

**AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday June 21, 2022, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No. 508**

**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 May 31, 2022 (Meeting No. 507)

**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. **2969 – Clint Denney**  
**Variance** to permit a detached accessory building to exceed 750 square feet in the RE district. (Section 240)  
**LOCATION:** 5163 East 94th Street North
4. **2970 – Watkin’s Sand Company**  
**Special Exception** to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).

**LOCATION:** East of the southeast corner of East 141st Street South and South 129th East Avenue

**5. 2971 – Jonathan McAuley**

Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

**LOCATION:** 200 West 46th Street North

**6. 2973 – Casey Flickinger**

Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3)

**LOCATION:** 1739 East 181st Street South

**7. 2974 – Sarah Townsend**

Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

**LOCATION:** 10316 East 120th Street North

**8. 2975 – Sarah Christensen**

Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D),

**LOCATION:** 7530 West 41st Street South

**9. 2976 – Billy Driver**

Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207). Variance of the minimum lot width requirement from 150 ft to permit a lot split in an AG district Tract 2 (Section 330 Table 3)

**LOCATION:** 13455 East 66th Street North **(Request for continuance to 7/19/22)**

**10. 2977 – Barrick Rosenbaum**

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).

**LOCATION:** 13045 North Peoria Avenue

**11. 2978 – Vadim Balev**

Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

**LOCATION:** 1406 East 163rd Place South

**12. 2979 – Nathalie Cornett**

Use Variance to permit Medical Marijuana Processing (Use unit 26) in the AG District (Sec. 1226)

**LOCATION:** 7209 West 56th Street

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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

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

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

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

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



**Case Number:** CBOA-2951

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Robi Jones

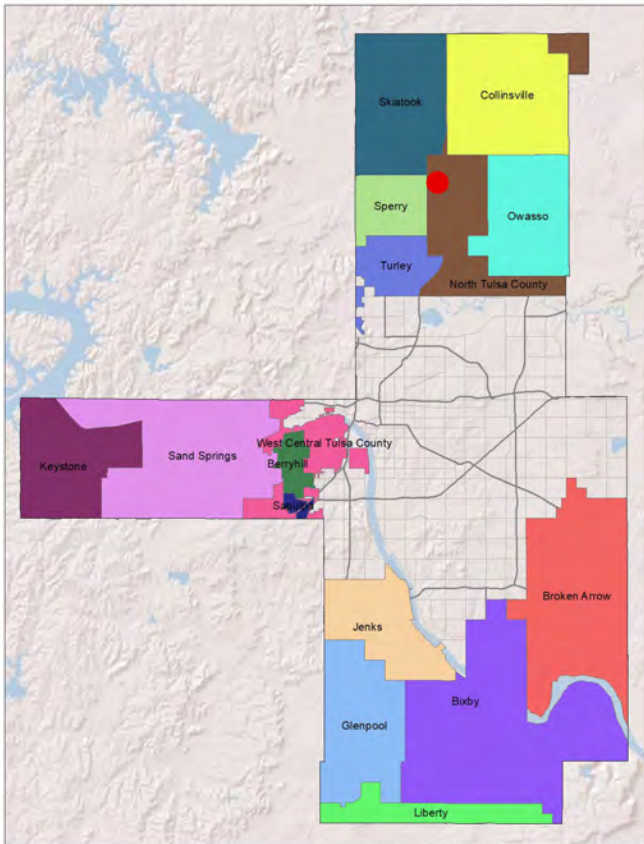
**Owner and Applicant Information:**

**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

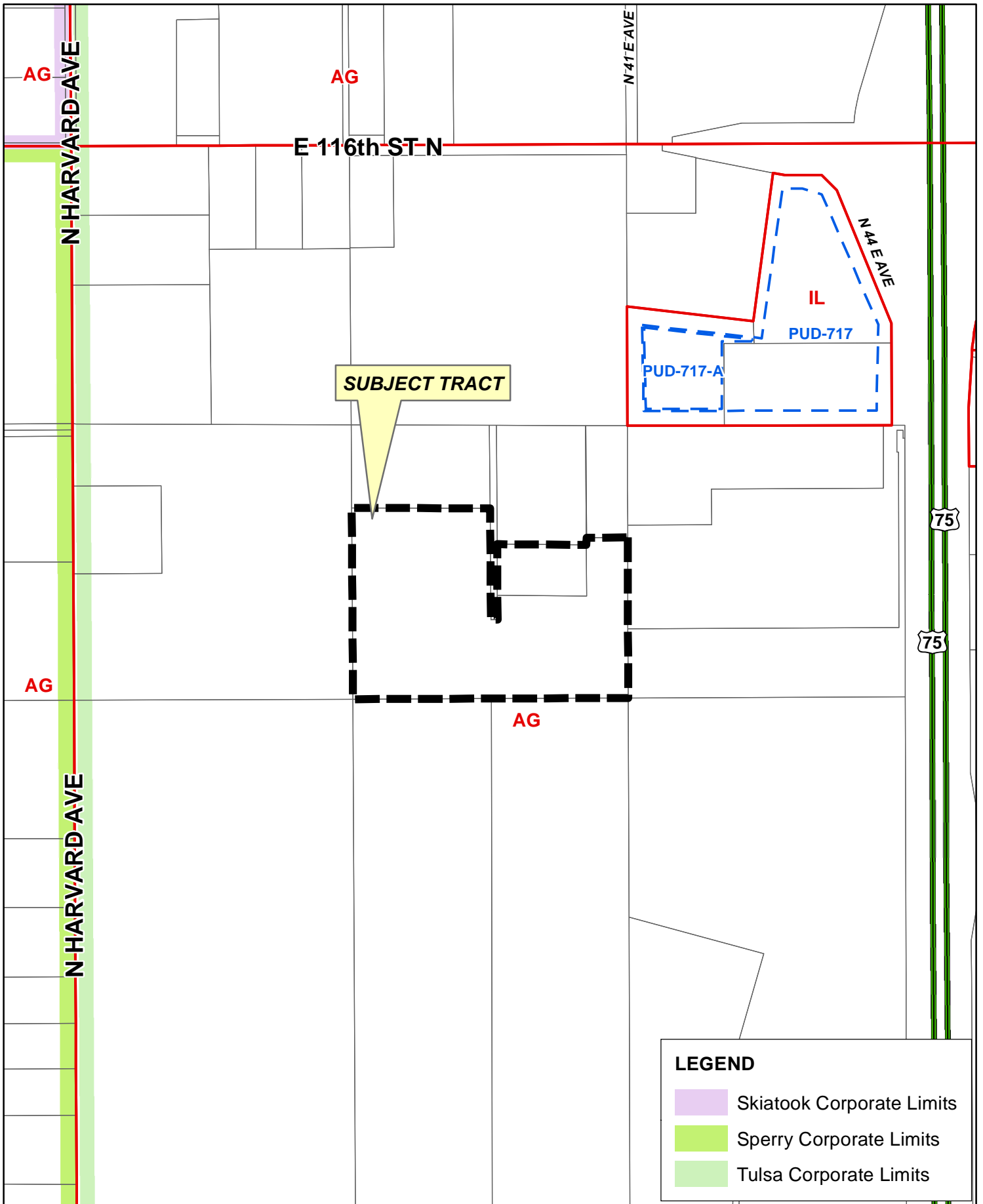
**Location:** 11201 N 41 AV E

**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:** 05/31/2022 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, Tulsa County, State of Oklahoma

**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 June 21, 2022, so that the applicant could create a more defined plan, discuss the plan with neighbors, and talk with staff to get a better understanding of the platting process. Staff has reached out to the applicant but has not received a response or any additional documents.

**April 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

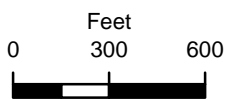
N 41 E AVE

N 44 E AVE

75

75

N HARVARD AVE



Subject Tract

**CBOA-2951**

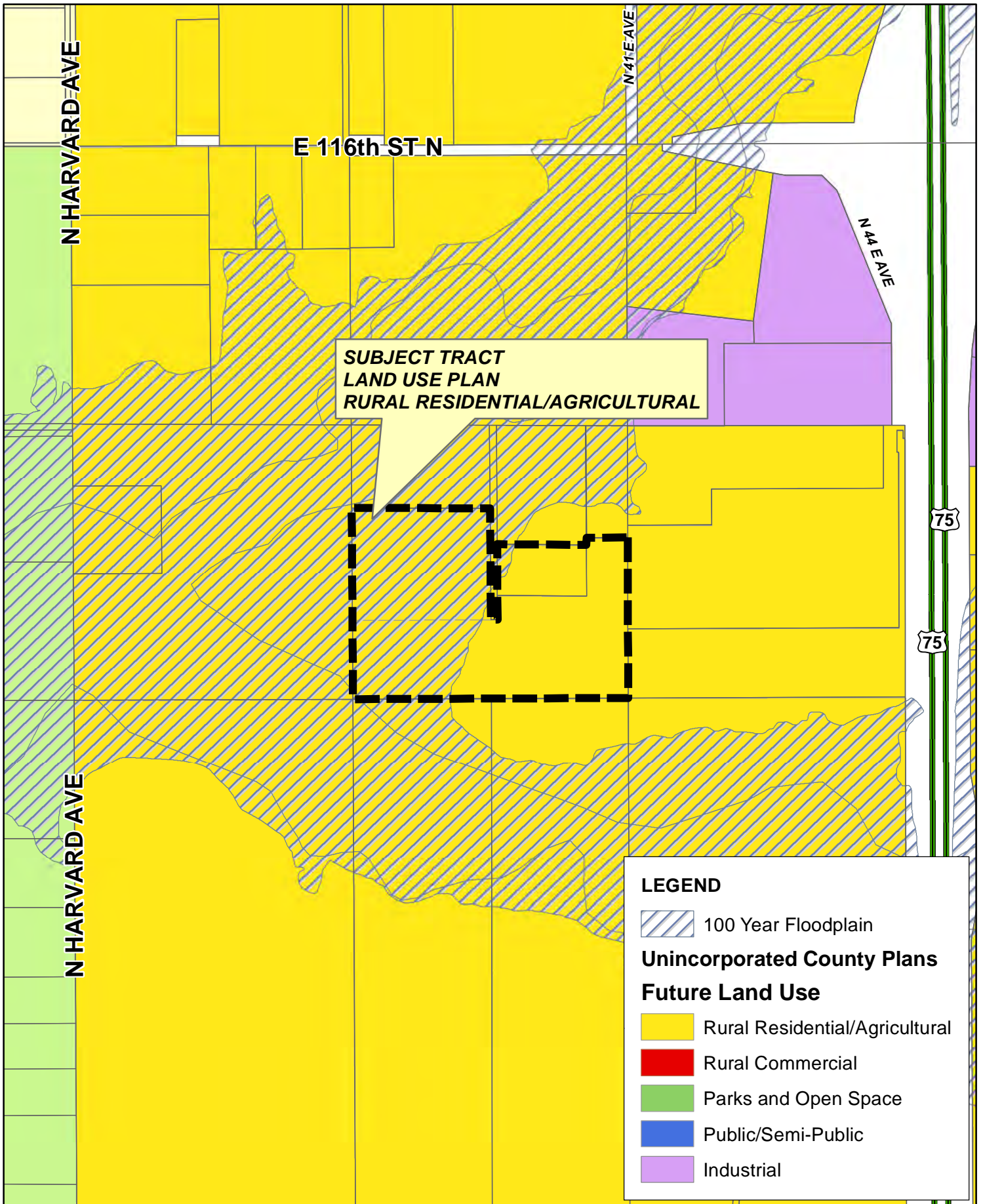
21-13 09

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

Aerial Photo Date: 2020/2021









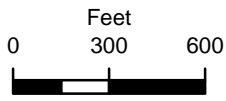




**SUBJECT TRACT  
LAND USE PLAN  
RURAL RESIDENTIAL/AGRICULTURAL**

**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



## Kelvington, Sandra

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**From:** Jones, Robi  
**Sent:** Tuesday, April 19, 2022 9:28 AM  
**To:** David Charney; Don Hutchinson; William Tisdale; Michael Hicks; Kelly Dunkerley  
**Cc:** Miller, Susan; Kelvington, Sandra; ttosh@tulsacounty.org; Kelly Dunkerley  
; James Rea  
**Subject:** FW: Case #CBOA-2951

**From:** Cindy O'Connor <cindy.mcimaging@gmail.com>  
**Sent:** Tuesday, April 19, 2022 8:59 AM  
**To:** esubmit <esubmit@incog.org>  
**Subject:** Case #CBOA-2951

In the matter of Roberto Gomez at 11201 N 41 Av E, Special exception to allow for a rodeo facility and a variance of the all-weather parking surface requirement.

I object to this exception at this time. Mr. Gomez is requesting to allow for a rodeo in an area that is not equipped for that amount of traffic.. In the past, rodeos were held at that location, which caused undue hardship for the area. The roads are not wide enough for the traffic such a facility will ( and did) cause. The road leading to Mr. Gomez's property is a one lane dirt road, which only allowed slow movement of vehicles. This blocked the entrance to our property as well as to other's further west. It also resulted in massive trash on our road. The music was extremely loud into all hours of the night as well.

While I believe that homeowners should be allowed to manage their own property as they wish, I believe that the negative impact on our community should result in a denial at this time until these issues are resolved.

Cindy O'Connor  
11908 N Oswego Ave  
Sperry, OK 74073  
918.406.6879

**Jones, Robi**

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**From:** Joe Bridgeman <joe@bridgepointelectric.com>  
**Sent:** Tuesday, April 19, 2022 8:21 AM  
**To:** esubmit  
**Subject:** CBOA-2951

To Whom It May Concern,

I am writing to express my concern and opposition regarding the potential special exception to allow a rodeo facility in Use Unit 20 in an Ag district section 310 and a variance of the all-weather parking surface requirement (Section 1340.D).

My home is located at 10920 N. Harvard Sperry, OK, 3/8" mile distance SW from the proposed facility.

My opposition is due to past events that were held at section 310 whereby the PA announcements and music lasted until late hours, traffic stretched down the entire mile section of Harvard from 106<sup>th</sup> to 116<sup>th</sup> street, trash/debris was left on my property and along the roadways down Harvard and 116<sup>th</sup> street, the lack of security present when hundreds or thousands of persons were gathered, and one incident where I encountered intoxicated persons at the end of my driveway and had to repeatedly ask them to leave (they should not have been driving and were under the heavy influence of alcohol).

I respect Mr. Gomez and consider him to be a good neighbor. If he can provide details showing the frequency of the rodeo events, that proper security (Tulsa Sheriff's Department) would be present and that the events would conclude by no later than 11 p.m. and that all trash/debris would be picked up down the nearby roads I may consider reversing my view.

Sincerely,

*Joe Bridgeman*

*VP Sales*

BridgePoint Electric Inc.

T: (918) 437-8395

C: (918) 636-2696

[joe@bridgepointelectric.com](mailto:joe@bridgepointelectric.com)

[www.bridgepointelectric.com](http://www.bridgepointelectric.com)





**Jones, Robi**

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**From:** Warren Dickey <sf702@gmail.com>  
**Sent:** Tuesday, April 19, 2022 8:19 AM  
**To:** esubmit; Jones, Robi  
**Subject:** COBA-2951

April 19, 2022

RE: COBA-2951

Attention:

David Charney  
Don Hutchinson  
Kelly Dunkerley  
William Tisdale  
Michael Hicks

Dear Board of Adjustment Members,

This letter is in response to application COBA-2951 submitted by Rigoberto Gomez. The applicant would like to build a "rodeo" facility in an AG district with a special variance for the parking lot.

I live approximately one third of a mile due west of the facility at 11227 N. Harvard and am adamantly opposed its operation.

I am a recently retired (2021) firefighter with the Sperry Fire Department. I spent 25 years there and retired as the Asst Fire Chief. The fact there is one way in and one way out of this facility and that road (poorly graveled drive) is in extremely poor condition makes the operation unsafe for any who might attend and the general public as well. The roads and bridges are not designed for the type of traffic this rodeo drew in the past and based on the parking lot request the proposed traffic expected in the future.

A large portion of the property is within the bounds of the FEMA flood plain. The road into and out of the facility travels through the flood plain, with the road being loose gravel, traffic flow of this type is sure to affect water flow by disturbing natural vegetation that might normally help to soak up and restrict the natural water flow.



The operation of the proposed facility as in the past brought large, often rowdy crowds that at times bright with it late night shooting even after the late night music ended. I have as a memento a bullet removed from my roof and report filled with the Tulsa County Sheriffs Office.

The rodeo in the past brought extremely loud music, so loud a normal conversation couldn't be held in my back yard between two people. This grew and grew in frequency as the rodeo continued.

I firmly believe the citizens of Tulsa County have the fundamental freedom to a peaceful life. Free from the constant drum of amplified music that at times would last hours, from late mornings well into the night or early morning the next day. This rodeo in the part affected people for miles as 116th and at times N Harvard would become so congested passage was impossible.

With respect, I implore you to turn down the request of Mr. Gomez to operate the "rodeo" and let the citizens that live in north Tulsa County do so in peace.

Thank you.

Warren Dickey.

—

Sonny Dickey  
Asst Chief  
Sperry Fire Dept

**Jones, Robi**

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**From:** Chad Nissen <nissencd@gmail.com>  
**Sent:** Tuesday, April 19, 2022 6:59 AM  
**To:** Jones, Robi  
**Subject:** Objection to CBOA-2951

To whom it may concern,

My name is Chad Nissen and my family and I live at 12032 N New Haven Ave. My property is accessed by E 41st just on the north side of 116th, which is directly across from this proposed rodeo facility. I am only writing you this at such short notice because I nor any of my neighbors were notified of this or you would have many more emails or calls objecting to the allowance of this facility.

I am objecting because when a rodeo occurs, like it has many times before, people use our 41st e ave to park and are in and out of the road at all hours of the night. They leave their trash and damage the sides of the road from where their vehicles have been parked. My neighbors and I then have to clean up after said events.

Also, this rodeo facility is a safety hazard in itself, as the little boy was killed there not too long ago, and not to mention the amount of noise complaints and calls the Tulsa county Sheriff's office receive or will receive regarding this facility.

This proposed rodeo facility is not in the best interest of surrounding neighbors and county residents, as it will bring unwanted traffic and unwanted trouble to the area. Please reconsider allowing this exception as no one wants the issues/trouble that will follow.

Thank you kindly,  
Chad Nissen

**Jones, Robi**

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**From:** concernedneighbor492@yahoo.com  
**Sent:** Tuesday, April 19, 2022 6:49 AM  
**To:** Jones, Robi; esubmit  
**Subject:** CBOA-2951 Notice of hearing: Rigoberto Gomez 04/19/22

Due to the potential for backlash and retaliation to me and my property, I am writing anonymously and I hope you can respect that.

This special exception should not be passed or approved

I've lived in my house for several decades and every rodeo is a major pain for me and the neighbors. Local homeowners, including myself, can't even get to their own houses due to the stalled line of traffic. Most every time he's had rodeos, traffic has been horrible on 116th and it backs up in both directions even onto Hwy 75 for several hours... yes, **hours of traffic backed up on a 2-lane main road and Hwy 75 (at least a half mile long or more at times)**. Numerous law enforcement people have had to be deployed to handle (unsuccessfully, I might add) the stalled procession of vehicles trying to get down a single lane dirt road back to the arena... **one way in/out**. This aspect alone is a major safety concern. The traffic is an **all afternoon & evening** nuisance and safety concern. Many times, traffic starts around noon and doesn't clear out until 10 or 11 PM, if we're lucky. Meanwhile, homeowners are stuck in their houses or in traffic for hours just trying to get home.

Additionally, the attendees use the time they are waiting in traffic to drink and then clean out the trash, and their recently emptied beer bottles, from their vehicles, which is then thrown anywhere/everywhere they please... and it's never cleaned up by the rodeo.

I also remember one time there was a rodeo accident there, and it took forever for the ambulance to get through the traffic back to the arena to help. They then called in a Life Flight that landed near the highway and had to shut down while waiting to get the victims back out. After several hours, the helicopter left **without** taking on any victims, as far as I could tell. I believe that was the time that a **child lost their life** there and none of the attendees would cooperate with the investigation.

Please do not pass this exception.

Thank you for your time and due diligence in this matter.

Concerned Neighbor

=====



I, John Hoffman, resident at 11310 No. 44<sup>th</sup> East Ave., Sperry, Ok., would like to voice my opposition to the Application to Allow for a rodeo Facility. As a resident for several years from about 2007 to Present, my property adjoins the proposed area.

In that time, the rodeo facility has been built and expanded. The previous events started as small gatherings on Sunday afternoons where it appeared that rodeo was the event. As time went on, more of the facility was built, and the events turned into full blown parties. It seems little emphasis was placed on <sup>Rodeo</sup> the land most on partying. My now deceased father-in-law was offered \$10,000 to allow parking in his pasture...and that was before the event got large.

Tulsa County Sheriff's were called out several times to complain about the noise going on into the night on Sunday and traffic on the highway, backed up for over a mile, North and South, and on 116<sup>th</sup>. The same both East and West. Almost each time they said, "Their Sergeant had checked, and they had a permit." After we, my father-in-law and I, went to visit commissioner (then) John Smaligo for help, we found out that there was no permit, and Permits for such rodeo events were not even issued! We had been lied to for a couple of years by someone at the Sheriff's Office.

Reports by my granddaughter's boyfriend and several other people attest to it being more of a Fiesta than a Rodeo. Her boyfriend, who's parents were from Mexico and had been inside said that it was \$20.00 a head and cars were searched, and alcohol was confiscated, but there was plenty being sold by the promoter inside. Several times my father-in-law chased down and forced people <sup>to cross the street</sup> running across our properties from the Highway to the event. One time I came home from eating in Town and found a 12-pack box of empty Corona bottles in my ditch along my driveway. I have also had reports that unless you are Latino or Hispanic, you weren't welcome. Offering \$10,000 for letting cars park and, as reported by a Deputy one night towards the last event, the band was a \$20,000 a night entertainer. Commissioner Smaligo said that he could not find where Tax had been paid for any events. It was during the Tulsa State Fair that we called the Commissioner and he sent the Sheriffs Department in ad that we the last time there was an event there.

The guy who was putting it on bought some property on <sup>LeW. S</sup> ~~LeW. S~~ Ave between 106<sup>th</sup> and 116<sup>th</sup> and tried to get zoning changed to start there again. It was denied. It was on the news also, I don't remember the date, that there was going to be a hearing to allow a facility around 96<sup>th</sup> and Yale. It was denied also. Over the years there have been "Rodeos" held in several places, with people saying the music could be heard for over 2 miles away. I know for sure that the music rattled dishes in my cupboards from almost a Quarter-mile away. It went on until 10:30 pm and later on Sunday nights.

Also in the past, we came home after dark to several law enforcement vehicles back there and all cars leaving. A LifeFlight helicopter was coming in and a 9 year old (I believe) boy was taken away. He died due to his

injuries sustained by being stomped by a horse. The Sheriff's Spokesman was on the news later asking for anyone who knew the boy or who his parents were to come forward. No one had claimed him.

Commissioner Smallgo was going to look into permits issued for the structures and improvements that had been made. We never heard back on that. When we built out here, the permitting process was scrutinized very closely during all phases from the initial permit issuance to final inspection. I was told that if I or a contractor went ahead without approval, we would be required to tear down and wait for the inspector.

This "Special Exception to allow a Rodeo Facility" is several years late, as these proposed facilities have been here for several years already. And the 30 acres of parking was there previously and still did not allow for cars to get off the streets and highway. The promoter of the event never showed any concern for the neighbors, and I will not believe there will be any shown now.

If they want to hold a rodeo event, there are many rodeo facilities in the area and I'm sure they could be rented. With the history I have witnessed myself, and stories told of events prior to my moving here, there is a strong likelihood of the same stuff happening. Someone will eventually be killed on the highway from cars stopped and being run into. My property will be trespassed on and vandalized with trash. My peace will be stomped on by the music and lights that have been shined on my house before. There will be people killed in drunk driving accidents leaving the events. Tax money from legit events will be siphoned away to here, as Commissioner Smaligo realized.

If this Exception is made, the Board members will be responsible for it. Thus, I oppose The Exception.

Jon Hoffman

11310 No. 44<sup>th</sup> East Ave., Sperry Ok

## Jones, Robi

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**From:** Sam Bradley <sperryfd701@yahoo.com>  
**Sent:** Monday, April 18, 2022 6:57 PM  
**To:** Jones, Robi  
**Subject:** Case # CBOA-2951

To whom it my concern.I live on Harvard between 106 an 116. I oppose the rezoning of 11201 N 41 east ave.  
traffic an the trash and the music at 2and 3am are horrible.please don't rezone this property.  
you for your time. Sam Bradley

The  
Thank



April 18, 2022

RE: COBA-2951

Attention: David Charney  
Don Hutchinson  
Kelly Dunkerley  
William Tisdale  
Michael Hicks

Dear Board of Adjustment Members,

This letter is in response to application COBA-2951 submitted by Rigoberto Gomez. The applicant would like to build a "rodeo" facility in an AG district with a special variance for the parking lot.

This request by Mr. Gomez is self-serving with no regard for the families that live in the surrounding area. A rodeo arena was illegally operated in this area (until it was shut down) and caused several major problems.

1. One of the major issues was the noise it created. I live approximately less than 2 miles south of the proposed area and when the "rodeo" was in operation, it sounded like I was attending an outdoor concert. If you have done so already, research how loud noises (such as music or intercom systems) can affect livestock. I can't imagine how this will affect the families in the immediate area!
2. The "Analysis of Surrounding Area" section of the case report references a smattering of residential uses. This analysis is very misleading. You must take into consideration that this area is zoned agricultural for a reason. Most homes in this area have between 2 – 80 acres each. If you look approximately 1 mile in each direction of the proposed site, you will find between 75-100 single family homes. If you feel this rodeo will not disrupt families, you are sorely mistaken.
3. This application is also requesting an exception to the all-weather parking surface requirement. What this means to me is the applicant is ok with having a gravel parking area with no regard for how the dust it creates will affect everyone in the area.
4. The amount of unwanted traffic in the area must be considered as well. The roads surrounding the proposed site are in disrepair and the additional traffic will only exacerbate the issue.
5. I'm sure you read the story about a 6-year-old boy who was killed during one of the rodeos. That is truly a tragedy. I refer to that incident because the emergency personnel in Sperry (firemen & paramedics) are voluntary. The law enforcement responsible for that area is the Tulsa County Sheriff's Office. Without dedicated personnel patrolling the area it becomes a safety issue.

I'm sure Mr. Gomez will say all the right things to get this approved. What he won't tell you is he gets the benefit of having a rodeo but doesn't have to deal with the negative outcomes. He can come and go as he pleases. The families I referred to earlier are stuck with the repercussions. This will be a public nuisance and should not be approved.

Respectfully submitted

Gary D. Juby & Cheryl L. Juby  
3296 E 96<sup>th</sup> St N  
Sperry, OK  
gcjuby@yahoo.com

## Kelvington, Sandra

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**From:** Jones, Robi  
**Sent:** Monday, April 18, 2022 12:44 PM  
**To:** David Charney; Don Hutchinson; Kelly Dunkerley (kelly.dunkerley@tulsacounty.org); Michael Hicks; William Tisdale  
**Cc:** Miller, Susan; Kelvington, Sandra; ttosh@tulsacounty.org; Kerrick Edenborough (kedenborough@tulsacounty.org); Kelvington, Sandra  
**Subject:** FW: Rodeo Facility protest

**From:** ANTHONY <asfinnegan@msn.com>  
**Sent:** Monday, April 18, 2022 12:40 PM  
**To:** Jones, Robi <rjones@incog.org>  
**Subject:** Rodeo Facility protest

Good afternoon,

I am e-mailing in protest of the rodeo facility approval request for 11201 N. 41st E. Ave.

Thank you,  
Anthony Finnegan

Get [Outlook for iOS](#)



## Kelvington, Sandra

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**From:** Jones, Robi  
**Sent:** Monday, April 18, 2022 4:05 PM  
**To:** David Charney; Don Hutchinson; William Tisdale; Kelly Dunkerley  
); Michael Hicks  
**Cc:** Miller, Susan; Kelvington, Sandra; ttosh@tulsacounty.org; Kerrick Edenborough  
(kedenborough@tulsacounty.org); James Rea  
**Subject:** FW: CASE NUMBER: CBOA-2951 - OBJECTION

**From:** Diane Holcomb <ddrholcomb@yahoo.com>  
**Sent:** Saturday, April 16, 2022 4:19 PM  
**To:** esubmit <esubmit@incog.org>; Jones, Robi <rjones@incog.org>; James Holcomb <james.holcomb@gmail.com>;  
Laurie Holcomb <laurieholcomb@yahoo.com>  
**Subject:** Re: CASE NUMBER: CBOA-2951 - OBJECTION

[Sent from Yahoo Mail for iPhone](#)

On Saturday, April 16, 2022, 2:51 PM, Diane Holcomb <[ddrholcomb@yahoo.com](mailto:ddrholcomb@yahoo.com)> wrote:

Public Hearing: 04/19/2022--At 1:30 PM  
Case Number: CBOA-2951

Hello,

Please record my objection to the case referenced above, Rodeo and Parking Facilities. I am unable to attend but own the 80 acres south and west of the requested zoning change area.

My acreage is currently listed for sale, and this zone change action would be detrimental to any possible offers.

Could you please confirm receipt of this email?

Thank you,

Diane D Holcomb, Trustee  
Diane D Holcomb Trust

[Sent from Yahoo Mail for iPhone](#)



10:48

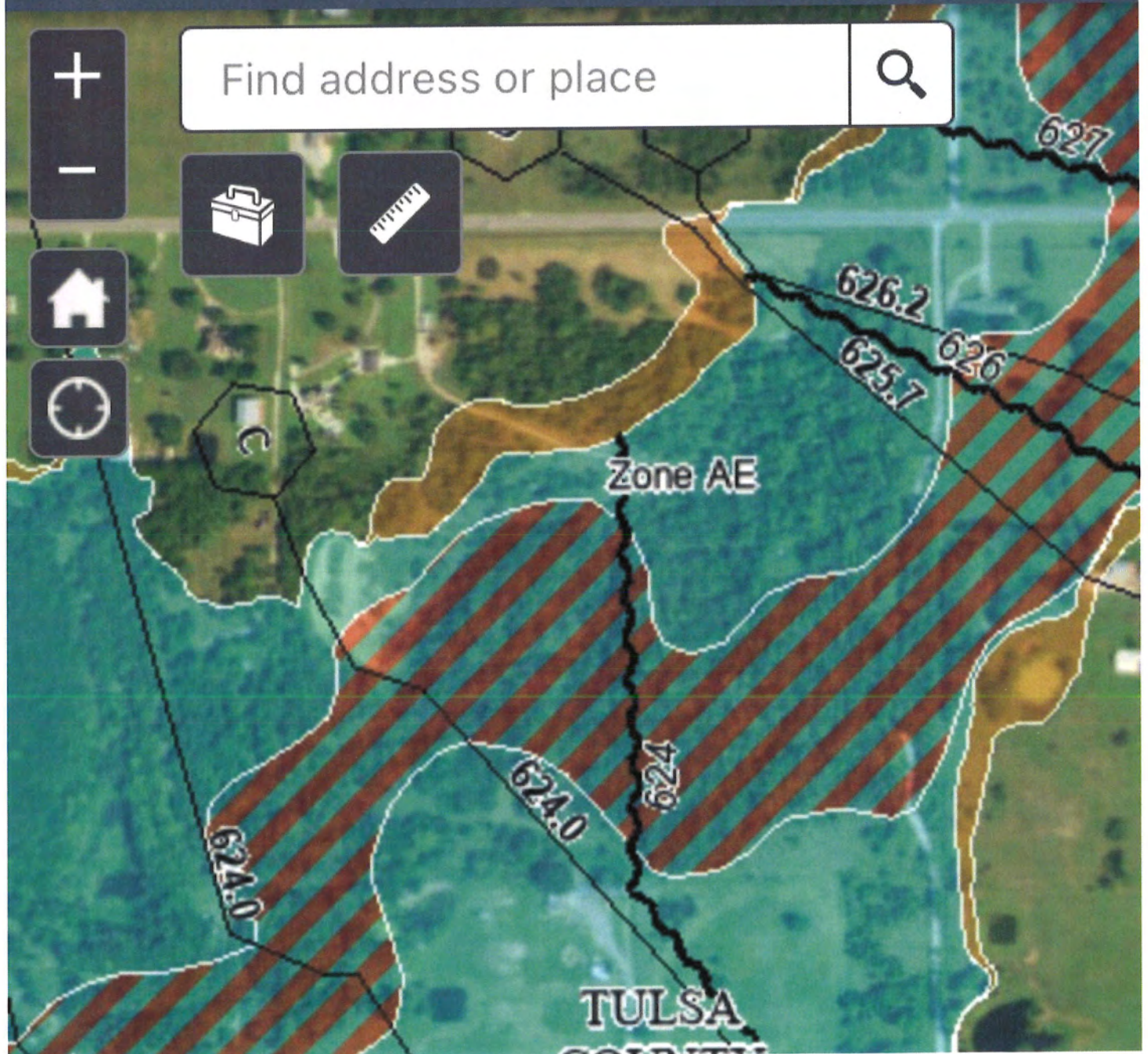
LT



<https://hazards-fema.maps.arcgis.co...>



Find address or place



The operation of the proposed facility as in the past brought large, often rowdy crowds that at times bright with it late night shooting even after the late night music ended. I have as a memento a bullet removed from my roof and report filled with the Tulsa County Sheriffs Office.

The rodeo in the past brought extremely loud music, so loud a normal conversation couldn't be held in my back yard between two people. This grew and grew in frequency as the rodeo continued.

I firmly believe the citizens of Tulsa County have the fundamental freedom to a peaceful life. Free from the constant drum of amplified music that at times would last hours, from late mornings well into the night or early morning the next day. This rodeo in the part affected people for miles as 116th and at times N Harvard would become so congested passage was impossible.

With respect, I implore you to turn down the request of Mr. Gomez to operate the "rodeo" and let the citizens that live in north Tulsa County do so in peace.

Thank you.

Warren Dickey.

--

Sonny Dickey  
Asst Chief  
Sperry Fire Dept

## Jones, Robi

---

**From:** Chad Nissen <nissencd@gmail.com>  
**Sent:** Tuesday, April 19, 2022 6:59 AM  
**To:** Jones, Robi  
**Subject:** Objection to CBOA-2951

To whom it may concern,

My name is Chad Nissen and my family and I live at 12032 N New Haven Ave. My property is accessed by E 41st just on the north side of 116th, which is directly across from this proposed rodeo facility. I am only writing you this at such short notice because I nor any of my neighbors were notified of this or you would have many more emails or calls objecting to the allowance of this facility.

I am objecting because when a rodeo occurs, like it has many times before, people use our 41st e ave to park and are in and out of the road at all hours of the night. They leave their trash and damage the sides of the road from where their vehicles have been parked. My neighbors and I then have to clean up after said events.

Also, this rodeo facility is a safety hazard in itself, as the little boy was killed there not too long ago, and not to mention the amount of noise complaints and calls the Tulsa county Sheriff's office receive or will receive regarding this facility.

This proposed rodeo facility is not in the best interest of surrounding neighbors and county residents, as it will bring unwanted traffic and unwanted trouble to the area. Please reconsider allowing this exception as no one wants the issues/trouble that will follow.

Thank you kindly,  
Chad Nissen



**Jones, Robi**

---

**From:** concernedneighbor492@yahoo.com  
**Sent:** Tuesday, April 19, 2022 6:49 AM  
**To:** Jones, Robi; esubmit  
**Subject:** CBOA-2951 Notice of hearing: Rigoberto Gomez 04/19/22

Due to the potential for backlash and retaliation to me and my property, I am writing anonymously and I hope you can respect that.

This special exception should not be passed or approved

I've lived in my house for several decades and every rodeo is a major pain for me and the neighbors. Local homeowners, including myself, can't even get to their own houses due to the stalled line of traffic. Most every time he's had rodeos, traffic has been horrible on 116th and it backs up in both directions even onto Hwy 75 for several hours... yes, **hours of traffic backed up on a 2-lane main road and Hwy 75 (at least a half mile long or more at times)**. Numerous law enforcement people have had to be deployed to handle (unsuccessfully, I might add) the stalled procession of vehicles trying to get down a single lane dirt road back to the arena... **one way in/out**. This aspect alone is a major safety concern. The traffic is an **all afternoon & evening** nuisance and safety concern. Many times, traffic starts around noon and doesn't clear out until 10 or 11 PM, if we're lucky. Meanwhile, homeowners are stuck in their houses or in traffic for hours just trying to get home.

Additionally, the attendees use the time they are waiting in traffic to drink and then clean out the trash, and their recently emptied beer bottles, from their vehicles, which is then thrown anywhere/everywhere they please... and it's never cleaned up by the rodeo.

I also remember one time there was a rodeo accident there, and it took forever for the ambulance to get through the traffic back to the arena to help. They then called in a Life Flight that landed near the highway and had to shut down while waiting to get the victims back out. After several hours, the helicopter left **without** taking on any victims, as far as I could tell. I believe that was the time that a **child lost their life** there and none of the attendees would cooperate with the investigation.

Please do not pass this exception.

Thank you for your time and due diligence in this matter.

Concerned Neighbor

=====

I, John Hoffman, resident at 11310 No. 44<sup>th</sup> East Ave., Sperry, Ok., would like to voice my opposition to the Application to Allow for a rodeo Facility. As a resident for several years from about 2007 to Present, my property adjoins the proposed area.

In that time, the rodeo facility has been built and expanded. The previous events started as small gatherings on Sunday afternoons where it appeared that rodeo was the event. As time went on, more of the facility was built, and the events turned into full blown parties. It seems little emphasis was placed on the <sup>Rodeo</sup> and most on partying. My now deceased father-in-law was offered \$10,000 to allow parking in his pasture...and that was before the event got large.

Tulsa County Sheriff's were called out several times to complain about the noise going on into the night on Sunday and traffic on the highway, backed up for over a mile, North and South, and on 116<sup>th</sup>. The same both East and West. Almost each time they said, "Their Sergeant had checked, and they had a permit." After we, my father-in-law and I, went to visit commissioner (then) John Smaligo for help, we found out that there was no permit, and Permits for such rodeo events were not even issued! We had been lied to for a couple of years by someone at the Sheriff's Office.

Reports by my granddaughter's boyfriend and several other people attest to it being more of a Fiesta than a Rodeo. Her boyfriend, who's parents were from Mexico and had been inside said that it was \$20.00 a head and cars were searched, and alcohol was confiscated, but there was plenty being sold by the promoter inside. Several times my father-in-law chased down and forced people <sup>16</sup> running across our properties from the Highway to the event. One time I came home from eating in Town and found a 12-pack box of empty Corona bottles in my ditch along my driveway. I have also had reports that unless you are Latino or Hispanic, you weren't welcome. Offering \$10,000 for letting cars park and, as reported by a Deputy one night towards the last event, the band was a \$20,000 a night entertainer. Commissioner Smaligo said that he could not find where Tax had been paid for any events. It was during the Tulsa State Fair that we called the Commissioner and he sent the Sheriffs Department in ad that we the last time there was an event there.

The guy who was putting it on bought some property on <sup>2200 S</sup> ~~116~~ Ave between 106<sup>th</sup> and 116<sup>th</sup> and tried to get zoning changed to start there again. It was denied. It was on the news also, I don't remember the date, that there was going to be a hearing to allow a facility around 96<sup>th</sup> and Yale. It was denied also. Over the years there have been "Rodeos" held in several places, with people saying the music could be heard for over 2 miles away. I know for sure that the music rattled dishes in my cupboards from almost a Quarter-mile away. It went on until 10:30 pm and later on Sunday nights.

Also in the past, we came home after dark to several law enforcement vehicles back there and all cars leaving. A LifeFlight helicopter was coming in and a 9 year old (I believe) boy was taken away. He died due to his

injuries sustained by being stomped by a horse. The Sheriff's Spokesman was on the news later asking for anyone who knew the boy or who his parents were to come forward. No one had claimed him.

Commissioner Smaligo was going to look into permits issued for the structures and improvements that had been made. We never heard back on that. When we built out here, the permitting process was scrutinized very closely during all phases from the initial permit issuance to final inspection. I was told that if I or a contractor went ahead without approval, we would be required to tear down and wait for the inspector.

This "Special Exception to allow a Rodeo Facility" is several years late, as these proposed facilities have been here for several years already. And the 30 acres of parking was there previously and still did not allow for cars to get off the streets and highway. The promoter of the event never showed any concern for the neighbors, and I will not believe there will be any shown now.

If they want to hold a rodeo event, there are many rodeo facilities in the area and I'm sure they could be rented. With the history I have witnessed myself, and stories told of events prior to my moving here, there is a strong likelihood of the same stuff happening. Someone will eventually be killed on the highway from cars stopped and being run into. My property will be trespassed on and vandalized with trash. My peace will be stomped on by the music and lights that have been shined on my house before. There will be people killed in drunk driving accidents leaving the events. Tax money from legit events will be siphoned away to here, as Commissioner Smaligo realized.

If this Exception is made, the Board members will be responsible for it. Thus, I oppose The Exception.

Jon Hoffman

11310 No. 44<sup>th</sup> East Ave., Sperry Ok

## Jones, Robi

---

**From:** Sam Bradley <sperryfd701@yahoo.com>  
**Sent:** Monday, April 18, 2022 6:57 PM  
**To:** Jones, Robi  
**Subject:** Case # CBOA-2951

To whom it my concern.I live on Harvard between 106 an 116. I oppose the rezoning of 11201 N 41 east ave. traffic an the trash and the music at 2and 3am are horrible.please don't rezone this property.  
you for your time. Sam Bradley

The  
Thank



## Jones, Robi

---

**From:** Joe Bridgeman <joe@bridgepointelectric.com>  
**Sent:** Tuesday, April 19, 2022 8:21 AM  
**To:** esubmit  
**Subject:** CBOA-2951

To Whom It May Concern,

I am writing to express my concern and opposition regarding the potential special exception to allow a rodeo facility in Use Unit 20 in an Ag district section 310 and a variance of the all-weather parking surface requirement (Section 1340.D).

My home is located at 10920 N. Harvard Sperry, OK, 3/8" mile distance SW from the proposed facility.

My opposition is due to past events that were held at section 310 whereby the PA announcements and music lasted until late hours, traffic stretched down the entire mile section of Harvard from 106<sup>th</sup> to 116<sup>th</sup> street, trash/debris was left on my property and along the roadways down Harvard and 116<sup>th</sup> street, the lack of security present when hundreds or thousands of persons were gathered, and one incident where I encountered intoxicated persons at the end of my driveway and had to repeatedly ask them to leave (they should not have been driving and were under the heavy influence of alcohol).

I respect Mr. Gomez and consider him to be a good neighbor. If he can provide details showing the frequency of the rodeo events, that proper security (Tulsa Sheriff's Department) would be present and that the events would conclude by no later than 11 p.m. and that all trash/debris would be picked up down the nearby roads I may consider reversing my view.

Sincerely,

*Joe Bridgeman*

*VP Sales*

BridgePoint Electric Inc.

T: (918) 437-8395

C: (918) 636-2696

[joe@bridgepointelectric.com](mailto:joe@bridgepointelectric.com)

[www.bridgepointelectric.com](http://www.bridgepointelectric.com)



**Jones, Robi**

---

**From:** Warren Dickey <sfd702@gmail.com>  
**Sent:** Tuesday, April 19, 2022 8:19 AM  
**To:** esubmit; Jones, Robi  
**Subject:** COBA-2951

April 19, 2022

RE: COBA-2951

Attention:

David Charney  
Don Hutchinson  
Kelly Dunkerley  
William Tisdale  
Michael Hicks

Dear Board of Adjustment Members,

This letter is in response to application COBA-2951 submitted by Rigoberto Gomez. The applicant would like to build a "rodeo" facility in an AG district with a special variance for the parking lot.

I live approximately one third of a mile due west of the facility at 11227 N. Harvard and am adamantly opposed its operation.

I am a recently retired (2021) firefighter with the Sperry Fire Department. I spent 25 years there and retired as the Asst Fire Chief. The fact there is one way in and one way out of this facility and that road (poorly graveled drive) is in extremely poor condition makes the operation unsafe for any who might attend and the general public as well. The roads and bridges are not designed for the type of traffic this rodeo drew in the past and based on the parking lot request the proposed traffic expected in the future.

A large portion of the property is within the bounds of the FEMA flood plain. The road into and out of the facility travels through the flood plain, with the road being loose gravel, traffic flow of this type is sure to affect water flow by disturbing natural vegetation that might normally help to soak up and restrict the natural water flow.

## 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 22

ACREVALUE	n/a
ACRES	22.3
LOCATION	Tulsa
PARCEL ID	91300



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 Indiana, Iowa, Kentucky,

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CASE NO. CBOA-2951

Sold Land Custom - Draw

Enter a county, township, city, or address

**PARCEL**

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 90%

[Get Full Report](#)

1 FIELD

Selected Field 2 ac

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



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

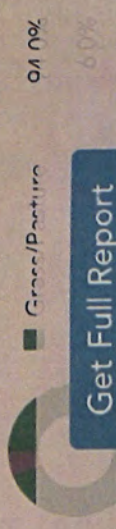
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SLOPE 0.5%

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Location: OK 21N Parcel Options



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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

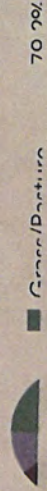
OWNER ADDRESS

SLOPE 0.4%

CARBON POTENTIAL \$8 Learn More

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CASE NO. CBOA-2951

Map / Land Listings / Plans / Pro / Help

Sold Land

Custom - Draw

Enter a county, township, city, or address



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

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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

Enter a county, township, city, or address

Sold Land Custom - Draw

1 FIELD

### Selected Field

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



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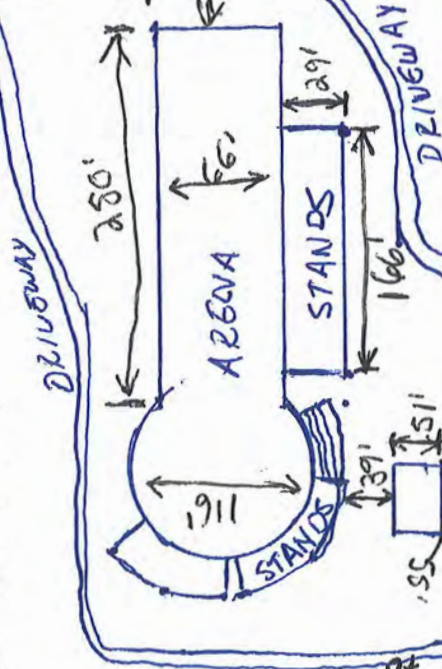
Hwy 75



41st St

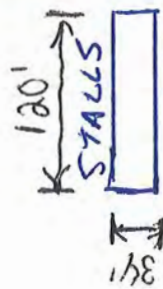
116 St N.

PARKING LOT



PARKING

LOT



PARKING LOT

30 ACRES

30 ACRES



**Case Number:** CBOA-2969

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

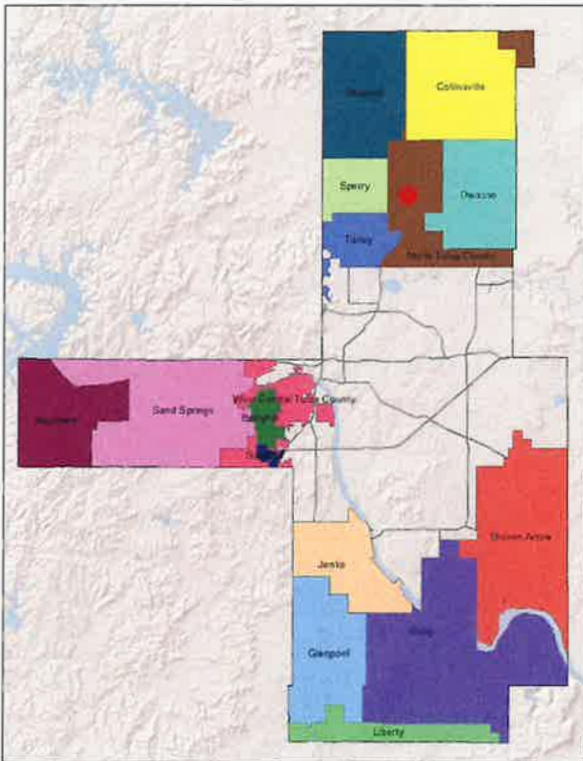
**Owner and Applicant Information:**

**Applicant:** Clint Denney

**Property Owner:** NEW AGE HOMES LLC

**Action Requested:** Variance to permit a detached accessory building to exceed 750 square feet in an RE district. (Section 240)

**Location Map:**



Tulsa County Comprehensive Land Use Plan

**Additional Information:**

**Present Use:** Residential

**Tract Size:** 1.65 acres

**Location:** 5163 E 94 ST N

**Present Zoning:** RE

**Fenceline/Area:** North Tulsa County

**Land Use Designation:** Rural Residential/Agriculture



**CBOA-2969**

21-13 22



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1322

**CZM:** 17

**CASE NUMBER:** CBOA-2969

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Clint Denney

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

**LOCATION:** 5163 E 94 ST N

**ZONED:** RE

**FENCELINE:** North Tulsa County

**PRESENT USE:** Residential

**TRACT SIZE:** 1.65 acres

**LEGAL DESCRIPTION:** BEG 845.37E & 440.40S NWC NW TH E172.69 S415.38 W172.69 N415.38 POB SEC 22 21 13 1.647ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None Relevant

**Surrounding Property:**

**CBOA-2444 November 2012:** The Board approved a Special Exception to allow a manufactured home in an RE District on property located at 5205 E 94th St N

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

**STAFF COMMENTS:**

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

According to the site plan provided by the applicant, they propose to construct a 60' X 40' (2,400 sf) accessory building (Pool House/Garage) to the north of the existing home. The minimum side setback in the RE District is 15 ft. The site plan shows the proposed accessory building at 20 ft from the side lot line so meets this requirement.

The applicant provided the statement: "Need more storage area for tools & storage items. The large lot will accommodate this structure and be complementary to the home."

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in an RE District (Section 240)."*



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

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

Finding the hardship to be \_\_\_\_\_.

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



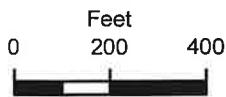
E 96th ST N

N YALE AVE

E 94TH ST N

N HUDSON AVE

E 92ND ST N



Subject Tract

# CBOA-2969

21-13 22

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

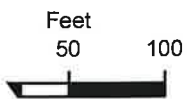
Aerial Photo Date: 2020/2021







**E 94TH ST N**



**Subject  
Tract**

**CBOA-2969**

21-13 22

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

*Aerial Photo Date: 2020/2021*









# Board of Adjustment

**Case Number:** CBOA-2970

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

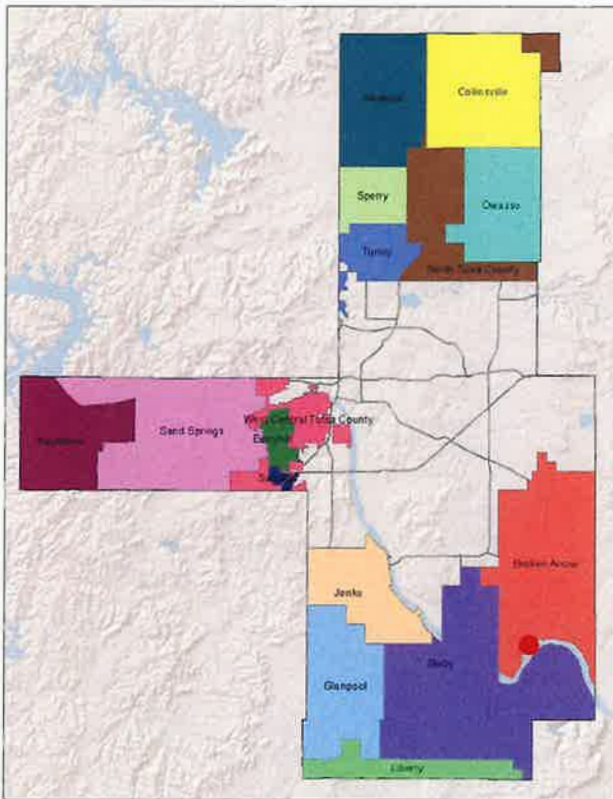
**Owner and Applicant Information:**

**Applicant:** Watkins Sand Company Inc.

**Property Owner:** AFE COMPANY LLC

**Action Requested:** Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).

**Location Map:**



Tulsa County Comprehensive Land Use Plan

**Additional Information:**

**Present Use:** Ongoing Sand Mining Operation

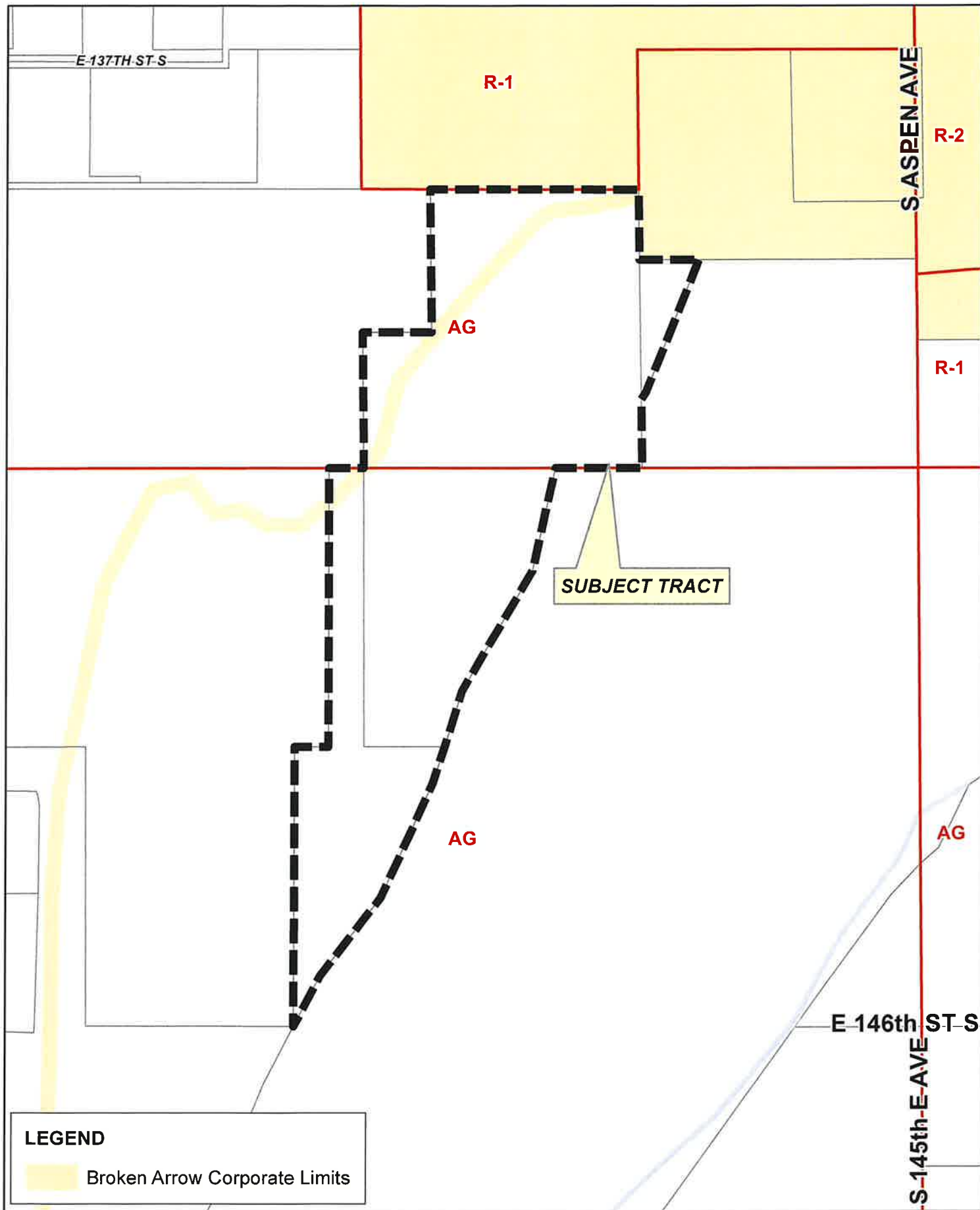
**Tract Size:** 72.34 acres

**Location:** East of the southeast corner of East 141st Street South & South 129th East Avenue

**Present Zoning:** AG

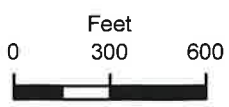
**Fenceline/Area:** Broken Arrow

**Land Use Designation:** Greenway/Floodplain



**LEGEND**

Broken Arrow Corporate Limits



**CBOA-2970**

17-14 09  
17-14 16



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7416

**CZM:** 63

**CASE NUMBER:** CBOA-2970

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Watkins Sand Company Inc.

**ACTION REQUESTED:** Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).

**LOCATION:** East of the southeast corner of East 141<sup>st</sup> Street South & South 129<sup>th</sup> East Avenue

**ZONED:** AG

**FENCELINE:** Broken Arrow

**PRESENT USE:** Ongoing Sand Mining Operation

**TRACT SIZE:** 72.34 acres

**LEGAL DESCRIPTION:** E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CBOA-2629 April 2017:** The Board approved a Special Exception to permit mining and quarry sand and gravel in an AG zoned district (Section 310)

**Surrounding Property:**

**CBOA-1803-C April 2016:** The Board approved modification to a previously approved special exception to permit dredging/classifying in the AG district permanently per the previously approved conditions of the County Board of Adjustment

**CBOA-1803-B June 2014:** The Board approved a modification to a previously approved Special Exception (CBOA-1803) for dredging/classifying system to amend the hours of operation with conditions. Located: 14253 S 129th Avenue

**CBOA-2056 September 2003:** The Board approved a Special Exception to permit dredging and removal processing of sand, gravel, and soil, and mineral processing Located: East of S 129th E Ave and South of E 141st Street

**CBOA-1803 December 2000:** The Board approved a special exception to permit mining and quarry of sand and gravel in an AG district with conditions. Located: 14253 S 129th Avenue



**ANALYSIS OF SURROUNDING AREA:** The subject tract is currently be utilized for sand and gravel mining. The subject tract is abutted by an existing AG zoned mining operation on the west. The Broken Arrow City Limits abuts the site on the north and contains R-1 zoned residential and a sports complex. AG zoning abuts the site on the east and south.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Section 310, Table 1).

In the previous approval (CBOA-2629) the Board established the following conditions. A time limit of five years. There was to be no fuel storage on the subject site. The hours of operation were to be 7:00 AM to 5:00 PM, Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed mining (dredging) and quarrying of sand is compatible with the surrounding neighborhood. Staff would encourage that the applicant be required to submit verification of all requisite approvals and permits from authorized federal and state regulating authorities to the County Permit Office.

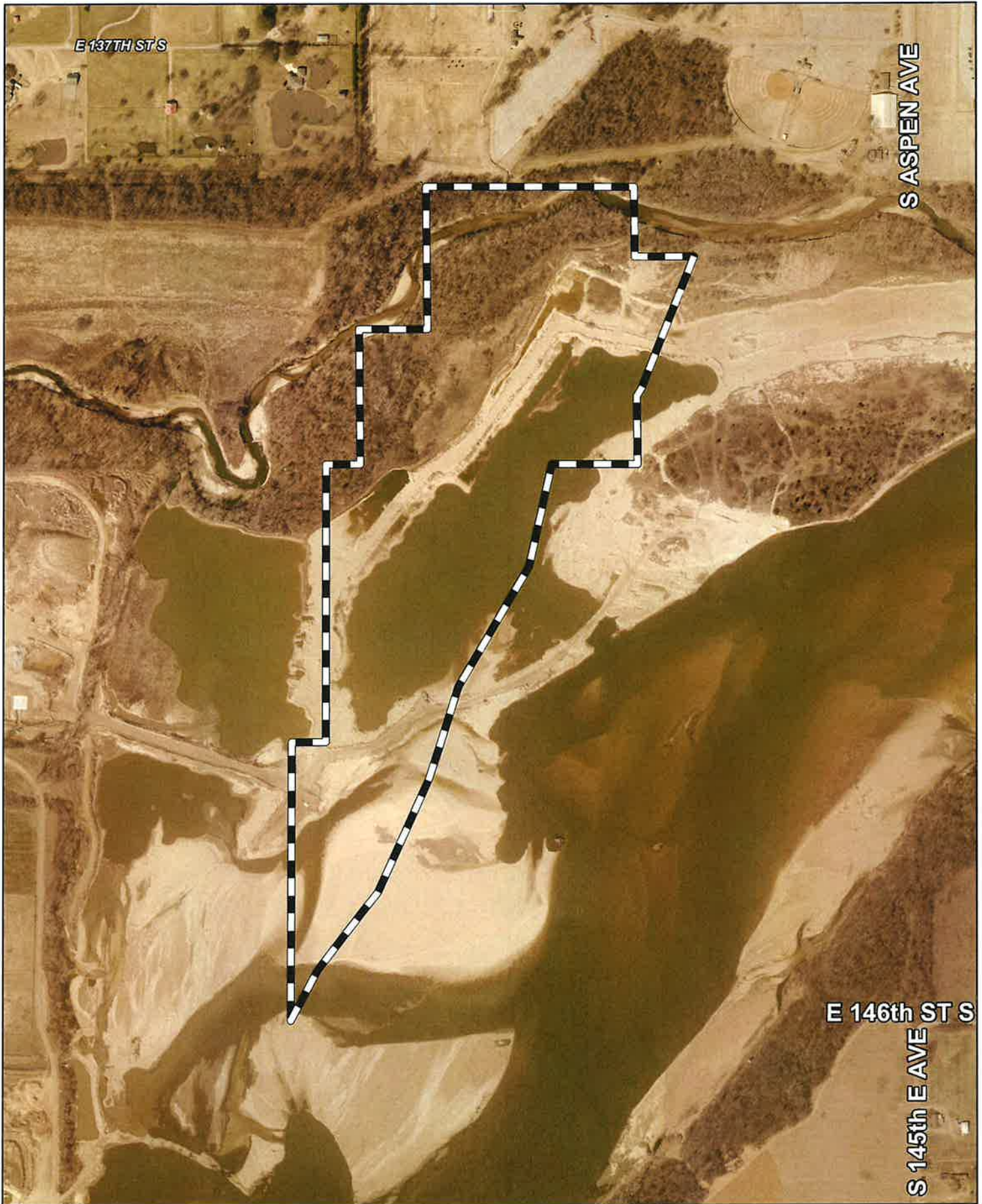
**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) Special Exception permit Use Unit 24, Mining and Mineral Processing for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Section 310, 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.*



E 137th St S

S ASPEN AVE

E 146th St S

S 145th E AVE



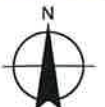
Subject Tract

# CBOA-2970

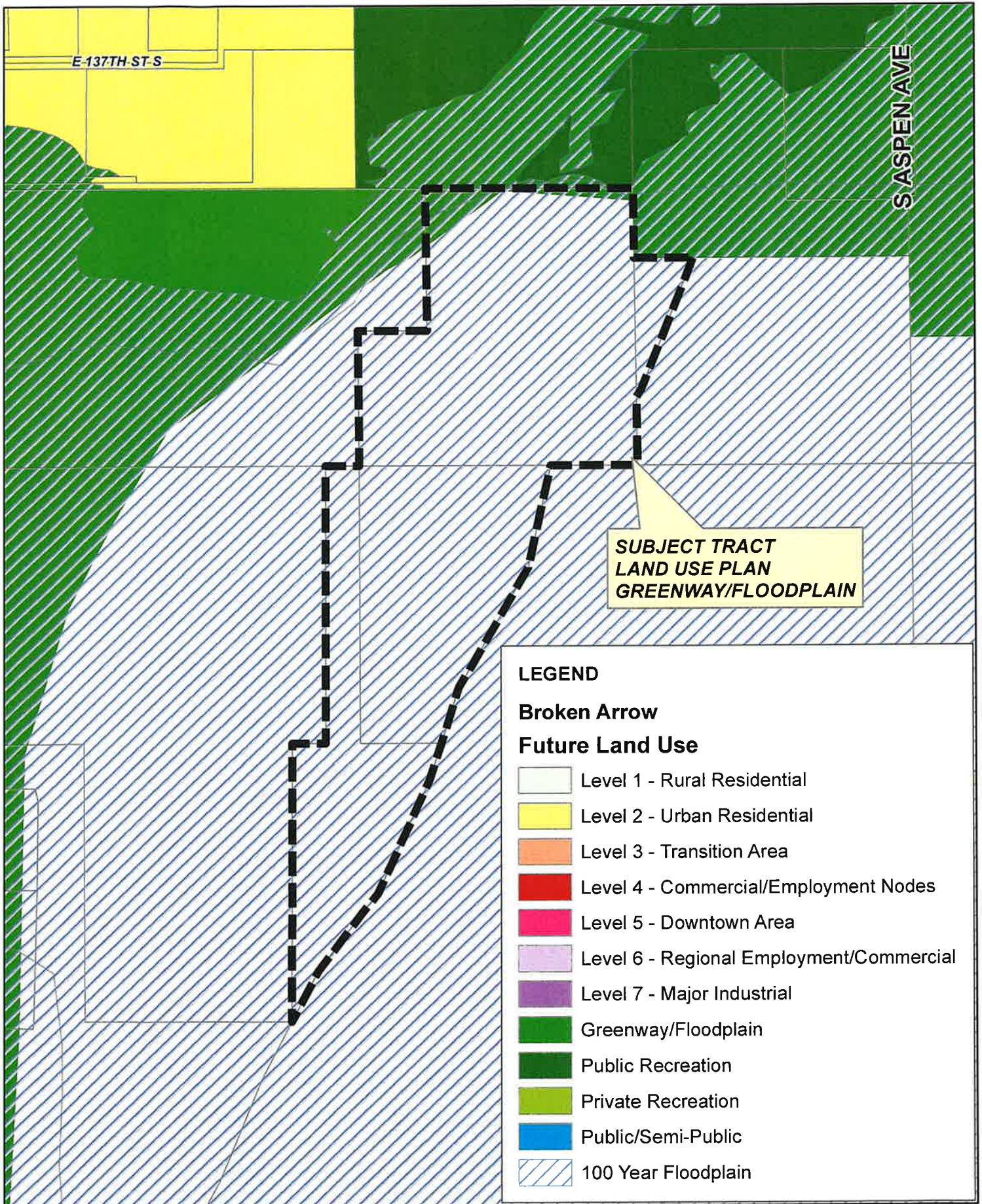
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021







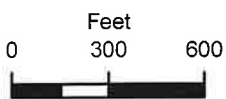
E-137TH ST S

S ASPEN AVE

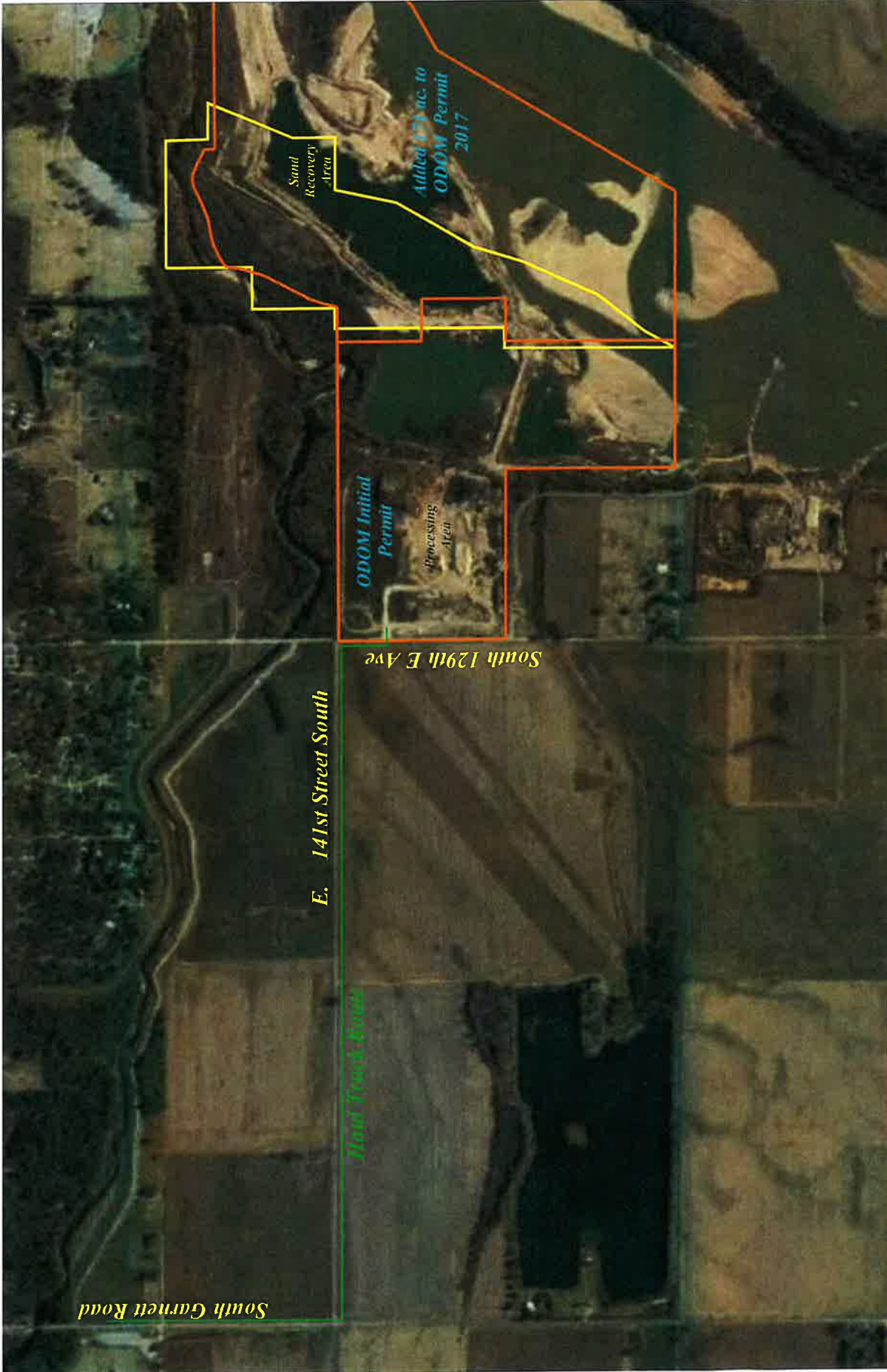
**SUBJECT TRACT  
LAND USE PLAN  
GREENWAY/FLOODPLAIN**

**CBOA-2970**

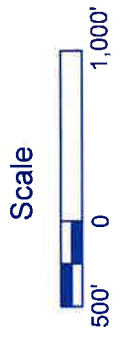
17-14 09  
17-14 16







Google Earth Photo Date: November 2020



WATKINS SAND CO., INC.  
129th Street Plant

GENERAL SITE MAP

drawn by	date	
cdh	05/2022	
Tread Environmental Services P.O. Box 1507 Pittsburg, KS 67052 Tel: 620.331.6241		

CBOA - 26 29

FILE COPY

Mr. Dillard asked Mr. Watkins if his company worked on Sundays or on any holidays. Mr. Watkins stated they do not work on Saturdays, Sundays or any holidays.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Special Exception to allow a mining and quarry operation in the AG District (Section 310, Table 1), subject to a five year time limit, April 2022. There is to be no fuel storage on the subject site. The hours of operation are to be 7:00 A.M. to 5:00 P.M., Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site; for the following property:

**E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC,, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2625—Tania Bledsoe**

**Action Requested:**

Variance to permit more than two dwelling units on a single AG zoned lot (Section 208), **LOCATION:** 14225 North Yale Avenue

**Presentation:**

The applicant was not present.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **CONTINUE** the request for a Variance to permit more than two dwelling units on a single AG zoned lot (Section 208) to the May 16, 2017 Board of Adjustment meeting; for the following property:

**PRT SW & NW BEG SWC SW NW TH N965.59 E16.5 NE215.17 E564.73 N165 E698.55 S1321.40 W1320.51 POB LESS W16.5 S965.59 SW NW & N70 W285 NW**

04/18/2017/#443 (7)

Use Variance to allow for storage (Use Unit 23) of personal items in the RS District (Section 410). There is to be no outside storage and there is to be no rental to third parties for storage uses. The building is to be used by the record owner for storage of personal items. The building has been in existence for 20 years and has been cleaned up, and the size of the lot will accommodate the storage purposes; for the following property:

**LTS 7, 8 & 9, BLK 15, EAST ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2629—Chet Hiatt**

**FILE COPY**

**Action Requested:**

Special Exception to allow a mining and quarry operation in the AG District (Section 310, Table 1). **LOCATION:** East of the SE/c of 141<sup>st</sup> Street South and South 129<sup>th</sup> Avenue East

**Presentation:**

**Chet Hiatt**, 2000 East Atkinson, Pittsburg, KS; stated he is with Triad Environmental Services and he represents Watkins Sand. Watkins Sand currently operates a sand dredging operation in the river at the south end of 129<sup>th</sup> Street. They were before the Board in 2001 for a Special Exception to have the dredging operation in the AG District and the request was approved. Today's request is an extension of that operation to the east along the sand bar in the river. There is no expectation to increase production at the site, it is only an ongoing operation continuing operation as it has been since approximately 2009.

Mr. Charney asked Mr. Hiatt if the operation was moving to accommodate where the resource is located. Mr. Hiatt answered affirmatively.

Mr. Charney asked Mr. Hiatt if there was going to be any new equipment on the site. Mr. Hiatt stated there would be no new equipment.

Mr. Hiatt stated the nearest residence is approximately 4/10 miles away from the existing operation.

Mr. Charney asked Mr. Hiatt if the new location will be any closer to a residence than it is today. Mr. Hiatt answered no and stated the operation is in the middle of the river. Mr. Charney asked Mr. Hiatt if the equipment will be operating any closer to a residence than it is today. Mr. Hiatt stated the dredge itself is in the river but the processing will stay where it is located today.

Mr. Hiatt stated that he has seen comments from residents about the blasting, but there is no blasting in this operation because it is strictly a dredging operation. The water and sand are vacuumed into a pile and processed. To secure the permit to be able to extend the current permit Watkins will have to go through the Oklahoma Department of



Environmental Quality, the U. S. Corp of Engineers, Fish and Wildlife, the Oklahoma Archeological and Historical Society. In the past Watkins has worked with Fish and Wildlife for protection of threatened and endangered species. They has made agreements to suspended operations for periods of time during the nesting season. Mr. Hiatt stated there is no fuel stored at the site and haul trucks are parked at a separate location over night.

Mr. Charney asked Mr. Hiatt if the haul trucks will not be operating in any other location than they are today. Mr. Hiatt stated that it is correct and stated that Watkins operates a small number of trucks.

**Interested Parties:**

**Frank Watkins**, P. O. Box 687, Bixby, OK; stated he has gone to school to learn about the Least Tern so he is aware of their habits. As for the hail trucks, they are six wheelers and classified as 40-Ton. The trucks go back and forth once a day and are housed at 141<sup>st</sup> and Mingo using 141<sup>st</sup> to drive on.

Mr. Charney asked Mr. Watkins to explain to the Board about the trucks that load at his site. Mr. Watkins stated he uses five or six bobtail trucks, which are ten wheelers, and deliver to home builders exclusively. Mason sand is also sold to Apex, the rock quarry, because they use it in an asphalt mix. Mr. Watkins stated that he makes sure the trucks have insurance and are tarped or they cannot work for Watkins Sand. After that it is up to the City or law enforcement to monitor the trucks.

Mr. Dillard asked Mr. Watkins if trucks leave his location without being tarped. Mr. Watkins answered no. Mr. Watkins stated that he does the best he can but the drivers are independent contractors. There is a fine when a truck is caught without a tarp in use.

Mr. Charney asked Mr. Watkins if he sold his sand to third party contractors. Mr. Watkins answered affirmatively.

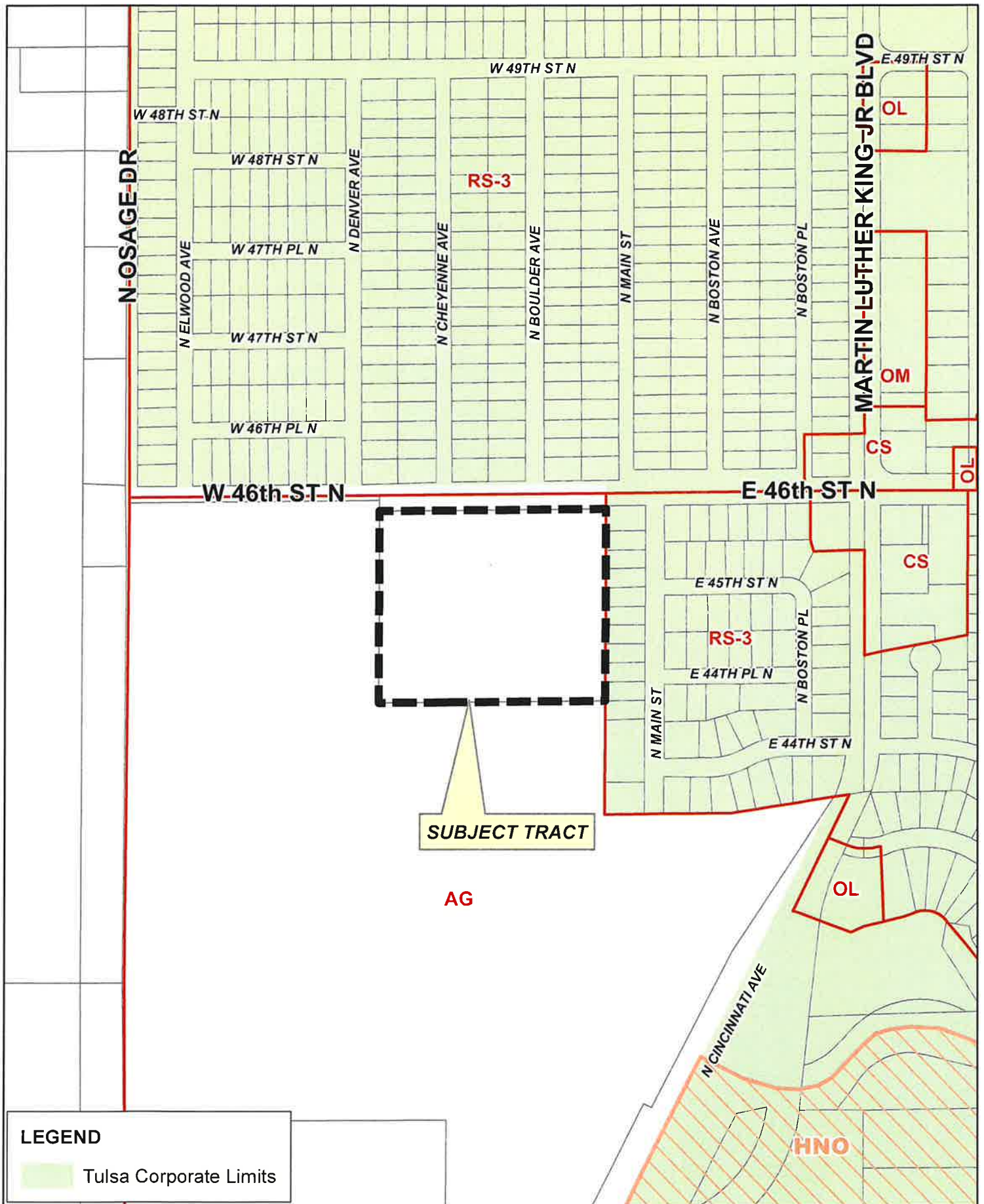
Mr. Charney asked Mr. Watkins about the hours of operation for the dredging and the hours of operation for loading the trucks. Mr. Watkins stated that his people punch the clock at 7:00 A.M. and start loading the trucks, and at 5:00 P.M. the people have to be off the clock, and he operated five days a week. He has not pumped in two years but there is another company in the area that operates differently.

Mr. Charney asked Mr. Watkins why he has not pumped in two years. Mr. Watkins stated that it is cheaper to use the six wheelers to bring out the material than it is to dredge.

Mr. Crall asked Mr. Watkins what he would guess the explosive sound the residents complained about is. Mr. Hiatt stated that not all the letters of complaint are firmly founded, but a lot of times people associate noises with the wrong operator. Mr. Hiatt stated that if there are explosions it has to be another operator.







**SUBJECT TRACT**

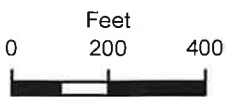
**AG**

**CBOA-2971**

20-12 14

**LEGEND**

 Tulsa Corporate Limits



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 0214

**CZM:** 21

**CASE NUMBER: CBOA-2971**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Jonathan McAuley

**ACTION REQUESTED:** Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

**LOCATION:** 200 W 46 ST N

**ZONED:** AG

**FENCELINE:** Turley

**PRESENT USE:** Tulsa Dream Center

**TRACT SIZE:** 10.08 acres

**LEGAL DESCRIPTION:** LT 1 BLK 1, TULSA DREAM CENTER

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

CBOA-2934 November 2021: The Board approved a request for a Modification to a previously approved site plan (CBOA-1690) to add additional building and splash pad Section 1205)

CBOA-1690 November 1999: The Board approved a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution, and nurse station), on property located at 46th and North Cincinnati.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning to the west and south. It abuts RS-3 zoning the north and east. The surrounding uses appear to be vacant or residential.

**STAFF COMMENTS:**

The applicant is requesting a Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

In 1999, the Board approved a request for a *Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution, and nurse station) subject to the following condition:*

- *Per site plan as presented*

In 2021, the Board approved a request for a modification to a previously approved site plan to add an additional building and splash pad, with no additional conditions imposed at the time.



The applicant is proposing to add a garage approximately 3,334 sf in area to the subject property.

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

**Sample Motion for Modification:**

“Move to \_\_\_\_\_ (approve/deny) a Modification to a previously approved site plan (CBOA-2934) to add a garage (Section 1205).  
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.”



N OSAGE DR

W 43TH ST N

W 48TH ST N

W 47TH PL N

W 47TH ST N

W 46TH PL N

W 46th ST N

W 49TH ST N

E 49TH ST N

N DENVER AVE

N CHEYENNE AVE

N BOULDER AVE

N MAIN ST

N BOSTON AVE

N BOSTON PL

MARTIN LUTHER KING JR BLVD

E 46th ST N



E 45TH ST N

E 44TH PL N

N MAIN ST

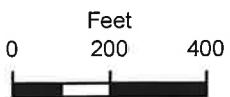
N BOSTON PL

E 44TH ST N

N CINCINNATI PL

E 43RD ST N

N CINCINNATI AVE



**CBOA-2971**

20-12 14

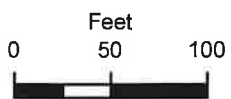
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021





**W 46th ST N**



**Subject  
Tract**

**CBOA-2971**

20-12 14

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

*Aerial Photo Date: 2020/2021*









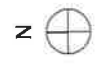
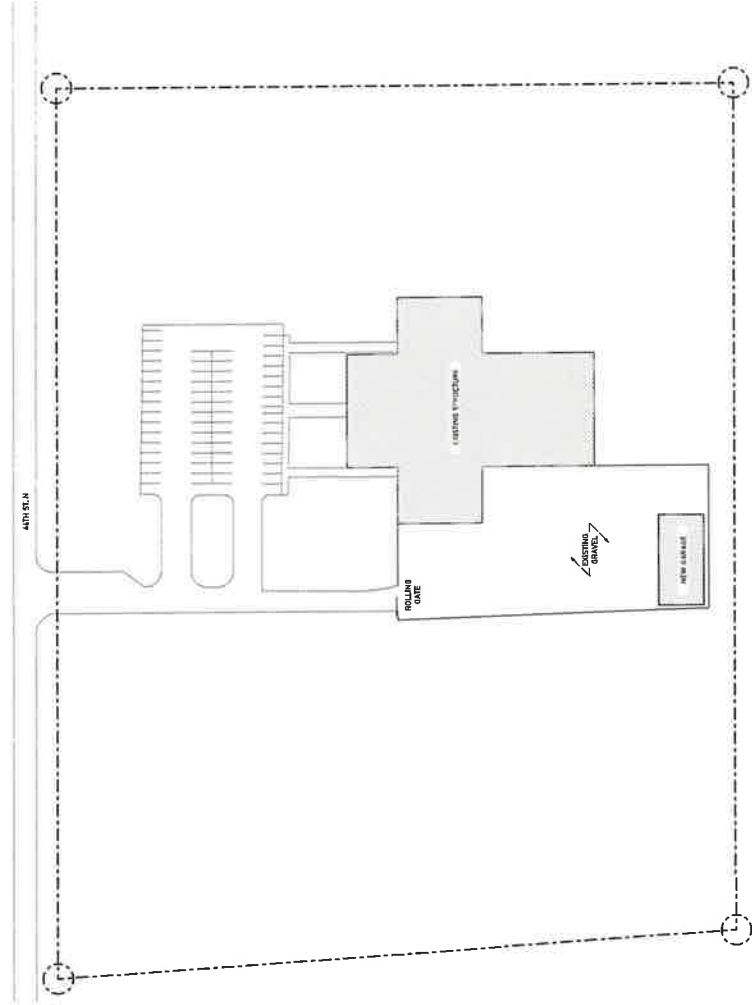
LEE SIMON  
12477N - PERMIT SET

**GENERAL SITE NOTES**

1. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
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9. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
10. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.

# TULSA DREAM CENTER - GARAGE

Tulsa, OK 74126



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

SQUARE FOOTAGE  
TOTAL

REVISIONS  
NO. DATE

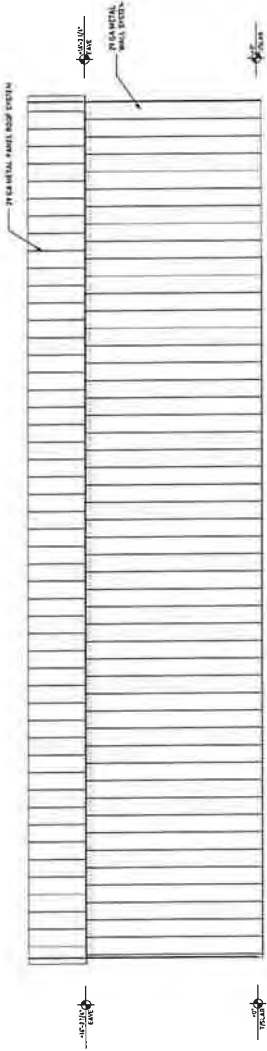
PROJECTING  
ENGINEER  
DATE

ARCHITECTURAL SITE  
PLAN

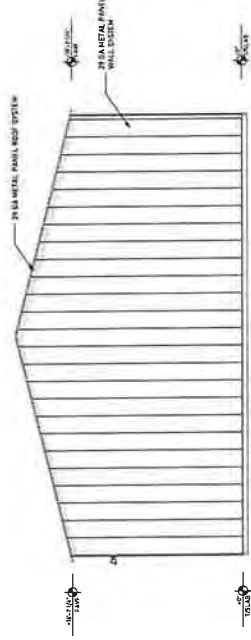
SP1



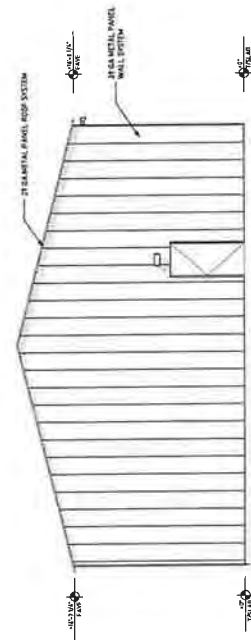




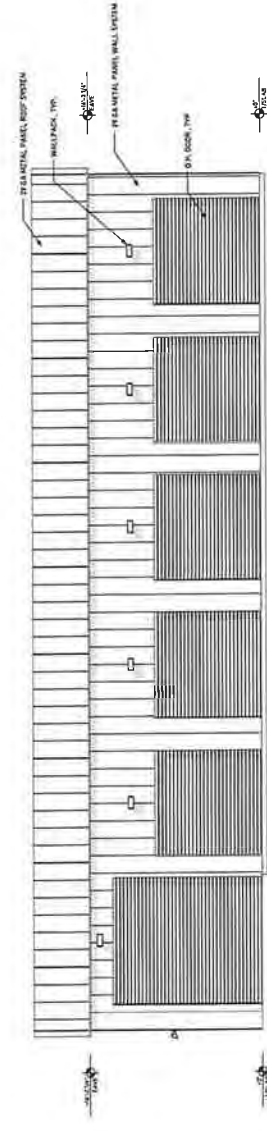
**3 SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**4 EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE  
TOTAL

REVISIONS  
NO. DATE DATE

PROJECT NO.  
DATE  
DRAWN BY  
DATE

EXTERIOR ELEVATIONS

**A2**





E/2 E/2 SE SW SEC 21 17 13, OF TULSA COUNTY, STATE OF OKLAHOMA

2934—Mark Capron

**Action Requested:**

Modification to a previously approved site plan (CBOA-1690) to add an additional building and splash pad (Section 1205). **LOCATION:** 200 West 46th Street North

**Presentation:**

**Mark Capron**, Wallace Design Collective, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated in 1999 this development had a Special Exception approved with the site plan that was associated with that approval. The original request was approved per site plan and any time there is a change the application has to come back before the Board. Today the same development is before the Board, but a couple of things have changed; another building is being added for an indoor pool and a playground is being removed for a splash pad in the same area. This is only an expansion of services. The new building is a separate building and is east of the existing building.

Mr. Hutchinson asked Mr. Capron if there were going to be soccer or football fields, or if they already exist on the site. Mr. Capron stated the fields are to the west and are existing. Mr. Hutchinson asked Mr. Capron if the children on the fields would be able to go over to the splash pads. Mr. Capron answered affirmatively.

Mr. Hicks asked Mr. Capron if there were any plans to relocate the existing playground. Mr. Capron stated the playground is being replaced with the splash pad.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Modification to a previously approved site plan (CBOA-1690) to add an additional building and splash pad (Section 1205). Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code; for the following property:

**LT 1 BLK 1, TULSA DREAM CENTER, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Action Requested:**

Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution & nurse station), located at 46<sup>th</sup> & North Cincinnati.

**Staff Comments:**

Mr. Bruce stated that the subject property is eleven acres in size (660' x 720') and is a portion of a larger ownership, which is located west of the northwest corner of North Cincinnati Avenue and 46<sup>th</sup> Street North. The subject property is bounded on the east by residential housing in the RS-3 district and on the south and west by AG zoning. He indicated that 46<sup>th</sup> Street North bounds the parcel on the north with residential housing in the RS-3 district beyond. The aerial photograph indicates the parcel to be vacant.

Mr. Bruce stated that the information submitted by the applicant indicates that the proposed use is a community outreach in affiliation with Victory Christian Center. The proposed 48,000 (400' x 120') square foot structure would include space for children's nursery, chapel, counseling center, recreation (basketball, volleyball, etc.), food and clothing distribution and a nurse's station. The area north of the structure between it and 46<sup>th</sup> Street will include outdoor recreation space. Parking is proposed on both the north and south sides of the structure.

Mr. Bruce commented that the applicant has also indicated that the remainder of the ownership will be donated to Victory Christian Center in the event that the eleven-acre parcel is developed with the proposed uses. The staff's understanding is that there is no intent to split the property at this time.

**Presentation:**

**Bruce Edwards**, 8411 South Toledo, Tulsa, Oklahoma, stated that he is representing Victory Christian Center, Inc. Stated that Victory Christian Center would like to have a Care Center on the north side of Tulsa. He explained that the church would help with food, clothing, counseling, medical and legal assistance for the poor and needed families. He indicated that the activities would be during the daytime and some inside activities in the evening hours.

Mr. Edwards explained that the current site of Victory Christian Center is approximately fifteen miles from the subject location and it is difficult for the individuals to make the trip to the current center. He stated that Victor Christian Center could meet the needs of the people on the north side better if the proposal is approved.

Mr. Edwards stated that the owners of the property approached the church and offered the subject property for the church's use.

11:16:99:234(9)



**Comments and Questions:**

Mr. Looney asked the applicant if the church will be expanding in the near future. Mr. Edwards stated that the expansion would depend on needs. Mr. Edwards proposed that a building measuring 100' x 120' would be built first and expand as if the need arises. Mr. Edwards indicated that part of the proposed building will be two-story for offices and distribution center.

Mr. Looney asked Mr. Edwards if the proposed building would have living quarters. In response, Mr. Edwards stated that at this time there are no plans for living quarters. Mr. Edwards explained that the center would like to be able to provide a refuge for anyone experiencing violence at home, but only a temporary shelter.

Mr. Walker asked the applicant if he plans to install a screening fence abutting the residential area. In response, Mr. Edwards stated that there will be a screening fence on the east side to provide sufficient separation. Mr. Edwards indicated that there will be a line of trees planted as well as the fence to add to the separation from the residential area.

Mr. Walker asked the applicant if there will be lighting for the outdoor recreation use area. Mr. Edwards stated that at this time there are no plans to install lighting and the outdoor recreation area would be a daytime activity.

Mr. Looney asked the applicant if there will be lighting on the parking area. Mr. Edwards answered affirmatively. Mr. Edwards indicated that he would be willing to cooperate with the neighbors regarding the lighting so that it will not be intrusive. Mr. Edwards stated that the parking lot will be a good distance from the residential area.

Mr. Walker asked Mr. Edwards what type of traffic volume he expects for the center. In response, Mr. Edwards stated that he does not perceive a great deal of traffic because the majority of the people served by the center do not own vehicles. Mr. Edwards commented that the traffic would be mostly the employees, delivery vehicles, etc.

Mr. Alberty stated that he is excited to see this application and he commended the Victory Christian Center. He concluded that he is in support of this application.

Case No. 1690 (continued)

**INTERESTED PARTIES COMMENTS:**

**Martha Cobb**, stated that she owns the subject property with her sister. She explained that she wanted to do something to help the north side of Tulsa. She commented that the Victory Christian Center does good work and the family decided to donate the subject property to the center.

**Billie Joe Dougherty**, Pastor of Christian Victory Center, Inc., stated that the center would like to build out the entire plan quickly. He indicated that the residents in the subject area are in support of the proposal.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Walker aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution & nurse station), per site plan as presented, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A part of NE/4 of Section 14, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the N boundary line of said Section 14, 810.00' W of the NE/c thereof, and 40.00' N of the NW/c of the Valley View Acres Addition, an addition in the City of Tulsa, thence S 0°12'00" W along the W boundary line of said Valley View Acres Addition a distance of 660.00'; thence due W a distance of 720.00'; thence N 0°12'00" E a distance of 660.00' to the N boundary line of said NE/4; thence due E along the N boundary of said NE/4 a distance of 720.00' to the point of beginning.

\* \* \* \* \*

**Case No. 1691**

**Action Requested:**

Special Exception to allow a mini-storage in a CS district and a Variance to waive the all-weather surface until warm weather, located west of northwest corner West 41<sup>st</sup> Street & South 137<sup>th</sup> West Avenue.

11:16:99:234(11)

**CBOA-2934 4.6**

**CBOA-2971 5.15**



# Tulsa Dream Center Victory Christian Center

Tulsa, Oklahoma

**PROJECT NOTES:**

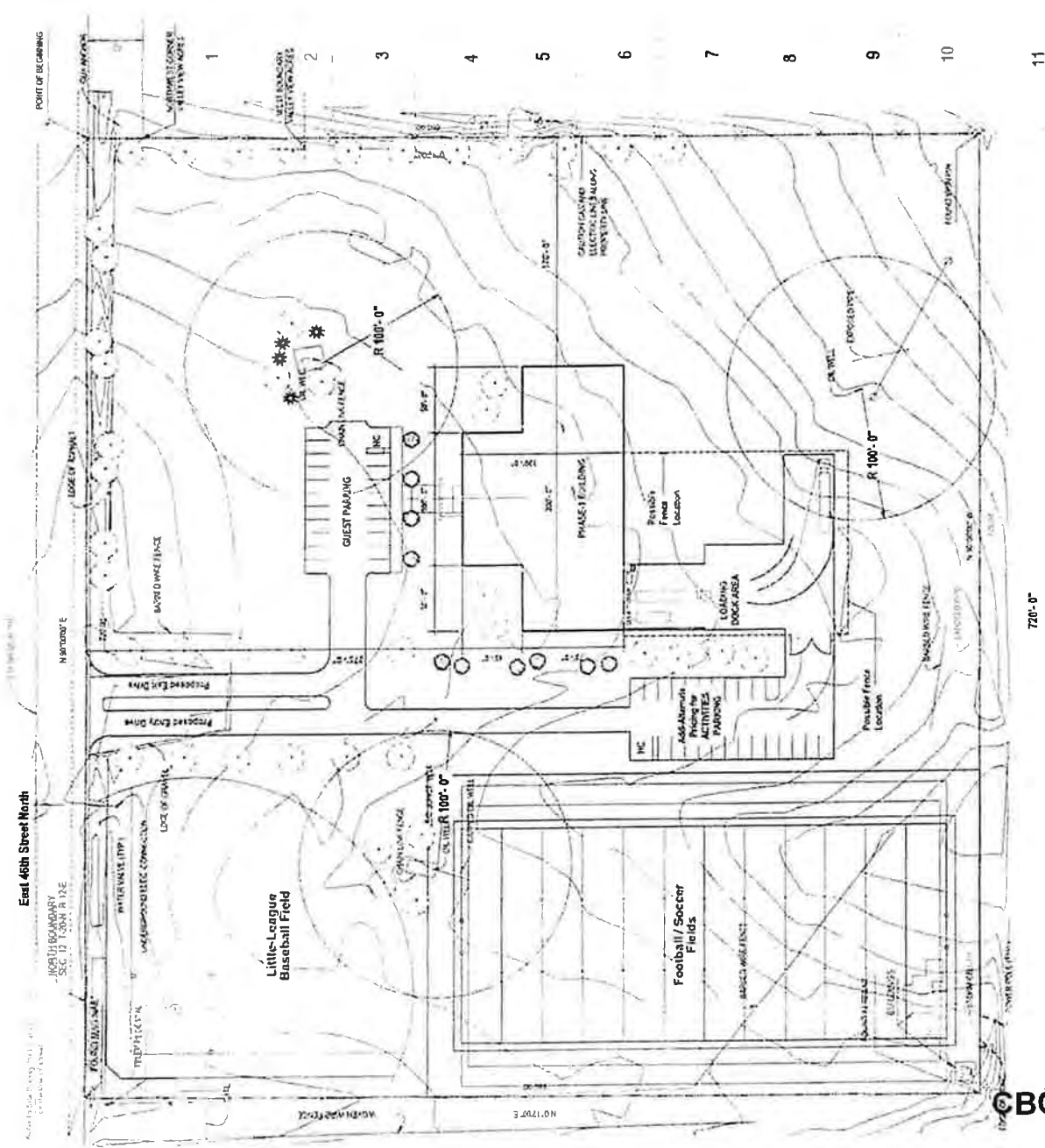
1. SEE 2005 AIA/CES [Continuing Education] Credit (1 hour)
  2. Construction items
  3. Stormwater (Erosion Control)
  4. Retention, Detention, Storage
  5. Other
- \* Note: Areas shown above are only approximate at this time and may be adjusted as the Interior Plan Layout is developed.

Total Required Spaces, based on 500 sq. ft. per car  
 Parking Proposed Phase 1: 26 Total

Standard Spaces *	23	SC
Handicap Accessible Spaces *	1	HC
Subtotal *	24	
Activity / Staff Parking:		
Standard Spaces *	23	SC
Handicap Accessible Spaces *	1	HC
Subtotal *	24	

TOTAL PARKING PROPOSED - Phase - 1:  
 Standard Spaces \* 41 SC  
 Handicap Accessible Spaces \* 2 HC  
 Total Spaces Proposed \* 43

<b>Dickson Gunn &amp; Associates ARCHITECTS</b> 3502 E. 21st - Tulsa, OK 74114 Phone / Fax (918) 743-2256	<b>TULSA DREAM CENTER</b> 466 Street North & Cincinnati Tulsa, Oklahoma Victory Christian Center 7700 S Lewis Ave - Tulsa, OK
<b>Preliminary Site Plan</b>	<b>SP-1</b>



**NORTH** ↑  
 SCALE: 1"=40'-0"



# Board of Adjustment

**Case Number:** CBOA-2973

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

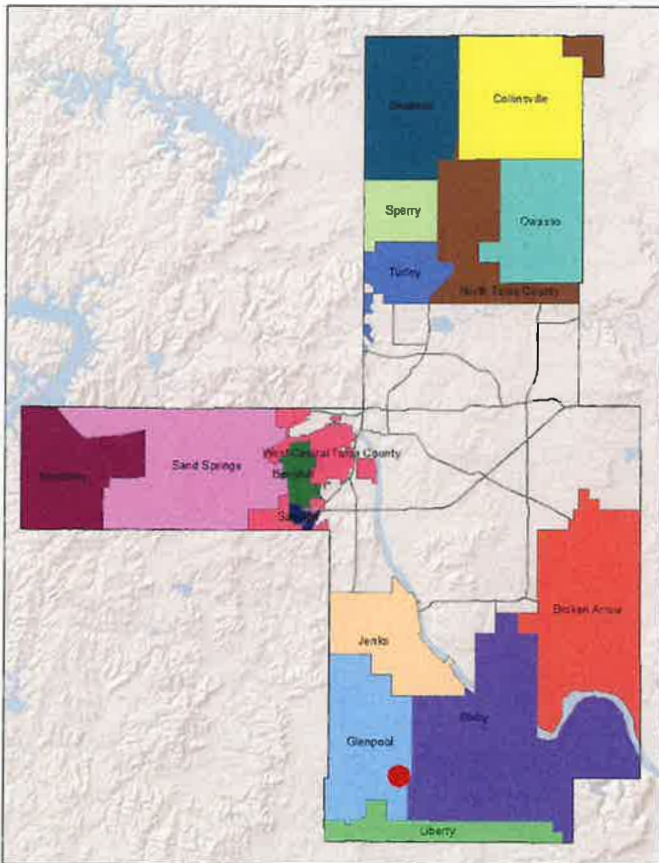
**Owner and Applicant Information:**

**Applicant:** Casey Flickinger

**Property Owner:** SHAIN, ROBERT W TRUST

**Action Requested:** Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3)

**Location Map:**



**Additional Information:**

**Present Use:** Agricultural

**Tract Size:** 6.67 acres

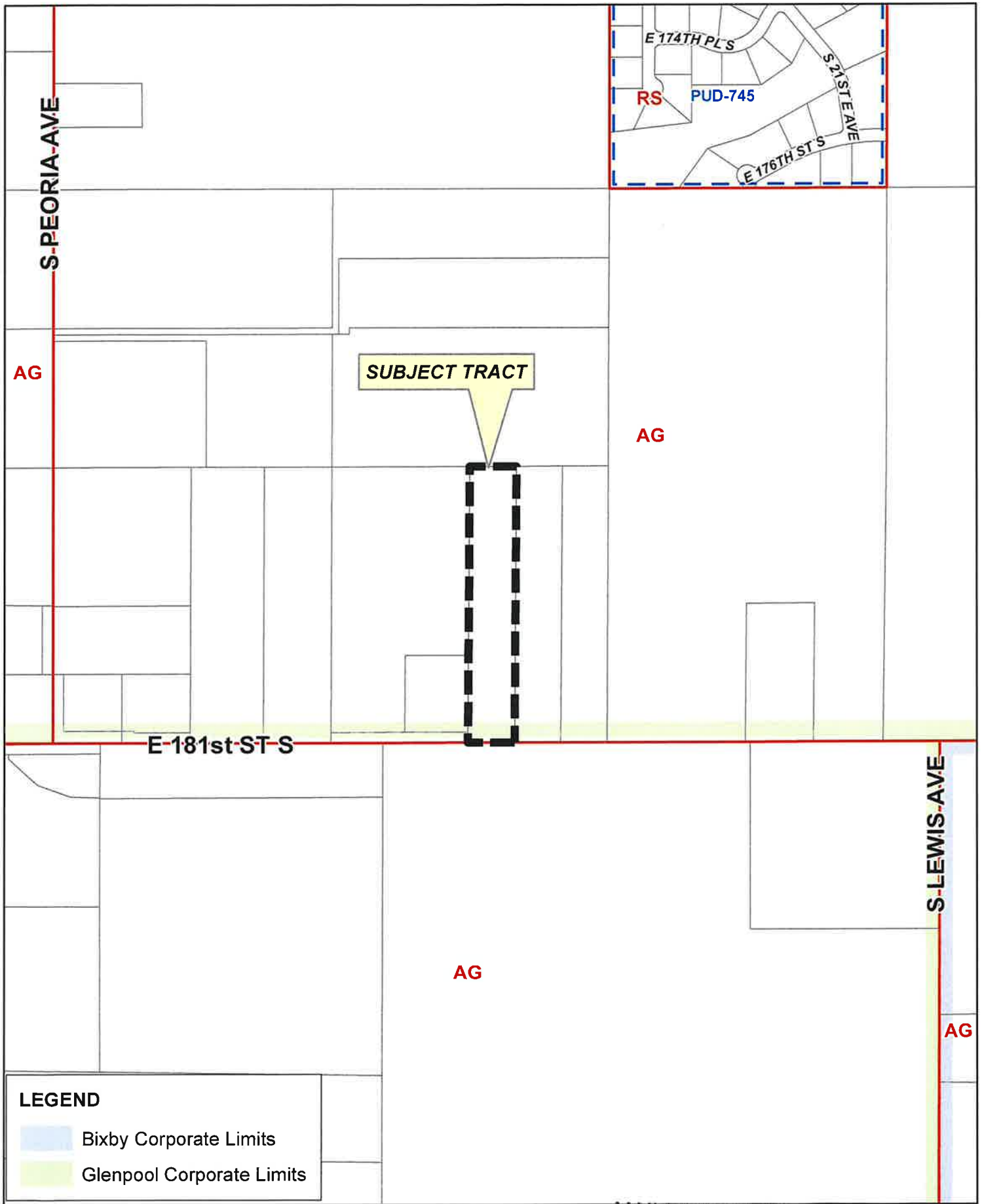
**Location:** 1739 E 181 ST S

**Present Zoning:** AG

**Fenceline/Area:** Glenpool

**Land Use Designation:** Rural





**CBOA-2973**

MAILED NOTICES

*6-3-22*

17-13 31



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7331  
**CZM:** 66

**CASE NUMBER: CBOA-2973**  
**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Casey Flickinger

**ACTION REQUESTED:** Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3)

**LOCATION:** 1739 E 181 ST S

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Agricultural

**TRACT SIZE:** 6.67 acres

**LEGAL DESCRIPTION:** E/2 SE SW LESS E13.33AC THEREOF SEC 31 17 13 6.67AC,

**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 width in the AG district to permit a lot split. (Section 330, Table 3)

As shown on the attached surveys provided by the applicant, they propose to split the subject lot as shown and propose a minimum lot width of 70.68 ft as part of a lot split. Section 330, Table 3 of the Tulsa County Zoning Code limits the minimum lot width in the AG district to 150 ft.

The applicant did not provide a statement of hardship for this case.

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.

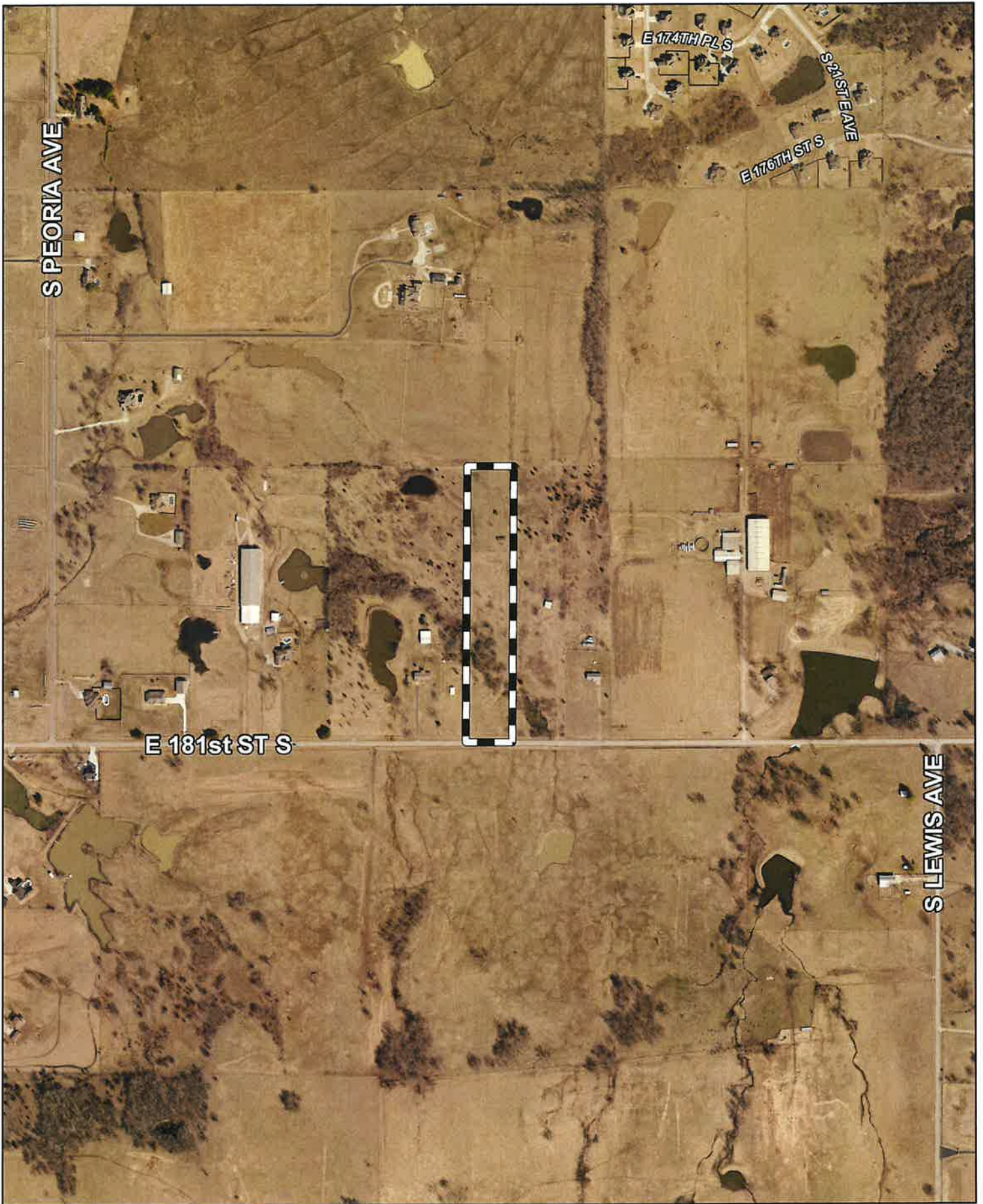
Sample Motion:

*"Move to \_\_\_\_\_ (approve/deny) a Variance of the minimum lot width in the AG district to permit a lot split in an AG district. (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”*





S PEORIA AVE

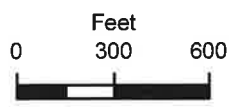
E 174TH PL S

S 21ST E AVE

E 176TH ST S

E 181st ST S

S LEWIS AVE



MAILED NOTICES  
Subject Tract

6-3-22

**CBOA-2973**

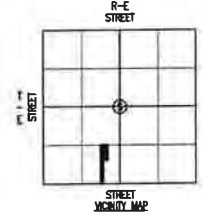
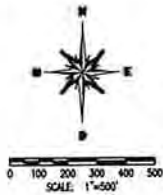
17-13 31

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

Aerial Photo Date: 2020/2021

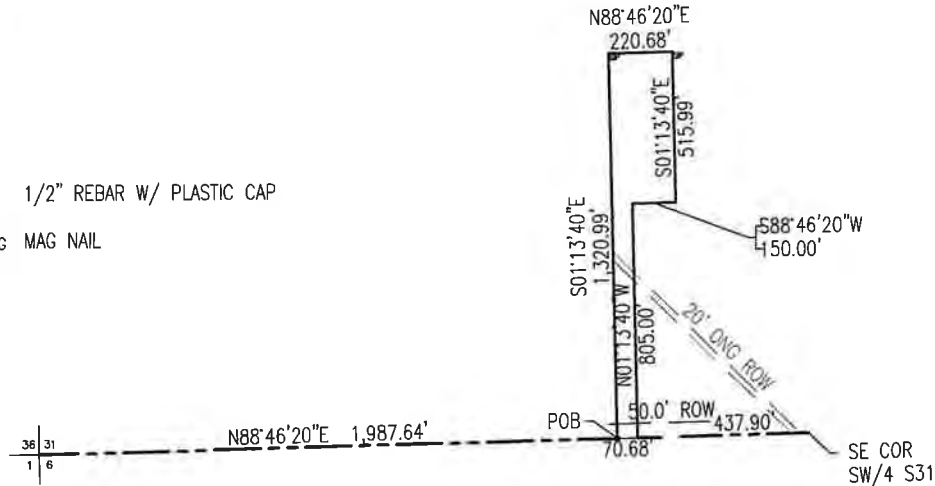


# PLAT OF SURVEY



◦SIP 1/2" REBAR W/ PLASTIC CAP

◦MAG MAG NAIL



### DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST (SW) CORNER OF SAID SECTION 31; THENCE N88°46'20"E A DISTANCE OF 1,987.64 FEET TO THE POINT OF BEGINNING; THENCE N01°13'40"W THENCE A DISTANCE OF 1,320.99 FEET; THENCE N88°46'20"E A DISTANCE OF 220.68 FEET; THENCE S01°13'40"E A DISTANCE OF 515.00 FEET; THENCE S88°46'20"W A DISTANCE OF 150.00 FEET; THENCE S01°13'40"E A DISTANCE OF 805.00 FEET; THENCE S88°46'20"W A DISTANCE OF 70.68 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 170,765.14 SQUARE FEET OR 3.9 ACRES MORE OR LESS.

### CERTIFICATION

I, ROBERT E. BIRD, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND A CORRECT REPRESENTATION OF THE SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THAT THIS SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. WITNESS MY HAND AND SEAL ON THIS 7th DAY OF JULY, 2021.

DATE OF LAST SITE VISIT JULY 7, 2021.

BIRD SURVEYING & DESIGN, PLLC  
9020 NORTH 175TH EAST AVENUE  
OWASSO, OK 74055  
(918) 645-8392  
CA 4454 EXP 6/30/2022

ROBERT E. BIRD, PE, PLS  
OK PLS 1558  
july 7, 2021

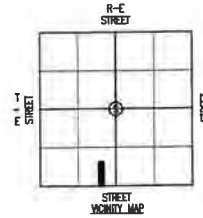
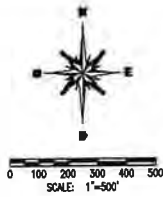


MAILED NOTICES

63-22

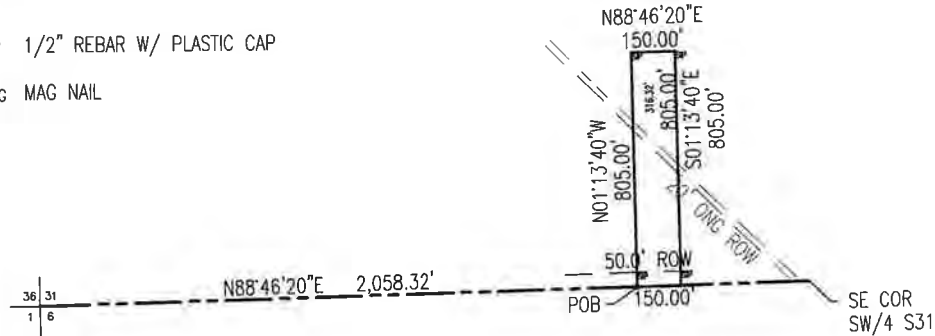


# PLAT OF SURVEY



◦SIP 1/2" REBAR W/ PLASTIC CAP

◡MAG MAG NAIL



## DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST (SW) CORNER OF SAID SECTION 31; THENCE N88°46'20"E A DISTANCE OF 2,058.32 FEET TO THE POINT OF BEGINNING; THENCE N01°13'40"W THENCE A DISTANCE OF 805.00 FEET; THENCE N88°46'20"E A DISTANCE OF 150.00 FEET; THENCE S01°13'40"E A DISTANCE OF 805.00 FEET; THENCE S88°46'20"W A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 120,750.00 SQUARE FEET OR 2.8 ACRES MORE OR LESS.

## CERTIFICATION

I, ROBERT E. BIRD, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND A CORRECT REPRESENTATION OF THE SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THAT THIS SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. WITNESS MY HAND AND SEAL ON THIS 7th DAY OF JULY, 2021.

DATE OF LAST SITE VISIT JULY 7, 2021.

BIRD SURVEYING & DESIGN, PLLC  
9020 NORTH 175TH EAST AVENUE  
OWASSO, OK 74055  
(918) 645-8392  
CA 4454 EXP 6/30/2022

ROBERT E. BIRD, PE, PLS  
OK PLS 1558  
july 7, 2021







# Board of Adjustment

**Case Number:** CBOA-2974

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

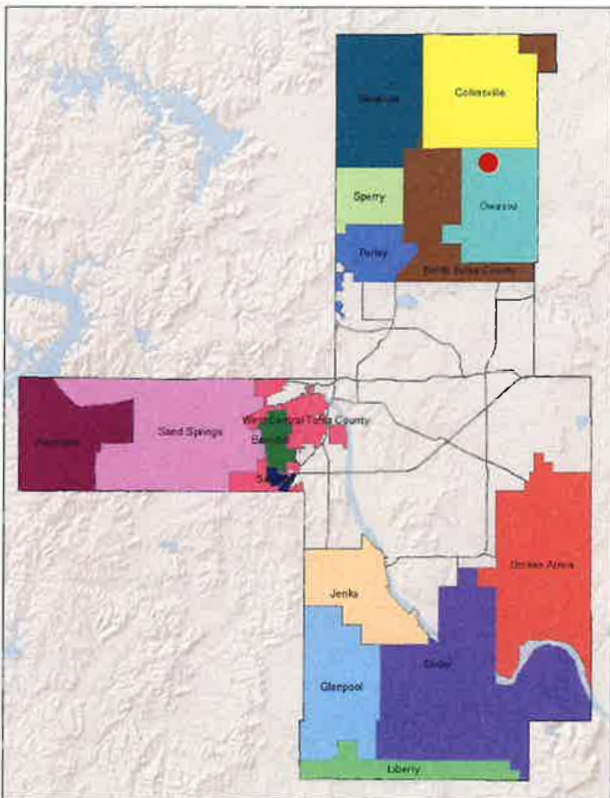
**Owner and Applicant Information:**

**Applicant:** Sarah Townsend

**Property Owner:** TOWNSEND, KATHLEEN DANIEL

**Action Requested:** Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

**Location Map:**



**Additional Information:**

**Present Use:** AG-R

**Tract Size:** 2.53 acres

**Location:** 10316 E 120 ST N

**Present Zoning:** AG-R

**Fenceline/Area:** Owasso

**Land Use Designation:** Residential



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1406

**CZM:** 12

**HEARING DATE:** 06/21/2022 1:30 PM

**CASE NUMBER: CBOA-2974**

**CASE REPORT PREPARED BY:** Jay Hoyt

**APPLICANT:** Sarah Townsend

**ACTION REQUESTED:** Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

**LOCATION:** 10316 E 120 ST N

**ZONED:** AG-R

**FENCELINE:** Owasso

**PRESENT USE:** AG-R

**TRACT SIZE:** 2.53 acres

**LEGAL DESCRIPTION:** TR IN S/2 N/2 SW W OF RR LESS W1936 LESS N25 THEREOF SEC 6 21 14 2.53ACS, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None Relevant

**Surrounding Property:**

**CBOA-1382 October 1995:** The Board approved a Special Exception to allow a manufactured home in an AG-R District on property located at 10148 E 120<sup>th</sup> St N and a variance to permit two dwelling units dwelling units on one lot of record.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is AG-R zoned and is surrounded to the north, west and south by AG-R, and to the east by RS-3 in Owasso with the uses being residential.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208) and a Special Exception to permit a mobile home in an AG-R district (Section 310).

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

The applicant did not provide a hardship statement.



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 Special Exception to permit a mobile home in an AG-R district (Section 310).**

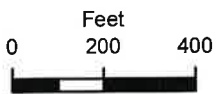
- **Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.**
- **Finding the hardship to be \_\_\_\_\_.**

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

**“Move to \_\_\_\_\_ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208)**

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

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



Subject  
Tract

**CBOA-2974**

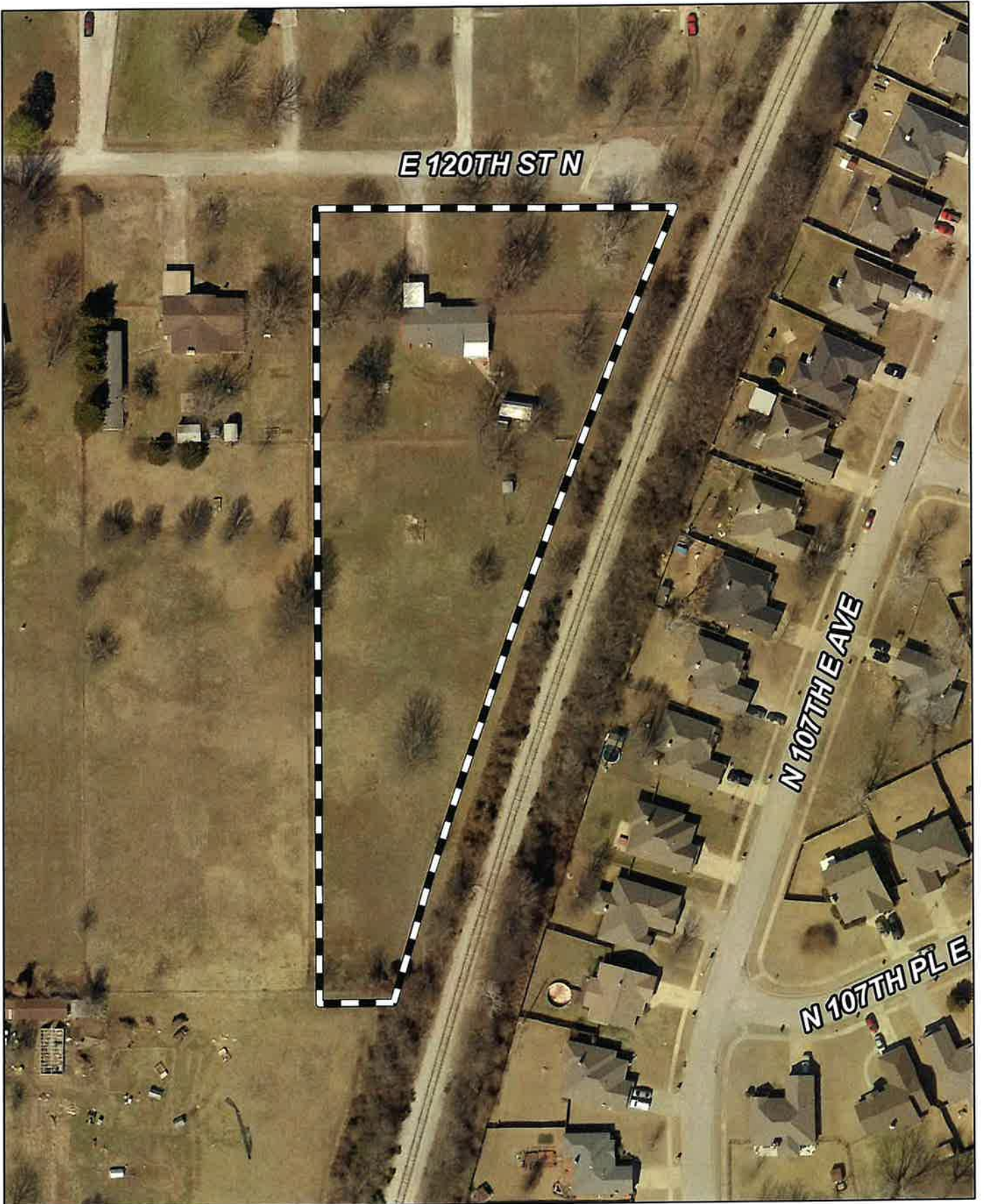
21-14 06

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

Aerial Photo Date: 2020/2021







E 120TH ST N

N 107TH AVE

N 107TH PL E



Subject Tract

**CBOA-2974**

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



21 MAILED NOTICES

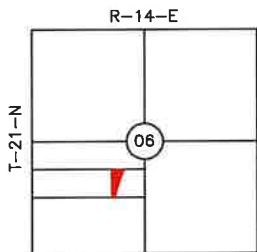
Aerial Photo Date: 2020/2021

6-3-22



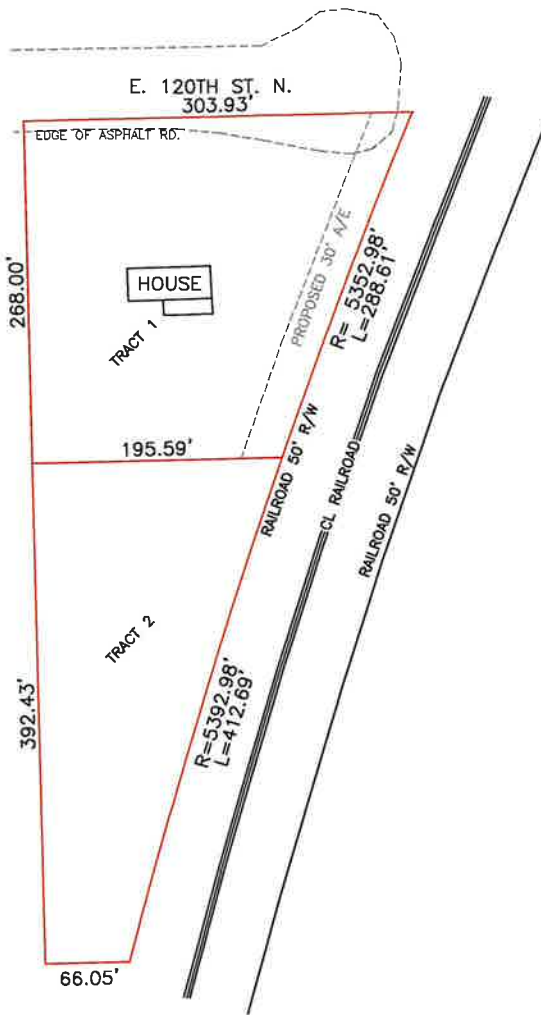
# LOT SPLIT SURVEY

PREPARED FOR SARAH TOWNSEND  
 10316 E. 120TH ST. N.  
 COLLINSVILLE, OK 74021  
 SBRYNNT@GMAIL.COM  
 918-780-0330



LOCATION MAP

COUNTY: TULSA



**NOTE:**  
 THIS PLAT OF SURVEY MEETS  
 THE OKLAHOMA MINIMUM  
 STANDARDS FOR THE PRACTICE  
 OF LAND SURVEYING AS  
 ADOPTED BY THE OKLAHOMA  
 STATE BOARD OF REGISTRATION  
 FOR PROFESSIONAL ENGINEERS  
 AND LAND SURVEYORS.

## LEGAL DESCRIPTION

SEE ATTACHED

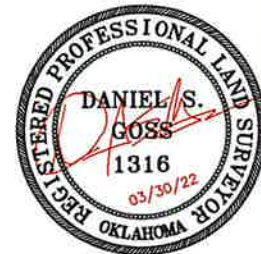
## CERTIFICATE

I, DANIEL S. GOSS, A REGISTERED SURVEYOR BY THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS IS NOT A LAND OR BOUNDARY SURVEY AND THAT NO EFFORT WAS MADE TO RESEARCH FOR ANY OTHER EASEMENTS AT THE COUNTY CLERK OR OTHER RECORDS OFFICE.

THIS PLAT WAS PREPARED FOR LOT SPLIT PURPOSES ONLY, AS REQUIRED.

WITNESS MY HAND AND SEAL THIS 30 DAY OF MARCH, 2022

DANIEL S. GOSS P.L.S. NO. 1316, CA NO. 3932



NORTH

### D. GOSS & ASSOCIATES

12347 HEYWOOD HILL RD.  
 SAPULPA, OK 74066  
 PH. (918)371-0096  
 EMAIL: SURVEY@DGOSS-SURVEY.COM  
 WEBSITE: DGOSS-SURVEY.COM

Scale: NO SCALE	DATE: 03/30/2022
TOWNSEND	DRAWN BY: CJ
JOB # 13875	REVISED:
SITE LAST VISTED: 03/22/2022	

# "ATTACHMENT"

## LEGAL DESCRIPTION

### **PARENT TRACT:**

A tract of land containing 2.69 acres described as being all of the South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof...(deed)

### **TRACT 1:**

The North 268.00 feet of the South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof...containing 1.53 acres, more or less.

### **TRACT 2:**

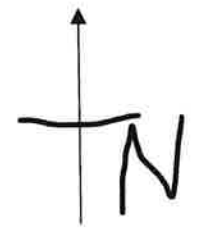
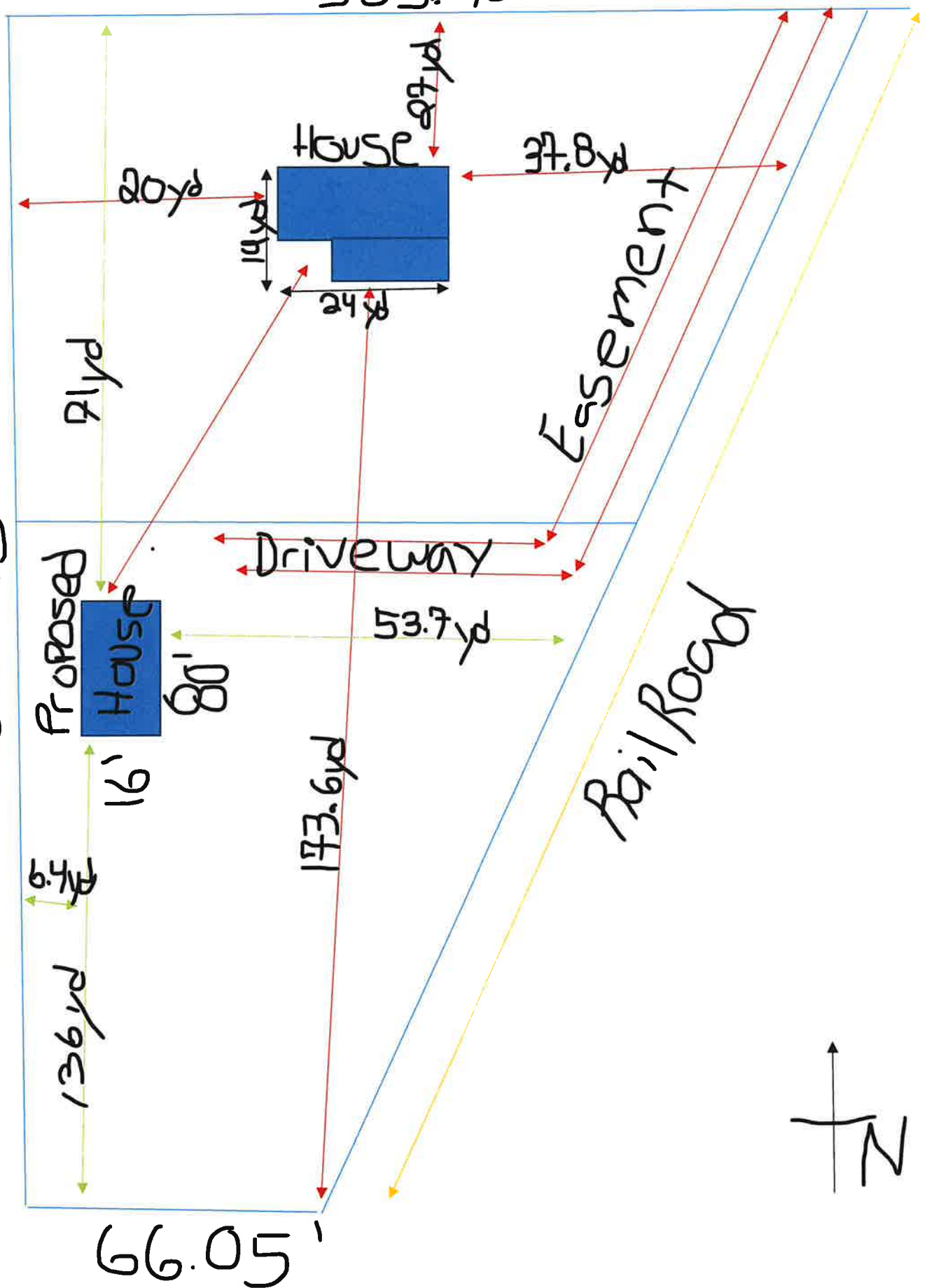
The South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4)..LESS AND EXCEPT the North 268.00 feet thereof...containing 1.15 acres, more or less.

### **30' ACCESS EASEMENT**

The Easterly 30.00 feet of the North 268.00 feet of the South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof...containing 1.53 acres, more or less.

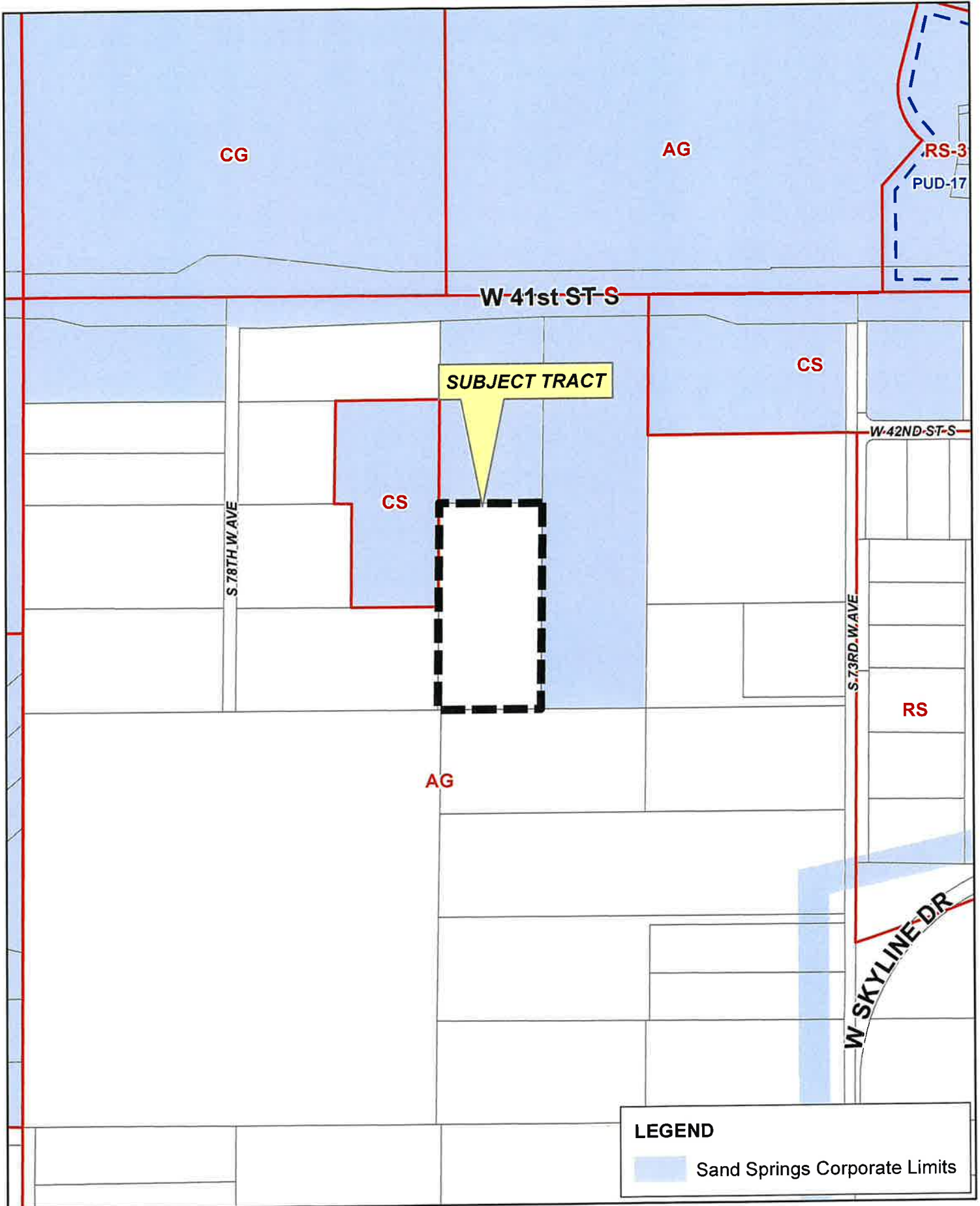
E. 120<sup>th</sup> St. N.  
303.93'

660.43'



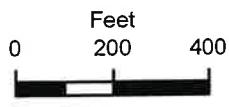






**CBOA-2975**

19-12 30



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9230

**CZM:** 45

**CASE NUMBER:** CBOA-2975

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Susan Christensen

**ACTION REQUESTED:** Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D),

**LOCATION:** 7530 W 41 ST S

**ZONED:** AG

**FENCELINE:** Sand Springs

**PRESENT USE:** Mobile Home

**TRACT SIZE:** 5 acres

**LEGAL DESCRIPTION:** S/2 W/2 W/2 NE NW SEC 30 19 12 5AC,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is currently AG and is use as a single family residence. It is surrounded to the north, south, east and partially to the west by AG zoned properties. CS zoned properties also exist along the northwester portion of the subject lot.

**STAFF COMMENTS:**

The applicant is before the Board requesting a *Use Variance* to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a *Variance* from the all-weather parking surface requirement (Section 1340.D).

The applicant submitted the following statement: "Subject property receives runoff from the adjacent property to the south. Removal of topsoil and addition of commercially compacted gravel on subject property will provide absorption of water and prevent runoff. There is a paved road to the entrance of proposed open storage lot."

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

**SAMPLE MOTION:**

"Move to \_\_\_\_\_ (*approve/deny*) a Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); 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 \_\_\_\_\_.

*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."*



W 41st ST S

W 42nd ST S

S 78th W AVE

S 73rd W AVE

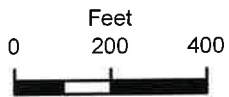
W SKYLINE DR

**CBOA-2975**

19-12 30

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

*Aerial Photo Date: 2020/2021*



 Subject Tract







0 Feet 50 100



Subject Tract

**CBOA-2975**

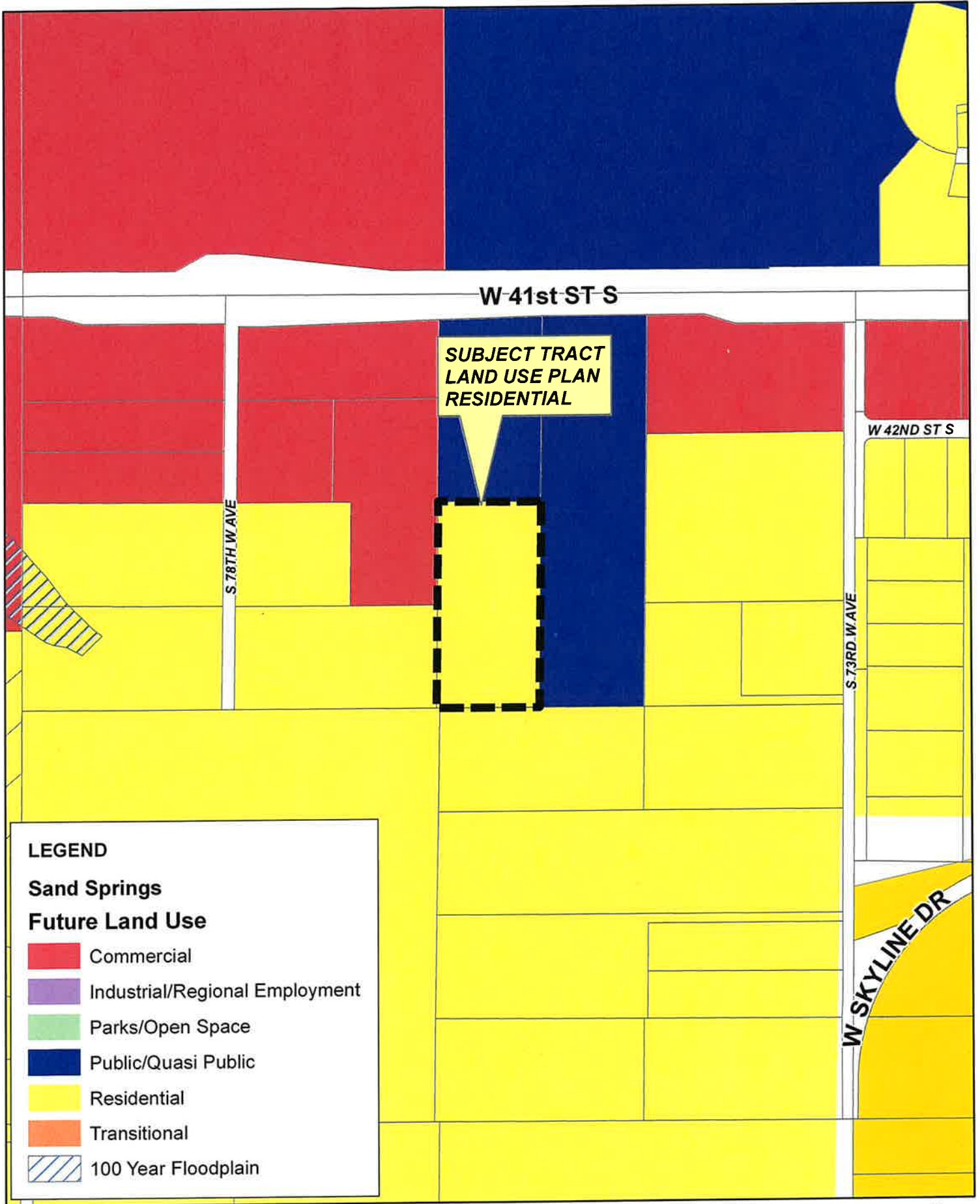
19-12 30

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

Aerial Photo Date: 2020/2021







**SUBJECT TRACT  
LAND USE PLAN  
RESIDENTIAL**

**W 41st ST S**

**W 42nd ST S**

**S 78th W AVE**

**S 73rd W AVE**

**W SKYLINE DR**

**LEGEND**

**Sand Springs**

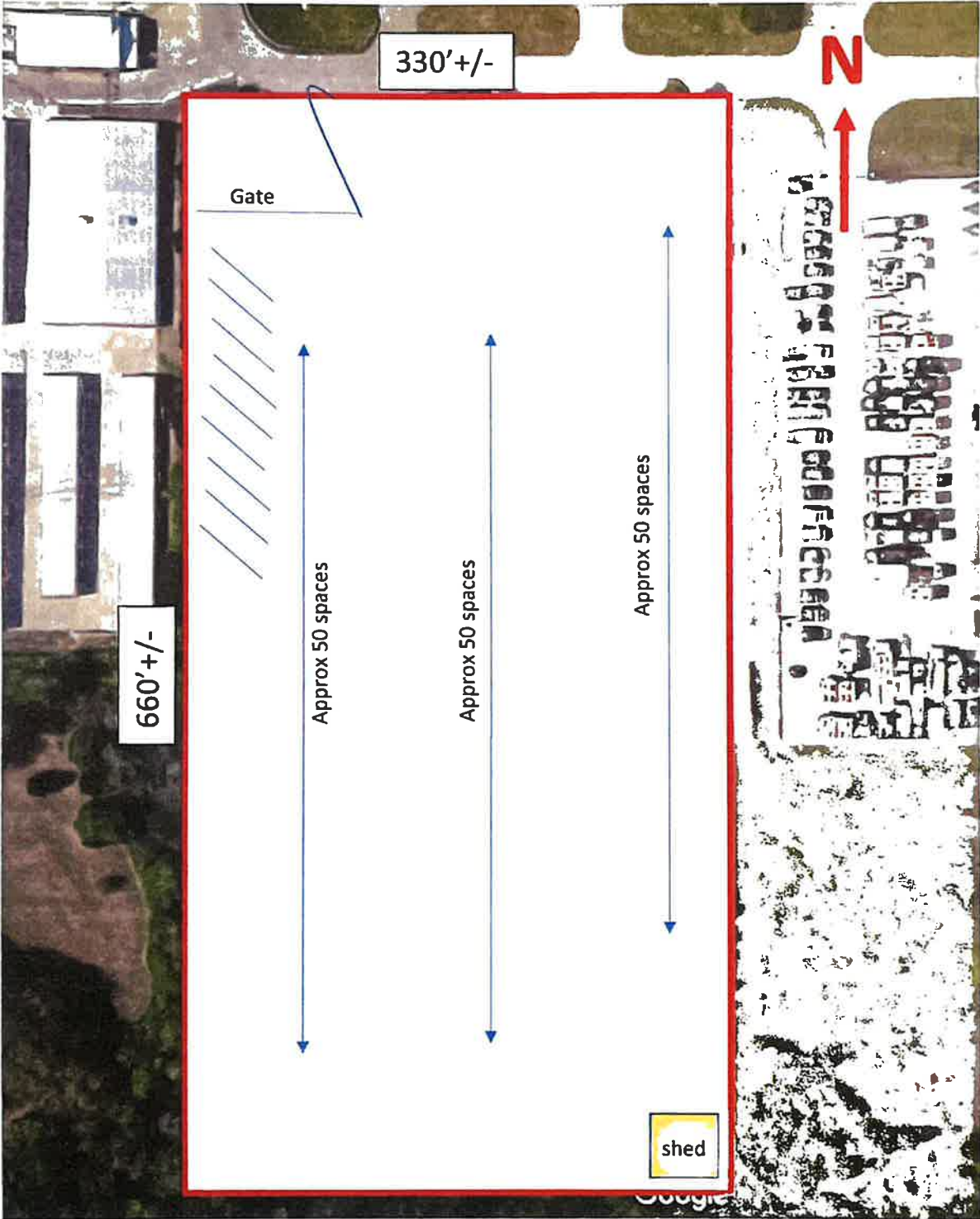
**Future Land Use**

- Commercial
- Industrial/Regional Employment
- Parks/Open Space
- Public/Quasi Public
- Residential
- Transitional
- 100 Year Floodplain

**CBOA-2975**

19-12 30













**Case Number: CBOA-2976**

**Hearing Date: 06/21/2022 1:30 PM**

***Applicant has requested Continuance to 7/19/22***

**Case Report Prepared by:**

Jay Hoyt

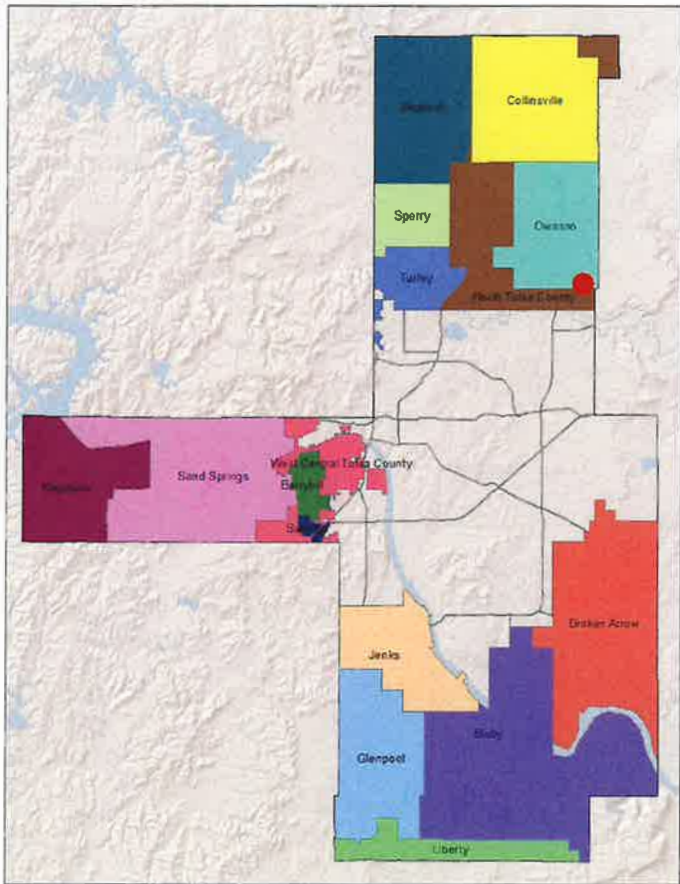
**Owner and Applicant Information:**

**Applicant: Billy Driver**

**Property Owner: DRIVER, BILLY D AND MONA C**

**Action Requested: Variance of the street frontage requirements in an AG district from 30' to 0' Tract 1(Section 207). Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. Tract 2(Section 330 Table 3)**

**Location Map:**



**Additional Information:**

**Present Use: Residential**

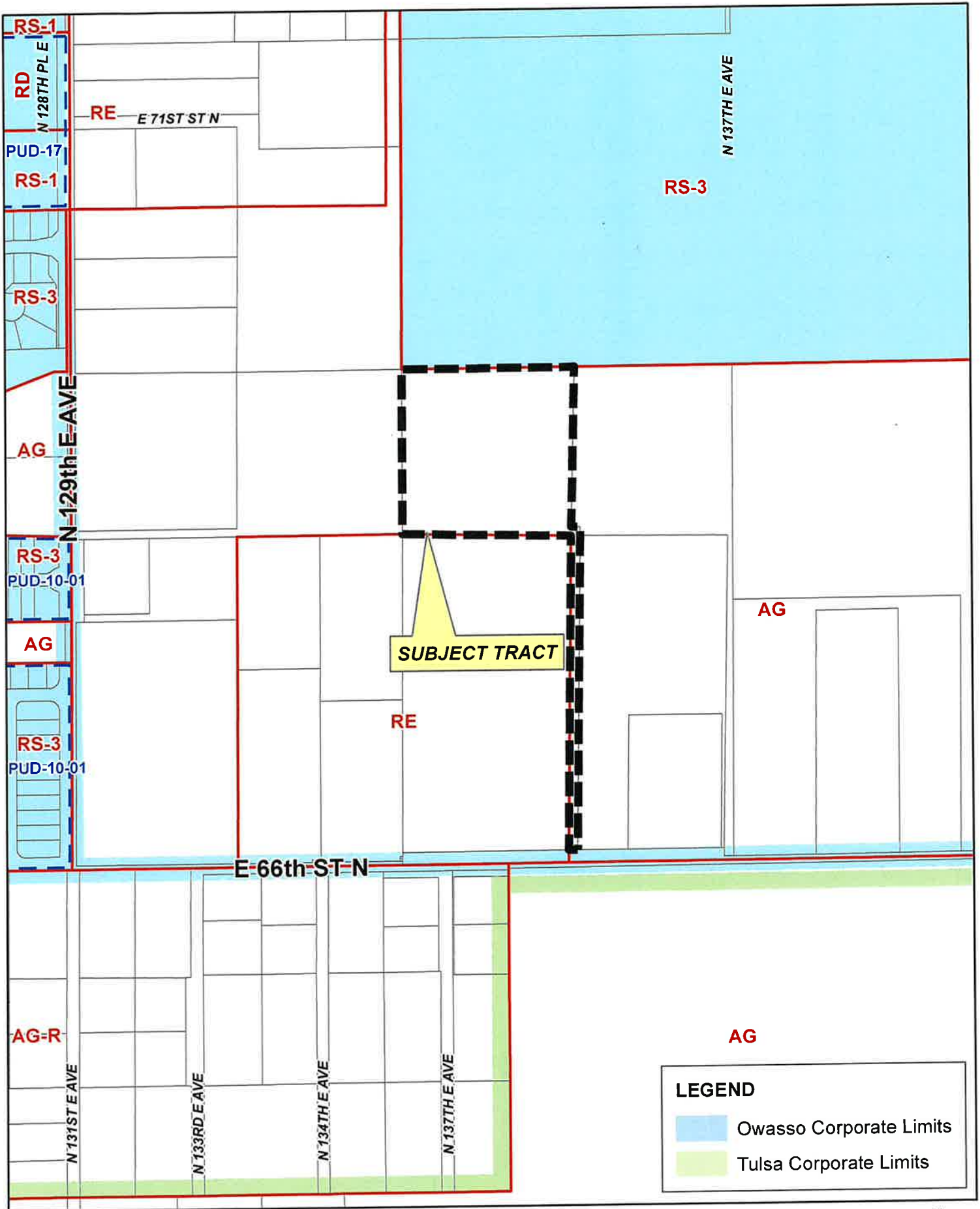
**Tract Size: 11.05 acres**

**Location: 13455 E 66 ST N**

**Present Zoning: AG**

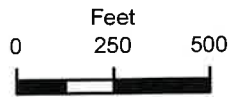
**Fenceline/Area: Owasso**

**Land Use Designation: Residential**



# CBOA-2976

21-14 33



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1433

**CZM:** 18

**CASE NUMBER:** **CBOA-2976**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Billy Driver

**ACTION REQUESTED:** Variance of the street frontage requirements in an AG district from 30' to 0' Tract 1(Section 207). Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. Tract 2(Section 330 Table 3)

**LOCATION:** 13455 E 66 ST N

**ZONED:** AG

**FENCELINE:** Owasso

**PRESENT USE:** Residential

**TRACT SIZE:** 11.05 acres

**LEGAL DESCRIPTION:** SW NE SW & S35 W35 SE NE SW & W35 E/2 SE SW LESS S50 THEREOF FOR RD SEC 33 21 14 11.049ACS, MINGO HOLINESS ASSEMBLY OF GOD CHURCH

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG with AG zoning to the west and east, RS-3 zoning (Owasso) to the north and RE zoning to the south.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the street frontage requirements in a AG district from 30 ft to 0 ft (Section 207) and a Variance of the minimum lot width in the AG district to permit a lot split. (Section 330, Table 3)

As shown on the plans provided by the applicant, they propose to split the existing lot into two lots of 8.1 and 3.0 acres in size. Access to the lots would be per the 35 ft wide segment of the existing lot that extends to E 66<sup>th</sup> St N.

The applicant provided the following statement *"We are hoping to acquire a lot split from Tulsa County with an easement variance on our property that our son and family currently lives. There is no easement property available for purchase.*

*The high cost of housing or land for a modular home seemed to be out of reach for them. If we can deed them a piece of our land at no cost to them makes it affordable for a modular permanent home and have our son near by to help us stay on the property as long as possible during our old age. We are in our seventies.*

*We also want to deed our other two children a fair and equal part of the property after we have passed."*



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 street frontage requirements in an AG district from 30 ft to 0 ft (Section 207) and a Variance of the minimum lot width in the AG district to permit a lot split in an AG district. (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”***



N 128TH PL E

E 71ST ST N

N 137TH E AVE

N 129th E AVE

E 66th ST N

N 131ST E AVE

N 133RD E AVE

N 134TH E AVE

N 137TH E AVE



Subject Tract

**CBOA-2976**

21-14 33

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

Aerial Photo Date: 2020/2021







# WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

**LEGEND**

- FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- CB CHORD BEARING
- B/E BURIED ELECTRIC & TELEPHONE CABLE
- EASEMENT (APPROXIMATE LOCATION)

## LOT LINE ADJUSTMENT

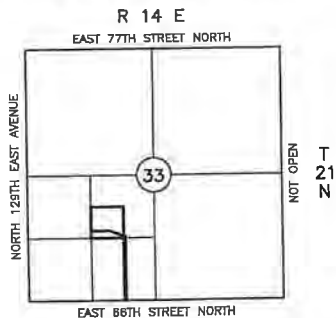
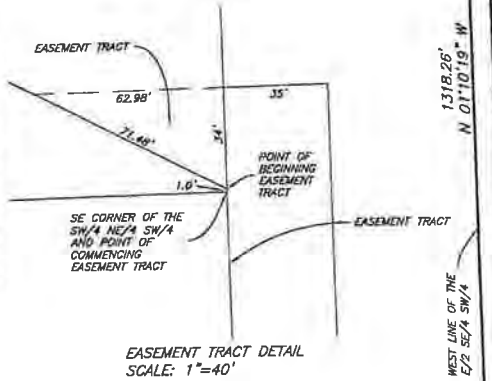
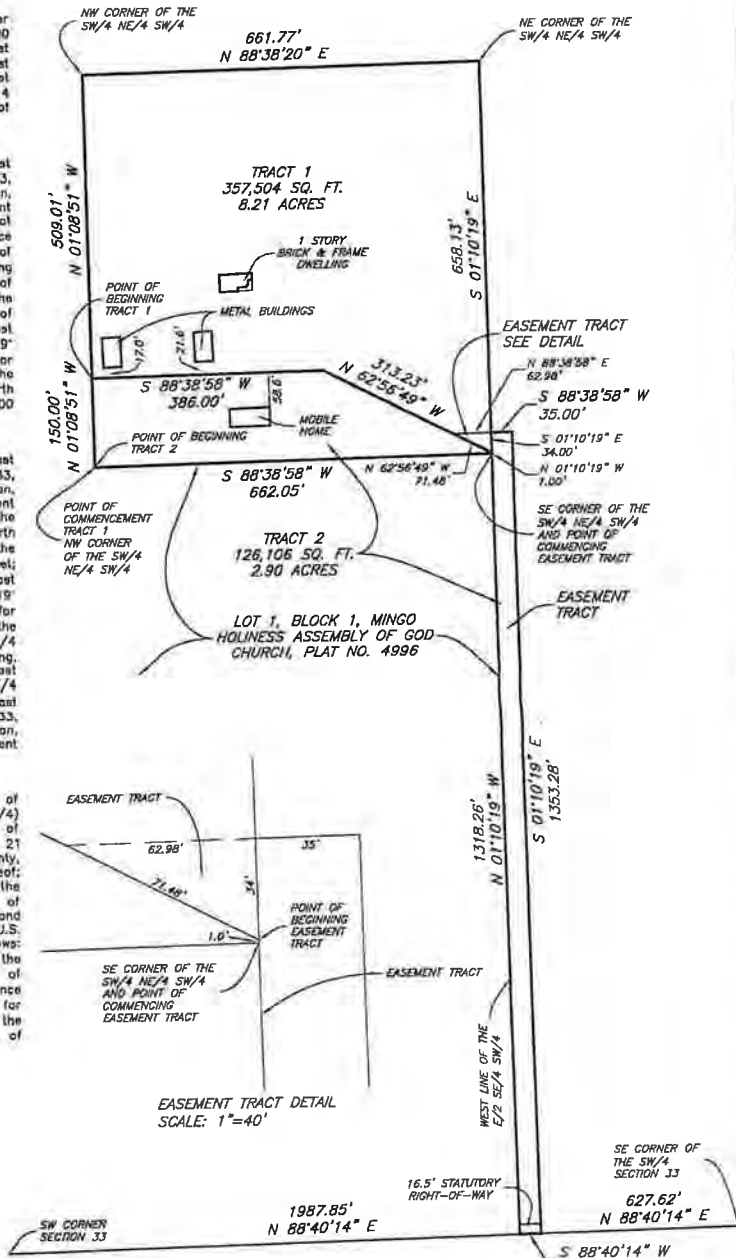
INVOICE NO.: STK 22-108740  
CLIENT: BILL DRIVER

**Existing Un-Divided Tract:**  
A tract of land being the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) AND the South 35.00 feet of the West 35.00 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) AND the West 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof

**Tract 1:**  
A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Commencing at the Southwest corner of the SW/4 of the NE/4 of the SW/4 of the NE/4 of the SW/4 for 509.01 feet to the Point of Beginning; Thence North 01°08'51" West along the West line of the SW/4 of the NE/4 of the SW/4 for 509.01 feet to the Northwest corner of the SW/4 of the NE/4 of the SW/4; Thence North 88°38'20" East along the North line of the SW/4 of the NE/4 of the SW/4 for 661.77 feet to the Northeast corner of the SW/4 of the NE/4 of the SW/4; Thence South 01°10'19" East along the East line of the SW/4 of the NE/4 of the SW/4 for 658.13 feet to a point, said point being 1.00 feet North of the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence North 62°56'49" West for 313.23 feet; Thence South 88°38'58" West for 386.00 feet to the Point of Beginning.

**Tract 2:**  
A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Beginning at the Southwest corner of the SW/4 of the NE/4 of the SW/4; Thence North 01°08'51" West along the West line of the SW/4 of the NE/4 of the SW/4 for 150.00 feet; Thence North 88°38'58" East for 386.00 feet; Thence South 62°56'49" East for 313.23 feet to a point on the East line of the SW/4 of the NE/4 of the SW/4; Thence South 01°10'19" East along the East line of the SW/4 of the NE/4 of the SW/4 for 1.00 feet to the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence South 88°38'58" West along the South line of the SW/4 of the NE/4 of the SW/4 for 662.05 feet to the Point of Beginning; AND the South 35.00 feet of the West 35.00 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) AND the West 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof

**Easement Tract:**  
South 35.00 feet of the West 35.00 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) AND the West 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; AND A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Commencing at the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence North 01°10'19" West along the East line of the SW/4 of the NE/4 of the SW/4 for 1.00 feet to the Point of Beginning; Thence North 62°56'49" West for 71.48 feet; Thence North 88°38'58" East for 62.98 feet; Thence South 01°10'19" East along the East line of the SW/4 of the NE/4 of the SW/4 for 34.00 feet to the Point of Beginning.



REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	6/10/22	JA	ADDED EASEMENT TRACT

### GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE SOUTH LINE OF THE SW/4 OF SECTION 33 BEING N 88°40'14" E AS TIED TO THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011).

### SURVEYOR'S STATEMENT

I, JOHN L. LIBBY, JR., CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THIS PLAN OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



WHITE SURVEYING COMPANY  
CERTIFICATE OF AUTHORIZATION  
NO. CA1098  
*John L. Libby, Jr.*  
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1806

DATE: 6/10/22



Hard Ship

vanwyhe  
35' x 35'

Mine Hut  
35' x 130'

659.08

661.77

BILL-MONTA DRIVER  
13455 E 66 ST, N.

Proposed Split

317' Road

627.09

1301.77

ES. EST

N ↑

54'-6"  
House 29'  
287'-6"

SHED  
171'

18'-8"  
37'-6"  
50'

80'  
House 30'  
159'-9'

226'-6"

170'-8"

166'-3"

383'

TRINITY Church PROPERTY

NO EASEMENT FOR SALE

659.02

150'

E 66 ST, N.

**We are hoping to acquire a lot split from Tulsa County with an easement variance on our property that our son and family currently lives. There is no easement property available for purchase.**

**The high cost of housing or land for a modular home seemed to be out of reach for them. If we can deed them a piece of our land at no cost to them makes it affordable for a modular permanent home and have our son near by to help us stay on the property as long as possible during our old age. We are in our seventies.**

**We also want to deed our other two children a fair and equal part of the property after we have passed.**

*Bill Dier  
Mona Dier*

**Hoyt, Jay**

---

**From:** Siers, Dylan  
**Sent:** Monday, June 13, 2022 7:55 AM  
**To:** Hoyt, Jay  
**Subject:** FW: Continuance on CBOA2976

-----Original Message-----

**From:** MONA DRIVER <cd1442owok@aol.com>  
**Sent:** Monday, June 13, 2022 7:49 AM  
**To:** Siers, Dylan <dsiers@incog.org>  
**Subject:** Continuance on CBOA2976

Bill Driver asking for continuance on lot split hearing July 19 case # CBOA2976 Thanks Sent from my iPhone



**Hoyt, Jay**

---

**From:** MONA DRIVER <cd1442owok@aol.com>  
**Sent:** Monday, June 13, 2022 10:33 AM  
**To:** Hoyt, Jay  
**Subject:** Continuance for Bill Driver

Bill Driver is asking for continuance for July 19 Case Number CBOA-~~2936~~ Thanks Sent from my iPhone  
2976



# Board of Adjustment

**Case Number:** CBOA-2977

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

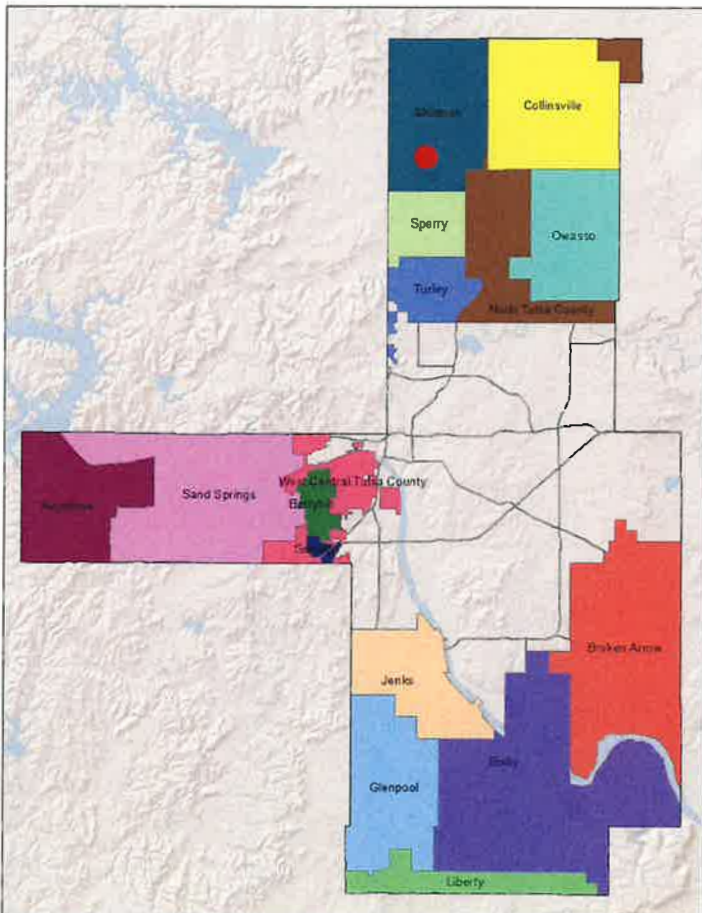
**Owner and Applicant Information:**

**Applicant:** Barrick Rosenbaum

**Property Owner:** ROSENBAUM, BARRICK & SHARI

**Action Requested:** Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

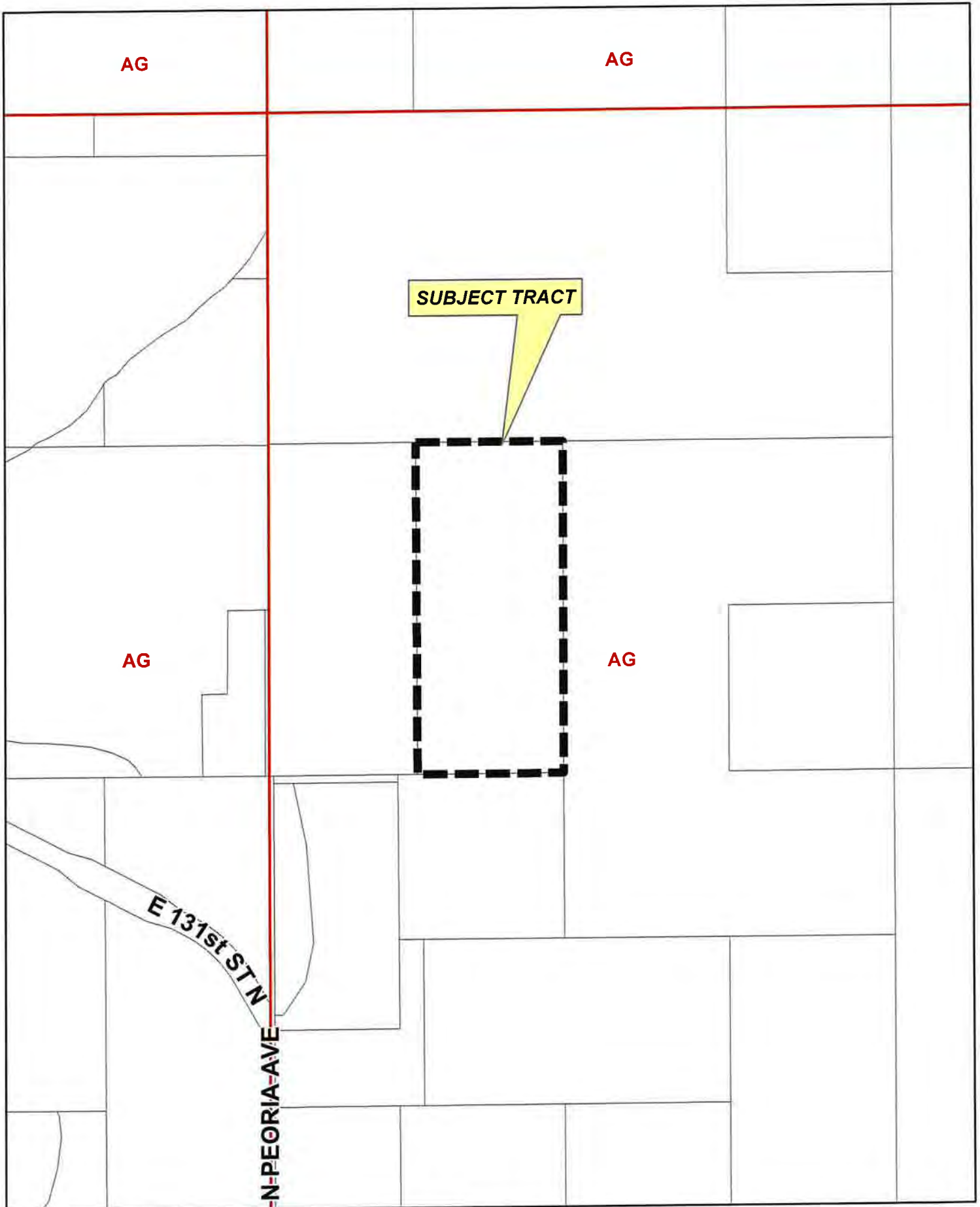
**Tract Size:** 17.8 acres

**Location:** 13045 N. Peoria Ave

**Present Zoning:** AG

**Fenceline/Area:** Skiatook

**Land Use Designation:** Rural Residential



**CBOA-2977**

22-13 35





**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 2331

**CZM:** 6

**CASE NUMBER:** CBOA-2977

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Barrick Rosenbaum

**ACTION REQUESTED:** Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).

**LOCATION:** 13045 N. Peoria Ave.

**ZONED:** AG

**FENCELINE:** Skiatook

**PRESENT USE:** Vacant

**TRACT SIZE:** 17.8 acres

**LEGAL DESCRIPTION:** E/2 SW NW OR E/2 GOV LT 2 SEC 31 22 13 17.8AC, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

CBOA-1854 May 2001: The Board approved a Variance of section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district and a Variance to street frontage required on a public roadway.

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

**STAFF COMMENTS:**

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

The applicant provided the following statement: *"No other access to property. No direct access to paved county road – must cross easement, another parcel owned by us, to unimproved section line to Peoria."*

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

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

**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207).*

*Finding the hardship to be \_\_\_\_\_.*

*Subject to the following conditions (if any) \_\_\_\_\_.*

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





Subject Tract

# CBOA-2977

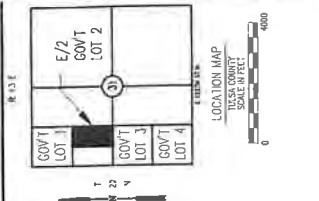
22-13 35

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

Aerial Photo Date: 2020/2021







**BASIS OF BEARING**  
 THE WEST LINE OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, OKLAHOMA N 01°05'40" W PER THIS SURVEY

**PROPERTY DESCRIPTION**  
 THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE ON THE GROUND, UNDER MY SUPERVISION, TO THE BEST OF MY KNOWLEDGE AND ABILITY.  
 WITNESS MY HAND AND SEAL THIS 22ND DAY OF FEBRUARY, 2022

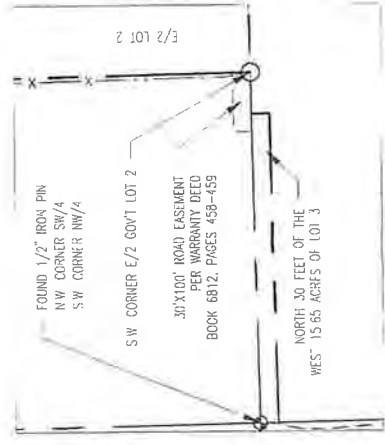
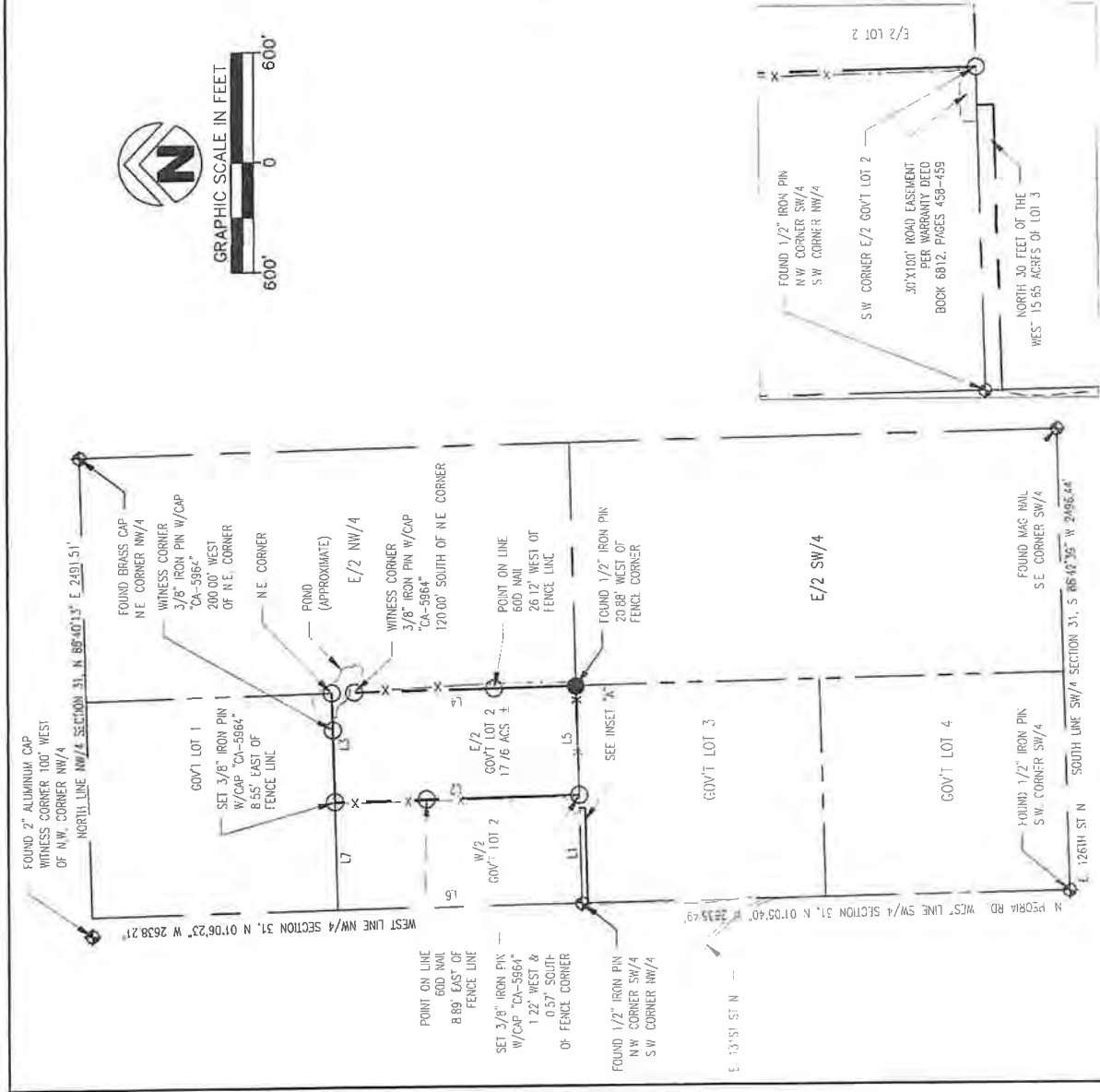
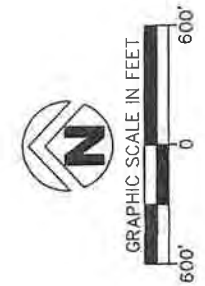
**LINE TABLE**

L1 N	86°40'13"	E	587.31'
L2 N	01°02'26"	W	514.16'
L3 N	89°58'57"	E	586.54'
L4 S	01°10'27"	E	519.23'
L5 S	89°46'49"	W	581.72'
L6 N	01°02'23"	W	516.10'
L7 N	86°39'57"	E	586.53'

**SURVEYOR'S CERTIFICATION**  
 I, A. B. WATSON, JR., A duly registered land surveyor in the State of Oklahoma, do hereby certify that the accompanying plat is a true and correct representation of the survey made on the ground, under my supervision, to the best of my knowledge and ability.  
 WITNESS MY HAND AND SEAL THIS 22ND DAY OF FEBRUARY, 2022



THE SCHEMME ASSOCIATES, INC.  
 BY: A. B. WATSON, JR. (AGENT)  
 A. B. WATSON, JR.  
 Registered Professional Surveyor  
 10820 E. 45TH STREET, SUITE 307  
 TULSA, OK 74146  
 PHONE: 918-369-6876  
 FAX: 918-369-6876  
 CA#5962 EXP. 06/30/2023  
 www.schemmer.com



INSET "A"  
 1"=200'

\*\*\*\*\*

**Case No. 1854**

**Action Requested:**

Variance of Section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD -- Use Unit 6, 9; and a Variance to street frontage required on a public roadway. SECTION 207. STREET FRONTAGE REQUIRED, located 13051 N. Peoria.

**Presentation:**

**Troy Hurd**, 13151 N. Peoria, moved a mobile on parents' property without a permit. He set it where he had one previously. When he went to get utilities he discovered he needed to go before the Board of Adjustment.

**Comments and Questions:**

Mr. Alberty asked if it was all family on the lot. Mr. Hurd responded in the affirmative. Mr. Dillard asked the size of the other two mobiles. Mr. Hurd replied that they are 14' x 65'.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of Section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district; and a **Variance** to street frontage required on a public roadway, with conditions for DEQ approval, building permit, skirting and tie-downs, finding the property is large enough for more than three dwellings, on the following described property:

E/2 Gov't Lot 2, Section 31, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 1855**

**Action Requested:**

Special Exception to permit fireworks sales from June 25 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in a CH district for a period of five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES -- Use Unit 2; and a Variance of all-weather surface for temporary use. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 5505 W. Skelly Dr.



# Board of Adjustment

**Case Number:** CBOA-2978

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

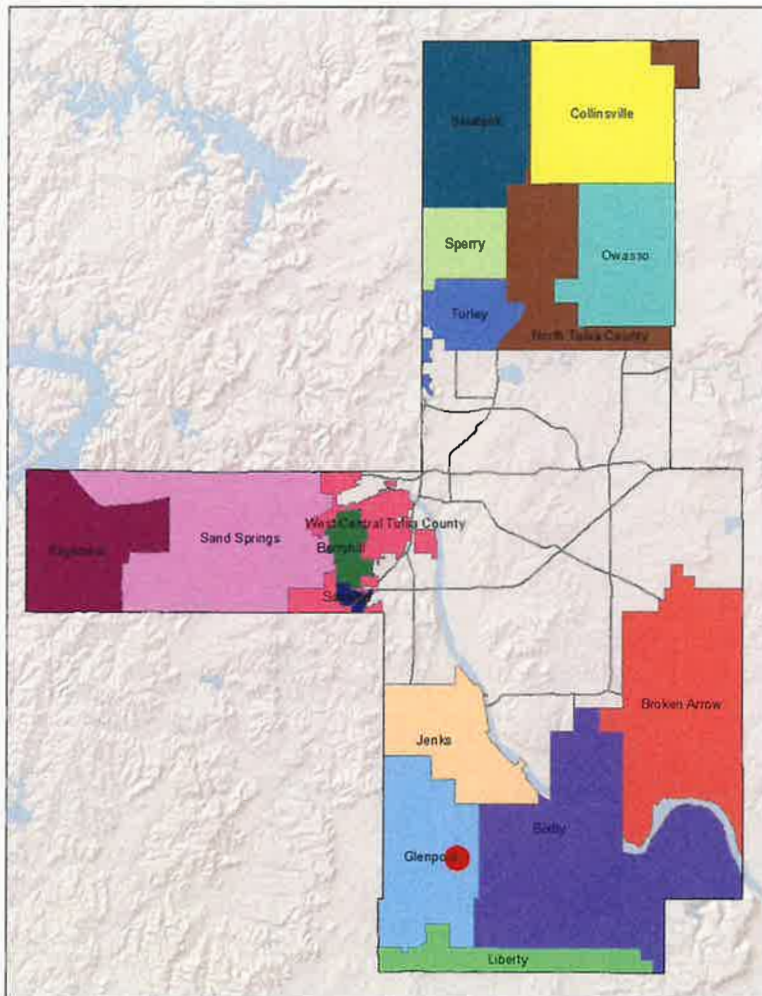
**Owner and Applicant Information:**

**Applicant:** Vadim Balev

**Property Owner:** BALEV, VADIM

**Action Requested:** Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 2.69 acres

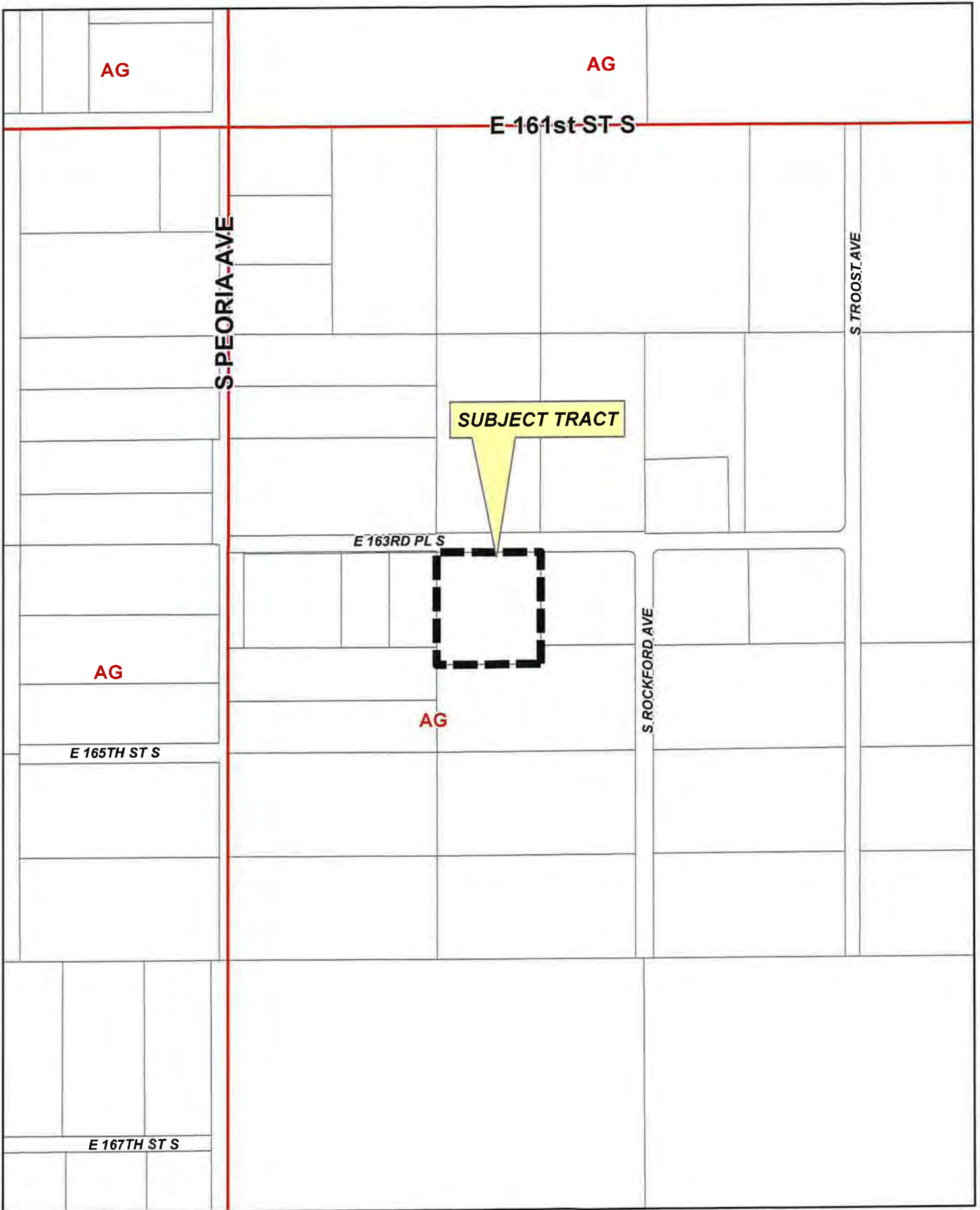
**Location:** 1406 E 163 PL S

**Present Zoning:** AG

**Fenceline/Area:** Glenpool

**Land Use Designation:** Rural





AG

AG

E 161st ST S

S PEORIA AVE

S TROOST AVE

SUBJECT TRACT

E 163RD PL S

AG

AG

S ROCKFORD AVE

E 165TH ST S

E 167TH ST S



**CBOA-2978**

17-13 30



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7330

**CZM:** 66

**CASE NUMBER:** CBOA-2978

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Vadim Balev

**ACTION REQUESTED:** Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

**LOCATION:** 1406 E 163 PL S

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Residential

**TRACT SIZE:** 2.69 acres

**LEGAL DESCRIPTION:** LT 1 LESS S277.20 THEREOF BLK 2, FAULKENBERRY ESTATES Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None Relevant

**Surrounding Property:**

**CBOA-2744 April 2019:** The Board approved a Variance of the minimum lot area in the AG district and a Variance of the minimum land area per dwelling unit to permit a lot split.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is currently zoned AG with AG zoning to the north, south, east and west, primarily used for single-family residential.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the Minimum Lot Area requirement and a Variance of the minimum Land Area Per Dwelling Unit requirement to 1 acre on Tract 1 and Tract 2 as well as a Variance to reduce the rear and side setbacks to allow a lot-split as shown on the attached site plan.

The applicant provided the following statement: *"I would like to build my mother a house in the upcoming future. This way my mother can be in close proximity in order for me to help her as my father passed away."*

The applicant is attempting to split 2.8± acres of land from the existing AG zoned parcel into a 1.8 acre and 1 acre tract. Per Section 330 of the Code, the AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. The proposal will create two lots.

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

**Sample Motion:**

***“Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the minimum lot area per dwelling unit in an AG district to 1 acre; and a Variance to reduce the minimum land area per dwelling unit requirement in an AG district to 1 acre and a Variance to reduce the rear setback to 10 ft and the side setback to 5 ft (Sec.330) to permit a lot split.***

***Finding the hardship to be \_\_\_\_\_.***

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





E 161st ST S

S PEORIA AVE

S STROOST AVE

E 163RD PL S

S ROCKFORD AVE

E 165TH ST S

E 167TH ST S



Subject Tract

**CBOA-2978**

17-13 30

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

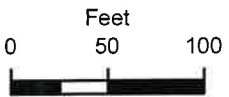
Aerial Photo Date: 2020/2021







**E 163RD PLS**



*Subject  
Tract*

**CBOA-2978**

17-13 30

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

*Aerial Photo Date: 2020/2021*





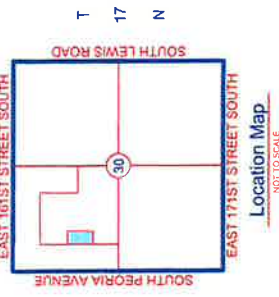
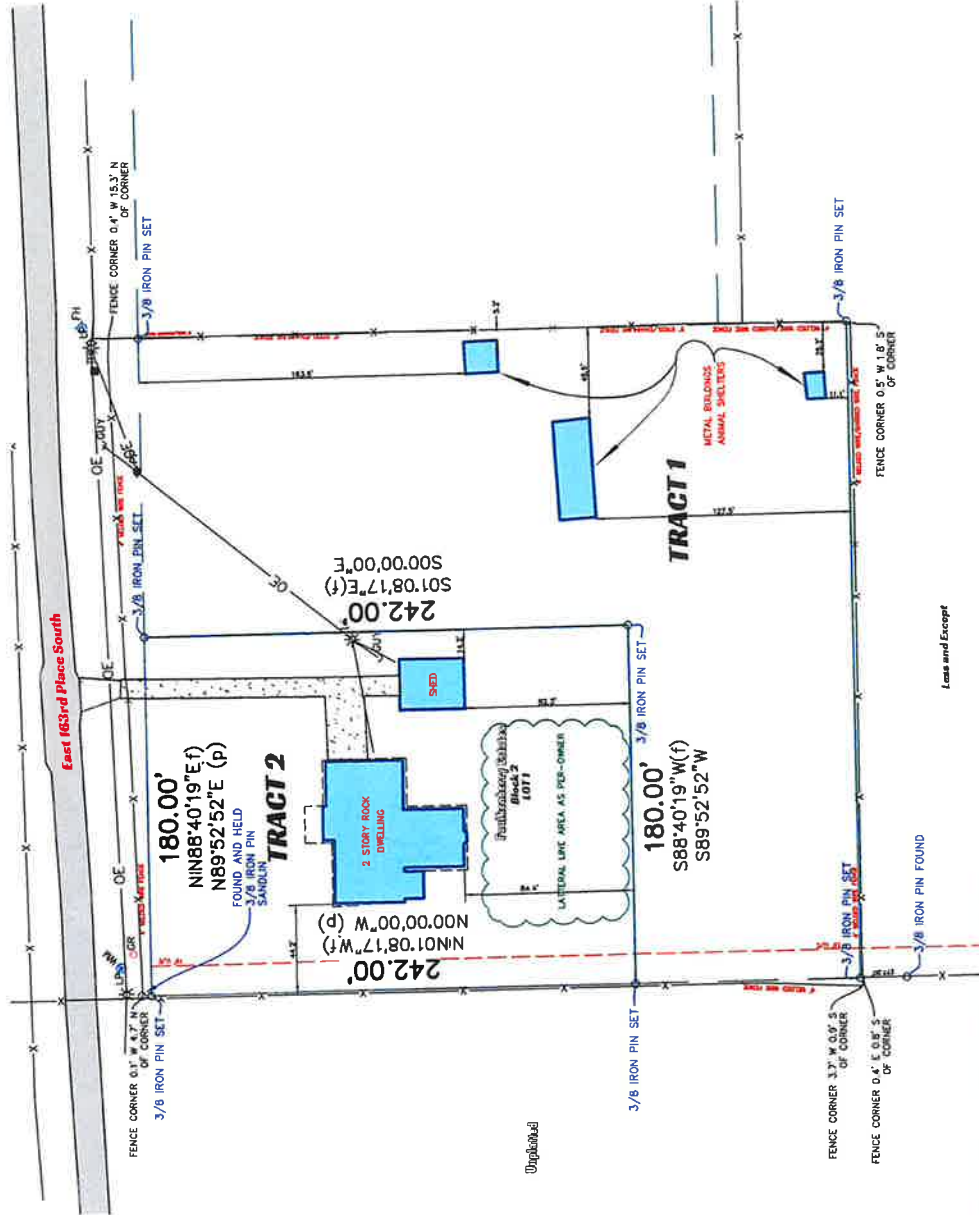


# Lot Split Exhibit Tract 2

## A Part of Lot 1 Block 2

### Faulkenberry Estates

#### Tulsa County, Oklahoma



#### Legal Description Tract 2

A PART LOT ONE (1) BLOCK TWO (2) FAULKENBERRY ESTATES LOCATED IN SECTION TWENTY (20) TOWNSHIP SEVENTEEN (17) NORTH RANGE THIRTEEN (13) EAST, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 2 FAULKENBERRY ESTATES A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, THENCE EAST ALONG THE WEST LINE OF LOT 1 A DISTANCE OF 242.00 FEET; THENCE WEST PARALLEL TO THE WEST LINE OF LOT 1 A DISTANCE OF 180.00 FEET; THENCE NORTH ALONG THE WEST LINE OF LOT 1, THENCE NORTH ALONG THE WEST LINE OF LOT 1 A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.000 ACRES MORE OR LESS.

#### Surveyor's Certification

WE, SISEMORE & ASSOCIATES, INC. HEREBY CERTIFY THAT THE ABOVE REPRESENTS A SURVEY MADE BY US OR UNDER OUR CLOSE PERSONAL SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AT THIS DATE.

THIS PLAT OF SURVEY USES THE HORIZONTAL TECHNIQUE ESTABLISHED AS AUTHORITY BY THE BASIS OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

DATE OF LAST FIELD VISIT: JANUARY 31, 2022.

WITNESSED BY HAND AND SEAL THIS 14TH DAY OF APRIL, 2022.



SISEMORE & ASSOCIATES, INC.  
 6660 South Sheridan Road  
 Suite 210 - Tulsa, Oklahoma 74133  
 Phone: (918) 665-3600  
 Fax: (918) 665-8668  
 Exp. Date: 6/30/23  
 www.sisemoreandassociates.com

**SISEMORE & ASSOCIATES**  
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 Fax: (918) 665-8668  
 Exp. Date: 6/30/23  
 www.sisemoreandassociates.com

DATE: 02/14/2022 WORK ORDER: 18858 FILE: 1783000



# Board of Adjustment

**Case Number:** CBOA-2979

**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

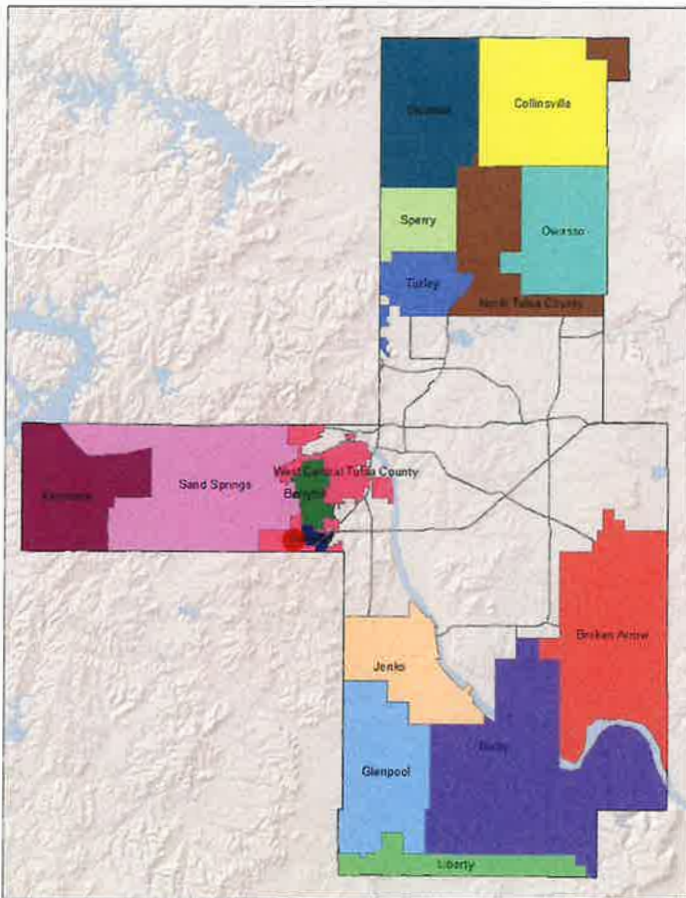
**Owner and Applicant Information:**

**Applicant:** Nathalie Cornett

**Property Owner:** MULCARE, KIMBERLY D REV TRUST

**Action Requested:** Use Variance to permit Medical Marijuana Processing (Use unit 26) in the AG District (Sec. 1226)

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 20.5 acres

**Location:** 7209 W 56 ST S

**Present Zoning:** AG

**Fenceline/Area:** W Central Tulsa

**Land Use Designation:** Rural Residential/Agriculture

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9231

**CZM:** 45

**CASE NUMBER: CBOA-2979**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 06/21/2022 1:30 PM

**APPLICANT:** Nathalie Cornett

**ACTION REQUESTED:** Use Variance to permit Medical Marijuana Processing (Use unit 26) in the AG District (Sec. 1226)

**LOCATION:** 7209 W 56 ST S

**ZONED:** AG

**FENCELINE:** W Central Tulsa

**PRESENT USE:** Residential

**TRACT SIZE:** 20.5 acres

**LEGAL DESCRIPTION:** S/2 SW NE & N30 W730 E1360 N/2 SE SEC 31 19 12 20.503ACS, NORTH TANEHA Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None Relevant

**Surrounding Property:**

**CBOA-1191 September 1993:** The Board approved a Special Exception to permit a private airport in an AG zoned district. Located at 7272 W 51<sup>st</sup> St S.

**CBOA-2949 February 2022:** The Board approved a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 ft to 0 ft. Located West of the SWC W 51<sup>st</sup> St S & S 65<sup>th</sup> W Ave.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is currently zoned AG with a single-family residence and has AG zoning to the north, south and west and RS zoning to the east.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Use variance to allow Use Unit 26, Moderate Manufacturing and Industry, to permit a medical marijuana processing facility in an AG district (Section 1226).

A Use Variance to allow Use Unit 26, Moderate Manufacturing Industry, is required as Use Unit 26 is not allowed by right in an AG district. According to the attached site plan, the proposed use will happen in the room in the northwest corner of the existing building and is 375 sf. The applicant has stated that the process will be entirely water based. Oklahoma Medical Marijuana Authority, OMMA, will require the proper licenses be approved and maintained for the applicant to process medical marijuana.



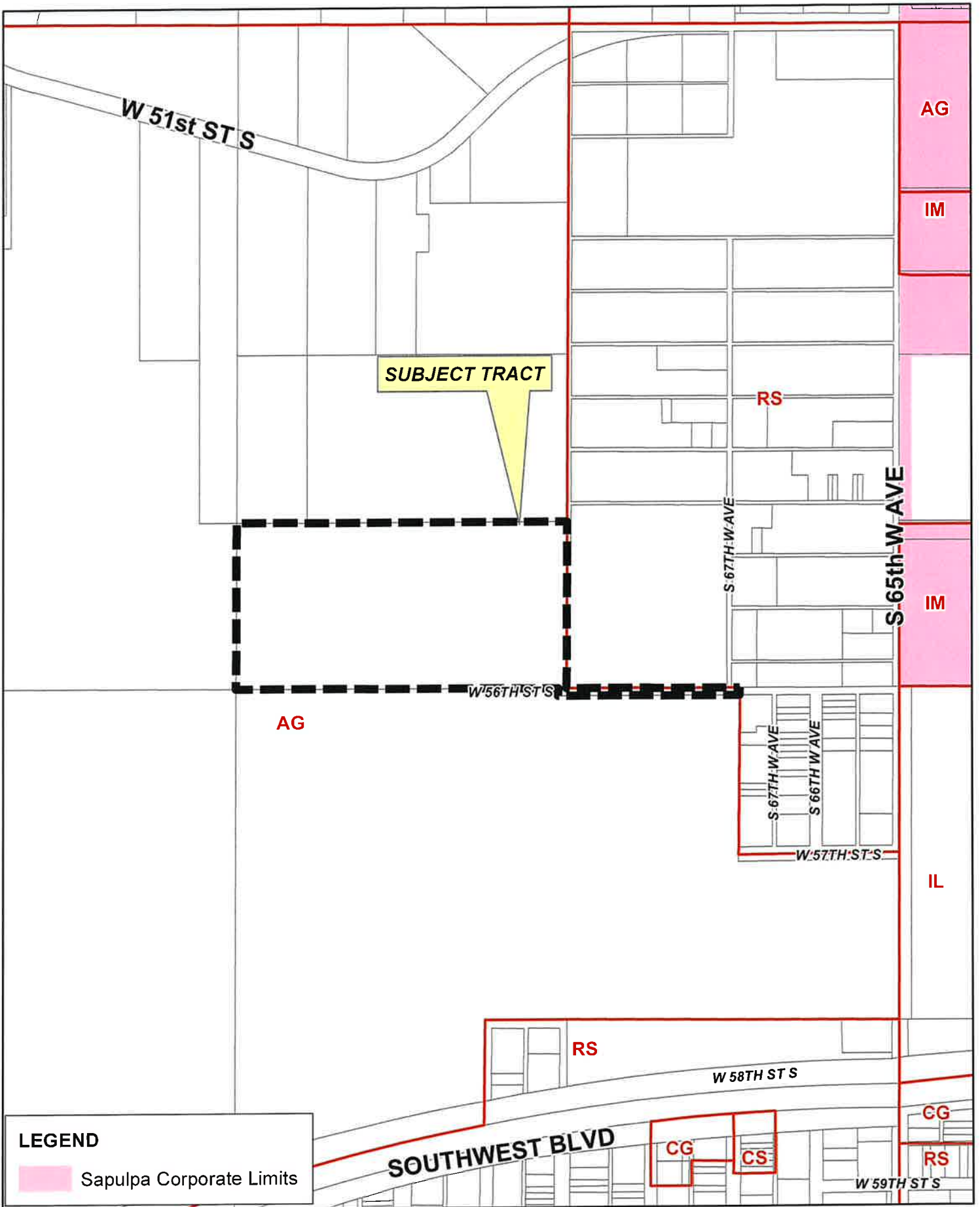
The applicant provided the following statement *“Due to the small scale of the proposed use and the lack of any perceptible impact to the surrounding area, coupled with the large swath of existing industrial activity just a quarter of a mile to the east, the strict application of the Code results in unnecessary hardship to the Property owner. The Variance will not cause any detriment to the public good nor impair the spirit and intent of the code”*

**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) Use Variance to permit Medical Marijuana Processing (Use Unit 26) in the AG district (Section 1226).*

*Finding the hardship to be \_\_\_\_\_.*

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



**SUBJECT TRACT**

**LEGEND**

Sapulpa Corporate Limits



**CBOA-2979**

19-12 31







Subject Tract

# CBOA-2979

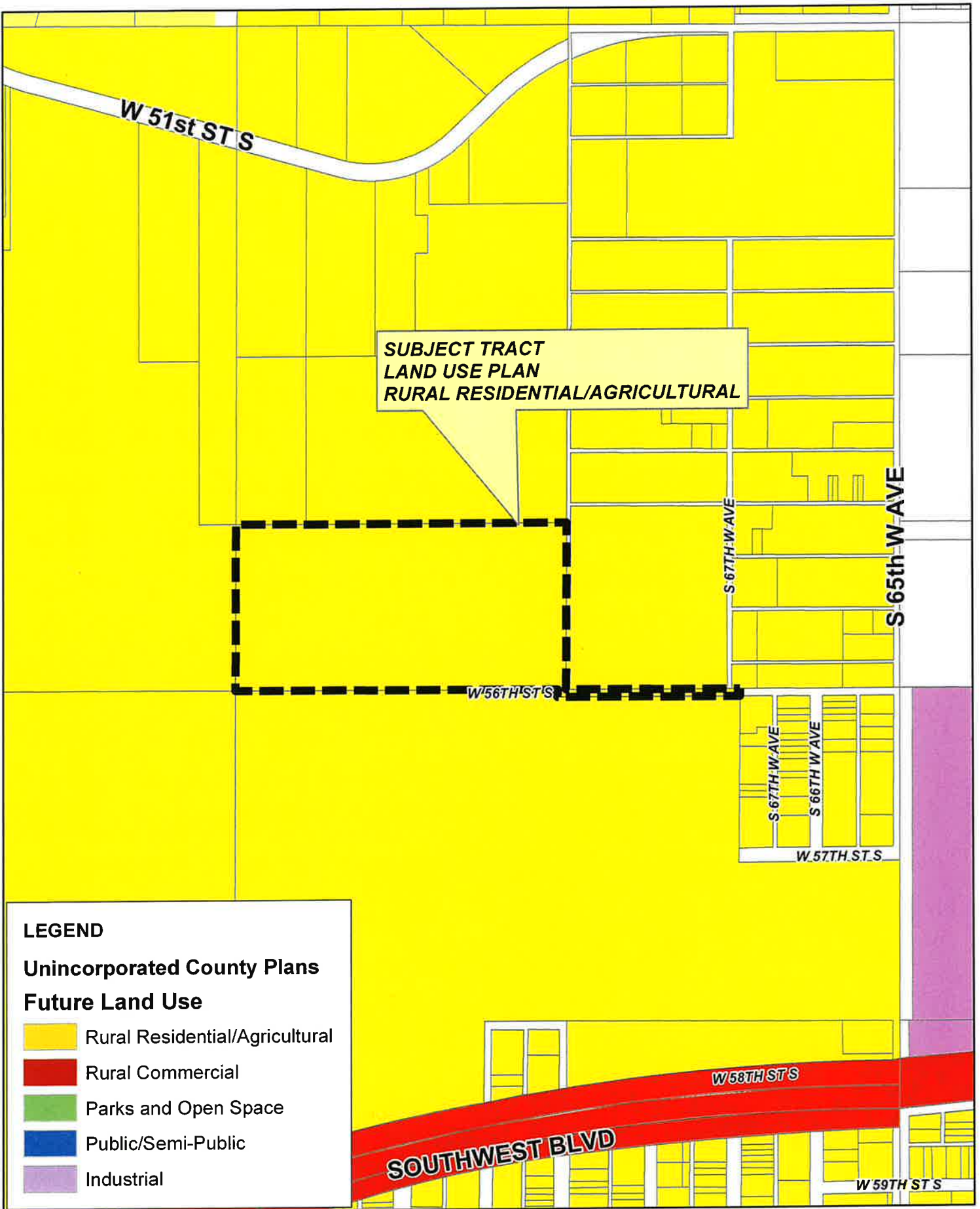
19-12 31

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

Aerial Photo Date: 2020/2021







**CBOA-2979**

19-12 31



**Exhibit "A"**

The South Half (S/2) of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of Section Thirty-One (31), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, together with a private easement Thirty (30') feet in width for purposes of ingress and egress to the land above described, said easement to be over and across the North Thirty (30') feet of the West Seven Hundred Thirty (730') feet of the East Thirteen Hundred Sixty (1360') feet of the North Half (N/2) of the Southeast Quarter (SE/4), Section Thirty-One (31), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States Government Survey thereof.

## **Exhibit “B”**

The Applicant requests a Use Variance from Section 310, Table 1 of the Tulsa County Zoning Code (the “Code”) to permit medical marijuana processing in an AG District at property located at 7209 W. 56<sup>th</sup> Street South (the “Property”).

The Property is located north and west of the intersection of Southwest Boulevard and South 65<sup>th</sup> West Avenue. The Property is surrounded on all sides by AG zoning except to the east which is zoned RS. Further east just a quarter mile, however, is IL and IM zoning which accommodate the moderate and heavy industrial uses along Southwest Boulevard (e.g., Oklahoma Forge, Heater Fabricators of Tulsa, Born Industrial Supply, among others). To the north is a vacant tract with plans for a residence to be constructed. The owners of the property to the north are currently the tenants at the Property while their house is completed; to the west is Our Farm, a local dairy and produce farm; to the South is agricultural land owned by the Applicant’s grandmother.

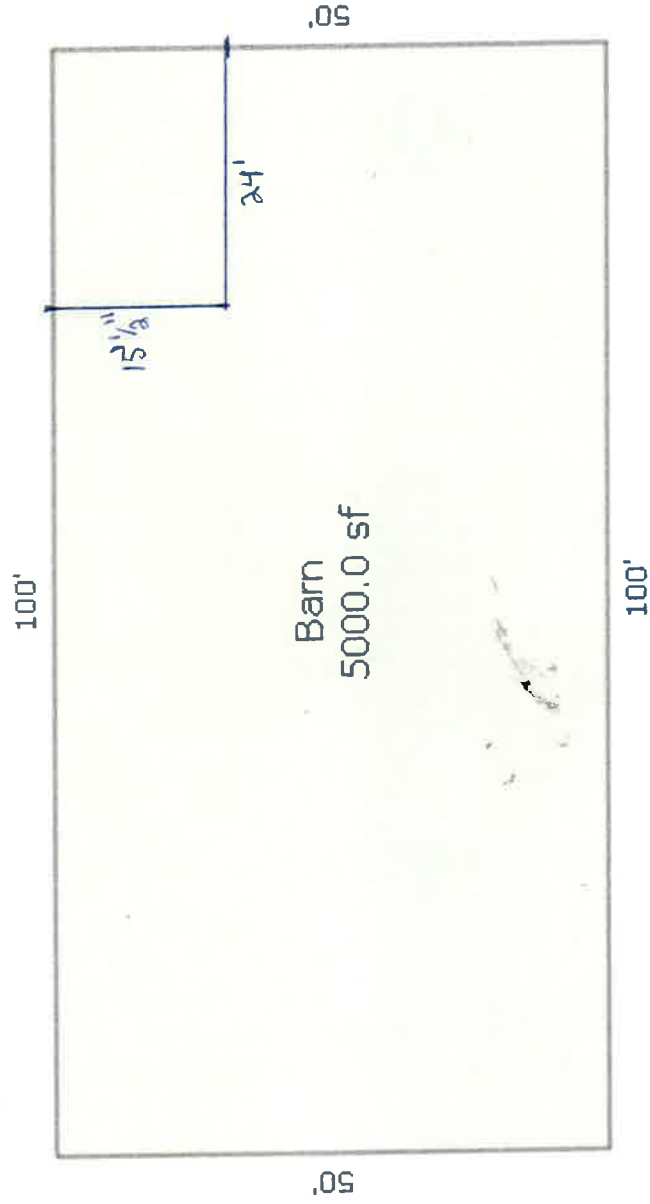
The Property owner desires to operate a small medical marijuana processing operation in the existing, 5,000 sf metal outbuilding located on the west side of the Property. The processing operation would occur in an approximately 375 SF enclosed area in the northwest corner of the building. The processing will be entirely water based. The product arrives frozen in authorized storage containers, where it is washed, sifted and freeze dried. The equipment will include up to 6 extraction washing machines, each about 26 pounds and 2’x3’ in size; a home freeze dryer, about 112 pounds and 1’x2’ in size, and a deep freezer. There will be 2 employees. Transport of product from local growers will occur 2-3 times per month. Because the product will be either frozen or submerged in water throughout the entire process, there will be virtually no detectable odor.

Due to the small scale of the proposed use and the lack of any perceptible impact to the surrounding area, coupled with the large swath of existing industrial activity just a quarter of a mile to the east, the strict application of the Code results in unnecessary hardship to the Property owner. The Variance will not cause any detriment to the public good nor impair the spirit and intent of the Code.





# Conceptual Site Plan



Sketch by Apex Medina™

**Hoyt, Jay**

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**From:** Carol Mulcare <a.r.t.carol@sbcglobal.net>  
**Sent:** Saturday, June 11, 2022 5:24 PM  
**To:** esubmit  
**Subject:** Case Number CBOA-2979

Carol Mulcare  
5700 S 65th W Ave.  
Case Number: CBOA-2979

I am writing this letter in support of Matthew Mulcare who is requesting a Use Variance for his property. He has explained the proposed buisness operation to me and I have no concerns giving my support for this Use Variance.