

AGENDA
Tulsa County Board of Adjustment
Special Meeting
Tuesday May 31, 2022, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 507

INTRODUCTION AND NOTICE TO THE PUBLIC

At this Meeting the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

Review and possible approval, approval with modifications, denial, or deferral of the following:

1. Approval of **Minutes** of April 19, 2022 (Meeting No. 506).

UNFINISHED BUSINESS

2. 2960 - Wake Wireless

Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a); and a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b). **LOCATION:** South of the southeast corner of East 146th Street North and North Yale Avenue

NEW APPLICATIONS

Review and possible approval, approval with modifications, denial, or deferral of the following:

3. 2963 - Talia Zapata

Special Exception to permit a single-wide mobile home in an RS district (Section 410). **LOCATION:** 820 North Ridge Drive West

4. 2964 - Samuel Feldhake

Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2). **LOCATION:** 8231 North 70th Avenue East

5. **2965 - Nathalie Cornett**
Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); Variance to permit gravel unenclosed off-street parking (Section 1340); Variance to permit gravel loading areas (Section 1350). **LOCATION:** 2106 South 59th Avenue West
6. **2966 - Nathan Cross**
Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205). **LOCATION:** 6929 North Lakewood Avenue East
7. **2967 - Annette Belmonte**
Variance of the minimum land area per dwelling unit requirement from 2.1 and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit a lot split (Section 330). **LOCATION:** 17505 South 145th Avenue East
8. **2968 - Mickey Traylor**
Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 7107 North Trenton Avenue East
9. **2972 - Sherry Barbour**
Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410); Variance of the all-weather parking surface requirement (Sec.1340.D). **LOCATION:** 524 North 49th Avenue West

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.



Case Number: CBOA-2960

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

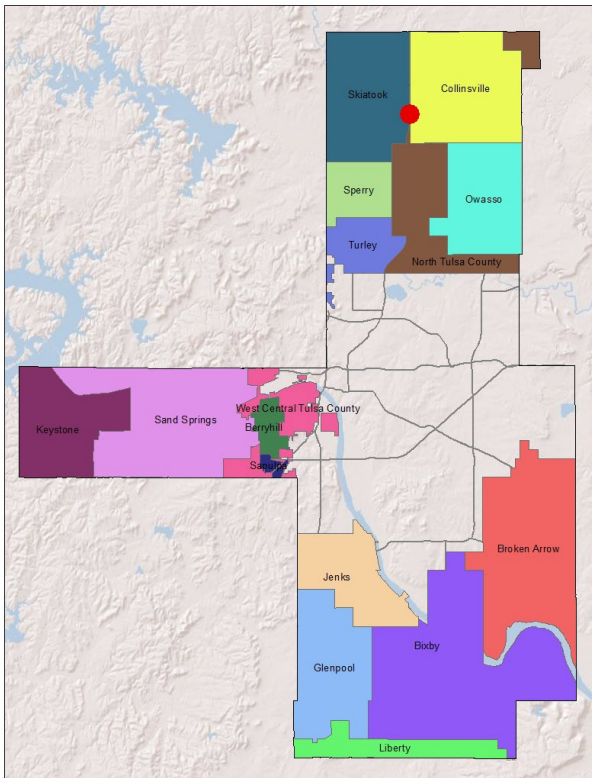
Owner and Applicant Information:

Applicant: Wake Wireless

Property Owner: CONTREREAS, PATRICIA & RODOLFO

Action Requested: Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining Residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a); and a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Agricultural

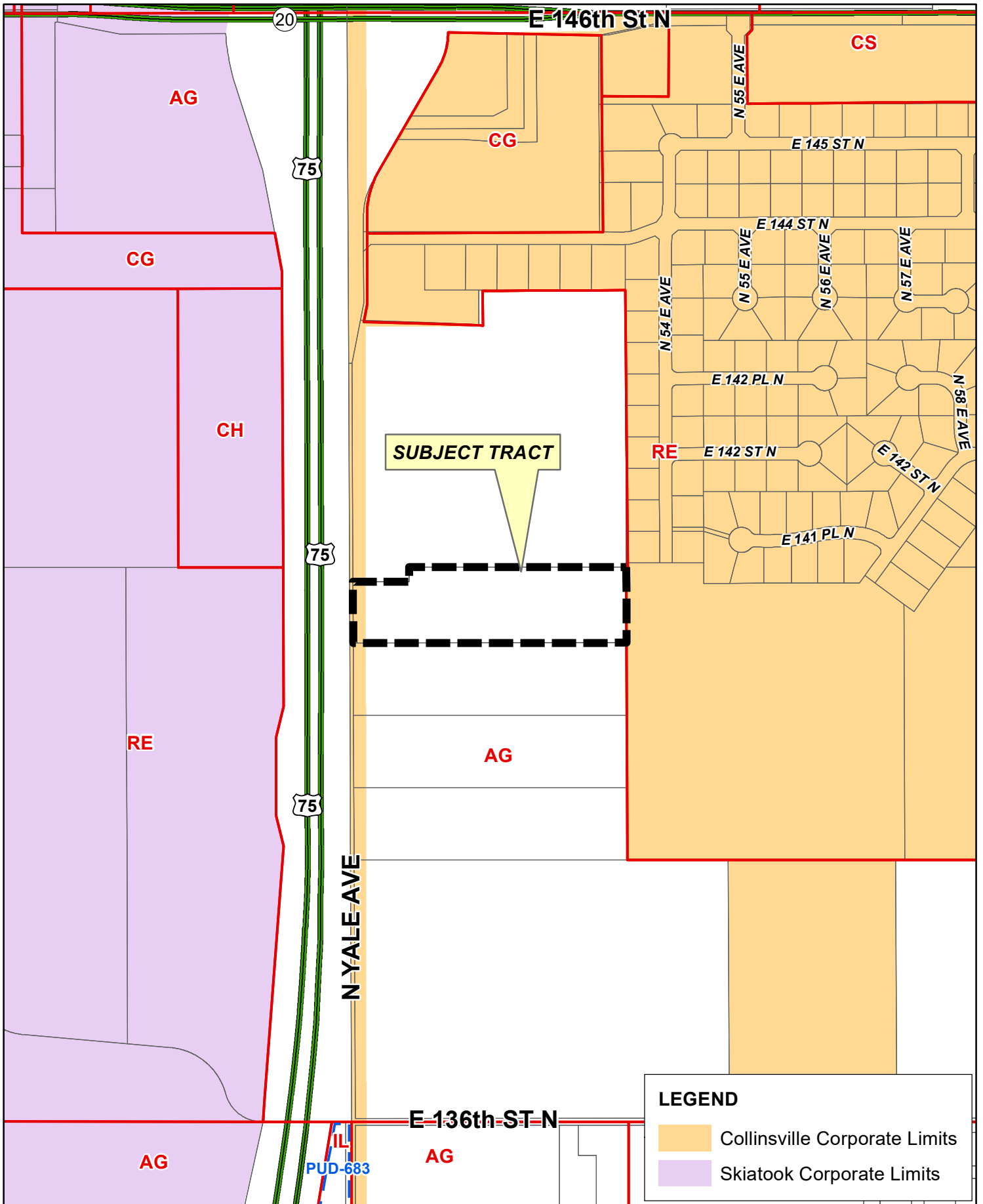
Tract Size: 10.35 acres

Location: South of the southeast corner of East 146th Street North and North Yale Avenue

Present Zoning: AG

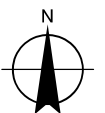
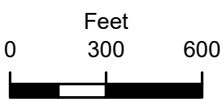
Fenceline/Area: Collinsville

Land Use Designation: Residential



CBOA-2960

22-13 27



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2327

CZM: 7

CASE NUMBER: CBOA-2960

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30 PM

APPLICANT: Wake Wireless

ACTION REQUESTED: Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining Residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a); and a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b).

LOCATION: South of the southeast corner of East 146th Street North and North Yale Avenue

ZONED: AG

FENCELINE: Collinsville

PRESENT USE: Agricultural

TRACT SIZE: 10.35 acres

LEGAL DESCRIPTION: BEG 70S NWC SW TH E285 N70 E1035.37 S360.35 W1320.15 N290.35 POB LESS W16.5 FOR RD SEC 27 22 13 10.35ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north and south. The property to the north was approved for a Wedding and Event Venue in 2021 and the property to the south appears to be vacant. Highway 75 is west of the subject tract and the property to the east is zoned RE.

NEW STAFF COMMENTS:

The case was continued from 04/19/2022 to 05/31/2022 in order to re-notice the case with an additional request. The applicant is also seeking a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b).

Code requires the following: (Section 1204.3.C.2.b) Communication towers if located within an R District or if located within 300 feet of an R district boundary line shall be of a monopole design, unless the Board of Adjustment determines by special exception that an alternative design would adequately blend into the surrounding environment, or that the required antennas cannot be supported by a monopole.

According to the documents submitted by the applicant, the design is a 150 foot Self Supporting Tower in a lattice design. The Board must determine if the alternative design will adequately blend into the surrounding environment, or that the required antennas cannot be supported by a monopole.

ORIGINAL STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a).

Communications towers are classified under Use Unit 4, Public Protection and Utility Facilities, and are permitted in the AG district by Special Exception. A *Special Exception* is required as the proposed cell tower is a use which is not permitted by right in the AG district because of potential adverse effects, but if controlled in the particular instance as to its relationship to the area, may be permitted.

The applicant has included a site plan. The proposed monopole tower has a height of 150 feet. Zoning Code requires towers to be set back a distance equal to at least on hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot.

- The distance from the proposed cell tower to the adjoining RE lot line is 10 feet 8 inches. The requirement would be 165 feet so the applicant is requesting a Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining RE zoned district from 165 feet to 10 feet 8 inches.
- The distance from the proposed cell tower to the adjoining AG lot line is 92 feet. The requirement would be 165 feet so the applicant is requesting a Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned district from 165 feet to 92 feet.
- The distances to the north and west meet the setback requirements.

Section 1204.3.C & E of the Code provides general standards for locating communication towers in any district. Some of the more notable requirements include:

1204.3.C.2.a: Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.

1204.3.C.4.: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

1204.3.C.6: All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 150 ft. used for residential purposes.

1204.3.C.7.a: Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office, or agricultural zoned lot, excluding expressway rights of way zoned residential.

1204.3.C.8: Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided however the Board may modify or waive the requirements by special exception

Additionally, Section 1204.3.E.1 provides the following:

Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:

- a. Height of the proposed tower
- b. Proximity of the tower to residential structures, residential district boundaries and existing towers
- c. Nature of uses on adjacent and nearby properties
- d. Surrounding topography
- e. Surrounding tree coverage and foliage
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
- g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation
- h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment
- i. Proposed ingress and egress
- j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area
- k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.
- l. Landscaping

1204.3.E.2 - Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

1204.3.E.3 - The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed communications tower will be non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining Residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a); and a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b).

Read the following statement so it can be on record and recorded in the minutes of the meeting.

The Board considered each of the following stated factors in Section 1204.3.E. 1 & 2 of the Code and finds that the application complies / does not comply with the requirements to the Boards satisfaction.

Section 1204.3.E provides the following:

1. Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:

- a. Height of the proposed tower*
- b. Proximity of the tower to residential structures, residential district boundaries and existing towers*
- c. Nature of uses on adjacent and nearby properties*
- d. Surrounding topography*
- e. Surrounding tree coverage and foliage*
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness*
- g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation*
- h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment*
- i. Proposed ingress and egress*
- j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area*
- k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.*
- l. Landscaping*

2. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

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

Subject to the following conditions (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.



20

E 146th St N

75

N 55 E AVE

E 145 ST N

N 54 E AVE

E 144 ST N

N 56 E AVE

N 57 E AVE

E 142 PLN

E 142 ST N

E 141 PLN

N 58 E AVE

E 142 ST N

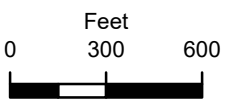
75

75

N YALE AVE

E 136th ST N

E 135 PLN



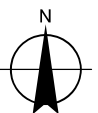
 Subject Tract

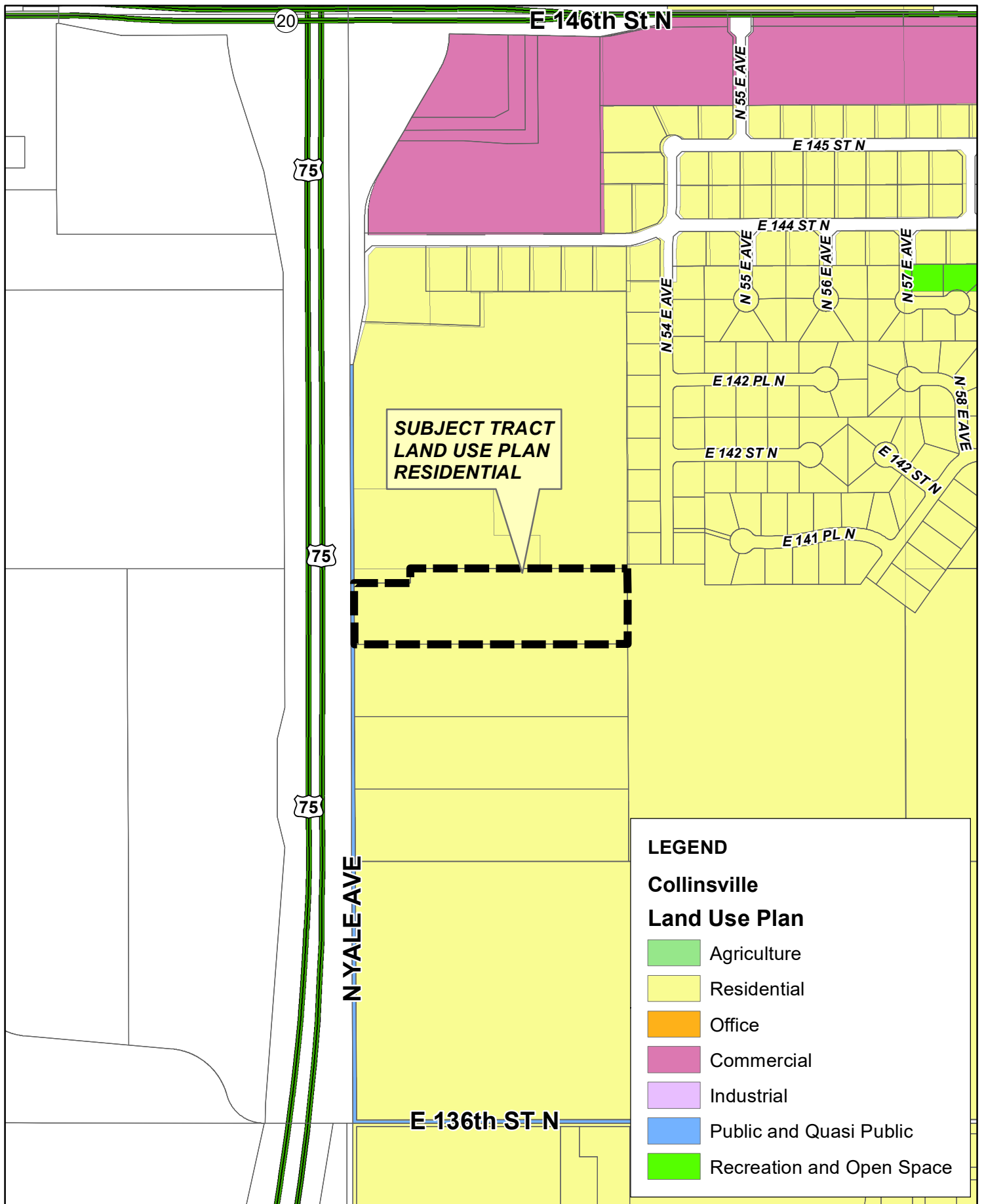
CBOA-2960

22-13 27

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

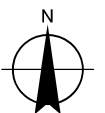
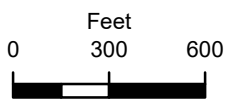
Aerial Photo Date: 2020/2021





CBOA-2960

22-13 27





1393' Fence Line

South Neighbor Property

WakeWireless
"Bledsoe" Tower Site Plan
Project Overview
14225 N Yale
Collinsville, OK

1294' Cross Fence

---259' ---

8x8x8' Tower

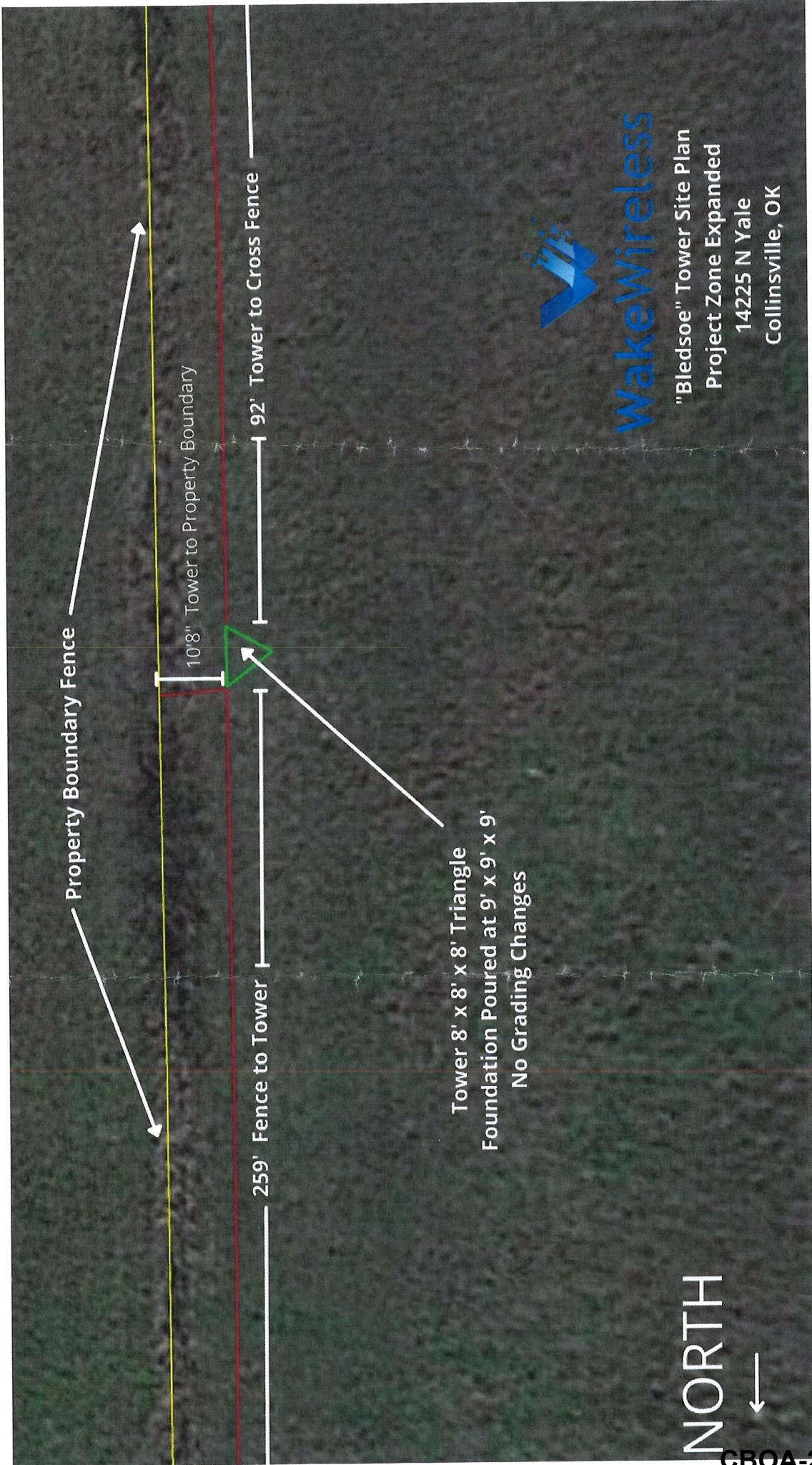
10 acre AG Parcel (Contreras)

Contreras Home Site

North
←

N Yale Ave

N Yale Ave



Property Boundary Fence

10'8" Tower to Property Boundary

92' Tower to Cross Fence

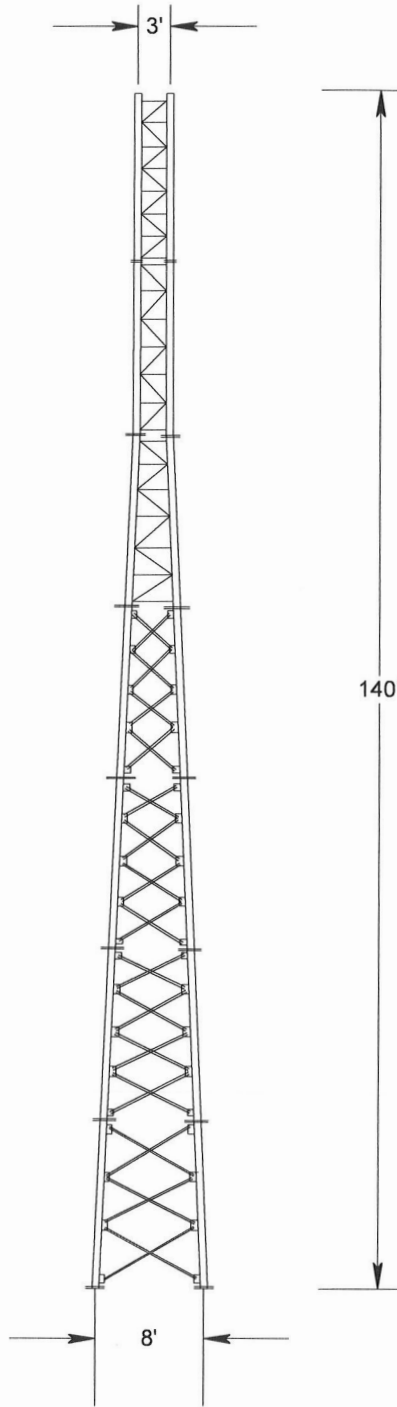
259' Fence to Tower

Tower 8' x 8' x 8' Triangle
Foundation Poured at 9' x 9' x 9'
No Grading Changes

NORTH
←

WakeWireless
"Bledsoe" Tower Site Plan
Project Zone Expanded
14225 N Yale
Collinsville, OK

Legs	1.75sr	1.5sr	1.25sr	1sr
Braces	1.5 L	1.5 L	.625sr	
Bays	3	5	8	
Design	Bolted Tower Sections		Welded Sections	



<p><i>Alpha 1 Towers</i> 10021 Hwy 183 Arapaho, OK 580-445-6131</p>		
Designed by	C. Holman	150' Self Supporting Tower Wake Wireless Tulsa, OK Site
Date	6/12/2021	



Board of Adjustment

Case Number: CBOA-2963

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

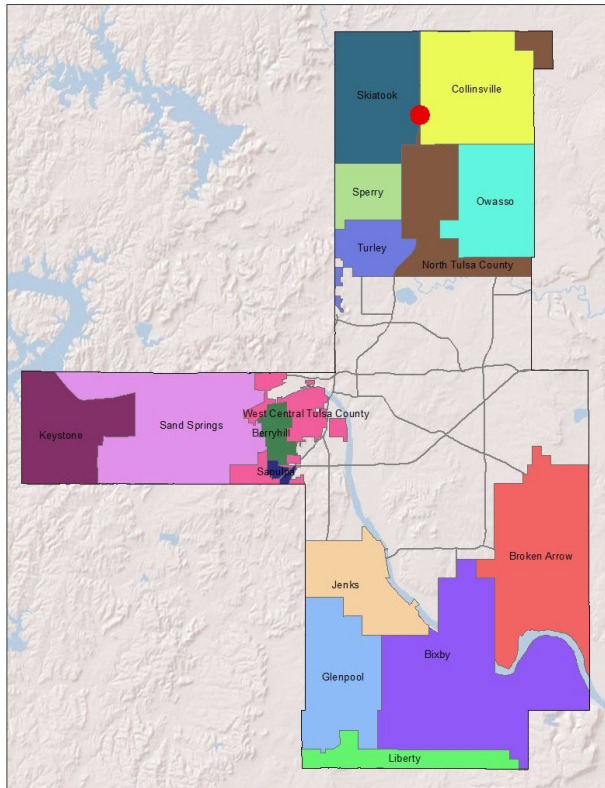
Owner and Applicant Information:

Applicant: Talia Zapata

Property Owner: ZAPATA, TALIA

Action Requested: Special Exception to permit a single-wide mobile home in an RS district (Section 410).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Residential

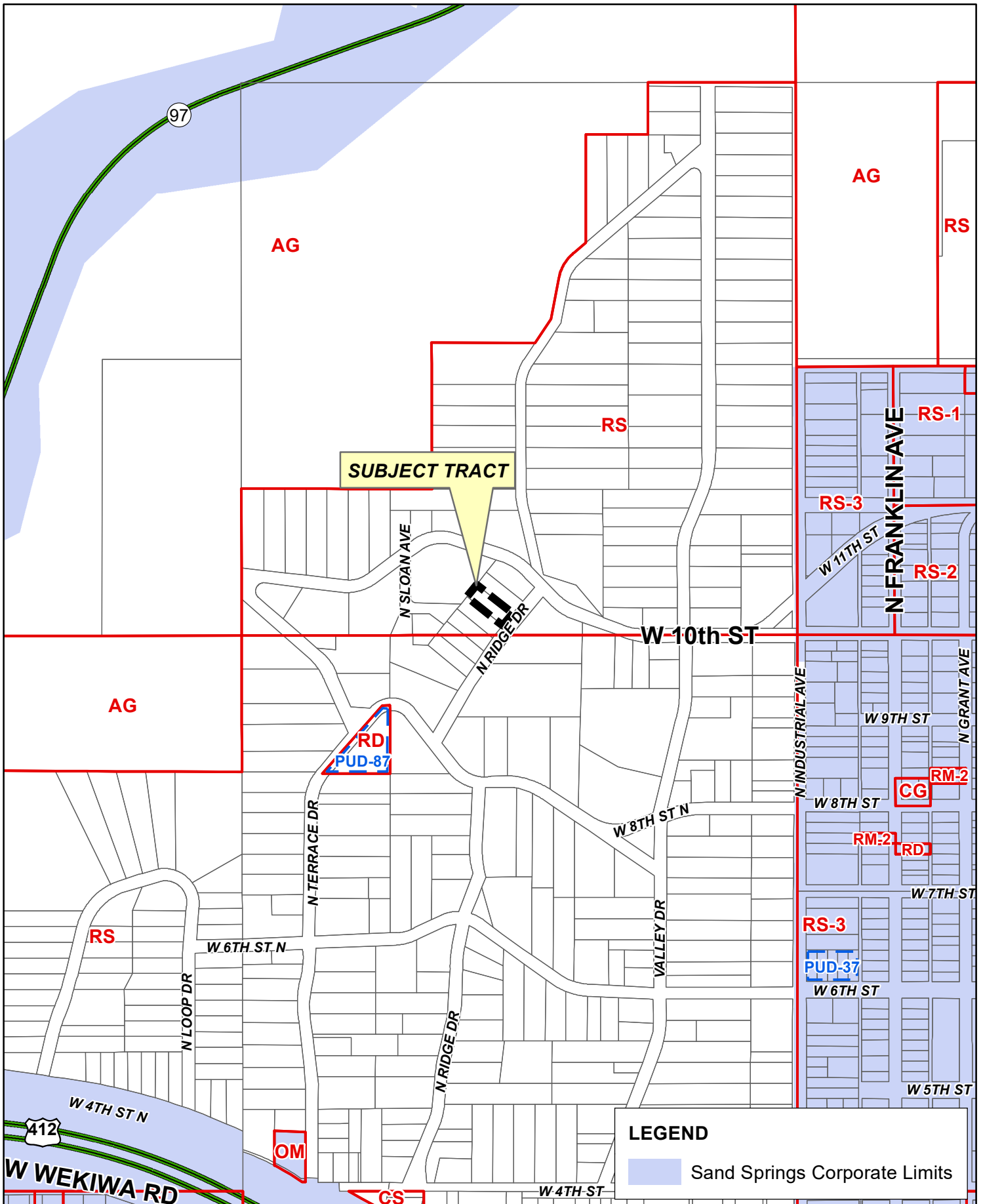
Tract Size: 0.39 acres

Location: 820 N RIDGE DR W

Present Zoning: RS

Fenceline/Area: Sand Springs

Land Use Designation: Residential



CBOA-2963

19-11 03

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9103

CZM: 76

CASE NUMBER: **CBOA-2963**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30 PM

APPLICANT: Talia Zapata

ACTION REQUESTED: Special Exception to permit a single-wide mobile home in an RS district (Section 410).

LOCATION: 820 N RIDGE DR W

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.39 acres

LEGAL DESCRIPTION: LT 9 BLK 11, CHARLES PAGE HOME ACRES NO 2 RESUB OF PRT RESUB B10-12, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning and residential uses.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a single-wide mobile home in an RS district (Section 410). A special exception is required as the proposed mobile 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 mobile home must be found to be compatible with the surrounding neighborhood.

According to the site plan, the applicant is proposing to place a 65' x 13.9' mobile home in the center of the property.

The applicant provided the following statement:

1. Hardship – the property will be unlivable if the home has to be removed.
2. This property has been unlivable for years unlike surrounding properties.
3. If granted, the mobile home will not cause detriment to the public good; it would rather enhance the neighborhood and add an additional family residence.

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

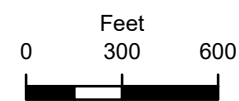
Sample Motion:

“Move to _____ (approve/deny) a Special Exception to permit a single-wide mobile home in an RS district (Section 410).”

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

Subject to the following conditions, 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.



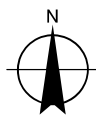
Subject
Tract

CBOA-2963

19-11 03

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

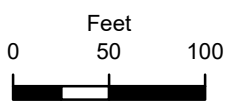
Aerial Photo Date: 2020/2021





W 10th ST

N RIDGE DR



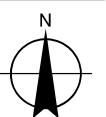
 Subject Tract

CBOA-2963

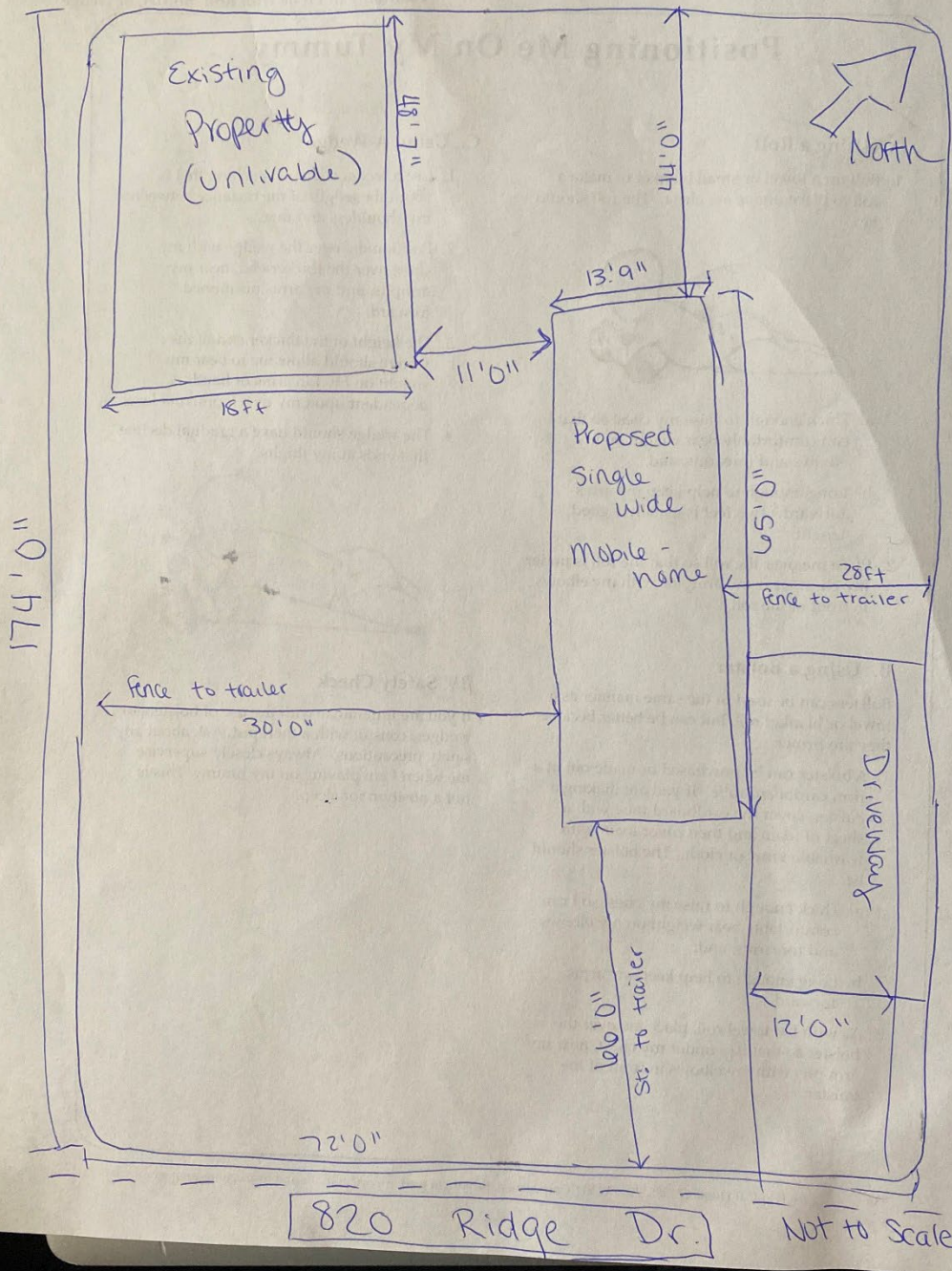
19-11 03

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

Aerial Photo Date: 2020/2021



Site Plan — Talia Zapata





Case Number: CBOA-2964

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

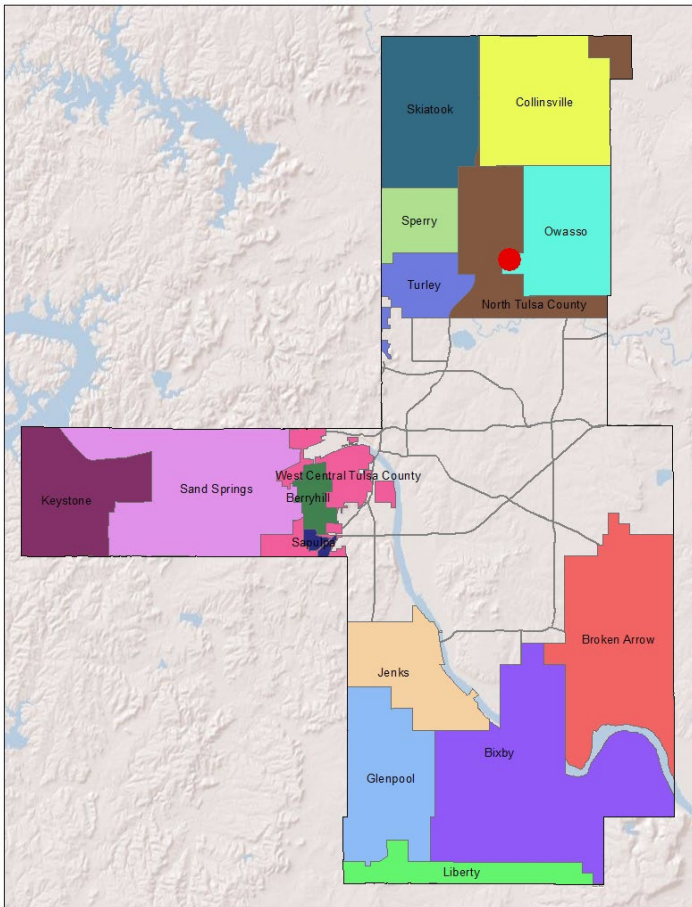
Owner and Applicant Information:

Applicant: Samuel Feldhake

Property Owner: FELDHAKE, SAMUEL D & KELLEY N

Action Requested: Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2)

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Residential

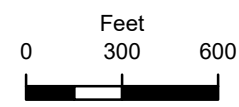
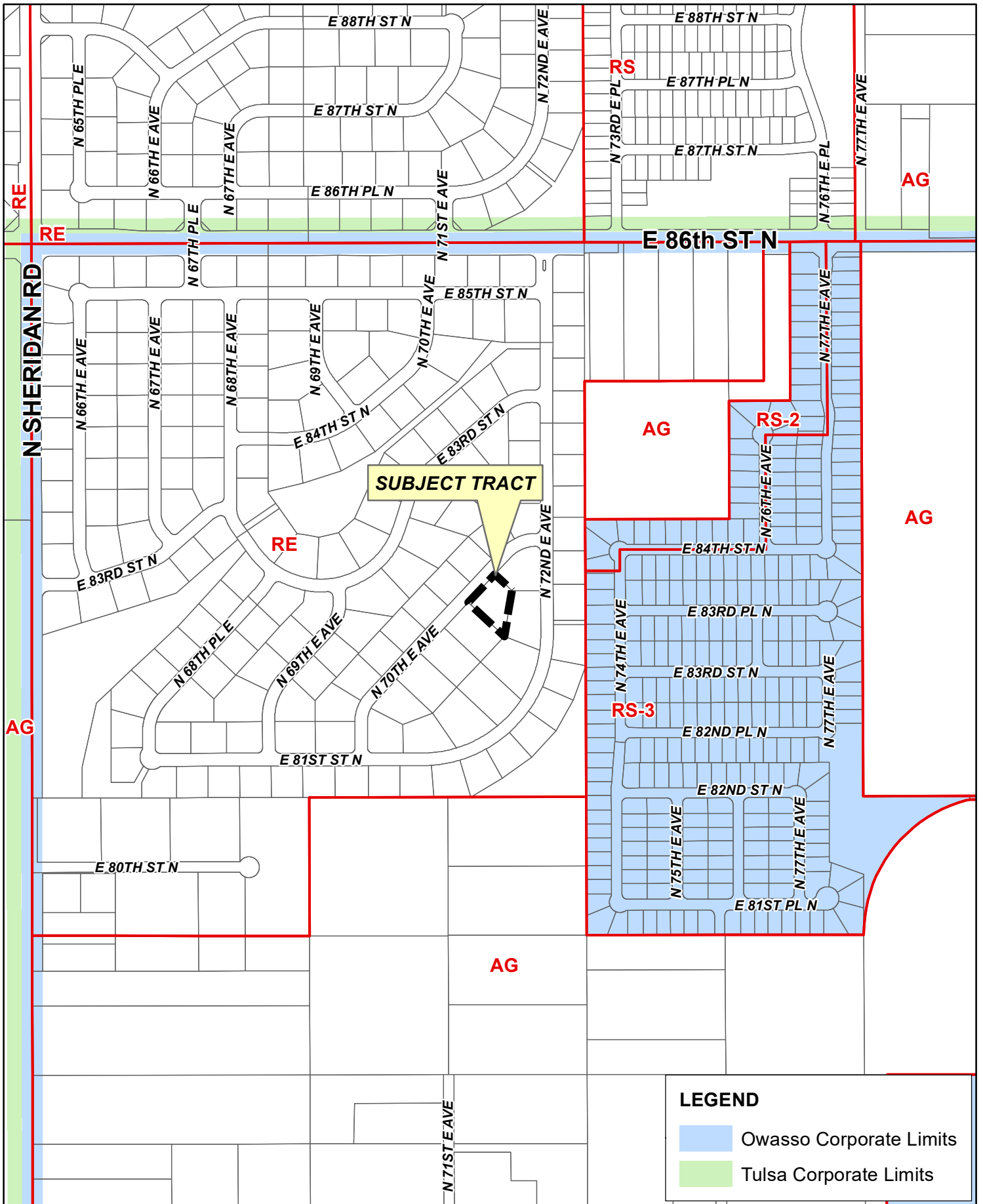
Tract Size: 0.73 acres

Location: 8231 N 70 AV E

Present Zoning: RE

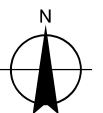
Fenceline/Area: Owasso

Land Use Designation: Residential



CBOA-2964

21-13 26



LEGEND

- Owasso Corporate Limits
- Tulsa Corporate Limits

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1326

CZM: 17

CASE NUMBER: **CBOA-2964**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30 PM

APPLICANT: Samuel Feldhake

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

LOCATION: 8231 N 70 AV E

ZONED: RE

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 0.73 acres

LEGAL DESCRIPTION: LOT 12 BLOCK 3, CROSSING AT 86TH STREET PHASE IV, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2318 April 2009: The Board **approved** a *Variance* to permit a detached accessory building in the side yard in a RE district, on property located at 8251 North 70th East Avenue.

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

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2)

According to the site plan, the applicant intends to construct an 18' x 36' (648 sq. ft.) accessory building (detached garage) in the side yard, southwest of the existing house on the site. Section 420.2 states that a detached accessory building shall not be located in the front or side yard or encroach upon a minimum building setback line. The minimum building side setback line in an RE district is 15 feet and according to the site plan, the accessory building meets the required 15 feet.

The applicant provided the statement: *"Slope of backyard won't support location and add more concrete for driveway to back would be unsightly. Building small open breezeway won't look good. Would cover windows, AC, or septic. Two other homes in neighborhood have detached garages similar to my request."*

Sample Motion:

“Move to _____ (approve/deny) a Variance to allow a detached accessory building to be located in the side yard in an RE district. (Section 420.2.A-2)

Subject to the following conditions (if any): _____.

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

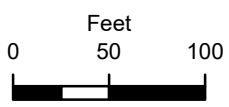
Finding the hardship to be _____.

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.”



N 70TH AVE

N 72ND AVE



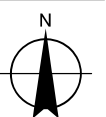
**Subject
Tract**

CBOA-2964

21-13 26

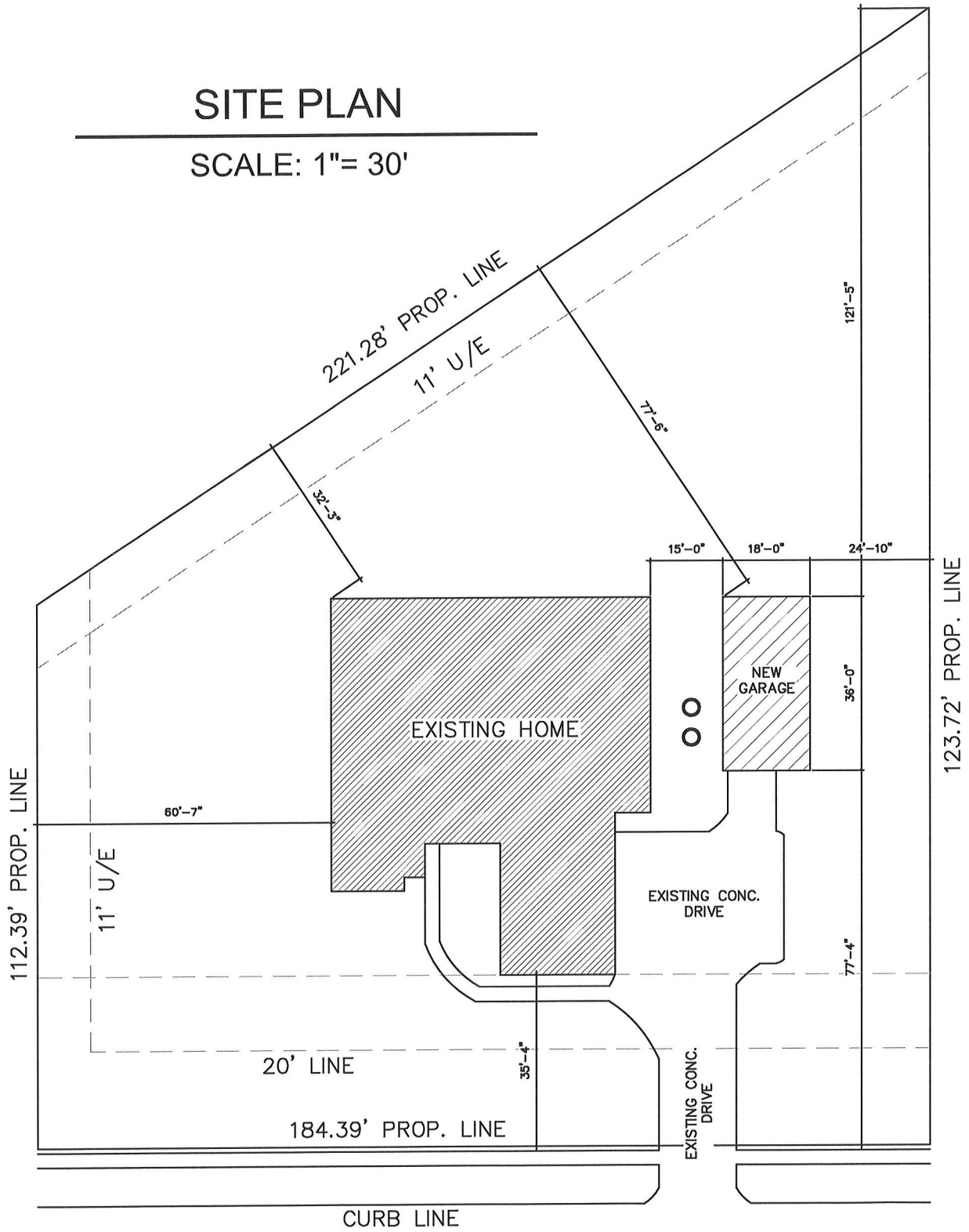
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



SITE PLAN

SCALE: 1"= 30'





Board of Adjustment

Case Number: CBOA-2965

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

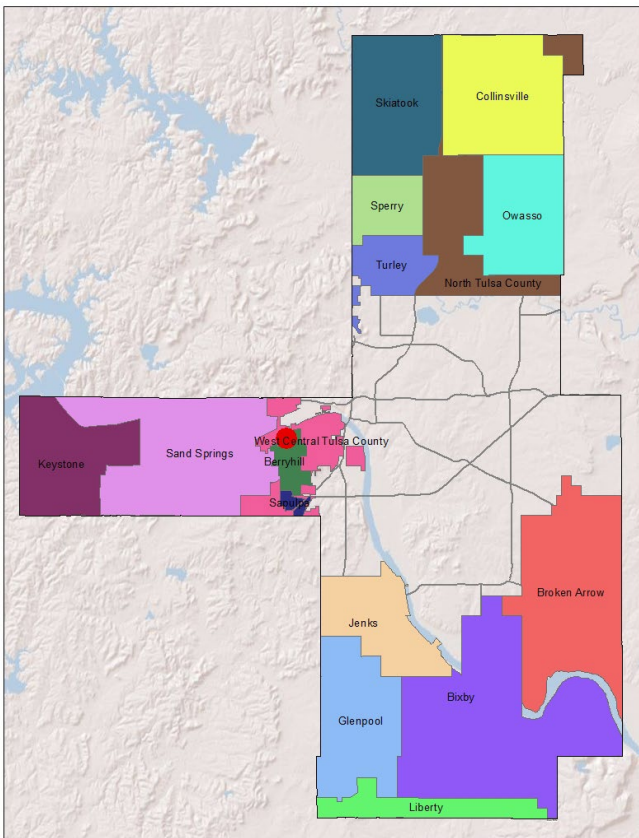
Owner and Applicant Information:

Applicant: Nathalie Cornett

Property Owner: MULCARE, KIMBERLY D REVOCABLE TRUST

Action Requested: Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); Variance to permit gravel unenclosed off-street parking (Section 1340); Variance to permit gravel loading areas (Section 1350)

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Light Industrial

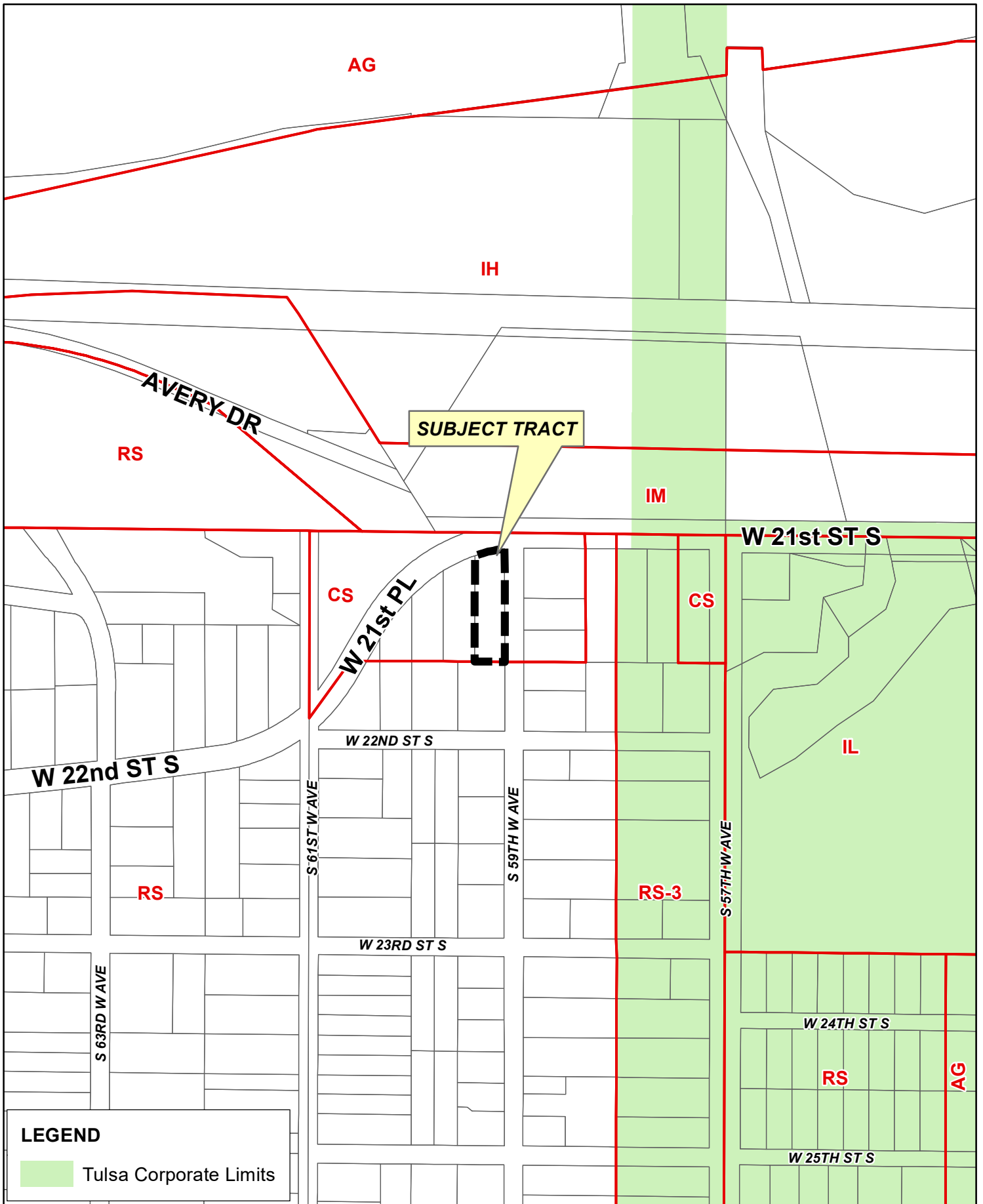
Tract Size: 0.81 acres

Location: 2106 S 59 AV W

Present Zoning: CS

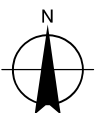
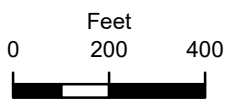
Fenceline/Area: Berryhill

Land Use Designation: Neighborhood Center



CBOA-2965

19-12 17



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: **CBOA-2965**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); Variance to permit gravel unenclosed off-street parking (Section 1340); Variance to permit gravel loading areas (Section 1350)

LOCATION: 2106 S 59 AV W

ZONED: CS

AREA: Berryhill

PRESENT USE: Light Industrial

TRACT SIZE: 0.81 acres

LEGAL DESCRIPTION: LT 1 BLK 8, SECOND WEST TULSA VIEW ACRES SUB, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CS zoning on the east and west. It about RS zoning to the south and IM zoning to the north. Uses to the south are mainly residential while uses to the north, east, and west appear to be a mixture of commercial and industrial.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); Variance to permit gravel unenclosed off-street parking (Section 1340); Variance to permit gravel loading areas (Section 1350)

The applicant supplied the attached statement: See Exhibit "A".

A Use Variance for Use Unit 25, Light Manufacturing Industry, is being requested so the applicant, a mechanical construction contractor, can operate his business which offers commercial and industrial HVAC services for industrial, commercial, and civic projects. Use Unit 25 is not a use allowed by right or by Special Exception in an AG district.

Section 1225.1 describes Light Manufacturing Industry:

Light manufacturing and industrial uses having slight or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration. The following use conditions will apply:

1225.3 Use Conditions

- A. The uses included in Use Unit 25, which are located within 300 feet of an R District, shall be conducted within enclosed buildings. **The subject property is located within 300' of an R District.**
- B. The uses included in Use Unit 25, when located on a lot which is abutting an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District. **The lot abuts an R District to the south so a screening fence will be required.**

The Code requires all parking surfaces be paved with an all-weather surface so as to maintain a minimum level of aesthetics, but more importantly to control air-borne particulates like dust and to control the tracking of dirt and mud onto public streets. Variance to permit gravel unenclosed off-street parking (Section 1340); Variance to permit gravel loading areas (Section 1350)

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 is compatible with the surrounding area.

Sample Motion:

“Move to _____ (approve/deny) Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); Variance to permit gravel unenclosed off-street parking (Section 1340); and a Variance to permit gravel loading areas (Section 1350)

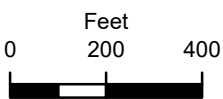
Finding the hardship to be _____.

Subject to the following condition(s), if any: _____.

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

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.



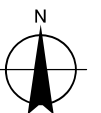
Subject
Tract

CBOA-2965

19-12 17

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

Aerial Photo Date: 2020/2021





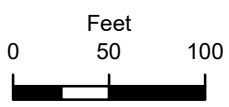
AVERY DR

W 21st ST S

W 21st PL

S 59TH W AVE

W 22ND ST S



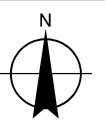
Subject Tract

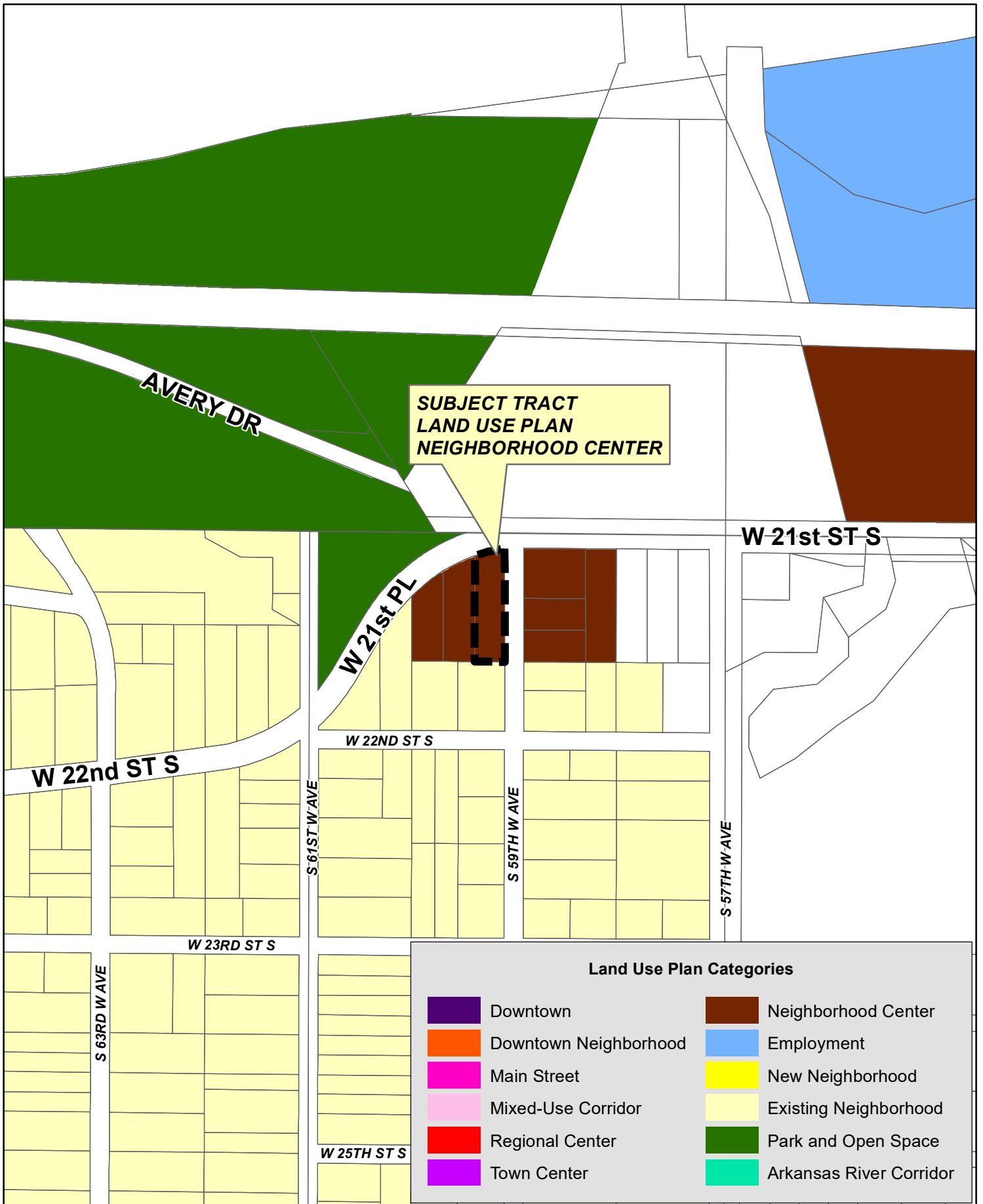
CBOA-2965

19-12 17

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

Aerial Photo Date: 2020/2021





CBOA-2965

19-12 17

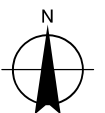
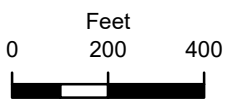


Exhibit "A"

The Applicant requests (1) a Use Variance to permit a Heavy Construction Contract Service (Use Unit 25) in a CS District, and (2) a Variance of Sections 1340 and 1350 of the Tulsa County Zoning Code (the "Code") to permit unenclosed off-street parking and loading areas to be gravel surfaced on property located at 2106 S. 59th W. Ave (the "Property").

The Property is located at the southwest corner of West 21st Street and South 59th West Avenue, just east of Chandler Park. To the north of the Property is IM-zoned property abutting the Arkansas River. Directly east of the Property is zoned CS and consists of a vacant building that appears to be a former gas station and residences; further east consists of heavily industrialized properties along both sides of West 21st Street. South of the Property is a vacant lot zoned RS. The commercial lots to the west of the Property appear to be vacant buildings. The area is currently subject to significant construction activity associated with the Gilcrease Expressway expansion.

The requested Use Variance is for CDH-Inc., a mechanical construction contractor that primarily offers commercial and industrial HVAC services for industrial, commercial, and civic projects in the Tulsa Area. As part of CDH's operations, the south (rear) portion of the Property behind the existing, 3300 SF building, will be utilized as an equipment storage area. The location of the equipment storage area is shown on the attached conceptual site plan. The storage area is enclosed by a chain link fence with two gates for access, ingress and egress. Typical equipment includes trailers, storage tanks, excavation equipment, and trucks.

There are four, paved off-street parking spaces located at the front entrance of the building which meet the Code's off-street parking requirements for Use Unit 25. The remaining areas of the Property are gravel, including additional parking at the front of the building and the equipment storage area.

Despite the smattering of commercial, residential, and industrial zoning districts along West 21st Street, this stretch of West 21st Street along the Arkansas River corridor has long been an industrial thoroughfare. Gravel parking areas and storage yards are abundant in the area, including the two adjacent lots to the west of the Property. Based on the development pattern unique to this area and to the Property, the literal enforcement of the Code results in unnecessary hardship to the Property owner. The proposed use is consistent with the surrounding uses and will not cause substantial detriment to the public good or impair the spirit and intent of the Code.



1"=20'

LEGEND

- X— FENCE
- W/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE
- EASEMENT (APPROXIMATE LOCATION)
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT



BEFORE YOU DIG,
CALL OKIE FOR
LOCATION OF
UNDERGROUND UTILITIES.
1-800-522-6543

GENERAL NOTES

BASIS OF BEARINGS: BASED ON THE EAST LINE BEING S 0°35'09" E.
 NO CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE WAS FURNISHED AT THE TIME OF SURVEY. THEREFORE, NO CERTIFICATION IS MADE THAT ALL EASEMENTS AND DEDICATIONS OR OTHER ENCUMBRANCES ARE SHOWN HEREON.
 THE PROPERTY DESCRIBED HEREON CONTAINS 0.76 ACRES, MORE OR LESS.
 FIELD WORK COMPLETED OCTOBER 7, 2010
 FM = FIELD MEASURED COURSE.
 PLAT = RECORDED PLAT COURSE.
 DESC = DESCRIBED COURSE.

This survey is provided to show the dimensions of the Property only. The structures depicted on the survey have been removed. Please refer to Conceptual Site Plan for the current building and site configuration.

PLAT OF SURVEY

INVOICE NO.: STK 10-53701
 CLIENT: KIM MULCARE

LEGAL DESCRIPTION:

LOT ONE (1), BLOCK EIGHT (8), SECOND WEST TULSA VIEW ACRES, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 2106 & 2108 SOUTH 59TH WEST AVENUE.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY. THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY. THAT EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.

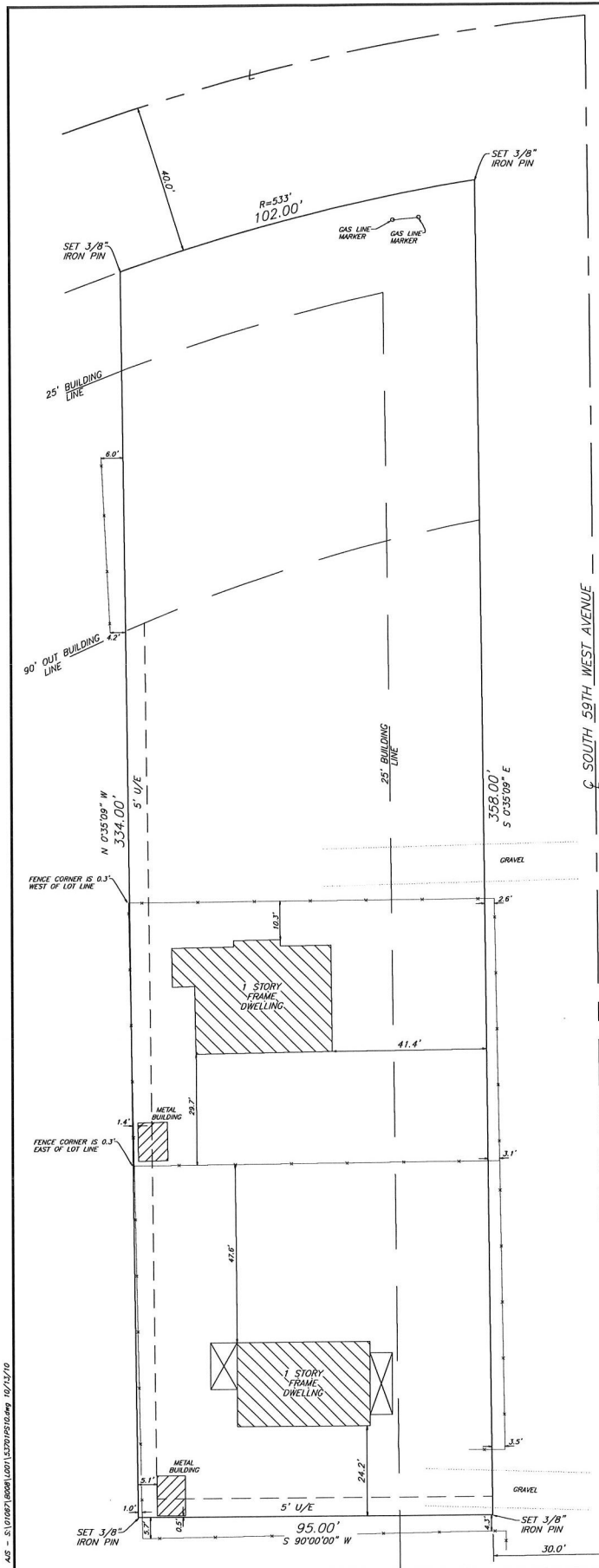
WHITE SURVEYING COMPANY
 CERTIFICATE OF AUTHORIZATION
 NO. CA1098
 (RENEWAL 6/30/2011)

BY: *J. J. [Signature]* DATE: 10/13/10
 REGISTERED PROFESSIONAL LAND
 SURVEYOR OKLAHOMA NO. 1052



WHITE SURVEYING COMPANY
 providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 800.262.0682 • 918.663.6924 • 918.664.8366 fax



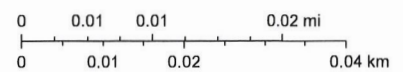
AS - S1010071.00001 (L001)LS2010101501000 10/13/10

Conceptual Site Plan



4/13/2022, 3:04:31 PM

1:737



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri



Board of Adjustment

Case Number: CBOA-2966

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

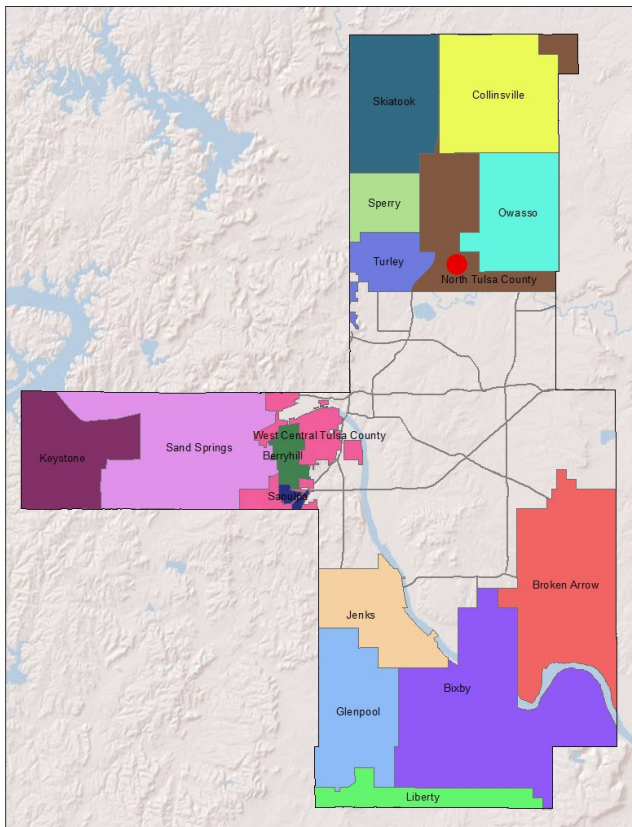
Owner and Applicant Information:

Applicant: Nathan Cross

Property Owner: MCI WORLDCOM NETWORK SERVICES

Action Requested: Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Office

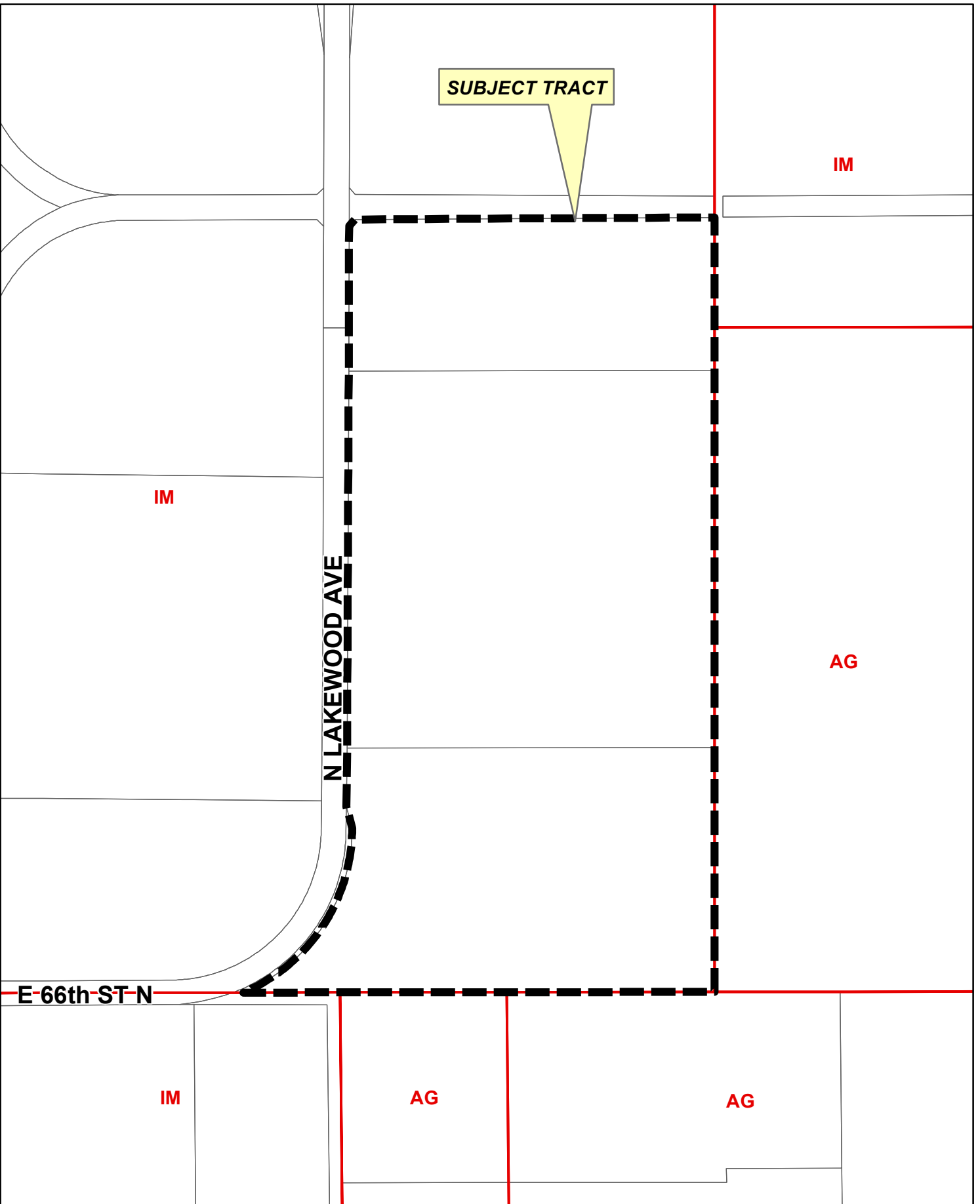
Tract Size: 103.99 acres

Location: 6929 N LAKEWOOD AV E

Present Zoning: IM

Fenceline/Area: North Tulsa County

Land Use Designation: Industrial



SUBJECT TRACT

IM

IM

N LAKEWOOD AVE

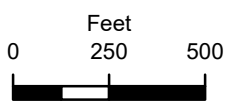
AG

E 66th ST N

IM

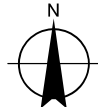
AG

AG



CBOA-2966

21-13 34



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1334
CZM: 17, 23

CASE NUMBER: CBOA-2966
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30 PM

APPLICANT: Nathan Cross

ACTION REQUESTED: Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205).

LOCATION: 6929 N LAKEWOOD AV E

ZONED: IM

FENCELINE: North Tulsa County

PRESENT USE: Office

TRACT SIZE: 103.99 acres

LEGAL DESCRIPTION: PRT LT 3 BEG NEC TH S601.90 W1448.07 N576.90 NE35 E1422.79 POB BLK 1; PRT LT 3 BEG 601.90S NEC TH S1503.70 W1448.78 N1503.70 E 1448.07 POB BLK1; LT 3 LESS N2105.60 & LESS BEG SWC TH E49.87 NELY ON CRV LF 809.61 NW80.67 SELY78.14 SWLY ON CRV RT 832.17 POB BLK 1, CHEROKEE EXPRESSWAY IND DISTRICT, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2176 September 2005: The Board approved a Special Exception to permit a private gun club, training academy and competition center in an AG zoned district, on property located at 6500 East 66th Street North.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts IM zoned districts to the west and north. It abuts AG zoned districts to the east and south. Surrounding properties include industrial and agricultural uses. There is a police academy and gun range south of the subject tract.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205).

A Use Variance is required as the proposed Emergency and Protective Shelter (Use Unit 5) is a use which is not permitted IM district. The request states the shelter will allow temporary housing and

sponsor placement services for unaccompanied refugee children. Temporary refers to the length of time each child could potentially stay in the shelter.

The applicant has submitted the following statement (Exhibit "B"):

The property at issue in this request and identified in Exhibit "A" attached to the Application (the "subject Property") is an office park in the Cherokee Expressway Industrial District in Tulsa County. The Subject Property consist of four (4) interconnected "Mods" that form one complex and an adjacent fifth "Mod" that is a separate building. Together, these "Mods" amount to approximately 873,896 square feet of usable floor space with ample adjacent parking and internal circulation. The Subject Property was originally constructed as an office park beginning in 1985 and has housed office-type uses from and since construction.

The Federal Government has approached the Cherokee Nation about the prospect of assisting with the ongoing crisis of unaccompanied refugee children who are seeking asylum in the United States from locations such as Ukraine, South America, and Afghanistan. As part of that relationship, the Cherokee Nation has been tasked with locating a facility that can be repurposed to temporarily provide housing and sponsor placement services to these children while they are being relocated from their respective countries of origin to their sponsor homes around the country. The children are not placed in the local community unless, by coincidence, their sponsor family already resided locally. To ensure that the program is in place in time to meet the need for accommodations, the Cherokee Nation must move quickly.

The Subject Property is unique because it provides an existing large square footage of interconnected buildings that can quickly and easily be repurposed for the intended use in time to accommodate the requirements of this very unique program that is unlike any other use in Tulsa County. Further, unlike other similar properties, the Subject Property has an ample "campus" and internal circulation infrastructure that is important for traffic circulation while being somewhat isolated from more densely populated adjacent uses. Given the unique nature of the proposed use and the unique aspects of the Subject Property that lend themselves to such use, the Applicant respectfully requests a Specific Use Variance to allow Sponsor Placement Services on the Subject Property.

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) Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205).

Subject to the following conditions (including time limitation, 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.”

Lee Holmes, the applicant, stated the site plans for the range would cause balls to be directed to the northeast and away from the streets.

Interested Parties:

The Board allowed one more party to speak.

Richard Franklin, 11525 East 106th Street North, submitted a petition (Exhibit C-3) of opposition. He expressed concern for the lights and hours of operation. He suggested 6:00 a.m. to 10:00 p.m.

Mr. Cates responded that the hours of operation would be 9:00 a.m. to 10:00 p.m. in the summer and less in the winter.

Comments and Questions:

Mr. Walker noted that paving would cost the applicant less in the long-term than to gravel the parking. Mr. Dillard thought the parking should be paved. Mr. Hutson and Mr. Tyndall noted there was no hardship for the variance.

Board Action:

On **Motion** of **Hutson**, the Board voted 3-1-1 (Walker, Tyndall, Hutson, "aye"; Dillard "nay"; Charney "abstained"; no "absences") to **APPROVE** a **Special exception** to permit Use Unit 20 (Commercial Recreation), a golf driving range in an AG district (Section 310), subject to compliance with the City of Owasso lighting standards; hours of operation limited to 9:00 a.m. to 10:00 p.m. all year round; and no sidewalks by the applicant at this time, and sidewalks around the perimeter should be at the expense of the City of Owasso later; and meet the County building approval process.

And to **DENY** a **Variance** of the required all-weather paving for a surface parking lot (Section 1340.D) on the following described property:.

N/2 SW SW & SW SW SW LESS W16.5 THEREOF FOR RD & LESS S16.5 THEREOF FOR RD SEC 8 21 14 29.256ACS, Tulsa County, State of Oklahoma

Case No. 2176

Action Requested:

Special exception to permit a private gun club, training academy and competition center in an AG zoned district - Section 1202 - Use Unit 2, located: 6500 East 66th Street North.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, submitted materials, including alternative site plans, aerial, flood plain map and letters of support (Exhibits D-1 through D-5). He represented the United States Shooting Academy, which is new

to Tulsa County. He introduced Tom Hillis, co-council and representative of the academy; Tom Fee, the President, and Ted Sack, the Project Engineer. He reviewed the perimeters of the site, showing there is no development on the north and the Police Academy and Industrial Park. He pointed out the extent of the Bird Creek flood plain. They have contacted the neighboring businesses about this application. There would be three kinds of training by law enforcement and military organizations. Those are anti-terrorist training, urban assault, and homeland security. There would be competitions for law enforcement, and Special Weapons And Tactics (S.W.A.T.) teams. They have not finalized the rights of access to the City of Tulsa property, but they have submitted an alternate plan. Access over the City property would require some type of license/maintenance agreement. He asked that they approve the originally proposed access and alternate access approved by the County Engineer so they would not need to come back to the Board on that issue. The ranges will not be lighted and they do not object to a limitation of the hours of operation. The City of Tulsa training range was authorized to operate from 6:00 a.m. to 10:00 p.m., seven days per week. They would be agreeable to 7:00 a.m. until 30 minutes prior to sunset. All of the activities will be under the supervision of sanctioned officers of the National Shooting Association or the Commanding/Training Officers of the Police, law enforcement and Sheriff's offices or military group that comes to the facility. He read a letter of support from Sheriff Stanley Glanz. Paul Wilkening, the County Administrator, was present for any questions. Mr. Wilkening and Mr. Jordan have reviewed the plans and alternate access approach.

Comments and Questions:

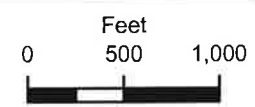
Mr. Dillard stated he would abstain for conflict of interest, from Case No. 2176.

Board Action:

On **Motion of Charney**, the Board voted 4-0-1 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; Dillard "abstained"; no "absences") to **APPROVE** a **Special exception** to permit a private gun club, training academy and competition center in an AG zoned district - Section 1202 - Use Unit 2, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

On **Amended Motion of Charney**, the Board voted 4-0-1 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; Dillard "abstained"; no "absences") to **APPROVE** a **Special exception** to permit a private gun club, training academy and competition center in an AG zoned district - Section 1202 - Use Unit 2, with either access proposal being satisfactory, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

N/2 SW SW & SW SW SW LESS W16.5 THEREOF FOR RD & LESS S16.5 THEREOF FOR RD SEC 8 21 14 29.256ACS, Tulsa County, State of Oklahoma

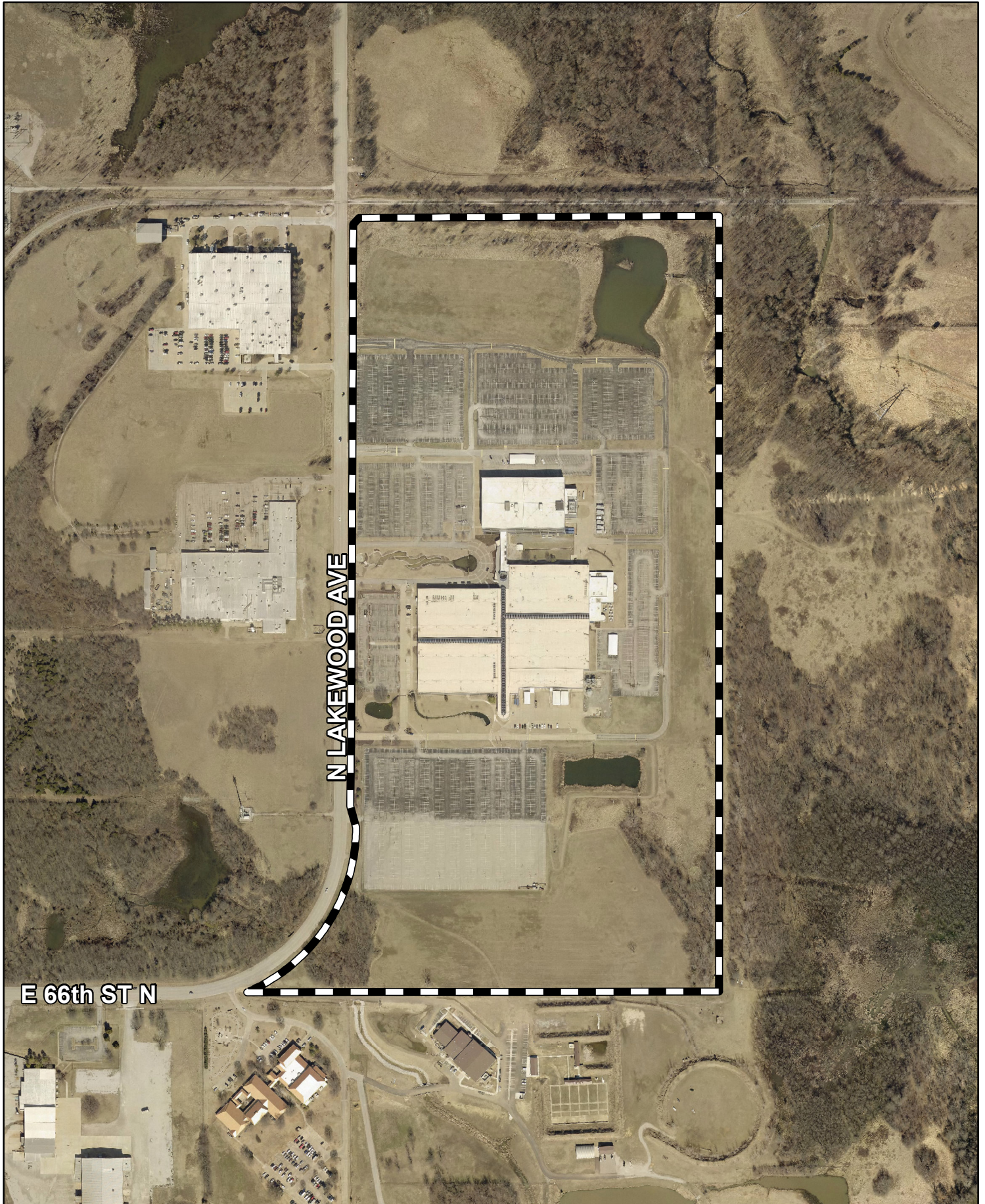


CBOA-2176

0303/0302

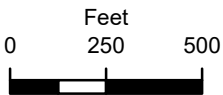


CBOA-2966 ^{5.4} 6.8



E 66th ST N

N LAKEWOOD AVE



Subject Tract

CBOA-2966


21-13 34

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

Aerial Photo Date: 2020/2021





LEGEND


 100 Year Floodplain


Unincorporated County Plans


Future Land Use

 Rural Residential/Agricultural

 Rural Commercial

 Parks and Open Space

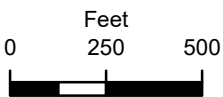
 Public/Semi-Public

 Industrial

**SUBJECT TRACT
LAND USE PLAN
INDUSTRIAL**

N LAKEWOOD AVE

E 66th ST N



CBOA-2966

21-13 34

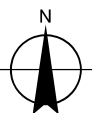


EXHIBIT "B"

(Variance Request)

The property at issue in this request and identified in Exhibit "A" attached to the Application (the "Subject Property") is an office park in the Cherokee Expressway Industrial District in Tulsa County. The Subject Property consist of four (4) interconnected "Mods" that form one complex and an adjacent fifth "Mod" that is a separate building. Together, these "Mods" amount to approximately 873,896 square feet of usable floor space with ample adjacent parking and internal circulation. The Subject Property was originally constructed as an office park beginning in 1985 and has housed office-type uses from and since construction.

The Federal Government has approached the Cherokee Nation about the prospect of assisting with the ongoing crisis of unaccompanied refugee children who are seeking asylum in the United States from locations such as Ukraine, South America, and Afghanistan. As part of that relationship, the Cherokee Nation has been tasked with locating a facility that can be repurposed to temporarily provide housing and sponsor placement services to these children while they are being relocated from their respective countries of origin to their sponsor homes around the country. The children are not placed in the local community unless, by coincidence, their sponsor family already resided locally. To ensure that the program is in place in time to meet the need for accommodations, the Cherokee Nation must move quickly.

The Subject Property is unique because it provides an existing large square footage of interconnected buildings that can quickly and easily be repurposed for the intended use in time to accommodate the requirements of this very unique program that is unlike any other use in Tulsa County. Further, unlike other similar properties, the Subject Property has an ample "campus" and internal circulation infrastructure that is important for traffic circulation while being somewhat isolated from more densely populated adjacent uses.

Given the unique nature of the proposed use and the unique aspects of the Subject Property that lend themselves to such use, the Applicant respectfully requests a Specific Use Variance to allow Sponsor Placement Services on the Subject Property.

5999309.2



KEY:
Subject Property 

FIGURE 2: SITE PLAN
Project No. 22-356457.1



KEY:
Subject Property 

FIGURE 3: BLDG PLAN
Project No. 22-356457.1



Board of Adjustment

Case Number: CBOA-2967

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

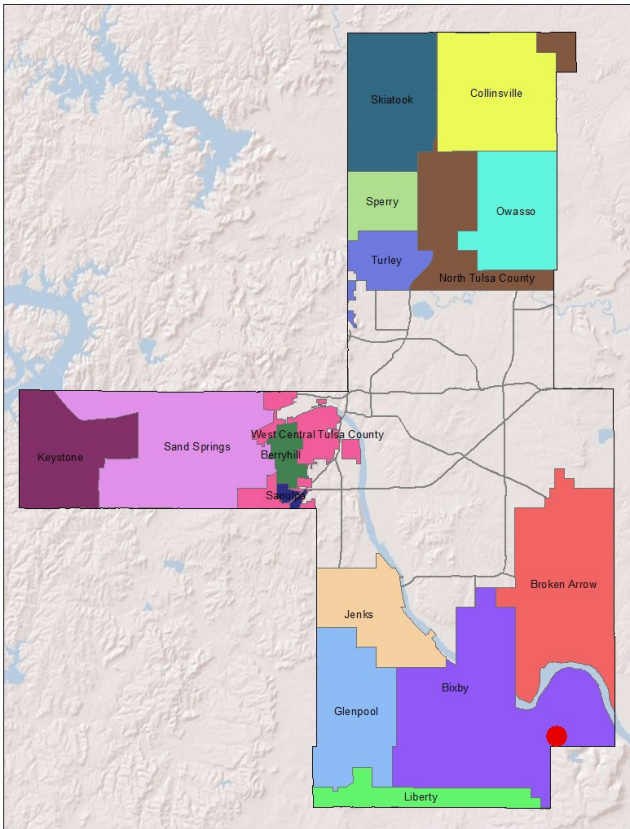
Owner and Applicant Information:

Applicant: Annette Belmonte

Property Owner: BELMONTE, LEE AND ANNETTE

Action Requested: Variance of the minimum land area per dwelling unit requirement from 2.1 and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit a lot split (Section 330).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Residential

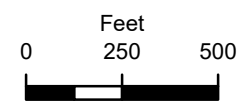
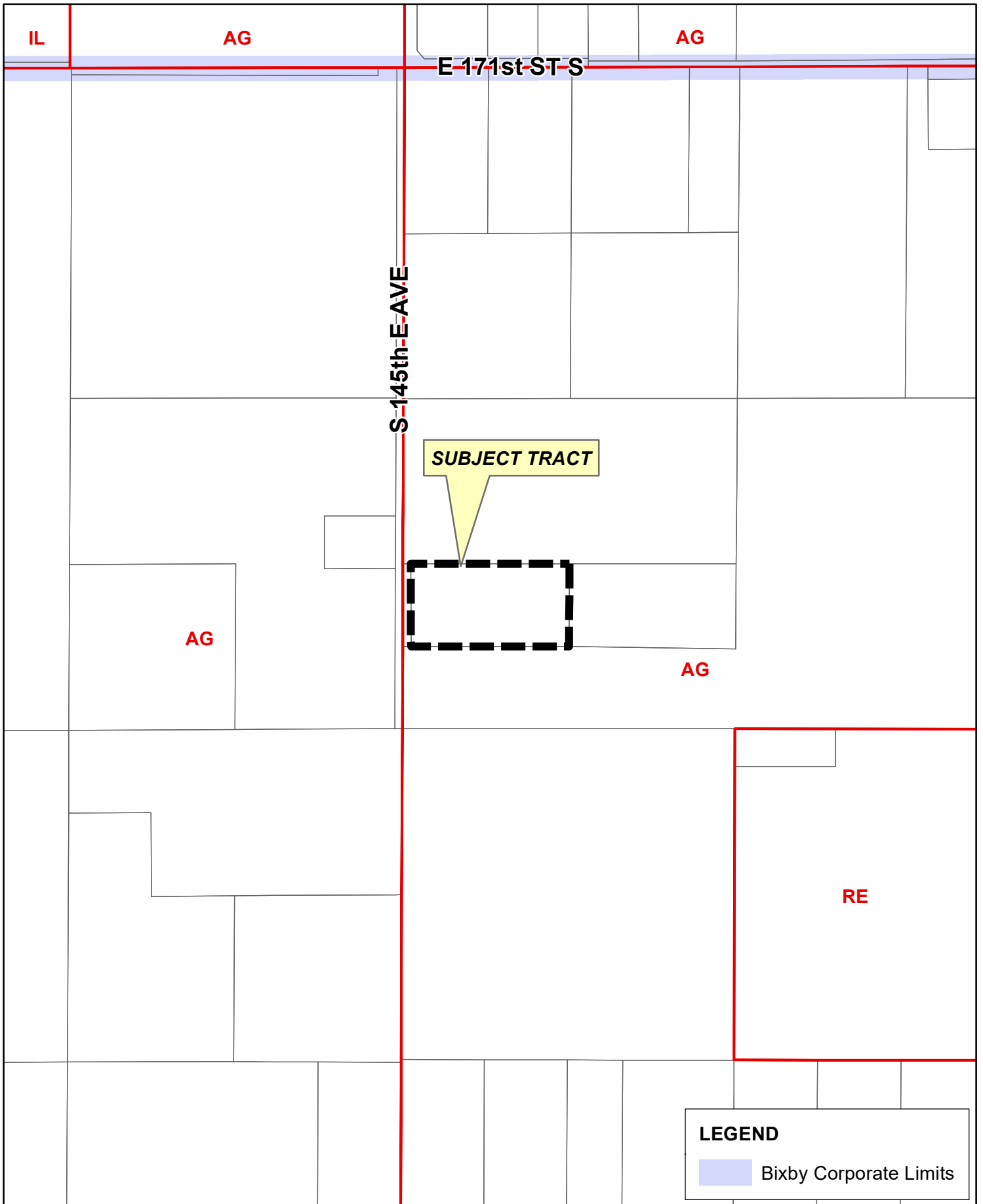
Tract Size: 4.77 acres

Location: 17505 S 145 AV E

Present Zoning: AG

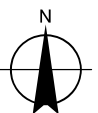
Fenceline/Area: Bixby

Land Use Designation: Rural Agriculture



CBOA-2967

17-14 34



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7434

CZM: 69

CASE NUMBER: **CBOA-2967**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/17/2022 1:30 PM

APPLICANT: Annette Belmonte

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement from 2.1 and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit a lot split (Section 330).

LOCATION: 17505 S 145 AV E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 4.77 acres

LEGAL DESCRIPTION: N/2 SW SW NW LESS W30 THEREOF SEC 34 17 14 4.773AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1862 May 2001: The Board **approved** a *Variance* of lot area from 2 acres to 1.5 acres; a *Variance* of land area from 2.2 acres to 1.5 acres; a *Variance* of front yard abutting a public street from 85' of required right-of-way to 50' on Tract 1; and a *Variance* of lot area from 2 acres to 1.55 acres; a *Variance* of the land area from 2.2 acres to 1.55 acres on Tract 2, on property located at 17482 S. 145th E. Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with what appears to be agricultural uses.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum land area per dwelling unit requirement from 2.1 and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit a lot split (Section 330).

The AG district (Section 330, Table 3) requires a minimum lot area of 2 acres, a minimum land area per dwelling unit of 2.1 acres, and a minimum lot width of 150 feet. According to the measurements submitted in the site plan, the proposed parcel in the southwest corner of the property would be 0.79 acres and the remainder of the parcel would be 3.97 acres. The average lot width of the smaller parcel would be 132 feet, so the applicant is requesting a variance of the minimum lot width from 150 feet.

The applicant provided the following statement:

“Our adult daughter is going to buy our house and raise her children in same home she was raised in. My husband and I plan to move up the cabin in the corner of our land. We want to split it off to have it separate the big house – the family across the street did the same thing years ago. Family consolidation, you can see in this drawing where a small, less than 1 acre was split.”

Sample Motion:

“Move to _____ (approve/deny) a Variance of the minimum land area per dwelling unit requirement from 2.1 and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit a lot split (Section 330).

Subject to the following conditions (if any): _____.

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

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. 1861

Action Requested:

Special Exception to allow a manufactured home in an AG-R zone. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 9; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 24720 W. 41st St. S.

Presentation:

Carl Zickefoose, 1324 N. Garfield, Sand Springs, stated that his mother owns and lives on the subject property and they would like to move a mobile home on the property as a second dwelling.

Comments and Questions:

Mr. Alberty asked if there were other lots with two dwellings in the area. He did not recall any other lots with two dwellings. Mr. Walker noted there are several other mobile homes in the area, and smaller tracts of land along the way.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an AG-R zone; and a **Variance** to allow two dwelling units on one lot of record, finding the property large enough for two dwellings, on the following described property:

S 440' N 468' E 250' W 500' NE, Section 29, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

Case No. 1862

Action Requested:

Tract 1: Variance of lot area from 2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6; a Variance of land area from 2.2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard abutting a public street from 85' of required right-of-way to 50'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; Tract 2: Variance of lot area from 2 acres to 1.55 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.2 acres to 1.55 acres on Tract #2. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 17482 S. 145th E. Ave.

AG

E 171 ST S

AG

S 145 AV E

TRACT 1

TRACT 2

CBOA-1862

AG

AG

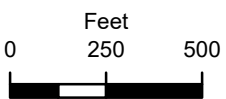


3374



E 171st ST S

S 145th E AVE



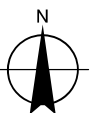
Subject Tract

CBOA-2967

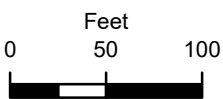
17-14 34

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

Aerial Photo Date: 2020/2021



S 145th E AVE



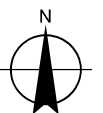
Subject Tract

CBOA-2967

17-14 34

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

Aerial Photo Date: 2020/2021





WHITE SURVEYING COMPANY

9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 (918) 683-8924

MORTGAGE INSPECTION REPORT

INVOICE NO.: INTEGTI 19-99876
MORTGAGOR: BELMONTE, LEE & ANNETTE

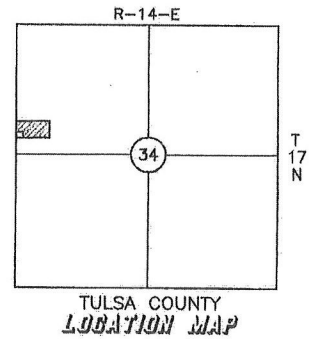
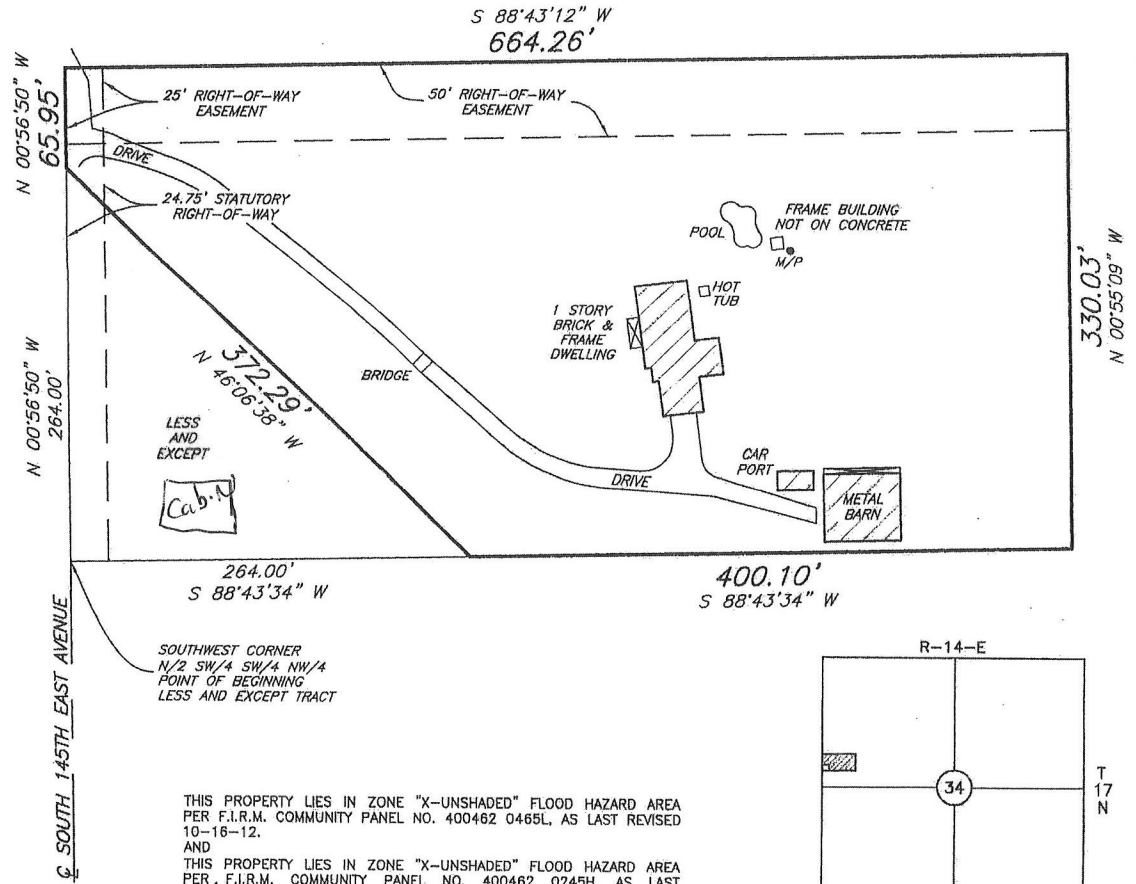
CLIENT: INTEGRITY TITLE & CLOSING, LLC
TTCU FEDERAL CREDIT UNION
19-10081CD

LEGEND

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



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



THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 400462 0465L, AS LAST REVISED 10-16-12.
AND
THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 400462 0245H, AS LAST REVISED 04-17-12.

LEGAL DESCRIPTION AS PROVIDED:

PLAT NO. N/A

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 SW/4 SW/4 NW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.
LESS AND EXCEPT
A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 SW/4 SW/4 NW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) 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, TO WIT:
BEGINNING AT THE SOUTHWEST CORNER OF SAID N/2 SW/4 SW/4 NW/4, THENCE N 00°56'50" W ALONG THE WEST LINE OF SAID N/2 SW/4 SW/4 NW/4 A DISTANCE OF 264.00 FEET;
THENCE S 48°06'38" E A DISTANCE OF 372.29 FEET;
THENCE S 88°43'34" W ALONG THE SOUTH LINE OF SAID N/2 SW/4 SW/4 NW/4 A DISTANCE OF 264.00 FEET TO THE POINT OF BEGINNING.
SUBJECT TO A RIGHT-OF-WAY EASEMENT OVER THE WEST 25 FEET THEREOF, AND THE NORTH 50 FEET THEREOF, AND KNOWN AS 17505 SOUTH 145TH EAST AVENUE.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1098 (RENEWAL DATE: JUNE 30, 2021), DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED.



Board of Adjustment

Case Number: CBOA-2968

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

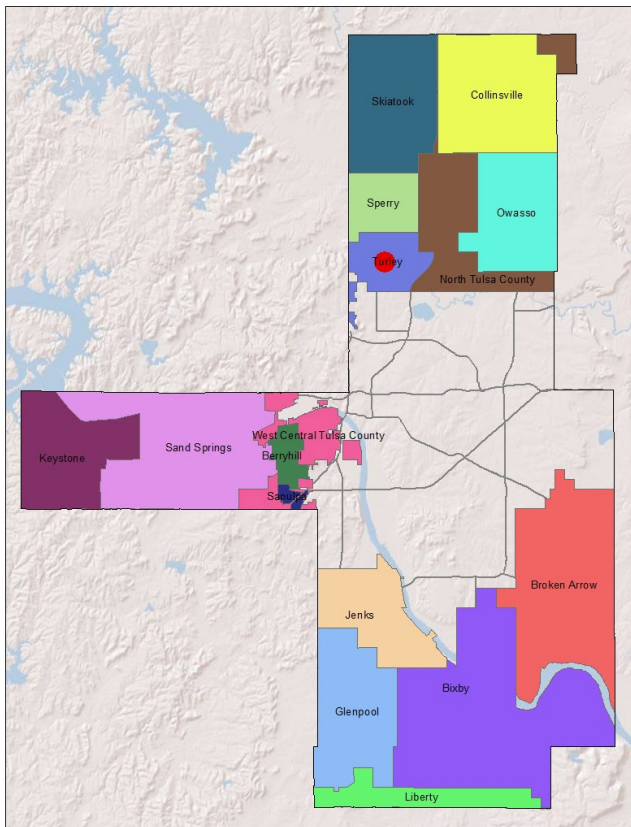
Owner and Applicant Information:

Applicant: Mickey Ronnell Traylor

Property Owner: TRAYLOR, MICKEY RONNELL

Action Requested: Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance from the all-weather parking surface requirement (Section 1340.D).

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.46 acres

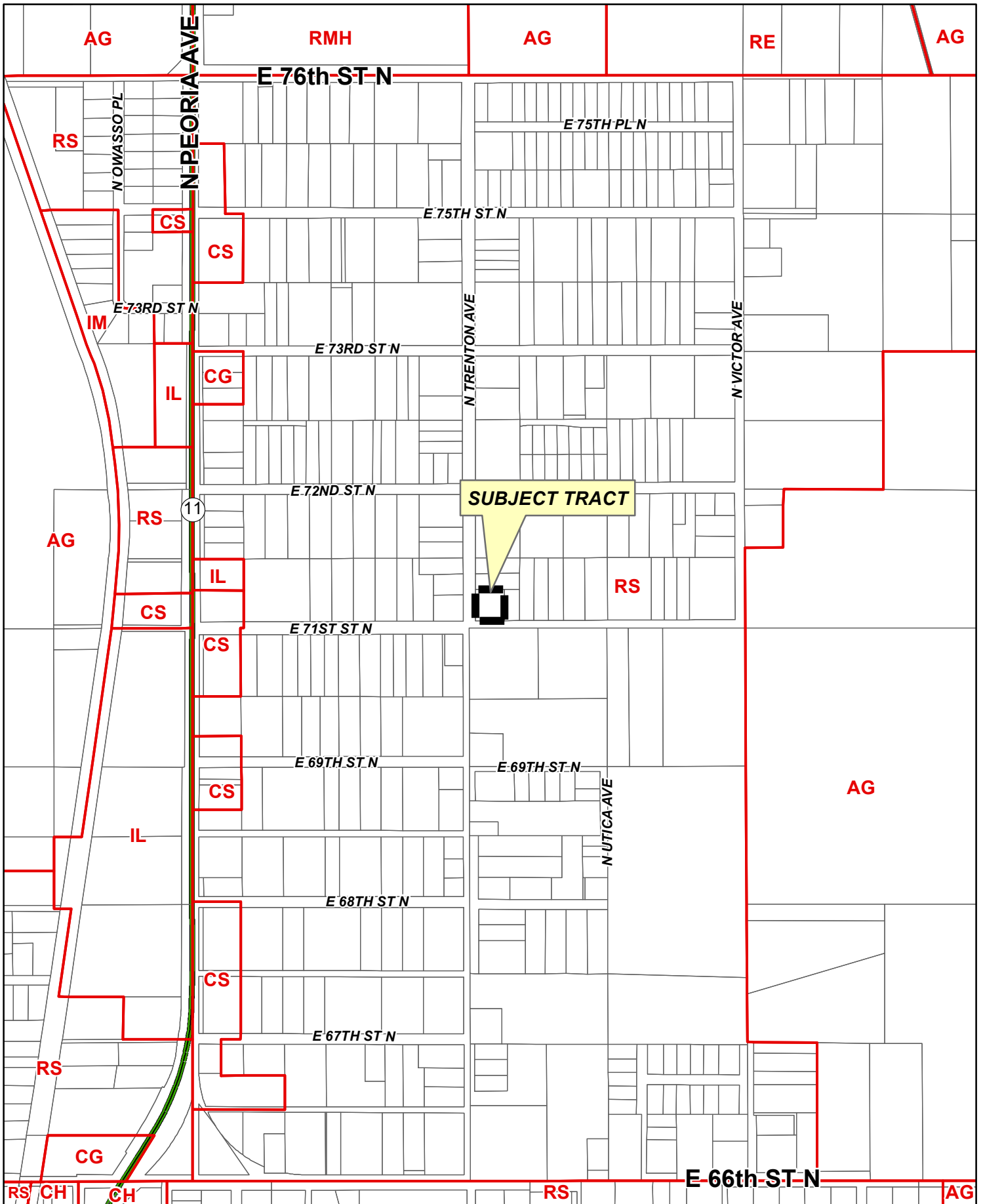
Location: 7107 N TRENTON AV E

Present Zoning: RS

Fenceline/Area: Turley

Land Use Designation: Rural Residential/Agriculture

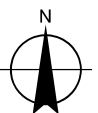
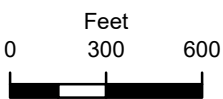
Tulsa County Comprehensive Land Use Plan



SUBJECT TRACT

CBOA-2968

21-13 31



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1331

CZM: 16

CASE NUMBER: **CBOA-2968**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/17/2022 1:30 PM

APPLICANT: Mickey Ronnell Traylor

ACTION REQUESTED: Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 7107 N TRENTON AV E

ZONED: RS

AREA: Turley

PRESENT USE: Residential

TRACT SIZE: 0.46 acres

LEGAL DESCRIPTION: W135 S/2 LT 7 BLK 8, GOLDEN HILL ADDN, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning and residential uses.

STAFF COMMENTS:

The applicant is requesting a Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance from the all-weather parking surface requirement (Section 1340.D).

A Special Exception is required as the duplex use is not permitted by right in the RS 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 duplex use must be found to be compatible with the surrounding neighborhood.

Additionally, the Tulsa County Zoning Code does not permit more than one dwelling on a lot located in an RS (Residential Single-Family) district. For this reason, the applicant is asking to allow three dwelling units on a single lot of record. The parcel is 0.46 acres in size. According to the Tulsa County Assessor's website, both houses were built in 1930. They would be considered non-conforming but the addition to the duplex requires the property to be in compliance with Tulsa County Zoning Code.

According to the site plan submitted by the applicant, the existing duplex is being remodeled and there will be a new addition on the east side of it. Parking for the existing residence will remain gravel so the applicant is requesting a Variance from the all-weather parking surface requirement.

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 Special Exception to allow a duplex in an RS district (Sec. 410, 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.”

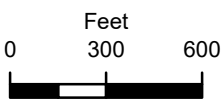
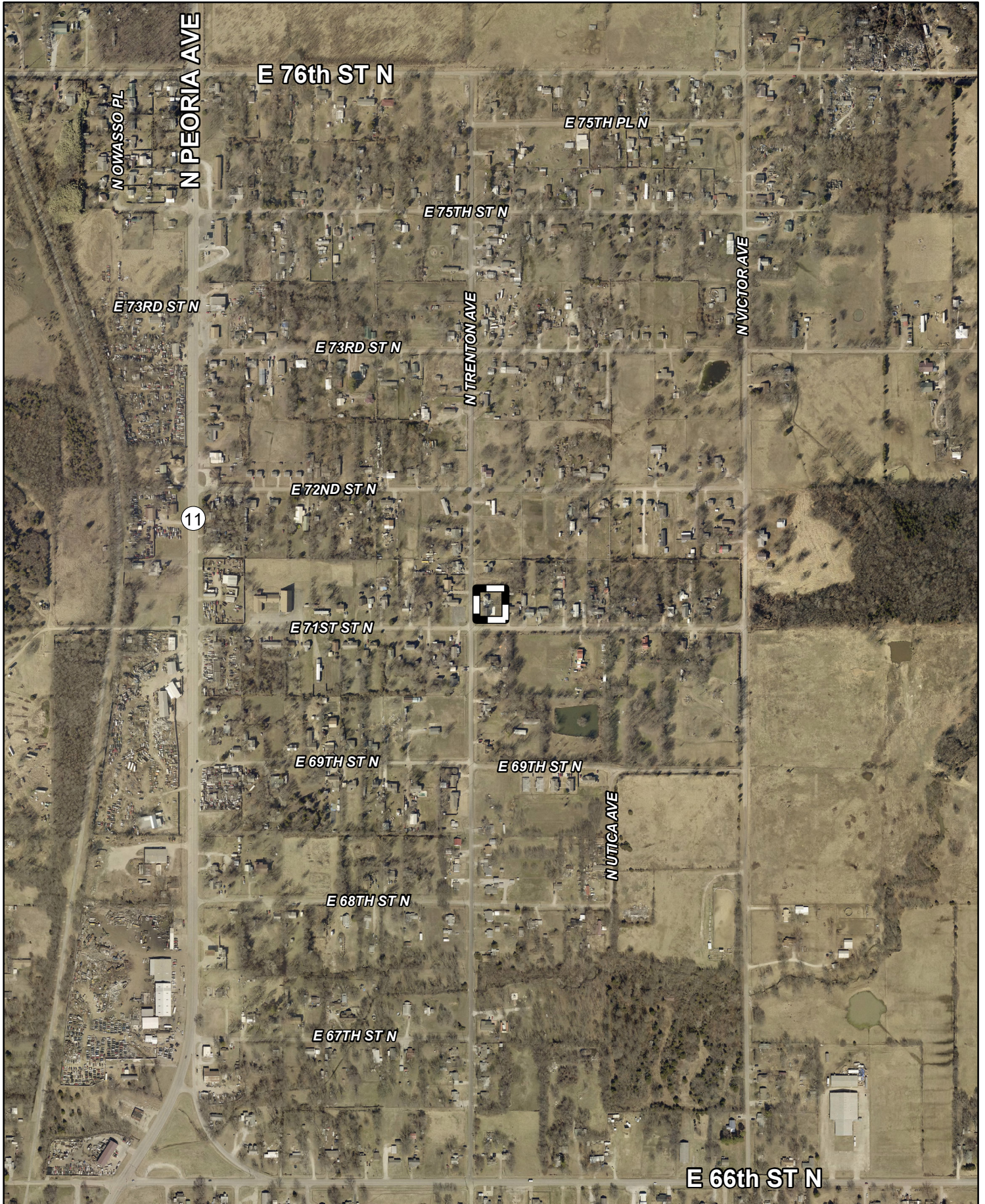
“Move to _____ (approve/deny) a Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance from the all-weather parking surface requirement (Section 1340.D).

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.”



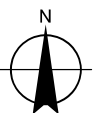
Subject Tract

CBOA-2968

21-13 31

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

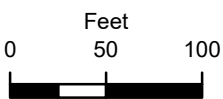
Aerial Photo Date: 2020/2021





N TRENTON AVE

E 71ST ST N



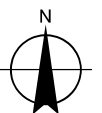
Subject Tract

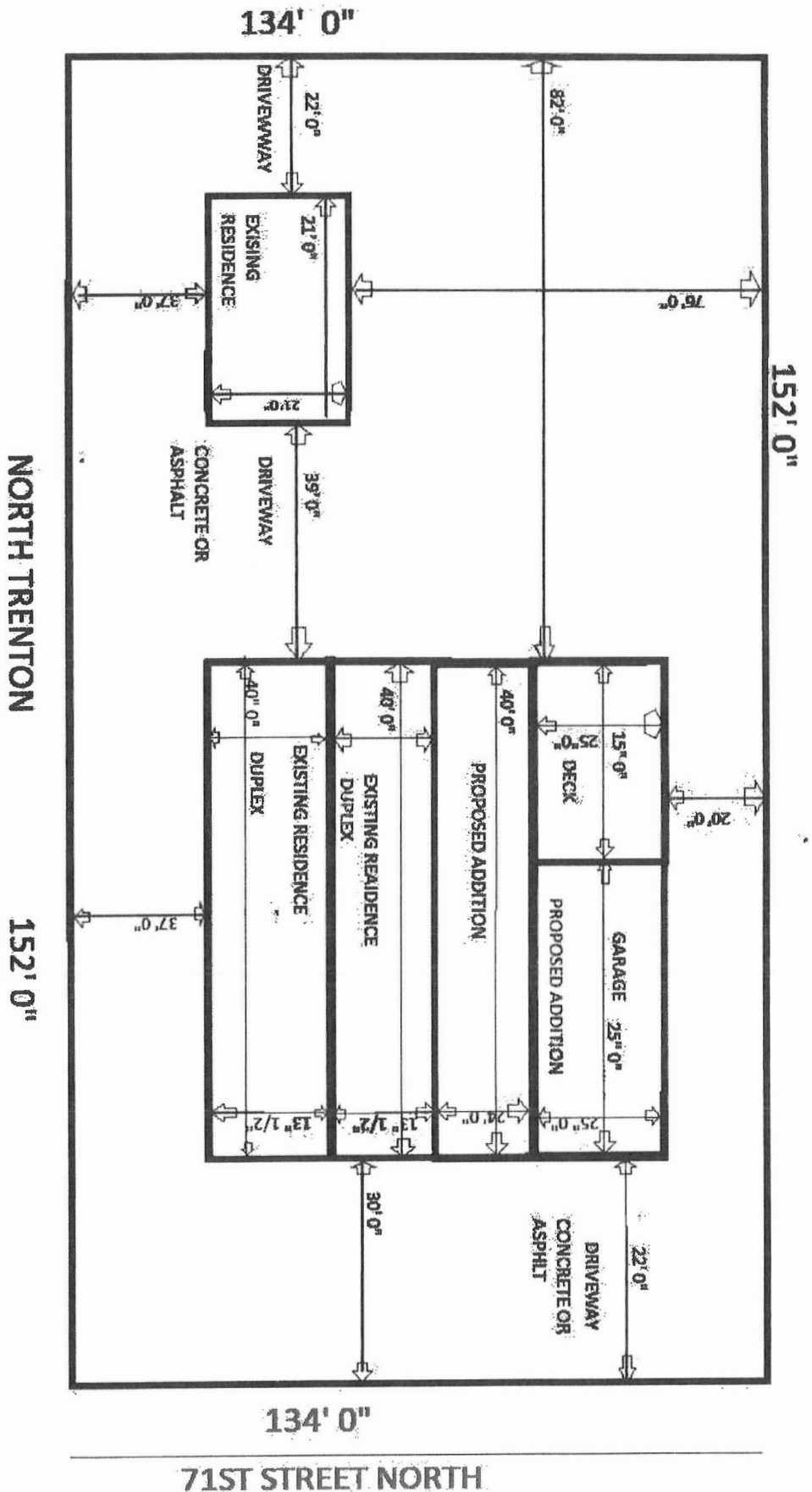
CBOA-2968

21-13 31

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

Aerial Photo Date: 2020/2021







Board of Adjustment

Case Number: CBOA-2972

Hearing Date: 05/31/2022 1:30 PM

Case Report Prepared by:

Robi Jones

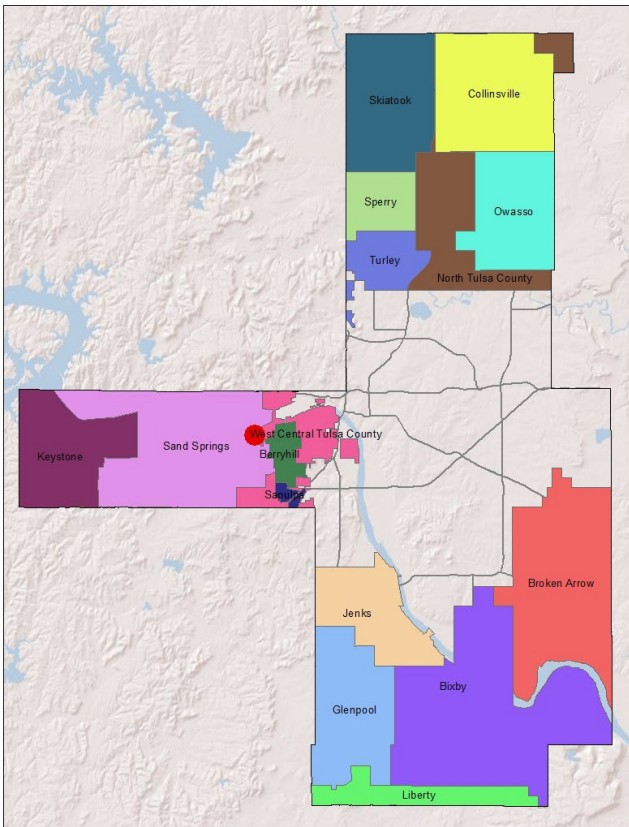
Owner and Applicant Information:

Applicant: Sherry Barbour

Property Owner: COCKRUM, VERNON J

Action Requested: Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410); Variance of the all-weather parking surface requirement (Sec.1340.D).

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.75 acres

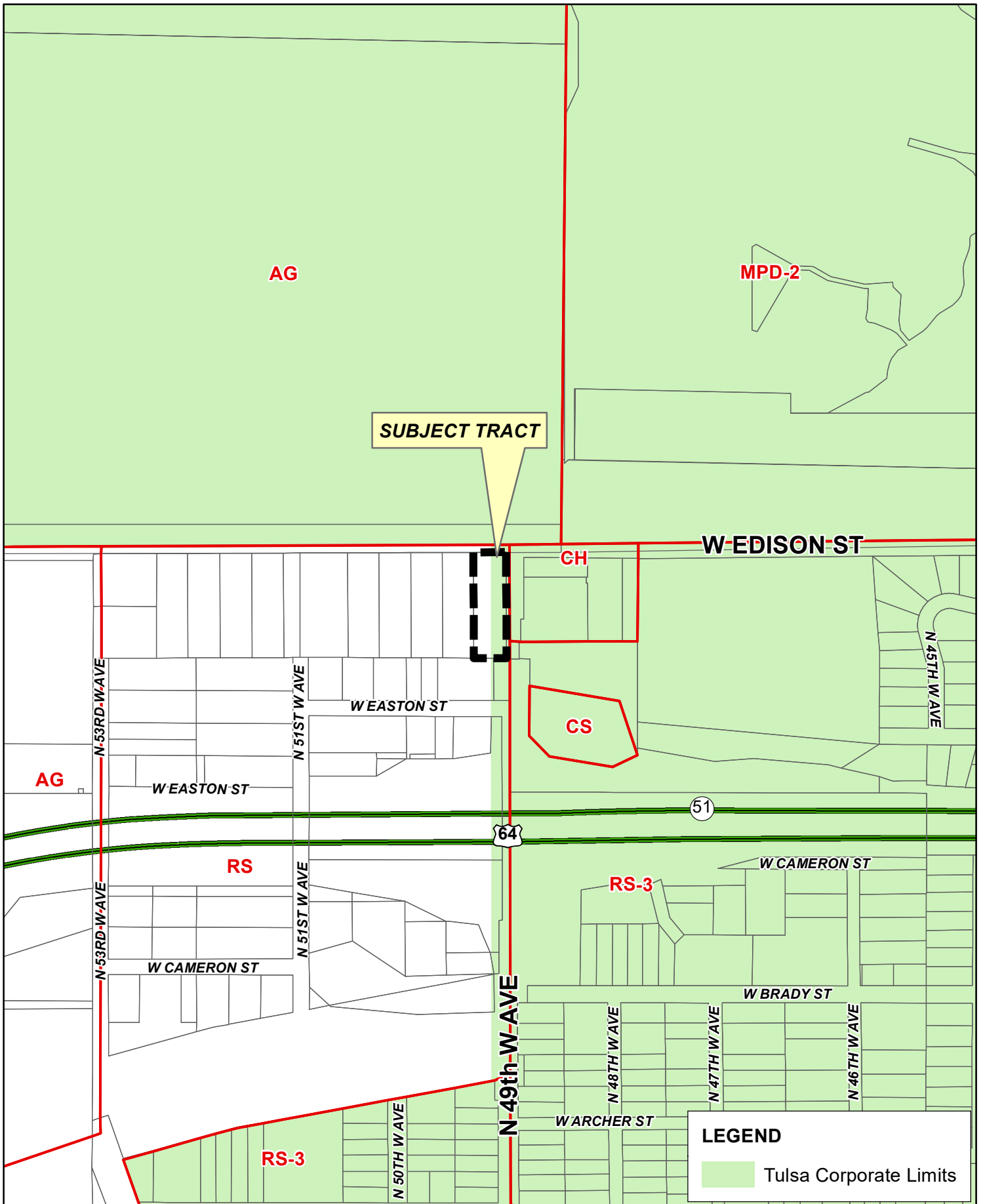
Location: 524 N 49 AV W

Present Zoning: RS

Fenceline/Area: W. Central Tulsa

Land Use Designation: Rural Residential/Agriculture

Tulsa County Comprehensive Land Use Plan



CBOA-2972

19-12 05

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9205

CZM: 35

CASE NUMBER: **CBOA-2972**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30

PM **APPLICANT:** Sherry Barbour

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410); Variance of the all-weather parking surface requirement (Sec.1340.D).

LOCATION: 524 N 49 AV W

ZONED: RS

FENCELINE: West Central Tulsa County

PRESENT USE: Residential

TRACT SIZE: 0.75 acres

LEGAL DESCRIPTION: TR.13 BG.24.75 S.& 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2885 May 2021: The Board **approved** a *Special Exception* to permit a fireworks stand (Use Unit 2) in an RS district; and a Variance from the all-weather parking surface requirement, subject to the conceptual plan 3.16 of the agenda packet. The portable bathrooms are not to be located behind the stands. There is to be a privacy panel screening between the stands to shield the car lights from the neighboring property. The gravel lot is to be as required by the County. The hours of operation are to be June 15th to July 5th from 10:00 a.m. to 9:00 p.m., except on July 4th – July 5th, the hours are to be 10:00 a.m. to 12:00 Midnight. The approval will have a one-year time limit, May 2022, on property located at 524 North 49th West Avenue.

CBOA-2705 July 2018: The Board **approved** a *Special Exception* to allow a fireworks stand (Use Unit 2) in an RS district. There is to be no smoking on the fireworks stand site. There is to be no parking behind to the west of the fireworks stand, parking is to be done in the front of the fireworks stand or across the street. There is to be no discharge of fireworks on the site. The hours of operation are to be June 17 to June 26 from 9:00 a.m. to 9:00 p.m., June 27th to June 30th 9:00 a.m. to 10:00 p.m., and July 1st to July 4th from 8:00 a.m. to 12:00 midnight. The approval will have a two-year time limit, July 2020, on property located at 524 North 49th West Avenue.

CBOA-2262 May 2007: The Board **approved** a *Special Exception* to permit a fireworks stand in an AG district with condition for the hours of operation to be 10:00 a.m. to 10:00 p.m., and to midnight for three nights before July 4th for a period of 5 years; and **approved** a *Variance* of paving requirement to permit a temporary gravel driving surface, on property located at 524 North 49th Avenue West.

CBOA-2046 July 2003: The Board **approved** a *Special Exception* to allow a fireworks stand in an RS district for two years; and a Variance of the hard surface parking to allow gravel and grass, on property located at 524 North 49th West Avenue.

CBOA-1957 May 2002: The Board **denied** a *Special Exception* to allow a fireworks stand (Use Unit 2) in an RS district; and a Variance of Section 1340 to allow parking on grass, on property located at 524 North 49th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts Tulsa Corporate Limits to the north and east; and RS zoned residential properties to the south and west.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410); Variance of the all-weather parking surface requirement (Sec.1340.D).

The site plan submitted by the applicant proposes three 24-foot firework stands on the northern portion of the parcel. A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the RS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The Code requires all parking surfaces be paved with an all-weather surface so as to maintain a minimum level of aesthetics, but more importantly to control air-borne particulates like dust and to control the tracking of dirt and mud onto public streets. The applicant has requested a variance to permit a gravel parking area in a 70' x 30' space south of the fireworks stands. This is different than the parking area previously brought before the Board. The goal was to have the parking lot located on the portion of the property located in Tulsa County.

For clarification, the western portion of the property is located in unincorporated Tulsa County and the eastern portion of the property is located in the City of Tulsa. Sometime in the last year, the maps were updated to reflect a City of Tulsa Annexation that happened in 1974.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks in a given year. The applicant did not submit proposed hours of operation or dates the fireworks stands would be open. The client did provide some additional information including a request for a 5-year time limit (see attached on page with the proposed site plan).

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in an RS district (Section 410);

Subject to the following conditions (if any, - it could include a time limit, hours of operation, and/or conceptual plans): _____.

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.

Move to _____ (approve/deny) a Variance of the all-weather parking surface requirement (Sec.1340.D).

Finding the hardship to be _____.

Subject to the following conditions (including time limit, or conceptual plans) 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.

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in an RS District;
Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 524 North 49th Avenue West

Presentation:

Sherry Barbour, Big Blast Fireworks, 18622 South 62nd East Avenue, Bixby, OK; stated that 49th and Edison has been a fireworks location for over 40 years. It was operated by a larger competitor at one time and Big Blast has been at the subject location for over 20 years. The last time she came before the Board she was approved for two years and coming to the Board every two years can be very laborious because Big Blast is a small company and local, so she would ask the Board to approve the stand for more than two years. There has been opposition from a neighbor on the last request regarding the car lights, and that has been addressed by installing privacy panels between each of the stands. There will be someone on the subject site 24/7 for security. This year the stand will be operated by a non-profit school and stated that there is a manual provided the operators and they are asked to abide by that manual. She also gives the neighbors her personal cell phone number and tells them that if there is a problem to call her. Big Blast Fireworks is very serious about being good neighbors. The lights on the back of the stands are turned off when the people leave the stand at the end of the day. The hours of operation would be 10:00 A.M. to 9:00 P. M. from June 15th to July 5th and on July 3rd and July 4th the hours would be 10:00 A.M. to 12:00 midnight.

Mr. Charney asked Ms. Barbour how many buildings are placed on the subject property. Ms. Barbour stated there are three stands, and there is a privacy panel placed between stand 1 and stand 2, a privacy panel placed between stand 2 and stand 3 and another privacy panel is placed at the end of stand 3.

Mr. Charney asked Ms. Barbour if she has received any complaints since the last hearing a couple of years ago. Ms. Barbour answered no. Ms. Barbour stated that there was an altercation by the land owner during the time which the stand was open, but she has no control over that.

Interested Parties:

Tina Jones, 4904 West Edison Street, Tulsa, OK; stated there are several things that need to be addressed. Ms. Jones stated that she has a No Trespassing sign on her fence and Ms. Barbour took it upon herself to come into her yard anyway to deliver flowers, she does not want her stuff. Ms. Jones stated there is no gravel at the stand site. There was an altercation that happened on the first day within the first hour that the stand opened and it was because of the fireworks stand and the land owner that it happened. The porta-potty is placed behind the stands and when she sits at her kitchen table she can see people going to the bathroom. The lights on the rear of the stands are not turned off at night. In 2019 the landowner came to her house threatening

and her husband called the police. Ms. Jones stated that she plans to erect a wooden privacy fence around her property and she is concerned that the fireworks stand is too close to her property.

Mr. Charney stated that if the Board were to approve this request it would be pursuant to a site plan that has been submitted and must be honored by the applicant. The site plan submitted shows the stand being no closer than 40 feet to the property located to the west.

Mr. Johnston asked Ms. Jones if she had a fence currently between her property and the fireworks stand. Ms. Jones answered affirmatively stating that it is a four foot chainlink fence that goes all the way around her property.

Mr. Tisdale asked Ms. Jones how long she has lived in her house. Ms. Jones stated that she moved into the house in the fall of 2007.

Mr. Tisdale asked Ms. Jones if 2019 was the first time there was a problem. Ms. Jones stated she has had a problem all along with the lights, the smoking and several other things.

Rebuttal:

Sherry Barbour came forward.

Mr. Charney asked Ms. Barbour if she thought it was okay now and he understands that Big Blast Fireworks are not the owners of the property but what he is hearing is problematic. Mr. Charney stated the Board hears a lot of fireworks stand cases but he does not remember ever hearing a case where the landowner is actively involved in the enforcement of activity on the site. That causes him concern.

Ms. Barbour stated the land is owned by a Cherokee man and the police action went to the Court and then to Cherokee Court. The altercation did not begin at the stand but it ended at the stand. The landowner has a problem 365 days a year; he was hit in the head about four years ago and his ability to function at a normal level are not equal, so she deals with the landowner's sister. Big Blast never makes it the responsibility or pass any responsibility of the stand's activity to the owner, but his drunken stupor is his personal challenge not hers. The altercation is a matter of police record and it was very grievous what the landowner did and it is not condoned by Big Blast.

Mr. Charney stated that the Board is not saying they are holding Big Blast Fireworks responsible for the misconduct of the landowner, but it may be a factor that a leasor may have a history of not acting appropriately and that is a factor that the Board can take into consideration in approving a request. It is a factor that may be relevant to the case, but the Board is not ascribing blame to Big Blast.

Ms. Barbour stated she does not know where the port-a-johns were placed last year and she apologizes if that was a factor. Ms. Barbour stated that the port-a-john can be placed under the tree which is north and west of the stands.

Mr. Charney asked Ms. Barbour if she had put down gravel last year. Ms. Barbour answered no stating that gravel was laid down the last year that Terry West was in the office. Ms. Barbour stated that Google shows the gravel base for the parking lot area but if gravel is an issue she will bring in more gravel, bring in small gravel because this is the landowner's yard that he mows. The small gravel assimilates into the ground and produces a very hard base.

Mr. Tisdale stated that the Board has to be sensitive to any issues that may arise, he asked Ms. Barbour how she plans to address the escalation between the landowners. Ms. Barbour stated she is willing to address any challenges. The season opens June 15th and the stands are not occupied until June 24th. Ms. Barbour stated that state law requires the stand to be a minimum of 30 feet from any third party's fence line, the stand is 40 feet away. Safety wise the stand is about where it needs to be, regulation wise the stand is where it is supposed to be. If there is an issue she would be happy to give Ms. Jones her phone number again, and as far as trespassing she did not realize that going to someone's front door was considered trespassing. Ms. Barbour stated that if Ms. Jones wants to erect a privacy fence that is up to her and she would not mind compensating Ms. Jones for a portion of that fence.

Mr. Johnston stated that the comment Ms. Barbour made regarding the privacy fence interests him. The property is zoned RS which would not require a privacy fence, but for the ten days if Ms. Barbour could make an agreement about the privacy fence might help. Ms. Barbour stated that she has done that, there are privacy panels up now. Mr. Johnston stated he is concerned about someone climbing over a four foot chainlink fence as opposed to a privacy fence which is more of a security rather than a privacy issue. Ms. Barbour stated that Ms. Jones fence line is about four feet above where the stands sit because of the topography and she thinks a privacy fence is overkill because Ms. Jones has cameras.

Mr. Charney stated he recalls some special accommodations that were requested of Big Blast at the last hearing and they were done, and the majority of the complaints from the interested party center on an unstable landlord who is triggered by problems of people on his land and that is a factor in granting a Special Exception to Big Blast.

Tina Jones came forward.

Mr. Tisdale asked Ms. Jones what her relationship with her neighbor is like for the rest of the year and if she interacts with him. Ms. Jones stated that she has never interacted with him but she would visit with the wife over the fence before she passed. When the wife passed away the drinking became worse and he has been to her house, he is not allowed in her yard. Ms. Jones stated she does not want to talk to him and does not want to have anything to do with him. Ms. Jones stated there was never a

problem until Big Blast told the landowner to take care of the problem and that is when he started banging on her house, looking in the windows and yelling. She does not want anyone to pay for her fence, she will pay for her own fence. Ms. Jones stated there has never been a load of gravel placed on the ground since she moved into her house in 2007.

Comments and Questions:

Mr. Charney stated that he does not have a problem with the use, but he does place some responsibility on a leasee that is asking for a Special Exception.

Mr. Tisdale agreed with Mr. Charney.

Mr. Johnston stated that there should be an agreement between the landowner and the leasee that there will be disruptions or the authorities will be called, but the Board cannot manage that.

Board Action:

On **MOTION of CHARNEY**, the Board voted 3-0-0 (Charney, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Crall, Hutchinson “absent”) to **APPROVE** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in an RS District; Variance from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plan 3.16 of the agenda packet. The portable bathrooms are not to be located behind the stands. There is to be privacy panel screening between the stands to shield the car lights from the neighboring property. The gravel parking lot is to be as required by the County. The hours of operation are to be June 15th to July 5th, 10:00 A.M. to 9:00 P.M. except for July 3rd and July 4th the hours are to be 10:00 A.M. to 12:00 midnight. There is a time limit of one year on the approval, May 2022. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding 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:

TR.13 BG.24.75 S.& 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12, OF TULSA COUNTY, STATE OF OKLAHOMA

2704—Sherry Barbour

Action Requested:

Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: 1510 North Vandalia Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated this property has been a fireworks stand location for 75 years. Ms. Barbour stated that she leases the site from Mr. Martinez. It has a very hard packed parking area, and asked Mr. Martinez to bring in extra gravel to cut down on the dust.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the request for a Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). The hours of operation are to be June 17 to June 26th 9:00 A.M. to 9:00 P.M., June 27th to June 30th 9:00 A.M. to 10:00 P.M., and July 1st to July 4th 8:00 A.M. to 12:00 midnight. The approval will have a five-year time limit, July 2023. The Board finds this will not be injurious to the neighborhood; for the following property:

E 125 W 495 S 240 SW SE SE LESS S 50 FOR ST. SEC 28-20-13, WEE RANCHO ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2705—Sherry Barbour

FILE COPY

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an RS District and IL District. LOCATION: 524 North 49th West Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated she has a fireworks stand at this location about 15 years. Prior to her having this location there was a fireworks stand there for about 20 years. There is parking in front of the fireworks stand and there is parking across the street. The land owner has six or seven parking spots in front of his shop the stand workers can park in, because there is usually no more than six adult volunteers at the stand at a time. The parking area in front of the stand is

07/17/2018/#458 (25)

gravel under grass and it has been that way for many years. Ms. Barbour stated she has added gravel to that site about 10 years ago as requested by Mr. Terry West. Ms. Barbour stated a soccer group operates this stand and they take turns staying awake at this location, and there is no RV parked at this location.

Interested Parties:

Tina Jones, 4904 West Edison Street, Tulsa, OK; stated she has complaints about the subject fireworks stand. The stand is approximately 87'-7" from her house; 49'-0" from the stand to her fence that is between her house and the fireworks stand. That leaves 38.7 feet from the fence to her house. The people that are there are up 24 hours a day because they blow the firecrackers outside the stand at all hours of the night. For the last two years she has called the Sheriff out. There is no gravel because her husband mows the site. Cars are parked behind the fireworks stand and between the fireworks stand and the fence. On July 3rd there were 20 cars parked between the fireworks stand and the fence, and on the 4th there were 21 cars. There is no gravel or hard surface there. When the car lights are turned on they shine into her house. There are three fireworks stands plus a storage container for the inventory, and all of those have lights behind them and those lights shine into her house as well. The people that are at the stands smoke and she is getting tired of it. There doesn't seem to be any respect for her because they do not stop activity at midnight. The people shoot off fireworks in front of the fireworks stand or go across the street eastward to shoot off the fireworks, and the Sheriff has a record of that. Ms. Jones stated she is afraid that if her insurance company finds out about the fireworks stand they will cancel her home owner's insurance policy. She thought a fireworks stand had to be 500 feet away from a residential property, and those stands are only 87'-7" from her house. This has become a large public nuisance for these two weeks of the year, especially the last two nights of the season. This stand is not good. Ms. Jones stated she was not aware there was a fireworks stand on the site when she bought her property about 10 years ago. The fireworks stand is not safe especially since it is so close to her house. There are other locations where the fireworks stand could be placed that are not adjacent to a residence.

Rebuttal:

Sherry Barbour came forward and stated she has spoken with the owner because he lives on the subject property, and he never told her about the neighbor complaining. Ms. Barbour stated that she did notice the cars parking near the fence this year when she visited and she will get it stopped because there is plenty of parking across the street. As for smoking she was not aware of any smoking on the site, and the Fire Marshal says smoking is to be done at least 50 feet away from the stand. Ms. Barbour stated that when people purchase fireworks they set them off, and her people know that there is a penalty being issued by her and the possibility of them not returning the next year. The soccer group wants to be there and they will comply with whatever is asked of them. This is the first she has heard of any noise issue. Ms. Barbour stated that she has met the Sheriff at the site in the past because the operators are very vigilant about calling the Sheriff's office. Ms. Barbour stated that she will do whatever it takes to keep this stand operating because it has been there a long, long time. This stand is one of

CBDA-2705

FILE COPY

the last ones in and one of the first to be taken out because she wants to be a good neighbor.

Mr. Johnston asked Ms. Barbour if there was a privacy fence between the stand and the house. Ms. Barbour stated it is not a privacy fence but a chainlink fence.

Comments and Questions:

Mr. Johnston stated he has concerns about the stand being so close to the residence.

Mr. Dillard stated the stand has been operating for 15 years, but he would only approve this for two years to make sure the neighbor is happy.

Mr. Charney stated that Ms. Barbour has expressed a willingness to no longer permit the parking at the stand.

Mr. Crall stated that maybe Ms. Barbour can get under control who she is leasing to and enforcing the rules because it sounds like there are rules in place.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the request for a **Special Exception** to allow a fireworks stand (Use Unit 2) in an RS District and IL District. There is to be no smoking on fireworks stand site. There is to be no parking behind, to the west, the fireworks stand; parking is to be done in the front of the fireworks stand or across the street. There is to be no discharge of fireworks on the site. The hours of operation are to be June 17 to June 26th 9:00 A.M. to 9:00 P.M., June 27th to June 30th 9:00 A.M. to 10:00 P.M., and July 1st to July 4th 8:00 A.M. to 12:00 midnight. The approval will have a two-year time limit, July 2020; for the following property:

TR.13 BG.24.75 S. & 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Hutchinson re-entered the meeting at 4:53 P.M.

2706—Neil Swanson

Action Requested:

Variance to reduce the side setback to allow for a carport (Section 420.2); **Special Exception** to allow for a carport in the side yard (Section 240.2-H). **LOCATION:** 12821 East 132nd Street South

Presentation:

Neil Swanson, 12821 East 132nd Street South, Broken Arrow, OK; stated he would like to have a carport to protect his motorhome. He lives west of 129th East Avenue and is

07/17/2018/#458 (27)

3.6
CBOA-2972 9.12

On **Amended Motion** by **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (Section 310); with hours of operation 10:00 a.m. to 10:00 p.m. from June 15th through July 4th for a period of five years or until the property is annexed into the city, whichever comes first; and to allow the stand to operate until 11:00 p.m. on the weekend before the holiday;

On **Motion** by **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of paving requirement to permit temporary gravel driving surface (Section 1340.D), as presented to gravel according to the plan, finding it is a temporary use on the following described property:

BEG SWC SE SW TH N550 E411.44 S550 W POB LESS S60.01 THEREOF
FOR RD SEC 21 21 14 4.628ACS Tulsa County, State of Oklahoma

Case No. 2262

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (410); and a Variance of paving requirement to permit temporary gravel driving surface (Section 1340.D), located: 524 North 49th Avenue West.

Presentation:

Sherry Barbour, 18622 South 66th East Avenue, Bixby, Oklahoma, with Big Blast, Inc., stated they are applying for a fireworks stand at this location, which they have used for three years. Other groups have used this location for a fireworks stand for the last fifteen years. Gravel is in place and grass has grown up through it. The property is zoned AG and has a residential use. They have plenty of clearance for a fireworks stand. A non-profit organization will operate under all of the rules and regulations of Oklahoma, Tulsa County and the fire marshal. They have adequate parking and additional parking across the street by permission of the owner. They were asking for an approval for five years at this location. They asked to stay open to midnight on the Friday and Saturday nights before July 4th. They ask for the full legal time to operate the stand for the New Year's Holiday, December 15th to January 1st.

Comments and Questions:

Mr. Walker remembered problems with maintenance of this property. Mr. West stated those problems existed before this particular applicant. He did drive-by checks during July and found the area in good condition. Ms. Barbour stated they removed trash every night and they paid extra to have the port-a-john serviced more frequently.

05:15:07:324 (3)

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (410), with condition for the hours of operation 10:00 a.m. to 10:00 p.m., and to midnight for three nights before July 4th, as requested for five years

And

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of paving requirement to permit temporary gravel driving surface (Section 1340.D), finding it is a temporary use, on the following described property:

TR.13 BG.24.75 S.& 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12 Tulsa County, State of Oklahoma

Case No. 2260

Action Requested:

A Special Exception to permit a fireworks stand in an RE district (Section 410) located: 12901 East 100th Street North.

Presentation:

Brett Watson, 2311A Forrest Street, Pittsburg, Kansas, proposed to set up a fireworks stand on the subject property. They previously operated a stand about two blocks away from this location and it was annexed into the city limits. They would provide a grass/graveled parking area. They would operate the stand from June 26th through July 4th. The usual time is 10:00 a.m. to 10:00 p.m.

Comments and Questions:

Mr. Cuthbertson commented to the Board that the applicant did not ask for a variance of the paving requirements. The Board would not have the option to grant that variance at this time. Mr. Charney explained this information to Mr. Watson. Mr. Watson asked if he could apply in time for this coming July 4th season. Mr. Cuthbertson replied that it was too late to get on the agenda for June. Mr. Cuthbertson added there is not a specific parking requirement for a fireworks stand. He also noted that the Board could determine parking in consideration of the special exception. Mr. Charney asked if the applicants communicated with the neighboring property owners regarding the application. Mr. Watson replied he only talked with the landowner.

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 278
Tuesday, July 15, 2003, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Hutson	Butler	Painter, Co. Inspect.
Dillard, Vice Chair	Walker	Beach	
Tyndall			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, July 10, 2003 at 1:49 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:34 p.m.

MINUTES

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Walker, Hutson "absent") to **APPROVE** the Minutes of June 17, 2003 (No. 277).

Case No. 2046

Action Requested:

Special Exception to modify a previously approved condition to extend time limit from two years to five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 524 N. 49th W. Ave.

Presentation:

Randy Coleman, 4114 N. 37th W. Ave., stated his request for an extension of the time limit to five years for a fireworks stand.

Comments and Questions:

Mr. Alberty asked how this season went to which Mr. Coleman replied that it went well with no complaints.

07:15:03:278(1)

Interested Parties:

Jackie Shamal, stated she represented her mother-in-law, who lives on an adjacent lot. Mr. Coleman promised them there would not be a portable toilet, and the grass would be mowed. She complained that he did not keep either promise and fireworks trash was left on the property. The main complaint is that she made a verbal agreement with Mr. Coleman to purchase the subject property this year. He has not been in touch with her since the agreement. Now she is very confused since he is asking for a five-year extension. She submitted photographs of the property (Exhibit A-1).

Applicant's Rebuttal:

Mr. Coleman responded that initially he had planned to run the fireworks stand but was not able to, so he leased it to Big Blast Fireworks. He stated he was not aware of the portable facilities. He considered the agreement to still be on but he was waiting until after the holiday. He added that his sisters are part owners and he was waiting for them to get back in town. Mr. Coleman stated there was another party interested in purchasing the property. He was not sure she still wanted it but he did promise her the first opportunity.

Board Action:

On **Motion** of **Tyndall** to **APPROVE**, the motion **DIED** for lack of a second to the motion.

On **Motion** of **Dillard**, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **CONTINUE** Case No. 2046 to the meeting on August 19, 2003, pending possible sale of the property described as follows:

A certain tract of land located in Lot 1 of Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.4' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

Case No. 2048

Action Requested:

Parcel 2: Variance of average lot width from 150.00' to 105.00'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area per dwelling unit from 2.1 to 1.48 acres and lot area 2.0 acres to 1.47 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE

07:15:03:278(2)

SW/4; thence W along the S line of said W/2 W/2 SW/4 SW/4; a distance of 330.98' to the POB.

Case No. 2046

Action Requested:

Special Exception to allow a fire works stand Use Unit 2 in an RS zoned district for two years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2; and a Variance of the hard surface parking to allow gravel and grass. SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 524 N. 49th W. Ave.

Presentation:

Randy Coleman, 4114 N. 37th W. Ave., proposed to set up a fireworks stand, operated by Big Blast Fireworks. He indicated there is gravel in the parking area.

Sherry Barbour, 18622 S. 62nd E. Ave., Bixby, Oklahoma, stated she has been working with Mr. Coleman to put this case together. They have a five-year contract and she wanted to know if they could request five years on this application even though he applied for two years. Mr. Alberty stated they would have to come back before the Board for the other three years. She indicated there is gravel in the parking area, though grass has grown up through it. She stated if they find it is too soft for parking they would add more gravel. She wanted to make sure a mobile storage unit would be allowed. She stated the stands would be 24' long; open at both ends; built according to the code for electricity; and have been inspected by the city inspector in Sapulpa.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

Mr. Beach interjected during the motion that if the Board was inclined to approve they could continue this case to the July meeting to include request for approval for the other three years.

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a fire works stand Use Unit 2 in an RS zoned district for two years; and a **Variance** of the hard surface parking to allow gravel and grass, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to **CONTINUE** Case No. 2046 to the meeting of July 15, 2003 to consider the time period, regarding the following described property:

A certain tract of land located in Lot 1 of Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.4' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

Case No. 2047

Action Requested:

Variance of required 30' of frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED; and a Variance of land area per dwelling unit from 2.1 to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 22650 W. 41st St.

Presentation:

Douglas L. Schaeffer, 22650 W. 41st, Sand Springs, Oklahoma, proposed to place a mobile home on the subject property. They have obtained a new soil percolation test for a separate sewage system.

Comments and Questions:

Mr. Alberty asked about access to the property. Mr. Schaeffer stated they would both use the driveway that extends from 41st Street. Mr. Beach explained that it is a statutory right-of-way that would be W. 41st Street, but is not dedicated. Mr. Alberty asked about maintenance of the road, to which Mr. Schaeffer replied the family maintains it. Mr. Hutson asked if it was asphalt. Mr. Schaeffer replied that it is asphalt. The applicant is asking for a permanent time period.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required 30' of frontage on a public street to 0'; and a **Variance** of land area per dwelling unit from 2.1 to 1.5 acres, finding there are smaller tract sizes next to the mobile home park, and there is a 24.75 statutory right-of-way, on the following described property:

W 330.00' of N 396.00' NE NE NE, Section 28, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

6:17:03:277(9)

3.12
CBOA-2972 9.18

Presentation:

The applicant was not present. Two interested parties were present. The case was tabled to the end of the agenda.

Case No. 1958

Action Requested:

Use Variance to allow Use Unit 15, gas utility office, in an AG-R zoned district (Keystone Rural Gas District #1), located 4112 South 249th West Avenue

Presentation:

Judy Powell, 22960 W. Coyote Trail, Sand Springs, Oklahoma, stated the community owned gas company proposes to move to the structure on the subject property. They are a non-profit organization, operated by a Board made up of volunteers. There are some machine shops nearby and across the street, and a fire department about 1/4 mile from the property.

Comments and Questions:

Mr. Alberty asked if they have large equipment or trucks to be stored on the property. Ms. Powell replied that a tractor would be stored there, and their drivers would drive the trucks home every day. He asked if there would be any outside storage. She responded there might be a minimal amount and they are considering building a screening fence.

Bob Hanes, 25314 W. 49th St. S., stated he is the Vice Chairman of the Board. He explained that the east half of the property would be fenced.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a **Use Variance** to allow Use Unit 15, gas utility office, in an AG-R zoned district (Keystone Rural Gas District #1), as presented, with screening fence on the eastern portion of the property to the building, on the following described property:

Tract 21, more particularly described as the S 220.00', of the N 248.00' of the W 500.00' of the E 550.00' of the NW/4 of Section 29, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma.

Case No. 1957

Action Requested:

Special Exception to allow fireworks stand for seasonal use in RS district. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, and a Variance of Section 1340 to allow parking on grass. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 524 N. 49th W. Ave.

Presentation:

The applicant was not present.

Interested Parties:

Jackie Edge, 4906 W. Edison, stated she has rented there for 18 years. She stated she was also representing **Fay Norris**, 4904 W. Edison, her landlady. They live adjacent to the subject property. She listed their complaints that the property has not been maintained; grass grows too high; and no water or sanitary facilities. She added that cars park along the street and near the corner causing poor visibility for traffic at the intersection. The intersection is located where the outer boundaries of the City of Tulsa, Tulsa County, and Osage County meet. They have made complaints but have not received a good response. She stated this is the first opportunity they have had to voice their opposition to the stand.

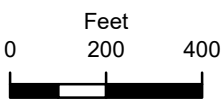
Comments and Questions:

Mr. Alberty asked if it has been operated illegally. Ms. Edge understood that the previous property owner legally allowed the use of the property for a fireworks stand, but it was sold to another person in the last year.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **DENY** a **Special Exception** to allow fireworks stand for seasonal use in RS district; and a **Variance** of Section 1340 to allow parking on grass, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

A certain tract of land located in Lot 1, of Section 5, T-19-N, R-12-E of the IBM Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,20.00' E of the NW/c of Lot 1, in Section 5; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.40' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.



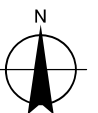
Subject Tract

CBOA-2972

19-12 05

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

Aerial Photo Date: 2020/2021

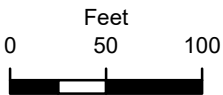




W EDISON ST

W EASTON ST

N 49th W AVE



Subject Tract

CBOA-2972

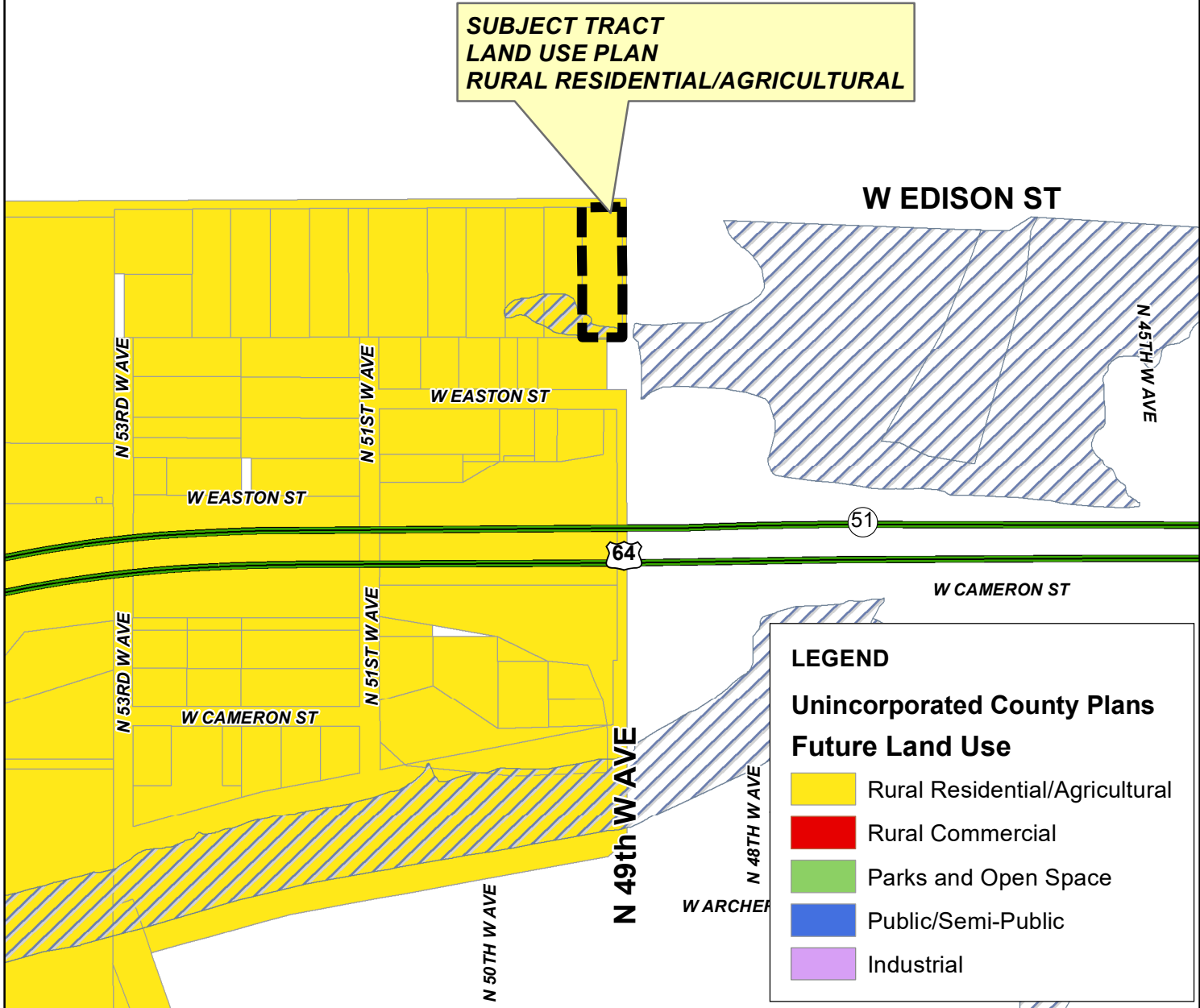
19-12 05

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

Aerial Photo Date: 2020/2021

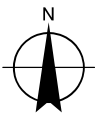
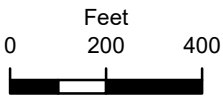


**SUBJECT TRACT
LAND USE PLAN
RURAL RESIDENTIAL/AGRICULTURAL**



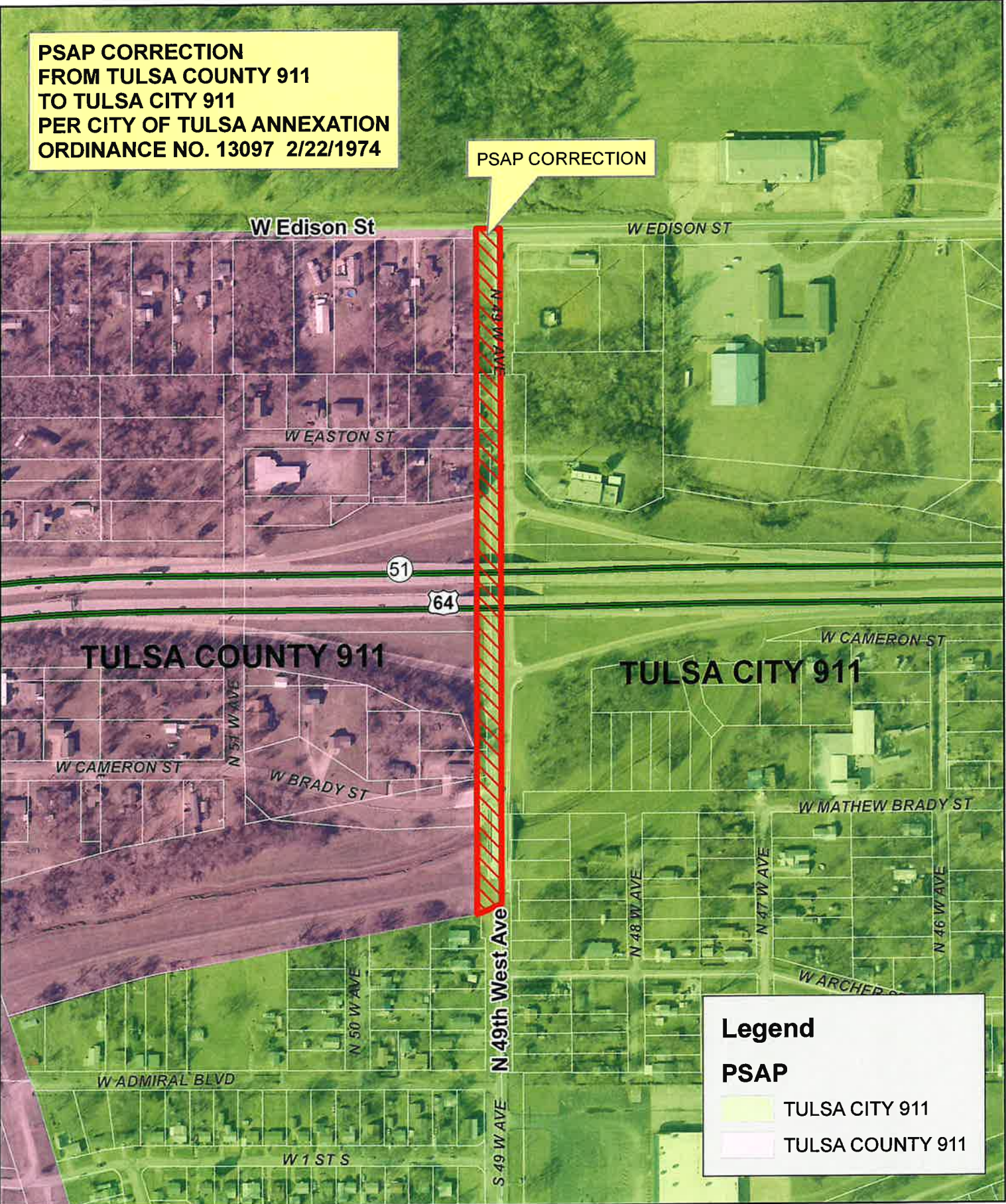
CBOA-2972

19-12 05

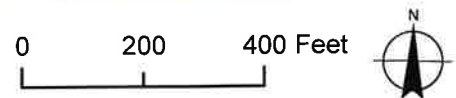


**PSAP CORRECTION
FROM TULSA COUNTY 911
TO TULSA CITY 911
PER CITY OF TULSA ANNEXATION
ORDINANCE NO. 13097 2/22/1974**

PSAP CORRECTION



Date: 4/13/2021



Oklahoma State Fire Marshal
State of Oklahoma 0755

Retail Fireworks License

Name Big Blast Inc. Phone (918)-366-6468

Stand/Tent/Store (give directions if no street address) 524 1/2 N 49th West Ave Tulsa Ok 74127

Mailing Address 18622 S 62nd East Ave Bixby Ok 74008-5739

City Bixby State OK Zip 74008-5739

Not Valid Unless Accompanied by a Valid Oklahoma
Sales Tax Permit Issued by the Oklahoma Tax Commission.

This license shall expire on February 28, 2022 and is non-transferable.
Sales may only be made between June 15-July 6 and December 15, 2021 through January 2, 2022.

This license must be conspicuously posted in the vicinity of the sales operation.



OKLAHOMA STATE FIRE MARSHAL

Tulsa County Inspections
633 W. 3rd St. Tulsa, OK 74127
918-596-5293

Applicant Information

Big Blast, Inc
Entity Name (if Applicable)
Barbour Sherry
Last Name First Name
18622 S 62nd E. Ave
Mailing Address
Bixby OK 74008
City State Zip Code
918-366-6468 office@bigblastonline.com
Phone Number Email Address

Site Information

James Cockrum 918-382-0281
Property Owner Name Phone Number
524 1/2 N. 49th W. Ave
Site Address
Tulsa OK 74127
City State Zip Code
918-366-6468
Phone Number
Email Address
Projected Opening and Closing Dates: June 25, 2022 July 6, 2022
Parcel Number Lot Block Zoning Flood Zone
Contractor Name Phone Number
Email Address

Structure Information

Lot Size: _____ Tent: _____ or Stand: X Total Linear Feet of Stand: 24'
(Acres) (Check Appropriate Structure Type) 3 Stand @
Electric on Site: YES or NO Utility Company: APE-PSO Temp Pole to be Set: YES or NO
Electrical Contractor: _____ Phone Number: _____

Firework Sales Permit Overview

- A permit is required for the sale of fireworks for each individual season for a specific location.
 - (June through July and December through January)
- Pursuant to O.S. Title 68 § 1623, Firework sales are only permitted during the following time of year:
 - June 15th – July 6th
 - December 15th – January 2nd
- Firework sales and the structures from which fireworks are being sold, shall comply with all applicable requirements of the State Fire Marshal's Office, the Oklahoma Tax Commission, and other state and federal agencies having jurisdiction over fireworks sales.
- All sites for fireworks sales shall have prior approval through the Tulsa County Board of Adjustment before any setup and sales may begin.
- If a location has received board approval, and such approval is set to expire the current year, you must go before the board of adjustment to receive reapproval before you may proceed with the sale of fireworks for any upcoming season.

Application Requirements:

**Applications will not be accepted or approved until all required documents are received.*

- Tulsa County Board of Adjustment Approval
- Site Map showing the following:
 - Setbacks from the center of the road, side and back property lines, and parking area.
 - Setback requirements – 100 feet from center-line of all roads.
 - Minimum side and rear yard setback – 25 feet from each property line.
 - Property Lines and existing structures
 - Parking Area
- Lease Agreement with Property Owner or Stamped and Filed Warranty deed showing proof of applicant's ownership.
- Fire retardant certificate (Tent Structures)

Fees:

Stand Permit: \$100 per 20 linear feet of stand or portion thereof (Minimum \$100 Fee)

Tent - \$300 per each tent (Connected or adjoining tents will be assessed as individual tents and not as one)

****As of March 2019, all fireworks stand application fees will be assessed according to the linear feet of stand. Fees for stands will be assessed per 20 linear feet or portion thereof. (For Example: if an application is for 5 stands and each stand is 20 linear feet in length, the permit fee will be \$500. All tents regardless of size will be charged \$300.00.) Please note that stands or tents strictly used for the cashing/check-out process is to be considered an additional stand/tent, and will be subject to the appropriate stand/tent fees.**

The following signature constitutes certification that all data is true and correct and that the applicant will comply fully with all representations made hereon:



4-14-2021

Applicant's Signature

Date

Internal Use Only		
Approved: YES or NO	Permit Number: _____	
Approved By: _____	CBOA - _____	Expires: _____
Owner Account #: _____	Applicant Account #: _____	Contractor Account #: _____



OKLAHOMA Tax Commission



Date Issued: April 21, 2021

Letter ID: L1713484096

Taxpayer ID: **-***0181



BIG BLAST, INC.
18622 S 62ND EAST AVE
BIXBY OK 74008-5739

TRO

Licenses/Permits at this Location

SALES TAX PERMIT effective on June 4, 2012
FIREWORK RETAIL PERMIT effective on June 4, 2012

County TULSA COUNTY

Holders of an Oklahoma Sales Tax Permit will find notice of penalties for violation of the Oklahoma Sales Tax code at www.tax.ok.gov

If the sales tax permit at this location becomes invalid then all associated permits will become invalid. If the business changes location or ownership or is discontinued for any reason, this permit must be returned to the Oklahoma Tax Commission for cancellation WITH AN EXPLANATION ON THE REVERSE SIDE.

Sales Account ID

STS-10084289-05

Site Permit Number

266469376

Business Location	Industry Code	City Code	Site Effective	Expires
BIG BLAST 524 1/2 N 49TH WEST AVE TULSA OK 74127	453998 339113	7288	June 4, 2012	June 4, 2024

PLEASE POST IN CONSPICUOUS PLACE

Charles T. Prater, Chairman
Clark Jolley, Vice-Chairman
Steve Burrage, Secretary Member

Non-Transferable

