

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, September 15, 2020, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 486

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/89940005418>

Attend by Phone: +1 312 626 6799 US
Meeting ID: 899 4000 5418

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

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of August 18, 2020 (Meeting No. 485).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **2843—Mark Bales**
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1). **LOCATION:** 13609 West 41st Street South

3. **2844—Mark Bales**
Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1). **LOCATION:** 20813 West Coyote Trail South

4. **2845—Sean Parchman**
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1). **LOCATION:** 1372 South 220th Avenue West

5. **2846—DSK Investments, LLC**
Use Variance to allow outdoor storage (Use Unit 23 – Warehousing and Wholesaling) in an RE District (Section 1223); Use Variance to allow for an office use (Use unit 11 – Offices and Studios) to permit an office in an RE District (Section 1211). **LOCATION:** 11505 East 68th Street North

6. **2847—Ray Green**
Use Variance to allow a manufactured home in a CS District (Section 710). **LOCATION:** 6204 West 60th Street South

7. **2848—Mathew & Laura Cain**
Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E). **LOCATION:** 12591 East 132nd Street South

8. **2849—Alicia Warlick**
Variance of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A, B, & C) in the AG District to permit a lot line adjustment (Section 330, Table 3); Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (Section 207). **LOCATION:** 22307 West 6th Street South

9. **2850—Eller & Detrich – Nathalie Cornett**
Variance of the minimum lot width to permit a lot-split in an AG District (Section 330, Table 3). **LOCATION:** 16325 South 43rd Avenue East

10. 2851—Triple G Excavating – Scott Gann

Variance of the front setback requirements in an RS District (Section 430, Table 3);
Special Exception to permit a manufactured home in an RS District (Section 410,
Table 1). **LOCATION:** 906 West 4th Street North

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

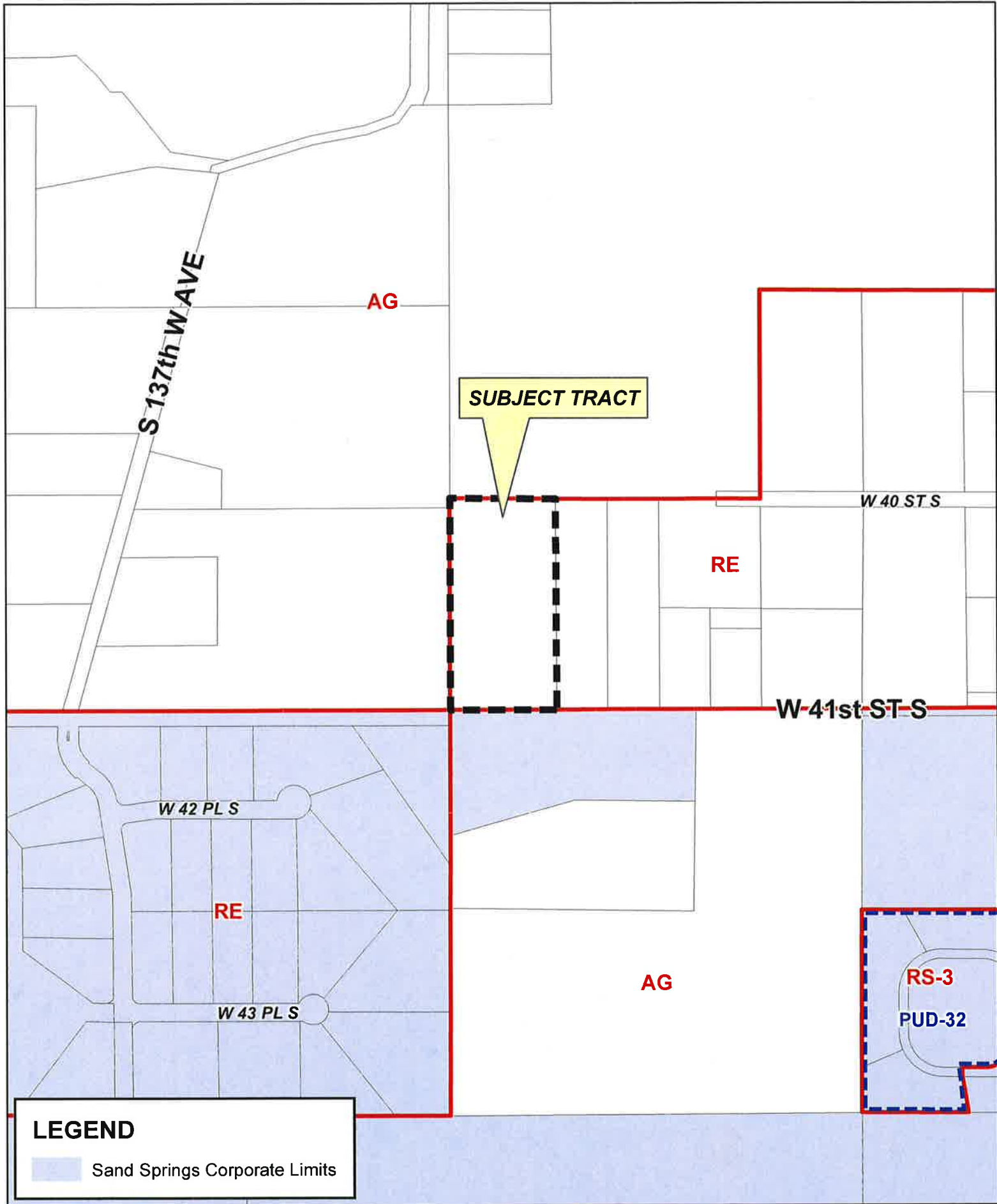
Website: tulsaplanning.org

E-mail: 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.



LEGEND

■ Sand Springs Corporate Limits



CBOA-2843

19-11 21

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9121

CZM: 43

CASE NUMBER: CBOA-2843

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Mark Bales

ACTION REQUESTED: Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1)

LOCATION: 13609 W 41 ST S

ZONED: RE

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 5.19 acres

LEGAL DESCRIPTION: BEG 2310W SECR SE TH W330 N660 E330 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 5.189ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2772 October 2019: The Board **approved** a *Use Variance* to permit Use Unit 3, Agriculture, in a residential district, on property located at 13525 West 41st Street South.

CBOA-2682 June 2018: The Board **approved** a *Use Variance* to permit an Agriculture Use (Use Unit 3) to permit keeping/raising of livestock in an RE District; and a *Use Variance* to permit a Storage Use, Not Elsewhere Classified (NEC), Use Unit 23, in an RE District to permit a pole barn, on property located at 13103 West 40th Street South. (5-acre tract)

CBOA-690-B April 2014: The Board **approved** a Modification of a previously approved site plan for a church use in the RE district to permit a porch that extends 5'3" from building and to replace the green belt with a screening fence along the west of the property. Located: 13107 W 41st St S

CBOA-690-A March 2011: The Board **approved** a Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory. Located: 13107 W 41st St S

CBOA-1295 September 1994: The Board **approved** a Variance of the required setback from the centerline of the street from 85 ft to 77 ft to permit an existing church. Located: 13107 W 41st ST S

CBOA-690 September 1986: The Board **approved** a *Special Exception* to allow a church in a RE district and to allow a modular building to be used temporarily; AND the Board **approved**

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a Variance of the all-weather surface for parking to allow use of a gravel lot. Modular building and gravel lot limited to 2 years. Located: 13107 W 41st St S

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an area with residential and agricultural uses. The parcel to the east is the site of a Horticulture Nursery (CBOA-2772). There is a wooded area to the north and the west of the subject property and a large parcel, 5.95 acres, to the south of the subject property in the Sand Springs corporate limits which is zoned AG with a residential use.

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 410, Table 1)

A Use Variance is required as Use Unit 3, Agriculture, is not a use permitted in a RE zoned district because of the potential adverse effects on neighboring properties. The agricultural use must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement, *“Current zoning prevents home-owner from having a home-based business.”*

According to the site plan provided by the applicant, the outside grow area will be 100’ x 100’ (10,000 sq. ft.). The applicant will have to follow all state laws required by Oklahoma Medical Marijuana Authority.

The parcel is located in the fenceline of Sand Springs and is included in their Comprehensive Plan. The plan calls for a Residential land use designation which can be viewed on the attached Land Use Map. The northwest corner of the property is located in the 100-year floodplain. The Sand Springs Comprehensive Plan was adopted in 2017. A public hearing is set before Tulsa Metropolitan Planning Commission on October 7, 2020 for consideration of adoption into the Tulsa County Comprehensive Land Use Plan.

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 410, Table 1)

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."

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1). **LOCATION:** 13523 West 41st Street South

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated she represents the property owner Lauren Lee. This request is for a Use Variance to permit Use Unit 3 agriculture for a medical marijuana grow house. Ms. Lee lives on the property, it is her primary residence, and she would like to operate a small business on the property. The grow house is a small utility shed, 704 square feet; 16 x 44 in the rear yard.

Mr. Charney asked Ms. Cornett if the total tract is over 2 ½ acres, Ms. Cornett answered affirmatively.

Ms. Cornett presented photos of the subject shed and stated that the shed had recently been installed and it will be skirted in the future.

Mr. Crall asked Ms. Cornett if the shed is a portable building. Ms. Cornett answered affirmatively and stated that it will be skirted and on cinder blocks. Eventually the shed will be connected to electric and plumbing.

Ms. Cornett stated that Ms. Lee plans to install a six-foot wooden screening fence which would be an extension of the neighbor's screening fence. The fence will screen the shed from 41st Street. Ms. Cornett stated the area is mostly agricultural and the north half of the subject property is difficult topographically because there is a limestone ridge line that drops off about ten feet and slopes down to a creek. The back half of the subject property is unusable for residential purposes. The topography of the property creates the hardship for the property owner, and this is a rural area that has goats, horses, gardens, and large accessory buildings with equipment. The use is completely indoors and will have no effect on the neighbors.

Mr. Crall asked Ms. Cornett if there would be a dispensary at the facility. Ms. Cornett stated there would be no retail and no processing at the facility; it is purely a grow facility and harvest. Ms. Cornett stated the harvest would be every three or four months of about ten pounds each, and Ms. Lee would transport the product herself so there would be no traffic to the property.

Mr. Charney asked Ms. Cornett if she was saying there would be no commercial transport, and no noise associated with the process. Ms. Cornett answered affirmatively.

Mr. Charney asked Ms. Cornett if her client would be comfortable with a condition that the growing be restricted to the subject structure under discussion if the Board is

CR0A-2772

inclined to approve the request. Ms. Cornett stated the size of the structure is confined by the building code.

Mr. Charney asked staff if there is a limitation to the size of a building by the matter of right. Ms. Miller stated that in residential if the owner has a permit for agricultural use, there is a no limitation on the size because it is for agricultural use.

Lauren Lee, 13523 West 41st Street, Sand Springs, OK; stated that in the future she would like to bring in one shed and place it next to the subject shed. The buildings are small at 16 x 44 feet, and they are truly no bigger than the building her next-door neighbor has for equipment. She wants to start with one building and expand to two.

Mr. Hutchinson asked Ms. Lee if she would have grow lights and air conditioning in the building. Ms. Lee stated that everything is self-contained inside the building, and there would be grow lights in the building because there are no windows. The only thing that will be on the outside of the building is one air conditioning unit.

Mr. Hutchinson asked Ms. Lee if there would be a smell. Ms. Lee stated that if the proper carbon filtration system is not used there would be a smell. This is a small grow facility, so she is fully prepared to make sure there is no smell emitting from the building. The building is set 252 feet from the main road and over 300 feet from the nearest property.

Mr. Hutchinson asked Ms. Lee if she would have a dry room in her facility. Ms. Lee answered affirmatively. Ms. Lee stated there would be a veg room, a curing room and a flower room; it will all be self-contained. She will take the product from the shed directly to the car and deliver it to a dispensary. There will be no signage and there will be nothing on the outside to indicate what is being done on the property.

Mr. Crall asked Ms. Miller if the Board approves this request, did she say there is no limitation on how large this can be. Ms. Miller stated this is a broad Variance to permit an agricultural use, Use Unit 3, and that is the rule that applies to agricultural uses, that those type of buildings has no limitations. It can depend on how the Permit Office reviews the application, but she thinks it is fair to say that there is probably no limitation on size. Mr. Crall asked Ms. Miller if the Board could place limitations on the size. Ms. Miller answered affirmatively, but if the Board does not stipulate a size there may not be a limitation.

Ms. Lee stated that her intention has never to be a big grow operation; she did not start this trying to become one of the big guys. She only has 2.6 acres; she is truly a farmer doing what she loves.

Interested Parties:

There were no interested parties present.

CBOA - 2772

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Comments and Questions:

Mr. Hutchinson stated that this case is unique because it is surrounded by AG. He thinks Tulsa County is very liberal in what they allow. If it is AG, IL, IM or IH then there can be grow facilities as a matter of right. In the residential, it changes his mind and with this case, because it is so rural, he could support the one building but he could not support two buildings.

Mr. Crall stated he is inclined to support the request.

Mr. Charney asked Ms. Cornett to come forward and state the hardship for the case. Ms. Cornett stated that the hardship is both the size and topography of the lot; the lot is more of an agricultural sized lot.

Mr. Dillard stated that the applicant should check with her accountant, because in a grow facility none of the expenses can be deducted; electricity, water, depreciation, etc. cannot be deducted because it is federally illegal. Therefore, they cannot take the proceeds to the bank, they cannot write anything off on their taxes, and until it is approved the applicant is taking a risk.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1), limiting the approval to the existing 704 square foot building. There is to be no commercial transport in or out of the property. The Board finds the hardship to be the size and topography, and the fact that it is a very deep parcel of land over 2 ½ acres that is surrounded by AG on virtually three of the four sides. 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; for the following property:

BEG 2145W SECR SE TH W165 N660 E165 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 2.594ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2773—Kyle Gibson

Action Requested:

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District to permit a lot split (Section 207).

LOCATION: East of the SE/c of South 145th East Avenue & East 161st Street South

2680—Justin Melton

Action Requested:

Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2); Variance to allow a detached accessory building in the front yard (Section 420.2). **LOCATION:** 4275 South 61st West Avenue

Presentation:

Justin Melton, 703 Tobago, Sand Springs, OK; stated he purchased three acres in the Berryhill area and having a house built on the property that is now about 80% complete. He would like to build a detached garage, so he could have a place to park his daughter's car, his boat, his four-wheeler, etc.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2); Variance to allow a detached accessory building in the front yard (Section 420.2). The Board finds the hardship to be the unique long shape of the subject lot being several hundred feet in depth; for the following property:

BEG 660S & 30E & 158.75S NWC NE NW TH S158.75 E634 N158.75 W634 POB SEC 29 15 12 2.31ACS, THE MEADOWS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

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2682—Joseph Hull

Action Requested:

Use variance to permit an Agriculture use (Use Unit 3) in an RE District; Use variance to permit a Storage use, Not Elsewhere Classified (NEC), (Use Unit 23) to permit a pole barn (Section 410). **LOCATION:** 13103 West 40th Street South

Presentation:

Joseph Hull, 1717 South Cheyenne, Tulsa, OK; stated he is the attorney for the applicant. This is a five-acre tract located at the corner of West 40th and 129th in the Prattville/Sand Springs area. The subject property is currently zoned RE and has no improvements on it currently. The property is surrounded by AG on the north and by RE on the south, west and east. The owners of the property are from Texas and they are moving here to take a new job. The owners would like to build a house on the

CBOA-2682

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property and raise their show goats. Most of the property owners in the area have pole barns and they are similar to what is being applied for. The property owners, both in the RE and the AG districts, have various types of animals. Mr. Hull stated that his clients would like to erect the pole before the house is built so they will have a place to store their belongings and their 12 goats will have a place. His clients will be here around the end of July, they plan on starting construction on the house by November 1st and think it will take 12 to 16 months to complete construction.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Use variance to permit an Agriculture use (Use Unit 3) in an RE District; Use variance to permit a Storage use, Not Elsewhere Classified (NEC), (Use Unit 23) to permit a pole barn (Section 410), subject to the residential house and the pole barn permits to be obtained at the same time; for the following property:

W 330 OF N 660 OF S 1370 OF E/2 SE SEC 21-19-11, OF TULSA COUNTY, STATE OF OKLAHOMA

2683—Lonnie Basse

Action Requested:

Special Exception to permit a firework stand (Use Unit 2) in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** East of the NE/c of North 129th East Avenue and East 86th Street North

Presentation:

Lonnie Basse, 5401 West Skelly Drive, Tulsa, OK; stated the last time he came before the Board there was a five-year approval on this subject property. He would like to receive approval again to continue the firework stand.

Mr. Charney asked Mr. Basse if the City of Owasso or anyone else ever spoken to him about the stand. Mr. Basse answered no.

Interested Parties:

There were no interested parties present.

dredging/classifying system to amend the hours of operation to meet market demand to the June 17, 2014 County Board of Adjustment meeting; for the following property:

NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A. LT 2 SEC 16-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA

0690-B—New Life Tabernacle – Dan Switzer

Action Requested:

Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line. **LOCATION:** 13107 West 41st Street South

Presentation:

Dan Switzer, New Life Tabernacle, 13107 West 41st Street, Sand Springs, OK; stated the church wants to extend the porch on the existing building by 5'-3" to allow a covering for rain. They also want to replace a green belt that has been removed a long time ago with a fence. There is an existing fence but is barbed wire. The green belt had been removed several years ago with the neighbors permission, and now the neighbors would like to have a fence installed.

Mr. Charney asked staff to explain the green belt concept. Mr. West stated that originally there was a green belt, in 1996, on the original case's site plan. In 2011 it changed.

Mr. Walker stated that when the original application came before the Board the neighbors did not want the original area to turn into a concrete area. Therefore, they requested to have a green belt area between them and the church. Later the neighbors decided they did not need the green belt area. Mr. Switzer stated the church has a great relationship with the neighbors.

Interested Parties:

Rebecca Bengé, 13209 West 41st Street, Sand Springs, OK; stated she has no problem with the parking lot but she would like to have a wooden privacy fence installed. She and the Pastor of the church came to an agreement that the fence would be the length of the church parking lot. It has also been agreed that the church would maintain the fence and be responsible for the expense of installing the fence.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a

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Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line; for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S50 E/2 SW SE SE FOR RD SEC 21 19 11 2.348ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2497—Morton Building, Inc.

Action Requested:

Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). **LOCATION:** South of Highway 64/East 171st Street South between South Garnett Road & South 129th East Avenue

Presentation:

Scott Norvell, 7509 East 65th Street, Tulsa, OK; stated he is the Chairman and CEO of Blue Flame 47, Inc. and Pastor of the church. This is a small church which consists of about 75 people including many small children. The primary function of the church is that it is a ministry, and the ministry is provided throughout the world. The church purchased the land in December 2013, and plan to build a church with offices for the church. The congregation meets every Tuesday for services and hold prayer appointments on Friday and Saturday. They would like to have a gathering place where conferences twice per year. The average attendance of the conferences has been about 200 people. The conference are usually four days twice per year. These conferences have been held in the Garnett Road Church of Christ Green Country Event Center for the past four years. The church has been meeting on the subject property in a tent since the purchase. The church chose a design that would match the environment, so instead of a traditional church building it would be similar to a barn with a smaller building for the administrative offices and the prayer appointments. The smaller building would also be able to seat 150 people for dinner which would be used about twice a year.

Mr. Charney asked Mr. Norvell to elaborate about the proposed parking. Mr. Norvell deferred to Mr. Jeff Bonebrake.

Interested Parties:

Jeff Bonebrake, Morton Buildings, Inc., P. O. Box 1388, Muskogee, OK; stated that one of the desing goals is to make the church look like it fit into the area. The church requested that the buildings look like a farm house with a barn behind it. The parking is an issue that has yet to be determined. If it is possible a gravel surface would be preferable because the subject property is in a nonregulatory flood plain. It is proposed to have the front be have a concrete paved area for the handicapped with a paved entry way.

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she had hired did not know how to build a building and the structures are not sturdy or reliable. That is why she wants to use her existing garage. The privacy fence in the pictures will stay and be completed, taking down the temporary chain link fence.

Mr. Osborne asked about the dogs using the yard for their potty breaks, and Ms. Ferguson stated she did allow the dogs in the yard for their potty breaks and that she cleaned the yard at least once a day and occasionally three times a day.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a home occupation (dog grooming) in an AG district 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; for the following property:

W368.97 S295.17 SW SE SEC 1 17 14 2.5ACS OF TULSA COUNTY, OKLAHOMA

Case No. 0690-A-Dan Switzer

Action Requested:

Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory. **Location:** 13107 West 41st Street

Presentation:

Dan Switzer, 16907 West 58th Place South, Sand Springs, OK; he stated the church has grown and they want to raze the existing 30' x 112' building and replace it with an 80' x 100' family alliance center.

Mr. Osborne asked Mr. Switzer if the building was going to fit into the existing church area, and Mr. Switzer stated it would be a prefab building that would have a brick exterior around the bottom with a brick ledge to cosmetically match what exists. The new building is proposed to be moved back about eight feet to give the church a wider driveway.

Interested Parties:

There were no interested parties present.

CBOA-0690-A

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the **Modification** of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory, and is to obtain all proper permits; all for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S60 E/2 SW SE SE FOR RD SEC 21 19 11 IN TULSA COUNTY, OKLAHOMA

NEW BUSINESS:

None.

OTHER BUSINESS:

None.

BOARD COMMENTS:

None.

There being no further business, the meeting adjourned at 1:50 p.m.

Date approved: 4/19/11

David S. Gentry
Chair

03/15/2011/#370 (4)

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Case No. 1294 (continued)

W. J. Robinson, 7008 Leameadow, Dallas, Texas, stated that he owns property across the street from the subject tract and is also concerned with future development of the property.

Comments and Questions:

Mr. Walker noted that there are other lots in the area that are smaller than one acre.

Mr. Alberty stated that he would be opposed to a subdivision created by future lot splits, but could support the application to split off of the existing house and one acre.

Board Action:

On **MOTION of ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a Variance of the required lot area, land area per dwelling unit and lot width to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per survey submitted; finding that the dwelling is existing and there are smaller lots in the neighborhood; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

E/2, NW/4, Section 36, T-19-N, R-11-E of the IBM, Tulsa County, Oklahoma, less and except the W/2, W/2, NE/4, NW/4, Section 36, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1295

Action Requested:

Variance of required setback from the centerline of the street 85' to 77' to permit an existing church - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 13110 West 41st Street, Sand Springs.

Presentation:

The applicant, **Dan Switzer**, 13110 West 41st Street, Sand Springs, submitted a plot plan (Exhibit H-1) and noted that the church is in the process of constructing a new building on the subject property. He explained that, after the footings were poured, it was discovered that they could be over the building setback line as much as 8'. Mr. Switzer informed that other nearby development has been constructed at the requested setback.

09:20:94:172(11)

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Case No. 1295 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ELLER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of required setback from the centerline of the street from 85' to 77' to permit an existing church - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; with a 77' setback from the centerline of 41st Street; finding that the requested setback is consistent with the area, and approval of the request will not be detrimental to the area; on the following described property:

Beginning 660' west of the SE/c SE/4, thence west 330', north 360', east 330', south 360' to POB, less south 50', E/2, SW/4, SE/4, SE/4 for road, Tulsa County, Oklahoma.

Case No. 1296

Action Requested:

Special Exception to permit a home occupation beauty shop/nail salon - **SECTION 440.B. HOME OCCUPATION**, located 6317 West 37th Street South.

Presentation:

The applicant, **Mary Alexander**, 6317 West 37th Street, requested permission to operate a nail salon as a home occupation. The applicant informed that she will be the sole operator of the shop and customers will be scheduled by appointment only.

Comments and Questions:

Mr. Alberty asked the applicant if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a home occupation beauty shop/nail salon - **SECTION 440.B. HOME OCCUPATION**; per Home Occupation Guidelines; subject to customers being scheduled by appointment only; finding the use to be compatible with the area; on the following described property:

East 220.86' of west 441.72' of N/2, N/2, S/2, NW/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

09:20:94:172(12)

Case No. 690

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RE District and to allow a modular building to be used for the church building temporarily.

Variance - Section 240.3 - Use of Yards in R Districts - Request a variance of the all-weather surface for parking to allow use of a gravel lot, located west of NW/c of West 41st Street South and 129th West Avenue.

Comments and Questions:

Mr. Jones submitted a letter (Exhibit E-1) from the City of Sand Springs which stated that no recommendation is being made on the application.

Presentation:

The applicant, Dan Switzer, Box 1346, Sand Springs, Oklahoma, stated that he is the pastor of the New Life Tabernacle and asked the Board to allow the location of a church building on the subject property. He informed that the temporary modular building will be 24' by 50' and will have central heat and air conditioning. Mr. Switzer stated that it will be used for 2 years and then replaced with a brick structure. He asked the Board to allow gravel parking to be used until a permanent structure is built.

Comments and Questions:

Mr. Walker asked the applicant to state the distance from the proposed church building to the nearest residence and he replied that the modular can be placed anywhere on the lot that will be agreeable to the neighbors.

Mr. Albery asked the applicant if the tract is vacant at this time and he informed that it is a vacant wooded lot.

Mr. Walker inquired as to the size of the congregation and Mr. Switzer stated that the modular building will seat approximately 80 people.

Protestants:

Vern Moore, Route 1, Sand Springs, Oklahoma, stated that he owns the property to the west of the subject tract. He voiced a concern that he was not notified of the meeting and pointed out that the property in question is not served by a city sewer and the soil does not percolate well. Mr. Moore stated that he has been burglarized several times and, in his opinion, the unattended church property would give thieves an opportunity to enter his property. He pointed out that drainage from the church property is directed toward his acreage and asked the Board to deny the application.

A petition of protest (Exhibit E-2) from area residents was submitted to the Board.

9.16.86:76(13)

2.16

CBOA
10.9.0

Applicant's Rebuttal:

Mr. Switzer stated that the septic system will require Health Department approval and that there will be security lights installed on the property.

Interested Parties:

Louise Strout, stated that she is owner of the property in question and is planning to sell it for church use. She pointed out that, in her opinion, the Moore's property would be better protected if the brush was cleared from the lot. Ms. Strout stated that she lives in the area and feels a church is appropriate at this location.

Additional Comments:

Mr. Looney commented that he feels a church is compatible with the area and that security would be improved if the lot was cleared.

Mr. Alberty remarked that he is concerned with the temporary nature of the proposed building.

Mr. Tyndall stated that he would like to review a plot plan and see where the water run-off from the lot would be directed.

Mr. Edwards informed that the modular will be required to be placed on a permanent foundation.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a church in an RE District and to allow a modular building to be used for the church building temporarily; and to APPROVE a Variance (Section 240.3 - Use of Yards in R Districts) of the all-weather surface for parking to allow use of a gravel lot; subject to a 2-year limitation on the use of the modular building and gravel parking area; subject to the entrance driveway being chained off when not in use and security lighting be provided; subject to filling of a plat and obtaining necessary permits; subject to the parking lot being properly screened and treated to prevent dusting; subject to Health Department approval; subject to proper right-of-way dedication; subject to applicant returning to the Board for approval of a site plan depicting a definite location of the modular building on the property; and subject to a green belt of undisturbed land being reserved between the parking lot and the property to the west; finding that a church will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

CRA 690

The SE/4 of Section 21, T-19-N, R-11-E of the IBM, Tulsa County: Beginning at a point 660' west of the SE/c of Section 21, west 330', north 360', east 330' thence south to the east line 360' to the Point of Beginning Containing 2.72, acres more or less, Tulsa County, Oklahoma.

Case No. 691

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required minimum lot area from 2 acres to 1.742 acres for an existing tract, located south of the SE/c of 136th Street North and Mingo Road.

Presentation:

The applicant, George Upky, Route 3, Collinsville, Oklahoma, stated that he wants to construct a home on his land and does not have the required 2.5 acres. He informed that a mobile home is located on the property at this time, but will be removed. Mr. Upky stated that there are some lots in the area that are smaller than the subject property.

Board Actions:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 330 - Bulk and Area requirements in Agriculture Districts - Use Unit 1206) of the required minimum lot area from 2 acres to 1.742 acres for an existing tract; finding that there are lots in the area that are smaller than the subject tract; on the following described property:

A parcel of land 230 feet North and South by 330 feet East and West, lying in Section Thirty-One (31), Township Twenty-Two (22) North, Range Fourteen (14) East of the Indian base and Meridian, more particularly described as follows, to-wit: Beginning 198 feet South of the Northwest Corner of said Section 31, thence 330 feet East, thence 230 feet South, thence 330 feet West, thence 230 feet North to the point of beginning, lying in Tulsa County, State of Oklahoma and containing 1.742 Acres, more or less.

9.16.86:76(15)



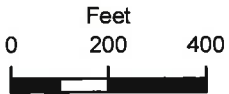
S 137th W AVE

W 40 ST S

W 41st ST S

W 42 PL S

W 43 PL S



Subject Tract

CBOA-2843

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

19-11 21

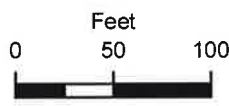
Aerial Photo Date: February 2018

2.19





W 41st ST S



Subject Tract

CBOA-2843

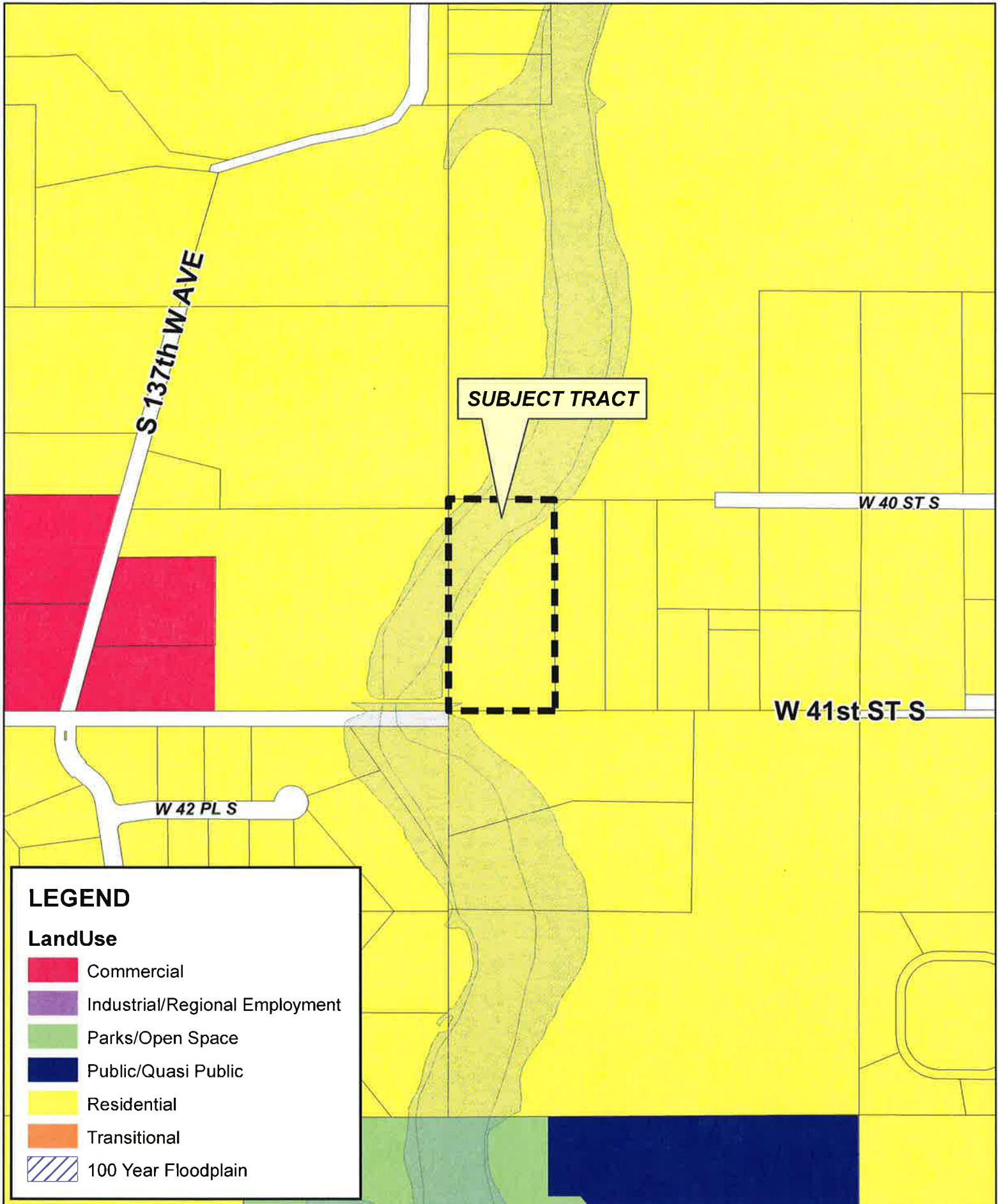
19-11 21

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

Aerial Photo Date: February 2018

2.20





SUBJECT TRACT

S 137th W AVE

W 40 ST S

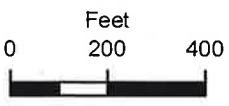
W 41st ST S

W 42 PL S

LEGEND

LandUse

- Commercial
- Industrial/Regional Employment
- Parks/Open Space
- Public/Quasi Public
- Residential
- Transitional
- 100 Year Floodplain



CBOA-2843

19-11 21

2.21

Sparger, Janet

From: Jones, Robi
Sent: Monday, August 31, 2020 8:36 AM
To: Sparger, Janet
Subject: FW: Case#CBOA-2843

Janet - Please print this and include it in the folder.

-----Original Message-----

From: AOL <thefireys@aol.com>
Sent: Friday, August 28, 2020 2:57 PM
To: Jones, Robi <rjones@incog.org>
Subject: Case#CBOA-2843

My name is John Firey. I own 4007 S 137th W Ave which joins 1369 W 41st St Sand Springs. (Case # CBOA 2843). They are applying for a variance to permit Unit 3, agriculture, for a horticulture nursery. I understand that they want to raise medical marijuana. I am strongly opposed to this in a residential neighborhood. In the event of a break-in or robbery they may come across our property. We feel this is the wrong kind of business for our neighborhood. Once again we strongly oppose this variance. Sincerely John Firey
Sent from my iPhone



Looking northwest from W. 41st St. S.



Looking north from W. 41st St. S.

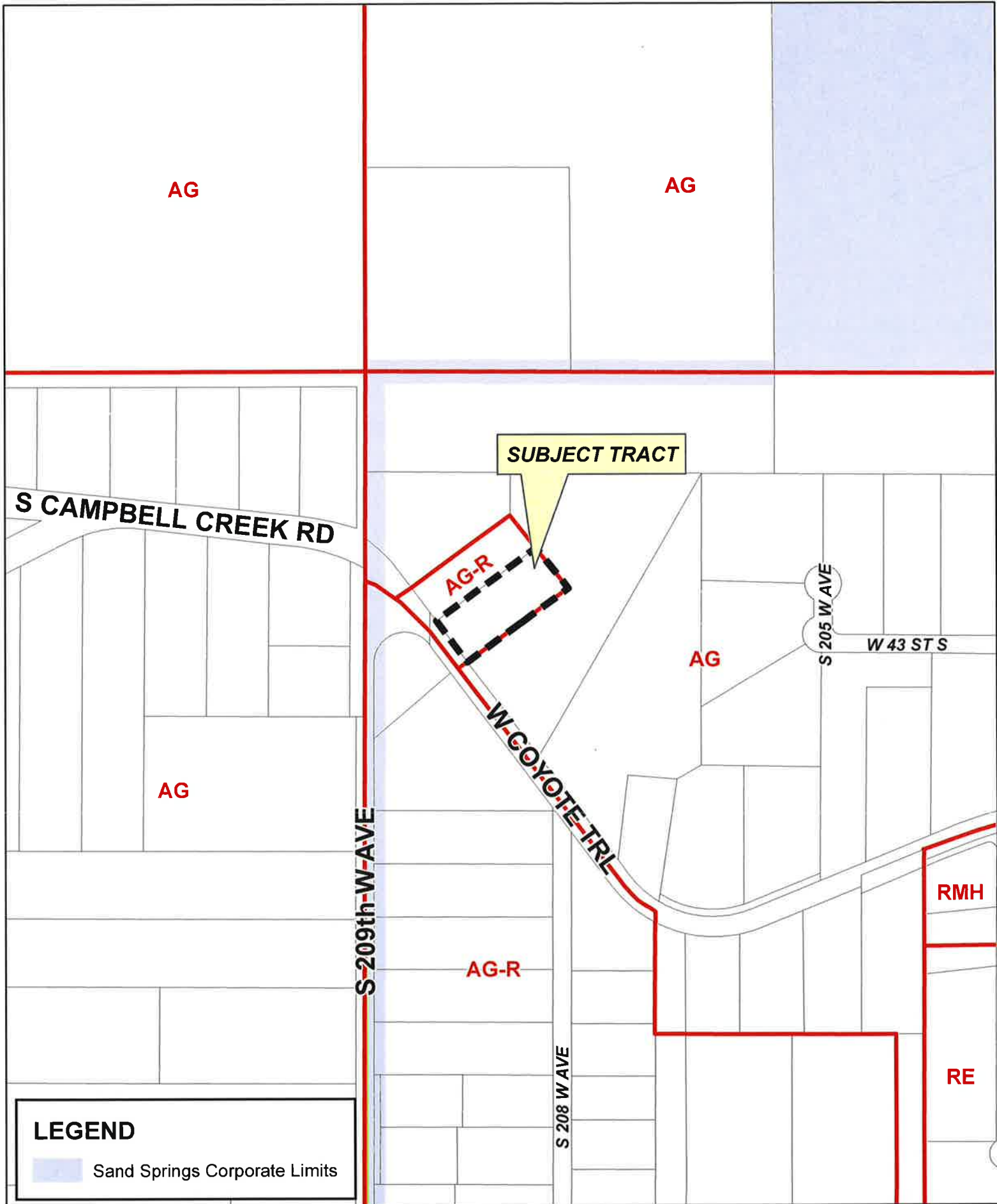


Looking west from W. 41st St. S.




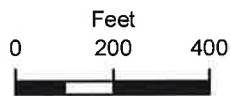
Looking east from W. 41st St. S.

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LEGEND

 Sand Springs Corporate Limits



CBOA-2844

19-10 26

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9026

CZM: 42

CASE NUMBER: **CBOA-2844**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Mark Bales

ACTION REQUESTED: Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

LOCATION: 20813 W COYOTE TL S

ZONED: AG-R

FENCELINE: Sand Springs

PRESENT USE: Shop

TRACT SIZE: 1.53 acres

LEGAL DESCRIPTION: PRT NW NW BEG 548.96S & 137.97SELY & 221.17SE NWC NW NW TH NE404.52 SE165.24 SW404.52 NW165.24 POB SEC 26 19 10 1.535ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CZ-438 December 2014: All concurred in approval of a request for *rezoning* a 2.81± acre tract of land from AG to AG-R on property located North of West Coyote Trail and east of South 209th West Avenue.

Surrounding Property: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a rural residential area. It abuts AG-R parcels to the northwest and south. It abuts AG properties to the north and east. The surrounding area appears to be vacant agricultural properties with some residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district 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 proposed use must be found to be compatible with the surrounding area.

The attached site plan shows existing accessory building where the business will operate if approved.

The applicant has provided the following hardship: "Current zoning prevents relocation of business."

3.2

The parcel is located in the fenceline of Sand Springs and is included in their Comprehensive Plan. The plan calls for a Residential land use designation which can be viewed on the attached Land Use Map. The Sand Springs Comprehensive Plan was adopted in 2017. A public hearing is set before Tulsa Metropolitan Planning Commission on October 7, 2020 for consideration of adoption into the Tulsa County Comprehensive Land Use Plan.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, 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.

powerful repetitive image of a storage place, which are flat on top. Mr. Reeds agreed that the Planning Commission needs to see a rendering or an example of one that has been installed in order to make a more informed decision.

Mr. Dix moved to deny this application. Seconded by Mr. Fretz.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **5-5-0** (Carnes, Dix, Fretz, Liotta, Walker "aye"; Covey, Millikin, Reeds, Shivel, Stirling "nays"; none "abstaining"; Midget "absent") to recommend **DENIAL** of the CG zoning for CZ-436 and PUD-821.

Motion is tied and therefore CZ-436 and PUD-821 move onto the Board of County Commission without a recommendation from the Planning Commission.

Legal Description for CZ-436/PUD-821:

A tract of land situated in the east half of Section 33, Township 22 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government survey thereof; Beginning 2809.3 feet South of the Northeast corner of said Section 33; thence West 744 feet to the eastern right of way of U.S. Highway 75; thence southwesterly along the Eastern right of way of U.S. Highway 75 a distance of 555.60 feet; thence East a distance of 860 feet; thence North a distance of 542.00 feet to the point of beginning, less the East 30 feet thereof, Tulsa County, State of Oklahoma

FILE COPY

33. **CZ-438 – Chance Furr**, Location: North of West Coyote Trail, east of South 209th West Avenue, requesting a rezoning from **AG to AG-R**, (County)

STAFF RECOMMENDATION:

The applicant did not submit a concept statement however the intended use is for residential redevelopment of the property.

DETAILED STAFF RECOMMENDATION:

CZ-438 is consistent with the existing surrounding property and;

The request for rezoning from AG to AG-R is consistent with the anticipated future development of this area and;

The request for rezoning from AG to AG-R is consistent with the anticipated future development of this area and;

There is no comprehensive plan vision for this area therefore;

Staff recommends **APPROVAL** of CZ-438 to rezone property from AG to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site is not inside the City of Tulsa Comprehensive plan and is outside of any known comprehensive plan area. This site is contained within the City of Sand Springs fence line.

Land Use Vision: None

Land Use Plan map designation: n/a

Areas of Stability and Growth designation: n/a

Transportation Vision:

Major Street and Highway Plan: None except that Coyote Trail is considered a secondary arterial street on the Tulsa Metropolitan Area Major Street and Highway Plan.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing property has one single family residence and a large shop building.

Environmental Considerations: There are no known environmental concerns that would affect development of this site with single family residential homes.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Coyote Trail South	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available. A private septic system will be required to meet ODEQ standards when a new home is constructed.

Surrounding Properties: The subject tract is surrounded large lot single family residential property and by rural wooded and largely undeveloped property, zoned AG except south across West Coyote Trail the area is zoned AG-R.

SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

There is no relevant history.

There were no interested parties wishing to speak.

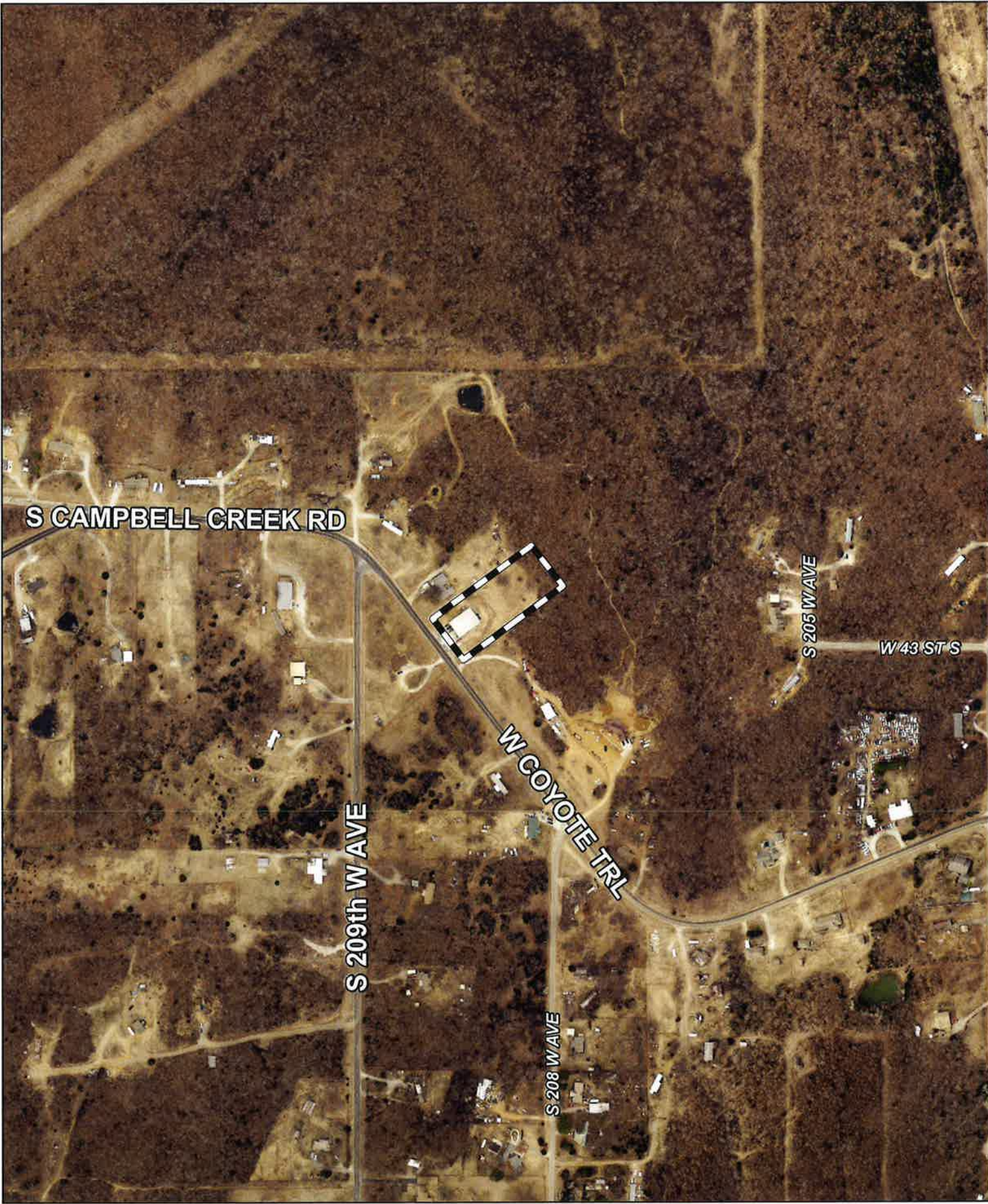
The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-438 per staff recommendation.

Legal Description for CZ-438:

BEG 548.98S & 137.97 SELY CRV RT & 84.33SE NWC NW NW TH NE404.52 SE302.09 SW404.52 NW302.09 POB SEC 26 19 10 2.805ACS, City of Tulsa, Tulsa County, State of Oklahoma.



S CAMPBELL CREEK RD

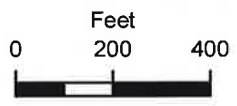
S 209th W AVE

W COYOTE TRL

S 205 W AVE

W 43 ST S

S 208 W AVE



Subject Tract

CBOA-2844

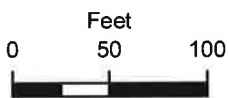
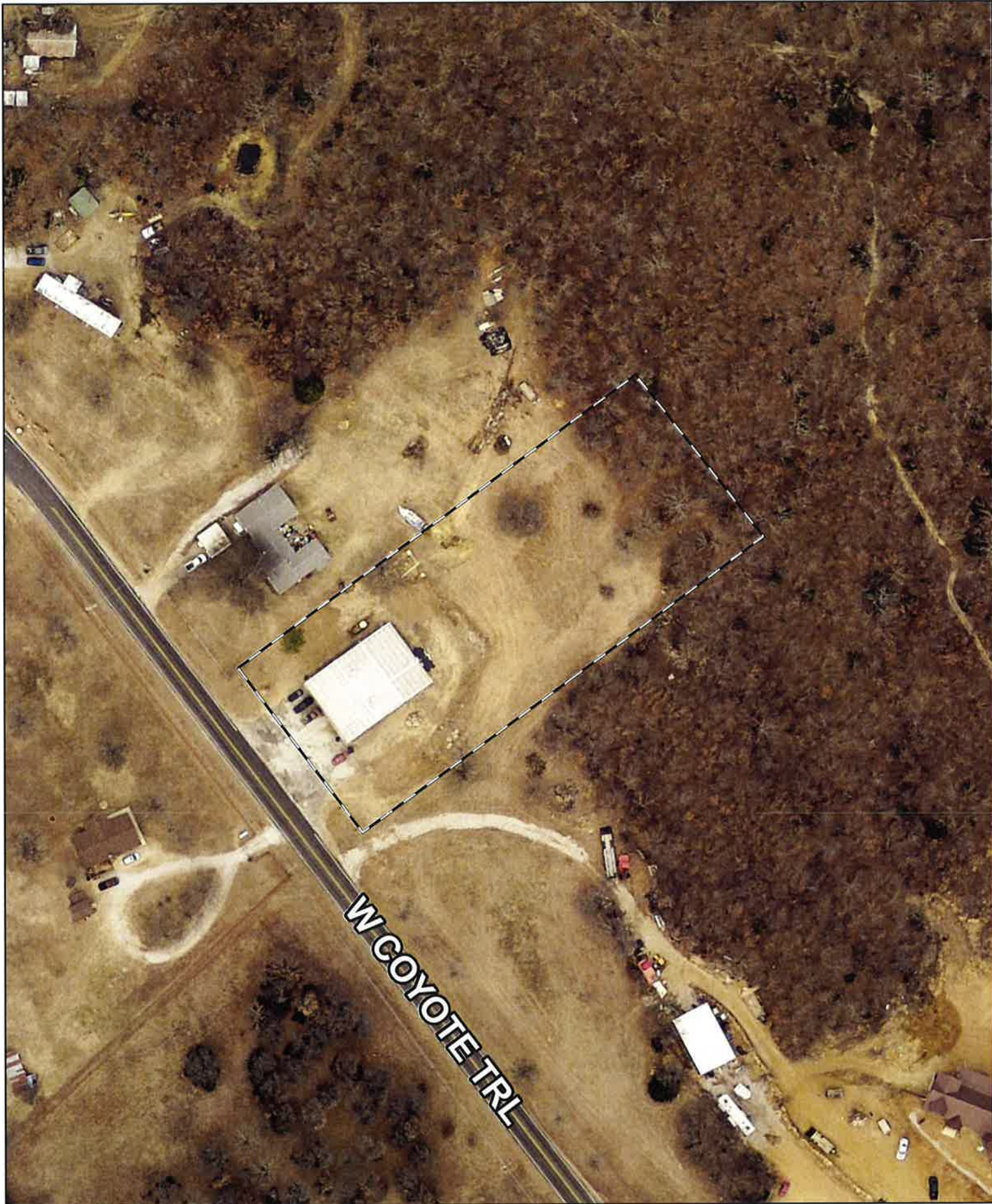
19-10 26

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

Aerial Photo Date: February 2018

3.7





Subject Tract

CBOA-2844

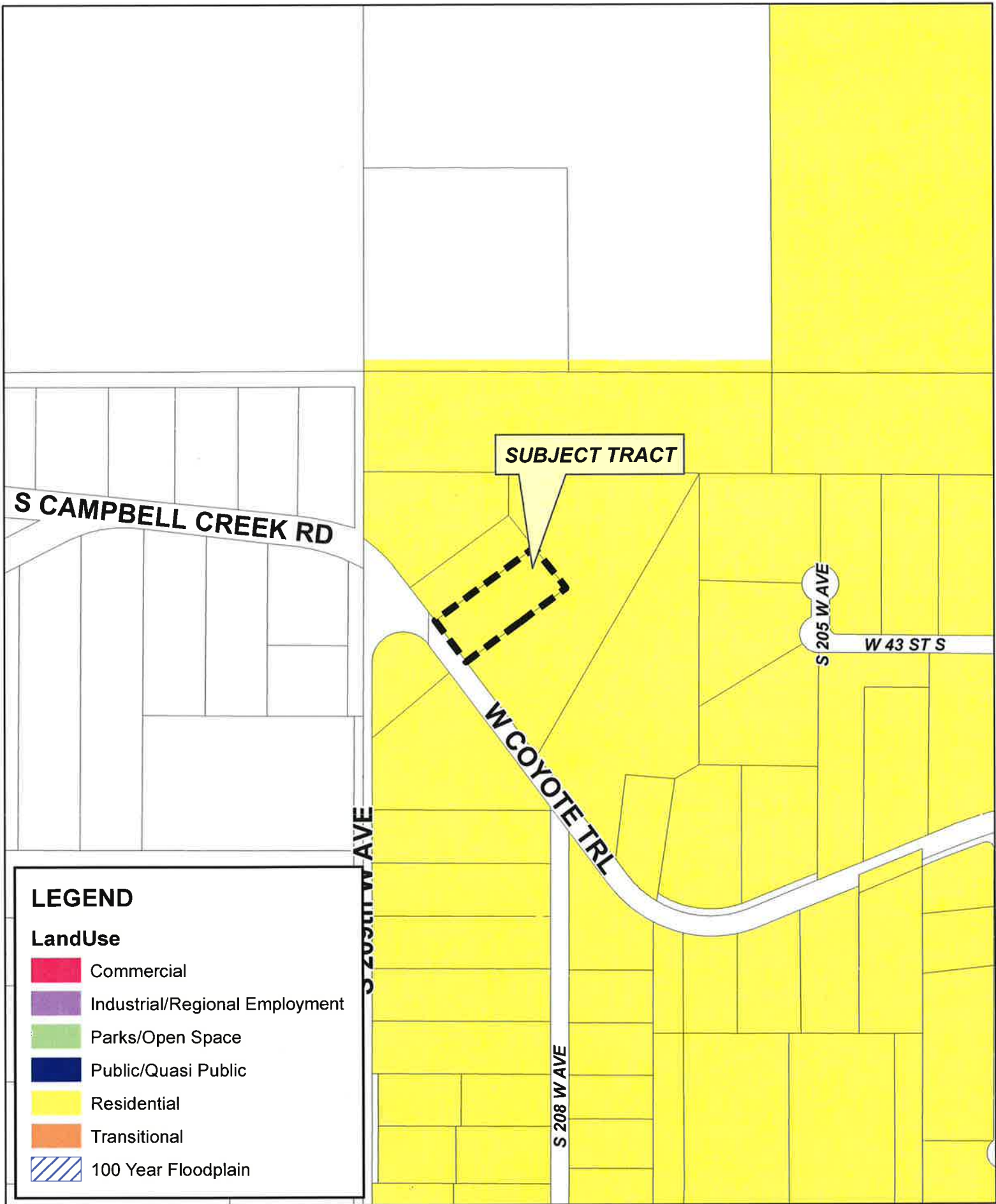
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

3.8

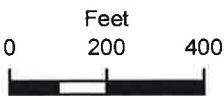




LEGEND

LandUse

- Commercial
- Industrial/Regional Employment
- Parks/Open Space
- Public/Quasi Public
- Residential
- Transitional
- 100 Year Floodplain



CBOA-2844

19-10 26

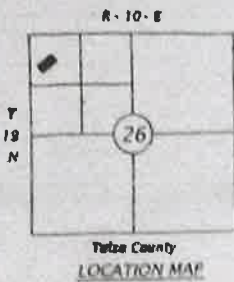




Looking northeast from W. Coyote Trail South

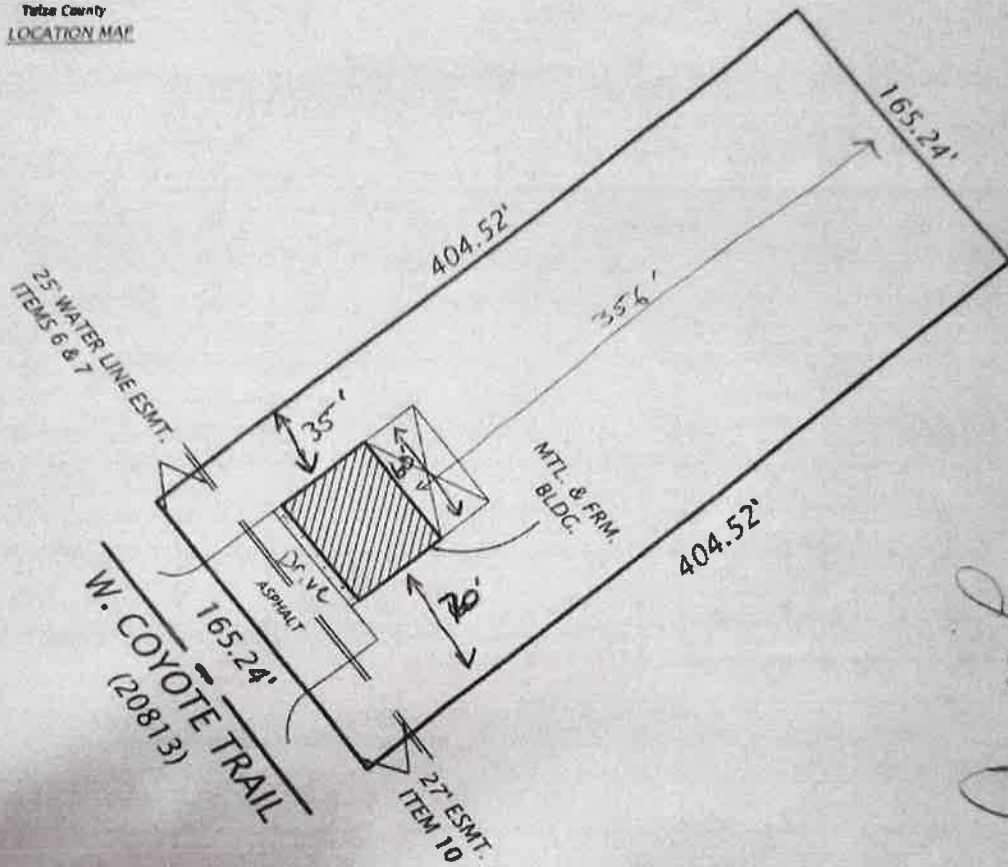


Looking east from W. Coyote Trail South

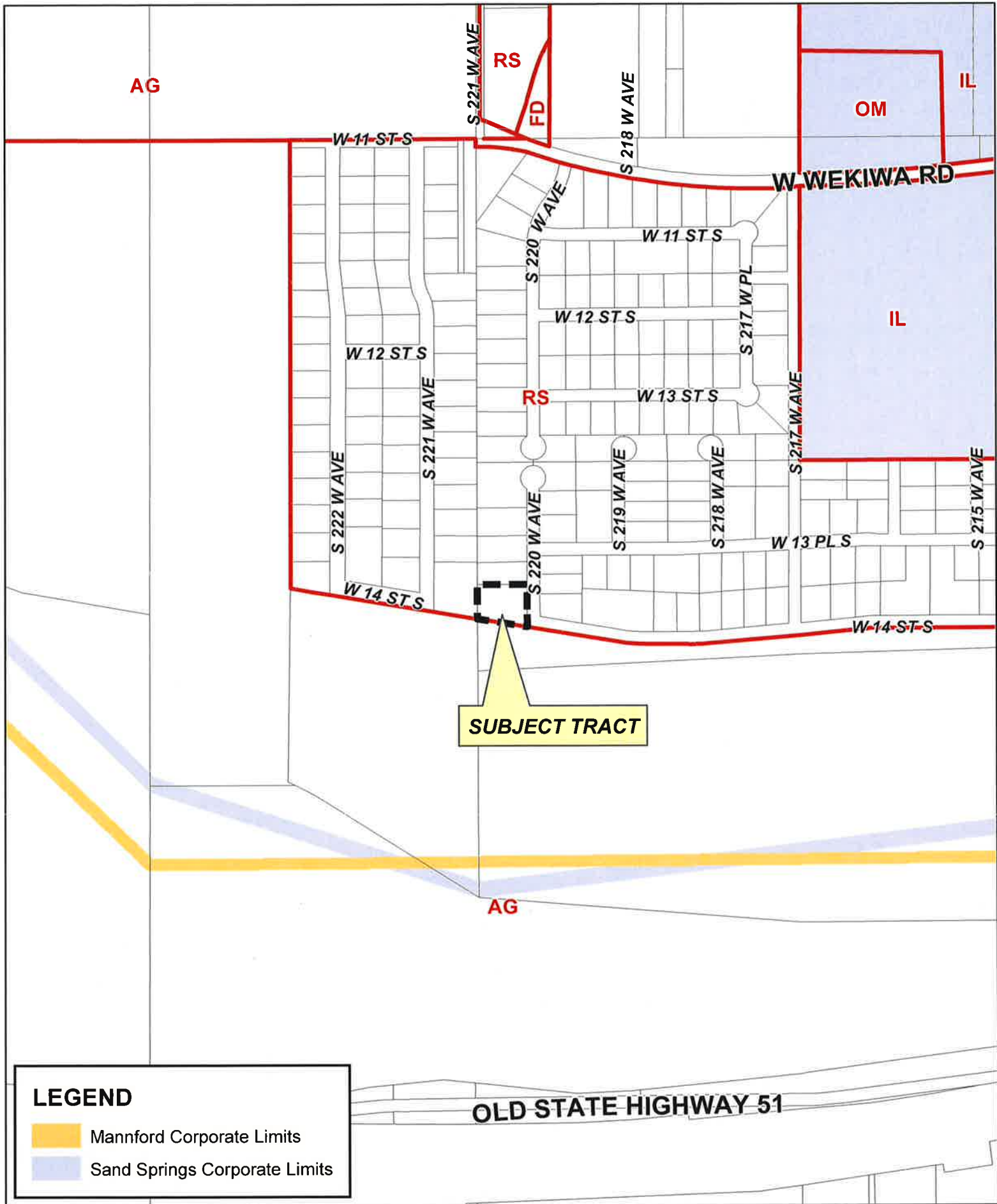


SCALE
1" = 80'

SEE "ATTACHMENT"
FOR LEGAL DESCRIPTION
AND EASEMENT INFORMATION



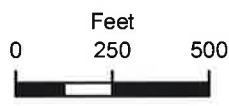
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SUBJECT TRACT

LEGEND

- Mannford Corporate Limits
- Sand Springs Corporate Limits



CBOA-2845

19-10 10

4.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9010

CZM: 33

CASE NUMBER: CBOA-2845

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Sean Parchman

ACTION REQUESTED: Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1).

LOCATION: 1372 S 220 AV W

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.72 acres

LEGAL DESCRIPTION: LT 12 & BEG SWC LT 12 TH SLY50.65 E APROX 206.30 N50 WLY206 BLK 8, CANDLESTICK BEACH, CANDLESTICK BEACH THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2199 March 2006: The Board approved a *Variance* of the maximum permitted square footage for an accessory building in an RS district, subject to a lot combination of the two lots; and not to be used for a dwelling, on property located at 1372 South 220th Avenue West.

Surrounding Property:

CBOA-2833 August 2020: The Board denied a *Use Variance* to permit Use Unit 3, Agriculture, in a residential district, on property located at 21609 West 14th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts other residential properties with RS zoning to the west, north, and east. It abuts AG property to the south which appears to be a sand bar used for recreational purposes just north of the Arkansas River.

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 410, Table 1).

A Use Variance is required as Agriculture is not a use permitted in an RS 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: *"Property owner wants approval to cultivate medical marijuana at property."*

4.2

According to the submitted site plan, the horticulture nursery will be located in a 1,488 sq. ft. accessory building in the rear of the yard. The accessory building was approved in 2006 (CBOA-2199).

The parcel is located in the fenceline of Sand Springs and is included in their Comprehensive Plan. The plan calls for a Residential land use designation which can be viewed on the attached Land Use Map. The Sand Springs Comprehensive Plan was adopted in 2017. A public hearing is set before Tulsa Metropolitan Planning Commission on October 7, 2020 for consideration of adoption into the Tulsa County Comprehensive Land Use Plan.

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 410, Table 1).

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.”

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 310
Tuesday, March 21, 2006, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair	Charney, Vice Chair	Butler	West, Co. Inspector
Dillard, Secretary		Cuthbertson	
Tyndall			
Walker			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, March 15, 2006 at 3:17 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Hutson called the meeting to order at 1:30 p.m.

MINUTES

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of February 21, 2006 (No. 309).

NEW APPLICATIONS

Case No. 2199

Action Requested:

Variance of the maximum permitted square footage for an accessory building in an RS district (Section 240.2.E), located: 1372 South 220th Avenue West.

Presentation:

Leo Croley, 1382 South 220th West Avenue, Sand Springs, Oklahoma, proposed to construct a building as an annex to the house for storage purposes. He submitted an application to combine his two lots to comply with the zoning code for the square footage of the building. He provided a petition of support, photographs and a letter of support (Exhibits A-1, A-2 and A-3).

FILED

Comments and Questions:

Mr. Walker asked if utilities would be connected to the building. Mr. Croley replied they would only have electricity to the building, no plumbing or gas. He also explained they are building it with a second story for the storage because of the history of the river overflowing the banks. The windows are built high not lower like a house.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the maximum permitted square footage for an accessory building in an RS district (Section 240.2.E), subject to a lot combination of the two lots, and not to be used for a dwelling, finding the combination of the lots allows for the square footage of the building, on the following described property:

LT 12 BLK 8CANDLESTICK BEACH, Tulsa County, State of Oklahoma

Case No. 2200

Action Requested:

Special Exception to permit a child care facility (Use Unit 5) in an RS district; and a Variance of the 25 ft. building setback from an abutting R zoned property, located: 4840 West 45th Street South.

Presentation:

Shirley Kent, 4840 West 45th Street, proposed to open a child care facility. The existing accessory building is now used for storage but would be converted to a day care for up to twenty children. She pointed out there is easy access.

Comments and Questions:

Mr. Hutson noted the unanimous support of the neighbors. Mr. Hutson also commented the setback would be in compliance with the zoning code.

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, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVAL** a Special Exception to permit a child care facility (Use Unit 5) in an RS district; and a Variance of the 25 ft. building setback from an abutting R zoned property to the existing 7 ½ ft., finding this is a transitional neighborhood; when it was built it was

12:00 midnight. There is to be no music played after 11:00 P.M.; for the following property:

E/2 SW SE SE LESS .12 AC FOR RDS SEC 23 21 13 4.88 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Draft Minutes

2833—Desirae Ozark

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203). **LOCATION:** 21609 West 14th Street South

Presentation:

Desirae Ozark, 21609 West 14th Street South, Sand Springs, OK; stated her property is zoned residential and she would like to have the zoning changed to agricultural so she can have a horticulture nursery on the property. Ms. Ozark stated she has discussed the proposed change with her neighbors and the neighbors directly to the east are in attendance to show their support; all three neighbors around her are in support of this request. Ms. Ozark stated that some of the neighbors did express concern about the crop that would be grown in the shop. This site would just be a grow site, there would be no distribution, no selling, no customers and grow addresses are not public so it will not hurt home values because no one will know the shop exists. Ms. Ozark stated she is a renter?

no
renter?
realtor

so she is aware of what can affect home values. Ms. Ozark stated a neighbor had expressed a concern about the smell and she will be installing an air filtration system so there will be no smell. The neighbors will have no idea that the facility is there other than the fact that this request process has been done to let them know.

Forrest Ozark, 21609 West 14th Street South, Sand Springs, OK; stated there is one neighbor that will probably speak out against this proposal, but he is against anything that might happen in the neighborhood; his nature is to be difficult.

Mr. Hutchinson asked Ms. Ozark how many plants would be grown in the building. Ms. Ozark stated the building is 900 square feet and she is not sure how many will grow and how many she will be able to keep alive. The growing process is hard, and it takes a lot to have a harvestable crop. The shop is heated, cooled, and insulated and if they had to do this elsewhere, she would have to purchase property and build a structure. Mr. Ozark stated that finances will be a factor also because the installation of lighting will be expensive.

Mr. Hutchinson asked the Ozarks about security of the site. Ms. Ozark stated there is an existing security fence around the back of the property, and there are cameras with future cameras to be installed.

Mr. Hutchinson asked if the facility would be an LLC. Ms. Ozark answered affirmatively and stated that she has not started that process because this hearing is the first step.

Mr. Johnston asked Ms. Ozark if anything would change in the exterior appearance of the building. Ms. Ozark answered no.

Mr. Johnston asked Ms. Ozark how they would be removing the plant material. Ms. Ozark stated the plants will be taken from the shop and transported to a testing center, and the plants will never come back to the property.

Mr. Hutchinson asked Ms. Ozark if she took the entire plant to be tested or is it just the bud taken to be tested. Ms. Ozark stated that it is just the buds of the plant that are taken to be tested.

Mr. Charney asked Ms. Ozark if there would be any increase in traffic as a result of this proposed operation other than the personal vehicles. Ms. Ozark stated there would no increase in traffic.

Interested Parties:

Diana Ozark, 21603 West 14th Street, Sand Springs, OK; stated she lives next door to the east and she is here today to support this request.

James Ozark, 21603 West 14th Street, Sand Springs, OK; stated Forrest is his son and he does not see a problem in having the grow facility next door.

William Wilkins, 21521 West 14th Street South, Sand Springs, OK; stated he lives three doors east of the subject property. His concern is not with what Ms. Ozark wants to do but his concern is in the way it is being done. This is essentially seeking to rezone a residential use district to allow the agriculture use. There is a reason the Zoning Code does not provide for an agricultural Use Unit 3 by right or Special Exception. This would open up this densely packed neighborhood to all kinds of requests for other agricultural uses. Many people built or purchased houses in this neighborhood understanding that there was no agricultural use permitted. The residents chose a more traditional neighborhood in the County rather than an outlying larger cluster of residential that would allow agricultural use. The neighborhood is like a city neighborhood, single family residential houses that are sitting side by side as found in most city neighborhoods. There is no agricultural growth or livestock in the neighborhood beyond small personal gardens. The application made states that it is for a non-residential use. The neighborhoods current restricted covenants state that the lots are known for and described for residential use only. Staff has stated that the applicant is seeking this accommodation for an indoor marijuana grow room in the detached accessory building. It is well documented that such grow rooms produce odors that are inconvenient to say the least, especially when the product is being dried. The odor will have adverse impact on neighbors and their property values. Mr. Wilkins stated that Section 16.080.1A of the Zoning Code states that the Board of Adjustment may only grant the Special Exception use as designated. There is no allowance within a residential district provisions under Section 410 for Use Unit 3 or an accessory use in Section 420. Mr. Wilkins stated that he believes such a use belongs in a dedicated commercial or agricultural zoned district not a residential district.

Mr. Charney stated that the applicant is seeking a Use Variance not a Special Exception, he just wants to make certain that everyone understands the request.

Christina Nichols, 21488 West 13th Place South, Sand Springs, OK; stated she lives five lots east of the subject property. She does not have an issue with the way the Ozarks are conducting this request because they are trying to do everything legally, but she has an issue with the fact that the neighborhood is not zoned for agricultural. She believes this will set the neighborhood up for more traffic if the word gets out that there is a nursery in the neighborhood. The other issue is that the HOA is currently reviewing the neighborhood covenants. The neighborhood cannot have farm animals because the area is residentially zoned. Ms. Nichols stated there are also concerns about the children in the neighborhood.

Mr. Charney stated the Board tries to analyze requests separate and apart from any private covenant issues. The Board recognizes that their purview is to determine whether or not a Variance should or should not be granted separate and apart from private covenants. The Board does not make their decisions based upon construing or analyzing or interpreting private covenants. The Board recognizes that the respective property owners, regardless of what the Board says, may say a request violates a covenant and they have a right pursue whatever approach they may think is consistent with the covenants or whatever legal means are available. Mr. Charney stated that he wants to make sure the interested parties understand that is not the focus of this Board. This

Board is strictly a land use planning component to determine whether what is sought is injurious to the neighborhood or inconsistent with what would be going on in the neighborhood.

Rebuttal:

Desirae Ozark came forward and stated she plans to implement a carbon filtration system so there will be no smell that gets out into the neighborhood. The neighborhood is unique ⁱⁿ that is right on the Arkansas River and is surrounded by agricultural property; the lots are spread out. Neighbors ride around on four-wheelers and golf carts which ^{are} not something that is seen in an inner-city neighborhood. The neighborhood is a rural style neighborhood. Across the street from her property is a beach, the levy, and the Arkansas River; she does not have close neighbors. The interested parties that spoke live down the street from her and they would not be directly impacted from her proposal. Ms. Ozark stated that she knows people that have grow facilities and the carbon filtration system is the system they use to contain smell because that is what a carbon system is for. A carbon filtration system is to purify the air and remove smells.

Mr. Hutchinson asked Ms. Ozark if her property was about 1/3 acre. Ms. Ozark answered affirmatively.

Mr. Hutchinson asked staff if there is still a slight smell even with the use of a carbon filtration system. Ms. Tosh stated that there is still a slight smell and there are complaints about smells. Putting a grow facility in a neighborhood may ^{be a} ~~the~~ negative side effect of

the facility. No matter how much filtration is used you can still smell them. Mr. Ozark stepped forward and stated that the smell would be contained to the immediate area around the facility with the carbon filtration system, it would not permeate the neighborhood.

Comments and Questions:

Mr. Hutchinson stated he has a problem with this being in an RS zoning. He thinks Tulsa County is very liberal in what they allow as far as the AG, commercial or industrial zoning. He would have a hard time supporting this request because it is in a residential neighborhood.

Mr. Charney stated that he agrees with Mr. Hutchinson. This property is a 1/3 acre which is standard for a city sized lot, and if there is an odor associated with the grow facility, he has trouble with it being in an RS District.

Mr. Dillard stated he has no problem with this request because of the filtration system; there would be no complaints if the applicant were growing tomatoes. Because the applicant wants to grow marijuana there is the social issue that goes with it and the public hides behind the smell.

Mr. Johnston agreed with Mr. Dillard. Mr. Johnston stated this is an existing building and it does not show as a grow facility. He could support this request, but if the existing

building were to be enlarged or it became an outdoor grow facility his opinion would be different.

Mr. Crall stated that he understands a Use Variance cannot be based on financial burden, and that was the only reason given for this request. He does not think that is sufficient for him to approve this request in a residential area on a small piece of property.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-2-0 (Charney, Crall, Hutchinson, “aye”; Dillard, Johnston “nays”; no “abstentions”; none “absent”) to **DENY** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203); for the following property:

LT 2 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

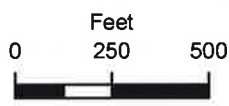
2834—Larry Hotson

Action Requested:

Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E); Variance to permit a detached



OLD STATE HIGHWAY 51



 Subject Tract

CBOA-2845

19-10 10

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

Aerial Photo Date: February 2018





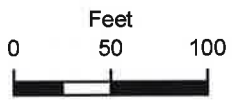
S 221 WAVE

S 220 WAVE

W 13 PLS

W 14 STS

W 14 STS



Subject Tract

CBOA-2845

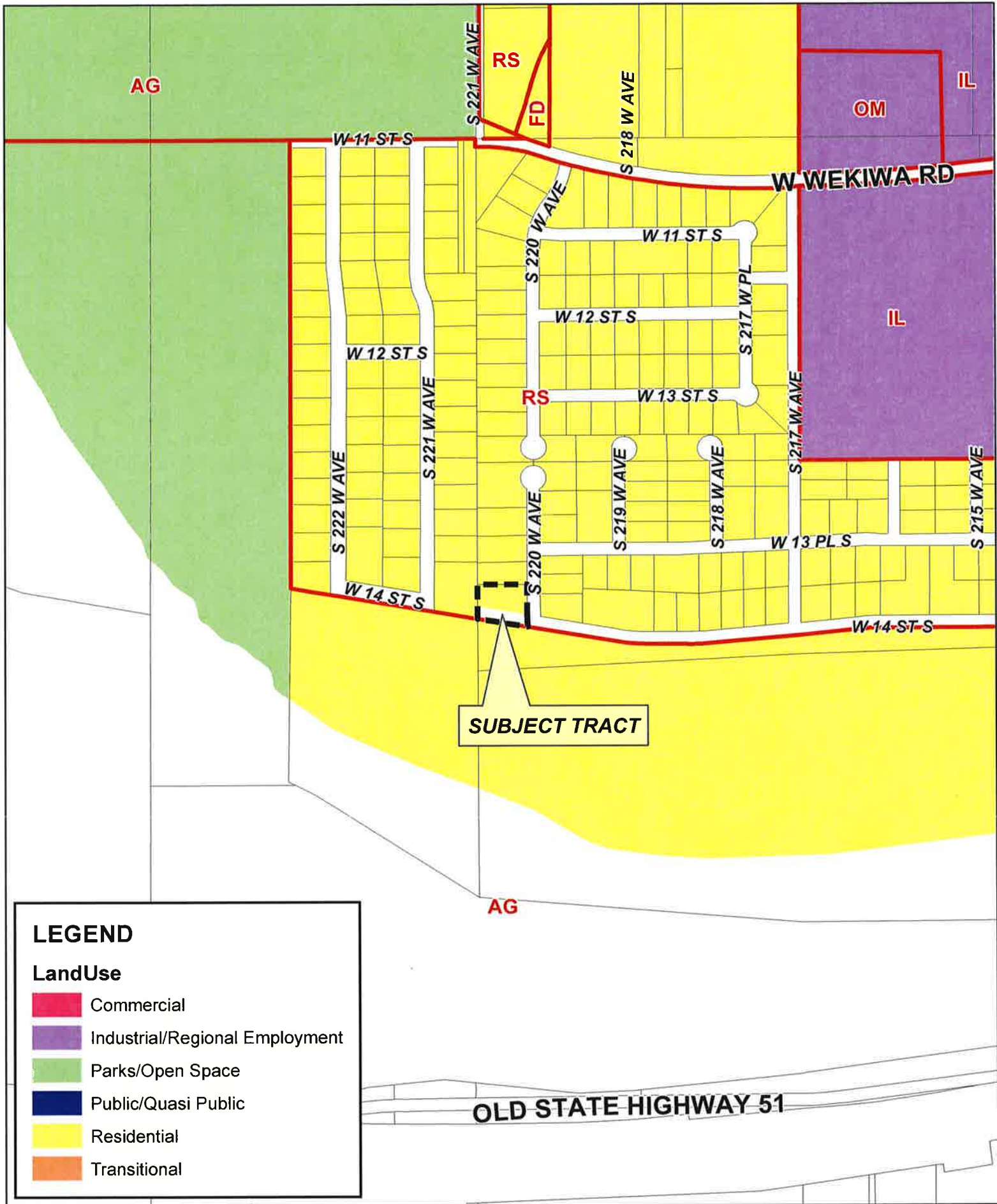
19-10 10

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

Aerial Photo Date: February 2018

4.15





SUBJECT TRACT

LEGEND

LandUse

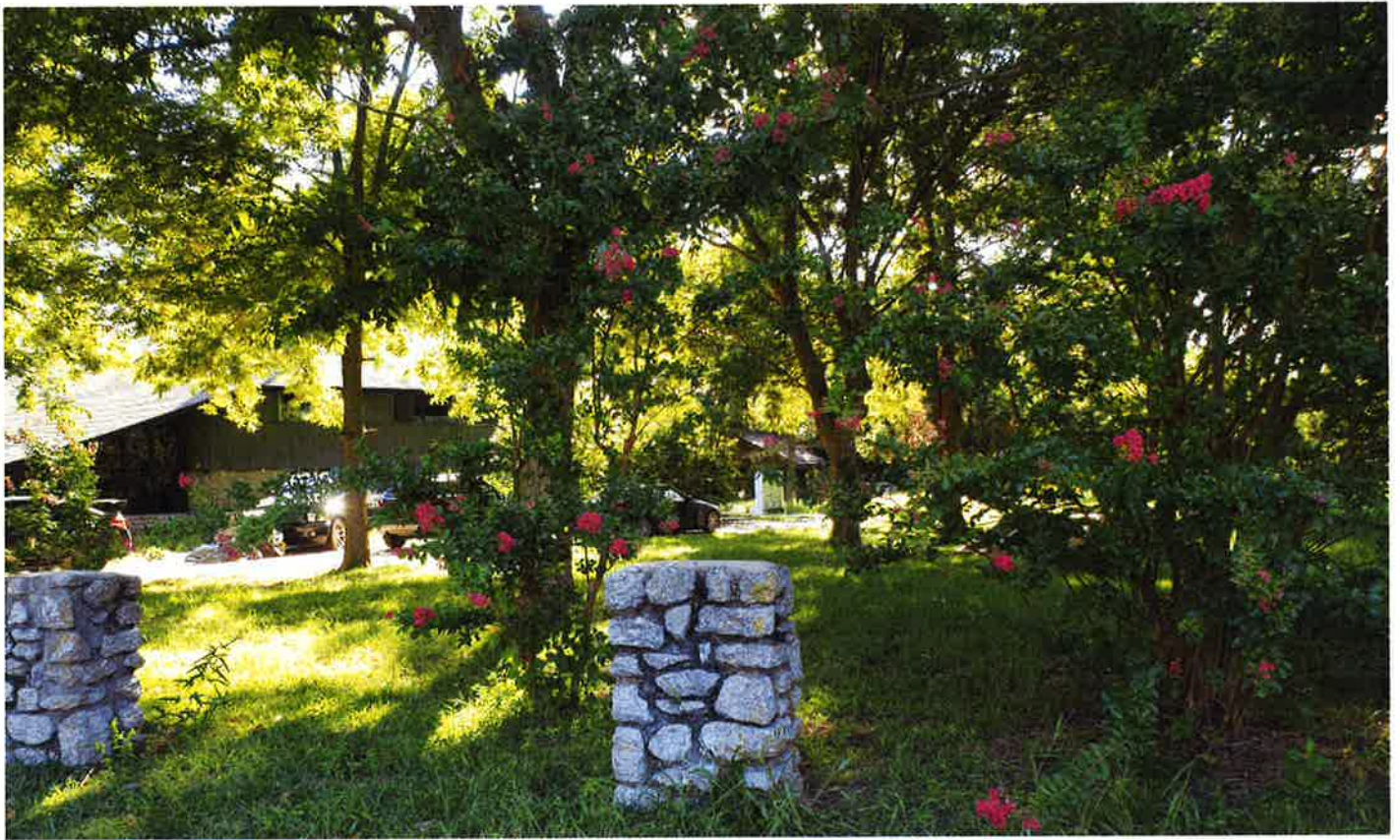
- Commercial
- Industrial/Regional Employment
- Parks/Open Space
- Public/Quasi Public
- Residential
- Transitional



CBOA-2845

19-10 10





Looking southwest from S. 220th W. Ave.



Looking slightly southwest from S. 220th W. Ave.

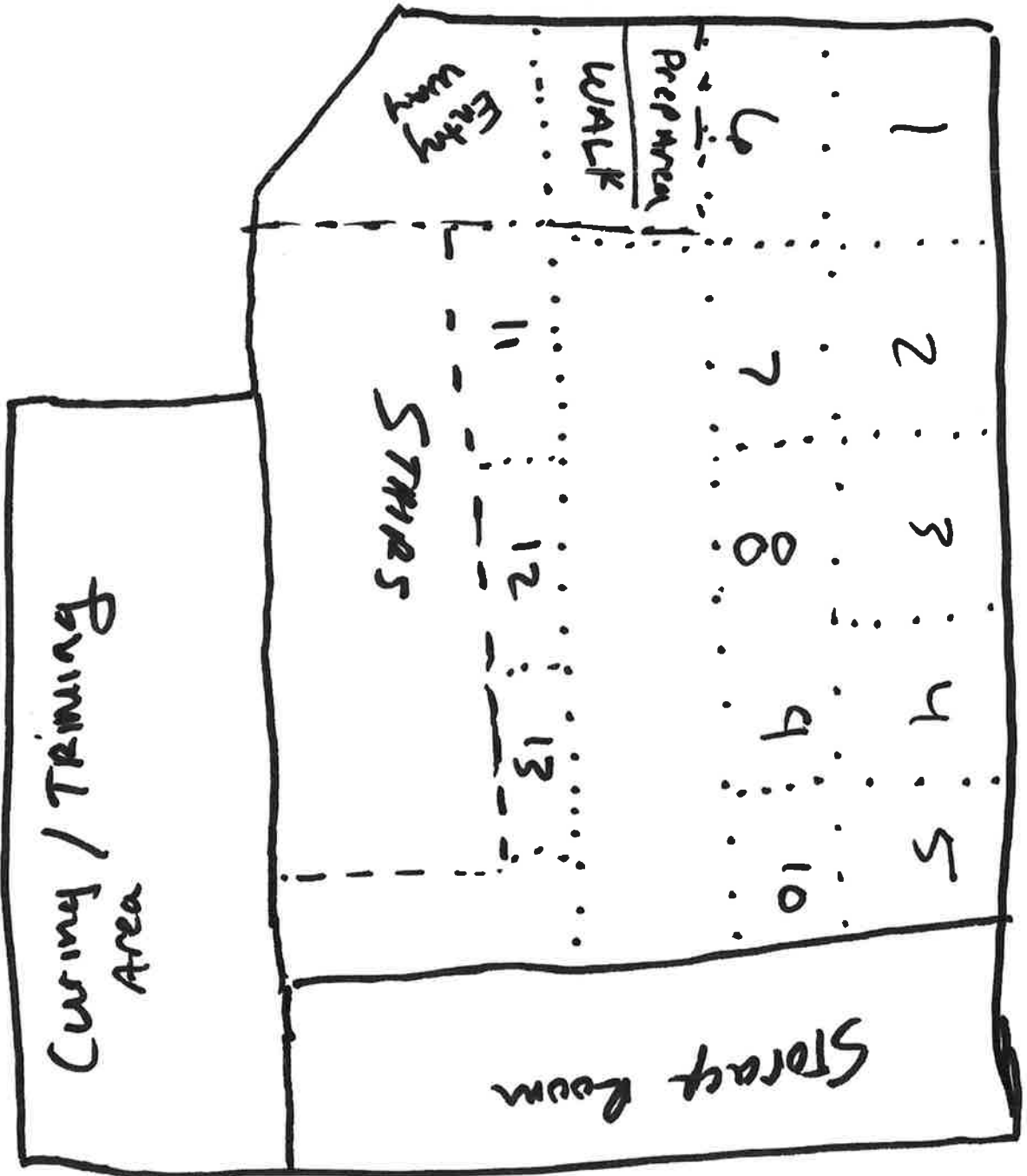


Looking north from S. 220th W. Ave.



Looking south from S. 220th W. Ave.

Number = lights



Down Stairs Veg Room + Storage + Dryer

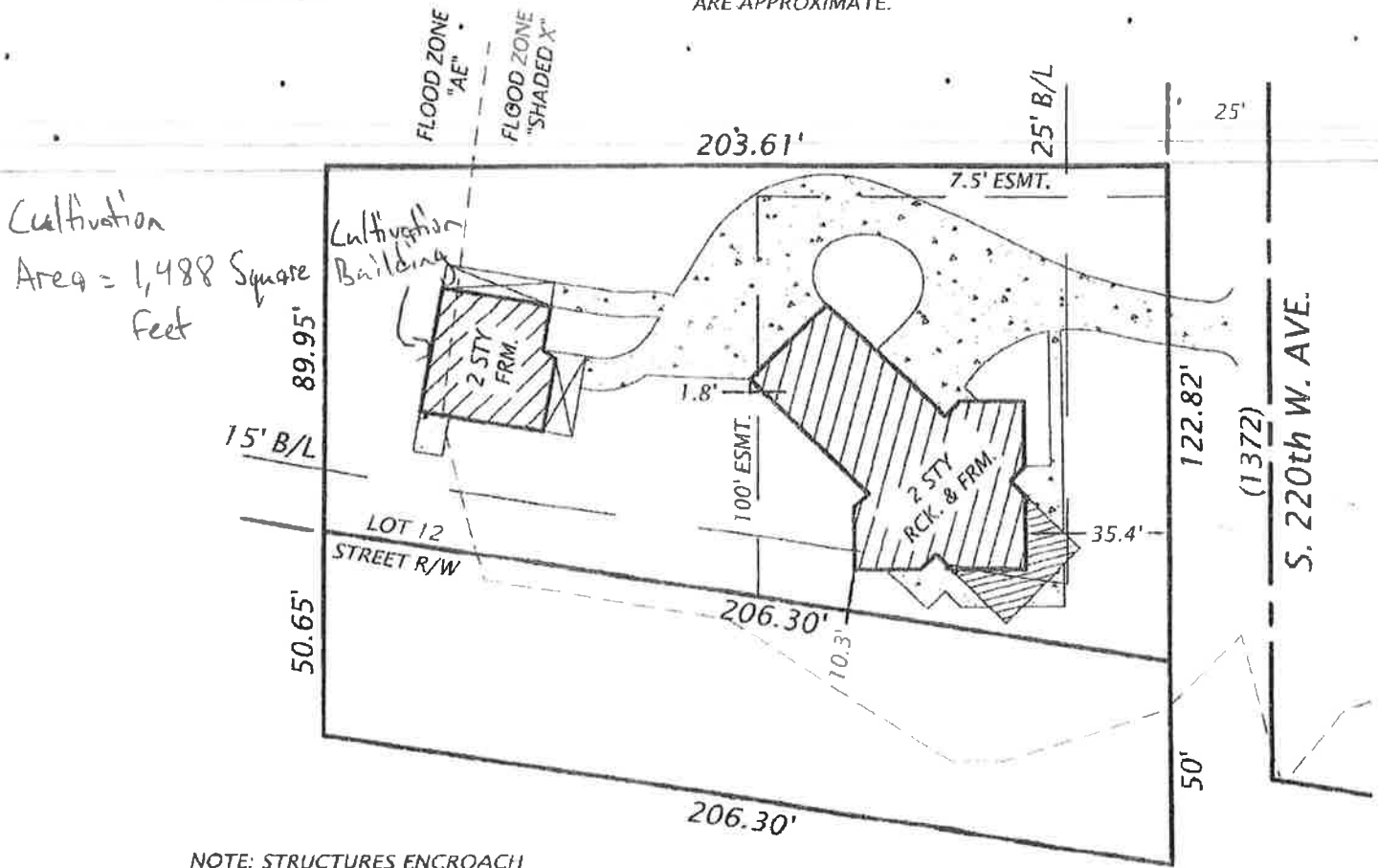
HP STAIRS Flower Room

STAIRS		WALK / Prep Area	
1	2	9	10 : 29
3	4	11	12 : 31
5	6	13	14 : 33
7	8	15	16 : 35
		17	18 : 37
		19	20 : 39
		21	22 : 41
		23	24 : 43
		25	26 : 45
		27	28 : 47
		28	48

Number = lights
CMT 315

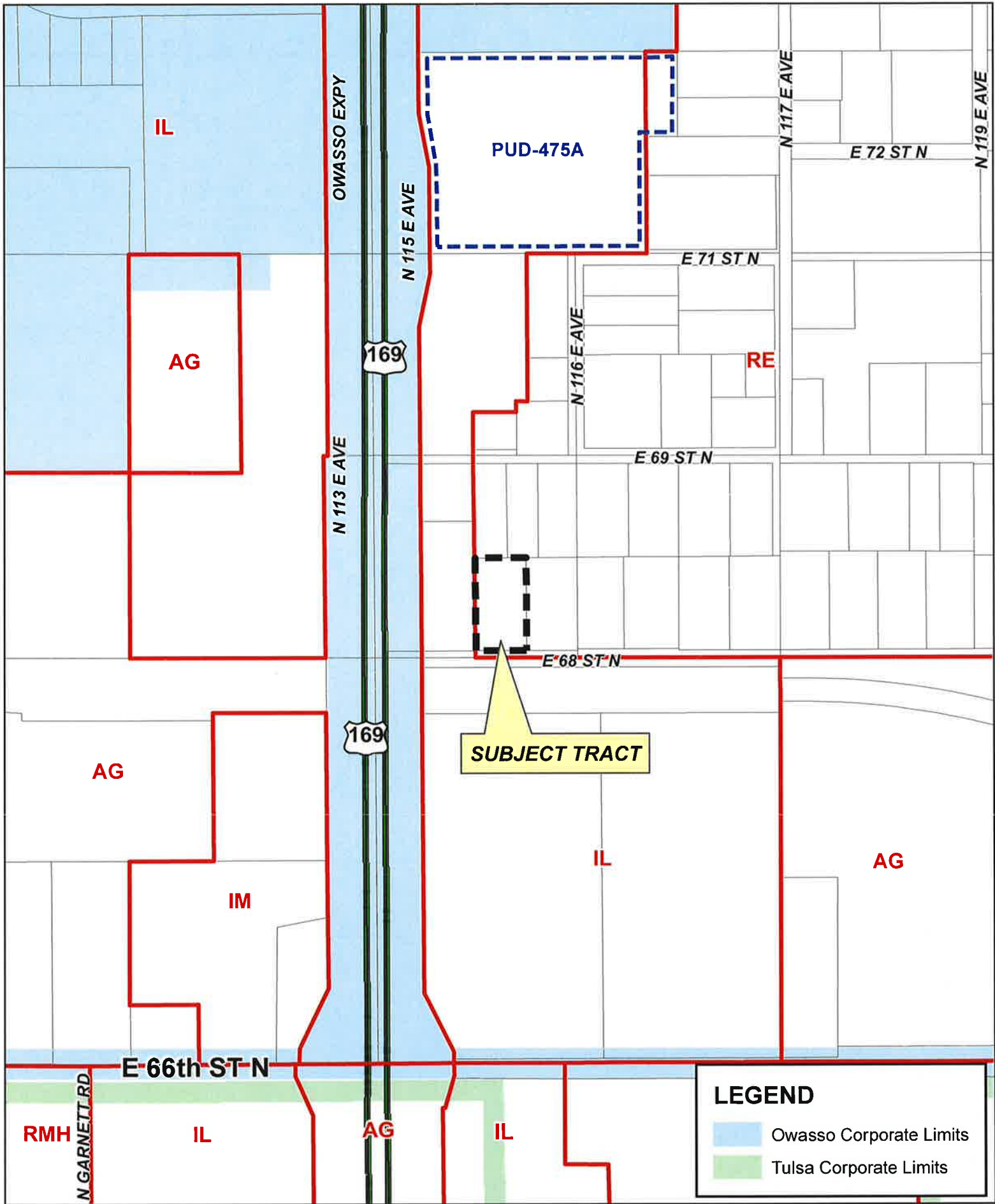

 SCALE
 1" = 30'
 PLAT NO. 2548

NOTE: FLOOD ZONE LOCATIONS ARE APPROXIMATE.



NOTE: STRUCTURES ENCROACH INTO REAR 100' ESMT. AS SHOWN

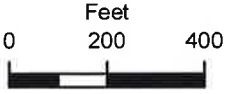
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SUBJECT TRACT

LEGEND

- Owasso Corporate Limits
- Tulsa Corporate Limits



CBOA-2846

5.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1432

CZM: 18

CASE NUMBER: CBOA-2846

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: DSK Investments, LLC

ACTION REQUESTED: Use Variance to allow Outdoor Storage (Use Unit 23 – Warehousing and Wholesaling) in an RE District (Section 1223); and a Use variance to allow for an office use (Use unit 11 – Offices and Studios) to permit an office in an RE district (Section 1211).

LOCATION: 11505 E 68 ST N

ZONED: RE

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 1.16 acres

LEGAL DESCRIPTION: LT 6, JONESVILLE, OWASSO FENCE RESUB S/2 L2 & ALL L3-5 B1 JONESVILLE

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1471 December 1996: The Board approved a *Variance* of the required rear yard from 25' to 3' and the side yard from 15' to 3' to permit a detached accessory building; and a *Variance* of the maximum 750 SF for a detached accessory building to 2700 SF, on property located at 11617 East 68th Street North.

CBOA-1235 March 1994: The Board approved a *Variance* to permit two dwelling units per lot of record; and a *Variance* of the lot area and land area per dwelling unit, on property located at 715 East 131st Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts IL zoning with industrial type uses to the west and south. It abuts RE zoning with residential uses to the north and east.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Outdoor Storage (Use Unit 23 – Warehousing and Wholesaling) in an RE District (Section 1223); and a Use variance to allow for an office use (Use unit 11 – Offices and Studios) to permit an office in an RE district (Section 1211).

The applicant supplied the following statement: “We are looking to use the back yard for fence storage and the house for office space. We will not be changing anything structural or make any permanent changes to the property. We want to stay in compliance with all safety and be courteous to all surrounding neighbors.”

5.2

According to the submitted survey, the applicant is proposing to use the existing residence for office spaces and use the back of the property for outdoor storage.

A Use Variance is required as outdoor storage (Use Unit 23 - Storage, Not Elsewhere Classified) is not a use permitted in the RE district due to potential adverse effects. The subject property is abutted on the north and east by a single-family residential district. If approved, the applicant will be required to provide a screening wall or fence along the lot lines in common with the R district (1223.3 Use Conditions).

A Use Variance is required as an office use (Use Unit 11) is not permitted in a RE zoning district due to potential adverse effect.

The subject property is located within the fenceline of Owasso. The Tulsa County Comprehensive Land Use Plan (adopted July 2019) and the Owasso Comprehensive Plan (adopted in 2014 and amended in 2016 and 2018) designates the land use as Residential. This designation is meant to serve as a guide for planners and related decision-making bodies. It is possible that designated future land uses would remain viable over time or due to changes in the surrounding area, alternative land uses could prove more practical to the location.

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 allow Outdoor Storage (Use Unit 23 - Warehousing and Wholesaling) in an RE District (Section 1223); and a Use variance to allow for an office use (Use unit 11 - Offices and Studios) to permit an office in an RE district (Section 1211).

Finding the hardship to be _____.

Subject to the following conditions (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.”

Case No. 1470 (continued)

Mr. Bricksey stated that the road is an undesignated road and it was not left to anyone when the property was platted. He further stated that the road has been under fence by the owner's of this property ever since it was platted. Mr. Bricksey explained that he has looked in the County records and it is not designated nor is it owned by the County. He indicated the road has been maintained by the owners of the property.

Mr. Alberty stated that Mr. Horner indicated he would not be building on the south 25' of the subject property so the issue of how the road is designated is mute.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit the aggregate of detached accessory buildings to exceed the maximum of 750 SF to permit a new building of 1200 SF for a total of 1520 SF. **SECTION 240.2.E. YARDS - Use Unit 6**; subject that the accessory building be used to house his automobiles as depicted in his presentation; subject to there being no commercial activity on this property; finding that the area is a mixture of CS, IL & RS districts and the property could be zoned IL based on the existing patterns, but the owner desires to maintain the property as RS district; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 12, Delaware Gardens, Tulsa County, Oklahoma.

Case No. 1471

Action Requested:

Variance of the required rear yard from 25' to 3' & side yard from 15' to 3' to permit a detached accessory building. **SECTION 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** and a Variance of the maximum 750 SF for a detached accessory building to 2700 SF. **SECTION 240.2.E. YARDS - Use Unit 6**, located 11617 E. 68th St. North.

Presentation:

The applicant, **Wayne E. Smothers**, 11617 East 68th Street North, submitted an application for a building permit (Exhibit D-1) and stated he would like to build a building to store his cars that he is rebuilding. He currently has 10 cars and needs this building to store them inside. Mr. Smothers stated he will be putting a fence around the back of the property.

Case No. 1471 (continued)

Comments and Questions:

Mr. Walker asked the applicant if he worked at a regular job other than rebuilding cars? He stated he works for a transmission shop.

Mr. Looney asked the applicant how many cars he would like to store? He stated he would store approximately 10 cars.

Mr. Looney asked the applicant if he planned on working on the cars in the proposed building? He stated he would work on his cars only, nothing commercial.

Mr. Alberty asked the applicant what type of material his building would be? He stated it will be a steel frame building the same color as his home (brown with white trim). He further stated the building will be 10' tall.

Mr. Walker stated that there is more square footage proposed than is necessary to store 10 cars and asked the applicant his intentions of such a large building? He stated he wanted to get the building approved for that size, but he may build smaller, it will depend on how much the Bank will loan him. He further stated that with a building that large he could store all of his parts as well as his cars.

Mr. Alberty asked the applicant if he discussed his proposal with his neighbors? He stated the neighbors are not against this application.

Mr. Alberty stated the area is zoned residential, however it is rural in nature. He further stated the applicant has one of the nicest houses on the block. The property owner to the west has a lot of outside storage, which almost appears to be a salvage operation.

Mr. Looney stated that because of the placement of the septic system and the pond, it creates a hardship in the rear yard and side yard.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 3' & side yard from 15' to 3' to permit a detached accessory building. **SECTION 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** and a **Variance** of the maximum 750 SF for a detached accessory building to 2700 SF. **SECTION 240.2.E. YARDS** - Use Unit 6; subject to there being no outside storage on the property; subject to there being no commercial activity within the property; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

12:17:96:199(8)

Case No. 1471 (continued)

W/2, of a tract of land in the S/2, SE/4, NW/4, SW/4, Sec. 32, T-21-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit: Beg. at the SE/c of said S/2, SE/4, NW/4, SW/4; thence N for 330.17'; thence W for 330.30'; thence S 330.17' to the S line of said SE/4, NW/4, SW/4; thence E 330.26' to the POB.

Mr. Alberty announced he will be abstaining from Case No. 1472.

Case No. 1472

Action Requested:

Special Exception to permit an existing residential and out-patient substance abuse treatment center, transitional living center & halfway house permanently and approval of conceptual master plan. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located NE/c 61st Street North & North Cincinnati.

Presentation:

The applicant, **N. Kay Bridger-Riley**, 8908 South Yale, Suite 230, submitted a site plan (Exhibit E-1), report with statistics (Exhibit E-2), and a letter of support (Exhibit E-4). Ms. Bridger-Riley stated she represents Freedom Ranch, which is a halfway house. She indicated that the center has done what was asked by the Board two years ago and now requests permanent zoning. Ms. Bridger-Riley explained that the Board instructed Freedom Ranch not to expand the building and it has not been expanded, but has been renovated. The following represents the criteria followed as set out by the Board: Security personnel in each cottage at night; highest resident population 122 and average 100; changed focus of program toward women clients. Ms. Bridger-Riley detailed that \$213,523.00 has been invested in the subject property and there are still improvements that need to be made. She indicated that \$170,800.00 improvements is currently underway. Ms. Bridger-Riley stated that this will bring the total investment to \$759,333.00 in the Turley Freedom Ranch. She commented that the Freedom Ranch has integrated well within the community and 70% of the staff are from North Tulsa. Seventy percent of the residents have family in the North Tulsa area. Ms. Bridger-Riley stated the staff to resident ratio is 1 staff person to every 3.4 residents. She further stated that Freedom Ranch is a non-profit Christian program, which specializes in drug and alcohol treatment. The Turley Freedom Ranch is for residents who are about to be returned to the community. The resident must qualify to be eligible for Freedom Ranch and must reach Community Security Status before coming to Freedom Ranch. Ms. Bridger-Riley detailed the various organizations that regulate Freedom Ranch: Department of Mental Health "DMH", Department of Corrections "DOC", American Correctional Association "ACA". She requested that the Board consider using the ACA, DOC and DMH regulations

12:17:96:199(9)

Case No. 1234 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Variance** to permit two dwelling units per lot of record, and a **variance** of the lot area and land area per dwelling unit - **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** and **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to a building permit and Health Department approval; finding a hardship demonstrated by the proximity of the subject property to an industrial use and the fact that there are numerous mobile homes in the area; on the following described property:

West 105' of Lot 8, Jonesville, a subdivision of Tulsa County, Oklahoma.

Case No. 1235

Action Requested:

Use Variance to permit office and storage of equipment in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 14, located 715 East 131st Street South.

Presentation:

The applicant, **Bob Farrell**, 611 East 146th Street, Glenpool, Oklahoma, stated that he is proposing to purchase the subject property for use as an office and storage. He informed that a landscaping business previously operated at this location. A petition of support (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

Comments and Questions:

In response to Mr. Walker, the applicant stated that he operates an electrical contracting business, and the major portion of his business consists of wiring new homes in the area.

Mr. Walker asked if poles and equipment are stored outside, and the applicant stated that he can store all equipment and material inside the building.

In reply to Mr. Walker, Mr. Farrell informed that he owns a trenching machine, which is stored inside. He stated that vehicles will also be parked inside the existing building.

Mr. Gardner advised that, if inclined to approve the use, specific conditions should be imposed concerning the outside storage of materials and equipment.

Mr. Tyndall stated that he is familiar with the property and the use is appropriate for the area. He noted that the building is existing and stated that he is supportive of the application, as presented.

Mr. Alberty remarked that he considers the contracting business to be a more intense use than the landscaping business that previously occupied the property.

Mr. Gardner stated that, based on the fact that a business has been operating on the property and the neighborhood is supportive of the operation, the use could be made compatible with proper conditions.

Case No. 1235 (continued)

Mr. Walker stated that he would not be supportive of the application if any materials are stored outside.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 2-2-0 (Looney, Tyndall, "aye"; Alberty, Walker, "nay"; no "abstentions"; Eller "absent") to **APPROVE** a **Use Variance** to permit office and storage of equipment in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 14; subject to no outside storage of materials, trailers or vehicles; subject to signage being limited to one 4' by 6' wall sign, with no lighting; subject to no expansion of the existing structure; and subject to no more than two tractor trailers temporarily on site for delivering supplies to the business.

The application was denied due to the lack of three affirmative votes.

A part of the SW/4, SE/4, Section 1, T-17-N, R-12-E of the IBM, being more particularly described as follows: Beginning at the SE/c of said SW/4, SE/4 of said Section 1; thence S89°45'27"W a distance of 330.18'; thence N0°00'29"W a distance of 1324.56'; thence N89°44'51"E a distance of 330.24'; thence S0°00'29"E a distance of 1324.61' to the POB, Tulsa County, Oklahoma.

Case No. 1236

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 6, located NE/c of 8th Road and Valley Drive, Sand Springs, Oklahoma.

Presentation:

The applicant, **Shirley Treat**, 1607 South 167th West Avenue, Sand Springs, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that the tract in question contains two existing dwellings. She explained that a lot split is being acquired in order to sell a portion of the land to the church that is located on abutting property.

Comments and Questions:

Ms. Russell informed that the applicant has applied for a lot split in Sand Springs and can comply with all requirements except for two dwellings units on one lot of record.

Mr. Walker stated that he is familiar with the area and finds the request to be reasonable.

Mr. Alberty remarked that only lot lines will be rearranged, and there will be no physical changes on the property.

Protestants:

None.



Subject
Tract

CBOA-2846

21-14 32

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

Aerial Photo Date: February 2018

5.9

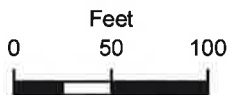


E69 STN



E68 STN

N115 EAVE



Subject Tract

CBOA-2846

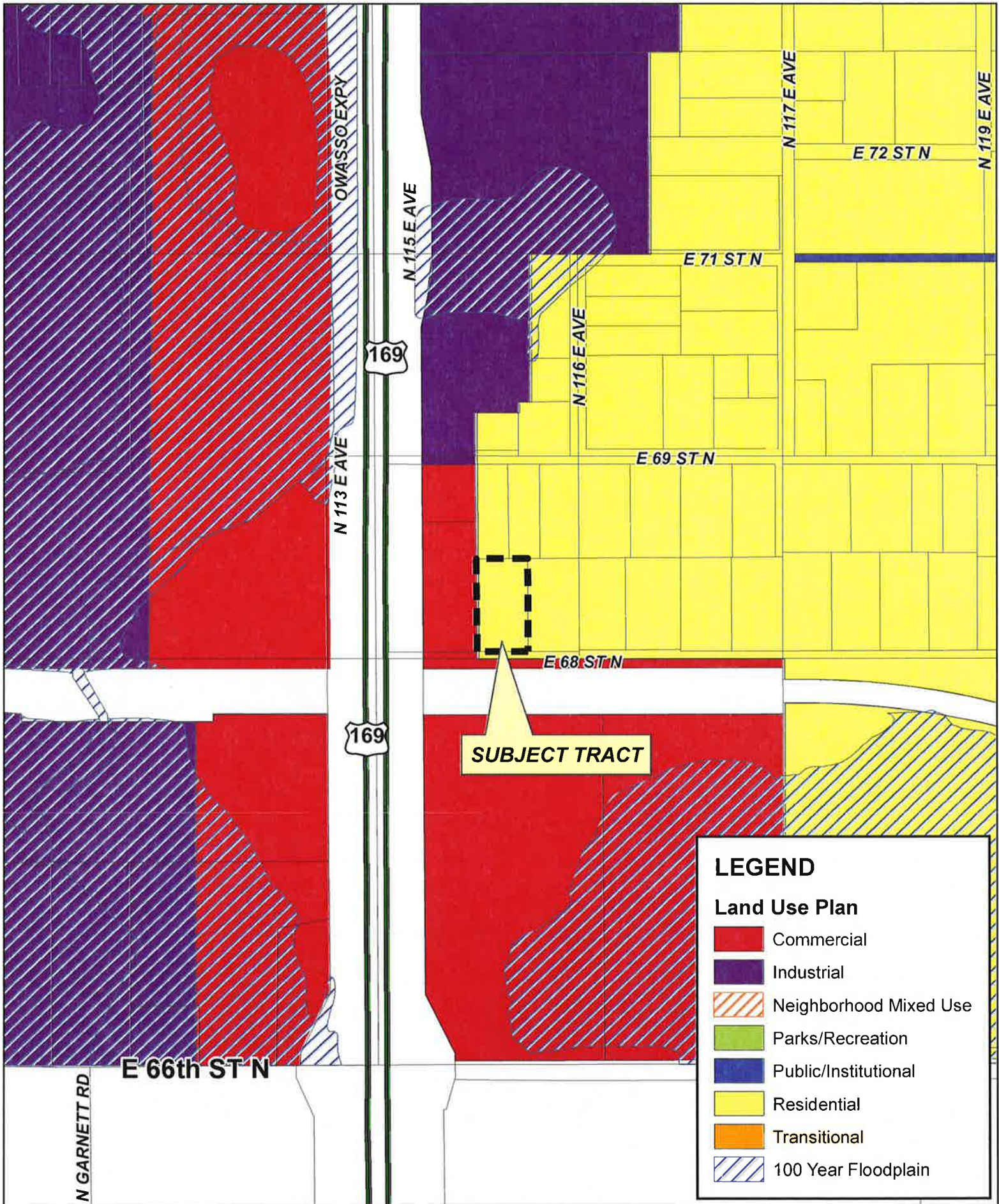
21-14 32

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

Aerial Photo Date: February 2018

5.10

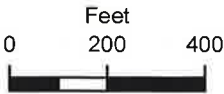




LEGEND

Land Use Plan

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



CBOA-2846

21-14 32

5.11



Jones, Robi

To: Fritschen, Karl
Subject: RE: Board Case in Owasso Fenceline

From: Fritschen, Karl <kfritschen@CityOfOwasso.com>
Sent: Tuesday, September 8, 2020 8:20 AM
To: Jones, Robi <rjones@incog.org>
Subject: RE: Board Case in Owasso Fenceline

Robi,

I would require a minimum of a 6 foot opaque fence to screen the entire area where the cars are being stored or any other outdoor storage. I would also limit the number of cars, as it is zoned residential and really should not be turned into a salvage yard. In Owasso, we require all outdoor storage areas to be screened.

Thanks,

Karl A. Fritschen, MRCP, AICP, RLA
Planning Manager

200 S. Main
City of Owasso, OK 74055
918.376.1545

"the truth is out there"

Shape Our Future
START HERE > 

From: Jones, Robi [<mailto:rjones@incog.org>]
Sent: Friday, September 04, 2020 3:36 PM
To: Fritschen, Karl
Subject: Board Case in Owasso Fenceline

Karl,

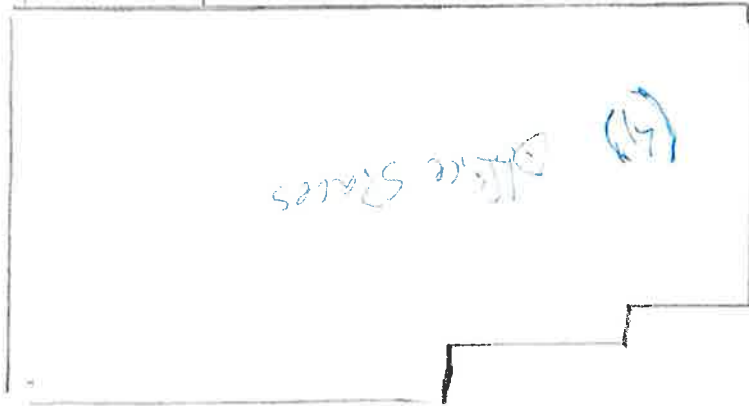
This case will be heard September 15th, 2020. It is for Owasso Fence to add offices and outdoor storage on the property they own to the east of their business. Please let me know if you would like to make comments to the Board.

5.13



Drive ways

11505 E 68th St N
Dundas OK 74055



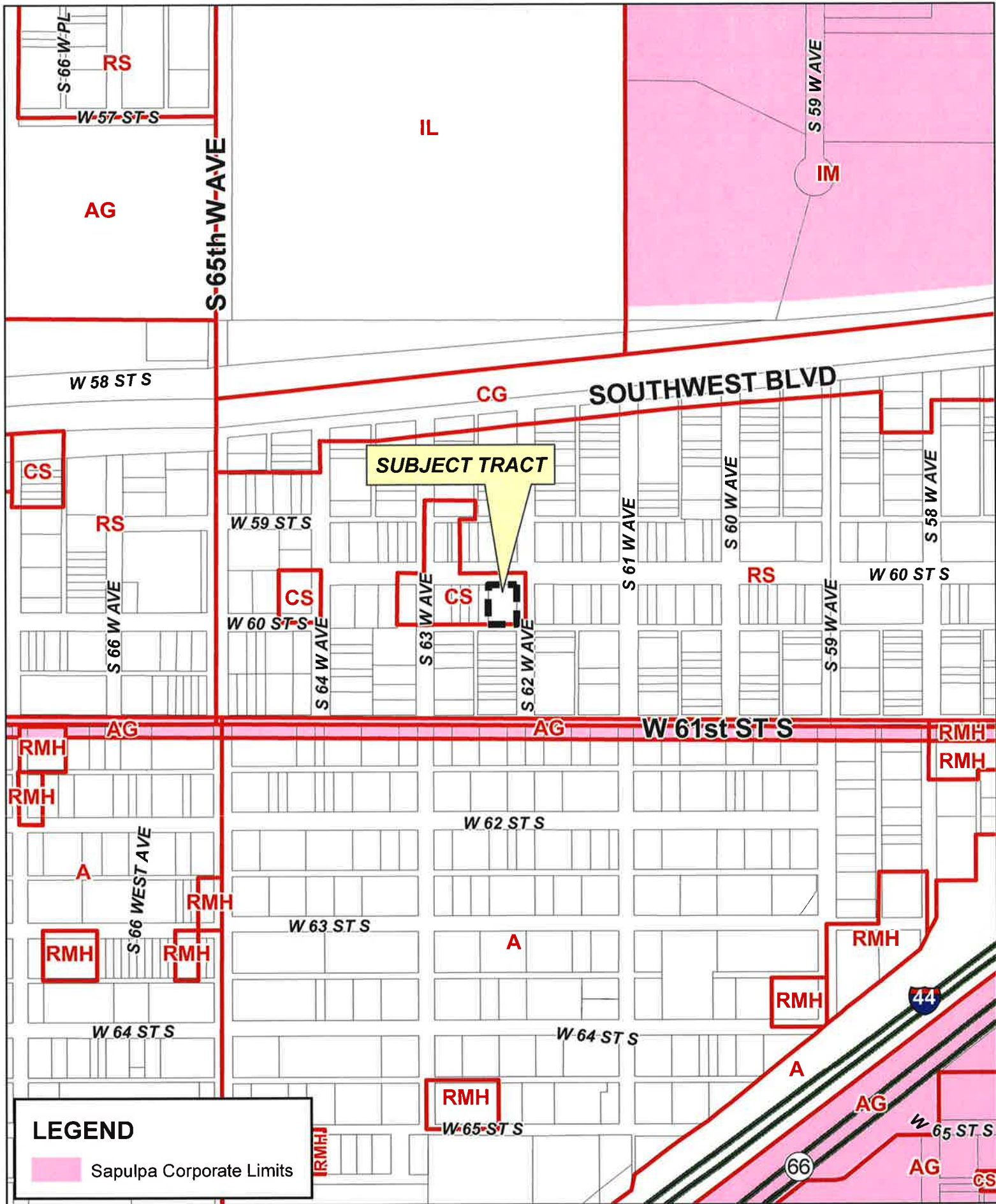
200'

Proposed Storage Area

100'

200'

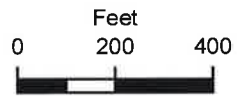
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SUBJECT TRACT

LEGEND

Sapulpa Corporate Limits



CBOA-2847

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9232

CZM: 45

CASE NUMBER: CBOA-2847

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Ray Green

ACTION REQUESTED: Use Variance to allow a manufactured home in a CS district (Sec. 710).

LOCATION: 6204 W 60 ST S

ZONED: CS

AREA: West Central Tulsa

PRESENT USE: Automotive parts storage

TRACT SIZE: 0.27 acres

LEGAL DESCRIPTION: LOTS-1-2-3-BLK-10, NEW TANEHA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-4894 January 1977: All concurred in **approval** of a request for *rezoning* a 1.7+ acre tract of land from RS-3 to CS on property located on the NE corner, SE corner, and SW corner of South 63rd West Avenue and West 60th Street.

Surrounding Property:

CBOA-1879 July 2001: The Board **approved** a *Use Variance* to allow a manufactured home in a CS zoned district; and a Special Exception to allow a single-family home in a CS district, on property located at the northeast corner of West 60th Street & South 63rd West Avenue.

CBOA-760 August 1987: The Board **approved** a *Use Variance* to allow a manufactured home in a CS zoned district, on property located at the northeast corner of 63rd West Avenue and 60th Street South

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CS zoning to the west and RS zoning to the north, east, and south. The neighborhood has a diverse mixture of commercial and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow a manufactured home in a CS district (Sec. 710).

A Use Variance is required as the proposed manufactured home is a use which is not permitted by right in the CS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The manufactured home must be found to be compatible with the surrounding neighborhood.

6.2

If approved, the placement of the manufactured home on the lot would be subject to the development standards of the CS district. The applicant should be advised by the Board that if approved, the manufactured home may be required to be tied down, skirted, receive DEQ approval, and that a paved surface for the parking area will be required.

The applicant provided the following statement, *"I am requesting a hardship to be able to place a single wide mobile home on the property to be closer to my dad and stepmother who lives across the street from the property. My stepmom is ill and needs more family support to care for her. My girlfriend will be able to assist with her care, while my dad and I work, and she can still care for our children and monitor the merchandise all at the same time. We use the property for our business as well as storage for it. I have merchandise for our family business on the property. We have had several break ins. There are several other single wide trailers within a 3-block radius of our property as well as empty lots surrounding the property."*

The applicant provided the attached site plan. It shows a 14' x 76' manufactured home going in the rear of the property. The existing structure appears to be an old house. The applicant stated that it is used for storage of merchandise for the family business located on the property. Staff made a site visit to the location and it was unclear what type of business is located on the property.

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

Sample Motion:

"Move to _____ (approve/deny) a Use Variance to allow a manufactured home in a CS district (Sec. 710).

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.

Z-4894 (continued)

Therefore, in recognition of the Comprehensive Plan Map for District 9 and in recognition of the existing commercial uses and original townsite plat, the Staff recommends APPROVAL of CS zoning as requested, and DENIAL of the P parking classification.

For the record, the Staff would suggest that if off-street parking is appropriate on the lots proposed, that parking should be approved by the Board of Adjustment not by rezoning since the Board has the power to impose reasonable restrictions and safeguards.

Zoning Committee Recommendation: Concurred with the Staff.

Applicant's Comments:

Mr. Gay appeared before the Commission and requested the hearing this date because he cannot delay any longer.

On MOTION of ALLEN, the Planning Commission voted unanimously to continue Z-4894 until November 3, 1976.

On MOTION of YOUNG, the Planning Commission voted unanimously to hear Z-4894 this date.

TMAPC Final Action: 7 members present.

On MOTION of DOWNIE, the Planning Commission voted unanimously (7-0) to recommend to the Board of City Commissioners that the following described property (Z-4894) be rezoned CS and to DENY P zoning.

Lots 7 through 11, Block 4; Lots 1 and 2, Block 9; Lots 1 through 9 and 28 through 31, Block 10; New Taneha, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

TMAPC Members Present

Allen
Colpitts
Cox
Downie, Mrs.
Keleher
Reeh
Young

Staff Present

Alberty
Biffle
Gardner
Osgood
Smith, Mrs.

Others Present

Linker, City
Attorney
Pauling, Legal
Department

Z-4898 Stanford Robson (Wells & Knight) SW corner of U. S. Hwy. 169 & 20
AG to CS & RM-0

This application was withdrawn because the land was annexed to the City of Owasso.

10.27.76:1135(4)

Case No. 1868

Action Requested:

Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED -- Use Unit 6, located 11201 N. 41st E. Ave.

Presentation:

Ms. Fernandez stated that this case was continued from the June 19, 2001 meeting. The Board previously asked for clarification on the easements. The graphics staff at INCOG mapped the easements and it was included in the agenda packet for this meeting. She stated she has been in contact with Terry West and Ray Jordan regarding these easements. She added that it was Mr. Jordan's opinion that these easements were for the rural water district rather than roadway dedication. He did not consider these easements acceptable for roadway.

Comments and Questions:

Mr. Alberty noted that the second map had a panhandle not shown on the first map and asked which is correct. Ms. Fernandez stated that staff also noted the change and they believe the first map is correct.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **Deny a Variance** of the required 30' frontage on a public street to 0', finding no access easements.

Case No. 1879

Action Requested:

Use Variance to allow a manufactured home in a CS zoned district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 6; and a Special Exception to allow a single-family home in a CS district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located NE/c W. 60th St. & S. 63rd W. Ave.

Presentation:

Walter Clary, spoke for his mother, Frances Clary. They propose to place a manufactured home on the subject property. The existing mobile home is no longer fit to live in. He asked if there is a 55' setback from the centerline of the adjacent street.

Case No. 758 (continued)

Presentation:

The applicant, Samuel G. Whitlow, PO Box 297, Okmulgee, Oklahoma, requested by letter (Exhibit C-1) that Case No. 758 be withdrawn.

Board Action:

On **MOTION** of **TYNDALL** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **WITHDRAW** Case No. 758, as requested by the applicant, Mr. Whitlow.

Case No. 760

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in a CS zoned district, located east of NE/c 63rd West Avenue and 60th Street South.

Presentation:

The applicant, Warren Garrison, 4808 South Elwood #151, Tulsa, Oklahoma, asked the Board to allow him to install a mobile home on his property at the above stated address. He informed that a house was located on the lot at one time, but it was destroyed by fire approximately 12 years ago.

Comments and Questions:

Mr. Alberty asked the applicant if utilities are available, and Mr. Garrison replied that all utilities are available, but are not on the lot at this time.

In response to Mr. Alberty's inquiry as to the use of the mobile home, the applicant stated that he plans to skirt the mobile and use it as his permanent dwelling.

Mr. Looney asked if there are other mobile homes in the area, and Mr. Garrison replied that there is a mobile next door to his property and many in the area.

Interested Parties:

Eva Wilson, stated that she is representing her father who resides at 1849 North Boston Place, Tulsa, Oklahoma, and owns property abutting the subject lot. She inquired if a mobile home park or a mobile home sales business will be operating on the property, and Mr. Garrison replied that there will only be one mobile home and no business on the lot. Ms. Wilson stated that she does not remember mobile homes being located in the area.*

Board Action:

On **MOTION** of **LOONEY** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1209) to allow for a mobile home in a CS zoned district; subject to the applicant acquiring Health Department approval and a Building Permit; finding that there are mixed zoning classifications in the area, with many mobile homes

8.18.87:87(3)

Case No. 760 (continued)

already in place; and finding that the granting of the use variance would not cause substantial detriment to the area and would not violate the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

E/2 of Lot 8, Lot 7, Block 4, New Taneha Addition, Tulsa County, Oklahoma.

*At the conclusion of the meeting, Ron Fields, a representative of the Building Inspector's office, informed the Board that the interested party, Ms. Wilson, had actually intended to appear before the Board concerning Case No. 762 instead of Case No. 760. Mr. Fields stated that, in a discussion with Ms. Wilson while the meeting was in progress, he explained to her that Mr. Casteel, applicant in Case No. 762, is planning to use the mobile home as his residence and will not operate a business on the property.

Case No. 761

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in an IL zoned district, located 1/4 mile east of NE/c 161st Street and South Elwood Avenue.

Presentation:

The applicant, Bea Clymer, 1634 South Ash Place, Broken Arrow, Oklahoma, submitted a site plan (Exhibit D-2), and stated that she is representing the Helen Colpitt Murphy Trust. She informed that they have leased a building that is outside the city limits of Glenpool and therefore, has only County police protection. Ms. Clymer asked the Board to allow the placement of a mobile home on the property for security purposes. A letter (Exhibit D-1) from the owner of the property in question was submitted.

Comments and Questions:

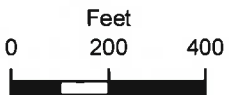
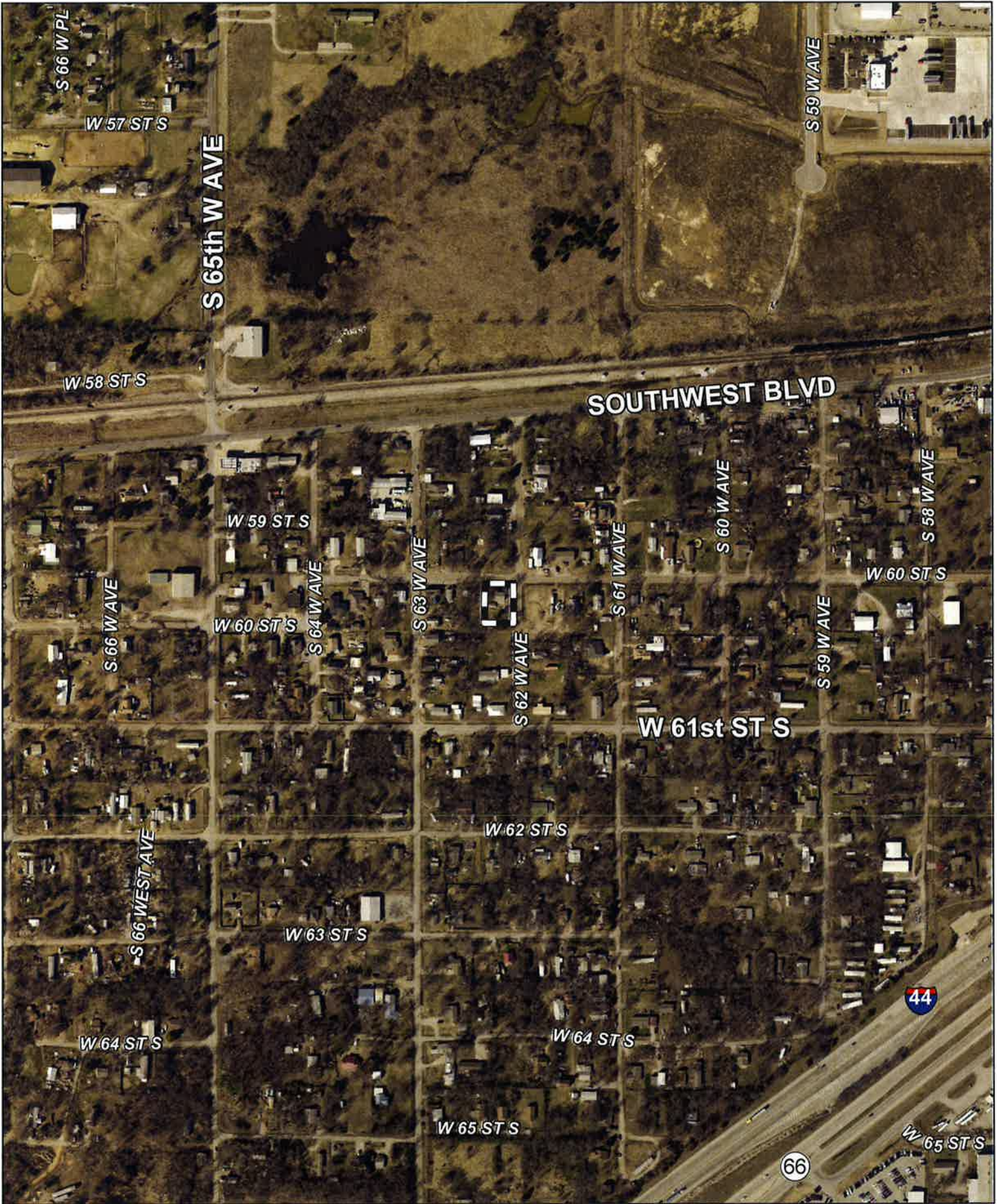
Mr. Alberty inquired if the mobile home will be located in front of the building, and Ms. Clymer replied that, due to the location of the septic system, the mobile will be placed to the front of the property.

Mr. Alberty informed that the mobile will have to meet the front setback requirements.

Ron Fields, Building Inspection, informed that the setback will be approximately 100' in this area, and Ms. Clymer stated that the proposed mobile home location will be more than 100' from the centerline of the street.

Mr. Alberty inquired if the requested use will run concurrent with the lease, and she stated that she would like for the mobile home use to be allowed until the lease expires.

8.18.87:87(4)



Subject Tract

CBOA-2847

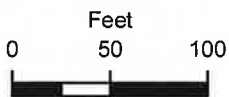
19-12 32

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

Aerial Photo Date: February 2018

6.11





Subject Tract

CBOA-2847

19-12 32

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

Aerial Photo Date: February 2018





Looking northwest from S. 62nd W. Ave.



Looking west into rear of yard from S. 62nd W. Ave.



Looking south onto the property from W. 60th St. S.

PLOT PLAN

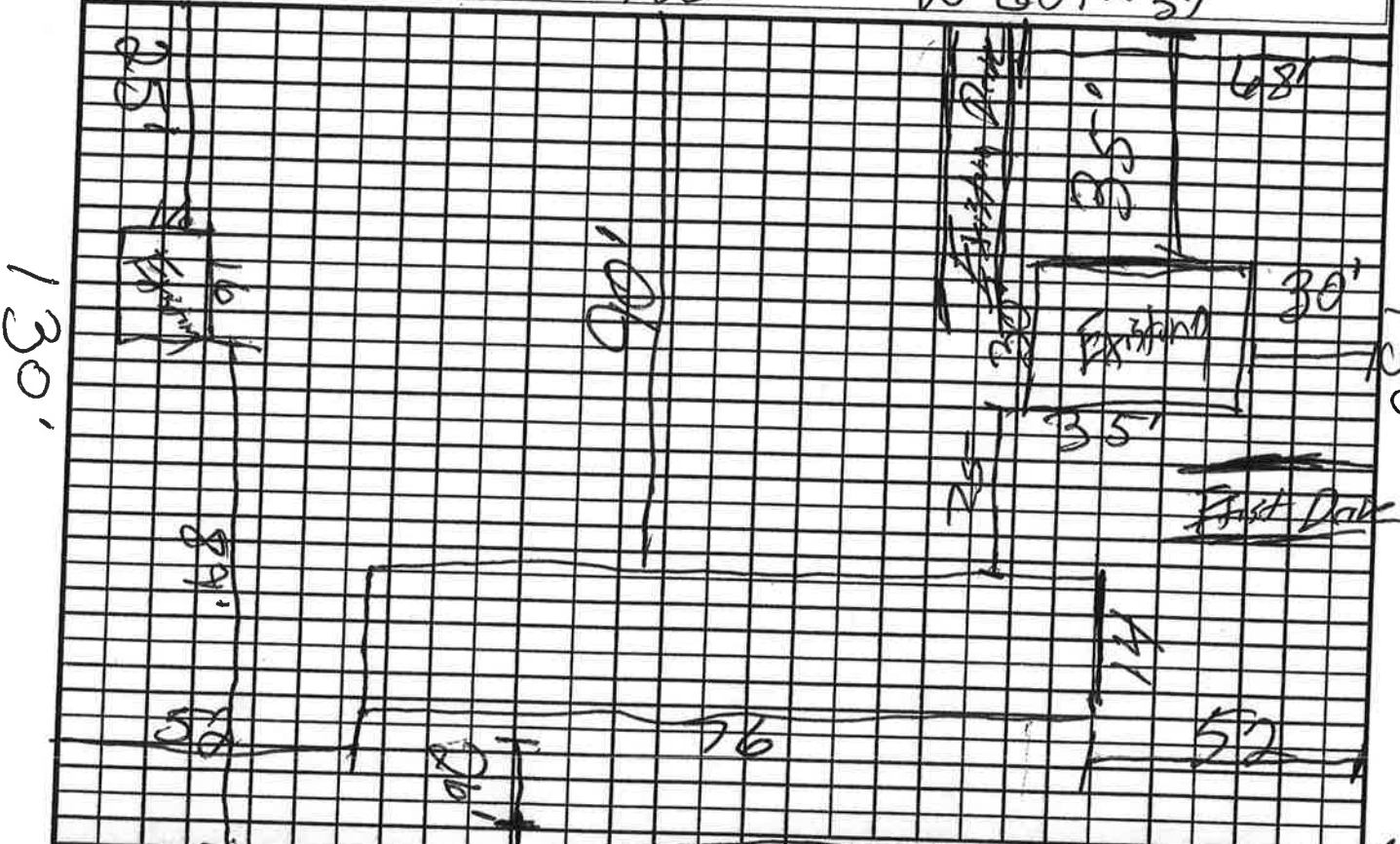
*MUST BE IN COMPLIANCE WITH HUD HANDBOOK 4145.1 REV-2, 2-4 and 2-5. *

BORROWER NAME:

PROPERTY ADDRESS OR LEGAL DESCRIPTION:

Completion Instructions: Please sketch the location of the following items. Home, well, septic tank, septic drainfield, driveway, access road and boundary lines. Indentify the distances between critical improvements at are broken out below the grid

180' W 60th St



Note: Professional Drawing can be attached.

LEGEND

MH	Location of Mfg/Modular Home	W	Location of Water Well System	S	Location of Septic System
DF	Location of Septic Drain Field	CW	Location of City Water System	CS	Location of City Sewer System

HUD Minimum Well Distance Requirements (from HUD Handbook 4910.1, Appendix K):		
Well to Chemically Treated Soil	25 feet minimum	List Proposed Distance:
Well to Septic Tank	50 feet minimum	List Proposed Distance:
Well to Drain Field	100 feet minimum	List Proposed Distance:
Well and Septic to Property Line	10 feet minimum	List Proposed Distance:

When both an individual water supply system (well) and septic system are being utilized, prior to the Final Disbursement the Retailer/Builder will be required to provide a professional drawing, plat, or survey by the local municipality or surveyor showing that HUD's minimum distance requirements have been met. As evidenced by signature below, the Builder/Retailer agrees and understands their responsibility concerning the HUD Minimum Well Distance Requirements and their responsibility to provide evidence that HUD's requirements have been met.

BUILDER/RETAILER SIGNATURE: _____ **DATE:** _____

6.15

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7408

CZM: 63

CASE NUMBER: CBOA-2848

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Mathew and Laura Cain

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

LOCATION: 12591 E 132 ST S

ZONED: RS

FENCELINE: Broken Arrow

PRESENT USE: Residential

TRACT SIZE: 1.3 acres

LEGAL DESCRIPTION: S283 W200 E1095 N595 N/2 LESS S25 FOR RD SEC 8 17 14 1.299ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2543 June 2015: The Board approved a Variance of the allowed square footage for accessory buildings in the RS district from 750 sq. ft. to 1,225 sq. ft., on property located at 12106 East 131st Street South.

CBOA-2461: on 4.16.13, the Board approved a *variance* of the allowed square footage for detached accessory buildings from 750 SF to 1200 SF in the RS district. LOCATED: 12640 E 131st ST

CBOA-2301: on 7.15.08, the Board approved a *variance* of the allowed square footage for accessory buildings from 750 SF to 1800 SF. LOCATED: 13135 S 121st Ave

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a single-family neighborhood with residential uses and RS zoning.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

7.2

The applicant provided the following statement, "Building will be primarily used to store our pick-up truck and used as a shop for residential use only. Storage of tools and personal items."

According to the submitted drawing, the applicant is proposing to construct a 40' x 50' (2,000 SF) accessory building in the rear yard. The existing storage building is 500 SF so the total square footage in aggregate would be 2,500 SF.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

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.

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance to reduce the permitted building setback from a R District from 75 feet to 5 feet to permit an auto shop (Section 930), subject to outside storage. The hardship is that the area is converting to industrial but still has small pockets of residential lots. There is to be a screening fence on the west; for the following property:

LTS 7 & 8 BLK 5; LT 9 BLK 5; LT 11 BLK 5; LT 10 BLK 5, OPPORTUNITY HGTS, OF TULSA COUNTY, STATE OF OKLAHOMA

2543—Johnny Blaylock

FILE COPY

Action Requested:

Variance of the allowed square footage for accessory buildings in the RS District from 750 square feet to 1,225 square feet (Section 240.2.E). **LOCATION:** 12106 East 131st Street South, Broken Arrow

Presentation:

Johnny Blaylock, 12106 East 131st Street South, Broken Arrow, OK; stated he would like to be able to clean up his yard by erecting a three car garage in the rear of his property. The garage he has currently is too small for him to park his large pickups in; a 1-Ton flatbed and a diesel truck. He plans to erect a privacy fence on the side of the house but it will be in front of the proposed garage, and will plant flowers in front of the fence for aesthetics.

Mr. Walker asked Mr. Blaylock about the portable buildings that are currently on the property. Mr. Blaylock stated there are two portable buildings; one will be removed and the other will be moved back to the side of the proposed garage and attached to make it look more barn like in appearance.

Mr. Blaylock stated that he would like to have a gate between the house and the proposed garage, and the east side of the proposed garage will be used for storage for his personal items, i.e., charcoal grill, lawnmower, etc.

Mr. Dillard asked Mr. Blaylock why he was going install a privacy fence because there is an existing chain link fence. Mr. Blaylock stated the chain link fence is going to be removed. Mr. Blaylock stated the County claimed 25 feet of his property to resurface the road and the chain link will come out then. Because of the loss of the 25 feet he is trying to move everthing back to make his house look better. Mr. Blaylock came forward and used a map from the Board's agenda packet to show how the privacy fence and gate would be oriented with the house and yard.

Interested Parties:

Suzanne Rausch, 13125 South 121st East Avenue, Broken Arrow, OK; stated she lives directly west of where the proposed garage will be. She and her husband built their

CBOA-2543

FILE COPY

house about seven years ago and in about 2012 Mr. Blaylock applied for a incorporation of his business, and it is listed as welding and car repair. Ms. Rausch stated that is what Mr. Blaylock does in the evenings and on the weekends. Ms. Rausch stated that her bedrooms are on the rear of her house and occasionally Mr. Blaylock starts early or works late, and they can hear it. She would like to be able to sell her house if she ever need to and having the proposed building next to her house will be a hardship on her.

Mr. Walker stated that, based on the zoning, the Board will specify no commercial work. Ms. Rausch brought forth a piece of paper that she said was Mr. Blaylock's incorporation paper that she obtained from the internet.

Rebuttal:

Mr. Blaylock came forward and stated that he would like to have a copy of the paper that was presented by Ms. Rausch because he has never applied for a corporation. Mr. Blaylock stated he does have a Federal Identification Number that he has had for many years. The Board allowed Mr. Blaylock to see and read the paper presented by Ms. Rausch.

Mr. Blaylock feels that Ms. Rausch has been singling him out, yet there is an approved 2,000 square foot garage immediately next to her house where the owner builds hot rods and cars. Across the street from Ms. Rausch another home owner works on hot rods and cars. Mr. Blaylock stated that he is doing what he can to survive by working five days a week at K C Automotive from 8:00 A.M. to 5:30 P.M. and he also does field service work and has for 30 years. If his neighbor or friend needs help he will help them. If the church calls asking for help he will help. If that is breaking the law he is sorry. He has lived in his house for 14 years and this is the only problem he has ever had.

Mr. Dillard asked Mr. Blaylock where K C Automotive is located. Mr. Blaylock stated that it is located at 131st and South Memorial, and he has worked there for ten years.

Mr. Blaylock asked the Board what he could do about a privacy fence that Ms. Rausch installed on his property, and he has a survey stating such. Mr. West stated that would be a civil lawsuit between the two property owners.

Mr. Blaylock stated that he has never met Ms. Rausch; she has never come to his house nor said anything to him about noise or anything else, though he has met and spoke with Mr. Rausch. Mr. Blaylock stated that he used to do ornamental iron work in his yard when the Rausch's were building their house and she never complained.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance

CBOA - 2543

of the allowed square footage for accessory buildings in the RS District from 750 square feet to 1,225 square feet (Section 240.2.E), subject to no commercial activity can take place in the residential area. The hardship is an oversized lot that is almost an acre in size; for the following property:

PRT N/2 NE BEING PRT TR K N240 W200 E2345 N595 LESS N50 FOR RD SEC 8 17 14 .872AC, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:48 p.m.

Date approved: _____

8/18/15

David E. Cherner

Chair

UNFINISHED BUSINESS

NEW APPLICATIONS

FILE COPY

Case No. 2461—Lesley Clouse

Action Requested:

Variance to allow a detached accessory structure in an RS District to exceed 750 square feet (Section 240.2.E) and be built at 1,200 square feet. Location: 12640 East 131st Street South

Presentation:

Lesley Clouse, 12640 East 131st Street, Tulsa, OK; stated that he wants to replace a smaller building that has been razed with a little larger building for the storage of his lawn equipment, gardening equipment and vehicles.

Mr. Charney asked Mr. Clouse if he was going to use the building as a business or any type of commercial use. Mr. Clouse stated that the building was for his personal use and nothing more.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Draper "aye"; no "nays"; no "abstentions"; Osborne, Walker "absent") to **APPROVE** the request for a Variance to allow a detached accessory structure in an RS District to exceed 750 square feet (Section 240.2.E) and be built at 1,200 square feet. The lot size is larger enough to accommodate to requested building size, and it is conducive to the surrounding neighborhood; for the following property:

**N312 W200 E1095 N595 N/2 LESS N25 and S25 FOR RD SEC 8 17 14 1.201ACS,
OF TULSA COUNTY, STATE OF OKLAHOMA**

Interested Parties:

Gary Tanner, 1210 South Detroit, Tulsa, Oklahoma, with US Cellular, stated they could bolt a wood privacy fence to the outside of the chain link fence if required.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE**, a Special Exception to permit a 100 ft. monopole communications tower in the AG district (Section 310), finding the application complies with the 11 factors per Section 1204.3.E, with condition for wood fence to be bolted to the exterior of the chain link fence, on the following described property:

LT 1 BLK 1, CROSSROADS CHRISTIAN CENTER, Tulsa County, State of Oklahoma

Case No. 2301

Action Requested:

Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E), located: 13135 South 121st East Avenue.

Presentation:

Lester Walters, 1002 South Powell, Wagoner, Oklahoma, 74467, stated the applicant purchased property in Broken Arrow. He stated that the size of the lot is about 1.2 acres. He planned to store some classic cars, and personal items. They proposed to use the same materials for the exterior of the accessory building as the house. He submitted a petition of the neighbors (Exhibit A-1), which were all in support. He has a privacy fence.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

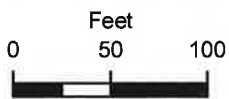
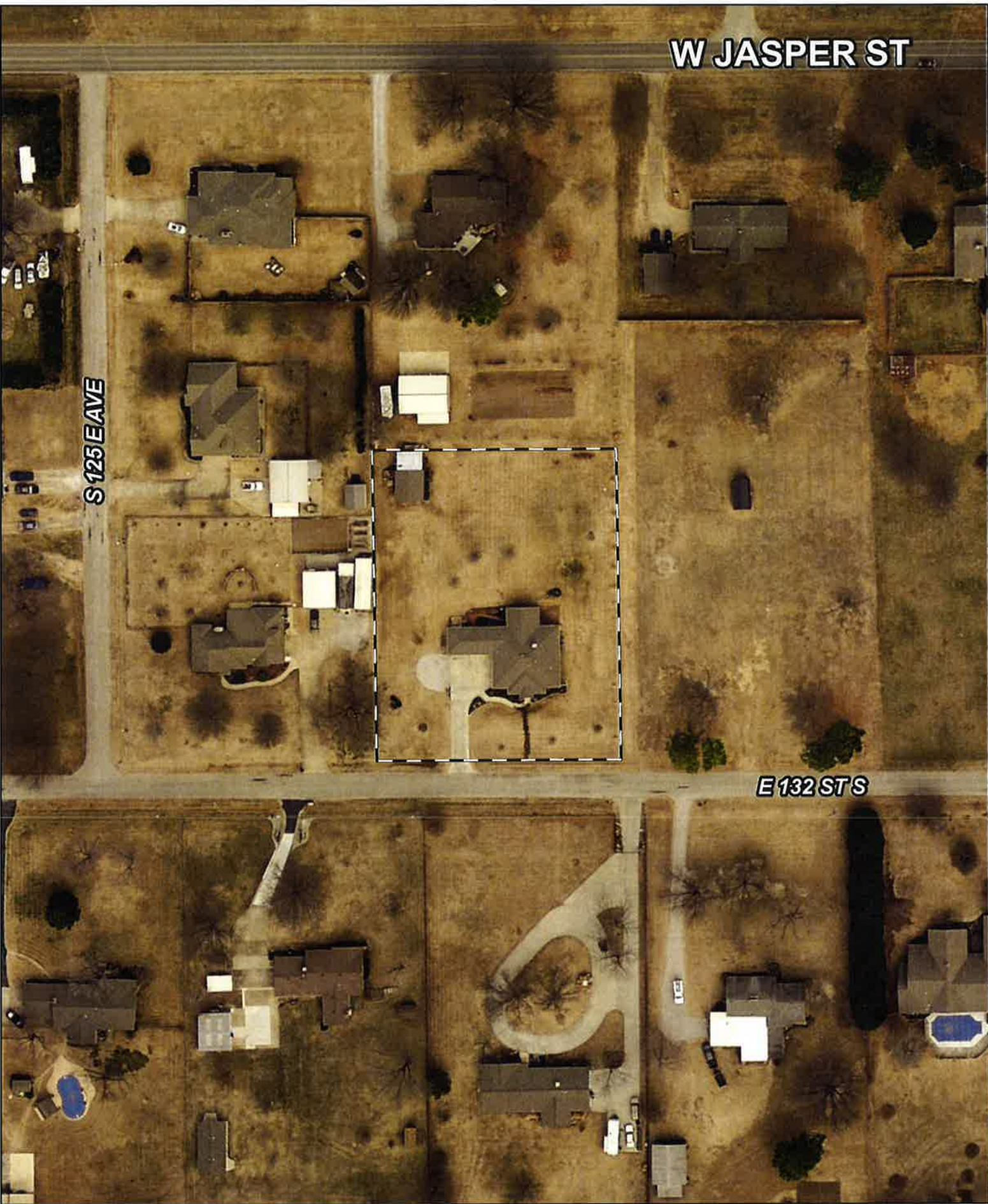
On **Motion of Charney**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE** a Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E), as submitted with the hardship being the size of the lot and the needs for storage; subject to exterior façade to match the house; no revenue generating business operated out of the accessory building, on the following described property:

Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E)

W JASPER ST

S 125 E AVE

E 132 STS



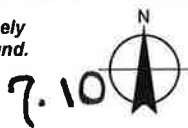
Subject Tract

CBOA-2848

17-14 08

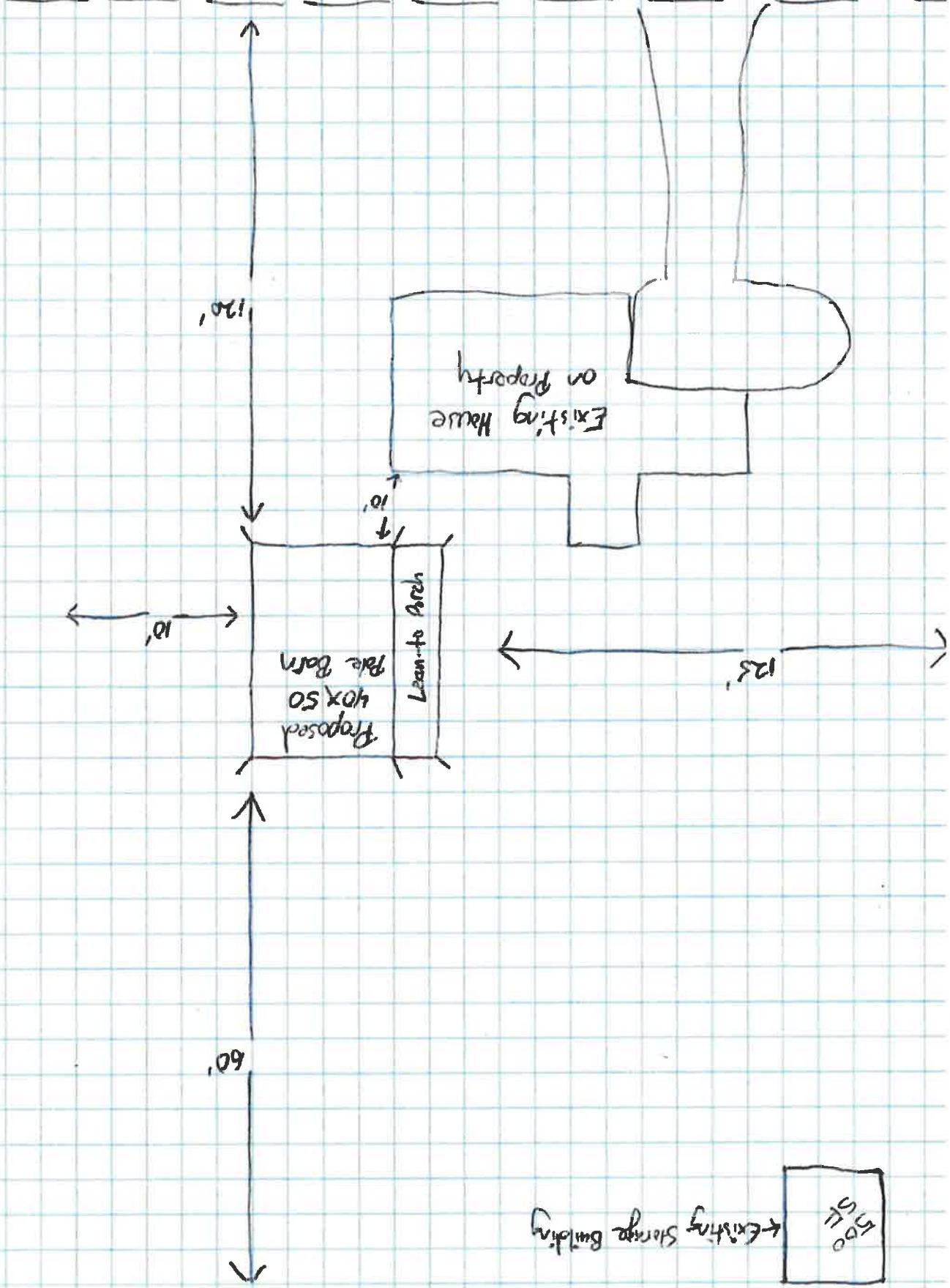
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



7.11

E 132nd St S



Gain Site Plan



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AG

SUBJECT TRACT

W 6 ST S

S 221 WAVE

412

W 8 ST S

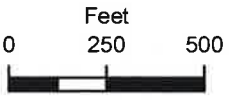
W WEKIWA RD

RS

IL

LEGEND

Sand Springs Corporate Limits



CBOA-2849

8.1

19-10 03



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9003

CZM: 33

CASE NUMBER: **CBOA-2849**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Alicia Warlick

ACTION REQUESTED: Variance of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A, B, & C) in the AG district to permit a lot line adjustment (Section 330, Table 3) and Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (Section 207)

LOCATION: 22307 W 6 ST S

ZONED: AG

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 4.47 acres

LEGAL DESCRIPTION: N10AC S12 1/2AC LESS WLY3AC & LESS S182 & LESS E330 & LESS W330 E660 N132 SW NW & S25 W BRADLEY ST S ADJ ON N SEC 3 19 10 1.434ACS; 1AC IN N 10AC S12 /2AC SW NW BEG 330W NEC TH W330 S132 E330 N132 POB SEC 3 19 10; N10AC S12 1/2AC LESS WLY3AC TO USA & LESS N198 & LESS E330 SW NW PRT SW NW BEG 413N & 743.17W SECR SW NW TH W70 N25 E70 S25 POB & N25 W BRADLEY ST S ADJ ON S SEC 3 19 10 2.034AC,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with a mixture of agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board to request a **Variance** of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A, B, & C) in the AG district to permit a lot line adjustment (Section 330, Table 3) and **Variance** of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (Section 207). **(The land area per dwelling unit on Tract C is withdrawn by staff – the survey submitted indicates that the parcel will be 2.215 acres which meets zoning code requirements.)**

The applicant provided the following hardship:

“1957 and 2007 County vacated Bradley Street which:

- *Eliminated tract frontage*
- *Eliminated legal ingress / egress*
- *Altered tract orientation with respect to frontage, which altered width calculations*
- *Forces creation of flag plots*

- *County Road frontage size at 50 feet assures non-conforming frontage to our three existing plots, each requiring 30 feet of frontage.*

8.2

- *Unbeknown to us, House slightly encroached on north property, now owned by Cheatwood, requiring remedy (0.04 acre mini-tract).*
- *Tracts created prior to 1957, which preceded current zoning expectations; entire neighborhood filled with non-conforming lots, such as the 1.55 acre plot south; and the ~1 acre plot east of our own one acre plot.*
- *Original property shape would not have permitted adherence to current zoning due to its shape, size and the existence of neighboring properties with non-conforming widths and sizes.*
- *Tracts originally purchased as separate land tracts with the intention to permit future retirement plan for separate family members on distinct land tracts: 22307 was separated by Bradley Street from the southern tract and the east one acre was purchased as a single one acre plot. We want specific family members to have the ability to separately inhabit distinct tracts and realize the original promise of this purchase.*
- *Changes requested augment tract size, permit legal frontage, permit legal ingress/egress, eradicate the "land lock" of our one acre and rectify a slight home encroachment."*

The AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. The Code also requires a minimum lot width of 150' in an AG district. As shown on the submitted surveys, the proposed lot line adjustment will create three flag lots.

- Tract A will be 1.4 acres and the proposed lot width is 65 ft.
- Tract B will be 1.3 acres and contain a lot width of 90 ft.
- Tract C will be 2.215 acres (meets code) and the proposed lot width is 99 ft.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that all three tracts will have less than 30 feet of frontage on South 221st West Avenue.

- Tract A – 12.5 feet
- Tract B – 12.5 feet
- Tract C – 25 feet

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

Sample Motion:

"Move to _____ (approve/deny) Variance of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A & B) in the AG district to permit a lot line adjustment (Section 330, Table 3) and a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (Section 207).

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."



Subject Tract

CBOA-2849

19-10 03

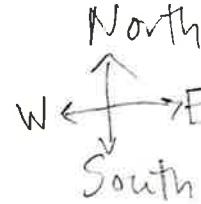
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

8.4



SITE PLAN
(Before Changes)



TAX ID #30610
5.97 ACRE

TAX ID #29010 + TAX ID #29410 + TAX ID #29510
5.71 ACRES- CHEATWOOD

Keystone Expressway

(B)

1.13 ACRES
TAX ID #29880
ABBOUD

(A)

TAX ID #30310
1 ACRE

TAX ID #30110
1 ACRE

Bradley Street

TAX ID #31280
0.609 ACRE

Driveway

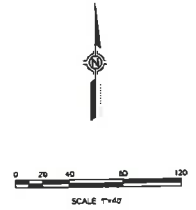
(C)

TAX ID #29710
1.69 ACRE

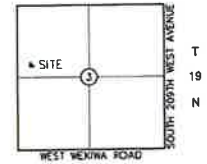
TAX ID #29510
0.90 ACRE

TAX ID #30410
1.55 ACRE

South 22nd West Avenue



R 10 E



Location Map
SCALE 1"=2000'

IGNORE ↘
MINI-TRACT "A"

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINE/28N (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4), OF SAID SECTION THREE (3); THENCE NORTH 00°04'33" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 413.00 FEET; THENCE SOUTH 89°41'14" WEST FOR 743.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 70.00 FEET; THENCE NORTH 00°15'46" WEST FOR 25.00 FEET; THENCE NORTH 89°41'14" EAST FOR 70.00 FEET; THENCE SOUTH 00°15'46" EAST FOR 25.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

TRACT OF LAND CONTAINING 1,750 SQ FT OR 0.0402 ACRES MORE OR LESS

Exhibit

THIS IS NOT A PART OF SURVEY THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY

SWA Sisemore Weisz & Associates, Inc.
 801 EAST 30th PLACE, TULSA, OKLAHOMA 74103, OKLAHOMA 74103
 PHONE (918) 485-2800 FAX (918) 485-6688
 CA 92 EXP. DATE 01/20/08

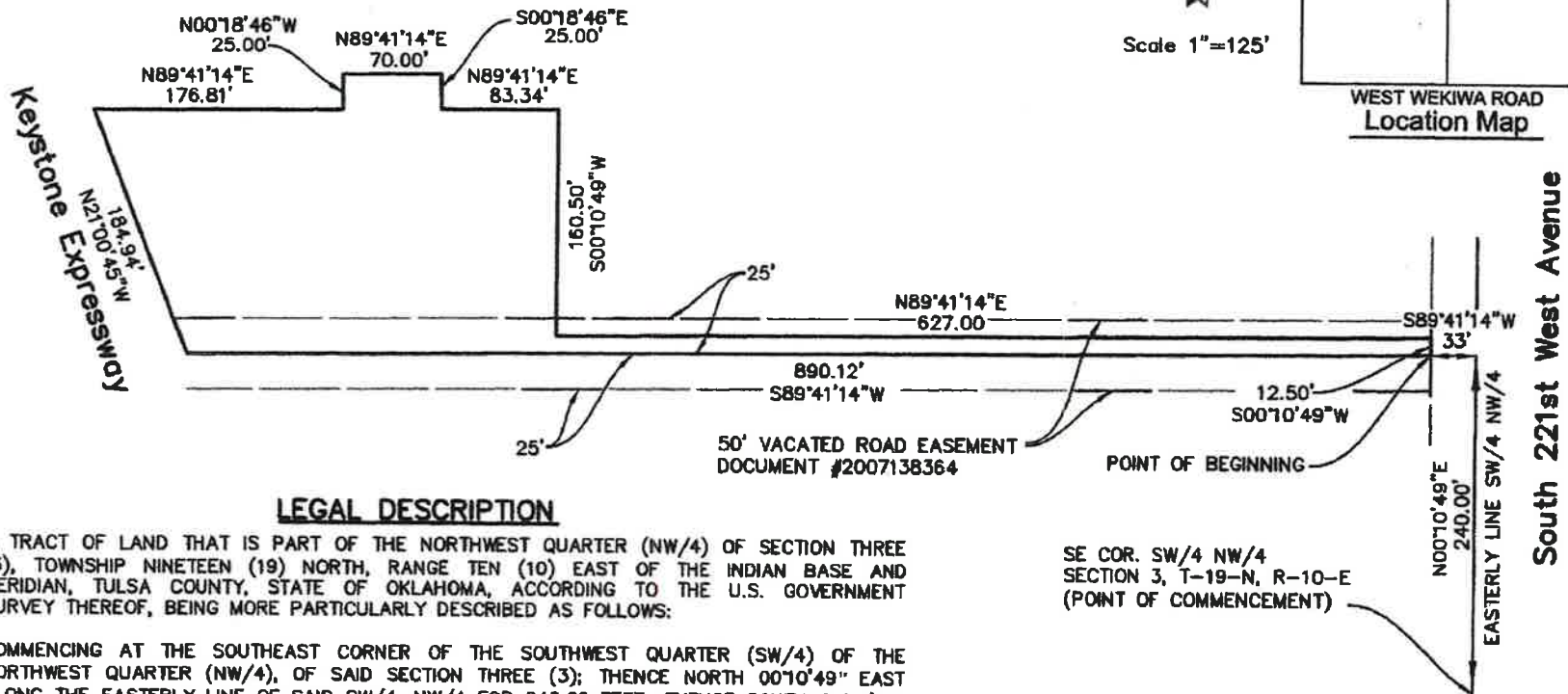
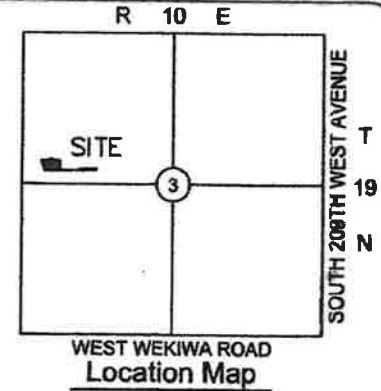
Tract A

Exhibit

Part of the NW/4 Section 3, T-19-N, R-10-E



Scale 1"=125'



LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4), OF SAID SECTION THREE (3); THENCE NORTH 00°10'49" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 240.00 FEET; THENCE SOUTH 89°41'14" WEST FOR 33.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 890.12 FEET TO THE EASTERLY RIGHT OF WAY LINE OF KEYSTONE EXPRESSWAY; THENCE NORTH 21°00'45" WEST ALONG SAID RIGHT OF WAY FOR 184.94 FEET; THENCE NORTH 89°41'14" EAST FOR 176.81 FEET; THENCE NORTH 00°18'46" WEST FOR 25.00 FEET; THENCE NORTH 89°41'14" EAST FOR 70.00 FEET; THENCE SOUTH 00°18'46" EAST FOR 25.00 FEET; THENCE NORTH 89°41'14" EAST FOR 83.34 FEET; THENCE SOUTH 00°10'49" WEST FOR 160.50 FEET; THENCE NORTH 89°41'14" EAST FOR 627.00 FEET; THENCE SOUTH 00°10'49" WEST FOR 12.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

TRACT OF LAND CONTAINING 60,917 SQ. FT. OR 1.40 ACRES MORE OR LESS.

SE COR. SW/4 NW/4
SECTION 3, T-19-N, R-10-E
(POINT OF COMMENCEMENT)



SISEMORE & ASSOCIATES

Surveying ~ Civil Engineering ~ Land Planning

6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE: (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 6/30/21

(www.sw-assoc.com)

DATE 7/9/20 ORDER #: 18019.04 FILE #: 1910.0300

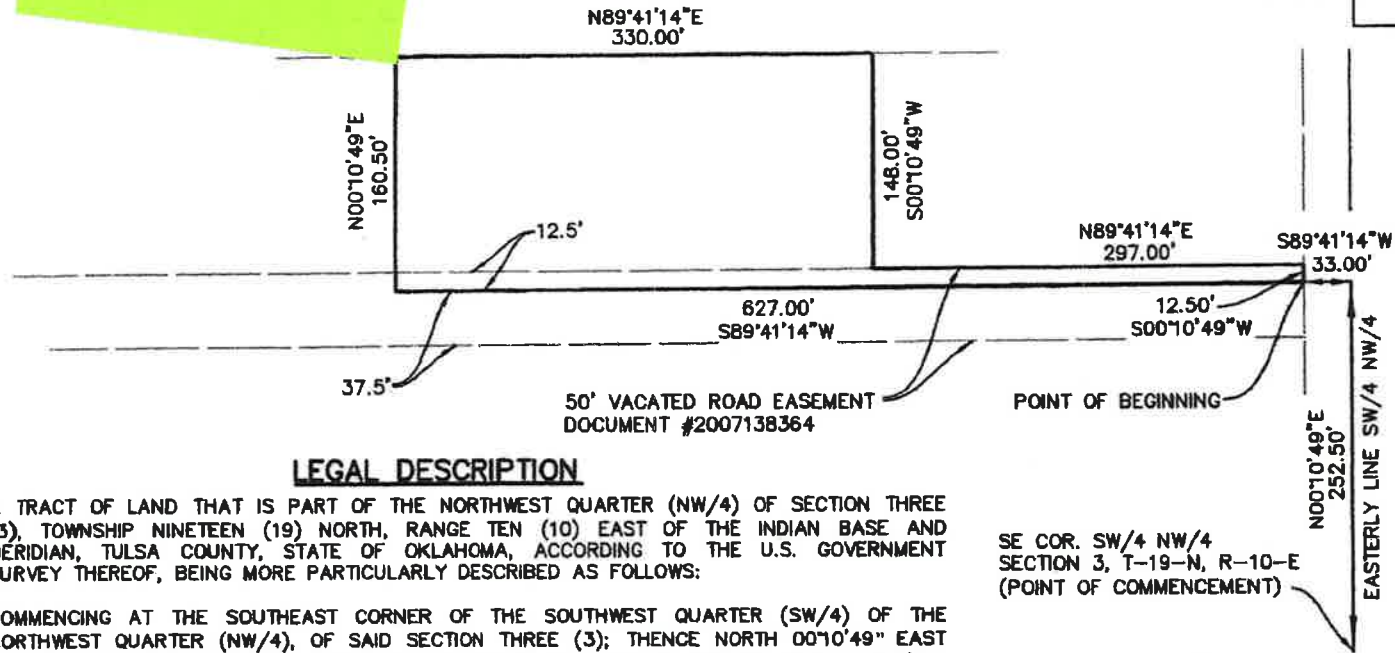
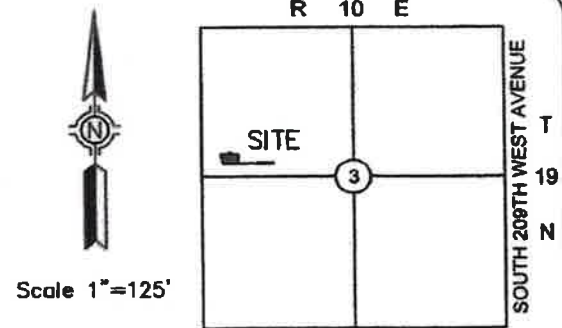
DRAWING: K:\18019.04\18019.04exhibit.dwg SISEMORE & ASSOCIATES, INC., 2020

Tract B

Exhibit

Part of the NW/4

Section 3, T-19-N, R-10-E



LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4), OF SAID SECTION THREE (3); THENCE NORTH 00°10'49" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 252.50 FEET; THENCE SOUTH 89°41'14" WEST FOR 33.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 627.00 FEET; THENCE NORTH 00°10'49" EAST 160.50 FEET; THENCE NORTH 89°41'14" EAST FOR 330.00 FEET; THENCE SOUTH 00°10'49" WEST FOR 148.00 FEET; THENCE NORTH 89°41'14" EAST FOR 297.00 FEET; THENCE SOUTH 00°10'49" EAST FOR 12.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

TRACT OF LAND CONTAINING 56,677 SQ. FT. OR 1.30 ACRES MORE OR LESS.

SE COR. SW/4 NW/4
SECTION 3, T-19-N, R-10-E
(POINT OF COMMENCEMENT)



SISEMORE & ASSOCIATES
 Surveying - Civil Engineering - Land Planning
 6111 EAST 32nd PLACE
 TULSA, OKLAHOMA 74135
 C.A. NO. 2421
 PHONE: (918) 665-3600
 FAX: (918) 665-8668
 EXP. DATE 6/30/21
 (www.sw-assoc.com)

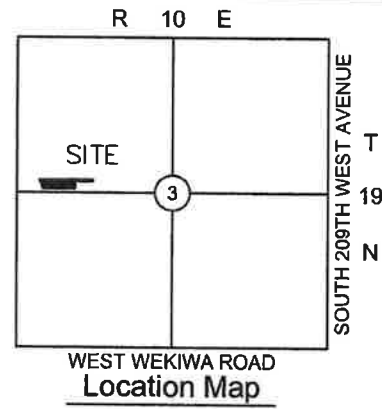
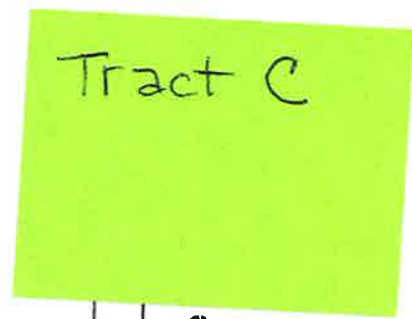
DRAWING: K:\18019.04\B019.04exhibit.dwg SISEMORE & ASSOCIATES, INC., 2020

DATE: 7/9/20 ORDER #: 19019.04 FILE #: 1910.0300

8.7

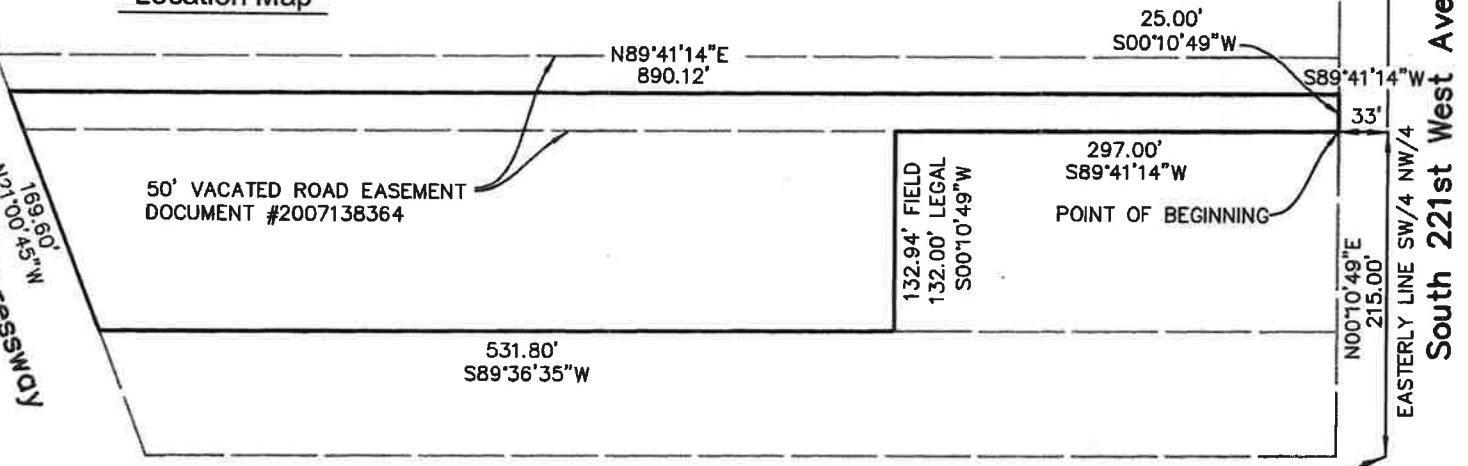
Exhibit

Part of the NW/4 Section 3, T-19-N, R-10-E



Scale 1"=125'

Keystone Expressway
N21°00'45"W
169.60'



LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4), OF SAID SECTION THREE (3); THENCE NORTH 00°10'49" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 215.00 FEET; THENCE SOUTH 89°41'14" WEST FOR 33.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 297.00 FEET; THENCE SOUTH 00°10'49" WEST 132.94 FEET (FIELD)(132.00 FEET LEGAL); THENCE SOUTH 89°36'35" WEST FOR 531.80 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF KEYSTONE EXPRESSWAY; THENCE NORTH 21°00'45" WEST, ALONG SAID RIGHT OF WAY, FOR 169.60 FEET; THENCE NORTH 89°41'14" EAST FOR 890.12 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE; THENCE SOUTH 00°10'49" WEST, ALONG SAID RIGHT OF WAY, FOR 25.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

TRACT OF LAND CONTAINING 96,473 SQ. FT. OR 2.215 ACRES MORE OR LESS.

DATE 8/20/20 ORDER #: 18019.04 FILE #: 1910.0300

SE COR. SW/4 NW/4
SECTION 3, T-19-N, R-10-E
(POINT OF COMMENCEMENT)



Surveying - Civil Engineering - Land Planning

6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421
PHONE: (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 8/30/21
(www.sw-assoc.com)

AG

AG

E 161st ST S

S 43 E AVE

S YALE AVE

AG

SUBJECT TRACT

CBOA-2850

9.1



17-13 28



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7328

CZM: 66

CASE NUMBER: CBOA-2850

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)

LOCATION: 16325 S 43 AV E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 4.06 acres

LEGAL DESCRIPTION: S290 N1475 E610 W/2 NE SEC 28 17 13 4.06AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-918 August 1989: The Board approved a *Variance* of the required lot width from 200' to 145' in an AG zoned district, on property located at 16235 South 43rd East Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounds AG zoning in all directions and contains a mixture of residential and agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)

The applicant provided the attached statement concerning the hardship, see exhibit "B".

As shown in the submitted survey, the applicant is attempting to split the 4.06 parcel into two tracts of 2.03 acres each. The average lot widths are 145 ft each. Per Section 330 of the Code, the AG district requires a minimum lot width of 150 ft.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject property is compatible and non-injurious to the public good and spirit/intent of the Code.

9.2

Sample Motion:

“Move to _____ (approve/deny) Variance of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)

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. 917 (continued)

Additional Comments:

Mr. Looney asked Mr. Webster how long he has owned the property, and he replied that he purchased the land in September of 1988, with the intention of constructing a home and operating a business.

Mr. Eller asked the applicant to state the size of the proposed building, and he replied that a 40' by 60' building is planned.

Board Action:

On **MOTION** of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 and 1215) to allow for a cabinet shop, a kennel and a single-family dwelling in a CS zoned district; and to **DENY** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home to locate in a CS zoned district; finding that the granting of the requests would be detrimental to the neighborhood and would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 1, Block 1, Convenient Center Addition, Tulsa County, Oklahoma.

Case No. 918

Action Requested:

Variance - Section 330 - Bulk & Area Requirements In Agriculture District - Use Unit 1206 - Request a variance of the required lot width from 200' to 145' in an AG zoned district to allow for a previously approved lot split (L-14969), located 16235 South 43rd East Avenue.

Presentation:

The applicant, **Kathie Burns**, 16235 South 43rd East Avenue, Tulsa, Oklahoma, stated that the property in question has two existing homes, and she requested a lot split in order to sell one of the houses.

Comments and Questions:

Mr. Looney asked if there was a previously approved lot split on the property, and she replied that the lot split was previously approved, but she did not make application to the Board of Adjustment for a variance of the required lot width.

Protestants: None.

Case No. 918 (continued)

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk & Area Requirements In Agriculture District - Use Unit 1206) of the required lot width from 200' to 145' in an AG zoned district to allow for a previously approved lot split (L-14969); finding that there are other lots of similar size in the area, and the granting of the request will not impair the spirit, purposes and intent of the Code; on the following described property:

The south 290' of the north 1185' of the east 610' of the W/2, NE/4, Section 28, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 919

Action Requested:

Special Exception - Section 910 - Permitted Uses In Industrial Districts - Use Unit 1219 - Request a special exception to allow for a nightclub to locate in an IM zoned district, located 4807 East Dawson Road.

Presentation:

The applicant, **B. L. Ward**, 1814 North Fulton, Tulsa, Oklahoma, submitted photographs (Exhibit J-1) and stated that he has rented a building at the above stated location for use as a nightclub. He explained that the building, which has been empty for two years, has been remodeled inside and is ready for occupancy.

Mr. Looney inquired as to the days and hours of operation, and Mr. Ward stated that the club will be open Tuesday through Saturday, 3:00 p.m. to 2:00 a.m. It was noted that the club will seat approximately 200 customers, and security will be provided for the parking lot. In response to Mr. Looney, the applicant stated that the building is 115' by 70', but only 4224 sq ft of floor space will be utilized for the business.

Mr. Eller asked Mr. Ward if he is presently a club operator, and he replied that he previously operated a club in Glenpool, Oklahoma.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of the required lot width from 200' to 145', and a variance of lot area from two acres to one acre to allow for a lot split (L-17207) in an AG zoned district; subject to Health Department approval; finding the use to be compatible with the surrounding area; on the following described property:

Exhibit "B"

The Applicant requests two (2) variances of Section 330 of the Tulsa County Zoning Code (the "Code") to permit property, located at 16325 S. 43rd E. Ave. (the "Property"), in an AG District to be split into two (2) lots, each with an average lot width of 145 feet.

The Property is a 4.06 acre unplatted tract with a lot width of 290 feet and is situated on the east side of S. 43rd E. Ave. South 43rd is an approximately ½ mile residential collector street off of 161st Street which serves about twenty rural residents on larger lots ranging from 1.5 to 5 acres. The lots on the East side of the street, including the Property, are all 2 or 4 acre lots. The existing 2-acre lots all have a lot width of approximately 145 feet.

The owner of the Property desires to split the Property into two, 2.03 acre tracts and convey the split tract to his daughter. A site plan of the proposed lot split is attached hereto. In order to comply with the setback requirements of the Code, the Property will need to be split in such a way to account for the existing residence at the southwest corner of the Property. Therefore, as shown on the site plan, both proposed lots will have a lot width of 165' at one end, and 125' at the opposite end, which results in an average lot width of 145 feet.

The application of the Code's lot width requirement creates unnecessary hardship due to the established development pattern along S. 43rd E. Ave. of 2-acre lots less than 150 feet wide (and 4-acre lots less than 300 feet wide).

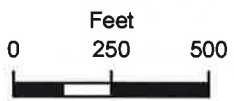
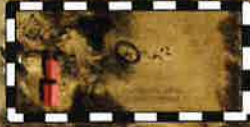
The Property is located in the Bixby fenceline and is designated under the Comprehensive Plan as Low Density Residential, which contemplates density of 1.5 to 4 acres/dwelling unit. The requested variances to reduce the required lot width by five (5) feet are *de minimus* in nature and will not cause any detriment to the public good or impair the purpose and intent of the Code or the Comprehensive Plan.



E 161st ST S

S 43 E AVE

S YALE AVE



Subject Tract

CBOA-2850

17-13 28

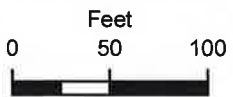
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 9.7





S 43 E AVE



Subject Tract

CBOA-2850

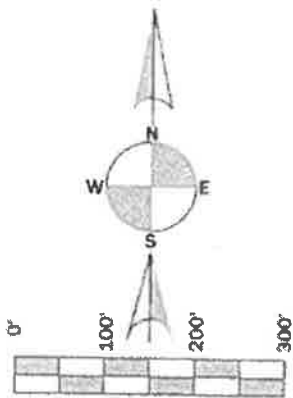
17-13 28

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

Aerial Photo Date: February 2018 9.8



PLAT FOR LOT SPLIT

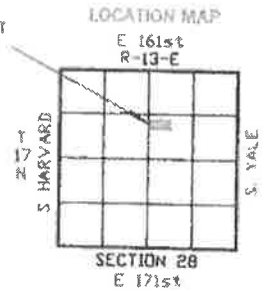


- IRON PIN FOUND
- IRON PIN SET
- FENCE

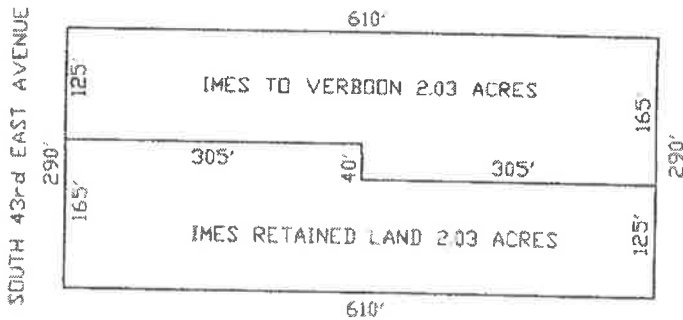
(ALL FACILITIES IN LEGEND MAY NOT APPEAR ON PLAT)

- EASEMENT LINE
- POWER LINE
- GAS LINE

SUBJECT TRACTS



PREPARED FOR : CHRISTY VERBOON
christy.verboon@lindseymgmt.com



DESCRIPTION (IMES TO VERBOON)

THE NORTH 125 FEET OF THE WEST 305 FEET AND THE NORTH 165 FEET OF THE EAST 305 FEET OF A TRACT OF LAND DESCRIBED AS FOLLOWS, TO-WIT:

THE SOUTH 290 FEET OF THE NORTH 1475 FEET OF THE EAST 610 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

CONTAINING 2.03 ACRES

DESCRIPTION (IMES RETAINED LAND)

THE SOUTH 165 FEET OF THE WEST 305 FEET AND THE SOUTH 125 FEET OF THE EAST 305 FEET OF A TRACT OF LAND DESCRIBED AS FOLLOWS, TO-WIT:

THE SOUTH 290 FEET OF THE NORTH 1475 FEET OF THE EAST 610 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

CONTAINING 2.03 ACRES

NOTE : THE ORIGINAL IMES TRACT IS DESCRIBED IN WARRANTY DEED FILED IN BOOK 4340 PAGE 759

NOTE : NO BOUNDARY CORNERS WERE SET ON THESE TRACTS AT THIS TIME

NO TITLE OPINION OR ABSTRACT WAS PROVIDED FOR THE DEVELOPMENT OF THIS LOT SPLIT PLAT AND DESCRIPTIONS WERE DEVELOPED FROM WARRANTY DEED FILED IN BOOK 4340 PAGE 579

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, WITNESS MY HAND AND SEAL THIS 24th DAY OF JUNE 2020

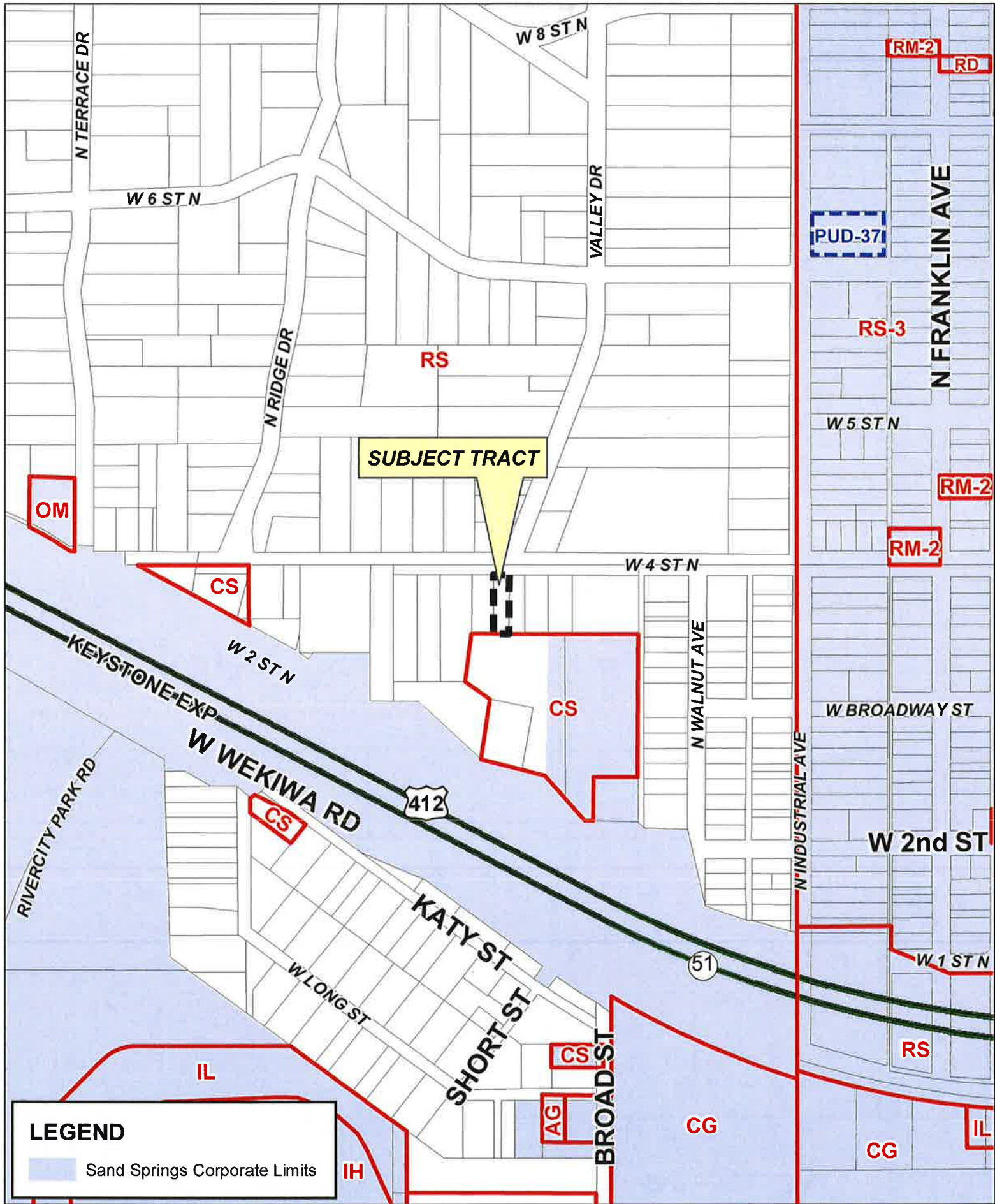
Jack D. Ramsey
JACK D. RAMSEY R.L.S. 387

PLAT REVISED 7/28/2020

RAMSEY SURVEYING SERVICE
P.O. BOX 366 BIXBY, OKLAHOMA 74008
918 386 4520 918 740 1124
OKLAHOMA CERTIFICATE OF AUTHORIZATION
NUMBER 2112 EXPIRES JUNE 30, 2021
ramseysurvey6666@gmail.com

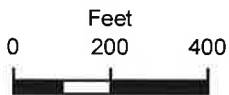
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LEGEND

Sand Springs Corporate Limits



CBOA-2851

10.1

19-11 10



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9110

CZM: 76

CASE NUMBER: CBOA-2851

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Scott Gann

ACTION REQUESTED: Variance of the front setback requirements in an RS District (Section 430, Table 3); Special Exception to permit a manufactured home in an RS District (Section 410, Table 1)

LOCATION: 906 W 4 ST N

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.22 acres

LEGAL DESCRIPTION: BEG AT PT 948 W & 30 S OF NE COR SE QTR TH W 50 S 190 E 50 N 190 TO PT OF BEG SEC 10-19-11,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1335 March 1995: The Board approved a *Special Exception to permit a mobile home in an RS zoned district*, on property located at 902 West 4th Street North.

CBOA-559 June 1985: The Board approved a *Special Exception to permit a mobile home in an RS zoned district*, on property located north of the northeast corner of Ridge Drive and 4th Road.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood and surrounded on the west, north and east by residential uses. The parcel to the south is zoned CS and appears to be vacant.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the front setback requirements in an RS District (Section 430, Table 3); Special Exception to permit a manufactured home in an RS District (Section 410, Table 1).

The applicant provided the following statement, "Septic/Aerobic system is 7 feet from the back of the house which is already in the flood zone."

Section 430 of the Code requires a 25 ft. front yard in the RS district in an attempt to establish and maintain desired development patterns and intensities. The front yard setback is measured from the centerline of the abutting street; add the distance designated (RS is 25 feet) plus 25 feet for a

10.2

street that is not designated on the Major Street Plan. In this case, that measurement would be 50 feet and the site plan illustrates a 42 ft. measurement.

A special exception is required as the proposed manufactured home is a use which is not permitted by right in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The manufactured home must be found to be compatible with the surrounding neighborhood.

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed manufactured home is compatible and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Variance of the front setback requirements in an RS District (Section 430, Table 3).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

"Move to _____ (approve/deny) a Special Exception to permit a manufactured home in an RS District (Section 410, Table 1)

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, if any): _____.

In granting a Special Exception, the Board must find 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.

Case No. 1335

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410 - PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 9, located 902 West 4th Street.

Presentation:

The applicant, **Murl Sanders**, 900 West 4th Street, Sand Springs, Oklahoma, requested permission to install a mobile home on his property for rental purposes. He pointed out that there are numerous mobile homes in the area.

Comments and Questions:

Mr. Tyndall inquired as to the recommendation from the Sand Springs Board of Adjustment (Exhibit D-1), and the applicant replied that they required a hard surface driveway, tie downs and a separate septic system.

In reply to Mr. Tyndall, the applicant stated that a creek is located to the south of the subject property.

Protestants:

Linda McDaniel, 904 West 4th Street, Sand Springs, Oklahoma, informed that her home is to the west of the subject property and the renters are causing a disturbance. She stated that Mr. Sanders is a good neighbor, but is opposed to the renters.

In reply to Mr. Walker, Ms. McDaniel stated that she was not aware of the Sand Springs Board of Adjustment meeting.

Applicant's Rebuttal:

Mr. Sanders stated that he was out of town for some time and was not aware of the disturbance. He advised that the problem will be corrected.

Board Action:

On **MOTION** of **WALKER** the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410 - PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 9; subject to Sand Springs requirements; subject to the mobile unit being installed on a permanent foundation; subject to a hard surface driveway; subject to Health Department approval, a building permit, skirting and tie downs; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 1335 (continued)

Beginning 823' west and 30' south of the NE/c of the SE/4, thence west 75', south 190', east 75', north 190', Section 10, T-19-N, R-11-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved April 18, 1995

John N. Tyndall
Chairman

Case No. 558 (Continued)

Mr. Wines asked Mr. Wilson what length of time, in his opinion, should the mobile be permitted on the lot in question. Mr. Wilson replied that he believes the request should be renewed on a yearly basis.

Ms. Ronald Wilson, 14301 East 58th Street North, Tulsa, Oklahoma, stated that she is not against a second mobile on the tract if there is a hardship, but would like to be assured that there will be sufficient sewage disposal and that there will be a time limit stipulated in the Board action.

Interested Parties:

Mrs. Knox, 14229 East 59th Street North, Owasso, Oklahoma, mother of the applicant, submitted a petition (Exhibit Q-1) signed by neighbors who are supportive of the mobile in the area.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Martin, Walker, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209) to permit a mobile home in an RS zoned district; and to APPROVE a Variance (Section 208 - One Single-family Dwelling Per Lot of Record) to permit two dwelling units (mobile homes) per lot of record; finding that there are other mobiles in the area and that the lot is large enough to accommodate two units; subject to the mobile being located on the east portion of the lot; subject to Health Department approval and a Building Permit; and subject to a time limitation of 2 years; on the following described property:

A tract of land in the Southeast Quarter (SE/4) of Section 4, Township 20 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point 1,646 feet North and 992.49 feet West of the Southeast corner of said Section 4; thence West 330.83 feet; thence South 330 feet; thence East 330.83 feet; thence North 330 feet to the point of beginning, according to the U. S. Survey thereof, Tulsa County, Oklahoma.

Case No. 559

Action Requested:

Special Exception- Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09 - Request an exception to allow a mobile home in an RS zoned district.

Variance - Section 208 - One Single-family Dwelling Unit Per lot of Record - Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located at 404 Valley Drive, Sand Springs, Oklahoma.

06.18.85:61(3)

Case No. 559 (Continued)

Presentation:

The applicant, Jerry Sloan, 401 Valley Drive, Sand Springs, Oklahoma, stated that he purchased property with an existing older home and has given his daughter permission to live in the house until she accumulates enough money to construct a new one on the site. Mr. Sloan explained that another daughter has gotten a divorce and he would like to move a mobile home on the same lot for her to live in until construction of the new home begins, which may be as long as 10 years in the future. The applicant stated that he has contacted the neighbors in the area and has found no objections to the mobile home. Mr. Sloan submitted addresses of other mobiles in the area (Exhibit A-1).

Comments and Questions:

Mr. Wines asked if the existing house is on a sewer or septic system and Mr. Sloan replied that the property has a septic tank.

Mr. Jones submitted a letter from Sand Springs (Exhibit A-2) which recommended approval of Case No. 559.

Interested Parties:

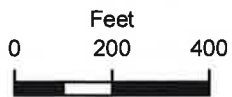
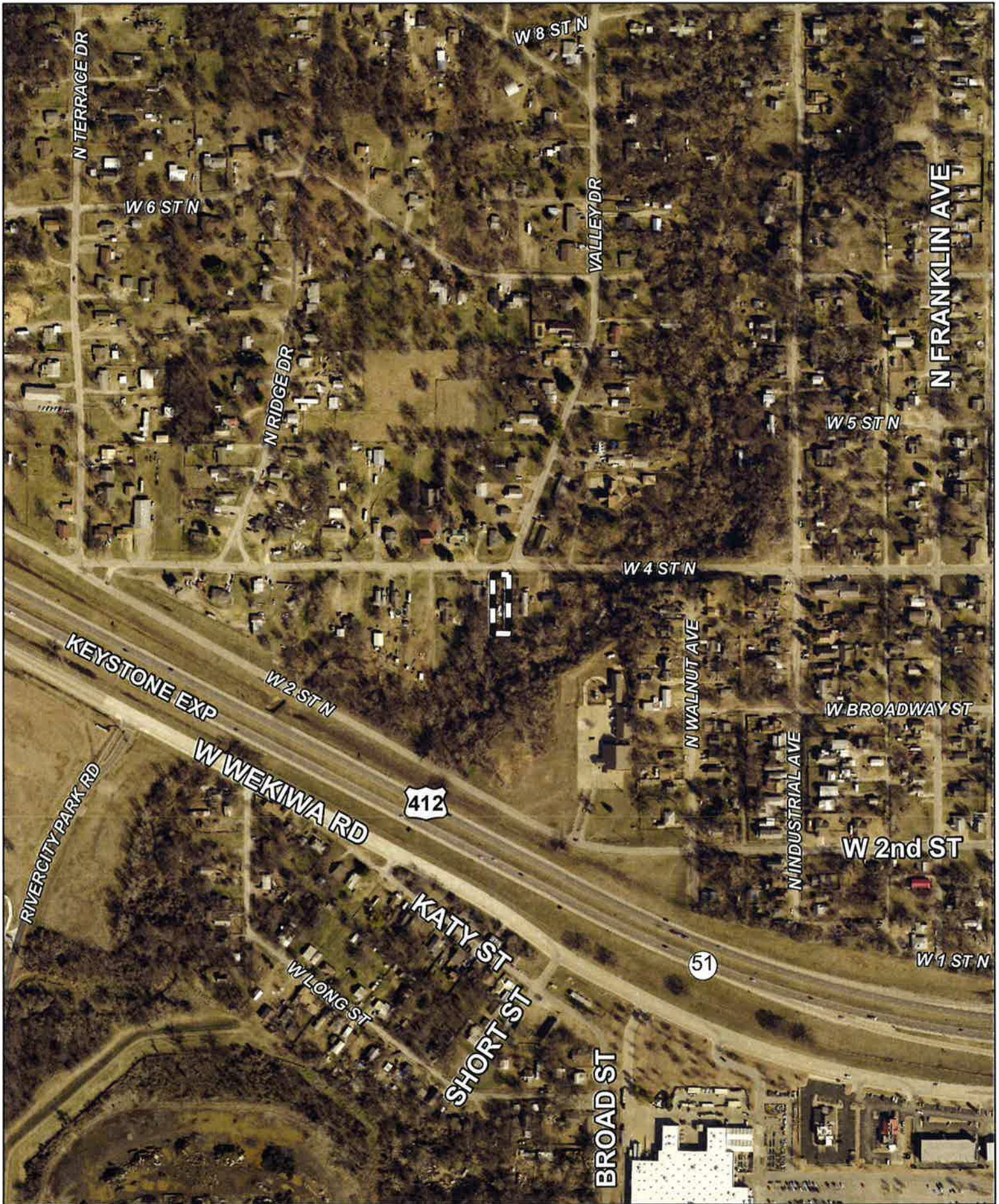
Hazel Everett was represented by Attorney Erwin Phillips, 2nd and Main, Sand Springs, Oklahoma. Mr. Phillips stated that Mrs. Everett owns the property directly east of the lot in question and although she is not protesting the locating of the mobile on the lot, would like for a time limit to be placed in the Board action. Ms. Phillips noted that the Sand Springs approval was not subject to a time limitation.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 3-0-0 (Alberty, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Martin, Walker "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09) to allow a mobile home in an RS zoned district; subject to a time limit of 3 years; and to APPROVE a Variance (Section 208 - One Single-family Dwelling Unit Per Lot of Record) to allow two dwelling units (1 house, 1 mobile home) per lot of record; finding that there are other mobiles in the area; restricting occupancy of the mobile to applicant and family members only; subject to Health Department approval of the septic system; on the following described property;

A part of Lot (16), in Block Nineteen (19), in Chas. Page Home Acres number Two (2), an addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit; Beginning at the Northeast (NE) corner of said Lot Sixteen (16), thence West on the North line of said Lot (16) thence South on the West line of said Lot (16), a distance of ONE HUNDRED THIRTY-SIX AND NINETEEN HUNDREDTHS feet (136.19') thence East on a line

06.18.85:61(4)



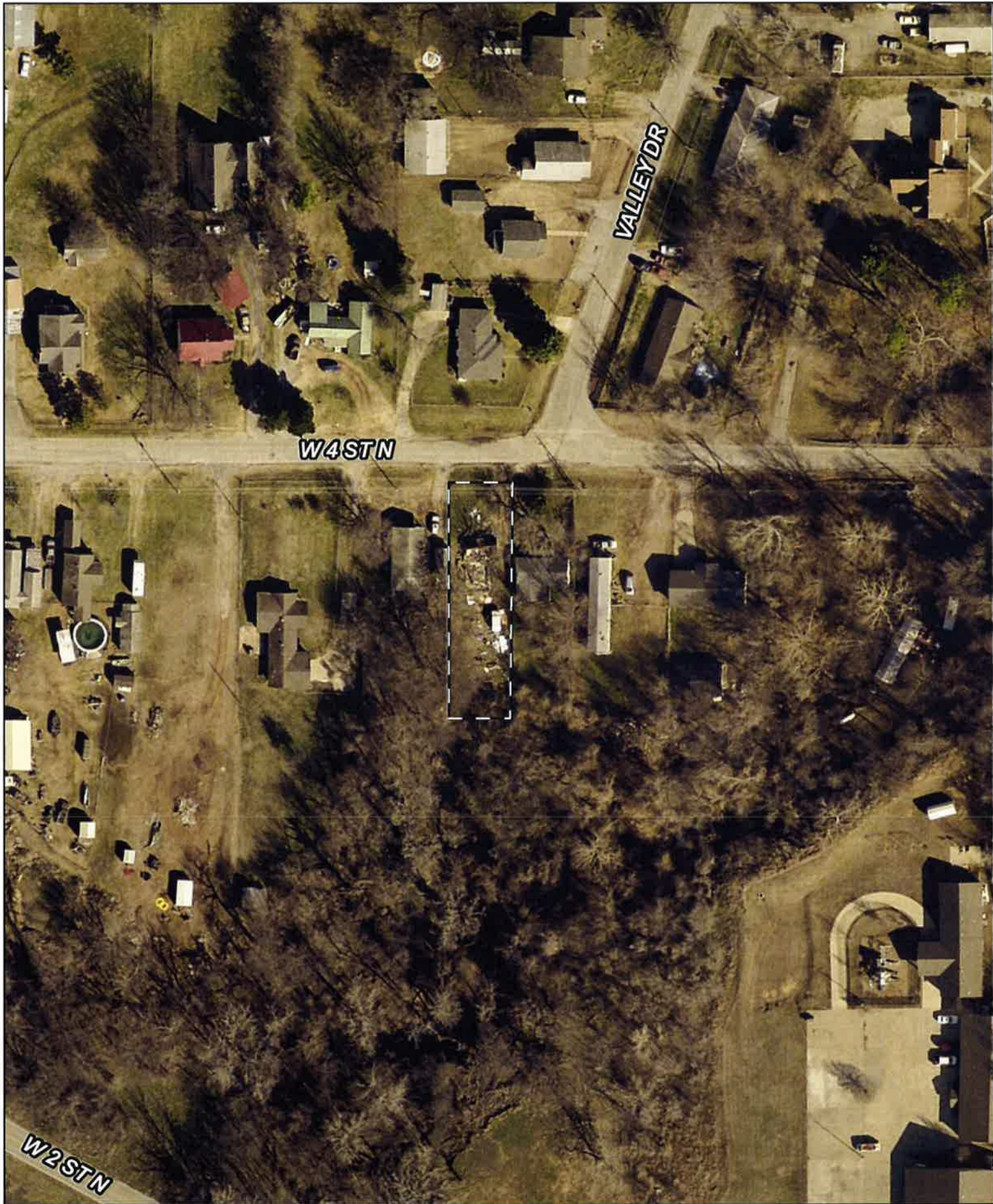
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 10.8

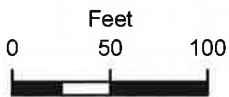




W4STN

VALLEY DR

W2STN



Subject Tract

CBOA-2851

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

Aerial Photo Date: February 2018

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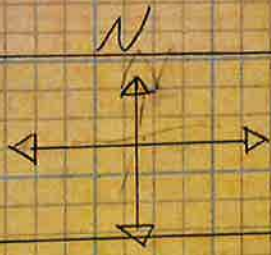




Looking south from W. 4th St. N.

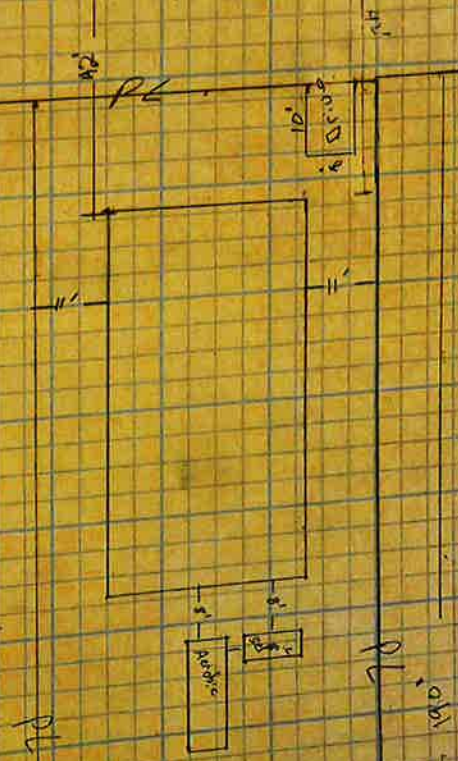


Looking south from W. 4th St. N.



W 4th ST

CL of Road



Flood Zone

1/4" SCALE