

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday October 17, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 524

Consider, Discuss and/or Take Action On:

1. Approval of **Minutes** of August 15, 2023 (Meeting No. 522).
2. Approval of **Minutes** of September 19, 2023 (Meeting No. 523).

UNFINISHED BUSINESS

The items below with an * by them was originally scheduled to be heard at the **CANCELLED** meeting for September 19, 2023.

3. **CBOA 2694-A - William Vernon Bearden Jr. ***
Action Requested:
Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (Section 310). **Location:** 17137 S Mingo Rd
4. **CBOA 3091 - Timothy Merrill ***
Action Requested:
Use Variance to allow Use Unit 15, Other Trades and Services to permit a personal shop building as the primary use (Section 410). Variance of the street frontage from 30' to 0' (Section 207). Variance for size of an accessory building in an RS district from 750 sf (Section 410). **Location:** 4315 W 46th St S
5. **CBOA 3092 - Patrick Starkey ***
Action Requested:
Special Exception to permit a manufactured home in the RS district (Section 410) and a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 737 E 63rd St N
6. **CBOA 3095 - Wendell Brewer ***
Action Requested:
Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410). **Location:** 412 W 61st St N

7. **CBOA 3096 - Tillman Infrastructure ***

Action Requested:

Special Exception to permit a 273 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 300 ft to 129 ft (Section 1204.3). **Location:** 20014 S 129th E Ave

8. **CBOA 3097 - Christina Rybacki ***

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 3744 S 63rd W Ave

9. **CBOA 3098 - Cristina Bejar ***

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410) **Location:** 5886 S. 81st W. Ave.

10. **CBOA 3099 - Anna Owens ***

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410) **Location:** 1700 E 71st St N

11. **CBOA 3100 - Edward Kempf Jr. ***

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:** 6512 W 34th St S

12. **CBOA 3101 - Yandy Marino ***

Action Requested:

Special Exception to permit Use Unit 17, Automobile and Allied Activities in a CS zone (Section 710). **Location:** 6004 W 21st PI

13. **CBOA 3102 - Luis Raul Hernandez Galindo ***

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410) **Location:** 6314 N Trenton Ave

14. **CBOA 3103 - Brent Properties/Taylor Williams ***

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 3345 W 111th St S

15. **CBOA 3104 – Paula McGuire ***

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 12025 E. 111 St. N.

16. **CBOA 3105 – Peter Gilstrap ***

Action Requested:

Special Exception to permit a Church with accessory cemetery in the AG district (Section 310). **Location:** N of NWC S 67th W Ave & W 25th St S

NEW APPLICATIONS

17. **CBOA 2708-A – Gary Dyer**

Action Requested:

Modification of a previously approved Special Exception (CBOA-2708) to extend the time limitation to permit a fireworks stand in an IL district (Section 910).

Location: 5612 N Peoria Ave

18. **CBOA 3106 – Nathan Inhofe**

Action Requested:

Variance of the street frontage from 30' to 0' in an AG district (Section 207).

Location: 2595 S 52nd W Ave.

19. **CBOA 3107 – Irma Sandoval**

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410)

Location: 1406 E. 76th St. N.

20. **CBOA 3108 – Toulee & Chou Yang**

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 5110 E 106th St N

21. **CBOA 3109 – Cruz Fears Carnes**

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 4531 S 261st W Ave

22. **CBOA-3110 – John Wilson**

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 3719 S 60th W Ave

23. CBOA – 3111 - 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 59th W Ave

24. CBOA-3112 – Kyle Ray

Action Requested:

Special Exception to permit a concrete ready-mix batch plant (Section 910).

Location: SWC of E 61st St N and N Utica Ave

OTHER BUSINESS

Review and Approval of 2023 Meeting Schedule.

ELECTION OF OFFICERS:

Current Positions Held:

David Charney – Chair

Don Hutchinson – Vice Chair

Michael Hicks – Secretary

Scott Houston

William Tisdale

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.



Case Number: CBOA-2694-A

Hearing Date: 10/17/2023 1:30 PM
(Continued from 07/18/2023,
08/15/2023 & 09/19/2023)

Case Report Prepared by:

Jay Hoyt

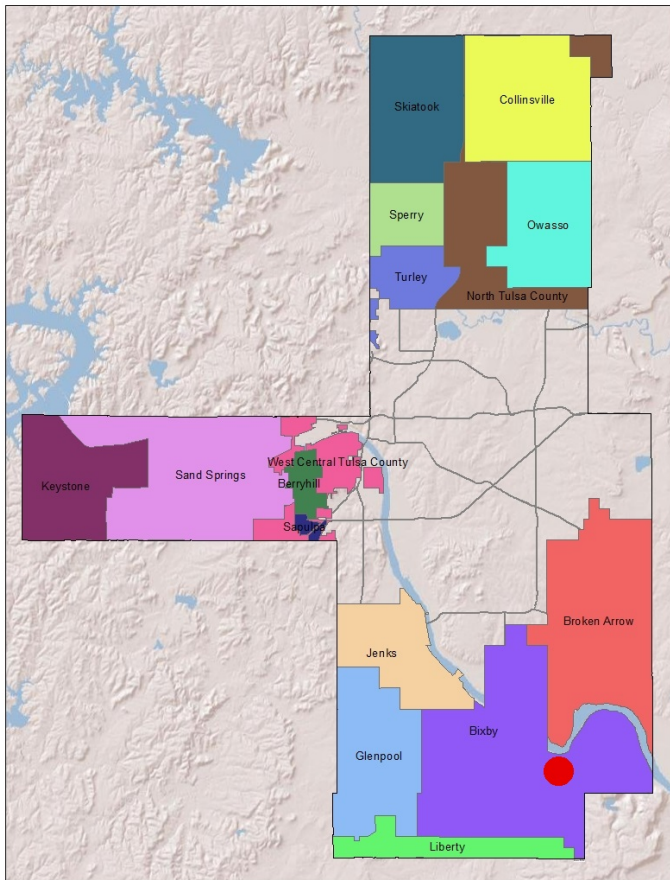
Owner and Applicant Information:

Applicant: William Vernon Bearden Jr.

**Property Owner: CARMICHAEL, CHESTER
DON & JOYCE ANN**

Action Requested: Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (Section 310).

Location Map:



Additional Information:

Present Use: Firework stand

Tract Size: 116.38 acres

Location: 17137 S MINGO RD E

Present Zoning: AG

Fenceline/Area: Bixby

**Land Use Designation: Rural
Agriculture/Flood District**

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7431

CZM: 68

CASE NUMBER: **CBOA-2694-A**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 07/18/2023, 08/15/2023 & 09/19/2023)

APPLICANT: William Vernon Bearden Jr.

ACTION REQUESTED: Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (Section 310).

LOCATION: 17137 S MINGO RD E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Firework stand

TRACT SIZE: 116.38 acres

LEGAL DESCRIPTION: W/2 NW & SE NW LESS BEG NWC NW TH S65 E1155.3 SE20.6 E130 N70 W TO POB & LESS W24.75 FOR RD SEC 31 17 14 116.380ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2694 July 2018: The Board approved a Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district. (Sec. 310) with a time limit of 5 years.

CBOA-2001 September 2002: The Board approved a Use Variance to allow retail sales of produce on an AG tract (Sec. 310).

Surrounding Properties:

CBOA-2814 May 2020: The Board approved a Use Variance to allow Use Unit 25, Light Manufacturing and Industry, to permit processing in an AG district (Section 1225).

ANALYSIS OF SURROUNDING AREA: The subject tract is zone AG and contains an agricultural produce establishment. The tract is abuts AG zoned lots to the North, East and South containing Agricultural land and to the West by CS/RS/RE zoning (within Bixby Corporate limits) containing Single-Family residences and a Religious Facility.

STAFF COMMENTS:

The applicant is before the Board to request a Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (Section 310).

Previously, CBOA-2694 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.

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.

If inclined to approve the Board may consider the following conditions or others as deemed appropriate to the request:

- *Limiting the day and hours of operation.*
- *Placing a time limit for approval of the modification request.*

“Move to _____ (approve/deny) a Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (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.



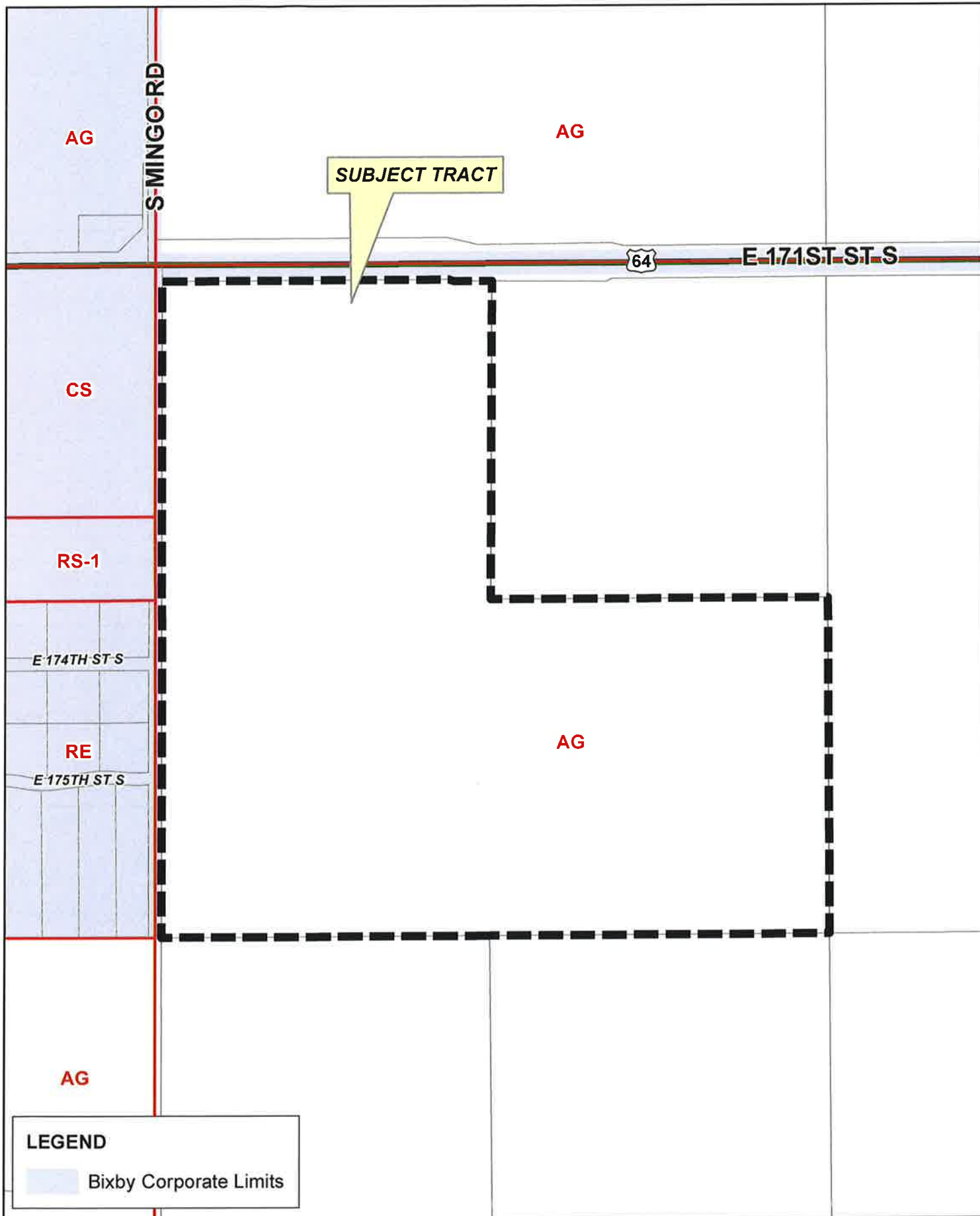
Subject Property looking South from E 171st St S




Subject Property looking East from S Mingo Rd



Subject Property looking Northeast from S Mingo Rd



LEGEND

 Bixby Corporate Limits

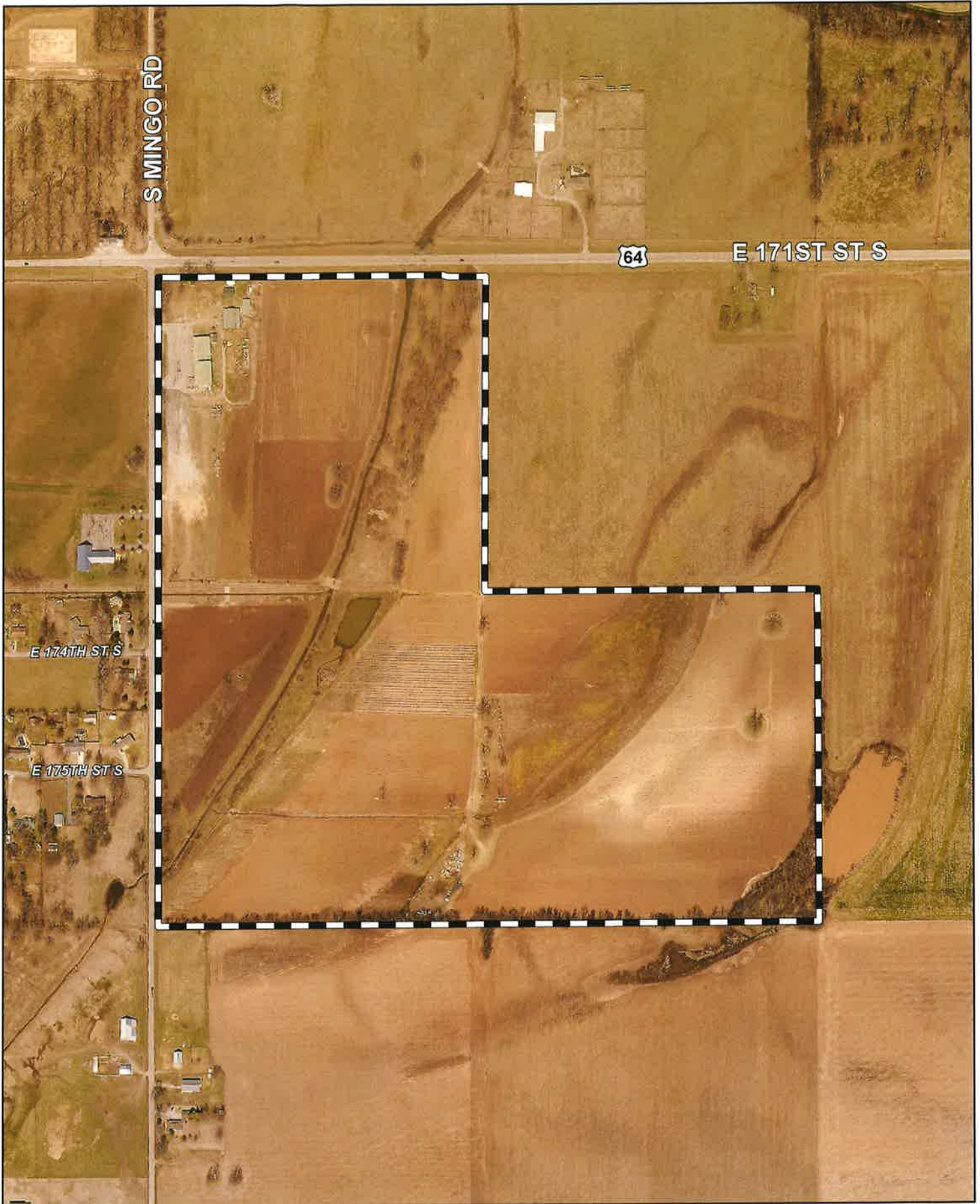


CBOA-2694-A

17-14 31

CBOA-2694-A 3.5





S MINGO RD

64

E 171ST ST S

E 174TH ST S

E 175TH ST S



Subject Tract

CBOA-2694-A

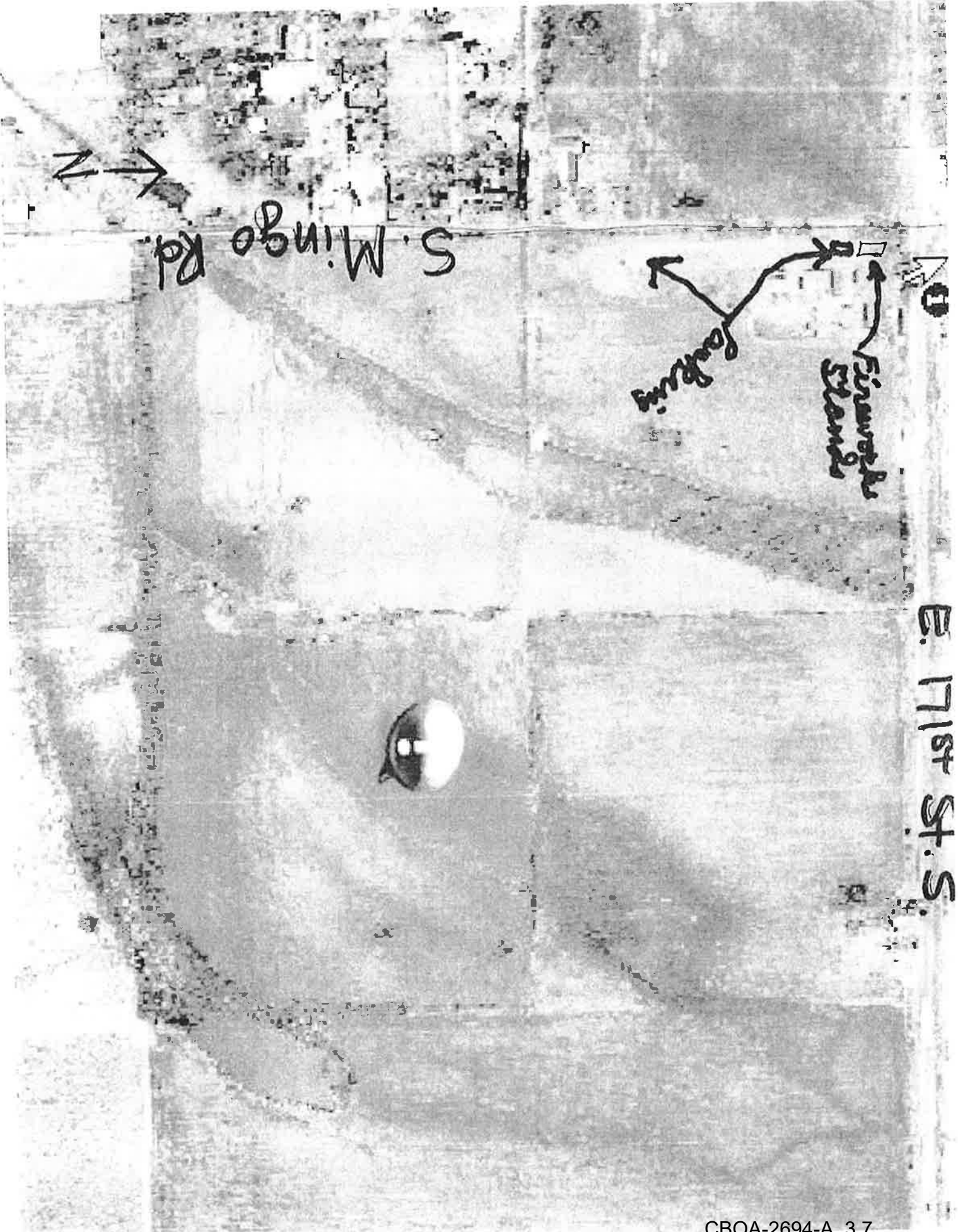
17-14 31

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

Aerial Photo Date: 2021

CBOA-2694-A 3.6





S. Mingo Rd



Finger Islands
Lanterns

E. 171st St. S.



Case Number: CBOA-3091

Hearing Date: 10/17/2023 1:30 PM
(Continued from 08/15/2023 & 09/19/2023)

Case Report Prepared by:

Jay Hoyt

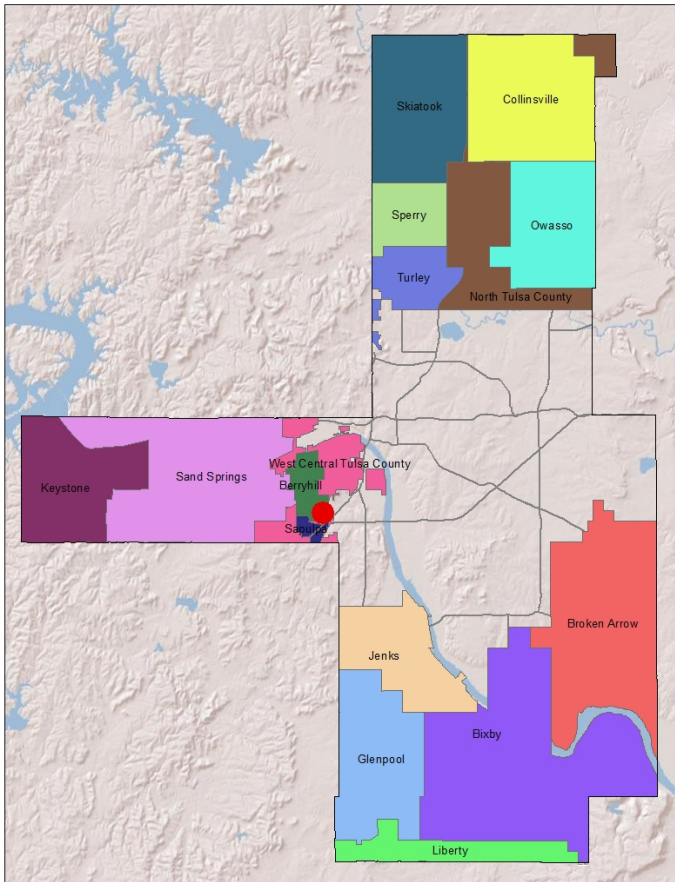
Owner and Applicant Information:

Applicant: Timothy Merrill

Property Owner: MERRILL, TIMOTHY JOEL

Action Requested: Use Variance to allow Use Unit 15, Other Trades and Services to permit a personal shop building as the primary use (Section 410). Variance of the street frontage from 30' to 0' (Section 207). Variance for size of an accessory building in an RS district from 750 sf (Section 410).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 2.14 acres

Location: 4315 W 46 ST S

Present Zoning: RS

Fenceline/Area: West Central Tulsa County

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9228

CZM: 45

CASE NUMBER: **CBOA-3091**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 08/15/2023 & 09/19/2023)

APPLICANT: Timothy Merrill

ACTION REQUESTED: Use Variance to allow Use Unit 15, Other Trades and Services to permit a personal shop building as the primary use (Section 410). Variance of the street frontage from 30' to 0' (Section 207). Variance for size of an accessory building in an RS district from 750 sf (Section 410).

LOCATION: 4315 W 46 ST S

ZONED: RS

FENCELINE: West Central Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 2.14 acres

LEGAL DESCRIPTION: LT 2 BLK 2, YARGEE HOMESITE ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-2919 September 2021: The Board approved a Special Exception to permit a single-wide mobile home in an RS district (Section 410).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is currently vacant. The site abuts RS zoning to the North containing single-family residences, RS zoning to the East containing vacant land, to the West by IL zoning containing vacant land and to the South by IM zoning containing vacant land.

STAFF COMMENTS:

The applicant is before the Board to request a Use Variance to allow Use Unit 15, Other Trades and Services to permit a personal shop building as the primary use (Section 410), a Variance of the street frontage from 30' to 0' (Section 207) and a Variance for size of an accessory building in an RS district from 750 sf (Section 410).

The applicant intends to build a shop on the subject property for their own personal use. The zoning code requires accessory buildings in the RS district to be associated with a residence. No residence currently exists there, so the proposed shop would be considered the primary use of the lot. As a primary use, a shop would fall under Use Unit 15, which is not permitted in the RS district, therefore a Use Variance would be required for the shop to be located on the lot, without a residence. Additionally, the floor area of the proposed shop is approximately 2,970 sf. The zoning code limits accessory buildings in an RS district to 750 sf.

The subject property does not have frontage onto a public street, as required by the zoning code, which requires a minimum of 30 ft of frontage. The site is currently accessed via a dirt road that comes off of S 45th W Ave.

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 Use Variance to allow Use Unit 15, Other Trades and Services to permit a personal shop building as the primary use (Section 410), a Variance of the street frontage from 30' to 0' (Section 207) and a Variance for size of an accessory building in an RS district from 750 sf (Section 410).

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

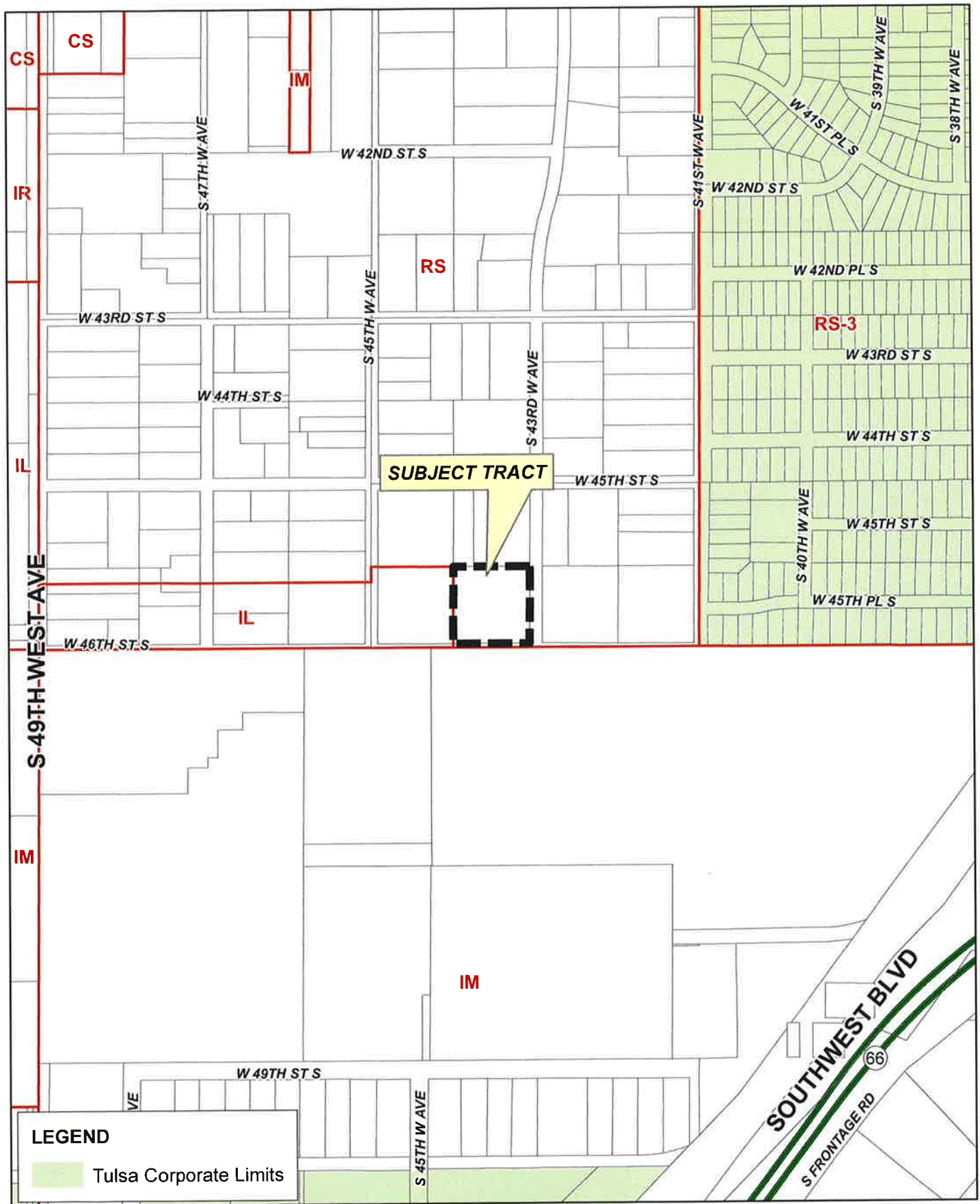
Subject to the following conditions, if any: _____.

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



View of current access to subject lot looking East from S 45th W Ave



CBOA-3091

19-12 28



 Subject Tract

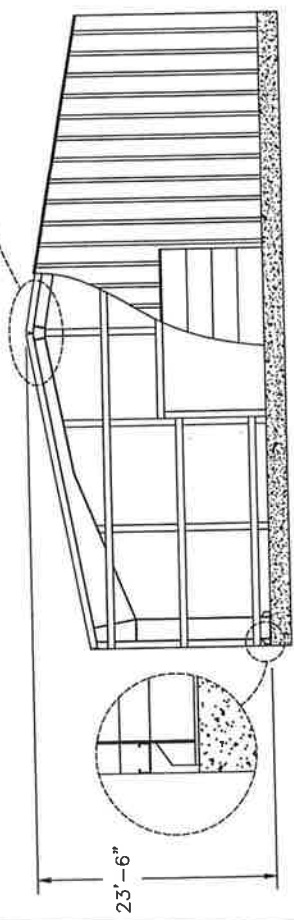
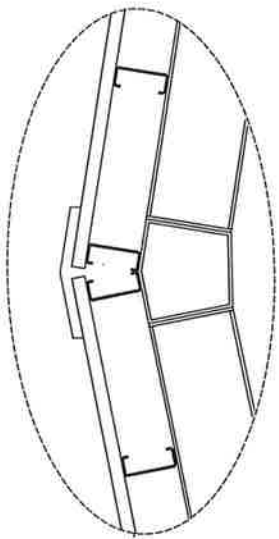
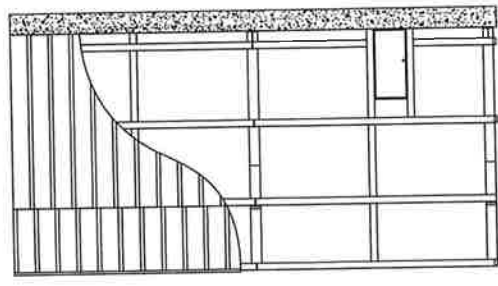
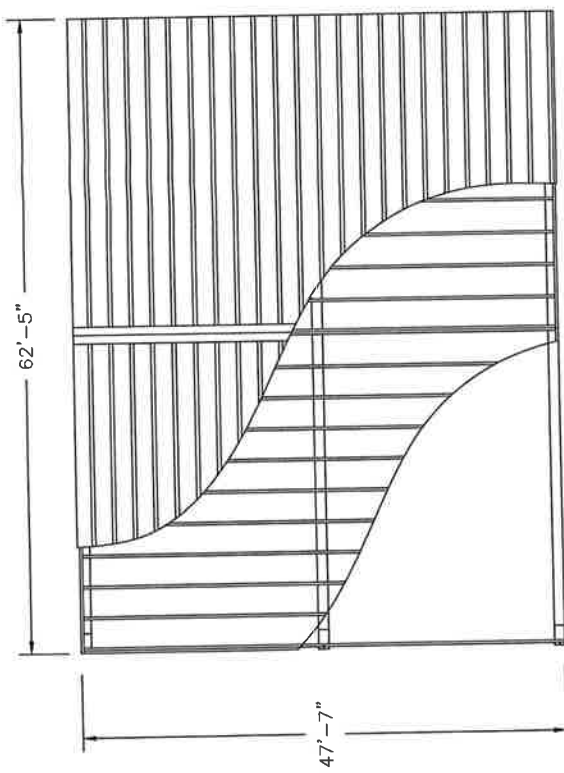
CBOA-3091

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

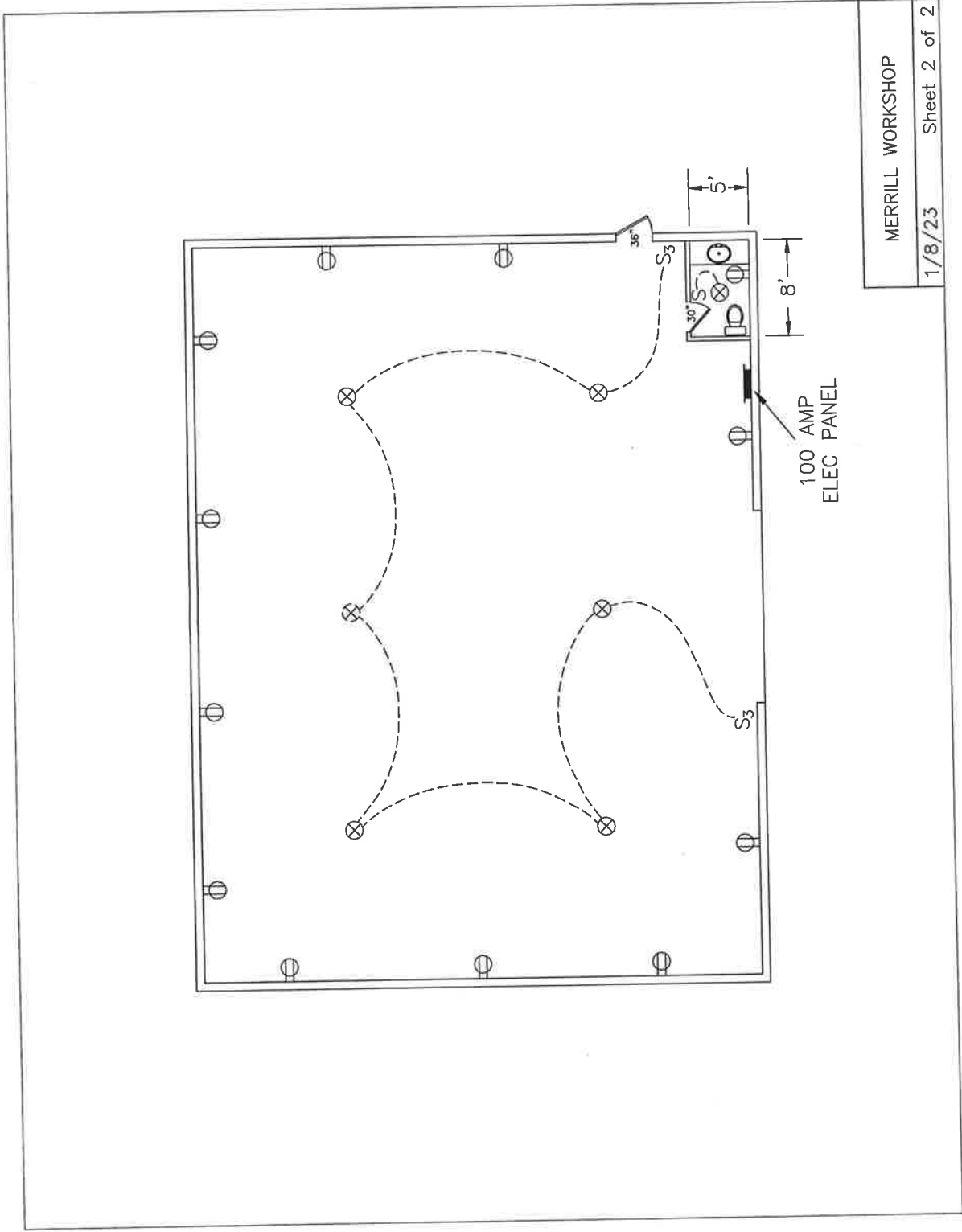
Aerial Photo Date: 2023

19-12 28





MERRILL WORKSHOP
1/8/23 Sheet 1 of 2



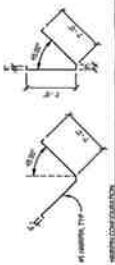
MERRILL WORKSHOP
 1/8/23 Sheet 2 of 2

GENERAL FOUNDATION NOTES

1. SOME CHANGING SHEET NOTES MAY NOT APPLY TO THIS SHEET.
2. SEE ARCHITECTURAL PLAN FOR DIMENSIONS NOT SHOWN. COORDINATE LINES.
3. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR RISERS AND CONTROLS.
4. DIMENSIONS NOT INDICATED ON STRUCTURAL DRAWINGS SHALL BE AS SHOWN ON THE DRAWINGS. DIMENSIONS SHALL NOT BE ALLOWED TO BE ANY OTHER.
5. SEE SHEET 3001 FOR REFINISHMENT AT PRESENTATION CORNERS AND BRUSH FLOOR FINISHES ELEVATION. ROCK TYPICAL FLOOR SLABS SHALL BE 4" THICK CONCRETE BULKHEADS SHALL BE REINFORCED WITH #4 @ 12" BARS. REINFORCEMENT SHALL BE PLACED IN THE CORNERS. JOISTS SHALL NOT EXCEED A SPAN OF 10' UNLESS OTHERWISE NOTED.
6. TOP OF EXISTING FOOTING (TOP) IS 99' 11" DIA.

CONCRETE REINFORCEMENT SHALL BE AS SHOWN ON THE DRAWINGS. ALL REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE. REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE. REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE. REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE.

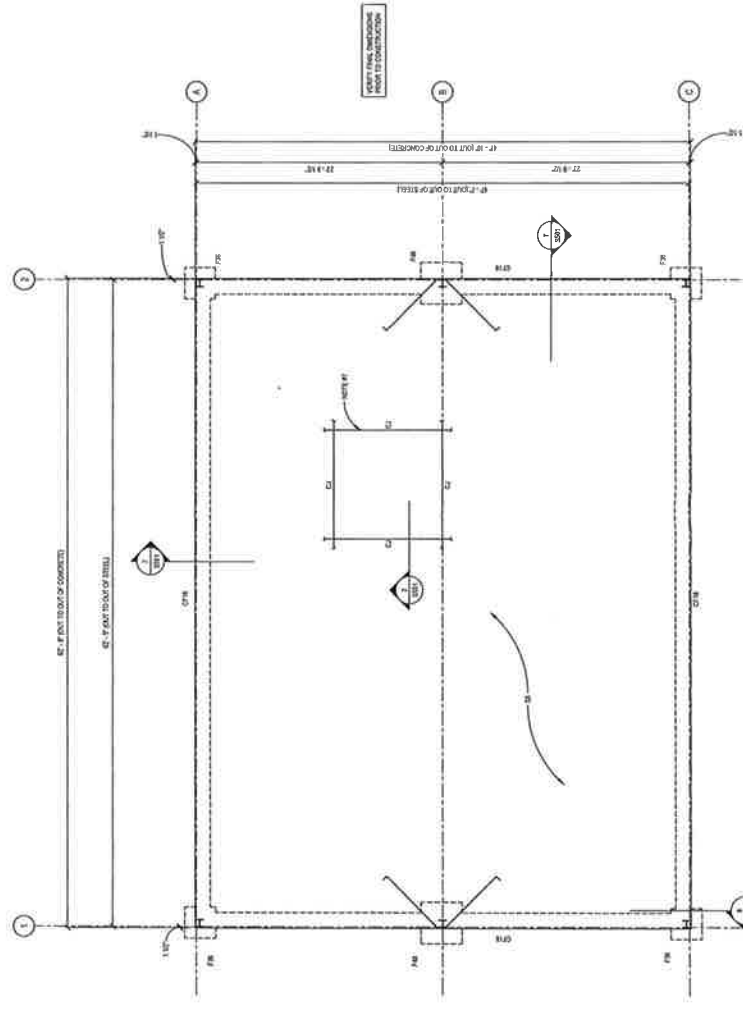
REINFORCEMENT SHALL BE AS SHOWN ON THE DRAWINGS. ALL REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE. REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE. REINFORCEMENT SHALL BE PLACED TO PROVIDE THE PLAN COVERAGE.



ISOLATED FOOTING SCHEDULE			
MARK	LENGTH	WIDTH	REINFORCEMENT
1	17'-0"	17'-0"	10#4 @ 12" X 12"
2	17'-0"	17'-0"	10#4 @ 12" X 12"
3	17'-0"	17'-0"	10#4 @ 12" X 12"
4	17'-0"	17'-0"	10#4 @ 12" X 12"

CONTINUOUS FOOTING SCHEDULE			
MARK	LENGTH	WIDTH	REINFORCEMENT
1	17'-0"	17'-0"	10#4 @ 12" X 12"
2	17'-0"	17'-0"	10#4 @ 12" X 12"
3	17'-0"	17'-0"	10#4 @ 12" X 12"
4	17'-0"	17'-0"	10#4 @ 12" X 12"

SLAB ON GRADE SCHEDULE			
MARK	LENGTH	WIDTH	REINFORCEMENT
1	17'-0"	17'-0"	10#4 @ 12" X 12"
2	17'-0"	17'-0"	10#4 @ 12" X 12"
3	17'-0"	17'-0"	10#4 @ 12" X 12"
4	17'-0"	17'-0"	10#4 @ 12" X 12"



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

360
MERRILL WORKSHOP
CONSTRUCTION DOCUMENTS

FOUNDATION PLAN

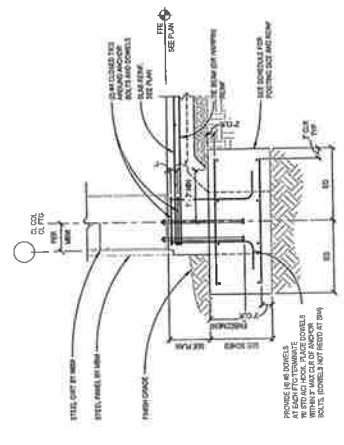
MERRILL WORKSHOP
CONSTRUCTION DOCUMENTS
4433 W 48TH ST, SUITE 200, OMAHA, NE 68130

FOUNDATION PLAN

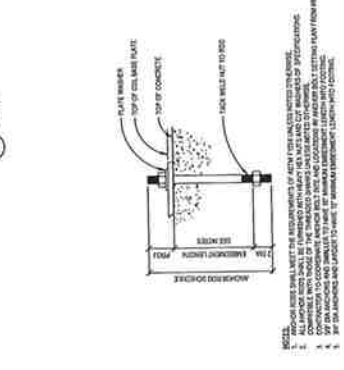


Project No. 23396
Date 06/06/2023
Drawn By: A.M. M...
Checked By: A.M. M...
Scale: AS SHOWN

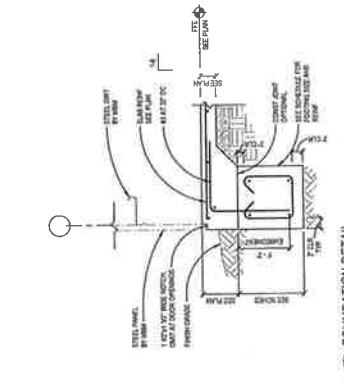
S101



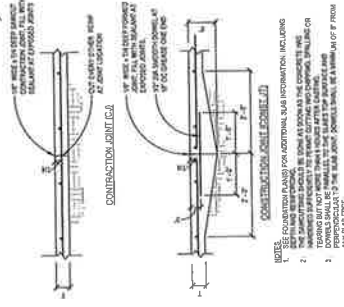
8 FOUNDATION DETAIL
 1/4" = 1'-0"



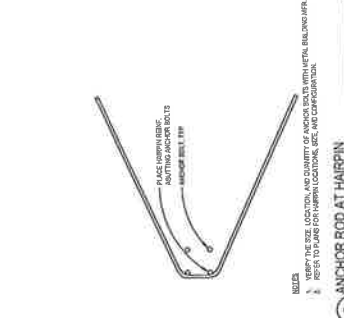
5 ANCHOR RODS
 1/4" = 1'-0"



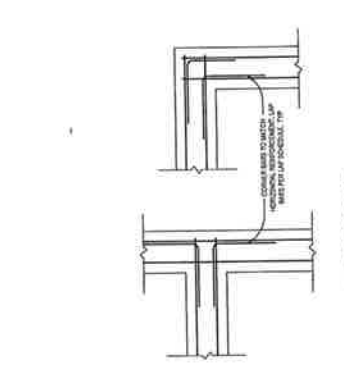
7 FOUNDATION DETAIL
 1/4" = 1'-0"



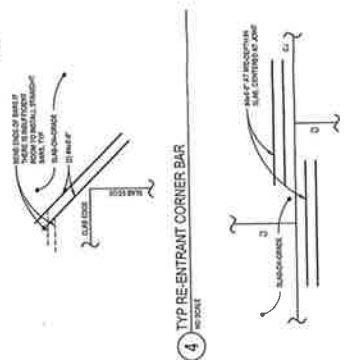
2 SLAB JOINTS
 1/4" = 1'-0"



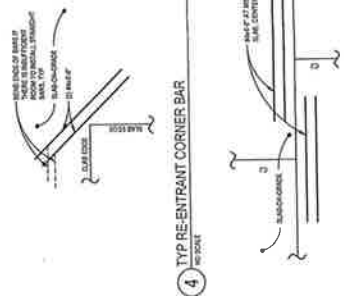
6 ANCHOR ROD AT HAIRPIN
 1/4" = 1'-0"



1 CORNER BAR REINFORCING
 1/4" = 1'-0"



4 TYP. RE-ENTRANT CORNER BAR
 1/4" = 1'-0"



3 REINFORCING AT SLAB JOINT
 1/4" = 1'-0"

- NOTES:
1. ALL WORK SHALL MEET THE REQUIREMENTS OF AIAA 11031.1 AND 11031.2.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND SPECIFICATIONS.
 3. CONTRACTOR TO PROVIDE ALL MATERIALS AND LABORERS TO BE USED IN THE WORK.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND SPECIFICATIONS.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND SPECIFICATIONS.

W 45th St

W 45th St

W 45th St

W 45th St

W 45th St

W 45th St

W 45th St

4322

4322

4315

4490

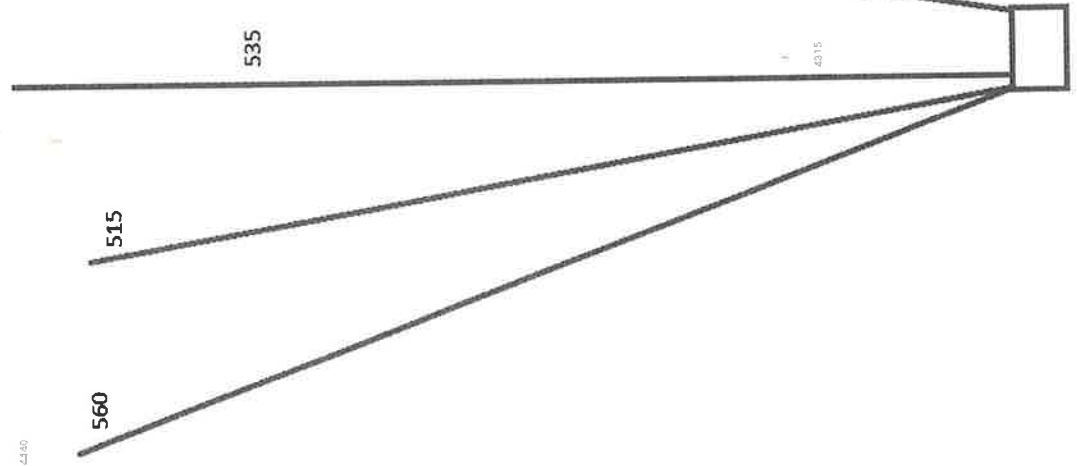
560

515

535

515

4315



Distance To Nearest Residences

Hoyt, Jay

From: Alex Mills <amills@tulsacounty.org>
Sent: Wednesday, September 13, 2023 12:30 PM
To: Hoyt, Jay
Cc: Berry Britton; Roger Hughes
Subject: RE: County BOA cases for 9/19 meeting

CBOA.3091 – Please Deny, for the reason listed concerning street frontage. That should not be waived.

Alex Mills, PE, CFM
Tulsa County Engineer
218 West 6th Street, Room 847
Tulsa, OK 74119
918.596.5736
amills@tulsacounty.org

From: Hoyt, Jay <JHoyt@incog.org>
Sent: Wednesday, September 13, 2023 8:15 AM
To: Alex Mills <amills@tulsacounty.org>
Cc: Berry Britton <bbritton@tulsacounty.org>; Roger Hughes <rhughes@tulsacounty.org>
Subject: County BOA cases for 9/19 meeting

CAUTION: This email originated from outside of Tulsa County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alex,

Attached is the agenda packet, including case reports for the upcoming Board of Adjustment cases on the 9/19 agenda.

Thank you,



Jay Hoyt
Land Development Planner
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9476
jhoyt@incog.org

The information in this e-mail message (including any information contained in attachments hereto) is intended only for use of the addressee. This e-mail message may contain confidential or privileged information. If you receive this e-mail message unintentionally, please notify the sender promptly and then delete this message. E-mail transmission is not guaranteed to be secured or error free. The sender is in no way liable for any errors or omissions in the content of this e-mail message, which may arise as a result of e-mail transmission. E-mails, text messages, and other electronic communications made or received in connection with the conducting of public business, the expenditure of public funds, or the administration of public property are subject to the Oklahoma Open Records Act and the Records Management Act.



Case Number: CBOA-3092

Hearing Date: 10/17/2023 1:30 PM
(Continued from 08/15/2023 & 09/19/2023)

Case Report Prepared by:

Jay Hoyt

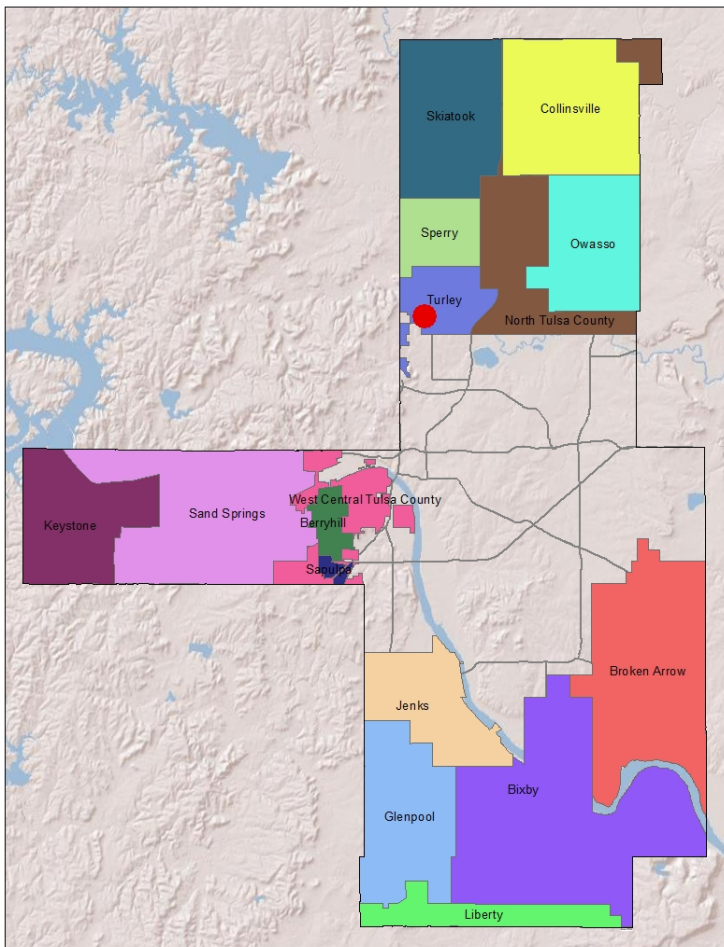
Owner and Applicant Information:

Applicant: Patrick Starkey

Property Owner: STARKEY, PATRICK J AND CAROL J

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

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 4.86 acres

Location: 737 E 63 ST N

Present Zoning: RS

Fenceline/Area: Turley

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0201

CZM: 21

CASE NUMBER: **CBOA-3092**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 08/15/2023 & 09/19/2023)

APPLICANT: Patrick Starkey

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

LOCATION: 737 E 63 ST N

ZONED: RS

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 4.86 acres

LEGAL DESCRIPTION: W/2 LT 8 & ALL LTS 9 & 10 BLK 9, NORTH TURLEY ADDN, NORTH TURLEY 2ND ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-1113 October 1992: The Board approved a Special Exception to permit a single-wide mobile home in an RS district (Section 410).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is currently vacant. The tract abuts RS zoning to the North, East and West containing single-family residences and to the South by AG zoning containing vacant land.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home in the RS district (Section 410) and a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208)..

The site contains 4.86 acres. There are several manufactured homes in the general vicinity of the subject tract.

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.

A variance is required due to there being an existing home on the subject lot. The manufactured home requested as part of the special exception portion of this proposal would be the second dwelling unit on the lot, which would require a variance to be permitted due to the zoning code limitation on the number of dwelling units allowed on a single lot of record in the RS district. The RS district requires 6,900 sf of floor

area per dwelling unit. The subject lot is 4.86 acres in size, so has more than enough land area for two dwellings.

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed special exception and variance are compatible and non-injurious to the surrounding area.

Sample Motion:

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

Subject to the following conditions, if any: _____.

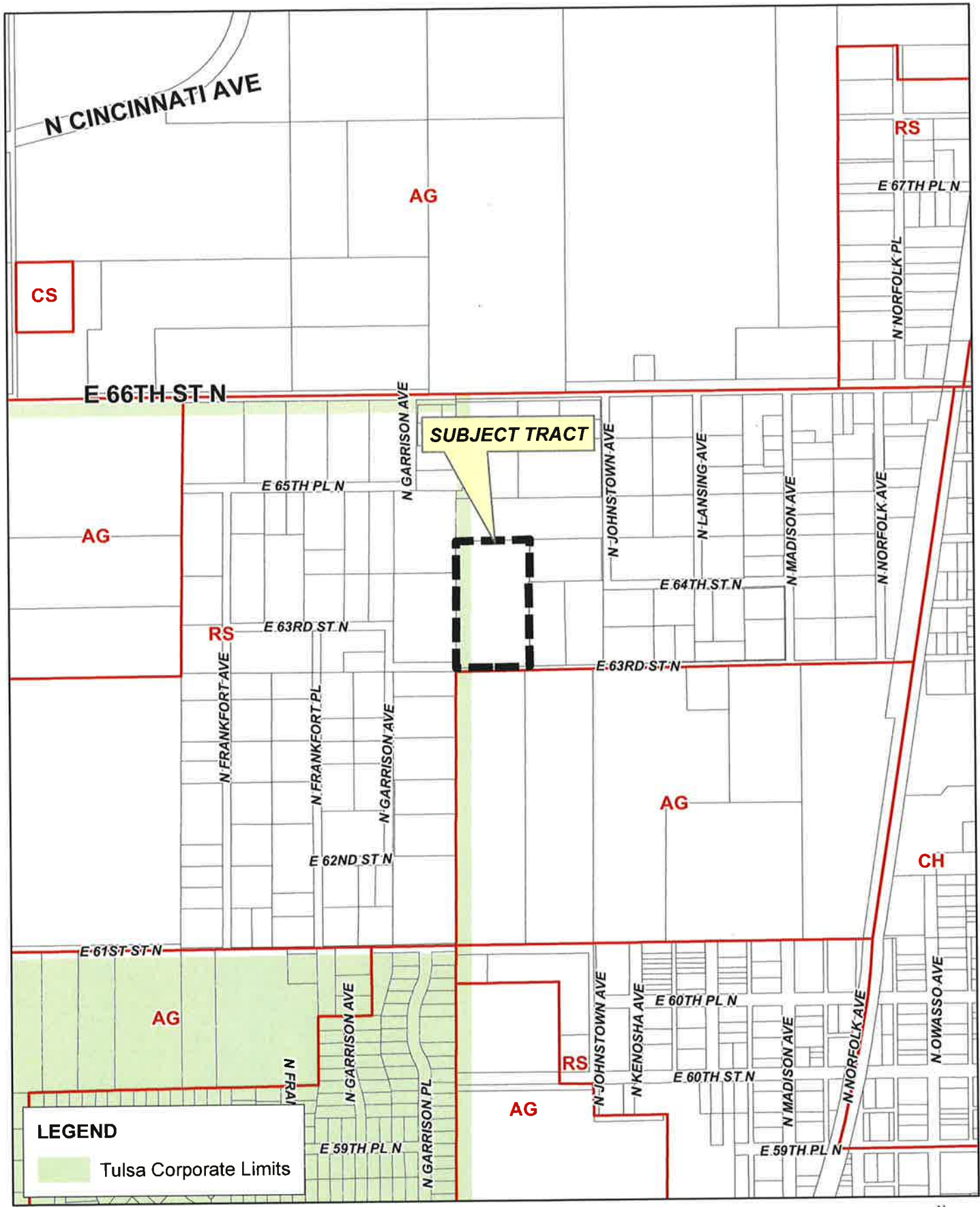
In granting a Special Exception and Variance, the Board must find that the Special Exception and Variance will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject Property looking Northeast from E 63rd St N

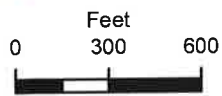


Subject Property looking Northwest from E 63rd St N



LEGEND

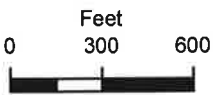
 Tulsa Corporate Limits



CBOA-3092

20-12 01





Subject Tract

CBOA-3092

20-12 01

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

Aerial Photo Date: 2023





Case Number: CBOA-3095
Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

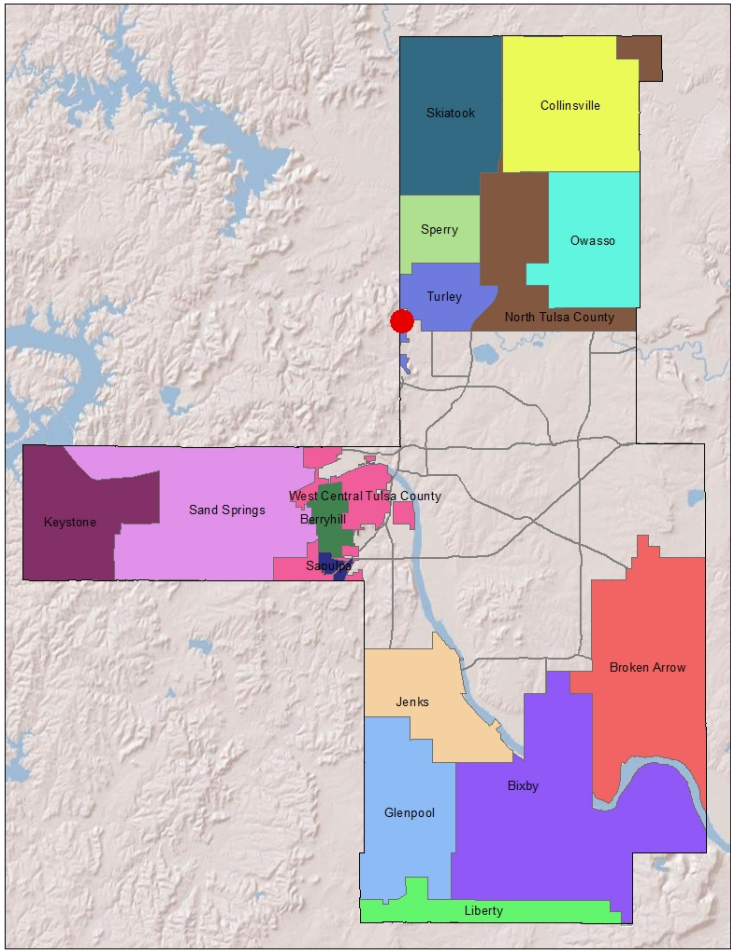
Owner and Applicant Information:

Applicant: Wendell Brewer

Property Owner: BREWER, DOROTHY A

Action Requested: Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410).

Location Map:



Additional Information:

Present Use: Vacant
Tract Size: 0.77 acres
Location: 412 W 61 ST N
Present Zoning: RS
Fenceline/Area: Turley
Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0202

CZM: 21

CASE NUMBER: CBOA-3095

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Wendell Brewer

ACTION REQUESTED: Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410).

LOCATION: 412 W 61 ST N

ZONED: RS

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 0.77 acres

LEGAL DESCRIPTION: LT 1 BLK 1, VINING ACRES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is currently vacant. The tract abuts RS zoning to the east, west and south, containing single-family residences and to the north by RS-3 zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410).

The applicant proposes to construct a storage structure on the subject lot. The lot does not currently contain a home, which would normally permit an accessory structure to be associated with the home, however the applicant wishes to build the storage structure before a home is build on the lot, meaning that it would not be associated with an existing home and would be considered the primary use of the lot until a home is constructed. The applicant has requested a Use Variance for Use Unit 23, Warehousing and Wholesaling in order to be able to construct the storage structure and utilize it before a home is built.

The applicant provided the statement, "Currently the lot is vacant and the owner wants to build a storage structure first before building the primary residence. The current zoning does not allow for development to commence in that sequence. The owner requests that the Board allow him to build his accessory structure first."

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 variance is compatible with and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410).

Finding the hardship to be _____.

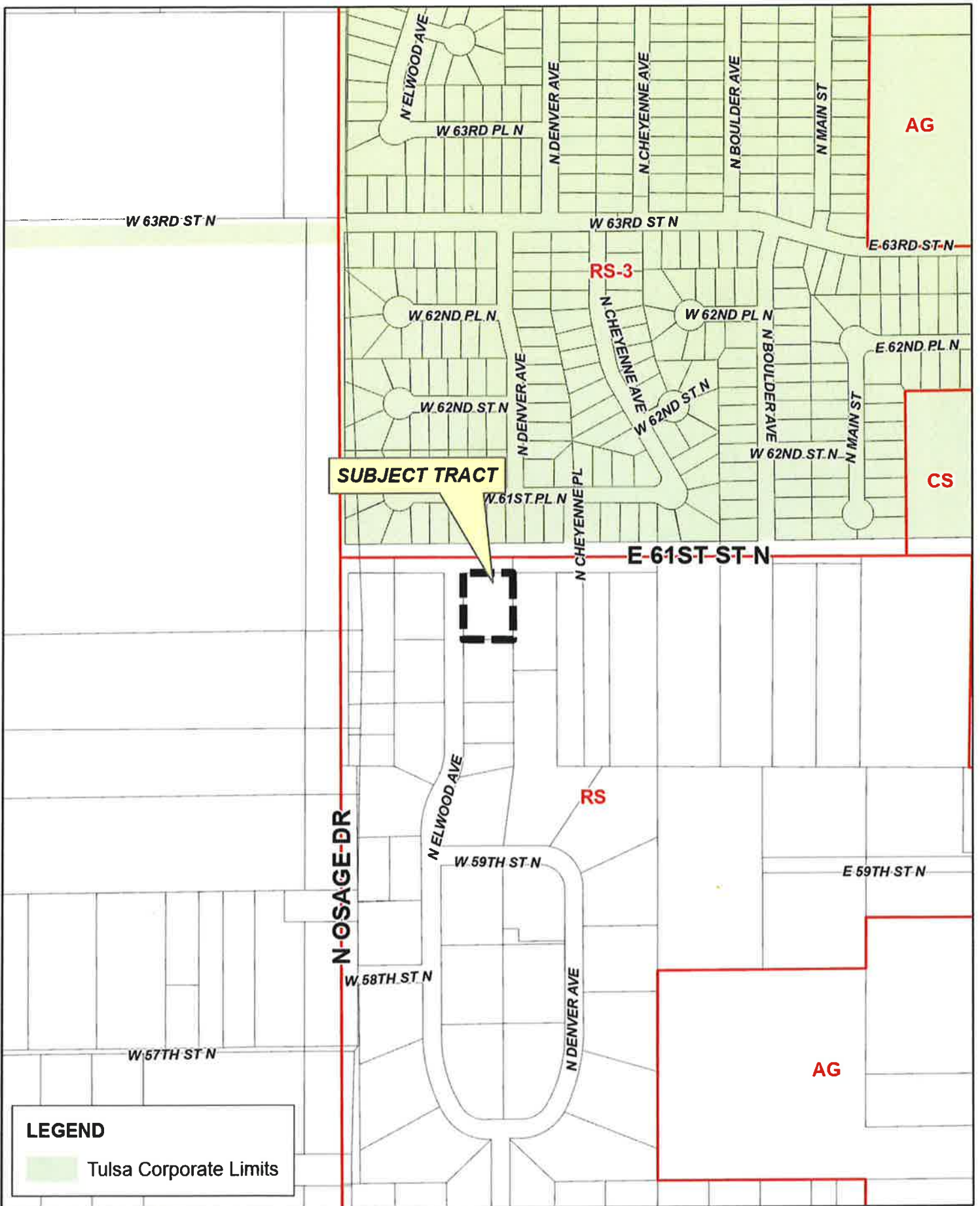
Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 looking South from E 61st St N



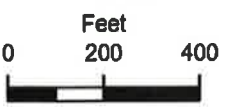
Subject tract looking Southeast from E 61st St N



CBOA-3095

20-12 02

CBOA-3095 6.5



 Subject Tract

CBOA-3095
20-12 02

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

Aerial Photo Date: 2023

CBOA-3095 6.6





W 61ST PL N

N CHEYENNE PL

E 61ST ST N

N ELWOOD AVE



Subject Tract

CBOA-3095

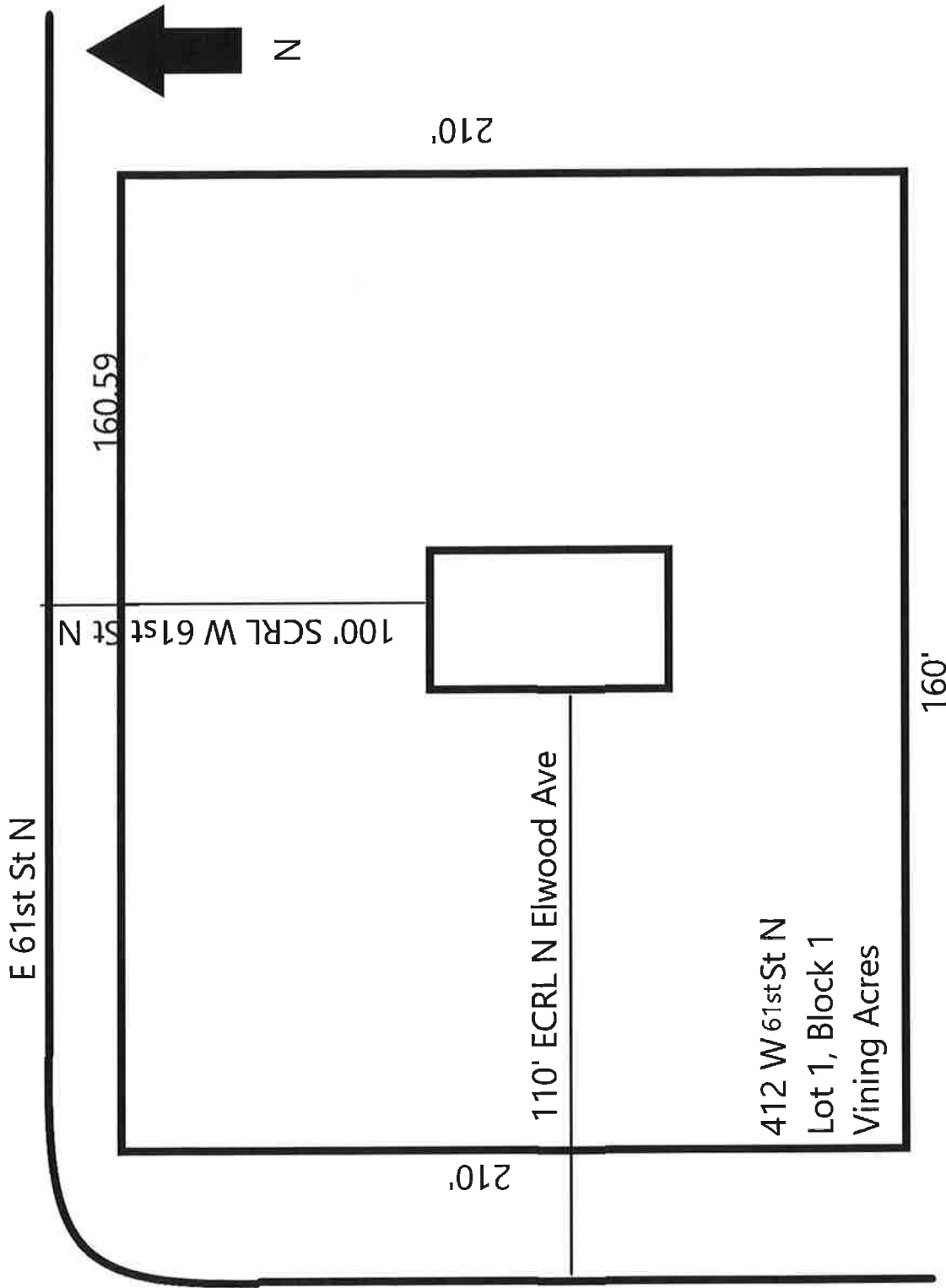
20-12 02

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

Aerial Photo Date: 2023

CBOA-3095 6.7





N Elwood Ave



Board of Adjustment

Case Number: CBOA-3096

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

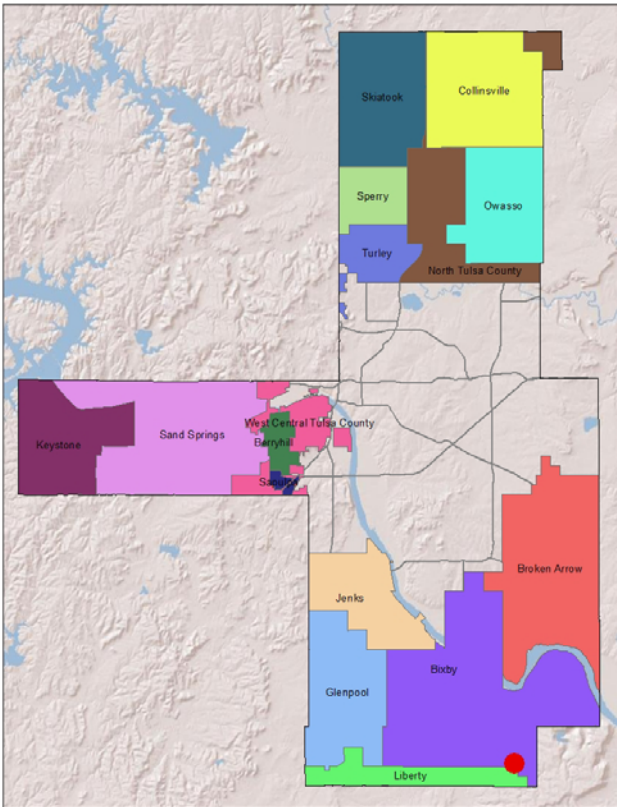
Owner and Applicant Information:

Applicant: Tillman Infrastructure & AT&T Wireless

Property Owner: SEFCIK, CHRIS M REV LIVING TRUST

Action Requested: Special Exception to permit a 273 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 300 ft to 129 ft (Section 1204.3).

Location Map:



Additional Information:

Present Use: Agricultural

Tract Size: 70.5 acres

Location: 20014 S 129th East Avenue

Present Zoning: AG

Fenceline/Area: Bixby

Land Use Designation: Rural Agriculture

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 6408

CZM: 73

CASE NUMBER: CBOA-3096

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Tillman Infrastructure & AT&T Wireless

ACTION REQUESTED: Special Exception to permit a 273 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 300 ft to 129 ft (Section 1204.3).

LOCATION: 20014 S 129th East Avenue

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Agricultural

TRACT SIZE: 70.5 acres

LEGAL DESCRIPTION: S/2 SE LESS N200 E544 THEREOF & LESS BEG 200S NEC S/2 SE TH W544 N200 W906 S380 E400 N130 E1050 N50 TO POB SEC 8 16 14 70.5ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-1282 September 1994: The Board approved a Variance of the spacing requirement of 200 ft from oil and gas wells to 100 ft to permit the construction of a new dwelling unit.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and currently contains a single-family home and vacant forested land. The tract is surrounded by AG zoning containing single-family homes and vacant land.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a 273 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 300 ft to 129 ft (Section 1204.3).

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 effect, 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 tower has a height of 273 feet. The Tulsa County 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. For the proposed tower, that would be a 300 ft setback. The applicant is requesting a Special Exception to allow the tower setback to be reduced to 129 ft.

Additionally, 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.** Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.
- 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 273 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 300 ft to 129 ft (Section 1204.3).

The Board considered each of the stated factors in Section 1204.3.E.1&2 of the Code and finds that the application complies with those requirements to the Boards satisfaction.

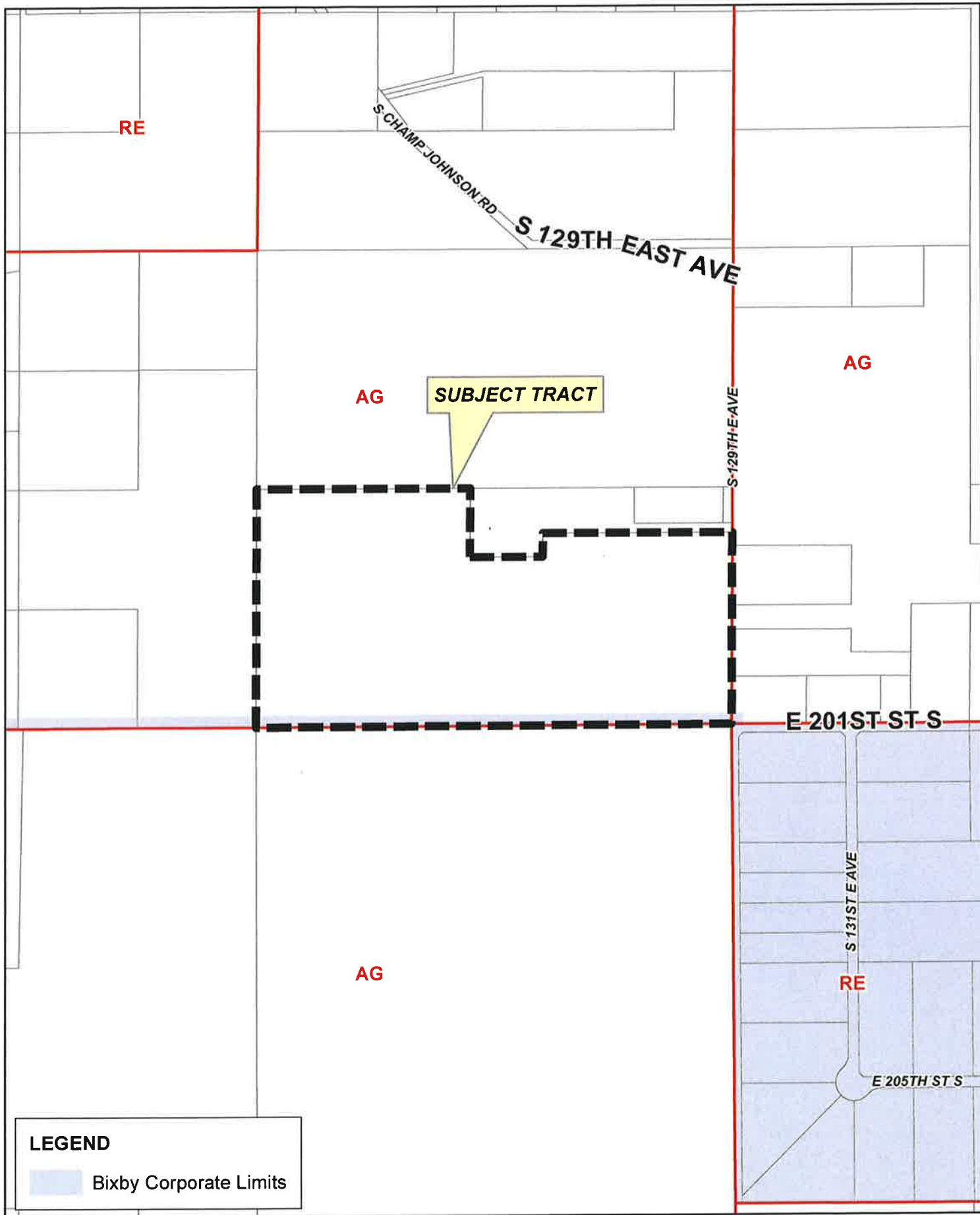
Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking Northwest from S 129th E Ave

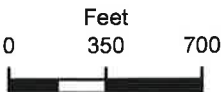


Subject tract looking Southwest from S 129th E Ave



LEGEND

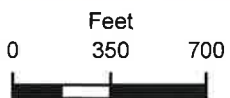
 Bixby Corporate Limits



CBOA-3096

16-14 08





 Subject Tract

CBOA-3096

16-14 08

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

Aerial Photo Date: 2023



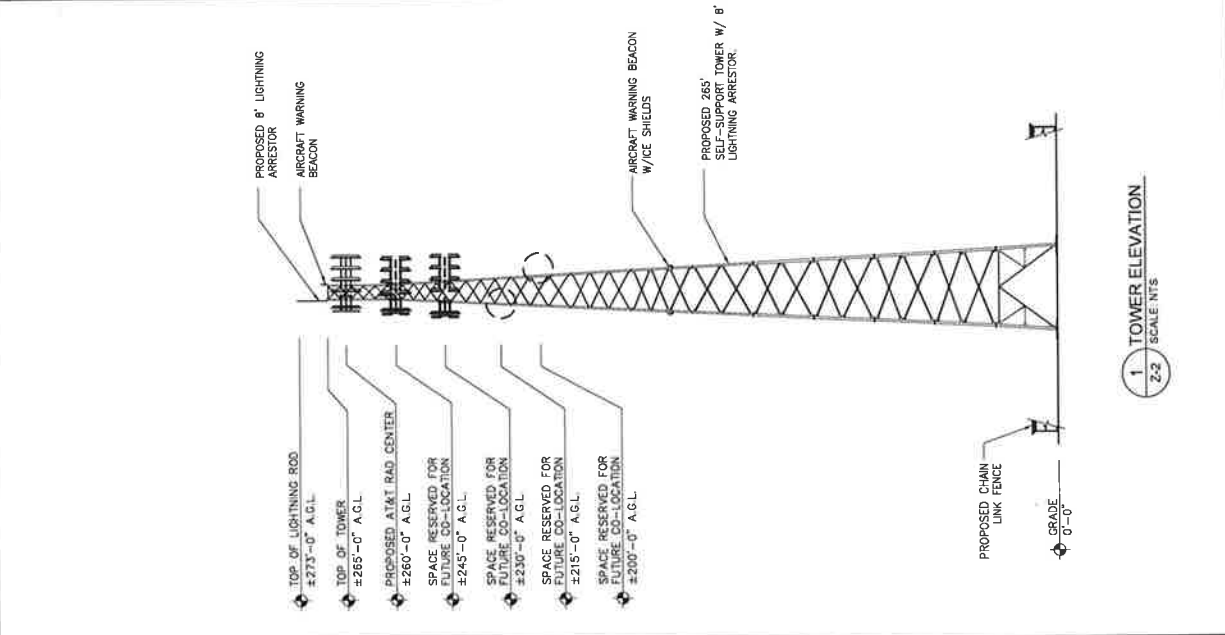
CBOA-3096 7.6

DRAWN BY:	DK	
CHECKED BY:	DK	
REV	DATE	DESCRIPTION
0	8/17/2023	ISSUING EXHIBIT

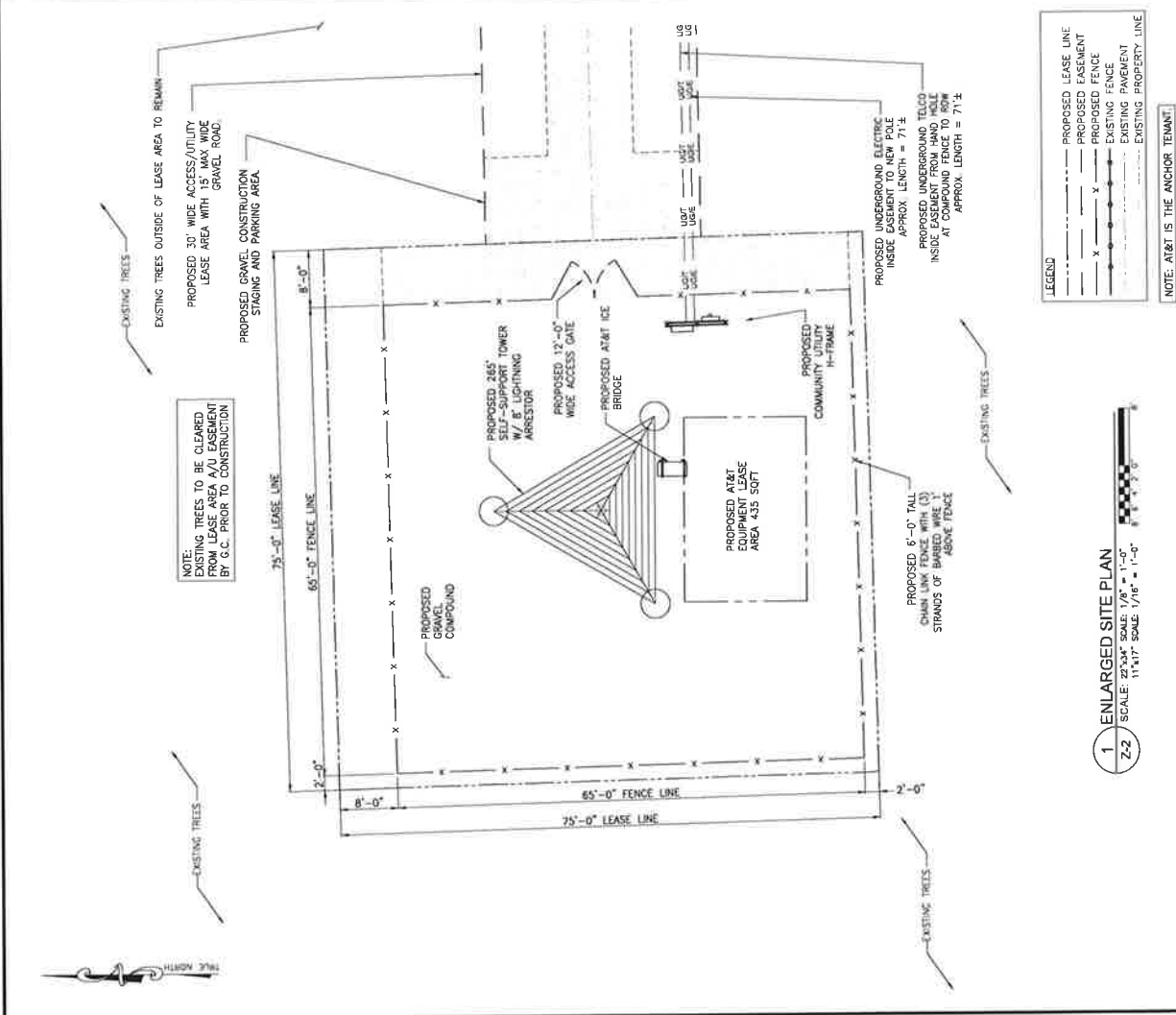
TOWER #
23279-A
FA #
15623560
SITE NAME
SEFCOK
SITE ADDRESS:
20014 S 129th AVE
BIXBY, OK 74008

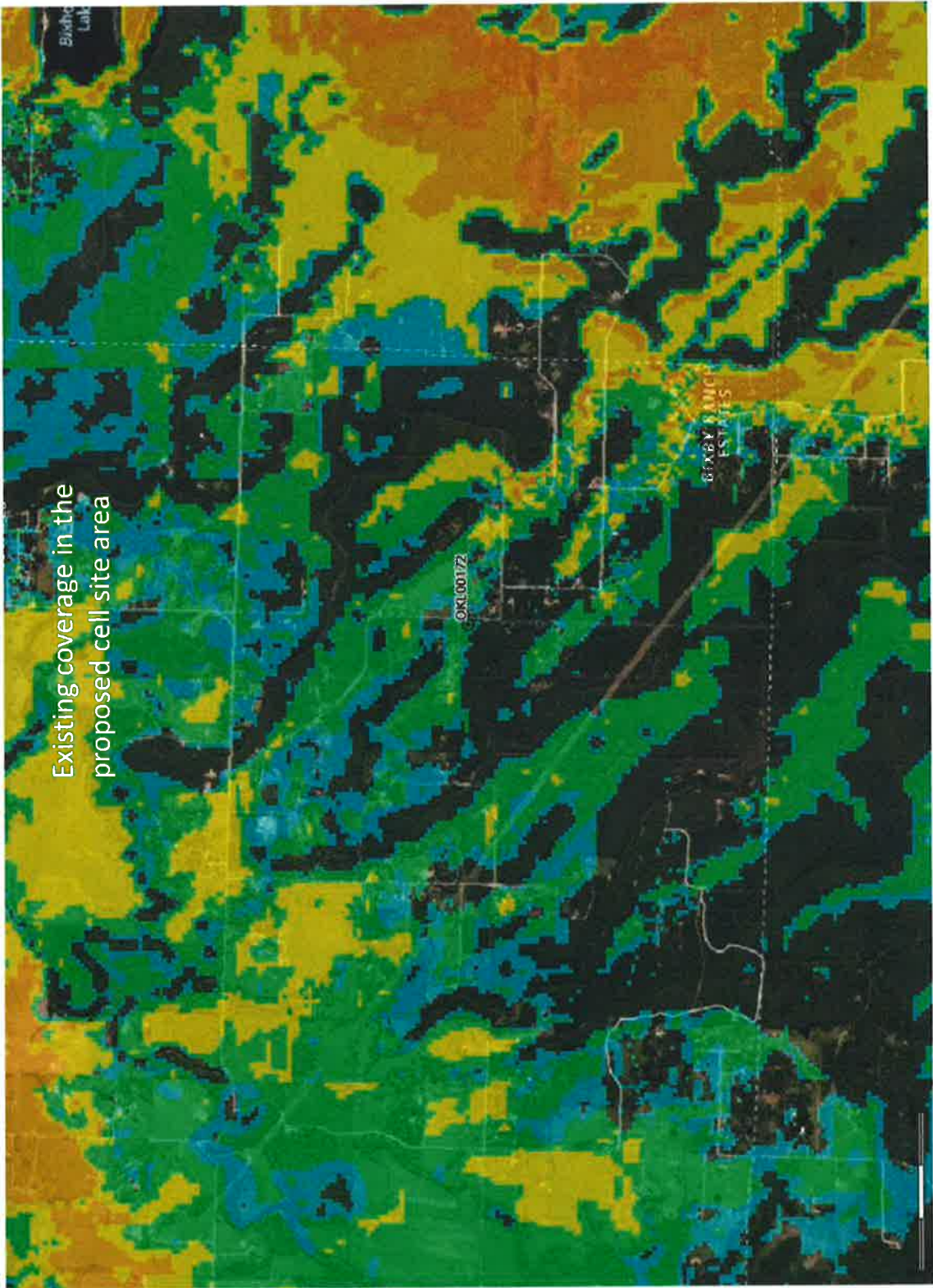
SHEET TITLE
ENLARGED SITE PLAN & ELEVATION

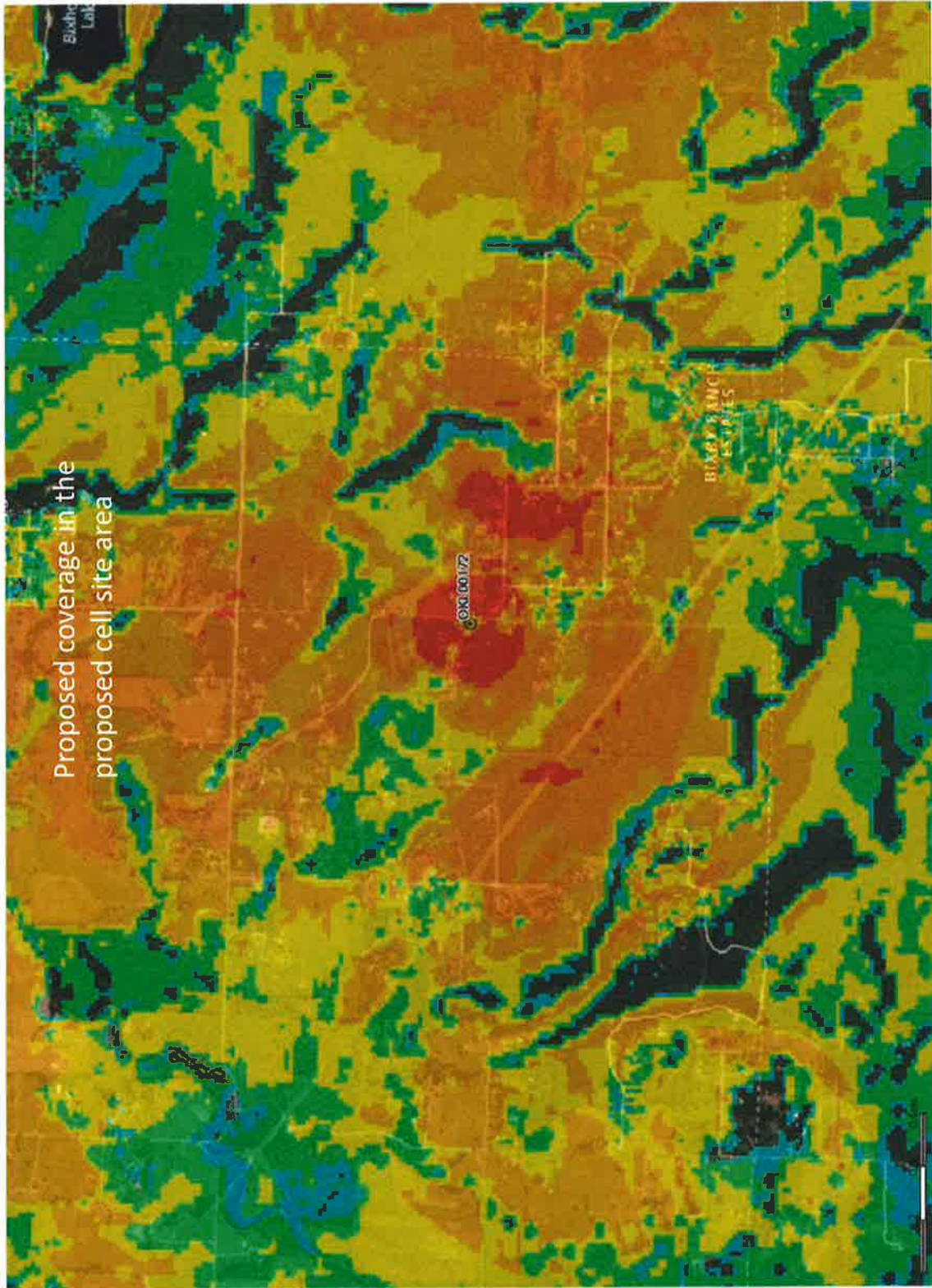
SHEET NUMBER
Z-2



1 TOWER ELEVATION
2-3 SCALE: NTS







e, Gregory Your subscription is active. Zoom in to view parcels.

Cavell, Mertz & Associates

Leonard

64

64

64

1050780 1009960

3 Miles to Nearest Tower

1250569

1236233

1065373

1019804

1052354

23279 Tulsa Co Sefcik

300 Feet from Tower

500 feet from Tower

S 129th E Ave

S 129th E Ave

23279 Tulsa Co Sefcik



June 16, 2023

Ms. Chelsea Reeves
Project Controls Coordinator Sr.
Tillman Infrastructure, LLC
299 Market St, Suite 350
Saddle Brook, NJ 07663

RE: Proposed 265' Sabre Self-Supporting Tower for TI-OPP-23279 – Sefcik, OK

Dear Ms. Reeves,

Upon receipt of order, we propose to design a tower for the above referenced project for a Basic Wind Speed of 108 mph and 30 mph + 2" radial ice, Risk Category II, Exposure Category B, and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures and Antennas".

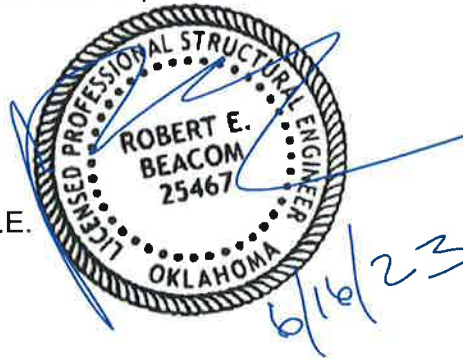
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. *Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.* In the unlikely event of total separation, this would result in a fall radius within the 75' x 75' lease area.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Manager





Tulsa County Oklahoma
INCOG for the Tulsa County Board of Adjustment

Narrative for a Special Exception to allow a Wireless Communication Tower and Antennas

Applicant: SCI Wireless and Tillman Infrastructure
497 Ridge Point Drive
Heath, TX 75126

Tenant: AT&T Wireless
308 S. Akard St., 19th Floor
Dallas, TX 75202

Landowner: Christopher M. Sefcik Revocable Living Trust & Denisha Lynn Sefcik
19822 S 129th East
Bixby, OK 74008

Rep.: Greg Ferris, SCI Wireless
PO Box 573
Wichita, KS 67201
Ph. 316-516-0808, Email: ferrisco@aol.com

Location: 20014 S. 129 Ave, Bixby, OK 74008, PIN. 96408640859360

Project Description

Tillman Infrastructure LLC and AT&T are requesting a Special Exception from the Tulsa Country Board of Adjustment for a on the property located at the new location on 20014 S. 129 Ave, Bixby, OK 74008. The parcel is Zoned AG. AT&T is seeking a new 273-foot Communication Tower, the ("Tower"). It will consist of a 265-foot self-support tower, with an 8-foot lightning rod, and utility cabinets within a 65' x 65' fenced enclosure with access gates. Tulsa County allows a wireless communication tower and antennas in AG Zoning as a right by use if certain factors are met. However, the proposed tower does not meet the 110% setback requirement. Therefore, a Special Exception from the Tulsa Board of Adjustment is required.

AT&T Wireless ("AT&T") will collocate their panel antennas, remote radio units, antenna mounting frame and mounting poles, fiber optic cables and equipment, a GPS antenna, surge protector, generator, radio equipment cabinets, utility connections on the Facility. AT&T will

20014 S. 129 Ave, Bixby, OK 74008

locate their antennas at a RAD Center of 260 feet. The tower will be constructed to allow at least three antenna arrays.

Location

The Facility will be located on a large tract of land in the south part of Tulsa County. The properties abutting the parcel are zoned AG. The nearest residential zoning is over 725 feet southeast of the parcel and is zoned RM. The area is a mix of large lot residential and agricultural uses. The proposed tower site meets the required 110% setback from AG property line to the north, south and west. However, the AG parcel to the east is 130 feet from the tower. The tower will be located in the middle of the existing trees set back over 110 feet from the roadway of S. 129th East. There are no existing towers within three miles of the proposed location.

Objective

The tower will provide an antenna platform for AT&T to locate their antennas. The area has no coverage at the present time. The tower height is needed to cover the area required by AT&T. Included with this application are propagation plots showing the needed coverage for AT&T. 5G coverage cannot be provided to the area from towers three miles from the proposed area to be covered. Allowing the tower to be this height will lessen the need for another tower in the area. The tower will also be available for collocation. The height of the tower makes it favorable for other carriers to collocate on the tower.

Coverage

The Facility will augment the coverage and capacity of AT&T's wireless telecommunications network in the surrounding area including the addition of FirstNet, the national first responders' emergency network, equipment. With the increase in demand for AT&T services in the area, the existing network of sites cannot provide satisfactory and reliable service to users of the network. The lack of signal strength and network capacity in the area constitutes a gap in coverage that will be minimized by the proposed project. The Facility will ensure that AT&T can meet the high demand for their services in the immediate area surrounding the site. This demand is generated by the increasing number of people that use wireless telecommunications services not only for phone calls but for texting, emailing, teleconferencing, video streaming and surfing the web. Wireless phones and devices have replaced "traditional" landline phones and have become the primary device and service used for communication including contacting emergency services in the form of 911 calls. AT&T is committed to providing quality and reliable service to meet this user demand. In addition to facilitating the public's access to E-911, ATT will be adding FirstNet equipment which allows dedicated frequencies and services to first responders to allow them to coordinate efforts in the event of emergencies such as fires, active shooters, or weather emergencies.

About AT&T

As a licensee authorized by the Federal Communications Commission to provide wireless

20014 S. 129 Ave, Bixby, OK 74008

services in this region, AT&T must establish a network of wireless telecommunications facilities in the Jonesboro area and beyond. Each wireless telecommunications facility, or base station, consists of transmitting and receiving antennas mounted on a communication tower or other suitable structure and electronic equipment cabinets. It will also consist of radios for receiving and transmitting wireless communications and complex electronic equipment to operate the radios, interface with other cellular sites, provide connections to the landline telephone network, and link the facility with the main switching center.

AT&T will operate this facility in full compliance with the regulations and licensing requirements of the FCC and FAA as governed by the Telecommunications Act of 1996 and other applicable laws.

In order to meet the basic level of operational radio signal coverage, radio frequency (RF) engineers have designed a network of wireless telecommunications facilities for the area and routinely maintains and modifies the facilities to ensure they use the most up to date equipment and technology to provide the most reliable and high-quality service possible. Due to increases in demand for wireless telecommunications services modifying the existing facilities does not always fix network coverage and capacity issues resulting in the need for the development of new wireless telecommunications facilities.

The applicant's engineers choose specific sites after lengthy analysis. Selection criteria include limitations imposed by surrounding topography, the intended service area of the site, and the ability of the new site to "see" other sites in the network from its proposed location. Other selection factors include suitable access, availability of electrical and telephone service, and a willing property lessor. The antennas and equipment are screened or integrated with the building whenever possible. Only after careful analysis of many candidates and successful lease negotiations have been completed is a land use application such as this one submitted.

The cellular site is a passive use and will have no impact on other properties in the surrounding area. The facility is unstaffed. After an initial construction period of 30 to 45 days, the only traffic generated will be for routine maintenance visits, typically once or twice a month. There are no activities that will produce airborne emissions, odor, vibration, heat, glare, or noxious and toxic materials. All equipment and materials needed to operate the site are located in the equipment cabinets. The cellular site does not require water or sanitary facilities and therefore will generate no wastewater.

County Zoning Code Requirements

Communication towers and antennas are considered part of Use Unit 4, Public Protection and Utilities in the Tulsa County Zoning Code. AG zoning allows Use Unit 4 by right if certain conditions are met. However, because the proposed tower does not meet the required 110% setback from the AG zoning to the east, the Code allows communication towers and antennas in AG zoning with a Special Exception from the Tulsa County Board of Adjustment (BOA).

SECTION 1204.3 – Use Conditions

C. General Requirements for Antennas and Towers:

1. Principal or Accessory Use. Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on such lot.

Applicant's comment: The proposed tower will be a principal use on this lot. It is not an accessory use to the existing agricultural use.

2. Towers and antennas shall meet the following requirements:

(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 Federal Aviation Administration.

Applicant's comment: The proposed tower will be galvanized steel. It will be located inside the wooded area west of the roadway.

(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.

Applicant's comment: The proposed tower is not within 300 feet of an R District boundary line.

(c) If an antenna is installed on a structure other than a tower, the antenna mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Applicant's comment: This does not apply.

3. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

Applicant's comment: Applicant understands that this tower is not considered an essential service.

4. Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration 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.

Applicant's comment: The FAA will require the tower to be lit. The applicant will comply with the minimum requirements of the FAA for tower lighting.

5. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Applicant's comment: There will be no signs other than warning and information signs used.

6. Accessory Utility Buildings. 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 shall be screened from view from property within 150 feet used for residential purposes.

Applicant's comment: No utility buildings are proposed. The ground equipment will be screened by the existing trees from the roadway as well as the property to the east.

7. The following setback requirements shall apply to all towers; provided, however, that the Board of Adjustment may modify the requirements by special exception;

- (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.

Applicant's comment: The tower setback exceeds the required setback on the north, south, and west. However, it does not meet the required setback from the property to the west agricultural zoned lot. Sheet Z-1 of the attached drawings shows the dimensions to all property lines. The applicant is requesting that this requirement be modified by the BOA by special exception. A letter from an Oklahoma certified engineer stating the tower will fall within the lease area of the tower is provided with this application.

- (b) Guys and accessory buildings must satisfy the minimum zoning district setback requirement.

Applicant's comment: There are no guys or accessory buildings proposed.

8. Security Fencing. 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, that the Board of Adjustment may modify or waive such requirements by special exception.

Applicant's comment: A six-foot fence is proposed. The fence will have barbed wire, which is allowed in AG zoning, to further discourage access to the site. The tower will have an appropriate anti-climbing device.

E. Antenna and Towers Requiring Special Exceptions. If a tower or antenna is not permitted pursuant to Section 1204.3.D. of this chapter, a special exception shall be required for the construction of a tower in all zoning districts:

1. Factors to be considered in granting a special exception. In addition to any other requirements 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.
Applicant's comment: The tower will be 265 feet, not including the lightning rod. This is the minimum height that AT&T RF engineers have determined is suitable to provide adequate coverage in the area. Propagation maps from AT&T are included with this application. These demonstrate the need for a tower of this height. If a shorter tower was used, one or two additional towers would likely be required to provide adequate coverage to the area.
- (b) Proximity of the tower to residential structures, residential district boundaries and existing towers.
Applicant's comment: The proposed tower over 725 feet from a residential district boundary. While the tower does not meet the 110% setback to the east, there is no residential structure within 350 feet of the tower. This would exceed the required setback. The nearest tower is three miles from the proposed tower. This is well outside the search ring for this tower. Two aerials showing a 350 ft. ring and 3-mile ring are included with this application. A letter from an Oklahoma certified engineer stating the tower will fall within the lease area of the tower is provided with this application.
- (c) Nature of uses on adjacent and nearby properties.
Applicant's comment: The area is large lot residential and agricultural.
- (d) Surrounding topography.
Applicant's comment: The area has slight elevation changes. However, it is not distinctive enough to impact the tower.
- (e) Surrounding tree coverage and foliage.
Applicant's comment: There is extensive tree and foliage both in the area and on the proposed parcel.
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
Applicant's comment: The tower height does not lend itself to a camouflaged or monopole tower. However, the tower will not have guyed wires which helps to eliminate some of the visual obtrusiveness.
- (g) The total number and size of antennas proposed and the ability of the proposed and the ability of the proposed tower to accommodate collocation.
Applicant's comment: AT&T will locate the standard 10-foot antennas on the tower. They usually have 6 to 9 of these antennas at the outset of their use. The tower will be designed to accommodate at least two other carriers. Tillman Infrastructure is a vertical real estate company and has master lease agreements with acceptable lease terms with all major carriers. This ensures that this tower will accommodate collocation.
- (h) Architectural design of utility buildings and accessory structures to blend with the surrounding environment.
Applicant's comment: No utility buildings are proposed. The accessory structures, which will be the equipment cabinets, will be hidden by the existing trees and foliage.
- (i) Proposed ingress and egress.

Applicant's comment: The equipment compound will have access to S. 129th Ave. It will be a gravel access road. Once constructed, the site will generate less than three trips per month.

- (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.

Applicant's comment: Propagation maps demonstrating the need for the proposed tower are provided with this application. The area is drastically underserved as there are no towers within three miles of this site. The propagation maps show the before and after scenarios. These show that there currently is little or no service before; and strong coverage after the tower is built.

- (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.

Applicant's comment: The tract is 70 acres. This would allow development of this parcel with the tower. This area is not likely to have major development for a few years. The tower will not have an impact on that development when it occurs.

- (l) Landscaping.

Applicant's comment: The applicant does not plan any landscaping. It is planned to save as many of the existing trees as possible. The mature trees provide more landscape buffer than any new landscaping could provide.

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

Applicant's comment: The planned height of the tower should allow other carriers the needed height without any needed extension of the tower. The attached elevation drawing shows available heights of 245 and 230 feet. Tillman will make this tower, at the needed heights, available to all carriers.



Case Number: CBOA-3097
Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

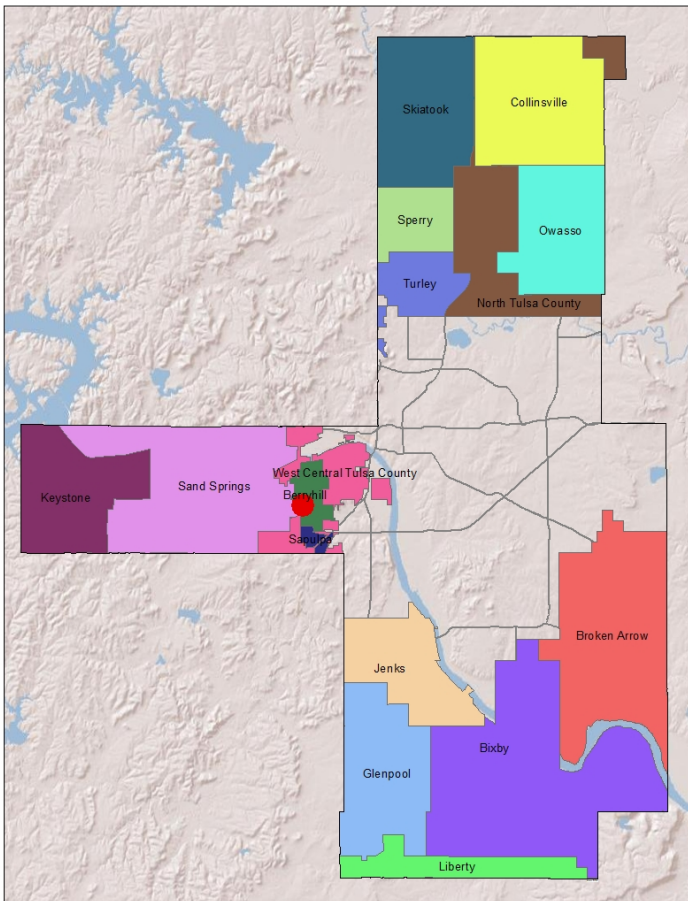
Owner and Applicant Information:

Applicant: Christina Rybacki

Property Owner: RYBACKI, CHRISTINA C & JORDAN F STEWART

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

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.63 acres

Location: 3744 S 63 AV W

Present Zoning: RS

Fenceline/Area: Berryhill

Land Use Designation: Existing Neighborhood

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9220

CZM: 45

CASE NUMBER: **CBOA-3097**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Christina Rybacki

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

LOCATION: 3744 S 63 AV W

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Residential

TRACT SIZE: 0.63 acres

LEGAL DESCRIPTION: LT 6 BLK 1, PLEASURE ACREAGE Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-1296 September 1994: The Board approved a Special Exception to permit a home occupation in an RS district (Section 440.B).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family home. The tract is surrounded by RS zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

The RS district is limited to one dwelling unit per lot of record per Section 208 of the Tulsa County Zoning Code. The Tulsa County Zoning Code requires 6,900 sf of land area per dwelling unit. The subject tract contains 0.63 acres in area, so has enough land area to support two dwelling units.

The applicant did not provide a statement, but did provide a floor plan of the proposed additional dwelling.

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

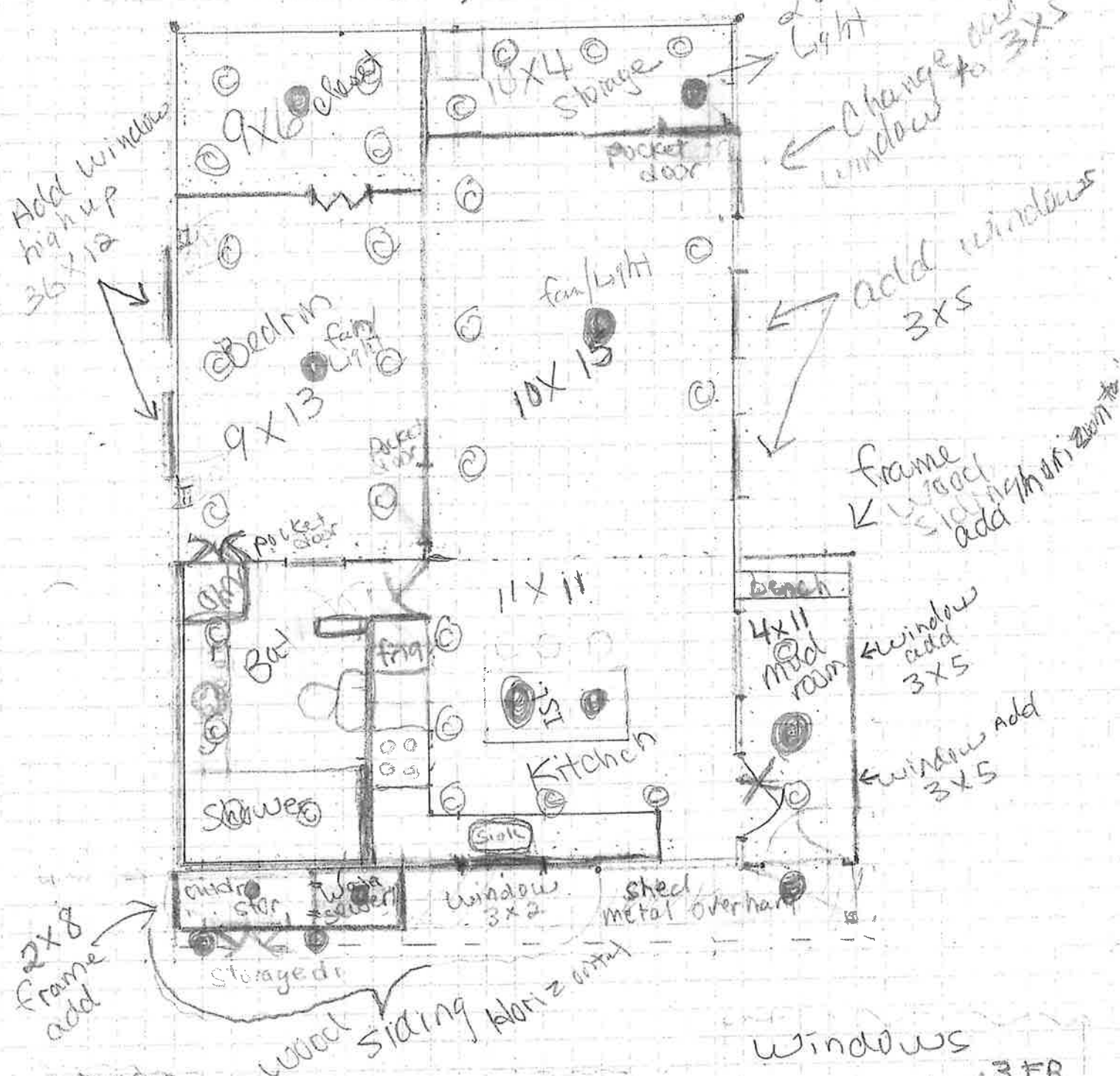
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 looking West from S 63rd W Ave

20x30 Metal bldg

drop down attic stairs

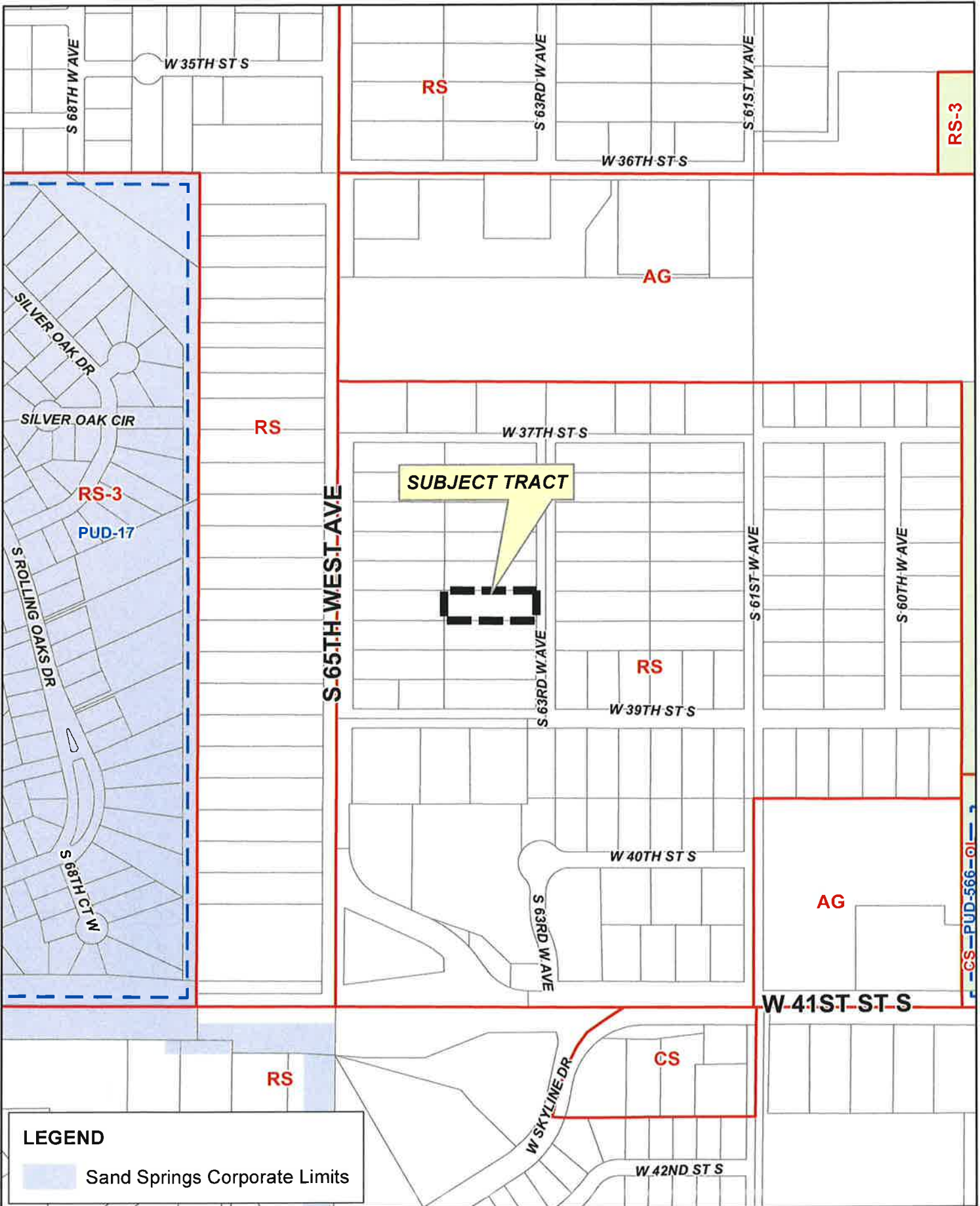


Doors

- 1 passage drs (ext) 9 lite
- 1 inter Passage doors 24"
- 3 pocket doors 2-36"
1-24"
- 1 set bifold doors
- 1 set storage door (ext.)

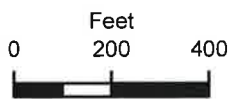
Windows

- 5 - 3x5 ^{3 FR} _{2 mudrm}
- 2 3x1 - Balrm
- 1 3x2 Kitchen



LEGEND

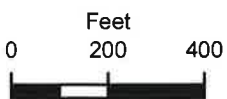
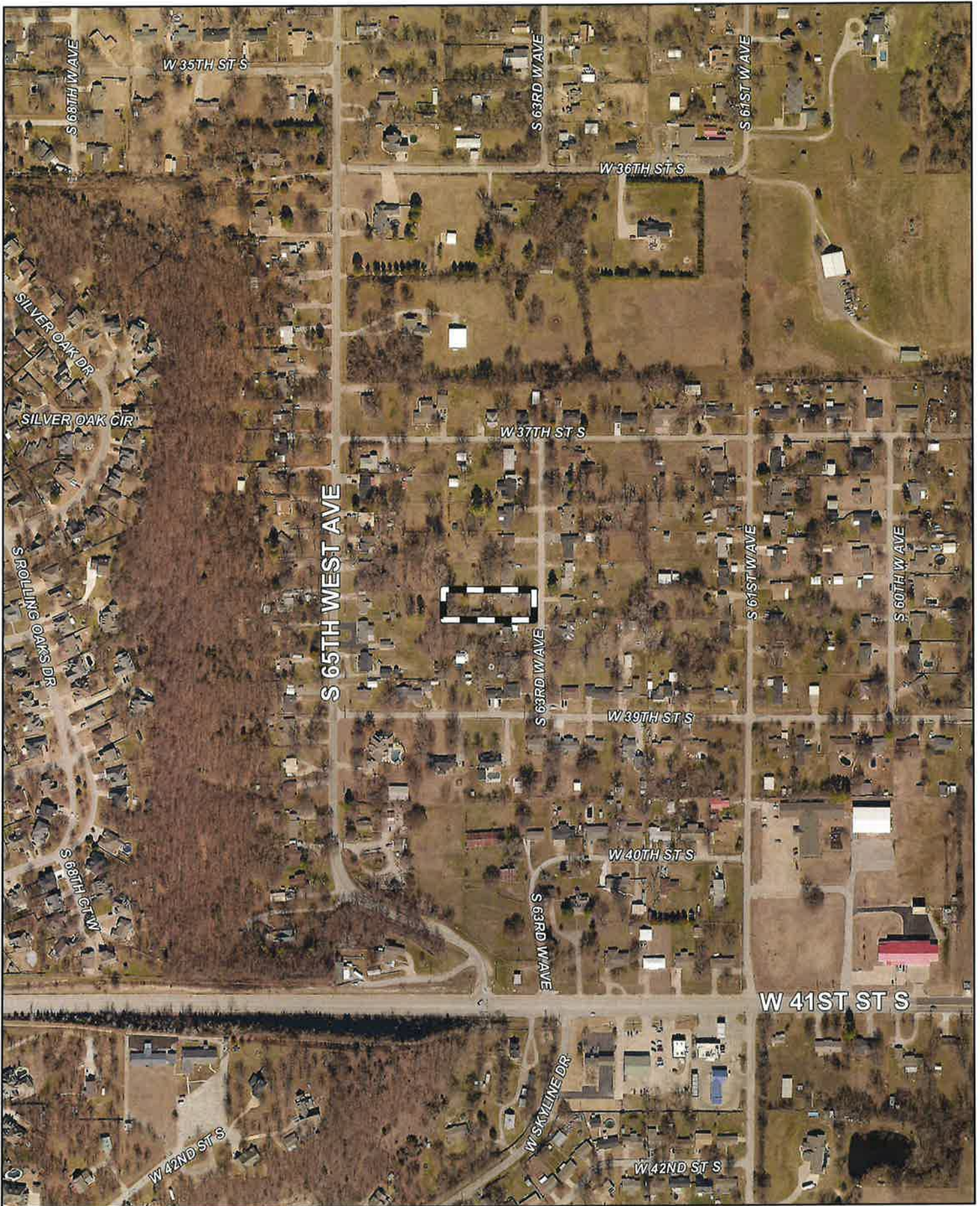
Sand Springs Corporate Limits



CBOA-3097

19-12 20





 Subject Tract

CBOA-3097

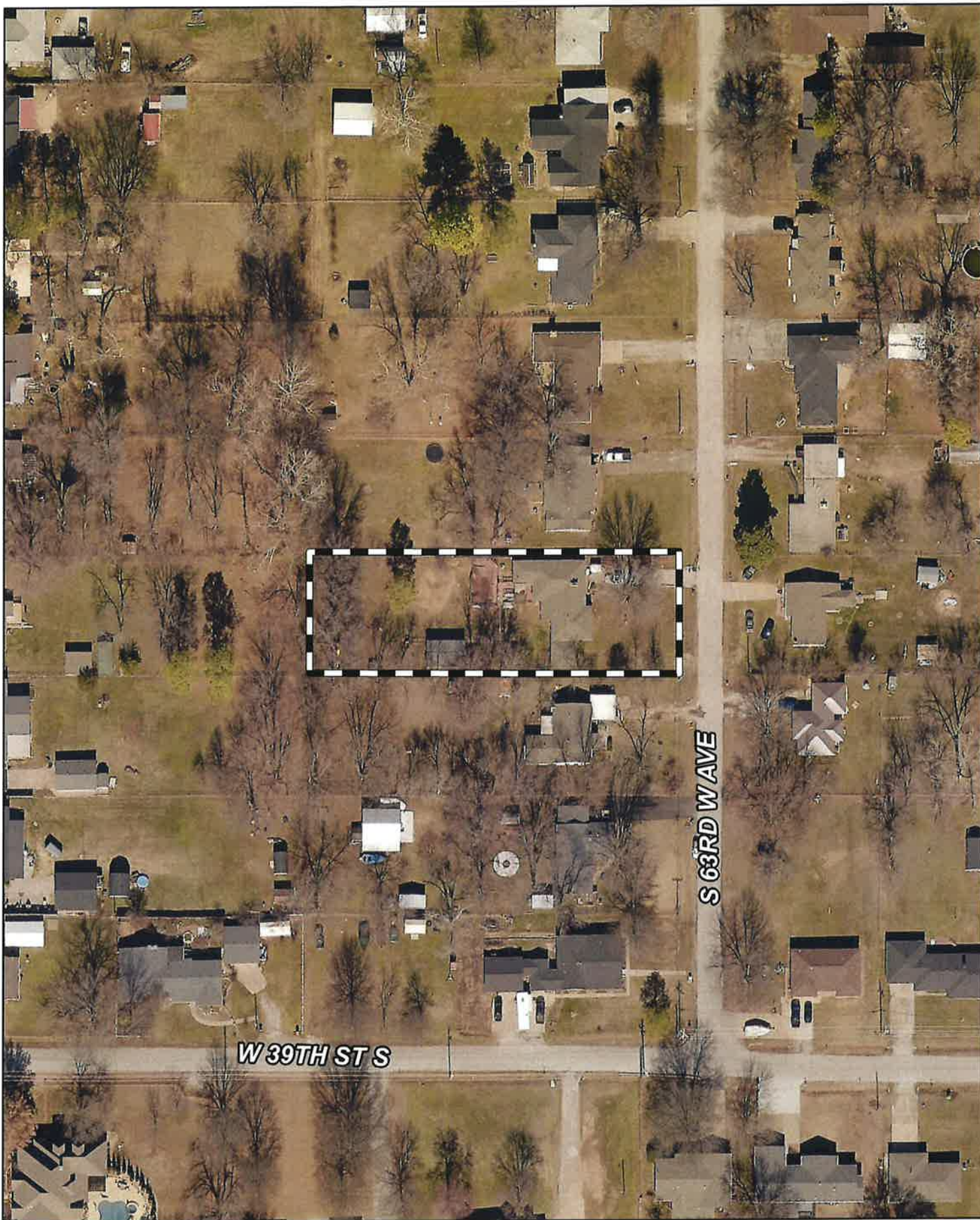
19-12 20

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

Aerial Photo Date: 2023

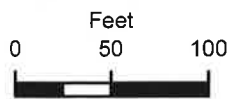


CBOA-3097 8.7



W 39TH ST S

S 63RD WAVE



Subject Tract

CBOA-3097

19-12 20

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

Aerial Photo Date: 2023



CBOA-3097 8.8

Hoyt, Jay

From: Mark and Pam Hollie <mphollie@hotmail.com>
Sent: Monday, September 18, 2023 1:30 PM
To: Hoyt, Jay
Subject: Case CBOA-3097

Mr. Hoyt,

I cannot attend the Public Hearing tomorrow but wanted to voice my opinion on Case CBOA-3097, Zoning Exemption to allow an existing building on this property to be remodeled into a monthly rental property. The two major problems with this application are the Septic System and the Parking. This area, as most of Berryhill is on septic system and to say that we are saturated is and understatement. Each lot now just has one family, an additional family using the same septic system or at least the same area of the septic system is going to add to the already over saturated ground in our area. Parking for this house is just a two car driveway that is not very long. The road is narrow and parking on the road hinders regular traffic as well as emergency traffic like the Fire Truck and Ambulances. If this case is approved, I have a fear that others in the area will ask for the same exemption and this will open a whole new world for Berryhill that we don't want opened. I appreciate any help you can provide in this situation. Can I receive an email notification on the results of the meeting?
Thank you,

Pam Hollie
6130 W 39th St
Tulsa, OK 74107
918-710-7251



Case Number: CBOA-3098

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

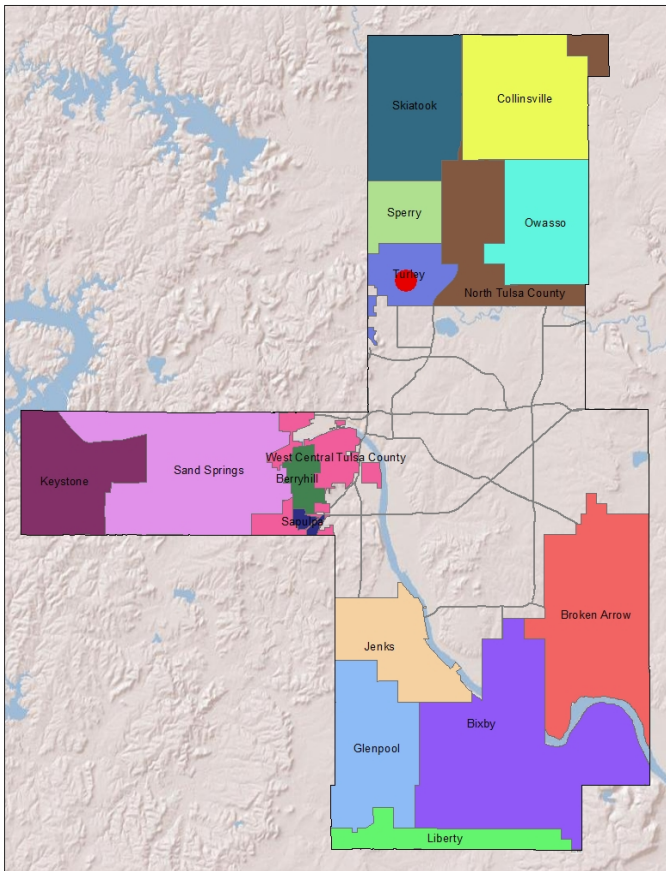
Owner and Applicant Information:

Applicant: Cristina Bejar

Property Owner: BEJAR, CRISTINA

Action Requested: Special Exception to permit a manufactured home in the RS district (Section 410)

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 1.51 acres

Location: 1700 E 71 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-3098

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Cristina Bejar

ACTION REQUESTED: Special Exception to permit a manufactured home in the RS district (Section 410)

LOCATION: 1700 E 71 ST N

ZONED: RS

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 1.51 acres

LEGAL DESCRIPTION: TR 100 X 660 ON W SIDE NE NE SW SEC 31-21-13, GOLDEN HILL ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-2936 November 2021: The Board approved a Special Exception to permit a manufactured home in the RS district (Section 410).

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

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home in the RS district (Section 410).

The site contains 1.51 acres. There are other manufactured homes in the general vicinity of the subject tract.

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 manufactured home in the RS district (Section 410).”

Subject to the following conditions, if any: _____.

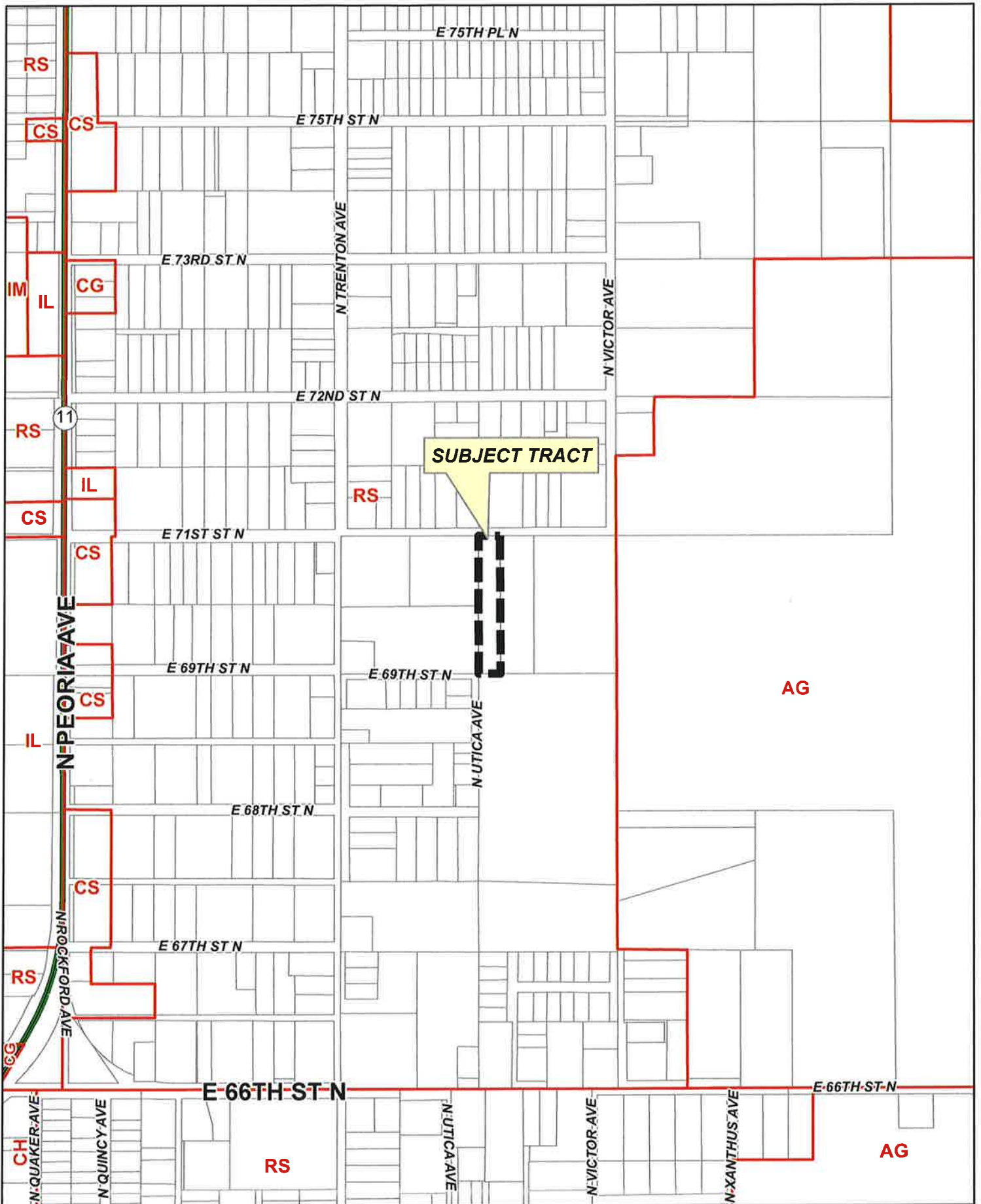
In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking Southeast from E 71st St N



Subject tract looking South from E 71st St N



CBOA-3098



21-13 31





Subject Tract

CBOA-3098

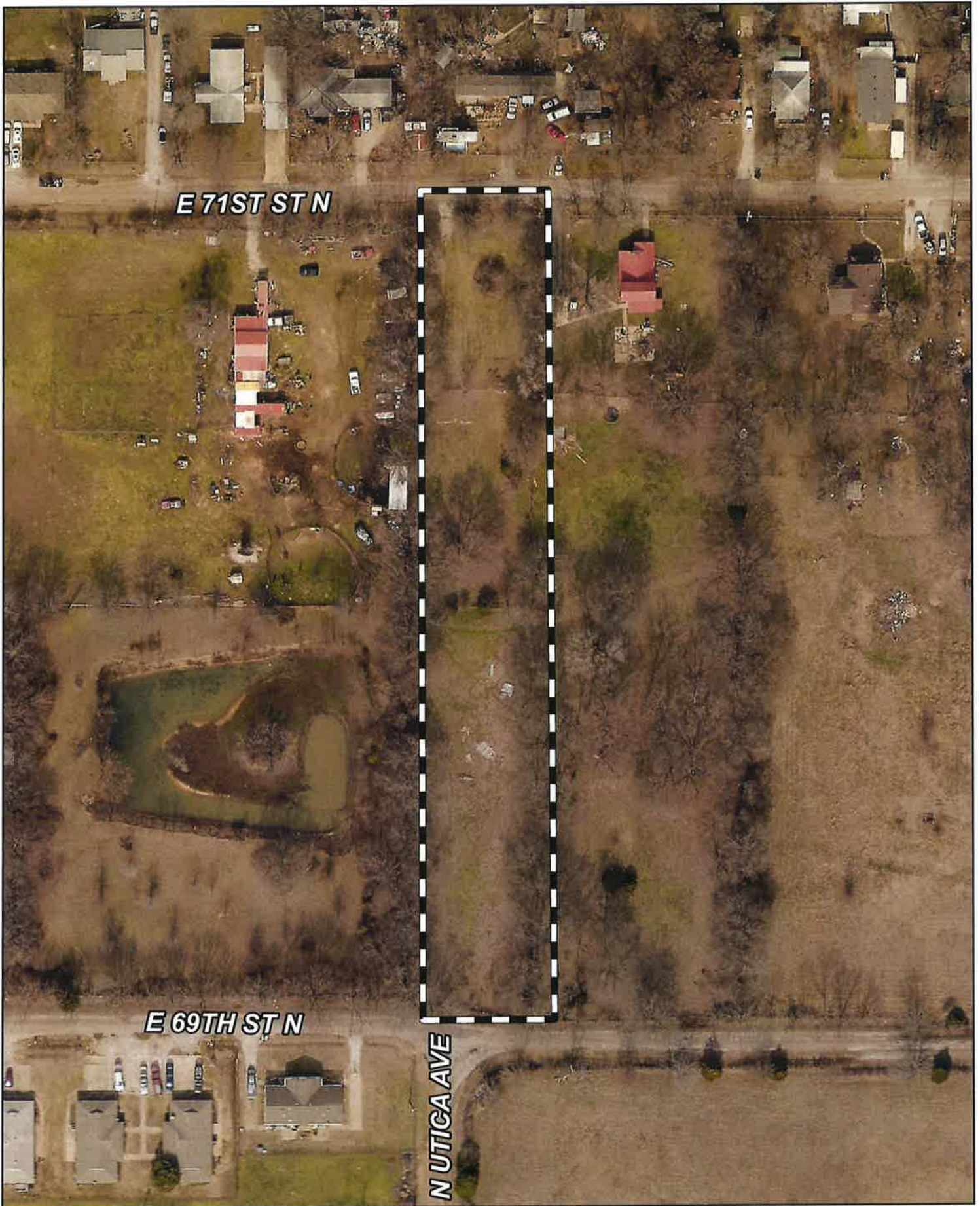
21-13 31

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

Aerial Photo Date: 2023



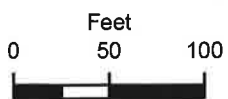
CBOA-3098 9.6



E 71ST ST N

E 69TH ST N

N UTIGA AVE



Subject Tract

CBOA-3098

21-13 31

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

Aerial Photo Date: 2023

CBOA-3098 9.7





Case Number: CBOA-3099

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

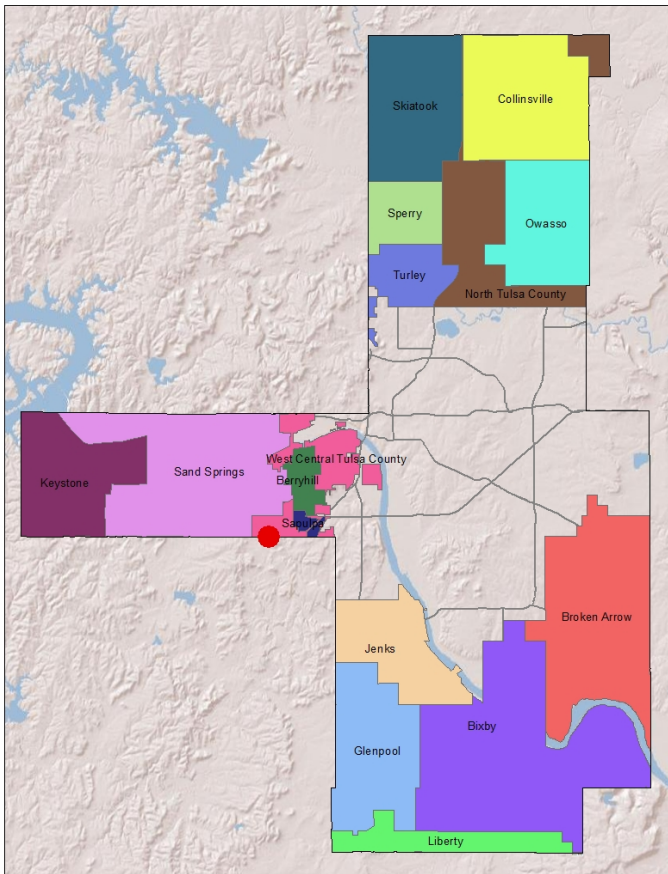
Owner and Applicant Information:

Applicant: Anna Owens

Property Owner: PATTERSON, ANNA JEAN

Action Requested: Special Exception to permit a manufactured home in the RS district (Section 410).

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 0.8 acres

Location: 5846 S 81 AV W

Present Zoning: RS

Fenceline/Area: West Central Tulsa County

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9136

CZM: 44

CASE NUMBER: CBOA-3099

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Anna Owens

ACTION REQUESTED: Special Exception to permit a manufactured home in the RS district (Section 410).

LOCATION: 5846 S 81 AV W

ZONED: RS

FENCELINE: West Central Tulsa County

PRESENT USE: Residence

TRACT SIZE: 0.8 acres

LEGAL DESCRIPTION: W211.10 E236.20 S/2 S/2 NE SE SE SEC 36 19 11 .80AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-994 October 1990: The Board approved a Special Exception to permit a manufactured home in the RS district (Section 410).

CBOA-2433 June 2012: The Board approved a Variance to allow a second dwelling on one lot of record (Section 208) and a Special Exception to permit an existing mobile home in the RS district (Section 410).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family residence. The tract abuts RS zoning to the North, West and South containing single-family residences and to the East by AG zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home in the RS district (Section 410).

The site contains 0.8 acres. There are other manufactured homes in the general vicinity of the subject tract. The existing home on the tract is intended to be removed prior to the manufactured home being placed on the lot.

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 manufactured home in the RS district (Section 410).

Subject to the following conditions, if any: _____.

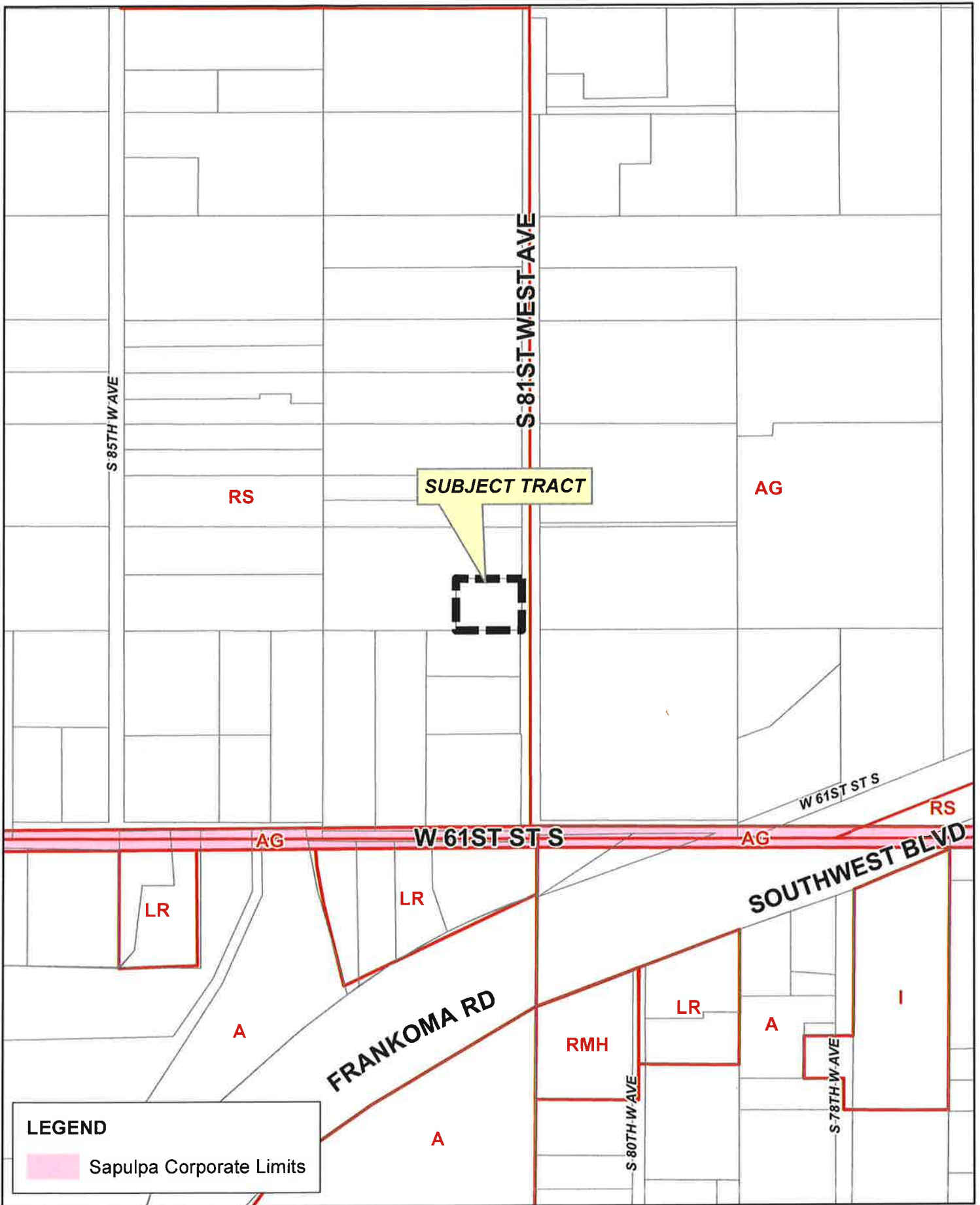
In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking Northwest from S 81st W Ave

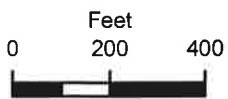


Subject tract looking Southwest from S 81st W Ave



LEGEND

 Sapulpa Corporate Limits



CBOA-3099

19-11 36



CBOA-3099 10.5



S 85TH W AVE

S 81ST WEST AVE

W 61ST ST S

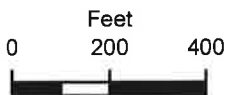
W 61ST ST S

SOUTHWEST BLVD

FRANKOMA RD

S 80TH W AVE

S 78TH W AVE



Subject Tract

CBOA-3099

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

19-11 36

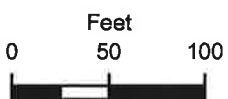
Aerial Photo Date: 2023



CBOA-3099 10.6



S 81ST WEST AVE



Subject Tract

CBOA-3099

19-11 36

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

Aerial Photo Date: 2023



CBOA-3099 10.7

Site Plan

5846 S 81st West Ave
Tulsa OK 74107

West





Case Number: CBOA-3100

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

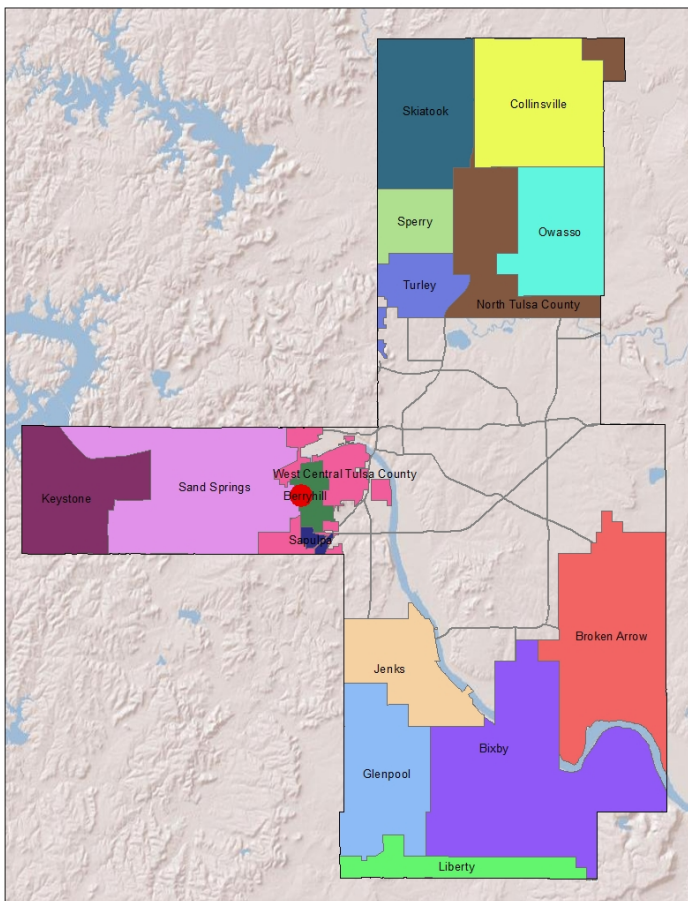
Owner and Applicant Information:

Applicant: Edward Kempf Jr.

Property Owner: KEMPF, EDWARD L JR
AND MARY T

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 Map:



Additional Information:

Present Use: Residence

Tract Size: 1.06 acres

Location: 6512 W 34 ST S

Present Zoning: RS

Fenceline/Area: Berryhill

Land Use Designation: Existing
Neighborhood

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9219

CZM: 45

CASE NUMBER: CBOA-3100

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Edward Kempf Jr.

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: 6512 W 34 ST S

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Residence

TRACT SIZE: 1.06 acres

LEGAL DESCRIPTION: E/2 N/2 S/2 NE SE NE LESS N25 FOR ST SEC 19 19 12 1.06ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-1238 March 1994: The Board approved a Variance of the maximum permitted square footage for a detached accessory building in an RS district from 750 sf to 2,020 sf (Section 240.2E)

CBOA-2233 November 2006: The Board approved a Variance of the maximum permitted square footage for a detached accessory building in an RS district to permit an 1,800 sf building (Section 240.2.E)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family residence. The tract is surrounded by RS zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request 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)

The Tulsa County Zoning Code limits accessory buildings in the RS district to 750 sf. The applicant is proposing to construct an approximately 720 sf accessory building. There are existing accessory structures on the lot that total approximately 630 sf in area. This proposal would bring that total to approximately 1,350 sf which is 600 sf over the total zoning code allowance for an accessory building of 750 sf.

The applicant stated that the reason behind seeking a variance is to add an additional storage building for their own personal use.

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

Sample Motion:

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

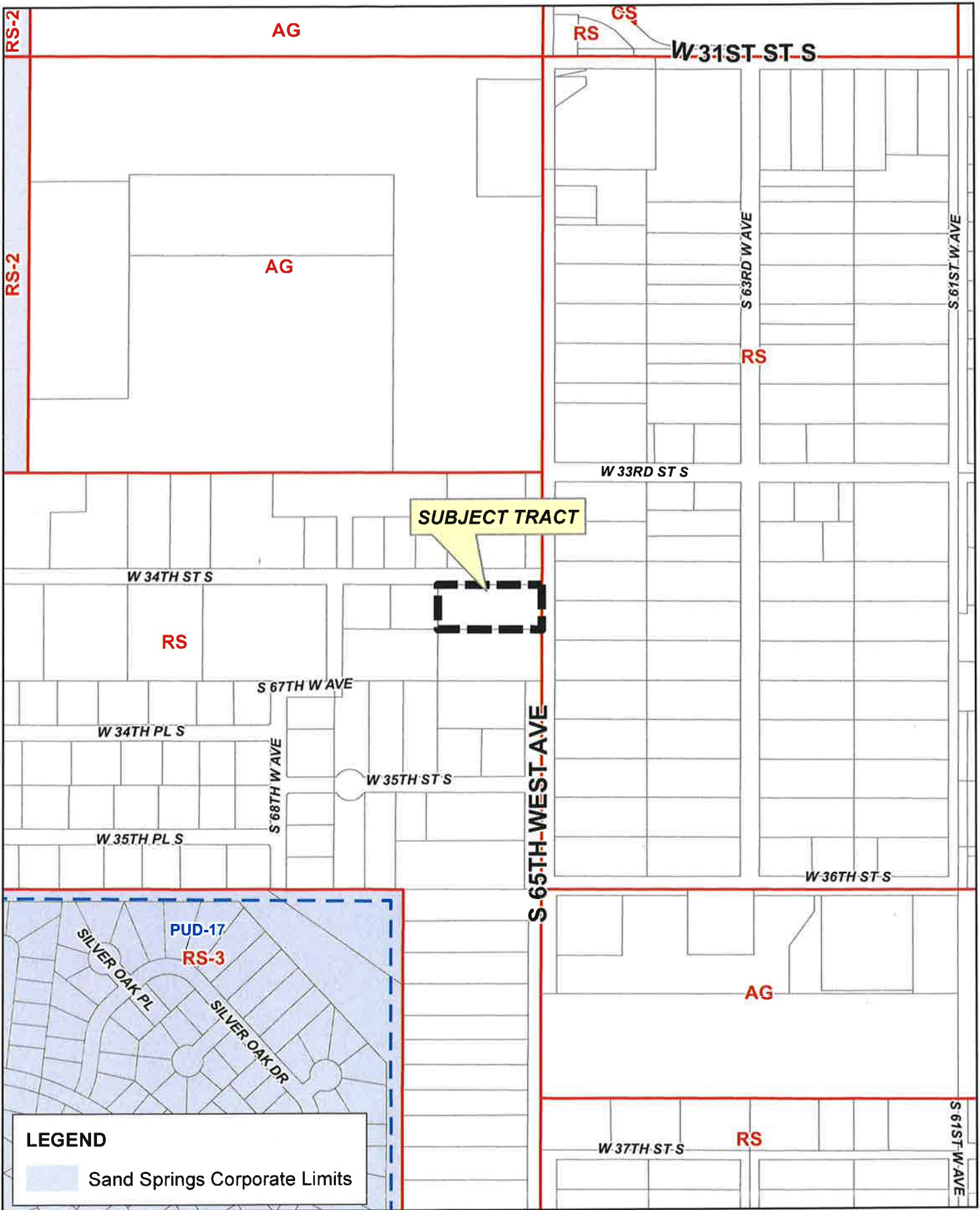
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 looking South from W 34th St S



Subject tract looking Southeast from W 34th St S



CBOA-3100

19-12 19





Subject Tract

CBOA-3100

19-12 19

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

Aerial Photo Date: 2023



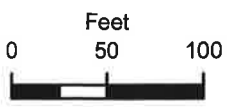
CBOA-3100 11.6



W 33RD ST S

W 34TH ST S

S 65TH WEST AVE



Subject Tract

CBOA-3100

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

19-12 19

Aerial Photo Date: 2023



CBOA-3100 11.7



Board of Adjustment

Case Number: CBOA-3101

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

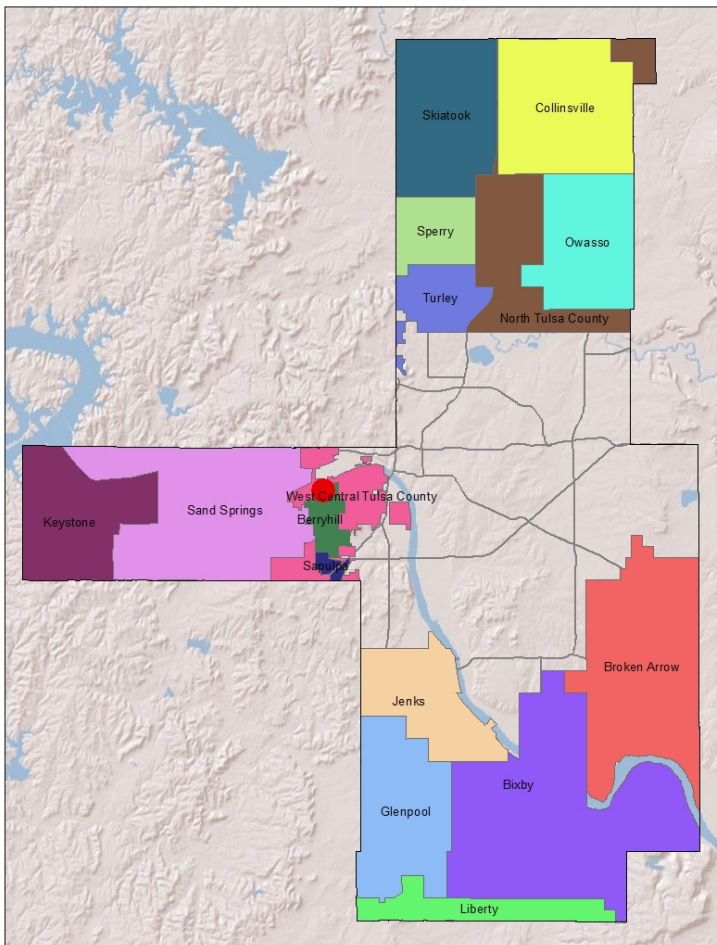
Owner and Applicant Information:

Applicant: Yandy Marino

Property Owner: MORDHORST,
CLIFFORD REV TRUST

Action Requested: Special Exception to permit Use Unit 17, Automobile and Allied Activities in a CS zone (Section 710).

Location Map:



Additional Information:

Present Use: Vacant building

Tract Size: 0.59 acres

Location: 6004 W 21 PL S

Present Zoning: CS

Fenceline/Area: Berryhill

Land Use Designation: Neighborhood Center

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: **CBOA-3101**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Yandy Marino

ACTION REQUESTED: Special Exception to permit Use Unit 17, Automobile and Allied Activities in a CS zone (Section 710).

LOCATION: 6004 W 21 PL S

ZONED: CS

FENCELINE: Berryhill

PRESENT USE: Vacant building

TRACT SIZE: 0.59 acres

LEGAL DESCRIPTION: LT 3 BLK 8, SECOND WEST TULSA VIEW ACRES SUB Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-2965 May 2022: The Board approved a Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district (Section 710), a Variance to permit gravel unenclosed off-street parking (Section 1340) and a Variance to permit gravel loading areas (Section 1350).

ANALYSIS OF SURROUNDING AREA: The subject tract is zone CS and contains a vacant commercial building and abuts CS zoning to the east containing a commercial building, to the west containing vacant land and to the north containing the intersection of W 21st St S, Avery Dr and the southbound off-ramp of the Gilcrease Expressway. The tract abuts RS zoning to the south containing a single-family residence.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit Use Unit 17, Automobile and Allied Activities in a CS zone (Section 710).

The applicant intends to utilize the existing commercial building and lot as an automotive sales facility, and has stated that its location and visibility provided by being adjacent to the intersection of W 21st St S, Avery Dr and the southbound off-ramp of the Gilcrease Expressway is a key factor in choosing the subject lot.

A special exception is required as the proposed Use Unit 17 is a use which is not permitted by right but by exception in the CS 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 proposed use 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 automotive facility is compatible and non-injurious to the surrounding area.

Sample Motion:

“Move to _____ (approve/deny) a Special Exception to permit Use Unit 17, Automobile and Allied Activities in a CS zone (Section 710).

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.



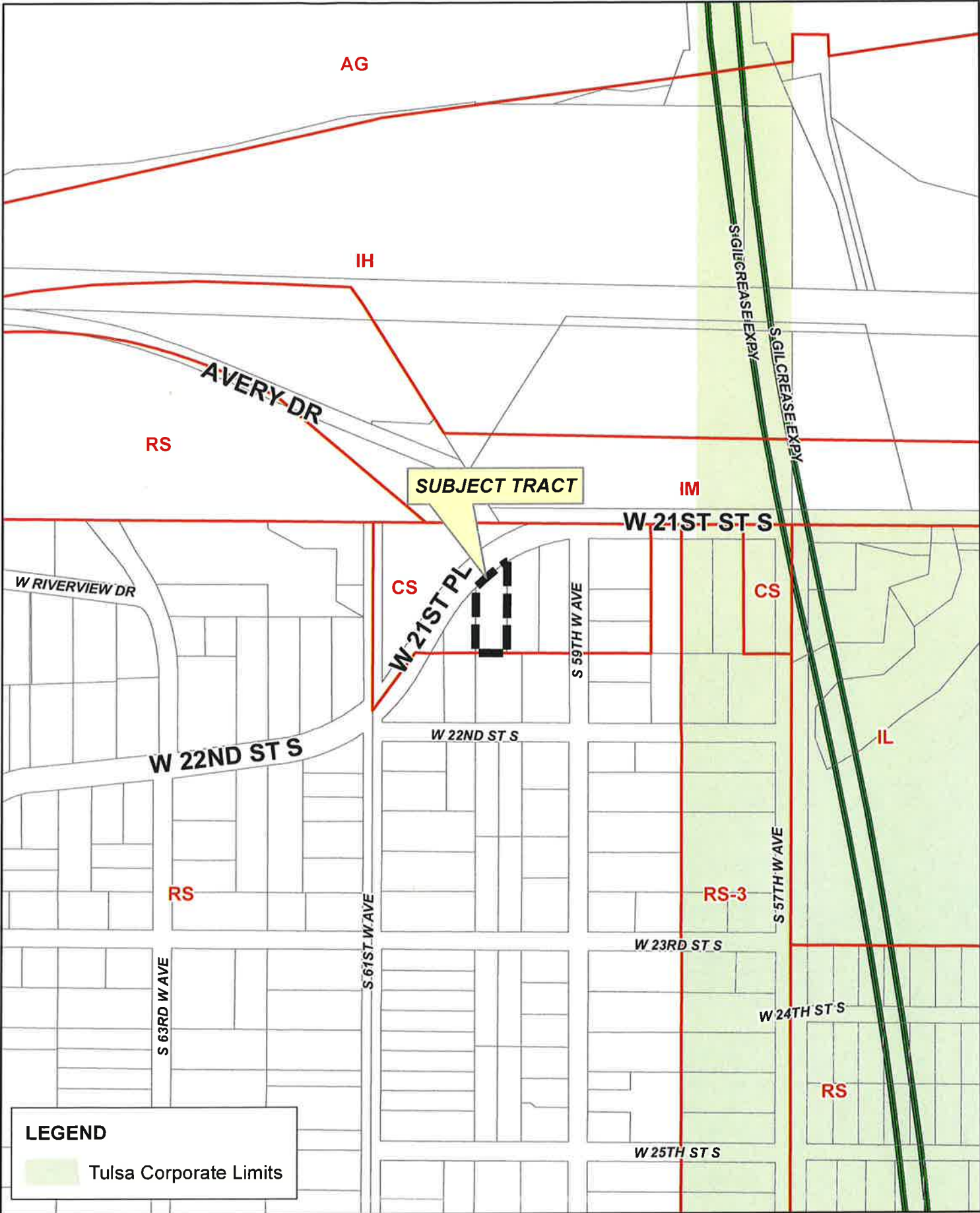
Subject tract looking Southeast from W 21st Pl



Subject tract looking South from W 21st Pl

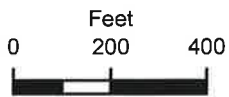


Subject tract looking Southwest from W 21st Pl



LEGEND

Tulsa Corporate Limits



CBOA-3101

19-12 17





Subject Tract

CBOA-3101

19-12 17

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

Aerial Photo Date: 2023



CBOA-3101 12.7

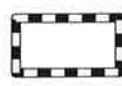
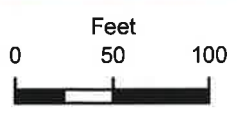


AVERY DR

W 21ST PL

W 22ND ST S

S 59TH W AVE



Subject Tract

CBOA-3101

19-12 17

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

Aerial Photo Date: 2023



CBOA-3101 12.8





Board of Adjustment

Case Number: CBOA-3102

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

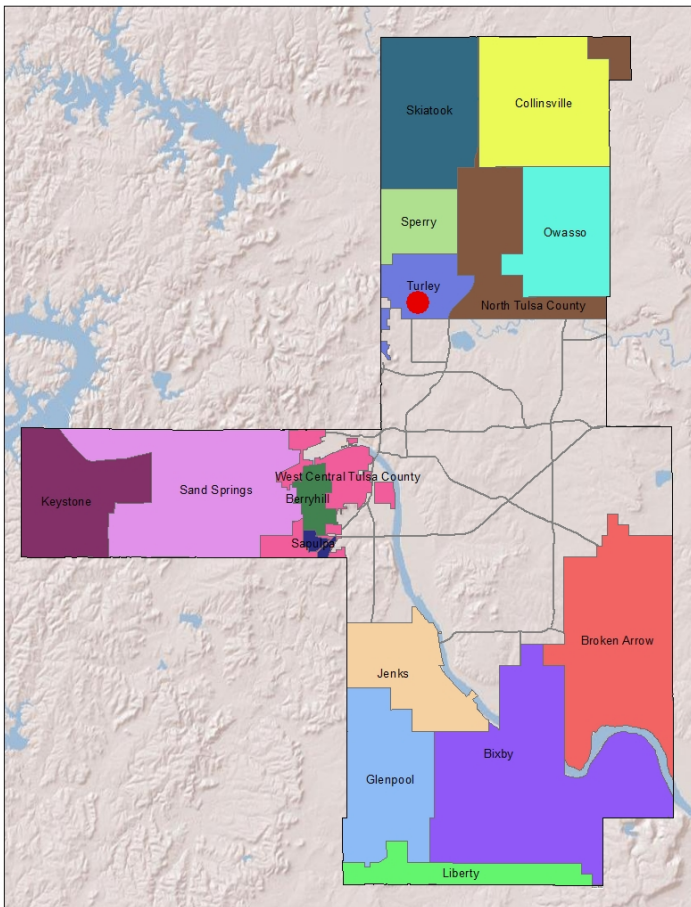
Owner and Applicant Information:

Applicant: Luis Raul Hernandez Galindo

Property Owner: ANKA REAL ESTATE & HOLDINGS LLC

Action Requested: Special Exception to permit a manufactured home in the RS district (Section 410)

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 0.22 acres

Location: 6314 N TRENTON AV E

Present Zoning: RS

Fenceline/Area: Turley

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0306

CZM: 22

CASE NUMBER: CBOA-3102

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Luis Raul Hernandez Galindo

ACTION REQUESTED: Special Exception to permit a manufactured home in the RS district (Section 410)

LOCATION: 6314 N TRENTON AV E

ZONED: RS

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 0.22 acres

LEGAL DESCRIPTION: LT 13 BLK 3, PHILLIPS FARMS ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-526 January 1985: The Board approved a Special Exception to permit a manufactured home in the RS district (Section 410).

CBOA-2065 October 2003: The Board approved a Special Exception to permit a manufactured home in the RS district (Section 410).

CBOA-2596 September 2003: The Board approved a Special Exception to permit a manufactured home in the RS district (Section 410).

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

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home in the RS district (Section 410).

The site contains 0.22 acres. There are several manufactured homes in the general vicinity of the subject tract.

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 manufactured home in the RS district (Section 410).

Subject to the following conditions, if any: _____.

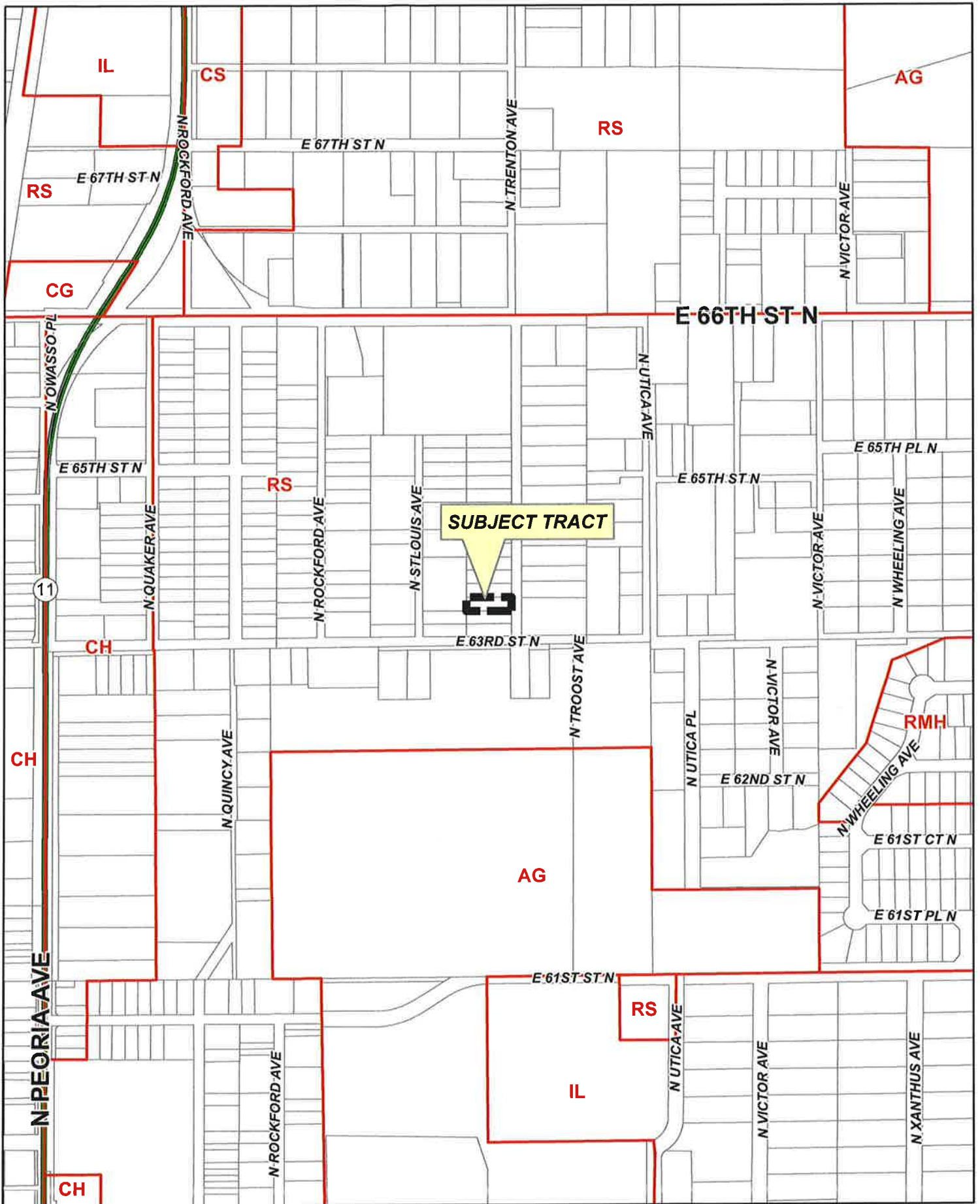
In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking Northwest from N Trenton Ave



Subject tract looking Southwest from N Trenton Ave



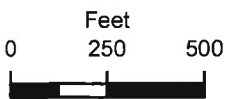
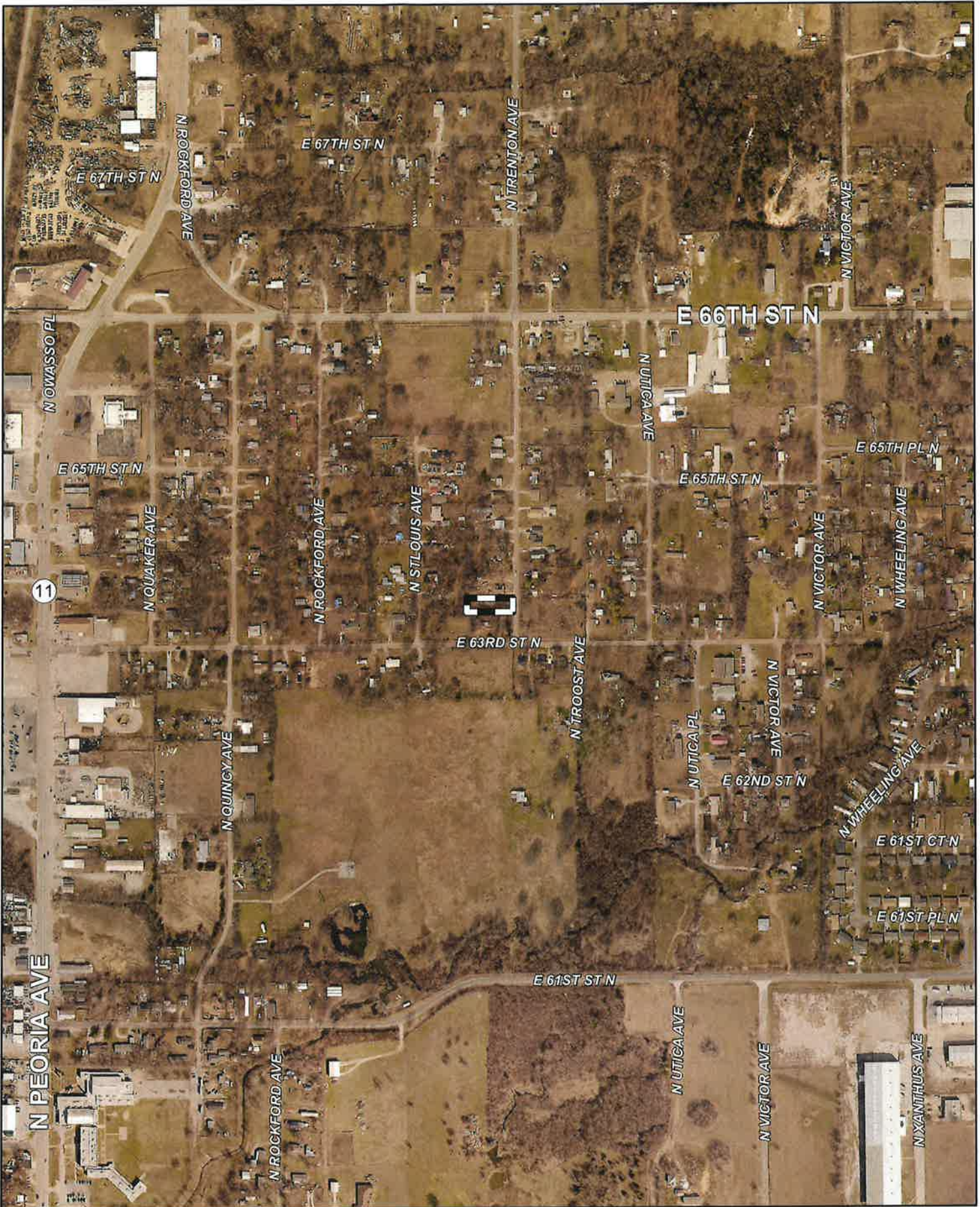
SUBJECT TRACT

CBOA-3102



20-13 06





 Subject Tract

CBOA-3102

20-13 06

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

Aerial Photo Date: 2023



CBOA-3102 13.6

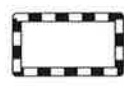
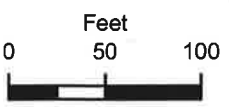


N ST LOUIS AVE

N TRENTON AVE

E 63RD ST N

N TROOST AVE



Subject Tract

CBOA-3102

20-13 06

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

Aerial Photo Date: 2023

CBOA-3102 13.7





Case Number: CBOA-3103

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

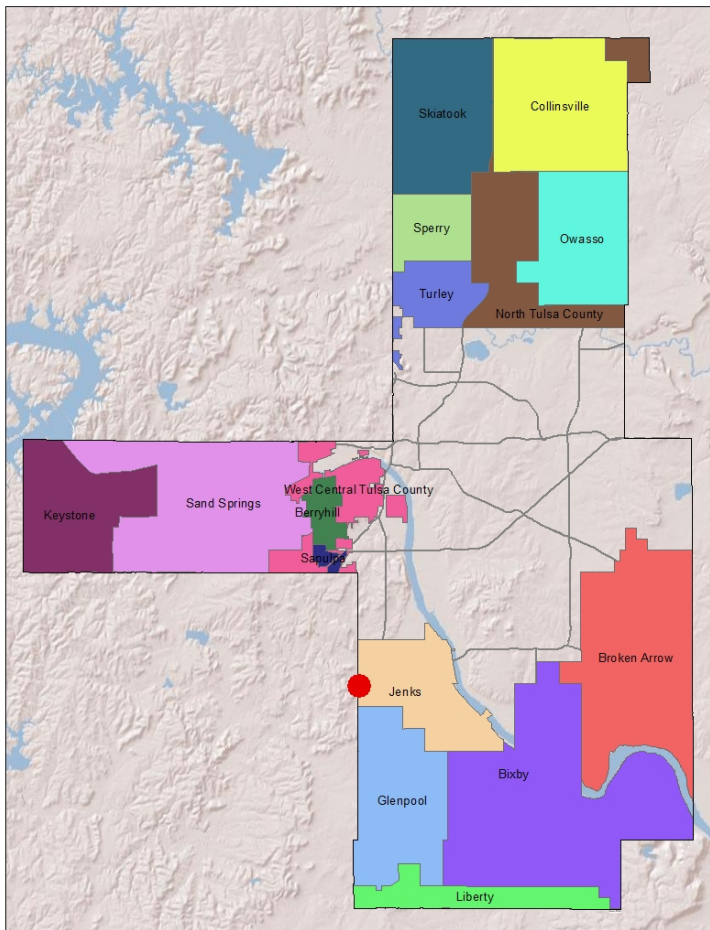
Owner and Applicant Information:

Applicant: Brent Properties

Property Owner: BRENT PROPERTIES LLC

Action Requested: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 1.15 acres

Location: 3345 W 111 ST S

Present Zoning: AG

Fenceline/Area: Jenks

Land Use Designation: Medium Intensity Single-Family

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 8227

CZM: 55

CASE NUMBER: CBOA-3103

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Brent Properties

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

LOCATION: 3345 W 111 ST S

ZONED: AG

FENCELINE: Jenks

PRESENT USE: Residential

TRACT SIZE: 1.15 acres

LEGAL DESCRIPTION: 2 ACRES IN SW COR SW LESS W 125 SEC 27- 18-12, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-1227 February 1994: The Board approved a Variance of lot area from 2 acres to 1.74 acres to permit a lot split in an AG district (Section 330)

CBOA-2958 April 2022: The Board approved a Variance of the minimum lot area and land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence. The tract abuts AG zoning to the north, east and west containing single-family residences and AG zoning to the south containing vacant land.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

The AG district requires minimum of 2.1 acres per dwelling unit. The subject tract is 1.15 acres in size and contains an existing single-family home. The applicant intends to replace the existing home with a new home, which necessitates the need for a variance of the lot area per dwelling unit.

The applicant provided the statement that “most homes in the area are zoned residential.” There are RE zoned lots nearby to the east and to the west, which required lots to be a minimum of 22,500 sf of area per dwelling. The subject lot contains 1.15 acres, so would be greater than the lot area required for RE zoned lots.

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

Sample Motion:

“Move to _____ (approve/deny) a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

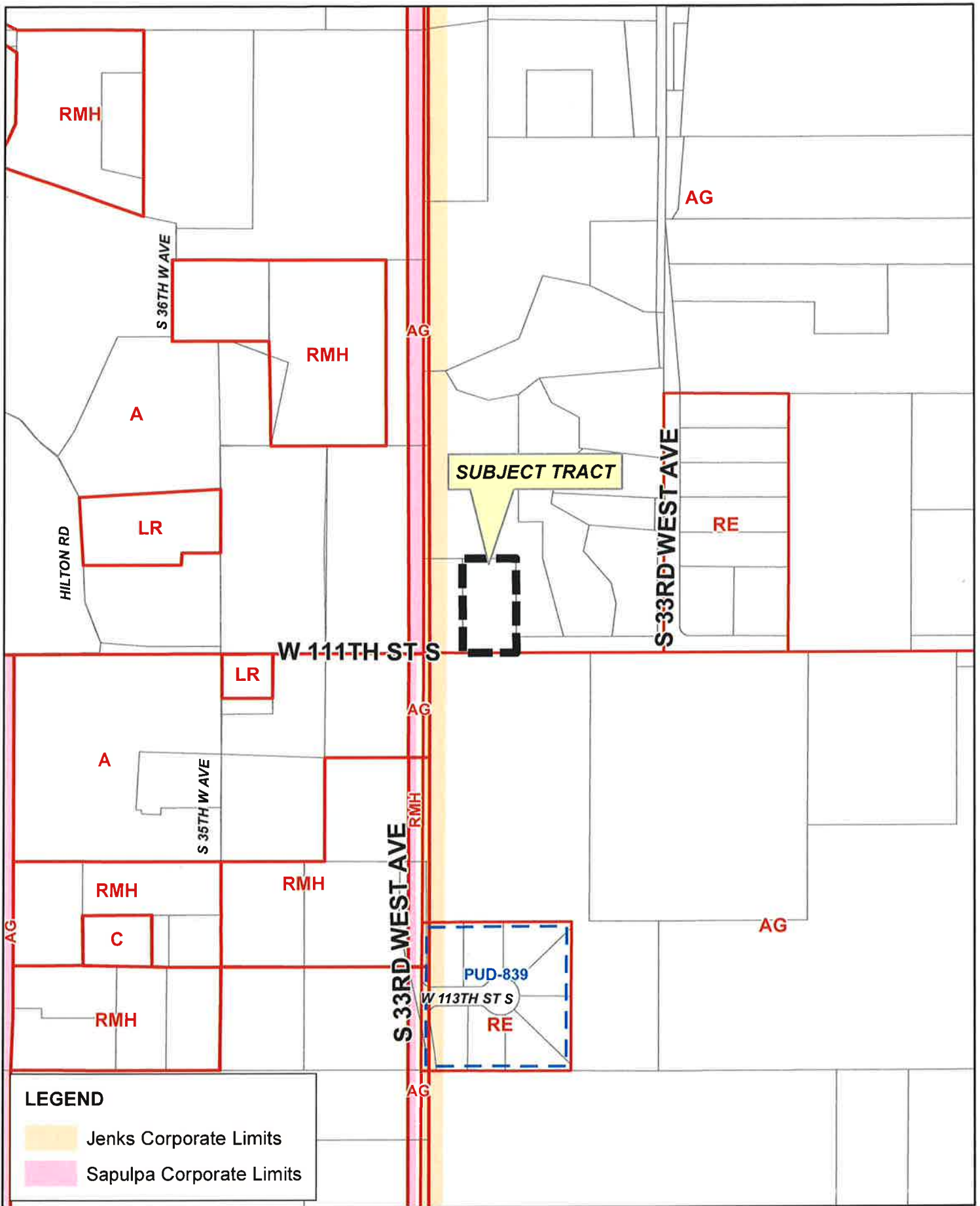
Subject to the following conditions, if any: _____.

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.

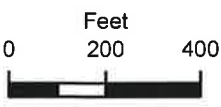


Subject tract looking North from W 111th St S



LEGEND

- Jenks Corporate Limits
- Sapulpa Corporate Limits



CBOA-3103

18-12 27





Subject
Tract

CBOA-3103

18-12 27

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

Aerial Photo Date: 2023

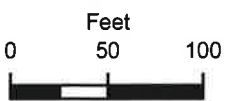


CBOA-3103 14.6



S 33RD WEST AVE

W 111TH ST S



Subject Tract

CBOA-3103

18-12 27

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

Aerial Photo Date: 2023



CBOA-3103 14.7



Case Number: CBOA-3104

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

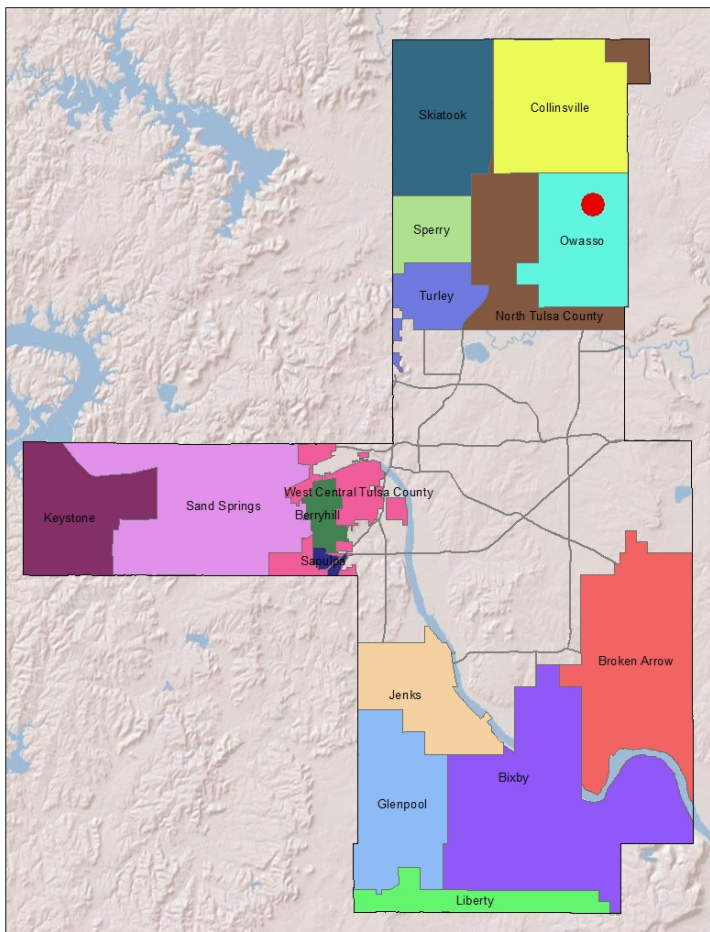
Owner and Applicant Information:

Applicant: Paula McGuire

Property Owner: ALEXANDER, GARY

Action Requested: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

Location Map:



Additional Information:

Present Use: AG

Tract Size: 3.7 acres

Location: 12025 E 111 ST N

Present Zoning: AG

Fenceline/Area: Owasso

Land Use Designation: Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1408

CZM: 12

CASE NUMBER: CBOA-3104

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Paula McGuire

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

LOCATION: 12025 E 111 ST N

ZONED: AG

FENCELINE: Owasso

PRESENT USE: AG

TRACT SIZE: 3.7 acres

LEGAL DESCRIPTION: N/2 SE SE NW LESS W175 THEREOF SEC 8 21 14 3.698ACS, REMINGTON PLACE II Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence. The tract abuts AG zoning to the east containing a single-family residence and RS-3 zoning to the north, west and south containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

The AG district requires minimum of 2.1 acres per dwelling unit. The subject tract is 3.7 acres in size and contains an existing single-family home. The applicant is proposing to split the existing lot into two lots with the western proposed lot being 1.13 acres in size and the remaining eastern lot being 2.57 acres in size.

The applicant provided the statement that "This property is a large tract that is still in the county. It is surrounded by smaller tracts that are in the city (Owasso). Comprehensive plan for this area is for smaller tracts." The applicant provided a lot split survey, included with this report, to illustrate the proposed lot configuration.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

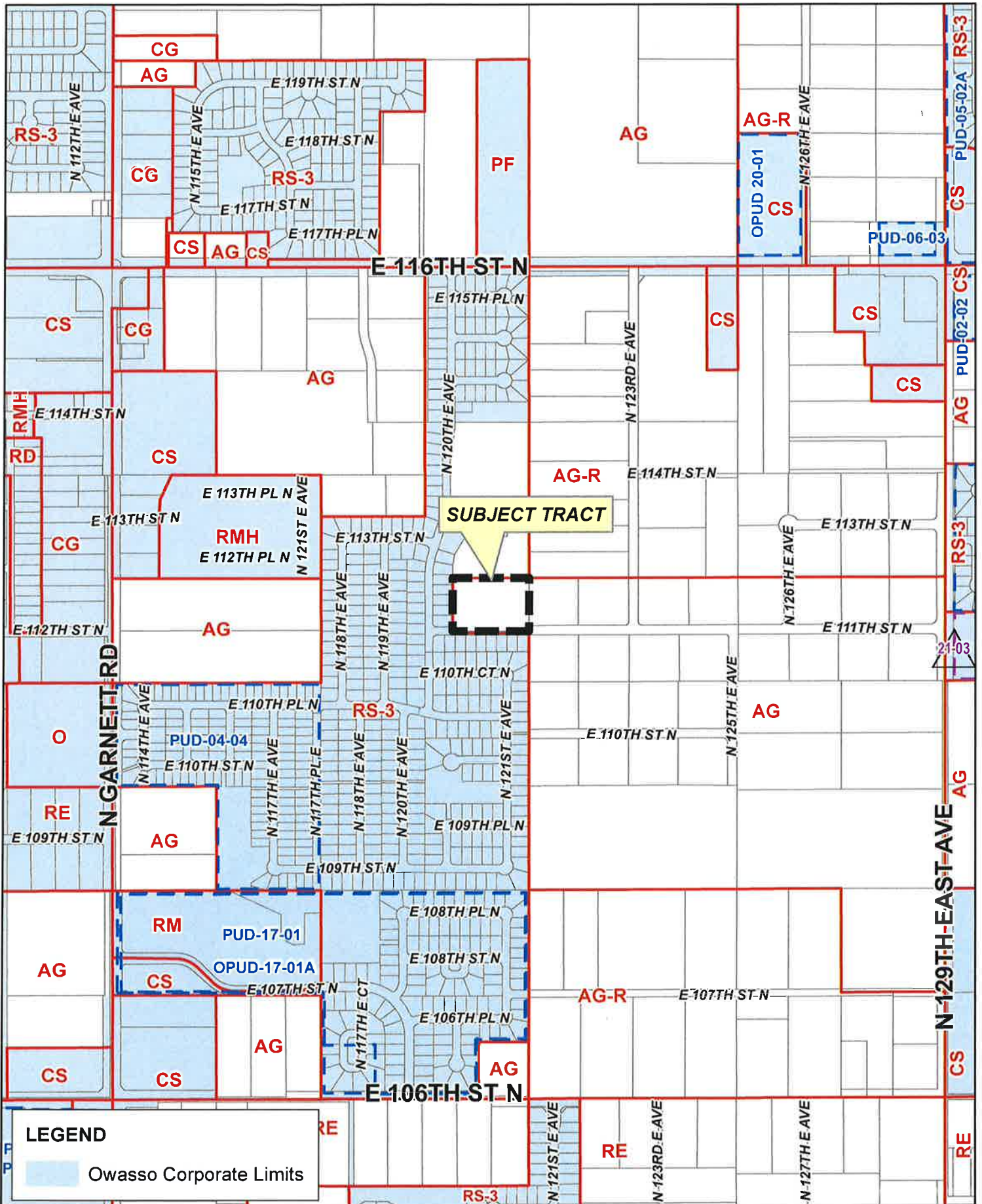
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 looking Northwest from E 111th St N



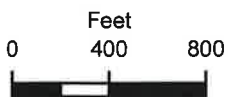
Subject tract looking North from E 111th St N



CBOA-3104

21-14 08

CBOA-3104 15.5



Subject Tract

CBOA-3104

21-14 08

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

Aerial Photo Date: 2023



CBOA-3104 15.6



E 111TH ST N

E 110TH CT N



**Subject
Tract**

CBOA-3104

21-14 08

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

Aerial Photo Date: 2023



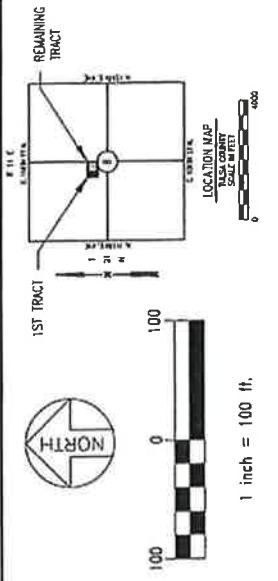
CBOA-3104 15.7

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NO. 4	1
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NO. 98	1
NO. 99	1
NO. 100	1

SCHEMMER

Design with Purpose. Build with Confidence.

LOT SPLIT
GARY ALEXANDER
12025 E. 111TH ST NORTH
OWASSO, OK, 74055
JOB NO. 09190001
SHEET 1 of 1



PROPERTY DESCRIPTION (FOR RECORD)
(PER OUR CLAM DEED FILED IN BOOK 6300, PAGE 2449 IN THE OFFICE OF THE TULSA COUNTY CLERK)
THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (N/2 S/4 SE/4 NW/4) OF SECTION EIGHT (8), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

LESS
(PER GENERAL WARRANTY DEED FILED IN BOOK 7225, PAGES 514-515 IN THE OFFICE OF THE TULSA COUNTY CLERK)
THE WEST 75 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2 SE/4 NW/4) OF SECTION EIGHT (8), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

FIRST TRACT
THE WEST 150 FEET OF THE FOLLOWING DESCRIBED PROPERTY, THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 SE/4 NW/4) LESS THE WEST 175 FEET THEREOF, OF SECTION EIGHT (8), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

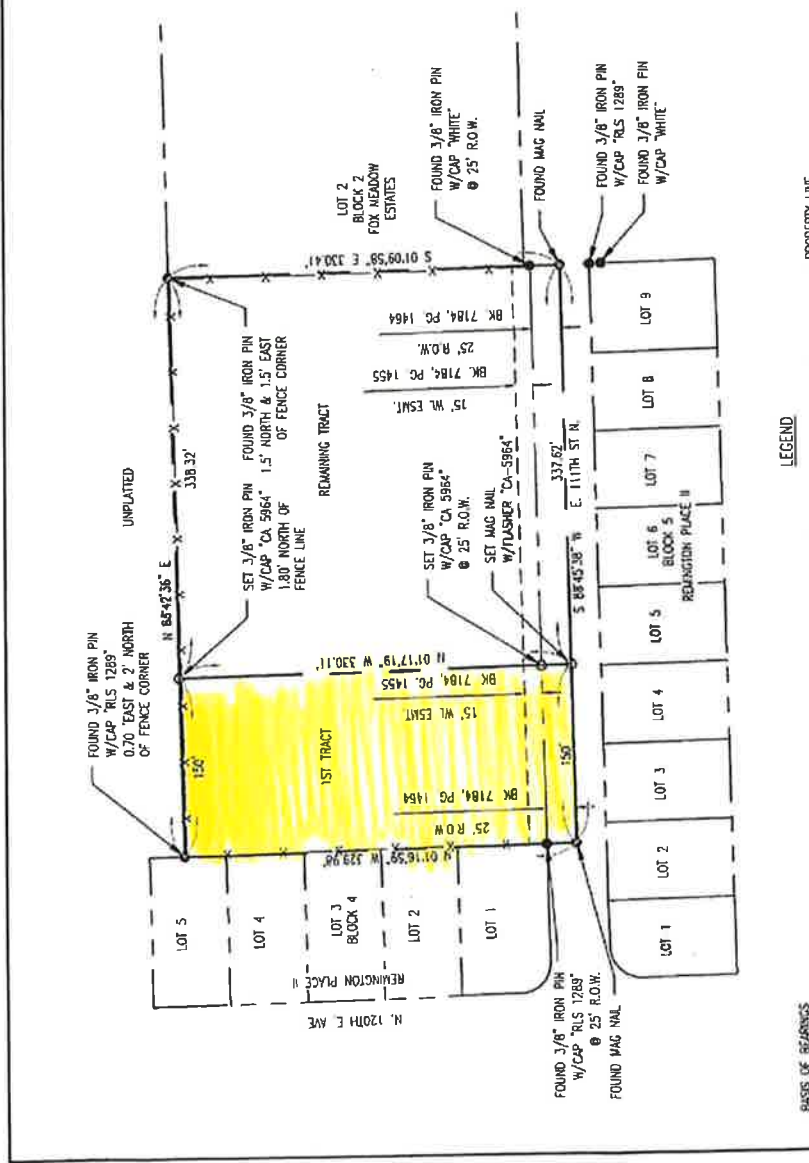
REMAINING TRACT
THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 SE/4 NW/4) LESS THE WEST 175 FEET OF SECTION EIGHT (8), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

SURVEYOR'S CERTIFICATION
I, A.B. WATSON, JR., A DUTY REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE ON THE GROUND, UNDER MY SUPERVISION, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

WITNESS MY HAND AND SEAL THIS 7TH DAY OF JULY, 2023

THE SCHEMMER ASSOCIATES INC.
BY A.B. WATSON, JR. (AGSM)

Internet: abw@scschemmer.com
10870 E. 45TH STREET, SUITE 307
TULSA, OK, 74146
PHONE: 918-394-1505
FAX: 918-358-6876
CA5964 EXP. 06/30/2025
www.schemmer.net



BASES OF BEARINGS
THE OKLAHOMA STATE PLANE COORDINATE SYSTEM
OKLAHOMA NORTH ZONE: 3501

BEACHMARK
GENERAL DATA SERVICE MONUMENT: 132
3" C.O.E. BRASS CAP, SET IN A CONCRETE POST, FLUSH,
STAMPED "132", S.E. OF 126TH ST. N. AND GARRETT ROAD

HORIZONTAL DATUM: NAD 83
NORTHING: 493493.012
EASTING: 2602392.820
VERTICAL DATUM: MVD 88
ELEV. 652.31



Board of Adjustment

Case Number: CBOA-3105

Hearing Date: 10/17/2023 1:30 PM
(Continued from 09/19/2023)

Case Report Prepared by:

Jay Hoyt

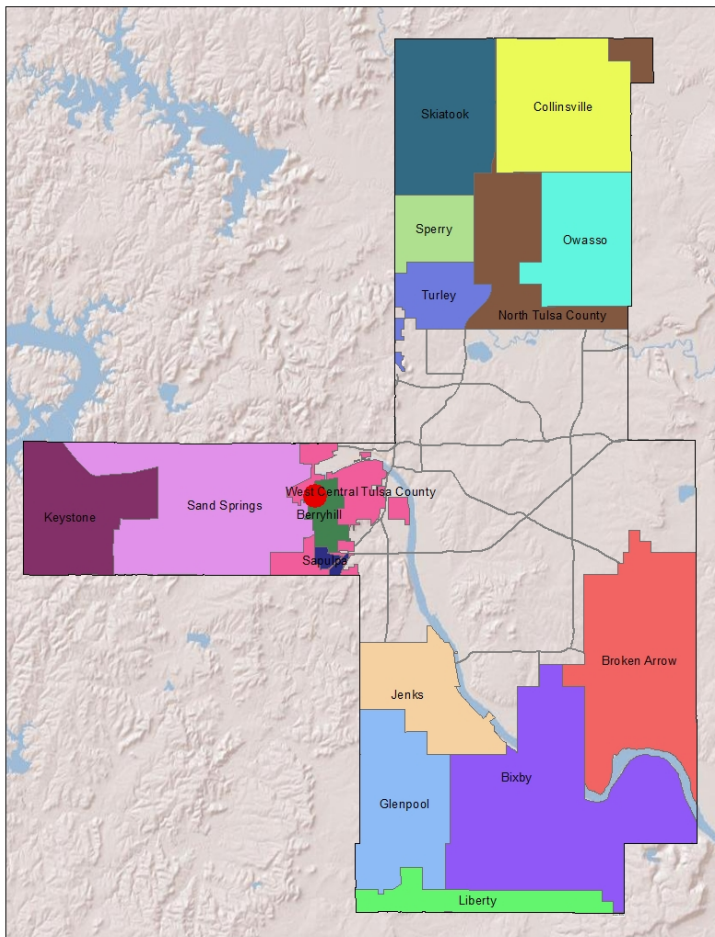
Owner and Applicant Information:

Applicant: Peter Gilstrap

Property Owner: GILSTRAP, CANDACE M & PETER A

Action Requested: Special Exception to permit a Church (Use Unit 5) with accessory Cemetery (Use Unit 2) in the AG district (Section 310).

Location Map:



Additional Information:

Present Use: Agriculture

Tract Size: 8.97 acres

Location: N of NWC S 67th W Ave & W 25th St S

Present Zoning: AG

Fenceline/Area: West Central Tulsa County

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9218

CZM: 35

CASE NUMBER: CBOA-3105

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM (Continued from 09/19/2023)

APPLICANT: Peter Gilstrap

ACTION REQUESTED: Special Exception to permit a Church (Use Unit 5) with accessory Cemetery (Use Unit 2) in the AG district (Section 310).

LOCATION: N of NWC S 67th W Ave & W 25th St S

ZONED: AG

FENCELINE: West Central Tulsa County

PRESENT USE: Agriculture

TRACT SIZE: 8.97 acres

LEGAL DESCRIPTION: W/2 W/2 E/2 SE NE & E/2 W/2 SE NE LESS BEG SWC E/2 W/2 SE NE TH E250 N100 W250 S100 POB & LESS BEG 495W NEC SE NE TH W496.38 S453.50 E497.46 N489 POB & LESS BEG 250E SWC E/2 W/2 SE NE TH E40 N100 W40 S100 POB SEC 18 19 12 8.968ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1995 August 2002: The Board approved a Variance of Section 207 requiring a minimum of 30 ft of frontage on a public street to permit a lot split for two existing dwellings with 0 ft of frontage.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and is currently vacant. The tract abuts AG zoned tracts to the north and west containing single-family residences and vacant land as well as RS zoned lots to the west, south and east containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a Church (Use Unit 5) with accessory Cemetery (Use Unit 2) in the AG district (Section 310).

The applicant is proposing to construct a church, along with accessory buildings associated with the proposed church, which falls within Use Unit 5 – Community Service and Similar Uses and requires a special exception within the AG district. They also propose to locate a cemetery, accessory to the church, on the subject tract, which falls within Use Unit 2 – Area Wide Special Exception.

A special exception is required as the proposed church and cemetery are uses which are 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 proposed church and cemetery 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 church and cemetery are compatible and non-injurious to the surrounding area.

Sample Motion:

“Move to _____ (approve/deny) a Special Exception to permit a Church (Use Unit 5) with accessory Cemetery (Use Unit 2) in the AG district (Section 310).

Subject to the following conditions, if any: _____.

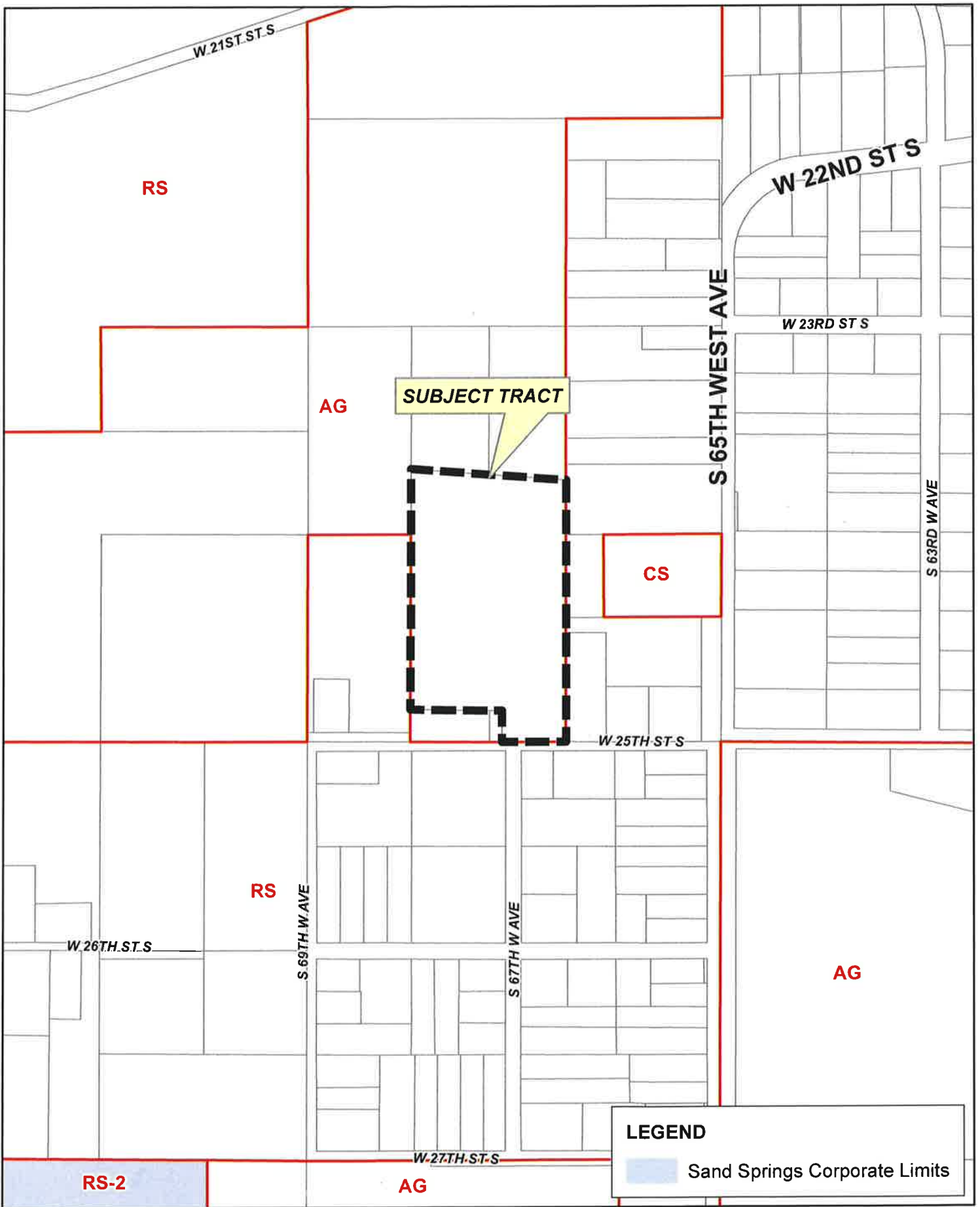
In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking Northwest from W 25th St S



Subject tract looking Northeast from W 25th St S



CBOA-3105

19-12 18



CBOA-3105 16.5



Subject Tract

CBOA-3105

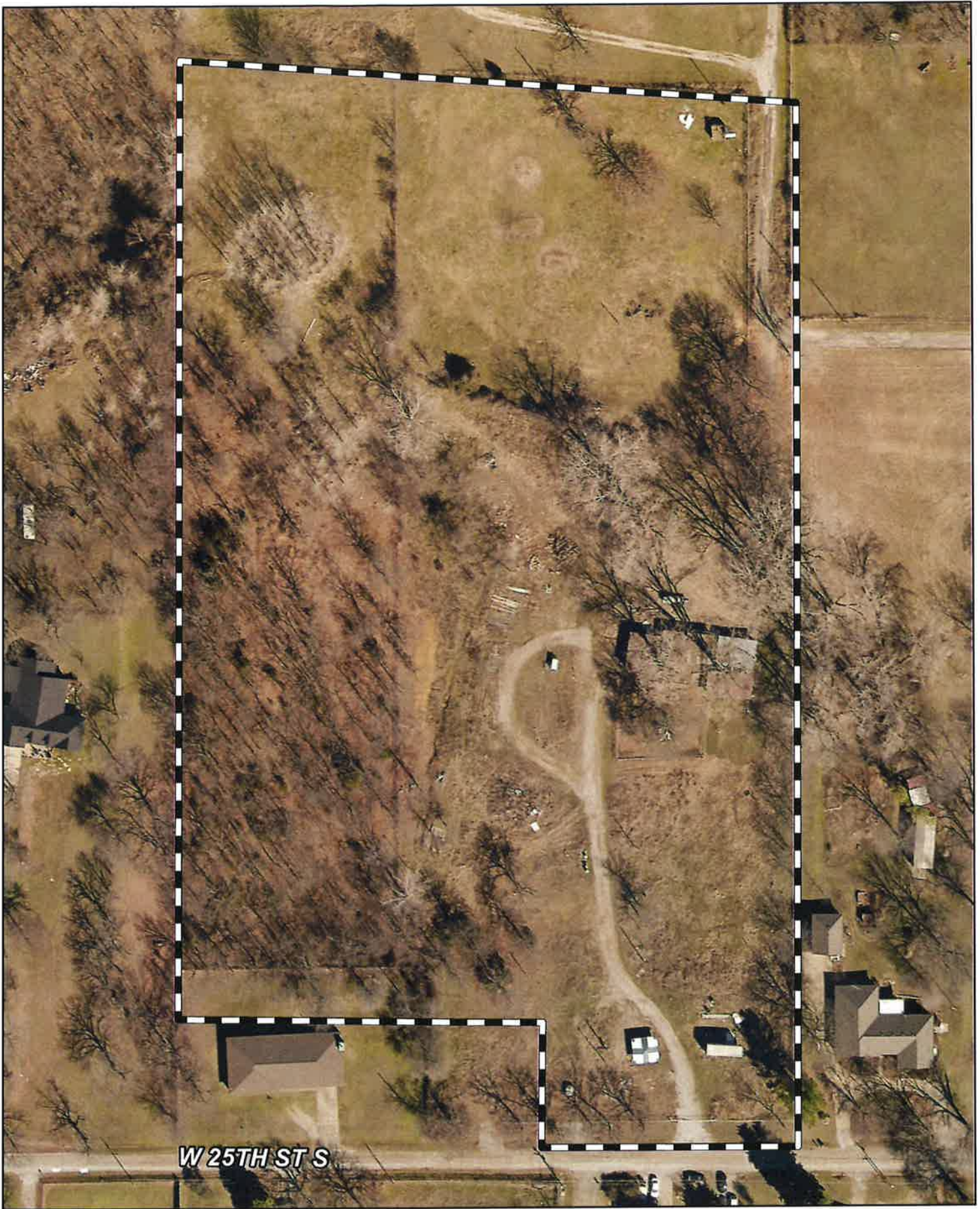
19-12 18

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

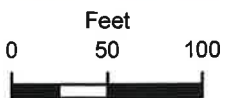
Aerial Photo Date: 2023



CBOA-3105 16.6



W 25TH ST S



Subject Tract

CBOA-3105

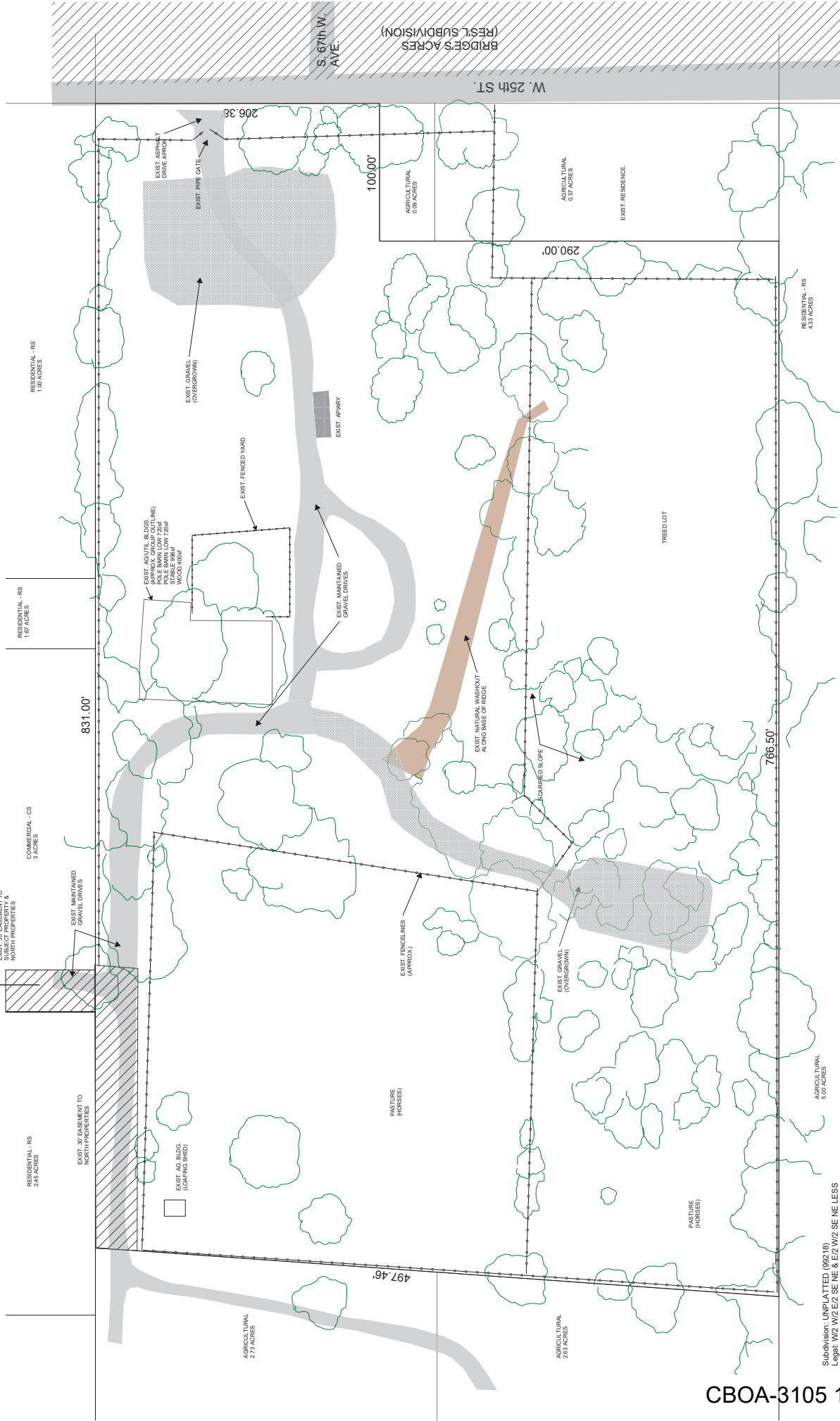
19-12 18

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

Aerial Photo Date: 2023



CBOA-3105 16.7



1 SITE PLAN EXIST. CONDITIONS
SCALE: 1"=40'

CONCEPTUAL SITE PLAN ONLY
 FOR USE WITH APPLICATION FOR ZONING
 EXCEPTION

Subdivision: UNPLATTED (69218)
 Legal: W/2 W/2 SE NE & E/2 W/2 SE NE LESS
 COMMERICAL CS 3 ACRES
 POB & LESS BEG. 489'N NE/4 SEC 18 TH W/4 98' 38"
 S453.50' E497.46' N489' POB & LESS BEG. 250' SWC
 E/2 W/2 SE NE TH E/40 N100 W/40 S100 POB SEC 18
 19.12.8.988ACS
 Section: 18 Township: 19 Range: 12

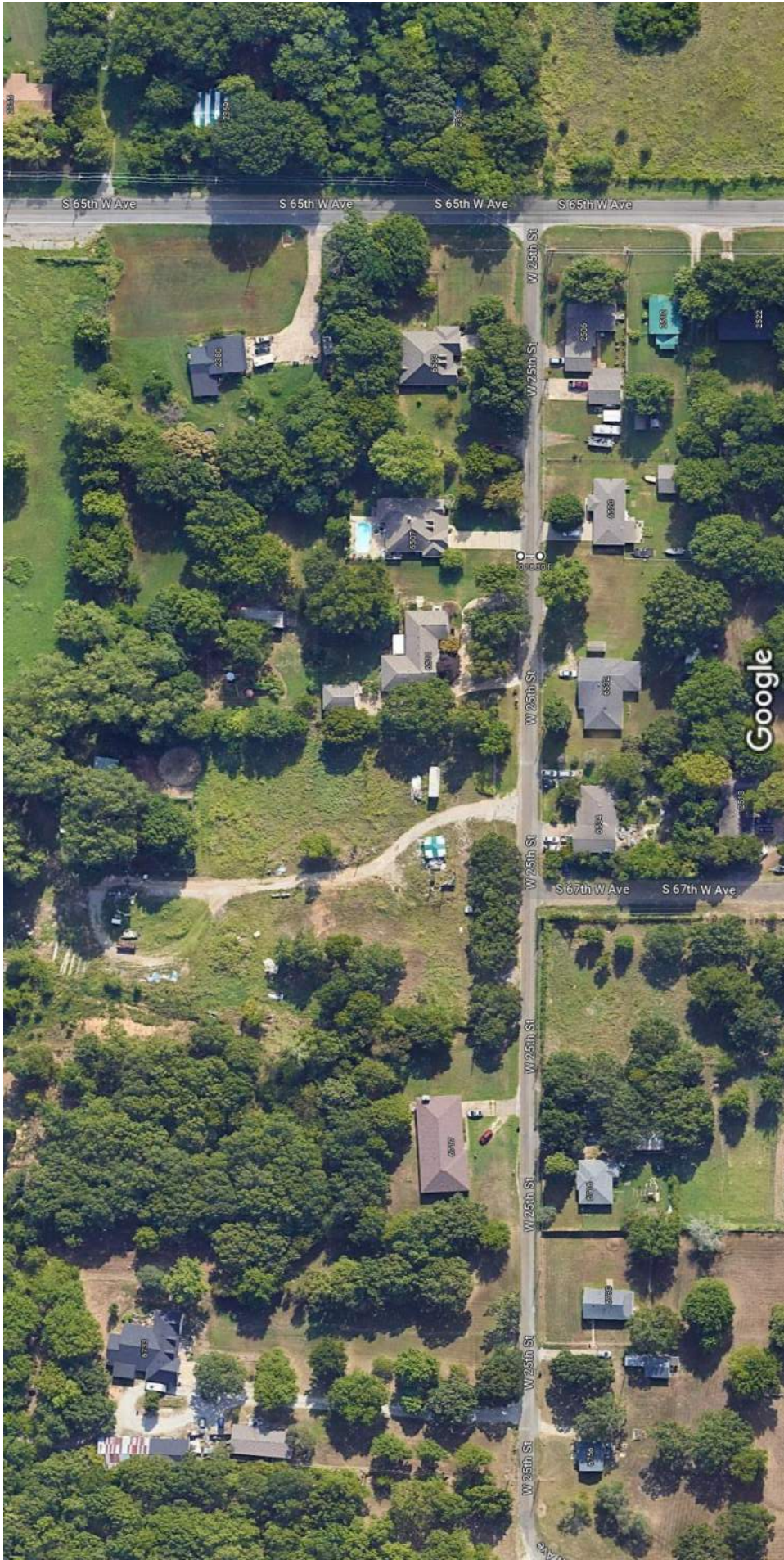


CBOA-3105 16.10

Imagery ©2023 Airbus, Maxar Technologies, Map data ©2023 20 ft

Measure distance
Total distance: 18.58 ft (5.66 m)

CBOA-3105
Gilstrap
Road Exhibits
1/10

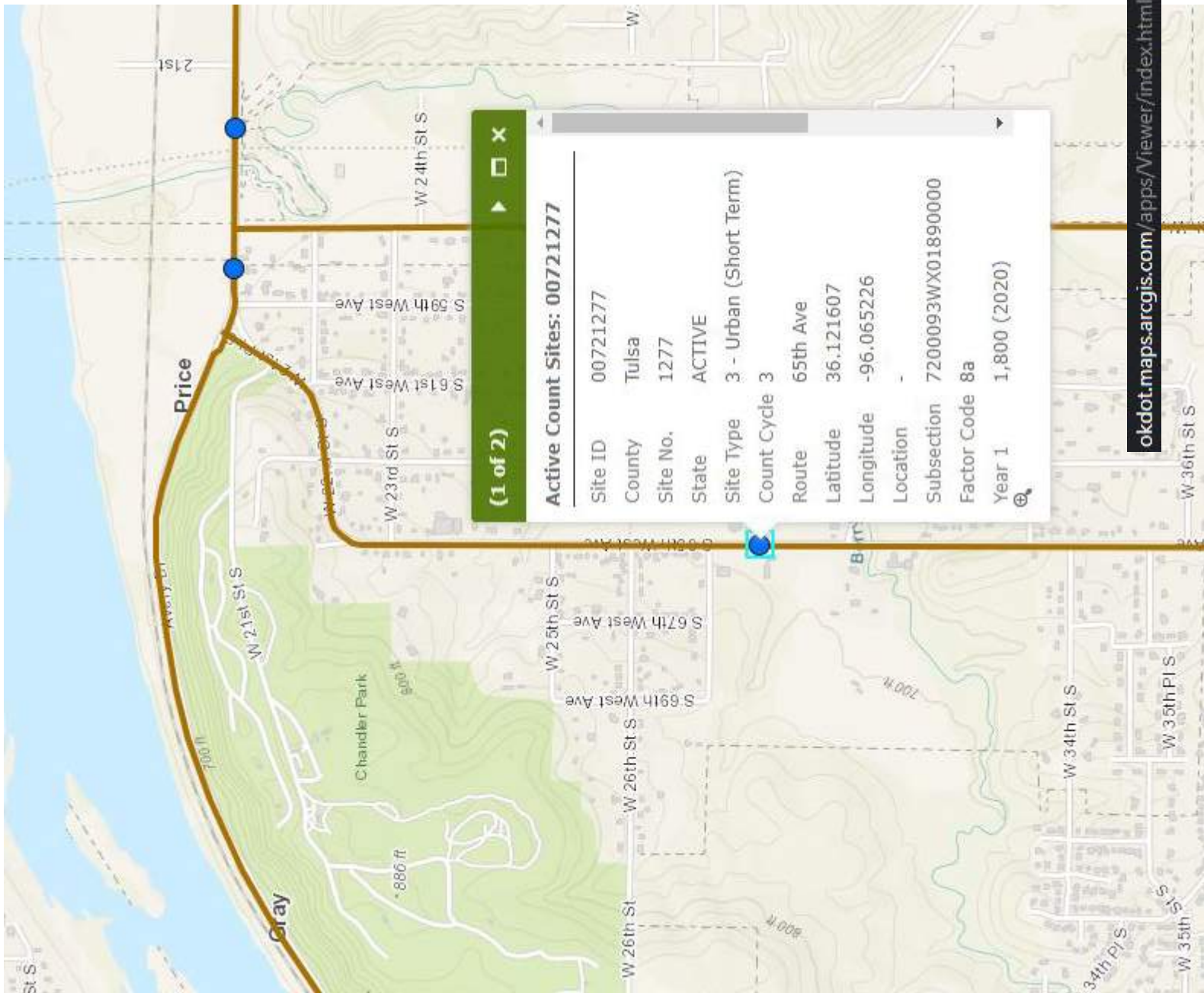


CBOA-3105 16.11

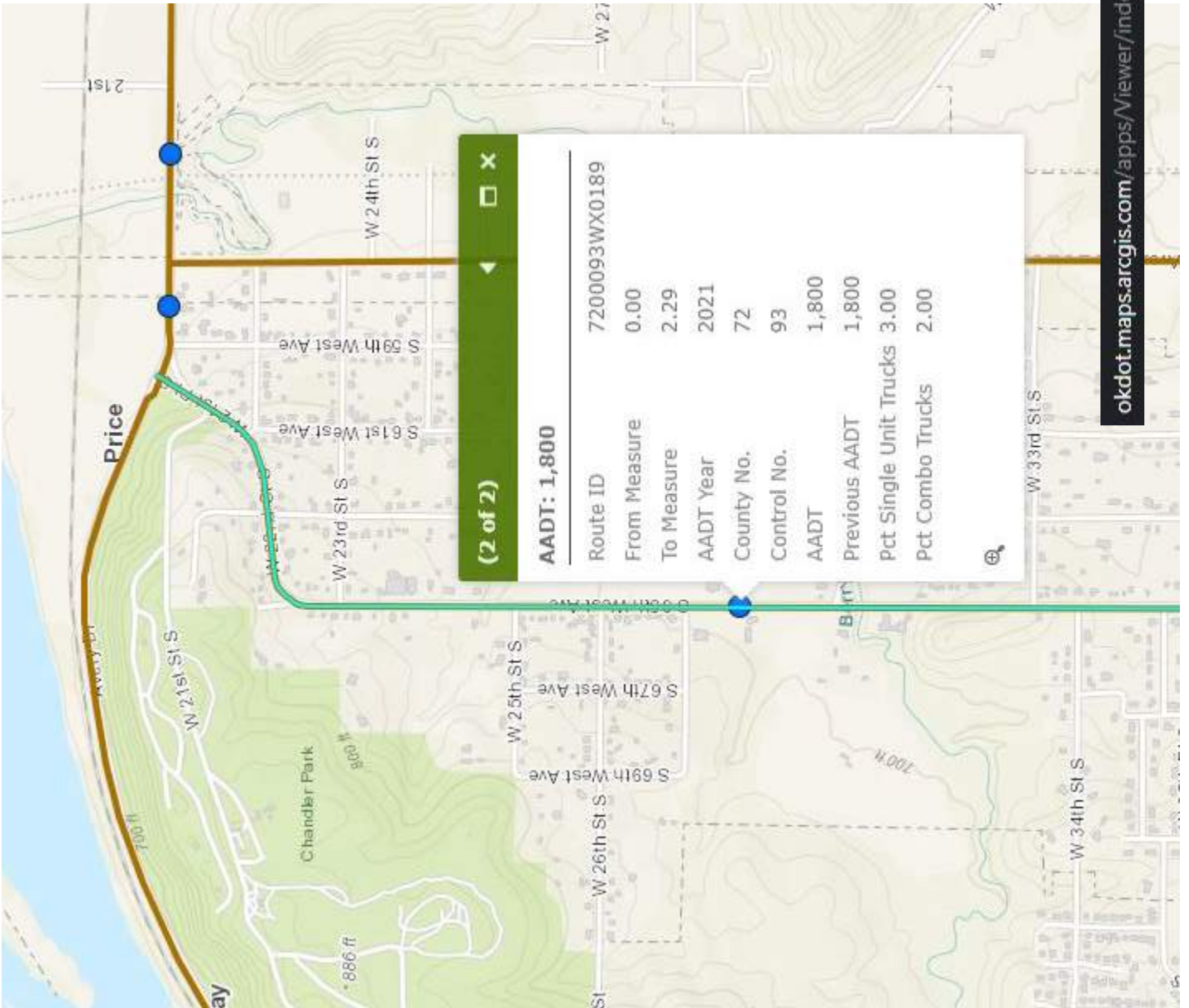
Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2023 50 ft

Measure distance
Total distance: 18.30 ft (5.58 m)

CBOA-3105
Gilstrap
Road Exhibits
2/10

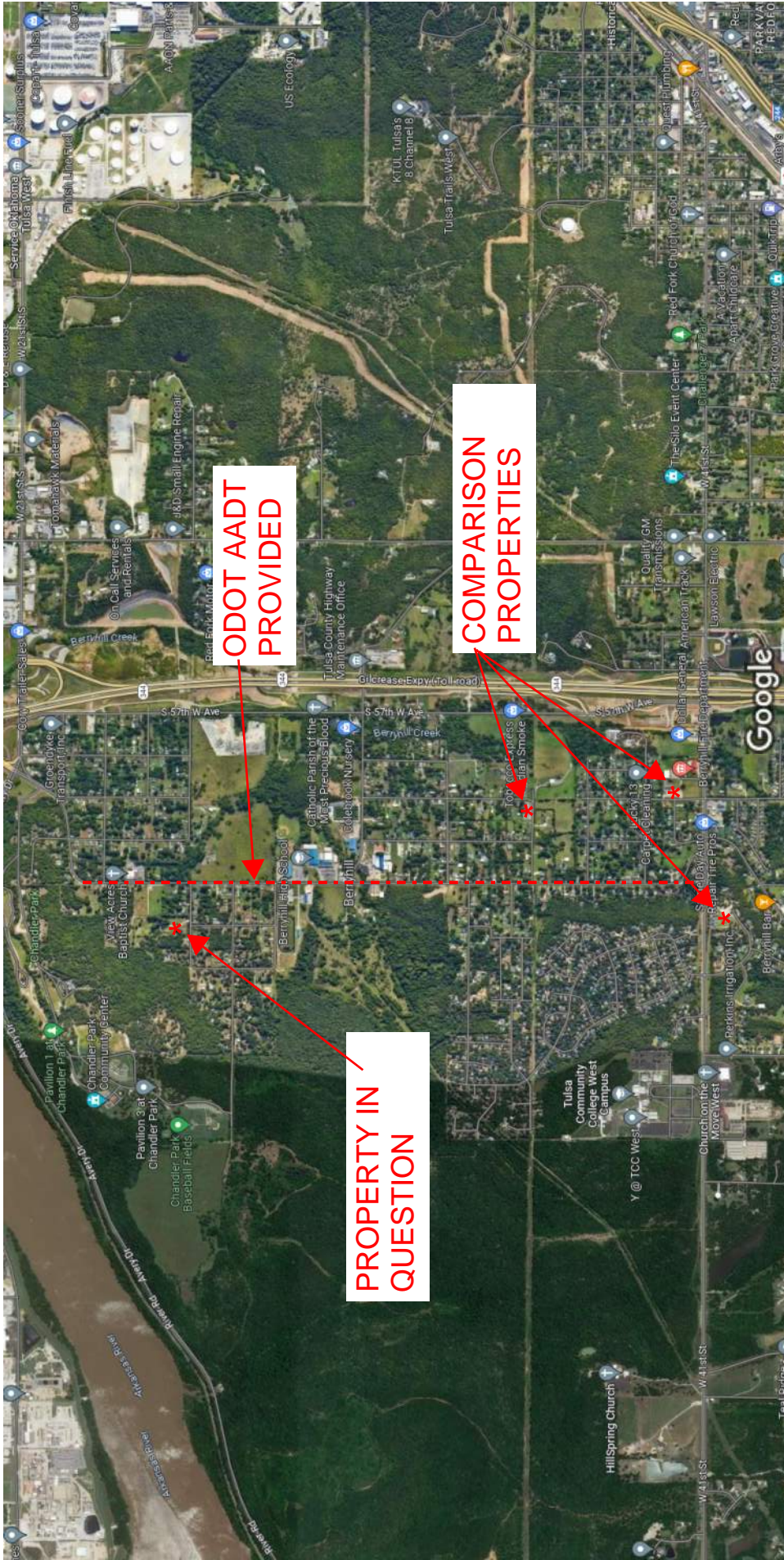


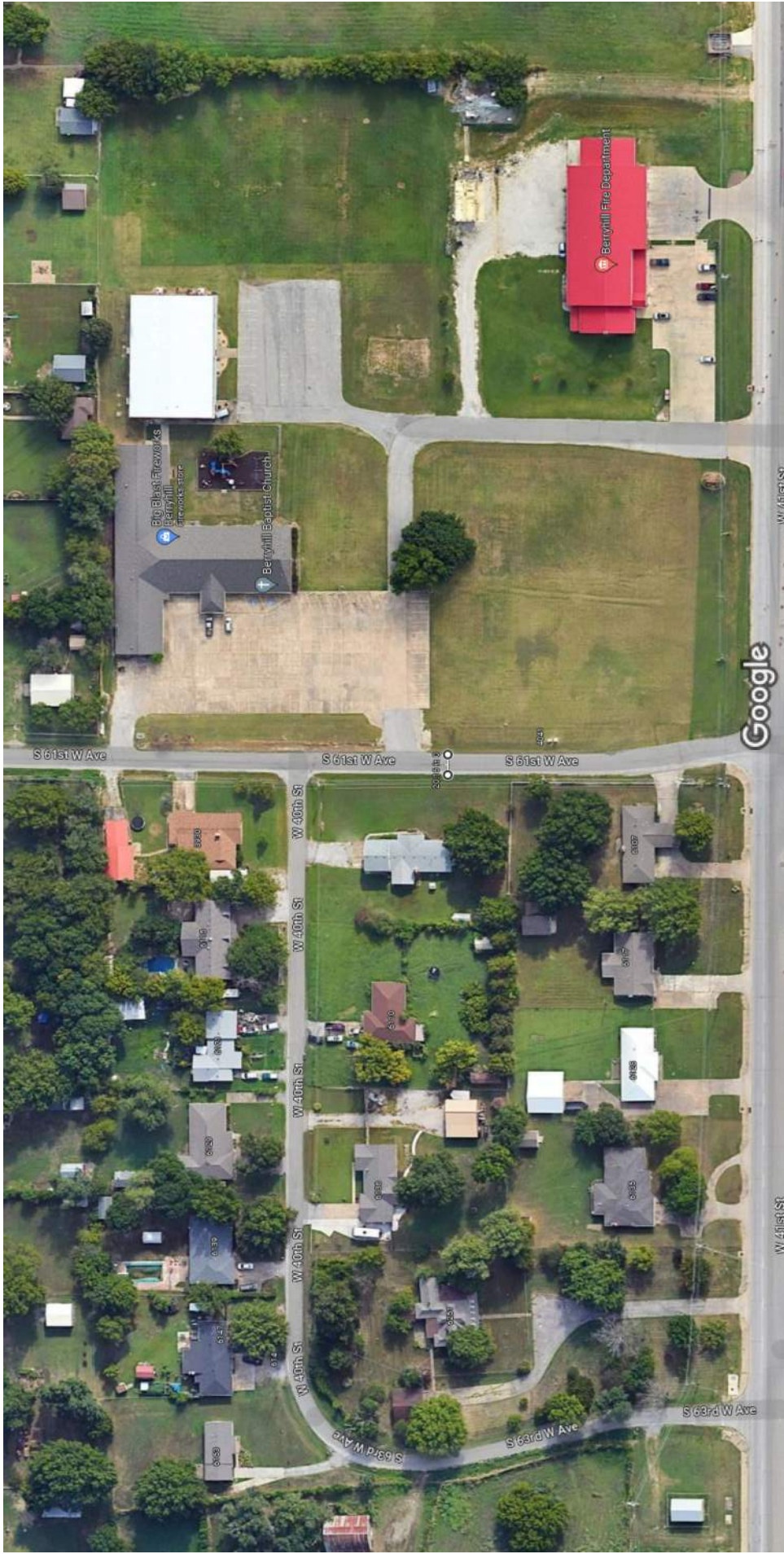
CBOA-3105
 Gilstrap
 Road Exhibits
 4/10



CBOA-3105
 Gilstrap
 Road Exhibits
 5/10

okdot.maps.arcgis.com/apps/Viewer/index.html?appid=a33b6aaa19674493bf42de11b250ef1b



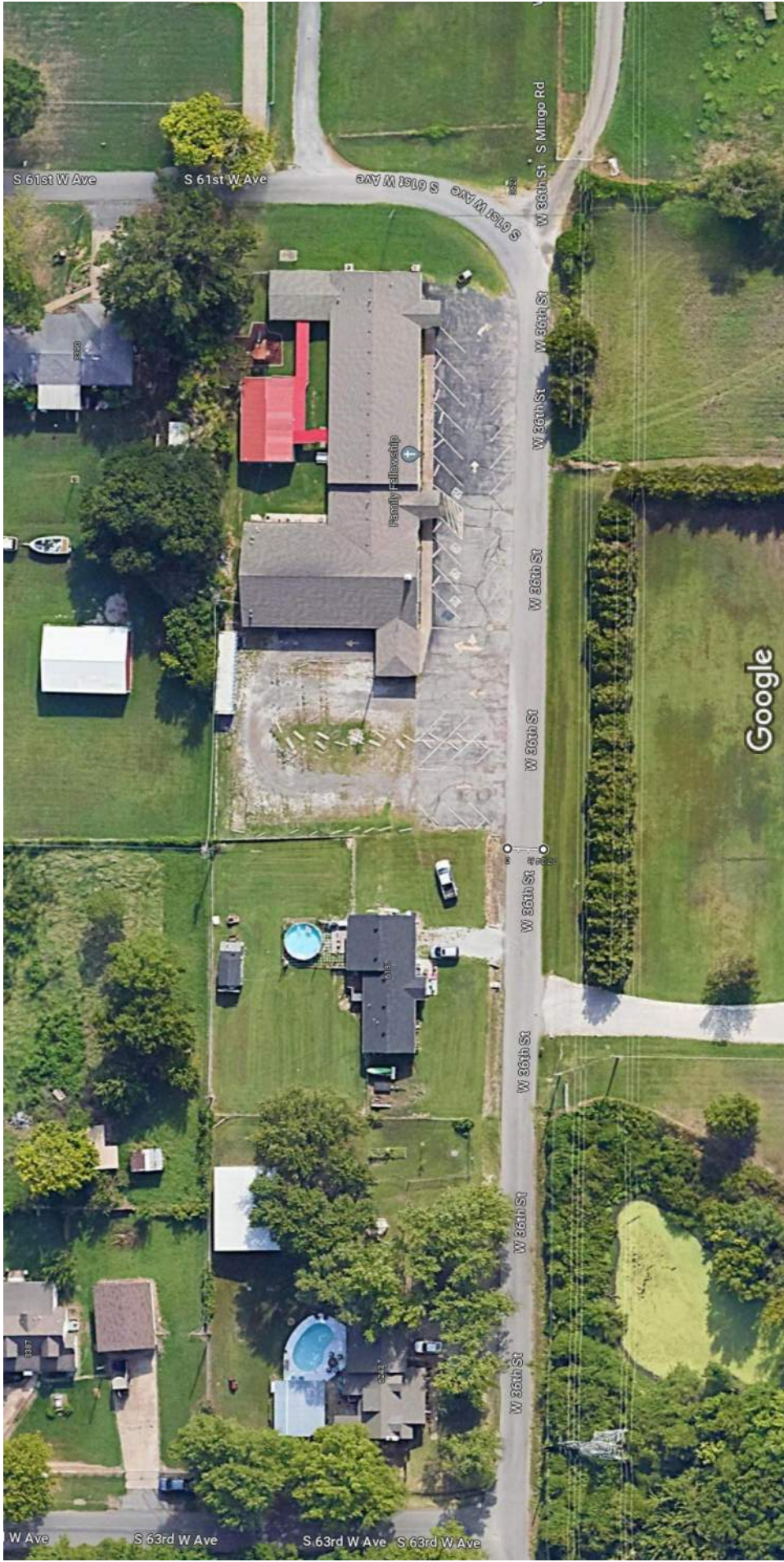


CBOA-3105 16.16

Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2023 50 ft

Measure distance
Total distance: 20.16 ft (6.15 m)

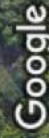
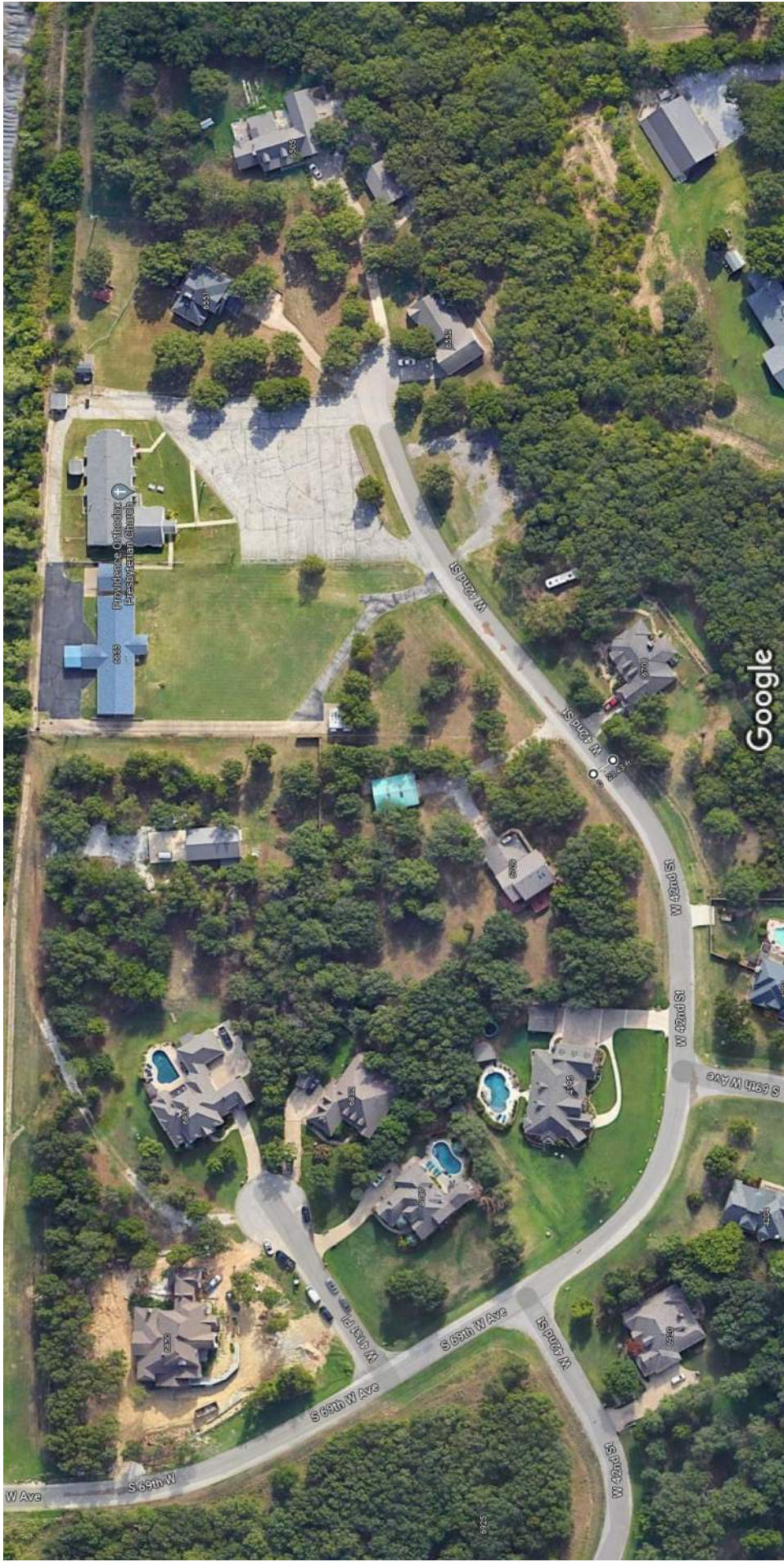
CBOA-3105
Gilstrap
Road Exhibits
7/10



Imagery ©2023 Airbus, Maxar Technologies, Map data ©2023 20 ft

Measure distance
Total distance: 17.34 ft (5.28 m)

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Gilstrap
Road Exhibits
8/10



Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 50 ft

Measure distance
Total distance: 23.43 ft (7.14 m)

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Gilstrap
Road Exhibits
9/10

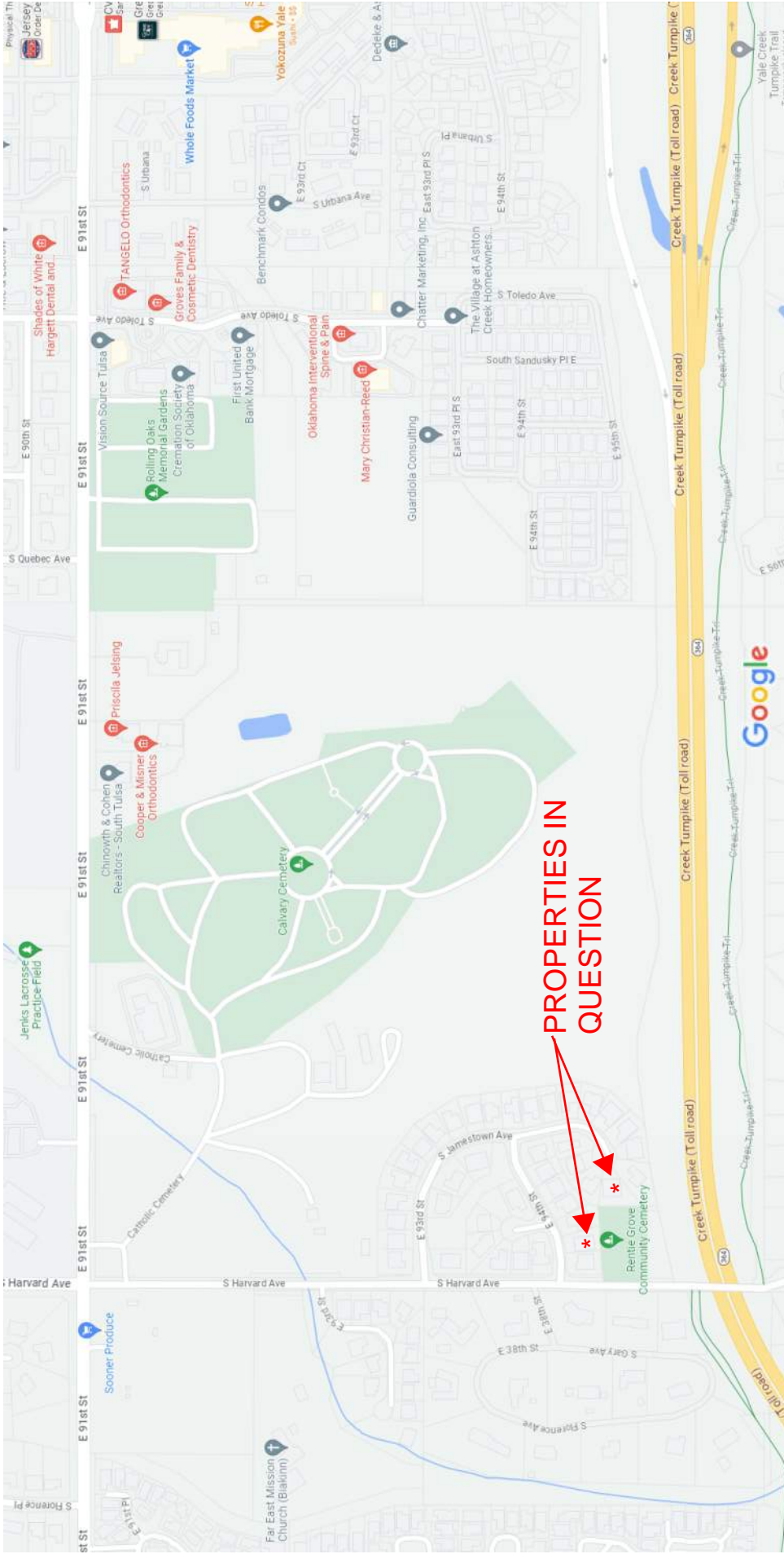


CBOA-3105 16.19

Imagery ©2023 Airbus, Maxar Technologies, Map data ©2023 50 ft

Measure distance
Total distance: 21.98 ft (6.70 m)

CBOA-3105
Gilstrap
Road Exhibits
10/10



PROPERTIES IN QUESTION

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Valuation Exhibit
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Google Maps S Harvard Ave



Tulsa, Oklahoma

Google Street View

Dec 2022

See more dates

CBOA-3105 16.21



Image capture: Dec 2022 © 2023 Google

CBOA 3105
 Gilstrap
 Valuation Exhibit
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General Information

Account Number	R73560832166070
Situs Address	3310 E 94 ST S TULSA 74137
Owner Name	GOING, DAVID R & TANYA
Owner Mailing Address	2944 E 77TH ST TULSA, OK 741368723
Land Area	0.26 acres / 11,354 sq ft
Market Value	\$635,000
Last Year's Taxes	\$9,453.11
Legal Description	Subdivision: TANGLEWOOD ESTATES (73560)
	Legal: LT 30 BLK 1
	Section: 21 Township: 18 Range: 13



73560-83-21-66070 (06/2022)

Tax Information

	2021	2022	2023
Fair Cash Value	\$635,000	\$635,000	\$807,000
Taxable Value	\$635,000	\$635,000	\$807,000
Assessment Ratio			
Gross Assessed	\$69,850	\$69,850	\$88,770
Exemptions	-\$1,000	-\$1,000	-\$1,000
Net Assessed	\$68,850	\$68,850	\$87,770
Tax Rate	T-5A	T-5A	T-5A
Tax Rate Mills	139.190000	137.300000	137.300000
Estimated Taxes	\$9,583	\$9,453	\$12,051
Notice of Value Date (if changed from prev yr)	2/2/2021	2/2/2021	3/29/2023

Values

	2021	2022	2023
Land Value	\$100,000	\$100,000	\$100,000
Improvement Value	\$535,000	\$535,000	\$707,000
Fair Cash (Market) Value	\$635,000	\$635,000	\$807,000

Exemptions

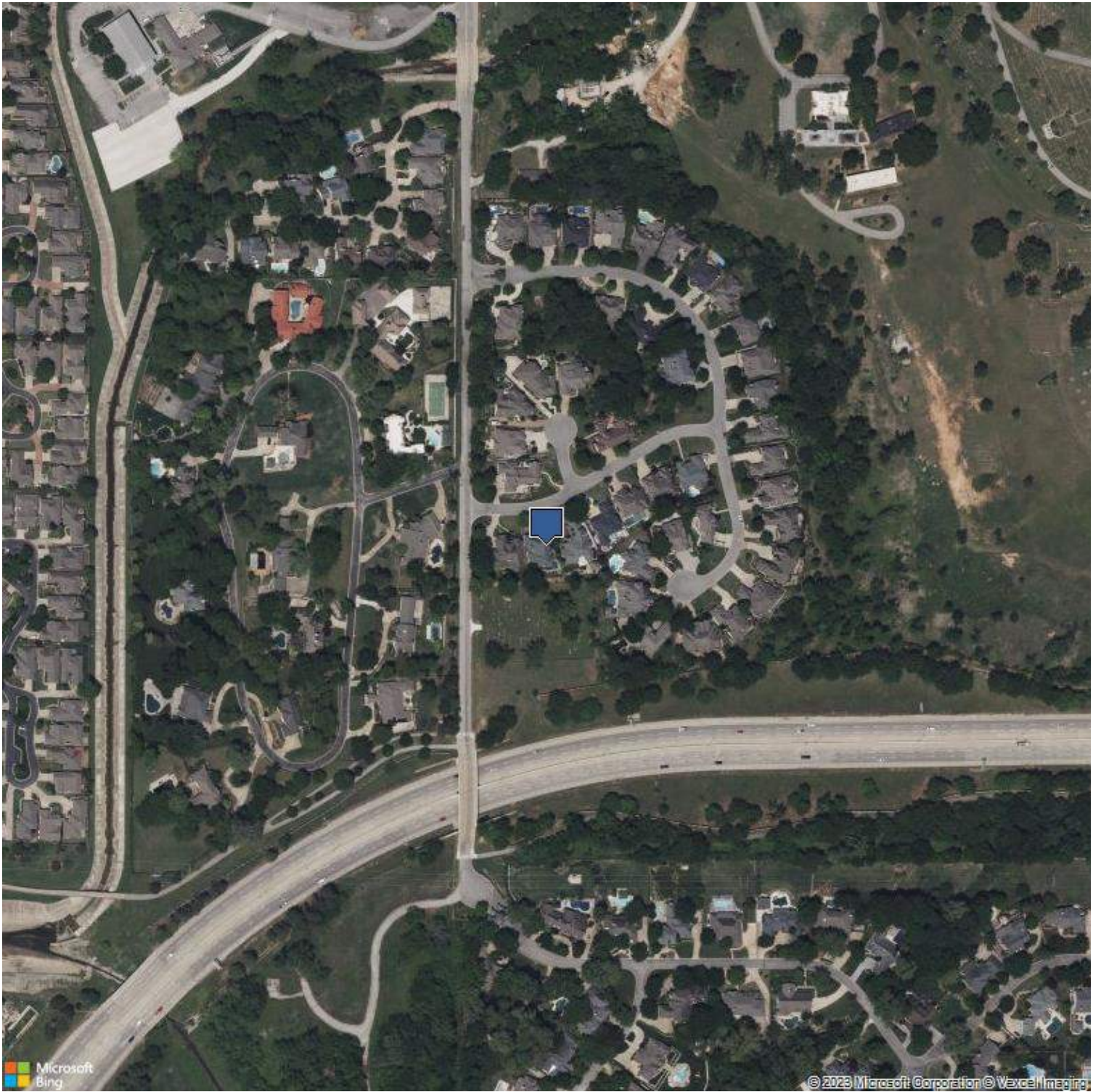
	2021	2022	2023
Homestead	✓	✓	✓
Additional Homestead	-	-	-
Senior Valuation Freeze	-	-	-
Veteran	-	-	-

Improvements

Imp #	Property Type	Yr Blt	Livable	Stories	Story Height	Baths	Roof
	Foundation	Exterior			Use		HVAC Type
1.00	Residential	2001	3,812 SF	1.50	8	3.10	Composition Shingle
	Slab	FrameSiding/MasonryVeneer			1½ Story Fin		Cool Air in Heat Ducts

Recent Sales

Sale Date	Grantor	Grantee	Sale Price	Doc Type	Book-Page/Doc #
6/13/2022	HENLEY, ELIZABETH	GOING, DAVID R & TANYA	\$807,000	Warranty Deed	2022064390
1/23/2020	HOLLOWAY, STEVEN H & SANDRA A	HENLEY, ELIZABETH	\$635,000	General Warranty Deed	2020007968
9/26/2012	SIMKIN, CURTIS E & DEBRA L TTEE CURTIS E & DEBRA L SIMKIN REV TRUST	HOLLOWAY, STEVEN H & SANDRA A	\$699,000	General Warranty Deed	2012095647



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Gilstrap
Valuation Exhibit
4/6



General Information

Account Number	R73560832165980
Situs Address	9450 S JAMESTOWN AV E TULSA 74137
Owner Name	HENLEY, ELIZABETH MICHELLE
Owner Mailing Address	9450 S JAMESTOWN AVE TULSA, OK 74137
Land Area	0.35 acres / 15,386 sq ft
Market Value	\$692,500
Last Year's Taxes	\$10,321.53
Legal Description	Subdivision: TANGLEWOOD ESTATES (73560)
	Legal: LT 21 BLK 1
	Section: 21 Township: 18 Range: 13



73560-83-21-65980 (06/2022)

Tax Information

	2021	2023	2022
Fair Cash Value	\$692,500	\$999,000	\$692,500
Taxable Value	\$692,500	\$999,000	\$692,500
Assessment Ratio			
Gross Assessed	\$76,175	\$109,890	\$76,175
Exemptions	-\$1,000	\$0	-\$1,000
Net Assessed	\$75,175	\$109,890	\$75,175
Tax Rate	T-5A	T-5A	T-5A
Tax Rate Mills	139.190000	137.300000	137.300000
Estimated Taxes	\$10,464	\$15,088	\$10,322
Notice of Value Date (if changed from prev yr)	-	3/29/2023	-

Values

	2021	2023	2022
Land Value	\$100,000	\$100,000	\$100,000
Improvement Value	\$592,500	\$899,000	\$592,500
Fair Cash (Market) Value	\$692,500	\$999,000	\$692,500

Exemptions

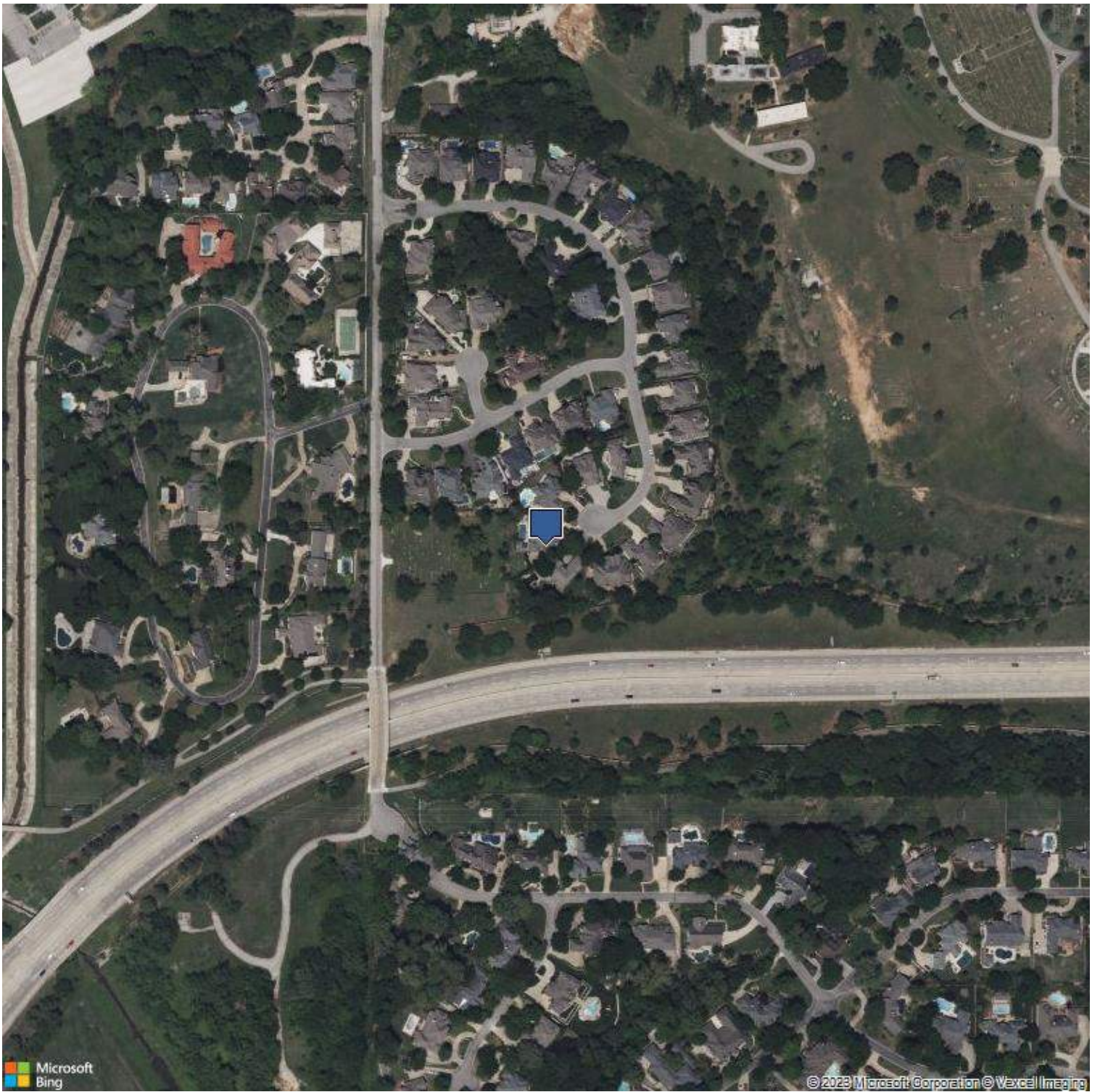
	2021	2023	2022
Homestead	✓	-	✓
Additional Homestead	-	-	-
Senior Valuation Freeze	-	-	-
Veteran	-	-	-

Improvements

Imp #	Property Type	Yr Blt	Livable	Stories	Story Height	Baths	Roof
	Foundation	Exterior			Use		HVAC Type
1.00	Residential	2003	6,168 SF	1.75	8	4.00	Composition Shingle
	Slab	Frame Siding/Stucco Veneer			1½ Story Fin		Cool Air in Heat Ducts

Recent Sales

Sale Date	Grantor	Grantee	Sale Price	Doc Type	Book-Page/Doc #
6/15/2022	CORNETT, RONALD D & TERESA	HENLEY, ELIZABETH MICHELLE	\$999,000	Warranty Deed	2022064688
10/16/2018	CASWELL, CHARLES A II & ROBYN	CORNETT, RONALD D & TERESA	\$692,500	Warranty Deed	2018095812
4/1/2003			\$540,000	Warranty Deed	2000204051 BK-06978PG-00348

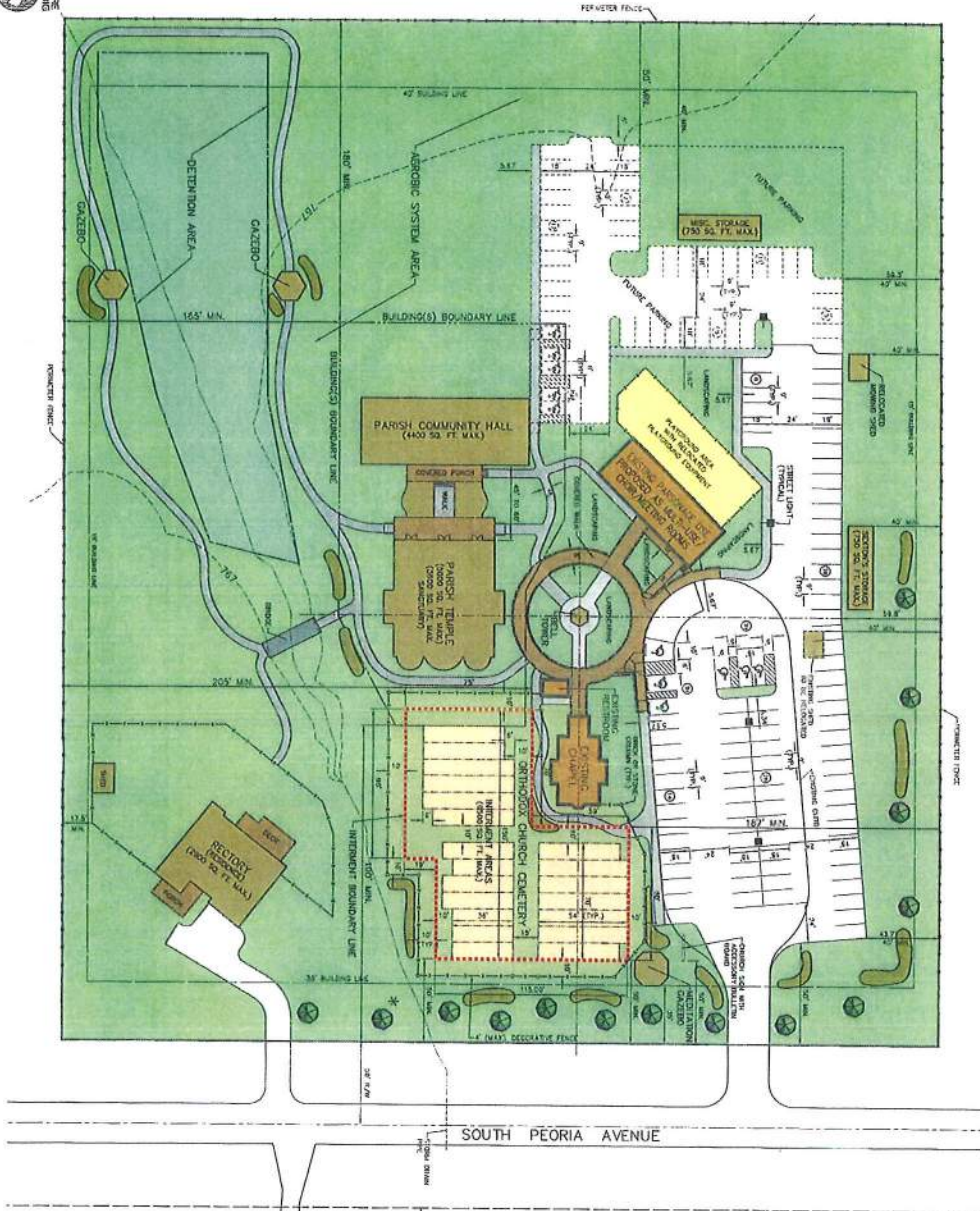


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Gilstrap
Valuation Exhibit
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CBOA-2369 Approved Site Plan - 2.13



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SOUTH PEORIA AVENUE

Use	Required Parking	Proposed Parking
Place of Worship	1 per 200 sq. ft.	20 Spaces
Office Building	1 per 200 sq. ft.	20 Spaces

Legend
Landscape Planting (TYP.)

*NOTE: TO BE USED IN THE CENTER OF THE LOT. (10) METERS MAX. BE INSTALLED WITHIN THE "REPRESENTATIVE" STREET LANE BOUNDARY SOUTH PEORIA AVENUE.



EXHIBIT
FOR
COUNTY BOARD OF ADJUSTMENT
MASTER DEVELOPMENT PLAN
FOR
LOT 1 IN BLOCK 1
OF
'HOLY APOSTLES CHURCH'
SECTION 24, T-17N, R-12E
TULSA COUNTY, OKLAHOMA



SACK AND ASSOCIATES, INC.
CIVIL ENGINEERS

2.13

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 362
Tuesday, July 20, 2010, 1:30 p.m.
County Commission Room
County Administration Building, Room 119
500 South Denver

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Walker, Vice Chair	Alberty	West, Co. Inspector
Dillard		Cuthbertson	
Osborne, Secretary		Sparger	
Tyndall			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th day, July, 2010 at 10:35 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:35 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **TYNDALL**, the Board voted 3-0-1 (Charney, Dillard, Tyndall "aye"; no "nays"; Osborne "abstain") to **APPROVE** the Minutes of June 15, 2010 (No. 361).

UNFINISHED BUSINESS

Mr. Osborne recused himself from the panel on this case and left the room.

Case No. 2369-Sack & Associates

Action Requested:

Amendment to a previously approved site plan to permit an expansion to an existing church use in the AG district; Special Exception to permit a (Use Unit 2) cemetery in

CBOA-2369

an AG district (Section 301) on an existing church property. **Location:** 15710 S. Peoria Ave. E.

Presentation:

Ted Sack, Sack & Associates, 111 South Elgin, Tulsa, OK; he represents Holy Apostles Christian Orthodox Church. Mr. Sack presented a new master development plan, an overall plan to outline the development of the church. Mr. Sack stated the church had been before the board before and received permission for the church use of this property. Approximately 18-20 months ago, the church went to the board regarding church cemetery use, which was turned down. At that time there was an indication from the board of a desire to know exactly what the church had planned. The church went to Sack & Associates and asked to have a master plan developed for them and to give some guidance as to their future development. The church wants to be good neighbors, so Sack & Associates developed the plan to take into account the property around the church. The plan shows the new parish temple along with a parish community hall and the change of an all-purpose building to a meeting room and the associated parking that is required to meet the square footage requirement. It also shows the rectory in the southeast corner next to Fr. Ambrose. Fr. Ambrose has been at the two previous meetings, but unfortunately, he is at a funeral today and is unable to attend. Mr. Bearer of Barber & Bartz is here and would like to speak. The neighbors may also wish to speak before he speaks.

Mr. Sack continued to go on with the master plan; it identifies the potential area of the detention facility when that need arises and also a cemetery area or an interment area. In meeting with the neighbors, they asked why that area was picked. In the doctrine of the church, they very much believe in praying and respecting the dead, and they insisted it be out near the chapel. That worked well for the neighbors because it was the most remote location from them. This area of interment is less than a quarter of an acre; it is 187 ft. from the north property line and over 410 ft. from the west boundary and over 205 ft. from the south boundary. From the Peoria side from the center of the street it is 100 ft. from the center of the street, which by the time a structure is built on the other side of the street with that 100 ft. to the center of the street plus the right-of-way for an arterial street with an additional 50 ft. with a 35 ft. setback, which is typical of agricultural or residential zoning on an arterial street, there is 185 ft. from someone on the east side. Sack & Associates also split it up by installing some landscaping in the front to break up the area and to help screen. The cemetery use or interment area has brought the most interest. The consultants have prepared an artist's rendering of how the church would anticipate the interment area to look. It is in front of the chapel where they can pay respect to the buried people, their parishioners. There are very plain markers with a single cross; they do not want to make something that is gaudy. In the package there is a copy of another Orthodox cemetery that is in the San Antonio area. The Holy Apostles Church would like to mark the graves with an iron type cross, as opposed to the wood cross that is shown in the photograph in the packet.

Mr. Sack expressed in many ways, the cemetery use could be looked at as an accessory use to the church. In older parts of the country most of the churches,

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especially back East in the older part of the country, have cemeteries associated with them. A lot of the churches, even in the Tulsa area, are trying to provide columbaria for cremation within their facilities. Sack & Associates engineered a church approximately 10 to 15 years ago on 91st Street that had a small cemetery associated with it; actually platting the property and cemetery with it. Mr. Sack stated he could provide a copy of that if the Board would like to see it. He expressed that it was a larger area; it was more like a half acre, as opposed to the quarter acre at this facility. One of the things that is not on this proposal is this is only for the members in good standing within the church; it is not a cemetery that is church-affiliated. It is a church that has an associated cemetery with it for its members.

Comments and Questions:

The board asked how many burial plots could be planned for the proposed site. Mr. Sack stated that it could be a 3' x 10' interment, which could be questionable; he expressed they do a lot of work for Floral Haven, they have done gardens there of all sizes of burial plots. But with the 3' x 10', it would allow for approximately 300 spaces.

Interested Parties:

Robert Bearer, 525 South Main, Suite 800, Tulsa, OK; Mr. Bearer expressed he is here today because he is a member of the parish and he practices law so he has been asked to attend this meeting and supplement Mr. Sack's presentation, although he has never appeared before this board and it is not his principle area of practice. He is here more as a member of the parish, and he wants to speak to three items.

First, Mr. Bearer stated he believes this request is in harmony with the spirit and intent of the code and is not injurious to the neighborhood or detrimental to the public welfare. He expressed under that heading he speaks for Fr. Ambrose who can't be here. Mr. Bearer continued, the second point is that regarding the burden of proof, he would like the board to consider approaching their burden of proof. He thinks the burden of proving injury to the neighborhood and detriment to the public welfare should be on those opposing the site plan. And third, he provided that he would like to bring to the board's attention a federal statute that does affect the Board's decision making here and that is the Religious Land Use and Institutionalized Persons Act 42 USC 2000 cc which has been summarized in the handout. But on these three issues for Fr. Ambrose they think actually this application could have been posed as an accessory use. They regret they didn't do that. The reason is this cemetery really has no function whatsoever, it has no purpose except for (inaudible) for the church. It would be strictly reserved for members of the parish and their immediate family. Mr. Bearer provided the only charges that would be imposed would be those necessary to insure the maintenance of the property long term. The parish is associated with the Diocese of the South and the Orthodox Church of America. The Diocese of the South signs on as the guarantor for all financial applications. It ultimately is the beneficiary under a trust. The department is actually held in the name of the local congregation not the proper corporation but it is held in trust by the diocese of the national church. There is some financial support behind this venture that would assure its maintenance. Mr. Bearer also wanted to take the liberty of trying to share with the Board how important having a cemetery on the

premises is to Orthodox Christians. He continued, maybe not only to Orthodox Christians, as Mr. Sack has said, in the past many churches traditionally were associated with cemeteries in fact the church had its beginnings in the catacombs of Rome where the deceased were buried. Mr. Bearer said orthodoxy is not just a professional or philosophical association of persons who get together because they believe the same things. It is really a lot like Orthodox Judaism it is a way of life, and part of that way of life is remembering and praying for the departed at intervals on the day of their burial, the third day after, the ninth day after, the 40th day after and every year thereafter. In fact in every service of evening and morning prayer, and every divine liturgy on Sundays and Feast Days, the parish prays this prayer and they pray for all their fathers and brethren, the Orthodox who departed this life before them who here and in the entire world lie asleep in the Lord. For this prayer to have any meaning at all assumes that the departed are associated with marriage are laid to rest there and lie here in sleep with the Lord.

Now as far as the burden of proof, Mr. Bearer provided he would like to move to that and recommend at least the Board consider that the burden of actually showing injury to the neighborhood or detriment to the public welfare ought to lie on those opposing the motion because to do otherwise would impose on the applicant the responsibility to prove a negative, that it won't do any harm. He stated that is difficult to show. On the other hand, he has personally spoken with two Glenpool/Bixby developers and an experienced appraiser, and none of those three have expressed any concern about elements of the plan including the cemetery. They have said that they do not believe it would impair the development of the adjacent property if they were developing it. Mr. Bearer expressed he would like for the Board to consider those anecdotal testimonies and weigh accordingly.

Mr. Bearer provided, the Religious Land Use and Institutionalized Persons Act (RLUIPA) says that even the zoning board is prohibited from imposing any land use regulation in the manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly restitution unless the Board demonstrates that in position of the burden on that person, assembly or institution is in furtherance of a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest. He provided in May of this year the 10th Circuit applied this act to permanently enjoin on the basis of unreasonable limitations a county's partial denial of a church's special use application for approval of its master site plan in an agricultural district in the case of the Rocky Mountain Christian Church vs. The Board of County Commissioners in Boulder County, Colorado. Under the RLUIPA the applicant's site plan or elements thereof may only be denied if the denial would be in furtherance of a compelling government interest. Mr. Bearer expressed he trusts the Board will agree no such compelling interest prevails in this case so as to deny the plan. He continued should the Board however demonstrate that denial is required, or that modification it is required to protect the compelling government interest, then they would ask the Board to impose only the least restrictive means of furthering that interest and they would be quite willing to submit to any appropriate conditions or

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safe guards regarding size, location, screening, illumination, landscaping, whatever the Board may see fit to recommend or impose.

Kurston McMurray, 1515 South Utica, Suite 250, Tulsa, OK; Mr. McMurray is opposed to the application and represents Sharp Mortgage Company. Mr. McMurray, like Mr. Bearer, expressed he does not make this a general place to practice. He stated when he became involved in looking at this application he looked into what it meant to get a Special Exception, what a Use Unit 2 category is, etc. He stated that the Use Unit 2 classification is a list of uses for properties that are on this list because "they have a potential adverse influence on adjacent properties". That is precisely why when the land owner wants to use his property in this manner he has to come to the Board and seek a Special Exception. Other Use Unit 2 uses are an Adult Detention Center, Bus Stations, Jails, Landfills, and on that list is also a Cemetery. These are not typically uses that increase the market value or the pleasure of the neighbors, and that is precisely why they are on this list. So that is why an applicant is required to prove to the Board, which the board hears every single time they have one of these meetings, that the use will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood.

Mr. McMurray provided that Mr. Bearer mentioned burden of proof, he asked the Board to consider the opposition to bear the burden of proof in this matter. Mr. McMurray submitted to the Chairman of the Board that Oklahoma case law, Supreme Court case law, is pretty clear on who has the burden of proof. It is well established in a case called Volunteers of America, Inc. that the applicant bears the burden of proving the conditions that will authorize a Special Exception. He stated can submit this case to the Board if it need be. Mr. McMurray provided he wants to make sure that it is understood right away in his part of this presentation because he didn't understand that was the applicant's position until he read the additional information that Mr. Bearer submitted to this Board. An exhibit Mr. Bearer presented when they submitted the burden of proof was on us, is contrary to Oklahoma law. Mr. Bearer says it requires them to prove a negative. Mr. McMurray stated he doesn't think it requires them to prove positively that it is in harmony and that is not injurious. Here the applicant hasn't carried that burden. They mentioned in their presentation that previously in December 2008 they presented this application for Special Exception regarding the cemetery to this very Board. This Board made a very specific determination pursuant to these standards, and Mr. McMurray read from the materials that were posted as part of the history, "the Special Exception for cemetery use will not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public". That was this Board's ruling or determination in December of 2008. Mr. McMurray suggested this Board's previous rulings should be such that interested parties, like Mr. McMurray's client Sharp Mortgage who owns about 785 acres of land in this area that surrounds and is adjacent to the church's property, and interested parties, like the other land owner's that were here previously, the Herrings and the Ranfords, ought to be able to rely upon this Board's rulings, and use their property appropriately. Ramifications of not following previous rulings are obvious and this is not an application that would justify an about-face on a previous determination.

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Mr. McMurray provided that the cemetery and the expansion of the church is not in harmony with the intent of the Code and this Board's previous rulings and would be injurious to the neighborhood. Mr. McMurray stated since he doesn't get in this forum very often he referred to the case law. He thinks this is an unauthorized appeal of that previous December 2008 ruling. There is a case called Hargrave that would suggest that because they didn't appeal the December 2008 ruling within 10 days this is an inappropriate forum for them to reconvene. When that is heard by District Court, if it has to be, Mr. McMurray thinks that would be the salient point for them, for the opposition.

Mr. McMurray provided the application is not like the other ones, in that there is not a whole lot of information; there is not a timeline of accomplishment of all of these events, there is a little bit of information about access, parking is a concern, screening, scheduling of events is a concern. There is also, on the colored master plan a reference regarding an aerobic septic system. Mr. McMurray stated he had not heard much about it and had a lot of concern. If the church is going to expand to 200 or 300 members Mr. McMurray stated he would like to hear about the functionality of an aerobic septic system in that area, as it would affect those on the west, south and north. On the master plan there is a notation that a drainage stream would be blocked off and irrigation changed; he has not heard much from the applicant about that. Sharp Mortgage has cattle and livestock that is serviced by the drainage stream that follows through both properties. It would be unfortunate for that to be dammed up and altered without any further additional information.

Mr. McMurray stated the applicant's burden was to prove that this is in harmony with the spirit of the code. Mr. McMurray provided a brief history to the Board stating in 2004 the church was approved as a church with no site plans, as a small chapel and a church office; that seemed to be okay with the neighbors, it didn't draw much, if any at all, opposition. That seemed to fit the small quaint country chapel. There was no evidence at that time of building a mega-church-looking facility with a cemetery. In April 2005 the Board approved the site plan with the limitation that there be no improvements in the front yard area, and Mr. McMurray quoted that from a previous record of the Board's previous determination. He read the master plan that is before the Board from the applicant, the proposed cemetery and maybe some of the other buildings are in what looks like the front yard; that is east and south of the chapel. Mr. McMurray stated if he were reading the master plan correctly and hearing the applicant the church is asking the Board to overrule itself from its December 2008 determination, and also its April 2005 determination to allow some improvements placed in the front yard of the church. Mr. McMurray expressed that Mr. Bearer told the Board about 2008 where they applied for the cemetery and now, today, they have a master plan. They went from a quaint church to a master plan with bell tower, lighted parking lots, gazebos, playgrounds, a storage building, a cemetery with 300 plots, a new drainage system, an aerobic system that he thinks is spraying septic tank water; the deal keeps changing from the church and the neighbors are feeling mistreated by the way this information is being presented to them in piecemeal. The master plan is not in harmony with what they originally started with in 2004, a quaint country church.

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Mr. McMurray continued a brief analogy would be, if he told his neighbors he was going to put a private swimming pool in his backyard that would be okay with the neighbors. But if he added a 30 ft. diving board and septic pool and big water slide that runs 24 hours a day, and he changed the irrigation of his property and then he bulldozed his house and put parking lots with lights that are shining in my neighbor's yard then he charged admission he would have a water park not a swimming pool. That is what the neighbors, the message he would like to convey to the board, feel like. They started with a country quaint church and now they have a water park that the neighbor's did not understand back in 2004 when this began.

Mr. McMurray continued, Chapter 3 of the code defines the AG zoned districts; in Chapter 3 is very applicable to the Board's obligations today. Section 300.1 says the purposes of the agricultural district is to encourage and protect agricultural land until an orderly transition to urban development can be accomplished. Mr. McMurray submitted to the Board in granting this application the Board would not be protecting the orderly transition to urban development as required under Section 300.1. He stated he thought this is particularly applicable to this area of the county. No doubt the Board knows the economic development which has been occurring in the Glenpool area, there has been a Wal-Mart center, banks, restaurants, etc. This is a prime, when he says "this" he is speaking about the church's property and Sharp Mortgage's property and those neighboring it; that is what he thinks the developers would consider a prime piece of development land. The last time he was here in 2008 he provided the Board a sketch of a development that was pitched to Sharp Mortgage Company by a development company, and he represented to the Board this is just one of a number of opportunities that Sharp Mortgage has had with respect to developing the property, and that these opportunities exist for them now. The reason they exist is because the zoning code had been enforced properly and is offering them an orderly transition of urban development just as Section 300.1 contemplates. Sharp Mortgage views this church's application as a threat to their future development plans.

Mr. McMurray continued, since the May 2010 meeting Sharp Mortgage Company has found out the City of Glenpool has a plan to construct a 40-acre cemetery at 161st and Elwood, which he understands is less than a mile away from the subject property. Putting this into context with today's application he thought it offered the church an alternative that is more in harmony with the intent of the code and with this Board's previous determinations. Mr. McMurray thought if they were to investigate and speak honestly about it the City would probably be amenable to selling them or making a deal with them to allow them to have a private section of that public cemetery they are planning to construct. He understands there is a similar Orthodox church in Dallas that has that arrangement with the City of Dallas for this very reason. He also believed the existence of the cemetery probably wipes out all of these threats about the religious land use persons act Mr. Bearer raised. In addition, it can't be a substantial burden to them to reject this application because the code requirements have not been met, and there is an alternative option that is more palatable for them.

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In addition, the church has existed, at least in that area, since 2004 and they existed for four years at a minimum before they submitted their application for the cemetery. So, he thought it would be difficult for the church to prove to this Board and a court of law that the cemetery is a substantial burden that then triggers their remedies under that federal act. If it was a substantial burden the church would have bought property that was more easily suited for a cemetery, or they would have made sure that when they bought the property they obtained the approval before they purchased. Sharp Mortgage Company is also in preliminary discussions with the City of Glenpool and they view this application as something that is negative.

Secondly, this is injurious to the neighborhood. There has been previous testimony from the Ranfords and the Herrings that the cemetery and the additional construction of buildings, etc., is something they do not want. The cemetery, in particular, has garnered up fears of those who have property out there. Mr. McMurray asked the Board to recall, there was testimony from Mr. Ranford and Mr. Herring stating their wives would move out and would not develop their land if the Board approved the Special Exception. Those are live concrete examples and evidence of injurious to the neighborhood.

Lastly, there are some practical issues the Board should consider. Is there a risk the applicant would start this cemetery and then relocate the church? What would happen then? Does the church have the financial wherewithal to maintain the cemetery in compliance with Title 8 of the Oklahoma statutes? Mr. McMurray stated he is not an expert in Title 8 but he understands there has to be a trust in place; it has to be fully funded; it has to comply with the state requirements of how to maintain it insuring public safety and safeguards; and has to comply with certain regulations as to avoid an abandoned cemetery. There has been nothing presented to the Board today that would show the church has any experience in how to run and maintain a cemetery. And that is Sack & Associates, Inc. burden, not the neighbors. They want the Special Exception they should come forward with proof that this is not going to be injurious because they know how to maintain and run a cemetery.

Practical issue number two, there are 39 new parking places that face directly toward north. From past experience, 39 parking lot spaces would shine lights right onto the neighbors to the north and disturb them. On the map it shows 40 ft. from those parking spaces to the church's neighbor to the north, that Mr. McMurray would suspect is no longer than from here to there (referring to physical points within the County Commission room). Mr. McMurray thought thinks this is an issue the church has not addressed and there has been nothing said about that, and it's their burden. Facing to the west there's 12 more parking spaces. He mentioned the drainage system, there's a drainage stream. This is the next issue. The drainage stream runs through the southern part of the property and onto the west, onto Sharp Mortgage Company's property. He can't tell from the master plan if they are proposing to dam up that water and put a detention pond there. That would definitely negatively affect Sharp Mortgage's property. It will block water flow and fills to his ponds, and ponds are used to care for his livestock and cows. The aerobic system is that an airborne aerobic

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system, where is it sprayed? They have not provided the Board anything with regard to how that would work. They can't provide the Board, or the neighbors, any comfort as to how that would work. There is a high pressure gas line easement that they believe runs along the eastern property line. These are things that Mr. McMurray doesn't think they presented to the Board. Mr. McMurray would submit to the Board that according to 1680.3 the Board must determine the Special Exception is in harmony and not injurious.

Mike McConnell, Crown Hill Cemetery, 4301 East 66th Street North, Tulsa, OK; Mr. McConnell is here on another completely different matter but heard some things he wanted to address. There were very good points made by both folks. Mr. McConnell stated he is a professional cemeterian and while some of the things Mr. McMurray questioned are real concerns such as the trust funds, what happens when the cemetery fills up and so forth. For that amount of land Mr. McConnell strongly questions whether 300 people could be buried in the area in question, he believes somewhere between 250 and 270 could be buried. The parking he would think would be in favor of the church, 8' x 17' parking space, they are going to be assembling there for the services anyway. There are rules about trusting the land to the state board but he doesn't know if the church would fall under those same rules; a trust does not need to be established if it is a non-perpetual care cemetery. If the church is a perpetual care cemetery they must trust 10% of everything they sell. But they are not selling property so there is nothing to post. There are two government bodies that govern cemeteries which in time will eventually move over to the state insurance board; but right now cemeteries are governed by the insurance board and the state banking commission, they do hold the trust and you are audited randomly. But those issues will not apply, for the most part, if you are not an operating cemetery for profit. Each burial has an aerobic system because it has concrete liner. There are companies that will come out and dig a grave and their insurance would stand in place for anything that may or may not go wrong, and they will also put a concrete liner in the ground and there are ways to do that so everybody is protected. Mr. McConnell seriously doubted if this 40 acre cemetery around the way is going to be built, but that depends on the State Cemetery Board; he is also the second Vice President of the State Cemetery Association. He would hate to see, he doesn't live in that area, something that might affect these folk later or come into play and affect myself or other cemeteries.

Rebuttal:

Robert Bearer, commented to the meeting in December 2008. He stated he wouldn't characterize it exactly the same way as Mr. McMurray did, an out-an-out denial. He thought the Chairman stated that there was not enough information in the application at the time. He also remembers Mr. Hudson stating he could not support the application as submitted, and the site plan was totally inadequate at that time. He suggested the applicant should provide more information to the neighborhood for support. He provided that was the genesis of this site plan before the Board today.

As to the question of whether they would ever be a mega-church, no way. The Orthodox Christian Churches in the Orthodox Christian Church of America are typically

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a maximum size of about 250, and that is not what would be called a mega-church. Actually that's pretty small.

Mr. Bearer continued, as far as no improvements being in the front yard, which is true. One of the former approvals by this board was that there were to be no improvements to be in the front yard but it would be his position that is a decision that could be modified if this site plan were satisfactory or approved. He expressed he doesn't see that as something to be permanently binding upon the Board that made that rule. As far as scheduling services I didn't know that was an issue, but that can certainly be addressed.

As far as the piecemeal planning, they certainly apologize for that but they asked the Board to understand that when a church like this starts it starts as a mission effort, with 4 to 6 families, they rent property in a strip center and try to make it do. And in this case this congregation has an extraordinary way of beautifying property; these people love art, they love beauty and he thinks the neighbors can be assured this property will be developed in a tasteful manner. What is built there will be very good when it's finally permanent. As far as a timeline for development that's, again, a function of the youth of the parish. It has to have a certain critical mass before it can afford to implement this plan. The second item in the plan would be the house for Fr. Ambrose which has been approved by the parish council, and Mr. Bearer believes an agreement has been signed and guaranteed by the diocese. So, the house would go forward because there is funding but the rest of the plan would have to wait for maturity of the congregation.

The church never made a proposal for a cemetery and a site plan like this partly because of lack of size, lack of funds, they couldn't afford to hire a firm to design a plan, and now they are getting around to it. Even now it would take awhile for the plan to come to fruition.

As far as light shining on the neighbors, the church would be more than happy to look at screening of some kind, and that was explained in a meeting.

Mr. Charney interrupted at this point to interject on two or three points to save some time for the Board, the staff, and participants of the meeting. In regards to three items, one was the lighting, one was the drainage that Mr. McMurray addressed, and one was the aerobic system. There are third parties that govern that and address that, they are a part of the construction process. Those issues are never addressed at the Board level; and he thinks it is important for everyone to know. The Board recognizes it as being critically important in the construction process, the platting process, and the building permit process where they will have to design a stormwater detention facility and make sure it doesn't impair downstream flows. That is so the post-development issue doesn't increase flows and there isn't improper diversion of water. Those are all very real concerns, He just wants to make sure everyone here recognizes those aren't the Board's concerns when there are third parties that address those at different stages of development. He asked Mr. Alberty if that is a fair description of the Stormwater Management concept.

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Mr. Alberty stated, "Yes, the county engineer would review all drainage plans, detention plans, and any requirements that remain. Obviously the Board is concerned about those issues but it's not an issue that you technically address in this stage."

Mr. Charney stated, "In determining the actual land usage and I think with regard to the aerobic system's capacity I know there is strong engineering and DEQ input, an approval process where those functions, decisions, analytical processes are handled by other parties other than us and they aren't put into our maintenance and decision making. I just wanted everyone to know that, and we recognize the importance of them but not here."

Mr. Charney continued, "Lighting, as well. I have heard there are ordinances and factors that we look to as to how certain lighting can occur, and these are part of our approval if it were to be. I know many times we have said that there must be certain lighting that is shielded so that they are not visible from a certain distance. So, those are all things we care about but the engineering components are often addressed at later stages, if this were to be approved."

Mr. Bearer thanked Mr. Charney. Mr. Bearer then stated his final two points would be as far as Mr. McMurray raised the issue of relocation of the church. He doesn't think that is something that should be of concern. This church is, the way these parishes plant, once they are planted the land is consecrated and dedicated in the names dedicated to church use forever. If the church were to grow larger than that 250 size, what would happen would be a different parish would be started somewhere else. Some people would leave, not bring a detriment to this parish but they would leave, the parish would remain and a new mission would be set up in a geographic area that is proximate, more proximate, to the new members. But this parish would remain there in perpetuity.

Finally, as far Title 8 goes Mr. Bearer does not believe the Title 8 applies to church cemeteries but if it does they will comply with it. The church may decide that it is a good thing to comply with anyway, but he doesn't think it actually applies to church cemeteries he thinks they are exempt.

Mr. Charney asked, "Do you have anything new to rebut, Mr. Sack, with regard to technical issues, we will give you a moment please then we are going to close this portion."

Ted Sack came forward. He stated they need to keep in mind the fact about development around the cemetery. The cemetery use here is very incidental, and it is very small. It has 3% of the property.

There is quite a large development, a very high-end development that was put in just recently called Tanglewood, down on Harvard, just south of 91st Street. He never heard of problems, of that development having trouble due to being next to the cemetery. As

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small as this is he doesn't think the neighborhood will really ever know that it is there. And, he just doesn't think it is harmful to anyone. The master plan is something for them to grow into. Sack & Associates pushed the church to give them their dreams and their ideas as to where they wanted to end up. Mr. Sack thinks this is going to be something achieved over the next 10 to 20 years; it is going to take some time for them to get this. But the plan tries to address all the different issues, like detention. It doesn't attempt to design it but set aside for it, like the aerobic system, it is not designed but it is set aside for it.

Mr. Charney stated, "At this point we will conclude and close the public comment portion of this particular case. We'll deliberate openly amongst ourselves (the Board members) and to reach a conclusion or see if a motion is capable of being formed. Again, the applicant is seeking two things, an Amendment to a previously-approved site plan and a Special Exception to permit cemetery use. With that, is there anybody who would like to make any introductory comments or thoughts?"

Board Deliberation:

Mr. Charney stated he recalled this case coming before them previously; "I remember that we needed more information. So I wouldn't feel as though we were overruling ourselves or ignoring a previous decision as much as I remember not having enough information and thinking we needed something more; and I know that's what I recall thinking at the time. This is exactly what I wish we had more of, quite frankly. This is a very thorough site plan; whether we agree or not is a different matter but this helps immensely in making decisions and I think that this is exactly what we needed to make a thorough decision so I don't necessarily consider it as piecemeal as just it evolved to the point that there finally was an appropriate master plan to us to review. That is how I recall our previous thoughts."

Mr. Tyndall stated, "I don't think this is going to stop growth to that area. I don't see that it is a growth stopper, and it has not stopped it in other areas. I don't see why this small one would stop it down there." Mr. Charney interjected, "I agree." Mr. Tyndall continued, "They have done a good job with what they have done, with their construction and their appearance down there so far. I can support this application."

Mr. Dillard stated, "We just traveled to Boston down to Philadelphia and it seems like in other parts of the nation cemeteries are pretty much part of the church, and it didn't stop growth in Boston. I didn't see any stopped growth in Philadelphia, and I didn't see any deterioration in values of property that was nearby. When I read the Code, the Code defines "accessory use" as one that is customary, incidental and subordinate to the principal use. The principal use of their building is that of conversion to salvation, or whatever, church usage they do. I can support it too."

Mr. Charney said, "My feelings are similar." He didn't view a church use, even in an agricultural setting, as an intense use. He stated when he thinks of intense uses, the Wal-Marts, the restaurants, he thinks of that as significant intense use. He thinks of churches, and he has seen and been involved in many developments near, around, and

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adjacent to churches, and he thinks the neighbors view them as a low intensive use; maybe a couple times a week there's people there. There are things that he thinks should be addressed with regard to them; one of them is lighting, and he was glad it came up. He thinks if it were approved he might be concerned and make certain that lighting on the perimeter is the down lighting, making certain that lighting is as unobtrusive as possible. He continued that he doesn't view the church as an intense use and he doesn't see it as a threat to future development. Mr. Charney stated he has found sometime more intense uses are pleased to see areas begin to fill in with uses such as this. It's not one that is bothersome, and it is one that he has seen residential development thrive adjacent to. He said he views this as a lot of information. This site plan demonstrates, on a perimeter showing the cemetery plots on the perimeter where there would be a later plat right up next to it, it is virtually impossible for there to be a home site immediately adjacent to the cemetery the way it is insulated by the parking lot, the structure, and an arterial street on one side. He stated whenever he looks at it he feels there is sufficient information and he feels like the applicant has met the burden whether it be the applicant's burden or the opponent's burden to establish that there has been no showing of adverse impact upon the surrounding neighbors. Mr. Charney stated he would like that the finding be made in the record that the Board considered it and that the Board might have, Mr. Charney would like to make a motion that the Board approves the amendment as submitted per site plan; that special attention be given to the perimeter lighting to be completed upon consultation with County staff. The motion is to be binding; the applicant has demonstrated there would be no adverse impact. The Special Exception is 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.

Board Action:

On **MOTION** of **CHARNEY**, board voted 3-0-0 (Charney, Dillard, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment as submitted per site plan; that special attention be given to the perimeter lighting and completed according to County staff recommendations; to a previously approved site plan to permit an expansion to an existing church use in the AG district; Special Exception to permit a (Use Unit 2) cemetery in an AG district (Section 301) on an existing church property; finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following described property:

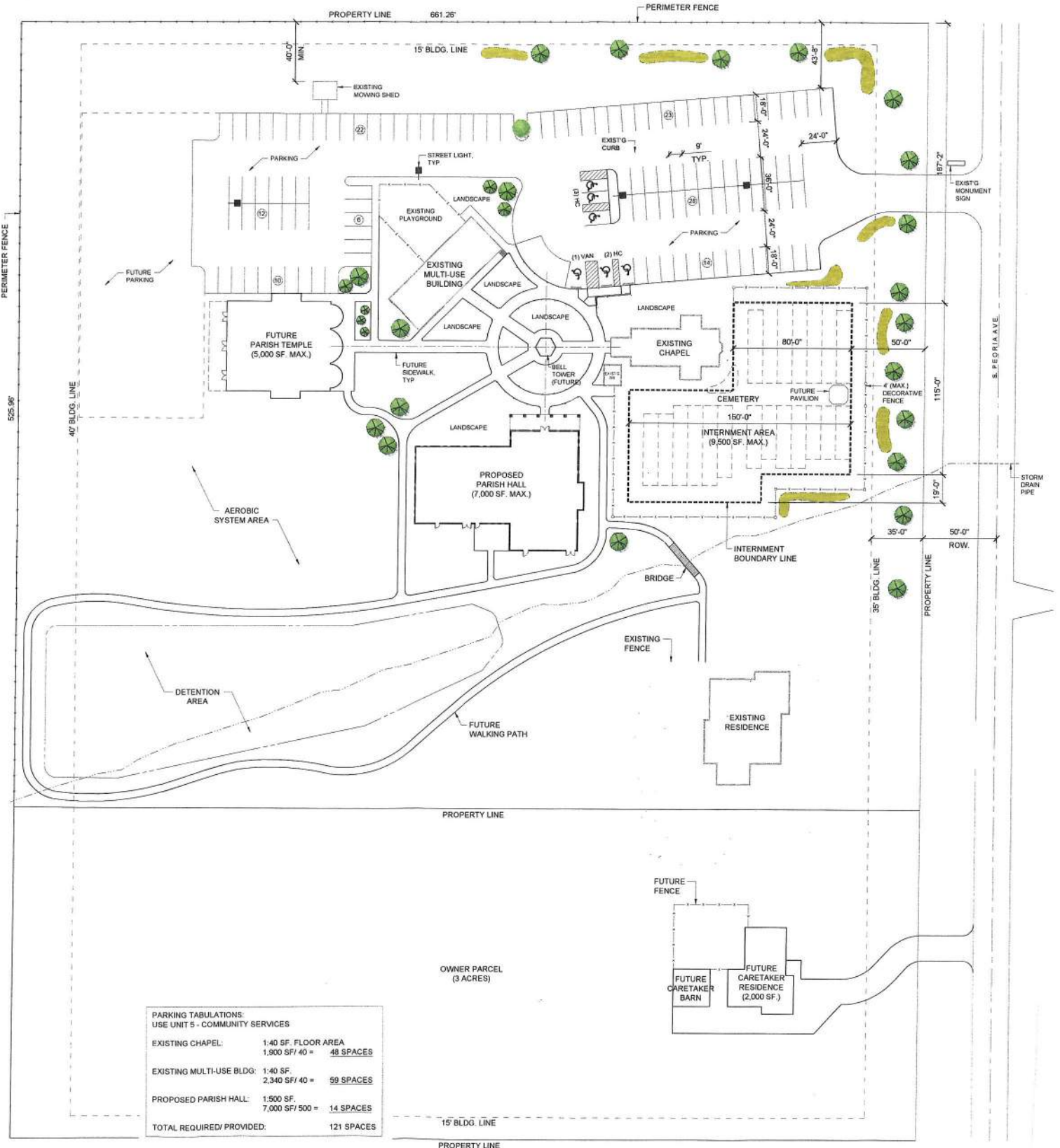
LT 1 BLK 1, HOLY APOSTLES CHURCH

Mr. Osborne came back to the panel to participate in the discussion of the remaining cases.

NEW APPLICATIONS

Case No. 2378-Fred Owens

CBOA-2952 Proposed Site Plan



PARKING TABULATIONS: USE UNIT 5 - COMMUNITY SERVICES	
EXISTING CHAPEL:	1:40 SF. FLOOR AREA 1,900 SF/ 40 = 48 SPACES
EXISTING MULTI-USE BLDG:	1:40 SF. 2,340 SF/ 40 = 59 SPACES
PROPOSED PARISH HALL:	1:500 SF. 7,000 SF/ 500 = 14 SPACES
TOTAL REQUIRED/ PROVIDED:	121 SPACES



2952 - Gawey Architects

Action Requested:

Modification of a previously approved site plan to permit a new Parish Hall, Parish Temple, Caretaker Residence, and an update to parking locations in the AG district (Section 1205).

LOCATION: 15710 S Peoria Ave

Presentation:

Mark Gawey, 15710 S Peoria Ave, stated that they are requesting a modification to a previously approved site plan. They have increased the parish hall to 7,000 sq ft and the building has moved more to the east of the property by approximately 100ft which places it closer to the existing temple. With this design they have moved the location of a future temple they intend to build. Mr. Gawey explained that they have also modified the parking on the site plans to fit the future modifications.

John Sames, 8336 S Lewis Ave #803, stated that he is a representative of the church, where he serves as a treasurer. Mr. Sames explained that they will be adding 30 new parking spaces and they will not be adding additional lights for the parking lot. They will be adding new carriage lights on the building near the doors. In regards to neighbor's concerns with a retention pond, Mr. Sames spoke to the Glenpool project manager and he has submitted a letter to the committee regarding this. The site plan does not have one included and they are not planning to build one. The church does not want the standing water on the property due to the liability and safety concerns. Mr. Sames addressed the concerns about the creek on the property and stated that the church has not done anything to impede the flow of the creek. They have cleaned it out over the years of rocks and debris. He noted that it is a dry creek and it only flows when it rains, but they have no intentions of retaining any water from the flow of the creek. Mr. Seams said the septic system they will use was previously excluded from the plans but they will be installing a septic system, not an aerated system and again stated they will not have a retention pond on the property.

Mr. Hutchinson asked what materials they will be using to build the structure. Mr. Sames and Mr. Gawey both replied that it will be made from all wood and it will match the existing structures on the property.

Interested Parties:

George Sharp, 1647 E 3rd St, stated that he is the neighbor to the west of the property and his main concern was the retention pond, which has been addressed. He does not understand why they are not doing their aerated system, which has been addressed. He was happy to hear that the church had revised their plans. He does feel like their plans for the property is a creeping situation and how they keep adding to the property. It used to be a small church, but added 150 parking spaces, and church services multiple days of the week.

Kurt Townsend, 1647 E 3rd St, stated that he is the son-in-law of Mr. Sharp. He wanted to confirm that the board received the photos that were submitted of the creek bed and the change to water flow to the Sharp's property. Mr. Townsend said that he was not prepared for the changes to the proposed site plans by the church, but is happy those items have been addressed, however he would still like to address the issue in regards to the flow of the creek. The Sharp family has owned their property for around 90 years and their concern is that the creek has been cut over the years and he disagrees that the church has disrupted the flow of the creek with the grass that has been planted and the clearing out of the rock bed. He asked the board to include a statement that would prevent the church from further impeding the flow of the water through the creek.

Erin Sharp, 15810 S Peoria Ave, stated that she lives on the property next to the church where the proposed home will be built for the church's caretaker. Ms. Sharp stated that she would like to know what the sq footage of the building will be and what will it be used for. She is concerned because the building will be built just outside of her bedroom. She is also concerned about the noise and light pollution. Ms. Sharp is a nurse and works crazy hours and appreciates and needs the solice of her home and her animals. She does not want that disrupted by construction and she also has safety concerns in regards to construction and who the builders will be.

Rebuttal:

Mr. Sames stated that the church has tried to be a good neighbor and he feels that they have not done anything to impede the flow of the creek onto the Sharp's property. He addressed the parking claim by saying they have far less parking than 150 spaces and they will not be adding any additional parking unless it is needed. Mr. Sames responded to Ms. Sharp's questions about the builder they will be using to build the barn by saying it will be a parish member that is a contractor and will be managing that project. Mr. Sames also replied that the building will be used to store equipment for mowing, and maintenance equipment for repairs on the property. He further added the barn will not be attached to the caretaker's home, but it will be a smaller size barn.

Comments and Questions:

Mr. Hicks questioned the requirements for the retention pond and said the applicant will need to comply with the county's codes.

Mr. Hutchinson stated that he was in support of the modification.

Mr. Dunkerley asked the applicant about a bridge that is shown on the property on one of the exhibits. Mr. Sames replied that it is just a small, wooden, pedestrain bridge that the priest uses to crossover to the chapel. Mr. Dunkerley asked the applicant for more information on how they maintain the creek on the property. Mr. Sames replied that the church cleans out debris and trash, and that they mow and rake the creek. They have their youth group clean it out once a month and that they have not made any permanent changes to the creek bed.

Mr. Tisdale ased what sewer they are using now. Mr. Sames replied that it is currently septic.

Mr. Sharp was allowed to speak again to the board and he wanted to make sure the church understands that it is illegal to stop the flow of the creek. He feels that they have done that.

The county staff and board had a conversation about the detention pond and if they are allowed to remove it. They agree that it will need to be determined by the county engineer and possibly through the permitting process.

Board Action:

On **MOTION** of **Hicks**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Modification of a previously approved site plan to permit a new Parish Hall, Parish Temple, Caretaker Residence, and an update to parking locations in the AG district (Section 1205) per the site plan 4.13 of the agenda packet, with the following conditions: the detention area is removed (if allowed by the county engineer) and the site will have sewer services and not an aerated septic system.

The Board finds that 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; for the following property:

N198 S461 E/2 NE SE LESS E24.75 FOR RD & LT 1 BLK 1, HOLY APOSTLES CHURCH, Tulsa County, Oklahoma

Hoyt, Jay

From: Gene Hill <genehill3@cox.net>
Sent: Thursday, September 14, 2023 6:31 PM
To: Hoyt, Jay
Subject: CBOA 3105

As a long time citizen of the Berryhill community I feel the need to express my opinion of rezoning this property for the purpose of building a church and cemetery. For sure if you go and see where this property is situated you will see how it would be detrimental to the existing community to go forward with this project.

The road is one way almost, very narrow and it will not carry the weight of all the material trucks would have to bring to the site. When it rains areas flood where it is proposed to put a cemetery. No one will want to be buried at that site. It is too far out and definitely not needed. The residents of this area protest this site for a church and especially a cemetery.. Perhaps you should look up Philip Gilstrap. He is not community minded and I have my doubts as to what he really wants to do on this property. Berryhill does not want or need a cult like building or people to disrupt our quiet community. We have already been pushed back and tromped on with the Turnpike authority. Please don't start rezoning property without letting the community have a say in what is happening.

The meeting scheduled to discuss this issue is scheduled in the middle of the day and many residents can not take off work to attend.

This project only came to light because one of our residents placed it on facebook. Sir, I can guarantee you that there is great opposition to the church and the rezoning and we do not want or need a cemetery. There is a cemetery close by and hardly anyone has found the need to purchase lots . It is practically empty. Why zone for another one?

Sincerely,

Eugene and Lessie Hill

5015 W 27th St

Tulsa, Ok

residents of Berryhill since 1985 and a graduate of the High School

P.S. This graduate grew up out here, only now it is no longer OUT here. Tulsa keeps encroaching and past history tells me this is another gig because we don't want to be in the city limits... Lessie

Hoyt, Jay

From: Mark and Pam Hollie <mphollie@hotmail.com>
Sent: Monday, September 18, 2023 1:40 PM
To: Hoyt, Jay
Subject: Case CBOA-3105

Mr. Hoyt,

I cannot attend the Public Hearing tomorrow but wanted to voice my opinion on Case CBOA-3105, Zoning Exemption to allow a Church and Cemetery on this property. The two major problems with this application are the Septic System and the Parking. As I stated in another objection email, this area, as most of Berryhill is on septic system and to say that we are saturated is an understatement. Each lot now just has one family, an additional family and/or business using the same septic system or at least the same area of the septic system is going to add to the already over saturated ground in our area. The roads surrounding this property are narrow and parking on the road hinders regular traffic as well as emergency traffic like the Fire Truck and Ambulances. Even if they provide a parking lot, there is still the come and go traffic to deal with on a daily basis and our roads are not in the greatest shape now, more traffic will add to this problem. I speak for most of my neighbors when we say the changes that we could not stop as in the Gilcrease Turnpike have made all of us more aware of what we want for our community and we don't want or need another church and/or cemetery. I appreciate any help you can provide in this situation. Can I receive an email notification on the results of the meeting?

Thank you,

Pam Hollie
6130 W 39th St
Tulsa, OK 74107
918-710-7251

Hoyt, Jay

From: getitstr8inthe918 <getitstr8inthe918@proton.me>
Sent: Monday, September 18, 2023 2:42 PM
To: esubmit; Tauber, Sherri
Subject: CBOA 3105 on Sept 19 County Board of Adjustment

Hello

Please provide this email to the County Board Members before the meeting.

After checking the Board of Adjustment website several times in the last few days, I saw that the Agenda for the September 19 meeting was finally posted on the Friday before the meeting, which does not give the community a lot of time to meet and discuss what is being proposed. After reaching out to Tulsa County in an effort to educate myself, it has been brought to my attention that the Board of Adjustment meetings need to be posted with the County Clerk in accordance with the Open Meeting Act. The County does not have a record of this meeting being recorded with the County Clerk. If this is in error, could you please provide a copy of the September 19 meeting that was posted with the County seal. Also, while looking at this website <https://www2.tulsacounty.org/government/agendas/> it appears there are several other recent missed postings:

September 2023
July 2023
May 2023
December 2022
November 2022
September 2022

Could you provide the documentation that those meetings were indeed posted with the County Clerk also.

The Board of Adjustment website shows those meetings were held because there are minutes that were approved by the Board included on the webpage. According to the Open Meetings Act, "advance public notice in writing is required to be filed with the County, at least 24 hours in advance of the meeting excluding Saturdays and Sundays." It goes on to say only items that appear on a *legally* posted agenda can be considered at the meeting. Therefore, all items on the September 19 meeting would need to be heard after this meeting has been *legally* posted. All meeting agendas not posted with the County Clerks office were not, in fact, legal.

Most of the BerryHill Community is opposed to CBOA 3105 in a residential area and asks that the Board deny this application.

Thank you in advance for providing the documentation with the County Seal for all the meetings listed above.

Concerned Berryhill citizen
Peggy Johnson



Board of Adjustment

Case Number: CBOA-2708-A

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

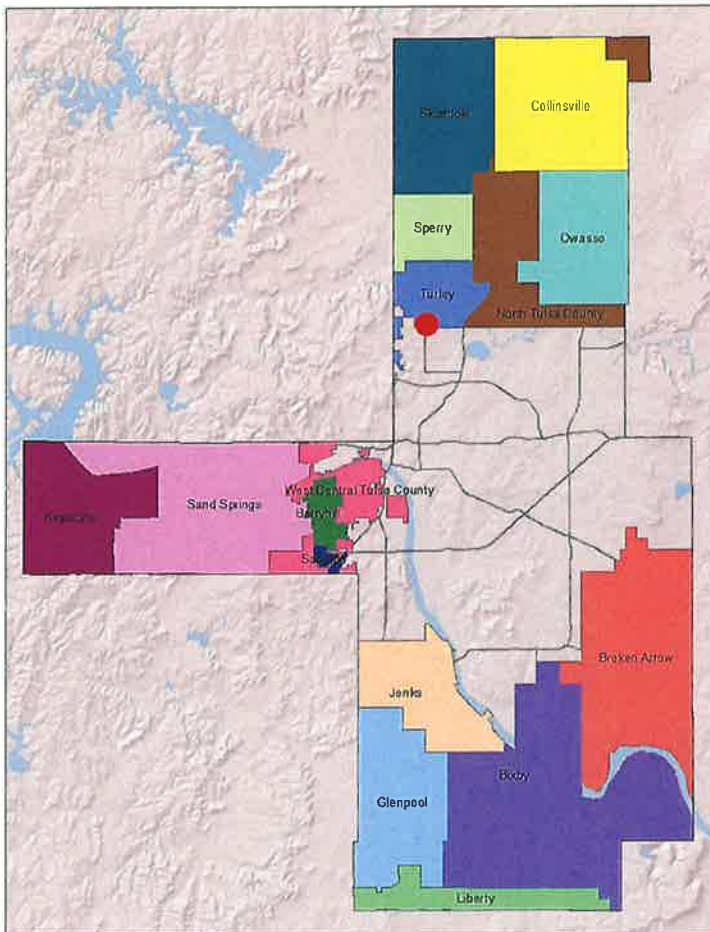
Owner and Applicant Information:

Applicant: Gary Dyer

Property Owner: ADETULA, JOSEPH FOUNDATION

Action Requested: Modification of a previously approved Special Exception (CBOA-2708) to extend the time limitation to permit a fireworks stand in an IL district (Section 910).

Location Map:



Additional Information:

Present Use: Industrial Property

Tract Size: 0.69 acres

Location: 5612 N PEORIA AV E

Present Zoning: IL

Fenceline/Area: Turley

Land Use Designation: Industrial

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0201
CZM: 21

CASE NUMBER: CBOA-2708-A
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: Gary Dyer

ACTION REQUESTED: Modification of a previously approved Special Exception (CBOA-2708) to extend the time limitation to permit a fireworks stand in an IL district (Section 910).

LOCATION: 5612 N PEORIA AV E

ZONED: IL

FENCELINE: Turley

PRESENT USE: Industrial Property

TRACT SIZE: 0.69 acres

LEGAL DESCRIPTION: PRT TRACT 2 BEG 521.6S NEC TH W200 S150 E200 N150 TO BEG, KRUGER TRACTS Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2708 August 2018: The Board approved a Special Exception to permit a fireworks stand (use unit 2) in an IL zoned district and a Variance of the all-weather surface material requirement for parking (Section 1340.D) with a time limit of 5 years.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IL zoned tracts to the north, south, and west; the subject lot abuts N. Peoria Ave. E. to the east.

STAFF COMMENTS:

The applicant is before the Board to request a Modification to a previously approved Special Exception (CBOA-2708) for a firework stand (Use Unit 2) to extend the time limit (Section 910).

Previously, CBOA-2708 was approved by the Board granting a Special Exception to allow a fireworks stand with a five year time limit, which expired in August 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.

A special exception was required as the proposed fireworks sales is a use which is not permitted by right but by exception in the IL 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.

If inclined to approve the Board may consider the following conditions or others as deemed appropriate to the request:

- *Limiting the day and hours of operation.*
- *Placing a time limit for approval of the modification request.*

“Move to _____ (approve/deny) a Modification to a previously approved Special Exception (CBOA-2708) for a firework stand (Use Unit 2) to extend the time limit (Section 910).

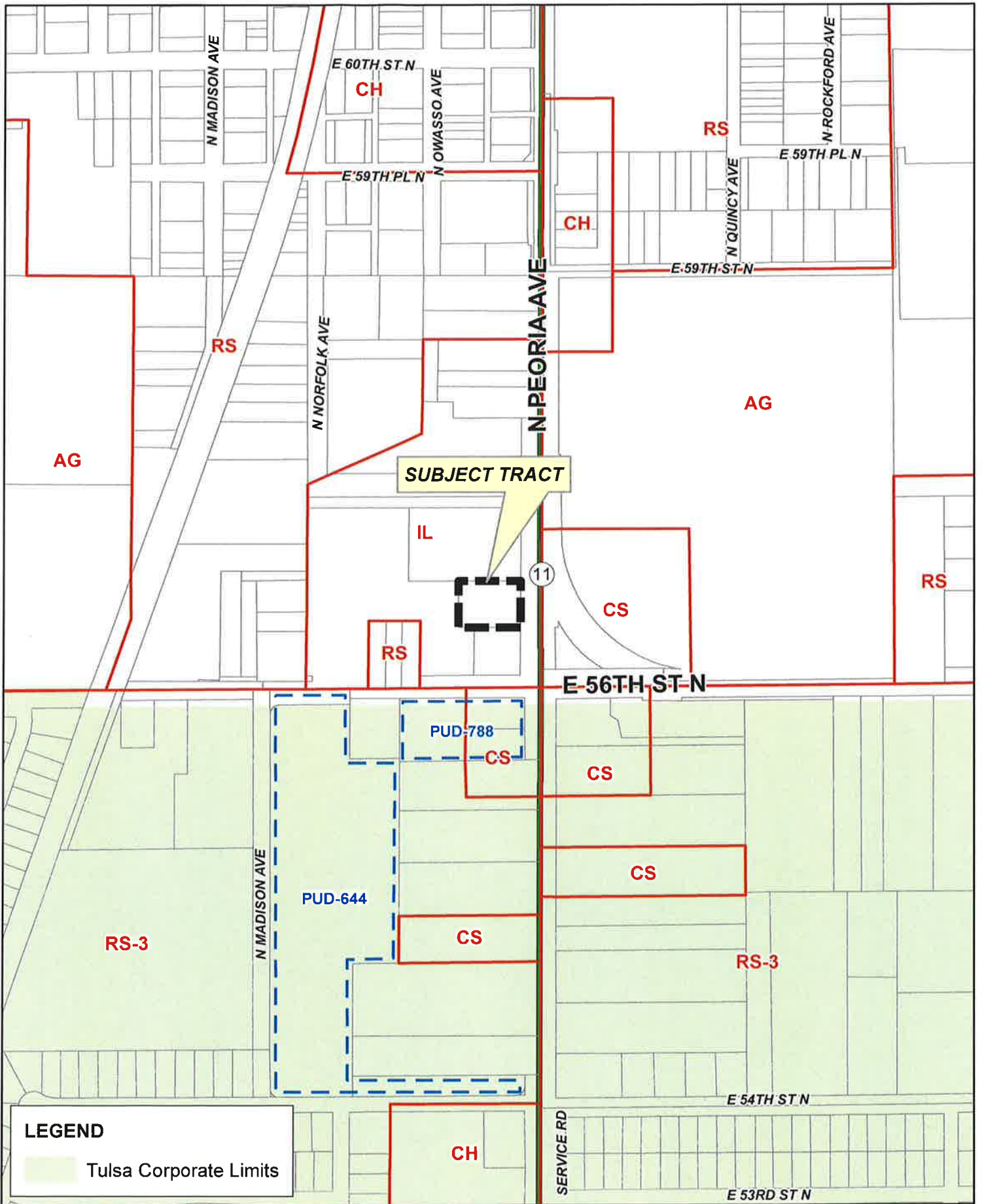
Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code.



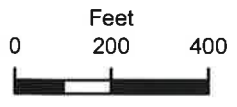
Subject Property looking Southwest from N Peoria Ave



Subject Property looking Northwest from N Peoria Ave



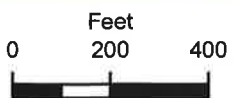
LEGEND
 Tulsa Corporate Limits



CBOA-2708-A

20-12 01





Subject
Tract

CBOA-2708-A

20-12 01

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

Aerial Photo Date: 2023

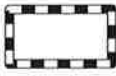
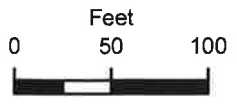


CBOA-2708-A 17.6



N PEORIA AVE

E 56TH ST N



Subject Tract

CBOA-2708-A

20-12 01

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

Aerial Photo Date: 2023



CBOA-2708-A 17.7



Board of Adjustment

Case Number: CBOA-3106

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

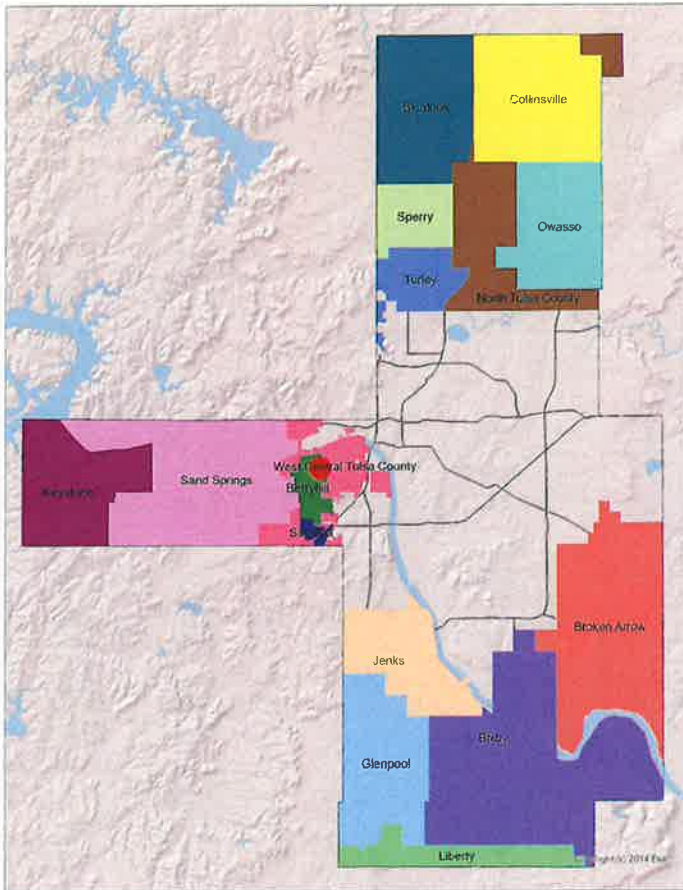
Owner and Applicant Information:

Applicant: Nathan Inhofe

Property Owner: INHOFE, NATHAN DEWAYNE

Action Requested: Variance of the street frontage from 30' to 0' in an AG district (Section 207).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 2.16 acres

Location: 2595 S 52nd W Ave

Present Zoning: AG

Fenceline/Area: Berryhill

Land Use Designation: Existing Neighborhood

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: CBOA-3106

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: Nathan Inhofe

ACTION REQUESTED: Variance of the street frontage from 30' to 0' in an AG district (Section 207).

LOCATION: 2595 S 52nd W Ave

ZONED: AG

FENCELINE: Berryhill

PRESENT USE: Vacant

TRACT SIZE: 2.16 acres

LEGAL DESCRIPTION: BEG 495W SECR SE NE TH W495 N220 E495 S220 POB LESS S30 SEC 17 19 12 2.15ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-966 June 1990: The Board approved a Variance of the required lot width and required lot area in an AG district (Section 330).

CBOA-2726 December 2018: The Board approved a Variance of the required land area per dwelling unit in an AG district (Section 330).

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

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the street frontage from 30' to 0' in an AG district (Section 207).

Currently right-of-way exists to along the southern boundary of the subject tract but a county maintained road has not been constructed within this right-of-way. Lots are required to have a minimum of 30 feet of frontage on a publicly maintained road. The applicant intends to build a home on the lot, which will be accessed from a drive that will connect to S 52nd West Ave to the southwest of the property.

The applicant provided the statement "My property's easement will need to be crossed with utilities and a driveway at the dead end of S 52nd West Ave. Other than that the easment will not have anything else done to it. The home will be located approximately 290 feet from the end of S 52nd West Ave toward the northeast.

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 of the street frontage from 30' to 0' in an AG district (Section 207).

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

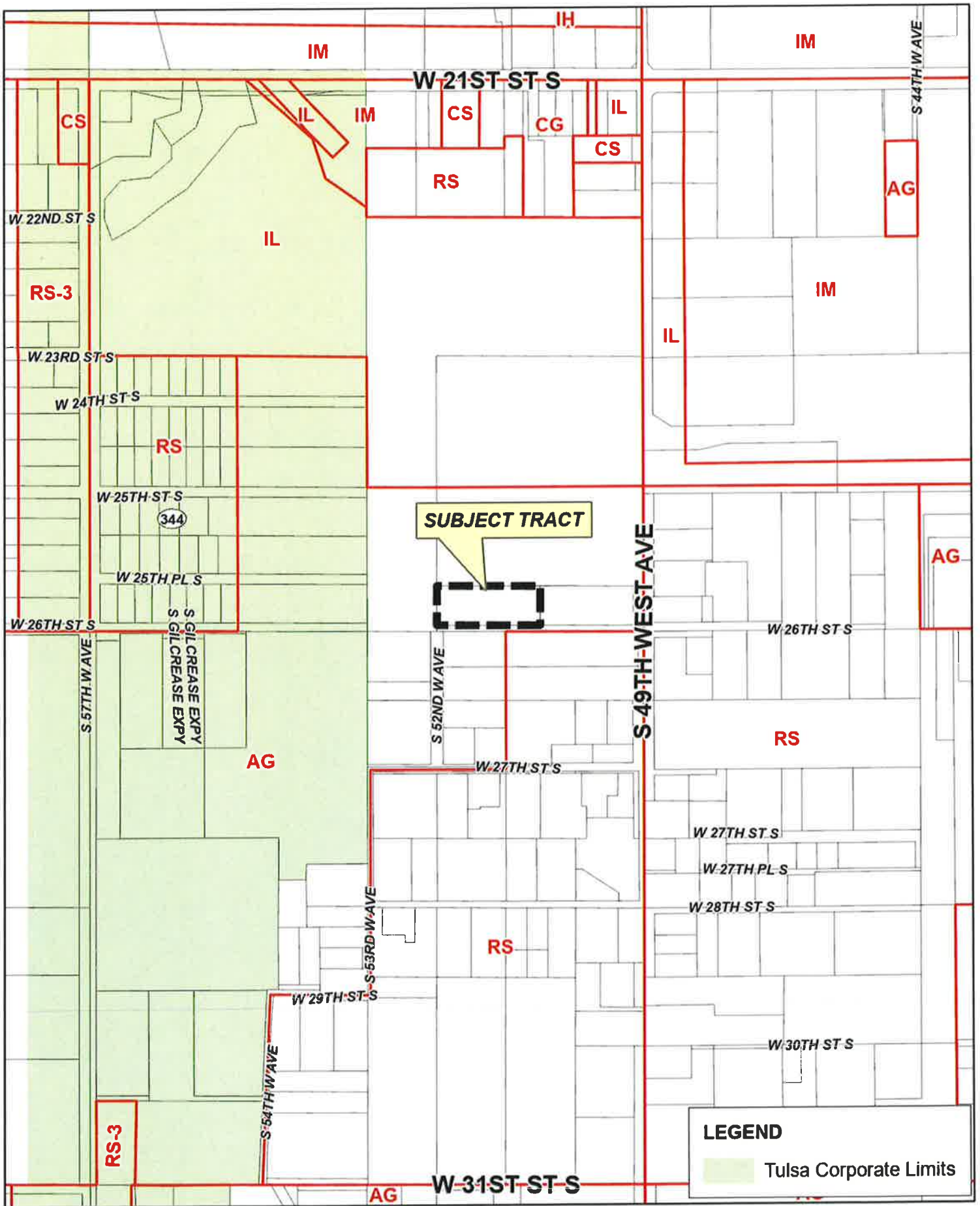
Subject to the following conditions, if any: _____.

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.



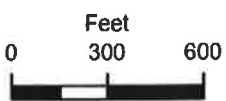
Subject Property looking North from S 52nd W Ave

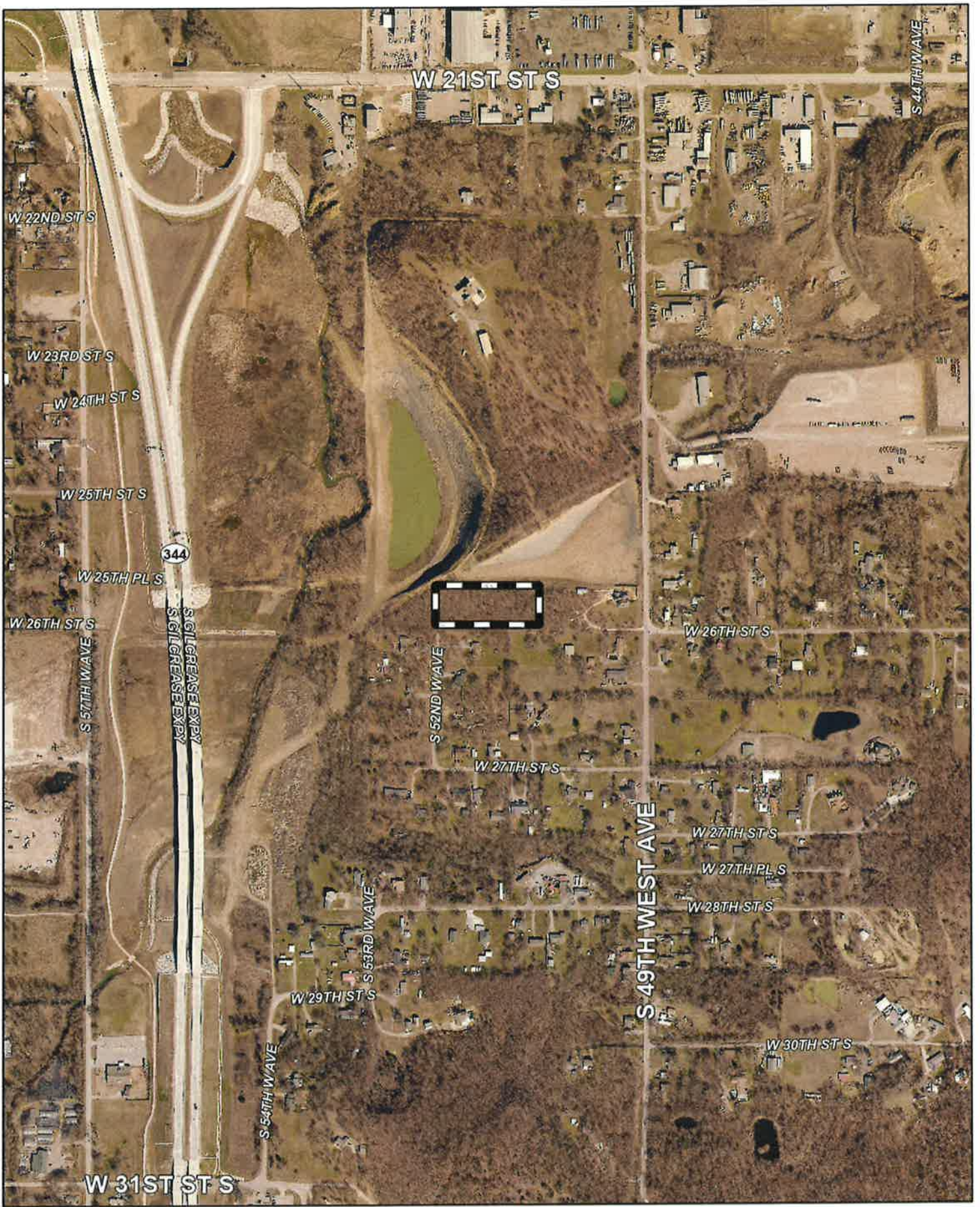


CBOA-3106

19-12 17

CBOA-3106 18.5





W 21ST ST S

S 44TH WAVE

W 22ND ST S

W 23RD ST S

W 24TH ST S

W 25TH ST S

344

W 25TH PL S

W 26TH ST S

S 57TH WAVE

S GILCREASE EXPY

S 52ND WAVE

W 26TH ST S

W 27TH ST S

S 49TH WEST AVE

W 27TH ST S

W 27TH PL S

W 28TH ST S

W 29TH ST S

S 53RD WAVE

W 30TH ST S

W 31ST ST S



Subject Tract

CBOA-3106

19-12 17

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

Aerial Photo Date: 2023

CBOA-3106 18.6



495.00'

220.00'

Property line ↗

70ft

90'-0"

220.00'

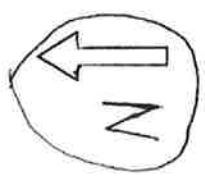
185.00'

Single Story
Single Family Dwelling
3 Bed - 2 Bath

41'-6"

49'-6"

Property line ↘



290ft Road to house

100ft

Property line ↗

gravel Driveway

Property line ↘

30.00'

////// Easement

S 52nd W Ave

220.00'



Board of Adjustment

Case Number: CBOA-3107

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

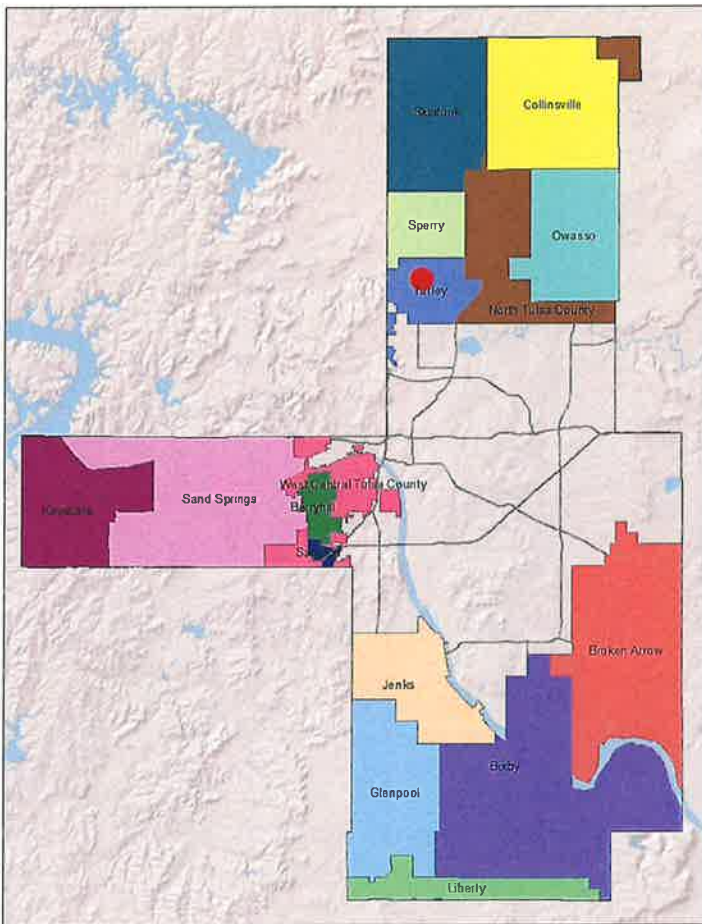
Owner and Applicant Information:

Applicant: Irma Sandoval

Property Owner: SANDOVA, LAURO & IRMA

Action Requested: Special Exception to permit a manufactured home in the RS district (Section 410).

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.49 acres

Location: 1406 E 76 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-3107**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: Irma Sandoval

ACTION REQUESTED: Special Exception to permit a manufactured home in the RS district (Section 410).

LOCATION: 1406 E 76 ST N

ZONED: RS

FENCELINE: Turley

PRESENT USE: Residential

TRACT SIZE: 0.49 acres

LEGAL DESCRIPTION: W 70 OF LOT 5 BLK 2, GOLDEN HILL ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-947 February 1990: The Board approved a Variance of the maximum 750 sf for an accessory building to 1,150 sf (Section 240.2.E)

CBOA-1530 October 1997: The Board approved a Special Exception to permit a mobile home in the RS district (Section 410, Table 1) and a Variance to allow two dwellings on one lot of record (Section 208).

CBOA-2551 October 2015: The Board approved a Special Exception to permit a mobile home in the RS district (Section 410, Table 1) and a Variance to allow two dwellings on one lot of record (Section 208).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains the remnants of a vacant residential home. The tract is abutted by RS zoning to the West, South and East containing single-family residences and to the North by RMH zoning containing vacant land.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home in the RS district (Section 410).

The site contains 0.49 acres. There are other manufactured homes in the general vicinity of the subject tract.

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:

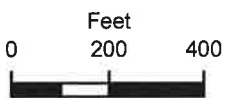
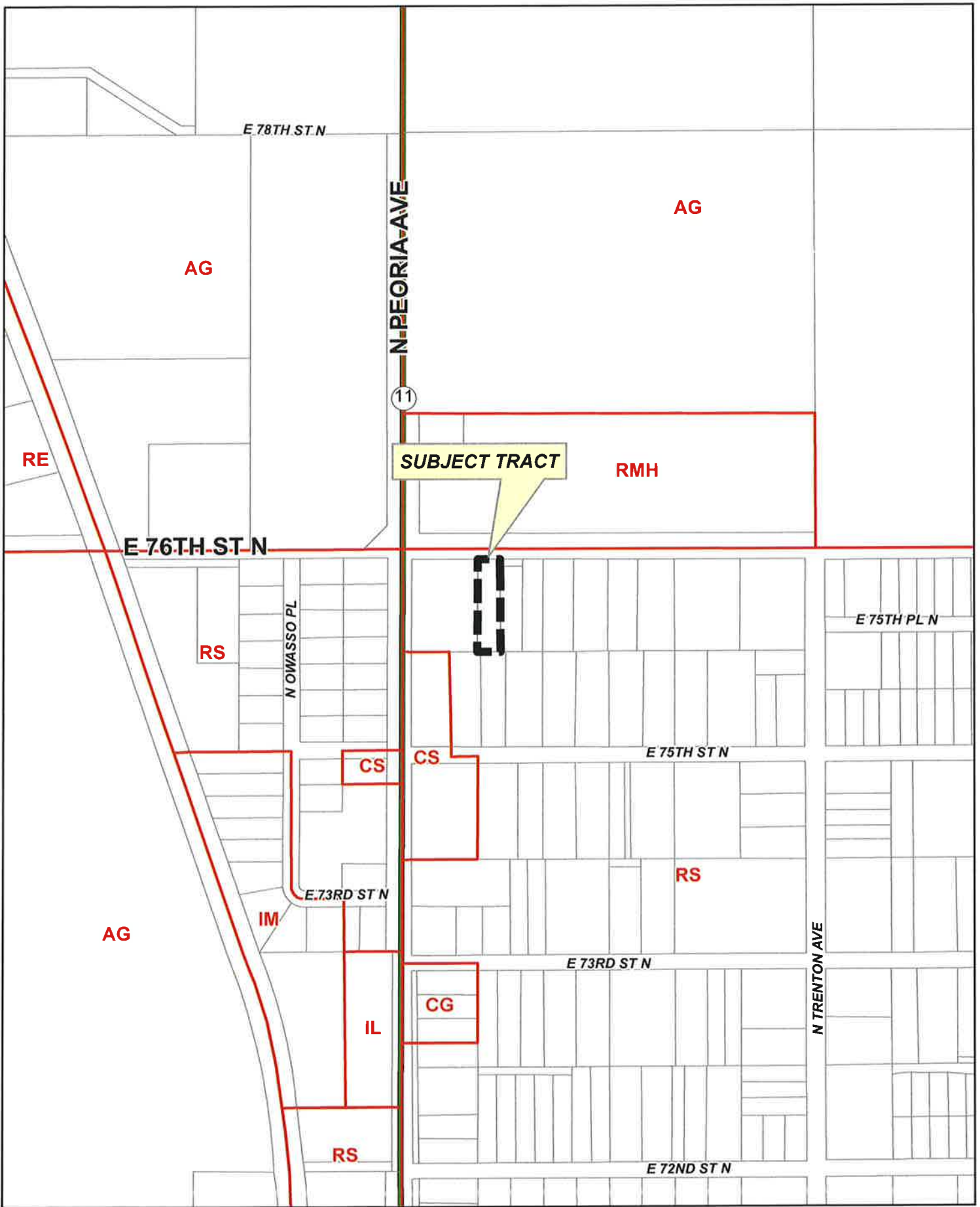
“Move to _____ (approve/deny) a Special Exception to permit a manufactured home in the RS district (Section 410).

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.



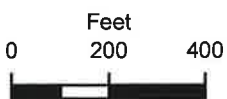
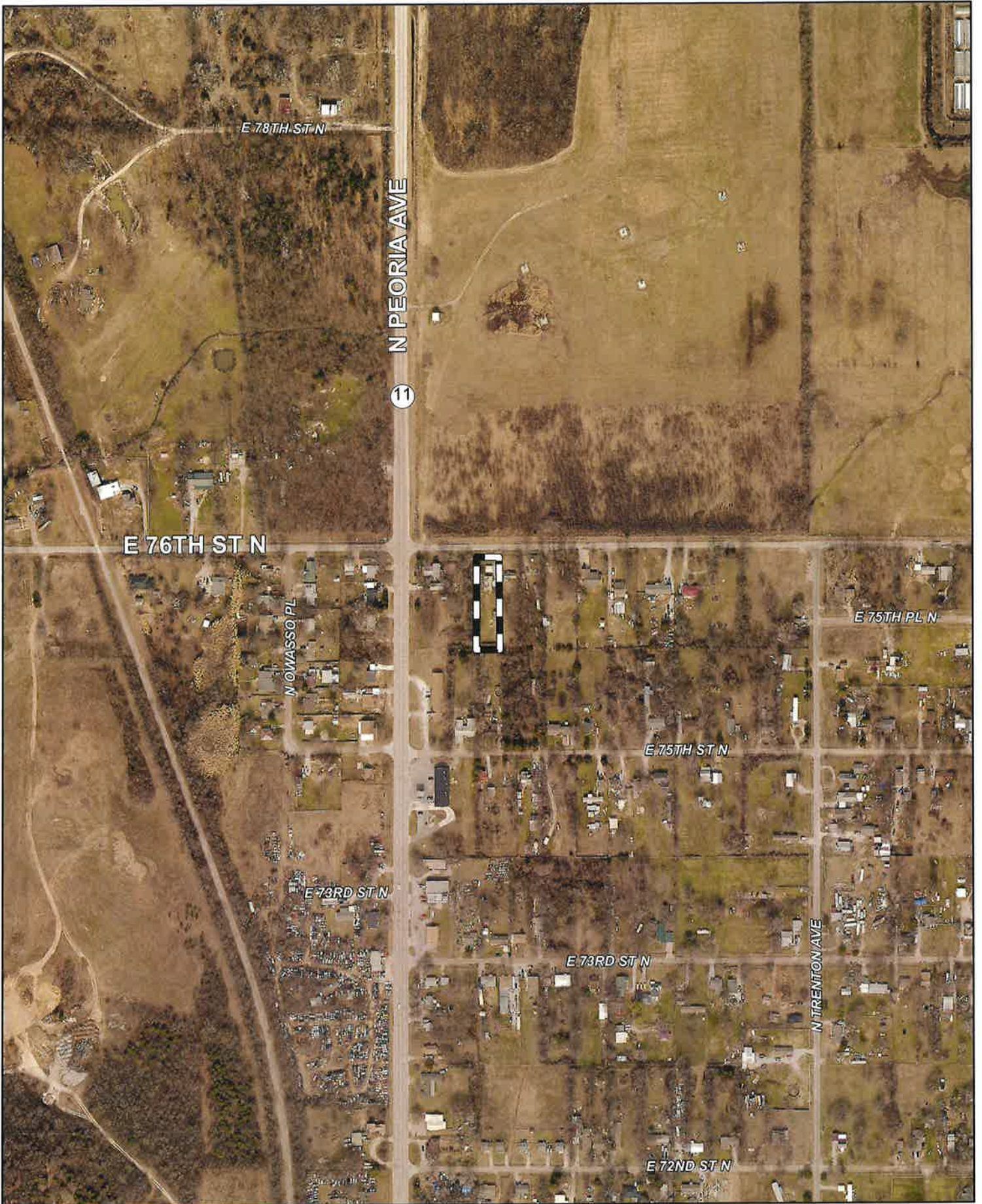
Subject Property looking South from E 76th St N



CBOA-3107

21-13 31





Subject
Tract

CBOA-3107

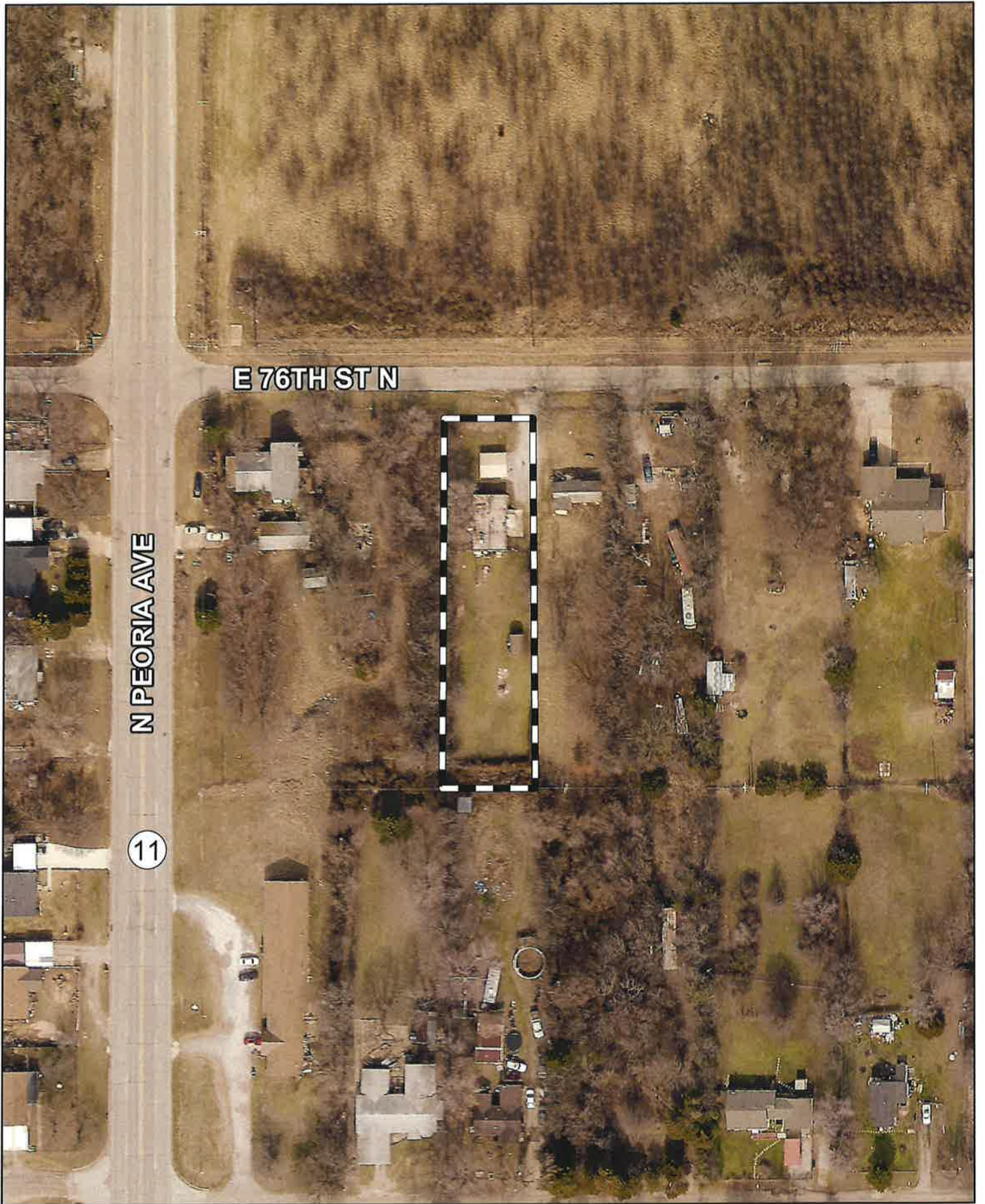
21-13 31

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

Aerial Photo Date: 2023



CBOA-3107 19.6



E 76TH ST N

N PEORIA AVE

11



Subject Tract

CBOA-3107

21-13 31

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

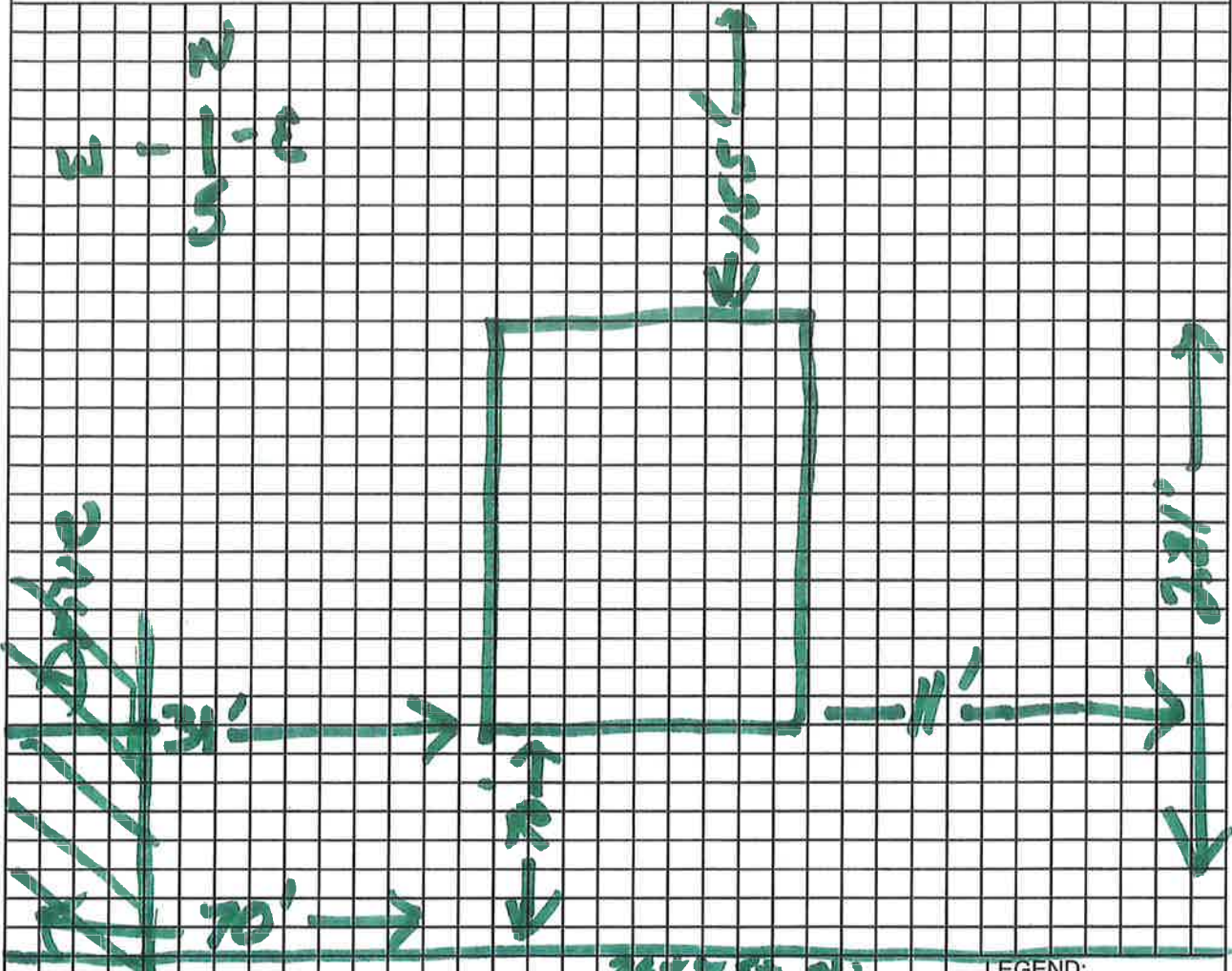
Aerial Photo Date: 2023



CBOA-3107 19.7

PLOT PLAN

MUST BE IN COMPLIANCE WITH HUD HANDBOOK 4145.1.REV 2-4



BORROWER NAME:	Sandoval
CO-BORROWER NAME	
ENTER PROPERTY ADDRESS OR LEGAL DESCRIPTION:	1406 E 76th St N Sperry, ok

LEGEND:

MH	-Location of Manufactured Home
W	-Location of Well System
DF	-Location of Drain Field
S	-Location of Septic System
CW	-Location of City Water System
CS	-Location of Sily Sewer System

Minimum well distance requirements:	
Well to Foundation - 25 feet	List Actual Distance: Not applicabale
Well to Septic - 50 feet	List Actual Distance:
Well to Drainfield - 100 feet	List Actual Distance:
Well to Lot Line - 10 feet	List Actual Distance:

Dealer Signature: _____

Date: _____



Board of Adjustment

Case Number: CBOA-3108

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

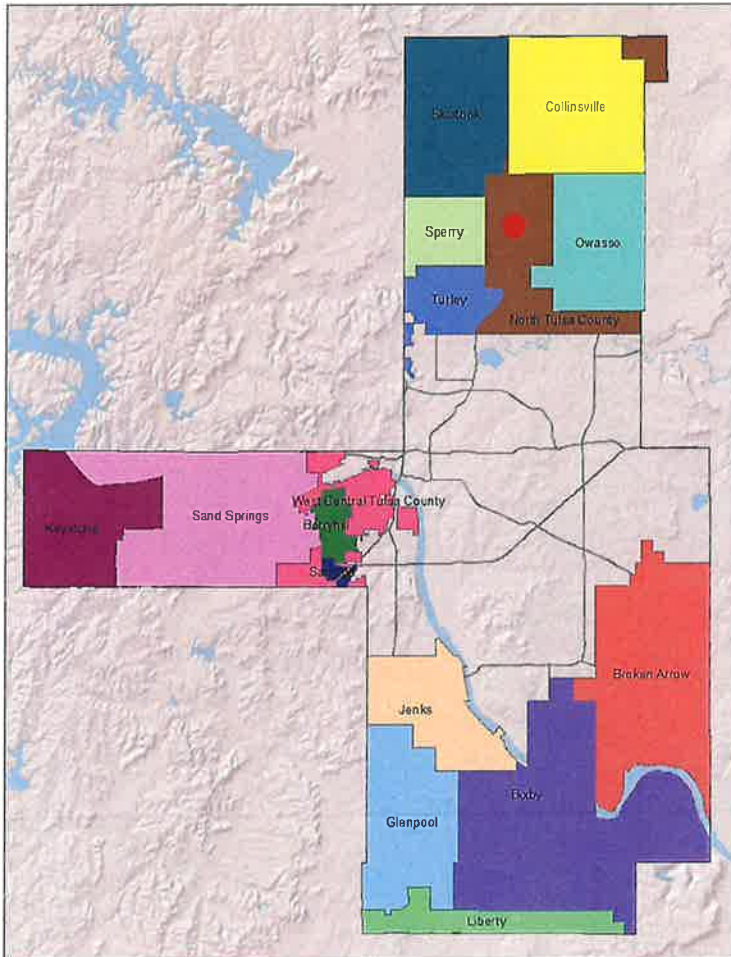
Owner and Applicant Information:

Applicant: Toulee & Chou Yang

Property Owner: YANG, TOULEE

Action Requested: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 2.95 acres

Location: 5110 E 106 ST N

Present Zoning: AG

Fenceline/Area: North Tulsa County

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1315

CZM: 11

CASE NUMBER: CBOA-3108

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: Toulee & Chou Yang

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

LOCATION: 5110 E 106 ST N

ZONED: AG

FENCELINE:

PRESENT USE: Residence

TRACT SIZE: 2.95 acres

LEGAL DESCRIPTION: W200 NE NW NW LESS N16.5 THEREOF FOR RD SEC 15 21 13 2.955ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2305 September 2008: The Board approved a Variance of the minimum land area per dwelling required in the AG district from 2.1 acres to 1.88 acres per dwelling (Section 330) to permit a lot split.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and currently contains a single-family residence. The tract is surrounded by AG zoning containing single-family residences and agricultural land.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

The AG district requires minimum of 2.1 acres per dwelling unit. The subject tract is 2.95 acres in size and contains an existing single-family home. The applicant intends to place a new mobile home on the lot, which necessitates the need for a variance of the lot area per dwelling unit since 4.2 acres would be required for two dwellings on an AG zoned lot.

The applicant provided the statement "Current lot is about 3 acres and need to put another home on site. A mobile home. The owner is aged and desires to be closer to children."

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 of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

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 Property looking Southwest from E 106th St N



Subject Property looking Southeast from E 106th St N

AG

SUBJECT TRACT

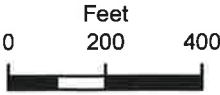
N YALE AVE

E 106TH ST-N

CS

AG

CBOA-3108



21-13 15





N YALE AVE

E 106TH ST N



Subject Tract

CBOA-3108

21-13 15

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

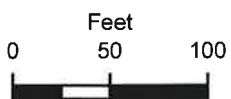
Aerial Photo Date: 2023



CBOA-3108 20.6



E 106TH ST N



Subject Tract

CBOA-3108

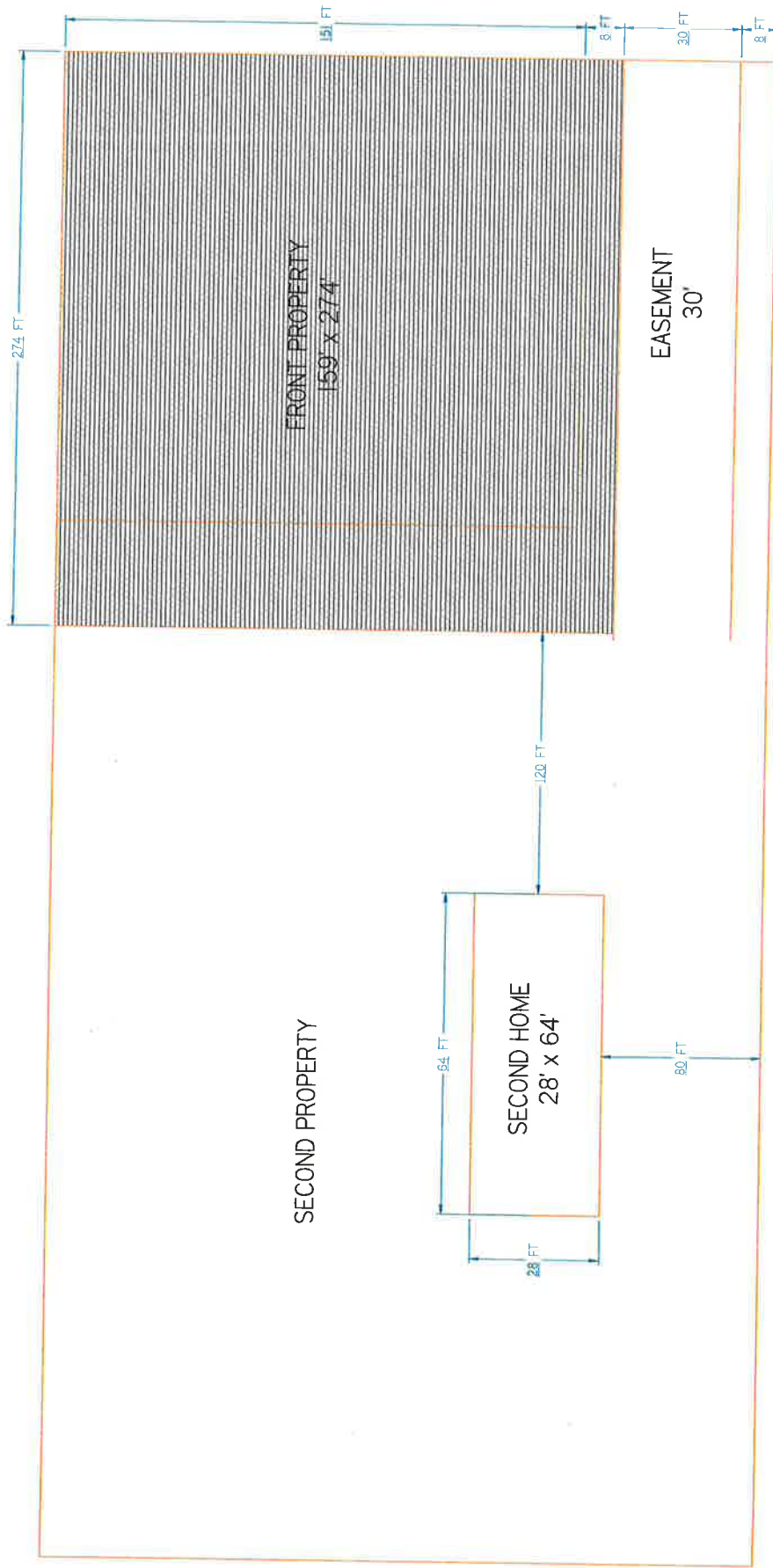
21-13 15

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

Aerial Photo Date: 2023

CBOA-3108 20.7





DRAWING IS NOT TO ACTUAL SIZE

5110 E 106th St N
Sperry OK 74013







4



Board of Adjustment

Case Number: CBOA-3109

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

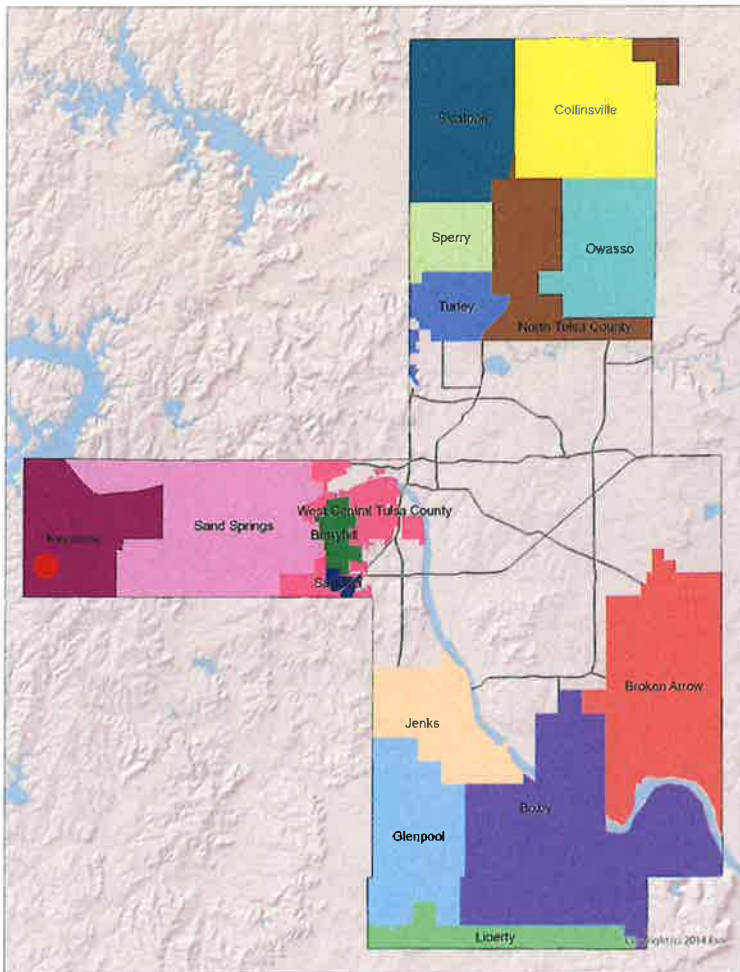
Owner and Applicant Information:

Applicant: Cruz Fears Carnes

Property Owner: DETRICK, SHERRY

Action Requested: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 3.04 acres

Location: 4531 S 261 AV W

Present Zoning: AG

Fenceline/Area: Keystone

Land Use Designation: Rural Residential/Agricultural

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9030

CZM: 41

CASE NUMBER: CBOA-3109

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: Cruz Fears Carnes

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330)

LOCATION: 4531 S 261 AV W

ZONED: AG

FENCELINE: Keystone

PRESENT USE: Residence

TRACT SIZE: 3.04 acres

LEGAL DESCRIPTION: BEG 710W SECR NE TH N195 W710 S195 E710 POB LESS W30 FOR RD SEC 30 19 10 3.044ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence and is surrounded by AG zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

The AG district requires minimum of 2.1 acres per dwelling unit. The subject tract is 3.04 acres in size and contains an existing single-family home. The applicant intends to place a new mobile home on the lot, which necessitates the need for a variance of the lot area per dwelling unit since 4.2 acres would be required for two dwellings on an AG zoned lot.

The applicant provided the statement "Mother-in-law has offered us to put a home on her land for free. We are not able to buy land."

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.

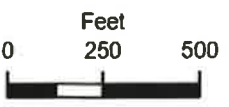
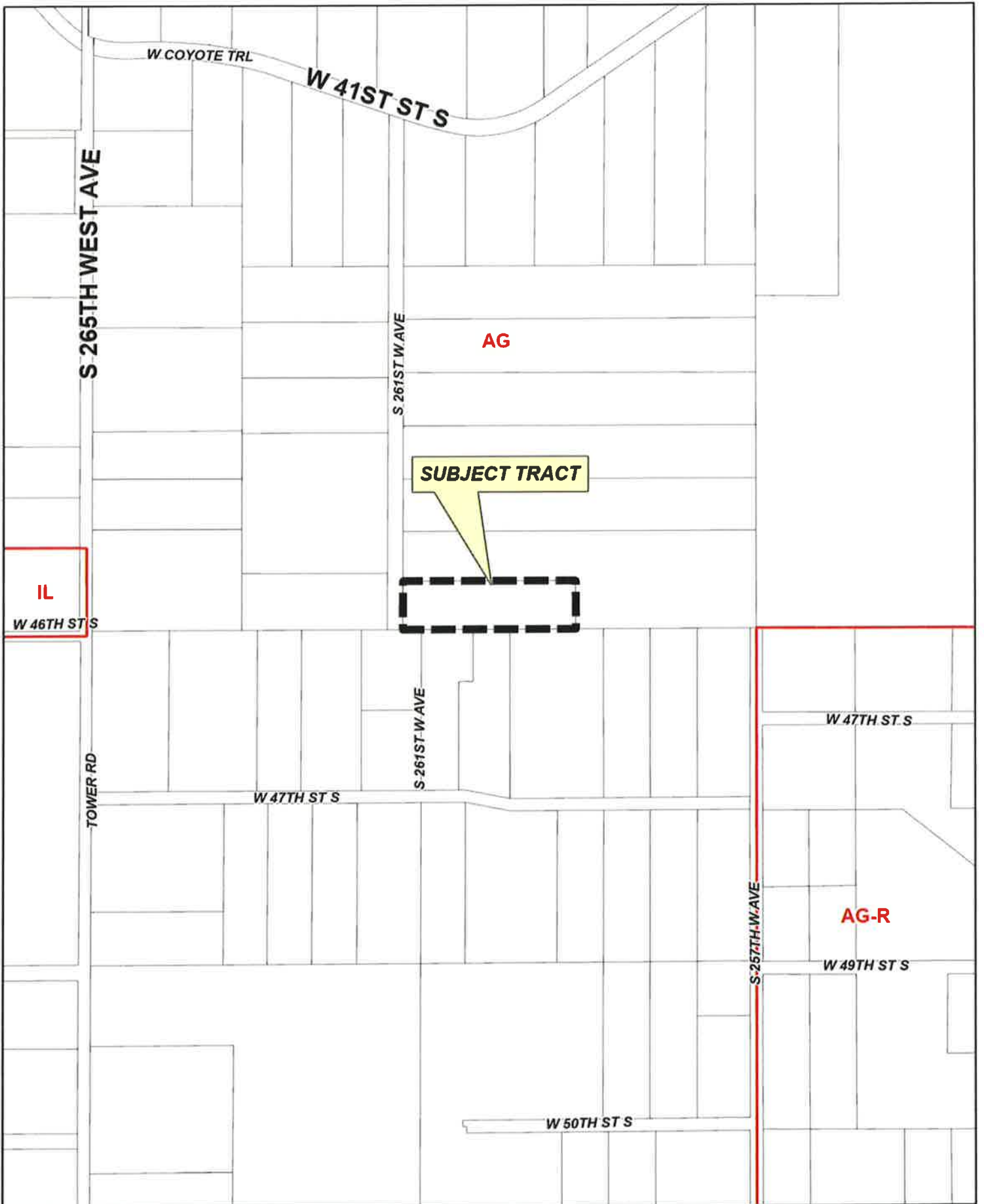
Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330).

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-3109

19-10 30





S 265TH WEST AVE

W COYOTE TRL

W 41ST ST S

S 261ST W AVE

W 46TH ST S

TOWER RD

W 47TH ST S

W 47TH ST S

S 257TH W AVE

W 49TH ST S

W 50TH ST S



Subject Tract

CBOA-3109

19-10 30

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

Aerial Photo Date: 2023



CBOA-3109 21.5

Cruz Carnes 4531 S. 26th W. Ave SANDSPRINGS
OK 74063

PLOT PLAN

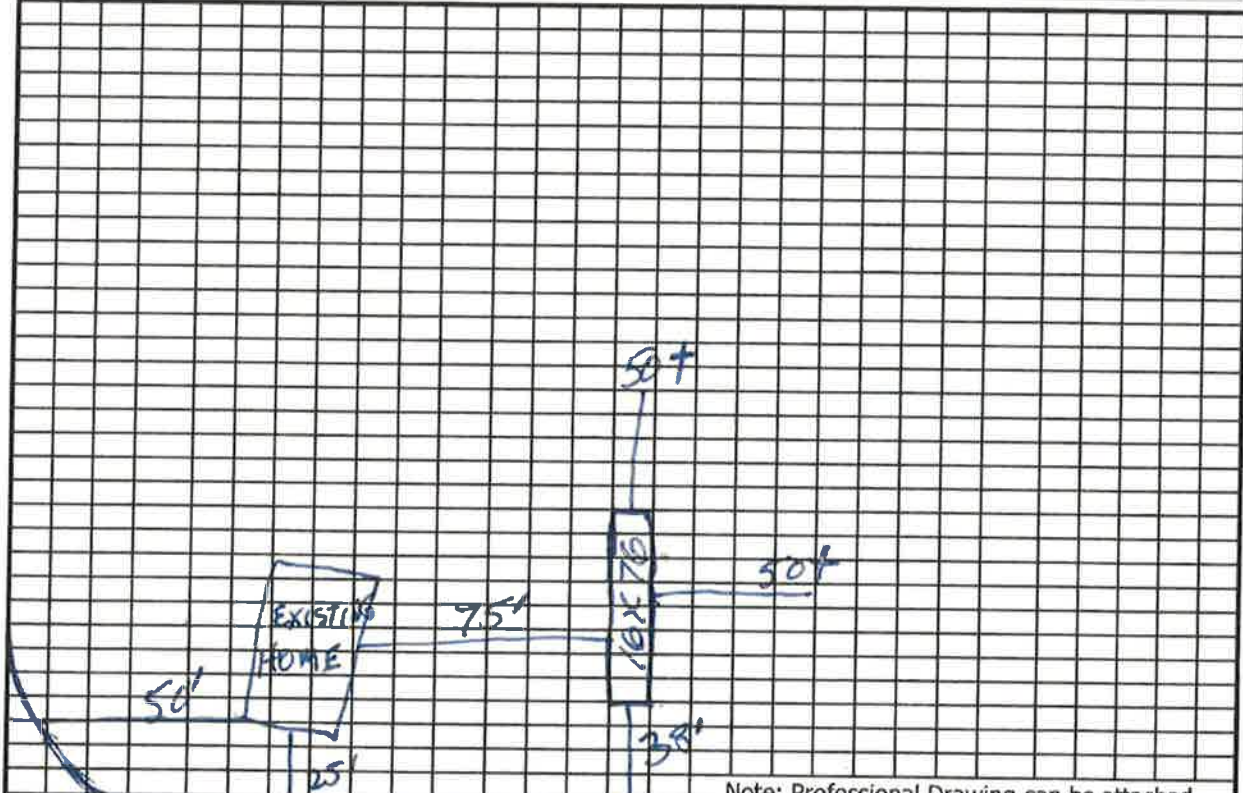
*MUST BE IN COMPLIANCE WITH HUD HANDBOOK 4145.1 REV-2, 2-4 and 2-5. *

BORROWER NAME:

PROPERTY ADDRESS OR LEGAL DESCRIPTION:

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

S 26th W. Ave



Note: Professional Drawing can be attached.

LEGEND

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

HUD Minimum Well Distance Requirements (from HUD Handbook 4910.1, Appendix K):

Well to Chemically Treated Soil	25 feet minimum	List Proposed Distance:
Well to Septic Tank	50 feet minimum	List Proposed Distance:
Well to Drain Field	100 feet minimum	List Proposed Distance:
Well and Septic to Property Line	10 feet minimum	List Proposed Distance:

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

BUILDER/RETAILER SIGNATURE:

[Handwritten Signature]

DATE: 9-12-23



Board of Adjustment

Case Number: CBOA-3110

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

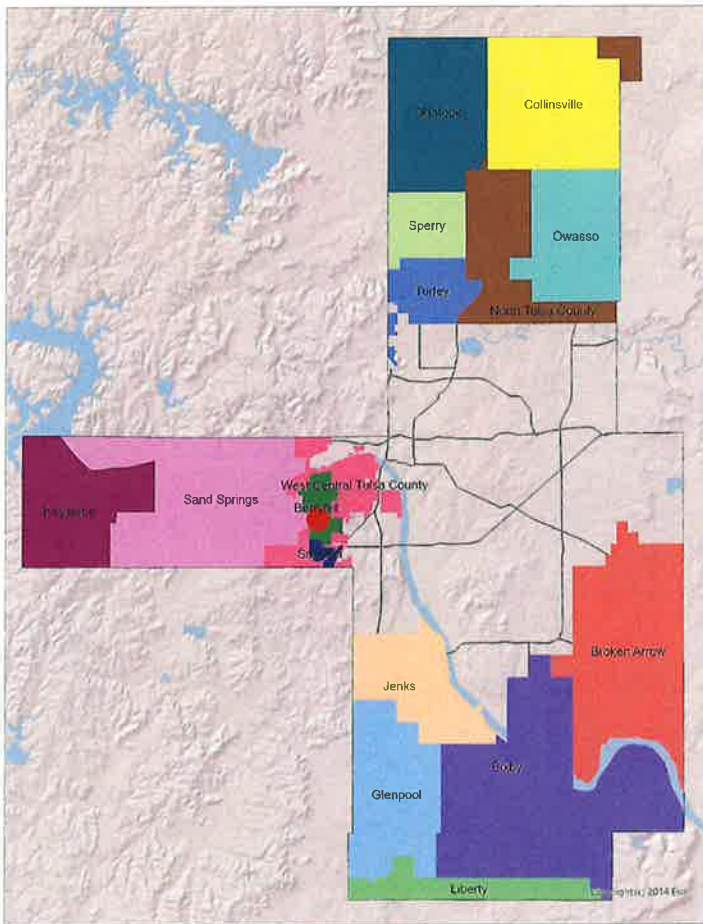
Owner and Applicant Information:

Applicant: John Wilson

Property Owner: WILSON, JOHN W & CARAJO E

Action Requested: 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: 0.47 acres

Location: 3719 S 60 AV W

Present Zoning: RS

Fenceline/Area: Berryhill

Land Use Designation: Existing Neighborhood

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9220

CZM: 45

CASE NUMBER: CBOA-3110

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: John Wilson

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

LOCATION: 3719 S 60 AV W

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Residence

TRACT SIZE: 0.47 acres

LEGAL DESCRIPTION: LT 3 BLK 2, PLEASURE ACREAGE 3RD ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-1039 September 1991: The Board approved a Special Exception to permit a home occupation, real estate office, in and RS zoned district (Section 420)

CBOA-2431 June 2012: The Board approved a Variance to allow a detached accessory structure in an RS District to exceed 750 sf (section 240.2.E).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family residence and abuts RS zoning to the North, West and South containing single-family residences and to the East by AG zoning containing a single-family residence.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

The RS district is limited to one dwelling unit per lot of record per Section 208 of the Tulsa County Zoning Code. The Tulsa County Zoning Code requires 6,900 sf of land area per dwelling unit. The subject tract contains 0.47 acres in area, so has enough land area to support two dwelling units.

The applicant provided the statement that they "Would like to add another small house to the property to move my elderly parents into.

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

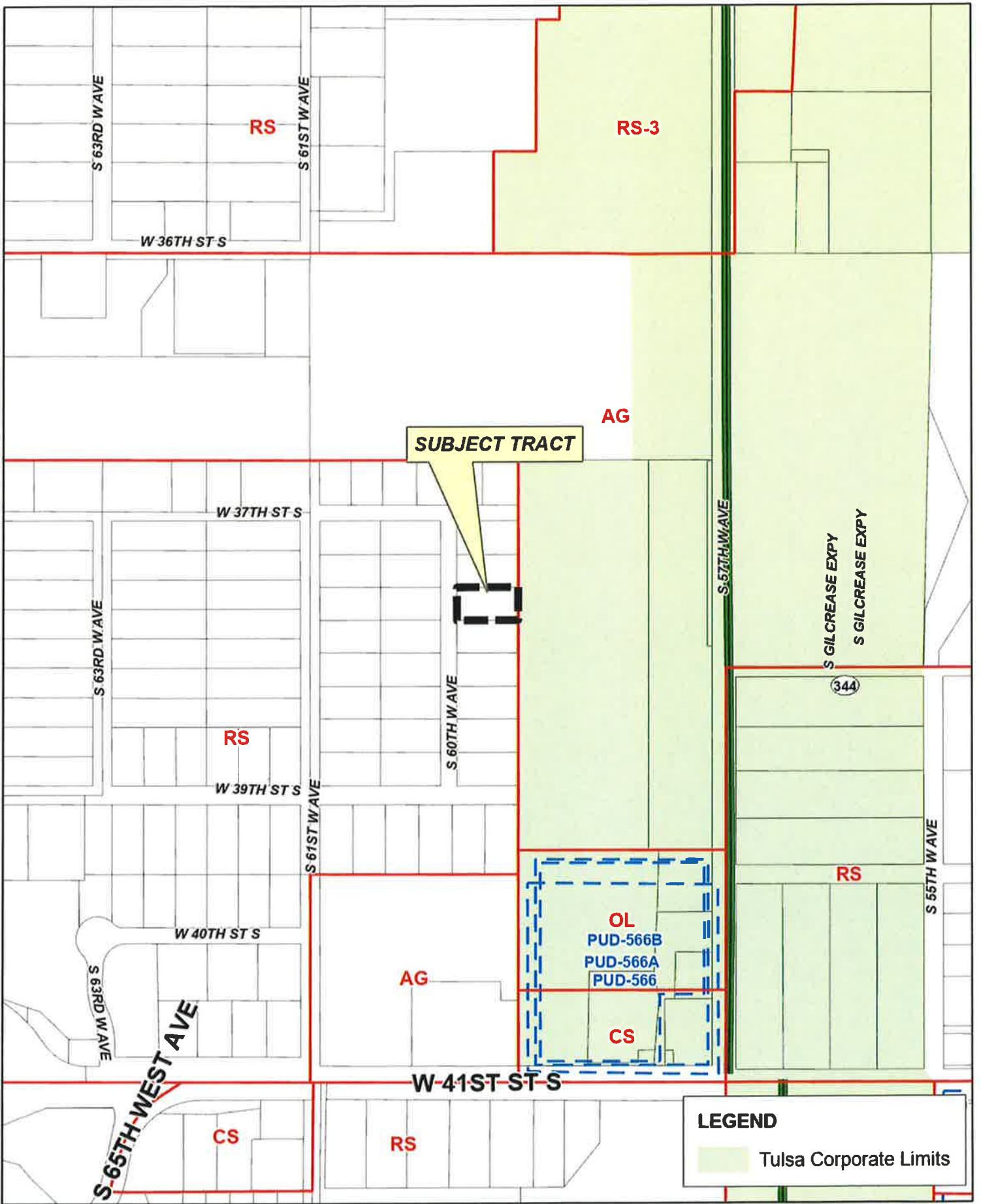
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 property looking Southeast from S 60th W Ave

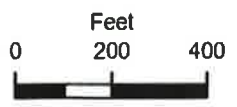


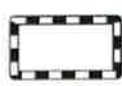
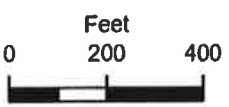
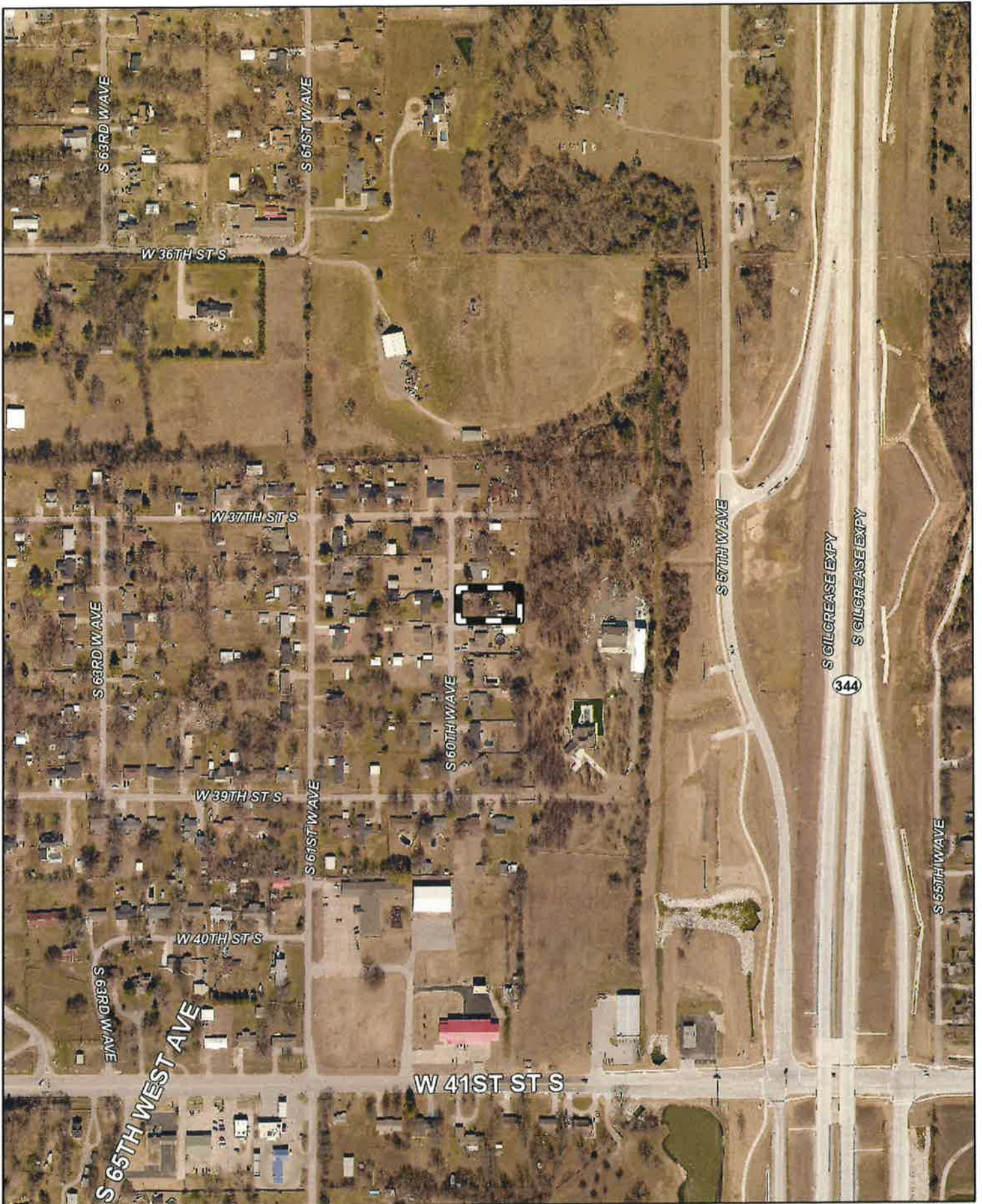
Subject property looking Northeast from S 60th W Ave



CBOA-3110

19-12 20





Subject Tract

CBOA-3110

19-12 20

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

Aerial Photo Date: 2023

CBOA-3110 22.6





W 37TH ST S

S 60TH WAVE



Subject Tract

CBOA-3110

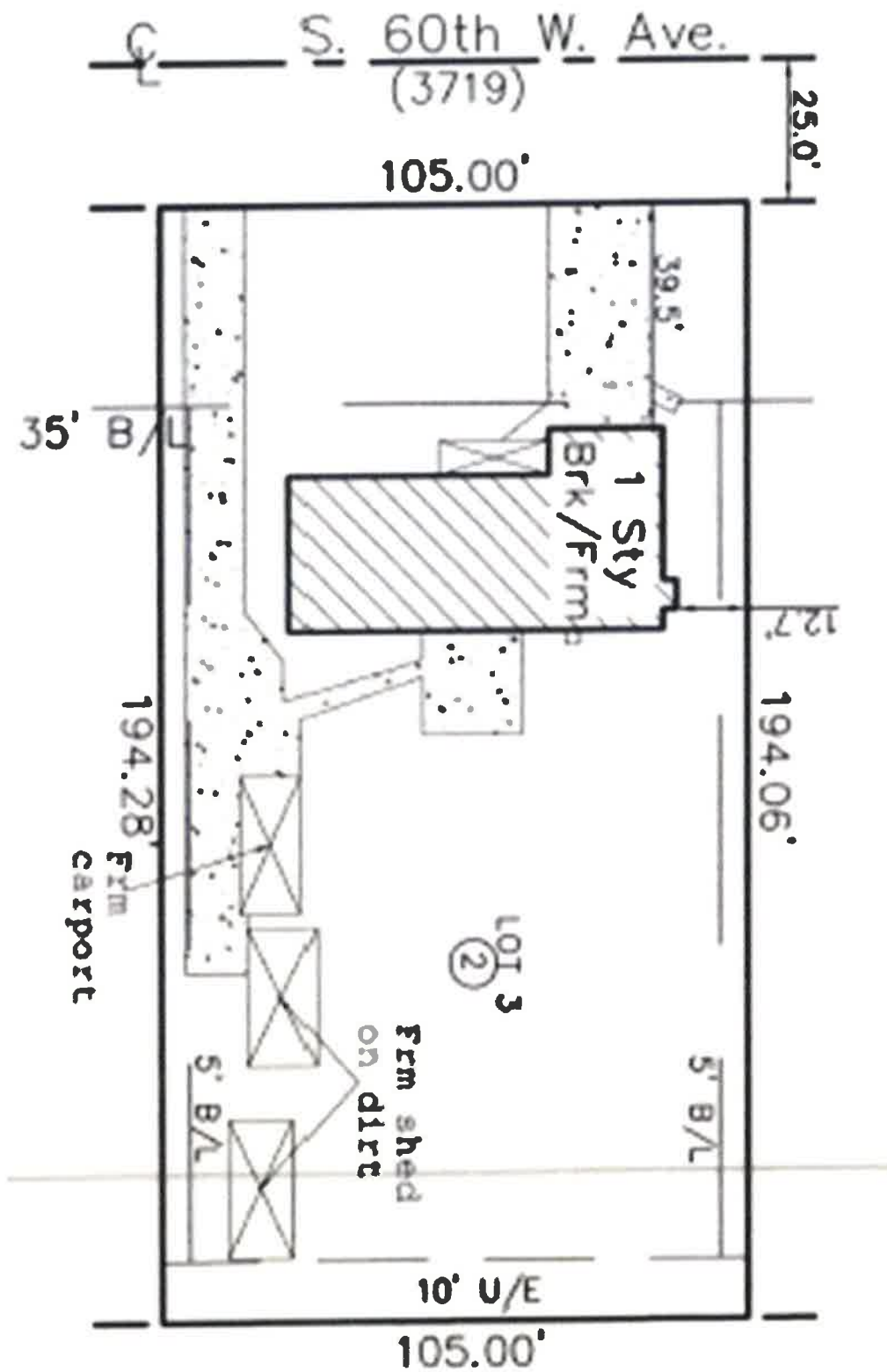
19-12 20

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

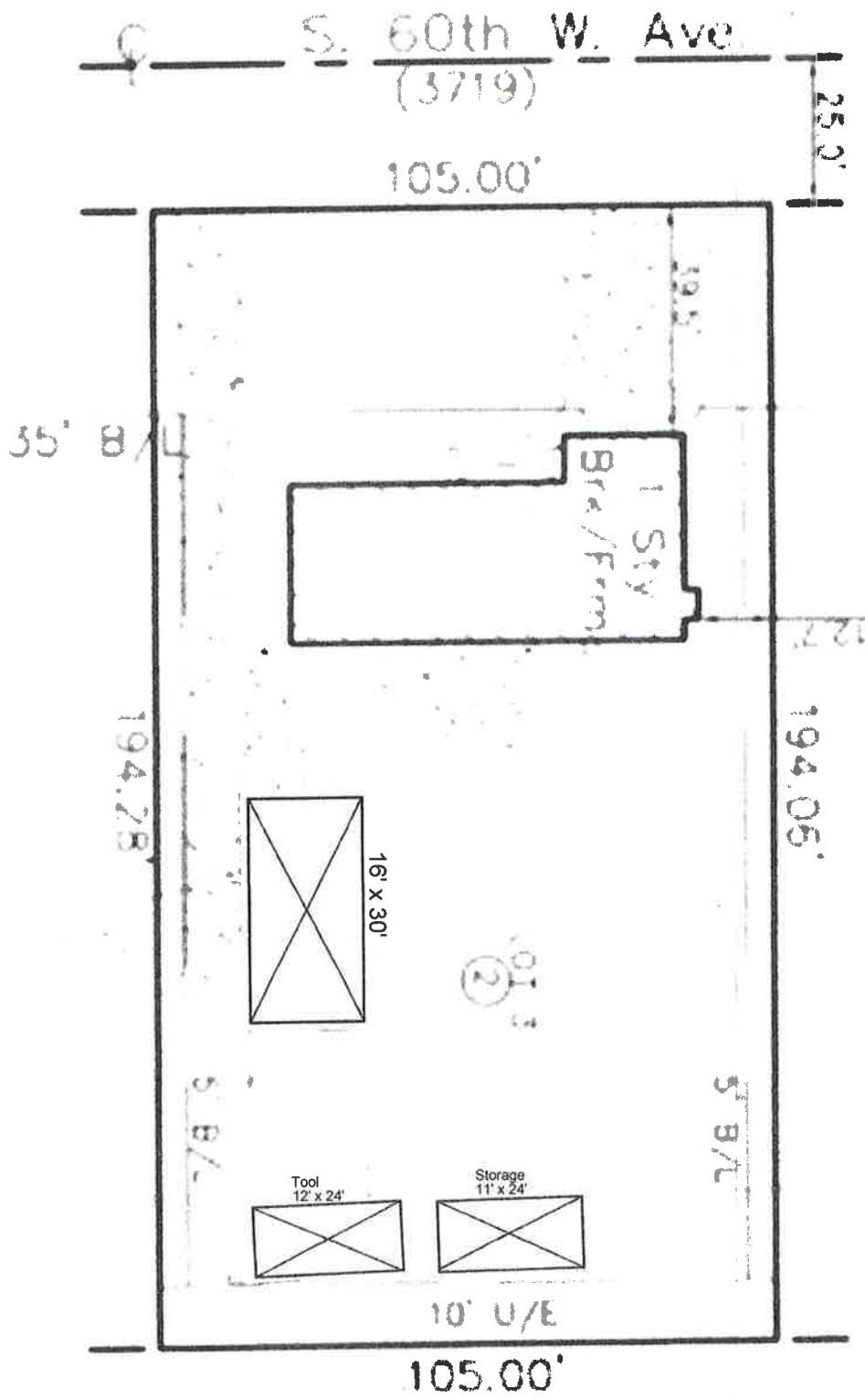
Aerial Photo Date: 2023

CBOA-3110 22.7





Existing



Proposed



Board of Adjustment

Case Number: CBOA-3111

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

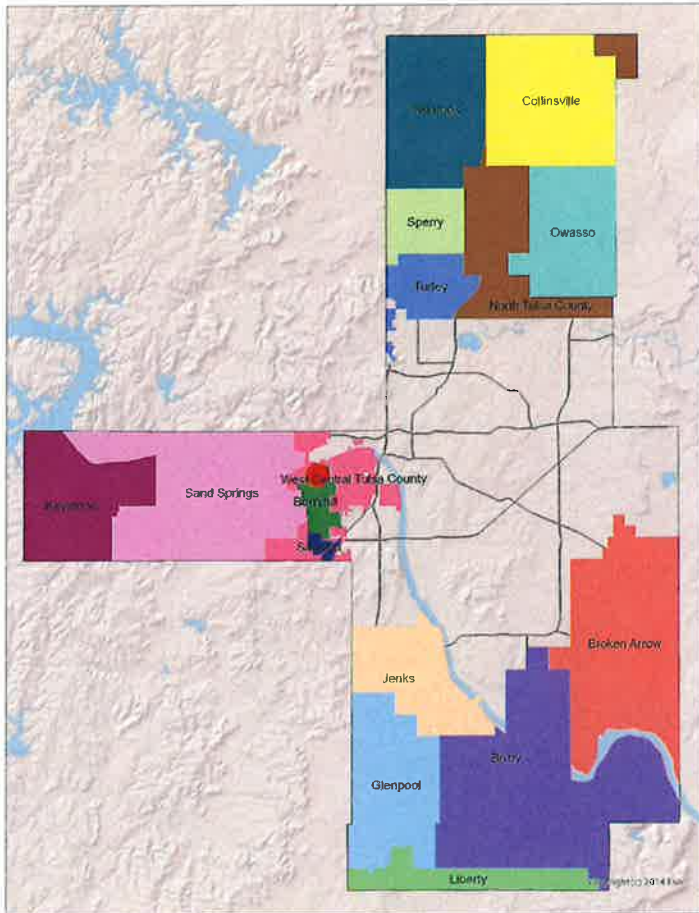
Owner and Applicant Information:

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:



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

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9217

CZM: 35

CASE NUMBER: **CBOA-3111**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 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

FENCELINE: 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:

Subject Property:

CBOA-2965 May 2022: The Board approved a Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district (Section 710), a Variance to permit gravel unenclosed off-street parking (Section 1340) and a Variance to permit gravel loading areas (Section 1350).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CS and contains a commercial building currently utilized by the client of the applicant for a contracting service and abuts CS zoning to the west containing a commercial building and to the east containing a commercial building and single-family residences. The subject tract abuts RS zoning to the south containing vacant land and CS/IM zoning to the north containing the intersection of W 21st St S, Avery Dr and the southbound off-ramp of the Gilcrease Expressway.

STAFF COMMENTS:

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

Previously, the requested Variances had been granted by the Board of Adjustment (CBOA-2965) to permit a contracting service but with the condition that the approval would expire on November 30, 2023, which was the date the lease for the contracting service would expire. They are now wishing to extend that lease and for another two years and are requesting that the previously approved variances be granted for that time as well, until November 20, 2025.

The applicant has provided a statement, included with this report (Exhibit "A"), which reiterates the purpose for the request and to state that "The extension of the Variances will not cause substantial detriment to the public good or impair the spirit and intent of the Code and remain consistent with surrounding uses."

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

Sample Motion:

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

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.



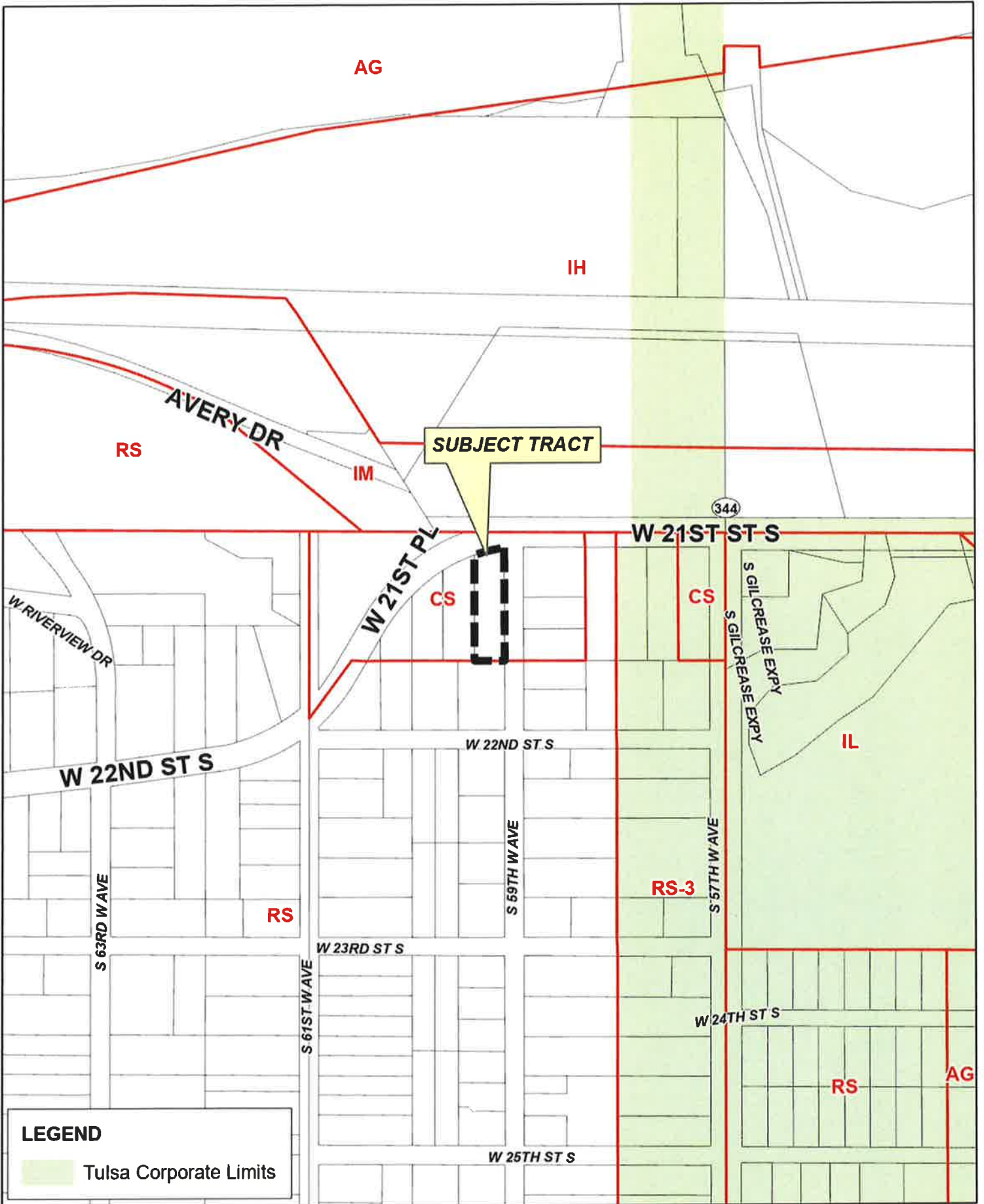
Subject tract looking South from W 21st PI



Subject tract looking Southwest from W 21st PI

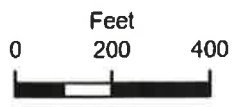


Subject tract looking Northwest from S 59th W Ave



LEGEND

 Tulsa Corporate Limits



CBOA-3111

19-12 17





Subject
Tract

CBOA-3111

19-12 17

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

Aerial Photo Date: 2023

CBOA-3111 23.7





AVERY DR

W 21ST ST S

W 21ST PL

S 59TH W AVE

W 22ND ST S



Subject Tract

CBOA-3111

19-12 17

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

Aerial Photo Date: 2023

CBOA-3111 23.8



Exhibit "A"

The Applicant requests to extend (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 (collectively, the "Variances") on property located at 2106 S. 59th W. Ave (the "Property").

The Variances were unanimously approved by the Tulsa County Board of Adjustment on May 31, 2022 with the condition that the approval would expire on November 30, 2023, which was the date the lease of the Property was set to expire. The existing tenant, CG&H, which is a mechanical construction contractor, desires to extend its lease of the Property for an additional two (2) years, until November 30, 2025.

The extension of the Variances will not cause substantial detriment to the public good or impair the spirit and intent of the Code and remain consistent with the surrounding uses.

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

Web AppBuilder for ArcGIS
INCOG 2017

CBOA-3111 23.10

certain time in the morning. They do have to get to the job sites early but are willing to say no beeping before 7:00 AM.

Comments and Questions:

Mr. Charney stated that there are residences nearby that are bothered by it but is heartening to hear a solution that that would work for both parties until the lease term runs out.

Mr. Hutchinson stated that it seemed very reasonable to him.

Board Action:

On **MOTION of Charney**, the Board voted 5-0-0 (Charney, Dunkerley, Hutchinson, Hicks, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); a Variance to permit gravel unenclosed off-street parking (Section 1340); and a Variance to permit gravel loading Areas (Section 1350) with the condition that the approval will expire on November 30, 2023, and that there be no backup beeping before 7:00 AM. The Board finds the hardship to be the configuration of the property adjacent to a significant arterial street, and the unique shape of the lot. The Board finds 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:

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

Mr. Charney stated that he has no financial interest in CBOA-2966. He does however own a piece of land that is adjacent to the subject property. To avoid the appearance of impropriety, he formally recused himself and left the meeting at 3:23 PM.

2966 - 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 North Lakewood Avenue East



Board of Adjustment

Case Number: CBOA-3112

Hearing Date: 10/17/2023 1:30 PM

Case Report Prepared by:

Jay Hoyt

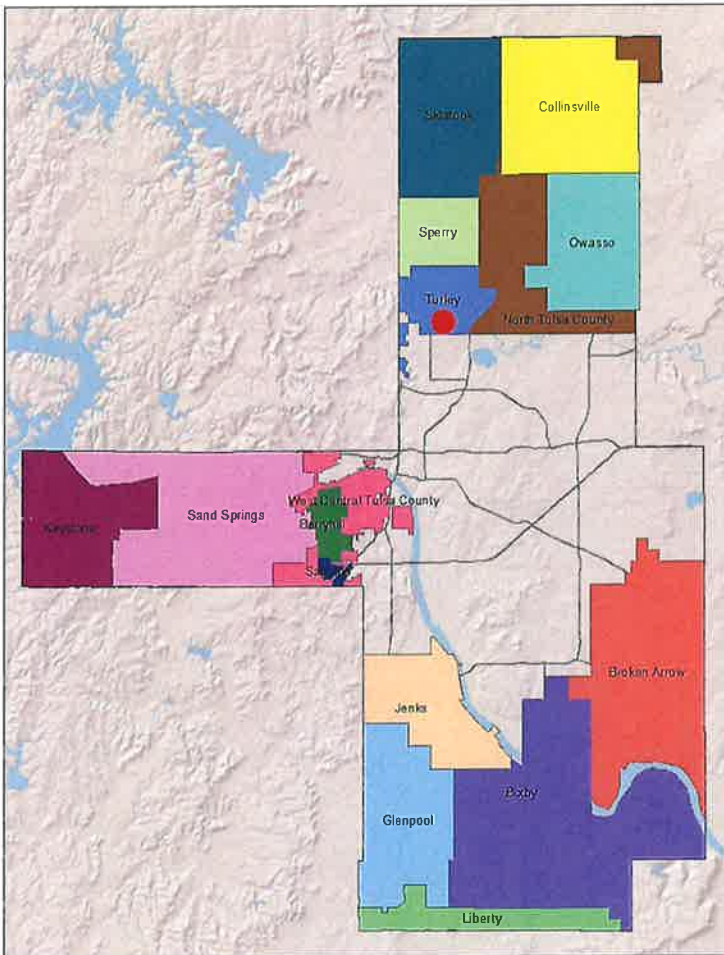
Owner and Applicant Information:

Applicant: Kyle Ray

Property Owner: LEWIS, CHARLES ROBERT

Action Requested: Special Exception to permit a concrete ready-mix batch plant (Section 910).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 9.41 acres

Location: Southwest Corner of E 61st St N and N Utica Ave

Present Zoning: IL

Fenceline/Area: Turley

Land Use Designation: Industrial

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0306

CZM: 22

CASE NUMBER: **CBOA-3112**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/17/2023 1:30 PM

APPLICANT: Kyle Ray

ACTION REQUESTED: Special Exception to permit a concrete ready-mix batch plant (Use Unit 26, Section 910).

LOCATION: Southwest Corner of E 61st St N and N Utica Ave

ZONED: IL

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 9.41 acres

LEGAL DESCRIPTION: S630 NE NE SW & S400.99 W63.35 NW NW SE LESS S230 N260 E136.65 NE NE SW SEC 6 20 13 9.407ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-2539 June 2015: The Board approved a Special Exception to permit a cell tower in the AG district (Section 310).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned IL and is currently vacant. The tract abuts IL and RS zoning to the east containing vacant land and to the north, south and west by AG zoning containing vacant land and single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a concrete ready-mix batch plant (Use Unit 26, Section 910).

The applicant intends to utilize the subject lot for a concrete ready-mix batch plant, which falls under Use Unit 26 – Moderate Manufacturing and Industry in the Tulsa County Zoning Code.

A special exception is required as the proposed Use Unit 26 is a use which is not permitted by right but by exception in the IL 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 proposed use 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 automotive facility is compatible and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a concrete ready-mix batch plant (Use Unit 26, Section 910).

Subject to the following conditions, if any: _____.

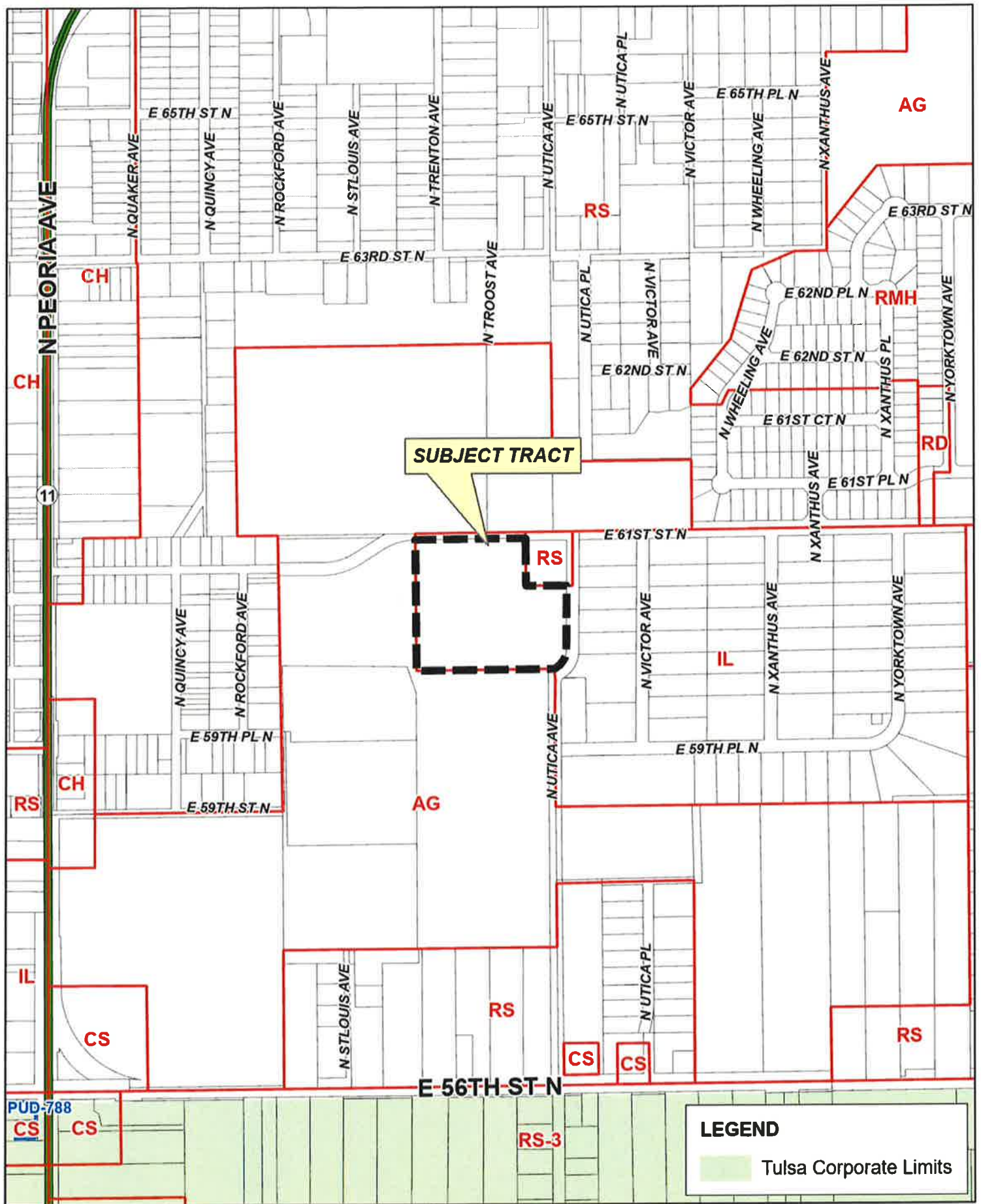
In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking Southwest from E 61st St N



Subject tract looking Southeast from E 61st St N



CBOA-3112

20-13 06



LEGEND

Tulsa Corporate Limits



 Subject Tract

CBOA-3112

20-13 06

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

Aerial Photo Date: 2023



CBOA-3112 24.6

General Notes

No.	Revisions/Issues	Date
1	INITIAL	09/14/2023

Plot Name and Address

Plot Name and Address
SURROCA PLANT #2

Project	Date	Scale
SURPL12	9/14/2023	1/32" = 1'

