

SUBJECT TRACT

11-02

LEGEND

Owasso Corporate Limits



CBOA-2684

21-14 31

9.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:1431

Case Number: CBOA-2684

CZM:18

PD:

HEARING DATE: 06/19/2018 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (Section 310) and an IL district (Section 910) ;Variance of the all-weather surface material requirement for parking (Section 1340.D).

LOCATION: N 113 AV E

ZONED: AG,IL

PRESENT USE: Vacant

TRACT SIZE: 35.86 acres

LEGAL DESCRIPTION: BG 145.2' W NE C SE W 643.8' S 711' W 531' S 19' W 470' ON GRV TO LF 793.6' E 1173.6' N660' E 10' N 660' TO BG SEC 31-21-14 OWASSO TWP, JONESVILLE

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA 2293: on 5.20.08, the Board **approved** a *Special Exception* to permit a temporary fireworks stand (Use Unit 2) in the IL district (Section 910) for a period of 5 years; *Variance* of the paving requirement for parking areas to permit a temporary gravel parking area (Section 1340.D)

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by undeveloped IL zoned property to the north; AG zoned City of Owasso Water Treatment Facility to the west; US Hwy 169 to the east and Rail ROW to the south.

STAFF COMMENTS:

The site plan submitted with the application proposes a 30' x 70' fireworks tent/stand on what appears to be the southeast portion of the property. The property is zoned AG & IL, the applicant is proposing to utilize the IL zoned portion of the property. The proposed stand will be located along N. 113th E. Av. which fronts US Highway 169. Per the Code, a fireworks tent/ stand is considered an Area-Wide Special Exception Use (Use Unit 2).

A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the AG 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.

A portion of the existing parking lot is an unpaved gravel area. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site

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.

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Sample Motion:

Move to _____ (approve/deny) Special Exception to permit a fireworks stand (Use Unit 2) in an an IL distrc (Section 910) ;Variance of the all-weather surface material requirement for parking (Section 1340.D).

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.”

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 336
Tuesday, May 20, 2008, 1:30 p.m.
Aaronson Auditorium
Tulsa Central Library
400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Dillard	Charney, Chair	Alberty	West, Co. Inspector
Hutson	Walker	Butler	
Tyndall, Vice Chair		Cuthbertson	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, May 16, 2008 at 8:49 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

MINUTES

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney, Walker "absent") to **CONTINUE** the Minutes of April 15, 2008, (No. 335) to the meeting on June 17, 2008.

NEW APPLICATIONS

Case No. 2293

Action Requested:

FILE COPY

Special Exception to permit a temporary fireworks stand (Use Unit 2) in the IL district (Section 910); and a Variance of the paving requirement for parking areas to permit a temporary gravel parking area (Section 1340.D), located: 6802 North 113th Avenue East.

Presentation:

Lonnie Basse, 5401 West Skelly Drive, Tulsa, Oklahoma, stated his request. This is for retail sales, in a seasonal fireworks stand. The site plan provided is (Exhibit A-1).

Comments and Questions:

Mr. Tyndall asked for specifics on the request for temporary use. Mr. Basse replied they requested relief for ten years. Mr. Hutson suggested five years.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

FILE COPY

On **Motion of Hutson**, to **APPROVE** a Special Exception to permit a temporary fireworks stand (Use Unit 2) in the IL district (Section 910); and a Variance of the paving requirement for parking areas to permit a temporary gravel parking area (Section 1340.D), approval for five years,

Mr. Alberty suggested a discussion of the motion. He pointed out that the application was made on the 33 acre tract. He reminded the Board they could restrict the action to the area shown on the plan, 30' x 90' tent located south of the temporary gravel.

On **Amended Motion of Hutson**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney, Walker "absent") to **APPROVE** a Special Exception to permit a temporary fireworks stand (Use Unit 2) in the IL district (Section 910), per site plan; and a Variance of the paving requirement for parking areas to permit a temporary gravel parking area (Section 1340.D); approval for five years; 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, on the following described property:

BG 145.2' W NE C SE W 643.8' S 711' W 531' S 19' W 470' ON GRV TO LF 793.6' E 1173.6' N660' E 10' N660' TO BG SEC 31-21-14, Tulsa County, State of Oklahoma

Case No. 2294

Action Requested:

Special Exception to permit a mobile home in the RS district (Section 410), located: 7148 North Trenton Avenue East.



 Subject Tract

CBOA-2684

21-14 31

Note: Graphic overlays may not precisely align with physical features on the ground.

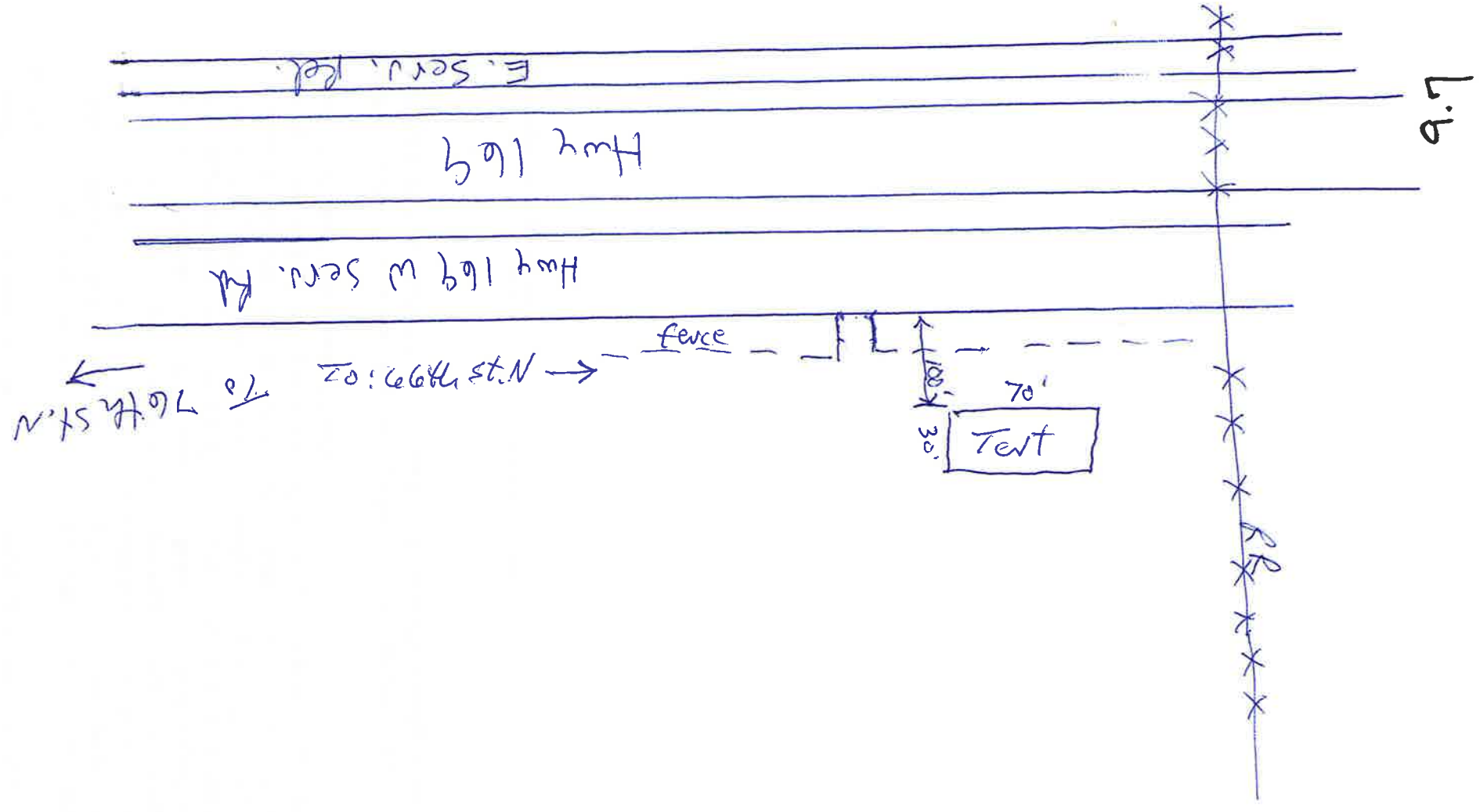
Aerial Photo Date: February 2018

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5-17-18

Site Plan



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