **§ 44-107. Variances**

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole, in part, or upon reasonable conditions as provided in this article, only upon a finding by the board of adjustment that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
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
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The Board of Adjustment can approve, conditionally approve, or disapprove the variance request. The concurring vote of at least three (3) members of the board is required for approval per 11 O.S. §44-105 and Zoning Code Section 2170.3.

### **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 of the zoning code according to Section 450 Minimum Yard Requirements;

Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

| <u>District</u> | <u>Arterial Streets</u> | <u>Non-Arterial Streets</u> |
|-----------------|-------------------------|-----------------------------|
| RS-3            | 35 feet                 | 25 feet                     |

Variance from Section 450 Minimum Yard Requirements; (a) Front yard - the minimum thirty-five (35) feet, front yard setback requirement on a arterial street; to twenty (20) feet that abuts South Division Street.

**ATTACHMENTS**

1. Aerial View Map.
2. Aerial View Map with Floodplain.
3. Location Map.
4. Zoning Map.
5. Public Hearing Notice.
6. Creekwood Subdivision Preliminary Plat

CBOA 24-01 VARIANCE SECTION 450



SUBJECTS PROPERTY

15E17N13

HICKORY

PECAN

COTTONWOOD

OLD MAIN

DIVISION

ASH

ATOKA

WALNUT

16E17N18

HICKORY

151ST

16E17N19

290TH EAST

291ST EAST

STATE HIGHWAY 72

293RD EAST

15E17N24

285TH EAST

151ST

288TH

152ND

289TH EAST

149TH

149TH

150TH

150TH

150TH

BIXBY

BROADWAY

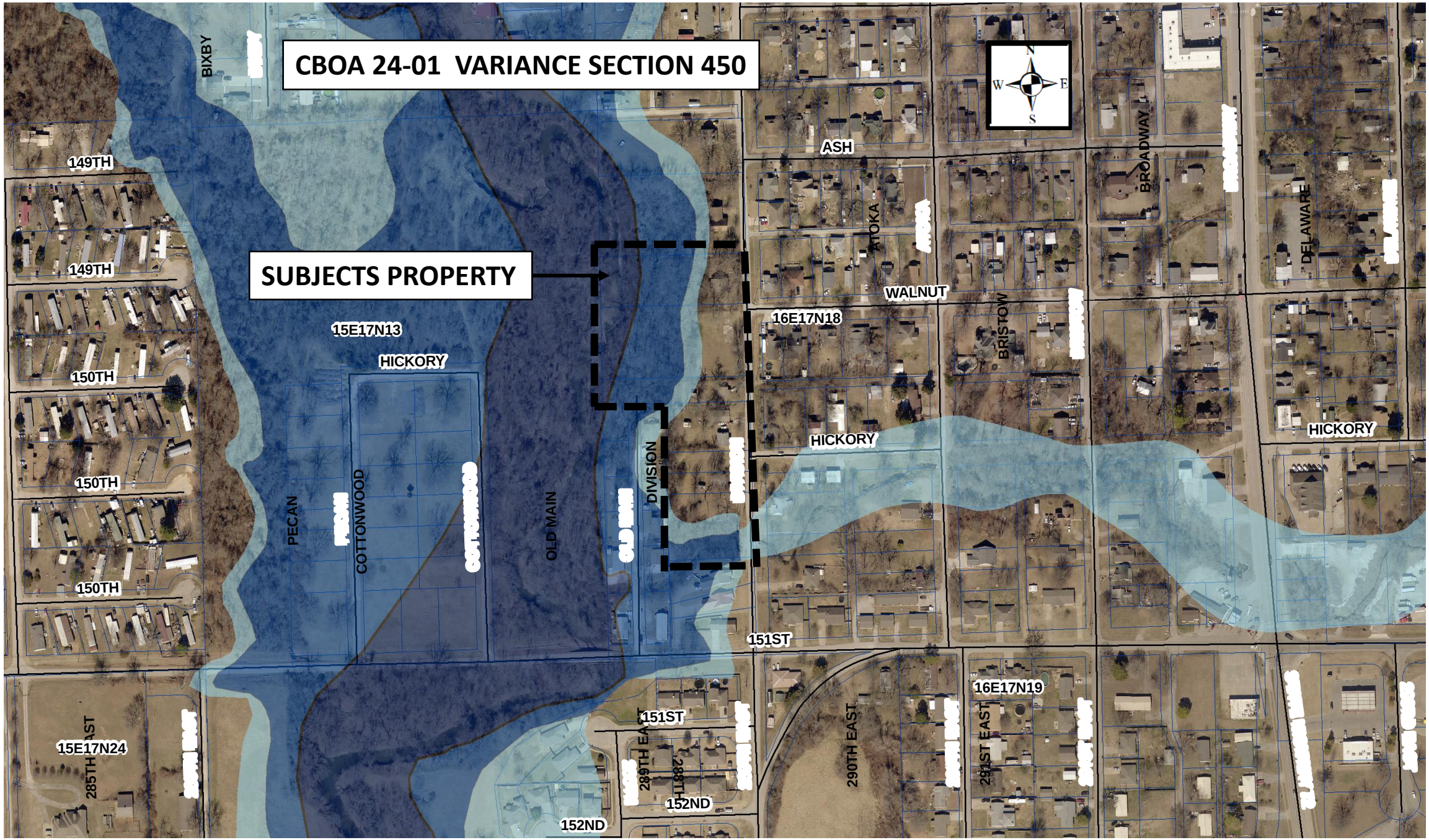
DELAWARE

HICKORY

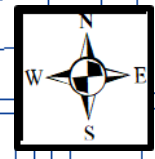
CBOA 24-01 VARIANCE SECTION 450



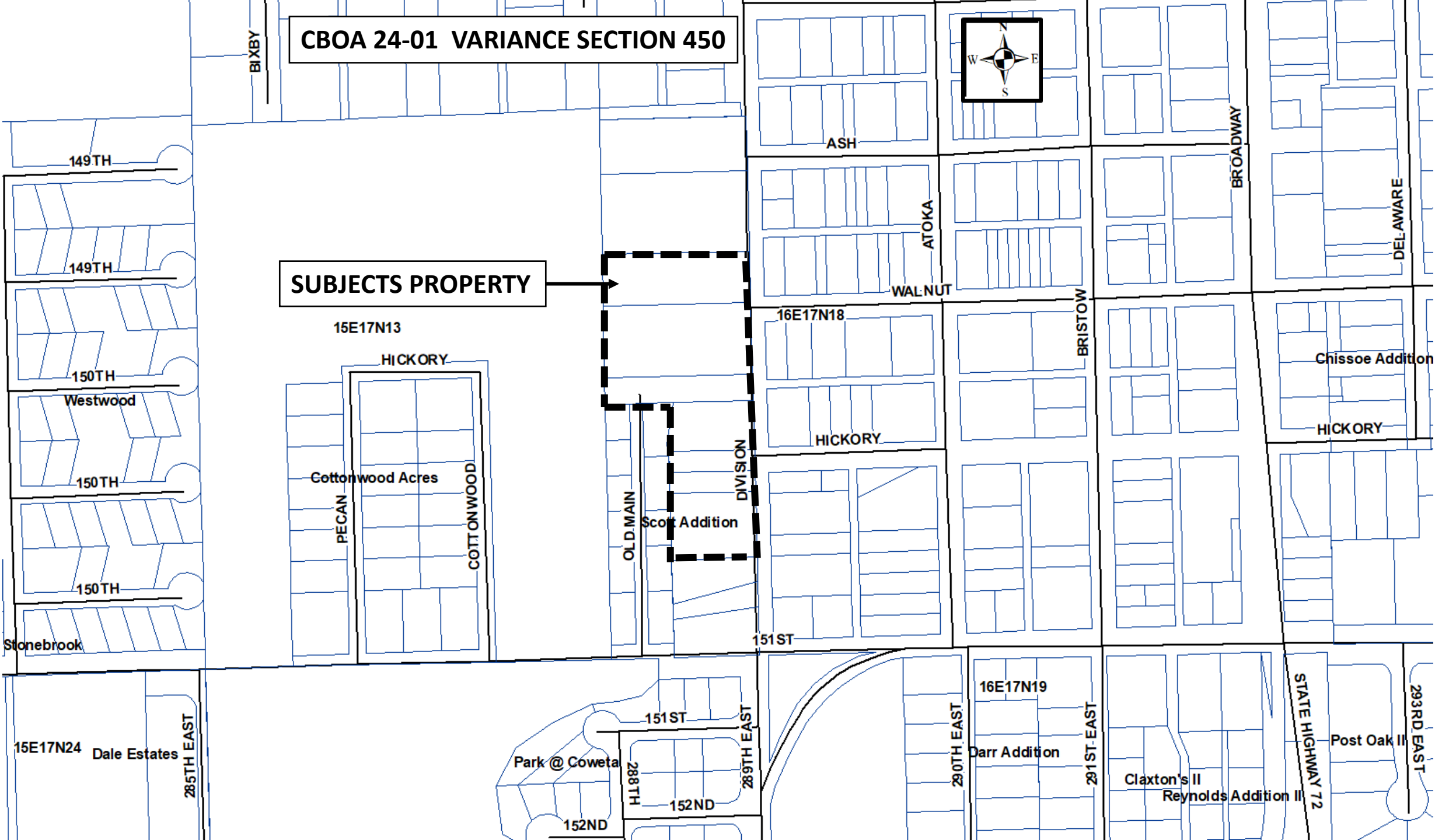
SUBJECTS PROPERTY



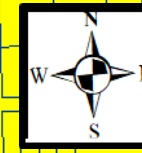
CBOA 24-01 VARIANCE SECTION 450



SUBJECTS PROPERTY



# CBOA 24-01 VARIANCE SECTION 450



**SUBJECTS PROPERTY**

15E17N13

HICKORY

Cottonwood Acres

RS-2

PECAN

COTTONWOOD

OLD MAIN

RS-3

Scott Addition

DIVISION

ASH

ATOKA

WALNUT

16E17N18

RS-3

BRISTOW

HICKORY

151ST

16E17N19

RS-3

Darr Addition

Claxton's II

Reynolds Addition II

STATE HIGHWAY 72

293RD EAST

CG

Post Oak II

RM-1

BROADWAY

DELAWARE

RS-3

CG

Chissee Addition

HICKORY

AG

149TH

149TH

150TH

Westwood RMHS

150TH

RS-3

150TH

Stonebrook

AG

AG

## Legend

### ZONE\_TYPE

- AG – AGRICULTURE DISTRICT
- CG – GENERAL COMMERCIAL
- RMHS – RESIDENTIAL, MANUFACTURED HOME SUBDIVISION
- RS-1 RESIDENTIAL SINGLE FAMILY
- RS-2 RESIDENTIAL SINGLE FAMILY
- RS-3 RESIDENTIAL SINGLE FAMILY

PRELIMINARY PLAT

CREEKWOOD SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION THIRTEEN (13),  
TOWNSHIP SEVENTEEN (17) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN,  
CITY OF COWETA, WAGONER COUNTY, STATE OF OKLAHOMA.

OWNER:

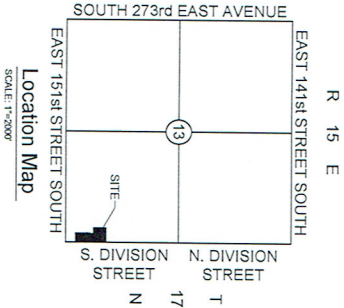
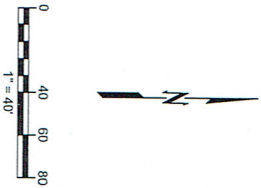
Fish Residential, LLC  
200 Blue Sage Court  
Irving, Texas, 75063-3362  
CONTACT: DEBBIE NORMAN-DAVIS  
CORRESPONDENCE ADDRESS:  
P.O. Box 457 Ketchum Oklahoma 74349  
email: debbie@debbenorman.us

ENGINEER:

Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2025  
DANNY BALDWIN P.E.  
danny.baldwin@wallace.design

SURVEYOR:

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R. WESLEY BENNETT, PLS 1562  
wes.bennett@wallace.design



EXCEPTIONS FROM ALTA

- 12 EASEMENT IN FAVOR OF THE TOWN OF COWETA, DATED MAY 5, 1928, FILED MAY 18, 1928, AND RECORDED IN VOL. 195 AT PAGE 624, TR. 1-10 (AFFECTS SUBJECT PROPERTY AS A BLANKET)
- 19 ENCROACHMENT OF S. DIVISION STREET ALONG THE EAST PROPERTY LINES OF ALL TRACTS BUT TRACT 7, SUBDIVISION SEVEN (7) EAST OF THE INDIAN BASE AND MERIDIAN, DATED JULY 6, 2023 (ROADWAY FALLS WITHIN 24.75' STATUTORY SECTION LINE RIGHT-OF-WAY)

| LEGEND  |                         |
|---------|-------------------------|
| B/L     | = BUILDING SETBACK      |
| R/W     | = RIGHT-OF-WAY          |
| U/E     | = UTILITY EASEMENT      |
| BK/P.G. | = BOOK/PAGE             |
| P.O.B.  | = POINT OF BEGINNING    |
| P.O.C.  | = POINT OF COMMENCEMENT |
| XXXX    | ADDRESS                 |
| 1       | BLOCK NUMBER            |
| 2       | LOT NUMBER              |
| O       | IRON PIN FOUND          |

| SUBDIVISION STATISTICS                                      |  |
|-------------------------------------------------------------|--|
| SUBDIVISION CONTAINS TWELVE (12) LOTS IN ONE (1) BLOCK.     |  |
| SUBDIVISION CONTAINS 182,964 SF (4.20 ACRES)                |  |
| R/W BEING DEDICATED BY PLAT CONTAINS 35,949 SF (0.83 ACRES) |  |
| PROPERTY ZONED "RS-3"                                       |  |

| MONUMENTATION                                      |  |
|----------------------------------------------------|--|
| MONUMENTATION FOUND AS NOTED                       |  |
| 1/2" IRON PINS TO BE SET AT MAIN BOUNDARY CORNERS. |  |

| BENCHMARK     |  |
|---------------|--|
| 3/8" IRON PIN |  |
| ELEV. 607.64  |  |
| N=552922.039  |  |
| E=265286.171  |  |

| BASIS OF BEARINGS                                |  |
|--------------------------------------------------|--|
| HORIZONTAL DATUM BASED UPON OKLAHOMA STATE PLANE |  |
| COORDINATE SYSTEM NAD 83 (2011) NORTH ZONE 3601. |  |
| VERTICAL DATUM NAVD 1988 GPS DATA                |  |

| ADDRESS NOTE                                                                                                                                                             |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION. |  |

FLOODPLAIN NOTE

THE PROPERTY DESCRIBED HAS BEEN EXAMINED BY A MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FLOOD INSURANCE RATE MAP, WAGONER COUNTY, OKLAHOMA, MAP NO. 40145C02601, MAP REVISED APRIL 17, 2012, WHICH SHOWS A PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) SHADED, ZONE (AE) AND ZONE (X) NOT SHADED WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE INSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

SURVEYOR'S LAST SITE VISIT:

11/2/23

PRELIMINARY PLAT

CREEKWOOD SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE4 SE4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF COWETA, WAGONER COUNTY, STATE OF OKLAHOMA.

OWNER:

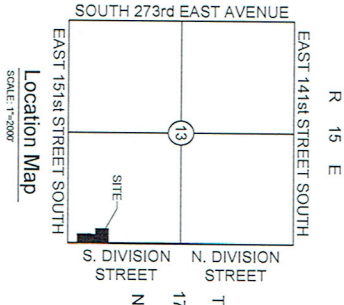
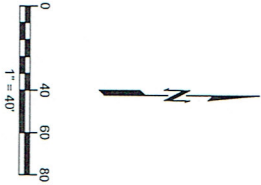
Fish Residential, LLC  
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CORRESPONDENCE ADDRESS:  
P.O. Box 457 Ketchum Oklahoma 74349  
email: debbie@debbienorman.us

ENGINEER:

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- [19] ENCROACHMENT OF S. DIVISION STREET ALONG THE EAST PROPERTY LINES OF ALL TRACTS BUT TRACT 2 AS SHOWN ON THE ALTA SURVEY OF THE SUBJECT PROPERTIES PREPARED BY HEARLAND SURVEYING & MAPPING, P.L.C. LS #1886, DATED JULY 6, 2023 (ROADWAY FALLS WITHIN 24.75' STATUTORY SECTION LINE RIGHT OF WAY)

| Lot Area Table (Block 1) |           |         |
|--------------------------|-----------|---------|
| Lot #                    | Area      | (ACRES) |
| 1                        | 28.107.12 | 0.65    |
| 2                        | 14,053.69 | 0.32    |
| 3                        | 14,053.77 | 0.32    |
| 4                        | 14,053.86 | 0.32    |
| 5                        | 13,236.07 | 0.30    |
| 6                        | 6,850.15  | 0.16    |
| 7                        | 7,260.24  | 0.17    |
| 8                        | 7,670.33  | 0.18    |
| 9                        | 7,779.53  | 0.18    |
| 10                       | 7,749.94  | 0.18    |
| 11                       | 8,566.41  | 0.20    |
| 12                       | 17,654.38 | 0.41    |

LEGEND

- BL = BUILDING SETBACK  
RW = RIGHT-OF-WAY  
UE = UTILITY EASEMENT  
BK/P.G. = BOOK/PAGE  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT

- XXXX ADDRESS  
① BLOCK NUMBER  
2 LOT NUMBER  
O IRON PIN FOUND

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RW BEING DEDICATED BY PLAT CONTAINS 35,949 SF (0.83 ACRES)  
PROPERTY ZONED "RS-3"

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MONUMENTATION FOUND AS NOTED  
1/2" IRON PINS TO BE SET AT MAIN BOUNDARY CORNERS.

BENCHMARK

3/8" IRON PIN  
ELEV. 97.64  
NAD 83 2011 NORTH ZONE 3501  
E-2862890.171

BASIS OF BEARINGS

HORIZONTAL DATUM BASED UPON OKLAHOMA STATE PLANE  
COORDINATE SYSTEM NAD 83 (2011) NORTH ZONE 3501.  
VERTICAL DATUM NAD83 1988 GPS DATA

ADDRESS NOTE

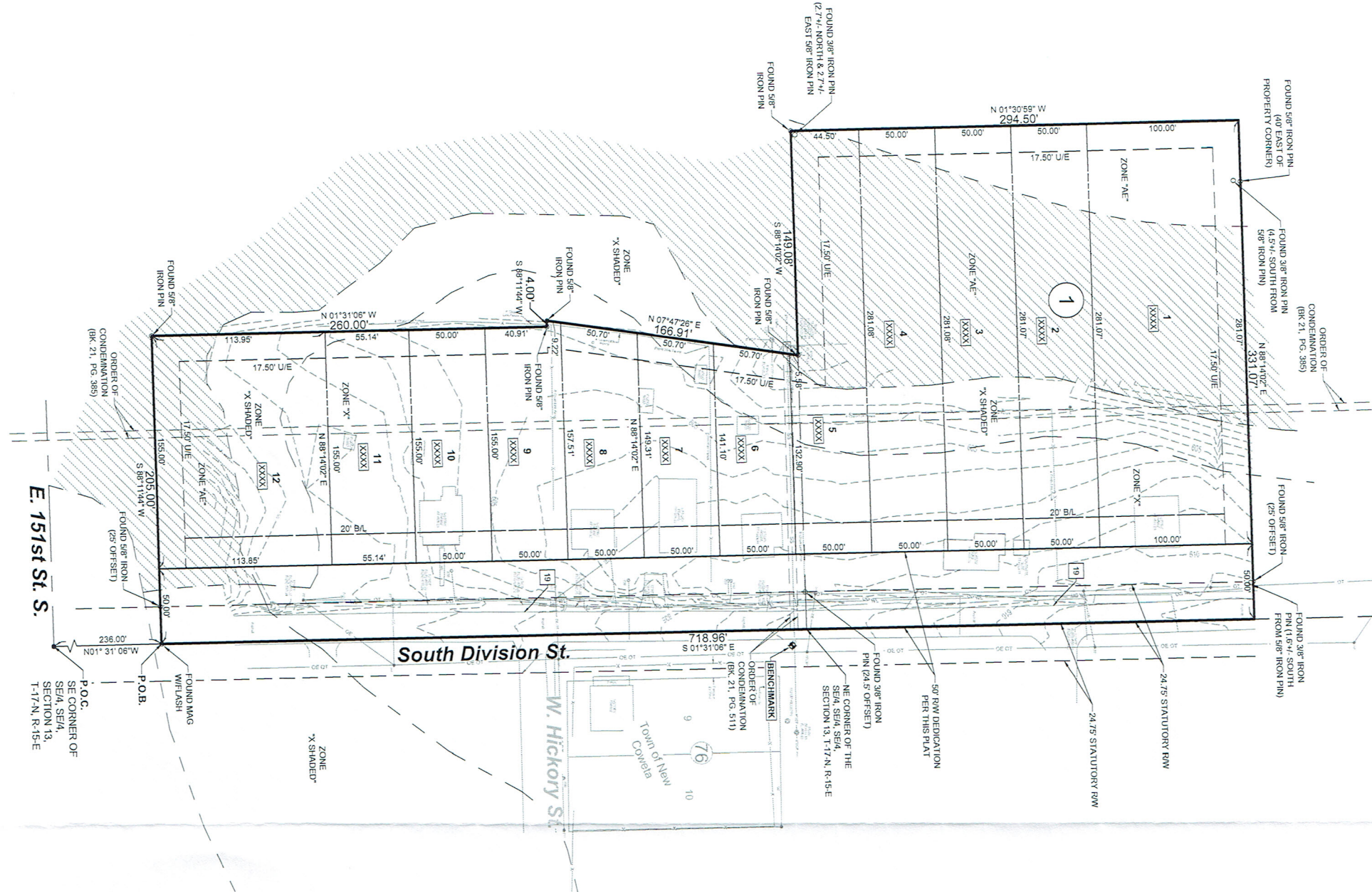
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SURVEYORS LAST SITE VISIT:

11/2/23



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CREEKWOOD SUBDIVISION

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CITY OF COWETA, WAGONER COUNTY, STATE OF OKLAHOMA.

OWNER:

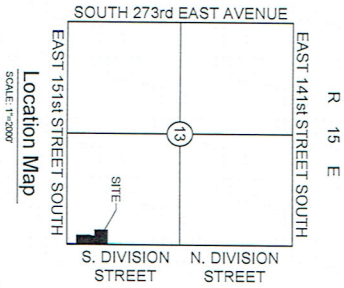
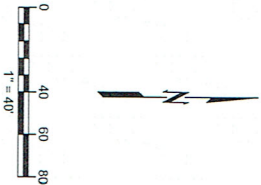
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R. WESLEY BENNETT, PLS 1562  
wes.bennett@wallacedesign



Location Map

SCALE: 1"=200'

- LEGEND**
- B/L = BUILDING SETBACK
  - R/W = RIGHT-OF-WAY
  - U/E = UTILITY EASEMENT
  - EXISTING WATER
  - PROPOSED WATER
  - EXISTING SANITARY SEWER
  - PROPOSED SANITARY SEWER
  - EXISTING STORM SEWER
  - PROPOSED STORM SEWER



**NOTICE OF A PUBLIC HEARING BY THE COWETA BOARD OF  
ADJUSTMENT: CASE NUMBER CBOA 24-01**

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 20<sup>th</sup> day of February 2024.

At the above time and place a request will be heard from Justin DeBruin, Wallace Design Collective, for the Property owner's Fish Residential, LLC, is seeking a variance of the zoning code according to Section 450 Minimum Yard Requirements: Section 450 (a) Front Yard; Requirements. Located Northwest of East 151<sup>st</sup> Street South and South Division, Coweta, Oklahoma, in Section 13, Township 17 North, Range 15 East of the Indian Base and Meridian, also known as:

Part of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Twenty-Five (13), Township Eighteen (17) North, Range Fifteen (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 17<sup>th</sup> Day of January 2024.



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

## Memorandum

To: Honorable Chairperson, Members of the Board of Adjustment  
From: Tom E Young Jr, City Planner  
Re: CBOA 24-01  
Date: 02-20-2024

## **BACKGROUND**

### Applicant

The applicant, Justin DeBruin, Wallace Design Collective, for the Property owner's Fish Residential, LLC, Developer, are seeking;

- 1) A variance of the zoning code according to Section 450 Minimum Yard Requirements;
  - (a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

| <u>District</u> | <u>Arterial Streets</u> | <u>Non-Arterial Streets</u> |
|-----------------|-------------------------|-----------------------------|
| RS-3            | 35 feet                 | 25 feet                     |

The applicant for the Property owner's Fish Residential, LLC, Developer; Creekwood Subdivision are requesting; the variance from Section 450 Minimum Yard Requirements; (a) Front yard - the minimum thirty-five (35) feet, front yard setback requirement on a arterial street; to twenty (20) feet that abuts South Division Street.

Due to the encroaching floodplain, central to the property, along with the required, additional 50' ROW dedication, buildable space is severely limited. Reviewing other properties along Division Street, even with a 20-foot setback, the subject development will be further off the road than what exists.

### Case Facts

- The property is located Northwest of East 151<sup>st</sup> Street South and South Division in Section 13, Township 17 North, Range 15 East, of the Indian Base and Meridian, Wagoner County, State of Oklahoma.
- The property is zoned RS-3 (Residential Single Family).
- The property legal description: A Subdivision in the City of Coweta, Oklahoma; Part of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Twenty-Five (13), Township Eighteen (17) North, Range Fifteen (15) East, of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

### Pertinent Code

#### Section 2170.3. Board of Adjustment Action

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.

The City's legal standard in Zoning Code Section 2170.3 is based on Oklahoma state statute legal standard in 11 O.S. 11 O.S. §44-107:

#### **§ 44-107. Variances**

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole, in part, or upon reasonable conditions as provided in this article, only upon a finding by the board of adjustment that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
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
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The Board of Adjustment can approve, conditionally approve, or disapprove the variance request. The concurring vote of at least three (3) members of the board is required for approval per 11 O.S. §44-105 and Zoning Code Section 2170.3.

### **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 of the zoning code according to Section 450 Minimum Yard Requirements;

Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

| <u>District</u> | <u>Arterial Streets</u> | <u>Non-Arterial Streets</u> |
|-----------------|-------------------------|-----------------------------|
| RS-3            | 35 feet                 | 25 feet                     |

Variance from Section 450 Minimum Yard Requirements; (a) Front yard - the minimum thirty-five (35) feet, front yard setback requirement on a arterial street; to twenty (20) feet that abuts South Division Street.

**ATTACHMENTS**

1. Aerial View Map.
2. Aerial View Map with Floodplain.
3. Location Map.
4. Zoning Map.
5. Public Hearing Notice.
6. Creekwood Subdivision Preliminary Plat

CBOA 24-01 VARIANCE SECTION 450



SUBJECTS PROPERTY

15E17N13

HICKORY

PECAN

COTTONWOOD

OLD MAIN

DIVISION

ASH

ATOKA

WALNUT

16E17N18

HICKORY

151ST

16E17N19

290TH EAST

291ST EAST

STATE HIGHWAY 72

293RD EAST

15E17N24

285TH EAST

151ST

288TH

152ND

289TH EAST

149TH

149TH

150TH

150TH

150TH

BIXBY

BROADWAY

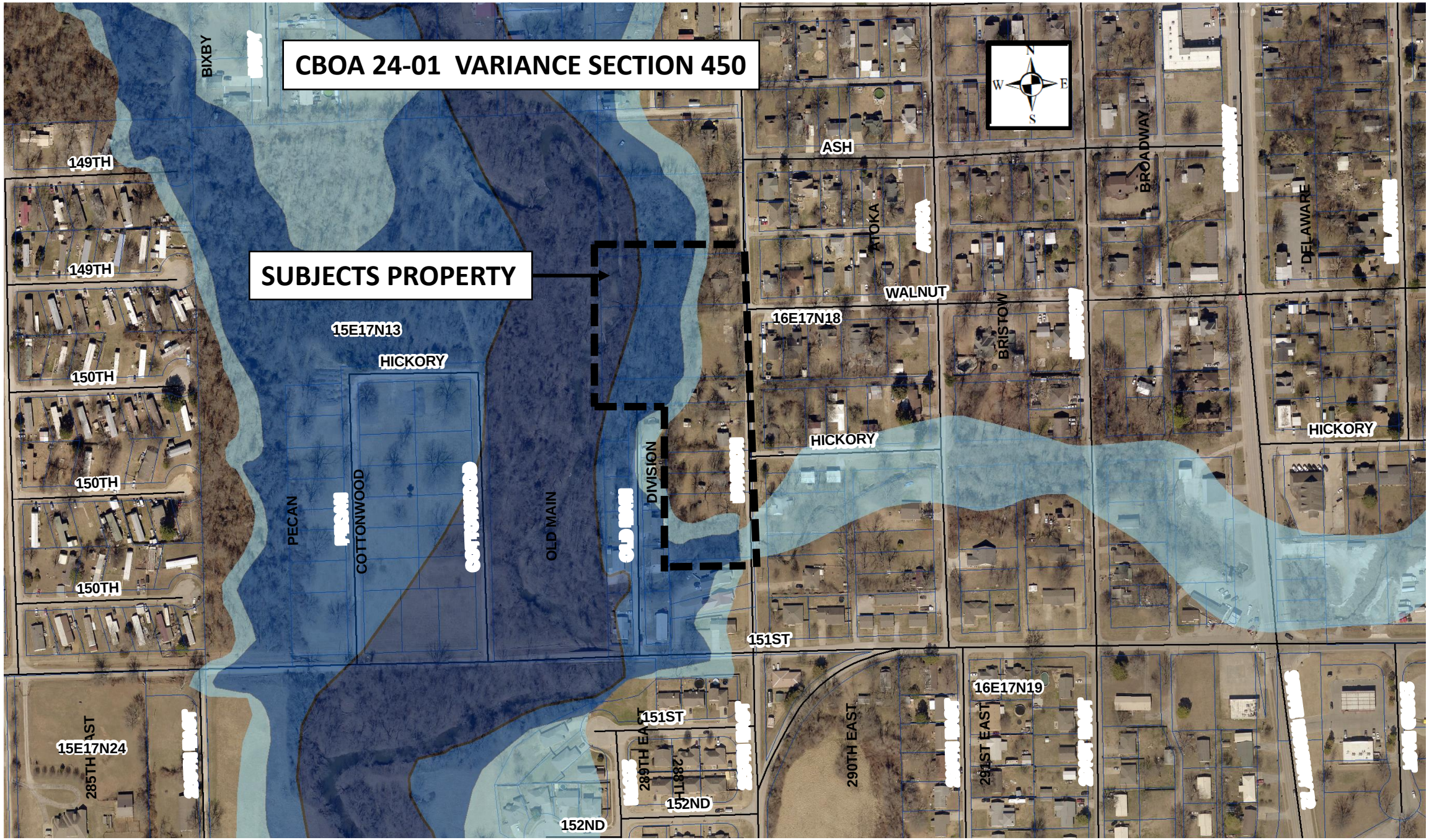
DELAWARE

HICKORY

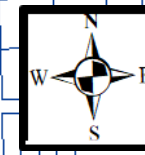
CBOA 24-01 VARIANCE SECTION 450



SUBJECTS PROPERTY



**CBOA 24-01 VARIANCE SECTION 450**



**SUBJECTS PROPERTY**

15E17N13

HICKORY

Cottonwood Acres

PECAN

COTTONWOOD

OLD MAIN

Scott Addition

DIVISION

HICKORY

16E17N18

WALNUT

ATOKA

ASH

BROADWAY

DELAWARE

Chissee Addition

HICKORY

151ST

16E17N19

Darr Addition

Claxton's II

Reynolds Addition II

STATE HIGHWAY 72

293RD EAST

Post Oak II

291ST EAST

290TH EAST

289TH EAST

288TH

152ND

152ND

Park @ Coweta

15E17N24 Dale Estates

285TH EAST

Stonebrook

150TH

150TH

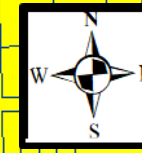
Westwood

149TH

149TH

BIXBY

# CBOA 24-01 VARIANCE SECTION 450



**SUBJECTS PROPERTY**

15E17N13

HICKORY

Cottonwood Acres

RS-2

PECAN

COTTONWOOD

OLD MAIN

RS-3

Scott Addition

DIVISION

ASH

ATOKA

WALNUT

16E17N18

RS-3

BRISTOW

HICKORY

151ST

16E17N19

RS-3

Darr Addition

Claxton's II

Reynolds Addition II

STATE HIGHWAY 72

293RD EAST

CG Post Oak II

RM-1

BROADWAY

DELAWARE

RS-3

CG

Chissee Addition

HICKORY

149TH

149TH

150TH

Westwood RMHS

150TH

RS-3

150TH

Stonebrook

## Legend

### ZONE\_TYPE

- AG – AGRICULTURE DISTRICT
- CG – GENERAL COMMERCIAL
- RMHS – RESIDENTIAL, MANUFACTURED HOME SUBDIVISION
- RS-1 RESIDENTIAL SINGLE FAMILY
- RS-2 RESIDENTIAL SINGLE FAMILY
- RS-3 RESIDENTIAL SINGLE FAMILY