

**TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 489**

Tuesday, December 15, 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>
Hutchinson, V.Chair Crall, Secretary Johnston Tisdale	Charney, Chair	S. Miller R. Jones Sparger	Tosh, County Inspector

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 10th day of December, 2020 at 2:00 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Hutchinson 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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Mr. Hutchinson 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. Hutchinson asked if anyone would like to continue their case and if they understood. Everybody nodded in understanding and no one requested a continuance.

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**MINUTES**

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of November 17, 2020 (No. 488).

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**UNFINISHED BUSINESS**

**2857—Rick Clark**

**Action Requested:**

Use Variance to allow storage of personal items (Use Unit 23 - Section 1223);  
Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

**Presentation:**

The applicant was not present. Mr. Hutchinson moved this case to the end of the agenda.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required at this time; for the following property:

**LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2859—Canady Trailers – Devon Rogers**

**Action Requested:**

Variance from the all-weather parking surface requirement (Section 1340.D).  
**LOCATION:** 11415 West. 61st Street South

**Presentation:**

**Devon Rogers**, 9333 West 51st Street, Tulsa, OK; stated he would like to build a new retail facility on the subject property. There are a lot of customers that bring in trailers for repair and they are occasionally dragging a hub, a wheel, or an axle on the ground and if there had to be concrete or asphalt that action would severely damage the material. All of the surrounding businesses in the area have gravel lots to park their equipment. Mr. Rogers stated that his product would be open utility trailers that weigh from 1,000 pounds up to 8,000 pounds. Mr. Rogers stated that he has had gravel lots at his other locations and it works out very well. He maintains those lots with a grader and a box blade. Mr. Rogers stated he has customers that walk the lot, and in the winter, if the surface were concrete or asphalt, he would worry about them slipping and falling on ice.

Mr. Hutchinson asked Mr. Rogers if there would be a concrete parking pad around the proposed building. Mr. Rogers answered affirmatively.

Mr. Hutchinson asked Mr. Rogers if he would be placing an under layment under the gravel. Mr. Rogers answered affirmatively.

Mr. Hutchinson asked Mr. Rogers if he had any dust issues at his current location. Mr. Rogers answered no, stating that currently the lot is a mixture of crusher run and asphalt millings.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Variance** from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plans 3.7 and 3.8 of the agenda packet. The Board finds the hardship to be the concrete or asphalt surface is not practical for the business. 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:

**LT 1 BLK 1, PRATTVILLE INDUSTRIAL PARK SOUTH, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2860—Kyle Smalygo**

**Action Requested:**

Variance to permit a detached accessory building in the side yard in an RE District (Section 420.2-A.2). **LOCATION:** 8279 North 72nd Avenue East

**Presentation:**

**Marty Hersch**, 8279 North 72nd East Avenue, Tulsa, OK; stated he would like to have an accessory building that is not attached to the house. The building would sit behind a portion of the house because of drainage issues and an aerobic septic system that

prevents placing the proposed building any place else. The building will match the house, it will be 100% brick and the roof will be the same pitch with the same type of shingles.

Mr. Crall asked Mr. Hersch what the distance between the proposed building and the house is. Mr. Hersch stated that it is about ten feet.

**Interested Parties:**

**Kyle Smalygo**, Smalygo Properties, 123 North 7th Street, Collinsville, OK; stated he is the builder/contractor for this structure and for the development. This is an item that he thinks will continually be brought to the Board due to the fact that years ago building requirements went through the Engineering Department, and this was oversight. Over the last few years the Building Department became its own department and it is something that has become a housekeeping item. This particular house probably has more to do with the topography.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Variance to permit a detached accessory building in the side yard in an RE District (Section 420.2-A.2), subject to conceptual plan 4.7 of the agenda packet. The Board has found the hardship to be the topography of the 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:

**Lot 4 Block 3, SHERIDAN CROSSING PHASE II, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2861—Eller & Detrich – Lou Reynolds**

### **Action Requested:**

Special Exception to permit Use Unit 2, Area-Wide Special Exception Uses, for a temporary off-site construction facility in the AG District (Section 310, Table 1 & Section 1202). **LOCATION:** 6410 West 51st Street South

### **Presentation:**

**Lou Reynolds**, 2727 East 21st Street, Tulsa, OK; stated he represents Shelby Oakley, the owner of the subject property. The property is over 450 feet away from the nearest house on the north side and over 450 feet away from the nearest house on the west side, everything to the east of the subject property is heavy industrial and to the south there is a concrete recycling facility. Mr. Oakley has leased his land to the Sherwood Construction Company and Sherwood has the contract to widen I-44. The widening project will take approximately 18 months. The project is subject to a DEQ pollution prevention plan. Like any other batch plant, the site will be kept damp and the plant equipment operates on a vacuum system that captures at least 95% of the dust generated by the mixing of the materials. The ODOT contract requires that the pavement be swept. The loudest sound will be the back up alarm on the loaders. The hours of operation will be 7:00 A.M. to 6:00 P.M., Monday through Friday at the site. There will be four full-time employees on the site. The average work day will consist of ten to fourteen trucks per hour, and all the trucks will go out onto West 51st Street. On a heavy day there will be 20 to 25 trucks per hour. Material delivery on an average day will be three deliveries of sand a day, four deliveries of aggregate and two deliveries of cement. This site is temporary and will not be intrusive, and it is not unlike a public utility in a sense that this is being done for a public purpose and the Zoning Code recognizes off-site construction facilities and it is allowed in any zoning district with a Special Exception.

Mr. Hutchinson asked Mr. Reynolds if there would be a construction fence around the site. Mr. Reynolds stated that a fence is not required but it can be provided if the Board would like a fence around the site.

Mr. Hutchinson asked Mr. Reynolds if Sherwood Construction is required to put the land back to its original state after the project is complete. Mr. Reynolds answered affirmatively.

### **Interested Parties:**

**Daryl Fowler**, 6501 South 29th West Place, Tulsa, OK; stated he owns property at 5300 South 65th West Avenue and he has had this battle a few years ago, they tried to erect a concrete plant and he complained because of the noise. He has never seen a concrete company that did not operate at 3:00 or 4:00 A.M. in the summer. The typical hours are 7:00 A.M. to 5:00 P.M., but when it is a 100 degrees outside they pour under lights early in the morning. One thousand yards to the east is a shell pit that is leveled and it is next to where they will be working, so why not place the plant at that location instead of on the hillside next to residents? There is a residence 168 feet away, another

that is 199 feet away, another that is 236 feet away, another that is 269 feet away, another that is 340 feet away, another that is 490 feet away, so if they would use the shell pit it is zoned industrial, nothing would have to be changed. Mr. Fowler asked why Tulsa County is doing this when the property is annexed by Sapulpa? He went to Sapulpa and fought against American Demolition; that is a mess because there is dust and water that runs across his property. When he complained Sapulpa came out and told him they could not do anything because Tulsa owned the rear portion and did not have any authority. He is very concerned about who will oversee this project, who will be responsible for the problems that it creates? This is not the right place for a concrete plant, there are residents all around the area.

Mr. Hutchinson asked Mr. Fowler how far his house is from the industrial site. Mr. Fowler stated it is approximately 340 feet, he is south and west of the subject property.

**Rebuttal:**

**Lou Reynolds** came forward and stated that the nearest neighbor, Mr. Corry White who was mentioned by Mr. Fowler, has written a letter of support for this project. Mr. White is located at the southwest corner of the intersection and Mr. Fowler is located to the south and is about 500 feet from the proposed plant. Mr. Reynolds does not think this will have any affect on Mr. Fowler because the trucks will be using 51st Street going east. Mr. Reynolds thinks the plant was planned well for the neighborhood and it will operate in a way that it will not have an affect on anyone.

Mr. Johnston stated he lives in the general vicinity and has read in the newspaper that the contractor anticipates finishing the portion between 41st and 51st before any other part of the expansion is completed. Mr. Reynolds stated that is the Gilcrease. Mr. Johnston stated the Board has approved another plant around 65th West Avenue, is this plant replacing the prior approved batch plant up north. Mr. Reynolds answered no stating that they are different contractors, and the subject contractor is strictly for the widening of I-44.

Mr. Hutchinson asked Mr. Reynolds about his use of the terminology “temporary”. Mr. Reynolds stated that the site will operate a maximum of two years, and it is expected to be 18 months.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Special Exception to permit Use Unit 2, Area-Wide Special Exception Uses, for a temporary off-site construction facility in the AG District (Section 310, Table 1 & Section 1202), subject to conceptual plan 5.9 of the agenda packet. The hours of operation are to be 7:00 A.M. to 6:00 P.M., Monday through Friday. The approval has a two-year time limit, December 15, 2022. 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:

**The Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4 NW/4) of Section 32, Township 19 North, Range 12 East of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof., OF TULSA COUNTY, STATE OF OKLAHOMA**

**2862—Kyndal Pett**

**Action Requested:**

Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in an AG District (Section 1225). **LOCATION:** 7710 East 131st Street North

**Presentation:**

**Kyndal Pett**, 16226 East 91st Street North, Owasso, OK; stated that currently she has a medical marijuana grow facility and it is licensed by OMMA on the subject property. She has more security measures than what is required for the subject property and she has been operating the farm for two years. To be able to package her product by OMMA regulations it is called processing. There is nothing being done differently with the product other than the way it is packaged. In Tulsa County it is required that processing be in an industrial zoned area and she would like to process her product into pre-rolls at her farm.

Mr. Hutchinson asked Ms. Pett if she would be making the butter. Ms. Pett stated that she would be making pre-rolls, whether she ventures off into something in the future she has not decided.

Mr. Hutchinson asked Ms. Pett to explain the machinery that is required for the rolling process. Ms. Pett stated there are cones made of paper, those cones are placed in a box, the product is placed on the top of the box and the box is shaken to drop the product into the cones. The building will not change in appearance from the outside, and currently she does not know if any of her neighbors know the grow facility exists.

Mr. Hutchinson asked Ms. Pett if there was any noise associated with the making of the pre-rolls. Ms. Pett answered no and there will be no extra lights added. Ms. Pett stated that she does not want to use butane for her processing because that would endanger her product.

Mr. Hutchinson asked Ms. Pett about the size of the room she would use for the shaker. Ms. Pett stated the room she has laid out is 125 square feet.

**Interested Parties:**

**Paul Charbonneau**, 16009 East 84th Street North, Owasso, OK; stated he is the owner of the ten acres south and the ten acres southwest of the subject property. He has no

concerns about the proposal, originally he had thought this was going to be a large scale operation.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in an AG District (Section 1225), subject to conceptual plan 6.10 of the agenda packet. The processing is limited to a 125 square foot room inside of the existing building. The processing is limited to the processing of pre-rolls only. The Board has found the hardship to be the large size of the tract allowing it not to impede anything or any activities. 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:

**NW NE SE SEC 35 22 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2863—Donald Breadon**

**Action Requested:**

Use Variance to allow for recreational vehicles (Use Unit 17) in an RMH District (Section 410). **LOCATION:** 14600 West 16th Street South

**Presentation:**

**Donald Breadon**, 210 Oak Ridge Drive, Sand Springs, OK; stated he has a mobile home park south of the Arkansas River in Sand Springs and he would like to also rent lots to recreational vehicles; motorhomes, 5th wheel trailers, recreational trailers. In the flood of 2019 he had a substantial amount of damage and it displaced families, and he is still dealing with the clean up. He is looking to have something that is more mobile for flooding events. During the last flood his tenants were given two days notice and no one had a chance to move their mobile homes out, and a recreational vehicle can be hooked and moved almost immediately.

Mr. Hutchinson asked Mr. Breadon if he was still wanting to have the mobile homes. Mr. Breadon answered affirmatively and stated that he just wants to add RVs also to the property.



Mr. Hutchinson asked Mr. Breadon if his property was in the 100 year flood plain. Mr. Breadon stated that part of the property is in the 100 year flood plain.

Mr. Hutchinson asked Mr. Breadon how many lots he had in the park. Mr. Breadon stated there 78 lots. Mr. Hutchinson asked Mr. Breadon if he wanted the lots to stay the same size as they are now. Mr. Breadon answered affirmatively.

**Interested Parties:**

**Shawndy Weathers**, 14524 West 16th Street South, Sand Springs, OK; stated she lives two houses down from the trailer park area. The issue she has is that the trailer park is not maintained, the dumpster was overflowing with trash on the ground all around it, there were trailers that were burned down that were never removed and since the last flood there have been issues with homeless people, cars broken into in the neighborhood, the grass is seven feet tall, and she can only imagine how much worse it would become with people living in the mobile home park. This is something that she does not want near her home.

**Travis Harness**, 14713 West 17th Street South, Sand Springs, OK; stated the trailer park has never been taken care of and he agrees with Ms. Weathers. There are about 60 trailers still in the park that have been abandoned and there is a lot of vandalism of those trailers. He does not think it is a good idea to have another trailer park on the property. He does not see anything changing in the future.

Mr. Crall asked Mr. Harness if his opposition was to the trailer park itself. Mr. Harness stated that he would like to have the entire trailer park dismantled because he understood that after the flood of 1987 there was to be no more trailers moved back on to the property. There are trailers in the park that are five feet away from the river bank and the bank is about to collapse. The trailer park has not been maintained and there have been numerous police called to the area. He fishes in the Arkansas and he takes trash bags to pick the trash that comes down the bank from the trailer park. If recreational vehicles were to be allowed he thinks the park should be cleaned up first and maintained.

Mr. Tisdale asked Mr. Harness if his objection was to stationary trailers and not to the recreational vehicles, or is he opposed to the trailer park completely? Mr. Harness stated he is opposed to the entire trailer park. When the area flooded the residents did not have two days notice and there was never a notice to actually evacuate the area, and it would take more than a couple of hours to move an RV.

**Brandon McCaslin**, 14731 West 17th Street, Sand Springs, OK; stated he lives directly south of the subject trailer park. There has been a lack of maintenance of the trailer park in the past. The trailer park still has mobile homes there that were mangled since the tornado of 2015. The other concern is that 145th West Avenue is the only entrance to the trailer park so that would mean that all the RVs would have use 145th Street to come and go all the time.

**Maureen Wolf**, 14709 West 17th Street South, Sand Springs, OK; stated that when the area flooded she had 62" of water in her house, and not one trailer has been cleaned up in the park. The area is horrible and she is not in favor of this request at all.

**Jeremy Herrington**, 14508 West 19th Street, Sand Springs, OK; stated he also owns an additional 33 acres on 145th Street and there is a major upheaval of concern and opposition to the proposal from the Town and Country residents. His house and his 33 acres both face 145th and it is the only access point. What he is concerned with is what this will bring into the neighborhood in terms of vehicles and traffic, as well as the unknown element. The gentleman that is overseeing the trailer park has essentially broken faith with the residents of Town and Country. Prior to the flood and prior to the tornado this mobile home area has been an eyesore. For the trailers to sit there for more than a year and not address any of the issues or clean the area, it creates a high degree of concern for the residents. He would ask the Board to restrict the use and access to the subject property and every person in the community is impacted by what will go into that area.

**Ted Scicm**, 1715 South 148th West Avenue, Sand Springs, OK; stated he agrees with everyone that has spoken today about the history of the park. There are actually two sections to the park and he does not understand exactly where the RVs would be. There is an older section of the trailer park that has been condemned and there is a separate section where there are some newer mobile homes.

Mr. Scicm would like to know if the request includes the older section of the trailer park, also. Mr. Hutchinson stated that he does not know which is the older section and which is the newer section, but one section of the trailer park came before the Board in 2015 and it was approved for trailers.

Mr. Scicm stated that approximately ten years ago the newer section was going to be expanded, and in spite of all the objections the study that was performed stated that the space was not even adequate for what was existing at the time. Now the Town and Country subdivision has more residences and more traffic than ten years ago, so what is being created is a giant distribution of permanent residents that have to deal with 78 additional residents trying to use a single access road. The infrastructure cannot support this request. There are two other trailer parks in a very short distance; one is about a mile east of the subject property and there is one about two miles west of the subject property so there are adequate RV spots in the area. Even an RV is mobile, the next time there is a flood there will be 78 more units along with the existing residents trying to get out the road at the same time in an emergency. Moving in a mobile home for a permanent residence is one thing, but when dealing with RVs there is a very different portable transportation that will be much more movable so there will be much more traffic, and the area barely supported the existing ten years ago. Even though the land owner is not going to add more spots the actual traffic pattern would be worse than ten years ago.

**Jeremy Herrington** came forward and stated there are only ten residents in the area, all the other houses have been abandoned and it has been like that since he moved in in 2011.

**Rebuttal:**

**Donald Breadon** came forward and stated he is surprised at all the discussion about this proposal. Mr. Breadon stated that the flood was a real issue and people did lose their homes. A mobile home is not easy to get rid of and that is why he thought a more mobile platform would work for the area. Mr. Breadon stated that he has demolished and moved out seven mobile homes and there are three more that will be removed; it costs about \$5,000 to remove a mobile home. A lot of the mobile homes were not his and he has had to go through the process of foreclosing on the mobile homes before he can remove them. Mr. Breadon stated that he is not aware of an increase in crime in the area. It is true that there were dumpsters in front of the trailer park and he does not plan to use dumpsters any longer, there will be a polycart system; other residents of the area were using his dumpsters for their trash, like mattresses.

Mr. Hutchinson asked Mr. Breadon if he has or will have a manager that lives on the site. Mr. Breadon stated he does not plan to have an on-site manager. Mr. Hutchinson stated that he is hearing that this is a blighted neighborhood. Mr. Breadon stated the back area of the park where the trailers are being removed has become overgrown, and he knows he needs to address that but it is a process.

Mr. Hutchinson asked Mr. Breadon why he wouldn't want an on-site manager to monitor the incoming and outgoing RVs. Mr. Breadon stated there have been several ideas on how to handle that; some are automated by running a credit card that will turn on the electricity and water to the lot. Mr. Breadon stated he does not have a business plan for that or how it will be handled; before he goes any farther this is the first step.

Mr. Tisdale stated that it seems this project is being backed into because it will be tough to rent space out to an RV if the place is not maintained. Mr. Tisdale asked Mr. Breadon how many mobile homes are left in the park. Mr. Breadon stated there are approximately 20 mobile homes still there. Mr. Tisdale asked Mr. Breadon to describe the condition of those 20 mobile homes. Mr. Breadon stated that he needs to remove them and is working on that. The plan is to get rid of everything before any more units are brought in.

Mr. Crall stated that he used to operate a business for 27 years in a trailer park, and for the last ten years the park switched to RVs so he knows it can be done. He wants to vote for Mr. Breadon but the problem is that if a place looks like a dump people are going to treat the area like a dump. Mr. Crall stated that he does not want to vote today, he wants this application to be withdrawn and have the issues resolved and then come back to the Board. Based on the conditions described today he is not willing to vote for something that cannot be controlled, because it has not been proven that it can be taken care of as it exists today.

Mr. Johnston stated that he is concerned with the traffic. If there was a flooding event and there were 73 RVs that were not given adequate evacuation notice, that would be a major concern exiting the area. He agrees the area needs to be cleaned up and that Mr. Breadon should come back before the Board afterwards.

Mr. Hutchinson stated that he realizes Mr. Breadon has several steps to go through to remove the existing mobile homes, but he would like to see this application withdrawn to allow the area to be cleaned up and have a better business plan.

Mr. Breadon stated he understands the Board's concerns and he will withdraw his application at this time.

**Comments and Questions:**

None.

**Board Action:**

No Board action required on the withdrawn application; for the following property:

**BEG 1722.18N SWC RIVERSIDE ESTATES ALSO 483.42N NEC RIVERSIDE WEST 660W & 402.18N SECR NE TH N489.89 NW231.13 NW626.11 W160 S540 SE799.93 N32.39 E104 SE61.96 SE47.98 POB SEC 8 19 11 12.363ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2864—Daniel Ramsey**

**Action Requested:**

Variance of the lot area and land area per dwelling unit in the AG District to permit two dwellings on one lot (Section 330). **LOCATION:** 7528 East 86th Street North

**Presentation:**

**Daniel Ramsey**, 7528 East 86th Street North, Owasso, OK; stated he would like to have a house for his mother. Mr. Ramsey stated that his property is just under three acres and there is plenty of room to build the proposed house. The house has been designed to be aesthetically correct for the surrounding area houses and his house as well. There is a precedent to have mother-in-law quarters and the proposed house and the property is on city sewer and rural water. The proposed house is a little over 1,400 square feet with a 485 square foot garage. The structures on the subject property right now are a house, a pavillion pool house and a court yard area. Mr. Ramsey stated that he had multiple neighbors call him and asked what he was proposing and the only one that seemed to have any concern was the neighbor directly behind him, his concern was water runoff and he explained how that would be addressed and that neighbor was satisfied.

Mr. Hutchinson asked Mr. Ramsey if his mother would be using his existing driveway to access the second dwelling. Mr. Ramsey answered affirmatively, stating that the

mother-in-law quarters will have the same address as the existing house; he does not want to have a lot split.

**Interested Parties:**

**Wes Patterson**, 8500 North 77th East Avenue, Owasso, OK; stated he lives to the east of the subject property. Mr. Patterson stated that he would like to know if the proposed house is going to be two apartments or if it is going to be a single-family residence because of the size. He is also concerned about how the property will be accessed from 86th Street North for emergency vehicles. He is also concerned about how the utilities will reach the house. Mr. Patterson is also concerned about how the electrical system for the proposed will be run, underground or on poles? Mr. Patterson would like to know why the new house is being built within 15 feet of the property line when there is so much property that it could be built on.

**Mr. Tisdale left the meeting at 3:41 P.M.**

**Rebuttal:**

**Daniel Ramsey** came forward and stated that Mr. Patterson has some very valid questions. The reason the sewer previously is because his property in Carrington Point is unique in that his property is Tulsa County and Carrington Point is Owasso. The fenceline that runs between his property and the neighborhood is the dividing line, so even though he is Tulsa County, when he expanded the house he took the house off the septic system and put it on the Owasso sewer line, and he plans the same thing with the proposed house.

**Mr. Tisdale re-entered the meeting at 4:44 P.M.**

As for the water, he does have a meter near 86th Street North and he knows some of the utilities will be moved as the street is widened; it will be a common meter and will do whatever a licensed plumber says is necessary to get the water line to the house. As for the electric, the goal is to put it all underground. Right now the overhead comes from 86th Street to a pole that is next to the existing structure with a lead line that goes to the house. There is another line that runs from that pole to an intermediate pole to the building which was originally a horse barn and he converted it to a shop type building that he and his son are using to rebuild a 1970 Camaro; he does not want overhead electrical lines. Mr. Ramsey stated he has had a new asphalt driveway installed and it will tie into a drive for the proposed house. As for the setback, that was the setback established by the County and placing the house there was for ease of construction, because once the house moves much farther than the proposed site the property drops off rapidly. This will not be an apartment and it is not a duplex, it is a two-bedroom

house for his mother. The house will not be a rental because it is there solely for a family member.

**Wes Patterson** came forward and stated that it would be nice if the 40-foot setback was honored, but he is satisfied with what he has heard today.

Ms. Tosh stated the property is zoned AG so Mr. Ramsey could build a 5,000 square foot building and place it 15 feet from the property line and 40 feet from the rear; he could build a building the whole length of the property. Ms. Tosh stated that Mr. Ramsey will be able to use the same drive to access both houses but he cannot keep the same address for both, there must be a separate address for both houses because of 911 calls.

Mr. Ramsey stated he has a good solid relationship with all his neighbors and he has spoken with almost all of them, and he has no issues with exceeding the 15 feet. It is very easy to keep everyone happy so he does not have an issue with moving the house farther away from the east line.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Variance** of the lot area and land area per dwelling unit in the AG District to permit two dwellings on one lot (Section 330), subject to conceptual plans 8.7 and 8.9 of the agenda packet. The Board finds the hardship to be the topography and the large tract. 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 850E NWC NW NE TH S660 W165 S95 E290 N755 W125 POB LESS N60 THEREOF FOR RD SEC 26 21 13 2.358ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2865—Richard Coffman**

### **Action Requested:**

Variance to allow two dwelling units on a single lot of record in an RE District (Section 208); Special Exception to permit a manufactured home (Use Unit 9) in an RE District (Section 410). **LOCATION:** 5205 East 94th Street North

### **Presentation:**

**Richard Coffman**, 5205 East 94th Street North, Sperry, OK; stated he would like to have a mother-in-law home. He has all the utilities and water hook up, the driveway is 20 feet wide and runs almost the entire distance of the property, and behind the shop there is a concrete pad that will be utilized for parking. The proposed house will have a separate address.

Mr. Hutchinson asked Mr. Coffman if he was asking to place a 18 x 79 single wide manufactured home to put on to the property. Mr. Coffman answered affirmatively.

### **Interested Parties:**

**Tom Baker**, 244 South Cedar, Owasso, OK; stated he lives in Sperry on 106th Street about a mile from the subject property and he is speaking on behalf of Frank and Beth Smith. To approve either the Variance or the Special Exception would violate the history of the neighborhood. The history of the area is that by deed a person could not put in a small house nor could a truck, trailer or any type of mobile home that might be occupied or used as a dwelling. Nor could any business be conducted on or from the premises. Those are the covenants that everybody in the neighborhood lived by and that is the history by deed, by sales, and by agreement. The zoning itself provides for only one house on a single lot. This lot is less than 2.5 acres, it is already overburdened and it fronts on 94th Street which is a small street making for a quiet, smaller neighborhood. The subject property has already been burdened with a main house, a large shop and a small shed. There is no direct route to the proposed house. Mr. Baker is concerned about where the utilities will be run, and the property is not on sewer but on septic. There is not a mobile home anywhere in the neighborhood, so it does not fit. The rationale behind the zoning laws preserve openness of the living areas. There has been no utility work performed in the area for over 20 years, there are no curbs on the streets, there is no drainage, this is a country neighborhood. The people in the area, including the applicant, bought this property for the 2 ½ acres of country living, and this request takes it out of that realm. It is not a hardship to comply with the neighborhood as is, that is what they wanted and what they bought.

Mr. Tisdale stated that according to the paperwork in the agenda packet there has been two Special Exceptions, one on the applicant's property and one at 5008 East 96th Street North. Ms. Jones stated the Special Exception requested in 2012 was for a single-family mobile home and the existing is a double wide mobile home. Mr. Coffman stated there are three other mobile homes on that street, two double wides and one triple wide.

**Frank Smith**, 5405 East 94th Street North, Sperry, OK; stated he lives east of the subject property. Mr. Smith the people that live on the subject property have only lived there about three years and now they want to come in and change everything. What is to keep the entire neighborhood from splitting their property in the next five years? This is a rural area and it is quiet, he does not know how a mobile home is going to be moved in there. He does not want to disrupt the neighborhood.

Mr. Hutchinson stated the applicant is not wanting to split his property, he just wants to add a second dwelling unit.

**Elizabeth Smith**, 5405 East 94th Street North, Sperry, OK; stated she is concerned about this. If the applicant had more land she would not object but the problem is in the accessing and the proposed house will be close to the back property line. She wanted to move to the area so she could have land and she loved the rural area. Ms. Smith stated she wants to keep the area like it is.

**Joshua Wichers**, 5003 East 94th Street North, Sperry, OK; stated he is concerned about the layout of the property, because the plan says there is 20 feet between the shop and the property to the east but according to the Google there is only 15 feet. Recently the property to the west was for sale and is curious if that could be purchased as opposed to moving in a second house on the single lot.

**Rebuttal:**

**Richard Coffman** came forward and stated he purchased his property in 2016 and he was never told about any restrictions or covenants. The driveway is about 40 feet wide and is always maintained. He did attempt to purchase the other property but the price was prohibitive. As for Google, he would not trust Google measurements; he actually measured with a measuring wheel and the plan has real numbers. As for the Fire Department he had a small grass fire and the fire truck was able to get back there easily. He is not asking to split the property, he is not asking to devalue anyone's property, all he wants to do is move back home.

**Frank Smith** came forward and stated the subject property is 2 ½ acres that has a large shop, a modular home and a shed on it so he does not know how they could get a mobile home on to the property. This will change the entire neighborhood and he would like to keep the area the way it is.

**Comments and Questions:**

Mr. Hutchinson stated that he would rather see a lot split than the request for a new home because the subject property does have over 26,000 square feet.

Mr. Crall agreed stating that a lot split would keep it clean and he thinks the sewer is an issue. Mr. Crall stated that he does not see a hardship for the request.



**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **DENY** the request for a Variance to allow two dwelling units on a single lot of record in an RE District (Section 208); Special Exception to permit a manufactured home (Use Unit 9) in an RE District (Section 410); for the following property:

**PRT NW BEG 1018.06E & 440.40S NWC NW TH E259.03 S440.38 W259.03 N440.38 POB LESS S25 THEREOF FOR RD SEC 22 21 13 2.47AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2857—Rick Clark**

**Action Requested:**

Use Variance to allow storage of personal items (Use Unit 23 - Section 1223); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

**Presentation:**

The applicant was not present.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **CONTINUE** the request for a Use Variance to allow storage of personal items (Use Unit 23 - Section 1223); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E) to the January 19, 2021 Board of Adjustment meeting; for the following property:

**LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, 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 5:02 p.m.

Date approved: 1-19-2021

  
Chair