

**TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 485**

Tuesday, August 18, 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		Wilkerson	Tosh,
Hutchinson, V.Chair		R. Jones	County Inspector
Crall, Secretary		Sparger	
Dillard		Wertin	
Johnston			

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 13th day of August, 2020 at 8:48 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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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-1 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; Charney "abstaining"; none “absent”) to **APPROVE** the Minutes of July 21, 2020 (No. 484).

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**UNFINISHED BUSINESS**

None.

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## **NEW APPLICATIONS**

### **2832—Connie Blizzard and Kelly Schiavo**

#### **Action Requested:**

Modification to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG District (Section 310). **LOCATION:** 7845 East 86th Street North, Owasso

#### **Presentation:**

**Kelly Schiavo**, 14013 East 90th Street North, Owasso, OK; stated she co-owns a wedding venue with Connie Blizzard. They have invested a lot of money into the business and would like to have permanent zoning.

**Connie Blizzard**, 12706 East 77th Place North, Owasso, OK; stated when the business was opened, they were given a three-year temporary approval and the three years have passed.

Mr. Charney asked the applicants if they had received any complaints about their business. Ms. Schiavo answered no. Ms. Blizzard stated that they speak with the neighbors on a regular basis just to make sure that there are no issues. Ms. Schiavo stated that the neighbors have their contact information so that if anything becomes an issue for them the neighbors can call them.

Mr. Hutchinson asked the applicants how many events have been held in the three-year time period. Ms. Schiavo stated there have been 70 events held, some were large, and some were small. There have been as many as 250 guests and as few as 20 guests. Ms. Blizzard stated the event center was not open to the public in the first year because they were preparing the opening.

Mr. Charney asked the applicant if there was outdoor music played at events and what the hours of operation are. Ms. Schiavo stated the hours of operation are Tuesday through Thursday, 9:00 A.M. to 6:00 P.M., and Friday through Sunday, 9:00 A.M. to 12:00 midnight. There is no music played after 11:00 P.M. The music is generally played in the reception area, however, there was one large wedding that spilled to the outside but that was due to Covid and social distancing. Ms. Schiavo stated that since Covid the guest level has been cut by a third to meet the requirements of Covid.

#### **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 Modification to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG District (Section 310). The hours of operation are to be Tuesday through Thursday, 9:00 A.M. to 6:00 P.M., and Friday through Saturday, 9:00 A.M. to 12:00 midnight. There is to be no music played after 11:00 P.M.; for the following property:

**E/2 SW SE SE LESS .12 AC FOR RDS SEC 23 21 13 4.88 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2833—Desirae Ozark**

**Action Requested:**

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203). **LOCATION:** 21609 West 14th Street South

**Presentation:**

**Desirae Ozark**, 21609 West 14th Street South, Sand Springs, OK; stated her property is zoned residential and she would like to have the zoning changed to agricultural so she can have a horticulture nursery on the property. Ms. Ozark stated she has discussed the proposed change with her neighbors and the neighbors directly to the east are in attendance to show their support; all three neighbors around her are in support of this request. Ms. Ozark stated that some of the neighbors did express concern about the crop that would be grown in the shop. This site would just be a grow site, there would be no distribution, no selling, no customers and grow addresses are not public so it will not hurt home values because no one will know the shop exists. Ms. Ozark stated she is a realtor so she is aware of what can affect home values. Ms. Ozark stated a neighbor had expressed a concern about the smell and she will be installing an air filtration system so there will be no smell. The neighbors will have no idea that the facility is there other than the fact that this request process has been done to let them know.

**Forrest Ozark**, 21609 West 14th Street South, Sand Springs, OK; stated there is one neighbor that will probably speak out against this proposal, but he is against anything that might happen in the neighborhood; his nature is to be difficult.

Mr. Hutchinson asked Ms. Ozark how many plants would be grown in the building. Ms. Ozark stated the building is 900 square feet and she is not sure how many will grow and how many she will be able to keep alive. The growing process is hard, and it takes a lot to have a harvestable crop. The shop is heated, cooled, and insulated and if they had to do this elsewhere, she would have to purchase property and build a structure. Mr.

Ozark stated that finances will be a factor also because the installation of lighting will be expensive.

Mr. Hutchinson asked the Ozarks about security of the site. Ms. Ozark stated there is an existing security fence around the back of the property, and there are cameras with future cameras to be installed.

Mr. Hutchinson asked if the facility would be an LLC. Ms. Ozark answered affirmatively and stated that she has not started that process because this hearing is the first step.

Mr. Johnston asked Ms. Ozark if anything would change in the exterior appearance of the building. Ms. Ozark answered no.

Mr. Johnston asked Ms. Ozark how they would be removing the plant material. Ms. Ozark stated the plants will be taken from the shop and transported to a testing center, and the plants will never come back to the property.

Mr. Hutchinson asked Ms. Ozark if she took the entire plant to be tested or is it just the bud taken to be tested. Ms. Ozark stated that it is just the buds of the plant that are taken to be tested.

Mr. Charney asked Ms. Ozark if there would be any increase in traffic as a result of this proposed operation other than the personal vehicles. Ms. Ozark stated there would no increase in traffic.

**Interested Parties:**

**Diana Ozark**, 21603 West 14th Street, Sand Springs, OK; stated she lives next door to the east and she is here today to support this request.

**James Ozark**, 21603 West 14th Street, Sand Springs, OK; stated Forrest is his son and he does not see a problem in having the grow facility next door.

**William Wilkins**, 21521 West 14th Street South, Sand Springs, OK; stated he lives three doors east of the subject property. His concern is not with what Ms. Ozark wants to do but his concern is in the way it is being done. This is essentially seeking to rezone a residential use district to allow the agriculture use. There is a reason the Zoning Code does not provide for an agricultural Use Unit 3 by right or Special Exception. This would open up this densely packed neighborhood to all kinds of requests for other agricultural uses. Many people built or purchased houses in this neighborhood understanding that there was no agricultural use permitted. The residents chose a more traditional neighborhood in the County rather than an outlying larger cluster of residential that would allow agricultural use. The neighborhood is like a city neighborhood, single family residential houses that are sitting side by side as found in most city neighborhoods. There is no agricultural growth or livestock in the neighborhood beyond small personal gardens. The application made states that it is for a non-residential use. The neighborhoods current restricted covenants state that the lots are known for and

described for residential use only. Staff has stated that the applicant is seeking this accommodation for an indoor marijuana grow room in the detached accessory building. It is well documented that such grow rooms produce odors that are inconvenient to say the least, especially when the product is being dried. The odor will have adverse impact on neighbors and their property values. Mr. Wilkins stated that Section 16.080.1A of the Zoning Code states that the Board of Adjustment may only grant the Special Exception use as designated. There is no allowance within a residential district provisions under Section 410 for Use Unit 3 or an accessory use in Section 420. Mr. Wilkins stated that he believes such a use belongs in a dedicated commercial or agricultural zoned district not a residential district.

Mr. Charney stated that the applicant is seeking a Use Variance not a Special Exception, he just wants to make certain that everyone understands the request.

**Christina Nichols**, 21488 West 13th Place South, Sand Springs, OK; stated she lives five lots east of the subject property. She does not have an issue with the way the Ozarks are conducting this request because they are trying to do everything legally, but she has an issue with the fact that the neighborhood is not zoned for agricultural. She believes this will set the neighborhood up for more traffic if the word gets out that there is a nursery in the neighborhood. The other issue is that the HOA is currently reviewing the neighborhood covenants. The neighborhood cannot have farm animals because the area is residentially zoned. Ms. Nichols stated there are also concerns about the children in the neighborhood.

Mr. Charney stated the Board tries to analyze requests separate and apart from any private covenant issues. The Board recognizes that their purview is to determine whether or not a Variance should or should not be granted separate and apart from private covenants. The Board does not make their decisions based upon construing or analyzing or interpreting private covenants. The Board recognizes that the respective property owners, regardless of what the Board says, may say a request violates a covenant and they have a right pursue whatever approach they may think is consistent with the covenants or whatever legal means are available. Mr. Charney stated that he wants to make sure the interested parties understand that is not the focus of this Board. This Board is strictly a land use planning component to determine whether what is being sought is injurious to the neighborhood or inconsistent with what would otherwise be going on in the neighborhood.

**Rebuttal:**

**Desirae Ozark** came forward and stated she plans to implement a carbon filtration system so there will be no smell that gets out into the neighborhood. The neighborhood is unique in that is right on the Arkansas River and is surrounded by agricultural property; the lots are spread out. Neighbors ride around on four-wheelers and golf carts which are not something that is seen in an inner-city neighborhood. The neighborhood is a rural style neighborhood. Across the street from her property is a beach, the levy, and the Arkansas River; she does not have close neighbors. The interested parties that spoke live down the street from her and they would not be directly impacted from her

proposal. Ms. Ozark stated that she knows people that have grow facilities and the carbon filtration system is the system they use to contain smell because that is what a carbon system is for. A carbon filtration system is to purify the air and remove smells.

Mr. Hutchinson asked Ms. Ozark if her property was about 1/3 acre. Ms. Ozark answered affirmatively.

Mr. Hutchinson asked staff if there is still a slight smell even with the use of a carbon filtration system. Ms. Tosh stated that there is still a slight smell and there are complaints about smells. Putting a grow facility in a neighborhood may be a negative side effect of the facility. No matter how much filtration is used you can still smell them. Mr. Ozark stepped forward and stated that the smell would be contained to the immediate area around the facility with the carbon filtration system, it would not permeate the neighborhood.

**Comments and Questions:**

Mr. Hutchinson stated he has a problem with this being in an RS zoning. He thinks Tulsa County is very liberal in what they allow as far as the AG, commercial or industrial zoning. He would have a hard time supporting this request because it is in a residential neighborhood.

Mr. Charney stated that he agrees with Mr. Hutchinson. This property is a 1/3 acre which is standard for a city sized lot, and if there is an odor associated with the grow facility, he has trouble with it being in an RS District.

Mr. Dillard stated he has no problem with this request because of the filtration system; there would be no complaints if the applicant were growing tomatoes. Because the applicant wants to grow marijuana there is the social issue that goes with it and the public hides behind the smell.

Mr. Johnston agreed with Mr. Dillard. Mr. Johnston stated this is an existing building and it does not show as a grow facility. He could support this request, but if the existing building were to be enlarged or it became an outdoor grow facility his opinion would be different.

Mr. Crall stated that he understands a Use Variance cannot be based on financial burden, and that was the only reason given for this request. He does not think that is sufficient for him to approve this request in a residential area on a small piece of property.

**Board Action:**

On **MOTION of HUTCHINSON**, the Board voted 3-2-0 (Charney, Crall, Hutchinson, “aye”; Dillard, Johnston “nays”; no “abstentions”; none “absent”) to **DENY** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203); for the following property:

**LT 2 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2834—Larry Hotson**

### **Action Requested:**

Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E); Variance to permit a detached accessory building in the side yard in an RS District (Section 420.2-A.2); Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2). **LOCATION:** 3116 South 61st West Avenue

### **Presentation:**

**Larry Hotson**, 3118 South 61st West Avenue, Tulsa, OK; stated he owns 3116 South 61st West Avenue, which is next door. This request came about because he tried to get an electrical line run to a single car garage on the property, and that was when he was made aware that the existing building exceed the allowed aggregate square footage. The subject building was built too close to the property line, but all the buildings existed when he purchased the property. The building too close to the property line was built in the 1950s. He has razed two of the buildings since this process started. The subject property is only 50 feet wide and about 200 feet deep, and he purchased the property to prohibit someone making a rental out of the property.

Ms. Jones informed the Board that Mr. Hotson is applying for a lot line adjustment to combine the two parcels. Mr. Charney stated that is relevant.

Mr. Hutchinson asked Ms. Jones if the building would still be too close to the property line when the two lots are combined. Ms. Jones stated that it would still be too close to the property line because the building lines up with the fence as shown on page 4.9 of the agenda packet.

### **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 to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E); Variance to permit a detached accessory building in the side yard in an RS District (Section 420.2-A.2); Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2). The Board has found the hardship to be that the building was pre-existing on the site prior to the applicant bringing the request to the Board, coupled with the fact that the applicant will combine the adjacent parcel to enlarge the entire tract. In granting the Variances, 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 circumstance 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:

**S50 LT 5 & S50 LT 6 BLK 4, BERRY HILL ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2835—Sandra Million**

**Action Requested:**

Variance to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E). **LOCATION:** 4620 West 30th Street South

**Presentation:**

**Joel Million**, 4620 West 30th Street, Tulsa, OK; stated he would like to build a pole barn on 6.67 acres.

Mr. Charney asked Mr. Million what size pole barn would he propose to build? Mr. Million stated that it would be a 30 x 40 barn.

Mr. Charney asked Mr. Million about the topography of he land. Mr. Million stated that the south side of the property goes straight up and has a lot of trees.

**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 to exceed the allowable square footage for accessory buildings in aggregate in an RS District (Section 240.2.E). The Board has found the hardship to be the unique size of the tract, the unique tree coverage, and the topographical change on the southerly portion of the property requiring the building placement to be where it is. The size of the proposed pole barn would not be overbearing on any neighbor; for the following property:

**W 440 SE SW SW SEC 16 19 12, OF TULSA COUNTY, STATE OF OKLAHOMA**



## **2836—Terri Williams**

### **Action Requested:**

Special Exception to permit a manufactured home in a RE District (Section 410);  
Variance from the all-weather parking surface requirement (Section 1340.D).

**LOCATION:** 17111 West 41st Street South

### **Presentation:**

**Terri D. Lunsford Williams**, 17111 West 41st Street South, Sand Springs, OK; stated she is going to do a lot split of the subject property, 9.54 acres, and would like to have a mobile home on the property. She has lived on the property for 27 years and has always had a gravel drive.

Mr. Charney stated that when the Board does approve a mobile home to be moved into a district it is required that there is an all-weather surface. There is a distinction between the drive and the parking pad. Ms. Jones stated the applicant would need to park on a surface that is not gravel. Ms. Williams stated that her brother-in-law intends to build a building in a couple of years that will be concreted with a pad in front for parking.

Ms. Williams stated that the lot split will be 1.42 acres and she will have the remaining 8 acres. Ms. Williams stated that the mobile home being discussed is not on the property yet, but she lives in an existing mobile home on the property.

Mr. Charney asked Ms. Williams if the new owner would access the property from a drive coming off West 41st Street. Ms. Williams answered affirmatively; the existing drive will be shared with a “Y” to go to each piece of property.

Mr. Hutchinson asked Ms. Williams how many mobile homes were in the neighborhood. Ms. Williams stated there are a lot; there are three to the west, two to the east and down 69th West Avenue it is all mobile homes.

Mr. Charney asked Ms. Williams if she would be able to comply with all DEQ and County requirements. Ms. Williams 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”; “absent”) to **APPROVE** the request for a Special Exception to permit a manufactured home in a RE District (Section 410), subject to conceptual plan 6.6 of the agenda packet. The applicant is to comply with all Tulsa County and DEQ requirements, i.e., skirting, tie downs, etc. The Board

has found the hardship to be a large tract and there are other mobile homes in the area. 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. And to **DENY** a Variance from the all-weather parking surface requirement (Section 1340.D); for the following property:

**E/2 W/2 SE SW LESS S60 FOR ST SEC 19 19 11 9.545ACS, WESTERN HILLS RANCHETTES, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2837—Michael Parham**

**Action Requested:**

Variance of the rear yard setback in an AG District to permit an accessory building (Section 330, Table 3). **LOCATION:** 9998 North Memorial Drive East

**Presentation:**

**Michael Parham**, 9998 North Memorial Drive, Tulsa, OK; stated he has ten acres. He will build a house on the property and when the house is complete the only access to the rear of the property is the existing driveway between the pond and the future house. If he moves the proposed shop to the north, there is quite an elevation difference with a substantial water runoff from the northwest corner. If he moves the proposed shop to the east, he will have very little room to have access to the rest of the property in between the creek and the shop building. He would like to build the shop 20 feet off the property line instead of 40 feet. The buildings to the west of his property are all agricultural buildings.

Mr. Charney asked Mr. Parham if he had heard from the neighbor that the proposed building would be closest to. Mr. Parham answered affirmatively and stated that he, Greg Simmons, does not have any problem with the proposed building site.

Mr. Charney stated that it would be best if recused himself from this point forward in this matter given his partnership with Mr. Simmons in many matters.

**Mr. Charney recused and left the meeting at 2:41 P.M.**

Mr. Hutchinson asked Mr. Parham if he had said that he would not be able to move the building a little northward and a little eastward due to the topography. Mr. Parham stated that he could if he brought in a lot of dirt, but he worries about the substantial water runoff during heavy rains from the northwest corner creating water problems.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-1 (Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; Charney “abstaining”; none “absent”) to **APPROVE** the request for a Variance of the rear yard setback in an AG District to permit an accessory building (Section 330, Table 3). The Board has found the hardship to be the topography. 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 N/2 NE SE SEC 14-21-13 10 AC., OF TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Charney re-entered the meeting at 2:44 P.M.**

**2838—Randall Vaughn**

**Action Requested:**

Variance of the minimum lot area and land area per dwelling unit in an AG District to permit a lot split (Section 330, Table 3); Variance of the minimum lot width in the AG and RE Districts to permit a lot split (Section 330, Table 3 & Section 430, Table 3). **LOCATION:** 7901 North Sheridan Road East

**Presentation:**

**Randall Vaughn**, 1713 South 1st Place, Broken Arrow, OK; stated he would like to split the south side of the property off by 130 feet by 396 feet. There is a 35-foot area that runs 396 feet that will still be in the AG zoning, and the rest of the property will be in the RE zoning. The RE zoned portion of the property is under a covenant which requires a 50-foot building line, and that is the reason for the requested size of the lot.

Mr. Charney asked Mr. Vaughn what the remaining lot width of the two tracts will be if they are separated as suggested. Mr. Vaughn stated that one lot would be 130 feet and the other lot would be 144 feet.

Mr. Hutchinson asked Mr. Vaughn if he would be selling the new lot or will he be building a structure on the new lot. Mr. Vaughn stated that his niece would purchase the new property and she will build a house.

Mr. Hutchinson asked Mr. Vaughn if the subject property was part of the Sheridan Crossing subdivision. Mr. Vaughn answered no.

Mr. Johnston asked Mr. Vaughn about the two lots that are to the north of the subject property. Mr. Vaughn stated he owns those two lots. Mr. Johnston asked Mr. Vaughn if those two lots were in the covenant area. Mr. Vaughn answered affirmatively. Mr. Johnston asked Mr. Vaughn how large those two lots are. Mr. Vaughn stated they are 1  $\frac{3}{4}$  acres total.

**Interested Parties:**

**Mike Maxwell**, 6620 East 80th Street North, Owasso, OK; stated he lives adjacent to the subject property on the east side and he has lived there 45 years. Mr. Maxwell stated this same property came before the Board about 4  $\frac{1}{2}$  years ago because that property is under covenant that states it will not be split. This is the fourth person that has owned the subject property and it seems like everyone has wanted to split that property. Mr. Maxwell stated he is opposed to today's request. The traffic has become excessive since the Sheridan Crossing has gone in and he is not in favor of this request.

**Neil Kessler**, 6814 East 80th Street North, Owasso, OK; stated his concern is that the surrounding properties are three acres or greater. The resulting lot split would make two smaller lots that are in conjunction with the rest of the area and that would have an effect on property values. The other concern is the lot that is split off will be an AG usage lot which has fewer requirements for building which could result in a structure that would not be complimentary to property values.

**Rebuttal:**

**Randall Vaughn** came forward and stated his property is the cleanest property in the area. The property owner to the south has no problem with today's request. The issue started when the property to the east fence line built a shop too close to the property line. Mr. Vaughn stated he hired White Surveying and the survey showed that the neighbor's building is only 15 feet from the property line.

**Comments and Questions:**

Mr. Charney stated that properties that fall under covenants the homeowners have a certain amount of recourse. If there is a covenant of record that prevents this from occurring, there is a private right of action if there is a violation of a private covenant. If the Board does not deem there to be an improper land use, if there is something of record or some agreement that runs with the land contrary to this as a private matter it can still be enforced regardless of what the Board decides.

**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 minimum lot area and land area per dwelling unit in an AG District to permit a lot split (Section 330, Table 3); Variance of the minimum lot width in the AG

and RE Districts to permit a lot split (Section 330, Table 3 & Section 430, Table 3), subject to conceptual plan 8.7 of the agenda packet. The Board has found the hardship to be the special configuration of the tract, both the width and the depth and given the substantial setbacks that will still exist on either side of the houses. 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:

**N165 W396 S/2 NW SW LESS W50 THEREOF FOR RD & S330 W396 N/2 NW SW LESS N216 THEREOF & LESS W50 THEREOF FOR RD SEC 26 21 13 2.216ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2839—Roger Brock**

**Action Requested:**

Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E). **LOCATION:** 5615 South 85th Avenue West

**Mr. Dillard recused and left the meeting at 3:01 P.M.**

**Presentation:**

**Roger Brock**, 5615 South 85th West Avenue, Tulsa, OK; stated he would like to build a detached accessory building on the northeast corner of his property. He plans to use the building to store his boat, a tractor, lawn equipment and a pickup truck. The building will be 30 x 60 in size. The property immediately to the west has a house and a similar building was built behind that house.

Mr. Charney asked Mr. Brock if his property was one acre in size. Mr. Brock answered affirmatively.

Mr. Charney asked Mr. Brock if he spoke with his neighbors and if anyone had any objections to his request. Mr. Brock stated the neighbor immediately to the north is his sister and she has no issue, and she owns the property behind him to the east. Mr. Brock stated he spoke with the neighbor that lives on the south side and he has no issues either.

Mr. Hutchinson asked Mr. Brock what materials he would be using to construct the building. Mr. Brock stated that it will be a metal building with a concrete floor.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION of CHARNEY**, the Board voted 4-0-1 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; Dillard “abstaining”; “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 9.13 of the agenda packet. The Board has found the hardship to be the large tract size. 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:

**S185 W260.46 S/2 NW NE SE LESS W25 FOR RD SEC 36 19 11 1.00ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Dillard re-entered the meeting at 3:08 P.M.**

**2840—Amanda Tabor**

**Action Requested:**

Special Exception to permit a mobile home (Use Unit 9) in the RS District (Section 410). **LOCATION:** 5150 West 28th Street South

**Presentation:**

**Amanda Tabor**, 2819 South 53rd West Avenue, Tulsa, OK; stated she would like to have a single wide mobile home on the subject property. The subject property is a corner lot; West 28th and South 53rd West make the corner. She owns all the property that is adjacent on all sides to the subject property. There used to be a house on the property, and it was demolished. There is an in-ground tornado shelter, and existing garage and driveway and a very large 100-year old maple tree so a single wide mobile home is all that will fit on the property without removing something.

Mr. Charney asked Ms. Tabor if there were other mobile homes in the area. Ms. Tabor answered affirmatively. Ms. Tabor stated that on the subject corner there are four single wide mobile homes and three double wide mobile homes that exist.

Mr. Charney asked Ms. Tabor if she would be able to meet all the DEQ standards and County requirements and guidelines. Ms. Tabor 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 mobile home (Use Unit 9) in the RS District (Section 410), subject to conceptual plan 10.10 of the agenda packet. The approval is to meet all DEQ and Tulsa County requirements and codes, i.e., skirting, tie downs, sewer, etc. 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:

**PRT NW NW SE SE BEG 70E NWC THEREOF TH E156.22 S164.98 W45.32 N35.38 W110.90 N129,61 POB SEC 17 19 12 0.50AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2842—Jeffery Columbia**

**Action Requested:**

Variance of the required 30 feet of frontage to permit construction of a single-family home (Section 207). **LOCATION:** 5110 West 21st Street South

**Presentation:**

**Jeffery Columbia**, 2401 West Omaha Street, Broken Arrow, OK; stated he is currently under contract for the subject property; a ten-year agreement with the current property owner. He intends to start construction this year for a house. The lot had a dilapidated trailer and other buildings which have been demolished. The property has a septic system which was installed in 1989, and it has been inspected and is ready to be used. He was unaware, before he purchased the property, that he needed 30 feet frontage on the subject property as it is a non-conforming lot. His hardship is that the lot has been in existence for over 100 years and used as a residential lot for the majority of that duration.

Mr. Charney asked if West 21st Street would be the access point to the subject property even though there is no legal access. Ms. Jones answered affirmatively. Ms. Jones stated that the lot Mr. Columbia is discussing is directly behind the business shown on page 11.10 of the agenda packet, and both entrances are off 21st Street that go to the rear of the business.

Mr. Columbia stated that he has 25 feet by approximately 300 feet access, that is an existing road that was constructed four years ago, and he intends to black top that in the next few months. He also established legal easement as of today and will file it with the County as soon as possible, and it has been reviewed by both Counsels.

Mr. Hutchinson asked Mr. Columbia if the easement is permanent. Mr. Columbia answered affirmatively, and the easement is fully transferrable.

**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 required 30 feet of frontage to permit construction of a single-family home (Section 207). The Board has found the hardship to be that the particular tract is set back from the publicly dedicated road and would otherwise be landlocked. The perpetual permanent easement is to be recorded and filed of record which the legal description goes from West 21st Street to the applicant’s subject property. 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:

**W 90 S 396 NE NE NE SEC 17 19 12, 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 3:21 p.m.

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

9/15/2020

David E. Crowley  
Chair