

AMENDED AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, October 19, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 499

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 September 21, 2021 (Meeting No. 498).

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

UNFINISHED BUSINESS

2. **2914—Joanna Ford**
Variance to permit a detached accessory building to exceed 750 square feet in the RS District (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS District (Section 420.2.A-2). **LOCATION:** 12833 South 121st East Avenue

NEW APPLICATIONS

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

3. **2921—Mack Greever**
Variance of the rear setback from 40 feet in the AG District; Variance of the minimum lot area from 2 acres in the AG District; Variance of the minimum lot width from 150 feet in the AG District to permit a pump house (Section 310, Table 3). **LOCATION:** North of NE/c of East 106th Street North & North Sheridan Road East

4. **2922—Jonathan Gobbo**
Variance to permit two dwelling units on a single lot of record in an RS District (Section 208). **LOCATION:** 6549 West 26th Street South
5. **2923—Mike Seely**
Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 12260 East 132nd Street South
6. **2924—Sam Sendgraff**
Variance of the side setback from 15 feet to 5 feet in an AG District; Variance of the minimum lot width in an AG District to permit a single-family home and detached accessory building (Section 330, Table 3). **LOCATION:** 17306 West Wekiwa Road South
7. **2925—Natosha Wallin**
Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); Special Exception to permit a mobile home in an AG-R district. (Section 310 Table 1). **LOCATION:** 20818 West Coyote Trail South
8. **2926—Jonathan McCann**
Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202). **LOCATION:** 16700 South 163rd Avenue East
9. **2927—C. Robert Reed**
Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District (Section 1216); Variance of the side setback from 15 feet to 10 feet and the rear setback from 25 feet to 10 feet in an RE District (Section 730); and a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730). **LOCATION:** 8711 North Yale Avenue East
10. **2928—Marc Najjar**
Modification to a previously approved site plan (CBOA-2778) for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1). **LOCATION:** 19271 West Wekiwa Road
11. **2929—Joe and Shannon Sagi**
Variance of the minimum lot area in an AG-R District to permit a lot split (Section 330, Table 3); Variance of the minimum lot width in the AG-R District to permit a lot split (Section 330, Table 3). **LOCATION:** West of the SW/c of East 156th Street North & North 133rd East Avenue

12. 2930—Carl Lopez

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District to permit the construction of a single-family home (Section 207). **LOCATION:** North and East of the NE/c of East 66th Street North & North Oakcliff Drive

OTHER BUSINESS

13. ELECTION OF OFFICERS:

Current Positions Held:

David Charney – Chair

Don Hutchinson – Vice Chair

Vacated – Secretary

Kelly Dunkerley

Michael Hicks

William Tisdale

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.org

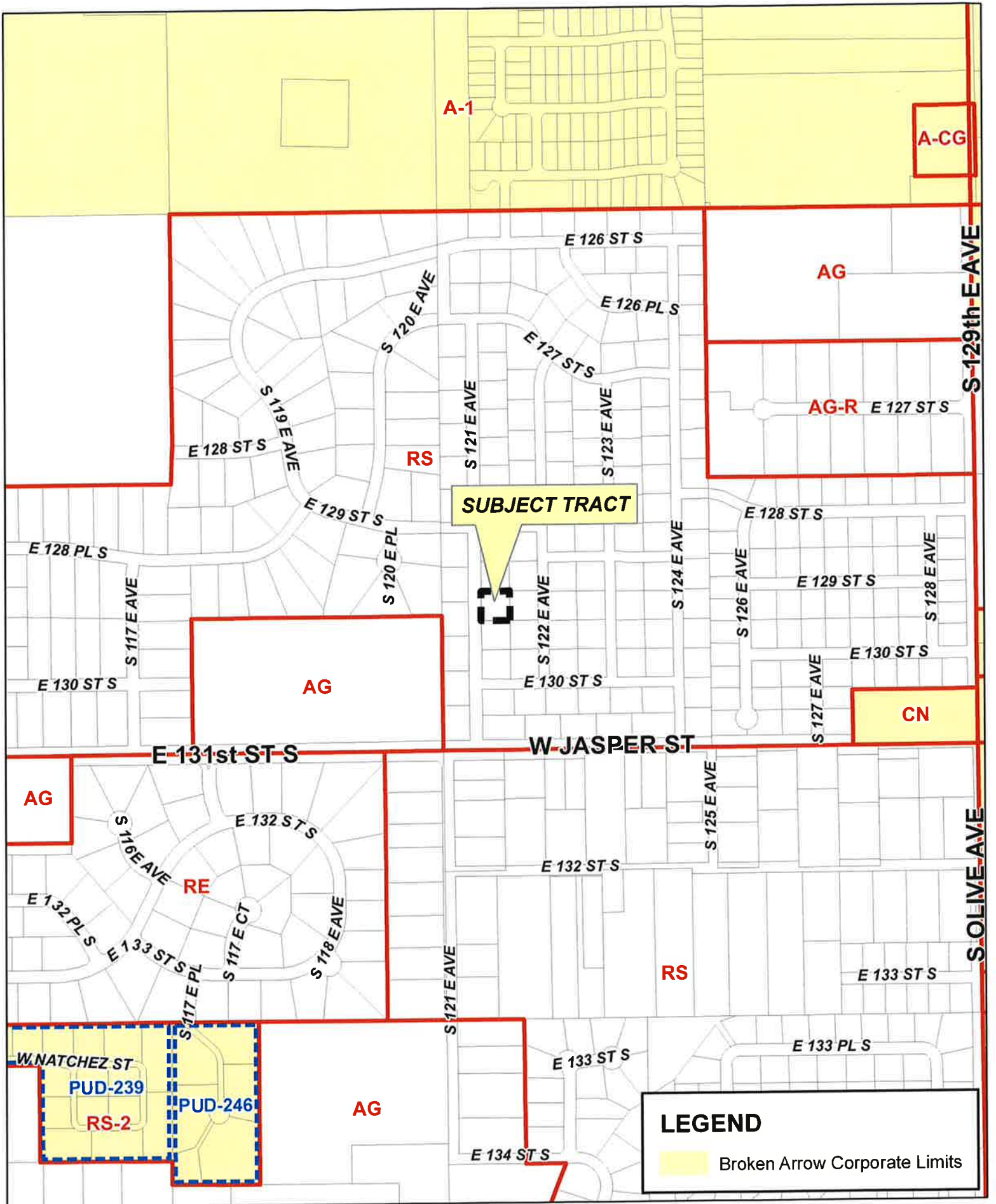
E-mail: esubmit@incog.org

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.

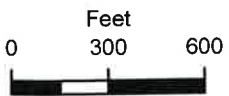
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CBOA-2914

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LEGEND

Broken Arrow Corporate Limits

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7405

CASE NUMBER: **CBOA-2914**

CZM: 63

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Joanna Ford

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Sec. 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2).

LOCATION: 12833 S. 121st E. Ave.

ZONED: RS

FENCELINE: Broken Arrow

PRESENT USE: Vacant

TRACT SIZE: 0.46 acres

LEGAL DESCRIPTION: LT 8 BLK 11, WILLOW SPRINGS ESTATES ADDN

RELEVANT PREVIOUS ACTIONS: See Attachment

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning in a residential neighborhood.

STAFF COMMENTS:

New Comments:

The case was continued until October 19, 2021 to give the applicant more time to decide how they want to move forward. They are considering attaching the accessory building to the single-family home. It is also for staff to determine if the use is an accessory use if the homeowners are not living on site or if it would be considered a warehouse use.

Original Comments:

The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Sec. 240); and a Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2).

Section 240.2.E permits accessory buildings in the RS district; the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The client has provided the following statement: "We purchased this lot to build this shop and home specifically. Otherwise, it will stay vacant land or park the RV's on the lot. The neighborhood doesn't have covenants and there are several shops this size. This will increase the value of the homes."

2.2

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

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

Sample Motion:

“Move to _____ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Sec. 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-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 _____.

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.

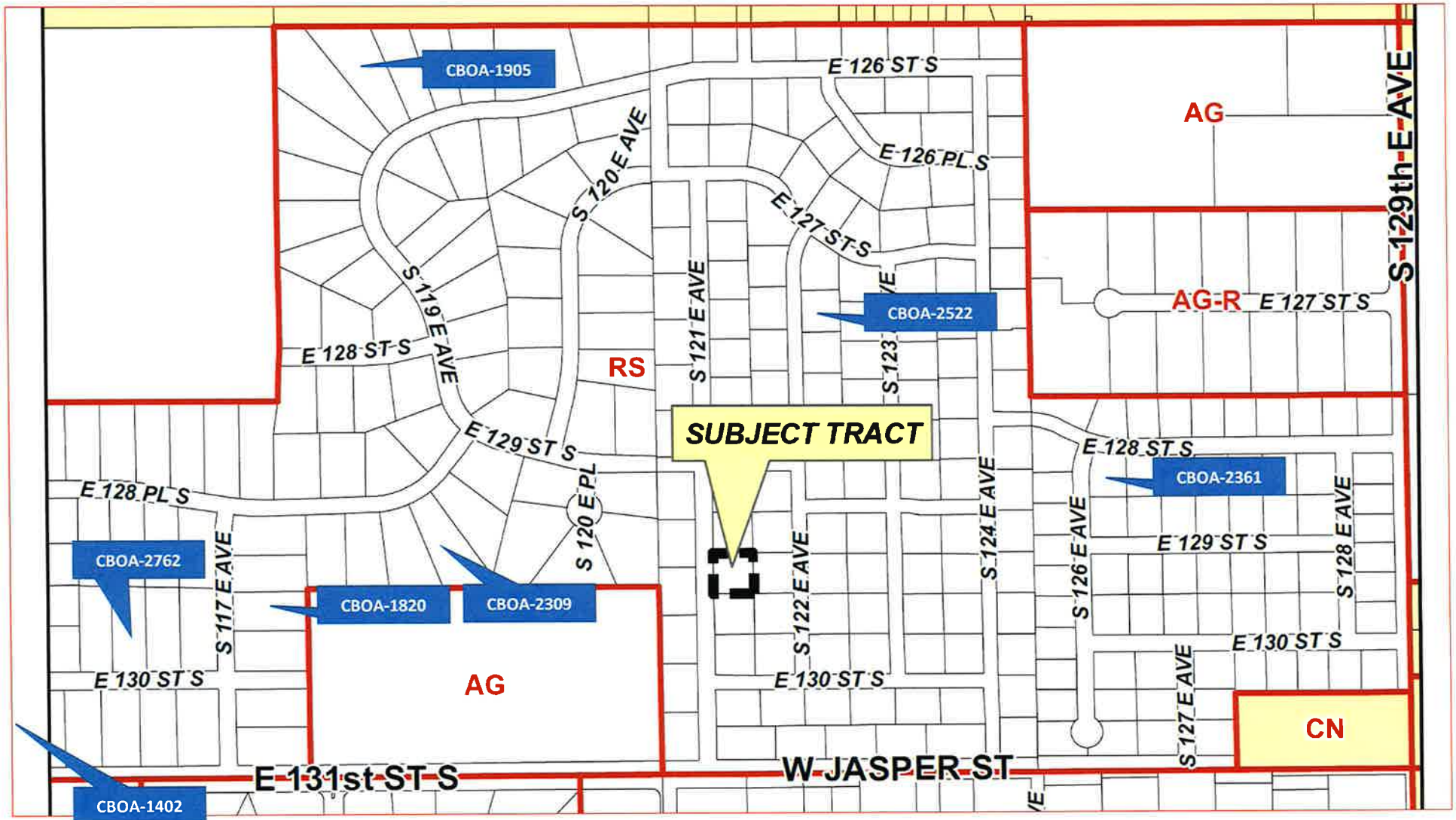
Summary of Surrounding Cases for Detached Accessory Buildings in same neighborhood as
CBOA-2914

Case Number	Address	Date	Result	Size of Property	Size of Accessory Building
CBOA-2762	11431 E. 130 th St. S.	08/20/2019	Approved	0.8+ acre	1200 sq. ft.
CBOA-2522	12727 S. 122 nd E. Ave.	01/20/2015	Approved	0.5+ acre	1200 sq. ft.
CBOA-2361	12606 E. 128 th St. S.	01/16/2010	Approved	0.4+ acre	1200 sq. ft.
CBOA-2309	11752 E. 128 th Pl. S.	10/21/2008	Approved	1.1+ acre	2717 sq. ft.
CBOA-1905	11911 E. 126 th St. S.	09/17/2001	Approved	1.4+ acre	1500 sq. ft.
CBOA-1820	12827 S. 117 th E. Ave.	03/20/2001	Denied	0.8+ acre	1454 sq. ft.
CBOA-1402	12856 S. 114 th E. Ave.	03/19/1996	Approved	1.4+ acre	1080 sq. ft.

Pending Case

CBOA-2914	12833 S. 121 st E. Ave.	10/20/2021	Undecided	0.46+ acre	2400 sq. ft.
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Detached Accessory Buildings with County Board of Adjustment Action in same neighborhood as CBOA-2914



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Mr. Hutchinson asked Mr. Sanders if he was going to raze the existing barn. Mr. Sanders answered affirmatively.

Mr. Charney asked Mr. Sanders if Lots A and B would be sharing a single drive or will there be separate drives off 106th Street. Mr. Sanders stated that he would like to have separate drives for each one.

Mr. Charney asked Mr. Sanders to state his hardship for his request. Mr. Sanders stated that the land slopes and there are only certain areas that can be built on.

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 Variance of the minimum lot area, minimum land area per dwelling unit, and minimum lot width in an AG District to permit a lot split (Section 330, Table 3), subject to conceptual plan 4.16 of the agenda packet. The Board finds the hardship to be that this is a large tract of land. The existing barn is to be torn down. 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:

PRT NE NW & NW NE BEG 16.5S NEC NE NW TH W324.93 S573.49 E399.02 N540 W74.09 TO PT ON EL NE NW N33.50 POB SEC 14 21 13 5.196ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2762—Jason Bornefeld

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Action Requested:

Variance of the allowable square footage for an accessory building in the RS District from 750 square feet to 1,200 square feet (Section 240.2.E). **LOCATION:** 11431 East 130th Street South

Presentation:

Jason Bornefeld, 11431 East 130th Street South, Broken Arrow, OK; no formal presentation was made but the applicant was available for any questions.

CBOA-2762

FILE COPY

Mr. Charney asked Mr. Bornefeld if the lot was about .83 acres. Mr. Bornefeld answered affirmatively.

Mr. Charney asked Mr. Bornefeld if there is an existing outbuilding on the property currently. Mr. Bornefeld stated there is not.

Mr. Charney asked Mr. Bornefeld if there were other outbuildings in the area. Mr. Bornefeld answered affirmatively.

Mr. Charney asked Mr. Bornefeld if he was going to build the building or have one brought on to the site. Mr. Bornefeld stated that he will have the building built on site by a professional company.

Mr. Charney asked Mr. Bornefeld if the building will be painted. Mr. Bornefeld stated that the building will have wainscoting on the outside and it will be painted with a shingled roof.

Mr. Hutchinson asked Mr. Bornefeld if he was going to use the building for residential purposes. Mr. Bornefeld stated that the building will be used for storing his tools and toolboxes and teaching his children how to work on cars and other projects, there will be no commercial use of the building.

Mr. Charney asked Mr. Bornefeld if he would access the building by extending his existing driveway on to the north. Mr. Bornefeld stated that to the west of the garage there is a patch of concrete for the driveway that extends, and there is a gate there that he will use for access to the building.

Mr. Hutchinson asked Mr. Bornefeld if he had visited with any of his neighbors. Mr. Bornefeld answered affirmatively. Mr. Bornefeld stated there is an accessory building three houses away that the Board approved for 1,200 square feet; that building is taller than he wants. Mr. Bornefeld stated there is another building nearby that was approved about eight years ago by the Board for 3,140 square feet.

Interested Parties:

Ray Wilsdorf, 11409 East 130th Street South, Broken Arrow, OK; stated he has lived in his house for 44 years and he is Mr. Bornefeld's neighbor. Mr. Wilsdorf stated the he fully supports Mr. Bornefeld request and just wanted the Board to know that he supports the request.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request

for a Variance of the allowable square footage for an accessory building in the RS District from 750 square feet to 1,200 square feet (Section 240.2.E), subject to conceptual plan 5.13 of the agenda packet. The building is to be site built with a shingled roof and painted in attractive manner. The Board has found the hardship to be that it is a very deep large lot for the RE District and given the depth of the lot and the substantial width it will permit a larger accessory building without adversely affecting the neighborhood. 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:

LT 10 BLK 6, WILLOW SPRINGS WEST ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2763—Steve Roberts

Action Requested:

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** North of the NW/c of West 41st Street South & South 137th West Avenue

Presentation:

Ryan Roberts, 4316 South Rustic Road, Sand Springs, OK; stated his father, Steven Roberts, would like to have a new mobile home on the subject property where a previous mobile home used to be located and a where a house used to be located that burned down several years ago. The utilities are on the site. Mr. Roberts stated that his father does not have access to the black top, but there is an existing road that has been in place for about 100 years; his father and mother share the road and she has granted an easement to his father. Mr. Roberts stated that his mother would be his father's only neighbor.

Mr. Charney stated the easement does not have any language about how the road would be maintained after the parents are deceased, but it does not have to be legally binding. Mr. Charney suggested the applicant think about having the easement filed of record to take care of the future.

Mr. Hutchinson asked Mr. Roberts if he would have a problem, if the Board were to say no more lot splits without going through the platting process if the Board approves this request today. Mr. Roberts stated that he would not have a problem with that because he is not asking for a lot split now.

Mr. Charney stated that the Board has never forced anyone to change the zoning on their land unless they sought the change. Whether today's application is to be granted or not, does not mean that the Board has the power or the desire to force a different use on Ms. Wittstock's land.

Mr. Walker stated that the subject property is in between Collinsville and Owasso, and he asked staff whose fence line was the subject property within. Mr. West stated the subject property is within the Collinsville fence line because it is north of 126th Street.

Comments and Questions:

Mr. Walker stated that this request is cutting the land use requirement in half, and two acres is not quite large enough for a single dwelling now there is a request for two dwellings.

Mr. Charney stated that if this were a city lot he might have a problem with the request but with nearly two acres he could support the request.

Mr. Dillard stated that there will be approximately 3,700 square feet of rooftop so he does not think it would be increasing the density of the area, because to the east of the subject property it is very intense use.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-1-0 (Charney, Dillard, Hutchinson "aye"; Walker "nay"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to permit two dwellings on one lot of record that does not meet the land area per dwelling unit requirement (Section 330, Table 3); for the following property:

BEG SWC SE SW TH N418 E209 S418 W209 POB LESS .07AC FOR RD SEC 32 22 14 1.93AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2522—Adrian Diaz

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Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E). **LOCATION:** 12727 South 122nd East Avenue, Broken Arrow

Presentation:

Adrian Diaz, 12727 South 122nd East Avenue, Broken Arrow, OK; stated he is an auto hobbyist and the request is for an accessory building is so he can work on his hobby plus store his tools, hot rod and speed boat. His other hobbies are wood working and welding, and his wife is also a handyman. This building would be strictly for personal use. One of the reasons he purchased the house in October of 2013 is because of the size of the lot, and the fact that the house is set off to one side of the lot. There are shops throughout the neighborhood so it would not be out of character.

CBDA-2522

FILE COPY

Ms. Miller stated that in addition to the Variance for the square footage there is also code language the speaks to a detached accessory building shall not be located in the front or side yard. This building is in fact going to be in the side yard. Mr. Diaz stated the building will be in the back yard. Ms. Miller asked if the building was going to be the east of the house. Mr. Diaz stated the building is going to be behind the fence line.

Mr. West stated that unfortunately by the County Code definition of the rear yard is anything from the rear of the house backward. Anything in line with the side of the house is considered the side yard.

Mr. Dillard asked Mr. Diaz if he would consider connecting the accessory building to his house. Mr. Diaz stated there is a septic tank just south of the house so he cannot attach the building to the house.

Mr. West stated the building can be allowed in the side yard it just requires the approval of a Variance to allow the building to be located there, and it must be advertised as such.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Walker "absent") to **CONTINUE** the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E) to the meeting on January 20, 2015; for the following property:

LT 11 BLK 7, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2523—Lisa Johnson

Action Requested:

Special Exception to permit manufactured home (Use Unit 9) in an RE District (Section 410.Table 1). **LOCATION:** 7711 North Victor Avenue, Sperry

Presentation:

Lisa Johnson, 7711 North Victor Avenue, Sperry, OK; stated she purchased the five acres of land with the intent of placing a mobile home on it, but she did not check the zoning. When she filed for a permit she found the zoning to be RE. When she

Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District to the March 17, 2015 Board of Adjustment meeting; for the following property:

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

2522—Adrian Diaz

FILE COPY

Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E); Variance to permit a detached accessory building in the side-yard (Section 402.2.A). **LOCATION:** 12727 South 122nd East Avenue, Broken Arrow

Presentation:

Adrian Diaz, 12727 South 122nd East Avenue, Broken Arrow, OK; stated he was before the Board on December 16, 2014, and at that meeting discovered that he also needed a Variance to permit the accessory building to be located in the side yard. The building will used for his hobbies and to store his cars, fishing boat, etc. Mr. Diaz stated that he will keep the two trees in the rear yard.

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, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E). The hardship is the size of the lot and the placement of the house on the lot. The is to be no commercial activity in the building and it is to be used strictly for personal use. 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:

LT 11 BLK 7, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

CSDA-2522

On MOTION of HUTCHINSON, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to APPROVE the request for a Variance to permit a detached accessory building in the side-yard (Section 402.2.A) The hardship being the configuration of the house and how it is set on the subject property. 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:

LT 11 BLK 7, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

None.

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 1:52 p.m.

Date approved:

2/17/15

David E. Charney
Chair

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NEW APPLICATIONS

Case No. 2361

Action Requested:

A Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,200 sq. ft. (Section 240.2.E), located at 12606 E. 128th St.

Presentation:

Taulby Tarvin, 12606 E. 128th St., Tulsa, Oklahoma, requested to build a 30 by 40 building/garage to store four-wheelers, a boat and trailer.

Comments and Questions:

Mr. Walker asked if this building is intended to accommodate a hobby and is not intended to contain a commercial business. Mr. Travin responded the building would be a pole barn metal building with 10 feet walls standard size, painted the same color as the house and bricked. There are similar sized buildings as to eave height and size in the neighborhood.

Mr. Osborne stated that the driveway going up to the building is, currently, gravel and it is important that the applicant know that a hard surface will be required if they decided to park on the driveway.

Mr. Cuthbertson stated a neighbor to south has a collection of buildings moving west in the neighborhood you will find larger buildings due to larger lots.

Mr. Cuthbertson stated that the Code requires all parking surfaces to be hard (i.e., asphalt, concrete); the driveway can be gravel, as long as no one is parking on the gravel.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, Osborne, "aye"; no "nays"; no "abstentions"; two "absences") to **APPROVE** a variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,200 sq. ft., (Section 240.2.E). On the following described property: 12606 E. 128th St. Finding: the hardship to be the oversized lot.

LT 7 BLK 3, WILLOW SPRINGS PLAZA ADDN, Tulsa County, State of Oklahoma

Board Action:

On **Motion of Walker**, 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 home occupation in an AG district (Section 320.1); 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;

Mr. Cuthbertson had a question on the motion, as to the Board's intention to approve a catering home occupation.

On **Amended Motion of Walker**, 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 catering business as a home occupation in an AG district (Section 320.1), with conditions for no outside employees; no customer traffic; no signage, 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;

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the permitted maximum floor area from 500 sq. ft. to 600 sq. ft. (Section 440.B.7) for a home occupation, in the existing detached structure; finding the space already exceeds the allowable area in the 1,200 sq. ft. building, on the following described property:

PRT SE NW BEG 200S NWC SE NW TH E653.7 S100 W217.9 S100 W435.8
N200 POB SEC 29 19 12 2.50ACS, Tulsa County, State of Oklahoma

Case No. 2309

Action Requested:

Variance of the maximum permitted square footage allowed for accessory buildings in the RS district from 750 sq. ft. to 2,717 sq. ft. (Section 240.2.E), located: 11752 East 128th Place South.

FILE COPY

Presentation:

Tom Sexton, 11752 East 128th Place South, Broken Arrow, Oklahoma, proposed to build a shop for personal use in addition to existing buildings. He plans to store a collection of cars inside. His lot is 48,290 sq. ft., which would be 5.6 % coverage of the property.

Comments and Questions:

Mr. Walker asked why he needed 12 ft. sidewalls. Mr. Sexton responded that he would like a ten-foot door for access from neighboring property. He obtained permission to access his property. He would not be able to haul things in through his seven-foot carport. Mr. Sexton mentioned a number of his neighbors have larger structures. He stated he showed his neighbors the plans and they were in support.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

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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 Variance of the maximum permitted square footage allowed for accessory buildings in the RS district from 750 sq. ft. to 2,717 sq. ft. (Section 240.2.E), as presented, finding the large size of the lot, on the following described property:

LT 8 BLK 4,WILLOW SPRINGS WEST ADDN, Tulsa County, State of Oklahoma

Case No. 2310

Action Requested:

Special Exception to permit a home occupation in an AG district (Section 320) to permit a catering and cooking business; and a Variance to permit the business in a travel/concession trailer (Section 440.B.3), located: 913 East 161st Street North.

Presentation:

Mike Beard, 8345 South Pittsburg, represented the applicant, Ada Scott. She proposed to run a home occupation out of a concession trailer. The cooking would all be in the trailer and she would take it to other locations for business. The trailer would be parked on a paved pad on the home property, which is about 160 acres (Exhibit B-1). He indicated there would not be much traffic. He stated the parking spot would not be visible to the neighbors.

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 home occupation in an AG district (Section 320) to permit a catering and cooking business; as presented, with conditions for no outside employees; no more customer traffic than ten per week; finding the special

Case No. 1904

Action Requested:

Variance of minimum average lot width to permit a lot split from 200' to 165'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6, located 4446 S. 162nd W. Ave.

Presentation:

Mrs. Fernandez informed the Board that the City of Sand Springs did not hear this case due to lack of quorum. The applicant was not present for this hearing.

Mr. Alberty tabled Case No. 1904.

Case No. 1905

Action Requested:

Variance to allow a detached accessory building to be located on a lot other than the lot containing the principal use. SECTION 240.2.E. YARDS, Permitted Yard Obstructions; and a Variance of the maximum allowable floor area for a detached accessory building from 750 sq. ft. to 1500 sq. ft. SECTION 240.2.E. YARDS, Permitted Yard Obstructions, located 11911 E. 126th St.

Presentation:

Mrs. Fernandez informed the Board that the City of Broken Arrow heard this request and recommended denial. They were concerned about the structure being located in the 100-year floodplain. The Broken Arrow Comprehensive Plan designates this area as greenway or floodplain.

John Floistad, 11911 E. 126th St. S., Broken Arrow, Oklahoma, stated this is the first he had heard of the Broken Arrow Board of Adjustment decision regarding his request. Mr. Alberty asked Mrs. Fernandez to provide Mr. Floistad with a copy of the letter.

Mr. Floistad stated that the builder is aware of the elevation and plans to build up the elevation of the garage. Mr. Dillard informed the applicant that the lender will not make a loan if even one inch of the structure is not one foot above the floodplain. Mr. Floistad stated that Lot 7 is where the house is located and they want the accessory building (garage) on the other side of the creek on Lot 8. He pointed out that the septic system is directly behind the house and very large trees around the house. They plan to use the same materials on the garage as on the house so that it will look nice. He requested 1500 square feet for multiple collectible cars and a woodworking room.

Comments and Questions:

Mr. Alberty asked Mr. West, County Inspector, if these plans will satisfy the code requirements. Mr. West replied in the affirmative. Mr. Walker suggested a tie-

agreement of the two lots. Mr. Tyndall asked what percentage of the accessory building would be used for a garage. Mr. Floistad replied that the majority of the space would be garage. Mr. Tyndall asked how many cars it would hold. He replied four or five cars. Mr. Tyndall asked what is in his garage at the present time. The applicant replied a motorcycle, yard tools, and weed eaters. Mr. Tyndall asked if there would be auto repair or sales. Mr. Floistad responded he would be the only one repairing or restoring his own cars.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of Walker, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** to allow a detached accessory building to be located on a lot other than the lot containing the principal use; and a **Variance** of the maximum allowable floor area for a detached accessory building from 750 sq. ft. to 1500 sq. ft., subject to a tie-agreement, and that the property not be used for any commercial business, and finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Lot 7 and 8, Block 1, Willow Springs West Addition, Tulsa County, State of Oklahoma.

Case No. 1904

Board Action:

On **MOTION** of Dillard, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **CONTINUE** Case No. 1904 to the meeting on October 16, 2001.

There being no further business, the meeting was adjourned at 3:34 p.m.

Date approved: 10/16/01
Wayne Alberty
Chair

football in the yard. She added that the younger children in the day care are in her home, and they go outside one hour in the morning and one hour in the afternoon to play. She commented there have been no complaints to the homeowner's association or to her. She pointed out that she has a large circle drive and there are only four cars that pick up children.

Comments and Questions:

Mr. Tyndall asked where the sign is located. She replied that it is on the house right by the front door. Mr. Walker asked if they planned to move. She responded that they started to sell the home, but they have refinanced and the house was taken off the market about two weeks ago. Mr. Alberty mentioned that Mr. Rainwater indicated the restrictive covenant has expired. She stated that she went to the courthouse and found that the date on it has expired and no one has been able to tell them if a new one has been taken to the courthouse. Mr. Tyndall asked about the hours of operation. She replied 6:00 a.m. to 6:00 p.m., and sometimes someone will arrive fifteen or twenty minutes earlier or later, Monday through Friday.

Board Action:

On **MOTION** of **Dillard**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit Use Unit 5 (children's nursery) in an RE zoned district, allowing the existing sign and limited to care of 5 children, finding that it 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, on the following described property:

Lot 9, Block 1, Cimarron Run, Tulsa County, State of Oklahoma.

Case No. 1820

Action Requested:

Special Exception Section 410 to permit Use Unit 5, Community Services (emergency shelter) Transitional Living Center in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5 & 6; a Variance Section 208 to permit two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Variance to permit a detached accessory building of 1454 sq. ft. SECTION 240.2.E. YARDS, Permitted Yard Obstructions, located 12827 S. 117th E. Ave.

Presentation:

Micaela D. Godbey-Miller, 12827 S. 117th E. Ave., Broken Arrow, submitted a packet of exhibits including photographs (Exhibit C-1). She refers to a second residence on her property that under the Code is labeled an emergency shelter. She would like to protect the neighborhood from the use of that structure as

emergency shelter, should their ministry move and sell it. She added that they never intend to use it for rental property, but strictly for the ministry. She asked Terry Ewing to speak for this application.

Interested Parties:

Terry Ewing, 9252 E. 58th Pl., stated he is the founder of Plumblin Ministries. He stated that this ministry is intended to be an extension of local church ministries and a counseling center. The counselors function as pastoral counselors by referral from church pastors. They will not be treating psychiatric patients or mentally retarded individuals. The housing would be for one individual or one family of up to three members at a time, not a multi-family dwelling. The resident would be in counseling and accountable to the ministry.

Donnie Davis, 12716 E. 136th St. S., Broken Arrow, Oklahoma, stated he is the associate minister in this ministry. He described his personal family experience as recipients of the ministry. He pointed out that this facility would provide safety, shelter, and other help that may not otherwise be available.

Robert Roach, 11453 E. 128th Pl. S., Broken Arrow, Oklahoma, stated that he does not live within 300' of the subject property. He stated his concern that this facility might cause a decrease in the value of surrounding homes. He also mentioned concern for how future owners might use it.

Gordon Holmes, 12822 S. (inaudible), stated his objection to a second dwelling on the property and the impact on the value of his home. He indicated that a second dwelling would not be compatible with the neighborhood.

Rick Payne, 11743 E. 128th Pl., stated same concerns as above.

Judy (inaudible), 11454 E. 128th Pl., Broken Arrow, stated concern for children and families in the neighborhood. She stated there were a lot of pedestrians and children playing outside. She indicated that people going through divorce and similarly emotional troubles are more likely to cause disturbances that could jeopardize the safety of other residents in the area. She commended the applicant for his efforts, but she thought it was not the right location.

Bonnie Mitchell, 12807 S. 117th E. Ave., stated that she and her husband have lived in Willow Springs for twenty-eight years. She stated that they appreciate the open spaces. She stated the lots are not designed for two dwellings; they have septic systems that require more space for lateral lines. She was also concerned about family disturbances.

Ruthie Wade, 11707 E. 128th Pl. S., spoke in support of the application. She stated that it is policy to place anyone in a situation where violence is a concern in Day Spring Villa. They also do not deal with drug addiction at this site. She stated

Case No. 1401 (continued)

Presentation:

The applicant, **Milbon Walls**, 9422 North Lewis Avenue, Sperry, Oklahoma, submitted a plot plan (Exhibit A-4) and requested permission to install a mobile home for his mother-in-law who needs assisted care (Exhibit A-1). The applicant stated that a septic system, lateral lines and utilities are in place and this area is separated from the existing dwelling by a creek. A plat of survey was submitted (Exhibit A-3).

Protestants:

Harold Conner, 9409 North Lewis Avenue, informed that the road is a dead end road and he is concerned that the installation of a mobile home for rental purposes will deteriorate the neighborhood.

Applicant's Rebuttal:

Mr. Walls stated that the property will only be used as a residence for his mother-in-law and will not be used for rental purposes. He stated he has owned the property since June 1995, and is not aware of the type of dwelling that was previously on the property.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** to permit 2 dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; a **variance** of the required lot area from 2.0 acres to 1.25 acres; and a variance of the required land area from 2.2 acres to 1.25 acres to permit a mobile home in an AG zoned district - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9, per plan submitted; subject to the mobile home being used for family members only; subject to Health Department approval and a building permit; finding that there had previously been two dwelling units on the property; finding that the property is divided by a creek; and finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

SE/4, NE/4, NE/4, NE/4, Sec. 19, T-21-N, R-13-E, I.B.M., Tulsa County, Oklahoma

Case No. 1402

Action Requested:

Variance to permit a detached accessory building to exceed the maximum allowable floor area of 750 sq ft to 1080 sq ft - **SECTION 240.2.E. PERMITTED YARD OBSTRUCTIONS** - Use Unit 6, located 12856 South 114th East Avenue.

Presentation:

The applicant, **Ronald Huisenga**, 12856 South 114th East Avenue, Broken Arrow Oklahoma, submitted a plot plan (Exhibit B-1) and requested to replace a shop building that was destroyed by a storm. He informed the new structure will be 36' by 30', and will be 50% larger than the previous building. Mr. Huisenga stated the new facility, which will have access on Garnett Road, will be used for storage of an antique car, boat, yard equipment and a recreational vehicle.

Comments and Questions:

Mr. Walker asked if the facility will be used as commercial property, and Mr. Huisenga reiterated that it will be used for storage purposes only.

In reply to Mr. Walker, the applicant replied that he owns approximately 1.5 acres.

Mr. Gardner advised that there could be "limits of no access" on Garnett Road recorded on the subdivision plat and, therefore, any access to Garnett would require Planning Commission approval. He stated that there is a concern that large buildings of this type could be used for commercial purposes.

Mr. Looney inquired if the applicant could enter this property from the front of his lot and he answered in the affirmative.

Mr. Tyndall asked what type of construction this building will be, and Mr. Huisenga stated that it will be a manufactured steel building, concrete floor and full foundation one 10' by 12' door, two 8' by 7' doors, and one 3' by 7' passage door.

Protestants:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** a **Variance** to permit a detached accessory building to exceed the maximum allowable floor area of 750 sq ft to 1080 sq ft - **SECTION 240.2.E. PERMITTED YARD OBSTRUCTIONS**. Use Unit 6; per plot plan submitted; subject to no commercial use; subject to TMAPC approval of access to Garnett Road; subject to removal of all other accessory buildings (1080 SF maximum for accessory buildings); finding that the storage building, per conditions, will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 7, Willow Springs West Addition, Tulsa County, Oklahoma



 Subject Tract

CBOA-2914

17-14 05

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

Aerial Photo Date: 2020/2021



2.23



E 128 PLS

S 122 EAVE

E 129 STS

S 121 EAVE

E 130 STS



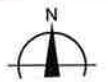
Subject Tract

CBOA-2914

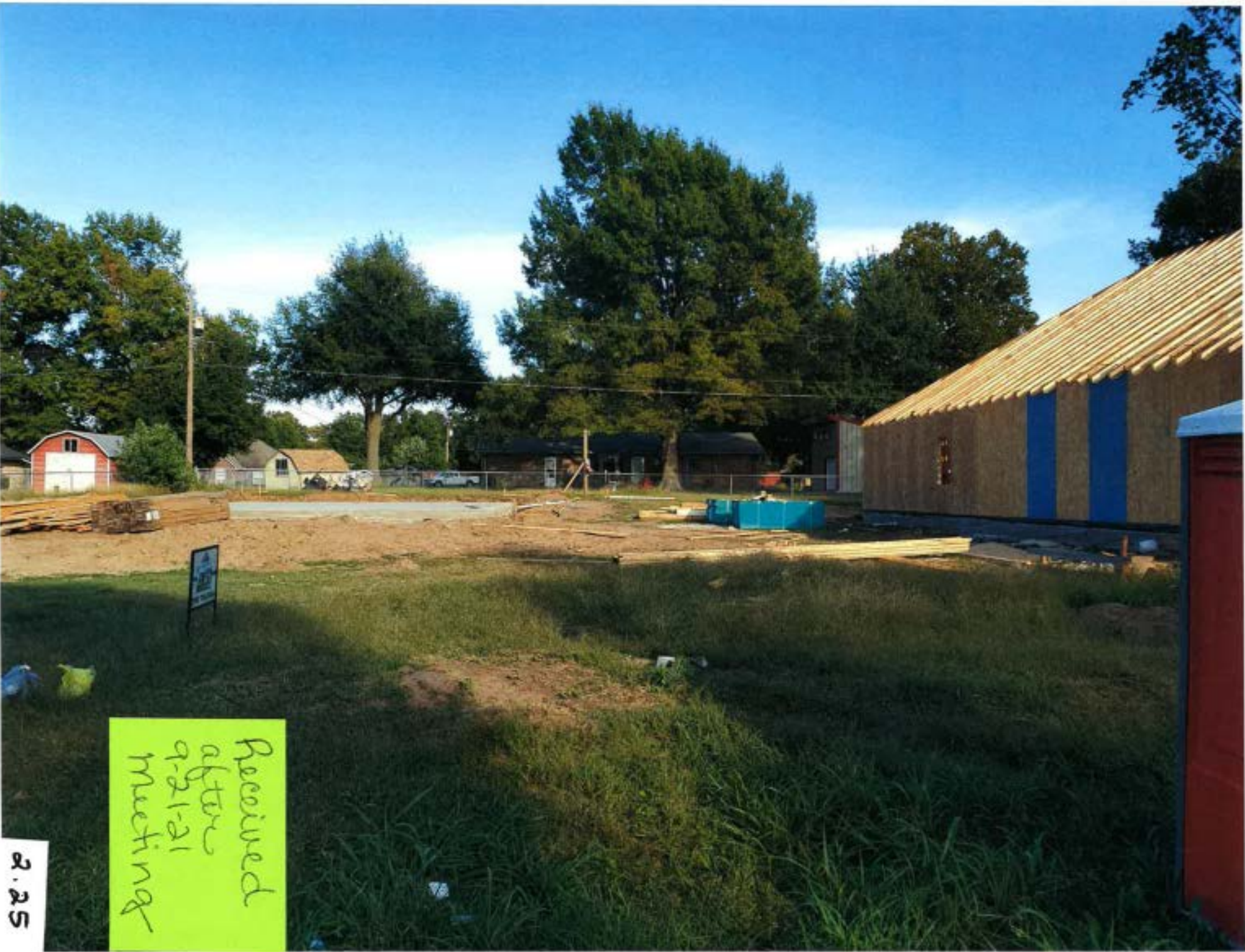
17-14 05

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

Aerial Photo Date: 2020/2021



2.24



Received
after
9-21-21
meeting

2.25



2.26

2.27



2.28





2.29



2.30

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Wednesday, September 22, 2021 7:39 PM
To: kedenborough@tulsacounty.org
Cc: Amanda Coats; ttosh@tulsacounty.org; Jones, Robi
Subject: Fwd: CBOA-2914
Attachments: back yard.pdf; 20210922_193325.jpg; 20210922_193330.jpg; 20210922_193328.jpg

Kerrick,

I believe the dwelling and detached building is against our neighborhood's covenant. The Fords stated that the neighborhood does not have a covenant. I have a copy and will scan it to you if you do not have it already. The detached building is supposed to sit behind the dwelling. It does not. Someone has removed the stop work sign you placed. Just took these pictures. If you removed it kindly let me know.

Thanks,
Amanda Coats
918-852-2669
12821 S 121st E Ave, Broken Arrow, OK 74011

----- Forwarded message -----

From: Amanda Coats <amandacoats05@gmail.com>
Date: Mon, Sep 20, 2021, 11:44 AM
Subject: CBOA-2914
To: esubmit <esubmit@incog.org>, Jones, Robi <rjones@incog.org>, Teresa Tosh <ttosh@tulsacounty.org>

Hello,

We live directly north of 12833 S 121 E Ave. We have lived there for over 11 years. When we purchased our home, the seller would not include the lot the Ford's have purchased. The lot has been vacant and we are glad that someone has purchased it and plans to build a home on it. With that said, our neighborhood's covenant is in place to protect our neighborhood and the homeowners' within it. The Ford's have started construction on a home and a 2,400 square foot shop without the proper permits. The size of the shop is 3.2 times the size of what the covenant allows. The site plan that was mailed to us and our neighbors does not match what has been constructed so far (shop or house). Knowing that Ms. Ford is a realtor and Mr. Ford is a homebuilder, I am sure they both understood they would have to have the proper permits to begin construction; however, they knowingly began construction and we had to contact the county to have the work stopped. I have attached a picture that I took from my back porch. If this massive shop is erected, we will be staring at it every time we look south. This could potentially lower the value of my home and the homes around it. I pray that the bureau understands how much this will negatively impact my family as well as the other families surrounding us.

This is my official statement for the hearing taking place on 9/21 @ 1:30 PM. Please confirm receipt.

Thank you,
Amanda Coats
918-852-2669
12821 S 121 E Ave, Broken Arrow, OK 74011



2.32



2.33



2.34



2.35

Jones, Robi

From: Shane Vernon <shanemvernon@gmail.com>
Sent: Thursday, September 23, 2021 1:48 PM
To: Jones, Robi
Subject: CBOA-2914

To whom it may concern and in reference to CBOA-2914,

I live in Willow Springs at 12638 E 128th St S Broken Arrow, OK 74011, we own our home. It has come to my attention that Josh & Joanna Ford plan to build on a lot in the neighborhood. We have no issues with them building a house/shop on the lot. I am very familiar with the type of building they do and their craftsmanship.

I believe this development will in no way decrease property values in my neighborhood. I truly feel it would help boost values and aesthetics here, as there are many run down properties and uncared for homes in Willow Springs. We welcome whatever plans the Ford's have for the lot.

Feel free to reach out to me anytime. I would love to help in any way I can.

Thanks,

--
Shane M. Vernon
405-416-3964

Sparger, Janet

From: Jones, Robi
Sent: Monday, September 20, 2021 8:58 AM
To: David Charney; Don Crall Jr; Don Hutchinson; William Tisdale; 'mhicks@cyntergy.com'
Cc: Sparger, Janet; Wilkerson, Dwayne; ttosh@tulsacounty.org; James Rea
Subject: FW: My husband and I object to the monster barn of 2500 Sq ft being built as we speak without a permit, at 12833 S 122 E ave Broken Arrow ok 74011.Builder has already poured foundation ,now 10ft from back of lot next to has line ,internet easement and 5 f

Message is in the subject line. (CBOA-2914).

From: donna bean <javinebean923@gmail.com>
Sent: Saturday, September 18, 2021 5:19 PM
To: esubmit <esubmit@incog.org>
Cc: Jones, Robi <rjones@incog.org>
Subject: My husband and I object to the monster barn of 2500 Sq ft being built as we speak without a permit, at 12833 S 122 E ave Broken Arrow ok 74011.Builder has already poured foundation ,now 10ft from back of lot next to has line ,internet easement and 5 ft...

Sparger, Janet

From: Jones, Robi
Sent: Monday, September 20, 2021 11:53 AM
To: David Charney; Don Crall Jr; Don Hutchinson; William Tisdale; 'mhicks@cyntergy.com'; Larry Johnston
Cc: Sparger, Janet; Wilkerson, Dwayne; ttosh@tulsacounty.org; James Rea
Subject: FW: CBOA-2914
Attachments: back yard.pdf

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Monday, September 20, 2021 11:44 AM
To: esubmit <esubmit@incog.org>; Jones, Robi <rjones@incog.org>; ttosh@tulsacounty.org
Subject: CBOA-2914

Hello,

We live directly north of 12833 S 121 E Ave. We have lived there for over 11 years. When we purchased our home, the seller would not include the lot the Ford's have purchased. The lot has been vacant and we are glad that someone has purchased it and plans to build a home on it. With that said, our neighborhood's covenant is in place to protect our neighborhood and the homeowners' within it. The Ford's have started construction on a home and a 2,400 square foot shop without the proper permits. The size of the shop is 3.2 times the size of what the covenant allows. The site plan that was mailed to us and our neighbors does not match what has been constructed so far (shop or house). Knowing that Ms. Ford is a realtor and Mr. Ford is a homebuilder, I am sure they both understood they would have to have the proper permits to begin construction; however, they knowingly began construction and we had to contact the county to have the work stopped. I have attached a picture that I took from my back porch. If this massive shop is erected, we will be staring at it every time we look south. This could potentially lower the value of my home and the homes around it. I pray that the bureau understands how much this will negatively impact my family as well as the other families surrounding us.

This is my official statement for the hearing taking place on 9/21 @ 1:30 PM. Please confirm receipt.

Thank you,
Amanda Coats
918-852-2669
12821 S 121 E Ave, Broken Arrow, OK 74011

Sparger, Janet

From: Jones, Robi
Sent: Tuesday, September 21, 2021 8:50 AM
To: David Charney; Don Crall Jr; Don Hutchinson; Larry Johnston; William Tisdale; Michael Hicks
Cc: Sparger, Janet; Wilkerson, Dwayne; ttosh@tulsacounty.org; James Rea
Subject: CBOA-2914
Attachments: doc02034620210921075246.pdf

From: Joanna Ford <joanna@joannafordba.com>
Sent: Tuesday, September 21, 2021 7:55 AM
To: Jones, Robi <rjones@incog.org>
Subject: Fwd:

CBOA-2914

1 of 2

homes with large shops over 750 sq feet or multiple shops

----- Forwarded message -----

From: <donotreply@cbokc.com>
Date: Tue, Sep 21, 2021 at 7:53 AM
Subject:
To: <joanna@joannafordba.com>

TASKalfa 7353ci
[00:17:c8:b4:ac:3c]

--



Joanna Ford
Realtor at Coldwell Banker Select

A 501 S Aspen Ave Ba Ok 74011 **P** 918-381-2555
E joannaford@cbtulsa.com **W** joannafordba.com



LOOKING TO BUY / SALE?

CONTACT ME



126th AVE
129th ST

cant find house #

2.41



Very large
on 12843
can find house!!

8.7.22



2.43



12752 S 123rd
Faller-Khan Home

2.44

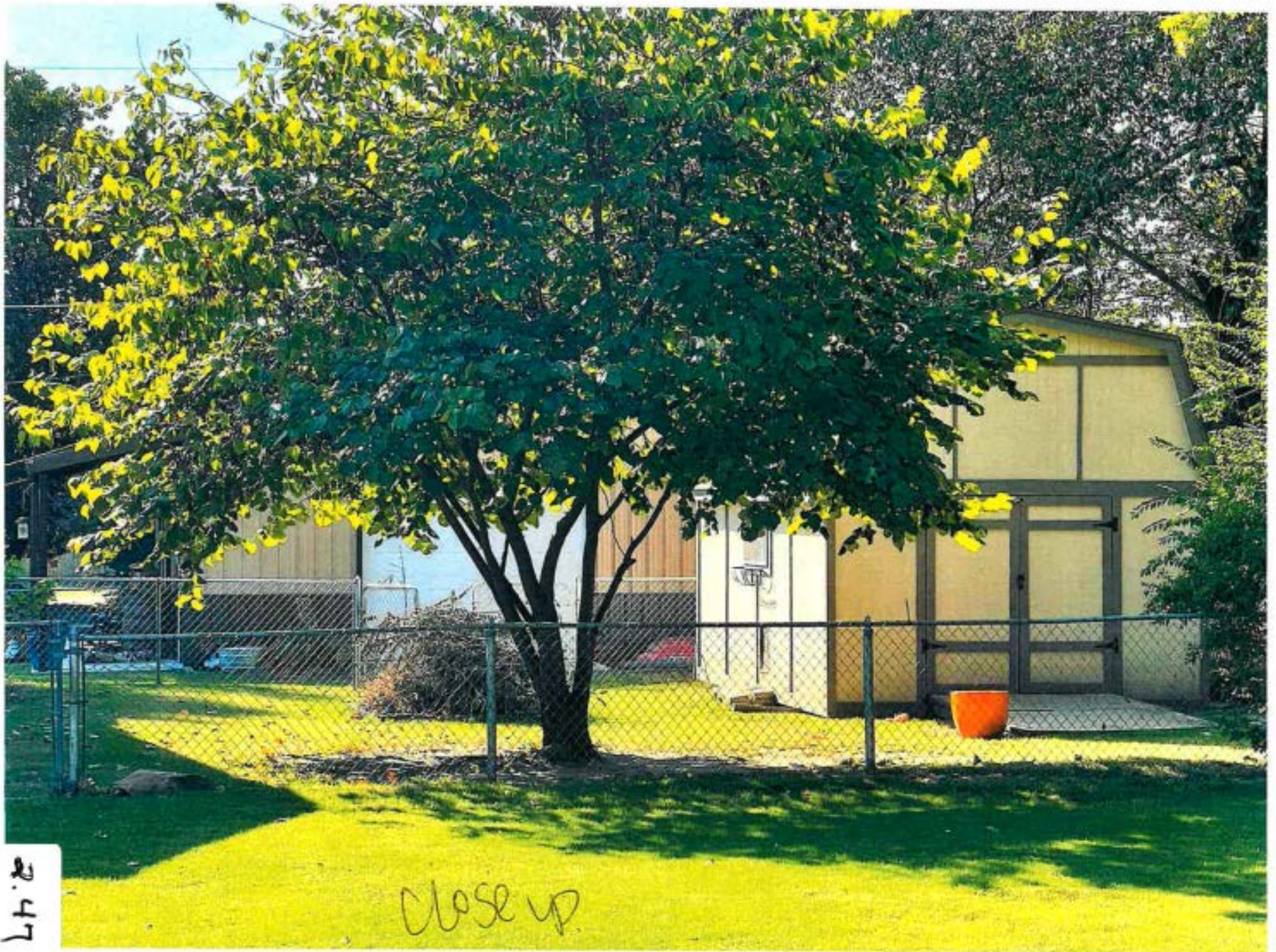


2.45



2.46

12737 S. 12nd
multiple shops



2.47

Close up



12726 S. 122nd
Very large Shop w/ 20 others

2.48



2.49

close up



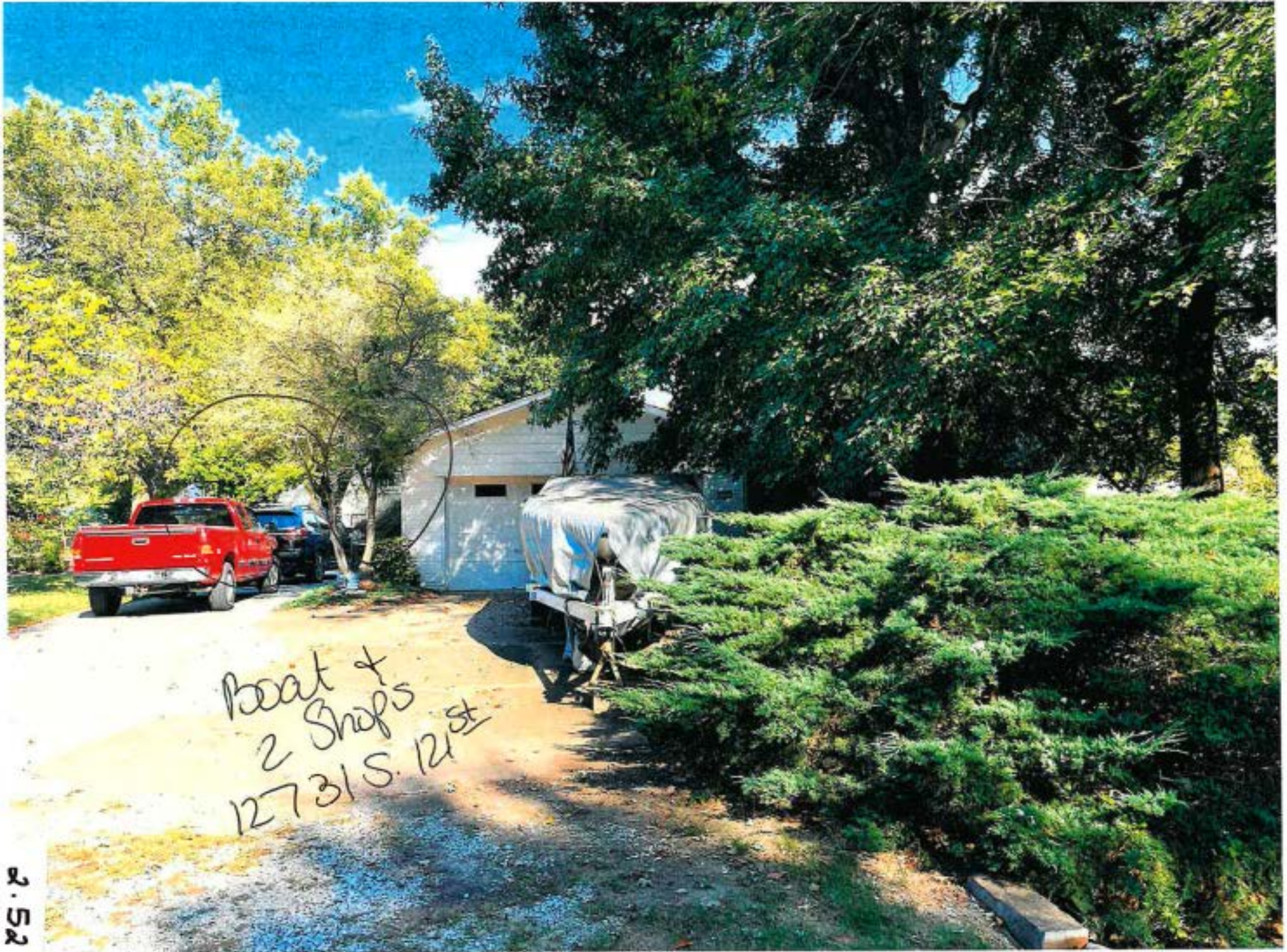
2.50



taller than
normal

12712 S. 121st

2.51



Boat &
2 Shops
12731 S. 121st

2.52



2.53



3 Shops better
than one?
12/38 & 12/18

2.54



Across from
12852 S. 124th

Sparger, Janet

From: Jones, Robi
Sent: Tuesday, September 21, 2021 8:52 AM
To: David Charney; Don Crall Jr; Don Hutchinson; William Tisdale; Larry Johnston; Michael Hicks
Cc: Sparger, Janet; Wilkerson, Dwayne; ttosh@tulsacounty.org; James Rea
Subject: CBOA-2914 set 2
Attachments: doc02034720210921075306.pdf

From: Joanna Ford <joanna@joannafordba.com>
Sent: Tuesday, September 21, 2021 7:56 AM
To: Jones, Robi <rjones@incog.org>
Subject: Fwd:

CBOA-2914

2 of 2

----- Forwarded message -----

From: <donotreply@cbokc.com>
Date: Tue, Sep 21, 2021 at 7:53 AM
Subject:
To: <joanna@joannafordba.com>

TASKalfa 7353ci
[00:17:c8:b4:ac:3c]

--



Joanna Ford
Realtor at Coldwell Banker Select

A 501 S Aspen Ave Ba Ok 74011 **P** 918-381-2555
E joannaford@cbtulsa.com **W** joannafordba.com



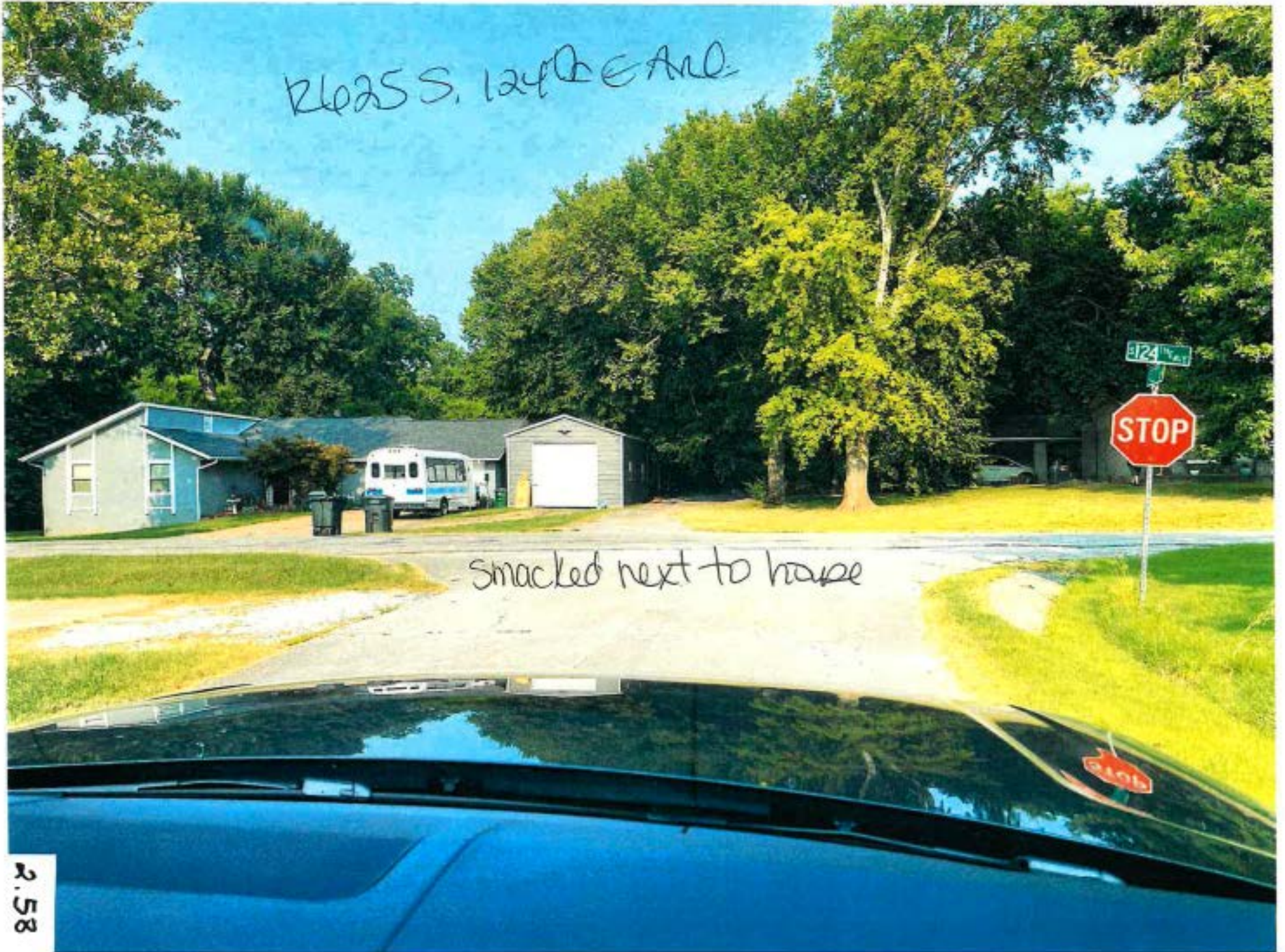
LOOKING TO BUY / SALE?

CONTACT ME

Rt 25 S, 124th E AND.

Smacked next to house

2.58





2.59



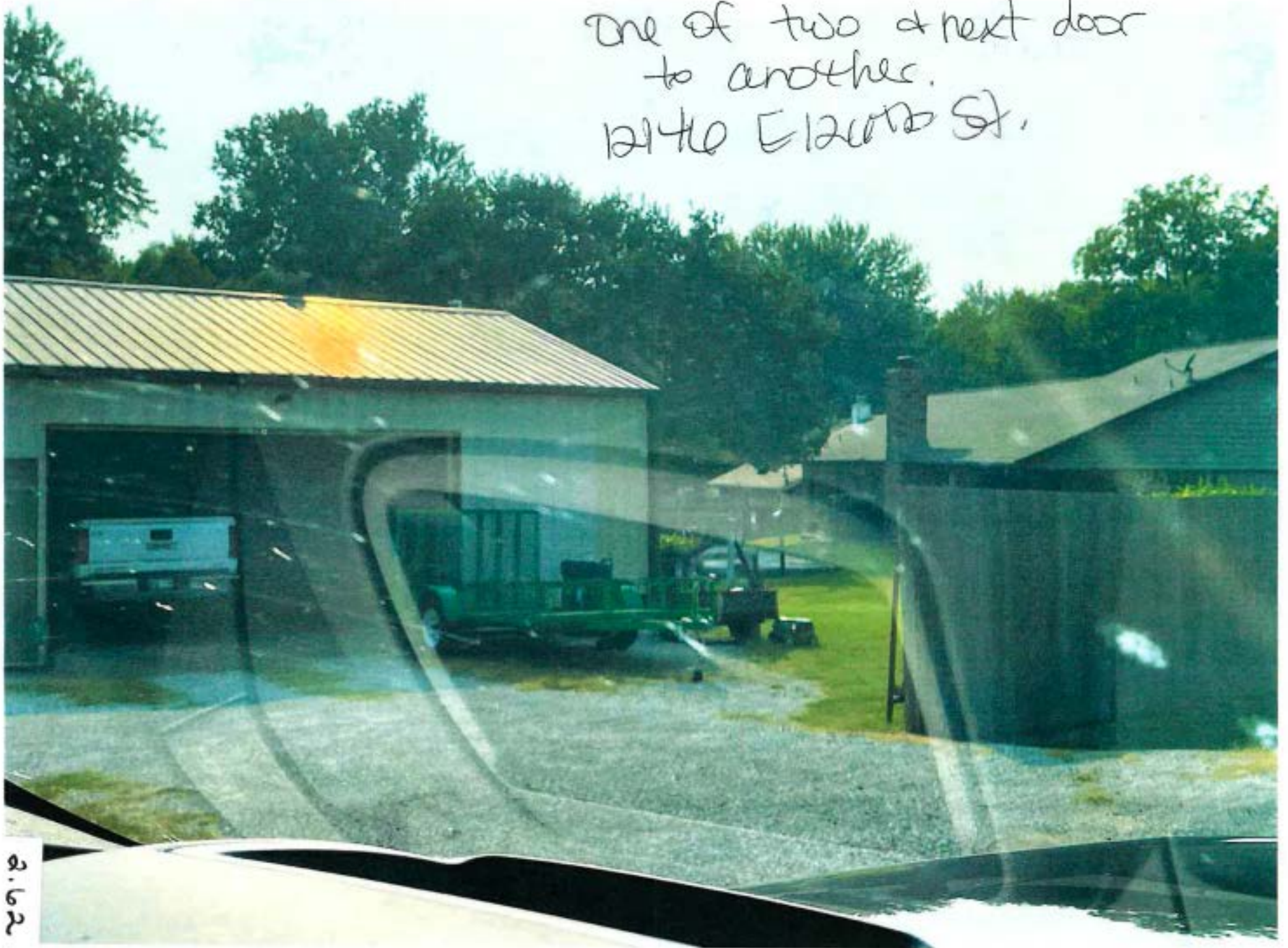
2.60

there are 5 in the
yard! 13019 S. 124th St



2.61

One of two & next door
to another.
12410 E 124th St.



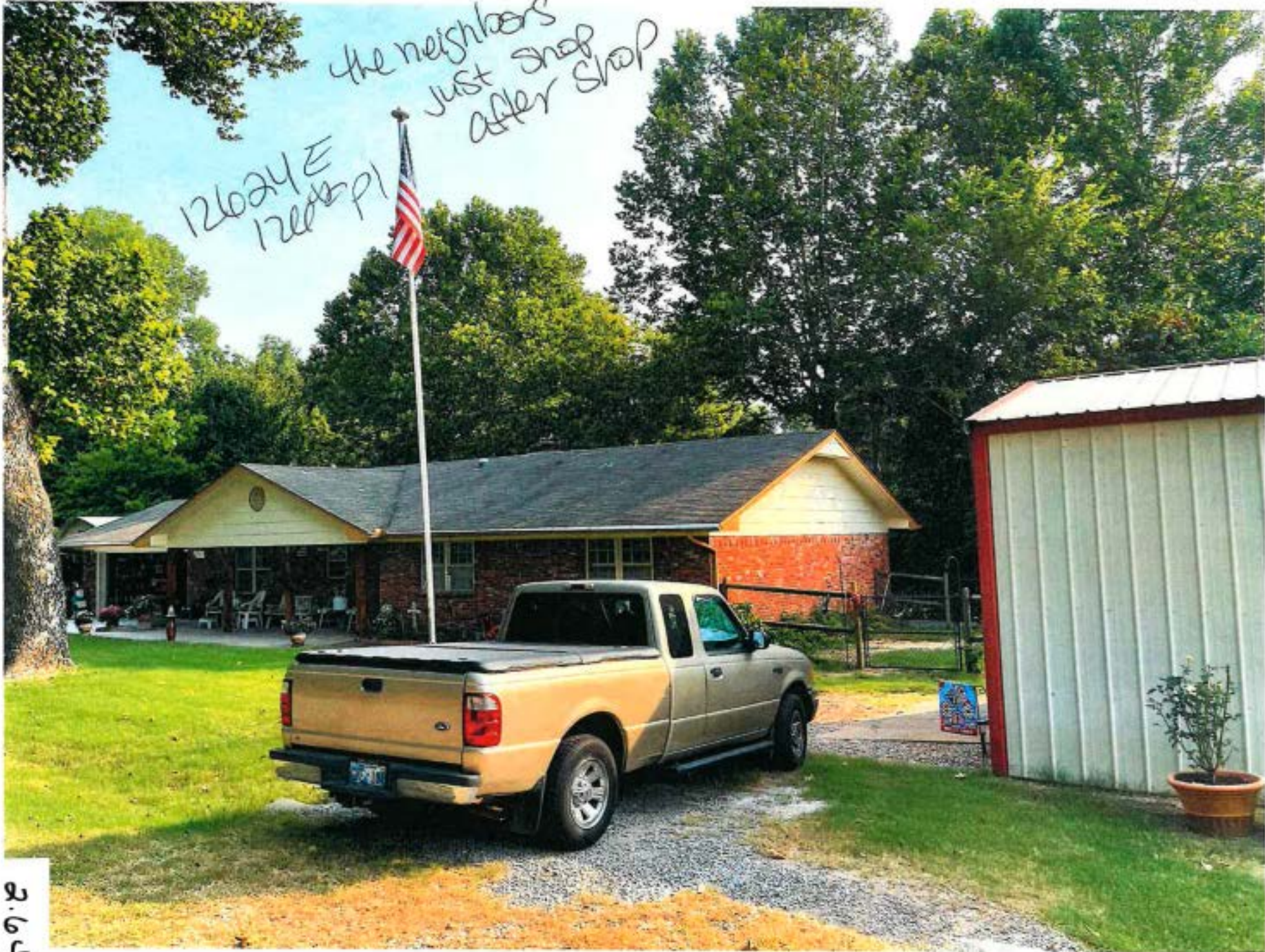
2.62

2 of 2

12140 E 126th St



2.63

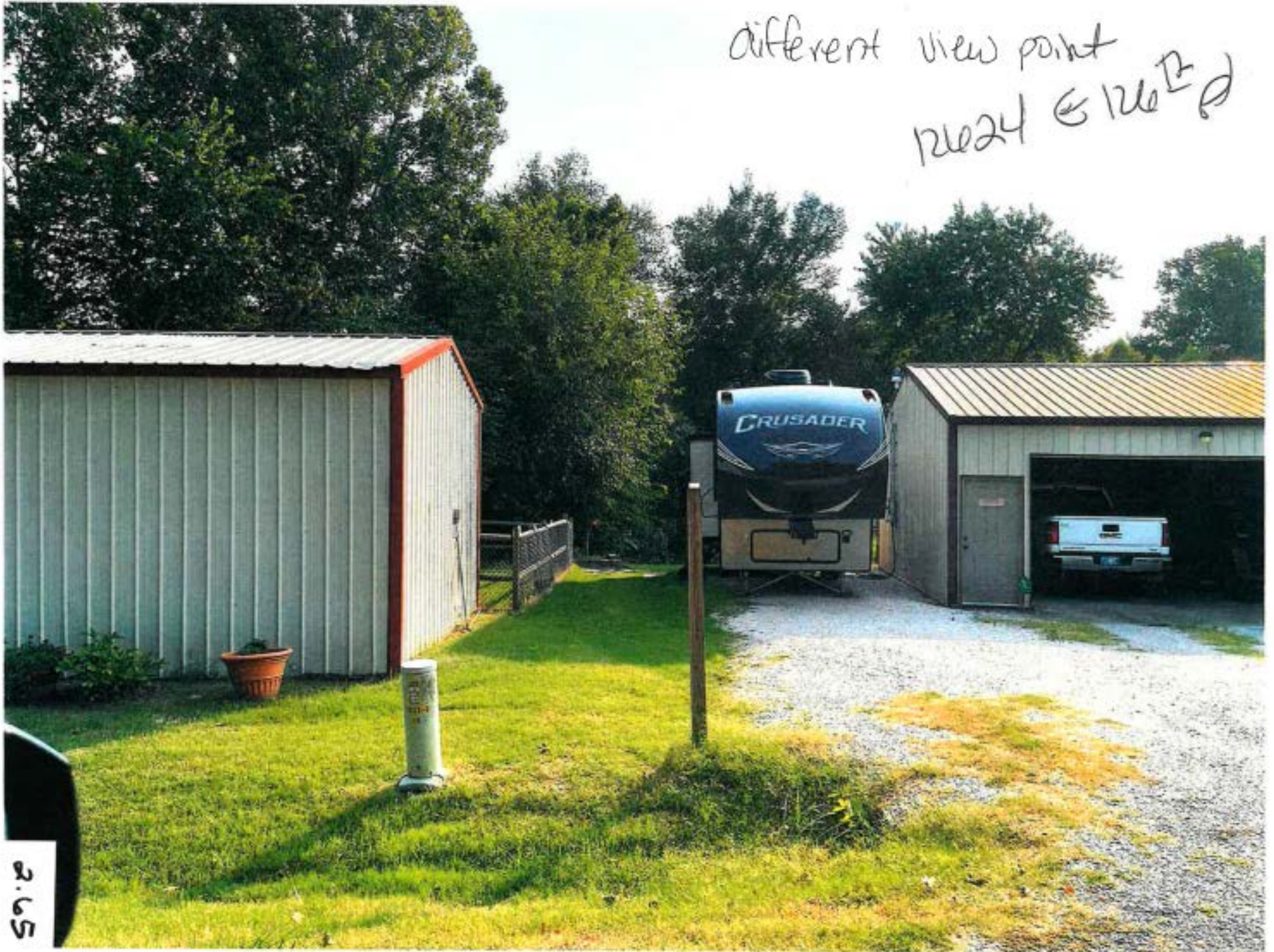


12624 E
12624 P1

the neighbors
just snap
after snap

2.64

different view point
12/24 @ 12:00 PM



2.65



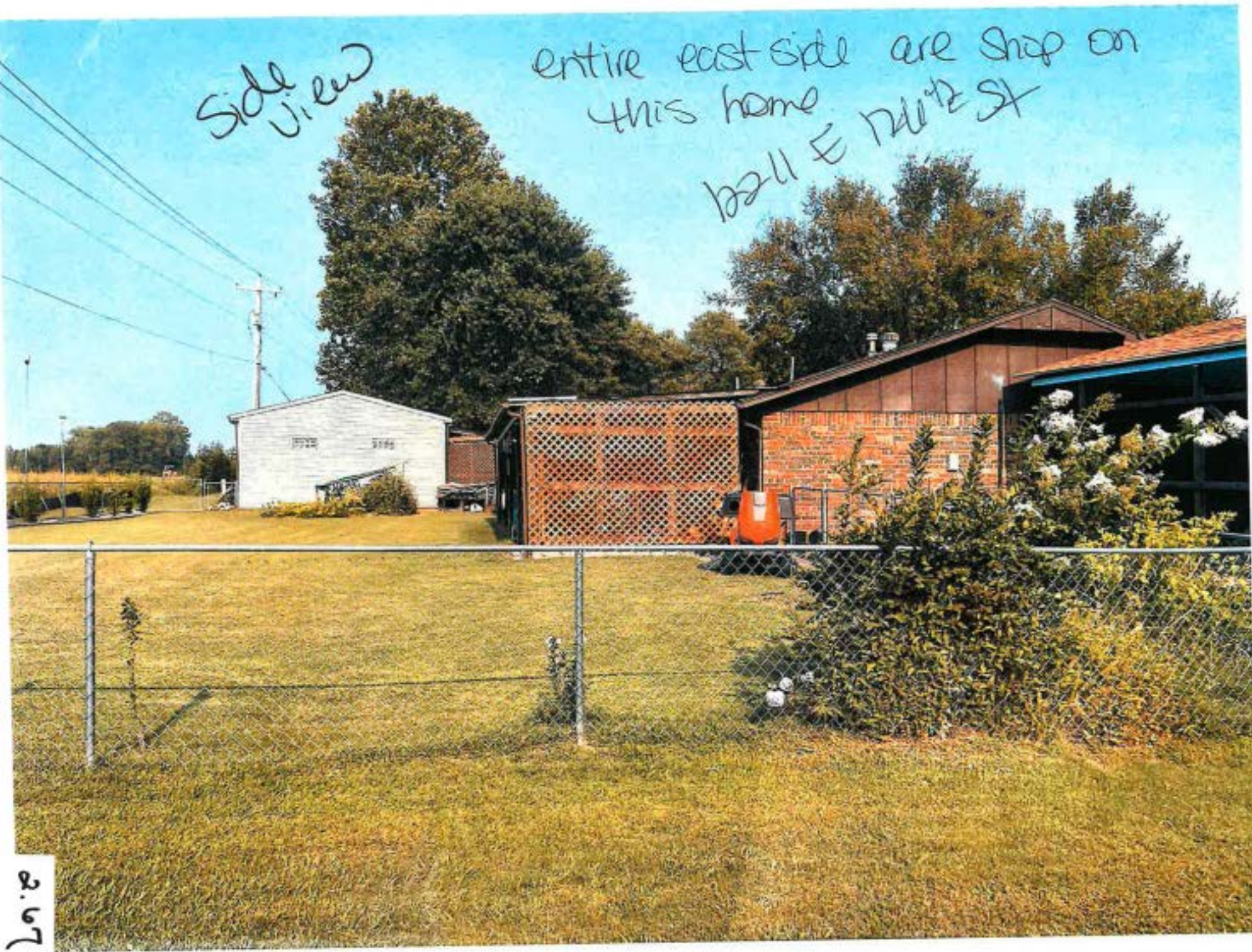
front
view

1224 E 121st

2.66

Side view

entire east side are shop on
this home
ball E 12th St



2.67



2.68



2.09



2.70

Shop bigger than mine & these homo



looks
nice
doesn't
this is
our plan

2.7.1

Sparger, Janet

From: Jones, Robi
Sent: Tuesday, September 21, 2021 8:59 AM
To: David Charney; Don Crall Jr; Don Hutchinson; Larry Johnston; William Tisdale; Michael Hicks
Cc: Sparger, Janet; ttosh@tulsacounty.org; Wilkerson, Dwayne; James Rea
Subject: CBOA-2914
Attachments: doc02034120210921074158.pdf

From: Joanna Ford <joanna@joannafordba.com>
Sent: Tuesday, September 21, 2021 7:57 AM
To: Jones, Robi <rjones@incog.org>
Subject: Fwd:

homes with no shops or not a large enough one, you cant say this doesnt bring the value down?? Of course I wouldnt invest \$400k of my personal money in this neighborhood, if i thought what i was building would bring the values down

----- Forwarded message -----

From: <donotreply@cbokc.com>
Date: Tue, Sep 21, 2021 at 7:42 AM
Subject:
To: <joanna@joannafordba.com>

TASKalfa 7353ci
[00:17:c8:b4:ac:3c]



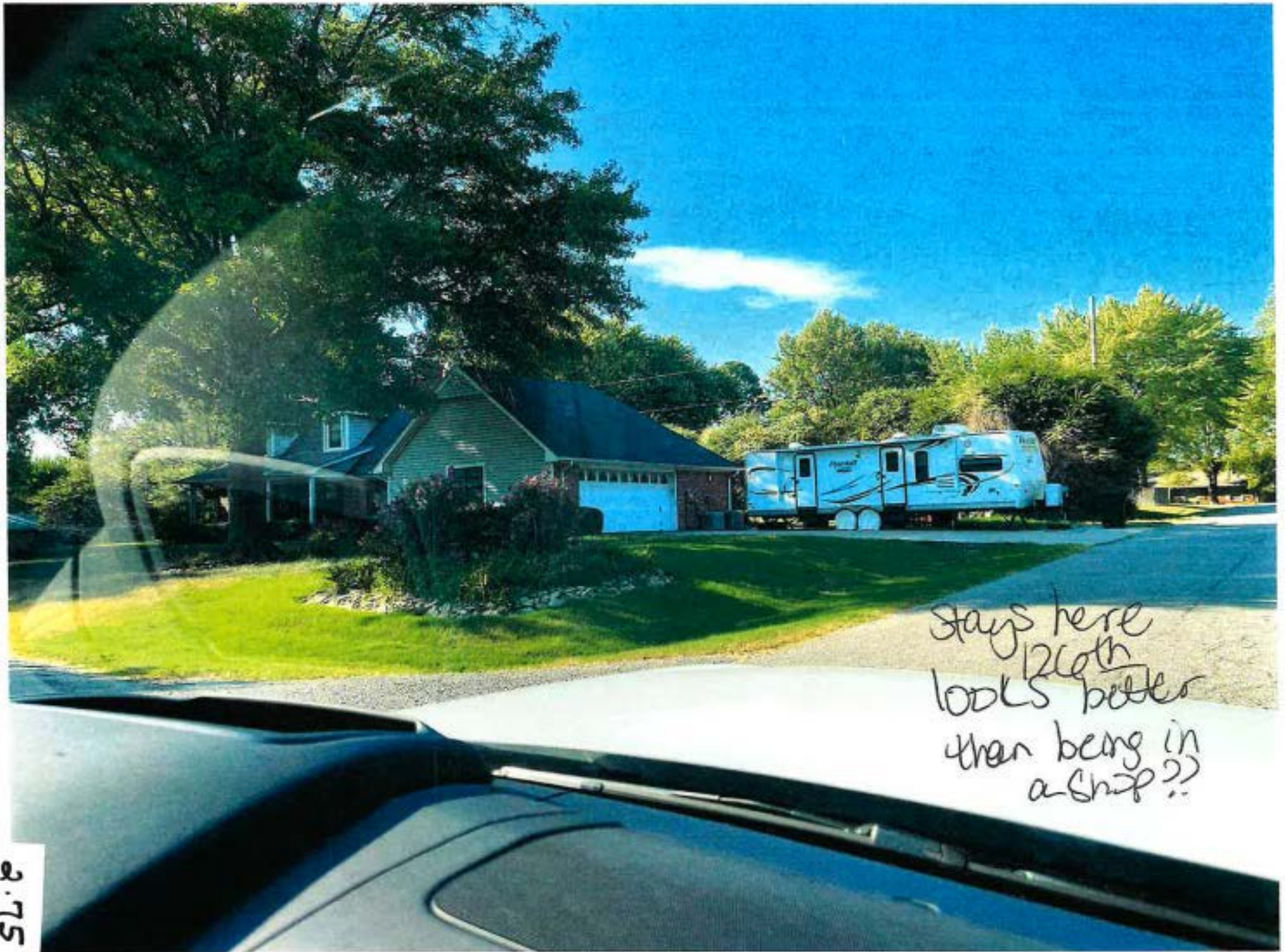
Joanna Ford
Realtor at Coldwell Banker Select
A 501 S Aspen Ave Ba Ok 74011 P 918-381-2555
E joannaford@cbtulsa.com W joannafordba.com





5 broken down
vehicles
12/6/12

2.74



stays here
126th
looks better
than being in
a shop??

2.75

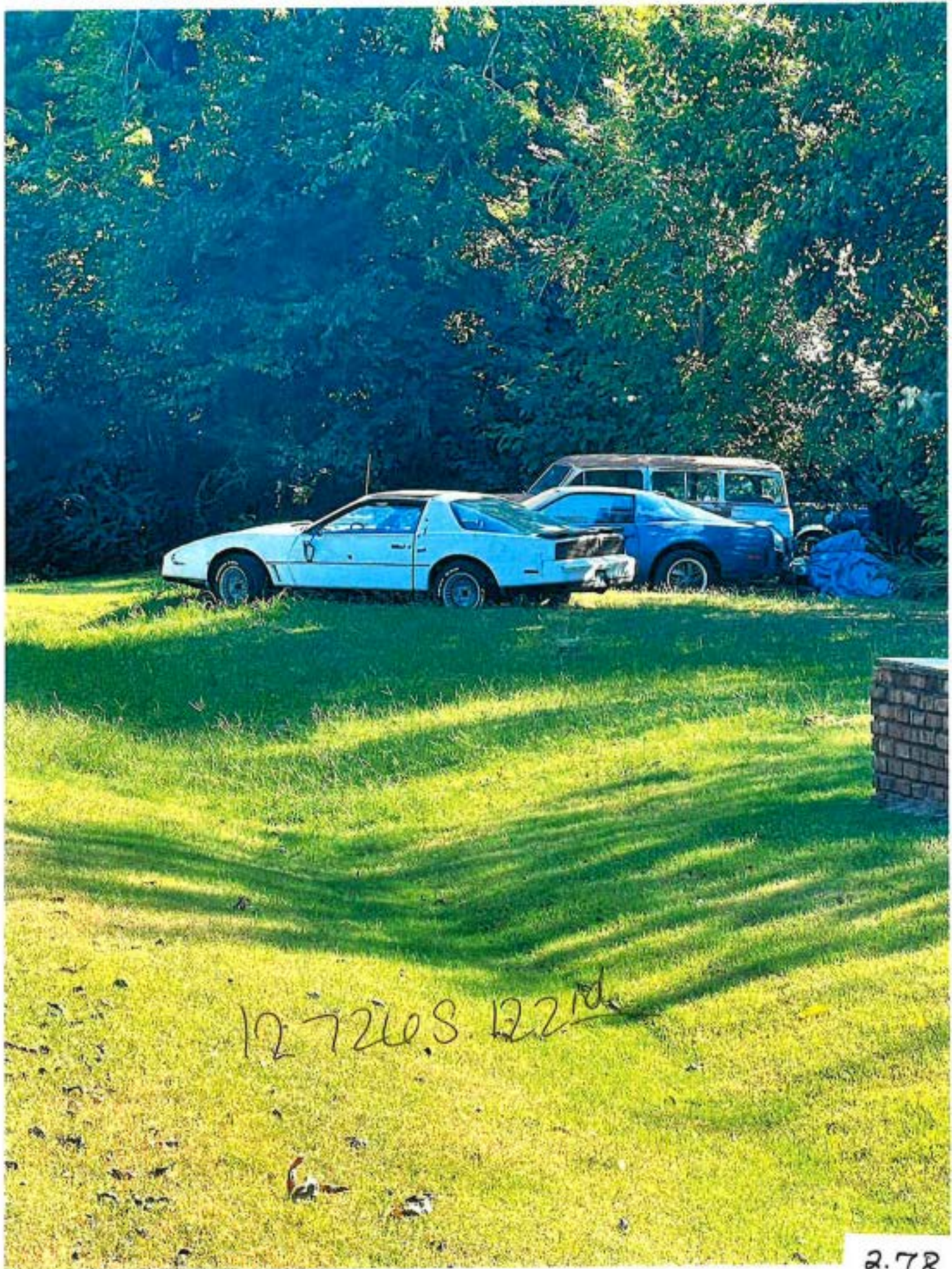


2.76



2.77

7 Bldgs you can see from
one lot!



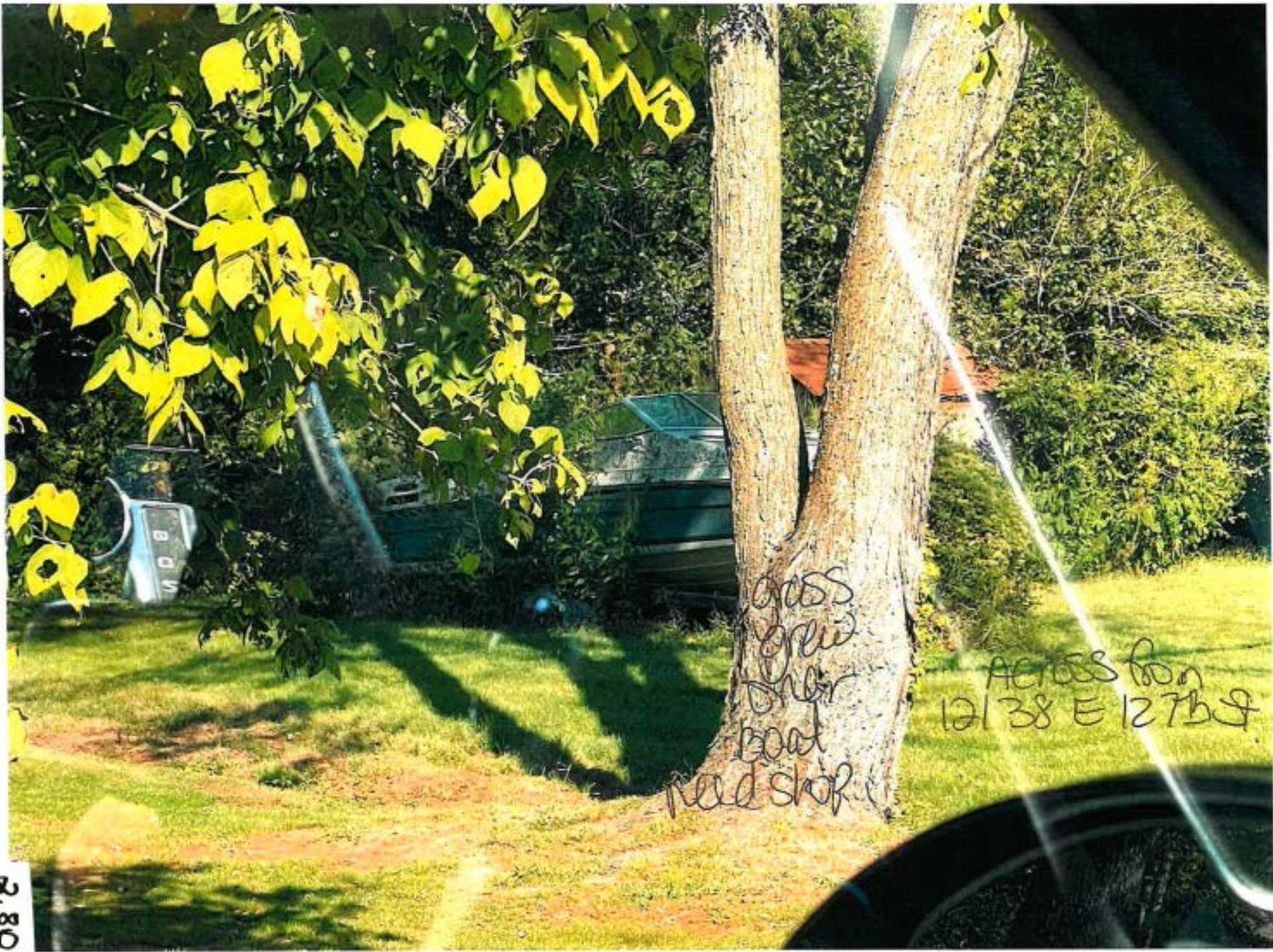
127268. 1221d

2.78

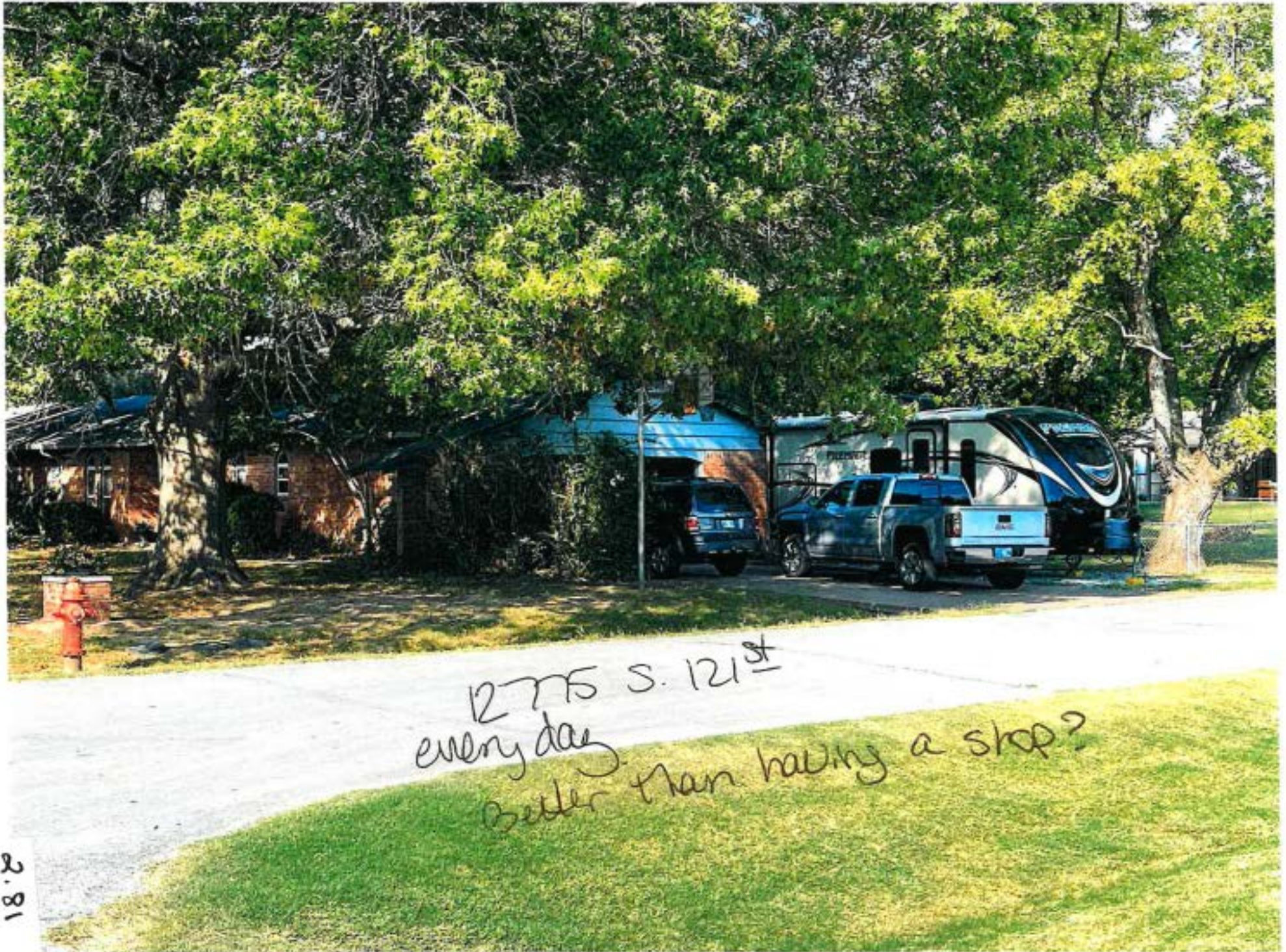


Close
up

2.79

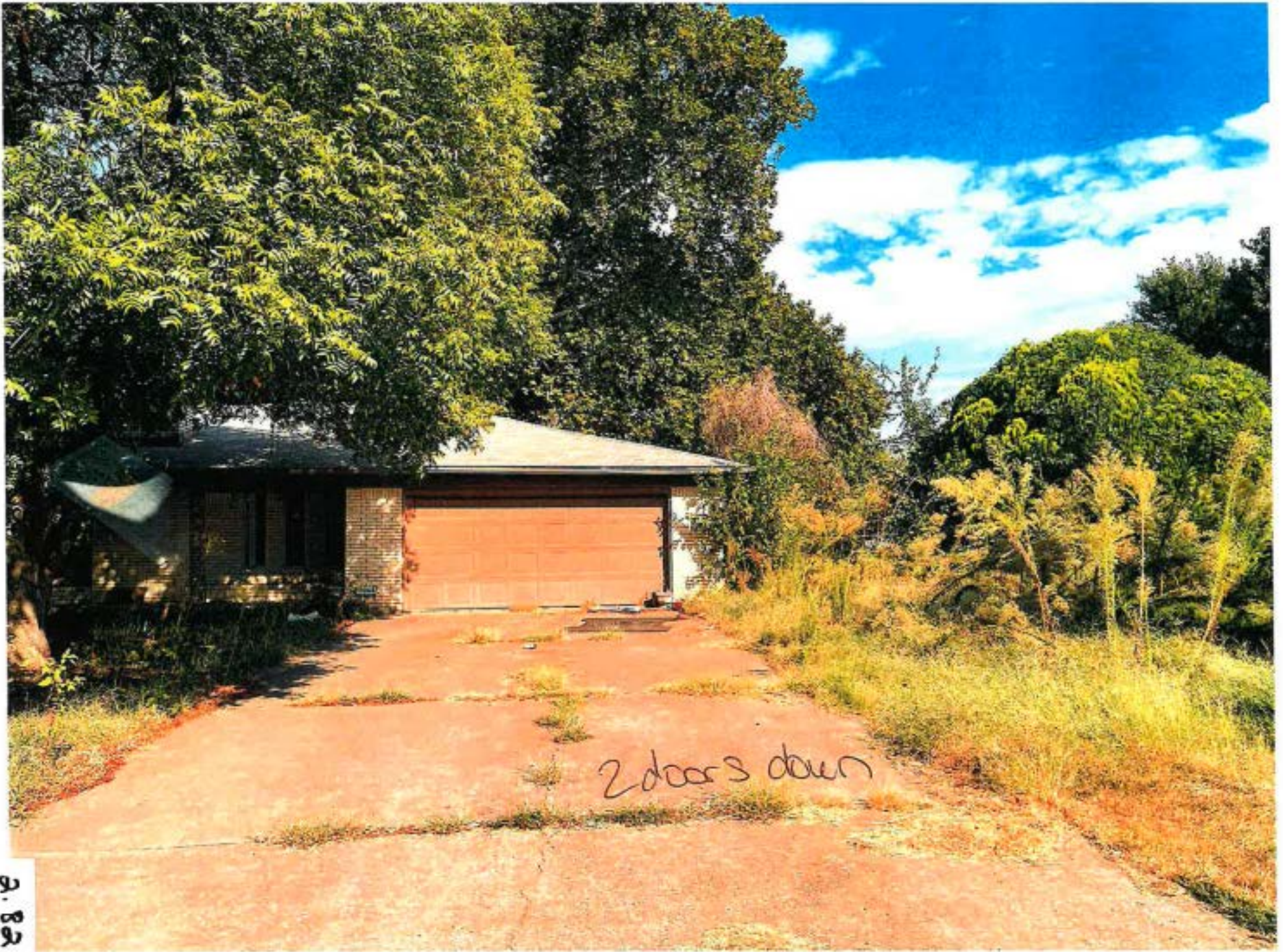


2.80



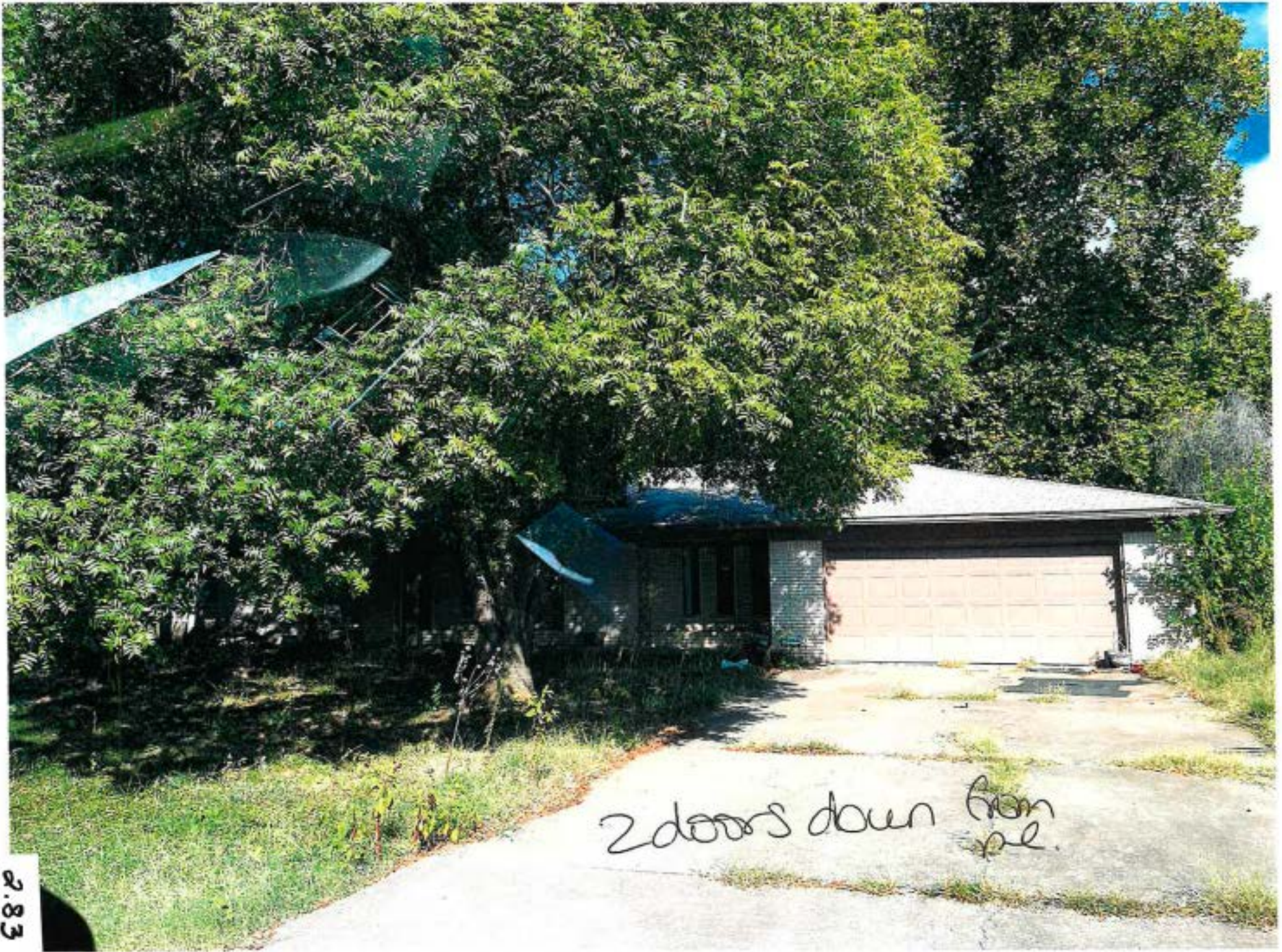
12775 S. 121st
every day
Better than having a shop?

2.81



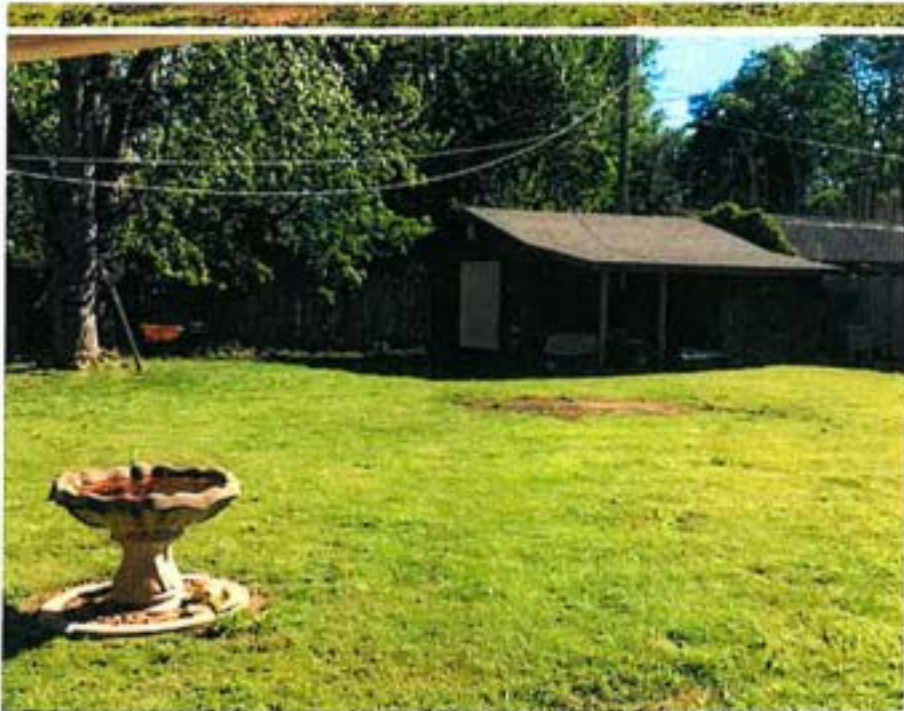
2 doors down

a. 82



2.83

2 doors down from me.



Daily



Map

Satellite

Lot lines



Back to Map



Daily





2.86

Sparger, Janet

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Thursday, September 16, 2021 2:17 PM
To: Jones, Robi; esubmit; ttosh@tulsacounty.org
Subject: Re: CBOA-2914
Attachments: 20210916_140739.jpg; 20210916_140758.jpg; 20210916_140814.jpg

A truck just dropped off additional building supplies which are now blocking the Stop Work notice. Please see attached pictures. I do not have Kerrick's email. If you could please forward to him that would be great.

Thank you.



2.88



2.89



2.90





2.92



2.93

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Wednesday, September 15, 2021 2:32 PM
To: Jones, Robi
Subject: Fwd: CBOA-2914

Just FYI for the file that she will be parking her RVs and trailers on the cement that should have never been poured.

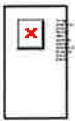
----- Forwarded message -----

From: Joanna Ford <joanna@joannafordba.com>
Date: Wed, Sep 15, 2021, 1:44 PM
Subject: Re: CBOA-2914
To: Amanda Coats <amandacoats05@gmail.com>

in the meantime once my lease is up at the storage facility we might just be parking the RV's and trailer on the lot since everything has come to a standstill

On Wed, Sep 15, 2021 at 1:32 PM Amanda Coats <amandacoats05@gmail.com> wrote:
None of the attached pictures of the homes with shops look familiar. I formally request the physical address of these images as it pertains to the hearing.

<https://tulsaplanning.org/countyboa/cases/CBOA-2914.pdf>



Joanna Ford
Realtor at Coldwell Banker Select
A 501 S Aspen Ave Ba Ok 74011 **P** 918-381-2555
E joannaford@cbtulsa.com **W** joannafordba.com



Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Wednesday, September 15, 2021 1:33 PM
To: Jones, Robi
Cc: Joannaford@cbtulsa.com
Subject: CBOA-2914
Attachments: CBOA-2914_96313502916591.pdf

None of the attached pictures of the homes with shops look familiar. I formally request the physical address of these images as it pertains to the hearing.

<https://tulsaplanning.org/countyboa/cases/CBOA-2914.pdf>

(Pictures are in the agenda packet.)



Example of other accessory buildings in the neighborhood as photographed by planning staff.



Subject Property where the proposed accessory building and single-family home are under construction.

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Tuesday, September 14, 2021 5:23 PM
To: Jones, Robi; ttosh@tulsacounty.org; esubmit
Subject: Re: CBOA-2914
Attachments: image003.png; 20210914_171442.jpg; 20210914_171515.jpg; 20210914_171106.jpg; 20210914_171120.jpg

We cannot read the notes on the site plan. Is there a link? Also, the east side of the building is supposed to be 27.5 ft from the fence according to the site plan; however, it is 10 ft from Jim's fence. See attached.

Thank you,
Amanda Coats
918-852-2669

On Tue, Sep 14, 2021, 8:55 AM Jones, Robi <rjones@incog.org> wrote:

I will add the pictures to the file.



Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

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

918.579.9472

rjones@incog.org

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Tuesday, September 14, 2021 8:26 AM
To: ttosh@tulsacounty.org; Jones, Robi <rjones@incog.org>
Subject: Re: CBOA-2914

They started working before 6 AM this morning. I have video from 6:33 AM. They are now pouring concrete for the shop. If this has not been approved, shouldn't this be stopped? The hearing isn't until 9/21.

On Mon, Sep 13, 2021, 6:11 PM Amanda Coats <amandacoats05@gmail.com> wrote:

Hello,

I am contacting you to file a complaint due to construction without approval. The construction address is 12833 S 121 E Ave, Broken Arrow, OK 74011. The hearing is set for 9/21, but they are continuing construction on the 2,400 sq ft building in question. Please see attached pictures. I also have a video that is too large to attach but will get it to you if needed.

Thanks,

Amanda Coats

918-852-2669

12821 S 121st E Ave, Broken Arrow, OK 74011

----- Forwarded message -----

From: **Jones, Robi** <rjones@incog.org>
Date: Mon, Sep 13, 2021, 4:45 PM
Subject: RE: CBOA-2914
To: Amanda Coats <amandacoats05@gmail.com>
Cc: esubmit <esubmit@incog.org>

I have included your photographs for the Board's review. You can always contact Tulsa County Permit Department to let them know that the construction is still proceeding. Their number is 918-596-5293.



Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

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

918.579.9472

rjones@incog.org

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Monday, September 13, 2021 4:15 PM
To: Jones, Robi <rjones@incog.org>
Cc: esubmit <esubmit@incog.org>
Subject: Re: CBOA-2914

Thank you. I just got home from work and it appears they are continuing construction without approval. Please see attached.

On Mon, Sep 13, 2021, 9:00 AM Jones, Robi <rjones@incog.org> wrote:

I will submit these comments to the County Board of Adjustment. If you wish to submit a signed petition, please email it to me at least a day before the scheduled meeting.



Robi Jones

Community Planner

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Tulsa Planning Office

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

918.579.9472

rjones@incog.org

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Saturday, September 11, 2021 2:28 PM
To: esubmit <esubmit@incog.org>; Jones, Robi <rjones@incog.org>
Subject: CBOA-2914

My husband and I live directly north of 12833 S 121 E Ave. The proposed building is 3.2 times the 750 sq ft covenant. The building is for an RV which will require at least 12 foot sides and a 14 foot door. It will also set 5 feet from our fence. We do not want this building taking up our whole back yard view to the south. Our neighbors agree and also do not want the building. They are all elderly. Do I need to get a signed petition from my neighbors and bring it to the hearing or email it to you?

Thank you,

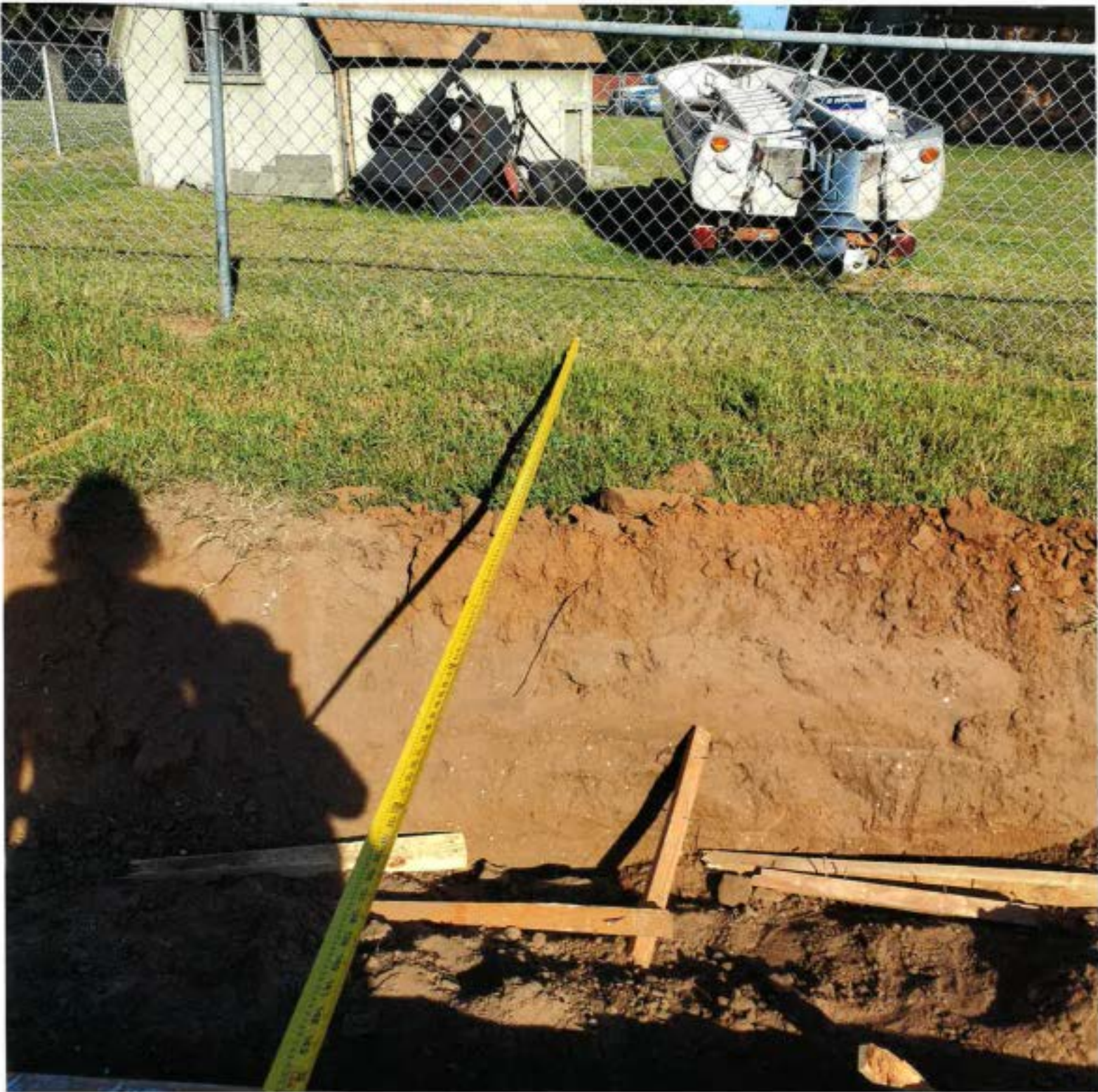
Amanda Coats

918-852-2669

12821 S 121st E Ave, Broken Arrow, OK 74011

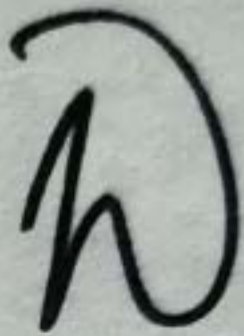
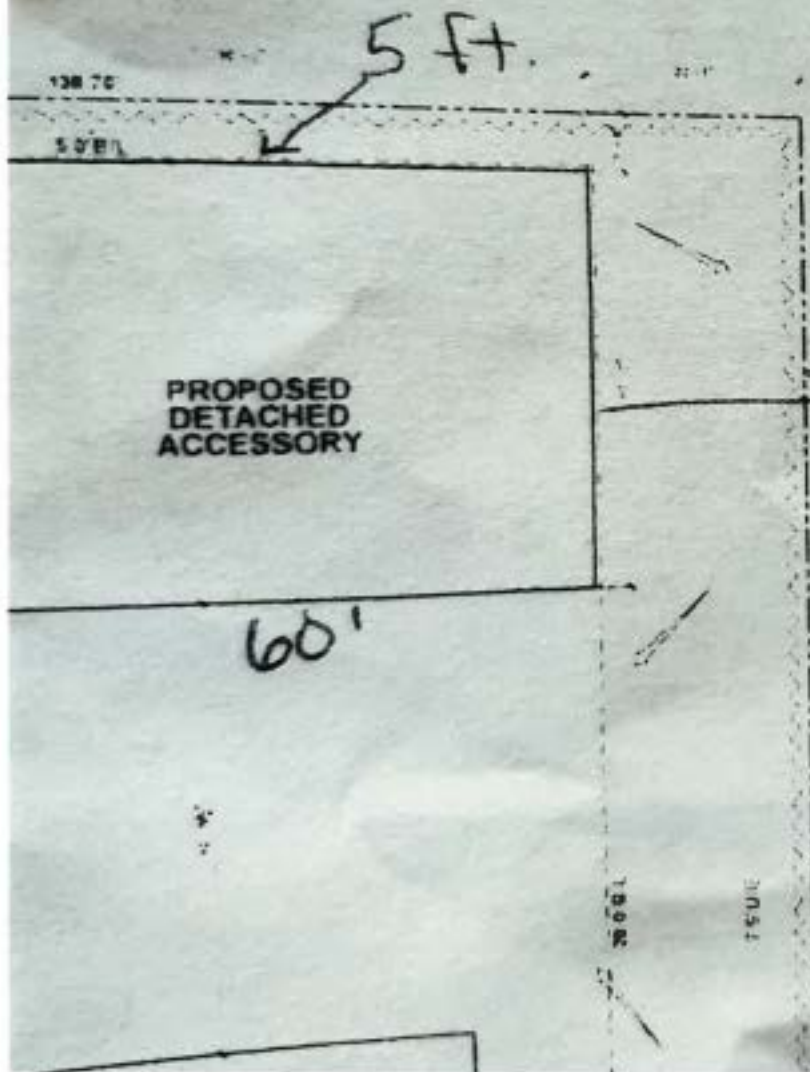


2.102



2.105

2.104



w design
ARCHITECTURE



FORD HOMES
WILLOW SPRINGS

PROJECT #
21189

12833 S. 121ST E AVE
BROKEN ARROW OK
74011

Jones, Robi

From: Joanna Ford <joanna@joannafordba.com>
Sent: Tuesday, August 3, 2021 10:18 AM
To: Jones, Robi
Subject: Re: Fwd:

Follow Up Flag: Follow up
Flag Status: Flagged

the shop is 40x60 and it will be 27.5 feet of yard behind it and 5 feet on the side, let me know if you need anything else

On Tue, Aug 3, 2021 at 8:49 AM Jones, Robi <rjones@incog.org> wrote:

I have received your application. Please include the dimensions of the detached accessory building and distance to the side and rear property line. (I know they are on the current site plan but I cannot read them clearly.)



Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

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

918.579.9472

rjones@incog.org

From: Joanna Ford <joanna@joannafordba.com>
Sent: Tuesday, August 3, 2021 7:50 AM
To: Jones, Robi <rjones@incog.org>
Subject: Fwd:

Please let me know if i need to do anything else and what the next step is. There are Multiple large shops in this neighborhood, some 2x the size of the home, some as much as 5 shops in there yard and no yard left, some people are

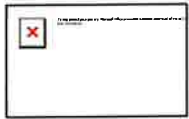
living in, i dont want to store my RV and cars in the yard like some are doing, some have RV's, boats, semi trucks and cars all in front of one home, it looks terrible and I am aware im cleary over building for this neighborhood, we are doing so for the shop.

Thank you

----- Forwarded message -----

From: <donotreply@cbokc.com>
Date: Tue, Aug 3, 2021 at 7:46 AM
Subject:
To: <joanna@joannafordba.com>

TASKalfa 7353ci
[00:17:c8:b4:ac:3c]



Joanna Ford
Realtor at Coldwell Banker Select

A 501 S Aspen Ave Ba Ok 74011

P 918-381-2555

E joannaford@cbtulsa.com

W joannafordba.com

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Tuesday, September 14, 2021 8:26 AM
To: ttosh@tulsacounty.org; Jones, Robi
Subject: Re: CBOA-2914
Attachments: 20210914_065100.jpg; 20210914_065103.jpg; 20210914_065115.jpg; 20210914_080338.jpg

They started working before 6 AM this morning. I have video from 6:33 AM. They are now pouring concrete for the shop. If this has not been approved, shouldn't this be stopped? The hearing isn't until 9/21.

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Thanks,

Amanda Coats
918-852-2669
12821 S 121st E Ave, Broken Arrow, OK 74011

----- Forwarded message -----

From: Jones, Robi <rjones@incog.org>
Date: Mon, Sep 13, 2021, 4:45 PM
Subject: RE: CBOA-2914
To: Amanda Coats <amandacoats05@gmail.com>
Cc: esubmit <esubmit@incog.org>

I have included your photographs for the Board's review. You can always contact Tulsa County Permit Department to let them know that the construction is still proceeding. Their number is 918-596-5293.



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Cc: esubmit <esubmit@incog.org>
Subject: Re: CBOA-2914

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918.579.9472

rjones@incog.org

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Saturday, September 11, 2021 2:28 PM
To: esubmit <esubmit@incog.org>; Jones, Robi <rjones@incog.org>
Subject: CBOA-2914

My husband and I live directly north of 12833 S 121 E Ave. The proposed building is 3.2 times the 750 sq ft covenant. The building is for an RV which will require at least 12 foot sides and a 14 foot door. It will also set 5 feet from our fence. We do not want this building taking up our whole back yard view to the south. Our neighbors agree and also do not want the building. They are all elderly. Do I need to get a signed petition from my neighbors and bring it to the hearing or email it to you?

Thank you,

Amanda Coats

918-852-2669

12821 S 121st E Ave, Broken Arrow, OK 74011



2.110



2.11.11



8.11.2



2.11.15

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Monday, September 13, 2021 4:15 PM
To: Jones, Robi
Cc: esubmit
Subject: Re: CBOA-2914
Attachments: image002.png; 20210913_160556.jpg; 20210913_160612.jpg; 20210913_160759.jpg; 20210913_160614.jpg

Thank you. I just got home from work and it appears they are continuing construction without approval. Please see attached.

On Mon, Sep 13, 2021, 9:00 AM Jones, Robi <rjones@incog.org> wrote:

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To: esubmit <esubmit@incog.org>; Jones, Robi <rjones@incog.org>
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Thank you,

Amanda Coats

918-852-2669

12821 S 121st E Ave, Broken Arrow, OK 74011



2.116



2.117



2.118



2.119

Sparger, Janet

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Monday, September 20, 2021 3:54 PM
To: esubmit; Jones, Robi; ttosh@tulsacounty.org
Subject: CBOA-2914
Attachments: 20210920_155037.jpg

More building material was delivered today and dropped off in front of the proposed shop. Please add to file and confirm receipt.



8-1-21

Jones, Robi

From: Tina <tina.troxell@gmail.com>
Sent: Sunday, September 5, 2021 12:51 PM
To: esubmit
Subject: CBOA-2914

I live close to this and DO NOT want a commercial building going in that will cause more traffic and larger vehicles on the roadway.

I vote NO
Thank you
Tina Troxell

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Saturday, September 11, 2021 2:28 PM
To: esubmit; Jones, Robi
Subject: CBOA-2914

My husband and I live directly north of 12833 S 121 E Ave. The proposed building is 3.2 times the 750 sq ft covenant. The building is for an RV which will require at least 12 foot sides and a 14 foot door. It will also set 5 feet from our fence. We do not want this building taking up our whole back yard view to the south. Our neighbors agree and also do not want the building. They are all elderly. Do I need to get a signed petition from my neighbors and bring it to the hearing or email it to you?

Thank you,
Amanda Coats
918-852-2669
12821 S 121st E Ave, Broken Arrow, OK 74011

Jones, Robi

From: Amanda Coats <amandacoats05@gmail.com>
Sent: Monday, September 13, 2021 4:15 PM
To: Jones, Robi
Cc: esubmit
Subject: Re: CBOA-2914
Attachments: image002.png; 20210913_160556.jpg; 20210913_160612.jpg; 20210913_160759.jpg; 20210913_160614.jpg

Thank you. I just got home from work and it appears they are continuing construction without approval. Please see attached.

On Mon, Sep 13, 2021, 9:00 AM Jones, Robi <rjones@incog.org> wrote:

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Robi Jones

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Tulsa Planning Office

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918.579.9472

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Thank you,

Amanda Coats

918-852-2669

12821 S 121st E Ave, Broken Arrow, OK 74011



2.12.16



2.127

2.128





8-29-09



2.130



2.131



2.132



2.133



What ours will look like some
colors as well as

1 of 3



2 of 3

3 of 3



2.136



D Cross Barn Co

4999 N. 260 Rd
Beggs, OK 74421
866-749-7627



PROPOSAL SUBMITTED TO Joshua Ford 512 E Glendale St Broken Arrow, OK 74011 joshford@cbtulsa.com	PHONE (918) 724-7604 COMPANY JOB SITE LOCATION Broken Arroe	DATE 5/15/2021 CONTRACT NUMBER 21-0409 JOB PHONE (918) 724-7604
--------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------	--------------------------------------------------------------------------------

We hereby submit specifications and estimates for a **40x60x16**

- | | |
|-------------------------------|-----------------------------------------------|
| 6 x 6 MCA POSTS 10' ON CENTER | 29 GAUGE PANELS |
| 2 X 6 CCA BOTTOM BAND | NO INSULATION |
| 2 X 6 SIDEWALL GIRTS 2' O.C. | 1 - ENTRY DOOR |
| 2 X 10 DOUBLE HEADERS | 1 - GARAGE DOOR - 12W X 14H - INSULATED |
| 2 X 6 TRUSSES 5' O.C. | 0 - WINDOWS |
| 2 X 4 ROOF PURLINS 2' O.C. | 40x60x4" SLAB W/FIBERMESH & WATER REPELLANT** |
| | WAINSCOTING |

- FOR SOLARGUARD INSULATION ADD \$4,350

- FOR 1" CLOSED CELL FOAM INSULATION ADD \$8,700

Roof Color _____

Body Color _____

Trim Color _____

Ridge Cap Color _____

Wainscot Color _____
(if applicable)

Fill Dirt Not Included. Customer is responsible to have 30 Yards at a minimum at site before construction starts if D Cross Barn Co pours the slab

Subtotal	\$44,200.00
Delivery	\$0.00
Total	\$44,200.00

Is there electricity at the barn site? Yes ___ No ___

* - SEE PARA 4 OF TERMS CONDITIONS

We Propose Hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:
Forty-Four Thousand Two Hundred Dollars

Payment to be made as follows:

\$1,000 Deposit to get on the schedule, \$30240 Due Upon Arrival of Materials And \$12960 Due Upon Completion of Work. An additional \$150 per day charge will be added if not paid upon completion.

All material is guaranteed to be as specified*. All work is to be completed in a workmanlike manner according to standard practice and warranted for two (2) years. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.

Authorized
Signature

Note: This proposal may be withdrawn by us if not accepted within 15 Days

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.



Date of Acceptance: _____

Signature _____

2.137

1. Customer is responsible for getting all construction site pre-work: (Note: We highly encourage owners to submit pictures of their job-site to DCB)
 - a) Customer must provide a level building site with a maximum slope no greater than 8". Post depth of 36" is based on level ground. If ground is out of level and extra length posts are required, the customer will be responsible for the extra cost, which will include material and delivery
 - b) Customer is responsible for getting any utility lines clearly marked
 - c) Customer must have the exact location of the building clearly marked. (Setting stakes or flags at the building corners and door locations is adequate. DCB is responsible for squaring all marked locations.)
 - d) Arrangements for fill dirt, if DCB is pouring the concrete, should be made before materials are delivered. Amount of fill dirt is an estimate. If more fill dirt is needed it is the customer's responsibility. If sufficient fill dirt is not provided by customer and extra concrete is required to complete the job, customer will pay for the extra concrete.
2. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices and warranted for two (2) years. Any alteration or deviation from the specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon circumstances beyond our control.
3. If rock is encountered and the holes cannot be drilled in a reasonable amount of time, customer will pay an additional fee to the builder of \$30 per hole, plus the cost of the auger rental and/or use of special equipment and any required freight, delivery.
4. If the customer has DCB pour concrete, DCB makes no warranty against the concrete cracking, breaking, or corroding in any way in the concrete work performed. It is the customer's responsibility to prepare the ground to minimize shifting or any other factor that would affect the slab.
5. If placement of a door does not allow for the use of an existing post a \$50 charge will be added for each additional post required.
6. Customer is responsible for construction debris. (Two piles will be left: One is burnables and one is scrap metal. Usually only a small amount.)
7. Lead times are estimated based on the number of active contracts DCB is currently working. This time may vary based on weather conditions and production. DCB will contact the customer to make specific arrangements prior to delivery.
8. Once the materials have been delivered to customer's property, damage or theft of materials is the customer's responsibility.
9. It shall be the responsibility of the customer to obtain any building or construction permits required by any state, county, or municipality before construction begins. Customer must also inform DCB of any structural or material changes required by that county's specific building codes prior to DCB's arrival at the job site. While DCB will make every effort to complete the building to the specific codes and adhere to common construction methods, should the construction process vary from our normal process, there will be additional labor expenses involved. The customer may not withhold final payment while waiting for inspection approval.
10. Once building materials have been ordered there will be no refunds and the customer is responsible for full payment under the terms of the contract.
11. Please be aware that if your building has a slab the interior wall height is 12" shorter than the outside wall height due to the slab and trusses. If you have a 12' outside wall your interior wall height will be 11'.

Customer's Initials _____ Date _____

5/15/2021
21-0409

Joshua,

Thank you for choosing D Cross Barn Co. to help you with your project in Broken Arroe. We realize that your building is an important investment and addition to your property. We do not take this responsibility lightly and will handle the process with honesty and integrity, leaving you a quality structure you can take pride in and can utilize for years to come.

When comparing quotes please remember that the items listed below are standard features for D Cross Barn Buildings:

- Rat Guard
- 26 Gauge Trim
- 2 x 6 Sidewall Purlins
- 2 x 8 Double Headers for 30' wide or less, 2 x 10 for anything wider than 30'
- Diagonal Bracing in all corners
- Unlike some of our competitors, we are fully insured.

Please review the proposal to ensure it meets your specifications. If it doesn't, please call me and we will work on it until it does.

If it does meet your specifications, please do the following in order for us to get you on the schedule:

- Review the color palette and write your choices down on the contract
- Include Driving Directions to Property if not available on Google Maps/MapQuest
- Include a Copy of Farm Tax Card if applble.
- Sign the contract, initial the Additional Terms & Conditions Page and send them with a deposit check for \$1,000 and mail it to us.

Due to volatility of current metal and lumber costs, contract price is good for 15 days from contract date

Thank You,



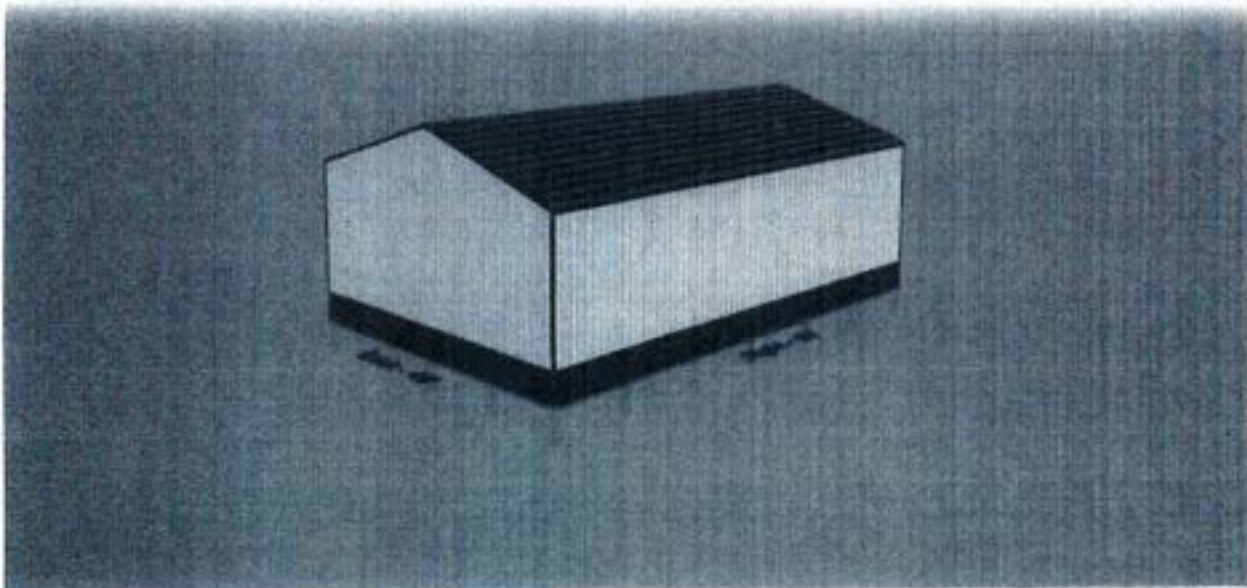
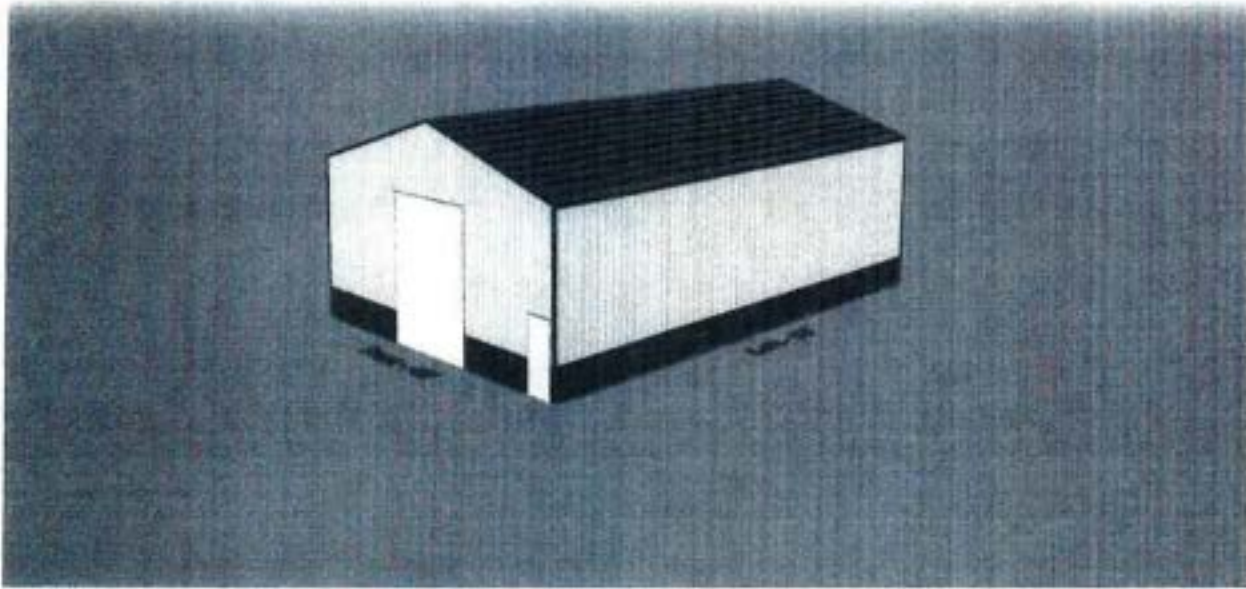
Eddie Daggett
President
D Cross Barn Co

2.139



Example Only

Image Does Not Show Slab If Included



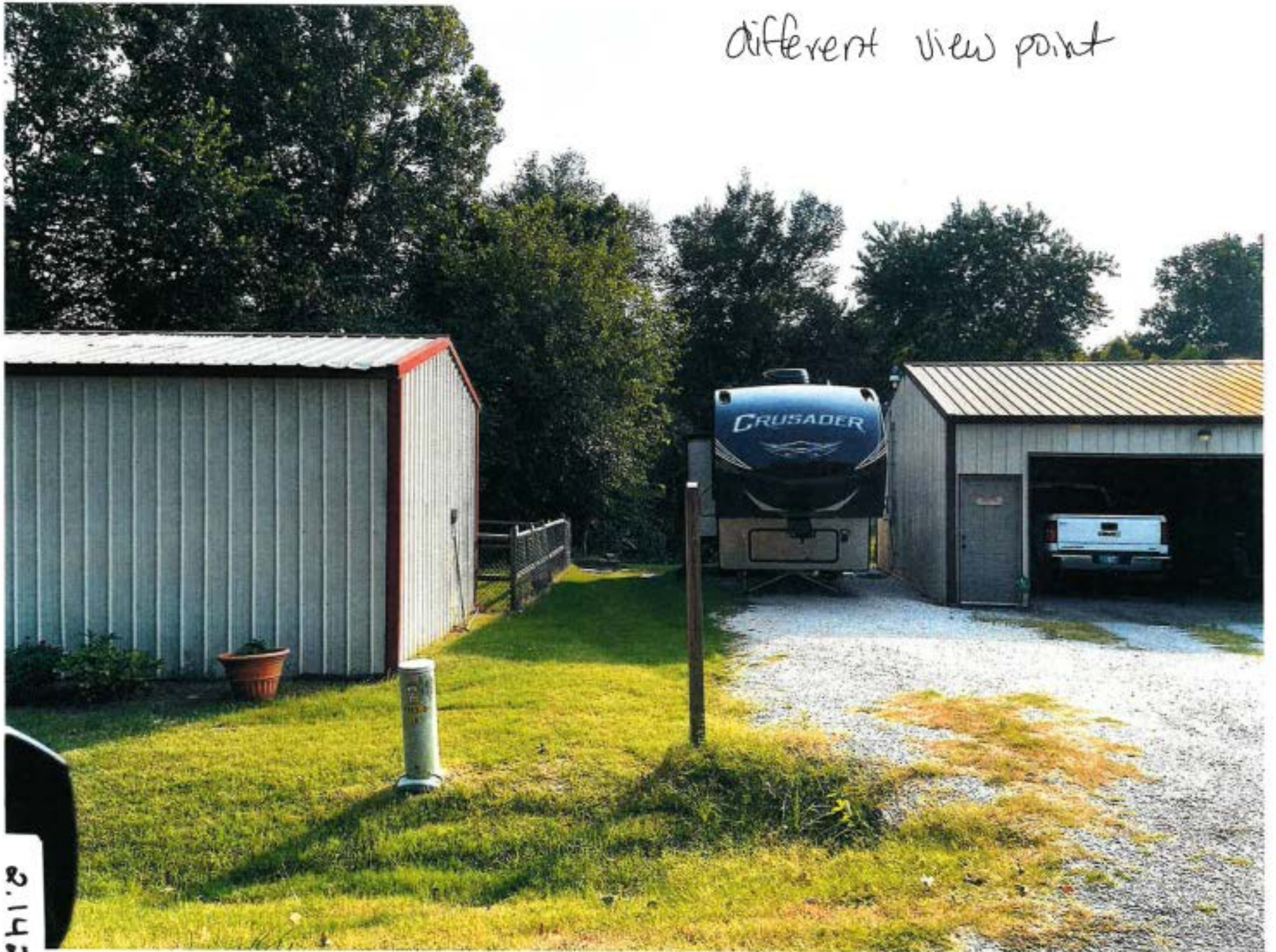
2.140

the neighbors
just snap
after shop

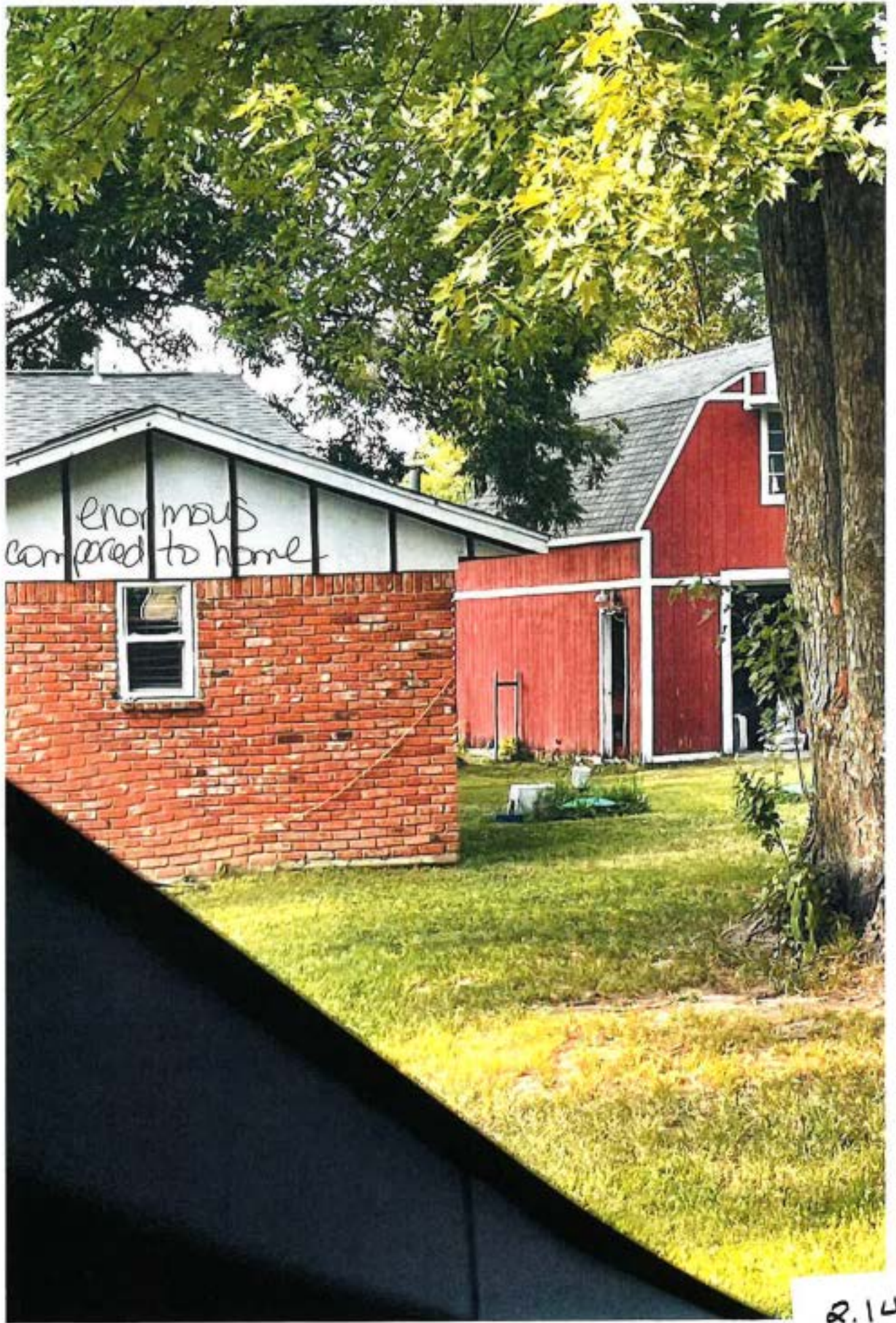


8.141

different view point



2.142



enormous
compared to home

2.143



Smacked next to house

8.144



2.145

There are S in the yard!

Soon as you
enter the neighborhood

2.14.6





2.147

Shop bigger 
than more of these homo



8.148

entire east side are shop on
this home.



2.149

One of two & next door
to another.



2.150

2 of 2



2.151

21146037

LEGEND

- C - CENTERLINE
- BL - BUILDING LINE
- UE - UTILITY EASEMENT
- SE - SERVICE ENTRANCE
- R/W - RIGHT-OF-WAY
- MAE - MUTUAL ACCESS ESMT
- BE - BURIED ELEC. ESMT
- L/E - LANDSCAPE ESMT
- DE - DRAINAGE ESMT
- WE - WATERLINE ESMT
- TRNSFM - TRANSFORMER



4677 SOUTH 83RD EAST AVENUE
TULSA, OKLA. 74142

MORTGAGE INSPECTION REPORT
NOT A LAND OR BOUNDARY SURVEY



SCALE: 1"=40'

SELLER: Homan Homes, LLC

BUYER: Ford Homes, Inc. *10/2*

CLIENT: Apex Title & Closing Services, LLC



FLOOD PLAIN STATEMENT:

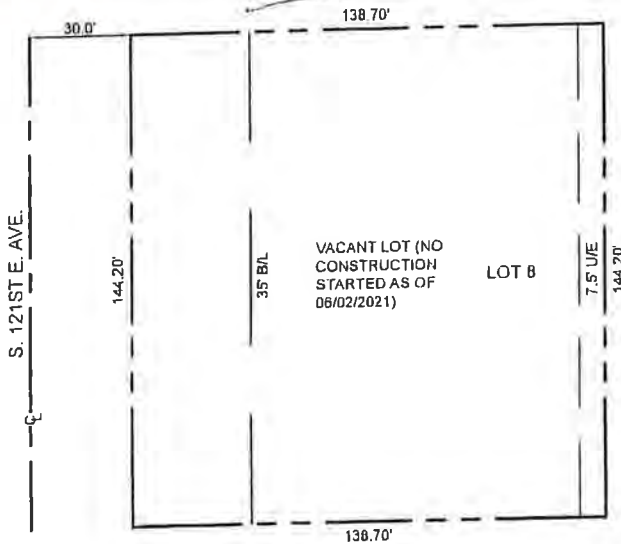
THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED AREAS) PER FLOOD INSURANCE RATE MAP 40143C0452L EFFECTIVE OCTOBER 16, 2012. ZONE X (UNSHADED) DEFINED AS AREA OF MINIMAL CHANCE OF FLOOD HAZARD.

SURVEYOR'S NOTE:

THE FOLLOWING FOUND IN TITLE OPINION #21146037, DATED 05/17/2021 DOES AFFECT THE PROPERTY:

- #2 ITEMS CONTAINED IN THE PLAT AND DEED OF DEDICATION/COVENANTS AND RESTRICTIONS, OF WILLOW SPRINGS ESTATES, PLAT NO. 2787

[Handwritten signature]
[Handwritten signature]



DATE OF FIELD INSPECTION:
JUNE 2ND, 2021

LEGAL DESCRIPTION:

LOT EIGHT (8), BLOCK ELEVEN (11), WILLOW SPRINGS ESTATES, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. ALSO KNOWN AS:
12833 SOUTH 121ST EAST AVENUE, BROKEN ARROW, OK 74011

CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR APEX TITLE & CLOSING SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE.

WITNESS MY HAND AND SEAL THIS DATE: JUNE 4TH, 2021

BAKER SURVEYING, LLC
4677 SOUTH 83RD EAST AVENUE
TULSA, OKLAHOMA 74145
OKLAHOMA CA #5816 EXPIRES 6/30/2022
(918) 271-5793



2.152

2.153



FORD HOMES
WILLOW SPRINGS

PROJECT #
21189

12833 S. 121ST E. AVE
BROKEN ARROW OK
74011

6.15.2021

ARCHITECTURAL
SITE PLAN

SP

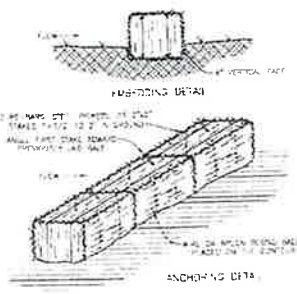
NOTES:

1. ALL GRADING AND EROSION CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING STANDARD CONSTRUCTION SPECIFICATIONS.
2. ALL EROSION CONTROL CONSTRUCTION SHALL BE NOTIFIED BY THE EROSION CONTROL INSPECTOR IN ACCORDANCE WITH 2010 PER 2.
3. EROSION CONTROL SHALL START WITH FINAL CONSTRUCTION AND IS FINISHED THROUGHOUT THE PROJECT.
4. ALL SLOPE SHALL BE 3:1 MINIMUM. ALL CONSTRUCTION SHALL BE TO ALL EXISTING GRAD AND IN ALL AREAS THAT ARE ENCLOSED BY THE EROSION CONTROL SYSTEM.
5. ALL CONSTRUCTION SHALL BE TEMPORARILY STABILIZED WITH VEGETATION AND/OR EROSION CONTROL MATS TO PREVENT EROSION.
6. THE CONSTRUCTION SHALL BE STOPPED IMMEDIATELY UPON RECEIVING A STOP WORK ORDER FROM THE EROSION CONTROL INSPECTOR. THE EROSION CONTROL SYSTEM SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
7. EROSION CONTROL MATERIAL SHALL BE STORED IN A DESIGNATED AREA.
8. THE EROSION CONTROL SYSTEM SHALL BE MAINTAINED THROUGHOUT THE PROJECT AND SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION. THE EROSION CONTROL SYSTEM SHALL BE MAINTAINED THROUGHOUT THE PROJECT.



1. POSTS SHALL BE ANCHORED TO THE GROUND BY DRIVING 1/2" DIA. GALV. STEEL RODS INTO THE GROUND.
2. THE TOP OF THE SILT FENCE SHALL BE FINISHED IN AND TO MATCH THE GROUND.
3. THE SILT FENCE SHALL BE 18" HIGH AND 12" WIDE TO ALLOW FOR THE SILT FENCE TO BE LIFTED IN AND OUT OF THE GROUND.
4. SILT FENCE SHALL BE FASTENED TO POSTS OR TO WOODEN BARS WHICH ARE 1/2" DIA. GALV. STEEL RODS.
5. INSPECTION SHALL BE FREQUENT AND BEAR ON WEARAGEMENT PROGRAM.
6. SILT FENCE SHALL BE REMOVED WHEN THE TIME HAS COME TO REMOVE THE SILT FENCE FROM THE SITE.
7. WEARAGEMENT SHALL BE MAINTAINED IN AN APPROVED MANNER AND LOCATION AS PER THE WEARAGEMENT PLAN.
8. ALL WEARAGEMENT SHALL BE MAINTAINED IN AN APPROVED MANNER AND LOCATION AS PER THE WEARAGEMENT PLAN.

3 SILT FENCE DETAIL
SCALE: NONE



1. BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY FITTING THE ADJACENT BALE.
2. EACH BALE SHALL BE ENCLOSED IN A COIL OF A MINIMUM OF FOUR INCHES WHERE POSSIBLE.
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR WEARAGEMENT THROUGH THE BALE. THE FIRST STAKE IN EACH BALE SHALL BE ANCHORED TOWARD PROXIMATE AND PAIR TO FORM PAIR TOGETHER.
4. INSPECTION SHALL BE FREQUENT AND BEAR ON WEARAGEMENT SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR PURPOSE AND SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
6. ALL WEARAGEMENT SHALL BE MAINTAINED IN AN APPROVED MANNER AND LOCATION AS PER THE WEARAGEMENT PLAN.

2 HAY BALE DIKE DETAIL
SCALE: NONE

LEGAL DESCRIPTION

LOT 8, BLOCK 14,
WILLOW SPRINGS ESTATES,
BROKEN ARROW, OKLAHOMA

LIVABILITY SPACE

• TOTAL FRAMED	85
• LOT SIZE	20,000 SQ FT
• STRUCTURE HEIGHT	23.1'
• FIRST FLOOR FRAMED	1,891 SQ FT
• SECOND FLOOR FRAMED	1,674 SQ FT
• TOTAL FRAMED	1,891 SQ FT
• GARAGE	557 SQ FT
• PORCH	430 SQ FT
• DRIVEWAY	814 SQ FT
• LIVABILITY SPACE REQUIRED	4,900 SQ FT
• LIVABILITY SPACE	19,800 SQ FT

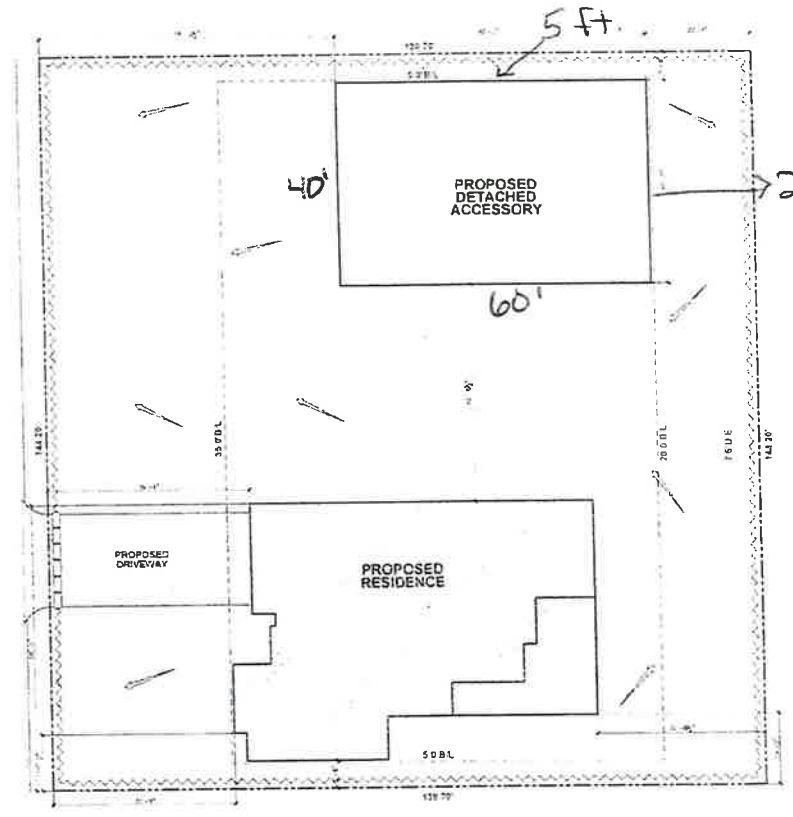


THESE MEASURES AND MORE SHALL BE SHOWN TO THE EROSION CONTROL INSPECTOR AND SHALL HAVE BEEN SENT TO THE EROSION CONTROL INSPECTOR FOR REVIEW AND APPROVAL. CONTACT D&E - (900) 300-6547

A. J. & T. COMPANY
CIVIL ENGINEERING
1200 N. WILLOW SPRING
BROKEN ARROW, OKLAHOMA 74011

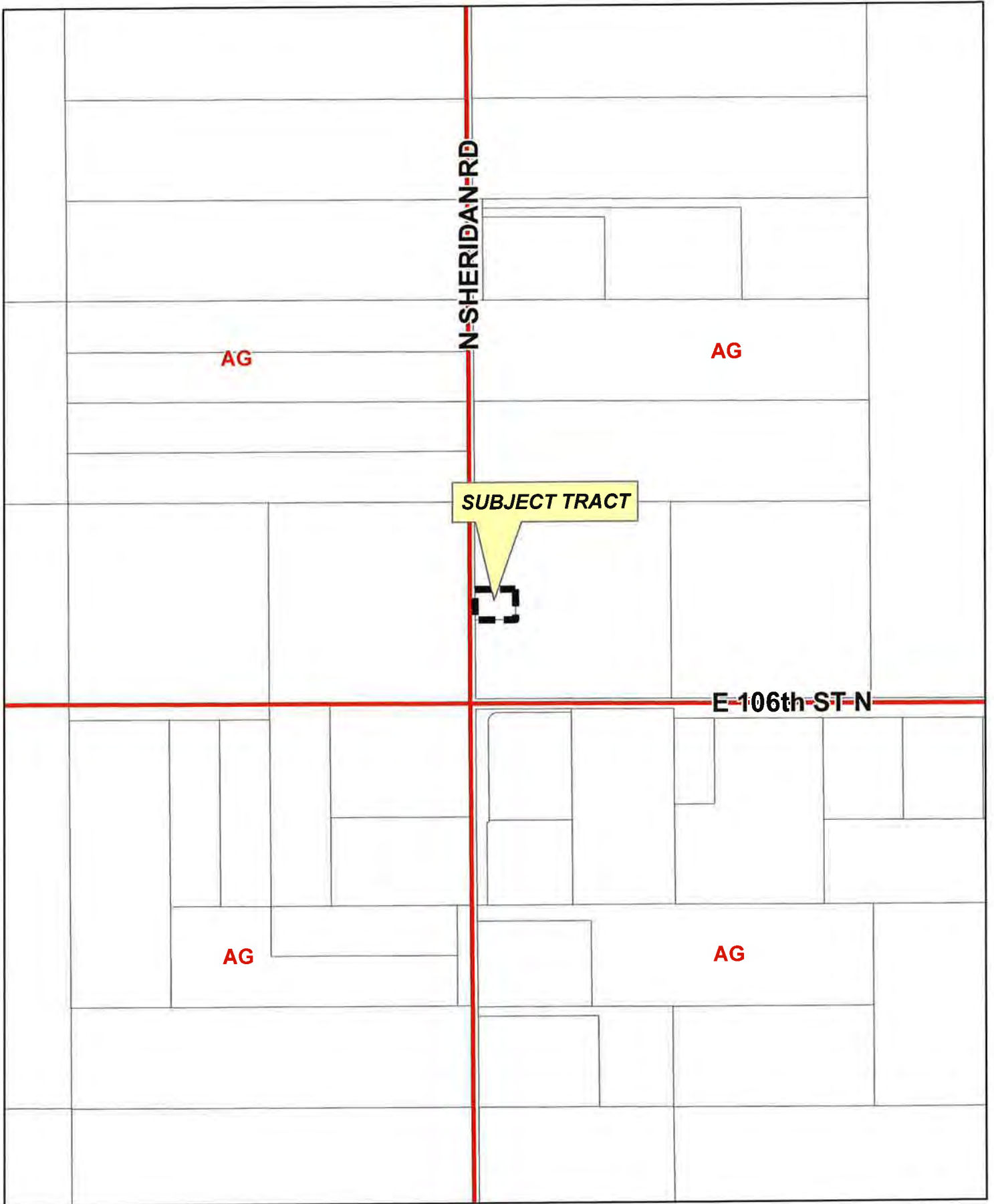
EROSION CONTROL LEGEND

- SLOPE IN GRADE
- EROSION CONTROL
- EROSION CONTROL MATS
- UNDERGROUND LEACH DISCHARGE
- NEW DRAINAGE FLOW
- EXISTING DRAINAGE FLOW
- SILT FENCE



1 ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"





CBOA-2921

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1311

CZM: 11

CASE NUMBER: **CB0A-2921**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Mack Greever

ACTION REQUESTED: Variance of the rear setback from 40 ft in the AG district; Variance of the minimum lot area from 2 acres in the AG district; and Variance of the minimum lot width from 150' in the AG district to permit a pump house (Section 310, Table 3).

LOCATION: N. of NE/c of E. 106th St. N. & N. Sheridan Rd.

ZONED: AG

FENCELINE: North Tulsa County

PRESENT USE: Agriculture

TRACT SIZE: 0.31 acres

LEGAL DESCRIPTION: BEG 273.94N & 16.5E SWC SW TH N100 E133.50 S100 W133.50 POB SEC 11 21 13 .306AC,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and property to the north, east, and south appears to be an agricultural use. Property to the west is an Early Childhood Center.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the rear setback from 40 ft in the AG district; Variance of the minimum lot area from 2 acres in the AG district; and a Variance of the minimum lot width from 150' in the AG district to permit a pump house (Section 310, Table 3).

The AG district (Section 330, Table 3) requires a minimum lot area of 2 acres and a minimum lot width of 150' in an AG district. The applicant is requesting a variance of the rear setback from 40 feet to 25 feet, a variance of the minimum lot area from 2 acres to 0.31 acres, and a variance of the minimum lot width from 150' to 100 feet. The property owner is Rural Water District No 3 and the applicant is seeking relief of the requirements to permit a pump house on the property.

The applicant provided the following statement:

"The 150' x 100' property is located at the NE corner of N. Sheridan Road and 106th Street N. A 50' right-of-way for Sheridan Road expansion leaves a useable site of 100' x 100'. To provide vehicle access to the Booster Station Building, the rear building setback has to be reduced from 40' to 25'."

A Pump House is included in Use Unit 4, Public Protection and Utility Facilities, and is considered a use by right in the AG district.

3.2

Sample Motion:

“Move to _____ (approve/deny) a Variance of the rear setback from 40 ft in the AG district; Variance of the minimum lot area from 2 acres in the AG district; and Variance of the minimum lot width from 150' in the AG district to permit a pump house (Section 310, Table 3).

- Finding the hardship(s) to be _____.
- Subject to the following conditions (if any) _____.

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



N SHERIDAN RD

E 106th ST N



Subject Tract

CBOA-2921

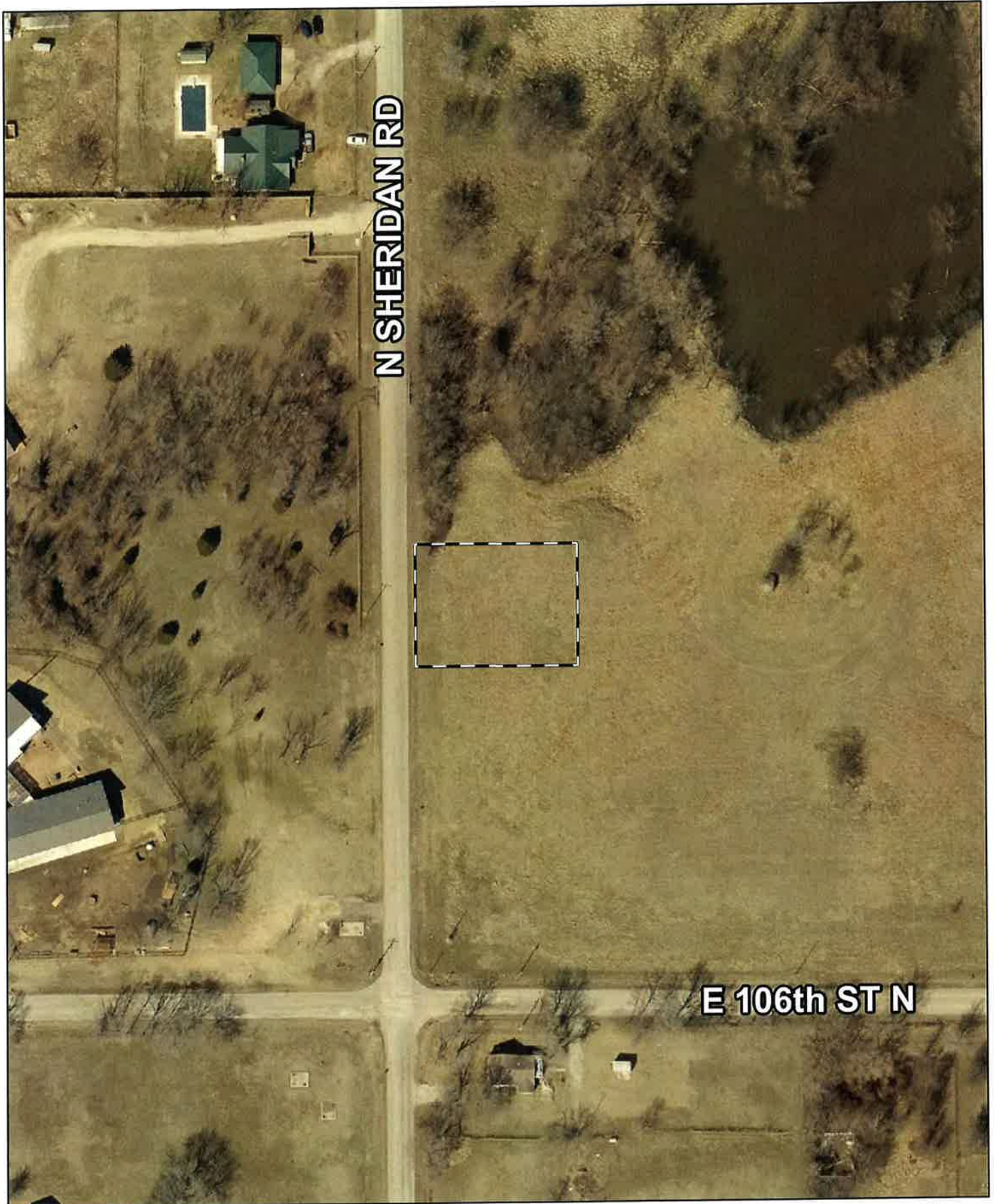
21-13 11

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

Aerial Photo Date: 2020/2021



3.4



N SHERIDAN RD

E 106th ST N



Subject Tract

CBOA-2921

21-13 11

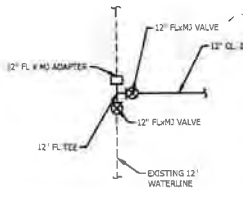
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



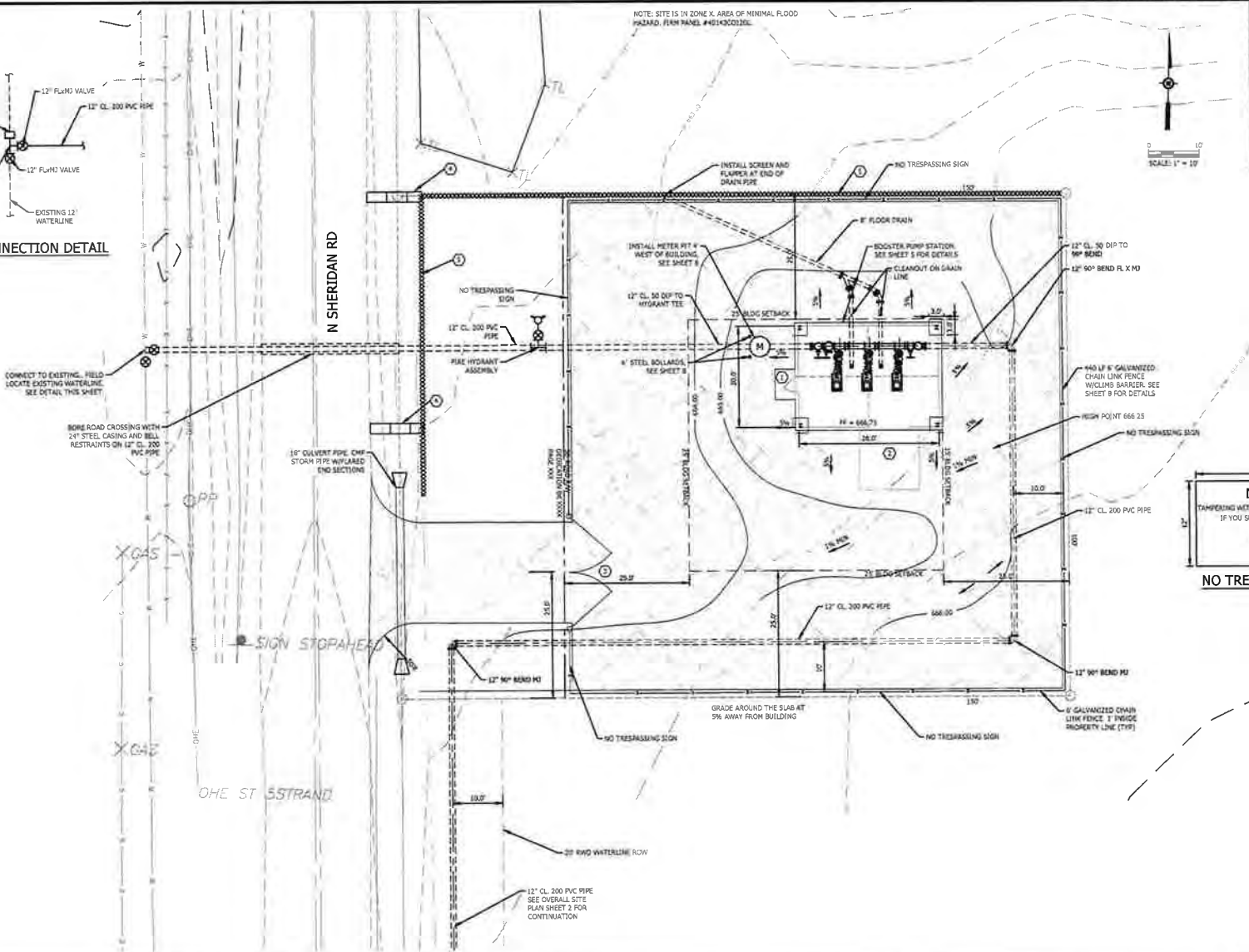
3.5

- REFERENCE NOTES:**
- 1 6"x6" THICK REINFORCED CONCRETE.
 - 2 12"x12" THICK REINFORCED CONCRETE PAD.
 - 3 TWO (2) 8" WIDE SECURITY GATES. SEE FENCE DETAIL SHEET E.
 - 4 STAFF WATERS. SEE EROSION CONTROL SHEET K.
 - 5 5'x7' FENCE. SEE EROSION CONTROL SHEET K.



NORTH CONNECTION DETAIL
NO SCALE

NOTE: SITE IS IN ZONE X. AREA OF MINIMAL FLOOD HAZARD. (FIRM PANEL #4214300122E)



3.6
 Project Name: 17227 N. 20th East Avenue, Collinsville, Oklahoma
 Project No: 17227 N. 20th East Avenue, Collinsville, Oklahoma
 Date: 03/21/2021
 Scale: AS NOTED
 Sheet No: 3 OF 9

DESIGNED BY:	KCS
DRAWN BY:	DOJ
CHECKED BY:	LJP
PROJECT ENG:	

Bartlett & West

1000 W. 10th Street, Suite 100
 Tulsa, Oklahoma 74103
 Phone: 918-438-1111
 www.bartlettwest.com

SHERIDAN RD. BOOSTER PUMP STATION
 RURAL WATER DISTRICT NO. 3
 WASHINGTON COUNTY, OKLAHOMA

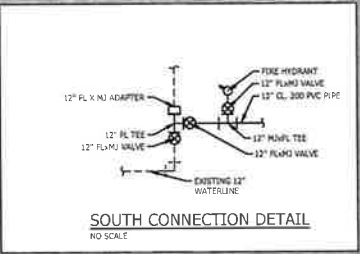
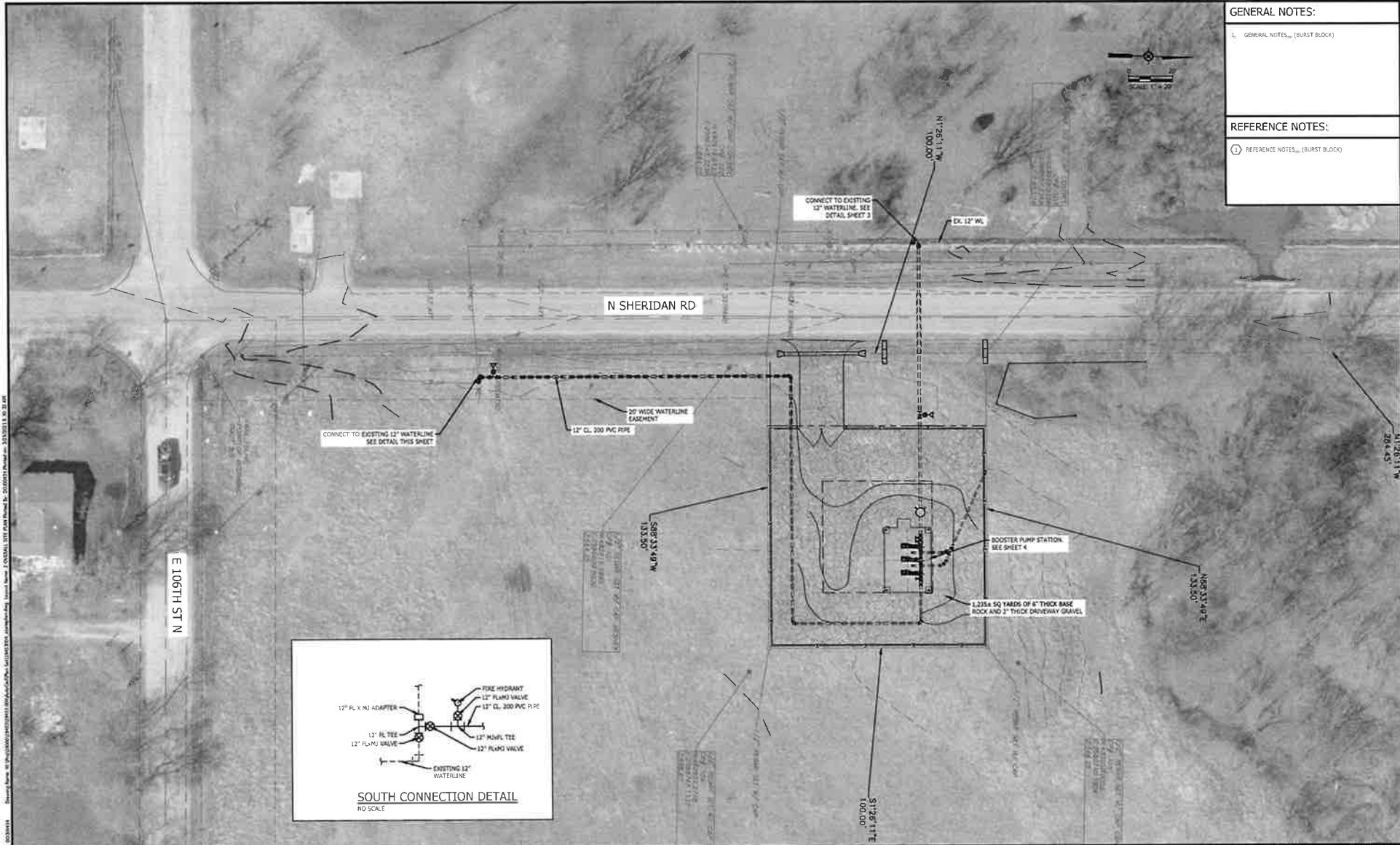
**BOOSTER PUMP STATION
 SITE PLAN**

PROJECT NO:	17227 N. 20th East Avenue
DATE:	MARCH 2021
SCALE:	AS NOTED
SHEET NO:	3 OF 9

BAR IS ONE INCH ON OFFICIAL DRAWINGS. 0 1" IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY

GENERAL NOTES:
 1. GENERAL NOTES... (BURST BLOCK)

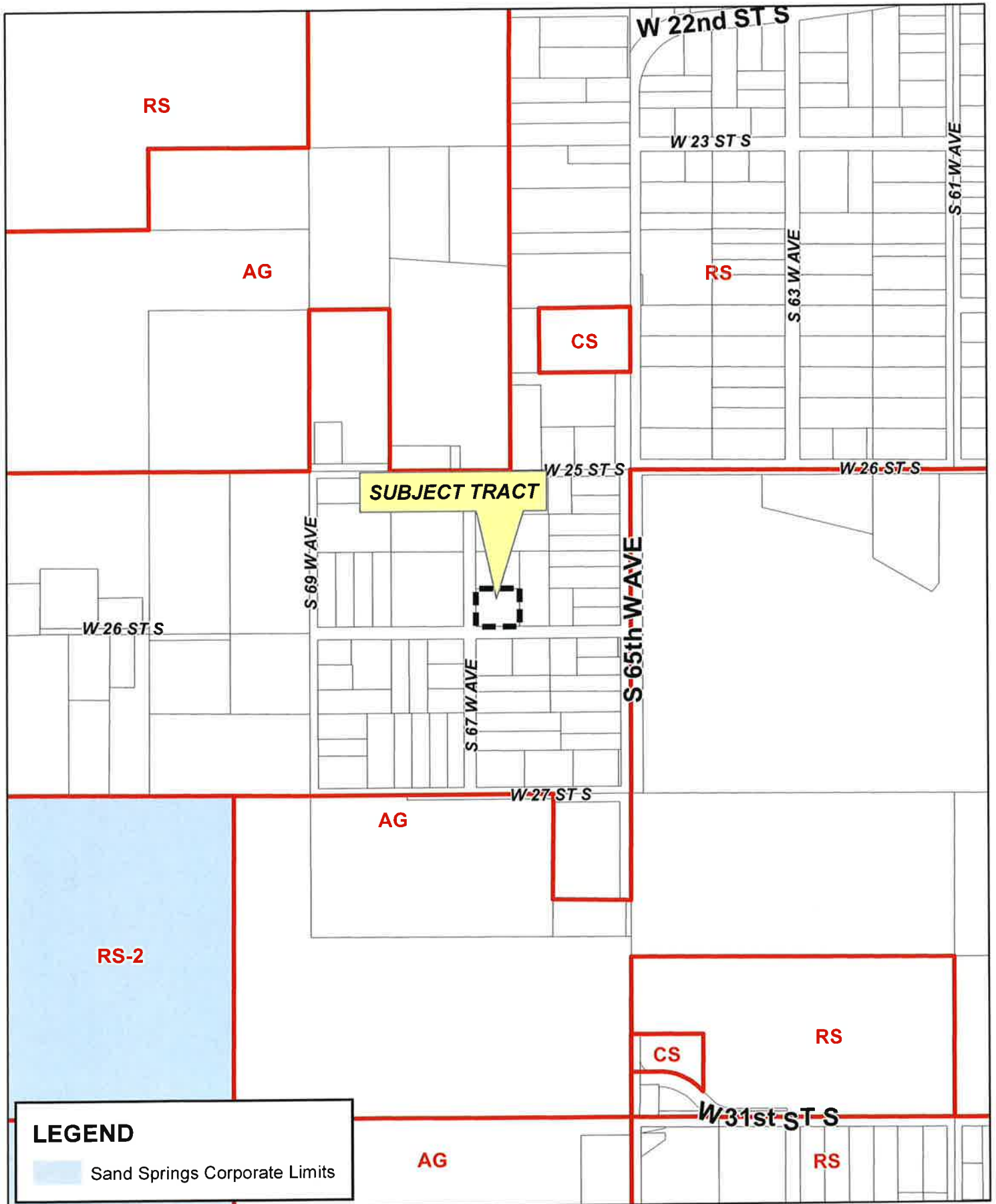
REFERENCE NOTES:
 1. REFERENCE NOTES... (BURST BLOCK)



NO.	DATE	DESCRIPTION	DESIGNED BY: RCS		SHERIDAN RD. BOOSTER PUMP STATION RURAL WATER DISTRICT NO. 3 WASHINGTON COUNTY, OKLAHOMA	BOOSTER PUMP STATION OVERALL SITE PLAN	PROJ. NO. 19453.004	DRAWING NO. 2
			DRAWN BY: COJ				CONST. PROJ.:	SCALE: AS NOTED
			CHECKED BY: LWF	<small>1200 WILLOW GROVE DRIVE, SUITE 1000 OKLAHOMA CITY, OKLAHOMA 73102-1000 PHONE 405.762.2228 FAX 405.762.2240 WWW.BARTLETTWEST.COM</small>			DATE: MARCH 2021	

3.7

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CBOA-2922

4.1



19-12 18

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9218

CASE NUMBER: **CBOA-2922**

CZM: 35

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Jonathan Gobbo

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

LOCATION: 6549 W 26 ST S

ZONED: RS

AREA: Berryhill

PRESENT USE: Residential

TRACT SIZE: 0.62 acres

LEGAL DESCRIPTION: W177.5 LT 4 BLK 1, BRIDGE'S ACRES

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood which is zoned RS.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

The applicant provided the following statement, "We purchased 6551-6549 W. 26th St. with the intent to remodel 6549 to become a rental dwelling. It was understood that there were two homes on one lot, but we did not realize we were outside city limits, which allows up to 4 units on one lot. After conversing with county officials to receive permits, we discovered the county does not allow multiple units on one lot. We are unable to split the lot due to the size each lot would individually per ODEQ for septic tanks. These houses have been in existence since 1940. We simply wish to put it back the way it has been for the last 80 years."

According to the site plan, there is a 1081 sq. ft. home and a 793 sq. ft. home on the property and both meet all the setback requirements.

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

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

4.2

SAMPLE MOTION:

“Move to _____ (approve/deny) A Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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



Subject Tract

CBOA-2922

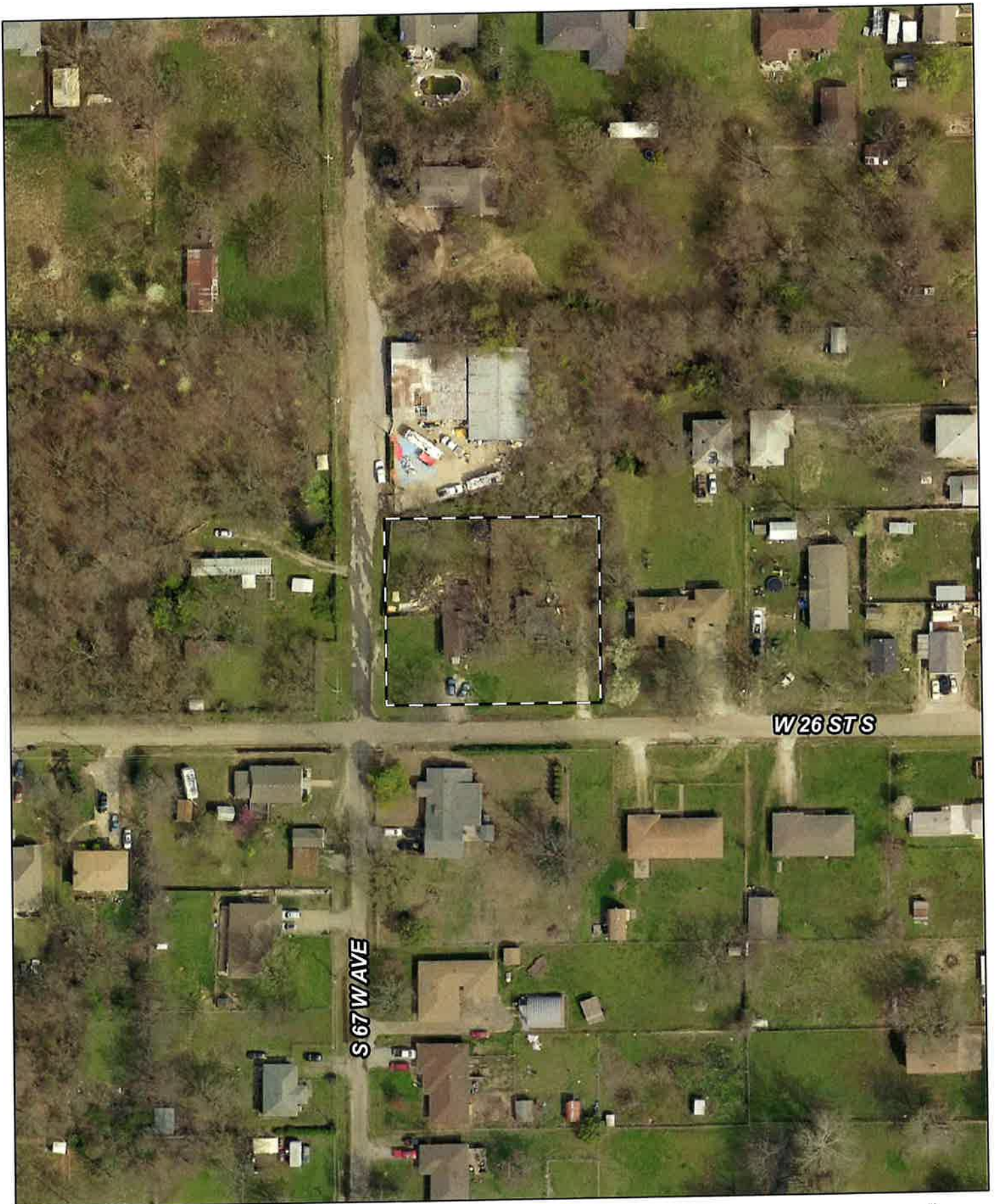
19-12 18

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

Aerial Photo Date: 2020/2021

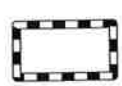
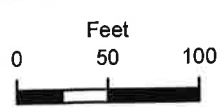


4.4



W 26 STS

S 67 WAVE



Subject Tract

CBOA-2922

19-12 18

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

Aerial Photo Date: 2020/2021



4.5

No Lot Split "Site Plan Only"

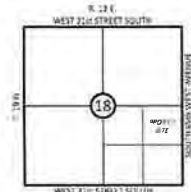
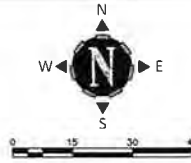
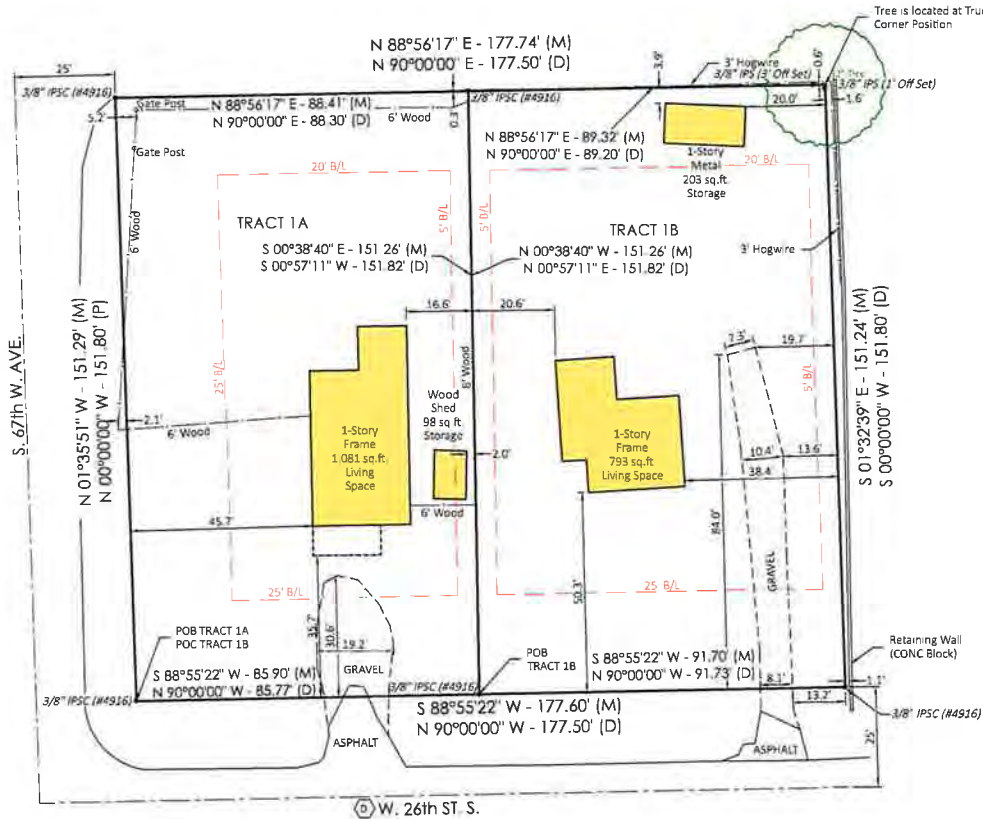
GENERAL NOTES

- A The measured bearings shown hereon are based on the Oklahoma State Plane Coordinate System, North Zone 3501, NAD 1983 (1993).
- B The properties described hereon contains:
Undivided Tract: 26,944.50 sq ft., or 0.62 acres, more or less
Tract 1A: 13,212.06 sq ft., or 0.30 acres, more or less
Tract 1B: 13,732.44 sq ft., or 0.32 acres, more or less
- C Proposed Lot Metrics:
Tract A: 11,387.99 sq ft - Average Width 87.04'
Tract B: 11,942.93 sq ft - Average Width 90.47'
- D East 26th Street South is classified as a "Residential Collector" on the major street and highway plan. The right of way is platted as a total of 50 feet, but the plan suggests a total of 60 feet
- E Fieldwork completed June 16, 2021

ZONING NOTES

- Zoned: RS- Residential Single-Family District
- Setbacks:
Non Arterial- 25'
Rear yards (Min Ft)- 20'
Side Yards (Min Ft)- One Side Yard 5', Other Side Yard 5'
- Liability Space Per D U, (Min SF)- 4,000 SF
- Lot Width (Min Ft)
One Family- 60'
- Lot Area (Min SF)
One Family- 6,900 SF
- Land Area Per D U, (Min SF)
One Family- 8,400 SF

OF: The West 177.5 feet of Lot Four (4), Block One (1), BRIDGE'S ACRES,
an Addition to the City of Tulsa, Tulsa County, State of Oklahoma



LOCATION MAP

LEGAL DESCRIPTION OF THE REAL PROPERTY

UNDIVIDED TRACT:
The West 177.5 feet of Lot Four (4), Block One (1), BRIDGE'S ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

TRACT 1A:
A part of the West 177.5 feet of Lot Four (4), Block One (1), BRIDGE'S ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows:

BEGINNING at the Southwest corner of the West 177.5 feet of Lot Four (4), Block One (1), BRIDGE'S ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence North 00°00'00" West and along the West line of said Lot 4, for a distance of 151.80 feet to the Northwest corner of said Lot 4; thence North 90°00'00" East and along the North line of said Lot 4, for a distance of 89.30 feet; thence South 00°57'11" West, for a distance of 151.82 feet to a point on the South line of said Lot 4; thence North 90°00'00" West and along the South line of said Lot 4, for a distance of 85.77 feet to the POINT OF BEGINNING

TRACT 1B:
A part of the West 177.5 feet of Lot Four (4), Block One (1), BRIDGE'S ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows:

COMMENCING at the Southwest corner of the West 177.5 feet of Lot Four (4), Block One (1), BRIDGE'S ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence South 90°00'00" East and along the South line of said Lot 4, for a distance of 85.77 feet to the POINT OF BEGINNING; thence North 00°57'11" East, for a distance of 151.89 feet to a point on the North line of said Lot 4; thence North 90°00'00" East and along the North line of said Lot 4, for a distance of 89.20 feet; thence South 00°00'00" East, for a distance of 151.80 feet to a point on the South line of said Lot 4; thence North 90°00'00" West and along the South line of said Lot 4, for a distance of 91.73 feet to the POINT OF BEGINNING

SURVEYORS CERTIFICATE

I, Nathaniel J. Reed of the State of Oklahoma, and a Professional Surveyor, do hereby certify that the above shown survey is true and correct to the best of my knowledge.

WITNESS my hand and seal this 16th day of June, 2021.



SYMBOL LEGEND

- Survey Control Point Set
- B/L Building Setback (Per Zoning)
- IPS Iron Pin Set
- IPSC Iron Pin Set W/Cap
- POB Point of Beginning
- PCC Point of Commencement
- (D) Distorted Distance
- (M) Measured Distance
- (P) Platted Distance

NOTES

The Plat of Survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors

48 HOURS BEFORE YOU DIG, CALL OKIE
1-800-522-6543
Oklahoma State-Col. Surveyors, Inc.

REVISIONS	By	Date

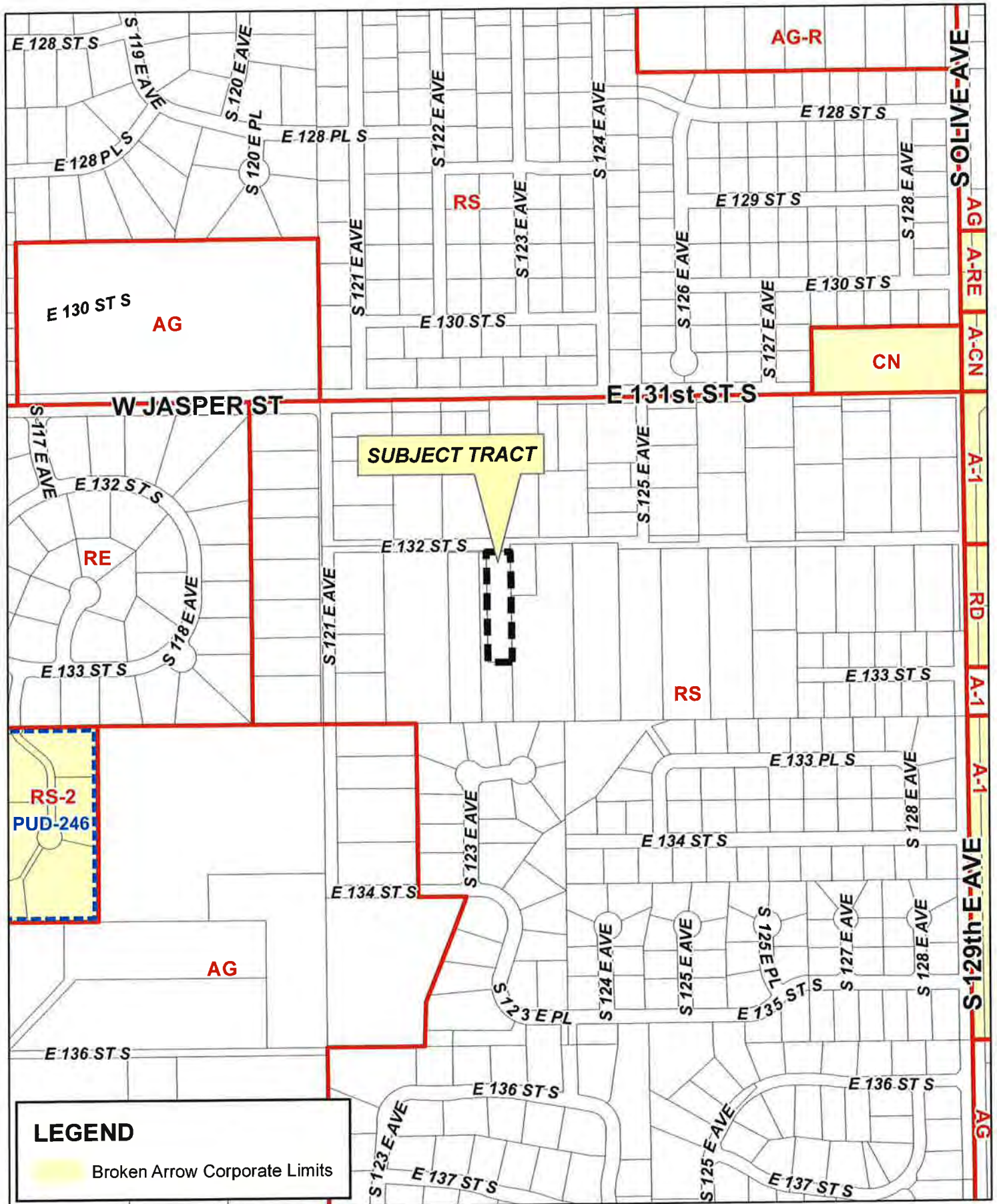
NATHANIEL J. REED
PROFESSIONAL LAND SURVEYOR
STATE OF OKLAHOMA
No. 7424, Expires 12/31/24

NATIVE ADAPTIVE SURVEYING, LLC
A Native Adaptive Owned Business
5807 South Carson Road, Suite K, Tulsa, Oklahoma, 74146
Telephone: 918.231.2599; Fax: 918.959.9549
Revised June 16, 2021

LOT SPLIT SURVEY

Project No: 216019 Sheet: 1 of 1

4.6



LEGEND

Broken Arrow Corporate Limits



CBOA-2923

5.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7408

CZM: 63

CASE NUMBER: CBOA-2923

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Mike Seely

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in an RS district. (Section 240)

LOCATION: 12260 E 132 ST S

ZONED: RS

FENCELINE: Broken Arrow

PRESENT USE: Vacant

TRACT SIZE: 1.02 acres

LEGAL DESCRIPTION: BEG 670.71E & 622.70S NWC NE TH S456.75 E98.37 N456.75 W98.37 TO POB LESS N5 FOR RD SEC 8 17 14 1.020ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2301 July 2008: The Board approved a variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. on property located at 13135 South 121st East Avenue.

CBOA-2267 May 2007: The Board approved a Variance of the maximum permitted square footage for accessory buildings in the RS district from 750 sq. ft., on property located at 12440 E. 132nd Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning with mainly residential uses along with some vacant lots.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 square feet in an RS district (Section 240).

Section 240.2.E permits accessory buildings in the RS district, however, the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The applicant provided the following statement: "To make barn/shop/storage big enough for RV and storage with some work space."

5.2

According to the site plan provided, the applicant is proposing to construct a 57' x 75' (4,275 sq. ft.) accessory building at the rear of his property. His lot width is 98.37 feet. It is located in the rear yard. Section 420.2.A.3. states the following: Within the rear yard, a detached accessory building shall be located at least three feet from any interior lot line. The proposed accessory building complies with the three foot setback requirement.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in an RS district. (Section 240)

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

Interested Parties:

Gary Tanner, 1210 South Detroit, Tulsa, Oklahoma, with US Cellular, stated they could bolt a wood privacy fence to the outside of the chain link fence if required.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE**, a Special Exception to permit a 100 ft. monopole communications tower in the AG district (Section 310), finding the application complies with the 11 factors per Section 1204.3.E, with condition for wood fence to be bolted to the exterior of the chain link fence, on the following described property:

LT 1 BLK 1, CROSSROADS CHRISTIAN CENTER, Tulsa County, State of Oklahoma

Case No. 2301

Action Requested:

Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E), located: 13135 South 121st East Avenue.

Presentation:

Lester Walters, 1002 South Powell, Wagoner, Oklahoma, 74467, stated the applicant purchased property in Broken Arrow. He stated that the size of the lot is about 1.2 acres. He planned to store some classic cars, and personal items. They proposed to use the same materials for the exterior of the accessory building as the house. He submitted a petition of the neighbors (Exhibit A-1), which were all in support. He has a privacy fence.

Interested Parties:

There were no interested parties who wished to speak.

FILE COPY

Board Action:

On **Motion of Charney**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE** a Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E), as submitted with the hardship being the size of the lot and the needs for storage; subject to exterior façade to match the house; no revenue generating business operated out of the accessory building, on the following described property:

Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E)

**BOARD OF ADJUSTMENT
CASE REPORT**

STR:7408
CZM:63
PD: 19

Case Number: CBOA-02301

HEARING DATE: 07/15/2008 1:30 PM

APPLICANT: PELT, STEVEN

ACTION REQUESTED: Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E)

LOCATION: 13135 S 121ST AV E

ZONED: RS

PRESENT USE: residential

TRACT SIZE: 1.02 acres

LEGAL DESCRIPTION: S197.25 N444 W295 N/2 NE LESS W50 FOR RD & LESS S16 THEREOF

RELEVANT PREVIOUS ACTIONS:

CBOA-1653; on 6.15.99 the Board **approved** a *Variance* of the maximum floor area of detached accessory buildings to permit a garage of 1,050 sf. in an RS district; finding that it meets the requirements of Section 1670.3; located at 13137 S. 125th E. Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large lot residential.

STAFF COMMENTS:

The applicant is requesting a variance of the maximum permitted square footage for an accessory building in an RS district, to allow for the construction of an accessory building/garage as illustrated in the attached plans. The applicant has a residentially developed lot on which he wishes to construct a 1,800 sq. ft. accessory building/ garage to the east/ northeast of the dwelling. The proposed garage appears to be in addition to an existing attached garage on the house.

Section 240.2.E of the Tulsa County Zoning Code permits accessory buildings in RS districts up to 750 sq. ft. of floor area regardless of the RS lot size. The Code permits a minimum lot of 6,900 sq. ft. in an RS district. The Code does not consider proportionality relative to structure size or lot size. The applicant has approximately 44406.25 sq. ft. of lot area or one (1.02) acres of property. The applicant has a lot **6.43 times the size of the minimum permitted RS lot**. The Code requirement was created in order to establish and maintain the development intensity and residential character of the district, specifically in terms of preserving openness between dwellings and other structures. The applicant intends to maintain openness as he will have, if approved, significantly more than the minimum required livability space of 4,000 sq. ft. The **proposed accessory building square footage is 2.4 times the maximum permitted** in the RS district.

The subject property is located in a newly developed subdivision containing similarly sized parcels. There are some detached accessory buildings in the immediate neighborhood however none appear to be as large as the building proposed. There are some larger detached accessory buildings located east of the subject property however those are on properties that are not necessarily part of the neighborhood; although the parcels immediately east and southeast have buildings or an

Case No. 2266

Action Requested:

Variance of the minimum street frontage required in an AG district for a lot to be used for residential purposes, from 30 ft. to 0 ft. (Section 207), located: 17777 East 171st Street South.

Presentation:

Marcus Durham, 17777 East 171st Street South, proposed a lot-split for access to a public street and a 30 ft. driveway easement. He stated they have utilities. He does not have plans to subdivide. A site plan was provided (Exhibit C-1).

Comments and Questions:

The Board members cautioned Mr. Durham about platting if they are going to subdivide.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the minimum street frontage required in an AG district for a lot to be used for residential purposes, from 30 ft. to 0 ft. (Section 207), restricted to 2.14 acres as on the application, and subject to the easement being filed of record, on the following described property:

SW SW SEC 25-17-14, NW NW SEC 36-17-14 Tulsa County, State of Oklahoma

Case No. 2267

Action Requested:

Variance of the maximum permitted square footage for accessory buildings in the RS district from 750 sq. ft. (Section 240.2.E), located: 12440 East 132nd Street South.

Presentation:

Todd Ferman, 12440 East 132nd Street South, Broken Arrow, Oklahoma, proposed to re-build a 31' x 33' shop that burned down. He planned to replace it with a 30' x 40' metal structure.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the maximum permitted square footage for accessory buildings in the RS district from 750 sq. ft. (Section 240.2.F) finding the oversized lot, on the following described property:

W. 179.5 E. 1433.5 S. 725-N1/2 NE SEC 8-17-14 LESS N 25 RD. Tulsa County, State of Oklahoma

Terry West, County Inspections, informed the applicant that the zoning has changed to require 15 ft. from either side property line. Mr. Ferman responded that he would build accordingly.

OTHER BUSINESS

Discussion:

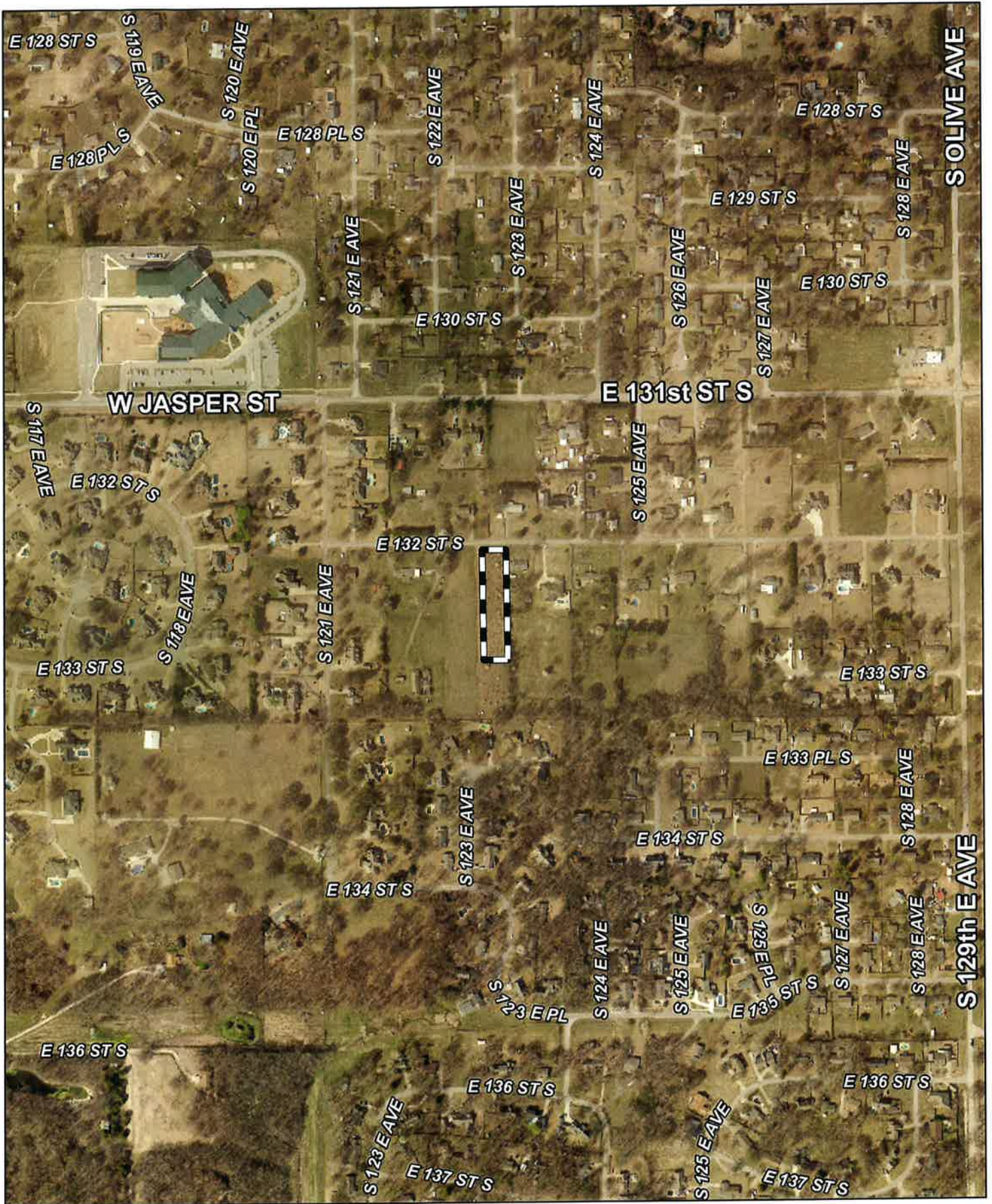
Mr. West asked for a discussion related to the classification of private ponds on residential lots. They are receiving an increasing number of applications with residential ponds in platted subdivisions. The County Inspectors are not clear how to address this when an applicant wants to build a pond for personal use on a separate lot from the principle use.

Mr. Cuthbertson suggested the Board consider this as to whether it is or is not a Classifiable Use. He asked if it is a technical element of a subdivision that needs to be addressed by the engineers' office.

The Board discussed issues regarding compliance with zoning code for a pond versus pool; engineering issues; detention ponds and other related items.

Dewey Miller, stated he is the developer of Stratford Estates. He referred to a particular property where an old pond was filled-in. Now the owner proposes to excavate the pond.

Mr. Charney suggested that the Board obtain legal advice from the District Attorney and do some research on the subject. The consensus of the Board was to consider and research the matter more thoroughly before making any resolution.



 Subject Tract

CBOA-2923

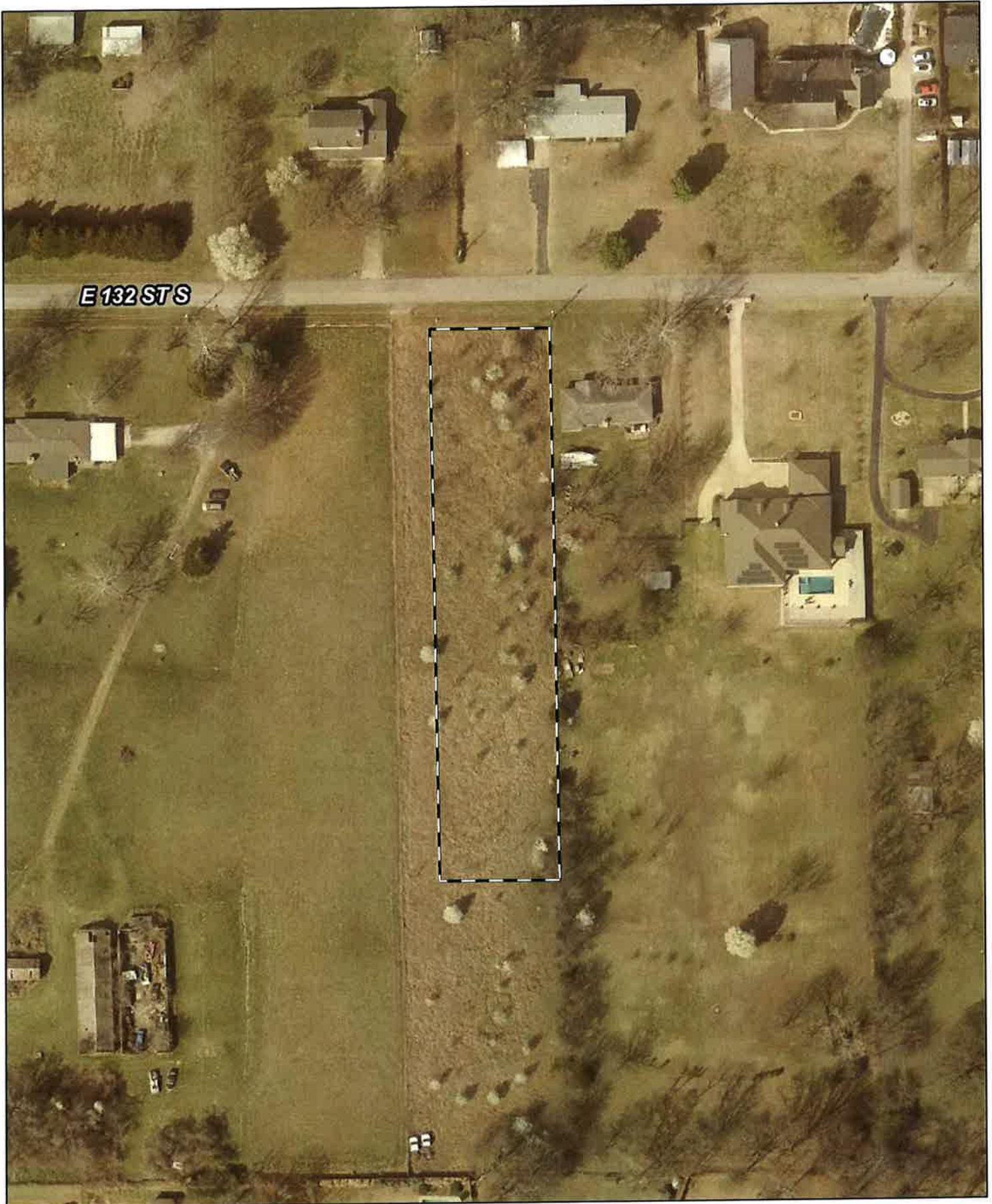
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Aerial Photo Date: 2020/2021

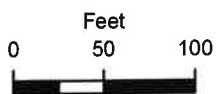
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E 132 STS



**Subject
Tract**

CBOA-2923

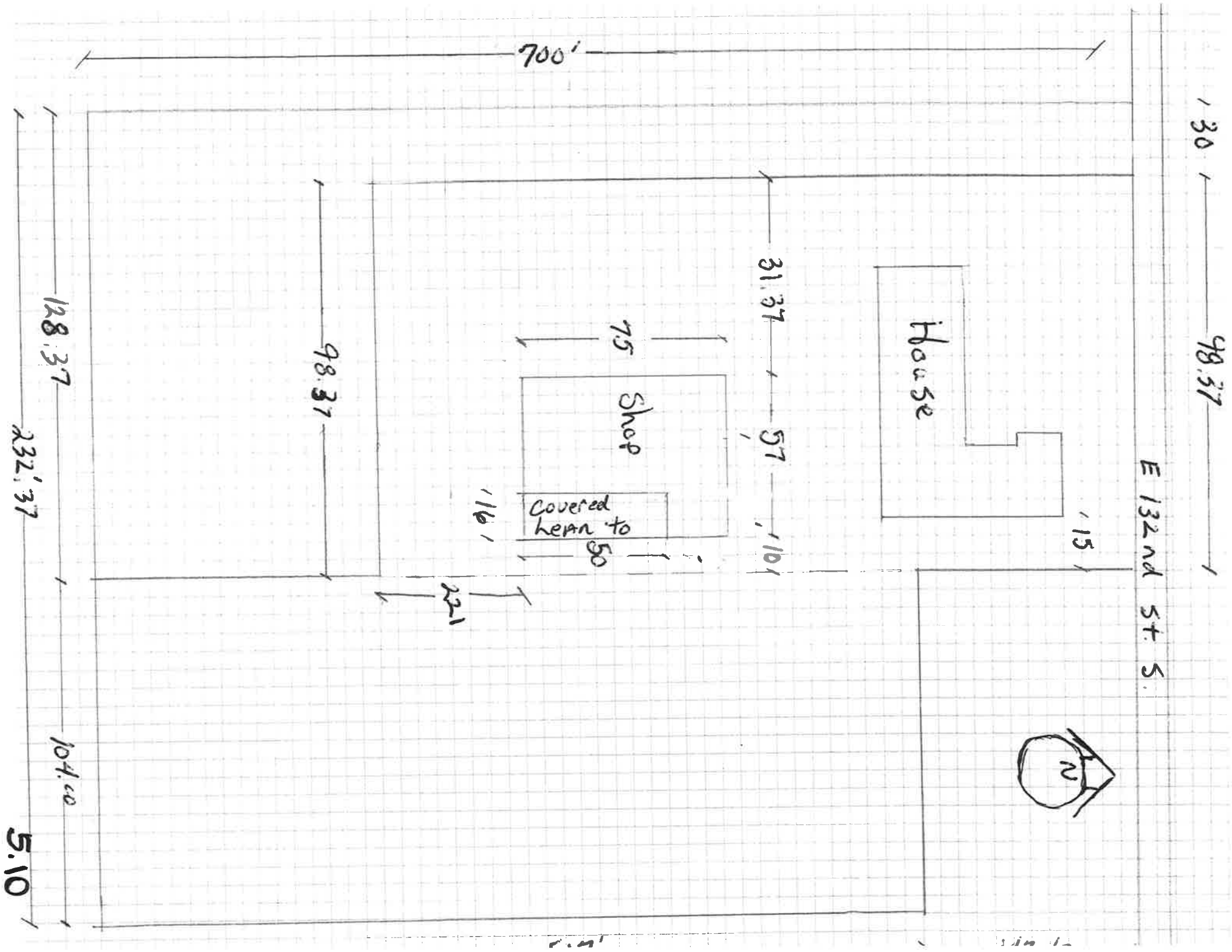
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

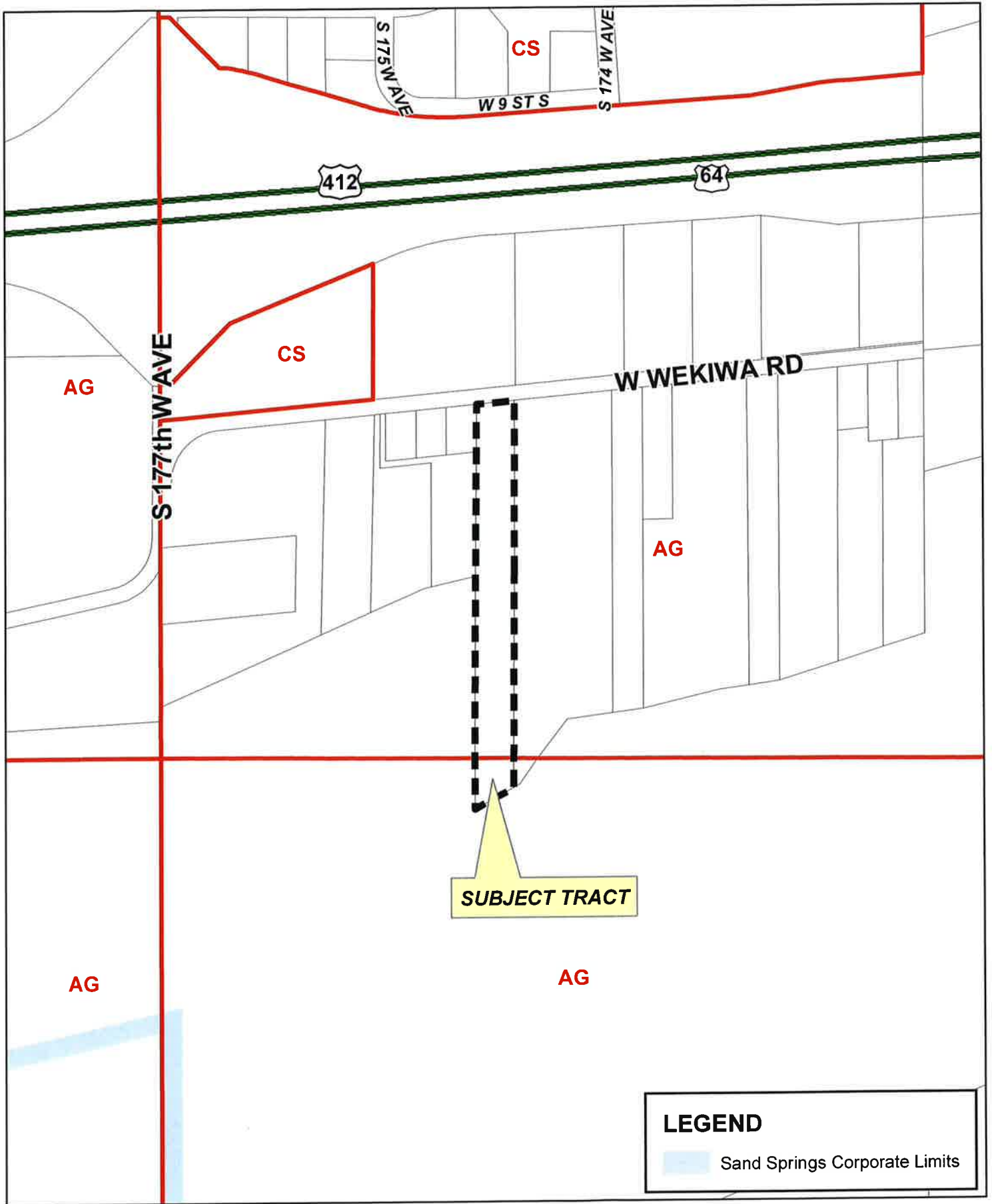


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E 132nd St. S.






CBOA-2924

19-11 06

6.1



LEGEND

 Sand Springs Corporate Limits

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9106

CZM: 34

CASE NUMBER: CBOA-2924

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Sam Sendgraff

ACTION REQUESTED: Variance of the side setback from 15 feet to 5 feet in an AG District; and Variance of the minimum lot width in an AG district to permit a single-family home and detached accessory building (Section 330 Table 3).

LOCATION: 17306 W WEKIWA RD S

ZONED: AG

FENCELINE: Sand Springs

PRESENT USE: Vacant

TRACT SIZE: 4.2 acres

LEGAL DESCRIPTION: PRT GOV LT 8 BEG 1370SWLY ALONG SL WEKIWA RD & EL GOV LT 9 TH SWLY130 S TO THREAD ARK RIVER ELY TO PT TH N POB SEC 6 19 11 4.20ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1120 November 1992: The Board approved a *variance* of the lot width from 200' to 150' and a *variance* of the required frontage from 30' to 20' located East of the SE/c of 177th W. Ave. & Wekiwa.

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

STAFF COMMENTS:

The applicant is before the Board requesting a *Variance of the side setback from 15 feet to 5 feet in an AG District; and a Variance of the minimum lot width in an AG district to permit a single-family home and detached accessory building (Section 330 Table 3).*

According to the site plan, the proposed accessory building will be 5 feet from the side setback. The lot width is 130 feet. The Code requires a side yard setback of 15 feet and a minimum lot width of 150 feet in the AG District.

The applicant has supplied the following statement: *"In building my home, we need allowance to build up until 5 feet of the side property line. The current setback requirement is 15 feet and we need an additional 10 feet for proper placement of the garage."*

6.2

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

Sample Motion:

“Move to _____ (approve/deny) a Variance of the side setback from 15 feet to 5 feet in an AG District; and Variance of the minimum lot width in an AG district to permit a single-family home and detached accessory building (Section 330 Table 3).

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.

Case No.1119 (continued)

Mr. Jones informed that a lot split has been filed on this tract and the Technical Advisory Committee has recommended approval. If the Board is inclined to approve this case, approval needs to be subject to the Planning Commission approval of the filed lot split.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; subject to TMAPC lot split approval; subject to Health Department approval; finding the applicant cannot meet the lot area requirement, due to the location of a lagoon system which would prohibit an extension of the property to the rear and at the same time meet the 200' frontage requirement; on the following described property:

A tract of land containing a part of the W/2 of the NW/4 of the NE/4 of Section 22, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, being further described as follows: Commencing at the NW/c of said W/2 of NW/4 of NE/4, thence East, along the north line thereof, a distance of 200 feet to true point of beginning, thence south a distance of 272.25 feet, thence east a distance of 200.00 feet, thence north a distance of 272.25 feet to the north line of said W/2 of NW/4 of NE/4, thence west, along said north line, a distance of 200.00 feet to the point of beginning, containing 1.25 acres more or less.

Case No. 1120

Action Requested:

Variance of the required lot width from 200' to 150' - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required street frontage from 30' to 20' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located E. of the SE/c of 177 W. Ave. and Wekiwa.

Case No. 1120 (continued)

Presentation:

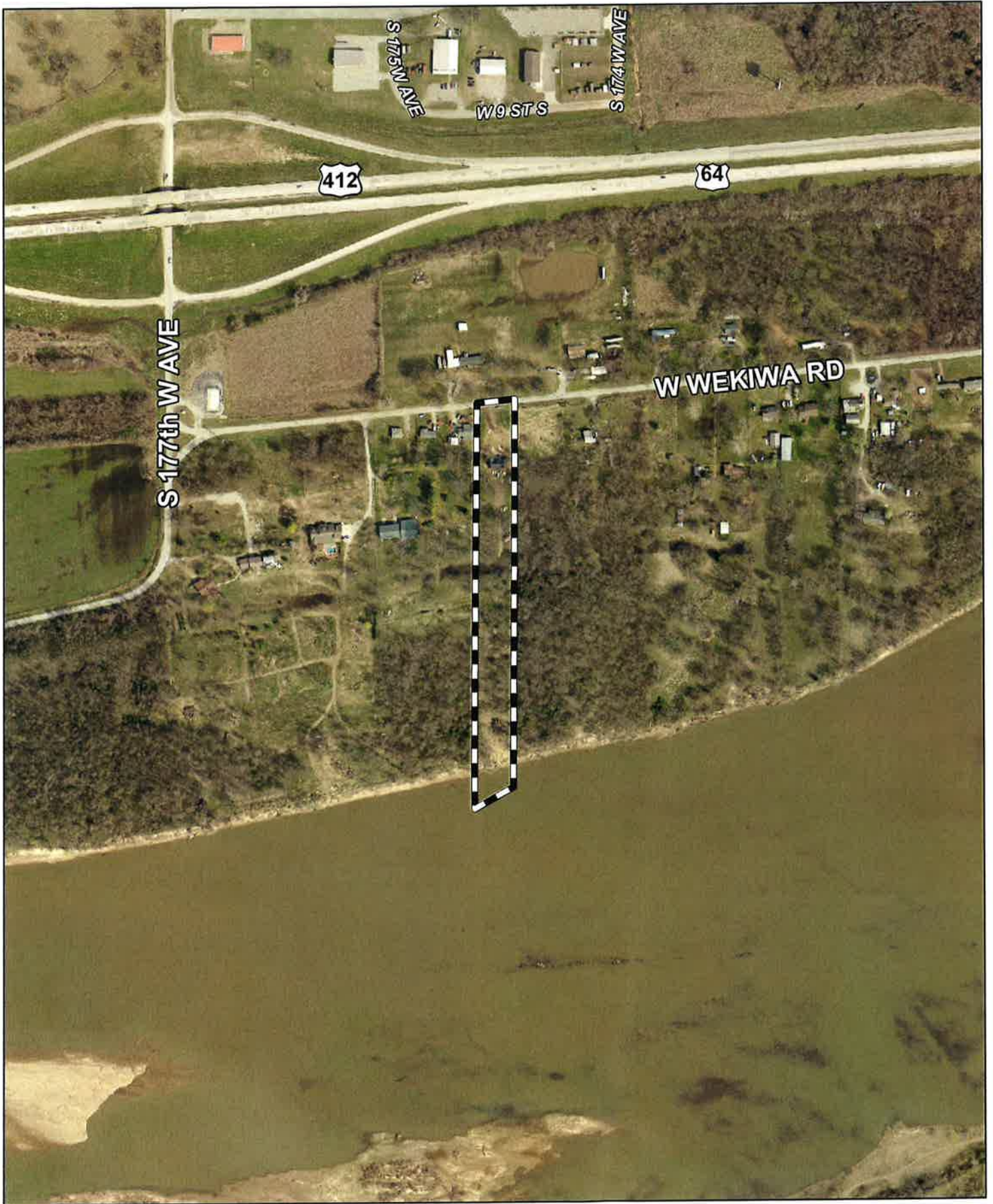
The applicant, E. G. Boughton, P.O. Box 614, Sand Springs, informed he bought the land from his grandfather. He informed his septic system has been approved through the Health Department. He informed he has filed a 10 foot additional strip of land to bring him up to 30' of street frontage.

Protestants: None.

Board Action:

On MOTION of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to **APPROVE** a Variance of the required lot width from 200' to 150' - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6, and to APPROVE** a Variance of the required street frontage from 30' to 20' - **SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, subject to Health Department approval, and subject to the additional 10' road easement, based on the unusual shape of the lot, on the following described property:**

A tract of land lying in the Southwest Quarter (SW/4), Section 6, Township 19 North, Range 11 East of the Indian Base and Meridian and being more particularly described as follows, to wit: starting at a point, said point being the intersection of the South line of paved highway and the East line of the Southwest Quarter (SW/4), also known as the East line of Lot 9, Section 6, T-19-N, R-11-E, Tulsa County, Oklahoma; thence Southwest along the South line of paved highway a distance of 1,800' to the point of beginning; thence due South a distance of 150'; thence in a Northeasterly direction being parallel to South line of said paved highway, a distance of 300'; thence due South to the thread of the Arkansas River; thence in a Westerly direction along the thread of the Arkansas River to a point due South, being 150' in a Northeasterly direction from the point of beginning along South line of said paved highway; thence due North to a point, said point being 170' due South and 150' in a Northeasterly direction along South line of said paved highway; thence in a Southwesterly direction a distance of 170' to a point, said line being parallel to the South line of said paved highway; thence due North 170' to a point on the South line of said paved highway; thence in a Northeasterly direction along South line of said paved highway a distance of 20', to the point of beginning.



0 Feet 200 400



Subject Tract

CBOA-2924

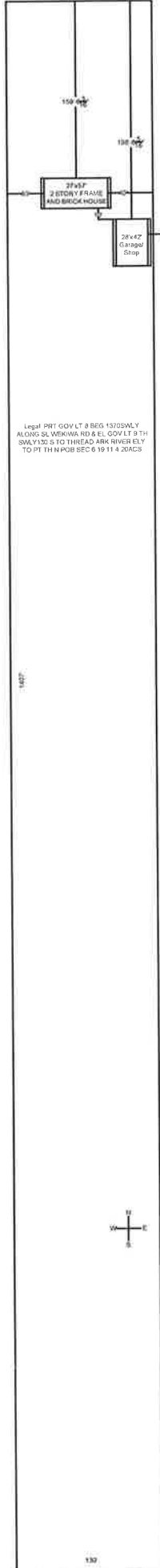
19-11 06

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

Aerial Photo Date: 2020/2021

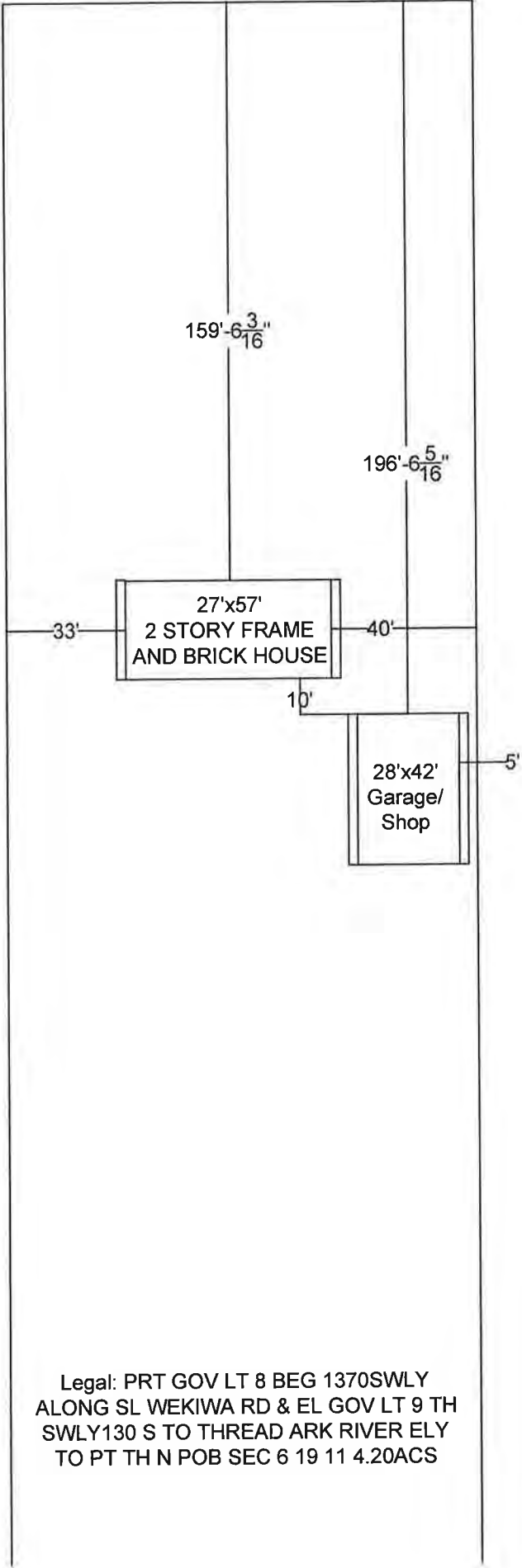


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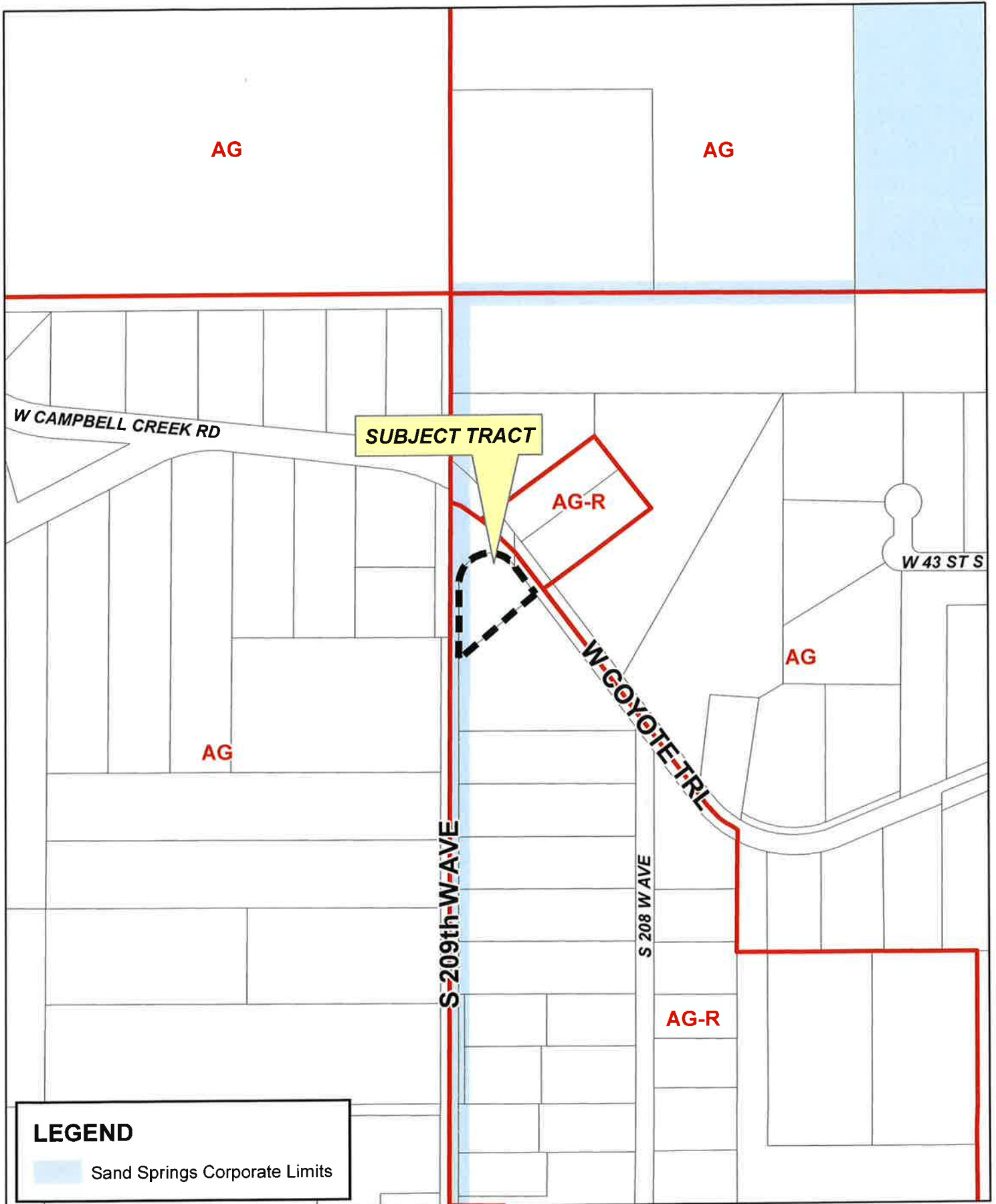


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17306 W Wekiwa Rd S



Legal: PRT GOV LT 8 BEG 1370SWLY
ALONG SL WEKIWA RD & EL GOV LT 9 TH
SWLY130 S TO THREAD ARK RIVER ELY
TO PT TH N POB SEC 6 19 11 4.20ACS



LEGEND

 Sand Springs Corporate Limits



CBOA-2925

7.1

19-10 26



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9026

CZM: 42

CASE NUMBER: **CB0A-2925**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Natosha Wallin

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum ~~lot area and~~ land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); and a Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

LOCATION: 20818 W COYOTE TL S

ZONED: AG-R

FENCELINE: Sand Springs

PRESENT USE: Residential/Agricultural

TRACT SIZE: 1.1 acres

LEGAL DESCRIPTION: TR 1A DONDONNA ACRES BEG 605.55S NWC NW TH S610.01 NE368.26 NW403.40 NWLY ON CRV 62.30 POB LESS PRT BEG 605.55S NWC NW TH SE300 NWLY ON CRV 253.2 S TO A PT W30 N610.01 POB SEC 26 19 10 1.10ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CB0A-2844 September 15, 2020: The Board approved a *Special Exception* to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an AG-R district, on property located at 20813 West Coyote Trail.

CB0A-1224 January 1994: The Board approved a *Special Exception* to permit a mobile home in an AG-R district, on property located at 20812 West Coyote Trail.

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

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum ~~lot area and~~ land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); and a Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a single-wide mobile home on the south side of the property. Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise

placed on a lot with the exception in the AG district that there not be more than two dwellings per lot. Additionally, Section 330, Table 3 of the Code requires a minimum lot area of 1 acre and a minimum land area per dwelling unit of 1.1 acres in the AG-R district. The applicant is proposing two dwelling units on the 1.1-acre subject lot. The minimum lot area meets the code.

The applicant provided the following statement:

"I am trying to do this the legal way. Safety for me and my son. We maintain our property and we mow the county easements. Since COVID, I cannot find a home for us with being single mom. Parents offered this idea."

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 to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum ~~lot area~~ and land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330).

- 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"

"Move to _____ (approve/deny) a Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- Finding the hardship to be _____.*

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

needed to store equipment, mulch piles, etc. His grow will be on the very far southeast corner of 5 acres. When going west there is a creek and another 10 acres to the corner of 137th. When going north his friend lives about 10 acres away. Mr. Bales stated that his house sits so that there is nothing north or south of him and the wind blows predominately northward or southward. If the wind blows eastward his neighbors also grow and they don't mind the smell.

Mr. Crall asked Mr. Bales how many buildings he plans to have if they are 20 x 24 in size, because there could be a total of 20 buildings. Mr. Bales stated that he plans no more than six hoop houses.

Mr. Charney asked Mr. Bales what the building would be wrapped in. Mr. Bales stated that it is a very thick plastic similar to Visqueen.

Comments and Questions:

Mr. Hutchinson asked staff if the previous case that was approved next door to the subject property, if they choose to have an outside grow operation will they need to come before the Board? Ms. Jones answered affirmatively. Mr. Hutchinson stated he has an issue with this request because the grow will be outdoor. The request is for 10,000 square feet and the smell that is associated with growing sometimes has a tendency to hurt a resale value of neighbors.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 2-2-0 (Charney, Hutchinson, "aye"; Crall, Johnston "nays"; no "abstentions"; Dillard "absent") to **DENY** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1) finding that the proposed grow operation is located within a residential district; for the following property:

BEG 2310W SECR SE TH W330 N660 E330 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 5.189ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

MOTION FAILED

2844—Mark Bales

Action Requested:

Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1). **LOCATION:** 20813 West Coyote Trail South

Presentation:

Mark Bales, 13609 West 41st Street South, Tulsa, OK; stated the subject property building has been in existence for several years and used as a commercial business.

FILE COPY

CPBOA-2844

FILE COPY

This request is for an indoor grow facility. Mr. Bales stated he has two partners and the traffic will be less than what was there before because the building housed a former Port-A-Potty business so there were trucks coming and going constantly.

Mr. Charney asked Mr. Bales if there would be active selling, marketing or cultivation requiring third party employees from the facility. Mr. Bales answered no.

Mr. Hutchinson asked Mr. Bales about the square footage of the existing building. Mr. Bales stated the building is 3,000 square feet.

Mr. Hutchinson asked Mr. Bales how many plants did he anticipate having in the building? Mr. Bales stated there would be about 300 plants.

Mr. Hutchinson asked staff to explain the difference in the zoning, AG, AG-R and RE. Ms. Jones stated the R is residential and this property is zoned AG-R, which is an agricultural use with a residential bind, so the applicant must ask for a Special Exception for this use as opposed to a Use Variance.

Mr. Crall stated that the staff report says the hardship is because the zoning prevents relocation of the business; is this an existing business that is being relocated to the subject property? Mr. Bales answered affirmatively; there is an existing business located in Cherokee County currently.

Mr. Hutchinson asked Mr. Bales about the traffic after the plants are processed. Mr. Bales stated there would be no other traffic other than him and his two partners that come to the subject property.

Mr. Johnston asked Mr. Bales about the ventilation of the building. Mr. Bales stated there will be filters in the building, there will be no smell outside. Mr. Hutchinson asked if the County required ventilation for the building. Ms. Tosh stated the County requires ventilation and filtration for the building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1), subject to conceptual plan 3.11 in the agenda packet. The grow facility is to be limited to the 3,000 square foot building currently located on the subject property. The building is to comply with all regulations by Tulsa County and the OMMA. Finding the Special Exception will be in

CRBA-2844

FILE COPY

harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT NW NW BEG 548.96S & 137.97SELY & 221.17SE NWC NW NW TH NE404.52 SE165.24 SW404.52 NW165.24 POB SEC 26 19 10 1.535ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2845—Sean Parchman

Action Requested:

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

Presentation:

The applicant requests a continuance to October 20, 2020.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **CONTINUE** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1) to the October 20, 2020 Board of Adjustment meeting; for the following property:

LT 12 & BEG SWC LT 12 TH SLY50.65 E APROX 206.30 N50 WLY206 BLK 8, CANDLESTICK BEACH, CANDLESTICK BEACH THIRD ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA.

2846—DSK Investments, LLC

Action Requested:

Use Variance to allow outdoor storage (Use Unit 23 – Warehousing and Wholesaling) in an RE District (Section 1223); Use Variance to allow for an office use (Use unit 11 – Offices and Studios) to permit an office in an RE District (Section 1211). **LOCATION:** 11505 East 68th Street North

Presentation:

The applicant was not present.

Case No. 1224

Action Requested:

Special Exception to permit a mobile home in an Ag-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 20812 West Coyote Trail.

Presentation:

The applicant, **Reta Beiswenger**, 20812 West Coyote Trail, Sand Springs, Oklahoma, requested permission to install a 16' by 80' mobile home on the subject property. She informed that there was previously a mobile home on the lot; however, the old mobile has now been removed and Board approval is required to install the new unit. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Walker remarked that he is familiar with the area and pointed out that there are numerous mobile homes in the neighborhood.

Protestants:

Ms. Russell informed that a letter of protest has been received from **Lester Furr**, who noted that there are nice homes in the neighborhood and the installation of additional mobile homes will have a negative impact on property values.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an Ag-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9; subject to the mobile being skirted and tied down; and subject to a building permit and Health Department approval; finding that a mobile home has been located on the property for several years, and approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

TR 1B Dondonna Acres, Beginning 1215.56 S NWC th E459.93 NW300 SW368.26 POB, and TR 2 Dondonna Acres, Beginning 1215.56S NWC NW th S210 E615.57 NW261.89 W459.93 POB, less W30 and TR Beg SECR thereof thence W approx. 10.25N approx. 14.26 SE approx. 17.75 POB, Section 26-19-10, Tulsa County, Oklahoma.



W CAMPBELL CREEK RD

W 43 ST S

W COYOTE TRL

S 209th W AVE

S 208 W AVE



Subject Tract

CBOA-2925

19-10 26

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

Aerial Photo Date: 2020/2021

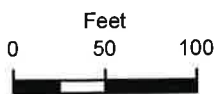


7.8



S 209th W AVE

W COYOTE TRL



Subject Tract

CBOA-2925

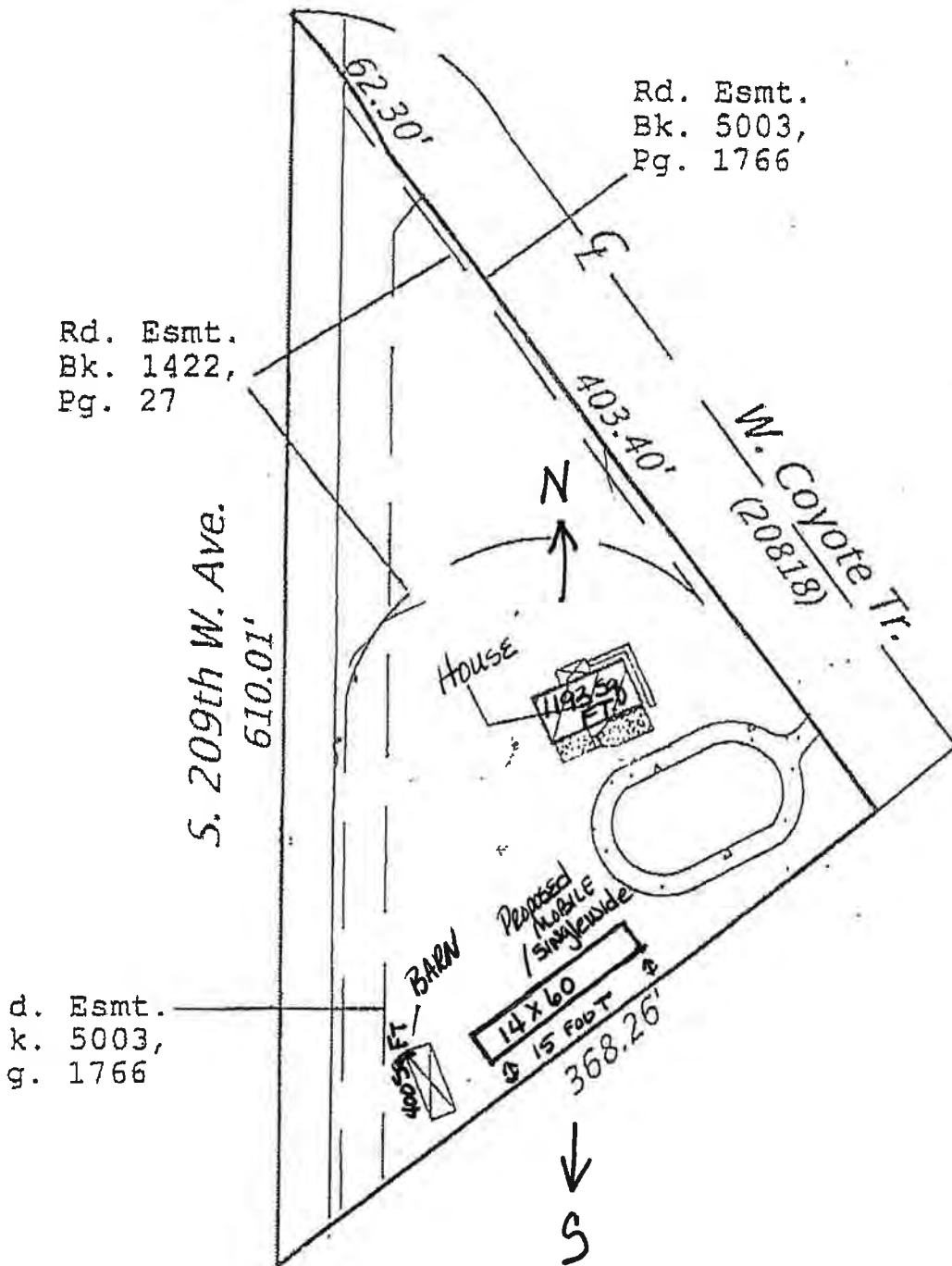
19-10 26

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

Aerial Photo Date: 2020/2021



7.9



Rd. Esmt.
Bk. 5003,
Pg. 1766

Rd. Esmt.
Bk. 1422,
Pg. 27

S. 209th W. Ave.
610.01'

W. Coyote Tr.
(20818)

House



BARN



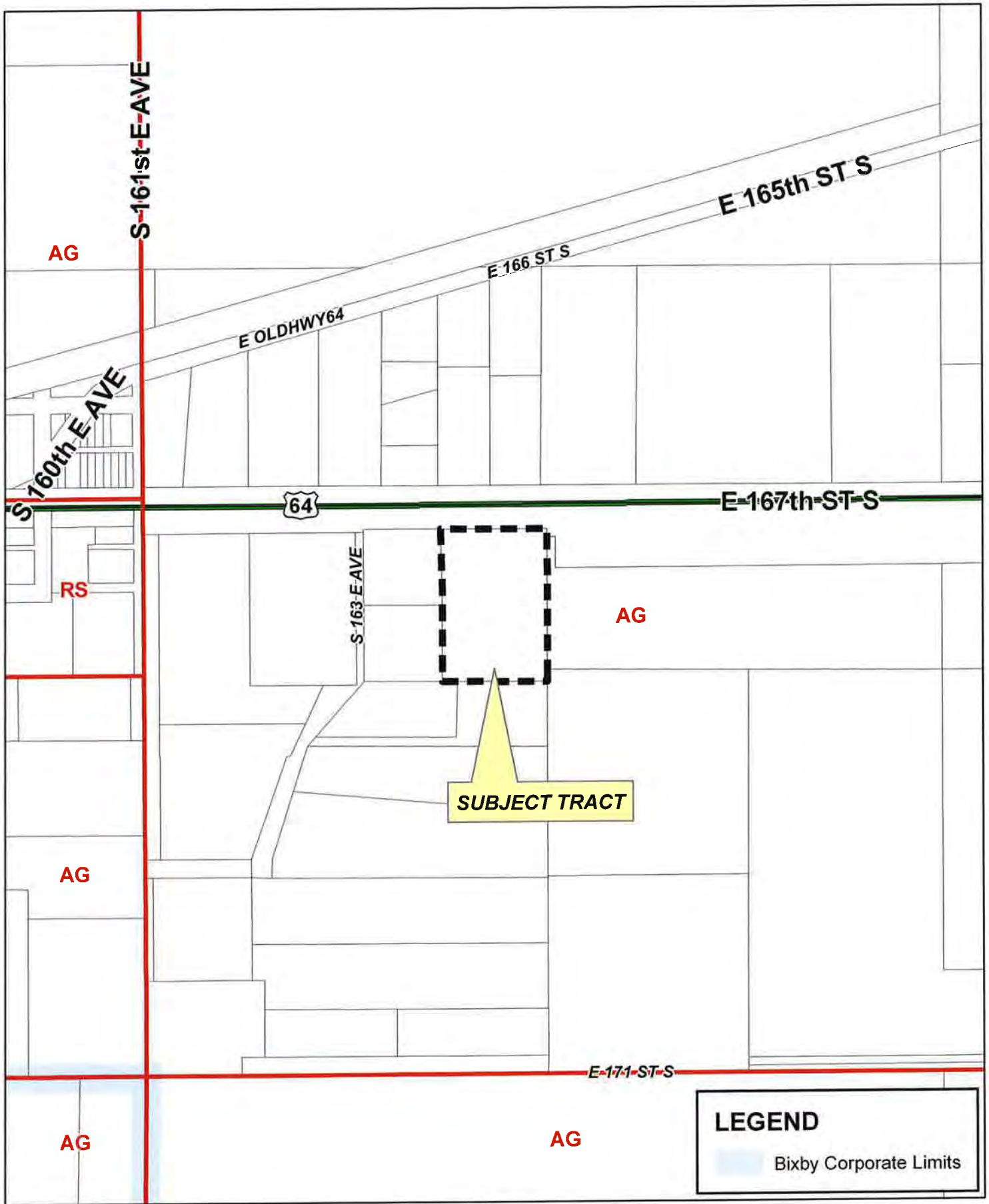
Paved MOBILE / SINGLEWIDE



368.26'

S

d. Esmt.
k. 5003,
g. 1766



CBOA-2926

17-14 26

8.1

LEGEND
Bixby Corporate Limits



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7426

CZM: 69

CASE NUMBER: CBOA-2926

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Jonathan McCann

ACTION REQUESTED: Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202).

LOCATION: 16700 S 163 AV E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 4.01 acres

LEGAL DESCRIPTION: PRT W/2 SW BEG 881.6S NEC W/2 SW TH S500 W349 N500 E349 POB SEC 26 17 14 4AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2905 August 2021: The Board approved a *Special Exception* to permit a wedding/event venue on an AG zoned property; a *Variance* of the all-weather surface material requirement, on property located 17700 East US Highway 64.

CBOA-2642 August 2017: The Board approved a *Special Exception* to permit a wedding/event venue on an AG zoned property; a *Variance* of the all-weather surface material requirement for parking subject to conceptual plans for a period of five years, on property located at east of the SE/c of East 171st Street South and South 161st East Avenue.

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

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202).

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

8.2

The applicant has submitted a site plan and written details indicating that the site will provide parking on asphalt for approximately 50 cars. The Wedding and Event venue has outdoor space as well as two buildings on the property. Building 1 is 1,500 sq. ft. and Building 2 is 2,800 sq. ft.

The applicant described the proposed use:

“Whitehaven Ridge will be a small, rustic, location nestled on 4 acres in the town of Leonard within Tulsa County. The location will be used for engagement pictures, holiday parties/pictures, family gatherings, small weddings, receptions and other limited size gatherings.”

The applicant described the Hours of Business:

“7 days per week, 0800-0000 hours. All guests will be required to leave the property by midnight (0000 hours).”

The applicant described the Maximum guests:

“In an effort to keep Whitehaven Ridge a smaller, family-oriented location, we will limit guests to no more than 50 people at one time.”

The applicant described the Parking:

“All parking is on asphalt. Currently parking for approximately 30 cars. Proposed addition for extended parking adding 20 more car parking spaces.”

The applicant described the Security:

“The owner/applicant is Sgt. Jonathan McCann (Tulsa Police Dept.). He will be on location during business hours on Thursday, Friday, and Saturday nights to provide security if necessary.”

Further information supplied by the applicant:

“As a Tulsa Police Officer, I understand noise ordinances, and the impact they have on the surrounding neighbors. Because Whitehaven Ridge is a heavily wooded area, I do not foresee any issues with noise problems negatively impacting the neighbors. Additionally, based on the location of the buildings, there are no neighbors within view to be impacted visibly or by noise.

The property is currently zoned as agricultural, but due to the entire property being covered with trees, it is not functional for its perceived zoning.

Whitehaven Ridge would be an asset to the surrounding community, adding both revenue and employment to the area.”

The Bixby Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan designate this area as Rural Agriculture (see Land Use Map). Rural Agriculture is defined as follows:

The Rural Agriculture designation denotes areas within the City of Bixby’s fenceline, but not within the City limits, that have large tracts of land for agricultural purposes. Agricultural

uses may also include large-lot detached residential, accessory agricultural uses and structures to support agricultural uses. Improvements in this designation should be low impact and retain the rural character of the area.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board, if concerned with the performance of such a use, may limit approval for a temporary period to essentially establish a trial period. The Board may consider the following conditions:

- Limiting the number of onsite events per year.
- Limiting the total number of guests permitted at one time.
- Limiting the day and hours of operation.

Sample Motion:

“Move to _____ (approve/deny) a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue (Section 1202).

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

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

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

2905—Dream Point Ranch Events, Inc.

Action Requested:

Special Exception for Use Unit 2 (Area-Wide Special Exception Uses) to allow a wedding and event venue in an AG District; Variance from the all-weather parking surface requirement (Section 1340.D). LOCATION: 17700 East US Highway 64

Presentation:

Sarah Coffin and Jason Coffin, 17700 East Highway 64, Tulsa, OK; Ms. Coffin stated this request is for a Variance for a support facility on adjoining property that has already received a previous Variance. The use would be rehearsal dinners, bridal luncheons, larger dressing rooms for the bridal party, and have the capability to have separate events as well.

Mr. Hutchinson asked Mr. Coffin if the other facility was south. Mr. Coffin answered affirmatively stating the previous approval was on the 70 acres, and this is an adjoining 40 acre tract.

Mr. Hutchinson asked Mr. Coffin about the size of the proposed structure. Mr. Coffin stated that it will be 90'-0" x 30'-0".

Ms. Coffin came forward and stated that the proposed building would be used as a support facility because she has received quite a few requests to have rehearsal dinners on site but if the existing facility is booked she does not have the capability to do have the dinners. Ms. Coffin stated the new building would also have larger dressing rooms than what is being offered currently.

Mr. Hutchinson asked about any neighboring properties. Ms. Coffin stated the proposed site is in the middle of the her property so there will be no nearby houses.

Mr. Hutchinson asked about the number of events being held currently. Ms. Coffin stated that in four years there have been 254 events held which includes photography sessions, weddings, fund raisers, special events, corporate trainings, retreats, etc.

Mr. Hutchinson asked about the materials for the proposed building. Mr. Coffin stated the proposed building will be pole barn construction but the exterior façade will be brick. The existing building is metal but it has sheet rock and wood cladding so the sound suppression is good. Mr. Coffin stated he does sound recordings on neighboring properties during events so if there is ever an issue, and in four years he has never had any complaints.

Mr. Hutchinson asked what the current hours of operation are. Ms. Coffin stated the hours for the proposed building would be the same, she never holds an event beyond midnight. All guests are dismissed at least an hour before midnight and that is when clean up commences, and all vendors and guests are to be off the property by midnight.

Mr. Hutchinson asked Ms. Coffin if she had alcohol sales at the events. Ms. Coffin stated that every event there is security present and she requires a licensed and insured bar tending company, or that service can go through the catering company. There is no self-service alcohol permitted. Ms. Coffin stated that the applicant is reminded of the policies two weeks prior to an event and reminded again the day of the event.

Mr. Hutchinson asked about the Variance request of the all-weather parking. Mr. Coffin stated that stems largely from the previous request. There will be a milled asphalt all-weather surface for the facility, and the 30-foot wide road to the existing facility is milled asphalt. Mr. Coffin stated that milled asphalt sets up nicely once it has been driven on. Mr. Hutchinson asked Mr. Coffin if there were any dust issues using the asphalt millings. Mr. Coffin stated that at this time of year there is some until the surface sets.

Interested Parties:

Pat Calhoun, 17700 East Highway 64, Tulsa, OK; stated he is head of security for Dream Point Ranch Events and has been since 2018. He is retired police officer and takes the security issues very seriously. There have been zero complaints and the Deputy Chief in Bixby has recorded zero complaints. Mr. Calhoun stated that he has taken sound readings inside the building at events and the decibel reading was 95 and ten feet out side the building it was 65, and for fun he took a decibel reading at this meeting and it was 62 decibels.

Mr. Hutchinson asked Mr. Calhoun if there was security at every event. Mr. Calhoun stated that if there is alcohol served there is security present, and security is present at any event that is over 75 people in attendance. Security is present at events even if the attendance is under 75 people if alcohol is being served.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Special Exception** for Use Unit 2 (Area-Wide Special Exception Uses) to allow a wedding and event venue in an AG District; **Variance** from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plan 6.37 of the agenda packet. The approval is to adhere to the previous Special Exception conditions approved in case CBOA-2642. The parking area is to consist of asphalt millings. The Board has found the hardship to be the large tract of land and asphalt millings will set up as asphalt. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

S/2 NW/4 SW/4 SW/4, Tulsa County, State of Oklahoma

Mr. Hutchinson asked Ms. Schiavo what kind of sound proofing she had inside the building where the receptions will be held. Ms. Schiavo stated that the way the building is constructed there will actually be two layers so it will be quiet.

Mr. Dillard asked Ms. Schiavo if there would be alcohol served. Ms. Schiavo stated that it would be served if requested, but it will be served only by a licensed and insured bartender which will probably come through the catering company.

Mr. Crall asked Ms. Schiavo about a screening fence. Ms. Schiavo stated there will be a six foot screening fence located to the east and to the west.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Special Exception to allow a wedding/event venue with accessory lodging (Use Unit 2) in the AG District (Section 310); Variance to reduce the required side yard setback to 10 feet in the AG District (Section 330), subject to conceptual plan 4.9. The hours of operation will be as shown on page 4.10. There is to be a 6'-0" screening fence of the east side and the west side of the subject property. The Board has found the hardship to be that existing building was in compliance prior to the lot changing. This is approval is for a period of three years, August 2020; for the following property:

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

2642—Marcus Durham

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Action Requested:

Special Exception to permit a wedding/event venue (Use Unit 2) on an AG zoned property (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** East of the SE/c of East 171st Street South and South 161st East Avenue, Bixby

Mr. Hutchinson stated that there is a letter for a request of continuance on this case, and he asked if anyone would like to challenge the request.

CBOA-2642

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David W. Davis, 406 South Boulder, Suite 400, Tulsa, OK; stated the request for continuance came from L. Williams via e-mail this morning but there is no L. Williams on the notification mailing list. A cotinuation would place a hardship on his client. A September hearing his client will be in Canada attending a conference with flight and hotel reservations paid for. The request is untimely and there are misrepresentations in the letter.

Mr. Johnston asked Mr. Davis if there would be an objection if the case were continued to the October meeting. Mr. Davis stated that would create a hardship on his client because it is too far in the future.

John Moody, 6004 South Marion Avenue, Tulsa, OK; stated he was only hired yesterday thus the reason for late e-mail. Primary reason for the request of continuance is because his client has not had an opportunity to meet with the applicant. Mr. Moody stated that L. Williams is his client and she owns property and a house adjacent to the subject property. His client would like to meet with the applicant because in discussing the application with his client it is apparent there are a number of things that his client may not be objectionable to providing there were reasonable conditions placed on the request. There are also things that are unclear in the application that need to be cleared up. Mr. Moody stated that he challenges the Use Unit 2 classification in this request because wedding event center is not included in that section. This request should be classified under Use Unit 5 and advertised as such, because Use Unit 5 talks about community centers. Mr. Moody does not believe the application was properly noticed nor classified properly so the Board does not have jurisdiction.

Mr. Dillard asked Ms. Miller if the request was properly noticed and properly classified. Ms. Miller stated that staff is certain that the request was properly classified and noticed. An event center's function and use is more closely related to Use Unit 2 than Use Unit 5.

Mr. Davis stated that he does not know who L. Williams is because the name is not on the mailing list and what interest this party has in the application.

Mr. Moody stated that L. Williams is a property owner that has property just outside the 300 foot radius and is very near the subject property. Mr. Moody stated that his client would not have know about the application except another property owner received a notice.

Mr. Crall stated that the Board, in the past, has always suggested that an applicant speak with the neighbors because the Board does not like disharmony. The Board will highly suggest the applicant speak to the neighbors and it looks like that is what the suggestion will in this case. He would like to continue this case.

Mr. Hutchinson stated that he would like proceed but he believes it will come down to disagreements amongst the neighbors and be continued anyway, so he would like to continue the case to September or October.

CBOA-2642

Mr. Johnston stated that he could go either way but the history is that cases such as this are always continued. Though the Board could hear the applicant and the interested parties to lay some ground work that way everyone will know what is proposed if the case should be continued.

Mr. Dillard does not understand why the interested party waited until the last day to raise any issues. That is not the Board's problem, that is their problem. If one party has done all their work and another party waited until the last minute to hire an attorney that is not the Board's problem. The Board determines land use. Period. Mr. Dillard thinks the case should be heard today.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **HEAR** the request for a Special Exception to permit a wedding/event venue (Use Unit 2) on an AG zoned property (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D); for the following property:

N/2 NE LESS S150 W2051.99 & LESS S220 E580.09 THEREOF SEC 35 17 14 69.772ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Presentation:

Marcus Durham, 17350 East Highway 64, Bixby, OK; stated he would like to build a pole barn to fit into the agricultural environment. He has operated a guest ranch for a number of years with people coming in for hay rides and other things. He has retired and his daughter is taking over the operations of the ranch and she had the idea of holding wedding events at the ranch. The property consists of 180 acres and he works with the Oklahoma Wildlife Department and Biologist to develop the property in a reasonable way, keeping it as rural as possible. He is in the process of planting more trees on the subject property to help make the property a desirable place. There are no public roads within a mile of the subject property but there is a ranch road that comes from Highway 64. The ranch road is a mile long laid with white rock and he owns the property on both sides of the road. He has located the proposed wedding center as far back as possible without falling off the edge of the hilltop. There is a neighbor's house about a half mile away that is located to the northwest of the proposed location and there is an airport located about ¼ mile south. The proposed wedding barn is well within the tree barrier and totally contained on the subject property. His daughter developed restrictions for the wedding center and the plan is to have off-duty police officers and Tulsa County Sheriff Deputies. The barn will be foam insulated inside and that should create a noise barrier along with the tree barrier that is between the barn and the neighbors. In the packet given to the Board there are pictures showing horseback riding, hay rides, etc., and the ranch has been doing all these things for 15 years with the exception of the wedding events. He has worked with Oklahoma Agri-

CBOA - 2642

FILE COPY

Tourism in regards to the guest ranch in the agricultural setting. Mr. Durham stated that he is in the process of separating the subject five acres for the wedding barn.

Mr. Johnston asked Mr. Durham what type of building is proposed for the wedding center. Mr. Durham stated that it will be a pole barn with two extensions, one on each side. Mr. Johnston asked if the pole barn would be fully enclosed. Mr. Durham answered affirmatively.

Sarah Coffin, 17300 East Highway 64, Bixby, OK; stated she is the daughter and she will be taking over the operations of the guest ranch and the proposed wedding center. To maintain 180 acres is not cheap so she would like to expand what has been provided to the public for years. The guest ranch is open by appointment only for guests to ride and fish and enjoy the rural experience. The property is not open to the public so there will not be people wandering around the property all the time.

Jason Coffin, 17300 East Highway 64, Bixby, OK; stated he would like to talk about the proposed pole barn. The barn will be built with 26 gauge steel with sheet rock over the steel siding on the inside.

Mr. Johnston asked Ms. Coffin if she has ever received any complaints from the neighbors about the operation of the guest ranch. Ms. Coffin stated that she has not. Ms. Coffin stated that she actually had the support of the neighbors for the trail riding that is shown in the picture.

Mr. Crall asked Ms. Coffin if there would be any shooting of any sort. Ms. Coffin stated there would not be any shooting. There are no shooting ranges or archery ranges on the subject property and they will not be available.

Mr. Johnston asked Ms. Coffin what was the largest event they have had on the property. Ms. Coffin stated they had a family wedding but she is not sure of the number of guests.

Interested Parties:

John Moody, 6004 South Marion, Tulsa, OK; stated that wedding events can only be held in Use Unit 2 in a bed and breakfast facility which has no more than 12 bedrooms. There are very specific conditions regarding that. The application does not say they are applying for a bed and breakfast, it says the applicant is asking for a wedding event center and that they are going to build a 6,100 square foot barn. That is not a definition in the County Zoning Code, because under Use Unit 2 wedding events can only be held in conjunction with a bed and breakfast. The wedding event is completely reliant upon the approval of a bed and breakfast. If the Board does not approve that then they cannot approve any of the other conditions because that is the way the Zoning Code is written. Mr. Moody believes this request was not advertised properly. A bed and breakfast is classified as a residential structure that provides 12 guest rooms and meals for overnight guests who pay a fee for services. Such structures may also be rented for events such as weddings, receptions, anniversaries, private dinner parties, business

08/15/2017/#447 (8)

8.10

CBOA-2642

seminars, etc. as approved by the Board of Adjustment. The applicant shows an airport on his site plan that has not been used for approximately 20 years and it is not operable. The subject property does not have a public street to the proposed area but the road is an unpaved private road that leads to the ranch and to the proposed area for the event center. The Variance request is to allow the applicant not to install a hard surface parking area which may be alright but under these circumstances there is a 6,100 square foot building. Under the terms of the Zoning Code there are special parking requirements under the bed and breakfast section of the Code. So the applicant has to provide enough off-street parking to accommodate 600 people. Mr. Moody believes that is a stretch for the applicant to ask the Board to approve the parking lot of that size that is not an all weather hard surface. Mr. Moody stated the applicant must also have a hardship for the Variance to be approved that is related to the shape and configuration of the property. Mr. Moody stated that because the request is advertised as a Use Unit 2 it may include any type of a number of activity that his client would be opposed to; for example, if the applicant wants to use the venue for motorcycles or all terrain vehicles or anything that makes noise close to the houses along the south border. His client is not necessarily objecting to a reasonably well run limited wedding type center nor are they objecting to a limited number of hay rides or horse back riding. Mr. Moody stated that his client has questions about the hours of operation, about noise levels, about staying on site, where will the other activities be taking place, how many events will be held, etc. Unregulated activities could be a problem. There are also concerns about the number of automobiles that will be using the gravel road because the applicant's own web page references 600 people. Mr. Moody stated there are concerns about bands playing music. The proposed barn is set on the edge of the property high on a hill and noise does travel so it needs to be discussed. The Zoning Code does not permit what the applicant has asked for. Mr. Moody thinks the application is too broad and too general without very specific conditions. Mr. Moody stated that if the Board does approve today's requests he would ask that the Board limits the area where the activities are conducted, i.e., the northeast corner of the tract not the entire tract.

Bill Westmoreland, 16527 East 171st Street, Bixby, OK; stated he is concerned about his investment because he has spent about \$800,000 on his property. He moved to the area for the peace and quiet and he does not want to hear noise. Mr. Westmoreland is a minister and he is all about weddings but his concern are the lighting, sounds, and traffic. He is concerned about the noise level of the bands that will show up. He would like for the applicant to set the stage up for the bands so that any noise that escapes from the building is not going over the pond and down the hill to the fantastic view it would be away from his house. He is also concerned about the hours of operation for the wedding venues, If this is done well he believes everybody's property value will go up. He is concerned about how the traffic will be handled because he has heard that Highway 64 is going to be widened with a bridge added over the Arkansas River.

George Shafer, 17023 East 171st Street, Bixby, OK; stated he has lived here for 27 years and he has a ministry named Eagle Mountain Ranch Ministry. He works with children and adults and he is not upset by the proposed use of the subject property. He

has heard noise coming from the subject property more than once but it does not bother him because he is in a ministry that takes care of kids. He recently moved in a double wide mobile on the southeast corner of his property which is about a 100 feet from the subject property. He does like the peace and quiet of the area but the applicant has not been a disturbance to him or his ministry. He would like to build more cabins on his property in the future and have a pond as well. His concerns are the traffic and as long as the traffic is not going to be on his property he is fine with the request.

R. C. Morrison, 17025 East 174th Street South, Bixby, OK; stated his house is located on 13 acres on the south border of the subject property. His concern is the impact the requested venue is going to have on his way of life. If this request is approved is there any way he can protect himself from the ATVs or the horse back riding. He does not want to be an obstructionist but he does want to protect his property.

Vicki Morrison, 17025 East 174th Street South, Bixby, OK; stated she can hear voices at her house from the subject property's barn. That is voices, not music. She is concerned about sharing a border with the subject property. Ms. Morrison is concerned about how they will provide bathroom facilities for all the people.

Laura Williams, 17533 South 174th Avenue East, Bixby, OK; stated that she is the party that lives just outside the 300 foot radius. Ms. Williams stated that the runway is owned by the association so as an association member she owns a piece of the property, all members own a piece of the runway even if they are beyond the 300 foot radius. Who wants to guess what will be done on the subject property and what the future is going to be. She is absolutely agreeable that the applicant, she and the neighbors get together to discuss the proposal. The applicant has presented specifics about the subject area but there are no specifics about the remainder of the property. A discussion is absolutely paramount and there should be no reason why we cannot get together and talk about everything to make this a successful operation for everyone. Ms. Williams stated that everyone's happiness is the end goal and there should be no reason why that could not be reached. Ms. Williams stated that she would like to see restrictions placed on the camping if it does proceed because this looks like it will only get bigger and better.

Lori Szymanski, 17219 East 174th Street South, Bixby, OK; stated this whole thing with the entire neighborhood is the fear of the unknown. The neighbors do not know what it will be like to have 600 people on the subject property because that will change the whole dynamic of the area. Fear of the unknown is not knowing whether we can trust the applicant. Will the applicant be able to change what they are doing? It is the fear of the unknown.

Mr. Dillard stated that he did not want the Board to go forward with this case if something is wrong, and he asked Ms. Miller if she was comfortable with the Use Unit 2 classification. Ms. Miller stated that Use Unit 2 has been consistently been used for an event center. The Code does not specifically say anywhere within the Code "event

center" but that group of uses under Use Unit 2 is related to that. The meaning of Use Unit 5 is more institutional.

Ms. Miller left the meeting at 3:30 P.M.

Rebuttal:

Sarah Coffin came forward and stated the original purpose she is before the Board today is to have a Special Exception under Use Unit 2 approved for the wedding venue and to have a Variance approved for all-weather surface material for parking. She is not here for the activities that are currently happening on the subject property. The other activities are something that they do on their property and it was preented as a background showing that the wedding venue would tie into the activities. In response to the comment about wanting to work together, there were notices sent out of this meeting and no one approached them about their concerns.

Marcus Durham came forward and stated the request is reflected on the entire 180 acres because it is one piece of property, but the wedding venue would only be on a portion of the property.

Sarah Coffin stated that in order to maintain the agricultural status for the subject property and keep it in the family is to be able to have the proposed events and the events that are currently happening. Otherwise, they will have to sell the property to development and there will be houses on the property. She has already presented proposed self-induced restrictions for the proposal and lighting will not be an issue because those lights will be pointed toward the rear of the property. Everything that she can think of to maintain the agricultural setting is explicit in her guest agreement.

Mr. Crall asked Ms. Coffin if she has campers where on the property do they stay. Ms. Coffin stated that it will be around the pond area on the property. Mr. Crall asked Ms. Coffin about ATV riders. Ms. Coffin stated that she does not provide ATVs. Mr. Crall asked about motorcycles. Ms. Coffin stated she does not provide motorcycles to the public. Ms. Coffin stated that the guests also have to provide their own horses as well. Ms. Coffin stated that she is not providing the activities she is simply providing the location.

Mr. Hutchinson asked Ms. Coffin and Mr. Durham if they would have any objections if the Board were to approve the request with a three or five year time limit. Mr. Durham stated that he has over a quarter million dollars invested in the building and he does not think he would be able to recoup that investment.

Ms. Coffin stated that she has never had a complaint on anything that has been done on the subject property.

CSOA-2642

FILE COPY

Mr. Johnston asked Ms. Coffin about the 600 anticipated guests or cars. Ms. Coffin stated that 600 would be the maximum allowable for an event. Mr. Durham stated that if all the guests were in the barn and they were standing that 600 is the number of people that could fit in the barn. Mr. Johnston stated that the parking area will only support about 40 cars. Mr. Durham stated that there is an overflow area that he had not intended to pave and he estimated the parking area to hold 50 cars. Mr. West stated that parking is calculated based on the square footage of the building.

Comments and Questions:

Mr. Crall stated that he could support the request if the applicant were to come back in three years. Three years will let the neighbors know whether the applicant is doing as he says he will do.

Mr. Johnston stated that he has not heard the "continuance" mentioned. Is there any reason why the applicant shouldn't or can't visit with the neighbors.

Mr. Hutchinson stated that he does not think there needs to be a continuance. Most everything has been brought forth by the neighbors and the applicant in his opinion. Mr. Hutchinson stated that he would like to see a five year condition placed on the approval if the Board is inclined to approve the request.

Mr. Dillard asked if there can be a condition that there is no commercial use of motorcycles. Mr. Johnston stated that has nothing to do with the requested wedding chapel. Mr. Dillard stated that he can support the request if it is given the condition of five years.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Special Exception** to permit a wedding/event venue (Use Unit 2) on an AG zoned property (Section 310); **Variance** of the all-weather surface material requirement for parking (Section 1340.D), subject to conceptual plan 5.5, 5.6, 5.7 and 5.8. This approval is for five years, August 2022, when the applicant is to appear before the Board for a review of the project. The Board has found the hardship to be the size of the property; for the following property:

N/2 NE LESS S150 W2051.99 & LESS S220 E580.09 THEREOF SEC 35 17 14 69.772ACS, OF TULSA COUNTY, STATE OF OKLAHOMA



Subject Tract

CBOA-2926

17-14 26

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

Aerial Photo Date: 2020/2021



8.15



64

E 167th ST S



Subject Tract

CBOA-2926

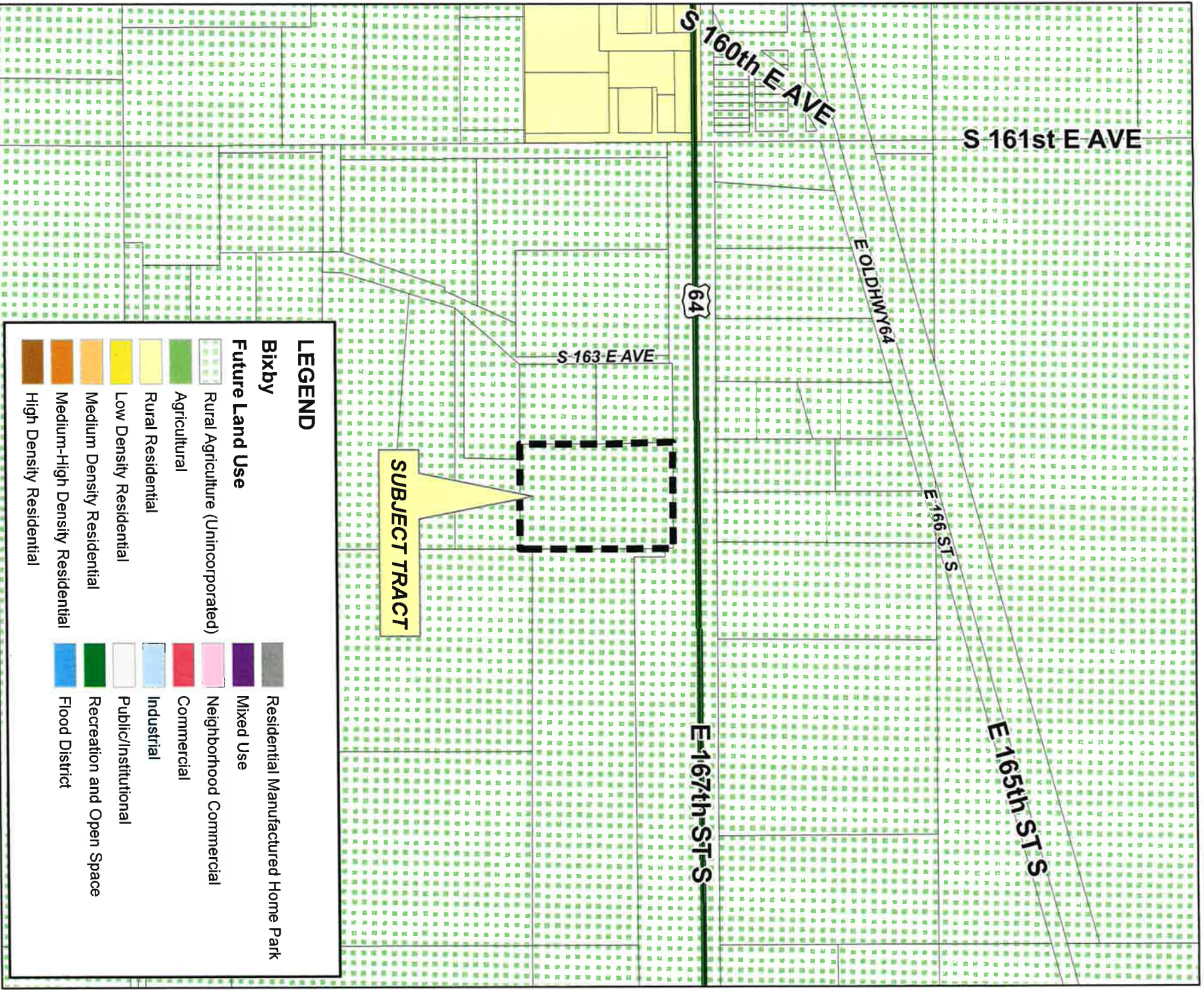
17-14 26

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

Aerial Photo Date: 2020/2021



8.16



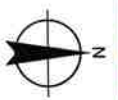
SUBJECT TRACT

LEGEND	
	Residential Manufactured Home Park
	Mixed Use
	Neighborhood Commercial
	Commercial
	Industrial
	Public/Institutional
	Recreation and Open Space
	Flood District
	Rural Agriculture (Unincorporated)
	Agricultural
	Rural Residential
	Low Density Residential
	Medium Density Residential
	Medium-High Density Residential
	High Density Residential
	Bixby
	Future Land Use



CBOA-2926
17-14 26

8.17



Jones, Robi

From: Linda Buff <lindabuff56@yahoo.com>
Sent: Tuesday, October 12, 2021 9:51 AM
To: esubmit
Subject: Request For Property Adjustment, CASE NO. CBOA-2926

To Whom It May Concern:

This letter is in response to CASE NO. CBOA-2926 regarding changes to use of property located at 16700 S. 163rd Ave. in Bixby, Ok., (Leonard area). I currently reside at 16851 S. 163rd E. Ave., Bixby. As a neighbor to Jonathan McCann, I fully support the requested changes to his property. Hopefully, his business endeavor will encourage others to invest in the Leonard area. "Build it and they will come."

Respectfully,
Linda Buff

Sent from [Mail](#) for Windows 10

Jones, Robi

From: asharpcut@sbcglobal.net
Sent: Tuesday, October 12, 2021 7:47 AM
To: Jones, Robi
Subject: CBOA-2926

Robi,

Case Number: CBOA-2926

I noticed on the map layout you sent it does not show the building however it looks to already be in place. In regards to a wedding and event venue (Section 1202) what is the law in regards to noise? I'm sure there will be evening events and music would carry thru the trees and hills in that area. Looking at the drawing that was attached to the notice there are 4 homes and the feet away from the building range from)400', 235', 326', and 266'. The noise level would be my biggest concern during the events.

Hugh Gordon
16314 S 163rd E Ave
Bixby OK 74008

Google Maps

16700 S. 163RD E AVE, BIXBY

BUILDING
2

BUILDING
1

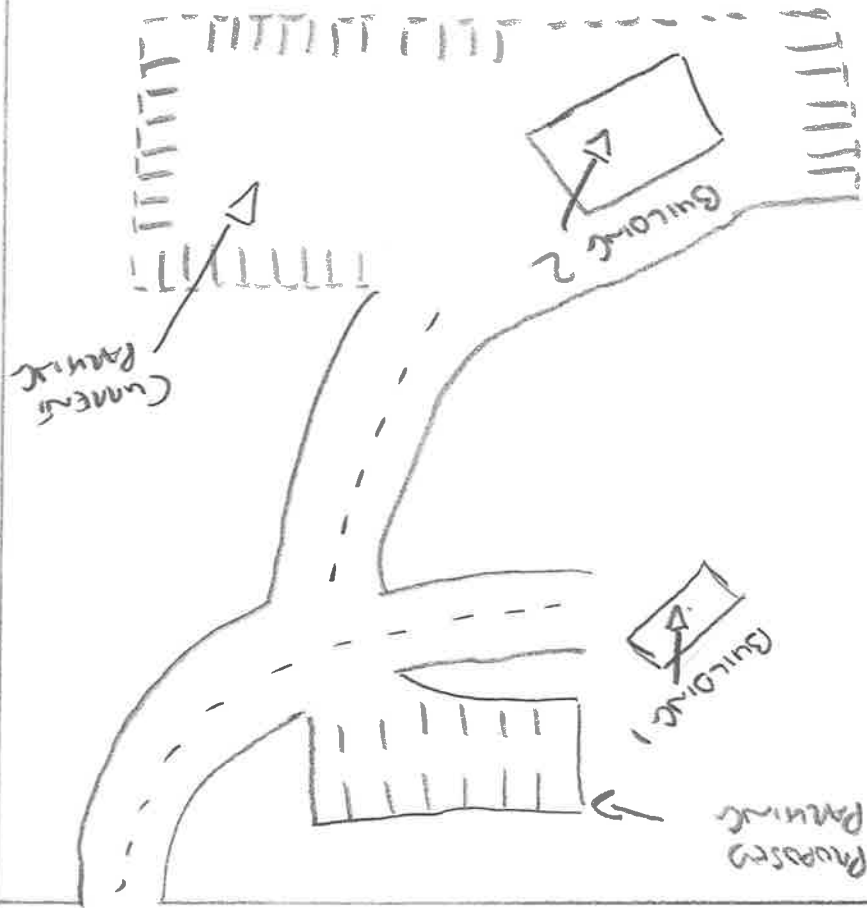
2 → 8.20



HWY 64



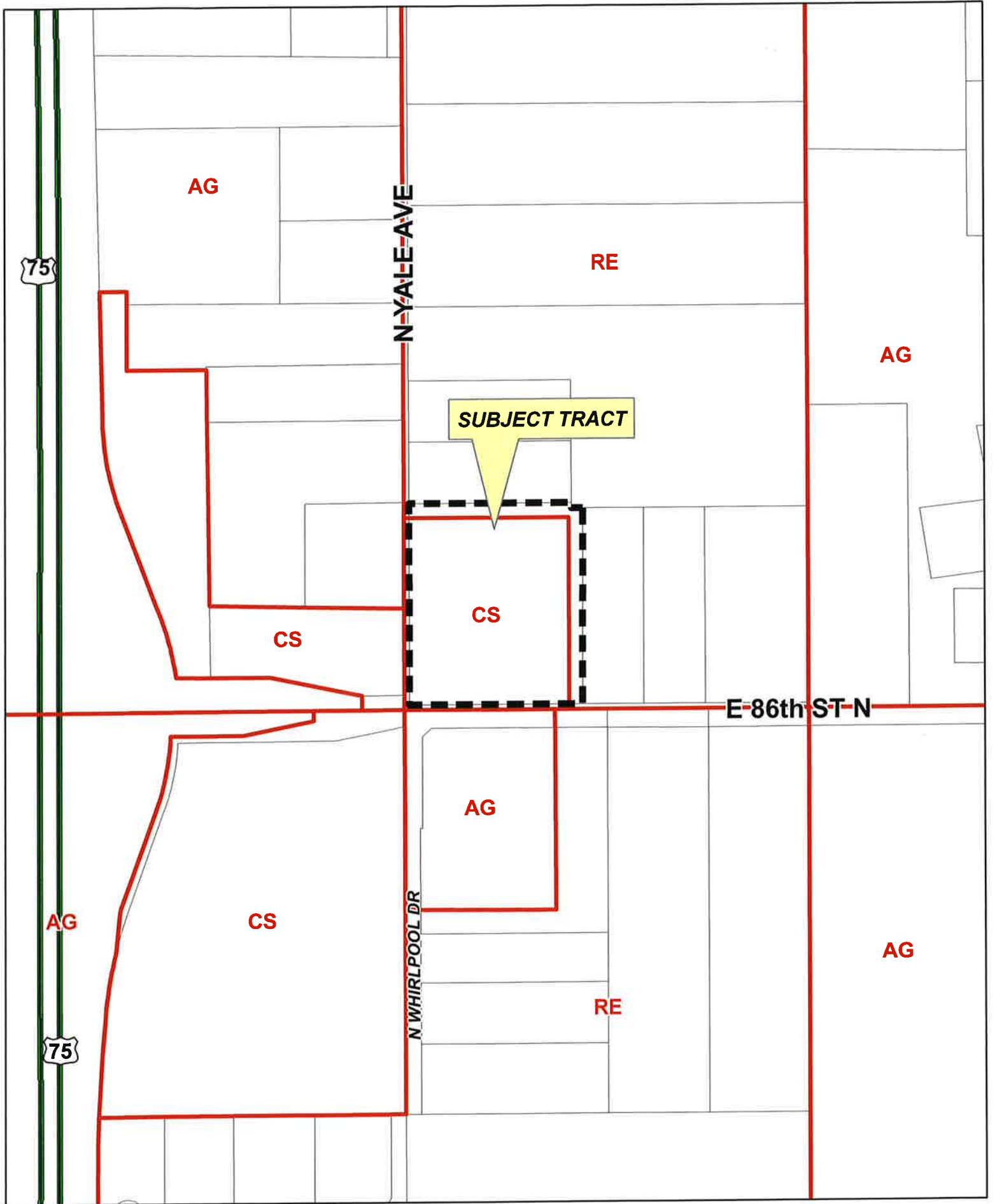
ABANDONED PROPERTY →



S 16300 E AVE

8.2

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CBOA-2927

9.1

21-13 22



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1322

CZM: 17

CASE NUMBER: **CBOA-2927**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: C. Robert Reed

ACTION REQUESTED: Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District (Section 1216); Variance of the side setback from 15 feet to 10 feet and the rear setback from 25 feet to 10 feet in an RE District (Section 730); and a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730).

LOCATION: 8711 N YALE AV

ZONED: RE,CS

FENCELINE: North Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 8.7 acres

LEGAL DESCRIPTION: BEG SWC SW TH N678 E545 S17.99 E45.20 S660.01 W590.56 POB LESS S16.5 FOR RD & LESS W16.5 N661.5 S678 SW FOR RD SEC 22 21 13 8.696ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2908 August 2021: The Board approved a *Special Exception* to allow Use Unit 16 for a mini storage in a CS district, subject to conceptual plans, all required setbacks of the Code, on property located on the northeast corner of East 86th Street North and North Yale Avenue.

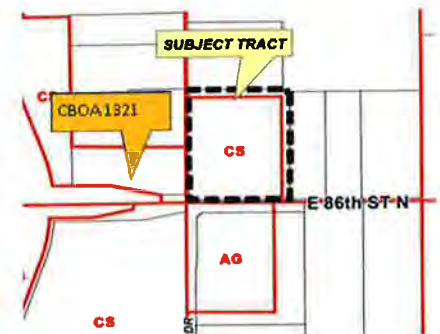
CBOA-2536 May 2015: The Board approved a *Special Exception* to allow a mini-storage (Use Unit 16) in a CS District, on property located on the northeast corner of East 86th Street North and North Yale Avenue.

CZ-434 August 2014: All concurred in approval of a request for rezoning a 7.79± acre tract of land from RE to CS on property located on the northeast corner of East 86th Street North and North Yale Avenue.

Surrounding Property:

CBOA-1321 January 1976: The Board approved a *Special Exception* to permit mini-storage in the CS district at the NW/c of 86th St. N. & N. Yale Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RE zoning to the north and east. It abuts AG zoning to the south and a combination of CS and AG zoning to the west. Surrounding uses appear to be residential with a church use to the south. The approved mini-storage (CBOA-1321) on the northwest corner of E. 86th St. N. & N. Yale Ave. has either been removed or it was never constructed and has reached it's time limitation.



9.2

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District (Section 1216); Variance of the side setback from 15 feet to 10 feet and the rear setback from 25 feet to 10 feet in an RE District (Section 730); and a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730).

The same applicant came before the Board in August 2021 to request a Special Exception to allow Use Unit 16 for a Mini Storage in a CS/RE District (Section 710 and Section 1216). It was noted by staff that the request for a Mini Storage in the Residential district could not be allowed by Special Exception. The applicant is returning with the request for a Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District (Section 1216). The Board approved the Special Exception allowing the mini-storage on the portion of the parcel zoned CS on August 19, 2021.

RE has a required side setback of 10 feet and a required rear setback of 25 feet. Since the site plan shows that the required setbacks will not be met, the applicant is requesting a Variance of the side setback from 15 feet to 10 feet and of the rear setback from 25 feet to 10 feet in an RE District (Section 730).

As the site plan indicates, the mini-storage facility will be built over the CS zoning portion of the property. CS districts require a 10 foot setback from abutting R district boundary lines so the applicant is requesting a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730).

The applicant provided the following statement:

"We are requesting a variance in the RE section from a total of 60' to 10'- this provides the neighbors with a self contained facility – blocking any noise or traffic behind the buildings. All security lighting is kept within the facility away from neighbors – this also allows Reed Bros the anticipated R.O.I. while reducing the noise of Highway 20 -win-win!"

A Use Variance is required as a mini-storage facility, Use Unit 16, is not a use permitted in the RE district by right due to potential adverse effects. Use Unit 16, Mini-Storage, is described as: A structure(s) which contains separate, small size, self-service storage facilities leased or rented to individuals or small businesses. These facilities are designated to accommodate access only from regular size passenger vehicles and two-axle trucks (Section 1216.1). The following Use Conditions apply:

1216.3 Use Conditions

- A. The uses included in Use Unit 16, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
- B. Within the CS district, there shall be no open-air storage of any kind that is visible at ground level from an R district, O district, or from a public street.
- C. The development site should have frontage on and access to an arterial street.

The property is located within the fenceline of Owasso, but it is not in Owasso's corporate limits. Both, the Owasso Comprehensive Plan and Tulsa County Comprehensive Land Use Plan, identify the future land use as Rural Commercial. See the attached Land Use Plan map. Rural Commercial is defined as follows:

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern, such as the Smith Farm area, or highly visible areas, such as along US-169, SH-20, and 116th St. N. west of US-169. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses.

Access is a key factor in the location of Commercial Districts. A site with poor access or that is difficult to get to is prone to fail; whereas a site with good and safe access will stand a better chance of survival. In general, the development of long commercial strips around the perimeters of square miles should be avoided as can present problems with access control. In all cases of commercial development, access management should be carefully controlled with design treatments such as mutual or shared access drives and cross connections easements or agreements.

A mini-storage had been approved on this site (CBOA-2536 May 2015) previously, but it lapsed after 3 years because it was not acted upon. Section 1680.4 states that a Special Exception which has not been utilized within three years from date of the order granting same shall thereafter be void, provided that the Board has not extended to time for utilization.

Sample Motion:

“Move to _____ (approve/deny) a Use Variance to allow Use Unit 16, for a Mini-Storage in an RE District (Section 1216); Variance of the side setback from 15 feet to 10 feet and the rear setback from 25 feet to 10 feet in an RE District (Section 730); and a Variance of the setback from 10 feet to 0 feet from an abutting RE district in a CS district (Section 730).

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

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

Finding the hardship to be _____.

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

2908—C. Robert Reed

Action Requested:

Special Exception to allow Use Unit 16 for a mini storage in a CS/RS District (Section 710 and Section 1216). **LOCATION:** 8711 North Yale Avenue

Presentation:

C. Robert Reed, 8711 North Yale, Sperry, OK; stated he would like to continue with the planned storage facility. The property has been zoned for the storage facility and that zoning has expired; he and his wife purchased the property. He has an existing facility at Highway 20 and Sheridan Road, and he has taken a few neighbors out to that facility so they would know what to expect of the proposed facility. The facility uses technology that has been identified as a green wall which is steel lattice covered with ivy so the majority of the building's exterior has a live look.

Mr. Hutchinson asked Mr. Reed how long his facility in Collinsville had been open. Mr. Reed stated that facility opened one year ago in March.

Mr. Hutchinson asked Mr. Reed how long it is estimated to take before the ivy takes over the steel lattice work. Mr. Reed stated the hard freeze in late winter killed everything but he is hoping that in six months the lattice will be covered.

Mr. Hutchinson asked Mr. Reed if any of the buildings he has ever had the exposed metal portion covered in stucco. Mr. Reed answered no because stucco dates a building. This is a state of the art facility and he is trying to stay away from things that will date it like earth stone or stucco. Stucco has a purpose but it does not take long for it to become an eyesore.

Mr. Hutchinson asked Mr. Reed if he would consider brick on the west or east side. Mr. Reed answered no because a brand is being created for a distinct look for Reed Bros Storage.

Mr. Hutchinson asked Mr. Reed about landscaping around the proposed site. Mr. Reed stated that he plans some things for aesthetics, but the appearance will be to focus on the green in between. The proposed site is set back on the property and eventually there will be other buildings on the property in front of his site and his building will be less and less visible as time goes on.

Mr. Johnston asked Mr. Reed if he had other future plans for the property. Mr. Reed answered no stating this is all he has planned for the property.

Mr. Hutchinson asked Mr. Reed how many storage units was he proposing for the site. Mr. Reed stated there will be about 270 units.

Ms. Miller stated that the site plan on page 9.2 of the agenda packet does not meet the setback and zoning requirements, so if the use is approved by the Board a statement in

CBA 2908
cont.

the motion needs to be made that the applicant needs to adhere to all the zoning requirements. Ms. Miller stated that another odd issues about the property is that there is a ring of RE zoning, shown on page 9.1, inside the property. Mr. Reed stated he is working closely with SGA, a local architect, and he is making that all requirements will be met.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Special Exception** to allow Use Unit 16 for a mini storage in a CS District (Section 710 and Section 1216), subject to conceptual plan 9.14, 9.15, 9.16, 9.17, 9.18, 9.19 and 9.20 of the agenda packet. The approval is subject to all required setbacks of the Code. The Special Exception is approved for only the portion of property zoned CS. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PART OF THE SOUTHWEST QUARTER (SW4) OF SECTION TWENTY TWO (22), TOWNSHIP TWENTY ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SW4 OF SAID SECTION 22, THENCE DUE NORTH AND ALONG THE WEST LINE OF THE SW4 OF SAID SECTION A DISTANCE OF 678.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49' 21" EAST A DISTANCE OF 545.00 FEET TO A POINT; THENCE DUE SOUTH A DISTANCE OF 17.99 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49' 21" EAST A DISTANCE OF 45.20 FEET TO A POINT; THENCE SOUTH 00 DEGREES 01' 51" EAST A DISTANCE OF 660.01 FEET TO A POINT ON THE SOUTH LINE OF THE SW4 OF SAID SECTION; THENCE NORTH 89 DEGREES 49' 21" WEST AND ALONG THE SOUTH LINE OF THE SW4 A DISTANCE OF 590.56 FEET TO THE POINT OF BEGINNING', OF TULSA COUNTY, STATE OF OKLAHOMA

the State permitted operating window. This approval has a five year time limit until June 2020; for the following property:

E479.2 W849.7 LYING S OF MVRR LESS BEG 370.50E & 353.81N SWC SW TH N APR 128.67 SE APR 168.76 SW APR 119.19 POB & LESS S24.75 THEREOF FOR ST SEC 19 17 14 2.204ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2536—Joseph Watt

FILE COPY

Action Requested:

Special Exception to allow a mini-storage (Use Unit 16) in a CS District (Section 710). **LOCATION:** NE/c of East 86th Street North and North Yale Avenue, Owasso

Presentation:

Joseph Watt, 9936 East 55th Place, Tulsa, OK; stated the beginnings of this property was when the nine acres was separated out years ago. There was a perimeter of 90 feet on the north and 120 feet on the east zoned RE and the rest of the land was zoned agriculture. Mr. Watt stated that he has not been able to find the records for the separation so he does not know how it came about. The CS zoning is more restrictive for commercial development but yet part of this is to allow storage units and a commercial building. Prior to today he had to do all the storm water details and determinations so the proposed usage would not be displacing water on anyone else. Matter of fact, he will be taking water away from portions of the property that is now draining to the northeast and it will be pulled back to the south and the west holding it in the detention facility for the subject property, and it is proposed to regrade the site so there will be no water whatsoever displaced onto the neighbors to the north or to the east.

Interested Parties:

Calvin Swindle, 5206 South Harvard, Unit 319, Tulsa, OK; stated he has concerns about the drainage.

Mr. Charney stated that in order to have a building constructed on the subject site there will be platting and an engineering effort made to control the stormwater in a manner that is consistent with all the stormwater regulations. The Board of Adjustment does not focus upon that, but focus on the land use is appropriate. The stormwater drainage, the stormwater retainage and the stormwater detention and the release will all be addressed at the platting stage and it will be reviewed very carefully, then it will be stamped by an Engineer that the applicant is not releasing stormwater at a faster rate in the post development stage than is being release currently.

CBOA - 2536

FILE COPY

Ms. Miller stated that this case has been before the Tulsa Metropolitan Planning Commission and the County Commission, and the applicant did commit to platting the property. Ms. Miller asked Mr. Watt what his timeline was for platting the property. Mr. Watt stated that as soon as he receives approval for his Variance he will be submitting the plan as soon as possible.

Rebuttal:

Joseph Watt came forward for questions from the Board.

Mr. Charney stated that in order to approve a Special Exception the Board needs to make certain findings that what is being proposed is not going to injurious or detrimental to the neighborhood. This is an increasingly important and critical corridor. To the west is Sperry and to the east is Owasso and that makes it an important corridor for each community with lots of public spending on the roadways to improve the corridor. Mr. Charney asked the applicant if any thought had been given to those structures, as to whether they have something attractive about them because there are things that might normally be relevant so the Board could determine whether it would potentially be detrimental to this developing corridor. Mr. Watt stated that what he has done is looked at the perimeter fencing in a way that will not detract from the community, he does not want chainlink or wooden fencing. The thinking is masonry columns with capstones with the interworking wrought iron between the columns to achieve the London street look. There is a perimeter landscaping plan with varying canopy heights of trees so people could partially see through but not see the entire facility. Mr. Watt stated that on the south side of the facility, which faces 86th Street North, the same thing is planned but the fencing will be different because in the future where the commercial building area is planned there is a planned veneer on the building that will be cohesive with the surrounding homes. The two drives, possible three, were placed so as to keep the queing traffic down on the intersections. There will be two drives from Yale and one from 86th Street North, but these are early concepts and have since looked at a possible third point from Yale.

Mr. Charney asked Mr. Watt to describe the veneer of the proposed building. Mr. Watt stated that stucco or stone is being discussed because he wants a very nice and longer lasting veneer for the building.

Comments and Questions:

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow a mini-storage (Use Unit 16) in a CS District (Section 710). The perimeter fencing is to be ornamental in nature with masonry columns. There is to be landscaping. The buildings that face 86th Street North have a masonry veneer or be stucco; for the following property:

C30A - 2536

BEG SWC SW TH N678 E545 S17.99 E45.20 S660.01 W590.56 POB LESS S16.5
FOR RD & LESS W16.5 N661.5 S678 SW FOR RD SEC 22 21 13 8.696ACS, OF
TULSA COUNTY, STATE OF OKLAHOMA

2537 – Big Blast – Sherry Barbour

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310, Table 1); Variance of the all weather parking surface requirement (Section 1340.D). LOCATION: 7409 East 146th Street North, Collinsville

Mr. Hutchinson recused himself at 3:02 P.M.

Presentation:

Harry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated he is before the Board representing his wife, the applicant, because she could not be here today. There will be a tent placed on the property with a semi-trailer and RV for the sales. There will be a gravel parking lot installed and there will be a 24 foot culvert. The gravel is a necessity because without it there would be no access to the land due to mud. He works with nonprofit groups and this is one way funds are raised. After the three week selling period the property will look just as it does currently.

Mr. Dillard stated that the application has asked for the December 20th through January 2nd selling time, as well as a Variance to the all-weather surface. Mr. Dillard asked Mr. Barbour if he is saying he does not want those requests. Mr. Barbour stated that basically the business is the Fourth of July season, and he was not aware that his wife had requested the New Year season.

Interested Parties:

Ronald Folsom, 7503 East 146th Street North, Tulsa, OK; stated the property and all the lots are designated as agricultural and residential, and he would request that it remain the same. Mr. Folsom stated he lives on a 2 ½ acre tract that is immediately east of the subject property. The traffic on Highway 20 has been getting worse for the past 40 years. He was one of the first people to build a house on the land in the area when it was just a field. The aerial map that is in the Board's agenda packet does not show the rise in the road at the subject tract. Any of these lots, all the way to 77th East Avenue, coming from their lot onto Highway 20 cannot see the traffic coming over the hill. The posted speed limit is 55 miles per hour on Highway and most people don't drive 55 miles per hour. There have been a lot of accidents on Highway 20 because there is no shoulder and the person pulling onto Highway 20 from their driveway cannot see the oncoming traffic because of the rise in the roadway. A school bus and a horse trailer have slipped into the culvert. The shoulder of the road in the subject area is very

14. 39th and Madison – Preliminary Plat, Location: West of South Peoria Avenue, between 38th Place and East 39th Street, (CD 9) (Request continuance to December 3, 2014 in coordination with rezoning approval.)

STAFF RECOMMENDATION:

The applicant is requesting a continuance to December 3, 2014.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, Reeds "absent") to **CONTINUE** the preliminary plat to December 3, 2014.

FILE COPY

15. CZ-434 – Joseph Watt, Location: Northeast corner of East 86th Street North and North Yale Avenue, requesting a rezoning from **RE/CS to CS**, (CD-1)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The total parcel of land is approximately 12 acres. Portions of the parcel, along the north and east boundaries are currently zoned RE, with the remaining area zoned CS. This rezoning request reduces the amount of RE zoned area on this site, but does not request it to be removed completely. The expanded CS zoned area is intended to be used for mini-storage and retail space.

SECTION I: Detailed Staff Recommendation

CZ-434 is adjacent to existing CS zoned sites to the West and Southwest, and:

Expanded CS zoning is harmonious with the existing and expected development on the site and the existing surrounding properties, and;

The site is currently primarily zoned CS with this request expanding the CS zone 70 feet north and 40 feet west, therefore;

Staff recommends **APPROVAL** of CZ-434 for the rezoning from RE to CS

CBOA-1321 January 19, 1995: The Board of Adjustment approved a Special Exception to permit mini-storage use in a CS district, per plan submitted, subject to platting and building permit and subject to the installation of a 6' screening fence, on property located on the northwest corner of E. 86th St. N. and N. Yale Ave. and abutting across N. Yale Ave. from the subject property.

CZ-214 July 1994: A request to rezone a 4± acre tract of land from AG to CG for mini-storage use, on property located on the northwest corner of East 86th Street North and North Yale Avenue. All concurred in approval of rezoning to CS in the alternative.

CZ-174 July 1989: All concurred in approval of a request for rezoning a 254± acre tract of land from AG to RE for residential use, on property between E. 76th St. N. and E. 86th St. N. on both sides of U.S. Highway 75 and at the southeast corner of N. Yale Ave and E. 86th St. N..

CZ-158 June 1987: All concurred in approval of a request for rezoning a 12± acre tract of land from AG to CS for commercial use, on property located southwest corner of E. 86th St. N. and N. Yale Ave.

INTERESTED PARTIES COMMENTS:

Samuel T. Slavens, 5115 East 86th Street North, Owasso, 74055, stated that he lives east of the subject property. Mr. Slavens indicated that he has an organic farm and sells at the Farmer's Market in Owasso. Mr. Slavens expressed concerns with the paving of the subject property and causing stormwater to flow onto his garden space and everything that is on the pavement. This will cause him a great deal of problems to have this material running across his place. There should be a plan for holding ponds so that stormwater doesn't wash down onto his property. Mr. Slavens stated that to consider the RE for CS goes against the regulations that were in place when he purchased his property over 20 years ago.

Applicant's Rebuttal:

Joseph Watt, C.J. Watt, Inc., 9936 East 55th Place, stated that the majority of the water will go west and not east. Mr. Watt explained that he will be changing the flow of the ground so that it can be drained to the existing culvert on North Yale and not drain back to Mr. Slavens's property. The RE lot is unusable and it is not possible to build a home on it because of the size of the lot. The RE lot will be used as a buffering zone with landscaping for the neighbors to the north and east. The RE lot is not being completely rezoned, but rather reduced to provide the buffer and to give his client the amount of property needed for his storage units. All stormwater is subject to review by the Tulsa County Engineer and he doesn't want to be a bad neighbor by dumping water.

Mr. Midget stated that he agrees with the zoning, but his main concern is the drive on Yale and Whirlpool being so close to the residents. In response to Mr. Watts, Mr. Midget stated that he doesn't know the best alternative, but it is a concern to him.

Calvin Swindell, 1506 South Harvard, Tulsa, 74112, stated that he owns the property to the south. He asked where the drainage will be going. In response, Mr. Dix stated that the platting will address the drainage and the direction of drainage.

Mr. Covey recognized Mr. Slavens.

Mr. Slavens stated that we are talking about something that has already been platted and drawn out. Mr. Slavens further stated that the residents should have a say in whether the residential lot is rezoned.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, Reeds "absent") to recommend **APPROVAL** of the CS zoning for CZ-434 per staff recommendation.

Legal Description for CZ-434:

Beginning at the Southwest corner of the Southwest Quarter (SW ¼) of Section 22, Township 21 North, Range 13 East; Thence Due North a distance of 628.00 feet; Thence N88°52'54"E a distance of 540.25 feet; Thence S01°19'36"E a distance of 628.18 feet; Thence N89°49'21"W a distance of 540.36 feet to the point of Beginning, said tract containing 339,409.06square feet or 7.791 acres, more or less, Tulsa County, State of Oklahoma.

Mr. Wilkerson stated that he will be presenting Items 16 and 17 together.

16. **Z-7277 – Khoury Engineering, Inc.**, Location: Southeast corner of East 4th Street South and South Madison Avenue, requesting a rezoning from CH to IL, (CD-4)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The site is approximately 0.5 acre parcel of land located 1004 East 4th Street South and includes an existing building. The subject tract is zoned CH with an existing building that will contain microbrewery operations. The existing Zoning Code only allows a brewery (use

Action Requested:

Special Exception to permit a mini-storage in a CS zoned district - **SECTION 710. PRINCIPAL USES IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located northwest corner 86th Street North and North Yale Avenue.

Presentation:

The applicant, **Kathryn Tumleson**, Route 1, Box 512, Sperry, Oklahoma, submitted a plot plan (Exhibit B-1, and requested permission to construct a mini-storage facility on the subject tract. She informed that the first phase is proposed at this time, and future expansion could take place if the business is successful.

Comments and Questions:

In reply to Mr. Tyndall, the applicant stated that the buildings will be of metal construction.

In reply to Mr. Gardner, the applicant informed that a field is directly north, with a house farther north, and a chain link fence with slats is proposed for that property line.

Protestants:

Gene Palmer stated that he lives to the west of the subject tract and is opposed to the mini-storage, because the use will generate a lot of traffic in the neighborhood.

Mr. Alberty advised that CS zoning has been approved for the property, and a retail business would be permitted by right.

Mr. Palmer stated that he was not aware of the pending zoning change.

Mr. Alberty advised that platting will be required if the application is approved.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to **APPROVE** a **Special Exception** to permit a mini-storage in a CS zoned district - **SECTION 710. PRINCIPAL USES IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to platting and a building permit; and subject to the installation of a 6' screening fence; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

A tract of land beginning at the southeast corner of Section 21, T-21-N, R-13-E thence South 88°37'41" West along the section line a distance of 333.56' to a point thence North 1°22'19" West a distance of 33' to a point; thence North 79°52'00" West a distance of 285.70' to a point; thence South 88°37'41" West a distance of 23.84' to

Case No. 1321 (continued)

point; thence North 2°00'33" West a distance of 259.10' to a point; thence due East a distance of 640.87' to a point on the East line of said Section 21; thence South 1°17'45" East a distance of 333.73' to the point of beginning, less and except approximately 1/2 acre highway right-of-way heretofore conveyed, and located on the northwest corner of E. 86th Street and North Yale Avenue, Tulsa, Oklahoma.

Case No. 1322

Action Requested:

Use Variance to permit auto storage in an AG zoned district - SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 27, located 1004 East 76th Street North.

Presentation:

The applicant, Robert Utley, 1004 East 76th Street North, Sperry, Oklahoma, requested that a four-acre portion of his property be used for automobile storage. He explained that the area is surrounded by trees and is barely visible from the street.

Pam Utley, 1004 East 76th Street North, Sperry, Oklahoma, stated that their home is on the property and they do not have a salvage operation on their land, nor do they want one near their home.

Comments and Questions:

Mr. Tyndall asked if parts are removed from the vehicles, and the applicant replied that the entire car is removed if a part is needed.

Mr. Tyndall inquired as to the maximum number of stored vehicles, and Mr. Utley stated that approximately 100 cars will be stored at this location. He informed that there are 40 to 50 on the lot at this time.

In reply to Mr. Tyndall, Mr. Utley informed that the vehicles have been on the property since the time of purchase, which was approximately seven months ago. He added that the cars are lined up in an orderly fashion and there are no salvage parts on the property. Mr. Utley stated that he owns a salvage operation at another location. Photographs (Exhibit C-1) were submitted.

Protestants:

Glenna Long, 7128 North Peoria, noted that the neighborhood is saturated with salvage businesses, and asked that the Board deny the request for another salvage operation in this area. She pointed out that the street is narrow and cannot accommodate the heavy traffic generated by Mr. Utley's business. Ms. Long noted that the land west of the railroad track is not proposed for this type of use.



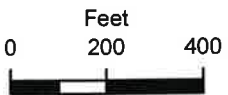
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N YALE AVE

E 86th ST N

N WHIRLPOOL DR

75



Subject Tract

CBOA-2927

21-13 22

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

Aerial Photo Date: 2020/2021



9.15

N YALE AVE



E 86th ST N



Subject Tract

CBOA-2927

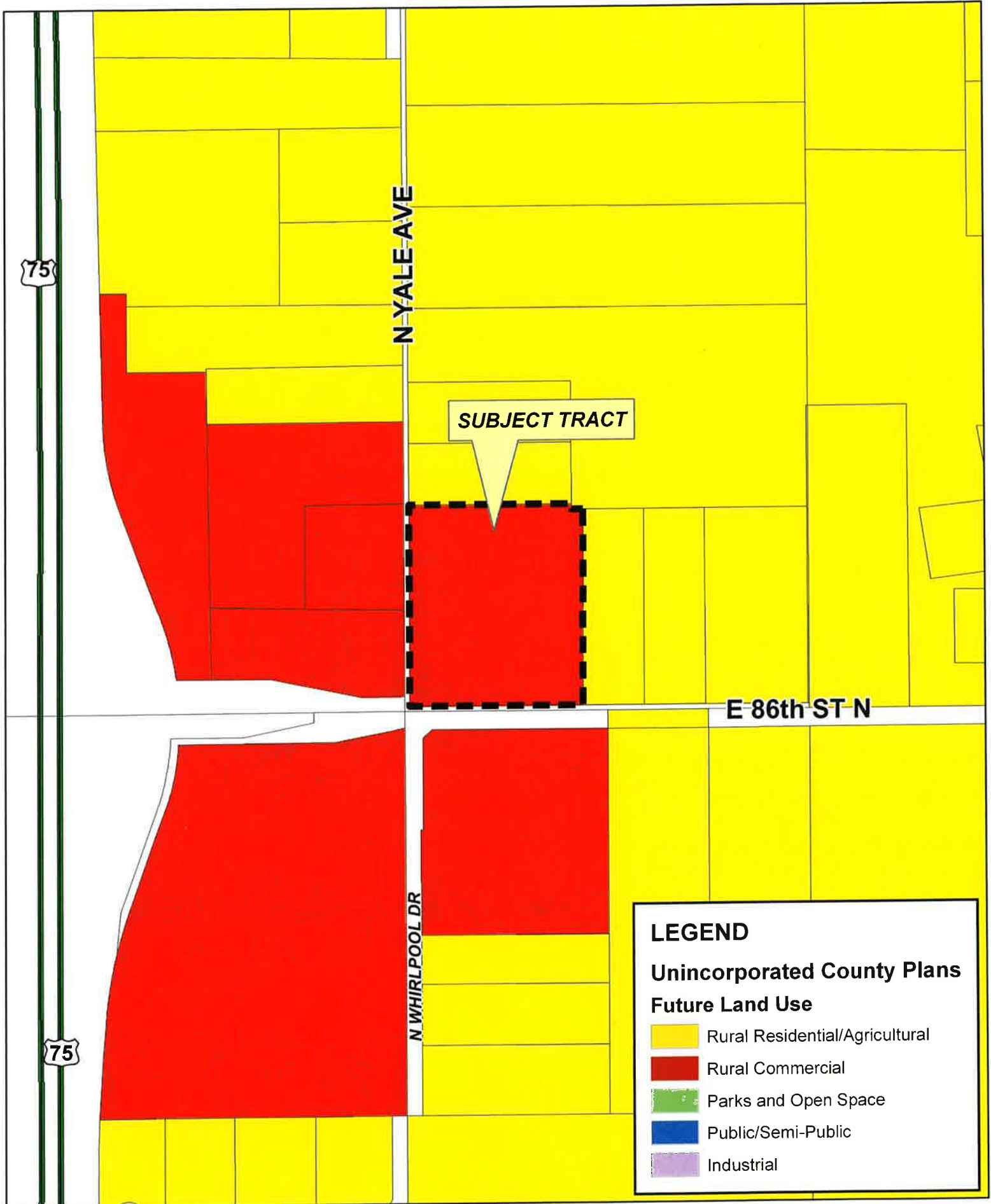
21-13 22

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

Aerial Photo Date: 2020/2021

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N YALE AVE

SUBJECT TRACT

E 86th ST N

N WHIRLPOOL DR

LEGEND

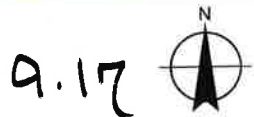
**Unincorporated County Plans
Future Land Use**

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



CBOA-2927

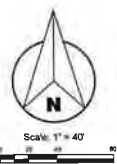
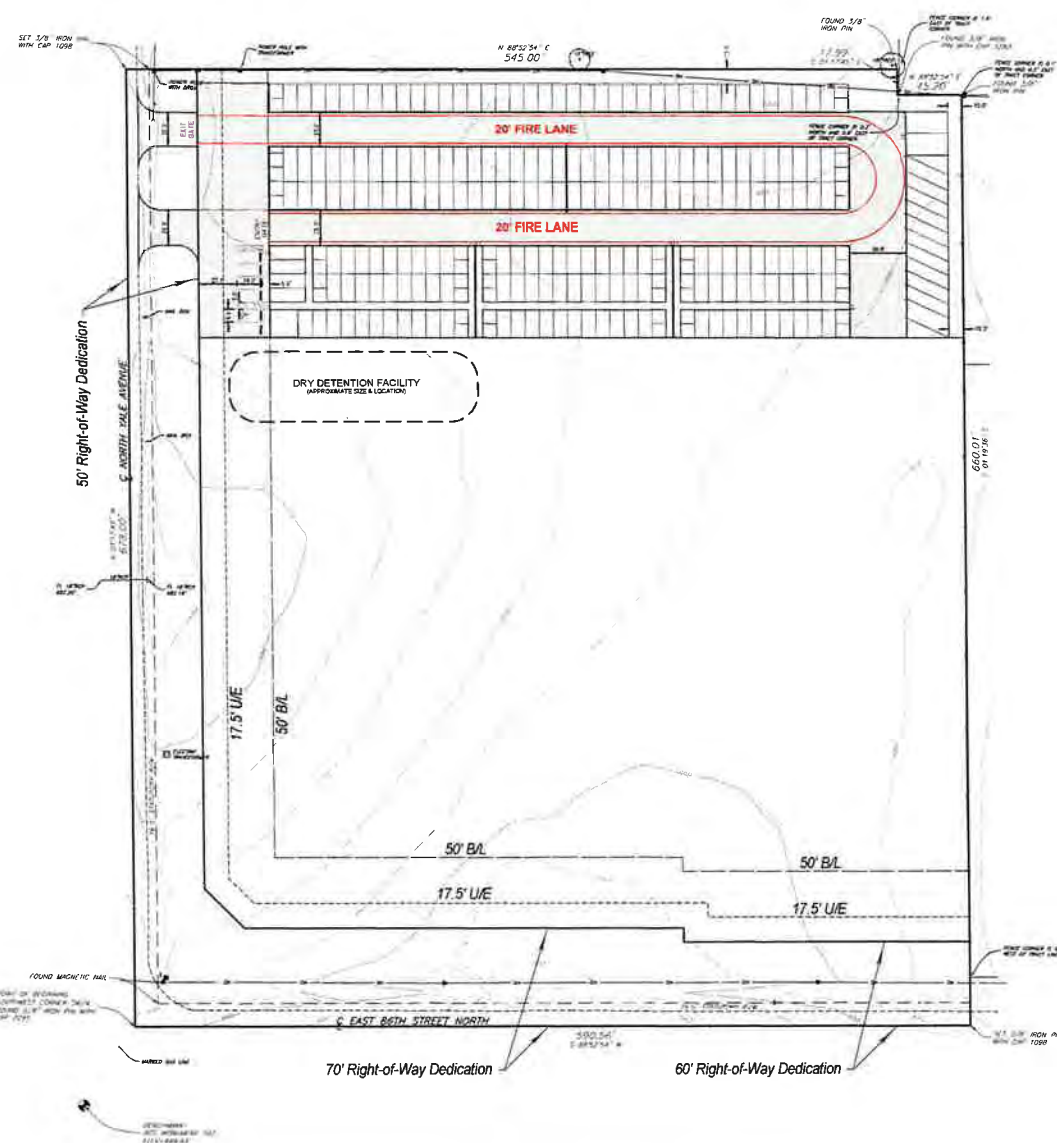
21-13 22



CONCEPTUAL SITE PLAN

Reed Bros Storage Facility

CS / RE Zoning

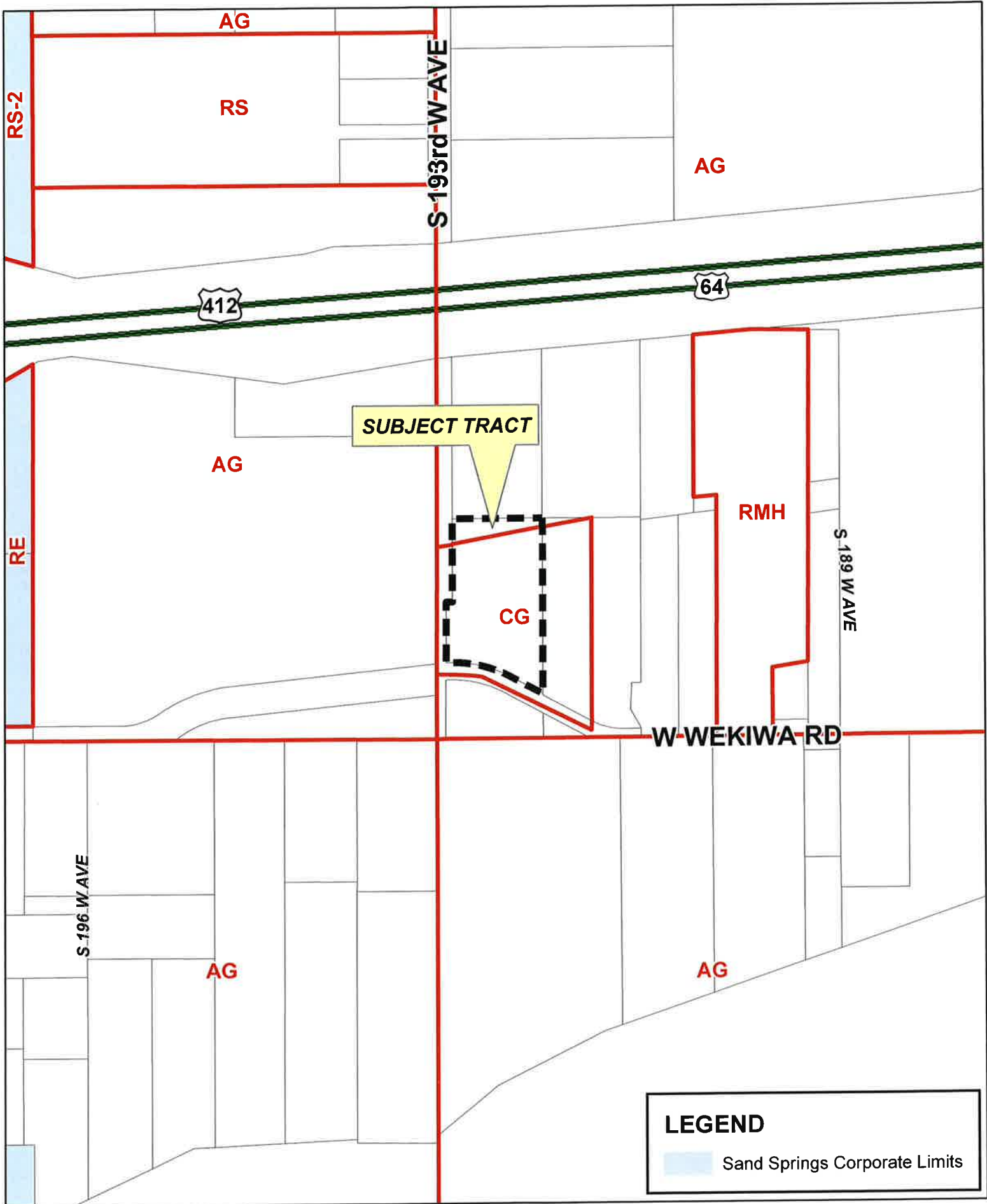


ENGINEERED BY DESIGN
Select design
 ENGINEERS & ARCHITECTS
 P.O. Box 548
 Ashby, Oklahoma 74308
 Phone: (817) 743-8255

Plan Prepared: September 18, 2021

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SUBJECT TRACT

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 Sand Springs Corporate Limits



CBOA-2928

19-10 01

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9001

CASE NUMBER: **CBOA-2928**

CZM: 33

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Marc Najjar

ACTION REQUESTED: Modification to a previously approved site plan (CBOA-2778) for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1).

LOCATION: 19271 W WEKIWA RD S

ZONED: AG,CG

FENCELINE: Sand Springs

PRESENT USE: Horticulture Nursery

TRACT SIZE: 3.52 acres

LEGAL DESCRIPTION: W348.56 SW SW LESS N601.53 THEREOF & LESS W50 N272.12 S APR 718.47 W348.56 SW SW & LESS BEG SWC SW TH N APR 446.35 E30 S APR 195.63 CRV RT APR 247.83 SE APR 95.43 S APR 148.50 W348.56 POB SEC 1 19 10 3.524ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2778 November 2019: The Board approved the request for a *Use Variance* to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District on property located at 19271 West Wekiwa Road.

Surrounding Property:

CBOA-2798 January 2020: The Board approved a *Use Variance* to allow an overnight campground for recreational vehicle; and a *Variance* from the all-weather parking surface requirement, on property located at 19301 West Wekiwa Road.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north, south, and west. It abuts CG (Commercial General) to the east. The surrounding uses appear to be a mixture of Residential and Agricultural.

STAFF COMMENTS:

The applicant is requesting a Modification to a previously approved site plan (CBOA-2778) for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1).

In 2019, the Board approved a request for a *Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General district (Section 710, Table 1) subject to the following conditions:*

10.2

- *Approved per Conceptual Plan 5.8 of the agenda packet.*
- *There must be an 8-foot security fence surrounding the grow facility and any such fencing is to be done in conformity with the Tulsa County Code.*
- *The property is to be cleaned up, both the grounds and the building, and it is to be continued after the clean-up in a commercially reasonable manner.*
- *There is to be a 3-year time limit on the approval, until November 2022.*

The applicant is requesting the Board to modify the original approval to include an additional 40' x 40' attached room where the canopy was shown on the conceptual plan. As the attached floor plan depicts, the space will add 1,600 sq. ft to the existing building shown on the conceptual plan (5.8), which was approved in 2019.

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.

Sample Motion for Modification:

"Move to _____ (approve/deny) a Modification to a previously approved site plan (CBOA-2778) for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, 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."

Mr. Charney agreed. Mr. Charney stated the legal test is if the Board believes it would be injurious to the neighborhood, and he does not think it will be.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-1 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; Dillard "abstaining"; none "absent") to **APPROVE** the request for a Special Exception to permit Use Unit 13, Convenience Goods and Services, in an IM District to allow a Medical Marijuana Dispensary; Special Exception to permit Use Unit 27, Heavy Manufacturing and Industry, in an IM District to allow a Medical Marijuana Processing Facility that uses butane-based extraction methods (Section 910, Table 1), subject to conceptual plan 4.13 in the agenda packet. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

All that part of East Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4) of Section Seven (7), Township Nineteen (19) North, Range Twelve (12) East, all lying South of the MK & T Railroad Right-of-Way and LESS the Charles Page Boulevard Right-of-Way, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

AND

That part of the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Seven (7), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

BEGINNING at the Southwest corner of said NE/4 NE/4; thence North on the West line of said NE/4 NE/4 a distance of 556.90 feet to a point; thence Northeasterly at an angle of 110°15' to the left a distance of 70.57 feet to a point, said point being 581.70 feet North and 66.07 feet East of said Southwest corner; thence S 01°59'59" E a distance of 581.70 feet to a point on the South boundary line of said NE/4 NE/4; thence West on the South boundary line of said NE/4 NE/4 a distance of 86.36 feet to the POINT OF BEGINNING., OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Dillard re-entered the meeting at 2:10 P.M.

2778—Marc Najjar

FILE COPY

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1). **LOCATION:** 19271 West Wekiwa Road

11/19/2019/#476 (7)

10.4

CBOA-2778

Presentation:

Timothy Janak, P. O. Box 52707, Tulsa, OK; stated he represents Mr. Najjar and the property owner, Super Moon, LLC. The property is located in far western Tulsa County and it has been vacant for some time. There is a warehouse on the property and that is where the growing facility will be located; the warehouse is approximately 4,975 square feet. Most of the land is zoned CG, Commercial General, however, a small portion is zoned AG thus the Variance request. About 1/3 of a mile to the east of the subject property is a trucking company, Mohawk Materials, that operates 18-wheelers and is a sand or cement facility. There is also a trailer park east of the subject property another 1/3 mile. Mr. Najjar is purchasing the subject property from Super Moon, and the intention is to have the growing facility in the warehouse. There will be an eight-foot fence erected around the warehouse and the manager of the facility will live in the house that is west of the facility. From that standpoint it is believed there will be adequate security for the grow house. There will be no retail.

Mr. Charney asked Mr. Janak to share the scope of the process. Mr. Janak stated that the plants within the warehouse will be substantial because it is planned to use the entire square footage of the warehouse for growing.

Mr. Hutchinson asked Mr. Janak if all 3-1/2 acres is zoned CG. Mr. Janak stated that parts of the property is zoned agriculture.

Interested Parties:

Michael Abboud, 19301 West Wekiwa Road, Sand Springs, OK; stated he owns 33 acres dues west of the subject property. As the request was presented by the applicant it sounds like the subject property is in the middle of an agricultural area but there are several residential properties near the site. Mr. Abboud stated that his back door is within 100 yards of the subject property and the neighbor across the street has property within 100 yards. Mr. Abboud stated he has several concerns and issues with the request. A concern is the decline of property values. The smell this type of facility will emit is best described as a skunk like smell. There are numerous chemicals involved in the cultivation of marijuana. Another concern is how the chemical runoff will be disposed of. He would like to know about the operating history of the applicant. The proposed ten-foot tall fence, not an eight-foot tall fence, will cause a blind spot on for traffic coming down 193rd pulling onto Wekiwa Road; Wekiwa is a heavily trafficked road. If this is such a good proposal, why is it necessary to erect a ten-foot tall fence around the facility? Mr. Abboud stated he has security concerns because the applicant had to file an application with OMMA and that it is on their website, so the site is published to the public and everyone will know it is there. Marijuana is not a normal agriculture crop due to the odor, the demand, and the need for high security. Mr. Abboud thinks this would also violate existing nuisance laws because of the odor alone. Mr. Janak stated the property is zoned CG and needs to be zoned heavy or medium industrial along the back. How will this be regulated and what is the recourse for the neighbors? This property is in the middle of a sleepy rural community with a lot of

homeowners in nice homes, not on the Sand Springs line in an industrial area. This request is not in the interest of the public good and is injurious to the neighborhood.

Mr. Charney stated the use being sought on the subject property is permitted as a matter of right in the AG District. This is not the manufacturing use like heard earlier; this is to allow the horticultural use not the manufacturing of the product.

Ms. Teresa Tosh stated that it is the Oklahoma Medical Marijuana Association (OMMA) that oversees the legislature. When the legislature was passed, they were behind and now they are trying to catch up. As they are putting into effect the rules that will govern the marijuana industry in all facets, the growing, the processing, and the dispensing, they now realize they need some way to improve their ability to make people comply. Now there is a letter of compliance which is filled out by a local jurisdiction which would be the County. The County will need to inspect facilities and so will OMMA make inspections once a year.

Mr. Nolan Fields stated that it is important to understand that the state's OMMA has the sole authority to regulate this industry. When it comes to compliance issues, that is the only facet the County has and that is similar to conforming compliance as for any commercial agricultural or other type of business that would have a new operation. The County really has nothing to do with the medical marijuana aspect of this industry, that is purely the State. If there are citizen concerns, it is important to follow up with the OMMA first and then Code compliance would fall under the County.

Roger Harrington, 19224 West Wekiwa Road, Sand Springs, OK; stated he lives directly across the street from the subject property and he has lived there 40 years. Mr. Harrington stated he has concerns with the ten-foot fence because his house would be about 65 feet from the fence. Another concern is the increase in traffic because there is a lot of traffic now. The site is about ¼ mile from the river and there is a creek on the subject property that dumps into the river, so he is concerned about water quality. There are children that use a school bus stop in the area and they also ride their bicycles up and down the road. Mr. Harrington stated the warehouse is a former truck repair shop, and the property has been run down for several years.

Rebuttal:

Timothy Janak came forward and stated that he is an attorney and Marc Najjar is his client, and he is the one with the license for the growing facility. Mr. Najjar is purchasing the subject property from Super Moon, LLC which is a real estate company. Mr. Janak stated he is before the Board today for the applicant but at the same time he represents Super Moon, LLC.

Mr. Charney stated that the site plan depicts a fence only on the front of the property, and he asked Mr. Janak if the Board is inclined to approve this request would the applicant object to having a fence around the entire facility. Mr. Janak stated that he and Mr. Najjar have discussed that and have decided to put a fence around the growing facility itself.

Mr. Crall asked Mr. Janak if the fence was just for aesthetic reasons or does it have a purpose? Mr. Janak stated the fence is for security.

Mr. Charney asked Janak if this was a growing only operation and if that was all he was before the Board today to ask for. Mr. Janak answered affirmatively.

Mr. Hutchinson asked Mr. Janak if there were security requirements necessary from OMMA. Mr. Janak answered affirmatively. Mr. Janak stated the fence is required and it is required to be covered, meaning that it can be a chain link fence with a covering through it so there is no visibility to the public.

Mr. Hutchinson asked Mr. Janak if there were security cameras required. Mr. Janak stated that there will be security cameras, but he cannot speak to the exact regulation.

Mr. Hutchinson asked Mr. Janak if there would be semi-trucks coming on to the property to haul out the harvested product. Mr. Janak answered no.

Mr. Johnston asked Mr. Janak about the odors that can be expected for just growing plants. Mr. Janak stated the plant growing will be inside the building; the temperature and lighting is regulated which enhances the growth of the plant. There is no issue of an odor going outside the building. Mr. Johnston asked if there would be any ventilation. Mr. Janak stated there has to be temperature control so to that extent there is ventilation for the plants.

Mr. Janak stated that there are numerous growing facilities on Charles Page Boulevard that are larger than what is being proposed, and a person cannot smell anything while on Charles Page Boulevard.

Mr. Hutchinson asked staff if there would be charcoal filters in the ventilation process. Ms. Tosh stated that there is a requirement for ventilation. Depending on what is used, like CO2 for growing, then the facility must be vented every day. There are filters in place that are part of the requirement for the very reason that there have been multiple complaints regarding odor.

Mr. Charney stated that the pictures of the facility it is an overgrown unsightly facility. Sometimes the Board has granted Variances with the condition that the facility be cleaned up and maintained. Mr. Charney asked Janak what will occur in regard to cleaning up the facility and the maintenance of the facility. Mr. Janak stated the intention is to clean up both the outside and the inside. The building has been abandoned for quite some time and it is believed this will improve the area. The outside grounds will be taken care of so that it no longer looks like a deserted auto repair shop.

Mr. Wilkerson stated the Code stipulates in Section 240 that only allows a 4'-0" tall fence in the street yard, so he is not sure where the street yard is in this context. The

applicant will be limited to 4'-0" in the front yard and eight feet beyond that. The provisions of the Code will not allow a ten-foot fence under any circumstance.

Michael Abboud came forward and stated the neighborhood wants to have the property cleaned up, but who will want to move next door to a mass scale marijuana growing facility in the country? The neighborhood will be better off with the property staying in the condition it is today than to allow this growing facility. This is a bomb being dropped on the property owners around the facility. The house that has been discussed is not right next door to the facility and people could get around whatever security there is. This facility is in the middle of a neighborhood and he asks the Board to deny this request.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Commercial General District (Section 710, Table 1), subject to conceptual plan 5.8 of the agenda packet. There must be an eight-foot security fence surrounding the grow facility and any such fencing is to be done in conformity with the Tulsa County Code. The property is to be cleaned up, both the grounds and the building, and it is to be continued after the clean-up in a commercially reasonable manner. The Board has found the hardship being the unusually sized configuration of the tract being surrounded by AG with a portion of the subject tract being AG as it exists today allowing the use being sought as a matter of right. There is to be a three-year time limit on the approval, November 2022. 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:

The West 348.56 feet of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section One (1), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT a tract beginning at a point 24.75 feet East of the Southwest corner of Section One (1); thence East on the South line a distance of 323.81 feet; thence North at right angles to last described course a distance of 112 feet to a point that is the center of Wekiwa Road; thence Westerly on the center line of said road to a point 220 feet North and 25.25 feet East of the Southwest corner of Section One (1); thence South on a line parallel to the West line of said Section One (1), a distance of 220 feet to the point of beginning, LESS AND EXCEPT a tract for highway, described as beginning at the

CBOA - 2778

FILE COPY

Northwest corner of the said Southwest Quarter of the Southwest quarter (SW/4 SW/4) thereof; thence East along the North line of the said Southwest Quarter of the Southwest Quarter (SW/4-SW/4) a distance of 348.6 feet thence South a distance of 52.1 feet; thence South 85°52' West a distance of 349.5 feet to a point on the West line of the said Southwest Quarter of the Southwest Quarter (SW/4 SW/4) thence North along the West line a distance of 77.8 feet to the Point of Beginning; AND LESS AND EXCEPT the North 25 feet of Wekiwa Road; AND LESS AND EXCEPT the West 50 feet of the North 797.67 feet, AND LESS AND EXCEPT the West 30 feet of the South 200.00 feet for road and the South 5 feet including any previously dedicated right of way; AND LESS AND EXCEPT the North 601.53 feet to the East 323.81 feet of the West 348.56 feet of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section One (1), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT a tract of highway described as BEGINNING at the Northwest corner of the said Southwest Quarter of the Southwest Quarter (SW/4 SW/4) thereof; thence East along the North line of the said Southwest Quarter of the Southwest Quarter (SW/4 SW/4) a distance of 348.6 feet thence South a distance 52.1 feet; thence South 85°52' West a distance of 349.5 feet to a point on the West line of said Southwest Quarter of the Southwest Quarter (SW/4 SW/4); thence North along the West line a distance of 77.8 feet to the Point of beginning; AND LESS AND EXCEPT the West 50 feet for the road, commonly known as 19215 West Wekiwa Road, Sand Springs, OK 74063 (the "Property"), OF TULSA COUNTY, STATE OF OKLAHOMA

2779—Matt Blair

Action Requested:

Special Exception to permit Use Unit 5 (Community Service & Similar Uses) in the RS District (Section 410). LOCATION: 5323 South 65th Avenue West

Presentation:

Matt Blair, 3749 South 63rd West Avenue, Tulsa, OK; stated the subject Jane Adams school building is to be purchased and repurposed for a community hub location. The plans are to be put in a licensed family practice medical clinic, a counseling center, and an urban garden center. There are stipulations in the contract with Tulsa Public Schools that there will not be a public or private education facility. The plan is to also have a fitness center and potentially some life and trade skills for the community development. Hopefully, there will be a sports complex on the ten acres one day. This will offer the ability for people to have services for free, but it will not be a free clinic. This will be a community hub. The highest quality of care will be offered in a community location for anyone or everyone no matter what their socio demographics might be. Clean up on the inside of the building is currently being done and there are some issues with the building not being Code compliant, and this will probably be the most highly

11/19/2019/#476 (12)

10.9

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit; January 2021, at which time the case is to be reviewed by the Board of Adjustment. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16
W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84
NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14
68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

NEW APPLICATIONS

FILE COPY

2789—Michael Abboud

Action Requested:

Use Variance to allow an overnight campground for recreational vehicles, Use Unit 17, in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 19301 West Wekiwa Rd

Presentation:

Michael Abboud, 19301 West Wekiwa Road, Tulsa, OK; stated he would like to have an RV campsite on 1 or 2 acres of the overall tract. The primary use of the property is agricultural and have cattle on the property and will still be used for agricultural purposes. He wants to preserve the existing wildlife habitat, and this is his home.

Mr. Charney asked Mr. Abboud if he lives on the subject tract. Mr. Abboud stated that he does not, but his parents live on it.

Mr. Charney asked Mr. Abboud about the request covering the 35-acre tract. Mr. Abboud stated that he intends only to use the 1 to 3 acres on the western property line; the property starts at 193rd and goes to 196th.

Mr. Charney asked Mr. Abboud if he was speaking of the most westerly long narrow piece of land. Mr. Charney stated that it is a strip of land in the southwest corner of the subject tract. Mr. Abboud answered affirmatively.

CBOA-2789

FILE COPY

Mr. Charney asked Mr. Abboud to speak about the all-weather surface requirement. Mr. Abboud stated there will be an aggregate pad for the RV to park on, which is a plastic honeycomb lattice that can be filled with aggregate making it is as good as concrete and it will allow water to filter through. It is a system from True Grid Systems out of Houston.

Mr. Abboud stated there will be a 10'-0" x 40'-0" area for the RV and in front there will be about a 20'-0" space for people to park the towing vehicle and an extra car if needed.

Mr. Dillard asked Mr. Abboud how many RV spaces he plans to have. Mr. Abboud stated there would be 20 spaces.

Interested Parties:

H. R. Goff, 1301 South Park Street, Lot D-6, Sapulpa, OK; stated he owns the adjoining 60-acre mobile home park. He has built five mobile parks and the first three were RV parks very similar to the request today. Mr. Goff stated his concern is dust control. In this area has installed 2,000 feet of road and the biggest problem was the sand. It would get so bad on occasion that he would have to shut the project down because it was so dry that the fine bottom sand was picked up on the wind and carried off. Mr. Goff stated that underground springs is another concern for the septic system.

Rebuttal:

Michael Abboud came forward and stated his request would cover about three acres or 130,000 square feet. He is sensitive to the dust issue, because it is not good for people that want to enjoy the area. He is also sensitive to the underground springs in the area. He plans on having his own internal septic system so he will not be digging into the water areas.

Mr. Charney asked Mr. Abboud if there would be one drive into the property with all the RVs and parking spaces adjacent to the one drive, and that there will be no circular drive with 20 spaces maximum. Mr. Abboud answered affirmatively.

Michael Abboud came forward and stated the dimensions for the request is 175'-0" wide running east to west by 800'-0" running north to south, which is about 3.2 acres.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Use Variance to allow an overnight campground for recreational vehicles, Use Unit 17, in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plans 3.11 and 3.12 of the agenda packet. The Board has found the hardship to the peculiar nature of the tract and coupled with the frontage along the publicly dedicated street provide the unusual peculiar circumstances. There is to be a maximum of 20 RV spaces on the subject tract and they are to be lined

CBOA-2789

up on one side of an ingress/egress road. The Variance is granted to a 3 to 4-acre tract in the southwest corner of the parent tract. There are to be proper dust control efforts made by the applicant. There is to be gravel parking area for the ancillary and towing vehicles but not for the RV itself. 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; for the following property:

W/2 SE SE LESS 1.45AC TO HWY & S/2 NE SE SE & SE SE SE SEC 2 19 10, OF TULSA COUNTY, STATE OF OKLAHOMA

2790—Charles Burgess

Action Requested:

Variance of the street frontage requirements in an AG District from 30 feet to 0 feet (Section 207). **LOCATION:** 17300 North Cincinnati Avenue

Presentation:

Charles Burgess, 17300 North Cincinnati, Skiatook, OK; stated the primary purpose for today's request is to renew his building permit. The building permit expired, and he is trying to finish the house. Due to the spring floods, he is basically homeless and is living with a neighbor. The original permit stated he had a 25-foot easement but to renew that same permit he is told he needs a 30-foot or 0 feet easement.

Mr. Charney asked Mr. Burgess how long he had the 25-foot easement. Mr. Burgess stated that it has been ten years. Mr. Charney asked Mr. Burgess if that easement ran out to the publicly dedicated street. Mr. Burgess answered affirmatively. Mr. Charney asked Mr. Burgess if the easement ran from Highway 11 in a westerly direction to the property. Mr. Burgess answered affirmatively.

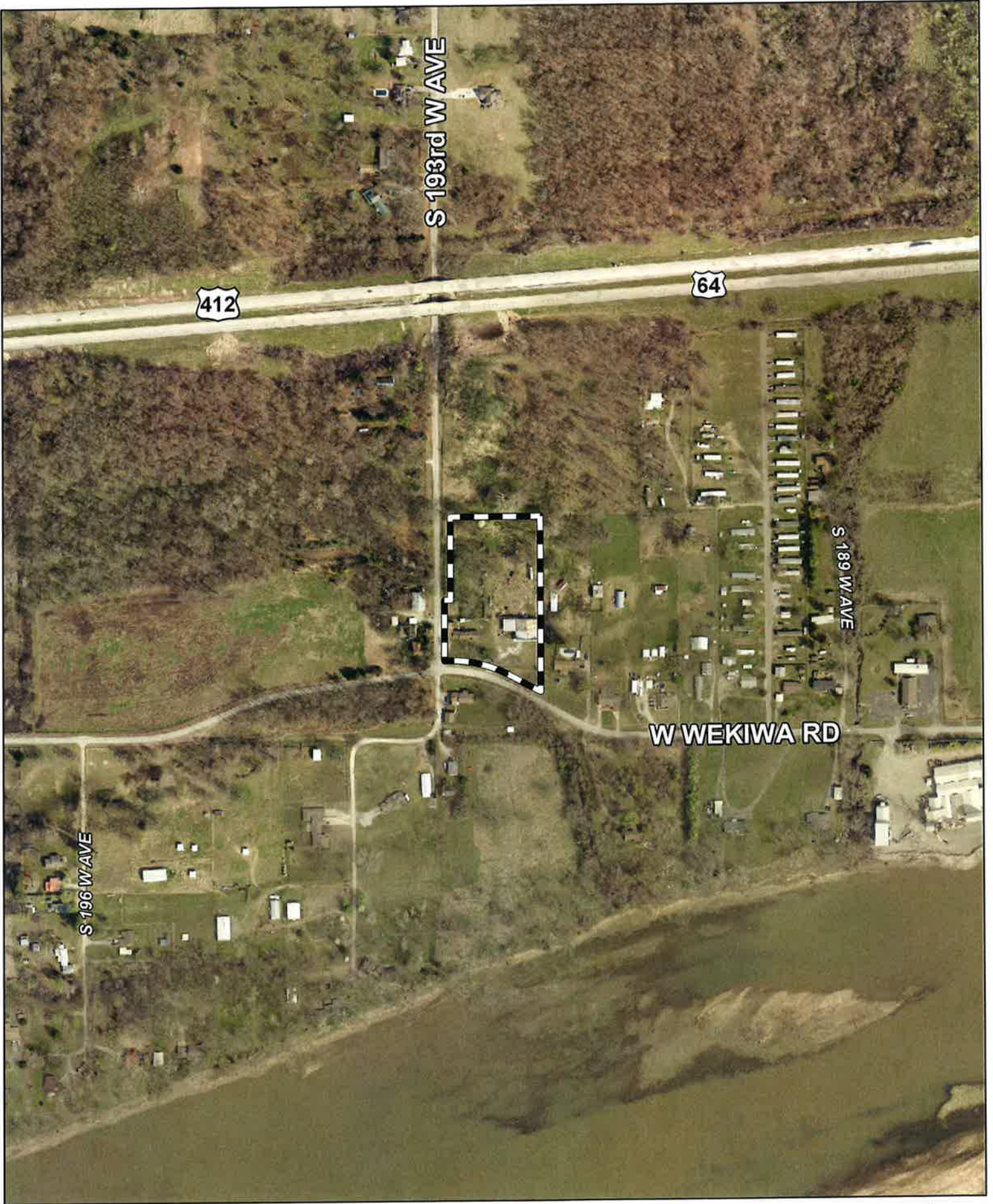
Mr. Burgess stated the house is 75% finished and now he is trying to renew the permit, and that is why he is before the Board today because Tulsa County requires a 30-foot or 0 feet easement.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.



S 193rd W AVE

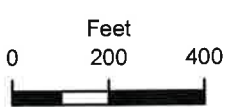
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64

S 189 W AVE

W WEKIWA RD

S 196 W AVE



 Subject Tract

CBOA-2928

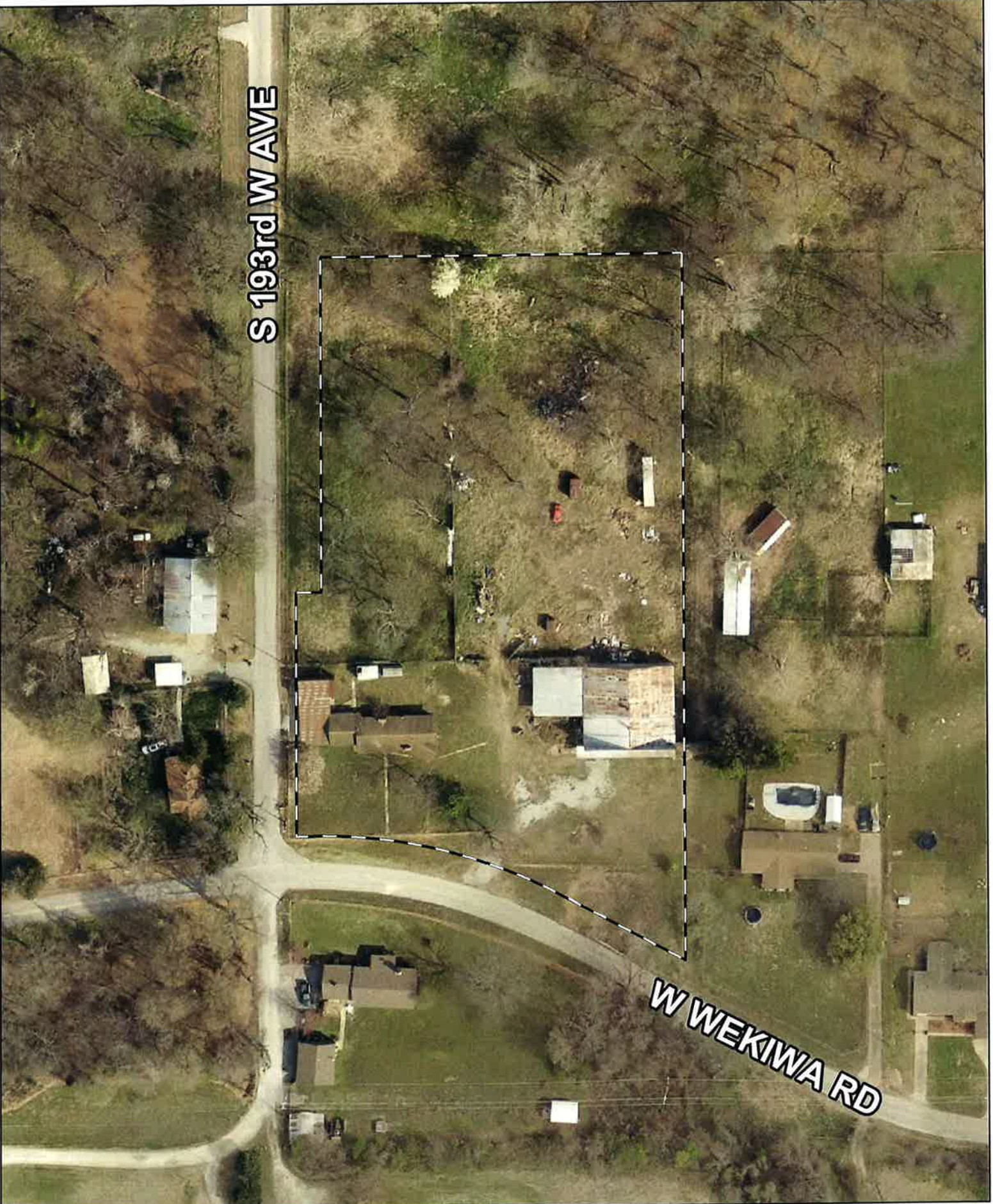
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Aerial Photo Date: 2020/2021

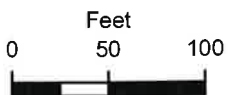
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S 193rd W AVE

W WEKIWA RD



 Subject Tract

CBOA-2928

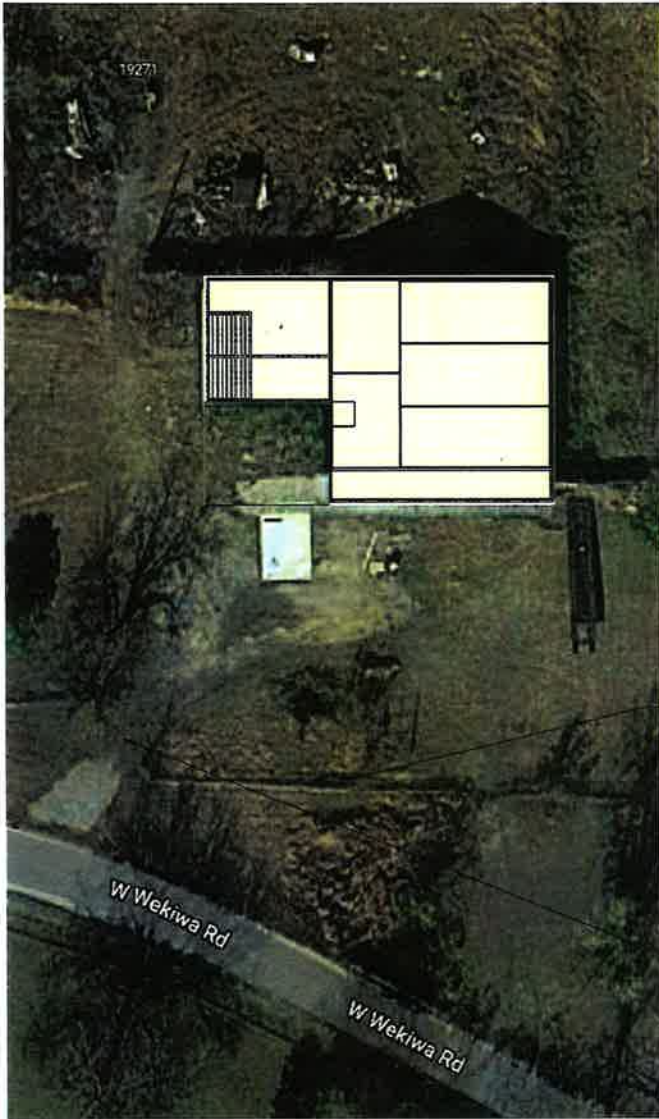
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

10.14





19271 W WEKIWA ROAD
TULSA, OK



CHAIN-LINK FENCE

DRIVE WAY WITH GATE

**REMODEL - MM GROW
SAND SPRINGS, OK**

For

WEKIWA ROAD
19271 WEST WEKIWA RD

BY
SUPER MOON, LLC

Revisions

Issue Date 8/19/2021
Project REMODEL - MM GROW
Checked By
Drawn By PSC

Sheet Number
1 of 3

Sheet Name
A1

10.15

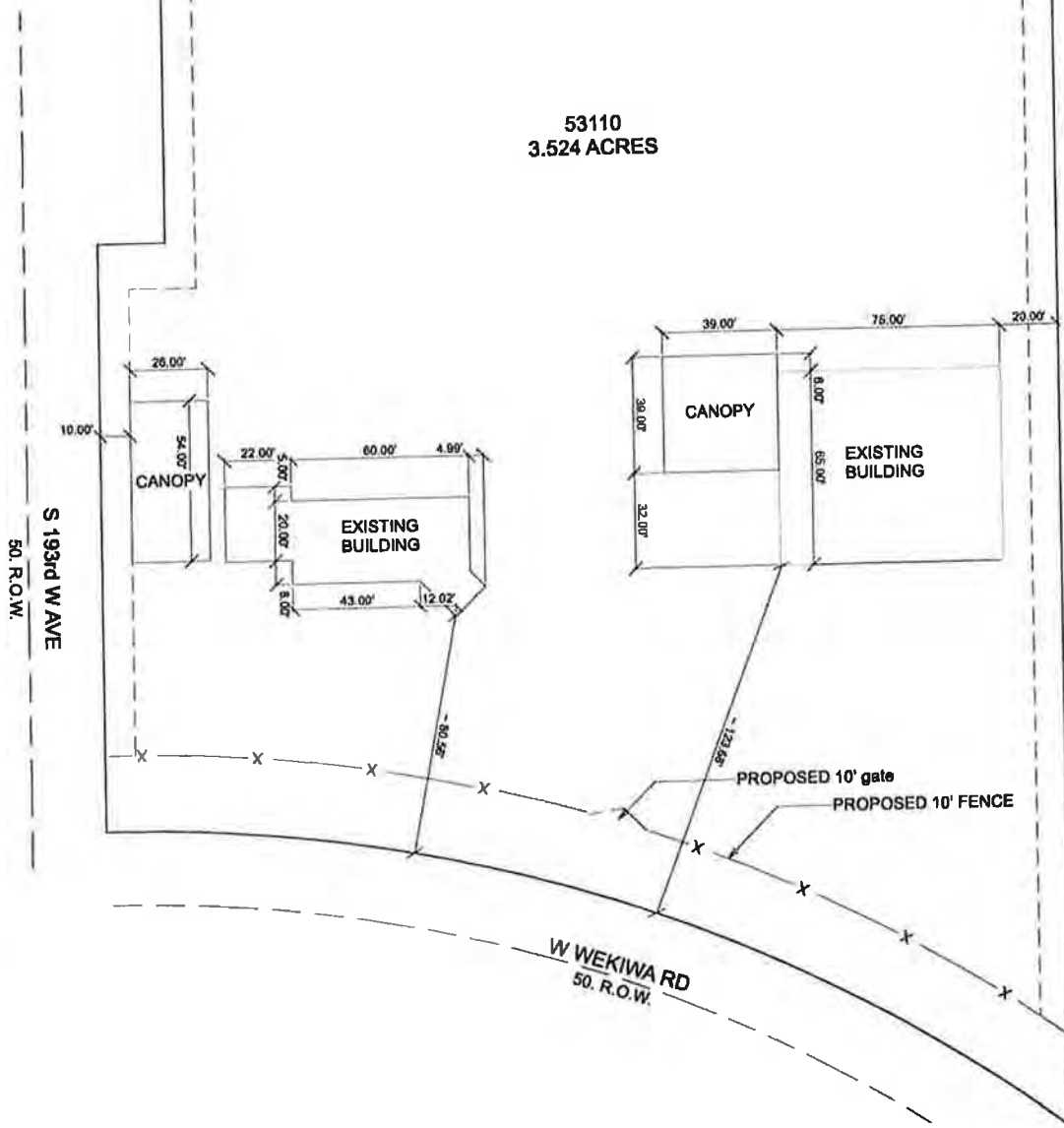


PLOT PLAN
19271 W WEKIWA RD S
SAND SPRINGS, OK 74036

CBOA-2778

Conceptual Plan 5.8

53110
3.524 ACRES



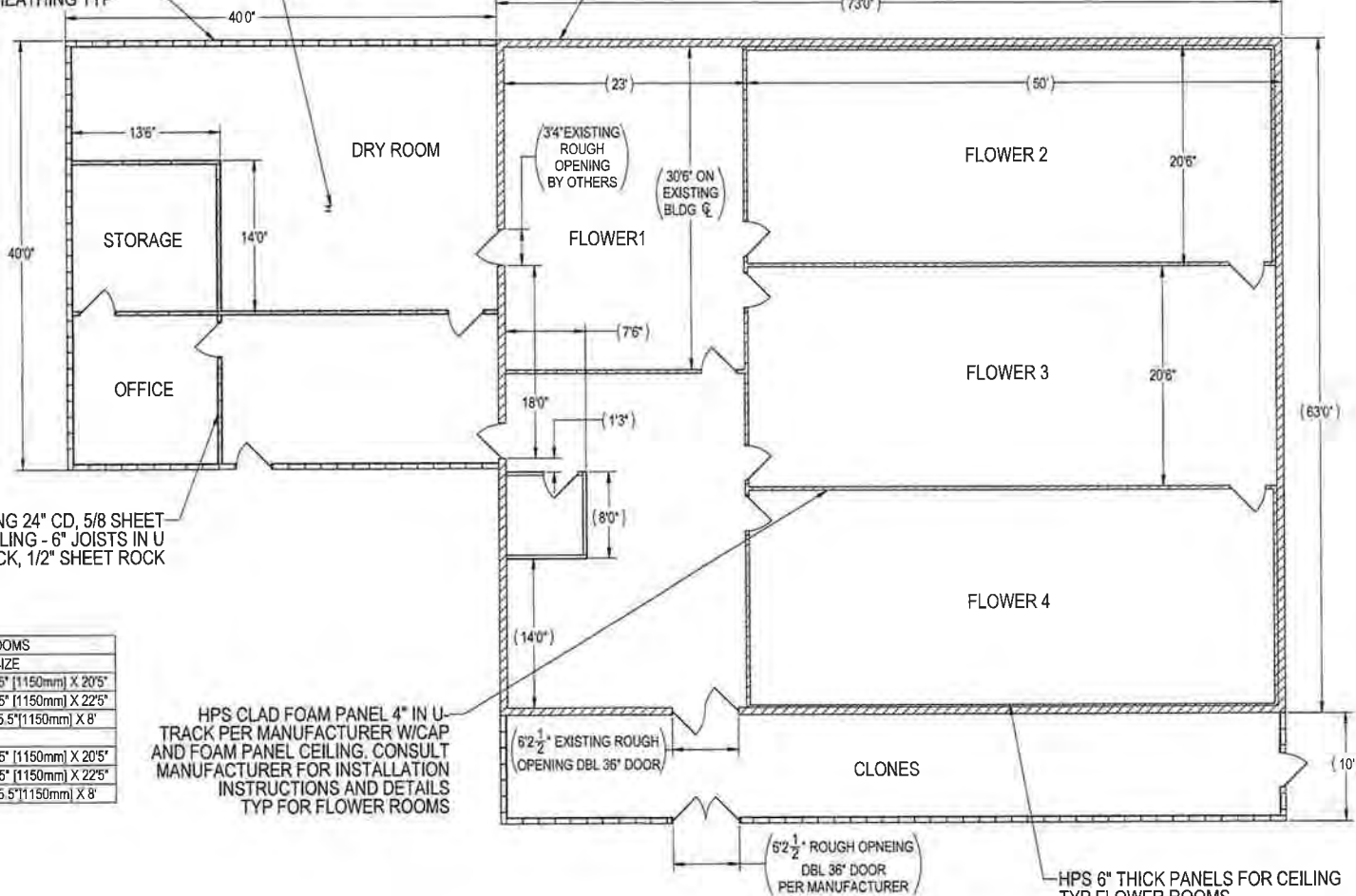
	CLIENT NAME T. JAMBOUR	19271 W WEKIWA RD S		SHEET: PLOT PLAN		<table border="1"> <thead> <tr> <th>SQ. FT. TYPE</th> <th>FLR 1</th> <th>FLR 2</th> <th>BSMT</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>OUTSIDE SURFACE</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>OUTSIDE FRAME</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>INSIDE FRAME</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>GARAGE</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PORCHES/DECKS</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				SQ. FT. TYPE	FLR 1	FLR 2	BSMT	TOTAL	OUTSIDE SURFACE					OUTSIDE FRAME					INSIDE FRAME					GARAGE					PORCHES/DECKS				
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PORCHES/DECKS																																							
SHEET: 1.0	SUBDIVISION: SD LOT: NN PHASE: NN	DESIGN & DRAWINGS BY: LAVOR HAYNIE - 256.797.2972	SCALE: NONE	R E V PRELIM: [] FINAL: 1	PRINT DATE: 11																																		

10.16

6" FRAMING, STEEL STUDS W/TOP AND BOTTOM U, 24" CD, 5/8 INTERIOR SHEET ROCK, EXTERIOR SHEATHING TYP

EXISTING W6 COLUMN BY OTHERS

EXISTING CONCRETE BLOCK BUILDING BY OTHERS



3-5/8 FRAMING 24" CD, 5/8 SHEET ROCK, 8" CEILING - 6" JOISTS IN U TRACK, 1/2" SHEET ROCK

INSULATED PANELS FOR FLOWER ROOMS	
QUANTITY	SIZE
39	6" [150mm] X 45.5" [1150mm] X 20'5"
8	6" [150mm] X 45.5" [1150mm] X 22'5"
118	4" [120mm] X 45.5" [1150mm] X 8"
FOR DROPS	
5	6" [150mm] X 45.5" [1150mm] X 20'5"
3	6" [150mm] X 45.5" [1150mm] X 22'5"
10	4" [120mm] X 45.5" [1150mm] X 8"

- NOTES:
- DESIGN PER IBC 2015 UNLESS NOTED
 - REMODEL EXISTING BUILDING (NOTED), TYPE IIb, USE F-1
 - ROUGH OPENINGS FOR 36" DOORS PER MANUFACTURER UNLESS NOTED
 - 8' CEILINGS WHERE SPECIFIED UNLESS NOTED

REMODEL - MM GROW SAND SPRINGS, OK
For
WEKIWA ROAD
19271 WEST WEKIWA RD
BY
SUPER MOON, LLC

Revisions

Issue Date 8/19/2021
Project REMODEL - MM GROW
Checked By
Drawn By PSC

Sheet Number
2 of 3

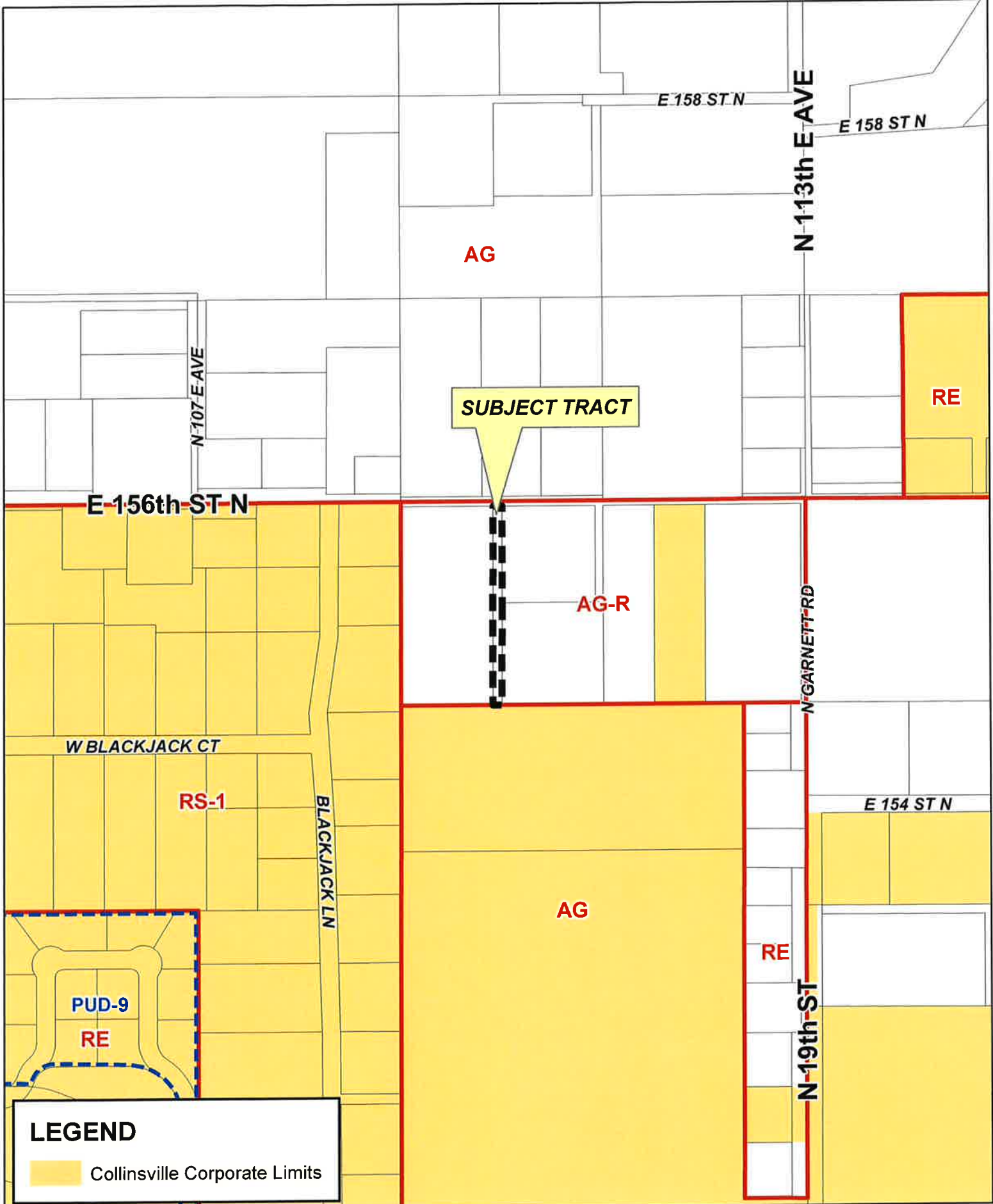
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PLAN VIEW

CBOA-2928
Modification of
Existing Building and Canopy
shown on the east side of
Conceptual Plan 5.8

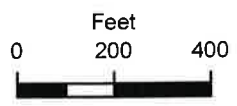
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LEGEND

 Collinsville Corporate Limits



CBOA-2929

22-14 19

11.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2419

CASE NUMBER: CBOA-2929

CZM: 75

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Joe and Shannon Sagi

ACTION REQUESTED: Variance of the minimum lot area in an AG-R district to permit a lot split (Section 330 Table 3). Variance of the minimum lot width in the AG-R district to permit a lot split (Section 330 Table 3).

LOCATION: West of the Southwest corner of East 156th Street North & North 113th East Avenue

ZONED: AG-R

FENCELINE: Collinsville

PRESENT USE: Vacant

TRACT SIZE: 0.46 acres

LEGAL DESCRIPTION: The East 30.00 feet of the West Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (W/2 NW/4 NE/4 NE/4) of Section Nineteen (19), Township Twenty-two (22) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoning districts to the east and west. It abuts AG zoning districts to the north and south. The property to the south is within the city limits of Collinsville. Surrounding properties appear to have a mixture of residential and agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum lot area in an AG-R district to permit a lot split (Section 330 Table 3); and a Variance of the minimum lot width in the AG-R district to permit a lot split (Section 330 Table 3).

The applicant is attempting to split 0.46± acres of land from the existing AG-R zoned parcel. Per Section 330 of the Code, the AG-R district requires a minimum lot area of 1 acre and a minimum lot width of 150 feet. The proposed lot split will divide a 30' x 661' tract of land (Tract B) from the parent tract (Tract A). It is intended to allow the lot south of the subject property to have access to East 156th Street North. A Lot Line Adjustment was first proposed but the property to the south lies within the jurisdiction of Collinsville.

The applicant provided the following statement: *"I have 12.56 acres that is not accessible because I sold 40 acres to Collinsville Public Schools on the south end so now, I realized that have not got a good entrance to access my 12.5 acres now. So, Ralph and Brenda came to agreement to sell me 30 feet on east end of their property for access mine.*

11.2

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

Sample Motion:

“Move to _____ (approve/deny) a Variance of the minimum lot area in an AG-R district to permit a lot split (Section 330 Table 3); and a Variance of the minimum lot width in the AG-R district to permit a lot split (Section 330 Table 3).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

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



E 158 ST N

E 158 ST N

N 113th E AVE

N 107 E AVE

E 156th ST N

N GARNETT RD

WBLACKJACK CT

E 154 ST N

BLACKJACK LN

W CEDAR ST

N 19th ST

N 24TH ST



Subject Tract

CBOA-2929

22-14 19

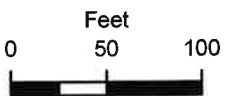
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

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E 156th ST N



CBOA-2929

22-14 19

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

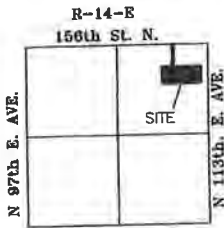
Aerial Photo Date: 2020/2021

11.5





SCALE: 1" = 200'

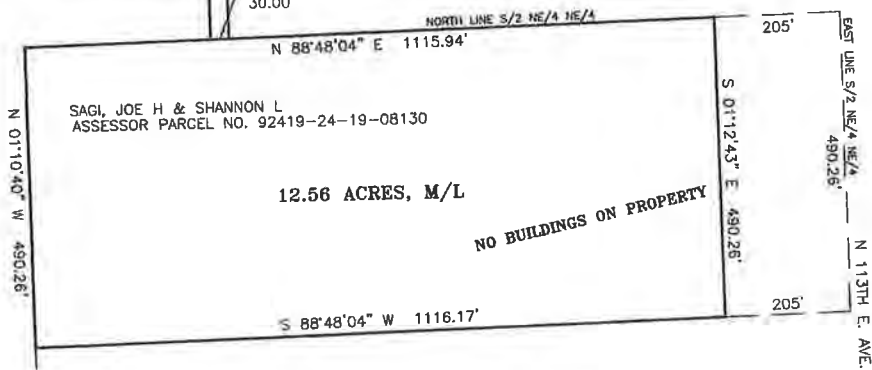


HIGHWAY #20
SECTION 19
TULSA COUNTY

N 88°50'30" E
30.00'
156TH ST. N.
16.5' STATUTORY
SECTION LINE R/W

TRACT "B"
0.46 ACRES, M/L
SEE SURVEY BY
MCKINNON LAND SURVEYING, LLC
DATED: 8/19/2021

S 01°12'48" E 661.66'
S 01°12'48" E 661.66'
S 88°48'15" W
30.00'



COMBINED PROPERTY DESCRIPTION:
THE NORTH 490.26 FEET OF THE S/2 NE/4 NE/4 OF SECTION 19, TOWNSHIP 22 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA
AND
THE EAST 30.00 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (W/2 NW/4 NE/4 NE/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

SOUTHEAST CORNER SE/4
SEC. 19, T22N, R14E

S 88°51'45" W 1322.06'

SKETCH OF CERTAIN TRACTS IN
THE NE/4 NE/4 OF SECTION 19, T22N, R14E,
TULSA COUNTY, OKLAHOMA.
(NOT A LAND OR BOUNDARY SURVEY)

DATED THIS 2ND DAY OF AUGUST, 2020

MCKINNON LAND SURVEYING, LLC.

HC 62 BOX 110-7, NOWATA, OK 74048
(918) 230-3927

EMAIL: MCKINNONLANDSURVEYING@GMAIL.COM

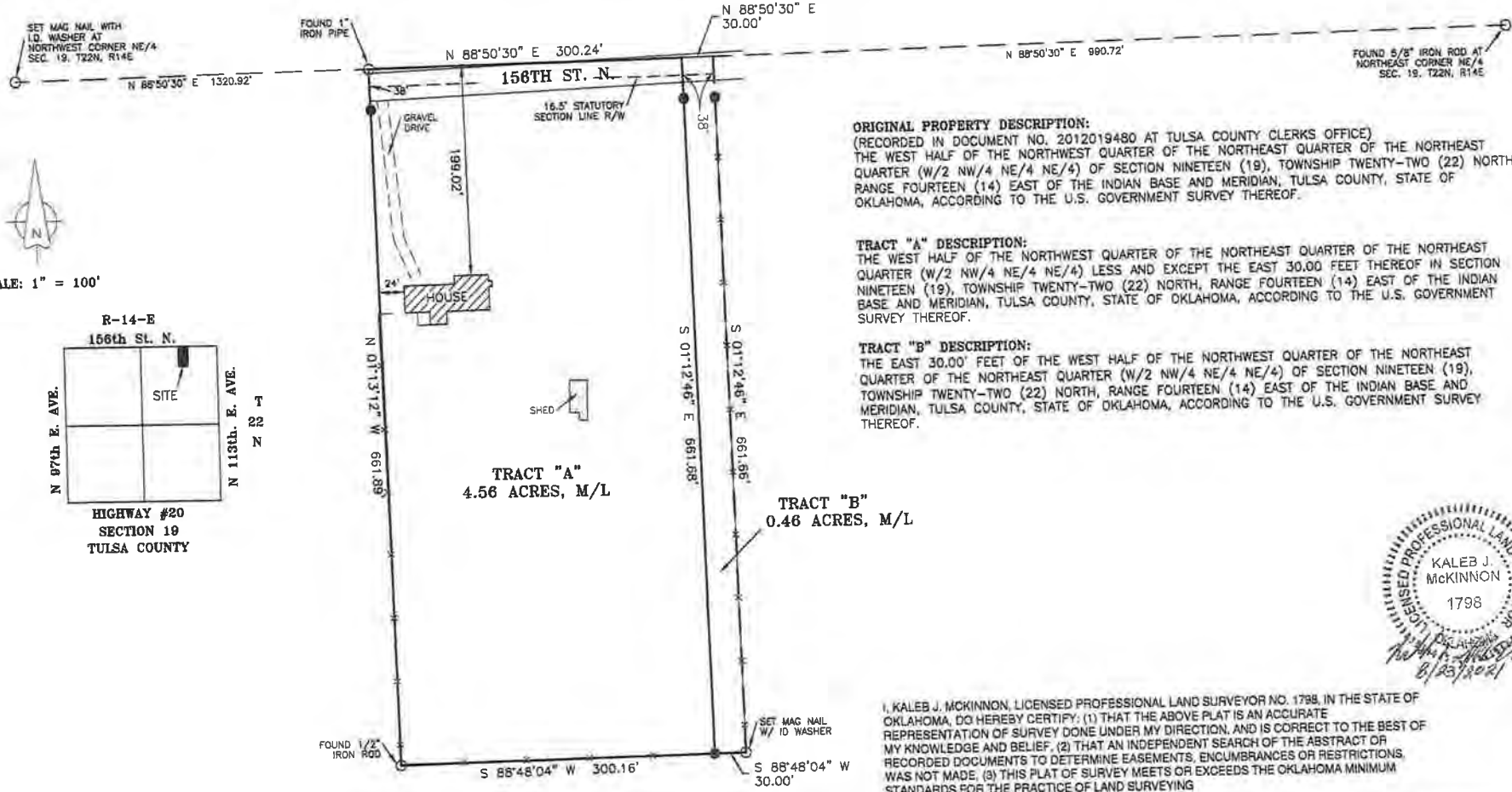
C. A. NO. 8511 EXP. 6/30/2023

GENERAL NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83, NORTH ZONE.
2. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT

11.6

BOUNDARY SURVEY



ORIGINAL PROPERTY DESCRIPTION:
 (RECORDED IN DOCUMENT NO. 2012019480 AT TULSA COUNTY CLERKS OFFICE)
 THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (W/2 NW/4 NE/4 NE/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

TRACT "A" DESCRIPTION:
 THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (W/2 NW/4 NE/4 NE/4) LESS AND EXCEPT THE EAST 30.00 FEET THEREOF IN SECTION NINETEEN (19), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

TRACT "B" DESCRIPTION:
 THE EAST 30.00' FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (W/2 NW/4 NE/4 NE/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

TRACT "A"
 4.56 ACRES, M/L

TRACT "B"
 0.46 ACRES, M/L



I, KALEB J. MCKINNON, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1798, IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY: (1) THAT THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SURVEY DONE UNDER MY DIRECTION, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, (2) THAT AN INDEPENDENT SEARCH OF THE ABSTRACT OR RECORDED DOCUMENTS TO DETERMINE EASEMENTS, ENCUMBRANCES OR RESTRICTIONS, WAS NOT MADE, (3) THIS PLAT OF SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING

DATED THIS 19TH DAY OF AUGUST, 2021

- GENERAL NOTES:**
1. THE BASIS OF BEARING FOR THIS SURVEY IS OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83, NORTH ZONE.
 2. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT

MCKINNON LAND SURVEYING, LLC.

HC 62 BOX 110-7, NOWATA, OK 74048
 (918) 230-3927
 EMAIL: MCKINNONLANDSURVEYING@GMAIL.COM
 C.A. NO. 8511 EXP. 6/30/2023

SET MAG NAIL WITH 1/2" WASHER AT NORTHWEST CORNER NE/4 SEC. 19, T22N, R14E
 N 88°50'30" E 1320.92'

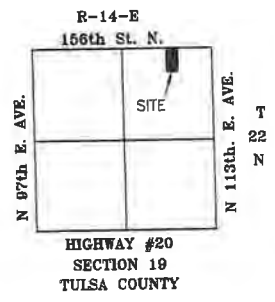
FOUND 1" IRON PIPE
 N 88°50'30" E 300.24'

N 88°50'30" E 30.00'
 N 88°50'30" E 990.72'

FOUND 5/8" IRON ROD AT NORTHEAST CORNER NE/4 SEC. 19, T22N, R14E

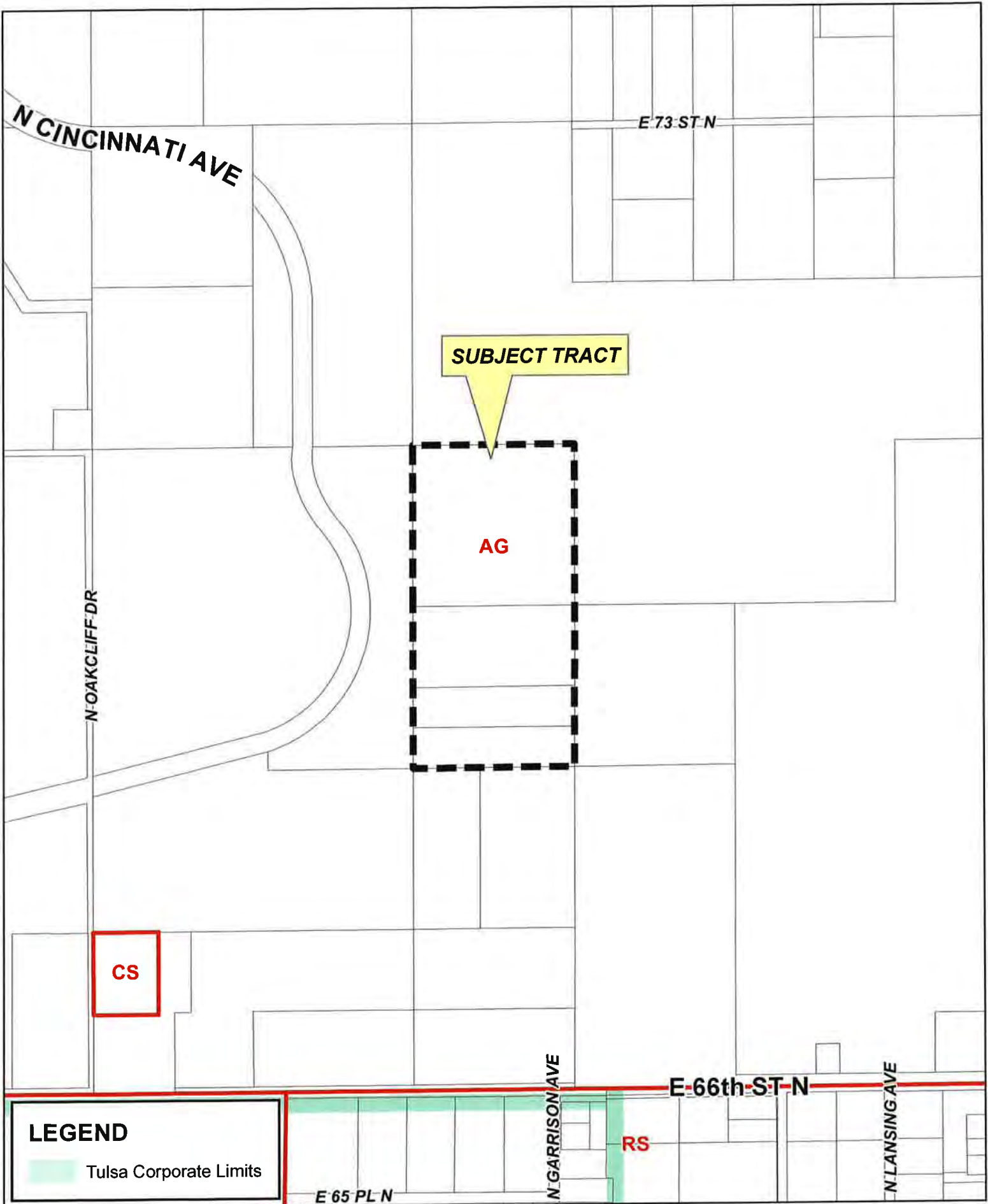


SCALE: 1" = 100'



2.11

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CBOA-2930

12.1

21-12 36

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1236

CZM: 15

CASE NUMBER: **CBOA-2930**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/19/2021 1:30 PM

APPLICANT: Carl Lopez

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district to permit the construction of a single-family home (Section 207).

LOCATION: North and East of the northeast corner of East 66th Street North & North Oakcliff Drive

ZONED: AG

FENCELINE: Turley

PRESENT USE: Vacant

TRACT SIZE: 20 acres

LEGAL DESCRIPTION: N/2 SW NE SW SEC 36 21 12; N1/2 S1/2 SW NE SW SEC. 36-21-12; S1/2 S1/2 SW NE SW SEC 36-21-12; NW NE SW. SEC. 36-21-12,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with parcels that appear to be vacant or have agricultural uses with a smattering of residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district to permit the construction of a single-family home (Section 207).

The applicant provided the following statement: *"Purchased land and would like to build house on it. Currently have neighbor to south that has house on same driveway."*

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0' of frontage onto N. Cincinnati Avenue. The applicant intends to build a single-family home on the property. See the attached Easement Agreement.

The applicant applied for a Lot Line Adjustment simultaneously with this application. The Lot Line Adjustment (LLA-373) was approved on 10/01/2021. It combined all four lots on the 20 acres.

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

12.2

REVISED 10/8/2021

Sample Motion:

“Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district to permit the construction of a single-family home (Section 207).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

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



N CINCINNATI AVE

E 73 ST N

N OAKCLIFF DR

E 66th ST N

E 65 PL N

N GARRISON AVE

N LANSING AVE

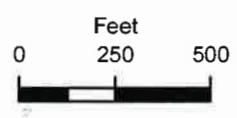
CBOA-2930

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

21-12 36

Aerial Photo Date: 2020/2021

12.4



 Subject Tract



30077

EASEMENT

BOOK 3937 PAGE 422

(Private Roadway)

1970 AUG 31 AM 9 10

KNOW ALL MEN BY THESE PRESENTS:

CLERK OF THE COUNTY CLERK
Tulsa County, Oklahoma
Mary K...

WHEREAS, heretofore under date of August 7, 1970, a

~~certain private easement for roadway purposes was made by Martha O.~~

Burns as grantor to David L. Yowell and Julia J. Yowell, husband and wife as grantees, covering the following described property situated in the County of Tulsa, State of Oklahoma, to-wit:

The South 20 ft. of the following described property:
All that part of the NW/4 SW/4 of Section 36, Township 21 North, Range 12 East, lying East of North Cincinnati Avenue, containing 10 acres, more or less; LESS AND EXCEPT that portion deeded to Orvel Sager, described as Beginning at a point on the South line of the NW/4 SW/4 600 ft. West of the SE/c thereof; thence North 70 ft.; thence Southwesterly along the South right of way line of North Cincinnati Avenue a distance of 308 ft. to a point; thence East 300 ft. to the point of beginning;

AND

An Easement 20 ft. in width extending Northward from the above easement to the South right of way line of North Cincinnati Avenue, described as: COMMENCING AT A POINT on the South line of the NW/4 SW/4, 580 ft. from the SE/c thereof; thence North approximately 70 ft. to the South right of way line of North Cincinnati Avenue; thence Southwesterly along the South right of way line of North Cincinnati Avenue a distance of approximately 20 ft.; thence South 70 ft. to the South line of the NW/4 SW/4; thence East a distance of 20 ft. along the South line of the NW/4 SW/4 to the point of beginning.

which private roadway easement is recorded in Book _____ at Page _____ in the office of the County Clerk of Tulsa County, Oklahoma.

WHEREAS, the undersigned in the granting in said roadway easement reserved the right and privilege to permit other property owners in the area to use said roadway easement in common with the rights of David L. Yowell et ux therein.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration the receipt of which is hereby acknowledged, Martha O. Burns does hereby grant and convey unto John P. Hammond and Katharine Hammond, husband and wife and unto Forest B. Rees and Mary Louise Rees, husband and wife, the right to use and utilize the 20 ft. private roadway easement hereinabove identified and described in common with the rights of David L. Yowell et ux, therein.

DATED this 7 day of August, 1970.

Martha O. Burns
Martha O. Burns

STATE OF OKLAHOMA)
) SS.
County of Tulsa)

Before me, the undersigned, a Notary Public in and for said County and State, on this 7 day of August, 1970, personally appeared Martha O. Burns, 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.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed my notarial seal the day and year above written.

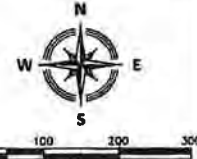
Lois R. Gray
Notary Public

My Commission Expires:

Sept 6, 1972

MORTGAGE INSPECTION PLAT

PROJECT NO: 213714-560
MORTGAGOR: Carl B. Lopez
CLIENT: Elite Title Services, LLC
 Communication Federal Credit Union
 File No.: 21030170



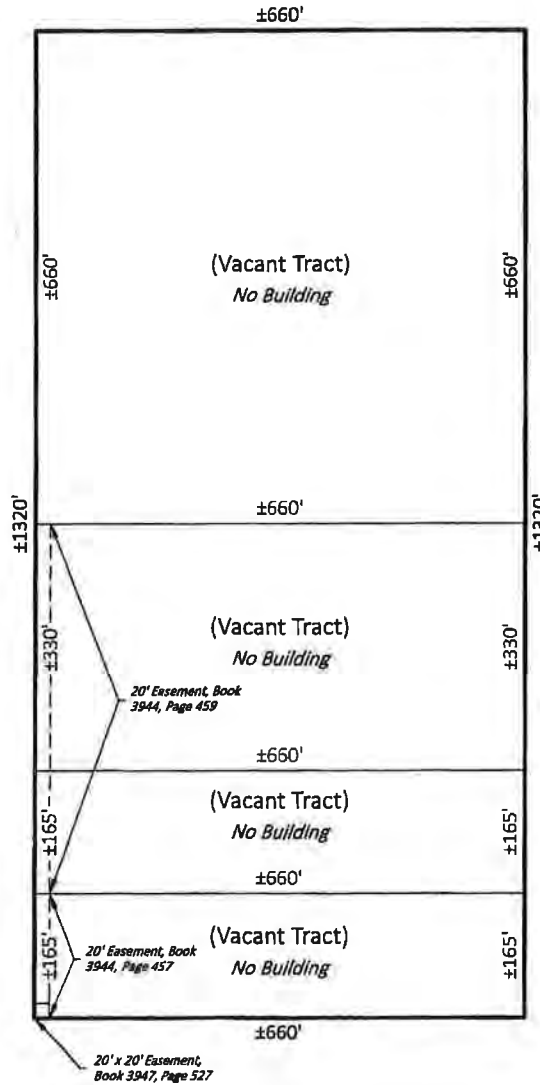
LEGAL DESCRIPTION AS PROVIDED:

THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (S/2 S/2 SW/4 NE/4 SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

AND THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2 S/2 SW/4 NE/4 SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2 SW/4 NE/4 SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NW/4 NE/4 SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.



SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA6556 renewal date: June 30, 2021, do hereby state that in our professional opinion the above inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above inspection Plat shows all Recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this inspection Plat was prepared for identification purposes only for the mortgage and is not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this inspection Plat unless specifically requested by the client; that this inspection Plat is prepared solely for the client listed hereon as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

LEGEND

- B/E BURIED ELECTRIC SERVICE CABLE ESMT (APPROX LOCATION)
- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- U/E UTILITY EASEMENT
- EM ELECTRIC METER

48 HOURS BEFORE YOU GO...CALL ONE
 1-800-522-6343
 (Harden & Associates, Inc.)

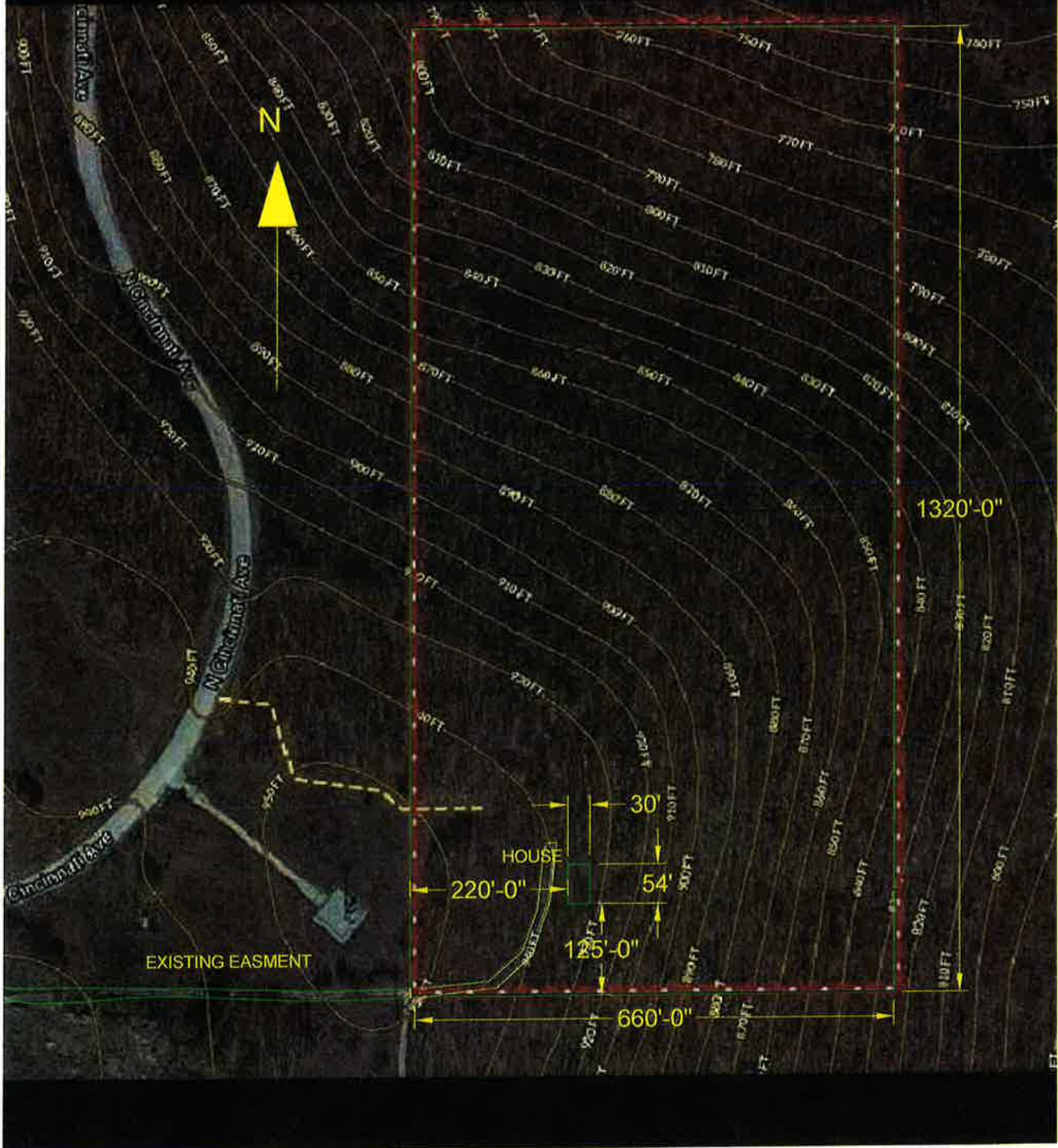
WITNESS MY HAND

JAMES HARDEEN
 L.S. 1233
 REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF OKLAHOMA

HARDEN & ASSOCIATES		SURVEYING AND MAPPING, PC	
1807 S. Garret Road, Suite K Tulsa, Oklahoma 74108		(918) 524-0822 Office (918) 488-6222 Fax	
REVISED	BY	DATE	Certificate of Authorization No. 4628 Expires June 30, 2021
MORTGAGE INSPECTION PLAT			
Drawn by: HTM	Checked by: JH	Proj. No.: 213714	
Date: 4/12/2021	Scale: 1"=40'	Sheet: 1 of 1	

12.7

Lopez House Site Plan 7061 N. Cincinnati Ave.



Lopez House Site Plan
7061 N. Cincinnati Ave.



**ELECTION OF
OFFICERS**