

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, May 18, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 494

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, applicants and members of the public 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 West 3rd Street, Tulsa, Oklahoma

Attend Virtually: <https://us02web.zoom.us/j/85741533675>

Attend by Phone: 1-312-626-6799 Meeting ID: 857 4153 3675

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, and William Tisdale

INTRODUCTION AND NOTICE TO THE PUBLIC

At this Meeting the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

Review and possible approval, approval with modifications, denial or deferral of the following:

1. Approval of **Minutes** of April 20, 2021 (Meeting No. 493).

UNFINISHED BUSINESS

Review and possible approval, approval with modifications, denial or deferral of the following:

2. **2881—Jake’s Fireworks – Jason Marietta**
Special Exception to permit a fireworks stand (Use Unit 2) in an RE District (Section 410); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** West of the NW/c of Highway 169 and East 106th Street North

NEW APPLICATIONS

Review and possible approval, approval with modifications, denial or deferral of the following:

3. **2885—Sherry Barbour**
Special Exception to permit a fireworks stand (Use Unit 2) in an RS District; Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 524 North 49th Avenue West
4. **2886—Irene Taliaferro**
Variance of the minimum land area per dwelling unit in the AG District to permit two dwelling units on one lot of record (Section 330). **LOCATION:** 6588 North 129th East Avenue
5. **2887—Natalie Jackson**
Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in a CS District (Section 1225). **LOCATION:** 7425 North Peoria Avenue East
6. **2888—Ryan Strobe**
Modification to a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG District (Section 310, Table 1). **LOCATION:** 12100 East 171st Street North

7. **2889—Mary Huckabee**

Variance of the minimum frontage requirement on a public street from 30 feet to 0 feet in an AG District (Section 207). **LOCATION:** 14644 South Lewis Avenue East

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

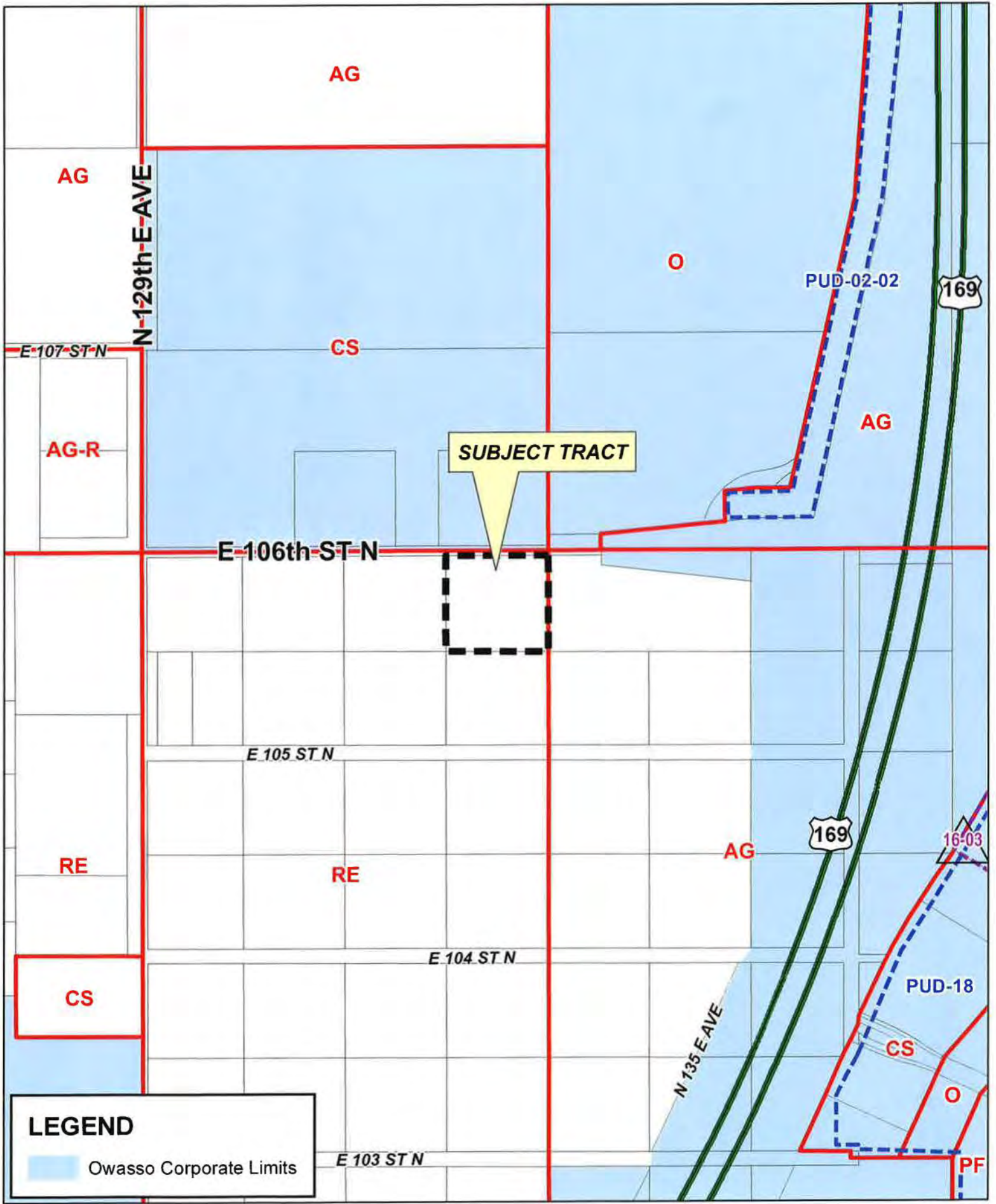
Website: tulsaplanning.org

E-mail: esubmit@incog.org

If you require special accommodations pursuant to the Americans with Disabilities Act, please call 918-584-7526.

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Board of Adjustment meeting.

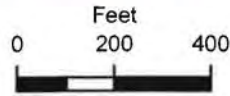
NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.



SUBJECT TRACT

LEGEND

Owasso Corporate Limits



CBOA-2881

21-14 16

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1416
CZM: 12

CASE NUMBER: **CBOA-2881**
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/18/2021 1:30 PM

APPLICANT: Jason Marietta

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410); Variance of the all-weather surface material requirement for parking (Sec.1340.D).

LOCATION: West of the Northwest corner of Highway 169 and E. 106th St. N. **ZONED:** RE

FENCELINE: Owasso

PRESENT USE: Vacant

TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: NE NE NW NW LESS .13AC FOR RD SEC 16 21 14 2.37ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2716 August 2018: The Board approved a *Special Exception* to permit a fireworks stand in an AG district and a *Variance* of the all-weather surface material requirement for parking for a period of 5 years, on property located at 13412 E. 106th Street North.

CBOA- 2205 April 2006: The Board approved a Special Exception to permit a fireworks stand in an AG District (Section 310); and a Variance of the all-weather surface material requirement for parking (Section 1340.D) for a period of 3 years, on property located at 13412 E. 106th St. N.



CBOA-2816 & CBOA-2205

LEGAL DESCRIPTION: NE NE NW NW LESS .13AC FOR RD SEC 16 21 14 2.37ACS,

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RE zoning to the east, south, and west. It abuts CS zoning to the north. Surrounding properties appear to have residential uses except the property to the east which appears to be vacant.

STAFF COMMENTS:

New Comments: This case was continued from 04/20/2021 to 5/18/2021 as requested by staff in order to re-notice due to a change in the legal description.

Original Comments: The applicant is before the Board requesting a Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410); Variance of the all-weather surface material requirement for parking (Sec.1340.D). The site plan submitted with the application proposes an 80' x 40' fireworks tent located on the east side of the subject property. The subject tract is zoned RS. A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in RS districts 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 parking lot will have a gravel surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site.

The applicant provided the following statement: *"This will be a temporary seasonal use of this area. Seasonal use only from June 15th - July 15th of each year. We will not compromise or change the landowner's property in any way that would be a permanent change."*

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410).

Subject to the following conditions (including time limitation & hours of operation, 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.

"Move to _____ (approve/deny) a Variance of the all-weather surface material requirement for parking (Sec.1340.D).

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."

all-weather surface material requirement for parking (Section 1340.D). The hours of operation will conclude at 11:00 P.M. except for July 3rd and July 4th, then the stand can stay open until midnight. The approval will have a five-year time limit, August 2023; for the following property:

N273.58 W990.15 LT 4 SEC 1 17 14 6.219ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2716—Jakes Fireworks – Jason Wanetta

FILE COPY

Action Requested:

Special Exception to permit a fireworks stand in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: 13412 East 106th Street North, Owasso

Presentation:

Jason Marietta, 1500 East 27th Terrace, Pittsburg, KS; stated there has been a stand on the subject property for over ten years, and it is the same as the previous case.

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 Special Exception to permit a fireworks stand in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). The hours of operation will conclude at 11:00 P.M. except for July 3rd and July 4th, then the stand can stay open until midnight. The approval will have a five-year time limit, August 2023; for the following property:

N/2 NW NE NW LESS BEG NEC THEREOF TH W486.29 S50 SE488.97 N100 POB & LESS N16.5 W173.71 THEREOF FOR RD SEC 16 21 14 4.102ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2707—James Kent

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an RS District and IL District; Variance of the all-weather surface material requirement for parking

request for a special exception and variance from the zoning code. He promised to encourage other neighbors in opposition to drop their protests. Mr. Ramos promised to cease the auto repair business and Ms. Harris promised to cease electronic surveillance of his property. Ms. Harris promised also to cease protest of his past activities that she considered violations of the zoning code. This agreement would be replaced by a more formal agreement. She added that she advised him on some gardening problems and they are now open to communication. He observed the cameras being removed.

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, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to allow retail sales of farm produce in an AG zoned district Sect 320.1.2; and a Variance of the required hard surface parking to allow gravel parking for customers, finding the small incidence of sales, on the following described property:

N440 E/2 E/2 SE LESS W.16AC THEREOF FOR RD SEC 3322 14 6.500ACS
(TR 1 & 2 PH 1), Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No.2205

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in an AG district; and a Variance of the all-weather surface requirement for the parking area, located: 13412 East 106th Street North.

Presentation:

Brett Watson, 402 Victorian Drive, Pittsburg, Kansas, reminded the Board of the short time period they would use the property. He added the parking would be graveled to prevent autos from displacing mud onto the street. The hardship is that this is only a temporary use.

Comments and Questions:

Mr. Charney asked Mr. Watson if the application was approved if the lights would face north toward the church rather than south. Mr. Charney also would condition it with a 10:30 p.m. closing time with lights out. Mr. Watson responded that in the summer the sun sets later so there would not be much need for lighting. He also requested to stay open later on July 3rd and 4th, when they have a lot more business.

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 Special Exception to permit a fireworks stand (Use Unit 2) in an AG district, for a period of three years; and a Variance of the all-weather surface requirement for the parking area, finding the temporary nature of the special exception use, on the following described property:

N/2 NW NE NW LESS BEG NEC THEREOF TH W486.29 S50 SE488.97 N100
POB & LESS N16.5 W173.71 THEREOF FORRD SEC 16 21 14 4.102ACS,
Tulsa County, State of Oklahoma

Case No. 2206

Action Requested:

Special Exception to permit a cell tower in an RM-2 district; and a Special Exception of the required 110 percent distance from an R district, located: 6524 West Charles Page Boulevard South.

Mr. Cuthbertson noted to the Board that under staff review it was determined that the special exception of the required 110 percent distance from an R district was not necessary. Staff advised the special exception based on the residential district they were in but it should have been interpreted "from the next residential district", which was more than the 110% distance. The applicant has withdrawn that special exception.

Presentation:

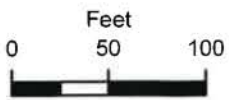
Lou Reynolds, 2727 East 21st Street, represented Verizon Wireless for Mr. Kavanagh. He submitted photographs, a map and a site plan (Exhibits B-1, B-2 and B-3). It is an unusual location, as one-half of the site is on IM and one-half on RM-2 property. It would all be on the IM property but it would be on the levy. All the homes are 300' from the location for the tower. It is behind a commercial center. He reviewed the surrounding properties and their uses. This application is for a 150' monopole tower. He stated this tower would fill up a critical gap in Sand Springs and west Tulsa.

Interested Parties:

There were no interested parties who wished to speak.



E 106th ST N



Subject Tract

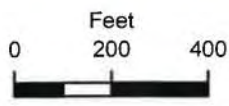
CBOA-2881

21-14 16

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

Aerial Photo Date: February 2018





 Subject Tract

CBOA-2881

21-14 16

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

Aerial Photo Date: February 2018

2.8



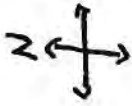


Looking southeast on E. 106th St. N. toward property line between the existing house and the subject property.



Looking east along E. 106th St. N.

13108 E 106th STREET NORTH, OWASSO OK



E 106th STREET NORTH

PROPOSED GRAVEL DRIVE

FENCE

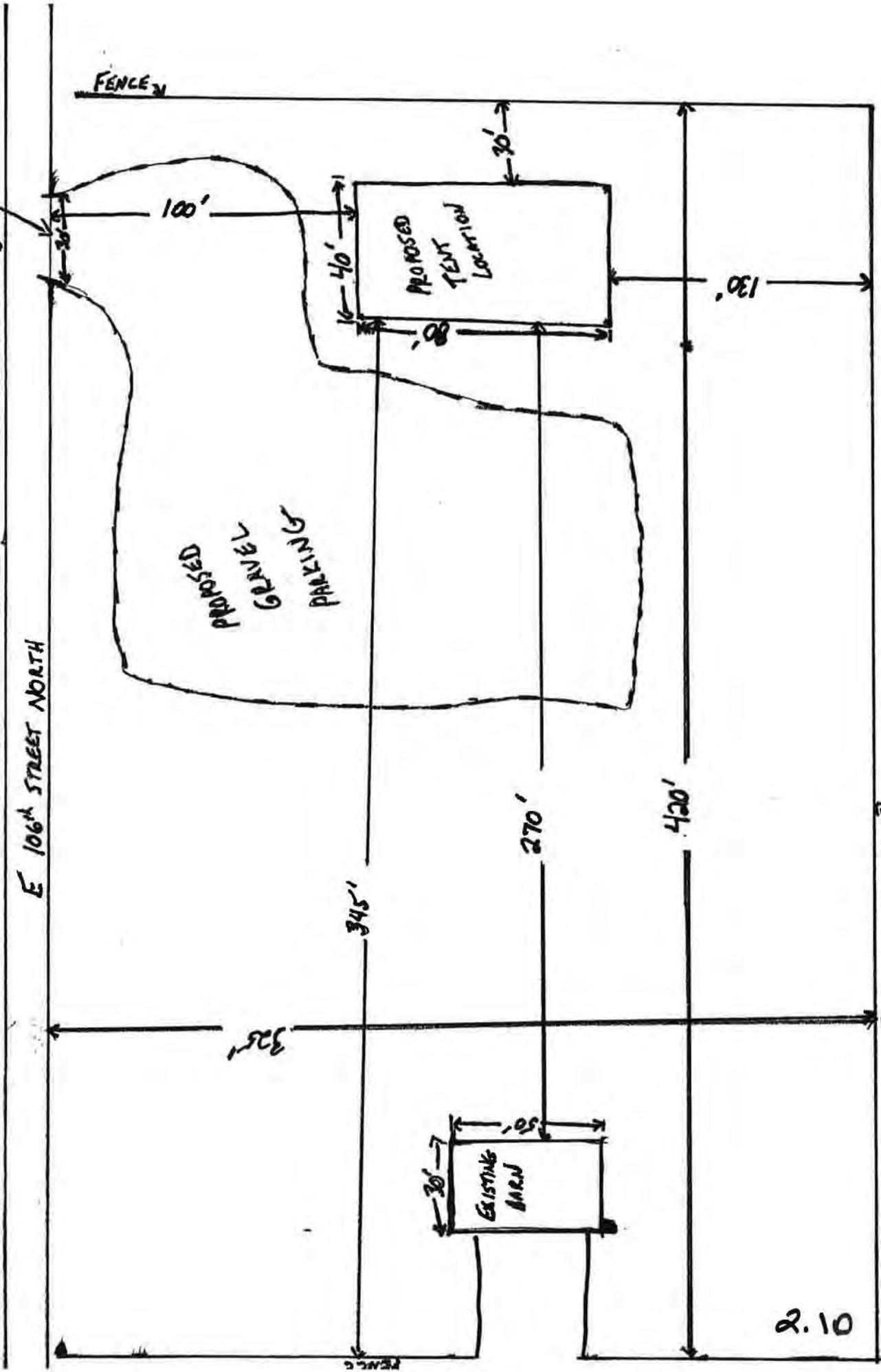
PROPOSED GRAVEL MARKING

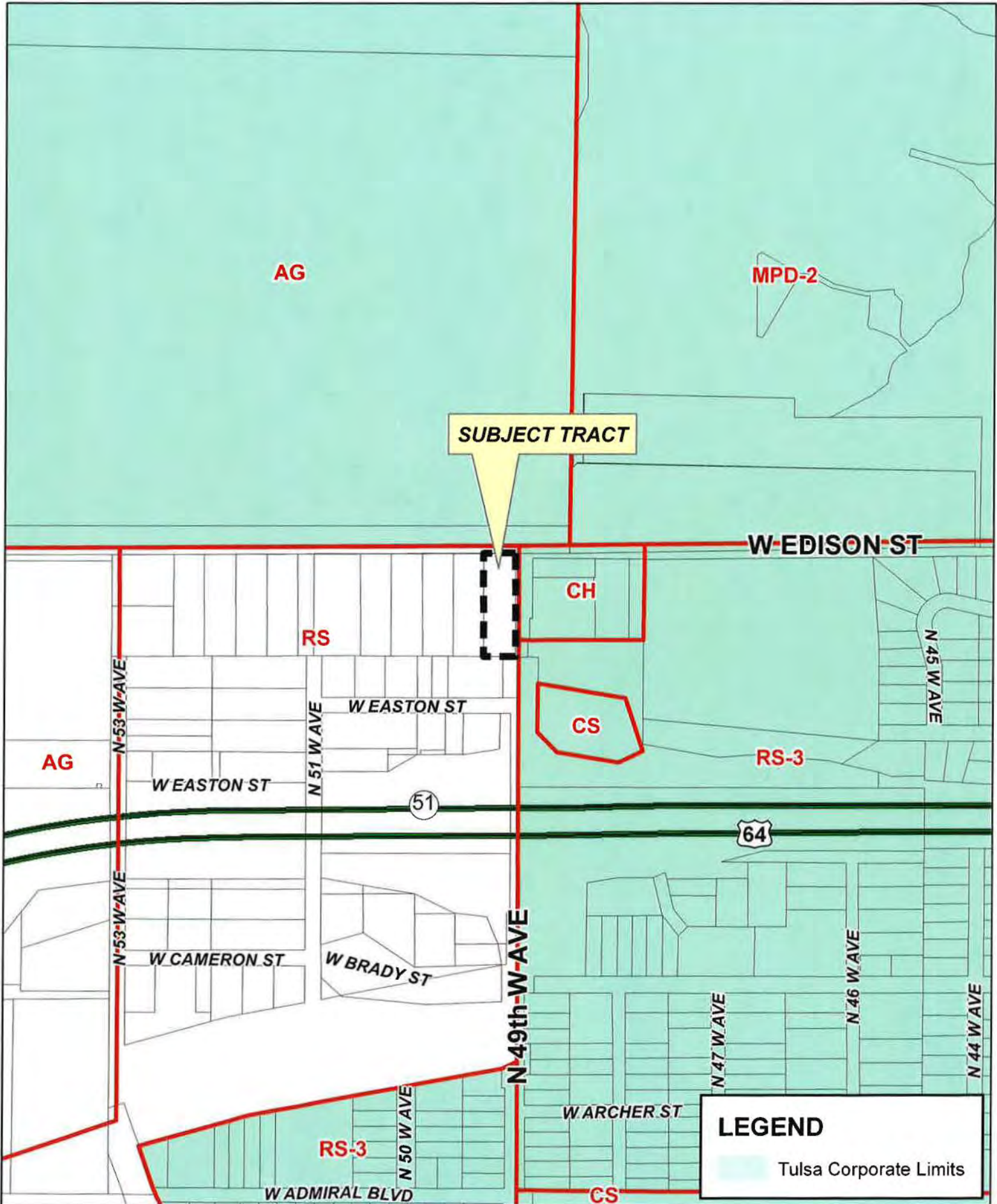
PROPOSED TENT LOCATION

EXISTING BARN

PROPERTY LINE

2.10





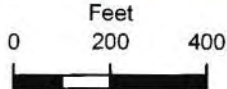
SUBJECT TRACT

LEGEND

Tulsa Corporate Limits

CBOA-2885

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19-12 05



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9205

CZM: 35

CASE NUMBER: CBOA-2885

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/18/2021 1:30 PM

APPLICANT: Sherry Barbour

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) in an RS district; and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 524 N 49 AV W

ZONED: RS

FENCELINE: W. Central Tulsa County

PRESENT USE: Residential

TRACT SIZE: 0.75 acres

LEGAL DESCRIPTION: TR.13 BG.24.75 S.& 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2705 July 2018: The Board approved a *Special Exception* to allow a fireworks stand (Use Unit 2) in an RS district. There is to be no smoking on the fireworks stand site. There is to be no parking behind to the west of the fireworks stand, parking is to be done in the front of the fireworks stand or across the street. There is to be no discharge of fireworks on the site. The hours of operation are to be June 17 to June 26 from 9:00 a.m. to 9:00 p.m., June 27th to June 30th 9:00 a.m. to 10:00 p.m., and July 1st to July 4th from 8:00 a.m. to 12:00 midnight. The approval will have a two-year time limit, July 2020, on property located at 524 North 49th West Avenue.

CBOA-2262 May 2007: The Board approved a *Special Exception* to permit a fireworks stand in an AG district with condition for the hours of operation to be 10:00 a.m. to 10:00 p.m., and to midnight for three nights before July 4th for a period of 5 years; and approved a *Variance* of paving requirement to permit a temporary gravel driving surface, on property located at 524 North 49th Avenue West.

CBOA-2046 July 2003: The Board approved a *Special Exception* to allow a fireworks stand in an RS district for two years; and a *Variance* of the hard surface parking to allow gravel and grass, on property located at 524 North 49th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts Tulsa Corporate Limits to the north and east; and RS zoned residential properties to the south and west.

STAFF COMMENTS:

The applicant is before the Board to request Special Exception to permit fireworks stand (Use Unit 2) in an RS district; and a Variance from the all-weather parking surface requirement (Section 1340.D).

The site plan submitted with the application proposes three 24-foot firework stands on the northern portion of the parcel. A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the RS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

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

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks in a given year. The applicant did not submit proposed hours of operation or dates the fireworks stands would be open. The client did provide some additional information including a request for a 5-year time limit (see attached on page with the proposed site plan).

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

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

- Limiting the days and hours of operation
- Time limit of approval

Sample Motion:

Move to _____ (approve/deny) a Special Exception to permit fireworks stand (Use Unit 2) in an RS district.

Subject to the following conditions (if any, – it could include time limit, hours of operation, and/or conceptual plans): _____.

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.

Move to _____ (approve/deny) a Variance from the all-weather parking surface requirement (Section 1340.D).

Finding the hardship to be _____.

Subject to the following conditions (including time limit, or conceptual plans) if any): _____.

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

2704—Sherry Barbour

Action Requested:

Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 1510 North Vandalia Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated this property has been a fireworks stand location for 75 years. Ms. Barbour stated that she leases the site from Mr. Martinez. It has a very hard packed parking area, and asked Mr. Martinez to bring in extra gravel to cut down on the dust.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the request for a Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). The hours of operation are to be June 17 to June 26th 9:00 A.M. to 9:00 P.M., June 27th to June 30th 9:00 A.M. to 10:00 P.M., and July 1st to July 4th 8:00 A.M. to 12:00 midnight. The approval will have a five-year time limit, July 2023. The Board finds this will not be injurious to the neighborhood; for the following property:

E 125 W 495 S 240 SW SE SE LESS S 50 FOR ST. SEC 28-20-13, WEE RANCHO ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2705—Sherry Barbour

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Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an RS District and IL District. **LOCATION:** 524 North 49th West Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated she has a fireworks stand at this location about 15 years. Prior to her having this location there was a fireworks stand there for about 20 years. There is parking in front of the fireworks stand and there is parking across the street. The land owner has six or seven parking spots in front of his shop the stand workers can park in, because there is usually no more than six adult volunteers at the stand at a time. The parking area in front of the stand is

CBOA-2705

gravel under grass and it has been that way for many years. Ms. Barbour stated she has added gravel to that site about 10 years ago as requested by Mr. Terry West. Ms. Barbour stated a soccer group operates this stand and they take turns staying awake at this location, and there is no RV parked at this location.

Interested Parties:

Tina Jones, 4904 West Edison Street, Tulsa, OK; stated she has complaints about the subject fireworks stand. The stand is approximately 87'-7" from her house; 49'-0" from the stand to her fence that is between her house and the fireworks stand. That leaves 38.7 feet from the fence to her house. The people that are there are up 24 hours a day because they blow the firecrackers outside the stand at all hours of the night. For the last two years she has called the Sheriff out. There is no gravel because her husband mows the site. Cars are parked behind the fireworks stand and between the fireworks stand and the fence. On July 3rd there were 20 cars parked between the fireworks stand and the fence, and on the 4th there were 21 cars. There is no gravel or hard surface there. When the car lights are turned on they shine into her house. There are three fireworks stands plus a storage container for the inventory, and all of those have lights behind them and those lights shine into her house as well. The people that are at the stands smoke and she is getting tired of it. There doesn't seem to be any respect for her because they do not stop activity at midnight. The people shoot off fireworks in front of the fireworks stand or go across the street eastward to shoot off the fireworks, and the Sheriff has a record of that. Ms. Jones stated she is afraid that if her insurance company finds out about the fireworks stand they will cancel her home owner's insurance policy. She thought a fireworks stand had to be 500 feet away from a residential property, and those stands are only 87'-7" from her house. This has become a large public nuisance for these two weeks of the year, especially the last two nights of the season. This stand is not good. Ms. Jones stated she was not aware there was a fireworks stand on the site when she bought her property about 10 years ago. The fireworks stand is not safe especially since it is so close to her house. There are other locations where the fireworks stand could be placed that are not adjacent to a residence.

Rebuttal:

Sherry Barbour came forward and stated she has spoken with the owner because he lives on the subject property, and he never told her about the neighbor complaining. Ms. Barbour stated that she did notice the cars parking near the fence this year when she visited and she will get it stopped because there is plenty of parking across the street. As for smoking she was not aware of any smoking on the site, and the Fire Marshal says smoking is to be done at least 50 feet away from the stand. Ms. Barbour stated that when people purchase fireworks they set them off, and her people know that there is a penalty being issued by her and the possibility of them not returning the next year. The soccer group wants to be there and they will comply with whatever is asked of them. This is the first she has heard of any noise issue. Ms. Barbour stated that she has met the Sheriff at the site in the past because the operators are very vigilant about calling the Sheriff's office. Ms. Barbour stated that she will do whatever it takes to keep this stand operating because it has been there a long, long time. This stand is one of

CBDA-2705

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the last ones in and one of the first to be taken out because she wants to be a good neighbor.

Mr. Johnston asked Ms. Barbour if there was a privacy fence between the stand and the house. Ms. Barbour stated it is not a privacy fence but a chainlink fence.

Comments and Questions:

Mr. Johnston stated he has concerns about the stand being so close to the residence.

Mr. Dillard stated the stand has been operating for 15 years, but he would only approve this for two years to make sure the neighbor is happy.

Mr. Charney stated that Ms. Barbour has expressed a willingness to no longer permit the parking at the stand.

Mr. Crall stated that maybe Ms. Barbour can get under control who she is leasing to and enforcing the rules because it sounds like there are rules in place.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the request for a Special Exception to allow a fireworks stand (Use Unit 2) in an RS District and IL District. There is to be no smoking on fireworks stand site. There is to be no parking behind, to the west, the fireworks stand; parking is to be done in the front of the fireworks stand or across the street. There is to be no discharge of fireworks on the site. The hours of operation are to be June 17 to June 26th 9:00 A.M. to 9:00 P.M., June 27th to June 30th 9:00 A.M. to 10:00 P.M., and July 1st to July 4th 8:00 A.M. to 12:00 midnight. The approval will have a two-year time limit, July 2020; for the following property:

TR.13 BG.24.75 S. & 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Hutchinson re-entered the meeting at 4:53 P.M.

2706—Neil Swanson

Action Requested:

Variance to reduce the side setback to allow for a carport (Section 420.2); Special Exception to allow for a carport in the side yard (Section 240.2-H). **LOCATION:**
12821 East 132nd Street South

Presentation:

Neil Swanson, 12821 East 132nd Street South, Broken Arrow, OK; stated he would like to have a carport to protect his motorhome. He lives west of 129th East Avenue and is

On **Amended Motion** by **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (Section 310); with hours of operation 10:00 a.m. to 10:00 p.m. from June 15th through July 4th for a period of five years or until the property is annexed into the city, whichever comes first; and to allow the stand to operate until 11:00 p.m. on the weekend before the holiday;

On **Motion** by **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of paving requirement to permit temporary gravel driving surface (Section 1340.D), as presented to gravel according to the plan, finding it is a temporary use on the following described property:

BEG SWC SE SW TH N550 E411.44 S550 W POB LESS S60.01 THEREOF
FOR RD SEC 21 21 14 4.628ACS Tulsa County, State of Oklahoma

Case No. 2262

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (410); and a Variance of paving requirement to permit temporary gravel driving surface (Section 1340.D), located: 524 North 49th Avenue West.

Presentation:

Sherry Barbour, 18622 South 66th East Avenue, Bixby, Oklahoma, with Big Blast, Inc., stated they are applying for a fireworks stand at this location, which they have used for three years. Other groups have used this location for a fireworks stand for the last fifteen years. Gravel is in place and grass has grown up through it. The property is zoned AG and has a residential use. They have plenty of clearance for a fireworks stand. A non-profit organization will operate under all of the rules and regulations of Oklahoma, Tulsa County and the fire marshal. They have adequate parking and additional parking across the street by permission of the owner. They were asking for an approval for five years at this location. They asked to stay open to midnight on the Friday and Saturday nights before July 4th. They ask for the full legal time to operate the stand for the New Year's Holiday, December 15th to January 1st.

Comments and Questions:

Mr. Walker remembered problems with maintenance of this property. Mr. West stated those problems existed before this particular applicant. He did drive-by checks during July and found the area in good condition. Ms. Barbour stated they removed trash every night and they paid extra to have the port-a-john serviced more frequently.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (410), with condition for the hours of operation 10:00 a.m. to 10:00 p.m., and to midnight for three nights before July 4th, as requested for five years

And

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of paving requirement to permit temporary gravel driving surface (Section 1340.D), finding it is a temporary use, on the following described property:

TR.13 BG.24.75 S.& 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12 Tulsa County, State of Oklahoma

Case No. 2260

Action Requested:

A Special Exception to permit a fireworks stand in an RE district (Section 410) located: 12901 East 100th Street North.

Presentation:

Brett Watson, 2311A Forrest Street, Pittsburg, Kansas, proposed to set up a fireworks stand on the subject property. They previously operated a stand about two blocks away from this location and it was annexed into the city limits. They would provide a grass/graveled parking area. They would operate the stand from June 26th through July 4th. The usual time is 10:00 a.m. to 10:00 p.m.

Comments and Questions:

Mr. Cuthbertson commented to the Board that the applicant did not ask for a variance of the paving requirements. The Board would not have the option to grant that variance at this time. Mr. Charney explained this information to Mr. Watson. Mr. Watson asked if he could apply in time for this coming July 4th season. Mr. Cuthbertson replied that it was too late to get on the agenda for June. Mr. Cuthbertson added there is not a specific parking requirement for a fireworks stand. He also noted that the Board could determine parking in consideration of the special exception. Mr. Charney asked if the applicants communicated with the neighboring property owners regarding the application. Mr. Watson replied he only talked with the landowner.

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 278
Tuesday, July 15, 2003, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Hutson	Butler	Painter, Co. Inspect.
Dillard, Vice Chair	Walker	Beach	
Tyndall			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, July 10, 2003 at 1:49 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:34 p.m.

MINUTES

On **MOTION** of Tyndall, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Walker, Hutson "absent") to **APPROVE** the Minutes of June 17, 2003 (No. 277).

Case No. 2046

Action Requested:

Special Exception to modify a previously approved condition to extend time limit from two years to five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 524 N. 49th W. Ave.

Presentation:

Randy Coleman, 4114 N. 37th W. Ave., stated his request for an extension of the time limit to five years for a fireworks stand.

Comments and Questions:

Mr. Alberty asked how this season went to which Mr. Coleman replied that it went well with no complaints.

Interested Parties:

Jackie Shamal, stated she represented her mother-in-law, who lives on an adjacent lot. Mr. Coleman promised them there would not be a portable toilet, and the grass would be mowed. She complained that he did not keep either promise and fireworks trash was left on the property. The main complaint is that she made a verbal agreement with Mr. Coleman to purchase the subject property this year. He has not been in touch with her since the agreement. Now she is very confused since he is asking for a five-year extension. She submitted photographs of the property (Exhibit A-1).

Applicant's Rebuttal:

Mr. Coleman responded that initially he had planned to run the fireworks stand but was not able to, so he leased it to Big Blast Fireworks. He stated he was not aware of the portable facilities. He considered the agreement to still be on but he was waiting until after the holiday. He added that his sisters are part owners and he was waiting for them to get back in town. Mr. Coleman stated there was another party interested in purchasing the property. He was not sure she still wanted it but he did promise her the first opportunity.

Board Action:

On **Motion** of Tyndall to **APPROVE**, the motion **DIED** for lack of a second to the motion.

On **Motion** of Dillard, the Board voted 3-0-0 (Alberty, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson, Walker "absent") to **CONTINUE** Case No. 2046 to the meeting on August 19, 2003, pending possible sale of the property described as follows:

A certain tract of land located in Lot 1 of Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.4' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

Case No. 2048

Action Requested:

Parcel 2: Variance of average lot width from 150.00' to 105.00'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area per dwelling unit from 2.1 to 1.48 acres and lot area 2.0 acres to 1.47 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE

SW/4; thence W along the S line of said W/2 W/2 SW/4 SW/4; a distance of 330.98' to the POB.

Case No. 2046

Action Requested:

Special Exception to allow a fire works stand Use Unit 2 in an RS zoned district for two years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2; and a Variance of the hard surface parking to allow gravel and grass. SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 524 N. 49th W. Ave.

Presentation:

Randy Coleman, 4114 N. 37th W. Ave., proposed to set up a fireworks stand, operated by Big Blast Fireworks. He indicated there is gravel in the parking area.

Sherry Barbour, 18622 S. 62nd E. Ave., Bixby, Oklahoma, stated she has been working with Mr. Coleman to put this case together. They have a five-year contract and she wanted to know if they could request five years on this application even though he applied for two years. Mr. Alberty stated they would have to come back before the Board for the other three years. She indicated there is gravel in the parking area, though grass has grown up through it. She stated if they find it is too soft for parking they would add more gravel. She wanted to make sure a mobile storage unit would be allowed. She stated the stands would be 24' long; open at both ends; built according to the code for electricity; and have been inspected by the city inspector in Sapulpa.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

Mr. Beach interjected during the motion that if the Board was inclined to approve they could continue this case to the July meeting to include request for approval for the other three years.

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a fire works stand Use Unit 2 in an RS zoned district for two years; and a **Variance** of the hard surface parking to allow gravel and grass, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to **CONTINUE** Case No. 2046 to the meeting of July 15, 2003 to consider the time period, regarding the following described property:

A certain tract of land located in Lot 1 of Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.4' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

Case No. 2047

Action Requested:

Variance of required 30' of frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED; and a Variance of land area per dwelling unit from 2.1 to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 22650 W. 41st St.

Presentation:

Douglas L. Schaeffer, 22650 W. 41st, Sand Springs, Oklahoma, proposed to place a mobile home on the subject property. They have obtained a new soil percolation test for a separate sewage system.

Comments and Questions:

Mr. Alberty asked about access to the property. Mr. Schaeffer stated they would both use the driveway that extends from 41st Street. Mr. Beach explained that it is a statutory right-of-way that would be W. 41st Street, but is not dedicated. Mr. Alberty asked about maintenance of the road, to which Mr. Schaeffer replied the family maintains it. Mr. Hutson asked if it was asphalt. Mr. Schaeffer replied that it is asphalt. The applicant is asking for a permanent time period.

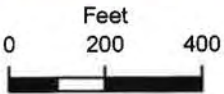
Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required 30' of frontage on a public street to 0'; and a **Variance** of land area per dwelling unit from 2.1 to 1.5 acres, finding there are smaller tract sizes next to the mobile home park, and there is a 24.75 statutory right-of-way, on the following described property:

W 330.00' of N 396.00' NE NE NE, Section 28, T-19-N, R-10-E, Tulsa County, State of Oklahoma.



Subject Tract

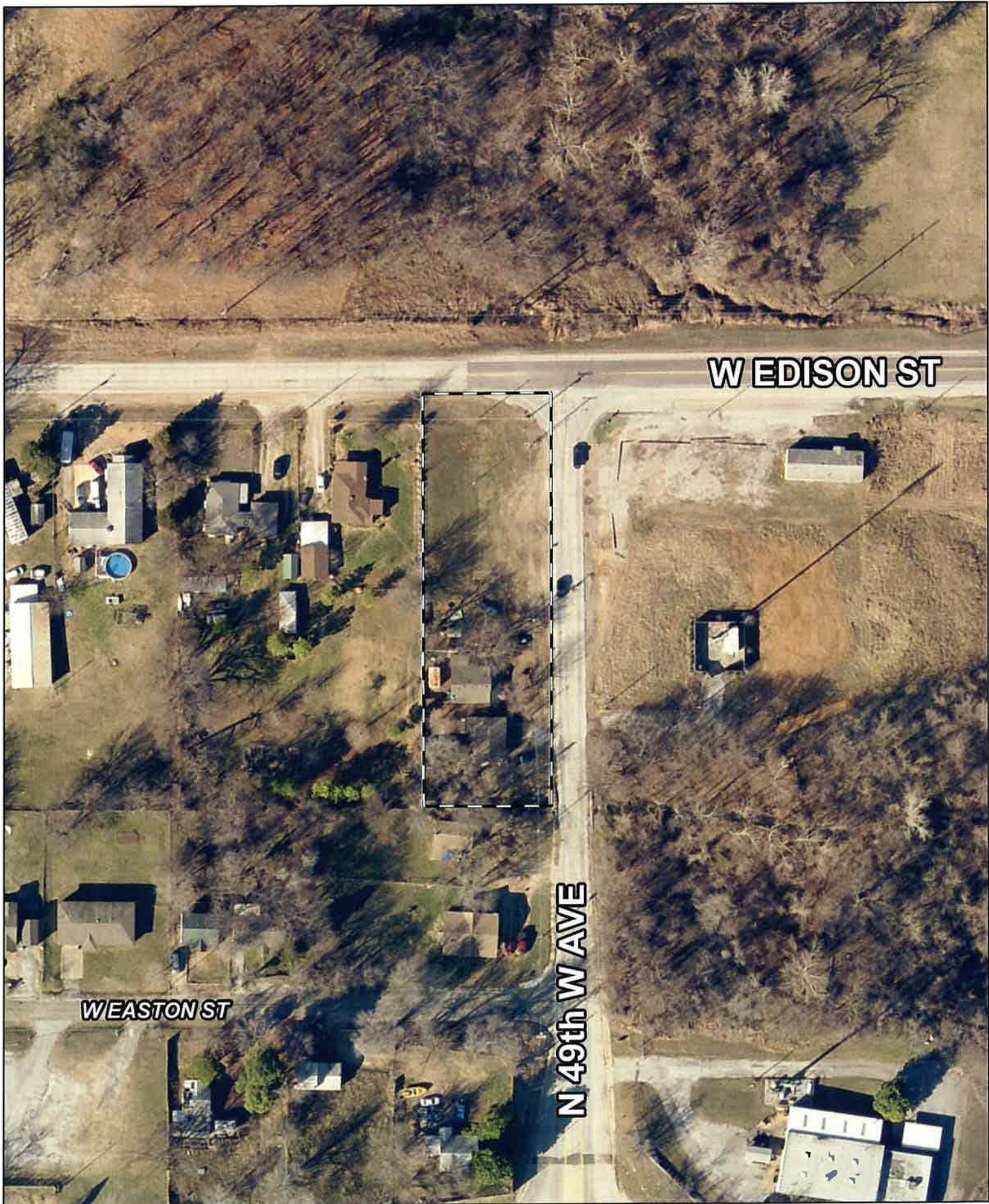
CBOA-2885

19-12 05

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

Aerial Photo Date: February 2018

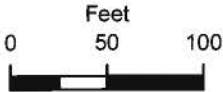




W EDISON ST

WEASTON ST

N 49th W AVE



Subject Tract

CBOA-2885

19-12 05

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

Aerial Photo Date: February 2018

3.14





Looking southwest toward subject property from W. Edison St. (Google Earth view from May 2018)

Layout and comments Big Blast Fireworks INCOG application 2021



This same layout was approved by the **Tulsa County Board of Adjustment** in 2018. CBOA-2705

The above image was taken from Google Earth property at 524 North 49 West Ave. The legal description is on the written application.

The corner of N. 49th W & Edison has hosted firework stands for over 40 years. This layout has not changed in several years. Before all fireworks locations required INCOG approval, Mr. Terry West ask for us to move the stands west 20' from the position laid out for 30 years. We are thankful that Big Blast has always been given approval from INCOG on this layout.

The yellow rectangles on the diagram are the layout of three 24' conventional fireworks stands. O.S. 68§1623(a) Oklahoma State Fire Marshall regulations state that a minimum distance must be 20' from any other structure or building We keep a line of bumper barricades 10' in front of the stands for required parking distance.

Regarding request made CBOA-2705 07/17/2018

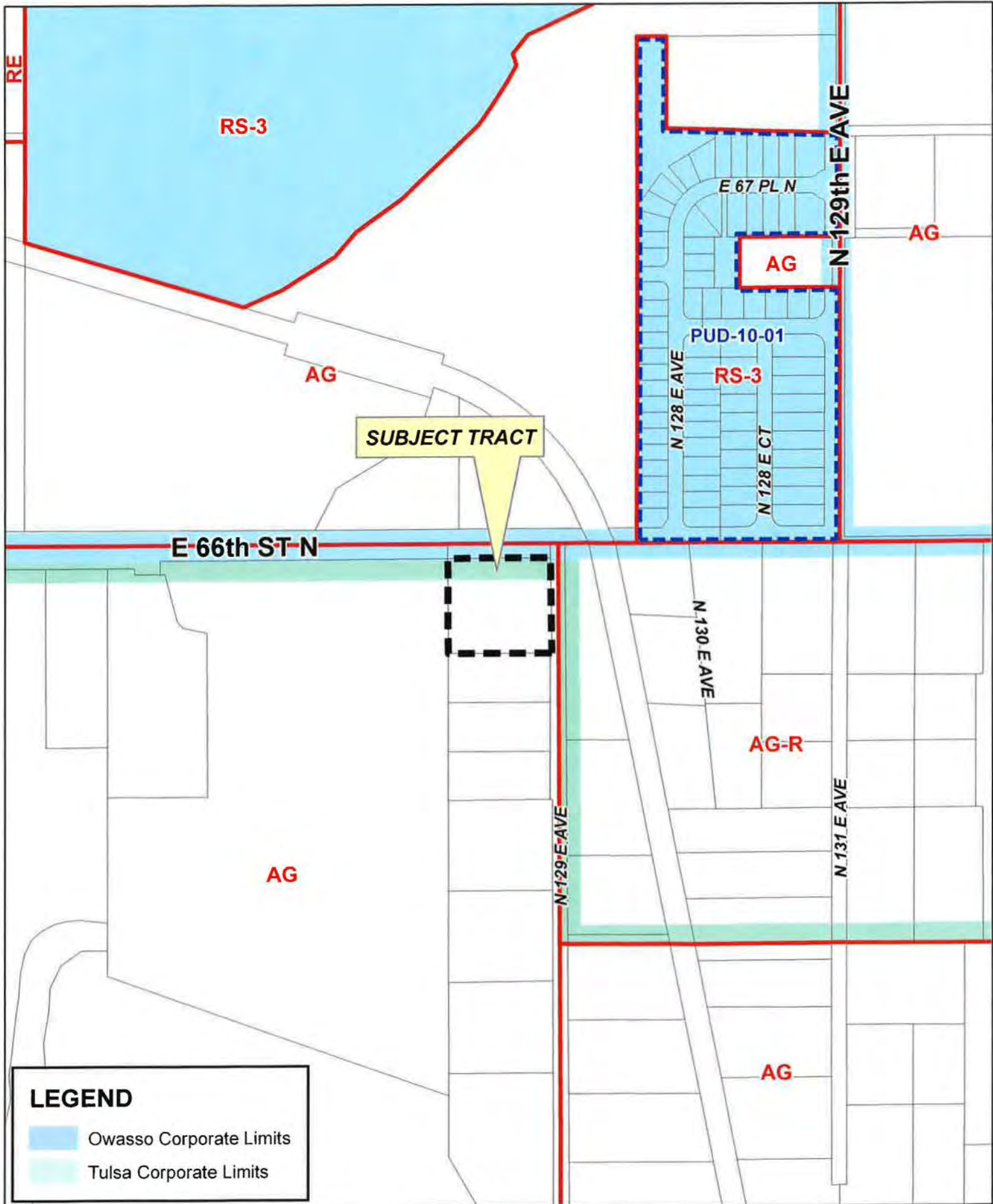
Big Blast has enforced NO PARKING behind the stands this area is kept roped off. Temporary privacy fence panels have been placed behind and between each stand to deter vehicle lights reflecting westward toward the resident, these panels do not impeded on emergency egress. The lights on installed on the back side of the stands are turned off. We have a performed additional training for the volunteer group regarding neighborhood sensitivity, daily activities, and personal sound levels.

Big Blast continues to exceed State Fire Marshall safety guidelines. We provide our volunteers with an extensive instructional manual for operating a successful fundraising project.

We request a five-year approval for this location.

Respectfully, Sherry Barbour

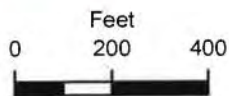
Big Blast, Inc dba Big Blast Fireworks Fundraising Representative



SUBJECT TRACT

LEGEND

- Owasso Corporate Limits
- Tulsa Corporate Limits



CBOA-2886

4.1

20-14 05



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0405

CASE NUMBER: CBOA-2886

CZM: 24

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/18/2021 1:30 PM

APPLICANT: Irene Taliaferro

ACTION REQUESTED: Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330).

LOCATION: 6588 N 129 AV E

ZONED: AG

FENCELINE: North Tulsa County

PRESENT USE: Residential

TRACT SIZE: 2.82 acres

LEGAL DESCRIPTION: BEG NEC NE TH S360 W366.76 N360 E366.76 POB LESS E25 THEREOF FOR RD SEC 5 20 14 2.824ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north, west, and south. It abuts AG-R zoning to the east. Surrounding uses appear to be mostly residential with the possibility of some scattered agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330). As shown on the attached site plan, the applicant has one mobile home on the lot and is proposing to place another mobile home (27' x 58') northwest of the existing home.

The applicant provided the following statement: *"The current property was deeded to me by my parents who are now deceased. The existing home on the property is being occupied by my daughter. I am close to retirement and have planned for several years to retire on the family property. We are requesting to place a home to the west of the existing home, allowing for plenty of space for both. All utilities have been contacted and there are no barriers to adding another residence. Several neighbors have requested, and received, a variance to allow for multiple homes on their property. We will make the residence aesthetically pleasing so as to increase the value of the property."*

Section 208 states: 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.

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a land area per dwelling unit requirement of 2.1 acres in the AG district. The applicant is proposing to have two dwellings on the 2.82-acre subject lot.

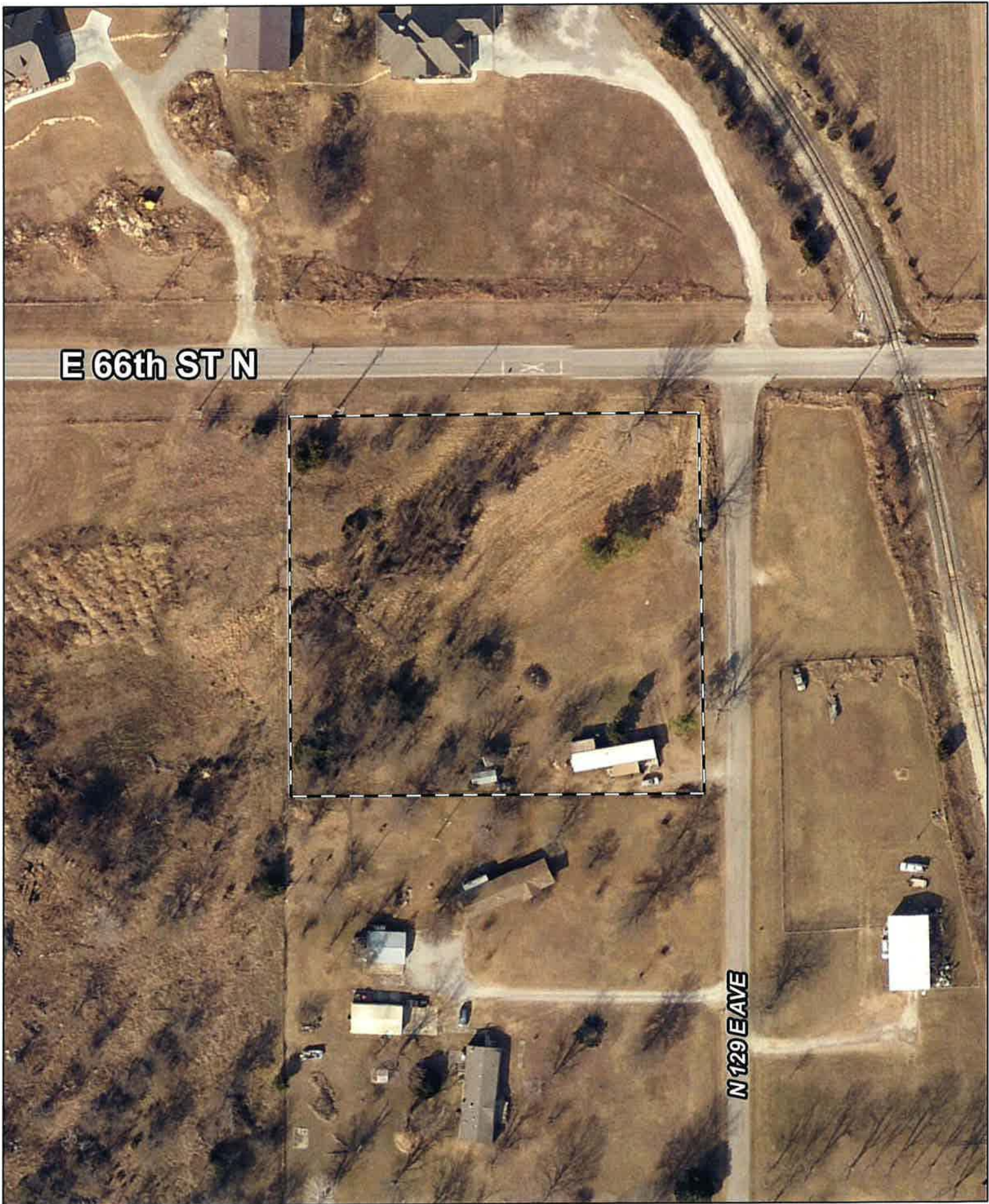
If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330).

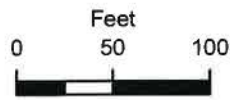
- *Subject to the following conditions (if any - it could include "Per the Conceptual Plan(s) shown on page(s) ___ of the agenda packet"):* _____.
- *Finding the hardship to be* _____.

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



E 66th ST N

N 129 E AVE



Subject Tract

CBOA-2886

20-14 05

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

Aerial Photo Date: February 2018





E 66th ST N

E 67 PL N

E 67 ST N

N 128 E AVE

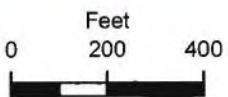
N 128 E CT

N 129th E AVE

N 130 E AVE

N 131 E AVE

N 129 E AVE



CBOA-2886

20-14 05

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

Aerial Photo Date: February 2018





4.6



4.7



4.8



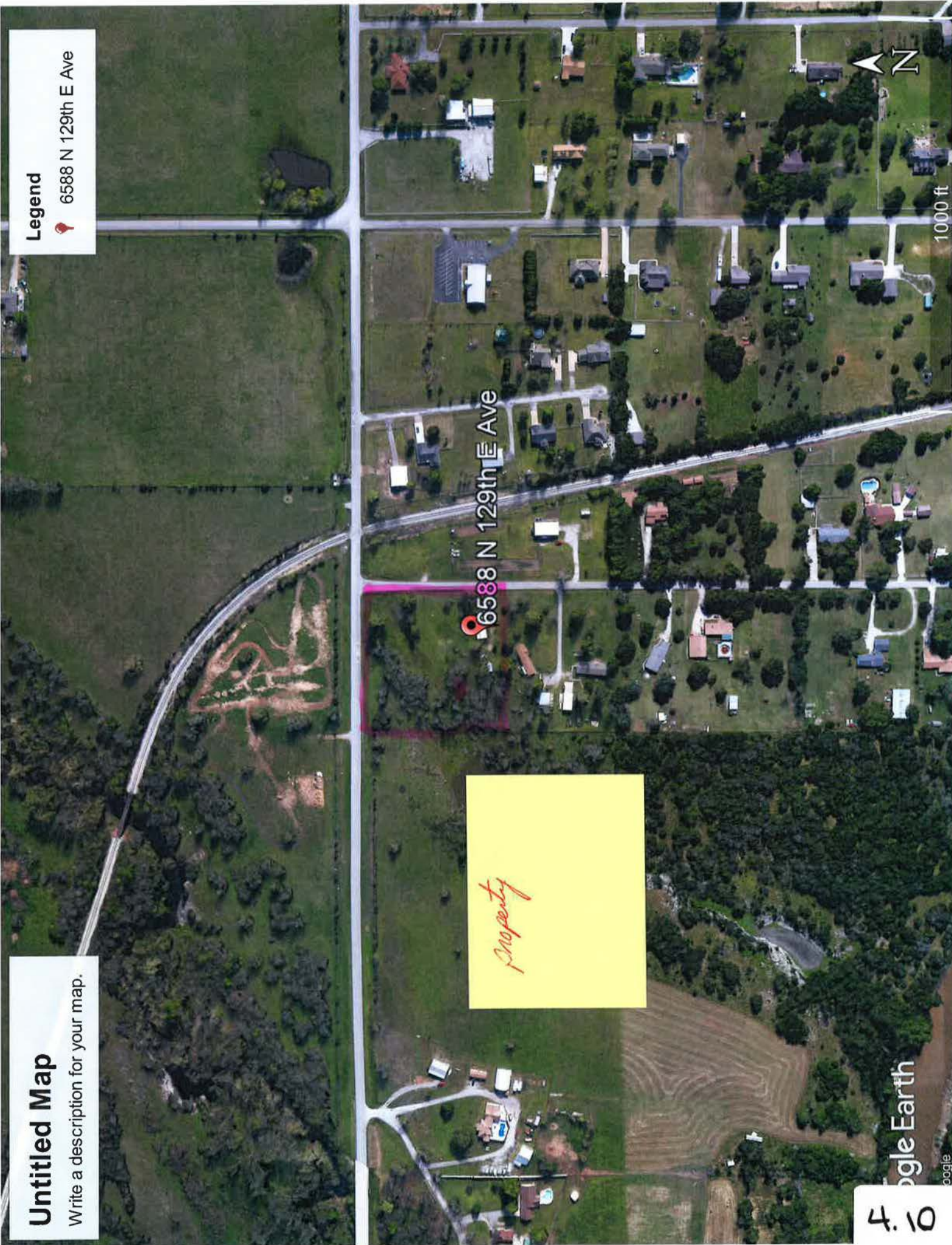
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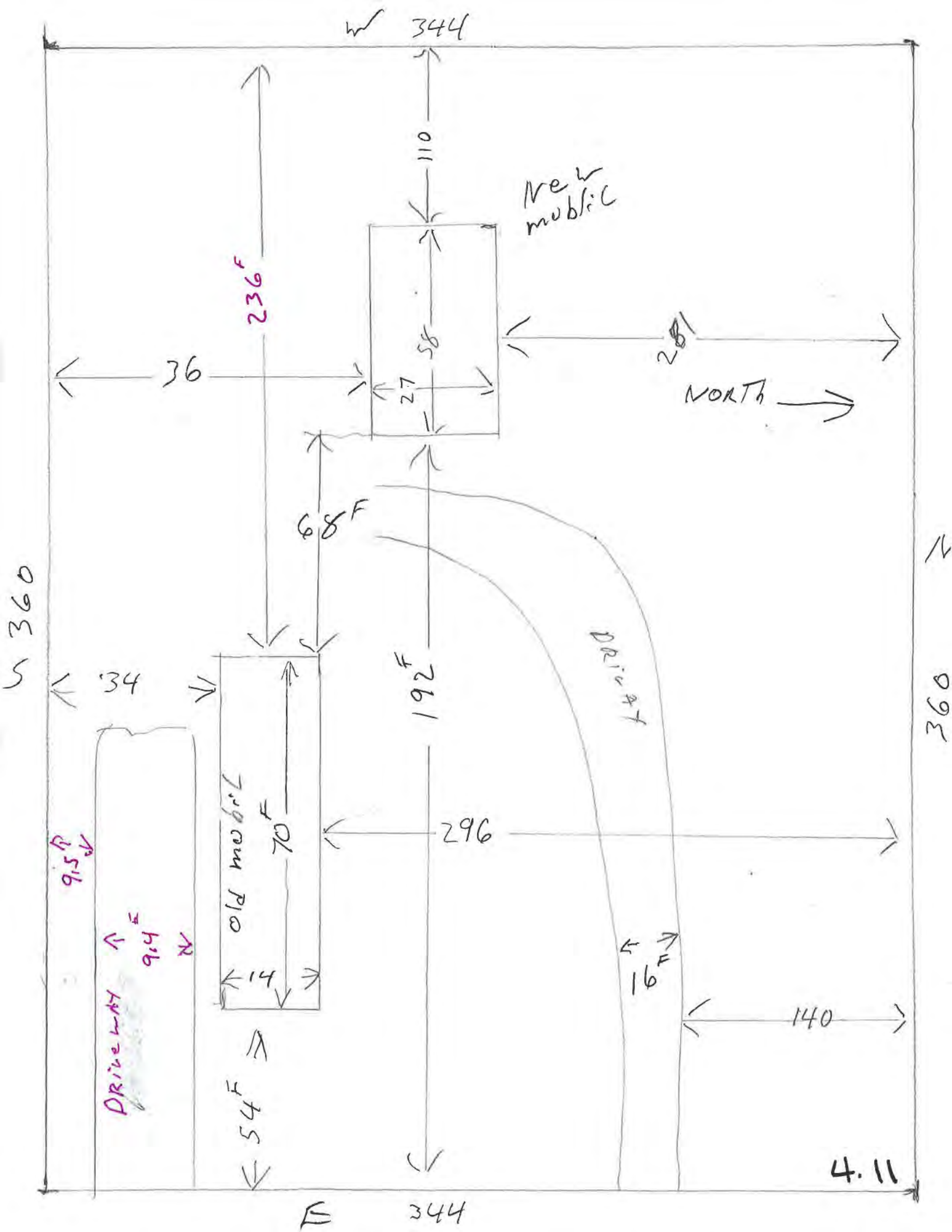
Untitled Map

Write a description for your map.

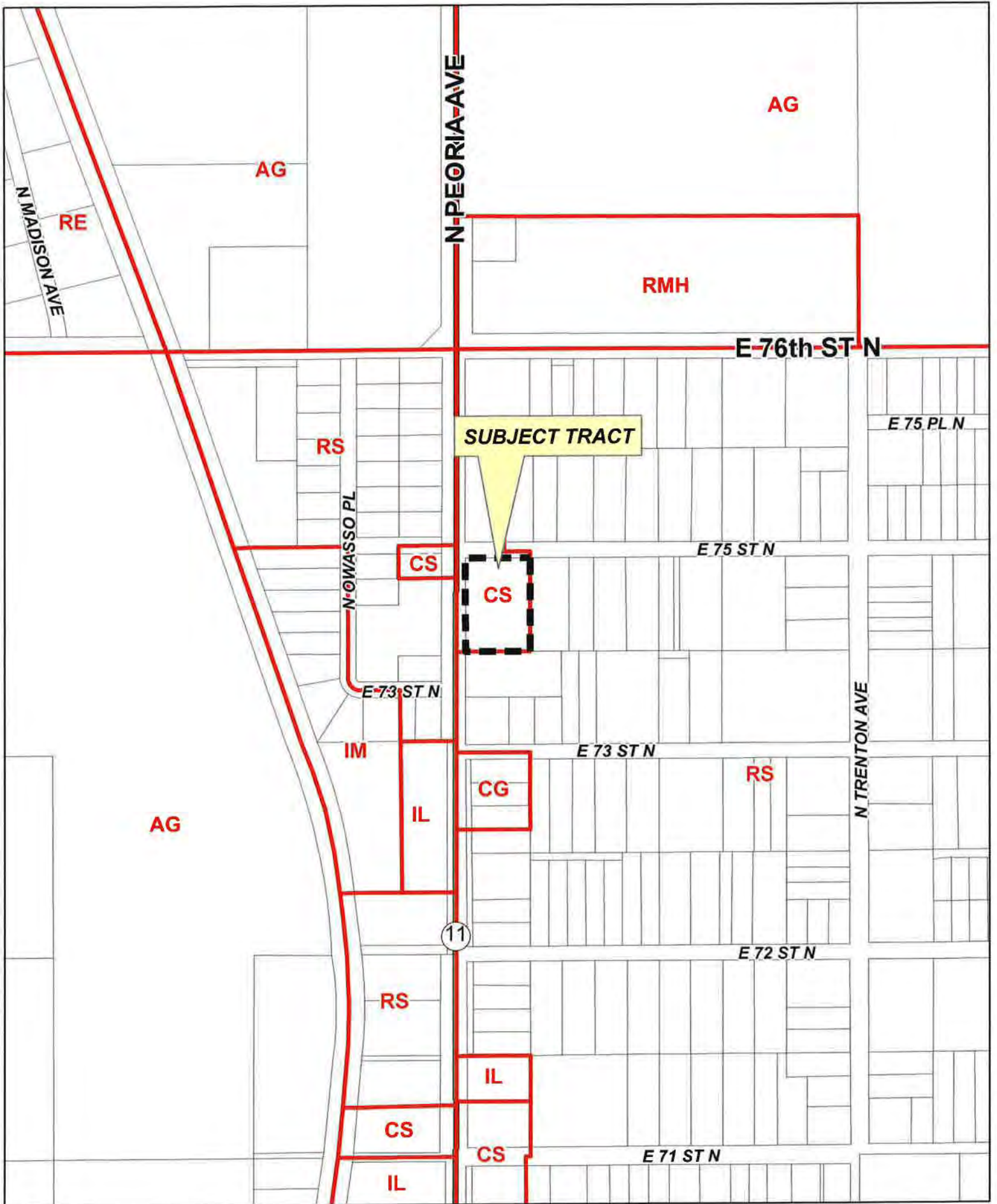
Legend

 6588 N 129th E Ave





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SUBJECT TRACT

N-PEORIA-AVE

AG

AG

RE

N MADISON AVE

RMH

E-76th-ST-N

E 75 PL N

RS

CS

CS

E 75 ST N

N-OWASSO PL

E-73 ST N

IM

IL

CG

E 73 ST N

RS

N TRENTON AVE

AG

11

E 72 ST N

E 72 ST N

RS

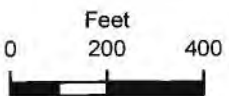
IL

CS

CS

E 71 ST N

IL



CBOA-2887

5.1

21-13 31



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1331

CZM: 16

CASE NUMBER: CBOA-2887

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/18/2021 1:30 PM

APPLICANT: Natalie Jackson

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

LOCATION: 7425 N PEORIA AV E

ZONED: CS

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 1.47 acres

LEGAL DESCRIPTION: LOT 6 BLK 3, GOLDEN HILL ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2776 November 2019: The Board approved a Use Variance to permit Use Unit 3, Agriculture, in a CS District, subject to conceptual plan with a three-year time limit (November 2022), on property located at 7425 North Peoria Drive.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the east and south. It abuts CS and RS zoning to the west and north. The surrounding properties appear to be a mixture of commercial and residential uses.

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 a CS 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 CS district.

The applicant has provided the following statement, "I need this variance granted so I can keep providing my patients with their medicine."

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 a CS district (Section 1225).

5.2

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.

harmony with the spirit and intent of the code. The decision of the TCBA has worked or, if enforced, will work an unnecessary hardship on or create substantial harm or loss to Cummings. Accordingly, the Court reverses the decision of the TCBA and orders that TCBA grant the Special Exception.”; for the following property:

A Tract of Land that is part of the Southeast Quarter (SE/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian in Tulsa County, State of Oklahoma, and more particularly described as follows: beginning at the NE corner of the SE/4; thence S 00°00'30" E and along the E line of Said SE/4 1172.47 ft.; thence N 89°29'52" W a distance of 1035.24 ft.; thence S 00°34'19" W a distance of 407.68 ft.; thence N 89°50'50" W a distance of 99.79 ft.; thence S 01°21'52" W a distance of 28.51 ft.; thence 89°59'13" W a distance of 596.09 ft.; thence N 00°23'28" E a distance of 937.68 ft. to a point on the N line of the South Half of the NW/4 of the SE/4; thence N 89°56'07" and along said N line a distance of 405.85 ft. to a point in the west line of the East Half of the SE/4; thence N 00°02'37" E and along said west line a distance of 659.67 ft. to a point on the north line of the SE/4; thence 89°55'04" E and along said north line a distance of 1322.90 ft. to the Point of Beginning., OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Charney re-entered the meeting at 1:40 P.M.

NEW APPLICATIONS

FILE COPY

2776—Gass Up Medical Marijuana Farm

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, in a CS District (Section 710, Table

1). **LOCATION:** 7425 North Peoria Avenue

Presentation:

Natalie Jackson, 2145 South 74th East Avenue, Tulsa, OK; stated she would like to have a marijuana grow house located in the strip mall.

Mr. Charney asked Ms. Jackson if she currently owned the property or have it under contract. Ms. Jackson stated she does not own the property but will lease the property.

Mr. Charney asked Ms. Jackson if there was a building currently on the property. Ms. Jackson answered affirmatively.

UBOA-2776

FILE COPY

Mr. Hutchinson asked Ms. Jackson about the layout of the proposal within the strip mall. Ms. Jackson stated that Suite A would be a dispensary, Suite B would be for processing, and Suite C is the former donut shop.

Mr. Hutchinson asked Ms. Jackson if the grow house was going to be inside. Ms. Jackson answered affirmatively.

Mr. Hutchinson asked Ms. Jackson how many plants she plans to cultivate. Ms. Jackson stated that it will be a small grow house, about six to ten plants.

Mr. Hutchinson asked Ms. Jackson if she was familiar with the Tulsa County Code that she will need to abide by. Ms. Jackson answered affirmatively.

Mr. Crall asked Ms. Jackson if she would have a problem if the Board assigned a time limit on the approval if they chose to approve this request. Ms. Jackson stated that would not be a problem for her.

Mr. Hutchinson asked Ms. Jackson if she knew how many square feet the nursery would be using. Ms. Jackson stated that she does not know.

Interested Parties:

There were no interested parties present.

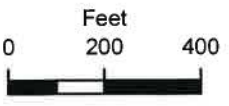
Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Use Variance** to permit Use Unit 3, Agriculture, in a CS District (Section 710, Table 1), subject to conceptual plan 3.8 in the agenda packet. The approval will have a time limit of three years, November 2022. The Board finds the hardship to be that this is in CS zoning creating a fluent working pattern. 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; for the following property:

LOT 6 BLK 3, GOLDEN HILL ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA



Subject Tract

CBOA-2887

21-13 31

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

Aerial Photo Date: February 2018

5.6





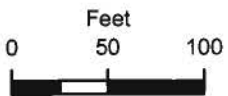
N PEORIA AVE

E 75 STN

11

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E 73 STN



Subject Tract

CBOA-2887

21-13 31

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

Aerial Photo Date: February 2018





Looking north, the building is on the right.



Subject Property



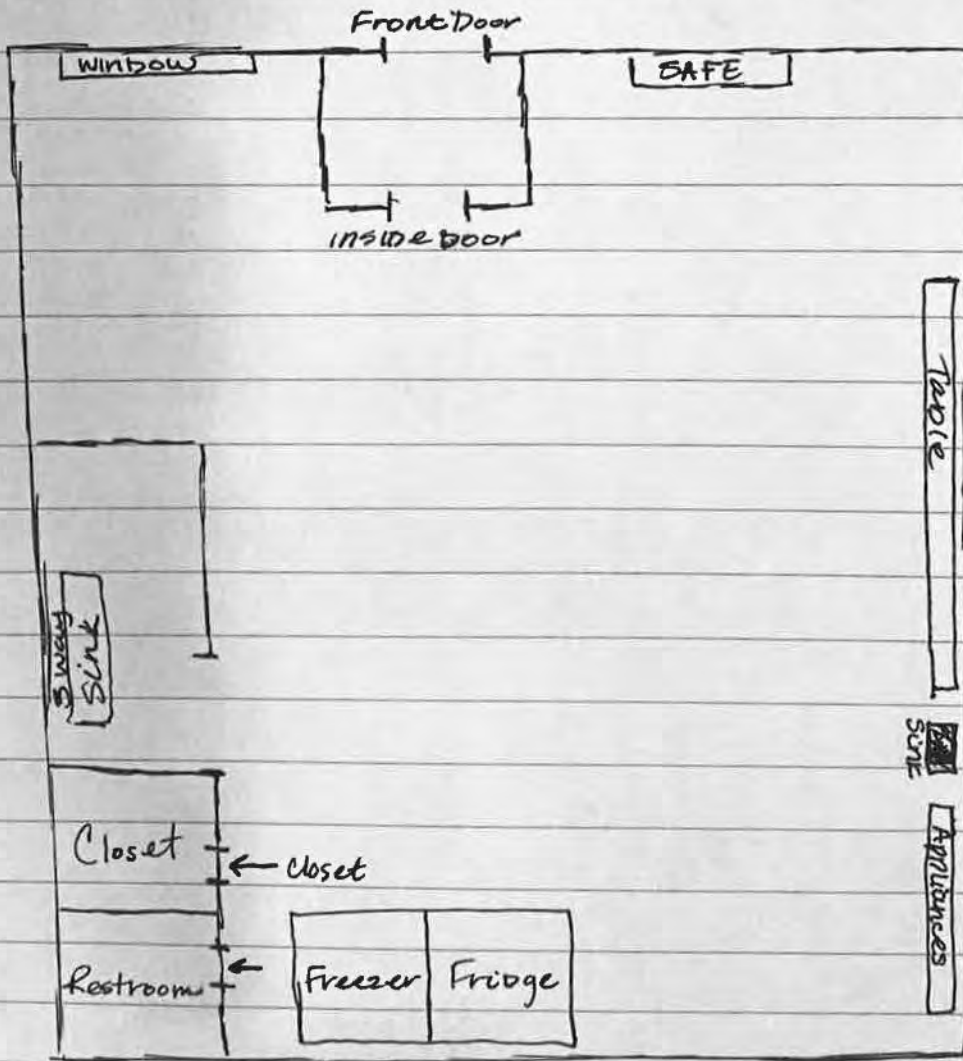
Looking south, the building is on the left.



Building containing the Subject Property

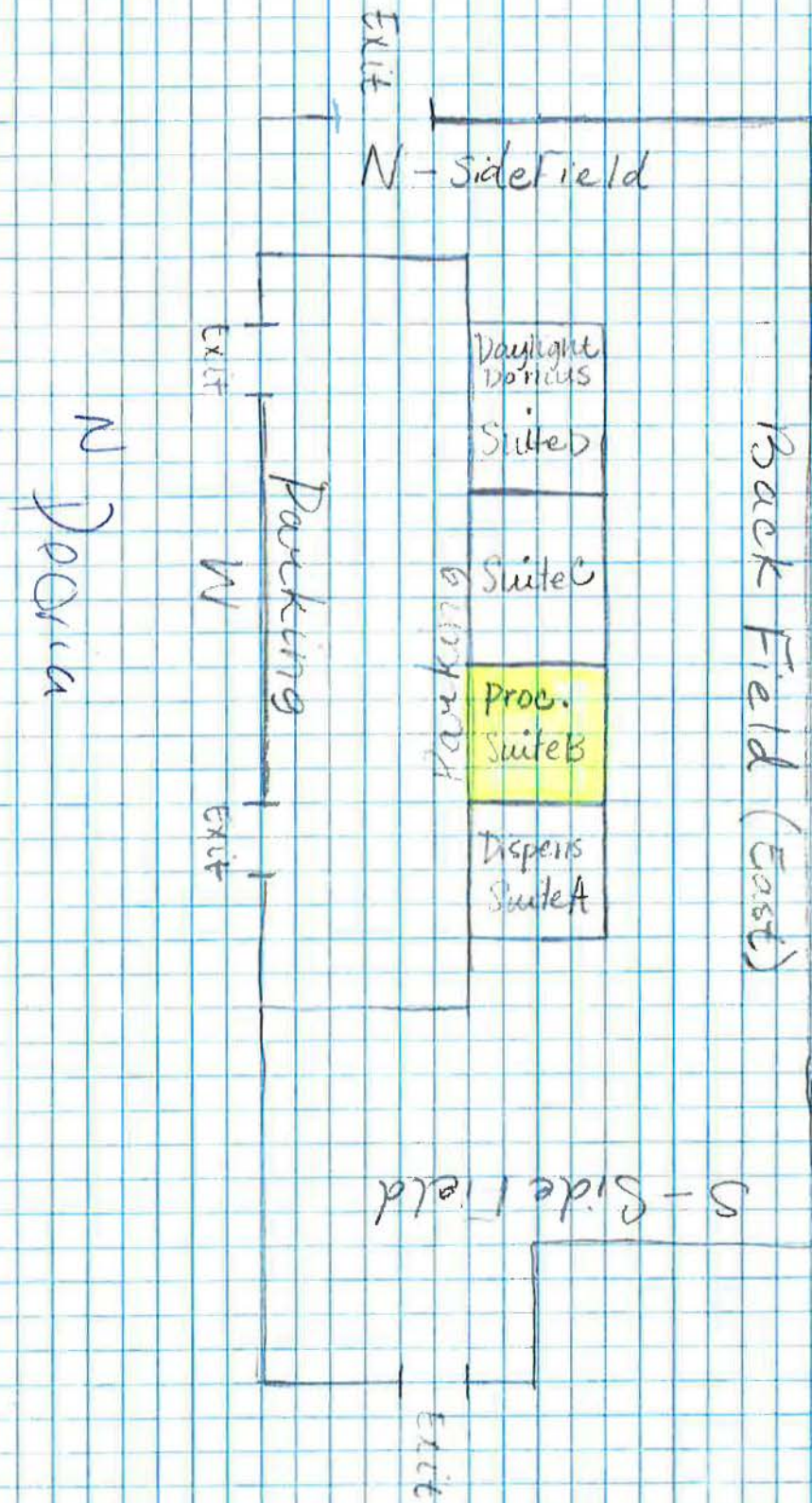
918 Buos Processing

7425 N Peoria Ave Tulsa, OK 74126



Gass Up Medical Marijuana Farm

15th



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S-GARNETT RD

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SUBJECT TRACT

E-171st ST S

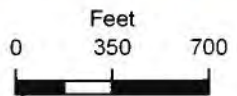
64

AG

AG

LEGEND

Bixby Corporate Limits



CBOA-2888

17-14 32

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7432

CZM: 68

CASE NUMBER: CBOA-2888

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/18/2021 1:30 PM

APPLICANT: Ryan Strode

ACTION REQUESTED: Modification of a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

LOCATION: 12100 E 171 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Church

TRACT SIZE: 37.95 acres

LEGAL DESCRIPTION: LOT 1 BLOCK 1, BLUEFLAME47 ADDITION

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2497 April 2014: The Board approved a *Special Exception* to allow a church with accessory uses (Use Unit 5) in an AG district. This approval will allow up to three buildings in an AG District as designated on a submitted site plan, subject to conceptual plans on pages 6.5 and 6.6. Construction is to be in accordance with the general conceptual site plan that has been provided the Board. The larger gathering building would be for church offices and the church ministries, and is to be used no more than twice a year, up to four or five days at a time, on property located south of Highway 64/East 171st St. S. between S. Garnett Road & South 129th East Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with what appears to be used for agriculture with a smattering of residential uses.

STAFF COMMENTS:

The applicant is requesting a Modification of a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

In 2014, the Board approved a request for a *special exception* to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). This approval allowed up to three buildings in an AG District as designated on a submitted site plan, subject to conceptual plans on pages 6.5 and 6.6 (see attached). The applicant is requesting the Board to modify the original approval to include a new 30,000 square foot building to the east of the existing building. The original approval was for three buildings with total square footage of 11,628.

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.

6.2

Sample Motion for Modification:

"Move to _____ (approve/deny) a Modification of a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

Subject to the following conditions (if any): _____.

Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code."

Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line; for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S50 E/2 SW SE SE FOR RD SEC 21 19 11 2.348ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2497—Morton Building, Inc.

FILE COPY

Action Requested:

Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). **LOCATION:** South of Highway 64/East 171st Street South between South Garnett Road & South 129th East Avenue

Presentation:

Scott Norvell, 7509 East 65th Street, Tulsa, OK; stated he is the Chairman and CEO of Blue Flame 47, Inc. and Pastor of the church. This is a small church which consists of about 75 people including many small children. The primary function of the church is that it is a ministry, and the ministry is provided throughout the world. The church purchased the land in December 2013, and plan to build a church with offices for the church. The congregation meets every Tuesday for services and hold prayer appointments on Friday and Saturday. They would like to have a gathering place where conferences twice per year. The average attendance of the conferences has been about 200 people. The conference are usually four days twice per year. These conferences have been held in the Garnett Road Church of Christ Green Country Event Center for the past four years. The church has been meeting on the subject property in a tent since the purchase. The church chose a design that would match the environment, so instead of a traditional church building it would be similar to a barn with a smaller building for the administrative offices and the prayer appointments. The smaller building would also be able to seat 150 people for dinner which would be used about twice a year.

Mr. Charney asked Mr. Norvell to elaborate about the proposed parking. Mr. Norvell deferred to Mr. Jeff Bonebrake.

Interested Parties:

Jeff Bonebrake, Morton Buildings, Inc., P. O. Box 1388, Muskogee, OK; stated that one of the desing goals is to make the church look like it fit into the area. The church requested that the buildings look like a farm house with a barn behind it. The parking is an issue that has yet to be determined. If it is possible a gravel surface would be preferable because the subject property is in a nonregulatory flood plain. It is proposed to have the front be have a concrete paved area for the handicapped with a paved entry way.

CBOA - 02497

FILE COPY

Mr. Charney asked Mr. Bonebrake about a third building that is on the proposed site plan. Mr. Bonebrake stated that the building is under consideration but it would be a building that is allowed by right because it would just be a parking garage.

Mr. Walker asked Mr. Norvell about the church membership and how many vehicles are typically at a service. Mr. Norvell stated the membership is about 75 and typically there is about 30 cars.

Mr. Hutchinson asked about the size of the property. Mr. Norvell stated the subject property is 302 acres. The church has people that have been cleaning up the property because there are about 1,200 pecan trees on the property.

Mr. West confirmed that about 200 acres of the subject property is a flood way, and if the applicant were to apply for a Variance on the parking the County would be happy.

Mr. Charney asked Mr. Norvell if had any problems setting the building back on the subject property to comply with the setbacks. Mr. Norvell stated he understood about the setbacks and had not problems with them.

Garvin Henderson, 1730 Highway 62 East, Ft. Gibson, OK; stated he owns property south and west adjacent to the subject property; 131 acres on the south side and 40 acres on the north side. He wants to know what the use will be for the area, not the building portion, because he does not want a cult to be allowed to move in.

Dr. James Derby, P. O. Box 178, Leonard, OK; stated he owns the land south of Highway 64 and east of 129th East Avenue, which is east of the subject property. This property has been in his wife's family before statehood. He is a retired geologist and an area farmer. He wishes the best to the Pastor and the church. He has seen families and children on the subject property, and they seem to be a nice group. He is concerned about this application because there seems to be something that does not ring true. Why would a small church need 300 acres to build on for which an exorbitant amount was paid?

Mr. Charney appreciates the doctor's concerns, but the Board tries to focus on whether the use itself, a church use, conforms.

Dr. Derby asked what accessory use is intended for the 300 acres. He has no problem with a church or the Morton Building plan, because it appears to be with tone of the neighborhood. There have been too many examples of things being done under the name of a church that become a public nuisance and a public hazard. The area is a wonderful community and he would hate to see anything happen to the community. Dr. Derby would urge the Board to place restrictions on what is being approved, that the application is being approved for exactly what the Pastor has described. There is no need for 300 acres for a twice year meeting of 200 people. Dr. Derby also questions the appropriateness of the site. According to the survey map the south portion of the

CBDA-02497

FILE COPY

acreage is a designated flood plain, and the north portion is Flood Zone AE. He has twice seen the subject property under water higher than his waist.

Mr. Charney stated that the northwest corner of the subject property, about 400 feet, is not within the designated flood way according to the site plan provided. There are other bodies that speak to the appropriateness of granting building permits. This Board is focused upon the appropriateness of a use, yes or no. Whether a building permit is actually permitted on a given site is another professional's function, but not this Board. Mr. West confirmed Mr. Charney's statement.

Dr. Derby stated that he knows the portion of the land that is raised has been approved as a building site and there is a building on it. That area does not flood so why not build on that portion?

Rebuttal:

Mr. Scott Norvell came forward and stated that there is a fancy wood shed on the subject property, which is a temporary building and not a house. The shed is being used by he and his wife as a retreat prayer room. The only true plans the church has currently are the plans for the meeting place and the offices, which are in the proposal.

Mr. Charney asked Mr. Norvell if anyone was residing or spending the night in the shed. Mr. Norvell stated that no one is living on the subject property, nor are there any plans to have anyone living on the property.

Mr. Charney asked Mr. Bonebrake to confirm that all that is being sought today is the allowance of three church buildings to be located in the northwest portion of the property and seeking nothing other than the standard agricultural uses in the southwest corner of the property. Mr. Bonebrake answered affirmatively.

Mr. Norvell stated that he and his church members are Christians. He made an attempt to meet with the neighbors but there is no easy way to contact them. He used a realtor with McGraw to get the names, addresses and numbers of all the neighbors so contact could be made. He made contact with many of them, and they all wanted to know if the group were Christians. He feels that he responded to those questions effectively. The church is not out to control anyone and it is not out to build a commune. The use intentions are really for a church. For the large amount of land, traditionally the church trains internationally how to pray over land and a blessing of nations. He asked McGraw for a large tract of land with timber and water, and they found it. The church wants to be a good neighbor and take good care of the land.

Mr. Walker asked Mr. Norvell if the two conferences a year would take place within the church's buildings. Mr. Norvell answered affirmatively. Mr. Walker asked there would be any temporary structures installed during the conference times. Mr. Norvell stated that at this time the church does not see a need for temporary buildings once the permanent buildings are erected.

CBOA-02497

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W/2 NE & E/2 NW & W/2 SW LESS APROX 7.10 ACRES FOR ROW & NE SW & NW SE LESS THAT PART LYING S & E CL SNAKE CREEK & NE NE LESS TR LYING E CL SNAKE CREEK & LESS APROX 7.253 ACS FOR RD SEC 32 17 14 302.09ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

The next item was continued from the beginning of the agenda.

2495—Robert Myers

Action Requested:

Special Exception to allow for a Mining operation (Use Unit 24) in an AG District (Section 310). **LOCATION:** West of NW/c of Highway 11 and East 176th Street North

Presentation:

Robert Myers, R & V Trucking, 15360 State Highway 20, Skiatook, OK; he apologized to the Board but he had been waiting in Room 119 because his notice cited that room number. Mr. Charney extended the Board's apologies.

Mr. Myers stated that he has applied to the Board of Adjustment and to the Mining Commission to be able have a dirt mining operation on his property to sell the dirt. The Mining Commission has approved his application to them, and it should be received this week. He keeps a well maintained site with sloped banks, keep the roads maintained, and keep the dust factor down. Before he started on the subject property he checked with the adjoining land owners and there was only one person that actually lived in the area and no one stated they had any concerns over his proposal. Mr. Myers presented

Mr. Charney asked if the dirt was loaded on site with third party haulers. Mr. Myers stated the dirt was loaded on site onto his trucks.

Mr. Charney asked if the dirt would be sold to independent third parties. Mr. Myers answered affirmatively.

Mr. Osborne asked Mr. Myers if he had already began his operation. Mr. Myers stated that he started digging in June 2013 under a one year permit received from the Mining Commission. When he filed for his permanent mining permit he was informed by Mr. West that he needed to file for a Special Exception.

Ms. Miller left the meeting at 4:36 P.M.

CBOA-02497

FILE COPY

Mr. Charney asked Mr. Norvell if today's request is approved per site plan, and then it is decided there is a superior site for the site plan, then will he be prepared to reappear before the Board? Mr. Norvell stated that he understands all of that because Mr. West was very helpful, and that is why the site was chosen.

Mr. Charney asked Mr. Norvell if he would have any problems with a condition limiting the conference meetings to only twice a year with only about 200 attendees. Mr. Norvell stated that he does not have any problems with that.

Ms. Back stated that in regards to the graveled parking area the applicant will need to come back before the Board with a Variance application if the applicant wants to change from an all weather surface, or they could request a continuance today to cover this thus allowing for the proper notifications.

Mr. Bonebrake asked Mr. West if a building permit would be approved with the parking issues not being decided. Mr. West stated the parking will be based on one parking space for every 40 square feet of sanctuary area. So the size of the sanctuary will dictate how many parking spaces are required. Mr. Bonebrake asked if the Permit Office must know whether it is pervious or impervious before construction can proceed. Mr. West stated that per code the parking area must be impervious at this time, unless a Variance is sought. Ms. Back stated that Mr. West's office would issue the permit under the assumption that the parking area is an all weather surface. Mr. Bonebrake asked, that with the understanding that it may be six months before the parking lot is started, if a Variance can be granted in the mean time. Mr. West answered affirmatively. Ms. Back stated the Mr. Norvell can make that application in that time span.

Mr. Charney asked Mr. Norvell what the church means when they say they are praying over the land, and what type of activities does that entail? Mr. Norvell stated there would be no noise other than maybe a very quiet whispering. There would be no chemicals or anything else that would be disposed. He cannot think of anything that in any way would be harmful. It is an assembly of or dispersing of people.

Comments and Questions:

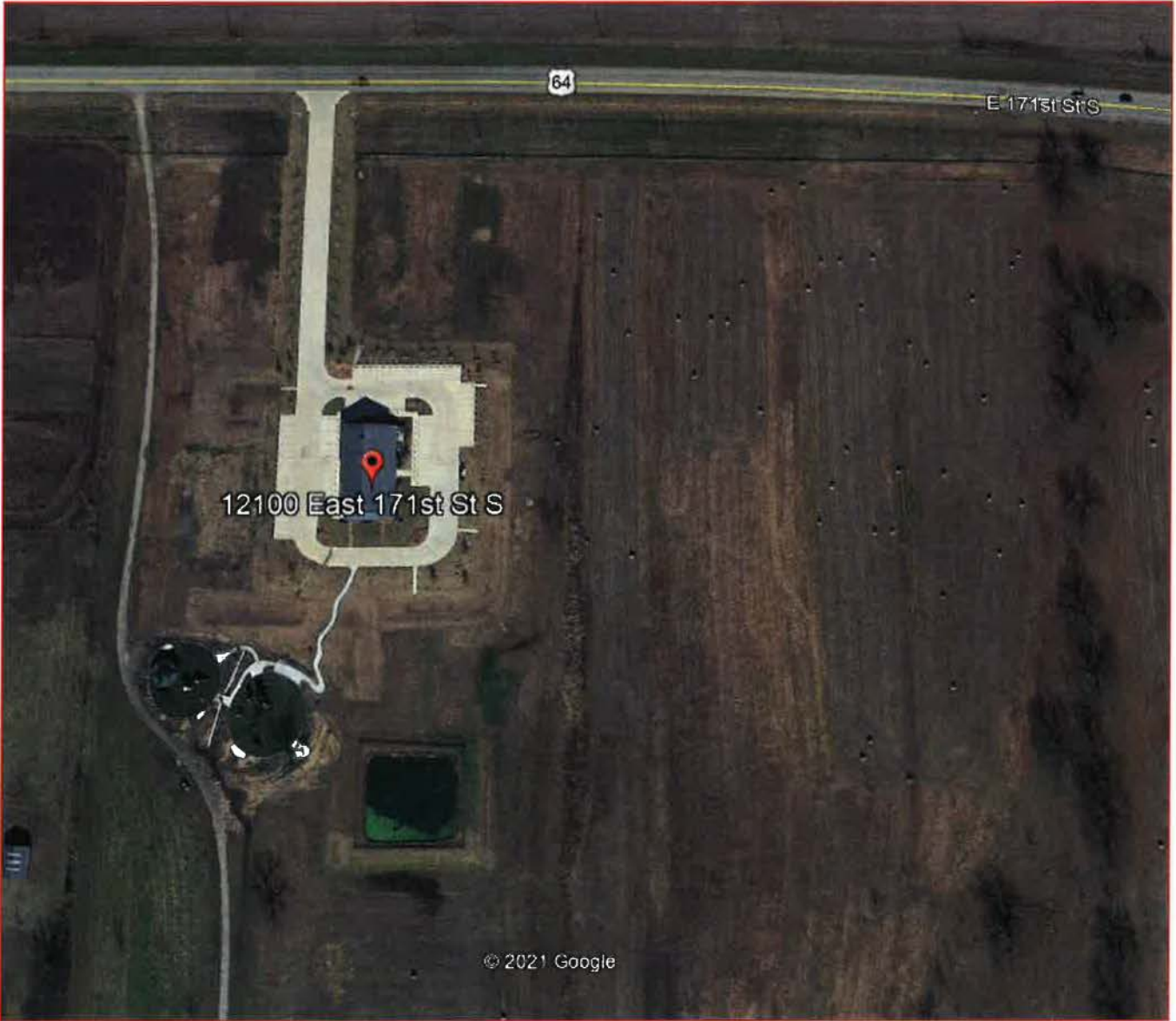
None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). This approval will allow up to three buildings in an AG District as designated on a submitted site plan, subject to conceptual plans on pages 6.5 and 6.6. Construction is to be in accordance with the general conceptual site plan that has been provided the Board. The larger gathering building would be for church offices and the church ministries, and is to be used no more than twice a year, up to four or five days at a time. Finding that the Special Exception is not injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

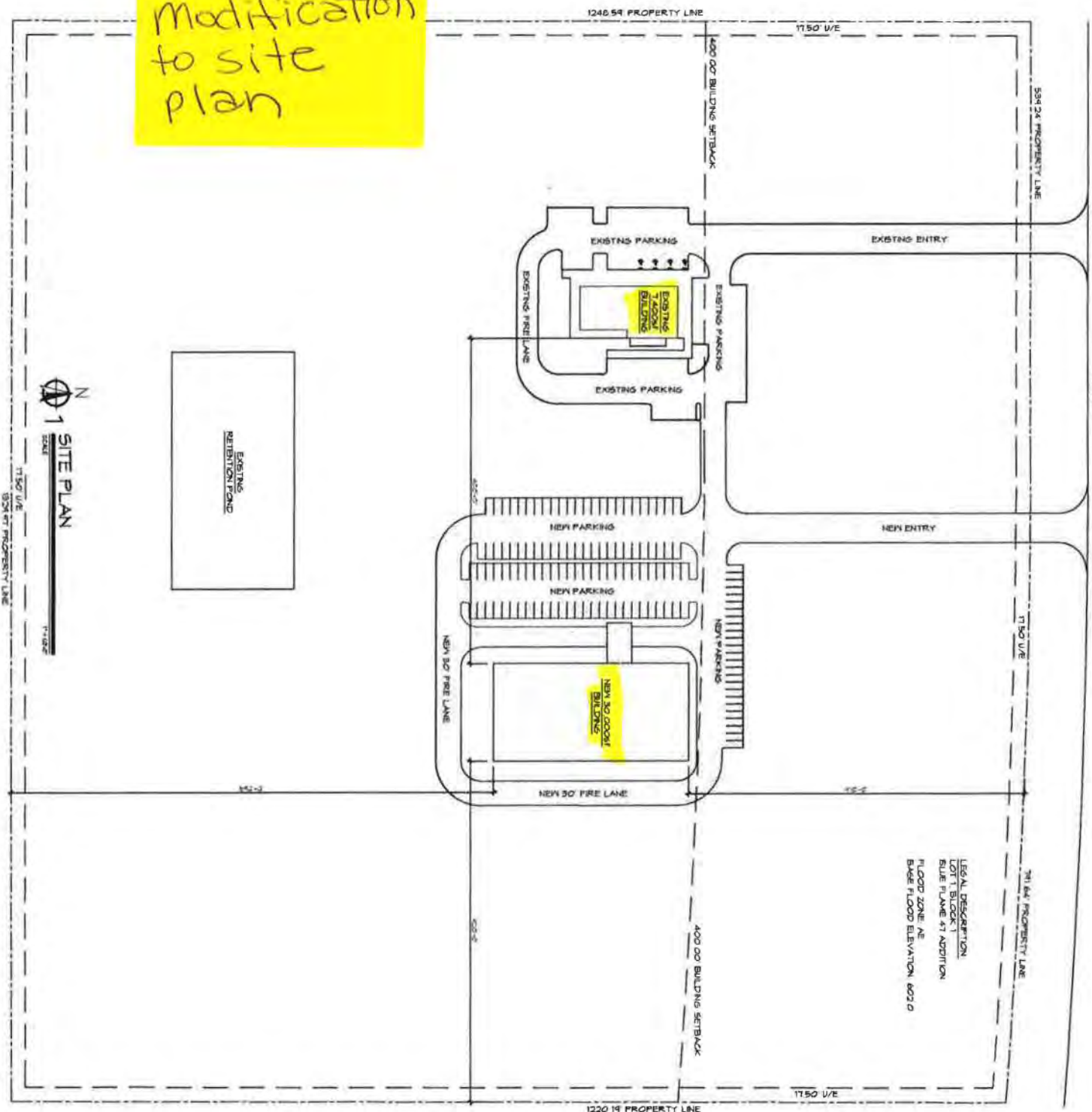
04/15/2014/#407 (19)

6.8



Google Earth view of subject property on 11/10/2020.

Proposed modification to site plan



LEGAL DESCRIPTION:
 LOT 1 BLOCK 1
 BLUE FLAME 47 ADDITION
 FLOOD ZONE: AE
 BASE FLOOD ELEVATION: 602.0

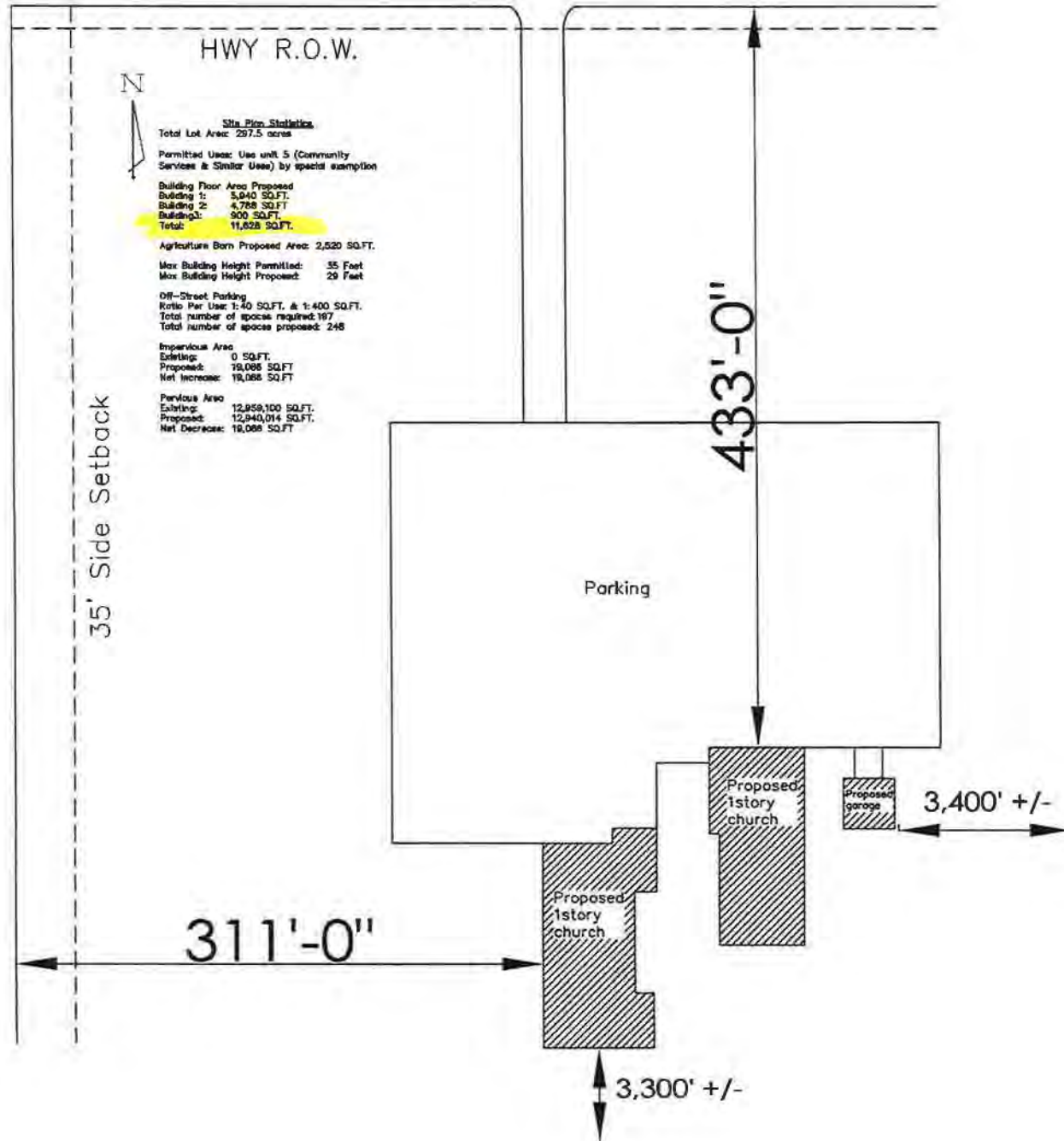
© 2021 SKRIDE DESIGN LLC

SKRIDE DESIGN & PLAN
 RYAN STRONG
 918.607.74
 No. 12/18/18 REVISION

BLUE FLAME 47
 THE PORT BUILDING
 12100 E. 171st ST.

15 APRIL, 20
 SCALE: AS NC
 PROPOSED
 SITE PLAN
 SHEET
 SP1.1

0.19



Site Plan Statistics
Total Lot Area: 297.5 acres
Permitted Uses: Use unit 5 (Community Services & Similar Uses) by special exemption
Building Floor Area Proposed
Building 1: 5,040 SQ.FT.
Building 2: 4,788 SQ.FT.
Building 3: 900 SQ.FT.
Total: 11,628 SQ.FT.
Agriculture Barn Proposed Area: 2,520 SQ.FT.
Max Building Height Permitted: 35 Feet
Max Building Height Proposed: 29 Feet
Off-Street Parking
Ratio Per User: 1:40 SQ.FT. & 1:400 SQ.FT.
Total number of spaces required: 197
Total number of spaces proposed: 248
Impervious Area
Existing: 0 SQ.FT.
Proposed: 19,096 SQ.FT.
Net Increase: 19,096 SQ.FT.
Pervious Area
Existing: 12,859,100 SQ.FT.
Proposed: 12,940,014 SQ.FT.
Net Decrease: 18,089 SQ.FT.

35' Side Setback

Parking

Proposed 1story church

Proposed garage

3,400' +/-

Proposed 1story church

3,300' +/-

311'-0"

433'-0"

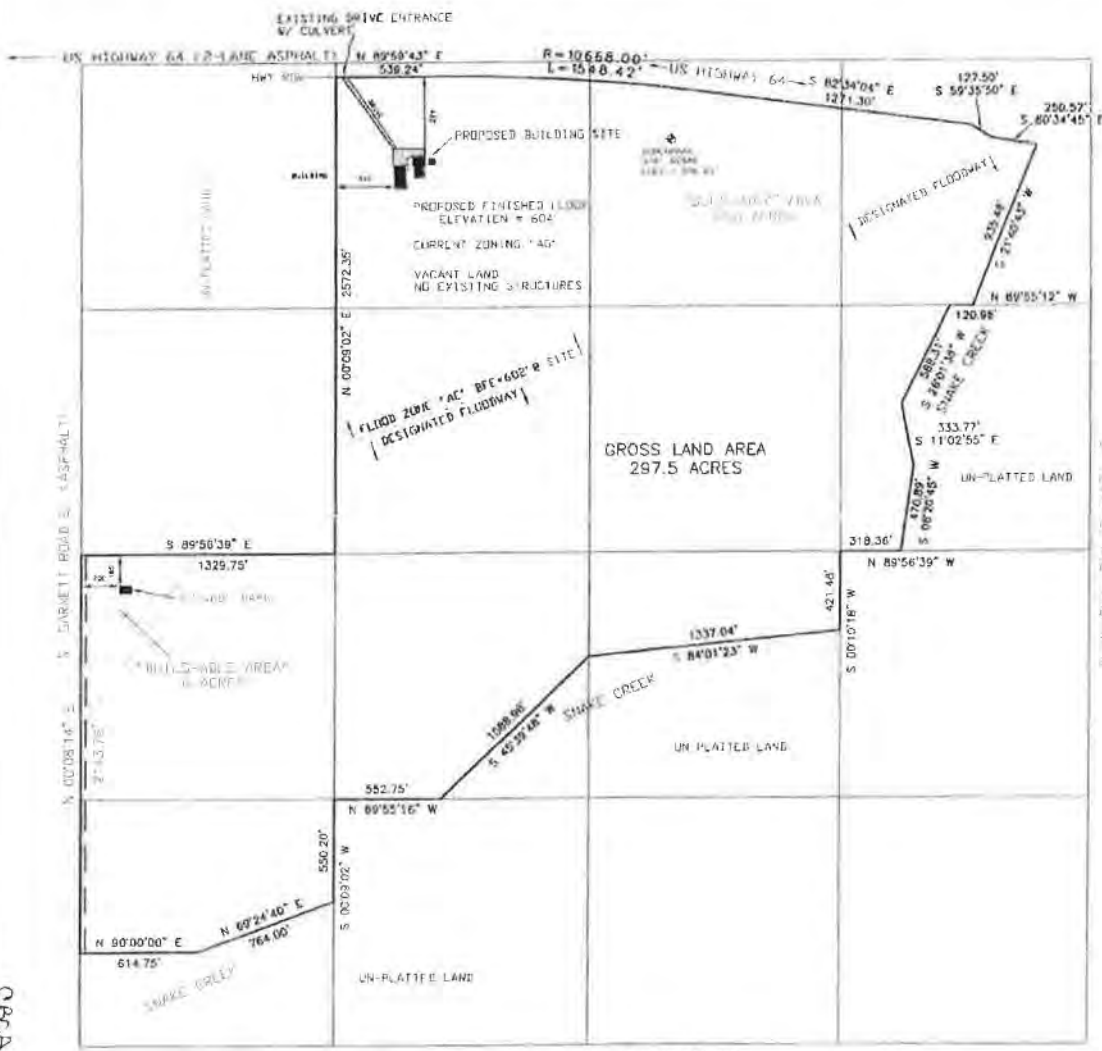
11-9

UB01A-2497
conceptual plan

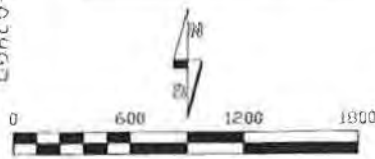
SITE PLAN EXHIBIT

PROPERTY ADDRESS: 1811 BIXBY, OK
 SURVEYOR'S CLIENT: BLDG AME 47, INC. / MORTON BUILDINGS, INC.

LEGAL DESCRIPTION: A TRACT OF LAND SHOWN IN SECTION TWENTY-TWO (22) TOWNSHIP SIXTEEN (16) NORTH, RANGE FOUR (4) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION 22; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 1329.75 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE NW/4; THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF THE W/2 OF THE NW/4 A DISTANCE OF 232.35 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE NW/4; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING CALLS: S. NORTH 89°29'43" EAST 339.24 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1046.00 FEET FOR AN ARC DISTANCE OF 1548.42 FEET WITH A CHORD BEARING 10. SOUTH 85°46'22" EAST AND A CHORD DISTANCE OF 150.00 FEET; THENCE NORTH 89°56'39" EAST 529.18 FEET; THENCE SOUTH 56°35'40" EAST 127.50 FEET; THENCE SOUTH 80°34'45" EAST 250.57 FEET; THENCE ALONG SAID CENTERLINE NORTH 89°56'39" WEST 120.98 FEET TO THE MEETING POINT WITH THE WEST BANK OF SHAKE CREEK; THENCE SOUTH 89°56'39" WEST 21.77 FEET; THENCE SOUTH 89°56'39" WEST 430.89 FEET TO A POINT ON THE SOUTH LINE OF THE NW/4 SAID POINT BEING 101.07 FEET WEST OF THE SOUTHEAST CORNER OF THE NW/4 OF SAID SECTION 22; THENCE NORTH 89°56'39" WEST ALONG SAID SOUTH LINE OF THE NW/4 A DISTANCE OF 318.36 FEET TO THE SOUTHWEST CORNER OF THE SW/4 OF THE NW/4; THENCE SOUTH 89°56'39" WEST 421.45 FEET TO THE CENTERLINE OF SHAKE CREEK; THENCE ALONG SAID CENTERLINE SOUTH 84°01'23" WEST 1337.04 FEET TO THE EAST LINE OF THE SW/4; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 42°00'00" WEST 1088.98 FEET TO A POINT ON THE SOUTH LINE OF THE NW/4 OF THE SW/4; THENCE ALONG SAID SOUTH LINE NORTH 89°56'39" WEST 432.73 FEET TO THE NORTHEAST CORNER OF THE SW/4 OF THE SW/4; THENCE SOUTH 89°56'39" WEST 338.28 FEET; THENCE NORTH 89°56'39" WEST 764.00 FEET; THENCE SOUTH 89°56'39" WEST 614.75 FEET TO A POINT ON THE WEST LINE OF THE SW/4 OF SECTION 22 SAID POINT BEING 50.9 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION 22; THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID SW/4 A DISTANCE OF 2143.76 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 297.5 ACRES AS SURVEYED.



CBOA-2497



PREPARED BY:
FRITZ LAND SURVEYING, LLC
 PO BOX 54372
 TULSA, OK 74155
 PH: 918.231.0575
 FRITZPLS@YAHOO.COM
 FLS# 14018 BLUEFLAME 47 SITE PLAN



SURVEYOR'S NOTES:
 THIS PRELIMINARY SITE PLAN EXHIBIT IS INTENDED TO PORTRAY THE INTENT OF THE OWNER AND OTHER REPRESENTATIVES TO OBTAIN SPECIAL PERMISSION FROM THE TULSA COUNTY BOARD OF PUBLIC WORKS TO PROCEED WITH THE PROJECT AS SHOWN BY PLAN UPON RECOMMENDATIONS AND REQUIREMENTS AS SET FORTH BY THE B.O.A.

WITNESS MY HAND AND SEAL
 THIS 13TH DAY OF MARCH 2014



CBOA-2497
 Conceptual
 Plan

6.12

S GARNETT RD

E 171st ST S

64

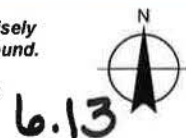


CBOA-2888

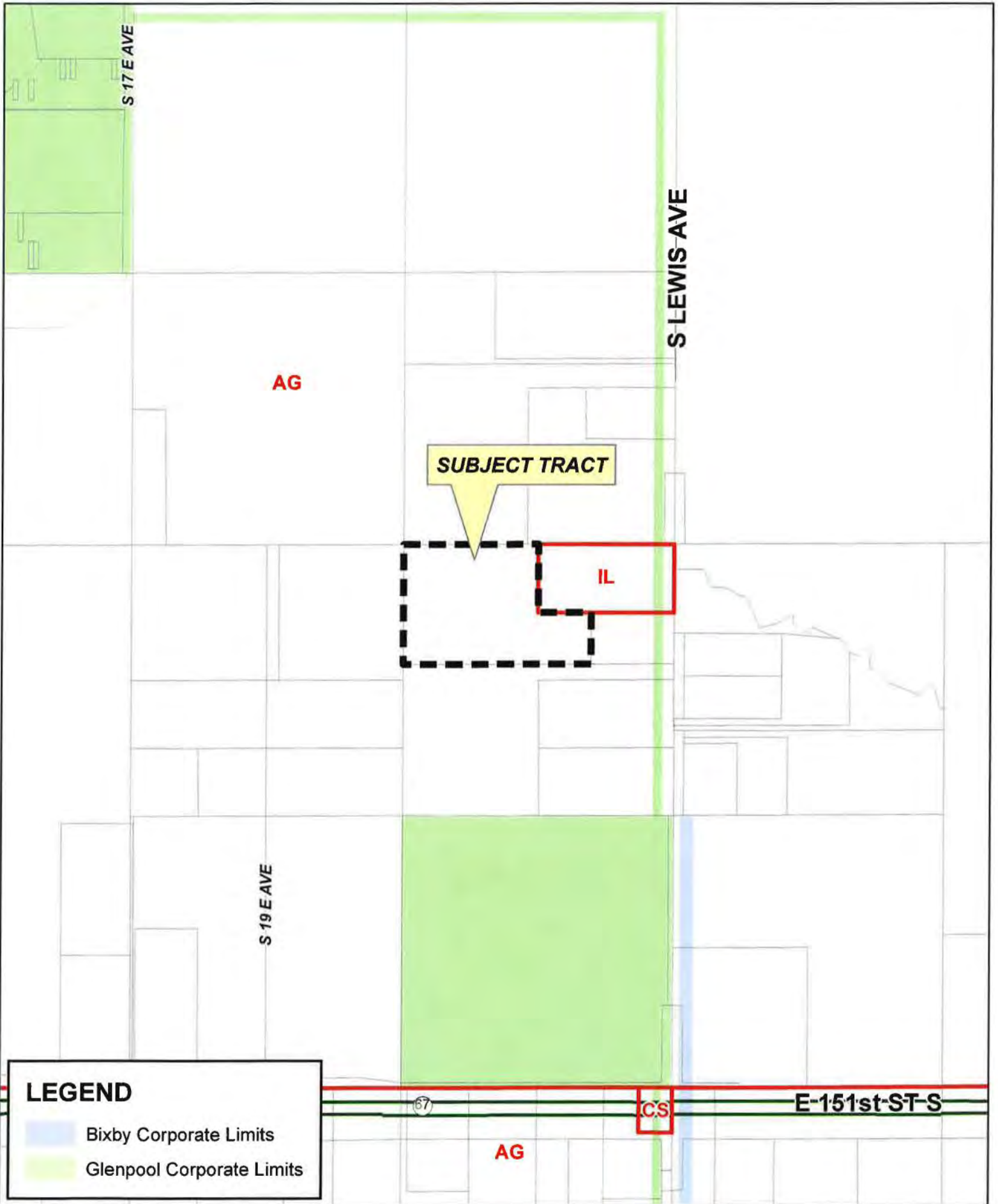
17-14 32

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

Aerial Photo Date: February 2018



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17-13 18

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7318

CASE NUMBER: CBOA-2889

CZM: 61

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/18/2021 1:30 PM

APPLICANT: Mary Huckabee

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street from 30ft to 0ft in an AG district (Section 207).

LOCATION: 14644 S LEWIS AV E

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Residential

TRACT SIZE: 10.68 acres

LEGAL DESCRIPTION: PRT NE SE BEG NWC W/2 NE SE TH E661.88 S329.05 E257.13 S269.05 W919.07 N598.1 POB SEC 18 17 13 10.68AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2253 March 2007: The Board approved a *Variance* of the minimum frontage required from 30 ft. to 0 ft. to permit a residence in an AG district, on property located at 14738 S. 19th East Avenue.

CBOA-1558 March 1998: The Board approved a *Variance* of required 30' of frontage to 0' to allow a residence in an AG district, on property located at 1809 E. 151st S.

CBOA-1391 November 1995: The Board denied a *Variance* of the required 30 ft. of frontage on a public street; finding that the applicant failed to present a hardship that would warrant the granting of a variance request; and finding that the land was not platted and does not comply with zoning and subdivision regulations, on property located north of 151st Street South between Peoria and Lewis.

CBOA-1368 September 1995: The Board denied a *Variance* of the required 30 ft. of frontage to 0 ft. to allow a residence in an AG district; located on the same property at subject in CBOA-1558.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning on the north, west, and south. It abuts IL zoning to the east. Surrounding properties appear to be both residential and agricultural in nature.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street from 30 ft to 0 ft in an AG district (Section 207).

7.2

The Code requires that any property intended to be utilized for residential purposes contain at least 30 ft of frontage on a public street. The Code attempts to ensure that each residentially used parcel has unfettered access and emergency access. The Code also attempts to prevent wildcat subdivisions.

According to the site plan provided by the applicant, the property is currently accessed through an access drive off S. Lewis Ave. The applicant provided a copy of the recorded easement (see attached).

The applicant provided the following statement, "This tract has access to South Lewis Avenue by a private access easement (attached) across the neighboring property owner's tract. Owner plans to add a 16' x 76' mobile home, situated on a concrete pad. The tract does not abut a public street, so it is not possible to provide frontage. The private access easement will provide access as it does for the existing single-family home."

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street from 30 ft to 0 ft in an AG district (Section 207).

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.

Ms. Estep stated she works out of town a lot and stays in a 5th wheel trailer when she comes home. She added that it is not permanently parked there, but it is there most of the time. She stated there is a creek that runs in front of the property. Mr. Dillard stated the trailer needs to be parked on pavement for storage not living quarters. Mr. Tyndall noted some smaller lots in the area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the minimum Land Area per dwelling required in an AG district to permit a second dwelling on a 4 acre parcel (Section 330), as requested, finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and finding the variance requested is minimal for the standards required; the creek that runs in the front of the property would make it difficult to comply with the strict interpretation of the code; with condition of approval for the RV to be stored on a suitable hard surface and not connected to permanent utilities for living purposes, on the following described property:

W346 E838.1 S516.6 SE SE LESS S16.5 THEREOF FOR RD SEC 28 22 14
Tulsa County, State of Oklahoma

Case No.2253

Action Requested:

Variance of the minimum frontage required from 30 ft. to 0 ft. to permit a residence in an AG district (Section 207), located: 14738 South 19th East Avenue.

Presentation:

Bill Frazier, 1424 Harris Drive, represented the applicants, Darren and Stacy Hasz. They proposed to build a 3,775 sq. ft. home. He submitted photographs, a petition and an easement of record (Exhibits B-1, B-2 and B-3). He stated that none of the neighbors opposed the application. He stated the record of easement was document #2007029513. He added this partial tract existed prior to 1980. He pointed out this is for there primary residence. There are fire hydrants available to the property and access for emergency vehicles.

Comments and Questions:

Mr. Walker asked for the size of the waterline.

Darren Hasz, 14738 South 19th East Avenue, stated the sellers placed 8" waterlines. Mr. Dillard asked the distance of the fireplugs from the property. Mr. Hasz stated one was 330 ft. and one is 80 ft.

Mr. Alberty was asked to comment on the case. He mentioned the first two cases were denied, as there was concern that it should be subdivided. Once an easement was filed of record as a private road, the County was held harmless of maintenance responsibilities. The owners would maintain the roadway easement. He stated that any further dividing of the lots would have to meet the subdivision regulations.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the minimum frontage required from 30 ft. to 0 ft. to permit a residence in an AG district (Section 207), as presented, with condition that no additional splitting of the property of any kind, without platting and following all subdivision regulations, on the following described property:

N/2 SW NW SE SEC 18 17 13 Tulsa County, State of Oklahoma

Case No. 2254

Action Requested:

Variance of the maximum permitted square footage for an accessory building in the RS district from 750 sq. ft. to 1,600 sq. ft. (Section 240.2.E), located: 5892 West 33rd Street South.

Presentation:

Larry Miller, 5892 West 33rd Street South, stated he built a house on four acres with plans for a garage/storage 30' x 40' building and a 10' x 40' side shed in the rear. He discovered this exceeds the maximum 750 sq. ft. accessory building permitted. He pointed out several accessory buildings of this size and larger in the neighborhood. He stated that to maintain this size of property he needs a tractor, mower, and other necessary tools. He needs the building to protect the equipment from the weather; provide security for his business and reduce the attractive nuisance factor for children.

Comments and Questions:

Mr. Tyndall asked if this was for storage of personal property only, not for any business use. Mr. Miller replied that was correct. Mr. Miller stated the garage is

Case No. 1555 (continued)

Lot 9, Block 13, Golden Hills Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1557

Action Requested:

Variance of maximum size for accessory building of 750' to 1,200' **SECTION 240. YARDS – Use Unit 6** located 3411 W. 59th.

Presentation:

The applicant, **Adrian V'Shane Workman**, 3411 W. 59th, wants to build a larger shop on his property. It will not be used for commercial purposes but to house his racecars. His current 24'x30' building is not larger enough for all of his cars. The proposed building will be 30'x40' or 1,200 sq. ft.

Board Action:

On **MOTION** of **LOONEY**, Board voted 5-0-0 (Alberty, Eller, Looney Tyndall, Walker, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Variance of maximum size for accessory building of 750' to 1,200' **SECTION 240. YARDS – Use Unit 6** subject to the proper setbacks and based on the comment that there is no commercial on the following described property:

W/2 of tract 35 beginning 670' W of NE/c of SE SE; thence S 568.5' E, 75' N, 568.5' W, 75' to the point of beginning, less N 25' for right-of-way, Tulsa County, OK.

Case No. 1558

Action Requested:

Variance of required 30' of frontage to 0' to allow a residence. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** located 1809 E. 151st S.

Comments and Questions:

Mr. Alberty asked Jim Beach if there is any history on this property – was it before the Board before and turned down? Mr. Beach answered affirmatively and stated that this is a tract which has no frontage on a public street, however it has existed for considerable time. He believes that it was established prior to the County Zoning Code. There is also an easement, which has been on record since 1980, which provides access to this lot and several others and connects to 151st S. Mr. Beach has visited with the County Inspector and believes that there are now some facts that were not available at the previous hearing.

Case No. 1558 (continued)

Presentation:

The applicant, **Jim Bennett**, 10421 S. Kingston, Tulsa, OK 74137, is representing his pastor Bruce and Linda Ewing. They purchased the subject tract several years ago. About a year ago they came in and got a building permit for a barn that was approved. Several years ago this tract was before the Board and was denied because they did not show evidence that the easements closed to 151st St. Mr. Bennett has that evidence with him. There is a 60' easement that runs all the way down to the subject tract. All of the surrounding property owners say that they support the request and the building of a residence. The Variance is simply to allow them to build a 3,300 sq. ft. house, which is consistent with the surrounding houses. He sees no detriment to the area or the County.

Comments and Questions:

Mr. Tyndall asked if the easement continued across the property? Mr. Bennett answered that there is an additional easement that goes across to the riding stable behind the subject tract and yes the easement does connect across the other property.

Mr. Alberty asked when the deed was filed on the property? Mr. Bennett believes it was filed in 1996. The original tract was subdivided in Sept. of 1979.

Mr. Glenn stated that was the one element that killed it the previous two times.

Mr. Walker asked if the hardship was the fact that the lot of record was created before 1980. Mr. Alberty agreed.

Board Action:

On **MOTION** of **LOONEY**, Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Variance of required 30' of frontage to 0' to allow a residence in an AG district **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** on the following described property:

N/2 of SE NW SE of Sec. 18, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1559

Action Requested:

Variance to allow two dwelling units on one lot of record in an AG district **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9-6** located 10404 E. 126th St. N.

FILE COPY

Case No. 1391

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located north of 151st Street South between Peoria and Lewis.

Presentation:

The applicant, **Michael Sager**, Route 6, Box 94, Bixby, Oklahoma, submitted photographs (Exhibit H-3) and stated that the 10-acre tract in question is currently accessed via a 60' mutual access easement. He informed that the subject property is one of several similar sized parcels in the immediate vicinity that use the private street. Mr. Sager submitted a list of physical and economic hardships (Exhibit H-2) for this case and noted that it is imperative that his client be granted the variance in order to market the property. An aerial photograph (Exhibit H-1) was submitted.

Comments and Questions:

Mr. Walker asked Mr. Sager how long his client has owned the property in question, and he replied that the tract has been under the current ownership since the early part of 1980.

Mr. Alberty noted that the same request was recently denied on a nearby 5-acre tract, finding that the parcel was illegally subdivided.

Interested Parties:

William Snittjer, 14644 South Lewis Avenue, Bixby, Oklahoma, informed that he owns a 10-acre tract adjacent to the subject property and is supportive of the application.

Additional Comments:

Mr. Walker noted that it appears that a subdivision has been developed without platting the property.

Mr. Alberty reiterated that the Board recently denied a similar request (Case No. 1368) on a nearby tract because the parcel was not legally subdivided and was in direct violation of the zoning and subdivision ordinances. Mr. Alberty stated that he cannot support the application. He pointed out to Mr. Sager that the landowners can remedy the situation by dedicating and constructing a road that is in compliance with County standards.

Protestants:

None.

Case No. 1391 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; finding that the applicant failed to present a hardship that would warrant the granting of a variance request; and finding that the land was not platted and does not comply with zoning and subdivision regulations; on the following described property:

NW/4, NW/4, SE/4, Section 18, T-17-N, R-13-E, Tulsa County, Oklahoma.

OTHER BUSINESS

Election of Officers

On **MOTION** of **ALBERTY**, the Board voted 4-0-1 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; Looney, "abstaining"; none "absent") to **ELECT** **Ron Looney** as chairman for the Tulsa County Board of Adjustment.

On **MOTION** of **ALBERTY**, the Board voted 4-0-1 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; Walker, "abstaining"; none "absent") to **ELECT** **Roland Walker** as vice chairman for the Tulsa County Board of Adjustment.

On **MOTION** of **LOONEY**, the Board voted 4-0-1 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; Alberty, "abstaining"; none "absent") to **ELECT** **Wayne Alberty** as secretary for the Tulsa County Board of Adjustment.

Selection of newspaper for publishing legal notices.

Mr. Beach advised that there was previous Board discussion concerning the selection of a different newspaper for publishing legal notices, and the Tulsa Legal News is now being used for this process.

In response to Mr. Alberty, Mr. Beach informed that the change was necessary because the Tulsa World, which was previously used for publishing notices, increased advertising fees approximately 400%

There being no further business, the meeting was adjourned at 3:50 p.m.

Date Approved Dec 19, 1995



Chairman

7.9

FILE COPY

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 184
Tuesday, September 19, 1995, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Looney Tyndall, Chairman	Eller Walker	Gardner Moore Beach	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, March 20, 1995, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, ("absent") to **APPROVE** the **Minutes** of August 13, 1995 (No. 183).

NEW APPLICATIONS

Case No. 1368

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to permit an existing five-acre tract to have access to 151st Street South by easement - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 1809 East 151st Street South.

Presentation:

The applicant, **Lori Decker**, 6428 East 94th Place, was represented by **Mac Finlayson**, 2121 South Lewis Avenue, who requested that his client be permitted to construct a dwelling on a tract that does not have frontage on a dedicated public street. He submitted a copy of the easement (Exhibit A-1) permitting access to the tract from 151st Street. Mr. Finlayson stated that another landowner also uses this private road to access his property.

Case No.1368 (continued)

Comments and Questions:

Mr. Alberty questioned if the easement extends from 151st Street to the subject property, and Mr. Finlayson replied that the easement is 1320'.

Mr. Alberty asked how long the property has been a lot of record, and Mr. Finlayson replied that he does not have that information.

Mr. Alberty noted that the lot is nonconforming if created before 1980; however, if it has been created since that time it appears that an illegal subdivision exists.

Protestants:

Charles Creekmore informed that he lives to the south of the subject property and, although he is not opposed to the development of the tract, he voiced a concern with use limitations for the private road and proper drainage (Exhibit A-2).

Mr. Alberty asked Mr. Creekmore if there are other parcels along the private road that are under different ownerships, and he answered in the affirmative.

Douglas Pittman, 14736 South Lewis, Bixby, Oklahoma, stated that he is not opposed to the development of the tract, but voiced a concern with water flow across his property. He submitted a letter and diagram (Exhibit A-3) and pointed out that all water runoff pools on his property. Mr. Pittman stated that he is opposed to any type of development that would add to the flow of water toward his tract or cause a sewage problem for the neighborhood. He pointed out that sewage lagoons are existing because the soil does not percolate at this location.

Applicant's Rebuttal:

Mr. Finlayson stated that the issues raised by the protestants are addressed by other departments and should not be considered by this Board. He informed that Mr. Pittman has attempted to purchase the subject property.

Additional Comments:

Mr. Looney asked if the applicant is proposing to construct a residence on the property, and Mr. Finlayson replied that his client will live on the tract.

Mr. Alberty stated that there are State laws that require the proper subdivision of land and that they be properly processed and filed. He pointed out that a hardship, as required by law, was not demonstrated by the applicant.

Case No. 1368 (continued)

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **DENY a Variance** of the required 30' of frontage on a public street or dedicated right-of-way to permit an existing five-acre tract to have access to 151st Street South by private easement - **SECTION 207, STREET FRONTAGE REQUIRED** - Use Unit 6; finding that the property has not been legally subdivided; and finding that a hardship was not presented that would warrant the granting of the variance request; and finding that approval of the request would violate the spirit, purpose and intent of the Code; on the following described property:

N/2, SE/4, NW/4, SE/4, Section 18, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1369

Action Requested:

Special Exception to permit a children's nursery as an accessory use to a previously approved church - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located east of southwest corner West 41st Street South and South 65th West Avenue.

Presentation:

The applicant, **Jerry Harper**, 1807 Town Country Drive, Sand Springs, Oklahoma, informed that the church has been at the current location for approximately 7 years and is proposing to operate a children's nursery as an accessory use. He noted that the nursery would be an asset to the neighborhood and an outreach in the community.

Comments and Questions:

Mr. Looney asked if the nursery services will be limited to church members, and Mr. Harper replied that the nursery will be open to the public.

Mr. Tyndall inquired as to the exact location of the nursery, and the applicant replied that the church has recently purchased a building for the proposed use.

In reply to Mr. Tyndall, Mr. Harper stated that the Department of Human Services will probably limit the number of children to 60.

Mr. Alberty asked if the nursery will serve school age children, and Mr. Harper stated that some after school care may be available.

AMENDMENT TO
CORRECTIVE MUTUAL ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THIS AMENDMENT TO CORRECTIVE MUTUAL ACCESS EASEMENT is entered into this 25th day of May, 2018, by and between DOUGLAS S. PITTMAN and KATHLEEN S. CANNON, Husband and Wife, Successors in Interest to DAVID F. ROSE, ("Pittman"), and KLS Horses, LLC, an Oklahoma limited liability company, and Successor in Interest to LANDMARK FARMS, INC. ("KLS").

WITNESSETH:

WHEREAS, on January 29, 1982, David F. Rose and Laura M. Rose, husband and wife, and Landmark Farms Inc. entered into that certain Mutual Access Easement (the "Easement") whereby David F. Rose and Laura M. Rose granted to Landmark Farms, Inc. a non-exclusive easement over a tract of land which was described as "Tract 1" in the Easement. Such tract of land is more particularly described on Exhibit "A" attached hereto and made a part hereof. The Easement is filed of record in the Records of the Tulsa County Clerk in Book 4592 at Page 1750;

WHEREAS , on September 28, 1985, David F. Rose and Landmark Farms, Inc. entered into a Corrective Mutual Access Easement in order to correct errors in the Easement as set forth on Exhibit "B", and

WHEREAS, Pittman and KLS desire to Amend the Corrective Mutual Access Easement as well as the description of Tract 3.

NOW , THEREFORE, for and in consideration of the sum of Ten and no/100 Dollars (\$10,00), together with other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Pittman and KLS do hereby enter into this Amendment to Corrective Mutual Access Easement to modify it as follows :

1. KLS abandons the West 28.5 feet of the Corrective Mutual Access Easement and the amended description is attached as Exhibit "C".
2. The legal description for Tract 3, as set forth in the Easement and modified by the Corrective Mutual Access Easement is replaced in its entirety by Exhibit "D".
3. This Amendment to Corrective Mutual Access Easement shall be binding upon Pittman and KLS and their respective heirs, successors, assigns, administrators or personal representatives.
4. Except as modified, amended and corrected herein, the Easement and Corrective Mutual Access Easement are in full force and effect.

Kathleen S. Cannon
Kathleen S. Cannon

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and State, on this 24th day of May, 2018, personally appeared Kathleen S. Cannon, to me known to be the identical person who executed the above and foregoing instrument as her free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year first above written.

Sara J. Bolch
Notary Public

My Commission Number: _____
My Commission Expires: _____



KLS HORSES, LLC, an Oklahoma limited liability company

By: [Signature]
Kim Coretz, Manager OF DL 202564431

STATE OF Minnesota)
) ss.
COUNTY OF Wagon Wheel)

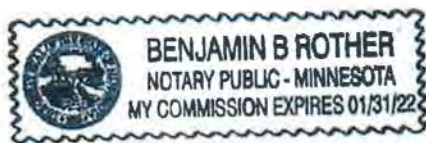
Before me, the undersigned, a Notary Public, in and for said County and State, on this 24 day of May, 2018, personally appeared Kim Coretz in her official capacity as Manager of KLS HORSES, LLC, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year first above written.

[Signature]
Notary Public

My Commission Number: 1447120007

My Commission Expires: 01/31/2022



7.16

EXHIBIT "A"

Original Metes and Bounds Description of Tract "1"
(Original Easement Description)

A tract of land described as beginning at the Southeast corner of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 18, Township 17 North, Range 13 East, Tulsa County, Oklahoma; thence North 45 feet to the point of beginning; thence North 15 feet; thence 626.66 feet N 89°59'22" W; thence South 15 feet; thence 626.66 feet S 89°59'22" E, to the point of beginning.

EXHIBIT "B"

Corrected Metes and Bounds Description of Tract "1"

A 60.00 foot wide strip of land, that is part of the South 5.00 acres of the North 10.00 acres of the East Half (E/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 18, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, said 60.00 foot wide strip of land being described as follows, to-wit:

Starting at the Southeast corner of said Section 18 for 1994.33 feet to the "POINT OF BEGINNING" of said strip of land, said point being the Southeast corner of said South 5.00 acres of the North 10.00 acres; thence N 89°59'22" W along the Southerly line of said South 5.00 acres of the North 10.00 acres for 661.92 feet; thence due North and parallel to the Easterly line of the Southeast Quarter (SE/4) of Section 18 for 60.00 feet; thence S 89°59'22" E and parallel to the Southerly line of said South 5.00 acres of the North 10.00 acres for 661.9 feet to a point on the Easterly line of the Southeast Quarter (SE/4) of said Section 18; thence due South along said Easterly line for 60.00 feet to the "POINT OF BEGINNING" of said strip of land.

EXHIBIT "C"

New Metes and Bounds Description of Easement on Tract "1"
(Amendment to Corrective Access Easement Description)

A 60.00 foot wide strip of land, that is part of the South 5.00 acres of the North 10.00 acres of the East Half (E/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 18, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, said 60.00 foot wide strip of land being described as follows, to-wit:

Starting at the Southeast corner of said Section 18 thence due north along the Easterly line of the Southeast Quarter for 1994.33 feet to the "POINT OF BEGINNING" of said strip of land, said point being the Southeast corner of said South 5.00 acres of the North 10.00 acres; thence N 89°59'22" W along the Southerly line of said South 5.00 acres of the North 10.00 acres for 633.42 feet; thence due North and parallel to the Easterly line of the Southeast Quarter (SE/4) of Section 18 for 60.00 feet; thence S 89°59'22" E and parallel to the Southerly line of said South 5.00 acres of the North 10.00 acres for 633.4 feet to a point on the Easterly line of the Southeast Quarter (SE/4) of said Section 18; thence due South along said Easterly line for 60.00 feet to the "POINT OF BEGINNING" of said strip of land.

EXHIBIT "D"

Metes and Bounds Description of Tract "3"
(Revised Description)

A tract of land, containing 11.9686 acres, that is part of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) and also part of the South 5.00 acres of the North 10.00 acres of the East Half (E/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 18, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, said tract of land being described as follows, to-wit:

Starting at the Southeast corner of said Section 18; thence due North along the Easterly line of the Southeast Quarter (SE/4) of Section 18 for 1994.33' to the "POINT OF BEGINNING" of said tract of land, said point being the Southeast corner of said South 5.00 acres of the North 10.00 acres; thence N 89°59'22" W along the Southerly line of said South 5.00 acres of the North 10.00 acres for 661.92' to the Southwest corner of said South 5.00 acres of the North 10.00 acres; thence S 0°00'15" W along the Easterly line of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 18 for 667.77' to the Southeast corner of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4); thence N 89°57'35" W along the Southerly line of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) for 661.97' to the Southwest corner of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4); thence N 0°00'30" E along the Westerly line of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) for 727.43' to a point that is 598.10' Southerly of the Northwest corner of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4); thence S 89°59'22" E and parallel to the Northerly line of said South 5.00 acres of the North 10.00 acres for 1323.83' to a point on the Easterly line of the Southeast Quarter (SE/4) of Section 18; thence due South along said Easterly line for 60.00' to the "POINT OF BEGINNING" of said tract of land.

MUTUAL ACCESS EASEMENT

↓

WHEREAS, the undersigned, DAVID F. ROSE and LAURA M. ROSE, husband and wife, are the owners in fee simple of a tract of land ("Tract 1") described as beginning at the Southeast corner of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of the Southeast $\frac{1}{4}$ of Section 18, Township 17 North, Range 13 East, Tulsa County, Oklahoma, thence forty-five feet North to the point of beginning; thence North fifteen feet, thence 626.66 feet N 89 59'22" W, thence South fifteen feet, thence 626.66 feet S 89 59'22" E, to the point of beginning.

WHEREAS, the present title owners of the above described property in return for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is herein acknowledged, do hereby grant as a mutual access easement the above described property for the purposes of access to a tract (hereinafter "Tract 2") described as:

A tract of land located in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 17 North, Range 13 East of the Indian Base and Meridian, according to the United States Government Survey thereof, Tulsa County, Oklahoma, being more particularly described as follows, to-wit;

BEGINNING AT A POINT, said point being the Northwest corner of the West $\frac{1}{2}$, of the Northeast $\frac{1}{4}$, of the Southeast $\frac{1}{4}$, and running thence S 89°-59' 22" E a distance of 661.88 feet to the Northeast corner of said West $\frac{1}{2}$, of the Northeast $\frac{1}{4}$, of the Southeast $\frac{1}{4}$, thence S 00°-00'-15" W a distance of 329.05 feet to a point, thence S 89°-59'-22" E a distance of 257.13 feet to a point, thence Due South a distance of 269.05 feet to a point, thence N 89°-59'-22" W a distance of 919.07 feet to a point in the West line of said West $\frac{1}{2}$, of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, thence N 00°-00'-30" E a distance of 598.10 feet to THE POINT OF BEGINNING, said described tract containing 10.677 acres, more-or-less. Subject to any easements or rights-of-way of record.

AND as an access easement to a tract (hereinafter "Tract 3") described as:

A tract of land located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 17 North, Range 13 East of the Indian Base and Meridian, according to the United

Alan L. Burrow
6212 S. 31st W Ave
Tulsa, Ok 74132

States Government Survey thereof, Tulsa County, Oklahoma, being more particularly described as follows, to-wit;

Commencing at a point, said point being the Southeast corner of said SE $\frac{1}{4}$ of Section 18, thence due North along the East line of said SE $\frac{1}{4}$, a distance of 2024.33 feet to the POINT OF BEGINNING, thence North 89 $^{\circ}$ 59' 22" West a distance of 661.92 feet to a point, thence South 29 $^{\circ}$ 16' 59" West a distance of 484.52 feet to a point, thence North 89 $^{\circ}$ 57' 35" West a distance of 425.00 feet to a point in the West line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence North 00 $^{\circ}$ 00' 30" East along said West line a distance of 210.00 feet to a point, thence South 89 $^{\circ}$ 57' 35" East a distance of 400.00 feet to a point, thence South 00 $^{\circ}$ 00' 30" West a distance of 180.00 feet to a point, thence South 89 $^{\circ}$ 57' 35" East a distance of 7.43 feet to a point, thence North 29 $^{\circ}$ 16' 59" East a distance of 484.50 feet to a point, thence South 89 $^{\circ}$ 59' 22" East a distance of 679.49 feet to a point in the East line of said SE $\frac{1}{4}$, thence due South a distance of 30.00 feet to the POINT OF BEGINNING, said described tract containing 2.735 acres more or-less,

said easement as to Tract 1 conveyed and granted to LANDMARK FARMS, INC., an Oklahoma corporation, to run with the land and to be binding as to said LANDMARK FARMS, INC. and to inure to said LANDMARK FARMS, INC., its heirs, successors, grantees, administrators or executors.

FURTHER, all reasonable costs of any improvements and/or maintenance to said access easement as same shall be borne by the then owners of Tract 1 and 2 their heirs, successors, administrators or executors.

FURTHER, said easement is also to the benefit of the owners in fee of the tract last above described (Tract 2) and it is the intent of the parties hereto that this easement shall be binding as to the grantors of this easement, DAVID F. ROSE and LAURA M. ROSE, husband and wife, their heirs, successors, grantees, administrators or executors.

FURTHER, the undersigned owners of Tract 1 do grant and convey in return for the above cited consideration the receipt of which is hereby acknowledged, the North Four Feet (4') of Tract 1 as an underground water line easement to said LANDMARK FARMS, INC., its heirs, successors and assigns for the sole purpose of implanting therein an under-

ground water line in which land the undersigned have im-
planted there an underground water line; this easement to
run with the land and be binding as to subsequent purchasers
of Tracts 1, 2 or 3.

IN WITNESS WHEREOF, the parties have hereunder caused
this access easement to be signed on this 29 day of _____
JANUARY, 1982.

David F. Rose
David F. Rose

Laura M. Rose
Laura M. Rose

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and
for said County and State, on this 29th day of January, 1982,
personally appeared DAVID F. ROSE and LAURA M. ROSE, husband
and wife, to me known to be the identical persons who exe-
cuted the within and foregoing instrument, and acknowledged
to me that they executed the same as their free and voluntary
act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and
year above written.



Joan M. Witt
Notary Public

My Commission Expires:
October 29, 1983
(SEAL)

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED

1982 JAN 29 PM 2:38

ANITA NESBITT
COUNTY CLERK

U E





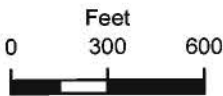
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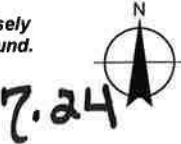
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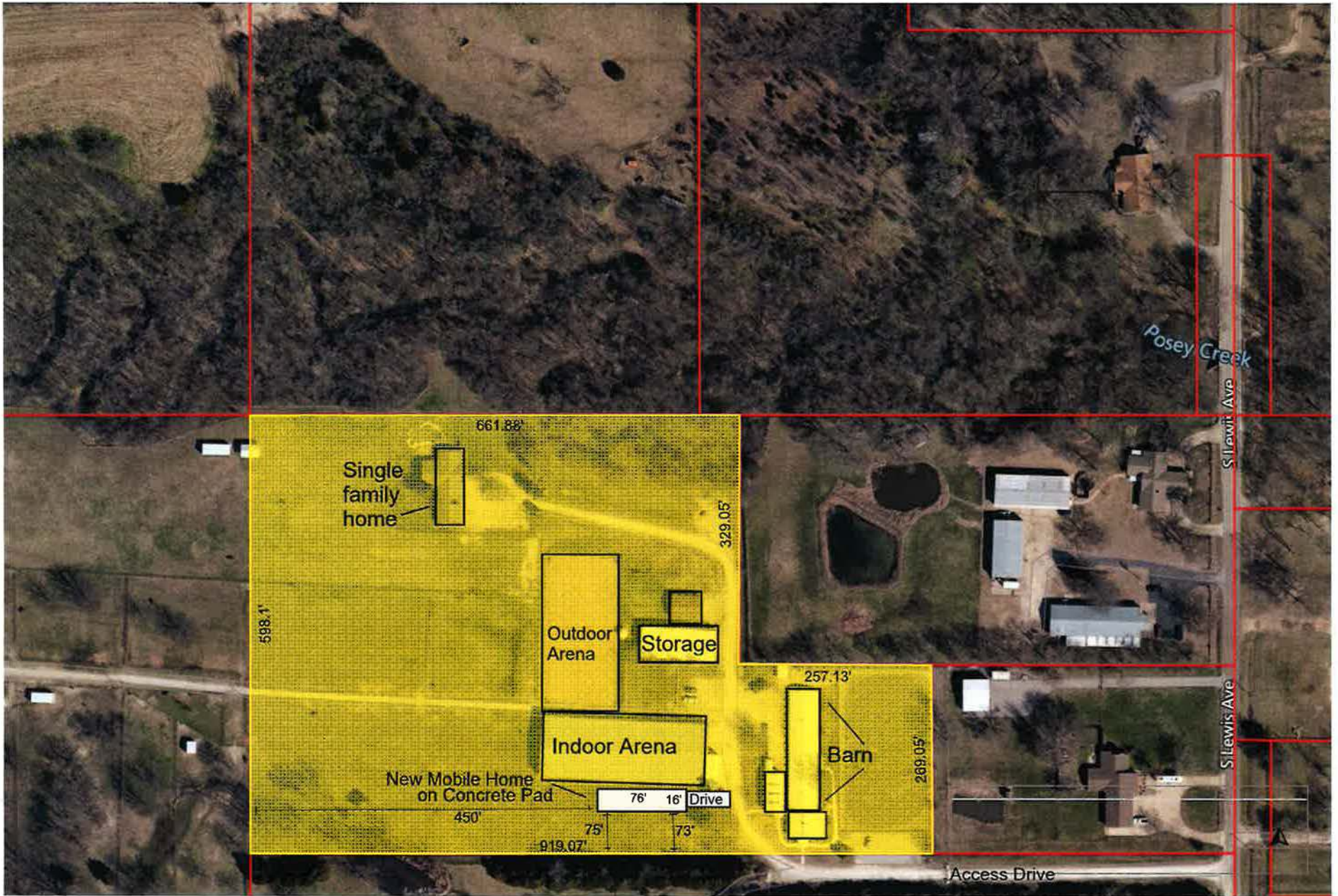
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





see 2