AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday January 18, 2022, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 502

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.

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

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

1. **2943—Chris Lierly**
   Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240)
   LOCATION: 1315 South 217th Avenue West

2. **2944-Justin Liekhus**
   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: 7111 West 35th Street South

3. **2945—Ryan Strode**
   Modification to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1).
   LOCATION: 12100 East 171st Street South

4. 2946—Jennifer Jefferson

Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 14603 South Lewis Avenue East

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

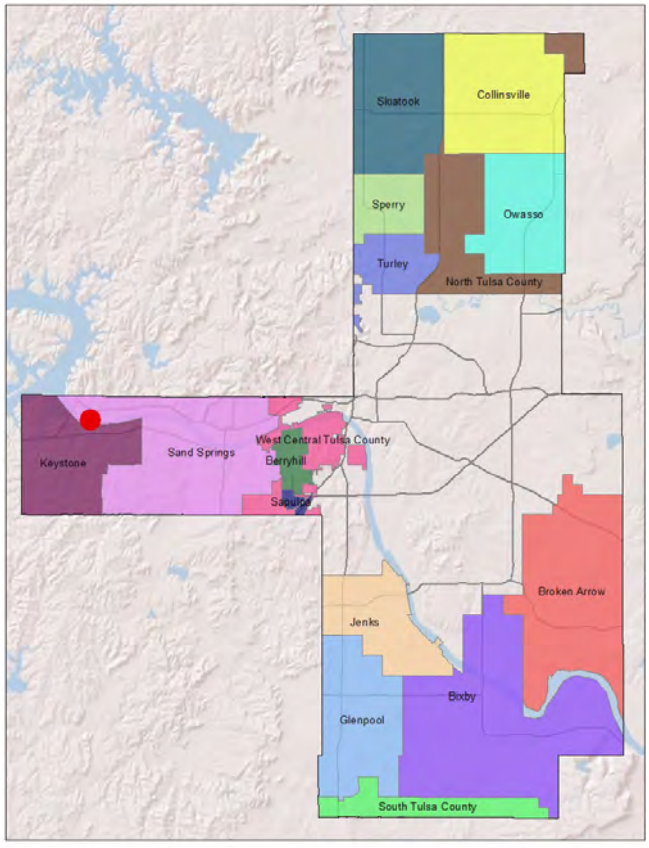
ADJOURNMENT

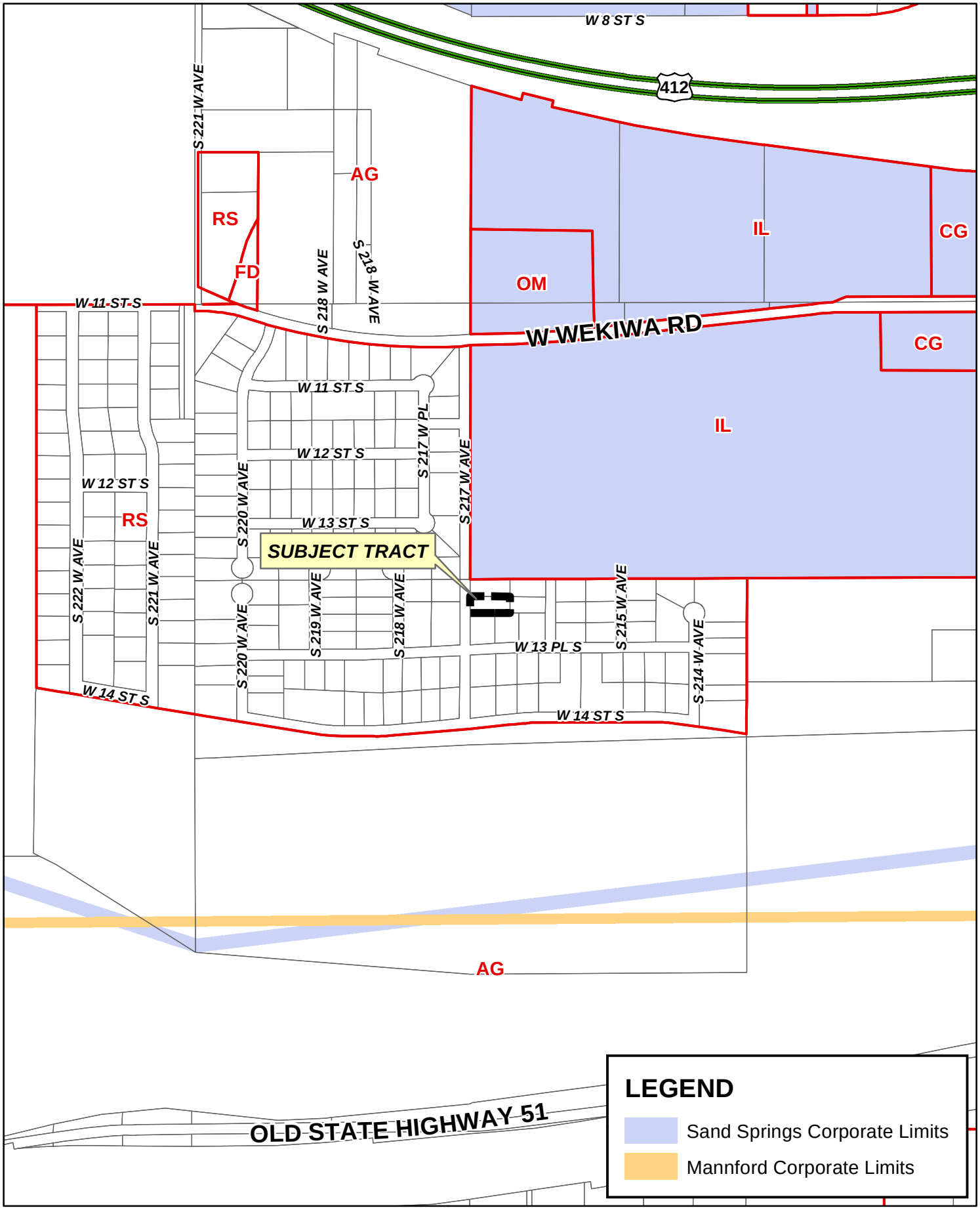
Website: tulsaplanning.org **E-mail**: esubmit@incog.org

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

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

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

Board of Adjustment	**Case Number**: CBOA-2943 **Hearing Date**: 01/18/2022 1:30 PM
Case Report Prepared by: Robi Jones	**Owner and Applicant Information:** **Applicant:** Chris Lierly **Property Owner:** Lierly, Christopher S & Bridget R
Action Requested: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240)	
Location Map:  Tulsa County Comprehensive Land Use Map	**Additional Information:** **Present Use:** Residential **Tract Size:** 0.33 acres **Location:** 1315 S. 217th Ave. W. **Present Zoning:** RS **Fenceline/Area: Sand Springs** **Land Use Designation: Residential**



CBOA-2943

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TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9010
CZM: 33
CASE NUMBER: CBOA-2943
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Chris Lierly

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

LOCATION: 1315 South 217th Avenue West
ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: RS
TRACT SIZE: 0.33 acres

LEGAL DESCRIPTION: LT 6 BLK 5, CANDLESTICK BEACH

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2733 March 2019: The Board approved the request for a Variance to allow a 40'-0" x 40'-0" accessory building with an additional ten-foot setback as shown on page 3.34 for the proposed accessory building. The building is to be ten feet off the southerly easement, on property located at 21521 West 14th Street South.

CBOA-2508 July 2014: The Board approved a variance to permit construction of a detached accessory building in a side yard located in an RS District; and a variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built on property located at 1333 South 215th West Avenue.

CBOA-2506 July 2014: The Board approved the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet, on property located at 1322 South 217th West Avenue.

CBOA-2429 May 2012: The Board approved a variance to permit a detached accessory structure in an RS District larger than 750 square feet; and a variance to permit a detached accessory structure in the side yard, on property located at 1325 South 214th West Avenue.

CBOA-2144 January 2005: The Board approved a variance of the allowable 750 square feet for an accessory building to allow a 900 square foot accessory building in an RS zoned district, on property located at 21609 West 14th Street South.

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

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)

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: *"I am seeking a building variance to build a 24 x 40 carport style building. I need this size so that I can fit both my home gym equipment and also my work tools. Half of the building will be used for our family workout faciality while the other half will hold my tools and yard equipment. Both of these activities help me de-stress and give me a therapeutic outlet for the tension of work and everyday life I face. If granted this building should not cause any impairment to the current neighborhood. Several neighbors have similar metal style buildings look very professional and add character to the neighborhood. With this building I will be able to deconstruct our small building, that is aged, which I have been using to store lawn equipment."*

According to the site plan provided, the applicant is proposing to construct a 24' x 40' (960 sq. ft.) accessory building at the rear of his property. It will be located in the rear yard. Section 420.2.A.3. states the following: Within the rear yard, a detached accessory building shall be located at least three feet from any interior lot line. The proposed accessory building complies with the three-foot setback requirement.

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

Sample Motion:

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

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

2728—Jennifer Lawson

Action Requested:
Variance of the minimum required frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). **LOCATION:** South of the SW/c of West Wekiwa Road and South 193rd West Avenue

Presentation:
The application was withdrawn by the applicant.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No action required by the Board; for the following property:

E231.66 W821.1 GOV LT 1 SEC 11 19 10 7AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2733—Will Wilkins

Action Requested:
Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Presentation:
William Wilkins, 21521 West 14th Street, Sand Springs, OK; apologized to the Board for being drawn into a civil spat regarding the legal standing of the Home Owner's Association which should have never been a factor. Mr. Wilkins presented documents to the Board in relation to the Home Owner's Association. Mr. Wilkins stated that he forwarded additional material for the Board's consideration last week plus copies of five other previous Board of Adjustment requests for similar action, and not one of the requests was denied. All have been found to conform to the harmony and spirit of the neighborhood. The materials for those requests were all the same, metal buildings. Mr. Wilkins stated that his request is for nothing more than what has been requested by the others, some of whom have been in protest of his application. The majority of the people that are in opposition to his request do not even drive by the subject property, and that majority that do have signed a letter of support. Mr. Wilkins stated that he only seeks to enjoy the same ranks and privileges of others in the neighborhood.

Mr. Charney asked Mr. Wilkins if there was any productive discussion between himself and any of the members who are in opposition in the intervening thirty days. Mr. Wilkins

stated that immediately following the last meeting he had a discussion with Mr. Dennis Strait and his only opposition is that he does not want to look at a metal building across the street. Mr. Wilkins stated the subject property was for sale for over a year and no one else seemed to want the property so he purchased it because he could not purchase the lot to the west of his house. Had he been able to do so he would have sought to have the building on that lot and Mr. Strait stated that he would not have had a problem with a metal building located on that property. Mr. Wilkins stated that he also spoke to Mr. Mock who owns the property behind him, and he does not want a metal building or any kind of accessory building on the property. Mr. Wilkins stated that he did speak with other interested people in his end of the neighborhood, and they are in support of his request to the best of his knowledge. Mr. Wilkins stated that past Board of Adjustment actions have allowed for such accessory structures approaching almost 1,600 square feet, with the largest being 1,560 square feet that was approved in 2014. Mr. Wilkins stated that if the Board feels it is necessary he would be willing to go down to 1,600 square feet, a 40 x 40 structure.

Mr. Charney stated that historically the Board does not delve into legitimacy or the legal documentation regarding to either HOAs or with regard to the precise construction of covenants. The Board does care about those but that is not what this Board has been charged to do whenever they accepted their appointments to the Board. The Board's inquiry is rather narrow and there are some legal tests that are before the Board that need to be examined and the Board does their best as a volunteer Board to see whether a particular application fits against the legal tests the Board is given. The Board only confines their inquiry to is what people in the neighborhood have to say and the Board does their best to apply the test to the request. The Board cares immensely about the legal tests. In regards to other applications that have come before the Board, they may be relevant to something in a matter but they are not binding or controlling on the Board. Facts differ in each case and the Board takes the information and makes as best a decisions as they can as a volunteer Board.

Mr. Charney stated the purpose in the last continuance in this case was to get a full Board to hear the case. Mr. Charney stated that Mr. Hutchinson was the Chair at the last meeting and he asked if there were any new comments or new information in this case that will make a difference.

Interested Parties:

Melissa Wilkins, 21521 West 14th Street South, Sand Springs, OK; stated she is Will Wilkins wife. She stated that in going through some of the previously approved structures that have been allowed in the neighborhood, one of those applications noted that there was a boat that had to be stored and a truck that was broken into. Those type of issues continue in the neighborhood and a large part of why they would like to have a building is because she has inherited a vehicle and has possession of all her mother's belongings and she needs storage for all this. Ms. Wilkins stated that she wants to be able to securely store her belongings on her property and to insure that they are not being stolen or vandalized. Ms. Wilkins stated that she has done a lot to maintain a beautiful landscaped yard and that will continue to the proposed accessory

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building because it will be in her back yard. Ms. Wilkins stated that she has heard concerns about devaluation of surrounding property, and when she looks at some of the surrounding neighbors she is not doing anything to decrease home values that they have not already done to themselves and how they maintain their homes.

Steven Brown, 21607 West 13th Place, Sand Springs, OK; stated he has lived there for over 30 years and he has never been robbed or threatened. He does not want the Board to think the neighborhood is an outlaw community that everyone is worried about. Mr. Brown stated that Mr. Wilkins has stated that he has the majority of the people behind him and in favor of his request but there is documentation to prove that is not the case. This is a nice subdivision.

Rebuttal:

Will Wilkins came forward and stated he is not painting a lawless picture of his neighborhood, he knows it is not and that is why he moved there. He enjoys his community, however, there are cases where work trailers have been stolen and there are porch pirates. He is trying to find a way that he can safely secure his property, and not have it piled up in his yard because that will diminish property values. He wants a nice clean yard.

Mr. Charney asked Mr. Wilkins to state the hardship for his request. Mr. Wilkins stated that under the previous applications the hardship has always been stated "lot size in relation to accessory structure". It has always been predicated on two lots of similar size necessitates the ability to have a larger structure, to have ample storage and not make the lot look out of context with the neighborhood. By having a one acre parcel, which is three lots combined, this structure size he believes would be in harmony and the spirit of the neighborhood. Mr. Wilkins stated that in order to keep with the harmony and spirit of the neighborhood, the lot size demands a slightly larger structure.

Mr. Hutchinson asked Mr. Wilkinson if this would interfere with addresses in the neighborhood. Mr. Wilkinson stated that he cannot speak to addresses but all it does is add land area together, unless there is a reason for addressing the structure facing 13th Street, the actual mailing address would remain the same as it is now.

Mr. Hutchinson asked Mr. Wilkins if the shop were brought farther south along the easement, doesn't he think that would be more in context with the rest of the neighborhood? With the structure sitting out front and facing a different road it will not look like it is part of the Wilkins property. Mr. Wilkins stated that from the face of the asphalt to the face of where he would place the building is 73 feet. According to the site plan there is 67 feet from the front of the property line to the front of the building as displayed on the plan. Mr. Wilkins stated that he has a swimming pool in his backyard and he wants to maintain ground space for his children to be able to play.

Comments and Questions:

Mr. Dillard stated that in any approval it should be a win-win, and he does not think anything that this Board does will make everybody happy. There are personality

conflicts that have to be put aside so the Board can decide what is to be done on the land use for the property.

Mr. Hutchinson stated that the only way he could support this request is if the proposed building were placed back closer to the easement where it looks like it is part of the house and leaves enough room in the front in the event something ever happens.

Mr. Johnston stated that he drove the neighborhood and this particular building shown on Exhibit 3.52 is east of the Wilkins property, and in looking at the other applications that have been made he wonders why there were no other protestants at those cases. Why are there so many protestants regarding this request? The approved 1,560 square foot building is one of the larger buildings in the neighborhood, and it sits closer to the street and it is just east of the subject property. Mr. Johnston stated that he thinks if the proposed building were pushed back toward the easement and have access from the front of the existing house it would really be an accessory building to the property.

Mr. Charney stated that an accessory building is accessory to a residential structure in a residential neighborhood. If someone were driving on 13th Street the proposed building would not feel like an accessory building, potentially. To mitigate that, where does it get access from and potentially moving the building farther south.

Mr. Dillard stated that he sees a concession from the property owner in that he is willing to cut the size and is willing to move it back, with those two concesssions he can support this request. Mr. Dillard stated that he does not have a problem with the applicant having access to the structure in both directions, from his house as well as from 13th Street.

Board Action:

On **MOTION** of **HUTCHINSON,** the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to allow a 40'-0" x 40'-0" accessory building with an additional ten foot set back as shown on page 3.34 for the proposed accessory building. The building is to be ten feet off the southerly easement. The accessory building is compatible and non-injurious to the surrounding area. The Board has found the hardship to be that the applicant has three lots which is almost an acre in size, and it is an excess amount of square footage in the combined lot configuration, and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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UNFINISHED BUSINESS

2733 – Will Wilkins

Action Requested:
Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Presentation:
No presentation was made by the applicant; he requested a continuance to the April 16, 2019 Board of Adjustment meeting.

Mr. Hutchinson stated that the Board will allow the interested parties to come forward to voice their opinion for the record in case they cannot attend next month's meeting.

Interested Parties:
Mary Robinson, 21670 West 13th Place, Sand Springs, OK; stated she does not want to continue this case because she two foster children, an ill aunt, and mentally challenged brother that she takes care of, and the children get out of school around the same time as this meeting. She moved to Candlestick Beach in 1991 and purchased one of the first houses that was built in the addition. There has never been anything that makes her fear that there would be semi-trucks or two-ton trucks coming into the neighborhood as Mr. Wilkins would have for his business. People in the neighborhood have sheds and buildings, and everyone in the community like it as it is. Ms. Robinson read an opposition letter from the York family who was unable to attend today's meeting. Ms. Robinson stated that there are people in the neighborhood that have businesses in their houses like selling Avon or a personal beautician. These are small businesses. Ms. Robinson stated that Mr. Wilkins has his home location address listed on the internet as his business, so the neighbors think that if he builds this large building that eventually he will house his business materials with business vehicles going through the neighborhood, though Mr. Wilkins has never told the neighbors any different. Ms. Robinson thinks the proposed building is too big and too much.

Sharon Borchers, 1322 South 217th West Avenue, Sand Springs, OK; stated she has taken off work for the last two meetings regarding this case and she thinks it is important that she attend these meetings though it is causing problems at work. Ms. Borchers has lived in Candlestick Beach I for seventeen years and for the last ten years she has been the Treasurer of the Candlestick Beach Home Owner's Association. At the last meeting the Board advised Mr. Wilkins to meet with the HOA to see if a

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compromise could be reached, and as today she does not believe Mr. Wilkins has done so. The only correspondence the HOA has had is a three-page list of demands and threatening litigation from Mr. Wilkins attorney requesting HOA documents that could be had at the County Clerk's office. Ms. Borchers stated that as a long-time resident does not feel that Mr. Wilkins wants to work with the Home Owner's Association or the neighbors. Ms. Borchers stated she is offended that she and anyone else was accused of vandalizing Mr. Wilkin's property; the residents are not going to do that.

Steven Brown, 21607 West 13th Place, Tulsa, OK; stated he does not want to have this case continued because of his wife's medical issues. Mr. Brown stated that at the last meeting the Board asked Mr. Wilkins to present his site plan to them so dimensions could be seen and studied, and he is curious whether he has done so.

Ms. Jones stated there are two plans in the agenda packet on pages 2.19 and 2.20. Mr. Brown stated that the reason he asked is because Mr. Wilkins keeps changing his plans several times.

Mr. Brown stated that he is concerned about if Mr. Wilkins is approved for the Variance but he does not comply with the conditions given by the Board? Mr. Hutchinson stated that Ms. Tosh, the County Inspector, would be the enforcement officer that would enforce the conditions given by the Board. Ms. Tosh stated the building will need to be built according to the plans that are submitted. Ms. Tosh stated that whatever plans are submitted must be approved before the permit is issued, once the permit is issued the County will follow up to make sure the building is built appropriately, or the owner's electric will not be released.

Mr. Brown stated that he is concerned about the building being so big, that it will be hard to make it not look like a commercial building. The building is being placed so that Mr. Wilkins will need to drive around the block and use a driveway that has been placed next to a neighbor's house. He is also concerned about the proposed being right in the middle of the subdivision.

Robert Stotler, 1347 South 220th West Avenue, Sand Springs, OK; stated he has been the President of the Home Owner's Association for less than two years and he is against the continuance of this case. There are three Variances for buildings that were built in the neighborhood, and of those three Variances there is not one person that came to the Board to protest against them; today there five or six people in attendance and there are numerous signatures against the proposed building. There has not been one set of plans given to the building committee, which Mr. Wilkins is a member, and he knows he needs to do so. When an application is filed, staff publishes official public notices and informs nearby residents and neighborhood associations. Staff then receives appropriate plans and development policies to formulate the case study and staff analysis. Not one time on any of the Variances has the Neighborhood Association been notified; they find out through the grapevine. Mr. Stotler stated that he has spoken to Robi about notifying the Neighborhood Associations, and she does not know where a neighborhood association would go to register for a mailing list. In this case the Home

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Owner's Association did not know anything was being built because Mr. Wilkins never submitted plans. Mr. Stotler asked why the Home Owner's Associations in the County are not notified.

Ms. Miller stated the City of Tulsa has a Working in Neighborhoods Department that facilitates the registering of neighborhood associations for the City, and she does not think the County has anything like that. There is no one organizing or collecting that information for the County Board of Adjustment or INCOG to have. The information is not available for them to have.

Mr. Dillard stated the neighborhood is being notified because there are notices mailed to home owners within a 300-foot radius of a subject property is being notified. With that many people the Home Owner's Association is totally aware of it because there is nothing faster than word of mouth.

Mr. Stotler presented a graph that showed home owner's in favor of or not in favor of the proposed building and explained the shadings on the graph. Mr. Stotler stated that he researched Novus Homes and found the business address to be 615 North Cheyenne Avenue, but that house has been sold to another party. So, he did more searching and found Novus Homes listed at 21521 West 14th Street, Sand Springs, which is Mr. Wilkins home address; Mr. Wilkins has stated that he is not going to run a business out of that house and there is a sign in the front yard of Mr. Wilkins house promoting his business. Mr. Stotler presented a letter addressed to Mr. Wilkins from the Candlestick Beach Home Owner's Association, and he read the letter to the Board. Mr. Stotler read from the neighborhood covenants. Mr. Stotler stated that the proposed building is the same size as the houses that surround it, so it will be a giant building with a driveway on another street making it look like a stand-alone building. That is not harmonious for the neighborhood. Mr. Stotler stated that a hardship cannot be self-created, and he feels Mr. Wilkins created his own hardship when he purchased the two lots to build his house and the third lot, he purchased, for placing a 2,000 square foot building on creating his own hardship. The residents do not want a giant building in the middle of a neighborhood. Mr. Stotler referred to several photos of existing accessory buildings in the neighborhood that have brick on them, so they blend into the neighborhood. Mr. Stotler stated he inherited these problems and he is just trying to make it right for everyone in the neighborhood and trying to stop the brother-in-law deals from the past and get down to the rules and regulations.

Dennis Strait, 21521 West 13th Place, Tulsa, OK; stated he lives in front of the subject site for the proposed building. He is opposed to the continuance because this needs to be resolved. All the buildings in the area are houses, they are not commercial buildings and he is afraid that is what this will be. Mr. Strait stated that the driveway that Mr. Wilkins wants to install will be right in front of his house. Mr. Strait stated that he believes Mr. Wilkins has a lawn service to tend to his yard so the building is not needed for lawn equipment. He doesn't understand why the building isn't being built next to Mr. Wilkins house and facing the beach instead of facing someone's house. The proposed

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building will be what he sees when he looks out his front window, and he is afraid that he will be running his business out of it.

Mr. Hutchinson thanked the interested parties for their comments and stated the Board will keep them under advisement for the meeting next month.

Mr. Wilkins asked the Board if he would have an opportunity to speak directly to what the interested parties discussed today, and then continue the case? Mr. Hutchinson stated that he prefers not to, otherwise the entire case should be heard today. Mr. Wilkins consented.

Comments and Questions:
None.

Board Action:
On **MOTION** of **DILLARD,** the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to **CONTINUE** the request for a Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240) to the April 16, 2019 Board of Adjustment meeting with no further continuances; for the following property:

LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2734—Aloha Surface

Action Requested:
Variance to allow 0 feet of frontage on a public street to permit a lot split in an AG District (Section 207). **LOCATION:** 3800 East 171st Street South

Presentation:
Aloha Surface, 402 East 16th Street, Owasso, OK; stated the property is to be split according to a trust, and she is the trustee. The existing house will be razed. The property is 10 acres and it will be split into four pieces. The two rear pieces of property which will be 2-1/2 acres each, are not on 171st Street. One of the rear pieces will be sold to her niece, and a brother will have the other 2-1/2 acres in the rear. Ms. Surface stated that she has received permission from the water department to add three taps to the property. In general, the piece of property will stay together within the family, but because of the trust she has to split the property into four pieces. Ms. Surface stated there was a survey done allowing for access easements on both sides of the subject property, and there are driveways that do back to the rear properties.

density, then there needs to be planned water drainage or water retention for the area. He cannot support this request.

Mr. Crall stated that he thinks this prevents a wildcat subdivision. He would not have a problem supporting this request.

Mr. Hutchinson stated he could support this request as long as water drainage is addressed, and there are no future lot splits.

Board Action:
On **MOTION** of **JOHNSTON,** the Board voted 3-1-0 (Crall, Hutchinson, Johnston "aye"; Dillard "nay"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the minimum lot width to permit a lot split (Section 330). The approval is subject to the County addressing stormwater runoff requirements, and there are no future lot splits. The Board finds the hardship that this is a large tract of land and the property can easily accommodate three houses; for the following property:

S/2 S/2 NW SW LESS W16.5 THEREOF FOR RD SEC 11 21 13 9.875ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2733—Will Wilkins

Action Requested:
Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Ms. Ulmer stated that the address on the agenda is listed as West of the NW/c of West 14th Street South and South 124th Avenue West; it should be South 214th Avenue West.

Presentation:
Will Wilkens, 21521 West 14th Street South, Sand Springs, OK; stated he would like to build a 40'-0" x 50'-0" accessory building on the subject property located in Candlestick Beach. He has a total of one acre because he purchased three lots in the neighborhood and combined them into a single parcel. He is requesting relief to build a structure similar in design, size and scope to some that exist in the neighborhood in close proximity to his property. The purpose of the out building is for a camper, general storage and a workshop. The height of the structure will be 19'-0" at the peak gable, which is well under the 35-foot permissible by Code. His lot is 42,840 square feet creating a lot approximately 6.2 times the size of the minimum RS lot. The Code requirement was created in order to establish and maintain the desired development intensity and residential character of the district, specifically in terms of preserving openness between dwellings and other structures. He intends to maintain that

openness as the lot it sits on has well more than the minimum required livability square footage. The Code requires that a detached accessory building shall not be located in the front or side yard or encroach upon the minimum setback building line. His structure's placement conforms to all of these as the structure will be located behind the dwelling on the property. He believes the addition of one structure of this size is more in harmony with the residential character of the neighborhood and in keeping with the Code than three or four separate smaller structures and carports in the middle of the large open lot. This was previously demonstrated as the hardship in Case #CBOA-02429 in 2012.

Mr. Hutchinson asked Mr. Wilkins if he planned on doing any commercial business out of the proposed building. Mr. Wilkins stated that he is not; he does not operate any business out of his house or out of the shop. The building will house a new camper and his wife's mother has passed away and her stuff will be stored there, plus personal lawn equipment. He does not want anything to sit outside of the building.

Mr. Hutchinson asked Mr. Wilkins what materials the building will be constructed from. Mr. Wilkins stated that it is a pole barn and will be two-tone metal to correspond with his house and be a modern ranch style. There will be two overhead doors; one 12'-0" and one 8'-0" in height.

Mr. Hutchinson asked Mr. Wilkins if the other buildings in the neighborhood are of the same structure. Mr. Wilkins answered affirmatively.

Interested Parties:

Robert Stotler, 1347 South 220th West Avenue, Sand Springs, OK; stated he is the President of the HOA for Candlestick Beach I. Mr. Stotler stated, as the President of the Candlestick Beach I President, he has heard that the residents are against the Variance. The signatures on the petition are from the residents within the 300-foot radius. Mr. Stotler stated that building plans were never submitted to Candlestick Beach I HOA for approval. Mr. Stotler stated that Mr. Wilkins is a builder and he knows that he has to submit his plans to the HOA Building Committee; Mr. Wilkins is a member of the Building Committee. Mr. Stotler stated that Mr. Wilkins made his application on January 23rd, and on February 9th he notified Mr. Wilkins via e-mail to submit his building plans to the Building Committee for approval. His response was to say that he would submit his plans on Monday, February 11th and they have never been submitted. Mr. Stotler stated that the owners have voiced their concerns stating that the proposed building is too big, no plans have been submitted to the Building Committee for approval and the building will not blend into the neighborhood. The building is 2,000 square feet and bigger than the minimum allowance for a house in this development. The houses around this proposed building are on the average 2,029.6 square feet and that means the building will be almost the same size as those houses. Mr. Stotler stated that he was asked by the home owners to develop a petition against the proposed building. The plans at the County are different than what was submitted to the County Board for the Variance. The largest building in the neighborhood built as an accessory building is 1,600 square feet. It does not harmoniously blend into the neighborhood; it looks like a

stand alone building complete with its own driveway. This building was supposed to look like a house in the middle of the lot with four feet of brick around the base on three sides with vinyl across the front. The building does not meet the guidelines the County approved; it was approved May 15, 2012. The County gave Mr. Wilkins six months to complete all the requirements. Mr. Wilkins referenced this building and two others in his Variance petition for his building at Candlestick Beach as being larger than 700 square feet. All three buildings were built before Candlestick Beach had a building committee, therefore, the President and Vice President approved these buildings. At the last election the home owners reinstated the Building Committee to oversee all new buildings and to ensure all new buildings conformed to the HOA covenant. There is nothing that can be done about the other accessory buildings, but we can have a say about future buildings being built in the neighborhood. This building is going to look like a commercial building on a lot in the middle of the neighborhood. The proposed building does sit in the Wilkins back yard, but it will be on a main street of the neighborhood and will look like a stand-alone commercial building. The building will be accessed from a main street, 13th Place. This building will not improve property values but will bring them down. This building will not harmoniously fit into the neighborhood.

Chris Burns, 21407 West 14th Street South, Sand Springs, OK; stated his concern is that he has not seen anything on the building; all he has been told is that it is a 2,000 square foot building. The other buildings that were previously approved were not completed as the owners were told they needed to be done. Mr. Wilkins' property is dead center of the block.

Ron Vanlandingham, 1325 South 214th Street, Sand Springs, OK; stated that his building was not built as it was approved. As he was installing the brick, he did contact the Building Committee, and he did not realize he had to come back before the Board of Adjustment to request a 42" brick wall instead of a 48" brick wall, and he did receive approval to cut the brick wall down because it looks better. The building committee also told him that he did not need to install the vinyl siding either. Mr. Vanlandingham stated that years ago he was the HOA President twice and the Vice President twice and he did send a letter explaining everything that goes on in the neighborhood. There is a ruling party, and if you are a part of that ruling party or part of the click, you can do anything you want to do. The elections are prearranged. There is not an honest vote. There are so many things wrong with what is happening in the neighborhood. If you stand against the ruling party, as he is doing now, you risk vandalism like the Wilkins have experienced. The Wilkins are good people and he does not see a problem with the proposed building. The covenant does not say anything about a home owner needing to submit building plans to the Building Committee before receiving an approval.

Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he has a 30'-0" x 30'-0" shop behind a metal fence and his residence backs up to a pasture. At this present time, he was opposed to the building until he spoke to Mr. Wilkins. When Mr. Wilkins told him that it would be over 60 feet from the main road and that the fence would encompass the front of the building so it looks like it will be tied together. Mr. Wilkins ensured that there would be landscaping done to make the property look nice.

Mr. Castoe stated the reason he has a fence around his property is because he likes junk; he is a junker and hides it from the neighborhood. If a person is worried about what their view is going to be, buy the property.

Dennis Strate, 21521 West 13th Place, Sand Springs, OK; stated he is the person that will be suffering the most because his kitchen window will look right out to this building. The plans he has seen showed three doors, two overhead garage doors and a personal door. The measurement he has is 23'-6" from the ground level to the peak and that is a tall building. Mr. Strate stated that his house is only about six months old and if he had known he was going to have this problem, he may have purchased that lot. He did not think anyone would approve building a building such as this in the neighborhood. He does not understand why the applicant does not build the building right next to his house because he has the lot to do so.

Rebuttal:

Will Wilkins came forward and stated that the plans that were submitted has had a change in the height because the truss was re-engineered to bring it down so the building will now be 19'-0" maximum height to the top of the gable peak; there will be 16'-0" side walls.

Mr. Crall asked Mr. Wilkins about the plans he keeps referring to because the Board does not have a copy of any plans. Mr. Wilkins stated he submitted a set of plans to the permit office.

Mr. Wilkins stated that when he first moved into the neighborhood he asked if there was a home owner's association and requested a set of by-laws if there was. What he received was an e-mail with a patch work of various instruments. As time has gone on, he is no longer on the Building Committee, and he told Mr. Stotler that he would no longer be on the committee because of issues, and he has now engaged an attorney to review the documents to support if there is in fact a HOA. In an HOA a certificate of declaration actually has to spell out within as a covenant that there will be an HOA created at a certain percentage of ownership interest transfer. That is not within the declaration. Therefore, his attorney cannot find information to support any of this. Mr. Wilkins stated that he has now served the officers of the association with a request of documents to support that. No matter what, under the declaration it makes a distinction between dwellings and out buildings; dwellings being houses with two-car garages and there is nothing in the declaration that says an out building is subject to review. The reason he did not build on the lot east of his house is because he had to install a septic system with 550 feet of lateral line that is maintained on that lot. The parcel of land that was chosen for the subject building was on the market for over a year and no one purchased it to protect any view. Mr. Wilkins stated that he is trying to be as giving as he can by moving the subject building to the back of the lot which will diminish any site lines from the street; it is 67'-0" back from the front of the property along 13th and it is well within the boundaries of the side lot lines.

Mr. Hutchinson asked Mr. Wilkins if he planned on erecting a fence around the building. Mr. Wilkins answered affirmatively. Mr. Wilkins stated the plan is to landscape with fruit trees and with landscaping in the front and down the sides.

Mr. Hutchinson asked Mr. Wilkins if he planned on installing wainscoting on the building. Mr. Wilkins stated that was not his intention because it does not fit the design of his house.

Mr. Johnston asked Mr. Wilkins what the easements between the house and the building contained. Mr. Wilkins stated those easements contain electrical utility lines, water lines and gas service.

Mr. Hutchinson asked Mr. Wilkins how he would be accessing the building. Mr. Wilkins stated there will be one concrete driveway off 13th to the main garage door.

Ms. Miller asked Mr. Wilkins if there would be a gate and a fence at this access point. Mr. Wilkins stated that his intention is to bring the fence in line with the neighbor's fence and will not screen the front of the building.

Mr. Crall stated that his concern is he keeps hearing the phrase "the intent is" but the Board does not have anything to see so they are trying to picture what the intent is but yet there is no documentation to show that. It would be nice to see what the building is, what is the fencing, what is the landscaping, and what is the intent. Mr. Wilkins stated that he would have provided it had it been requested.

Mr. Johnston asked Mr. Wilkins what the two smaller buildings located in the southwest corner of the lot that are not on the subject site. Mr. Wilkins stated that one is a small metal storage building and the other is a lean-to on the property next to his property that is owned by the York's

Mr. Johnston asked Mr. Wilkins why he did not build up to the utility easement. Mr. Wilkins stated that he wanted to keep a space for a garden, but he could pull the building back a little more off the street but that adds more driveway. He also wants yard space for his children to enjoy.

Mr. Johnston stated that he has two issues. One is that it seems like if the garage was moved southwest it would be tucked in closer to where the building is pulling it up to the setback requirement for the house. The other issue is because the site originally was intended to be a residential site, the accessory building is usually at the back of a residence not the side, and he is having a problem with it being placed as far out to the north as it is. Mr. Wilkins stated that the lot has been combined about a month ago, so it is one L shaped parcel. Under the Code, an accessory structure is not typically seen to the front or to the side of a dwelling, but as an L shaped lot the accessory building is now being placed on the back of the parcel. Mr. Johnston stated that to him this does comply as an accessory building.

CBOA-2733

Ms. Tosh stated that has also been the County's concern. When there is a lot combination, an accessory building would still sit to the back of the house and this is sitting on another street with another drive off that street.

Mr. Wilkins stated that he was allowed to combine the property into one parcel and the subject site is now considered the rear yard, and there are other buildings in the neighborhood that are similar.

Mr. Johnston asked Mr. Wilkins what the width of the building is. Mr. Wilkins stated the building is to be 40'-0" x 50'-0"; 40'-0" east to west and 50'-0" north to south.

Mr. Crall stated that all the questions the Board has asked would have been answered with a site plan, so the Board could actually see what is being discussed. Mr. Wilkins asked the Board if they would like to continue this for 30 days? Mr. Dillard asked Mr. Wilkins if he was requesting a continuance. Mr. Wilkins answered affirmatively.

Mr. Hutchinson suggested to Mr. Wilkins that he speak with the Home Owner's Association due to the animosity between the parties.

Mr. Johnston stated that he would like to see the building turned 90 degrees, see it pushed back to the southwest, see where the driveway access is going to be located, see where the fencing is going to be placed, and see what the landscaping plan is going to be. Mr. Wilkins stated that if he does turn the building 90 degrees and pull it back to the southwest, he will block any remaining view of the beach from his neighbor's house. Mr. Dillard stated that the applicant should do his best to see if the neighbors and the Home Owner's Association are in agreement with the proposed plans, and if they are, come back and the Board will look at the plans for consideration.

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 Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240) to the March 19, 2019 Board of Adjustment meeting to allow the applicant time to provide a site plan to the Board for consideration; for the following property:

LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS
None.

Interested Parties:
There were no interested parties present.

Comments and Questions:
Mr. Osborne asked Mr. West if there were any requirements for gravel or paved parking. Mr. West stated that normally those requirements are waived because this is a temporary stand and an all-weather surface is not wanted at other times of the year.

Mr. Scmidt stated that there is a commercial business next to the stand and he allows the fireworks stand customers to use his parking lot.

Board Action:
On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). The fireworks stand will be allowed to operate from June 15th to July 4th, opening at 8:00 A.M. and closing at 10:00 P.M. June 15th through July 2nd. Hours of operation for July 3rd and July 4th will be 8:00 A.M. to 12:00 midnight; for the following property:

N273 NW SW SW LESS S223 N273 W195.34 & LESS BEG 273S & 195.34E NWC NW SW SW TH N67.01 E462.96 S67.44 W462.66 POB FOR HWY SEC 24 22 12 2.39ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2508

2058—Jay Castoe

FILE COPY

Action Requested:
Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). **LOCATION:** 1333 South 215th West Avenue

Presentation:
Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he would like to build a 30 x 30 detached shop beside his house. After the shop is constructed he would like install a 20 x 20 foot awning on the north side of proposed shop.

Mr. Charney asked if the awning is like a carport. Mr. Castoe answered affirmatively.

Mr. Walker asked Mr. Castoe what he would be using the shop for. Mr. Castoe stated that he has hobbies and that is where he will be for those hobbies.

Mr. Charney asked Mr. Castoe if he would working in the shop, doing any work of any sort for pay or commercial purposes. Mr. Castoe stated that he would not.

CBOA-02508

Mr. Walker stated that Mr. Castoe has quite a bit of outside storage. Mr. Castoe stated there are two detached sheds and he plans to keep the metal shed. Mr. Castoe stated that he owns a 1929 Chevy that he wants to restore and two trailers. If he is working on his hobbies in the building he can place the trailers on the carport area to keep them out of the weather.

Mr. Hutchinson asked Mr. Castoe if the carport would be open. Mr. Castoe answered affirmatively.

Mr. Osborne asked Mr. Castoe if the three separate lots depicted in the drawing in the Board's agenda packet were tied together. Mr. Castoe answered affirmatively.

Ms. Miller asked Mr. Castoe if he had gone through the lot combination process. Mr. Castoe stated that he paid his fees and went through the process for the lot combination.

Mr. Charney asked Mr. Castoe if he had heard anything from the owner of the pasture near his property. Mr. Castoe stated that he has not heard anything from that owner. Mr. Charney asked if anyone around him had spoke to him about what he was wanting to do. Mr. Castoe stated that he had spoke to a couple of the neighbors and they do not have any problems with what he is proposing to do.

Mr. Osborne asked Mr. Castoe what the building is to look like. Mr. Castoe stated the building will be a metal red-iron building that will be matched to look like the other metal building on the property, and it will be close to matching the home.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). The hardship for the Variances for the detached accessory building and open carport be placed in the side yard is the unusual configuration of the three lots that are tied together, as they run more north-south than they do east-west. The size of the lot is of such that an accessory building of that nature would not be out of character architecturally with the balance of the neighborhood. The new detached accessory building will have an open attached carport with a concrete floor. There is to be no commercial use; for the following property:

FILE COPY

CBOA-02508

LT 12-14 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS
None.

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OTHER BUSINESS
None.

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BOARD COMMENTS
None.

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There being no further business, the meeting adjourned at 2:20 p.m.

Date approved: Aug 19, 2014

R L. Walker
Chair

07/15/2014/#410 (10

3.8

Mr. Charney stated that since Mr. Osborn cannot present the Board with an easement, the Board might want to continue this case for a 30 day period to allow the applicant time to provide the Board with a satisfactory private road easement, or some sort of publicly dedicated roadway easement. Mr. Charney suggested that Mr. Osborn even seek legal counsel to make certain there is legal access to the subject property, because the Board needs the technical document.

Mr. Walker stated that Tulsa County does not accept a dedication to the road right-of-way unless the road is brought up to the County standards. Mr. Parsells stated that was too expensive to do so he stopped, and now the Board is discussing the middle of a wildcat subdivision. All of this generated by doing this wildcat subdivision, and that is why the 1987 request was nixed.

Mr. Charney stated this is an example of selling off five acre tracts without the engineering and corresponding road construction. He thinks rather than denying the applicant's request today, he would suggest this case for a 30 or 60 day period. This would allow the applicant to speak with everyone involved, starting with Mr. Parsells, and to seek legal counsel. He wants Mr. Osborn to understand what he is getting into and what is there before he invests in building a house. He also wants Mr. Osborn to understand the difference between a private roadway easement with maintenance responsibilities and a publicly dedicated roadway that has been accepted by the County.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the request for a Variance to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207) for a period of 30 days, which would be the August 19, 2014 Board of Adjustment meeting; for the following property:

W/2 SW NE SE SEC 35 19 10 5ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2506—Richard Borchers

Action Requested:
Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E). **LOCATION:** 1322 South 217th West Avenue

Presentation:
Rich Borchers, 1322 South 217th West Avenue, Sand Springs, OK; stated he has an existing 24 x30 building, and had a portable building next to it with a carport. He has

CBOA-02506

removed the carport and the portable building and he would like to erect an additional 24 x 35 metal building to store his boats, truck and gardening equipment.

Mr. Osborne asked Mr. Borchers if the new building was to be a garage. Mr. Borchers stated that it will basically be a work shop.

Mr. Charney asked staff if the existing building was non-conforming. Mr. West stated that a 750 square foot building is allowable in the rear yard, so the existing building is legal. The applicant needs relief for the second building.

Mr. Borchers stated that there are two lots and they are tied together. Mr. Walker stated that the drawing in the Board's agenda packet shows that the building is only five feet off the back. Mr. Borchers stated there is a 15 foot easement in the rear. Mr. Walker stated that the rear yard setback for the District is 20 feet. Mr. West stated that is for a dwelling. An accessory building can be within five feet of the property line.

Mr. Charney asked Mr. Borchers to describe the proposed building. Mr. Borchers stated that it will be like a carport but enclosed. He only wants to be able to keep his vehicles and garden equipment out of the weather.

Mr. Charney asked Mr. Borchers if any of his neighbors, especially the ones closest to the proposed building, have any objections to the proposal. Mr. Borchers stated that he is not aware of any objections. Mr. Charney asked Mr. Borchers if he had a chance to visit with the neighbors. Mr. Borchers stated that the letters were mailed out notifying the neighbors. Mr. Charney asked Mr. Borchers if he had talked to them. Mr. Borchers stated that he had not.

Mr. Walker stated that he had visited the site and Mr. Borchers has an immaculate place, and what he is proposing is going to be a great improvement. There are other properties in the area that are not as well kept as Mr. Borchers.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WALKER**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E) with the hardship being the oversized lot, two tied together, and the two lots forever joined together. The Board finds this will be harmonious and with the spirit of the neighborhood; for the following property:

CBOA-02506

FILE COPY

LTS 2 & 3 BLK 6, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

2057—Brent Schmidt

Action Requested:
Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). **LOCATION:** E of the NE/c of North Cincinnati Avenue and Highway 20

Presentation:
Brent Schmidt, P. O. Box 255, Skiatook, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Charney asked Mr. Schmidt if he had a fireworks stand on the site before. Mr. Schmidt stated he has had one for the last two years. Last year he received a permit from the City of Skiatook, and this year when he tried to obtain a permit he found the site is County property. Mr. West issued a permit with provision that he appear before the Board of Adjustment.

Mr. Charney asked Mr. Schmidt if he has any problems with the ingress or egress from the site. Mr. Schmidt stated there have been no problems.

Mr. Charney asked Mr. Schmidt if he has received any complaints from the neighbors or anyone. Mr. Schmidt stated that he has not. One of the neighbors, to the east, did call because she was concerned about him erecting a building on the property.

Mr. Charney asked Mr. Schmidt when he wanted to have the fireworks stand operational. Mr. Schmidt stated that he wanted to have it for the 4th of July each year.

Mr. Charney asked Mr. Schmidt what were his hours of operation for the last couple of years. Mr. Schmidt stated that on the 3rd an 4th he has been open until midnight, and the rest of the time until 10:00 P.M. while opening at 7:00 or 8:00 A.M.

Mr. Charney asked if there was a residence or commercial business near the stand. Mr. Schmidt stated that it is a commercial business. The closest residence is to the east and about 1/8 mile away.

Mr. Osborne asked Mr. Schmidt how many days before the 4th of July did he open his stand. Mr. Schmidt stated that he normally opens about ten days prior to the 4th.

Mr. Charney asked Mr. Schmidt if he closed the stand on the 5th of July. Mr. Schmidt stated that he closes for the season on the night of the 4th.

property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

FILE COPY

Case No. 2429—Ronnie VanLandingham

Action Requested:
Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). **Location:** 1325 South 214th West Avenue

Presentation:
Ronnie VanLandingham, 13255 South 214th West Avenue, Sand Springs, OK; stated he has joined two lots together. He has visited with all the neighbors and explained to them what he wants to do and why he wants to do it. The side yard variance request is because he has a GRDA non-active power line in the back yard with a 145'-0" easement so he cannot build anything in the back yard. The reason he wants to build a larger building, larger than 750 square feet, the building will have the appearance of a house in the middle of the lot instead of a small out-building in the middle of the lot. The building will be a steel building on a steel frame, with a four foot brick wall around three sides. There will also be vinyl siding across the front of the building. Eleven out of the twelve neighbors within the 300'-0" radius are in favor of his request being approved, and the twelfth neighbor lives about 250'-0" away from the subject property. The home owners association has also seen his proposed plan and they have given their approval for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the additional storage building in the backyard. Mr. VanLandingham stated that he had installed the carport to protect his boat but they are still deteriorating, and that is one of the reasons for the proposed building. The additional storage building was on the property when he purchased the house and he plans to demolish that building.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

CBOA-2429

FILE COPY

Board Action:
On **MOTION** of **OSBORNE,** the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). The new building is not to be larger than 1,600 square feet. The approval of the accessory structure in the side yard is due to the exceptional conditions placed upon the applicant due to restrictive easements on the property related to the existing powerline structures. The existing carport and storage facility on the property shall be demolished or removed no later than six months after the completion of the new building; for the following property:

Lots 3 and 4 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2430—Glenn Harden

Action Requested:
Special Exception to allow a temporary mobile home in an AG District (Section 310); Request to extend the time limit from two years to three years (Section 310.6).
Location: 16709 West 41st Street South

Presentation:
Glenn Harden, 16709 West 41st Street, Sand Springs, OK; stated that approximately 20 years ago his brother and wife bought the subject property. Mr. Harden, with his mother, then moved onto the property to live in a second mobile home. Since then his mother and his brother have passed away, and the brother's wife still lives on the property. Mr. Harden's sister-in-law currently lives in a double-wide mobile home on the property and has asked him to move back onto the property to help her. He would like to do so and move a mobile home into the spot where the second mobile home was previously located.

Mr. Charney asked Mr. Harden if there are other mobile homes in the area, and Mr. Harden stated that there are several. Mr. Charney then asked Mr. Harden if he knew of other lots in the area that held two mobile homes on the same lot. Mr. Harden was not quite sure if there were, but he thought there might be on the side road west of the property.

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

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Hutson, Chair	Charney, Vice Chair	Butler	West, Co. Inspector
Dillard, Secretary		Cuthbertson	
Tyndall			
Walker			

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

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

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MINUTES

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

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NEW APPLICATIONS

Case No. 2199

Action Requested:

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

Presentation:

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

Comments and Questions:

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

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

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

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

****

Case No. 2200

Action Requested:

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

Presentation:

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

Comments and Questions:

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

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

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

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 296
Tuesday, January 18, 2004, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Walker, Chair		Alberty	West, Co. Inspector
Hutson, Vice Chair		Butler	
Dillard, Secretary		Cuthbertson	
Tyndall			
Charney			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, January 14, 2004 at 1:30 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

****

MINUTES

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 21, 2004 (No. 295).

****

NEW APPLICATIONS

Case No. 2144

Action Requested:

Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, 21609 West 14th Street South.

Presentation:

Larry Bush, 21609 West 14th Street South, Sand Springs, Oklahoma, stated he maintains the lawns at Candles Stick Beach. He needs storage space for the lawn equipment. The homeowners' association is in support of this application.

CBOA-2144

Comments and Questions:

Mr. Walker stated that it appeared the building is already built, and asked if they just wanted to add to the existing building. Mr. Bush replied that the building is already up and he needed relief to keep it this size. Mr. Walker asked for the hardship. Mr. Charney noted the lot is approximately 101' by 154', which is larger than most RS lots.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, finding the increased land area, on the following described property:

LT 2 BLK 2 CANDLESTICK BEACH, Tulsa County, State of Oklahoma

..*.*.*.*.*.*.*

Case No. 2145

Action Requested:

Variance of required rear yard setback from 40 feet to 15 feet to permit an accessory building in an AG district, SECTION 320.2.A.2 -- Use Unit 6, 580 South 221st Avenue West.

Presentation:

Jerry Oakes, 580 South 221st Avenue West, Sand Springs, Oklahoma proposed to move the accessory building fifteen feet from the rear property line. The presence of lateral lines, a natural run-off, and a 100 year old red oak tree are the hardship for this variance. He has spoken with the neighboring property owner and she is in favor of the application.

Comments and Questions:

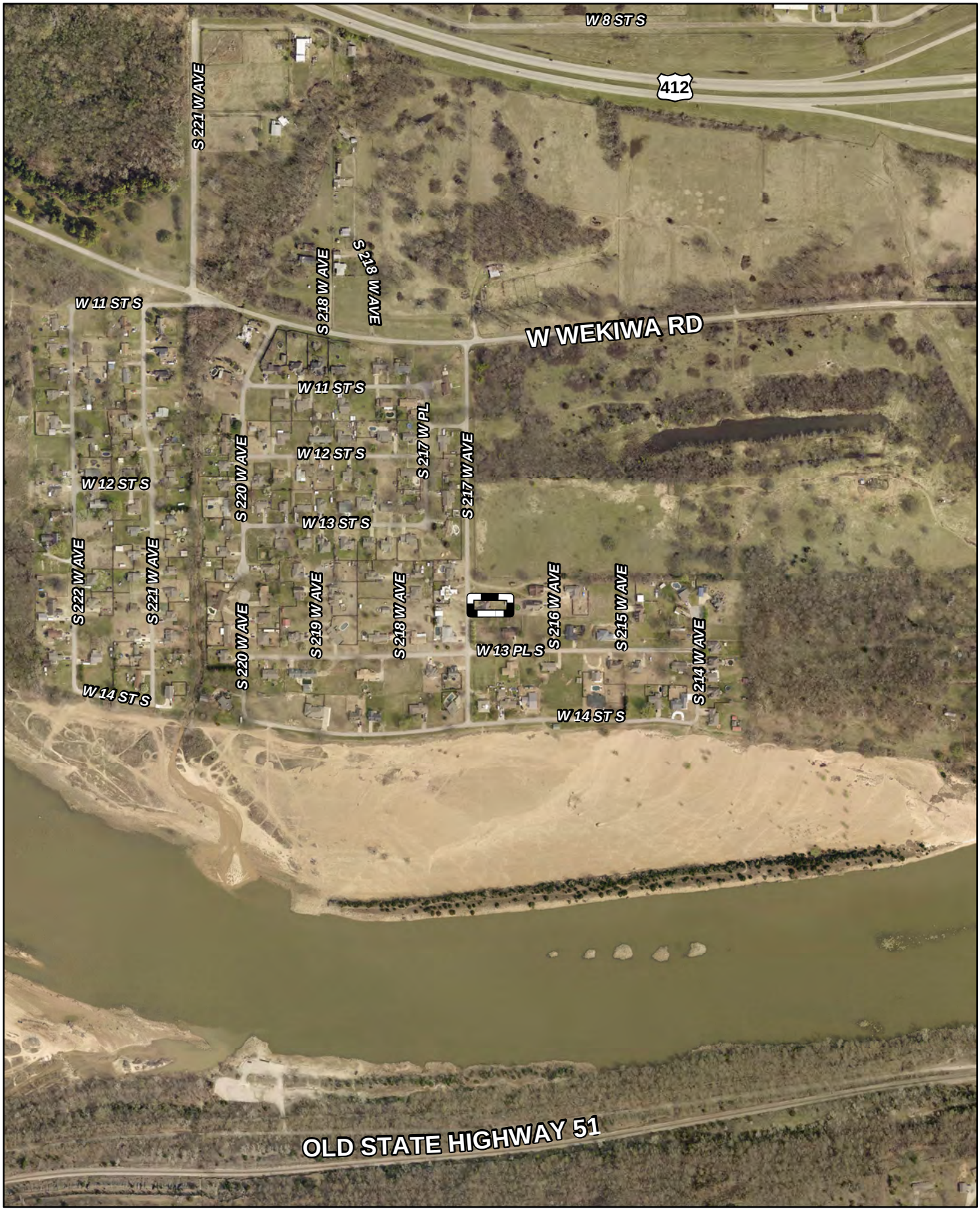
Mr. Tyndall asked the location of the utility lines. Mr. Oakes replied that the utilities are at the front of the house. Mr. Hutson asked for the difference in the elevation from the house to the proposed site of the building. Mr. Oakes replied there is about a six to eight foot drop.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a



Feet
0 200 400

Subject Tract

CBOA-2943

19-10 10

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

Aerial Photo Date: 2020/2021

N

Feet
0 50 100

Subject Tract

CBOA-2943

19-10 10

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

Aerial Photo Date: 2020/2021

N

WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924

REGISTERED LAND SURVEYOR'S INSPECTION PLAT FOR MORTGAGE LOAN PURPOSES

1"=30'

LEGEND

- FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B.L. BUILDING LINE
- O.B.L. OUTBUILDING LINE

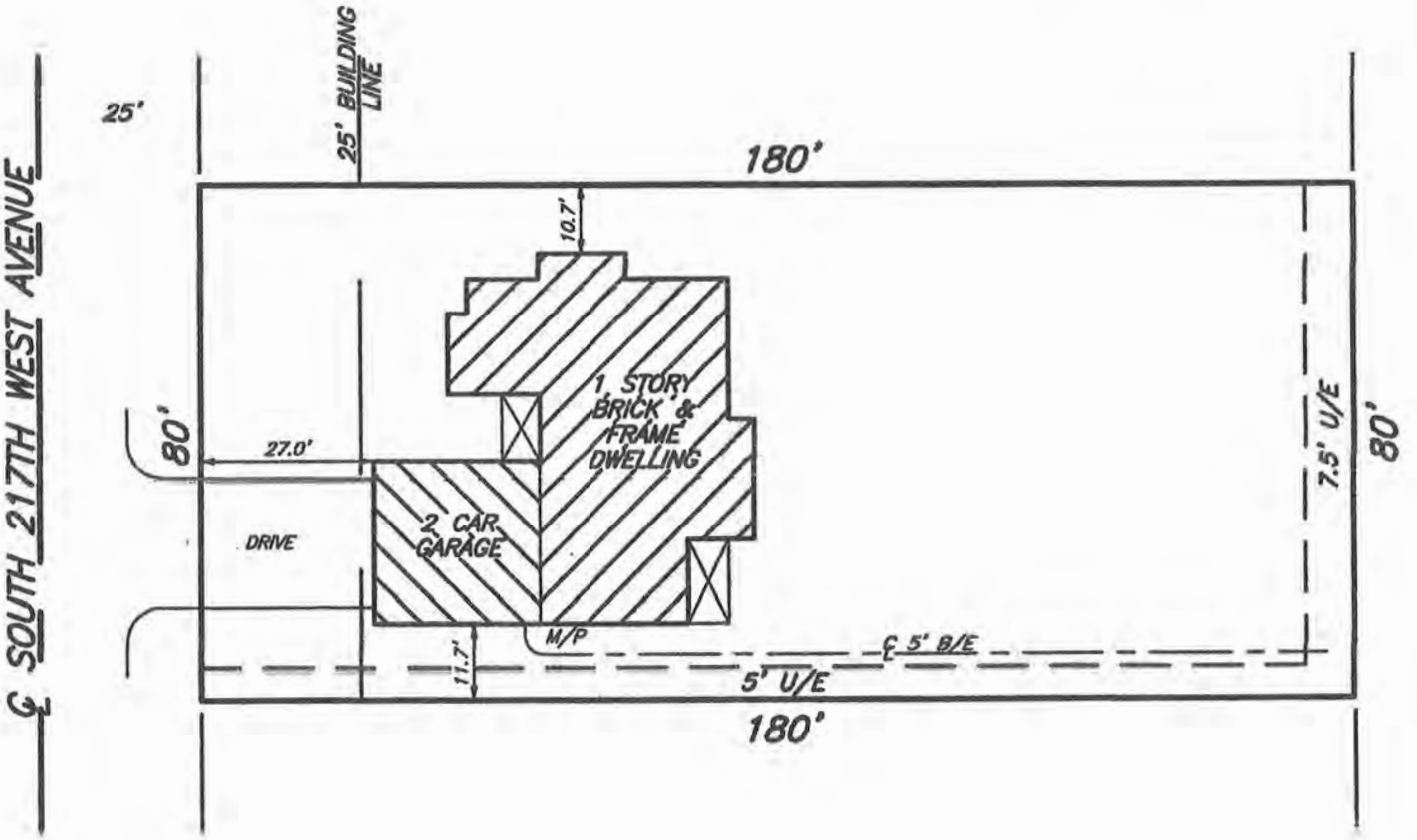
BEFORE YOU DIG, CALL OKIE 1-800-522-6543

INVOICE NO.: FTA 05-20436
MORTGAGOR: LIERLY, CHRISTOPHER S.

CLIENT: FIRSTTITLE AND ABSTRACT SERVICES, INC.
CITIMORTGAGE
COMMONWEALTH LAND TITLE INSURANCE COMPANY
37510

THIS PROPERTY LIES IN ZONE "X-SHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 405381 0315H, AS LAST REVISED 9/22/99.

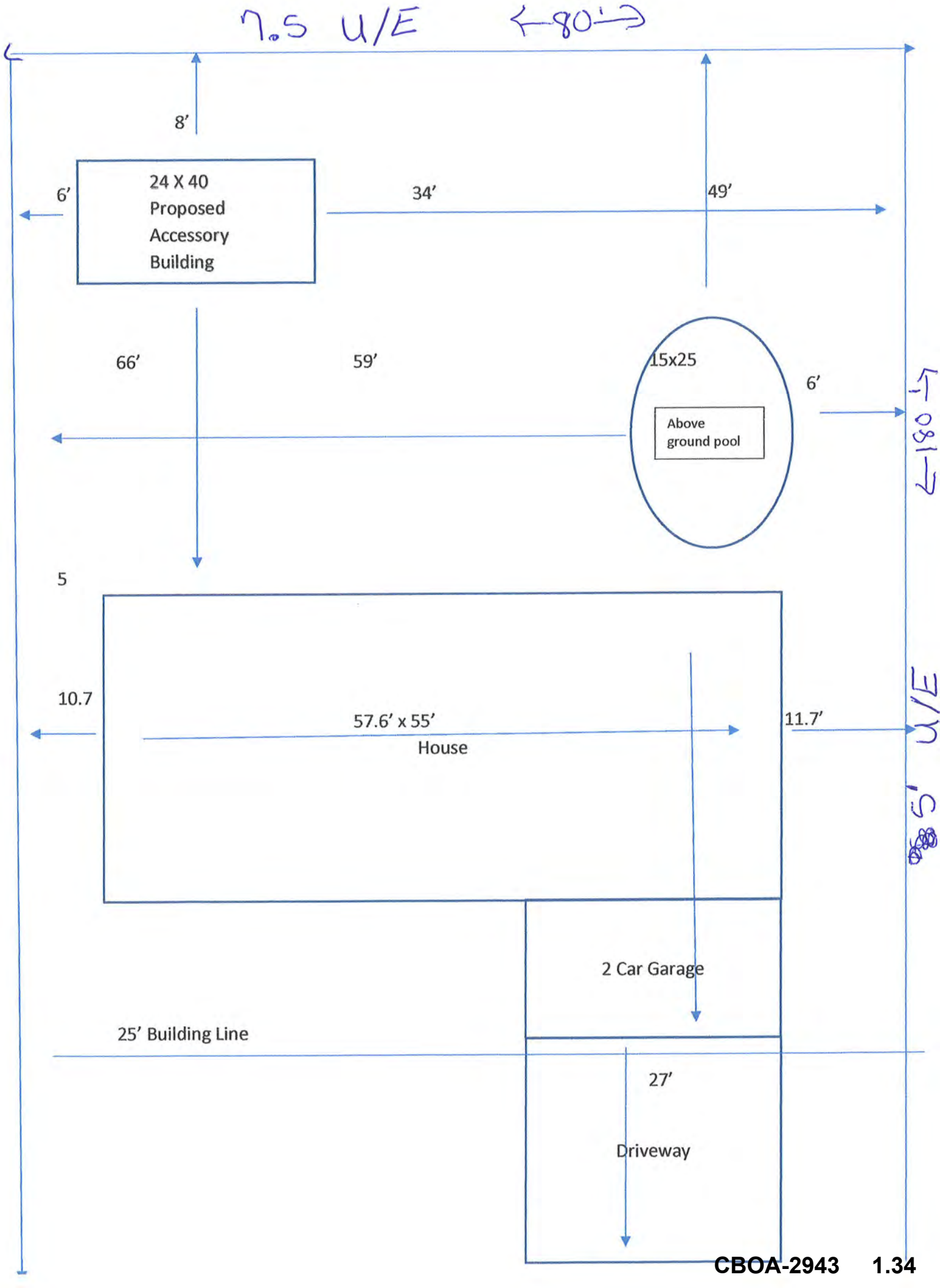
THE FOLLOWING RECORDED DOCUMENTS INCLUDE THIS PROPERTY:
ASSIGNMENT RECORDED IN BOOK 6762, PAGE 52,



PLAT NO. 2548

LEGAL DESCRIPTION AS PROVIDED:

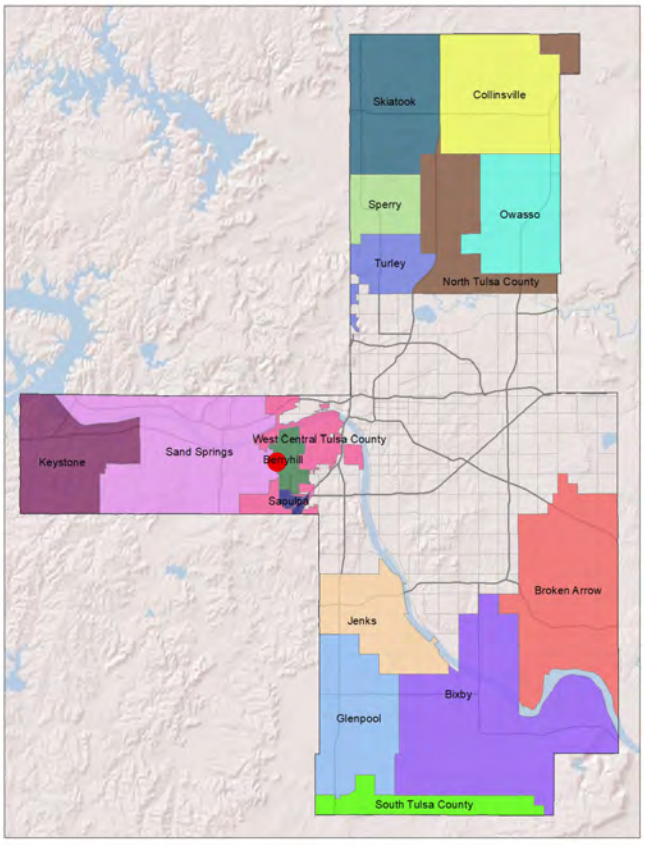
LOT SIX (6), BLOCK FIVE (5), CANDLESTICK BEACH, ADDITION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 2548 AND KNOWN AS 4715 SOUTH 217


7.5 U/E
←80'→
8'
6'
24 X 40
Proposed
Accessory
Building
34'
49'
66'
59'
15x25
Above
ground pool
6'
←180'→
5
10.7
57.6' x 55'
House
11.7'
5' U/E
2 Car Garage
25' Building Line
27'
Driveway

Board of Adjustment	**Case Number**: CBOA-2944 **Hearing Date**: 01/18/2022 1:30 PM
Case Report Prepared by: Robi Jones	**Owner and Applicant Information:** **Applicant:** Justin Liekhus **Property Owner:** LAWSON, PATRICIA A AND RONALD W

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 Map:



Tulsa County Comprehensive Land Use Map

Additional Information:

Present Use: Residential

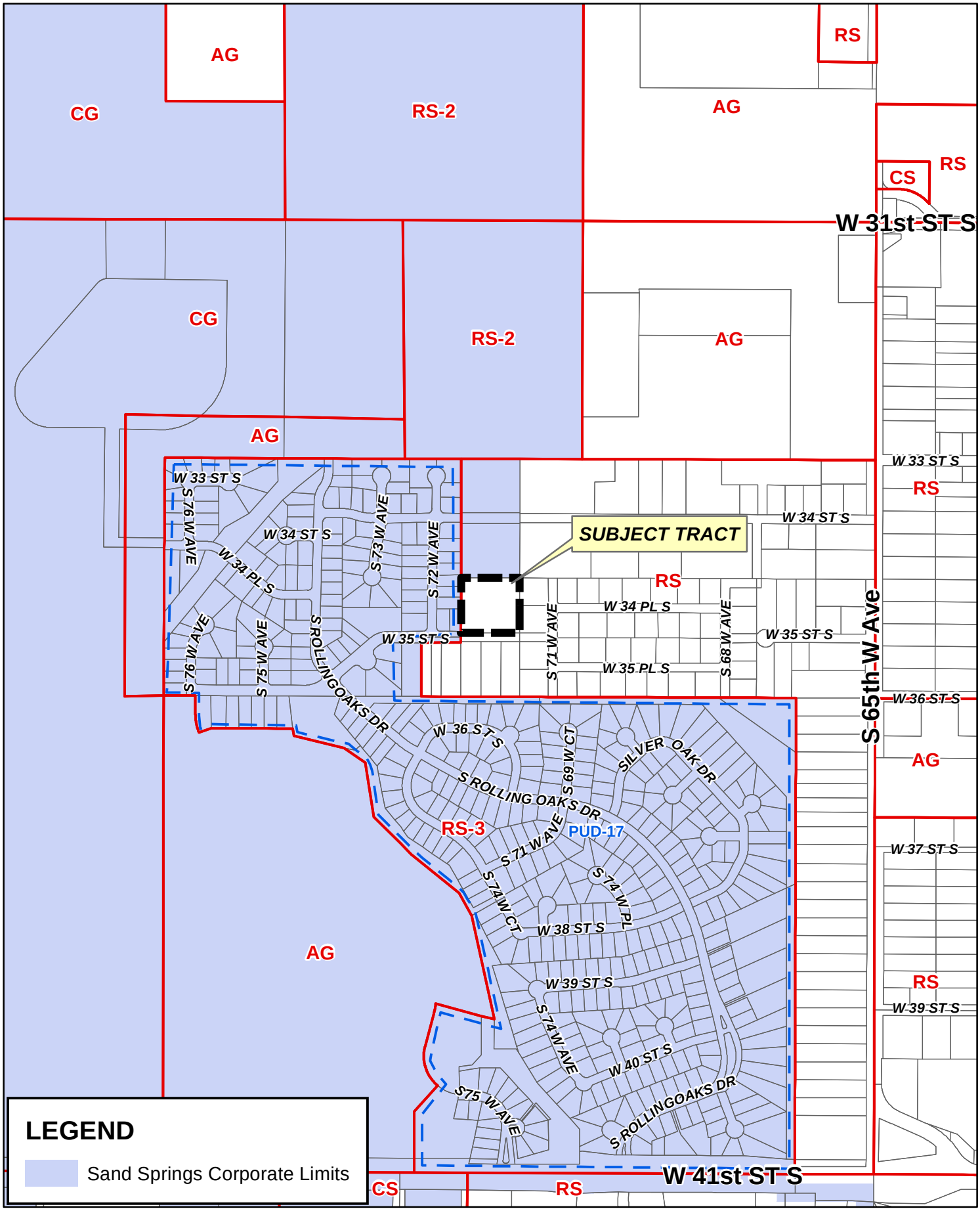
Tract Size: 2.31 acres

Location: 7111 W 35 ST S

Present Zoning: RS

Fenceline/Area: Berryhill

Land Use Designation: Existing Neighborhood


AG
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W 34 ST S
SUBJECT TRACT
RS
W 34 PL S
W 35 ST S
W 35 PL S
S 65th W Ave
W 36 ST S
AG
S 76 W AVE
S 75 W AVE
S ROLLINGOAKS DR
W 36 ST S
S 69 W CT
SILVER OAK DR
S ROLLING OAKS DR
RS-3
PUD-17
S 71 W AVE
S 74 W PL
S 74W CT
W 38 ST S
W 37 ST S
AG
W 39 ST S
RS
W 39 ST S
S 74W AVE
W 40 ST S
S75 W AVE
S ROLLINGOAKS DR
W 41st ST S
CS
RS
LEGEND
Sand Springs Corporate Limits
Feet
0 200 400
CBOA-2944
19-12 19
N

CBOA-2944 2.2

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9219
CZM: 45

CASE NUMBER: CBOA-2944
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Justin Liekhus

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: 7111 W 35 ST S

ZONED: RS

FENCELINE: Berryhill

PRESENT USE: Residential

TRACT SIZE: 2.31 acres

LEGAL DESCRIPTION: N305.46 E/2 SW SW NE SEC 19 19 12 2.31 ACS, ROLLING OAKS AMD RESUB ROLLING OAKS

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2817: The Board **approved** a *Variance* to permit a detached accessory building to exceed 750 square feet in an RS district, on property located at 6902 West 34th Street South.

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

CBOA-434 March 1984: The Board **approved** a *Variance* of the maximum area of 750 sq. ft. for an accessory building to permit a 1,400 sq. ft. accessory building in an RS district, on property located west of the southwest corner of West 34th Street and 68th West Avenue.

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

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); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

The applicant has provided the following statement: "*The property is very large and has plenty of room for this garage. There are other garages similar in size in the same area as well.*"

According to the site plan provided with the application, the applicant is proposing to construct a new 30' x 35' (1050 sq. ft.) detached accessory building in the side yard. Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area in aggregate. There are two existing accessory buildings. One is 12' x 19.3' (231.6 sq. ft.) and the other is 10' x 12' (120 sq. ft.), so the total square footage in aggregate is approximately 1402 sq. ft. 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 Code states that detached accessory buildings shall not be located in the front or side yard (section 420.2). According to the submitted conceptual plan the proposed accessory building will be constructed in the side yard; the applicant has requested a Variance to allow the accessory building in the side yard.

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

Sample Motion:

"Move to _____ *(approve/deny)* 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)

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."

NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE N 89° 02' 23" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 1318.52 FEET, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 01° 09' 06" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 559.65 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING S 01° 09' 06" E, CONTINUING ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (SW/4 NW/4); THENCE S 89° 04' 33" W, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4); THENCE N 01° 09' 06" W, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER (E/2 E/2 SW/4 NW/4), A DISTANCE OF 759.85 FEET, TO A POINT THAT IS 759.84 FEET, AS MEASURED PERPENDICULARLY, FROM THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE N 89° 04' 33" E, PARALLEL WITH AND 759.84 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 329.63 FEET, TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5.75 ACRES / 250,465.01 SQUARE FEET., OF TULSA COUNTY, STATE OF OKLAHOMA

2817—Tammy Rotert

FILE COPY

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

Presentation:
Ken Rotert, 6902 West 34th Street, Tulsa, OK; stated the neighbors on the north side of 34th Street have no restriction requirements; they can build as large as they wish and they do. The neighbors on the south side of 34th Street have a restriction of 750 feet. The neighbors to the east and to the west have both been before the Board to build larger buildings. Mr. Rotert stated he purchased the house right out of high school and it was only 525 square feet in size. He has increased that house footage to be about 7,000 square feet. The outbuildings have been built over the years with what he could afford and now he is in the position to raze them all and build one nice building which he would make look like an authentic barn with full sized windmill and a silo. Mr. Rotert stated he would like the property to look like a farm property. The position of the proposed building will be nestled against the hill with a restricted view from the road, but it does not take any of the trees away.

Mr. Charney asked staff if the property was in a platted sub-division. Ms. Jones stated the request is due to the property being inside an RS District, it is not in a platted sub-division.

Mr. Charney asked Mr. Rotert if his lot size was 1.85 acres. Mr. Rotert answered affirmatively.

Mr. Charney asked Mr. Rotert about the height of the barn. Mr. Rotert stated that to the top of the rooster it will be below 35 feet. With a gambrel roof, he will probably have to reduce the width of the building. He would like to do 36 feet wide on the barn structure but he does not believe he will be able to do so. The footage will not change because the barn he has chosen has the gambrel roof to look like a barn and for it to be proportional there will be a lean-to that comes out one side that will meet the 36 feet. Mr. Rotert stated that if he maintains a 30 to 32-foot width he can keep the point of the rooster below 35 feet.

Mr. Johnston asked Mr. Rotert what type of exterior materials he would be using. Mr. Rotert stated that he plans to build a steel building and use corrugated metal for the roof, then he will use saw mill oak on the front because he wants the front to look like a barn, and then R panel metal will be used on the two sides which is what the neighbors have; his panels will be grey in color.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **HUTCHINSON,** the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in an RS District (Section 240.2-E), subject to conceptual plan 13.11 in the agenda packet. Once the new building is completed all the other out-buildings will be razed. The Board has found the hardship to be the large tract of land, 1.8 acres. In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

E264 S305.8 NE SW NE SEC 19 19 12 1.853ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

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

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

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

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

MINUTES:

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

NEW APPLICATIONS

Case No. 1305

Action Requested:

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

Presentation:

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

Comments and Questions:

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

Case No. 1305 (continued)

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

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

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

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

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

Board Action:

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

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

Case No. 1306

Action Requested:

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

Case No. 433 (continued)

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

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

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

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

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

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

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

Board Action:

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

Additional Comments:

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

Case No. 434

Action Requested:

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

Presentation:

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

Case No. 434 (continued)

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

Protestants: None.

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

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

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

Case No. 435

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

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

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

Protestants: None.

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

Case No. 433 (continued)

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

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

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

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

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

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

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

Board Action:

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

Additional Comments:

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

Case No. 434

Action Requested:

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

Presentation:

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

Case No. 434 (continued)

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

Protestants: None.

Comments:

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

Board Action:

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

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

Case No. 435

Action Requested:

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

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

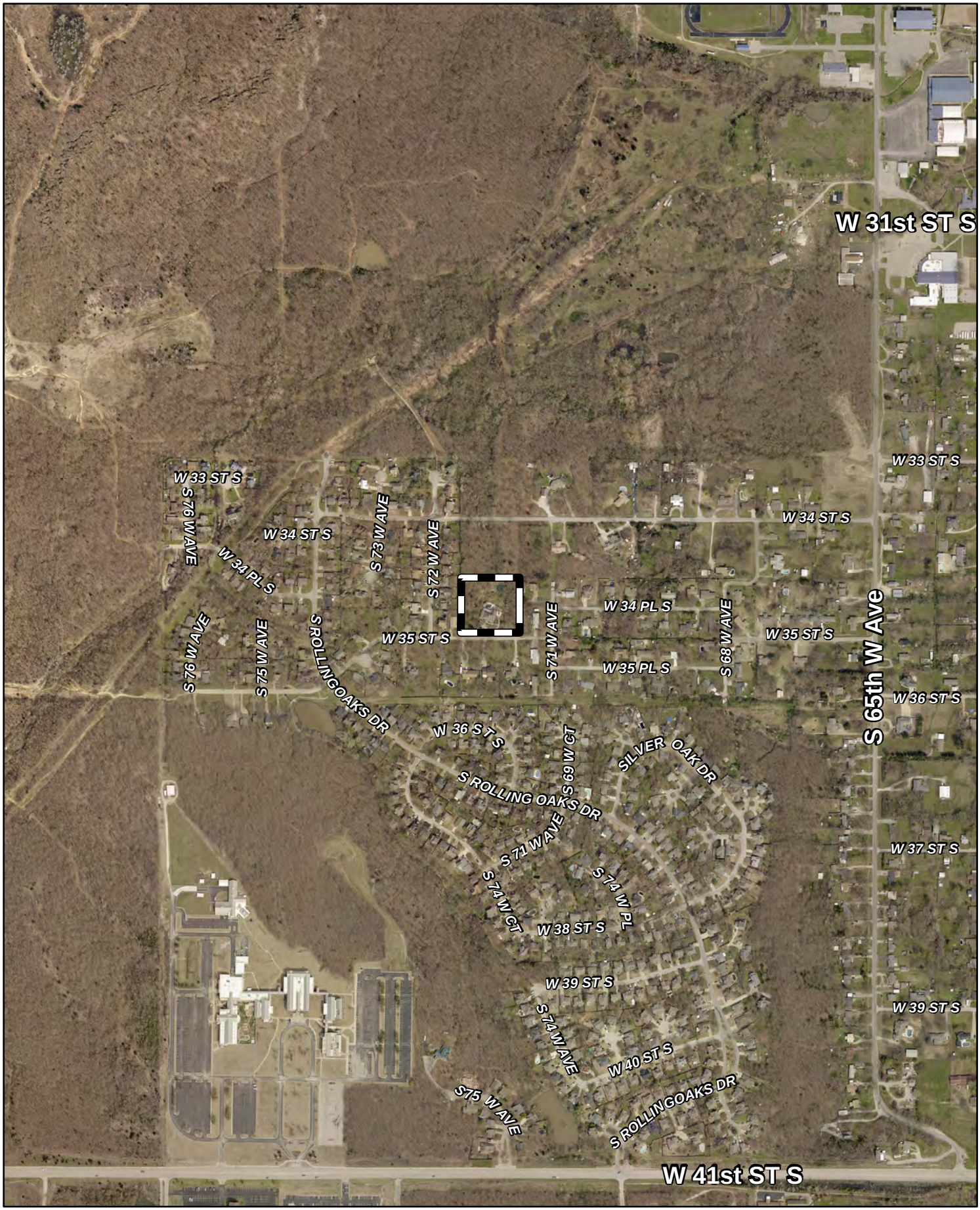
Presentation:

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

Protestants: None.

Comments and Questions:

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



Feet
0 200 400

Subject Tract

CBOA-2944

19-12 19

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

Aerial Photo Date: 2020/2021

N

Feet
0 50 100

Subject Tract

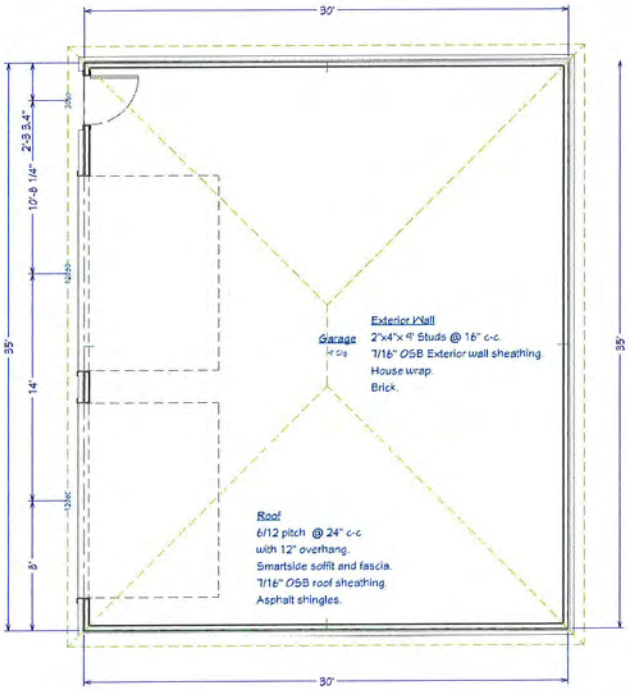
CBOA-2944

19-12 19

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

Aerial Photo Date: 2020/2021

N



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

PROJECT DESCRIPTION:
Greenscapes
30' x 35' x 9' Garage

DRAWINGS PROVIDED BY:
ACE Cornerstone
Skiatook, OK

DATE:
9-23-21

SCALE:

SHEET:
A-1

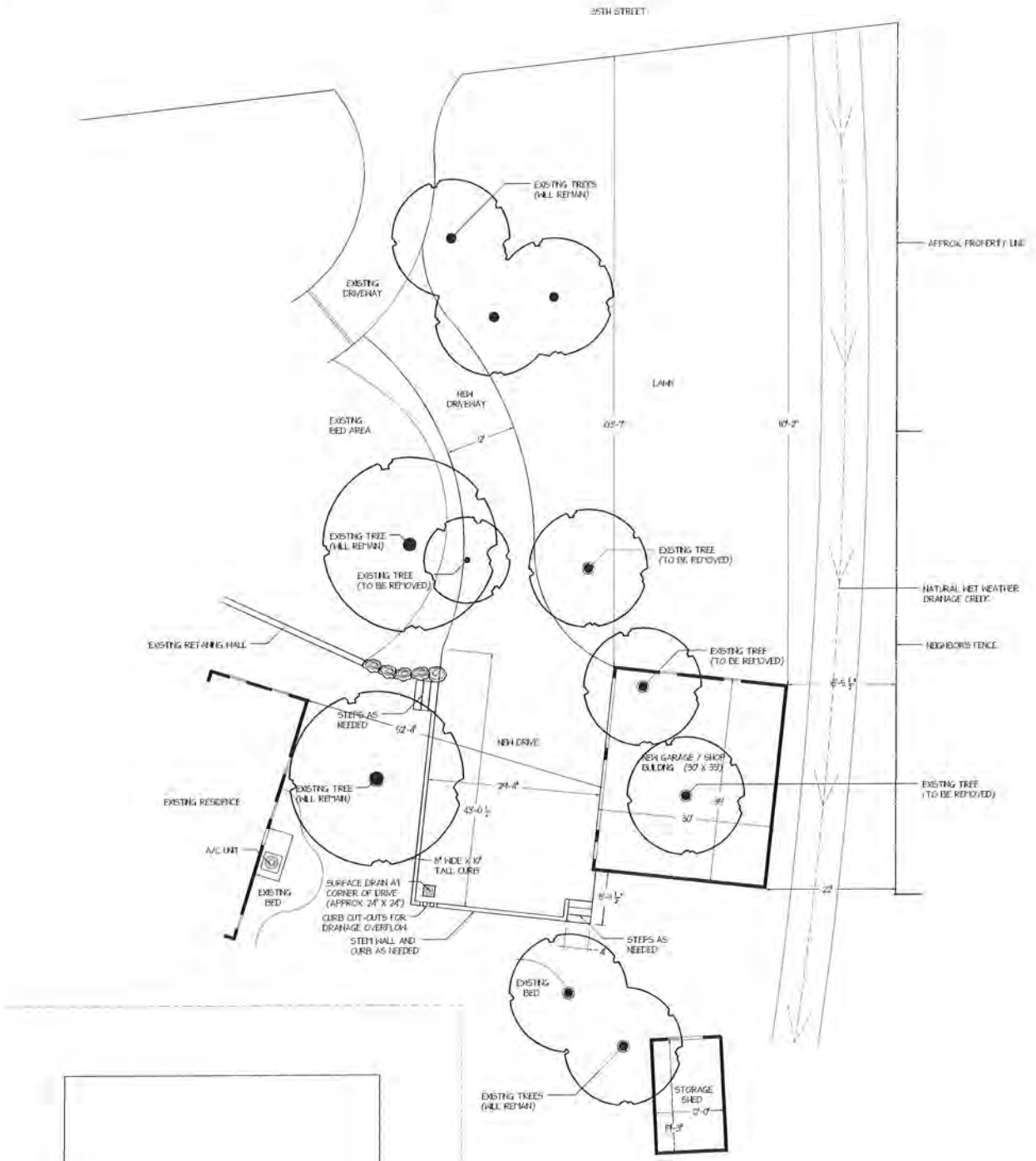
CBOA-2944 3.15

GREENSCAPES OUTDOOR

LAWSON RESIDENCE - 7111 W 35TH ST, TULSA, OK

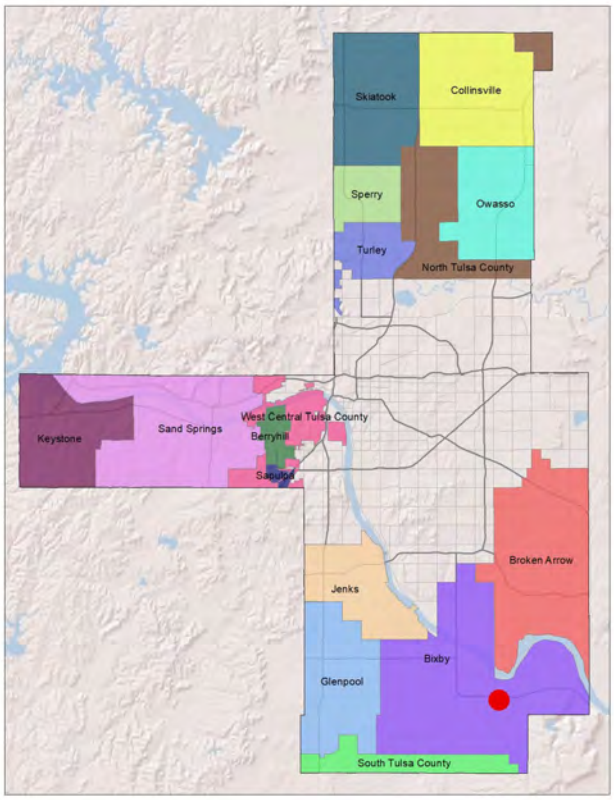
client: NEW GARAGE AND DRIVEWAY SITE PLAN

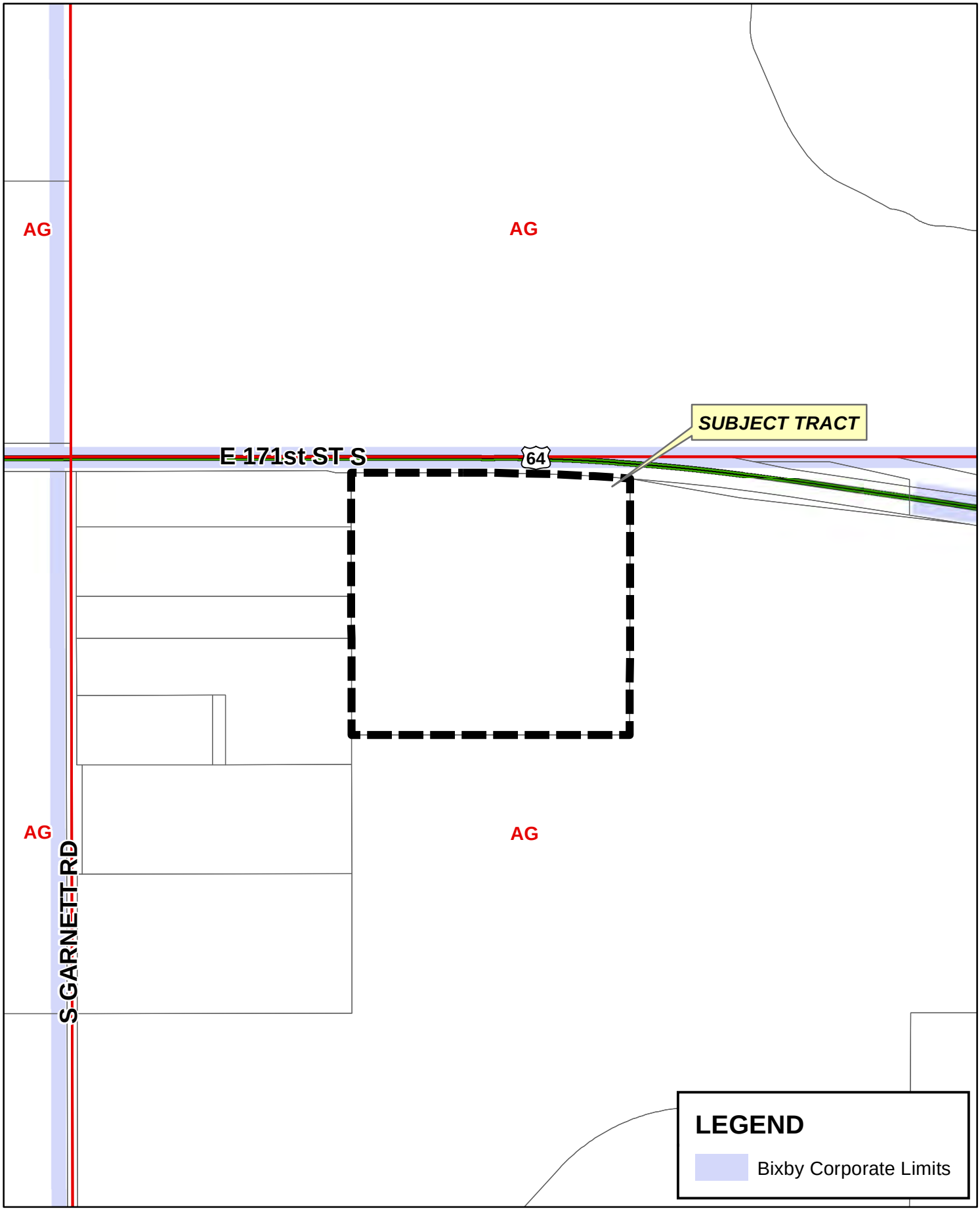
scale	date	revision
1/8" = 1'-0"	OCT. 22, 2021	JANUARY 3, 2022
drawn by: ALICIA OSEI	checked by:	drawing #:



DETAIL OF PORTION SHOWN OF PLOT

CBOA-2944 2.16

Board of Adjustment	**Case Number**: CBOA-2945 **Hearing Date**: 01/18/2022 1:30 PM
Case Report Prepared by: Robi Jones	**Owner and Applicant Information:** **Applicant:** Ryan Strode **Property Owner:** BLUE FLAME 47 INC
Action Requested: Modification to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1).	
Location Map:  Tulsa County Comprehensive Land Use Plan	**Additional Information:** **Present Use:** Church **Tract Size:** 37.95 acres **Location:** 12100 E 171 ST S **Present Zoning:** AG **Fenceline/Area:** Bixby **Land Use Designation:** Rural Agriculture



CBOA-2945

17-14 32

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7432
CZM: 68

CASE NUMBER: CBOA-2945
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Ryan Strode

ACTION REQUESTED: Modification to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

LOCATION: 12100 E 171 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Church

TRACT SIZE: 37.95 acres

LEGAL DESCRIPTION: LOT 1 BLOCK 1, BLUEFLAME47 ADDITION

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2888 April 2014: The Board **approved** a Modification to a previously approved site plan (CBOA-2497) for a church in an AG district, subject to conceptual plan. The building is to be 20680 square feet, at property located at 12100 East 171st Street North.

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

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

STAFF COMMENTS:

The applicant is requesting a Modification to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

In 2014, the Board approved a request for a *special exception* to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1) per the conceptual plan. In 2021, the applicant came back before to Board to request a modification of the previously approved conceptual site plan. The new site plan was approved.

The applicant is requesting that the Board modify the site plan approved in 2021 to include a new 60 x 46' Pavilion to the south of the existing building.

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

Sample Motion for Modification:

"Move to _____ (approve/deny) a Modification to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

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

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

2887—Natalie Jackson

Action Requested:
Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in a CS District (Section 1225). **LOCATION:** 7425 North Peoria Avenue East

Presentation:
The applicant was not present.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY,** the Board voted 3-0-0 (Charney, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Crall, Hutchinson "absent") to **CONTINUE** the request for a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in a CS District (Section 1225) to the June 15, 2021 Board of Adjustment meeting; for the following property:

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

2888—Ryan Strode

FILE COPY

Action Requested:
Modification to a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG District (Section 310, Table 1). **LOCATION:** 12100 East 171st Street North

Presentation:
Ryan Strode, Strode Design, 4329 East 56th Place, Tulsa, OK; stated he is part of the architectural team hired by the church to design a concept for building on the subject property. The church has outgrown the building that was erected three years ago and they want to be able to grow the congregation and have gatherings. There is an existing 7,400 square foot one-story building and there are 65 existing parking spaces. The church owns 36 acres on the subject parcel and own 302 acres in the contiguous area. What is proposed is to build a new building about 20,000 square feet and the parking lot would need an additional 220 spaces. The last hearing granted the church an exception to have less parking spaces and the church would like to receive that same exception this time because the subject building will be at capacity only once or twice a year. The first building, by Code, required about 90 parking spaces and it was

agreed to have 65 parking spaces, and this building would be comfortable with 160 parking spaces out of the 220 parking spaces required.

Interested Parties:
Loren Webber, 15225 South Peoria Avenue, Bixby, OK; stated the parking the church has now has never been a problem for the congregation. The church has about 150 people that attend services on a weekly basis, but twice a year the church has a ministry twice a year with about 250 people that visit the church; the church has capped that attendance because of the space. The church would like to be able have about 650 attendees in the sanctuary at the separate ministry those two times a year. At the previous meeting there were plans presented that showed three buildings which would be what the church is attempting to do now, one of those buildings being for storage, but the church only built one of the three.

Comments and Questions;
None.

Board Action:
On **MOTION** of **CHARNEY,** the Board voted 3-0-0 (Charney, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Crall, Hutchinson "absent") to **APPROVE** the request for a Modification to a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG District (Section 310, Table 1), subject to conceptual plan. The building is to be 20,680 square feet. The parking lot can be reduced by 75% of the parking requirements allowed by Code. 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:

LOT 1 BLOCK 1, BLUEFLAME 47 ADDITION, OF TULSA COUNTY, STATE OF OKLAHOMA

2889—Mary Huckabee

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

Presentation:
Mary Huckabee, 4100 First Place Tower, 15 East 5th Street, Tulsa, OK; stated the Variance request is to allow the placement of a mobile home on the subject property, situated immediately south of the indoor arena on the property. There is an existing single family house on the property, and because of the shape of the lot it does not have frontage. It is accessed by a private access easement with a neighboring property owner. The mobile will be situated about 73 feet from the southern property line and placed on a concrete pad. There have been no negative comments from the neighbors.

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

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

2497—Morton Building, Inc.

FILE COPY

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

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

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

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

CBOA-02497

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

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

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

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

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

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

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

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

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

CBOA-02497

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

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

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

Rebuttal:

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

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

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

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

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

CBOA-02497

FILE COPY

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

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

2495—Robert Myers

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

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

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

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

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

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

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

CBOA-02497

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

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

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

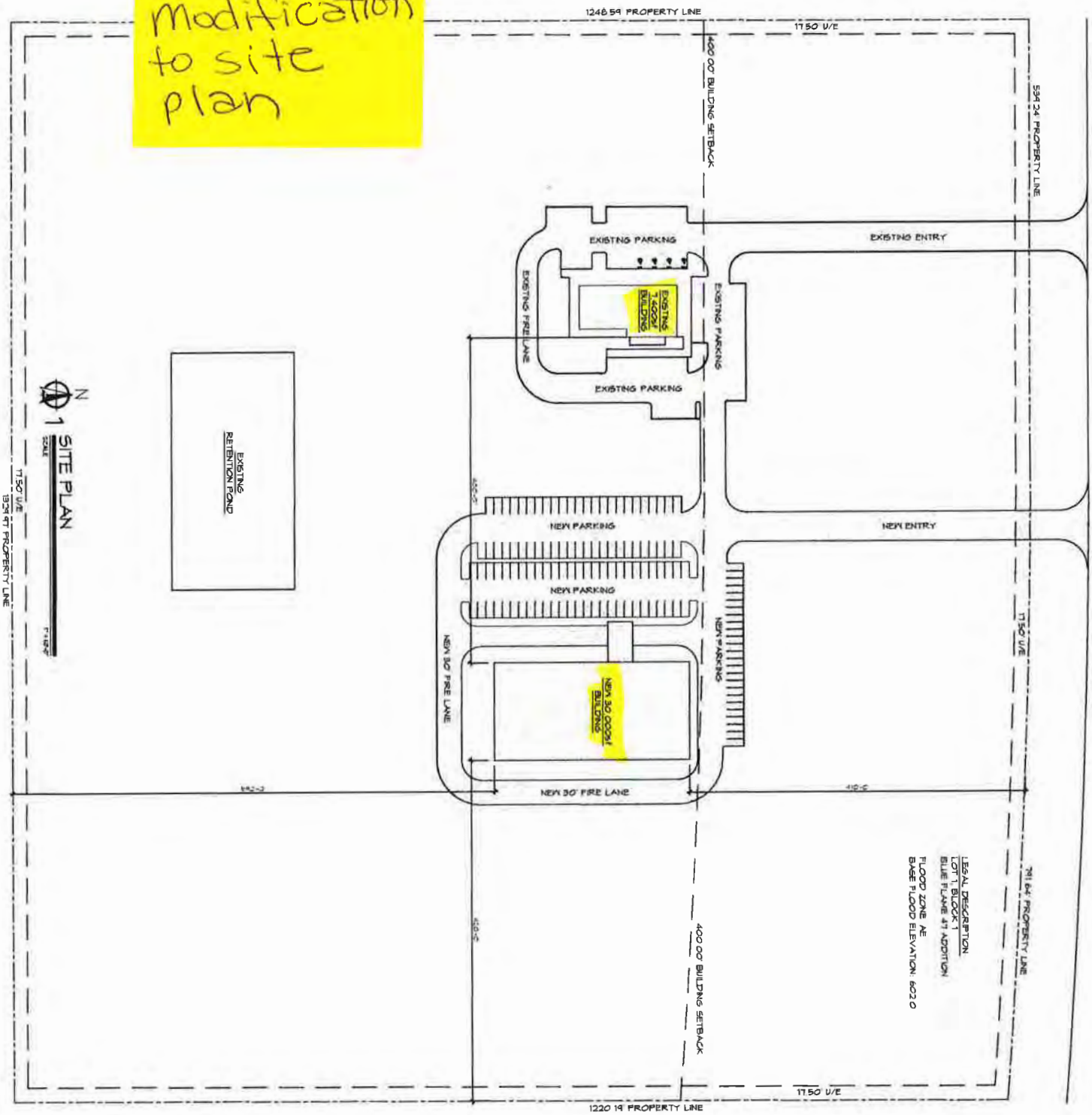
Mr. Bonebrake asked Mr. West if a building permit would be approved with the parking issues not being decided. Mr. West stated the parking will be based on one parking space for every 40 square feet of sanctuary area. So the size of the sanctuary will dictate how many parking spaces are required. Mr.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

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

Comments and Questions:
None.

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

Proposed modification to site plan



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

NO	DATE	REVISION

STRODE DESIGN
DESIGN & PLAN
RYAN STRO
918.607.4

15 APRIL, 2(

SCALE: AS NO

PROPOSE
SITE PLA

SHEET

SP1.(

6.10

CBOA-2945 3.12

Feet
0 300 600

Subject Tract

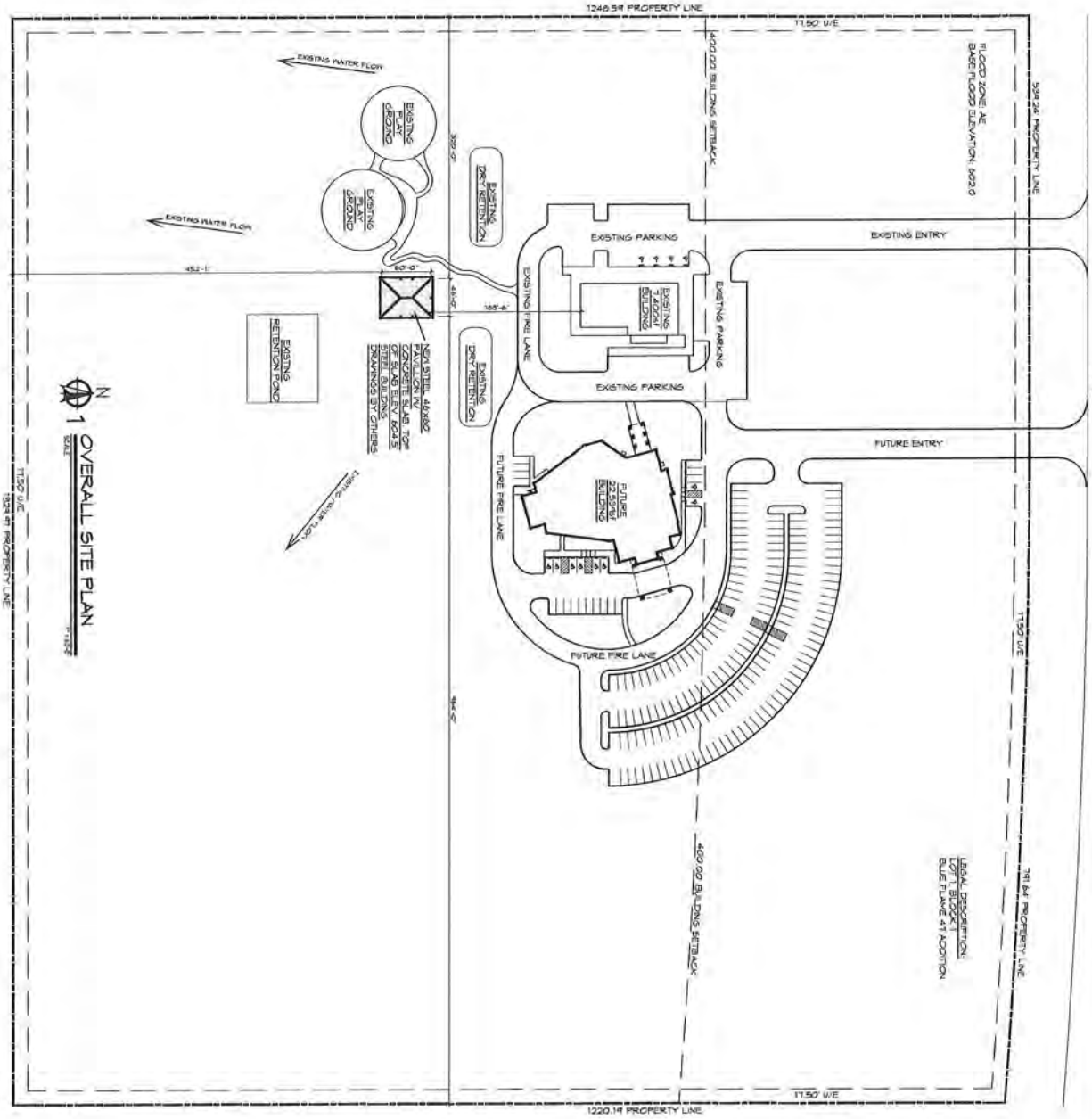
CBOA-2945

17-14 32

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

Aerial Photo Date: 2020/2021

N



BLUE FLAME 47
NEW PAVILLION
12100 E. 171st ST.
BIXBY, OK 74008

NO	DATE	REVISION

STRODE DESIGN
DESIGN & PLANNING
RYAN STRODE
918.607.4192

31 OCTOBER, 2021

SCALE: AS NOTED

OVERALL SITE PLAN

SHEET
SP1.0

BLUE FLAME 47
NEW PAVILLION
12100 E. 171st ST.
BIXBY, OK 74008

NO.	DATE	REVISION

31 OCTOBER, 2021

SCALE: AS NOTED

ENLARGED PARTIAL SITE PLAN

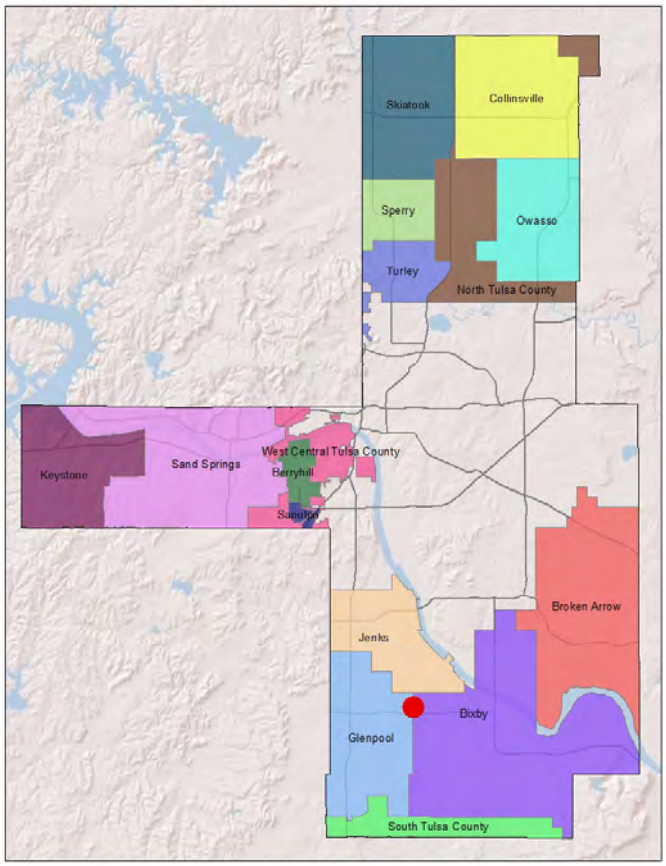
SHEET:

SP1.1

Board of Adjustment	**Case Number**: CBOA-2946 **Hearing Date**: 01/18/2022 1:30 PM
Case Report Prepared by: Robi Jones	**Owner and Applicant Information:** **Applicant:** Jennifer Jefferson **Property Owner:** LIVINGSTON, CHERYL JANE

Action Requested: Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

Location Map:



Tulsa County Comprehensive Land Use Map

Additional Information:

Present Use: Residential

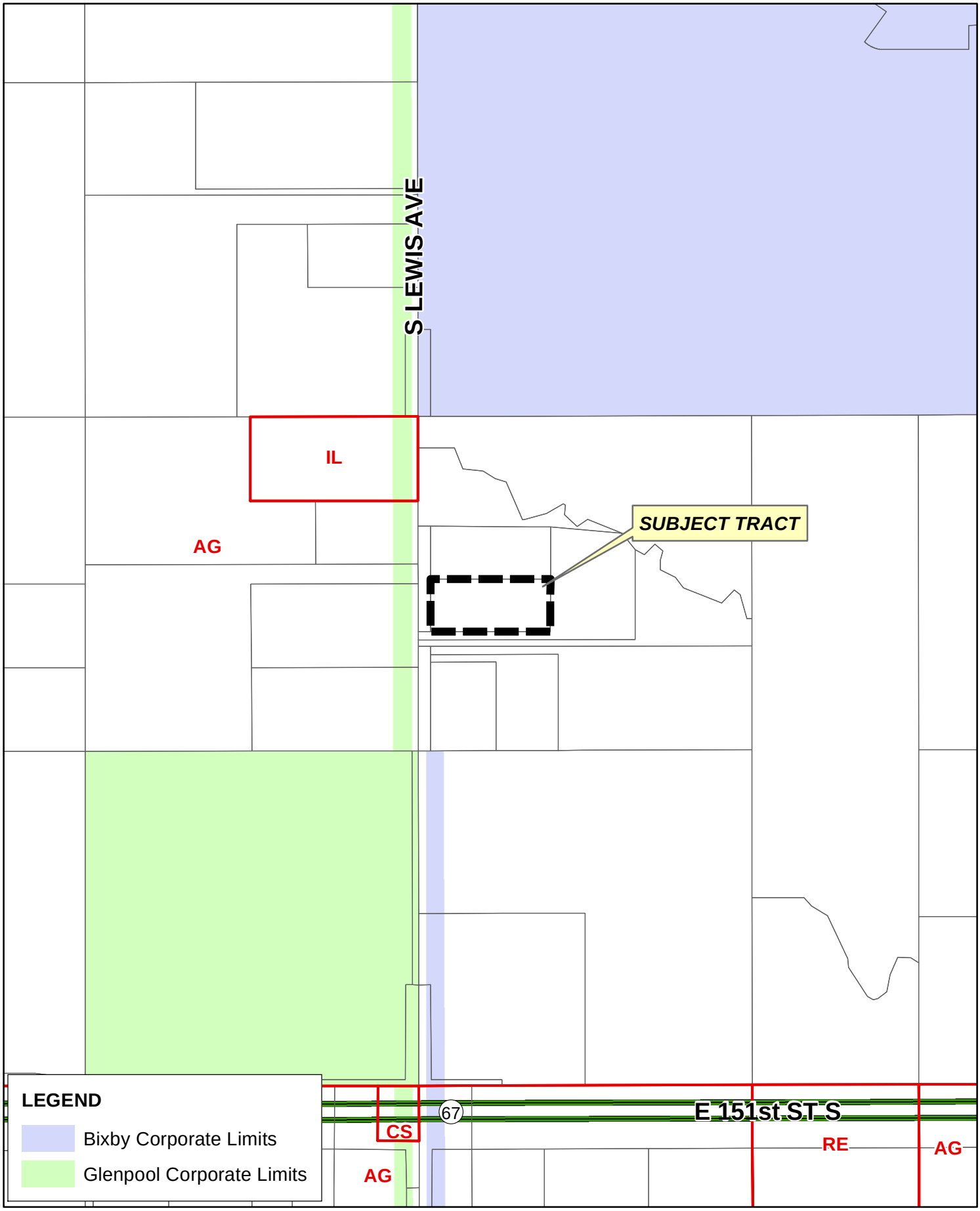
Tract Size: 2.26 acres

Location: 14603 S LEWIS AV E

Present Zoning: AG

Fenceline/Area: Bixby

Land Use Designation: Medium Density Residential



CBOA-2946

17-13 17

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7317 **CASE NUMBER:** CBOA-2946

CZM: 61 **CASE REPORT PREPARED BY:** Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Jennifer Jefferson

ACTION REQUESTED: Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 14603 S LEWIS AV E **ZONED:** AG

FENCELINE: Bixby

PRESENT USE: Residential **TRACT SIZE:** 2.26 acres

LEGAL DESCRIPTION: PRT NW SW BEG 433.84S NWC NW SW TH S415 E525 N415 W525 POB LESS W50 & LESS N207.5 THEREOF SEC 17 17 13 2.26AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2897 July 2021: The Board **approved** a *Special Exception* to allow Use Unit 5, Community Services and Similar Uses, to allow a youth day camp in an AG District; and a *Variance* from the all-weather parking surface requirement with conditions, on property located at 14601 South Lewis Avenue East & 14775 South Lewis East.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning. There is IL zoning located nearby to the northwest. Surrounding uses appear to be a mix of residential, agricultural, and the related youth day camp to the north and south.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

A Special Exception is required as the proposed Youth Day Camp (Use Unit 5) is a use which is not permitted by right in the AG district because of potential adverse affects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The applicant submitted site plans indicating that there is a home with a detached garage located on the property and the applicant is proposing to construct a 65' x 42' barn east of the home to be

used in connection with the youth day camp located on properties to the north and south (Approved in July 2021 – CBOA-2891).

The proposed parking lot will have a gravel surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site.

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

Sample Motion:

"Move to _____ *(approve/deny) a* Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205).

> *Subject to the following conditions (including time limitation & hours of operation, if any):* _____.
>
> *Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

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

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

Mr. Hutchinson asked Mr. Thomas if his pre-rolls had the plastic tip. Mr. Thomas answered affirmatively.

Mr. Hutchinson asked Mr. Thomas if he was going to do any other type of light manufacturing. Mr. Thomas answered no.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **HUTCHINSON,** the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in a CS District (Section 1225), subject to conceptual plan 2.11 of the agenda packet. The manufacturing is to be limited to the pre-rolls only. The Board has found the hardship to be that it is a very quiet operation. 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:

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

2891—Jennifer Jefferson

Action Requested:
Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a youth day camp in an AG District (Section 1205); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 14601 South Lewis Avenue East & 14775 South Lewis Avenue East

Presentation:
Jennifer Jefferson, 14775 South Lewis Avenue, Bixby, OK; stated she owns and directs Eight Acre Summer Camp and it is the camp's 20th year. The program is outdoor based and is for elementary aged children. She has teachers and teacher assistants that work with her when the camp is open. She would like to expand the indoor area as an additional space for lunch and snack time or when it is raining.

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CBOA-2891

Mr. Charney asked Ms. Jefferson if there were two parcels involved in this request. Ms. Jefferson stated that 14775 is her home address and there is an additional lot that is not mentioned and she does not use, and the 14601 is her daughter's house.

Mr. Charney asked Ms. Jefferson where the increased activity is going to occur. Ms. Jefferson stated that it will take place at 14601.

Mr. Charney asked Ms. Jefferson if she had heard from any of the neighbors about her request. Ms. Jefferson stated that everyone is supportive. She has two neighbors that the children and staff walk across their driveway, and their concern was libility if a child is hurt. Ms. Jefferson stated she is adding an insurance rider naming those neighbors as insured to protect them.

Mr. Hutchinson asked Ms. Jefferson if she ran the camp only during the summer. Ms. Jefferson answered affirmatively stating that she is licensed through DHS for up to 120 children a day. She is also open during spring break, fall break and Christmas break. She averages about 80 to 100 children a day during the summer. She also has a cookout one night a year at the end summer for the families. She does not want to increase the number of children but she does want more space for them. During the school year, camps are larger than ever before and there were 30 to 40 children a day.

Mr. Hutchinson asked Ms. Jefferson about her operating hours. Ms. Jefferson stated that her operating hours are 7:00 A.M. to 6:00 P.M. and those hours do not change.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY,** the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a youth day camp in an AG District (Section 1205); Variance from the all-weather parking surface requirement (Section 1340.D). The camp use will be during the summer and during school breaks when the children are out of school. The hours of operation will be 7:00 A.M. to 6:00 P.M with one evening allowed during the summer for a school event. The Board finds the hardship to be the large nature of the tract and temporary use of the parking areas, primarily in the summer months. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use

CBOA - 2891

FILE COPY

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 NW SW BEG 908.84S & 50E NWC SW TH E1270 S411.16 W765 N381.16 W505 N30 TO POB SEC 17 17 13 7.569ACS; PRT SW BEG 938.84S & 50E NWC SW TH E505 S381.16 W244.50 N351.46 W260.50 N30 TO POB SEC 17 17 13 2.318ACS; S207.50 N641.34 W525 NW SW LESS W50 FOR RD SEC 17 17 13 2.262ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2893—Kenneth Johnson

Action Requested:
Use Variance to allow Use Unit 13, Convenience Goods and Services, to permit a medical marijuana dispensary in the AG District (Section 1213). **LOCATION:** 7703 West 7th Street South

Presentation:
Kenneth Johnson, 7703 West 7th Street, Tulsa, OK; stated he owns 52 acres and he started his business three years ago with the outdoor grow. He has enlarged the business and was before the Board last year to receive approval for processing. At the last meeting there were a couple of neighbors protesting the request but they are not in attendance today. He would like to enlarge his business again and would like to have a medical dispensary on the subject property. In the year since the Board approved the processing, the Sheriff's Department has never been called, there have been no ambulance runs, and there have not been any Fire Department runs. The medical dispensary would be in a 8'-0" x 40'-0" Conex building and he would like to be able to sell wholesale to the patients.

Mr. Charney asked Mr. Johnson if he currently grows and processes then takes that product to a different locaiton to sell. Mr. Johnson stated that he has some dispensary customers that come to him; about 25 sales a week and he also delivers the products to dispensaries.

Mr. Charney stated that sometimes when he is reviewing a case in the rural area for possible approval the Board may feel that when the public is invited onto a site with a lot of ingress and egress traffic there are different thoughts about that because it is straying away from the AG use. Mr. Johnson stated that across the street there is a DVIS shelter and, if anything, some of the businesses that exist in the area have affected the rural area. The DVIS shelter has 3-4 police calls a week, there are ambulances and fire trucks that come to that site, there are 35-40 cars in the parking lot every day. Toward the west the City of Sand Springs stops at 10th Street, Tulsa County picks up at 7th Street and there is a new four-way stop at that corner because there are about 8,000 vehicles that go through that intersection daily; the rural area is not rural any longer and it is growing. The rural community is disappearing.

Feet
0 250 500

Subject Tract

CBOA-2946

17-13 17

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

Aerial Photo Date: 2020/2021

N

Feet
0 50 100

Subject Tract

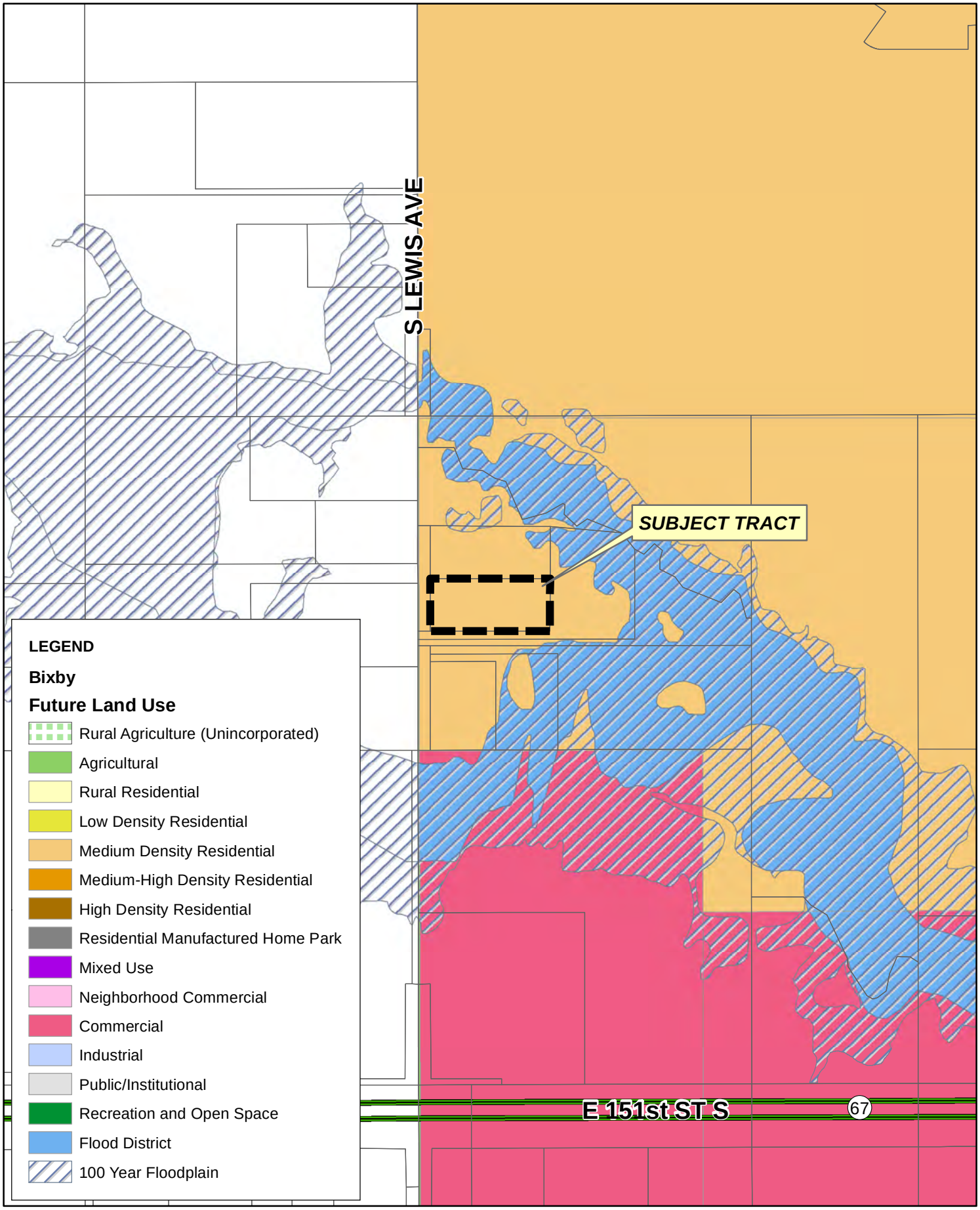
CBOA-2946

17-13 17

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

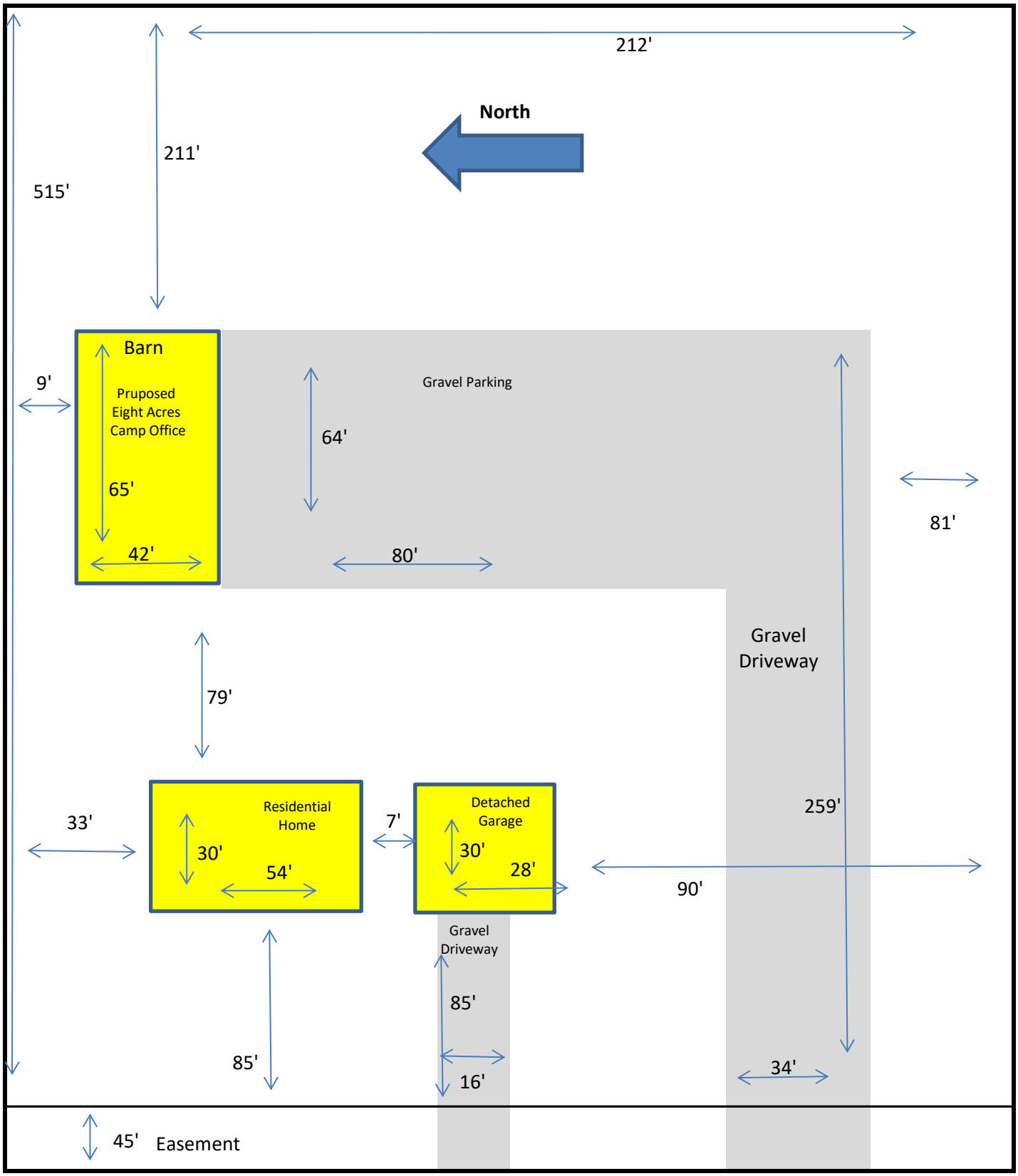
Aerial Photo Date: 2020/2021

N



CBOA-2946

17-13 17



14603 S Lewis Ave, Bixby, OK 74008

NOT to Scale