

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, May 19, 2020, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 482

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment members and members of the public may attend the meeting in the St. Francis Room but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

Join Zoom Videoconference:

<https://us02web.zoom.us/j/85356994777?pwd=ODE0eWJ6Z3VwSkdlTFdaYWVBMzdVZz09>

Join Teleconference by dialing: 1-312-626-6799

Meeting ID: 853 5699 4777

Password: 160675

The following County Board of Adjustment members plan to attend remotely via ZOOM, provided that they may still be permitted to appear and attend at the meeting site, St. Francis Room, Williams Tower I, 1 West 3rd Street, Tulsa Oklahoma: David Charney, Don Hutchinson, Don Crall, Gene Dillard, Larry Johnston

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of March 17, 2020 (Meeting No. 480).

UNFINISHED BUSINESS

2. **2798—Hanford Jenkins**
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1). **LOCATION:** 560 East 62nd Street North

NEW APPLICATIONS

3. **2807—Chris Webb**
Use Variance to allow Use Unit 16 for a Mini-Storage in an AG District (Section 1216); Special Exception to exceed the fence height in the required yard (Section 240.2). **LOCATION:** 9613 East 96th Street North

4. **2808—Coleman Swango**
Use Variance to allow Use Unit 25, Light Manufacturing Industry, to allow wine bottling (Section 1225); Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 12345 North Peoria Avenue
5. **2809—Kevin Watkins**
Variance to allow two dwelling units on a single lot of record in a RE District (Section 208). **LOCATION:** 10543 North 127th Avenue East
6. **2810—Tony McKnight**
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a CS District (Section 1203). **LOCATION:** 2404 South 265th Avenue West
7. **2811—Sara Fry**
Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D); Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** 3921 East 181st Street South, Bixby
8. **2812—MFA Oil Company – Don E. Smith**
Use Variance to allow Use Unit 26, Moderate Manufacturing and Industry, for propane storage tanks in an AG District (Section 1226). **LOCATION:** 348 East 184th Street North, Skiatook
9. **2813—Tye Smith**
Variance of the required 75-foot setback from an abutting AG District to 10 feet in an IL District (Section 930, Table 2); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 6235 North Mingo Road
10. **2814—Farshid Zandi**
Use Variance to allow Use Unit 25, Light Manufacturing Industry, for processing in an AG District (Section 1225). **LOCATION:** 10251 East 171st Street South, Bixby
11. **2815—Wendi Foy Green**
Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 20 feet to permit a lot split in the AG District (Section 207). **LOCATION:** 14334 South Utica Avenue East, Bixby
12. **2816—Laura Roy**
Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District to permit a lot split (Section 207). **LOCATION:** 14323 South 33rd West Avenue, Glenpool

13. 2817—Tommy Rotert

Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E). **LOCATION:** 6902 West 34th Street South

14. 2818—Joshua Hutchinson

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District to permit a lot split (Section 207).

LOCATION: North of the NE/c of East 166th Street North & North Memorial Drive

OTHER BUSINESS
NEW BUSINESS
BOARD MEMBER COMMENTS
ADJOURNMENT

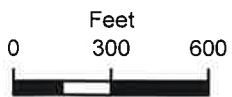
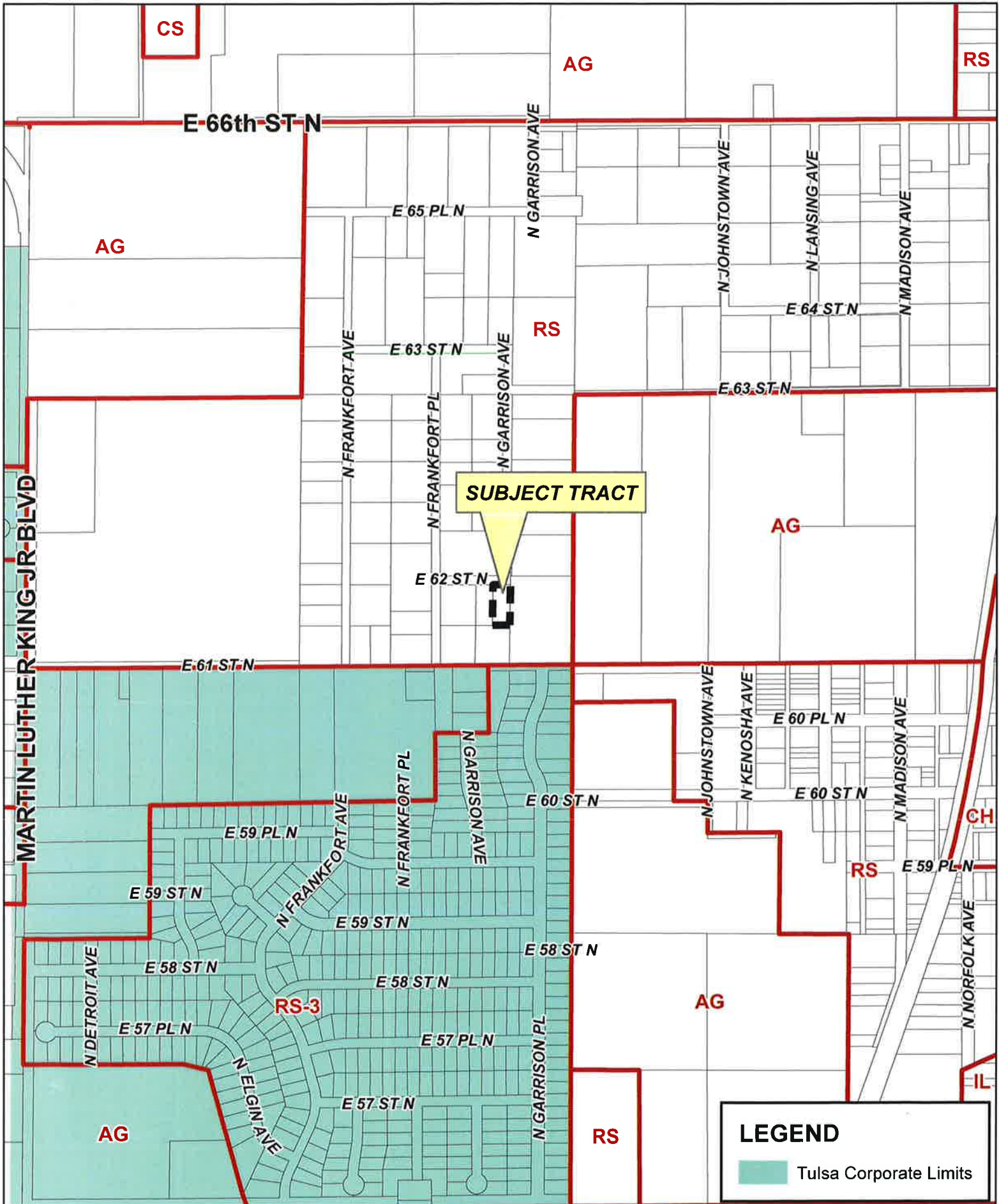
Website: tulsaplanning.org

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 the Tulsa Planning Office at INCOG. *All electronic devices must be silenced* during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.



CBOA-2798

20-12 01

2.1



**BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 129

CZM: 21

Case Number: CBOA-2798

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Hanford Jenkins

ACTION REQUESTED: Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery, in a Residential District (Section 410, Table 1).

LOCATION: 560 E 62 ST N

ZONED: RS

AREA: North Tulsa County

PRESENT USE: Vacant Residential

TRACT SIZE: 0.39 acres

LEGAL DESCRIPTION: E 85.2 LOT 7 BLK 1, FAIRVIEW HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-4458 October 1964: The Board of Adjustment approved the operation of a home beauty shop, on the subject property.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a single-family residential neighborhood with large lots. The property is surrounded by RS zoning in all directions.

STAFF COMMENTS:

New Comments (05/19/2020):

The case was continued from 03/17/2020 to 04/21/2020 but due to COVID-19, the case was further continued to 05/19/2020. The applicant was asked to supply more specific plans about the type of building he would be erecting on the property.

Comments from 03/17/2020:

The case was continued from 1/21/2020 to 03/17/2020 to give the applicant more time to consult with Tulsa County Permit Department and develop a clearer vision of his plan for the property. It was suggested that the applicant submit a more detailed site plan.

Staff of Tulsa Planning Department and Tulsa County Permit Department has concluded that if the Agricultural Use is approved by the Board, the new structure would not need to be considered an accessory building to a residential property. If approved, the new structure could stand alone such as any building could on AG zoned parcels. However, the Board has the ability to limit the size of the structure as a condition of the approval.

2.2

The applicant has met with both offices and has submitted a new site plan. According to the site plan, the existing structures will be removed and a new structure will be erected on the property. The size of the new building will be 35' x 100' (3,500 sq. ft). The site plan calls for a concrete or gravel surface. Staff has discussed the need for variance with the applicant if he decides to pursue gravel parking. The applicant stated that he will choose to use concrete if approved.

Original Comments (1/21/2020):

The applicant is before the Board requesting a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery, in a Residential District (Section 410, Table 1). The applicant would like to have a grow facility for medical marijuana on the property.

A Use Variance is required as Agriculture is not a use permitted in an RS zoned district because of the potential adverse effects on neighboring properties. A horticulture nursery must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: *"I want the building to be put on my land because of the area and the property is like the country and I feel it is safe there."*

According to the submitted site plan, all buildings will be removed, and a structure will be built to house the horticulture nursery. Growing will occur indoors. The site plan does not specify the size or design of the structure. Staff has not been able to contact the applicant for more specific details.

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

Sample Motion:

"Move to _____ (approve/deny) a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery, in a Residential District (Section 410, Table 1).

Approved per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

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."

the fact that the Comprehensive Plans shows plans for the area to be residential; for the following property:

N 1/2 NE SW SEC 28-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **DENY** the request for a Variance from the all-weather parking surface requirement (Section 1340.D); Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 feet to 0 feet in the AG District (Section 207) finding there is not enough information given the denial of the requested Special Exception; for the following property:

N 1/2 NE SW SEC 28-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA

2798—Hanford Jenkins

FILE COPY

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, for a horticulture nursery in a residential district (Section 410, Table 1). **LOCATION:** 560 East 62nd Street North

Presentation:

Hanford Jenkins, 245 East 59th Street North, Tulsa, OK; stated he would like to have a cannabis grow house. He has been in the area all of his life and his Grandmother still lives there. He has tried to contact the area residents and has been able to speak with a few of them. There will be no traffic.

Mr. Charney asked Mr. Jenkins if he would have any employees at the facility. Mr. Jenkins stated that there would be three or four family members.

Mr. Charney asked Mr. Jenkins if there was an existing structure or if he would be building a structure on the subject property. Mr. Jenkins stated that he will build a new structure.

Mr. Hutchinson asked Mr. Jenkins what the square footage of the new structure would be. Mr. Jenkins stated that he would like to have about a 30'-0" x 40'-0" structure. Mr. Jenkins stated he erect a fence around the building and would like to have a parking area.

Mr. Hutchinson asked Mr. Jenkins how many plants he is planning to grow. Mr. Jenkins stated that he would like to have 150 plants or more.

Mr. Hutchinson asked staff if there was a building requirement for the subject property. Ms. Tosh answered affirmatively. Ms. Tosh stated the proposed building can only be 750 square feet without a house. Ms. Tosh stated that there is another issue on the property if the house is razed the proposed building would not be an accessory building.

2.4

CBOA - 2798

Mr. Charney stated that an accessory building that is not a house has a size limit in the subject neighborhood, and that is 750 square feet. That is a pre-determined size limit unless a Special Exception is requested.

Mr. Charney asked Mr. Jenkins if there was a house on the property currently. Mr. Jenkins stated there is a burned-out house on the property that cannot be used, and he plans to raze that structure.

Mr. Charney stated that he does not think Mr. Jenkins can obtain a building permit because it is a residential use. Mr. Charney thinks Mr. Jenkins would need to build a residence and then have a 750 square foot building adjacent to that house, or it could be attached to the house. The building cannot be built without a house.

Ms. Tosh stated the primary use on the subject property has to be residential.

Mr. Jenkins stated the subject property has two houses on it, the burned-out house and one on the rear of the property.

Ms. Tosh stated that creates another issue.

Mr. Charney stated that he wants to give Mr. Jenkins' application a hearing, but he wants Mr. Jenkins to know regardless of what is decided today he would encourage Mr. Jenkins to make an appointment with staff and talk through all the procedures required to build the requested structure.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **CONTINUE** the request for a **Use Variance** to permit Use Unit 3, Agriculture, for a horticulture nursery in a residential district (Section 410, Table 1) to the March 17, 2020 Board of Adjustment meeting; for the following property:

E 85.2 LOT 7 BLK 1, FAIRVIEW HGTS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

~~MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT, WEDNESDAY, OCTOBER 21, 1964.~~

~~PRESENT: Avery, Acting Chairman; Ingle; Kruse; Sublett.~~

Case No. 4457 ✓
Kenneth Potter
Lot 21, Block 14,
Boman Acres Third
Addition

~~This being the date set down for public hearing on the application of Kenneth Potter, after having filed a 100% petition of an affected area created by the Board, for permission to operate a home beauty shop on Lot 21, Block 14, Boman Acres Third Addition, a U-1-C District. There appeared Mr. and Mrs. Kenneth Potter. There also appeared several protestants.~~

~~Mr. George Briedenbach, spokesman for the protestants filed a petition bearing some 95 signatures of persons living in Boman Acres Third Addition, which read as follows:~~

~~PETITION TO THE BOARD OF ADJUSTMENT
TULSA, OKLAHOMA~~

~~We, the undersigned property owners at the addresses indicated, oppose the installation of any advertised or unadvertised business establishment within the confines of Boman Acres Third Addition. This opposition is based on the Restrictions, Limitations, and Reservations of the Deed of Dedication as recorded.~~

~~After considerable discussion among the Board Members it was,~~

~~MOVED by Ingle () that this application be approved.~~

~~MOTION died for lack of a second and application denied.~~

Case No. 4458-A ✓
Bernice Torix
E. 85.2' of Lot 7,
Block 1, Fairview
Heights Addition
To Turley

~~This being the date set down for public hearing on the application of Bernice Torix, after having filed a 100% petition of an affected area created by the Board, for permission to operate a home beauty shop on the East 85.2 feet of Lot 7, Block 1, Fairview Heights Addition to Turley, Oklahoma. There appeared Bernice Torix, No protest was offered.~~

MOVED by Sublett (Ingle) that this application be approved.

All members voting yea.

Carried.

Case No. 4459-A ✓
Lea Rauchwerger
Lot 20, Block 1,
Pilcher Summit
Addition

This being the date set down for public hearing on the application of Lea Rauchwerger for permission to operate a children's day nursery in a U-1-C District on Lot 20, Block 1, Pilcher Summit Addition. There appeared Lea Rauchwerger. No protest was offered.

MOVED by Ingle (Sublett) that this application be approved.

All members voting yea.

Carried.

Case No. 4461-A
Free Holiness Church
Lot 1, Block 1,
Hall Gardens Addition
Sand Springs, Oklahoma

This being the date set down for public hearing on the application of the Free Holiness Church for permission to erect a church on Lot 1, Block 1, Hall Gardens Addition to the City of Sand Springs, Oklahoma. There appeared Mr. Clarence S. Gilbert. No protest was offered.

MOVED by Sublett (Kruse) that this application be approved.

All members voting yea.

Carried.

Case No. 4465-A ✓
Mrs. Loretta Pogue
Lot 16, Block 7,
Briarwood Addition

This being the date set down for public hearing on the application of Mrs. Loretta Pogue for permission to operate a children's day nursery on Lot 16, Block 7, Briarwood Addition. There appeared Mrs. Loretta Pogue. No protest was offered.

MOVED by Kruse (Ingle) that this application be approved.

All members voting yea.

Carried.

Case No. 4466-A ✓
Sammie Peters
Lot 19, Block 22,
Maplewood Extended
Addition

This being the date set down for public hearing on the application of Sammie Peters, after having filed an 84% plus petition, of an affected area created by the Board, for permission to operate a home beauty shop on Lot 19, Block 22, Maplewood Extended Addition a U-1-C District. There appeared Sammie Peters. No protest was offered.

MOVED by Sublett (Kruse) that this application be approved.

All members voting yea.

Carried.



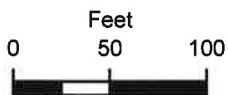
N FRANKFORT PL

N GARRISON AVE

E 62 STN

E 61 STN

N GARRISON PL



Subject Tract

CBOA-2798

20-12 01

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

Aerial Photo Date: February 2018



2.8



MARTIN LUTHER KING JR BLVD

E 66th ST N

E 65 PL N

N GARRISON AVE

N JOHNSTOWN AVE

N LANSING AVE

N MADISON AVE

E 64 ST N

E 63 ST N

N FRANKFORT AVE

N GARRISON AVE

E 63 ST N

E 62 ST N

E 61 ST N

N JOHNSTOWN AVE

N KENOSHA AVE

N MADISON AVE

E 60 PL N

E 60 ST N

E 60 ST N

E 59 PL N

N FRANKFORT AVE

N FRANKFORT PL

N GARRISON AVE

E 60 ST N

E 59 PL N

E 59 ST N

N FRANKFORT AVE

E 59 ST N

E 58 ST N

E 58 ST N

E 58 ST N

N NORFOLK AVE

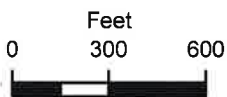
E 57 PL N

N ELGIN AVE

E 57 ST N

E 57 PL N

N GARRISON PL



Subject Tract

CBOA-2798

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



20-12 01

Aerial Photo Date: February 2018

2.9



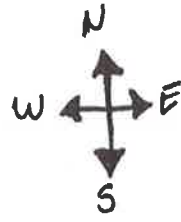
Looking east along E. 62nd St. N. – subject property is on the right



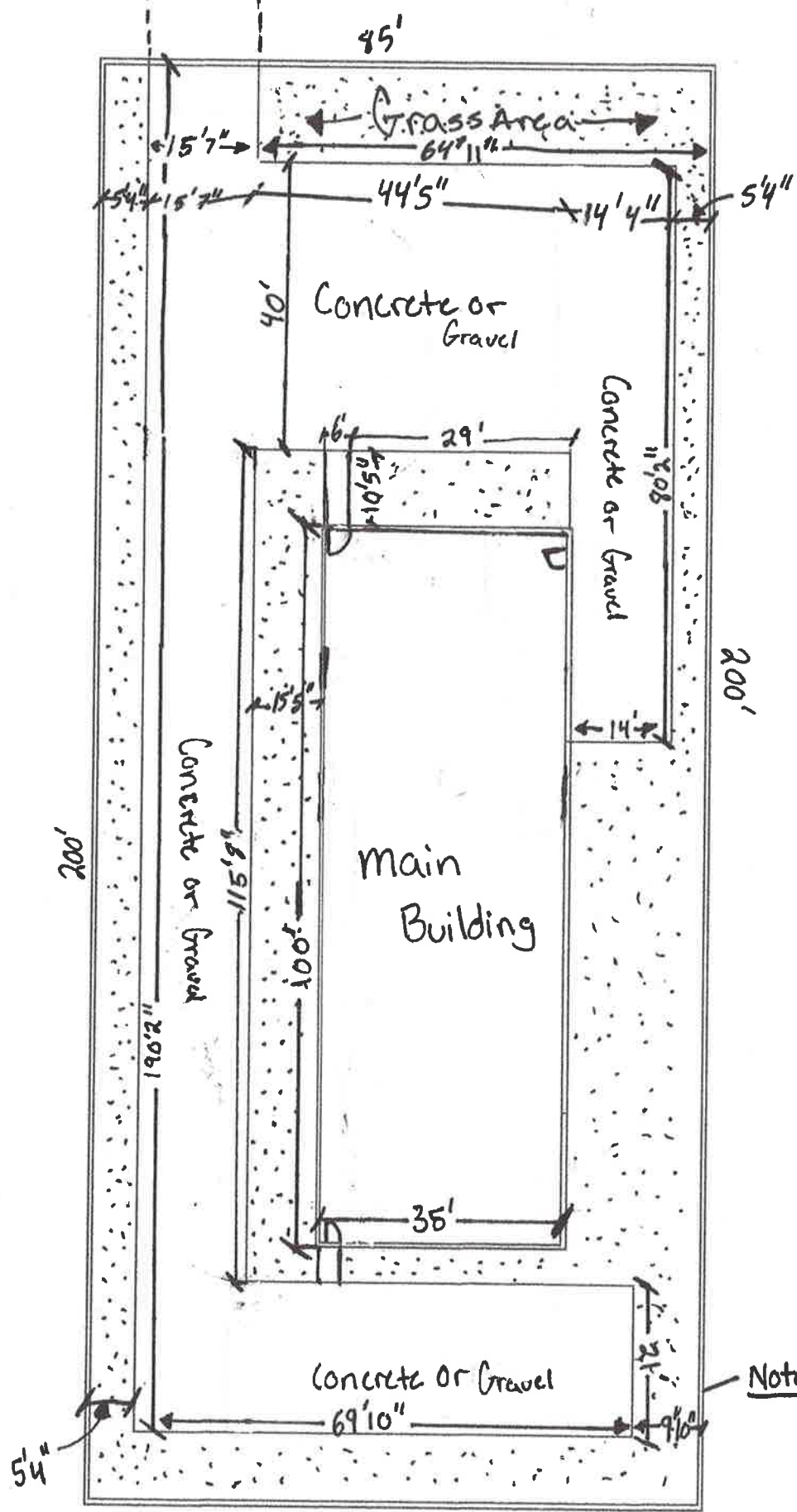
Looking southeast from E. 62nd St. N.



Looking south into subject property from E. 62nd St. N.



New Site Plan



Note 1: 8'-10' High, Chain Linked Fence

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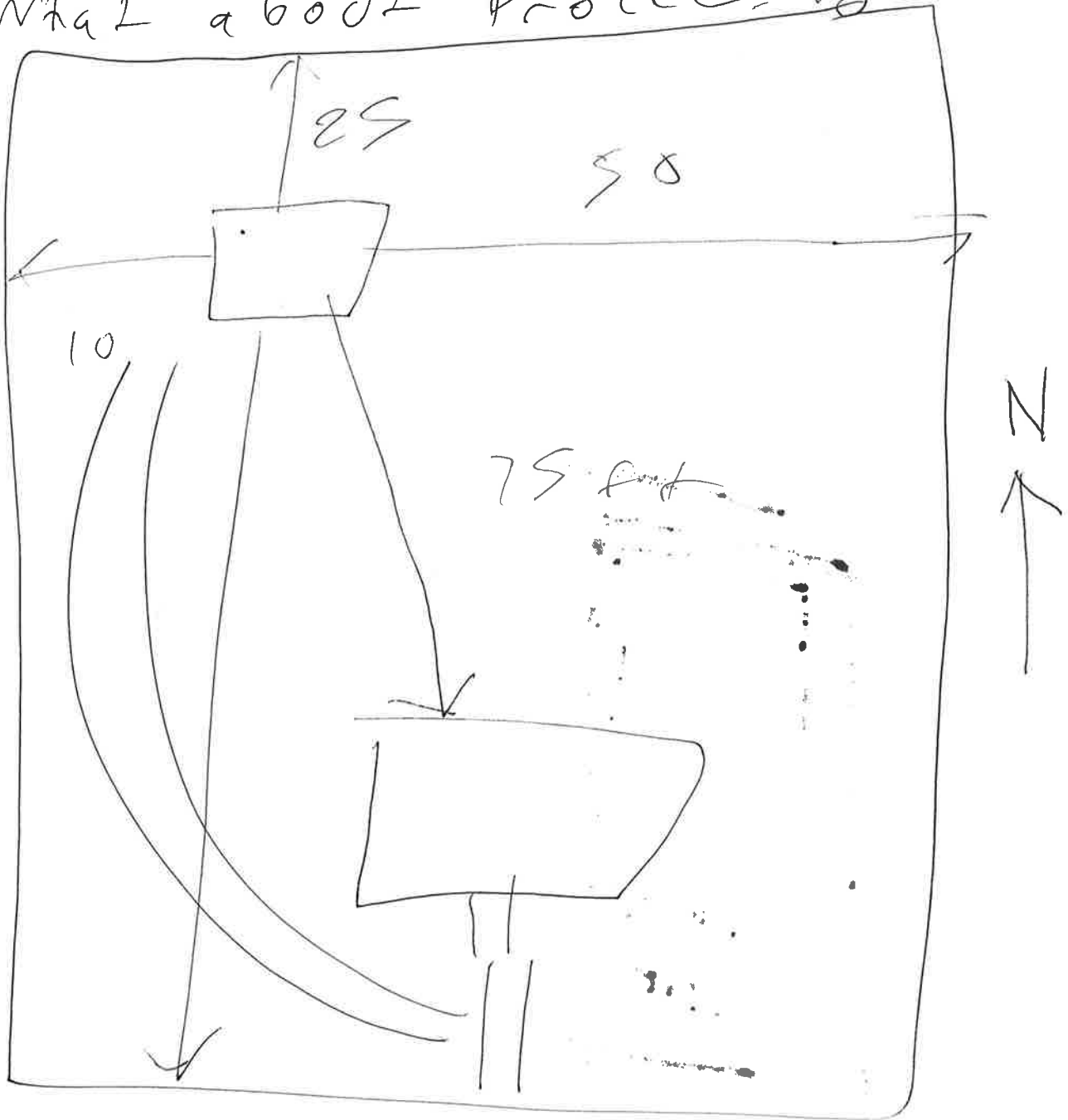
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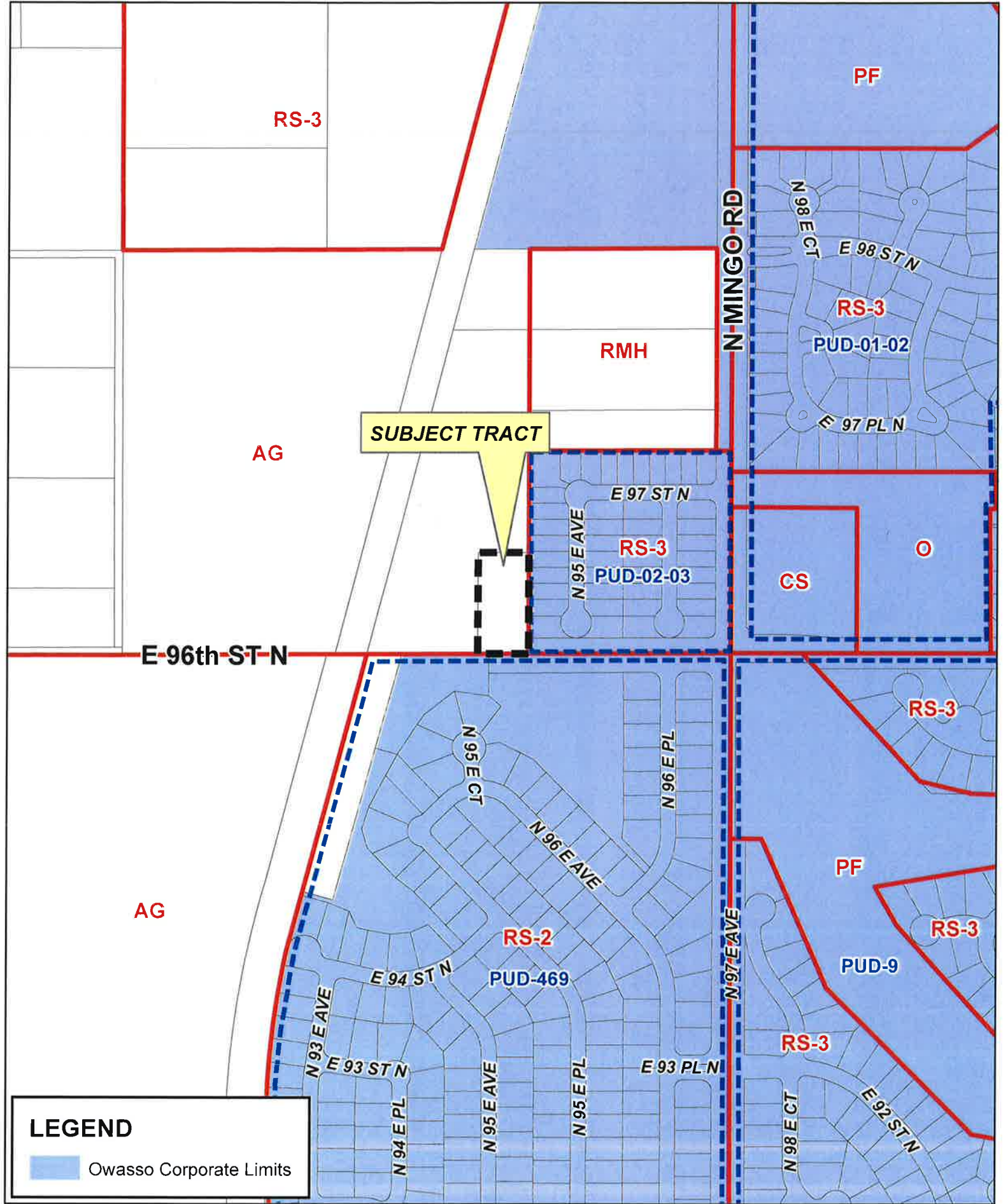


→ larger than 750 SF

→ Purpose is to grow

→ What about processing?

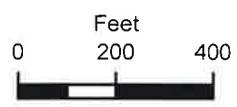




SUBJECT TRACT

LEGEND

Owasso Corporate Limits



CBOA-2807

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1313

CZM: 11

CASE NUMBER: CBOA-2807

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Chris Webb

ACTION REQUESTED: Use Variance to allow Use Unit 16, for a Mini-Storage, in an AG District (Section 1216); and a Special Exception to exceed the fence height in the required yard (Section 240.2).

LOCATION: 9613 E 96 ST N

ZONED: AG

FENCELINE: Owasso

PRESENT USE: Vacant

TRACT SIZE: 1.25 acres

LEGAL DESCRIPTION: E1/2SESWSESE SEC. 13-21-13,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning on the west and north. There appears to be a residential use on the AG zoned property to the west. The properties to the east are zoned RS-3 and is a residential neighborhood within the corporate limits of Owasso. The properties to the south are zoned RS-2 and it is also a residential neighborhood within the corporate limits of Owasso.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Use Unit 16, for a Mini-Storage, in an AG District (Section 1216); and a Special Exception to exceed the fence height in the required yard (Section 240.2).

The applicant supplied the following statement:

“Proposal to apply for special exception to build small mini storage facility at 9613 E. 96th St. North, Owasso, Oklahoma.

100 – 10' x 10' units (forest green in color)

Gated and monitored 24 hours per day/7 days per week with security system and cameras

Concrete drive

10' privacy fence

Given the location of the storage facility, it will be hidden from public view.

Facility will take up approximately ¾ of one acre.

Land is zoned agriculture and owner lives on adjoining property which is a dead end.

Owner owns total of 9.87 acres and is willing to do a lot split if required.

Best use of property and an asset to growing community.”

3.2

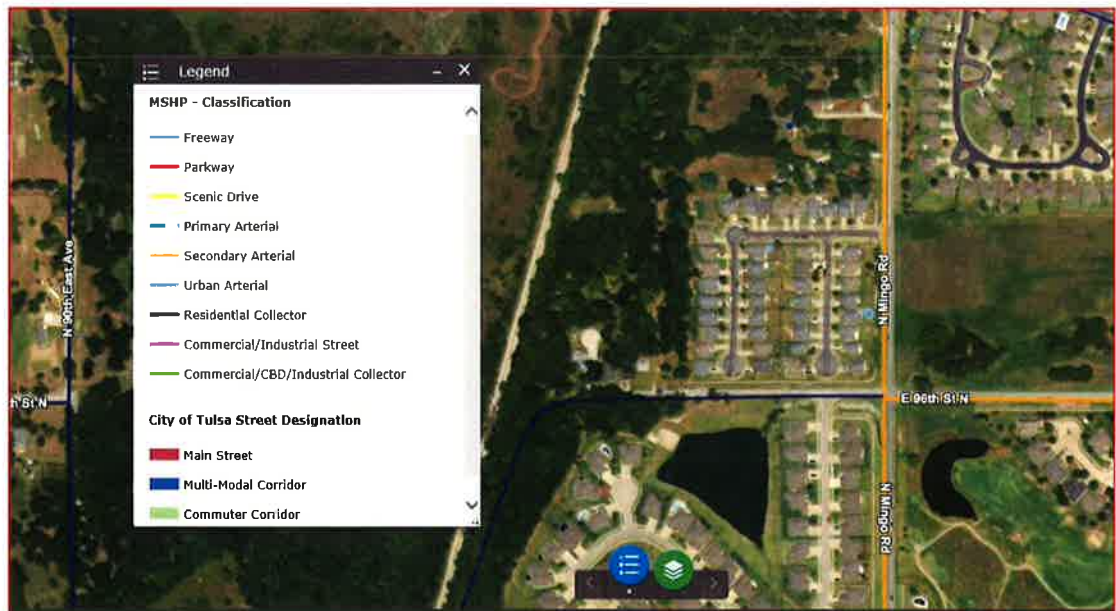
The applicant also stated the following hardship: “We believe the layout of the land and its shape is difficult to utilize due to the nearby floodplain. The good land that is left has an awkward shape.”

A Use Variance is required as a mini-storage facility, Use Unit 16, is not a use permitted in the AG district due to potential adverse effects. Agricultural zoning does not allow requests for a Special Exception for Use Unit 16. Therefore, a Use Variance is the only avenue available that would allow the proposed use and it requires the Board’s approval. According to the site plan, the applicant is proposing to construct a 100 unit mini-storage facility. The units will individually be 10 ft. x 10 ft. and located within two 10 ft. x 50 ft. (approximate size) buildings. Examples of the types of materials to be used are attached to this report.

Use Unit 16, Mini-Storage, is described as: A structure(s) which contains separate, small size, self-service storage facilities leased or rented to individuals or small businesses. These facilities are designated to accommodate access only from regular size passenger vehicles and two-axle trucks (Section 1216.1). The following Use Conditions apply:

1216.3 Use Conditions

- A. The uses included in Use Unit 16, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District. **The applicant is requesting to erect a 10-foot privacy fence between the mini-storage facility and the RS-3 zoning to the east of the property.**
- B. Within the CS district, there shall be no open-air storage of any kind that is visible at ground level from an R district, O district, or from a public street. **This does not apply to this application.**
- C. The development site should have frontage on and access to an arterial street. **According to the Major Street and Highway Plan, E. 96th Street North is considered a Residential Collector until it reaches N. Mingo Rd.**



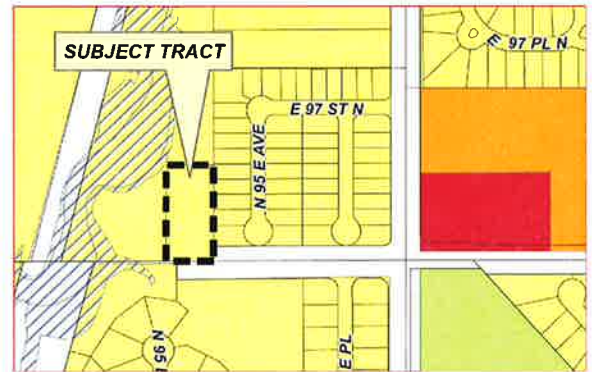
The applicant is requesting a Special Exception to exceed the maximum allowed height of a fence in the yard from 8 ft. to 10 ft. The proposed 10 ft. privacy fence would be made of wood and, as shown on the site plan, will surround the mini storage facility. The Zoning Code states the following:

240.2 Permitted Yard Obstructions

Obstructions are permitted in required yards as follows:

C. Fences, hedges, plant materials, and walls may be located in any yard provided that corner traffic visibility is maintained in accordance with the safety standards of the Tulsa County Engineer. Fences and walls within yards shall not exceed a height of eight feet...The Board of Adjustment, as a special exception, may modify these limitations.

The property is located within the fenceline of Owasso, but it is not in Owasso’s corporate limits. Both, The Owasso Comprehensive Plan and Tulsa County Comprehensive Plan, identify the future land use as Residential. The Comprehensive Plans have identified a Commercial Land Use designation nearby on the northeast corner East 96th Street North and North Mingo Road. See the Land Use Plan map for clarification.



Sample Motion:

“Move to _____ (approve/deny) a Use Variance to allow Use Unit 16, for a Mini-Storage, in an AG District (Section 1216).

Finding the hardship to be _____.

Approved per conceptual plan on page _____ of the agenda packet.

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

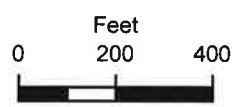
Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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.”

“Move to _____ (approve/deny) a Special Exception to exceed the fence height in the required yard (Section 240.2).

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.”



SUBJECT TRACT



 Subject Tract

CBOA-2807

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

21-13 13

Aerial Photo Date: February 2018

3.5





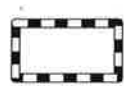
SUBJECT TRACT

E 97 ST N

N 95 E AVE

E 96th ST N

N 95 E CT



Subject Tract

CBOA-2807

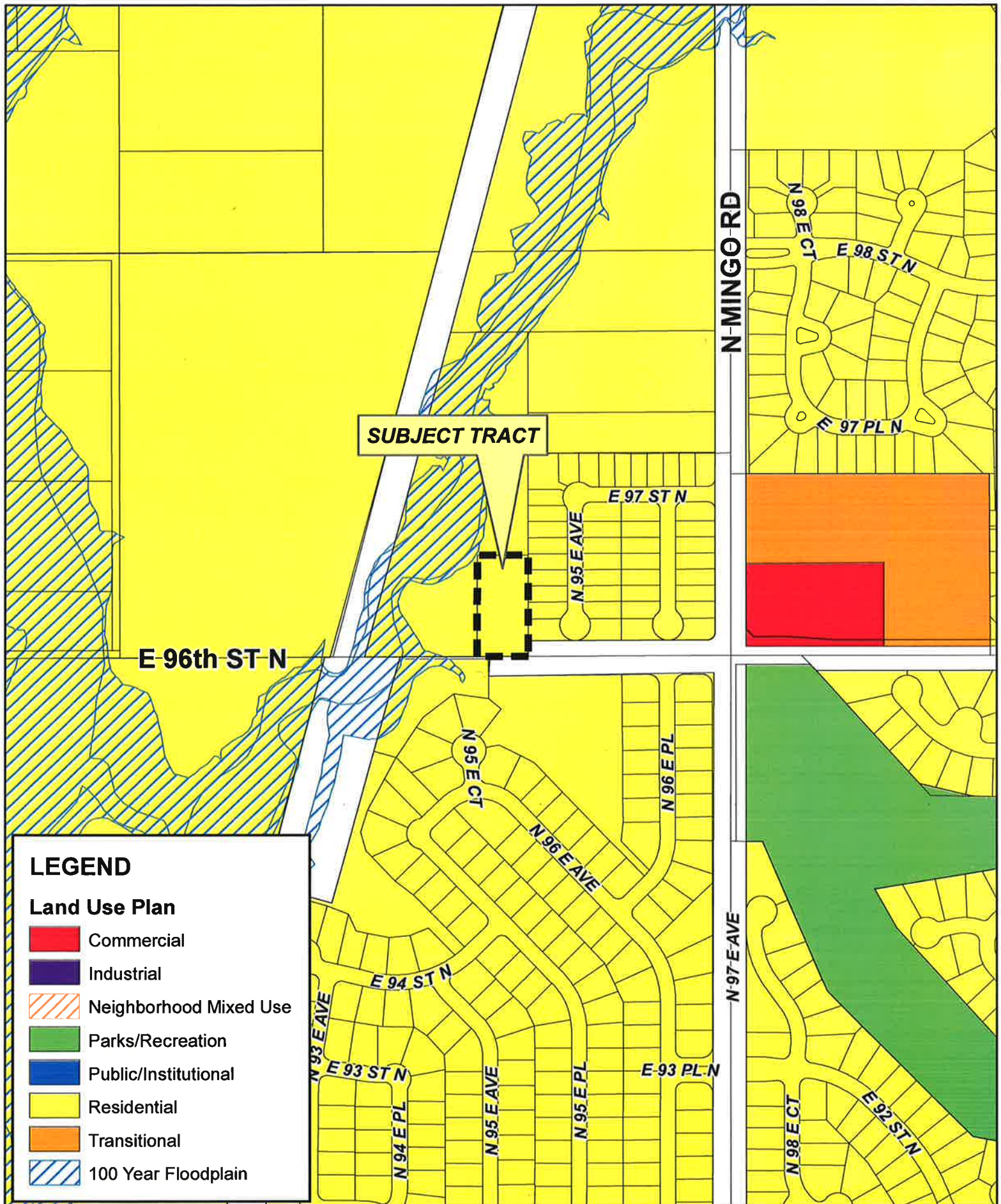
21-13 13

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

Aerial Photo Date: February 2018

3.6





SUBJECT TRACT

E 96th ST N

N-MINGO RD

N-97E AVE

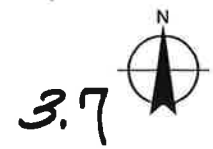
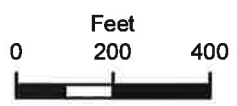
LEGEND

Land Use Plan

- Commercial
- Industrial
- Neighborhood Mixed Use
- Parks/Recreation
- Public/Institutional
- Residential
- Transitional
- 100 Year Floodplain

CBOA-2807

21-13 13





Looking west down E. 96th St. N. from intersection at N. Mingo Rd. towards subject property



Looking northwest into the gated subject property from E. 96th St. N.

March 9, 2020

Proposal to apply for special exception to build small mini storage facility at 9613 E. 96th St. North, Owasso, Oklahoma.

100 – 10'x10' units (forest green in color)

Gated and monitored 24 hours per day/7 days per week with security system and cameras

Concrete drive

10' privacy fence

Given the location of the storage facility, it will be hidden from public view.

Facility will take up approximately 3/4 of one acre.

Land is zoned agriculture and owner lives on adjoining property which is a dead end.

Owner owns total of 9.87 acres and is willing to do a lot split if required.

Best use of property and an asset to growing community.

Chris Webb
9611 E. 96th St. North
Owasso, OK 74055
918/361-3572

3.10

Set back

← 170' →

96st N drive

Gate #1

← 4' →

Fence Property line

Existing fence/Property line

Gap

Gap

Gap

Gap

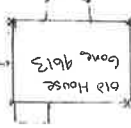
Gap

Gap

Gap

Gap

Gap



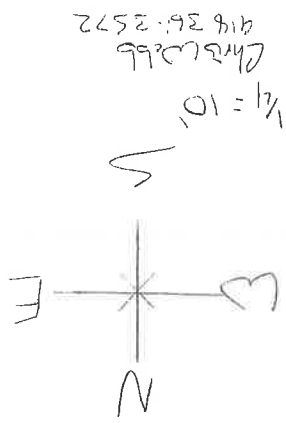
my house

Site Plan

Property line
9611 E 96st N
9613 E 96st N

- 51
- 52
- 53
- 54
- 55
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- 58
- 59
- 60
- 61
- 62
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- 96
- 97
- 98
- 99
- 100

500'

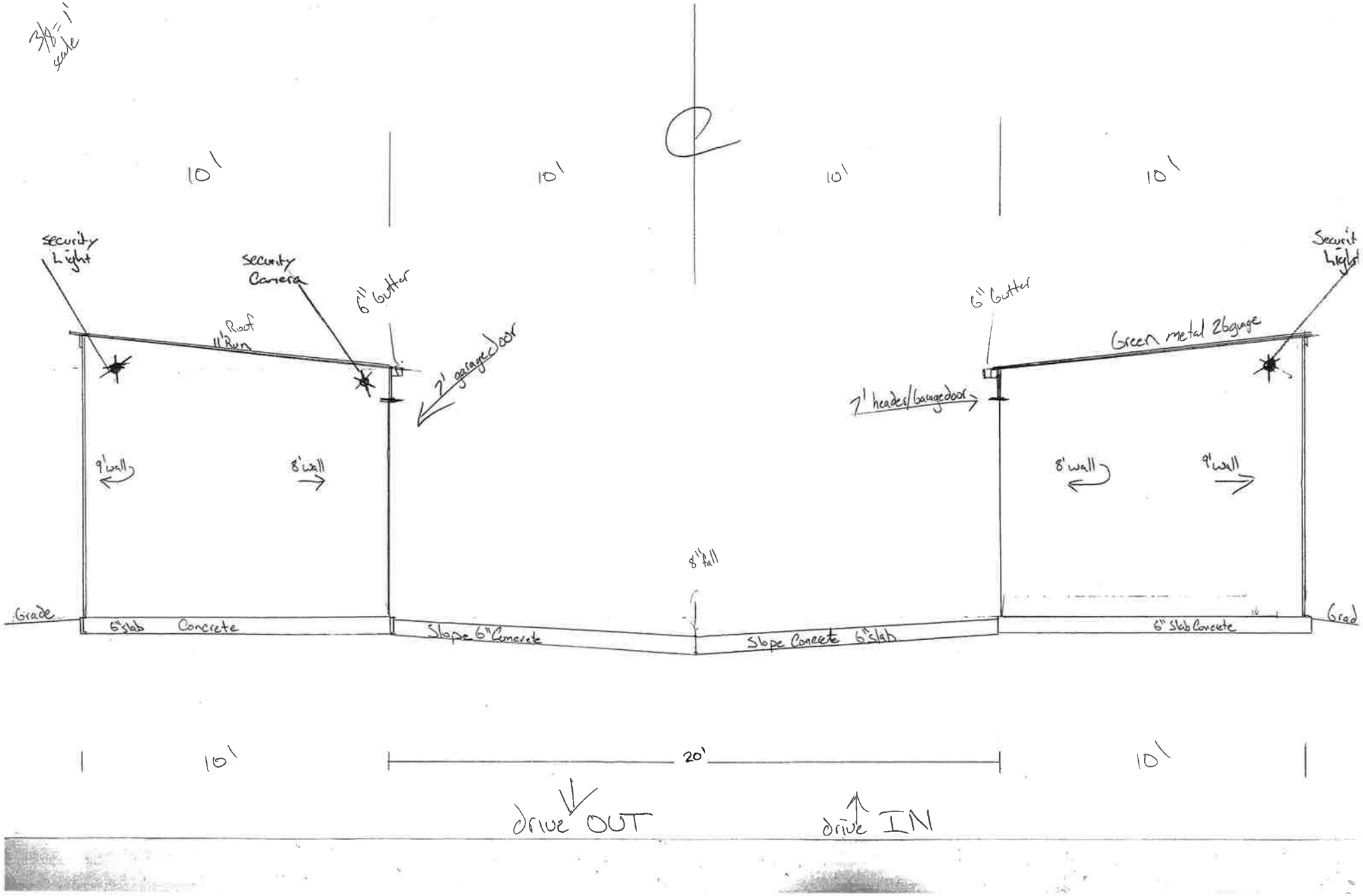


Chris Lobb
414 361 2572

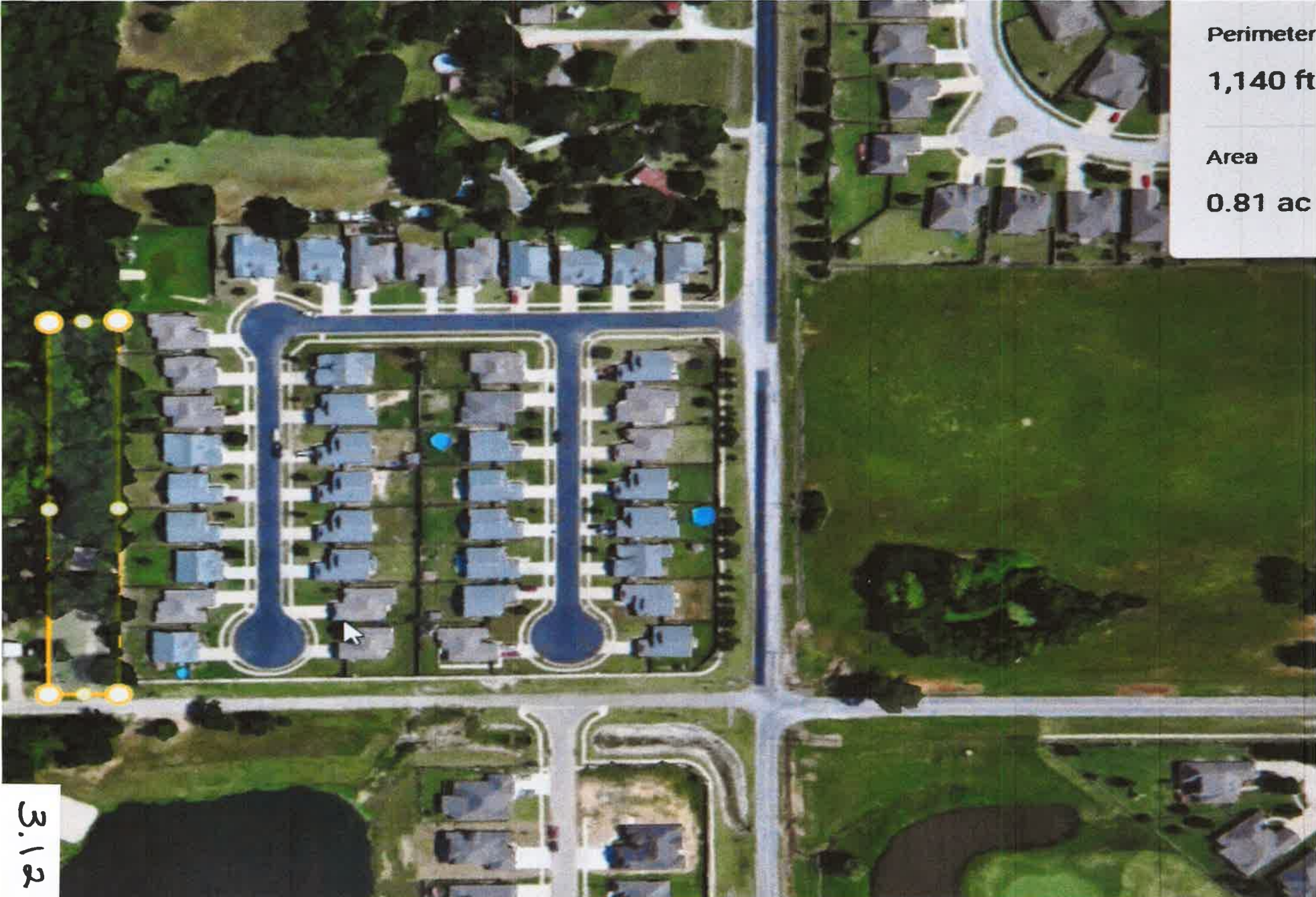
1/2" = 10'

Fence/End Drive line

3/8" = 1' scale



3.11



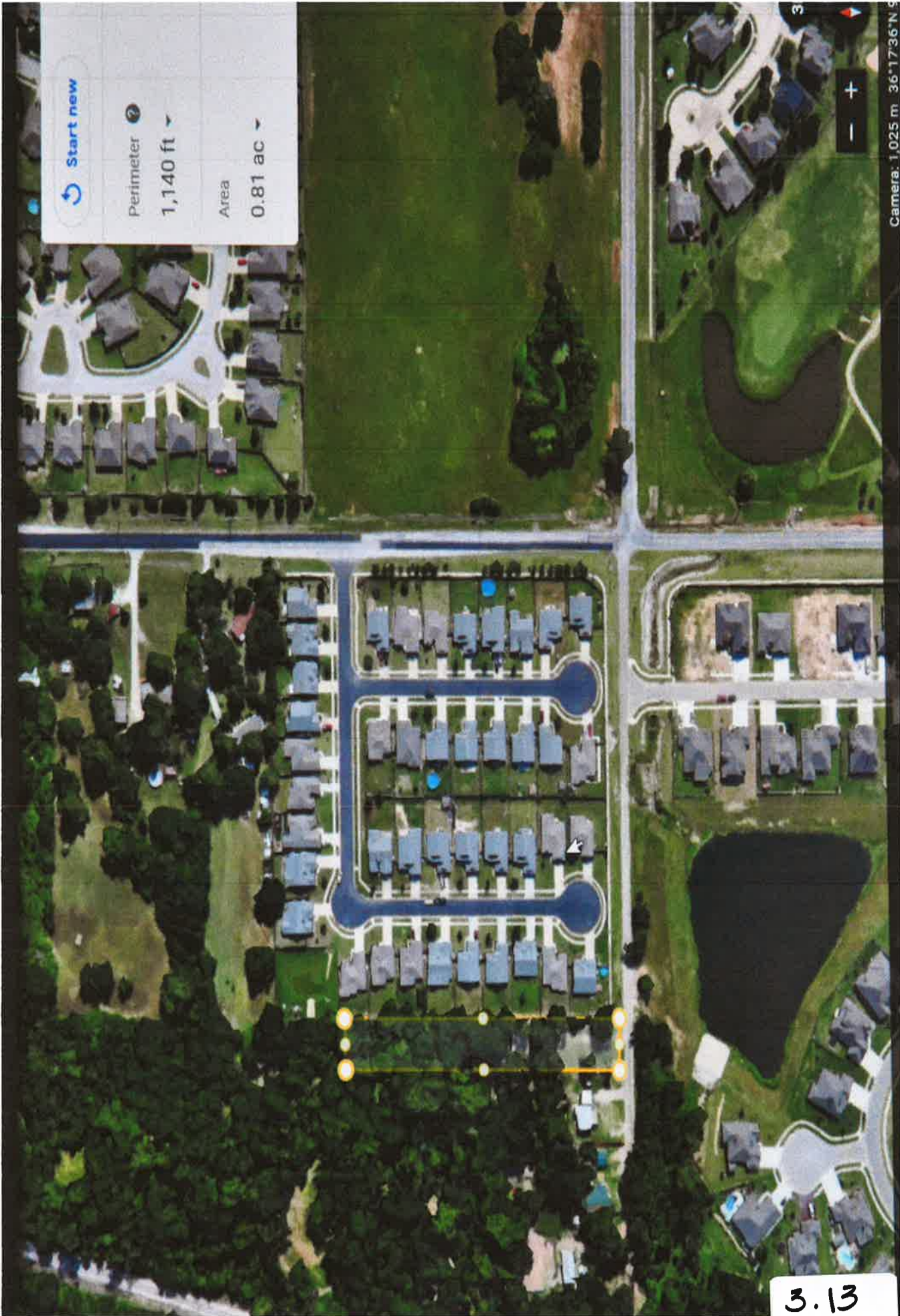
Perimeter

1,140 ft

Area

0.81 ac

3.12



Camera: 1,025 m 36°17'36"N

3.13



3.14

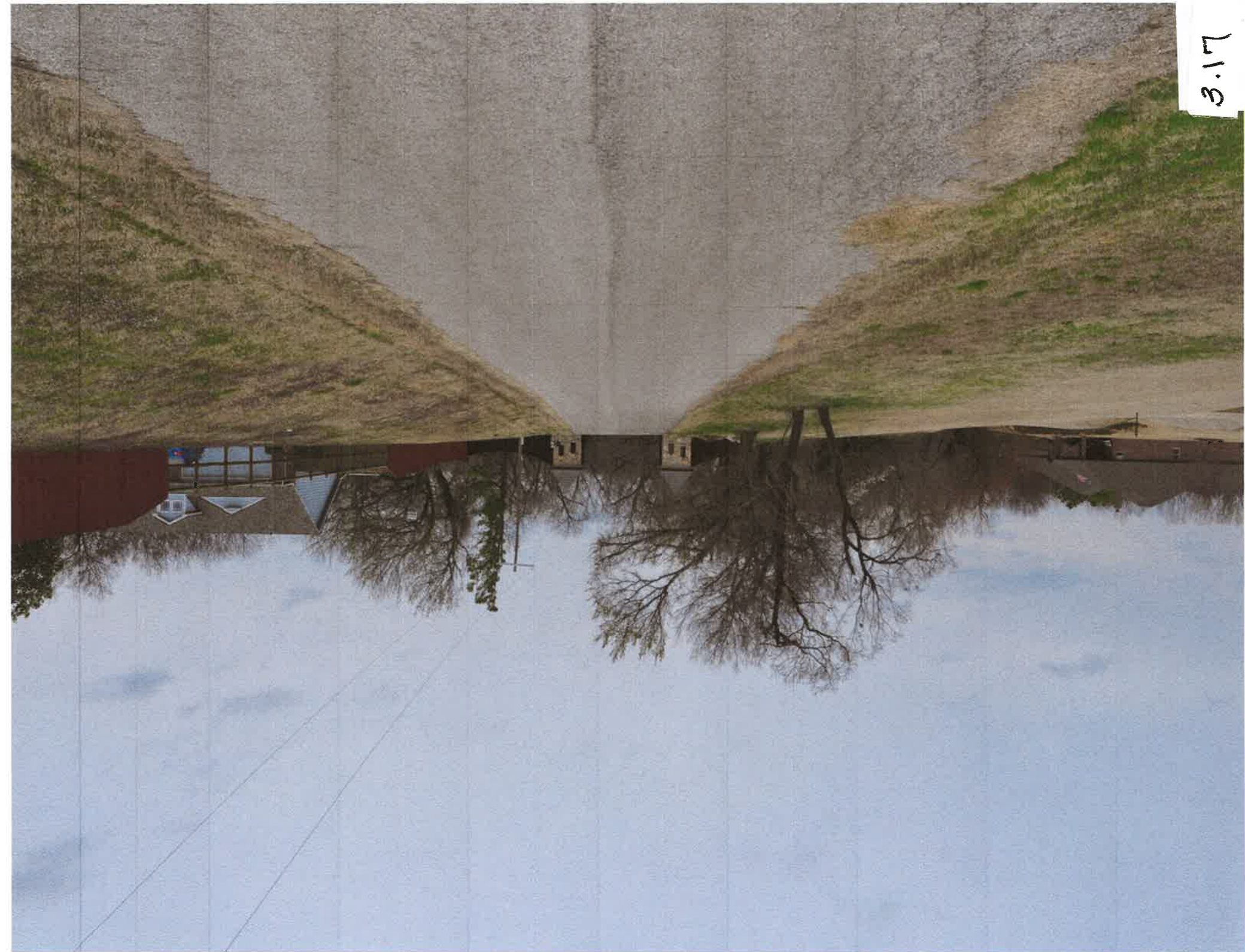


3.15



3.16

3.17





3.18



3.19



3.20



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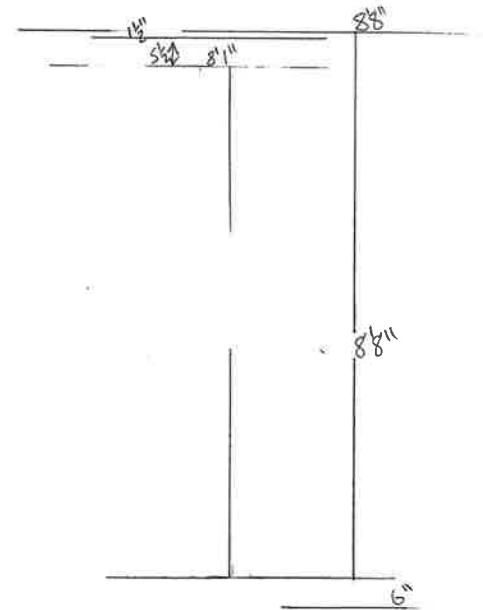
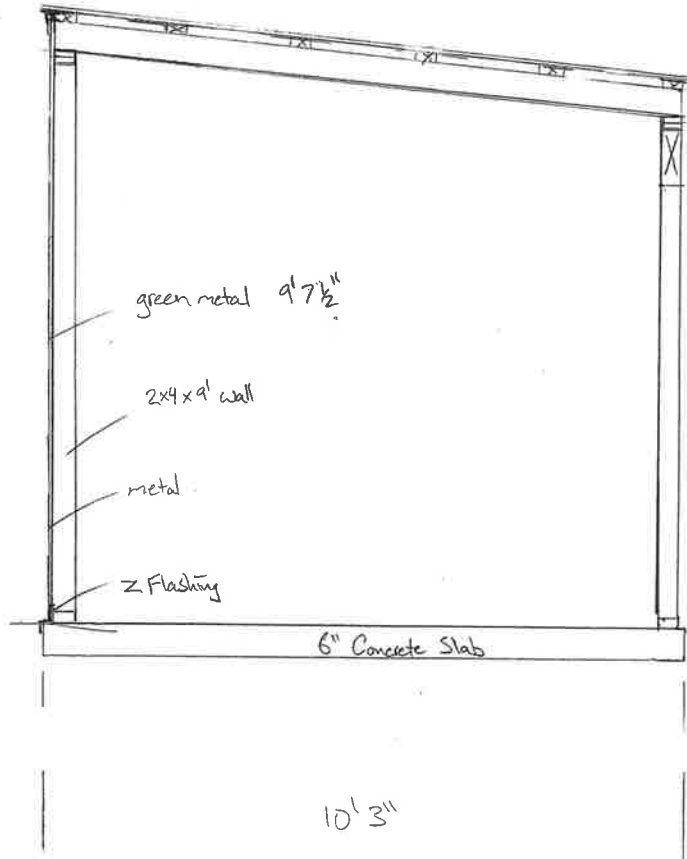
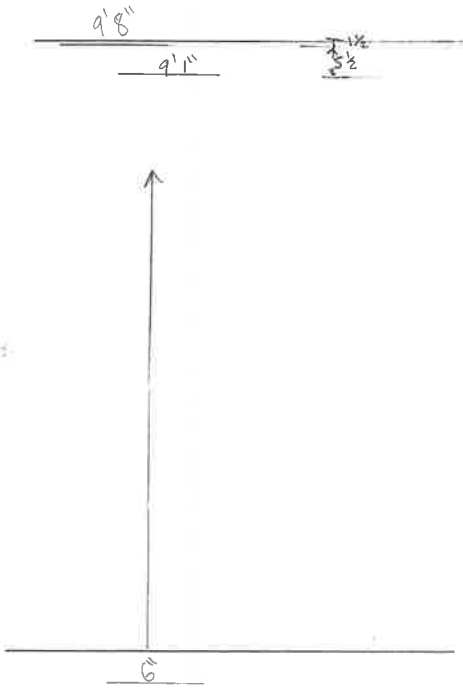
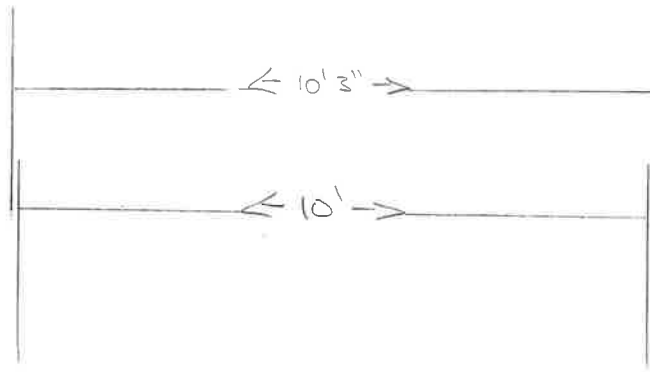
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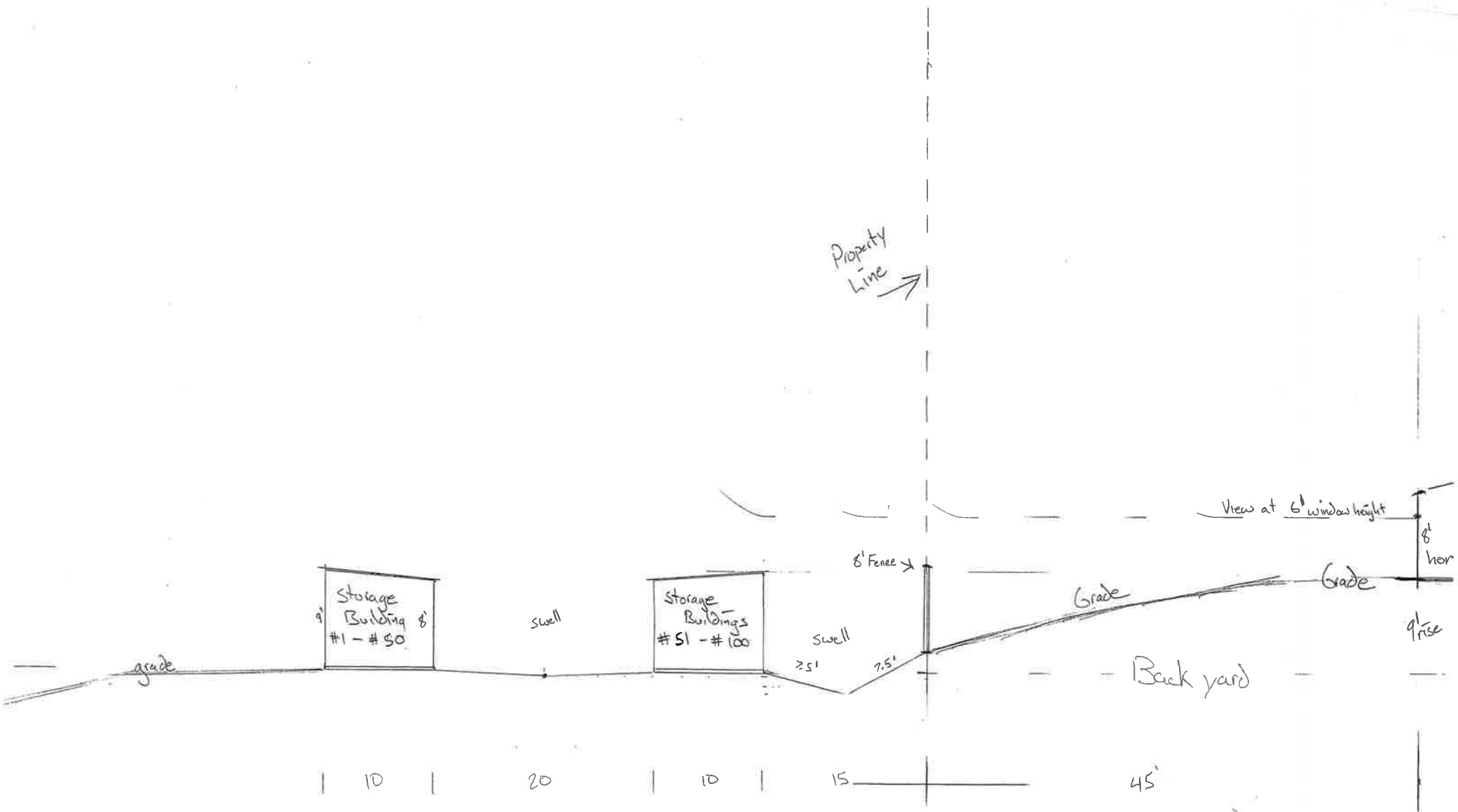
© Steve Husk | Dreamstime.com

[Home](#) - [Stock Photos](#) - [Generic architecture](#) - [Self storage](#) - [Mini storage](#)

3.21

3.22



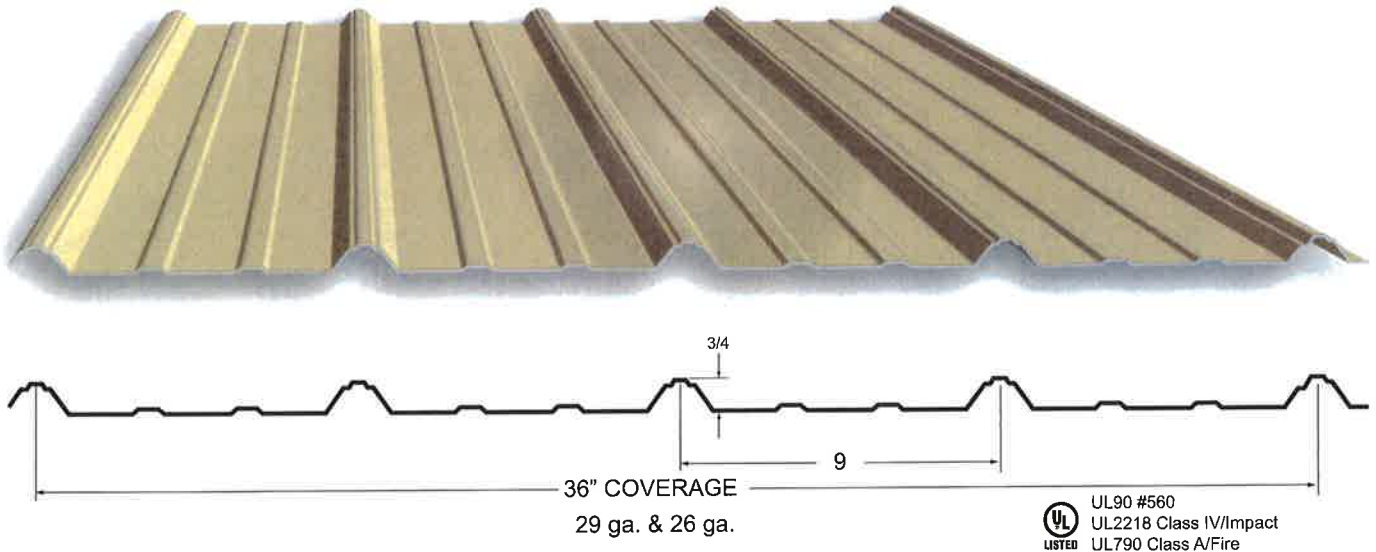


3.23

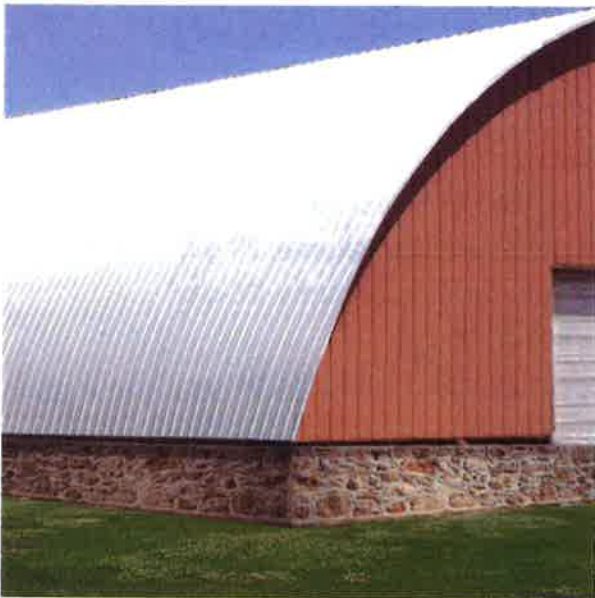


AT A GLANCE:

- 36" coverage
- 3/4" rib, 9" centers
- Minimum slope 3:12 with sealant
- 16 WXL stock colors plus galvalume, 29 ga.
- 22 WXL stock colors plus galvalume, 26 ga.
- 5 PVDF stock colors, 26 ga.
- 6 PVDF stock colors plus galvalume, 24 ga.
- UL Class A Fire rating
- UL Class IV Impact rating

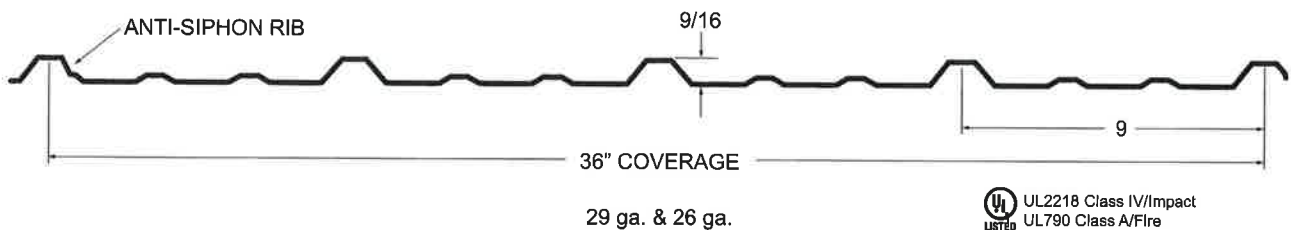


AG Panel - a low-profile, economical panel solution for residential, commercial and agricultural roofing or post frame buildings. AG panels are a very durable, high-value metal roofing system. Manufactured in 29 ga., 26 ga., and 24 ga. Minimum recommended slope is 3:12.



AT A GLANCE:

- 36" coverage
- 9/16" rib, 9" centers
- Minimum slope 3:12 with sealant
- 16 WXL stock colors plus galvalume, 29 ga.
- 22 WXL stock colors plus galvalume, 26 ga.
- 5 PVDF stock colors, plus galvalume, 26 ga.
- 6 PVDF stock colors plus galvalume, 24 ga.
- UL Class A Fire rating
- UL Class IV Impact rating



Flat-Loc -- a low profile, stout-ribbed panel ideally suited for roofing or post-frame buildings. Manufactured in 29 ga., 26 ga., and 24 ga. Minimum recommended slope is 3:12 with sealant.



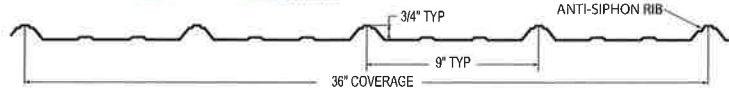
Kansas City:
 8341 Ruby Ave.
 Kansas City, KS 66111
913-766-7200
 855-818-4958 toll-free
 913-766-7201 fax

Tulsa:
 131 S. 147th E. Ave.
 Tulsa, OK 74116
918-641-0641
 866-674-7657 toll-free
 918-641-0640 fax



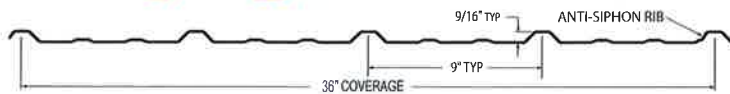
contact@metalpanelsinc.com
 www.metalpanelsinc.com

STRONGSEAM PANELS AG Panel



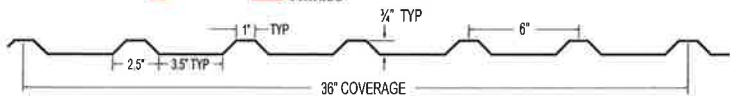
AVAILABLE IN 29 GA & 26 GA (24 GA BY SPECIAL ORDER ONLY)

STRONGSEAM PANELS Flat-Loc Panel



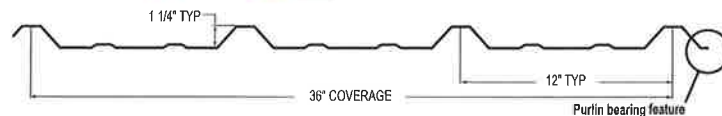
AVAILABLE IN 29 GA & 26 GA (24 GA BY SPECIAL ORDER ONLY) * Produced in Tulsa

STRONGSEAM PANELS M Panel



AVAILABLE IN 26 GA (22 GA & 24 GA BY SPECIAL ORDER ONLY) *Produced in KC

STRONGSEAM PANELS PBR Panel



AVAILABLE IN 26 GA (22 GA & 24 GA BY SPECIAL ORDER ONLY)

All colors shown are approximate to actual finish colors.
Please review actual finish samples before ordering.

Weather 40-Year Finishes ENERGY STAR® compliant coatings by SHERWIN-WILLIAMS Cell Coatings

Polar White

Bone White

Ivory

Light Stone

Tan

Desert Sand

Ash Gray

Charcoal Gray

Burnished Slate

Brown

Evergreen

Hunter Green

Hawaiian Blue

Berry

Crimson Red

Rustic Red

26 GA. ONLY COLORS

Gold

*Copper Metallic

*Gallery Blue

* PREMIUM COLOR

✓ Crinkle-finish colors available:

* Black * Charcoal * Burnished Slate

See your Sales Representative for color samples

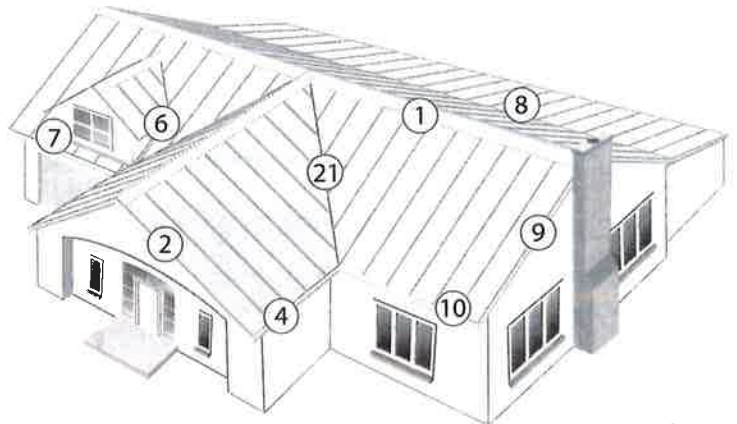
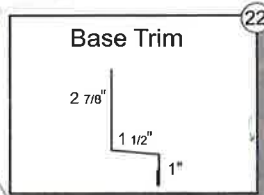
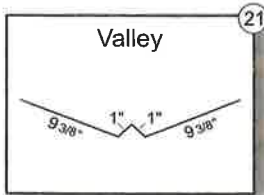
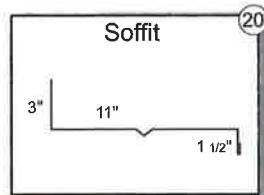
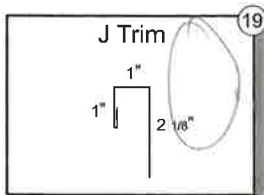
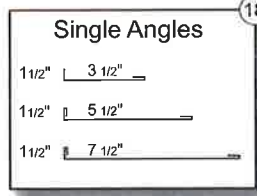
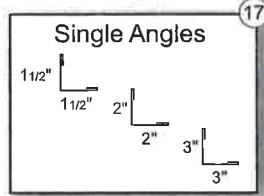
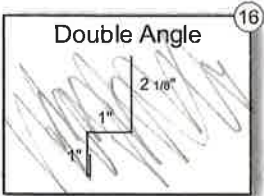
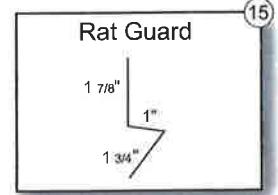
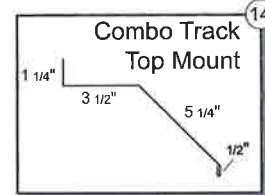
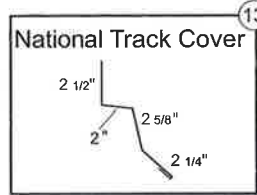
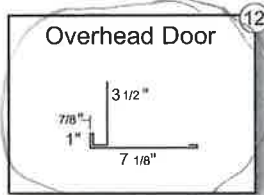
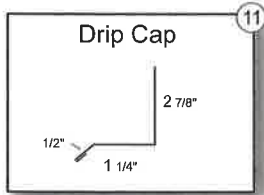
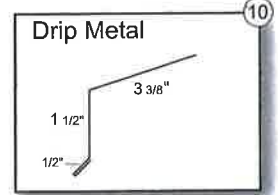
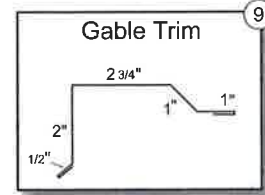
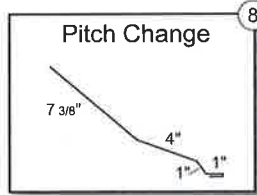
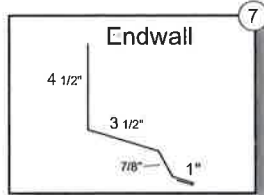
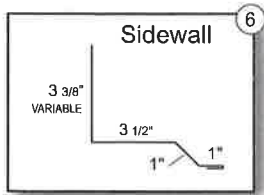
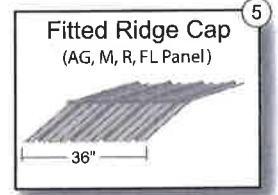
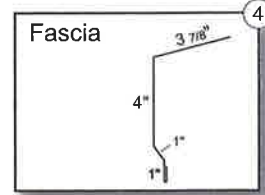
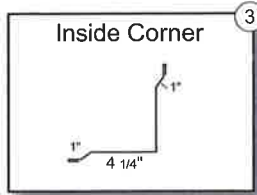
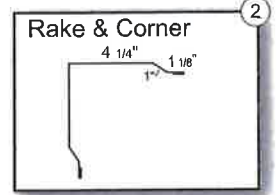
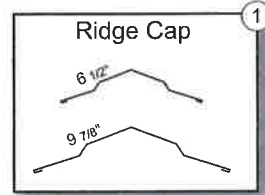
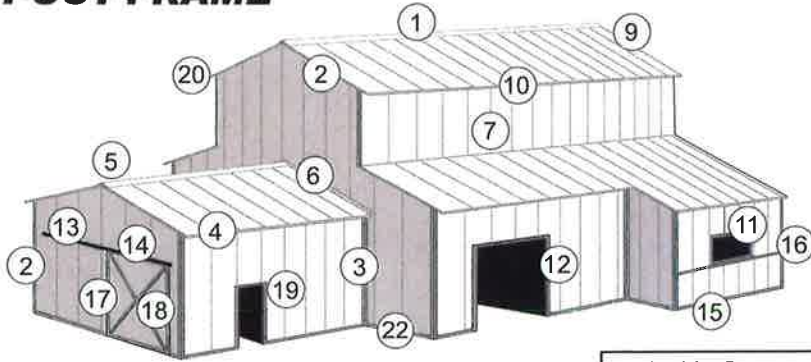
Fern Green

Colony Green

3.26

26GA. AG Panel Trims Standard In All Colors

POST-FRAME



RESIDENTIAL

Robi,

Thank you for contacting us regarding CBOA-2807. Below are a few comments we have regarding this case.

- Our adopted Land Use Master Plan calls out this area for residential land uses (Shown below). Introducing an pseudo industrial/warehousing use on this property would be in conflict with our adopted plan, as those uses are typically allowed only by right in industrial districts or with a PUD in our CG districts. If this case were brought before the City, we would recommend denial.



- Below is a map showing “existing” land use in this area. While this case is asking for a use variance, when considering the current land use pattern in this area, putting in a more intense use would be akin to “spot zoning”.



- The public road servicing this site is in poor condition with the edges of the road breaking off periodically. If this were to be approved, it should come with a condition that 96th be reconstructed with curb and gutter and a pavement section to handle heavier trucks.
- The proposed use would back up to an existing housing addition. Most self-storage places are well lit and such would likely be the case with this proposed facility. This would certainly introduce light into the backyards of the homes abutting the eastern boundary. Light fixtures should be shielded with a maximum foot candle of 0.5fc at the boundary. Pole heights should be limited to 15 feet.
- At minimum a 10 foot landscape yard should be applied along the east boundary. Said yard should also have a 6 foot opaque fence with maintenance responsibilities of the current and future property owner and contain ample evergreen vegetation to enhance the screening.
- Noise would be introduced into an otherwise quiet residential setting.
- The dashed line represents a trail easement. If this case were to be approved we would ask that a trail easement be provided at platting.

Regards,
Karl A. Fritschen, MRCP, AICP, RLA
Planning Manager
200 S. Main
City of Owasso, OK 74055
918.376.1545
"the truth is out there"

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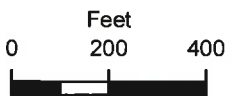
N-PEORIA-AVE

E-126th-ST-N

SUBJECT TRACT

AG

AG



CBOA-2808

4.1

21-13 06



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1306

CASE NUMBER: CBOA-2808

CZM: 10

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Coleman Swango

ACTION REQUESTED: Use Variance to allow Use Unit 25, Light Manufacturing Industry, to allow wine bottling (Section 1225); Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 12345 N PEORIA AV E

ZONED: AG

FENCELINE: Skiatook

PRESENT USE: Vacant

TRACT SIZE: 6.08 acres

LEGAL DESCRIPTION: A tract of land located in Government Lots Four (4) and Five (5) of Section Six (6) in Township Twenty-One (21) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, Oklahoma; being more particularly described as follows:

Commencing at the NW corner of Sec. 6, T-21-N, R-13-E, I.B.&M.; Thence S 0°59'57" E along the west line of the NW/4 of said Sec. 6 a distance of 33.00 feet; Thence N 88°43'01" E parallel with the north line of said NW/4 a distance of 16.50 feet; Thence S 0°59'57" E along the east statutory right-of-way of North Peoria Avenue a distance of 848.00 feet to the Point of Beginning; Thence N 89°44'29" E a distance of 580.30 feet; Thence S 00°59'57" E a distance of 350.00 feet; Thence S 89°44'29" W a distance of 285.34 feet; Thence S 0°59'57" E a distance of 203.90 feet; Thence S 86°49'09" W a distance of 295.20 feet to said east statutory right-of-way; Thence N 0°59'57" W a distance of 568.95 feet to the Point of Beginning, and containing 6.094 acres, more or less.

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agricultural zoning and uses. There are a few residential uses scattered throughout the area.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to allow wine bottling (Section 1225); Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant supplied the following statement: "The existing property is zone Ag which is what is need to grow the grape vineyard. The surrounding 150 acres is owned by the same owner. We are asking for the variance to add the light manufacturing to be able to bottle wine that is produced

from the grapes for personal use. This will be a very small amount of wine that will be bottled. Variance #2 is for a wedding and event center so that a wedding can be held overlooking the vineyard. Variance #3 is for allowing gravel parking because of it will match what is existing throughout the entire property.”

A Use Variance for Use Unit 25, Light Manufacturing Industry, is being requested so the applicant can bottle wine. Use Unit 25 is not a use allowed by right or by Special Exception in an AG district. Section 1225.1 describes Light Manufacturing Industry: Light manufacturing and industrial uses having slight or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration. The following use conditions will apply:

1225.3 Use Conditions

- A. The uses included in Use Unit 25, which are located within 300 feet of an R District, shall be conducted with enclosed buildings. **If approved, the bottling of wine will occur inside an existing building.**
- B. The uses included in Use Unit 25, when located on a lot which is abutting an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District. **The lot does not abut an R District.**

A Special Exception for Use Unit 2 is required as the proposed use is not permitted by right in the AG district because of potential adverse affects, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The proposed wedding and events venue must be found to be compatible with the surrounding area.

The Code requires all parking surfaces be paved with an all-weather surface so as to maintain a minimum level of aesthetics, but more importantly to control air-borne particulates like dust and to control the tracking of dirt and mud onto public streets. The applicant has requested a variance to permit a gravel and/or grass parking area.

The approval of a special exception will trigger the requirement to conform to the Subdivision and Development Regulations. Issues related to Right-of-Way dedication and storm water management would be addressed during the platting stage.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board may limit approval for a temporary length of time to establish a trial period.

Sample Motion:

“Move to _____ (approve/deny) Use Variance to allow Use Unit 25, Light Manufacturing Industry, to allow wine bottling (Section 1225); Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

Finding the hardship to be _____.

Subject to the following condition(s), if any: _____.

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Finding the hardship to be _____.

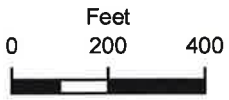
Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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.

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 welfa



N PEORIA AVE

E 126th ST N



Subject Tract

CBOA-2808

21-13 06

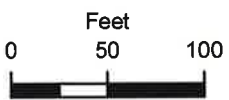
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

4.5



N PEORIA AVE



Subject Tract

CBOA-2808

21-13 06

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

Aerial Photo Date: February 2018

4.6





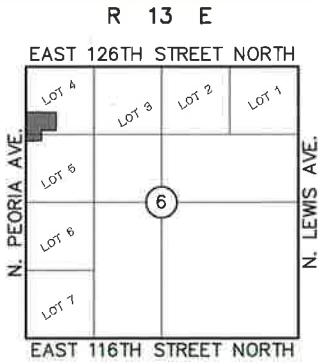
Looking east from N. Peoria Ave.



Looking north from N. Peoria Ave. – subject property is on the right

Plat of Survey Boundary

A part of Government Lots 4 and 5 of Section 6, T-21-N, R-13-E Tulsa County, Oklahoma



Location Map
SCALE: 1"=2000'

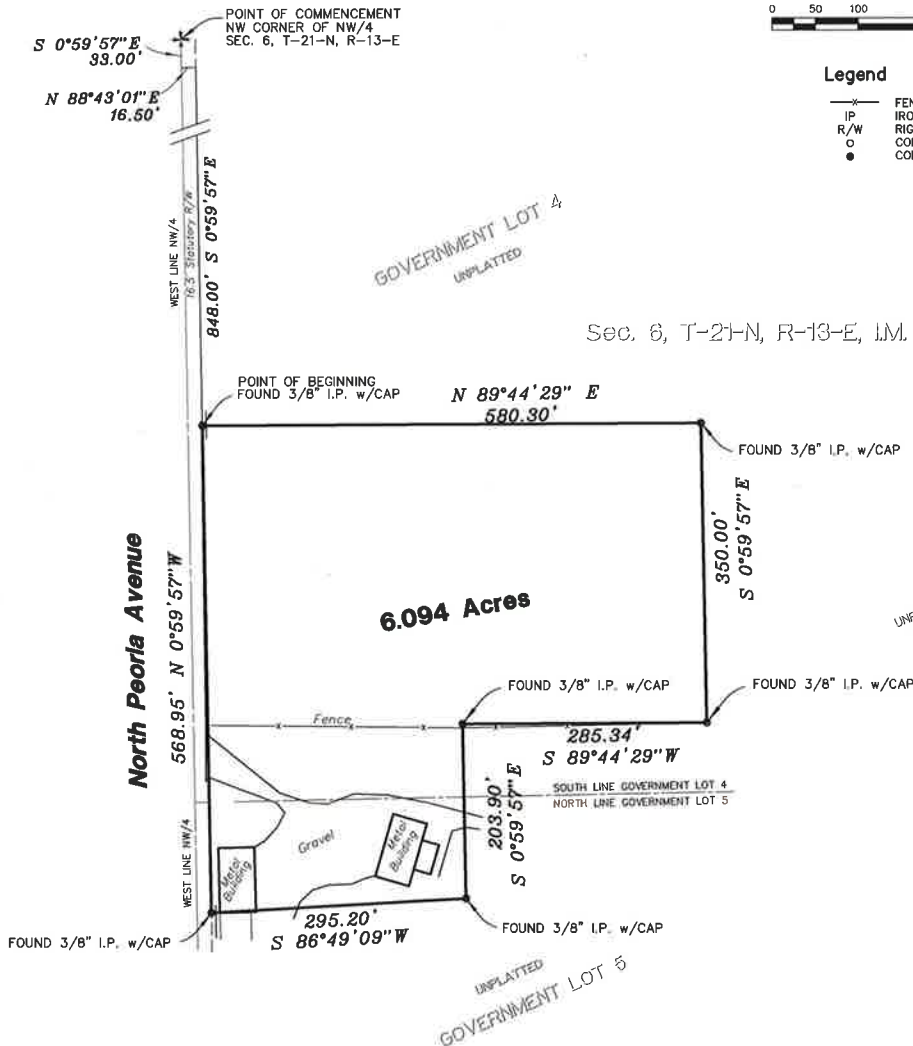


Scale: 1"=100'



Legend

- X — FENCE LINE
- IP IRON PIN
- R/W RIGHT OF WAY
- CORNER FOUND
- CORNER SET



Legal Description

A tract of land located in Government Lots Four (4) and Five (5) of Section Six (6) in Township Twenty-One (21) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, Oklahoma; being more particularly described as follows:

Commencing at the NW corner of Sec.6, T-21-N, R-13-E, I.B.&M.; Thence S 0°59'57" E along the west line of the NW/4 of said Sec.6 a distance of 33.00 feet; Thence N 88°43'01" E parallel with the north line of said NW/4 a distance of 16.50 feet; Thence S 0°59'57" E along the east statutory right-of-way of North Peoria Avenue a distance of 848.00 feet to the Point of Beginning; Thence N 89°44'29" E a distance of 580.30 feet; Thence S 0°59'57" E a distance of 350.00 feet; Thence S 89°44'29" W a distance of 285.34 feet; Thence S 0°59'57" E a distance of 203.90 feet; Thence S 86°49'09" W a distance of 295.20 feet to said east statutory right-of-way; Thence N 0°59'57" W a distance of 568.95 feet to the Point of Beginning, and containing 6.094 acres, more or less.

Notes

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
3. ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN.
4. THIS LEGAL DESCRIPTION WAS PREPARED BY KEVIN M. NEWLUN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR # 1289.
5. BASIS OF BEARING IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

Surveyor's Statement

I, KEVIN M. NEWLUN, 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 HAVE BEEN DISCLOSED AND FURNISHED AT THE TIME OF SURVEY. NO OPINION IS VERSED AS TO THE OWNERSHIP OF FENCES OR ANY OTHER APPURTENANCES ON SAID PROPERTY. THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

BENCHMARK SURVEYING & LAND SERVICES, INC.



Kevin M. Newlun
KEVIN M. NEWLUN RLS # 1289
FEBRUARY 18, 2020
DATE OF CERTIFICATION

Benchmark Surveying and Land Services, Inc.
P. O. BOX 1078
OWASSO, OKLAHOMA 74666
CA. NO. 2255
PHONE: (918) 274-8021
FAX: (918) 274-0857
EMP. DATE: 01/20/09

| | | | | | |
|--------|-----------|-------------|-----|--------|---------|
| FILE: | 2113.0650 | SURVEY BY: | CC | DATE: | 2/18/20 |
| ORDER: | 27304 | DRAWN BY: | TLG | SCALE: | 1"=100' |
| BOOK: | 25/379 | CHECKED BY: | KMN | SHEET | 1 OF 1 |

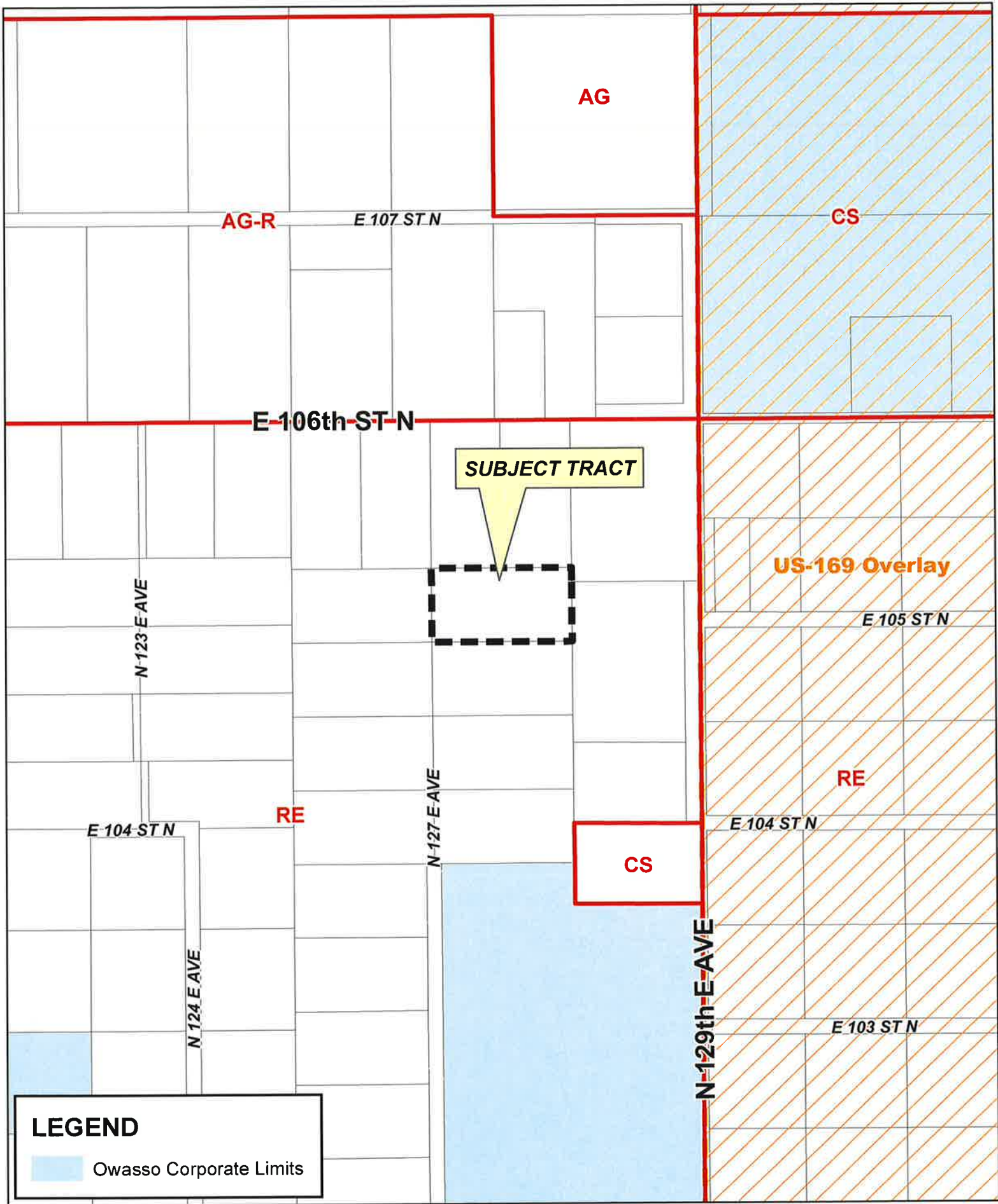
DRAWING: 27304-PS-HAD.DWG

CBOA-2808

Hardship

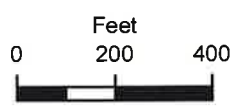
The existing property is zone Ag which is what is need to grow the grape vineyard. The surrounding 150acs is own by the same owner. We are asking for the variance to add the light manufacturing to be able to bottle wine this is produced from the grapes for personal use. This will be a very small amount of wine that will be bottled. Variance #2 is for a wedding and event center so that a wedding can be held overlooking the vineyard. Variance #3 is for allowing gravel parking because of it will match what is existing throughout the entire property.

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LEGEND

 Owasso Corporate Limits



CBOA-2809

5.1

21-14 17



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1417

CZM: 12

CASE NUMBER: CBOA-2809

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Kevin Watkins

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record (Section 208) in an RE district.

LOCATION: 10543 N 127 AV E

ZONED: RE

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 2.51 acres

LEGAL DESCRIPTION: BEG 869.14 W & 481.13 S NEC NE E 453.17 S 240.56 W 453.7 N 240.56 TO BEG SEC 17-21-14,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1217 December 1993: The Board of Adjustment approved a *special exception* to permit church use in an RE zoned district, on property located South of the Southwest corner of East 106th Street North and North 129th East Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RE zoning with what appears to be predominantly residential uses. The property to the east is a church and it received a special exception for a church use in 1993.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record (Section 208) in an RE district. Section 208 of the Code states not more than one dwelling unit may be constructed or otherwise placed on a single lot or record in the RE district.

The applicant did not supply a hardship. Staff spoke to the applicant after reaching out to the applicant by email was not successful. He stated that the new dwelling unit would be 538 sq. ft. The site plan provided only identified one of the building's dimensions as 21' wide. Staff calculated that the length must be around 25' according to the stated square footage. Board should note that the existing accessory building shown in the photograph is not included on the site plan. In addition, there appears to be someone living in an RV on the property. That will need to be addressed as living in an RV is not permitted in RE zoning districts.

5.2

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

Sample Motion:

“Move to _____ (approve/deny) Variance to allow a second dwelling on a single lot of record.

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.”

Case No. 1216 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** to permit two dwelling units per lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; finding that the applicant has sufficient land area to split the tract into two lots; and that approval of the request will not cause substantial detriment to the public good or violate the spirit and intent of the Code; on the following described property:

N/2 of the S/2 of Gov. Lot 1, Section 1, T-22-N, R-12-E. less the south 299.99' of the east 845.90' of said N/2, S/2 Lot 1, Tulsa County, Oklahoma.

Case No. 1217

Action Requested:

Special Exception to permit church use in an RE zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 10510 North 129th East Avenue.

Presentation:

The applicant, **Church of Christ**, 10510 North 129th East Avenue, Owasso, Oklahoma, was represented by **Barry Smith**, architect for the proposed addition to an existing church. He informed that the church has been at the current location for approximately 20 years. Mr. Smith stated that a multipurpose classroom area will be added to the south end of the building. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Alberty asked if the sanctuary will remain the same size, and Mr. Smith answered in the affirmative.

In response to Mr. Alberty, Mr. Smith noted that the zoning laws have changed since the construction of the church approximately 20 years ago.

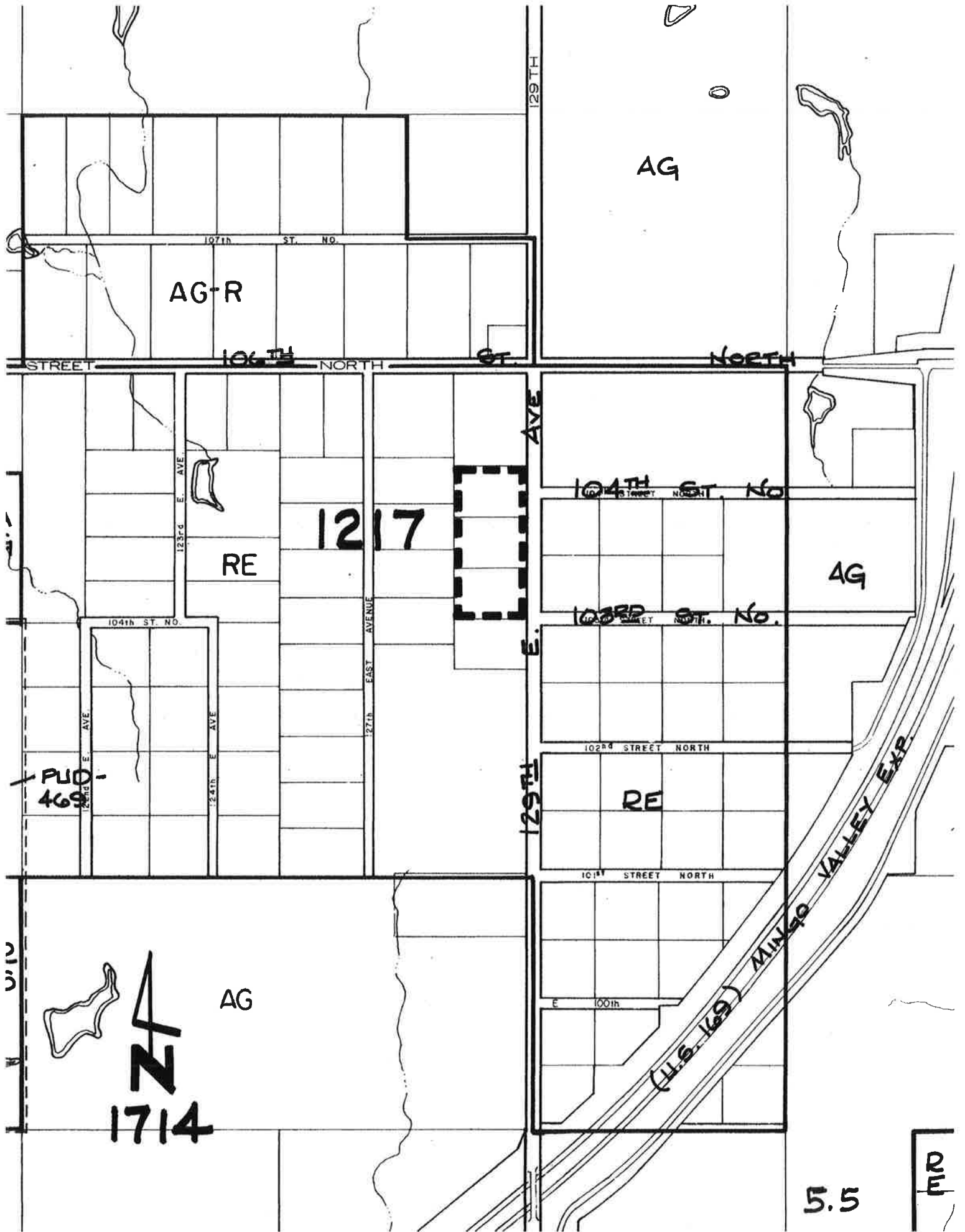
Mr. Looney asked Mr. Smith if the parking lot is constructed of a hard surface material, and he answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit church use in an RE zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to all parking being hard surface; finding that church use has been at this location for many years, and the added construction will not be detrimental to the area; on the following described property:



AG

AG-R

1217

RE

AG

RE

AG

1714

5.5

5.5

PUD-469

(U.S. 169)

MINGO VALLEY EXP.

129TH

107th ST. NO.

106th NORTH STREET

104th STREET NORTH

104th ST. NO.

103rd STREET NORTH

102nd STREET NORTH

101st STREET NORTH

E. 100th

123rd E. AVE

124th E. AVE

124th E. AVE

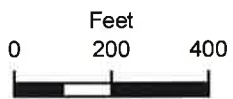
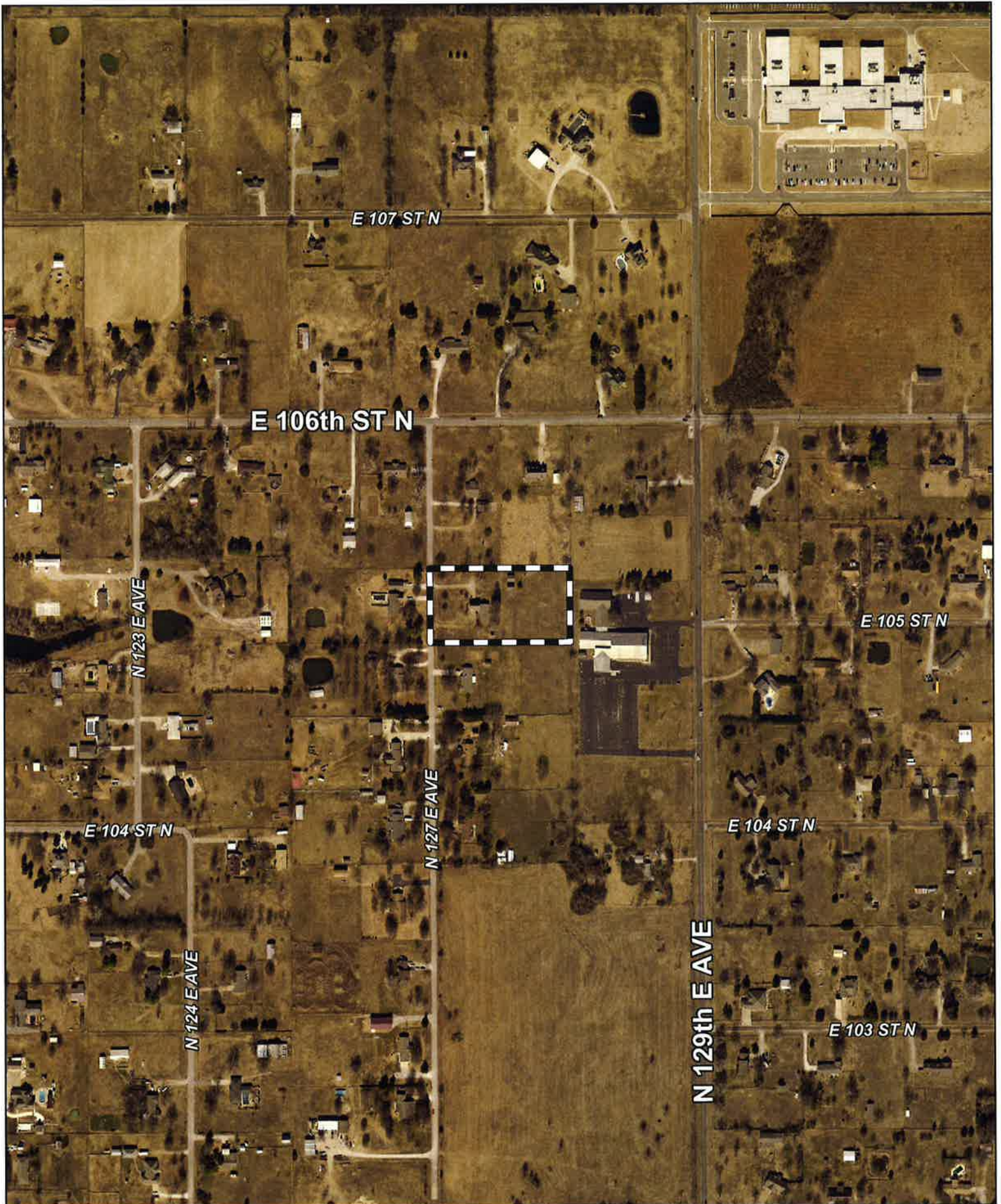
127th EAST AVENUE

E. AVE

129th

310

W



Subject Tract

CBOA-2809

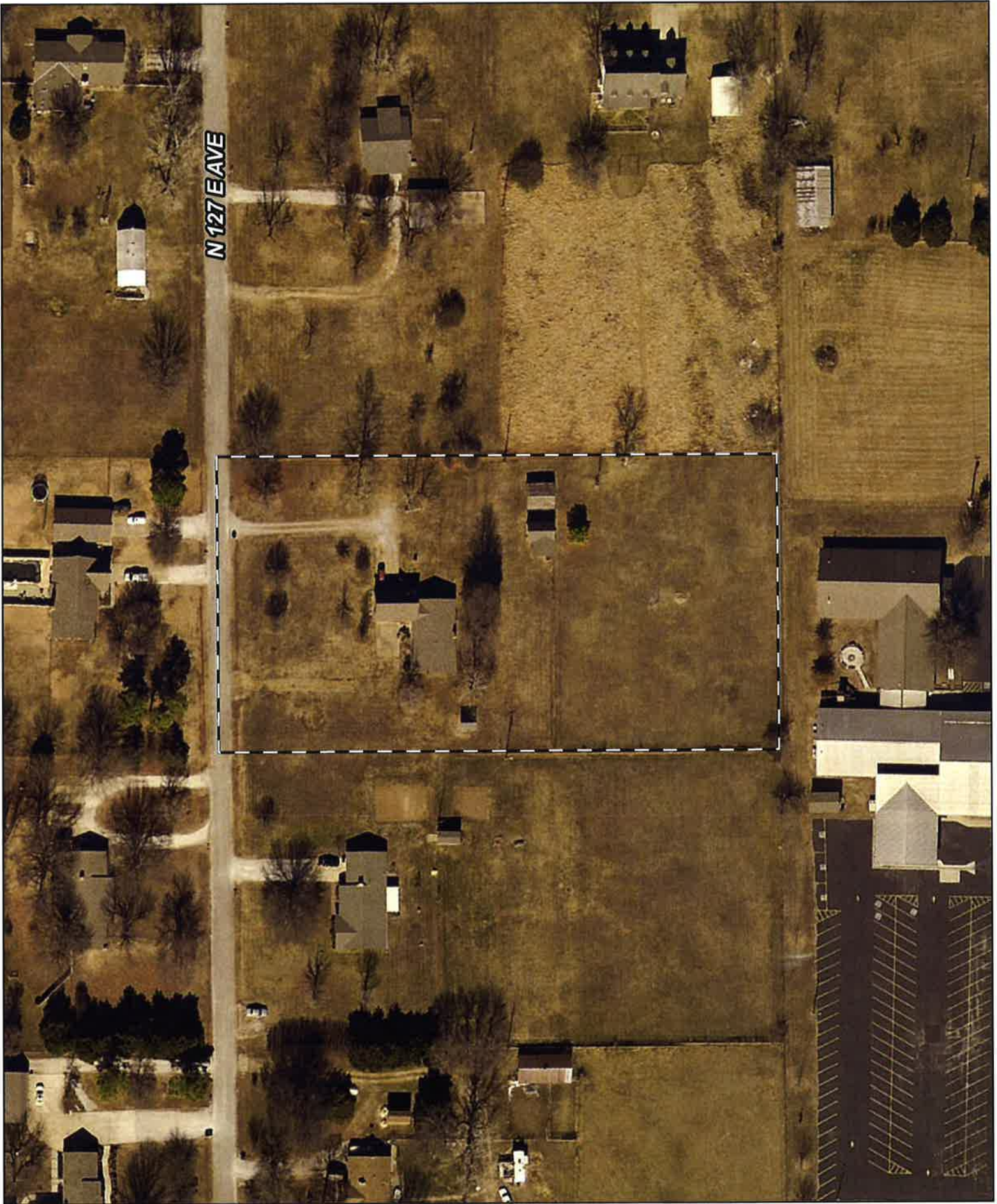
21-14 17

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

Aerial Photo Date: February 2018

5.6





N 127 E AVE



Subject Tract

CBOA-2809

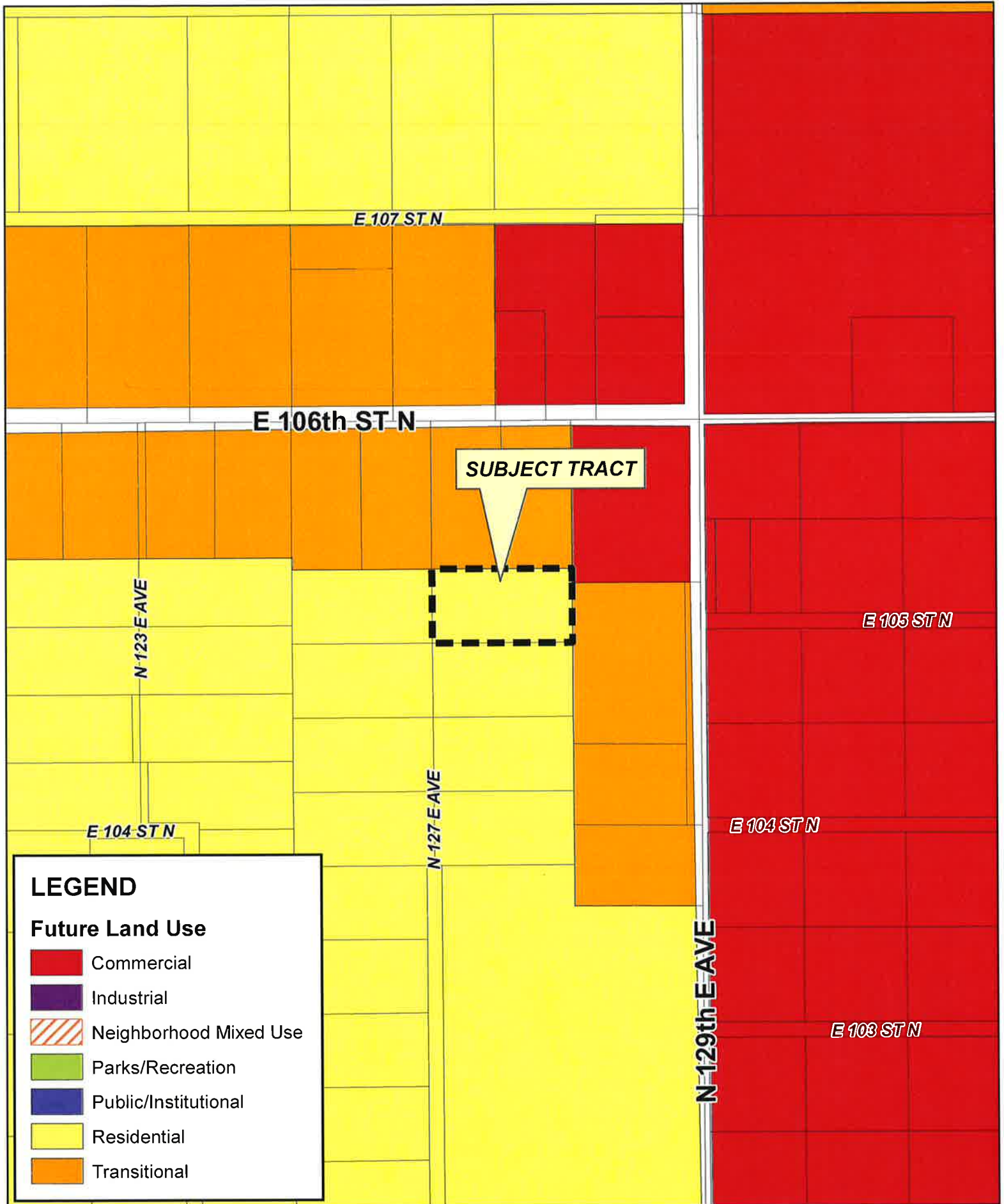
21-14 17

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

Aerial Photo Date: February 2018

5.7





LEGEND

Future Land Use

- Commercial
- Industrial
- Neighborhood Mixed Use
- Parks/Recreation
- Public/Institutional
- Residential
- Transitional



CBOA-2809

21-14 17

5.8

Jones, Robi

From: Jones, Robi
Sent: Tuesday, April 28, 2020 3:39 PM
To: Kevin Watkins
Subject: FW: CBOA-2809
Attachments: County Board of Adjustment Site Plan Review-residential.doc

Kevin – I am just checking in to see if you have your site plan ready and if you can answer the questions. I am trying to complete the staff report.

Thanks,

Robi

Robi Jones
Community Planner
County Board of Adjustment Administrator
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9472
rjones@incog.org



From: Jones, Robi
Sent: Monday, March 30, 2020 10:42 AM
To: Kevin Watkins <premierdirt@yahoo.com>
Subject: CBOA-2809

Kevin,

I am working on your case, CBOA-2809, and I have some questions. I am sending you a site plan description, please give me more details than you originally submitted.

- Will the second home be a manufactured home?
- What type of parking surface will you be utilizing?
- Where is the driveway for the second residence?
- What are the other structures on the property?
- If not a manufactured home, what will the second home look like? (Provide a conceptual design if possible.)
- Please send me your statement of hardship.

Although the case has been rescheduled until May 19, 2020, I am still working on it.

Thanks,

Jones, Robi

From: Jones, Robi
Sent: Monday, March 30, 2020 10:42 AM
To: Kevin Watkins
Subject: CBOA-2809
Attachments: County Board of Adjustment Site Plan Review-residential.doc

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- Where is the driveway for the second residence?
- What are the other structures on the property?
- If not a manufactured home, what will the second home look like? (Provide a conceptual design if possible.)
- Please send me your statement of hardship.

Although the case has been rescheduled until May 19, 2020, I am still working on it.

Thanks,

Robi

Robi Jones

Community Planner
County Board of Adjustment Administrator

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

rjones@incog.org



County Board of Adjustment Case Number: CBOA-2809

Date: Tuesday, 04/21/2020 1:30 PM, 1:30 p.m.

Meetings will be held at: 1 West 3rd Street, Tulsa, OK – Williams Tower 1, St. Francis Conference Room*

*February 2020, Meeting will be held at Central Library, Pochontas Greadington Learning & Creativity Center, Level 2, 400 Civic Center, Tulsa, OK 74103

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application.

(Other drawings, photographs or exhibits may be submitted at the hearing.)

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary hardship to the property. This does not include financial hardship to the applicant.
2. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
3. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

Will Email Hardship.

Applicant Signature:



SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If Your Application Is Approved, You Will Need Additional Permits.

5.11



Looking east from N. 127th E. Ave.



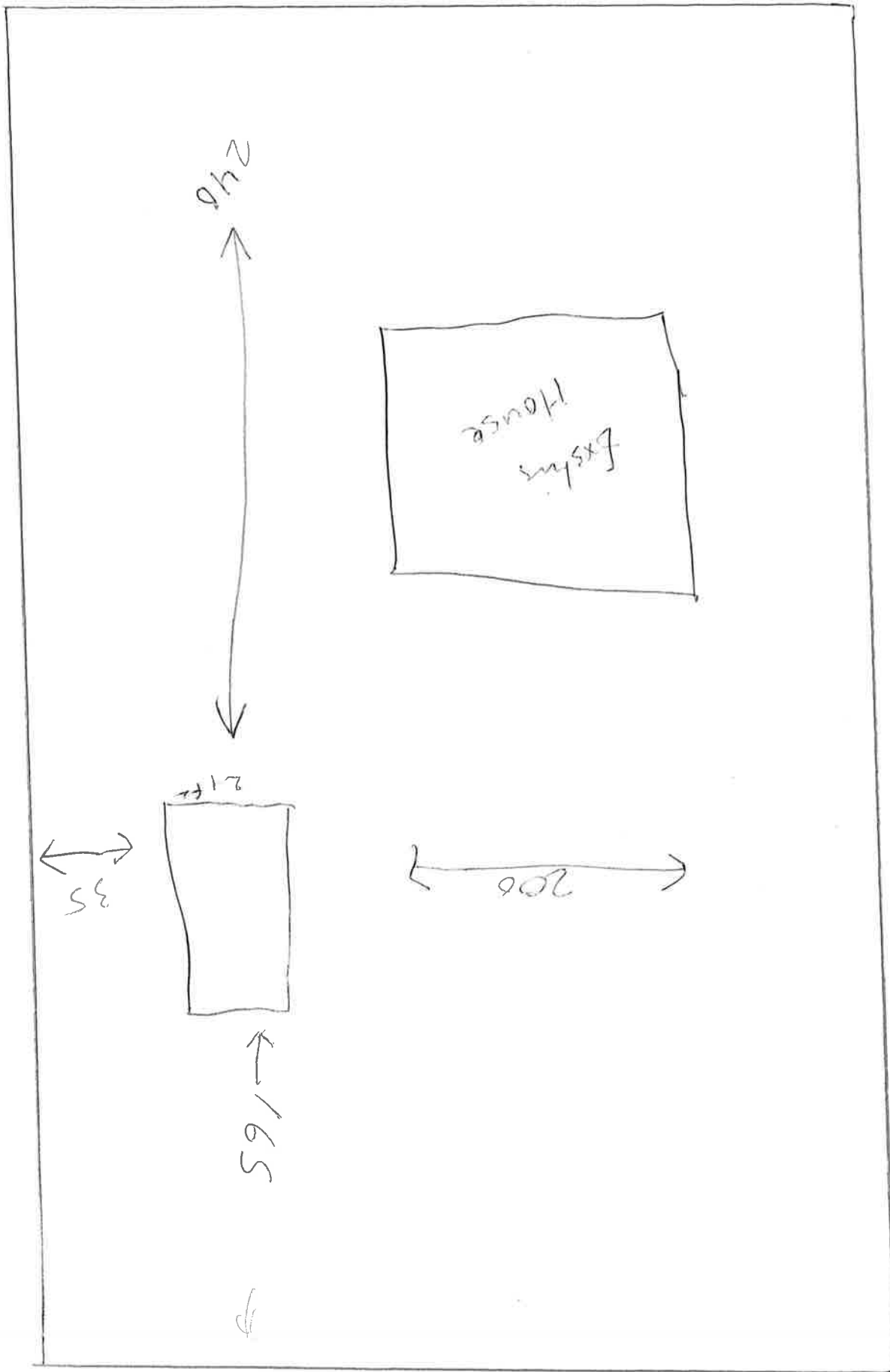
Looking south from N. 127th E. Ave. – subject property is on the left



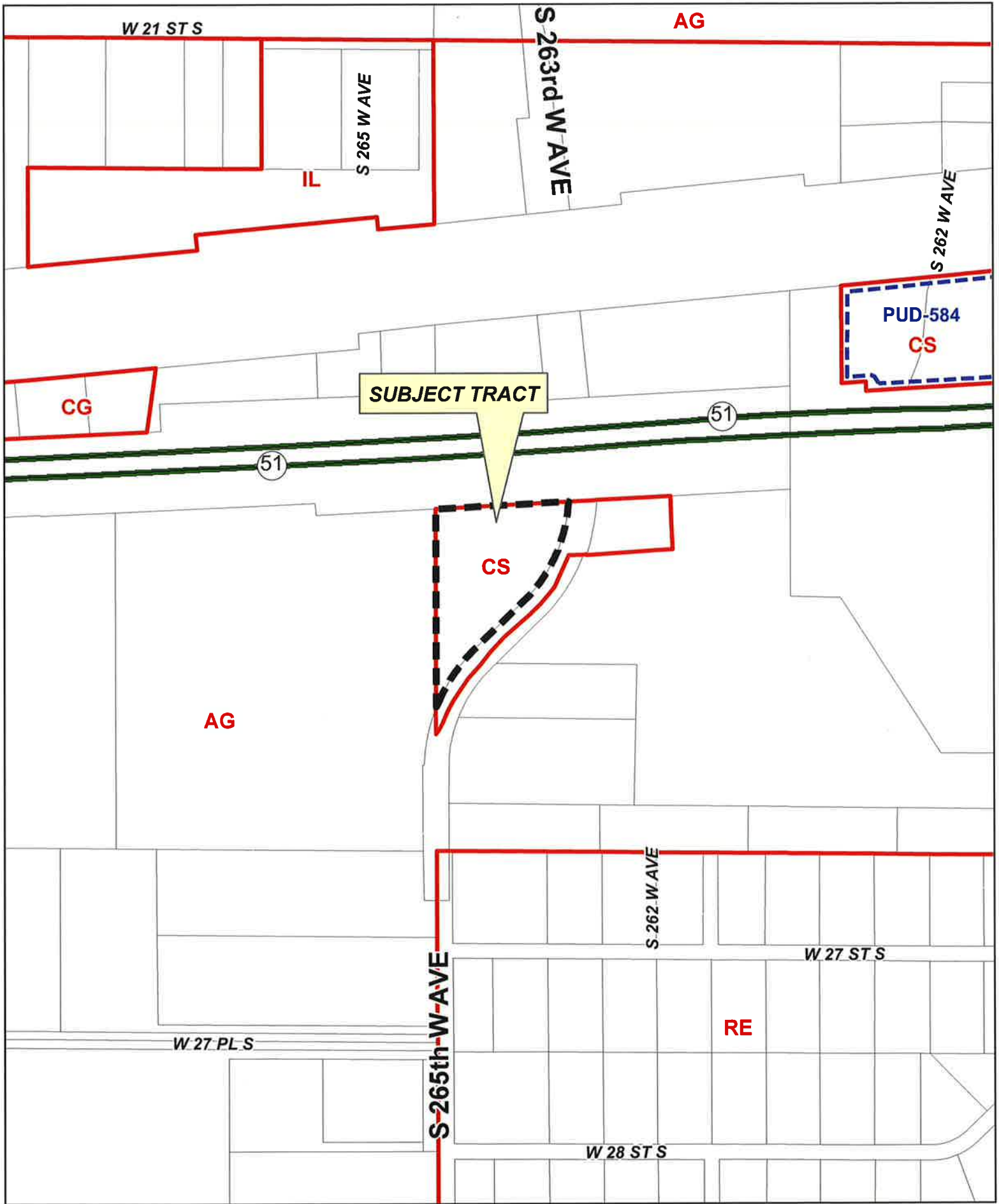
Close-up of house looking east from N. 127th E. Ave.

ROAD

S.I.S



Tim CARTER
 Heather CARTER
 10543 N 127 E AUC
 OWASSO OKIA. 74055



W 21 ST S

AG

S 263rd W AVE

S 265 W AVE

IL

S 262 W AVE

PUD-584

CS

SUBJECT TRACT

CG

51

51

CS

AG

S 262 W AVE

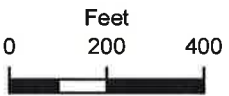
W 27 ST S

RE

W 27 PL S

S 265th W AVE

W 28 ST S



CBOA-2810

6.1



19-10 18

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9018

CASE NUMBER: CBOA-2810

CZM: 32

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Tony McKnight

ACTION REQUESTED: Use Variance for Use Unit 3, Agriculture, for a Horticulture Nursery in a CS district (Section 1203).

LOCATION: 2404 S 265 AV W

ZONED: CS

FENCELINE: Keystone

PRESENT USE: Commercial

TRACT SIZE: 3.7 acres

LEGAL DESCRIPTION: PRT SW NE BEG 491.05N SWC NE TH N631.92 NELY435.36 SWLY338.99 SW255.71 SWLY214.45 POB SEC 18 19 10 3.70ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2679 June 2018: The Board approved a *Special Exception* to permit a firework stand in a CS district and a *Special Exception* to permit an automobile sales and service use (Use Unit 17) in a CS district subject to a five year time limit ending June 19, 2023, on property located at 2404 South 265th West Avenue.

Surrounding Property:

CZ-144 March 1986: All concurred in approval of a request for *rezoning* a .70± acre tract of land from AG to CS on property located on the southeast corner of W. U.S. Highway 51 and Coyote Trail.

ANALYSIS OF SURROUNDING AREA: The subject tract is located south of Highway 51 in the Keystone area. It abuts agricultural zoning on the west, south, and southeast. The property to the east is zoned CS but the use appears to be agricultural at this time. There are a few residential uses in the vicinity.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance for Use Unit 3, Agriculture, for a Horticulture Nursery in a CS district (Section 1203).

A Use Variance is required as Use Unit 3, Agriculture, is not a use permitted in a CS zoned district because of the potential adverse effects on neighboring properties. The agricultural use must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: "*Nursery not allowed with zone there now*".

6.2

According to the site plan provided by the applicant, there are or will be two buildings on the property. The proposed Horticulture Nursery will be located in a 120' x 60' (7,200 SF) building on the western portion of the lot and it appears to be an existing building. The other structure is currently the site of a convenience store, Coyote Corner.

The site is not a part of a currently adopted Comprehensive Plan. Tulsa Planning Office is currently working on a Comprehensive Plan in the Keystone area. This site will most likely be designated as Rural Commercial. Rural Commercial is defined as follows:

"This designation provides for a mix of retail and service uses that are typically needed by residents in rural areas and surrounding agricultural operations. Developments in Rural Commercial designated areas may include a mix of uses, recognizing that separation of uses is not practical in a rural setting."

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

Sample Motion:

"Move to _____ (approve/deny) a Use variance for Use Unit 3, Agriculture, for a Horticulture Nursery in a CS district (Section 1203).

Approved per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

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."

SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the all-weather surface material requirement for parking (Section 1340.F). The required parking spaces per Code will have hard surfaces, and the overflow parking spaces only will not be required to have hard surfaces; for the following property:

SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2679—Jason Jacobs

FILE COPY

Action Requested:

Special Exception to permit a firework stand (Use Unit 2) in an CS District (Section 710); Special Exception to permit an automobile sales and service use (Use Unit 17) in a CS District (Section 710). **LOCATION:** 2404 South 265th West Avenue

Presentation:

Sherry Jacobs, 5050 E. Lee Terrace, Sand Springs, OK; stated she has owned the convenience store business since 1999. She would like to convert the area adjacent to the store into the automobile sales lot and place the firework stand on the side of the building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, to **APPROVE** the request for a Special Exception to permit a firework stand (Use Unit 2) in an CS District (Section 710); Special Exception to permit an automobile sales and service use (Use Unit 17) in a CS District (Section 710), subject to a five-year time limit, June 19, 2023; for the following property:

PRT SW NE BEG 491.05N SWC NE TH N631.92 NELY435.36 SWLY338.99 SW255.71 SWLY214.45 POB SEC 18 19 10 3.70ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Z-6089 (Cypert) - Cont'd

Interested Parties:

Ms. Robin LaFave
Mr. Harry Baker

Address: 4108 South 32nd West Avenue
4104 South 32nd West Avenue

Ms. LaFave, representing those in attendance protesting this case, submitted a petition with over 150 signatures requesting denial of the rezoning. Ms. LaFave stated concerns of increased traffic, as there are several children and elderly people in the neighborhoods around the subject tract.

Mr. Baker, who has lived in this area for over 40 years, asked that the requested zoning be denied.

Applicant's Rebuttal:

Mr. Cypert stated he was not wanting to disturb the neighborhood in any way and mentioned another business in the area on 33rd. Mr. Cypert also advised he had no intention of putting in a used car lot as believed by some of the neighbors.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the Planning Commission voted 8-0-0 (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Harris, Young, "absent") to DENY Z-6089 (Cypert) for CG, as recommended by Staff.

* * * * *

Application No.: CZ-144
Applicant: Hacker (Wheeler/Darby)
Location: SE/c of Highway #51 & Coyote Trail
Size of Tract: .7 acres, more or less

Present Zoning: AG
Proposed Zoning: CS

Date of Hearing: November 27, 1985
Presentation to TMAPC by: Mr. Barry Hacker, 314 Lincoln, Sand Springs

Relationship to the Comprehensive Plan:

The District 23 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract. However, the Sand Springs Comprehensive Plan designates the subject tract as Agriculture - Rural Residential.

CZ-144 Hacker (Wheeler/Darby) - Cont'd

Staff Recommendation:

Site Analysis: The subject tract is approximately .7 acres, more or less, in size and located on the southeast corner of State Highway #51 and Coyote Trail. It is wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by State Highway #51 zoned AG; on the east by vacant, rolling and wooded land zoned AG; on the south by wooded land and scattered single-family dwelling units zoned AG; and on the west by Coyote Trail and a convenience shopping good store zoned CS.

Zoning and BOA Historical Summary: Previous requests to rezone the subject tract to allow for commercial development were withdrawn before the hearing dates.

Conclusion: It can be noted that commercial zoning has been established at the southwest corner of this intersection by study map and also that the subject tract would qualify for treatment as a Type II Node under the Development Guidelines. The Staff finds the requested CS zoning to be consistent with current zoning patterns. The frontages of this tract all lie within the nodal definition; therefore, the Staff recommends APPROVAL of CS zoning as requested.

Comments & Discussion:

In reply to Ms. Wilson, Mr. Gardner agreed the Sand Springs Comprehensive Plan was in need of an update. Mr. Paddock commented that, although the Staff sees this application as being consistent with the current zoning patterns, he did not agree as the area shows AG to be the consistent pattern. Mr. Gardner advised the property location is a significant physical fact and CS has already been approved at that intersection. Mr. Gardner also advised that in the County everything is AG until approved for another classification. Mr. Linker confirmed this statement and stated that once commercial is approved for one corner, it is hard to deny commercial for the remaining corners. Mr. Doherty commented this area is highly undeveloped now and is unlikely to be adapted to residential being next to Highway #51. In reply to Mr. Draughon, Mr. Frank clarified the right-of-way area between the subject site and Highway #51. First Vice Chairman Wilson noted there were no protestants or interested parties on this case.

Applicant's Comments:

Mr. Hacker stated his intent was to place a convenience store at this location and agreed with the Staff's recommendation.

TMAPC ACTION: 8 members present

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Harris, Young, "absent") to APPROVE CZ-144 Hacker (Wheeler/Darby) for CS, as recommended by Staff.

OTHER BUSINESS:

PUD #221-A-1 Minor Amendment to allow the resubdivision of Lots 8-10 Block 9, Lots 10-16 Block 8, & Lots 1-7 Block 10 Quail Ridge Blocks 1-10.

Minor Amendment to reduce the building setback line from 25' to 19' on Lot 1 Block 2 Quail Ridge Amended

Staff Recommendation:

The subject tracts are located south and east of East 43rd Place South and South 131st East Avenue. Said tracts described as Lots 8-10 Block 9, Lots 10-16 Block 8, and Lots 1-7 Block 10 Quail Ridge Amended contain existing duplexes. The developer is requesting the above resubdivision in order to split the duplexes down the common wall in order to provide for separate ownership. The PUD allows 34 units on the subject tract, and that is the number being utilized. Notice of this request has been given to the abutting property owners.

The lot that requires a reduction of the building line setback from 25' to 19' is described as Lot 1, Block 2 Quail Ridge Amended, and this lot is located at the northeast corner of East 44th Street and South 131st East Avenue (see attached map). The PUD required a 25' building line from the west property line; however, when the plot plan was drawn in order to facilitate the replat, a discrepancy was discovered and only 19' of setback is provided. Staff has reviewed this request finding it to be minor in nature therefore, Staff recommends APPROVAL subject to the following conditions:

- 1) That the replat be approved by the TMAPC and City Commission.
- 2) That evidence (in writing) of compliance with the Building Code for one-hour rated common walls be provided by the applicant for each of the subject lots prior to approval of the deeds for said lots.
- 3) Minimum lot area per dwelling unit of 4,500 square feet.
- 4) Minimum land area per dwelling unit of 5,000 square feet.
- 5) Minimum lot frontage of 37.5 feet.
- 6) Minimum livability per dwelling unit of 2,500 square feet.



W 21 ST S

S 265 W AVE

S 263rd W AVE

S 262 W AVE

51

51

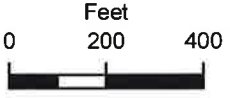
S 262 W AVE

W 27 ST S

W 27 PL S

S 265th W AVE

W 28 ST S



Subject Tract

CBOA-2810

19-10 18

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

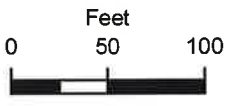
Aerial Photo Date: February 2018

6.8





S 265th W AVE



 Subject Tract

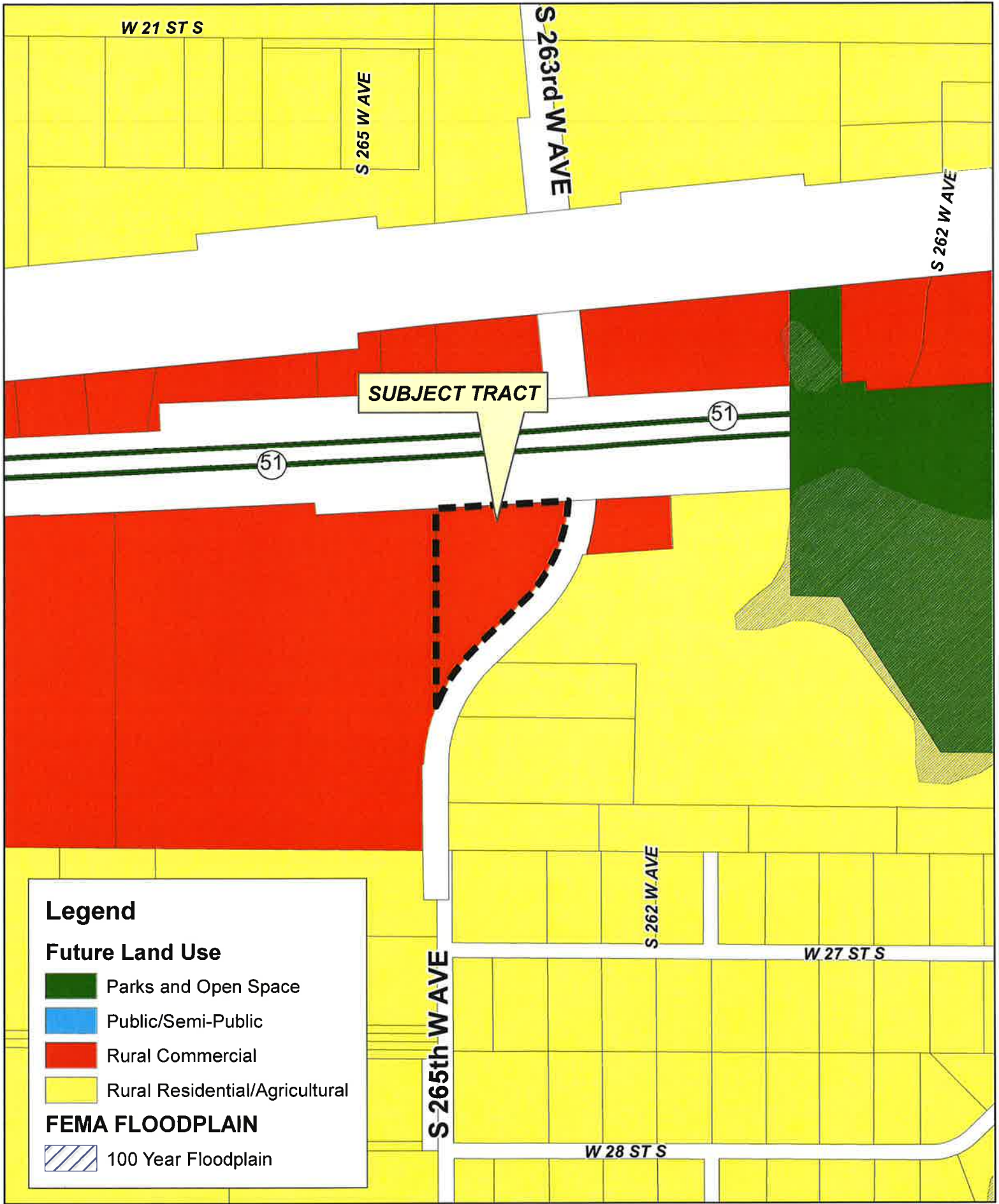
CBOA-2810

19-10 18

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

Aerial Photo Date: February 2018 6.9





Legend

Future Land Use

- Parks and Open Space
- Public/Semi-Public
- Rural Commercial
- Rural Residential/Agricultural

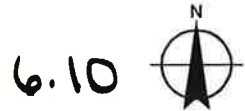
FEMA FLOODPLAIN

- 100 Year Floodplain



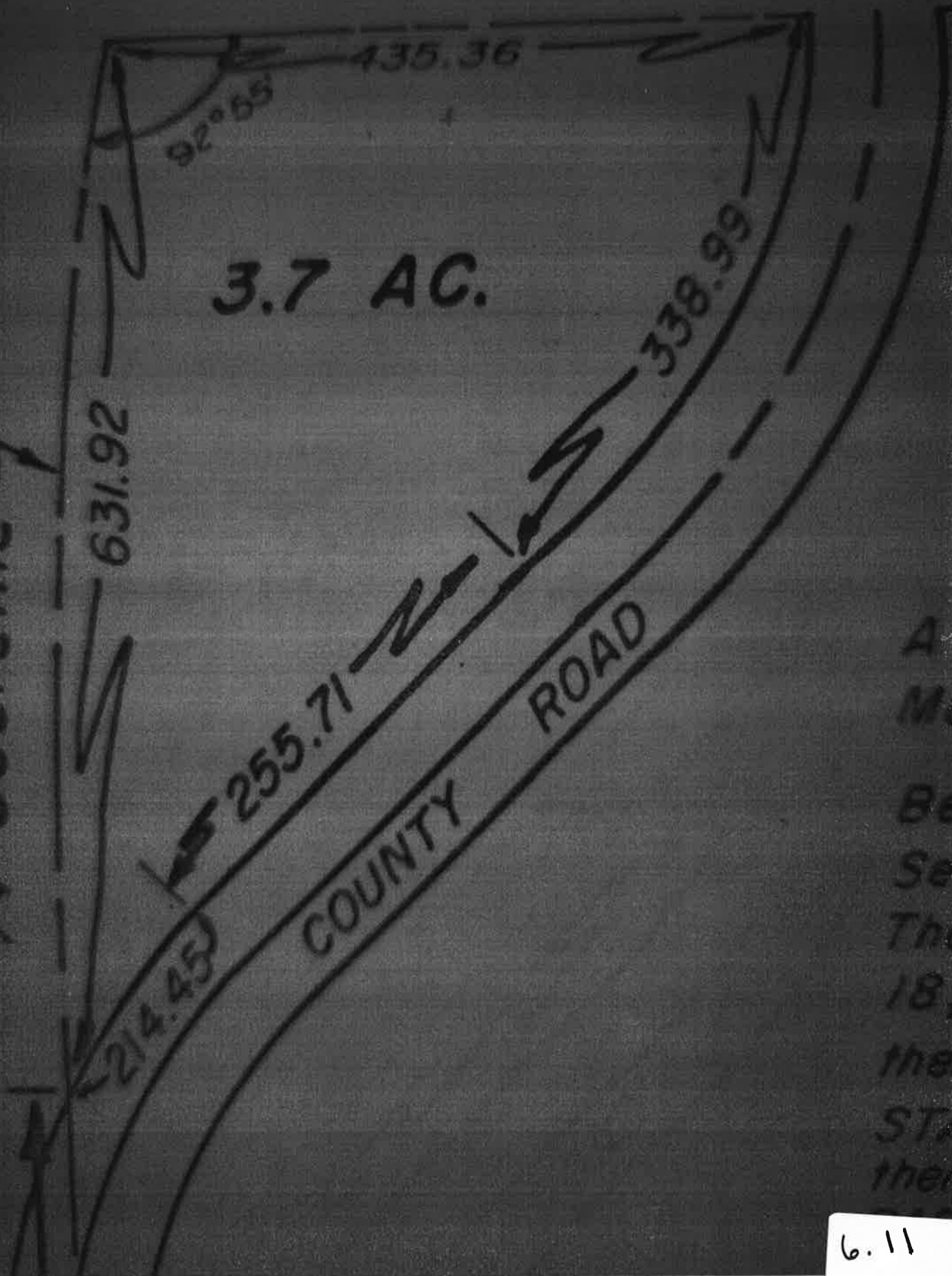
CBOA-2810

19-10 18

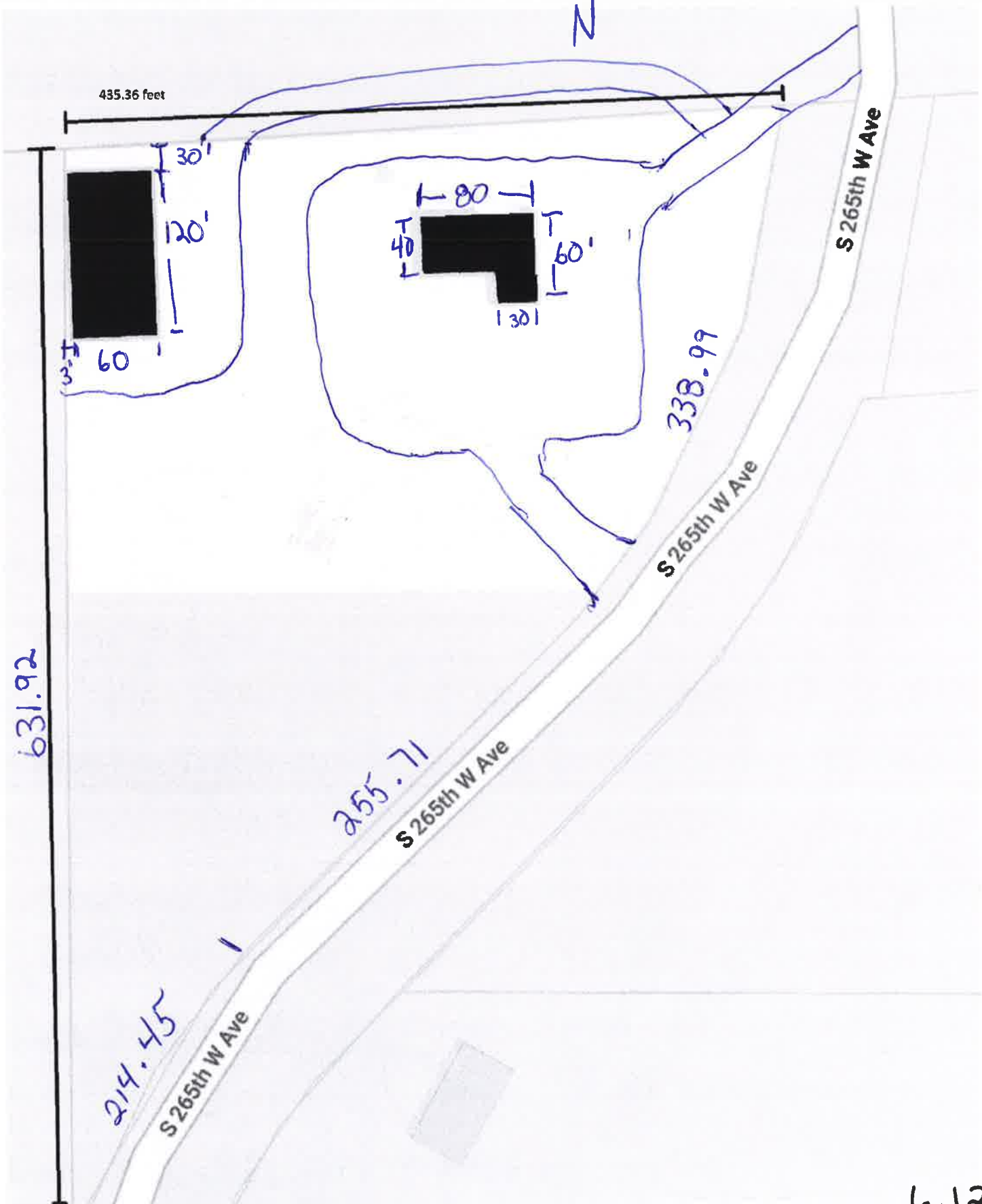


-10-E

1/4 Sec. Line of



6.11

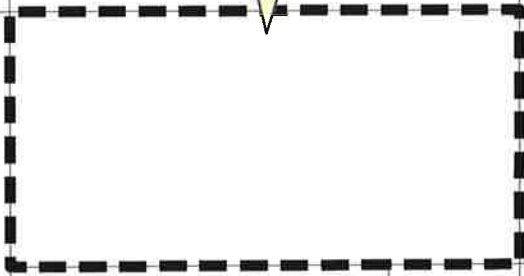


E 175 ST S

S HARVARD AVE

AG

SUBJECT TRACT



E 181st ST S

AG

LEGEND

 Bixby Corporate Limits



CBOA-2811

7.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7333

CZM: 66

CASE NUMBER: CBOA-2811

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Sara Fry

ACTION REQUESTED: Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue (Section 1202); a Variance from the all-weather parking surface requirement (Section 1340.D); and a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district (Section 207).

LOCATION: 3921 E 181 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential and Agricultural Uses

TRACT SIZE: 20 acres

LEGAL DESCRIPTION: N/2 SE SW SEC 33 17 13 20ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by Agricultural zoning with a combination of agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue (Section 1202); a Variance from the all-weather parking surface requirement (Section 1340.D); and a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district (Section 207).

The applicant provided the following statement: "In consideration of the variance from the all weather parking surface, the overall size of the parking areas and the fact that the parking areas (with the exception of the ADA spaces) will move from time to time based on the type of event being held makes it very difficult to install permanent hard surfaces. There will occasionally be events that include certain types of livestock which unpaved surfaces will be much more suited for as well as safer for people and animals alike. Because of our rural location and distance from other properties, approval of this variance will in no way negatively impact the public good or the intent of the zoning ordinance."

A Special Exception is required as the weddings and events are not uses 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 surrounding area and to the general welfare, may be permitted. The applicant has indicated that the events such as weddings, corporate functions, parties, craft fairs, small festivals, etc. will take place in the existing barn and outdoor area. The site plan shows an

7.2

existing house on the property which is the home of the applicant. There will be a separate 25' x 25' restroom available for guests.

The subject lot is located north of property owned by the same applicant. Ingress and egress will be through that property at 3913 East 181st Street South. The applicant is requesting a variance of the minimum frontage requirement on a public street from 30 ft. to 0 ft. Staff discussed the possibility of combining the parcels or creating a legal easement through the southern parcel. The applicant is considering those possibilities.

The applicant has submitted a site plan indicating that parking will take place on a grass or gravel surface. To permit the parking area as proposed, the applicant has requested a variance from the all-weather parking surface requirement.

The Tulsa County Land Use Plan as well as the Bixby Comprehensive Plan designates the parcel as Rural Residential. It is defined as: "The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and **may allow limited commercial uses that support the surrounding rural area.**"

The approval of a special exception will trigger the requirement to conform to the Subdivision and Development Regulations. Issues related to Right-of-Way dedication and storm water management would be addressed during the platting stage.

If inclined to approve the Board may consider the following conditions:

- Limiting the number of onsite events per year.
- Limiting the days and hours of operation.

Sample Motion:

"Move to _____ (approve/deny) Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue (Section 1202); a Variance from the all-weather parking surface requirement (Section 1340.D); and a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district (Section 207).

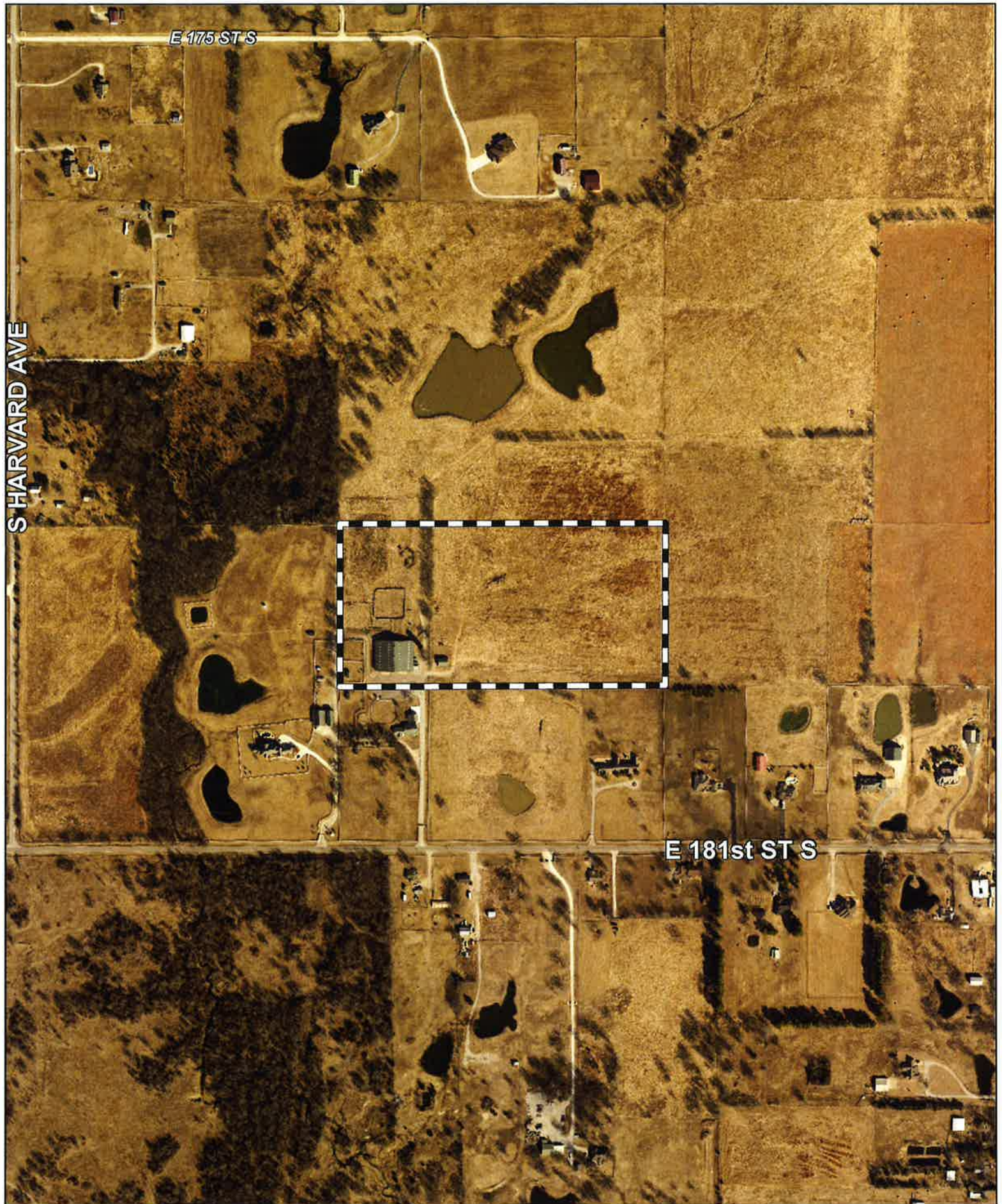
Approved per conceptual plan on page _____ of the agenda packet.

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.

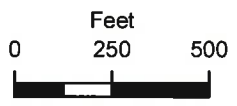
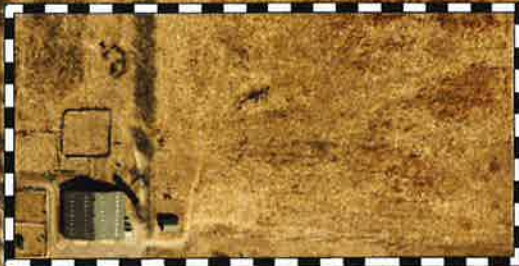
Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not 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."



E 175 ST S

S HARVARD AVE

E 181st ST S



Subject Tract

CBOA-2811

17-13 33

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

Aerial Photo Date: February 2018 7.4



E 175 ST S

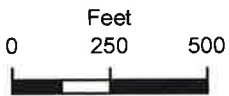
S HARVARD AVE

SUBJECT TRACT

E 181st ST S

Land Use Plan

- | | | | |
|--|------------------------------------|---|------------------------------------|
|  | 100 Year Floodplain |  | Residential Manufactured Home Park |
|  | Rural Agriculture (Unincorporated) |  | Mixed Use |
|  | Agricultural |  | Neighborhood Commercial |
|  | Rural Residential |  | Commercial |
|  | Low Density Residential |  | Industrial |
|  | Medium Density Residential |  | Public/Institutional |
|  | Medium-High Density Residential |  | Recreation and Open Space |
|  | High Density Residential |  | Flood District |



CBOA-2811

17-13 33





Looking north from E. 181st St. through entrance to the subject property

220'

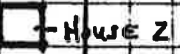


N/2 SE SW SEC 33 17 13 20 ACS — 1320' —

- BARN 120' x 150'
- HOUSE 1 36' x 90'
- HOUSE 2 30' x 30'
- RESTROOM 25' x 25'
- BLDG

ADA PARKING

PARKING



UTILITY ELEMENTS 700'

DRIVE WAY

— 990' —

1320'

400'

150'

260'

660'

1,099'

S/2 SE SW 1/4 SEC 340 THERE OF SEC 33 17 13 15 ACS
3913 E 181st St S

181st St S

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WASHINGTON COUNTY
ZONING UNAVAILABLE

E 410 RD

E 186th ST N

11

N 6 E AVE

N GARRISON AVE

E 184th ST N

AG



SUBJECT TRACT

N-GINGINNA-TI-AVE

LEGEND

 Skiatook Corporate Limits



CBOA-2812

8.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2201

CZM: 1

CASE NUMBER: CBOA-2812

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Don Smith

ACTION REQUESTED: Use Variance to allow Use Unit 26, Moderate Manufacturing and Industry, for propane storage tanks in an AG district (Section 1226)

LOCATION: 348 E 184 ST N

ZONED: AG

FENCELINE: Skiatook

PRESENT USE: Storage of Propane Tanks

TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: PRT N/2 SW NW BEG 540.64E & 30S NWC THEREOF TH E330 S330 W330 N330 POB LESS W40 THEREOF FOR RD SEC 1 22 12 2.500ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with a scattering of residential uses.

STAFF COMMENTS:

The applicant is requesting a Use Variance to permit propane storage tanks in the AG zoned district, as illustrated in the attached plan. The applicant stated that they have been utilizing this site for above ground storage of propane since 1997. The request was made to allow MFA Oil to come into compliance with Tulsa County Zoning Code.

A special exception is required as propane storage tanks (Use Unit 26) 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 surrounding area and to the general welfare, may be permitted.

The Board of Adjustment, in reviewing the requested Use Variance, must consider potential environment influences, such as dust and vibration, noise and truck traffic. The applicant should be able to provide the Board with information related to the potential impacts (if any) of the propane storage tanks on adjoining land uses.

The applicant provided the following statement: "MFA Oil has been operating safely on this property for over 20 years. To relocate our storage tanks would be prohibitively expensive."

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

Sample Motion:

8.2

“Move to _____ (approve/deny) a Use Variance to allow Use Unit 26, Moderate Manufacturing and Industry, for propane storage tanks in an AG district (Section 1226)

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-2812

22-12 01

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

Aerial Photo Date: February 2018

8.4





E 184th St N



Subject Tract

CBOA-2812

22-12 01

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

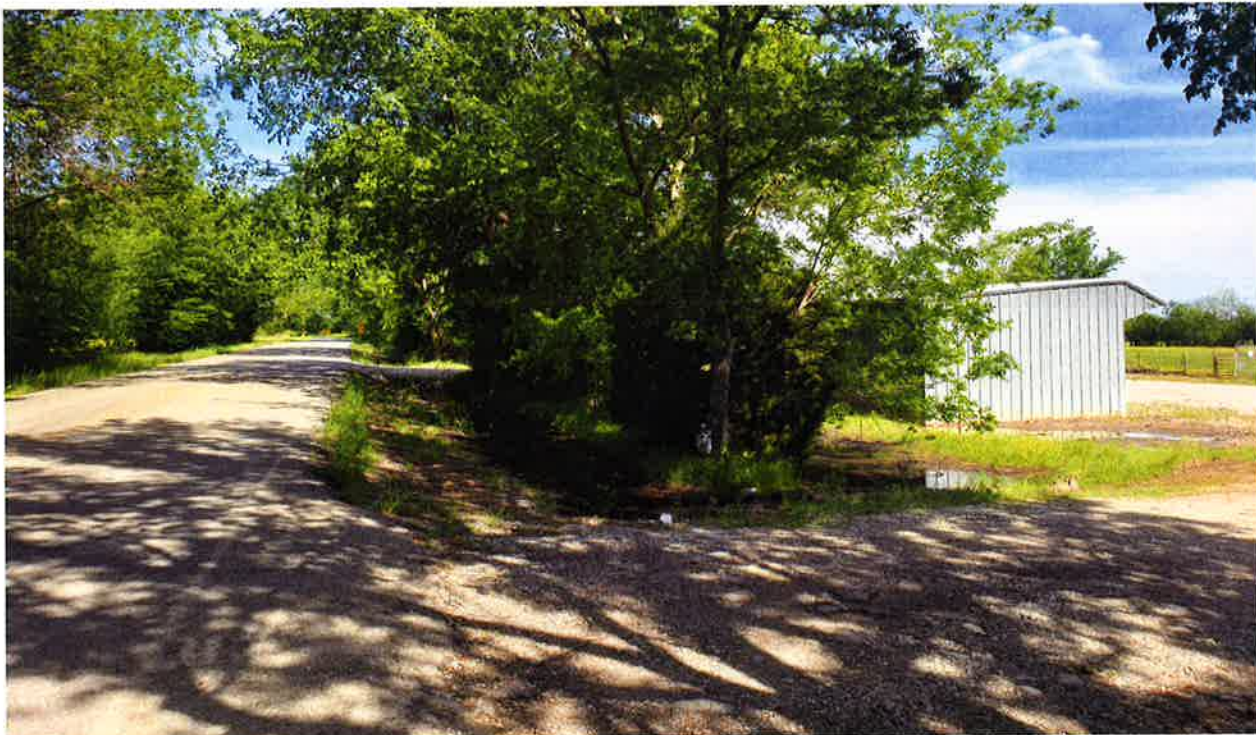
Aerial Photo Date: February 2018

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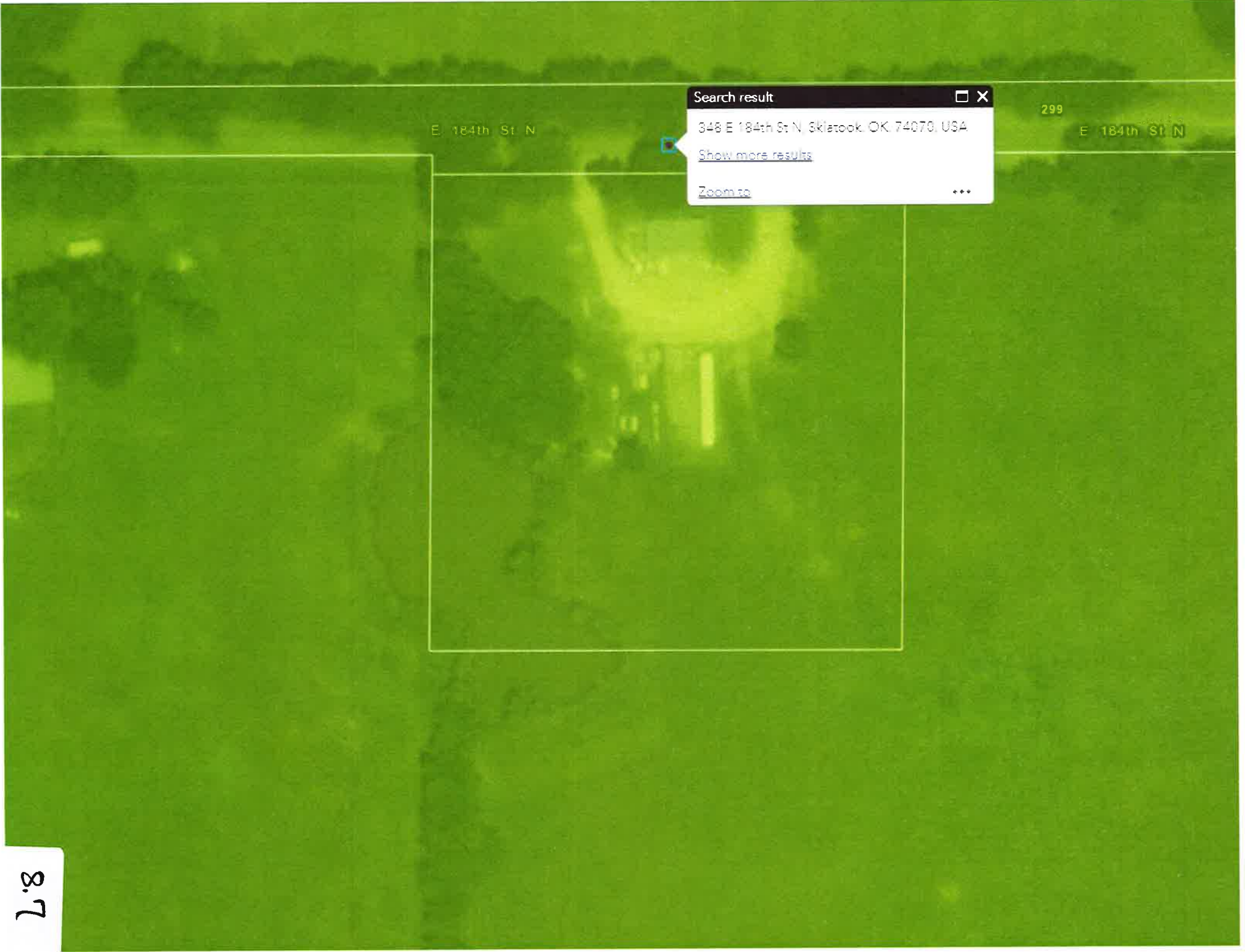


Looking south into subject property from E. 184th St. N.



Looking east from E. 184th St. N. – subject property is on the right

8.7



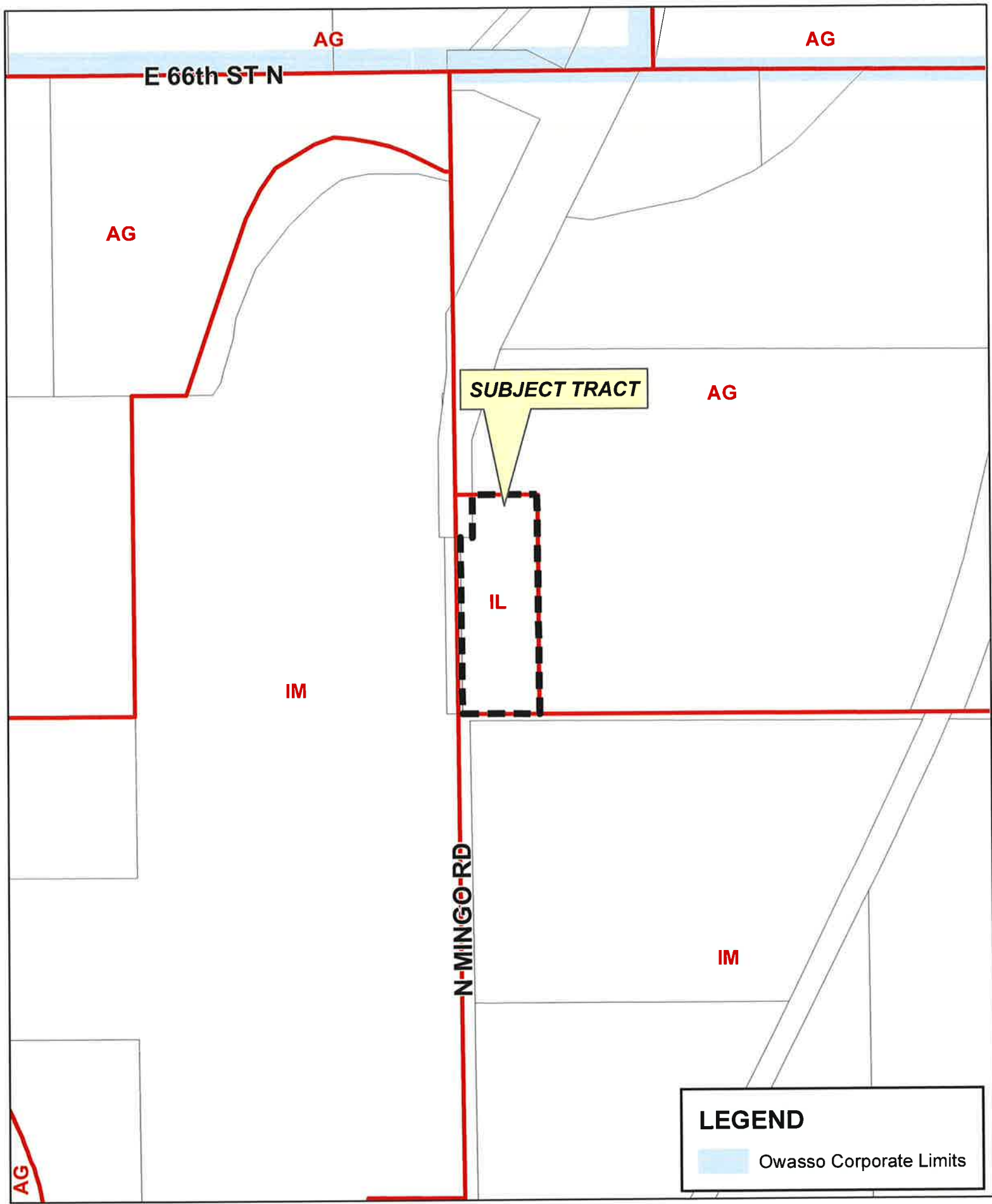
Search result □ ✕
348 E 184th St N, Skiatook, OK, 74070, USA
[Show more results](#)
[Zoom to](#) ⋮

E 184th St N

299

E 184th St N

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E 66th ST N

AG

AG

AG

SUBJECT TRACT

AG

IL

IM

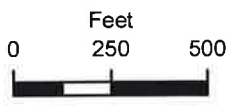
N-MINGO RD

IM

LEGEND

 Owasso Corporate Limits

AG



CBOA-2813

9.1



20-14 06

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0406

CZM: 24

CASE NUMBER: CBOA-2813

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Tye Smith

ACTION REQUESTED: Variance of the required 75 foot setback from an abutting AG district to 10 feet in an IL district (Section 930, Table 2); Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 6235 N MINGO RD

ZONED: IL

Area: North Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 6.25 acres

LEGAL DESCRIPTION: BEG SWC LT5 TH E330 N900 W259.43 S183.60 W70.60 S717.69 POB LESS W16.5 THEREOF FOR RD SEC 6 20 14 6.248ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CZ-490 December 2019: All concurred in approval of a request for rezoning a 6.52± acre tract of land from AG to IL on property located at 6235 North Mingo Road, the subject property.

Surrounding Property:

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north and east. It abuts IM zoning to the west and south. The surrounding area appears to be mainly agricultural in use.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the required 75 foot setback from an abutting AG district to 10 feet in an IL district (Section 930, Table 2) and a **Variance** from the all-weather parking surface requirement (Section 1340.D).

Section 930, Table 2 requires a 75 ft setback from the boundary lines of an abutting AG district. The site plan submitted by the applicant shows a 10-foot setback from the abutting AG property to the north and east. The site will be used as a mini-storage unit and is allowed by right in the IL district.

The Code requires all parking surfaces be paved to maintain a minimum level of aesthetics, but more importantly to control air-borne particles like dust and to control the tracking of dirt and mud onto public streets. The applicant is requesting a **Variance** of the all-weather parking surface requirement (Section 1340.D).

9.2

The applicant submitted the following hardship: "This particular piece of property is located in an area that has traditionally been used as farmland and is in a rural area near Bird Creek that has been designated as a Qualified Opportunity Zone (QOZ). The area is a QOZ because it has been designated as an historically distressed community in need of economic incentives to encourage investors who would otherwise not choose to invest in the geographic area. Some may say it is a "rough" part of town. Applicant has formed a Qualified Opportunity Fund and wishes to build a boat and RV storage facility on the property to try to enhance the area but is uncertain whether the business will be successful due to its location. Applicant is concerned that this particular piece of property will not support the monthly fees that would need to be charged to renters if all-weather surfacing is required on this project that will span over 6 acres if completed. In addition, if a variance is not allowed for the 75 foot setback required between IL and AG, the number of rental units will be significantly reduced, thereby making the project unsuitable for this particular piece of property because the property will not generate enough rent to cover its cost of construction. The adjoining land to the north and east is located in an AG district and most of the property is in the flood plain, thereby making it unlikely that the property would ever be developed in a way that would be impacted by the storage buildings being 10 feet from the property line instead of 75 feet. The adjoining land to the north and east is owned by an LLC named Soonerhawk Properties, LLC. Soonerhawk Properties, LLC has no objection to these requests and joins in the requests."

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) a Variance of the required 75 foot setback from an abutting AG district to 10 feet in an IL district (Section 930, Table 2): Variance from the all-weather parking surface requirement (Section 1340.D).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

to bring the building all the way forward that would allow for double stack parking all the way along the backside of the property. The applicant stated there would be 3 exits, one on Gillette Street that separates the neighborhood property from the rest of the property. Another exit would be going westbound down 12th Street and of course the other exit would be off Lewis Avenue. The applicant stated the traffic pattern in the neighborhood puts most people going south bound to get on the highway.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the MX1-U-45 zoning for Z-7491 per staff recommendation.

Legal Description Z-7491:

LOTS 2-4 BLOCK 7 TERRACE DRIVE ADDN AMD SUB B2,3 & 7 & PRT VAC RR RW BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC

6. **CZ-490 Tye Smith** (County) Location: South of the southeast corner of North Mingo Road and East 66th Street North rezoning from **AG to IL**

STAFF RECOMMENDATION:

SECTION I: CZ-490

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property from AG to IL in order to permit a Boat and RV storage facility.

The subject property is located outside of a comprehensive plan area for Tulsa County or a local jurisdiction. The site is currently vacant agricultural land and is adjacent to IM (Industrial Moderate) zoned land along its western and southern boundaries. The proposed IL (Industrial Light) would be a less intense use, particularly with the proposed Boat and RV storage use intended for this property.

DETAILED STAFF RECOMMENDATION:

CZ-490 is non-injurious to surrounding proximate properties;

CZ-490 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-490 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located outside of Tulsa County Comprehensive Plans as well of those of neighboring jurisdictions.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: Mingo Road is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land without existing structures.

Environmental Considerations: None

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP RW</u> | <u>Exist. # Lanes</u> |
|----------------------|--------------------|----------------|-----------------------|
| N Mingo Rd | Secondary Arterial | 100 Feet | 2 |

Utilities:

The subject tract has municipal water available. Sewer to be provided by a ODEQ septic system.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|--------------|
| North | AG | N/A | N/A | Agricultural |
| South | IM | N/A | N/A | Agricultural |
| East | AG | N/A | N/A | Agricultural |
| West | IM | N/A | N/A | Agricultural |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

CBOA-2603 October 2016: The Board of Adjustment **approved** a *special exception* to permit surface mining for top-soil and fill dirt (Use Unit 24) in the AG District, on property located east of the southeast corner of East 66th Street North & North Mingo Road East.

CBOA- 2427 March 2012: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 2 in an IM District to allow open air music festivals; and a *variance* from the requirement that parking (for special events) be on an all-weather surface; and the Board **denied** a *special exception* to permit Use Unit 19a in an IM district to allow a dance hall, on property located at the southeast corner of East 61st Street North & North Mingo Road.

CBOA-2380 July 2010: The Board **approved** a *Special Exception* to permit mining and dirt removal (Use Unit 24) in the AG district; located NE/c of E 66 St N and S Mingo Rd.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the IL zoning for CZ-490 per staff recommendation.

Legal Description CZ-490:

A tract of land being a part of Lot Five (5) of Section Six (6), Township Twenty (20) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to wit:

BEGINNING at the Southwest corner of Lot 5; THENCE North 88° 52' 20" East along the South line of Lot 5 a distance of 330.00 feet to a 1/2" iron pin; THENCE North 01° 15' 54" West 900.00 feet to a 1/2" iron pin; THENCE South 88° 44' 06" West 259.43 feet to a 1/2" iron pin on Right-of-Way line of Mingo Road; THENCE South a distance of 183.60 feet to a 1/2" iron pin; THENCE North 89° 34' 41" West 70.60 feet to a MAG nail on the West line of Lot 5; THENCE South 01° 15' 54" East 717.69 feet to the POINT OF BEGINNING.

7. **Z-7495 Will Keith** (CD 9) Location: East of the northeast corner of East Skelly Drive and South Utica Avenue rezoning from **OL** to **CS**

STAFF RECOMMENDATION:

SECTION I: Z-7495

APPLICANTS DEVELOPMENT CONCEPT:

Rezoning requested to allow a medical marijuana dispensary.

DETAILED STAFF RECOMMENDATION:

Z-7495 requesting CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district however in this instance all property on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM therefore uses allowed in a CS district are not consistent with the expected development pattern in the area and

E 66th ST N

N MINGO RD



Subject Tract

CBOA-2813

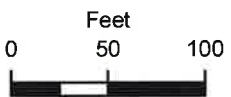
20-14 06

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

Aerial Photo Date: February 2018 9.8



N MINGO RD



CBOA-2813

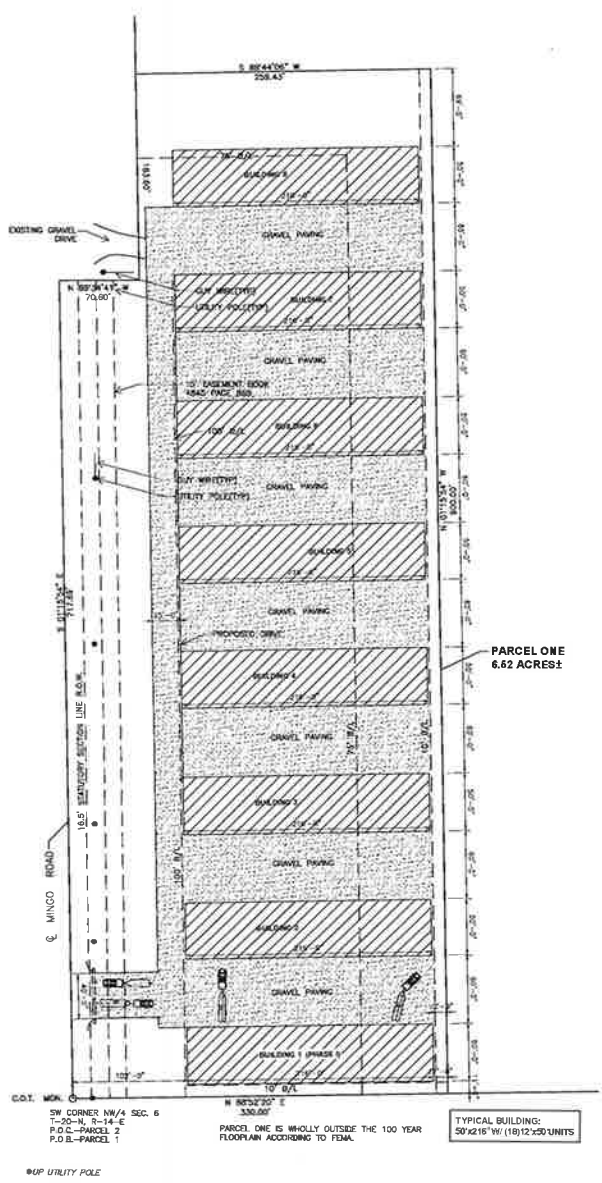
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Note: Graphic overlays may not precisely align with physical features on the ground.

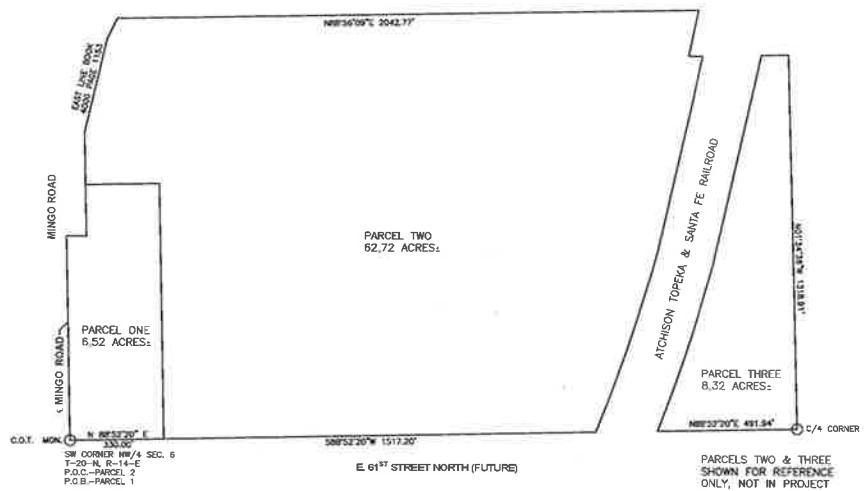
Aerial Photo Date: February 2018

9.9





1 SITE PLAN
1"=60'-0"
PARCEL ONE



1 OVERALL SITE PLAN
1"=200'-0"
FOR REFERENCE ONLY

CBOA-2813

LEGAL DESCRIPTION

PARCEL ONE
A TRACT OF LAND BEING PART OF LOT 3 OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, THENCE N89°52'02"E ALONG THE SOUTH LINE OF LOT 3 A DISTANCE OF 330.0 FEET TO A 2" IRON PIN THENCE N07°15'04"W BEARING 775.0 FEET TO A 2" IRON PIN THENCE S04°40'00"W 256.43 FEET TO A 2" IRON PIN ON THE EAST RIGHT OF WAY LINE OF MINGO ROAD THENCE S01°15'53"E ALONG THE EAST RIGHT OF WAY LINE OF MINGO ROAD A DISTANCE OF 1748.8 FEET TO A 2" IRON PIN THENCE N82°34'18"W 704.0 FEET TO A WAD WAIL ON THE WEST LINE OF LOT 3, THENCE S01°15'53"E 717.58 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 6.52 ACRES MORE OR LESS.

PARCEL TWO
A TRACT OF LAND BEING PART OF LOTS 3, 4 AND 5 AND THE SE QUARTER OF THE NW QUARTER OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF LOT 3, THENCE N89°52'02"E ALONG THE SOUTH LINE OF LOT 3 A DISTANCE OF 330.0 FEET TO A 2" IRON PIN AND THE POINT OF BEGINNING; THENCE N07°15'04"W 800.0 FEET TO A IRON PIN THENCE S04°40'00"W 256.43 FEET TO A 2" IRON PIN ON THE EAST RIGHT OF WAY LINE OF MINGO ROAD A DISTANCE OF 138.40 FEET TO A IRON PIN THENCE N12°24'41"E ALONG THE EAST RIGHT OF WAY LINE OF MINGO ROAD A DISTANCE OF 335.84 FEET TO A 2" IRON PIN THENCE N52°45'22"E ALONG THE EAST RIGHT OF WAY LINE OF MINGO ROAD A DISTANCE OF 817.77 FEET TO A 2" IRON PIN THENCE N89°52'02"E 2042.77 FEET TO A 2" IRON PIN ON THE WEST LINE OF THE ATCHISON, TOPPEA & SANTA FE RAILROAD; THENCE S25°14'33"W 1467.4 FEET ALONG SAID RAILROAD RIGHT OF WAY; THENCE N89°54'22"E 35.89 FEET ALONG SAID RAILROAD RIGHT OF WAY TO A 2" IRON PIN THENCE S71°43'33"W 700.23 FEET ALONG SAID RAILROAD RIGHT OF WAY TO A 2" IRON PIN THENCE S20°18'53"W ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5688.30 FEET AND AN ARC LENGTH OF 620.00 FEET; SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF 518°41'00"W 670.31 FEET TO A 2" IRON PIN ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE S09°52'20"W 1517.20 FEET TO THE POINT OF BEGINNING.

PARCEL THREE
ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE EAST RIGHT OF WAY LINE OF THE ATCHISON, TOPPEA & SANTA FE RAILROAD IN SECTION 6, TOWNSHIP 20 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA.

PROPOSED
RV STORAGE BUILDING
N. MINGO ROAD
TULSA COUNTY, OK

| No. | Revision/Issue | Date |
|-----|----------------|------|
| | | |

| | |
|-----------|-----------|
| Proj. No. | Sheet |
| Date | C1 |
| Scale | |

S.W. CORNER NW/4 SEC. 8
T-20-N-R-14-E
P.O.C.-PARCEL 2
P.O.B.-PARCEL 1

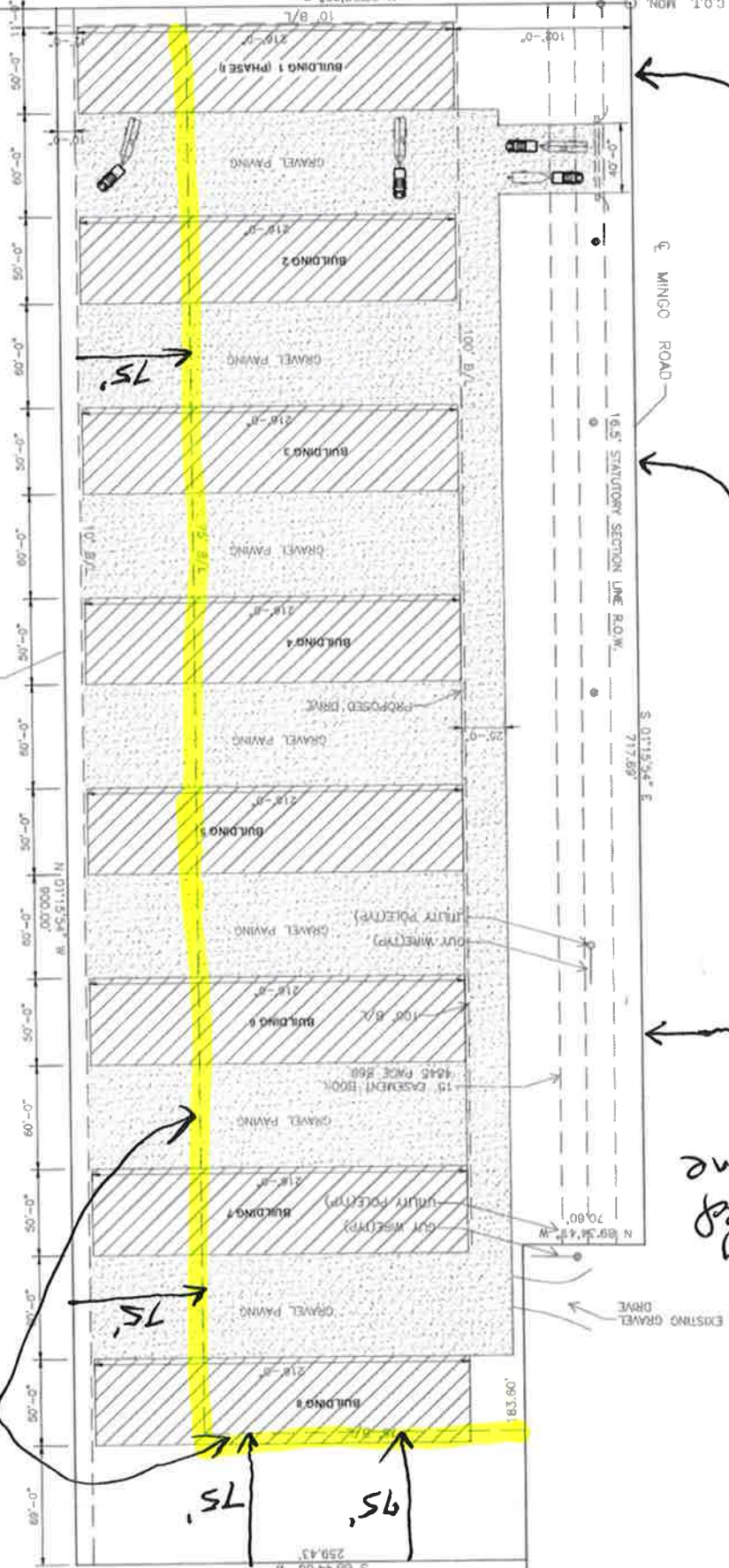
330.00'
PARCEL ONE IS WHOLLY OUTSIDE THE 100 YEAR
FLOODPLAIN ACCORDING TO FEMA

TYPICAL BUILDING:
50'x216' W/ (18) 12'x50' UNITS

9.11

CBDA-2813

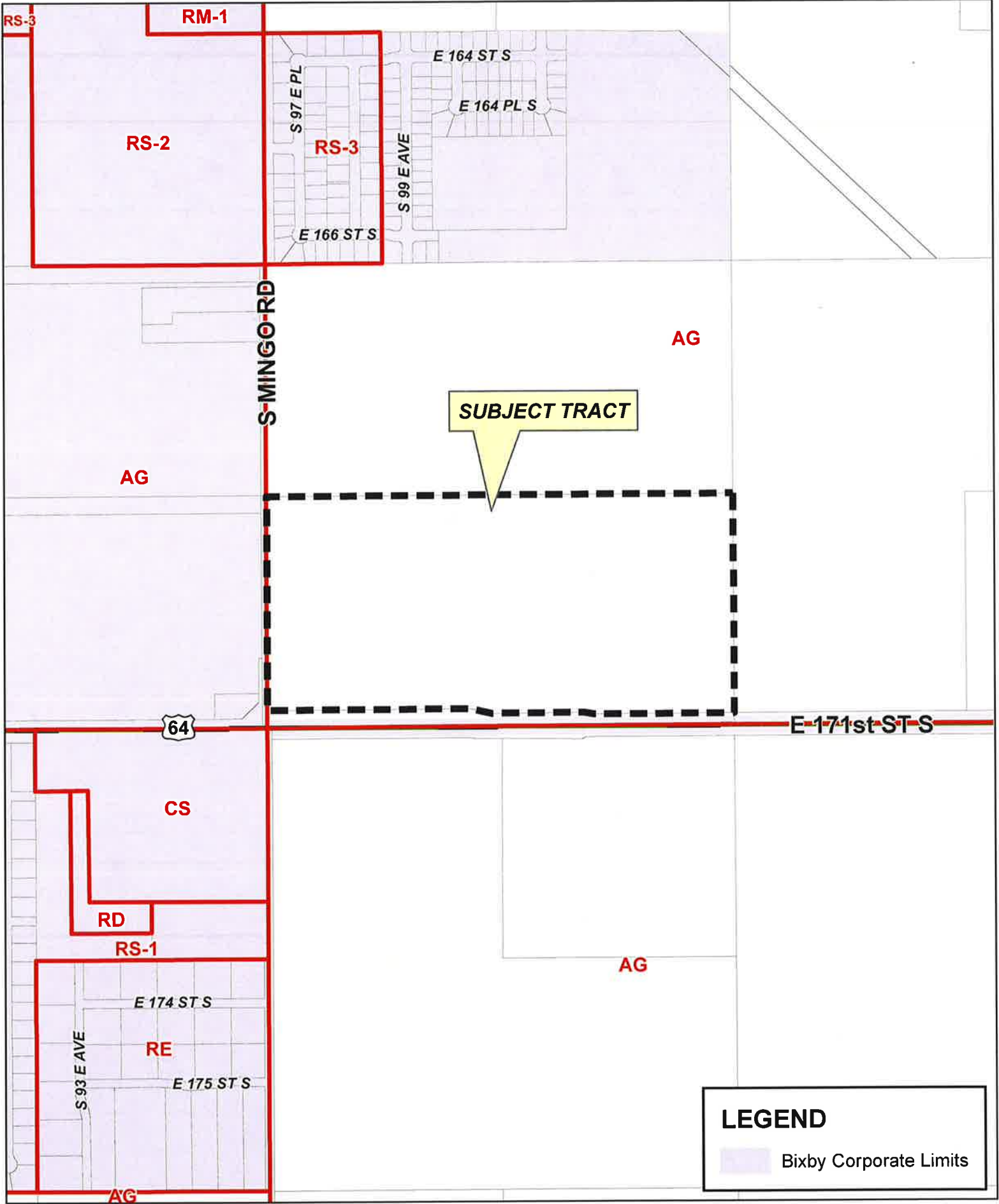
PARCEL ONE
8.52 ACRES



West property
line is located
on center line
of Mingo

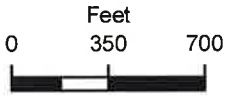
High lighting
demonstrates how
buildable area
will be impacted
by 75 foot setback.
About 1/3 of proposed
storage units
would be eliminated

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SUBJECT TRACT

LEGEND
Bixby Corporate Limits



CBOA-2814

17-14 30

10.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7430

CZM: 68

CASE NUMBER: CBOA-2814

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Farshid Zandi

ACTION REQUESTED: Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit processing in an AG district (Section 1225).

LOCATION: 10251 E 171 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Agriculture

TRACT SIZE: 74.91 acres

LEGAL DESCRIPTION: S/2 SW LESS BEG SWC THEREOF TH N100 E1150 SE127.5 E525 SE51 E810 S65 W2660 POB SEC 30 17 14 74.915ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1259 May 1994: The Board approved a **Variance** to permit two dwelling units on one lot of record, on property located at the northeast corner of 171st Street South and South Mingo Road.

Surrounding Property:

CBOA-2694 July 2018: The Board approved a **Special Exception** to allow fireworks stand in an AG District. The approval will have a time limit of five years, July 2023, and conditions on the hours of operation, on property located at just south of the subject property at the southeast corner of South Mingo Road and East 171st Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and uses. It abuts the corporate limits of Bixby on the west and there is a residential neighborhood to the southwest in the city limits of Bixby.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit processing in an AG district (Section 1225).

A Use Variance to allow Use Unit 25, Light Manufacturing Industry, is required as Use Unit 25 is not allowed by right in an AG district. The proposed use will involve extraction for the processing of hemp and other organic plant product mostly using butane solvent to extract. It will be located in a 1500 sq. ft. building surrounded by an 8 ft fence as shown on the site plan. Oklahoma Medical Marijuana Authority, OMMA, will require the proper licenses be approved and maintained if the applicant chooses to process medical marijuana.

10.2

REVISED 4/29/2020

The applicant has supplied the following statement of hardship: "I am requesting a variance to build a 1500 sq. ft. building that will be used for processing product that will be cultivated on the land. I have 120 AC of land that is designated as agriculture. The land has 200 pecan trees on 55 AC and rest of the land is primarily used to grow hay. The building will only take up a small percentage of the land, less than 0.0005%. It will have a discrete placement behind the house. The building will be more than one mile from any residential house driving. It will not negatively effect the environment. It will not be detrimental to the public welfare and will be in harmony with the spirit and intent of the zoning code."

Staff would like to note that the survey plat had the parcel divided for the purpose of a sale. It is the applicant's opinion that since he purchased all four parcels, the land was never split.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit processing in an AG district (Section 1225).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

Finding that by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

FILE COPY

2694—Vernon Bearden

Action Requested:

Special Exception to allow fireworks stand in an AG District (Use Unit 2, Section 1202.2); Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: SE/c of South Mingo Road & East 171st Street South

Presentation:

Vernon Bearden, P. O. Box 161, Morris, OK; stated he has been at this location for 30 years near Carmichael's Pumpkin Patch. The stand is in the country, but he abides by the City ordinances to keep the Fire Department happy. There is a hard surface parking lot that will hold about 50 cars that Carmichael's let him use for parking.

Mr. Charney stated that with the hard surface parking available to this site the requested Variance is not needed.

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, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow fireworks stand in an AG District (Use Unit 2, Section 1202.2). The Board finds that this stand will not be injurious to the neighborhood or the overall area nor detrimental to the public welfare. The approval will have a time limit of five years, July 2023. The hours of operation will be as follows:

9:00 A.M. to 9:00 P.M. June 17th to June 26th, 9:00 A.M. to 10:00 P.M. June 27th to June 30th, 8:00 A.M. to 12:00 midnight July 1st through July 4th; for the following property:

W/2 NW & SE NW LESS BEG NWC NW TH S65 E1155.3 SE20.6 E130 N70 W TO POB & LESS W24.75 FOR RD SEC 31 17 14 116.380ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2695—Wayne Buckley

Action Requested:

Special Exception to allow fireworks stand in a CH District (Use Unit 2, Section 1202.2); Variance of the all-weather surface material requirement for parking

Case No. 1258 (continued)

In reply to Mr. Alberty, Mr. Wynn stated that his lot has been in existence since 1981.

Mr. Alberty noted that this appears to be an illegal subdivision and, if approved, it will be necessary to file of record an instrument stating that the County will not be responsible for maintaining the access road.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required frontage on a public street from 30' to 0' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the applicant filing of record an instrument stating that the County will not be responsible for maintaining the access road; finding that the tract is landlocked and the applicant has acquired a private access easement; on the following described property:

South 339.5', S/2, E/2, Government Lot 2, Section 2, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1259

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6 and 9, located northeast corner of 171st Street South and South Mingo Road.

Presentation:

The applicant, **Brian Balenti**, 6006 South 89th East Avenue, informed that he has placed a mobile home on property belonging to his wife's grandmother, and requested that it remain at the current location.

Comments and Questions:

Mr. Walker asked if his wife's grandmother resides in the existing dwelling, and Mr. Balenti answered in the affirmative.

Mr. Balenti stated that a mobile home was previously installed at the proposed location and a septic is in place.

Protestants:

Fred McLearn, 5809 East 31st Street, stated that the subject tract is near his family's property, and pointed out that drainage is a problem in the area. He requested that the County ditch across the land be maintained.

Mr. Alberty advised that the Board does not have authority in drainage matters, and suggested that the drainage concerns be directed to the County Commissioner for the area.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "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 and 9; per plan submitted; subject to Health Department approval and a building permit; finding that the tract is large enough to support two dwelling units; and finding that approval of the request will not be detrimental to the area; on the following described property:

S/2, SW/4, Section 30, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1263

Action Requested:

Variance of the required frontage on an arterial street from 200' to 50' - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located east of the southeast corner of West 21st Street and South 33rd West Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, stated that his client has acquired a 40-acre interior tract, with a 50' strip to provide access to 21st Street. He stated that the business is required to have a 200' frontage in an industrial zone, and approval of the request will permit his client to obtain a lot split and clear the title.

Comments and Questions:

Mr. Gardner asked if there is an additional 50' easement to the west, and Mr. Johnsen stated that a 50' strip extends to 33rd West Avenue, but topography prevents easy access in this direction.

In response to Mr. Walker, Mr. Johnsen stated that the tract is 1320' wide where the building is to be constructed.

Mr. Tyndall asked if 26th Street extends to the tract, and Mr. Johnsen stated that 26th is open, but he is not sure if it is dedicated and maintained by the County.

Mr. Alberty noted that the size of the tract is in excess of what the Ordinance was attempting to accomplish by the 200' frontage requirement.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required frontage on an arterial street from 200' to 50' - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; finding a hardship demonstrated by the large size of the interior tract; and finding that adequate street access is provided; on the following described property:



S MINGO RD

E 164 ST S

S 97 E PL

S 98 E AVE

E 166 ST S

64

E 171st ST S

E 174 ST S

E 175 ST S

S 93 E AVE



Subject Tract

CBOA-2814

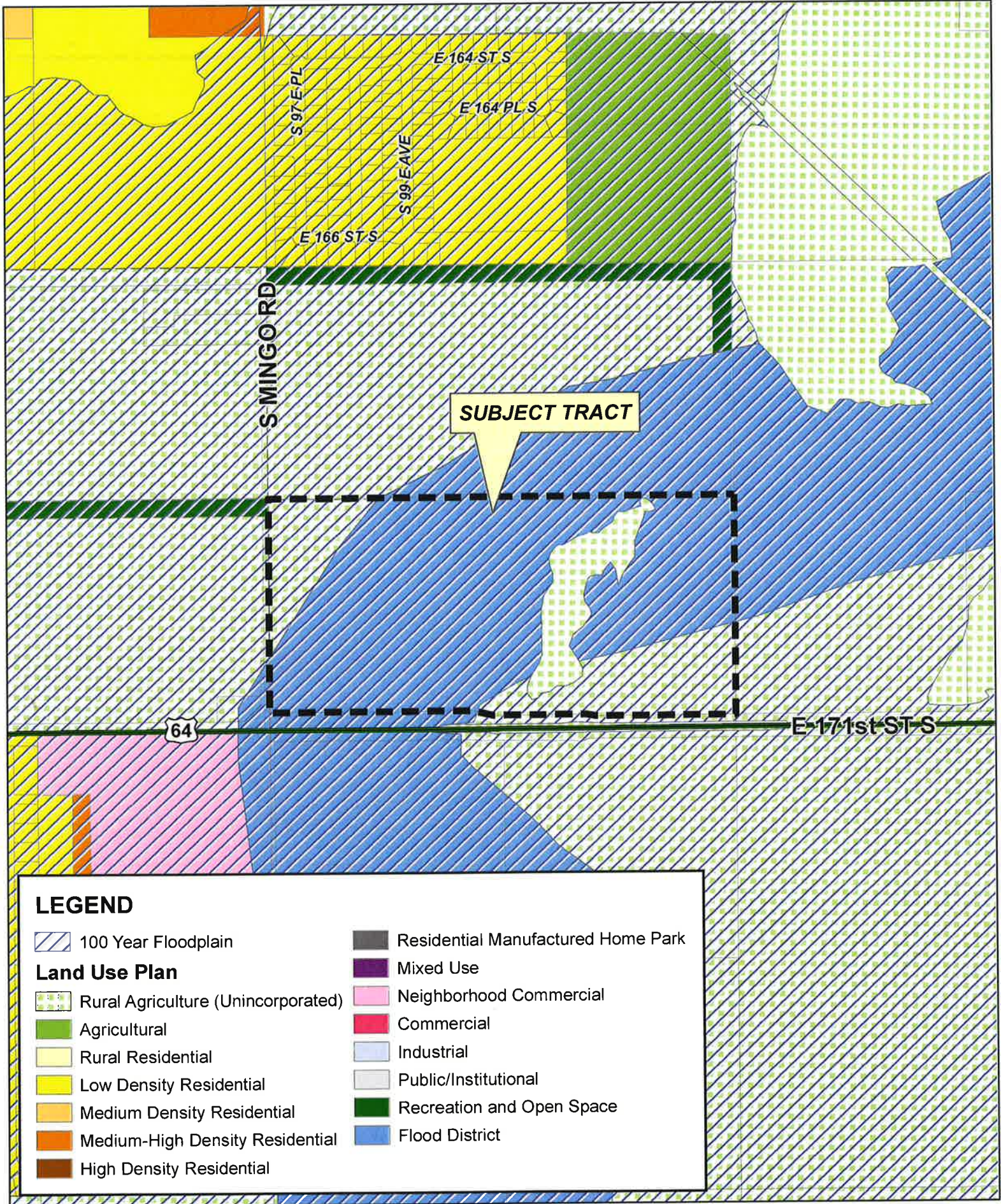
17-14 30

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

















Aerial Photo Date: February 2018

10.7





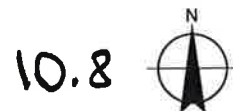
LEGEND

- | | |
|---|--|
|  100 Year Floodplain |  Residential Manufactured Home Park |
| Land Use Plan |  Mixed Use |
|  Rural Agriculture (Unincorporated) |  Neighborhood Commercial |
|  Agricultural |  Commercial |
|  Rural Residential |  Industrial |
|  Low Density Residential |  Public/Institutional |
|  Medium Density Residential |  Recreation and Open Space |
|  Medium-High Density Residential |  Flood District |
|  High Density Residential | |



CBOA-2814

17-14 30





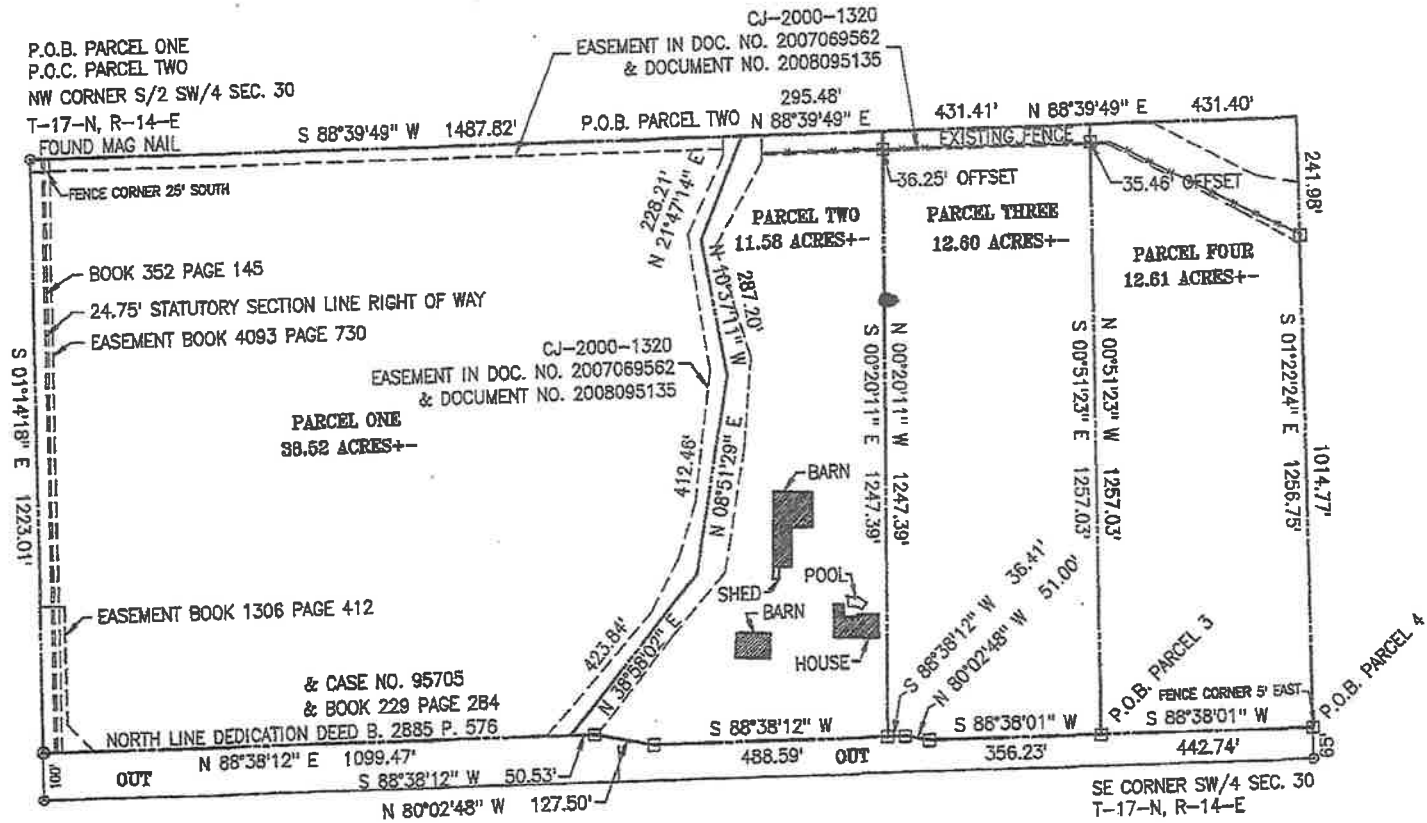
Looking north from E. 171st St. S.

CBOA-2814

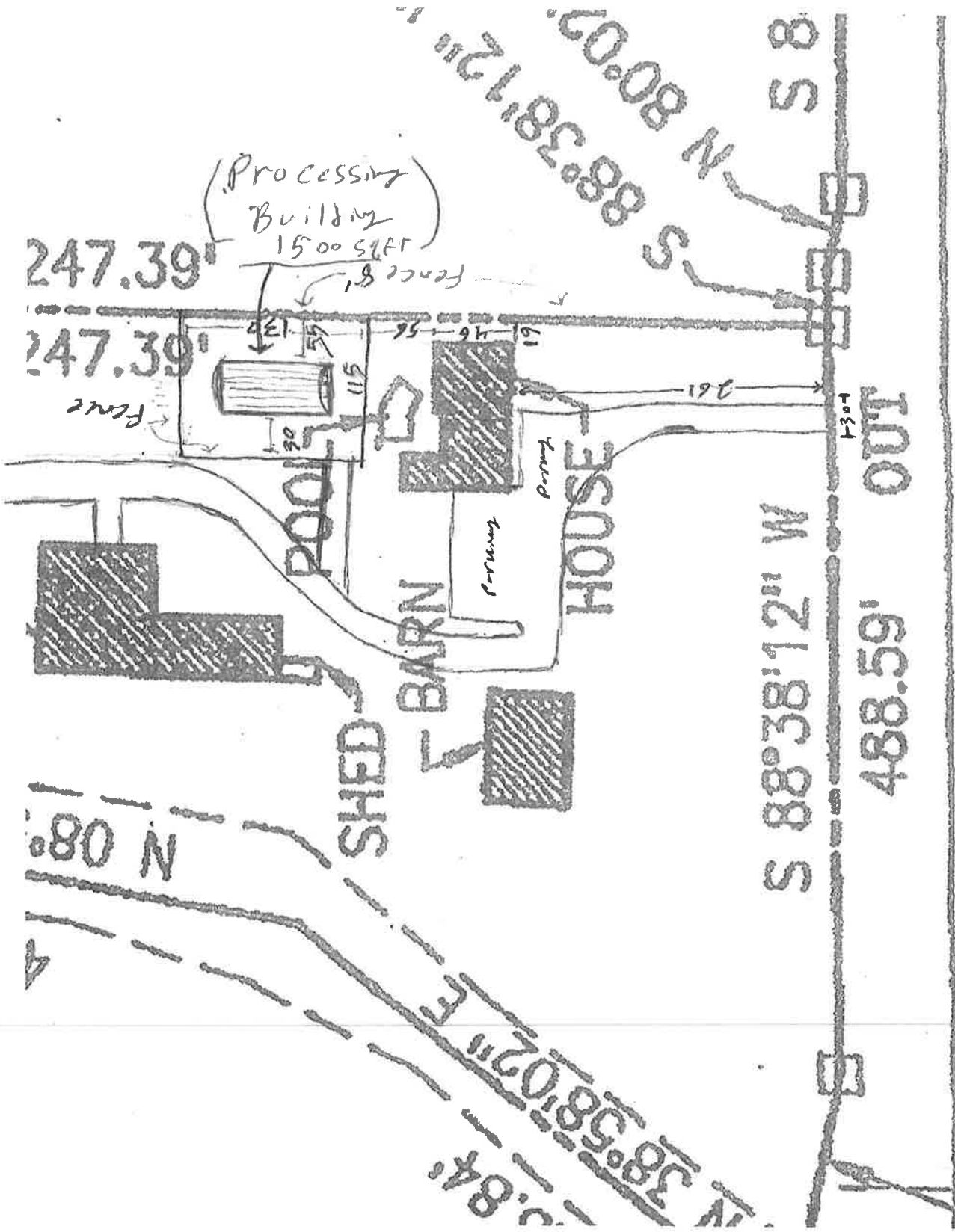
I am requesting variance to build a 1500sqft building that will be used for processing product that will be cultivated on the land. I have 120 AC of land that is designated as agriculture. The land has 200 pecan trees on 55 AC and rest of the land is primarily used to grow hay. The building will only take up small percentage of the land less than 0.0005%. It will have a discrete placement behind the house. The building will be more than one mile from any residential house driving. It will not negatively effect the environment. It will not be detrimental to the public welfare and will be harmony with the spirit and intent of the zoning code.

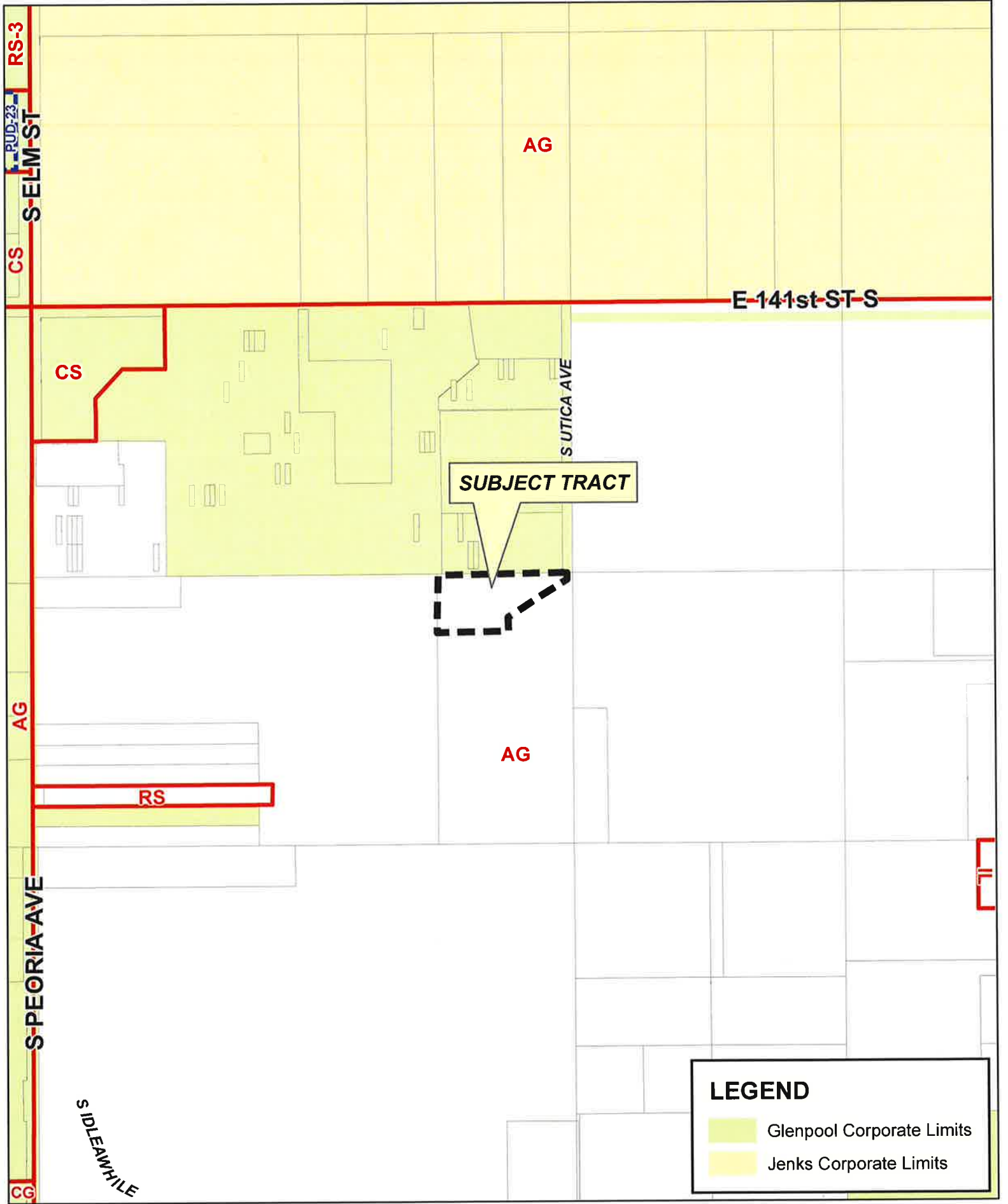
THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

SURVEY PLAT



10.11





RS-3
PUD-23
S ELM ST
CS
S PEORIA AVE
AG
CG

AG

E 141st ST S

CS

S UTICA AVE

SUBJECT TRACT

AG

RS

LEGEND

- Glenpool Corporate Limits
- Jenks Corporate Limits

S IDLEWILD



CBOA-2815

11.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7318

CASE NUMBER: CBOA-2815

CZM: 61

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Wendi Foy Green

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 20 ft to permit a lot split in the AG district (Section 207).

LOCATION: 14334 S UTICA AV E

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Agricultural

TRACT SIZE: 2.79 acres

LEGAL DESCRIPTION: TRACT 1: A TRACT OF LAND BEING A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (E/2 SE/4 NW/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID E/2 SE/4 NW/4; THENCE SOUTH 88°43'10" WEST ALONG THE NORTH LINE OF SAID E/2 SE/4 NW/4 FOR 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°13'02" EAST FOR 30.00 FEET; THENCE SOUTH 59°30'13" WEST FOR 346.24 FEET; THENCE SOUTH 01°12'55" EAST FOR 65.00 FEET; THENCE SOUTH 88°43'10" WEST FOR 330.00 FEET TO A POINT ON THE WEST LINE OF SAID E/2 SE/4 NW/4; THENCE NORTH 01°12'55" WEST FOR 264.00 FEET TO THE NORTHWEST CORNER OF SAID E/2 SE/4 NW/4; THENCE NORTH 88°43'10" EAST ALONG THE NORTH LINE OF SAID E/2 SE/4 NW/4 FOR 632.00 FEET TO THE POINT OF BEGINNING.

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts the City of Glenpool to the north. All surrounding properties are zoned AG with what appears to be agricultural uses with a smattering of residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 ft to 20 ft to permit a lot split. The applicant provided the following statement: *"Currently, the land has 50' of frontage to the Glenpool public road, S. Utica Ave., which dead ends into the property. The road should be minimum 60' wide, based on Tulsa county codes, however, that requirement is currently not met. We have exhausted every effort to deed a plot of land to either Tulsa County, where the property resides, or to the City of Glenpool, who owns S. Utica, to fulfill the frontage requirements. However, neither party is currently willing to accept the land. As such, we are asking for a variance to the zoning code to allow 30' and 20' frontages to S. Utica. We will be willing to provide a mutual access contract filed with the county to assure access in perpetuity."*

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot

11.2

has 20' of frontage onto S. Utica Avenue. The remaining parent tract has 30' of frontage therefore, a variance was not required for that parcel.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

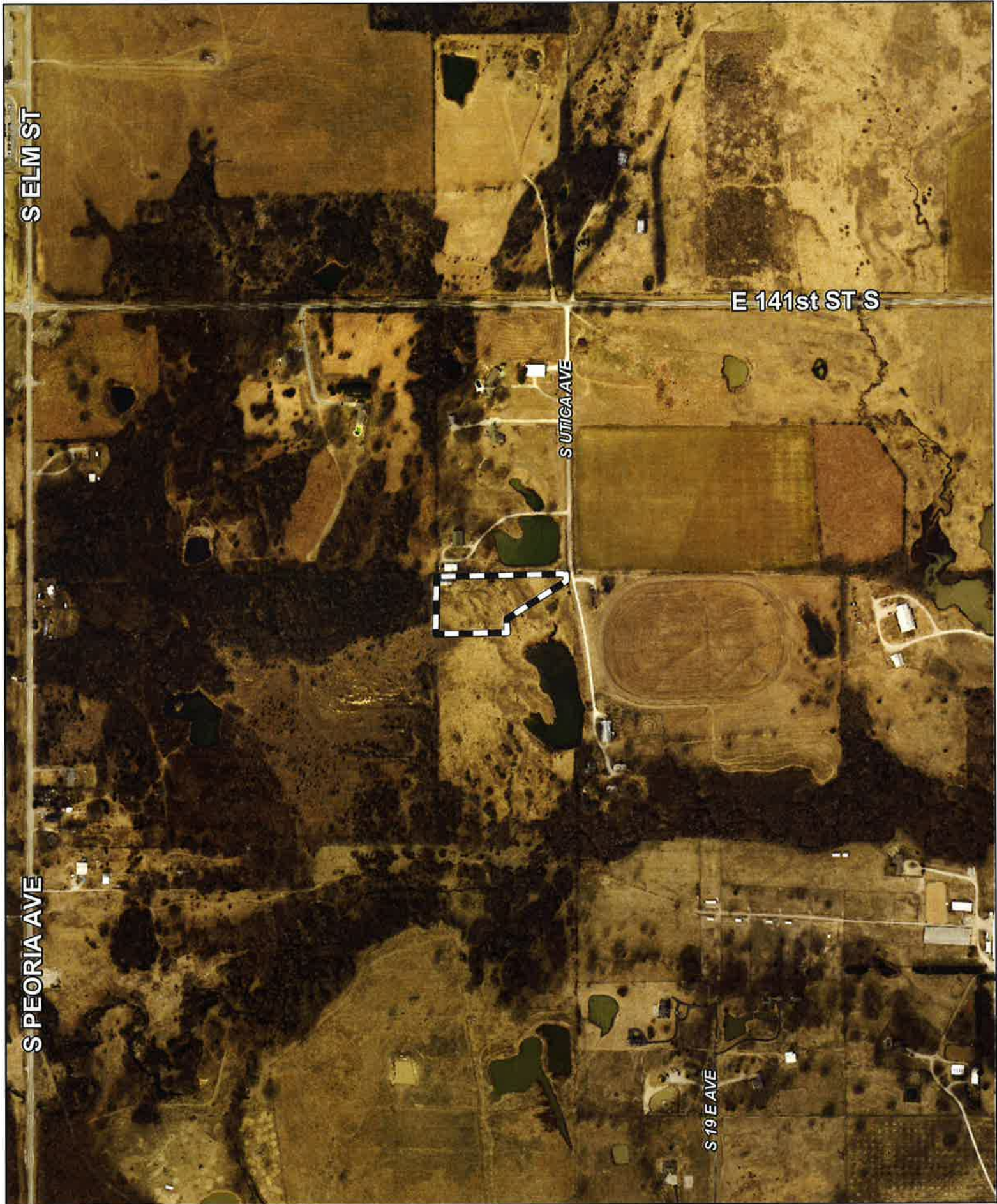
Sample Motion:

“Move to _____ (approve/deny) a Variance to reduce the required 30 feet of frontage on a public road or dedicated right-of-way from 30 feet to 20 feet to permit a lot split in an AG district (Section 207).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

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.”



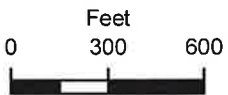
S ELM ST

E 141st ST S

S UTICA AVE

S PEORIA AVE

S 19 E AVE



Subject Tract

CBOA-2815

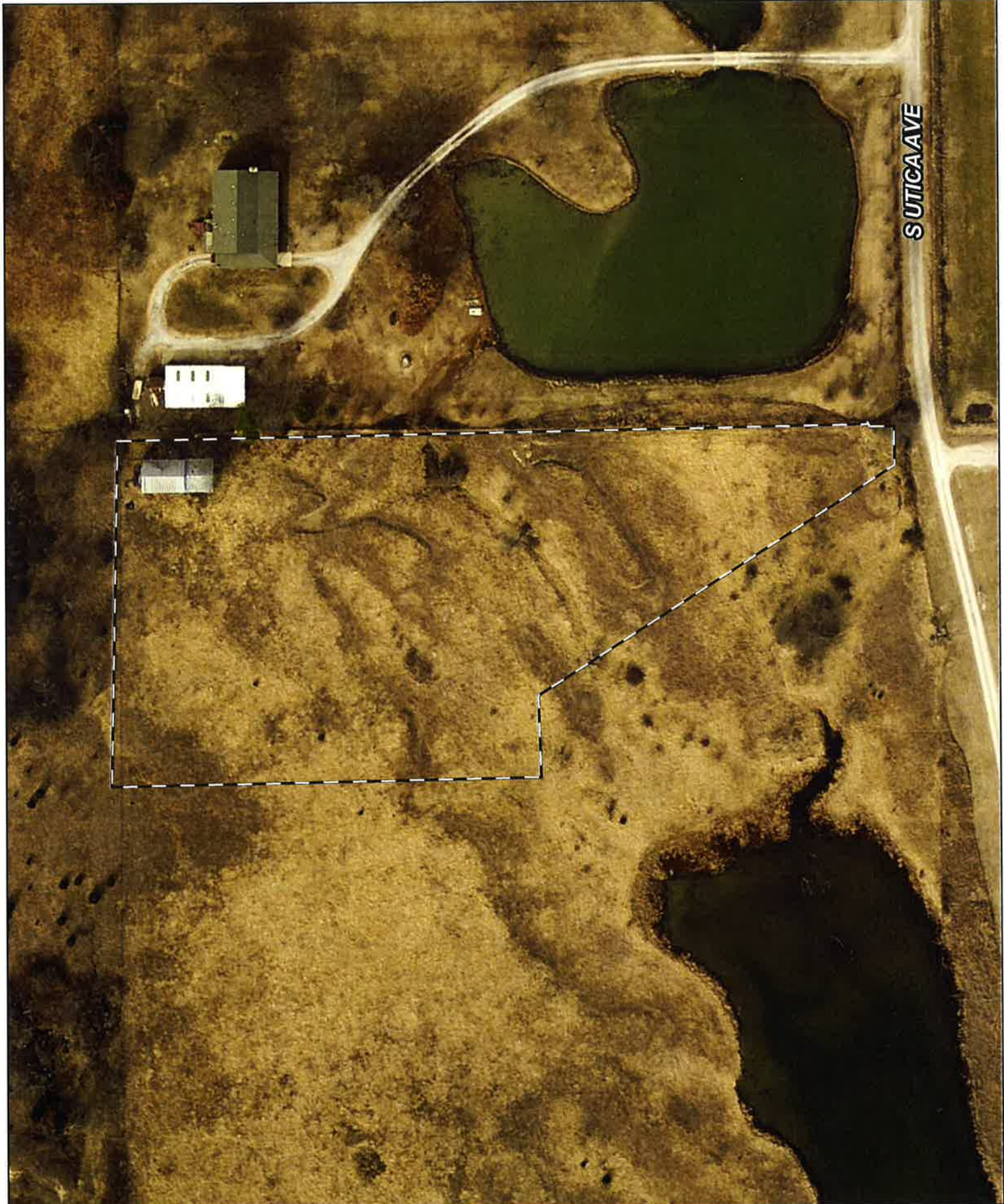
17-13 18

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

Aerial Photo Date: February 2018

11.4





SUTCA AVE



 Subject Tract

CBOA-2815

17-13 18

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

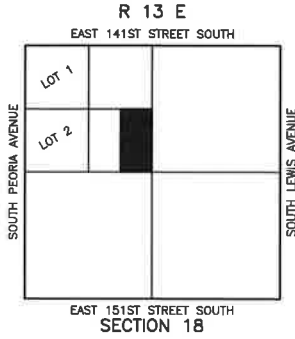
Aerial Photo Date: February 2018



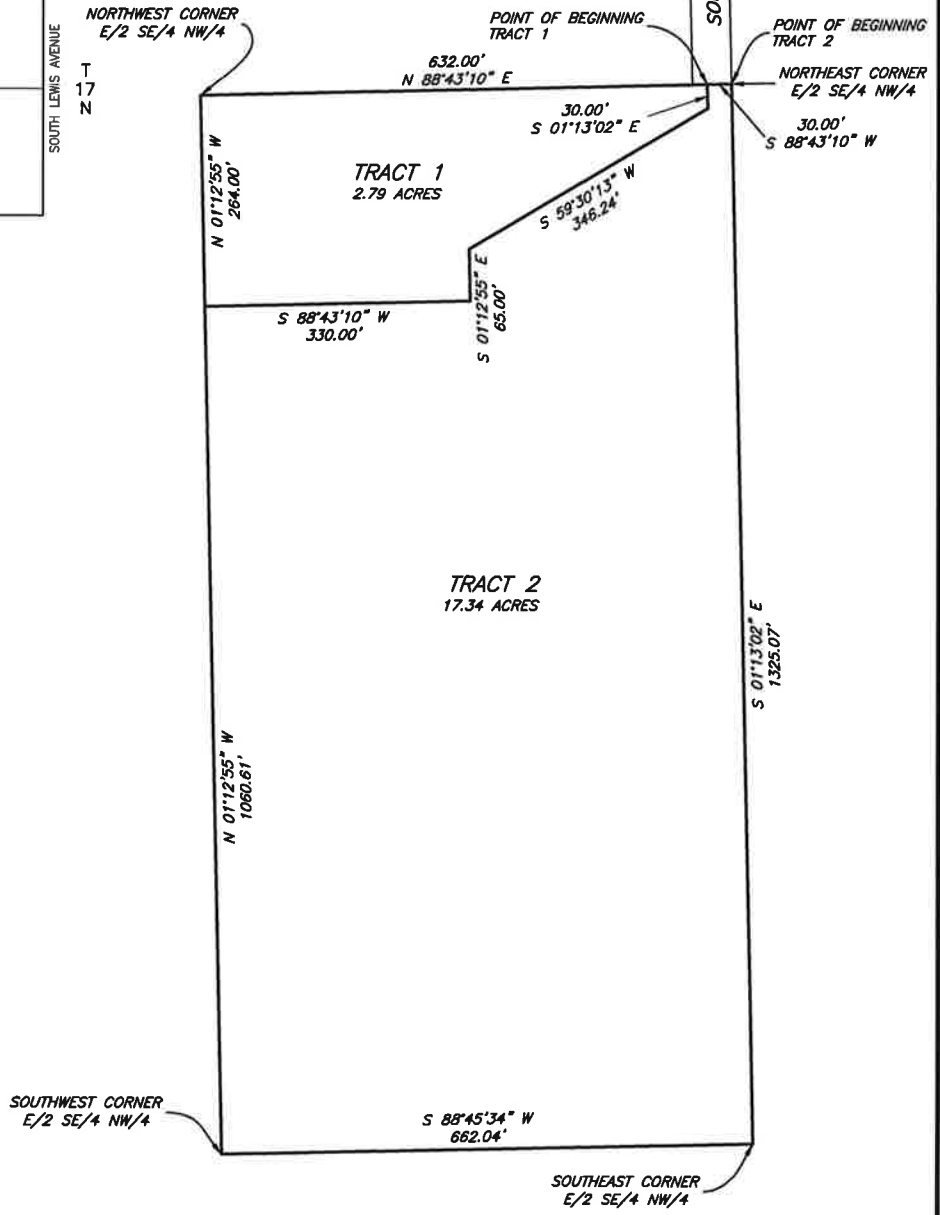


LOT LINE ADJUSTMENT

PART OF THE NW/4,
 SECTION 18, T-17-N, R-13-E,
 TULSA COUNTY, STATE OF OKLAHOMA



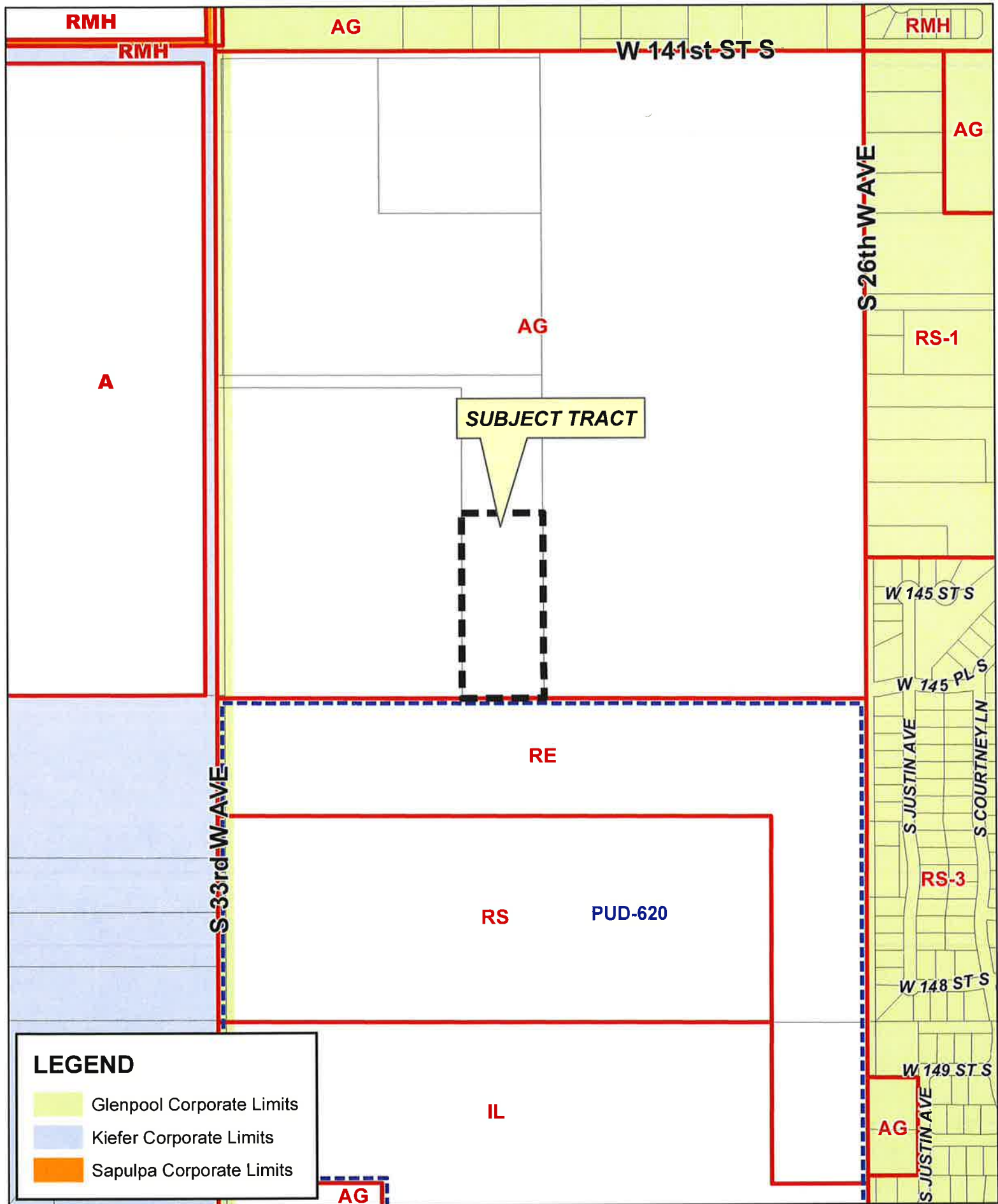
LEGAL DESCRIPTION
 legal



WHITE SURVEYING COMPANY
 CERTIFICATE OF AUTHORIZATION
 NO. CA1098
 (RENEWAL 6/30/2021)

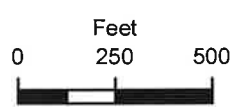
BY: Randy K. Shoefstall DATE: 10/30/19
 REGISTERED PROFESSIONAL LAND
 SURVEYOR OKLAHOMA NO. 1676

11.6



LEGEND

- Glenpool Corporate Limits
- Kiefer Corporate Limits
- Sapulpa Corporate Limits



CBOA-2816

12.1

17-12 15



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7215

CASE NUMBER: CBOA-2816

CZM: 60

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Laura Roy

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district to permit a lot split (Section 207).

LOCATION: 14323 S 33 AV W

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Agricultural

TRACT SIZE: 5.75 acres

LEGAL DESCRIPTION: A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. DESCRIBED AS FOLLOWS: THE SOUTH 759.84 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01° 09' 07" W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1318.67 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE N 89° 02' 23" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 1318.52 FEET, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 01° 09' 08" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 559.65 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING S 01° 09' 06" E, CONTINUING ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 06" W, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 89° 04' 33" E, PARALLEL WITH AND 759.84 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5.75 ACRES / 250,465.01 SQUARE FEET.

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the west, north, and east. It abuts RE zoning to the south. The area appears to be mainly agricultural with a smattering of residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 ft to 0 ft to permit a lot split. The applicant provided the attached statement to the Tulsa County Board of Adjustment.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0' of frontage onto S. 33rd West Avenue. The remaining tract (Tract A) has 50' of frontage therefore, a variance was not required for that parcel. The applicant has indicated that they will include with the deed, a perpetual access and utilities easement through Tract A to Tract B (the subject site).

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

12.2

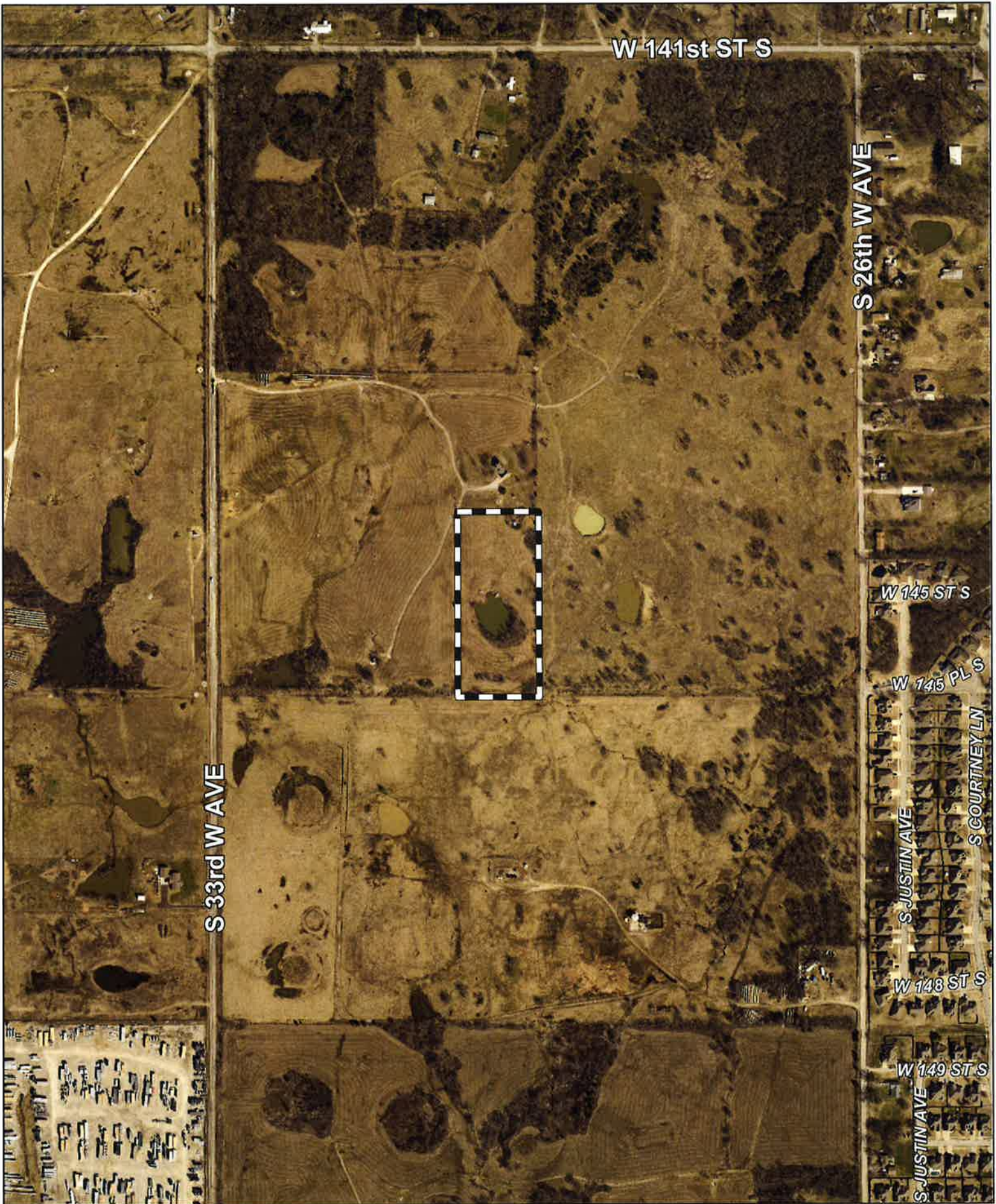
Sample Motion:

"Move to _____ (approve/deny) a Variance to reduce the required 30 feet of frontage on a public road or dedicated right-of-way from 30 feet to 0 feet in an AG district (Section 207).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

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."



W 141st ST S

S 26th W AVE

S 33rd W AVE

W 145 ST S

W 145 PL S

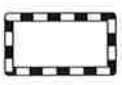
S JUSTIN AVE

S COURTNEY LN

W 148 ST S

W 149 ST S

S JUSTIN AVE



Subject Tract

CBOA-2816

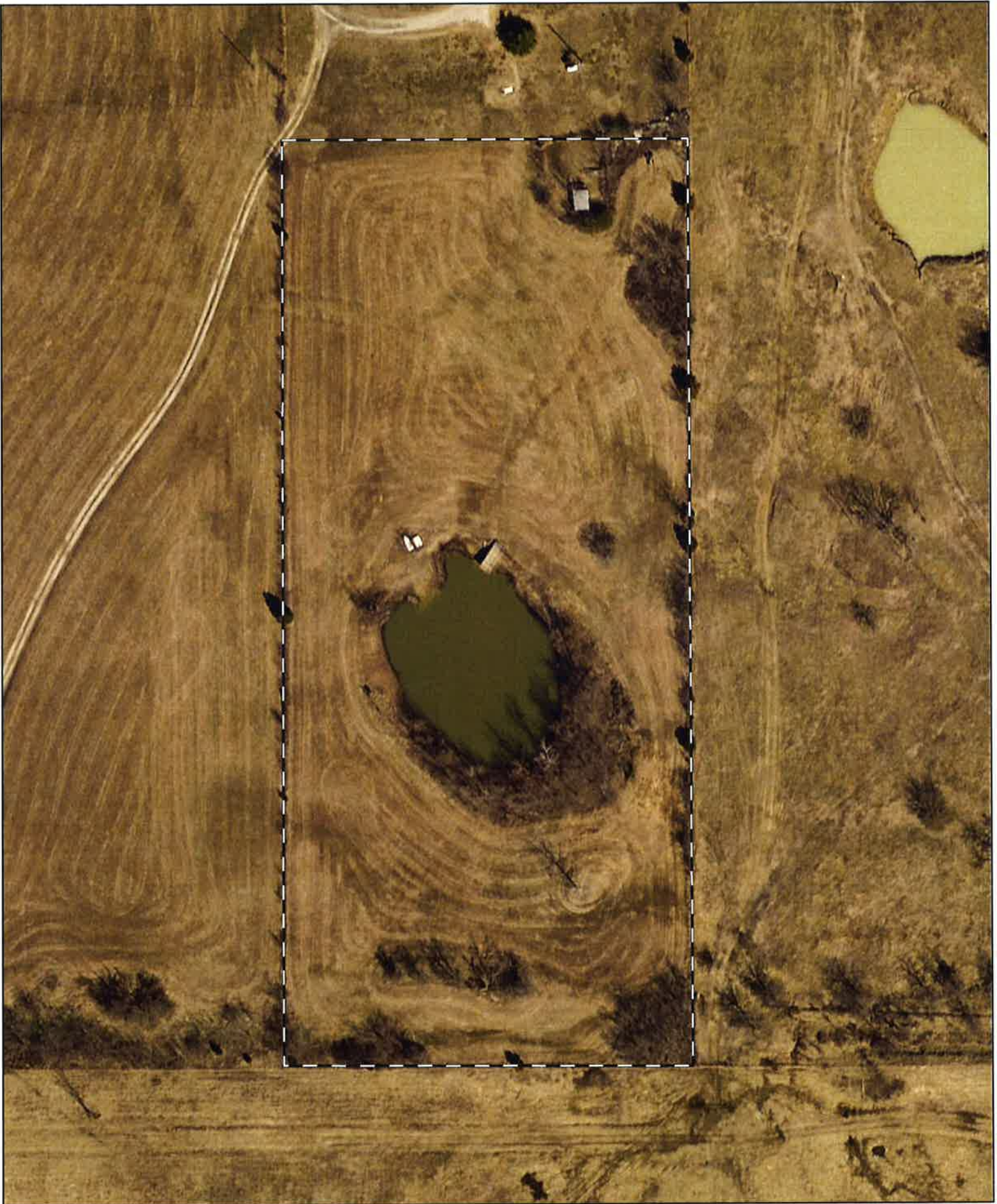
17-12 15

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

Aerial Photo Date: February 2018

12.4





0 Feet 50 100



Subject Tract

CBOA-2816

17-12 15

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

Aerial Photo Date: February 2018

12.5



David M. and Laura B. Roy
14323 S. 33 West Avenue South
Glenpool, OK 74033
918-697-6070

April 13, 2020

To the Tulsa County Board of Adjustment – Request for Variance (Section 207)

Dear Board Members:

We purchased a house and approximately 11.136 acres of land in Tulsa County in 1995 and have lived on this property since that time. (General Warranty Deed recorded with the Tulsa County Clerk at B/P 5753-0011-0017). The land continues to be used for agricultural purposes. Our son and his wife want to build their “forever home” on a portion of the land. We are eager to take the necessary actions to permit them to do so. This will enable us to remain in our home as we age and provide the benefit of living close to two of our grandchildren. The proposed house will be a “permanent” structure. Our son and daughter-in-law have located a builder and talked with a local bank regarding a building loan. Creek County Water District No. 2 has indicated that water can be provided to the proposed home, and a representative from OG&E has indicated that electricity can be provided, as well. An approved septic system will be installed. The placement of the house on the property will have minimal impact on the ongoing agricultural use of the land. Further, once we pass away, our son has every intention of retaining ownership of both parcels.

We have prepared an exempt lot-split request for submission to the Tulsa Metropolitan Area Planning Commission. If this request is approved, the existing parcel will be split into two parcels, each of which will comprise more than the 5.1 acres required for an exempt application.

We have had our abstract brought up to date, and we have received a preliminary title opinion via American Eagle Title Company. Atlas Land Company has prepared a survey of the existing parcel and provided the required legal descriptions for the desired two parcels. See attached.

Our land includes a 50-foot strip of land beginning at 33 West Avenue, eastward, ensuring access and placement of utilities. We are requesting a variance with respect to each dwelling having 30 feet of frontage to a public road (i.e., to 33rd West Avenue). To our understanding, the granting of such variance will have no detrimental effect to the public good or impair the purpose and intent of the zoning ordinance of the county’s comprehensive plan.

Upon receipt of approval of the lot split and the required variance from the Board of Adjustment, we will include with the deed a perpetual access and utilities easement through our land to the parcel to be deeded to our son and daughter-in-law.

Thank you for considering our request. If additional information is required, please advise.

David M. and Laura B. Roy



From: Laura Roy <lauraroyok@gmail.com>
Sent: Tuesday, April 28, 2020 5:28 PM
To: Jones, Robi
Subject: Re: Exempt Land Division and Board of Adjustment applications - Roy Lot Split Project

Good afternoon, Robi! The gravel road shown on our survey has been in use for many, many years. It begins on our property (at 33rd West Avenue). It meanders generally eastward, with part of the road on our property and part of it on Upland's land. The oil guys use the road to check their wells, including a well on our property (for which we do NOT own mineral rights). We use the road to get back to our house. Our son would extend the road from a portion of the road on our property (close to our house) southward over to his home site.

The road also has a section that continues eastward to the land east of our parcel. This part of the road crosses our ten acre parcel. The oil guys use that road, too, as do the people who lease the land to the east of us for cattle.

Please note that In 25 years, we have never had any issues with respect to using the road. We keep an eye out for the oil wells and we have alerted Uplands of problems now and then over the years. We have always tried to be a good neighbor to the folks who own and operate the wells in the area.

When we bought our property years ago, Leon Barnhart owned the land to the east of us and his son owned the ten acres and a house which we bought. We wanted to ensure access back to the property for sale. Accordingly, Leon Barnhart agreed to sell us a 50 foot strip across his land back to the ten acres we were wanting to buy from his son. We were told that due to the age and use history of the road, that we would never have any issues, even if we did not purchase the 50 foot strip. We were not comfortable doing that, however. Naturally, we did not know about the "30 foot rule" or that our son would one day want to build a home out here. If we had, we would have purchased 60 feet instead of 50 feet! :)

Again, as our application/letter mentioned, our son and his wife want to build their "forever home" out here close to our home. They plan to retain all of the land even when my husband and I are dead and gone. Jason loved growing up out here "in the country" and he hopes he and his family can enjoy this property for many, many years to come. The land will continue to be used for hay production, as it has been ever since we moved out here.

Robi, I hope this explains the use of the road back to our house. Please let us know if you need any additional information. We remain hopeful that the Board will grant a variance.

David and Laura Roy

On Tue, Apr 28, 2020 at 3:53 PM Jones, Robi <rjones@incog.org> wrote:

Laura,

I am working on the case report and would like a little more information. I don't understand why your driveway goes through someone else's property (Upland Resources Inc.). Is there another driveway, or road, near your house that leads to some other building on their property?

Thanks,

Robi



Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

[2 W. 2nd St., 8th Floor | Tulsa, OK 74103](#)

918.579.9472

rjones@incog.org

From: Laura Roy <lauraroyok@gmail.com>

Sent: Thursday, April 16, 2020 11:05 AM

To: Good, Felicity <fgood@incog.org>; Jones, Robi <rjones@incog.org>

Subject: Exempt Land Division and Board of Adjustment applications - Roy Lot Split Project

Felicity and Robi:

Please confirm receipt and please let us know if we have failed to provide something needed. Thank you!

Laura Roy



PREPARED FOR: LAURA ROY
 CHECKED BY: ARJ
 SURVEY BY: ATJ
 SURVEY DATE: 04/07/2020
 BOOK/PAGE: DIGITAL

SCALE: 1"=100'
 DRAFTED BY: JMH
 JOB NUMBER: 11899
 FILE NUMBER: 1112.000

TULSA LAND OFFICE
 302 SOUTH MAIN • WAGNER, OK 74407
 918-585-9387 • C.A.#999 EBF-6-30-2007

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RECORD NO. 14-00-025-043
 TULSA COUNTY, OKLAHOMA
 TULSA LAND OFFICE

12.10

Legal Description (Parent Tract—Book 5753, Page 17)

THE EAST HALF (E/2) OF THE EAST HALF (E/2) OF THE SOUTH-WEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF (W/2) OF THE SOUTH-WEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF (W/2) OF THE WEST HALF (W/2) OF THE EAST HALF (E/2) OF THE SOUTH-WEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Legal Description (Tract A)

A PART OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

DESCRIBED AS FOLLOWS:

THE EAST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (W/2 SW/4 NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER (W/2 E/2 SW/4 NW/4), SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) 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 AND EXCEPT: THE SOUTH 759.84 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4).

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01° 09' 07" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 1318.67 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); SAID CORNER BEING THE POINT OF BEGINNING; THENCE N 89° 02' 23" E ALONG THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 1318.62 FEET, TO THE NORTHEAST CORNER OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 01° 08' 08" E ALONG THE EAST LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 559.65 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W PARALLEL WITH AND 759.84 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 379.92 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 07" W ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4) A DISTANCE OF 500.44 FEET, TO A POINT THAT IS 50.00 FEET SOUTH OF, AS MEASURED PERPENDICULARLY, THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 02' 23" W PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 989.89 FEET, TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 01° 09' 07" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 5.37 ACRES / 235,899.07 SQUARE FEET

THIS LEGAL DESCRIPTION WAS CREATED ON APRIL 15, 2020 BY ALBERT R. JONES, II, OK PLS #1580 WITH THE BASIS OF BEARING BEING N 01° 09' 07" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Legal Description (Tract B)

A PART OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

DESCRIBED AS FOLLOWS:

THE SOUTH 759.84 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01° 09' 07" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 1318.67 FEET, TO THE NORTHWEST CORNER OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE N 89° 02' 23" E ALONG THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 1318.52 FEET TO THE NORTHEAST CORNER OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 01° 08' 08" E ALONG THE EAST LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 559.65 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4); SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING S 01° 08' 08" E CONTINUING ALONG THE EAST LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 759.85 FEET, TO THE SOUTHEAST CORNER OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 379.92 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 07" W ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4) A DISTANCE OF 500.44 FEET, TO A POINT THAT IS 50.00 FEET SOUTH OF, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 02' 23" W PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 989.89 FEET, TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 01° 09' 07" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 5.78 ACRES / 250,465.01 SQUARE FEET

THIS LEGAL DESCRIPTION WAS CREATED ON APRIL 15, 2020 BY ALBERT R. JONES, II, OK PLS #1580 WITH THE BASIS OF BEARING BEING N 01° 09' 07" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Legal Description (Mutual Access & Utility Easement—"MAUE")

A PART OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

DESCRIBED AS FOLLOWS:

THE NORTH FIFTY (50) FEET OF THE WEST HALF OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (W/2 SW/4 NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (E/2 SW/4 NW/4) AND THE WEST 100.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) 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 AND EXCEPT: THE SOUTH 759.84 FEET OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4).

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01° 09' 07" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 1318.67 FEET TO THE NORTHWEST CORNER OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); SAID CORNER BEING THE POINT OF BEGINNING; THENCE N 89° 02' 23" E ALONG THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 1068.89 FEET, TO A POINT THAT IS 100.00 FEET EAST OF THE WEST LINE OF, AS MEASURED PERPENDICULARLY, THE EAST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE S 01° 08' 08" E PARALLEL WITH AND 100.00 FEET EAST OF THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4) A DISTANCE OF 589.51 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W PARALLEL WITH AND 759.84 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 100.00 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 07" W ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4) A DISTANCE OF 500.44 FEET, TO A POINT THAT IS 50.00 FEET SOUTH OF, AS MEASURED PERPENDICULARLY, THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 02' 23" W PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH-WEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4) A DISTANCE OF 989.89 FEET, TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 01° 09' 07" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 2.42 ACRES / 105,391.83 SQUARE FEET

THIS LEGAL DESCRIPTION WAS CREATED ON APRIL 15, 2020 BY ALBERT R. JONES, II, OK PLS #1580 WITH THE BASIS OF BEARING BEING N 01° 09' 07" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

EXHIBIT A1

EXHIBIT OF LEGAL DESCRIPTION

S. 33rd West Avenue

N 01°09'07" W

50.00'

WEST LINE SW/4 NW/4

NORTH LINE SW/4 NW/4

N 89°02'23" E
1318.52'

988.89'
S 89°02'23" W

N 01°09'06" W
1269.29'

EAST LINE SW/4 NW/4

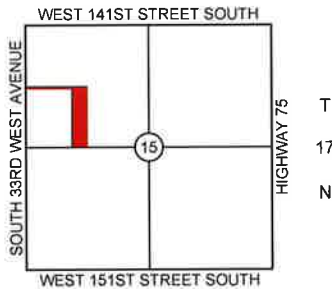
1319.50'
S 01°09'06" E

24.75' STATUTORY RIGHT-OF-WAY

SOUTH LINE SW/4 NW/4

329.63'
S 89°04'33" W

R 12 E



Location Map

SCALE: 1"=4000'

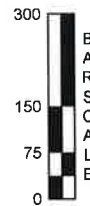


EXHIBIT A2 LEGAL DESCRIPTION

Legal Description

THE EAST HALF (E/2) OF THE EAST HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) AND THE NORTH FIFTY (50) FEET OF THE WEST HALF (W/2) OF THE EAST HALF (E/2) OF SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE I.B.&M., TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Surveyor's Statement

I, ALBERT JONES III, CERTIFY THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE LEGAL DESCRIPTION AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.



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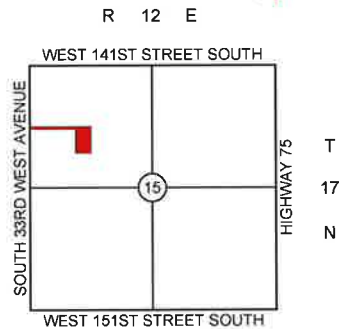
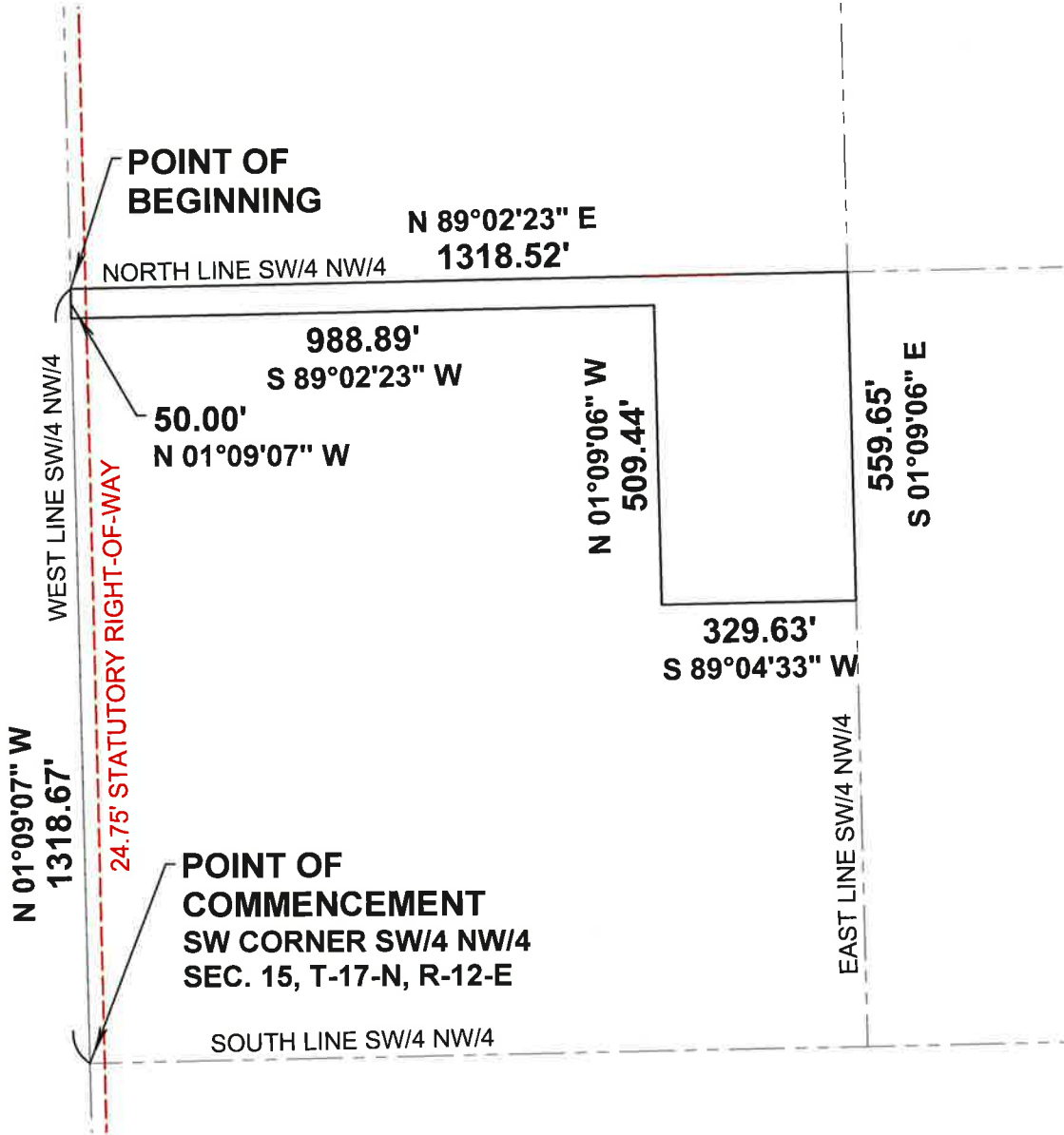
4-16-20



EXHIBIT B1

EXHIBIT OF LEGAL DESCRIPTION

S. 33rd West Avenue



Location Map
SCALE: 1"=4000'

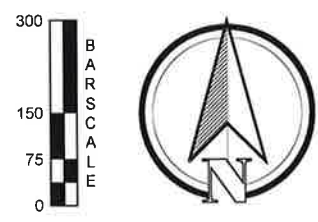


EXHIBIT B2

LEGAL DESCRIPTION

Legal Description

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DESCRIBED AS FOLLOWS:

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MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT OF LAND CONTAINING 5.37 ACRES / 233,886.07 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON APRIL 15, 2020 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 01° 09' 07" W, ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

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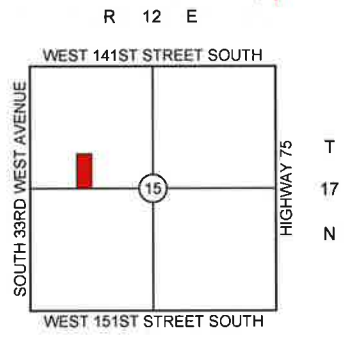
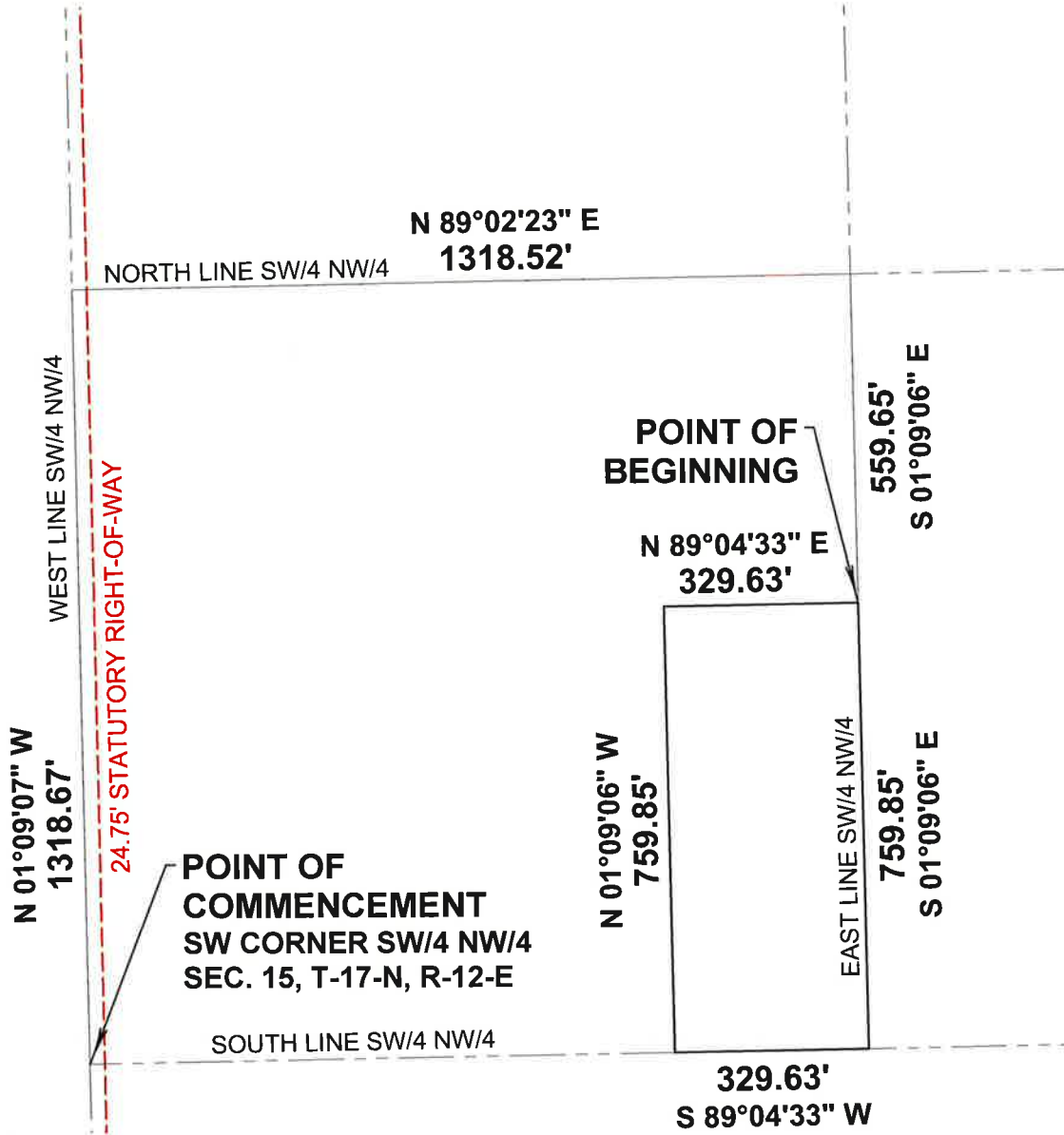
4-16-20



EXHIBIT C1

EXHIBIT OF LEGAL DESCRIPTION

S. 33rd West Avenue



Location Map
SCALE: 1"=4000'

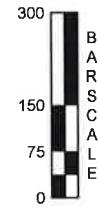


EXHIBIT C2

LEGAL DESCRIPTION

Legal Description

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DESCRIBED AS FOLLOWS:

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SAID TRACT OF LAND CONTAINING 5.75 ACRES / 250,465.01 SQUARE FEET.

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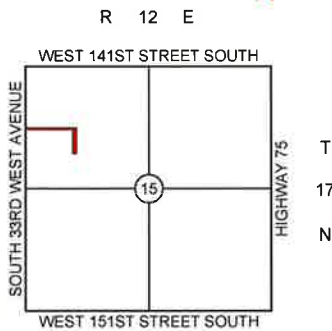
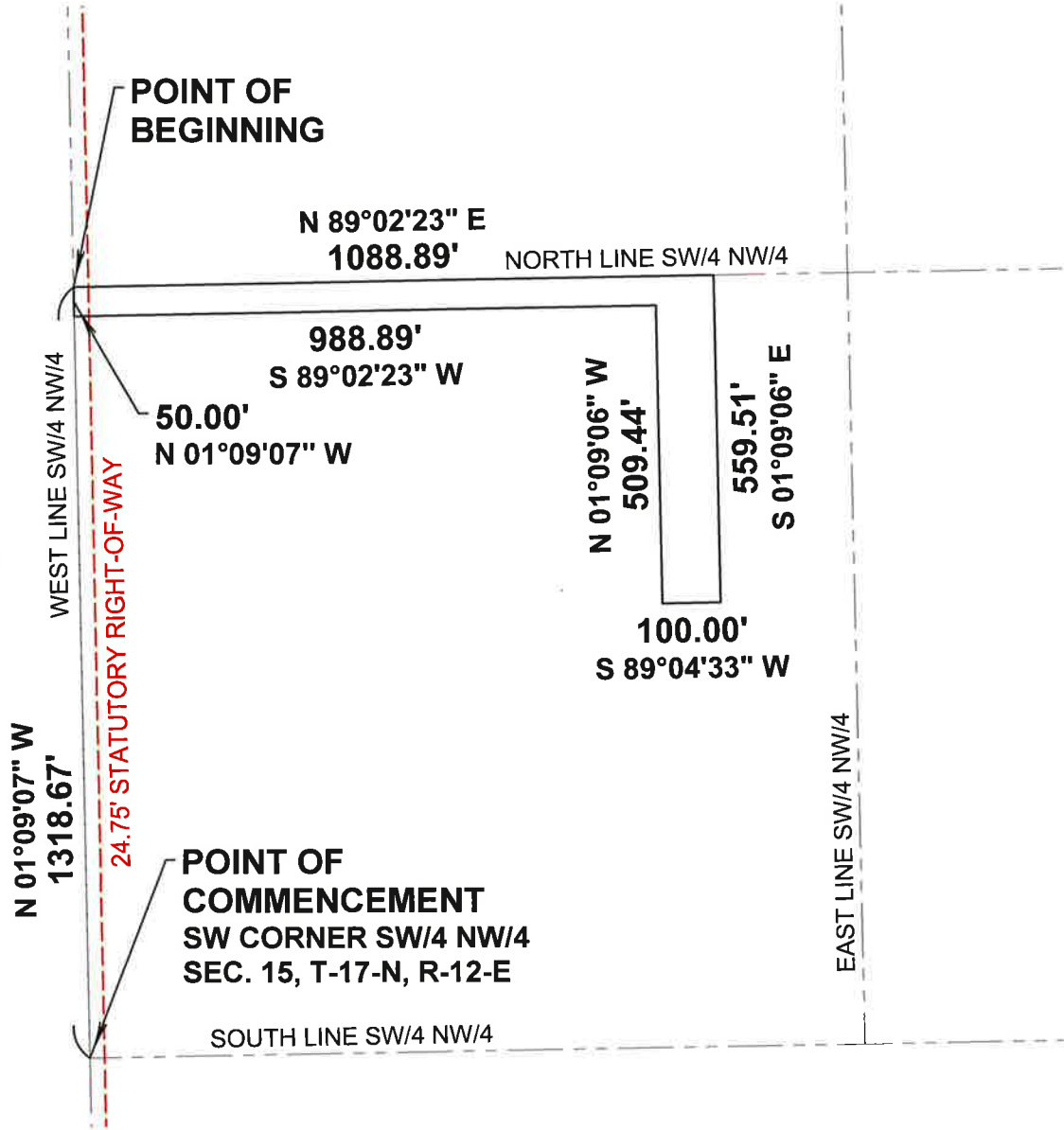
4-16-20



EXHIBIT D1

EXHIBIT OF LEGAL DESCRIPTION

S. 33rd West Avenue



Location Map

SCALE: 1"=4000'

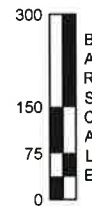


EXHIBIT D2

LEGAL DESCRIPTION

Legal Description

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DESCRIBED AS FOLLOWS:

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CONTINUES ON SHEET 3...



EXHIBIT D2 LEGAL DESCRIPTION

Legal Description

CONTINUED FROM SHEET 2...

THENCE S 89° 02' 23" W, PARALLEL WITH AND 50.00 FEET SOUTH OF, THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 988.89 FEET, TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 01° 09' 07" W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 50.00 FEET, **TO THE POINT OF BEGINNING.**

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Surveyor's Statement

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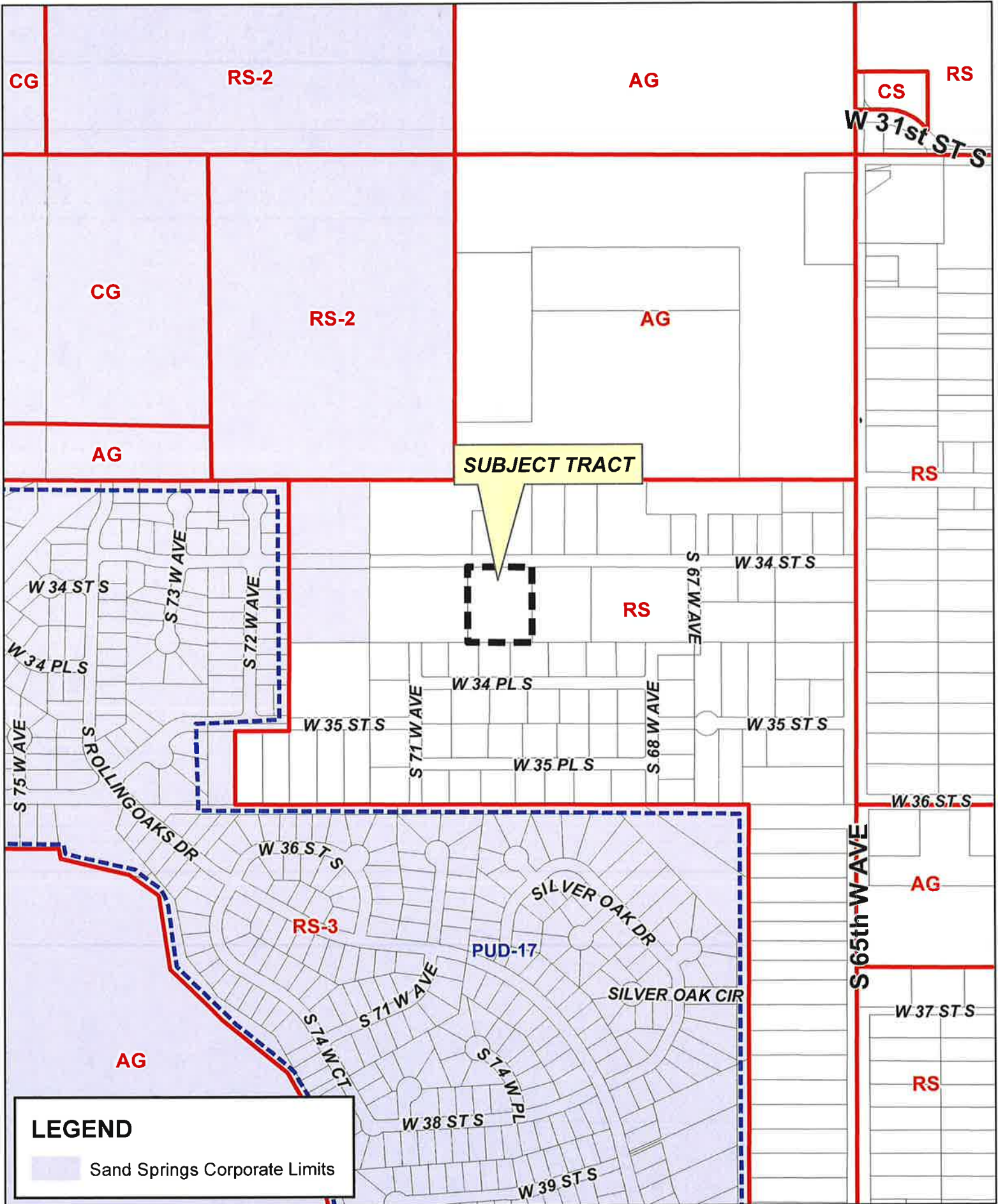
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Albert Jones III


4-16-20



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LEGEND

 Sand Springs Corporate Limits

CBOA-2817

13.1



19-12-19



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9219

CASE NUMBER: CBOA-2817

CZM: 45

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Tammy Rotert

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

LOCATION: 6902 W 34 ST S

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 1.85 acres

LEGAL DESCRIPTION: E264 S305.8 NE SW NE SEC 19 19 12 1.853ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1305 November 1994: The Board approved a *Variance* of the maximum 750 sq. ft. for a detached accessory building and a *Variance* to permit an accessory building in the side yard, on property located at 6802 West 34th Street South.

CBOA-434 March 1994: The Board approved a *Variance* for an accessory building to permit a 1,400 sq. ft. accessory building in an RS district, on property located west of the southwest corner of West 34th Street and 68th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutting RS zoning with residential uses in all directions.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

Section 240.2.E permits accessory buildings in the RS district; the total square footage of all accessory buildings on the lot cannot exceed 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 client has provided the following statement: "1. This build will remove several structures in poor condition. 2. Property has 3 elevations on 1.865 acres. This is the only access point. 3. New build will complement property."

13.2

According to the drawing provided the applicant, they are proposing to construct a 36' x 48', (1,728 SF), detached storage building northwest of the existing house on the site. The applicant has requested a variance to increase the total square footage of accessory buildings to 1,824 SF. (This includes the 96 sq. ft. play house.)

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) a Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

FILE COPY

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 174
Tuesday, November 15, 1994, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--------------------------------------|-----------------------|----------------------|-------------------------------|
| Eller Looney Tyndall, Chairman | Alberty Walker | Moore Russell | Glenn, Building Inspection |

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, November 14, 1994, at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:39 p.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** the **Minutes** of October 18, 1994 (No. 173).

NEW APPLICATIONS

Case No. 1305

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building and a variance to permit an accessory building in the side yard - **SECTION 240. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6, located 6802 West 34th Street South.

Presentation:

The applicant, **Michael Patton**, 6802 West 34th Street, submitted a plot plan (Exhibit A-2) and informed that he is proposing to construct an accessory building on a two-acre tract, which will be large enough to allow him to restore antique cars and build a small aircraft. Photographs (Exhibit A-1) were submitted.

Comments and Questions:

Mr. Tyndall inquired as to the size of the new structure, and the applicant replied that the building will be 30' by 40'.

11:15:94:174(1)

13.4

Case No. 1305 (continued)

In response to Mr. Tyndall, Mr. Patton informed that there is an accessory building across the street that is similar in size (30' by 48'), and one to the east that is 30' by 40'. He informed that the proposed building will be constructed of metal sheeting and will be 14' in height.

Mr. Looney inquired as to the height of the overhead door, and the applicant replied that a 10' by 10' door will be installed.

Mr. Looney asked the applicant if any type of commercial activity will be conducted in the building, and Mr. Patton replied that the building will be for his personal use only.

In response to Mr. Looney, the applicant stated that all activity will be inside the building and there will be no outside storage of material.

Mr. Tyndall inquired as to the amount of noise created by the airplane engine, and the applicant advised that the aircraft will have a four-cylinder engine, which is comparable to those installed in automobiles.

Board Action:

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building and a **variance** to permit an accessory building in the side yard - **SECTION 240. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6; per plan submitted; subject to no outside storage and no commercial activity on the property; finding that there are numerous large accessory buildings in the neighborhood; and finding a hardship demonstrated by the large size of the tract (approx. 2 acres) and the rural nature of the area; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

West 240', S/2, NW/4, SE/4, NE/4, less north 25', Section 19, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1306

Action Requested:

Special Exception to permit a single-wide mobile home in an AG-R zoned district, a variance to permit two dwelling units on one lot of record - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** and **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9, located 11635 North 97th East Avenue.

Case No. 433 (continued)

Mr. Alberty agreed that there is no locational criteria that has been presented that would make this a bad location for a church other than the fact that the immediate property owners are not in favor of it.

Mr. Martin moved that this application be approved, subject to the strict interpretation of the usability of this by all proper Health Department standards.

Mr. Tyndall asked if there had been a time frame presented for the completion of the proposed building. There had not been one. Mr. Martin informed he has no objection to a time frame being injected. He is talking about the use of the property. If it will not meet the Health Department requirements, then the application should be denied.

Mr. Martin's motion for approval died for the lack of a second.

Mr. Martin suggested that they continue this until a date that the applicant could have a testing of the property to the satisfaction of whatever agency would be required. This information could then be submitted to the Board. He does not want to see the property used for this purpose if it is incompatible with health standards.

Mr. Gardner suggested that this case could be continued for one month with the requirement that the applicant meet with the Health Department and find out if the existing system is meeting the needs of the congregation and if the land will handle a new facility.

Mr. Tyndall moved that this application be denied, but this motion died for the lack of a second.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, Wines, "absent") to continue Case No. 433 to the April 13, 1984, meeting.

Additional Comments:

Mr. Alberty recommended that the applicant check with the Health Department before the next meeting.

Case No. 434

Action Requested:

Variance - Section 240.2 (e) Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum Area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS District under the provisions of Section 1670, located west of the SW corner of West 34th Street and 68th West Avenue.

Presentation:

A. B. Maxwell, 7108 West 34th Street, submitted a plot plan (Exhibit "E-1") and informed he wants to use this building to store antique and classic-type cars. The cars are already completely restored. The facility will be built to hold 9 cars and will be strictly a noncommercial use. The subject tract is 3 acres minus the road easement. There are other large accessory buildings in the area. He will be able to

Case No. 434 (continued)

meet with all the required setbacks. None of the surrounding property owners are opposed to the application. The building will be built of rough cedar to match his house and will have a composition roof. It will probably be rocked halfway up. He informed he will service the vehicles which is a customary accessory use.

Protestants: None.

Comments:

Mr. Gardner suggested that the Board condition this to the storage of operable vehicles (classic show automobiles).

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 3-0-0 (Alberty, Martin, Tyndall, "aye"; no "nays"; no "abstentions"; Walker Wines, "absent") to approve a Variance (Section 240.2 (e) - Yards - Permitted Yard Obstructions - under the provisions of Use Unit 1206) of the maximum area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS District under the provisions of Section 1670, subject to this building never being used for inoperable vehicles, on the following described property:

The West 396' of the South 305.8' of the NE/4 of the SW/4 of the NE/4 of Section 19, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 435

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RM-2 District under the provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Units 1206 and 1209 - Request for a variance to permit 3 dwellings (1 house, 2 mobile homes) per lot of record in an RM-2 District under the provisions of Section 1670, located south of the NE corner of 75th West Avenue and West 17th Street.

Presentation:

Walter D. Nelson, 4348 Sunburst East, Sand Springs, informed he would like to move a mobile home on his future mother-in-law's property. There are other mobile homes in the area. They do not plan to split up the property. Mr. Nelson's future mother-in-law informed that she lives in the house and her son lives in the existing mobile home. This mobile home will be for her daughter and Mr. Nelson. She informed that her daughter does not intend to live there forever. They will save their money until they are able to buy a house. They have had a percolation test approved.

Protestants: None.

Comments and Questions:

Mr. Jones submitted a letter of referral from Sand Springs which stated they voted in a public hearing not to oppose this application (Exhibit "F-1").



 Subject Tract

CBOA-2817

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

19-12 19

Aerial Photo Date: February 2018

13.8





W34 STS

W34 PLS

S71 WAVE



Subject Tract

CBOA-2817

19-12 19

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

Aerial Photo Date: February 2018

13.9

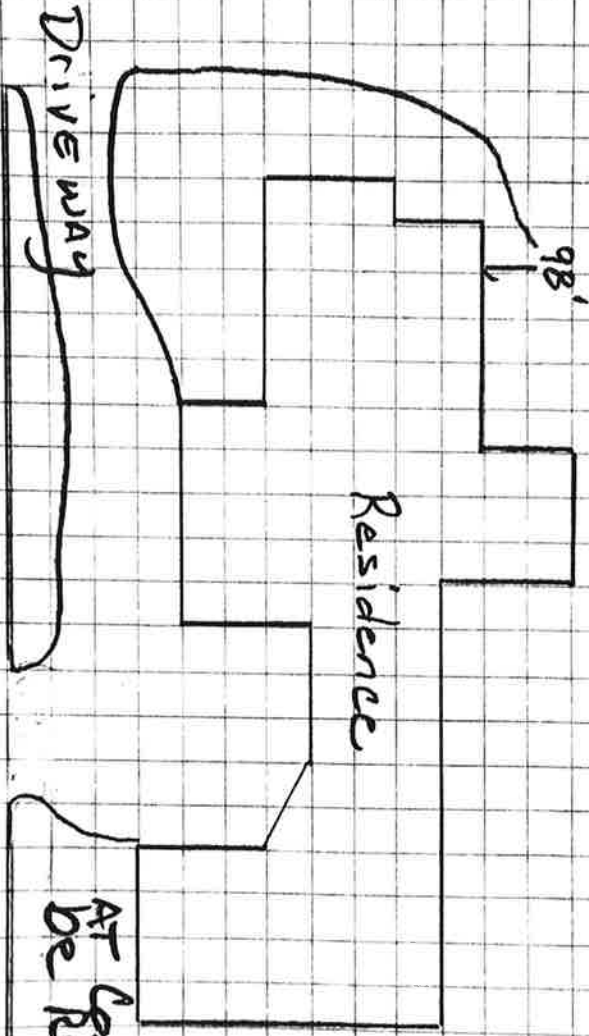
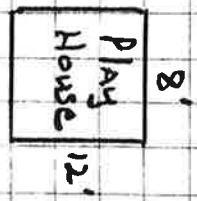
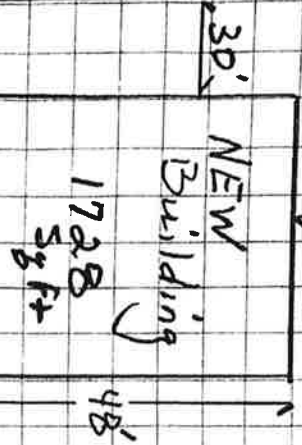




13.10

South Property Line

EAST Property Line



6902 W. 34th St.

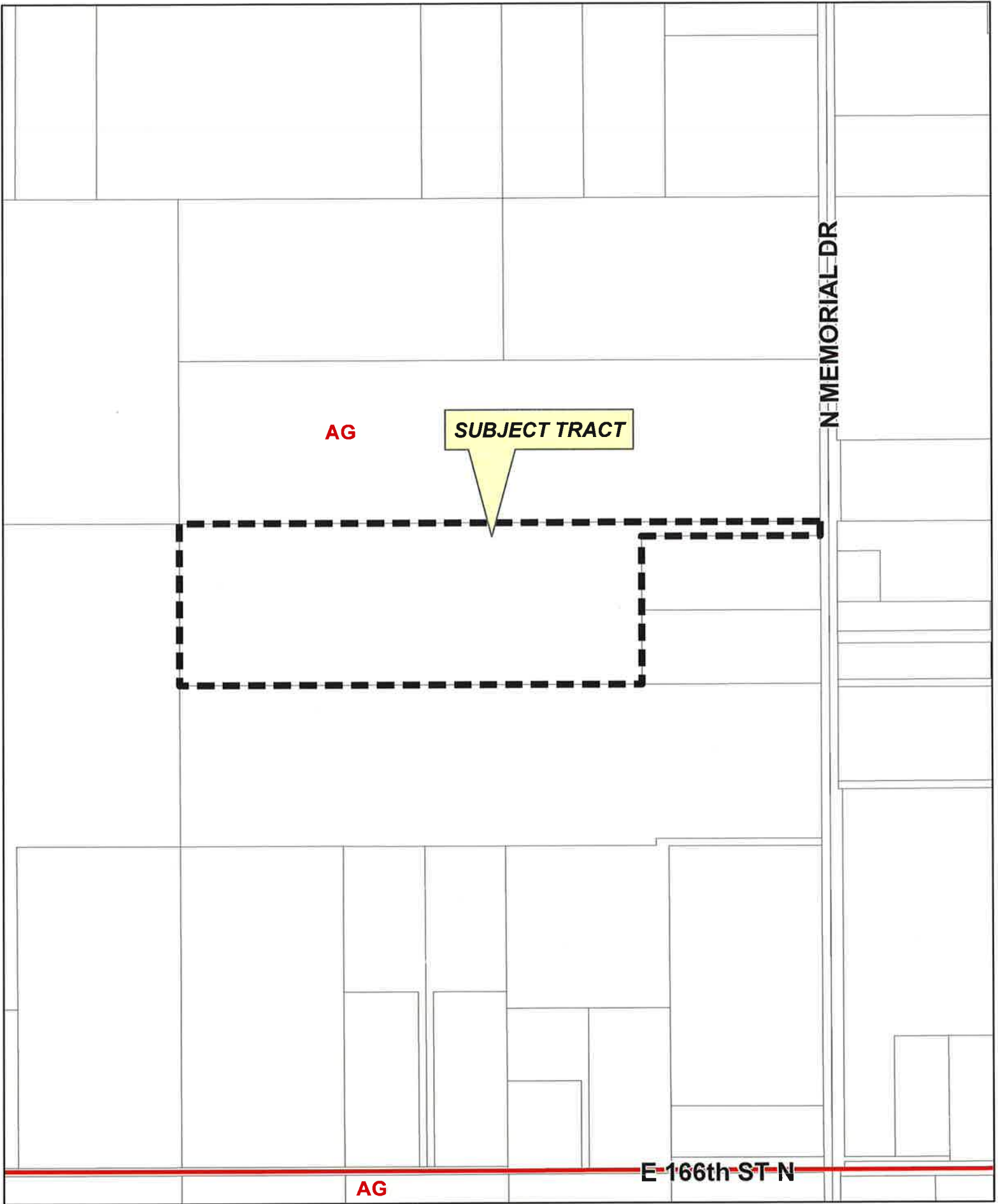
North ↓

* Note: All Buildings AT Construction Site will be Removed.

* Not to Scale

13.11

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AG

SUBJECT TRACT

N-MEMORIAL DR

E-166th ST N

AG



CBOA-2818

14.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2311

CASE NUMBER: CBOA-2818

CZM: 3

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Joshua Hutchinson

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district to permit a lot split (Section 207).

LOCATION: N. of the NE/c of E. 166th St. N. & N. Memorial Dr. **ZONED:** AG

FENCELINE: Collinsville

PRESENT USE: Agricultural

TRACT SIZE: 29.4 acres

LEGAL DESCRIPTION: BEG 1981.01N & 33.04W SECR SE TH N660.24 W2606.77 S659.94 E2606.85 POB LESS TR BEG 33W & 358.965 SECR NE TH S301 W731 N301 E731 POB & LESS TK BEG 33W & 57.96 S SECR NE S301 W731 N301 E731 POB SEC 11 22 13 29.398ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning. The area appears to have agricultural uses with a smattering of residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 ft to 0 ft to permit a lot split. The applicant provided the attached statement to the Tulsa County Board of Adjustment.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0' of frontage onto N. Memorial Dr. The applicant owns the full 29 acres on the flag lot. The back 10 acres will be split off if the request is approved for 0 feet of frontage. The applicant intends to build a home on the 10 acres and use the remaining parcel for his business. There is a 30' road easement that runs along the northern edge of the property. Staff consulted with Tulsa Permit Department to determine if the request for 0' of frontage was necessary and it was agreed that it is necessary.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

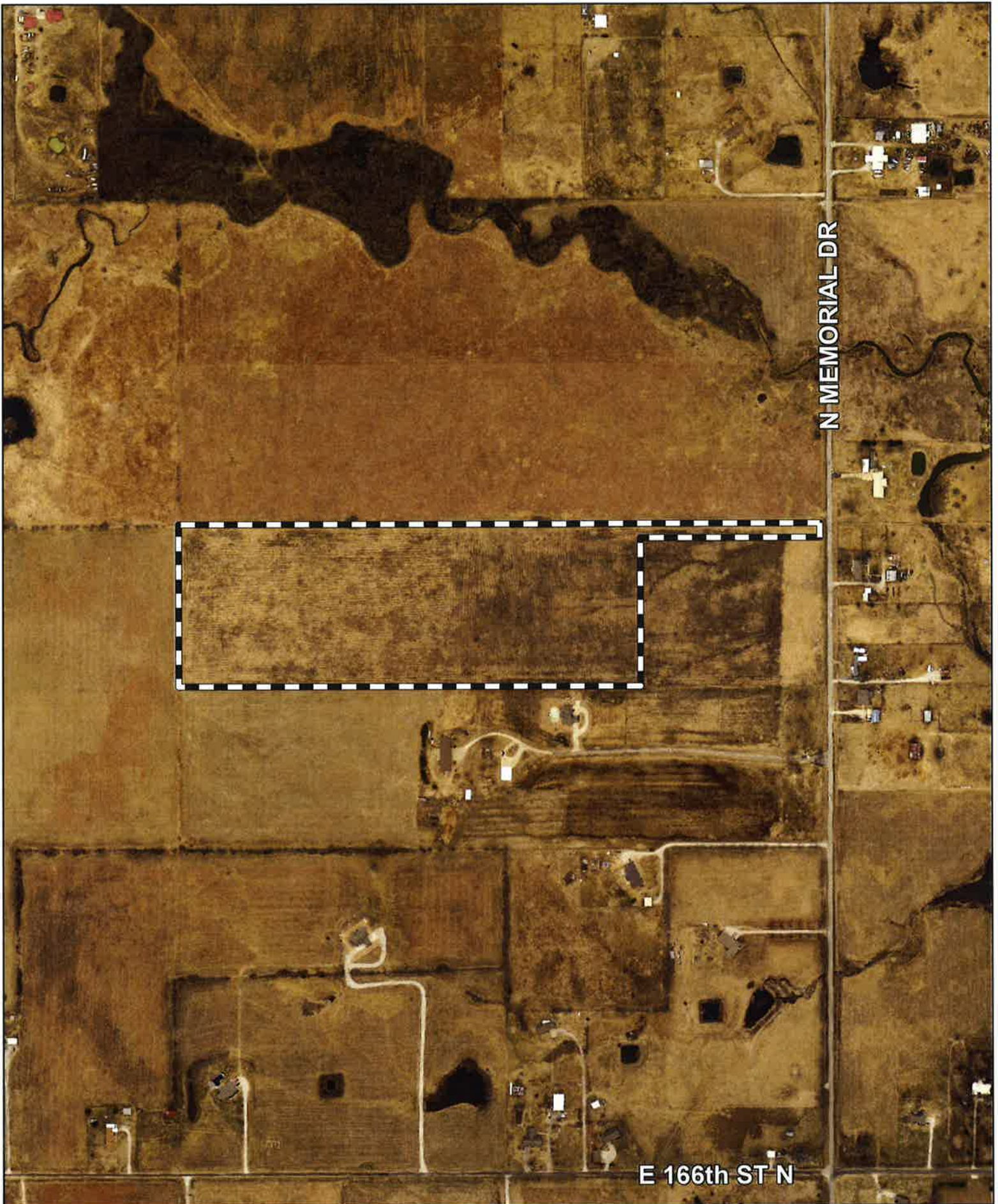
Sample Motion:

"Move to _____ (approve/deny) a Variance to reduce the required 30 feet of frontage on a public road or dedicated right-of-way from 30 feet to 0 feet in an AG district (Section 207).

Finding the hardship to be _____.

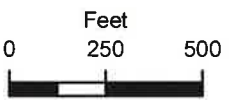
Subject to the following conditions (if any) _____.

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.”



N MEMORIAL DR

E 166th ST N



Subject Tract

CBOA-2818

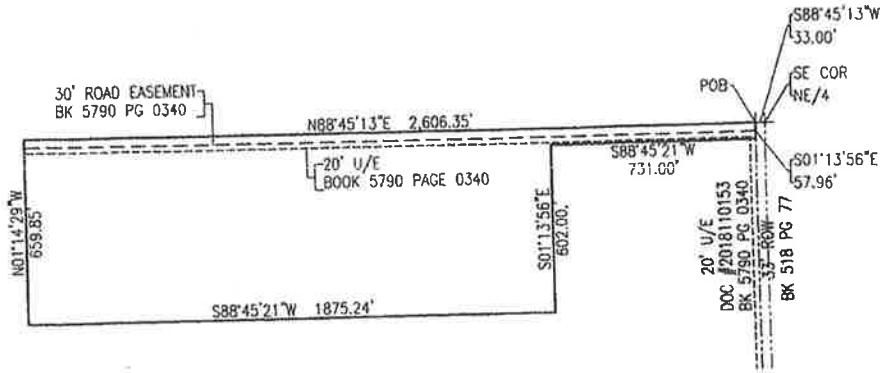
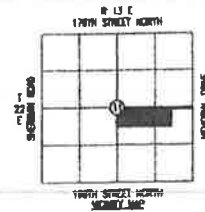
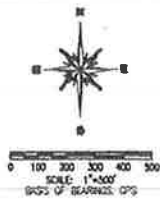
22-13 11

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

Aerial Photo Date: February 2018 14.4



PLAT OF SURVEY



DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION ELEVEN (11), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE US GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SAID SECTION 11; THENCE SOUTH 88°45'13" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE $\frac{1}{4}$) A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°13'56" EAST A DISTANCE OF 57.96 FEET; THENCE SOUTH 88°45'21" WEST A DISTANCE OF 731.00 FEET; THENCE SOUTH 01°13'56" EAST A DISTANCE OF 602.00 FEET; THENCE SOUTH 88°45'21" WEST A DISTANCE OF 1875.24 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER (SE $\frac{1}{4}$); THENCE NORTH 01°14'29" WEST ALONG SAID WEST LINE A DISTANCE OF 659.85 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE $\frac{1}{4}$); THENCE NORTH 88°45'13" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE $\frac{1}{4}$) A DISTANCE OF 2606.35 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 1,279,855.33 SQUARE FEET, OR 29.4 ACRES, MORE OR LESS.

CERTIFICATION

I, ROBERT E. BIRD, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND A CORRECT REPRESENTATION OF THE SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THAT THIS SURVEY MEETS OR EXCEEDS 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. WITNESS MY HAND AND SEAL ON THIS 9th DAY OF JANUARY, 2018.

DATE OF LAST SITE VISIT JANUARY 9, 2018.

BIRD SURVEYING & DESIGN, PLLC
9020 NORTH 175TH EAST AVENUE
OWASSO, OK 74055
(918) 645-8392
CA 4454 EXP 6/30/2020

ROBERT E. BIRD, PE, PLS
OK PLS 1558
APRIL 2, 2020



4/2/2020

14.5

To whom it may concern,

We (Josh and Leslie Hutchinson) recently purchased a 29 acre lot located at appx. 173rd St N and Memorial (official address not yet given).

Our dream was to build our family home on this lot.

We purchased the 29 acres through our Business and had planned to survey and parcel off a 5 acre lot and sell it to ourselves and build the house on the 5 acres. There were multiples people who have steered us in this direction (Bank, lender, realtors...)

We contacted a survey company to discuss this process and his first suggestion is for us to contact INCOG because we only have a 58ft right of way to the big section of land. It is my understanding that we need 30ft per parcel. It appears we are 2ft short.

We are humbly requesting a land variance for the 2ft to allow us to continue our building process. This is the very first step and it appears we will be severely delayed in our build.

Thank you for your consideration,
Josh and Leslie Hutchinson

659.85'

Hutchinson family 10 Acre lot

659.85

House

1875.24'

**Torch Service Company Land
19 Acres**

2606.35'

30' easement drive

602.00'

731'

Requested Variance

57.96'

14.7