

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday March 21, 2023, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 517

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 February 21, 2023 (Meeting No. 516).

UNFINISHED BUSINESS

2. **3034 - Ron Sterling**

Action Requested:

Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2) **Location:** 26121 W 27th St S **(CD 2)**

NEW APPLICATIONS

3. **3045 - Halston McLaurin**

Action Requested:

Special Exception to permit a single-wide mobile home in an RS district (Section 410) and Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 10735 W 54th St S **(CD 2)**

4. **3048 - David Hopper**

Action Requested:

Special Exception to permit a single-wide a manufactured home in an RS District (Section 410). **Location:** 1531 E. 69th St N **(CD 1)**

5. **3049 - Dala McLain**

Action Requested:

Variance from the all-weather parking surface requirement (Section 1340.D).
Location: 4950 W 21st St S **(CD 2)**

6. **3050 - Kim Barber**

Action Requested:

Modification of a previously approved Special Exception (CBOA-2698) to extend the time limitation for fireworks sales (Section 310). **Location:** 18574 E. 101st St S **(CD 3)**

7. **3051 - Kim Barber**

Action Requested:

Modification of a previously approved Special Exception (CBOA-2699) to extend the time limitation for fireworks sales (Section 310). **Location:** **1065 W. 4th St. N (CD 1)**

8. **3052 – Jeremy Stoughton**

Action requested:

Variance of the minimum lot area and land area required and Variance of the minimum lot width from 150' in the AG district to permit a lot split (Sec 330) Variance of the street frontage requirement in an AG district from 30 Ft to 9 ft (Section 207). **Location:** 6912 E 176th St. N **(CD 1) WITHDRAWN BY APPLICANT**

9. **3053 - Nathan Cross**

Action Requested:

Use Variance to permit parking and storage of personal and work vehicles in an RS district, Use Unit 23 (Section 410) **Location:** 5723 S 35th W Ave **(CD 2)**

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-3034

Hearing Date: 03/21/2023 1:30 PM
(Continued from 01/17/2023 & 02/21/2023)

Case Report Prepared by:

Jay Hoyt

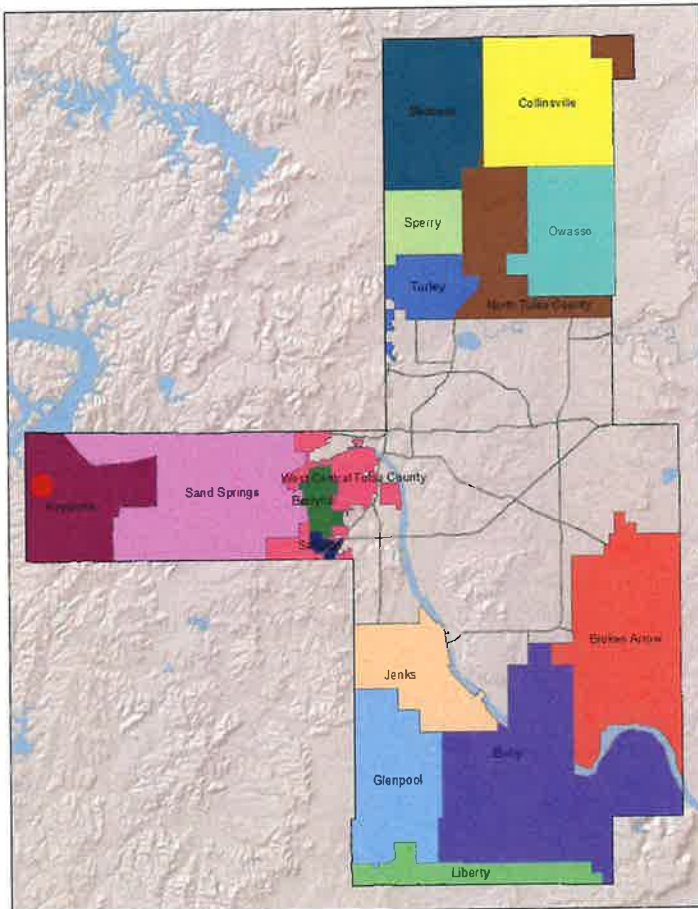
Owner and Applicant Information:

Applicant: Ron Sterling

Property Owner: STERLING, RON E & ROXANE

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

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 1.25 acres

Location: 26121 W 27 ST S

Present Zoning: RE

Fenceline/Area: Keystone

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9018

CZM: 32

CASE NUMBER: CBOA-3034

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: Ron Sterling

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

LOCATION: 26121 W 27 ST S

ZONED: RE

FENCELINE: Keystone

PRESENT USE: Residential

TRACT SIZE: 1.25 acres

LEGAL DESCRIPTION: LT 8 BLK 1, LAKE SUBURBAN ESTATES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RE and is abutted by RE zoning to the east, west and south containing single-family residences as well as AG zoning to the north containing vacant agricultural land.

STAFF COMMENTS:

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

The Tulsa County Zoning code (Section 420.2.A.2) prohibits accessory buildings in Residentially zoned districts from being constructed in the front or side yards of a residential lot. The applicant is proposing to finish construction of a 20' x 30' garage in the side yard of the subject lot, as illustrated by the site plan provided by the applicant, that was previously begun by the prior property owner.

The applicant has provided the statement "Property has an existing detached garage that has already passed final framing inspection 12-17-18 Permit # 19518. I purchased the property from Sharp Marle in September 2022. The property is unfinished and I am trying to renew the building permit."

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

Sample Motion:

"Move to _____ (approve/deny) a Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2)

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

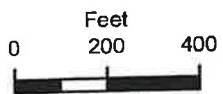
Subject to the following conditions, if any: _____.

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



CBOA-3034



19-10 18

CBOA-3034 2.4



Subject
Tract

CBOA-3034

19-10 18

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

Aerial Photo Date: 2020/2021

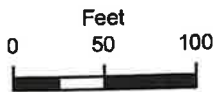


CBOA-3034 2.5



S 262ND WAVE

W 277TH ST S



Subject Tract

CBOA-3034

19-10 18

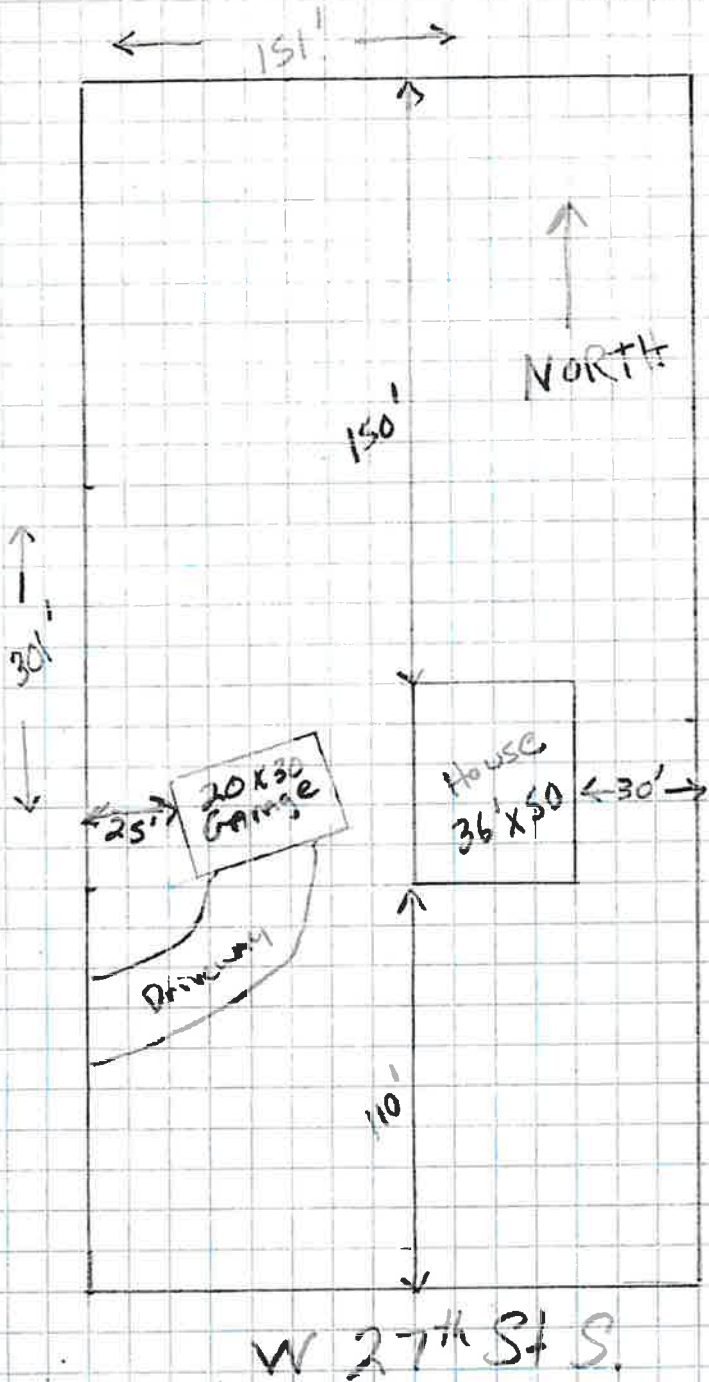
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



Scale: one sq = 10'

26121 W 27th ST S
Sand Springs 74063





Case Number: CBOA-3045

Hearing Date: 03/21/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

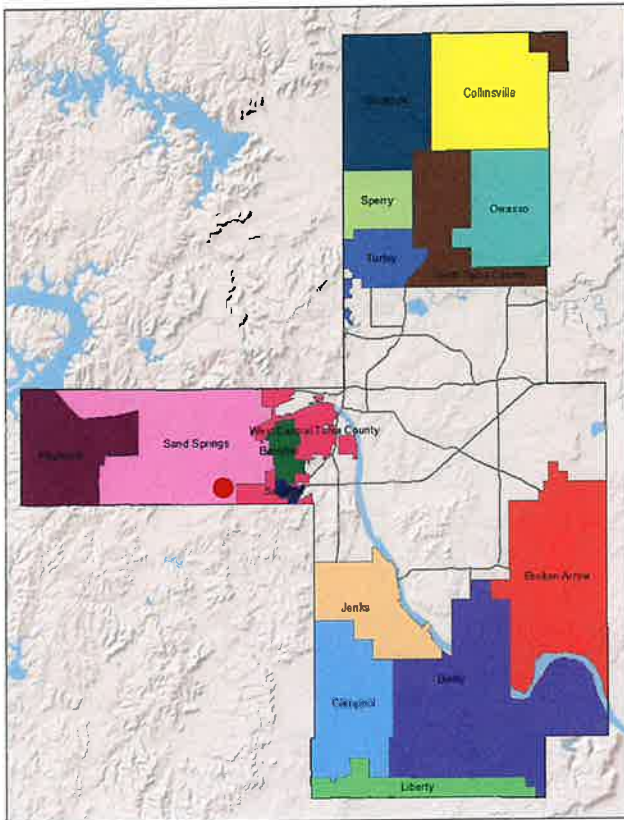
Owner and Applicant Information:

Applicant: Halston McLaurin

Property Owner: MCLAURIN, DONALD R JR AND

Action Requested: Special Exception to permit a single-wide mobile home in an RS district (Section 410) and Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 1.38 acres

Location: 10735 W 54 ST S

Present Zoning: RS

Fenceline/Area: Sand Springs

Land Use Designation: Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9135

CZM: 44

CASE NUMBER: CBOA-3045

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: Halston McLaurin

ACTION REQUESTED: Special Exception to permit a single-wide mobile home in an RS district (Section 410) and Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

LOCATION: 10735 W 54 ST S

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residence

TRACT SIZE: 1.38 acres

LEGAL DESCRIPTION: LOT 14 BLK 4, BUFORD COLONY SECOND ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-3025 January 2023: The Board approved a Variance to permit two dwelling units on a single lot of record in an RS District (Section 208).

CBOA-3003 September 2022: The Board approved a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

CBOA-1724 May 2000: The Board approved a Special Exception to permit one mobile home on each lot in an RS district (Section 410).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is surrounded by RS zoned lots containing single-family residences and vacant land.

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) and Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

A special exception is required as the proposed mobile home is a use which is not permitted by right but by exception 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.

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.

In addition, the applicant is requesting a Variance to permit a second dwelling unit on the subject lot. The applicant has stated that the reason for the variance request is for help with his four children as his mother and family will live adjacent in the other, currently existing dwelling unit of the lot.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a single-wide mobile home in an RS district (Section 410) and Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

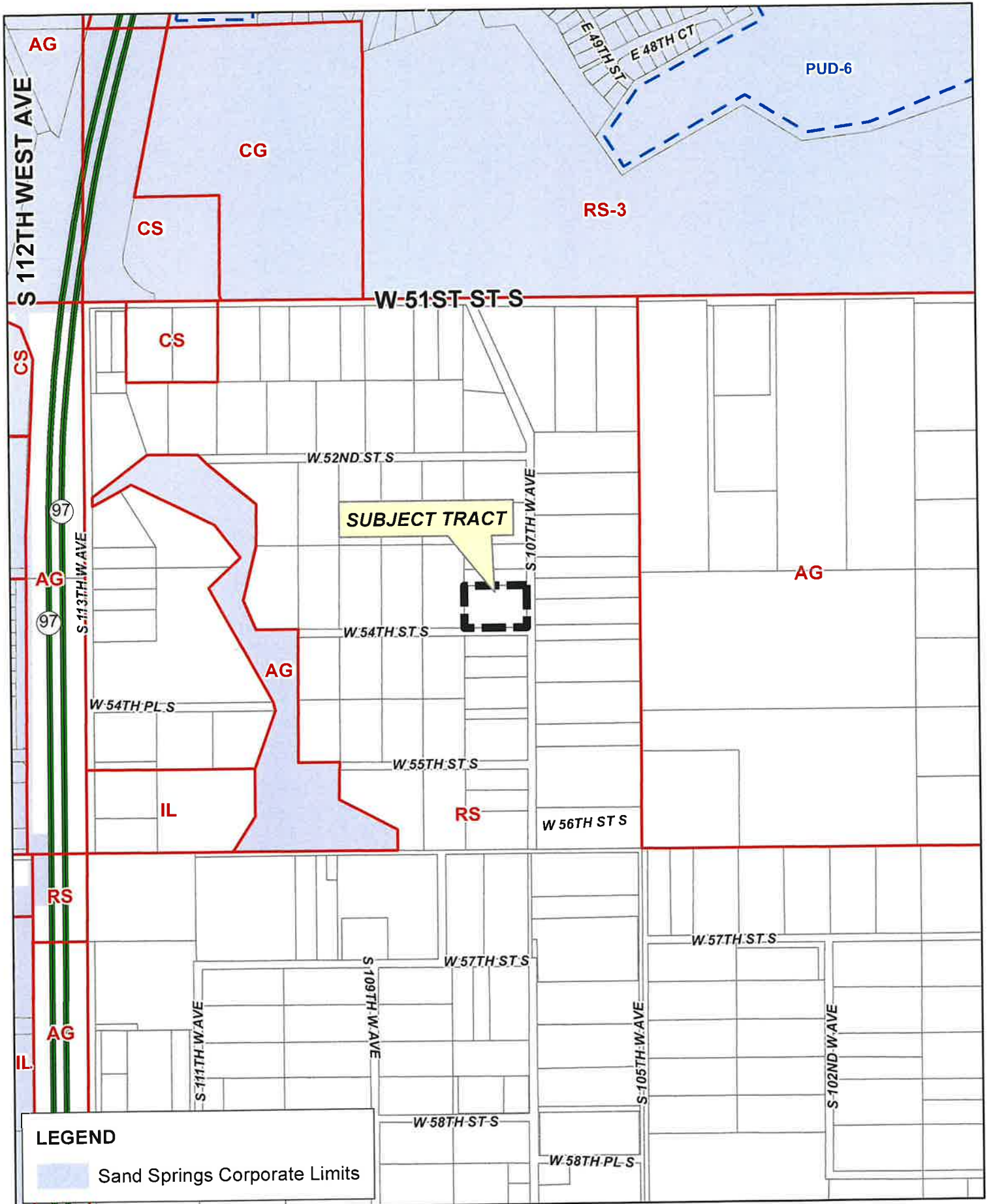
Approved per conceptual plan on page _____ of the agenda packet.

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

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

Finding the hardship to be _____.

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





CBOA-3045

19-11 35

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

Aerial Photo Date: 2020/2021



CBOA-3045 3.5



S 107TH WAVE

W 54TH ST S



Subject Tract

CBOA-3045

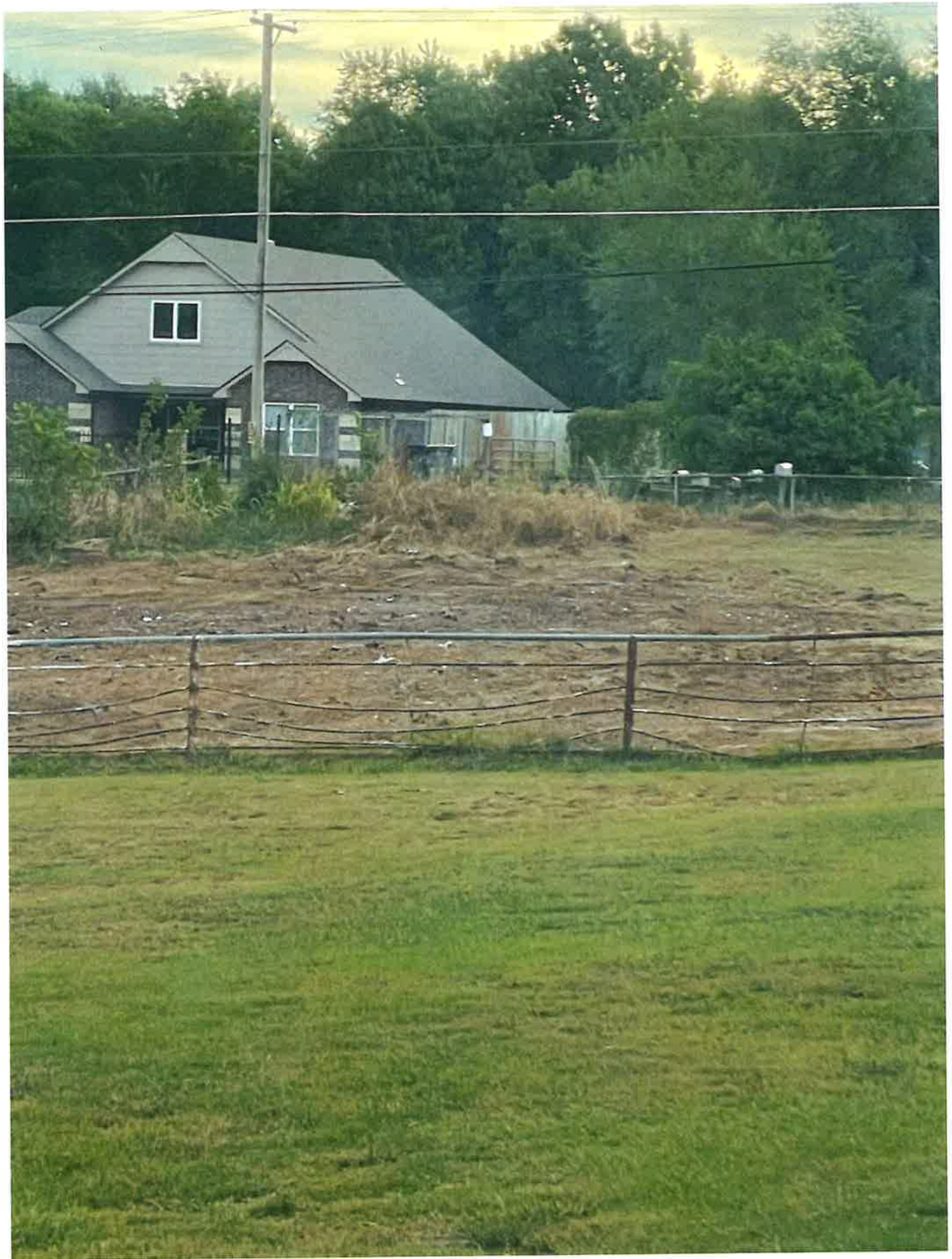
19-11 35

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

Aerial Photo Date: 2020/2021



CBOA-3045 3.6





Board of Adjustment

Case Number: CBOA-3048

Hearing Date: 03/21/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

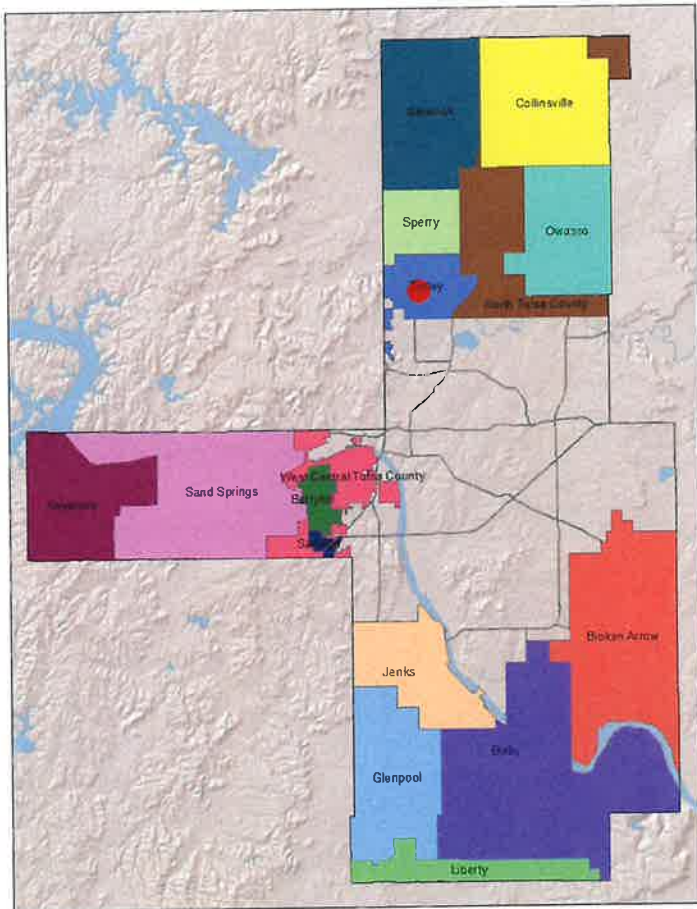
Owner and Applicant Information:

Applicant: David Hopper

Property Owner: HOPPER, DAVID RAY AND EDNA

Action Requested: Special Exception to permit a single-wide a manufactured home in an RS District (Section 410)

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 0.67 acres

Location: 1531 E 69 ST N

Present Zoning: RS

Fenceline/Area: Turley

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1331

CZM: 16

CASE NUMBER: CBOA-3048

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: David Hopper

ACTION REQUESTED: Special Exception to permit a single-wide a manufactured home in an RS District (Section 410)

LOCATION: 1531 E 69 ST N

ZONED: RS

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 0.67 acres

LEGAL DESCRIPTION: W1/2 LOT 13 BLK 9, GOLDEN HILL ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is surrounded by RS zoned lots containing single-family residential.

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 but by exception 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.

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.

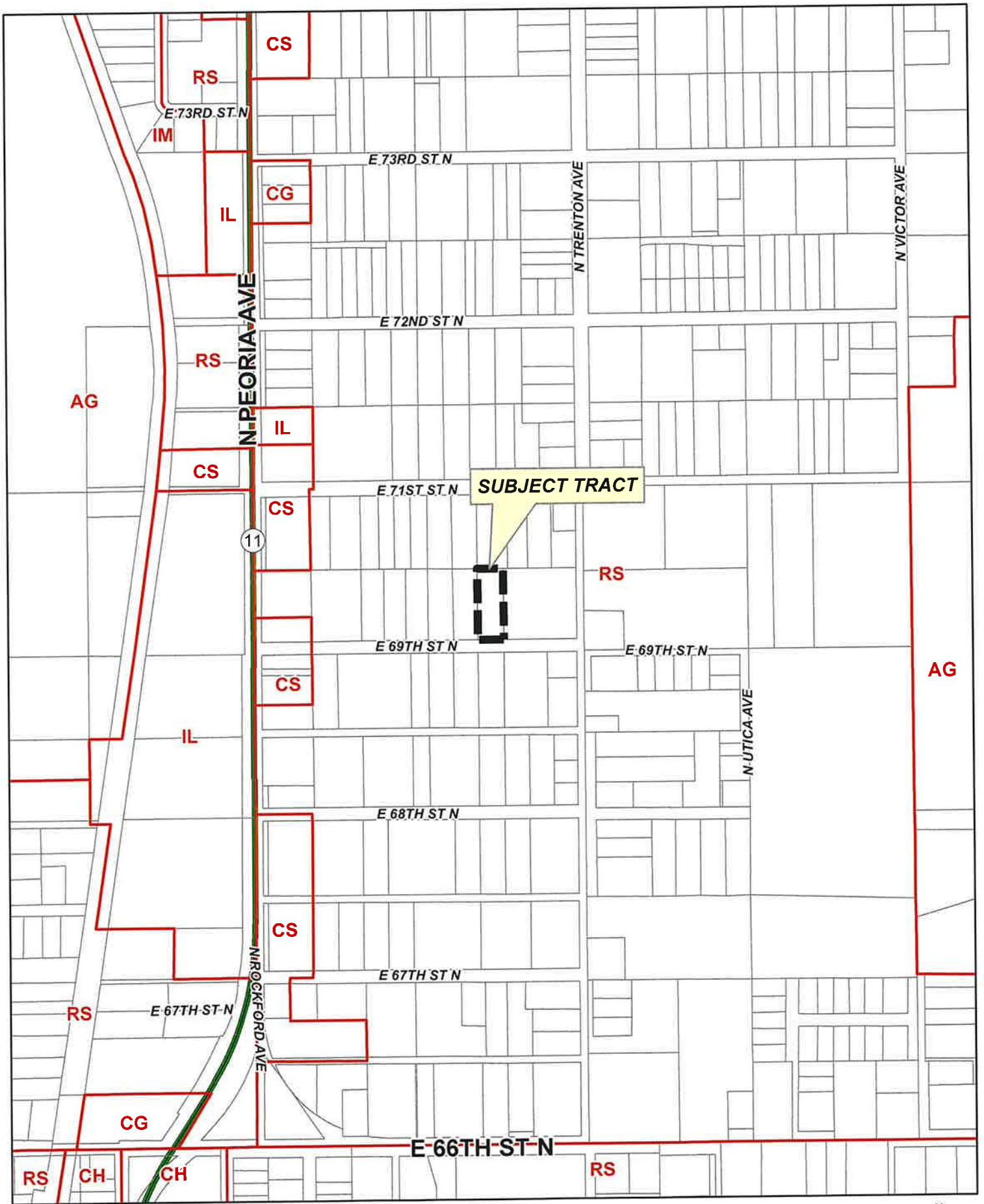
Sample Motion:

"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-3048

21-13 31



CBOA-3048 4.3



Subject Tract

CBOA-3048

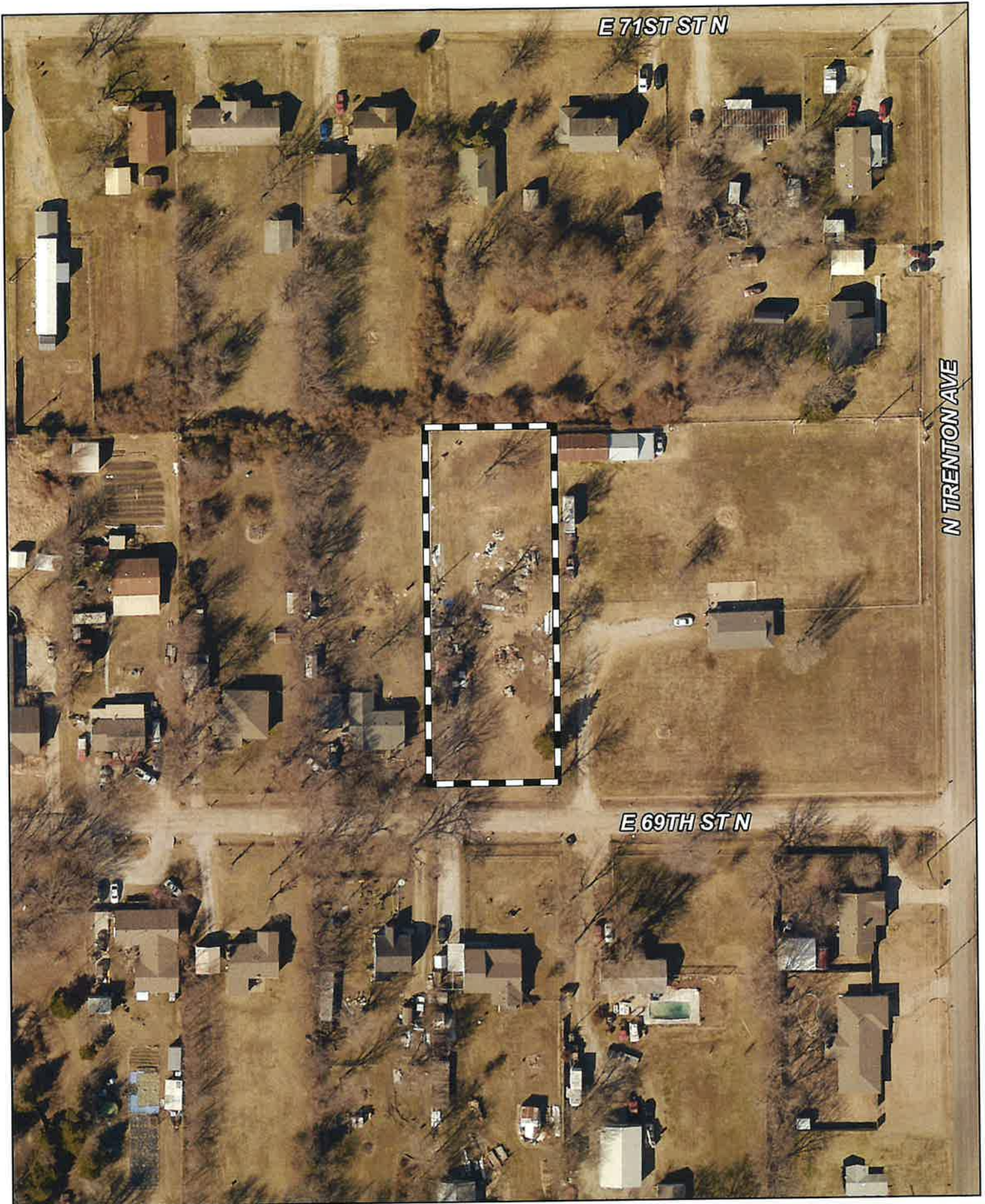
21-13 31

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

Aerial Photo Date: 2020/2021



CBOA-3048 4.4



E 71ST ST N

N TRENTON AVE

E 69TH ST N



Subject Tract

CBOA-3048

21-13 31

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

Aerial Photo Date: 2020/2021



CBOA-3048 4.5

NORTH

WEST

MOBILE HOME

EAST

DRIVEWAY

SOUTH

1531 E. 69TH ST. NORTH



Board of Adjustment

Case Number: CBOA-3049

Hearing Date: 03/21/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

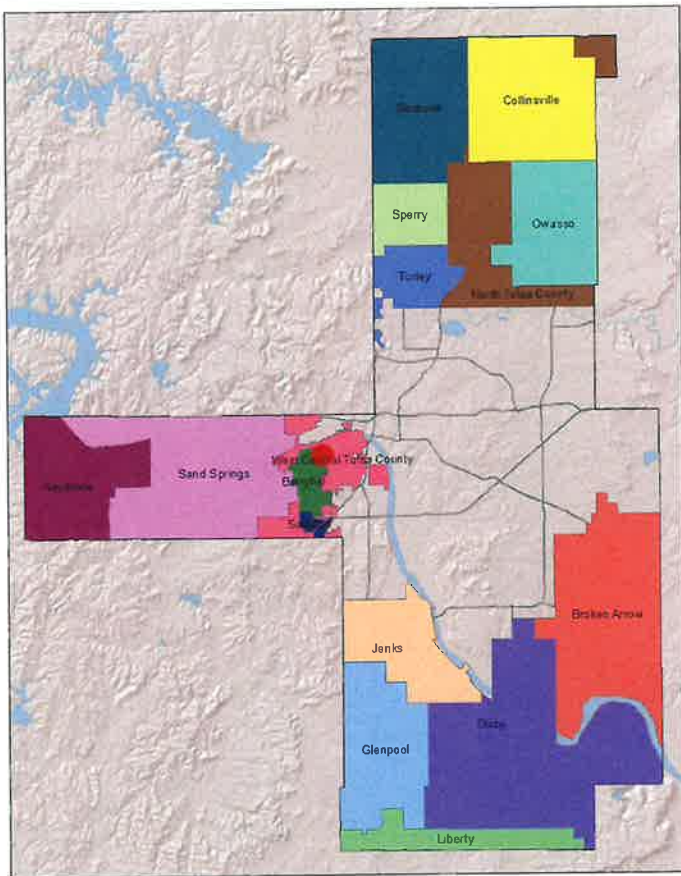
Owner and Applicant Information:

Applicant: Dala McClain

Property Owner: CODY/MORGAN INVESTMENTS LLC

Action Requested: Variance from the all-weather parking surface requirement (Section 1340.D).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 0.41 acres

Location: 4950 W 21 ST S

Present Zoning: CG

Fenceline/Area: Berryhill

Land Use Designation: Neighborhood Center

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: **CBOA-3049**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: Dala Mclain

ACTION REQUESTED: Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 4950 W 21 ST S

ZONED: CG

FENCELINE: Berryhill

PRESENT USE: Vacant

TRACT SIZE: 0.41 acres

LEGAL DESCRIPTION: N264 E82.5 W330 NE NE NE LESS N50 THEREOF FOR RD SEC 17 19 12 0.41AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2955 April 2022: The Board approved a Special Exception to allow Use Unit 26, Moderate Manufacturing and Industry, to permit moderate-impact processing in an IL District (Section 1226); and a Use Variance to allow Use Unit 26, Moderate Manufacturing and Industry, to permit moderate-impact processing in an RS district (Section 1226).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CG and is currently vacant. The subject tract abuts CG zoning to the East, West and South containing commercial development and vacant land as well as to the North by IM zoning containing industrial uses.

STAFF COMMENTS:

The applicant is before the Board to request a Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant intends to construct a food service establishment on the subject lot as illustrated on the plans provided by the applicant. They are located within an Industrial area and are hoping to serve the area from the subject lot, while utilizing gravel surfacing for the parking area. Section 1340.D of the Tulsa County Zoning Code requires that unenclosed off-street parking areas be surfaced with an all-weather material. The applicant is requesting a variance of that requirement so that their proposed gravel parking area may be used.

The applicant has provided the statement "Our establishment is in a high industrial area and we feel that gravel will blend in with all other businesses in the area. This project has already entered into cost we didn't foresee and the owner would prefer gravel as well. We believe that the area is in need of what we have to offer. We are not a restaurant or food truck but something in between, offering great food."

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

Sample Motion:

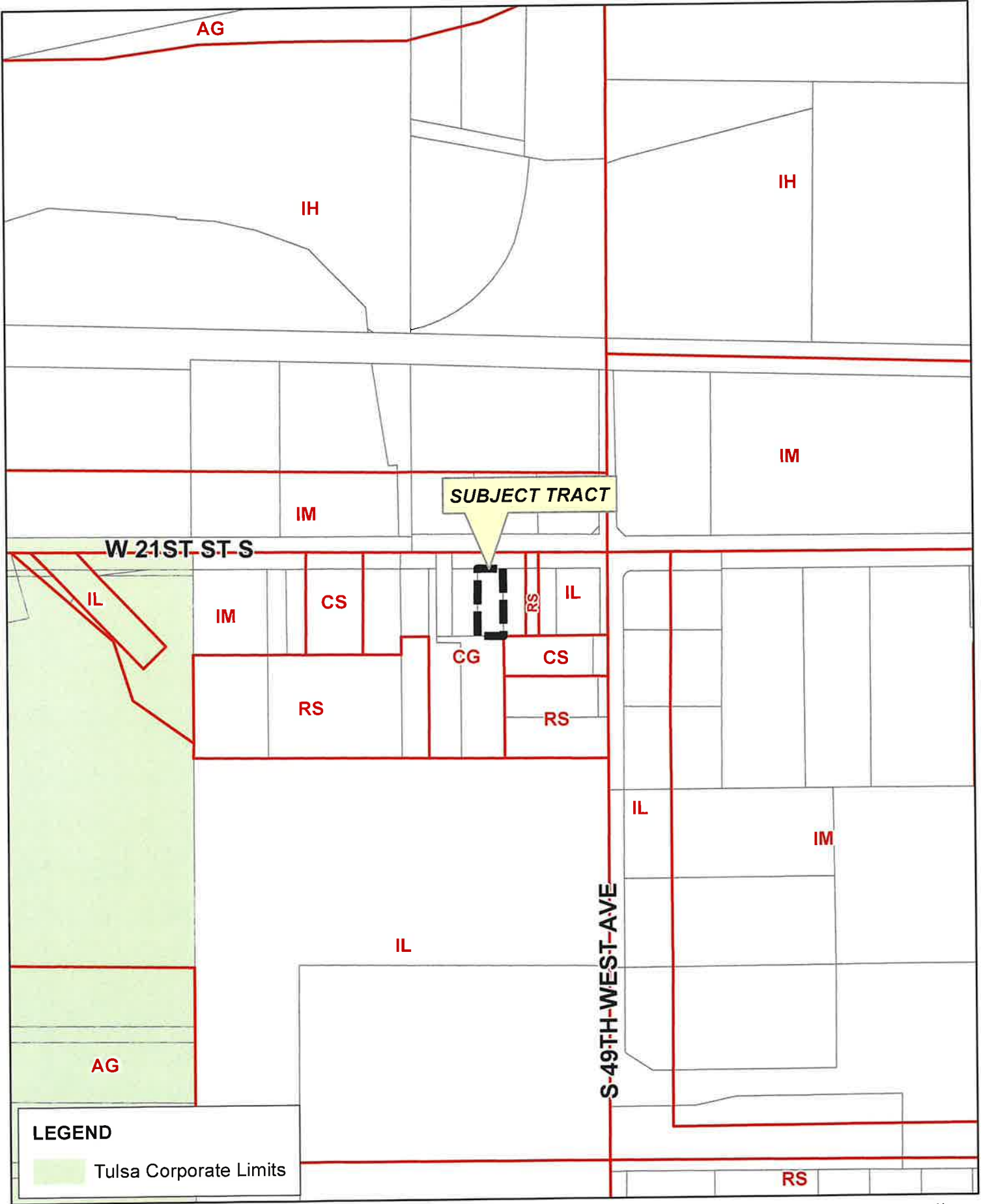
“Move to _____ (approve/deny) a Variance from the all-weather parking surface requirement (Section 1340.D).

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

Subject to the following conditions, if any: _____.

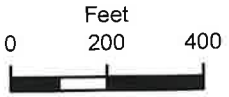
Finding the hardship to be _____.

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



LEGEND

 Tulsa Corporate Limits



CBOA-3049

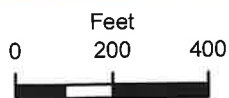
19-12 17





W 21ST ST S

S 49TH WEST AVE



 Subject Tract

CBOA-3049

19-12 17

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

Aerial Photo Date: 2020/2021

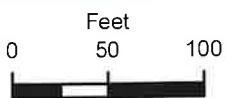


CBOA-3049 5.5



W 21ST ST S

S 49TH WEST AVE



 Subject Tract

CBOA-3049

19-12 17

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

Aerial Photo Date: 2020/2021



CBOA-3049 5.6

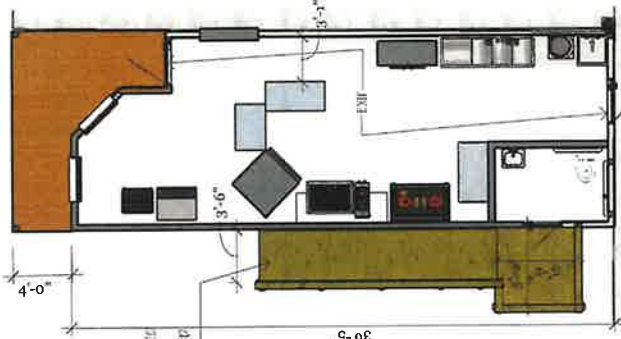


1 SITE LOCATION PLAN
N.T.S.

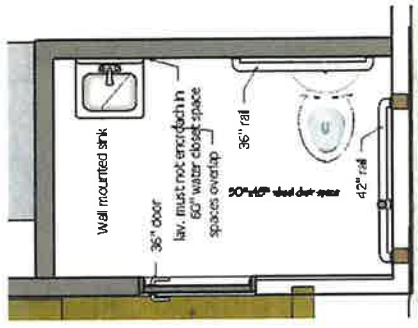


2 SITE PLAN
N.T.S.

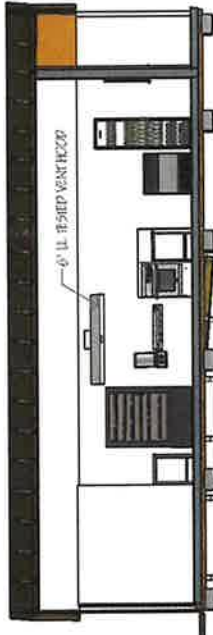
GOVERNING CODE: IBC 2015
CONSTRUCTION TYPE: VB
BUILDING SQUARE FOOTAGE: 462 sq/ft actual
 Allowable 9,000 sq/ft (per Table 506.2)
OCCUPANCY GROUP: (B) Business
OCCUPANCY LOAD: 5 total
 (per table 1004.1.2 - 100 gross for B)
FIRE PROTECTION: Non-Sprinklered
BUILDING HEIGHT: 13'-4"
FLOORS: 1 Story



3 FLOOR PLAN
1/8" = 1'-0"



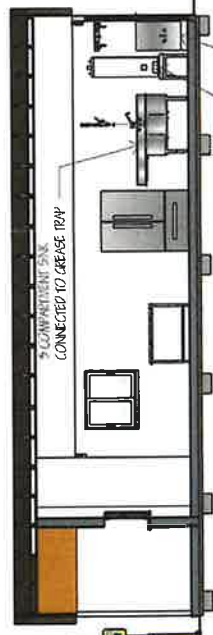
4 ENLARGED PLAN
SCALE: 3/8" = 1'-0"



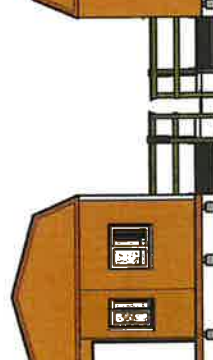
9 EAST ELEVATION
SCALE: 1/8" = 1'-0"



5 EAST ELEVATION
SCALE: 1/16" = 1'-0"



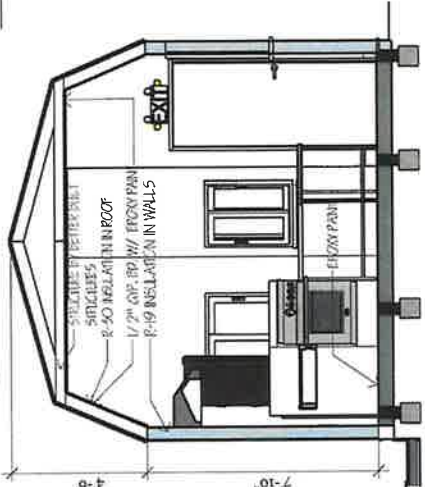
10 WEST ELEVATION
SCALE: 1/8" = 1'-0"



6 WEST ELEVATION
SCALE: 1/16" = 1'-0"

7 NORTH ELEV.
SCALE: 1/8" = 1'-0"

8 SOUTH ELEV.
SCALE: 1/8" = 1'-0"



11 SECTION
SCALE: 1/4" = 1'-0"

REED ARCHITECTURE

CLIENT:
Dale & Darren McLean
OWNER:
DR

DATE:
12/16/2022
DESCRIPTION:
LOCATION PLAN, SITE PLAN
FLOOR PLAN, ENLARGED PLAN
EXTERIOR ELEVATIONS,
BUILDING SECTION

Ao.1

FOUNDATION PER MANUFACTURER'S SPECIFICATIONS
PLAY STRIP METAL ANCHOR KIT PER MANUFACTURER'S RECOMMENDATIONS

REED
ARCHITECTURE

CLIENT:
Dala & Darren McLeann

DESIGNED
DK

DATE
12/16/2022
PROJECT
ESCORTA
SITE PLAN



2 SITE PLAN
R15

A0.2



Board of Adjustment

Case Number: CBOA-3050

Hearing Date: 03/21/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

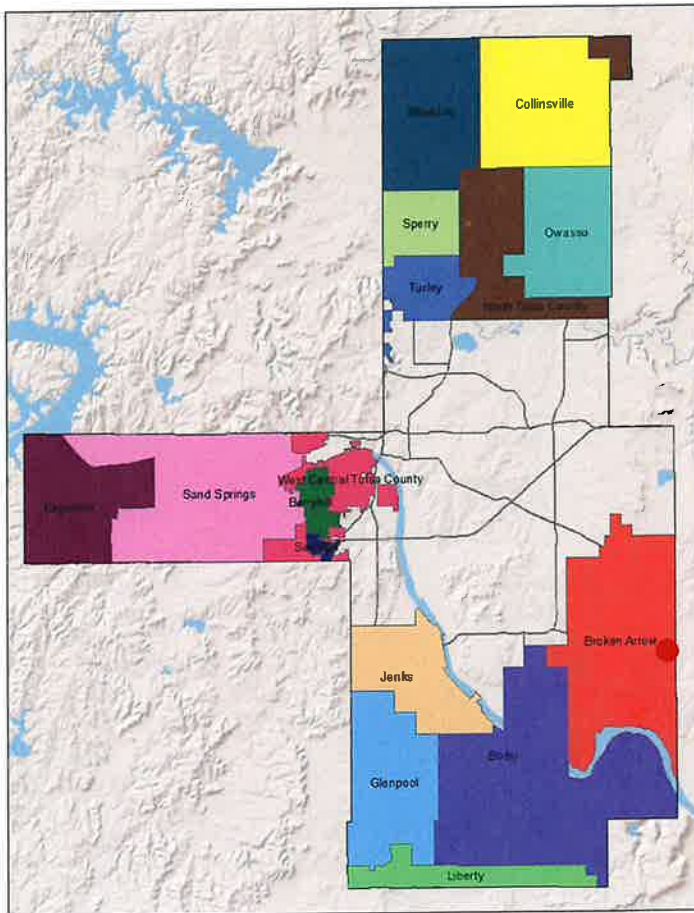
Owner and Applicant Information:

Applicant: Kim Barber

Property Owner: RITZE, J MICHAEL & CONNIE I

Action Requested: Modification of a previously approved Special Exception (CBOA-2698) to extend the time limitation for fireworks sales (Section 310).

Location Map:



Additional Information:

Present Use: AG

Tract Size: 235.75 acres

Location: 18574 E 101 ST S

Present Zoning: Agricultural/Residential

Fenceline/Area: Broken Arrow

Land Use Designation: Urban Residential/Transitional Area/Commercial/Employment Nodes

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 8425

CZM: 59

CASE NUMBER: **CBOA-3050**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: Kim Barber

ACTION REQUESTED: Modification of a previously approved Special Exception (CBOA-2698) to extend the time limitation for fireworks sales (Section 310).

LOCATION: 18574 E 101 ST S

ZONED: AG

FENCELINE: Broken Arrow

PRESENT USE: Agricultural/Residential

TRACT SIZE: 235.75 acres

LEGAL DESCRIPTION: NE & N/2 SE LESS BEG 400S NEC NE TH S3570.62 W55 N1328.15 E5 N2242.47 E50 TO POB SEC 25 18 14 235.747ACS, SEVEN OAKS, SEVEN OAKS SOUTH II, COUNTY LINE FOOD MART, SEVEN OAKS SOUTH Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2698 July 2018: The Board approved a Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district (Section 310) and a Variance of the paving requirement for a temporary parking area (Section 1340.D).

CBOA-2398 May 2011: The Board approved a Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district with a 5 year time limitation (Section 310) and a Variance of the paving requirement for a temporary parking area (Section 1340.D).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence and Agricultural land. The site is surrounded by the City of Broken Arrow with lots zoned A-1, A-CN, A-R-1, A-RE and RS-3, containing single-family residences and vacant land.

STAFF COMMENTS:

The applicant is before the Board to request a Modification of a previously approved Special Exception (CBOA-2698) to extend the time limitation for fireworks sales (Section 310).

Previously, CBOA-2698 was approved by the Board granting a Special Exception to allow a fireworks stand with a five year time limit, which expires in July of this year (2023). The applicant wishes to extend this time limit so that they may continue to utilize the subject lot for fireworks sales. Also as part of CBOA-2698, a Variance of the all-weather surface requirement for parking areas was approved.

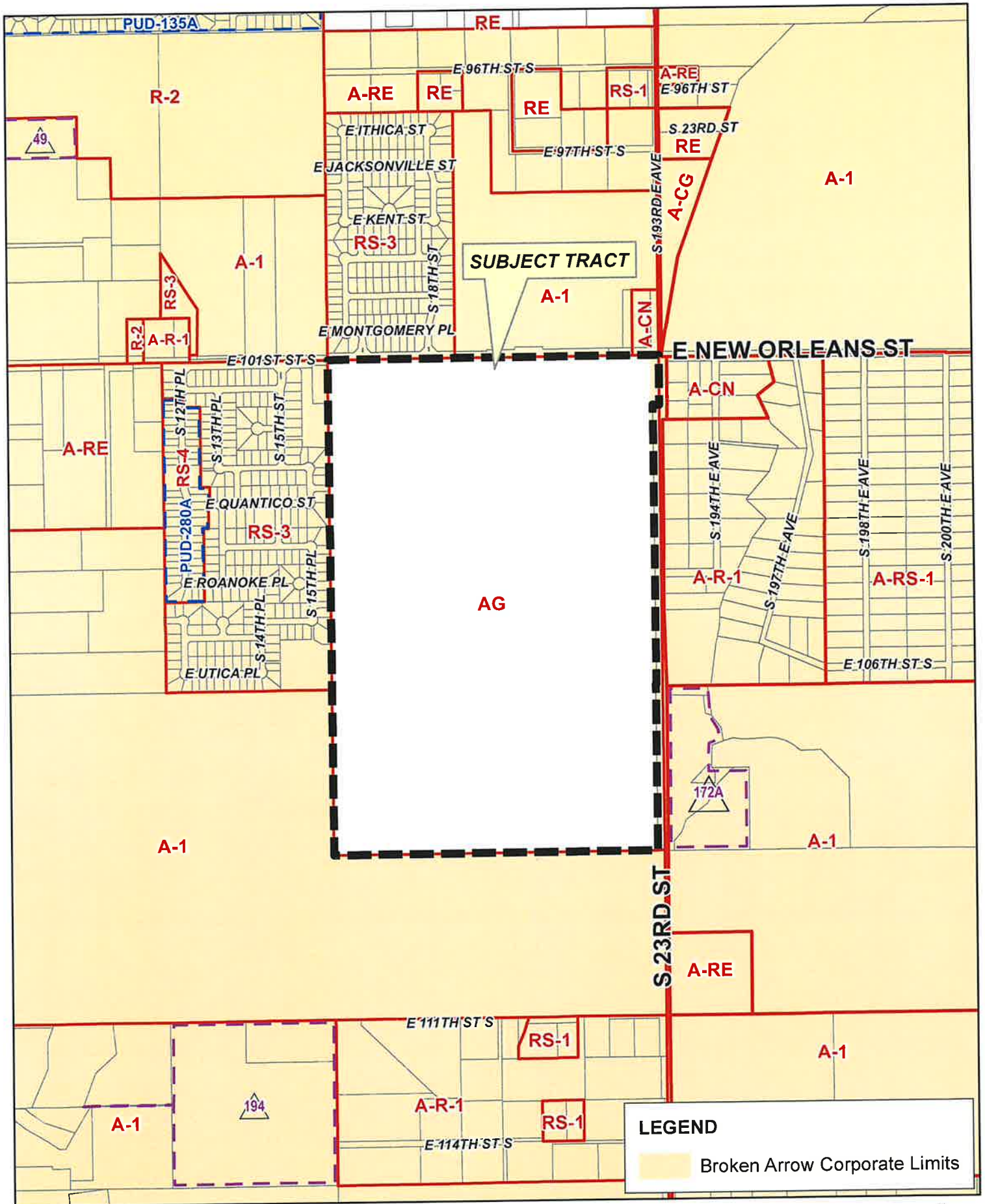
A special exception was required as the proposed fireworks sales is a use which is not permitted by right but by exception in the AG district because of potential adverse effects, but which if controlled in the

particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The fireworks sales must be found to be compatible with the surrounding neighborhood.

“Move to _____ (approve/deny) a Modification of a previously approved Special Exception (CBOA-2698) to extend the time limitation for fireworks sales (Section 310).

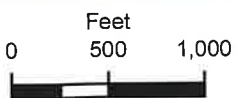
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

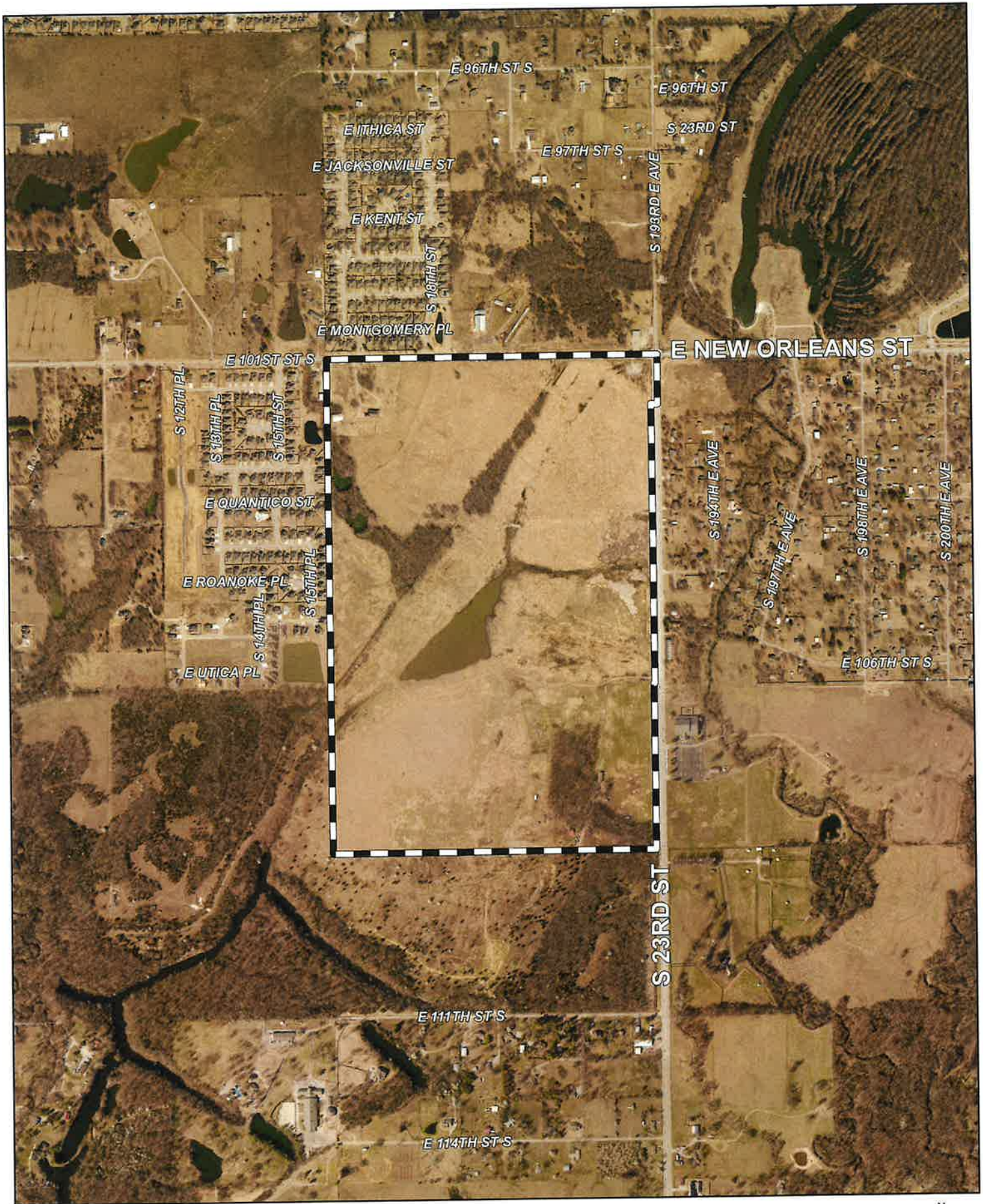
Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code.



CBOA-3050

18-14 25





Subject Tract

CBOA-3050

18-14 25

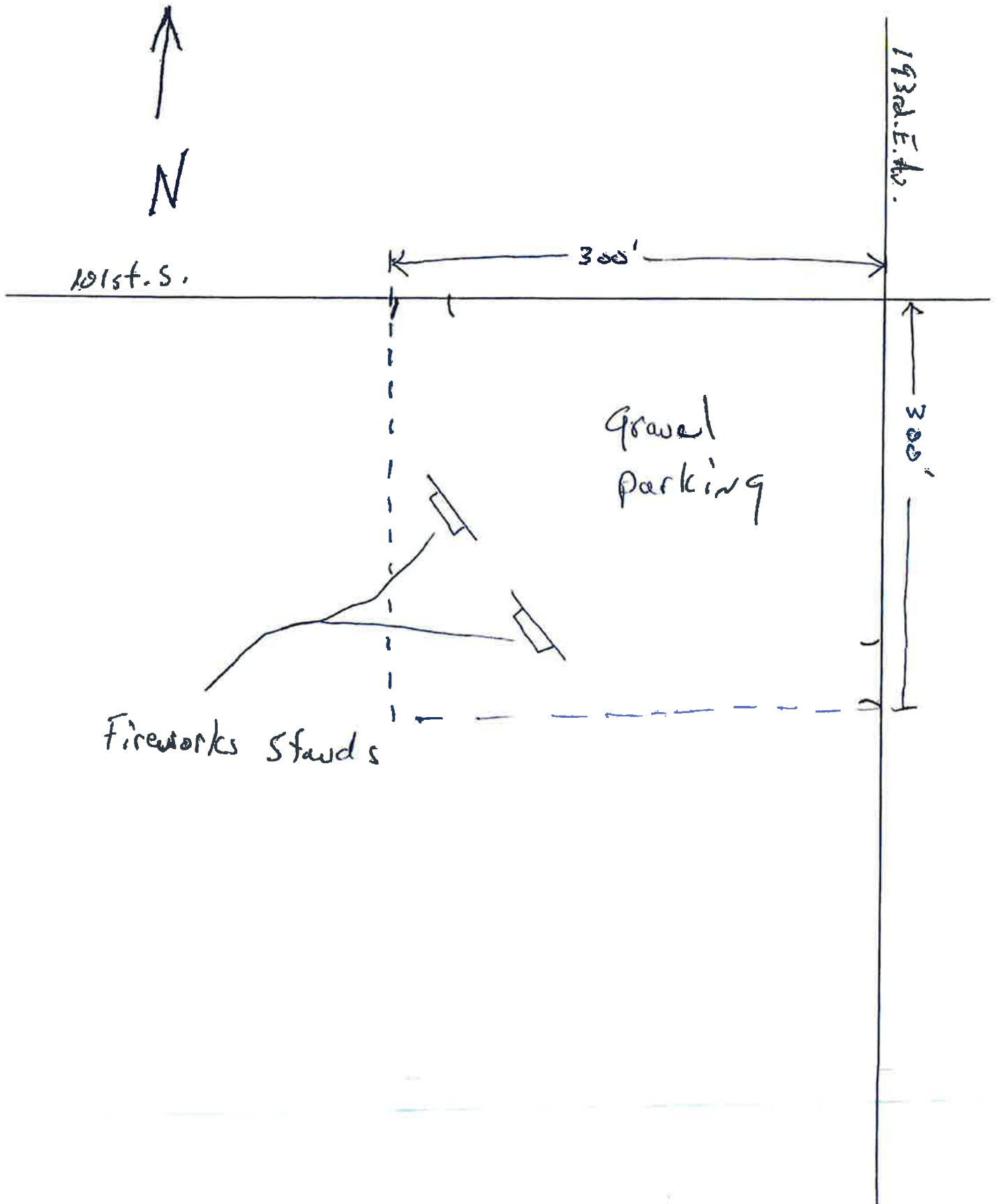
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



CBOA-3050 6.5





NE168.67ILESS E30 FOR RD POB SEC 6 19 12 3.23ACS, OF TULSA COUNTY,
STATE OF OKLAHOMA

2698—Kim Barber

FILE COPY

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** SW/c of East 101st Street South & South 193rd East Avenue

Presentation:

James Barber, 7675 Frankhoma Road, Tulsa, OK; stated he has a fireworks stand at this location for six years. The stand is on the corner of the lot and there are no residences around.

Mr. Charney asked Mr. Barber about the gravel parking lot. Mr. Barber stated the gravel lot has been in existence for quite some time and he has placed four to six loads of gravel on the lot each year to maintain it and expand it a little.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). The Board finds this will not be detrimental to the neighborhood or otherwise injurious to the public welfare. 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; for the following property:

NE & N/2 SE LESS BEG 400S NEC NE TH S3570.62 W55 N1328.15 E5 N2242.47
E50 TO POB SEC 25 18 14 235.747ACS, SEVEN OAKS SOUTH II, SEVEN OAKS
SOUTH, SEVEN OAKS, COUNTY LINE FOOD MART, OF TULSA COUNTY, STATE
OF OKLAHOMA

07/17/2018/#458 (14)

CBOA-3050 6.8



Board of Adjustment

Case Number: CBOA-3051

Hearing Date: 03/21/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

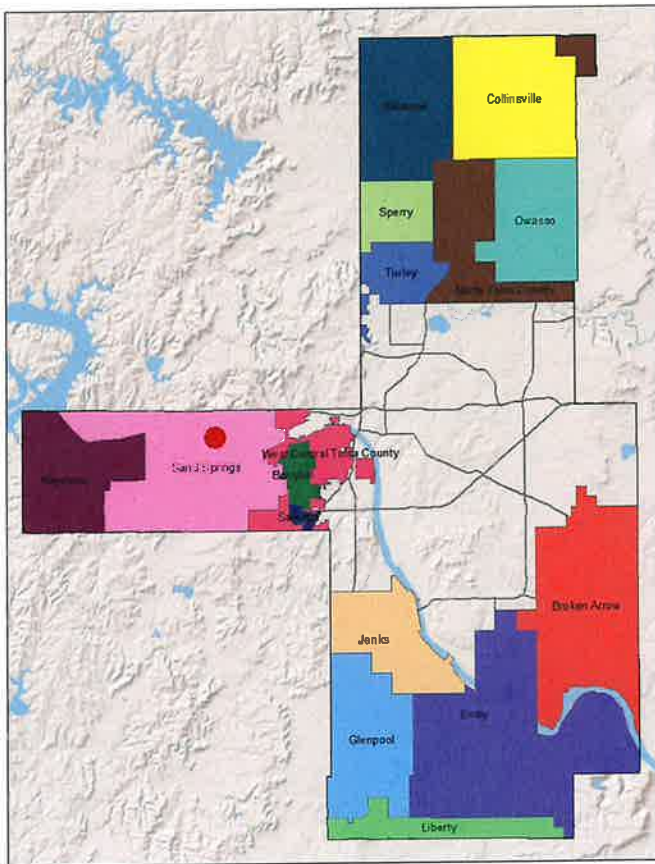
Owner and Applicant Information:

Applicant: Kim Barber

Property Owner: WALLS, DENNIS AND LILLIAN M

Action Requested: Modification of a previously approved Special Exception (CBOA-2699) to extend the time limitation for fireworks sales (Section 310).

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.3 acres

Location: 1065 W 4 ST N

Present Zoning: RS

Fenceline/Area: Sand Springs

Land Use Designation: Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9110

CZM: 76

CASE NUMBER: **CBOA-3051**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: Kim Barber

ACTION REQUESTED: Modification of a previously approved Special Exception (CBOA-2699) to extend the time limitation for fireworks sales (Section 310).

LOCATION: 1065 W 4 ST N

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.3 acres

LEGAL DESCRIPTION: LT 11 BLK 1, VALLEY VIEW ESTATES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2699 July 2019: The Board approved a Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410) and a variance of the all weather surface requirement for parking.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family residence. The subject lot is surrounded by RS zoning to the North, East and West containing single family residences and to the south by RS zoning containing Highway 412.

STAFF COMMENTS:

The applicant is before the Board to request a Modification of a previously approved Special Exception (CBOA-2699) to extend the time limitation for fireworks sales (Section 310).

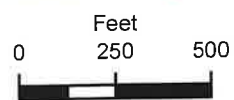
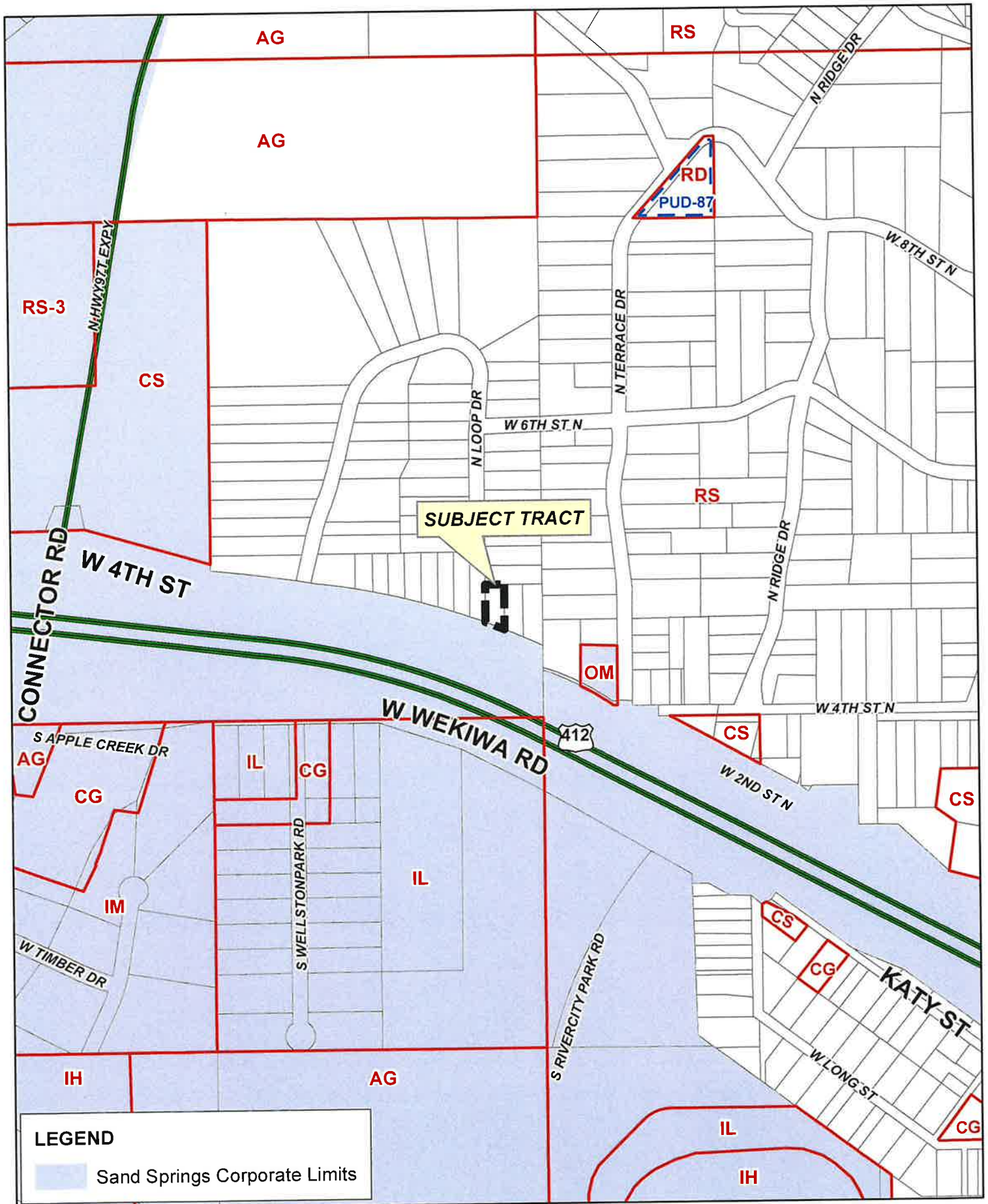
Previously, CBOA-2699 was approved by the Board granting a Special Exception to allow a fireworks stand with a five year time limit, which expires in July of this year (2023). The applicant wishes to extend this time limit so that they may continue to utilize the subject lot for fireworks sales. Also as part of CBOA-2699, a Variance of the all-weather surface requirement for parking areas was approved.

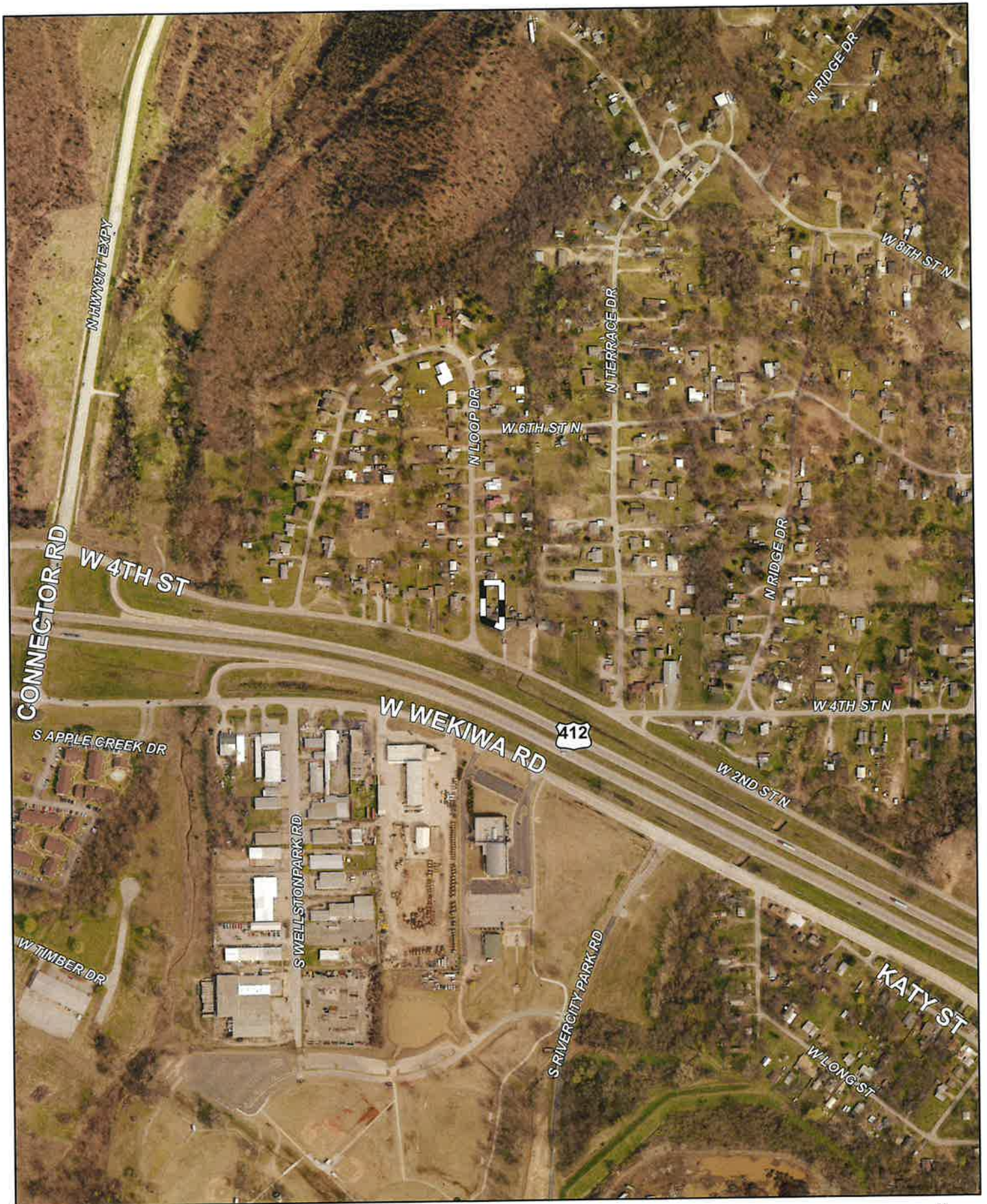
A special exception was required as the proposed fireworks sales is a use which is not permitted by right but by exception in the AG district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare,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

“Move to _____ (approve/deny) a Modification of a previously approved Special Exception (CBOA-2699) to extend the time limitation for fireworks sales (Section 310).”

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

Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code.





CBOA-3051

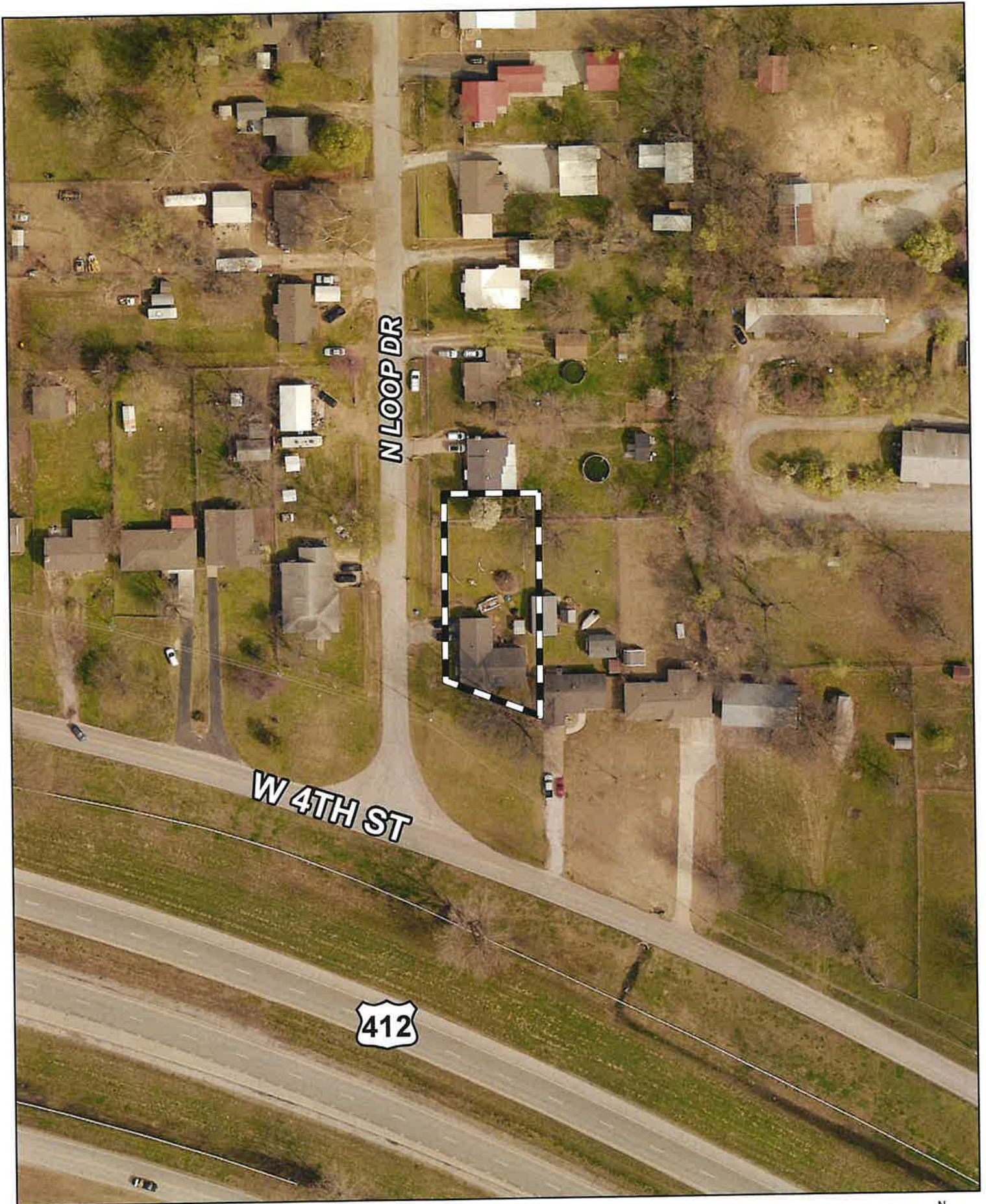
19-11 10

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

Aerial Photo Date: 2020/2021



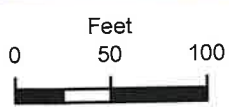
CBOA-3051 7.5



N LOOP DR

W 4TH ST

412



 Subject Tract

CBOA-3051

19-11 10

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

Aerial Photo Date: 2020/2021



CBOA-3051 7.6

2699—Kim Barber

FILE COPY

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an RS District (Section 410); Variance of the all-weather surface requirement for parking. **LOCATION:** 1065 West 4th Street North

Presentation:

James Barber, 2218 South 113th West Court, Sapulpa, OK; stated he has this location for 20 years. The fireworks stand is actually in an individual's front yard. There are residences around but there have been no complaints. Mr. Barber stated that he does not have a gravel surface for parking for this stand because it is in an individual's front yard; the driveway of the house, which there is a driveway on both sides of the house, is used for parking and occasionally the front yard is used.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow a fireworks stand (Use Unit 2) in an RS District (Section 410); Variance of the all-weather surface requirement for parking. 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 public welfare; for the following property:

LT 11 BLK 1, VALLEY VIEW ESTATES, OF TULSA COUNTY, STATE OF OKLAHOMA

2700—Kim Barber

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in a CS and AG zoned District (Section 310 and Section 710); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 13722 West Highway 51 South

07/17/2018/#458 (15)

CBOA-3051 7.7



Case Number: CBOA-3053

Hearing Date: 03/21/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

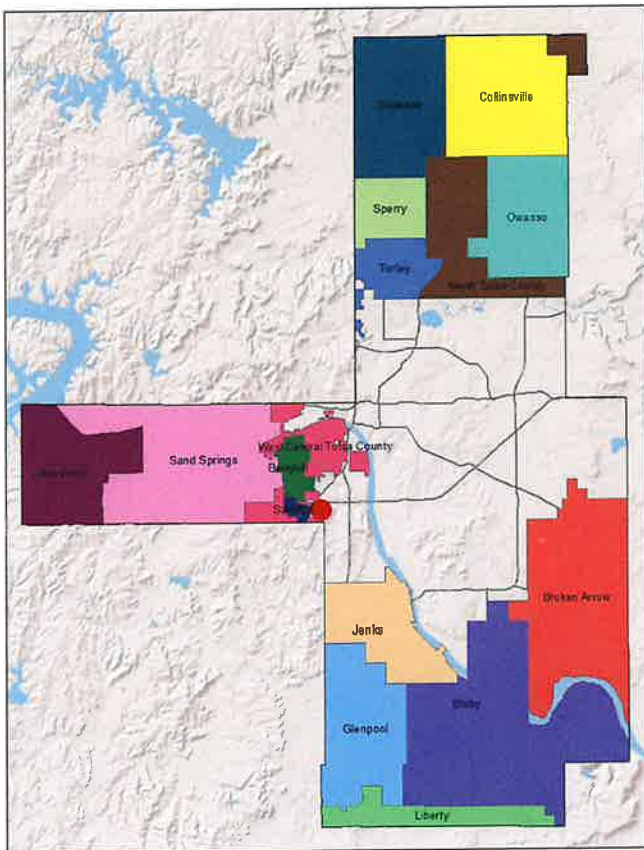
Owner and Applicant Information:

Applicant: Nathan Cross

Property Owner: BRADY, PATRICK BRIAN

Action Requested: Use Variance to permit parking and storage of personal and work vehicles in an RS district, Use Unit 23 (Section 410)

Location Map:



Additional Information:

Present Use: Truck Parking

Tract Size: 2.49 acres

Location: 5723 S 35 AV W

Present Zoning: RS-3,RS

Fenceline/Area: West Central Tulsa County

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9233

CZM: 45

CASE NUMBER: CBOA-3053

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/21/2023 1:30 PM

APPLICANT: Nathan Cross

ACTION REQUESTED: Use Variance to permit parking and storage of personal and work vehicles in an RS district, Use Unit 23 (Section 410)

LOCATION: 5723 S 35 AV W

ZONED: RS-3,RS

FENCELINE: West Central Tulsa County

PRESENT USE: Truck Parking

TRACT SIZE: 2.49 acres

LEGAL DESCRIPTION: S90 W/2 LT 11 & ALL LT 14, CAMPBELL HILLS, 33RD SELF STORAGE RSB E150.37 L11 & ALL L12 & 13 CAMPBELL HILLS Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2270 June 2007: The Board denied a Use Variance to permit an existing trucking establishment in an RS district (Section 410) and a Variance of the paving requirement to permit the existing gravel parking and loading surfaces (Section 1340 and 1350).

CBOA-2984 June 2007: The Board approved a Variance of to permit a detached accessory building in an RS district to be greater than 750 sf of floor area (Section 240.2.E) , Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410), a Variance from the all-weather parking surface requirement (Section 1340.D)

ANALYSIS OF SURROUNDING AREA: The subject tract has been used as a trucking facility and is surrounded by RS to the north, south and west, which contain single-family residences and RS-3/PUD-483 to the east (City of Tulsa) containing a self-storage facility.

STAFF COMMENTS:

The applicant is before the Board to request a Use Variance to permit parking and storage of personal and work vehicles in an RS district, Use Unit 23 (Section 410).

Previously, the Board approved case CBOA-2984 on the subject lot to approve a Variance of to permit a detached accessory building in an RS district to be greater than 750 sf of floor area (Section 240.2.E) , a Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410) and a Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant has stated, as shown on Exhibit "B", provided by the applicant, that Tulsa County Permitting believes that the variances that were approved as part of CBOA-2984 are not sufficient for the subject

property and that the property owner's current use of truck parking be halted until a variance has been obtained. The requested variance to permit parking and storage of personal and work vehicles in an RS district is an attempt to correct this issue.

Sample Motion:

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

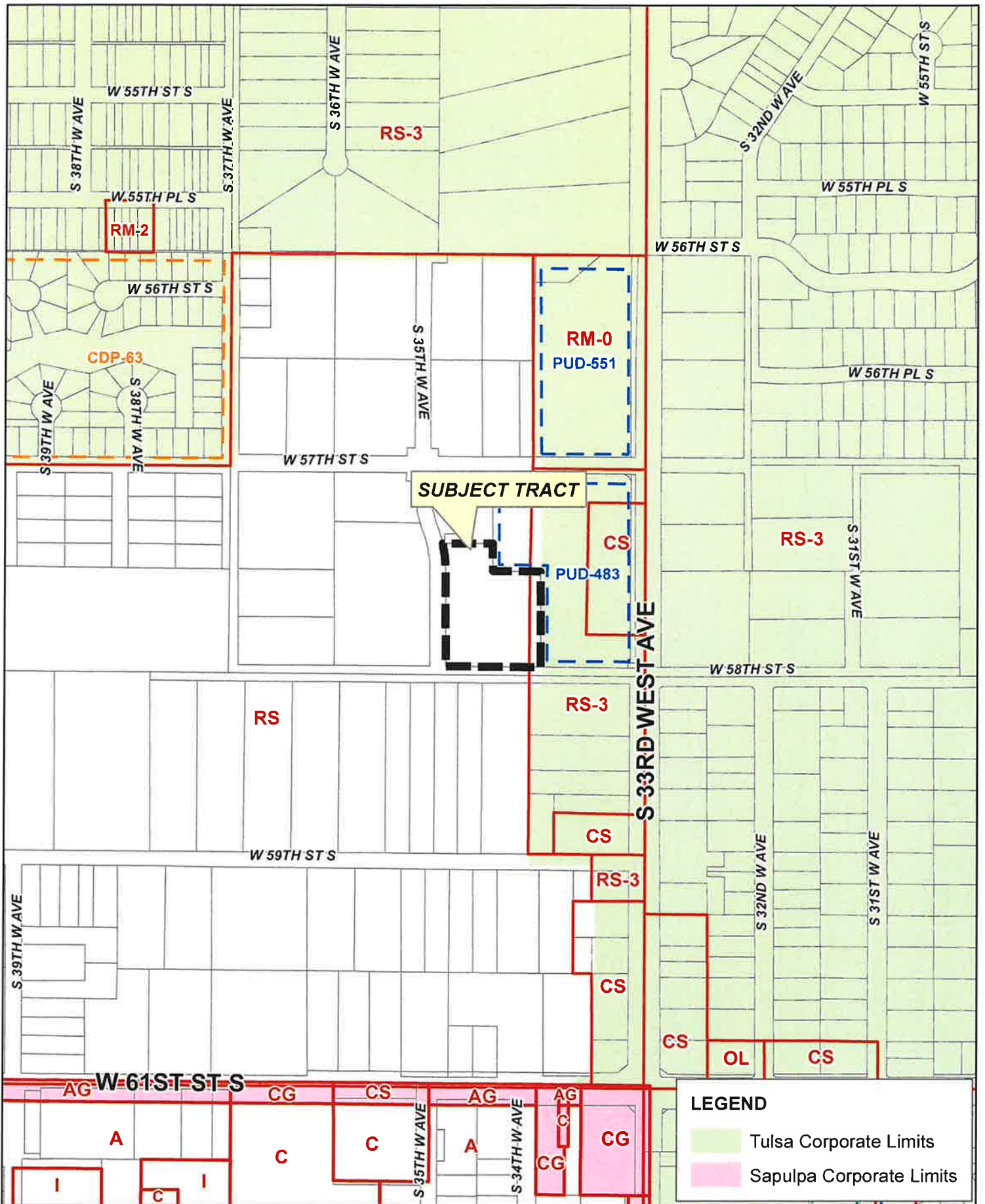
"Move to _____ (approve/deny) a Use Variance to permit parking and storage of personal and work vehicles in an RS district, Use Unit 23 (Section 410).

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.



CBOA-3053



19-12 33



CBOA-3053 9.4



Subject Tract

CBOA-3053

19-12 33

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

Aerial Photo Date: 2020/2021

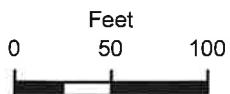


CBOA-3053 9.5

W 57TH ST S

S 35TH W AVE

W 58TH ST S



Subject Tract

CBOA-3053

19-12 33

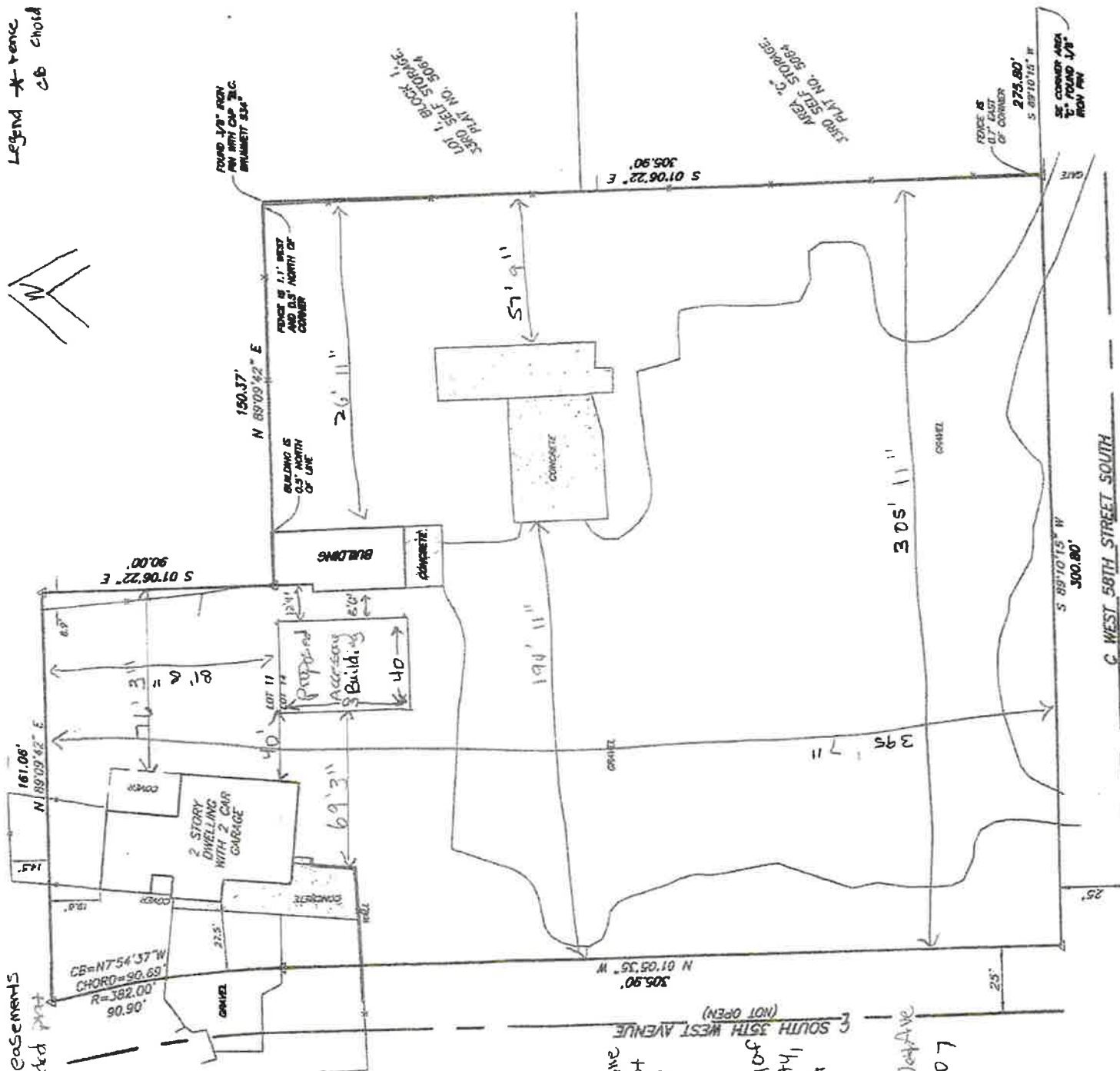
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



CBOA-3053 9.6

Legend * fence
 CB chord bearing



No building lines or easements are shown on recorded plat of Campbell Hills.

Legend

The South 90 Feet of the West Half (W/2) of Lot Eleven(11) and all of Lot Fourteen (14) Campbell Hills, an addition to the City of Tulsa, Tulsa County, State of Oklahoma

Address:
 5723 S 35th West Ave
 Tulsa, OK 74107

EXHIBIT "A"

(Legal Description)

The South 90.00 feet of the West Half (W/2) of Lot Eleven (11), and all of Lot Fourteen (14), CAMPBELL HILLS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Address: 5723 S. 35th West Avenue, Tulsa.
6412145.1

EXHIBIT "B"

The property at issue in this variance request (the "Subject Property") is an approximately 2.5 acre lot located at 5723 S. 35th West Avenue in Tulsa County. For a number of years preceding the Property Owner's acquisition, the Subject Property has been used as a storage lot for large vehicles. Prior to his acquisition, the Property Owner paid rent to the former owner to park certain commercial vehicles on the Subject Property when said vehicles were not in use. This storage activity included coming and going daily with the stored vehicles to store them for the night after work was complete at other locations. The prior owner also rented portions of the Subject Property to others besides the [current] Property Owner for the same purposes. A single family home was situated at the northern end of the Subject Property but said home had not been occupied or utilized as a single-family home for a number of years at the time the Property Owner acquired the Subject Property.

On or around January 31, 2022, the Property Owner purchased the Subject Property with the intent of continuing to utilize it as a parking area for his company vehicles when they are not in use. The Property Owner also desired to store non-commercial vehicles that he owns on the Subject Property for the same purposes – e.g. to store the vehicles when not in use. During the process of attempting to permit the construction on the Subject Property, the Property Owner was notified that he would need to obtain a variance to allow his proposed use of vehicle storage (both work and private). The Property Owner applied for a variance and that case (BOA 2984) came before the County Board of Adjustment on July 19, 2022 and detailed discussion about the above-referenced scenario including all of the uses proposed in this Application was had at that hearing. The matter was continued to August 16, 2022 at which point a variance was granted 3-0-0 by the Board of Adjustment for the Property Owner to operate the Subject Property in a manner consistent with the relief requested herein.

After the August 16, 2022 variance approval, Tulsa County notified the Property Owner that the variance obtained was not sufficient and that that Property Owner's use of the Subject Property be immediately halted until a variance could be obtained.

The Applicant is now being forced to request a **SECOND** variance to allow the use of the Subject Property for storage of his personal vehicles and storage of his work vehicles consistent with the use stated in the August 16, 2022 variance approval.

6412565.1

2984 - Brian Brady

Action Requested:

Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

Location: 5723 S 35th West Ave

Presentation:

Brian Brady and Jamie Agee, 5723 South 35th West Avenue, Tulsa, Oklahoma stated that Mr. Brady purchased it February 2022. Mr. Brady began parking his vehicle there eight years ago with permission from the previous owner and had paid rent for parking there. They had no knowledge of prior zoning problems or issues and has been in existence for 35 to 40 years. We want to put a building there to enable us to lock our vehicles there. There is an older storage there that needs to be torn down. There have been several thefts from their vehicles.

Interested Parties:

Leslie Davis, 5645 South 33rd West Avenue, Tulsa, OK, 74107, stated that she was there with other neighbors. I was here in 2007 when they said this was residential zoning and they were supposed to cease running their business there. They scaled down their operation. We were concerned that Mr. Brady was going to run a trucking business out of the property as well. We do not want this property to turn commercial.

Comments and Questions:

Mr. Hutchinson asked that this will be a 40-foot by 60-foot building and once it is built and the other one is torn down will you have any vehicles stored outside. Mr. Brady stated that he plans to store his boat, hotrod, and tool in this building. He will still have trucks (a couple of one-ton trucks and a trailer). We do not operate our office there, nor is it an income producing property.

Ms. Agee stated that there are seven vehicles if all are there. We are not going to run a business from this property, it is strictly to store our belongings in the building.

Mr. Brady stated that there the previous owner has a semi-trailer that he left there, but it will be removed. He also stated that there are also other trucks that park there. A man that lives down the street parks his semi-truck there when he is in town.

Mr. Dunkerley asked if there was a house on the property. Ms. Agee stated that they got ahead of themselves. Ms. Agee stated that the house was inhabitable and had to be town down. Once the Variance is approved, they will have to back up with the county and go in with all the permits that are needed for where we are at this point. The old house has been taken down, we put up the new building and that is what we need the Variance on.

Mr. Hutchinson asked staff about the zoning on RS-3, is it a requirement that a house must be on the property before a storage is built. Ms. Miller stated that this is correct.

07-19-2022 (9)

CBOA-3053 9.10

Mr. Hicks asked if they were planning to use this to store vehicles for your business. Mr. Brady stated that was correct. Mr. Hicks asked staff that since the previous owner tried to run a business and was turned down, but that is not the request before us. Ms. Miller stated that the only request was to allow a building greater than 750 square-feet. Mr. Hicks stated that there is no approval before them to operate a business, whether they are storing their business vehicles or operating a business, which is not allowed right now.

Mr. Hutchinson stated that what the staff is discussing is with the current zoning to be able to have a garage or a building, a house must be there.

Ms. Miller stated that it must be an accessory to something, so the site plan does show the house there and that is why the request was recorded like it was. Now there is no house. There is an issue here.

Mr. Hutchinson asked if Mr. Brady and Ms. Agee had any plans to build a house on this property and they stated that they did not.

Ms. Miller stated that a Use Variance would be more appropriate to allow for a building and whatever the use is that need on the property that is not residential. We need more details about that if it is all in the building.

Rebuttal:

Jamie Agee and Brian Brady, 5732 South 35th West Avenue, Tulsa, OK, stated that the semi-trucks on West 33rd Avenue, it is mainly from the trucking school and business around West 49th.

Mr. Dunkerley stated that there are two access points into this property, one off 58th Street, and one off 35th. If we approved, would you be willing to limit the hotshot business trucks only access from 58th Street? Ms. Agee stated that they had already put a gate up to limit that.

Mr. Tisdale asked if there were restrictions on times. Mr. Brady stated that the trucks that he owns do not sit there and idle or come in late at night. Mr. Tisdale asked if they could have the owner of the other truck that parks to not park there anymore. Ms. Agee stated that they would ask him if they needed to.

Ms. Miller asked the Chair for a minute to explain that since the staff had found out that there is no house on the property anymore the request was no longer correct. She explained that there was case similar where they wanted to put a building on a lot without a house, so they asked for a Use Variance to allow for Use 23 Warehousing and Wholesaling to permit storage. Another component of this that is different is that of the outdoor storage of vehicles. The case today does not seem to reflect what they really need.

Mr. Hutchinson stated that need to be revised and readvertised.

Ms. Miller stated that they will need to come back into the office, and we will need to re-notice and just pay the notification fee. We will need to run it back through. It will need a month's continuance to run all the new notices through again and figure out what that request really needs to be.

Mr. Hutchinson stated that with the zoning that is currently on the property, you must have a house there.

Ms. Miller stated that they needed a Use Variance for both of those component; the warehouse component and somehow the storage for the vehicles outside the warehouse.

Mr. Hutchinson stated that he also recommended was that the applicant meet with the neighbors, and we do not want a commercial use on a residential property.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") for a **CONTINUANCE** of Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) until August 16, 2022, for the following property:

S90 W/2 LT 11 & ALL LT 14, CAMPBELL HILLS, City of Tulsa, State of Oklahoma.

UNFINISHED BUSINESS

2978 - Vadim Balev

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

Location: 1406 East 163rd Place South
(Applicant requests a Continuance to 10-18-22)

Board Action:

On **MOTION** of **HICKS**, the Board voted 3-0-0 (Dunkerley, Hicks, Hutchinson, all “ayes”, no “nays”, no “abstentions”, Charney and Tisdale “absent”) to **CONTINUE** the Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330) to the October 18, 2022.

LT 1 LESS S277.20 THEREOF BLK 2, FAULKENBERRY ESTATES, Tulsa County, State of Oklahoma.

2984 - Brian Brady

Action Requested: Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E), Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410), a Variance from the all-weather parking surface requirement (Section 1340.D)

Location: 5723 S 35th West Ave

Presentation:

Brian Brady, 5723 South 35th West Avenue, Tulsa, Oklahoma, stated that he had bought this property for his own personal use and not commercial use.

Mr. Hicks asked about the neighbor that had been parking his semi-truck in front of the property. Mr. Brady stated that the owner parks it there when he is in town and has been for many years.

8.16.2022 (2)

CBOA-3053 9.13

Mr. Hicks asked about the two access points into the property. One goes into a residential area, and one is off West 33rd Street. Mr. Brady stated that he has gated off the access into the residential area and will only use the one-off West 33rd Street.

Interested Parties:

John Petherick, 3618 South Hudson, Tulsa, Oklahoma, 74136, stated that he was concerned about is the cross section of 35th West Avenue and 57th West Street. The residential street is not built to hold heavy traffic and if he is coming off West 33rd that will have the ability to handle the heavier trucks.

Bonnie Reagle, 3333 W. 57th Street, Tulsa, Oklahoma, 74107, stated that she understood that they had thirty days to clean up the property and there are more trucks and cars there. She stated that she does not want it changed from residential to commercial.

Rebuttal:

Mr. Brady stated that he does enter on West 33rd Street. This is for storage use of his personal vehicles only. Nothing is changing from the past decade.

Comments and Questions:

Mr. Hicks stated that he was okay with this case, and he felt like the neighbors' concerns have been addressed. Mr. Brady had agreed to close off the gate to the residential street.

Mr. Dunkerley stated that he agreed that there was a better understanding between the neighbors' and Mr. Brady now.

Mr. Hutchinson agreed with the other board members.

Board Action:

On **MOTION** of **HICKS**, the Board voted 3-0-0 (Dunkerley, Hicks, Hutchinson all "ayes", no "nays", no "abstentions", Charney and Tisdale "absent") to **APPROVE** a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E), per the Conceptual Plan shown in the agenda packet along with the information received from the applicant today subject to the following conditions related to the building and only storage of personal property not for business use or commercial use finding the hardship to be that the property has used in this fashion for many years. He is putting in a larger building, but it is for his personal use.

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 listed below.

On **MOTION** of **HICKS**, the Board voted 3-0-0 (Dunkerley, Hicks, Hutchinson all “ayes”, no “nays”, no “abstentions”, Charney and Tisdale “absent”) to **APPROVE** a Variance to Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410), per the Conceptual Plan shown in the agenda packet along with the information received from the applicant today subject to the following conditions related to the building and only storage of personal property not for business use or commercial use, and that the entrance of drive that comes in through the residential street be closed off and will not be rented out to other individuals finding the hardship to be that the property has used in this fashion for many years.

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 listed below.

On **MOTION** of **HICKS**, the Board voted 3-0-0 (Dunkerley, Hicks, Hutchinson all “ayes”, no “nays”, no “abstentions”, Charney and Tisdale “absent”) to **APPROVE** a Variance from the all-weather parking surface requirement (Section 1340.D) per the Conceptual Plan in the agenda packet subject to the following conditions; related to the building and only storage of personal property not for business use or commercial use finding the hardship to be that the property has used in this fashion for many years.

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 listed below.

S90 W/2 LT 11 & ALL LT 14, CAMPBELL HILLS, Tulsa County, State of Oklahoma.