

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, October 20, 2020, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 487

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.

Attend in Person: Williams Tower I, St. Francis Room, 1st Floor
1 W. 3rd St., Tulsa, Oklahoma

Attend Virtually: <https://us02web.zoom.us/j/89225386292>

Attend by Phone: +1 312 626 6799 US
Meeting ID: 892 2538 6292

Additional Directions: During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

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, Larry Johnston, William Tisdale

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of September 15, 2020 (Meeting No. 486).

UNFINISHED BUSINESS

2. **2845—Sean Parchman**
Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1). **LOCATION:** 1372 South 220th Avenue West

NEW APPLICATIONS

3. **2852—Chad Ramsey**
Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1). **LOCATION:** 11326 North 123rd Avenue East, Owasso
4. **2853—James Bagwill**
Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E); Variance to allow a detached accessory building in the side yard (Section 240.2.E). **LOCATION:** 6517 West Skyline Drive, Sand Springs
5. **2854—Dakota Williams**
Use Variance for Use Unit 15, Other Trades and Services, to permit a Landscaping Business (Section 1215.2.B.2) in an AG District. **LOCATION:** 7374 West 51st Street South
6. **2855—Eller & Detrich – Lou Reynolds**
Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in an AG District (Section 1225).
LOCATION: 15601 West 19th Place South
7. **2856—Jim Stauss**
Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E); Variance to allow two dwelling units on a single lot of record in an RS District (Section 208). **LOCATION:** 13702 South 125th East Avenue
8. **2857—Rick Clark**
Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

OTHER BUSINESS

9. **Review** and approval of the 2021 meeting schedule.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

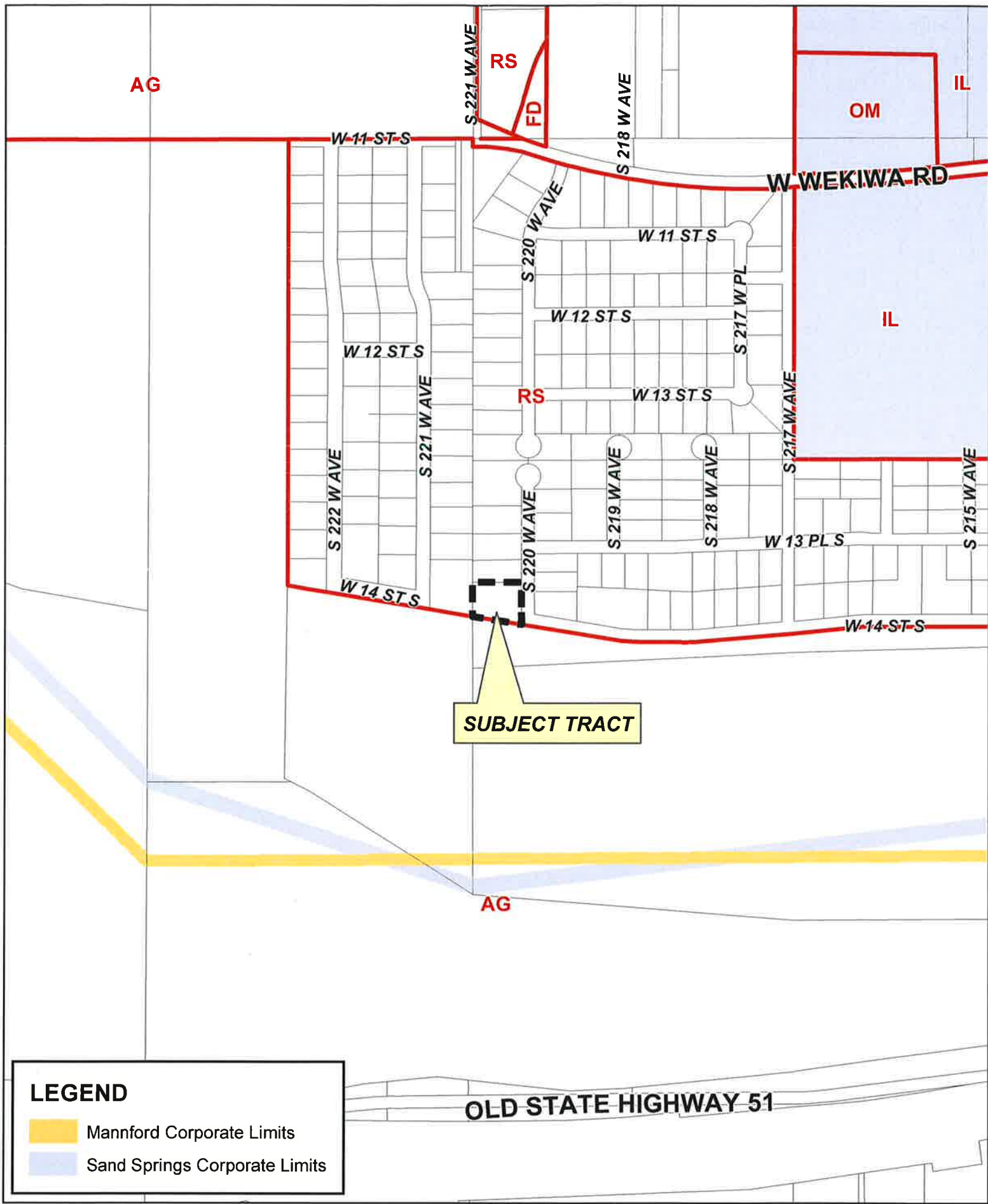
Website: tulsaplanning.org

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.



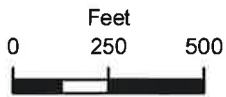
SUBJECT TRACT

LEGEND

-  Mannford Corporate Limits
-  Sand Springs Corporate Limits

CBOA-2845

2.1



19-10 10



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9010

CASE NUMBER: CBOA-2845

CZM: 33

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Sean Parchman

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

LOCATION: 1372 S 220 AV W

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.72 acres

LEGAL DESCRIPTION: LT 12 & BEG SWC LT 12 TH SLY50.65 E APROX 206.30 N50 WLY206 BLK 8, CANDLESTICK BEACH, CANDLESTICK BEACH THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2199 March 2006: The Board approved a *Variance* of the maximum permitted square footage for an accessory building in an RS district, subject to a lot combination of the two lots; and not to be used for a dwelling, on property located at 1372 South 220th Avenue West.

Surrounding Property:

CBOA-2833 August 2020: The Board denied a *Use Variance* to permit Use Unit 3, Agriculture, in a residential district, on property located at 21609 West 14th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts other residential properties with RS zoning to the west, north, and east. It abuts AG property to the south which appears to be a sand bar used for recreational purposes just north of the Arkansas River.

NEW STAFF COMMENTS:

The applicant requested a continuance until 10.20.2020.

ORIGINAL STAFF COMMENTS:

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).

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: *"Property owner wants approval to cultivate medical marijuana at property."*

According to the submitted site plan, the horticulture nursery will be located in a 1,488 sq. ft. accessory building in the rear of the yard. The accessory building was approved in 2006 (CBOA-2199).

The parcel is located in the fenceline of Sand Springs and is included in their Comprehensive Plan. The plan calls for a Residential land use designation which can be viewed on the attached Land Use Map. The Sand Springs Comprehensive Plan was adopted in 2017. A public hearing is set before Tulsa Metropolitan Planning Commission on October 7, 2020 for consideration of adoption into the Tulsa County Comprehensive Land Use Plan.

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."

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 310
Tuesday, March 21, 2006, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, March 15, 2006 at 3:17 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

MINUTES

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of February 21, 2006 (No. 309).

NEW APPLICATIONS

Case No. 2199

Action Requested:

Variance of the maximum permitted square footage for an accessory building in an RS district (Section 240.2.E), located: 1372 South 220th Avenue West.

Presentation:

Leo Croley, 1382 South 220th West Avenue, Sand Springs, Oklahoma, proposed to construct a building as an annex to the house for storage purposes. He submitted an application to combine his two lots to comply with the zoning code for the square footage of the building. He provided a petition of support, photographs and a letter of support (Exhibits A-1, A-2 and A-3).

FILED

Comments and Questions:

Mr. Walker asked if utilities would be connected to the building. Mr. Croley replied they would only have electricity to the building, no plumbing or gas. He also explained they are building it with a second story for the storage because of the history of the river overflowing the banks. The windows are built high not lower like a house.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the maximum permitted square footage for an accessory building in an RS district (Section 240.2.E), subject to a lot combination of the two lots, and not to be used for a dwelling, finding the combination of the lots allows for the square footage of the building, on the following described property:

LT 12 BLK 8CANDLESTICK BEACH, Tulsa County, State of Oklahoma

Case No. 2200

Action Requested:

Special Exception to permit a child care facility (Use Unit 5) in an RS district; and a Variance of the 25 ft. building setback from an abutting R zoned property, located: 4840 West 45th Street South.

Presentation:

Shirley Kent, 4840 West 45th Street, proposed to open a child care facility. The existing accessory building is now used for storage but would be converted to a day care for up to twenty children. She pointed out there is easy access.

Comments and Questions:

Mr. Hutson noted the unanimous support of the neighbors. Mr. Hutson also commented the setback would be in compliance with the zoning code.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVAL** a Special Exception to permit a child care facility (Use Unit 5) in an RS district; and a Variance of the 25 ft. building setback from an abutting R zoned property to the existing 7 ½ ft., finding this is a transitional neighborhood; when it was built it was

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Modification** to a previously approved Special Exception (CBOA-2641) for a wedding/event venue with accessory lodging (Use Unit 2) to extend the time limit indefinitely in the AG District (Section 310). The hours of operation are to be Tuesday through Thursday, 9:00 A.M. to 6:00 P.M., and Friday through Saturday, 9:00 A.M. to 12:00 midnight. There is to be no music played after 11:00 P.M.; for the following property:

E/2 SW SE SE LESS .12 AC FOR RDS SEC 23 21 13 4.88 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2833—Desirae Ozark

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203). **LOCATION:** 21609 West 14th Street South

Presentation:

Desirae Ozark, 21609 West 14th Street South, Sand Springs, OK; stated her property is zoned residential and she would like to have the zoning changed to agricultural so she can have a horticulture nursery on the property. Ms. Ozark stated she has discussed the proposed change with her neighbors and the neighbors directly to the east are in attendance to show their support; all three neighbors around her are in support of this request. Ms. Ozark stated that some of the neighbors did express concern about the crop that would be grown in the shop. This site would just be a grow site, there would be no distribution, no selling, no customers and grow addresses are not public so it will not hurt home values because no one will know the shop exists. Ms. Ozark stated she is a realtor so she is aware of what can affect home values. Ms. Ozark stated a neighbor had expressed a concern about the smell and she will be installing an air filtration system so there will be no smell. The neighbors will have no idea that the facility is there other than the fact that this request process has been done to let them know.

Forrest Ozark, 21609 West 14th Street South, Sand Springs, OK; stated there is one neighbor that will probably speak out against this proposal, but he is against anything that might happen in the neighborhood; his nature is to be difficult.

Mr. Hutchinson asked Ms. Ozark how many plants would be grown in the building. Ms. Ozark stated the building is 900 square feet and she is not sure how many will grow and how many she will be able to keep alive. The growing process is hard, and it takes a lot to have a harvestable crop. The shop is heated, cooled, and insulated and if they had to do this elsewhere, she would have to purchase property and build a structure. Mr.

Ozark stated that finances will be a factor also because the installation of lighting will be expensive.

Mr. Hutchinson asked the Ozarks about security of the site. Ms. Ozark stated there is an existing security fence around the back of the property, and there are cameras with future cameras to be installed.

Mr. Hutchinson asked if the facility would be an LLC. Ms. Ozark answered affirmatively and stated that she has not started that process because this hearing is the first step.

Mr. Johnston asked Ms. Ozark if anything would change in the exterior appearance of the building. Ms. Ozark answered no.

Mr. Johnston asked Ms. Ozark how they would be removing the plant material. Ms. Ozark stated the plants will be taken from the shop and transported to a testing center, and the plants will never come back to the property.

Mr. Hutchinson asked Ms. Ozark if she took the entire plant to be tested or is it just the bud taken to be tested. Ms. Ozark stated that it is just the buds of the plant that are taken to be tested.

Mr. Charney asked Ms. Ozark if there would be any increase in traffic as a result of this proposed operation other than the personal vehicles. Ms. Ozark stated there would no increase in traffic.

Interested Parties:

Diana Ozark, 21603 West 14th Street, Sand Springs, OK; stated she lives next door to the east and she is here today to support this request.

James Ozark, 21603 West 14th Street, Sand Springs, OK; stated Forrest is his son and he does not see a problem in having the grow facility next door.

William Wilkins, 21521 West 14th Street South, Sand Springs, OK; stated he lives three doors east of the subject property. His concern is not with what Ms. Ozark wants to do but his concern is in the way it is being done. This is essentially seeking to rezone a residential use district to allow the agriculture use. There is a reason the Zoning Code does not provide for an agricultural Use Unit 3 by right or Special Exception. This would open up this densely packed neighborhood to all kinds of requests for other agricultural uses. Many people built or purchased houses in this neighborhood understanding that there was no agricultural use permitted. The residents chose a more traditional neighborhood in the County rather than an outlying larger cluster of residential that would allow agricultural use. The neighborhood is like a city neighborhood, single family residential houses that are sitting side by side as found in most city neighborhoods. There is no agricultural growth or livestock in the neighborhood beyond small personal gardens. The application made states that it is for a non-residential use. The neighborhoods current restricted covenants state that the lots are known for and

described for residential use only. Staff has stated that the applicant is seeking this accommodation for an indoor marijuana grow room in the detached accessory building. It is well documented that such grow rooms produce odors that are inconvenient to say the least, especially when the product is being dried. The odor will have adverse impact on neighbors and their property values. Mr. Wilkins stated that Section 16.080.1A of the Zoning Code states that the Board of Adjustment may only grant the Special Exception use as designated. There is no allowance within a residential district provisions under Section 410 for Use Unit 3 or an accessory use in Section 420. Mr. Wilkins stated that he believes such a use belongs in a dedicated commercial or agricultural zoned district not a residential district.

Mr. Charney stated that the applicant is seeking a Use Variance not a Special Exception, he just wants to make certain that everyone understands the request.

Christina Nichols, 21488 West 13th Place South, Sand Springs, OK; stated she lives five lots east of the subject property. She does not have an issue with the way the Ozarks are conducting this request because they are trying to do everything legally, but she has an issue with the fact that the neighborhood is not zoned for agricultural. She believes this will set the neighborhood up for more traffic if the word gets out that there is a nursery in the neighborhood. The other issue is that the HOA is currently reviewing the neighborhood covenants. The neighborhood cannot have farm animals because the area is residentially zoned. Ms. Nichols stated there are also concerns about the children in the neighborhood.

Mr. Charney stated the Board tries to analyze requests separate and apart from any private covenant issues. The Board recognizes that their purview is to determine whether or not a Variance should or should not be granted separate and apart from private covenants. The Board does not make their decisions based upon construing or analyzing or interpreting private covenants. The Board recognizes that the respective property owners, regardless of what the Board says, may say a request violates a covenant and they have a right pursue whatever approach they may think is consistent with the covenants or whatever legal means are available. Mr. Charney stated that he wants to make sure the interested parties understand that is not the focus of this Board. This Board is strictly a land use planning component to determine whether what is being sought is injurious to the neighborhood or inconsistent with what would otherwise be going on in the neighborhood.

Rebuttal:

Desirae Ozark came forward and stated she plans to implement a carbon filtration system so there will be no smell that gets out into the neighborhood. The neighborhood is unique in that it is right on the Arkansas River and is surrounded by agricultural property; the lots are spread out. Neighbors ride around on four-wheelers and golf carts which are not something that is seen in an inner-city neighborhood. The neighborhood is a rural style neighborhood. Across the street from her property is a beach, the levy, and the Arkansas River; she does not have close neighbors. The interested parties that spoke live down the street from her and they would not be directly impacted from her

proposal. Ms. Ozark stated that she knows people that have grow facilities and the carbon filtration system is the system they use to contain smell because that is what a carbon system is for. A carbon filtration system is to purify the air and remove smells.

Mr. Hutchinson asked Ms. Ozark if her property was about 1/3 acre. Ms. Ozark answered affirmatively.

Mr. Hutchinson asked staff if there is still a slight smell even with the use of a carbon filtration system. Ms. Tosh stated that there is still a slight smell and there are complaints about smells. Putting a grow facility in a neighborhood may be a negative side effect of the facility. No matter how much filtration is used you can still smell them. Mr. Ozark stepped forward and stated that the smell would be contained to the immediate area around the facility with the carbon filtration system, it would not permeate the neighborhood.

Comments and Questions:

Mr. Hutchinson stated he has a problem with this being in an RS zoning. He thinks Tulsa County is very liberal in what they allow as far as the AG, commercial or industrial zoning. He would have a hard time supporting this request because it is in a residential neighborhood.

Mr. Charney stated that he agrees with Mr. Hutchinson. This property is a 1/3 acre which is standard for a city sized lot, and if there is an odor associated with the grow facility, he has trouble with it being in an RS District.

Mr. Dillard stated he has no problem with this request because of the filtration system; there would be no complaints if the applicant were growing tomatoes. Because the applicant wants to grow marijuana there is the social issue that goes with it and the public hides behind the smell.

Mr. Johnston agreed with Mr. Dillard. Mr. Johnston stated this is an existing building and it does not show as a grow facility. He could support this request, but if the existing building were to be enlarged or it became an outdoor grow facility his opinion would be different.

Mr. Crall stated that he understands a Use Variance cannot be based on financial burden, and that was the only reason given for this request. He does not think that is sufficient for him to approve this request in a residential area on a small piece of property.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-2-0 (Charney, Crall, Hutchinson, "aye"; Dillard, Johnston "nays"; no "abstentions"; none "absent") to **DENY** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a RS District (Section 1203); for the following property:

LT 2 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA



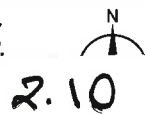
Subject Tract

CBOA-2845

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

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Aerial Photo Date: February 2018





W 14 STS

S 221 WAVE

S 220 WAVE

W 13 PLS

W 14 STS



Subject Tract

CBOA-2845

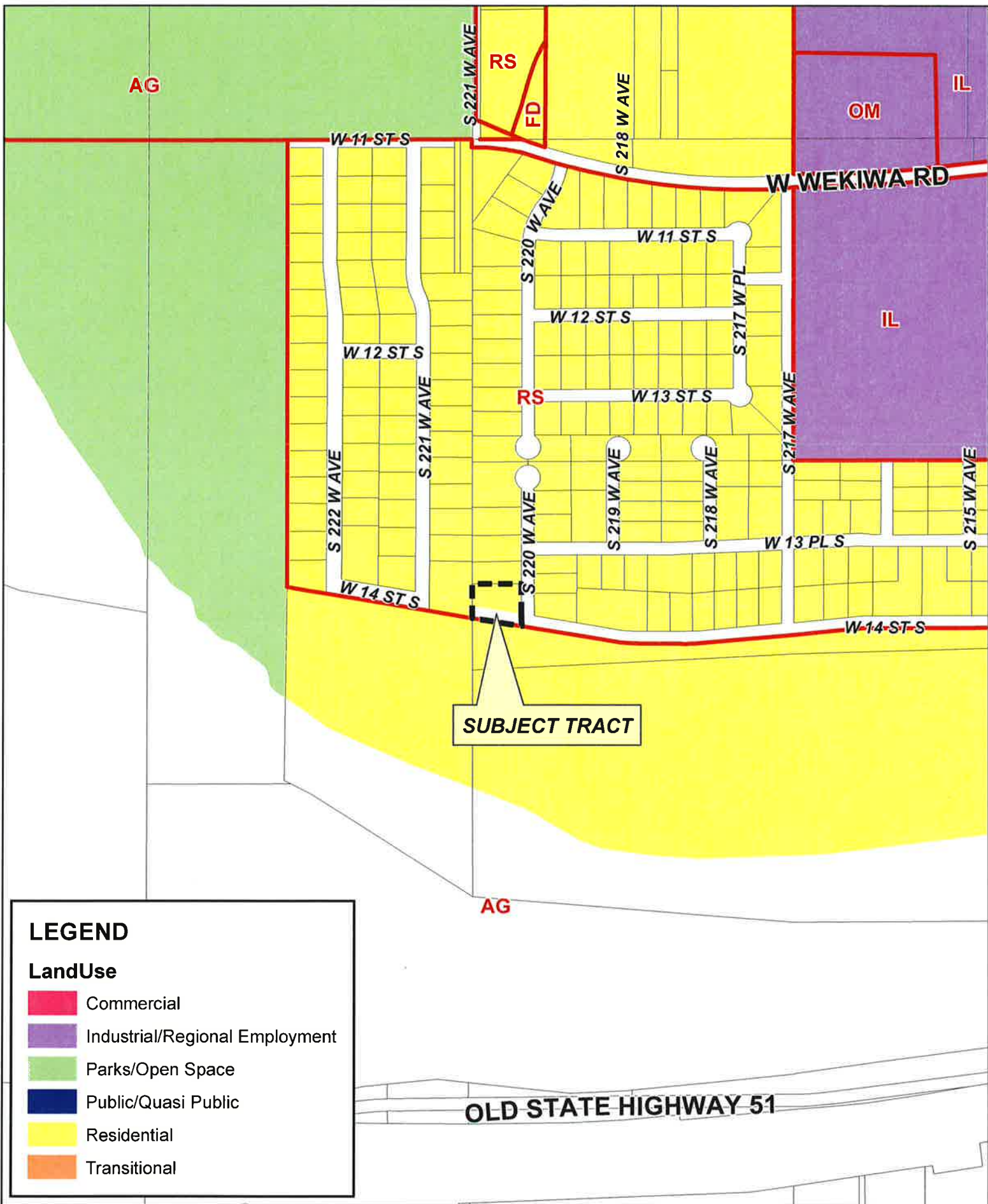
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Aerial Photo Date: February 2018

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LEGEND

LandUse

- Commercial
- Industrial/Regional Employment
- Parks/Open Space
- Public/Quasi Public
- Residential
- Transitional

SUBJECT TRACT

OLD STATE HIGHWAY 51

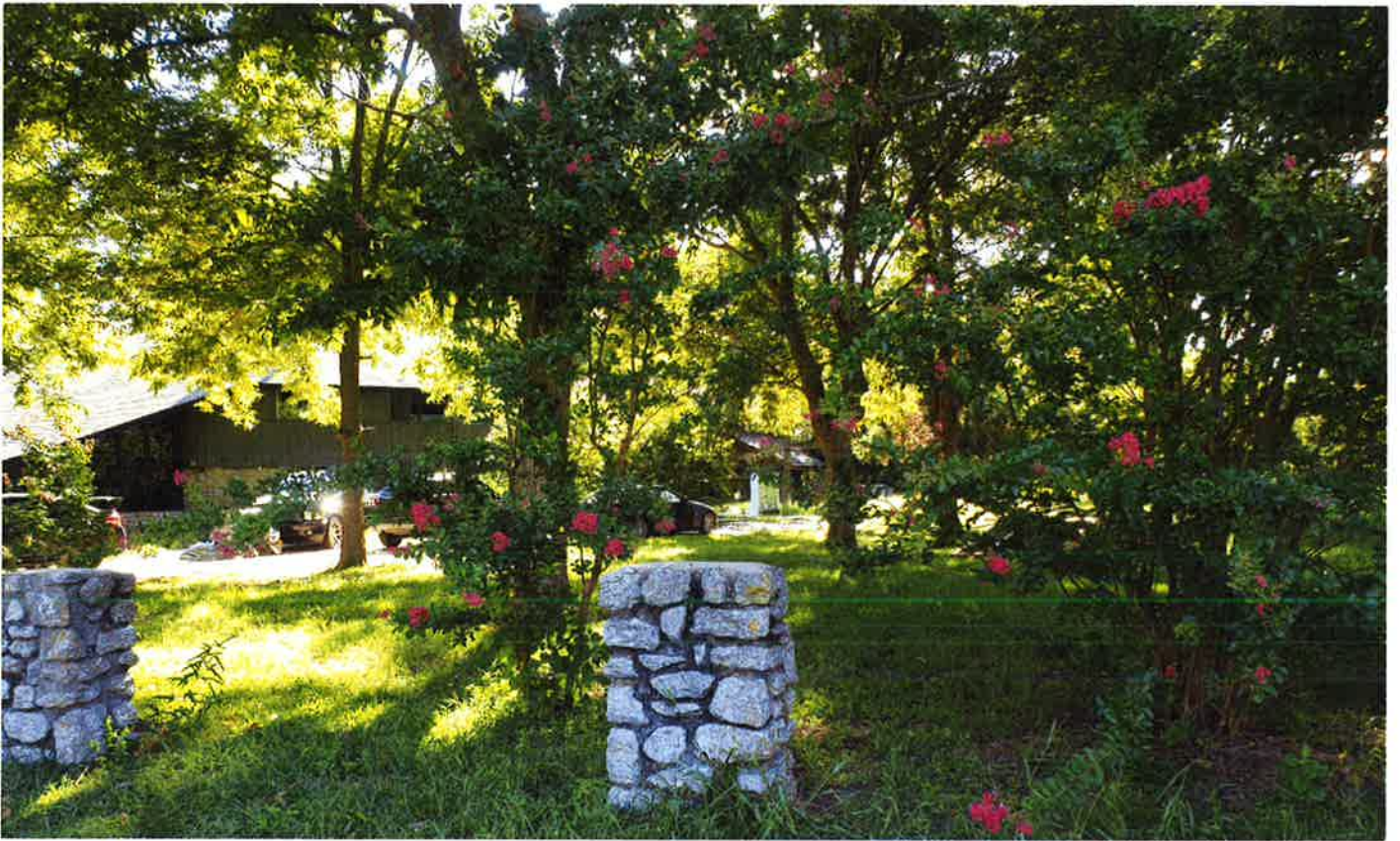


CBOA-2845

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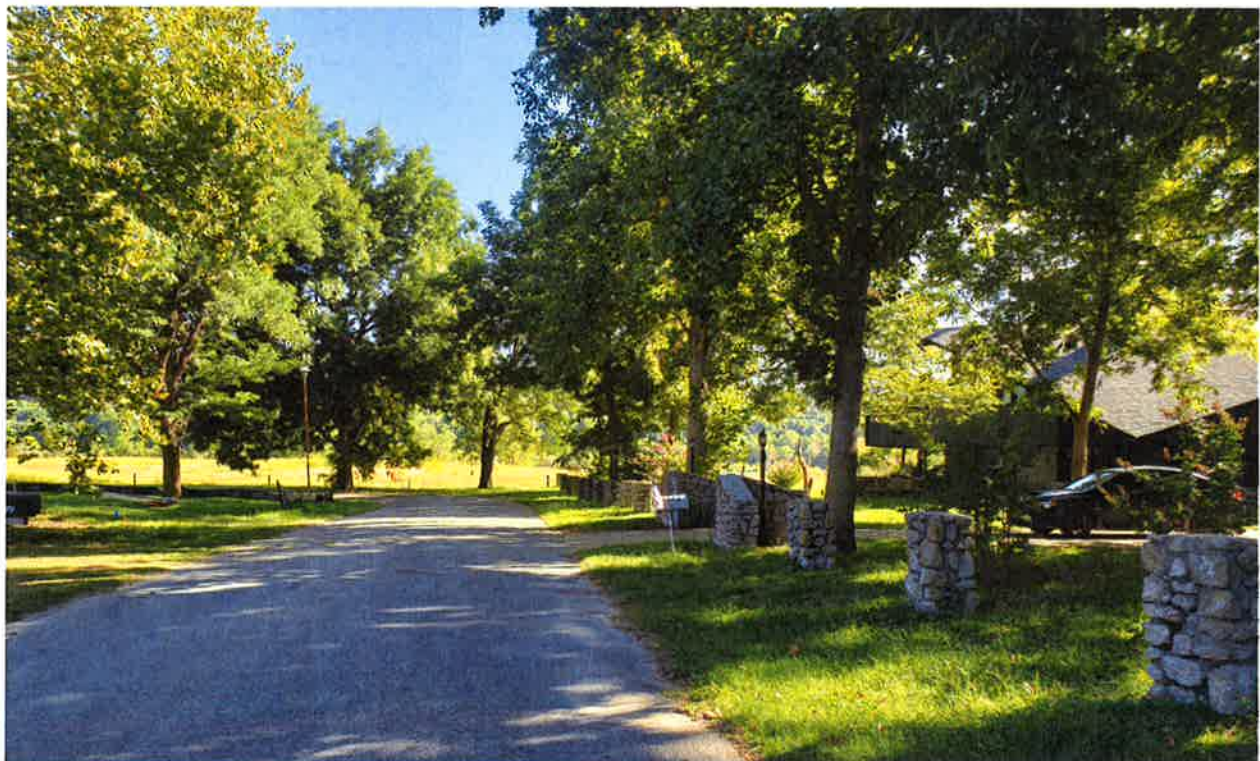
Looking southwest from S. 220th W. Ave.



Looking slightly southwest from S. 220th W. Ave.

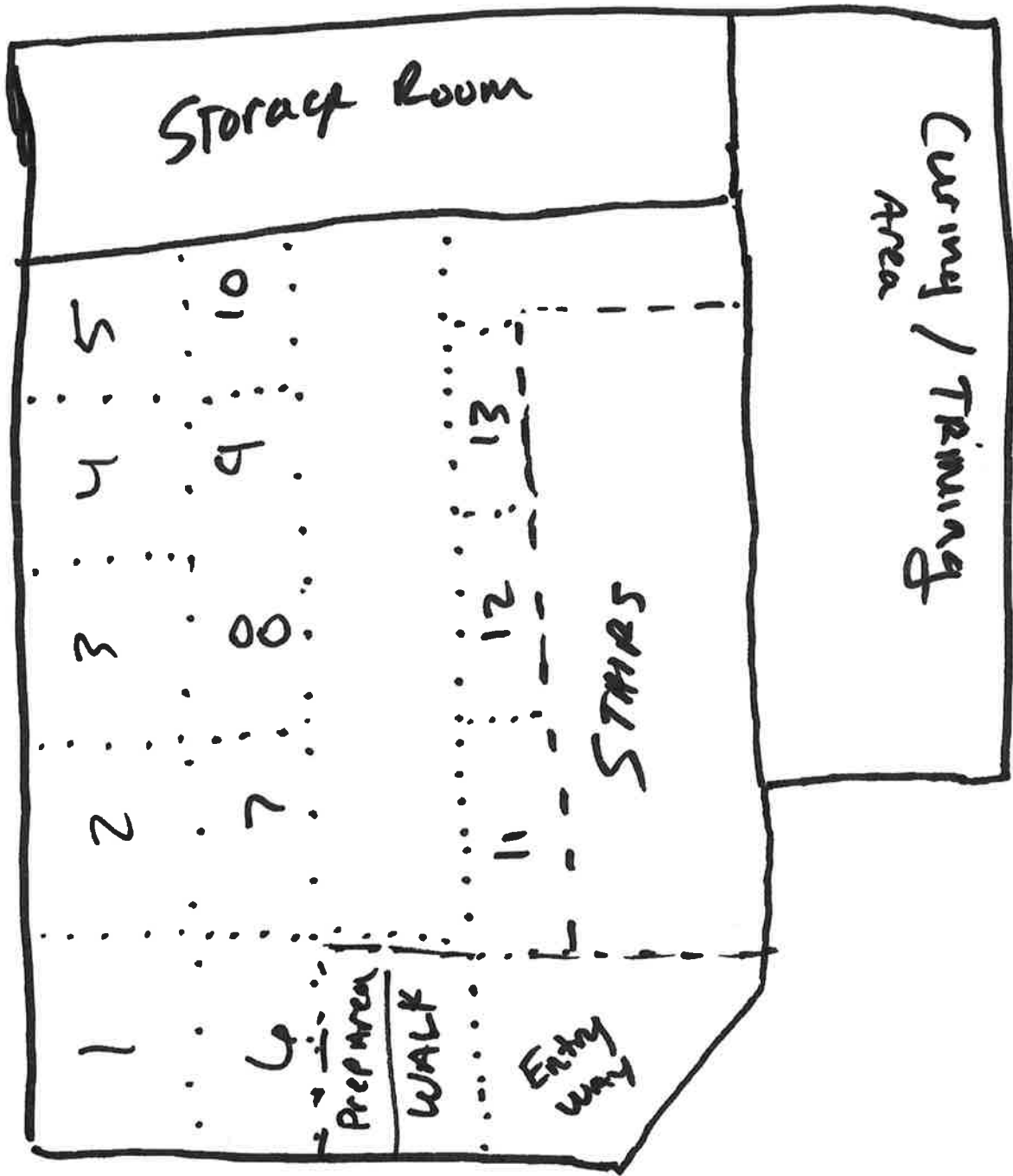


Looking north from S. 220th W. Ave.



Looking south from S. 220th W. Ave.

Down Stairs Veg Room + Storage + Drying



Number = lights

4P STAIRS Flower Room

1	2	:	9	10	:	29	30
3	4	:	11	12	:	31	32
5	6	:	13	14	:	33	34
7	8	:	15	16	:	35	36
STAIRS		:	17	18	:	37	38
		:	19	20	:	39	40
		:	21	22	:	41	42
		:	23	24	:	43	44
		:	25	26	:	45	46
		:	27	28	:	47	48
WALK / Prep Area							

Number
= Lights

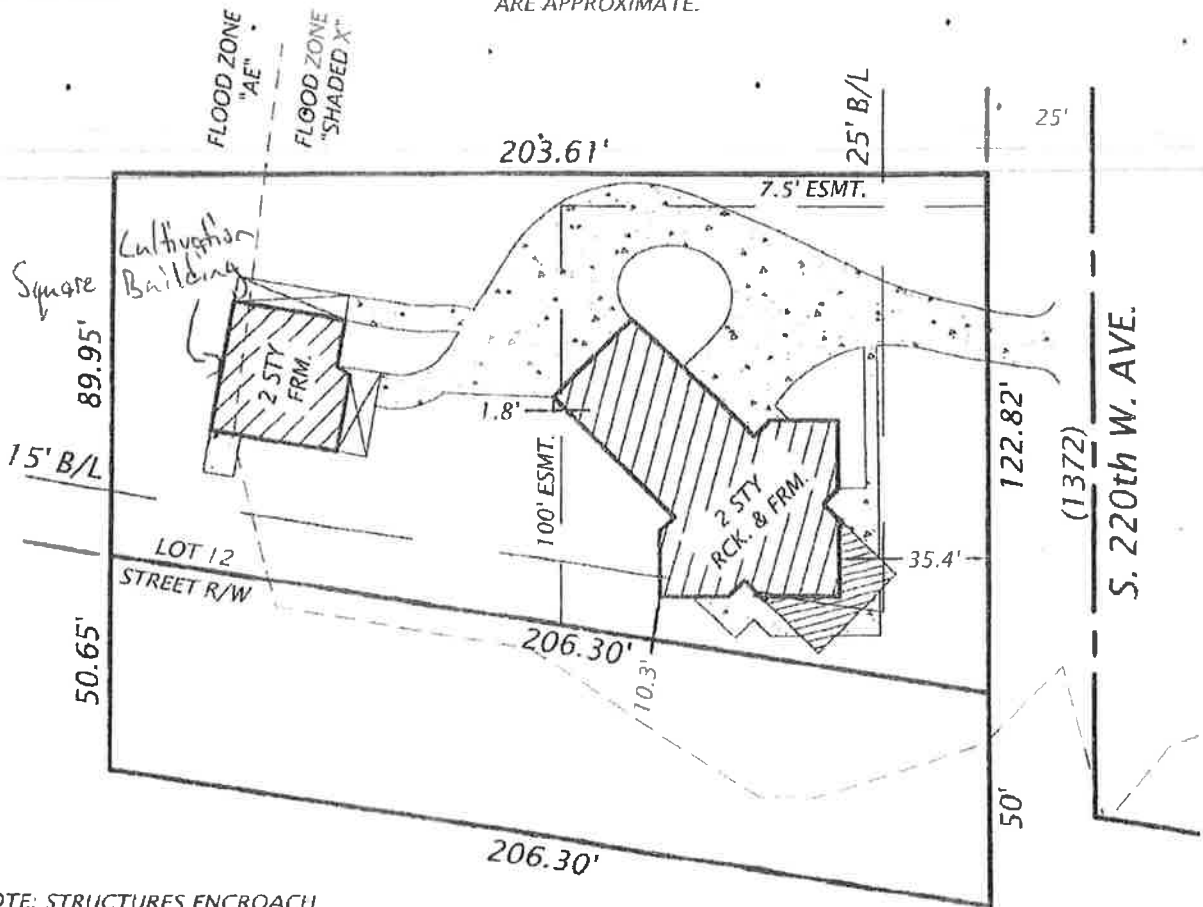
CMTT
315



SCALE
1" = 30'
PLAT NO. 2548

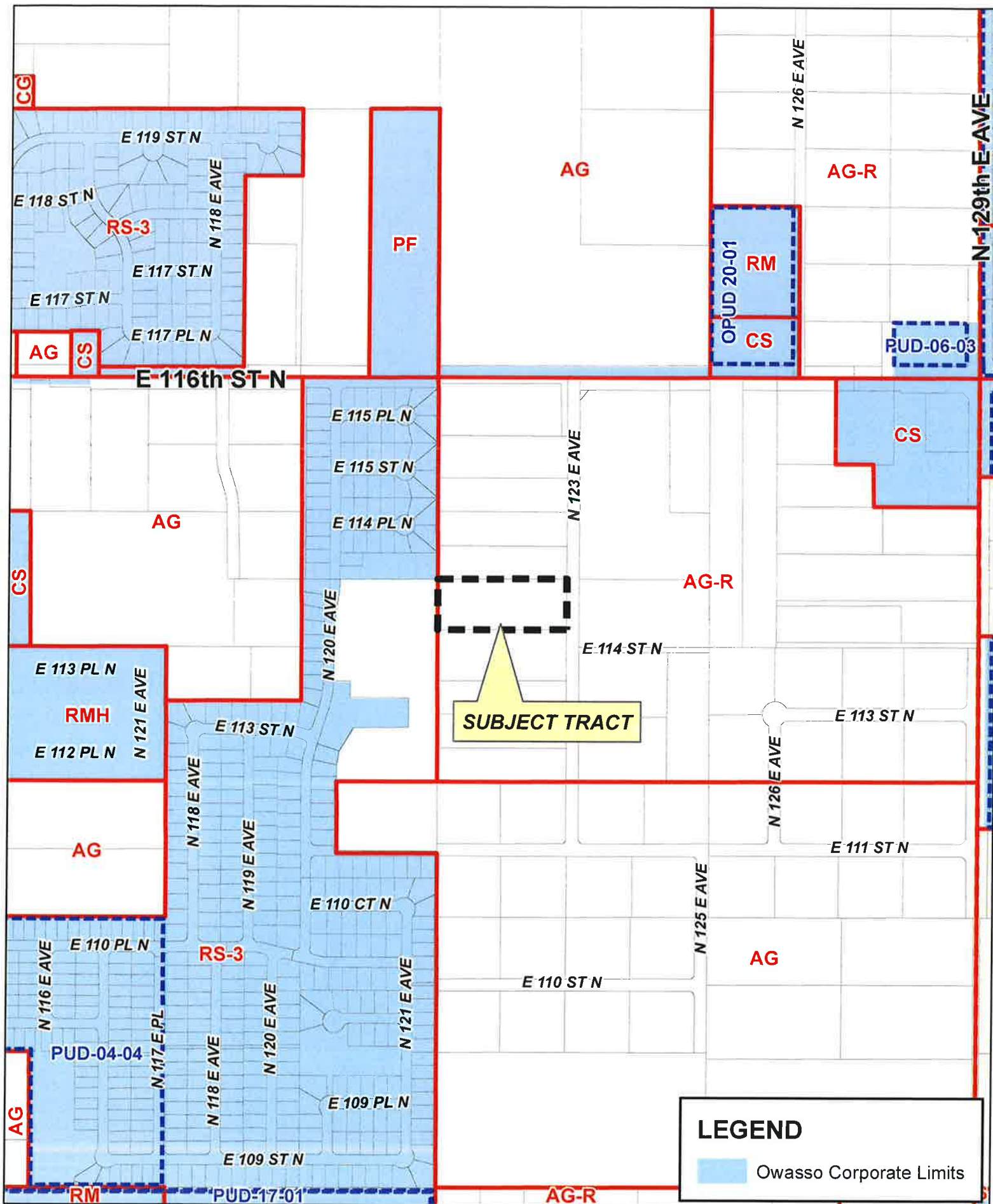
NOTE: FLOOD ZONE LOCATIONS
ARE APPROXIMATE.

Cultivation
Area = 1,488 Square
Feet



NOTE: STRUCTURES ENCRACH
INTO REAR 100' ESMT. AS SHOWN

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CBOA-2852

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21-14 08

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1408

CASE NUMBER: CBOA-2852

CZM: 12

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Chad Ramsey

ACTION REQUESTED: Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

LOCATION: 11326 N 123 AV E

ZONED: AG-R

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 3.58 acres

LEGAL DESCRIPTION: N/2 OF S/2 SW NW NE & N/2 N/2 NW SW NE LESS E30 THEREOF FOR RD SEC 8 21 14 3.580ACS, REMINGTON PLACE

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoned properties with residential uses to the north, east, and south. The property to the west appears to have a residential use.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The site plan provided by the applicant, shows a 60' x 50' grow area in the rear of the property. The grow area will consist of 8 8' x 40' shipping containers and 1 8' x 20' shipping container. Staff spoke with the County Permit Center about the use of shipping containers and learned that they can be used for growing medical marijuana.

The applicant has provided the following statement (a hardship is not required for a special exception):

1. "The current zoning (AG-R) is impeding the ability of the owner to utilize the property in a manner that is required to be zoned (AG) by Tulsa county; by definition as stated in the current Tulsa County zoning codes, the owner's property meets requirements of AG zoning.

2. The applicant's property is 3.58 acres, which is very similar to at least 10 properties on or near 121st in between Garnett and 129th East Ave that are zoned AG that wouldn't have the same restrictions applied to those properties.
3. The proposed site wouldn't draw any attention to the property or affect any nearby property owners. Proposed sight wouldn't appear any different than several properties containing structures near the applicant's property."

The parcel is located in the fenceline of Owasso and is included in their Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan. The plans call for a Transitional land use designation which can be viewed on the attached Land Use Map. The Owasso Comprehensive Plan was adopted in 2014 and then amended in 2016 and 2018. The Tulsa County Comprehensive Land Use Plan was adopted July 2019. The Transitional Designation is described below:

The Transitional Land Use District represents a transition zone from single-family residential development to non-residential development. Typical uses found in the transitional use zone include attached housing (e.g. duplexes, apartments, townhouses) and office uses. This district would not be suitable for multiple story office buildings if adjacent to single-family neighborhoods. Office areas within this district would include planned office complexes and single use office facilities.

Transitional zones generally act as a buffer between higher intensity uses such as commercial and lower intensity uses such as single-family residential. Additionally, there is normally a connection to an arterial street from the Transitional District. Transitional Districts can also be integrated with planned unit developments as part of a larger neighborhood master plan.

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

Sample Motion:

"Move to _____ (approve/deny) Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

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

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

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Looking south from N. 123rd E. Ave. - entrance to the subject property.



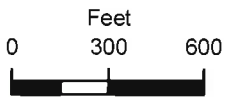
Looking north from entrance of the subject property on N. 123rd E. Ave.



Looking west toward subject property from N. 123rd E. Ave.



Looking slightly southwest into subject property from N. 123rd E. Ave.



Subject Tract

CBOA-2852

21-14 08

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

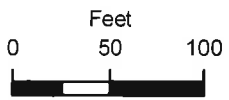
Aerial Photo Date: February 2018

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N 123 E AVE



Subject Tract

CBOA-2852

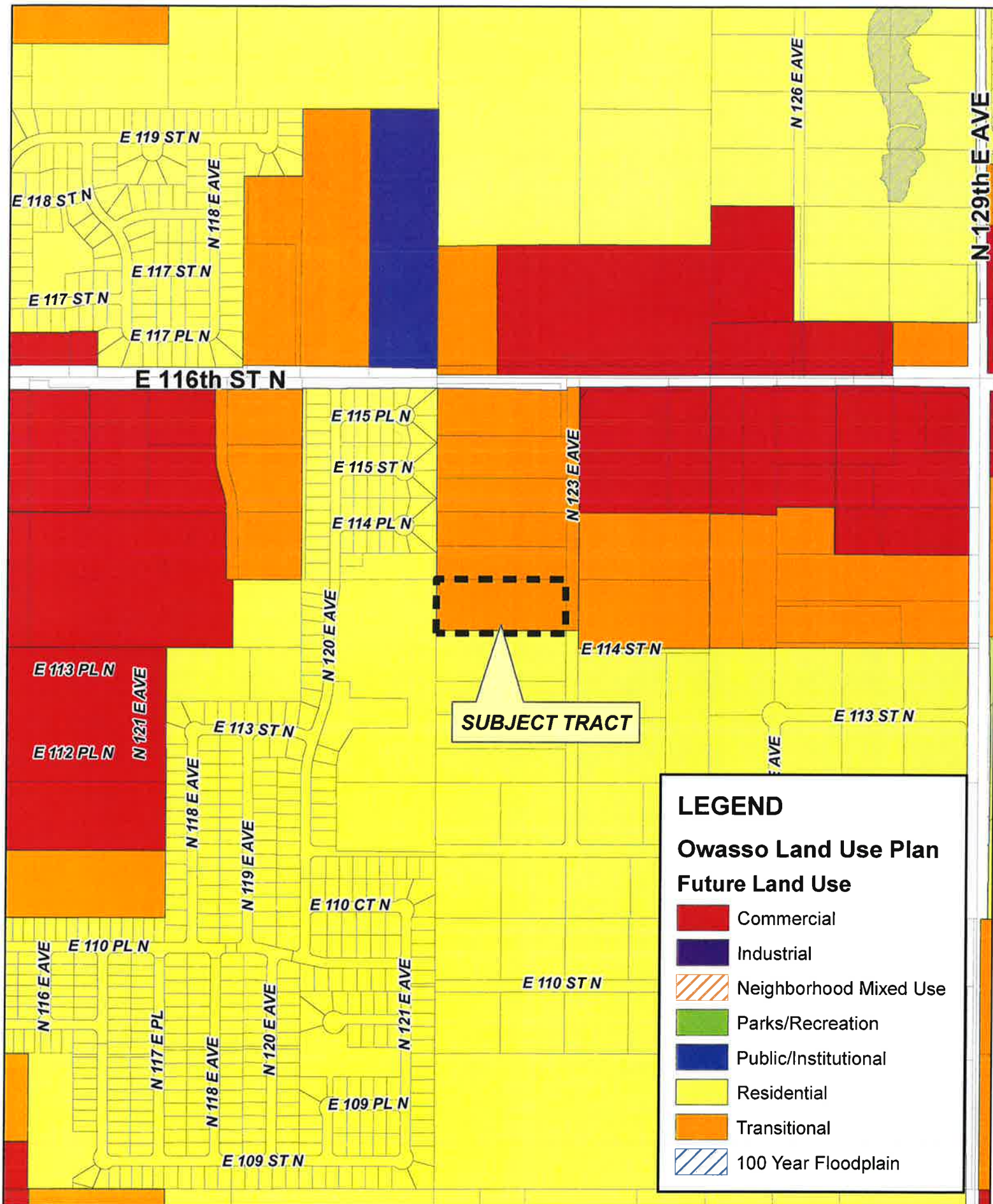
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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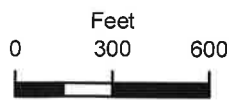




LEGEND

Owasso Land Use Plan
Future Land Use

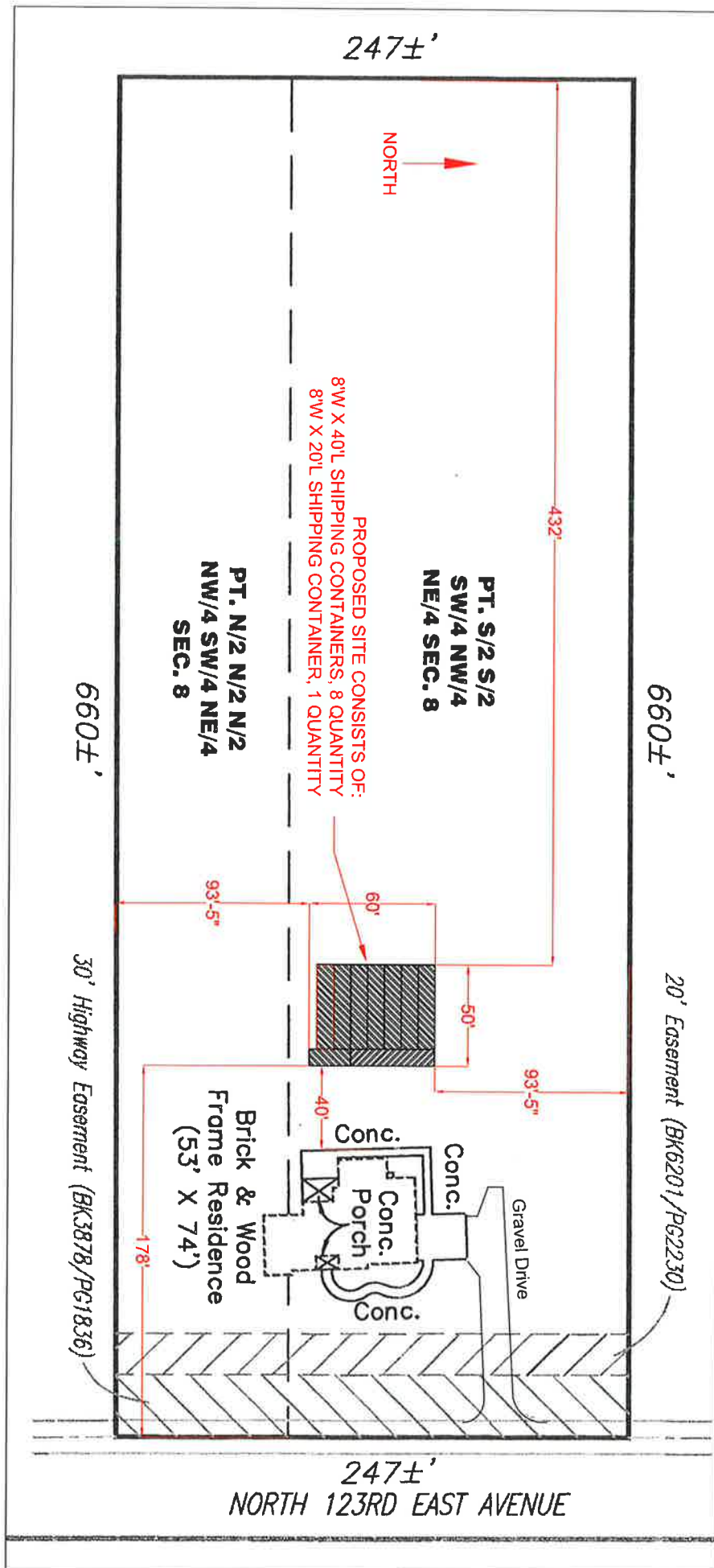
- Commercial
- Industrial
- Neighborhood Mixed Use
- Parks/Recreation
- Public/Institutional
- Residential
- Transitional
- 100 Year Floodplain



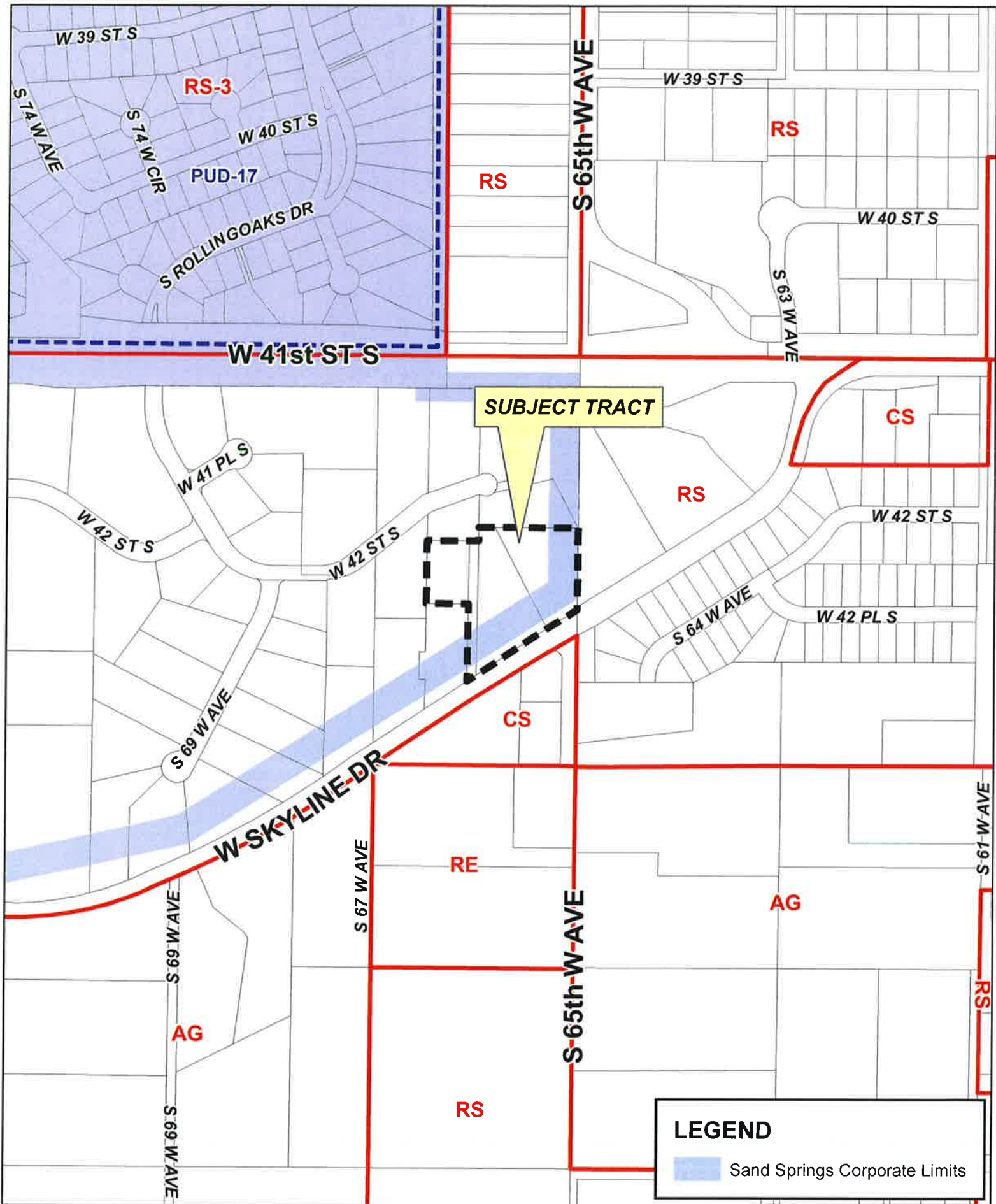
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LEGEND

Sand Springs Corporate Limits



CBOA-2853

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19-12 30



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9230

CASE NUMBER: CBOA-2853

CZM: 45

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: James Bagwill

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

LOCATION: 6517 W SKYLINE DR S

ZONED: RS

AREA: West Central Tulsa County

PRESENT USE: Residential

TRACT SIZE: 3.85 acres

LEGAL DESCRIPTION: BEG 550S NEC NE NE TH W277.13 SE381.50 NE120 N272 POB SEC 30 19 12 1.388ACS; E30 E/2 W330 E660 NE NE LYING N OF SKYLINE DR LESS N594 THEREOF SEC 30 19 12 .314AC; PRT NE NE BEG 550S & 277.13W NEC NE NE TH W52.87 S491.17 TO PT ON NLY R/W LN SKYLINE DR TH NE277.84 NW381.50 POB SEC 30 19 12 1.509ACS; E/2 W330 E660 NE NE LYING N SKYLINE DR LESS N594 & LESS BEG SWC TH N354.15 E135 S260.58 TO N R/W SKYLINE DR TH SW164.26 POB & LESS E30 SEC 30 19 12 .638AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2531 May 2015: The Board approved a *Variance* of the allowed square footage for accessory buildings from 750 ST to 2,400 SF to allow for two detached accessory buildings; and a *Variance* of the requirement that detached accessory buildings must be located in the rear yard, on property located at 6831 West 41st Place South.

CBOA-1866 June 2001: The Board approved a *Variance* to permit an accessory structure on a lot that does not contain a principal dwelling unit to permit a lot split, with the time period to begin construction of five months, on property located at 6505 West 42nd Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the west, north, and east with residential uses and one parcel to the north appears to be a church use. Parcels to the south of the property have CS zoning with both commercial and residential uses.

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) and a Variance to allow a detached accessory building in the side yard. (Section 240.2.E).

4.2

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: *"Would like to build a 2,400 SF building- storage - shop on my 4-acre lot."*

According to the drawing provided by the applicant, he is proposing to construct a 40' x 60', (2,400 SF), detached accessory building northeast of the existing house on the site. The applicant has requested a variance to increase the total permitted square footage of accessory buildings to 2,400 SF. The proposed building will be in the side yard, so the applicant is also requesting a variance to allow a detached accessory building in the side yard.

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); Variance to allow a detached accessory building in the side yard. (Section 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.

making for a makeshift community. Mr. Walker stated that he does not see how an AG-R zoned piece of property can support an auto repair shop, though the graphic design business does not bother him.

Mr. Dillard stated that based on the fact that there are no protestants in attendance today and the fact that Mr. Chaffin has conducted business on the subject property since 1998 he thinks to close him down would be an undue hardship. Mr. Dillard stated he can support the continuance of Mr. Chaffin's business.

Mr. Crall agreed with Mr. Dillard.

Mr. Charney stated the business is behind the home and recessed from the road quite a bit, and given the configuration of the land being a long skinny tract without a lot of frontage coupled with the rural nature of the road he could support this request.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-1-0 (Charney, Crall, Dillard, Hutchinson, "aye"; Walker "nay"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to allow a graphic design business (Use Unit 15) and an auto repair business in the AG-R District. The hardship for the request is that the land has a unique nature of being very narrow and long, and the rural nature of the road fronting the property being peculiar characteristics to permit both uses. The approval will have two conditions, one is, that the existing commercial building not be expanded and no additional square footage be allocated to these uses; secondly, that the outside storage and/or repair work be done behind the residential structure away from the road where it will not be seen from the roadway; for the following property:

W/2 E/2 E/2 SE SW SEC 29-19-10, OF TULSA COUNTY, STATE OF OKLAHOMA

2531—Steve Younger

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Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); Variance of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2). **LOCATION:** 6831 West 41st Place South

Presentation:

Steve Younger, 6831 West 41st Place, Tulsa, OK; stated the last time he was before the Board his presentation was a little vague because there were people that were opposed to the request. Mr. Younger stated that he met with some of the owners in Block 4 to clarify his intent regarding the property where he would like to build the RV drive. The RV building will be over 90 feet from the street and the people from Block 4 agreed that the proposed building would be okay with them. Mr. Younger referred to

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pictures showing the wet backyard that he presented to Board. The building will be similar to the one the Mr. Johnny Perkins has at his house which the Board approved previously. Mr. Younger stated that he originally requested a 40'-0" x 50'-0" building and he has pared it down to a 30'-0" x 50'-0" building with a storage shed for a total of 1,900 square feet not the 2,400 originally requested.

Mr. Charney asked Mr. Younger where the storage shed would be located on the property. Mr. Younger stated that it will be behind the house.

Interested Parties:

Erik Nelson, 6920 West 42nd Street, Tulsa, OK; stated he lives on the adjacent block. His main opposition is the location of the building because it is in the direct view of front yard. It is not acceptable to him to have a view of a building from his front yard. It is his understanding that it is against the zoning, and it is against the covenants. Mr. Nelson stated that he reviewed the latest architectural drawing. Another concern Mr. Nelson stated he has is the size the building. Mr. Nelson stated the property is at the top of a hill, it is not a drainage basin and it is not a watershed. From an engineering perspective, which Mr. Nelson stated he is, there is no drainage issue. Mr. Nelson stated there two similar structures in the neighborhood, and the structures are located at the rear of the properties.

Rona Ellen, 6832 West 41st Street, Tulsa, OK; stated she lives in Block 4 and she also owns Lot 1 and part of Lot 2 in Block 4. Those lots are where her family plans to build their future home. Ms. Ellen stated that after the meeting on the 21st she talked with her husband, and the very next they tried to meet with everyone in Block 4 because she feels Mr. Younger did not state his true intent to the Board. Ms. Ellen presented copies of correspondence to the Board and discussed what happened in the meeting, and stated the meeting lasted than 15 minutes. Ms. Ellen stated that she does not care if the Youngers have a 2,400 square foot building or a 1,900 square foot building because he does have a lot of stuff to be stored, but she is concerned on the location. The doors of the proposed building will look into her future kitchen window, and the height of the proposed building will block out the sunrise. Ms. Ellen stated that an outside architect, that offered his services probono, stated that the drainage issues could be addressed because all that would be required would be a road to place the building in the rear of the subject property. Ms. Ellen presented pictures of the Younger's property that she took on Monday morning after storms came through Tulsa and discussed her viewpoints with the Board regarding the pictures. Ms. Ellen asked the Board to have the proposed building placed in the rear of the property.

Mr. Charney asked Mr. Nelson and Ms. Ellen to come forward and point out their properties on the aerial that is in the Board's agenda packet, and each party came forward. Mr. Charney stated that one property is located west of the subject lot and the other property is across the street to the south.

Ray Lusk, 7050 West 42nd Street, Tulsa, OK; stated he has a building that has been referred to by one of the interested parties and that building is land that is outside the

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development, and he did so purposely to escape the covenants. Mr. Lusk stated that he owns three lots, one lot is in Block 2 and two lots that he built his house on in Block 3. Mr. Lusk stated he led the charge to change the covenants in Block 2 and Block 3 and that was done some time ago. Mr. Lusk stated that he also attending the neighborhood meeting that was held a few weeks ago. Mr. Lusk stated that from covenant perspectives he believes that the proposed building is covenant compliant because it is on a cul-de-sac. Because on a cul-de-sac what is not facing the road; it is actually facing the road of the cul-de-sac it is facing another road that one would have to go through a lot to get to, and that would be entrance to the development. Mr. Lusk stated that he believes the proposed building is in compliance with the covenants.

Rebuttal:

Steve Younger came forward. Mr. Charney asked Mr. Younger if he purchased part of the lot to his west and if he split the lot. Mr. Younger answered affirmatively. Mr. Younger stated that part of the proposed building will be placed on the lot that has been split.

Mr. Younger stated that Mr. Nelson had made a comment that when he walks out his door he will see the garage, but from the where the garage will be placed he will not be able to see very much of it. Yet if Mr. Nelson walks out his front door he can see Mr. Lusk's garage to his left, and if it was an issue to see a neighboring garage he would not have bought the house. Mr. Younger stated that if he is going to spend \$75,000.00 on a garage it is not going to be an eyesore, it will add value to the property.

Mr. Younger presented pictures of poultry which is what he sees when looking out his kitchen window referring the statement made by Ms. Ellen. Mr. Younger stated the covenants plainly state there will be no poultry and Mr. Younger raised issues with that fact so there are a lot of things that are not compliant with the covenants. Mr. Younger stated that he does not think the neighbors have a valid argument, and there are water issues on his property but he does not have the money necessary to build a road or culvert.

Mr. Dillard stated the Board members are only going to decide the land use, they are not psychologists so they are not going to attempt to settle the disputes of the community but will decide what the proper land use is.

Mr. Charney stated that when it comes to private covenant issues there are strong feelings about that; covenants are important. In the Board's examination and determination the Board does not take private covenants into consideration because it is a private matter between the developer and the home owner. It may be a factor that the Board would concern itself with but it is not a factor that controls the Board's decision. The Code stipulates there is not to be sideyard detached accessory buildings so in order to vary from that the Code stipulates that the Board must find a hardship for a Variance. Hardships are usually related to matters related to unusual configurations of land or a topographical issue.

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Mr. Younger stated that he cannot emphasize enough that there is a water issue in his backyard. There is a natural spring in one area and water flowing from another area so water and mud is an issue.

Erik Nelson came forward and presented two pictures of the view from his front porch to show that he does not have a direct view of the neighboring garage. Mr. Nelson stated that Mr. Lusk's garage is largely placed back in a wooded area and he has no view of it whatsoever from the side of his house.

Comments and Questions:

Mr. Walker stated that restrictive covenants are a legal matter between the people that own the property, and have nothing to do with the relief requested today. Mr. Younger has also purchased a part of another lot making his lot oversized making that a justified hardship. Mr. Walker stated that he could support this request due to the size of the lot.

Mr. Dillard stated that he is in agreement with Mr. Walker and does not see where it would detract from any home. Mr. Dillard stated that in his background the garage drawings presented to the Board, it is a mansion and he feels this will be good land use. Mr. Dillard stated he can support this request.

Mr. Hutchinson stated that he concurs with Mr. Dillard. Mr. Hutchinson does not think Mr. Younger will do anything that will degrade or devalue his property as well as the other properties.

Mr. Crall stated that the drainage issue in the rear is a special circumstance because the cost to take care of the issue would be prohibitive.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); Variance of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2), with the hardship being the oversize of the basic lot and the drainage situation; for the following property:

LTS 2 & 3 LESS BEG SWC LT 2 TH NW215.31 E65 S180.66 CRV LF 30.25 POB BLK 4 & N315 W245 E905 N711.12 NE NE LESS N100 THEREOF SEC 30 19 12 1.209AC, STRATFORD ESTATES BLK 4, OF TULSA COUNTY, STATE OF OKLAHOMA

2534—Lance Price

Action Requested:

Variance from the minimum land area per dwelling unit requirement from 2.1 acres to 1 acre; Variance from the minimum lot area requirement from 2 acres to 1 acre;

Comments and Questions:

Mr. Hutchinson stated that he agrees with Mr. West, by giving Mr. Burger until the end of April and have Mr. West make a site visit. Then if nothing more is done take the next necessary step.

Mr. West stated that is where the issue enters into a different realm because the property has actually changed ownership. Mr. West stated that if nothing is done he will need to cite the owner.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for an **Appeal** determination of an Administrative Official that a Salvage Yard is operating in an AG District to the Board of Adjustment meeting on May 19, 2015. Thus allowing Mr. Burger until April 30, 2015 to complete the property clean up. The Board requested Mr. West to make a site visit prior to the May 19th meeting and present a report on the property's condition; for the following property:

NE NE NW LESS N50 THEREOF FOR RD SEC 25 21 13 9.247ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

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2531—Steve Younger

Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); Variance of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2). **LOCATION:** 6831 West 41st Place South

Presentation:

Steve Younger, 6831 West 41st Place, Tulsa, OK; stated the application is for a 40'-0" x 50'-0" RV garage and a 20'-0" x 20'-0" building in the rear yard. The 2,400 square feet figure is a little inflated and he is not sure the 20'-0" x 20'-0" building should even be on the application. Originally he wanted a 40'-0" x 50'-0" building so he could have an indoor basketball court/RV garage. But he thinks it would be easier for the Board to approved a 30'-0" x 50'-0" RV garage for the side of his house and in line with his house. The proposed garage will be 96 feet from the street and 84 feet away from the nearest lot. The proposed garage will match the façade of his house which is brick and will comply with the covenants. He will also have trees planted between his house and the closest lot. The location of the proposed garage is so that it will not be visible,

except for maybe the top, from the Nelson's property. Mr. Younger presented pictures to the Board for their review. Once the trees are planted or a barrier fence is erected the garage will not be visible from 69th West Avenue. The garage will not face the cul-de-sac, it will face west as his house does. Mr. Younger presented a picture of Mr. Johnny Perkin's RV garage which is brick with a shingled roof and it does not detract from the value of the Perkins property in his opinion. Mr. Younger stated that if he is approved today his proposed RV garage will be similar to the Perkins RV garage, brick with a shingled roof.

Mr. Walker asked Mr. Younger if the Perkins garage was attached to their house. Mr. Younger stated that it is not. Mr. Walker asked if the Perkins garage faced the street. Mr. Younger stated the Perkins garage faces 73rd West Avenue. Mr. Walker asked Mr. Younger if the Perkins had received approval from the home owner's association for the covenants. Mr. Younger stated there is not an HOA but there are some covenants. There are four blocks in Stratford and each block has its own covenant. There are a lot covenants being broken but the breaking of covenants is not what is under discussion today.

Mr. Younger stated that he purchased Lots 1 and 2 that are next to this property, and sold Lot 1. Then he did a Lot Split on Lot 2 and he kept about 68% of Lot 2 and added it to his existing property. The proposed RV garage will be partially on the newly acquired lot but it will mostly be on his .86 acre lot that he owned previous to the addition.

Mr. Walker stated that restrictive covenants do not impact the Board and does not make a determination for them. The Board looks at land use only.

Mr. Younger stated there are some people that are opposed to the proposed RV garage and some people in favor of it. Mr. Ray Lusk owns a 14,000 square foot house in the neighborhood and called with his support. Mr. Younger stated that Mr. Lusk even gave him some tips about the garage. Mr. Younger stated that Johnny Perkins is his friend and he believes he would support the building of the RV garage. Mr. Younger stated the Perkins would be the property looking straight at the garage and have the most view of it. Mr. Younger stated that there will always be someone objecting to something. But as time passes nobody cares if Johnny has his garage and nobody cares if Ray has his garage, it's funny as you a person lives through this that people want to complain for whatever reason. He wants to improve his property and make things better.

Mr. Hutchinson asked Mr. Younger if he was planning on a 30'-0" x 50'-0" RV garage and a 20'-0" x 20'-0" shed in the back. Mr. Younger stated that he understands he could have 24'-0" x 20'-0" because anything larger requires a Variance, and it is his mistake for putting the shed on the application. Mr. West stated that it still needs to be addressed because there is a maximum of 750 square feet which is a 25'-0" x 30'-0", and the applicant wants relief for the 50'-0" x 30'-0" also it is the combined square footage of the accessory buildings. Mr. Younger stated that he is at 1,900 square feet.

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Interested Parties:

Dewey Miller, 6655 West 42nd Street, Tulsa, OK; stated he is the developer of Stratford Estates. Mr. Miller presented the Board with materials for his presentation. Mr. Miller showed a piece of paper stating it is the official plat for Stratford Estates and that there are six lots. All the lots are sold or occupied. Lots 3, 4, 5, and 6 have homes built on them. Lots 1 and 2 are vacant. A number of years ago the Youngers acquired Lots 1 and 2 from another individual. Subsequently, the Youngers who live on Lot 3 sold the property to the Ellen's that live on Lot 4. Mr. Miller presented a plat of the County of the property just east of the Youngers and that lies outside Stratford Estates. Over the years the Youngers purchased property from Dennis Sadler. Mr. Miller stated that Mr. Younger stated he would like to have the property behind his so he either build on it or know that no one is behind his property. As a developer he is more interested in the process and like to follow the process so the development has integrity and coherence. There are rules and regulations for Stratford Estates that Mr. Miller presented to the Board. Mr. Miller stated that the Youngers sold Lots 1 and 2 to the Ellen's. About a year ago after the sell of the lots there was a lot split, splitting Lot 2. Item #5 of the covenants specifically states that there is to be no lot splits unless it is approved by the developer. Mr. Miller stated that he understands the Board does not take covenants into consideration, but he is also under the impression that the Board does not take steps to undermine the covenants. If a Variance is granted on top of an existing error it will compound the issue because the developer has the wherewithall to either approve or disapprove of lot splits. The developer should more involved with the granting of Variances, and he has granted Variances. Mr. Perkins went through the process that is outlined in the covenants to receive his Variance. The Youngers received a set of covenants when they purchased the property and they signed them. Everybody else has adhered to the covenants and went through the necessary steps to receive a Variance. Mr. Miller stated that what took place in Mr. Lusk's case is that he recognized he did not want to adhere to the covenants so he bought an acre directly behind his house outside of Stratford Estates and built an RV garage. Everybody was under the opinion that the Youngers were going to do the same thing. Mr. Miller stated that he wants to maintain the integrity of Stratford Estates. At this point in time Lot 2 can be sold but it cannot be built on because the minimum square footage has been reduced to where it cannot have a septic system. Mr. Miller stated that the Youngers never spoke to him about a lot split. There are numerous steps through which a Variance can be granted. There is a mechanism within the covenants that would allow the Youngers to request a Variance through the people that live in Block 4. The Youngers should follow the described path that the covenants clearly lay out and receive a Variance based on pre-existing conditions. Mr. Miller hopes that the Board would respect what everyone else has gone through because these homes are hundreds of thousands of dollars. The Youngers can amend their convenants by going to their neighbors and then coming before the Board to request a Variance. The process has not been followed and there is no justice for what everyone else has gone through.

Rona Ellen, 6832 West 41st Place, Tulsa, OK; stated she lives on Lot 4 and she owns Lot 1 and a portion of Lot 2. She bought the lots before they purchased the house they are living in. She asked the Youngers to sell her Lot 2 so she could build a house. She

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did not know the lots could not be split. The Youngers agreeably sold them a portion of the lot but would not sell the entire lot. She owns two lots in Block 4 and from her current lot from her front porch she can see where the Youngers would like to erect the RV garage. Ms. Ellen stated that the developer could not tell her anything about the proposed RV garage, i.e., the materials being used. The side the Youngers would like to build the RV garage is on the side of their house that has no windows so they will not have to visually see the garage except from their pool and backyard. Ms. Ellen stated that from her current home she have to stare at it, and from the home that she would like to build her kitchen window, pool patio, and outdoor kitchen will face it. That is something that she does not want to see. The trees the Youngers stated they have planted are one gallon trees currently and are tiny trees. Ms. Ellen stated the Youngers have a habit of letting their friends park their RVs in the cul-de-sac and they can be there for three days, and the Youngers have never discussed this with the neighbors. Ms. Ellen presented a picture to substantiate the statement. Ms. Ellen stated that she does not necessarily care about the size of the proposed RV garage but Mr. Younger has 2.73 acres for it.

Mr. Dillard stated that Ms. Ellen needs to speak with her attorney because everything she hears is not possible. Mr. Dillard stated that he can take some exception to some of the information that has been given, specifically on a lot split. Find out what can happen to that property by speaking to an attorney.

Ms. Ellen stated that she is asking the Youngers to stick to the covenants and place the proposed building behind their house. She thinks that RV garage would detract from future buyers of her home. She is sure that he could find a place in the rear of his property that does not have a drainage problem to build the garage.

Mr. Crall asked Ms. Ellen if she would agree that Mr. Younger has a drainage problem issue. Ms. Ellen stated that she does not think Mr. Younger has any more of a drainage problem than anyone else, and if a high spot had to be located it would be closer to Mr. Miller's house in the very back of the property. Ms. Ellen stated that Mr. Younger has already started putting in an access road in the cul-de-sac, he has rough grade gravel poured.

Linda Younger, 6831 West 41st Place, Tulsa, OK; stated that Ms. Ellen originally wanted to build her house a certain size, have chickens and goats, and build the house to the property line. Ms. Younger informed Ms. Ellen that she could not build as close to the property line as she wanted, and Ms. Ellen's response was "I guess you will have to sell me half of what you have". Ms. Younger stated that there are no covenants that are being enforced in the neighborhood, and her husband and Mr. Ellen should probably have done that but they did not think about it. They both agreed to split the lot and her husband agreed to sell part of the lot to her and her husband. Ms. Younger stated that she looks at Ms. Ellen's chickens and by the covenants there can not be any chickens. Ms. Younger stated that her port-co-chere faces the Ellen's chicken dump area and they have to smell it. Ms. Younger stated the Ellens did erect a nine foot fence, which is against the covenants, but they did so the chickens would not come into her yard any

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longer. Ms. Younger stated that their houses are worth \$600,000.00 or more and she did not move there to look at chickens. She and her husband want to build something nice and the reason they did not want it behind the house is because they do not have road access. Ms. Younger stated that there is a river that comes through the property when it rains and Ms. Ellen does not own the property so she does not know. Ms. Younger stated that Ms. Ellen is concerned how an RV garage will look but she has chickens and a chicken coop.

Rebuttal:

Steve Younger came forward and asked the Board to look at page 5.10 in the packet. That page shows the drainage of 41st Street and all the water from the area funnels down to his house. There is no access to the rear area and he can't drive back there after it rains plus he can't afford to build a road. Mr. Younger stated that he had spoke to Mr. Dewey Miller about using Mr. Miller's driveway to access the area closer to Mr. Miller's house, and at one time Mr. Miller said yes and then at another time he said no.

Dewey Miller came forward and stated that there is a buildable area in the rear, but again as a developer it is the process that a person follows and it is the legal steps that are in place which everybody has adhered to at this point. When the process is not followed it opens up a lot of problems. He does not want to set a precedence of having someone else use his driveway, and if he should sell his house that places the future home owner in an awkward position.

Mr. Younger stated that Mr. Dewey Miller has done a good job since taking over the development from his father. Mr. Younger stated that Mr. Miller is bringing up some valid points on his side, but he is not enforcing the covenants. The covenants are not being enforced whatsoever, everybody is doing their own thing. Even he has chicken manure washing across his yard and he smells chickens in the summer time or after a rain he can live with that. There is no reason a nice garage can't be built because there is plenty of space next to the house, and it will only increase the value. Ms. Ellen complained about someone parking an RV in the cul-de-sac, but he thought the Wades were her friend as well. The Wades have parked there a few times but it is not going on all the time, and he can't believe she even brought that subject up. Mr. Younger stated that he does not know what Ms. Ellen is talking about when she mentioned one gallon plants, because he has not planted any plants.

Mr. Walker stated the Board is here to address the land use situation and that all the Board is going to address. Mr. Younger stated that he understands and offer his apology for bringing up the soap opera stuff.

Mr. Younger stated the land issue is that the garage will be approximately 100 feet from the street and Ms. Ellen's house if it is built.

CBOA-2531

FILE COPY

Comments and Questions:

Mr. Crall stated the Board must determine if there is an exception to the rule, because Mr. Younger has extraordinary circumstances. No one has denied that he cannot build behind his house because he has a drainage issue.

Mr. Walker stated the hardship would be the drainage of the land is such that Mr. Younger would need to build someplace else other than behind the house. Mr. West stated the topography of the land would be a legitimate hardship.

Mr. Crall asked Mr. West if the topography is something that he would go out on. Mr. West stated no, unless he was asked to do so.

Mr. Dillard stated that any time he sees neighbors disgruntled as these are today, then a continuance should be made so they have a discussion. Mr. Dillard stated that if the proposed RV garage were next to his house he would not have a problem because Mr. Younger has much at risk in losing his house. In regards to the lot split, he heard a lot of BS and there should be a discussion with an attorney about lot splits. In the banking business, as well as every other business, every one is an expert real estate attorney but the neighbors really need to use an expert attorney that is willing to give an opinion and write a decision on it. The Youngers may decide to attach the proposed RV garage to their house and that puts it under a different criteria. Mr. Dillard stated he is in favor of a continuance for 30 days.

Mr. Hutchinson stated he agrees with Mr. Crall and Mr. Dillard, he thinks the neighbors should try to resolve the issues because the hardship of the drainage is valid. Mr. Hutchinson stated that he also thinks this case should have a continuance.

Mr. Walker stated the Board is here to look at land use. This about a Variance on a piece of property, whether it was done by the book or by the record or by the restricted covenants. That is for a civil court to decide. This Board is here to only address the land use. Is it inappropriate to erect a building on this acreage, and if there is a drainage problem that would be justification.

Mr. Crall asked the applicant if he thought harmony is possible because the Board likes harmony. Ms. Younger stated they have tried.

Mr. Younger stated that if the Board were to approve this request the next step for him would be to convince Mr. Dewey Miller that the garage is not a bad deal. Mr. Younger stated that he would not want to build the RV garage if everyone is going to be against it.

Mr. Dillard stated to Mr. Younger that harmony can be achieved, especially if it is going to hit everyone's pocketbook.

Ms. Ellen stated the Youngers never came to them to discuss the garage, and the first time she knew anything about it was when the notice in the mail arrived. Ms. Ellen

CADA - 2591

FILE COPY

stated she asked her neighbor if they knew anything about it and they said they did not. Ms. Ellen stated that Mr. Younger only texted her husband last evening and it was a hostile text.

Mr. Walker stated the public portion of the meeting has been closed and the Board is not going to hear any more from the public. Mr. Walker asked the ladies to quit arguing amongst themselves. Mr. Walker stated the Board is going to make a decision. This case will either be continued or the Board will decide an outcome. Mr. Walker stated he would entertain a motion from a Board member.

Mr. Dillard stated that the neighbors need have some harmony and if that cannot be achieved the Board will make the decision whether the RV garage can or cannot be built. Mr. Dillard stated that maybe buying back the lot is an option. Mr. Dillard stated the developer is angry because he did not get to sell the lots, and that was messed up by the lot split which should not have been done. Mr. Dillard stated that is why he highly recommends everyone speaks to an attorney because everyone will see what happens to a piece of property when it is split improperly.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-1-0 (Crall, Dillard, Hutchinson "aye"; Walker "nay"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); Variance of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2) to the May 19, 2015 Board of Adjustment meeting; for the following property:

LTS 2 & 3 LESS BEG SWC LT 2 TH NW215.31 E65 S180.66 CRV LF 30.25 POB BLK 4 & N315 W245 E905 N711.12 NE NE LESS N100 THEREOF SEC 30 19 12 1.209AC, STRATFORD ESTATES BLK 4, OF TULSA COUNTY, STATE OF OKLAHOMA

2532 – Ralph Manry

Action Requested:

Special Exception to permit a dirt mine (Use Unit 24) in an AG District (Section 310, Table 1). LOCATION: West of the SW/c of North Highway 11 and East 176th Street North, Skiatook

Presentation:

Ralph Manry, 11908 North Cincinnati, Skiatook, OK; stated this is an existing dirt pit. The Department of Mines has approved everything and everything is legal.

Mr. Crall asked Mr. Manry how long he has been operating the dirt mine. Mr. Manry stated he started operating in December and he thought everything was approved.

equipment. He owns four lots, and his house is on one of them. He stated that the building would be 260' from the street and at the bottom of a six-foot drop-off to prevent disrupting the view for anyone. He added that he would be willing to put in trees for screening. He discussed with neighbors and they are in support.

Comments and Questions:

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

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

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

NEW APPLICATIONS

Case No. 1866

Action Requested:

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

Presentation:

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

Gene Crawford, 6505 W. 42nd St., stated he built a garage without a permit and was not aware of the restriction. He wanted to get a lot-split to build a new house on the other lot.

Comments and Questions:

Mr. Alberty asked for the schedule for construction. Mr. Crawford responded that it is eminent.

Interested Parties:

Ron Wirch, stated he is a broker and represents Stratford Estates subdivision. He is aware of the garage Mr. Crawford has built. The homes in this area are custom-built 2,900 to 3,000 square foot homes. They have already purchased property around this property for residential development. They are interested in the type of home to be built. He spoke in favor of the variance judging the quality of the garage Mr. Crawford built.

Board Action:

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Tyndall, Hutson "aye", no "nays"; no "abstentions"; Walker, Dillard "absent") to **APPROVE** a **Variance** to permit an accessory structure on a lot that does not contain a principal dwelling unit to permit a lot split, with the time period to begin construction of five months, finding the lots would be compatible with others in the area, on the following described property:

FILED

A strip, piece or parcel of land lying in the E 330.00' of the NE/4 NE/4 of Section 30, T-19-N, R-12-E, Tulsa County, State of Oklahoma, said parcel being described as follows: commencing at the NW/c of said E 330.00' of the NE/4 NE/4; thence S. 00°45'13" E along the W line of said E 330.00' of the NE/4 NE/4 a distance of 140.00'; thence N 88°58'52" E parallel to the N line of said NE/4 NE/4 a distance of 175.00'; thence N 88°58'52" E a distance of 29.52'; thence S 85°14'29" E a distance of 126.06' to a point on the E line of Section 30, said point being 152.69' S NE/c of Section 30; thence S 00°45'13" E along said E line a distance of 218.00' to the POB, thence continuing S 00°45'13" E a distance of 179.31'; thence S 88°58'52" W a distance of 330.00' of the NE/4 NE/4; thence N 00°45'13" W along said W line a distance of 106.56' to a point of curve; thence along said curve to the left from which a tangent bears S 58°21'14" E with a radius of 37.5' a distance of 52.15'; thence N 75°41'42" E a distance of 290.44' to the POB.

Case No. 1867

Action Requested:

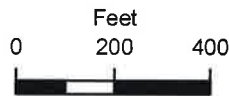
Special Exception to allow 190' cellular tower in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 4; and a Special Exception of the required 110% from AG zoned district from 210' to 59' on north and 48' on south (this is a monopole design). SECTION 1204.3. USE UNIT 4. PUBLIC



Looking northwest onto subject property from W. Skyline Dr.



Looking northwest from intersection of W. Skyline Dr. & S. 65th W. Ave.



Subject Tract

CBOA-2853

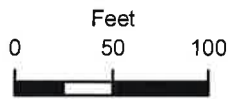
19-12 30

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

Aerial Photo Date: February 2018

4.18





Subject Tract

CBOA-2853

19-12 30

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

Aerial Photo Date: February 2018 4.19





Bobby Bagwill
 6517 w. Skyline dr
 Tulsa Ok 74107
 918-521-7586

AG

S 73 W AVE

W 50 ST S

W SKYLINE DR


W 51st ST S

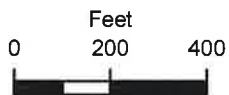
AG

SUBJECT TRACT

W 56 ST S

LEGEND

 Sand Springs Corporate Limits



CBOA-2854

5.1

19-12 31



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9231

CASE NUMBER: CBOA-2854

CZM: 45

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Dakota Williams

ACTION REQUESTED: Use Variance for Use Unit 15, Other Trades and Services, to permit a Landscaping Business (Sec. 1215.2.B.2) in an AG district.

LOCATION: 7374 W 51 ST S

ZONED: AG

AREA: West Central Tulsa

PRESENT USE: Winery

TRACT SIZE: 5.01 acres

LEGAL DESCRIPTION: BEG 659.16N & 150W & 648.4N SECR NW TH N875 NW249.35 S941 E240.22 POB SEC 31 19 12 5.010ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2156 May 2005: The Board adjustment approved a *Use Variance* to permit the cultivation of grapes, wine production, and retail sales (winery) in an AG district, on property located at 7374 West 51st Street.

Surrounding Property: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an agriculturally zoned district which has both agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance for Use Unit 15, Other Trades and Services, to permit a Landscaping Business (Sec. 1215.2.B.2) in an AG district. A Use Unit 15 landscape business is not permitted by right or special exception in an AG district.

A landscape business under Use Unit 15 is described generically as a trade establishment primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

The property has most recently been the site of a winery (approved case CBOA-2156). The new property owner, the applicant, provided the following statement, "Due to the growth of our business, we need to locate our business operation to this location. This site will allow us to serve and remain close to our customers in the Tulsa Metropolitan area."

The applicant should be able to demonstrate there is something unique related to the subject property such that prohibiting the use of the property as a Use Unit 15 – landscape business would result in an unnecessary hardship.

The applicant submitted a site plan showing an existing 40' x 60' building and a proposed 60' x 100' proposed building in the rear of the property. The property is 5.01 acres. The buildings are allowed by right in an AG district.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the landscape business is compatible with the surrounding neighborhood.

Sample Motion:

“Move to _____ (approve/deny) a Use Variance for Use Unit 15, Other Trades and Services, to permit a Landscaping Business (Sec. 1215.2.B.2) in an AG district.

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.

build a home. He has made considerable improvements on the property. They moved the mobile off Tract 2. They obtained a building permit and is currently constructing a stick-built home. A site plan was provided (Exhibit G-1).

Comments and Questions:

Mr. Hutson asked if there was anything peculiar about the land. Mr. Diplely replied that a creek drains across the south side of lot two. The septic systems are in place and adequately separated.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of lot area from 2.0 acres to 1.378 (Tract 1) and 1.608 (Tract 2); a Variance of land area from 2.1 acres to 1.379 (Tract 1) and 1.808 (Tract 2); and a Variance of average lot width from 150 ft to 132.21 ft. on Tract 1 to allow a lot split (19809) Sect. 330, frontage as platted, per plan, finding the extended period of existing condition and change of use after a number of years would be a hardship to the purchaser, on the following described property:

BEG 400N SWC SE NW TH N269.8 E454 S50 TH ON CRV RT280.78
NW393.55 POB SEC 25 22 13 2.94ACS, Tulsa County, State of Oklahoma

Case No. 2156

Action Requested:

Use Variance to permit the cultivation of grapes, wine production and retail sales (winery) in an AG District, 7374 West 51st Street.

Presentation:

Doreen Riesen, 28803 Blue Ridge Drive, Sand Springs, Oklahoma, stated the action requested. She added this is a fairly new industry in Oklahoma. They plan to put the winery in the middle of the vineyard as others are doing in Oklahoma. A site plan and map were provided (Exhibits D-1 and D-2). The hardship is that there is no zoning for both uses.

Comments and Questions:

Mr. Walker was impressed with the location of the winery in the middle of the vineyard.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Use Variance** to permit the cultivation of grapes, wine production and retail sales (winery) in an AG District; per plan, finding the literal enforcement of the code would not permit the applicant to reasonably use the subject property to grow grapes for the vineyard purposes, on the following described property:

BEG 659.16N & 150W & 648.4N SECR NW TH N875 NW249.35 S941 E240.22
POB SEC 31 19 12 5.010ACS, Tulsa County, State of Oklahoma

Case No. 2157

Presentation:

Tony Stevenson, 6550 North 134th East Avenue, and his sister, **Nancy Cook**, 13601 East 66th Street North introduced themselves to the Board. Their parents purchased this property many years ago and recently deeded it to them. They proposed a lot-split to sell the house separately. Ms. Cook commented that her parents built a nice workshop and suggested it should go with the house. They considered tearing down the barn but it was well built. She stated that everyone built their barns close to the property line. A site plan and photographs were submitted (Exhibits E-1 and E-2).

Comments and Questions:

Mr. Walker noted a lot-split on the property adjacent to them. Mr. Cuthbertson commented this is the only way to split the property. There is not an alternative to create two legal lots in regards to land area and lot area, and to avoid the structural encroachments.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow accessory building as principle use in an AG-R district (Section 18); a **Variance** of the setback for a building in AG-R district from 15 ft to 7.4 ft (Tract A) (Section 330); and a **Variance** of the setback from the property for an accessory building in an AG-R zoned district from 40 ft to 8 ft (Tract B) (Section 330) to allow a lot split (19814), per plan, finding existing conditions, on the following described property:

PRT NE NW BEG 745.80W NEC NE NW TH S439.40 W248.60 N439.40
E248.60 POB LESS N25 & E25 FOR RD SEC 4 20 14 2.13AC, Tulsa County,
State of Oklahoma

Sparger, Janet

From: Richard Shoemaker III <rshoemakeriii@gmail.com>
Sent: Tuesday, October 6, 2020 9:33 PM
To: esubmit; Jones, Robi
Subject: Case # CBOA-2854

To whom it may concern.

I am writing in regards to case number CBOA-2854 located at 7374 West 51st Street South. I have lived here with my family for over 5 years now. One of the reasons we choose this home was the agricultural and rural feel to the area. One of our major deciding factors was the lack of commercial space in this area. I respectfully request that the current zoning be KEPT in tact with NO changes. Please reject the zoning application change based upon the current agricultural and residential nature of the area. There is another landscaping facility for sale within a mile to the east on 51st street that I am sure would be just as well suited to the applicants needs. If you have any further questions please feel free to reach out to me as needed.

Richard Shoemaker III
7219 West 51st Street
Tulsa, OK 74107
918-812-2149

Respectfully,
Richard Shoemaker III

Sent from my iPad



Looking south into subject property from W. 51st St. S.



Looking west from subject property onto W. 51st St. S.



Looking east from subject property onto W. 51st St. S.



Subject Tract

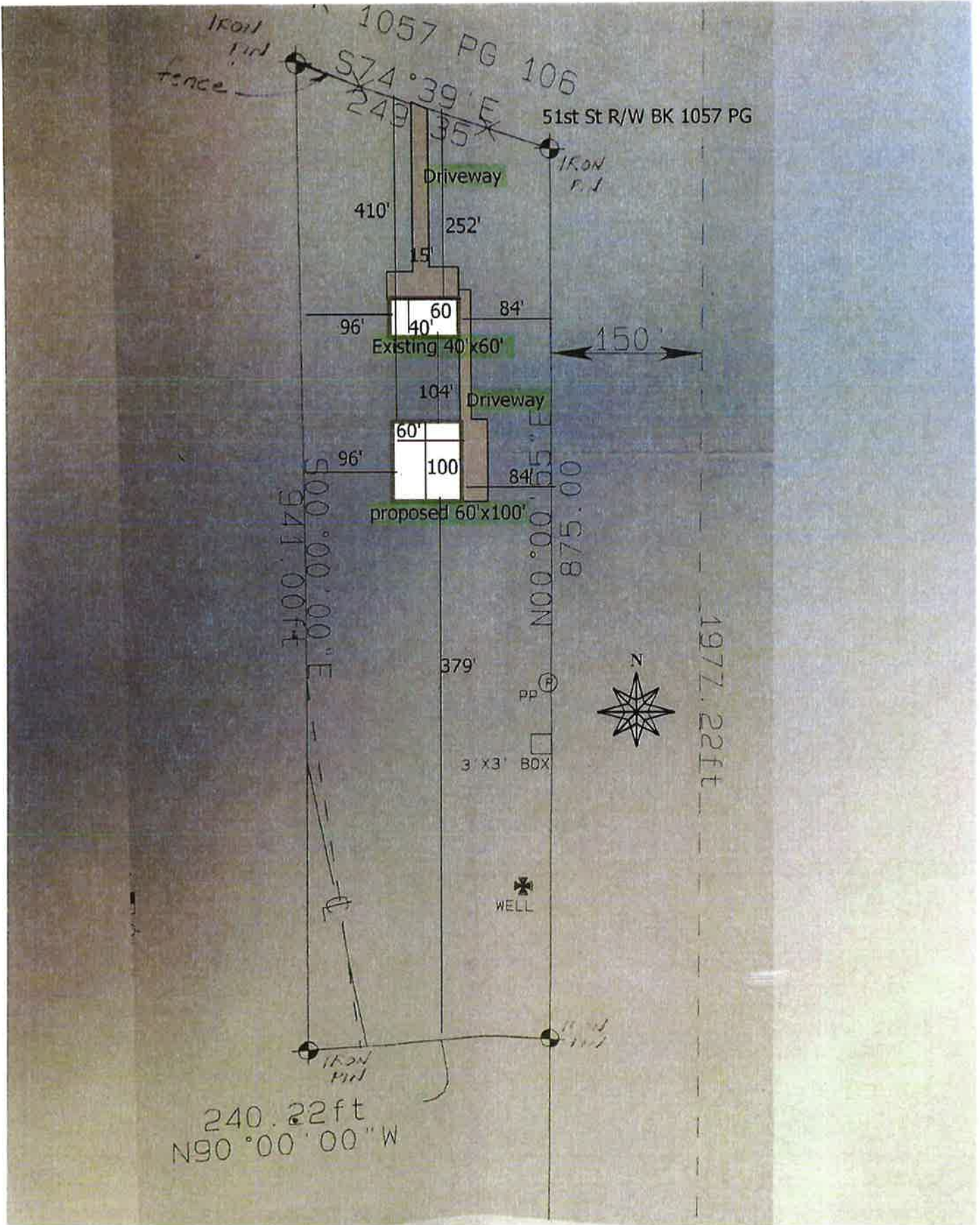
CBOA-2854

19-12 31

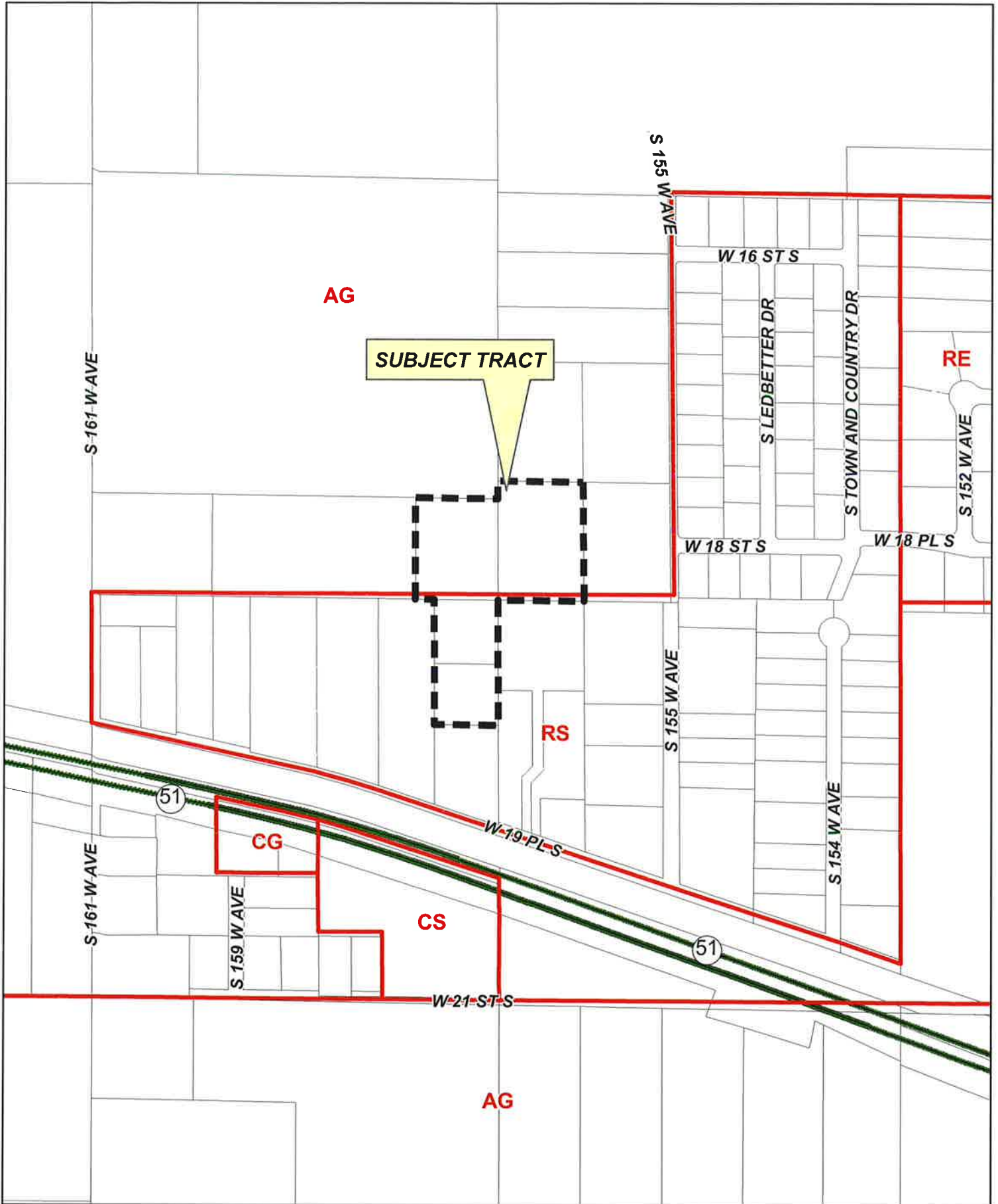
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Aerial Photo Date: February 2018 **5.8**





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SUBJECT TRACT

AG

RE

RS

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CS

AG

S 161 W AVE

S 155 W AVE

W 16 ST S

S LEDBETTER DR

S TOWN AND COUNTRY DR

S 152 W AVE

W 18 ST S

W 18 PL S

S 155 W AVE

S 154 W AVE

S 161 W AVE

S 159 W AVE

W 19 PL S

W 21 ST S

51

51



CBOA-2855

19-11 08

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9108

CASE NUMBER: CBOA-2855

CZM: 34

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Use variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in an AG district (Section 1225)

LOCATION: 15601 W 19 PL S

ZONED: RS,AG

FENCELINE: Sand Springs

PRESENT USE: Agricultural/Industrial

TRACT SIZE: 6.35 acres

LEGAL DESCRIPTION: A tract of land that is part of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) and part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) and part of the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) of Section Eight (8), Township Nineteen (19) North, Range Eleven (11) East of the Indian Base & Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows:

Beginning at a point that is the Northeast corner of the SW/4 SW/4; Thence South 00°58'19" East along the Easterly line of said SW/4 SW/4 for 407.35 feet; Thence South 89°47'42" West parallel with the Northerly line of said SW/4 SW/4 for 208.20 feet; Thence North 00°58'19" West parallel with the Easterly line of said SW/4 SW/4 for 407.35 feet to a point on the Northerly line of said SW/4 SW/4, the same being a point on the Southerly line of the NW/4 SW/4; Thence South 89°47'42" West along the Southerly line of said NW/4 SW/4 for 55.80 feet; Thence North 00°58'19" West parallel with the Easterly line of said NW/4 SW/4 for 325.37 feet; Thence North 89°48'08" East for 264.00 feet to a point on the Easterly line of said NW/4 SW/4, the same being a point on the Westerly line of the NE/4 SW/4; Thence North 00°58'19" West along the Westerly line of said NE/4 SW/4 for 66.67 feet; Thence North 89°47'42" East parallel with the Southerly line of said NE/4 SW/4 for 267.19 feet; Thence South 00°59'17" East for 392.00 feet to a point on the Southerly line of said NE/4 SW/4; Thence South 89°47'42" West along the Southerly line of said NE/4 SW/4 for 267.30 feet to the Point of Beginning of said tract of land.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2755 May 2019: The Board approved a *Use Variance* to allow a wholesaling and warehousing use (Use Unit 23) in an AG and RS zoned district; and a *Special Exception* to allow for a modification of the screening wall or fence requirement, on property located at 15601 West 19th Place.

CBOA-111 September 1981: The Board denied a *special exception* (Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination); and approved a *variance* (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit the erection of a 60' x 240' extension (addition) to a nonconforming manufacturing plant in an AG District, on property located at 15601 West 19th Place.

Surrounding Property:

CBOA-2712 August 2012: The Board approved a *special exception* to permit a 260 foot cell tower including the lightning rod (Use Unit 4) on AG zoned property; and a *special exception* to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots, on property located at 1725 South 161st West Avenue.

6.2

CBOA-2240 April 2007: The Board **approved** a *variance* of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres; and a *special exception* to permit a mobile home in an RS district, on property located at 15545 West 19th Place South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts an RS zoning district to the south with residential uses to the south and east. Vacant agricultural land abuts the property to the west and north.

STAFF COMMENTS:

The applicant is before the Board requesting a Use variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility 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 the processing of medical marijuana for use in edible marijuana products. The site currently has a grow operation which is allowed by right in an AG district. The proposed processing will be located in a 1200 sq. ft. building (see Exhibit 'B'). Oklahoma Medical Marijuana Authority, OMMA, will require the proper licenses be approved and maintained to process medical marijuana.

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 a medical marijuana processing facility 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.

Mr. Charney asked Ms. Douglass if any of her neighbors had expressed any disagreement to the request. Ms. Douglass stated that she spoke with her one neighbor that lives behind her and she has no objections.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

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 Special Exception to allow a manufactured home in a RS District (Section 410). The approval has the conditions that the applicant is to meet the standard DEQ requirements and have a hard surface parking. Finding this will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or detrimental to the public welfare; for the following property:

W150 N207 LT 5 LESS STREET BEG NWC LT 5 S207 E25 N207 W25 POB BLK 7, BUFORD-COLONY, OF TULSA COUNTY, STATE OF OKLAHOMA

2755—Eller & Detrich – Lou Reynolds

FILE COPY

Action Requested:

Use Variance to allow a wholesaling and warehousing use (Use unit 23) in an AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned District; Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3). **LOCATION:** 15601 West 19th Place South

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Mr. Boyd Maxwell and he has the property under contract to purchase. The property is about 6.3 acres; two acres on the south end is residentially zoned and there are no buildings or improvements on that portion. About 4.3 acres on the north end has improvements. There is about 28,000 square foot business industrial type building and a 2,000 square foot house on that portion of the property. The house was built in the 1970s and a 14,000 square foot building was built about 1978. This was an oil field pump business for a large company. When the County Zoning Code was implemented the owner then came to the Board and received a Variance to expand the building to 28,000 square feet. Since that time, about 2012, the building was sold to Richard Watts Construction and that jeopardized the grandfathered in status because it was a different use. When the property was placed under contract it was realized that the applicant needed a Use Variance. Mr. Maxwell operates a business that is being condemned and is moving as a part of Gilcrease Expressway expansion. Mr. Maxwell supplies oil to cutting services

CBOA-2755

FILE COPY

for technical machining and racing fuel. All of the product arrives at the site in 55-gallon drums and there are no storage tanks. The hardship for this Variance is that the property was used for industrial purposes prior to the Code, and after the Code went into effect a Variance was granted to expand the building to the current 28,000 square feet. The warehousing and wholesale portion is less than 10,000 square feet. The literal enforcement of the Code results in an unnecessary hardship. The Special Exception for the screening requirement is needed because there is fencing all around the property with a natural vegetative buffer. The distance between the building and any residential use is over 500 feet. The subject property is in an area where screening is not always a good thing and visibility is good thing in the area.

Mr. Charney asked Mr. Reynolds if he would acknowledge that at some point screening may be necessary should the footprint of the building be enlarged. Mr. Reynolds answered affirmatively.

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 **APPROVE** the request for a Use Variance to allow a wholesaling and warehousing use (Use unit 23) in an AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned District; Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3), subject to conceptual plan 13.16 and the aerial photos on 13.11 of the agenda packet. The Board has found the hardship to be the historical zoning of the tract which permitted a more intense use than the current use being sought. If the building footprint is enlarged the owner is to come back to the Board to determine the screening requirement. 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 welfare; for the following property:

E.264 S1/2 S1/2 NW SW SEC.8-19-11; PRT NE SW BEG 1317.8E NWC SW SW TH N392 E267.3 S392 W267.3 POB SEC 8 19 11 2.41ACS; E208.2 N209.25 SW SW SEC 8 19 11 1AC; S198.1 N407.35 E208.2 SW SW LYING N RR SEC 8 19 11 .95AC, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 110 (continued)

State Bank and the Robinson's are asking the Board to approve the use of the property for 4 mobile homes.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit 4 mobile homes on one tract of land, on the following described property:

A portion of the NE/4 of Section 30, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

Beginning at a point 1,440 feet North and 1010 feet East of the Southwest corner of said NE/4; thence West 200 feet; thence North 736.74 feet; thence Southeast along the Coyote Trail, 205 feet; thence South 672.64 feet, to the point of beginning.

Case No. 111

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1680 - Request for an exception to permit the erection of a 60' x 240' building to allow an addition to a nonconforming manufacturing plant (oil field pumps) in an AG District; and, a

Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1670 - Request for a variance to permit the erection of a 60' x 240' building to allow an addition to a nonconforming manufacturing plant (oil field pumps) in an AG District. This property is located at 15601 West 19th Place.

Presentation:

A letter was submitted (Exhibit "C-1") by the City of Sand Springs as a follow-up pertaining to the Board of Adjustment's Case No. 111. They stated that they did not receive the referral hearing notice in time to place the request on the regular meeting agenda of September 8, 1981. They chose not to request a continuance on the application to this Board.

Joe Raymon, Office Manager of Rampart Division - 15601 West 19th Place, was present to address the Board and submitted a plot plan (Exhibit "C-2"). On November 1, 1977, the Rampart Division purchased this property which had manufacturing facilities (approximately 7,000 sq. ft.). It had a single-family house on it, which was used only as an office. On October 2, 1978, a building permit was obtained, even though it was not needed, to add approximately 4,000 sq. ft. to the facility. At that time, they wanted to add the additional 14,400 feet to enlarge the

Case No. 111 (continued)

warehouse and shipping and assembling areas. Mr. Raymon stated that there were businesses and industries along Highway #51 to the west of them, but non adjacent to them. There are single-family dwellings to the east and also to the south of this land. All the houses are on agriculture zoned land.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to deny the Exception (Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination) and to approve a Variance (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit the erection of a 60' x 240' extension (addition) to a nonconforming manufacturing plant in an AG District, on the following described property:

(Original) The East 264' of the S/2, S/2, NW/4, SW/4 of Section 8, Township 19 North, Range 11 East of the Indian Base and Meridian. (Brown) The North 209.25' of the East 208.2' of the SW/4 of the SW/4 lying North of the S.L. & S.F. Railroad. (Smith) Beginning at a point on the South line of the W/2, NE/4, SW/4 of Section 8, a distance of 1,317.8' East of the NW corner of the SW/4, SW/4 of Section 8; thence North and parallel to the West line of Section 8, a distance of 392.0' to a point; thence East and parallel to the South line of Section 8, a distance of 267.3' to a point; thence South and parallel to the West line of Section 8; a distance of 392.0' to a point on the South line of the W/2, NE/4, SW/4 of Section 8; thence West a distance of 267.3' to the place of beginning. (Brown II) The North 198.1' of the East 208.2' of the SW/4 of the SW/4 lying North of the S.L. & S.F. Railroad, in Tulsa County, Oklahoma.

Case No. 112

Action Requested:

Section 1660 - Interpretation - Request for a determination that the existing structure is a nonconforming use; and, an

Exception - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1680 - Request for an exception to construct or move a building onto the premises for use as a dog grooming facility and storage; and, a Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Request for a variance to permit a dog kennel and grooming facility in an AG District. This property is located between Peoria and Lewis Avenues on 151st Street South.

Presentation:

Mr. Dubie read a letter (Exhibit "D-1") from the City of Glenpool stating that the above mentioned Case No. 112 will appear before the Glenpool Board of Adjustment in public hearing on September 22, 1981, at 7:00 p.m., in the Glenpool City Hall. A letter was to be sent of the determined recommendations and a copy of the unofficial minutes.

**N331 S1338 E330 W/2 E/2 SE LESS W17.5 THEREOF FOR RD SEC 29 21 13
2.374ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the request for a **Variance** to permit an accessory building to be located in the side yard (Section 420.2), subject to all other buildings on the site, except for the new shop, being removed prior to the occupancy of the new house which will come at a later time. The Board finds the hardship to be that the shop is already in existence. There is to be a privacy fence erected around the shop as described by the applicant; for the following property:

**N331 S1338 E330 W/2 E/2 SE LESS W17.5 THEREOF FOR RD SEC 29 21 13
2.374ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

2712—Cellco Partnership dba Verizon Wireless

FILE COPY

Action Requested:

Special Exception to permit a 260-foot cell tower (Use Unit 4) on AG zoned property (Section 310 and Section 1204.3); Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots (Section 1204.3). **LOCATION:** 1725 South 16^{1st} West Avenue

Presentation:

David McGehee, 121 Village Boulevard, Madison, MS; stated he represents Verizon Wireless in partnership with Cellco. The proposal is for a 250-foot tall tower with a ten-foot lightning rod, ground cabinets and a fence. The area leased is 80'-0" x 80'-0" located on a 41-acre tract. The leased area is about 300 feet off 161st West Avenue and about 175 feet north of the property line. The leased area is in between a couple of heavy tree lines that will serve as a buffer. This site will fill in a coverage gap that exists west of Sand Springs. Mr. McGehee stated the tower is designed to hold any future tenants to help minimize towers in the area.

Mr. Charney asked Mr. McGehee if there was frequently co-location on Verizon towers. Mr. McGehee stated there are some.

Interested Parties:

There were interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the request for a

CBOA-2712

FILE COPY

Special Exception to permit a 260 foot cell tower including the lightning rod (Use Unit 4) on AG zoned property (Section 310 and Section 1204.3), finding that the proposed use will not be injurious to the surrounding properties or detrimental to the public welfare; Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots (Section 1204.3), finding that by reducing the requirement will not imperil an actual structure within the fall range of the tower; for the following property:

PRT SW NW & NW SW BEG SWC SW NW TH N54.61 E1313.99 TO EL SW NW TH S54.61 TO SECR SW NW TH S ALG EL NW SW 994.29 TH W1314.90 TO WL NW SW TH N994.28 POB SEC 8 19 11 31.6472 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2714—Jakes Fireworks – Jason Wanetta

Action Requested:

Modification of a previously approved Special Exception (CBOA-2515) to extend the time limitation to permit a fireworks stand in an AG district (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: 17734 East 121st Street South

Presentation:

Jason Marietta, 1500 East 27th Terrace, Pittsburg, KS; stated there has been a fireworks stand for approximately ten years. The Board approved the stand in the past and it is now time to update that former approval.

Mr. Charney asked Mr. Marietta if there had been any complaints from the neighbors. Mr. Marietta stated that he has not received any complaints, and the two owners are in the audience today if the Board needs them to speak about the operation.

Mr. Charney asked Mr. Marietta to explain how the parking is handled currently. Mr. Marietta stated the lot is very solid. There is usually a semi-trailer parked on the lot loaded with product, and there has never been an issue even when it rains.

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, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the request for a Modification of a previously approved Special Exception (CBOA-2515) to extend the time limitation to permit a fireworks stand in an AG district (Section 310); Variance of the

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 323
Tuesday, April 17, 2007, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, April 17, 2007 at 4:03 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

MINUTES

On **MOTION** of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Dillard, Hutson "absent") to **APPROVE** the Minutes of March 20, 2007(No. 322).

UNFINISHED BUSINESS

Case No. 2240

Action Requested:

Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district (Section 410), located: 15545 West 19th Place South.

Presentation:

Mr. Cuthbertson stated staff requested a continuation of this case for advertisement with a correct legal. He reminded the Board that they approved this case previously before they discovered the error in the legal description. It was re-advertised with the correct legal. The applicant was not present.

Mr. Dillard arrived at 1:33 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district on the following described property:

BEG NWC W/2 SE SW TH E275 S292 W135 S258.92 SW60.81 S163.25
NW31.41 NW70.17 N727.03 POB SEC 8 19 11 3.123ACS Tulsa County, State
of Oklahoma

Case No. 2242

Action Requested:

Special Exception to permit a church in an AG district (Section 310), located: South of the Southwest corner of East 201st Street and South 2nd East Avenue.

Presentation:

The applicant, Johnnie Christian, was not present. Mr. Charney stated the Board would come back to this case later.

NEW APPLICATIONS

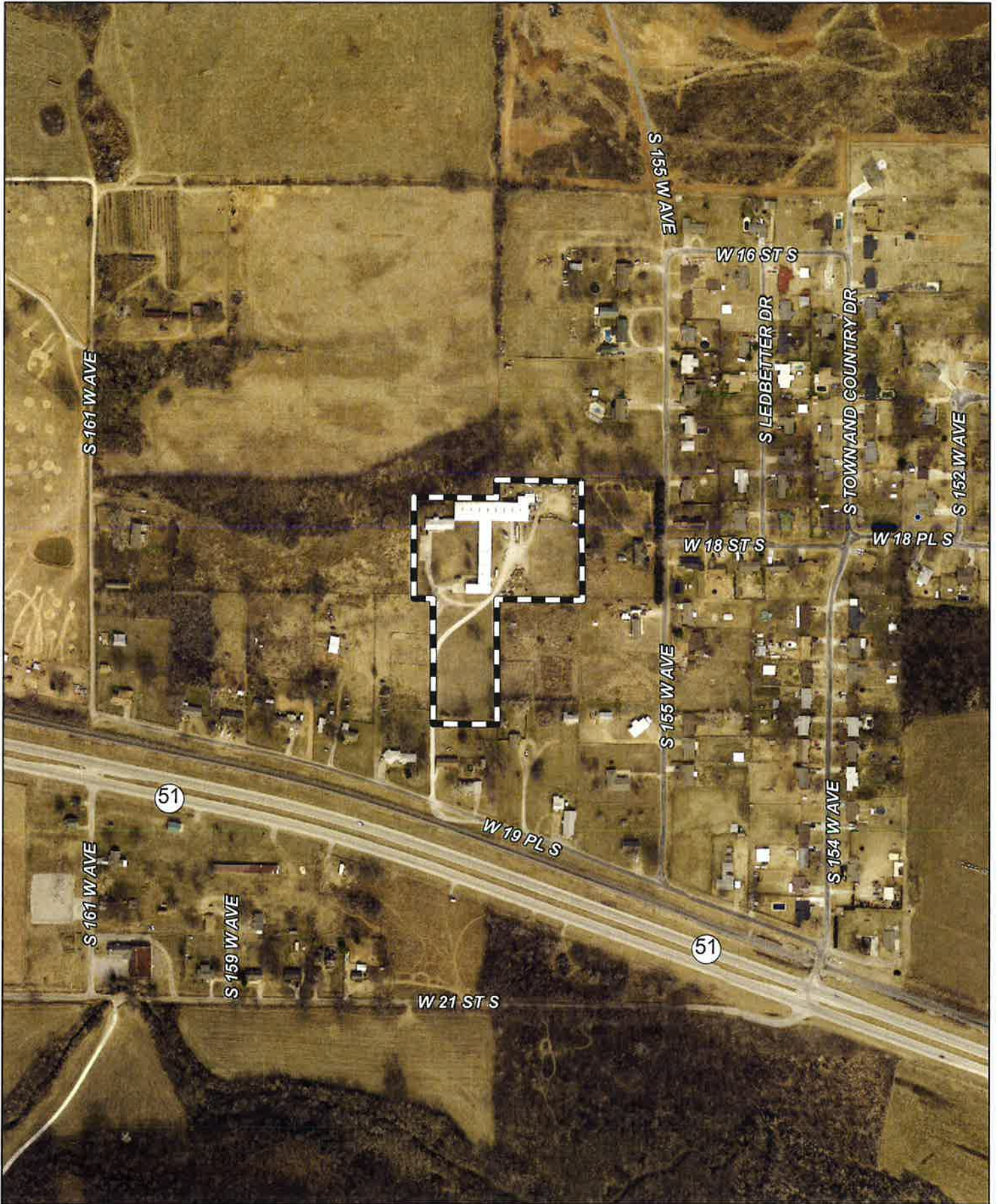
Case No. 2255

Action Requested:

Variance to permit two dwellings on a lot of record in an RS district (Section 208); to replace an existing dwelling, located 2448 South 57th Avenue West.

Presentation:

Louis Northrup, 2349 South 59th West Avenue, proposed to remove one existing structure and move in a 28' x 72' manufactured home. There is another existing



S 161 W AVE

S 155 W AVE

W 16 ST S

S LEDBETTER DR

S TOWNAND COUNTRY DR

S 152 W AVE

W 18 ST S

W 18 PL S

S 155 W AVE

S 154 W AVE

51

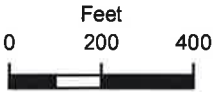
S 161 W AVE

S 159 W AVE

W 19 PL S

51

W 21 ST S



Subject Tract

CBOA-2855

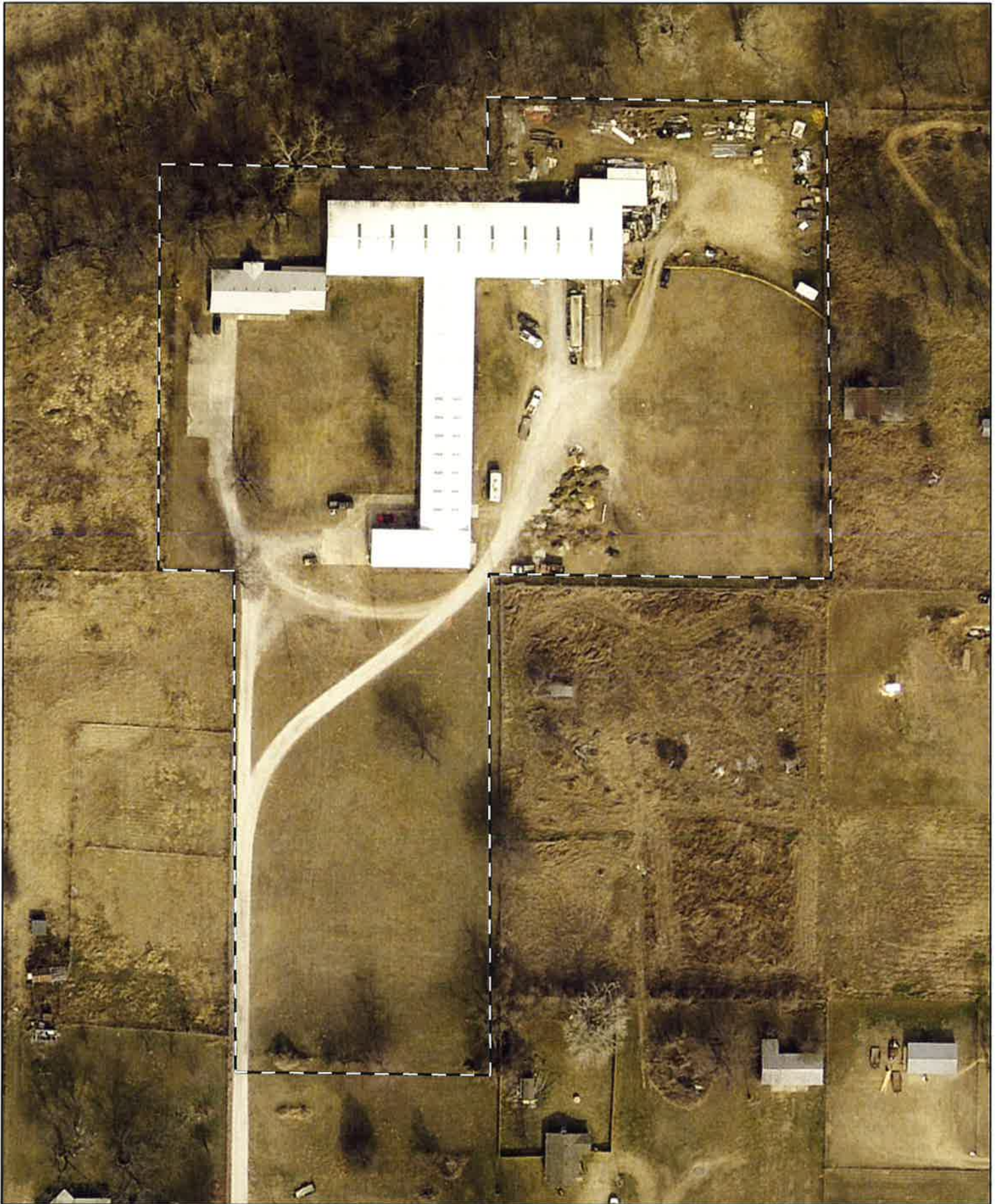
19-11 08

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

Aerial Photo Date: February 2018



6.12



CBOA-2855

19-11 08

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

Aerial Photo Date: February 2018



6.13

Exhibit "B"

The Applicant requests an interpretation of the Tulsa County Zoning Code (the "Code") that a proposed medical marijuana processing use is an accessory use to an existing medical marijuana grow facility located at 15601 W. 19th Place S. (the "Property"); alternatively, the Applicant requests a use variance to permit a medical marijuana processing facility in an AG district.

The Property is the former site of the Gorman-Rupp Ramparts Division, a manufacturer of industrial oil field pumps and pumping systems, which operated on the Property as a lawfully nonconforming manufacturing plant from the late 1970s until 2012. Thereafter, the Property was occupied by a construction company. In May 2019, this Board approved a principal use variance (Case No. CBOA-2755) to permit Use Unit 23 (Wholesaling and Warehousing) for Maxwell Oil Company to sell and store industrial lubricants and racing fuels. However, due to flooding issues, Maxwell Oil Company ultimately did not utilize the Property.

1. Request for Code Interpretation

Section 1800 of the Code defines an Accessory Use or Structure as "a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure." Under Section 320.1 of the Code, "accessory uses customarily incident to a principal use in an Agriculture District ... are permitted in such districts."

The existing building on the Property is approximately 28,000 SF and currently in use as a medical marijuana grow facility. As an accessory use to the growing facility, the property owner intends to utilize approximately 1,200 SF of the building for medical marijuana processing to process the cannabis grown on the Property for use in edible marijuana products.

The processing area will be set up as a small commercial kitchen, similar to commercial kitchens found in other agricultural and farm operations. The kitchen will be equipped with a 3-door, reach-in refrigerator, a stand-up freezer, electric ovens, dish and hand sinks, and work tables. The processing will take place using a small, electrical, pitcher-like machine, which extracts cannabis oil and infuses it into butters and cooking oils for baking. A recipe for 5 cups of infused butter requires only ½ ounce of cannabis. Once the butter is ready, it will be used in the kitchen facility to bake edible products (e.g., cookies and brownies). The product is then packaged in OMMA-approved packaging, and loaded into approved transport containers in order to be transported off site in a crew-cab pickup truck to dispensaries for retail sale.

The existing medical marijuana grow facility is a permitted principal use in the AG District and the majority of the cannabis grown on the Property is packaged and distributed in raw plant form. The processing of cannabis grown on the Property, using the small electrical machine to infuse into baked goods is an accessory use customarily incidental and subordinate thereto.

Therefore, the Applicant respectfully requests an interpretation of the Code that the proposed processing use is a permitted accessory use customarily incidental and subordinate to the principal use of the Property, and therefore a permit should be issued by the County Inspection Office.

MAGICAL

Getting to Know Your MB Machine

1. Heating element, motor and microprocessor*
2. Mega handle*
3. Temperature buttons: No Heat, 170°F/77°C, 160°F/71°C, 190°F/88°C, and 212°F/104°C (Select 190°F/88°C if using machine at high altitude and at 115V/60Hz)
4. Filter buttons: 1 Hour/Oil, 2 Hours/Butter, 4 Hours/Tea, 8 Hours, and CLEAN
5. Pinger handle*
6. Plug* insert into base before attempting to start MB machine
7. Heating element*
8. Pitcher (constructed of high-quality stainless steel)
9. Propetary immersion blade chops, grinds, and mix ingredients
10. Overflow sensor prevents ingredients from bubbling out of pitcher
11. Digital thermostat provides maximum control of temperature
12. Motor (household type)



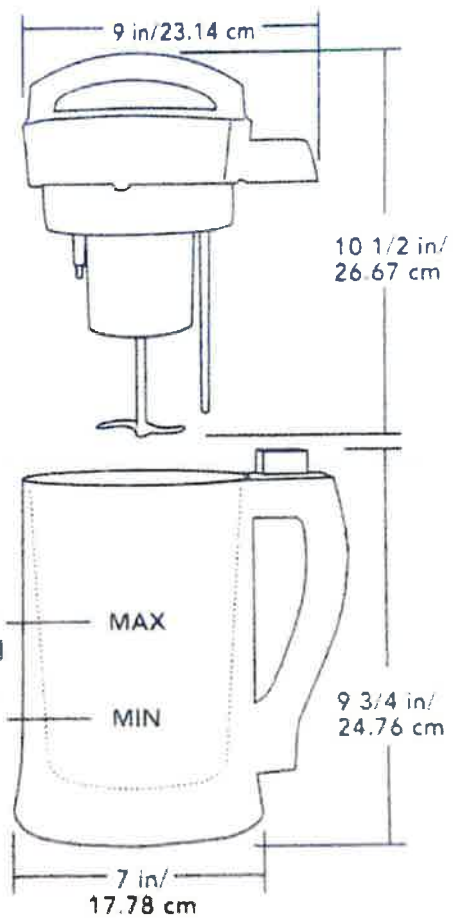
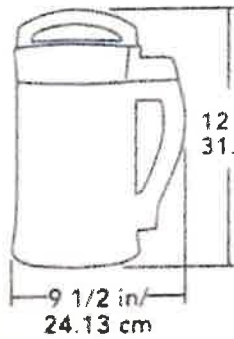
* IMPORTANT: DO NOT IMMERSE, WET, OR WASH Nos. 1-7 WITH WATER. USE DAMP CLOTH ONLY.

4

Balancing Nature & Technology™

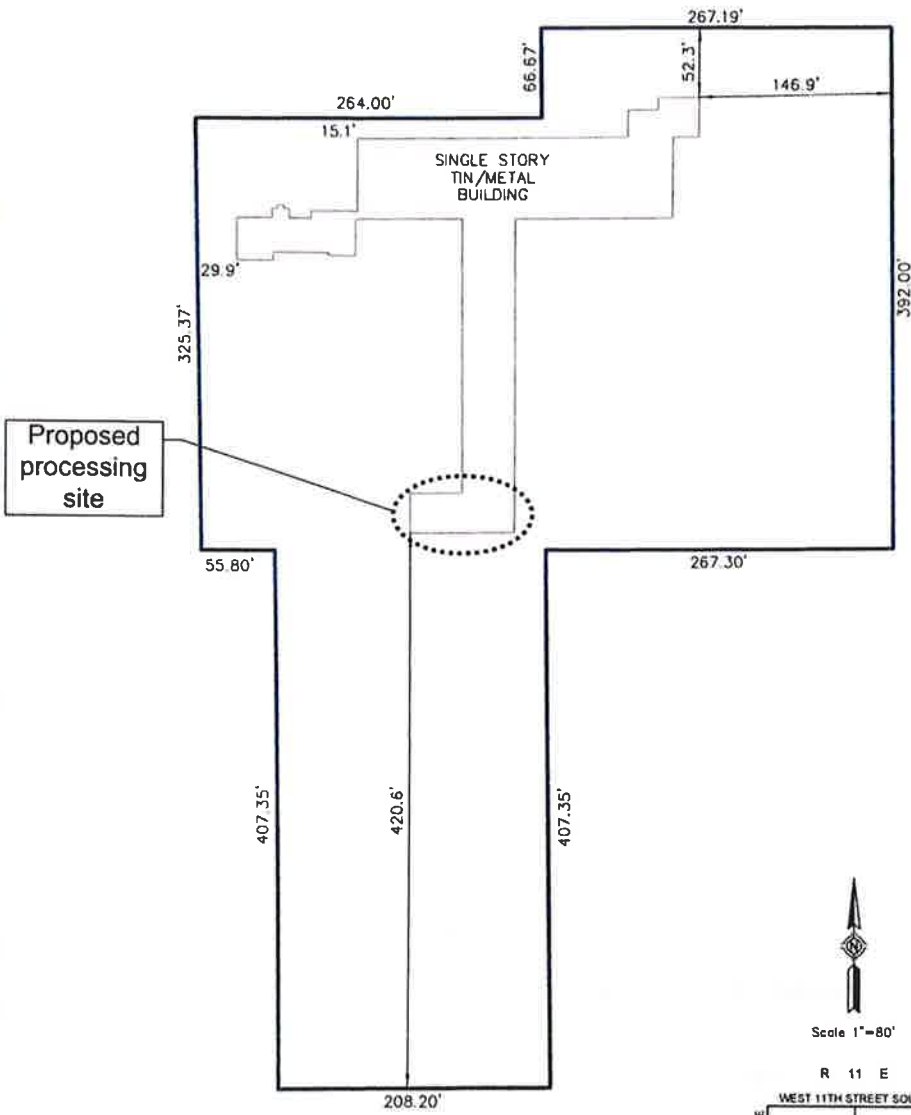
Technical Specifications

Capacity: 2.5 cups/
475 ml (800 ml)
Weight: 3.00 lbs/1.36 kg
Height: 12 1/2 in./31.75 cm
Width: 9 1/2 in./24.13 cm
Voltage: 120V/100V mode
220V/230V (EU/UK model)
240V (AU/NZ/UK model)
Frequency: 60 Hz
Motor: household type



5

Site Exhibit



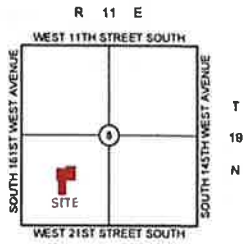
Proposed processing site

SINGLE STORY TIN/METAL BUILDING

West 19th Place South



Scale 1"=80'



Location Map
NOT TO SCALE

Legal Description

PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION EIGHT (8), TOWNSHIP NINETEEN (19) NORTH, RANGE ELEVEN (11) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF SAND SPRINGS, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, ALSO KNOWN AS 15601 WEST 19TH PLACE, SAND SPRINGS, OKLAHOMA.

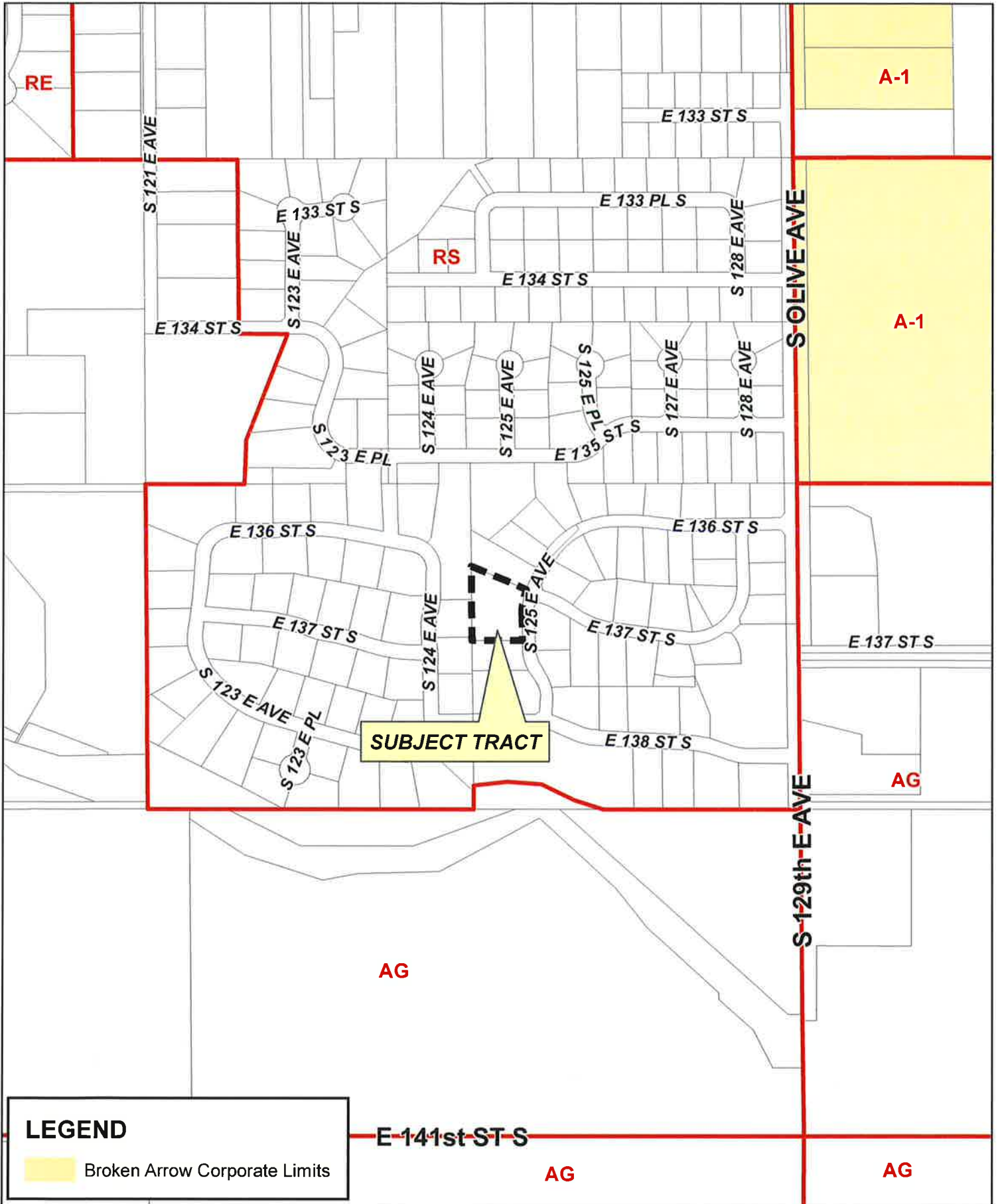
DRAWING: K:\16836\01\16836\AS2.dwg 5/21/2019 WLSZ & ASSOCIATES, INC., 2019

DATE 4/18/19

Sisamore Welz & Associates, Inc.
 Surveying - Civil Engineering - Land Planning
 611 EAST 20th PLACE PHONES 918 693-3800
 TULSA, OKLAHOMA 74108 FAX 918 693-8008
 C.A. NO. 2421 EXP. DATE 6/30/19
 W.G. NO. 8836/02 FILE NO. 8836/02

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CBOA-2856

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7.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7408

CZM: 63

CASE NUMBER: CBOA-2856

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Jim Stauss

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E); Variance to allow two dwelling units on a single lot of record in an RS district (Section 208).

LOCATION: 13702 S 125 AV E

ZONED: RS

FENCELINE: Broken Arrow

PRESENT USE: Residential

TRACT SIZE: 1.21 acres

LEGAL DESCRIPTION: LT 2 BLK 5 HICKORY HILLS ADDN & LT 1 BLK 2, HICKORY HILLS 3RD ADDN, HICKORY HILLS 4TH ADDN, HICKORY HILLS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2635 July 2017: The Board **approved** the request for a *Variance* to permit a detached accessory building (garage) in the side yard, on property located at 13710 South 125th East Avenue.

CBOA-2592 August 2016: The Board **approved** a *Variance* to allow a detached accessory building to be 1540 sq. ft.; and a *Variance* to allow a detached accessory building in the side yard. Located at 12320 E 136 St S.

CBOA-2588 August 2016: The Board **approved** a *Variance* to allow a second dwelling on a single lot of record, on property located at 12350 East 136th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood with residential uses and RS zoning.

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); Variance to allow two dwelling units on a single lot of record in an RS district (Section 208).

The applicant provided the following statement, "*Mother-in-Law Residence (will need it shortly).*"

7.2

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures. The applicant's site plan shows a new 30' x 40' (1,200 SF) accessory building on the northwest section of the property.

According to the site plan, the applicant is also proposing to construct a new 30' x 80' (2,400 SF) home just to the east of the existing house on the site. The home will be built for his mother-in-law. It is connected to the main home by a breezeway, but it will still be considered a second home on the property.

Section 208 states the following: No more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot which is within an approved PUD, in an RMH district, or in an AG district, with the exception in the AG district that there be no more than two dwellings per lot.

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); Variance to allow two dwelling units on a single lot of record in an RS district (Section 208).

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."

according to a signed survey and the proposed tower will be coming off the cul-de-sac. Mr. Owen stated that what Verizon has seen regarding house values is that a cell phone increases their value. The proposed tower is 150 feet in height and a tower has to be lit if it is 200 feet or taller according to FAA requirements, or a tower is required to lit if it is in the immediate flight path to a runway. At this time Verizon does not see anything that would require the proposed tower to be lit.

Mr. Hutchinson asked Mr. Owen if the tower has met FAA approval. Mr. Owen answered affirmatively.

Mr. Owen stated that on the site plan the places that designate more units are spaces for potential customers, so there would be no need for another tower to be in the area.

Comments and Questions:

Mr. Hutchinson stated that he can support this request because the company must comply with FCC regulations.

Mr. Dillard stated that unfortunately he is biased because he lives next door to a cell tower, and he has not had any problems with it. He put the house up for sale because he is down-sizing and there was no problem mentioned regarding the cell tower. A cell tower is like anything else, the first time you drive by it you notice it but on the third day you don't even notice it is there. He can support this request.

Mr. Johnston stated that his brother-in-law has a cell tower in his back yard and it is less than 200 feet from his house, and there is no noise. Mr. Johnston stated he can support the request.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Special Exception to permit a 150 foot cell tower (Use Unit 4) on AG zoned property (Section 310 and Section 1204.3), per plan as submitted. 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; for the following property:

N/2 NE SE & BEG 659.98S NWC NE SE TH E660.79 S329.98 W660.94 N329.99 POB LESS .03AC FOR RD SEC 16 22 14 24.980ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2635—Brandon Few

FILE COPY !

Action Requested:

Variance to permit a detached accessory building (garage) in the side yard (Section 420.2-A.2). LOCATION: 13710 South 125th East Avenue, Broken Arrow

FILE COPY

CBOA-2635

Presentation:

Darren Hoog, 13710 South 125th East Avenue, Broken Arrow, OK; stated he would like to have three car garage for his cars. He will build the garage to match the house.

Mr. Dillard informed Mr. Hoog that if the garage were to be attached to the property (house) he would not need to come before the Board of Adjustment. Mr. Hoog stated that would cost him more money to do so.

Mr. Dillard asked Mr. West if the small storage building in the back was going to be included in the square footage. Mr. Hoog stated that the storage building will be taken down.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** to permit a detached accessory building (garage) in the side yard (Section 420.2-A.2), finding the hardship is the shape of the lot and the lot is over a ½ acre. The Board has found this will be in the spirit and harmony of the neighborhood; for the following property:

LT 3 BLK 2, HICKORY HILLS 4TH ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2636—Michael Juby

Action Requested:

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet (Section 207); **Variance** of the lot area and land area per dwelling unit requirement; **Variance** of the minimum lot width to permit a lot-split in the AG District (Section 330). **LOCATION:** 112 East 111th Street North, Sperry

Presentation:

Cindy Juby, P. O. Box 337, Sperry, OK; stated the property has been in the family for 112 years and she and her husband inherited the property from her husband's grandparents. When the grandfather passed away the grandmother moved in with her and her husband. Ms. Juby stated they decided to build a larger house on the rear portion of the property so the grandmother could live with them. There are three houses

Presentation:

The applicant was not present.

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 **CONTINUE** the request for a Special Exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1) to the September 20, 2016 Board of Adjustment meeting; for the following property:

TR BEG 390W & 260S NEC SE SE TH S240 SW328.88 N373.33 E300 POB SEC 1 20 12 2.112ACS, KRUGER TRACTS, OF TULSA COUNTY, STATE OF OKLAHOMA

2592—Charles Petit

FILE COPY

Action Requested:

Variance to increase the allowable square footage for accessory building(s) to 1,540 square feet (Section 240.2.E); Variance to allow a detached accessory building in the side yard (Section 420.2.A.2). LOCATION: 12320 East 136th Street South, Broken Arrow

Presentation:

Charles Petit, 12320 East 136th Street South, Broken Arrow, OK; stated he would like to build a garage and a shop. His wife purchased the subject house before they were married and there used to be a large pecan tree in the middle of the front yard so the house sets farther back than the rest of the houses in the subdivision. Also, the previous owners built an addition above the existing garage and placed a pole in the middle of the existing garage so now it is almost useless. The proposed building is similar to buildings that exist in the neighborhood so it will not be out of character. The proposed structure will be used to house a full size pickup truck and another vehicle with an additional room to be used for hobbies.

Mr. Charney asked Mr. Petit if he would be performing any work for third parties or any commercial work in the proposed structure. Mr. Petit stated that he would not and that it will be for his own personal use.

Mr. Crall asked Mr. Petit where the existing garage is located. Mr. Petit stated the existing garage is a side entry of the house and is part of the house.

CBOA-2592

FILE COPY

Mr. Hutchinson asked Mr. Petit if he had a small building in the corner of his lot. Mr. Petit stated there is a small garden shed in the corner but it will eventually be torn down.

Mr. Charney asked Mr. Petit if he had discussed this with the neighbors on each side of him. Mr. Petit stated that he has and the neighbor on the east side has no problem with the proposal, and the house to the west is a rental.

Mr. Charney asked Mr. Petit if the building he was proposing is a metal building over a wooden frame. Mr. Petit answered affirmatively.

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 **Variance** to increase the allowable square footage for accessory building(s) to 1,540 square feet (Section 240.2.E); **Variance** to allow a detached accessory building in the side yard (Section 420.2.A.2), subject to no commercial use of the requested accessory building. The hardship is the tree on the existing lot and the location of the driveway; for the following property:

LT 4 BLK 3, HICKORY HILLS 3RD ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

FILE COPY

2588—Mike Pennell

Action Requested:

Variance to allow a second dwelling on a single lot of record (Section 208).

LOCATION: 12350 East 136th Street South, Broken Arrow

Presentation:

Mike Pennell, 12350 East 136th Street South, Broken Arrow, OK; stated he would like to add a 600 square foot addition to his house to allow his mother-in-law to live with him and his wife. There is a breezeway from the house to his office and he would like to add the addition behind the office so it will present as one continuous flow to the structure.

Mr. Charney asked Mr. Pennell if the roof line would be connected. Mr. Pennell answered affirmatively.

Mr. Charney asked Mr. Pennell if the addition would match the existing house architecturally and aesthetically. Mr. Pennell answered affirmatively.

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 Variance to allow a second dwelling on a single lot of record (Section 208). The addition is to be tied into the existing roofline of the breezeway and that it is architecturally compatible with the existing house. The hardship is the fact that the house is on a corner lot and the roofline and size of the lot will be such that it is in effect a singular dwelling and will not appear as a second dwelling; for the following property:

LT 1 BLK 3, HICKORY HILLS 3RD ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2591—Michelle Bison

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1). **LOCATION:** 5723 North Norfolk Avenue East



 Subject Tract

CBOA-2856

17-14 08

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

Aerial Photo Date: February 2018



7.9



E 136 ST S

E 136 ST S

S 124 E AVE

S 125 E AVE

E 137 ST S

E 137 ST S

E 138 ST S



Subject Tract

CBOA-2856

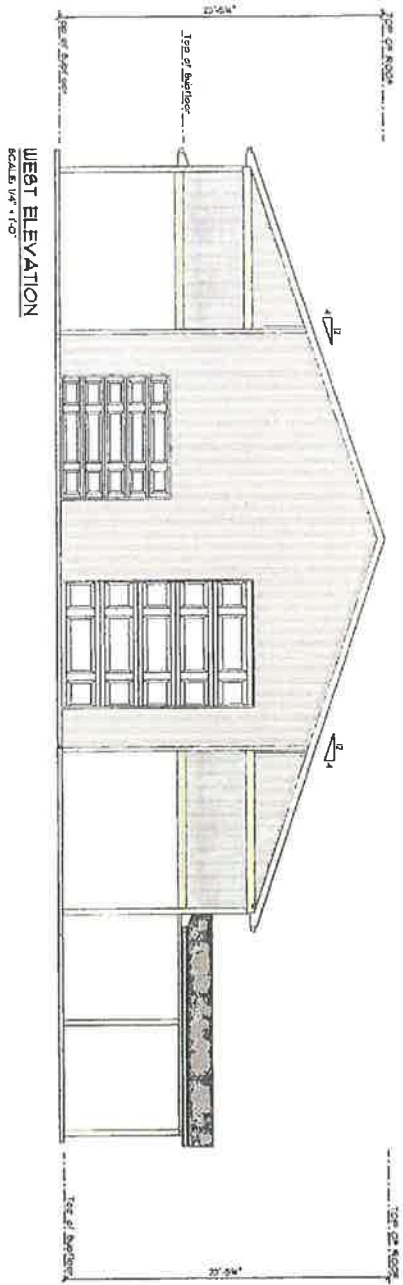
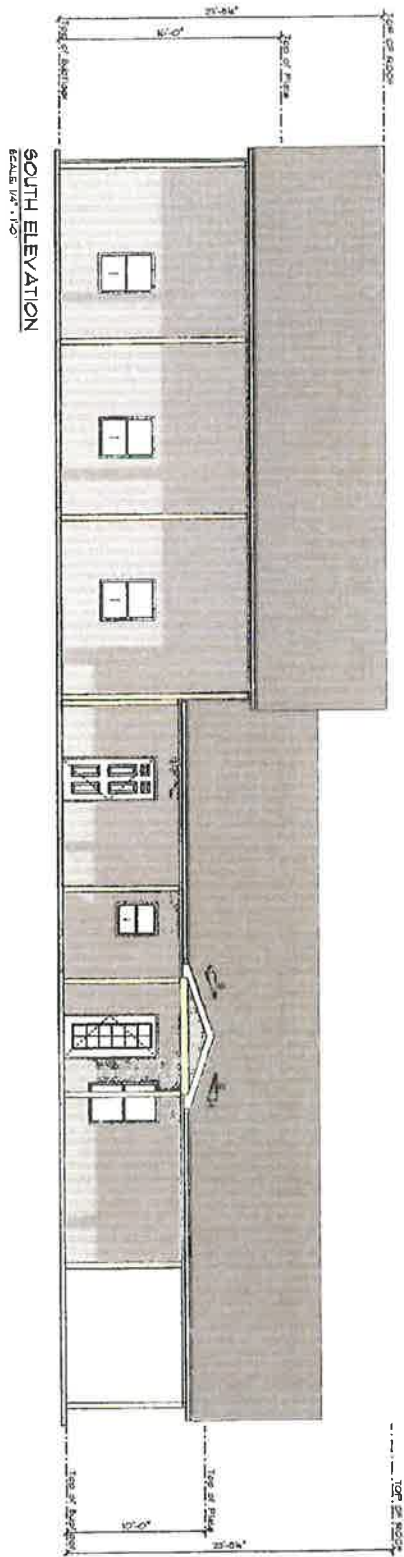
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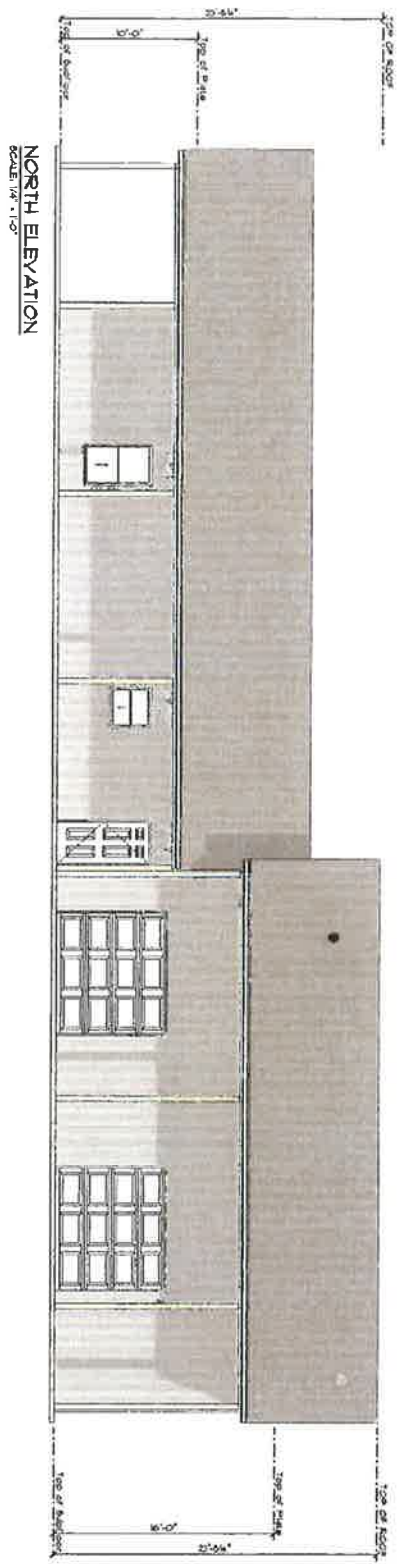
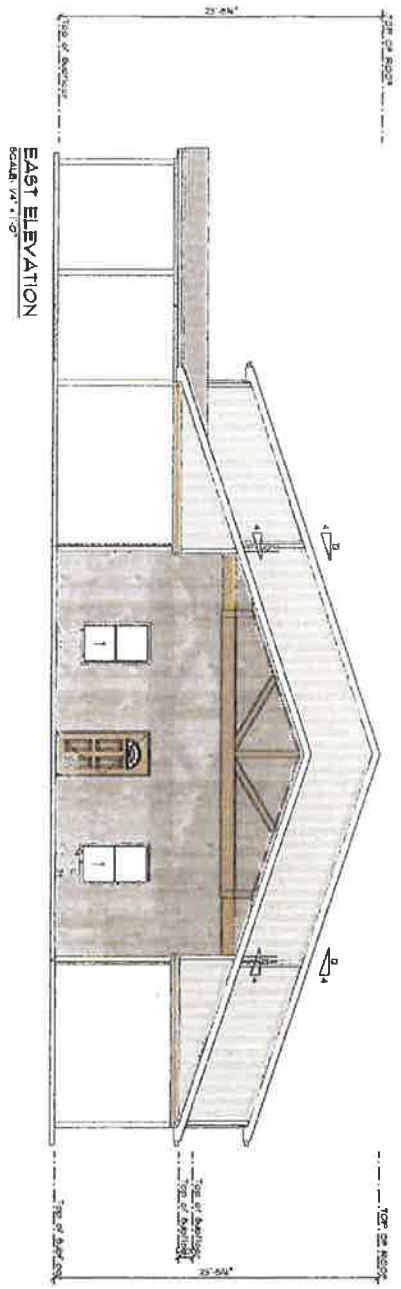
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Aerial Photo Date: February 2018

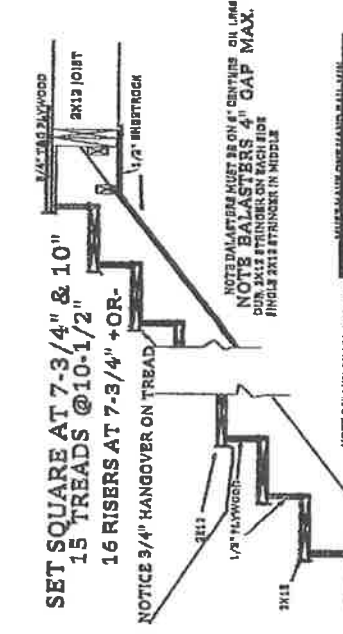


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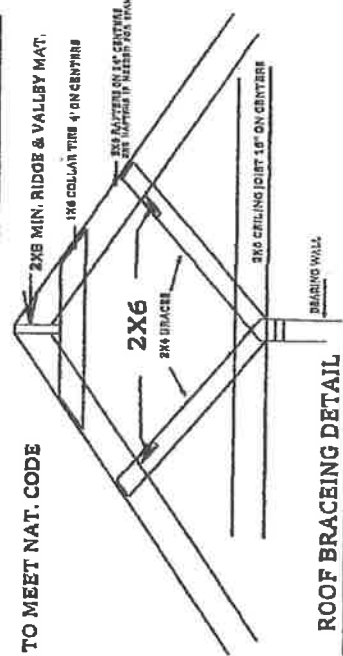




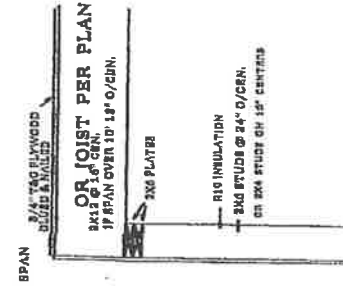
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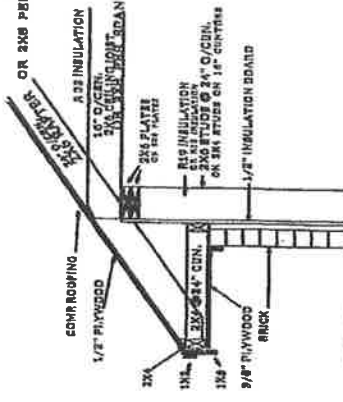
STAIR DETAIL



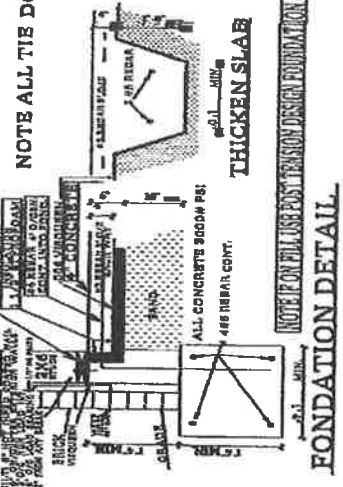
ROOF BRACING DETAIL



SECOND FLOOR JOIST DETAIL



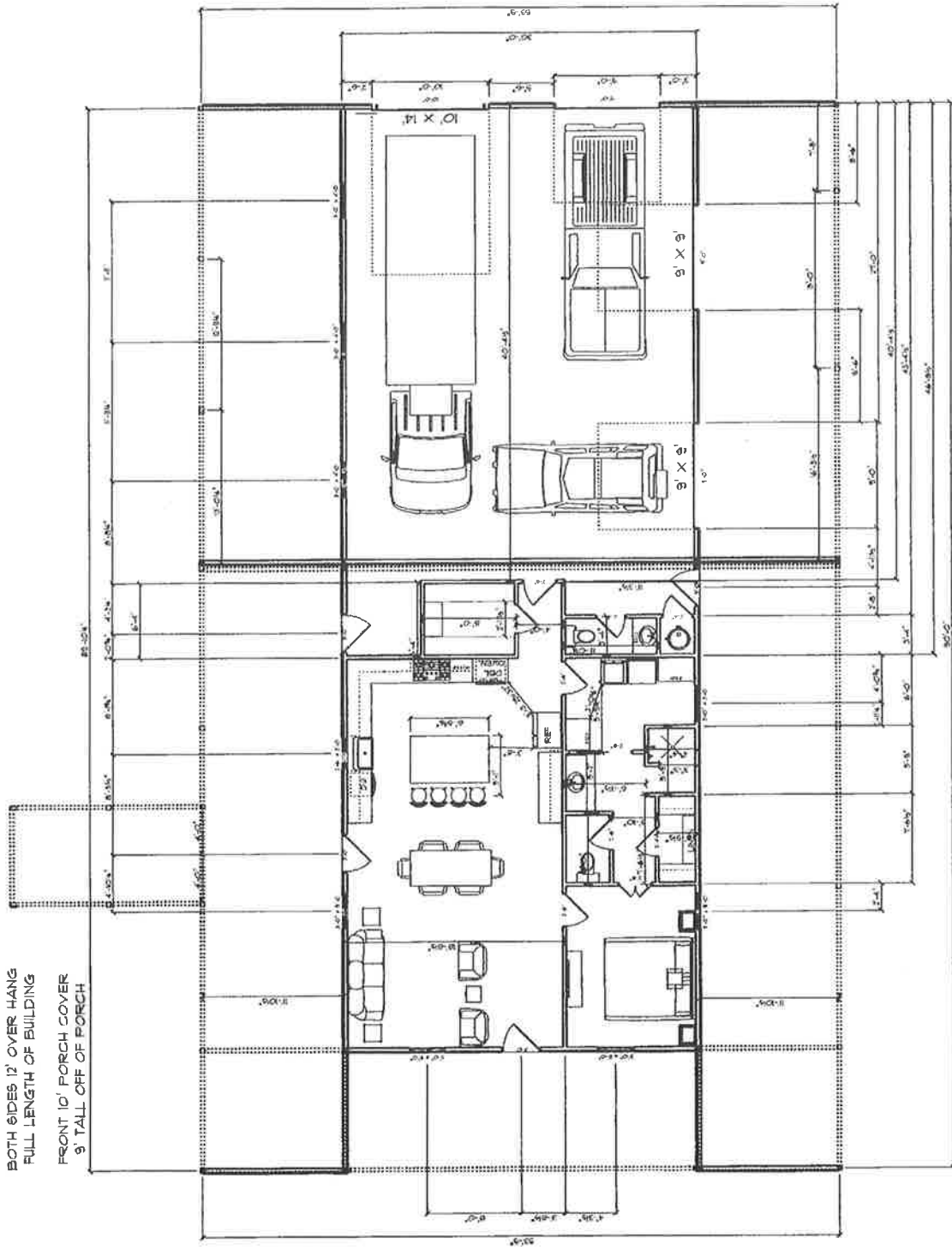
EAVE DETAIL



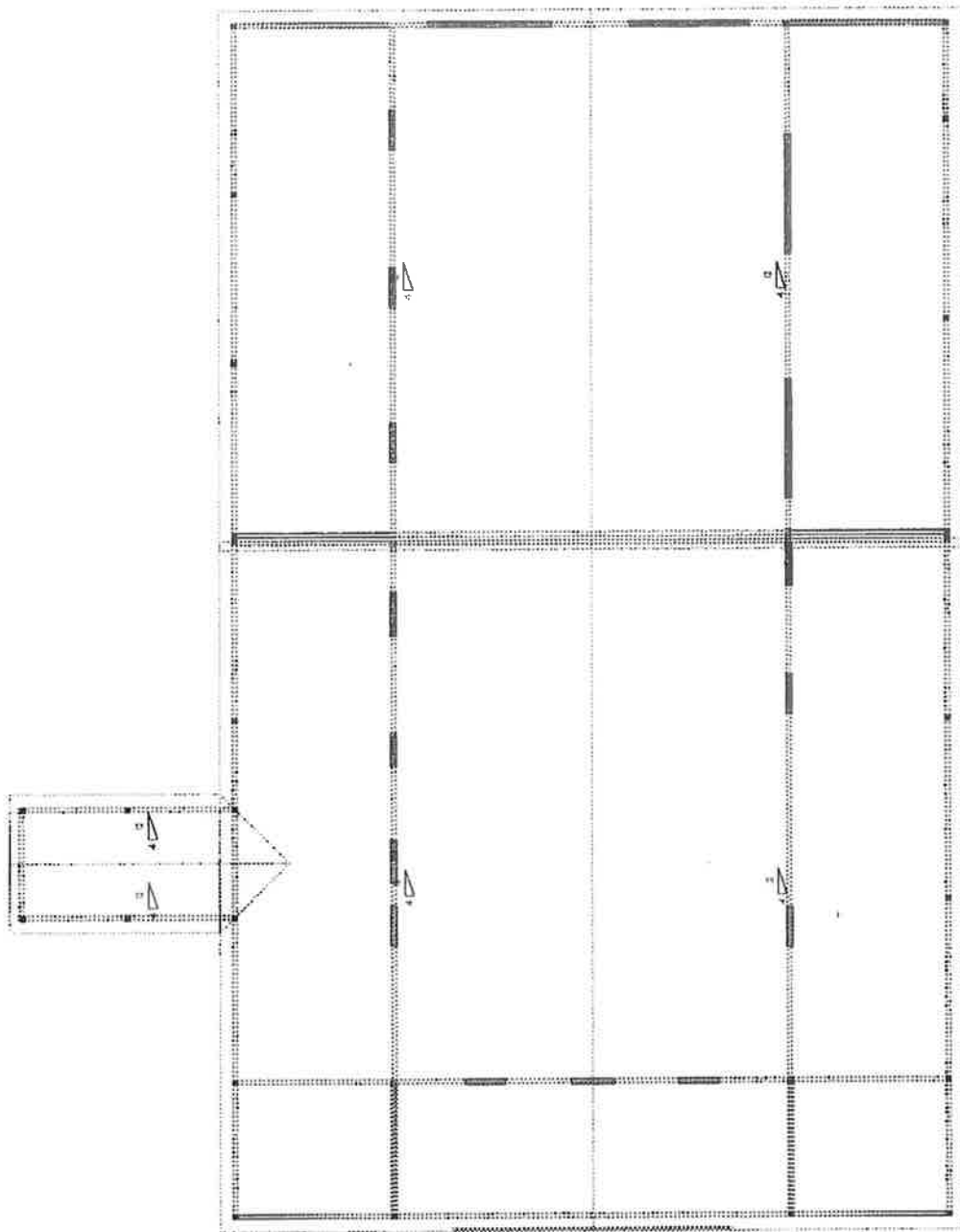
FOUNDATION DETAIL

DETAIL SHEET

16' SIDE WALLS
 BOTH SIDES 12' OVER HANG
 FULL LENGTH OF BUILDING
 FRONT 10' PORCH COVER
 9' TALL OFF OF PORCH

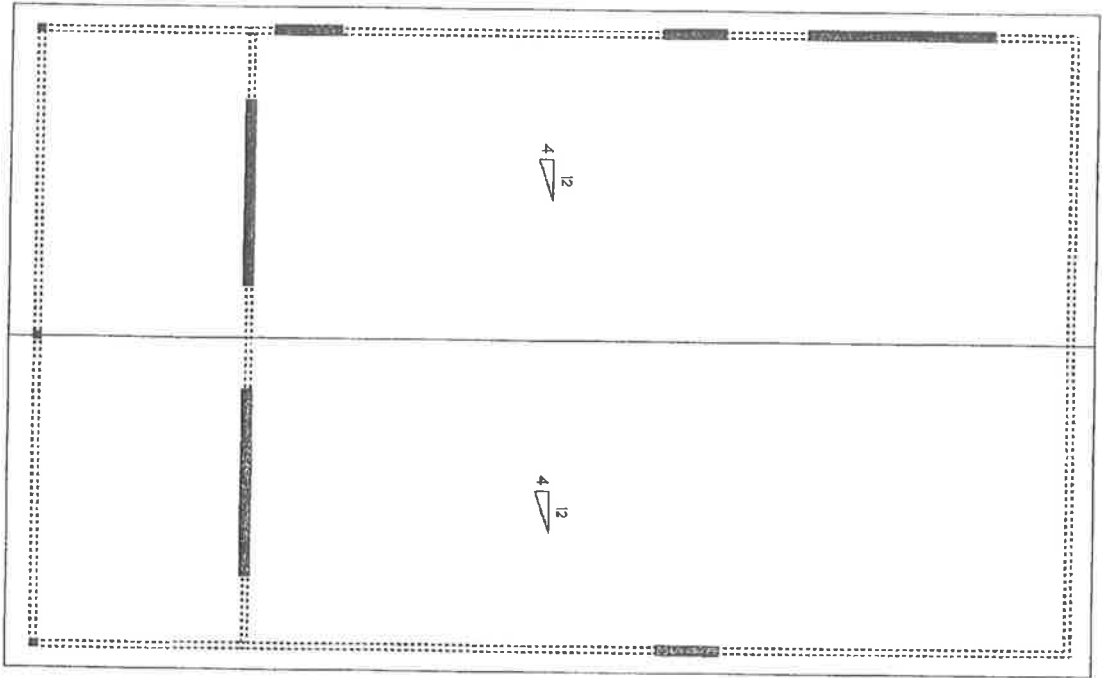


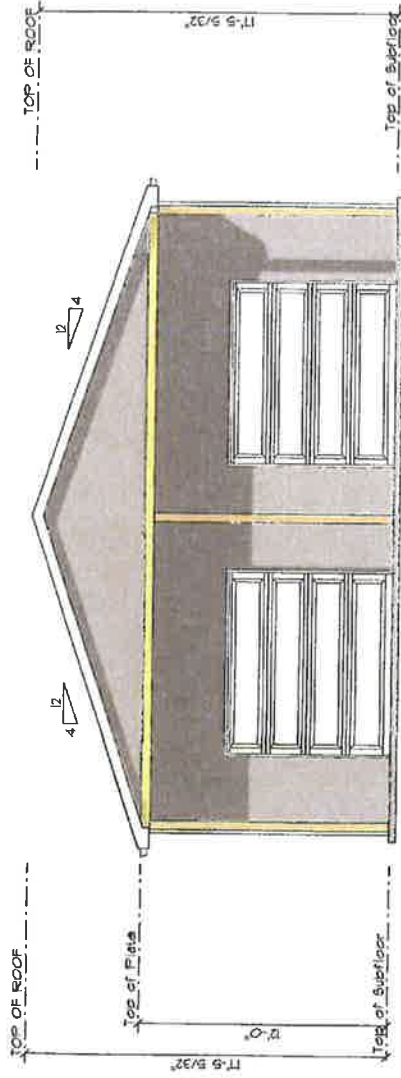
MAIN FLOOR I
 SCALE: 1/8" = 1'-0"



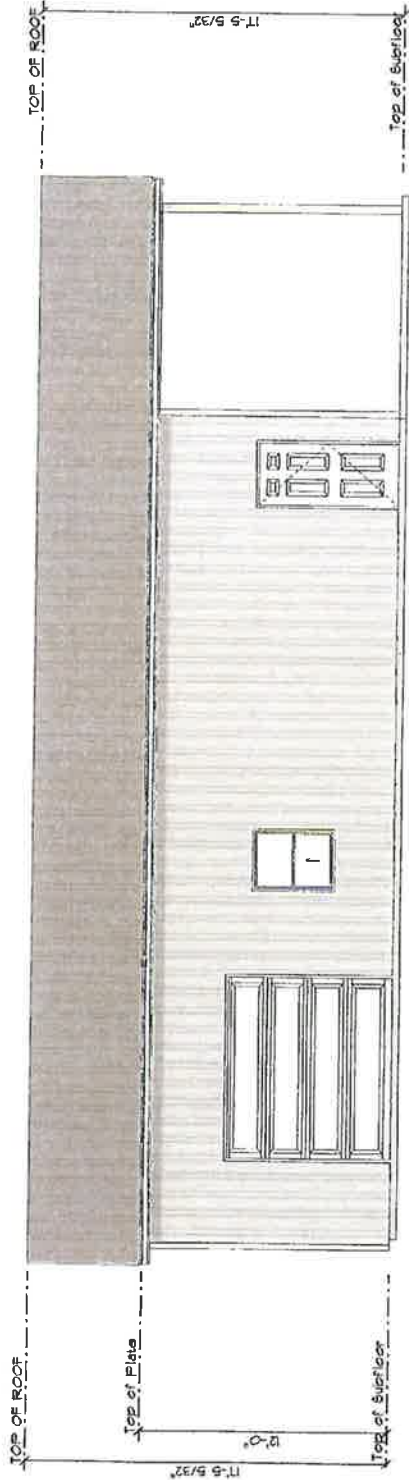
ROOF 1 PLAN - ROOF
SCALE: 1/4" = 1'-0"

ROOF PLAN - ROOF
SCALE: 1/4" = 1'-0"

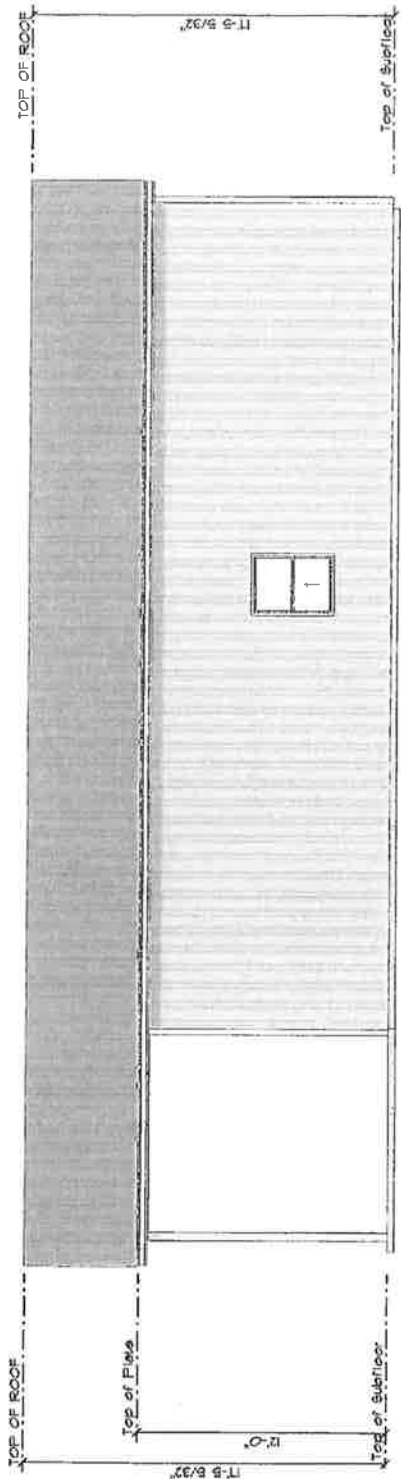




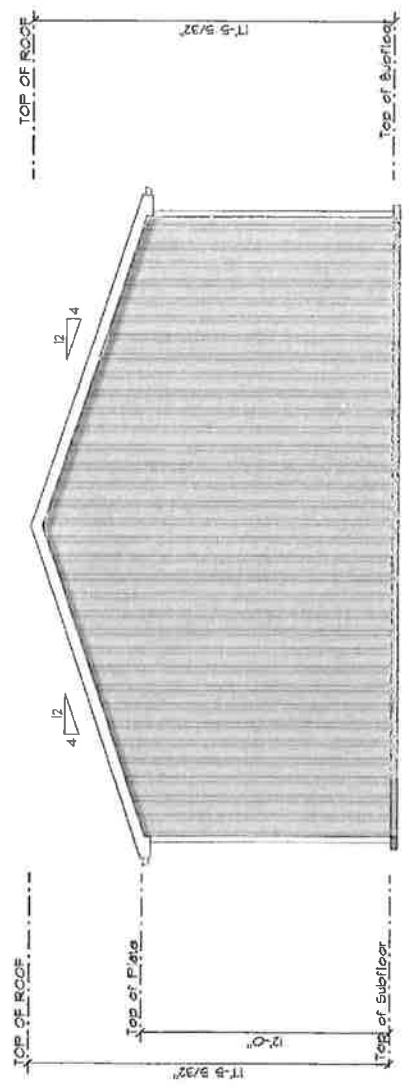
EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

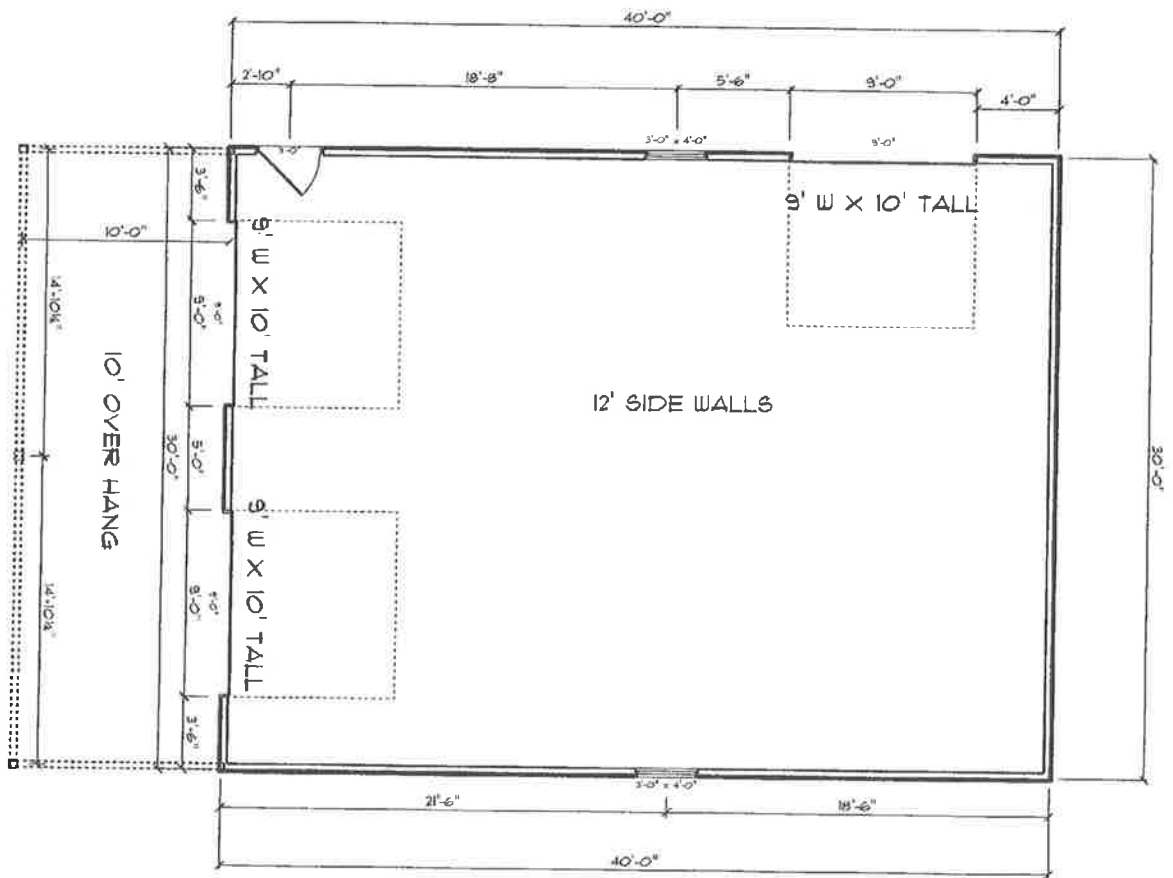


NORHT ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

MAIN FLOOR
SCALE: 1/4" = 1'-0"





 Subject Tract

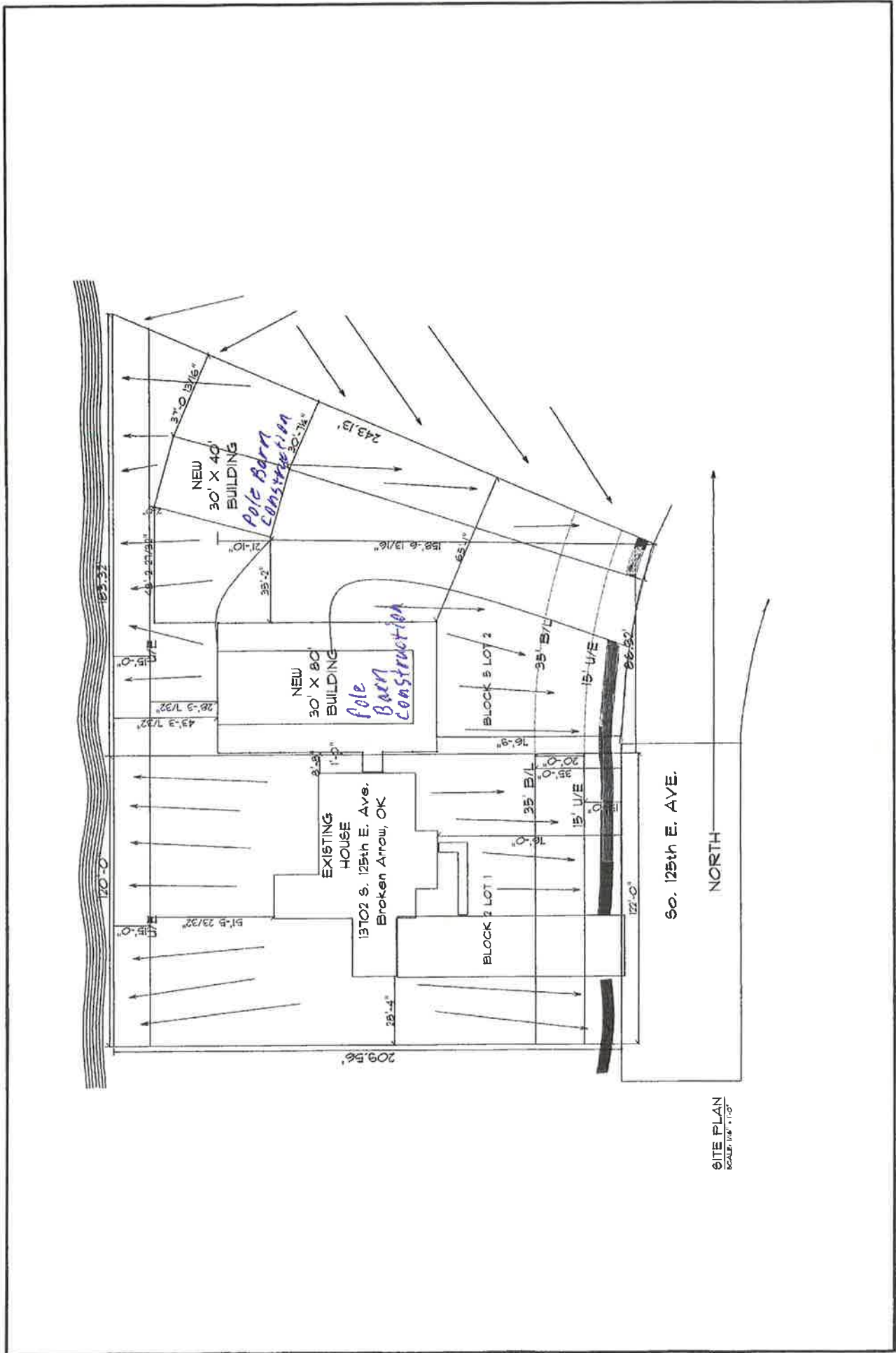
LC-980

17-14 08

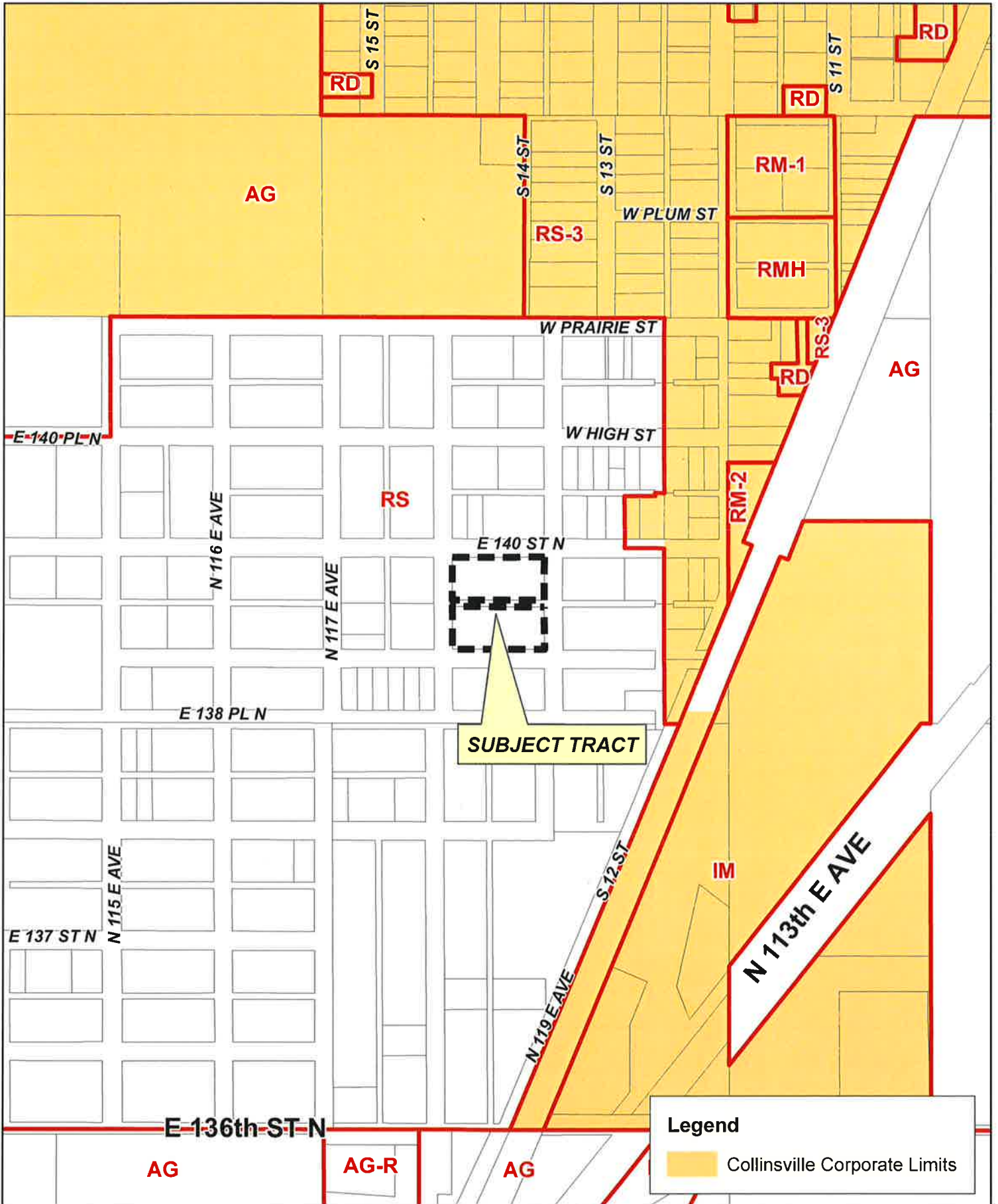
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Aerial Photo Date: February 2016



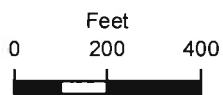


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CBOA-2857

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22-14 29



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2429

CASE NUMBER: CBOA-2857

CZM: 75

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Rick Clark

ACTION REQUESTED: Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E)

LOCATION: 11802 E. 140th St. N.

ZONED: RS

FENCELINE: Collinsville

PRESENT USE: Vacant

TRACT SIZE: 1.93 acres

LEGAL DESCRIPTION: LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning in all directions. It is located in a rural area with both residential uses and vacant properties.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E).

A Use Variance is required because a storage facility (Use Unit 23) is a use that is prohibited in the RS district. As a safeguard for the surrounding neighborhood, the Code requires that a screening fence or wall be constructed along the lot line(s) in common with an R-zoned lot.

The applicant provided the following statement:

"I purchased this property from my Parents to build a retirement living situation. I am 61 and am looking to retire on this piece of land in the next few years. The building currently being planned is solely to store personal items and to utilize for my retirement. At some point there will be a home built on this same property for my personal use within the next few years. The planned building is the minimum size requirement needed to hold my personal belongings. This space will also be utilized to allow remodel of my current home during the remodel proceedings.

The planned structure will be purposely hidden from view from the road. This is desirable feature to deter theft and keep privacy to a maximum.

The placement for the proposed building is as far south on the property as it can be placed due to terrain a terrain issue. The property features a steep hillside slope.

The properties surrounding this location are a diverse mix of metal buildings, houses, and farmland with livestock. Located within site of this property are multiple large, residential structures similar to the proposed building, all being used for similar situations.

There are no issues in the foreseeable future that would be a detriment to the surrounding property owners.

Also, properties surrounding this location are at least one acre and have houses built on them. It would not be feasible for residential tract development.

Located 0.4 miles and adjacent cross ways to the east from this property is a large metal structure. There are also two very large commercial businesses within a half a mile of this location that are far larger than this proposed personal use building.”

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures. According to the site plan, the proposed building will be 40' x 80' (3,200 SF).

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 consider prohibiting outside storage of materials or personal items on the lot.

Sample Motion:

“Move to _____ (approve/deny) a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E)

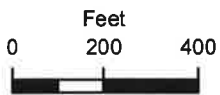
Subject to the following conditions, if any: _____.

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.”



Aerial view looking south onto the (approximate) subject property from E. 140th St. N.



 Subject Tract

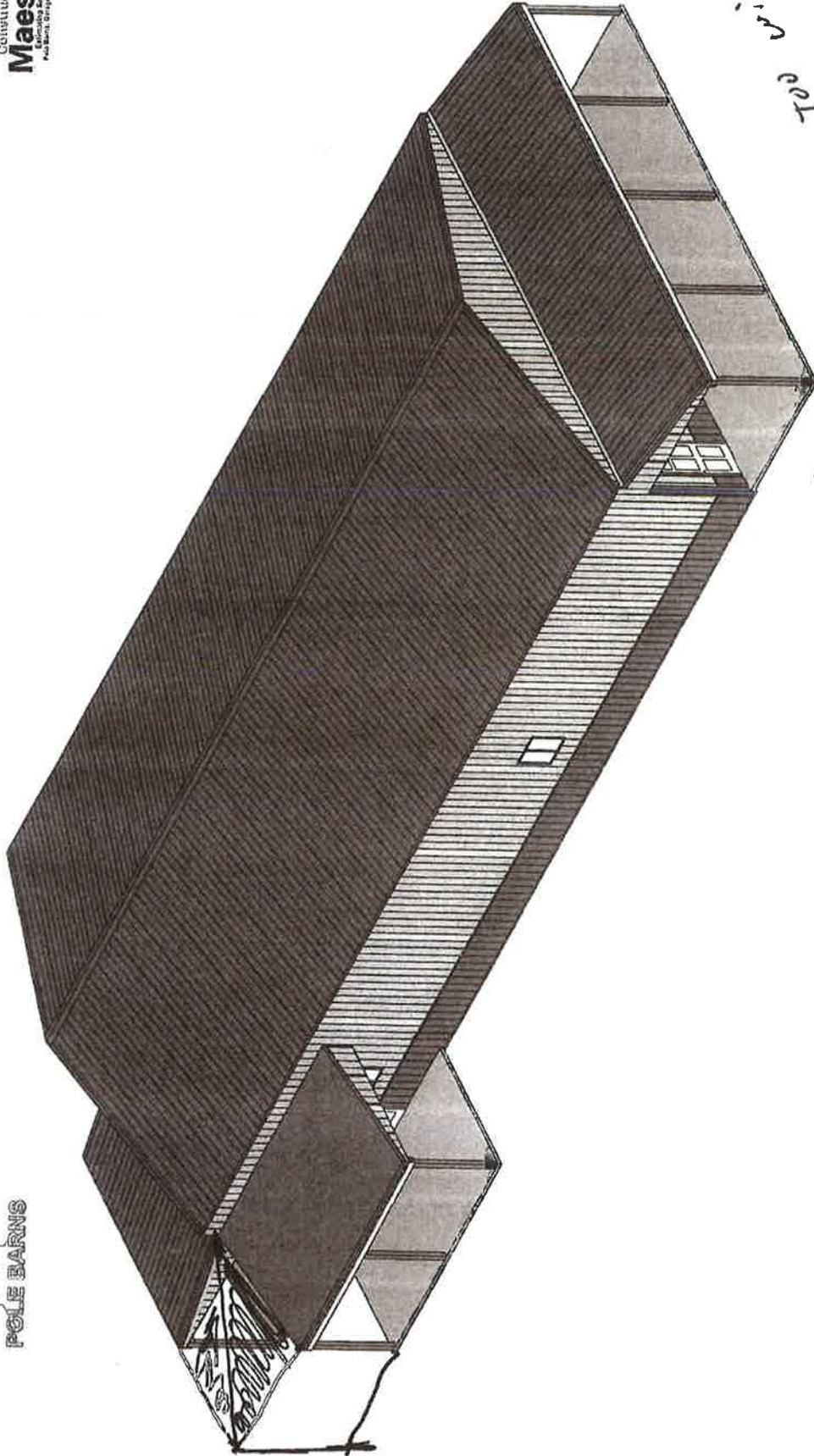
CBOA-2857

22-14 29

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

Aerial Photo Date: February 2018



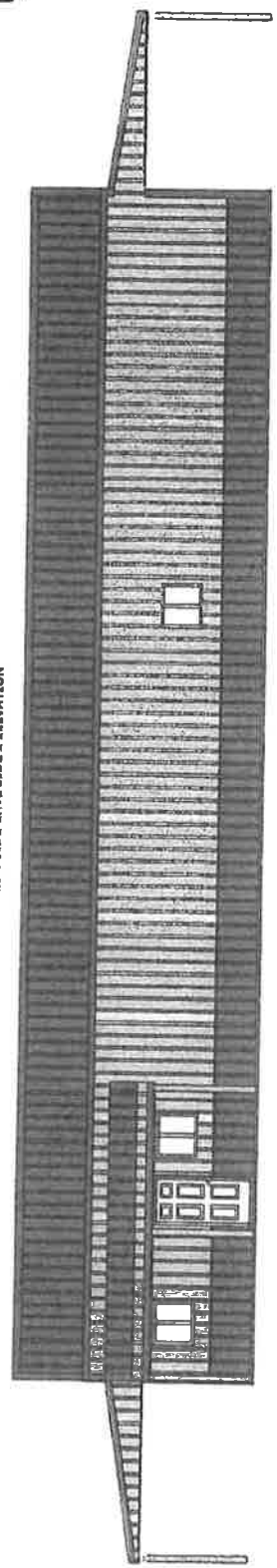


This Area Top will have to be centered on 40' wall

MOVE ENTRY DOOR WEST UNDER CANOPY

Maestro

EAST SIDE-EAVE SIDE 2 ELEVATION



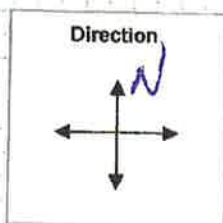
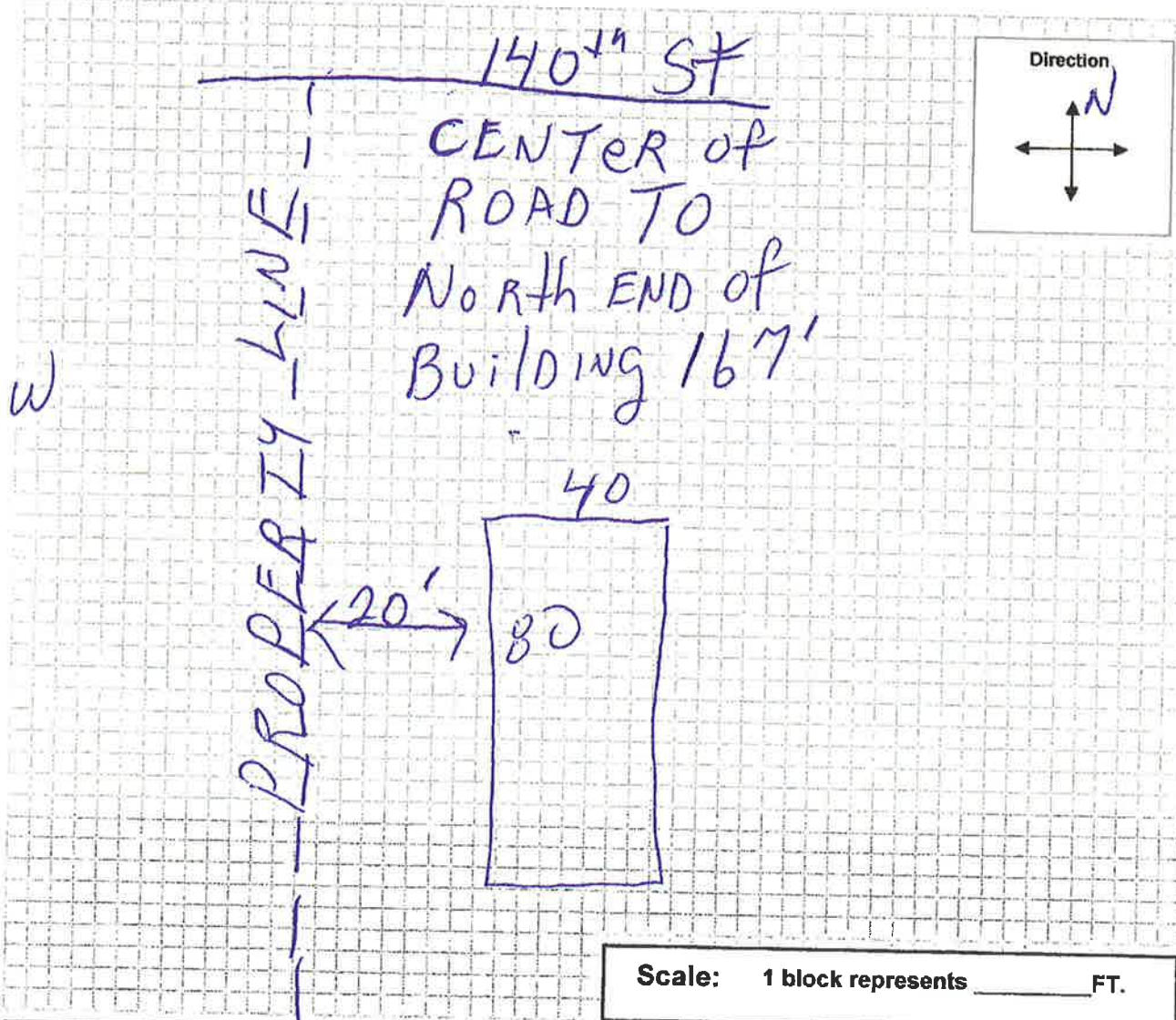
MAESTRO

CBOA-2857



Site Plan

Construction
Maestro[®]
Estimating Software
Pole Barns, Garages & Decks



Scale: 1 block represents _____ FT.

Name of Owner:		Phone: ()
Name of Agent: (If Applicable)		Phone: ()
Address of Property:	City:	State: Zip:
Zoned: NC <input type="checkbox"/> RA <input type="checkbox"/> RSA <input type="checkbox"/> RU1 <input type="checkbox"/> RU2 <input type="checkbox"/> RU3 <input type="checkbox"/> C-1 <input type="checkbox"/> C-2 <input type="checkbox"/> Other _____	Parcel ID:	Legal Description Attached <input type="radio"/> Y <input type="radio"/> N

"Rick Clark
Estimate Number: 117
8/25/2020"

Jones, Robi

From: Rick <clarkrick@yahoo.com>
Sent: Wednesday, September 23, 2020 11:16 PM
To: Jones, Robi
Subject: Clark variances

I drove around within a half mile of my property and found several apparent zoning violations. The single wide mobile home was just delivered yesterday (?) to 11426 E 137th St. It previously had a house on it. The photo of the 3 horses were taken from the spot I want to construct my pole barn looking east across our shared fence. Their home is a manufactured double wide. Roberts at 11914 E 140th St, zoned residential. Also in the photograph you can see the fire department (metal building) , the Storm Safe Rooms company, J&K Equipment and Collinsville Livestock Sales. Please take these into consideration for my application, I will be sending more in the next few days. Thank you, Rick Clark





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OTHER BUSINESS:

**ITEM #9 – REVIEW 2021 MEETING
SCHEDULE**

PROPOSED MEETING DATES FOR 2021
COUNTY BOARD OF ADJUSTMENT

JANUARY
19

JULY
20

FEBRUARY
16

AUGUST
17

MARCH
16

SEPTEMBER
21

APRIL
20

OCTOBER
19

MAY
18

NOVEMBER
16

JUNE
15

DECEMBER
21