

**AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday December 21, 2021, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No. 501**

**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 November 16, 2021 (Meeting No. 500).

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

**UNFINISHED BUSINESS**

None.

**NEW APPLICATIONS**

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

2. **2933—Kyle Gibson**  
Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330). **LOCATION:** 6312 East 106th Street North
3. **2938-Adam K Wilbourn**  
Use Variance Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215) **LOCATION:** 8632 East 112th Street North

4. **2939—Mike Black**  
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:** 4363 South 73rd Avenue West
5. **2940—Edward and/or Tania Wilson**  
Special Exception to permit a single-wide mobile home in an RS district (Section 410). **LOCATION:** 3302 South 63rd Avenue West
6. **2941—Kyle Rampey**  
Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208). **LOCATION:** 3241 East 171st Street South
7. **2942—Nathalie Cornett**  
Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930) **LOCATION:** 2124 West 166th Street South

#### **OTHER BUSINESS**

#### **NEW BUSINESS**

#### **BOARD MEMBER COMMENTS**

#### **ADJOURNMENT**

**Website:** [tulsaplanning.org](http://tulsaplanning.org)

**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

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

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

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



**Case Number:** CBOA-2933

**Hearing Date:** December 21, 2021

**Action Requested:** Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330).

**Case Report Prepared by:**

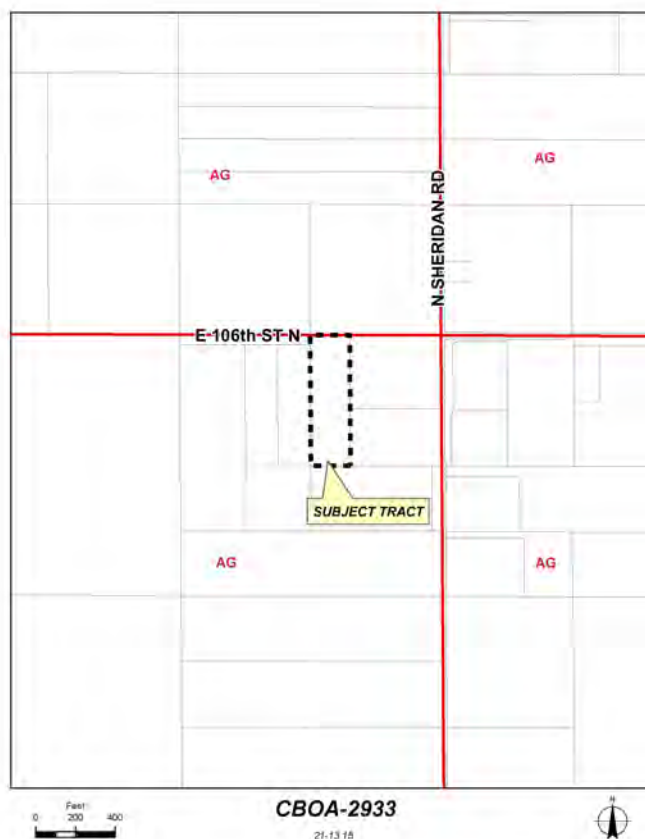
Robi Jones

**Owner and Applicant Information:**

**Applicant:** Kyle Gibson

**Property Owner:** Garcia, Rafael

**Location Map:**



**Additional Information:**

**Present Use:** Residential/Agricultural

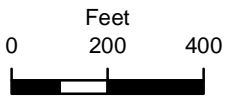
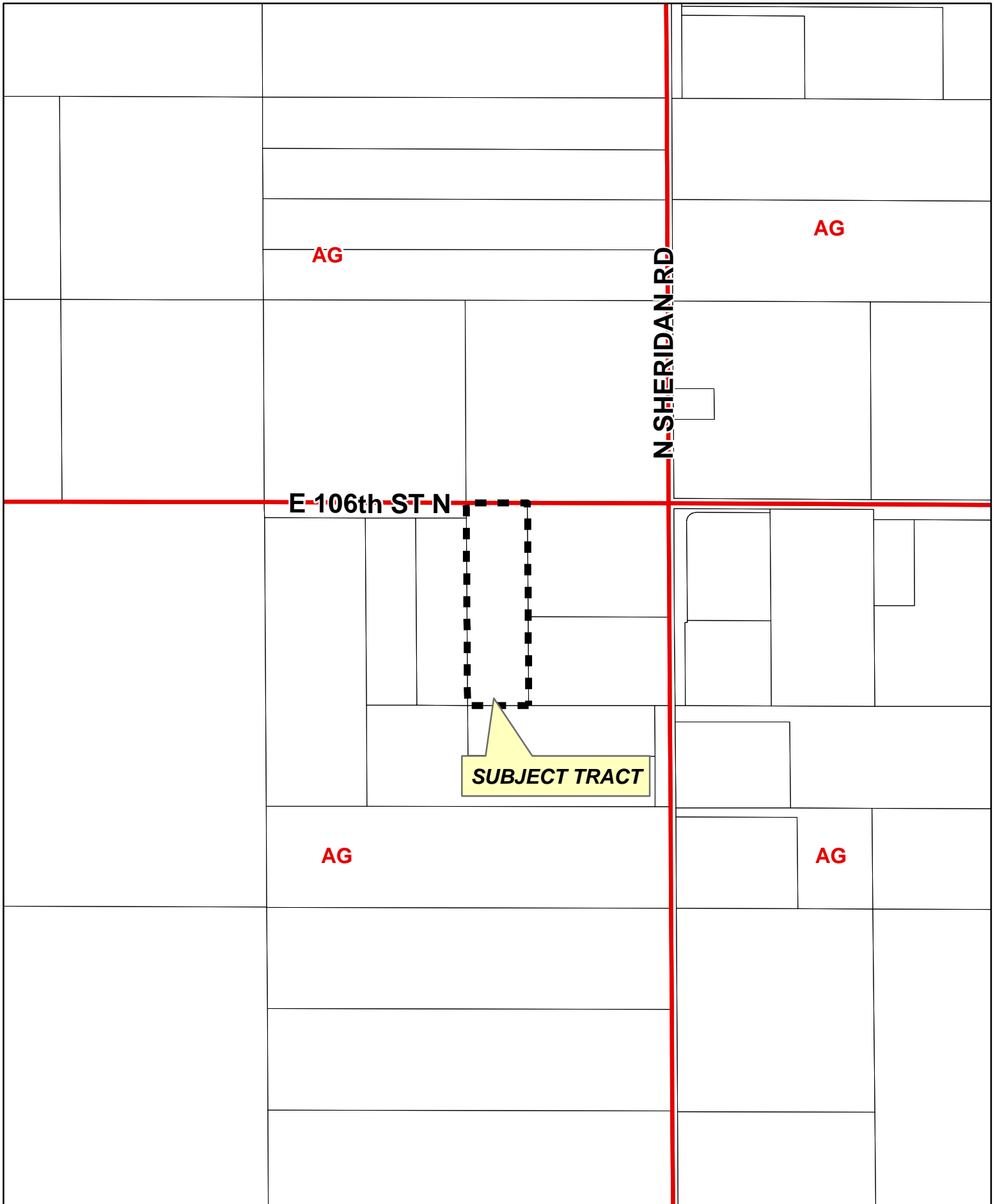
**Tract Size:** 3.03 acres

**Location:** 6312 East 106<sup>th</sup> Street North

**Fenceline/Area:** North Tulsa County

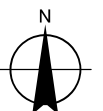
**Present Zoning:** AG

**Land Use:** Rural Residential/Agricultural



**CBOA-2933**

21-13 15



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1315

**CZM:** 11

**CASE NUMBER:** **CBOA-2933**

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 12/21/2021 1:30 PM

**APPLICANT:** Kyle Gibson

**ACTION REQUESTED:** Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330).

**LOCATION:** 6312 E 106 ST N

**ZONED:** AG

**FENCELINE:** North Tulsa County

**PRESENT USE:** Residential/Agricultural

**TRACT SIZE:** 3.03 acres

**LEGAL DESCRIPTION:** PRT NE NE NE BEG 460W NEC THEREOF TH S659.83 W200.13 N659.84 E200.01 POB SEC 15 21 13 3.031ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CBOA-2805 March 2020:** The Board APPROVE the request for a Variance of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); Use Variance to allow Use Unit 25 for industrial light uses (Section 1225), subject to conceptual plan 3.26 of the agenda packet, on property located at 6312 East 106<sup>th</sup> Street North.

**Surrounding Property:**

**CBOA-2759 May 2019:** The Board approved a *modification* of a previously approved site plan to include a storm shelter (CBOA-2678), on property located at 6441 East 106<sup>th</sup> Street North.

**CBOA-2678 May 2019 (Remand):** The Board moved to confirm the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No 457 on June 19, 2019 along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in the matter, case no. CBOA-2678; and the Board moved to find that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we find that 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 property located at 6941 East 106<sup>th</sup> Street North.

**CBOA-2678 June 2018:** The Board **approved** a request for a *special exception* to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan as submitted at today's meeting; and **approved** the request for a *variance* of the all-weather surface material requirement for parking (Section 1340.D); the required parking spaces per Code will have hard surfaces, and the overflow parking spaces only will not be required to have hard surfaces, on property located at 6491 East 106<sup>th</sup> Street North.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning in all directions. The parcels to the west, south, and east appear to have residential uses. The tract to the north is the site of an early childhood center, see CBOA-2678.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330).

The Code requires a side yard setback of 15 feet in the AG District. According to the site plan, the proposed accessory building will be 6 feet from the property line and the size of the accessory building is 100' x 30'. The use of the building is in connection with the horticultural nursery which is allowed by right in an AG district. The size of the accessory building is not limited in the AG district.

The applicant has supplied the following statement of hardship:

*“Existing greenhouses and agricultural sites dictate building being located near west lot line as to not prohibit agricultural production. Canada Goose nesting grounds near pond in the middle of lot also dictate current location of building. Refer to CBOA-2805.”*

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 Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225).*

*Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.*

*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.*

*Move to \_\_\_\_\_ (approve/deny) a Variance of the required side yard setback from 15 feet in the AG District (Section 330).*

*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.”*

a two-story metal building is erected, it would be out of character for the neighborhood. Mr. Hutchinson stated the Board would like to see a presentation of what the building is actually going to be in height, the pitch of the roof, the interior layout, the outside look of the building, etc., so a vote can be on the building and not a blanket vote of a building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **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 April 21, 2020 Board of Adjustment meeting to allow the applicant to present more detailed drawings and information on the project; for the following property:

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

\*\*\*\*\*

**NEW APPLICATIONS**

**FILE COPY**

**2805—Align Design – Kyle Gibson**

**Action Requested:**

Variance of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); Use Variance to allow Use Unit 25 for Industrial Light uses (Section 1225). **LOCATION:** 6312 East 106th Street North

**Presentation:**

**Kyle Gibson**, 551 South Quaker Avenue, Tulsa, OK; stated his client has acquired three letters of approval from his neighbors, one from the east, one from the west and one from the southeast corner of 106<sup>th</sup> Street North and Sheridan. The neighbor to the west is the neighbor that is closest to the encroachment. The existing building was constructed to not impede with existing agriculture activities, as well as being built too closely to the pond. The existing accessory building is the structure that encroaches on the setback.

Mr. Hutchinson asked staff if the setback used to be five feet years ago? Mr. Walden stated that the setback used to be 15 feet total, five feet on one side and ten feet on the other side. There are quite a few properties in Tulsa County that are closer than the five feet.

03/17/2020/#480 (4)



CBOA-2805

FILE COPY

Mr. Gibson stated he does not have a rendering of the building, but it is hardy flat siding, shingle roof, 10-foot side walls, 16-foot ridge line and it looks like a house; matches the neighborhood. There is another building that is 13 feet to the east of the subject structure. The first building will be used as a dry room and the second building will be used for trimming and processing of the plants. There will be no solvents, CO2 or butane used. There will be ice baths and a sieve used in the processing, and that will be compacted into hash and it will be sold commercially.

Mr. Hutchinson asked Mr. Gibson if the trimming and cutting is what he means when he says processing? Mr. Gibson answered affirmatively and there would be storage while waiting for transport to a commercial entity.

Mr. Hutchinson asked Mr. Gibson what type of equipment will be used in the processing. Mr. Gibson stated that there will be tables, scissors, small electric lights, the sieve tray for collecting product but there will be no heavy equipment and no hazardous chemicals.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

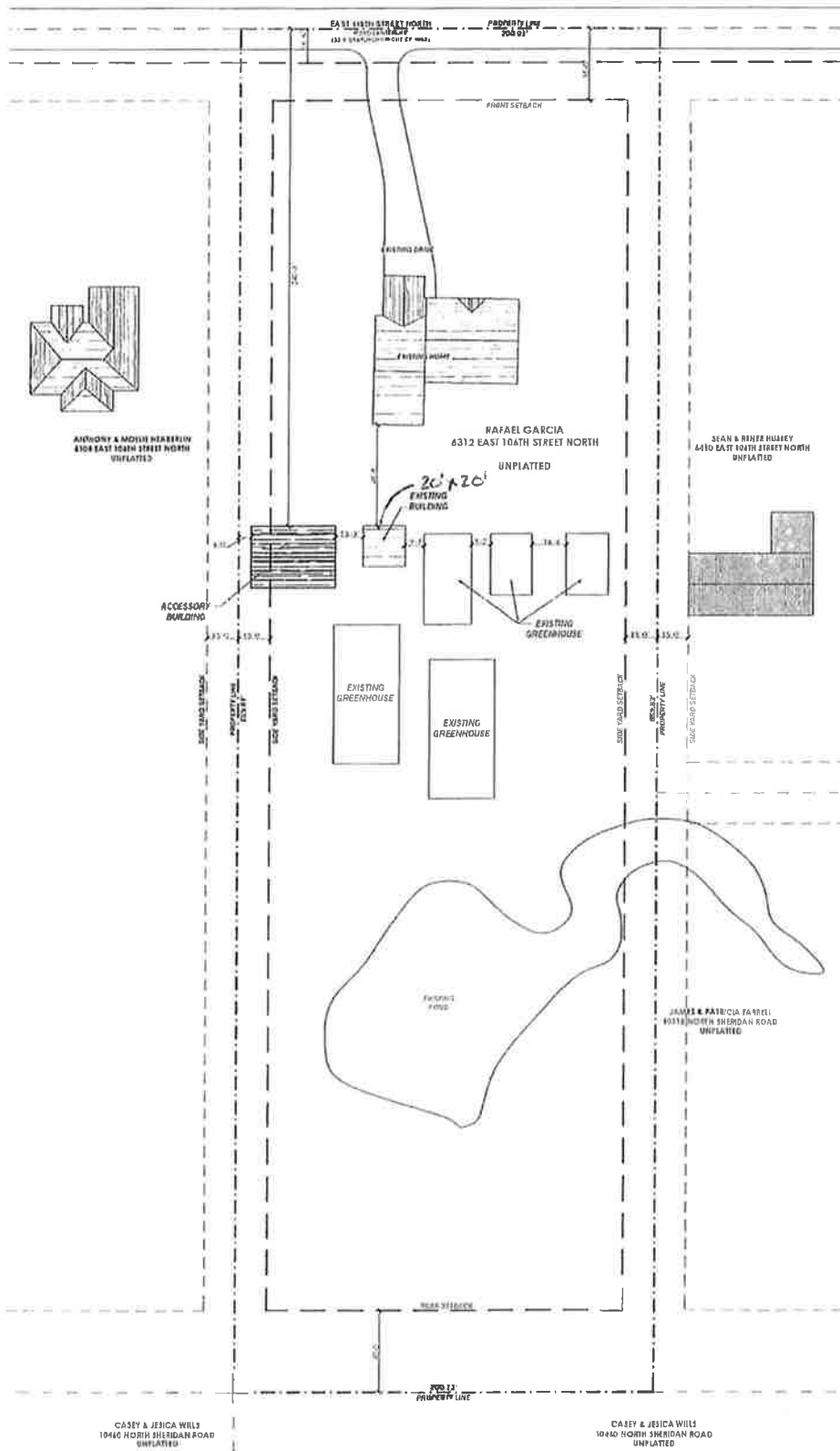
**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); **Use Variance** to allow Use Unit 25 for Industrial Light uses (Section 1225), subject to conceptual plan 3.26 of the agenda packet. The Board has found the hardship to be that the building exists and a pond that is very close by that is used by wildlife for nesting. 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; for the following property:

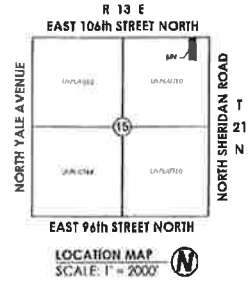
**PRT NE NE NE BEG 460W NEC THEREOF TH S659.83 W200.13 N659.84 E200.01  
POB SEC 15 21 13 3.031ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

03/17/2020/#480 (5)

# Previously Approved Site Plan 3.26 of CBOA-2805



SCALE: 1" = 30'



3.26

subject to conceptual plan 4.15 of the agenda packet. The Board finds the hardship to be the existence of two structures on an unusually configured lot, with each currently having separate drives and separate septic fields. The renovation of the house on the future smaller lot be completed and maintained well. The existing carport on the larger lot will be allowed to have a gravel parking surface. 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:

**E 198 W 462 SE SE NE SEC 5-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2759—Eller & Detrich – Lou Reynolds**

**FILE COPY**

**Action Requested:**

Modification of a previously approved site plan to include a storm shelter (CBOA-2678). **LOCATION:** 6441 East 106<sup>th</sup> Street North

**Tracy Pipkin**, 7211 East 106<sup>th</sup> Street North, Owasso, OK; stood and stated that he has a procedural question before the case is heard. Mr. Charney allowed Mr. Pipkin to take the floor.

Mr. Pipkin stated that on June 19, 2018 Mr. Charney stated that “he was compelled to recuse himself from three items on the agenda, even though he did not have a financial or other interest in the decision being made that he or his business partners have holdings very nearby and he feels it is his duty to step aside. The standard is not that there be an actual conflict of interest or a monetary interest, sometimes even if there is a potential appearance of impropriety...”.

Mr. Charney asked if this case is the same intersection? Mr. Pipkin answered affirmatively. Mr. Pipkin stated that the case he is quoting is two lots over, the rodeo case.

Mr. Charney asked Mr. Pipkin to take a seat so he could make a comment. Mr. Charney stated there is only one case before the Board today and he knows the case before the Board today is the day care center. Mr. Charney stated he understands Mr. Pipkin's problem with his being on the Board for this today. Mr. Pipkin stood and stated there is another one.

Mr. Pipkin stated that the Code of Ethics states, “any reasonable person believing to be unbiased or impartial”, that is the question. Mr. Pipkin stated that in that same meeting Mr. Dillard misrepresented the facts in that case; the materials that were presented to

06/18/2019/#470 (7)

the Board were overwhelming in favor of support for that request at the time of that meeting. Mr. Dillard stated that they were balanced between the for and against, and that is no where near the case of the actual facts of what was going on. It could be that the Board only had a limited supply of information, he does not know, but he thinks it was overwhelming that it was more like ten to two, and there was a generic letter that indicated the day care was good.

Mr. Charney asked Mr. Pipkin if he was requesting that he recuse himself from the matter Mr. Reynolds is going to present to the Board today? Mr. Pipkin answered affirmatively. Mr. Charney thanked Mr. Pipkin for the request and stated that he understands the nature of the request, and he refuses to grant Mr. Pipkin's request and will sit in judgement on this matter.

Mr. Charney asked Mr. Dillard if he wished to recuse himself from the matter before the Board today? Mr. Dillard stated that he has no bias and he has not seen the property. He does not know anyone involved in the property.

Mr. Charney stated that he has spoken to the party's request relating to this request and thanked Mr. Pipkin for his appearance.

Mr. Charney stated there has been a request for two recusals, and he believes it was on matters that the Board has spoken to previously when the base case was before the Board. The Board is going to proceed to hear the case before them today, and he understands that it has to deal with the same precise property. Mr. Charney stated that he deems the Board to believe they are in full conformity with the Code of Ethics, and other Code requirement in the ability to make an impartial decision.

**Presentation:**

**Lou Reynolds**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he represents the Washington County Child Care Foundation. This case is regarding an amendment to the previous site plan the Board approved a year ago to include a storm shelter. The client intends to build a 1,165 square foot storm shelter adjacent to the facility. The storm shelter will be one-story high with the same exterior and accent material as the main building.

Mr. Charney asked Mr. Reynolds if the storm shelter would conform to the same architectural style of the principal structure. Mr. Reynolds answered affirmatively. Mr. Charney asked if there would any modification to the footprint of the building. Mr. Reynolds stated there would be no modification to the original building, it is just the site plan for a storm shelter.

Mr. Reynolds stated the storm shelter will have the capacity to hold all the children attending the day care, and maybe any parent picking up children. The storm shelter has been designed for the worst-case scenario.

Mr. Johnston asked Mr. Reynolds if the storm shelter will contain any other day-to-day use other than being just a storm shelter. Mr. Reynolds stated that at the present time it will not, but it might have some kind of use in the future; they are trying to be efficient with the shelter.

**Interested Parties:**

**Carl McCarty**, 10535 North Sheridan, Sperry, OK; stated he lives diagonal to the subject property. Now he has to back into his driveway to be able to get out because of the traffic on Sheridan. He found out this is a 501c3 facility and it is for rich kids, it is not for poor native American children like was presented. He has found out from the City of Owasso that this will mean the destruction of his house, because nothing about this day care center came across the City Council desk. Mr. McCarty stated that there will need to be a three-point turning at the facility, and his house will be destroyed to ease the traffic. Mr. McCarty stated that is a problem because he is on a fixed income and his house is older than the State of Oklahoma. This facility has dropped the value of his house because no one wants to live next to that traffic. Mr. McCarty stated this facility should have been built in the Sheridan Crossing neighborhood not in his neighborhood. There will be traffic problems at that location because when there are 200 cars at the four-way it will be dangerous. A 501c3 should never be used to profit rich kids, it should only be used for poor children.

Mr. Charney stated that the Board is present today on a very limited matter; the expansion of a previously approved site plan by adding a storm shelter. He understands that Mr. McCarty does not like the use on the corner and he thanked Mr. McCarty for his comments. The Board's focus today is whether the Board wishes to amend a site plan to allow a storm shelter and that is the focus today.

**Tracy Pipkin** came forward and stated he does not think this expansion is a good idea because he believes the Board has overstepped the bounds of what could be allowed. This would continue to go against the Zoning Code that indicates, which is to encourage and protect agricultural land, this does not do that. This furthers the wasteful scavenger development in rural areas. These are two specifics items that the Board has ignored. Mr. Pipkin stated that he would be interested in understanding what the criteria for trying those two items. Mr. Pipkin stated that in CBOA-2569 Mr. Dillard stated, "this would change the resident's world ... cannot support the request". Mr. Pipkin stated nothing has changed since that hearing. Mr. Pipkin thinks his statement about being biased has already been proven that it already is. Again, the infrastructure for this is not congruent to the type of road and infrastructure that is there. There is no way to properly support additional construction. The neighborhood is adversely impacted by the noise pollution, light pollution, because the noise can be heard for miles away. This reduces wildlife and the road is disintegrating. There is no reason for a commercial environment to be in this residential area.

**Rebuttal:**

Lou Reynolds came forward and stated this request will not increase any traffic. The entrance ramp is almost 60 feet from the intersection and the other entrance is 330 feet from the intersection.

Mr. Charney asked Mr. Reynolds if today's request does not increase the number of allowed children on the site, it is simply a storm shelter correct? Mr. Reynolds answered affirmatively.

**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 Modification of a previously approved site plan to include a storm shelter (CBOA-2678). 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; for the following property:

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

\*\*\*\*\*

**OTHER BUSINESS**

\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*

**BOARD COMMENTS**

None.

\*\*\*\*\*

There being no further business, the meeting adjourned at 2:44 p.m.

Date approved: 8/20/19  
Dan E. King  
Chair

06/18/2019/#470 (10)

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Special Meeting No. 468**  
Monday, May 13, 2019, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

|                     |         |           |
|---------------------|---------|-----------|
| Charney, Chair      | Dillard | S. Miller |
| Crall, Secretary    |         | Ulmer     |
| Hutchinson, V.Chair |         | R. Jones  |
| Johnston            |         | Sparger   |

The notice and amended agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10<sup>th</sup> day of May, 2019 at 1:59 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

\*\*\*\*\*  
\*\*\*\*\*

**MINUTES**  
None.

\*\*\*\*\*  
\*\*\*\*\*

Ms. Ulmer read formerly called the case for the Board of Adjustment Public Hearing.

\*\*\*\*\*  
\*\*\*\*\*

**UNFINISHED BUSINESS**

**2678—Shane Edmondson – Remand**

**Action Requested:**

**Special Exception** to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center.

**LOCATION:** 6441 East 106<sup>th</sup> Street North

05/13/2019/#468 (1)

Mr. Charney asked Mr. Reynolds to come forward. Mr. Charney stated that he understands, from the directive from the District Court on the order of remand, that the Board is to consider submissions by the applicant related to certain paper copies.

**Presentation:**

**Lou Reynolds**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated that he is familiar with the order of remand and he has the paper copies for submission. Mr. Reynolds submitted his copies to the Board for review. Mr. Reynolds stated that this item was actually submitted to staff, but it did not make it into the packet that was distributed to the Court for the appeal, it was a clerical oversight. The copies are of the documents that were submitted new and were also submitted to staff right after the hearing which is shown on the attachment.

Mr. Charney asked Mr. Reynolds if the paperwork was his affidavit. Mr. Reynolds stated that it is the affidavit of Shane Edmondson who appeared at the hearing and the applicant that presented the documents.

Mr. Charney asked Mr. Reynolds if they were the identical documents that were presented at the hearing and shown on the poster boards as well at the time of the hearing. Mr. Reynolds answered affirmatively.

Mr. Charney asked Mr. Reynolds if there was anything else he would like the Board to consider in regard to the item being discussed today. Mr. Reynolds stated there was not.

**Interested Parties:**

There were interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board moved to **CONFIRM** the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in this matter, case no. CBOA-2678; for the following property:

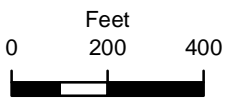
**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**





E 106th ST N

N SHERIDAN RD



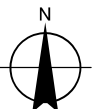
Subject Tract

**CBOA-2933**

21-13 15

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

Aerial Photo Date: 2020/2021

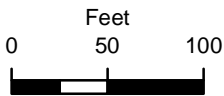


**CBOA-2933**

**2.15**



**E 106th ST N**



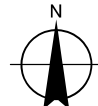
*Subject Tract*

**CBOA-2933**

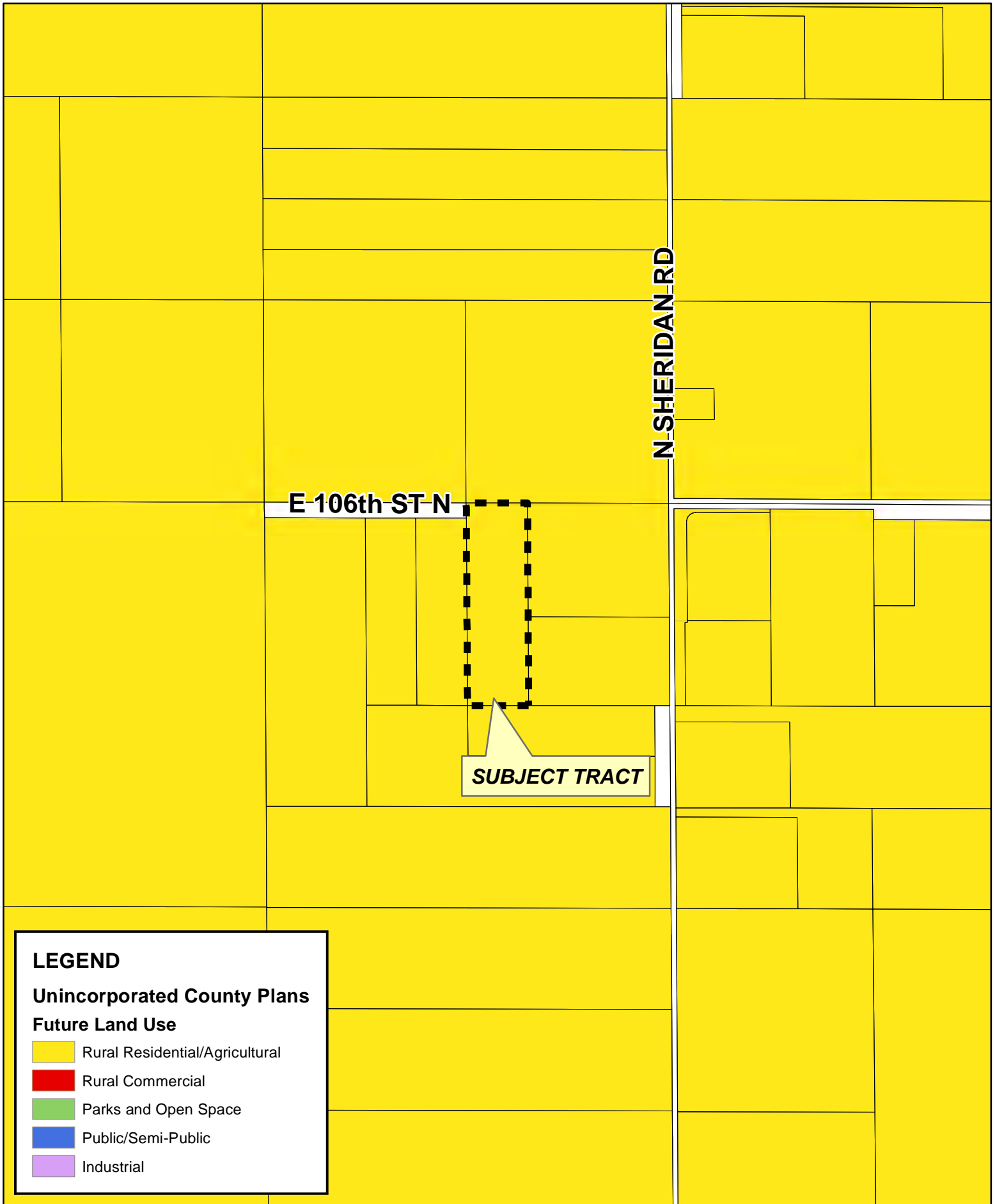
21-13 15

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

*Aerial Photo Date: 2020/2021*



**CBOA-2933 2.16**

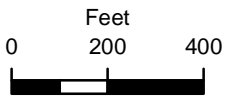


**LEGEND**

**Unincorporated County Plans**

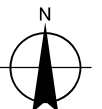
**Future Land Use**

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



**CBOA-2933**

21-13 15



## Jones, Robi

---

**From:** Tony Heaberlin <route66roadkill@gmail.com>  
**Sent:** Monday, December 13, 2021 12:26 PM  
**To:** esubmit; Jones, Robi  
**Subject:** CBOA-2933 protest  
**Attachments:** 100397.jpeg; 100398.jpeg; 100396.jpeg

Additional photos showing flooding as a result of additional buildings and a previous variance granted to one building within the 15ft setback on the subject property.

















**Jones, Robi**

---

**From:** Tony Heaberlin <route66roadkill@gmail.com>  
**Sent:** Monday, December 6, 2021 2:35 PM  
**To:** esubmit  
**Subject:** Fwd: CBOA-2933 protest  
**Attachments:** 113497.jpeg

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

**From:** **Tony Heaberlin** <[route66roadkill@gmail.com](mailto:route66roadkill@gmail.com)>  
**Date:** Mon, Dec 6, 2021, 2:30 PM  
**Subject:** CBOA-2933 protest  
**To:** <[esubmit@incog.org](mailto:esubmit@incog.org)>, <[rjones@incog.org](mailto:rjones@incog.org)>

I am protesting the application for a variance to the 15 ft set back. The previously approved variance and additional buildings on this site have caused major flooding to my property which is adjacent to the proposed application. Even after several thousand dollars of dirt work performed on my property, the problem continues and will get worse if the application is approved. In addition, the applicant has exceeded the permeable space allowance on the current property. Also, considerable light pollution will be created by additional greenhouses. Attached is a recent photo of the flooding concern.

Sincerely,

Tony Heaberlin  
6108 and 6250 E 106th St. N.  
Sperry, OK 74073  
918-649-8324



## ABBREVIATIONS

|       |                                      |
|-------|--------------------------------------|
| &     | ..... And                            |
| ▲     | ..... Center Line                    |
| ▬     | ..... Plate/Property Line            |
| BLKG  | ..... Blocking                       |
| CLG   | ..... Ceiling                        |
| CMU   | ..... Concrete Masonry Unit          |
| CO    | ..... Clear Opening                  |
| CONC  | ..... Concrete                       |
| CONT  | ..... Continuous                     |
| CPT   | ..... Carpet                         |
| CTR   | ..... Center                         |
| DF    | ..... Douglas Fir                    |
| DM    | ..... Dimension                      |
| DS    | ..... Downspout                      |
| DW    | ..... Dishwasher                     |
| DWG   | ..... Drawing                        |
| (E)   | ..... Existing                       |
| E     | ..... East                           |
| ELEC  | ..... Electrical                     |
| ELEV  | ..... Elevation                      |
| EQUIP | ..... Equipment                      |
| FLR   | ..... Floor                          |
| FF    | ..... Finish Floor                   |
| FT    | ..... Foot or Feet                   |
| GC    | ..... General Contractor             |
| GD    | ..... Garbage Disposal               |
| GYP   | ..... Gypsum Wall Board              |
| HT    | ..... Height                         |
| HW    | ..... Hot Water                      |
| IBC   | ..... International Building Code    |
| ID    | ..... Inside Diameter                |
| IMC   | ..... International Mechanical Code  |
| IN    | ..... Inches                         |
| INSUL | ..... Insulation                     |
| IPC   | ..... International Plumbing Code    |
| IRC   | ..... International Residential Code |
| LAV   | ..... Lavatory                       |
| MECH  | ..... Mechanical                     |
| (N)   | ..... New                            |
| NG    | ..... Natural Gas                    |
| NIS   | ..... Not To Scale                   |
| OC    | ..... On Center                      |
| OD    | ..... Outside Diameter               |
| PR    | ..... Pair                           |
| PSF   | ..... Per Square Feet                |
| PSI   | ..... Per Square Inch                |
| ROW   | ..... Right Of Way                   |
| SF    | ..... Square Footage                 |
| SOG   | ..... Slab On Grade                  |
| STD   | ..... Standard                       |
| STL   | ..... Steel                          |
| STR   | ..... Structural                     |
| TO    | ..... Top Of                         |
| TOC   | ..... Top Of Concrete                |
| TOS   | ..... Top Of Slab                    |
| TOW   | ..... Top Of Wall                    |
| W     | ..... With                           |
| W/D   | ..... Washer/Dryer                   |

## GENERAL NOTES

- All construction shall conform to the International Residential Code (IRC) latest adopted edition, City of Tulsa zoning and building requirements and any other local governing codes.
- All work shall be done in accordance with Align Design Group Professional Services Agreement.
- The plans indicate the general extent of construction necessary for the work, but are not intended to be all-inclusive. All work necessary to allow for a finished job in accordance with the intention of the drawings is included regardless of whether it is shown on the drawings or written in the notes.
- Any errors, omissions or conflicts found in the various parts of the construction documents shall be brought to the attention of the architect for clarification before proceeding with the work.
- The General Contractor shall maintain a current up-to-date and complete set of construction documents on the job during all phases of construction for use by all trades and shall provide all subcontractors with current construction documents as required.
- The General Contractor shall verify and assume responsibility for all dimensions and site conditions. The General Contractor shall inspect the existing site and take note of existing conditions prior to submitting prices. No claim shall be allowed for difficulties encountered that could have reasonably been inferred from such examination.
- The General Contractor shall establish building lines, centerlines, elevations and a permanent benchmark on site and then field verify building layout with the Architect on the site prior to starting work.
- Written dimensions take precedence. DO NOT SCALE DRAWINGS.
- All dimensions when shown in plan are to face of stud or face of concrete unless otherwise noted.
- All dimensions are to top of plate, top of subfloor or top of sill in section and elevation unless otherwise noted.
- All exterior walls are to be 2x6 at 16" o.c. and all interior walls are to be 2x4 at 16" o.c. unless otherwise noted.
- Coordinate all work with existing conditions, including but not limited to: electrical conduit, water lines, drainage & sanitary sewer lines, gas lines, phone and cable lines, etc.
- Details shown are typical. Similar details apply in similar conditions.
- Verify all architectural details with the structural drawings and bring any discrepancies to the attention of the Architect before ordering or installing of any item of work.
- Provide double floor joists below all walls parallel to the direction of surrounding floor framing
- Where locations of windows and doors are not dimensioned, they shall be centered in the wall or placed two stud widths from adjacent wall as indicated on the drawings.
- All changes in floor materials occur at centerline of door. at cased openings, material change shall occur at finish face of one side.
- Install all equipment and materials per manufacturer's requirements and recommendations.
- Verify clearances for flues, vents, chases, soffits, fixtures, etc., before starting construction, ordering or installing of any item of work.
- Install hard-wired and interconnected photoelectric smoke detectors with battery back-up as shown on the drawings. Put system on the same circuit as a constantly used light fixture. Confirm placement of all exposed parts with architect prior to installation. Refer to chapter 8 of the national fire alarm code (NFPA 72, published by the national fire protection association) / NFPA handbook for required installation locations and verify acceptability of all parts and locations of the smoke detection system with the local fire marshal / inspector. Alarms near kitchens shall be either photoelectric or have a temporary silencing button. In addition to the code required locations, locate a smoke detector at the top of the laundry shoot (if applicable) and a CO detector in the furnace room. Approved CO detectors shall be located outside of each sleeping area and in the immediate vicinity of the bedrooms. Approved CO detectors are required in dwelling units within which fuel-fired appliances are installed, and in dwelling units with attached garages.
- Safety Glazing required in hazardous locations. Hazardous locations include areas adjacent to stairways, landings and ramps within 36" horizontally of a walking surface when the exposed surface of the glazing is less than 60" above the plane of adjacent walking surface. Safety glazing required for windows in stairwells, as well as glazing located in enclosures for walls facing hot tubs, whirlpools, saunas, steam rooms, bathtubs, and showers where the bottom exposed edge of glazing is less than 60" measured vertically above any standing or walking surface. Glazing in fixed and operable panels of swinging, sliding and bifold doors shall be considered to be a hazardous location. Glazing in an individual fixed or operable panel adjacent to a door shall be considered to be a hazardous location where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) above the floor or walking surface and it meets either of the following conditions: 1.) Where the glazing is 24 inches (610 mm) of either side of the door in the plane of the door in a closed position; 2.) Where the glazing is on a wall perpendicular to the plane of the door in a closed position and within 24 inches (610 mm) of the hinge side of an in-swinging door.
- Exterior wall and roof penetrations and utility box locations, not included on the drawings, must be approved by the designer prior to installation.
- Roof penetrations (ie. plumbing vents, flues, etc.) shall extend no further than the minimum allowable code distance, UNO.
- Sealant, caulking, weather barrier and flashing, etc. locations shown on drawings are not intended to be all-inclusive. Follow manufacturer's installation recommendations and standard industry and building practices for all materials and equipment supplied and assembled on the job.
- Provide termite protection by chemical treatment per residential code.
- All bathrooms, and laundry rooms shall have a min. 80 CFM exhaust fan.
- The General Contractor shall remove all rubbish and waste materials on a regular basis of all subcontractors and trades, and shall exercise strict control over job cleaning to prevent any dirt, debris or dust from affecting in any way, finished areas or outside job site.
- Contractor shall provide solid blocking as required for the installation of all siding, equipment, cabinets, wood trim, accessories, handrails, lighting, etc. and provide blocking and/or plywood backing in all walls that are to receive artwork - verify locations with owner.
- Align Design Group, LLC shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures, for failure of the contractor(s) to comply with the drawings and specifications, or for safety precautions or programs in connection with the construction work.
- This document set is copyrighted and the property of Align Design Group, LLC and is available to the Owner for a one-time use only. Use by others is prohibited.
- The General Contractor shall perform final cleaning of all ductwork once work is complete.

## PROJECT INFORMATION

PROJECT ADDRESS: 6312 EAST 106TH STREET NORTH  
SPERRY, OK 74073

LEGAL DESCRIPTION: A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE N89°45'14" WEST ALONG THE NORTHERLY LINE OF SECTION FIFTEEN (15) FOR 460.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°13'41" EAST PARALLEL WITH THE EASTERLY LINE OF SECTION 15 FOR 689.83 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NE¼ NE¼ NE¼; THENCE NORTH 89°45'25" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 200.13 FEET TO THE SOUTHWEST CORNER OF SAID NE¼ NE¼ NE¼ OF SECTION 15; THENCE NORTH 00°13'02" WEST ALONG THE WESTERLY LINE THEREOF FOR 689.94 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89°45'14" EAST ALONG THE NORTH LINE OF SECTION 15, FOR 200.01 FEET TO THE POINT OF BEGINNING.

PROJECT DESCRIPTION: ACCESSORY BUILDING FOR GROWING MEDICAL MARUJANA. NO CO2 OR OIL EXTRACTION WILL BE UTILIZED ON SITE.

### APPLICABLE CODES AND REGULATIONS:

- TULSA COUNTY ZONING CODE
- 2015 RESIDENTIAL CODE (IRC)
- 2015 INTERNATIONAL FIRE CODE (IFC)
- 2015 INTERNATIONAL PLUMBING CODE (IPC)
- 2015 INTERNATIONAL FUEL GAS CODE
- 2015 INTERNATIONAL MECHANICAL CODE

### BUILDING CODE INFORMATION:

ZONING: AG  
CONSTRUCTION TYPE: VB  
OCCUPANCY: F-1  
NUMBER OF STORIES: 7  
OCCUPANCY LOAD: ONE  
MAXIMUM HEIGHT ABOVE EXISTING GRADE: 16'-0" EXISTING  
MAXIMUM HEIGHT ALLOWED: 35'-0"

### AREA CALCULATIONS:

NEW AREA: 3,000 SF

### UTILITIES INFORMATION:

PSO ELECTRICITY

### VENTILATION SYSTEM:

CARBON AIR FILTER INLINE EXHAUST SYSTEM

### DRAWING INDEX

|      |                           |
|------|---------------------------|
| A000 | COVER SHEET/FLOOR PLAN    |
| A101 | SITE PLAN                 |
| A102 | ELECTRICAL & FRAMING PLAN |
| S001 | STRUCTURAL NOTES          |

### OWNER

RAFAEL GARCIA

6312 EAST 106TH STREET NORTH  
SPERRY, OK 74073

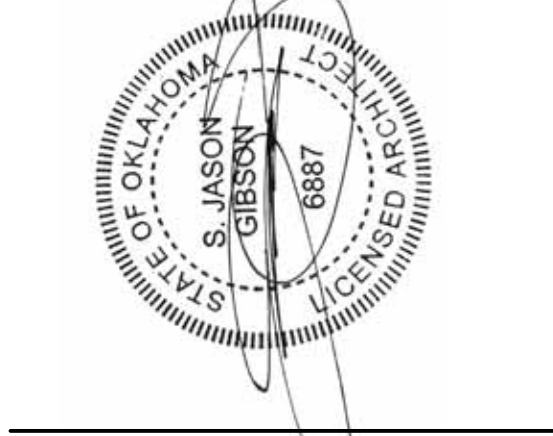
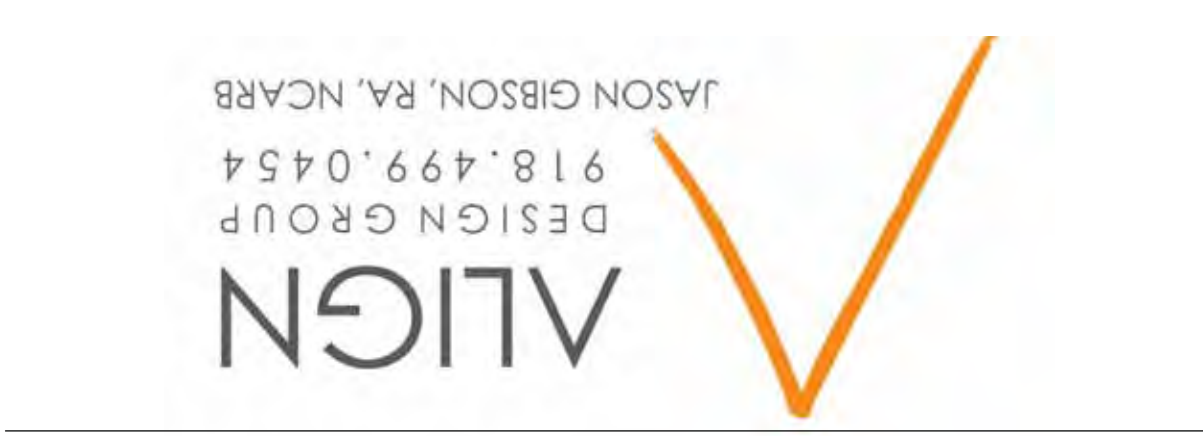
### ARCHITECT

JASON GIBSON, RA, NCARB

ALIGN DESIGN GROUP  
551 S. QUAKER AVENUE  
TULSA, OKLAHOMA 74120  
TEL: 918.499.0454

### GENERAL NOTES:

- FACILITY WILL NOT USE SOLVENTS FOR EXTRACTION OF OILS FROM PLANT MATERIAL.
- NO CO2 OR OTHER SOLVENTS TO BE USED ON SITE.
- NEAREST FIRE HYDRANT IS LOCATED APPROX. 708' FROM FURTHEST CORNER OF PROPOSED STRUCTURE. FIRE HYDRANT LOCATION IS AT THE NORTHEAST CORNER OF EAST 106TH STREET NORTH AND SOUTH SHERIDAN ROAD.
- FIRE HYDRANT LOCATION: 36° 28' 28.55" N - 95° 54' 08.03" W



ACCESSORY BUILDING  
6312 EAST 106TH STREET NORTH  
SPERRY, OK 74073

DRAWING:

COVER SHEET

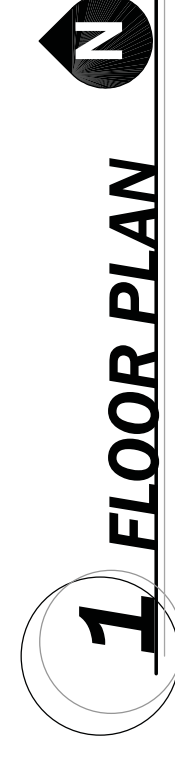
PERMIT SET

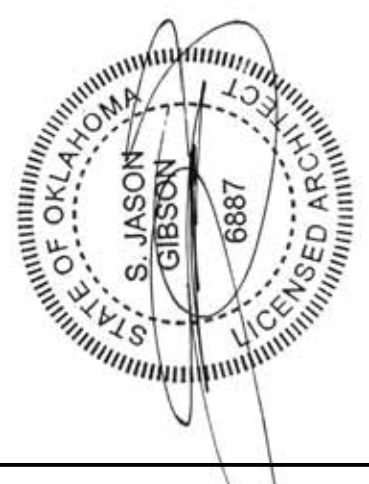
DATE: 6/9/2021

SCALE:

SHEET:

A000





DRAWING:  
**ELECTRICAL &  
FRAMING PLAN**

PERMIT SET

DATE: 6/9/2021

SCALE: 1/8" = 1'-0"

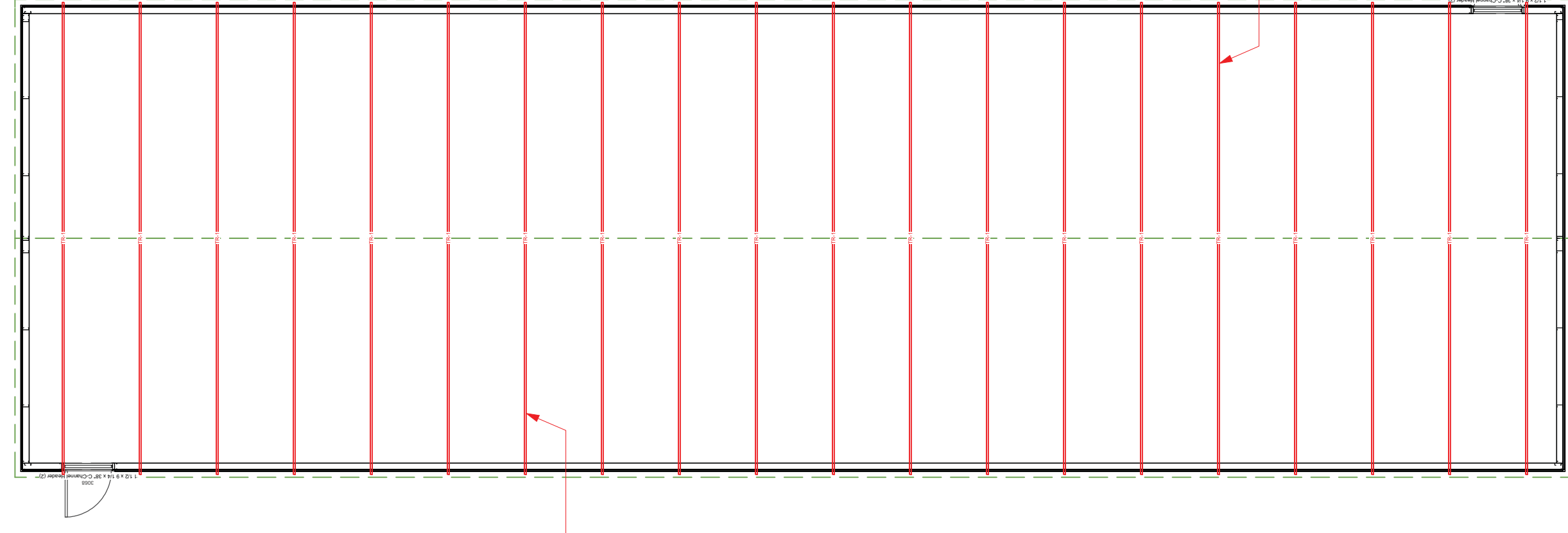
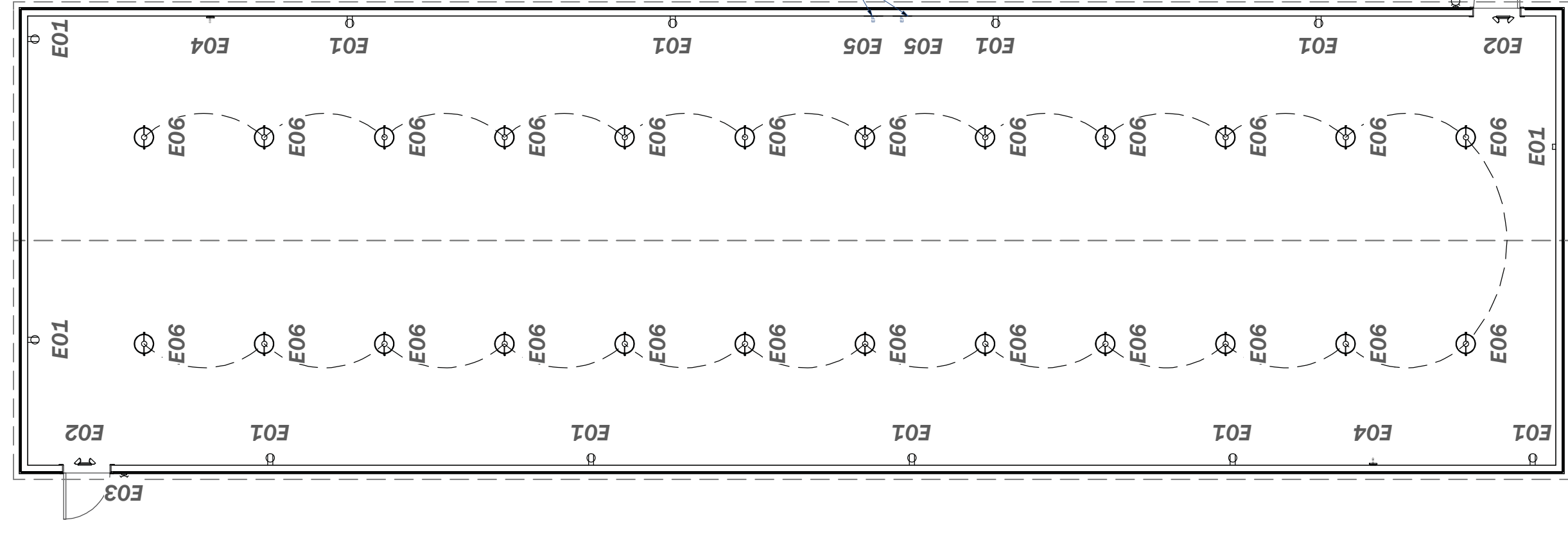
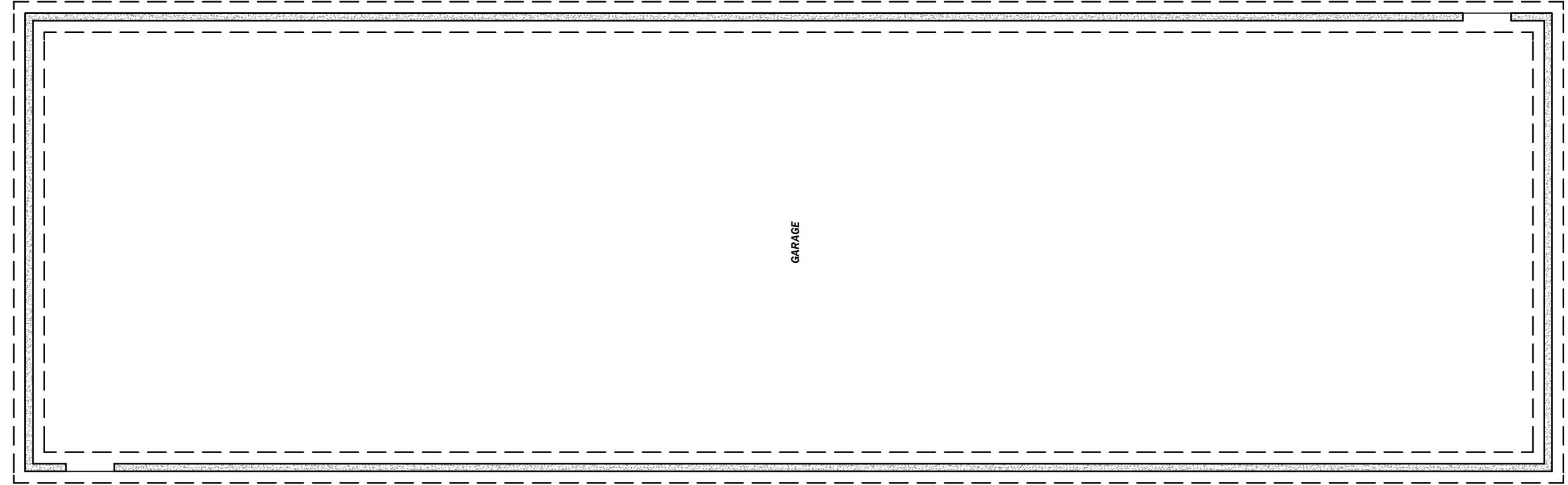
SHEET:

**A102**

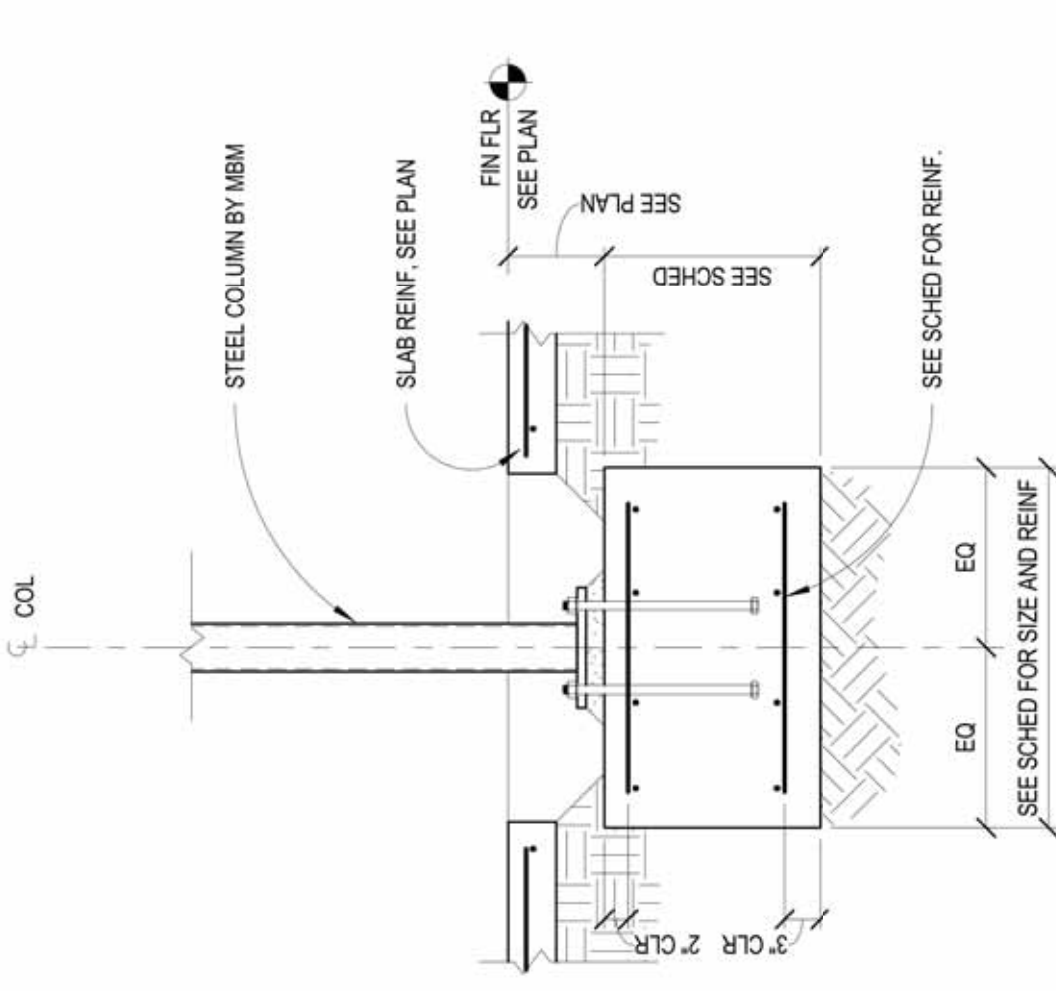
| NUMBER | QTY | DESCRIPTION                 | ELECTRICAL SCHEDULE | ATTACHED TO | REF HEIGHT | COMMENTS                  |
|--------|-----|-----------------------------|---------------------|-------------|------------|---------------------------|
| E01    | 12  | DUPLEX WALL                 | 11 1/2"             | WALL        | 11 1/2"    |                           |
| E02    | 2   | EMERGENCY LIGHT & EXIT WALL | 93"                 | WALL        | 93"        | PROVIDE EMERGENCY BALLAST |
| E03    | 2   | FIXTURE TBD WALL            | 66"                 | WALL        | 66"        | PROVIDE EMERGENCY BALLAST |
| E04    | 2   | CO/SMOKE DETECTOR WALL      | 84"                 | WALL        | 84"        |                           |
| E05    | 2   | ELECTRICAL PANEL WALL       | 60"                 | WALL        | 60"        | 200 AMPS                  |
| E06    | 24  | PENDANT CEILING             | 0"                  | CEILING     | 0"         |                           |

**4 ELECTRICAL SCHEDULE**

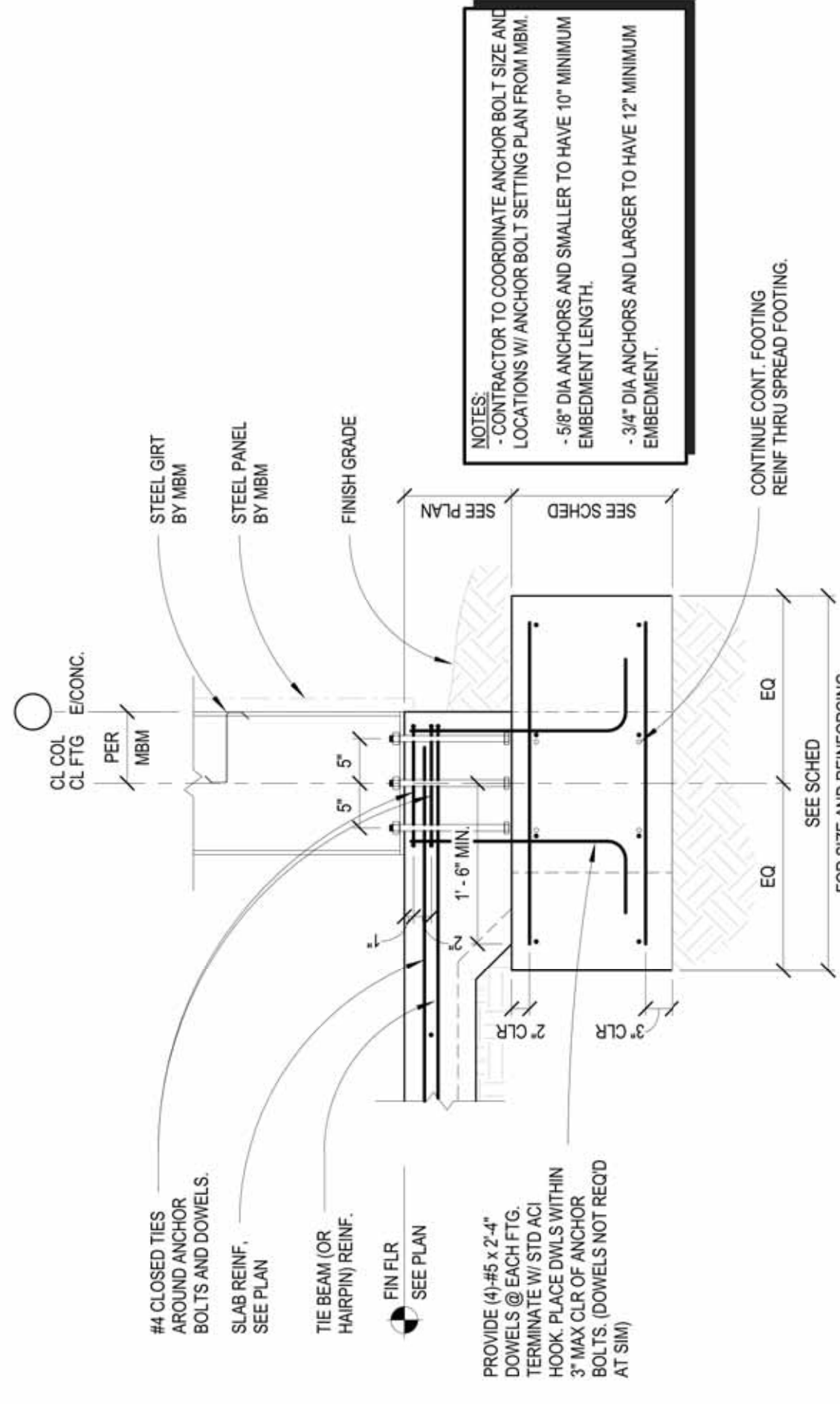
| MARK   | SIZE (WxD)    | CONTINUOUS FOOTING SCHEDULE                                   |
|--------|---------------|---|
| CF 1   | 2'-0" X 2'-0" | REINFORCEMENT   |
| CF 1.5 | 1'-6" X 2'-0" | (2) - #5 CONT TOP AND BOTTOM, #3 TIES @ 48" O.C. SAME AS CF 1 |



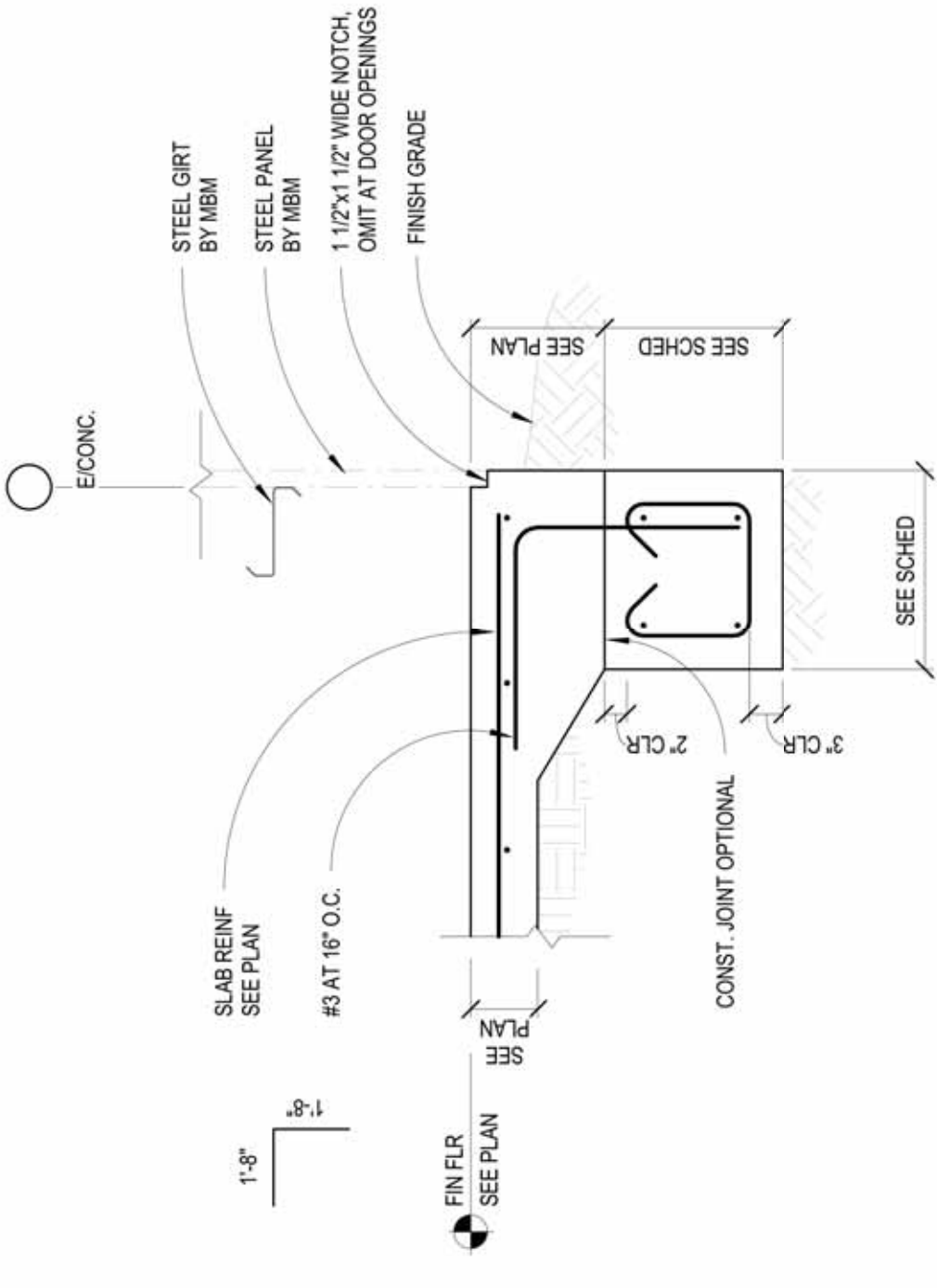
- FOUNDATION GENERAL NOTES**
- BUILDING CODE: 2015 IRC
  - STRUCTURAL ELEMENTS ARE NON SELF SUPPORTING AND REQUIRE INTERACTIONS WITH OTHER ELEMENTS FOR STABILITY AND RESISTANCE TO LATERAL FORCES. FRAMING AND WALLS SHALL BE TEMPORARILY BRACED BY THE CONTRACTOR UNTIL PERMANENT BRACING, FLOORS, ROOF DECKS, AND WALLS HAVE BEEN INSTALLED, AND CONNECTIONS BETWEEN THESE ELEMENTS HAVE BEEN MADE.
  - TEMPORARY BRACING SHALL BE INSTALLED TO MAINTAIN STABILITY AND STABILITY OF ANY EXISTING STRUCTURES TO REMAIN DURING ALL PHASES OF CONSTRUCTION.
- DIVISION 2 - FOUNDATIONS**
- FOOTING DESIGNS ARE BASED ON AN ASSUMED NET ALLOWABLE SOIL BEARING PRESSURE OF 1500 PSF. CONTRACTOR TO VERIFY PRIOR TO CONSTRUCTION.
  - EXTERIOR FOOTINGS SHALL BEAR AT OR BELOW MINIMUM BEARING DEPTH. MINIMUM BEARING DEPTH IS 24" BELOW ADJACENT GRADE.
- DIVISION 3 - CONCRETE**
- CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH (fc) AT 28 DAYS OF:
    - CONCRETE FOR EXTERIOR WALLS - 3500 PSI
    - ALL OTHER CONCRETE - 3000 PSI
  - REINFORCING STEEL SHALL HAVE A MINIMUM YIELD STRENGTH (Fy) OF 60 KSI. REINFORCING BARS SHALL BE SPLICED A MIN. OF 48 BAR DIAMETERS, 24" OR LENGTHS PROVIDED IN THE LAP SCHEDULE, WHICHEVER IS GREATER, UNLESS NOTED OTHERWISE.
  - CONCRETE SHALL BE PLACED AND COMPACTED IN LIFTS AS NOTED.
  - SAW CUTS/CONSTRUCTION JOINTS SHALL BE LOCATED AS SHOWN ON PLANS OR AS DIRECTED BY THE STRUCTURAL ENGINEER.



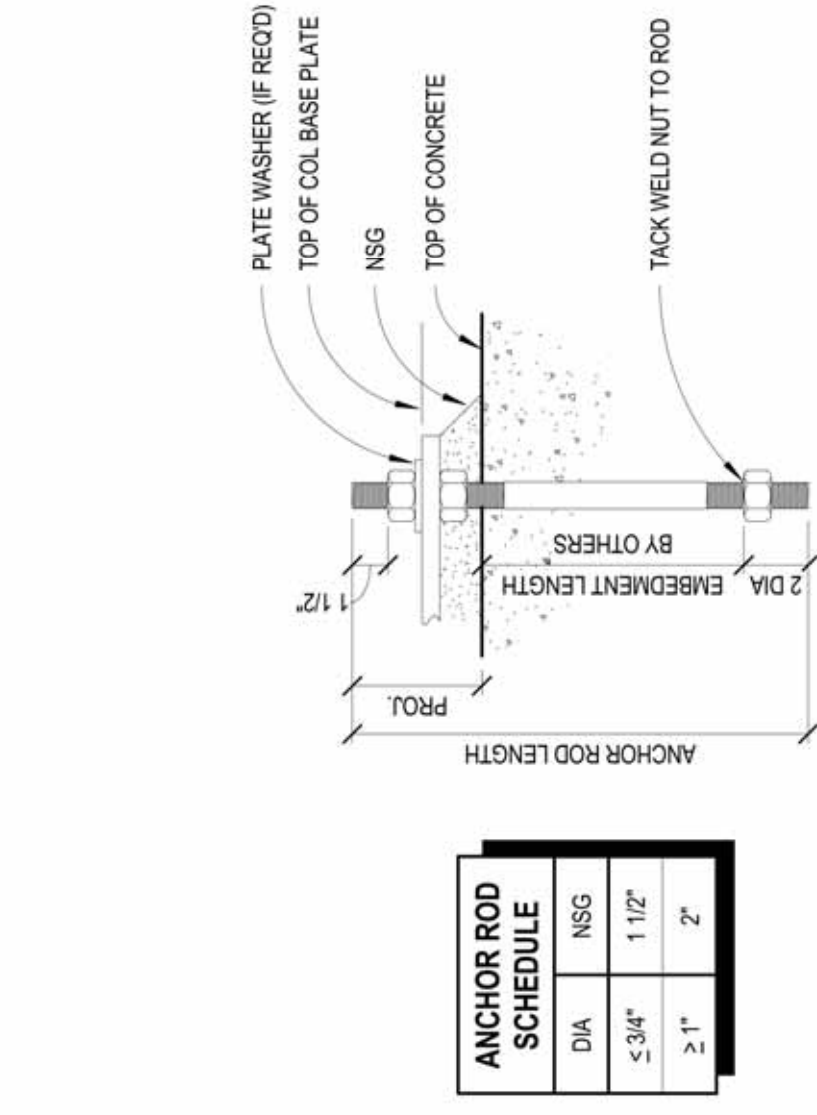
**8** FOOTING DETAIL  
3/4" = 1'-0"



**7** FOOTING DETAIL  
3/4" = 1'-0"

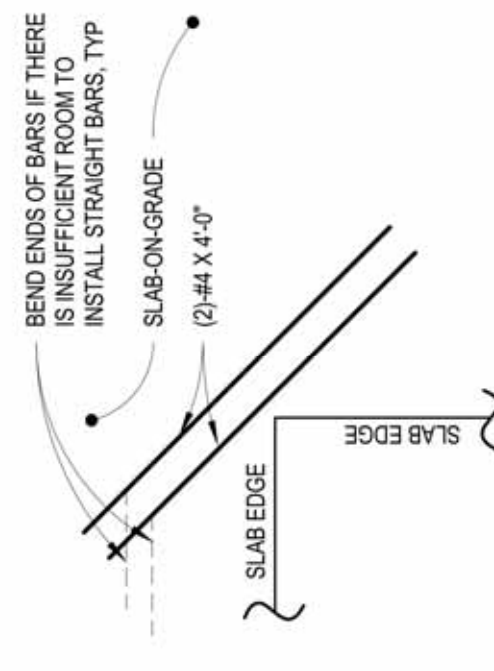


**6** FOOTING DETAIL  
3/4" = 1'-0"

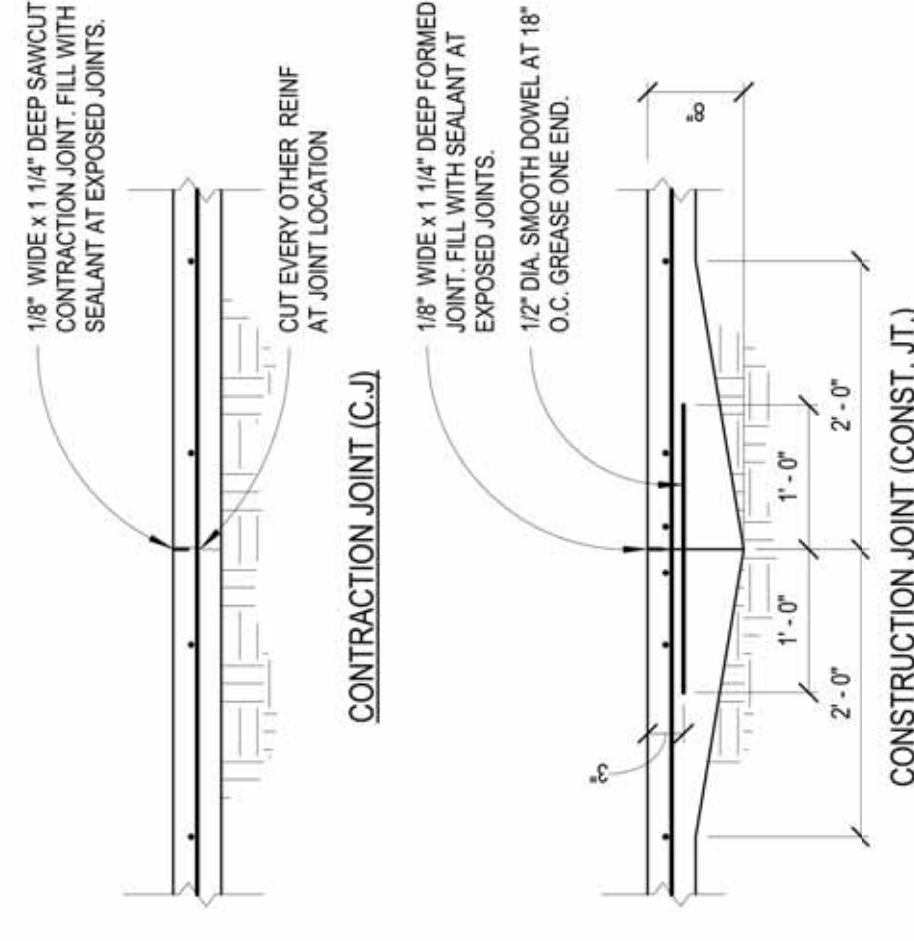


- NOTES:**
- ANCHOR RODS SHALL MEET THE REQUIREMENTS OF ASTM F1554 UNLESS NOTED OTHERWISE.
  - ALL ANCHOR RODS SHALL BE FURNISHED WITH HEAVY HEX NUTS AND CUT WASHERS OF SPECIFICATIONS COMPATIBLE WITH THOSE OF THE THREADED SHANKS UNLESS NOTED OTHERWISE.
  - FOR CONVENTIONAL COLUMNS (WF AND HSS SHAPES) A NUT SHALL BE PLACED UNDER THE BASE PLATE AND USED FOR LEVELING.
  - HEADED BOLTS MAY BE SUBSTITUTED FOR RODS AS SHOWN.
  - CONTRACTOR HAS OPTION OF OMITTING GROUT IF A UNIFORM BEARING SURFACE BELOW THE BASE PLATE CAN BE PROVIDED.

**5** ANCHOR ROD DETAILS  
NO SCALE

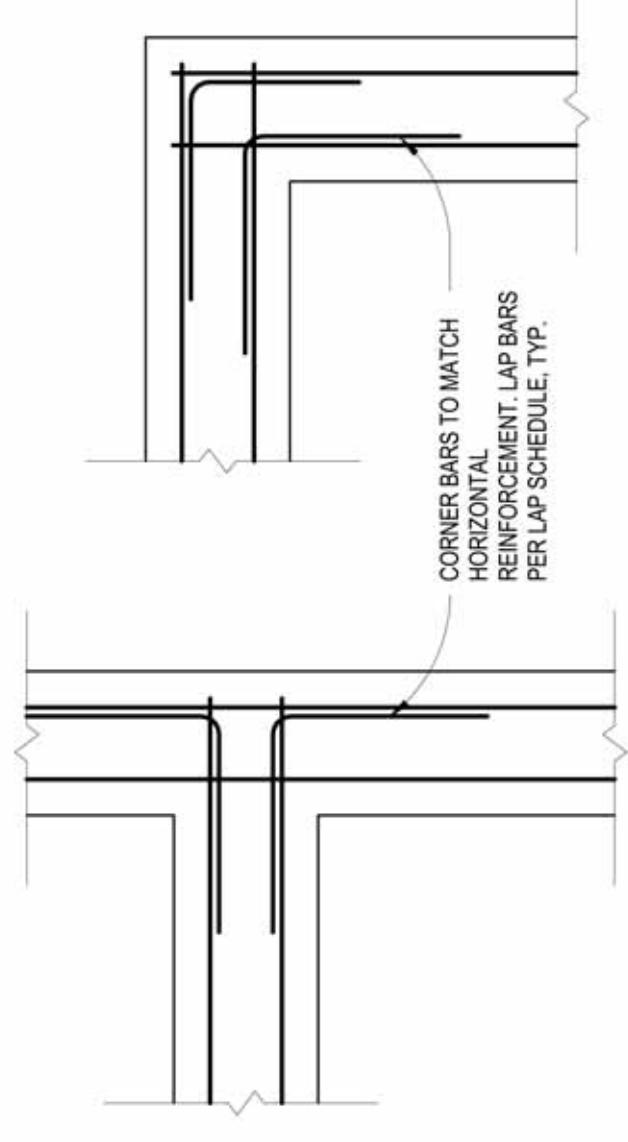


**4** TYP RE-ENTRANT CORNER BAR  
NO SCALE

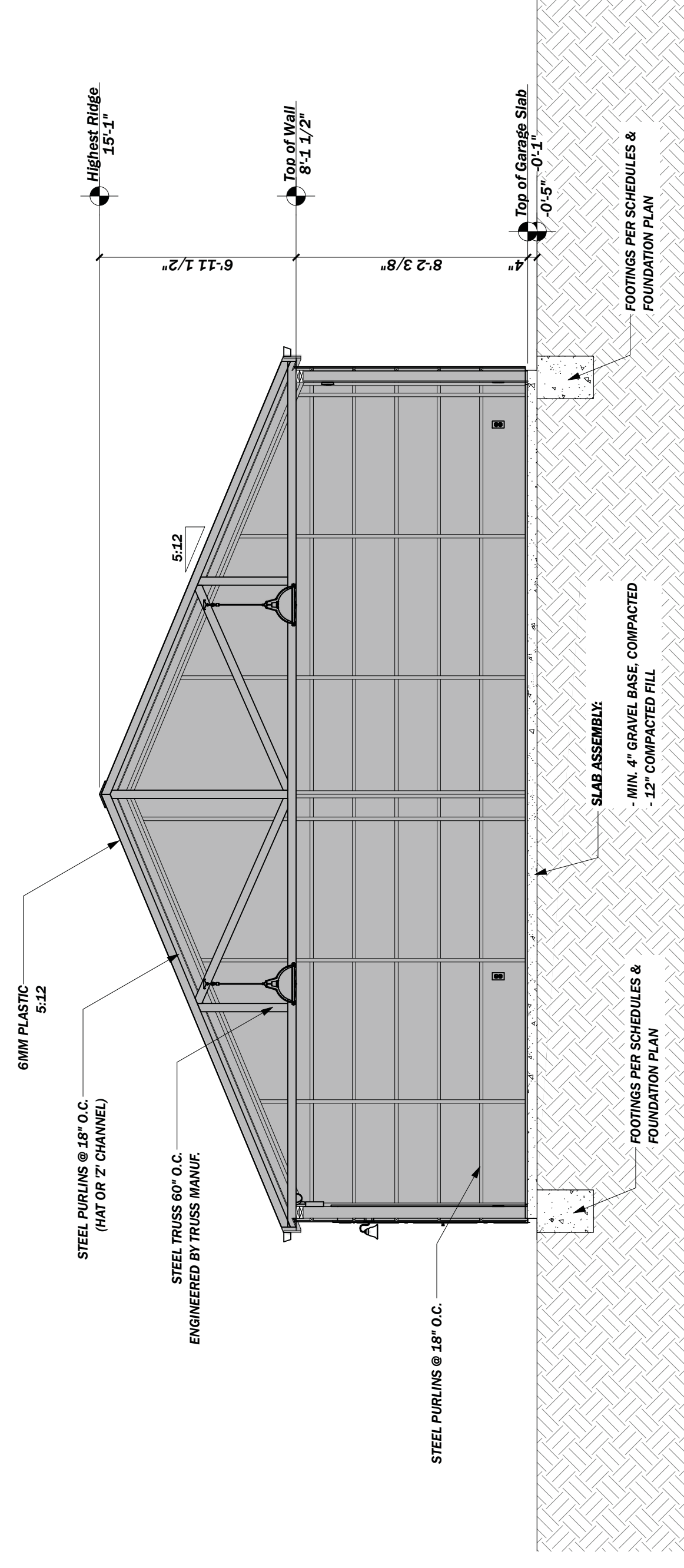


- NOTES:**
- SEE FOUNDATION PLAN(S) FOR ADDITIONAL SLAB INFORMATION, INCLUDING DEPTH AND REINFORCING.
  - THE SAWCUTTING SHOULD BE DONE AS SOON AS THE CONCRETE HAS GAINED SUFFICIENT STRENGTH TO ALLOW FORMWORK REMOVAL, SPALLING OR TEARING TO NOT OCCUR MORE THAN 2 HOURS AFTER CASTING.
  - DOWELS SHALL BE PARALLEL TO THE SLAB'S TOP SURFACE AND PERPENDICULAR TO THE SLAB JOINT. DOWELS SHALL BE A MINIMUM OF 6" FROM ANY SLAB EDGE.

**2** JOINT DETAILS  
NO SCALE

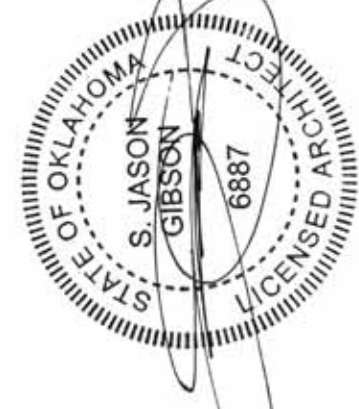


**1** CORNER BAR DETAILS  
NO SCALE



**1** S1 SECTION





# ACCESSORY BUILDING

6312 EAST 106TH STREET NORTH  
SPERRY, OK 74073

DRAWING: **SITE PLAN**

PERMIT SET

DATE: 6/9/2021

SCALE: AS NOTED

SHEET:

**A101**



**LEGAL DESCRIPTION:**  
TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4 NE 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-ONE (21), NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
STARTING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE N89°45'24" WEST ALONG THE NORTHERLY LINE OF SECTION FIFTEEN (15) FOR 460.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°13'41" EAST PARALLEL WITH THE EASTERLY LINE OF SECTION 15 FOR 659.83 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NE 1/4 NE 1/4; THENCE NORTH 89°45'25" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 200.13 FEET TO THE SOUTHWEST CORNER OF SAID NE 1/4 NE 1/4; THENCE SOUTH 00°13'02" WEST ALONG THE WESTERLY LINE THEREOF FOR 659.94 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89°45'14" EAST ALONG THE NORTH LINE OF SECTION 15 FOR 200.01 FEET TO THE POINT OF BEGINNING.

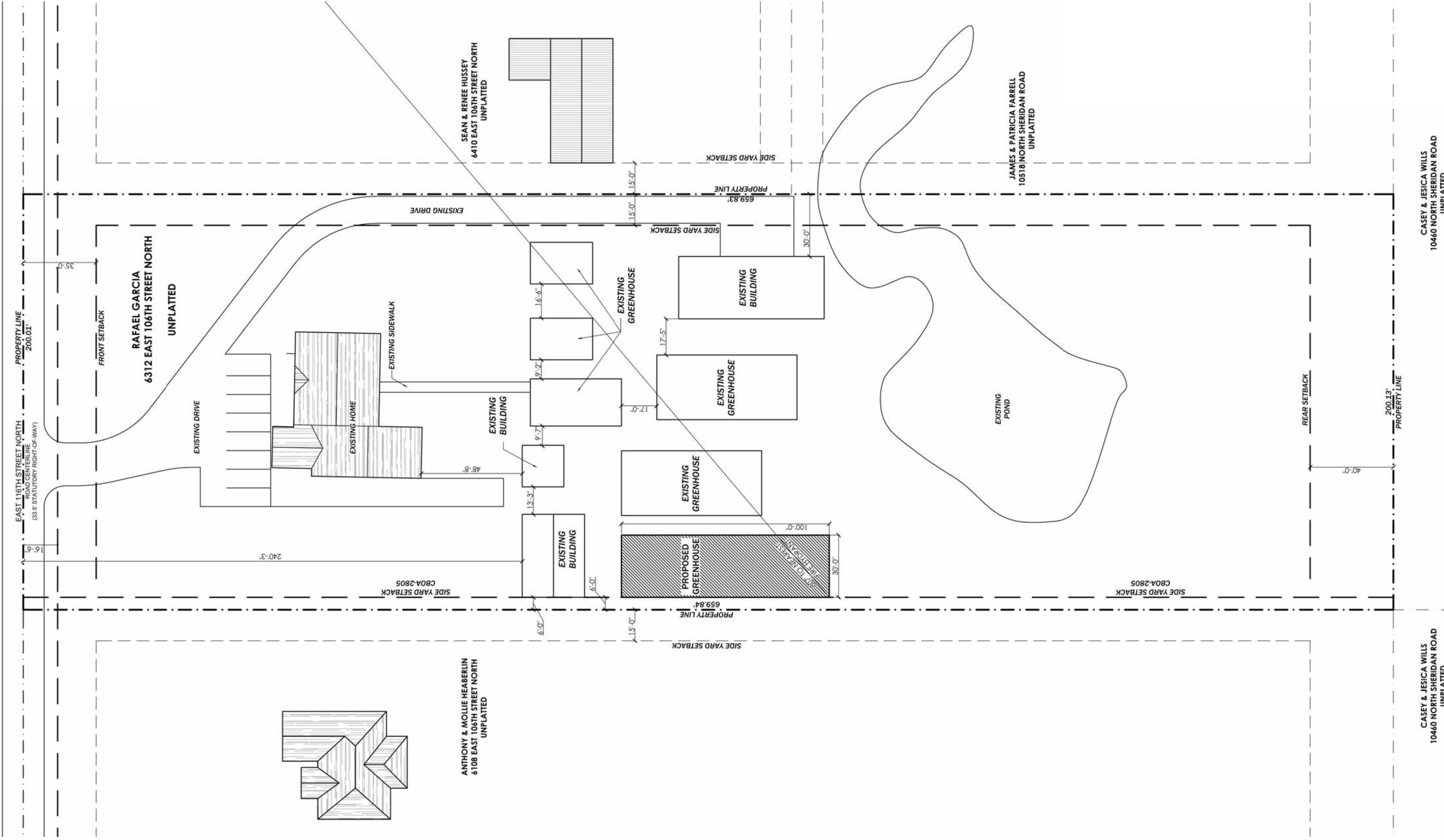
**EROSION CONTROL NOTES:**

1. INSTALL SILT FENCE PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
2. MINIMIZE SITE DISTURBANCE BY TIGHT CONTROL OF EXCAVATION LIMITS.
3. ALL EXPOSED SOIL SHALL BE MULCHED WITH STRAW OR WOOD CHIPS TO MINIMIZE SOIL EROSION. NO SOIL SHALL BE LEFT IN AN EXPOSED CONDITION. IT IS RECOMMENDED THAT THE CONTRACTOR MAINTAIN A STOCK PILE OF THIS MATERIAL ON SITE FOR QUICK APPLICATION.
4. HYDROSEED WITH A WOOD CELLULOSE FIBER MULCH APPLIED AT A RATE OF 2,000#/ACRE. USE AN ORGANIC TACKIFIER AT NO LESS THAN 150 #/ACRE OR PER MANUFACTURER'S RECOMMENDATION IF HIGHER. APPLICATION OF TACKIFIER SHALL BE HEAVIER AT EDGES, IN VALLEYS AND AT CRESTS OF BANKS AND OTHER AREAS WHERE SEED CAN BE MOVED BY WIND OR WATER.
5. DISPERSION TRENCHES SHALL OVERFLOW ONTO NATIVE UNDISTURBED GROUND. NO SITE DISTURBANCE BELOW TRENCHES.

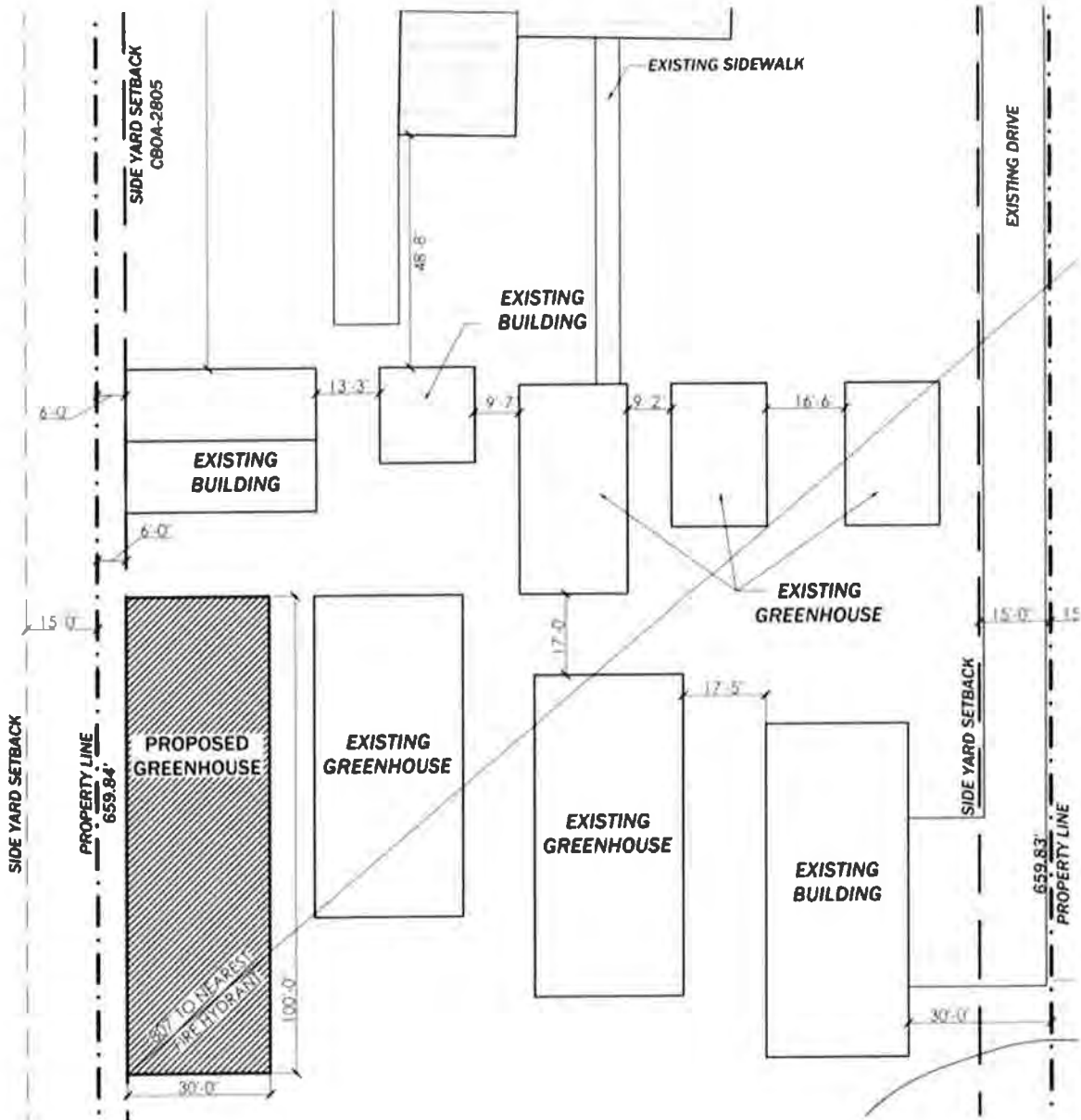
**GRADING NOTES:**

1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.
2. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.
3. FINAL GRADE TO CONVEY SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES.
4. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL AND STRIPPED OF TOPSOIL.
5. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAN 3:1. IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.

**1 SITE PLAN**  
1" = 30'-0"



± Z





**Case Number:** CBOA-2938

**Hearing Date:** December 21, 2021

**Action Requested:** Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215).

**Case Report Prepared by:**

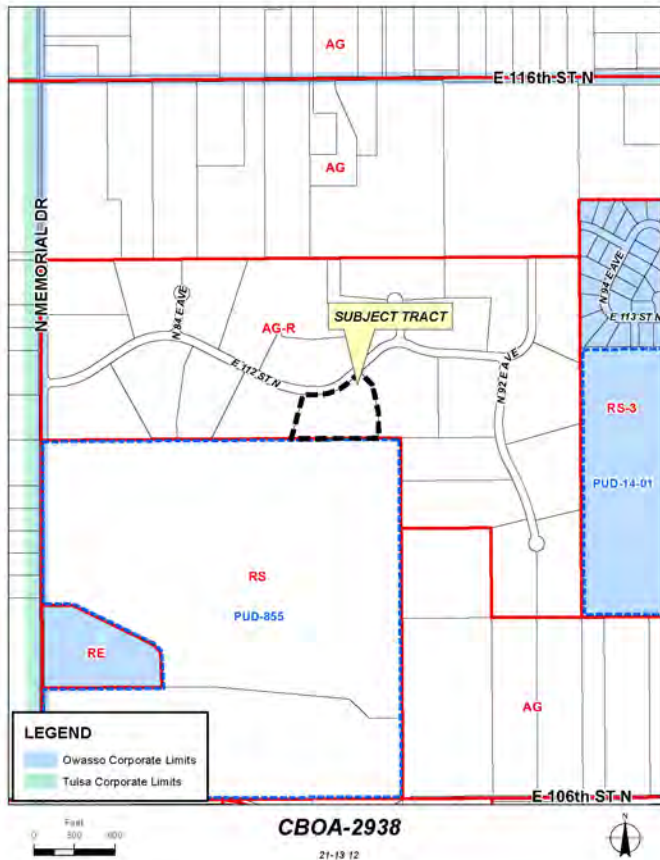
Robi Jones

**Owner and Applicant Information:**

**Applicant:** Adam Willbourn

**Property Owner:** Wilbourn, Adam K & Kimberly Nazarman

**Location Map:**



**Additional Information:**

**Present Use:** Residential

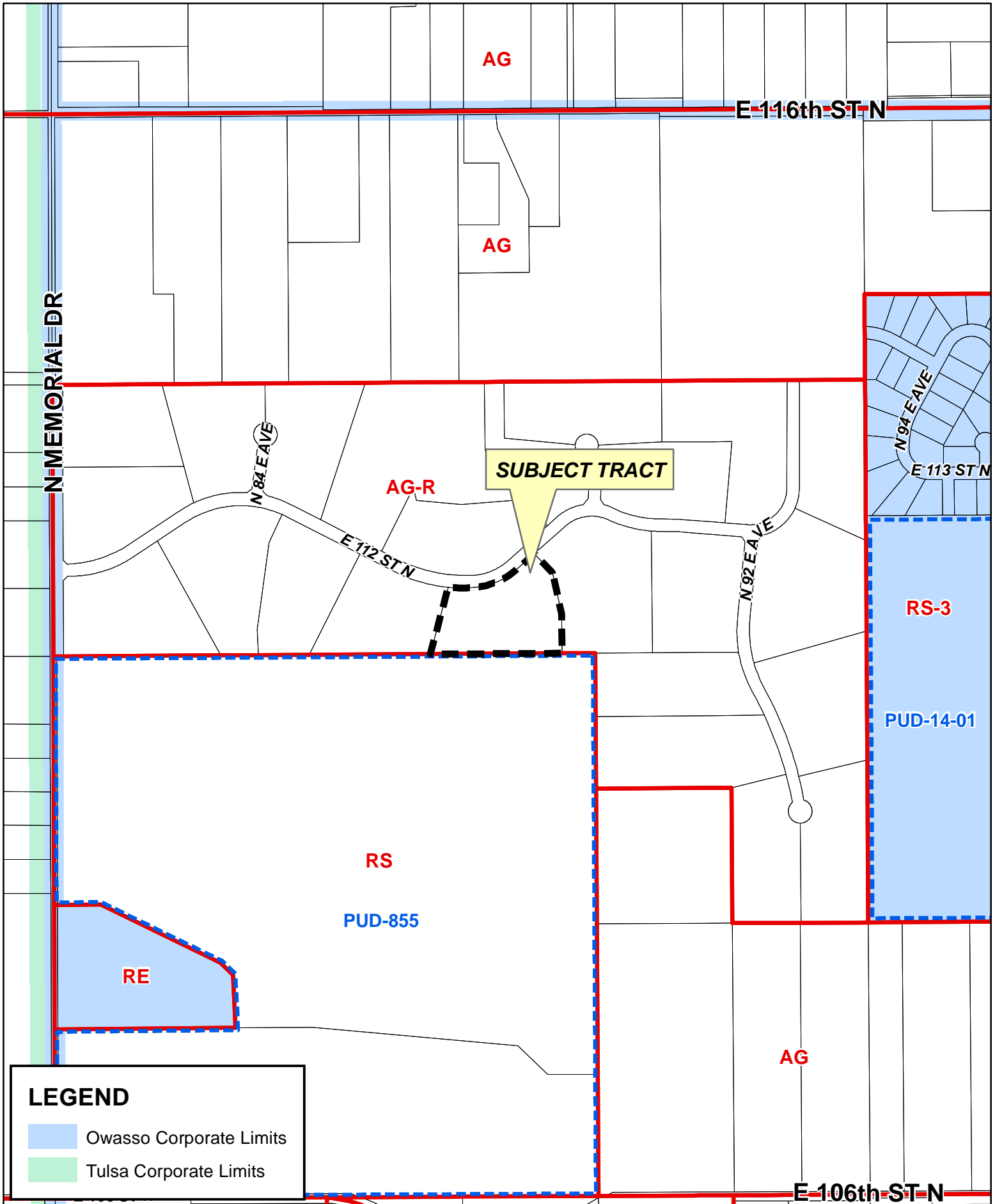
**Tract Size:** 4.98 acres

**Location:** 8632 East 112<sup>th</sup> Street North

**Fenceline/Area:** Owasso

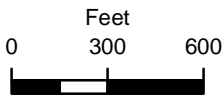
**Present Zoning:** AG-R

**Land Use:** Residential



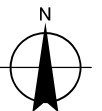
**LEGEND**

- Owasso Corporate Limits
- Tulsa Corporate Limits



# CBOA-2938

21-13 12



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1312

**CZM:** 11

**CASE NUMBER:** **CBOA-2938**

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 12/21/2021 1:30 PM

**APPLICANT:** Adam Willbourn

**ACTION REQUESTED:** Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215).

**LOCATION:** 8632 E 112 ST N

**ZONED:** AG-R

**FENCELINE:** Owasso

**PRESENT USE:** Residential

**TRACT SIZE:** 4.98 acres

**LEGAL DESCRIPTION:** LT 10 LESS BEG 155.38SE NEC TH SE158 N112.41 NW55.77 POB & PRT LOT 9 BEG NWC LOT 9 TH SE 155.38 NW31.10 NW128.13 SW15 POB BLK 2, COUNTRYSIDE ESTATES

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract AG-R zoning to the north, east and west. It abuts RS zoning to the south. Surrounding properties appear to be a mix of agricultural and residential uses.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215). Use Unit 15 landscape business is not permitted by right or special exception in an AG-R district.

Use Unit 15 is described as trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements. A Dog Training Facility is classified as a Service Establishment.

The applicant provided the following statement,

*"I started a small business using my property as an office and where we train our "Boot Camp" dogs. We have approximately 8 clients' dogs at any given time."*

The applicant submitted a site plan showing an existing 70' x 24' accessory building and single-family home. The applicant stated the following on the site plan:

- No outdoor kennels
- All dogs housed in garage
- 8 dogs maximum
- No dogs free run the property
- Property is completely fenced in with a 5-foot welded panel pipe fence with electric gates on driveway.

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

***Sample Motion:***

***“Move to \_\_\_\_\_ (approve/deny) a Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215).***

***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.***



N MEMORIAL DR

E 116th ST N

N 84 E AVE

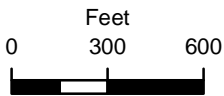
N 94 E AVE

E 113 ST N

E 112 ST N

N 92 E AVE

E 106th ST N



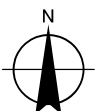
Subject Tract

**CBOA-2938**

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

21-13 12

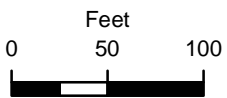
Aerial Photo Date: 2020/2021



**CBOA-2938 3.5**



**E 112 STN**



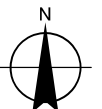
*Subject  
Tract*

**CBOA-2938**

21-13 12

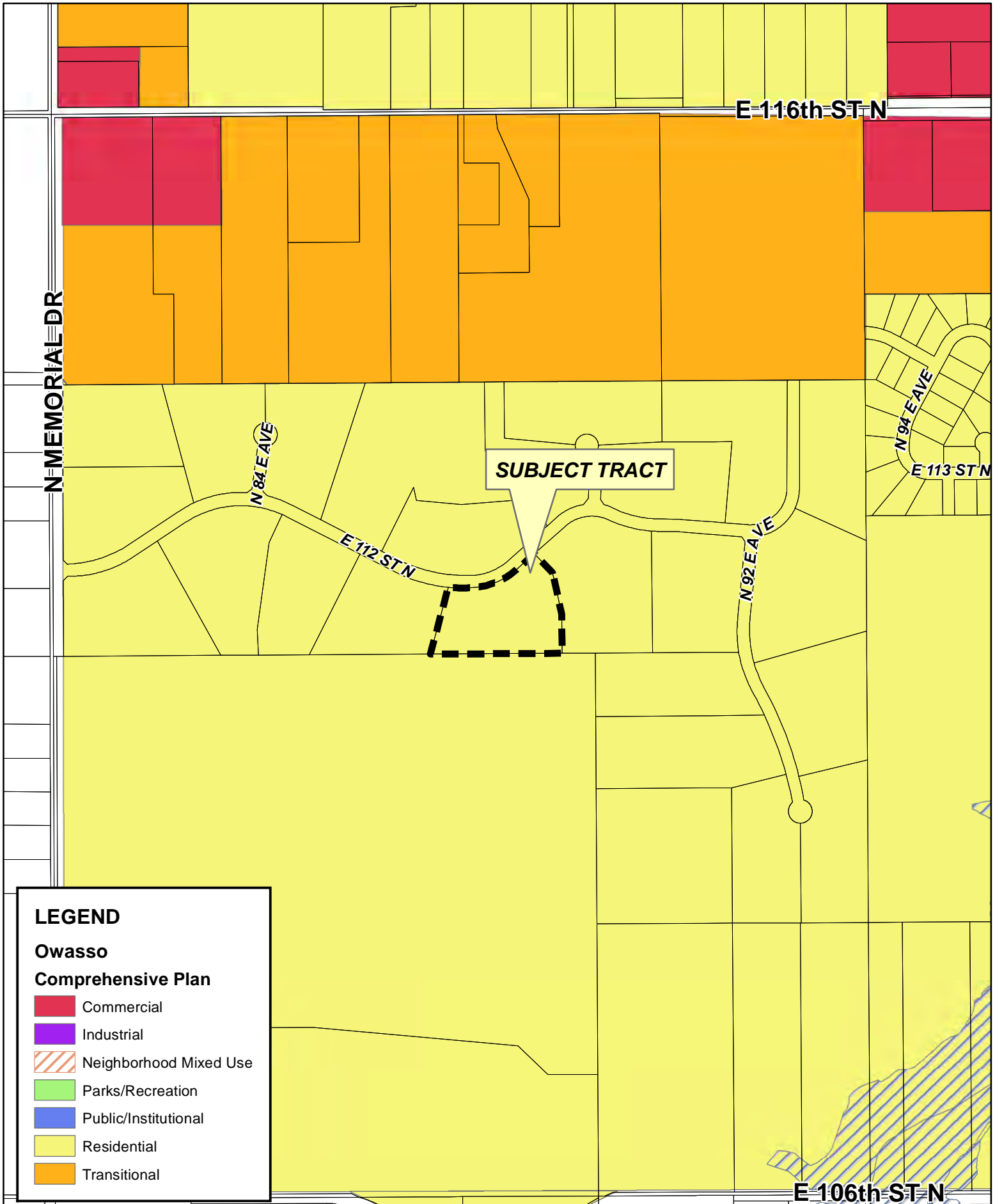
*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: 2020/2021*



**CBOA-2938 3.6**

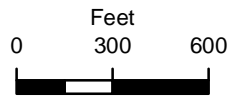




**LEGEND**

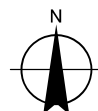
**Owasso Comprehensive Plan**

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



**CBOA-2938**

21-13 12



**From:** [Matthew Slavin](#)  
**To:** [Jones, Robi](#)  
**Subject:** RE: Question on CBOA-2938  
**Date:** Friday, December 10, 2021 11:21:27 AM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[image001.png](#)

---

Thanks Robi, I will try to attend the meeting but if I can not, I am in support of the variance request. In my opinion they are just trying to live the American dream and they are not bothering anyone that I can see (certainly not me, but I live a few houses away, so maybe a direct neighbor has concerns). But as noted, I support the request based on what I know today.

Thanks, Matt

Matthew M. Slavin  
Principal Network Consultant, Partner | Edgenet Consulting LLC  
Mobile: +1.918.760.7129  
EdgeNet Consulting LLC  
24/7 Support - 1-888-204-6420, 1-919-388-8200

---

**From:** Jones, Robi <[rjones@incog.org](mailto:rjones@incog.org)>  
**Sent:** Friday, December 10, 2021 11:16 AM  
**To:** Matthew Slavin <[matt.slavin@edgenetconsulting.com](mailto:matt.slavin@edgenetconsulting.com)>  
**Subject:** RE: Question on CBOA-2938

The applicant has been operating the Dog Training Facility at his home for some time. He does not have the permission to operate it in an AG-R district and a neighbor alerted the Inspections Department. In order to be in compliance with Tulsa Zoning Code, he is now going before the Board of Adjustment to seek approval. He is not asking for more than he is doing now but he needs the approval to continue to train dogs on his property. Let me know if you have any further questions. You are welcome to attend to meeting or send me a letter of opposition or support.

**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](mailto:rjones@incog.org)

---

**From:** Matthew Slavin <[matt.slavin@edgenetconsulting.com](mailto:matt.slavin@edgenetconsulting.com)>  
**Sent:** Thursday, December 9, 2021 10:10 AM

**To:** Jones, Robi <[rjones@incog.org](mailto:rjones@incog.org)>

**Subject:** Question on CBOA-2938

Hi Robi,

This email is in reference to:

<https://tulsaplanning.org/countyboa/cases/CBOA-2938.pdf>

I am a homeowner in the same neighborhood as the owner of this request of a use variant, and I'm trying to understand the impact of this change. Does granting this variance give the owner of that property more rights to do certain things, like build or make changes that are outside of normal AG-R rules? I'm not necessarily opposed to this variance. As a matter of fact, I see no issue with it unless this request is somehow giving them rights to operate in a way that is outside of how they have been operating for the past year. Can you share what impact this variance, if granted, may have to the community? Or is this just for legal purposes (crossing T's and dotting I's) and has no impact on their operation or the neighborhood?

Thanks, Matt

---

**Matthew M. Slavin**

Principal Network Consultant, Partner

EdgeNet Consulting LLC

**Mobile:** 918-760-7129

**Email:** [Matt.Slavin@EdgeNetConsulting.com](mailto:Matt.Slavin@EdgeNetConsulting.com)

**Web:** [www.EdgeNetConsulting.com](http://www.EdgeNetConsulting.com)



**24x7 Help Line**

Phone: 919-388-8200

Toll Free: 888-204-6420

---



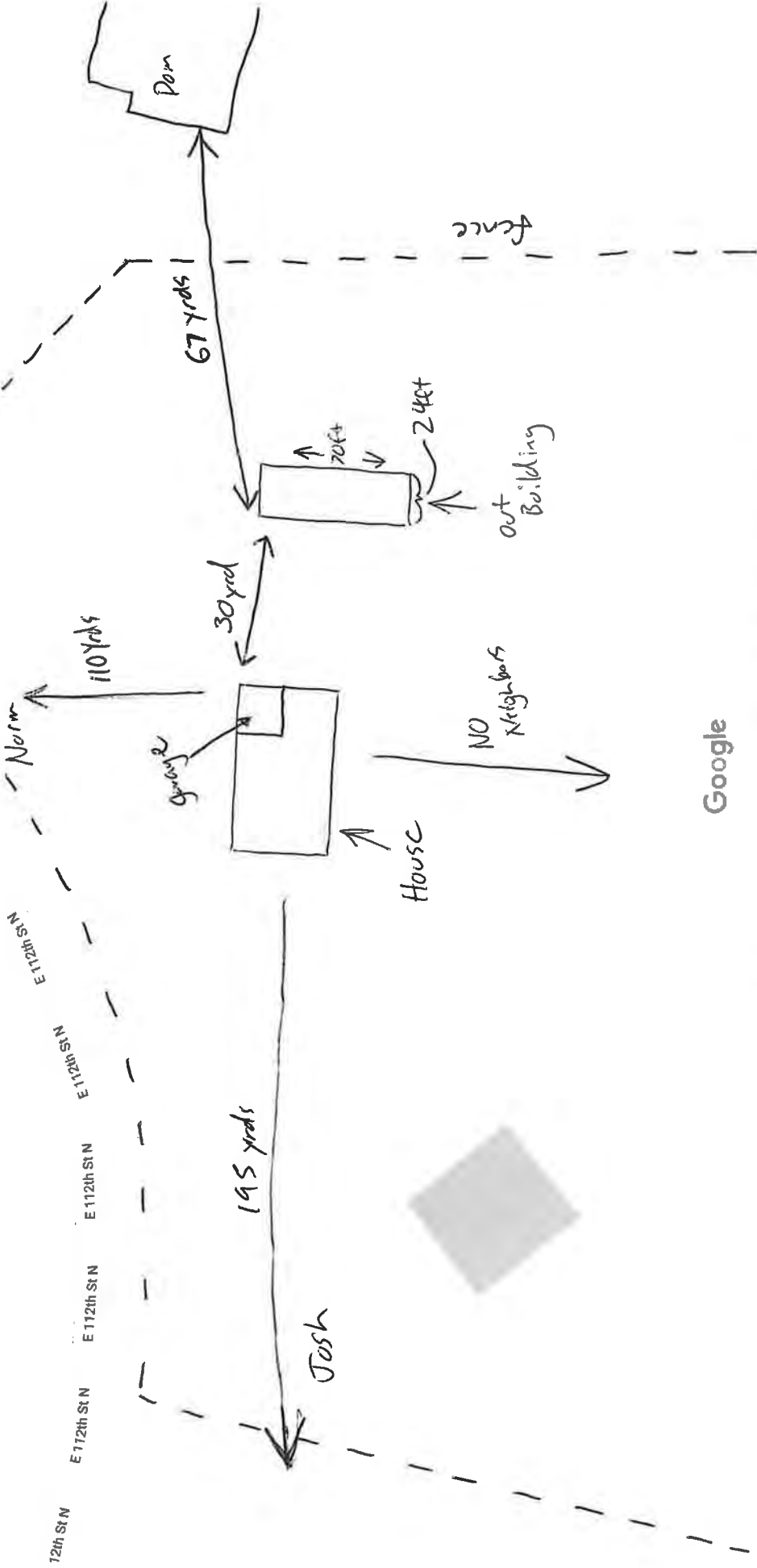
*Looking northwest at subject property and surrounding neighbors.*

Google Maps



Imagery ©2021 Maxar Technologies, Map data ©2021 20 ft

# Google Maps



Property is completely fenced in with 5ft  
 Welded Panel Pipe fence. Electric gates on  
 driveway.

No outdoor kennels.  
 all dogs are housed in garage.  
 8 dogs max  
 Dogs are worked 1-2 at a time  
 No dogs free run the property

Google

Map data ©2021 20 ft



**Case Number:** CBOA-2939

**Hearing Date:** December 21, 2021

**Action Requested:** 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)

**Case Report Prepared by:**

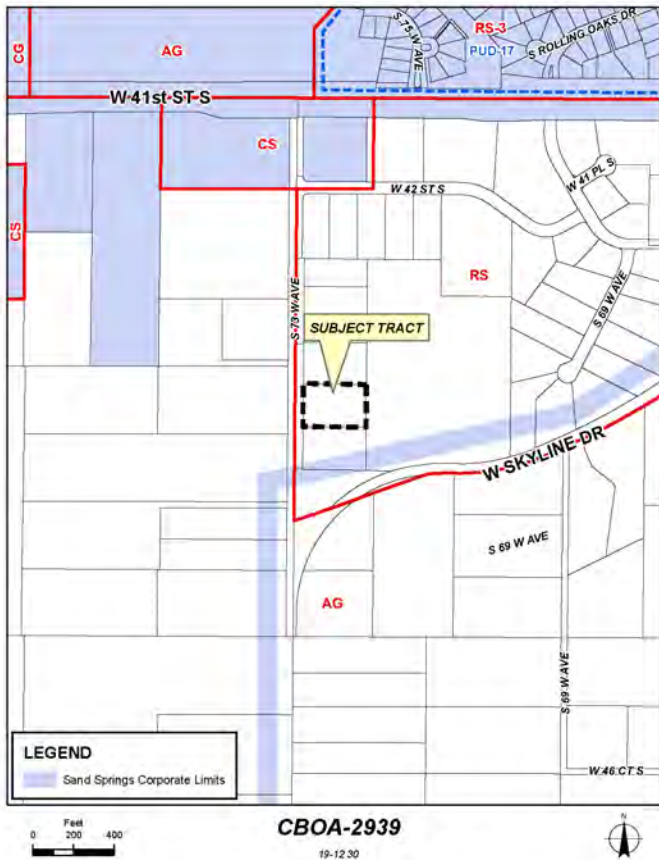
Robi Jones

**Owner and Applicant Information:**

**Applicant:** Mike Black

**Property Owner:** Concept Builders Inc.

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

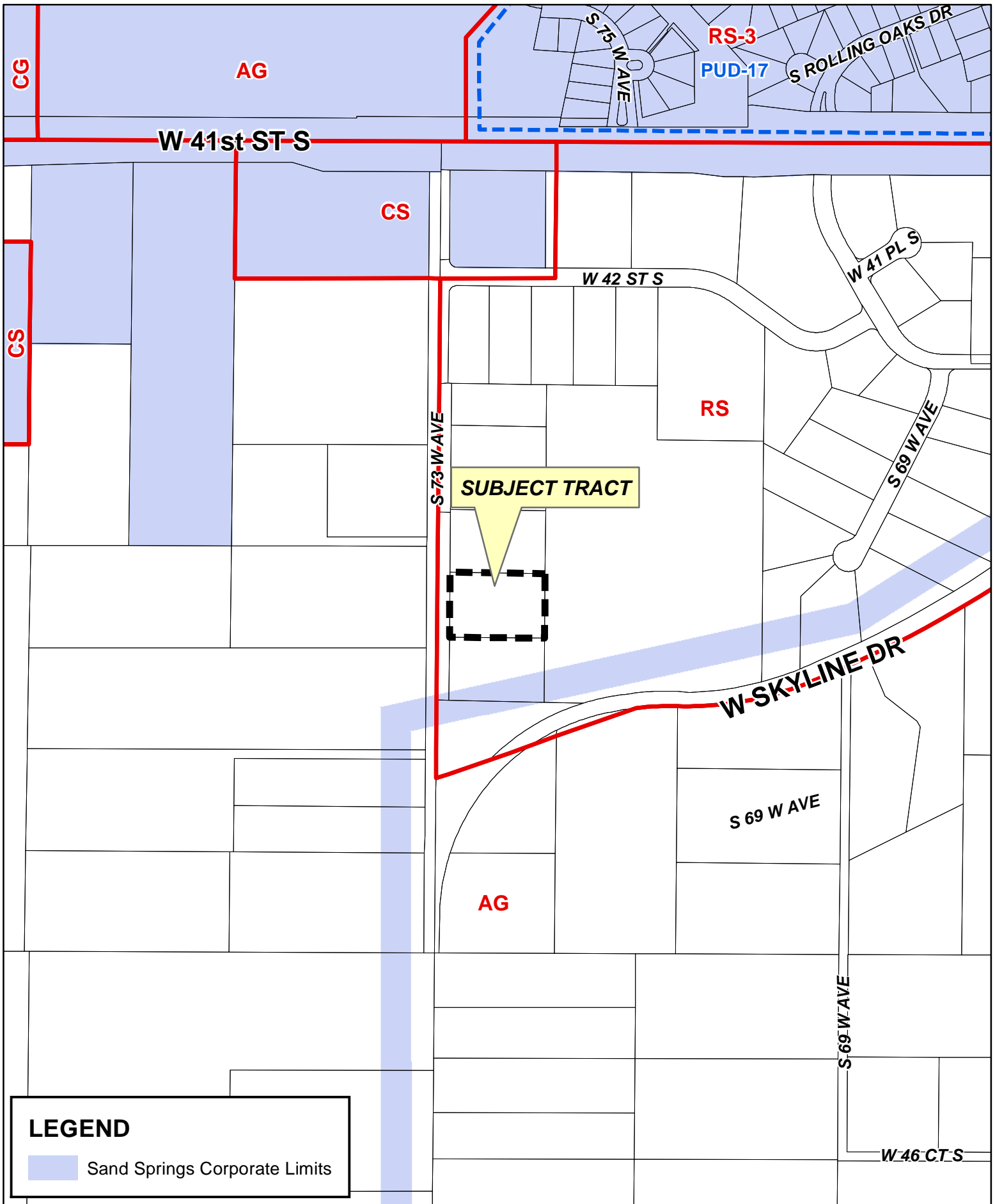
**Tract Size:** 1.5 acres

**Location:** 4363 South 73rd Avenue West

**Fenceline/Area:** Sand Springs

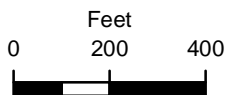
**Present Zoning:** RS

**Land Use:** Residential



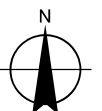
**LEGEND**

 Sand Springs Corporate Limits



**CBOA-2939**

19-12 30



**CBOA-2939 4.2**



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9230

**CASE NUMBER:** **CBOA-2939**

**CZM:** 45

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 12/21/2021 1:30 PM

**APPLICANT:** Mike Black

**ACTION REQUESTED:** 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:** 4363 S 73 AV W

**ZONED:** RS

**FENCELINE:** Sand Springs

**PRESENT USE:** Vacant

**TRACT SIZE:** 1.5 acres

**LEGAL DESCRIPTION:** TRACT B: A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY (30), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AND MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER (NE/4); THENCE SOUTH 00°38'26" EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 1410.41 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°21'51" EAST, A DISTANCE OF 350.00 FEET; THENCE SOUTH 00°38'26" EAST, A DISTANCE OF 204.77 FEET; THENCE SOUTH 89°21'51" WEST, A DISTANCE OF 350.00 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER (NE/4); THENCE NORTH 00°38'26" WEST ALONG SAID WEST LINE, A DISTANCE OF 204.77 FEET TO THE POINT OF BEGINNING. WITH THE WEST 40 FEET DEDICATED FOR ROADWAY. CONTAINING 71,669.50 SQUARE FEET OR 1.65 ACRES. LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA NORTH STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE WEST LINE OF THE NE/4 OF SECTION 30 BEING SOUTH 00°38'26" EAST. THIS LEGAL DESCRIPTION WAS PREPARED ON APRIL 3, 2020 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CBOA-1703 February 2000:** The Board **approved** a *Use Variance* to allow AG uses on a parcel in the RS district, with the condition that it be limited to raising of horses and construction of a pole barn per the applicant's presentation, on property located at 7123 West Skyline Drive.

**Surrounding Property:**

**CBOA-2196 February 2005:** The Board **approved** a *Variance* of the maximum Sq. Ft. permitted for an accessory building in an RS district, on property located at 7050 West 42<sup>nd</sup> Street.

**CBOA-2183 November 2005:** The Board **approved** a *Variance* of the maximum permitted square footage for an Accessory Building from 750 sq. ft. to 1240 sq. ft., as requested, with conditions for no commercial use on the property and that the proposed building match the basic architectural styling of the dwelling as presented in the record, finding the lot being one acre in size would allow for a larger building, located at 7286 W. 42<sup>nd</sup> St. S.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts RS zoning to the north, east, and west. It abuts AG zoning to the west. Surrounding properties appear to have residential uses.

## **STAFF 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. (Section 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, 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:

*"A building of this size will increase security and aesthetics on the property by providing enough space to keep everything inside and out of sight of the neighbors and passing traffic and protect it from theft, and the weather. The accessory building has been sized to contain a travel trailer, tractor and attachments, a zero-turn mower and an assortment of tools for yard work, woodworking and auto and home repair and on occasion to park my pickup truck.*

*The proposed location of the accessory building is level with easy access to the house and should have 3 to 4 feet of rocky soil that can be excavated as needed for construction before solid rock is encountered. Further back on the property solid rock comes quickly to the surface and the ground surface begins sloping to the east. There is a visible rock ledge that runs north and south through the property along the tree line just east of the proposed building location. Recent excavation on the property to relocate an existing water line into the utility easement on the south side of the property and to install a septic tank on the lot adjoining to the south and on this lot to the north shows that there is 3 to 4 feet of rocky soil available before solid rock comes quickly to the ground surface. If the proposed building is moved into the rear yard solid rock will be encountered during construction and fill will be required to level the building site. Placement of fill under parts of the building will create a slope making access through an overhead door in the rear of the building impractical. The slope created by the fill will also make maintenance such as mowing, erosion prevention, and repairs more difficult and possibly even dangerous. There also are trees that will need to be removed if the building is moved into the rear yard and the rear yard viewing area of trees and wildlife will be reduced by the building."*

According to the site plan provided, the applicant is proposing to construct a 30' x 40' (1200 sq. ft.) accessory building at the rear of his property. The lot width is approximately 205 feet. The proposed accessory building is located in the side yard. Section 420.2.A.2 states that a detached accessory building shall not be located in the front or side yard therefore, the applicant is requesting a variance to allow a detached accessory building in the side yard.

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 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)***

*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:**

There were no interested parties who wished to speak.

Discussion ensued. The Board clarified that the request is to allow the 'temporary' type building permanently.

**Board Action:**

On **Motion of Charney**, the Board voted 4-0-0 (Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a Special Exception to permit a temporary 32 ft x 80 ft manufactured building for church classrooms in an AG-R zoned district, finding 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:

E317.5 N343 NE NE LESS N60 & E50 THEREOF SEC 24 18 14 1.737AC,  
Tulsa County, State of Oklahoma

\*\*\*\*\*

**NEW BUSINESS**

**Case No. 2196**

**Action Requested:**

Variance of the maximum sq. ft. permitted for an accessory building in an RS district (Section 240.2.E), located:

**Teresa Tosh**, 20013 East 75<sup>th</sup> Court North, Owasso, Oklahoma, with Tulsa County Inspections, came to give the Board some background information regarding this request. She informed them that Mr. and Mrs. Lusk came to the County Inspections Office to request a building permit. The permit was granted in Stratford Estates, Lots 6 and 7. They inquired about building a larger accessory building in RS-zoning. They then asked about obtaining property behind their lots, which they did. She added that she instructed them to obtain a lot-split. Ms. Tosh stated they do not generally receive the lot-split paperwork in her office. She understood it was AG property and so did Mr. Lusk but it was RS. She issued a building permit for the 6,000 square foot accessory building based on an incorrect understanding. She responded to complaints regarding the building, assuring people that it was legal in AG-zoning. The County Inspections office has only paper maps rather than digital, which was part of the problem. Once she discovered the property was zoned RS, she informed Mr. Lusk that he needed to go to the County BOA.

**Presentation:**

**Elza Ray Lusk**, 7050 West 42<sup>nd</sup> Street, submitted exhibits for his case (Exhibits A-1, A-2, and A-6). They completed the building in February 2005. They needed it

CBOA-2196  
(cont.)

for a shop and storage of a motor home and personal belongings. They have slightly over five acres. He pointed out that the accessory building is 350' from the road and the house is 100' from the road. The building is 65' from the nearest lot line. It is an all metal building of quality construction. It is 60' x 100' with 13' side walls and a 4/12 pitch roof. The plans were reviewed and approved. They selected earth tone colors for the exterior to look better in the area. He pointed out on a map that most property owners in the area were in support. They plan to plant evergreens and other landscaping around the accessory building beginning on the west side.

**Interested Parties:**

**Dewey Miller**, 6655 West 42<sup>nd</sup> Street, stated he is the developer at Stratford Estates. He encouraged the applicant to purchase the subject property from Mr. Bigby. They considered the surrounding properties and felt it would be a benefit to the neighborhood. The most recent property owners were informed of the building under construction. The shop has plenty of distance from the road and other homes. He described the building as high quality construction. Mr. Miller also mentioned that the applicant has been very open with the neighborhood about the project.

**Don Maynard**, 7134 West 42<sup>nd</sup> Street, submitted a photograph (Exhibit A-5) and stated he lives just west of the subject property. He stated that he has the best view of the property. He added they bought five acres of land with strict covenants. He would have protested the lot-split if he had known. He asked that now that it is built that it match the exterior materials on the house.

**Clark Andrew**, 7176 West 42<sup>nd</sup> Street, he stated the lot-split was approved in August 2004 and the minutes (Exhibit A-3) of the meeting indicated the property was RS. They object to the building. He added that landscaping would take time to mature to make good screening and also requested that the building materials of the accessory building match the neighborhood.

**Christy Andrew**, 7176 West 42<sup>nd</sup> Street, referred to a packet of information and photo previously sent to the Board (Exhibit A-4 and A-5). She objected to the size and color of the building easily visible from her home.

Mr. Andrew read part of the Stratford Estates covenants. He indicated that the land was attached to Stratford Estates and therefore it was part of Stratford Estates.

Mr. Cuthbertson submitted the TMAPC minutes, which have been referred to, (Exhibit A-3).

Mr. Miller interjected, that he offered the subject property or even half of it to Don Maynard up to the eleventh hour before the Lusks purchased it. Mr. Maynard did not indicate any interest in that property over a period of years. Ms. Flemings

02:21:05:309 (3)

CBOA-2196  
(cont.)

added that Diane Fernandez, at INCOG, explained that the property was attached to the Stratford Estate lots to provide road frontage but in no way is it a part of Stratford Estates.

**Syd Flemings**, 4215 South 69<sup>th</sup> West Avenue, stated there was an agreement among the neighbors at one of these meetings in the summer that accessory buildings would be covered with materials that were up to the standards of Stratford Estates. She expected the Mr. and Mrs. Lusk would use an attractive façade. She objected to the appearance of the accessory building.

**Applicant's Rebuttal:**

Mr. Lusk pointed out the properties around the subject property will be sold in the future and may or may not have covenants like Stratford Estates. They will not have a say on what is developed and built there. He assured the Board he had tried to do everything legally and correct and saw no 'red flags' until December. He planned to do some nice landscaping when they finish with the construction. He referred to his exhibits (Exhibit A-2), that include a list of neighbors in support of the application, a letter from Dewey Miller, and a map indicating neighbors in support.

Mr. Maynard asked to speak again. He asked if Mr. Lusk was going to plant mature trees because his understanding was that he would plant seedlings. He asked also if there were plans to increase the size of this building. Mr. Hutson replied if he wanted to add onto this building he would have to come before the Board again.

The Board discussed the application regarding several issues. The restrictive covenants have no binding affect on the additional 1.3 acres containing the accessory building. The lot-split and lot tie agreement exists and a mistake was made in permitting the large building. There are other less acceptable or compatible things that could have been built on this property. There are fast-growing attractive trees that could be planted that would help with screening. The building is built a good distance from other homes. It is not likely that the presence of this building would negatively impact the property values.

Mr. Charney asked the staff for guidelines regarding conditions for screening. Mr. Alberty responded that planting trees would have minimal impact in protecting the homeowners. He stated that the color of the building would make a difference. He added that the Board could condition the motion for screening to the greatest extent possible. They could require a landscape plan by a landscape architect.

Mr. Lusk indicated that painting the building would be difficult to maintain. He stated they did not include footing for brick work. He added that they selected colors that would blend well.

02:21:05:309 (4)

CBOA-2196  
(cont.)

**Board Action:**

On **Motion of Charney**, the Board voted 4-0-0 (Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** a Variance of the maximum sq. ft. permitted for an accessory building in an RS district (Section 240.2.E), with a condition for reasonable landscaping, finding the size of the land, location compared to other RS lots in the subdivision; that such extraordinary or exceptional conditions or circumstances exist, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

LT S 6 & 7 BLK 3 & A TRACT BEG SECLT 7 TH S175.72 W333.14 N175.44  
E334.61 POB SEC 30 19 12 1.346ACS STRATFORD ESTATES BLK 2,  
STRATFORD ESTATES BLK 3, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 2197**

**Action Requested:**

Use variance to allow museum/private club/retreat in RS district - variance of parking spaces and variance of hard surface parking Sec. 410 -1219.4 - 1340.D, located: 4521 West 41<sup>st</sup> Street South.

**Presentation:**

**Randy Dittman**, 4501 West 41<sup>st</sup> Street, stated they have lived there for 18 years. They established Cedar Rock Inn, a bed and breakfast on the subject property. They previously obtained approval from the BOA for a more restrictive bed and breakfast. They have received many requests for parties, reunions and such. Mr. Dittman also offered an alternative for the customary all-weather surface for parking (Exhibit B-1). They informed the neighbors of the application and have made themselves available if they have questions. He mentioned the widening of West 41<sup>st</sup> Street, which begins this coming summer, as supportive to the proposal. They have provided for right-of-way with a two-car wide cement drive. Mr. Dittman stated there is plenty of room to put in a couple of septic systems. He expects it will be good for property values and meet the need for gatherings in West Tulsa

**Interested Parties:**

**Linda Fitzgerald**, President of the Southwest Chamber, 4315 South 27<sup>th</sup> West Avenue, expressed the support of the chamber. They do not have meeting places in west Tulsa and sited reasons why they needed them, including: Mainstreet OK, Route 66, and new urban development.

**Pam Searcy**, 1416 East 34<sup>th</sup> Street, architect for the project, stated she saw the grass paver system for parking, in use in Tucson, Arizona. She expressed her

02:21:05:309 (5)

**Case No. 2183**

**Action Requested:**

Variance of the maximum permitted square footage for an Accessory Building from 750 sq ft to 1240 sq ft, located: 7286 West 42<sup>nd</sup> Street South.

**Presentation:**

**Johnny Perkins**, 7314 West 36<sup>th</sup> Street, stated he requested the variance for more square footage to store personal items, a boat, camper, and four-wheeler. He stated the hardship was that when they bought the property they had the understanding that they could build the 1240 sq. ft. accessory building. They cleared the property to build a home and storage building. They have a one-acre lot. He spoke with several of the neighbors and they were in support. He added there are other barns to the west. A site plan was provided (Exhibit C-2).

**Interested Parties:**

**Don Maynard**, 7134 West 42<sup>nd</sup> Street, stated had he no issues with the building as long as it is not used for commercial uses and no commercial vehicles are parked in or around the building. He suggested 12 ft. sidewalls rather than the 15 ft. planned. Mr. Hutson responded to him that a 14 ft. door is much better than a 12 ft. door for moving an RV.

**Christy Lewis Andrew**, 7176 West 42<sup>nd</sup> Street, expressed concern for a commercial use of the accessory building. They sent an email asking the applicant if the irrigation business was going to be moved into this building, but did not receive a reply (Exhibit C-1). She wanted some assurance that the building would be built in the style of the house.

**Applicant's Rebuttal:**

Mr. Perkins responded that he has a 6,000 square foot shop on 21<sup>st</sup> Street. He did not plan to use this accessory building for his business. He drives his company truck with his name on it and it will be parked at his home.

**Board Action:**

On **Motion** of **Charney**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of the maximum permitted square footage for an Accessory Building from 750 sq ft to 1240 sq ft., as requested, with conditions for no commercial use on the property and that the proposed building match the basic architectural styling of the dwelling as presented in the record, finding the lot being one acre in size would allow for a larger building, on the following described property:

LT 1 BLK 3STRATFORD ESTATES BLK 3, Tulsa County, State of Oklahoma

\*\*\*\*\*

There being no further business, the meeting adjourned at 2:35 p.m.



Case No. 1702 (continued)

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** to Section 410 to allow a singlewide mobile home in an RS zoned district, subject to standard conditions of tie-down, skirting, building permit and sanitation system approval, on the following described property:

S/2 Lot 4 and all Lot 5 less E 5' S/2 Lot 4 and less E 5' and less W 5' S 117' Lot 5 and less W 25' N 88' Lot 5, Block 1, Buford Colony, Tulsa County, Oklahoma.

\*\*\*\*\*

**NEW APPLICATIONS**

**Case No. 1703**

**Action Requested:**

Use Variance to allow AG uses on a parcel in the RS district, located at 7123 W. Skyline Dr.

**Presentation:**

Mr. Bruce stated the request is for use variance to allow a pole barn, and horses with the potential for other similar agricultural uses. The parcel contains a single-family residence, is in a residential district and is adjacent to agriculturally zoned areas to the south, west and northwest. A large lot residential area bounds it to the northeast and east.

The applicant, **Jeff Bigby**, P.O. Box 4193, Tulsa, Oklahoma, stated he owns the subject parcel. He stated that the neighbors have similar buildings to the one he wants to build.

**Comments and Questions:**

Mr. Stump asked if raising horses were the only agricultural activity, would the applicant be satisfied to have the variance limited to that purpose. Mr. Bigby replied he would agree to that.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Looney "aye"; no "nays", no "abstentions"; Tyndall, "absent") to **APPROVE** a **Use Variance** to allow AG uses on a parcel in the RS district, with the condition that it be limited to raising of horses and construction of a pole barn per the applicant's presentation, finding the parcel is surrounded by AG zoned property, for the following described property:

02:15:00:237(3)

Case No. 1703 (continued)

Beg. at a point 1205.70' S of the NW/c of the NE of Section 30, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma; thence S 614.30'; thence E 640.00' to the centerline of Skyline Dr.; thence Ely along the centerline of said county road a distance of 423.50'; thence N 608.00' parallel to the W 1060.00' to the POB, with the W 40.00' dedicated for roadway and Beg. at a point 794.70' S of the NW/c of the NE of Section 30, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma; thence S 410.94'; thence E 1060.00'; thence N 410.94'; thence W 1060.00' to the POB, with the W 40.00' dedicated for roadway

\*\*\*\*\*

**Case No. 1704**

**Action Requested:**

Special Exception to Section 410 to permit construction of a single-family dwelling in an RMH district, located at 4412 S. 203<sup>rd</sup> W. Ave..

**Presentation:**

Mr. Bruce stated that the subject parcel is something less than 1 acre in size and is located at the southeast corner of West Coyote Trail and South 203<sup>rd</sup> West Avenue. The parcel is one of three large lots zoned RMH (residential mobile home) at this location, a portion of a fourth is similarly zoned. The area to the west and across Coyote Trail is zoned AG, the lots to the east across 203 Ave are zoned RMH with AG land beyond. A portion of the lot to the south is zoned RMH with residential estate zoning beyond.

The applicant, **Barbara Poteet**, 4412 South 203<sup>rd</sup> West Avenue, stated that the parcel is one acre and a half, rather than less than one acre. A mobile home is now on the property and only until the house is built.

**Interested Parties/Protestants:**

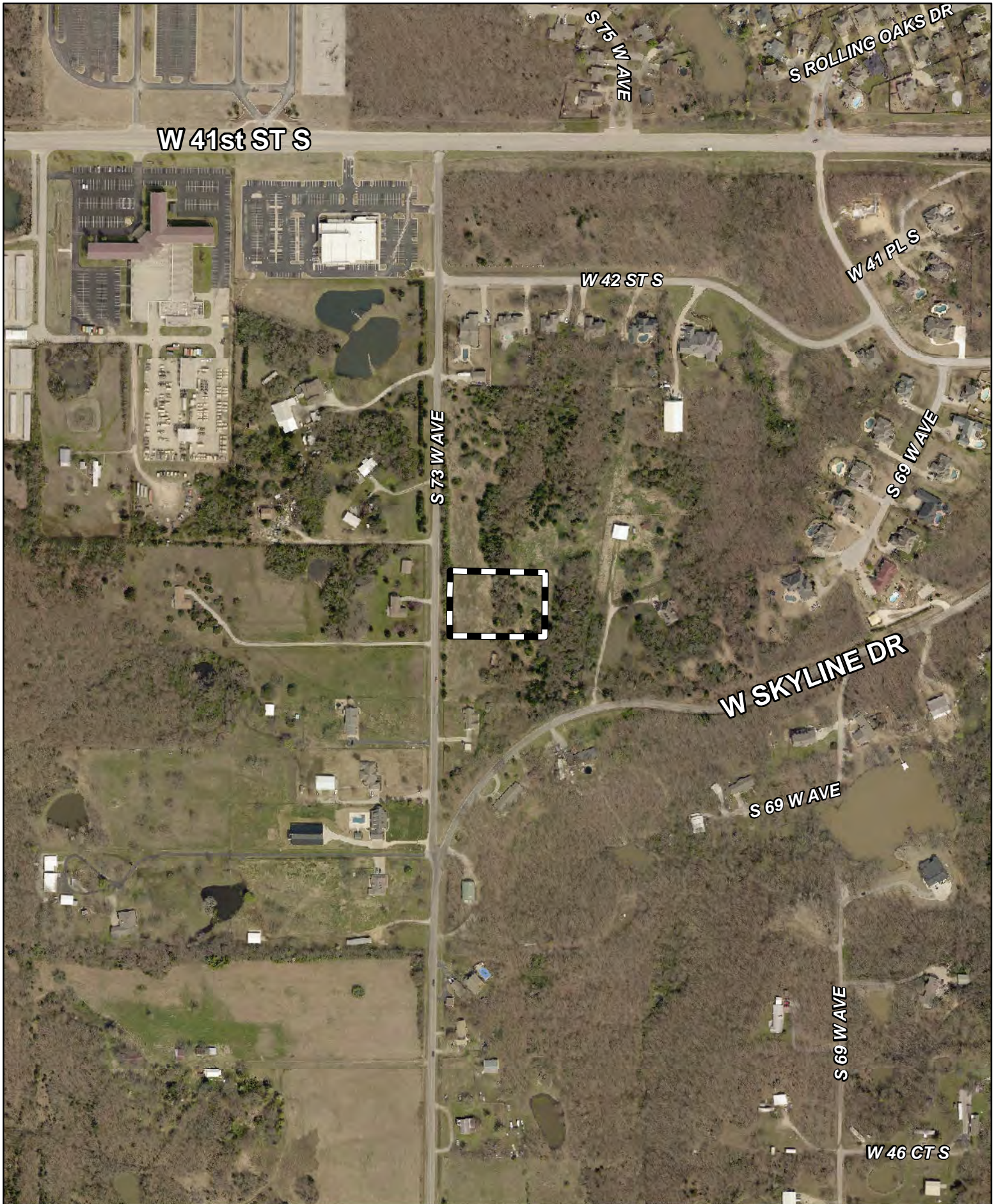
None.

**Board Action:**

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Looney "aye"; no "nays"; no "abstentions"; Tyndall; "absent") to **APPROVE** a **Special Exception** to Section 410 to permit construction of a single-family dwelling in an RMH district, with the condition to remove the existing mobile home after completion of the home construction, 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 for the property described as follows:

Lot 1, Block 1, C Bar C Ranch First Addition, Tulsa County, State of Oklahoma

02:15:00:237(4)



W 41st ST S

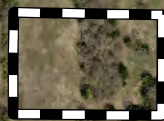
W 42 ST S

S ROLLING OAKS DR

W 41 PL S

S 73 W AVE

S 69 W AVE

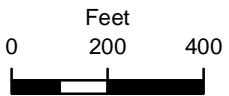


W SKYLINE DR

S 69 W AVE

S 69 W AVE

W 46 CT S



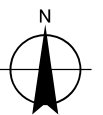
Subject Tract

**CBOA-2939**

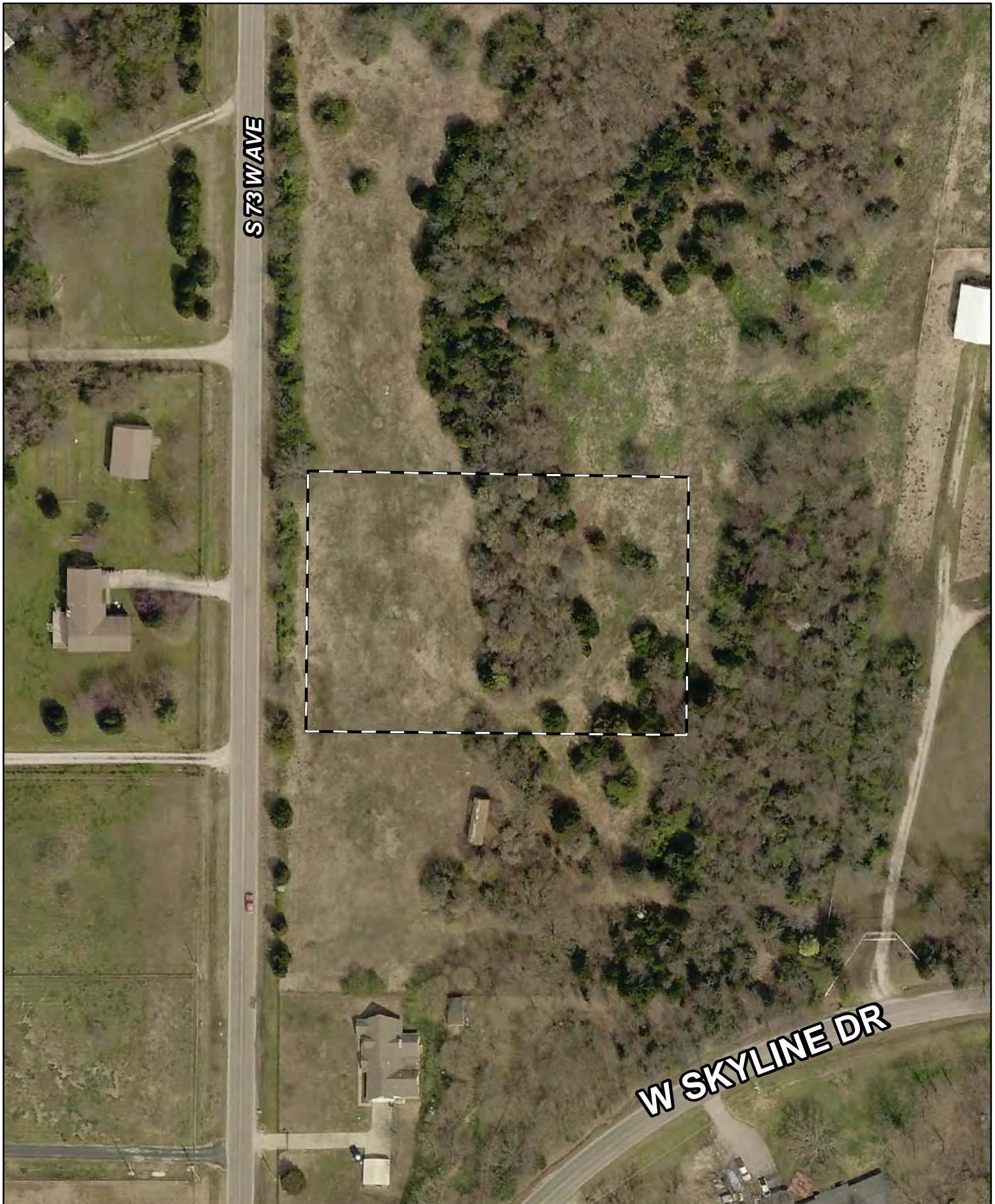
19-12 30

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

Aerial Photo Date: 2020/2021

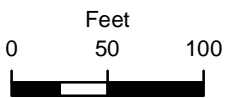


**CBOA-2939 4.13**



**S 73 W AVE**

**W SKYLINE DR**



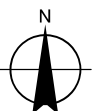
*Subject Tract*

**CBOA-2939**

19-12 30

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

Aerial Photo Date: 2020/2021



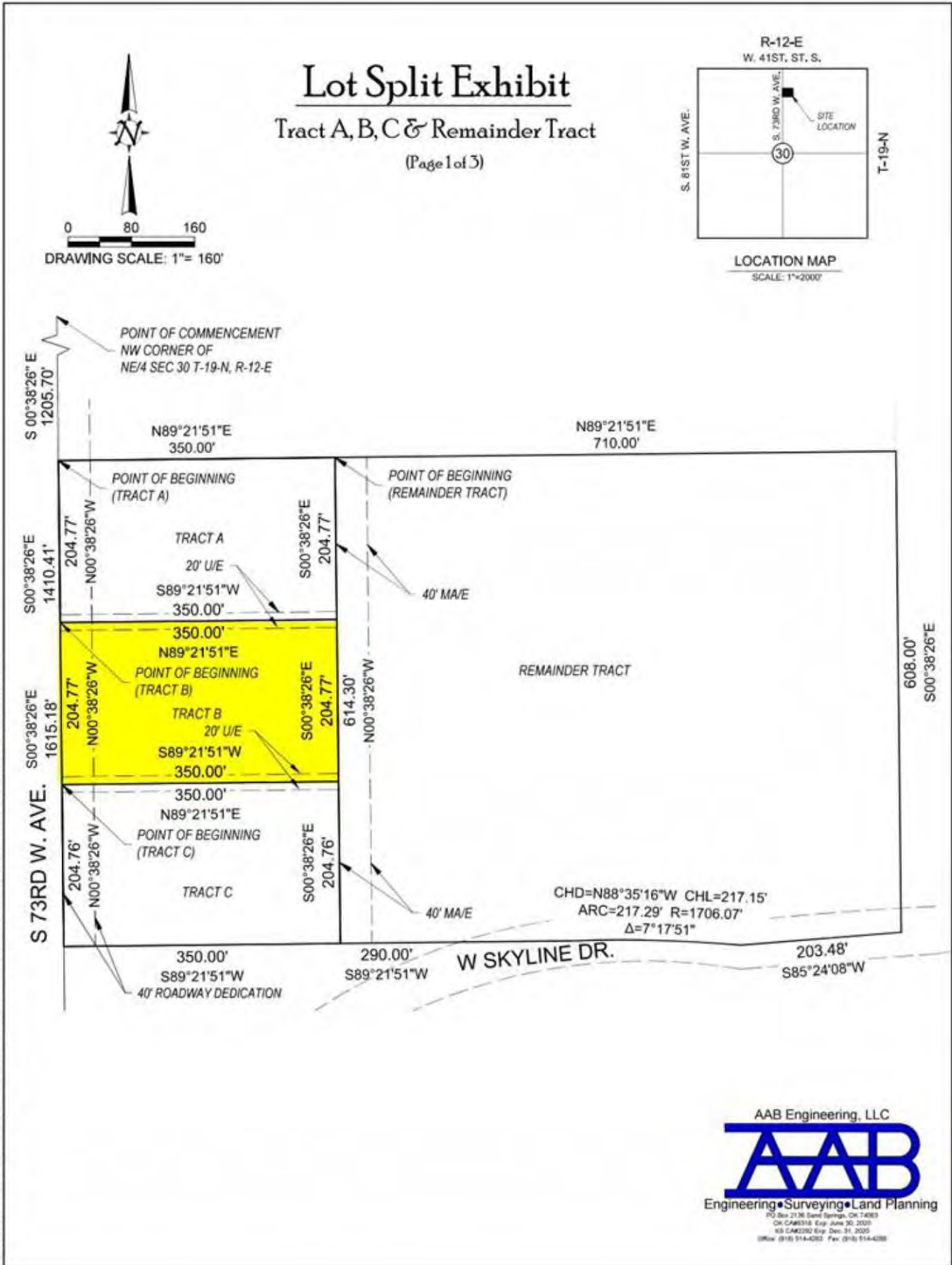
**CBOA-2939 4.14**

View behind house looking North during waterline relocation



Borrower/Client Michael Black  
 Property Address 4363 S 73rd West Ave  
 City Tulsa County Tulsa State OK Zip Code 74107  
 Lender ARVEST

DocuSign Envelope ID: 8ED2DBDB-D1EA-4405-AB7E-CEC82CF0F8CF



PLOT DATE: Wed, 10 Jun 2020 FILE: P:\1912\30-S 73RD W AVE LOT SPLIT\SURVEY\1912-30-POWELL LOT SPLIT BASE

ADDRESS

4363

ST: S. 73RD W. AVE.

LOT: D

BLOCK: \_\_\_\_\_

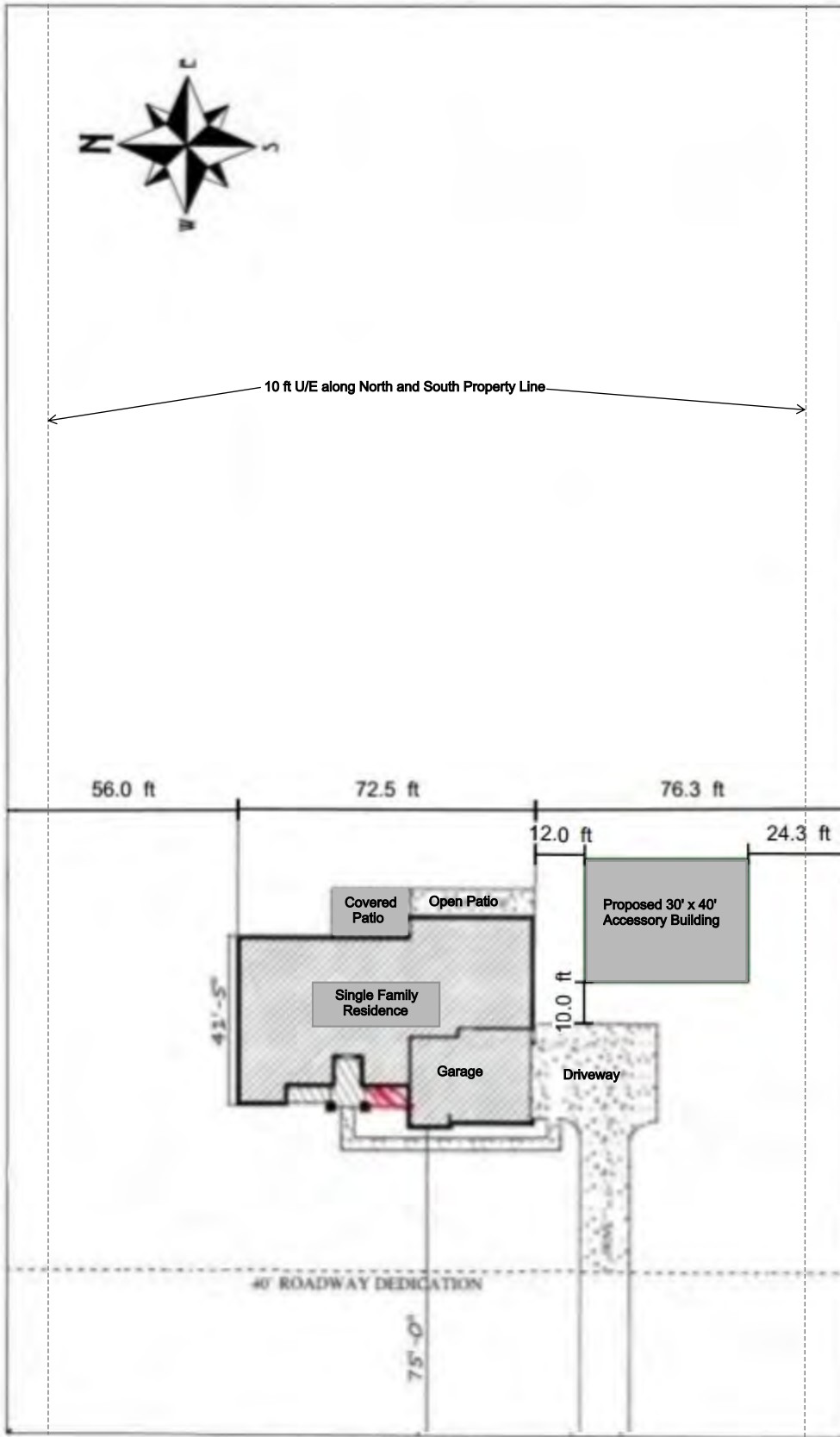
SUBDIV: \_\_\_\_\_

UNPLATTED

CITY: UNINCORP.

COUNTY: TULSA

STATE: OKLAHOMA



4363 SOUTH 73rd  
WEST AVENUE



**Case Number:** CBOA-2940

**Hearing Date:** December 21, 2021

**Action Requested:** Special Exception to permit a single-wide mobile home in an RS district (Section 410).

**Case Report Prepared by:**

Robi Jones

**Owner and Applicant Information:**

**Applicant:** Edward and Tania Wilson

**Property Owner:** Edward and Tania Wilson

**Location Map:**



**Additional Information:**

**Present Use:** Property is a former residence but it has been vacated due to fire.

**Tract Size:** 0.32 acres

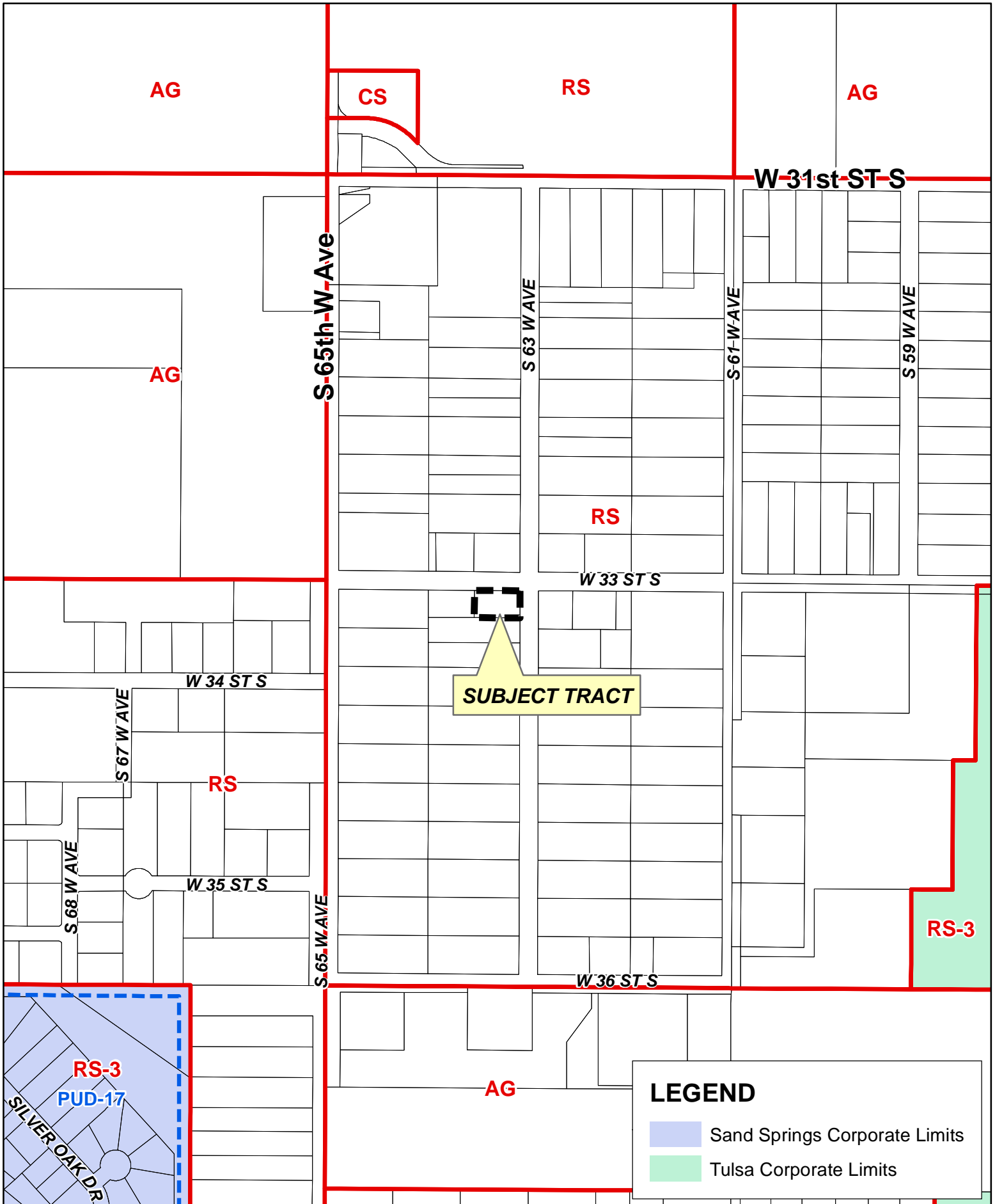
**Location:** 3302 South 63<sup>rd</sup> Avenue West

**Fenceline/Area:** Berryhill

**Present Zoning:** RS

**Land Use:** Existing Neighborhood

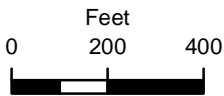




**SUBJECT TRACT**

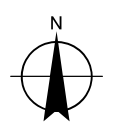
**LEGEND**

- Sand Springs Corporate Limits
- Tulsa Corporate Limits



**CBOA-2940**

19-12 20



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9220

**CZM:** 45

**CASE NUMBER:** **CBOA-2940**

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 12/21/2021 1:30 PM

**APPLICANT:** Edward Wilson

**ACTION REQUESTED:** Special Exception to permit a single-wide mobile home in an RS district (Section 410).

**LOCATION:** 3302 S 63 AV W

**ZONED:** RS

**FENCELINE:** Berryhill

**PRESENT USE:** Property is formerly a residence, vacated due to fire.

**TRACT SIZE:** 0.32 acres

**LEGAL DESCRIPTION:** E/2 OF N 91 LT 20 BLK 2, BERRY HILL ACRES

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS zoning with residential uses.

**STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to permit a single-wide mobile home in an RS district (Section 410). A special exception is required as the proposed mobile home is a use which is not permitted by right in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The mobile home must be found to be compatible with the surrounding neighborhood.

According to the site plan, the applicant is proposing to place a 70' x 16' mobile home in the center of the property. The home that was previously there was a single-family home that was destroyed by a fire.

If inclined to approve the request the Board may consider any condition it deems necessary in order to ensure that the proposed mobile home is compatible and non-injurious to the surrounding area.

*Sample Motion:*

*"Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a single-wide mobile home in an RS district (Section 410).*

*Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.*

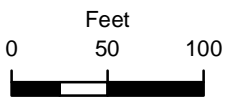
*Subject to the following conditions, if any: \_\_\_\_\_.*

In granting a Special Exception, the Board must find that 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.



**W33 STS**

**S63 WAVE**



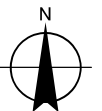
*Subject Tract*

**CBOA-2940**

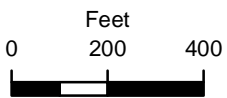
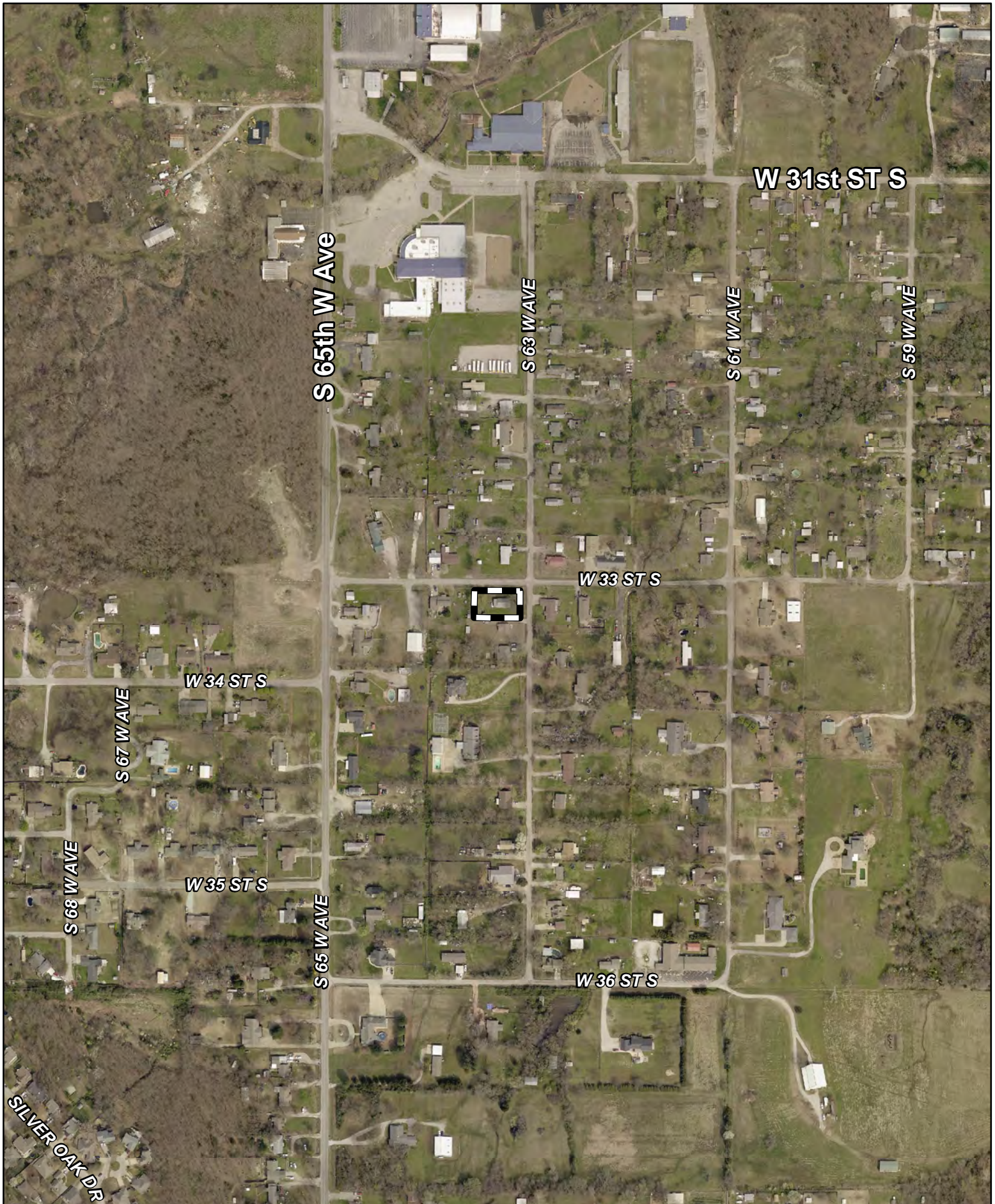
19-12 20

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

*Aerial Photo Date: 2020/2021*



**CBOA-2940 5.5**



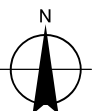
Subject Tract

**CBOA-2940**

19-12 20

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

Aerial Photo Date: 2020/2021



**CBOA-2940 5.6**

12-5-2021

Tulsa County Board of Adjustments

c/o INCOG

2 West 2<sup>nd</sup> Street

Suite 800

Tulsa, Oklahoma 74103

**PROTEST case # CBOA-2940**

Dear Robi Jones and Tulsa Co Board of Adjustments,

My family owns the neighboring property to the proposed zoning change. We have owned this property for over 70 years. During this time, the neighborhood has been friendly with all our neighbors. We smile and wave when we see each other, and in many cases bring food when someone is sick or provide help when needed. We are a close nit community. Most of us own our homes. I've mentioned the above to provide a brief background for my objections to a trailer house being moved onto the recent vacant lot caused by a recent fire to the existing structure.

There is a very good reason why trailer houses are not zoned for this area. We all know that the quality of life is reduced immediately by their presence. They deteriorate immediately and initiate the area to slum conditions. Property values drop drastically. (low property values lower property taxes)

This lot is located only 1 block from Berryhill Schools. Most of the neighboring children walk to the school because it is so close. Slum conditions and children walking to school is a poor combination. I'm sure you wouldn't want your child to be in danger walking to school?

The proposed lot requesting zoning change is a corner lot. This is an excellent location to build a house instead of moving in a trailer. Even a modest home would be welcomed and an asset to the community. We would support some person building a new home or even moving in an existing house. But a trailer house? No! No! No!


I apologize if I come across as rude but I feel I have no choice but to be very outspoken. I have a responsibility to protect my family, the value of my home, my community, my neighbor's children and Berryhill Schools.

Sincerely,

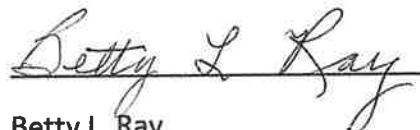
Dennis Sadler (power of attorney for Betty Ray, my mom)

3304 South 63<sup>rd</sup> West Ave.

Tulsa, Oklahoma 74107



Dennis Sadler



Betty L. Ray

12-5-2021

Tulsa County Board of Adjustments

C/O INCOG

2 West 2<sup>nd</sup> Street

Suite 800

Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

A handwritten signature in black ink, appearing to read "V. J. [unclear]", written over a horizontal line.

Address:

3308 South 63<sup>rd</sup> West Ave  
Tulsa OK 74107



12-5-2021

Tulsa County Board of Adjustments

C/O INCOG

2 West 2<sup>nd</sup> Street

Suite 800

Tulsa, Ok. 74103

Protest Case: **CBOA-2940**

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,



Address:

3197 So. 63 W Ave  
Tulsa OK 74107

12-5-2021

Tulsa County Board of Adjustments

C/O INCOG

2 West 2<sup>nd</sup> Street

Suite 800

Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,



Address: 4127 W 33<sup>rd</sup>  
TULSA, OKLA 74107

12-5-2021

Tulsa County Board of Adjustments

C/O INCOG

2 West 2<sup>nd</sup> Street

Suite 800

Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

Cecil Watkins  
Arley Watkins

Address:

3303 So 63<sup>rd</sup> Ave  
Tulsa, Okla 74107

12-5-2021

Tulsa County Board of Adjustments

C/O INCOG

2 West 2<sup>nd</sup> Street

Suite 800

Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

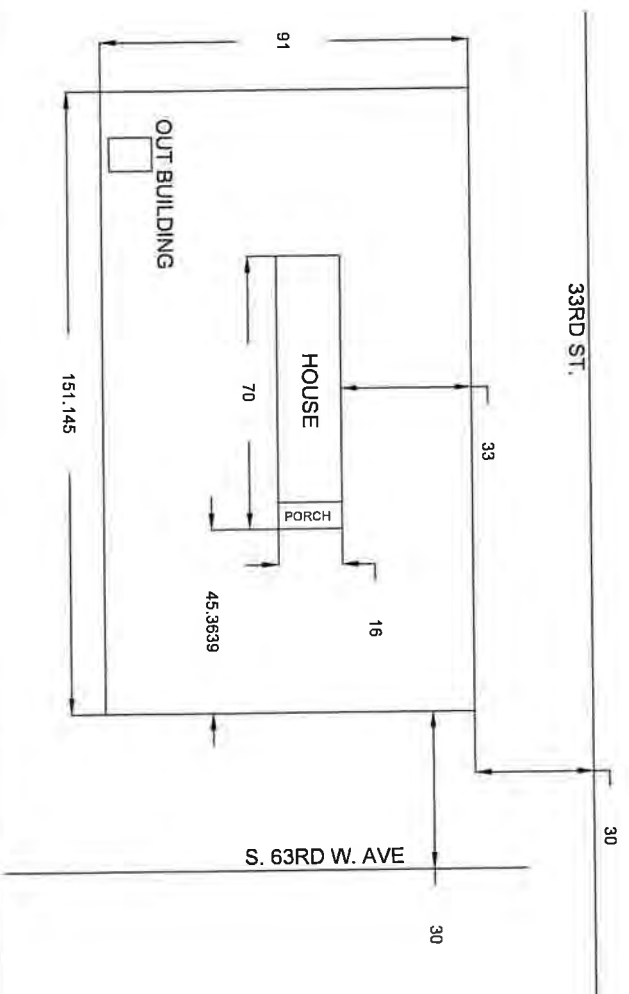
Desirée Krzmarzick  
Desirée Krzmarzick

Address: 3330 S. 63<sup>rd</sup> West Ave.  
Tulsa, OK. 74107





ADDRESS  
3302 S. 63 W. AVE.  
TULSA OK 74107





**Case Number:** CBOA-2941

**Hearing Date:** December 21, 2021

**Action Requested:** Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

**Case Report Prepared by:**

Robi Jones

**Owner and Applicant Information:**

**Applicant:** Kyle Rampey

**Property Owner:** Rampey, Kyle R & Kelley R

**Location Map:**



**Additional Information:**

**Present Use:** AG-R

**Tract Size:** 2.27 acres

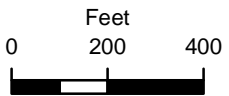
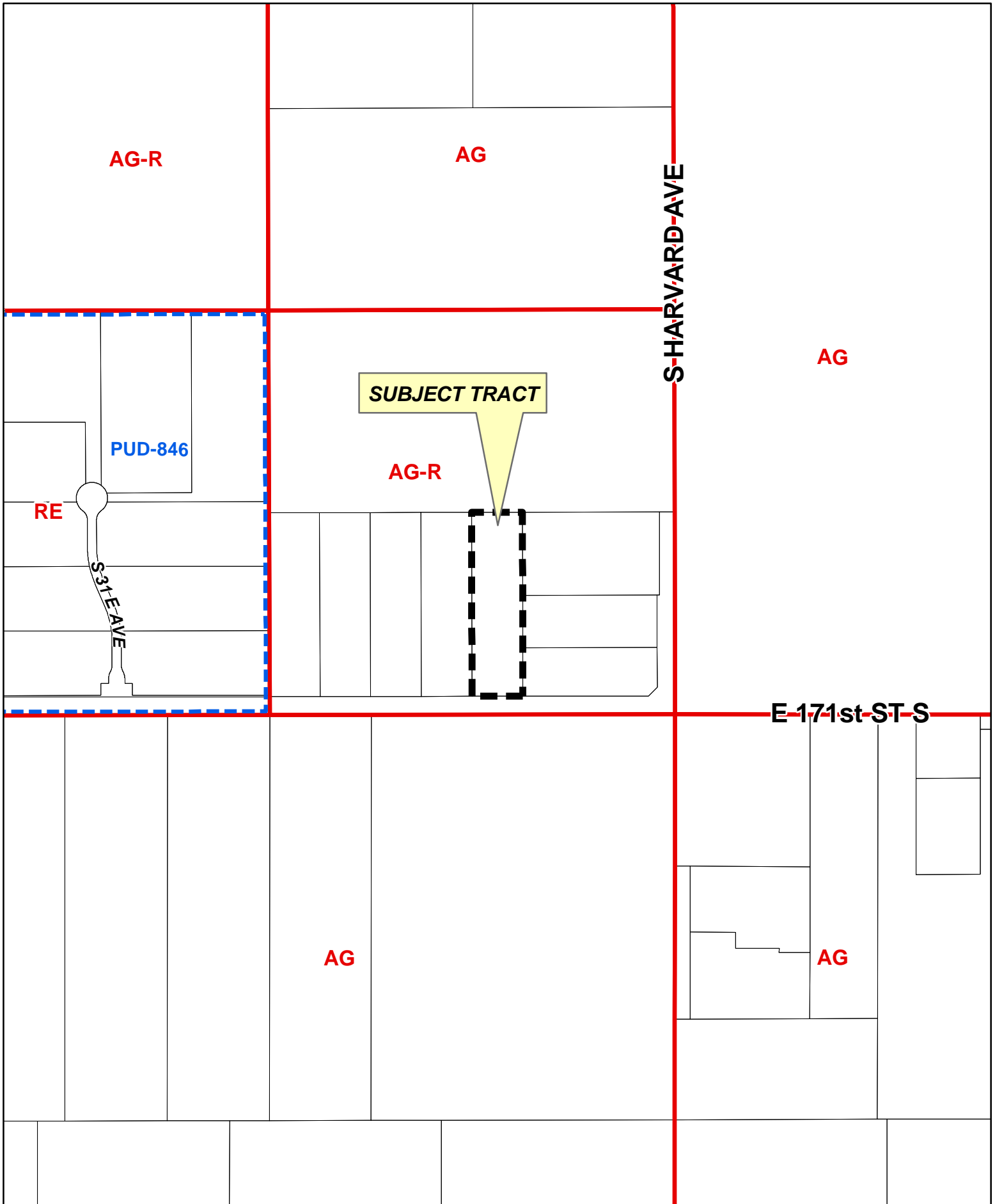
**Location:** 3241 East 171<sup>st</sup> Street South

**Fenceline/Area:** Bixby

**Present Zoning:** AG-R

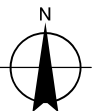
**Land Use:** Neighborhood Commercial





**CBOA-2941**

17-13 29



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7329

**CZM:** 66

**CASE NUMBER:** **CBOA-2941**

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 12/21/2021 1:30 PM

**APPLICANT:** Kyle Rampey

**ACTION REQUESTED:** Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

**LOCATION:** 3241 E 171 ST S

**ZONED:** AG-R

**FENCELINE:** Bixby

**PRESENT USE:** AG-R

**TRACT SIZE:** 2.27 acres

**LEGAL DESCRIPTION:** LOT 5 BLOCK 1, WOODWARD ACRES

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

**CZ-502 July 2020:** All concurred in **approval** of a request for *rezoning* a 40± acre tract of land from AG to AG-R on property located on the northwest corner of East 171<sup>st</sup> Street South and South Harvard Avenue.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG-R zoning to the west, north, and east. It abuts AG zoning to the south. Surrounding uses appear to be a mix of agricultural and residential.

**STAFF COMMENTS:**

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

As shown on the attached plan, the applicant has an existing barn (60' x 30') with living quarters on the lot and is proposing to add a single-family home. 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, except in the case of a lot...with the exception in the AG district that there be not more than two dwellings per lot.

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 2.27-acre subject lot.

The applicant provided the following statement: *"There was a barn/shop (metal building) built due to the sky-rocketing lumber prices. The shop has a bathroom and a sink. There is no bedroom, just future office space. We bought a travel trailer to sleep in and cook in. The dwelling we want to build is our home."*

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 permit two dwelling units on a single lot of record in the AG-R district (Section 208).*

- *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”*

**CBOA-00521 February 1985:** The Board of Adjustment **approved** a *Special Exception* to permit automobile sales in a CS zoned district, a *Variance* to permit open air storage within 30' of an R district, subject to a six-car limitation on the used car lot, and to continue the balance of the application until March 19, 1985 to allow the applicant time to re-advertise for additional relief, as relates to screening, hard surface, etc., on property located at 4339 West 61<sup>st</sup> Street.

**CBOA-00317:** The Board of Adjustment **approved** a *Special Exception* to allow a mobile home in an RS District and a *Variance* to allow two dwelling units on one lot of record, subject to Tulsa City-County Health Department, and, subject to the issuance of a building permit, on property located at 4345 West 59<sup>th</sup> Street.

**CBOA-00133 December 1981:** The Board of Adjustment **approved** an *Exception* to permit a mobile home in an RS District, subject to a 5-year time limitation and the Health Department's approval, on property located at 4001 West 61<sup>st</sup> Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-0-0**(Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, McArtor, Ray, "absent") to recommend **APPROVAL** of RM-1 zoning for CZ-501 per staff recommendation.

**Legal for CZ-501 :**

BEG 3035W & 30N SECR SE TH W200 N340 E200 S340 POB LESS S5 FOR  
ST SEC 33 19 12 1.538ACS

\*\*\*\*\*

**10. CZ-502 Ryan McCarty** (County) Location: Northwest corner of East 171st Street South and South Harvard Avenue requesting rezoning from **AG to AG-R**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-502**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from AG to AG-R in order to construct single family residences with agricultural uses

07:15:20:2822(8)

allowed. The site plan provided by the applicant shows the subject lot being divided into two 20 acres lots. If AG-R zoning is approved, it would allow lots with a minimum 1.1 acre area. These lots would be established as part of the platting process required with rezoning or if splitting the subject lot into more than four lots. The site is primarily located within the Rural Residential designation of the Tulsa County and City of Bixby Comprehensive Plans. The portions near the intersection of S Harvard Ave and E 171<sup>st</sup> St S contain areas of Neighborhood Commercial and Commercial designations. Given the current zoning of the area, current use and anticipated use, the proposal to rezone the subject lot to AG-R would be compatible with the development pattern of the area.

#### **DETAILED STAFF RECOMMENDATION:**

CZ-502 is non-injurious to surrounding proximate properties;

CZ-502 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-502 to rezone property from AG to AG-R.

#### **SECTION II: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as "Rural Residential, Neighborhood Commercial, and Commercial." See the description of this designation below as well as the attached Comprehensive Plan Map.*

*The **Rural Residential designation** denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.*

*The **Neighborhood Commercial designation** denotes areas that provide goods and services to meet the frequent shopping needs of residents. Development shall have access to major roads and provide opportunities for walking and biking from nearby residential areas.*

The **Commercial designation** denotes areas that create retail and commercial destinations for City residents, as well as others throughout the region. This designation may also support offices and business parks. Development shall have direct access to major roads and transit.

Land Use Vision:

*Land Use Plan map designation:* Rural Residential, Neighborhood Commercial, and Commercial

*Areas of Stability and Growth designation:* N/A

Transportation Vision:

*Major Street and Highway Plan:* E 171<sup>st</sup> St S is designated as a Primary Arterial and S Harvard Ave is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site currently contains a single family residence and agricultural uses with associated structures.

Environmental Considerations: None

Streets:

| <u>Exist. Access</u>     | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|--------------------------|--------------------|-----------------|-----------------------|
| E 171 <sup>st</sup> St S | Primary Arterial   | 120 Feet        | 2                     |
| S Harvard Ave            | Secondary Arterial | 100 Feet        | 2                     |

Utilities:

The subject tract has municipal water available. An ODEQ approved system will be required for sewer service.

Surrounding Properties:

07:15:20:2822(10)

| Location | Existing Zoning | Existing Land Use Designation                                | Area of Stability or Growth | Existing Use               |
|----------|-----------------|--|-----------------------------|----------------------------|
| North    | AG              | Rural Residential  | N/A                         | Single Family/Agricultural |
| South    | AG              | Rural Residential/<br>Neighborhood Commercial/<br>Commercial | N/A                         | Single Family/Agricultural |
| East     | AG              | Rural Residential/<br>Neighborhood Commercial/<br>Commercial | N/A                         | Vacant                     |
| West     | RE-PUD-846      | Rural Residential  | N/A                         | Single Family              |

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Resolution number 98254 dated September 15<sup>th</sup>, 1980 established zoning for the subject property.

**Subject Property:**

No Relevant History.

**Surrounding Property:**

**CZ-496 January 2020:** All concurred in **approval** of a request to rezone a 272.68+ acre tract of land from RE/PUD-848 to AG-R for residential, on property located south and east of the southeast corner of East 161<sup>st</sup> Street South & South Lewis Avenue.

**PUD-848-A January 2020:** All concurred in **approval** of a proposed *Major Amendment to Abandon* a PUD on a 272.68+ acre tract of land, on property located south and east of the southeast corner of East 161<sup>st</sup> Street South & South Lewis Avenue.

**CZ-474/PUD-848 October 2018:** All concurred in **approval** of a request to rezone a 272.68+ acre tract of land from AG to RE and **approval** of a proposed *Planned Unit Development* for residential, on property located south and east of the southeast corner of East 161<sup>st</sup> Street South & South Lewis Avenue.

**CZ-460/PUD-846 July 2017:** All concurred in **approval** of a request to rezone a 30+ acre tract of land from AG to RE and **approval** of a

07:15:20:2822(11)

proposed *Planned Unit Development* for a Single-family subdivision, on property located west of the northwest corner of 171<sup>st</sup> Street South & South Harvard Avenue.

**CBOA-2631 May 2017:** The Board of Adjustment **approved** a *Variance* of the lot area and land area per dwelling unit and a *Variance* of the minimum lot width to permit a lot-split in the AG District, subject to the conceptual plan 5.8 in the agenda packet and that there will only be one dwelling per lot, finding the hardship to be the other lots in the area are of the same size or comparable in size and the applicant has 107 feet of frontage, on property located at 17219 South Harvard East. There us to be only one dwelling per lot.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-0-0**(Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, McArtor, Ray, "absent") to recommend **APPROVAL** of AG-R zoning for CZ-502 per staff recommendation.

**Legal for CZ-502:**

SE/4 SE/4 Section 29 Township 17 N Range 13 E

\*\*\*\*\*

11. **Z-7550 Wallace Engineering, Nicole Watts** (CD 1) Location: Northwest corner of East Apache Street and North New Haven Avenue requesting rezoning from **AG to CG**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7550**

**DEVELOPMENT CONCEPT:** The applicant plans to develop the site in conjunction with the Tulsa Junior College. The site will be developed as a farm, market or community supported garden with food distribution and warehousing along with educational facilities. A farm, market, or Community Supported Garden is allowed in an AG and CG district however the food distribution and warehousing component of the concept requires CG zoning.

**DETAILED STAFF RECOMMENDATION:**

Z-7550 requesting rezoning to allow all uses in a CG district is consistent with the Regional Center Land Use designation in the Tulsa Comprehensive Plan and,

07:15:20:2822(12)

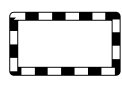
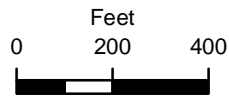




S HARVARD AVE

S 31 E AVE

E 171st ST S



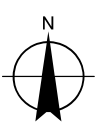
Subject Tract

**CBOA-2941**

17-13 29

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

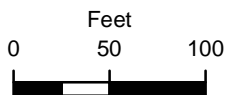
Aerial Photo Date: 2020/2021



**CBOA-2941 6.10**



**E 171st ST S**



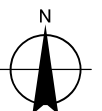
*Subject Tract*

**CBOA-2941**

17-13 29

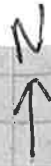
*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: 2020/2021*



**CBOA-2941 6.11**

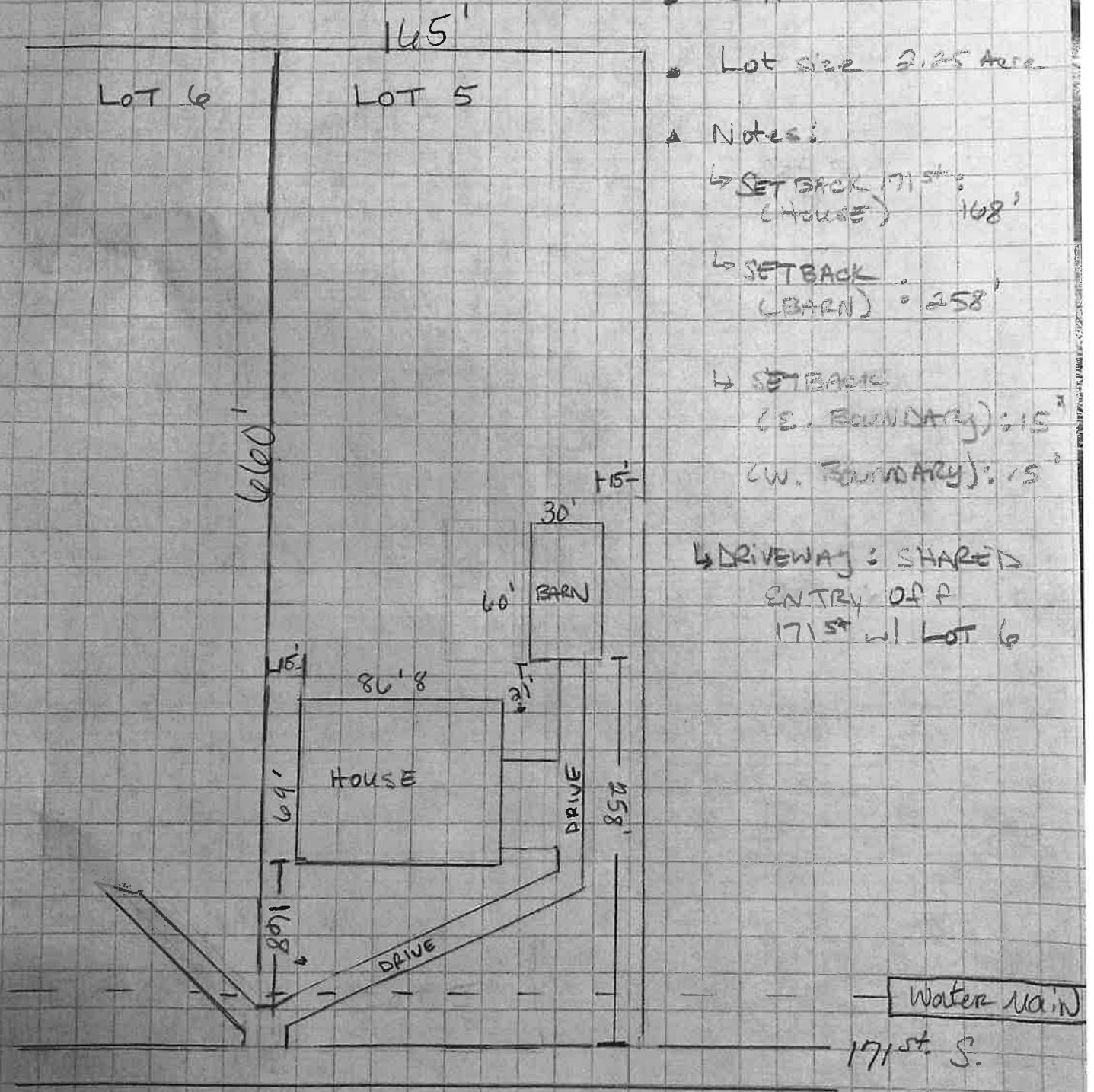
# Site Plan



- Lot 5, Block 1, Woodward Acres
- 3241 E. 171<sup>st</sup> St. S.
- Lot size 2.25 Acres

- ▲ Notes:
- ↳ SETBACK (HOUSE) = 108'
  - ↳ SETBACK (BARN) = 258'
  - ↳ SETBACKS (E. BOUNDARY) = 15'
  - ↳ SETBACKS (W. BOUNDARY) = 15'

↳ DRIVEWAY: SHARED ENTRY OF A 171<sup>st</sup> w/ LOT 6





**Case Number:** CBOA-2942

**Hearing Date:** December 21, 2021

**Action Requested:** Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930)

**Case Report Prepared by:**

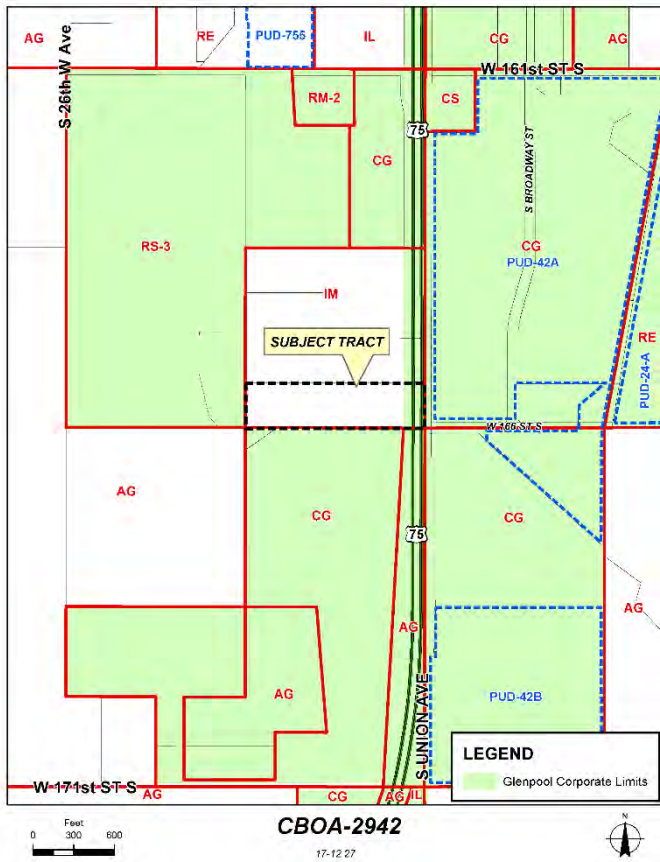
Robi Jones

**Owner and Applicant Information:**

**Applicant:** Nathalie Cornett

**Property Owner:** Country Investments LLC & Sharp Mortgage

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

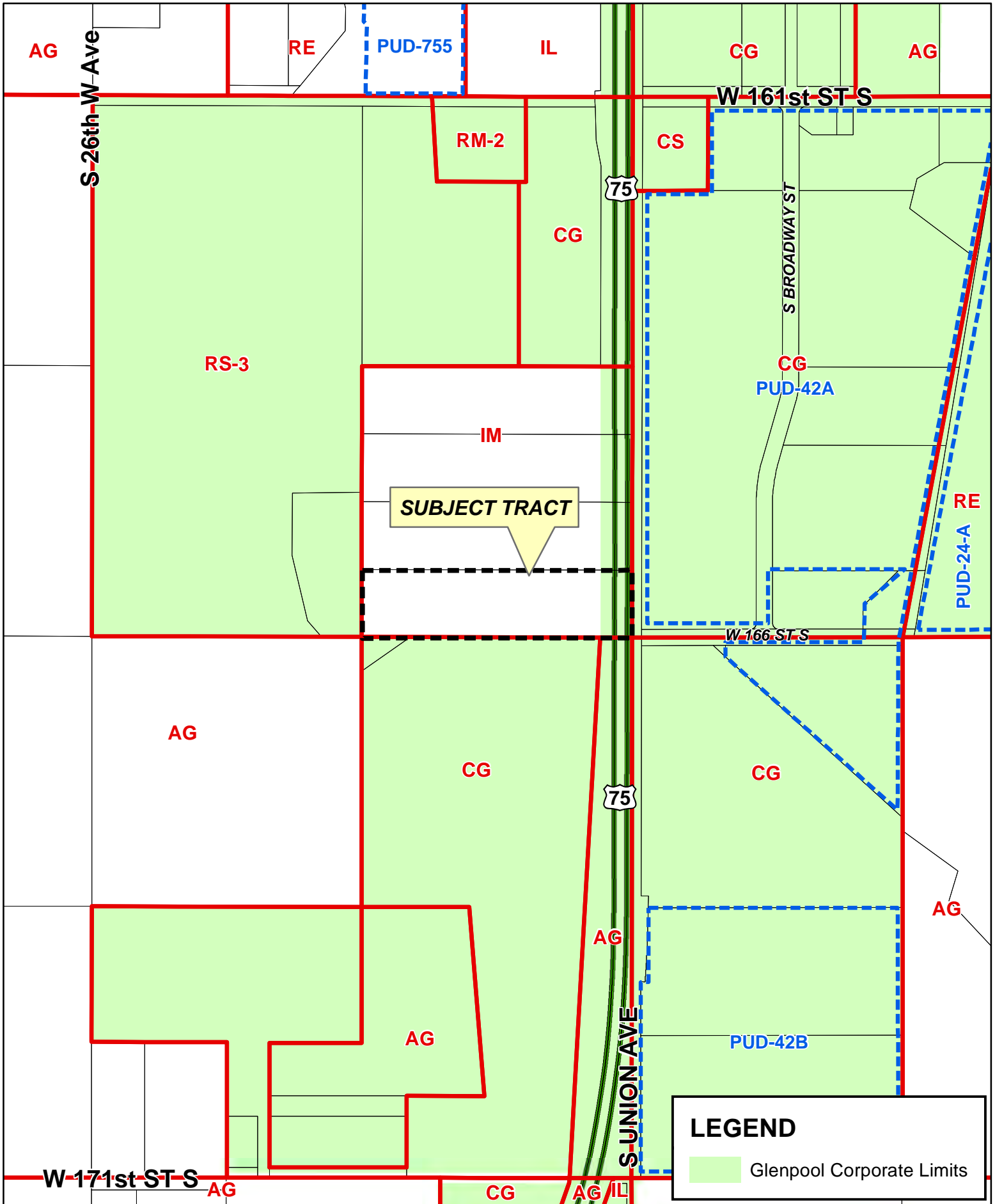
**Tract Size:** 8.81 acres

**Location:** 2124 West 166<sup>th</sup> Street South

**Fenceline/Area:** Glenpool

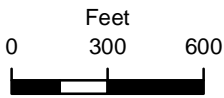
**Present Zoning:** IM

**Land Use:** US 75 Corridor



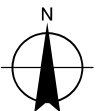
**LEGEND**

- Glenpool Corporate Limits



**CBOA-2942**

17-12 27



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7227

**CZM:** 65

**CASE NUMBER:** **CBOA-2942**

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 12/21/2021 1:30 PM

**APPLICANT:** Nathalie Cornett

**ACTION REQUESTED:** Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930)

**LOCATION:** 2124 W 166 ST S

**ZONED:** IM

**FENCELINE:** Glenpool

**PRESENT USE:** Vacant

**TRACT SIZE:** 8.81 acres

**LEGAL DESCRIPTION:** The South 330.00 feet of the S/2 of the SE/4 of the NE/4, Less the East 156.70 feet thereof for U.S. Highway 75 purposes, situated in Section 23, T-17-N, R-12-E, Tulsa County, State of Oklahoma, and containing 8.81 acres, more or less.

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CZ-519 October 2021:** All concurred in **approval** of a request for *rezoning* a 7.78± acre tract of land from AG to IM on property located on the northwest corner of West 166<sup>th</sup> Street South and Highway 75.

**CBOA-1452 September 1996:** The Board approved a Special Exception to allow a telecommunications tower 150' in height, on property located south of 161<sup>st</sup> Street South and West of U.S. 75.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts RS-3 zoning to the west, CG zoning to the south and east, and IM zoning to the north. Surrounding uses appear to be either vacant land or industrial in nature.

**STAFF COMMENTS:**

The applicant is requesting a Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930). The Code requires that lots within the IM district contain a minimum frontage of 200' when abutting an arterial and freeway service road. The applicant provided the following statement with their application:

*"The Applicant requests a Variance of the street frontage requirement of Section 930 of the Tulsa County Zoning Code (the "Code") to permit a lot split in an IM district for property located at 2124 W. 166<sup>th</sup> Street S. (the "Property")."*

The Property is an 8.8 acre unplatted tract located on the west side of Hwy 75 between 161<sup>st</sup> and 171<sup>st</sup> Street. The owner desires to split the lot in order for a five (5) acre tract fronting Hwy 75 to be purchased and developed.

The Code requires 200 feet of street frontage in an IM District. The Property currently has 330 feet of frontage along Highway 75. The lot split will result in two tracts, the 5 acre tract with 300 feet of frontage and the remainder 3.8 acre tract, a flag lot, with 30 feet of frontage. The proposed flag lot configuration will preserve the use of the existing private road (W. 166th St.) as access to Hwy 75.

The remaining 3.8 acre tract is densely vegetated and the site of a cell phone tower, for which variance was approved in 1996 (the Property was recently rezoned from AG to IM and the IM zoning now allows the tower by right). A propane gas line also runs along the south boundary of the Property and a quarry operation is located directly west of the Property. The existing facilities on and around the Property are unique to the Property. Additionally, with 330 feet of total street frontage, the Property could not be split into any configuration that would meet the frontage requirements of the Code, thereby resulting in unnecessary hardship to the owner.

The Property is located in the Glenpool fence line and Glenpool's Comprehensive Plan seeks to attract industrial and commercial growth along this portion of the Hwy 75 Corridor. The lot split configuration will allow the five (5) acres fronting Highway 75 to be developed in accordance with the ongoing and anticipated development pattern in the area while accommodating the existing infrastructure at the back of the tract. Based on the foregoing, the requested Variance will not cause substantial detriment to the public good or impair the spirit and intent of the Code or the Comprehensive Plan.”

The applicant proposes to split Tract ‘C’ from the parent tract (Tract “A”). The resulting split will create two parcels. Tract C will be 3.81 acres and Tract B will be 5 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.

**Sample Motion:**

**“Move to \_\_\_\_\_ (approve/deny) a Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930)**

**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.”**

**CBOA-2502 June 2014:** The Board of Adjustment approved a *Variance* to permit the display surface area from 32 square feet to 378 square feet for an accessory identification sign in an AG District (Section 320.2.B. 2); and approve a *Variance* for the sign height from 15 feet to 35 feet in an AG District (Section 320.2B.2), with the hardship being the fact that a 32 foot sign is posted next to a highway rendering it illegible by highway traffic, on property located at 7770 North Whirlpool Drive.

**CBOA-1669 July 1999:** The Board of Adjustment approved a *Special Exception* to permit a church and related school with a mandatory curriculum (Preschool and K-12) use in an AG and RE District, on property located at NW/c 76<sup>th</sup> Street North and Whirlpool Dr.

**CBOA-1444 August 1996:** The Board of Adjustment approved a *Special Exception* to permit a children's day care in an AG zoned district, on property located at 4702 East 76<sup>th</sup> Street North.

**CBOA-1399 February 1996:** The Board of Adjustment approved a *Special Exception* to permit a church and school (K through 12) in an AG zoned district, on property located at 8050 North Yale Avenue.

**CBOA-1200 November 1993:** The Board of Adjustment approved a *Variance* to permit two dwelling units on one lot of record, on property located at 4702 East 76<sup>th</sup> Street North.

**CBOA-535 January 1985:** The Board of Adjustment approve a *Variance* to permit two dwelling units (one house, one mobile home) per lot of record in an Ag zoned district; subject to Health Department approval and a Building Permit; and subject to a five-year time limitation, on property located SE/c Hwy. 75 & 76<sup>th</sup> Street North.

**TMAPC Action; 6 members present:**

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of the IM zoning for CZ-522 per staff recommendation.

**Legal Description for CZ-522:**

SW SW/LESS S50 THEREOF FOR RD SEC 27 21 13 38.485ACS

\*\*\*\*\*

**12. CZ-519 Nathalie Cornett** (County) Location: Northwest corner of West 166th Street South and Highway 75 requesting rezoning from **AG to IM** to permit industrial uses



**STAFF RECOMMENDATION:**

**SECTION I: CZ-519**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lot from AG to IM to permit industrial uses. The site is immediately south of existing IM zoning. The Tulsa County Comprehensive Plan and the City of Glenpool Comprehensive Plan designate this site and the sites immediately north of the existing industrial zoned lots adjacent to the subject lot, as well as those to the east of US Highway 75 and those to the south as US 75 Corridor. This designation is intended to encourage industrial and commercial development along US Highway 75, which this proposed rezoning would be compatible with.

**DETAILED STAFF RECOMMENDATION:**

CZ-519 is non-injurious to surrounding proximate properties;

CZ-519 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-519 to rezone property from AG to IM.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The site is located within the fenceline of the City of Glenpool and is designated as US 75 Corridor. The City of Glenpool Comprehensive Plan – The Glenpool 2030 Plan was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Glenpool 2030 PLAN was officially adopted (Resolution Number 10-07-01) on July 6, 2010 with an Interim Update adopted (Resolution Number 17013) on November 14, 2017. The Comprehensive Plan is meant to serve as the general policy guide for future physical and economic development of the City based on present and future needs.*

**Land Use Vision:**

*Land Use Plan map designation: US 75 Corridor*

The following is language from the 2017 Supplemental Report from the Interim Update of the Glenpool 2030 Plan:

- The relatively underdeveloped US-75 Corridor from SH-67 (151st Street) south to 201st Street is incrementally being recognized and utilized for its commercial and light industrial potential.
- Glenpool is also seeking to attract industrial growth and business, as well as highway-oriented commercial and potential office development, as a part of its economic development program.

*Areas of Stability and Growth designation: None*

Transportation Vision:

*Major Street and Highway Plan:* US Hwy 75 is designated as a Freeway. The MSHP shows a potential Residential Collector running towards the western portion of the subject lot. No street currently exists in this area.

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is currently vacant, with a cellular tower located on the western side of the subject lot

Environmental Considerations: None

Streets:

| <u>Exist. Access</u>     | <u>MSHP Design</u> | <u>MSHP R/W</u>       | <u>Exist. # Lanes</u> |
|--------------------------|--------------------|-----------------------|-----------------------|
| W 166 <sup>th</sup> St S | None               | 50 feet               | 2                     |
| US Hwy 75                | Freeway            | Per ODOT requirements | 4                     |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use     |
|----------|-----------------|-------------------------------|-----------------------------|------------------|
| North    | IM              | None                          | N/A                         | Industrial       |
| South    | CG              | US 75 Corridor                | N/A                         | Vacant           |
| East     | CG              | US 75 Corridor                | N/A                         | Vacant           |
| West     | RS-3            | Suburban Residential          | N/A                         | Shale Extraction |

**SECTION III: Relevant Zoning History**

**History:**

**ZONING ORDINANCE:** Ordinance number 11841 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

***CBOA-1452 September 1996:*** The Board of Adjustment approved a Special Exception to permit a telecommunications tower 150' in height; Use Unit 4; per plan submitted, on property located at South of 161<sup>st</sup> Street South and West of U.S. 75.

***Surrounding Property:***

***CZ-451 March 2017:*** All concurred in approval of a request for *rezoning* a 30± acre tract of land from AG to IM on property located S. Hwy 75 and W. 161<sup>st</sup> St. South.

**The applicant indicated her agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of the IM zoning for CZ-519 per staff recommendation.

**Legal Description for CZ-519:**

S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

\*\*\*\*\*

ON MOTION OF COMMISSIONER PETERS  
SECONDED BY COMMISSIONER KEITH  
AND UPON ROLL CALL CARRIED, THE FOLLOWING RESOLUTION WAS  
ADOPTED.

**APPROVED**  
11/15/2021

**RESOLUTION**

No. CMF# 20212484

WHEREAS, pursuant to Title 19, Oklahoma Statutes, Section 863.13, et seq., the Board of County Commissioners is authorized to adopt regulations controlling the zoning of property within the unincorporated areas of Tulsa County; and

WHEREAS, on September 15, 1980, the Board of County Commissioners adopted regulations affecting the above referred to area; and

WHEREAS, Nathalie Cornett applied to the Tulsa Metropolitan Area Planning Commission, Zoning Application Number CZ-519 for a change of zoning regulations on the following described tracts:

S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

from its present **AG** zoning district classification to **IM** zoning district classification; and

WHEREAS, public hearing, pursuant to law, was held October 6, 2021, by the Tulsa Metropolitan Area Planning Commission on the above application.

*NOW, THEREFORE, BE IT RESOLVED;*

- (1) *That the application of CZ-519, dated August 13, 2021 is granted.*
- (2) *That the zoning classification be changed to **IM** on the following described property:*

S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

APPROVED AND ADOPTED THIS 15th DAY OF November, 2021

BOARD OF COUNTY COMMISSIONERS  
OF TULSA COUNTY, OKLAHOMA

By 

ATTEST:   
County Clerk



Case No. 1451 (continued)

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to the frame house being used as a residential accessory building (storage); subject to the building inspectors approval; finding that there are two dwellings existing on the property and the application is to replace one of the dwellings with a permanent built structure; finding the tract is over 5 acres in size and that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Beginning 859.8' N, SW/c, SW/4; thence E for 546.75'; thence S for 417.4'; thence W 546.75'; thence N 417.4' to POB, LESS W 25' for Road, Sec. 22, T-19-N, R-10-E, Tulsa County, Oklahoma.

**Case No. 1452**

**Action Requested:**

Variance to allow a telecommunications tower 150' in height. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located South of 161st Street South and West of U.S. 75.

**Presentation:**

The applicant, **Earl Higgins/John Kirby**, 11529 East Pine Street, submitted a site plan (Exhibit C-1) and stated he represents SW Bell. He indicated he would like to erect a telecommunications tower on Mr. Orcutt's property at approximately 116th Street South on the West side of Highway 75.

**Protestants:** None.

**Comments and Questions:**

Mr. Tyndall asked the applicant if it would take ten (10) acres to erect the telecommunications tower? Mr. Higgins answered negatively. He stated the telecommunications tower will be located on a 100' x 100' piece of property in the west corner of the property. He explained the site will be west of the Williams Brother's pipeline that runs across the property and west of Highway 75.

Mr. Higgins stated the site for the telecommunications tower is 930' from the highway right-of-way.

09:17:96:196(6)

Case No. 1452 (continued)

In response to Mr. Beach, Mr. Higgins stated the property owner wanted to leave the frontage property available for highway commercial uses.

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to **APPROVE** a Special Exception to allow a telecommunications tower 150' in height. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

The S 330' of SE/4, NE/4, Sec. 27, T-17-N, R-12-E, I.B.M., Tulsa County, Oklahoma.

**Case No. 1453**

**Action Requested:**

Principal Use Variance to permit a kennel in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 15, located 2808 East 151st Street South.

**Presentation:**

The applicant, **Norma K. Hendrix**, 2808 East 151st Street South, Bixby, submitted a site plan (Exhibit D-1) and stated she would like a variance to permit her to have a dog kennel on her property.

**Protestants:** None.

**Comments and Questions:**

Mr. Tyndall asked the applicant if this request is for strictly a dog kennel and not exotic animals? She stated it will be strictly a dog kennel.

Mr. Alberty asked the applicant what breed of dogs and how many she would have in her kennel? Ms. Hendrix stated it will be a boarding kennel and she would like to keep 20 to 25 dogs for the future. She explained she will be starting with 10 runs presently. The applicant detailed that the facility will be indoor/outdoor with its own septic and lateral lines. She further detailed there will be heating and air. Ms. Hendrix indicated the dogs would not be outside late in the evening where it would cause a nuisance for other neighbors.

09:17:96:196(7)



S 26th W Ave

W 161st ST S

75

S BROADWAY ST

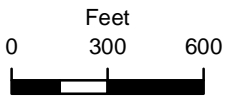


W 166 ST S

75

S UNION AVE

W 171st ST S



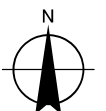
Subject Tract

**CBOA-2942**

17-12 27

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

Aerial Photo Date: 2020/2021



**CBOA-2942 7.12**

## Exhibit "B"

The Applicant requests a Variance of the street frontage requirement of Section 930 of the Tulsa County Zoning Code (the "Code") to permit a lot split in an IM district for property located at 2124 W. 166<sup>th</sup> Street S. (the "Property").

The Property is an 8.8 acre unplatted tract located on the west side of Hwy 75 between 161<sup>st</sup> and 171<sup>st</sup> Street. The owner desires to split the lot in order for a five (5) acre tract fronting Hwy 75 to be purchased and developed.

The Code requires 200 feet of street frontage in an IM District. The Property currently has 330 feet of frontage along Highway 75. The lot split will result in two tracts, the 5 acre tract with 300 feet of frontage and the remainder 3.8 acre tract, a flag lot, with 30 feet of frontage. The proposed flag lot configuration will preserve the use of the existing private road (W. 166<sup>th</sup> St.) as access to Hwy 75.

The remaining 3.8 acre tract is densely vegetated and the site of a cell phone tower, for which variance was approved in 1996 (the Property was recently rezoned from AG to IM and the IM zoning now allows the tower by right). A propane gas line also runs along the south boundary of the Property and a quarry operation is located directly west of the Property. The existing facilities on and around the Property are unique to the Property. Additionally, with 330 feet of total street frontage, the Property could not be split into any configuration that would meet the frontage requirements of the Code, thereby resulting in unnecessary hardship to the owner.

The Property is located in the Glenpool fence line and Glenpool's Comprehensive Plan seeks to attract industrial and commercial growth along this portion of the Hwy 75 Corridor. The lot split configuration will allow the five (5) acres fronting Highway 75 to be developed in accordance with the ongoing and anticipated development pattern in the area while accommodating the existing infrastructure at the back of the tract. Based on the foregoing, the requested Variance will not cause substantial detriment to the public good or impair the spirit and intent of the Code or the Comprehensive Plan.



# LOT SPLIT PLAT PARENT TRACT A

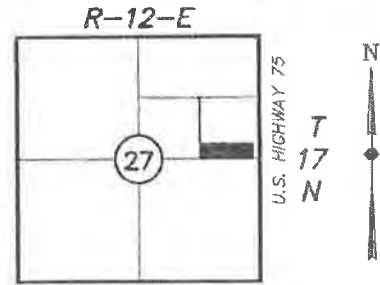


NO SCALE

**OWNER:**  
COUNTRY INVESTMENTS, LLC  
CONTACT: LENSE RAMEY  
PHONE: 918-636-6283

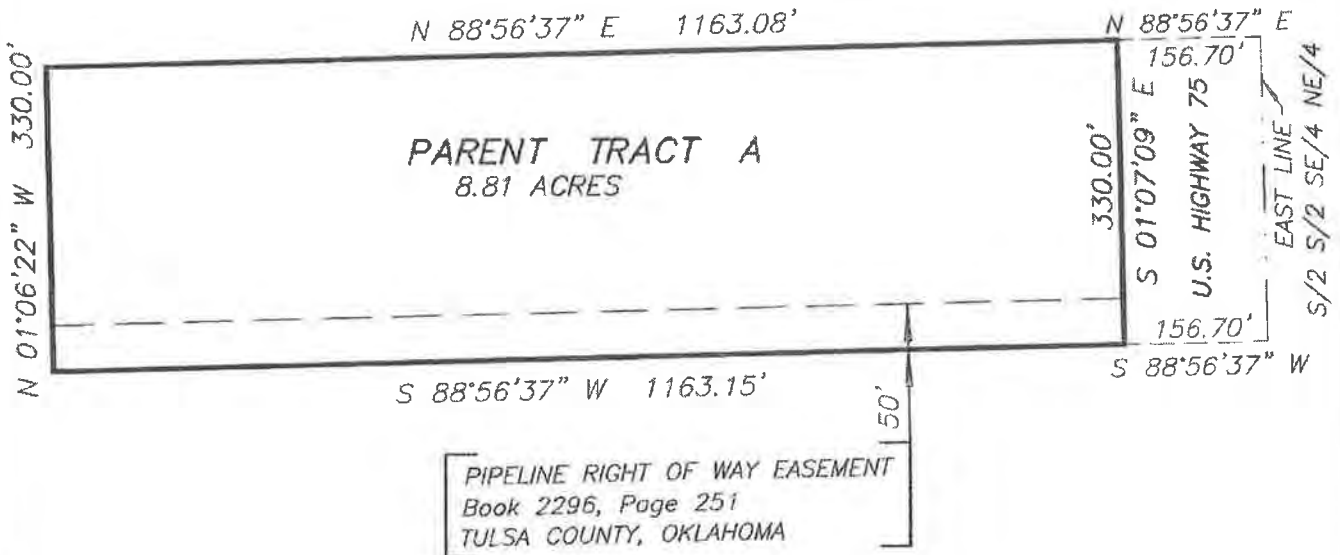
LEGEND

- NE/4 NORTHEAST QUARTER
- NW/4 NORTHWEST QUARTER
- S/2 SOUTH HALF
- N/2 NORTH HALF
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ESMT EASEMENT



TULSA COUNTY  
LOCATION MAP

FILE: LRAMEY-PIPELINEZ  
DATE: 10-14-2021



**LEGAL DESCRIPTION  
PARENT TRACT A**

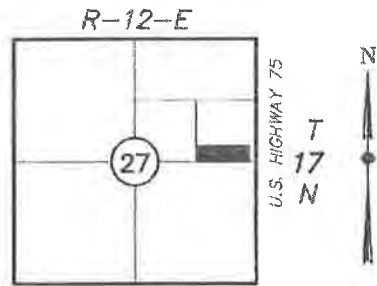
THE SOUTH 330.00 FEET OF THE S/2 OF THE SE/4 OF THE NE/4, LESS THE EAST 156.70 FEET THEREOF, FOR U.S. HIGHWAY 75 PURPOSES SITUATED IN SECTION 23, T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA AND CONTAINING 8.81 ACRES, MORE OR LESS.

**EXHIBIT A**

# LOT SPLIT PLAT TRACT B

**OWNER:**

COUNTRY INVESTMENTS, LLC  
CONTACT: LENSE RAMEY  
PHONE: 918-636-6283



**TULSA COUNTY  
LOCATION MAP**

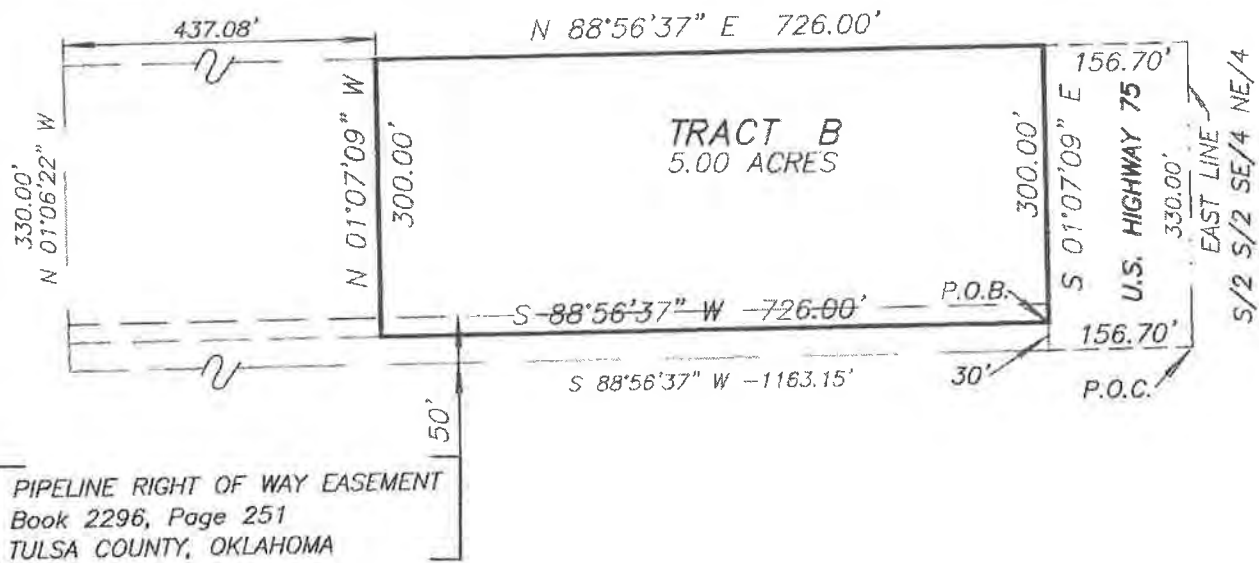
FILE: LRAMEY--PIPELINE2  
DATE: 10-14-2021



NO SCALE

LEGEND

- NE/4 NORTHEAST QUARTER
- NW/4 NORTHWEST QUARTER
- S/2 SOUTH HALF
- N/2 NORTH HALF
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ESMT EASEMENT



**LEGAL DESCRIPTION  
TRACT B**

A PART OF THE FOLLOWING TRACT OF LAND;

THE SOUTH 330.00 FEET OF THE S/2 OF THE SE/4 OF THE NE/4, LESS THE EAST 156.70 FEET THEREOF, FOR U.S. HIGHWAY 75 PURPOSES SITUATED IN SECTION 23, T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 23, THENCE S 88°56'37" W A DISTANCE OF 156.70 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE N 01°07'09" W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE S 88°56'37" W A DISTANCE OF 726.00 FEET; THENCE N 01°07'09" W A DISTANCE OF 300.00 FEET; THENCE N 88°56'37" E, A DISTANCE OF 726.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 01°07'09" E ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.00 ACRES, MORE OR LESS.

**EXHIBIT B**

# LOT SPLIT PLAT TRACT C

**OWNER:**

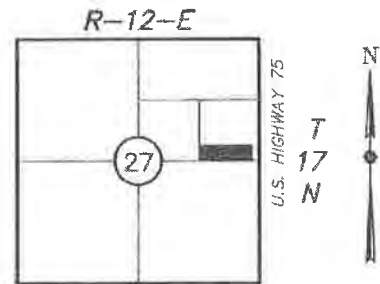
COUNTRY INVESTMENTS, LLC  
CONTACT: LENSE RAMEY  
PHONE: 918-636-6283



NO SCALE

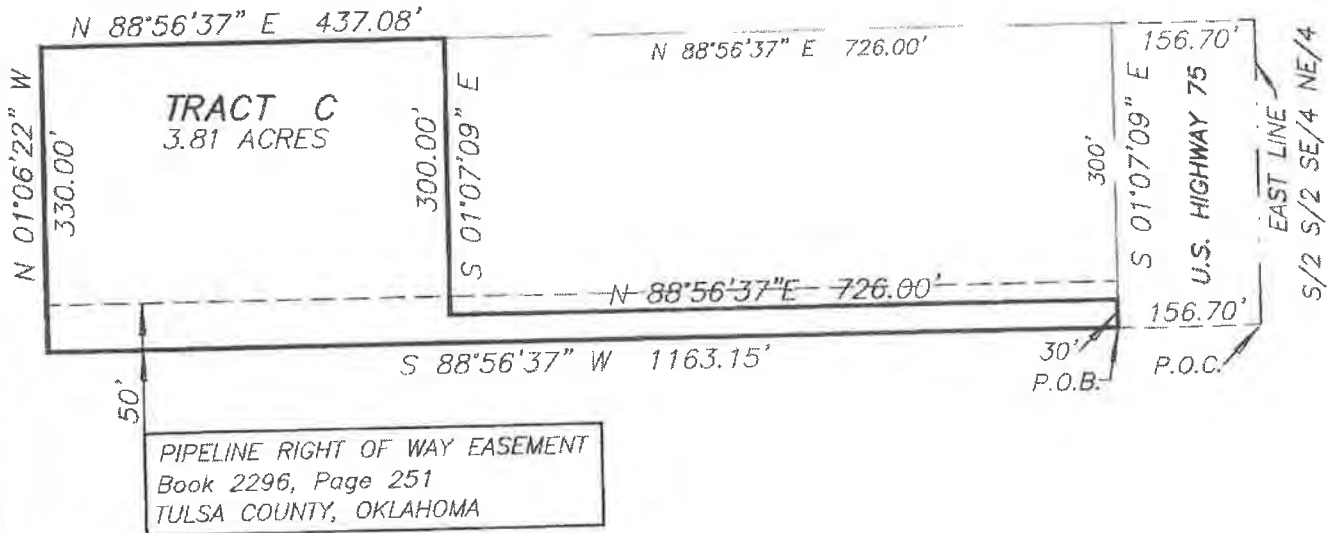
LEGEND

- NE/4 NORTHEAST QUARTER
- NW/4 NORTHWEST QUARTER
- S/2 SOUTH HALF
- N/2 NORTH HALF
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ESMT EASEMENT



TULSA COUNTY  
LOCATION MAP

FILE: LRAMEY-PIPELINE2  
DATE: 10-14-2021



### LEGAL DESCRIPTION TRACT C

A PART OF THE FOLLOWING TRACT OF LAND;

THE SOUTH 330.00 FEET OF THE S/2 OF THE SE/4 OF THE NE/4, LESS THE EAST 156.70 FEET THEREOF, FOR U.S. HIGHWAY 75 PURPOSES SITUATED IN SECTION 23, T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 23, THENCE S 88°56'37" W A DISTANCE OF 156.70 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 AND THE POINT OF BEGINNING; THENCE S 88°56'37" W A DISTANCE OF 1163.15 FEET; THENCE N 01°06'22" W, A DISTANCE OF 330.00 FEET; THENCE N 88°56'37" E A DISTANCE OF 437.08 FEET; THENCE S 01°07'09" E A DISTANCE OF 300.00 FEET; THENCE N 88°56'37" E, A DISTANCE OF 726.00 FEET TO A POINT ON THE WEST LINE OF U.S. HIGHWAY 75; THENCE S 01°07'37" E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.81 ACRES, MORE OR LESS.

### EXHIBIT C