

**AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday, June 16, 2020, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No. 483**

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment members and members of the public may attend the meeting in the St. Francis Room but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

**Attend in Person:** Williams Tower I, St. Francis Room, 1st Floor  
1 W. 3rd St., Tulsa, Oklahoma

**Attend Virtually:** <https://us02web.zoom.us/j/81165680556>  
Meeting ID: 811 6568 0556 Password: 847619

**Attend by Phone:** 1-312-626-6799 Meeting ID: 811 6568 0556 Password: 847619

**Additional Directions:** During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

The following County Board of Adjustment members plan to attend remotely via ZOOM, provided that they may still be permitted to appear and attend at the meeting site, St. Francis Room, Williams Tower I, 1 West 3rd Street, Tulsa Oklahoma: David Charney, Don Hutchinson, Don Crall, Gene Dillard, Larry Johnston

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**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of May 19, 2020 (Meeting No. 482).

**UNFINISHED BUSINESS**

2. **2807—Chris Webb**  
Use Variance to allow Use Unit 16 for a Mini-Storage in an AG District (Section 1216); Special Exception to exceed the fence height in the required yard (Section 240.2). **LOCATION:** 9613 East 96th Street North

## **NEW APPLICATIONS**

3. **2819—Smalygo Properties, LLC**  
Variance to permit a detached accessory building in the side yard in a RE District (Section 420.2-A.2). **LOCATION:** 9015 North 65th East Place
4. **2820—American Promotional Events**  
Special Exception to permit a fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.  
**LOCATION:** 526 South 209th Avenue West, Sand Springs
5. **2821—Holliday Sand and Gravel Company, Inc.**  
Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), in an AG District (Section 310, Table 1). **LOCATION:** SW of East 141st Street South & South 193rd Avenue East
6. **2822—Leah Harris**  
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 1203); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 11616 East 191st Street South

## **OTHER BUSINESS**

### **NEW BUSINESS**

### **BOARD MEMBER COMMENTS**

### **ADJOURNMENT**

**Website:** [tulsaplanning.org](http://tulsaplanning.org)

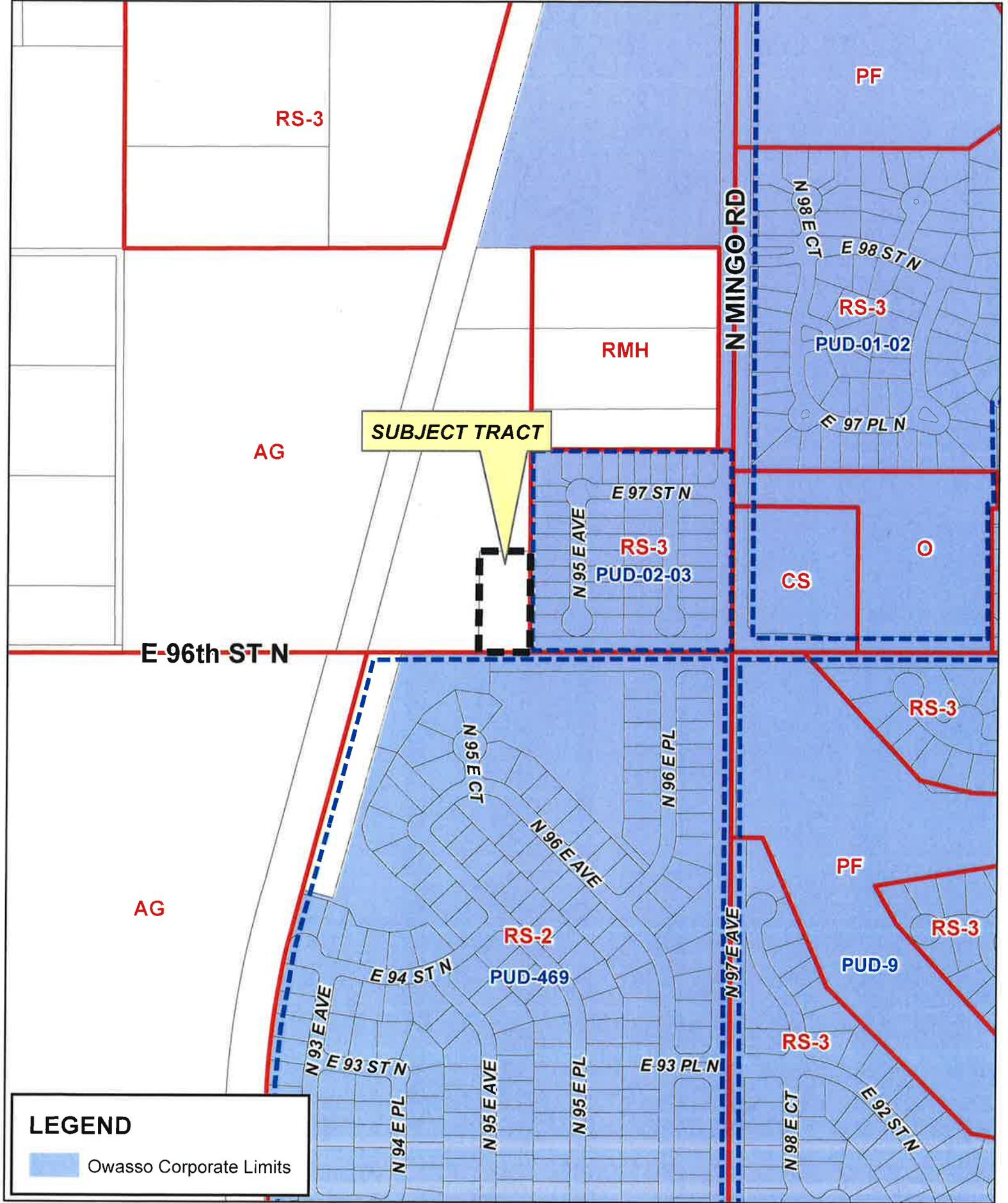
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

If you require special accommodations pursuant to the Americans with Disabilities Act, please call 918-584-7526.

**NOTE:** Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. *All electronic devices must be silenced* during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.

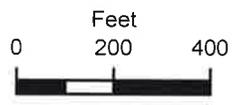
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**SUBJECT TRACT**

**LEGEND**

Owasso Corporate Limits



**CBOA-2807**

21-13 13

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**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1313

**CASE NUMBER:** CBOA-2807

**CZM:** 11

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 06/16/2020 1:30 PM

**APPLICANT:** Chris Webb

**ACTION REQUESTED:** Use Variance to allow Use Unit 16, for a Mini-Storage, in an AG District (Section 1216); and a Special Exception to exceed the fence height in the required yard (Section 240.2).

**LOCATION:** 9613 E 96 ST N

**ZONED:** AG

**FENCELINE:** Owasso

**PRESENT USE:** Vacant

**TRACT SIZE:** 1.25 acres

**LEGAL DESCRIPTION:** E1/2SESWSESE SEC. 13-21-13,

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning on the west and north. There appears to be a residential use on the AG zoned property to the west. The properties to the east are zoned RS-3 and is a residential neighborhood within the corporate limits of Owasso. The properties to the south are zoned RS-2 and it is also a residential neighborhood within the corporate limits of Owasso.

**NEW STAFF COMMENTS:**

The applicant requested a continuance of the case until 6.16.2020 in hopes of having five Board members present. The case was re-noticed so surrounding property owners would have information about how they could join the meeting virtually. This case has received several letters of opposition.

**ORIGINAL STAFF COMMENTS:**

The applicant is before the Board requesting a Use Variance to allow Use Unit 16, for a Mini-Storage, in an AG District (Section 1216); and a Special Exception to exceed the fence height in the required yard (Section 240.2).

The applicant supplied the following statement:

“Proposal to apply for special exception to build small mini storage facility at 9613 E. 96<sup>th</sup> St. North, Owasso, Oklahoma.

100 – 10’ x 10’ units (forest green in color)

Gated and monitored 24 hours per day/7 days per week with security system and cameras

Concrete drive

10’ privacy fence

Given the location of the storage facility, it will be hidden from public view.

2.2

Facility will take up approximately ¾ of one acre.

Land is zoned agriculture and owner lives on adjoining property which is a dead end.

Owner owns total of 9.87 acres and is willing to do a lot split if required.

Best use of property and an asset to growing community.”

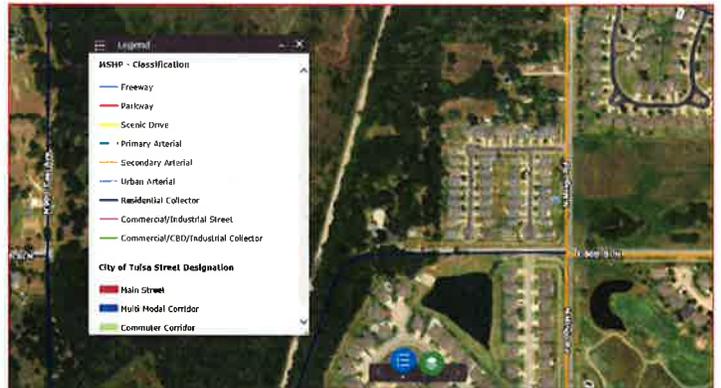
The applicant also stated the following hardship: “We believe the layout of the land and its shape is difficult to utilize due to the nearby floodplain. The good land that is left has an awkward shape.”

A Use Variance is required as a mini-storage facility, Use Unit 16, is not a use permitted in the AG district due to potential adverse effects. Agricultural zoning does not allow requests for a Special Exception for Use Unit 16. Therefore, a Use Variance is the only avenue available that would allow the proposed use and it requires the Board’s approval. According to the site plan, the applicant is proposing to construct a 100 unit mini-storage facility. The units will individually be 10 ft. x 10 ft. and located within two 10 ft. x 50 ft. (approximate size) buildings. Examples of the types of materials to be used are attached to this report.

Use Unit 16, Mini-Storage, is described as: A structure(s) which contains separate, small size, self-service storage facilities leased or rented to individuals or small businesses. These facilities are designated to accommodate access only from regular size passenger vehicles and two-axle trucks (Section 1216.1). The following Use Conditions apply:

### 1216.3 Use Conditions

- A. The uses included in Use Unit 16, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District. **The applicant is requesting to erect a 10-foot privacy fence between the mini-storage facility and the RS-3 zoning to the east of the property.**
- B. Within the CS district, there shall be no open-air storage of any kind that is visible at ground level from an R district, O district, or from a public street. **This does not apply to this application.**
- C. The development site should have frontage on and access to an arterial street. **According to the Major Street and Highway Plan, E. 96<sup>th</sup> Street North is considered a Residential Collector until it reaches N. Mingo Rd.**



The applicant is requesting a Special Exception to exceed the maximum allowed height of a fence in the yard from 8 ft. to 10 ft. The proposed 10 ft. privacy fence would be made of wood and, as shown on the site plan, will surround the mini storage facility. The Zoning Code states the following:

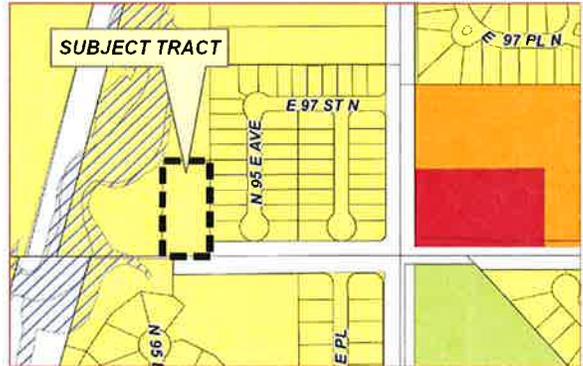
### 240.2 Permitted Yard Obstructions

Obstructions are permitted in required yards as follows:

- C. Fences, hedges, plant materials, and walls may be located in any yard provided that corner traffic visibility is maintained in accordance with the safety standards of the Tulsa

County Engineer. Fences and walls within yards shall not exceed a height of eight feet...The Board of Adjustment, as a special exception, may modify these limitations.

The property is located within the fenceline of Owasso, but it is not in Owasso's corporate limits. Both, The Owasso Comprehensive Plan and Tulsa County Comprehensive Plan, identify the future land use as Residential. The Comprehensive Plans have identified a Commercial Land Use designation nearby on the northeast corner East 96<sup>th</sup> Street North and North Mingo Road. See the Land Use Plan map for clarification.



**Sample Motion:**

**"Move to \_\_\_\_\_ (approve/deny) a Use Variance to allow Use Unit 16, for a Mini-Storage, in an AG District (Section 1216).**

**Finding the hardship to be \_\_\_\_\_.**

**Approved per conceptual plan on page \_\_\_\_\_ of the agenda packet.**

**Subject to the following conditions (including time limitation, if any): \_\_\_\_\_.**

**Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."**

**"Move to \_\_\_\_\_ (approve/deny) a Special Exception to exceed the fence height in the required yard (Section 240.2).**

**Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare."**



**SUBJECT TRACT**

**E 97th ST N**

**N 95 EAVE**

**E 96th ST N**

**N 95 EAVE**



*Subject Tract*

**CBOA-2807**

21-13 13

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

*Aerial Photo Date: February 2018*



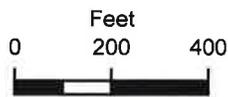
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SUBJECT TRACT

N MINGO RD

E 96th ST N



Subject Tract

**CBOA-2807**

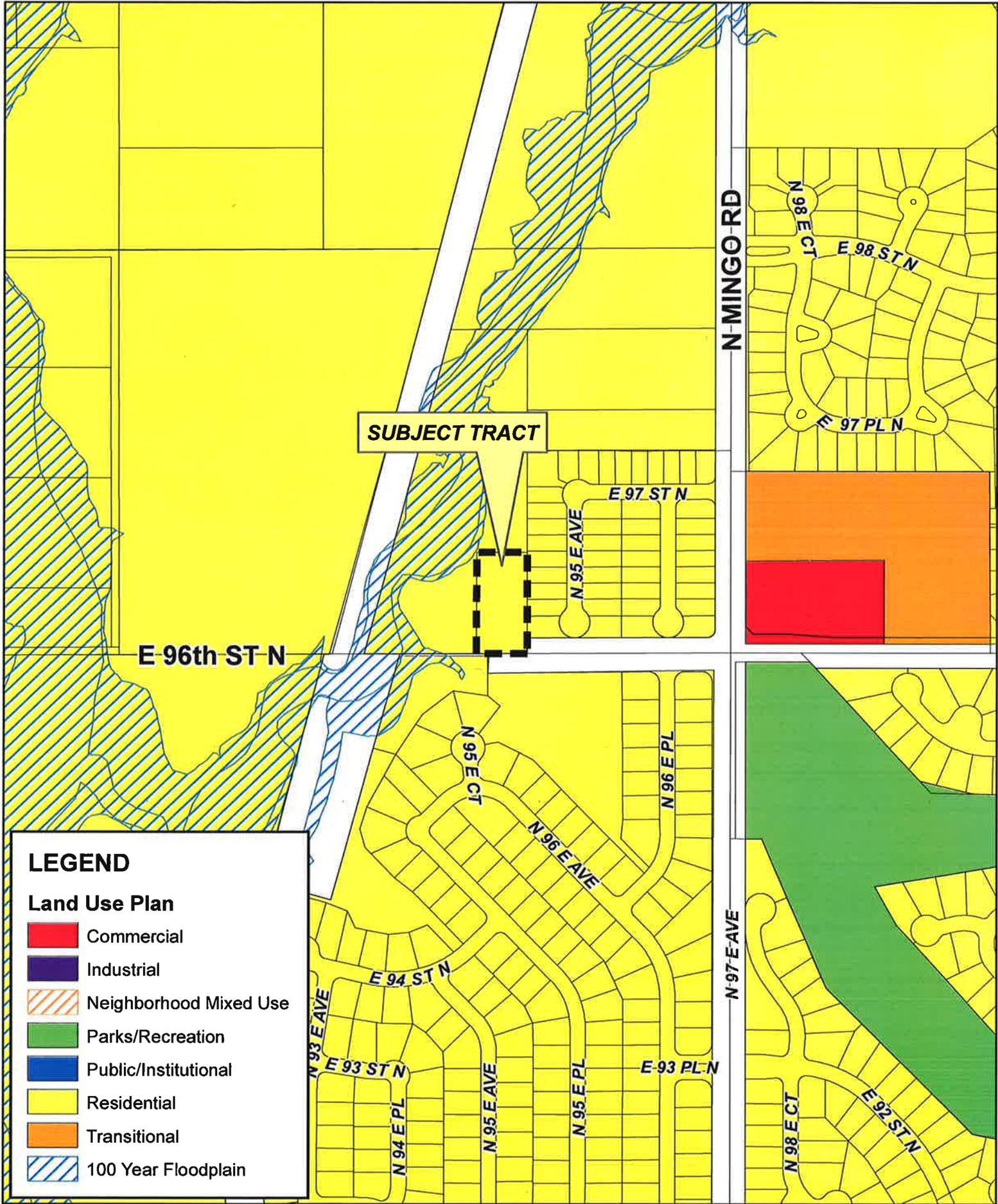
Note: Graphic overlays may not precisely align with physical features on the ground.

21-13 13

Aerial Photo Date: February 2018



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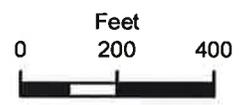
**SUBJECT TRACT**

**LEGEND**

**Land Use Plan**

- Commercial
- Industrial
- Neighborhood Mixed Use
- Parks/Recreation
- Public/Institutional
- Residential
- Transitional
- 100 Year Floodplain

**CBOA-2807**



21-13 13





*Looking west down E. 96th St. N. from intersection at N. Mingo Rd. towards subject property*



*Looking northwest into the gated subject property from E. 96th St. N.*

Robi,

Thank you for contacting us regarding CBOA-2807. Below are a few comments we have regarding this case.

- Our adopted Land Use Master Plan calls out this area for residential land uses (Shown below). Introducing a pseudo industrial/warehousing use on this property would be in conflict with our adopted plan, as those uses are typically allowed only by right in industrial districts or with a PUD in our CG districts. If this case were brought before the City, we would recommend denial.



- Below is a map showing “existing” land use in this area. While this case is asking for a use variance, when considering the current land use pattern in this area, putting in a more intense use would be akin to “spot zoning”.



- The public road servicing this site is in poor condition with the edges of the road breaking off periodically. If this were to be approved, it should come with a condition that 96<sup>th</sup> be reconstructed with curb and gutter and a pavement section to handle heavier trucks.
- The proposed use would back up to an existing housing addition. Most self-storage places are well lit and such would likely be the case with this proposed facility. This would certainly introduce light into the backyards of the homes abutting the eastern boundary. Light fixtures should be shielded with a maximum foot candle of 0.5fc at the boundary. Pole heights should be limited to 15 feet.
- At minimum a 10 foot landscape yard should be applied along the east boundary. Said yard should also have a 6 foot opaque fence with maintenance responsibilities of the current and future property owner and contain ample evergreen vegetation to enhance the screening.
- Noise would be introduced into an otherwise quiet residential setting.
- The dashed line represents a trail easement. If this case were to be approved we would ask that a trail easement be provided at platting.

Regards,  
Karl A. Fritschen, MRCP, AICP, RLA  
*Planning Manager*  
200 S. Main  
City of Owasso, OK 74055  
918.376.1545  
"the truth is out there"

May 30, 2020

Tulsa County Board of Adjustment  
c/o INCOG  
2 W 2nd Street  
Suite 800  
Tulsa, OK 74103  
Attn. Robi Jones...

Re: CBOA2807.

Dear Robi Jones,

I am writing to formally request that the proposed mini storage OR marijuana farm that is southwest of New Brunswick Subdivision NOT be allowed to be built/ created.

We have a nice and quiet neighborhood that is low crime, safe for the children to ride their bikes in the cul-de-sacs and a pleasant setting without traffic issues.

We DO NOT want this property that is right next to our division of New Brunswick to be built for a storage facility. It makes NO sense for a storage facility to be tucked away in such a secluded place. It seems such a location will be used for ill intent. A marijuana farm also is NOT a place to be built next to a family housing neighborhood division. Crime could likely be increased for those who want to steal the plants and we don't want to go to our homes fearful because of what is located next-door to our division.

We strongly appeal to you to reject the application for building of either project.

Sincerely,



Jeri Moore

Resident  
9623 N. 96<sup>th</sup> East Avenue  
Owasso, OK 74055

June 1, 2020

Tulsa County Board of Adjustment

c/o INCOG

2 W 2<sup>nd</sup> Street, Suite 800

Tulsa, OK 74103

Re: Case Number: CBOA2807

Dear Ms. Robi Jones:

I received the announcement that the court date has been moved to June 16<sup>th</sup>, 2020. I also received a signed (but not legibly) letter with no return address THREATENING that if the mini storage is not approved that they would put in a "pot" (marijuana) farm in it's place. I am enclosing a copy of that letter for your inspection.

I am sad that after building our houses in a decent, respectable neighborhood, we find ourselves being threatened by someone who wants to build something so distasteful. I highly resent being threatened like this and would like you to make note of my objection to BOTH the mini storage AND the pot farm. Either one will downgrade our subdivision and lower the market values of our houses.

I appreciate your consideration for the people in New Brunswick who are hoping to keep our subdivision a desirable location to live and raise our children.

Sincerely,



Arlene J. Carney

[lesous123@sbcglobal.net](mailto:lesous123@sbcglobal.net)

918-274-1389

Copy

May 27, 2020

Re: 96<sup>th</sup> Street Project

Dear Neighbors:

We have option and opportunity. Thanks for your support and concerns.

We are excited to move forward with Option 1: A .75-acre small secluded mini storage facility. This will be an indoor storage facility with gated entry and 100 – 10x10 units that are forest green.

Or

Option 2: A 3-acre pot farm, indoor and outdoor commercial marijuana grow facility with a 2,400 sq. ft. indoor space also with gated entry and the building would be forest green.

Given current Oklahoma state law, we already meet the requirements for Option 2. No vote or variance is needed. Since the land is already zoned agriculture, this would be our move if the storage buildings are not accepted (variance not approved). We are excited to move forward with either one of these two options and wanted to give option to the community we will be serving.

Again, we appreciate your support and/or concerns and will go to great lengths to pursue one of our options and satisfy the needs of the growing community.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'AS' or similar, written in a cursive style.

## Jones, Robi

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**From:** SB zeng <sfz56@msn.com>  
**Sent:** Wednesday, June 3, 2020 6:48 AM  
**To:** Jones, Robi  
**Subject:** case CBOA-2807  
**Attachments:** Chris Web letter.tiff

Good morning, thank you for returning my call in regards to this letter and taking the time to discuss it with me. Here is a copy.

Suzanne Zeng

May 27, 2020

Re: 96<sup>th</sup> Street Project

Dear Neighbors:

We have option and opportunity. Thanks for your support and concerns.

We are excited to move forward with Option 1: A .75-acre small secluded mini storage facility. This will be an indoor storage facility with gated entry and 100 – 10x10 units that are forest green.

Or

Option 2: A 3-acre pot farm, indoor and outdoor commercial marijuana grow facility with a 2,400 sq. ft. indoor space also with gated entry and the building would be forest green.

Given current Oklahoma state law, we already meet the requirements for Option 2. No vote or variance is needed. Since the land is already zoned agriculture, this would be our move if the storage buildings are not accepted (variance not approved). We are excited to move forward with either one of these two options and wanted to give option to the community we will be serving.

Again, we appreciate your support and/or concerns and will go to great lengths to pursue one of our options and satisfy the needs of the growing community.

Sincerely,



March 9, 2020

Proposal to apply for special exception to build small mini storage facility at 9613 E. 96<sup>th</sup> St. North, Owasso, Oklahoma.

100 – 10'x10' units (forest green in color)

Gated and monitored 24 hours per day/7 days per week with security system and cameras

Concrete drive

10' privacy fence

Given the location of the storage facility, it will be hidden from public view.

Facility will take up approximately 3/4 of one acre.

Land is zoned agriculture and owner lives on adjoining property which is a dead end.

Owner owns total of 9.87 acres and is willing to do a lot split if required.

Best use of property and an asset to growing community.

Chris Webb  
9611 E. 96<sup>th</sup> St. North  
Owasso, OK 74055  
918/361-3572

## Sparger, Janet

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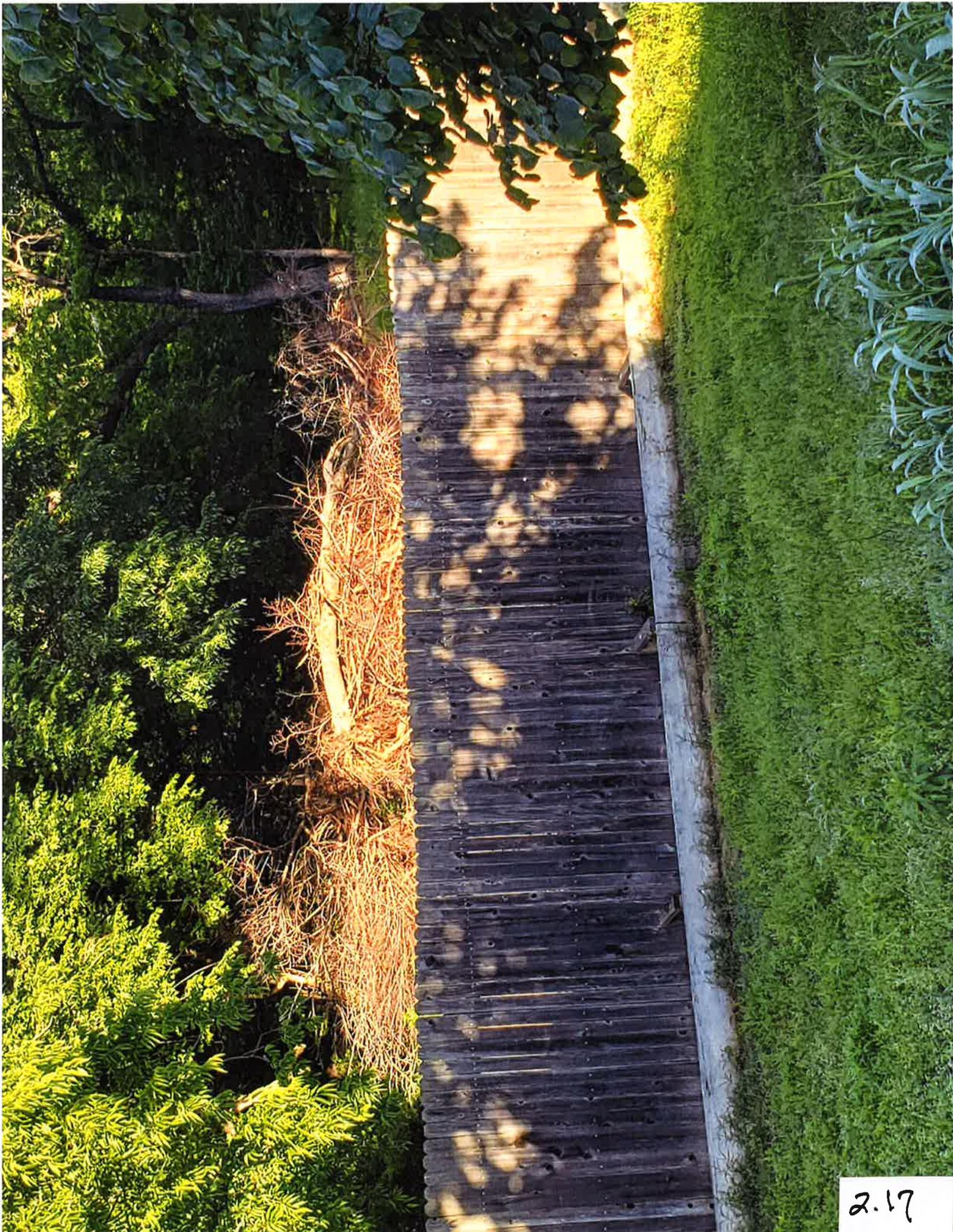
**From:** Tonya Hassell <hasstah7@gmail.com>  
**Sent:** Wednesday, May 20, 2020 12:49 PM  
**To:** esubmit  
**Subject:** CBOA-2807 MINI STORAGE  
**Attachments:** brush.jpg

Hello,

I live immediately by the property that will host the mini storage. This brings very negative thoughts about criminal activity into the area, lessen my property value, more rodents & snakes and excess traffic. I worry very much about someone jumping the fence. Also, I would like to know what they plan on doing with the trees they have torn down. Previously, they put the brush up against our property lines as a barrier. I do not want this brush, because once again, it brings in rodents, snakes & ticks. Please see the attached pic of the brush they have currently. I am very against the mini storage. I am very against making the land commercial land, if that is the intentions too.

Nobody will want to buy my house on 10 years with a 10 year old ministorage behind my house. It'll be an eyesore and people will worry about theft.

Thank you for reading  
Tonya Hassell  
New Brunswick homeowner



2.17

**Sparger, Janet**

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**From:** SB zeng <sfz56@msn.com>  
**Sent:** Monday, May 18, 2020 5:14 PM  
**To:** esubmit  
**Subject:** CBOA 2807

Mr. Jones,

We have received notice regarding the request for a zoning variance represented in the above subject case. We own a home in the New Brunswick neighborhood at 9611 N. 95<sup>th</sup> E Ave. WE ARE VEHEMENTLY **OPPOSED** TO GRANTING THIS VARIANCE.

When we purchased the home in 2010, the features that attracted us to it were the pond to the south and the greenbelt to the west. Knowing that the greenbelt was zoned agricultural was a selling point and factor in our decision. The fact that 96<sup>th</sup> street essentially ended at Mingo, we knew there would be no through traffic.

Modifying the zoning and allowing a business to the west of New Brunswick will create traffic, noise and disturbance to an otherwise peaceful area. Our property values will be diminished and the environment will change dramatically. We fear that such a secluded location will foster unsavory activities and possibly contribute to crime in the area. Small children now can play safely in the cul-de-sacs in the south end of New Brunswick - they could be in jeopardy with increased traffic. PLEASE, do not allow AG space adjacent to our single family homes to become commercial development!

Zoning ordinances serve an important purpose, are a vital part of community design, and should not be dismissed lightly. We are a small neighborhood, but our wishes should still be respected. There are many other opportunities for development and placement of a mini-storage in the Owasso area that would capitalize on existing traffic flow and provide more exposure.

Thank you for recognizing our voices and **DENY this re-zoning request!**

Suzanne and Robert Zeng  
918-859-3416

## Sparger, Janet

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**From:** Michael Trzebiatowski <michael@trzeb.com>  
**Sent:** Monday, May 18, 2020 9:27 AM  
**To:** esubmit; 'Lakes of Bailey Ranch'  
**Subject:** CBOA-2807 Variance for 9613 E 96th St N

With respects to granting a variance to allow for the proposed property to be used for a mini-storage facility, the Lake of Bailey Ranch HOA is strongly opposed to this for various reasons would hope the commission denies the request.

First, this property is at a dead end and the street does provide access to one our drainage ponds and on several occasions, there have been concerns from the property owner of the traffic that is generated by the pond and people who may park up there (there is a small gravel area for limited parking. What will this traffic look like if you add 100 units initially with the potential to grow as the entire acreage for sale is 10 acres +/- and the parcels must be kept together.

The additional traffic leads me to the second point, the condition of the road is more like that of a driveway. In my time with the HOA board, the ownership of this road has been debated by the county and the city and continues to fall into disrepair. Currently, the road can barely handle the traffic from our North entrance and if two cars pass, one of them is half way in the ditch. What will happen to his road when you start seeing trucks and additional traffic that are bound for the storage units.

Drainage planning is another concern. I saw it only briefly mentioned in the plans but adding concrete to 1.5 acres or more is likely to have an impact to our properties and our north pond. What is the detailed plan to ensure that we do not become the holding facility for that water or that it won't backup from the tracks and create a swamp back towards our houses and spillway.

With this area being surrounded by either the railroad tracks or housing additions, we are concerned about the impact that a commercial business would have upon our house values. Between crime potential, trash, noise, and traffic concerns for our normally quiet neighborhood. In general, the areas where the city and county meets have turned into problem areas in general because of the lack of rules within the county jurisdiction. For example, when a firearm was discharged and ended up hitting one of the houses in the neighborhood. If anything the county should be using more restraint and working with the city to manage the use of these lands. While a mini storage facility might eliminate some concerns, a storage unit hidden from view is also a prime location for undesirable activities. In researching this online, it is commonly accepted that storage facilities lower nearby house values.

Finally, we are concerned also of the potential to growth. As mentioned previously, there are two tract of land for sale and the variance is only for one of the tracts. If this opens up to the full 10 acres, what else might be added, RV and Boat storage, additional units. How will those impact the area.

In closing I would like to thank you for your consideration and urge you to deny this variance request.

Regards,  
Michael Trzebiatowski

*Michael Trzebiatowski*

Lakes of Bailey Ranch Association, Inc.  
12324 E 86<sup>th</sup> St. N #290  
Owasso, OK 74055

## Sparger, Janet

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**From:** kelly corwin <kcullen@hotmail.com>  
**Sent:** Monday, May 18, 2020 11:44 AM  
**To:** Jones, Robi; esubmit  
**Cc:** kelly corwin  
**Subject:** Case #CBOA-2807

I strongly oppose turning a residential area into a storage unit - case CBOA-2807. The road is not adequate to handle turning in and out along with having larger moving vans. The facility will back up to a residential neighborhood (Lakes of Bailey Ranch).

This is a residential area and let's keep it that way.

Thank you,

Kelly Corwin  
9306 N 93rd East Ave  
Owasso  
Lakes of Bailey Ranch

Sent from my iPhone

## Sparger, Janet

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**From:** Linda Phillips <linda@infinityhomesowasso.com>  
**Sent:** Sunday, May 17, 2020 10:03 AM  
**To:** esubmit; Jones, Robi  
**Subject:** PROTEST - Case number CBOA-2807

Mr. Jones,

We have received notice regarding the request for a zoning variance represented in the above subject case. We own a home in the New Brunswick neighborhood at 9611 N. 95<sup>th</sup> E Ave. WE ARE VEHEMENTLY **OPPOSED** TO GRANTING THIS VARIANCE.

When we purchased the home in 2010, the features that attracted us to it were the pond to the south and the greenbelt to the west. Knowing that the greenbelt was zoned agricultural was a selling point and factor in our decision. The fact that 96<sup>th</sup> street essentially ended at Mingo, we knew there would be no through traffic.

Granting this Use Variance to the west of New Brunswick will create traffic, noise and disturbance to an otherwise peaceful area not designed for business activity. . Our property values will be diminished and the environment will change dramatically. We fear that such a secluded location will foster unsavory activities and could contribute to crime in the area. Small children now can play safely in the cul-de-sacs in the south end of New Brunswick - they could be in jeopardy with increased traffic. PLEASE, do not allow AG space immediately adjacent to our single family homes to become commercial development.

Other concerns include:

- The business use will provide access to the facility 24/7.
- 96<sup>th</sup> St N that is west of Mingo was designed as a residential feeder street, not a thoroughfare to support access and egress for 100 storage units.
- The drainage patterns for such a large span of concrete could impact our neighborhood.
- The proposed plat doesn't provide a significant buffer zone or green space, but puts the a building at only 15' from the eastern property line.

Clearly, the Owasso Comprehensive Plan and Tulsa County Comprehensive Plan, identify the future land use as Residential. Zoning serves an important purpose, are a vital part of community design, and should not be dismissed lightly. We are a small neighborhood, but our homes represent significant personal investments to us. Thank you for recognizing our voices and **DENY this Use Variance!**

Ryan and Carrie Underwood

## Sparger, Janet

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**From:** Ellen Kelley <ldk1920@me.com>  
**Sent:** Friday, May 15, 2020 3:04 PM  
**To:** Jones, Robi; esubmit  
**Subject:** Use Variance for 9613 E 96th t N

CBOA-2807

I am writing to address my concerns regarding this application for variance and special exception, and concern for the timing of the public hearing. As you are obviously aware, our state still has rules in place regarding public gatherings, as does the city of Tulsa. At the current time, the City of Tulsa prohibits public gatherings of more than 50 people, and there are still shelter in place guidelines for individuals older than age 65 or those with compromised immunity. As it is likely more than 50 individuals would wish to participate in this hearing, and many interested property owners are older than age 65 or suffer compromised immune systems, conducting a public hearing of this sort denies a fair hearing to individuals who stand in position of the application.

The property identified on the notice is an approximately one and a half acre property currently listed for sale, but only to be sold as a package including the adjacent property at 9611 E 96th St N, approximately 8-1/2 acres, for a combined 10 acres more or less. It is unclear how much of the acreage is to be dedicated either now, or in the future to the development of a mini storage facility.

The only access to the property(ies) is from the East via East 96th Street, a road which is less than 2 lanes wide and is inadequate to accommodate truck traffic which would be visiting the property. East 96th St at this area is bounded on both North and South sides by residential developments and truck traffic with attendant noise would be intrusive and a disturbance to the enjoyment of private homes.

Construction of a mini storage unit will result in a significant area of impervious ground surface which presents a question regarding rain runoff. A short distance South of the proposed facility is a retention pond, a part of the storm water drainage system of the City of Owasso, but also an amenity for the Lakes of Bailey Ranch development which bears responsibility for maintenance of this pond. Nothing has been advertised to indicate performance of an environmental impact study which is certainly indicated in this instance.

In summary, the subject property is not suitable for the planned storage facility, and surrounding property owners should not be asked to accept the intrusion, the traffic, the noise and the potential for trash which is typical for storage facilities. Nor should we be subjected to a reduction in our property values. I respectfully request the Board deny the variance.

Sincerely,

*Ellen E Kelley*

## Sparger, Janet

---

**From:** Jones, Robi  
**Sent:** Monday, May 18, 2020 8:47 AM  
**To:** David Charney; don.crall@tulsacc.edu; Don Hutchinson; gdillard@firstpriority.com; lwjslj@sbcglobal.net; ttosh@tulsacounty.org; James Rea  
**Cc:** Miller, Susan; Sparger, Janet  
**Subject:** FW: Case number: CBOA2807

See email below. It is also for CBOA-2807.

Robi

**From:** ARLENE CARNEY <iesous123@sbcglobal.net>  
**Sent:** Sunday, May 17, 2020 9:56 PM  
**To:** Jones, Robi <rjones@incog.org>  
**Cc:** ARLENE CARNEY <iesous123@sbcglobal.net>  
**Subject:** Case number: CBOA2807

----- Forwarded Message -----

**From:** ARLENE CARNEY <[iesous123@sbcglobal.net](mailto:iesous123@sbcglobal.net)>  
**To:** [rjones@incog.org](mailto:rjones@incog.org) <[rjones@incog.org](mailto:rjones@incog.org)>  
**Sent:** Sunday, May 17, 2020, 06:19:00 PM CDT  
**Subject:** Case number: CBOA 2807

Dear Robi Jones,

I have received notice regarding the request for a variance represented in the above subject case. I own a home in the New Brunswick neighborhood at 9607 N 95th East Avenue and I am VEHEMENTLY OPPOSED TO GRANTING THIS VARIANCE!!!

When I purchased my home in 2004, one of the attractive things about the neighborhood was the pond to my south and the greenbelt to the west which was zoned agricultural and the fact that 96th Street ended at Mingo, therefore there would be no through traffic. These things were some of the reasons I bought the property in New Brunswick!

To modify the zoning and allowing a business to the west of New Brunswick will create traffic, noise, and disturbance to an otherwise peaceful area. It is possible that our property values will be diminished and the environment will change dramatically. Also, such a secluded location might encourage unsavory activities and possibly contribute to crime in the area. Right now small children can play safely in the cul-de-sacs in the south end of New Brunswick but with the change, they could be in jeopardy with increased traffic.

PLEASE do not allow AG space to become a commercial development!!! We are a small neighborhood, but our wishes should be respected!!! There are many other locations ready for the development and placement of a mini-storage in the Owasso area that could capitalize on existing traffic flow and provide more exposure.

Thank you for considering our opposing views and please DENY THIS RE-ZONING REQUEST.

Sincerely,

Arlene J Carney  
[iesous123@sbcglobal.net](mailto:iesous123@sbcglobal.net)  
918-274-1389

**Sparger, Janet**

---

**From:** Heather Risinger <h.risinger@hotmail.com>  
**Sent:** Tuesday, May 19, 2020 10:44 AM  
**To:** esubmit  
**Subject:** Storage Facility

CB0A-2807

I am writing to respectfully ask that you reconsider allowing a storage facility in a residential area. (Item 3, Case #2807, Unit 16 for a Mini-Storage in an AG District (Section 1216); Special Exception to exceed the fence height in the required yard (Section 240.2). **LOCATION:** 9613 East 96th Street North)

It is on a dead end road with no room for large moving trucks or trailers to turn around. The road is crumbling which makes it a one way street because the width of the road does not allow for two-way traffic.

Since the road is the responsibility of the City of Owasso, my guess is it will not be repaired because it is not high on their priority list and they are not in favor of this facility being built.

Thank you,  
Heather Risinger

Sent from my iPhone

## Sparger, Janet

---

**From:** REALTOR Josh J <realtorjoshj@gmail.com>  
**Sent:** Tuesday, May 19, 2020 11:38 AM  
**To:** esubmit  
**Cc:** Diem Mai  
**Subject:** CBOA-2807

I live in the neighborhood, The Lakes of Bailey Ranch, and I strongly object to the allowance of this variance.

This variance would remove some of the allure of living in such a quiet and peaceful neighborhood.

There are only two entrances to our neighborhood. The street needed for use of this storage facility is already in disrepair. Extra traffic will only make it worse and more difficult to traverse.

Also, there are three ponds in our neighborhood. These ponds are filled by drainage from city streets. I'm fear that the addition of a commercial facility in close proximity to the ponds would damage the already fragile ecosystem.

I object to the allowance of this variance. I object to the building of this storage facility.

Josh Johnson

--



**Sparger, Janet**

---

**From:** Matt Seger <mseger@hotmail.com>  
**Sent:** Tuesday, May 19, 2020 11:22 AM  
**To:** esubmit  
**Subject:** Case # CBOA-2807

We're unable to attend today's meeting but we're voting NO on the mini storage behind New Brunswick housing edition.

If there's something else we need to do just let us know.

Thank you.

Matt Seger  
918-619-2717

## Sparger, Janet

---

**From:** grandlakewestie <grandlakewestie@gmail.com>  
**Sent:** Tuesday, May 19, 2020 3:59 PM  
**To:** esubmit  
**Subject:** CBOA 2807

This email is to state our objection to a storage unit being built adjacent to our neighborhood. We believe it will be detrimental to our home values and would create serious safety issues. This would put a high traffic situation in the middle of residential development.

These units are never well maintained and invite crime.

Carol Peracca  
9417 N. 95th E. Pl.  
Lakes of Bailey Ranch

Sent from my Samsung Galaxy smartphone.

**Sparger, Janet**

---

**From:** Christine Pirtle <ctuzz2002@yahoo.com>  
**Sent:** Tuesday, May 19, 2020 1:23 PM  
**To:** esubmit  
**Subject:** CBOA-2807

To Whom It May Concern,

It has been brought to my attention that a permit for a storage facility has been requested for the road at the north end of The Lakes of Bailey Ranch. I am opposed to this and when I bought a house in a residential area that is what I assumed it would be is a residential area. The road was not built to handle the amount of traffic that a storage facility would require not to mention the disturbance of traffic along what is now a quiet area.

Thank you

Christine Pirtle

**Sparger, Janet**

---

**From:** Kathy King <kathykingreagent@gmail.com>  
**Sent:** Tuesday, May 19, 2020 1:21 PM  
**To:** esubmit  
**Subject:** CBOA 2807

I am writing to express my opposition to the proposed storage units to be built at 9613 E 96th Street North. This is a highly populated residential area that is not suitable for this sort of business operation.

There are other areas in Owasso that would be more appropriate for these units to be built. It is my understanding their is land available by the Reasor's north (135th) that would be an ideal location for storage units to be built.

Kathy King

Today Is A Good Day For A Good Day

## Sparger, Janet

---

**From:** Diana Pruitt <diana.raypruitt@gmail.com>  
**Sent:** Tuesday, May 19, 2020 1:03 PM  
**To:** esubmit  
**Subject:** Case No CBOA 2807 - Storage Facility

To Whom It May Concern,

I just learned that the Tulsa County Board of Adjustments is considering an application to place a storage facility in a residential neighborhood.

As president of the Fairways at Bailey Ranch Property Owners Association, and a resident of the Fairways, which is located less than one block east of the proposed location, I strongly object to this application.

This facility is proposed within an area surrounded by residential property, and where future use is designated as residential by both Owasso and Tulsa County. There is also an elementary school located less than one mile from the facility. This is not an appropriate location for a storage facility, and it would not be approved by the City of Owasso if it was within the city limits.

In addition, the proposed facility will significantly increase vehicle and truck traffic on narrow, two lane roads which are not designed for, nor support this type of business. Furthermore, the impact of such a facility on the property values of the nearby homes does not appear to have been taken into consideration. I believe a facility of this nature so close to the neighborhoods could have a detrimental effect to our property values. We did not move to the area to live next to a storage facility.

I respectfully ask the Tulsa County Board of Adjustments to consider the Owasso residents who live in the immediate area, the fact that the future use of the land is designated as residential by both the County and Owasso, and the lack of appropriate roadways and distance from people's homes, and decline this application. At the very least, any decision should be tabled to allow Owasso residents impacted by the proposal time to respond. This affects a lot of people who are not governed by the Tulsa County Board of Adjustments.

Thank you for considering my objections and request.

Diana and Raymond Pruitt-  
9407 N. 101<sup>st</sup> East Ave.  
Owasso, OK 74055  
918-519-9640 (cell)

Sent from [Mail](#) for Windows 10

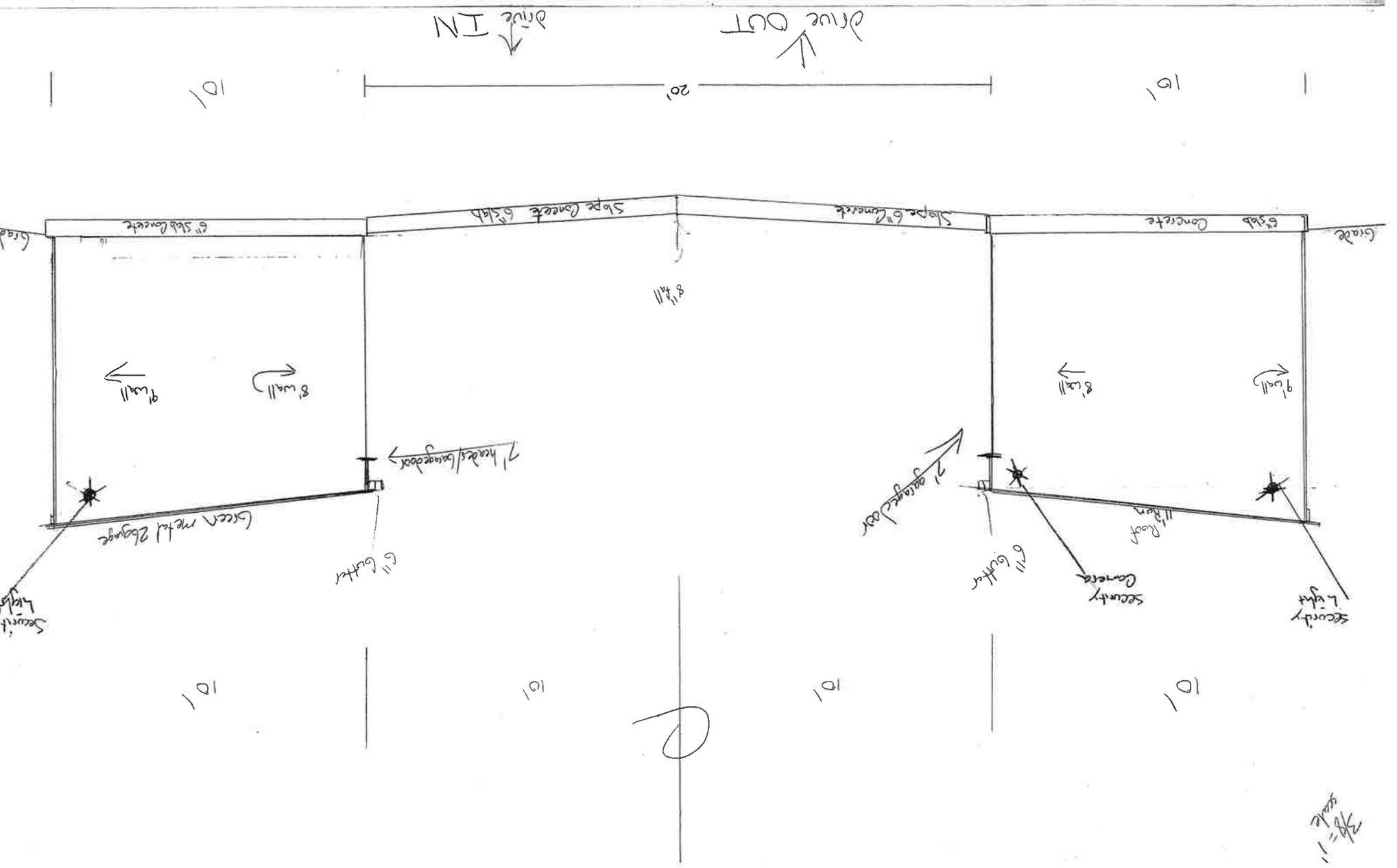
**Sparger, Janet**

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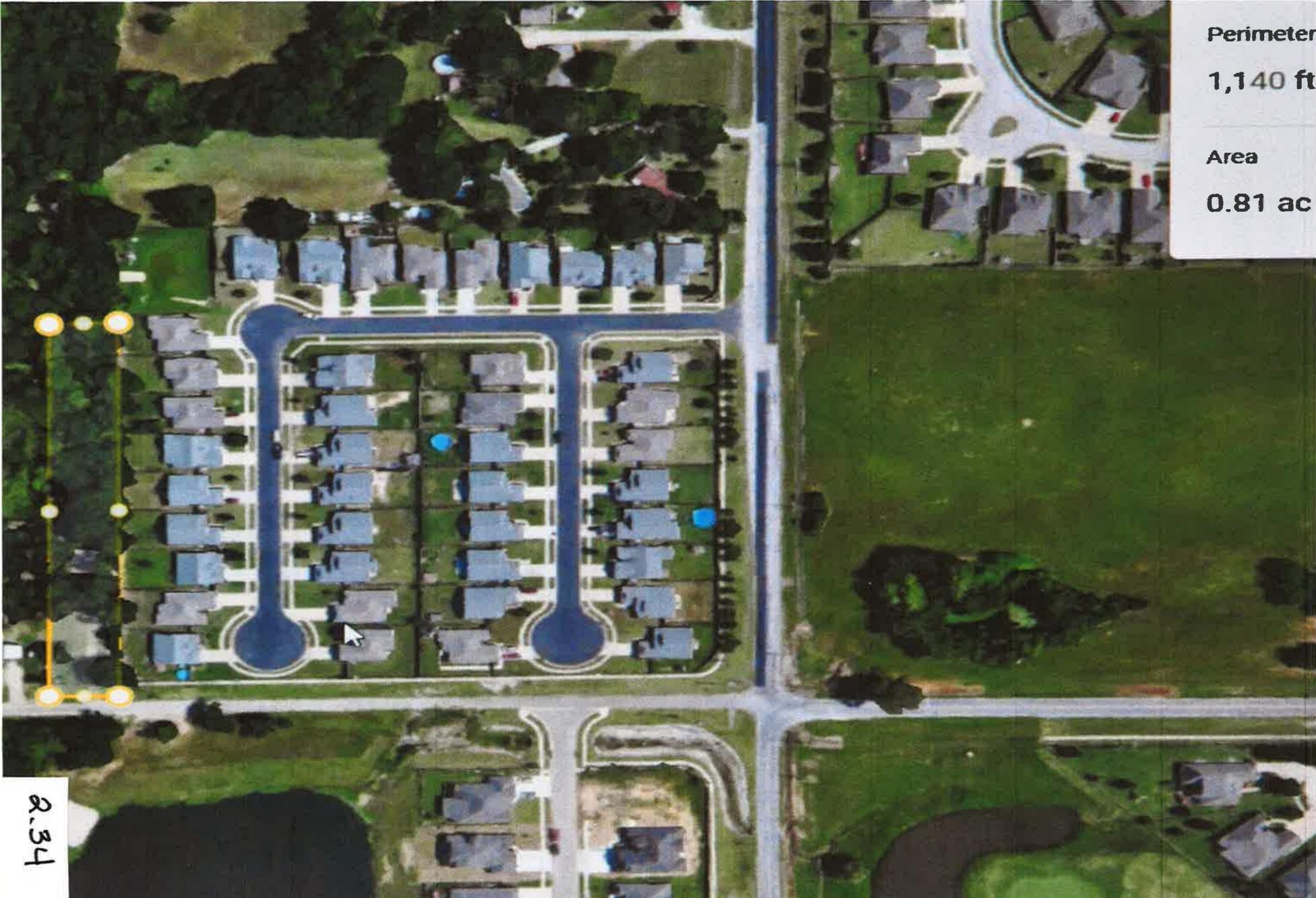
**From:** Diem Mai <diem.mai@icloud.com>  
**Sent:** Tuesday, May 19, 2020 12:08 PM  
**To:** esubmit  
**Subject:** CBOA-2807

I live in The Lakes of Bailey Ranch and I object to the allowance of this variance.

Diem Mai



2/8/11  
scale



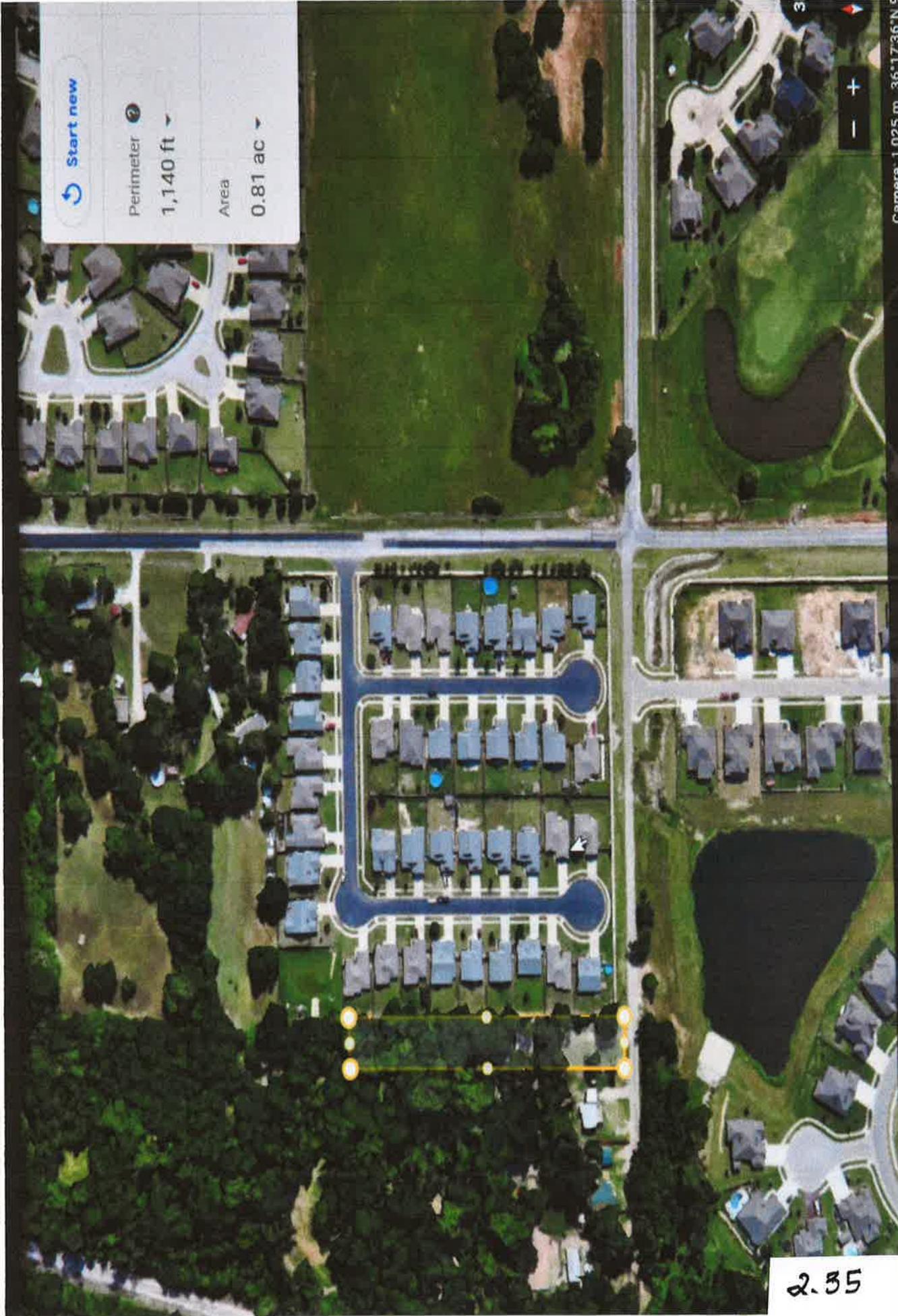
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1,140 ft

Area

0.81 ac

2.34



2.35



2.36

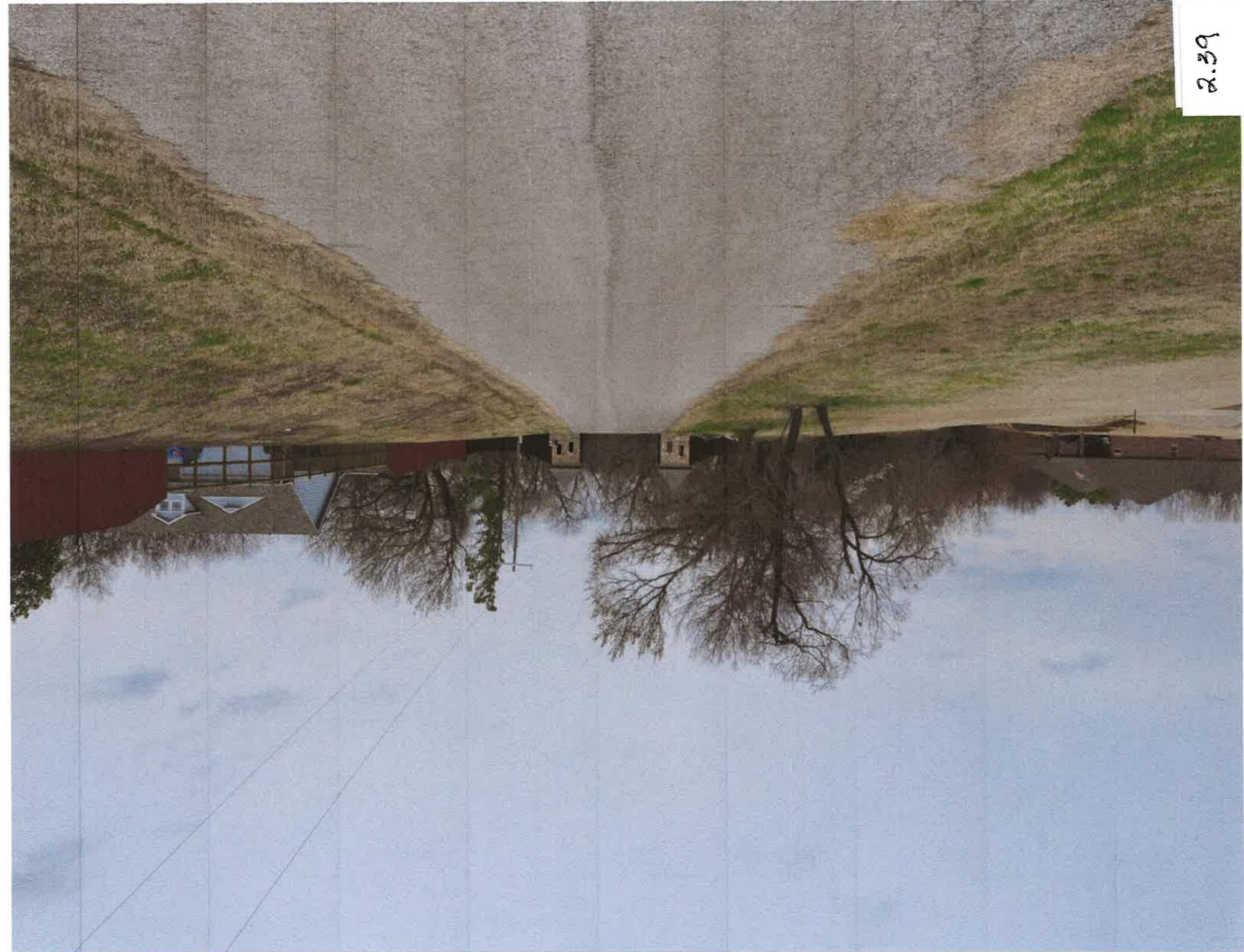


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2.41



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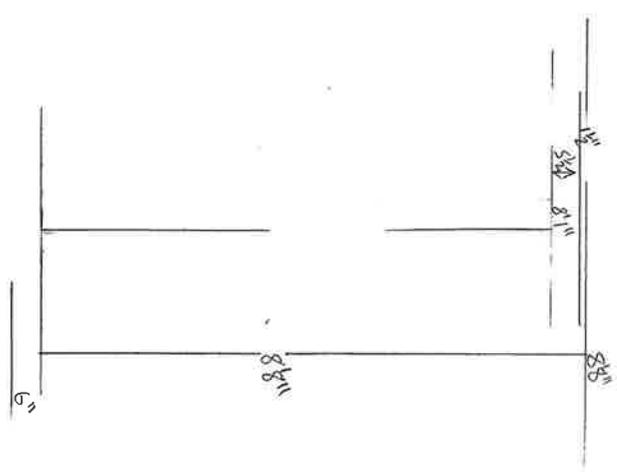
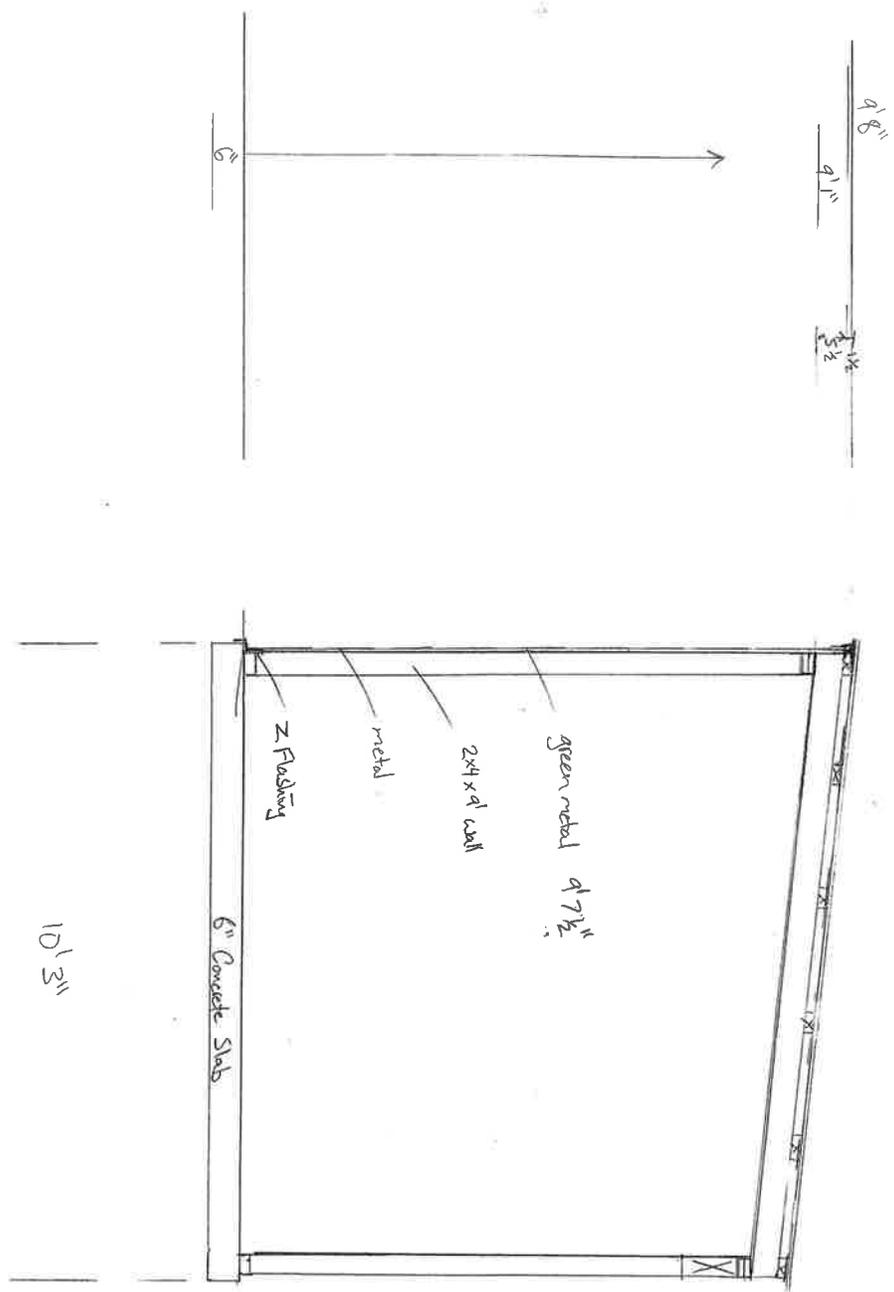
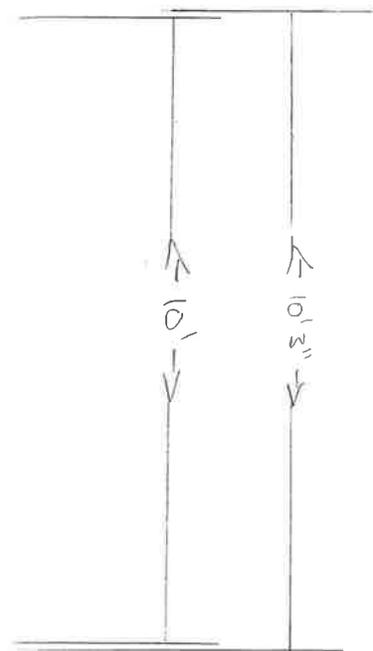


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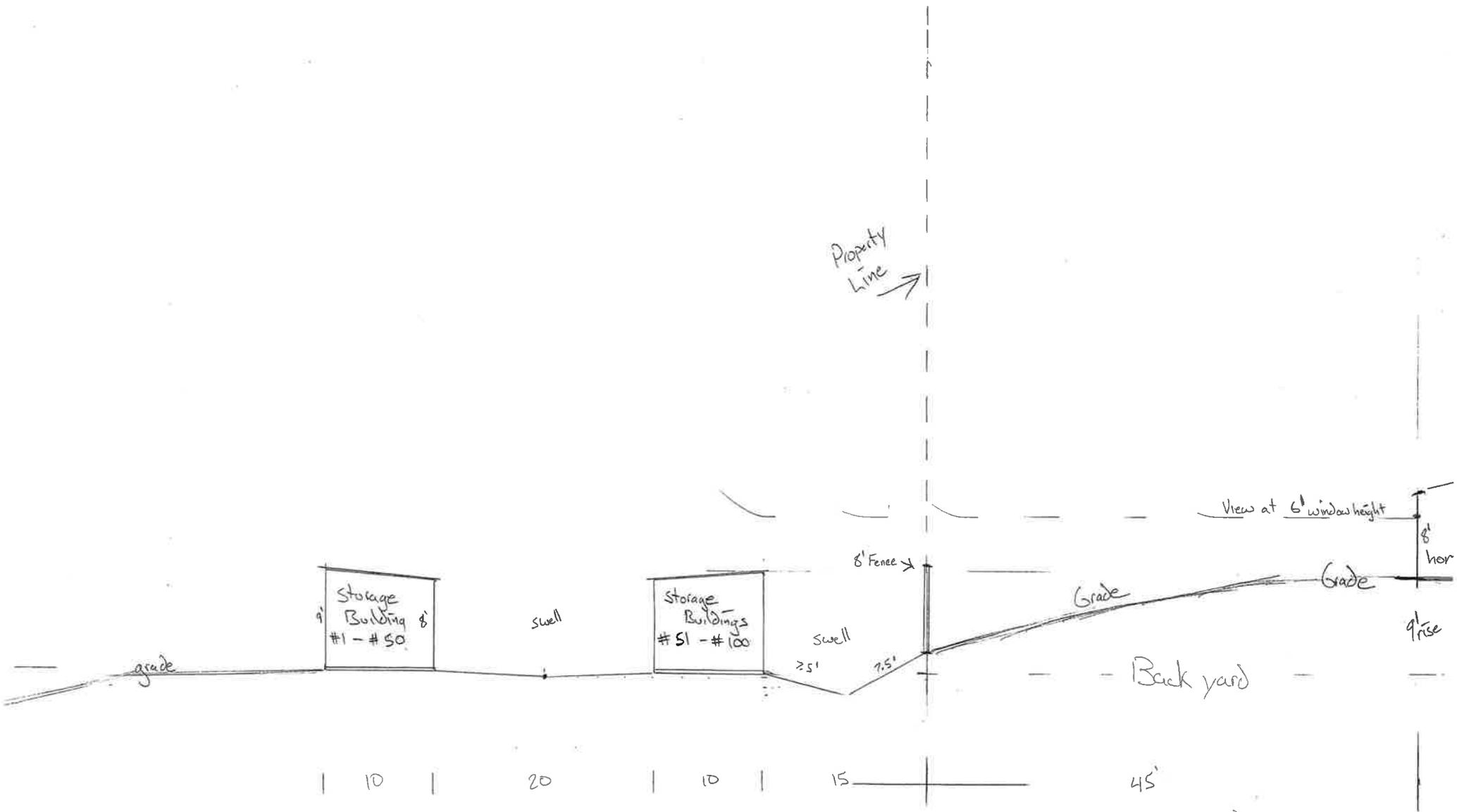
 Steve Husk | Dreamstime.com

[Home](#) [Stock Photos](#) [Generic architecture](#) [Self storage](#) [Mini storage](#)

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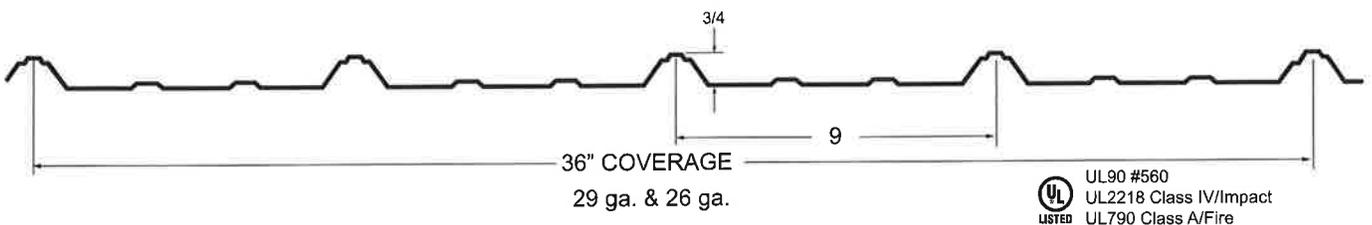
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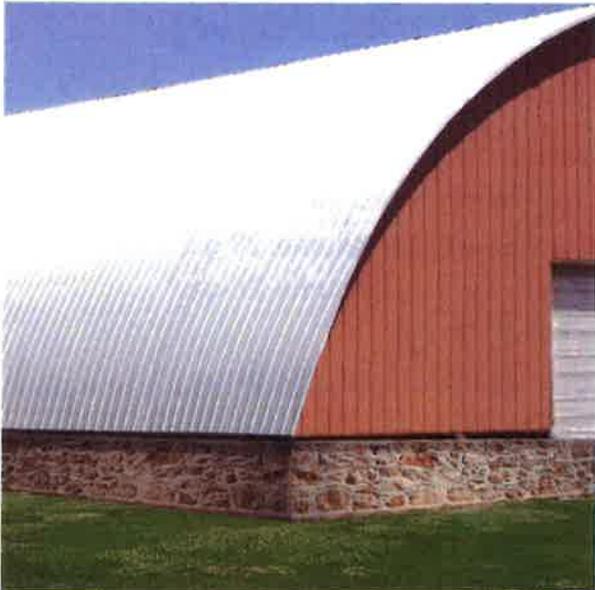
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**AT A GLANCE:**

- 36" coverage
- 3/4" rib, 9" centers
- Minimum slope 3:12 with sealant
- 16 WXL stock colors plus galvalume, 29 ga.
- 22 WXL stock colors plus galvalume, 26 ga.
- 5 PVDF stock colors, 26 ga.
- 6 PVDF stock colors plus galvalume, 24 ga.
- UL Class A Fire rating
- UL Class IV Impact rating

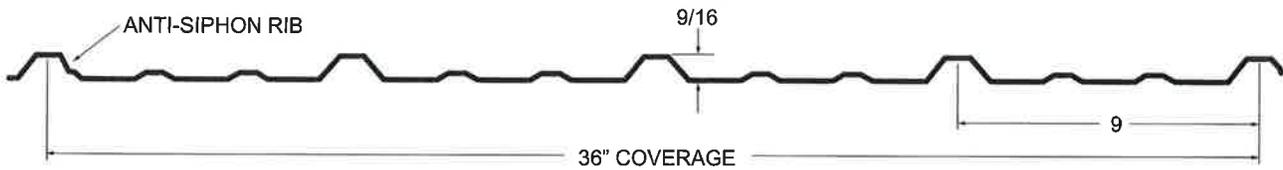


AG Panel - a low-profile, economical panel solution for residential, commercial and agricultural roofing or post frame buildings. AG panels are a very durable, high-value metal roofing system. Manufactured in 29 ga., 26 ga., and 24 ga. Minimum recommended slope is 3:12.



**AT A GLANCE:**

- 36" coverage
- 9/16" rib, 9" centers
- Minimum slope 3:12 with sealant
- 16 WXL stock colors plus galvalume, 29 ga.
- 22 WXL stock colors plus galvalume, 26 ga.
- 5 PVDF stock colors, plus galvalume, 26 ga.
- 6 PVDF stock colors plus galvalume, 24 ga.
- UL Class A Fire rating
- UL Class IV Impact rating



29 ga. & 26 ga.

 UL2218 Class IV/Impact  
UL790 Class A/Fire

Flat-Loc -- a low profile, stout-ribbed panel ideally suited for roofing or post-frame buildings. Manufactured in 29 ga., 26 ga., and 24 ga. Minimum recommended slope is 3:12 with sealant.



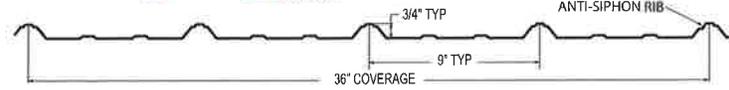
**Kansas City:**  
 8341 Ruby Ave.  
 Kansas City, KS 66111  
**913-766-7200**  
 855-818-4958 toll-free  
 913-766-7201 fax

**Tulsa:**  
 131 S. 147th E. Ave.  
 Tulsa, OK 74116  
**918-641-0641**  
 866-674-7657 toll-free  
 918-641-0640 fax



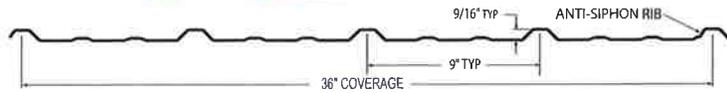
contact@metalpanelsinc.com  
 www.metalpanelsinc.com

**STRONGSEAM PANELS AG Panel**



AVAILABLE IN 29 GA & 26 GA (24 GA BY SPECIAL ORDER ONLY)

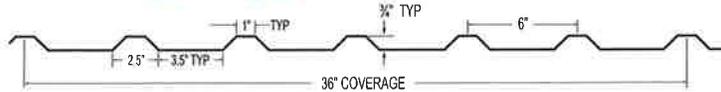
**STRONGSEAM PANELS Flat-Loc Panel**



AVAILABLE IN 29 GA & 26 GA (24 GA BY SPECIAL ORDER ONLY)

\* Produced in Tulsa

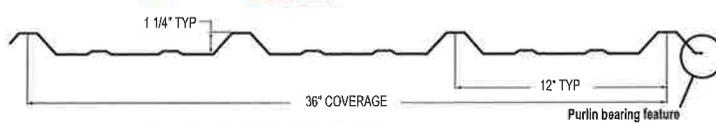
**STRONGSEAM PANELS M Panel**



AVAILABLE IN 26 GA (22 GA & 24 GA BY SPECIAL ORDER ONLY)

\*Produced in KC

**STRONGSEAM PANELS PBR Panel**



AVAILABLE IN 26 GA (22 GA & 24 GA BY SPECIAL ORDER ONLY)



Polar White



Ivory



Tan



Ash Gray



Burnished Slate



Evergreen



Hawaiian Blue



Bone White



Light Stone



Desert Sand



Charcoal Gray



Brown



Hunter Green



Rustic Red

All colors shown are approximate to actual finish colors.  
**Please review actual finish samples before ordering.**

Weather 40-Year Finishes

ENERGY STAR® compliant coatings by SHERWIN-WILLIAMS. Coatings



Berry



Crimson Red

**26 GA. ONLY COLORS**



Gold



\*Copper Metallic



\*Gallery Blue

\* PREMIUM COLOR

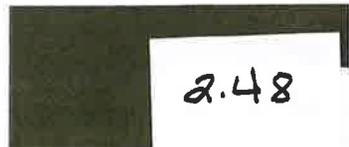
✓ Crinkle-finish colors available:

\* Black \* Charcoal \* Burnished Slate

See your Sales Representative for color samples



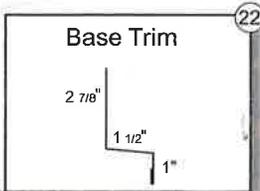
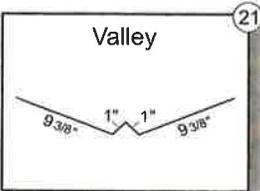
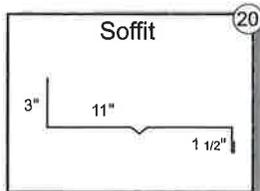
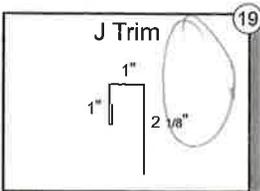
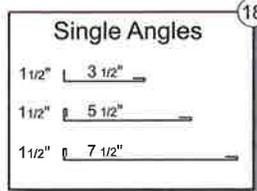
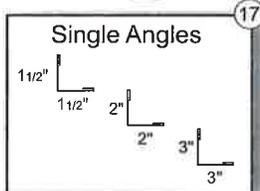
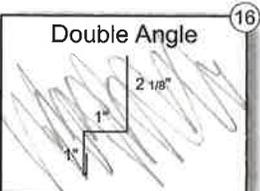
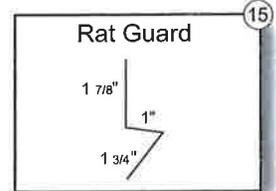
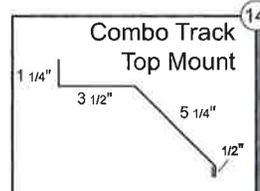
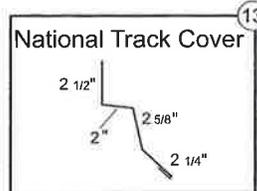
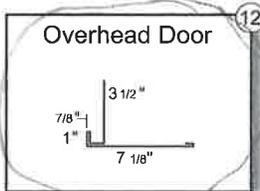
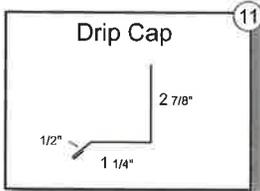
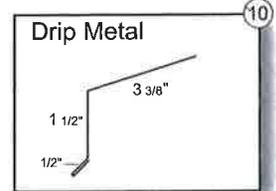
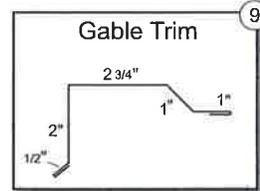
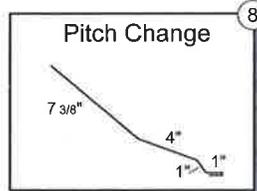
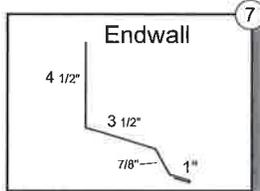
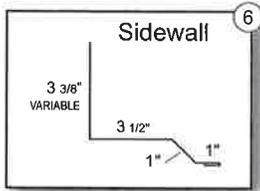
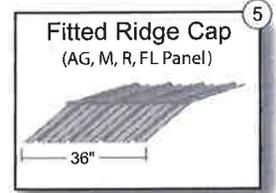
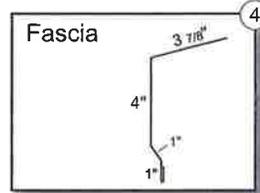
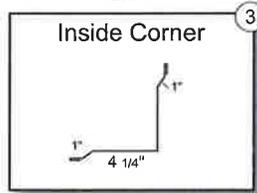
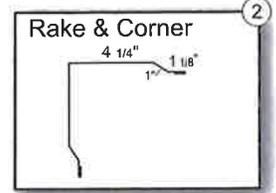
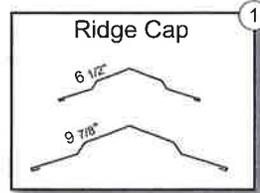
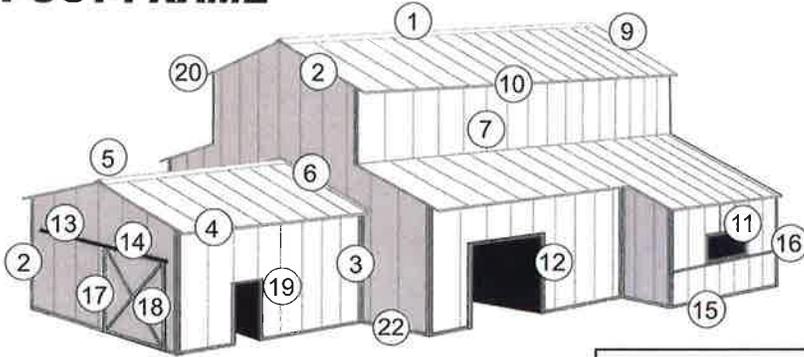
Fern Green



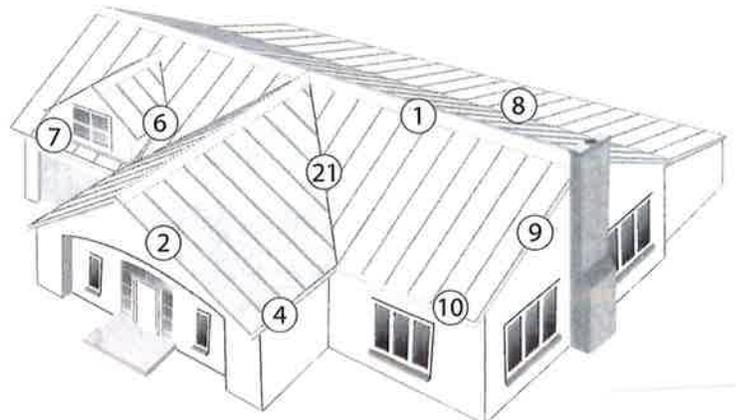
Colony Green

26GA. AG Panel Trims Standard In All Colors

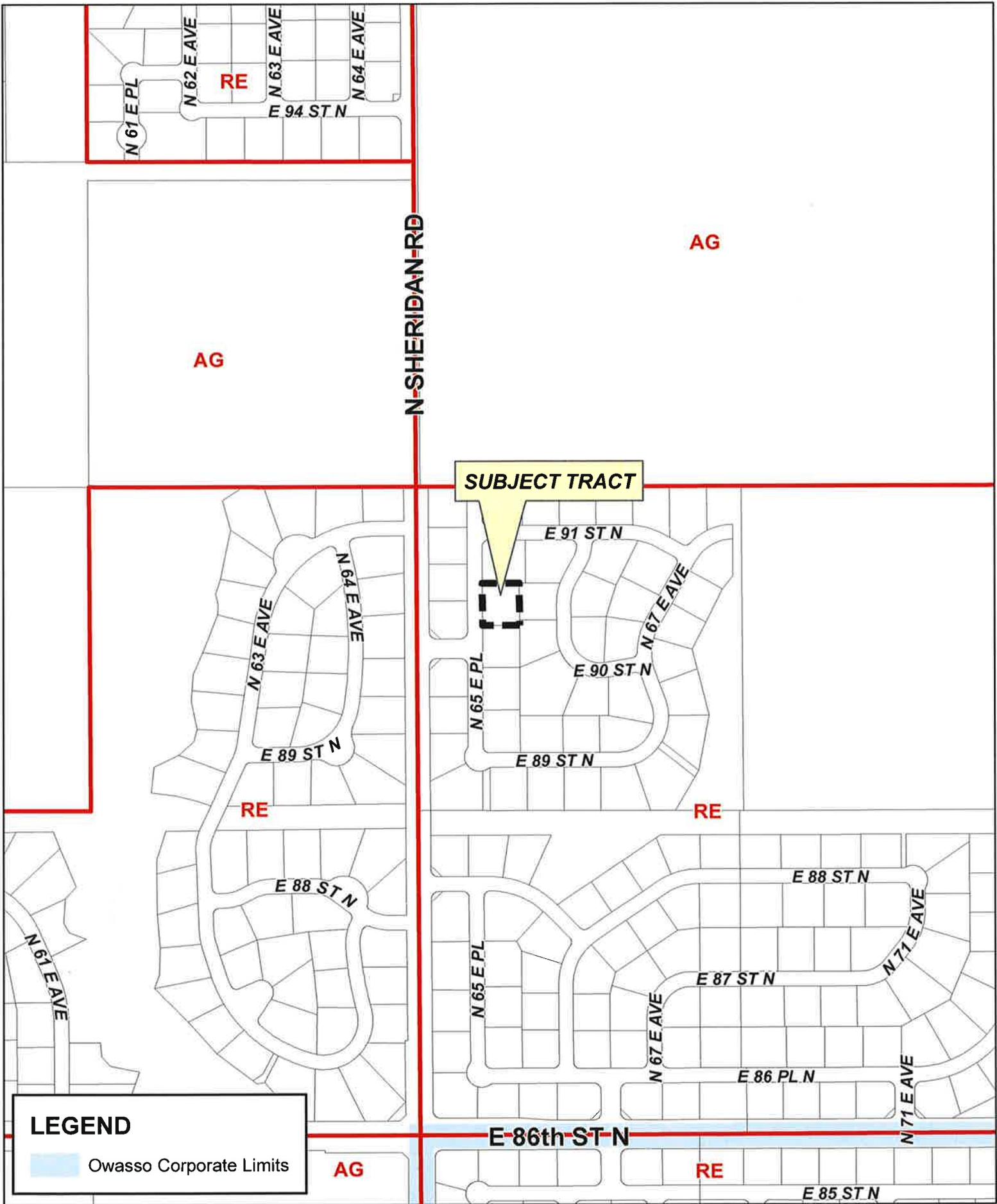
**POST-FRAME**



**RESIDENTIAL**







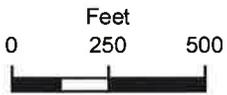
**SUBJECT TRACT**

**LEGEND**

Owasso Corporate Limits

**CBOA-2819**

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1323

**CASE NUMBER:** CBOA-2819

**CZM:** 17

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 06/16/2020 1:30 PM

**APPLICANT:** Smalygo Properties

**ACTION REQUESTED:** Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2).

**LOCATION:** 9015 N 65 PL E

**ZONED:** RE

**AREA:** North Tulsa County

**PRESENT USE:** Residential

**TRACT SIZE:** 0.59 acres

**LEGAL DESCRIPTION:** Lot 2 Block 7, SHERIDAN CROSSING PHASE III

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located within a residential neighborhood and surrounded by RE zoning.

**STAFF COMMENTS:**

The applicant is before the Board to request a **Variance** to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2). According to the site plan, the applicant intends to construct a 24' x 22' or 528 sq. ft. storage/garage building in the side yard, north of the existing house on the site. Section 420.2 states that a detached accessory building shall not be in the front or side yard or encroach upon a minimum setback line. The detached accessory building does not encroach into the minimum 15 ft. side setback requirement.

The applicant provided the statement: *"Required location will adversely affect the natural drainage from existing house at a higher elevation. Connecting structures will serve no access from either and only serve as an area for leaking while meeting Section 420.2."*

**Sample Motion:**

"Move to \_\_\_\_\_ (approve/deny) a Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2).

Finding the hardship to be \_\_\_\_\_.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be

3.2

granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.”



N SHERIDAN RD

N 63 E AVE

N 64 E AVE

E 89 ST N

E 88 ST N

E 86th ST N

N 65 E PL

E 89 ST N

N 65 E PL

N 66 E AVE

N 67 E AVE

E 86 PL N

E 87 ST N

E 88 ST N

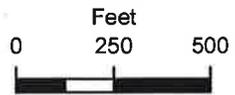
E 85 ST N

E 91 ST N

N 67 E AVE

E 90 ST N

N 71 E AVE



**CBOA-2819**

21-13 23

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

Aerial Photo Date: February 2018

3.4





N SHERIDAN RD

E91 STN

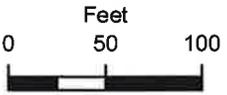
E90 STN

N66 EAVE

N65 EPL

**CBOA-2819**

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



Subject Tract

21-13 23

Aerial Photo Date: February 2018

3.5

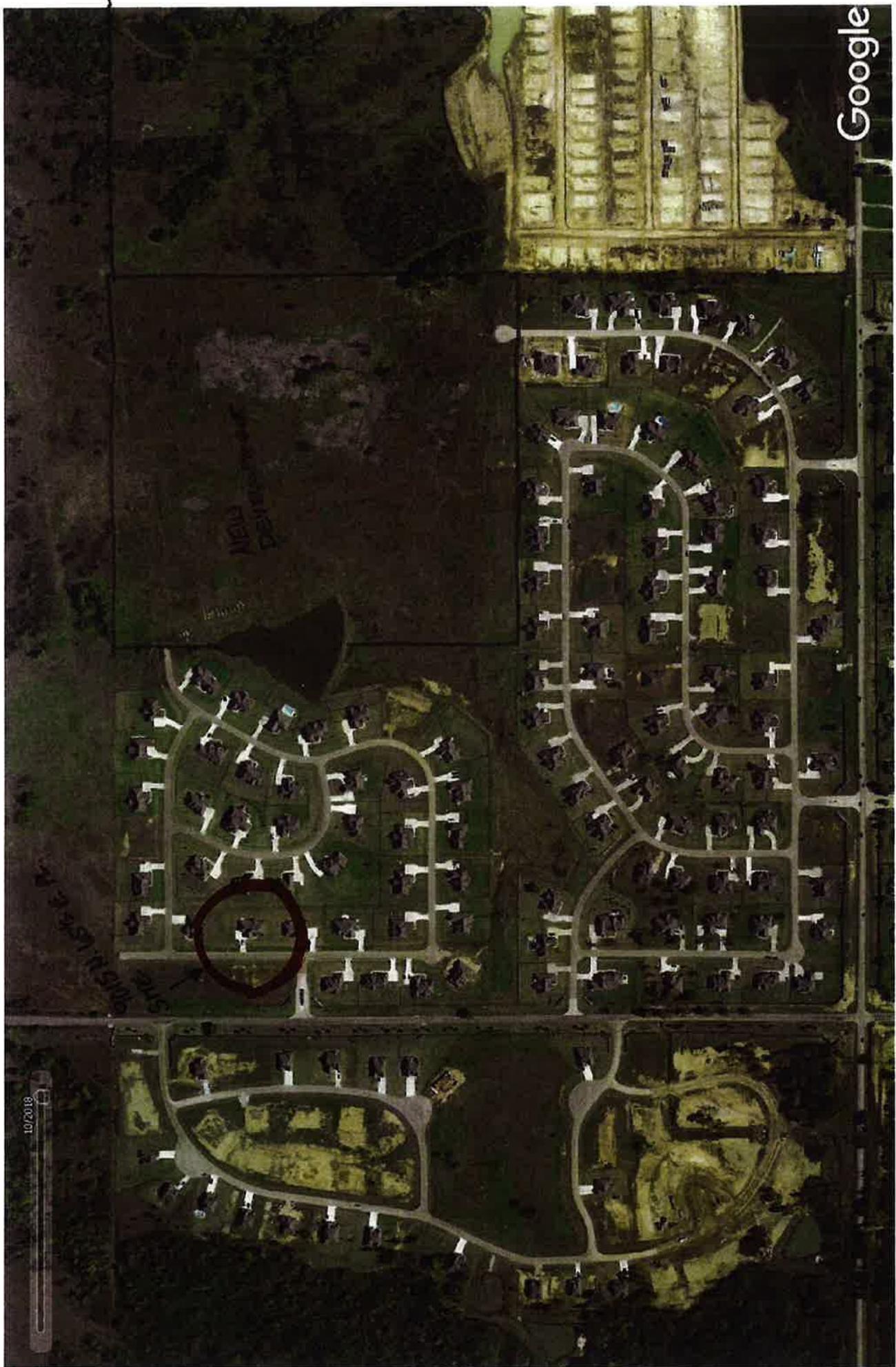




*Looking southeast from N. 65th E. Pl. – showing complete house with accessory building.*



*Looking northeast from N. 65th E. Pl. – showing parcel next to accessory building.*





AA

zillow.com



zillow 9015 owasso - Yahoo Search Results



9015 N 65th East Pl, Owasso, OK 74055 | Zillow

photos

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1 of 36



3.8

Sold: \$374,500 (4 beds, 4 baths, 2,678 sqft)



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2 of 36



3.9

Sold: \$374,500 (4 beds, 4 baths, 2,678 sqft)

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5 of 36



3.10

Sold: \$374,500 (4 beds, 4 baths, 2,678 sqft)



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6 of 36



3.11

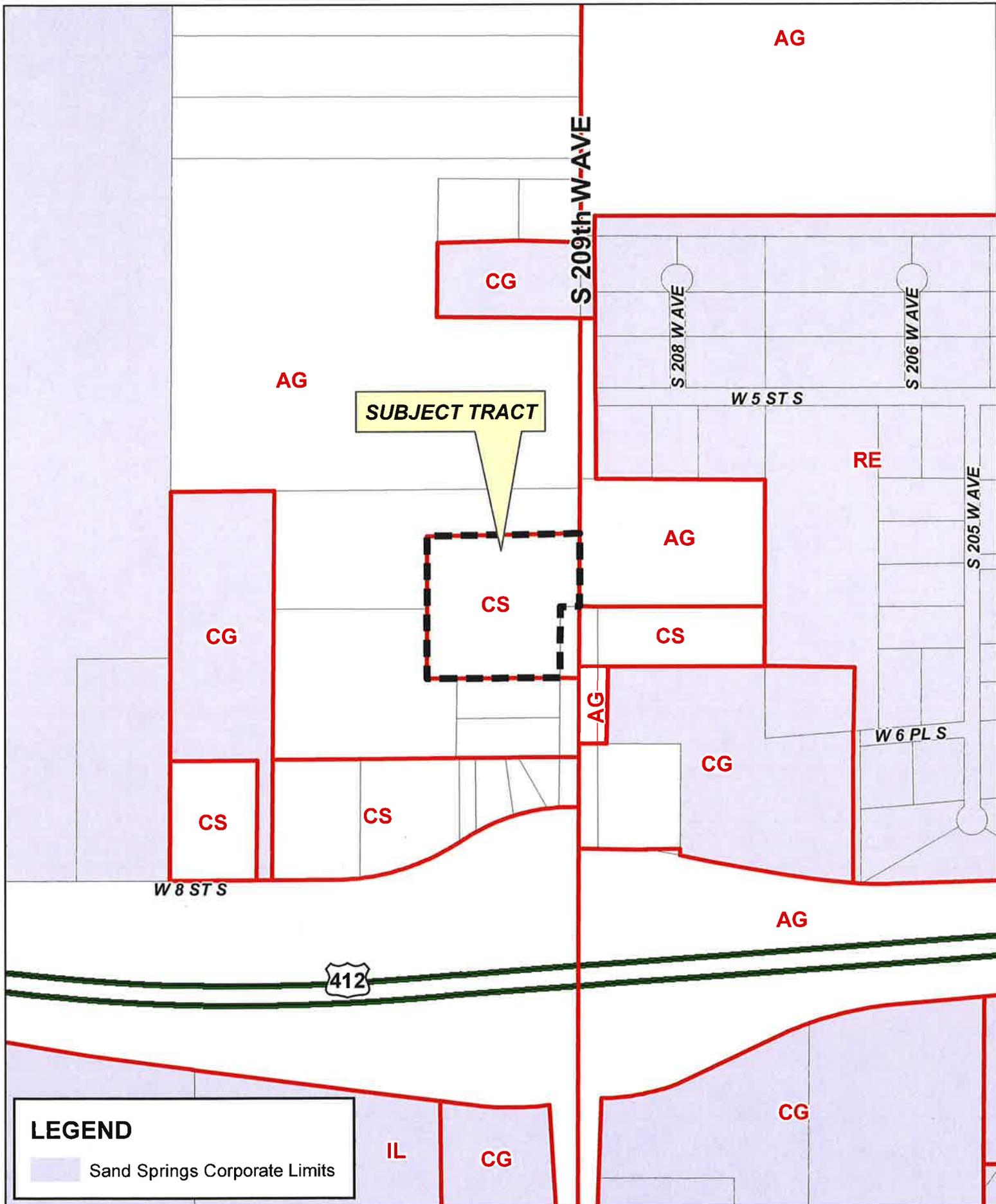
Sold: \$374,500 (4 beds, 4 baths, 2,678 sqft)



9015 N. 65<sup>th</sup> E. PL. - SHERIDAN CROSSING PH II  
LOT TWO (2) BLOCK SEVEN (7)

10/2018

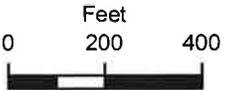
3.12



**SUBJECT TRACT**

**LEGEND**

 Sand Springs Corporate Limits



**CBOA-2820**

19-10 03

4.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9003

**CASE NUMBER:** CBOA-2820

**CZM:** 33

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 06/16/2020 1:30 PM

**APPLICANT:** American Promotional Events

**ACTION REQUESTED:** Special Exception to permit fireworks stand (Use Unit 2) and a Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

**LOCATION:** 526 S 209 AV W

**ZONED:** CS

**FENCELINE:** Sand Springs

**PRESENT USE:** Parking Area for Shopping

**TRACT SIZE:** 5 acres

**LEGAL DESCRIPTION:** BEG 65W & 705N OF SECR NE SE TO POB TH W433.60 N466.69 E498.60 S236.89 W65 S229.80 TO POB SEC 3 19 10 5.0AC,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CBOA-1774 October 2000:** The Board approved a *Special Exception* for Use Unit 17 to allow an overnight campground for RVs, per plan, on property located north of the northwest corner of Keystone Expressway and 2019<sup>th</sup> West Avenue.

**Surrounding Property:**

**CBOA-2676 May 2018:** The Board approved a *Special Exception* to permit a firework stand (Use Unit 2) in an CG District (Section 701) for a period of five years (May 2023). The hours of operation are to be June 15<sup>th</sup> through July 4<sup>th</sup>; 10:00 A.M. to 10:00 P.M., June 15<sup>th</sup> through July 2<sup>nd</sup> and 8:00 A.M. to Midnight July 3<sup>rd</sup> and July 4<sup>th</sup>, on property located at the northeast corner of Highway 64 and 209<sup>th</sup> West Avenue.

**CBOA-2263 May 2007:** The Board approved a *Special Exception* to permit a fireworks stand in a CG district (Section 710); a *Variance* of the required hard surface parking to allow for gravel parking (Section 1340.D).

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoned properties to the north, west, south and partially to the east. The other abutting property to the east is zoned CS. Surrounding uses appear to be commercial and agricultural.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit fireworks stand (Use Unit 2) and a Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years. The site plan submitted with the application proposes a 30' x 70' fireworks tent

4.2

located on the north side of the subject property. The subject tract is zoned CS. A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the CS districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved gravel. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site.

The applicant provided the following hardship: "Would not be practical to require hard paved surface for temporary parking."

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant submitted proposed dates and hours of operation from June 15<sup>th</sup> – July 1<sup>st</sup> from 10:00 a.m. to 10:00 p.m., July 2<sup>nd</sup> – 4<sup>th</sup> from 10:00 a.m. to midnight and July 5<sup>th</sup> – 6<sup>th</sup> from 10:00 a.m. from 10:00 a.m. to 9:00 p.m. They have also requested approval for a ten-year period.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

**Sample Motion:**

"Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit fireworks stand (Use Unit 2) and a Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

Subject to the following conditions (including time limitation & hours of operation, if any): \_\_\_\_\_.

Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Finding the hardship to be \_\_\_\_\_.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."

Case No. 1772 (continued)

Lot 3, Block 21, Charles Page Home Acres #2, Tulsa County, State of Oklahoma.

**Case No. 1774**

**Action Requested:**

Special Exception for Use Unit 17 to allow an overnight campground for RVs. SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES – Use Unit 17, located N of NW/c Keystone Exp. & 209<sup>th</sup> W. Ave.

**Presentation:**

**Barry Hacker**, 1115 Renaissance Dr., represented the owner, **Don Bowden, Jr.** Mr. Hacker stated that the property is zoned CS, surrounded by AG on the north and west, commercial to the east, and AG to the south with a residence owned by Mr. Bowden. He stated that Mr. Bowden would like to open a campground for RV's. He indicated that the Sand Springs Board of Adjustment approved the application.

**Comments and Questions:**

Mr. Tyndall asked if the overnight campground meant one night stays. Mr. Hacker replied that would be the typical stay, it is not intended for a long-term or permanent stay facility.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for Use Unit 17 to allow an overnight campground for RVs, per plan, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A tract in the NE/4 SE/4 of Section 3, T-19-N, R-10-E of the IBM, being more particularly described as Beg. 65' W and 705' N of the SE/c NE/4 SE/4, thence W along a line parallel to the S line of the NE/4 SE/4, 433.60', thence N and parallel to the E line of the NE/4 SE/4 466.69', thence E and parallel to the S line of the NE/4 SE/4 498.60' to a point on the E line of the NE/4 SE/4, thence S along said line 236.89', thence W parallel to the S line of the NE/4 SE/4 65', thence S and parallel to the E line of the NE/4 SE/4 229.80' to the POB, Tulsa County, State of Oklahoma

\*\*\*\*\*

10:17:00:245(4)

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Crall, Hutchinson "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to **APPROVE** the request for a Special Exception to allow a Mining and Mineral processing use (Use Unit 24) in an AG District (Section 310). The approval is limited to the land shown on Exhibit A and located south of Highway 64; not all the land originally advertised. There is to be no blasting. The approval will be limited to five years, May 15, 2023. The applicant is to conform to all the industrial standards for dust control and erosion control; for the following property:

**NE SE LESS 5.95 ACRES FOR RD. SEC 26 17-14; NW SE LESS 7.83 AC FOR RD SEC 26 17 14; NW SW LYING SW NEW HWY 64 SEC 25 17 14 4.46AC; E1/2 SW LESS HW & RY. SEC 25-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**NEW APPLICATIONS**

**FILE COPY**

**2676—American Promotional Events**

**Action Requested:**

Special Exception to permit a firework stand (Use Unit 2) in an CG District (Section 701). **LOCATION:** NE/c of Highway 64 & 209<sup>th</sup> West Avenue, Sand Springs

**Presentation:**

**Lonnie Basse**, American Promotional Events, Inc., 5401 West Skelly Drive, Tulsa, OK; stated this request is for consumer firework sales that was previously granted for a ten-year period and has now expired. The hours of operation will be from June 15<sup>th</sup> to July 6<sup>th</sup>; 10:00 A.M. to 10:00 P.M. from June 15<sup>th</sup> to July 2<sup>nd</sup>; July 3<sup>rd</sup> and July 4<sup>th</sup> the hours will be 8:00 A.M. to midnight.

Mr. Charney asked Mr. Basse if he had any objections from anyone with the City of Sand Springs. Mr. Basse stated that he has not had any objections.

Mr. Charney asked Mr. Basse if he was involved in the operation of the previous stand on the subject property. Mr. Basse stated that he was not.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

*CBDA-2676*

**FILE COPY**

**Board Action:**

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Charney, Crall, Hutchinson "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to **APPROVE** the request for a **Special Exception** to permit a firework stand (Use Unit 2) in an CG District (Section 701) with a time limit of five years, May 15, 2023. The hours of operation are to be June 15<sup>th</sup> through July 4<sup>th</sup>; 10:00 A.M. to 10:00 P.M., June 15<sup>th</sup> through July 2<sup>nd</sup> and 8:00 A.M. to Midnight July 3<sup>rd</sup> and July 4<sup>th</sup>; for the following property:

**PRT NW SW BEG 1437.26N & 65E SWC SW TH N366.95 E261.08 S366.95 W261.08 POB LESS .09AC TO STATE SEC 2 19 10 2.11ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2677—Jason Schultz**

**Action Requested:**

Variance of the minimum land area per dwelling unit (Section 330). **LOCATION:**  
12034 North 145<sup>th</sup> Avenue East

**Presentation:**

**Jason Schultz**, 10208 North 140<sup>th</sup> East Court, Owasso, OK; stated this lot split request is for a six-acre tract and it would be 2.04 acres for a single-family residence.

Mr. Charney asked Mr. Schultz if the tract he is seeking to build on is fronted by a public street. Mr. Schultz answered affirmatively. Mr. Charney asked if there was a mutual access easement running along the northern boundary. Mr. Schultz answered affirmatively. Mr. Charney asked if there was an existing residence on the tract located in the back. Mr. Schultz answered that residence is being built currently.

Mr. Charney advised Mr. Schultz that he carefully construct a mutual access easement along the northerly boundary, having it carefully drafted and placed in the abstract with a maintenance agreement because that is a critical instrument for mortgage financing and resale. Mr. Charney informed Mr. Schultz that the Board does not want the subject property to be split any more, and he asked Mr. Schultz if he agreed with that. Mr. Schultz confirmed his agreement to no more lot splits for the subject property.

Mr. Charney asked Mr. Schultz if the property were going to be served by an aerobic system. Mr. Schultz answered affirmatively.

Mr. Hutchinson asked Mr. Schultz if Tract A and Tract B were going to have shared driveway. Mr. Schultz stated he will be laying his driveway beside to Tract B's driveway.

**Interested Parties:**

**Anthony Jury**, 12931 East 98<sup>th</sup> Street North, stated the residence on the subject property has been unoccupied for two years. He added that the owner has not maintained the property. There is a narrow paved driveway to the house.

**Abigail Jones**, 12902 East 100<sup>th</sup> Street North, Owasso, Oklahoma, submitted a packet of documents in opposition to the application (Exhibit A-1). She spoke for herself and Tammy and Ron Kates, 12990 East 100<sup>th</sup> Street North, Owasso. She stated there was no place to park and the stand would not be compatible with the neighborhood. She commented that 100<sup>th</sup> Street North is not a through street.

**Doug Frances**, 12920 East 101<sup>st</sup> Street North, Owasso, expressed concern for late hours of operation for the fireworks stand, traffic and noise as already mentioned.

**Tammy Kates**, 12990 East 100<sup>th</sup> Street North, Owasso, expressed the same concerns as the other interested parties.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **DENY** Case No. 2260, finding it would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 5 BLK 1 GLENN-MUR ACRES SUB Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 2263**

**Action Requested:**

Special Exception to permit a fireworks stand in a CG district (Section 710); a Variance of the required hard surface parking to allow for gravel parking (Section 1340.D), located: Northeast corner of South 209<sup>th</sup> West Avenue and Highway 64.

**Presentation:**

**Melissa Torkleson**, 1120 South 221<sup>st</sup> West Avenue, Sand Springs, Oklahoma, proposed to open a fireworks stand to be operated by a non-profit organization. They would operate from June 15<sup>th</sup> through July 4<sup>th</sup> and the New Year's seasons from 10:00 a.m. to 10:00 p.m., with the exception of a closing time at midnight on July 3<sup>rd</sup> and 4<sup>th</sup>. She asked for an approval of five years for this temporary use.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Special Exception to permit a fireworks stand in a CG district (Section 710) for a period of five years; per request to operate the stand June 15<sup>th</sup> through July 4<sup>th</sup> and the New Year's seasons from 10:00 a.m. to 10:00 p.m., with the exception of a closing time at midnight on July 3<sup>rd</sup> and 4<sup>th</sup>; finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

On **Motion of Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the required hard surface parking to allow for gravel parking (Section 1340.D), finding the temporary use, on the following described property:

PRT NW SW BEG 1437.26N & 65E SWC SW TH N366.95 E261.08 S366.95 W261.08 POB LESS .09AC TO STATE SEC 2 19 10 2.11ACS Tulsa County, State of Oklahoma

\*\*\*\*\*

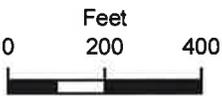
**Case No. 2264**

**Action Requested:**

Special Exception to permit a halfway house in an AG district (Section 310), located: 1821 East 66<sup>th</sup> Street North.

**Presentation:**

**Stephen A. Schuller**, 1100 One Ok Plaza, submitted the site plan and an exhibit (Exhibit B-1 and B-2) to the Board. Mr. Schuller stated the zoning code permits this Use Unit 2 use in an AG district by special exception. This project complies with the bulk and area requirements of the zoning code. It will comply with the off-street parking and loading requirements. He informed the Board that he invited the property owners within 1,000 ft. of the site to a meeting to provide them with information regarding this application. He pointed out the mission of the proposed halfway house is to develop a rehabilitation-based program for the residents to achieve a maximum level of functioning as productive, accountable, law-abiding and responsible citizens through comprehensive assessment, supervision and guidance. This organization provides experienced, professional counselors. The house would be a community-based residential facility established to assist persons leaving structured institutions, such as prisons and jails to transition back into society. Mr. Schuller noted this is the largest federal district in northern Oklahoma that does not have a federal halfway house contractor. They have found these people need to re-establish family and community ties for positive support in the transition. Cornerstone Halfway House would offer a rigorous assessment, and would not admit sex-offenders, drug-users, or violent residents in this house. They perform mandatory and random drug tests. They provide



Subject Tract

**CBOA-2820**

19-10 03

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

Aerial Photo Date: February 2018



S 209th W AVE



Subject Tract

**CBOA-2820**

19-10 03

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

Aerial Photo Date: February 2018

4.10





*Looking north into parking lot where the proposed fireworks stand will be located.*



*Looking south down S. 209<sup>th</sup> W. Ave from the proposed location of the fireworks stand.*



N

Western Market's Feed & Lumber  
526 S. 209th Av. W.  
Sand Springs, OK 74063

4-28-2020

Western Mkt  
Feed & Lumber

70'  
Tent

Expanded

Canopy

15'

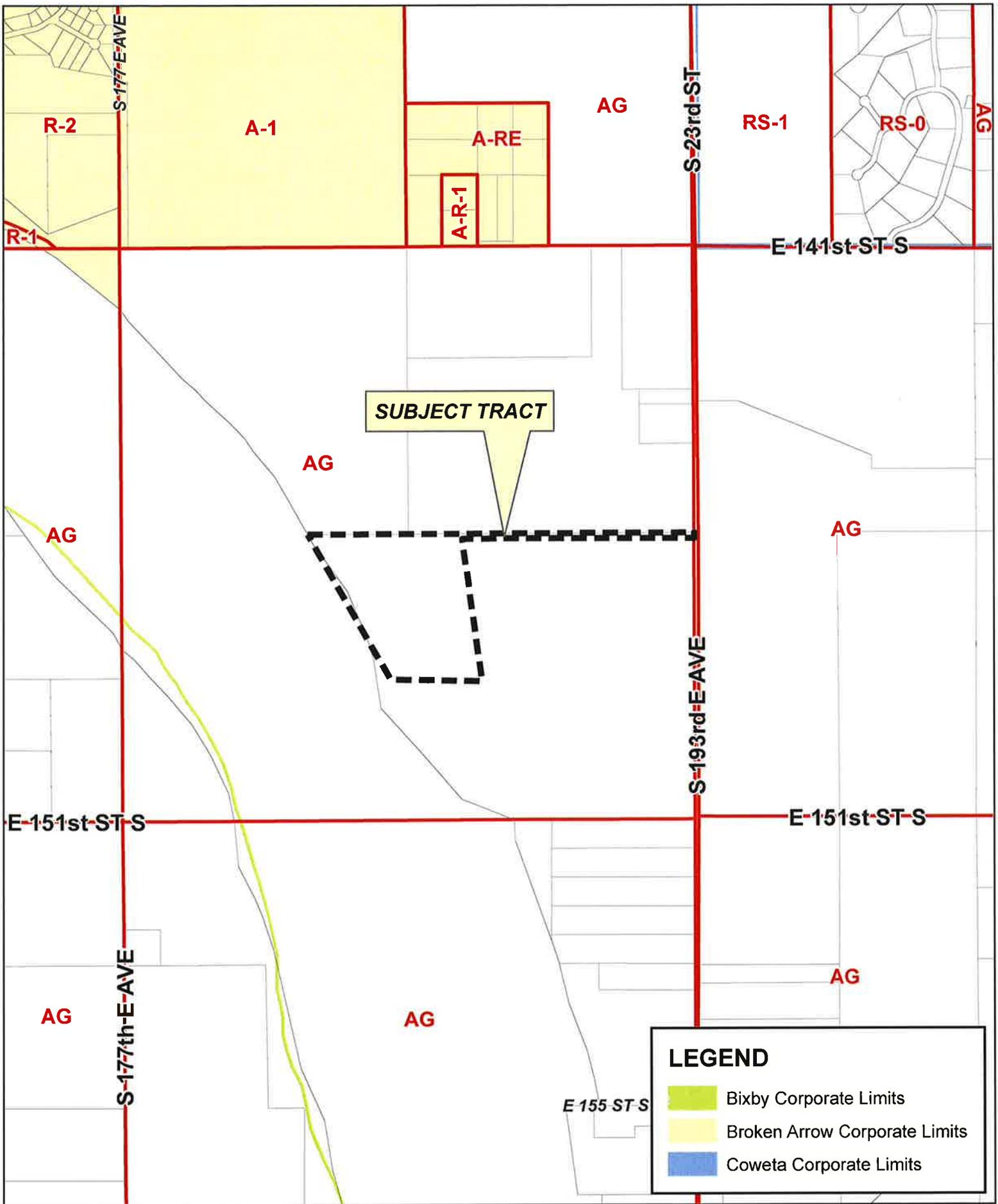
permitted  
height

209th W. Av.

Dollar General

CB04-2820

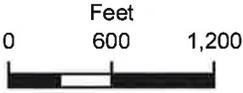
4.12



**SUBJECT TRACT**

**LEGEND**

- Bixby Corporate Limits
- Broken Arrow Corporate Limits
- Coweta Corporate Limits



**CBOA-2821**

**5.1**



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7413

**CASE NUMBER: CBOA-2821**

**CZM:** 64

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 06/16/2020 1:30 PM

**APPLICANT:** Holliday Sand & Gravel Company, Inc.

**ACTION REQUESTED:** Special Exception to permit Use Unit 24, Mining and Mineral Processing, (Section 1224) in an AG District (Sec. 310, Table 1).

**LOCATION:** SW of E. 141st St. S. & S. 193rd Ave. E.

**ZONED:** AG

**FENCELINE:** Broken Arrow

**PRESENT USE:** Agriculture

**TRACT SIZE:** 36.64 acres

**LEGAL DESCRIPTION:** Commencing at the Northeast Corner of the Southeast Quarter of Section 13, Township 17 North, Range 14 East, said point being the Point-of-Beginning; thence N 90°00'00" W (assumed), along the North line of the South one-half of said Section 13, a distance of 3490.00' to the East line of the Arkansas River; thence S 30°54'00" E, along the said East line of the Arkansas River, a distance of 1538.34' to a point 1320' south of the said North line of said South one-half of said Section 13; thence N 90°00'00" E, 1320' south of and parallel to the said North line of said South one-half of said Section 13, a distance of 840.00'; thence N 08°56'58" W, a distance of 1285.65' to a point 50.00' south of the said North line of said South one-half of said Section 13; thence N 90°00'00" E, 50.00' south of and parallel to the said North line of said South one-half of said Section 13, a distance of 2060.00' to the east line of Southeast Quarter of said Section 13; thence N 00°00'00" W, along said east line of Southeast Quarter of said Section 13, a distance of 50.00' to the Point-of-Beginning. Said tract contains an area of 36.644 acres, more or less.

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts agricultural zoning in all directions. The Arkansas River is to the west and Wagoner County is to the east. The corporate limits of Broken Arrow begin north of E. 141<sup>st</sup> St. S.

**STAFF COMMENTS:**

The applicant is requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing, (Section 1224) in an AG District (Sec. 310, Table 1). A Special Exception is required as the proposed mining and quarrying operation is not permitted by right in an AG district because of potential adverse effect, but which if controlled in its relationship to the neighborhood and to the general welfare, may be permitted.

1224.3 Use Conditions: The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, shall consider potential environment influences, such as dust and vibration, and shall establish in the particular instance, appropriate protective conditions such as setbacks, screening, and method of operation, as will mitigate the adverse effect on proximate land uses.

The applicant has provided a detailed Project Description and copy of their Good Neighbor Trucking Policy (see attached documents).

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed mining (dredging) and quarrying of sand is compatible with the surrounding neighborhood.

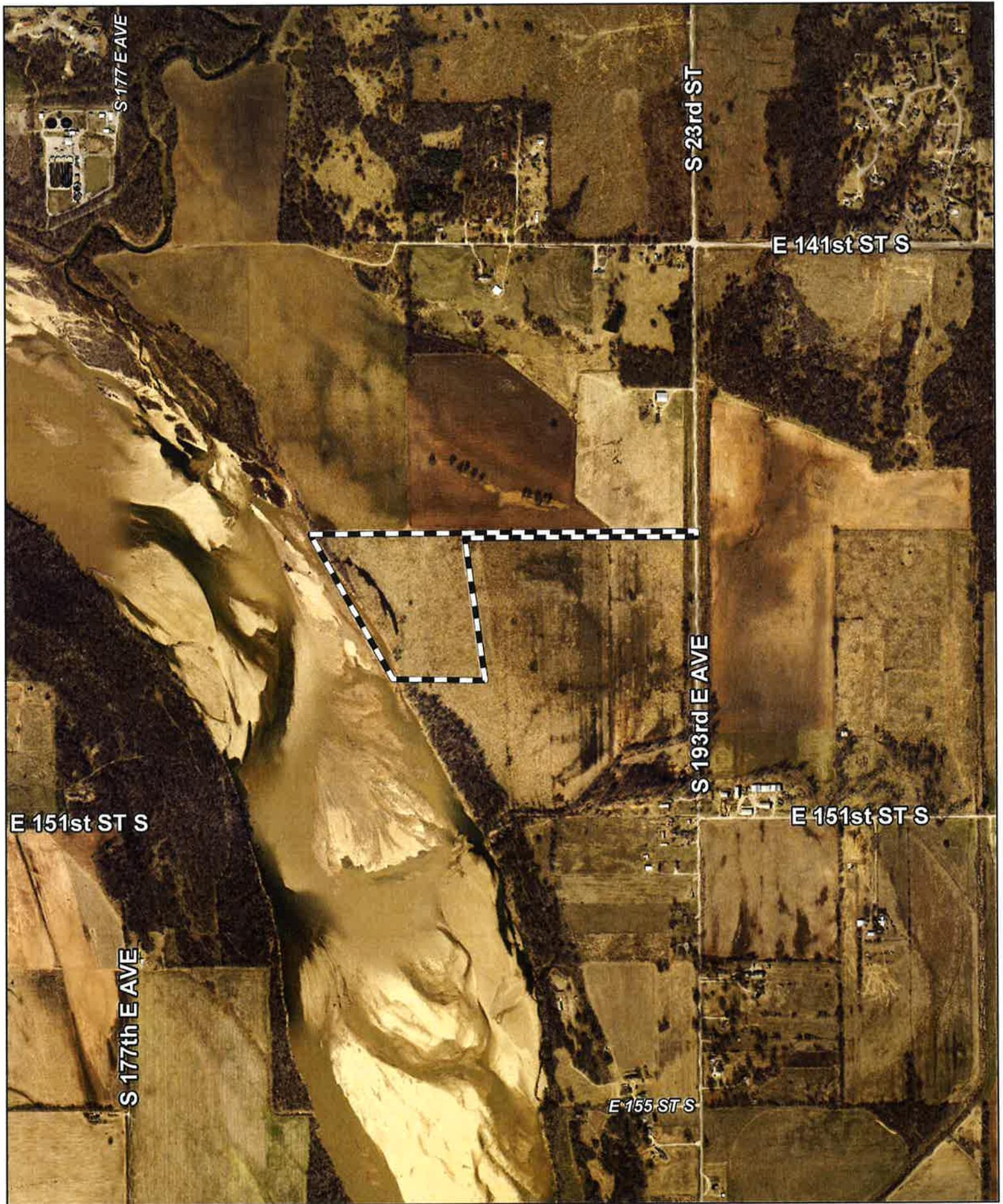
5.2

**Sample Motion:**

***“Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit Use Unit 24, Mining and Mineral Processing, (Section 1224) in an AG District (Sec. 310, Table 1).***

***Subject to the following conditions (including time limitation, if any): \_\_\_\_\_.***

***In granting a Special Exception, the Board finds that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.”***



S 177th E AVE

S 23rd ST

E 141st ST S

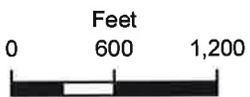
S 193rd E AVE

E 151st ST S

E 151st ST S

S 177th E AVE

E 155th ST S



Subject Tract

**CBOA-2821**

17-14 13

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

Aerial Photo Date: February 2018

5.4





*Looking south on S. 193rd E. Ave. - subject property is on the right but the exact location of entrance was unclear.*



*Looking north on S. 193rd E. Ave. - subject property is on the left but the exact location of entrance was unclear.*

### Project Description

Holliday Sand & Gravel Company requests a Special Exception from the Tulsa County Board of Adjustment under Use Unit 24, Section 310, in an AG District to locate a sand plant to dredge sand and gravel from the Arkansas River for commercial purposes.

Holliday proposes to operate a sand plant on 37 acres approximately one-half mile southwest of South 193rd Avenue East (County Line Road) and East 141<sup>st</sup> Street South (Yazoo), approximately one-half mile southwest of the Broken Arrow city limits.

Holliday plans to operate a floating cutter suction dredge on the adjacent 96 acres of the Arkansas River. See a detailed operation description on the last page of this document.

### Summary Points

- Ongoing need for sand for concrete construction and paving
- Existing sand plant sites are overworked and depleting
- A sand plant is an appropriate land use for floodplain land zoned AG.
- Low density housing, rural location.
- Close to the turnpike, minimizing trucking impacts.
- Holliday has an active program that controls trucking impacts through close monitoring and strict enforcement of its established *Good Neighbor Trucking Policy* (included below).

### Need

- Construction in the Tulsa area is booming.
- Demand for sand for concrete is growing beyond the capacity of the existing sand plants.
- As existing sand deposits and sites are exhausted new sites must be located, zoned, built and operated in time to prevent a shortage of construction aggregates.

### Siting Factors

The proposed sand plant site is an appropriate location:

- Rural area
- Low population density
- Only 2.8 Miles from Creek Turnpike
- Excellent sight distance on 193<sup>rd</sup> Street
- ½ mile plant setback from 193<sup>rd</sup> Street
- No homes within ½ mile of the sand plant equipment

- No homes within ¼ mile on the opposite side of the River
- 

### **Project Description**

Please see detailed description of process and equipment on last page.

### **Schedule of Operation**

- Sales and truck loading: 7 AM to 4 PM on weekdays (**Will be strictly enforced!**)
- Sand dredging and processing activities: 7 AM start time weekdays. 1 – 10 hour shift is normal but during peak demand a second 10-hour shift would be added on weekdays only. Dredge normally operates 75% of the time.
- The projected life of the operation is approximately 15 to 20 years.

### **Environmental Impact**

Holliday Sand & Gravel Company is committed to being a good neighbor through:

- Strict enforcement of its *Good Neighbor Trucking Policy* (next to last page below)  
**Any violations result in no longer getting loaded at any Holliday Sand plants.**
- Responding to and allocating resources to address concerns of our community (e.g.: speed signs, trucker training, enrollment in *Good Neighbor Trucking Policy* program, monitoring and follow up for observed violations, prompt response to any concerns of residents, street sweeping if needed, and maintenance of access road and drive entrance on 193<sup>rd</sup> Street.
- No trucks loaded before 7 AM, or after 4 PM.
- Installation of 2 - Radar Signs on 193<sup>rd</sup> Street either side of the plant driveway, which has shown to be extremely effective in reducing speeds and the potential for accidents.
- Application of noise reduction methods and materials (e.g.: engine silencers, noise barriers, strobe backup alarms (when dark), rubber chute liners and screening media).

**Following is our evaluation of potential impacts and how we will mitigate them.**

### **Residences**

Approximate location of residences from the sand plant operation:

- ½ mile radius = 0 residences
- 1 mile radius = 25 residences

Mitigation of impacts to residences consists of limited hours of loading and operation, noise control and dust control. See further details below.

**Schools**

- No schools or crosswalks are located on the proposed truck route. 1000 feet north of 131<sup>st</sup> is a single school bus stop. Speed limit there is 45 mph.
- Holliday will monitor the bus stop for any incidences that involve trucks by contacting the school, bus company, guard or nearby neighbors and giving them our Area Manager's phone number and encouraging them to contact us immediately.
- Even if it is not one of our customer trucks, we will follow up with that trucking company.

**Traffic**

- Speed limit is 50 mph south of 131<sup>st</sup> Street on 193<sup>rd</sup> where the plant driveway is located.
- Line of sight is at least ½ miles in both directions on 193<sup>rd</sup> Street.
- At 55 MPH it will take about 6 seconds to stop a truck and the truck will have traveled about 512 feet. (Existing line of site is ½ mile.)
- 2018 INCOG-AADT average daily traffic counts:
  - Are low on S. 193<sup>rd</sup> Avenue East where the plant entrance drive would be = 2420 average vehicles per day.
  - Once north of E. 141<sup>st</sup> Street S. it increases to 6212 vehicles per day.

**Additional Radar Signs will be installed on 193<sup>rd</sup> Avenue, both directions from the driveway entrance. See Holliday's existing Radar Signs at the end of this document.**

- Holliday will regularly monitor all trucks on 193<sup>rd</sup> for speeding, noise, and if needed install cameras to document compliance.
- Violation of the designated trucking route will result in permanently being denied loading.
- Estimated volume of truck traffic coming and going from the plant:  
Per Hour:     Min. = 0        Max. = 10     Ave. = 5  
Per Day:       Min. = 0        Max = 100    Ave. = 50
- No loaded trucks are permitted to leave the plant overloaded or untarped.

**Dust Control**

- At least 75 feet of the plant driveway approach to S 193<sup>rd</sup> Avenue East will be surfaced to prevent tracking of material.

- Haul roads within the site will be watered during dry dusty conditions with a water truck.
- Any sand tracked onto 193<sup>rd</sup> Avenue will be swept up and removed as needed.
- The washed sand stockpiles do not emit dust.
- There are no dust emitting processes involved (no crushing or dry screening).

### Noise

- Loading equipment will utilize strobe backup lights instead of beeping alarms before and after sunset.
- Dredge and plant equipment would have limited hours of operation from 7 AM to 4 PM on weekdays.
- The dredge is diesel powered and is equipped with a hospital rated silencer, so noise is not above 85 decibels at the dredge itself. The dredge would operate 18 feet below grade, at the level of the water table.
- Application of noise reduction methods and materials (e.g.: engine silencers, noise barriers, strobe backup alarms (when dark), rubber chute liners and screening media) throughout the plant.

### Visual

The sand stockpiles are up to 30 feet in height and provide an excellent visual and noise barrier around the plant.

The plant is ½ mile back from 193<sup>rd</sup> Street.

### Light

Light pollution to nearby residences (1/2 to one mile away) will be prevented with either light fixtures that emit downward light only or that are directed away from the sightline of residences.

### Structures

The following is a list of the facilities or equipment to be erected on site:

(Structures, fuel tank, electrical and sanitary facilities would be placed 2 feet above the 100-year flood plain elevation.)

- Three phase pole mounted electrical power will be brought to the site by PSO.
- Truck scale - 11' x 70' low profile
- Office - 14' x 30' Prefabricated Quarry Office
- Two portable toilets
- Parking area adjacent to office – 20' x 50'
- Fenced parking for front end loaders - 50' x 60, six-foot chain link
- 2 – 2000 gallon diesel storage tanks with containment
- Powerhouse for plant switchgear – small building 8' x 12', 10 feet tall.
- Sand processing equipment - on 20' x 60' pad, 40 feet tall.
- Sand stockpiling belt conveyors - 100' long, 30' high, 2 each.

### **Pollution Prevention**

- Holliday Sand is committed to the prevention of contamination of the ground and groundwater, and surface water from project materials.
- The only bulk chemicals (55 gallons or greater) stored on site are diesel fuel and lubricating oil. Biodegradable hydraulic oil is used on the floating dredge in the river.
- A Stormwater Pollution Prevention Plan is being prepared to address the potential contaminants such as fuel and oil. It will establish procedures for training and inspection for the prevention and if needed cleanup of spills.
- A dredged water discharge and stormwater permit will be obtained through OK Department of Environmental Quality prior to operation.
- The river water discharge from the plant flows into a large settling basin for removal of fine sand and silt prior to release back to the Arkansas River.
- Monthly samples are taken, tested per OK DEQ guidelines and the results reported monthly.
- Fines are removed regularly from the settling basin and blended with saleable product.

### **Flood Plain**

- The proposed site lies within the 500-year flood plain.
- The office, fuel tanks and electrical switchgear will be elevated as required by flood code.
- Should bank erosion occur during the project, Holliday has the equipment and resources committed to stabilize any eroded areas over the life of the project.

### **Flood Contingency Plan**

The following are actions to be taken should flooding be eminent at the proposed project site:

- Sell and/or transport material stockpiles from the flood plain if possible.
- Contact PSO and electrician to disconnect electric power
- Cease operations, de-energize all electric powered equipment
- Verify an escape route out of the flood plain
- Secure or remove all equipment that could float: dredge, pontoons, fuel tanks, pipe
- Remove all portable equipment from the floodplain to higher ground

### **Security Fencing**

To prevent the public and livestock access to the sand plant and entrance road, a 4-foot tall fence (matching the existing livestock fencing) will be installed with warning signs attached every 100 feet.

**Examples of signage design:**



**Reclamation**

The projected life of the plant is 15 to 20 years depending on river flows  
All mining is by floating dredge in the river. There will not be any pit mining on land.

Upon completion of mining operations:

1. Remaining stockpiles would be sold
2. Any minor amount of sand or gravel will be graded level
3. All sand plant equipment will be removed, and plant equipment concrete footings and slab would be removed.
4. Settling pond would be backfilled and graded smooth
5. The two 2000 gallon diesel fuel tanks would be removed and closed out according to OCC requirements.
6. OK Department of Mines will inspect for compliance prior to the required bond release (\$1000/acre).

**Additional Permits Pending**

The Project will be regulated by the following agencies and application for those permits will ensue pending Tulsa County approval of a Special Exception:

- U.S. Army Corps of Engineers - Wetland determination and Section 404
- Oklahoma Department of Mines - Non-Coal Mining Permit
- Oklahoma Department of Environmental Quality - water permits
- Tulsa County building and driveway permits

***Holliday Sand & Gravel Company***  
**Good Neighbor Trucking Policy**

Holliday Sand & Gravel is committed to operate its facilities in a safe and courteous manner. That commitment requires your hauling our products on the local roadways and through neighborhoods like a professional.

Holliday Sand & Gravel will **REFUSE TO DO BUSINESS** with haulers that do not demonstrate safe and courteous practices and comply with the following rules.

**HOLLIDAY SAND HAS ADOPTED THE FOLLOWING AS OUR MINIMUM SAFE AND COURTEOUS GUIDELINES FOR ALL TRUCKS THAT WE LOAD:**

- ✓ **OBEY THE SPEED LIMIT – ESPECIALLY RESIDENTIAL AREAS**
- ✓ **DO NOT ARRIVE AT THE PLANT BEFORE THE POSTED OPENING TIME – THIS VIOLATES OUR COUNTY PERMIT**
- ✓ **NO PARKING ON PUBLIC ROADS OUTSIDE THE PLANT ENTRANCE**
- ✓ **NO AGGRESSIVE DRIVING – NEVER CROSS THE CENTERLINE**
- ✓ **DISENGAGE THE JAKE BRAKE SYSTEM AND DRIVE SLOW ENOUGH THAT IT IS NOT NEEDED TO STOP SAFELY**
- ✓ **WATCH FOR CHILDREN PLAYING, RIDING BIKES, AND AT BUS STOPS AND BE PREPARED TO SLOW DOWN OR STOP**
- ✓ **TARP AND DO NOT ALLOW SAND TO SPILL OUT ON THE ROAD**
- ✓ **COMPLY WITH ANY SPECIALLY DESIGNATED HAULING ROUTES**

**FAILURE TO FOLLOW THESE GUIDELINES WILL RESULT IN A REFUSAL TO LOAD YOUR TRUCK AT ANY OF OUR FACILITIES.**

As a truck operator that wishes to be loaded by Holliday Sand & Gravel Company, I have read these Guidelines, and agree to comply with them as a minimum standard.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Today's Date: \_\_\_\_\_

DESCRIPTION OF DREDGING AND PROCESSING OPERATION  
ON THE ARKANSAS RIVER – TULSA COUNTY, OK

Sand and gravel would be removed hydraulically from the Arkansas River bottom by a diesel-powered floating cutter suction dredge. Material would be dredged to a depth of approximately 12 feet below the ordinary low water level. The sand-gravel slurry is then pumped through a floating pipeline to the processing plant on land. The sand-gravel slurry is discharged onto a scalping screen to separate the plus 3/8" gravel from the sand slurry. The sand slurry passing through the screen enters a sizing tank containing river water. The sand settles to the bottom of the tank and is selectively removed through valves in the tank bottom to produce various aggregate specifications. This slurry then enters a dewatering screw which discharges onto a conveyor belt placing the sand in conical piles over subsurface drains for final dewatering. Approximately 40,000 square feet would be needed for stockpiles.

Return water from the plant consists of river water and some wasted sand which has overflowed the weirs of the sizing tank and dewatering screw. This return water gravity flows by pipeline into a settling pond (approx. 75' x 250'). Solids collected in the settling pond are mechanically removed. The pond discharge water is then routed back to the river through a pipe. Discharge water samples are taken monthly, tested for pH and suspended solids and the results reported to the Oklahoma DEQ.

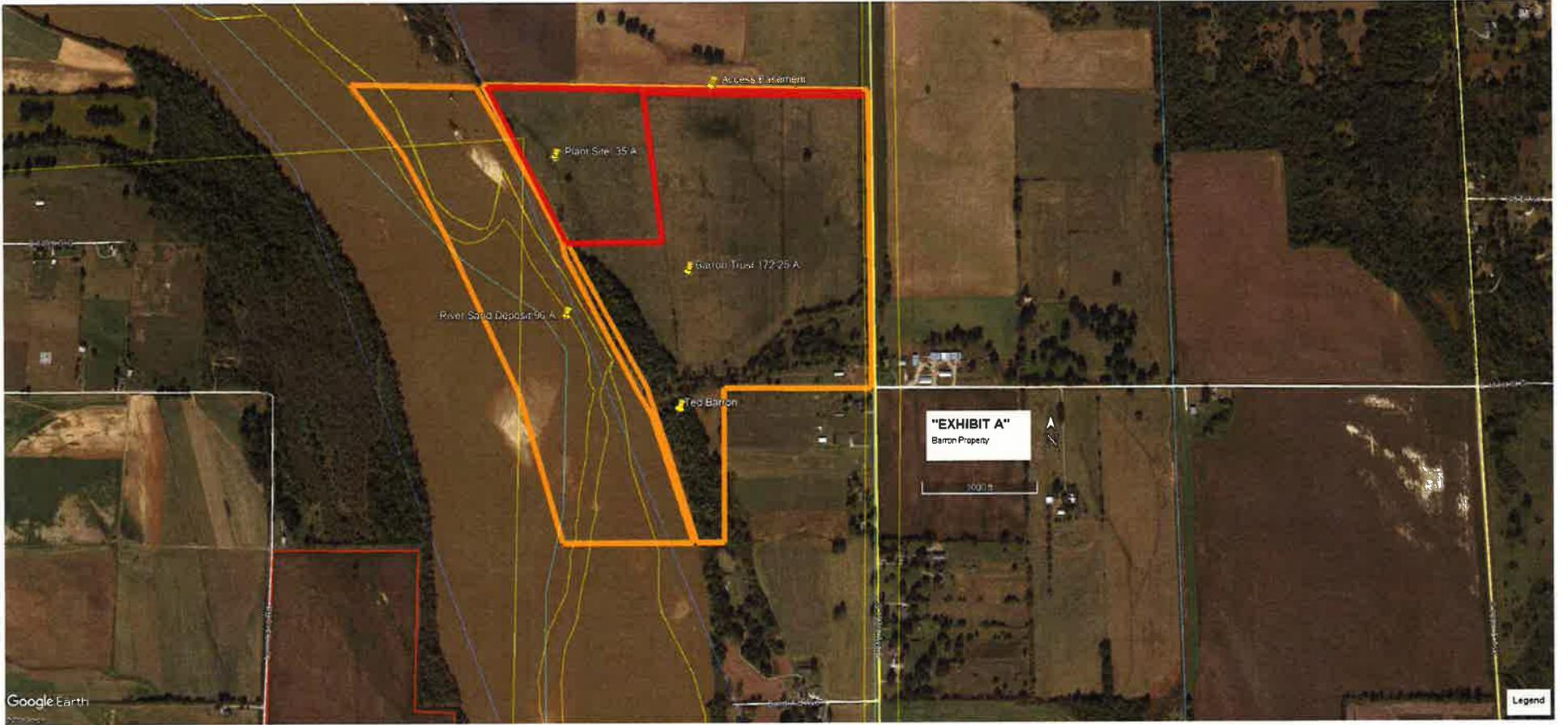
Approximately 300,000 tons of sand and gravel would be removed annually at this site. The dredge and plant would operate approximately 2500 hours a year.

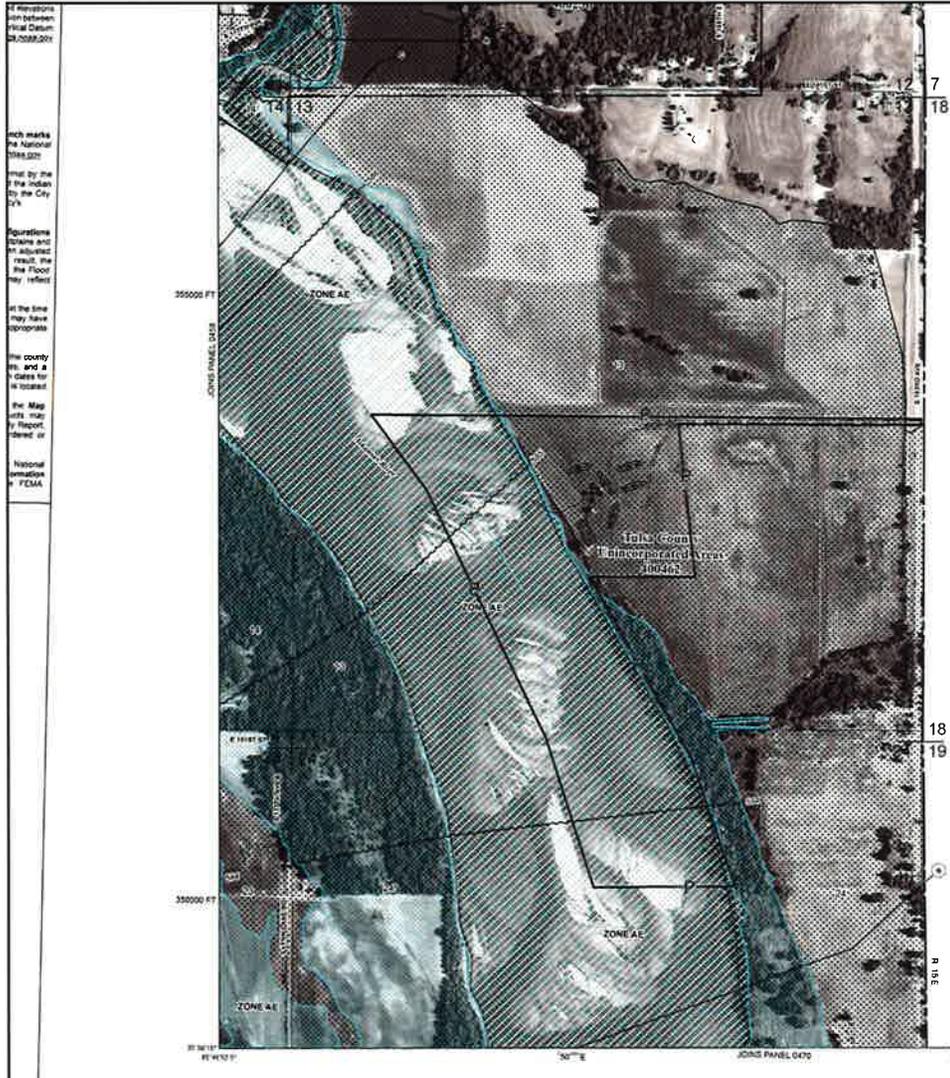


Holliday's RadarSign on E. 161<sup>st</sup> Street South



Holliday's RadarSign on S. 193<sup>rd</sup> Avenue East





Section 13, Township 17N, Range 14 E  
 Tulsa County, OK.  
 ±133 Acres (±37 Acres Land, ±96 Acres River)  
 Portion of the Leonard and Coweta, OK.  
 Quadrangles  
 USGS

— P — Proposed Permit Boundary  
 (±37 Acres Land)  
 (±96 Acres River)



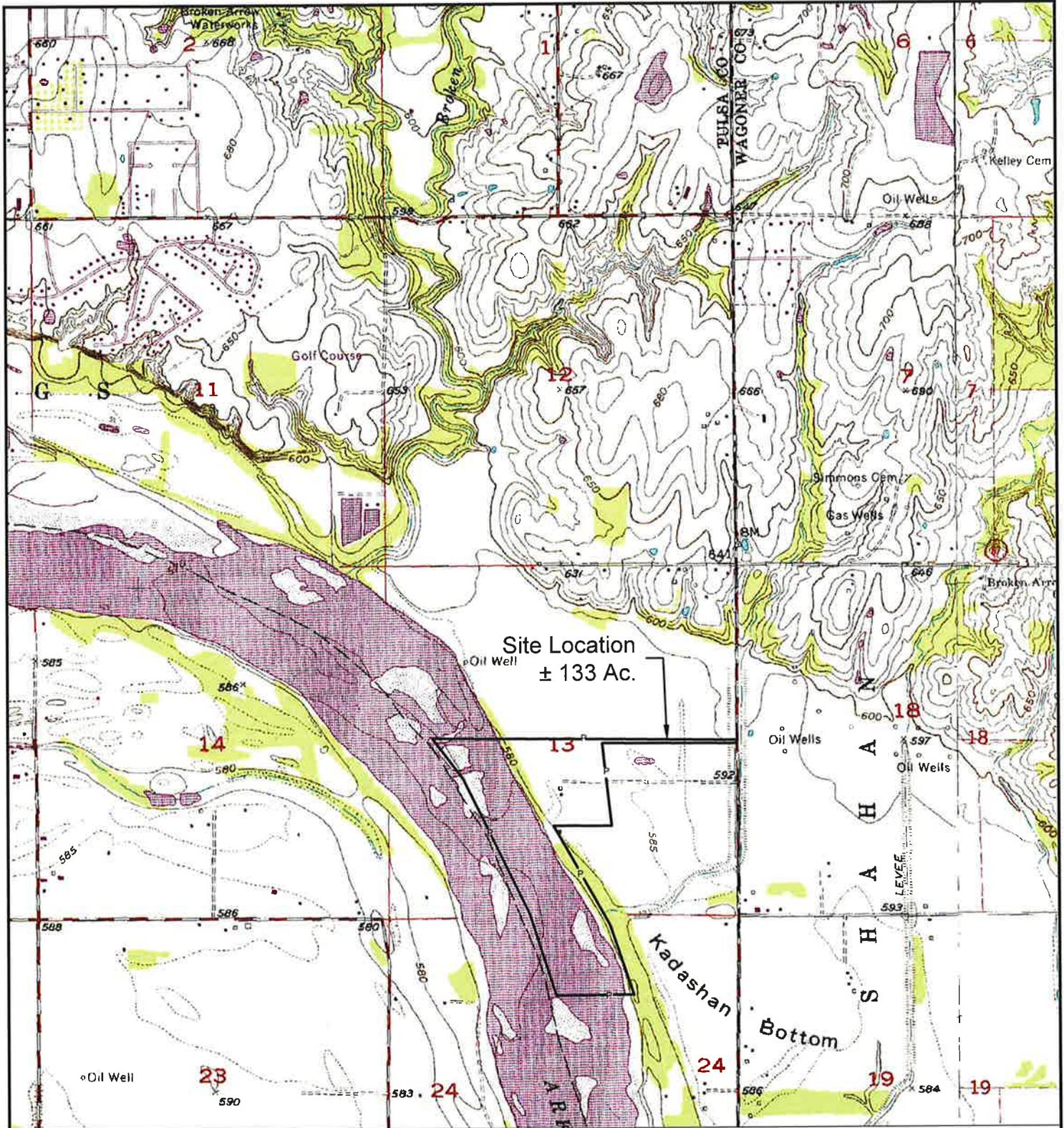
Portion of FEMA Map Number  
 40143C0459L  
 September 30, 2016

Holliday Sand Gravel LLC  
 North Broken Arrow  
 Plant #21  
 Flood Zone Map

drawn by	date	Triad Environmental Services P.O. Box 1057 Ponca City, OK 74602 Tel: 405.231.9999 Fax: 405.231.0841
MG	05/2020	

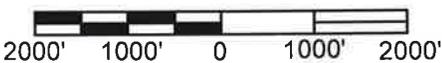
X:\Triad Projects\08-21\08-0627 Rev. Aug 2015.dwg (N. Broken Arrow Flood Map)

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Sect 13, T17N, Rng 14 E  
 Tulsa County, OK.  
 ±133 Acres (±37 Acres Land, ±96 Acres River)  
 Portion of the Leonard and Coweta, OK. Quadrangles  
 USGS

Scale



Holliday Sand & Gravel Co.  
 North Broken Arrow  
 Plant #21  
 General Location Map

drawn by	date	Triad Environmental Services P.O. Box 1507 Pittsburg, KS 66762 (620) 231-5650 V (620) 231-5651 F
MG	05/2020	



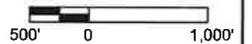
Section 13, Township 17N, Range 14 E  
 Tulsa County, OK.  
 ±133 Acres (±37 Acres Land, ±96 Acres  
 River)  
 Portion of the Leonard and Coweta, OK.  
 Quadrangles  
 USGS

— P — Proposed Permit Boundary  
 (±37 Acres Land)  
 (±96 Acres River)

Site  
 Plan



Scale



Google Earth

Google Earth Aerial Date: October 2018

Holliday Sand & Gravel Co.  
 North Broken Arrow  
 Plant #21  
 Site Location Map

drawn by	date	Tris Environmental Services P.O. Box 1028 Poncha, KS 66192 4020 274444 Pw 2015 1014661
MG	05/2020	

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AG

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SUBJECT TRACT

E 191st ST S

S 129th E AVE

AG

AG

RE

S GARNETT RD



CBOA-2822

6.1



16-14 08

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 6408

**CASE NUMBER:** CBOA-2822

**CZM:** 73

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 06/16/2020 1:30 PM

**APPLICANT:** Leah Harris

**ACTION REQUESTED:** Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 1203) and a Variance from the all-weather parking surface requirement (Section 1340.D).

**LOCATION:** 11616 E 191 ST S

**ZONED:** AG, RE

**FENCELINE:** Bixby

**PRESENT USE:** Agricultural

**TRACT SIZE:** 40 acres

**LEGAL DESCRIPTION:** NW NW SEC 8 16 14 40ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

CBOA-466 July 1984: The Board **approved** a *Special Exception* to allow oil and gas wells in a RE zoned district, per conditions, located at the southeast corner of East 191st Street South and Garnett Road, the subject tract.

CZ-80 July 1983: All concurred in **approval** of a request for *rezoning* a 160± acre tract of land from AG to RE on property located at the southeast corner of 191st Street South and South Garnett Road from AG to RE. All concurred in **approval** of the requested RE zoning, less and except the property containing a cemetery in the northwest corner of the subject tract.

**Surrounding Property:**

CBOA-2615 January 2017: The Board **denied** the request for a *Variance* to allow two dwellings on one lot of record and a *Special Exception* to permit a manufactured home in the RE District, on property located at 11790 East 191st Street South, Bixby.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located in a rural area with AG zoning to the west and north. It abuts RE zoning to the east and south. A portion of the subject property is zoned AG and is the site of a cemetery. Surrounding uses appear to be agricultural or vacant with a smattering of residential.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 1203) and a Variance from the all-weather parking surface requirement (Section 1340.D).

6.2

A Use Variance is required as Agriculture is not a use permitted in an RE zoned district because of the potential adverse effects on neighboring properties. A horticulture nursery must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: *"We were told that the land we purchased with the intention of agriculture was already zoned as agriculture, however, it is not. We have a business in agriculture and need it zoned appropriately."*

According to the submitted site plan, the applicant has two 9,975 sq. ft. buildings and will construct another 2,500 sq. ft. building. It is unclear if all buildings will be used for a horticulture nursery. The total aggregate square footage is 22,450 sq. ft.

The applicant proposes an unpaved (gravel) parking lot. The Code requires all paving surfaces be paved to maintain a minimum level of aesthetics, but more importantly to control air-borne particles like dust and to control the tracking of dirt and mud onto public streets. The applicant is requesting a Variance of the all-weather parking surface requirement (Section 1340.D).

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed use of the land is compatible with and non-injurious to the surrounding area.

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 1203); Variance from the all-weather parking surface requirement (Section 1340.D).*

*Approved per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.*

*Subject to the following conditions, if any: \_\_\_\_\_.*

*Finding the hardship to be \_\_\_\_\_.*

*Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."*

UNFINISHED BUSINESS:

Case No. 466

Action Requested:

Special Exception - Section 410 (a) - Principal Uses Permitted in a Residential District - Use Unit 1224 - Request for an exception to permit oil and gas extraction in an RE district under the provisions of Section 1680, located at the SE corner of 191st Street South and Garnett Road.

Comments:

Mr. Jones presented a letter from the Bixby Board of Adjustment who heard this item in referral, a letter from the surface owner (Exhibit "A-1"), and a letter from the mineral owner of the subject tract. Mr. Alberty read the letter from Bixby which recommended denial of this case. The letter from the surface owner explained what has gone on on the subject tract and requested that this case be denied. The letter from the mineral owner explained why they think this application should be approved.

Presentation:

The applicant, Frank E. Turner, 2761 East Skelly Drive, Suite 700, was represented by Mr. William K. Powers, attorney, 2805 East Skelly Drive. Mr. Powers described the subject tract and where it is located. The tract has no structures, improvements, or operations as a farm or agriculture unit. The only part of the property that is used is used for a cemetery. Mr. Powers informed that drilling could be started and finished within 2-1/2 to 6 days time. He stated that there has been no production in this area since back in about the 1930s, but the people who own the minerals would like to have it developed. Mr. Powers informed they have a lease signed in 1982 by Mr. Tower, the surface owner. He informed they would like to have blanket approval for the entire subject tract. He stated that they have an idea of where they would like to drill, and that location would be at least 990 feet from the cemetery.

Comments and Questions:

Mr. Walker asked the applicant if the lease signed by the surface owner had expired, and Mr. Powers informed him that the lease was signed on April 23, 1984, and is a three-year lease.

Mr. Powers informed there is a constitutional question involved in this case because when notification is given as to proposed zoning changes, the mineral owners of the property are not notified. He informed that the mineral owners were not notified when the property was rezoned.

Mr. Martin asked where previous wells were drilled on the subject tract, and the proposed operator, William D. Kenworthy, 7010 South Yale Avenue, Suite 211, told where three other wells were located on the property and when these wells were drilled. He informed there is now at least one producing gas well in this section. There is a gas pipeline in the area that collects the gas.

Mr. Jones told when the subject tract was zoned from AG to RE.

Case No. 466 (continued)

Mr. Alberty asked if this property has been platted for development, and Mr. Jones informed he is not aware of any platting or plats in the process. Mr. Jones informed that the Bixby city planner informed him that Bixby is very interested, in his opinion, in annexing the subject tract--at that point, they would handle the platting requirements.

Mr. Martin asked the applicants what occurred at the Bixby meeting where this case was heard and denied by a 4-0 vote. Mr. Powers informed he was told that the protestants at that meeting were people who had relatives buried in the cemetery on the subject tract. Mr. Powers informed that the cemetery area would not be violated.

There was discussion about where the proposed location of the well site is in relation to the cemetery and where residences are located in the area.

Mr. Powers informed this is a unique piece of property. There are not a lot of 160-acre tracts in Tulsa County that do not have any structures on them.

Protestants:

James Kanady, Route 1, Box 282, Bixby, informed he owns 200 acres west of the subject tract. It is his understanding that the owners of the subject tract plan to develop the tract. People who might move out there would probably not want a gas well in the area. That seemed to be one of the concerns of the Bixby Board. He described the surrounding area--there is scattered development. He does not object to the drilling, but he does not think there should be drilling and residential development.

Richard Goff, Route 1, Box 288, Bixby, described where his property is located. He has several relatives buried in the cemetery, and he wants to be sure it will not be disturbed in any way.

William Owens, P. O. Box 505, Bixby, lives directly south of the subject property. He informed there is drilling all around this area, but he feels that the applicant should have the property rezoned if he wants to drill.

Applicant's Rebuttal:

Mr. Powers informed they plan to stay as far away from the cemetery on the property as possible.

Mr. Kenworthy told of the process they intend to use to drill the well. Mr. Powers informed the approximate depth of the well will be 2,200 feet.

Senator John Young, 2 North Main, Sapulpa, is one of the owners of the minerals of the subject tract. He informed they were not informed when the subject tract was rezoned. He informed that he sold the surface rights about 8 years ago and kept the mineral rights.

Comments and Questions:

Mr. Alberty informed if the Board is in a situation to recommend approval of this application, they need to consider some setback requirements from the cemetery.

Case No. 466 (continued)

Mr. Walker informed if production is allowed, he would like it limited to specific well sites rather than blanket approval for the entire tract. That would address the cemetery situation as well as some boundaries and setbacks. It might even allow part of the land to develop.

Mr. Powers informed they have already selected some well sites, and if all the drill sites are used or occupied, the closest that any one of them would come to the cemetery would be 990 feet.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 (a) - Principal Uses Permitted in a Residential District - under the provisions of Use Unit 1224) to permit oil and gas extraction in an RE district under the provisions of Section 1680, subject to no operations being conducted within 500 feet of the boundaries of the cemetery, on the following described property:

NW/4 of Section 8, Township 16 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 464

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206 - Request for a variance of the lot width from 200' to 125.5', of the lot area from 2 acres to 1-acre, and of the land area from 2.2 acres to 1.07 acre, all to permit a lot split in an AG district under the provisions of Section 1670, located west of the NW corner of West 51st Street and League Road.

Presentation:

The applicant, R. E. Buchanan, P. O. Box 632, Sand Springs, informed he would like to split off one-acre of this tract and sell it to his brother.

Protestants: None.

Comments and Questions:

Mr. Alberty informed there is a lot to the west that is smaller than what is proposed.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - under the provisions of Use Unit 1206) of the lot width from 200' to 125.5', of the lot area from 2 acres to 1-acre, and of the land area from 2.2 acres to 1.07 acre, all to permit a lot split (L-16182) in an AG district under the provisions of Section 1670, on the following described property:

A parcel of land known as Tract 15, which is described as follows:  
Beginning at a point of 25 feet North and 1339 feet West of the

6.6

Application No. CZ-80  
Applicant: Pilgram (Tower)  
Location: SE corner of 191st Street and Garnett Road

Present Zoning: AG  
Proposed Zoning: RE

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Date of Application: March 29, 1983  
Date of Hearing: June 8, 1983  
Size of Tract: 160 acres

Presentation to TMAPC by: Jessie V. Pilgram (c/o James D. Ferris)  
Address: 320 South Boston Avenue, Suite 920 - 74103 Phone: 582-5281

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: CZ-80  
The District 20 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area does not give any designation for the subject property. However, the Development Guidelines would call for rural, undeveloped areas being designated as Low Intensity -- No Specific Land Use.

The requested RE District is in accordance with the Development Guidelines.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 160 acres in size and located at the southeast corner of 191st Street and South Garnett Road. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned AG, on the east by mostly vacant land with a few scattered single-family dwellings zoned AG, on the south by vacant land zoned AG and on the west by vacant land zoned AG.

Zoning and BOA Historical Summary -- There have been no zoning or Board of Adjustment cases in the area which would preclude consideration of RE zoning.

Conclusion -- Based upon the fact that both the tract and the surrounding area is undeveloped and the Development Guidelines would support Low Intensity -- Residential, the Staff recommends APPROVAL of the requested RE zoning.

The Staff noted there is a cemetery on the subject tract and there are procedures for relocating. If this is not proposed by the applicant, the Staff would suggest that the portion of the tract containing the cemetery be deleted from the application and remain agricultural.

Applicant's Comments:  
The applicant was not present.

Protestants: None.

TMAPC Action: 6 members present.  
On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Gardner, Miller, T. Young, Inhofe, "absent") to

Application No. CZ-80 (continued)

recommend to the Board of County Commissioners that the following described property be rezoned RE, LESS and EXCEPT that portion designated for the cemetery to remain AG:

LEGAL PER NOTICE:

Northwest Quarter (NW/4) Section Eight (8), Township 16 North, Range 14 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION:

Legal to be furnished by the applicant.

CZ-80 Pilgrim (Tower) SE corner of 191st Street and Garnett Road AG to RE

Mr. Jim Ferris was present for the applicant and requested a continuance. It has been determined there is a small cemetery on the tract and the developer must figure out how to deal with this problem. He requested a continuance until June 8, 1983, in order to solve this matter.

Mr. <sup>Greg</sup>Rick Robinson, Route #1, Box #288, is interested in this case. He has no objection to the rezoning, but is concerned about the cemetery and would agree with the continuance.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Miller, Petty, Inhofe, "absent") to continue consideration of CZ-80 until Wednesday, June 8, 1983, at 1:30 p.m. in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

5.11.83:1455(7)

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**E/2 E/2 SE SE BEG 800N SECR SE TH W330 N520 E330 S520 POB SEC 10 19 10  
3.939AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Comments and Questions:**

Mr. Crall stated that if the building were complete he would have a hard time saying no, because the Board understands mistakes. But right now the situation has been caught in time to fix the problem. Mr. Crall stated that he understands this could be a little bit of an expense but the cost of upsetting neighbors is something that cannot be measured. Mr. Crall suggested the applicant hire a surveyor. At this point Mr. Crall stated that he cannot support this Variance request because it can be fixed without too much of a hardship on the applicant.

Mr. Hutchinson stated that he cannot support the request. He would recommend the applicant get a survey performed for protection, especially since he is that close to the property line.

**Board Action:**

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **CONTINUE** the request for a **Variance** of the 15 foot side yard setback for an accessory building (Section 330) to the Board of Adjustment meeting on March 21, 2017 to allow the applicant time to have a survey performed; for the following property:

**E/2 E/2 SE SE BEG 800N SECR SE TH W330 N520 E330 S520 POB SEC 10 19 10  
3.939AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2615—Lydia Scott**

**FILE COPY**

**Action Requested:**

Variance to allow two dwellings on one lot of record (Section 208); Special Exception to permit a manufactured home (Use Unit 9) in the RE District (Section 410). LOCATION: 11790 East 191<sup>st</sup> Street South, Bixby

**Presentation:**

**Lydia Scott**, P. O. Box 536, Bixby, OK; stated she would like to have a single wide mobile home placed on her father's property which is ten acres.

Mr. Hutchinson asked Ms. Scott if the mobile home was already placed on the property. Ms. Scott answered affirmatively.

Mr. Hutchinson asked Ms. Scott if her father was planning to have a lot split. Ms. Scott stated that she did not think there were any plans for a lot split.

CBOA - 2/26/15

Mr. Johnston asked Ms. Scott about a structure that appears on the aerial photo of the property. Ms. Scott stated that her father has a metal shed on the property from when he had an asphalt business and he used to park his trucks on the property.

**Interested Parties:**

**Scott Owens**, 11630 East 191<sup>st</sup> Street South, Bixby, OK; stated he is the neighbor west and closest to subject property and his front door faces the property. The mobile home is approximately 200 feet from his property line. His concern is that the trailer has already been placed, hooked up and they are living in it. He also has concerns about property values and the fact that there are three dwellings very close together. Mr. Owens stated that he has concerns about sewage drainage. The land has been zoned RE to protect the land owners.

Mr. Crall asked Mr. Owens if there were sewage problems with the other homes. Mr. Owens stated that there were not and he does not want any. He has a problem with the fact that things have not been done right and what kind of system is going to be installed. Where are the lateral lines going to go because there is not enough room because they are only about 200 feet from his property line. He does not want their sewage drainage let out onto his property.

**Dan Riem**, 11812 East 191<sup>st</sup> Street South, Bixby, OK; stated he lives on the property to the north of the subject property and just recently purchased his property because of the remoteness. He completed his 2,300 square foot house in October and he objects to the request because it will compromise the Residential Estate zoning. Mr. Riem has concerns about property values for himself and all the neighbors. The properties are zoned for one dwelling and it needs to stay that way.

Mr. Hutchinson asked Mr. West to explain the RE zoning. Mr. West stated that the RE zoning is large tracts of land for residential use. In regards to the sewage system, aerobic systems can handle subdivisions. Single wide mobile homes are not allowed in the RE zone but a double wide is allowed by right.

**Rebuttal:**

**Lydia Scott** came forward and stated that there is a possibility that the mobile home could be tied into her father's established lateral lines because his septic tank is large enough for the two dwellings.

Mr. Hutchinson asked Ms. Scott what she was using now. Ms. Scott stated she does not have anything currently because she does not have a lot of resources to have things done.

Ms. Scott stated the mobile home is not meant to be permanent because eventually there will be a house built elsewhere.

CBOA - 2/26/15

Mr. Hutchinson asked Mr. West if two dwellings are allowed on one septic system. Mr. West stated that DEQ would have to make that determination, because it depends on the lateral lines and septic tank.

**Comments and Questions:**

Mr. Crall stated that he has more concern about the legal ramifications of the current living conditions than he has about dwellings.

Mr. West stated the applicant is violation of the Zoning Code if she is currently living in the mobile home.

Mr. Johnston asked Mr. West what the definition of a mobile home is. Mr. West stated that a single wide is normally considered to have the ability of being moved in one body which is one unit that is normally 14 to 16 feet wide by 72 or 80 feet long. A double wide is a two section home that has a permanent foundation underneath it. A single wide is not permitted in any R zoned districts as a use by right.

Mr. Hutchinson stated that he cannot support this application. Mr. Johnston agreed.

Mr. Crall stated that if the Board approves this request there will be restrictions placed on it that will cost money and those restrictions are not cheap, i.e., sewer, parking pad, etc. Mr. Crall stated that he does know if the Board would be doing the applicant a favor if they approve it.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **DENY** the request for a **Variance** to allow two dwellings on one lot of record (Section 208); **Special Exception** to permit a manufactured home (Use Unit 9) in the RE District (Section 410); for the following property:

**NW SE NW & W30 NE NW SEC 8 16 14 10.909ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Ms. Miller left the meeting at 3:15 P.M.**

**2616—Don Meador**

**Action Requested:**

**Variance** of the allowable square footage for accessory buildings in the RS District from 750 square feet to 4,650 square feet (Section 240.2.E). **LOCATION:** 5452 South 67<sup>th</sup> West Avenue



E 191st ST S

S GARNETT RD



Subject Tract

**CBOA-2822**

16-14 08

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

Aerial Photo Date: February 2018

6.13





*Looking south on S. Garnett Rd. and E. 191<sup>st</sup> St. S. – cemetery is on the left.*



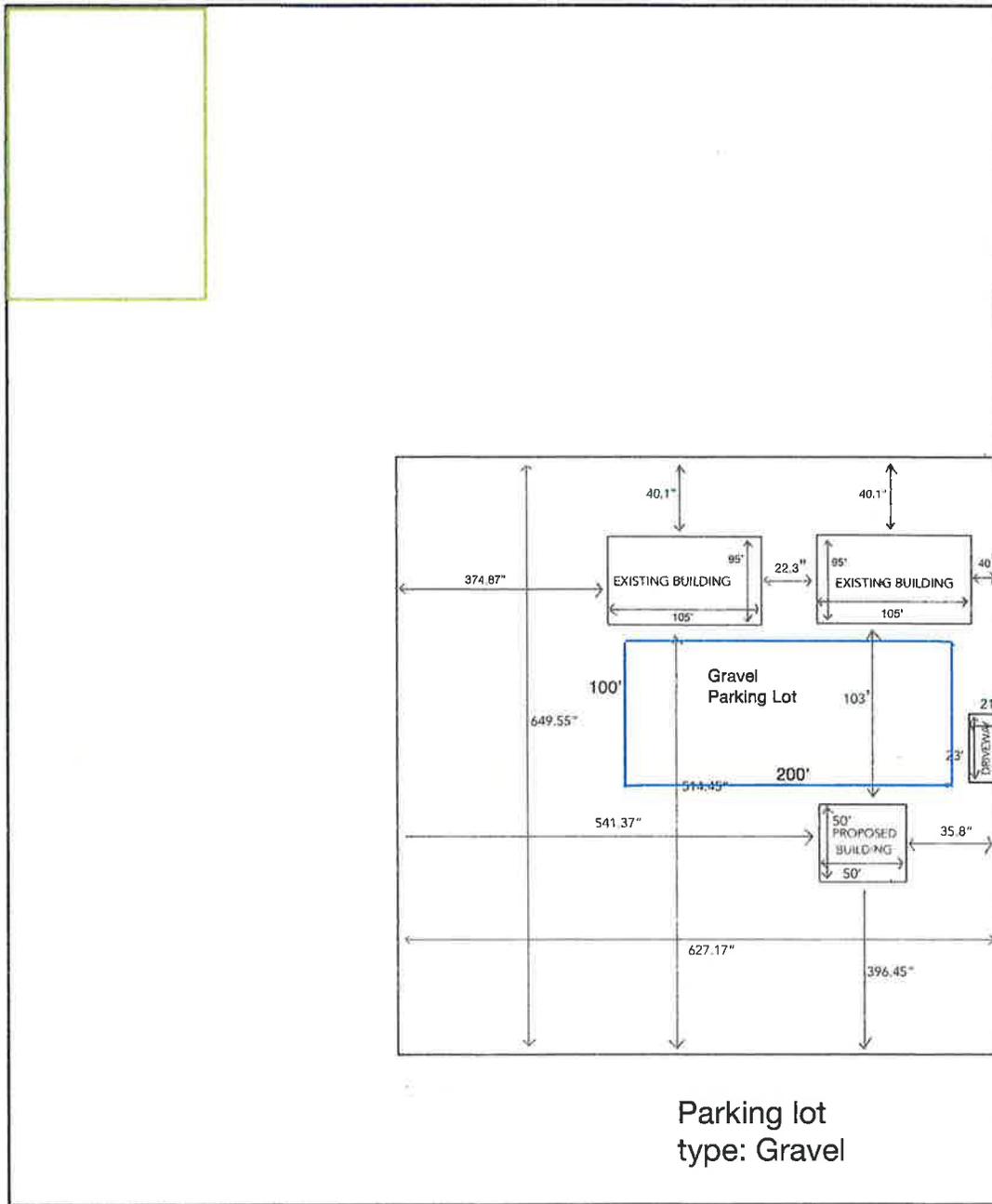
*Looking west from a private drive which is south of E. 191<sup>st</sup> St. S. It appears to be the proposed area of access.*

# SITE PLAN

E 191st ST S



S GARNETT AVE



Parking lot  
type: Gravel

NOT TO SCALE

11616 E 191ST S | BIXBY, OK 74008

6.16

