

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 474**  
Tuesday, October 15, 2019, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Charney, Chair  
Hutchinson, V.Chair  
Crall, Secretary  
Dillard  
Johnston

Miller  
R. Jones  
Sparger

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10<sup>th</sup> day of October, 2019 at 8:16 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

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**MINUTES**

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of September 17, 2019 (No. 473).

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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**UNFINISHED BUSINESS**

None.

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**NEW APPLICATIONS**

**2770—Nancy Trevino**

**Action Requested:**

Special Exception to permit a manufactured home in an RS District (Section 410).

**LOCATION:** 6025 West 61<sup>st</sup> Avenue South

**Presentation:**

**Nancy Trevino**, 4808 South Elwood Avenue, Tulsa, OK; stated she just purchased the land and it had an old mobile home on it, and she has removed it.

Mr. Chaney asked Ms. Trevino if she would be purchasing a new mobile home or a newer mobile home. Ms. Trevino stated she currently lives in a mobile home that is in a mobile home park and she wants to move it to the subject property.

Mr. Hutchinson asked Ms. Trevino if she was aware that she would need to have a concrete surface for parking and the mobile home would need to be tied down and skirted. Ms. Trevino stated that her husband told her about it.

Mr. Charney asked Ms. Trevino if the mobile home would be connected to the sanitary sewer or if it would be on a septic system. Ms. Trevino stated that it will be connected to the City of Tulsa sewer system.

Mr. Charney asked Ms. Trevino if she had heard from any of the surrounding neighbors about her request to move in a manufactured home. Ms. Trevino stated that she has not heard anything.

Mr. Charney asked Ms. Trevino if there were other mobile homes in the immediate area. Ms. Trevino answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home in an RS District (Section 410), subject to conceptual plan 2.16. The approval requires the applicant meet all Tulsa County Code requirements, have impervious parking, the mobile home is to be tied down, skirted and is to be connected to the sewer system. 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; for the following property:

**LOT-15-BLK-12, NEW TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2771—Rupe Helmer Group – Alan Betchan**

**Action Requested:**

Variance to reduce the off-street parking requirements from 41 spaces to 30 spaces (Section 1214.4). **LOCATION:** 1504 North Yale Avenue East

**Presentation:**

**Clint Condren**, 7324 East 58<sup>th</sup> Street, Tulsa, OK; stated this site will be a future Dollar General store that will front Yale Avenue.

Mr. Charney asked Mr. Condren about the nature of the parking burden on these stores in general. Mr. Condren stated that there are usually 16 cars during peak operating times in an hour. Mr. Charney asked Mr. Condren if he had ever seen a store maxed out in its parking. Mr. Condren stated that he has not.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance to reduce the off-street parking requirements from 41 spaces to 30 spaces (Section 1214.4), subject to conceptual plan 3.9. If the applicant should ever see conditions that additional parking is required parking can be added to the side of the building. The Board has found the hardship to be the actual use of the facility by customers is much tighter than normally seen by a retail space. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**BEG 348.16W & 50N SECR SE SE SE TH N338 E290.21 S163 W167 S175 W123.16  
POB SEC 28 20 13 1.581ACS, WEE RANCHO ADDN, OF TULSA COUNTY, STATE  
OF OKLAHOMA**

**2772—Lauren Lee**

**Action Requested:**

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

**Presentation:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

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

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

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

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

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Use Variance** to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1), limiting the approval to the existing 704 square foot building. There is to be no commercial transport in or out of the property. The Board finds the hardship to be the size and topography, and the fact that it is a very deep parcel of land over 2 ½ acres that is surrounded by AG on virtually three of the four sides. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

**2773—Kyle Gibson**

**Action Requested:**

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

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

**Presentation:**

**Kyle Gibson**, 551 South Quaker Avenue, Tulsa, OK; stated he represents Michael and Rebecca Graham. They would like to create a lot split on the parent 80-acre tract. There is a pond on the northeast side of the property that they do not want to sell, and it is about 35 feet west of the property line. The Grahams are willing to grant a mutual access agreement which would allow the lot split to access the property.

Mr. Charney asked Mr. Gibson if his clients owned the entire 75 acres. Mr. Gibson answered affirmatively.

Mr. Charney asked Mr. Gibson to explain the Tract A, Tract B and Tract C that is shown on the map in the agenda packet. Mr. Gibson stated Tract B and C would be the split from Tract A creating two 2 ½ acre lots, and there would be a mutual access easement that would expand all the way to the back of Tract C.

Mr. Charney asked Mr. Gibson if there is a current residential use on Tract A. Mr. Gibson stated there is not. Mr. Charney asked Mr. Gibson if there was any residential use on any of the tract today. Mr. Gibson stated there is not. Mr. Charney asked Mr. Gibson if there was a planned residential use on Tract A, Tract B and Tract C eventually. Mr. Gibson stated that currently it would be Tract B, Tract C potentially in the future, and keep Tract A as agriculture. The Grahams do not want development, they do not want a subdivision, they are doing this for a friend of the family.

**Interested Parties:**

**Michael Griffin**, 15107 East 161<sup>st</sup> Street South, Tulsa, OK; stated he is the landowner to the north. He would like to know why Tract A is being included in this request if all they want to do is get Tract B and Tract C in the lot split? Mr. Charney stated he thinks the owners are just trying to get approval for Tracts A, B and C in the event there is a future need.

**Kyle Gibson** came forward and stated Tract A is just a new parent tract; it is the tract that is being split. There is no intent for future use on Tract A other than the mutual access agreement for Tracts B and C. The owners are not looking for a dedicated right-of-way and not attempting to make a loop for multiple lot splits.

Mr. Charney stated this Board would not allow multiple residences on Tract A in this process. That would trigger a platting process and much more thorough engineering and surveying effort. The mutual access will be limited to a certain number of people.

**John Christ**, 16403 South 145<sup>th</sup> East Avenue, Bixby, OK; stated he owns the property adjacent to the subject property and has worked there, built several homes in the area and has lived there since 1992. The subject pond is an old farm pond that has been blocked in by cattle, and it was much smaller originally. The right-of-way requirement is required of all people that build out there because there is a 30-foot easement required. Mr. Christ stated there is a substantial amount of flooding in the area and earlier in the

year there was 52" of water in the back area of the subject property; over four feet of water came down in the area where the drainage is. He requested a hydrology report be done for the safety of the people that are going to build in the area, because it is becoming more of a concern to the mass flooding. The water line that is currently there is taxed to the limit, the subdivision that was brought in from the south that was approved by the Board of Adjustment brought seven homes into the area. The eight-inch water line was deadheaded at about 600 feet. The City of Bixby tells everyone that there is no plan to do any further development on the water lines that are going to be servicing homes in the developments in the area. Another concern is that several of the neighbors never received notification and without notification they can't get representation and express their concerns. The most people that are directly affected are right across the road.

Mr. Charney stated that in regard to the notification concern, staff will check to see that surrounding landowners were properly sent documentation; the process that is initiated is generally very thorough. The Board generally confines their analysis to the propriety of the action requested, whether there is proper utility service the Board leaves that to the engineering teams that must make determinations for those who grant building permits. In regard to the concerns about flooding, the building permit office uses a flood plain map before granting a building permit. A mutual access agreement will be part of the Board's motion if they choose to approve today's request.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the request for a **Variance** of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District to permit a lot split (Section 207), subject to conceptual plan 5.7 of the agenda packet. The approval is contingent on a properly recorded mutual access agreement. There are to be no more lot splits unless they go through the platting process. The Board finds the hardship to be the fact that this is a large tract of land of 75 acres total. In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**E/2 NW LESS BEG NEC NW TH W330 S660 E330 N660 POB SEC 27 17 14 75ACS,  
OF TULSA COUNTY, STATE OF OKLAHOMA**



## 2774—One Seed Orchards, LLC

### Action Requested:

Special Exception to permit Use Unit 3, Agriculture, in an Agriculture-Residential District (Section 310, Table 1). LOCATION: 12010 North 97<sup>th</sup> East Avenue

### Presentation:

**Cody Shook**, 12010 North 97<sup>th</sup> East Avenue, Collinsville, OK; stated he lives on the subject property and he would like to grow medical marijuana. He also would like to grow fruits and vegetables; organic farming. Mr. Shook stated that his neighbors have no issues with his request; the neighbor to the north or the south have expressed no objections. Everything in the area is zoned agricultural and the land use to have horses on it. He will not be using pesticides or chemicals. He will be using the medical marijuana growing as a supplemental income. He wants to have a sustainable farm. The crop area will be 270'-0" x 160'-0" on the western side of the property.

Mr. Charney stated that the prior applicant had a great deal of agricultural zoning immediately adjacent to the subject tract and surrounding the subject tract. When he looks at the map of Mr. Shook's property, he sees residential lots surrounding the subject property which is a factor.

Mr. Hutchinson asked Mr. Shook if all of his crop was going to be grown outside or will there be a grow house? Mr. Shook stated that it will all be outdoors. He has no plans of building a warehouse, does not plan on manufacturing, does not plan on processing or doing anything other than growing on the subject property.

Mr. Hutchinson asked Mr. Shook how many plants he wants to have. Mr. Shook stated that he would have 50 to 200 plants, depending on the size of the plant. He just erected a screening fence at the beginning of the year.

Mr. Charney asked Mr. Shook about the non-marijuana plants. Mr. Shook stated that he is not sure about having fruit trees due to the numerous insects that attack fruit trees, but he will be growing tomatoes, squashes, cucumbers, honey dew melons and whatever he can grow on the land. He wants to grow without chemicals or pesticides.

Mr. Crall asked Mr. Shook how he is going to market his product. Mr. Shook stated that he would be doing that one day at a time, person to person and word of mouth, Facebook, friends, family, etc.

Mr. Dillard asked Mr. Shook if he would have a retail stand on his property. Mr. Shook stated that he will not; he plans to take his produce to the farmer's market and hopes there is one in Collinsville. His garden will also help his neighbor with his honeybee farm.

**Interested Parties:**

**John Dix**, 12221 North 97<sup>th</sup> East Avenue, Collinsville, OK; stated that he does not live within 300 feet of the subject property but was given the notice from one of his neighbors. Mr. Dix stated that he owns 140 acres and his son owns 10 acres. Mr. Dix stated that he has put millions of dollars into his property. Mr. Dix told the neighbor that brought him the notice that he would write a letter that she could distribute to the neighbors if she wanted. Mr. Dix presented 42 copies of that letter to the Board showing opposition to this request along with a copy of the tract map that accompanied the letters. Mr. Dix read the letter the 42 parties signed. Mr. Dix stated he is not opposed to the applicant purchasing property that is surrounded by AG because it is what the law allows. However, this property, with the potential with the revitalization of the neighborhood, the 42 parties are totally against this request.

**Rebuttal:**

**Cody Shook** came forward and stated he understands the opposition, but he is the young and upcoming generation that is making changes in this world. The 42 people that are worried about their financial hardship is not his concern and it is not his hardship. Mr. Shook stated that he understands where their concern is. He is aware of the school bus stop because his neighbor's children use that bus stop. He does not cause a stink, people do not hear his music, he does not cause a ruckus, there are not a bunch of drunk people at his place; there have only been three other people on his property in the last six months. He won't let people on his property because of what he is doing because he is very cautious. This is his home; it is where he resides, and he plans to farm. Without the Board's approval there is a good chance that he will not have a crop next season. He does not have the money the interested party has, and he does not know the Code like the interested party, but he just wants to farm. He is not versed like the interested party, but he is learning the rules as he goes along. He has a security system set up with 360-degree lighting, 360-degree cameras, and he is a former Marine, so everything is set up.

Mr. Charney stated whether the protestant before the Board has a ton of money or no money it does not matter. What the Board cares about is trying to determine what is the proper land use planning decision given the hand the Board is dealt. Money is not what drives the Board. Mr. Charney does not want Mr. Shook to feel bad for not knowing all of this, he respects him for his convictions about growing organic things. The thing the Board has to concern themselves with is that this is a residentially zoned district, and that triggers a lot of things that the Board has to concern themselves with. The home owned by Mr. Shook is zoned agriculture residential while the former case was zoned RE, residential estate. When someone is seeking a Variance, the Board has to analyze what is before them.

Ms. Miller stated the distinction between this case and the previous case is that the previous case was zoned RE and they were seeking a Use Variance for agricultural uses. This case the property is zoned AG-R which a person can do agricultural use through a Special Exception. A hardship is not needed for a Special Exception, but the applicant has to prove they are not injurious to the neighborhood. The subject property

is an agricultural district, but it is an agricultural residential district which is different from the RE zoned property.

**Comments and Questions:**

Mr. Hutchinson stated that he does not have an issue with grow houses. He has seen how very professional some of them are. The ones he has been to have been in the AG Districts. He thinks Tulsa County is very liberal in how they have allowed for AG and industrial sites do that. When you get into AG-R and the RE it is different. In this case there are so many houses that are right there, so he has a problem with this request. He respects what the applicant wants to do but he has an issue with this location; there are too many houses around the property. Mr. Hutchinson stated he cannot support this request.

Mr. Dillard stated that this is an outside grower not a grow house. He can't see where he is growing the medical marijuana is different than any other crop. If this applicant wanted to only grow tomatoes or okra, he does not think anyone would have attended today's meeting. The security issue, being in a neighborhood, is what concerns him.

Mr. Johnston stated there are a lot of large gardens, but people may want to enter this for profit. Coming across other people's properties to get there is a concern. Even with the previous application the product was contained within a building with a security system which made a difference, and it had AG totally around it.

Mr. Johnston asked if this is denied will it limit the applicant from doing any other agriculture as well. Ms. Miller stated horticulture is only allowed by Special Exception, it does not draw a distinction about medical marijuana, but it does say that in AG-R there is limited farming and animal raising. What limited means she does not know, because she does not know the difference between limited farming and full-blown horticulture.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-1-0 (Charney, Crall, Hutchinson, Johnston "aye"; Dillard "nay"; no "abstentions"; none "absent") to **DENY** the request for a Special Exception to permit Use Unit 3, Agriculture, in an Agriculture-Residential District (Section 310, Table 1); for the following property:

**TRACT D-S 165.52 N 662.08 E 661 N 1/2 SESEC. 1-21-13, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2775—Johnnie Blaylock**

**Action Requested:**

Variance of the allowable square footage for accessory buildings in the RS District (Section 240); Variance to permit an existing accessory building in the front yard in the RS District (Section 420.2). **LOCATION:** 5613 South 113<sup>th</sup> West Avenue

**Presentation:**

**Johnnie Blaylock**, 2208 South 57<sup>th</sup> West Avenue, Tulsa, OK; stated he needs another building for storage. The home owner has five acres with a house and a garage, and there is a music studio for the church band to play in which located on the front of the property. The property to the south had an old house and a lot of junk on it which was a former barbecue place and a flea market, and she has now purchased it. All the junk has been cleaned up and hauled off. With all the residential property she now has to take care of she has had to purchase three lawn mowers, a box blade, a trailer, and a lot of other equipment to maintain the property. The property owner's house was built in 1935 and that garage was not built for today. She would like to build a 40 x 50 building on the back of the property. There is an existing building on the property, which is 1,536 square foot has been there since the 1940s, that was used as a small church.

Mr. Charney asked Mr. Blaylock what type of building will the new building be. Mr. Blaylock stated that it will be a metal building.

Mr. Charney asked Mr. Blaylock if there would be any commercial activity going on. Mr. Blaylock stated there would not, it is strictly a building for personal use to house the equipment needed to maintain 15 acres of residential property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the allowable square footage for accessory buildings in the RS District (Section 240); Variance to permit an existing accessory building in the front yard in the RS District (Section 420.2), subject to the site plan on 7.13 of the agenda packet. The Board finds the hardship to be the existing building that has been on the property for many years putting the property into noncompliance and this will bring the property into compliance, and the size of the lot does not adversely affect the tract. There is to be no commercial activity and the building is for personal use of the owner of the subject tract. In granting a Variance, the Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**5 AC TRACT BEING N420 OF W525 IN NW COR SW SEC 35 19 11, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 3:24 p.m.

Date approved: \_\_\_\_\_

11/19/19

David E. Cherry  
Chair