

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 497**

Tuesday, August 17, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Tulsa, OK

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS

Hutchinson, V.Chair	Charney, Chair	S. Miller	K. Edenborough,
Crall, Secretary		A. Chapman	County Inspections
Johnston		Sparger	
Tisdale		Chapman	

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 12th day of August, 2021 at 8:45 a.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.

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

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 July 20, 2021 (No. 496).

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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UNFINISHED BUSINESS

2900—Patricia Contreras

Action Requested:

Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG District (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 14225 North Yale Avenue East

Presentation:

Patricia Contreras, 14225 North Yale Avenue, Collinsville, OK; stated she would like to have a wedding venue center using her barn.

Mr. Hutchinson asked Ms. Contreras about the size of the barn. Ms. Contreras stated the barn is about 80'-0" x 80'-0" in size.

Mr. Hutchinson asked Ms. Contreras when she would be holding events, weekends, or seven days a week. Ms. Contreras answered affirmatively stating that it would be for weddings.

Mr. Hutchinson asked Ms. Contreras if she would have alcohol or music at the weddings. Ms. Contreras stated that would depend on the clients.

Mr. Hutchinson asked Ms. Contreras if all the weddings would be held indoors or would there be any outdoor events. Ms. Contreras stated she could have the two options because she has 48 acres.

Mr. Hutchinson asked Ms. Contreras what type of lighting would there be outside? Ms. Contreras stated she is working on that but for now there are large lights around the barn.

Mr. Hutchinson asked Ms. Contreras if the barn was insulated and how would she limit the sound emitting outside the barn. Ms. Contreras stated the barn is insulated. Ms. Contreras stated she lives there, and she held her nephew's wedding at the barn and the music was played for that the music could not be heard outside, she lives about 50 feet away from the barn. She does not think noise will be an issue.

Mr. Hutchinson asked Ms. Contreras how far the barn is located from the east property line. Ms. Contreras stated it is about 600 feet away.

Mr. Hutchinson asked Ms. Contreras about the hours of operation for the wedding events. Ms. Contreras stated that would depend on the clients, but she thinks it will close around 1:00 a.m.; there would not be all night events.

Interested Parties:

Kyle Smalygo, Smalygo Properties, 123 North 7th Street, Collinsville, OK; stated he is before the Board on behalf of two entities, himself as the adjacent landowner and he is representing the Homeowners Association for the adjacent neighborhood. He does not want to stop anything, but he wants to see it made better. The main concern about this proposal is the enforcement. The subdivision is in the City of Collinsville and within a 1,000-foot radius there are about 100 homes of the subject property. There have been issues in the past, working both with the City and the County, if the music is coming from the County, it is a County issue but if it affects someone in the municipality the municipality is to be called. The municipality cannot enforce anything in the County and that is a concern. It is not so much as how bright are the lights, but the enforcement is a serious concern. Mr. Smalygo asked if the event center is to be a family venue will people be allowed to bring in RVs and where will they park? What is the time frame for staying on the property? There seems like there are a lot of loose ends in this proposal that needs to be answered. Because of the distinguished line between the barn and the adjacent property being in the city and the county how is the oversight going to be taking place. The County struggles with Code enforcement and financing of those officers and there may be too much pressure placed on the Sheriff's Office if needed. The neighbors just want to have oversight and protection.

Rebuttal:

Patricia Contreras came forward and stated she understands the neighbor's concerns, but this will be a family business and she will do her best to have the neighbors happy.

Mr. Hutchinson asked Ms. Contreras about the fencing around the perimeter of her property. Ms. Contreras stated that it is chain link fencing. Mr. Hutchinson asked Ms. Contreras if she had any plans of changing the fencing. Ms. Contreras stated that right now she has no plans of replacing the fencing, but she would be willing to do whatever is necessary.

Mr. Hutchinson asked Ms. Contreras if there were any trees on the east side of the property. Ms. Contreras stated there are some trees, but they are small.

Mr. Hutchinson asked Mr. Chapman about the enforcement if there were RVs parked on the property. Mr. Chapman stated that would be considered a RV campground if there was to be anyone staying there. Mr. Hutchinson asked if that would be true if it were for only one or two days. Mr. Chapman stated that would be against the Code regardless. To speak to the enforcement, it is in unincorporated Tulsa County so the City of Collinsville would not be involved but someone in the City of Collinsville could lodge a complaint.

Mr. Crall stated that a lot of questions have been asked of the applicant today, and every question seemed like a surprise to the applicant, like it was something that had not been thought through. The neighbors also have concerns so he would assume the applicant has not had communication with any of the neighbors. He would like to see the applicant go speak with the neighbors, come back before the Board with a better list

of more specifics because right now everything is so vague. The Board wants to hear that the applicant has thought the plan through so the applicant can present to the Board a better plan of what is proposed. Mr. Crall recommended that the applicant ask for a continuance to allow time to visit with the neighbors and have a better business plan.

Ms. Contreras stated that she is to the west of the neighbors so they will not be bothered with any traffic. She does not plan on serving alcohol but if a client wants to bring in a licensed bar tender to have alcohol, she will allow it.

Mr. Tisdale asked Mr. Smalygo if his concerns would be abated if the venue was to hold all events indoors.

Kyle Smalygo came forward and stated that when 400 people are being dealt with everyone has a different agenda, so he is only speaking on behalf of himself at this point, he understands there would be music. In a general consensus, the directly adjacent houses that abut the subject property, about 20, the concern would be keeping someone off their property with only a chain link or barbed wire fence as a barrier.

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 Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG District (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D) to the September 21, 2021 Board of Adjustment meeting; for the following property:

NW SW & N74.95 SW SW LESS W16.5 THEREOF FOR RD & LESS N70 E268.5 W285 NW SW SEC 27 22 13 41.317ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2902—Josh Merritt & Lindsey Crain

Action Requested:

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District to permit the construction of two single-family homes (Section 207). **LOCATION:** 6144 East 156th Street North & 6160 East 156th Street North

Presentation:

Josh Merritt, 6144 East 156th Street North, Collinsville, OK and **Lindsey Crain**, 6160 East 156th Street North, Collinsville, OK; Mr. Merritt stated there is ingress, egress and utility easement from the landowner for the subject property, he does not have road frontage and they each would like to build a house. Mr. Merritt stated they each own 15 acres. There are no future lot splits planned, this is just for the two families to live on.

Mr. Hutchinson asked Mr. Merritt if there would be water available for the two tracts. Mr. Merritt answered affirmatively stating the water meters are already installed.

Mr. Hutchinson asked Mr. Merritt if there had been discussion about road maintenance in the future. Mr. Merritt answered affirmatively and stated that he and Ms. Crain will maintain the access easement.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-1 (Crall, Johnston, Tisdale “aye”; no “nays”; Hutchinson “abstains”; Charney “absent”) to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District to permit the construction of two single-family homes (Section 207), subject to conceptual plan 3.16 of the agenda packet. The Board has found the hardship to be that it is a large piece of property and access to the separate lots would be required. There is to be no additional lot splits in the future. The easement is to be filed of record. 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 660.74W & 661.65S NEC NE TH S661.66 W660.74 N661.37 E660.73 POB SEC 22 22 13 10.034ACS; N/2 NW SE NE SEC 22 22 13 5ACS; TR BEG 660.74W &

1323.31S NEC NE TH S1323.31 W660.75 N1322.74 E660.74 POB LESS N/2 NW SE NE SEC 22 22 13 15.06ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2903—In Suk Fye

Action Requested:

Use Variance to permit an agricultural use (Use Unit 3) to permit raising pet chickens and ducks in an RS District (Section 1203). **LOCATION:** 1911 East 61st Court North & 6131 North Wheeling Avenue East

Presentation:

In Suk Fye, 1911 East 61st Court North, Tulsa, OK; stated she lives in an older home that is falling apart but she does try to keep it clean. She raises ducks and chickens; they are her friends. Her ducks and chickens give her the strength to get up every morning, she has an incurable disease. Some people think the things that are in her yard are trash, but she does use them, she cannot afford to buy new things. The picture of the rooster the neighbor sent in saying the rooster was sick, it is not sick, the rooster is from Thailand and that is how they look. The pictures of the water in the pool are for the ducks. The water is not stagnant, she changes the water every day because she does not want her animals drinking stale water. None of the neighbors have complained to her in the past about the ducks and chickens until the new neighbor moved in; the neighbors even bring their children over to see the ducks and chickens like it is a zoo.

Mr. Hutchinson asked Ms. Fye how many ducks and chickens she has on the property. Ms. Fye stated that she has about 20 or 22 total.

Ms. Fye stated that she does not know how the neighbor was able to get the pictures she sent it without coming into her house. She feels like her privacy has been violated.

Mr. Hutchinson asked staff if the ducks or chickens are allowed to be in her zoning classification. Mr. Chapman answered no, not in RS zoning.

Interested Parties:

Bonnie Caldwell, 6145 North Wheeling, Tulsa, OK; stated she also owns 6146 and 6150 North Wheeling. Ms. Caldwell stated 6145 is the primary residence and on the south side of the property there is a 100-foot fence which is connected to Ms. Fye's property. The north side of the Fye property is where the birds are kept, and they roost against the fence. At times birds have flown over the fence and her dogs have killed them. Ms. Caldwell stated that Ms. Fye has also trespassed onto her property to retrieve the birds. The birds have been seen running through the neighborhood. Ms. Caldwell stated she erected the privacy fence so she would not have to see the birds, and the pictures she presented were taken of the subject property from her side of the fence; it is all viewable for everyone to see. The birds are not kept on the North Wheeling property they are kept on the 61st Court property which abuts her fence. The smell from the bird's feces and urine is unbearable. Ms. Caldwell stated she just built a \$180,000 house next door to the subject property and the house has front and rear decks. She uses the rear deck only to smoke because the smell is so terrible, and there are flies and mosquitos. There is a lot of trash and wood piled up, and she has seen

snakes and rodents come from the piles of wood. The biggest issue is from the runoff from the rain and the dumping of the pools onto her property under her fence. She cannot get grass to grow in her yard from the runoff from the subject property. She would ask the Board to consider the neighborhood as a whole because this is a problem for everyone.

Mr. Hutchinson asked Ms. Caldwell how many ducks and chickens does she think Ms. Fye has? Ms. Caldwell stated there are about 100 currently because Ms. Fye hoards them in cages; there are only a few that she lets roam free. At the time this case was started there were probably 300 birds. She has seen hundreds of birds leave the property but there are still 50 or more birds.

Mr. Crall asked Ms. Caldwell if this just started recently. Ms. Caldwell answered no stating that she just moved into her house in October 2020. Mr. Crall asked Ms. Caldwell if the subject property was in that condition before she moved in. Ms. Caldwell answered affirmatively.

Ms. Caldwell stated that in the City the birds and coops need to be kept away from any structure. The main problem with the birds is that they are right up against the fence and any runoff comes onto her property. Ms. Caldwell stated that Ms. Fye has another property on the other that does not touch anyone's property. She would ask the Board, if Ms. Fye is allowed to keep a few birds, that the roosting is to be away from her property.

Comments and Questions:

Mr. Tisdale stated there is a large discrepancy between the applicant saying she only has 20 birds and the neighbor saying there are 50 to 100 birds on the property, he thinks the Board needs staff input on the situation.

Mr. Tisdale left the meeting at 2:23 P.M.

Mr. Hutchinson asked staff if he understood correctly that there are no chickens or ducks allowed in the County. Ms. Miller answered affirmatively stating the County Zoning Code is going through an update and there may be an allowance in the future because in the City in an RS District homeowners are allowed to have some chickens or ducks. Mr. Chapman stated that Kerrick Edenborough has been to property so maybe the staff would like to hear from him.

Kerrick Edenborough, Tulsa County Inspections, came forward and stated he has visited the property and he does not think there were 100 birds, but he did not count them either. Today there are a lot fewer birds than there were before.

Mr. Tisdale re-entered the meeting at 2:26 P.M.

Mr. Chapman stated that in the City of Tulsa a person is allowed six urban chickens, if that is relevant to the Board.

Mr. Johnston stated that if it is to have the companionship of a pet, he thinks five or six birds would be plenty.

Mr. Crall stated that he would approve six total birds if the birds could be kept under control and kept out of the neighbor's yard.

Mr. Hutchinson stated he cannot support this request because he does not think any restrictions placed on the approval would be adhered to.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-1-0 (Crall, Johnston, Tisdale "aye"; Hutchinson "nay"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Use Variance to permit an agricultural use (Use Unit 3) to permit possessing pet chickens and ducks in an RS District (Section 1203). There is to be a limit of six total birds in combination kept on the subject property. The birds are to be contained in a coop at all times and the coop is to be at least 50 feet from any property line. The Board finds the hardship to be that the applicant has a personal connection to the fowl. 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 12 BLK 5; LT 11 BLK 5, SCOTTSDALE ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2904—Brad Sherrill

Action Requested:

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 25 feet in the AG District to permit the construction of a single-family home (Section 207). **LOCATION:** 21550 West Highway 51

Presentation:

Ben Erb, 21550 West Highway 51, Sand Springs, OK; stated he represents the property owner, Mr. Sherrill, and the Variance request is for five feet, it is a deeded piece of property. This is a single ingress and egress for single family home. There are no other homes on the property and it is not an easement or statutory right-of-way, it is the owner's private property. The owner also owns the adjacent lot which is five acres which, technically, gives them over 500 feet of road frontage, about 500 feet down there is another property that is 500 feet off the main road. The main road has about 600 feet of frontage on the owner's property.

Interested Parties:

Lee Peoples, 1625 East 56th Street North, Tulsa, OK; stated that there is an existing easement so he does not understand what this is about.

Mr. Hutchinson stated that the Code states there has to be 30 feet of road frontage and the land owner only has 25 feet, so the Variance request is for five feet.

Mr. Peoples stated that this would not concern him because his property is behind the subject property. He thought the land owner wanted an easement from the highway to their property.

Pamela Randle, 630 East Zion Street, Tulsa, OK; stated she doesn't think she is understanding this request. The subject property is behind her property and she understands that the applicant wants access to Highway 51. In order for that to happen the applicant would need to cross her property.

Mr. Hutchinson stated that he understands the applicant owns 25 feet of property to Highway 51 and the Code requires 30 feet of road frontage before a house can be built.

Mr. Chapman asked Mr. Erb if he wanted to use property that he already owns and not seeking any easement on anyone else's property. Mr. Erb answered affirmatively.

Ms. Randle asked Mr. Hutchinson where the other five feet required would be coming from. Mr. Hutchinson stated that if the Board were to approve this request the property would remain as it is and the approval would be for 25 feet instead of 30 feet.

Lee Peoples came forward and stated the easement was existing before Mr. Sherrill purchased the subject property. Mr. Peoples is concerned about access to his property if this is approved.

Mr. Hutchinson asked Mr. Peoples if his easement was filed. Mr. Peoples answered affirmatively. Mr. Hutchinson informed Mr. Peoples that he would still have access to his property through his easement as long as the easement is filed of record.

Rebuttal:

Ben Erb came forward and stated he is before the Board today asking the Board accept the property in the “as is” condition, he is not asking for five feet or anything else. The request is the only way the owner can access the property. When the property was split many years ago this was a designated right-of-way to access the property. If this is not approved today the owner cannot access the property to build a house.

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** of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 25 feet in the AG District to permit the construction of a single-family home (Section 207). The Board found the hardship to be this is existing at 25 feet and the neighbors are agreeable to the existing access. 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/2 NE LESS 5.166ACS FOR RD & LESS 29.60ACS IN 9 TRACTS SEC 15 19 10
45.233ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

2905—Dream Point Ranch Events, Inc.

Action Requested:

Special Exception for Use Unit 2 (Area-Wide Special Exception Uses) to allow a wedding and event venue in an AG District; Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 17700 East US Highway 64

Presentation:

Sarah Coffin and Jason Coffin, 17700 East Highway 64, Tulsa, OK; Ms. Coffin stated this request is for a Variance for a support facility on adjoining property that has already received a previous Variance. The use would be rehearsal dinners, bridal luncheons, larger dressing rooms for the bridal party, and have the capability to have separate events as well.

Mr. Hutchinson asked Mr. Coffin if the other facility was south. Mr. Coffin answered affirmatively stating the previous approval was on the 70 acres, and this is an adjoining 40 acre tract.

Mr. Hutchinson asked Mr. Coffin about the size of the proposed structure. Mr. Coffin stated that it will be 90'-0" x 30'-0".

Ms. Coffin came forward and stated that the proposed building would be used as a support facility because she has received quite a few requests to have rehearsal dinners on site but if the existing facility is booked she does not have the capability to do have the dinners. Ms. Coffin stated the new building would also have larger dressing rooms than what is being offered currently.

Mr. Hutchinson asked about any neighboring properties. Ms. Coffin stated the proposed site is in the middle of the her property so there will be no nearby houses.

Mr. Hutchinson asked about the number of events being held currently. Ms. Coffin stated that in four years there have been 254 events held which includes photography sessions, weddings, fund raisers, special events, corporate trainings, retreats, etc.

Mr. Hutchinson asked about the materials for the proposed building. Mr. Coffin stated the proposed building will be pole barn construction but the exterior façade will be brick. The existing building is metal but it has sheet rock and wood cladding so the sound suppression is good. Mr. Coffin stated he does sound recordings on neighboring properties during events so if there is ever an issue, and in four years he has never had any complaints.

Mr. Hutchinson asked what the current hours of operation are. Ms. Coffin stated the hours for the proposed building would be the same, she never holds an event beyond midnight. All guests are dismissed at least an hour before midnight and that is when clean up commences, and all vendors and guests are to be off the property by midnight.

Mr. Hutchinson asked Ms. Coffin if she had alcohol sales at the events. Ms. Coffin stated that every event there is security present and she requires a licensed and insured bar tending company, or that service can go through the catering company. There is no self-service alcohol permitted. Ms. Coffin stated that the applicant is reminded of the policies two weeks prior to an event and reminded again the day of the event.

Mr. Hutchinson asked about the Variance request of the all-weather parking. Mr. Coffin stated that stems largely from the previous request. There will be a milled asphalt all-weather surface for the facility, and the 30-foot wide road to the existing facility is milled asphalt. Mr. Coffin stated that milled asphalt sets up nicely once it has been driven on. Mr. Hutchinson asked Mr. Coffin if there were any dust issues using the asphalt millings. Mr. Coffin stated that at this time of year there is some until the surface sets.

Interested Parties:

Pat Calhoun, 17700 East Highway 64, Tulsa, OK; stated he is head of security for Dream Point Ranch Events and has been since 2018. He is retired police officer and takes the security issues very seriously. There have been zero complaints and the Deputy Chief in Bixby has recorded zero complaints. Mr. Calhoun stated that he has taken sound readings inside the building at events and the decibel reading was 95 and ten feet outside the building it was 65, and for fun he took a decibel reading at this meeting and it was 62 decibels.

Mr. Hutchinson asked Mr. Calhoun if there was security at every event. Mr. Calhoun stated that if there is alcohol served there is security present, and security is present at any event that is over 75 people in attendance. Security is present at events even if the attendance is under 75 people if alcohol is being served.

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 Special Exception for Use Unit 2 (Area-Wide Special Exception Uses) to allow a wedding and event venue in an AG District; Variance from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plan 6.37 of the agenda packet. The approval is to adhere to the previous Special Exception conditions approved in case CBOA-2642. The parking area is to consist of asphalt millings. The Board has found the hardship to be the large tract of land and asphalt millings will set up as asphalt. 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:

S/2 NW/4 SW/4 SW/4, Tulsa County, State of Oklahoma

2906—Russell Bell

Action Requested:

Special Exception to permit a mobile home (Use Unit 9) in an RS District (Section 410).

LOCATION: 15525 West 19th Place South

Presentation:

Russell Bell, 1923 South 167th West Avenue, Tulsa, OK; stated the property is Mobile Home Park 51. He has lived there for 34 years and because of a change in ownership he feels it is wise to move.

Ms. Miller left the meeting at 3:06 P.M.

The property on 19th Place is just a short distance away from where he is now and that property did have a mobile home on it quite a few years ago. The offer he made on the property has been accepted and now it is pending on the approval of the Variance request. He would like to stay in the community because he has vested quite a bit of his life in the community as a now retired Sand Springs school teacher and as a teacher at the Tulsa Boys Home.

Ms. Miller re-entered the meeting at 3:09 P.M.

Mr. Bell stated there is another mobile home very close to the subject property so there are mobile homes in the area.

Mr. Hutchinson asked Mr. Bell if there is a house on the subject property. Mr. Bell stated there is a shop with an office in the rear on the property because they used to sell cars there.

Mr. Hutchinson asked Mr. Bell if he had visited with any of the potential neighbors. Mr. Bell stated that he did visit with the neighbors and there were no objections.

Mr. Hutchinson asked Mr. Bell if he had any objections to adhering to the DEQ requirements, i.e., tie downs, skirting, etc., and if he had any objections to a concrete or asphalt parking pad. Mr. Bell stated that he was not aware of the parking pad requirements but he would install one if he is approved, stating that he had plans to install the mobile home on a concrete foundation slab.

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 **APPROVE** the request for a Special Exception to permit a mobile home (Use Unit 9) in an RS District (Section 410), subject to conceptual plan 7.8 of the agenda packet. The parking surface is to be concrete or asphalt. The mobile home is to meet all Tulsa County Code requirements, i.e., tie downs, skirting, septic system, 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:

BEG 275E & 292S NWC SE SW TH W135 S258.92 SW60.81 S163.25 SE31.41 N125.64 E148 N348.84 POB SEC 36 19 11 1.252ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2907—Michael Boosalis

Action Requested:

Special Exception to permit a horticulture nursery in an AG-R District (Section 310, Table 1); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 11665 North 101st Avenue East

Presentation:

Michael Boosalis, 11665 North 101st East Avenue, Collinsville, OK; stated he would like to have a Special Exception approved for a horticultural nursery. Mr. Boosalis stated that he spoke with a few of the neighbors to assure them that nothing will change other than he would be converting a few rooms in the existing shop to grow. Mr. Boosalis asked that it is him and his girlfriend operating the facility.

Mr. Hutchinson asked Mr. Boosalis how many plants did he want to have? Mr. Boosalis stated that there are two rooms he will be using so he thinks it will be 35 plants in one room and 25 plants in the other room.

Mr. Hutchinson asked Mr. Boosalis about the size of the building he would be using for the grow facility. Mr. Boosalis stated that it is 25'-0" x 20'-0".

Mr. Hutchinson asked Mr. Boosalis if he was familiar with the Tulsa County Code requirements for the filtration, etc. Mr. Boosalis answered affirmatively. Mr. Hutchinson asked Mr. Boosalis if he was concerned about any possible odors escaping the building. Mr. Boosalis stated that the architect he hired went over the filtration system with him and the neighbors on either side have animals, one has goats and the other has pigs.

Mr. Boosalis stated there will be no extra traffic coming into the area because he will be making the deliveries, and he and his girlfriend will be the ones to do the working, i.e., trimming.

Mr. Boosalis stated there will be no sign and there will be no changes to the outward appearance of the property.

Mr. Crall asked Mr. Boosalis if he would agree to keeping the operation contained within the existing building. Mr. Boosalis answered affirmatively and stated that if the business grew, he would move to another location.

Interested Parties:

Allen Terrill, 11666 North 101st East Avenue, Collinsville, OK; stated he was not one of the neighbors that Mr. Boosalis spoke to about the project, and he has concerns. This is a residential neighborhood, and he is concerned about the Variance for the all-weather surface. He does not want to see gravel brought in for the driving and parking area because it does blow dust and dirt. He is concerned about property values if this is allowed. There is a time and a place for everything, and he agrees that the time is now for growing marijuana, but he is not sure this is the place to do it. He worries about the smell even with the filtration system.

Mr. Hutchinson asked Mr. Terrill where he lives in relation to the subject property. Mr. Terrill stated that he is north across the street and over one lot.

Rebuttal:

Michael Boosalis came forward and stated he has received his medical license as has his girlfriend, and there are already 15 plants growing so if no one is smelling it now, they will not smell it in the future. Mr. Boosalis stated he already has the filtration system working and nothing else is going to change. He is hoping that he will not need to have the asphalt surface because it is just him and his girlfriend on the subject property.

Mr. Hutchinson asked Mr. Chapman to explain the Code regarding the asphalt surface. Mr. Chapman stated that it is because it is a commercial operation, normally if this were a residential property or agriculture there would not be an issue.

Mr. Crall asked Mr. Boosalis how many people live on the street. Mr. Boosalis stated that it is eight or ten residences and a church.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-1-0 (Crall, Johnston, Tisdale “aye”; Hutchinson “nay”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Special Exception to permit a horticulture nursery in an AG-R District (Section 310, Table 1), subject to conceptual plan 8.8 of the agenda packet. The metal building that is highlighted on the site plan is to be limited to the footprint that is existing. 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:

**TR BEG 1640.98E & NELY967.17 TO PT ON RR R/W TH W550 NE207.56 E550 SW207.56
POB SEC 6 21 14 2.525AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

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 plan 8.8 of the agenda packet. There are currently no employees, at which time they start hiring there will be a hard surface required for 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:

**TR BEG 1640.98E & NELY967.17 TO PT ON RR R/W TH W550 NE207.56 E550 SW207.56
POB SEC 6 21 14 2.525AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

2908—C. Robert Reed

Action Requested:

Special Exception to allow Use Unit 16 for a mini storage in a CS/RS District (Section 710 and Section 1216). **LOCATION:** 8711 North Yale Avenue

Presentation:

C. Robert Reed, 8711 North Yale, Sperry, OK; stated he would like to continue with the planned storage facility. The property has been zoned for the storage facility and that zoning has expired; he and his wife purchased the property. He has an existing facility at Highway 20 and Sheridan Road, and he has taken a few neighbors out to that facility so they would know what to expect of the proposed facility. The facility uses technology that has been identified as a green wall which is steel lattice covered with ivy so the majority of the building's exterior has a live look.

Mr. Hutchinson asked Mr. Reed how long his facility in Collinsville had been open. Mr. Reed stated that facility opened one year ago in March.

Mr. Hutchinson asked Mr. Reed how long it is estimated to take before the ivy takes over the steel lattice work. Mr. Reed stated the hard freeze in late winter killed everything but he is hoping that in six months the lattice will be covered.

Mr. Hutchinson asked Mr. Reed if any of the buildings he has ever had the exposed metal portion covered in stucco. Mr. Reed answered no because stucco dates a building. This is a state of the art facility and he is trying to stay away from things that will date it like earth stone or stucco. Stucco has a purpose but it does not take long for it to become an eyesore.

Mr. Hutchinson asked Mr. Reed if he would consider brick on the west or east side. Mr. Reed answered no because a brand is being created for a distinct look for Reed Bros Storage.

Mr. Hutchinson asked Mr. Reed about landscaping around the proposed site. Mr. Reed stated that he plans some things for aesthetics, but the appearance will be to focus on the green in between. The proposed site is set back on the property and eventually there will be other buildings on the property in front of his site and his building will be less and less visible as time goes on.

Mr. Johnston asked Mr. Reed if he had other future plans for the property. Mr. Reed answered no stating this is all he has planned for the property.

Mr. Hutchinson asked Mr. Reed how many storage units was he proposing for the site. Mr. Reed stated there will be about 270 units.

Ms. Miller stated that the site plan on page 9.2 of the agenda packet does not meet the setback and zoning requirements, so if the use is approved by the Board a statement in

the motion needs to be made that the applicant needs to adhere to all the zoning requirements. Ms. Miller stated that another odd issues about the property is that there is a ring of RE zoning, shown on page 9.1, inside the property. Mr. Reed stated he is working closely with SGA, a local architect, and he is making that all requirements will be met.

Interested Parties:

There were no interested parties present.

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 allow Use Unit 16 for a mini storage in a CS District (Section 710 and Section 1216), subject to conceptual plan 9.14, 9.15, 9.16, 9.17, 9.18, 9.19 and 9.20 of the agenda packet. The approval is subject to all required setbacks of the Code. The Special Exception is approved for only the portion of property zoned CS. 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:

PART OF THE SOUTHWEST QUARTER (SW4) OF SECTION TWENTY TWO (22), TOWNSHIP TWENTY ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SW4 OF SAID SECTION 22, THENCE DUE NORTH AND ALONG THE WEST LINE OF THE SW4 OF SAID SECTION A DISTANCE OF 678.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49' 21" EAST A DISTANCE OF 545.00 FEET TO A POINT; THENCE DUE SOUTH A DISTANCE OF 17.99 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49' 21" EAST A DISTANCE OF 45.20 FEET TO A POINT; THENCE SOUTH 00 DEGREES 01' 51" EAST A DISTANCE OF 660.01 FEET TO A POINT ON THE SOUTH LINE OF THE SW4 OF SAID SECTION; THENCE NORTH 89 DEGREES 49' 21" WEST AND ALONG THE SOUTH LINE OF THE SW4 A DISTANCE OF 590.56 FEET TO THE POINT OF BEGINNING', OF TULSA COUNTY, STATE OF OKLAHOMA

2909—J. R. Donelson

Action Requested:

Variance of the minimum land area per dwelling unit requirement from 2.1 acres and minimum lot area requirement from 2 acres in the AG District (Tracts A and B); Variance from the minimum lot width requirement from 150 feet to 147 feet (Tracts A and B) in an AG District to permit a lot-split (Section 330, Table 3). **LOCATION:** 16333 South 185th Avenue East

Presentation:

J. R. Donelson, 12820 South Memorial Drive, Bixby, OK; stated the Variance is requested so a future lot split can be obtained. The north half of the property, once split, would only be 147 feet wide and the Zoning Code requires 150 feet in width. Once the lot split is complete the north parcel will be 1.91 acres which is less than the required two acres, and the south parcel would be over two acres. The Arkansas River is on the east side of the property and according to the County Assessor the quoted acreage is the total acreage according to the meandering line that existed at the time, so if the meandering line has moved the property may alright in regard to the acreage. The property is currently zoned agricultural, and it will remain agricultural. The north portion of the property has an existing barn, and a sod company will utilize the barn to park equipment in once the lot split is approved.

Mr. Tisdale left the meeting at 3:46 P.M.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-1 (Crall, Hutchinson, Johnston “aye”; no “nays”; Tisdale “abstaining”; Charney “absent”) to **APPROVE** the request for a Variance of the minimum land area per dwelling unit requirement from 2.1 acres and minimum lot area requirement from 2 acres in the AG District (Tracts A and B); Variance from the minimum lot width requirement from 150 feet to 147 feet (Tracts A and B) in an AG District to permit a lot-split (Section 330, Table 3), subject to conceptual plans 10.6, 10.7 and 10.8 of the agenda packet. The hardship is the width of the property after a lot split would be 147 feet, less than the County Agriculture zoned property width of 150 feet; and a parcel being created less than 2.0 acres. This property is located in the southeast portion of Tulsa County and is used for agriculture purposes. The desire is to obtain a lot split on the property and sell the north half of the property with the existing barn to a sod company. The sod company wishes to use the property to park its equipment in the barn. The width of the property for both parcels would be 147 feet, if the lot split is

approved. The minimum width for the 'AG' zoning is 150 feet. The Arkansas River abuts this tract of land to the east. The east boundary of the Government Lot 4 is a Meander line. Splitting the property into two parcels would create a north parcel being 1.91 acres and a south parcel being 2.105, with the recorded Meander Line. The 1.91-acre north parcel would be less than the 2.0 acres required in Tulsa County for 'AG' zoned property. The Arkansas River Meander line to the east can and does change. Therefore, the total property at times could exceed the 4.015 acres as listed by the Tulsa County Assessor, making the north parcel equal to or greater than 2.0 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; for the following property:

N294 GOV 4 SEC 25 17 14 4.015AC, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tisdale re-entered the meeting at 3:52 P.M.

2910—Branch Communications

Action Requested:

Special Exception to permit a communications tower (Use Unit 4) in an AG District (Section 1204). **LOCATION:** East of the NE/c of North 129th East Avenue & East 86th Street North

Presentation:

Ty Knott, Branch Communications, 7335 South Lewis Avenue, Tulsa, OK; stated this application pertains to the Owasso FFA site. Branch Communications is proposing 115-foot monopole located at 12901 East 86th Street, beside the high school baseball field and the FFA alumni property. Branch Communications has entered into a lease with the FFA alumni to construct the tower pending its approval. Branch Communications looked at several sites and this location will pull all the towers together on that side of Owasso increasing coverage around the high school, 86th Street, and all the residential from the north and east. Branch Communications is looking a capacity site. Coverage is there however the capacity is not which means slow data, dropped calls, or having a call that will not go through. The property is zoned agricultural. Verizon wanted a 150-foot pole and Branch could not provide that and it was decided that 115-foot pole would allow this to fall within the setbacks. Mr. Knott stated that he knows there is an existing tower south and east of the subject site, and that tower is owned by Towerco. Towerco did approach Verizon about co-locating on their tower and Verizon stated that due to the elevation and the location of that tower being too close to the south tower it would cause interference making it not a viable option. That is how the location at the school was chosen. Mr. Darryl Maggard at INCOG provided information specifically about cell phone calls calling 911 in 2021, there were almost 11,000 calls just in the Owasso area.

Mr. Hutchinson asked Mr. Knott if there were any plans to disguise the monopole. Mr. Knott stated there are some stealth options, there is a monopine or a monoelm pole but unfortunately in Oklahoma they do not work that great because Oklahoma does not have trees that tall and they don't blend into the surroundings. At this location there is the baseball field with the overhead lights and those lights are taller than the proposed tower.

Mr. Hutchinson asked Mr. Knott if the equipment could be installed on one of the baseball field light towers. Mr. Knott stated that structurally the baseball field lights are not made for extra equipment and would not work.

Mr. Hutchinson asked Mr. Knott if the pole was strictly for Verizon or would there be other tenants on the pole. Mr. Knott stated that all the towers Branch Communications builds are always built for four tenant carriers.

Mr. Hutchinson asked Mr. Knott where Verizon's other tower is located. Mr. Knott stated that it is almost straight east of the subject site on the other side of the residential area. That tower has all the equipment that it can possible hold and serve customers well.

Interests Parties:

Karl Fritschen, Planning Manager, City of Owasso, 200 South Main Street, Owasso, OK; stated he started hearing about the proposed tower back in April and he spoke with Mr. Hockey at Towerco. Towerco operates the tower that is located across the street to the southeast located about 1,100 feet away from the proposed and near The Greens Apartments. The City would ask the Board to consider the City of Owasso Code be applied to this situation. The City's Code reads that there is a 5,000-foot minimum separation distance on towers, and he would ask the tower to be constructed to allow multiple carriers. This is to not allow certain areas to become tower cluster areas. If this request should be approved the City of Owasso asks the tower be designed to allow other carriers to be placed on it. Mr. Fritschen stated there is also another tower located about one mile away and is located at Hodson Elementary School, about 85th Street North and 145th East Avenue. There is another tower to the northwest that is about $\frac{3}{4}$ of a mile away located in the Smith Farm Shopping Center and he is not sure if the tower is maxed out. Again, the City of Owasso would ask the Board to consider their City Code given the uniqueness of the subject property being in the center of the City of Owasso.

Mr. Hutchinson asked Mr. Fritschen what the City of Owasso does in this type situation where another tower is causing interference. Mr. Fritschen stated that it would be taken to the Board of Adjustment as a request to vary from the separation requirement. The City of Owasso would ask for proof that there is a need for the tower in the area based on the tower locations, the tower capacities, where the overloads are located and for maps to prove the case. Mr. Fritschen stated that he knows the Towerco tower was designed to have other carriers on it, and Towerco has contacted him several times; he was informed that Towerco did approach the subject individual to locate on the Towerco tower.

David Hockey, Towerco, 5000 Valley Stone Drive, Cary, North Carolina; stated he has spoken with the City of Owasso when he found about the subject site. Towerco owns an existing tower that is 150 feet in height. The anchor tenant is AT&T located at 135 feet, and this pole is 1,100 feet south of the proposed site. Towerco has seen the coverage go from the coverage to the capacity, and this case is a capacity site. Towerco's position is that Verizon ultimately approached Towerco to look at their site and Verizon was told that the site could accommodate them from a structural capacity and there are multiple places on the tower where equipment can be placed. Verizon was asking for 120 to 150 feet and Towerco offered them 144 feet. Towerco also told Verizon that they could stack ten feet on top of the 150 feet to give them a taller height. Towerco moved forward and obtained additional ground space to accommodate Verizon's ground equipment so they could have a place for their ground equipment as well as on the tower. Towerco's belief is that at the end of the day Verizon could locate on Towerco's site, there is no need for the additional site. The County Code states that Verizon needs to prove they need the site and that they cannot use existing towers. This Board certainly has within its discretion to hire a third party consultant where they would study what the applicant states. Mr. Hockey stated that in his opinion Towerco can

accommodate Verizon, the existing tower will suffice, it will work for Verizon and maybe it is not perfect but in the end it will provide the goals they need.

Mr. Hutchinson asked Mr. Hockey how many carriers there were on Towerco's tower currently. Mr. Hockey stated there is one, AT&T, the anchor tenant, and three more tenants can be accommodated. Mr. Hockey asked that if Verizon didn't believe their pole had any validity, any validity at all why would they even contact Towerco?

Mr. Crall asked Mr. Hockey if there was any obligation for Verizon to use Towerco. Mr. Hockey answered no, there is contractual reason.

Ms. Miller left the meeting at 4:12 P.M.

Rebuttal:

Ty Knott came forward and stated that Mr. Hockey stated there was no perfect coverage but there is a perfect coverage per Branch Communication's RF and what they are trying to provide customers. The County does not have a set limit on how many feet there should be between towers and that is one of the reasons why Branch Communications went to the school and to the FFA because it fits into the box of what the County asks cell phone towers to be, not the City because the City does not have jurisdiction. The contract between Branch Communications and the FFA Alumni will benefit all the kids, it is a constant monthly revenue for the FFA. This is a long term contract that help public schools and this will benefit them. It is a good way to give back to the community. Branch Communications has spent thousands of dollars getting to this point and the proof would be the RF creating the ring proving the capacity gaps.

Cierra Merino, 12012 East 110th Place North, Owasso, OK; stated that she will explain the RF needs. There is a tower at Hodson Elementary and there is a tower northwest of there. The distance between those two towers is about two miles. In order to increase the capacity that distance needs to be split in half placing a tower about one mile between the two towers. That would make the high school the middle point of that measurement.

Mr. Hutchinson asked Ms. Merino if 1,100 feet makes that much of a difference. Ms. Merino stated that it does when looking for capacity. When looking for coverage it can be a general area but specifically the high school has so much data usage that the coverage has to be precise as to how it is splitting the difference between the two towers.

Kerwin Koerner, Assistant Supervisor, Owasso Public Schools, 1501 North Ash, Owasso, OK; stated the school learned about this proposal around May when one of the AG teachers approached the school. Mr. Koerner stated that it is not school property, it is owned by a separate entity which is a non-profit 501-3C Owasso FFA Alumni Association. The funds that would be from the tower will not be placed in the

school's general fund. The school is in business for the kids and not in business for anyone else. The school is trying to stay as neutral as possible in this situation.

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 **Special Exception** to permit a communications tower (Use Unit 4) in an AG District (Section 1204), subject to conceptual plans 11.23, 11.24, 11.25, 11.26, 11.27, 11.28, 11.29, 11.30, 11.31, 11.32, 11.33, 11.34 and 11.35 of the agenda packet. The Board considered each of the following stated factors in Section 1204.3.E. 1 & 2 of the Code and finds that the application complies with the requirements to the Boards satisfaction.

"Section 1204.3.E provides the following:

1. Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:
 - a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures, residential district boundaries and existing towers;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation;
 - h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
 - i. Proposed ingress and egress;
 - j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area;
 - k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography, and other physical facts.
 - l. Landscaping

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:

BEG SWC SE SW TH N550 E411.44 S550 W POB LESS S60.01 THEREOF FOR RD SEC 21 21 14 4.628ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2911—Joe Neal

Action Requested:

Variance to permit detached accessory buildings in aggregate to exceed 750 square feet in an RS District (Section 240.2-E); Variance to allow a detached accessory building to be located in the front yard in an RS District (Section 420.2.A-2). **LOCATION:** 9715 East 92nd Street North

Presentation:

Joe Neal, 9715 East 92nd Street North, Owasso, OK; stated he would like to add a 24 x 30 building to his property.

Mr. Hutchinson asked Mr. Neal if he would be conducting commercial business out of the proposed building. Mr. Neal answered no.

Mr. Hutchinson asked Mr. Neal if he had another accessory building on his property. Mr. Neal answered affirmatively stating that he is not sure whether he is going to keep that building or not.

Mr. Hutchinson asked Mr. Neal if the building was going to be stick built. Mr. Neal stated that it will be a wood frame colored metal building.

Interested Parties:

There were no interested parties present.

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 to permit detached accessory buildings in aggregate to exceed 750 square feet in an RS District (Section 240.2-E); Variance to allow a detached accessory building to be located in the front yard in an RS District (Section 420.2.A-2), subject to conceptual plan 12.6 of the agenda packet. The Board has found the hardship to be the unique 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:

PRT LTS 1 & 2 BEG NWC LT 1 TH E98.19 S127.93 CRV LF 99.19 SWC LT1 TH CRV LF 5 N74.60 W30 N42.50 E35 POB BLK 1, FAIRWAYS VI AT BAILEY RANCH, HALE ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 4:45 p.m.

Date approved: 9/21/21
David E. Chorney
Chair