

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 482**

Tuesday, May 19, 2020, 1:30 p.m.

Williams Tower I

1 West 3rd Street, St. Francis Room

Tulsa, OK

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Charney, Chair Hutchinson, V.Chair Crall, Secretary Johnston	Dillard	Miller R. Jones Sparger J. Wartin	Tosh, County Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14th day of May, 2020 at 9:55 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 1:40 p.m.

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**MINUTES**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of March 17, 2020 (No. 480).

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

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Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application fails. Mr. Charney asked if anyone would like to continue their case and if they understood. Everybody nodded in understanding and one applicant came forward to request a continuance.

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**NEW APPLICATIONS**

**2807—Chris Webb**

**Action Requested:**

Use Variance to allow Use Unit 16 for a Mini-Storage in an AG District (Section 1216); Special Exception to exceed the fence height in the required yard (Section 240.2). **LOCATION:** 9613 East 96th Street North

**Presentation:**

**Chris Webb**, 9611 East 96th Street North, Owasso, OK; asked for a continuance to allow for the possibility of having all five Board members present at the next meeting.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **CONTINUE** the request for a Use Variance to allow Use Unit 16 for a Mini-Storage in an AG District (Section 1216); Special Exception to exceed the fence height in the required yard (Section 240.2) to the June 16, 2020 Board of Adjustment meeting; for the following property:

**E1/2SESWSESE SEC. 13-21-13, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

**2798—Hanford Jenkins**

**Action Requested:**

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1). **LOCATION:** 560 East 62nd Street North

**Presentation:**

**Hanford Jenkins**, 560 East 62nd Street North, Tulsa, OK; stated he would like to build a grow house and the Board requested that he come back with more detailed plans of the proposed building, which he has done.

Mr. Hutchinson asked Mr. Jenkins if the new building proposed is 3,900 square feet, because the original building requested was 1,200 square feet. Mr. Jenkins stated that the new building is 3,500 square feet. Mr. Hutchinson asked Mr. Jenkins if the upstairs portion of the building is about 400 square feet. Mr. Jenkins answered affirmatively.

Mr. Johnston asked staff what the parking requirements are for this particular use. Ms. Jones stated that Ms. Teresa Tosh would be able to answer that question when Mr. Jenkins goes in for his permit.

Ms. Tosh stated the parking requirements will be addressed during the plan review process.

Mr. Hutchinson asked Mr. Jenkins about the two houses that were on the property, the one that burned down and the house that is still standing, will it be staying on the property? Mr. Jenkins stated that he will be clearing everything off the property.

Mr. Hutchinson asked Mr. Jenkins how long the burned house had been on the property. Mr. Jenkins stated the house was burned down when he purchased the subject property, and he has owned the property for about a year.

Mr. Hutchinson asked staff if the property owner had to have a house on the property before he could have an accessory building. Ms. Jones stated that Mr. Jenkins is asking for a Use Variance to use the property as agriculture, that is not the case for this request.

Mr. Crall asked Mr. Jenkins what the height of the proposed building will be. Mr. Jenkins stated that the height will be 14'-0".

Mr. Crall asked Mr. Jenkins about the second floor in the proposed building. Mr. Jenkins stated that the building will be a single story with an office only on the second floor so he could oversee his flowers.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Hutchinson stated that he appreciates the latest drawings that have been presented by Mr. Jenkins because they have helped him in answering a lot of his questions. Mr. Hutchinson stated that his concern is the size of the building, 3,900 square feet, in a residential area, because originally the building was to be 1,200 square feet.

Mr. Johnston asked Mr. Jenkins if he had shared his new plan with the surrounding neighbors. Mr. Jenkins answered affirmatively.

Mr. Johnston asked Mr. Jenkins what the exterior building materials were to be used. Mr. Jenkins stated that he is thinking about either a metal or wood building.

Mr. Crall stated that his reservations are that this is the third time the Board has seen this case, and each time it comes before the Board the plans change. What is in today's packet does not remotely resemble what has been seen.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1), subject to conceptual plans submitted today. The County Permit Office is to review the parking requirements. The Board finds the hardship to be that this particular piece of property is fairly open and there are no protestants. 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:

**E 85.2 LOT 7 BLK 1, FAIRVIEW HGTS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2808—Coleman Swango**

**Action Requested:**

Use Variance to allow Use Unit 25, Light Manufacturing Industry, to allow wine bottling (Section 1225); Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 12345 North Peoria Avenue

**Presentation:**

**Paul Baker**, 12345 North Peoria Avenue, Skiatook, OK; stated he planted grape plants three years ago as a hobby and now he would like to convert the grapes into wine and bottle the by-product. He plans to convert an existing building into the event center.

Mr. Hutchinson asked Mr. Baker what his hours of operation would be for the wedding venue. Mr. Baker stated he hasn't really thought about that yet, but he will defer to his wife.

**Latonya Baker**, 12345 North Peoria Avenue, Skiatook, OK; stated the hours of operation would be whatever permitting would allow.

Mr. Hutchinson asked Ms. Baker if the venue would be held in the first building that is encountered when entering the driveway. Ms. Baker answered affirmatively.

Mr. Hutchinson asked Mr. Baker if he owned the 150 acres surrounding the subject site. Mr. Baker answered affirmatively.

Mr. Hutchinson asked if there would be alcohol provided, music, etc. Ms. Baker stated that weddings would be allowed but she is looking more for birthday parties, anniversaries, reunions, etc. because those would be held mainly during the day. The alcohol usage will be determined by the party that rents the facility; if they have the insurance, if they provide the security, and if they have a bartender because she is not going to provide any alcohol.

Mr. Hutchinson asked if the bottling of the wine would be in the same building or it would be in a different building. Mr. Baker stated that bottling is under the same roof, but it is separated by a 2R firewall.

Mr. Hutchinson asked Mr. Baker if it was his house that is directly behind the building where he wants to have the events. Mr. Baker answered affirmatively.

Mr. Hutchinson asked if the events would be held seven days a week. Ms. Baker answered no.

Mr. Baker stated this all started out because he wanted to bottle his own, and he thought if he is going to renovate a building he might as well make it very attractive and hold events.

Mr. Johnston asked where the parking would be on the site. Ms. Baker stated that it will be south of the building.

Mr. Johnston asked Mr. Baker if he planned to install an impervious material underneath the gravel. Mr. Baker answered affirmatively.

Mr. Hutchinson asked what the square footage of the venue would be. Mr. Baker stated that he plans on 3,000 square feet.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to allow wine bottling (Section 1225), subject to conceptual plan 4.8 of the agenda packet. The approval is subject to what was discussed at the meeting today and to what the applicant has provided in writing. The Board has found the hardship to be that the applicant owns almost 160 acres. 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. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**A tract of land located in Government Lots Four (4) and Five (5) of Section Six (6) in Township Twenty-One (21) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, Oklahoma; being more particularly described as follows:**

**Commencing at the NW corner of Sec.6, T-21-N, R-13-E, I.B.&M.; Thence S 0°59'57" E along the west line of the NW/4 of said Sec.6 a distance of 33.00 feet; Thence N 88°43'01" E parallel with the north line of said NW/4 a distance of 16.50 feet; Thence S 0°59'57" E along the east statutory right-of-way of North Peoria Avenue a distance of 848.00 feet to the Point of Beginning; Thence N 89°44'29" E a distance of 580.30 feet; Thence S 00°59'57" E a distance of 350.00 feet; Thence S 89°44'29" W a distance of 285.34 feet; Thence S 0°59'57" E a distance of 203.90 feet; Thence S 86°49'09" W a distance of 295.20 feet to said east statutory right-of-way; Thence N 0°59'57" W a distance of 568.95 feet to the Point of Beginning, and containing 6.094 acres, more or less, OF TULSA COUNTY, STATE OF OKLAHOMA**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). The approval is conditioned on the promise that the owners will ensure that the time and the nature of the events will not be carried on in such a volume or such hours as to be injurious to the neighbors. The Variance approval is conditioned that where the gravel parking is located that there is a customarily

appropriate mat or layer underneath the gravel consistent with proper construction methods, and once the gravel is laid down that appropriate dust control measures be implemented by the owner to make certain that the dust is not a nuisance to the area. The Board has found that the hardship for the Variance is the large nature of the tract and where it is located and the nature of the way the lot is to be constructed by granting the Variance will not cause detriment to the public good or impair the purposes, spirit or intent of the Code. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**A tract of land located in Government Lots Four (4) and Five (5) of Section Six (6) in Township Twenty-One (21) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, Oklahoma; being more particularly described as follows:**

**Commencing at the NW corner of Sec.6, T-21-N, R-13-E, I.B.&M.; Thence S 0°59'57" E along the west line of the NW/4 of said Sec.6 a distance of 33.00 feet; Thence N 88°43'01" E parallel with the north line of said NW/4 a distance of 16.50 feet; Thence S 0°59'57" E along the east statutory right-of-way of North Peoria Avenue a distance of 848.00 feet to the Point of Beginning; Thence N 89°44'29" E a distance of 580.30 feet; Thence S 00°59'57" E a distance of 350.00 feet; Thence S 89°44'29" W a distance of 285.34 feet; Thence S 0°59'57" E a distance of 203.90 feet; Thence S 86°49'09" W a distance of 295.20 feet to said east statutory right-of-way; Thence N 0°59'57" W a distance of 568.95 feet to the Point of Beginning, and containing 6.094 acres, more or less, OF TULSA COUNTY, STATE OF OKLAHOMA**

### **2809—Kevin Watkins**

#### **Action Requested:**

Variance to allow two dwelling units on a single lot of record in a RE District (Section 208). **LOCATION:** 10543 North 127th Avenue East

**Mr. Hutchinson recused and left the meeting at 2:32 P.M.**

#### **Presentation:**

**Kevin Watkins**, P. O. Box 84, Sperry, OK; stated he would like to build a mother-in-law quarters for the homeowner. This quarters will be stick built, wainscot, brick façade on the front and will be nicer than the existing houses.

Mr. Charney asked Mr. Watkins what the square footage would be for the quarters. Mr. Watkins stated that it would be 563 square feet.

Mr. Charney asked Mr. Watkins if the quarters would be accessed by the existing driveway. Mr. Watkins answered affirmatively stating that there is a large circle drive and there will be a 24-foot apron in front of the quarters.

Mr. Charney asked Mr. Watkins if the resident living in the quarters would have a concrete pad to park their car on. Mr. Watkins answered affirmatively.

Mr. Charney asked Mr. Watkins if there would be an additional curb cut required off 127th. Mr. Watkins answered affirmatively stating that there are no curbs but there are open ditches and driveways.

Mr. Charney asked Mr. Watkins if the new quarters would architecturally match the main dwelling. Mr. Watkins answered affirmatively stating the main dwelling is full brick and the quarters will be brick on the front with wainscot on the sides.

Mr. Charney asked Mr. Watkins if the quarters would be used for commercial use. Mr. Watkins answered no stating that it is for the main resident's mother-in-law.

Mr. Charney asked Mr. Watkins if there were other out buildings located on the subject property. Mr. Watkins stated there is a detached garage on the other side of the property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-1 (Charney, Crall, Johnston "aye"; no "nays"; Hutchinson "abstaining"; Dillard "absent") to **APPROVE** the request for a **Variance** to allow two dwelling units on a single lot of record in a RE District (Section 208), subject to conceptual plan 5.14 of the agenda packet. The new building is to be accessed by the same driveway as the main residence on the subject property. The Board has found the hardship to be the large oversized nature of the subject lot, and that it is bordered with transitional uses on three sides of the lot. 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 869.14 W & 481.13 S NEC NE E 453.17 S 240.56 W 453.7 N 240.56 TO BEG SEC 17-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA**



**Mr. Hutchinson re-entered the meeting at 2:40 P.M.**

**2810—Tony McKnight**

**Action Requested:**

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a CS District (Section 1203). **LOCATION:** 2404 South 265th Avenue West

**Presentation:**

**Tony McKnight**, 4824 South 277th West Avenue, Sand Springs, OK; stated he would like to convert the old storage building into a growing facility.

Mr. Charney asked Mr. McKnight if he had spoken with the surrounding neighbors or if anyone had contacted him about his request. Mr. McKnight stated no one is protesting the request that he is aware of. Mr. McKnight stated there is another grow house next door.

Mr. Charney asked Mr. McKnight if he was contemplating erecting two different buildings. Mr. McKnight answered no.

Mr. Charney asked Mr. McKnight what the building size would be. Mr. McKnight stated the building would be 120 x 60 and it is the back building.

Mr. Hutchinson asked Mr. McKnight if the front building was still a feed store. Mr. McKnight answered affirmatively.

Mr. Charney asked Mr. McKnight if the building he is talking about is located in the northwest corner of the subject tract. Mr. McKnight answered affirmatively.

Mr. Hutchinson asked Mr. McKnight what the building is being used for currently. Mr. McKnight stated the building is currently empty.

Mr. Charney asked Mr. McKnight if it would be strictly growing activity that would be taking place inside the building or would there be manufacturing or other activities? Mr. McKnight stated that it will be just growing inside the building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a CS District (Section 1203), subject to conceptual plan 6.12 of the agenda packet. There is to be no changes to the outside appearance of the building. The Board finds the hardship to be that it is an existing building and the applicant is just changing the use of the facility within the envelope of the building. 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:

**PRT SW NE BEG 491.05N SWC NE TH N631.92 NELY435.36 SWLY338.99 SW255.71 SWLY214.45 POB SEC 18 19 10 3.70ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2811—Sara Fry**

**Action Requested:**

Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D); Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** 3921 East 181st Street South, Bixby

**Presentation:**

**Sara Fry**, 3913 East 181st Street South, Bixby, OK; stated she has an existing barn that she would like to utilize as an open-air event space as well as the surrounding land and property.

Mr. Charney asked Ms. Fry if she had heard from any of her neighbors. Ms. Fry stated she has spoken with all the neighbors. She lives on the property and is familiar with all the neighbors and they are aware of her intentions, and as of right now she has everyone’s full support.

Mr. Charney asked Ms. Fry what her hours of operation would be and what her rules and regulations would be. Ms. Fry stated that she has a broad range of ideas so she would not specifically be just weddings, she would like to keep that as a smaller portion of what she does. Ms. Fry stated she lives on site so 11:00 P.M. would be the shut off time of the events.

Mr. Charney asked Ms. Fry about the proposed gravel surface. Ms. Fry stated that dust control is very important to her because she does live on site, and she stated the gravel parking is already existing and it has been done to all the standards mentioned in the previous case.

Mr. Charney asked Ms. Fry if she has already accomplished all the parking she will need for the proposed events. Ms. Fry answered affirmatively. Ms. Fry stated that for the majority of her events she uses the gravel space with an overflow area which is a grass field, and to get to the field there is a gravel drive. Mr. Charney stated if there is consistent overflow it is important to the Board that the overflow parking area be an appropriately constructed gravel lot. Ms. Fry acknowledged her understanding.

Mr. Hutchinson asked Ms. Fry if she was constructing a new 25 x 25 restroom for the event venue. Ms. Fry answered affirmatively. Mr. Hutchinson asked if she would be tying the new facility into a new septic system and held to Tulsa County Code. Ms. Fry answered affirmatively.

Mr. Johnston asked Ms. Fry if her request for the minimum frontage requirement is because the existing drive is being used. Ms. Fry answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D); Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207), subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by 11:00 P.M. The drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or

exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**N/2 SE SW SEC 33 17 13 20ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2812—MFA Oil Company – Don E. Smith**

**Action Requested:**

Use Variance to allow Use Unit 26, Moderate Manufacturing and Industry, for propane storage tanks in an AG District (Section 1226). **LOCATION:** 348 East 184th Street North, Skiatook

**Presentation:**

**Dustin Snodgrass**, 9201 East 94th Street North, Owasso, OK; stated he is a representative for MFA Oil Company and Don Smith in this matter. He is attempting to correct an oversight from 23 years ago. There was a 30,000 gallon propane tank installed on the subject property in 1997. The installation of the tank went through all proper permitting, per the LP Gas Administration, per NFPA fire codes, and everything is up to Code. The oversight was that the property was zoned AG and it was never properly before the Board in 1997 to be zoned for moderate manufacturing and industry. He is here today to correct this oversight from 23 years ago.

Mr. Charney asked Mr. Snodgrass if there were any new activities going on at the site compared to what was happening the last several years. Mr. Snodgrass answered no. Mr. Snodgrass stated that the site is not public; there is no office building on the site and it is just a storage tank where the company trucks are filled.

Mr. Charney asked Mr. Snodgrass what triggered the need for this application. Mr. Snodgrass stated that due to the flooding last year FEMA came out and performed an inspection, and that is when it came to light that the zoning had never been applied for in 1997.

Mr. Charney asked Mr. Snodgrass if the large subject tank is located in a FEMA controlled or regulated flood plain. Mr. Snodgrass stated that he believes it is. Mr. Snodgrass stated that FEMA is okay with the 30,000 gallon tank staying on the property but all the small tanks, similar to the ones located at houses, that are stored on the lot be removed. The company has removed all of the smaller tanks except one and that one will be removed by the end of the month.

Mr. Charney asked Mr. Snodgrass if the 30,000 gallon tank could be dislodged and float away since it is still located in a floodplain if the area were to get a large flood again.

**Nate Salmon**, 14602 East 111th Court North, Owasso, OK; stepped forward and stated the tank last year went through the 100-year flood and the water barely touched the

bottom of the storage tank. To get the tank off the piers the water would have to lift the tank up about two feet off the piers, so he thinks it would take a lot more flooding than what happened last year.

Mr. Salmon stated the owner next to the subject property, to the west, owns part of the pond that is located there and he will be working on the pond to help the spillway because it is holding back too much water. Where the water is dumping out right now is actually circulating back into the pond, so that owner is going to work on getting that to drain better.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Use Variance to allow Use Unit 26, Moderate Manufacturing and Industry, for propane storage tanks in an AG District (Section 1226). The applicant is to work with Tulsa County and FEMA to comply with all regulations. The Board finds the hardship to be that the tank has been on the site since 1997. 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:

**PRT N/2 SW NW BEG 540.64E & 30S NWC THEREOF TH E330 S330 W330 N330 POB LESS W40 THEREOF FOR RD SEC 1 22 12 2.500ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2813—Tye Smith**

**Action Requested:**

Variance of the required 75-foot setback from an abutting AG District to 10 feet in an IL District (Section 930, Table 2); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 6235 North Mingo Road

**Presentation:**

**Tye Smith**, 1223 East 27th Street, Tulsa, OK; stated he purchased the subject property and had 6 ½ acres portioned off for a future storage area. The land has been rezoned from agricultural to light industrial, and that is when he found out that a light industrial

zone abutting agricultural requires a 75-foot setback. Because of the dimensions of the land a 75-foot setback would eat into the usable area so he is hoping the Board will approve the request. Mr. Smith stated that his closest neighbor is a dirt pit that is north of his property and they load and unload dirt and sand from the Bird Creek bank. To the south is a festival area, which a 60-acre grassy area where people congregate for festivals. The area is very remote, and the land that adjoins the 6 acres on the north and east side, which is where the setback issue is, is also his property because he purchased 80 acres through a different LLC. Mr. Smith stated that he would comply with the 75-foot setback along Mingo Road, but he hopes the setback along the north and the east could be reduced to a 10-foot setback. Each of the storage units will be about 12 to 14 feet wide, so the 65 feet of difference would mean about ten additional storage units in each building and there will be eight buildings. This will make a substantial feasibility to the project. Mr. Smith stated that he would like to have a gravel surface because of the location, there will be no routine traffic, and the units will be enclosed boat and RV storage units; it will not be mini storage. The business will be strictly held to boat, RV, automobiles, and large items. The traffic will be the people that come to get their boat or RV out of the storage unit. The units will be metal structures and enclosed. There will be lighting and a security fence around the entire property with security cameras.

Mr. Charney asked Mr. Smith if there would be any outside storage. Mr. Smith stated that his plan is to build one row of storage units to prove the concept before he spends the money to develop the entire site. During the build out process he would be open to potentially storing items outside until the site is all built out. The end game, though, is to have everything enclosed.

Mr. Charney asked Mr. Smith if he would be willing to install an impervious material underneath the gravel if the Board chose to approve the request. Mr. Smith stated that he plans to excavate the topsoil and putting down about 6 inches of gravel, and he is hoping to not put down the fabric because there is about 150,000 square feet of gravel on the site. He thinks the gravel will be so thick and the soil will be excavated underneath it, and the area will be compacted so he does not think he will need the fabric, but if it is a requirement he would observe it.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Variance of the required 75-foot setback from an abutting AG District to 10 feet in an IL District (Section 930, Table 2), subject to conceptual plans 9.10 and 9.11 of the agenda packet. The Board finds the hardship to be the change in elevation of the land,

and how the remainder of the land is situated and the open agricultural nature creating no harm to anyone nearby. 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:

**BEG SWC LT5 TH E330 N900 W259.43 S183.60 W70.60 S717.69 POB LESS W16.5  
THEREOF FOR RD SEC 6 20 14 6.248ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Variance from the all-weather parking surface requirement (Section 1340.D), subject to the conceptual plans 9.10 and 9.11. The approval is subject to having an impervious material underneath the 6” of gravel to separate the dirt and mud from the gravel. The Board finds the hardship to be that it will not be a high traffic area. 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:

**BEG SWC LT5 TH E330 N900 W259.43 S183.60 W70.60 S717.69 POB LESS W16.5  
THEREOF FOR RD SEC 6 20 14 6.248ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Charney left the meeting at 3:30 P.M.**

**2814—Farshid Zandi**

**Action Requested:**

Use Variance to allow Use Unit 25, Light Manufacturing Industry, for processing in an AG District (Section 1225). **LOCATION:** 10251 East 171st Street South, Bixby

**Mr. Charney re-entered the meeting at 3:33 P.M.**

**Presentation:**

**Farshid Zandi**, P. O. Box 4769, Tulsa, OK; stated he owns about 120 acres south of Bixby and he would like to build a 1,500 square foot metal building for processing hemp and flowers that are grown next door.

Mr. Charney asked Mr. Zandi if he had spoken with any of the surrounding neighbors. Mr. Zandi stated that he has not; he does not know any of the neighbors. Mr. Charney asked Mr. Zandi if anyone had contacted him regarding this request. Mr. Zandi answered no.

Mr. Hutchinson asked Mr. Zandi to describe the processing to the Board. Mr. Zandi stated that he will be taking the hemp and the flowers from the grower next door, dry them, pack them, and do some extraction.

Mr. Hutchinson asked Mr. Zandi if there would be any noisy equipment. Mr. Zandi answered no. The extractor is an enclosed unit that works with heat and cold in the process. The only loud noise will be from the air conditioning unit.

Mr. Charney asked Mr. Zandi if he owned a 75-acre tract. Mr. Zandi answered affirmatively and stated that one tract is 75 acres and the adjacent tract is about 60 acres.

Mr. Charney asked Mr. Zandi if there would be adverse smells associated with the processing. Mr. Zandi answered no because it is an enclosed unit. Mr. Charney asked Mr. Zandi if there would be any emissions or odors associated with the processing. Mr. Zandi stated there will be filters installed in the building and the unit that he will be using is 99.9% retained. The smells will come from the growing process and the growing is done on the adjacent property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Use Variance to allow Use Unit 25, Light Manufacturing Industry, for processing in an AG District (Section 1225), subject to conceptual plan 10.12 of the agenda packet. The building is to not exceed 1,500 square feet. The Board has found the hardship to be that the building will be located on 75 acres and the applicant owns the property surrounding the subject site, and it is rural area with a very small building footprint on a large tract. Finding 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:

**S/2 SW LESS BEG SWC THEREOF TH N100 E1150 SE127.5 E525 SE51 E810 S65 W2660  
POB SEC 30 17 14 74.915ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2815—Wendi Foy Green**

**Action Requested:**

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 20 feet to permit a lot split in the AG District (Section 207).

**LOCATION:** 14334 South Utica Avenue East, Bixby

**Presentation:**

**Wendi Foy Green**, 12660 South 71st East Avenue, Bixby, OK; stated she would like to defer the presentation to Mr. Austin Wojciechowski.

**Austin Wojciechowski**, 7035 East 127th Street South, Bixby, OK; stated currently there is one lot that Utica dead ends in to and the family would like to split it into two lots so they may build on the land together. Utica is a residential collector street so it should be 60 feet wide per Tulsa Code, but the property is only 50 feet wide, so the request is to allow the property to be split it in to a 20-foot and a 30-foot piece so each family could have an entry. Currently the entry would be used as a mutual entry but the family would like to make sure everything is laid out so that at any point the property would satisfy the requirements of the Tulsa County Code.

Mr. Charney asked Mr. Wojciechowski if there was currently any structure on the property. Mr. Wojciechowski answered affirmatively stating that there is currently an old shed on the property and a house is proposed to be built in front of the shed, and on the south tract there would be a house and a barn; there are permits for both of these.

Mr. Charney informed Mr. Wojciechowski that it is important he know that if the Board were to grant this request that there would be no further sub-dividing of Tract 1 or Tract 2 without the proper platting process. Mr. Wojciechowski stated that the family has no intentions of doing that because this is to be a long-term family space.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “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 20 feet to permit a lot split in the AG District (Section 207). The approval has the condition that neither Tract 1 nor Tract 2 will be sub-divided again without appropriately following all platting procedures. The Board has found the hardship to be the unique configuration of the land by the way it abuts against the publicly dedicated right-of-way and the property is only 50 feet in width; with the two tracts one would have to be 30 feet and the other being 20 feet. 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:

**TRACT 1: A TRACT OF LAND BEING A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (E/2 SE/4 NW/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID E/2 SE/4 NW/4; THENCE SOUTH 88°43'10" WEST ALONG THE NORTH LINE OF SAID E/2 SE/4 NW/4 FOR 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°13'02" EAST FOR 30.00 FEET; THENCE SOUTH 59°30'13" WEST FOR 346.24 FEET; THENCE SOUTH 01°12'55" EAST FOR 65.00 FEET; THENCE SOUTH 88°43'10" WEST FOR 330.00 FEET TO A POINT ON THE WEST LINE OF SAID E/2 SE/4 NW/4; THENCE NORTH 01°12'55" WEST FOR 264.00 FEET TO THE NORTHWEST CORNER OF SAID E/2 SE/4 NW/4; THENCE NORTH 88°43'10" EAST ALONG THE NORTH LINE OF SAID E/2 SE/4 NW/4 FOR 632.00 FEET TO THE POINT OF BEGINNING, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2816—Laura Roy**

**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:** 14323 South 33rd West Avenue, Glenpool

**Presentation:**

**Laura Roy**, 14323 South 33rd West Avenue, Glenpool, OK; stated she would like to split the property for family use. Her son would like to build a home on a tract within her land. When she purchased the land many years ago, she required the then owner to afford her the opportunity to purchase the 50-foot strip which goes to the public road, that would assure access to her property. Ms. Roy stated that both tracts of land will eventually end up in her son's possession.

Mr. Charney asked Ms. Roy if it was Tract B that has no true frontage. Ms. Roy answered affirmatively.

Mr. Charney suggested to Ms. Roy that in case these pieces of property are ever severed it is important that is covered in a document as to how the access is maintained.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “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 12.6 in the agenda packet. There is to be no further splitting of Tracts A or B without proper platting procedures. There is to be a properly recorded access and utility easement that speaks to the proper maintenance of the easement for Tract B allowing access to a publicly dedicated road. The Board finds the hardship to be the very unique nature of the parcel being offset from the publicly dedicated road by several hundred feet and the pan-handle nature of the pre-existing configuration. 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:

**A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. DESCRIBED AS FOLLOWS: THE SOUTH 759.84 FEET IF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.**

**MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01° 09' 07" W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1318.67 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE N 89° 02' 23" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A**

DISTANCE OF 1318.52 FEET, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 01° 09' 06" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 559.65 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING S 01° 09' 06" E, CONTINUING ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 06" W, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 89° 04' 33" E, PARALLEL WITH AND 759.84 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5.75 ACRES / 250,465.01 SQUARE FEET., OF TULSA COUNTY, STATE OF OKLAHOMA

### **2817—Tammy Rotert**

#### **Action Requested:**

Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E). **LOCATION:** 6902 West 34th Street South

#### **Presentation:**

**Ken Rotert**, 6902 West 34th Street, Tulsa, OK; stated the neighbors on the north side of 34th Street have no restriction requirements; they can build as large as they wish and they do. The neighbors on the south side of 34th Street have a restriction of 750 feet. The neighbors to the east and to the west have both been before the Board to build larger buildings. Mr. Rotert stated he purchased the house right out of high school and it was only 525 square feet in size. He has increased that house footage to be about 7,000 square feet. The outbuildings have been built over the years with what he could afford and now he is in the position to raze them all and build one nice building which he would make look like an authentic barn with full sized windmill and a silo. Mr. Rotert stated he would like the property to look like a farm property. The position of the proposed building will be nestled against the hill with a restricted view from the road, but it does not take any of the trees away.

Mr. Charney asked staff if the property was in a platted sub-division. Ms. Jones stated the request is due to the property being inside an RS District, it is not in a platted sub-division.

Mr. Charney asked Mr. Rotert if his lot size was 1.85 acres. Mr. Rotert answered affirmatively.

Mr. Charney asked Mr. Rotert about the height of the barn. Mr. Rotert stated that to the top of the rooster it will be below 35 feet. With a gambrel roof, he will probably have to reduce the width of the building. He would like to do 36 feet wide on the barn structure but he does not believe he will be able to do so. The footage will not change because the barn he has chosen has the gambrel roof to look like a barn and for it to be proportional there will be a lean-to that comes out one side that will meet the 36 feet. Mr. Rotert stated that if he maintains a 30 to 32-foot width he can keep the point of the rooster below 35 feet.

Mr. Johnston asked Mr. Rotert what type of exterior materials he would be using. Mr. Rotert stated that he plans to build a steel building and use corrugated metal for the roof, then he will use saw mill oak on the front because he wants the front to look like a barn, and then R panel metal will be used on the two sides which is what the neighbors have; his panels will be grey in color.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E), subject to conceptual plan 13.11 in the agenda packet. Once the new building is completed all the other out-buildings will be razed. The Board has found the hardship to be the large tract of land, 1.8 acres. 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:

**E264 S305.8 NE SW NE SEC 19 19 12 1.853ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2818—Joshua Hutchinson**

### **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:** North of the NE/c of East 166th Street North & North Memorial Drive

### **Presentation:**

**Josh Hutchinson**, 12008 East 105th Place North, Owasso, OK; stated he is doing a lot-split on a 29-acre parcel that he purchased, and currently there is a 58-foot wide gravel driveway to access the 29 acres as it opens up. His goal is to take the back 10 acres and do a lot split so he can build a house there.

Mr. Charney asked Mr. Hutchinson if he planned to share the drive or would the property have two separate drives? Mr. Hutchinson stated that it most likely would be a shared gravel driveway about 12 feet wide all the way back to the rear parcel.

Mr. Charney asked Mr. Hutchinson if he would agree to no other lot splits unless it went the proper platting process if the Board were to grant his request today. Mr. Hutchinson answered affirmatively.

**Mr. Don Hutchinson stated that to his knowledge he is not related to Mr. Josh Hutchinson but needs to ask Mr. Hutchinson who his father is to make sure they are not related, because if they are related, he will recuse himself from this case. Mr. Don Hutchinson asked Mr. Josh Hutchinson who his father is, and Mr. Josh Hutchinson stated his father is Tony Hutchinson and lives in Chouteau. Mr. Don Hutchinson stated that he and Josh Hutchinson are not related.**

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “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). There is to be no further splitting of the subject tract without going through the normal platting process. The Board has found the hardship to be the unique panhandle shape of this lot, and how the substantial portion of the lot is offset from the publicly dedicated roadway. 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 1981.01N & 33.04W SECR SE TH N660.24 W2606.77 S659.94 E2606.85 POB LESS TR BEG 33W & 358.965 SECR NE TH S301 W731 N301 E731 POB & LESS TK BEG 33W & 57.96 S SECR NE S301 W731 N301 E731 POB SEC 11 22 13 29.398ACS, 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**

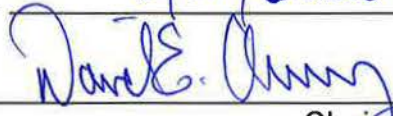
Mr. Hutchinson stated that he signed the meeting minutes in Mr. Charney's absence due to the virtual meeting.

Mr. Charney extended a special thank you to the staff for pulling this virtual meeting together, it is appreciated.

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There being no further business, the meeting adjourned at 4:16 p.m.

Date approved:

6/16/2020  
  
Chair