

TULSA COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 499

Tuesday, October 19, 2021, 1:30 p.m.

Williams Tower I

1 West 3rd Street, St. Francis Room

Tulsa, OK

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Charney, Chair	Tisdale	S. Miller	T. Tosh, County
Hutchinson, V.Chair		Jones	Inspections
Dunkerley		Sparger	K. Edenborough,
Hicks			County Inspections

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 18th day of October, 2021 at 1:01 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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

Mr. Charney welcomed two new members to the Board of Adjustment, Mr. Kelly Dunkerley and Mr. Michael Hicks.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson "aye"; no "nays"; no "abstentions"; Tisdale "absent") to **APPROVE** the Minutes of September 21, 2021 (No. 498).

* * * * *

UNFINISHED BUSINESS

2914—Joanna Ford

Action Requested:

Variance to permit a detached accessory building to exceed 750 square feet in the RS District (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS District (Section 420.2.A-2). LOCATION: 12833 South 121st East Avenue

Presentation:

Josh Ford, 512 East Glendale Avenue, Broken Arrow, OK; presented an e-mail and a picture of a barn in the side yard of a resident.

Mr. Charney asked Mr. Ford if he still wanted to have a detached building because there was discussion at the previous meeting about possibly attaching it to the house. Mr. Ford stated that he would prefer the building be detached.

Mr. Charney recapped the application for the two new Board members.

Mr. Ford stated that the house will be used by a friend for a few months but in the future it will be his son's house after he graduates college. Mr. Ford stated that he has sat on neighborhood boards in the past, and he learned that once a covenant is broken it is no longer enforceable.

Mr. Charney stated that the Board's view of private covenants, the Board reviews applications from a land use planning standpoint. The Board does not give an opinion on covenants and the Board does not speak to that. What the Board tries to do is to determine whether within the Zoning Code, regardless of private covenants. The Board will determine whether the detached accessory building at a given size and a given location fits into the neighborhood. If the neighbors are in disagreement with the request from a covenant standpoint, they can bring private action as they wish outside of the Board's purview.

Mr. Ford stated that if other people in the neighborhood have been approved where is the enforcement on their property versus his property? Mr. Charney stated that sometimes the Board's previous action may be relevant but not private covenant determinations.

Mr. Ford stated there have been negative e-mails sent in from people that are not associated with real estate, and what it does to make neighborhoods better. Mr. Ford stated he is going in to a neighborhood that is a nice neighborhood but has several dilapidated houses and he wants to start flipping houses in that subject neighborhood and this is his first in the neighborhood. Mr. Ford stated there is no one here in person to contest but yet they are concerned about their property values, it is not that important to them if they are not in attendance.

Mr. Charney asked Mr. Ford if the location of the proposed building is still the same as described at the last meeting. Mr. Ford answered affirmatively.

Mr. Hutchinson asked Mr. Ford if the proposed building would be built with the same materials as the house. Mr. Ford answered affirmatively. Mr. Hutchinson asked Mr. Ford if it would be constructed with metal as shown in the picture. Mr. Ford stated that it will not be metal, stating that the proposed building will be white and black, but it will be full brick with a shingle roof.

Mr. Ford stated the subject neighborhood has existing houses that are worth no more than \$70,000 to \$80,000 because of the condition, and he is willing to spend \$400,000 on the subject property which will improve the neighborhood.

Mr. Charney asked Mr. Ford if he was proposing to build the accessory building 5'-0" from the neighboring property line to the east. Mr. Ford answered affirmatively.

Mr. Charney stated that even though there is no one personally in attendance today that does not mean that the staff has not been contacted by people. Mr. Ford stated that he is aware of that, but he thinks it is important to show up.

Mr. Hicks asked Mr. Ford about the height of the proposed building compared to the peak height of the house. Mr. Ford stated the building is 16'-0" with a 4-pitch roof so it will be about 20'-0", and the house has a 9'-0" exterior wall sitting on an 18" stem wall so that is 10'-6" with a 12-pitch roof so the house is about 26'-0" tall.

Mr. Charney stated that he is concerned about the proposed building being 20'-0" tall and 5'-0" from the property line. Mr. Ford stated that the neighboring house south of the property line is also 5'-0" from the property line and it is taller than the barn.

Ms. Jones stated that the site plan on page 2.153 shows 27.5 feet from the rear and what was actually poured is 10'-0" from the rear if the Board should choose to approve this request. Mr. Charney asked what the rear yard setback is in the neighborhood.

Joanna Ford, 512 East Glendale Avenue, Broken Arrow, OK; stated that there is some confusion because there are two permits involved. Some of the initial contractors did not realize there was a house permit and an accessory building permit.

Mr. Dunkerley asked Mr. Ford about the purpose of the accessory building. Mr. Ford stated that he has two large motorhomes and an enclosed trailer that he wants to house in the building.

Mr. Dunkerley asked Mr. Ford if he was going to keep the foundation as it was poured even though it is not as intended. Mr. Ford stated that he would prefer to keep the foundation as poured.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson “aye”; no “nays”; no “abstentions”; Tisdale “absent”) to **APPROVE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in the RS District (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS District (Section 420.2.A-2), subject to conceptual plan 2.153 with the exception that the building is to be no closer than 10'-0" to the rear property line. The Board has found the hardship to be the building still honors the side yard setbacks that are established for the subject lot and block, and the unusual and peculiar nature of the request stems from a larger than normal platted lot in the County. The entire accessory building structure is to conform to the architectural styling of the dwelling and the accessory building is to be an all-brick structure. In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 8 BLK 11, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2921—Mack Greever

Action Requested:

Variance of the rear setback from 40 feet in the AG District; Variance of the minimum lot area from 2 acres in the AG District; Variance of the minimum lot width from 150 feet in the AG District to permit a pump house (Section 310, Table 3). **LOCATION:** North of NE/c of East 106th Street North & North Sheridan Road East

Presentation:

Mack Greever, Attorney, 104 South Missouri, Suite 200, Claremore, OK; stated he represents Washington County Rural Water District 3. They proposed to build a pump house near 106th Street North and Sheridan Road. The reason for today's request is to accommodate future construction and widening of Sheridan Road. The Water District has provided about 50'-0" to allow the expansion of Sheridan Road, and when that happens there is not enough room to drive behind the pump house for maintenance vehicles thus the request to reduce the rear setback.

Mr. Charney asked Mr. Greever if the landowner of the parent tract still owns the balance of the property. Mr. Greever answered affirmatively.

Mr. Charney asked Mr. Greever if there had been any objections from the surrounding landowners. Mr. Greever stated that everyone wants water.

Mr. Hutchinson asked Mr. Greever if he understood that the Water District has given up the property for the road widening of the intersection. Mr. Greever stated that he does not think the Water District has given up the property yet but there is anticipation of the surrender of the property.

Mr. Greever stated that pump house will be a metal building with 3'-0" of brick around the base, and there will be a chain link fence with slats for visible shielding around the pump house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson "aye"; no "nays"; no "abstentions"; Tisdale "absent") to **APPROVE** the request for a Variance of the rear setback from 40 feet in the AG District; Variance of the minimum lot area from 2 acres in the AG District; Variance of the minimum lot width from 150 feet in the AG District to permit a pump house (Section 310, Table 3), subject to conceptual plans 3.6 and 3.7 of the agenda packet. The pump house is to be set back as described by the applicant and as depicted on 3.6 and 3.7. The building is to

have 3'-0" brick wainscoting on the bottom of the building and is to be surrounded by a fence. The Board has found the hardship to be the unusual configuration of the land that needs to be adjacent to a section line road with a minimal need of square footage to accomplish only what is necessary for the pump house. 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 273.94N & 16.5E SWC SW TH N100 E133.50 S100 W133.50 POB SEC 11 21 13 .306AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2922—Johnathan Gobbo

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RS District (Section 208). **LOCATION:** 6549 West 26th Street South

Presentation:

Johnathan Gobbo, 402 West 38th Street, Sand Springs, OK; stated he purchased the subject property last December thinking the property was within the Tulsa city limits, but it is not. While going through the process he discovered the County does not allow two units on one residentially zoned lot.

Mr. Charney asked Mr. Gobbo if there were two houses on the property when he purchased it. Mr. Gobbo answered affirmatively.

Mr. Charney asked Mr. Gobbo if he wants to rennovate both houses. Mr. Gobbo stated that one of the houses is already rennovated and is move-in ready. The other house is not move-in ready and was built in 1930, and the other house was built in 1940. Both houses have been on the one lot for 81 years.

Mr. Gobbo stated he went to INCOG and staff informed him that he needed a lot split. After having gone through the lot split process he found out that the lot is not large enough for the two houses. In a last ditch effort to maintain two properties he is before the Board of Adjustment. Mr. Gobbo stated the houses are in the Berryhill area and it is a desired area because of the school district. If this does not work the alternative is to raze the house and he does not think that helps the area.

Mr. Charney stated that if the Board were to approve this request it does not mean that the Board would permit them to be conveyed separately because that is a different action. Mr. Gobbo stated that he sees this as a duplex, two units, one lot.

Mr. Hutchinson asked Mr. Gobbo if he had any plans to change the footprint of the house that will be renovated. Mr. Gobbo answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson “aye”; no “nays”; no “abstentions”; Tisdale “absent”) to **APPROVE** the request for a Variance to permit two dwelling units on a single lot of record in an RS District (Section 208), subject to conceptual plan 4.6 of the agenda packet. The footprint of the houses is not to change. The Board finds the hardship to be the large tract, and both houses have been in existence for over 80 years. 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:

W177.5 LT 4 BLK 1, BRIDGE'S ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

2923—Mike Seely

Action Requested:

Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 12260 East 132nd Street South

Presentation:

Andy Hogan, 11233 South 105th East Avenue, Bixby, OK; stated he is building a structure that is 42'-0" x 75'-0"; 750 square feet of that is open and not part of the interior of the building and the open portion will be for his children to raise animals. The remainder of the building will be used for storage. Mr. Hogan stated that he has heard concerns about the building being used as a business but that is not what it will be because he has a business in Bixby at 109th and Memorial. Mr. Hogan stated that he purchased 1.25 acres to the east and it will be combined with the existing property so it will become 2.25 acres. Additionally, there is 1 acre to the south that he owns and that will also be transferred into his name, so in the end the property will be about 3.25 acres. The property to the east has a collapsing house, to the west are two

greenhouses and a shed that is over 6,000 square feet all of which are dilapidated. Mr. Hogan stated that his house will be in front of the proposed building and the house stands taller than the building.

Mr. Charney asked Mr. Hogan if his house was built. Mr. Hogan stated that it is in the process of being built; the outside lacks brick and the inside is not finished.

Mr. Charney asked Mr. Hogan about the construction materials for the accessory building. Mr. Hogan stated it will be a four-tone metal building with wainscoting, white trim, grey metal with a silver roof, cedar wood accents and he wants the north side of the building to be as pretty as possible because it faces the house, and everyone can see it; French doors, cedar shutters, etc.

Mr. Charney asked Mr. Hogan what his plans are for the accessory building. Mr. Hogan stated there are bay doors on the back side of the building, one if a 14'-0" door so he can get his RV into the building, he owns a Polaris, a Jeep, a 1970s F-350 classic truck in the future, and he wants his children to be able to take care of animals for FFA, the well house is also inside the accessory building, and there is a bathroom.

Mr. Charney asked Mr. Hogan if he had any plans for a dwelling unit to be inside the accessory building. Mr. Hogan answered no.

Mr. Charney asked Mr. Hogan if there would be any commercial activity in the accessory building. Mr. Hogan answered no.

Mr. Charney asked Mr. Hogan if he would be storing any materials or equipment from his construction company in the accessory building. Mr. Hogan stated his Jeep is wrapped in the company logo and it will be there, and there would be a dump trailer for hauling trash away, but he has no intent to store any construction materials there.

Mr. Hicks asked Mr. Hogan if he planned on one access from 132nd or would there be two access points. Mr. Hogan stated the driveway goes beside the west side of the house and it turns to the garage or go straight to behind the house.

Mr. Hutchinson informed Mr. Hogan that in RS zoning there are no agricultural animals allowed. Mr. Hogan stated that he did not know that.

Mr. Charney asked about the enlargement of the subject property. Mr. Hogan stated that the 1 ¼ acres has been consolidated to the one piece so 2 ¼ acres is legally described as a single parcel.

Mr. Charney asked Mr. Hogan if it was his intention to have all the property as one tax parcel and to convey them in the future and not split them. Mr. Hogan answered affirmatively.

Interested Parties:

Brendle Hancock, 12313 East 133rd Street South, Bixby, OK; stated his property is directly behind the subject property. Mr. Hancock informed the Board that Mr. Hogan has done an amazing job in cleaning up the property and he appreciates it. Mr. Hancock stated he did have concerns about the commercial aspect in the future, but after speaking with Mr. Hogan he is comfortable in knowing that there will be no commercial activity on the property. Mr. Hancock stated that Mr. Hogan has his full support in what he is proposing to do.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson “aye”; no “nays”; no “abstentions”; Tisdale “absent”) to **APPROVE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240), subject to conceptual plan 5.10 in the agenda packet. There is to be one ingress/egress on the north side of the property. There is to be no commercial activity on the property. The additional parcel on the east and south is to be combined with the parent tract, and they are not to be split from the parent tract and sold. The Board has found the hardship to be the large tract is now well over three acres and the 750 square foot minimum that is normally associated with a city lot is not applicable to what is now a rural feel and surrounding by property owned by the applicant. 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 670.71E & 622.70S NWC NE TH S456.75 E98.37 N456.75 W98.37 TO POB
LESS N5 FOR RD SEC 8 17 14 1.020ACS, OF TULSA COUNTY, STATE OF
OKLAHOMA**

2924—Sam Sendgraff

Action Requested:

Variance of the side setback from 15 feet to 5 feet in an AG District; Variance of the minimum lot width in an AG District to permit a single-family home and detached accessory building (Section 330, Table 3). LOCATION: 17306 West Wekiwa Road South

Presentation:

Sam Sendgraff, P. O. Box 9768, Tulsa, OK; stated he would like to build a garage for an existing house, the house was built in 1970. The property is 4.2 acres and is zoned AG and is very narrow. The subject property was originally owned by a family and at some point it was split among the children making the subject property very narrow and deep.

Mr. Charney asked Mr. Sendgraff if the garage was proposed to be 28 x 42 in size. Mr. Sendgraff answered affirmatively.

Mr. Charney asked Mr. Sendgraff if he had spoken to the neighbor to the east about the proposed garage. Mr. Sendgraff answered affirmatively, stating the conversation was not specifically about the garage placement being five feet from the property line but he did speak to him about the proposed construction of the garage. He asked the neighbor about selling some of their property to him so he could meet the AG requirements and he was told no.

Mr. Charney asked Mr. Sendgraff why he wanted the garage to be placed five feet from the property line instead of 15 feet from the property line. Mr. Sendgraff stated that if the garage were placed 15 feet from the property line the garage would not be aesthetically pleasing because the roof lines would overlap.

Mr. Charney asked Mr. Sendgraff about the construction materials for the proposed garage. Mr. Sendgraff stated the plan is for smart siding board and batten design with a black 30 year architectural shingle to match the house.

Mr. Charney asked Mr. Sendgraff if there would be any commercial use in the garage. Mr. Sendgraff answered no.

Mr. Hutchinson asked Mr. Sendgraff if there were any utilities on the east side of the property. Mr. Sendgraff answered no stating that there is a utility easement on the west side.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson "aye"; no "nays"; no "abstentions"; Tisdale "absent") to **APPROVE** the request for a Variance of the side setback from 15 feet to 5 feet in an AG District; Variance of the minimum lot width in an AG District to permit a single-family home and detached accessory building (Section 330, Table 3). The Board has found the hardship to be the long skinny narrow nature of the subject property, and the site lines that are

necessary for architectural aesthetics from the street. 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:

PRT GOV LT 8 BEG 1370SWLY ALONG SL WEKIWA RD & EL GOV LT 9 TH SWLY130 S TO THREAD ARK RIVER ELY TO PT TH N POB SEC 6 19 11 4.20ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2925—Natasha Wallin

Action Requested:

Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); Special Exception to permit a mobile home in an AG-R district. (Section 310 Table 1).

LOCATION: 20818 West Coyote Trail South

Presentation:

Natasha Wallin, 20818 West Coyote Trail, Sand Springs, OK; stated she would like to be able to place a single wide manufactured home on her parents' property.

Mr. Charney asked Ms. Wallin if the subject property was 1.1 acres and zoned AG. Ms. Wallin answered affirmatively.

Mr. Charney asked Ms. Wallin if she had spoken with the neighbor to the southeast. Ms. Wallin stated that she has not, stating that the neighbor does not speak to her or her parents.

Mr. Charney asked Ms. Wallin if the existing house was on a septic system. Ms. Wallin answered affirmatively.

Mr. Charney asked Ms. Wallin if the manufactured home would be on its own septic system. Ms. Wallin answered affirmatively stating that a perk test has already been performed and the property can support another system.

Mr. Charney asked Ms. Wallin about a hard surface parking space for the manufactured home. Ms. Wallin stated there is only one hard surface on the property and that is the driveway, and she will be using the existing circle drive.

Mr. Hutchinson asked Ms. Wallin if the manufactured home would have its own utilities. Ms. Wallin answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson “aye”; no “nays”; no “abstentions”; Tisdale “absent”) to **APPROVE** the request for a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1), subject to conceptual plan 7.10 in the agenda packet. The manufactured home is to meet all the Tulsa County requirements and meet all the DEQ requirements; tie downs, skirting, etc. The manufactured home is to have separate utilities and septic system. There is to be a hard surface parking pad. The Board finds the hardship to be the unique configuration of the land. 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:

TR 1A DONDONNA ACRES BEG 605.55S NWC NW TH S610.01 NE368.26 NW403.40 NWLY ON CRV 62.30 POB LESS PRT BEG 605.55S NWC NW TH SE300 NWLY ON CRV 253.2 S TO A PT W30 N610.01 POB SEC 26 19 10 1.10ACS, Tulsa County, State of Oklahoma

2926—Jonathan McCann

Action Requested:

Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202). LOCATION: 16700 South 163rd Avenue East

Presentation:

Jonathan McCann, 16700 South 163rd East Avenue, Bixby, OK; stated he would like to have a small non-descript event venue for family gatherings, Christmas parties, small

weddings, etc. The property is four acres and there is one ingress/egress which comes off Highway 64 and traffic would not change. The neighbors cannot see any of the buildings on the property because of the forested area on the property.

Mr. Charney asked Mr. McCann about the music for the events. Mr. McCann stated he is a Sargeant with the Tulsa Police Department and he understands noise ordinances, there will not be any exterior speakers aside from where the wedding will take place which is a deck and while the bride walks down the proverbial aisle.

Mr. Charney asked Mr. McCann if the party music would be indoors. Mr. McCann answered affirmatively.

Mr. McCann stated this will not be solely a wedding venue. Since he purchased the property he has invested over \$200,000 on the property. He wants to invite people to take pictures, have corporate events, birthday parties, engagement photo shoots, etc.

Mr. Hicks asked Mr. McCann if he would be residing on the property. Mr. McCann stated that currently he is residing in the house but when this is set up he will move to his other property that is less than a mile away.

Mr. Hutchinson asked Mr. McCann if there would be alcohol allowed at the events. Mr. McCann stated that he does not plan on serving food or alcohol, he understands there are permits involved with the serving of alcohol but there will be no alcohol sales on the property.

Mr. McCann stated that if he is not working at an event there will be security. It is his understanding that if someone wants to have alcohol there is security required and a licensed bartender is also required.

Mr. Dunkerley asked Mr. McCann about the number of guests that would be allowed at an event. Mr. McCann stated that he would allow 50 guests at an event but if 52 people show up for an event he would not turn the two people away. Next door is Dream Point Ranch, which is a large wedding venue with a huge chapel, and that is not what he wants. His goal is 50 guests and that is how he would advertise, but the employees would be additional to that count.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson "aye"; no "nays"; no "abstentions"; Tisdale "absent") to **APPROVE** the request for a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a

Wedding and Event Venue (Section 1202), subject to the conceptual plan in the agenda packet. There is to be 50 guests maximum and is to be advertised as such. The operating hours are not to extend beyond midnight. Except for the amplification of a clergy person conducting a wedding there will be no exterior speakers for the events and all events will be held indoors. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT W/2 SW BEG 881.6S NEC W/2 SW TH S500 W349 N500 E349 POB SEC 26 17 14 4AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2927—C. Robert Reed

Action Requested:

Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District (Section 1216); Variance of the side setback from 15 feet to 10 feet and the rear setback from 25 feet to 10 feet in an RE District (Section 730); and a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730). **LOCATION:** 8711 North Yale Avenue East

Presentation:

Robert Reed, 14525 North Sheridan Road, Collinsville, OK; stated he is the owner of Reed Bros Storage, a self storage facility. He purchased the northeast corner of 86th and Yale and it was zoned for a self-storage facility which was approved by this Board. After that meeting it was discovered that there is an additional setback of approximately 50 feet on the north property line and on the east property line. What he would like to do is go back to the original setbacks, specifically on the north property line of 15 feet and on the east property line of 10 feet. After the last meeting it was discovered that beyond the typical setback there is an additional 50 foot setback that was to go from RE to CS. The self-storage has already received approval in the CS District but not approved in the RE District. Mr. Reed stated the original design was an older design that lent itself to customers driving in and out of the buildings, and there is an existing facility about five miles away and it is known as the castle design which means everything is encompassed inside. He spoke to INCOG staff to make sure that what he wants to do is reasonable, and from that point he spoke to the neighbors on both sides and gave them assurances about the project; no traffic and no lighting behind the facility.

Mr. Charney asked Mr. Reed if he understood that he has an 8.7 acre tract that has a 50-foot strip around the northern and easterly sides that is zoned RE, and that strip is to become used for the mini-storage as well. However, in consideration for that approval restrictions are being offered for the approval. Mr. Reed stated that is correct.

Mr. Charney asked Mr. Reed if there would be a building within 15 feet of the north property line and a building within 10 feet on the east property line. Mr. Reed answered affirmatively.

Mr. Charney asked staff why is there a Variance of the setback go from 10 feet to 0 feet abutting the RE District. Ms. Jones stated that in the CS District, there is a required 10-foot setback from an abutting R District boundary line, so it is a technicality that the applicant is going to have 0 feet because the building will be over the dividing line between the RE and the CS Districts.

Mr. Hicks asked Mr. Reed if the lighting would be wall packs or would it be pole lighting. Mr. Reed stated the lighting will be wall packs so no lighting will extend into the residential area.

Interested Parties:

Chuck Martin, 8717 North Yale, Tulsa, OK; stated his property is directly north of the subject property and he has spoken with Mr. Reed. Mr. Reed told him he is comfortable staying within the 15-foot setback and Mr. Martin wants that 15 feet honored because he will have a metal building close to his property.

Sam Slavens, 5115 East 86th Street North, Owasso, OK; stated he lives on the east side of the subject property, and he spoke with Mr. Reed. Mr. Slavens stated that he has no problem with the 10-foot setback because he will not have any light penetration onto his property as stated Mr. Reed. Mr. Slavens stated that he had major concerns with the drainage and Mr. Reed has worked that out with a retention pond on the south side of the subject property.

Rebuttal:

Robert Reed came forward and presented drawings of the subject to the Board. Mr. Reed stated that he wants to be a good neighbor.

Mr. Charney asked Mr. Reed if he is comfortable with the 15-foot setback on the north side, 10-foot setback on the east side, and that all the programming, lighting, ingress/egress to the units be from the interior and not the exterior. Mr. Reed answered affirmatively.

Mr. Charney asked Mr. Reed if would still maintain and mow the perimeter. Mr. Reed answered affirmatively stating that he has a lawn service that will be taking care of that.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hicks, Hutchinson "aye"; no "nays"; no "abstentions"; Tisdale "absent") to **APPROVE** the request for a Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District

(Section 1216); Variance of the side setback from 15 feet to 10 feet and the rear setback from 25 feet to 10 feet in an RE District (Section 730); and a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730), subject to the conceptual plan submitted at today's meeting. The Board has found the hardship to be the nature of the land and programming associated with the requested use will not adversely impact the neighbors. The programming associated with the mini storage is to be focused inward so there is no ingress/egress or lighting on any of the perimeter buildings on the north or the east. The side setback is to go from 15 feet to 10 feet and the rear setback is to go from 25 feet to 10 feet. Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BEG SWC SW TH N678 E545 S17.99 E45.20 S660.01 W590.56 POB LESS S16.5 FOR RD & LESS W16.5 N661.5 S678 SW FOR RD SEC 22 21 13 8.696ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Hicks left the meeting at 3:35 P.M.

Mr. Charney asked the remaining applicants if anyone wanted to continue their case to the next Board of Adjustment meeting. No requests were made.

2928—Marc Najjar

Action Requested:

Modification to a previously approved site plan (CBOA-2778) for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1). **LOCATION:** 19271 West Wekiwa Road

Presentation:

Robert Points, 13413 North 91st East Avenue, Collinsville, OK; stated this request is for a modification to a previously approved site plan. The original building had an awning on the front and he would like to turn that area into a part of the building, and also enclose the covered area on the west side to utilize those areas as part of the operation.

Mr. Charney asked Mr. Points if the canopy that is 40 x 40 and the area that is 10 x 70 will become a heated and cooled portion of the building. Mr. Points answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dunkerley, Hutchinson “aye”; no “nays”; no “abstentions”; Hicks, Tisdale “absent”) to **APPROVE** the request for a Modification to a previously approved site plan (CBOA-2778) for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1), subject to conceptual plan 10.17 in the agenda packet. This approval is for enclosing the easterly canopy so that it may become a heated and cooled space. Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code; for the following property:

**W348.56 SW SW LESS N601.53 THEREOF & LESS W50 N272.12 S APR 718.47
W348.56 SW SW & LESS BEG SWC SW TH N APR 446.35 E30 S APR 195.63 CRV
RT APR 247.83 SE APR 95.43 S APR 148.50 W348.56 POB SEC 1 19 10 3.524ACS,
OF TULSA COUNTY, STATE OF OKLAHOMA**

2929—Joe & Shannon Sagi

Action Requested:

Variance of the minimum lot area in an AG-R District to permit a lot split (Section 330, Table 3); Variance of the minimum lot width in the AG-R District to permit a lot split (Section 330, Table 3). **LOCATION:** West of the SW/c of East 156th Street North & North 133rd East Avenue

Presentation:

Joe Sagi, 11126 East 156th Street North, Collinsville, OK; stated he purchased 55 acres initially and sold it to the school and did not realize he did not leave himself an easement so now 12 ½ acres is landlocked. He has contacted his neighbor and his neighbor agreed to sell him 30 feet of property so he could have access to the 12 ½ acres located on the south side.

Mr. Charney asked Mr. Sagi if the 12 ½ acres on the south side was currently zoned AG. Mr. Sagi answered affirmatively stating it is within the city limits of Collinsville.

Mr. Sagi stated that his plans are to go through a lot combination, after speaking to the City, for the 30-foot piece of land that is not attached.

Mr. Charney asked Mr. Sagi if the access to his 12 ½ acres would come from 156th Street North. Mr. Sagi answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Charney, Dunkerley, Hutchinson “aye”; no “nays”; no “abstentions”; Hicks, Tisdale “absent”) to **APPROVE** the request for a **Variance** of the minimum lot area in an AG-R District to permit a lot split (Section 330, Table 3); **Variance** of the minimum lot width in the AG-R District to permit a lot split (Section 330, Table 3). The Board has found the hardship to be that parcel is currently landlocked from a large parent 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:

The East 30.00 feet of the West Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (W/2 NW/4 NE/4 NE/4) of Section Nineteen (19), Township Twenty-two (22) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, OF TULSA COUNTY, STATE OF OKLAHOMA

2930—Carl Lopez

Action Requested:

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District to permit the construction of a single-family home (Section 207). **LOCATION:** North and East of the NE/c of East 66th Street North & North Oakcliff Drive

Presentation:

Carl Lopez, 7061 North Cincinnati Avenue, Tulsa, OK; stated he purchased 20 acres that was divided into three tracts and he has had them combined. He was told there was an easement from Cincinnati and that did not end up being the case. There is 10 acres between his property and Cincinnati and it parallels his 20 acres. The 10 acres to the west has an easement that was granted in the 1970s to access a corner of his property thus the Variance request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dunkerley, Hutchinson “aye”; no “nays”; no “abstentions”; Hicks, Tisdale “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 0 feet in the AG District to permit the construction of a single-family home (Section 207). The Board finds the hardship to be the nature of the tract to be served is not adjacent to the street but there is an independent easement that allows the owner ingress and egress from a publicly dedicated street to the subject 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:

N/2 SW NE SW SEC 36 21 12; N1/2 S1/2 SW NE SW SEC. 36-21-12; S1/2 S1/2 SW NE SW SEC 36-21-12; NW NE SW. SEC. 36-21-12, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

ELECTION OF OFFICERS:

Current Positions Held:

- David Charney – Chair
- Don Hutchinson – Vice Chair
- Vacated – Secretary
- Kelly Dunkerley
- Michael Hicks
- William Tisdale

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Charney, Dunkerley, Hutchinson “aye”; no “nays”; no “abstentions”; Hicks, Tisdale “absent”) to **APPOINT** David Charney Chairman of the Board.

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dunkerley, Hutchinson "aye"; no "nays"; no "abstentions"; Hicks, Tisdale "absent") to **APPOINT** Don Hutchinson Vice Chairman of the Board.

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dunkerley, Hutchinson "aye"; no "nays"; no "abstentions"; Hicks, Tisdale "absent") to **APPOINT** Kelly Dunkerley Secretary of the Board.

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NEW BUSINESS

None.

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BOARD COMMENTS

Mr. Charney thanked the new members for taking a position on the County Board of Adjustment.

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There being no further business, the meeting adjourned at 3:52 p.m.

Date approved: 11/16/21
David E. Charney
Chair