AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, November 20, 2018, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

Meeting No. 462

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of October 16, 2017 (Meeting No. 461).

UNFINISHED BUSINESS

NEW APPLICATIONS

2. **2721—Randy Herrington**
   Special Exception to permit a church (Use Unit 5) in an AG District (Section 310).
   **LOCATION:** 15198 South 193rd Avenue East

3. **2722—Family Fellowship Church, Inc.**
   Special Exception to permit an accessory building at a church (Use Unit 5) in an RS District (Section 410).
   **LOCATION:** 6105 West 36th Street South

4. **2723—Old Sod Associates**
   Variance of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 310) to permit a lot split.
   **LOCATION:** 14505 North Lewis Avenue East

5. **2724—Shawn & Rachel Orth**
   Variance of the minimum front yard and any yard abutting a public street setback requirement in an AG-R District (Section 330).
   **LOCATION:** 11707 South Tacoma Avenue West
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.
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BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2721

STR:7424
CZM:69
PD:

HEARING DATE: 11/20/2018 1:30 PM

APPLICANT: Randy Herrington

ACTION REQUESTED: Special Exception to permit a church (Use Unit 5) in an AG district (Section 310)

LOCATION: 15198 S 193 AV E

ZONED: AG

PRESENT USE: Vacant

TRACT SIZE: 8.07 acres

LEGAL DESCRIPTION: S266.87 N800.61 GOV LT 1 SEC 24 17 14 8.07ACS,

RELEVANT PREVIOUS ACTIONS: None relevant.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large AG zoned tracts to the north, south, and west; Wagoner county line abuts the property to the east.

STAFF COMMENTS:
The applicant is before the Board requesting a special exception to allow a church/religious use (Use Unit 5-Community Services & Similar Uses) within an AG district.

A Special Exception is required as the proposed church/religious use (UU 5) 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. The proposed use must be found to be compatible with the surrounding area.

The submitted site plan indicates that the site will contain a church/worship center and a fellowship hall. It appears that the proposed worship center will be within a modular building. As shown on the attached floodplain map the site is located within the Tulsa County 500- year floodplain.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.
Sample Motion:

"Move to ________ (approve/deny) Special Exception to permit a church (Use Unit 5) 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."
TREATMENT:
☑ Septic Tank with 1000 gal. liquid capacity  ☐ Aerobic Treatment

DISPERAL:
☑ CSA: with 116 feet of subsurface absorption trenches. The trench bottom shall be no deeper than 20 inches
☐ L: with bottom dimensions of ____ feet by ____ feet or with a diameter of ____ feet
☐ ASI: with a ____-gallon capacity pump tank and ______ square feet of spray irrigation area

LOCATION OF PERCOLATION TEST HOLES: (Skip this section if percolation test not performed)
Show the location of all percolation test holes in relation to two fixed reference points

REMARKS:
Perc holes marked with orange survey flags.
BOARD OF ADJUSTMENT
CASE REPORT

STR:9220
CZM:45
PD:

HEARING DATE: 11/20/2018 1:30 PM

APPLICANT: Family Fellowship Church Inc

ACTION REQUESTED: Special exception to permit an accessory building at a church (Use Unit 5) in an RS district (Section 410).

LOCATION: 6105 W 36 ST S

ZONED: RS

PRESENT USE: Church

TRACT SIZE: 0.65 acres

LEGAL DESCRIPTION: E227.07 LT 11 BLK 3, BERRY HILL ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-3088; on 8/13/58, the Board granted a request for permission to use Lots 11 & 12, Block, 3, Berryhill Acres Addition for church purposes. (includes lot immediately to the west)

Surrounding Properties:

CBOA-1371; on 9.19.95, the Board approved a variance of the maximum allowed floor area for a detached accessory building in an RS district.

ANALYSIS OF SURROUNDING AREA: The subject tract is RS zoned parcels to the north, east, and west; and AG zoned land on the south.

STAFF COMMENTS:

The applicant is before the Board requesting a special exception to allow an accessory building at a existing church (Use Unit 5) in an RS district (Section 410).

A Special Exception is required as the proposed church/religious use (UU 5) is a use which is not permitted by right in the RS 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. The proposed use must be found to be compatible with the surrounding area.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.
Sample Motion:

"Move to _______ (approve/deny) Special exception to permit an accessory building at a church (Use Unit 5) in an RS district (Section 410).

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."
The Berryhill Assembly of God Church request for permission to use Lots 11 & 12, Block 3, Berryhill Acres Addition for church purposes.

MOVED by Cohen (Shaull) that this matter be granted.
All members voting yea. Carried.

W. D. Bunton request for permission to erect a car port on side of dwelling extending to the side lot line on Lot 3, Block 3, Reddin Resubdivision of Blocks 2 & 3, Southmoor Addition.

MOVED by Cohen (Norman) that this matter be granted subject to the applicant getting written permission from the property owner on the west side of lot.
All members voting yea. Carried.

The Redfork Baptist Church request for permission to use the South 270 feet, East 330 feet of the North 1685 feet of the SW 1/4, of Section 26-19-12 for church purposes.

MOVED by Norman (Cohen) that this matter be set down for a public hearing.
All members voting yea. Carried.

ADJOURNED:

Secretary

APPROVED:

Chairman
Case No. 1371 (continued)

Mr. Alberty asked the applicant if the property owner intends to operate a business at this location, and Mr. Woolsey replied that the property owner has not indicated an intent to conduct this type of activity.

Mr. Gardner advised that, if inclined to approve the request, a condition prohibiting commercial activity should be imposed.

Board Action:
On MOTION of LOONEY the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE a Variance of the maximum allowed floor area for a detached accessory building from 750 sq ft to 1200 sq ft in an RS zoned district - SECTION 240.2.E. YARDS - Use Unit 6; per plan submitted; subject to the accessory building being of wood construction; subject to removal of existing storage buildings; subject to no commercial use being permitted; finding that the tract is large and can easily accommodate the proposed structure; and finding that approval of the application will not be detrimental to the area; on the following described property:

Lot 12, Block 3, Berry Hill Acres Addition, Tulsa County, Oklahoma.

Case No. 1372

Action Requested:
Special Exception to permit a single-wide mobile home in an RS zoned district - SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, located 11116 East 141st Street North.

Presentation:
The applicant, Keith Dotson, 2310 South Urbana Avenue, submitted a plot plan (Exhibit D-1) and explained that he owns the property at the above stated location and is proposing to remove the existing dilapidated dwelling and install a mobile home for rental purposes.

Comments and Questions:
Mr. Alberty asked if there are other mobile homes in the area, and the applicant answered in the affirmative.

Protestants:
Anthony Callahan, 529 South 21st Street, Collinsville, Oklahoma, informed that his house is in the residential neighborhood across the street from the subject property and he is representing the property owners in the subdivision. He pointed out that the
Mr. Allen advised that the track is located on his father's property.

**Case No. 1370 (continued)**

**Comments and Questions:**
Mr. Gardner advised that the tract is large enough to split into two legal lots.

**Board Action:**
On MOTION of ALBERTY the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE a Variance to permit two dwelling units on one lot of record - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6; finding that the tract is large enough to accommodate two dwelling units and could be split into two lots that would comply with the Code in regard to size; on the following described property:

Commencing at the NE/c, NW/4, Section 11, T-16-N, R-13-E, Tulsa County, Oklahoma; thence west 30.5' to the POB; thence west 342', south 640', east 342'; north 640' to POB, Tulsa County, Oklahoma.

**Case No. 1371**

**Action Requested:**
Variance of the maximum allowed floor area for a detached accessory building from 750 sq ft to 1200 sq ft in an RS zoned district - SECTION 240.2.E. YARDS - Use Unit 6, located 3390 South 61st West Avenue.

**Presentation:**
The applicant, Jim Woolsey, 3310 South 61st West Avenue, submitted a plot plan (Exhibit C-1) and requested permission to construct a storage building on property at the above stated location. He informed that the 30' by 40' building will be used for personal storage only.

**Comments and Questions:**
Mr. Tyndall asked if there are existing accessory buildings on the property, and Mr. Woolsey stated that there is an old 10' by 20' building in place.

In reply to Mr. Alberty, Mr. Woolsey stated that a wood frame building is proposed.

Mr. Gardner pointed out that the old building would have to be removed to comply with the 1200 sq ft maximum that was advertised.

In reply to Mr. Looney, the applicant stated that the storage facility will be used to store personal vehicles, a boat and other items.

Mr. Looney asked if the building will be used for any type of commercial activity, and Mr. Woolsey replied that a commercial use is not proposed.
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 11/20/2018 1:30 PM

APPLICANT: Old Sod Associates

ACTION REQUESTED: Variance of the minimum lot area and land area per dwelling unit requirement in the AG district (Section 310) to permit a lot split.

LOCATION: 14505 N LEWIS AV E

ZONED: AG

PRESENT USE: residential

TRACT SIZE: 2.52 acres

LEGAL DESCRIPTION: PRT E/2 NE BEG 60S & 50W NEC NE TH S390 W281 N390 E281 POB SEC 30 22 13 2.516ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
PUD-850/ CZ-478; on 10.17.18, the Planning Commission approved a re-zoning from AG to CG/PUD-850 to permit a propane storage facility. (north portion of overall subject site)

Surrounding Properties:
CBOA-2178; on 10.18.05, the Board approved a Variance of lot area from 2 acres to 1.08 acres; Variance of land area from 2.1 acres to 1.08 acres; Variance of average lot width from 150 ft to 142 ft. Located; the lot immediately to the south of the subject lot.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoned tracts to the south, west, and east; Skiatook Corporate Limits abut the property to the north.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the minimum lot area and 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; identified as the "split" and the "remainder".

On 10.17.18, the Planning Commission approved a re-zoning from AG to CG/PUD-850 to permit a propane storage facility. No buildings were proposed at the time, only a storage tank and associated equipment. As shown on the attached site plans and maps the rezoning request was for the northern "split" tract. If the rezoning request is approved at the next Tulsa County Commission meeting, the "split" tract will not need Board relief.

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and land area per unit requirement of 2.1 acres in the AG district. As shown on the attached plan, the proposed "remainder"
tract will be 1.25 acres. To permit the existing buildings, the minimum lot area and land area per dwelling unit requirement will need to be reduced for the “remainder” tract.

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 of the minimum lot area and land area per dwelling unit requirement for the “remainder” tract in the AG district (Section 310) to permit a lot split.

- 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"
district (Section 301) as presented, finding it meets all of the factors: a through l, in Section 1294.3.E, on the following described property:

PRT NE & N/2 SE BEG INTSEC CL S 149 W AV & NL RIVERSIDE WEST II TH NW245 SW50 NW222.83 N641 E49.69 N350 RIVER ELY201.56 E40 S540 SE850.52 S185.12 E142, Tulsa County, State of Oklahoma

* * * * * * *

NEW APPLICATIONS

Case No. 2178

Action Requested:

Variance of lot area from 2 acres to 1.08 acres; Variance of land area from 2.1 acres to 1.08 acres; Variance of average lot width from 150 ft to 142 ft; (Section 330), located: 14424 North Lewis Avenue.

Presentation:

Morgan Powell, 118 North 11th Street, Collinsville, Oklahoma, 74021, stated he is an attorney, and represented Vonia Jane Miller, revocable trust, dated October 23, 1996. He added that the trust in question has owned the subject property for several years. In the early 1980’s Mr. Miller permitted a nephew and his wife, Ronnie and Doris Miller, to occupy the subject property, the southernmost lot. In the early 1990’s they began paying Mr. Miller rent. They have lived there over 20 years. A lot-split would convey marketable title and allow the Miller’s to convey or mortgage. Two of the structures were built in the 1960’s and the last one was built in the early 1970’s. He provided a boundaries map, survey site plan, and a photograph (Exhibits B-1, B-2, B-3).

Comments and Questions:

Mr. Hutson asked for a hardship. Mr. Tyndall noted a creek that caused the homes to be built on one side. He stated they would not be increasing the density as they already exist. Mr. Hutson added they existed prior to the current code.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Tyndall, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to APPROVE a Variance of lot area from 2 acres to 1.08 acres; Variance of land area from 2.1 acres to 1.08 acres; Variance of average lot width from 150 ft to 142 ft; (Section 330), finding it will not increase the density of the area, pre-existing the current zoning code, and issues with the drainage that preclude even distribution of the land, on the following described property:

*********

**Case No. 2179**

**Action Requested:**
Special Exception to allow Use Unit 27 (Heavy Manufacturing and Industry) in an IM zoned district to permit the installation of an ethanol bulk plant tank storage facility (Section 910), 3202 West 21st Street.

**Presentation:**
David Montgomery, 1 Coastal Drive, Willow Springs, MO, 65793, stated that during the installation of their plant, they discovered they needed a Special Exception for a Use Unit 27. To his knowledge they have obtained all of the other permits they needed. He stated there have been significant outages of fuel and allocation problems in the mid-west, especially since the hurricanes. He asked for approval to enhance the distribution of ethanol in the Tulsa area.

**Comments and Questions:**
Mr. Dillard stated it would be in harmony with the neighbors.

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

**Board Action:**
On Motion of Dillard, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to APPROVE a Special Exception to allow Use Unit 27 (Heavy Manufacturing and Industry) in an IM zoned district to permit the installation of an ethanol bulk plant tank storage facility (Section 910), as presented, on the following described property:

BEG 440E NWC NW TH E884.64 TO NEC NW TH S720 W884.3 N720 POB LESS E340 S670 & LESS N50 FOR ST SEC 15 19 12 8.37ACS, Tulsa County, State of Oklahoma

*********

There being no further business, the meeting adjourned at 2:01 p.m.

Date approved: 11-15-05

Chair
Subject Tract

CBOA-2723

22-13 30

Aerial Photo Date: February 2018

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

FOR: Cary and Kevin Froman

LEGAL:

ORIGINAL - PRT E/2 NE/4 BEG 60S & 50 W NEC NE/4 TH S390 W281 N390 E 281 POB
SEC 30 22 13 2.5 ACS, TULSA COUNTY, STATE OF OKLAHOMA.

SPLIT - PRT E/2 NE/4 BEG 60S & 50W NEC NE/4 TH S195 W281 N195 E281 POB SEC 30
22 13 1.25 ACS TULSA COUNTY, STATE OF OKLAHOMA.

REMAINDER - PRT E/2 NE/4 BEG 255S & 50W NEC NE/4 TH S195 W281 N195 E 281 POB
SEC 30 22 13 1.25 ACS, TULSA COUNTY, STATE OF OKLAHOMA.

LEGEND

0 = Set iron pin
Δ = Fd. iron pin
-x- = Fence

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS
FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE
OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS.
PURPOSE: Description

FOR: Cary and Kevin Froman

**ORIGINAL** - PRT E/2 NE/4 BEG 60S & 50 W NEC NE/4 TH S390 W281 N390 E 281 POB SEC 30 22 13 2.5 ACS, TULSA COUNTY, STATE OF OKLAHOMA.

**SPLIT** - PRT E/2 NE/4 BEG 60S & 50W NEC NE/4 TH S195 W281 N195 E281 POB SEC 30 22 13 1.25 ACS TULSA COUNTY, STATE OF OKLAHOMA.

**REMAINDER** - PRT E/2 NE/4 BEG 255S & 50W NEC NE/4 TH S195 W281 N195 E281 POB SEC 30 22 13 1.25 ACS, TULSA COUNTY, STATE OF OKLAHOMA.

Legal of drawing
See split on attachment
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8235
CZM: 55
PD:

HEARING DATE: 11/20/2018 1:30 PM

APPLICANT: Shawn Orth

ACTION REQUESTED: Variance of the minimum front yard and any yard abutting a public street setback requirements in an AG-R district (Sec. 330)

LOCATION: 11707 S TACOMA AV W

ZONED: AG-R

PRESENT USE: residential

TRACT SIZE: 2.2 acres

LEGAL DESCRIPTION: W304 E914 S370 N740 W/2 SW LESS N25 & LESS W25 THEREOF FOR RD SEC 35 18 12 2.22AC,

RELEVANT PREVIOUS ACTIONS:
None relevant.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG-R zoned residences on all sides.

STAFF COMMENTS:
The applicant is requesting a variance of the minimum front yard and any yard abutting a public street setback requirements in an AG-R district (Sec. 330)

The applicant is proposing to build a detached house on the northwest portion of the subject lot. Per the code, the building setback is measured from the centerline of the abutting street, add to the distance designated in the column to the right, ½ of the right-of-way designated on the Major Street Plan, or 25 ft. if not designated on the Major Street Plan. The lot is on a corner and the proposed house will abut both S. Tacoma Ave. and W. 117th St. S.

The required setback from W. 117th St. S. (on the north) is 35 ft or 60ft. from the centerline. As shown on the attached plan the setback of the proposed house will be 15ft. or 40 ft. (from the W. 117th St. S.). The required west side setback from S. Tacoma Ave. is 35 ft or 60ft. from the centerline.; the proposed setback of the house will be 15ft. or 40 ft. (from S. Tacoma Ave.) The applicant is requesting a variance of the required building street setbacks to permit the proposed detached house.

The applicant has provided the attached hardship statement.
Sample Motion:

"Move to ________ (approve/deny) a Variance of the minimum front yard and any yard abutting a public street setback requirements in an AG-R district (Sec. 330)"

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."
Subject Tract

CBOA-2724
18-12 35

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

Aerial Photo Date: February 2018
Subject Tract

CBOA-2724

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

Aerial Photo Date: February 2016
GENERAL NOTES

SCALE 1"=100'

This map is not intended for construction purposes. It is a topographic survey of the property.

TOPOGRAPHIC SURVEY

The west side of the property is surveyed to the south 250 feet of the north 250 feet of the west half of the north half of Section 9, Township 2 North, Range 12 East, Springfield Division, Kansas. The survey was completed on September 21, 2019.

CERTIFICATE

I, Daniel Smith, a licensed professional land surveyor, do hereby certify that this topographic survey is accurate and complete.

DANIEL SMITH
licensed professional land surveyor

WHITE SURVEYING COMPANY

providing land surveying services since 1990

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Tulsa County Board of Adjustment

Case Number: 2104

Statement of Hardship related to:

11707 S Tacoma Ave
Jenks, OK 74037

Due to FEMA placing the majority of our property in a flood zone on Oct 16, 2012; at present, it is not possible to build a home outside of the flood zone. If granted the requested variance, my family would be able to build a new home on this property. We need the setback requirement variance to allow for the home to be built above the required BFE line.

Sincerely,

Shawn Orth

10-17-18
Comparable Properties:

1. 2811 W 117th St S – Approximately 50’ from CL
2. 2914 W 117th St S – Approximately 35’ from CL
3. 11606 S Tacoma Ave – Approximately 44’ from CL
4. 11728 S Tacoma Ave – Approximately 46’ from CL