AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, September 18, 2018, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

Meeting No. 460

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of August 21, 2017 (Meeting No. 459).

UNFINISHED BUSINESS

2. 2688—Heartland Fireworks, LLC
Special Exception to permit a fireworks stand (Use Unit 2) in an AG District (Section 310). LOCATION: 11508 East 116th Street North

3. 2689—Heartland Fireworks, LLC
Special Exception to permit a fireworks stand (Use Unit 2) in an CS District (Section 710). LOCATION: 11290 West 51st Street South

NEW APPLICATIONS

4. 2710—Sandra Thomas
Special Exception to permit a fireworks stand (Use Unit 2) in an AG/CS District.
LOCATION: 701 West 41st Street South

The applicant has withdrawn the application.

5. 2717—Eller & Detrich – Nathalie Cornett
Special Exception to permit a fireworks stand in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: South of the SE/c of East 146th Street North & Highway 11

6. 2718—Bentley Potts
Variance to reduce the rear setback in an RS District (Section 420); Variance to allow an accessory building to exceed 750 square feet (Section 240). LOCATION: 1819 West Persimmon Street North, Sand Springs
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.countyoftulsa-boa.org  E-mail: esubm^@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:1408
CZM:.12
PD:

HEARING DATE: 09/18/2018 1:30 PM (continued from 8/21/18 hearing)

APPLICANT: Heartland Fireworks, LLC

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (Section 310)

LOCATION: 11508 E 116 ST N ZONED: AG

PRESENT USE: residential TRACT SIZE: 4.21 acres

LEGAL DESCRIPTION: W285.2 NE NW NW LESS N16.5 THEREOF SEC 8 21 14 4.213ACS, HOPE CHAPEL, FBC OWASSO MISSION

RELEVANT HISTORY:

Surrounding Property:
CBOA-2517; on 11.18.14 the Board approved the Board approved a special exception to allow a fireworks stand in the AG district with a 5-year time limit. Located: immediately west of the subject site.

CBOA-2464; on 5/21/13, the Board approved a special exception to allow a fireworks stand in the AG district with conditions that the firework stand be removed by July 10, 2013. Located: immediately west of the subject site.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by AG zoning on the east, west, and south; CS and AG zoning to the north.

STAFF COMMENTS:
The site plan submitted with the application proposes a 20' x 40' fireworks tent/stand on the west portion of the AG zoned property. The AG zoned property appears to currently contain a residential use.

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

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. The applicant has not submitted hours of operations or the dates the fireworks stand will be open. 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 AG district (Section 310).

*Subject to the following conditions (including time limitation, if any): __________.

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.
to permit gravel parking (Section 1340.D), subject to a five year time limit of operation until November 2019; for the following property:

E/2 BEG NWC SE TH E353 S1271.73 NWLY360.9 N1197.13 POB LESS S50 FOR RD SEC 7 19 11 4.869ACS, RIVER VALLEY ESTATES AMD, OF TULSA COUNTY, STATE OF OKLAHOMA

2517—Jake's Fireworks, Inc.

**Action Requested:**
Special Exception to permit a temporary fireworks stand in the AG District (Section 310). **LOCATION:** 11400 East 116th Street North, Owasso

**Presentation:**
Jason Marietta, 1500 East 27th Terrace, Pittsburg, Kansas; no formal presentation was made but the applicant was available for any questions.

Mr. Charney asked Mr. Marietta exactly where the fireworks stand is located. Mr. Marietta stated is at German Corner.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of DILLARD, the Board voted 3-0-0 (Charney, Dillard, Hutchinson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Special Exception to permit a temporary fireworks stand in the AG District (Section 310), subject to a five year time limit of operation until November 2019; for the following property:

LT 1 BLK 1, HOPE CHAPEL, OF TULSA COUNTY, STATE OF OKLAHOMA

2518—Amanda Marks

**Action Requested:**
Variance to increase the permitted building height to 43 feet in an AG District (Section 330, Table 3). **LOCATION:** 1923 West 4th Street

**Presentation:**
Amanda Marks, 1956 North 177th West Avenue, Tulsa, OK; stated she is building a new home and is about 80% complete. The inspector just realized the height of the house is above the allowable height of 36 feet so she is before the Board to request a
Case No. 2464—Jake's Fireworks

Action Requested:
Special Exception to allow a firework's stand (Use Unit 2) in an AG District (Section 310, Table 1). Location: 11400 East 116th Street North (Owasso, OK)

Presentation:
Jason Marietta, 1500 East 27th Terrace, Pittsburg, KS; stated the International Church of the Four Square Gospel would like to operate a fireworks stand for the 4th of July holiday. The church is located in Owasso at German Corner.

Mr. Charney asked Mr. Marietta if he contacted the surrounding neighbors. Mr. Marietta stated that he had and only one person had called. The man that called asked if the church was operating the fireworks stand and Mr. Marietta told him yes. The caller stated he had no opposition then and hung up.

Mr. Draper asked Mr. Marietta where the stand would be placed. Mr. Marietta stated the stand would be placed in front of the church, on the 116th Street North side of the church.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to APPROVE the request for a Special Exception to allow a firework's stand (Use Unit 2) in an AG District (Section 310, Table 1). The days of operation are to be June 24, 2013 through July 4, 2013. The hours of operation are to be 9:00 A.M. to 9:00 P.M., June 24th through July 1st, then the hours of operation to be 9:00 A.M. through 11:00 P.M., July 2nd, July 3rd, and July 4th. The fireworks stand is to be removed no later than July 10, 2013; for the following property:

LT 1 BLK 1, HOPE CHAPEL, OF TULSA COUNTY, STATE OF OKLAHOMA
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract CBOA-2688

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2689

STR: 9135
CZM: 44
PD:

HEARING DATE: 09/18/2018 1:30 PM (continued from 8/21/18 hearing)

APPLICANT: Heartland Fireworks, LLC

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2) in an CS district (Sec. 710)

LOCATION: 11290 W 51 ST S

PRESENT USE: vacant/restaurant

ZONED: CS

TRACT SIZE: 1.79 acres

LEGAL DESCRIPTION: LOT 8 BLK 2, BUFORD COLONY SECOND ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
CBOA-1186; on 08.17.93 the Board approved a variance of the screening requirement; a variance of the all-weather surface requirement for off-street parking.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoned lots to the west and south; a vacant CS zoned lot to the east; Sand Springs Corporate limits abut the subject property to the north.

STAFF COMMENTS:

The site plan submitted with the application proposes a 20' x 40' fireworks tent/stand on the west portion of the CS zoned property. The CS zoned property appears to currently contain a vacant commercial building.

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

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. The applicant has not submitted proposed hours of operations or the dates the fireworks stand will be open. 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 CS district (Sec. 710).

*Subject to the following conditions (including time limitation, if any): __________.

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. 1186

Action Requested:
Special Exception to permit a drive-in restaurant in a CS zoned district, a variance of the screening requirement and a variance of the all-weather surface requirement for off-street parking - Section 710. - PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, Section 1218.3 Use Conditions and Section 1350.C. DESIGN STANDARDS - Use Unit 18, located 11290 West 51st Street South.

Presentation:
The applicant, Jerry Holt, 3232 South 73rd East Avenue, requested permission to operate a drive-in restaurant on the property in question. He informed that the existing building will be removed and a new building will be constructed at the same location.

Comments and Questions:
In response to Mr. Tyndall, the applicant stated that there will be fluorescent lighting on the front of the building and a security light at the back door.

Mr. Walker stated that he is familiar with the property, and the proposed use is compatible with the surrounding area.

Interested Parties:
Etta Cole stated that she lives next door to the proposed use and is supportive of the application.

Board Action:
On MOTION of TYNDALL, the Board voted 3-0-0 (Eller, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to APPROVE a Special Exception to permit a drive-in restaurant in a CS zoned district, a variance of the screening requirement for 5 years only, and a variance of the all-weather surface requirement for off-street parking for 5 years only - Section 710. - PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, Section 1218.3 Use Conditions and Section 1350.C. DESIGN STANDARDS - Unit 18; subject to compliance with all County requirements; finding the use to be compatible with the surrounding area; and finding that the screening and gravel parking will be reviewed in 5 years to determine future compatibility; on the following described property:

Lot 8, Block 2, Buford Colony 2nd Addition, Tulsa County, Oklahoma.
Note: Graphic overlays may not precisely align with physical features on the ground.
11290 W 51st St. S
Sand Springs, OK

20x40 Fireworks tent

Existing BBQ building

Existing Parking Lot

51st St. S Sand Springs, OK
CBOA-2710 – SANDRA THOMAS

THE APPLICANT HAS WITHDRAWN THE APPLICATION
BOARD OF ADJUSTMENT
CASE REPORT

STR: 2224
CZM: 74
PD:

HEARING DATE: 09/18/2018 1:30 PM

APPLICANT: Nathalie Cornett

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

LOCATION: S of the SE/c of E. 146th St. N. & HWY 11

ZONED: AG

PRESENT USE: vacant

TRACT SIZE: 2.62 acres

LEGAL DESCRIPTION: NW SW SW LESS N273 NW SW SW & LESS BEG SWC NW SW SW TH E60.30 TH NELY ALG CRV RT 262.24 E452.50 N APR 172.38 W658 S POB FOR HWY SEC 24 22 12 2.617ACS,

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:
BOA-2507: on 7.15.14, the Board approved a Special Exception to permit a fireworks stand in an AG District. Located; E of the NE/c of N. Cincinnati Ave. & HWY 20.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by large AG tracts to the south and east; HWY 20 to the north; City of Skiatook corporate limits abut the subject lot to the west.

STAFF COMMENTS:
The site plan submitted with the application proposes multiple fireworks stands on the southwest portion of the AG zoned lot. 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.

A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the IL zoning 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. As shown on Exhibit "B" the applicant has stated that the intended hours of operation for the stands will be from 9am to 11pm, June 15th through July 5th.

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 non-all-weather parking material to be used for the parking area.
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 AG district (Sec.701); Variance of the all-weather surface material requirement for parking (Sec.1340.D).

*Subject to the following conditions (including time limitation, if any): ________.

*Finding the hardship to be ________.

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.”
LTS 2 & 3 BLK 6, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

Action Requested:
Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). LOCATION: E of the NE/c of North Cincinnati Avenue and Highway 20

Presentation:
Brent Schmidt, P. O. Box 255, Skiatook, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Charney asked Mr. Schmidt if he had a fireworks stand on the site before. Mr. Schmidt stated he has had one for the last two years. Last year he received a permit from the City of Skiatook, and this year when he tried to obtain a permit he found the site is County property. Mr. West issued a permit with provision that he appear before the Board of Adjustment.

Mr. Charney asked Mr. Schmidt if he has any problems with the ingress or egress from the site. Mr. Schmidt stated there have been no problems.

Mr. Charney asked Mr. Schmidt if he has received any complaints from the neighbors or anyone. Mr. Schmidt stated that he has not. One of the neighbors, to the east, did call because she was concerned about him erecting a building on the property.

Mr. Charney asked Mr. Schmidt when he wanted to have the fireworks stand operational. Mr. Schmidt stated that he wanted to have it for the 4th of July each year.

Mr. Charney asked Mr. Schmidt what were his hours of operation for the last couple of years. Mr. Schmidt stated that on the 3rd an 4th he has been open until midnight, and the rest of the time until 10:00 P.M. while opening at 7:00 or 8:00 A.M.

Mr. Charney asked if there was a residence or commercial business near the stand. Mr. Schmidt stated that it is a commercial business. The closest residence is to the east and about 1/8 mile away.

Mr. Osborne asked Mr. Schmidt how many days before the 4th of July did he open his stand. Mr. Schmidt stated that he normally opens about ten days prior to the 4th.

Mr. Charney asked Mr. Schmidt if he closed the stand on the 5th of July. Mr. Schmidt stated that he closes for the season on the night of the 4th.
Interested Parties:
There were no interested parties present.

Comments and Questions:
Mr. Osborne asked Mr. West if there were any requirements for gravel or paved parking. Mr. West stated that normally those requirements are waived because this is a temporary stand and an all-weather surface is not wanted at other times of the year.

Mr. Scmidt stated that there is a commercial business next to the stand and he allows the fireworks stand customers to use his parking lot.

Board Action:
On MOTION of HUTCHINSON, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). The fireworks stand will be allowed to operate from June 15th to July 4th, opening at 8:00 A.M. and closing at 10:00 P.M. June 15th through July 2nd. Hours of operation for July 3rd and July 4th will be 8:00 A.M. to 12:00 midnight; for the following property:

N273 NW SW SW LESS S223 N273 W195.34 & LESS BEG 273S & 195.34E NW SW SW TH N67.01 E462.96 S67.44 W462.66 POB FOR HWY SEC 24 22 12 2.39ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2058—Jay Castoe

Action Requested:
Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). LOCATION: 1333 South 215th West Avenue

Presentation:
Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he would like to build a 30 x 30 detached shop beside his house. After the shop is constructed he would like install a 20 x 20 foot awning on the north side of proposed shop.

Mr. Charney asked if the awning is like a carport. Mr. Castoe answered affirmatively.

Mr. Walker asked Mr. Castoe what he would be using the shop for. Mr. Castoe stated that he has hobbies and that is where he will be for those hobbies.

Mr. Charney asked Mr. Castoe if he would working in the shop, doing any work of any sort for pay or commercial purposes. Mr. Castoe stated that he would not.
Subject Tract CBOA-2717

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

Aerial Photo Date: February 2018
Subject Tract CBOA-2717

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

Aerial Photo Date: February 2018
EXHIBIT “A”

The Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) of Section Twenty-Four (24), Township Twenty-Two (22) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS 1.74 acres to Tulsa County, and LESS a tract BEGINNING at the Northwest corner (NW/c) of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4); thence South 50.00 feet; thence East 195.34 feet; thence South 223.00 feet; thence West 195.34 feet; thence North 223.00 feet to the Point of Beginning, and LESS a tract BEGINNING 33.00 feet East and 340.00 feet South of the Northwest corner (NW/c); thence South 214.90 feet; thence Northeasterly on a curve 303.70 feet; thence West 214.90 feet to Beginning, and LESS the North 273.00 feet of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) of Section Twenty-Four (24), Township Twenty-Two (22) North, Range Twelve (12) East, Tulsa County, Oklahoma, and LESS the South 223.00 feet of the North 273.00 feet of the West 195.34 feet, and LESS AND EXCEPT Highway, according to the U.S. Government Survey thereof, and LESS a strip, piece or parcel of land lying in part of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) of Section Twenty-Four (24), Township Twenty-Two (22) North, Range Twelve (12) East, Tulsa County, Oklahoma, said parcel being described as follows:

BEGINNING at Northwest corner (NW/c) of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4); thence South along the West line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) a distance of 50.00 feet; thence East a distance of 70.00 feet; thence N 00°11’11” W a distance of 50.00 feet to a point on the North line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4); thence West along said North line a distance of 70.00 feet to the Point of Beginning, and LESS a strip, piece or parcel of land lying in part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) of Section Twenty-Four (24), Township Twenty-Two (22) North, Range Twelve (12) East, Tulsa County, Oklahoma, said parcel being described as follows:

BEGINNING at point on the present South right-of-way line of State Highway No. 20 interferes the East line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) a distance of 262.17 feet North of the Southeast Corner of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4); thence South along the East line of said Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) a distance of 59.80 feet; thence S 89°45’02” W a distance of 452.50 feet; thence along said right-of-way line Northeasterly along a curve to the right having a radius of 460.93 feet and central angle of 31°52’22” a distance of 256.41 feet; thence East continuing along said right-of-way line a distance of 200.85 feet to a jog in said right-of-way line; thence East continuing along said right-of-way line a distance of 23.64 feet to the Point of Beginning.
Exhibit “B”

Applicant requests a special exception to permit a fireworks stand in an AG district pursuant to Section 310 Tulsa County Zoning Code (the “Code”) and requests a variance from the all-weather surface material requirement for parking under Section 1340(D) of the Code for property located at 14511 North Highway 11 Expressway, Skiatook, Oklahoma 74070 (the “Property”).

The Property is situated at the Southeast corner of the intersection of Highway 11 and Highway 20 and surrounded by other commercial uses. To the west is a greenhouse/nursery, to the north is a mechanic shop and to the northwest is a gas station. The intended hours of operation for the stand will be from 9 am to 11 pm, June 15 through July 5. The fireworks stand is in character with the area and not injurious to the neighborhood and the special exception is in harmony with the spirit and intent of the Code.

Additionally, Applicant requests a variance from the all-weather parking requirement to allow parking on the existing gravel and grass areas. As the above hours of operation indicate, the fireworks business is seasonal. Such a temporary use does not require permanent parking, which would create more impervious surface and additional runoff. The literal enforcement of the Code would result in unnecessary hardship to the Applicant. Further, due to the temporary nature of the use, the variance will not cause substantial detriment to the public nor impair the purposes, spirit and intent of the Code.
SUBJECT TRACT

LEGEND

- Purple: Sand Springs Corporate Limits

CBOA-2718

19-11 09
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2718

HEARING DATE: 09/18/2018 1:30 PM

APPLICANT: Bentley Potts

ACTION REQUESTED: Variance to reduce the rear setback in an RS district (Section 420); Variance to allow an accessory building to exceed 750 Sq. ft. (Section 240)

LOCATION: 1819 W PERSIMMON ST N  ZONED: RS

PRESENT USE: residential  TRACT SIZE: 0.65 acres

LEGAL DESCRIPTION: LT 11 BLK 6, CHARLES PAGE HOME ACRES SUB NO 1

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:  
BOA-2102: on 5.18.04, the Board approved a Variance to allow two dwellings on one lot of recode; located at 760 N. Willow Street.

BOA-1847: on 6.19.01, the Board denied a Variance to permit an accessory building of 2,400 sf; a Variance to permit the accessory use on a lot adjoining the principal dwelling unit; located at 742 N. Willow St.

BOA-577; on 7.16.85, the Board approved a Variance to permit a detached accessory building of 2,800 sf; located at 724 Willow St.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by a large AG tract to the west; RS zoned tracts to the north, west, and south.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the maximum size of a detached accessory building from 750 sq. ft. to 1,200 sq. ft. in an RS district (Section 240.2.E); and a Variance to reduce the rear setback from 20 ft. to 0 ft. (Sec.420.2). According to the applicant their stated hardship is: "I already have an existing building on my northern property line, once it is removed I would like to put my new one in the same place so that I don't have to move my entire fence line. I also need a variance for the size of the shop".

According to the site plan provided with the application the applicant is proposing to construct a new 1200 SF detached accessory building to the north of the existing house on the site. Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code
attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The Code states that detached accessory buildings shall not encroach upon the minimum building setback line (Section 420.2). According to the submitted conceptual plan the proposed accessory building will be constructed 0’ from the property line; the rear yard setback requirement is 20’ from the property line in the RS district. The applicant has requested a Variance to reduce the rear setback in an RS district.

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

Sample Motion:

"Move to ______ (approve/deny) Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2) from 750 sq. ft. to 1,200 sq. ft.; Variance to reduce the rear setback in an RS district (Section 420.2).

- Per the conceptual plan on page ____ 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 Action:
On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Chamay) to APPROVE a Special Exception to permit fireworks stand from June 15th to July 6th and from December 15th to January 2nd for a period of 5 years; and a Variance of all-weather parking, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 15, 16, and 17, Block 6, Opportunity Heights Addition as platted in Section 33, T-19-N, R-12-E, Tulsa County, State of Oklahoma, less and except that portion of said lots taken by the State of Oklahoma as described in Deed dated March 10, 1979, recorded in Book 3926, page 29, County Clerk's office, Tulsa County, State of Oklahoma, and Deed dated March 10, 1970, recorded in Book 3926, page 31, County Clerk's Office, Tulsa County, State of Oklahoma, and Deed dated March 9, 1970, recorded in Book 3926, page 33, County Clerk's Office, Tulsa County, State of Oklahoma.

***

Case No. 2102

Action Requested:
Variance to allow two dwellings on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD., located: 760 North Willow Street.

Presentation:
Billy Ray O'Neal, III, 117 Grenada Dr., Manford, Oklahoma, proposed to have two dwelling units on one lot of record for a temporary period of time. He just returned home from the military and wants to provide a home for his wife on his relative's property.

Interested Parties:
Jick Garrett, 767 Willow St., stated there is no driveway to the rear of the property. He expressed concern that once a septic and lateral lines were put in that this could become a more permanent situation. He noted that the City sewer lines run across the rear of the property.

Applicant' Rebuttal:
Mr. O'Neal informed the Board that his mother would allow them to use his driveway. He assured the Board it would be temporary. He stated they are aware of the utility lines and would obtain the proper permits.
Board Action:
On Motion of Dillard, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance to allow two dwellings on one lot of record; for three years, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 5, Block 6, Charles Page Home Acres Sub. No. 1, Tulsa County, State of Oklahoma.

**********

Case No. 2103

Action Requested:
Variance of street frontage requirement from 30' to 0'. SECTION 207. STREET FRONTAGE REQUIRED; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the lot area from 2 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located: 1123 South 196th West Avenue.

Presentation:
Charles Hope, 1123 S. 196th W. Ave., Sand Springs, Oklahoma, proposed to decrease his property ownership to two acres.

Comments and Questions:
Mr. Charney asked about legal access to Tract B. Mr. Hope informed them there is access from 196th according to his abstract. Mr. Hope added that he would have Sand Springs water but not access to the sewer line.

Interested Parties:
Bob Lawson, 19119 W. Wekiwa, Sand Springs, Oklahoma, stated his property is adjacent to the east. He has been developing his property and was in support of this application.

Board Action:
On Motion of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of street frontage requirement from 30' to 0'; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres; and a Variance of the lot area from 2 acres to 1.99 acres, finding the legal access easement is adequate for the 30' issue, as submitted, on the following described property:
COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 253
Tuesday, June 19, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT  MEMBERS ABSENT  STAFF PRESENT  OTHERS PRESENT

<table>
<thead>
<tr>
<th>Member</th>
<th>Present/Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberty, Chair</td>
<td>Present</td>
</tr>
<tr>
<td>Tyndall</td>
<td>Present</td>
</tr>
<tr>
<td>Hutson</td>
<td>Present</td>
</tr>
<tr>
<td>Walker</td>
<td>Present</td>
</tr>
<tr>
<td>Dillard, Vice Chair</td>
<td>Present</td>
</tr>
<tr>
<td>Butler</td>
<td>Present</td>
</tr>
<tr>
<td>Fernandez</td>
<td>Present</td>
</tr>
<tr>
<td>West, Co. Inspecl.</td>
<td>Present</td>
</tr>
</tbody>
</table>

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Friday, June 15, 2001 at 8:00 a.m., as well as at the City Clerk’s office, City Hall.

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

**MINUTES:**

On MOTION of Hutson, the Board voted 3-0-0 (Alberty, Tyndall, Hutson “aye”, no "nays"; no "abstentions"; Walker, Dillard “absent”) to CONTINUE the May 15, 2001 minutes to the next County Board of Adjustment meeting, June 19, 2001.

**UNFINISHED BUSINESS**

**Case No. 1847**

**Action Requested:**

Variance of Section 240.2.E to permit an accessory building of 2,400 sq. ft. in an RS district. SECTION 240.2. YARDS, Permitted Yard Obstructions -- Use Unit 6; and a Variance to permit the accessory use on a lot adjoining the principal dwelling unit (under common ownership) as the principal and only use on the lot, located 742 N. Willow St.

**Presentation:**

Diane Fernandez, stated that this case was re-advertised, and it would have been heard by the City of Sand Springs but they did not have a quorum for this particular Board of Adjustment referral.

Ronald Shipman, 724 Willow St., Sand Springs, stated he wants to build a building for equipment for a small siding business, including trailers and...
equipment. He owns four lots, and his house is on one of them. He stated that the building would be 260' from the street and at the bottom of a six-foot drop-off to prevent disrupting the view for anyone. He added that he would be willing to put in trees for screening. He discussed with neighbors and they are in support.

**Comments and Questions:**
Mr. Alberty asked for a hardship. Mr. Shipman stated the hardship would be security. A number of things have been stolen from him. Mr. Alberty asked what type of business Mr. Shipman has. He replied it is a siding business. Mr. Alberty asked where he runs his business. Mr. Shipman replied he runs it out of his home. He takes customer phone calls and goes out to the customers' home, the customers do not come to his home.

**Interested Parties:**
There were no interested parties present who wished to speak.

**Board Action:**
On MOTION of Tyndall, the Board voted 3-0-0 (Alberty, Tyndall, Hutson "aye", no "nays"; no "abstentions"; Walker, Dillard "absent") to DENY a Variance of Section 240.2.E to permit an accessory building of 2,400 sq. ft. in an RS district; and a Variance to permit the accessory use on a lot adjoining the principal dwelling unit (under common ownership) as the principal and only use on the lot, for lack of hardship and finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

***

**NEW APPLICATIONS**

**Case No. 1866**

**Action Requested:**
Variance to permit an accessory structure on a lot that does not contain a principal dwelling unit to permit a lot split. SECTION 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS -- Use Unit 6, located 6505 W. 42nd St.

**Presentation:**
Ms. Fernandez, informed Board that a letter was submitted to the Board regarding the Sand Springs Board of Adjustment action in support of the application.

Gene Crawford, 6505 W. 42nd St., stated he built a garage without a permit and was not aware of the restriction. He wanted to get a lot-split to build a new house on the other lot.
Action Requested:
Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq. ft. to 2800 sq. ft. to allow for a workshop and storage of personal automobiles in an RS zoned district, located at 742 Willow Street.

Presentation:
The applicant, Ronald Wood, 1221 1/2 Garfield, Sand Springs, Oklahoma, stated that he is the prospective buyer of the property at the above stated address. Mr. Wood asked the Board to allow him to build a 2800 sq. ft. workshop and garage for his motorcycle, boat, van and cars. The applicant stated that there are rental trailers on the property at this time.

Comments and Questions:
Mr. Jones informed the Board that the town of Sand Springs recommended approval of the request.

Mr. Alberty asked Mr. Wood to state his occupation and he replied that he is an electrical contractor, but pointed out that he does not keep supplies at his home. Mr. Wood informed that he would park the vans used for business purposes in the garage.

Mr. Alberty inquired as to the future use for the subject tract. Mr. Wood answered that he intends to build a home on the land at a future date, but the rental trailers would remain until the property is paid off.

Board Action:
On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wins, "absent") to APPROVE a Variance (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq. ft. to 2800 sq. ft. to allow for a workshop and storage of personal automobiles in an RS zoned district; subject to storage of personal vehicles only; subject to no commercial activity on the lot; on the following described property:
Lot 4, Block 6, Charles Page Sub. #1, Tulsa County, Oklahoma.

Case No. 578

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206 - Request a variance of the 200' lot width to 100' and of the lot and land area to permit a lot split in an AG zoned district, located west of SW/c of 201st Street and Elwood.

07.16.85:62(13)
Framing Plan

- 2x6 Side Girts
- AQC Treated 2x6
- 3500# Concrete Slab w/ rebar
- Double 2x8 Header
- 2x4 Purlins
- 29 Gauge Ribbed Steel Sheeting
- 29 Gauge Ribbed Steel Sheeting
- 2x6 roof truss
- Pitch 4
The top chord

As requested, plates have not been designed to verify adequacy of top chord, responsibility of the fabricator.

Dead loads shown include weight of girth, expose end vertical left and right exposed; C-C for members and DOL = 1.00 for use on MiTek connectors. See MITEK Quality Criteria, DSB-89 and BCSI Building Component Safety information available from Truss Plate Institute, 219 N. Lee Street, Suite 312, Alexandria, VA 22314.

LUMBER-

Top chord

All forces 250 (lb) or less except when shown.

Top chord 1-17 = 640/1137; 2-17 = 638/1388; 2-3 = 682/1244; 3-17 = 1166/970; 4-17 = 4054/995, 4-19 = 4054/995; 5-19 = 4199/970; 6-19 = 582/1244; 6-20 = 638/1388, 7-20 = 846/1347

Bot chord 1-10 = 1180/5055; 9-10 = 8715/5118; 8-9 = 846/1347; 7-8 = 1180/5055

WEBS 4-9 = 337/1783; 5-9 = 1574/404, 5-8 = 81/651, 6-8 = 326/278, 3-9 = 1574/404, 3-10 = 81/651, 2-10 = 308/278

NOTES:

1) Unbalanced roof live loads have been considered for this design.

2) Wind: ASCE 7-05; 90 mph; TCDL = 40 psi; BCDL = 20 psi; h = 25 ft; B = 45 ft; L = 40 ft; eave = 5 ft; Cat I; Exp B; enclosed; MWFRS (all heights) and C-C Exterior(2) 0-0 to 4-0, Exterior(1) 4-0 to 20-0, Exterior(2) 20-0 to 24-0; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL = 1.00 plate grip DOL = 1.60. (Actual dead loads used per ANSI/FTI

3) This truss has been designed for basic load combinations, which include cases with reductions for multiple concurrent live loads.

4) The bottom chord dead load shown is sufficient only to cover the truss weight itself and does not allow for any additional load to be added to the bottom chord.

5) Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.

6) As requested, plates have not been designed to provide for placement tolerances or rough handling and erection conditions. It is the responsibility of the fabricator to increase plate sizes to account for these factors.

7) Plates checked for plus or minus 3 degree rotation about its center.

8) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 402 lb uplift at joint 1 and 402 lb uplift at joint 7.

9) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.

LOAD CASE(S) Standard