

***AMENDED* AGENDA**
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday April 16, 2024, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 530

Consider, Discuss and/or Take Action On:

1. Approval of **Minutes** of March 19, 2024 (Meeting No. 529).

UNFINISHED BUSINESS

2. **CBOA – 3113 Linda Morton**
Action Requested:
Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207). **Location:** 2652 E 171st St S
3. **CBOA 3151 – Anchor Stone**
Action Requested:
Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1). **Location:** S & E of E 151st St S & S Garnett Rd

NEW APPLICATIONS

4. **CBOA 3140 – Sherry Barbour**
Action Requested:
Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D). **Location:** 17316 S Memorial Drive
5. **CBOA 3154 - Angela Johnson**
Action Requested:
Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430). **Location:** 1329 E 59th St N

6. CBOA 3156 - John Neffendorf

Action Requested:

Variance of the all-weather surface material requirement for parking (Section 1340.D). **Location:** 1051 W 161st St S

Requested a **CONTINUANCE** to May 21, 2024.

7. CBOA 3158 - Do More Investments LLC

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330). **Location:** 9801 N Peoria Ave

8. CBOA 3159 - Stephen Robison

Action Requested:

Variance of the required rear yard setback in an AG district (Section 330). –
WITHDRAWN BY APPLICANT

9. CBOA 3160 - Jessica Callaway

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 7612 E 106th St N

10. CBOA 3161 - Sandra Quinton

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the land area per dwelling unit in an RE district (Section 430). **Location:** 7009 N 117th E Ave

11. CBOA 3162 - Yensy Merari Carbajal Flores

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410). **Location:** 5721 S. 39th W. Ave

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: https://www.incog.org/Land_Development/land_main.html

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.



Board of Adjustment

Case Number: CBOA-3113

Hearing Date: 4/16/2024 1:30 PM
(Continued from 11/21/2023, 12/19/2023, 1/16/2024 and 3/19/2024)

Case Report Prepared by:

Jay Hoyt

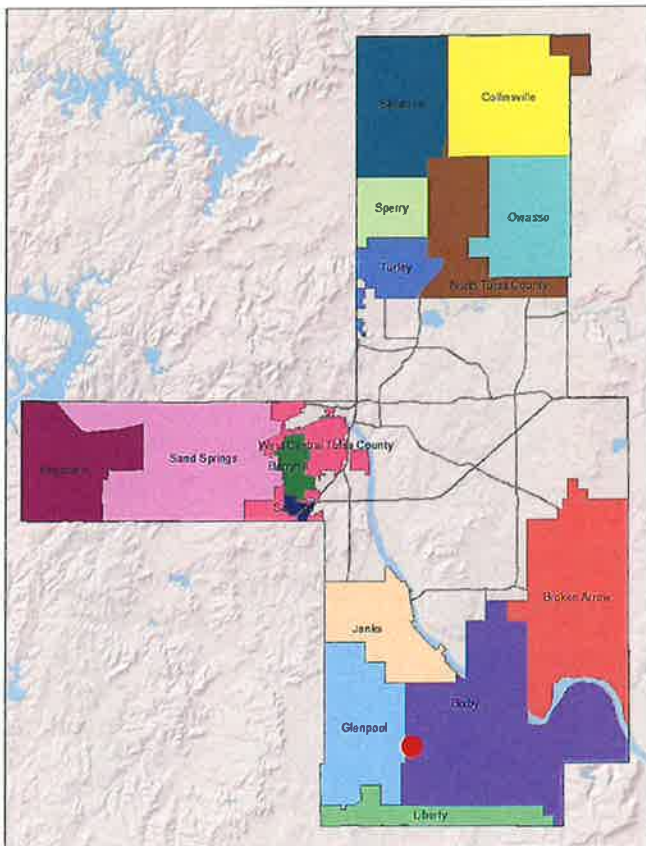
Owner and Applicant Information:

Applicant: Linda C. Morton

Property Owner: MORTON, LINDA C & ANTHONY L

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

Location Map:



Additional Information:

Present Use: Residential/AG

Tract Size: 15.61 acres

Location: 2652 E 171st St S

Present Zoning: AG

Fenceline/Area: Bixby

Land Use Designation: Rural Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7332

CASE NUMBER: CBOA-3113

CZM: 66

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 4/16/2024 1:30 PM (Continued from 11/21/2023, 12/19/2023, 1/16/2024 & 3/19/2024)

APPLICANT: Linda C. Morton

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

LOCATION: 2652 E 171st St S

ZONED: AG

FENCELINE: Rural Residential

PRESENT USE: Residential/AG

TRACT SIZE: 15.61 acres

LEGAL DESCRIPTION: E/2 NE SW NW & NW SE NW LESS E40 THEREOF & W40 E80 SW NE NW & W40 E80 NW NE NW SEC 31 17 13 15.606 AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

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

STAFF COMMENTS:

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

The applicant intends to split the subject tract into two tracts as shown on the lot split exhibit provided by the applicant. After the lot split, the resulting Tract 2 will have access to E 171st St S via 40 ft wide portion of the lot. The resulting Tract 1 will not have access to E 171st St S. Lots are required to have a minimum of 30 feet of frontage on a publicly maintained road. The applicant intends to provide an access and utility easement along the 40 ft wide portion of Tract 2 that connects to 171st to provide access for Tract 1.

The applicant provided the statement "We are splitting the original tract into two (2) tracts and therefore are needing to provide an easement to Tract 1 on the 40 ft wide access land to 171st St S, Mounds, OK."

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).

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 access looking South from E 171st St S

S LEWIS AVE

PUD-846 RE

AG

E 171ST ST S

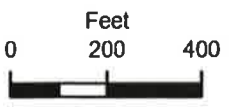
AG

SUBJECT TRACT

E 175TH ST S

LEGEND

-  Bixby Corporate Limits
-  Glenpool Corporate Limits

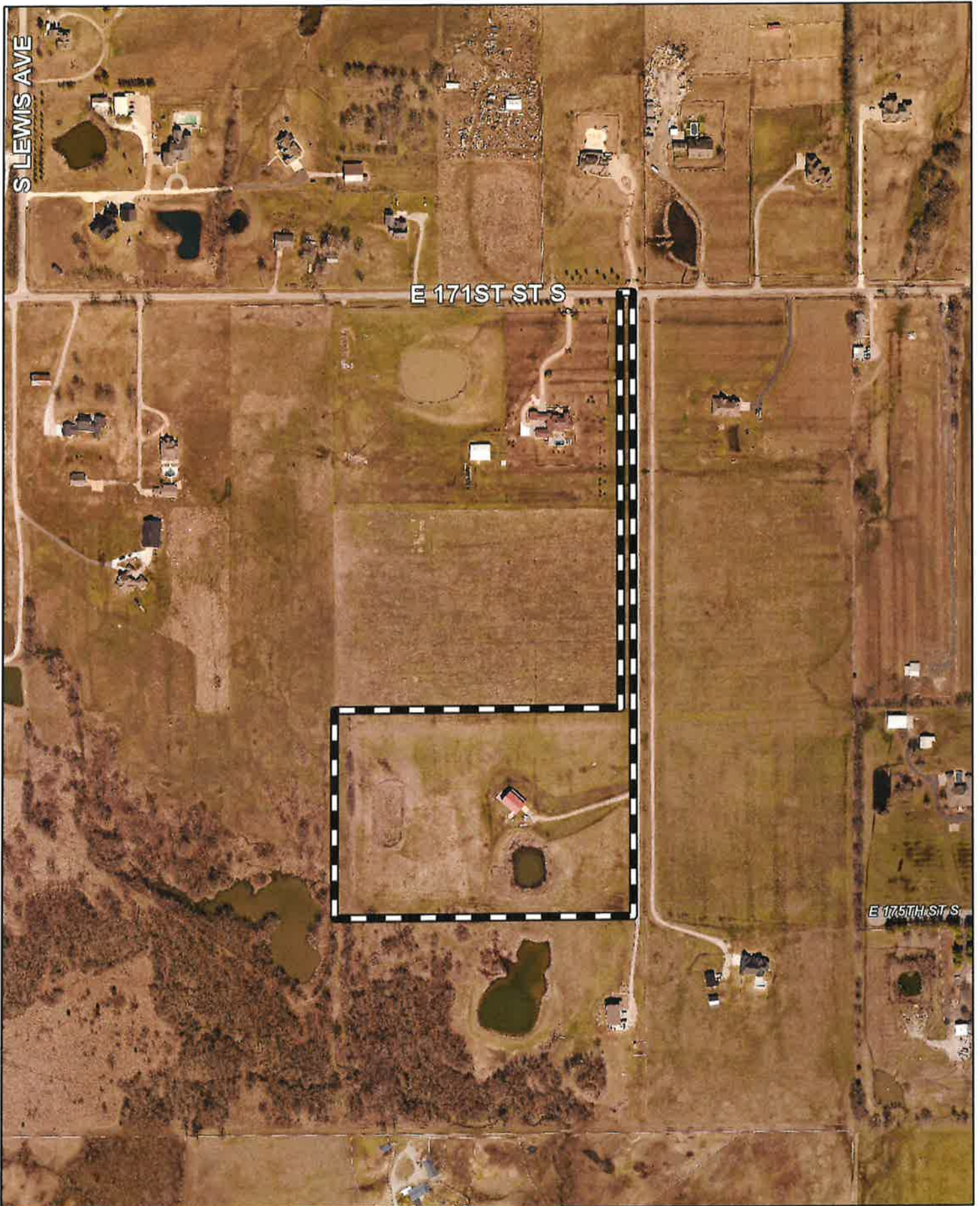


CBOA-3113

17-13 32



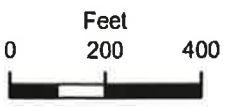
CBOA-3113 2.5



S LEWIS AVE

E 171ST ST S

E 175TH ST S



 Subject Tract

CBOA-3113

17-13 32

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

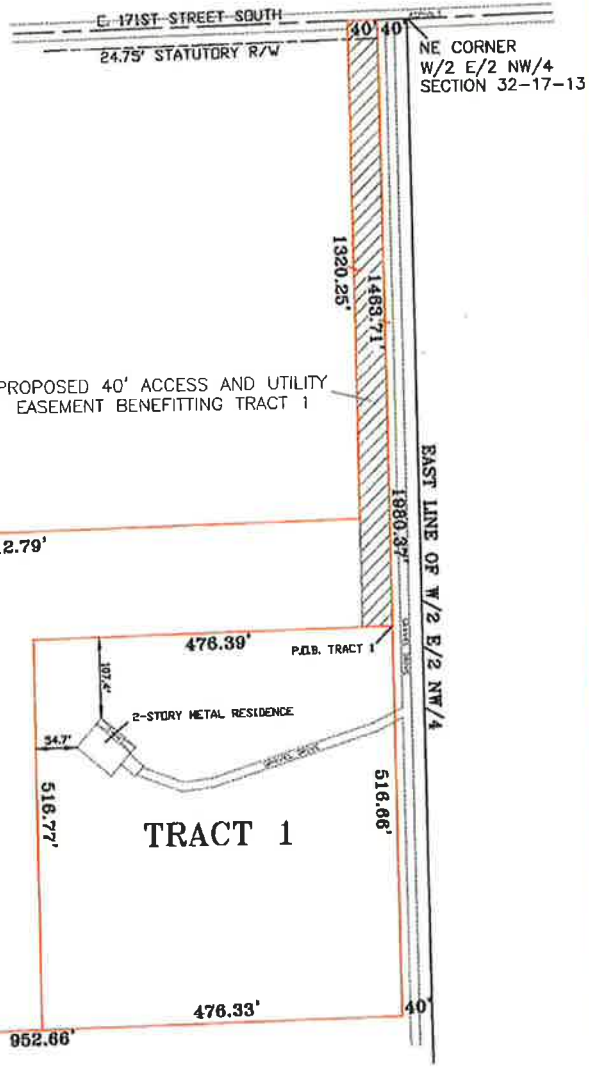
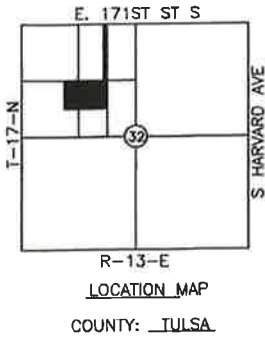
Aerial Photo Date: 2023



CBOA-3113 2.6

LOT SPLIT PLAT

PREPARED FOR LINDA & ANTHONY MORTON
 PROPERTY ADDRESS: 2652 E. 171ST ST. S.,
 MOUNDS, OK 74047



FOR LEGAL DESCRIPTIONS
 "SEE ATTACHMENT"

CERTIFICATE

I, DANIEL S. GOSS, A REGISTERED SURVEYOR BY THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS IS NOT A LAND OR BOUNDARY SURVEY AND THAT NO EFFORT WAS MADE TO RESEARCH FOR ANY OTHER EASEMENTS AT THE COUNTY CLERK OR OTHER RECORDS OFFICE AND FENCING IS NOT SHOWN.

THIS PLAT WAS PREPARED FOR LOT SPLIT PURPOSES ONLY, AS REQUIRED.

WITNESS MY HAND AND SEAL THIS 20TH DAY OF SEPTEMBER, 2023

DANIEL S. GOSS P.L.S. NO. 1316



D. GOSS & ASSOCIATES
 12347 HEYWOOD HILL RD
 SAPULPA, OK 74066
 PH. (918)771-0096 FAX (918)771-7750

Scale: NONE	DATE: 9/20/23
MORTON	DRAWN BY: DG
JOB # 13826	REVISED:

Hoyt, Jay

From: Stephanie Bradley <sbradley@olp.net>
Sent: Thursday, November 09, 2023 12:28 PM
To: esubmit
Subject: Comments to Case number CBOA-3113

To Whom It May Concern,

We disagree with the lot split as well as the additional easement request. We purchased our land with the expectation that all lots would remain the same as sold at the original identified acre lots allocated at the time of the land auction. By allowing this lot split; it allows the potential for other lots to be split into small acreages which in our opinions hurts the value of our property.

So far, with only the two "driveways" currently built...the water run off issue creates pools of water onto the adjoining properties and damages the roads.

Having two "houses" share one driveway (approximately 0.4 mile long) which will have to be maintained by the 10 acre lot but driven on by the 5.6 acre lot will only lead to conflict. As that long of a driveway is costly to maintain. We just don't understand how this arrangement is going to work with an easement only arrangement.

We request the lot split be denied as to keep the lot size as purchased at the auction in 2012. And therefore request the easement be denied.

Thank you for your consideration to our comments,

Mike & Stephanie Bradley
2720 E. 171st St. S.
Mounds, OK 74047

Hoyt, Jay

From: Hoyt, Jay
Sent: Thursday, January 11, 2024 1:30 PM
To: Tauber, Sherri; Don Hutchinson; William Tisdale; Michael Hicks; David Charney; Scott Houston
Subject: CBOA-3113 - Continuance Request to 3/19/24

All,

The applicant for CBOA-3113, Linda Morton, has requested an additional continuance request to the 3/19 CBOA meeting. She had previously requested a continuance from her original date of 11/21/23 to 1/16/24, but due to personal health issues that can't be avoided, would like to request that her case be continued once more until the 3/19/24 CBOA meeting. I wanted to let you know of her request as the current agenda lists her case as being heard at the 1/16 CBOA meeting. This was for her request for a Variance of the street frontage requirement from 30 ft to 0 ft.

Please let me know if you have any questions or need any additional information.

Thank you,



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

Hoyt, Jay

From: Berry Britton <bbritton@tulsacounty.org>
Sent: Tuesday, January 16, 2024 2:27 PM
To: Hoyt, Jay; Alex Mills
Cc: Roger Hughes
Subject: Re: CBOA Items for 1/18 meeting

Hi Jay,

In regards to the continuance of COBA-3113, it looks like their haven't been any changes to the case. Our previous comment regarding this case should stand.

3113 - Due to the number of already present long driveways in this area, drainage issues caused by the driveways, and proximity of existing driveways to one another, it is recommended by the Tulsa County Engineering department that a Mutual Access Easement be drawn up that will give legal access from the driveway currently be used by the original tract to the proposed Tract 2. This existing driveway is located on the flag of Ms. Morton's southern flagged lot. The MAE would need to overlap this flag, and then cross the flagged portion of Ms. Morton's northern lot.

The current proposal as it exists would be denied.

Thank you,
Berry Britton
Engineer
Tulsa County HQ
218 West 6th Street, Room 845
Tulsa, OK 74119
918-596-5734
bbritton@tulsacounty.org

From: Hoyt, Jay <JHoyt@incog.org>
Sent: Thursday, January 11, 2024 9:24 AM
To: Alex Mills <amills@tulsacounty.org>
Cc: Berry Britton <bbritton@tulsacounty.org>; Roger Hughes <rhughes@tulsacounty.org>
Subject: CBOA Items for 1/18 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 for the CBOA meeting on 1/18.

Thank you,

Hoyt, Jay

From: Alex Mills <amills@tulsacounty.org>
Sent: Thursday, March 14, 2024 12:44 PM
To: Hoyt, Jay
Cc: Berry Britton; Roger Hughes
Subject: RE: Upcoming CBOA cases for 3/19 meeting

CBOA-3113

I do not see how this lot split can be allowed, given that the MAE does not overlay the existing driveway. We will not allow a second driveway. Even if that issue is resolved, any MAE required must be filed BEFORE the lot split is approved. We still object.

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, March 13, 2024 10:05 AM
To: Alex Mills <amills@tulsacounty.org>
Cc: Berry Britton <bbritton@tulsacounty.org>; Roger Hughes <rhughes@tulsacounty.org>
Subject: Upcoming CBOA cases for 3/19 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 for the County Board of Adjustment meeting on 3/19.

Thank you,



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



Board of Adjustment

Case Number: CBOA-3151

Hearing Date: 04/16/2024 1:30 PM
(Continued from 03/19/2024)

Case Report Prepared by:

Jay Hoyt

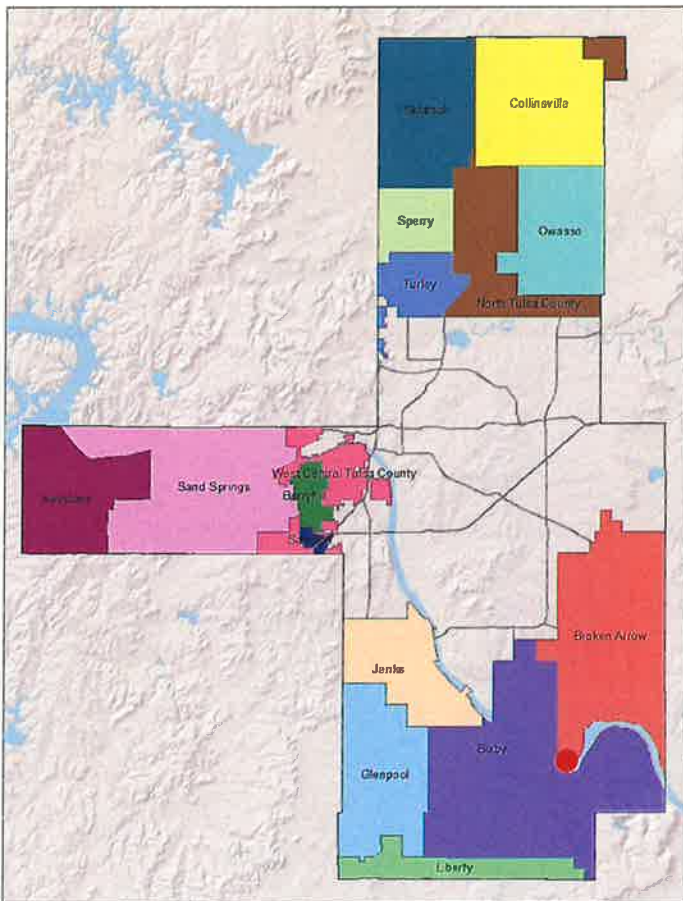
Owner and Applicant Information:

Applicant: Anchor Stone

Property Owner: CARTER, B F & CITY OF TULSA

Action Requested: Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 109.27 acres

Location: South and East of the intersection of E 151st St S & S Garnett Rd

Present Zoning: AG

Fenceline/Area: Broken Arrow

Land Use Designation: Greenway/Floodplain

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7420
CZM: 68

CASE NUMBER: CBOA-3151
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM (Continued from 03/19/2024 1:30 PM)

APPLICANT: Anchor Stone

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

LOCATION: South and East of the intersection of E 151st St S & S Garnett Rd **ZONED:** AG

FENCELINE: Broken Arrow

PRESENT USE: Vacant

TRACT SIZE: 109.27 acres

LEGAL DESCRIPTION: LTS 2 3 4 & W30 E/2 NE SEC 20 17 14 84.87AC; LT 6- OR PART SE SW SEC-20-17-14; LT 5 OR PART SW SE SEC 20-17-14, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tracts are zoned AG and currently vacant. The tracts are surrounded by vacant AG zoned land with the Arkansas River located along the southern boundary of the subject tracts.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).

The applicant intends to utilize the subject tracts for sand extraction and processing. The sand will be extracted from along the Arkansas River along the southern portions of the subject tracts. Access to the tracts will be via a connection to E 151st St S.

A special exception is required as the proposed Use Unit 24 – Mining and Mineral Processing 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 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 use is compatible and non-injurious to the surrounding area.

Sample Motion:

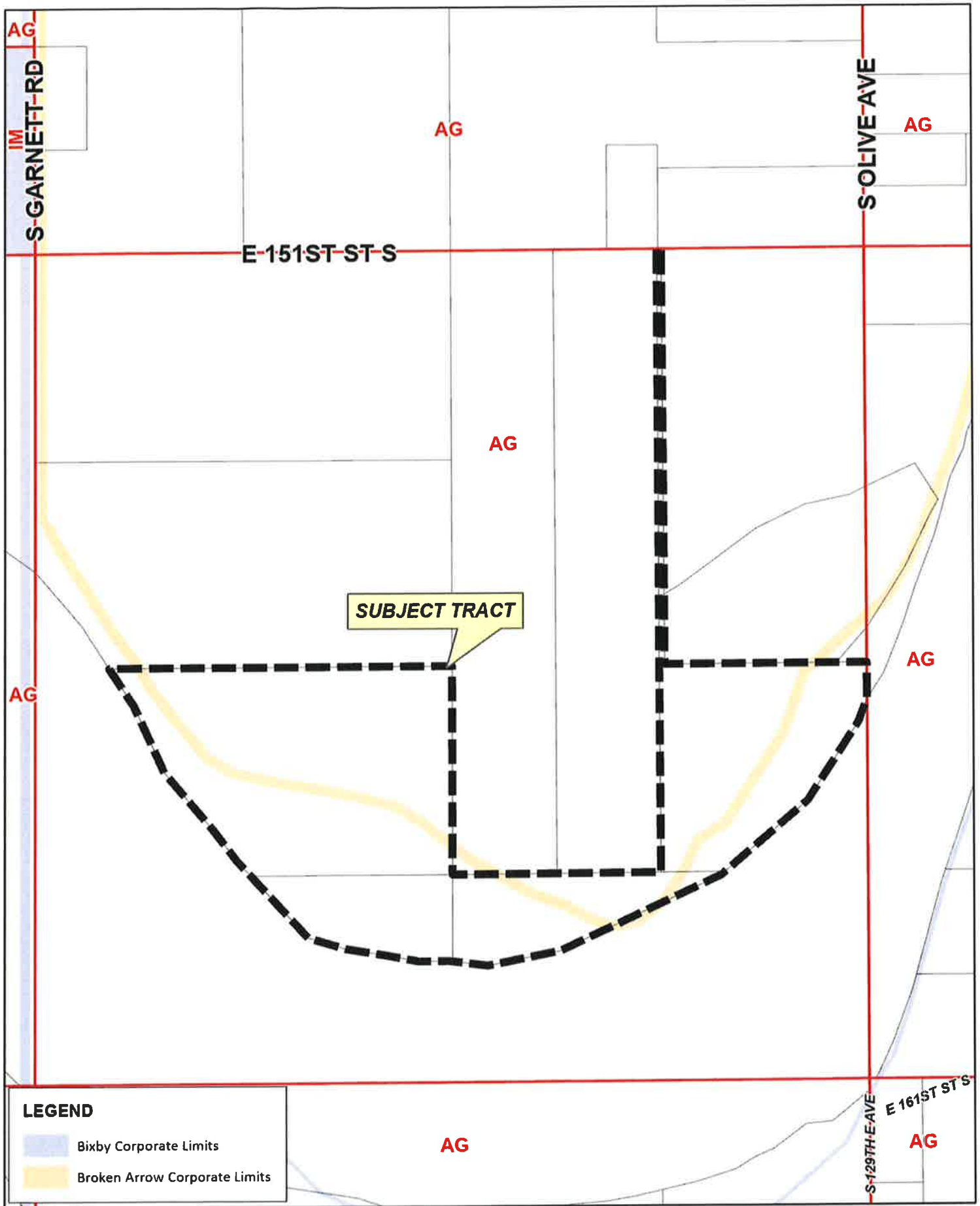
“Move to _____ (approve/deny) a Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).

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.

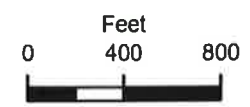


Proposed access point to subject tracts looking South from E 151st St



LEGEND

- Bixby Corporate Limits
- Broken Arrow Corporate Limits

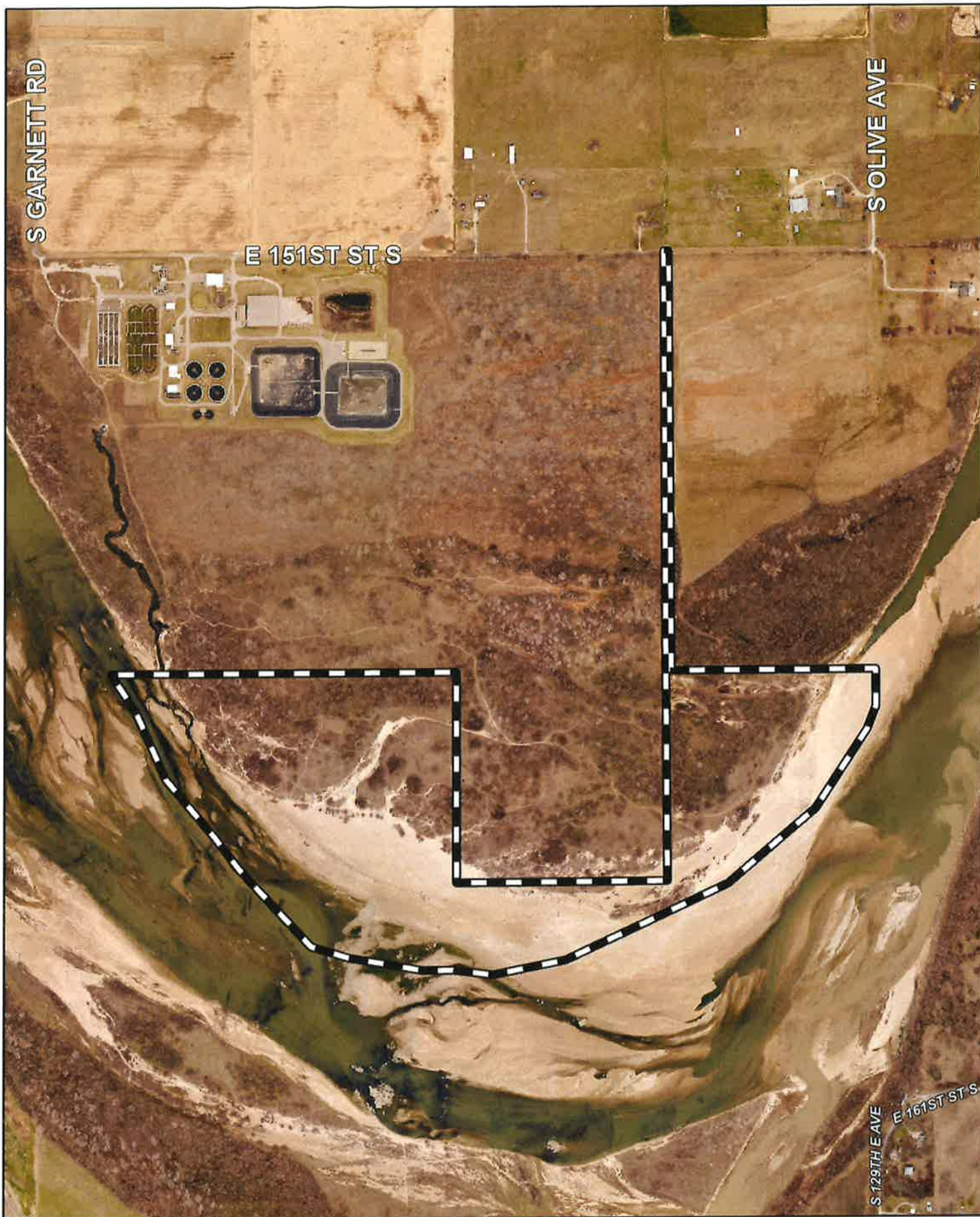


CBOA-3151

17-14 20



CBOA-3151 3.5



CBOA-3151

17-14 20

CBOA-3151 3.6





151st Street

Haukey Creek Sewage Treatment Plant

Subject Property

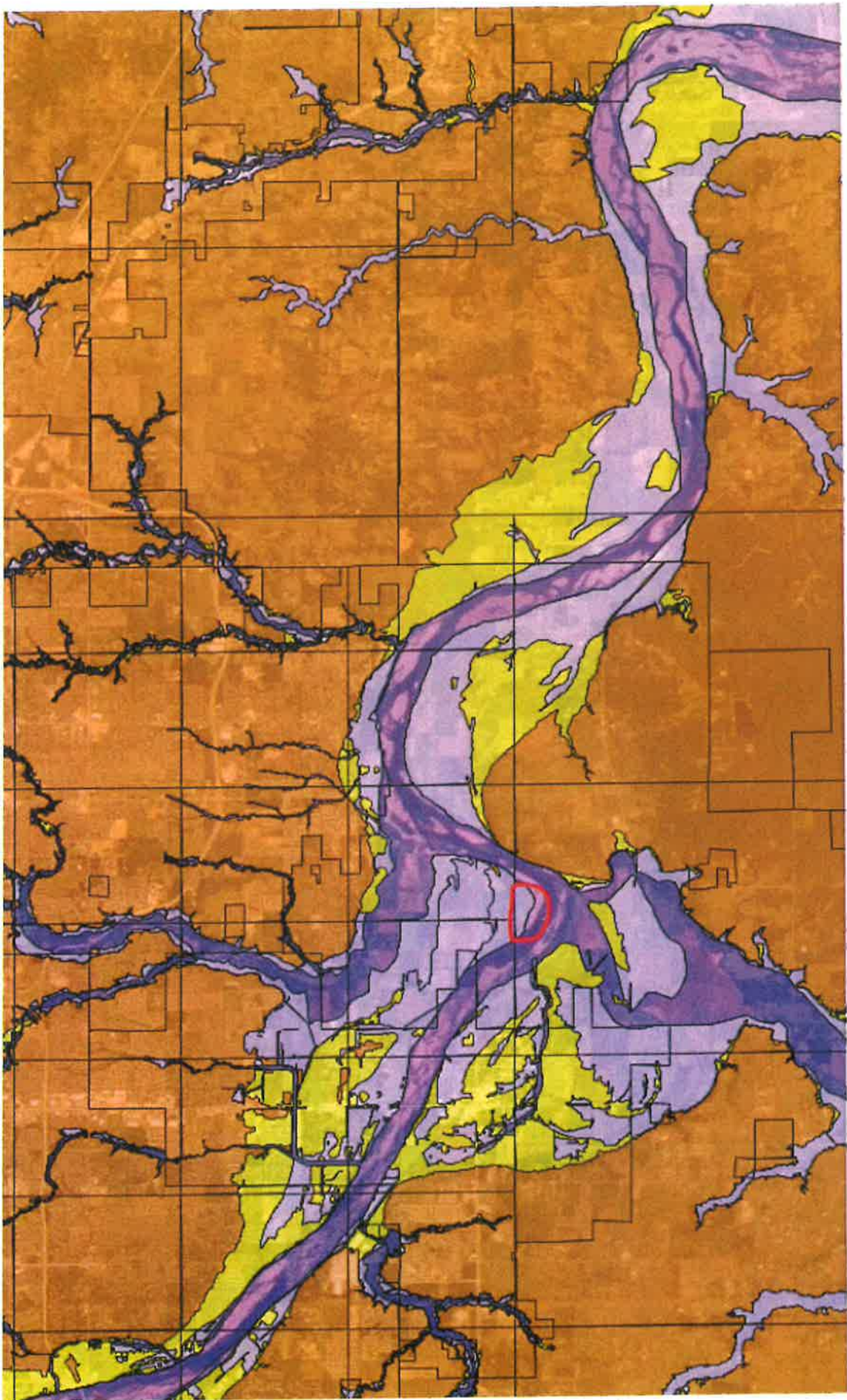
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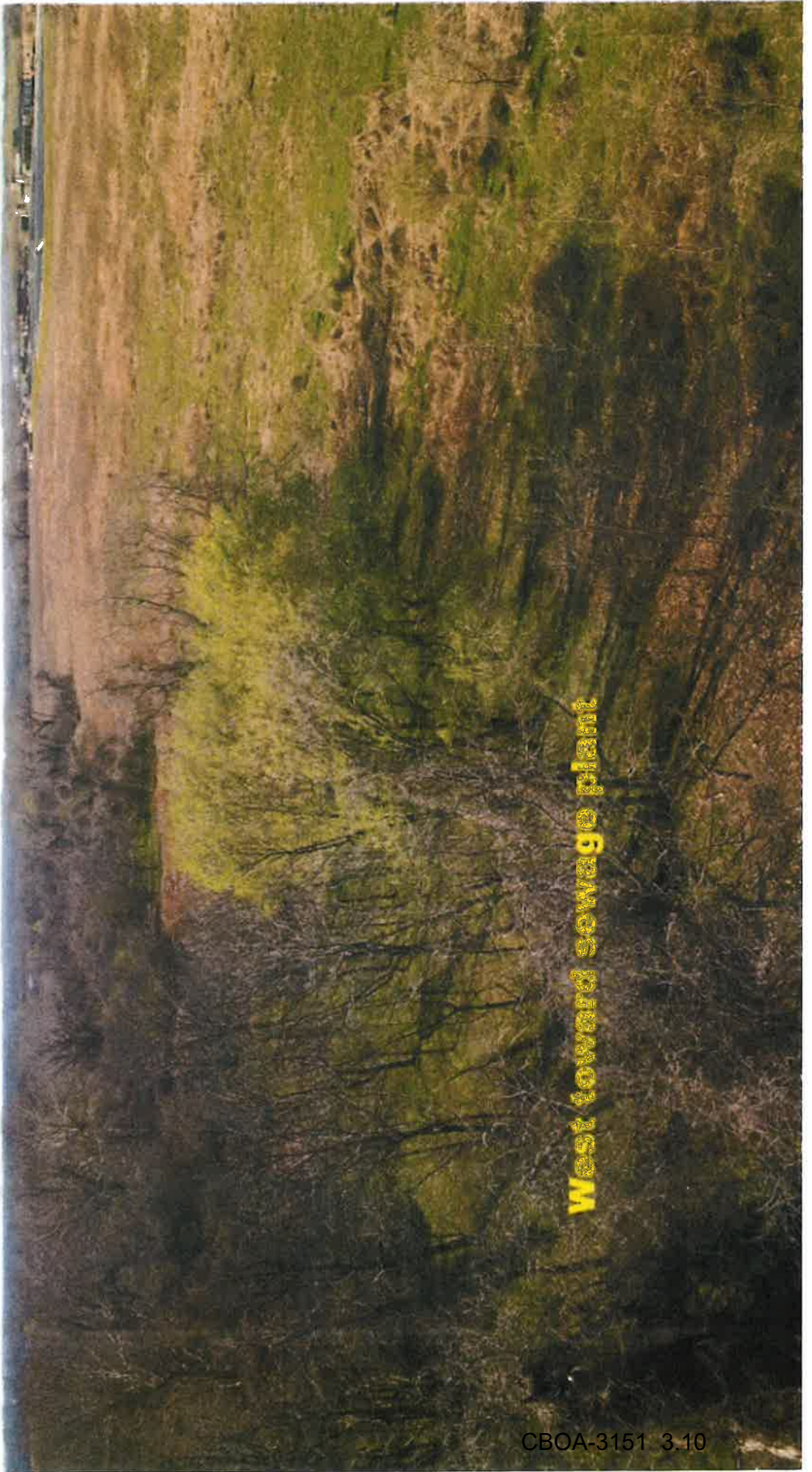
CBOA-3151 3.7

CBOA-3151

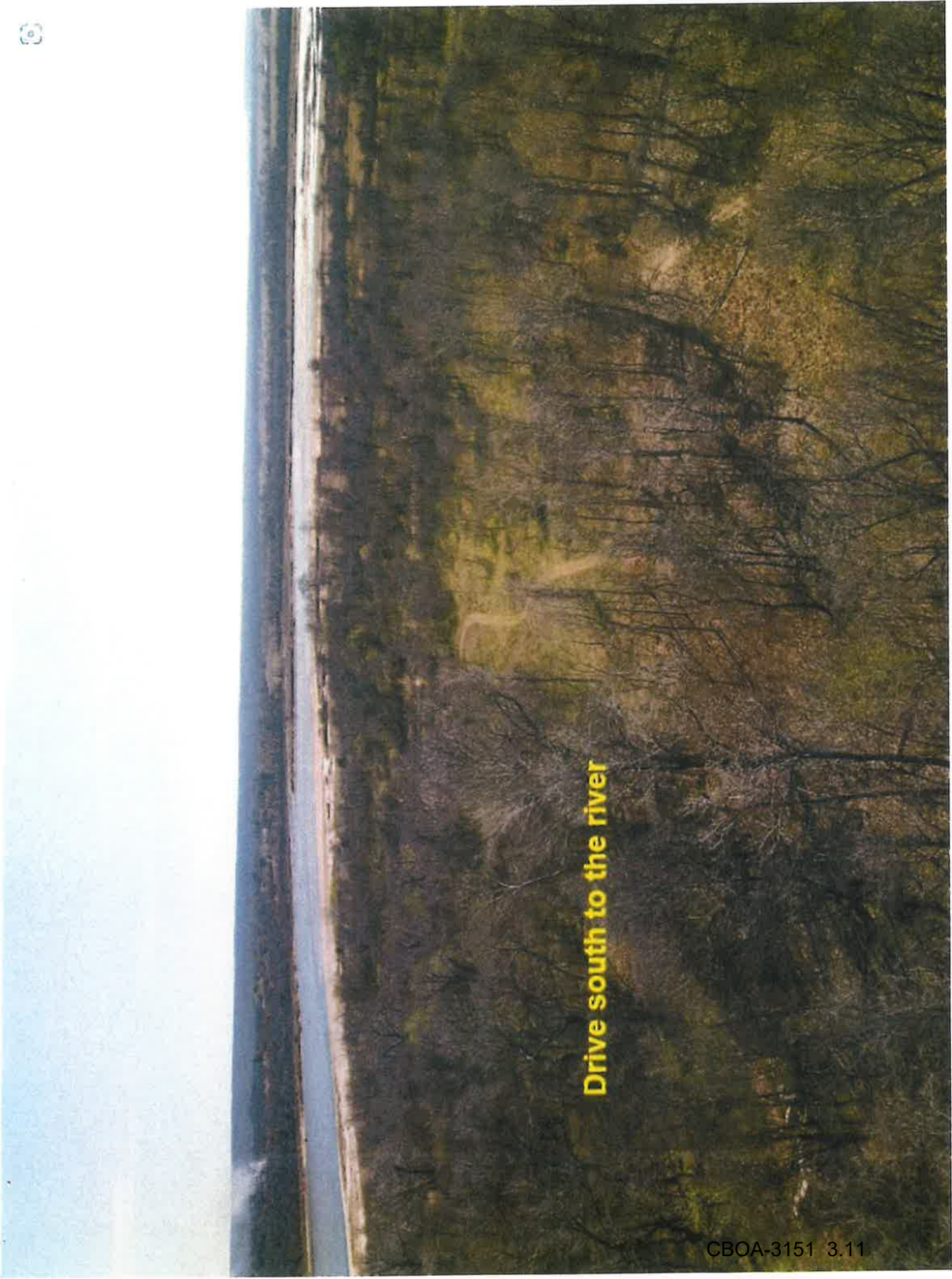




● 100-Year Floodway ● 100-Year Floodplain ● Undetermined ● Unknown or Area Not Included ● 500-year Floodplains



West toward sewage plant

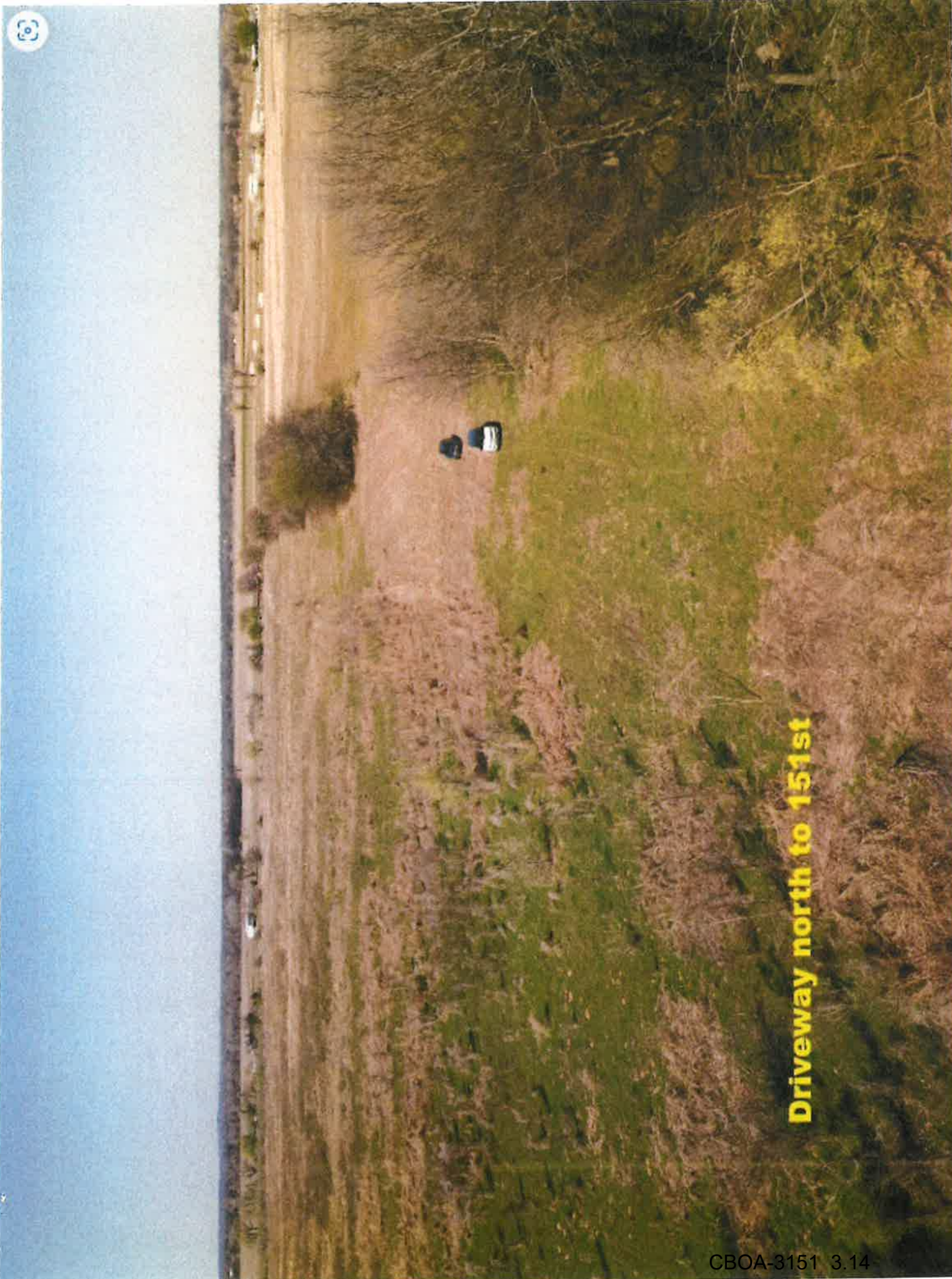


Drive south to the river



East to Roberts, O'Hara





Driveway north to 151st

LANDMARK SURVEYING, L.L.C.

Brett King, L.S.
245 South Taylor Street
Pryor, Ok. 74361

PHONE 918-825-2804
C.A. 4572 EXP. 6/30/2023

**CITY OF TULSA PROPERTY
LEGAL DESCRIPTION IN SECTION 20, TOWNSHIP 17 NORTH, RANGE
14 EAST, TULSA COUNTY, OKLAHOMA**

CITY OF TULSA SURVEY DESCRIPTION

The East 70.00 feet of the East Half of the West Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows: Beginning at a MAG nail at the Northeast corner of the East Half of the West Half of the Northeast Quarter, thence S 88°22'56" W along the North line of the East Half of the West Half of the Northeast Quarter a distance of 70.00 feet to a MAG nail; thence S 01°07'41" E 2638.55 feet to a ½" iron pin on the South line of the East Half of the West Half of the Northeast Quarter; thence N 88°46'42" E 70.00 feet to the Southeast corner of the East Half of the West Half of the Northeast Quarter; thence N 01°07'41" W 2639.05 feet to the point of beginning. Said tract contains 4.24 acres more or less and is subject to easements of record.

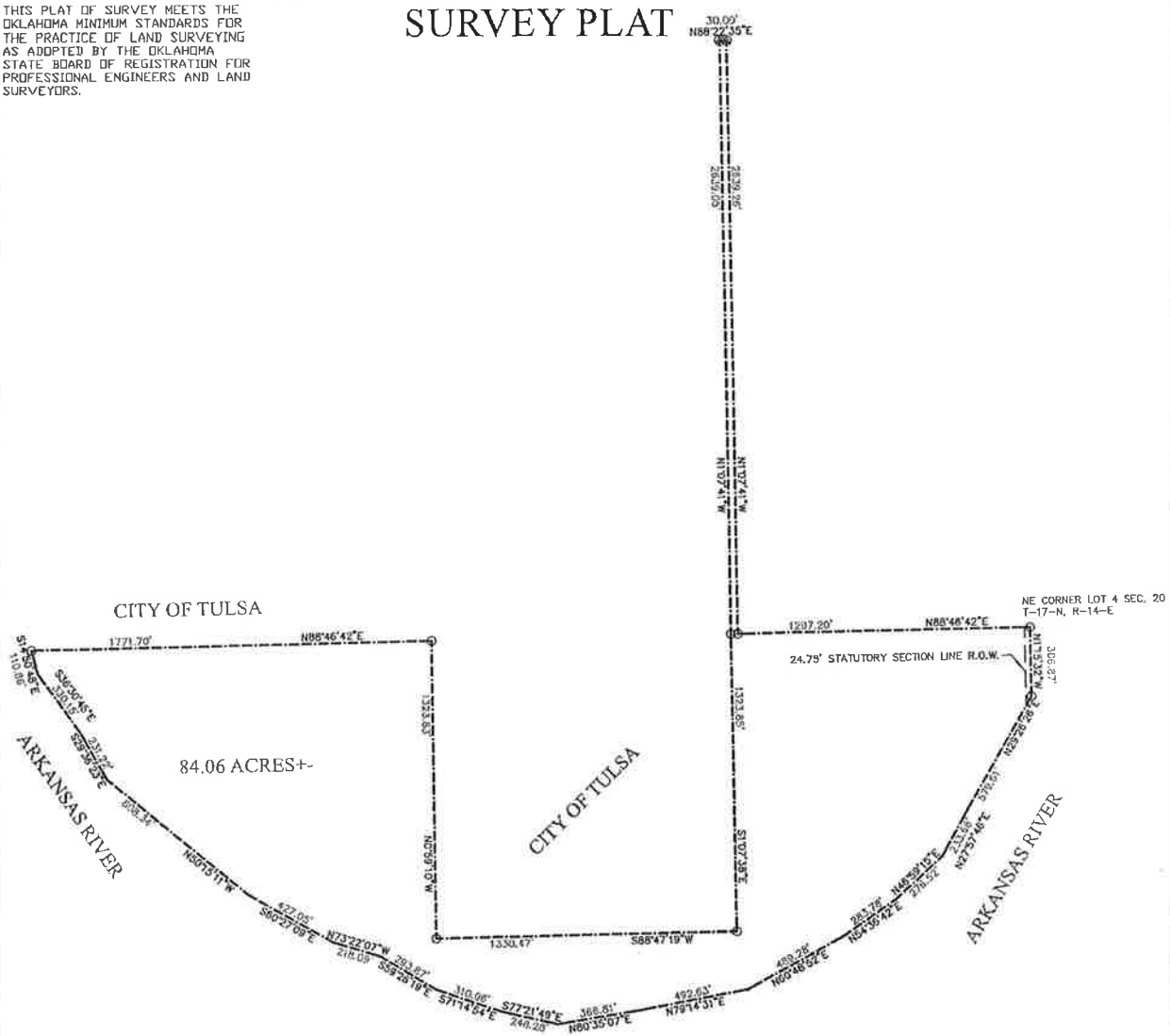
I certify that the above description was created by L.S. 1533 on November 18, 2023.

Witness my hand and seal this 18th day of November 2023.



THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

SURVEY PLAT

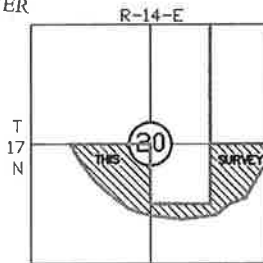


BASIS OF BEARINGS: OKLAHOMA STATE PLANE

- ⊙ DENOTES SET MAG NAIL W/FLASH
- ⊕ DENOTES FOUND IRON PIN AS NOTED
- DENOTES EXISTING FENCE CORNER
- DENOTES SET 1/2" IRON PIN W/CAP

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

ARKANSAS RIVER



LOCATION MAP

SCALE 1"=2640'



CERTIFICATE

I, **Brett King**, the undersigned, a registered Land Surveyor, L.S. 1533, in the State of Oklahoma, of **Landmark Surveying, C.A. 4572, EXP. 6-30-23**, of 245 South Taylor St., Pryor, Oklahoma, (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

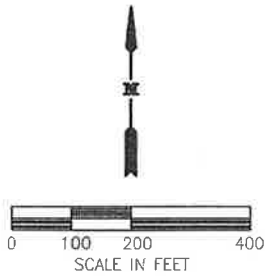
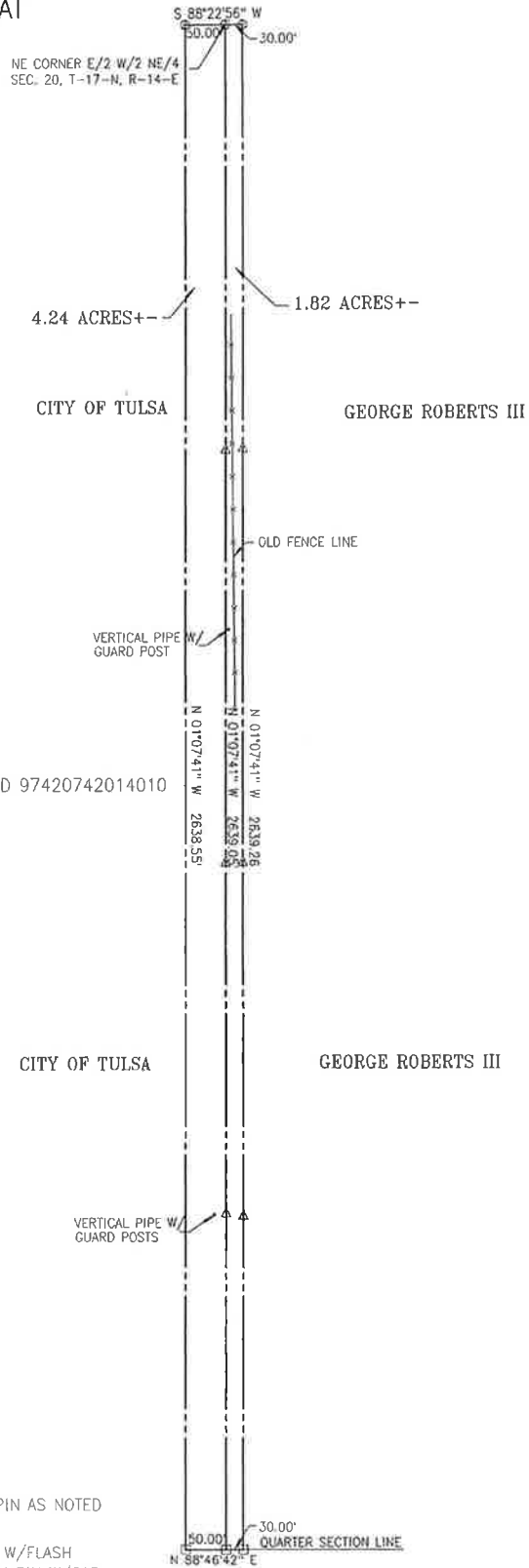
Lots 2,3,4,5 and 6 and the West 30.00 feet of the East Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma.

Witness my hand and seal this 29th day of March, 2023.


Brett King
 Brett King - Land Surveyor

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

SURVEY PLAT



Legal description prepared by L.S. 1533 on November 18, 2023.

BASIS OF BEARINGS: OKLAHOMA STATE PLANE

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

- ⊙ DENOTES FOUND IRON PIN AS NOTED
- △ DENOTES SET 60D NAIL
- ⊕ DENOTES SET MAG NAIL W/FLASH
- ⊠ DENOTES SET 1/2" IRON PIN W/CAP

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-23, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTIONS

Witness my hand and seal this 11th day of January, 2023.

Last visit to site was November 14, 2023.

Brett King -- Land Surveyor

Copyright January, 2023

CBOA-3151 3-17

(Carter)

Lots 2,3,4,5, and 6 and the West 30 feet of the East Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma

(City of Tulsa)

The East 70.00 feet of the East Half of the West Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a MAG nail at the Northeast corner of the East Half of the West Half of the Northeast Quarter, thence S 88°22'56" W along the North line of the East Half of the West Half of the Northeast Quarter a distance of 70.00 feet to a MAG nail; thence S 01°07'41" E 2638.55 feet to a ½" iron pin on the South line of the East Half of the West Half of the Northeast Quarter; thence N 88°46'42" E 70.00 feet to the Southeast corner of the East Half of the West Half of the Northeast Quarter; thence N 01°07'41" W 2639.05 feet to the point of beginning. Said tract contains 4.24 acres more or less and is subject to easements of record.

Property Owner Information

1. Anchor Stone has a lease for the subject properties from B. F. Carter (see attached legal description)
2. Anchor Stone has a lease from the City of Tulsa for the 70' x 2,653' strip for roadway access to the Carter properties. Contact: Roger Acebo, City of Tulsa 918-596-9866 (see attached legal description)

Complaint Letter

March 16, 2024

Deborah O'Hara

15101 S. 129th East Ave.
Broken Arrow, OK. 74011

Dear Sir or Madam,

I am sending this complaint letter to bring a profoundly serious matter to your notice. I have continuously requested for a thorough review of this matter from the Emergency Management office (Tulsa County, Broken Arrow), Army Copy of Engineers, Tulsa County, Tulsa County Commissioner's office, ICOG, OK Commission of Mining, Creek Nation, FEMA, OK State and Federal House and Senate Representatives. Unfortunately, even with my best efforts, I have not received any assistance nor has anyone attempted to review the matter explained below. I felt compelled to document my grievances formally, in hopes of finally soliciting the attention it warrants.

My property is located on the Arkansas River at 15101 S. 129th East Ave., Broken Arrow, Oklahoma 74011, which lies in Tulsa County. The area that my property is located in is a designated 100 Year flood zone, designated as AG. On Wednesday, March 6th, 2024, a representative, Chad Synder, from Anchor Stone left a message on my phone that stated they were planning to do something on the property just south of my home and wished to discuss how this would affect me. They mentioned they were going through the permitting process and wanted to explain their proposal. I did not return their call, but instead decided to discuss the matter with the Tulsa County permitting office.

On Friday, March 8th, 2024, I met with the permitting office to understand their process and to express my concerns. Specifically, the danger of flooding and the impact this would have on the natural topology and forestry along the river in the proposed permit location. In May 2019, the properties located around my property were flooded due to the Arkansas River breaching the embankment, overflow of the underground water table and the removal of the natural terrain along the river, specifically at the three sand plants to the north of my property. During that time, the water completely saturated the area for days. The street, 129th, Street South was completely underwater and closed off between 151st street from 141st street along 129th. While the levees just north of the Haikey Creek did protect the neighbors to the north of it, the water funneled into the Indian Springs Sports Complex which is located behind two sand plant operations. All residents along 129th, steet south of the Haikey Creek areas had to evacuate, due to the high waters and unknown probability of risks.

In comparison, during the May 2019 flood, my property was still accessible and least impacted by the flooding, I attribute the cause to the existing contours of the terrain, the 200 acres of forestry, and the higher embankment that currently exists on proposed sand mining site.

Further, I wish to express other concerns with this sand plant proposal. I have owned my property for nearly 20 years and have numerous experiences and extensive insights that should be considered prior to any approval of the CBOA-3151 request. See the following below:

- Infrastructure

- The existing roadway on both 129th street and 151st street are built to allow for two vehicles to pass; one vehicle must pull off the road to allow safe passage on 129th from my homegoing north towards the Haikey Creek bridge.
- My fear is that the bridge is not built for the weight of trucks filled with sand and dirt. With the additional traffic caused by adding another sand plant, I believe could collapse the bridge. I have the same concern with many of the bridges along the affected arteries.
- The roads, 129th, 151st, 141st, and Garnett do not meet the secondary arterial standards as documented on the INCOG website. In fact, the site designated the road conditions as extremely poor.
- The roads not only support the residents and farmers within the area, but also the Haikey Creek Water Treatment Semi-trucks and their vehicles, all the Farm equipment and their vehicles, as well as the three existing sand plant semi-trucks, dump trucks, and their vehicles. Thus, causing the worsening of the existing potholes and damaging asphalt along the roads.
- This operation will involve additional heavy trucks on the roadways, leaving the homeowners and farmers with worsened road conditions to travel daily.
- The corner of 129th and 151st is a curved road and the location of my entrance into my property, the available asphalt for these large trucks to turn, is not an easy path. The truck tires often utilize my gravel drive to make the turn thus creating large ruts that I must drive through to enter in and out of my property onto the paved road.
- The current conditions of the curve have led to numerous vehicles missing the turn and crashing into my property thus taking out gates, powerlines, telephone poles, and fencing that require repair at my expense.
- There is no county drainage infrastructure along the roadways, it has been the responsibility of each landowner to manage their runoff from heavy rains. As a result, the runoff in front of the existing sand plants puddles about 2ft deep into the street along 129th Street.
- Road route from 151st along 129th to the creek turnpike (3.5 miles), include very old bridges along the route that are in poor condition. The City of Broken Arrow and Tulsa County have no existing plans to replace the road surfaces or bridges to support the additional trucks.
- The road route along Garnett from 151st to 131st (Jasper) (2.0 miles), has the same issues and the City of Bixby, Broken Arrow and Tulsa County have no existing plans to replace the road surface or bridges to support the additional trucks.
- The road route along 131st (Jasper) both east and west also have the same poor conditions, the City of Bixby and Broken Arrow do not currently have any existing plans to replace the road surface to support the additional trucks.
- Traffic Counts have grown over the past 5 years in this area, adding delays to commuters. Additional trucks on the roads will only worsen the road surfaces.

- The bridge between Garnet and Mingo on 131st, known as the White Church Creek Bridge failed inspection and had to be replaced summer 2023, commuters, school traffic including Bixby School busses were forced to take 3-mile detours to get to their destinations.
- Bixby East Intermediate and Elementary schools will be impacted by the additional truck traffic along 131st between 129th and Garnett.
- South Broken Arrow and Bixby have seen rapid growth in this area, adding to the need for improved infrastructure, unfortunately that is slow coming.
- Currently this area is seeking a floodplain risk review to change the zoning risk level from a 1% chance of flooding in this 100-year flood zone to a lower level, with the existing topology. The impact of the proposed sand plant should warrant thorough review regarding it's impact to the floodplain.
- The City of Broken Arrow plans to build a riverfront destination along the Arkansas River, (Aspen Landing, South Broken Arrow, which includes adding a road that exits from Indian Springs onto Olive St.). While this is years out, having the area remain a greenspace is what the voters asked for regarding this area.
- The City of Bixby plans to build a riverfront destination along the north and south side of the Arkansas River, with shops and restaurants. A sand plant operation would not be fitting for this setting.
- The INGOG Go Plan includes Trails running along the river through the proposed property greenspace. A sand plant would not create the quality of life experience that the community is expecting.
- There are no levees in the area along the river embankments, the existing natural elements are all that exist to keep the river on course. The proposed sand plant will remove the trees and natural environment and change the natural contours of this area. I expect this will change the level of severity and direction of flood waters when the river rises, putting the existing farms and homes in the area at risks of flood damage.
- I cannot drive my vehicle in a straight line at 35 MPH down 151st or 129th, because I must dodge the potholes or risk damaging my vehicle. The trucks won't stop or pull over. Forcing me to stop as they pass.
- Environment
 - The noise in the riverbed travels differently than across open land. During operations, the sand plant operation creates the sound of a dragster. The echo carries for miles, i.e. I can hear the cars crossing the Bixby bridge three miles away every morning starting at 6 AM due to the echo in the river channel. Having the operation next door would worsen the amount of noise.
 - The sand plant operation creates dust which blows around the area and finding its way into my HVAC. I have replaced two of three Air Conditioning units due to debris collecting in the blades after six years in operation.
 - The roadways get littered with trash from the drivers. Nails, hardware, and miscellaneous debris fall off the trucks as they travel the roads causing damage to my vehicle tires. From the time Anchor stone opened their business until they shut down operations, (4 years or so), I replaced tires on my car at least twice a year due to nails. After the operation shut down about three years ago, the problem went away.

- The forest on the proposed site is home to bald eagles, mountain lions, bobcats, deer, foxes, several types of birds, and other wildlife. Birdwatchers often visit my property to view the birds in their natural habitat. I have hosted wildlife rescue groups that released their rehabilitated eagles on my property. Removing the existing natural elements would disturb the lives of these animals.
- This area is one of the only remaining natural areas left along the north side of the Arkansas River in Tulsa County. The growth over the past 25 years has diminished much of the nature.
- Early morning, before the sand plant opens the trucks line up along the roads.
- When traveling behind the trucks leaving the sand plant, the debris hits your car. The trucks are difficult to pass due to the narrow road and difficult to see around. Therefore, you are stuck behind them for miles when commuting to work along 129th Street to the Creek Turnpike.
- Past Experience with Anchor Stone
 - Anchor Stone does not always stop their operations at 5PM or 6PM Monday through Friday, sometimes they do operate on weekends and at night.
 - One morning in the fall of 2019 or 2020, I woke up due to a loud banging sound, and beeping noise from a large backhoe at 5 AM. After the sun came out, I could see the vehicle tearing down a tree on the south end of my property along the embankment of the river. On my way to work, I stopped by their shop to discuss the matter and inform them I owned the land to the center of the river. They denied doing anything. Later they left a card in my mailbox and asked me to contact them. I met with them, and we looked at my embankment. They had dug out the riverbed, including several areas along my property and my neighbors'. They stated they could fix it and never did. A few days later I noticed they had also taken the 12"-18" boulders off the side of my embankment and placed them in a pile out in the center of the river on the sandbar in front of my property riverbed.
 - From 2005 to 2019 I had a private sandy beach year round. I could walk down to it and across it as far out as the center of the river. Since the time mentioned above the beach never returned. People will say that the river flow will replenish the sand, but it never did. I have no beach to walk out to.
- After Hours
 - On the weekends you can still hear the machines from the sand plant, they had previously committed to operating on weekdays only and did not comply with that commitment to the community.
 - At night, the sand plants turn on spotlights that shine into my bedroom directly. Between all the sand plants there are at least eight spotlights shining directly into the windows all night.
 - The sand plants operate fan boats, which are as loud as dragsters, and they continue to pass through my property both during daytime and nighttime hours, as late as midnight. These sand boats come down to my property and my neighbors and park at night. Then you can hear them splashing in the water like they are moving large objects around. They generally stay around for an hour or so, and after they leave you can hear the sound of a motor pumping something.

- Real Estate

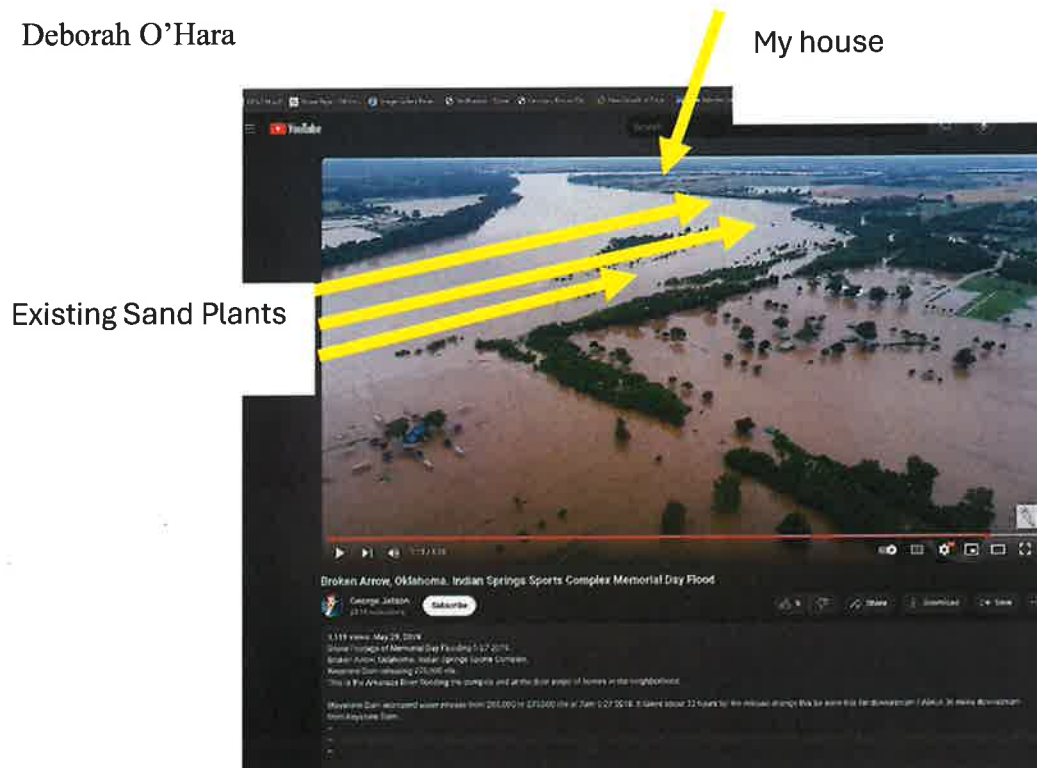
- I built my house in 2009 for about \$900k, the current market-value in AG zone is about \$1.2M. This proposed sand plant will depreciate the value greatly. No one would want to purchase next to this kind of operation.
- I built my house above the existing 100 year floodplain requirements, the May 2019 Flood was a test to assure the house was safe from damage. The river did breach, and water entered onto the property about 20' from the top of the embankment. However, I did not receive runoff from the property south of mine. If my property were to flood, the flood insurance would not cover the damage in full. My home is my life savings, and all the content is the story of my life. I will not be able to recover or replace in full.

Allowing approval of this operation is not only going to negatively affect my quality of life but will also affect the surrounding community. I do not believe a thorough review has been completed with all the stakeholder agencies weighing in on the possible effects this type of business will have to this area. Therefore, I request that you deny CBOA-3151.

I urge you to act on this complaint letter promptly. Your attention to this matter would be appreciated by myself and our community. And it would inevitably contribute to my quality of life and my overall experience with your office or agency. I look forward to seeing a productive resolution soon.

Sincerely,

Deborah O'Hara

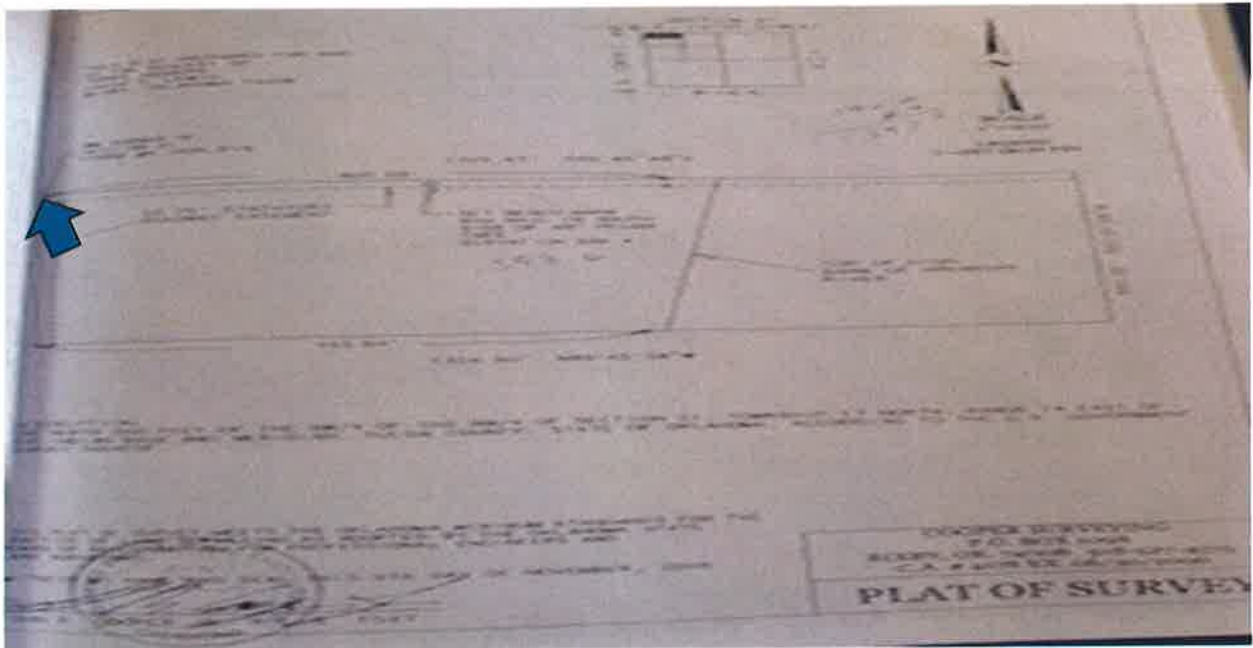
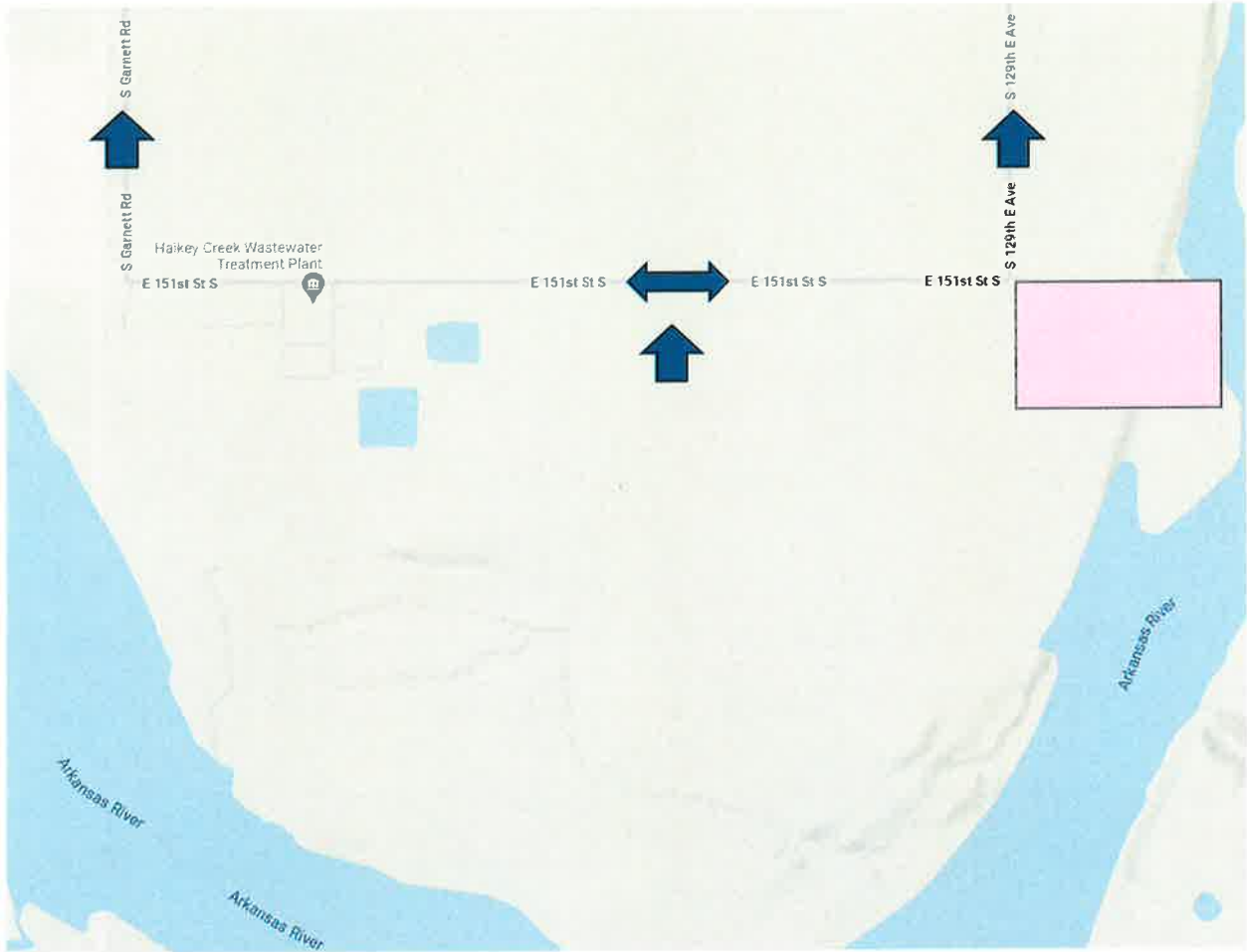




In front of existing Sand
Plants after heavy rainfall on
129th street southbound
towards 151st street

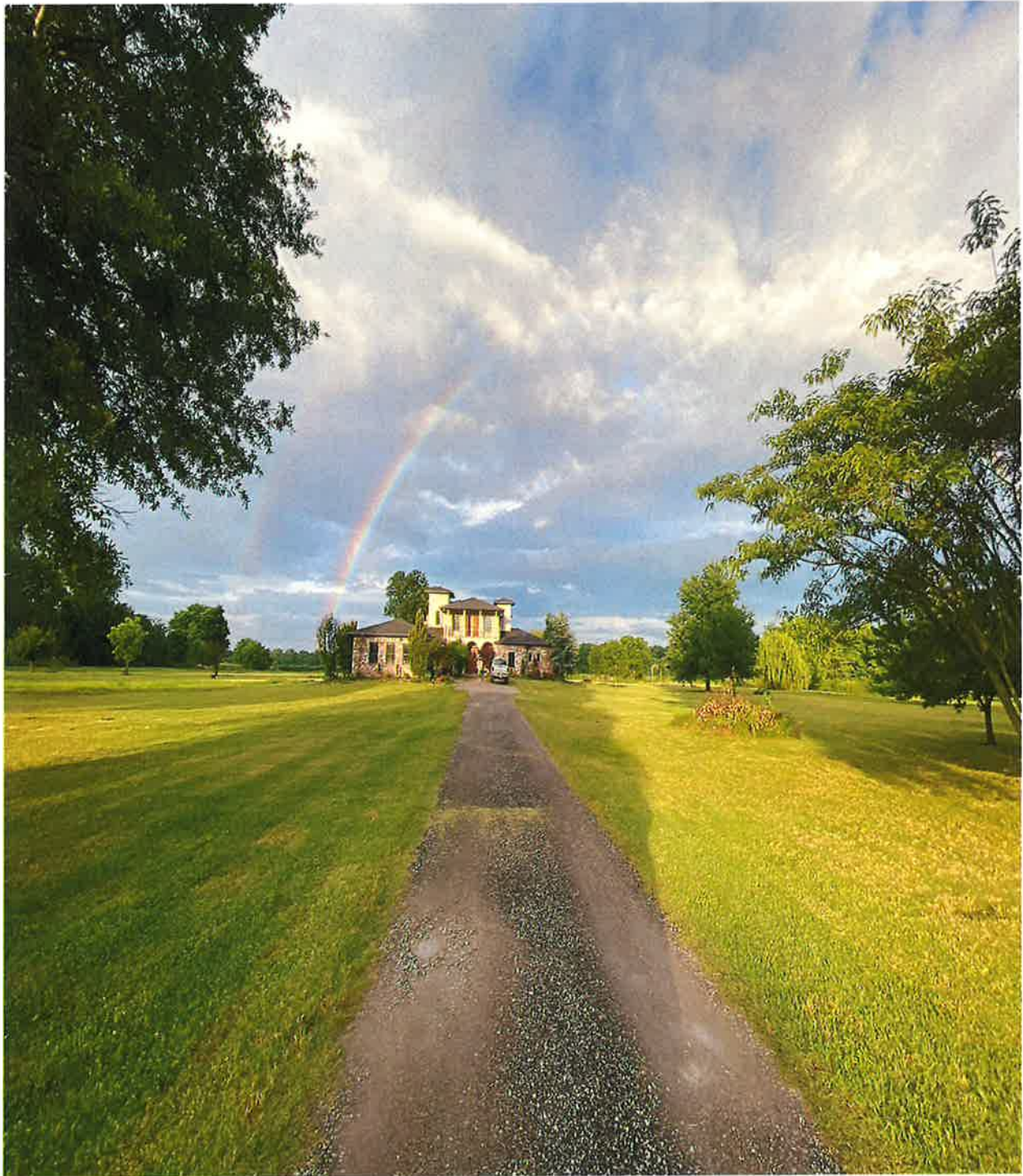


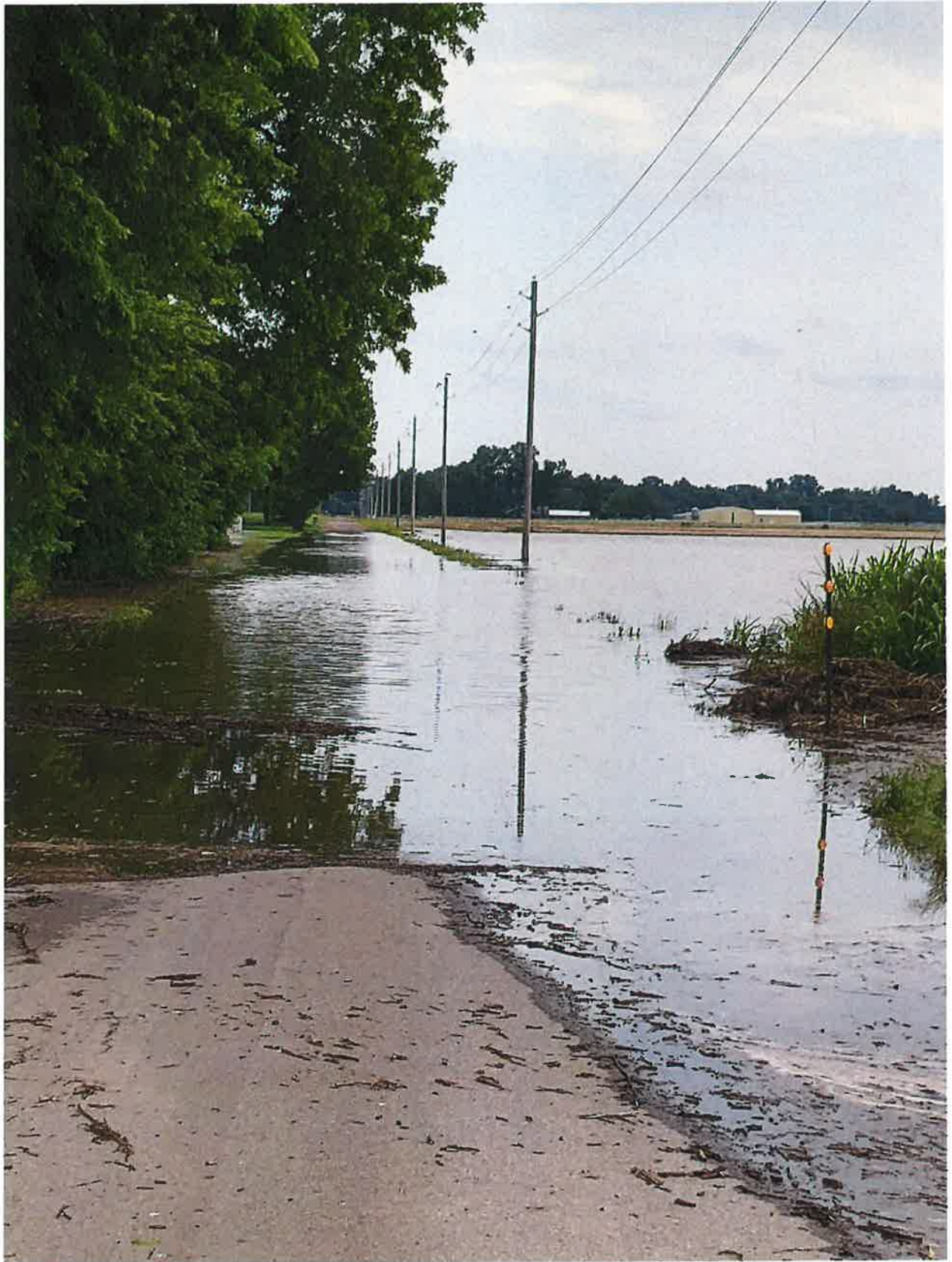
May 2019 Flood,
Arkansas River
My property



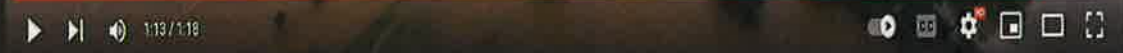














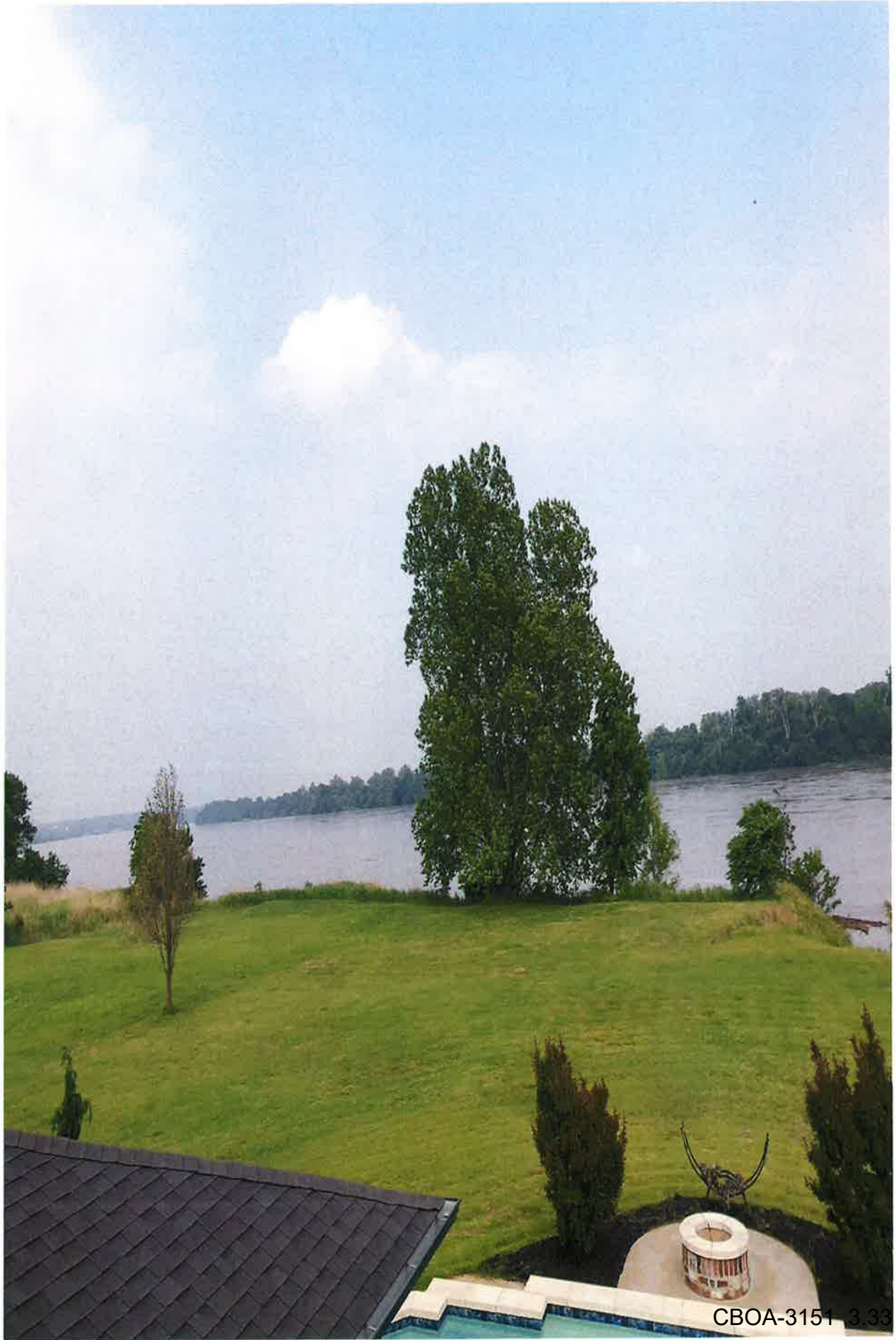
Broken Arrow, Oklahoma. Indian Springs Sports Complex Memorial Day Flood

 **George Jetson**
23.1K subscribers [Subscribe](#)

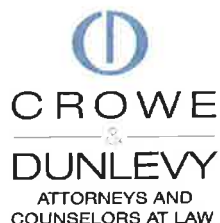
 9  [Share](#) [Download](#) [Save](#) [More](#)

1,119 views · May 29, 2019
Drone Footage of Memorial Day Flooding 5-27-2019.
Broken Arrow, Oklahoma. Indian Springs Sports Complex.
Keystone Dam releasing 275,000 cfs.
This is the Arkansas River flooding the complex and at the door steps of homes in the neighborhood.

(Keystone Dam increased water release from 265,000 to 275,000 cfs at 7am 5-27-2019. It takes about 12 hours for the release change this be seen this far downstream.) About 36 miles downstream from Keystone Dam.
~
~
~



CBOA-3151 3.33



Malcolm E. Rosser IV
Direct Tel: (918) 592-9855

mac.rosser@crowedunlevy.com

March 17, 2024

VIA EMAIL

Jay Hoyt
INCOG
2 West Second Street
Suite 800
Tulsa, OK 74103

Re: Tulsa County Board of Adjustment
Case No. CBOA-3151

Dear Jay:

I am writing to follow up on our phone conversation of March 15. As I mentioned in that call, I am requesting that the referenced application, currently scheduled to be heard by the Tulsa County Board of Adjustment on March 19, 2024, be continued to April 16, 2024.

I was first contacted by several landowners in the area of this application on Thursday, March 14. As you might imagine, they have numerous questions and concerns. There are numerous technical issues which are involved in an application for sand and gravel mining operations in the Arkansas River.

One of the affected landowners, Deborah O'Hara, did not receive any notice at all. She lives at the corner of 151st Street and 129th East Avenue and thus would be significantly impacted by this application. She has not had time to evaluate the application. All of the affected landowners need more time to determine the effect that the proposed mining operation would have on their property and to prepare a response. For all those reasons, I request that the March 19 hearing be continued to April 16.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Malcolm E. Rosser IV', with a stylized flourish at the end.

Malcolm E. Rosser IV

For the Firm



March 18, 2024

Tulsa County Board of Adjustment
Williams Tower I, St. Francis Room
1 West 3rd Street
Tulsa, OK 74103

INCOG
c/o Jay Hoyt, Tulsa County Board of Adjustment Administrator
175 E 2nd St., 4th Floor
Tulsa, OK 74103

Subject: CBOA-3151 Special Exception to permit Use Unit 24, Mining and Mineral Processing in an AG District (Section 310, Table 1)

Dear Board Members:

On behalf of the City of Broken Arrow, I am providing comment on the above-referenced request for a Special Exception by Anchor Stone for a sand mining operation scheduled to be heard by the Tulsa County Board of Adjustment on Tuesday, March 19, 2024 at 1:30 p.m.

The City of Broken Arrow's objections to this request are summarized as follows:

- The project site of this request is within the City of Broken Arrow fence-line and may potentially be annexed into the city limits.
- The proposed mining and processing of raw materials use is not in conformance with the City of Broken Arrow Comprehensive Plan because it is in an area that is designated as Greenway/Floodplain.
- The City of Broken Arrow zoning districts in which the proposed use is permitted are not in conformance with the City of Broken Arrow Comprehensive Plan designation of Greenway/Floodplain.
- The site of the proposed sand mining operation is partially within a floodway and partially within a floodplain. The City of Broken Arrow does not permit development within a floodway or floodplain other than flood-tolerant land uses as cited in Section 25-317 (Stormwater Management Program) of the Broken Arrow Municipal Code (including parks, open space, golf course, parking lot, agricultural uses, and regional detention facilities).
- A Specific Use Permit is required for approval of mining and processing of raw material uses in the City of Broken Arrow. It is not likely that a Specific Use Permit request would be supported, should this property be annexed into Broken Arrow, given that the use is not in conformance with the Zoning Ordinance, Comprehensive Plan, and the Stormwater Management Program.
- The proposed sand truck daily traffic will impact the safety, noise and quality of life of Broken Arrow residents.

The subject property is located in an unincorporated area of Tulsa County that is within the fence-line of the City of Broken Arrow. As such, there is potential that this property may be annexed into the city limits in the future. The City is concerned that properties within the fence-line are not in conformance with the City of Broken Arrow Zoning Ordinance and the Future Development Guide of our Comprehensive Plan.

The Broken Arrow Zoning Ordinance allows the mining and processing of raw materials in Agricultural (A-1) and Industrial Heavy (IH) zoning districts with approval of a Specific Use Permit. The City of Broken Arrow uses a Land Use Intensity System (LUIS) to classify properties in the Future Development Guide that includes seven (7) levels of land use intensity. The LUIS system designates which zoning districts are allowed in each level to be in conformance with the Comprehensive Plan. According to the LUIS system, A-1 zoning is in conformance in Level 1, and IH is in conformance in Level 7. In addition to the seven (7) levels are land use areas designated as Greenway/Floodplain, Public Recreation, Private Recreation, and Public/Semi Public. The property that is the subject of this Special Exception request is designated as Greenway/Floodplain on the Future Development Guide. The proposed mining and mineral processing use on this site would not be in conformance with the Comprehensive Plan in the Greenway/Floodplain designated area.

The Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), indicates that a majority of this property is a floodway area and other portions of the site are in floodplain (see FIRM, Flood Insurance Rate Map Number 40143C0465L and 40143C0454L). Areas that are designated as floodway and floodplain within the City of Broken Arrow are zoned Floodplain District (FD) and are designated as Greenway/Floodplain in the Comprehensive Plan. Further, the proposed sand mining use is not designated as a permitted use outlined in the Stormwater Management Program (Section 25-317) of the Broken Arrow Municipal Code. Only flood-tolerant land uses such as parks, open space, golf course, parking lot, agricultural uses and regional detention facilities may be permitted in areas designated as floodway or floodplain. Therefore, the proposed sand mining use is not in conformance with the Zoning Code, the Comprehensive Plan, or the Stormwater Management Program.

The City of Broken Arrow also has safety and quality of life concerns due to the increased truck traffic that the proposed sand mining operation will have on residents and on our community. According to the information provided in the application packet, the sand will be extracted from along the Arkansas River along the southern portions of the subject tracts. Access to the tracts will be via a connection to E 151st St. S, should this request be approved. All area roadways that lead to the access (151st Street, 141st Street, Garnett, 129th Street) are two-lane roadways in this section of Broken Arrow. The additional volume of semi-truck traffic will increase the already-existing impact of sand mining operations on local traffic and roadways and increases concerns related to safety, noise and quality of life.

In closing, we have concerns that this Special Exception request is not in conformance with the Comprehensive Plan, has potential adverse effects on public safety and quality of life, and has potential adverse effects on proximate land uses, specifically, those on the City of Broken Arrow and within its fence-line. Accordingly, we recommend the Board deny the application.

Sincerely,

A handwritten signature in blue ink that reads "Michael L. Spurgeon". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Michael L. Spurgeon,
City Manager**

Cc: Kelly Dunkerly, Tulsa County Commissioner
Broken Arrow City Council
Trevor Dennis, City Attorney
Grant Rissler, Interim Community Development Director
Jennifer Rush, Economic Development Director

MLS/jmr

Hoyt, Jay

From: Becky Colt <becky@fmidr.com>
Sent: Tuesday, March 19, 2024 8:47 AM
To: esubmit
Subject: Fwd: Reference CBOA-3151

Good morning,

My family and I are very much concerned with the possible sand plant and DO NOT want it to come forth.

There are eagles' nests, deer, and many other wildlife that live in that entire area. It would not be in the environment's best interest.

The road conditions are already bad, failure to secure loads that cause damage to roads and other vehicles, drivers that think they own the road because they drive a big truck.

There are already two sandpits down there and the two lane roads through residential areas aren't made for all that.

The elementary school children in the crossing zone is a huge concern as well.

We had zero notification about this and heard about it through the grapevine the day before the meeting, very unacceptable.

It would be injurious to the neighbors, and public welfare, and we just hope they reconsider it.

Thank you for your time and consideration.
Becky Colt

Hoyt, Jay

From: Russ Platten <edward.judy.platten@gmail.com>
Sent: Monday, March 18, 2024 11:58 PM
To: esubmit
Subject: CBOA-3151

We are opposed to allowing this company to start mining on this property, and request that you deny this case.

Thank you.

Edward Russell Platten and Judith Ann Platten
4302 W. Vicksburg Pl.
Broken Arrow, OK

Hoyt, Jay

From: Carey Martin <carey.martin40@yahoo.com>
Sent: Tuesday, March 19, 2024 6:35 AM
To: esubmit
Subject: Sand Company, 151st and Garnet

We live down the street from two different sand companies and have experienced dangerous driving. An almost had an accident with me and my children from one of the trucks running a red light. The streets have been destroyed and are continuing to deteriorate because of the heavy trucks and single lanes with no curves Around our area. I also have concerns for my latchkey children who catch the bus every morning because I was told that they do not keep record of any of the truck drivers is a cash pick up only and no of the drivers or company they work for. The noise even with a new policy is constant and takes away from the purpose of purchasing in this area, peace,quiet,, and the sound of nature. We are opposed to the addition of any more sand companies in the Bixby/South Broken arrow area.

Sincerely,
Damon & Carey Martin
Hickory Hills

Hoyt, Jay

From: Kyler Mehl <kmehl5015@gmail.com>
Sent: Tuesday, March 19, 2024 7:48 AM
To: esubmit
Subject: OPPOSE CBOA-3151

My name is Kyler Mehl and I own a home in the area. I STRONGLY OPPOSE THE PASSING OF THIS MOTION. These trucks are dangerous and have had a history of being just that. They do not obey the rules of the road or any safety laws. I've been ran off the road several times, resulting in thousands of dollars to my cars. Our roads are also an issue. They are already crap and these trucks will make things worse. They will also impact our daily commute and this plan could potentially impact our property values. I strongly encourage not passing this. I was behind getting Holliday sands to go somewhere else with a petition raising over 1000 signatures and a record breaking hearing with over one hundred people in attendance. I will take this to the state level if need be. Do not pass this!!!

Kyler Mehl

Hoyt, Jay

From: Brittany Fowler <brittfowler@live.com>
Sent: Tuesday, March 19, 2024 8:09 AM
To: esubmit
Subject: CBOA-3151

Hello,

I'm writing this email today to oppose CBOA-3151. There are many reasons the sanding and mining company would be harmful. The roads are already in terrible condition and not meant to hold trucks of that capacity. Also, people driving their families in cars that have been known to run cars off the road in the past. The trucks are very loud, too big, and create more damage to the already horrible roads. Those single lane roads cannot handle more traffic getting to the major highways. This is terrible for the families that live around this area, including mine.

Brittany Fowler

Hoyt, Jay

From: Lesa Hunter <lesahunter14@gmail.com>
Sent: Monday, March 18, 2024 4:15 PM
To: Hoyt, Jay
Subject: Sand Plant Protest

My name is Regina A. Hicks and I live at 13330 S. 129th E. Avenue. I would like to say I'm in protest of a Sand Plant by Acre Stone being added to the several already existing sand plants in my area. The large trucks are tearing up our main street (129th) and most trucks drive way too fast by our homes. There are many children who live in our area and increased sand truck activity would definitely add to the safety concerns. In addition, the noise level is already very loud and more trucks would increase this problem. Furthermore, the addition of another sand plant and its trucks will not positively affect our property values.

Sincerely,

Regina A. Hicks
Sent from my iPhone

March 13, 2024

Jay Hoyt
Land Development Planner
Tulsa County Board of Adjustments
C/O INCOG, 2 W. Street, Suite 800
Tulsa, Oklahoma 74103

Re: CBOA 3151

Dear Mr. Hoyt:

Enclosed, you will find the signed letter of opposition to CBOA-3151. You have already acknowledged the receipt of the emailed copy.
Thank you for your consideration.

Sincerely,



Madelon Roberts Austin

March 12, 2024

Tulsa County Board of Adjustment
C/o INCOG. 2 W. 2nd Street., Suite 800
Tulsa, Oklahoma 74103

Re: Case # CBOA-3151, Special Exception to permit Use 24-Mining and Mineral Processing in an AG District (Section 310, Table 1)

Dear Sirs:

I, Madelon Roberts Austin, acting for and on behalf of the owners with land, (a legal description of land owned by George Roberts et al as Exhibit "A" containing 103 +/- acres is attached), located adjacent to the property owned by B.T. Carter to the South and the 30 foot right of way that B. T. Carter owns to the West side of our property, do object to the change as requested by Anchor Stone.

First of all, I am alarmed that you would give such a short notice to such an important issue. In addition, removing sand and minerals would more than likely reduce the value of the adjoining properties in that there would be constant truck traffic , dust and noise created by the mining operation that would impact the quite enjoyment of the land surrounding this property. The widening of the ROW for B.F. Carter with the city of Tulsa to 100 feet alone shows what to expect with regard to a mining operation. Constant, large trucks will be traveling to 151st street to leave the area. What department of the county will insure that 151st street is not destroyed when trucks leave the private ROW and enter onto that street. With regard to the lease of Tulsa county property, it sounds like that deal is already done before a permit is turned down or granted.

What has B.T.Carter provided to the County, that is a part of the application, that justifies changing the use of the land. That is supposed to be a part of the application as I understand the form and the adjacent landowners would like to see the justification. In addition, is this Special Exception got a time limit or is it granted forever?

Does the county control the clearing of this land for the ROW that exists and will be added to? Someone has already gone on to the Roberts property and cleared land for vehicles that was not approved. There never has been a fence separating the Roberts property from the B.F. Carter, because the ROW has not been unused for decades. If, for some reason this permitting is approved it is request that Anchor/Carter erect a fence separating their property from that of the Roberts along the entirety of the property line.

Does the permitting process take into consideration the flood plain as it pertains to this mining use and operation? Who makes that determination and has that determination been made already? The land in question for mining is at the bend in the Arkansas River, and I would like to know how the County insures that this mining operation does not interfere with the course of the river or the flood plain? Does the Tulsa County Engineer, Corp of Engineers, FEMA or the Oklahoma Flood Plain Manager have an interest in this application?

You only have to look at sand and gravel operations in the near vicinity of this property to see how the property is devastated after the removal of sand, gravel and other minerals is ceased. For these reasons and all the unanswered questions listed above we, as property owners adjacent to this land in question, are opposed to the granting of this Special Exception applied for by B.T. Carter.

Sincerely,

A handwritten signature in cursive script that reads "Madelon Roberts Austin". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Madelon Roberts Austin

Exhibit "A"

Legal Description:

The cultivated, cropland, tillable soil that is a portion of the following described parcels of land shown to be owned by George Roberts III ETAL, in Tulsa County, Oklahoma:

Tulsa County Treasurer's Office Parcel # 97420-74-20-00010 Legal description: E/2 NE LESS W30 THEREOF & LESS BEG 2418.22S NEC NE TH SW292.73 W1122.42 N443.26 NELY 1469.75 S871.88 POB SEC 201714

53.8 Acres

Tulsa County Treasurer's Office Parcel # 97421-74-21-51500 Legal Description: PRT GOV LT 4 BEG 1546.34S NWC NW TH NE345.25 SE278.02 SWLY 917.89 N871.88 POB SEC 21 17 14

6.18 Acres

Tulsa County Treasurer's Office Parcel # 97421-74-21-49520 Legal Description: GOV LTS 3 & 4 LESS N500 GOV LT 3 & LESS BEG 1546.34S NWC NW TH NE345.25 SE278.02 SWLY 917.89 N871.88 POB SEC 21 17 14

19.15 Acres

Tulsa County Treasurer's Office Parcel # 97420-74-20-05620 Legal Description: PRT SE NE BEG 2418.22S NEC NE TH SW292.73 W1122.42 N443.26 NELY1469.75 S871.88 POB SEC 20 17 14

23.94 Acres

Tulsa County Treasurer's Office Parcel # 97420-74-20-05500 Legal Description: PRT SE NE BEG SECR NE TH N TO PT 2418.22S NL NE SW292.73 E TO POB SEC 20 17 14

.483 Acres

Hoyt, Jay

From: Susan Bevard-Bagwell <sbevard_bagwell@yahoo.com>
Sent: Monday, March 18, 2024 8:29 PM
To: esubmit
Subject: CBOA-3151 Hearing March 19th at 1:30

To the Board of Adjustment, County of Tulsa, Oklahoma:

I ask you to please deny the request for Special Exception to allow Anchor Stone to have a sand plant on S 151st St between Garnett & 129th East Ave, Broken Arrow, OK. I live off of 129th East Ave and this is not a suitable business for this residential/agricultural area. 129th East Ave is horrible and so bad in places, two vehicles can not pass, much less an 18 wheeler truck full of sand weighing over 80,000 pounds. The noise pollution from the equipment at other sand plants on 129th has been destructive to me being able to enjoy my property and this doesn't even include the noise from the trucks coming and going. Trucks hauling sand can't possibly shut down fast enough if a vehicle pulls out onto 129th East Ave in front of them when they are loaded with 80,000 pounds. Often times we have to listen to them jake breaking as well. There are numerous students walking to the school on 131st St and to the Dollar General on 131st, the additional truck traffic will not be safe for the students or the drivers as they couldn't stop fast enough if a child decided to run out in front of them and we all know kids don't pay attention to oncoming traffic like they should. This area is not suitable for such an industrial business, the roads cannot handle the additional large trucks and the neighbors shouldn't have to deal with this. Another sand plant will also cause my property values to go down; however, I am sure my property taxes will not go down. The area where the rock quarries and plants are north of Tulsa near Owasso/Catoosa have very nice, wide roads to accommodate the large trucks, we don't in the southwest section of Broken Arrow. Please, deny this request for a Special Exception.

Gary Bagwell

Hoyt, Jay

From: Susan Bevard-Bagwell <sbevard_bagwell@yahoo.com>
Sent: Tuesday, March 19, 2024 8:47 AM
To: Hoyt, Jay; esubmit
Subject: CBOA-3151
Attachments: Riverbend Ranch 15088 S 129th E Ave.jpg

the 2nd picture if the house immediately across the street from the proposed sand plant as it was taken standing in front of the gate where the entrance will be to the plant. the 3rd picture is another home just to the left of the Kaiser property in the 2nd picture. The 4th, 6th photos show Riverbend Ranch and home at 15088 S 129th E Ave. The 5th photo shows Debra O'Hara's home on the corner. Please include these photos in the packet to the Board of Adjustments hearing this afternoon. More photos coming of additional homes and the narrowness of the road. Gary Bagwell

Hoyt, Jay

From: Susan Bevard-Bagwell <sbevard_bagwell@yahoo.com>
Sent: Tuesday, March 19, 2024 8:54 AM
To: Hoyt, Jay; esubmit
Subject: Photos CBOA-3151
Attachments: 20240319_081930.jpg; 20240319_081932.jpg; 20240319_081958.jpg; 20240319_082033.jpg; 20240319_082128.jpg; 20240319_082159.jpg; 20240319_082244.jpg; 20240319_082103.jpg

Please find photos of the 2 existing plants in operation currently on 129th East Ave along with pictures of the horrible road conditions on 129th East Ave. They may say these two plants are shut down as they are out of sand; however, in the photos you will see trucks coming and going from the plants this morning around 8:15am. Please make sure the Board of adjustments has all of the photos that I sent to this morning before 9:00 am. Thank you, Gary Bagwell







Hoyt, Jay

From: Susan Bevard-Bagwell <sbevard_bagwell@yahoo.com>
Sent: Tuesday, March 19, 2024 8:50 AM
To: Hoyt, Jay; esubmit
Subject: CBOA-3151

A new house being built across the street from Riverbend Ranch on 129th East Ave in 1st picture. Riverbend Ranch in two middle pictures. Another existing home on 129th East Ave across from Riverbend Ranch.





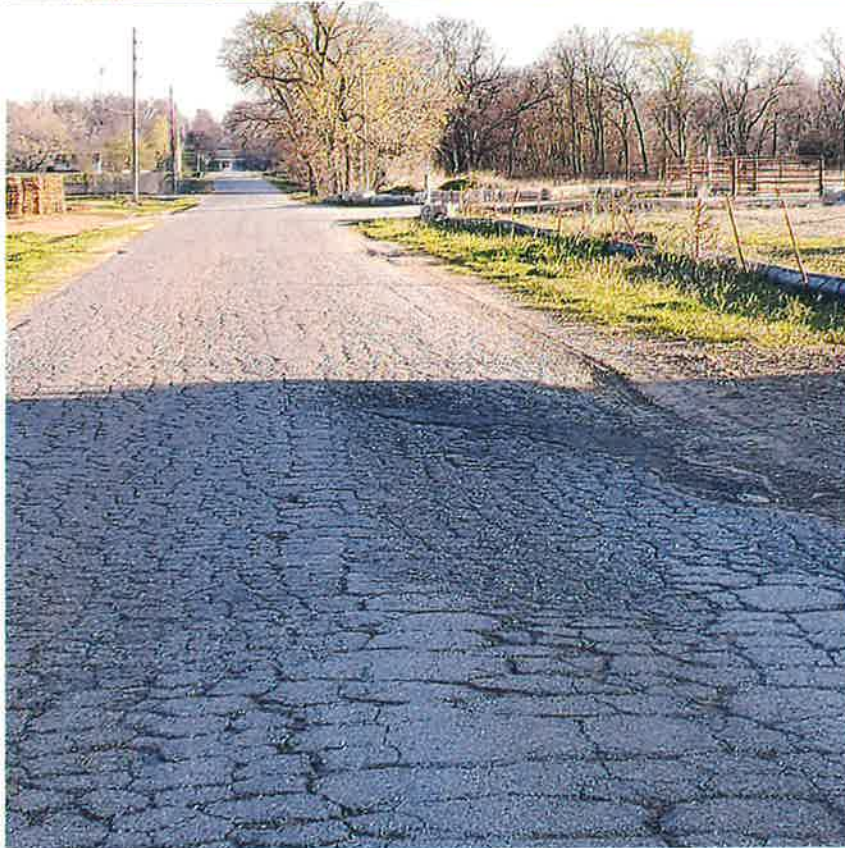
Hoyt, Jay

From: Susan Bevard-Bagwell <sbevard_bagwell@yahoo.com>
Sent: Tuesday, March 19, 2024 8:54 AM
To: Hoyt, Jay; esubmit
Subject: Photos CBOA-3151
Attachments: 20240319_081930.jpg; 20240319_081932.jpg; 20240319_081958.jpg; 20240319_082033.jpg; 20240319_082128.jpg; 20240319_082159.jpg; 20240319_082244.jpg; 20240319_082103.jpg

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Hoyt, Jay

From: Sara Colt <sjc886@gmail.com>
Sent: Tuesday, March 19, 2024 9:29 AM
To: esubmit
Subject: Opposing CBOA-3151

To whom it may concern:

I'm writing today in opposition to the proposed sand plant on 151st street between Garnett Rd and 129th in south Broken Arrow.

I believe this is a bad idea, for many reasons. First- the roads are already in terrible condition for miles around, due to all the dump trucks that already frequent the area. Many of which who fail to secure their loads, and fail to follow traffic laws.

There have been many people ran off the road by these trucks who have no regard for the 'little guy', who never even bothered to stop to see if the victims were ok. This caused damage to vehicles, which left the victims to pay for repairs.

There has been at least 1 instance that I know of where a dump truck ran off the road itself, causing extensive damage to a residents driveway and ditch/drainage area, and they did little to fix the damage, leaving the homeowner to put the work in and foot the bill for their ignorance.

There is an elementary school not far from the proposed site, on a street which already has more traffic than it can handle, including dump trucks. Increasing dump truck traffic on a street in front of an elementary school where kids are crossing to and from school is a recipe for disaster. Especially when the drivers have proven to be negligent in the past.

Second- destroying more land along the river will also destroy the habitat and food supply of a numerous amount of wildlife species who call it home, including many eagles who nest along that mile or so stretch of the river.

Third- allowing this business into the area is sure to drive down property value for hundreds of home and land owners nearby due to increased traffic, noise, and degradation of roads that are already in poor condition.

The proposing company will argue that there aren't many resident out there, and that it's not going to affect anybody, which simply isn't true. I understand that there aren't many residents in the immediate area, but the ones who do live there have been there for decades, my family included. My parents bought their acreage 40+ years ago and worked their butts off to pay it off and insure that the generations to come would be able to get away from the hustle and bustle of 'city life' and enjoy the peace that country life provides. For us all to have a spacious, wide open place to gather as a family.

My siblings and I had a wonderful, peaceful childhood there, and my children are currently getting a little piece of that themselves. My parents now get to sit back and enjoy the fruits of their labor. They get to watch their grandbabies and great-grandbabies run around and explore.

With the already increased traffic, some of that peace that they worked their lives to provide and maintain, has been disrupted. Adding hundreds of more trucks a week it's going to be incredibly disruptive to the peace of the current, lifelong residents of the area.

Expanding outward a little to a mile or two up the road(s), there are hundreds of residents and families who will be directly affected if this sand plant is allowed to proceed with plans. There will be increased noise, traffic, and major safety concerns due to the blatant disrespect for the safety of others shown by many of these dump truck drivers in the past.

There has been another proposed sand plant by Holliday sand a couple years back, that faced HUGE opposition by the residents and was ultimately denied. We all still feel the same way. Nothing has changed.

Unfortunately, this time people weren't notified of the proposed zoning change, and many of us only found out about this yesterday.

Money isn't everything. Unfortunately, that's all this company is concerned about. But to all of us residents who call this area home, this sand plant would be a ginormous encroachment on our feeling of peace and safety in and around our homes.

I implore you all to look at the bigger picture here, and take in the situation as a whole, and not just at the actual sand plant and piece of land itself.

Thank you for your time and consideration.

A very concerned neighbor and citizen,
Sara Johnson

Hoyt, Jay

From: Lucy Keltner <lucykeltner@yahoo.com>
Sent: Tuesday, March 19, 2024 9:43 AM
To: esubmit
Subject: CBOA-3151

Concerning the motion to let Anchor Sand start mining at 151st and Garnett, we oppose this request. We live in Hickory Hills, 138th and 129th, and already have to constantly drive with dump trucks. They are ruining the roads, and continuously drive well over the 35mph limit. You can hear the noise inside the home and especially outside when you are trying to enjoy time with family. Please consider all the people this will affect and not just worry about the money. My husband and I both grew up in this neighborhood and moved back two years ago. The landscape has changed so much in the last 20 years, with most of the fault being the sand companies. They have displaced wildlife, caused driving and road issues, and we can hear them running the operation, which interferes with the quiet neighborhood we used to know. We have dealt with this for several years now and would like to not have it start all over again.

Thank you for your time.
Lucy Keltner & Family
Hickory Hills Neighborhood

Sent from my iPhone



Board of Adjustment

Case Number: CBOA-3140

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

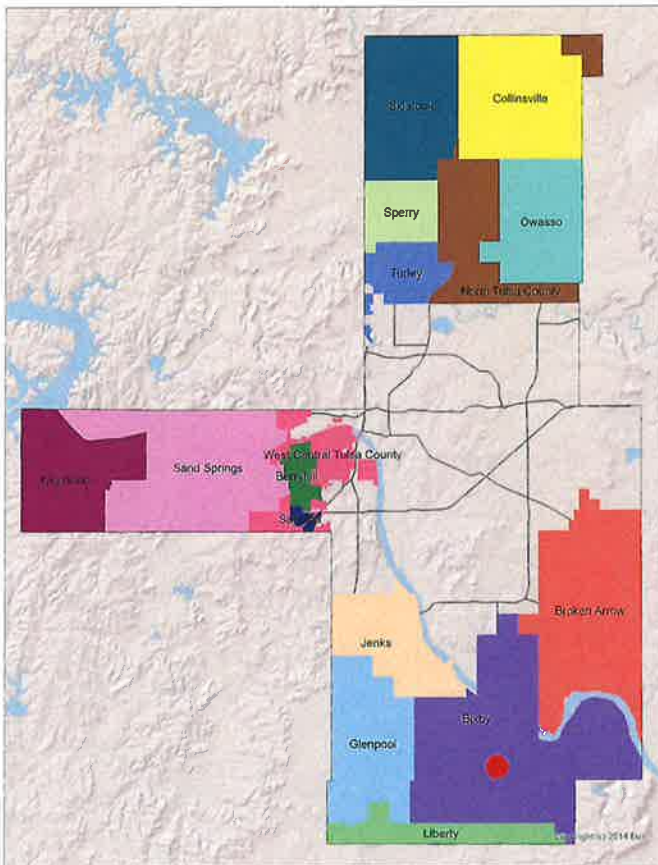
Owner and Applicant Information:

Applicant: Sherry Barbour

Property Owner: OK CORRAL LAND COMPANY LLC

Action Requested: Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 10 acres

Location: 17316 S MEMORIAL DR E

Present Zoning: AG

Fenceline/Area: Bixby

Land Use Designation: Rural Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7335

CZM: 67

CASE NUMBER: CBOA-3140

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM

APPLICANT: Sherry Barbour

ACTION REQUESTED: Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

LOCATION: 17316 S MEMORIAL DR E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Vacant

TRACT SIZE: 10 acres

LEGAL DESCRIPTION: S330 NE NE SEC 35 17 13 10ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2702 July 2018: The Board approved a Special Exception to permit a fireworks stand (Use Unit 2) in an AG zoned district and a Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 5 years.

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

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district and a Variance of the all-weather surface material requirement for parking (Section 1340.D).

A special exception is required as the proposed fireworks stand 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 proposed use must be found to be compatible with the surrounding neighborhood.

Section 1340.D of the Tulsa County Zoning Code requires that unenclosed off-street parking areas be surfaced with an all-weather material. The applicant is requesting a variance of that requirement so that the existing gravel parking area may be used.

The applicant provided the statement that they are seeking the variance of the all-weather parking surface requirement as they intend to use the existing gravel lot for parking and also wish to add more gravel for the parking area.

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

Sample Motion:

“Move to _____ (approve/deny) a Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district and a Variance of the all-weather surface material requirement for parking (Section 1340.D).

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



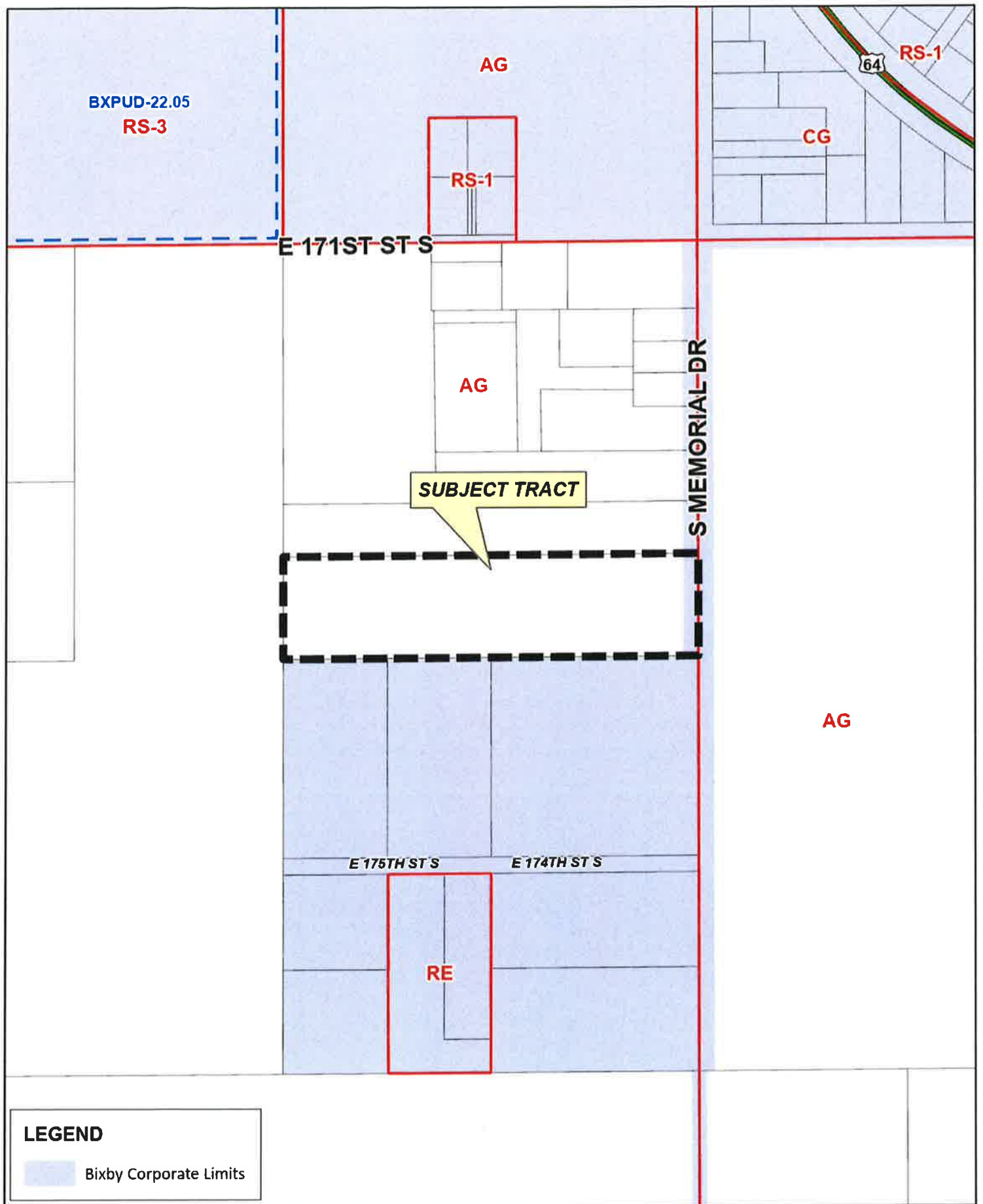
Subject tract looking West from S Memorial Dr



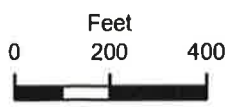
Subject tract looking Southwest from S Memorial Dr



Subject tract looking Northwest from S Memorial Dr



LEGEND
 Bixby Corporate Limits



CBOA-3140

17-13 35

CBOA-3140 4.6





E 171ST ST S

S MEMORIAL DR

64



E 175TH ST S

E 174TH ST S



Subject Tract

CBOA-3140

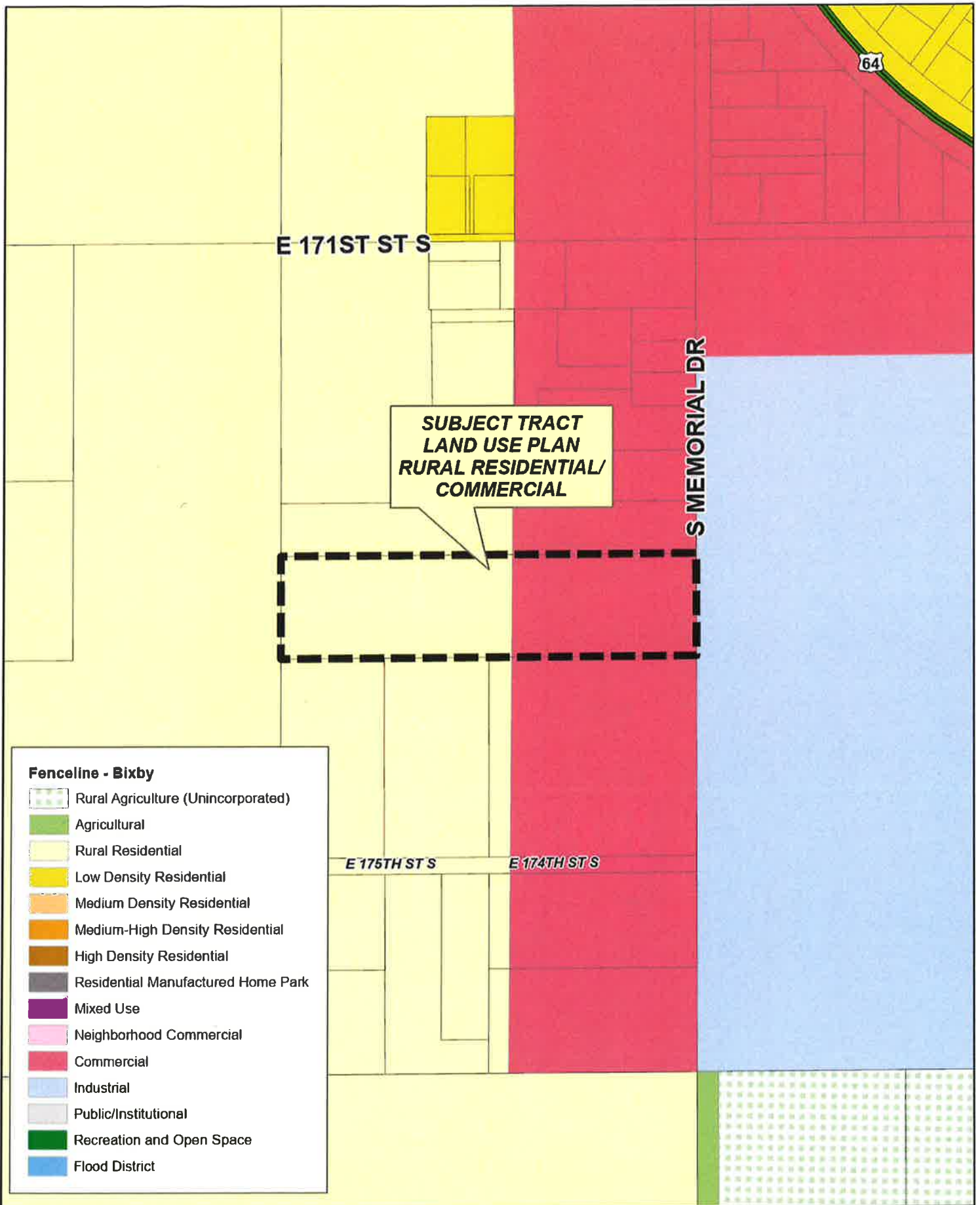
17-13 35

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

Aerial Photo Date: 2023

CBOA-3140 4.7





CBOA-3140

17-13 35

CBOA-3140 4.8



Application Layout Big Blast Fireworks 2024



The above is a Google Earth picture of the property at 17316 S. Memorial Dr. Big Blast, Inc dba Big Blast Fireworks 18622 S 62 E Ave Bixby, OK 74008

The Barbour Family have owned this land parcel of land for 18 years. We have occupied this property for retail fireworks for over 25 years.

The white boxes are the layout of the three 22' fireworks stands.

There is a minimum of 30 feet from any structures. It measures 100 feet from the center of the road of Memorial. And 35 ft from south property line.

Electric service (East Central Electric) comes from a permanent pole on the south side property line. The parking perimeter is marked in transparent white. The parking area has a firm gravel base. There are cement parking bumpers about 10' in front of the stands. All paper trash is disposed of daily and the area is kept clear of debris. Because we own the land we are requesting for a five year term. This layout was approved by Tulsa County Board of Adjustments in 2021. This proposal meets or exceeded all guidelines and state requirements.



Case Number: CBOA-3154

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

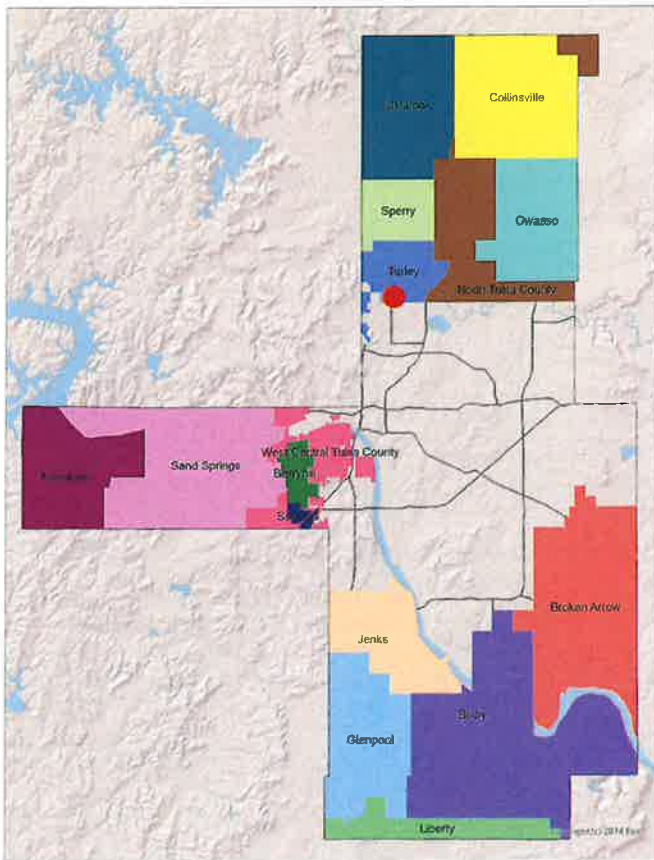
Owner and Applicant Information:

Applicant: Angela Johnson

Property Owner: JOHNSON, KENNETH A SR & ANGELA UL

Action Requested: Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430).

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 0.19 acres

Location: 1329 E 59 ST N

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-3154

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 03/19/2024 1:30 PM

APPLICANT: Angela Johnson

ACTION REQUESTED: Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430).

LOCATION: 1329 E 59 ST N

ZONED: RS

FENCELINE: Turley

PRESENT USE: Residence

TRACT SIZE: 0.19 acres

LEGAL DESCRIPTION: LT 17 BLK 7, EAST TURLEY ADDN AMD B1&4-5&8 Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-864 February 1989: The Board approved a Special Exception to permit a single-wide mobile home in an RS district for a period of five years.

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

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430).

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 0.19 acres in size, or 8,276 sf so does not have enough land area for two dwellings per the Tulsa County Zoning Code requirements, which is why they are seeking a variance of the land area per dwelling unit.

The applicant provided the statement that they are seeking the special exception and variances so that their mother can be close but have her own space.

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 variances 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), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430).

Subject to the following conditions, if any: _____.

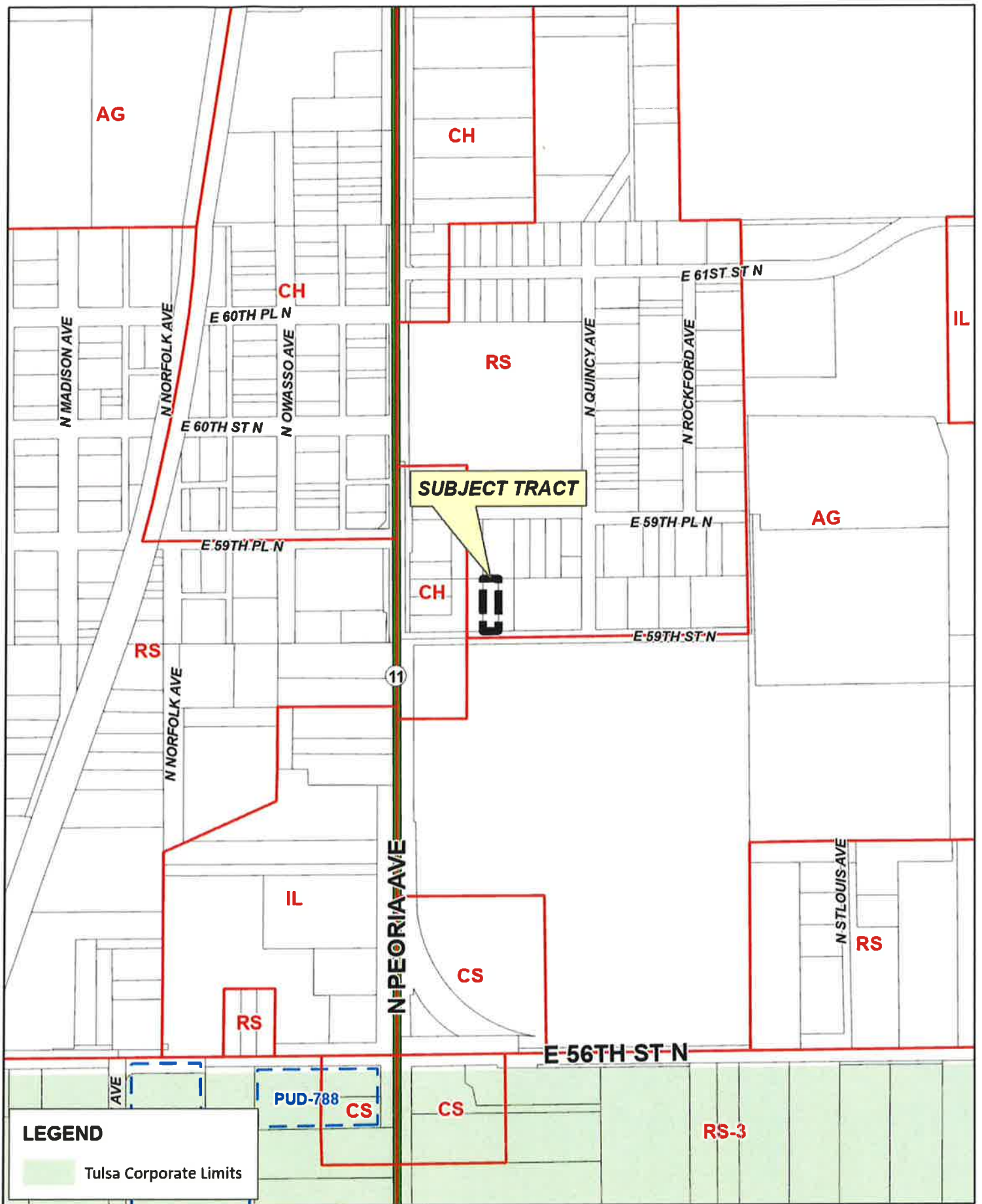
In granting a Special Exception and Variance, the Board must find that the Special Exception and Variance will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject Property looking Northeast from E 59th St N



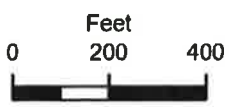
Subject Property looking Northwest from E 59th St N



SUBJECT TRACT

LEGEND

Tulsa Corporate Limits



CBOA-3154

20-13 06





Subject Tract

CBOA-3154

20-13 06

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

Aerial Photo Date: 2023

CBOA-3154 5.6





N PEORIA AVE

N QUINCY AVE

E 59TH ST N

11



Subject Tract

CBOA-3154

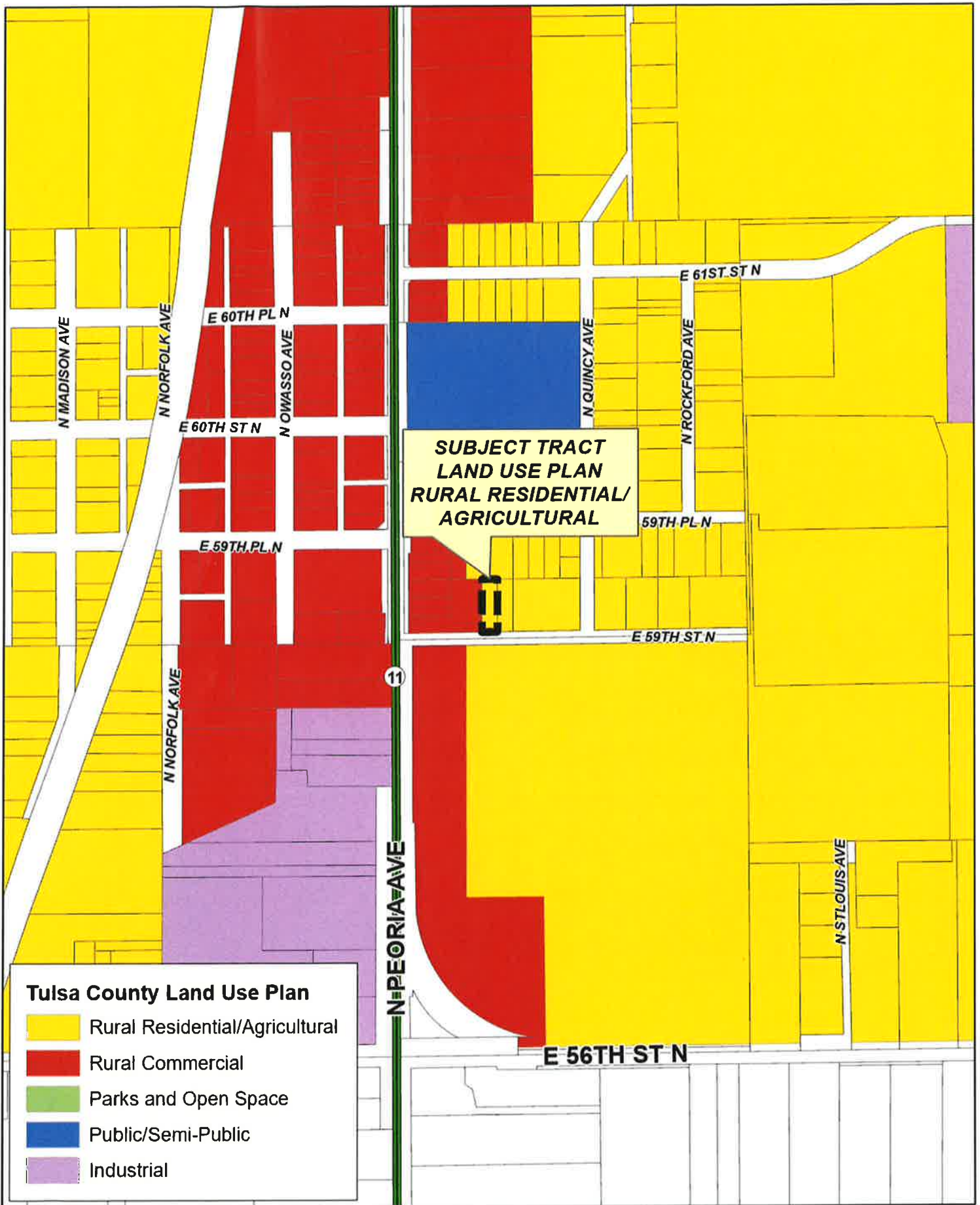
20-13 06

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

Aerial Photo Date: 2023



CBOA-3154 5.7



CBOA-3154



20-13 06

CBOA-3154 5.8





Board of Adjustment

Case Number: CBOA-3156

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

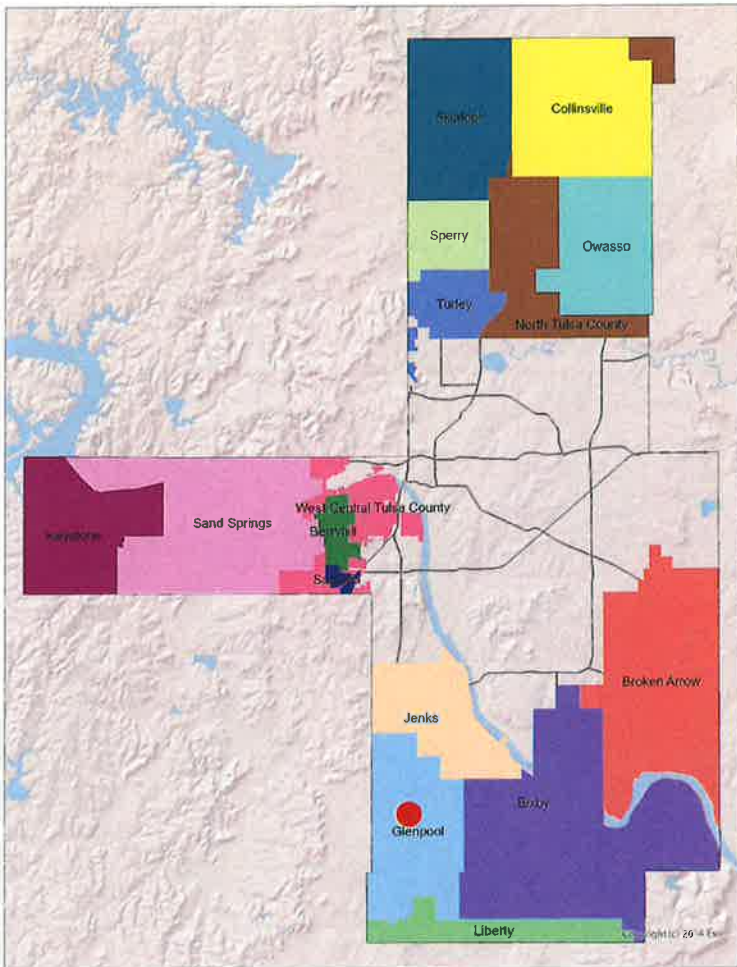
Owner and Applicant Information:

Applicant: John Neffendorf

Property Owner: Same

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

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 6 acres

Location: 1051 W 161 ST S

Present Zoning: AG

Fenceline/Area: Glenpool

Land Use Designation: Suburban Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7223

CZM: 65

CASE NUMBER: **CBOA-3156**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM

APPLICANT: John Neffendorf

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

LOCATION: 1051 W 161 ST S

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Vacant

TRACT SIZE: 6 acres

LEGAL DESCRIPTION: S653.40 W400 W/2 SE SEC 23 17 12 6ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-3114 November 2023: The Board approved a Use Variance to allow Use Unit 19 to permit a recreation center (Sec. 310).

Surrounding Properties:

CBOA-1270 June 1994: The Board approved a Special Exception to permit a drive-through Christmas display to begin Thanksgiving week, Use Unit 2 (Section 310).

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

STAFF COMMENTS:

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

Section 1340.D of the Tulsa County Zoning Code requires that unenclosed off-street parking areas be surfaced with an all-weather material. The applicant is requesting a variance of that requirement to provide a parking area for a recreation center currently under construction. The recreation center use was approved by the Board on 11/21/2023 (CBOA-3114). The applicant intends to pave the parking area in the future but wishes to utilize the gravel in the meantime.

The applicant provided the statement "There are similar parking lots in the area and allowing this expense to be delayed in the future will help our business. This business has limited hours of use, so our parking lot won't sustain as much traffic as other businesses either."

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 all-weather surface material requirement for parking (Section 1340.D).

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

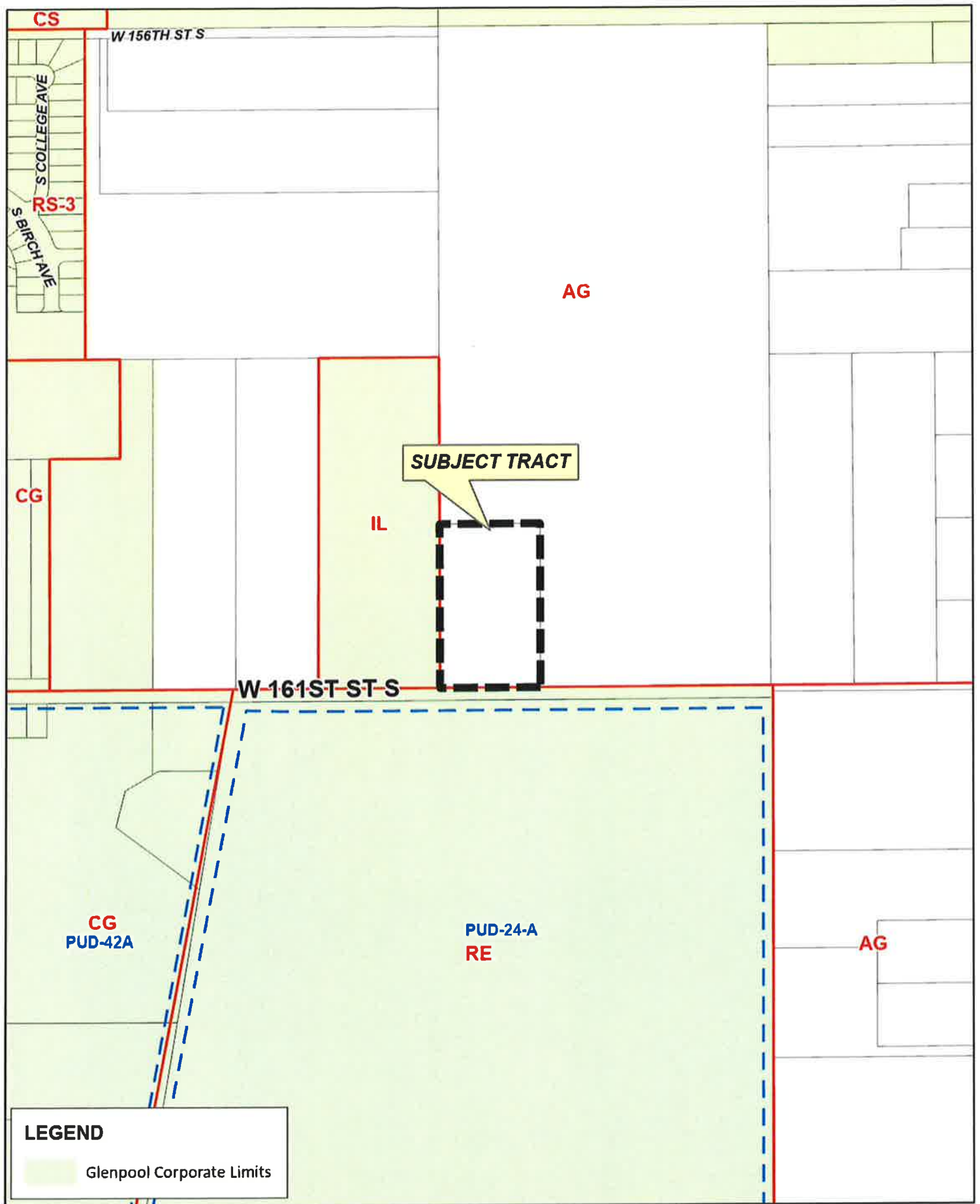
Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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 W 161st St S



Subject tract looking North from W 161st St S



CBOA-3156

17-12 23

CBOA-3156 6.5





W 166TH ST S

S COLLEGE AVE
S BIRCH AVE

W 161ST ST S



Subject Tract

CBOA-3156

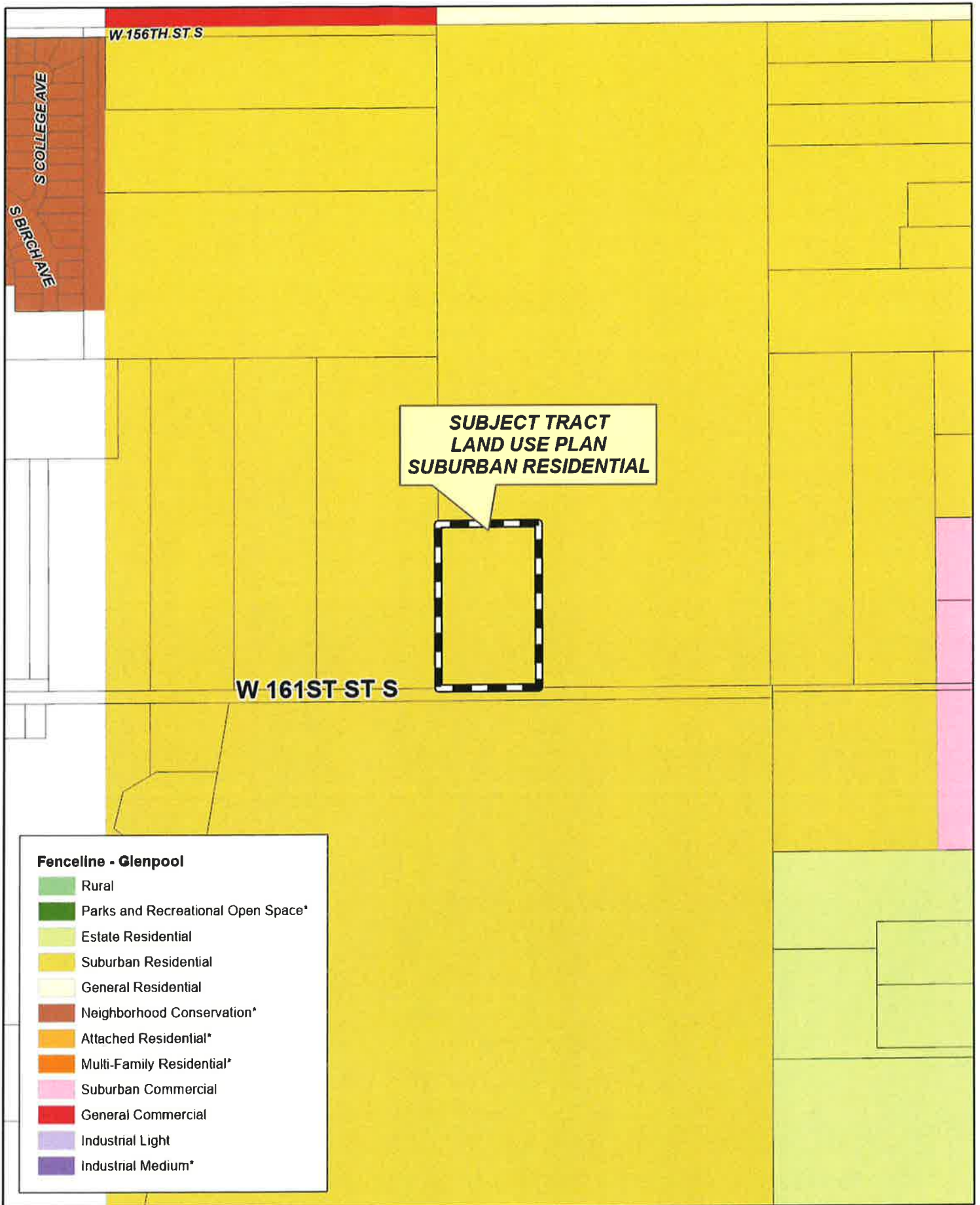
17-12 23

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

Aerial Photo Date: 2023

CBOA-3156 6.6





**SUBJECT TRACT
LAND USE PLAN
SUBURBAN RESIDENTIAL**

W 161ST ST S

W 156TH ST S

S COLLEGE AVE

S BIRCH AVE

- Fenceline - Glenpool**
- Rural
 - Parks and Recreational Open Space*
 - Estate Residential
 - Suburban Residential
 - General Residential
 - Neighborhood Conservation*
 - Attached Residential*
 - Multi-Family Residential*
 - Suburban Commercial
 - General Commercial
 - Industrial Light
 - Industrial Medium*

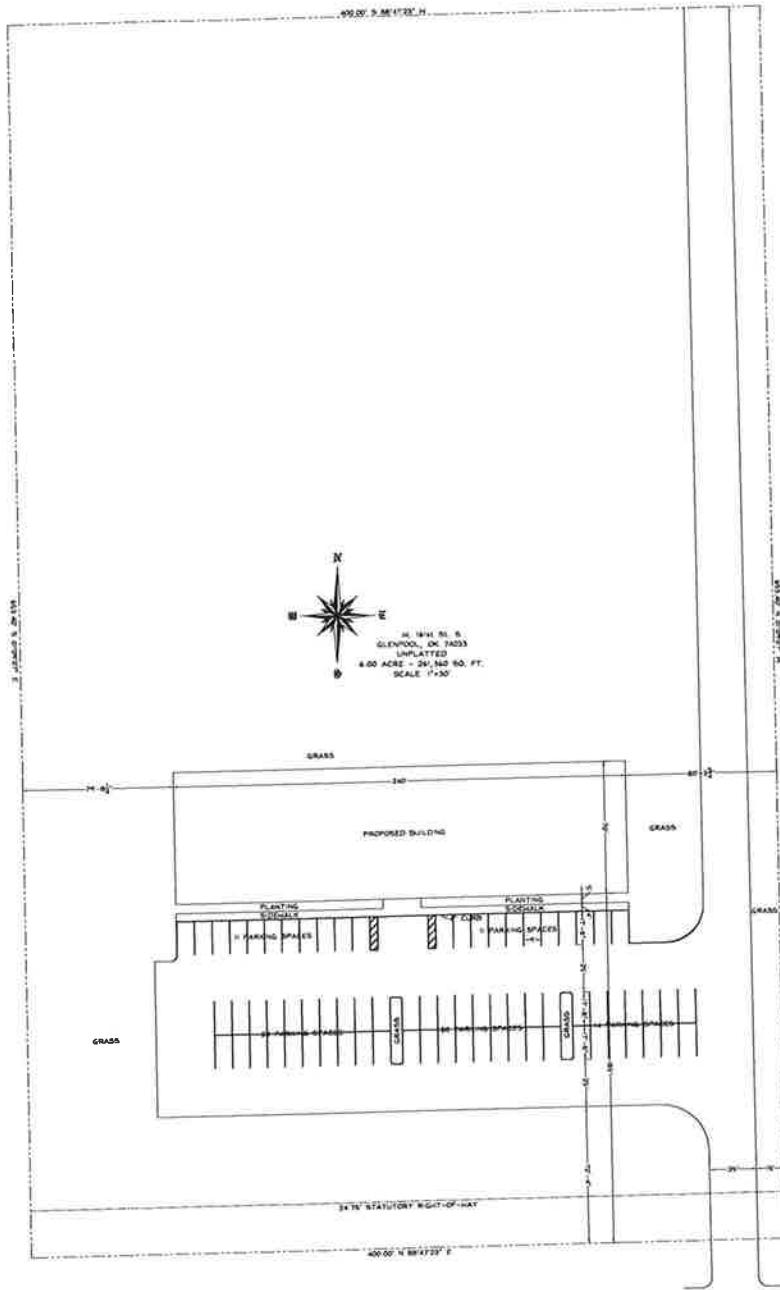


CBOA-3156

17-12 23



CBOA-3156 6.7



— W. 161st St. S —

ADDRESS

PDC PROJECT NUMBER
ZS-44

SHEET
C-1

DRAWING DATE
11.8.2020

REVISIONS
11.8.20

SQUARE FOOTAGE

44 LIVING

240 TOTAL

GARAGE

PATIO

DRIVE

LIVING

TOTAL

MODEL NO.
OK RUN YB

KEITH DALESSANDRO
PINCICLE

This design plan (Plan) has been prepared by Pinacle Design (Pinacle) and its representation or warranty of any kind made by Pinacle. The use of this Plan by the customer and any contractor working for the customer the customer is made subject to the following: (1) Pinacle shall have no liability whatsoever to customer or to another contractor attributable to the Plan; and (2) it is the responsibility of customer and contractor to verify all dimensions represented in the Plan before utilizing the Plan in connection with any construction activities. Local building codes vary and be consulted by the customer/contractor.

NOTES:

Hoyt, Jay

From: Chris Neffendorf <chris_neffendorf@yahoo.com>
Sent: Friday, April 05, 2024 11:20 AM
To: Hoyt, Jay
Subject: Meeting

Hi Jay

Could we move our request to meet at the next meeting in May please? I cannot be there. Thank you

It's 3156

Chris Neffendorf



Board of Adjustment

Case Number: CBOA-3158

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

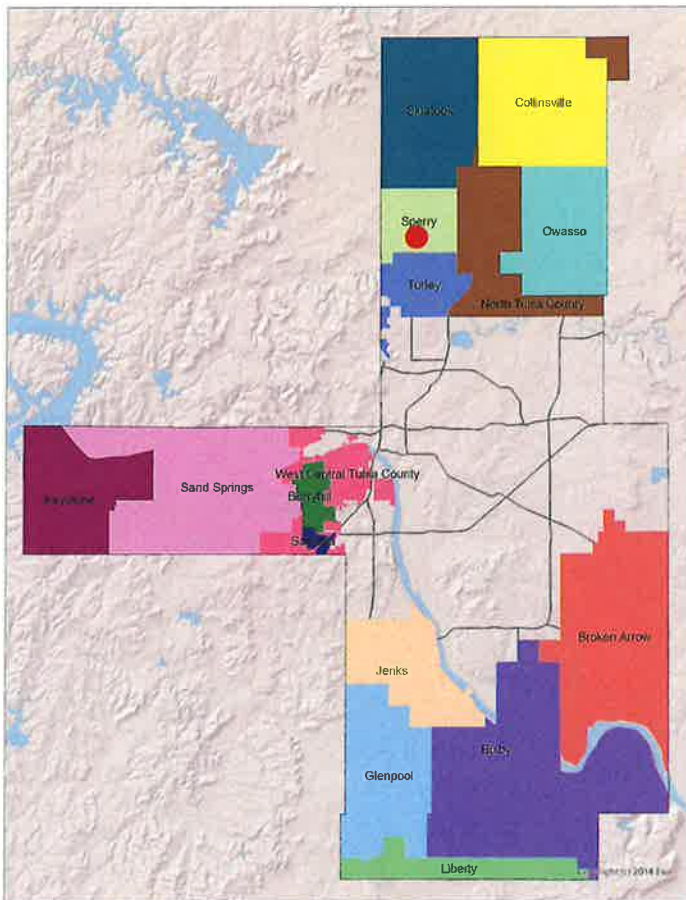
Owner and Applicant Information:

Applicant: Do More Investments LLC

Property Owner: BROGAN, RAY & DONNA

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: 0.22 acres

Location: 9801 N PEORIA AV E

Present Zoning: AG

Fenceline/Area: Sperry

Land Use Designation: AG - Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1318

CZM: 10

CASE NUMBER: CBOA-3158

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM

APPLICANT: Do More Investments LLC

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

LOCATION: 9801 N PEORIA AV E

ZONED: AG

FENCELINE: Sperry

PRESENT USE: Residence

TRACT SIZE: 0.22 acres

LEGAL DESCRIPTION: BEG 175N SWC N/2 SW TH N65 E150 S65 W150 POB SEC 18 21 13 .22 AC

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a vacant modular home. The tract abuts AG zoning to the North, South, East and West containing single-family homes and vacant/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 Tulsa County zoning code requires 2.1 acres of land area per dwelling in the AG district. The subject tract contains 0.22 acres which is under the requirement for land area for a lot with one dwelling in the AG district. There is currently a dilapidated modular home on the tract. The applicant is proposing to replace this home with a new one.

The applicant provided the statement "The owner was gifted this property years ago with an existing an illegally placed and dilapidated modular home on the property which has been an issue ever since. The owner now wishes to sell to Logan Mayberry, but only if a variance is approved."

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).

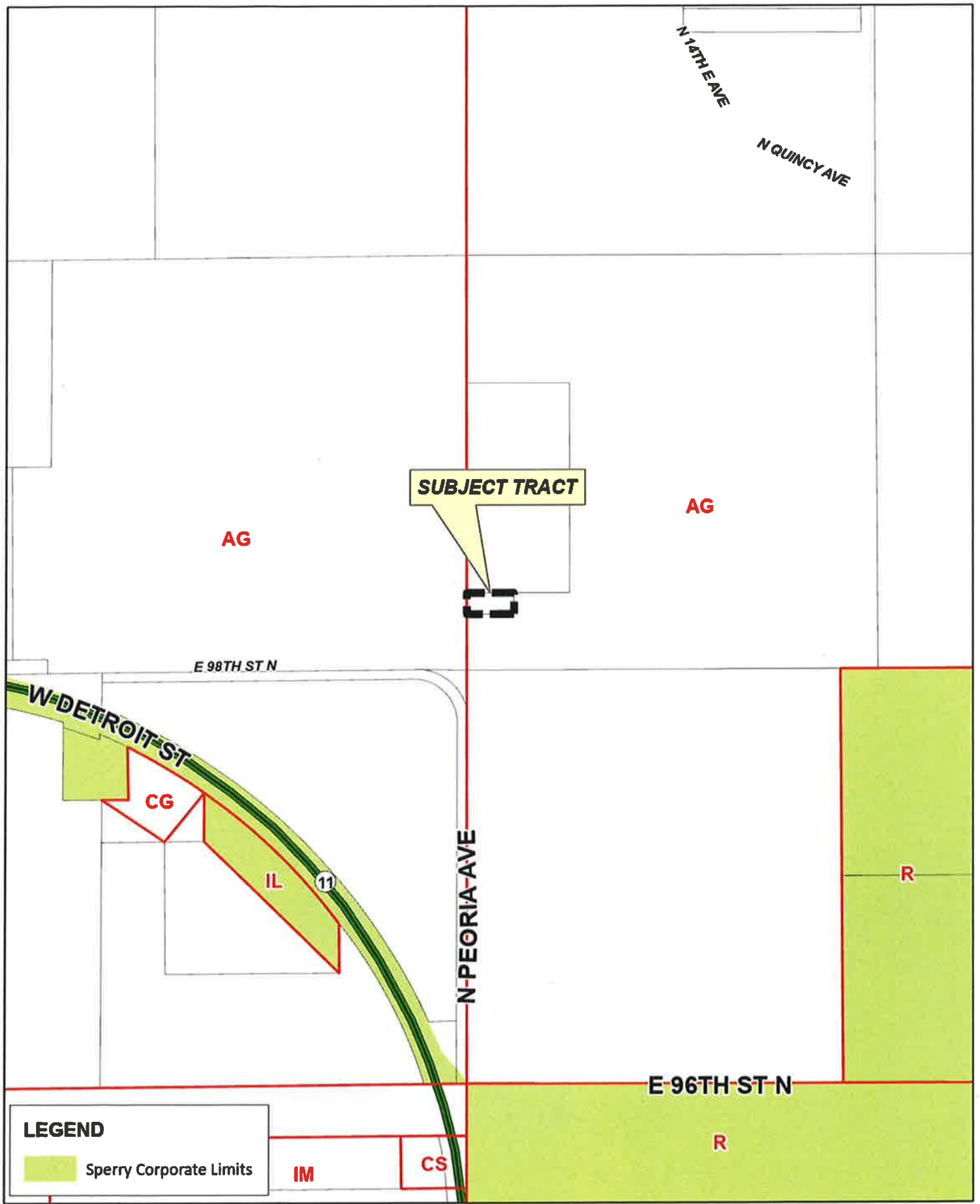
Subject to the following conditions, if any: _____.

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 tract looking Northeast from N Peoria Ave



SUBJECT TRACT

AG

AG

E 98TH ST N

W DETROIT ST

CG

IL

11

N PEORIA AVE

R

E 96TH ST N

R

LEGEND

 Sperry Corporate Limits

IM

CS



CBOA-3158

21-13 18

CBOA-3158 7.5





 Subject Tract

CBOA-3158

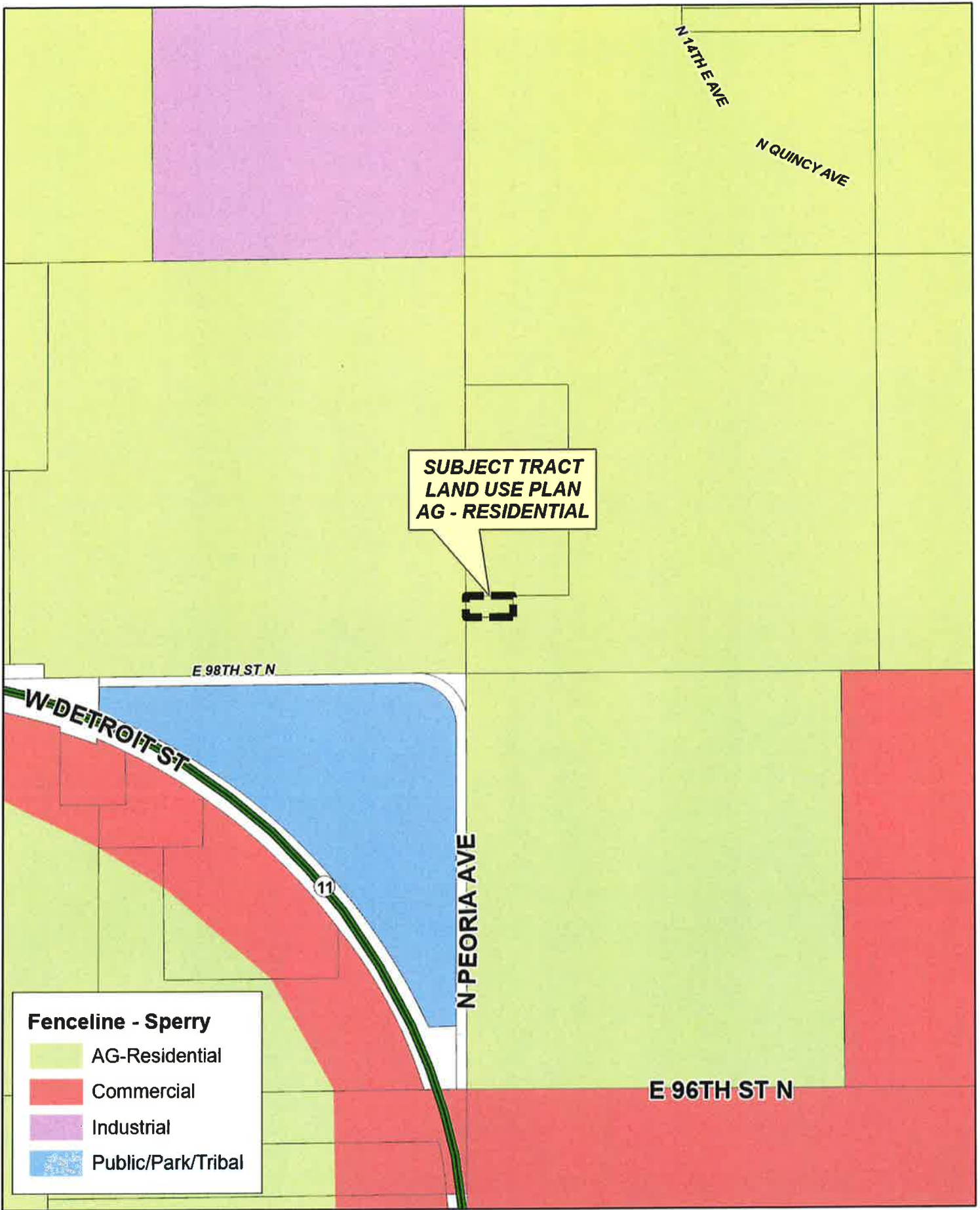
21-13 18

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

Aerial Photo Date: 2023

CBOA-3158 7.6





**SUBJECT TRACT
LAND USE PLAN
AG - RESIDENTIAL**

N 14TH AVE

N QUINCY AVE

E 98TH ST N

W DETROIT ST

11

N PEORIA AVE

E 96TH ST N

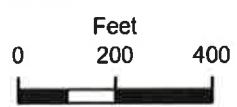
Fenceline - Sperry

- AG-Residential
- Commercial
- Industrial
- Public/Park/Tribal

CBOA-3158

21-13 18

CBOA-3158 7.7





Board of Adjustment

Case Number: CBOA-3160

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

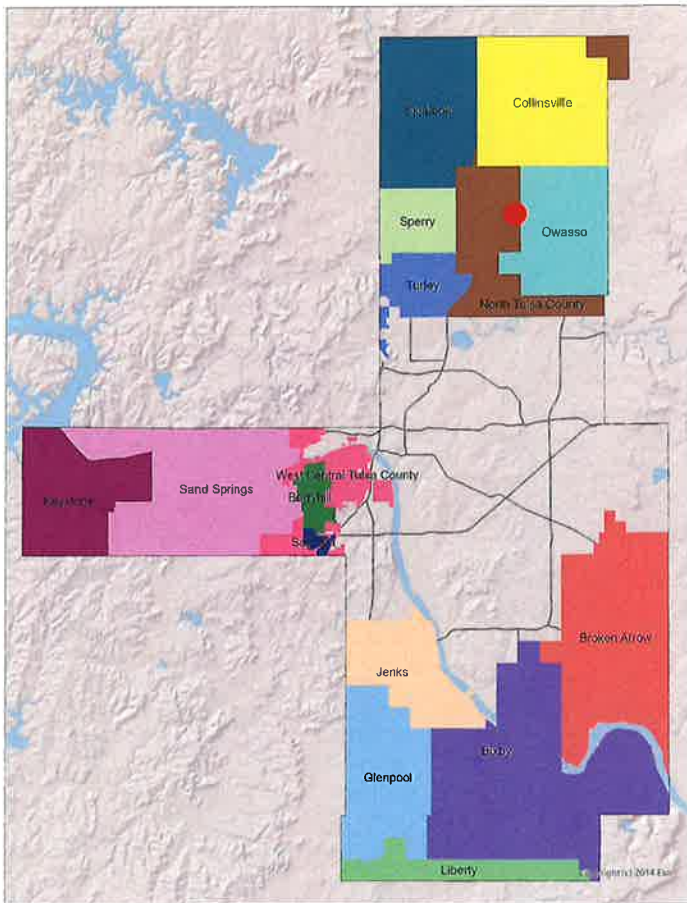
Owner and Applicant Information:

Applicant: Jessica Callaway

Property Owner: CALLAWAY, DEVON K & JESSICA C PANCRATZ

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: 1.28 acres

Location: 7612 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: 1314

CASE NUMBER: **CBOA-3160**

CZM:

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM

APPLICANT: Jessica Callaway

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

LOCATION: 7612 E 106 ST N

ZONED: AG

FENCELINE: North Tulsa County

PRESENT USE: Residence

TRACT SIZE: 1.28 acres

LEGAL DESCRIPTION: E156 N374.75 E/2 NW NE LESS N16.5 THEREOF FOR RD SEC 14 21 13 1.282ACS

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and 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 Tulsa County zoning code requires 2.1 acres of land area per dwelling in the AG district. The subject tract contains 1.28 acres which is under the requirement for land area for a lot with one dwelling in the AG district. The applicants intend to place a single-wide mobile home in addition to the existing residence on the subject tract for a total of two dwellings.

The applicant provided the statement "My husband and I would like to put a single-wide mobile home onto our property for his disabled grandparents to live in. Our goal is to support and take care of them until they are no longer with us."

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.



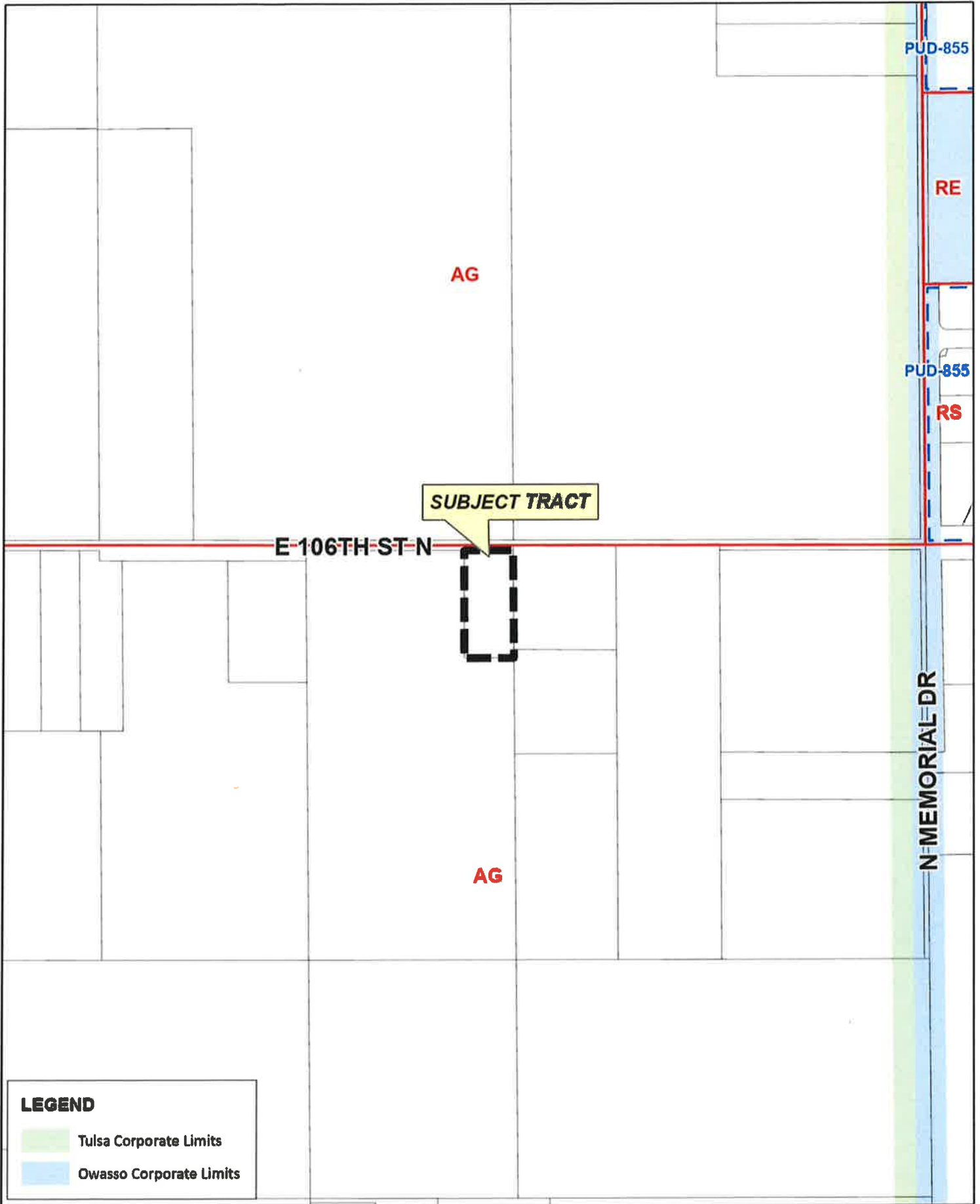
Subject tract looking South from E 106th St N



Subject tract looking Southeast from E 106th St N



Subject tract looking Southwest from E 106th St N



SUBJECT TRACT

E 106TH ST N

PUD-855

RE

PUD-855

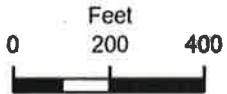
RS

AG

N MEMORIAL DR

LEGEND

- Tulsa Corporate Limits
- Owasso Corporate Limits



CBOA-3160

21-13 14

CBOA-3160 9.6





E 106TH ST N

N MEMORIAL DR



Subject Tract

CBOA-3160

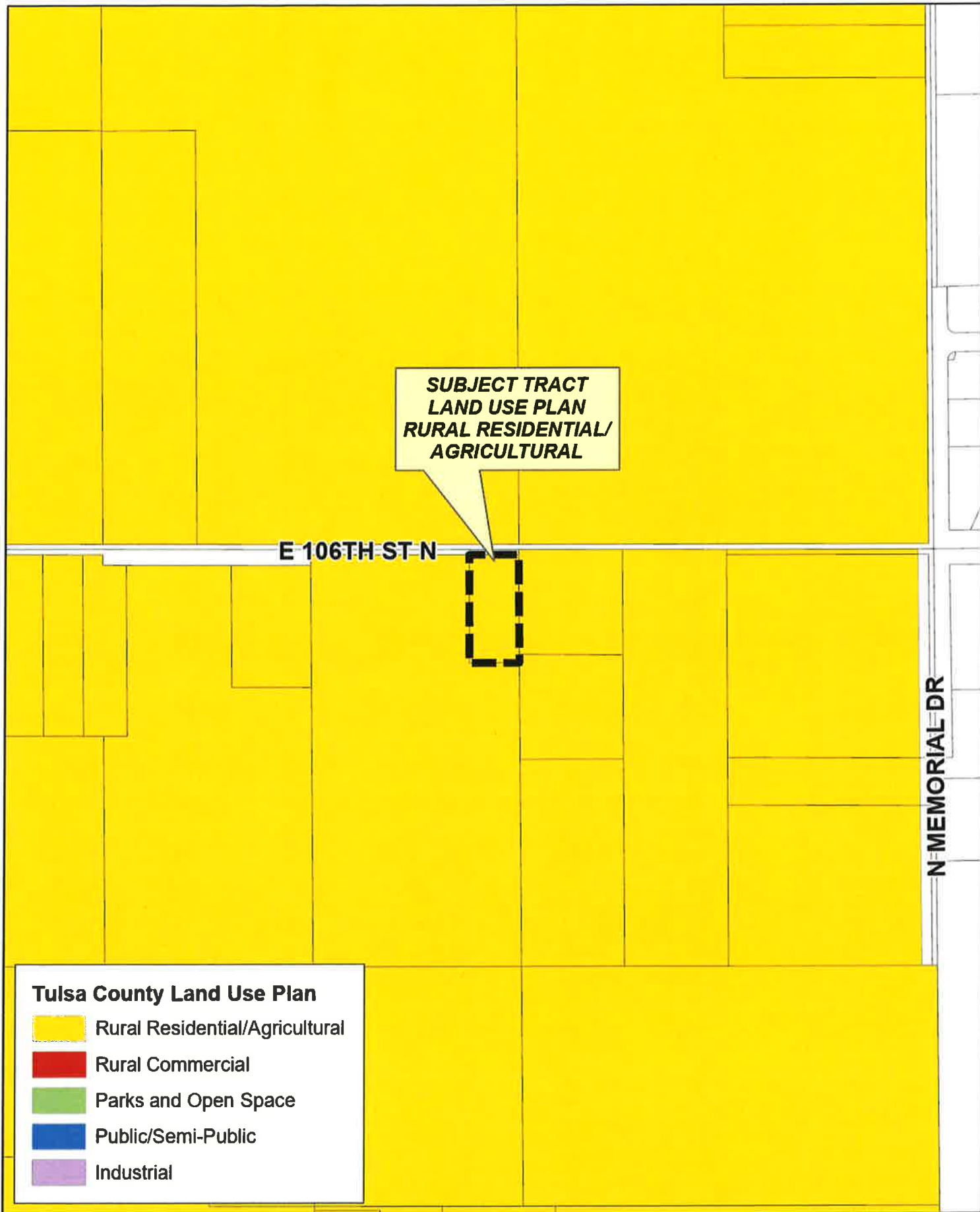
21-13 14

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

Aerial Photo Date: 2023

CBOA-3160 9.7





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

E 106TH ST-N

N MEMORIAL DR

Tulsa County Land Use Plan

- Rural Residential/Agricultural
- Rural Commercial
- Parks and Open Space
- Public/Semi-Public
- Industrial



CBOA-3160

21-13 14

CBOA-3160 9.8



Board of Adjustment

Case Number: CBOA-3161

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

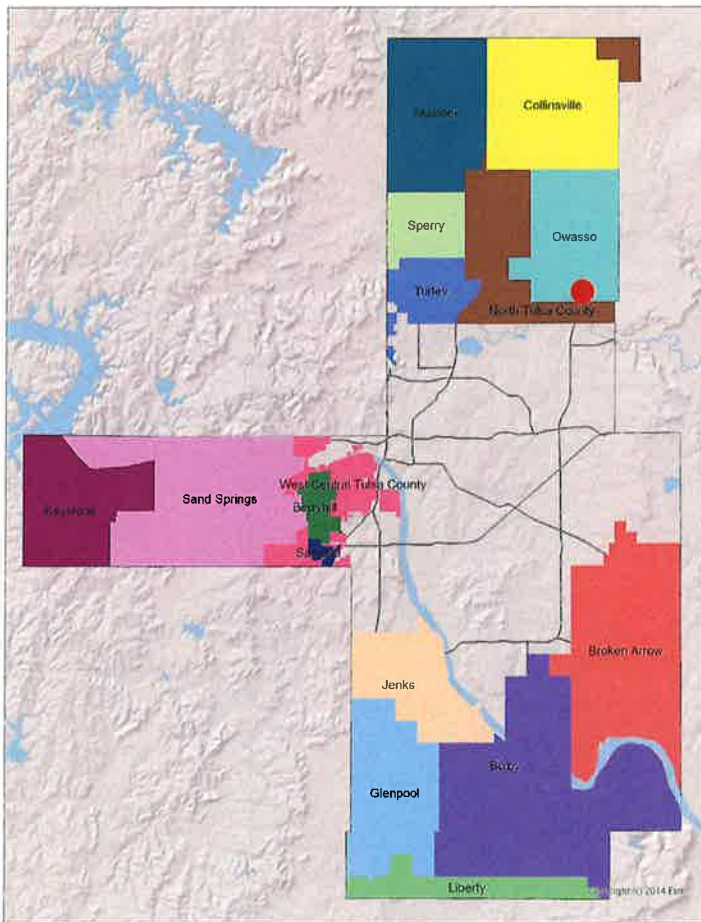
Owner and Applicant Information:

Applicant: Sandra Quinton

Property Owner: QUINTON, JASON & SANDRA

Action Requested: Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the land area per dwelling unit in an RE district (Section 430).

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 1.02 acres

Location: 7009 N 117 AV E

Present Zoning: RE

Fenceline/Area: Owasso

Land Use Designation: Residential

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1432

CASE NUMBER: **CBOA-3161**

CZM:

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM

APPLICANT: Sandra Quinton

ACTION REQUESTED: Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the land area per dwelling unit in an RE district (Section 430).

LOCATION: 7009 N 117 AV E

ZONED: RE

FENCELINE: Owasso

PRESENT USE: Residence

TRACT SIZE: 1.02 acres

LEGAL DESCRIPTION: BEG NWC NW NE SW TH E245 S245 W245 N245 POB LESS W40 & N25 THEREOF FOR RD SEC 32 21 14 1.025ACS

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA-1512 June 1997: The Board approved a Special Exception to permit a mobile home in an RE district, a Variance to allow two dwelling units on one lot of record (Section 208) and a Variance of the minimum land area per dwelling unit (Section 330).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RE and contains a single-family residence. The tract is surrounded by RE 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 RE district (Section 208) and a Variance of the land area per dwelling unit in an RE district (Section 430).

The RE district requires minimum of 26,250 sf per dwelling unit. The subject tract is 1.02 acres in size or 44,431 sf and contains a single-family residence. Per the zoning code requirement two dwellings on one lot would require 52,500 sf in lot area. In addition, only one dwelling is allowed on a lot of record in the RE zone. The applicant intends to construct a second dwelling on the lot. Two variances would be required since more than one dwelling on a lot of record in an RE zone is being requested and the total land area is under the 52,500 sf that would be required for two dwellings.

The applicant provided the statement that they are seeking the variances "to allow a second residence in order to build a new residence. This current residential home is being used as storage space and will need 100% rehabilitation to be brought back to livable conditions. The current home has no plumbing and is down to sub-floors with all walls removed. So, upon completion of the second residential building, the original residence will be dismantled or moved off the lot."

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 Variance to permit two dwelling units on a single lot of record in an RE district (Section 208) and a Variance of the land area per dwelling unit in an RE district (Section 430).

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 variances 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.



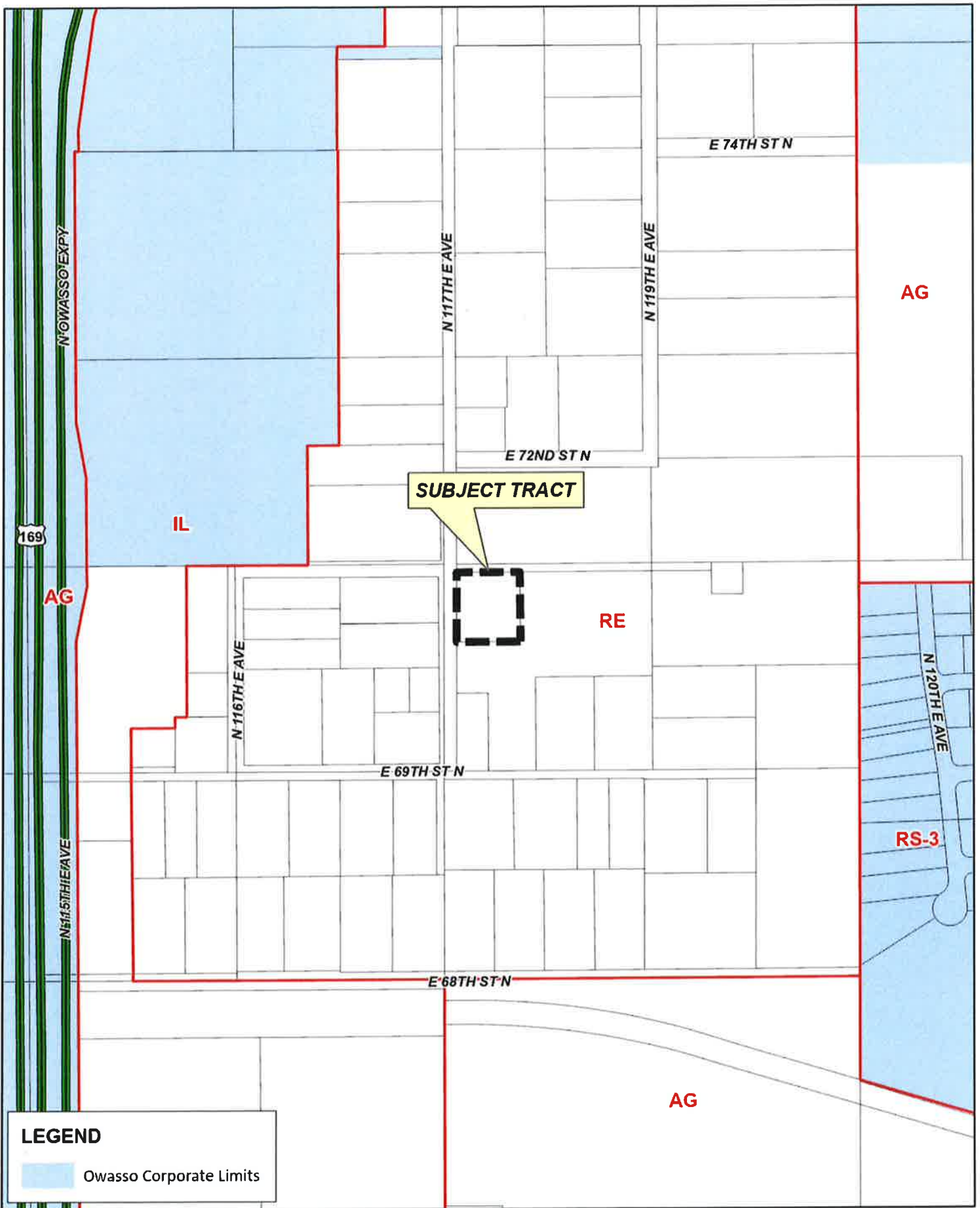
Subject tract looking East from N 117th E Ave



Subject tract looking Southeast from N 117th E Ave



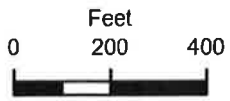
Subject tract looking Northeast from N 117th E Ave



SUBJECT TRACT

LEGEND

 Owasso Corporate Limits

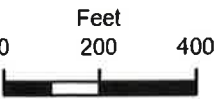


CBOA-3161

21-14 32

CBOA-3161 10.6





 Subject Tract

CBOA-3161

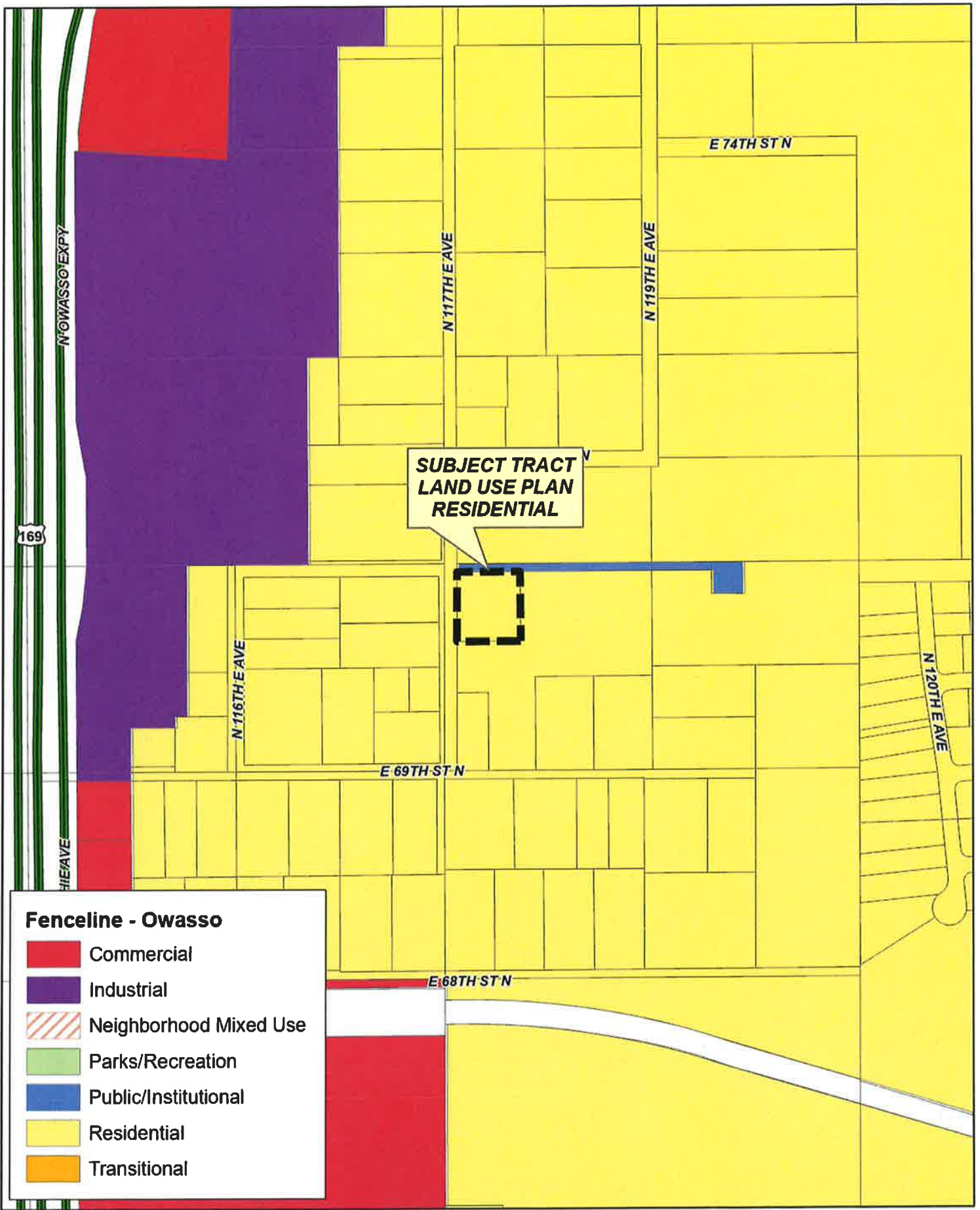
21-14 32

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

Aerial Photo Date: 2023

CBOA-3161 10.7

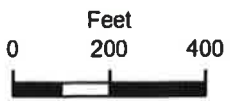




**SUBJECT TRACT
LAND USE PLAN
RESIDENTIAL**

Fenceline - Owasso

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



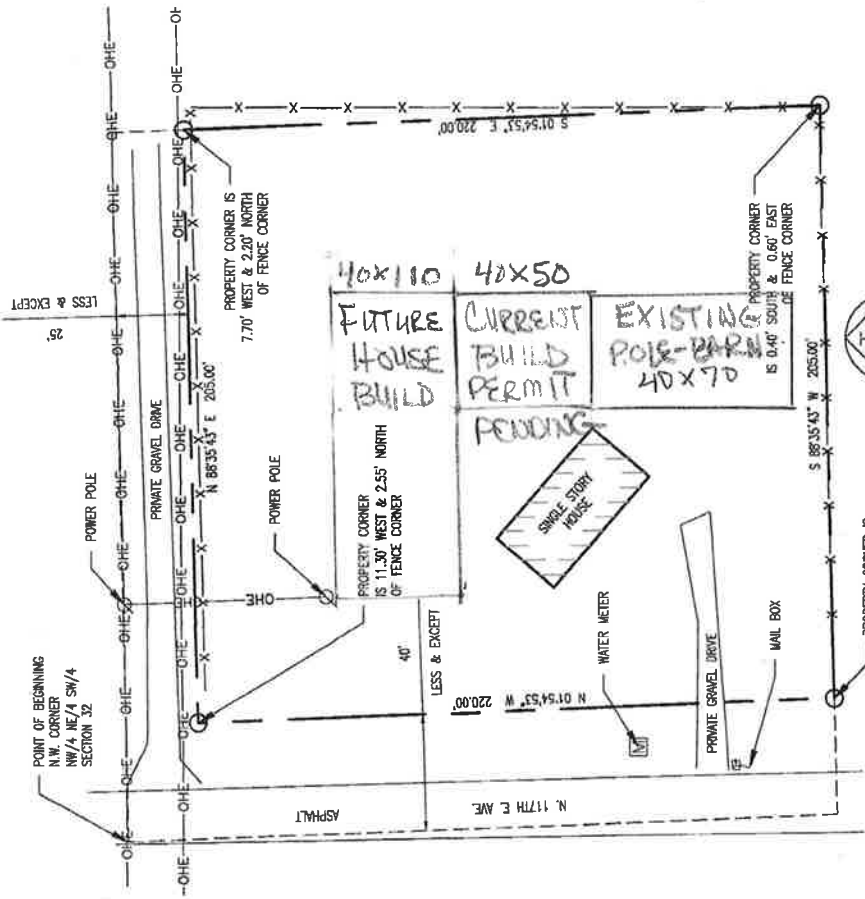
CBOA-3161

21-14 32

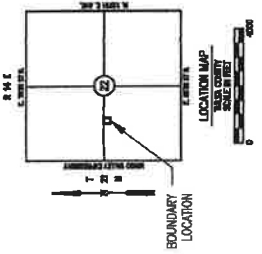
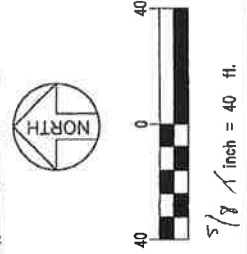
CBOA-3161 10.8



1/8 in = 8 ft



- LEGEND**
- -SET 5/8" IRON PIN W/YELLOW CAP "CA-5864"
 - PROPERTY LINE
 - BARB WIRE FENCE
 - OVERHEAD ELECTRIC LINE



PROPERTY DESCRIPTION

GENERAL WARRANTY DEED BOOK 4550, PAGE 1535, FILED AUGUST 3, 1981

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM OBSERVED FIELD SURVEY INFORMATION. SCHEMMER ASSUMES NO LIABILITY FOR THE UNDERGROUND UTILITIES SHOWN OR FOR SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR MAINTENANCE. SCHEMMER GIVES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE ACCURACY OF THE LOCATION OF THE UNDERGROUND UTILITIES. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SCHEMMER FOR ANY DAMAGE TO UNDERGROUND UTILITIES WHICH MAY OCCUR FROM THE USE OF THE UTILITY INFORMATION PROVIDED HEREON. CONTACT "CALL-O-ME" (1-800-522-6643) PRIOR TO ANY EXCAVATION ON THIS SITE.

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SURVEYOR'S CERTIFICATION

I, A.B. WATSON, JR., A DULY 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.



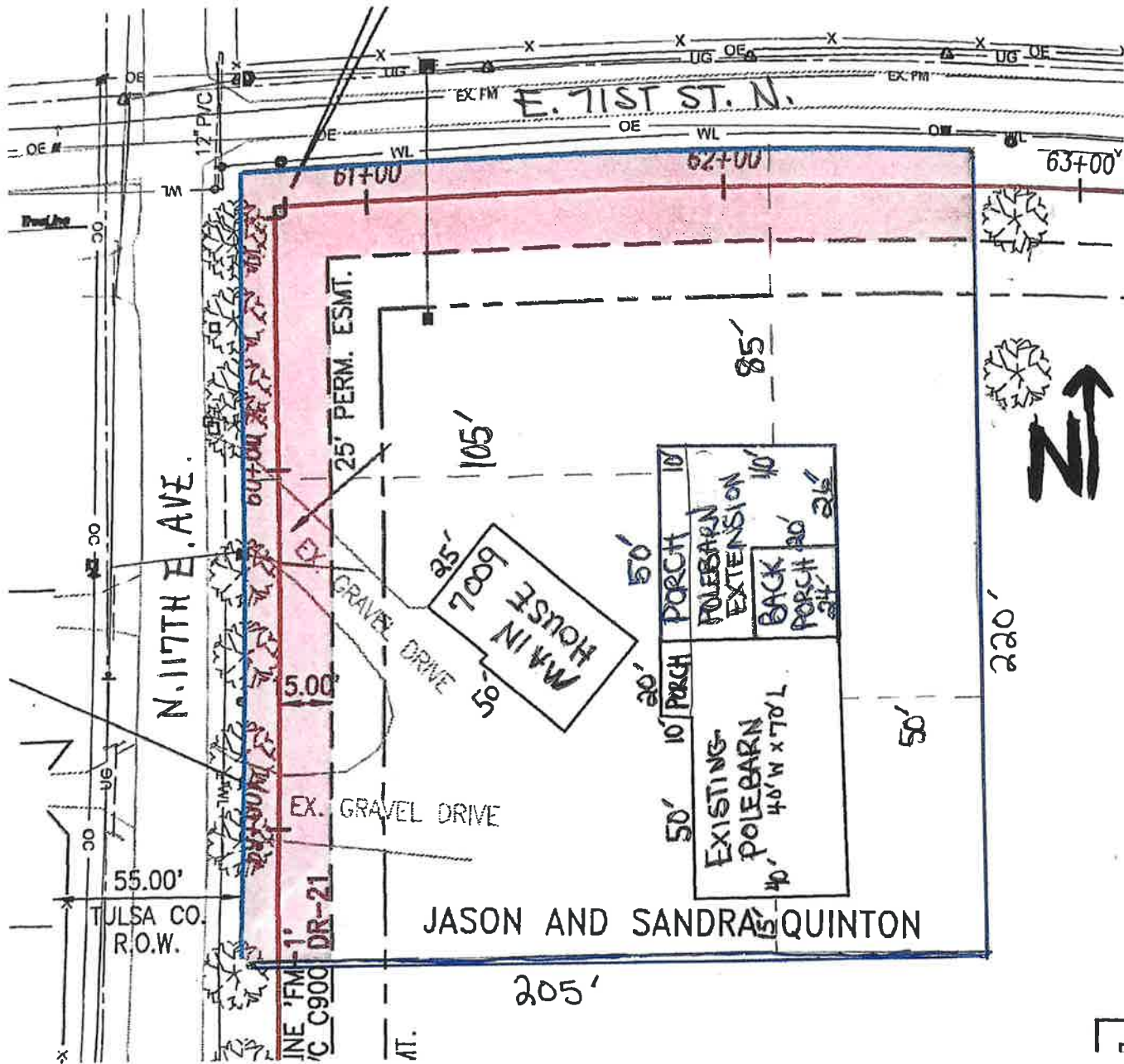
WITNESS MY HAND AND SEAL THIS 6TH DAY OF APRIL, 2020

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

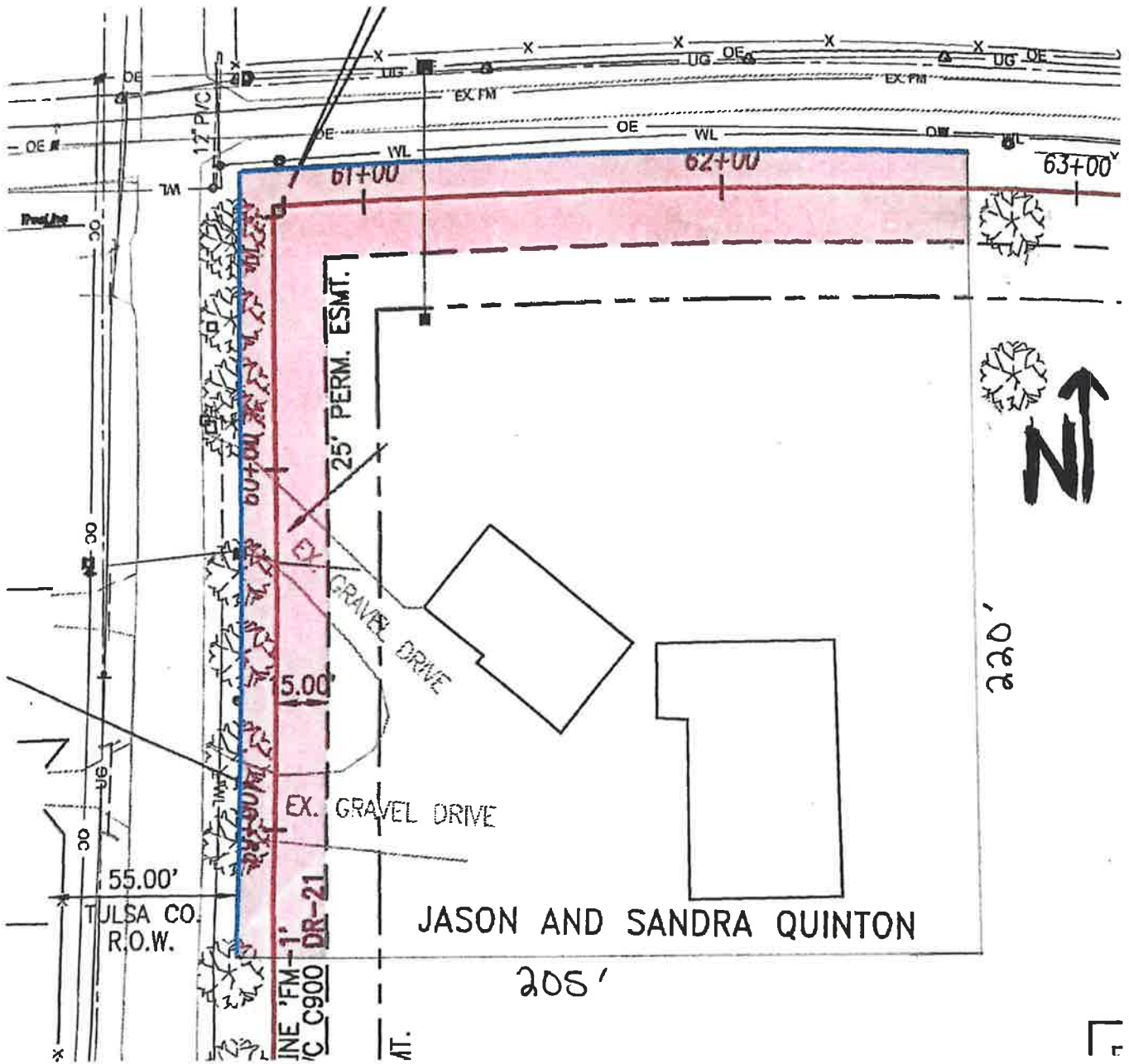
A.B. WATSON, JR.
10020 E. 4TH STREET, SUITE 307
TULSA, OKLAHOMA 74116
PHONE 918.789.1505
FAX 918.789.8876
CA45984 EXP. 06/30/2021
www.schemmer.com

BOUNDARY SURVEY	OMASSO, OKLAHOMA	SANDRA QUINTON	JOB NO.	07740101	SHEET	1 of 1
SCHMEMER						

7009 N. 117TH E. AVE.



7009 N. 117TH E. AVE.





Board of Adjustment

Case Number: CBOA-3162

Hearing Date: 04/16/2024 1:30 PM

Case Report Prepared by:

Jay Hoyt

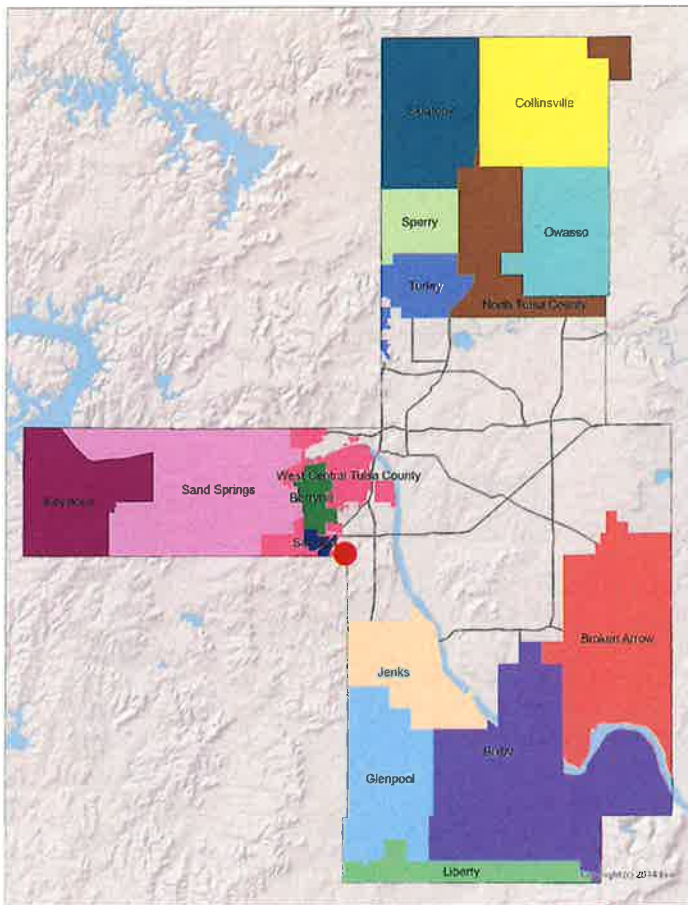
Owner and Applicant Information:

Applicant: Yensy Merari Carbajal Flores

Property Owner: STEPHENS, COYE AND MONTY LEE TILLEY

Action Requested: Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410),

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.27 acres

Location: 5721 S 39 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: 9233

CASE NUMBER: CBOA-3162

CZM:

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 04/16/2024 1:30 PM

APPLICANT: Yensy Merari Carbajal Flores

ACTION REQUESTED: Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410),

LOCATION: 5721 S 39 AV W

ZONED: RS

FENCELINE: West Central Tulsa County

PRESENT USE: Residential

TRACT SIZE: 0.27 acres

LEGAL DESCRIPTION: LOT 7 BLK 2, GANTZ ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

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

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410).

The site contains 0.27 acres (11,761 sf). The minimum lot size in the RS district is 8,400 sf, so the lot has enough area to support one dwelling, per the Tulsa County Zoning Code. The lot is currently contains a mobile home. The applicant intends to remove the existing mobile home and move another onto the subject tract.

A special exception is required as the proposed manufactured home (Use Unit 9) 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 manufactured home must be found to be compatible with the surrounding neighborhood.

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed 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 (Use Unit 9) in the RS district (Section 410).

Subject to the following conditions, if any: _____.

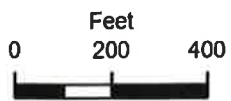
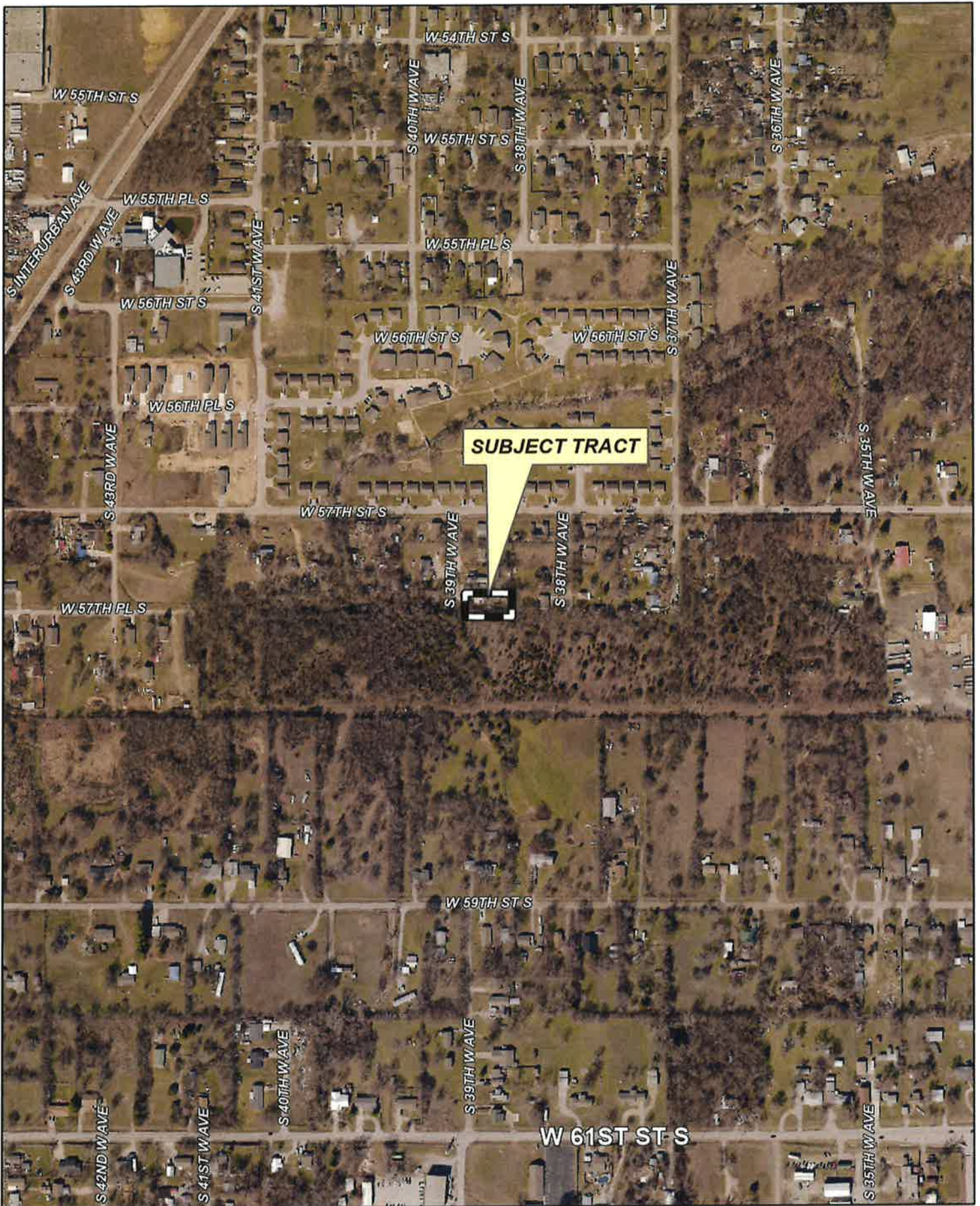
In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject tract looking East from intersection of S 39th W Ave



Subject tract looking East from intersection of S 39th W Ave



Subject Tract

CBOA-3162

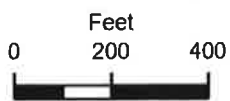
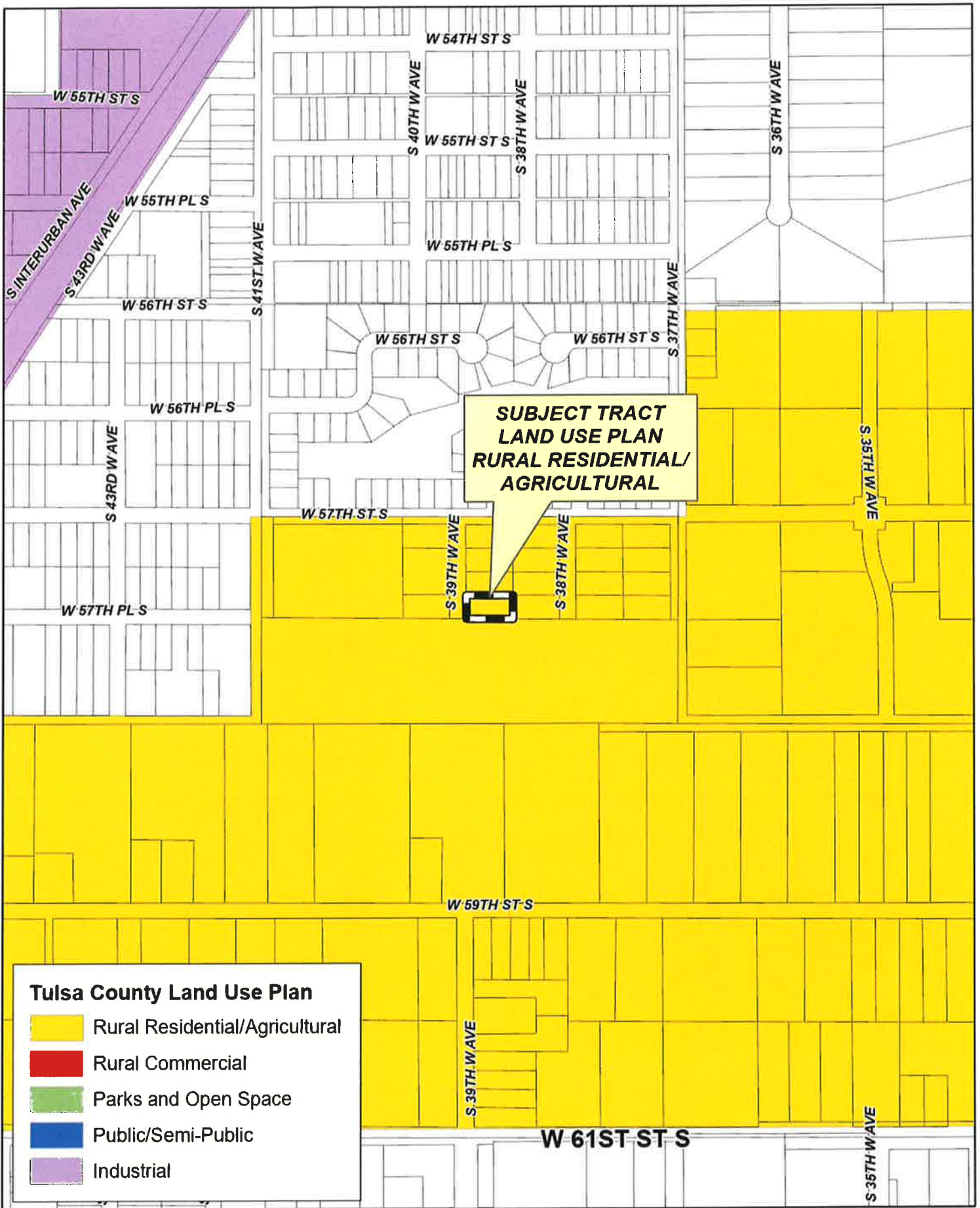
19-12 33

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

Aerial Photo Date: 2023

CBOA-3162 11.6





CBOA-3162

19-12 33

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

Aerial Photo Date: 2023



CBOA-3162 11.7

10406 E 44th St
Tulsa OK 74114

