AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, May 15, 2018, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338

Meeting No. 456

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of April 17, 2017 (Meeting No. 455).

UNFINISHED BUSINESS

2. 2670—Great Scott Fireworks – Randy Scott
   Special Exception to permit a fireworks stand (Use Unit 2). LOCATION: 8939 North Garnett Road East

3. 2672—Roy Webb
   Special Exception to allow a Mining and Mineral processing use (Use Unit 24) in an AG District (Section 310). LOCATION: 16610 South 185th Avenue East

4. 2674—Timothy Borgne
   Special Exception for a Rifle and Skeet Range Gun Club (Use Unit 2 - Section 1202) in an AG District. LOCATION: 19501 West 41st Street

NEW APPLICATIONS

5. 2675—Rachel Brown
   Special Exception to allow a home occupation in an AG District (Section 320.1). LOCATION: 11110 North 44th East Avenue, Sperry

   The applicant requests a continuance to June 19, 2018; additional relief is needed.

6. 2676—American Promotional Events
   Special Exception to permit a firework stand (Use Unit 2) in an CG District (Section 701). LOCATION: NE/c of Highway 64 & 209th West Avenue, Sand Springs

7. 2677—Jason Schultz
   Variance of the minimum land area per dwelling unit (Section 330). LOCATION: 12034 North 145th Avenue East
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website:  www.countyoftulsa-boa.org       E-mail:  esubmit@incog.org

If you require special accommodations pursuant to the Americans with Disabilities Act, please call (918) 584-7526.

NOTE:  Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG.  Ringing/sound on all electronic devices must be turned off during the Board of Adjustment meeting.

NOTE:  This agenda is for informational purposes only and is not an official posting.  Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.
BOARD OF ADJUSTMENT
CASE REPORT

STR:1420  Case Number: CBOA-2670
CZM:18
PD:

HEARING DATE: 05/15/2018 1:30 PM (continued from 4/17/18)

APPLICANT: Randy Scott

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2); Variance of the all-weather surface material requirement for parking (Sec. 1340.D)

LOCATION: 8939 N GARNETT RD E  ZONED: CG,AG

PRESENT USE: Auto repair & parking lot  TRACT SIZE: 1.88 acres

LEGAL DESCRIPTION: LT 1 BLK 1; TR BEG 30E SWC S/2 NW NW SW TH N164.90 E155 S164.90 W155 POB SEC 20 21 14 .586AC, MORTON VIEW

RELEVANT PREVIOUS ACTIONS: None relevant.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by City of Owasso properties on all sides.

STAFF COMMENTS:
The site plan submitted with the application proposes a 20' x 60' fireworks tent/stand on the northeast portion of the AG zoned property. Per the Code, a fireworks tent/stand is considered an Area-Wide Special Exception Use (Use Unit 2) that does not specify the minimum parking requirement on the lot. The adjacent CG zoned property currently contains an automotive repair shop and is proposed as additional, excess parking.

A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the AG and CG district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

At the time the notice was sent out, staff did not realize that the existing parking lot was a paved all-weather surface material. Therefore, the variance request to allow a gravel parking area on the site is not needed.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks in a given year. If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

REVISED 5/9/2018
Sample Motion for a Special Exception:

Move to _______ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in an CS district (Sec.701)

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.
HEARING DATE: 05/15/2018 1:30 PM (continued from 04/17/18)

APPLICANT: Roy Webb

ACTION REQUESTED: Special Exception to allow mining and mineral processing use (Use Unit 24) in an AG District (Section 310).

LOCATION: 16610 S 185 AV E

PRESENT USE: Vacant

ZONED: AG

TRACT SIZE: 140.68 acres

LEGAL DESCRIPTION: NE SE LESS 5.95 ACRES FOR RD. SEC 26 17-14; NW SE LESS 7.83 AC FOR RD SEC 26 17 14; NW SW LYING SW NEW HWY 64 SEC 25 17 14 4.46AC; E1/2 SW LESS HW & RY. SEC 25-17-14,

RELEVANT PREVIOUS ACTIONS:
None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning.

PREVIOUS COMMENTS:
The Board continued this case to allow the applicant time to provide the following information:
- Hours of operation
- Highlight the exact parcels on the map/ provide the legal description the applicant proposes to use for mining/mineral processing
- Proved a more detailed plan and narrative
- Show where roadway is intended to be located
- Explain how applicant will ensure dust control measures

Specifically, the Board asked that the applicant provide answers to the objection letter that was originally presented at the 4/17/18 meeting (see attached). The Board also suggested that the applicant discuss the proposed plans and narrative with interested neighbors before the 5/15/18 meeting.

At the time this staff report was written the applicant has not provided the requested additional information.

STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception to allow mining and mineral processing use (Use Unit 24) in an AG District (Section 310). A special exception is required as the
proposed mining and mineral processing use is a use which is not permitted by right in the AG district because of potential adverse effect, but if controlled as to its relationship to the surrounding area and to the general welfare, may be permitted.

As indicated in the attached photo, the applicant does not intend to utilize the entire property for this use at this time. It is assumed that dirt and sand extraction are to be conducted on the subject property, but nothing was provided by the applicant to give the Board an overview of the proposed mining operations.

The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, should consider potential environment influences, such as dust and vibration. If inclined to approve, the Board may consider establishing appropriate protective conditions such as setbacks, screening, and hours of operation, as will mitigate the adverse effect on proximate land uses.

The applicant will be required to obtain all relevant permits including those from the Tulsa County Inspectors Office/Building Permits Department, a permit from the Oklahoma Department of Mines, and an ODEQ Stormwater Permit for construction activity.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed mining and mineral processing use is compatible with and non-injurious to the surrounding area.

Sample motion:

"Move to ________ (approve/deny) a Special Exception to allow mining and mineral processing use (Use Unit 24) in an AG District (Section 310)."

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.
April 16, 2018

TULSA COUNTY BOARD OF ADJUSTMENT

Re: CBOA-Application 2672—Special Exception to Allow Mining and Mineral Use; April 17, 2018.

Ladies and Gentlemen:

Please be advised that I represent Mr. and Mrs. Mike Lowman, property owners of certain adjoining property listed in the above referenced Application. The Lowman’s property is highlighted in yellow and consists of approximately 7 acres.

I will not be able to attend the BOA hearing on April 17, 2018; however, would like to advise the board that as the Application reads now, my clients object to the action proposed for the following reasons:

1. Lack of specificity as to the location of the proposed Mining Operation;
2. Lack of specificity as to the contemplated use;
3. Lack of specificity as to the operations which Applicant contemplates conducting;
4. Lack of specificity as to its effect upon adjoining property owners;
5. The exact Use proposed by Applicants request for an exception;
6. How that Use will impact the adjoining property owners;
7. The size of the proposed new Use;
8. The hours of operation for the new Use;
April 16, 2018

9. Actions being taken by Applicant to reduce any noise, dust, screening or any other types of nuisances which may be associated with the proposed new use;

10. What permits, approvals, licenses and the like will Applicant be required to obtain in order to use the property as contemplated;

11. The effect which the proposed use will have upon:
   A. The neighboring property owners;
   B. The livestock of the property owners; and
   B. The wildlife as a result of the new proposed use

12. How much of the identified area is contemplated to be used for the purpose of mining (it appears that Applicant is seeking a Special Exception as to more property than might be initially utilized).

13. The notation of SUBJECT TRACT is somewhat misleading because the property for which the Special Exception is being sought, backs up to my client’s property and the notation SUBJECT TRACT appears to be on the other side of highway 64. My client’s property being to the north of the proposed property seeking the Special Exception to the south of my client’s property.

At this time, this Board should find that the applied for Special Exception WILL BE INJURIOUS to the harmony free spirit and intent of the Code and that granting such Special Exception WILL BE INJURIOUS to the neighborhood and detrimental to the public interest.

Until answers are provided and both my clients and the Board have had an opportunity to review such responses, and have received satisfactory responses, then Applicants Application should be DENIED.

At a minimum, my clients would request a CONTINUANCE of this hearing, until the next docket or such extended time by which Applicant can provide my clients with more information for review, evaluation and determination.
April 16, 2018

Should you have any other questions, please do not hesitate to contact me.

Very truly yours,

[Signature]

MARK R. REENTS

MRR: tml
cc: Mr. & Mrs. Michael Lowman
BOARD OF ADJUSTMENT
CASE REPORT

STR:9023
CZM:42
PD:

HEARING DATE: 05/15/2018 1:30 PM (continued from 4/17/18)

APPLICANT: Timothy Borgne

ACTION REQUESTED: Special Exception for a Rifle and Skeet Range Gun Club (Use Unit 2 - Section 1202) in an AG zoned district.

LOCATION: 19501 W 41 ST

PRESENT USE: Vacant

ZONED: AG

TRACT SIZE: 315.41 acres

LEGAL DESCRIPTION: SE/4 SEC 23-19-10; W/2 SW/4 SEC 24-19-10; NE NE SEC. 26-19-10 LESS 3.86 AC. FOR HWY; NW NE LESS BEG 1047.50S NWC NW TH NE113.78 S273.40 SWLY CRVRT 114.42 N312.02 POB SEC 26 19 10 39.273 ACS

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:
CBOA 1035: on 9/15/92 the Board approved a special exception to permit Use Unit 20 (Discovery Land); approved a variance of the required all weather surface to permit gravel parking.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large AG tracts.

STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception to allow for a rifle and skeet range gun club in an Ag district. A special exception is required as the proposed rifle and skeet range gun club (Use Unit 2) is a use which is not permitted by right in an AG district because of potential adverse effects, but if controlled as to its relationship to the surrounding area and to the general welfare of the public, may be permitted.

The Board of Adjustment, in granting a rifle and skeet range gun club use by Special Exception, should consider potential public safety and noise issues. If inclined to approve, the Board may consider establishing appropriate protective conditions such as setbacks, screening, and hours of operation, as will mitigate the adverse effect on proximate land uses.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed rifle and skeet range gun club is compatible with and non-injurious to the surrounding area.
Sample motion:

"Move to ______ (approve/deny) a **Special Exception** to allow a Rifle and Skeet Range Gun Club (Use Unit 2, Section 1202) in an AG zoned district.

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."
Case No. 1034 (continued)

AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; subject to Planning Commission and Health Department approval, and subject to the dedication of sufficient right-of-way to comply with the Major Street and Highway Plan; finding that there are numerous lots in the area that are as small as the proposed lots, and approval of the variance request will not be detrimental to the area, or violate the spirit, purpose or Intent of the Code; on the following described property:

W/2, NE/4, NW/4, NE/4, Section 17, T-22-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1035

Action Requested:
Special exception to permit Use Unit 20 uses including, but not limited to, old western town and Indian village theme park, theme park offices and visitor accommodations; petting zoo, buffalo and other western livestock display; frontier dwellings, historical "oil boom" town; frontier fort and railroad, Oklahoma Pioneers Hall of Fame; arts and crafts and western gourmet food productions; souvenir, concessions and retail shops, restaurant and dinner theater; amusement and other recreation activities and recreational vehicle parking in an AG zoned district - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 20.

Variance of the required all-weather surface to permit gravel parking - Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 20, located 5 miles west of Sand Springs on West 41st Street South.

Presentation:
The applicant, W. T. Jeffers, 2502 East 71st Street, Tulsa, Oklahoma, stated that he is the producer of Discoveryland, which has experienced continual growth during its fifteen years of existence. Mr. Jeffers explained that the present operation will be expanded into a theme park centered around the American west, as it related to cowboys and Indians, and there will be three major attractions. He informed that these three attractions will be the production of Oklahoma, Territory USA and a wild west music and dinner barn. Mr. Jeffers stated that the 1000 seat dinner barn is currently under construction, and is adjacent to the existing theater on 41st Street. The applicant explained that the expanded theater park will cover a 225-acre tract, which has sufficient road access to all surrounding communities. A layout (Exhibit A-2) of the theme park and an aerial photograph (Exhibit A-3) were submitted.

Comments and Questions:
In response to Mr. Alberthy, the applicant stated that the total ownership consists of approximately 1000 acres.

In regard to parking, Mr. Jeffers requested permission to install hard surface driving lanes, with parking spaces being permitted on a gravel surface. He stated that if this type of parking presents a problem it will be corrected immediately.

08.20.91: 4.4
Interested Parties:

Vernon Smith stated that he is the director of Economic Development Services for the City of Sand Springs. He stated that tourism is an evolving industry in the state, and Sand Springs is supportive of the application.

Comments and Questions:

Mr. Alberty inquired as to proposed road improvements, and Mr. Smith replied that this issue has been discussed with the County Commissioners, and there is no proposed road construction in the near future. He pointed out that the expansion of Discoveryland will extend the season to approximately nine or ten months and, although the total number of visitors may increase, the amount of traffic at any given time probably will not change.

Mr. Looney confirmed that the location of the Tulsa Junior College in the area has brought about proposed road improvements in late 1991 or 1992.

In response to Mr. Alberty, the applicant informed that the park will be in operation from March 15th through December 15th.

Mr. Alberty asked if a turn lane has been proposed, and Mr. Jeffers stated that a second entry gate has been installed, which will be opened if the traffic increases to that degree, and a turn lane will be install if it becomes necessary.

Mr. Alberty suggested that the applicant consult with the County Engineer concerning an acceptable method to meet the demands of additional traffic that could be generated by the expansion.

In response to Mr. Alberty's question concerning a site plan, the applicant stated that the submitted layout depicts the location of each use, but a detail site plan will be provided in the future.

Mr. Looney asked the applicant if he anticipates further Board action concerning the theme park, and Mr. Jeffers stated that no additional changes are planned.

In reply to Mr. Alberty, Mr. Jeffers stated that two major attractions will be in operation at all times. He informed that the theme park will open at 9:00 a.m. and close at sundown; however, the musical production and the cowboy dinner barn will be in operation during the evening hours.

Mr. Alberty explained that, in similar cases, it has been the practice of the Board to approve the request in concept, with the applicant returning to the Board for final approval of a detail site plan.

Mr. Looney asked if mechanical rides are proposed, and the applicant stated that there are no rides proposed at this time.
In response to Mr. Gardner, Mr. Jeffers stated that all evening activities are enclosed.

Mr. Alberty informed that the Sand Springs Board of Adjustment (Exhibit A-1) is supportive of the application, but voiced a concern with the fact that the land was not rezoned.

Mr. Gardner advised that the County Zoning Code states that the applicant can apply for a special exception to allow the use, and this permits the Board to review the case and impose conditions. He pointed out that this application is not a use variance, but is for a unique outdoor recreational operation (usually requiring large tracts of land) which is permitted by special exception.

Protestants: None.

Board Action:
On MOTION of Looney, the Board voted 4-0-0 (Alberty, Eiller, Looney, Walker, "ayes"; no "nays"; no "abstentions"; Tyndall, "absent") to APPROVE a Special Exception to permit Use Unit 20 uses including, but not limited to, old western town and Indian village theme park, theme park offices and visitor accommodations; petting zoo, buffalo and other western livestock display; frontier dwellings, historical "oil boom" town; frontier fort and railroad, Oklahoma performers Hall of Fame; arts and crafts and western gourmet food productions; souvenir, concessions and retail shops, restaurant and dinner theater; amusement and other recreation activities and recreational vehicle parking in an AG zoned district - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 20; and to APPROVE a Variance of the required all-weather surface to permit gravel parking - Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 20; subject to Board approval of a detailed plot plan before each phase of development occurs; and subject to County Engineer approval of access points; finding that the Board is supportive of the proposed layout, as submitted; and that the expansion of the existing use, as proposed, will be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

Part of Sections 23, 24, 25 and 26 in Township 19 North, Range 10 East Tulsa County, Oklahoma and being S/2 SE/4 Section 23; S/2 SW/4 Section 24; All that part of Section 25, beginning at the NW/c of said Section; thence east along the section line 2030' to the north boundary of 41st Street; thence southwest along the north boundary of 41st Street along a curve to the left with a radius of 11,534.16' and a tangent 1850.56' a distance of 2199.88' to the west line of NW/4 NW/4 Section 25; thence north on said west line a distance of 422.0' to the northwest corner of Section 25, said corner being the POB; and all that part of the NE/4 NE/4 Section 26 lying north of a tract of land heretofore dedicated to the County of Tulsa; said dedicated tract being 3.86 acres, and more particularly described as: Beginning at a point on the east line of NE/4 NE/4 499.18' south of the NE/c of said NE/4 NE/4; thence southerly on a curve to the left with a radius of 11,459.16'
Case No. 1035 (continued)

a distance of 281.33', the right of way being 75.0' on the right and 60.0' on the left, both being parallel to said centerline; thence continuing on the centerline south 71°31' west a distance of 271.66' to a point, the right of way being 75.0' and parallel on the right and 75.0' on the left and not parallel to centerline; thence continuing south 71°31' west a distance of 275.0' to a point, the right of way being 75.0' on the right and parallel to the centerline and 50.0' on the left and not parallel to centerline; thence continuing south 71°31' west a distance of 50.0' the right-of-way being 75.0; on the right and parallel to centerline and 50.0' on the left and parallel to centerline; thence continuing south 71°31' west a distance of 150.0' to a point, the right of way being 50.0' on the right and not parallel and 50.0' on the left and parallel to the centerline; thence continuing south 71°31' west a distance of 341.55' to a point on the west line of said NE/4 NE/4 938.48' south of the NW/c of said NE/4 NE/4 the right of way being 50.0' on the right and 50.0' on the left and both being parallel to the centerline; all in Section 26; together with a tract of land in the NW/4 NE/4 Section 26, more particularly described as follows: Beginning at the NW/c of the NW/4, NE/4 of said Section 26; thence south 1322.98' to the SW/c NW/4 NE/4; thence east 155' to the centerline of a road known as Coyote Trail; thence north 41°55' east a distance of 250' to the point of a curve to the right, having a central angle of 58° and a radius of 573', a distance of 578.73'; thence south 79°40' east 250'; thence north 71°33' east along the north boundary of 41st Street, a distance of 248.47' to the east line of NW/4 NE/4 of said Section 26; thence north along said east line a distance of 9441' to the NE/c of NW/4 NE/4; thence west on the north line of NW/4 NE/4 a distance of 1319.10' to the NW/c of NW/4 NE/4 of Section 26, containing approximately 31 acres and being located in an AG zoned district, Tulsa County, Oklahoma.

Case No. 1036

Action Requested:
Variances of the required 25' yard to 20' (45' from the centerline of North 91st East Avenue) - Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 9, located 13503 North 91st East Avenue.

Presentation:
The applicant, David Eddy II, 13501 North 91st East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and explained that he is proposing to construct a house on his property, but the ravines on the back portion prevent construction in that area. He requested permission to move the house 5' closer to the street to allow sufficient space to install lateral lines for the septic system.
RV Parking and Camping

The resort will have ample RV parking along with primitive camping and even cabins. So if you are a person who wants to be closer to nature, we have those options. All cabins will be fully furnished and all you need to bring is clothes and snacks for the kids!

Other Activities

Here is a list of some of the other activities that are planned for the new Range and Resort.

- Fishing
- Kayaking
- Playground for kids
- Sand Volleyball
- Horse Barn for Trail Rides
- UTV Trails
- Hiking
- Mountain Biking
- Outdoor Plays
- Rifle Range
- Pistol Range
- More....

Contact Us for more Information

Discoveryland Range and Resort
19501 W 41st St.
Sand Springs, OK 74063
918-619-3414
www.discoverylandrr.com

Lodges

Range Lodge

Then New DLRR will have multiple lodges. One for the range that will have our main checkin and pro shop along with offices and a grill for quick food. This lodge will overlook the new range facing north towards the uninhabited area for views that will be breathtaking. There will also be a large deck with seating and the ability to watch any of the members practice.

Resort Lodge

Plans for the resort lodge are in the works, but it's slated to be breathtaking and a place you will want to visit often. The plan is to utilize the existing amphitheater structure and build on to it for a warm and welcoming atmosphere. There visitors can check in and get a room in the lodging portion. They can sit down to have world class meal prepared by leading chefs and more..

Discoveryland Range & Resort

World Class Lodging, food, outdoor activities, and more built for the entire family in mind.
The Range and Training Area

Training! It’s what we do in so many ways. From the single mom who wants to protect herself and kids to the retired military or law enforcement individual, we have you covered. Things like intro to pistol to the more advanced class. We have instructors for almost any training need. And let’s not forget safety! It’s first and foremost!

Kids Rimfire Bay
We will have a dedicated area for kids to shoot grandpas hand me down 22 of their first rimfire that they will keep for years.

Party Pavilion
There is a open air pavilion for birthday parties. It’s next to the rimfire bay and will have climate controlled bathrooms and cooling areas too!

360 Degree Bay
A new 360degree training bay will be available if you are qualified and will also contain our FAA Approved Helicopter landing pad.

Pistol Bays
Multiple pistol bays will be available for practice and for some competitions. These are planned to also contain cooling stations and some have First Aid.

Supporting Local Residents
We want to support local residents and economy. By giving back we feel it’s the best thing we can do when it’s all said and done. The plans are to have a small Fire Station and EMT based on our property and we are currently working with local Doctors to have the use of our onsite medical facility for voluntary use a few times a month for those who don’t have insurance and can’t afford it. This facility was primarily designed to serve our resort guest along with range guest and employees. But we soon realized it could benefit so many more!

Lodge Overlooking Range
Pro Shop
Full Service Grill
Training Rooms
Golf Cart Rental
100 Yard Range
200 Yard Range
300 Yard Range

Extended Rifle range
3D Archery Course
Five Stand Skeet
Sporting Clays

Twenty + Pistol Bays
360 Degree Training Bay
Exclusive Training Bays
Throughout Fishing Lake Training Classes Competitions
THE APPLICANT REQUESTS A CONTINUANCE TO JUNE 19, 2018; ADDITIONAL RELIEF IS NEEDED
BOARD OF ADJUSTMENT
CASE REPORT

STR:9002
CZM:33
PD:

HEARING DATE: 05/15/2018 1:30 PM

APPLICANT: American Promotional Events

ACTION REQUESTED: Special exception to permit a firework stand (Use Unit 2) in an CG district (Sec.701)

LOCATION: NE/c of S. 209th W. Ave. & Hwy 64

PRESENT USE: vacant

ZONED: CG

TRACT SIZE: 2.11 acres

LEGAL DESCRIPTION: PRT NW SW BEG 1437.26N & 65E SWC SW TH N366.95 E261.08 S366.95 W261.08 POB LESS .09AC TO STATE SEC 2 19 10 2.11ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
CBOA 2263: on 5.15.07 the Board approved a special exception to permit a fireworks stand in a CG district (Section 710); a variance of the required hard surface parking to allow for gravel parking (Section 1340.D).

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG and CG zoned undeveloped property to the north and east; Hwy 412 to the south; and CS zoned commercial to the west.

STAFF COMMENTS:

The site plan submitted with the application proposes a 30’ x 70’ fireworks tent/stand on a portion of the CG zoned property. The property is currently undeveloped.

A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the CG district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks in a given year. If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.
Sample Motion:

Move to ________ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in an CG district (Sec.701)

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 the hardship to be ________.

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."
Interested Parties:

Anthony Jury, 12931 East 98th Street North, stated the residence on the subject property has been unoccupied for two years. He added that the owner has not maintained the property. There is a narrow paved driveway to the house.

Abigail Jones, 12902 East 100th Street North, Owasso, Oklahoma, submitted a packet of documents in opposition to the application (Exhibit A-1). She spoke for herself and Tammy and Ron Kates, 12990 East 100th Street North, Owasso. She stated there was no place to park and the stand would not be compatible with the neighborhood. She commented that 100th Street North is not a through street.

Doug Frances, 12920 East 101st Street North, Owasso, expressed concern for late hours of operation for the fireworks stand, traffic and noise as already mentioned.

Tammy Kates, 12990 East 100th Street North, Owasso, expressed the same concerns as the other interested parties.

Board Action:

On Motion of Dillard, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to DENY Case No. 2260, finding it would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 5 BLK 1 GLENN-MUR ACRES SUB Tulsa County, State of Oklahoma

Case No. 2263

Action Requested:

Special Exception to permit a fireworks stand in a CG district (Section 710); a Variance of the required hard surface parking to allow for gravel parking (Section 1340.D), located: Northeast corner of South 209th West Avenue and Highway 64.

Presentation:

Melissa Torkleson, 1120 South 221st West Avenue, Sand Springs, Oklahoma, proposed to open a fireworks stand to be operated by a non-profit organization. They would operate from June 15th through July 4th and the New Year’s seasons from 10:00 a.m. to 10:00 p.m., with the exception of a closing time at midnight on July 3rd and 4th. She asked for an approval of five years for this temporary use.

Interested Parties:

There were no interested parties who wished to speak.
**Board Action:**

On Motion of Tyndall, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to APPROVE a Special Exception to permit a fireworks stand in a CG district (Section 710) for a period of five years; per request to operate the stand June 15th through July 4th and the New Year's seasons from 10:00 a.m. to 10:00 p.m., with the exception of a closing time at midnight on July 3rd and 4th; finding it 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.

On Motion of Walker, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to APPROVE a Variance of the required hard surface parking to allow for gravel parking (Section 1340.D), finding the temporary use, on the following described property:

PRT NW SW BEG 1437.26N & 65E SWC SW TH N366.95 E261.08 S366.95 W261.08 POB LESS .09AC TO STATE SEC 2 19 10 2.11ACS  Tulsa County, State of Oklahoma

**********

**Case No. 2264**

**Action Requested:**

Special Exception to permit a halfway house in an AG district (Section 310), located: 1821 East 66th Street North.

**Presentation:**

Stephen A. Schuller, 1100 One Ok Plaza, submitted the site plan and an exhibit (Exhibit B-1 and B-2) to the Board. Mr. Schuller stated the zoning code permits this Use Unit 2 use in an AG district by special exception. This project complies with the bulk and area requirements of the zoning code. It will comply with the off-street parking and loading requirements. He informed the Board that he invited the property owners within 1,000 ft. of the site to a meeting to provide them with information regarding this application. He pointed out the mission of the proposed halfway house is to develop a rehabilitation-based program for the residents to achieve a maximum level of functioning as productive, accountable, law-abiding and responsible citizens through comprehensive assessment, supervision and guidance. This organization provides experienced, professional counselors. The house would be a community-based residential facility established to assist persons leaving structured institutions, such as prisons and jails to transition back into society. Mr. Schuller noted this is the largest federal district in northern Oklahoma that does not have a federal halfway house contractor. They have found these people need to re-establish family and community ties for positive support in the transition. Cornerstone Halfway House would offer a rigorous assessment, and would not admit sex-offenders, drug-users, or violent residents in this house. They perform mandatory and random drug tests. They provide
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BOARD OF ADJUSTMENT
CASE REPORT

STR:1404
CZM:12
PD:

HEARING DATE: 05/15/2018 1:30 PM

APPLICANT: Jason Schultz

ACTION REQUESTED: Variance of the Minimum Land area per dwelling unit. (Sec. 330)

LOCATION: 12034 N 145 AV E

PRESENT USE: Agricultural

LEGAL DESCRIPTION: BG. NEC N1/2 SE TH W.1144.7'S.228.3' E.1144.7'N.228.3'TO BG. SEC. 4-21 14,

ZONED: AG

TRACT SIZE: 6 acres

RELEVANT PREVIOUS ACTIONS:
Surrounding Property:

CBOA 1222: on 1.4.1994 the Board approved a variance to permit 2 dwelling units on one lot of record; variance of the lot area and land area per dwelling unit. Location; W of SW/c of E. 122nd St. and N. 145th E. Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning to the north, south, and west; the subject parcel borders Rogers County to the east.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the land area per dwelling unit requirement in the AG district in order to permit a lot-split. The submitted site plan indicates that the proposed lot split will create two lots (Tract A & Tract B).

Section 330, Table 3 of the Code requires a minimum land area per unit requirement of 2.1 acres in the AG district. As shown on the attached plan, the proposed Tract A will be 2.084 acres. To permit a home to be built on the site, the minimum land area per dwelling unit requirement will need to be reduced for Tract A.

If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to __________ (approve/deny) Variance to reduce the land area per dwelling unit requirement in an AG district (Section 330) for Tract A."
• Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

• Finding the hardship to be _______.

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.”
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 1404  
CZM: 12  
PD:

HEARING DATE: 05/15/2018 1:30 PM

APPLICANT: Jason Schultz

ACTION REQUESTED: Variance of the Minimum Land area per dwelling unit. (Sec. 330)

LOCATION: 12034 N 145 AV E

ZONED: AG

PRESENT USE: Agricultural

TRACT SIZE: 6 acres

LEGAL DESCRIPTION: BG. NEC N1/2 SE TH W.1144.7'S.228.3' E.1144.7'N.228.3'TO BG. SEC. 4-21 14.

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

CBOA 1222: on 1.4.1994 the Board approved a variance to permit 2 dwelling units on one lot of record; variance of the lot area and land area per dwelling unit. Location; W of SW/c of E. 122nd St. and N. 145th E. Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning to the north, south, and west; the subject parcel borders Rogers County to the east.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the land area per dwelling unit requirement in the AG district in order to permit a lot-split. The submitted site plan indicates that the proposed lot split will create two lots (Tract A & Tract B).

Section 330, Table 3 of the Code requires a minimum land area per unit requirement of 2.1 acres in the AG district. As shown on the attached plan, the proposed Tract A will be 2.084 acres. To permit a home to be built on the site, the minimum land area per dwelling unit requirement will need to be reduced for Tract A.

If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to __________ (approve/deny) Variance to reduce the land area per dwelling unit requirement in an AG district (Section 330) for Tract A."
• **Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.**

• **Finding the hardship to be _____.

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.”
Comments and Questions:
Ms. Russell informed that the applicant has requested that Case No. 1219 be continued, due to illness.

Protestants:
None.

Board Action:
On MOTION of TYNDALL, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney, "absent") to CONTINUE Case No. 1219 to February 15, 1994.

NEW APPLICATIONS

Case No. 1221

Action Requested:
Use Variance to permit an office and storage of equipment in an AG zoned district -
PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 11 and 23, located 715 East 131st Street South.

Presentation:
The applicant, Bob Farrell, 611 East 146th Street, Glenpool, Oklahoma, was not present.

Comments and Questions:
Ms. Russell advised that the applicant no longer has an interest in purchasing the subject property, and requested that the application be withdrawn and fees be refunded. She noted that the application has been processed, and suggested that only the public hearing portion of the fee be refunded.

Board Action:
On MOTION of ELLER, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Alberty, Looney, "absent") to WITHDRAW Case No. 1221, and REFUND $25.00, the public hearing portion of the fee.

Case No. 1222

Action Requested:
Variance to permit two dwelling units on one lot of record, variance of lot area from 2 acres to 1.605 acres and variance of land area from 2.2 acres to 1.605 acres, located west of the SW/c of East 122nd Street and North 145th East Avenue.

Presentation:
The applicant, Bobby R. Schlack, 726 West Commercial, Broken Arrow, Oklahoma, was represented by Michael McCann, 7672 East 58th Place, who informed that Donald Schlack is autistic and requires 24-hour supervision. He explained that Donald's brothers are caring for him and it is necessary that an additional dwelling unit be placed on the property for their residence.
Case No. 1222 (continued)

Comments and Questions:
In response to Mr. Walker, Mr. Gardner pointed out that there are other lots in the area that are smaller than the one in question.

Protestants:
None.

Board Action:
On MOTION of TYNDALL, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to APPROVE a Variance to permit two dwelling units on one lot of record, variance of lot area from 2 acres to 1.605 acres and variance of land area from 2.2 acres to 1.605 acres; subject to a building permit and Health Department approval; finding that the tract is large enough to support two dwellings, and there are lots in the area that are smaller than the one in question; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

South 660', west 220', east 1760', S/2, NE/4 less north 25' for road, Section 4, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1223

Action Requested:
Special Exception to permit a mobile home in an RS zoned district - SECTION 410, PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9, located 404 North Terrace Drive.

Presentation:
The applicant, Gerald Casey, PO Box 222, Sand Springs, Oklahoma, informed that the church owns the lot in question and is requesting permission to install a mobile home for use as a parsonage.

Comments and Questions:
Mr. Walker asked if a mobile home was previously located on the lot, and Mr. Casey stated that a dilapidated house was previously on the lot, but it has been removed.

Protestants:
None.

Board Action:
On MOTION of TYNDALL, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to APPROVE a Special Exception to permit a mobile home in an RS zoned district for three years only - SECTION 410, PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9; subject to a building permit and Health Department approval; finding that there are other mobile units in the general area and that the temporary use will not be detrimental to the neighborhood; on the following described property:

Lot 7, Block 21, Charles Page Home Acres No. 2 and Resub B-10-12, Tulsa County, Oklahoma.

01.04.94:164(3)
Legal Description Tract B

A tract of land located in the North Half of the Southeast Quarter (N/2 SE/4) of Section Four (4) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I/BM), according to the U.S. Government Survey thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

Beginning at the NE corner of the SE/4 of Sec. 4, T-21-N, R-14-E, I/BM; Thence S 01°19’45” E along the east line of said SE/4 a distance of 50.00 feet; Thence S 88°47’02” W a distance of 450.00 feet; Thence S 01°19’45” E a distance of 198.30 feet; Thence S 88°47’02” W a distance of 228.30 feet to the north line of said SE/4; Thence N 88°47’02” E a distance of 1144.70 feet to the Point of Beginning, and containing 3.951 acres, more or less.

Legal Description Tract A

A tract of land located in the North Half of the Southeast Quarter (N/2 SE/4) of Section Four (4) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I/BM), according to the U.S. Government Survey thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

Beginning at the NE corner of the SE/4 of Sec. 4, T-21-N, R-14-E, I/BM; Thence S 01°19’45” E along the east line of said SE/4 a distance of 50.00 feet; Thence S 88°47’02” W a distance of 450.00 feet; Thence S 01°19’45” E a distance of 198.30 feet; Thence S 88°47’02” W a distance of 228.30 feet to the north line of said SE/4; Thence N 88°47’02” E a distance of 1144.70 feet to the Point of Beginning, and containing 2.048 acres, more or less.

Surveyor’s Statement

I, KEVIN M. NEUMUN, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A BOUNDARY SURVEY. THE ABOVE PLAT REFLECTS ALL INSTRUMENTS THAT WERE FURNISHED AT THE TIME OF SURVEY. NO OPINION IS HEREBY ASIGNED TO THE OWNERSHIP OF FENCE OF ANY OTHER APPURTENANCES ON SAID PROPERTY. THIS PLAT OF SURVEY MEETS THE MINIMUM REQUIREMENTS AS APPROVED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

BENCHMARK SURVEYING & LAND SERVICES, INC.

March 5, 2019
DATE OF CERTIFICATION

KEVIN M. NEUMUN

Benchmark Surveying and Land Services, Inc.

111 West Main Street
Suite 201
Oklahoma City, OK 73102

(405) 232-9330
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