

AMENDED

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday April 19, 2022, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 506

INTRODUCTION AND NOTICE TO THE PUBLIC

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

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

1. Approval of Minutes of March 15, 2022 (Meeting No. 505)

UNFINISHED BUSINESS

2. **2951- Rigoberto Gomez**
Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a **Variance** from the all-weather parking surface requirement (Section 1340.D)
LOCATION: 11201 North 41st Avenue East

NEW APPLICATIONS

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

3. **2957- Tom Neal**
Special Exception to allow a duplex in an RS district (Sec. 410, Table 1);
Variance to allow three dwelling units on a single lot of record in the RS district

(Sec. 208); and **Variance** of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3)

LOCATION: 601 S 65 AV W

4. **2958- Joel Irvine**

Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); **Variance** of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208).

LOCATION: 3117 W 111 St S

5. **2959- Jason Marietta**

Modification of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410).

LOCATION: East of the northeast corner of North 129th East Avenue & East 106th Street North

6. **2960- Wake Wireless**

Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a **Special Exception** to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a).

LOCATION: South of the southeast corner of East 146th Street North and North Yale Avenue

7. **2961- Brett Batson**

Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record. (Section 330, Table 3)

LOCATION: 11406 S 26 AV W

8. **2962- Heath Conley**

Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); **Use Variance** to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district; and a **Variance** from the all-weather parking surface requirement (Section 1340.D)

LOCATION: East of the southeast corner of North Lewis Avenue & East 186th Street North

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.



Case Number: CBOA-2951

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

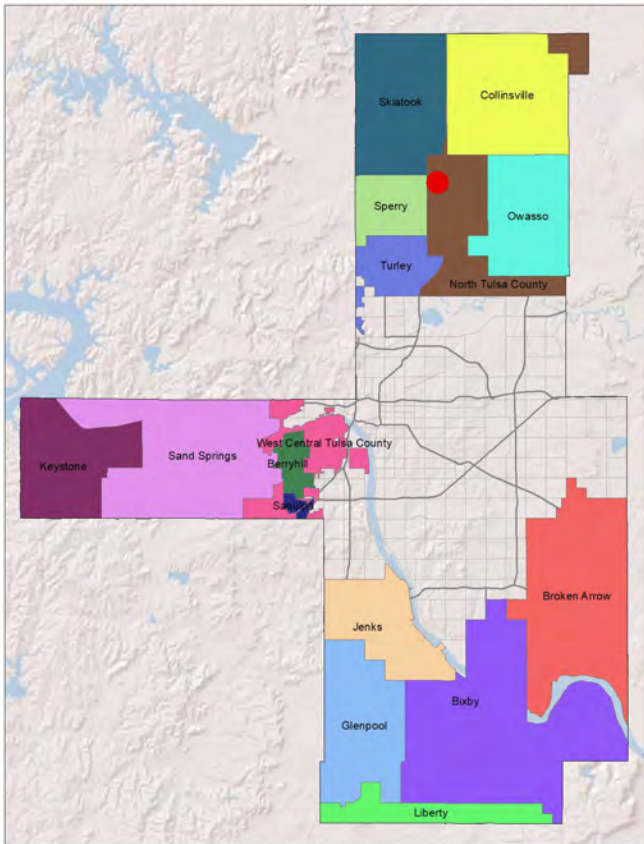
Owner and Applicant Information:

Applicant: Rigoberto Gomez

Property Owner: GOMEZ, RIGOBERTO AND MARIA L

Action Requested: Special Exception to allow for a rodeo facility (Use Unit 20) in an AG district (Section 310); and a Variance of the all-weather parking surface requirement (Section 1340.D).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Vacant

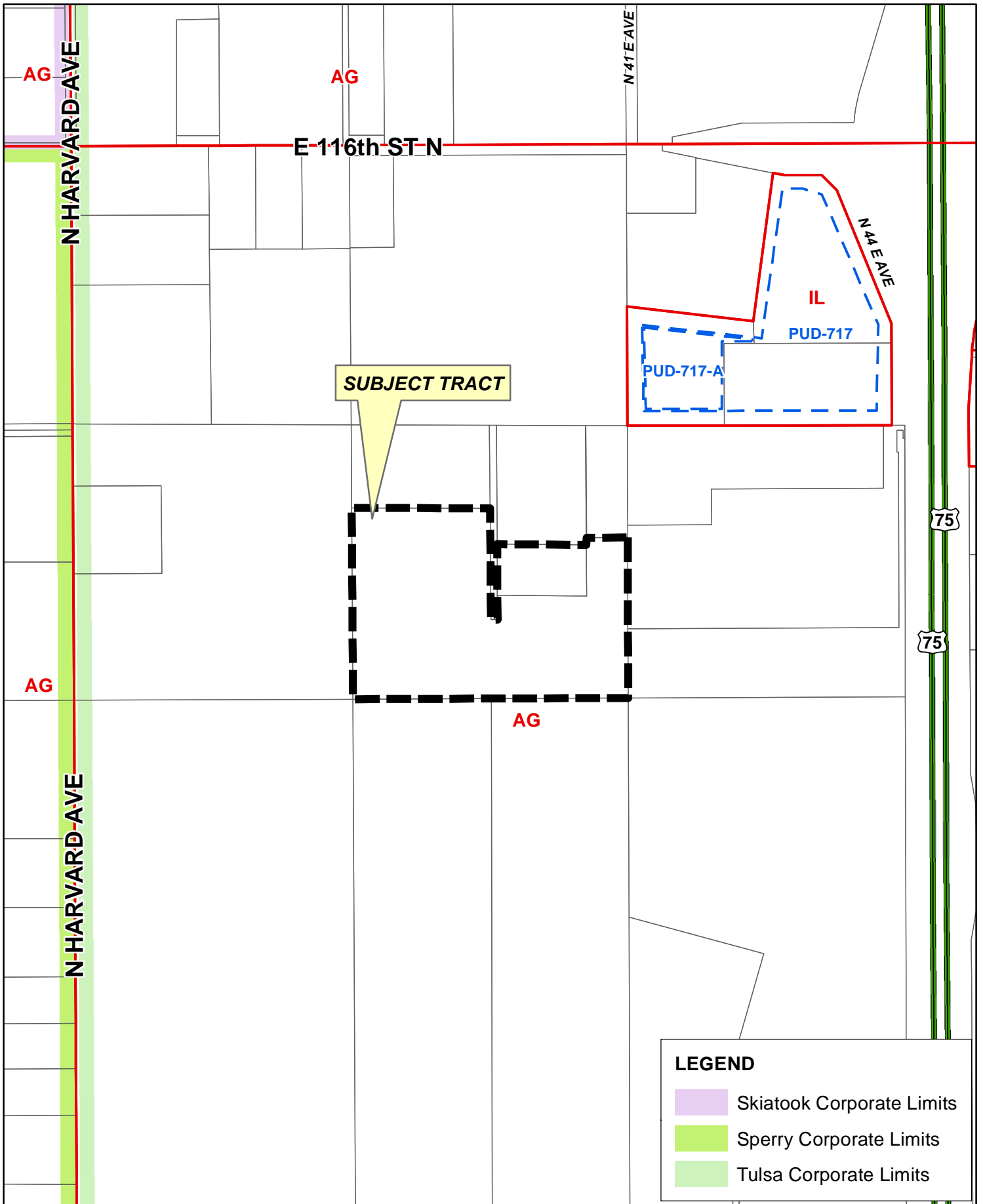
Tract Size: 25.19 acres

Location: 11201 N 41 AV E

Present Zoning: AG

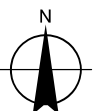
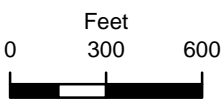
Fenceline/Area: North Tulsa County

Land Use Designation: Rural Residential/Agricultural



CBOA-2951

21-13 09



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1309

CZM: 10

CASE NUMBER: **CBOA-2951**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Rigoberto Gomez

ACTION REQUESTED: Special Exception to allow for a rodeo facility (Use Unit 20) in an AG district (Section 310); and a Variance of the all-weather parking surface requirement (Section 1340.D).

LOCATION: 11201 N 41 AV E

ZONED: AG

FENCELINE: North Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 25.19 acres

LEGAL DESCRIPTION: W/2 SE NW LESS N396 & S768 E200 E/2 SE NW & S509 W427 E627 E/2 E/2 NW & W33 S377 E/2 SE NW SEC 9 21 13 15.197ACS; S244 N811 E427 W460 E/2 SE NW SEC 9 21 13 2.392ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

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

STAFF COMMENTS:

New Staff Comments: The case was continued to April 19, 2022, so that a re-notice could be sent out to inform surrounding neighbors of an additional parcel that was added to the request.

Original Staff Comments: The applicant is before the Board requesting a Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D).

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 or dirt parking area on the site. The applicant provided the following statement related to the Variance request: *“Hard to do concrete for drains.”* According to the site plan, traffic will enter from East 116th Street North on an existing gravel driveway.

The site will include an outdoor arena, stands, kitchen, stalls, a building, and a house. According to the applicant, the site has been used for rodeos in the past. They do not have access to a public street. The applicant is looking into whether there is a legal access easement. He is also reaching out to his neighbors to get letters of support.

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 property is compatible with the surrounding area.

Sample Motion:

“Move to _____ (approve/deny) a Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310);

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

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

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

“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.”



N HARVARD AVE

E 116th ST N

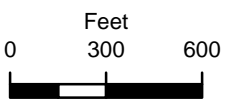
N 41 E AVE

N 44 E AVE

75

75

N HARVARD AVE



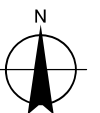
Subject Tract

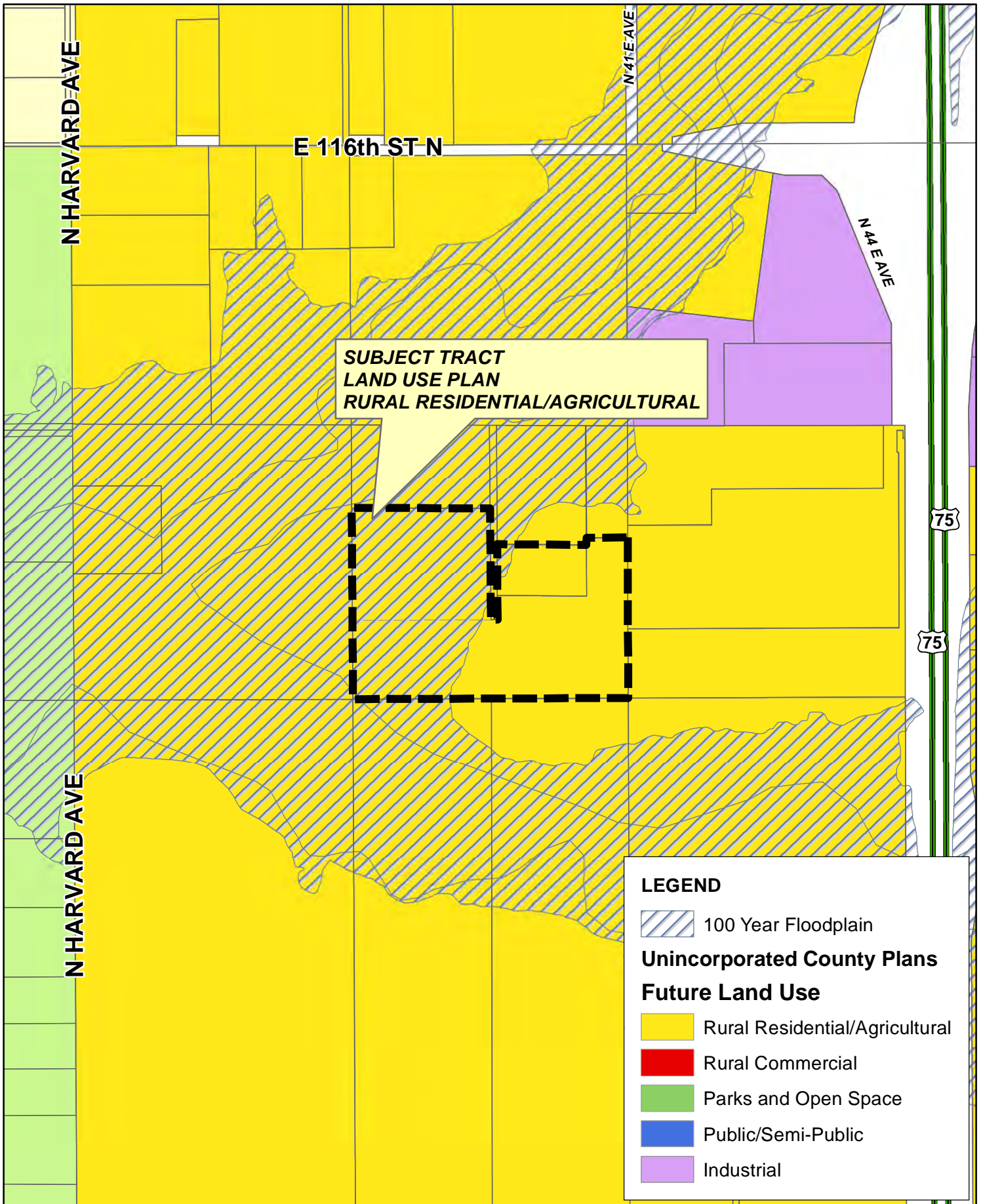
CBOA-2951

21-13 09

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







Aerial Photo Date: 2020/2021

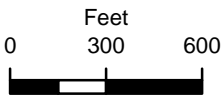




**SUBJECT TRACT
LAND USE PLAN
RURAL RESIDENTIAL/AGRICULTURAL**

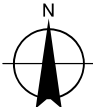
LEGEND

-  100 Year Floodplain
- Unincorporated County Plans**
- Future Land Use**
-  Rural Residential/Agricultural
-  Rural Commercial
-  Parks and Open Space
-  Public/Semi-Public
-  Industrial



CBOA-2951

21-13 09



Jones, Robi

From: MARK PARKER <tazfix60@icloud.com>
Sent: Monday, March 14, 2022 10:36 AM
To: Jones, Robi
Subject: Case no. CBOA-2951
Attachments: IMG_0142.HEIC; IMG_0137.HEIC; IMG_0140.HEIC; IMG_0143.HEIC; IMG_0138.HEIC; IMG_0141.HEIC; IMG_0136.HEIC; IMG_0139.HEIC

This is Mark A Parker, I called you this morning about sending the paperwork I had for case no CBOA-2951

- AMANDA BLAND, World Staff Writer

Boy stepped on by horse at rodeo dies of injuries

SPERRY - A child was killed when he was bucked off a horse that then stepped on him near Sperry on Sunday.

The 6-year-old boy, whose identity has not been released, was at a nonsanctioned rodeo in the 4400 block of East 116th Street North on Sunday evening, Tulsa County Sheriff's Sgt. Shannon Clark said.

Witnesses told paramedics and security officials that the boy was on a horse on the east side of the arena when the horse reared up and fell on the child, Clark said.

As the horse was standing up, it stepped on the boy's chest, Clark said.

Sperry police officers, firefighters and paramedics responded, and the child was flown to St. Francis Hospital in Tulsa, where he was pronounced dead, Clark said.

CASE NO. CBOA-2951



CASE NO -2951



Parents Express Concerns With Some Districts Holding In...

22 comments



Teen Employee Punched By Customer In Salina Grocery Sto...

21 comments



Suspect In Customer Stolen Truck & Power Pol...

12 comments



Daily Pledge: Mrs. Mackey's Pre-K3 Class

News On 6

Mrs. Mackey's pre-k class from Legacy

Christian School recites the pledge of alle-

The boy was taken by Lifeflight helicopter to St. Francis Hospital in Tulsa where he was pronounced dead on arrival.

The name of the boy was not released, pending notification of next of kin.

Conversation

FOLLOW

Start the conversation

LOG IN SIGN UP

ALL COMMENTS

newest

Start the conversation

Powered by viafoura

ue

CASE NO. CBOA-2951

Map / Land Listings / Plans / Pro / Help

Sold Land Custom - Draw

Enter a county, township, city, or address

1 FIELD

Selected Field

ACREVALUE	n/a
ACRES	22.3
LOCATION	Tulsa
PARCEL ID	91300



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AcreValue provides valu
 and crop history reports
 fields of farmland. Our v
 utilizes over 20 field-level
 macroeconomic data va
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 in California, Florida, Ge
 Indiana, Iowa, Kentucky,

21N 13E 9

CASE NO. CBOA-2951

Sold Land Custom - Draw

Enter a county, township, city, or address

1 FIELD

Selected Field 2 ac

ACREVALUE n/a

ACRES 2.4

NCCPI 58

OWNER (08/12/21)
QUINTERO, JOSE
DANIEL & FABIOLA
Register as Parcel Owner
Contact the owner

OWNER ADDRESS Upgrade to view

SLOPE 0.4%

CARBON POTENTIAL \$27 Learn More

LIST PROPERTY FOR SALE Connect with Land Pro

2020 CROPS 90.9%

Get Full Report

ACREVALUE n/a

ACRES 2.4 ac

LOCATION Tulsa

PARCEL ID 91309

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AcreValue provides valu
and crop history reports
fields of farmland. Our v
utilizes over 20 field-leve
macroeconomic data vai
the value of an individua
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Indiana, Iowa, Kentucky,

CASE No. CBOA-2951

Enter a county, township, city, or address

Custom - Draw

Sold Land

1 FIELD

Selected Field 22 ac

PARCEL

ACREVALUE n/a

ACRES 22.3

NCCPI 58

OWNER (08/12/21) GOMEZ, RIGOBERTO; DELROSARIO, MARIA L

Register as Parcel Owner

Contact the owner

Upgrade to view

SLOPE 0.5%

CARBON POTENTIAL \$249 Learn More

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2020 CROPS

Grass/Pasture 60%

Get Full Report

Location: OK 21N Parcel Options



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AcreValue provides value and crop history reports for fields of farmland. Our value utilizes over 20 field-level macroeconomic data variables to determine the value of an individual parcel. We are currently active in California, Florida, Georgia, Indiana, Iowa, Kentucky, Minnesota, Nebraska, North Carolina, and Wisconsin.

CASE NO CBOA-2951

Sold Land

Custom - Draw

Enter a county, township, city, or address

1 FIELD

Selected Field 1 ac

ACREVALUE n/a

ACRES 0.7 ac

LOCATION Tulsa

PARCEL ID 91309



PARCEL

ACREVALUE n/a ⓘ

ACRES 0.7

NCCPI 58

OWNER (08/12/21)

WOODARD, KATHYRN E & STEVEN L

Register as Parcel Owner

Contact the owner ✉

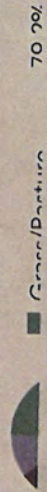
Upgrade to view

SLOPE 0.4%

CARBON POTENTIAL \$8 Learn More

LIST PROPERTY FOR SALE Connect with Land Pro

2020 CROPS



Get Full Report

Post your land listings or Contact us to learn more

AcreValue provides value and crop history reports for fields of farmland. Our reports utilize over 20 field-level macroeconomic data variables to determine the value of an individual parcel in California, Florida, Georgia, Indiana, Iowa, Kentucky,

ue

CASE NO. CBOA-2951

Map / Land Listings / Plans / Pro / Help

Sold Land

Custom - Draw

Enter a county, township, city, or address



1 FIELD ^

Selected Field 2 ac

ACREVALUE	n/a
ACRES	2.4 ac
LOCATION	Tulsa 21N 13E 9
PARCEL ID	91309

Post your land listings on [Acres.com](#)
 Contact us to learn more

Acres.com provides valuable information and crop history reports for over 20 million acres of farmland. Our website utilizes over 20 field-level macroeconomic data variables to determine the value of an individual parcel. We are currently active in California, Florida, Georgia, Indiana, Iowa, Kentucky,

CASE NO CBOA-2951

Watch Live: 6 In The Morning x

A 3.47 Magnitude Earthquake was reported near 12 km E of Crowder, Oklahoma at 6:20 AM x

MENU **6** LIVE NOW ☀️ 49°
Feels Like 43°

Monday, August 22nd 2011, 1:02 pm
By: News On 6

[Join the conversation \(.\)](#)



NewsOn6.com

TULSA COUNTY, Oklahoma – A six-year old was crushed by a horse at a rodeo near Skiatook Sunday night.

According to the [Tulsa County Sheriff's Office](#), the unidentified boy was sitting on a horse at the rodeo grounds in the 4400 block of East 116th Street North.

Deputies were told the horse reared up and fell backwards landing on top of the boy. While the horse was trying to stand back up, it is believed the horse stepped on the child's chest.

Trending Articles

YOUR WINDOW TO GREEN COUNTRY

6

Sage CASINO HOTEL SKYCAM

More Like This



Six-Year-Old Boy Killed At Rodeo Near Skiatook

News On 6

A six-year-old boy was crushed by a horse at a rodeo near Skiatook Sunday night.



Taste Test Tuesday: Whataburger Spicy Ketchup Hot Sauce

News On 6

This week the Six In The Morning Team

tries out some Spicy Ketchup Hot Sauce

First Omicron Variant Case Detected In Oklahoma

News On 6

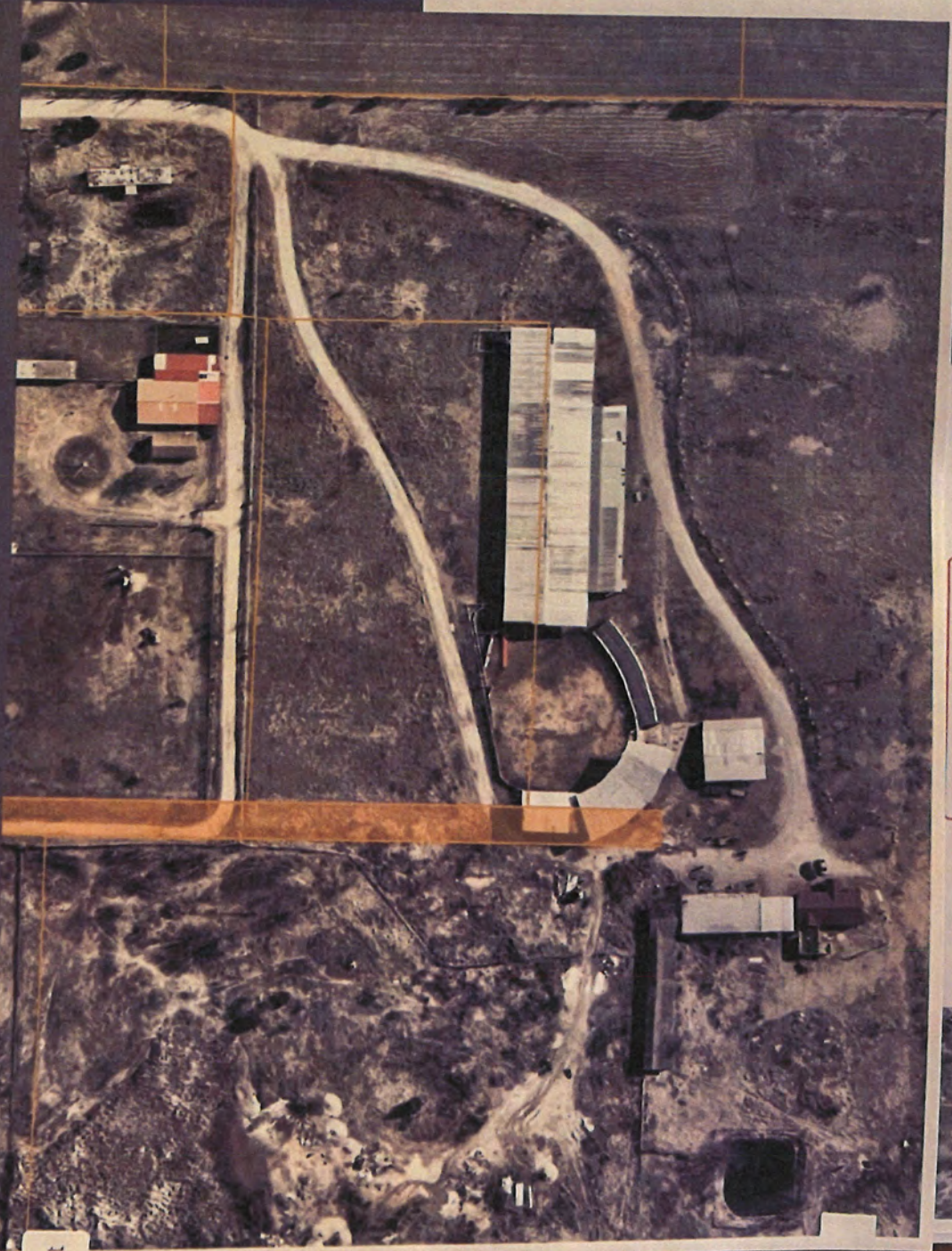
CASE NO. CBOA-2951

Sold Land Custom - Draw Enter a county, township, city, or address

1 FIELD

Selected Field

ACREVALUE	n/a
ACRES	0.7 a
LOCATION	Tulsa
PARCEL ID	21N 9130



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and crop history reports
fields of farmland. Our
utilizes over 20 field-le
macroeconomic data va
the value of an individu
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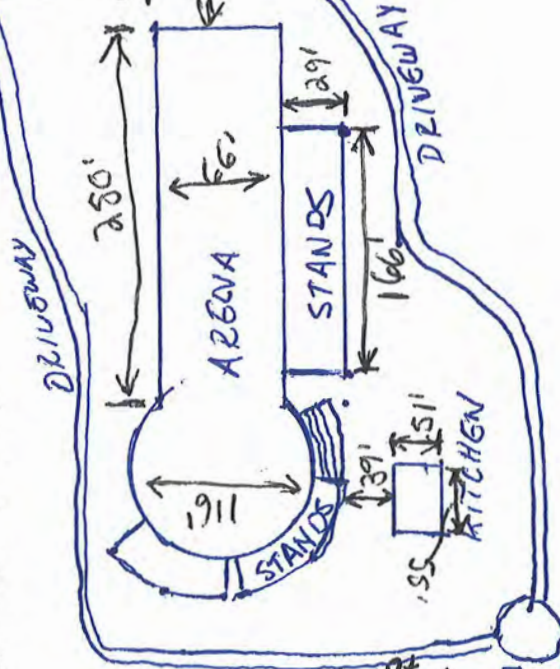
Hwy 75



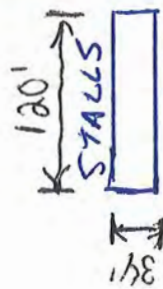
41st St

116 St N.

PARKING LOT



PARKING LOT



PARKING LOT

30 ACRES

30 ACRES



Case Number: CBOA-2957

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

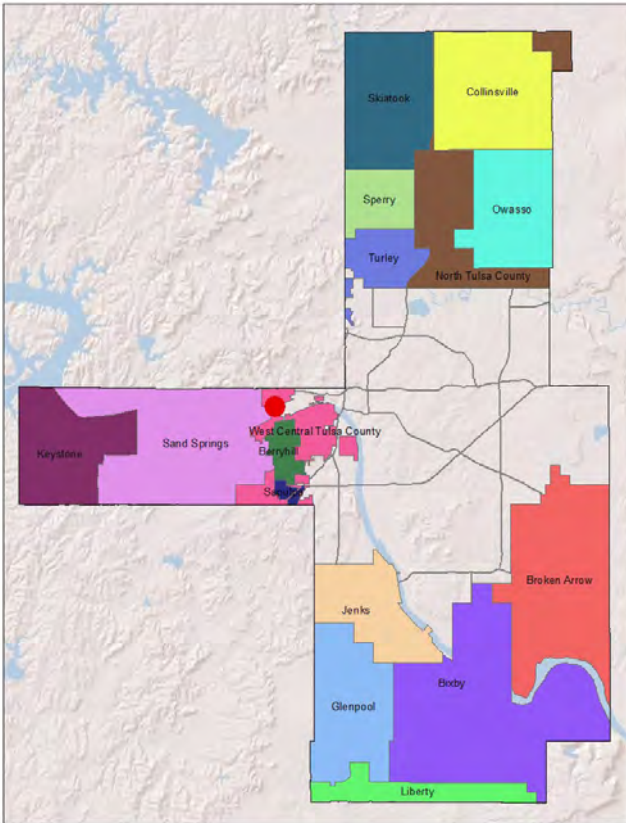
Owner and Applicant Information:

Applicant: Tom Neal

Property Owner: LARGE, TANA

Action Requested: Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and Variance of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3)

Location Map:



Additional Information:

Present Use: Residential

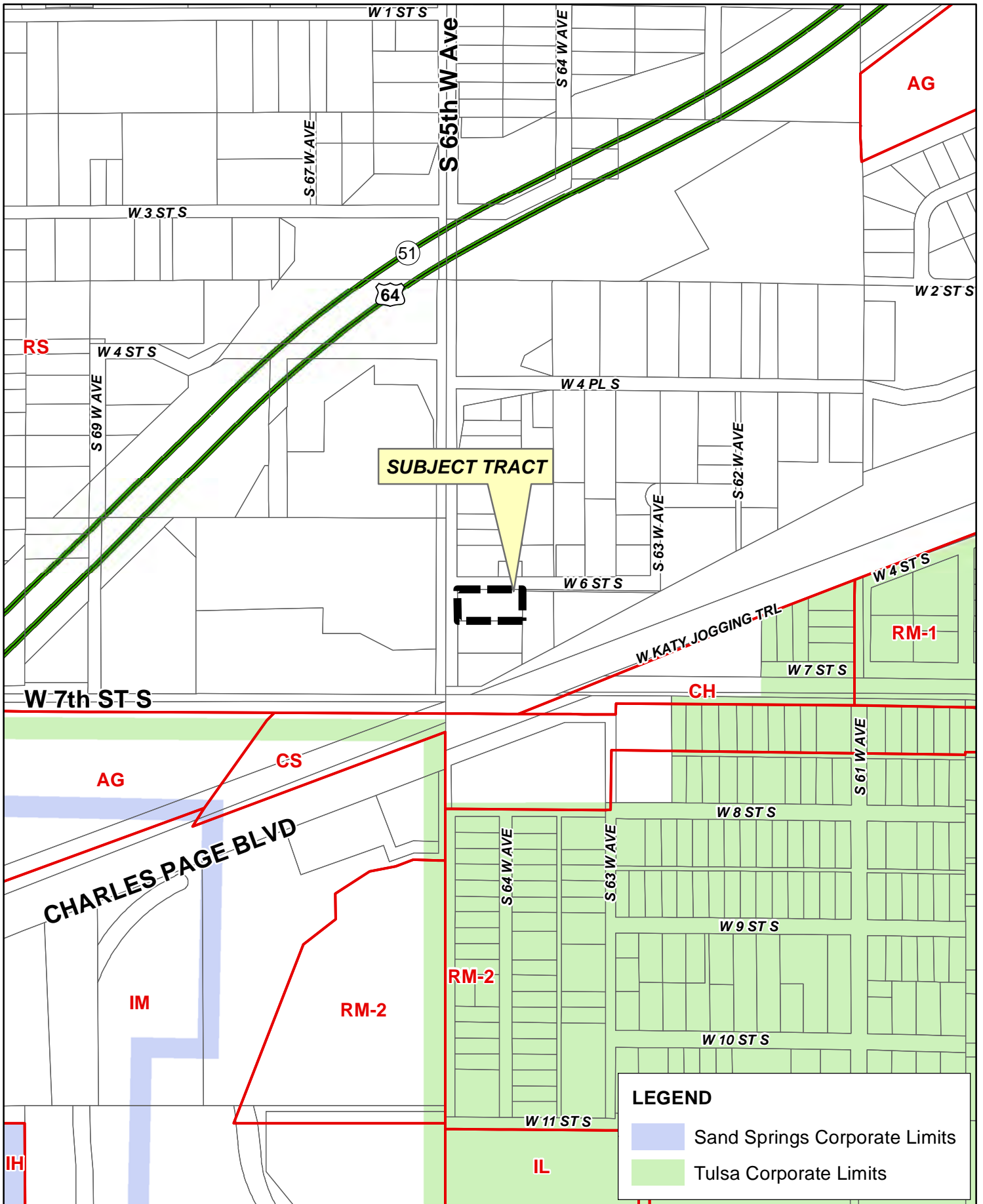
Tract Size: 0.47 acres

Location: 601 S 65 AV W

Present Zoning: RS

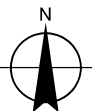
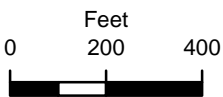
Fenceline/Area: West Central Tulsa

Land Use Designation:
Rural Residential/Agricultural



CBOA-2957

19-12 05



LEGEND

- Sand Springs Corporate Limits
- Tulsa Corporate Limits

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9205

CZM: 35

CASE NUMBER: **CBOA-2957**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and Variance of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3)

LOCATION: 601 S 65 AV W

ZONED: RS

FENCELINE: West Central Tulsa

PRESENT USE: Residential

TRACT SIZE: 0.47 acres

LEGAL DESCRIPTION: LT 35, PARTRIDGE SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-176 April 1982: The Board **approved** a *Special Exception* to locate a mobile home in an RS district; and a *Variance* to allow two dwelling units on a lot of record, on property located at 473 South 65th Avenue West.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning. Parcels to the north, east, and south appear to have residential uses and property to the west appears to be vacant or have an agricultural use.

STAFF COMMENTS:

The applicant is requesting a Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and Variance of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3).

According to the applicant, the dwellings have existed since 1935 so would be considered non-conforming. Section 1420 states the following:

- A. No building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located.
- D. A nonconforming use of a building, or building and land in combination, if discontinued for 36 consecutive months or for 36 months during any four year period, (except when governmental action impedes access to or the use of the premises) shall not thereafter be resumed.

The applicant provided the following statement: “Property has been multi-family (3 units) since built in the mid 1930s. RS zoning came later. Owners would like to continue actual use.”

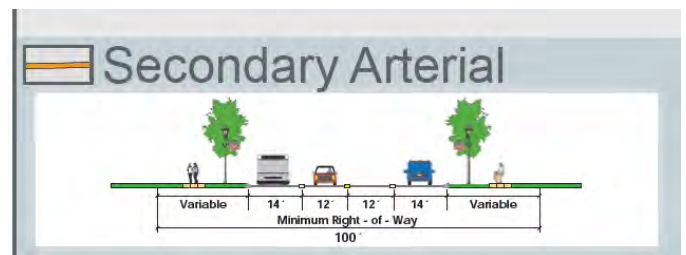
A Special Exception is required as the duplex use is not permitted by right in the RS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The duplex use must be found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

Additionally, the Tulsa County Zoning Code does not permit more than one dwelling on a lot located in an RS (Residential Single-Family) district. For this reason, the applicant is asking to allow three dwelling units on a single lot of record. The parcel is 0.47 acres in size.

The applicant is also requesting a Variance of the required setback in the front yard and yard abutting a public street in the RS district. Section 430, Table 3 states the following:

	RE	RS	RD	RM-T	RM-0	RM-1	RM-2
Land Area (of Development), per D.U. (Min. SF)				3,600	4,000	3,000	2,200
STRUCTURE HEIGHT(Max. Ft.)	35	35	35	35	35*	35*	35*
LIVABILITY SPACE PER D.U., (Min. SF)***	12,000	4,000	2,000	1,200	1,200	600	200
FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET:							
Measured from the centerline of abutting street; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. Ft.)****							
Arterial & Freeway Service Road	35	35	35	35	35	35	35
Not an Arterial	35	25	25	10	25	25	10

South 65th West Avenue is considered a Secondary Arterial in the Major Street and Highway Plan. The minimum Right-of-Way is 100 feet. At this time, South 65th West Avenue has 70 feet of Right-of-Way. West 6th Street South is not listed in the Major Street and Highway Plan.



The front yard setback from South 65th Avenue West, as measured from the centerline, is 35 feet + 50 feet = 85 feet for the required setback. The existing home (1935 Little House) is 53 feet from the centerline. The yard abutting a public street (West 6th Street South), as measured from the centerline, is 25 feet + 25 feet = 50 feet for the required setback. The home (1935 Little House) is 27 feet from the centerline. The duplex (1935 One over One Duplex) appears to meet all the setback requirements.

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

Sample Motion:

“Move to _____ (approve/deny) a Special Exception to allow a duplex in an RS district (Sec. 410, Table 1).

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

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

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

“Move to _____ (approve/deny) a Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and Variance of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3).

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

Case No. 176

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow 2 dwelling units on a lot of record. This property is located at 473 South 65th West Avenue.

Presentation:

Judith Ford, 472 South 65th West Avenue, was present to address the Board requesting permission for a mobile home to be placed on the subject property. Ms. Ford's sister will be living in the mobile home and it will not be rented to anyone else. There is a septic tank and gas hook-up on the subject property.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the surrounding area and Ms. Ford stated that there are 6 mobile homes within 300'.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two (2) dwelling units on a lot of record, subject to the occupancy being limited to the one family stated above (Ms. Ford's sister), on the following described property:

The South 100 feet of Lot 29, Partridge Addition, Tulsa County, Oklahoma.

Case No. 178

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Request for a variance to allow a mobile home in an Industrial District. This property is located at the NW corner of North Peoria and 56th Street North.

Presentation:

Barbara Wells, 5602 North Peoria Avenue, was present to address the Board requesting permission to place her mobile home on the subject property for security reasons. She owns a service station at the corner of 56th Street and North Peoria Avenue and would like to have the mobile home on the property to watch over the station.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the surrounding area and Ms. Wells stated that there were none in that area.

Board Action:

On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie

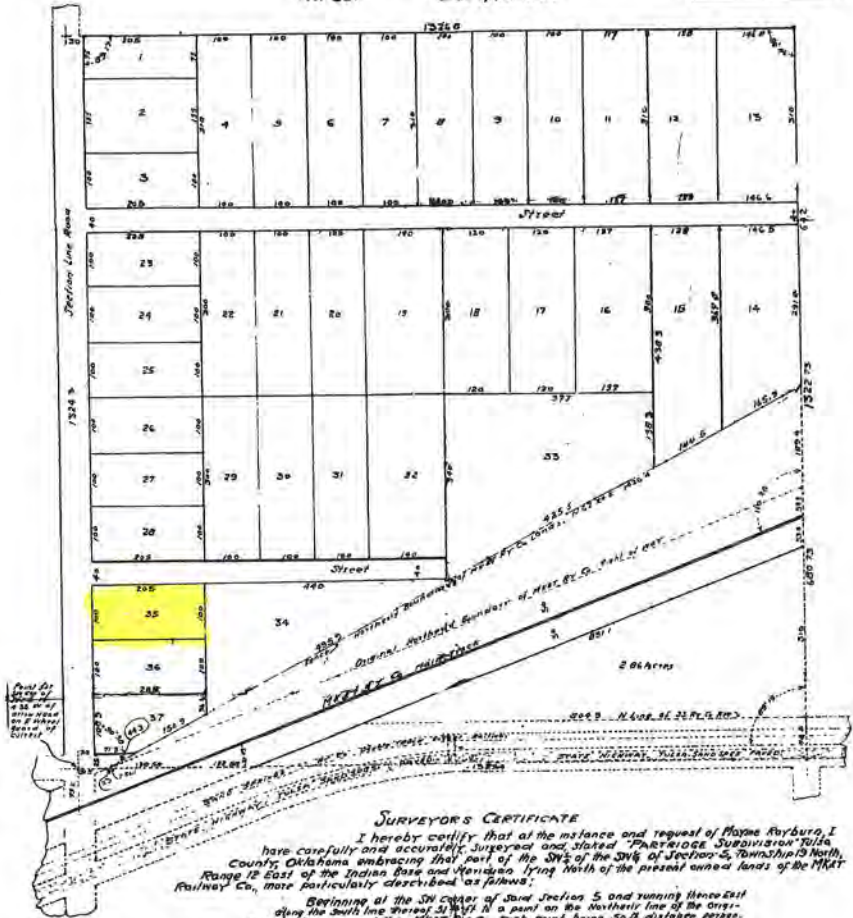
4.16.82:20(11)



PARTRIDGE SUBDIVISION, TULSA COUNTY OKLAHOMA

ALL THAT PART OF THE SW 1/4 OF THE
SW 1/4 OF SEC. 5, TWP. 19 N., RGE. 12 E. LY-
ING NORTH OF THE LANDS OF THE MKAT
RY. CO.

Scale of 1/4" = 100' = 1"



SURVEYOR'S CERTIFICATE

I hereby certify that at the instance and request of Wayne Royburn, I have carefully and accurately surveyed and staked PARTRIDGE SUBDIVISION, Tulsa County, Oklahoma embracing that part of the SW 1/4 of the SW 1/4 of Section 5, Township 19 North, Range 12 East of the Indian Base and Meridian lying north of the present owned lands of the MKAT Railway Co., more particularly described as follows:

Beginning at the SW corner of said Section 5 and running thence East along the South line thereof 317.7 ft. a point on the Northern line of the original right of way of the MKAT Ry. Co. such point being 50 ft. distance perpendicular from center line of main track, thence about N65°28' E. parallel with said main track 116.5 ft. a "rail" boundary monument set by said Ry. Co. thence about N42°24' E. along present fence of said Ry. Co. a distance of 162.2 ft. to a point on the East line of said SW 1/4 of said Section 5, 480.25 ft. North of the SE corner thereof and 218.9 ft. North of the center line of said main track, thence North along the East line of said SW 1/4 of said Section 5, 645 ft. to the NE corner thereof, thence West along North line of same 125.8 ft. to the SW corner thereof, thence South along the West line of same 124.3 ft. to the SW corner thereof and place of beginning, containing 30.1 Acres more or less.

I further certify that said Addition contains lots Numbered One (1) to Thirty-Done inclusive and that all the measurements, distances and relations therein certified herein are accurate true and correct and that this is a true and correct plat thereof.

Dated this 20th day of April 1935

Wm. Walker
Surveyor.

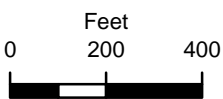
STATE OF OKLAHOMA
COUNTY OF TULSA } ss

Before me this undersigned, a Notary Public, in and for said County and State aforesaid, personally appeared Wm. Walker Surveyor, to me known to be the individual person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

My Commission Expires

Notary Public



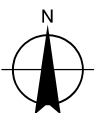
 Subject Tract

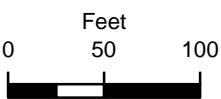
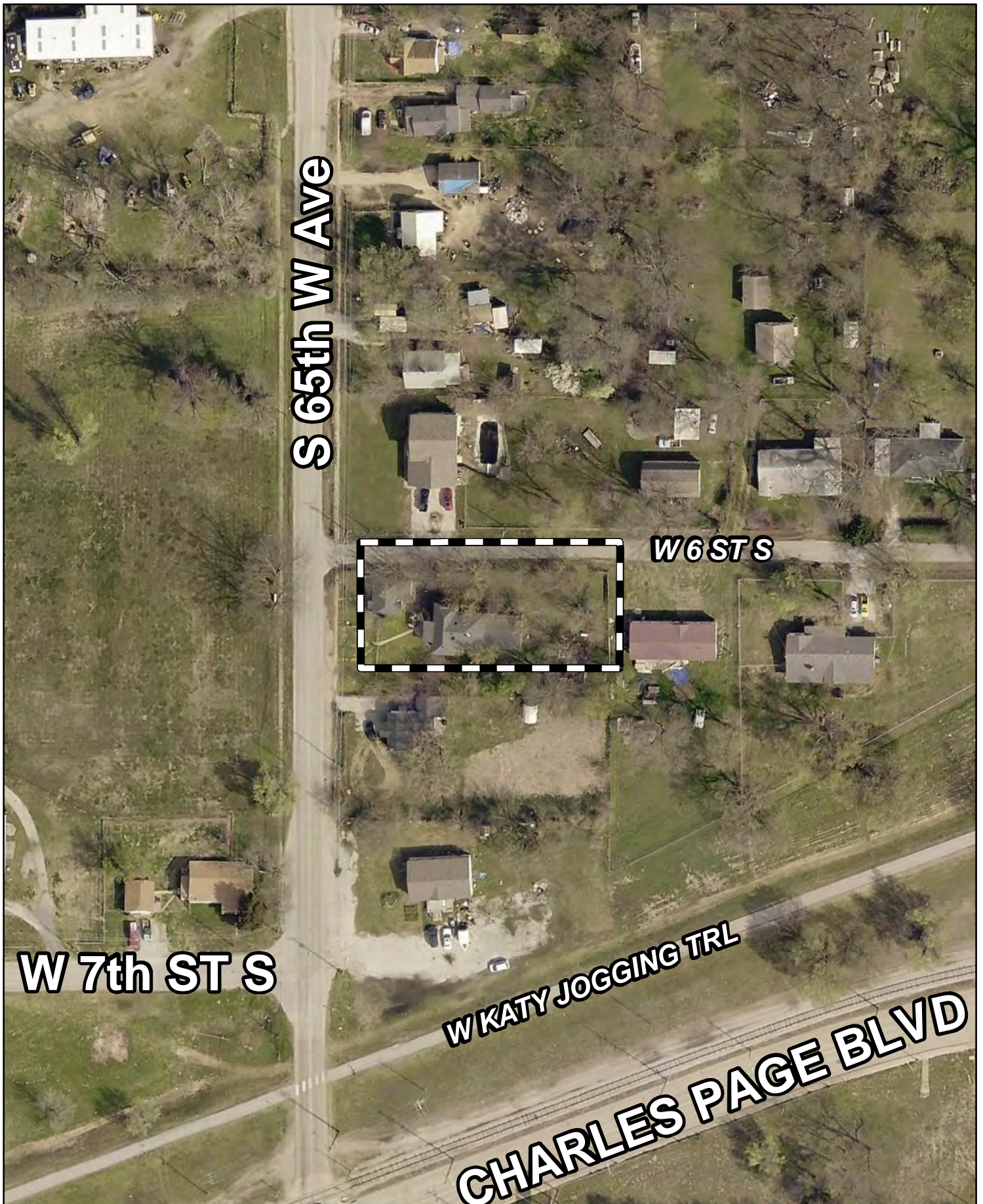
CBOA-2957

19-12 05

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

Aerial Photo Date: 2020/2021





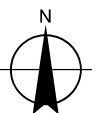
 Subject Tract

CBOA-2957

19-12 05

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

Aerial Photo Date: 2020/2021





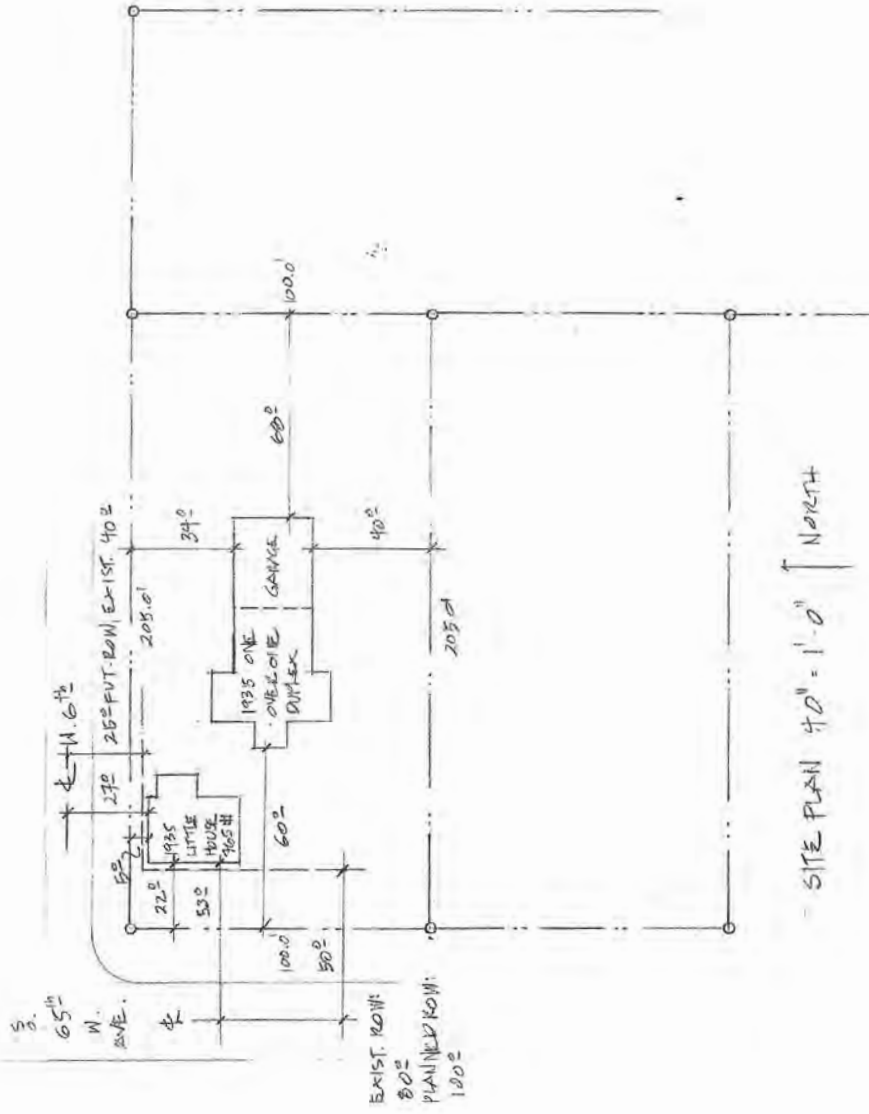
Looking east toward both dwelling units from S. 65th W. Ave.

Google Earth – Jan. 2022



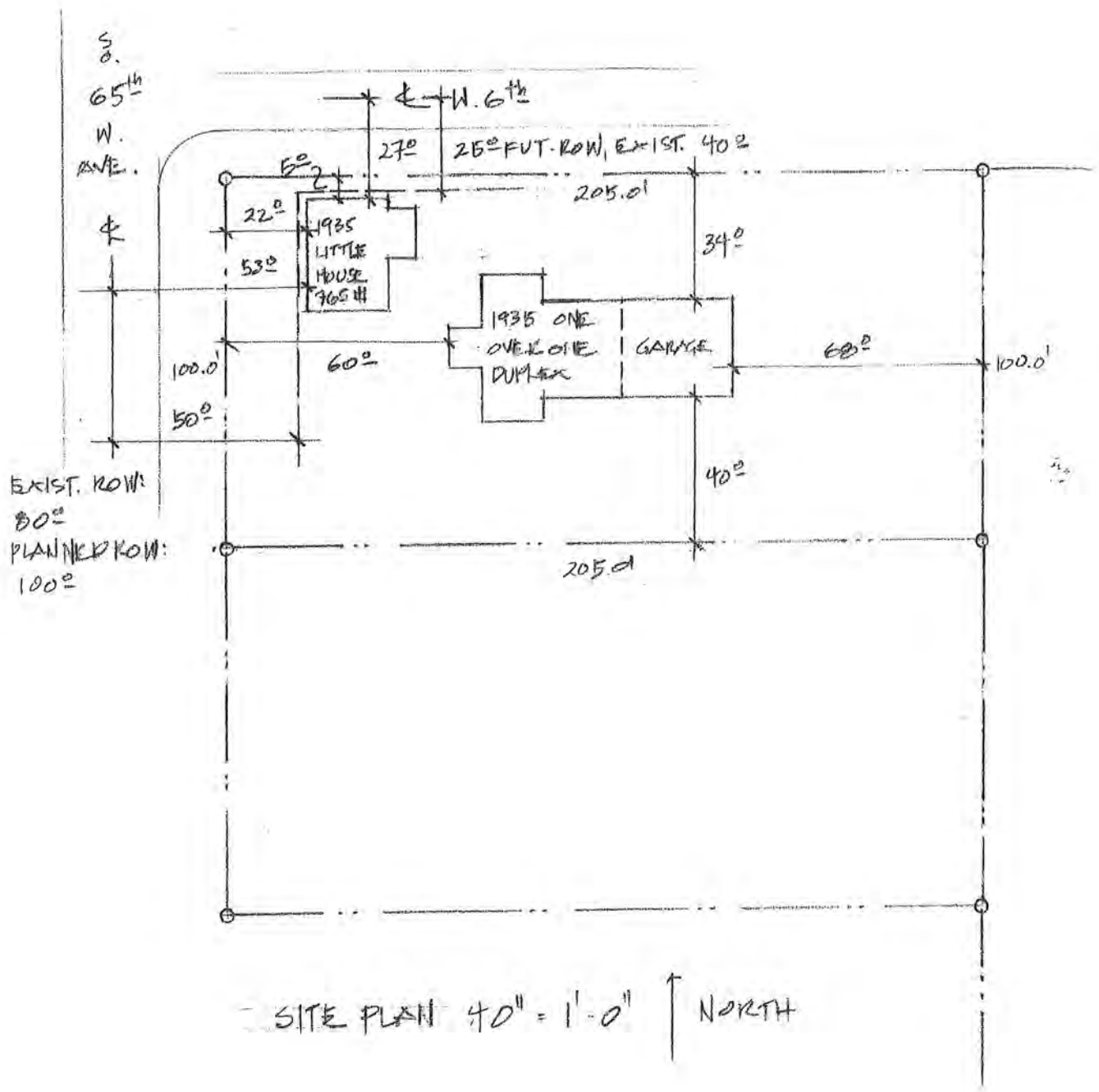
Looking west from W. 6th St. S.

Google Earth – Jan. 2016



LADGE 3.2022
 601 S. 65th W. AVENUE
 TULSA, OKLA 74102

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.237.7172





Case Number: CBOA-2958

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

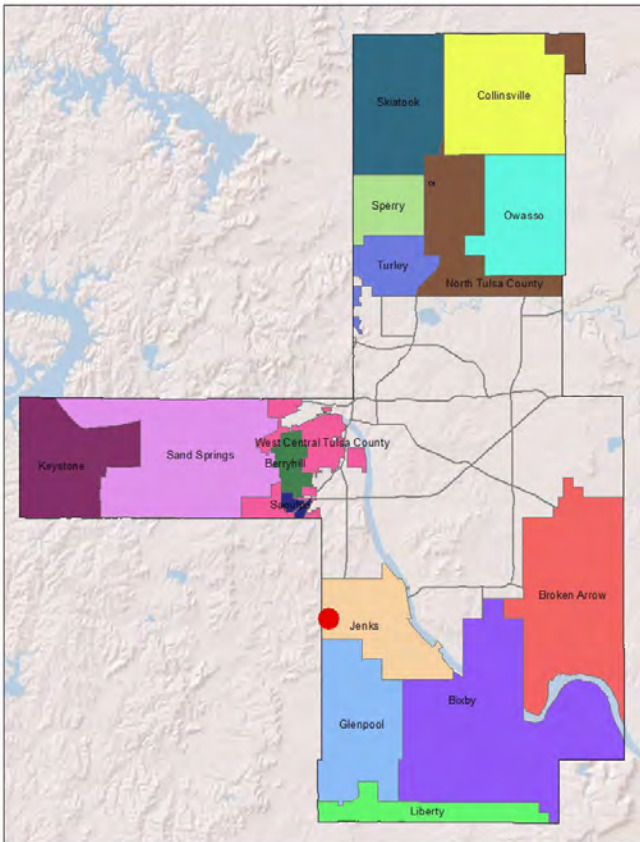
Owner and Applicant Information:

Applicant: Joel Irvine

Property Owner: IRVINE, JOEL A

Action Requested: Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); Variance of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Residential

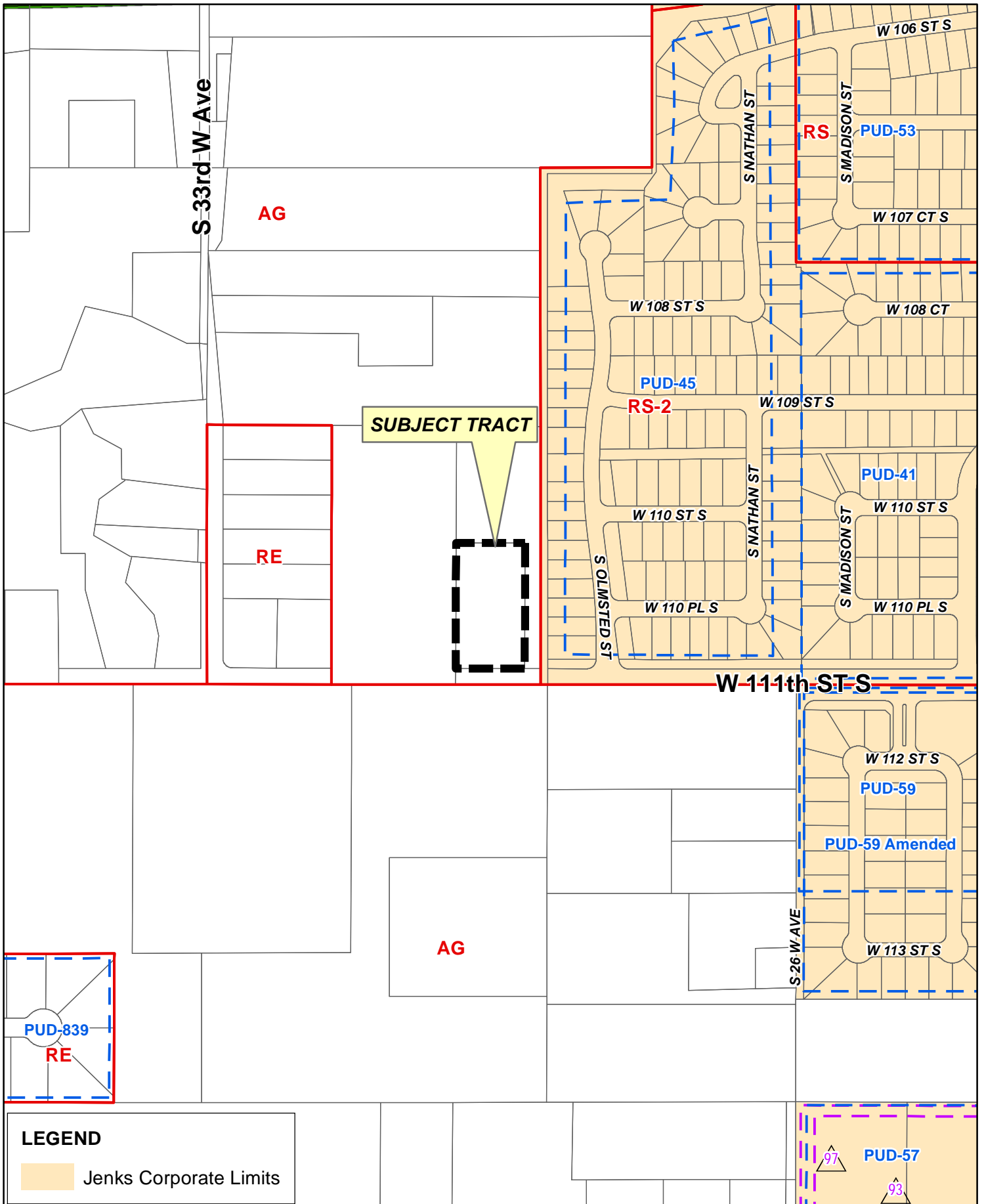
Tract Size: 2.02 acres

Location: 3117 W 111 ST S

Present Zoning: AG

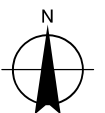
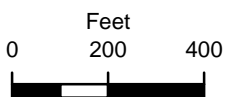
Fenceline/Area: Jenks

Land Use Designation: Medium Intensity Single-family



CBOA-2958

18-12 27



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 8227

CZM: 55

CASE NUMBER: **CBOA-2958**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Joel Irvine

ACTION REQUESTED: Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); Variance of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208).

LOCATION: 3117 W 111 ST S

ZONED: AG

FENCELINE: Jenks

PRESENT USE: Residential

TRACT SIZE: 2.02 acres

LEGAL DESCRIPTION: BEG 1557.83E SWC TH N450 E220 S450 W220 LESS S50 THEREOF SEC 27 18 12 2.02ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-10794 November 1979: The Board **approved** a *Special Exception* to locate a mobile home in the AG district, for a period of five years, on property located ¼ mile east of 33rd West Avenue and 111th Street South (subject property).

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and the uses appear to be residential.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); and a Variance of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208).

The applicant provided the following statement:

“Need to change from 2, 30-year-old, trailers to more solid structures. The owner is attempting to provide for his parents who are elderly and not physical stable. Need to get them into a ground level living arrangement. The house and shopdominium will be built of high-quality materials and will improve the look of the area. In rural areas properties often have a house and a large barn or shop. Adding living quarters to the shop will not detract from the view to the neighboring areas but will improve it once the trailers are removed.”

The applicant would like to build two new dwelling units. According to the site plan, there will be a main house and a shopdominium with living quarters for aging parents. There is an existing trailer on the property that they wish to have remain in place throughout the construction period.

Section 208 states: No more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot which is within an approved PUD, in an RMH district, or in an **AG district**, with the exception in the AG district that there be no more than two dwellings per lot. The applicant would be allowed by right to have two homes on the property if they met the bulk and area requirements.

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres in the AG district. The applicant is proposing to have two dwelling units on the 2.02-acre subject lot. They have also requested to temporarily allow three dwelling units on one lot of record during construction so that the parents can continue to live in the mobile home until their proposed home is completed.

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

Sample Motion:

“Move to _____ (approve/deny) a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); Variance of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208).

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

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

Presentation:

Louis Levy, attorney representing Doctor's Hospital, presented two alternative sign plans (Exhibits "N-1 and N-2"); one reads Doctor's Hospital and the other Doctor's Medical Center. The applicant's preference would be the second alternative, Doctor's Medical Center. Mr. Levy advised that the hospital had identification problems, one being that the main entrance to the hospital is a residential street. The new sign program would help to solve this problem for the benefit of doctors, patients and visitors to the hospital. The letters on the proposed signs will be 2' tall, the sign will be non-illuminated.

Protestant:

Bernice Giles, 2429 South Knoxville Avenue, representing homeowners on South Knoxville, advised that their homes were at the back door of the hospital which is the front door of the residences. Mrs. Giles protested the signs or anything else which would make the area appear any more commercial than at present. The protestant noted that area residents would not protest the sign if the hospital would erect an 8' screening fence near the residential area.

Louis Levy advised that he was not aware of this problem; however, he assured the protestant that he would confer with the administration of the hospital tomorrow morning and clean up the area, notify the contractor to clean up his mess and the hospital will erect a fence.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Variance (Section 420.2 (d) - Accessory Use Conditions Permitted in Residential Districts) - and, Variance (Section 630.2 (d) - Accessory Use Conditions Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the sign requirements in an OM and RS-3 District for the Doctor's Hospital, to allow one sign, on the south side of the building, the sign to read Doctor's Hospital in 2' high letters in accordance with the drawing submitted; and the hospital to construct a wall or a fence on the east side of the property with the applicant returning to the Board with plans for the wall or fence, on the following described tract:

All of that portion of the S/2, S/2, NW/4, S/2, S/2, NW/4 of Section 16, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) for permission to locate a mobile home in an AG District located $\frac{1}{4}$ mile east of 33rd West Avenue and 111th Street South.

Presentation:

Randy Hunter, 3117 West 111th Street South, advised that he had purchased the subject property one month ago. The real estate agent who sold the five acre tract to Mr. Hunter assured him that in the County, if you owned more than 2 $\frac{1}{2}$ acres, there would be no

10794 (continued)

problem moving a mobile home onto the property. The mobile home is in place at the present time. Mr. Hunter stated that he planned to build a home on the property; however, it may be 5 or 6 years before he would be financially able to do so. There are five other mobile homes in the immediate area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District, for a period of five years, on the following described tract:

A tract of land in the SW/4 of Section 27, Township 18 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the South boundary of said Section 27, 1,557.83' from the SW corner thereof; thence North, parallel to the West boundary of said Section 27, a distance of 820.00'; thence East, parallel to the South boundary of said Section 27, a distance of 265.61'; thence South 820.00' to a point in the South boundary of Section 27; thence West along said boundary a distance of 265.61' to the point of beginning, containing 5.00 acres, more or less.

10795

Action Requested:

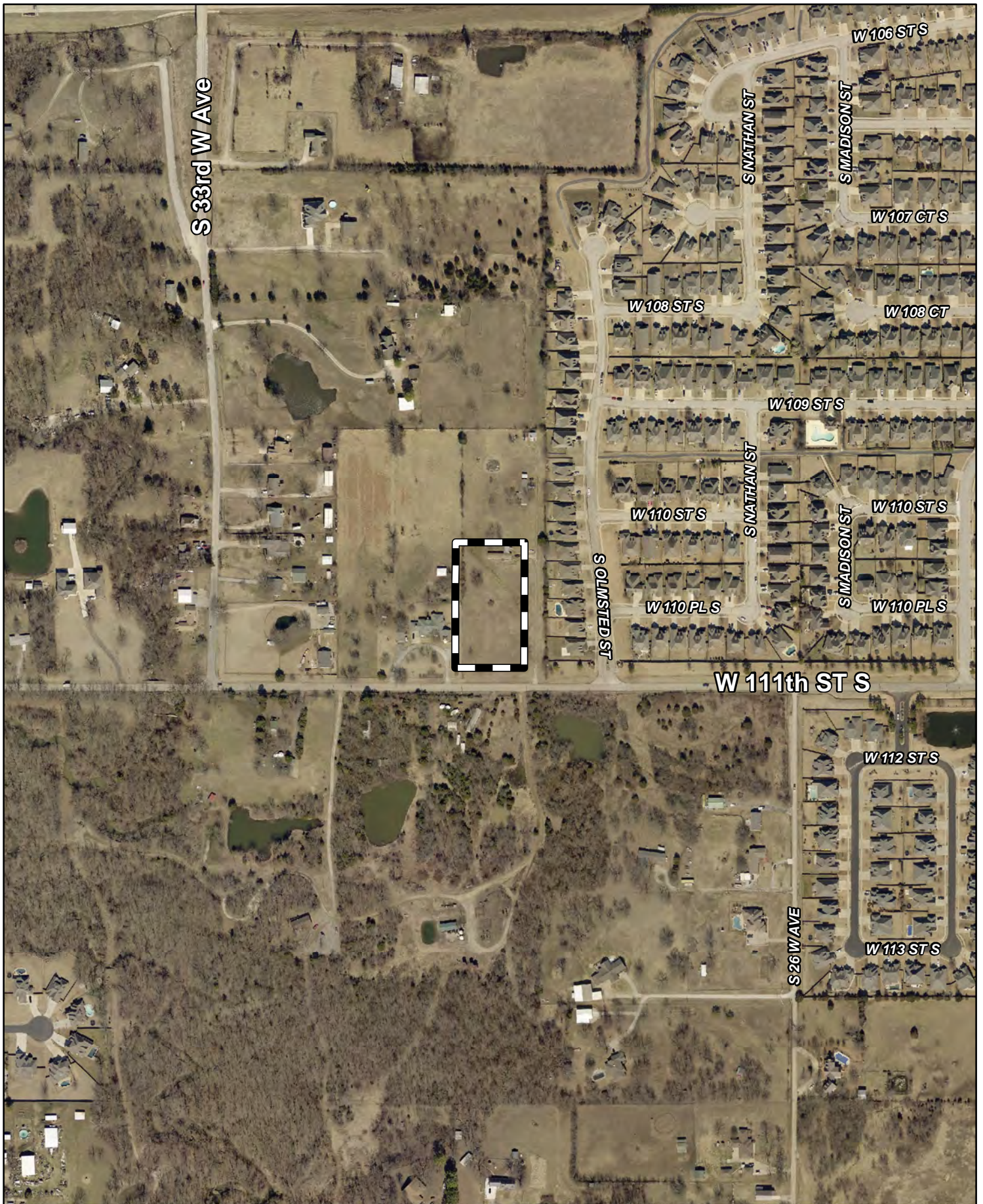
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) for permission to erect two duplexes in an RS-3 District; and a Variance (Section 440.3 (a) & (c) - Special Exception Uses in Residential District Requirements - Under the Provisions of Section 1670 - Variances) of the 9,000 sq. ft., lot area to 6,750 sq. ft. for a duplex; and request for a variance of the frontage requirements from 75' to 50' to permit a duplex at 7100 Block East Virgin Street.

Presentation:

Tom Burke, 4133 East 48th Place, representing his brother Byron Burke, presented a plot plan (Exhibit "0-1") of the proposed duplexes. The duplexes will be concrete block-type 1,200 sq. ft. per unit in the rental range of \$200 - \$225 per unit, per month. Mr. Burke advised that the plans presented were concept plans and he did not have elevations to submit at this time. The applicant stated he would return to the Board with final plans if the Board wished to continue the application.

Protests: None.

11.29.79:299(21)



S 33rd W Ave

W 106 ST S

S NATHAN ST

S MADISON ST

W 107 CT S

W 108 ST S

W 108 CT

W 109 ST S

W 110 ST S

S NATHAN ST

S MADISON ST

W 110 ST S

W 110 PL S

W 110 PL S

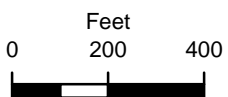
S 10TH ST S

W 111th ST S

W 112 ST S

S 26th W AVE

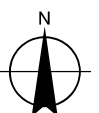
W 113 ST S



Subject Tract

CBOA-2958

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



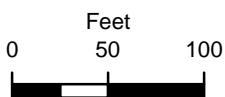
18-12 27

Aerial Photo Date: 2020/2021



SOLMSTED ST

W 111th ST S



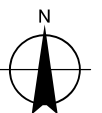
Subject Tract

CBOA-2958

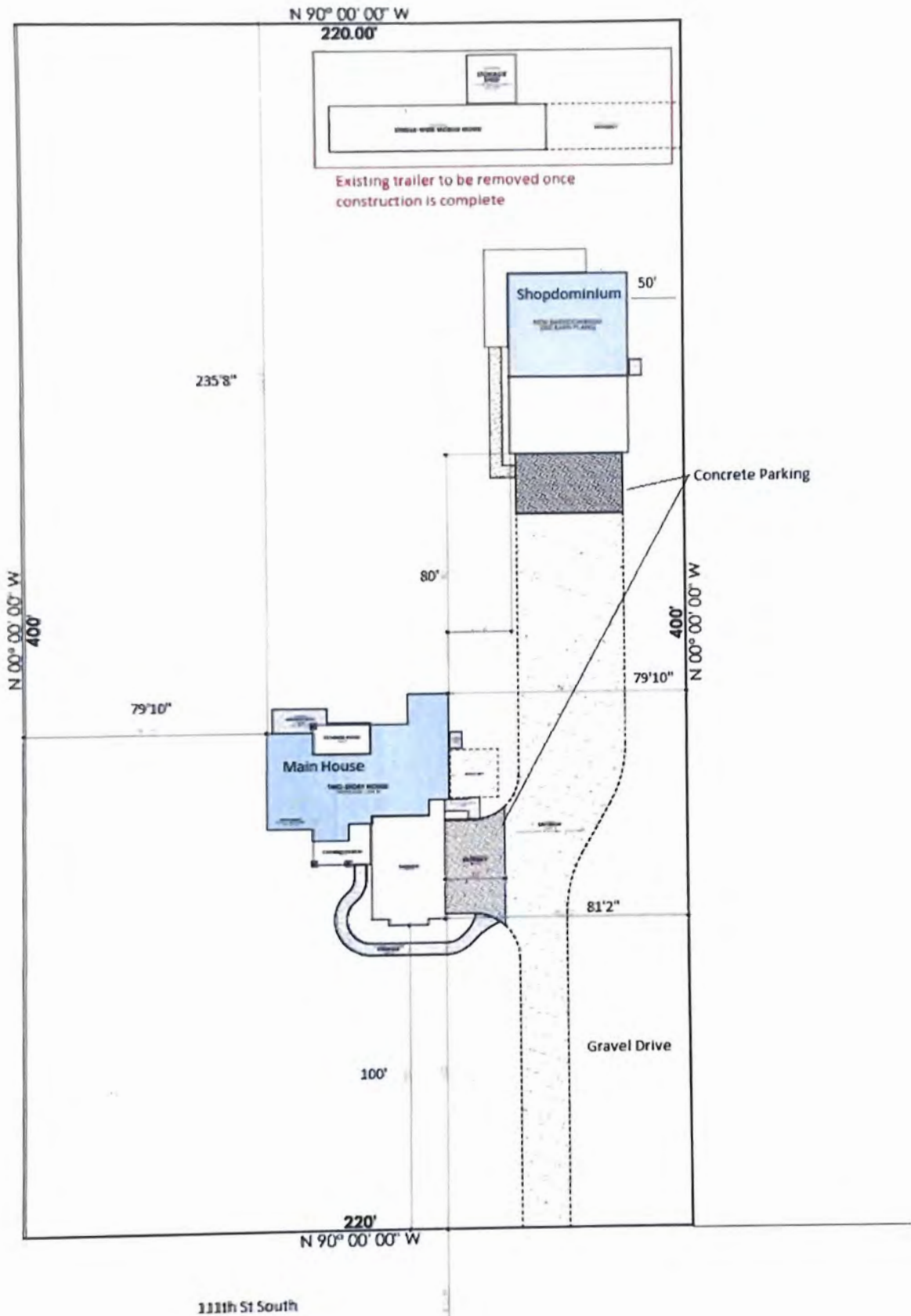
18-12 27

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

Aerial Photo Date: 2020/2021



CBOA-2958 4.8





Case Number: CBOA-2959

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

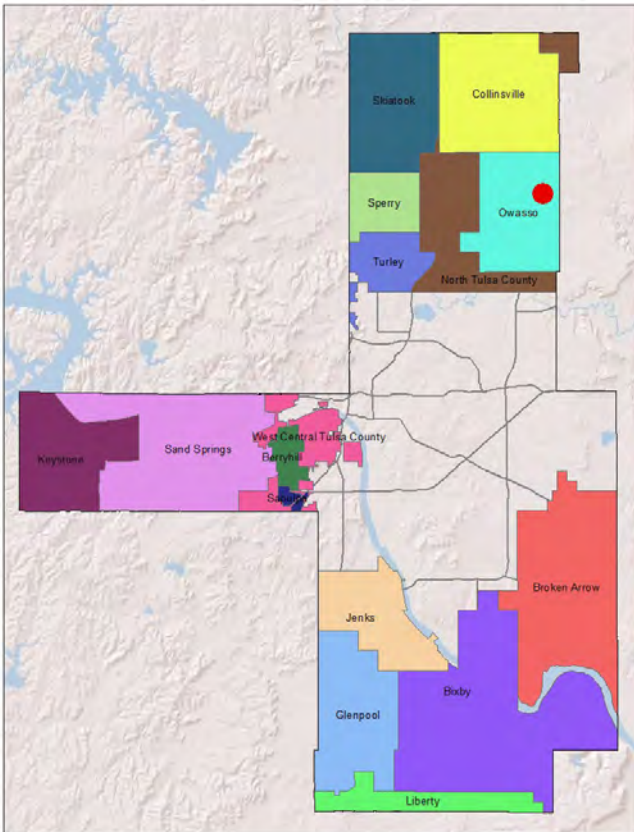
Owner and Applicant Information:

Applicant: Jason Marietta

Property Owner: DUNCAN, DAVE A & JANYCE K REV TRUST

Action Requested: Modification of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Residential

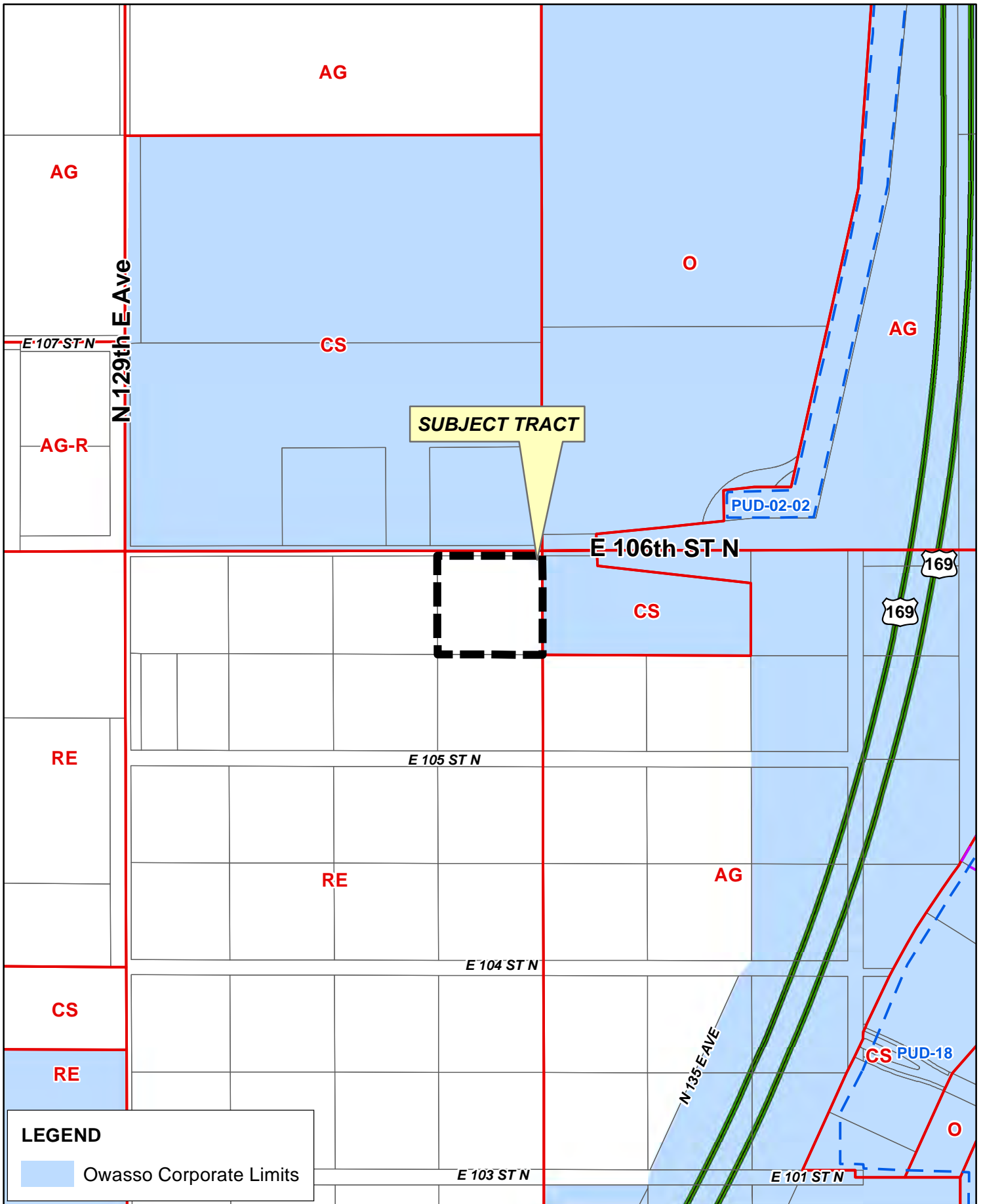
Tract Size: 2.5 acres

Location: East of the northeast corner of North 129th East Avenue & East 106th Street North

Present Zoning: RE

Fenceline/Area: Owasso

Land Use Designation: Commercial

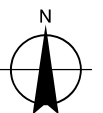
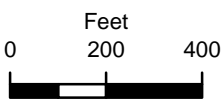


LEGEND

 Owasso Corporate Limits

CBOA-2959

21-14 16



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1416

CZM: 12

CASE NUMBER: **CBOA-2959**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Jason Marietta

ACTION REQUESTED: Modification of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410).

LOCATION: East of the northeast corner of North 129th East Avenue & East 106th Street North

ZONED: RE

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 2.5 acres

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

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2881 May 2021: The Board **approved** a *Special Exception* to permit a fireworks stand in an RE district and a *Variance* of the all-weather surface material requirement for parking for a period of 1 year, on property located west of the northwest corner of Highway 169 and East 106th Street North.

Surrounding Property:

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RE zoning with residential uses on the west and south. It abuts CS zoning to the north and east. The property to the north has a residential use and the property to the east is vacant.

STAFF COMMENTS:

The applicant is before the Board requesting a Modification of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410).

In 2021, the Board **approved** a special exception to permit a fireworks stand (Use Unit 2); and a Variance from the all-weather parking surface requirement for a period of one year with the following conditions:

- One-year time limit
- Subject to the Conceptual Plan in the agenda packet (2.10)
- Days of operation to be June 15th – July 5th
- Hours of operation to be 9:00 a.m. to 9:00 p.m. from June 20th to July 2nd and July 5th to July 6th,
Hours of operation to be 9:00 a.m. to 12:00 midnight on July 3rd and July 4th

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 of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410).

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.”

anyone would like to continue their case and if they understood. Everybody nodded in understanding and no one requested a continuance.

UNFINISHED BUSINESS

FILE COPY

2881—Jake's Fireworks – Jason Marietta

Action Requested:

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

Presentation:

Jason Marietta, Jake's Fireworks, 1500 East 27th Terrace, Pittsburg, KS; stated he has had a fireworks stand on the property next to the subject property for about 20 years. That parcel was sold to a medical facility and he would like to move the stand to the subject property after speaking to that property owner. The new stand will have a larger lot and a larger driveway so traffic can easily enter and exit the property. Mr. Marietta stated that he did see a letter of opposition to the fireworks stand about fireworks being set off in the neighborhood, whether he is selling fireworks or not people will still set off fireworks in the neighborhood regardless if fireworks are purchased at his stand or not. He has never had a violation and never had a complaint, and he meets every mandated code and regulation set forth by Tulsa County and by Oklahoma Fire Marshal.

Interested Parties:

Sherry Barbour, Big Blast Fireworks, 18622 South 62nd East Avenue, Bixby, OK; stated she is a friendly competitor of Mr. Marietta. Ninety percent of the fireworks business is done in 10% of the time, so challenges with moving cars in and out is something always faced. The last two days of the season is the only time that a parking lot may be filled up. Ms. Barbour stated she has been by Mr. Marietta's site several times and he handles everything very well and efficiently. She can see nothing but betterment for the new location.

Mr. Charney asked Mr. Marietta if his stand would be on the westerly or the easterly portion of the property because of the residential property nearby. Mr. Marietta stated that his stand will be as close to the highway as possible. He is going to remove a lot of the trees and do dirt work and place the new stand as close to the former site as possible. The landowner is the house closest to the stand and she is the person he is leasing the property from.

Mr. Charney asked Mr. Marietta to state his hours of operations and the period of time he would be operating the stand and describe the lighting for the stand. Mr. Marietta stated that typically the stand would open June 15th and close after July 5th. Early in

CBOA-2881

FILE COPY

the season the hours would be 9:00 A.M. to 9:00 P.M. and as July 4th gets closer the hours would be 9:00 A.M. to 12:00 midnight. Mr. Marietta stated the lighting will be the typical lighting for a fireworks stand and there would be someone on site 24/7 while the stand is open.

Mr. Johnston asked Mr. Marietta if the lighting was contained within the tent or is there parking lot lighting. Mr. Marietta stated that occasionally there is a light tower with LED lights for the parking area.

Tom Stewart, 13111 East 105th Street North, Owasso, OK; stated his house is south of the subject property and his concerns are his property values. As long as there are fireworks being sold from that site who would want to purchase his property. Mr. Charney stated that the Board does not speak to such a question directly, but he would reiterate that if the application were approved that for an approximate 2-1/2-week period of time the stand would be open and the stand is not a permanent right to do so.

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 Special Exception to permit a fireworks stand (Use Unit 2) in an RE District (Section 410); Variance of the all-weather surface material requirement for parking (Section 1340.D), subject to conceptual plan 2.10 of the agenda packet. The hours of operation to be 9:00 A.M. to 9:00 P.M. starting June 15th to July 5th, and 9:00 A.M. to 12:00 midnight July 3rd and July 4th. The approval is for one year, May 2022. The Board finds the hardship for the gravel parking area to be the short term of the request. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

NE NE NW NW LESS .13AC FOR RD SEC 16 21 14 2.37ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

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

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

2716—Jakes Fireworks – Jason Wanetta

FILE COPY

Action Requested:

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

Presentation:

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the request for a Special Exception to permit a fireworks stand in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). The hours of operation will conclude at 11:00 P.M. except for July 3rd and July 4th, then the stand can stay open until midnight. The approval will have a five-year time limit, August 2023; for the following property:

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

2707—James Kent

Action Requested:

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

08/21/2018/#459 (8)

2.4
CBOA 2959 5.7

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

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to allow retail sales of farm produce in an AG zoned district Sect 320.1.2; and a Variance of the required hard surface parking to allow gravel parking for customers, finding the small incidence of sales, on the following described property:

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

NEW APPLICATIONS

Case No.2205

Action Requested:

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

Presentation:

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

Comments and Questions:

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

04:18:06:311 (2)

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district, for a period of three years; and a Variance of the all-weather surface requirement for the parking area, finding the temporary nature of the special exception use, on the following described property:

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

Case No. 2206

Action Requested:

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

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

Presentation:

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

Interested Parties:

There were no interested parties who wished to speak.



N 129th E Ave

E 107 ST N

E 106th ST N



E 105 ST N

E 104 ST N

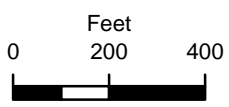
E 103 ST N

N 135 E AVE

E 101 ST N

169

169



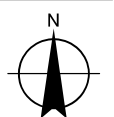
 Subject Tract

CBOA-2959

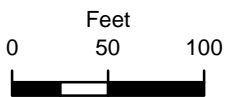
21-14 16

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

Aerial Photo Date: 2020/2021



E 106th ST N



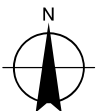
Subject Tract

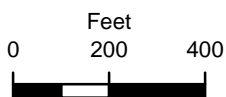
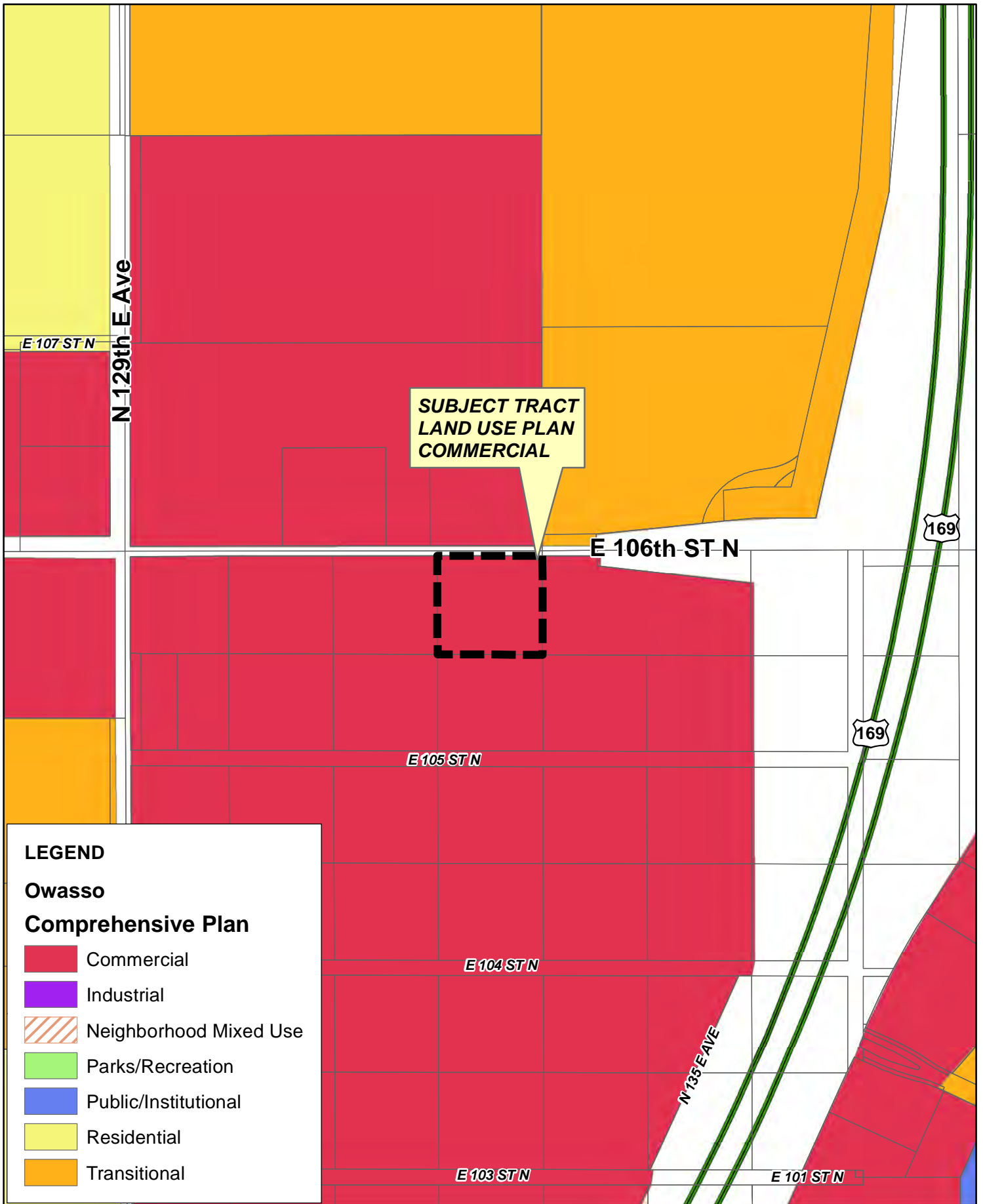
CBOA-2959

21-14 16

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

Aerial Photo Date: 2020/2021



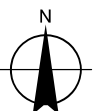


CBOA-2959

21-14 16

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

Aerial Photo Date: 2020/2021



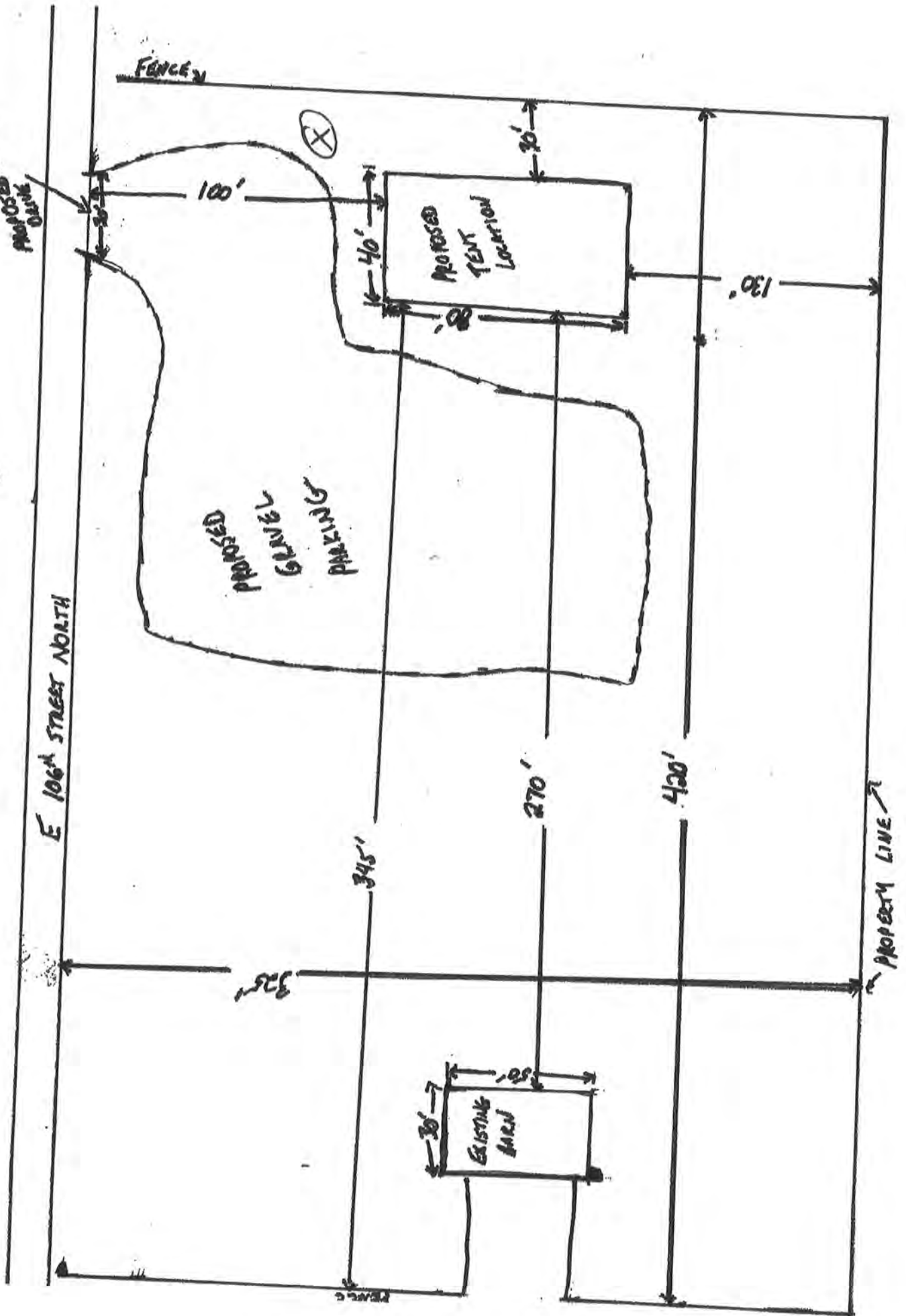


Looking southeast on E. 106th St. N. toward property line between the existing house and the subject property.



Looking east along E. 106th St. N.

13108 E 106th STREET NORTH, OWASSO OK





Case Number: CBOA-2960

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

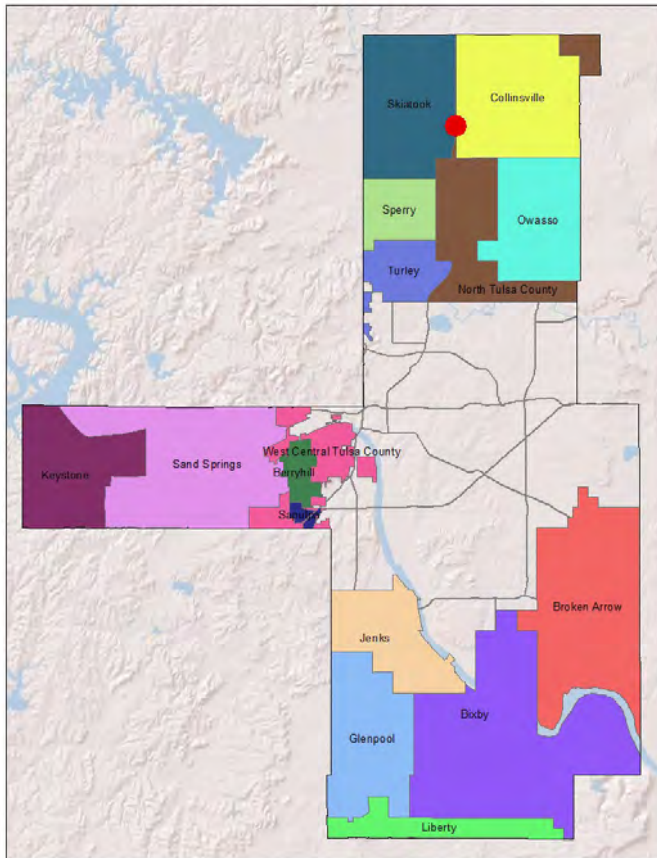
Owner and Applicant Information:

Applicant: Wake Wireless

Property Owner: CONTREREAS,
PATRICIA & RODOLFO

Action Requested: Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a).

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Agricultural

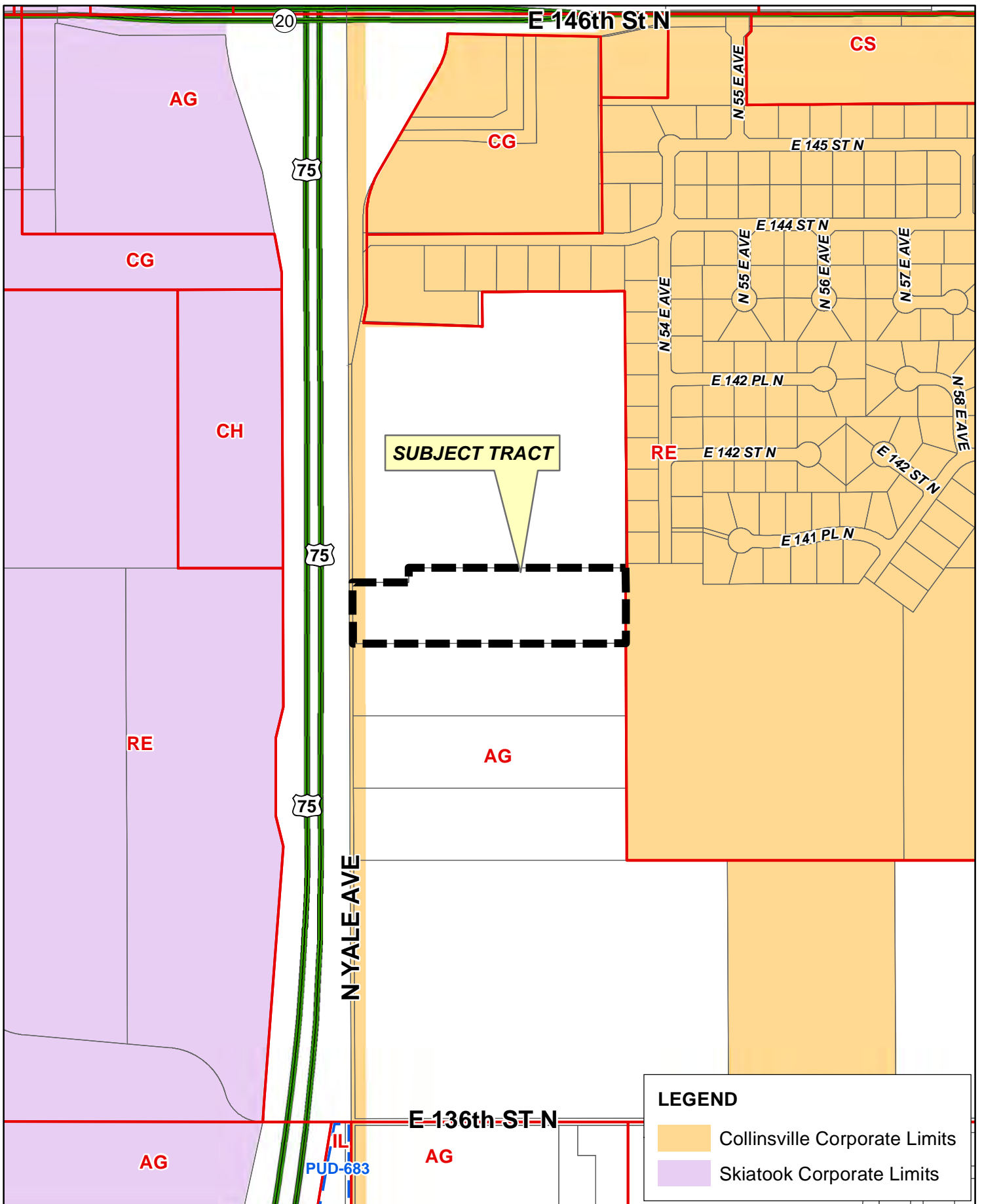
Tract Size: 10.35 acres

Location: South of the southeast corner of East 146th Street North and North Yale Avenue

Present Zoning: AG

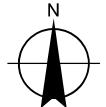
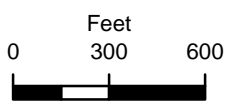
Fenceline/Area: Collinsville

Land Use Designation: Residential



CBOA-2960

22-13 27



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2327

CZM: 7

CASE NUMBER: **CBOA-2960**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Wake Wireless

ACTION REQUESTED: Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a).

LOCATION: South of the southeast corner of East 146th Street North and North Yale Avenue

ZONED: AG

FENCELINE: Collinsville

PRESENT USE: Agricultural

TRACT SIZE: 10.35 acres

LEGAL DESCRIPTION: BEG 70S NWC SW TH E285 N70 E1035.37 S360.35 W1320.15 N290.35 POB LESS W16.5 FOR RD SEC 27 22 13 10.35ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north and south. The property to the north was approved for a Wedding and Event Venue in 2021 and the property to the south appears to be vacant. Highway 75 is west of the subject tract and the property to the east is zoned RE.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a).

Communications towers are classified under Use Unit 4, Public Protection and Utility Facilities, and are permitted in the AG district by Special Exception. A *Special Exception* is required as the proposed cell tower is a use which is not permitted by right in the AG district because of potential adverse effects, but if controlled in the particular instance as to its relationship to the area, may be permitted.

The applicant has included a site plan. The proposed monopole tower has a height of 150 feet. Zoning Code requires towers to be set back a distance equal to at least on hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot.

- The distance from the proposed cell tower to the adjoining RE lot line is 10 feet 8 inches. The requirement would be 165 feet so the applicant is requesting a Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining RE zoned district from 165 feet to 10 feet 8 inches.
- The distance from the proposed cell tower to the adjoining AG lot line is 92 feet. The requirement would be 165 feet so the applicant is requesting a Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned district from 165 feet to 92 feet.
- The distances to the north and west meet the setback requirements.

Section 1204.3.C & E of the Code provides general standards for locating communication towers in any district. Some of the more notable requirements include:

1204.3.C.2.a: Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.

1204.3.C.4.: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

1204.3.C.6: All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 150 ft. used for residential purposes.

1204.3.C.7.a: Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office, or agricultural zoned lot, excluding expressway rights of way zoned residential.

1204.3.C.8: Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided however the Board may modify or waive the requirements by special exception

Additionally, Section 1204.3.E.1 provides the following:

Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:

- Height of the proposed tower*
- Proximity of the tower to residential structures, residential district boundaries and existing towers*
- Nature of uses on adjacent and nearby properties*
- Surrounding topography*
- Surrounding tree coverage and foliage*
- Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness*

- g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation
- h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment
- i. Proposed ingress and egress
- j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area
- k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.
- l. Landscaping

1204.3.E.2 - Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

1204.3.E.3 - **The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.**

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed communications tower will be non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a).

Read the following statement so it can be on record and recorded in the minutes of the meeting.

The Board considered each of the following stated factors in Section 1204.3.E. 1 & 2 of the Code and finds that the application complies / does not comply with the requirements to the Boards satisfaction.

Section 1204.3.E provides the following:

1. *Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:*
 - a. *Height of the proposed tower*
 - b. *Proximity of the tower to residential structures, residential district boundaries and existing towers*
 - c. *Nature of uses on adjacent and nearby properties*
 - d. *Surrounding topography*
 - e. *Surrounding tree coverage and foliage*
 - f. *Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness*
 - g. *The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation*

- h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment*
- i. Proposed ingress and egress*
- j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area*
- k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.*
- l. Landscaping*

2. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

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

Subject to the following conditions (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.



20

E 146th St N

75

N 55 E AVE

E 145 ST N

E 144 ST N

N 55 E AVE

N 56 E AVE

N 57 E AVE

N 54 E AVE

E 142 PLN

N 58 E AVE

E 142 ST N

E 142 ST N

E 141 PLN

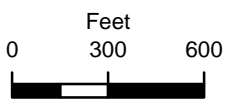
75

75

N YALE AVE

E 136th ST N

E 135 PLN



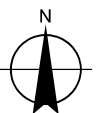
 Subject Tract

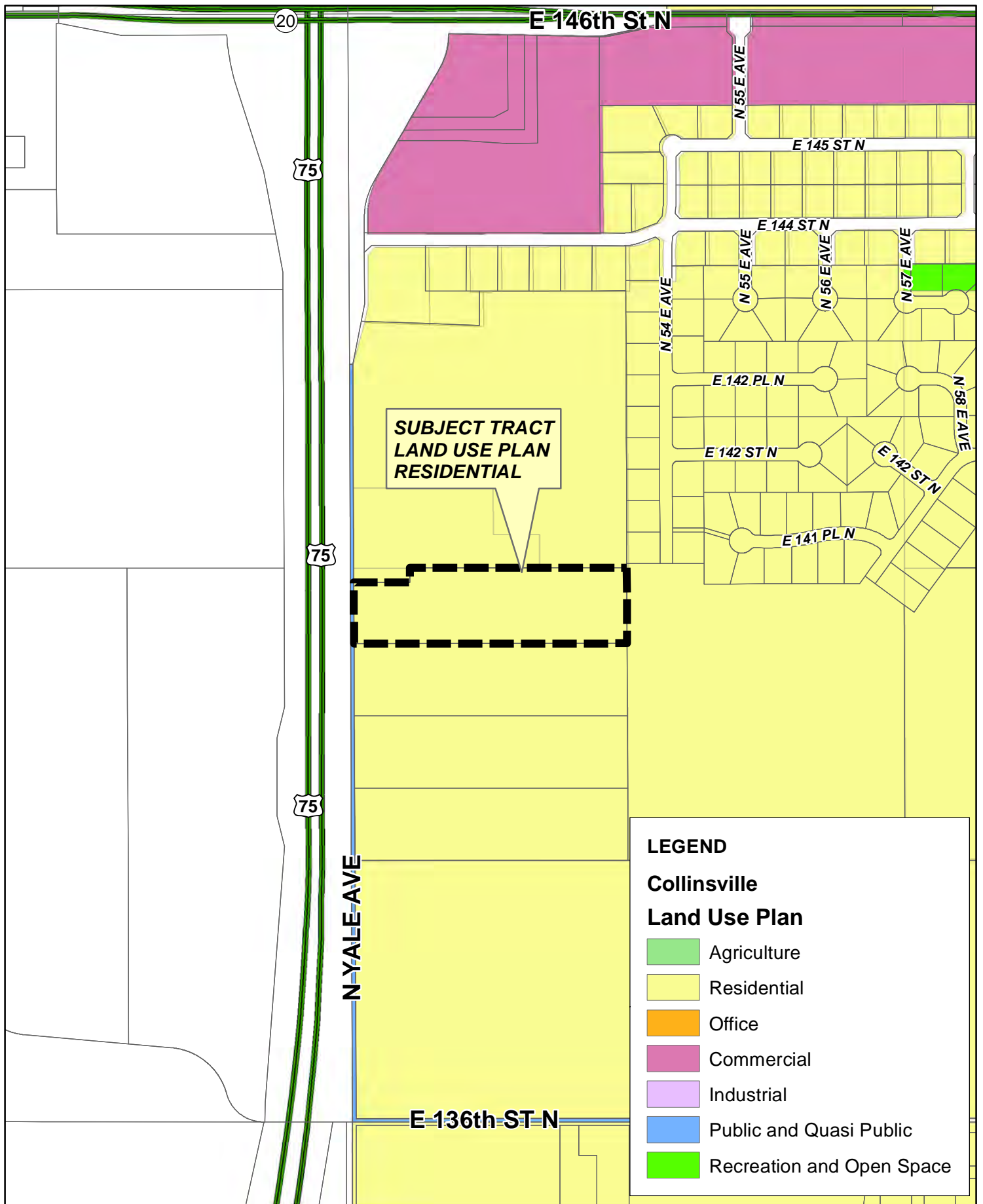
CBOA-2960

22-13 27

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

Aerial Photo Date: 2020/2021



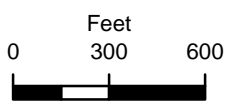


**SUBJECT TRACT
LAND USE PLAN
RESIDENTIAL**

LEGEND

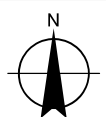
**Collinsville
Land Use Plan**

- Agriculture
- Residential
- Office
- Commercial
- Industrial
- Public and Quasi Public
- Recreation and Open Space



CBOA-2960

22-13 27





1393' Fence Line

1294' Cross Fence

10 acre
AG
Parcel
(Contreras)

8x8x8
Tower

---259' ---92'---

Contreras
Home Site

South
Neighbor
Property



WakeWireless

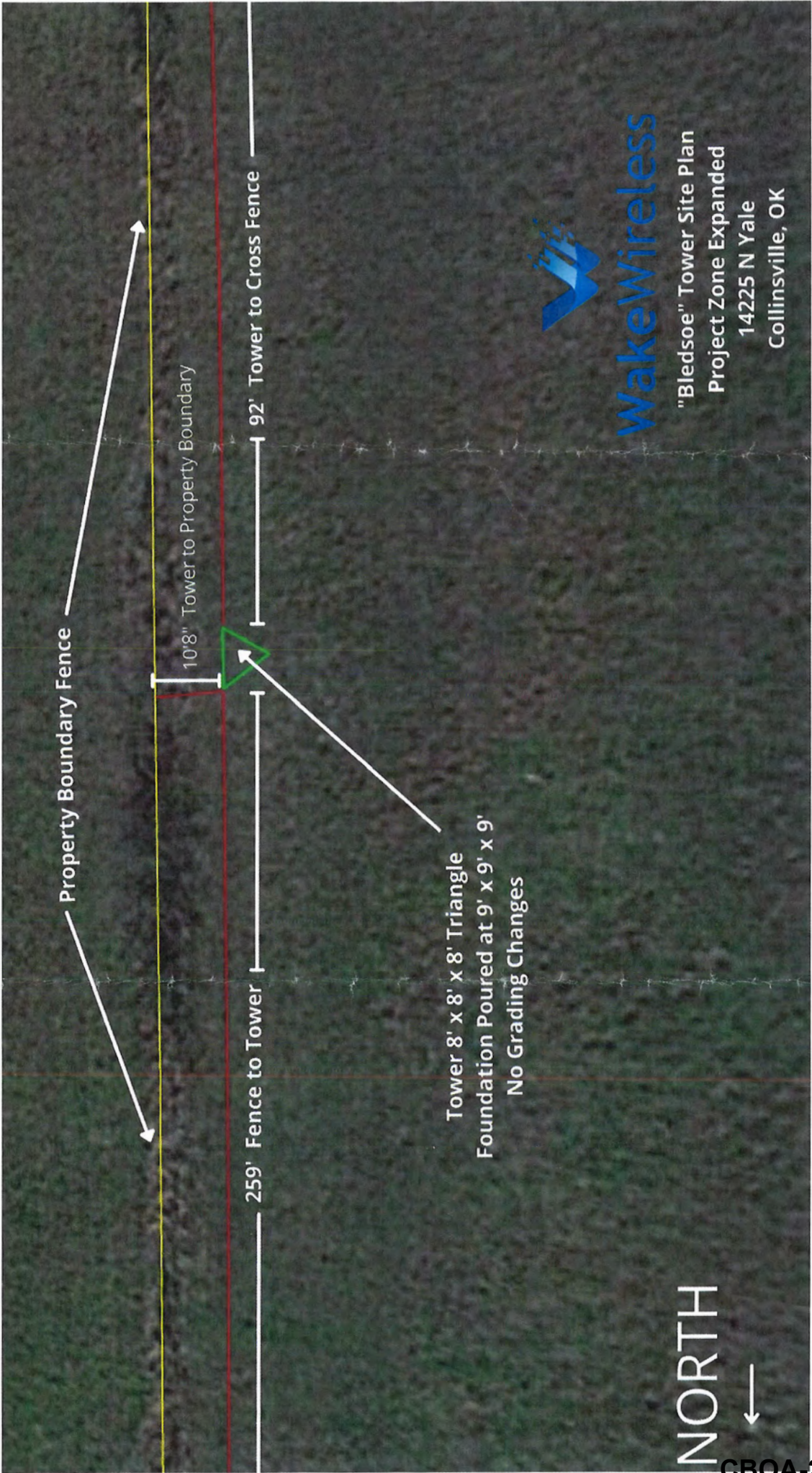
"Bledsoe" Tower Site Plan
Project Overview
14225 N Yale
Collinsville, OK

North



N Yale Ave

N Yale Ave



WakeWireless

"Bledsoe" Tower Site Plan
Project Zone Expanded
14225 N Yale
Collinsville, OK

Property Boundary Fence

10'8" Tower to Property Boundary

92' Tower to Cross Fence

259' Fence to Tower

Tower 8' x 8' x 8' Triangle
Foundation Poured at 9' x 9' x 9'
No Grading Changes

NORTH
←



Case Number: CBOA-2961

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

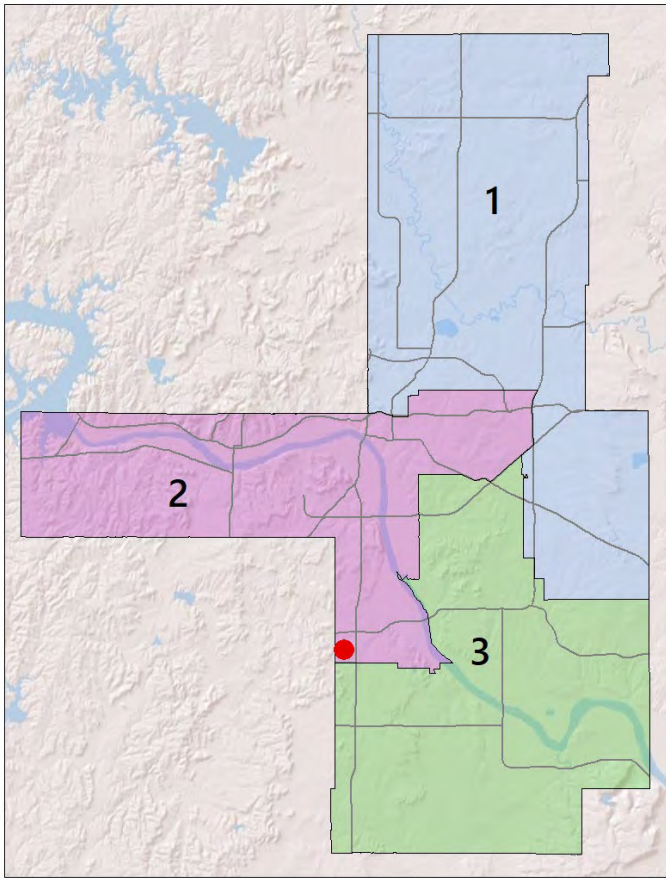
Owner and Applicant Information:

Applicant: Brett Batson

Property Owner: BATSON, J & B LLC

Action Requested: Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record. (Section 330, Table 3)

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Residential

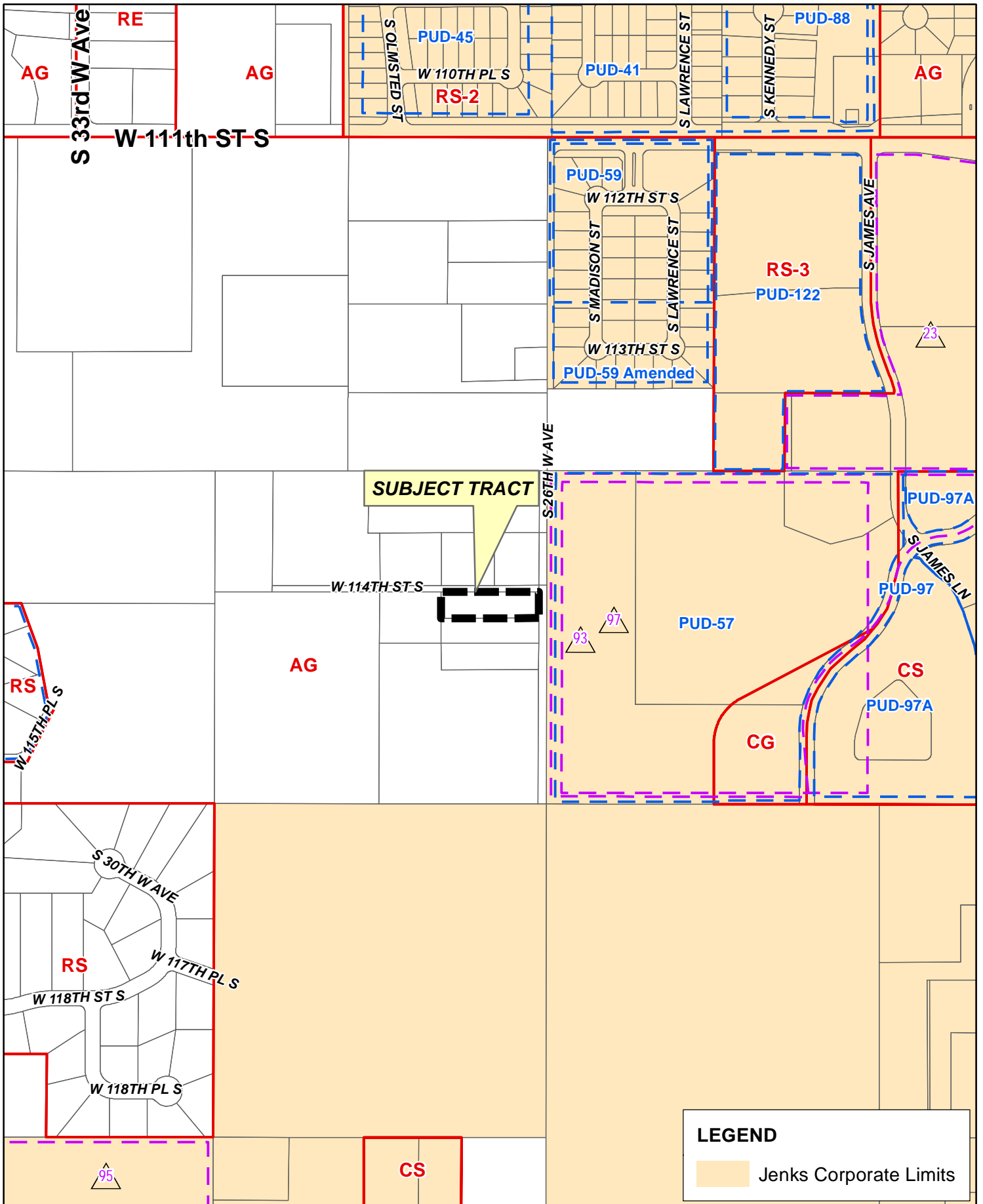
Tract Size: 0.92 acres

Location: 11406 S 26 AV W

Present Zoning: AG

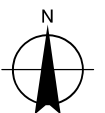
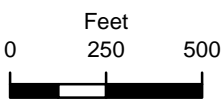
Fenceline/Area: Jenks

Land Use Designation: Medium Intensity Single-family



CBOA-2961

18-12 34



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 8234

CZM: 55

CASE NUMBER: **CBOA-2961**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Brett Batson

ACTION REQUESTED: Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record. (Section 330, Table 3)

LOCATION: 11406 S 26 AV W

ZONED: AG

FENCELINE: Jenks

PRESENT USE: Residential

TRACT SIZE: 0.92 acres

LEGAL DESCRIPTION: BEG 479.6S NEC SE NW TH W417.4 S104.35 E417.4 N104.35 POB LESS E30 FOR ST SEC 34 18 12 .93AC,

RELEVANT PREVIOUS ACTIONS: None Relevant

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

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record. (Section 330, Table 3)

As shown on the attached site plan, the applicant has an existing single-family residence on the lot and is proposing to add a second dwelling unit in the rear yard located west of the existing home. The applicant provided the attached statement of hardship.

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

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a land area per dwelling unit requirement of 2.1 acres in the AG district. The applicant is proposing to have two dwellings on the 0.92-acre subject lot. The code also requires a minimum lot width of 150 feet. The subject tract has a lot width of 104.35 feet.

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

Sample Motion:

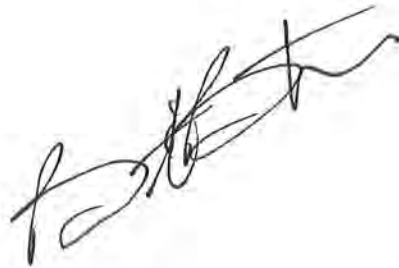
“Move to _____ (approve/deny) a Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record. (Section 330, Table 3)

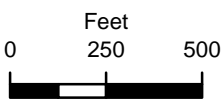
- *Subject to the following conditions (if any) _____*
- *Per the Conceptual Plan(s) shown on page(s) ___ of the agenda packet*
- *Finding the hardship to be _____.*

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

Statement of Hardship and Explanation for Variance Request

1. This property, as an agricultural property, is essentially a "tweener", not able to be fully Agricultural nor fully Residential, as it would be essentially an "island" of residential zoning inside a sea of AG. It is one acre in size and has likely never been in conformity with the minimum size of an agricultural lot.
2. With an eye on the future, we'd like to build a very nice, very small farm cottage as an additional dwelling on the lot. See attached prints. We have envisioned this property as a "multi-generational" property since the day my father and I purchased it. A property we'd never sell. As my parents have aged, we've decided to attempt to build another dwelling on the lot. This will hopefully be a future home for one of them, should they predecease the other. Basically, we'd like to use the 2nd dwelling allowance for AG properties exactly as I believe it was intended all along.
3. We've looked around for very nice, very small houses, and they do not exist. And they especially do not exist anywhere near this land where we spend so much time. There is a shortage of housing in Jenks and Tulsa area, but the shortage is especially acute of this type.
4. This type of home would fit in very well with the homes in the vicinity. It is very typical of the architecture in the area.
5. This type of home and the size of the land around it fits within the parameters of the new Jenks land use plan.

A handwritten signature in black ink, appearing to be 'Robert', written in a cursive style.



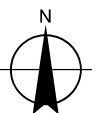
 Subject Tract

CBOA-2961

18-12 34

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

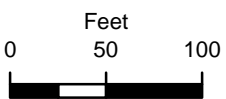
Aerial Photo Date: 2020/2021





S 26TH W AVE

W 114TH ST S



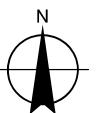
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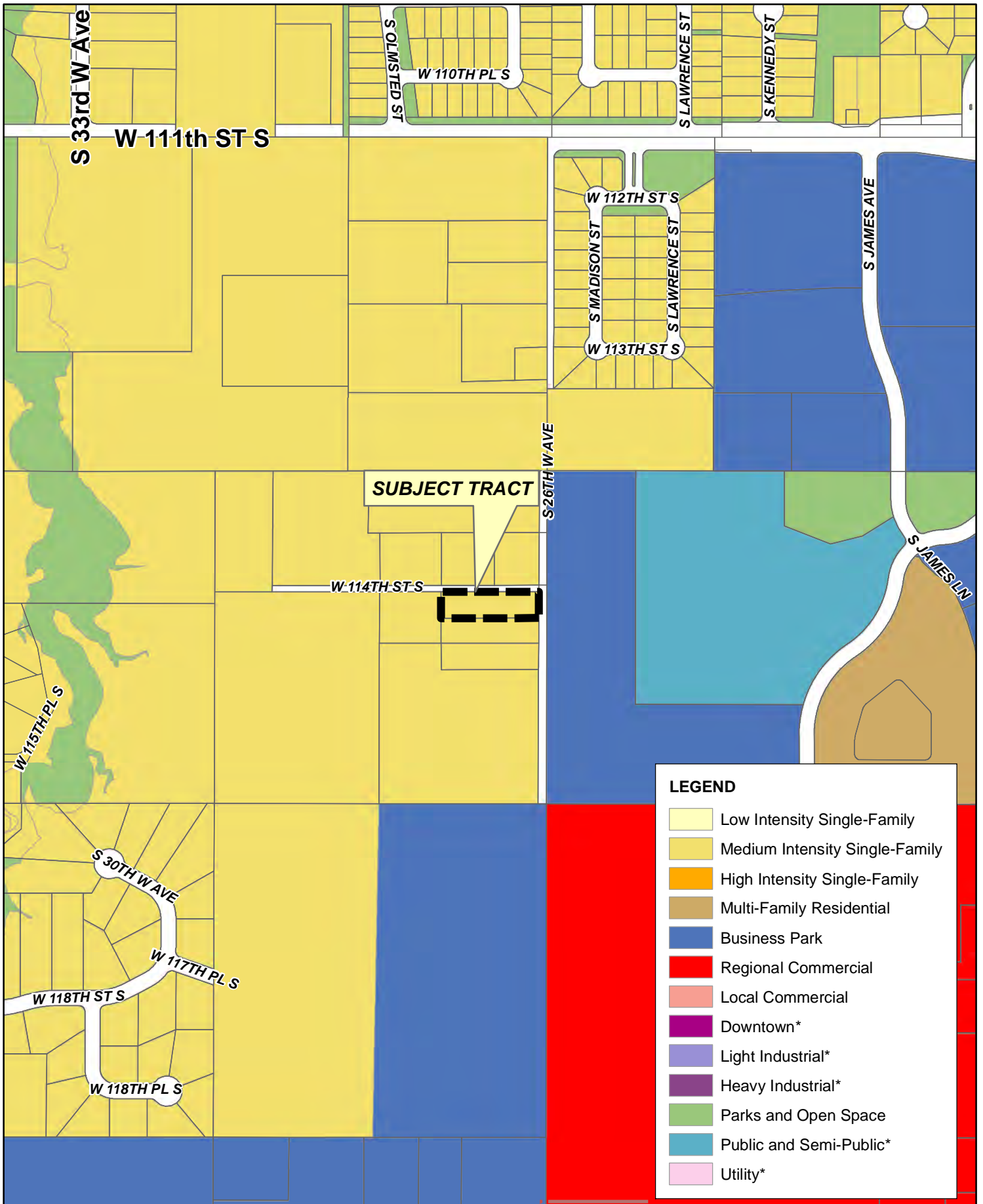
CBOA-2961

18-12 34

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

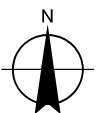
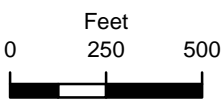
Aerial Photo Date: 2020/2021





CBOA-2961

18-12 34





Looking west on W. 114th St. S. at the metal shop on the subject tract. The proposed additional dwelling unit would be just west on this structure.



Looking southwest from S. 26th W. Ave toward existing dwelling unit.

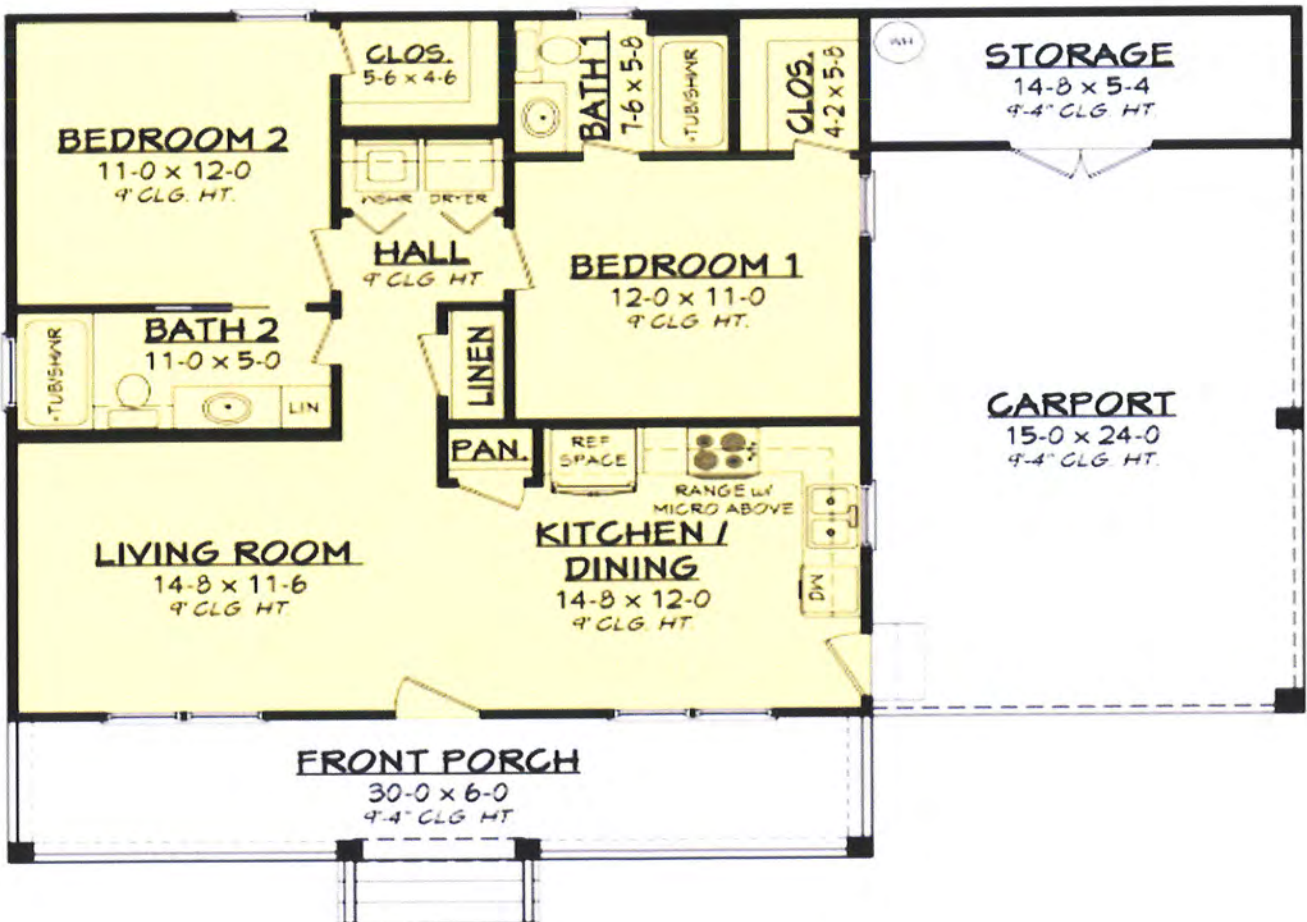
Proposed Structure, J+B Batson



Proposed Elevation, JVB Batson



Proposed floorplan, JVB Batson



J & B Batson

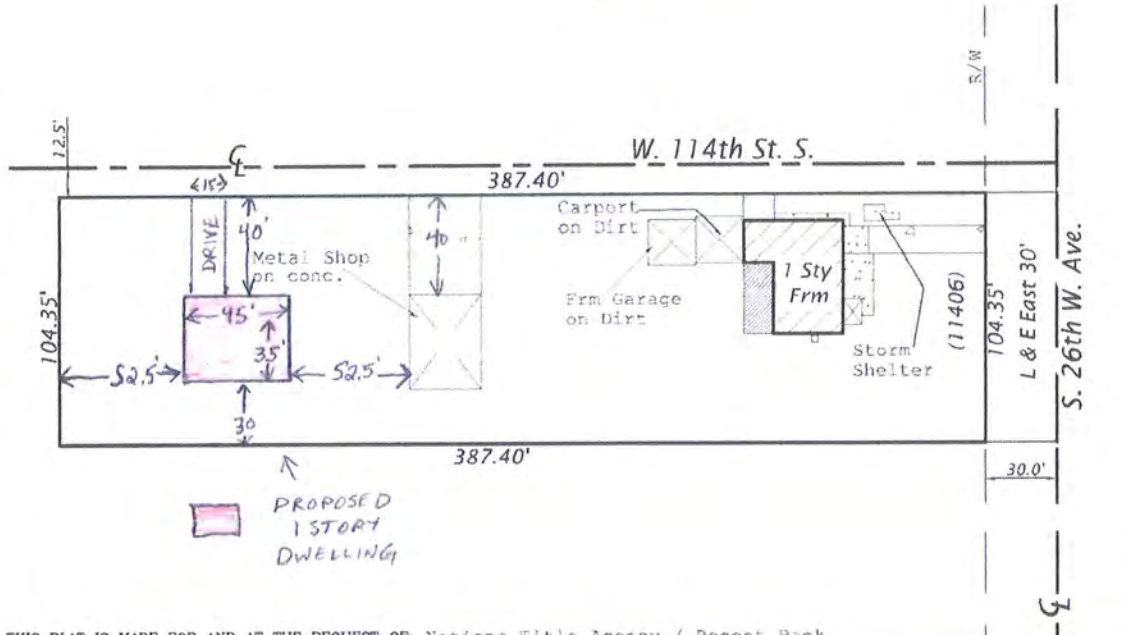
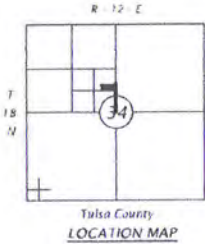
REGISTERED LAND SURVEYOR'S INSPECTION
 PLAT AND CERTIFICATE FOR MORTGAGE
 LOAN PURPOSE

COLLINS LAND SURVEYING, INC.
 3340 W. 151st ST. S. - P.O. Box 250
 KIEFER, OK. 74041
 OFFICE (918)321-9400 FAX (918)321-9404

J.O. NO.: 14-11-009
 Customer: Nations Title Agency
 Borrower: J&B Batson LLC
 Plat No: N/A

B/L=Building Line OB/L=Out Building Line D/E=Drainage Esmt. SCALE: 1"=50' NORTH
 U/E=Utility Esmt. SW/E=Sidewalk Esmt. B/E=Buried Tele & Elec. Cable Esmt.
 F/E=Fence Esmt. R/W=Right of Way S/E=Service Entrance

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#400462 0407L, DATED 10/16/2012.



THIS PLAT IS MADE FOR AND AT THE REQUEST OF: Nations Title Agency / Regent Bank FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED

Part of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE/4 SE/4 NW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: BEGINNING 479.6 feet South of the Northeast Corner of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4); thence West 417.4 feet; thence South 104.35 feet; thence East 417.4 feet; thence North 104.35 feet to the Point of Beginning, LESS AND EXCEPT the East Thirty (30) feet thereof for roadway.

Property address: 11406 South 25th West Avenue, Jenks, Oklahoma
 SURVEYORS STATEMENT

COLLINS LAND SURVEYING INC., AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED, THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY. THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENTS, THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE: CALL OKIE BEFORE DIGGING 1-(800)-522-6543

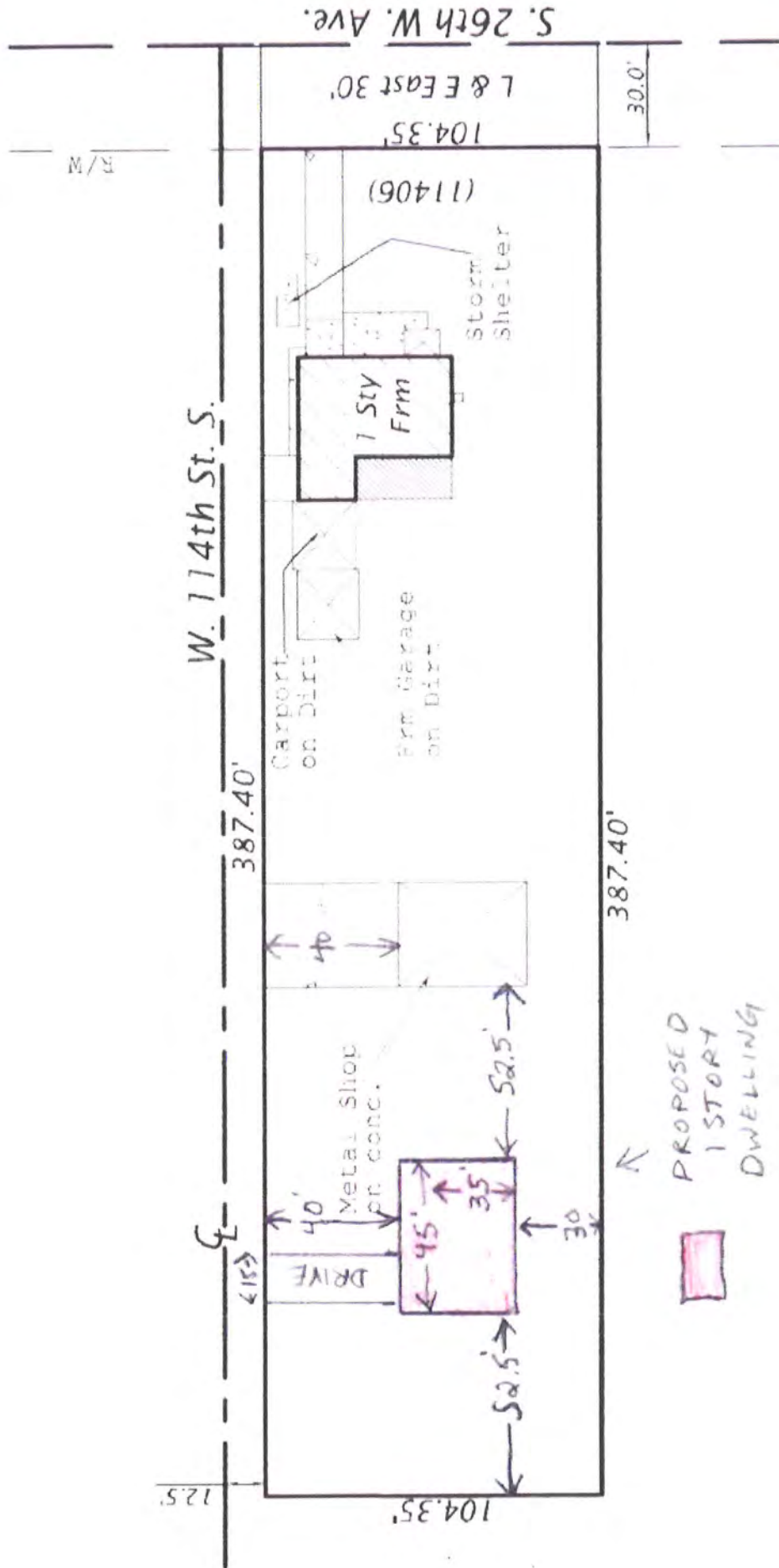
WITNESS MY HAND AND SEAL THIS DATE:
 Final: 11/06/2014



K.S. Collins
 K.S. COLLINS
 OKLAHOMA REGISTERED
 LAND SURVEYOR NO. 1259
 CA#2656 EXPIRES: 06/30/2016



JTB Barton





Case Number: CBOA-2962

Hearing Date: 04/19/2022 1:30 PM

Case Report Prepared by:

Robi Jones

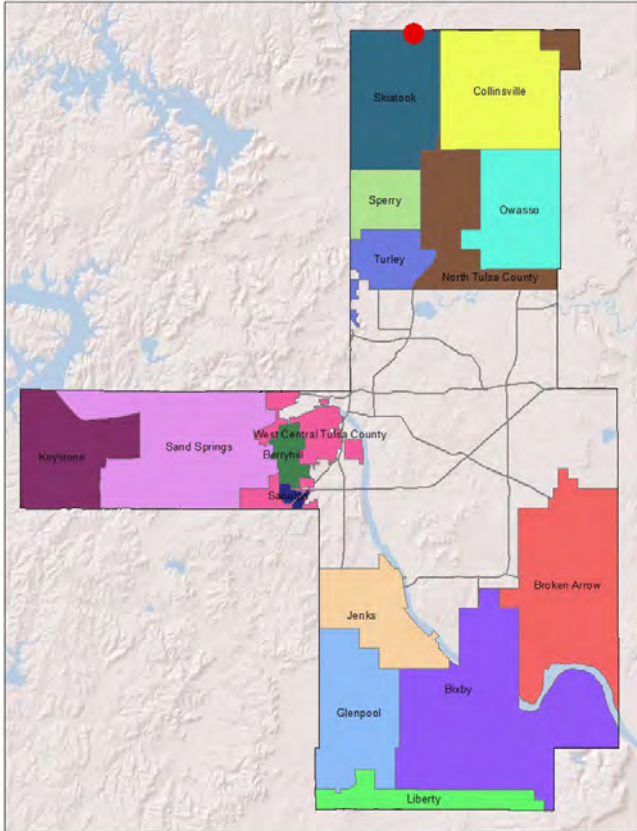
Owner and Applicant Information:

Applicant: Heath Conley

Property Owner: CONLEY, HEATH D & LEANN

Action Requested: Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); Use Variance to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district; and a Variance from the all-weather parking surface requirement (Section 1340.D)

Location Map:



Tulsa County Comprehensive Land Use Plan

Additional Information:

Present Use: Agricultural

Tract Size: 36.74 acres

Location: East of the southeast corner of North Lewis Avenue & East 186th Street North

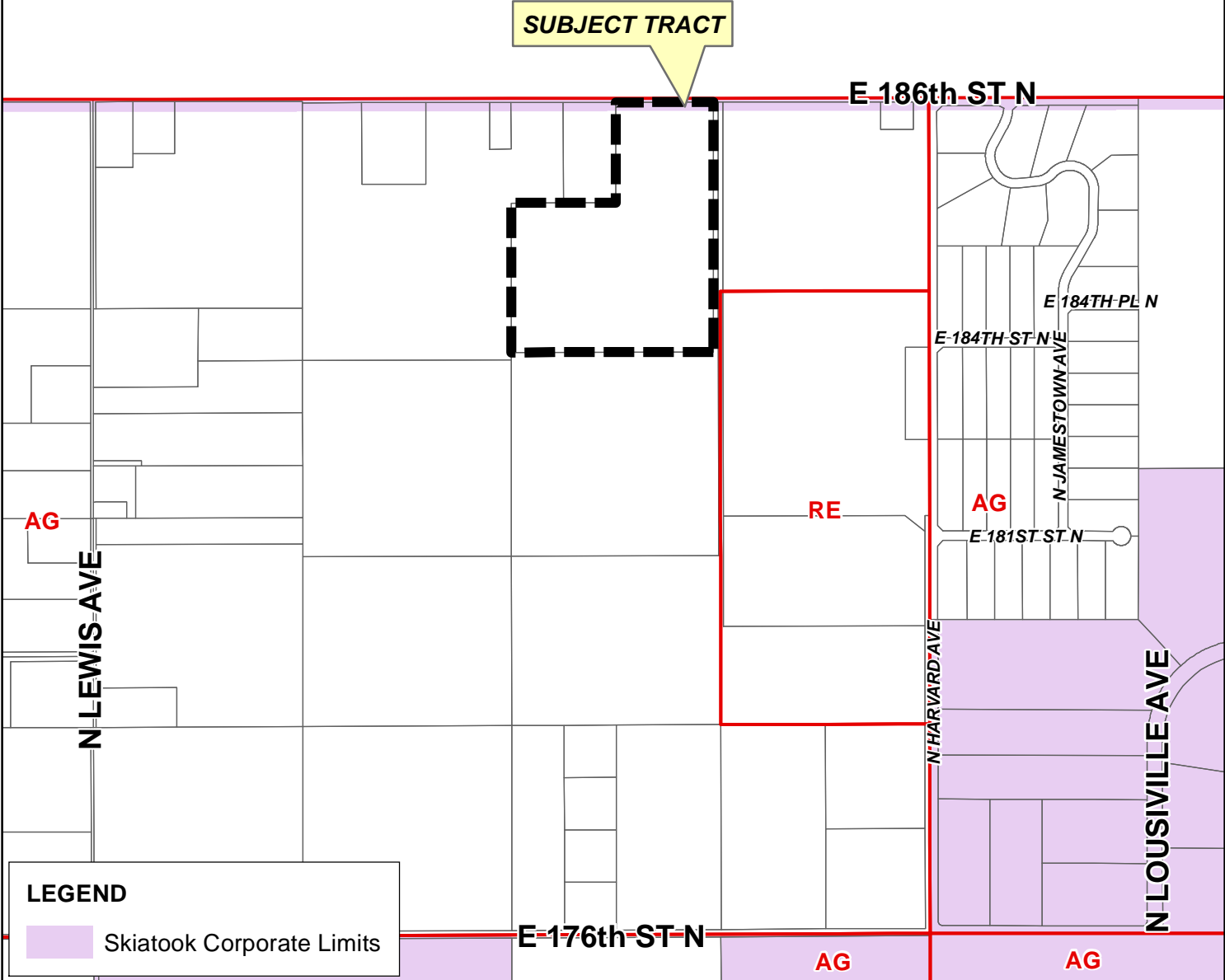
Present Zoning: AG

Fenceline/Area: Skiatook

Land Use Designation: Rural Residential

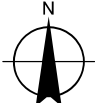
WASHINGTON COUNTY - NO DATA AVAILABLE

SUBJECT TRACT



CBOA-2962

22-13 05



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2305

CZM: 2

CASE NUMBER: **CBOA-2962**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 04/19/2022 1:30 PM

APPLICANT: Heath Conley

ACTION REQUESTED: Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); Use Variance to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district; and a Variance from the all-weather parking surface requirement (Section 1340.D)

LOCATION: East of the southeast corner of North Lewis Avenue & East 186th Street North

ZONED: AG

FENCELINE: Skiatook

PRESENT USE: Agricultural

TRACT SIZE: 36.74 acres

LEGAL DESCRIPTION: BEG 659.98 E NWC GOV LT 2 TH S662.26 W660.13 S943.8 E1278.66 N1605.45 W617.98 POB LESS N25 THEREOF FOR RD SEC 05 22 13 36.737 ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning except a portion in the southeast corner which is zoned RE but does not appear to have development on it at this time. The other surrounding uses appear to be agricultural with a smattering of residential.

STAFF COMMENTS:

The applicant is before the Board to request a Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); Use Variance to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district; and a Variance from the all-weather parking surface requirement (Section 1340.D).

Use Variances are required as neither Use Unit 14, Shopping Goods & Services, and Use Unit 15, Other Goods and Services, are not a uses permitted in an AG zoned district because of the potential adverse effects on neighboring properties. The proposed uses must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: *"We already purchased and closed on the land prior to knowing the zoning requirements."*

According to the site plan provided by the applicant, the proposed woodworking shop is located on the north portion of the property with an entrance off East 186th Street North. Parking will occur on a gravel surface, so the applicant has requested a variance from the all-weather parking surface requirement.

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

Sample Motion:

“Move to _____ (approve/deny) a Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); Use Variance to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district; and a Variance from the all-weather parking surface requirement (Section 1340.D)

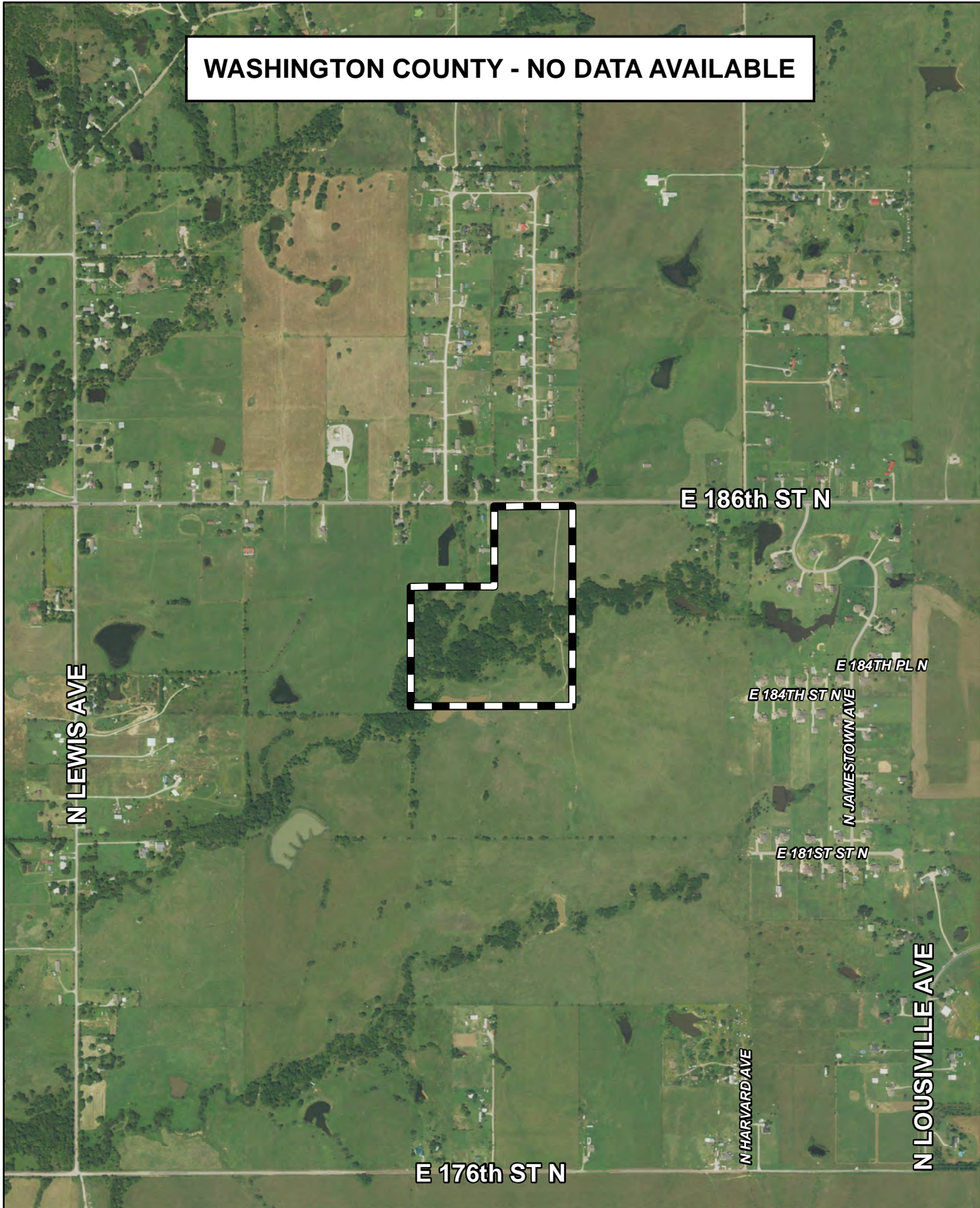
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

WASHINGTON COUNTY - NO DATA AVAILABLE



N LEWIS AVE

E 186th ST N

E 184TH PL N

E 184TH ST NE

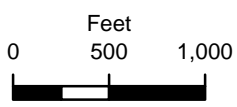
N JAMESTOWN AVE

E 181ST ST N

E 176th ST N

N HARVARD AVE

N LOUISVILLE AVE



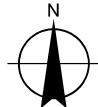
 Subject Tract

CBOA-2962

22-13 05

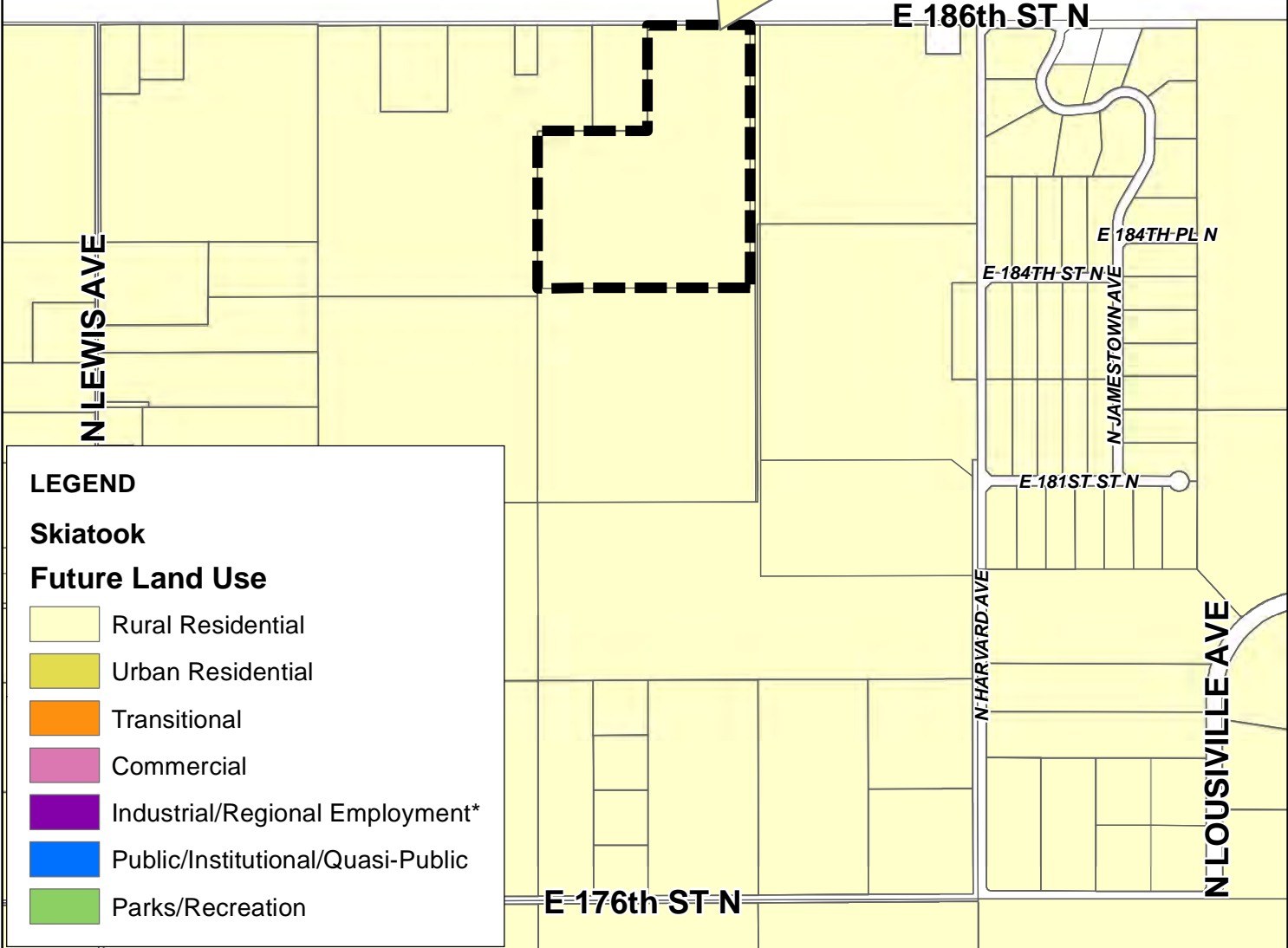
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



WASHINGTON COUNTY - NO DATA AVAILABLE

SUBJECT TRACT
LAND USE PLAN
RURAL RESIDENTIAL

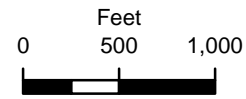


LEGEND

Skiatook

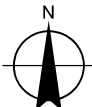
Future Land Use

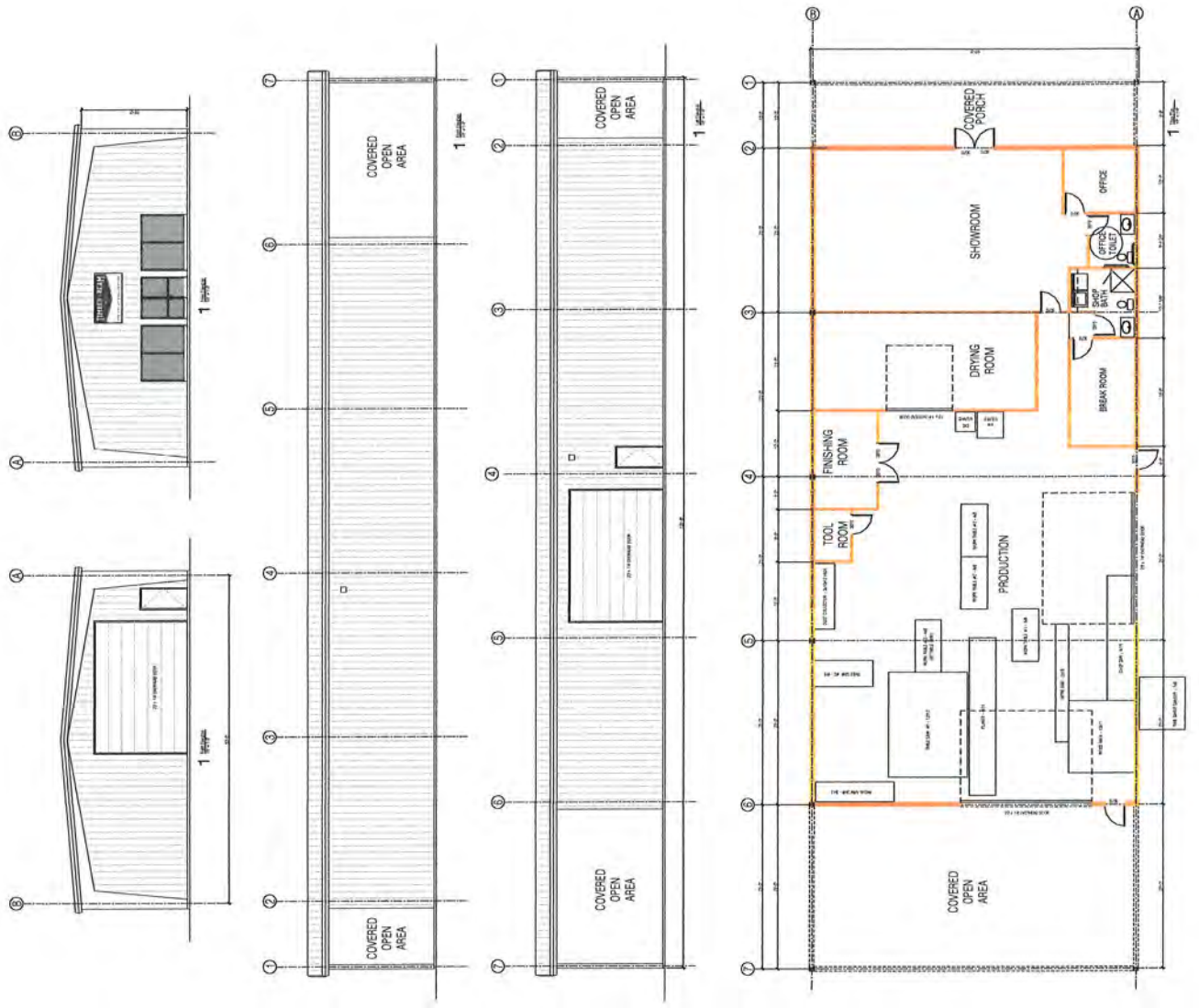
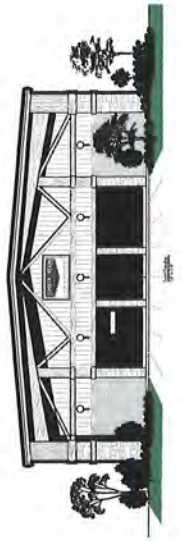
- Rural Residential
- Urban Residential
- Transitional
- Commercial
- Industrial/Regional Employment*
- Public/Institutional/Quasi-Public
- Parks/Recreation



CBOA-2962

22-13 05





1
1/8" = 1'-0"

1348 East 11th Street
Tulsa, Oklahoma 74120

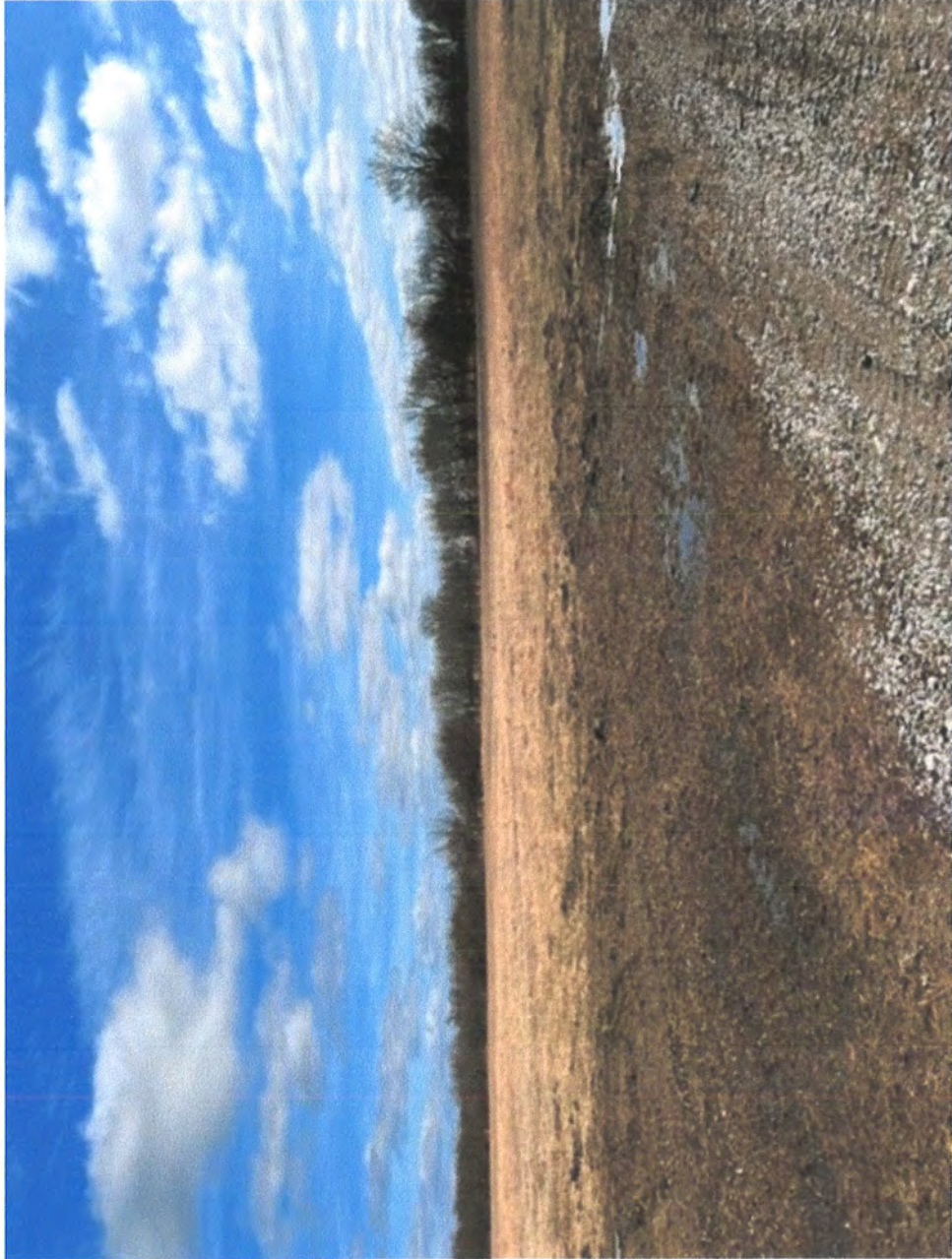
A. Ben Stevenson & Associates, Inc.
Architects

1
1/8" = 1'-0"

1348 East 11th Street
Tulsa, Oklahoma 74120

A. Ben Stevenson & Associates, Inc.
Architects











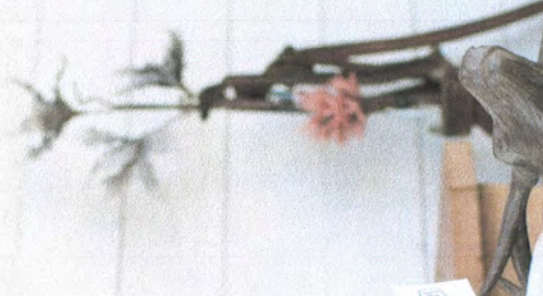






WHERE
BUFFALO
ROAM

ASHLEY LAUREN



PLUG





