

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

Meeting No. 512

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 August 16, 2022 (Meeting No. 510)

UNFINISHED BUSINESS

2. **2978 - 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 East 163rd Place South **(CD 3)**
3. **2987 - CRB Companies**
Action Requested: Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3) **Location:** 7847 N 71st E Ave **(CD-1)**
4. **2995 - Joseph R. Farris**
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:** NW/c of North 145th E. Ave. and E. 66th Street North **(CD-1)**

5. **2997 - Eric & Kimberly Loffer**

Action Requested: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) **Location:** 12802 N. 143rd E. Ave Collinsville, OK **(CD-1)**

6. **2998 - Robert E. Parker**

Action Requested: Variance to reduce the required street yard in the RS District (Sec. 430.1) **Location:** 7301 E. 89th Pl. N. **(CD-1)**

NEW APPLICATIONS

7. **3001 - Sarah Townsend**

Action Requested: Variance of the street frontage requirement in an AG-R district from 30 ft to 0 ft (Section 207) **Location:** 10316 E 120th St N **(CD 1)**

8. **3006 - Michael Ramos**

Action Requested: Variance of the minimum lot area, land area per dwelling unit in the AG district to permit two dwelling units on one lot of record. (Section 330, Table 3) **Location:** 13030 N 143rd E Ave **(CD-1)**

9. **3007 - Greg Nichols**

Action Requested: Variance of the allowable square footage for accessory building(s) in the RS district; (Section 240.2.E) **Location:** 21488 W. 13th Pl S. **(CD 2)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

Website: tulsaplanning.org

E-mail: esubmit@incog.org

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

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

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



Board of Adjustment

Case Number: CBOA-2978

Continued from 06/21/2022 & 8/16/2022

Hearing Date: 10/18/2022 1:30 PM

Case Report Prepared by:

Jay Hoyt

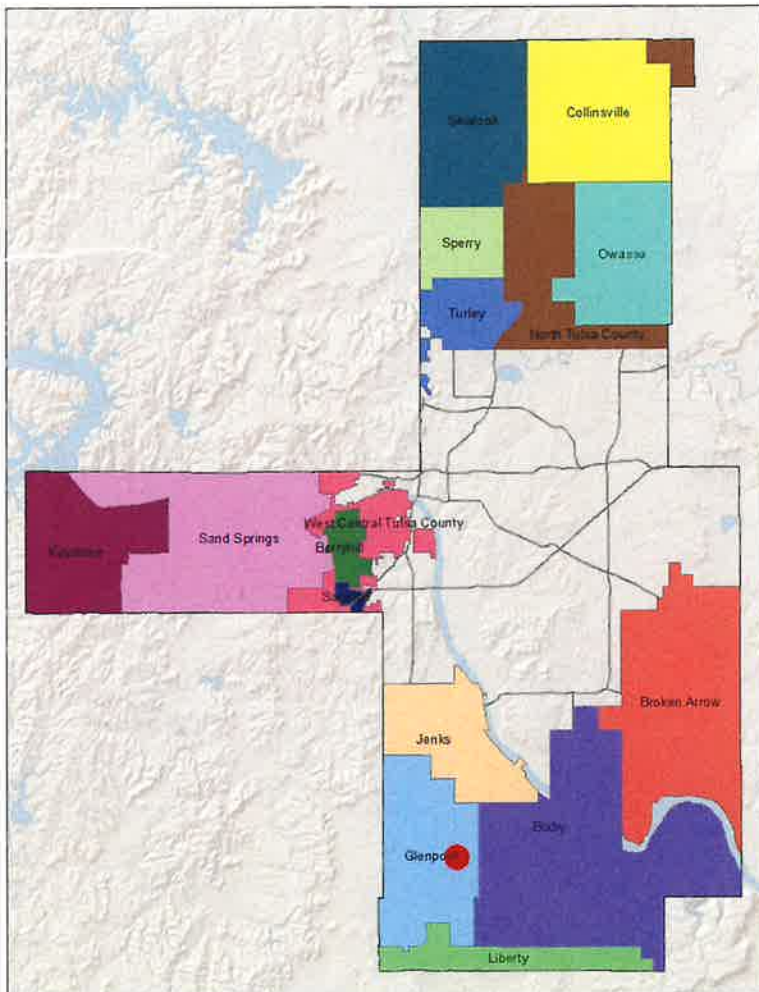
Owner and Applicant Information:

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

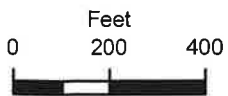
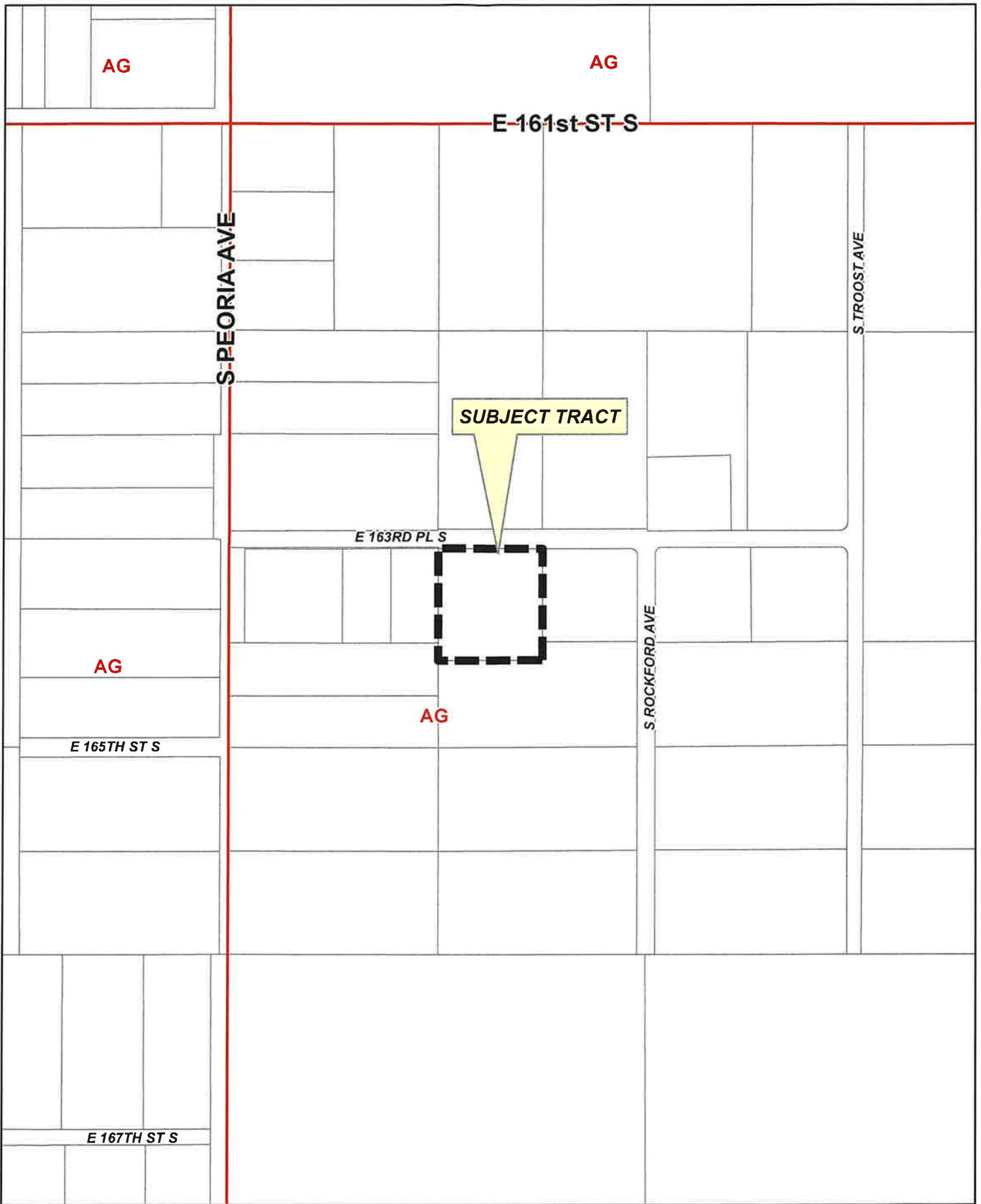
Tract Size: 2.69 acres

Location: 1406 E 163 PL S

Present Zoning: AG

Fenceline/Area: Glenpool

Land Use Designation: Rural



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: 10/18/2022 1:30 PM (Continued from 06/21/2022 & 8/16/2022)

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 TROOST AVE

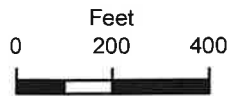
E 163RD PL S



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.

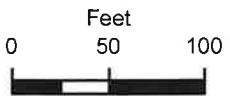
Aerial Photo Date: 2020/2021



CBOA-2978 2.5



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



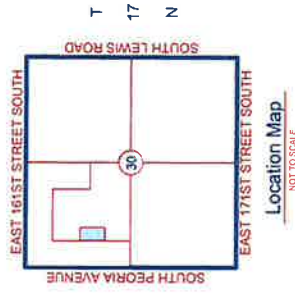
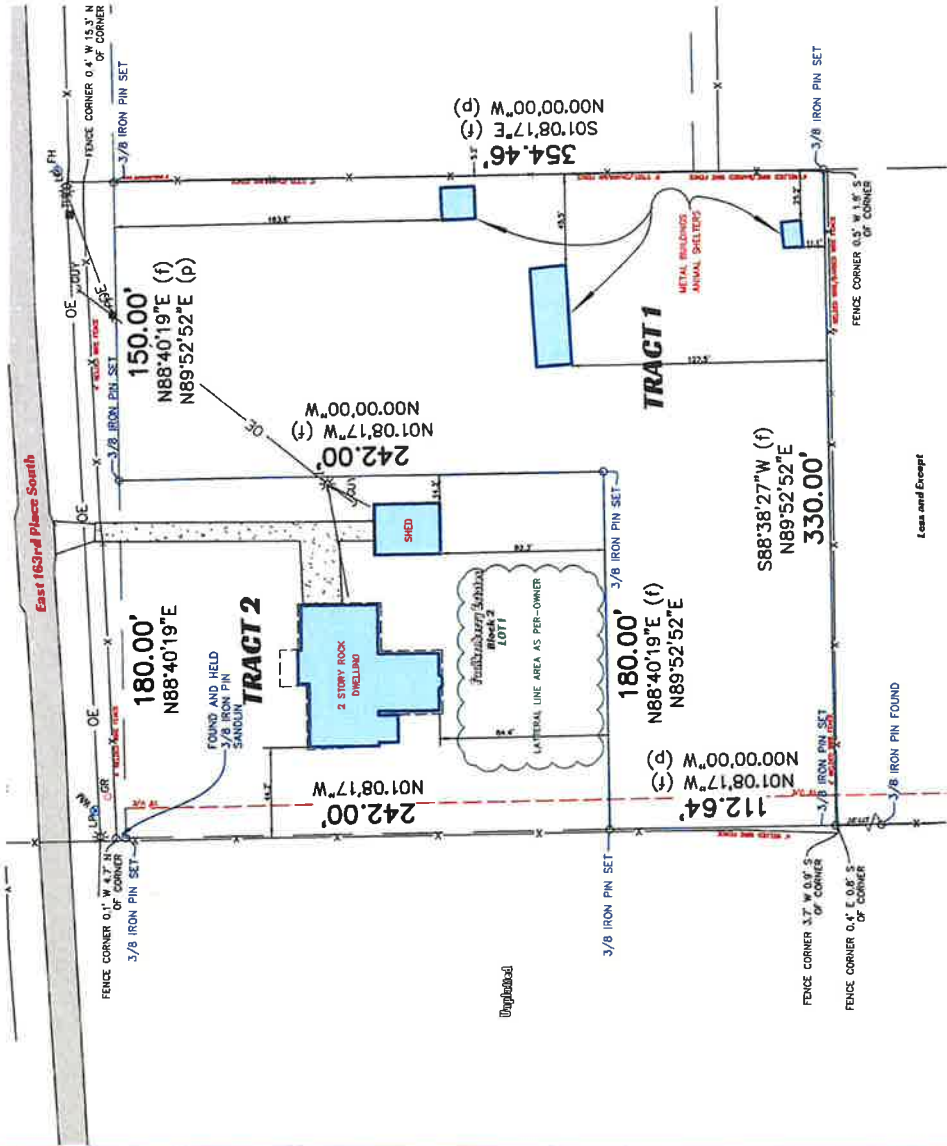
CBOA-2978 2.6

Lot Split Exhibit Tract 1

A Part of Lot 1 Block 2

Faulkenberry Estates

Tulsa County, Oklahoma



Scale 1"=60'

Legal Description Tract 1

LOT ONE (1) BEING THE (3) PARCELS OF DIVISION 12858 THE SOUTH 277.20 FEET THEREOF LOCATED IN SECTION THIRTY (30) TOWNSHIP SEVENTEEN (17) NORTH RANGE THIRTIETH (30) EAST, TULSA COUNTY, STATE OF OKLAHOMA.

AND
 LOCK AND EXCEPT A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO BE BOUNDARY AT THE NORTH WEST CORNER OF LOT ONE (1) BLOCK TWO (2) FAULKENBERRY ESTATES, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, THENCE SOUTH AND PARALLEL TO THE WEST LINE OF LOT 1 A DISTANCE OF 112.64 FEET TO A POINT OF BEGINNING AND PARALLEL TO THE NORTH LINE OF LOT 1 A DISTANCE OF 180.00 FEET TO A POINT OF BEGINNING AND PARALLEL TO THE NORTH LINE OF LOT 1 A DISTANCE OF 150.00 FEET TO A POINT OF BEGINNING AND PARALLEL TO THE NORTH LINE OF LOT 1 A DISTANCE OF 242.00 FEET TO THE POINT OF BEGINNING CONTAINING 1,000 SQUARE FEET OF LAND.

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 AS OF THIS DATE.
 THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD 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.
 1715 SOUTH SHERRIDAN ROAD
 TULSA, OKLAHOMA 74133
 PHONE: (918) 666-3600
 FAX: (918) 666-8668
 EMAIL: info@sisa-inc.com



SISEMORE & ASSOCIATES
 Surveying - Civil Engineering - Land Planning
 6660 South Sheridan Road
 Suite 210 - Tulsa, Oklahoma 74133
 Phone: (918) 666-3600
 Fax: (918) 666-8668
 C.A. No. 2421
 Exp. Date 6/30/25
 (www.sisemoreresources.com)

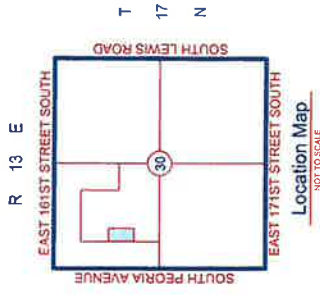
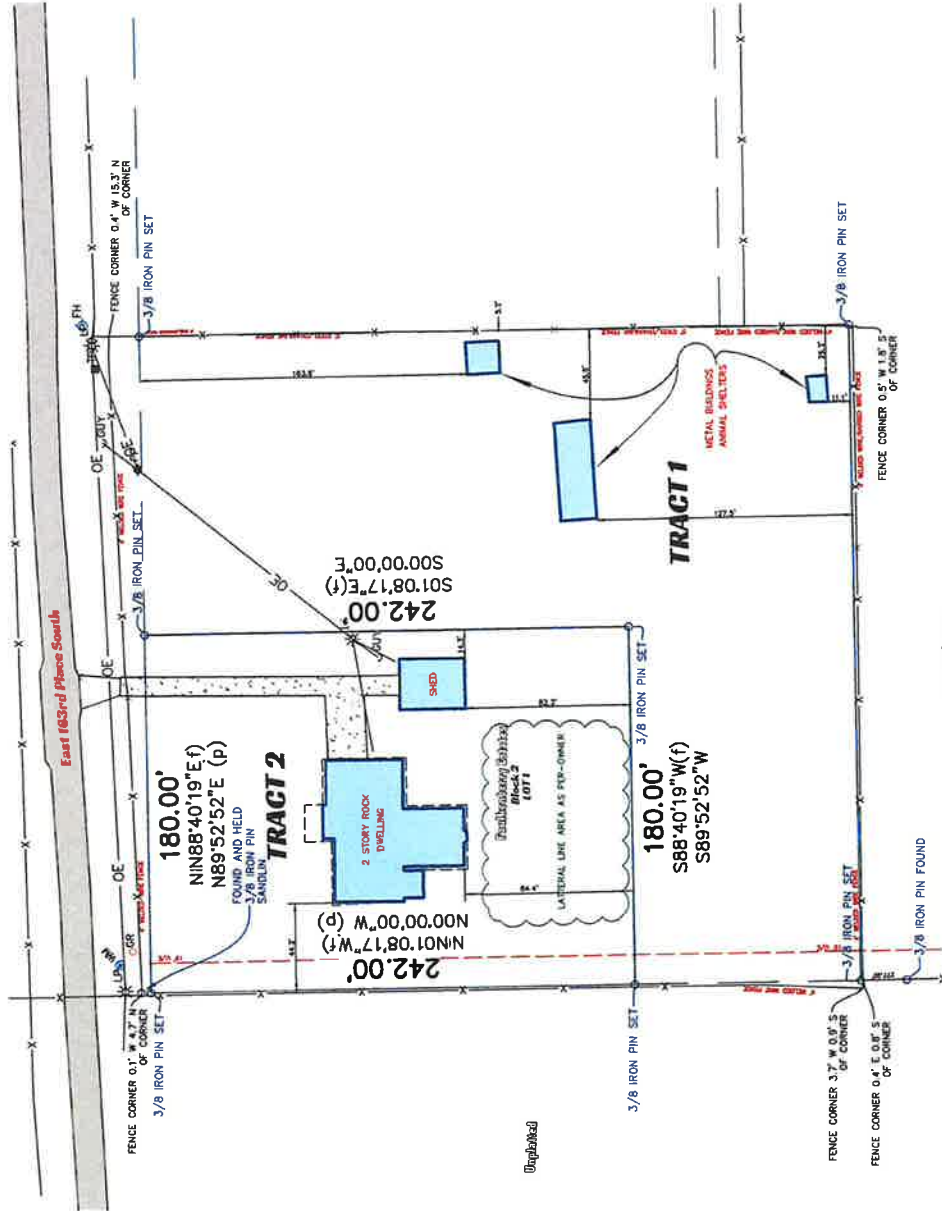
DATE: 02/14/2022 WORK ORDER: 48588 FILE: PFS3000

Lot Split Exhibit Tract 2

A Part of Lot 1 Block 2

Faulkenberry Estates

Tulsa County, Oklahoma



Legal Description Tract 2

A PART ONE (1) BLOCK TWO (2) FAULKENBERRY ESTATES LOCATED IN SECTION NINTY (90) TOWNSHIP SEVENTEEN (17) NORTH RANGE TWENTY (20) EAST, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEING A PART OF THE SOUTHWEST CORNER OF LOT 1 BLOCK 2 FAULKENBERRY ESTATES AS SHOWN ON THE SURVEY MAP OF SAID BLOCK 2 FAULKENBERRY ESTATES, TULSA COUNTY, OKLAHOMA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

NORTH LINE OF SAID LOT 1 A DISTANCE OF 180.00 FEET, THENCE SOUTH PARALLEL TO THE NORTH LINE OF LOT 1 A DISTANCE OF 180.00 FEET TO A POINT ON THE WEST LINE OF LOT 1; THENCE NORTH ALONG THE WEST LINE OF LOT 1 A DISTANCE OF 242.00 FEET TO THE POINT OF BEGINNING; CONTINUED FOUR ACRES MORE OR LESS.

Surveyor's Certification

WE, THE UNDERSIGNED, AS ASSOCIATES, THE HEREBY CERTIFY THAT THE ABOVE DESCRIBED SURVEY WAS PERFORMED UNDER OUR DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS OF THIS DATE.

THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

DATE OF LAST FIELD VISIT: JANUARY 21, 2022.

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



TERESA J. SISEMORE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1480
DATE: 04/14/2022

SISEMORE & ASSOCIATES
Surveying - Civil Engineering - Land Planning

8680 South Sheridan Road Phone (918) 665-3600
Suite 210 - Tulsa, Oklahoma 74139 Fax: (918) 665-8668
C.A. No. 2421 (www.sisemoreandassociates.com) Exp. Date 6/30/23

Hoyt, Jay

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Monday, October 10, 2022 5:44 PM
To: esubmit; Jones, Robi
Subject: Fwd: OBJECTION TO APPROVAL OF CBOA-2978 LOT SPLIT REQUEST
Attachments: Photos-001.zip

10/10/22

RE: OBJECTION TO APPROVAL OF CBOA-2978 LOT SPLIT REQUEST
FM: James & Judy Evers, 16418 S Rockford Ave, Bixby, OK 74008

It is our understanding that there is going to be a third meeting on this issue this week. We continue to object to approval of this lot split.

He has done absolutely NOTHING to clean up that continuously growing pile of trash and junk against our fence line. A lady was standing in the middle of the pile a few days ago and throwing a piece at a time into a small plastic wheelbarrow. Then realizing that would take her forever to accomplish anything she quit and went back into the house. She was saying something to me but I have no idea what. I was a long way away from her and would have had to climb the locked fence to get near enough to even hear her.

So, given your decision to allow him to continue using our fence line as a junk dump, how am I to have our fence repaired? I have had one fence company look at it. They tell me they can not do it properly and safely with all of the junk stacked against it. His fathers bull ran thru our fence and messed it all up. I can't get revenue for boarding horses because the fence is not secure enough until it's repaired. Nor can I allow my horses to go back there. I have to pay to have it brush hogged regularly because I can't put animals back there to help eat down the grass.

END RESULT...I continue to ask why aren't they required to get a dumpster for the junk? Even if the dumpster sat there with the stuff in it, at least the junk would be contained and wouldn't be piled on our fence line. Everyone else in our neighborhood with construction projects has been required to do so. My husband did speak with him the other day and asked him to please do so but just got the same excuses that they have gotten away with for 6 months now.

As for the front of the house trash, he has piled it all on an old wooden trailer in which he has no vehicle to pull for offloading. It's no longer scattered all over the front yard but is visible from the front street on the trailer. He did get a couple of guys to use 2 push mowers and mow the front yard area of the property, but again he intends to do nothing with the back end.

Taking the last 6 months into account, if you let him split the property there is clear evidence he plans to use the back lot for a junk lot. What has he done to indicate or prove otherwise? Anything at all? How does he plan to properly maintain the property with the split if he can't maintain it now? He says he does not have the time or money so he told my husband. What is going to change that? He's just making substantiated excuses. Is this allowed to go on forever? Has anyone even come out there to look at our nice well kept neighborhood and compare it with the trashy and unhealthy image he has created? Has anyone asked him to enter the house to examine if it should be condemned? He says he wants to build a house on the back lot. What is he going to do for sewage and other trash? Right now, they do not even have trash service. They throw their trash onto the wooden trailer now instead of all over the front yard.

We, and our neighbors, work hard for ownership of our properties and work hard to keep it in a clean, safe, and well maintained manner. Why should someone who doesn't do so be allowed to depreciate the value we have worked for? How am I to repair my fence? Yes, there have been other lot splits in that area approved, however each has built a new very nice home there and have fulfilled their duty to maintain it properly.

Sorry for rambling. I, and neighbors, are so puzzled why you continue to allow this. Come take a look and see if you want him living next door to you.

Judy Evers



Judy Evers
Office Manager, McCallum and Son's Drywall & Construction Inc.
[918.512.8100](tel:918.512.8100) | judy.mccallumandsons@gmail.com
www.drywall918.com
608 E Line Ave. Sapulpa, OK 74066



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

From: **Judy Evers** <judy.mccallumandsons@gmail.com>
Date: Mon, Jun 20, 2022 at 5:20 PM
Subject: OBJECTION TO APPROVAL OF CBOA-2978 LOT SPLIT REQUEST
To: <esubmit@incog.org>, <rjones@incog.org>

We are James & Judy Evers. We own 4.4 acres with our home at 16418 S Rockford Ave, Bixby 74008. Mr. Balev's property backs up to ours. We, as his adjoining neighbor have MANY objections to a lot split or anything

else he might request at this time. I did speak to him on the phone and asked him to get a dumpster for the trash along our fence line or at least put up a privacy fence. HE HAS DONE NOTHING!!!

If you observe our area and neighboring area you will see that whether small or large, new or old, EVERYONE keeps their property in suitable condition. Except for his, we have a very nicely kept and well valued neighborhood. There are 3 newly built homes next to him in which owners are appalled by the condition of his property.

We would like to attend the meeting, however we work and can not do so. It's unfortunate that the County does not better serve the community by having these meetings after 4pm so people can better attend, or at least first thing in the morning so they don't miss extended time from work.

OBJECTIONS...

1. If they split that lot there is no way to even build a separate drive or road to access the property. There is nowhere to put access to get back there.
2. The house is in total disarray inside and out and not liveable for anyone.
3. He has offered multiple stories to you and neighbors regarding what he intends to do with the back lot if split. He told me he had no idea what they were going to do with it actually and not for years if anything. He told you that he wants to build a house for his mother. **They live in California and are only here trying to settle Ivan's estate which contains the house and land.** The multiple stories of the land split purpose do not add up.

4. It is obvious they intend to put a dumpy old trailer on that back property to live in since the house is not suitable to live in. **PLEASE SAY NO!!!**
5. Has anyone even checked to verify he owns this property? This property belonged to his father, Ivan who recently died. There is no way they could have settled his estate this quickly.
6. **How would they even get utilities and sewer back there?** Would Creek County RWD even approve a water tap and meter for there?
7. They can't maintain the trash and debris they throw outside now. **How are they going to maintain any new construction debris and trash for building another house?** Despite requests, he refuses to rent trash dumpsters for the trash in front nor for the trash up against our fence. I CAN NOT BELIEVE THE COUNTY DOES NOT REQUIRE HE DO THIS!!
8. **LAST BUT NOT LEAST THEY DEPRECIATE THE VALUE OF OUR PROPERTY!!** We are trying to sell and move this summer, however 2 realtors told us if we can not get them to remove their trash and debris from our fenceline (which is in a very visible area) we should wait and hope the County will require them to contain the trash properly in a dumpster. THAT'S HOW BAD IT IS!!
9. **CAN YOU NOT TELL HIM NO TO THE SPLIT REQUEST UNTIL HE GETS HIS PROPERTY IN PROPER CONDITION AND NO LONGER INTRUDES UPON HIS NEIGHBORS LIVING CONDITIONS?** There has got to be some kind of code which requires him to at least put the trash on our property line into a dumpster, surely so??

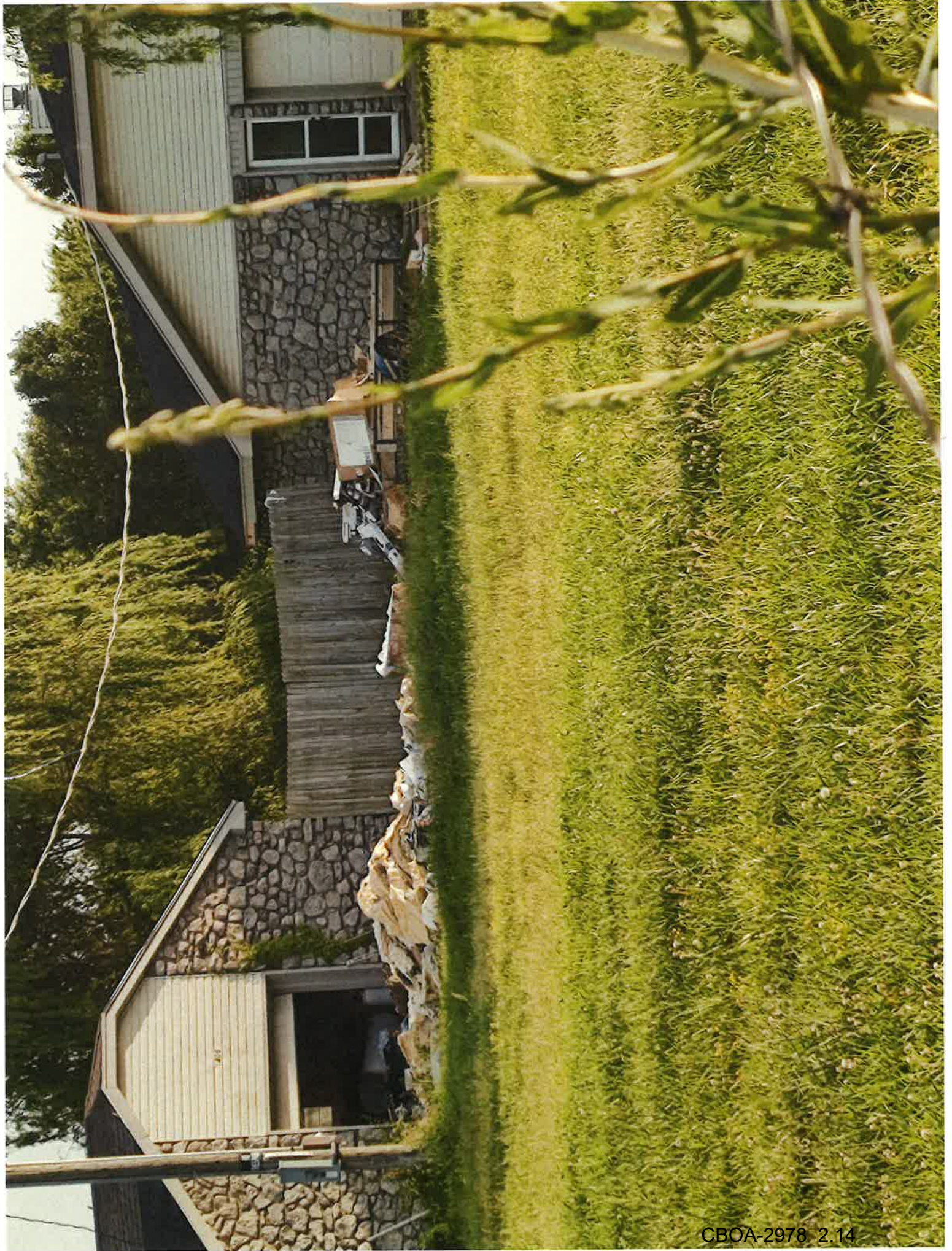
I am attaching pics to demonstrate how these people live. You will see trash backed up **against our fence line** and their frontal property always

contains trash and debris. I have tried to contact the Tulsa County Code Violation Dept but they never call me back. Other neighbors have had the same result, no return call.

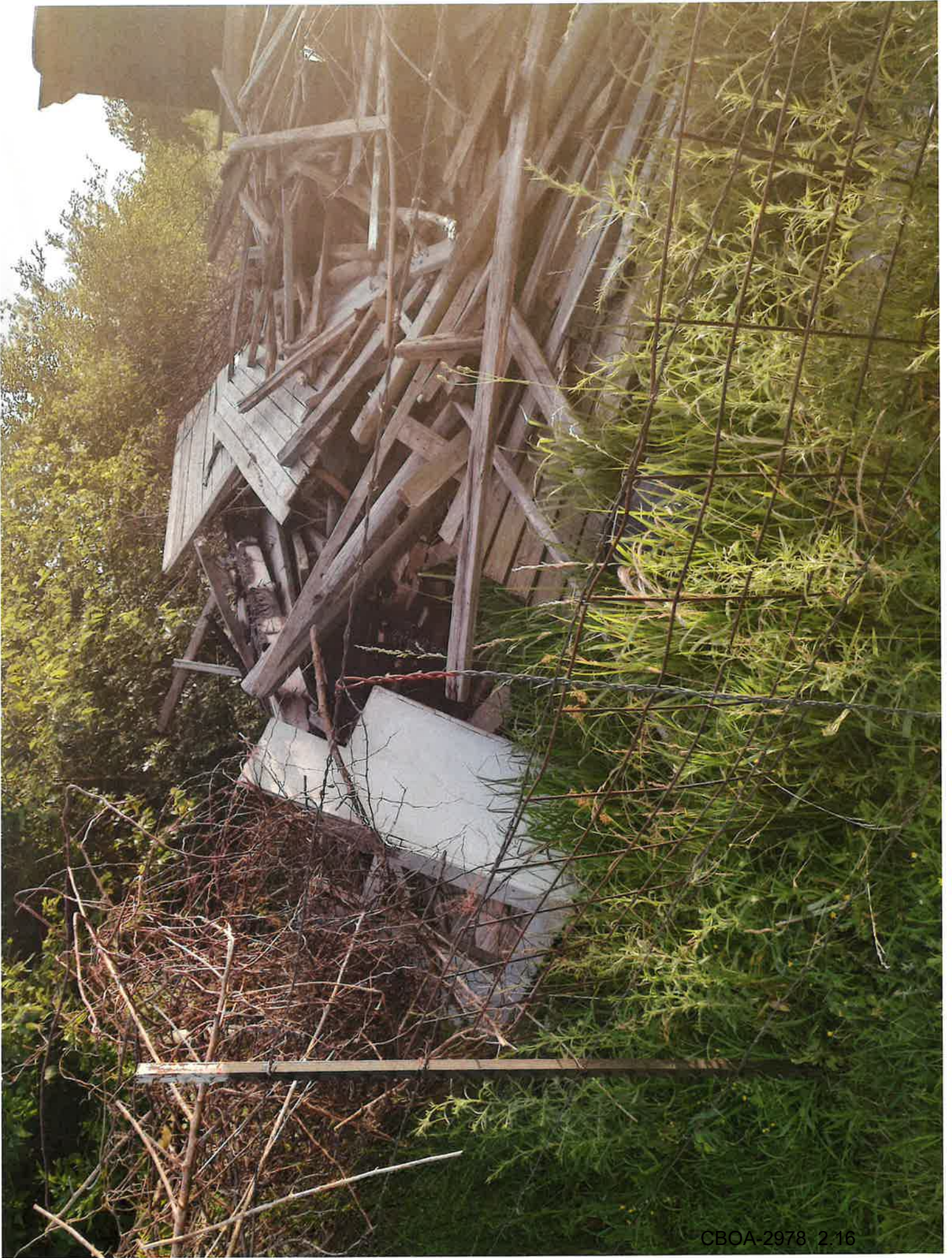
Until recently they had dozens of sheep and goats. They fed them by throwing their full bags of garbage out in the yard for them to eat and scatter all over everyone else's property as well. This was their option to not paying for trash service like everyone else does. They had a huge Bull which broke thru our fence, damaged our property, chased our mini horses trying to horn spear them. You will see there are Sheriffs notes on having to come out multiple times about the unsanitary garbage trash everywhere, having too many sheep & goats for the property size, and their animals breaking our fence and coming onto our property. Their goats ate half of our round bale of hay which we purchased for our horses.

Current and past history proves that they do not value their property, nor have respect for anyone else's. If you allow them to split that lot it is only going to get worse!! Living in an AG area should not mean that people have no rules and can live in such a way. Neighbors who have paid much and worked hard for their property should not be depreciated and disrespected in this way! **WOULD YOU WANT HIM LIVING NEXT TO YOUR PROPERTY??**

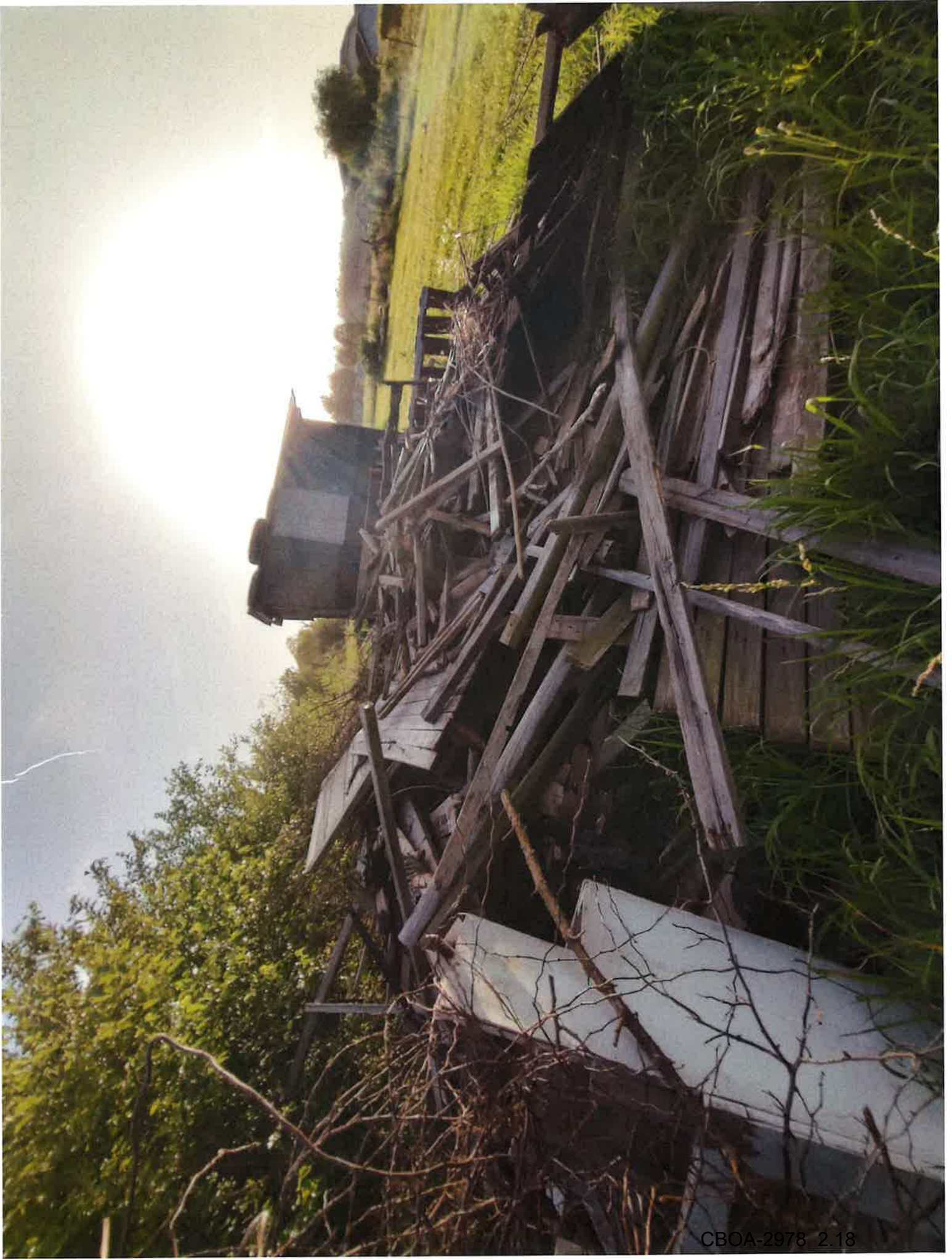
James and Judy Evers
16418 S Rockford Ave
Bixby, OK 74008
918-857-5197











Hoyt, Jay

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Tuesday, October 11, 2022 9:07 AM
To: Hoyt, Jay
Subject: Re: OBJECTION TO APPROVAL OF CBOA-2978 LOT SPLIT REQUEST

UPDATE...Thank you. However, when I got home last night most of the trash was gone. Neighbor said he saw a truck and trailer haul it off. So that's resolved. I will get my fence guys out there before he starts piling stuff there again.

We still oppose the lot split. If he does not have the means to keep the property up properly, that means he is going to use the back lot as a dump zone. There is really no need to split the lot other than he wants to put an old trailer home back there to live in. The house itself is not liveable. If you send someone to evaluate the house you will find that I am telling you the truth.

If the split is allowed can you make an rule that a trailer home or RV home can not be put there? Or, that any structure put there must be at least 2,000 sqft (the size of the smallest home on that street)? Can you require that he get dumpsters for future trash and debris? They do not have weekly trash service so it's obvious they intend to start dumping their waste again.

Thank you for your assistance in this matter. I hope you will continue to help our neighborhood preserve its property value that we have worked so hard to maintain.

Judy Evers

Hoyt, Jay

To: Hoyt, Jay
Subject: RE: Case Number: CBOA-2978 Applicant: Vadim Balev

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Friday, August 12, 2022 4:20 PM
To: Hoyt, Jay <JHoyt@incog.org>; Jones, Robi <rjones@incog.org>; esubmit <esubmit@incog.org>
Subject: Re: Case Number: CBOA-2978 Applicant: Vadim Balev

It is my understanding that there will be a meeting again regarding this issue on either Monday 8/15 or Tuesday 8/16. I am unable to attend due to my work schedule and office geographic location. I did submit some current pictures again recently proving that the mess has not been cleaned up at all. In fact, after the last meeting it appeared he dumped more crap on the pile against our fence. Still no dumpsters as well. They have never even returned to the property since the day after the meeting.

His next door neighbor, Wade asked him a while back if he could take the trash and put it in his burn pile which he planned to burn that weekend. He thought a good way to help the guy out and solve the trash problem. Mr Balev declined, saying that he was thinking maybe he could use some of the JUNK for the renovation of the house he just removed it from. It's a bunch of brush, tree limbs, personal trash, and boards broken to pieces and destroyed by the outdoor elements over the last several months. neighborhood residents have even offered to help him clean it up at no charge at all. If we all split the junk between us and each hauled off our assigned portion that would get it done in a few hours.

Why is this guy not being fined or the place condemned? If he would just put the junk in dumpsters that would be a better solution than just leaving it piled everywhere in front and against our fence. If you would just have an inspector go there you will see that what I and neighbors are telling you is 100% true.

Thank you in advance for your assistance in this matter.

Sincerely,
Judy A Evers
16418 S Rockford Ave
Bixby, OK 74008
918-857-5197

On Wed, Jul 20, 2022 at 12:04 PM Hoyt, Jay <JHoyt@incog.org> wrote:

Judy,

Your email and photos will be forwarded to the Board of Adjustment for their consideration.

Thank you,

Jay Hoyt

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Wednesday, July 20, 2022 11:59 AM
To: Jones, Robi <rjones@incog.org>; esubmit <esubmit@incog.org>
Subject: RE: Case Number: CBOA-2978 Applicant: Vadim Balev

Hello, my name is Judy Evers and our property adjoins 1406 E 163rd PI S property in the above case. We live at 16418 S Rockford Ave. I have attached some up to date photos to illustrate the current situation.

In June 2022 I emailed copies of the trash and debris surrounding this property with details about the conflicting information we know to be true. I, and neighbors, are pleased to hear that you continued the application until August rather than approving it. Thank you for listening.

However, a month later the property is worse than ever. The trash and debris along his back fence line which adjoins ours has much more trash and debris piled against our fence. The additional trash appeared shortly after the June meeting. NOTHING has been removed or cleaned up, only more piled up there. Not a single trash dumpster has been there! If he wants to store trash, garbage, and debris on his property he should be required to contain it in trash containers or dumpsters. The trash and debris are encroaching our fence line worse than ever and the front of their house is worse than ever.

I, being in the construction industry for many years, understand the property renovation process is long and gruelling, but my neighbors and I do not understand why he is not required to contain it in dumpsters like any other construction project is required to avoid a fine. We have left messages for Tulsa County property inspection and enforcement and never received one return phone call. Furthermore, he does not even use a regular trash service to pick up his regular garbage weekly. So, where do you think his food, toxic items, and regular household trash goes? It goes in the huge piles in front of his house and the enormous pile on our fence line. It often blows out into the street and onto neighbors property.

If you were to inspect the inside of the house you would likely condemn it. I wish an inspector would just go there and look inside it. The house has been repo'd multiple times and out of the 3 people who have lived there, none of them have been able to renovate the house to suitable living conditions.

He, being from out of state, may not realize that the land itself in the entire 4+ acres is worth much more than the house. His most financially sound action would be to not invest any money in the house and just sell for the land value without splitting it.

End result; he is depreciating our property value and our sale value. We had hoped to move and downsize this summer but were advised to wait until hopefully the county requires him to use dumpsters or clean it all up. If you look at the homes on his street they are fairly newly built homes and well kept up. If you look at the properties on our street you will see older homes but they are all well maintained and certainly do not have trash everywhere outside.

When we had our home re-roofed and new siding we were required to rent dumpsters for the construction debris both times. When the neighbors Hess family renovated their 2 properties on our street they had multiple dumpsters there. Never once did anyone experience visible trash or debris. **Why is he not required to do so?**

Thank you for your assistance to date, and I apologize for "running on" in this letter. We have just worked so hard to maintain our property properly and it is so painful to see it depreciate in value due to someone else's visibly abnormal way of living.

Sincerely,

Judy Evers

918-857-5197 cell phone

16418 S Rockford Ave, Bixby 74008



Judy Evers

Office Manager, McCallum and Son's Drywall & Construction Inc.

918.512.8100 | judy.mccallumandsons@gmail.com

www.drywall918.com

608 E Line Ave. Sapulpa, OK 74066



Hoyt, Jay

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Friday, August 12, 2022 4:40 PM
To: Hoyt, Jay
Subject: Re: Case Number: CBOA-2978 Applicant: Vadim Balev

Absolutely not!!! We can't even sell our house! This has gone on much too long!! No fines, no dumpsters, no trash service?? He has been given more than fair time and neighbors have even offered to do it for him. Meanwhile his trash is heaped against our property fence. There are all kinds of stuff in there, likely hazardous waste, varmints, even snakes in there now plus it reeks of something nasty. Probably his personal household trash since he does not even have a trash service. He just dumps it in a pile outside. We can not even let our grandchildren play in the whole section of that area of our property.

Neighbors do not care to write anymore, they want to contact the news stations and have them come out to report on the mess and the circumstances. They gave them his phone # and email and yours as well so they can follow up for all sides of the issue before airing it. Supposedly one of the neighbors and the news reporter are attending the meeting next week.



Judy Evers
Office Manager, McCallum and Son's Drywall & Construction Inc.
[918.512.8100](tel:918.512.8100) | judy.mccallumandsons@gmail.com
www.drywall918.com
608 E Line Ave Sapulpa, OK 74066



On Fri, Aug 12, 2022 at 4:23 PM Hoyt, Jay <JHoyt@incog.org> wrote:

Judy,

Your email will be forwarded to the Board of Adjustment for their consideration. Please note that the applicant has requested that this case be continued to the 10/18 Board of Adjustment meeting.

Thank you,

Jay Hoyt

From: Judy Evers <judy.mccallumandsons@gmail.com>

Sent: Friday, August 12, 2022 4:20 PM

To: Hoyt, Jay <JHoyt@incog.org>; Jones, Robi <rjones@incog.org>; esubmit <esubmit@incog.org>

Subject: Re: Case Number: CBOA-2978 Applicant: Vadim Balev

It is my understanding that there will be a meeting again regarding this attend due to my work schedule and office geographic location. I did s has not been cleaned up at all. In fact, after the last meeting it appeared dumpsters as well. They have never even returned to the property since

His next door neighbor, Wade asked him a while back if he could take weekend. He thought a good way to help the guy out and solve the tra maybe he could use some of the JUNK for the renovation of the house personal trash, and boards broken to pieces and destroyed by the out neighborhood residents have even offered to help him clean it up at no off our assigned portion that would get it done in a few hours.

Why is this guy not being fined or the place condemned? If he would just leaving it piled everywhere in front and against our fence. If you w neighbors are telling you is 100% true.

Thank you in advance for your assistance in this matter.

Sincerely,

Judy A Evers

16418 S Rockford Ave

Bixby, OK 74008

918-857-5197

On Wed, Jul 20, 2022 at 12:04 PM Hoyt, Jay <JHoyt@incog.org> wrote:

Judy,

Your email and photos will be forwarded to the Board of Adjustment for their consideration.

Thank you,

Jay Hoyt

From: Judy Evers <judy.mccallumandsons@gmail.com>

Sent: Wednesday, July 20, 2022 11:59 AM

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

Subject: RE: Case Number: CBOA-2978 Applicant: Vadim Balev

Hello, my name is Judy Evers and our property adjoins 1406 E 163rd Pl S property in the above case. We live at 16418 S Rockford Ave. I have attached some up to date photos to illustrate the current situation.

In June 2022 I emailed copies of the trash and debris surrounding this property with details about the conflicting information we know to be true. I, and neighbors, are pleased to hear that you continued the application until August rather than approving it. Thank you for listening.

However, a month later the property is worse than ever. The trash and debris along his back fence line which adjoins ours has much more trash and debris piled against our fence. The additional trash appeared shortly after the June meeting. NOTHING has been removed or cleaned up, only more piled up there. Not a single trash dumpster has been there! If he wants to store trash, garbage, and debris on his property he should be required to contain it in trash containers or dumpsters. The trash and debris are encroaching our fence line worse than ever and the front of their house is worse than ever.

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So, where do you think his food, toxic items, and regular household trash goes? It goes in the huge piles in front of his house and the enormous pile on our fence line. It often blows out into the street and onto neighbors property.

If you were to inspect the inside of the house you would likely condemn it. I wish an inspector would just go there and look inside it. The house has been repo'd multiple times and out of the 3 people who have lived there, none of them have been able to renovate the house to suitable living conditions.

He, being from out of state, may not realize that the land itself in the entire 4+ acres is worth much more than the house. His most financially sound action would be to not invest any money in the house and just sell for the land value without splitting it.

End result; he is depreciating our property value and our sale value. We had hoped to move and downsize this summer but were advised to wait until hopefully the county requires him to use dumpsters or clean it all up. If you look at the homes on his street they are fairly newly built homes and well kept up. If you look at the properties on our street you will see older homes but they are all well maintained and certainly do not have trash everywhere outside.

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had multiple dumpsters there. Never once did anyone experience visible trash or debris. **Why is he not required to do so?**

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Sincerely,

Judy Evers

918-857-5197 cell phone

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Judy Evers
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www.drywall918.com

608 E Line Ave. Sapulpa, OK 74066



Hoyt, Jay

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Monday, June 20, 2022 5:21 PM
To: esubmit; Jones, Robi
Subject: OBJECTION TO APPROVAL OF CBOA-2978 LOT SPLIT REQUEST
Attachments: Photos-001.zip

We are James & Judy Evers. We own 4.4 acres with our home at 16418 S Rockford Ave, Bixby 74008. Mr. Balev's property backs up to ours. We, as his adjoining neighbor have MANY objections to a lot split or anything else he might request at this time. I did speak to him on the phone and asked him to get a dumpster for the trash along our fence line or at least put up a privacy fence. HE HAS DONE NOTHING!!!

If you observe our area and neighboring area you will see that whether small or large, new or old, EVERYONE keeps their property in suitable condition. Except for his, we have a very nicely kept and well valued neighborhood. There are 3 newly built homes next to him in which owners are appalled by the condition of his property.

We would like to attend the meeting, however we work and can not do so. It's unfortunate that the County does not better serve the community by having these meetings after 4pm so people can better attend, or at least first thing in the morning so they don't miss extended time from work.

OBJECTIONS...

1. If they split that lot there is no way to even build a separate drive or road to access the property. There is nowhere to put access to get back there.
2. The house is in total disarray inside and out and not liveable for anyone.

3. He has offered multiple stories to you and neighbors regarding what he intends to do with the back lot if split. He told me he had no idea what they were going to do with it actually and not for years if anything. He told you that he wants to build a house for his mother. **They live in California and are only here trying to settle Ivan's estate which contains the house and land.** The multiple stories of the land split purpose do not add up.

4. It is obvious they intend to put a dumpy old trailer on that back property to live in since the house is not suitable to live in. **PLEASE SAY NO!!!**

5. Has anyone even checked to verify he owns this property? This property belonged to his father, Ivan who recently died. There is no way they could have settled his estate this quickly.

6. **How would they even get utilities and sewer back there?** Would Creek County RWD even approve a water tap and meter for there?

7. They can't maintain the trash and debris they throw outside now. **How are they going to maintain any new construction debris and trash for building another house?** Despite requests, he refuses to rent trash dumpsters for the trash in front nor for the trash up against our fence. **I CAN NOT BELIEVE THE COUNTY DOES NOT REQUIRE HE DO THIS!!**

8. **LAST BUT NOT LEAST THEY DEPRECIATE THE VALUE OF OUR PROPERTY!!** We are trying to sell and move this summer, however 2 realtors told us if we can not get them to remove their trash and debris from our fenceline (which is in a very visible area) we should wait and hope the County will require them to contain the trash properly in a dumpster. **THAT'S HOW BAD IT IS!!**

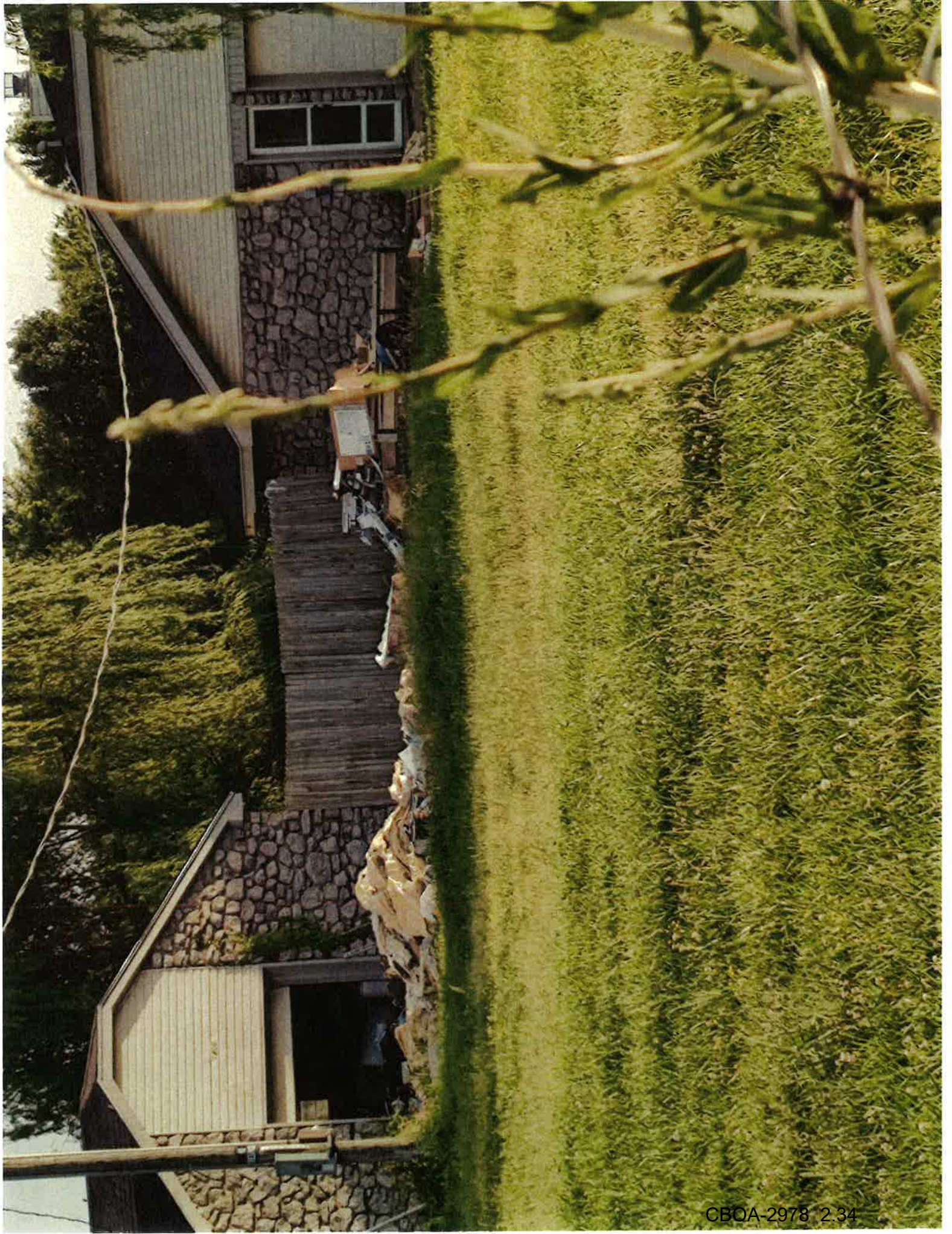
9. CAN YOU NOT TELL HIM NO TO THE SPLIT REQUEST UNTIL HE GETS HIS PROPERTY IN PROPER CONDITION AND NO LONGER INTRUDES UPON HIS NEIGHBORS LIVING CONDITIONS? There has got to be some kind of code which requires him to at least put the trash on our property line into a dumpster, surely so??

I am attaching pics to demonstrate how these people live. You will see trash backed up **against our fence line** and their frontal property always contains trash and debris. I have tried to contact the Tulsa County Code Violation Dept but they never call me back. Other neighbors have had the same result, no return call.

Until recently they had dozens of sheep and goats. They fed them by throwing their full bags of garbage out in the yard for them to eat and scatter all over everyone else's property as well. This was their option to not paying for trash service like everyone else does. They had a huge Bull which broke thru our fence, damaged our property, chased our mini horses trying to horn spear them. You will see there are Sheriffs notes on having to come out multiple times about the unsanitary garbage trash everywhere, having too many sheep & goats for the property size, and their animals breaking our fence and coming onto our property. Their goats ate half of our round bale of hay which we purchased for our horses.

Current and past history proves that they do not value their property, nor have respect for anyone else's. If you allow them to split that lot it is only going to get worse!! Living in an AG area should not mean that people have no rules and can live in such a way. Neighbors who have paid much and worked hard for their property should not be depreciated and disrespected in this way! **WOULD YOU WANT HIM LIVING NEXT TO YOUR PROPERTY??**

James and Judy Evers
16418 S Rockford Ave
Bixby, OK 74008
918-857-5197











Hoyt, Jay

From: Judy Evers <judy.mccallumandsons@gmail.com>
Sent: Wednesday, July 20, 2022 11:59 AM
To: Jones, Robi; esubmit
Subject: RE: Case Number: CBOA-2978 Applicant: Vadim Balev
Attachments: (no subject).eml; (no subject).eml; (no subject).eml; (no subject).eml; (no subject).eml

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918-857-5197 cell phone

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Judy Evers

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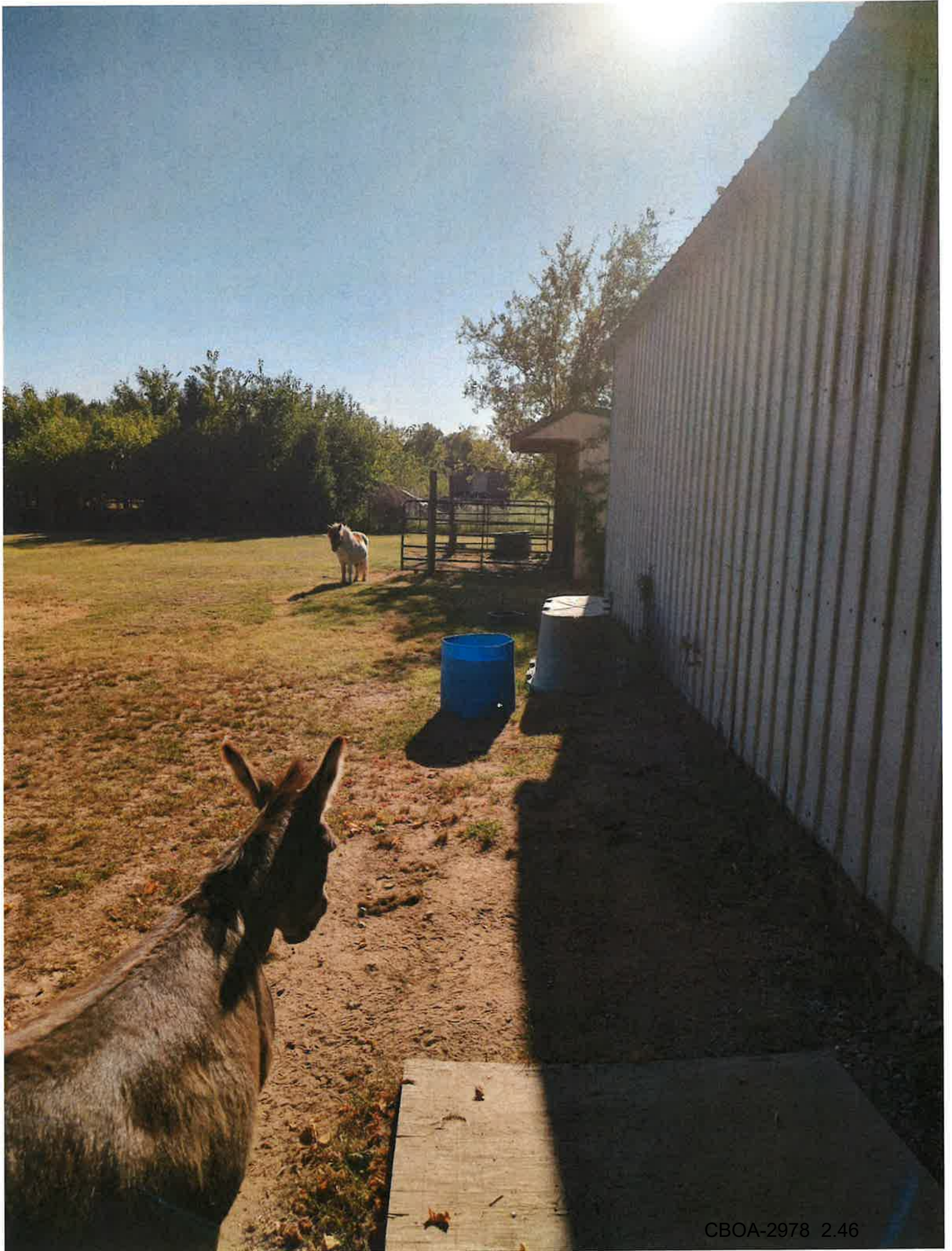














Board of Adjustment

Case Number: CBOA-2987

Hearing Date: 10/18/2022 1:30 PM
(Continued from 08/16/2022 & 09/20/2022)

Case Report Prepared by:

Jay Hoyt

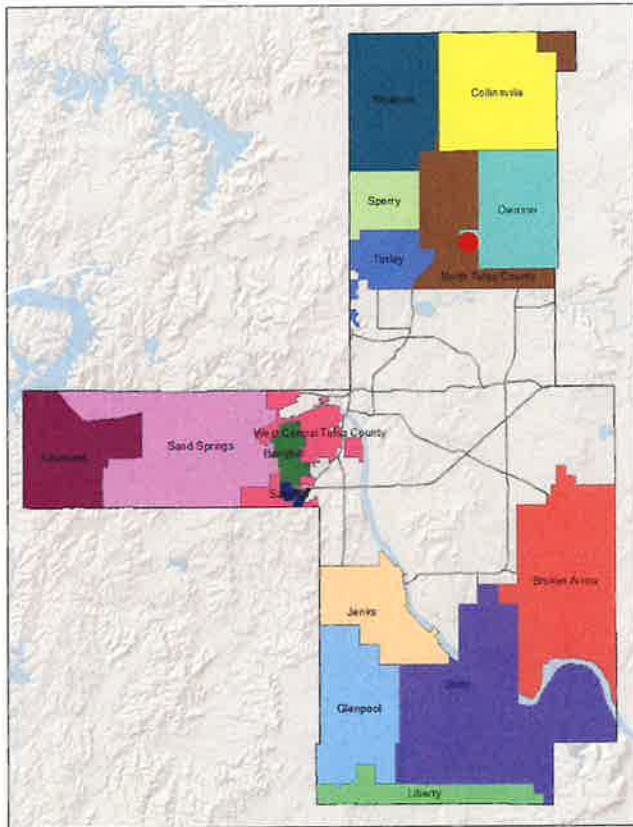
Owner and Applicant Information:

Applicant: CRB Companies LLC

Property Owner: MCWILLIAMS, BRADLEY H

Action Requested: Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)

Location Map:



Additional Information:

Present Use: Vacant

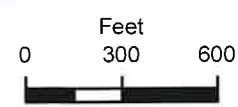
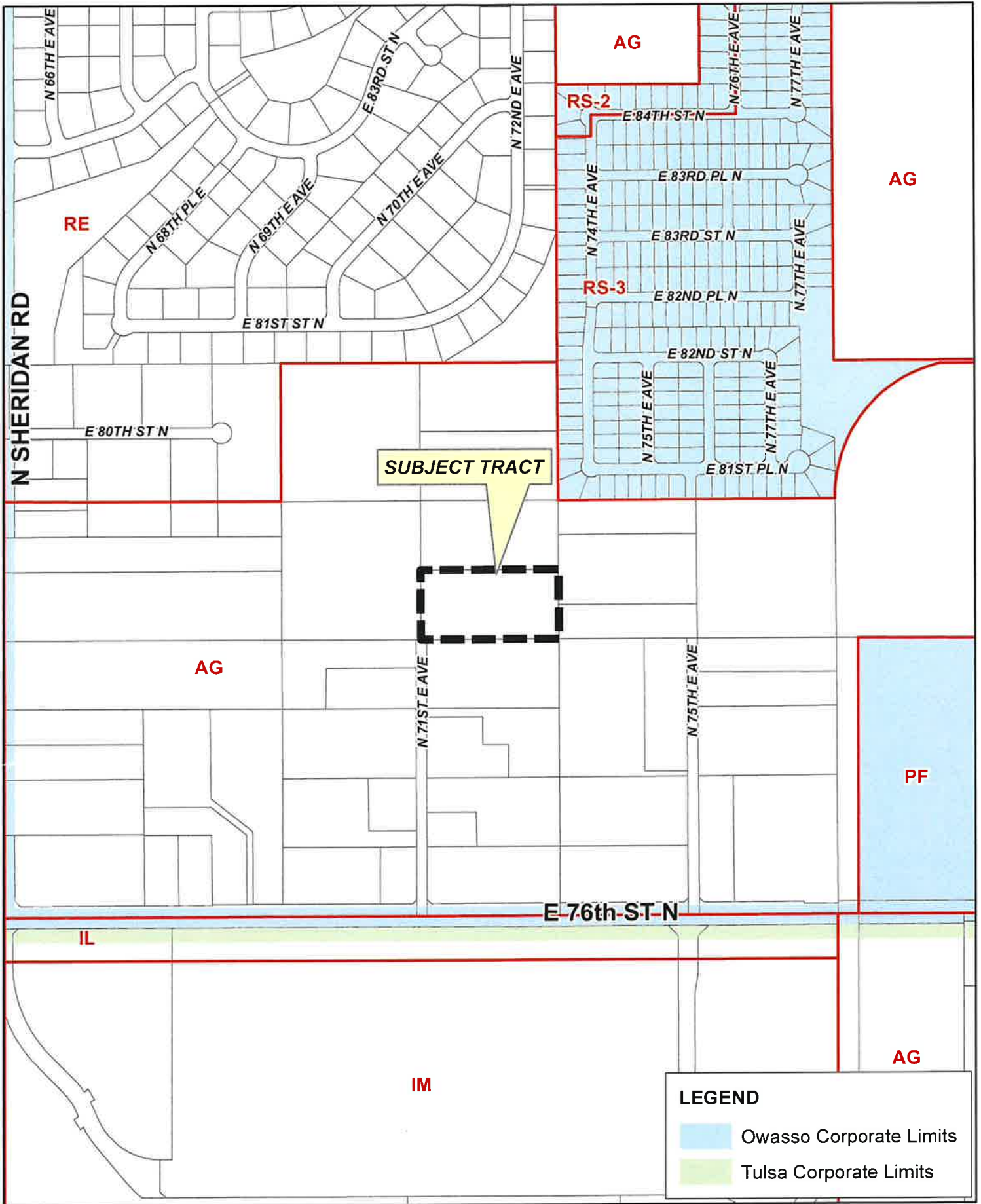
Tract Size: 5 acres

Location: 7847 N 71st Ave E

Present Zoning: AG

Fenceline/Area: Owasso

Land Use Designation: Residential



CBOA-2987

21-13 26



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1326

CASE NUMBER: CBOA-2987

CZM: 17

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM (Continued from 8/16/2022 & 9/20/2022)

APPLICANT: CRB Companies LLC

ACTION REQUESTED: Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)

LOCATION: 7847 N 71 AV E

ZONED: AG

FENCELINE: Owasso

PRESENT USE: Vacant

TRACT SIZE: 5 acres

LEGAL DESCRIPTION: S/2 SE NE SW SEC 26 21 13 5ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2935 November 2021: The Board denied a Special Exception to permit a 145 ft. Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 310 and Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots (Section 1204.3)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG with AG zoned properties to the north, south, east and west of the subject lot, with each utilized for single-family residences.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3).

The Board had previously denied a Special Exception request for the subject lot in November of 2021 to permit a 145 ft tower and a Special Exception to reduce the required tower setback from the adjoining AG zoned lots (CBOA-2935). The applicant is now requesting a Special Exception for a 140 ft tower and is not seeking a Special Exception for the tower setback.

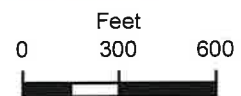
Sample Motion:

“Move to _____ (approve/deny) a Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)

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.



Subject
Tract

CBOA-2987

21-13 26

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

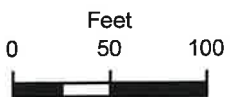
Aerial Photo Date: 2020/2021



CBOA-2987 3.5



N 71ST E AVE



Subject Tract

CBOA-2987

21-13 26

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

Aerial Photo Date: 2020/2021

CBOA-2987 3.6



SURVEY OF A LEASE SITE LYING IN PART OF THE SW/4 SECTION 26, TOWNSHIP 21 NORTH, RANGE 13 EAST, W.1/4, TULSA COUNTY, OKLAHOMA

PROPERTY DESCRIPTION FOR PREVIOUSLY RECORDED LEGAL SURVEY OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 13 EAST, W.1/4, TULSA COUNTY, OKLAHOMA. THIS SURVEY WAS RECORDED IN PUBLIC RECORDS OF TULSA COUNTY, OKLAHOMA, BOOK 14, PAGE 217.

SURVEY OF A LEASE SITE LYING IN PART OF THE SW/4 SECTION 26, TOWNSHIP 21 NORTH, RANGE 13 EAST, W.1/4, TULSA COUNTY, OKLAHOMA

LEASE SITE DESCRIPTION

The lease site is a portion of the SW/4 Section 26, Township 21 North, Range 13 East, W.1/4, Tulsa County, Oklahoma. The lease site is bounded on the north by the 21st Street, on the east by the 13th Street, on the south by the 14th Street, and on the west by the 15th Street. The lease site is approximately 100 feet wide and 100 feet long.

ACQUISITION OF INTERESTS

The lease site was acquired by the lessor, [Name], through a series of transactions. The first transaction was a purchase of the lease site from [Name] in 1998. The second transaction was a purchase of the lease site from [Name] in 2000. The third transaction was a purchase of the lease site from [Name] in 2002.

OTHER INTERESTS

There are no other interests in the lease site.

WARRANTY

The lessor warrants that the lease site is free from all liens, mortgages, and other encumbrances. The lessor also warrants that the lease site is not subject to any other legal proceedings.

ASSIGNMENT

The lessor assigns all of its rights and interests in the lease site to the lessee, [Name].

TERMS

The lease term is for a period of 10 years, commencing on the date of the execution of this lease. The lease term may be extended for an additional 10 years by written agreement of the parties.

ENTIRE AGREEMENT

This lease contains the entire agreement between the parties. No oral agreement or understanding shall be binding on the parties.

FORCE MAJEURE

If the lease site is destroyed or damaged by fire, flood, or other natural disaster, the lease term shall be extended for a period of 90 days.

ASSIGNMENT

The lessee may assign all of its rights and interests in the lease site to a third party, provided that the assignee is approved by the lessor.

ENTIRE AGREEMENT

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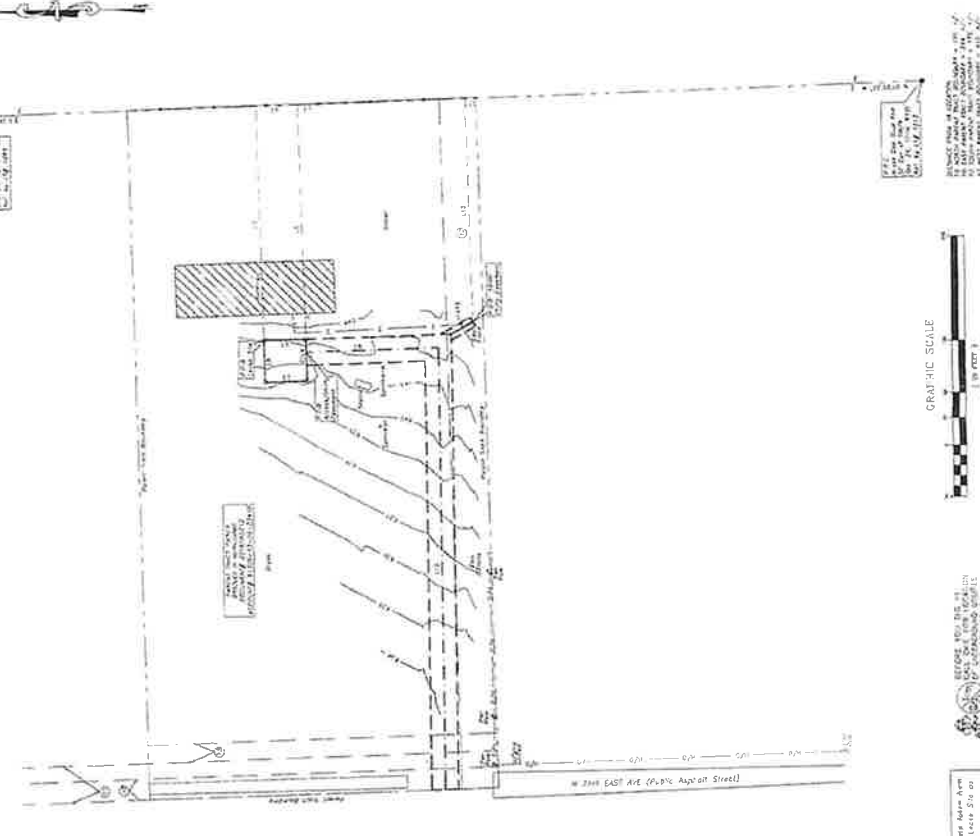
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GRAPHIC SCALE

1" = 50'

PREPARED FOR

at&t

PREPARED BY

ROSS SURVEYING, INC.

RECORD NO.

14-217

DATE SURVEYED

06/27/18

DATE BY

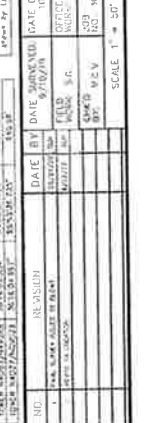
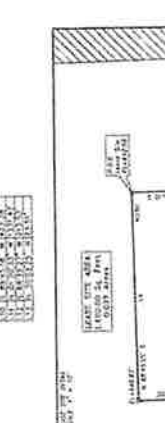
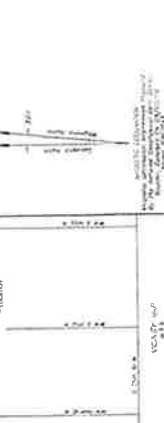
06/27/18

DATE BY

06/27/18

DATE BY

06/27/18



Hoyt, Jay

From: Amy Schroeder <amynschroeder@gmail.com>
Sent: Sunday, September 18, 2022 8:32 PM
To: esubmit
Subject: Re: Case CBOA-2987

We are writing to share our concerns regarding the proposed special exception to allow a cell tower to be built behind our home. We will usually support progress, but this project will have a significant impact to the beauty of our neighborhood and our skyline view. This is the current view from our back door:

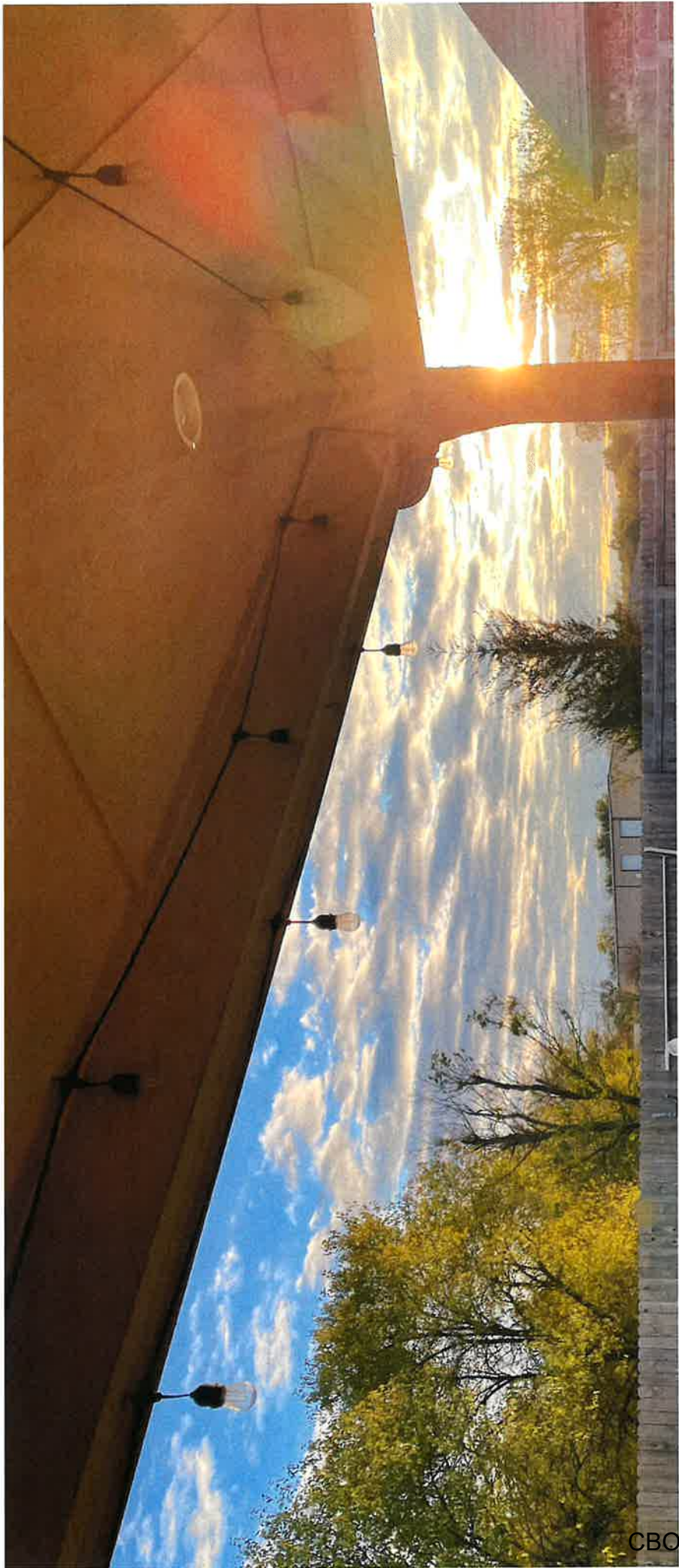
The tan barn in the middle of this picture is the property where this tower would be located. Our family will see this tower from the kitchen table, the couch- basically anywhere in my home with a south facing window & we have huge picture windows throughout our home. We would not purchase a home with a large cellular tower in the back. This will impact our ability to sell the home in the future and permanently scar our beautiful sunsets, cookouts, etc.

There are multiple locations throughout Owasso near industrial areas that are more appropriate for this project. We strongly urge the exception request be denied.

Thank you for your time,

Seth & Amy Schroeder
7404 E 81st Pl N
Owasso, OK 74055

--
Amy Schroeder
(918)277-3669



Hoyt, Jay

From: Hannah F <hannah_colette92@yahoo.com>
Sent: Sunday, September 18, 2022 2:50 PM
To: esubmit
Subject: Case number: CBOA-2987

> To Whom It May Concern,

>

> I'm writing today to express my concern on the case referenced in the subject line. CRB Companies seeks to construct a 140-foot tall communications tower at the address of 7845 N. 71st E. Ave in Owasso, OK 74055.

>

> I am writing this letter to state the residents of 8105 N. 74th E. Ave. Owasso, Ok 74055 in Carrington Pointe are AGAINST the construction of this tower in the proposed area.

>

> I want it to be clear that we are not against progress and we are not simply saying NO to the tower. We know that improving infrastructure makes our community a better place to live. There is an industrial area to the South of Carrington Pointe, on 76th St. N. (Where Milo's Tea and Macy's Distribution Center are located), that would easily host this kind of equipment. It would place the tower away from residential areas while still providing the same coverage and services to the community.

>

> Section 1204.3 of the Tulsa County Zoning Code lists 9 goals for the placement of communications towers. The proposed tower site violates at least 4 of these goals including:

>

- > -Protecting residential areas and land uses from potentially adverse impacts
- > -Encouraging users of towers to locate them where the adverse impact to the community is minimal
- > -Encourage the location of towers in NON-RESIDENTIAL AREAS
- > -Consider the public health and safety of communication towers

>

> I implore, and kindly ask that county officials side with their residents on this matter.

>

> Attached is a picture from my front yard showing the currently beautiful view taken in the direction CRB plans to construct their tower.

>

> Thank you for your time and consideration,

>

> Hannah Chezem
> Carrington Pointe Resident
> 8105 N. 74th E. Ave.
> Owasso, OK 74055



Hoyt, Jay

From: mont4@cox.net mont4@cox.net <mont4@cox.net>
Sent: Sunday, September 18, 2022 11:05 AM
To: esubmit; stopthetower2021@gmail.com
Subject: Case #CBOA-2987 Cell Phone Tower Location

Dear Tulsa County Board of Adjustment,

We are not in favor of placing a 140 foot tall cell phone tower **in our neighborhood**. Lowering the tower 5 feet will not change the impact it would have on our neighborhood. It would completely destroy our beautiful landscape and skyline as well as possibly affecting the health and safety of our families and children. *We are not against progress, just the location for this tower in and amongst our homes*. We know that improving our infrastructure makes our community a better place to live and we all use cell phones, but there has to be a better alternative placement, there is an industrial area, just south of 76th St N. a mere few blocks away, where Macy's and Milo's are located, that would easily host this kind of equipment. **It would place the tower away from our residential neighborhood areas while still providing the same coverage and services to our community.**

This adverse impact to our neighborhood would be such a sad thing, when an alternative location is so easily located.

It appears the future plans for this area for both Tulsa County and City of Owasso is to become residential. This means even more people will be impacted in the future.

Please consider this cell phone tower to be located outside of our actual neighborhood and residential area to reduce the impact on our families and property. Thank you.

Steve and Rhonda Montee

6705 E 80th St N.

Owasso, OK 74055

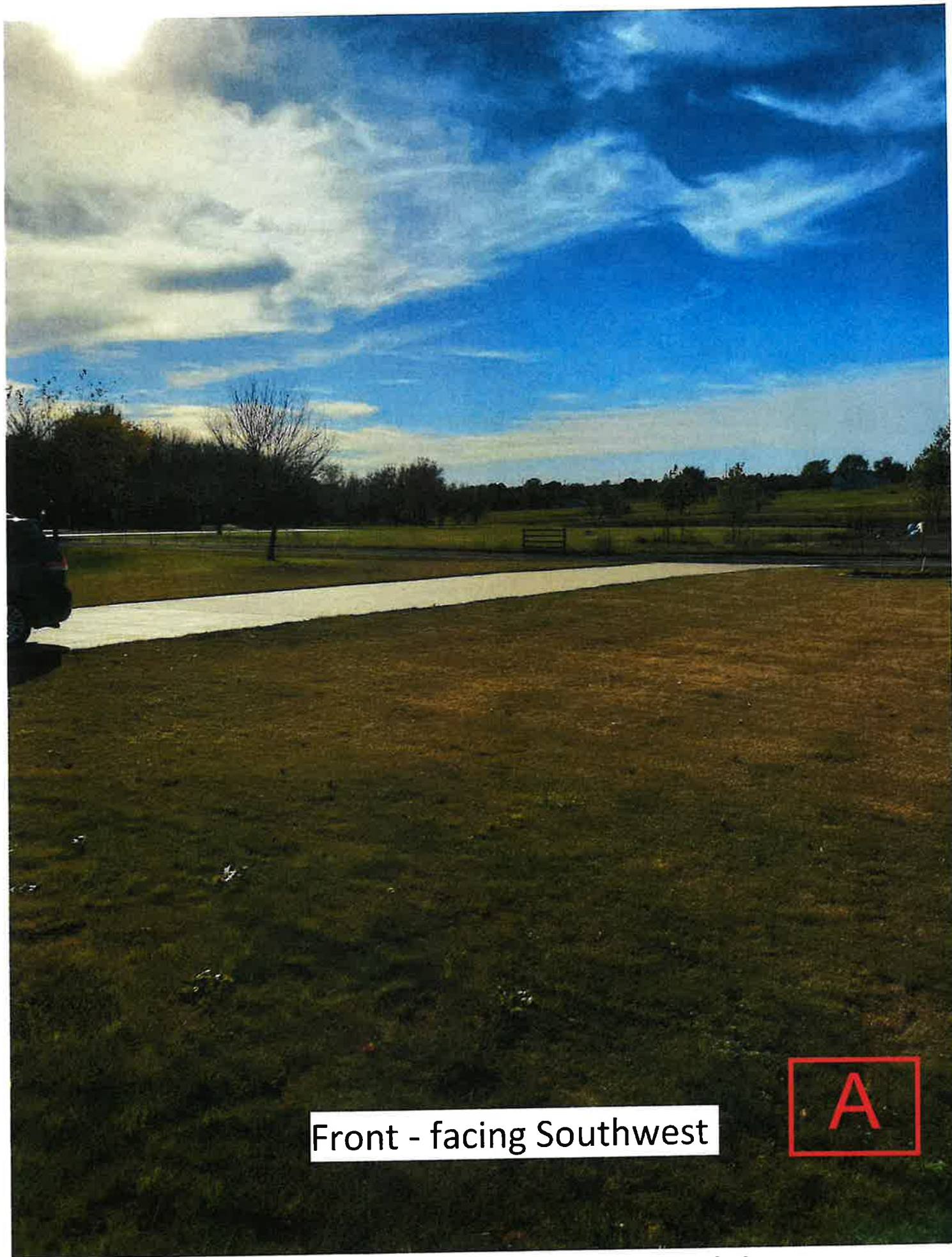
Hoyt, Jay

From: bbwbjesus@gmail.com
Sent: Monday, September 19, 2022 10:32 PM
To: esubmit
Subject: CBOA-2987
Attachments: CBOA-2987 Charles Hancock exhibits.pdf

Hello:

Please see the attached exhibits for my presentation at the referenced matter.

Thank you,
Charles Hancock
7867 N 71st East Ave
Owasso OK 74055



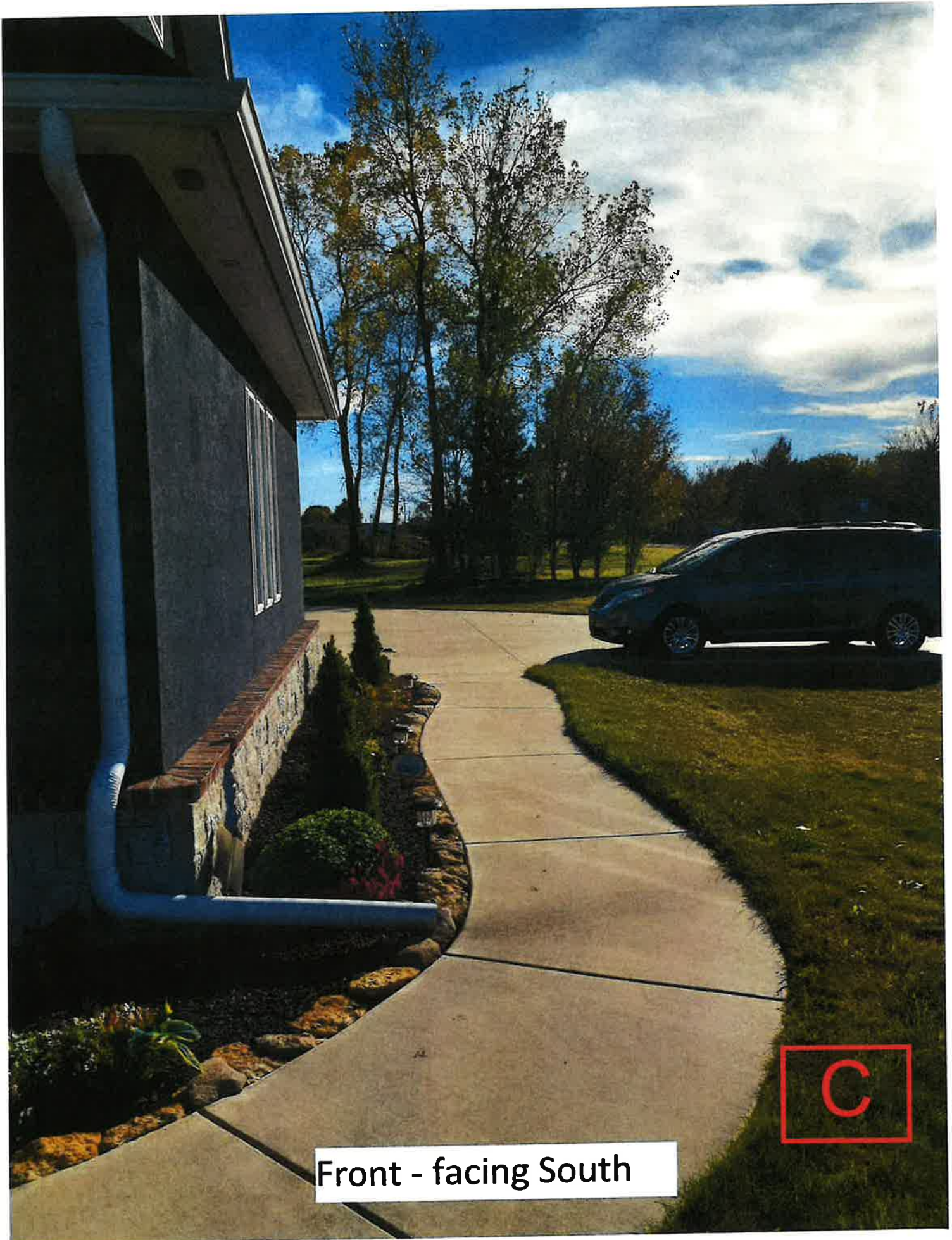
Front - facing Southwest

A



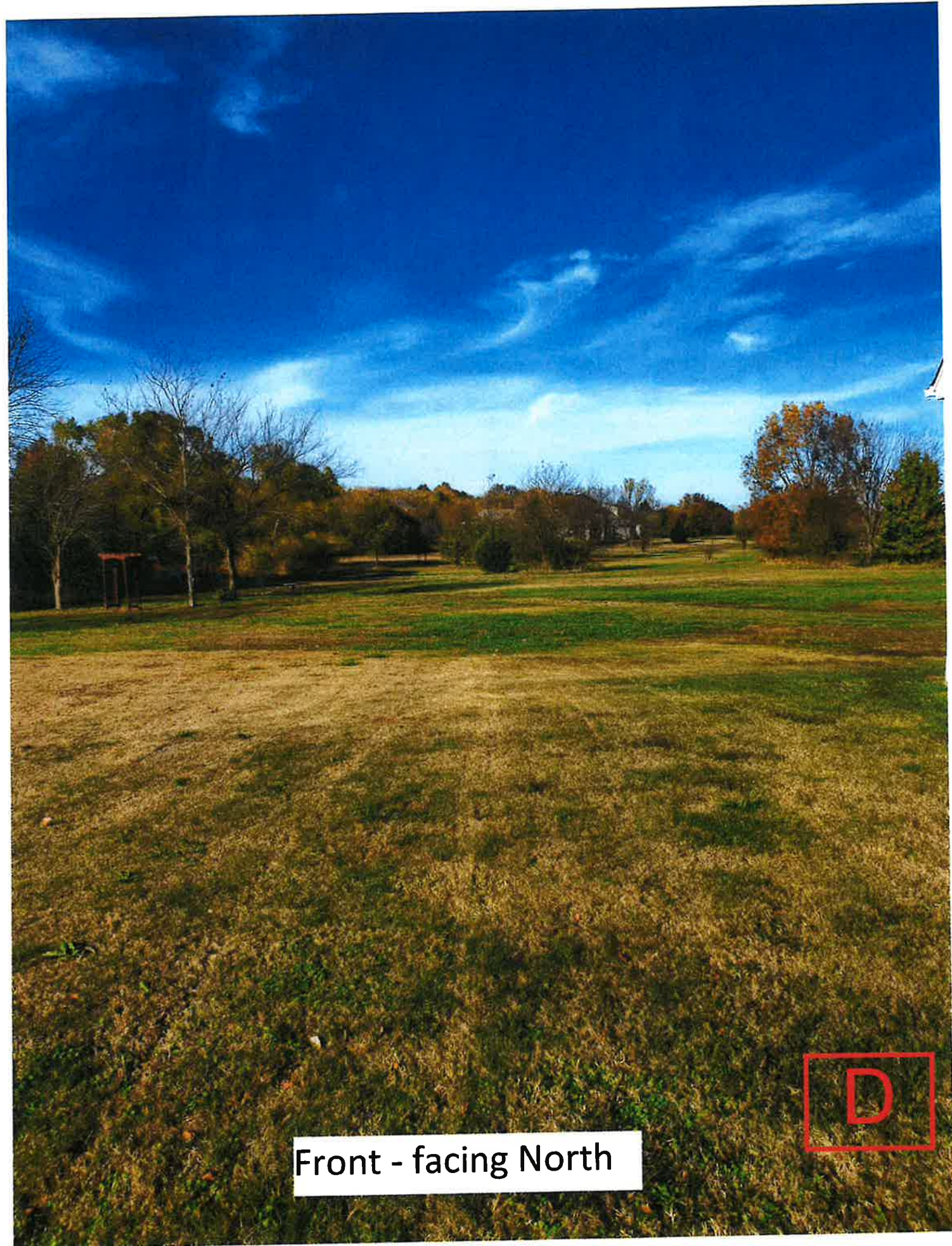
Front - facing West

B



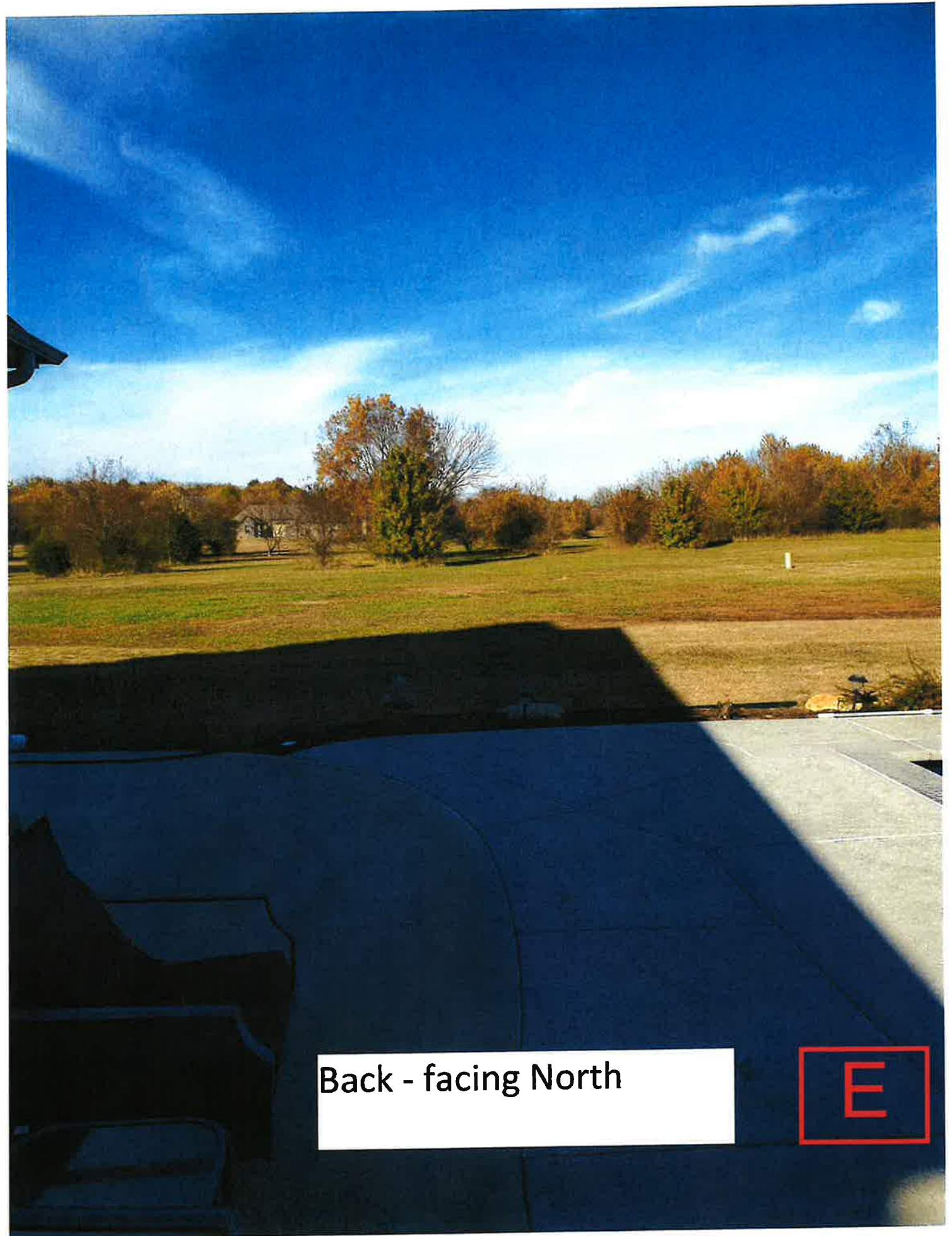
Front - facing South

C



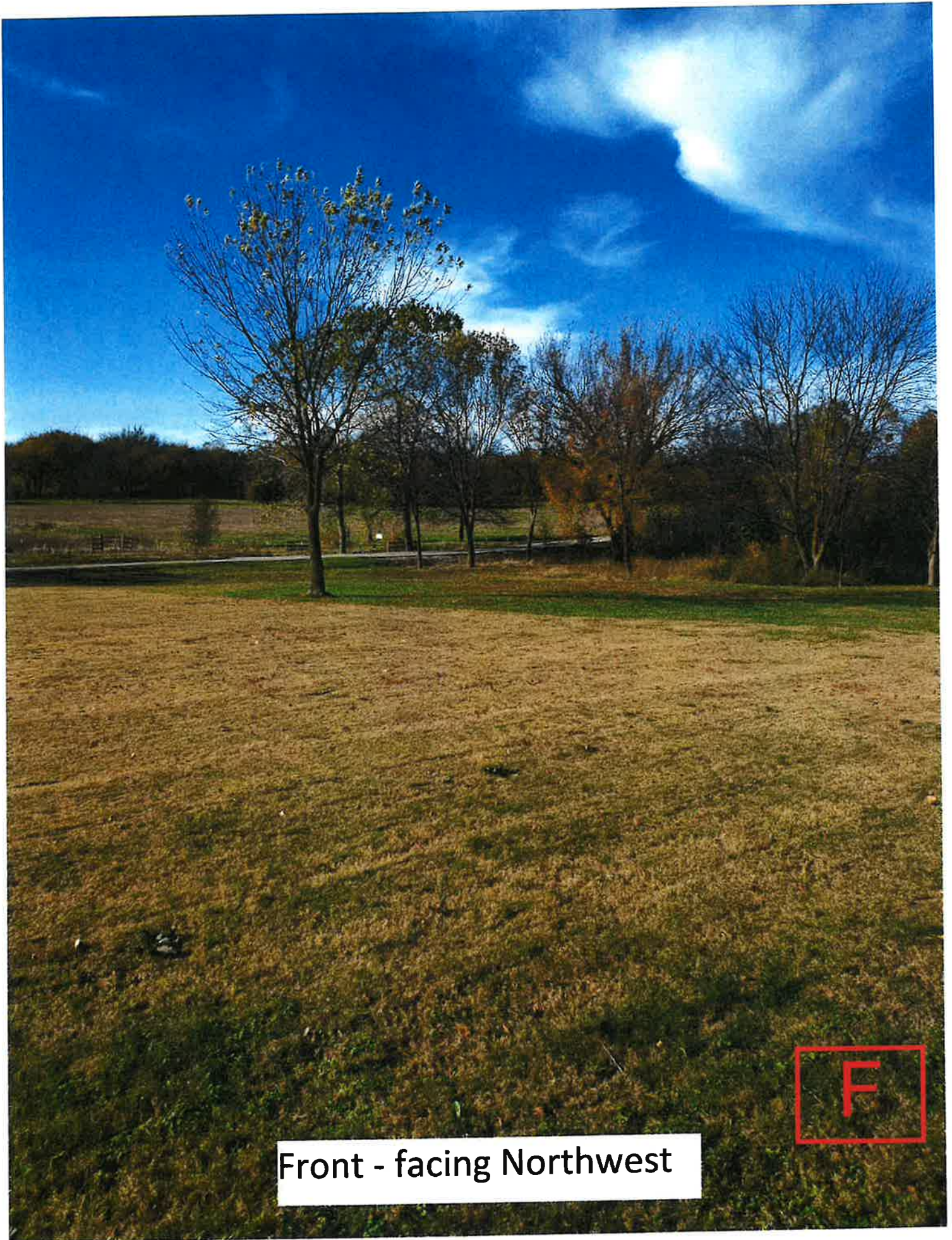
Front - facing North

D



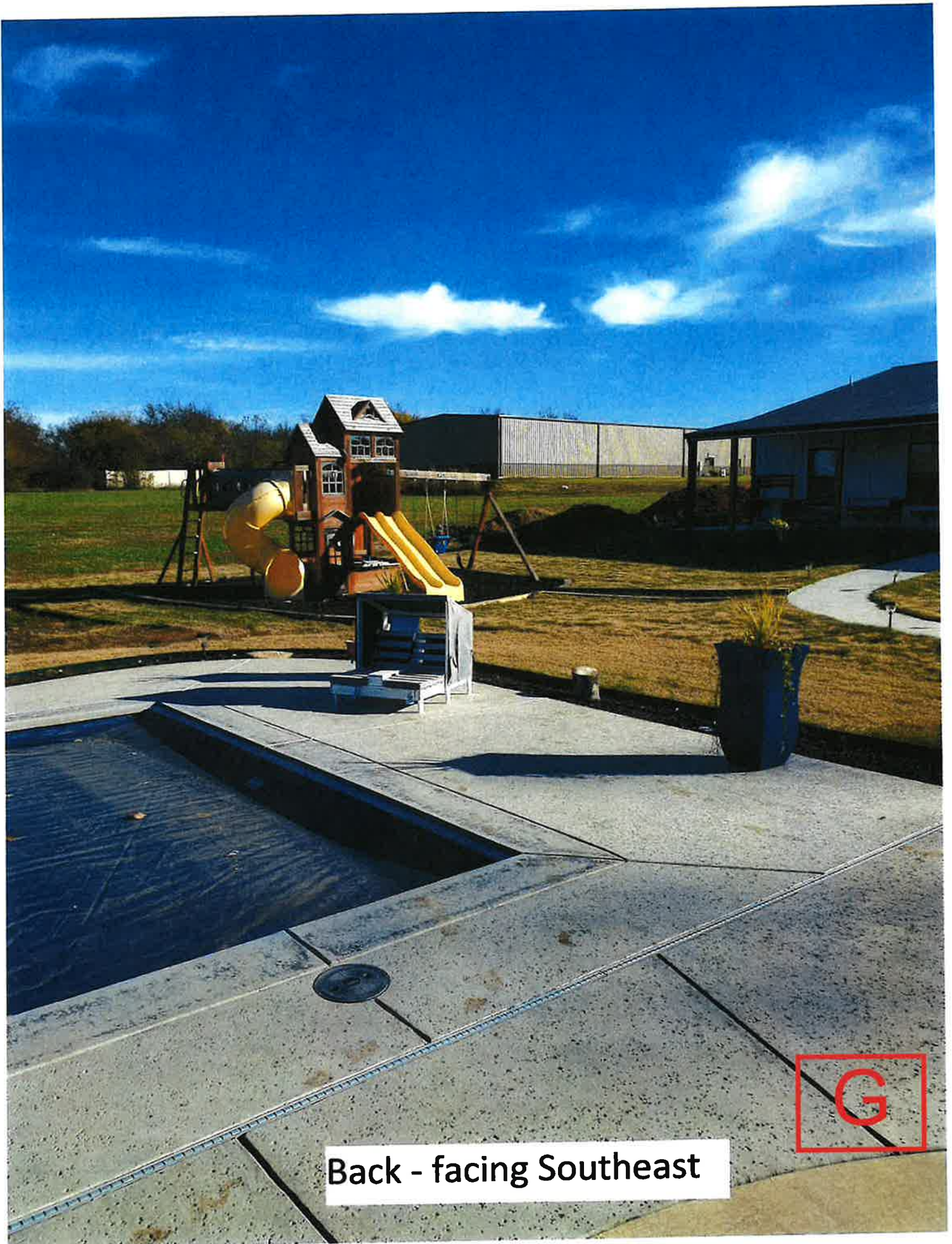
Back - facing North



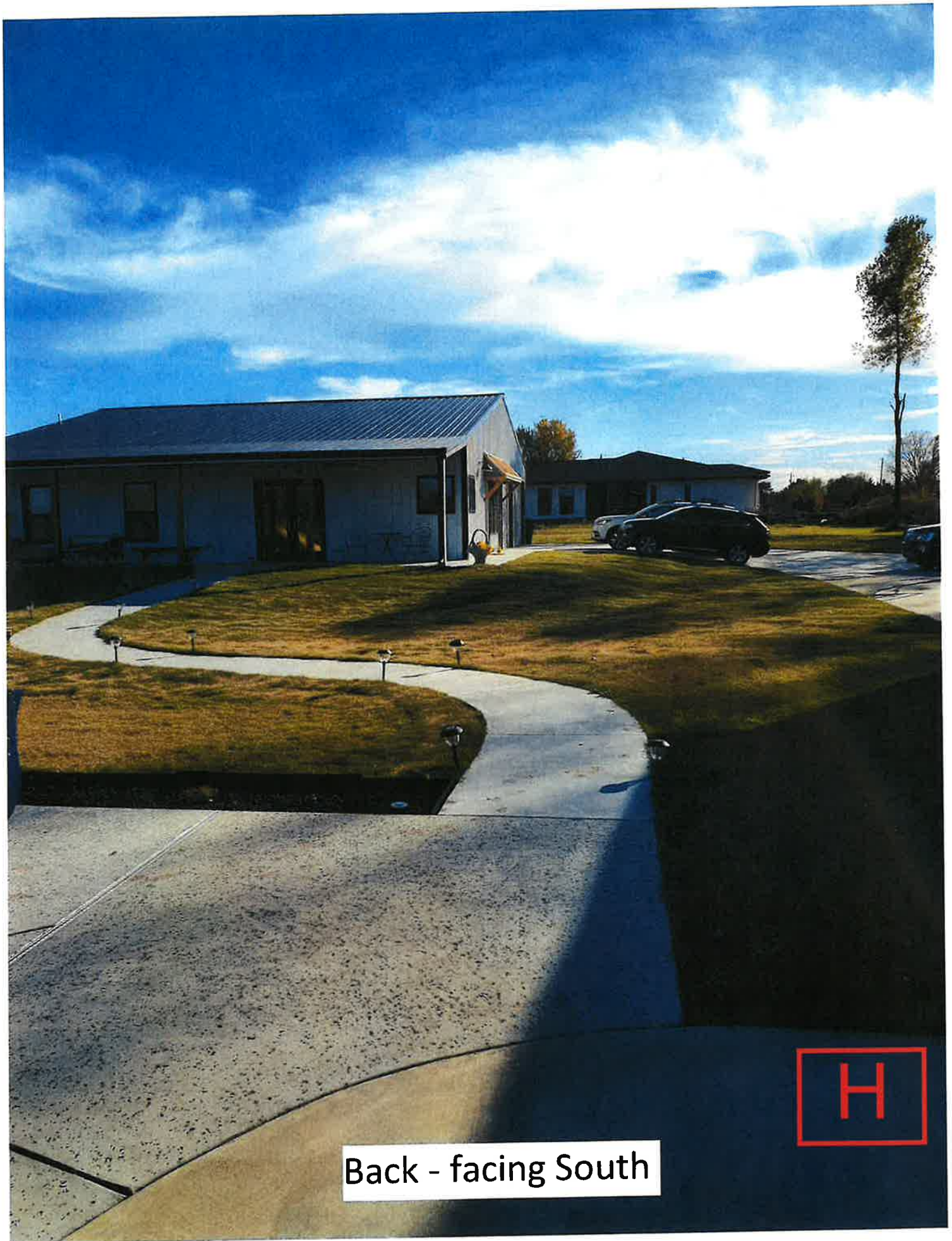


Front - facing Northwest

F



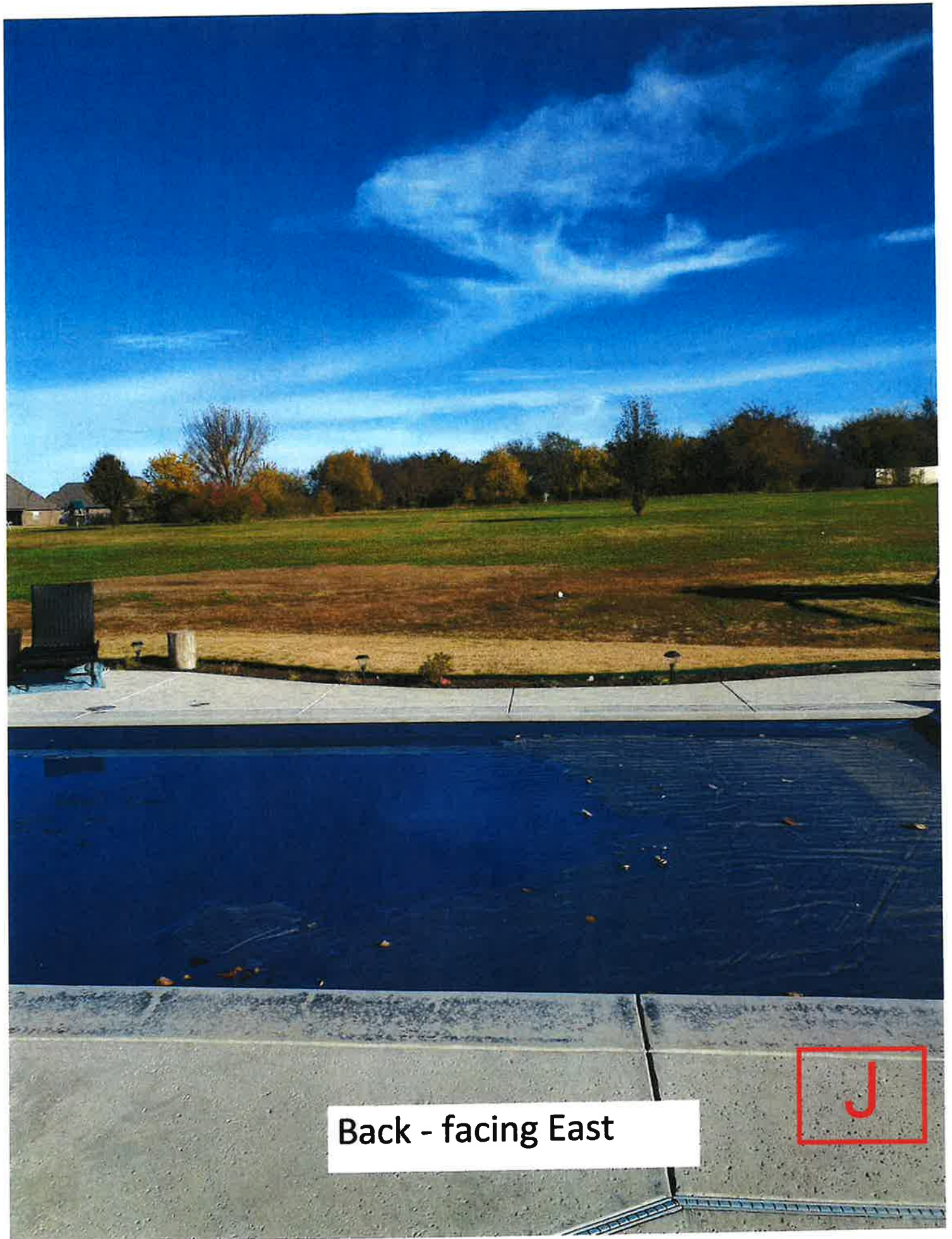
Back - facing Southeast



Back - facing South



Back - facing Northwest



Back - facing East

J

Hoyt, Jay

From: Jennifer Wellman <kalicokittiekat@yahoo.com>
Sent: Tuesday, September 13, 2022 12:35 PM
To: esubmit
Subject: Case Number : CBOA-2987

To whom it may concern:

I am a resident in Carrington Pointe neighborhood. Please deny this application for this cell tower to be placed so closely to our neighborhood. A large cell tower should not be placed so closely to a residential area and school when there are plenty of other locations further down 76th Street where industrial area is located at. This cell tower is not only unsightly but can also cause a list of health problems to residents that live near one. An elementary school is also near by and that would not be good for the health of the children to be exposed to the radiation that comes off the cell phone tower. We are not against progress it just needs to be done in a nonresidential area way from a neighborhood and school.

Best regards,

Jennifer Wellman
8116 N 74th E Ave
Owasso, OK 74055

Hoyt, Jay

From: Bradleigh Hancock <LadyBug62287@hotmail.com>
Sent: Tuesday, September 13, 2022 1:18 PM
To: esubmit
Subject: Case Number CBOA-2987

To whom it may concern,

I am writing to ask that you please do NOT allow Brad McWilliams and CRB Companies to place a cell phone tower on his land. This tower could be perfectly placed on the other side of 76th street by the industrial buildings. Or anywhere else that's not so close to my home. It does not belong in a residential area surrounded by peoples homes.

Currently the view out of my kitchen and living room window is a beautiful landscape of grassy fields and trees that support all kinds of wildlife. If this tower is built it will literally be the first thing you see when looking out my windows. It is also about 200 steps away from my children's swing set. Nobody wants something like this so close to their home, which is supposed to be their safe place for their family to relax and enjoy playing outdoors.

Please do not allow this tower to be built. This area is for peoples homes and families. Cell towers do not belong here.

Thank you for your time!

Bradleigh Riggs
8102 N. 74th East Ave,
Owasso, OK 74055
Carrington Pointe Neighborhood

Hoyt, Jay

From: Angie Combs <thecombspartyof6@gmail.com>
Sent: Monday, September 12, 2022 8:11 PM
To: esubmit
Subject: Re: CBOA-2987

Case: CBOA-2987

We are writing again about the proposed tower outside of the Carrington Pointe neighborhood. The citizens living in the proposed zone already stated our opposition to the location before, reducing the size by a laughable 5 feet will not somehow gain our approval.

This will affect our property values negatively. It will take away from our beautiful neighborhood, not to mention the nuisance of its construction and maintenance. But the real concern is our's and our children's health for being so close to such a powerful source of radiation.

Our neighborhood is largely comprised of families with young children and senior adults. He purposely bought in an HOA so that we could maintain our property values by taking pride in ownership. Installing this tower in this location is needless being that there is so much other spare land just down 76th St. This tower would be welcome there and would not pose such a risk to such a large population.

The adverse biological effects of Electromagnetic radiation from cellphone towers have been observed in birds, bees, and humans. It is a cancer risk in humans. -National Cancer Institute – National Institute of Health; 2016.

Thanks! - Angie

Hoyt, Jay

From: ANGIE COMBS <combspartyof6@aol.com>
Sent: Monday, September 12, 2022 8:20 PM
To: esubmit
Subject: Re: CBOA-2987

Case: CBOA-2987

We are writing again about the proposed tower outside of the Carrington Pointe neighborhood. The citizens living in the proposed zone already stated our opposition to the location before leading to an overwhelming denial, reducing the size by 5 feet will not some how gain our approval.

This will affect our property values negatively. It will take away from our beautiful neighborhood, not to mention the nuisance of its construction and maintenance. But the real concern is our's and our children's health for being so close to such a powerful source of radiation.

Our neighborhood is largely comprised of families with young children and senior adults. He purposely bought in an H O A so that we could maintain our property values by taking pride in ownership. Installing this tower in this location is needless being that there is so much other spare land just down 76th St. This tower would be welcome there and would not pose such a risk to such a large population as it does here. We welcome modern advancement but when it can be installed at a safer distance elsewhere, I question why this particular location seems to be so crucial when there are so many other options on the table?

The Combs-Ennis family - house 7408, Carrington Pointe neighborhood

The adverse biological effects of Electromagnetic radiation from cellphone towers have been observed in birds, bees, and humans. It is a cancer risk in humans. -National Cancer Institute – National Institute of Health; 2016.

Microwave sickness syndrome was first identified in the 1950s by Soviet medical researchers. Symptoms included headache, fatigue, ocular dysfunction, dizziness, and sleep disorders. Clinically, dermatographism, tumors, blood changes, reproductive and cardiovascular abnormalities, depression, irritability, and memory impairment were reported. Although the syndrome is reversible in its early stages, it is considered to be lethal over time [8].

Later American researchers found symptoms to include eczema, psoriasis, and allergic and inflammatory reactions in staff stationed at the US Embassy in Moscow, which the Soviet government irradiated secretly over a period of approximately 20 years. It is of interest that the power densities of the microwaves employed by the Soviets were comparable to modern cellphone

base stations. They also observed neurological problems in males, reproductive problems in females, tumor increases (benign in men, malignant in women), hematological alterations, effects on mood and well-being, and eye problems. The average exposure time for each individual was between 2 and 4 years [9].

It should be noted that children may be more susceptible to damage from cellphone radiation since their bodies are still developing. There is epidemiological evidence to suggest that children are susceptible to leukemia from high power voltage (HPV) lines which emit low-frequency radio waves [25, 26].

Hoyt, Jay

From: Tracye Crowder <jttjc@cox.net>
Sent: Sunday, September 11, 2022 2:35 PM
To: esubmit
Subject: Ref Case: CBOA

Reference Case: CBOA-2987

We are concerned residents of a neighborhood adjacent to the proposed cell tower site as such, we are against the construction of a cell tower in direct line of sight of our back patio. The revised application reducing the tower height by 5 ft from 145 to 140 does nothing to alleviate the concerns we have already expressed.

The Crossing of 86th Street residential neighborhood has about 170 homes ranging in value from approximately \$400K-\$700K plus in value. Many of these homes will be directly in the line of sight of the proposed location of the tower. We are concerned that this cell tower will decrease the beauty and value of these properties and those values of our properties.

Our understanding is that the Tulsa County Zoning Code has 9 goals for the placements of communication towers. We believe that the proposed tower sight violates at least half of those. In addition, has the Board considered the numerous flight paths over which airplane traffic will pass near or directly over this sight on the way to and from the Tulsa airport creating potential hazard and safety concerns?

We strongly believe that there are numerous commercial or industrial zoned areas within a 5 mile radius that would keep the tower away from residential neighborhoods and are better suited for this type of construction. The financial benefit to a single local individual should not be detrimental to hundreds of tax paying home owners in this area.

Thank you for your consideration

Jeffrey and Tracye Crowder
8125 N 72ND E Ave
Owasso, OK 74055
770-296-8751

Sent from my iPhone

Hoyt, Jay

From: Paul Dwyer <pmdwyer0613@gmail.com>
Sent: Saturday, September 03, 2022 3:24 PM
To: esubmit
Cc: stopthetower2022@gmail.com
Subject: Case Number CBOA-2987 - Cell Tower 7845 N 71st E. Ave

To Whom It May Concern:

It has come to my attention the cell tower proposed last Nov. 2021 for 7845 N. 71st E. Avenue was denied and the Owner has filed another permit to construct the tower.. The Owner is reducing the height by 5' and requesting approval again. Reducing the design of the tower from 145' to 140' does not change the safety issue involved with this tower. I would like to request the Zoning Board to deny this application again due to the huge safety issue this tower presents for our community.

I am a resident of Carrington Pointe subdivision with direct view of the proposed site. Because of the close proximity of the tower to our subdivision I am asking the County not to approve this application. While I fully understand we need more cell towers to handle the growing demand for cell phones these cell towers need to be placed in a non-residential area, as indicated in Tulsa County Zoning Code.

Quickly I would like to provide my bullet points of why this tower is not a safe addition to our community. These points are pulled directly from the Tulsa County Zoning Code.

1. Per the zoning code, section 1204.3 - Use Conditions, goal (1) protect residential areas and land uses from potentially adverse impacts of towers and antennas. There are huge structural issues with these towers as outline in point 4 below. Failure of this tower will have a huge impact on the immediate area of the community.
2. Per the zoning code, section 1204.3 - Use Conditions, goal (2), encourage the location of towers in non-residential areas. As you can see from the application submitted the surrounding plots are zoned AG with a land use designation for residential homes. Additionally, there is an elementary school down 76th St, Macy's distribution warehouse across 76th St., Milo Tea across 76th St., a new church currently under construction, Carrington Pointe subdivision, and 86th Street Crossing subdivision. All within fractions of a mile. This is a thriving community with buildings and subdivisions supporting residential areas.
3. Per the zoning code, section 1204.3 - Use Conditions, goal (5) encourages users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal. As outline above with all the structures within a small distance, how is this location an adverse impact on the community? The tower has a major impact on the community.
4. Per the zoning code, section 1204.3 - Use Conditions goal (9) avoid potential damage to adjacent properties from tower failure through engineering and careful sitting of tower structure. The permit does not indicate the type of tower being constructed. If it has guy wires, towers with guy wires are prone to pulling the guy anchor out of the ground creating a failure of the tower. Additionally, Owners of cell towers are known for overloading the tower for financial gain. More antennas the more the company can collect in cash. Once these towers reach 125% - 150% of their design capacity an ice storm or heavy wind storm can easily buckle these towers causing the tower to collapse.

As residents of Owasso we understand the infrastructure must be expanded to accommodate the growth within Owasso. However, placing a cell tower within a heavy residential area is not the right answer. Placing this tower on the south side of 76th St would be a more acceptable answer. The land on the south side of 76th St. is industrial zone land which would be ideal for this tower.

It appears the Owner of 7845 N 71st E. Ave. wants this tower for financial gain. We all know the land owner receives a long term lease for the tower and is guaranteed monthly payments for many years to come. We in the surrounding area are concerned about our children and homes in the event of structural failure and not a lease payment. Please enforce the zoning code as it is currently written and do not allow a large structure that could fail and have a huge impact on the immediate area.

Sincerely,

Paul Dwyer
8220 N. 74th East Ave.
Owasso, OK 74055
Carrington Pointe Resident

Hoyt, Jay

From: Travis zimney <tzimney@gmail.com>
Sent: Saturday, September 03, 2022 5:33 PM
To: esubmit
Subject: REFERENCE CBOA-2987

> To Whom It May Concern,

>

> I'm writing today to express my concern on the case referenced in the subject line. CRB Companies seeks to construct a 145-foot tall communications tower at the address of 7845 N. 71st E. Ave in Owasso, OK 74055.

>

> I am a resident of Carrington Pointe and my backyard view is a beautiful view of the field in which this company is seeking special permission to erect this potential eye sore of a tower. My wife and I, both in our 30s, saved alot of our hard earned money to build on this particular lot because of this view only for our biggest investment to be potentially severely impacted by the construction of this tower.

>

> I am writing this letter to state the residents of 8106 N. 74th E. Ave. Owasso, Ok 74055 in Carrington Pointe are AGAINST the construction of this tower in the proposed area. The residents include myself, Travis Zimney, my wife Jessica Zimney, and my daughter Rori Zimney.

>

> I want it to be clear that we are not against progress and we are not simply saying NO to the tower. We know that improving infrastructure makes our community a better place to live. There is an industrial area to the South of Carrington Pointe, on 76th St. N. (Where Milo's Tea and Macy's Distribution Center are located), that would easily host this kind of equipment. It would place the tower away from residential areas while still providing the same coverage and services to the community.

>

> Section 1204.3 of the Tulsa County Zoning Code lists 9 goals for the placement of communications towers. The proposed tower site violates at least 4 of these goals including:

>

> -Protecting residential areas and land uses from potentially adverse
> impacts -Encouraging users of towers to locate them where the adverse
> impact to the community is minimal -Encourage the location of towers
> in NON-RESIDENTIAL AREAS -Consider the public health and safety of
> communication towers

>

> I implore, and kindly ask that county officials side with their residents on this matter.

>

> Attached is a picture from my backyard showing the currently beautiful view taken in the direction CRB plans to construct their tower.

>

> Thank you for your time and consideration,

>

> Travis Zimney
> Carrington Pointe Resident
> 8106 N. 74th E. Ave.
> Owasso, Ok 74055
> 918-636-9747

>

Hoyt, Jay

From: rob lim <rob_lim@hotmail.com>
Sent: Monday, August 15, 2022 11:09 PM
To: esubmit
Subject: CBOA-2987
Attachments: BoardofAdjustmentCellTower2022.docx

To Whom It May Concern:

Please see my attached letter regarding CRB Companies, LLC, AT&T's, and Bradley McWilliams's request for a special exemption to place a 140-foot wireless communications tower in an AG district where several families, including mine, live in the town of Owasso.

In addition to violating several zoning codes, these parties offer no plans or attempts to comply with the current regulations. Furthermore, the placement of a high-volume, multi-directional radiofrequency tower is a proven health hazard. This application makes no attempt to address or even mitigate these risks after this exact same request was denied last year.

In summary, I respectfully urge the Board of Adjustment to deny this request.

Very respectfully,

Robert Lim
owner, 7952 N 71st East Ave, Owasso, OK 74055



The University of Oklahoma®
College of Medicine, Tulsa

DEPARTMENT OF SURGERY

RE: Board of Adjustment Case Number: CBOA-2987
Exception to permit the placement of 140- foot communications tower in an AG district

15AUG22

Dear Board of Adjustment

I am writing to strongly oppose the exception requested by AT&T to place a wireless communications tower in a residential area that will increase the radiofrequency radiation to levels that are dangerous to human health. My arguments against placing said tower have not changed since last year, however, they are augmented by the many zoning codes that this proposal will violate. A review of the data on the health risks of non-ionizing radiofrequency radiation shows that the published literature regarding the safety of such amounts of radiofrequency radiation has not changed over the past year. I, therefore, remain concerned about the health of my family and our neighbors due to the proven negative effects that high radiofrequency has on cognitive function, cardiovascular disease, and cancer development. One of my children is a special needs child with neurocognitive deficits and would thus be considered at the highest risk for this type of exposure. As a physician, I greatly value health and have dedicated my career to improving not only an individual's health but also that of entire health systems and communities.

There is a significant correlation of poor health the closer one lives to a cell tower. The United States' recommended standard for safe radiofrequency energy exposure is 1000 microwatts/m². The recommendation is further defined by the average amount of exposure to the radiofrequency source which is estimated at 30 minutes. A cell phone, for instance, would have high frequency 3000 MHz (low frequency is considered less than 300 MHz) but very limited amount of exposure to the rest of the body and therefore, its effects, even if the cell phone is used for hours at a time, is minimal. However, nearby cell tower exposure would be continuous, from multiple directions, and effect one's entire body especially if they lived within 1000 feet of the cell tower. Moreover, people who live within 300 feet of a cell tower receive an estimated 10,000 – 10,000,000 times stronger signal than is needed for cell phone use.ⁱ

This type of exposure produces oxidative stress in humans via genetic disruption and DNA mutations. Specifically, the antioxidant genes MnSOD and CAT are altered such that there are lower levels of their enzyme activity. These antioxidant enzymes break down potentially harmful byproducts of metabolism. Without these antioxidants, there is more cell damage resulting in diseases like hypertension, Alzheimer's disease, cancer, neurodegenerative diseases, and diabetes.ⁱⁱ In school-aged children there is a notable cognitive decline in performance to include a decrease in testing scores, fine and gross motor skills, spatial working memory, and attention when they were exposed to the high radiofrequency emissions of a cell tower for a 2 year period.ⁱⁱⁱ This last study is particularly important because it details the long-term effects of exposure to high radiofrequency emissions.

It is fair to note that there are several studies that do not show a direct link between radiofrequency and health risks and these can be easily debated for their accuracy.

however, there are no studies that conclude it is safe to live close to a cell tower. An accepted recommendation is to not live within 400 meters (about 1300 feet) of a cell tower. In addition to my home, there are two other homes on our street within this distance and a significant portion of a residential district that is also within that distance. Currently, my family of six and I live approximately 300 feet from where the tower is proposed to be placed.

This proposal is also asking for exceptions to several zoning codes and neither AT&T nor The Tulsa zoning regulations that this proposal violates include:

1. 40.420-F.2. a.2: Proximity of the tower to residential structures, residential district boundaries and existing towers.
 - a. More specifically 40.420-E.6.a - Towers must be set back a distance equal to at least 110% of the height of the tower from any adjoining lot line of an R-, O-, AG-, or AG-R- zoned lot, excluding R-zoned expressway rights-of-way. For the proposed 140-foot tower, this means that there can be no adjoining line within 154-feet of the proposed tower. There are currently 4 AG homes and 1 RS zoned lot within that distance.
2. 40.420-F.2. a.6: Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness. There are no plans in the application to provide this.
3. 40.420-F.2. a.10: the need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area, I work from home on-call at times and have access to my patient's in-hospital electronic medical record that allows me to make important medical decisions. As such, I currently have satisfactory communications, specifically internet and cellular access, and have no need for an increased level of network access.
4. 40.420-F.4.a: Tower facilities must be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used or zoned for residential purposes. The standard buffer requirement consists of a landscaped strip with a minimum width of 4 feet outside the perimeter of the compound. There are no plans in the proposal to provide this landscaping and currently there are no trees or foliage on that property that would satisfy this requirement.

The Tulsa County zoning codes are less specific regarding communication towers, but this proposal violates at least one code

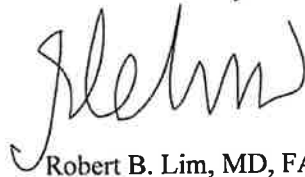
1. Chapter 4.420.2.A.5.b: Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall: b) not exceed 65 feet in height; measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal point of the antenna supporting structure. This proposal includes a tower estimated to be 140 feet tall.

Finally, I am also greatly concerned about the negative impact the tower will have on my property's value. While there are many factors that determine a property's value, according to the 2004 Proximity Impact Study, homes within 1000 feet of a cell tower have a 15% reduction in value.^{iv} For our property then that would mean almost \$100,000. I'm sure this sum is meager compared to the profits a company like AT&T makes annually, but this would be devastating even for a physician's income.

For these reasons, I implore the Board of Adjustment to deny this application. In order for a special exception to be granted, any proposal will not be injurious to the neighborhood nor detrimental to the public's welfare. It is clear that this proposal does not satisfy the requirements for a cell tower to be placed. I would be forced to move for the safety and health of my family.

have to sell my house for substantially less than I paid for it. I request that any future proposal that requires a wireless communications tower to be placed within 1300 feet of a neighboring house be disregarded upon submission. I thank you for your attention to this matter.

Very respectfully,



Robert B. Lim, MD, FACS, FASMBS
George Kaiser Family Foundation Chair in Surgery
Vice-Chair of Education
Residency Program Director
Professor of Surgery
Oklahoma University School of Medicine Tulsa

MAILING ADDRESS: 4502 E. 41st Street • Tulsa, Oklahoma 74135-2512

CLINICAL LOCATION: 1919 S. Wheeling Avenue, Suite 600 • Tulsa, Oklahoma 74104-5638 • (918) 634-7500 • FAX: (918) 634-7560

ⁱ Gulati S, Yadav A, Kumar, N, Priya K, Aggarwal NK, Gupta R. Phenotypic and genotypic characterization of antioxidant enzyme system in human population exposed to radiation from mobile towers. *Mol Cell Biochem.* 2018 Mar;440(1-2):1-9.

ⁱⁱ Younus H. Therapeutic potentials of superoxide dismutase. *Int J Health Sci* 2018 May-June;12(3):88-93.

ⁱⁱⁱ Meo, SA, Almahmoud M, Alsultan Q, Alotaibi N, Alnajashi K, Hajjar WM. Mobile phone base station tower settings adjacent to school buildings: impact on students' cognitive health. *Am J Mens Health.* 2019 Jan-Feb;13(1).

^{iv} Bond, S. The effect of distance to cell phone towers on house prices in Florida. *The Appraisal Journal*, 2007 Fall; 362-70.



Board of Adjustment

Case Number: CBOA-2995

Hearing Date: 10/18/2022 1:30 PM
(Continued from 08/16/2022)

Case Report Prepared by:

Jay Hoyt

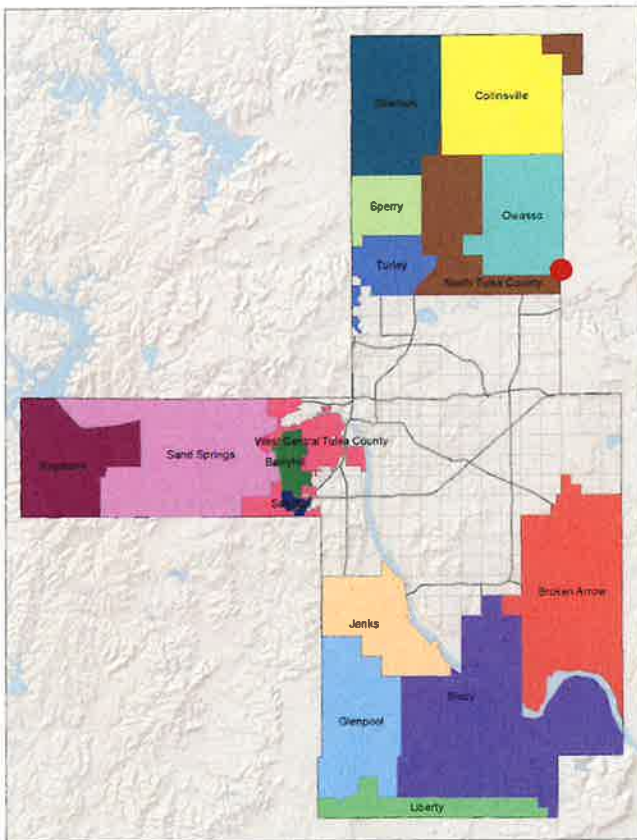
Owner and Applicant Information:

Applicant: Joseph Farris

Property Owner: ANCHOR STONE CO

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:



Additional Information:

Present Use: Agricultural/ Residential

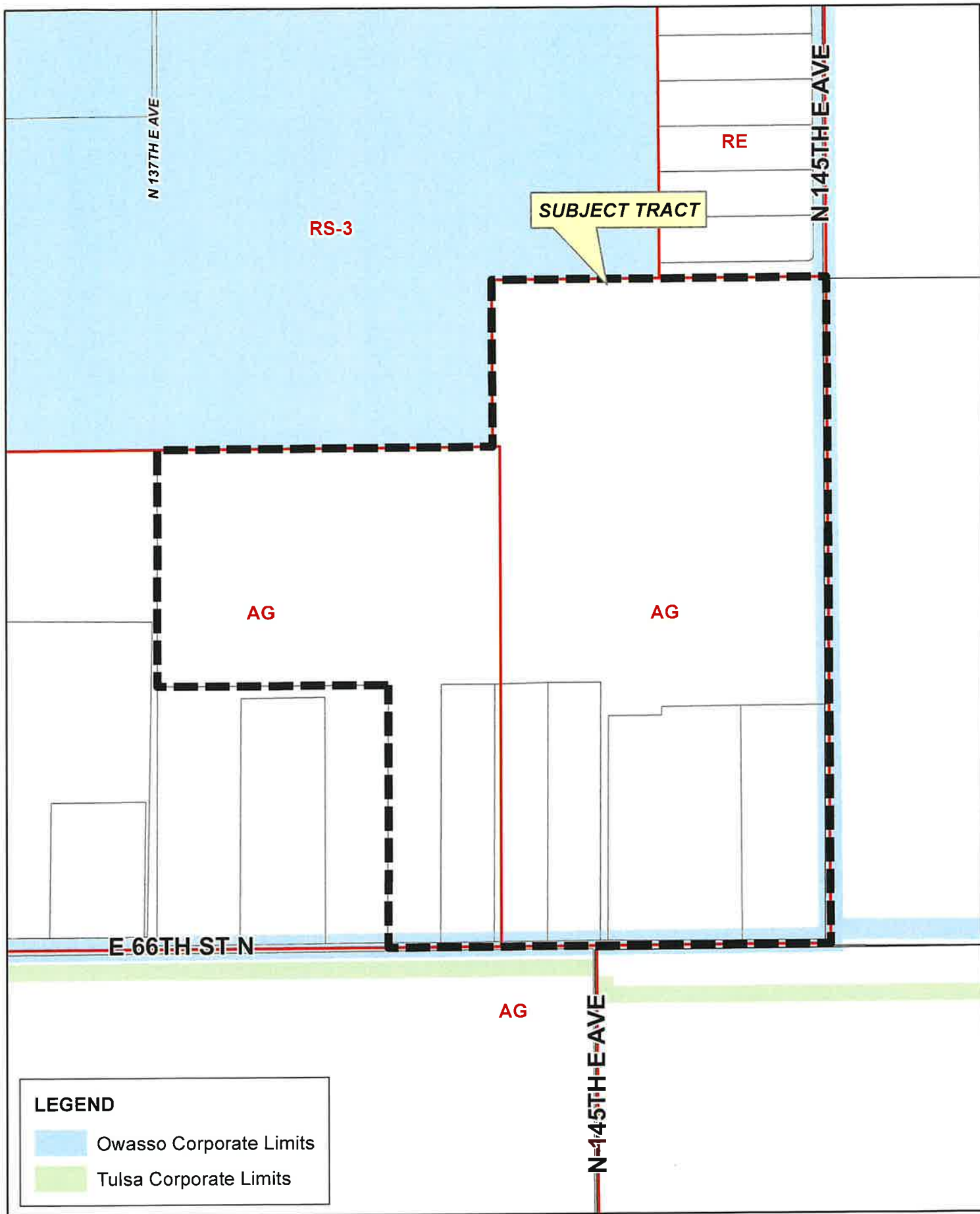
Tract Size: 117.9 acres

**Location: NW/c of North 145th E. Ave.
and E. 66th Street North**

Present Zoning: AG

Fenceline/Area: Owasso

Land Use Designation: Residential



CBOA-2995
21-14 33

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1433
CZM: 24, 18

CASE NUMBER: CBOA-2995
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM (Continued from 08/16/2022)

APPLICANT: Joseph Farris

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: NW/c of North 145th E. Ave. and E. 66th Street North **ZONED:** AG

FENCELINE: Owasso

PRESENT USE: Agricultural/ Residential

TRACT SIZE: +/- 117.9 acres

LEGAL DESCRIPTION: A tract of land in the Southeast Quarter (SE/4) of Section Thirty-three (33), 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, being more particularly described as follows: commencing at the Southeast corner of said Southeast Quarter; thence S 89° 54'45"W along the South line of said Southeast Quarter a distance of 1,108.07 feet to the point of beginning; Thence continuing S 89° 54'45"W a distance of 210.00 feet; thence N 0° 02'05" E a distance of 1,039.97 feet; Thence N 89° 55 '00"E a distance of 210 feet; Thence S 0° 02'05"E a distance of 1,039.93 feet to the point of beginning.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty-three (33), 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, being more particularly described as follows: Commencing at the Southeast corner of said SE/4; Thence S 89° 54'45" W along the South line of said SE/4 a distance of 1,318.07 feet to the point of beginning; Thence continuing S 89° 54'45" W a distance of 210.00 feet; Thence N 0° 02'05" E a distance of 1,039.98 feet; Thence N 89° 55'00" E a distance of 210.00 feet; Thence S 0° 02'05" E a distance of 1,039.97 feet to the Point of Beginning.

AND

A tract of land in the Southeast Quarter (SE/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, being more particularly described as follows: Commencing at the Southeast corner of said SE/4; thence S 89° 54'45" W along the South line of said SE/4 a distance of 898.07 feet to the point of beginning; thence S 89° 54'45" W a distance of 210.0 feet; thence N 00° 02'05" E a distance of 1,039.95 feet; thence N 89° 55'00" E a distance of 210.0 feet; Thence S 00° 02'05" E a distance of 1,039.93 feet to the point of beginning, according to the Recorded Plat thereof.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty-Three (33), 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, being more particularly described as follows to-wit: Commencing at the South East corner of said Section 33: Thence S 88° 39'38" W a distance of 867.26 feet to the point of beginning; thence S 88° 39'38" W a distance of 30.00 feet; thence N 01° 12'47" W a distance of 1,039.93 feet; thence S 88° 40'08" W a distance of 1,752.65 feet; thence N 01° 11'27" W a distance of 937.75 feet; thence N 88° 38'00" E a distance of 1,323.32 feet; thence N 01° 14'57" W a distance of 659.51 feet; thence N 88° 37'30" E a distance of 1,322.65 feet; thence S 01° 19'02" E a distance of 1,696.75 feet; thence S 88° 54'16" W a distance of 669.31 feet; thence S 01° 11'45" E a distance of 34.24 feet; thence S 88° 39'51" W a distance of

197.03 feet; thence S 01°12'46" E a distance of 910.77 feet; said tract containing 3,478,925.45 square feet or 79.87 acres more or less.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty-Three (33), 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, being more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence S 89°54'45" W along the South line of said Southeast Quarter a distance of 1,528.07 feet to the point of beginning; thence continuing S 89°54'45" W a distance of 210.00 feet; thence N 0°02'05" E a distance of 1,040.00 feet; thence N 89°55'00" E a distance of 210.00 feet; thence S 0°02'05" E a distance of 1,039.98 feet to the point of beginning.

LESS & EXCEPT: (Tract described in that certain original Mining Agreement between Cummins Land & Cattle Co., L.L.C. and Anchor Stone Co. dated May 14, 2013):

A tract of land that is part of the Southeast Quarter (SE/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian in Tulsa County, Oklahoma, and more particularly described as follows:

Beginning at the Northeast corner of said Southeast Quarter (SE/4); Thence S 00°00'30" E and along the East line of said Southeast Quarter (SE/4) a distance of 1172.47 feet; thence N 89°29'52" W a distance of 1035.24 feet; thence S 00°34'19" W a distance of 407.68 feet; thence N 89°50'50" W a distance of 99.79 feet; thence S 01°21'52" W a distance of 28.51 feet; thence N 89°59'13" W a distance of 596.09 feet; thence N 00°23'28" E a distance of 937.68 feet to a point on the north line of the South Half of the Northwest Quarter of the Southeast Quarter (S/2 NW/4 SE/4); thence N 89°56'07" E and along said North line a distance of 405.85 feet to a point on the West line of the East Half of the Southeast Quarter (E/2 SE/4); thence N 00°02'37" E and along said West line a distance of 659.67 feet to a point on the North line of the Southeast Quarter (SE/4); thence N 89°55'04" E and along said North line a distance of 1322.90 feet to the point of beginning. Said tract contains 2,048,703.32 square feet / 47.032 acres.

The bearing base for said tract is S 00°00'30" E along the East line of the Southeast Quarter (SE/4) of Section 33, Township 21 north, Range 14 East of the Indian Base and Meridian in Tulsa County, Oklahoma.

AND

A tract of land in the southeast quarter (se/4) of section thirty- three (33), township twenty- one (21), range fourteen (14) east of the Indian base and meridian, tulsa county. state of Oklahoma, according to the U.S. government survey thereof, being more particularly described as follows, to-wit:

Beginning at the southeast corner of said section 33, thence S 89°54'45" W along the south line of said section 33 a distance or 351.19 feet, thence N 00°05'15" W a distance of 943.68 feet. thence S 89°50'52" E a distance of 351.48 feet to the east line of said section 33, thence S 00°04'11 W, along said east line a distance of 942.21 feet to the point of beginning.

AND

A tract of land in the southeast quarter (se/4) of section thirty- three (33), township twenty- one (21), range fourteen (14) east of the Indian base and meridian, tulsa county. state of Oklahoma, according to the U.S. government survey thereof, being more particularly described as follows, to-wit:

Beginning at a point on the south line of said section 33, said point being 351.19 feet west of the southeast corner of said section 33 thence S 89°54'45" W along said south line, a distance of 516.88 feet, thence N 00°02'06" E a distance of 910.77 feet, thence N 89°54'55" E a distance of 197.03 feet, thence N 00°03'07" E a distance of 34.24 feet, thence S 89°50'52" E, a distance of 317.83 feet, thence S 00°05'15" E a distance of 943.68 feet to the point of beginning.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2651 November 2017: The Board denied a Special Exception to permit Mining and Mineral Processing (Use Unit 24) in an AG zoned district. This decision was appealed to District Court which reversed the denial October 2019 (CV-2017-1399, *Cummings Land & Cattle Co., LLC v. Tulsa County Board of Adjustment, et al.*) The Board read and accepted the Court's decision November 2019 and approved the Special Exception.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and currently contains a mining operation on the eastern portions of the subject area, vacant agricultural land in the west and single-family residences in the southern portion. The surrounding lots are zoned AG. The lot to the east contains a mining operation. The lots to the north and west contain single-family residences and agricultural land. The lots to the south contain commercial/industrial uses as well as single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request 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 (Sec. 310, Table 1).

The applicant has indicated that they intend to continue the use of the subject area for a mining and mineral processing business.

A Special Exception is required as the proposed mining and quarrying of limestone is not permitted by right in an AG district due to potential adverse effect, but which if controlled in the instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed mining (dredging) and quarrying of sand use must be found to be compatible with the surrounding neighborhood.

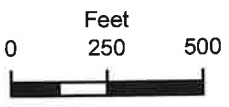
Section 1224.3 states that the Board, in granting a mining and mineral processing use by Special Exception, shall consider potential environment influences, such as dust and vibration, and shall establish in the instance, appropriate protective conditions such as setbacks, screening, and method of operation, as will mitigate the adverse effect on proximate land uses.

Sample Motion:

“Move to _____ (approve/deny) 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 (Sec. 310, Table 1).

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.



 Subject Tract

CBOA-2995
21-14 33

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

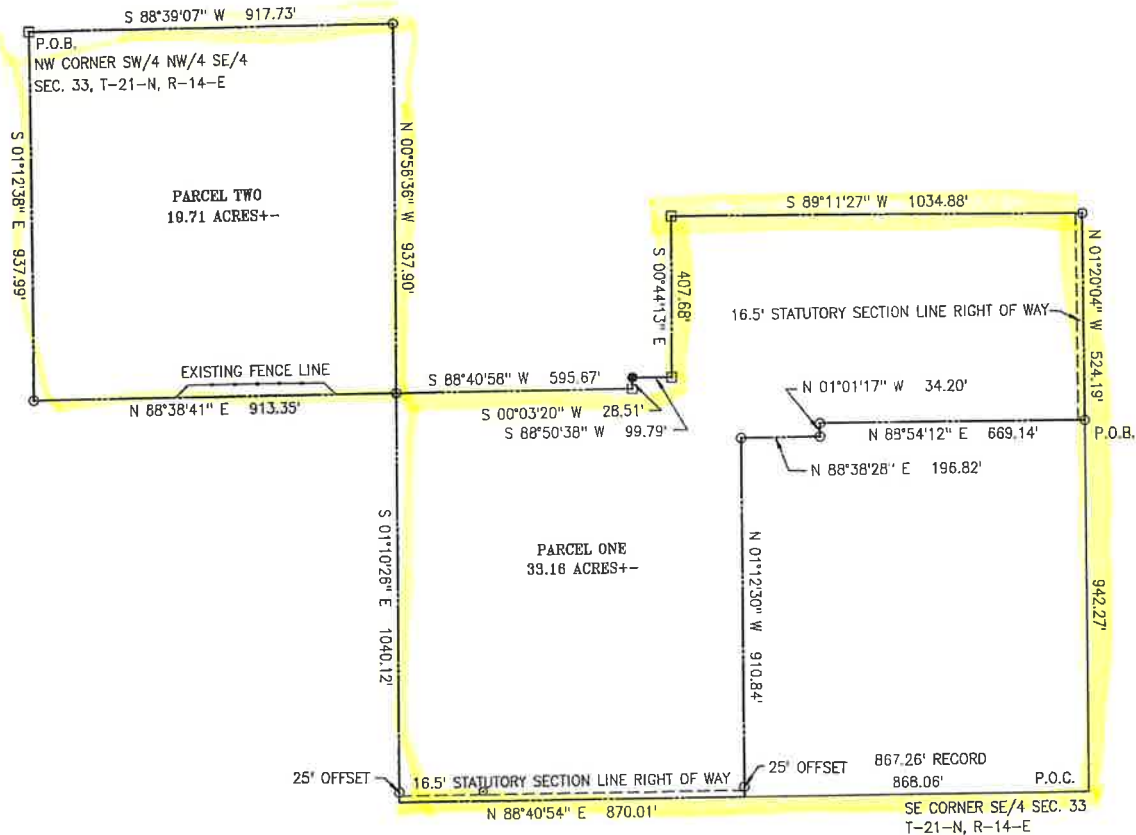
Aerial Photo Date: 2020/2021



CBOA-2995 4.6

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.

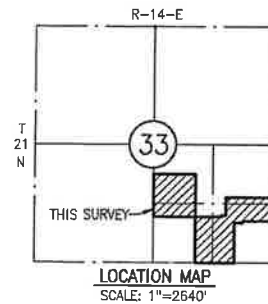
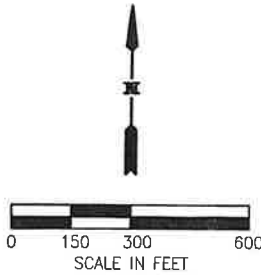
SURVEY PLAT



BASIS OF BEARINGS: OKLAHOMA STATE PLANE

- DENOTES EXISTING FENCE CORNER
- ⊙ DENOTES FOUND MAG NAIL
- ⊠ DENOTES SET 1/2" IRON PIN W/CAP
- ⊙ DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.



CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-23, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTIONS

Witness my hand and seal this 28th day of April, 2022.

Legal descriptions were prepared by L.S. 1533 on April 28, 2022.



Brett King--Land Surveyor

Copyright April, 2022.

EXHIBIT
5





EXHIBIT
6
tabbles



EXHIBIT
tabbles
Exh 7

8/8/2022 Case # CBOA 2995

Dear Board of Adjustments,

I was notified about the hearing concerning the approval of expansion and continuing the mining and mineral processing business near my land.

I am adamantly opposed to this encroachment growing closer and closer to residential and occupied land. The mining involved is for rocks, gravel, and I am not aware of any precious minerals being mined. I feel they can find "rocks", away from the residential area, where it would not effect the value of the surrounding area. My land is zoned as residential and having dynamite blasting in the close area will totally devalue my properties future being developed as a residential neighborhood.

This type of business should not be allowed in a residential area and is not fair to people and residents with longstanding homesteads and property investments that occurred prior to this invasion. My family inherited this property and look forward to positively adding to the city of Owasso.

This albatross mining company is out of place and distrustive. In the past, the process used in the mining has damaged suctures in the surrounding area. Currently it has large trucks driving down neighborhood roads, dropping debris and deteriorating roads and this is unacceptable.

Make it known that I have these objections and this should be stopped.

Sincerely, The McPartland Trust, Sue McPartland trustee

Sue McPartland, trustee

Hoyt, Jay

From: Sue McPartland <smcpartland1@cox.net>
Sent: Thursday, August 11, 2022 6:27 PM
To: esubmit
Cc: John Richardson; smcpartland1
Subject: Case # CBOA - 2995

Dear Board of Adjustments, Case # CBOA – 2995

I was notified about the hearing concerning the approval of expansion and continuing the mining and mineral processing business near my land.

I am adamantly opposed to this encroachment growing closer and closer to residential and occupied land. The mining involved is for rocks, gravel, and I am not aware of any precious minerals being mined. I feel they can find “rocks”, away from residential areas, where it would not effect the value of the surrounding property. My land is zoned as residential, and having dynamite blasting in the close proximity will totally devalue my property’s value and future being developed as a residential neighborhood.

This type of business should not be allowed in a residential area and is not fair to people and residents with longstanding homesteads and property investments that occurred prior to this invasion. My family inherited our property and look forward to positively adding to the city of Owasso.

This albatross mining company is out of place and destructive. In the past, the process used in the mining has damaged previously built structures in the surrounding area. Currently, it uses large trucks driving down neighborhood roads, dropping debris and deteriorating roads and this is unacceptable.

Make it known that my family and I have these objections and this should be stopped.

Sincerely, The McPartland Trust, Sue McPartland, trustee

Sent from [Mail](#) for Windows



Board of Adjustment

Case Number: CBOA-2997

Hearing Date: 10/18/2022 1:30 PM
(Continued from 09/20/2022)

Case Report Prepared by:

Jay Hoyt

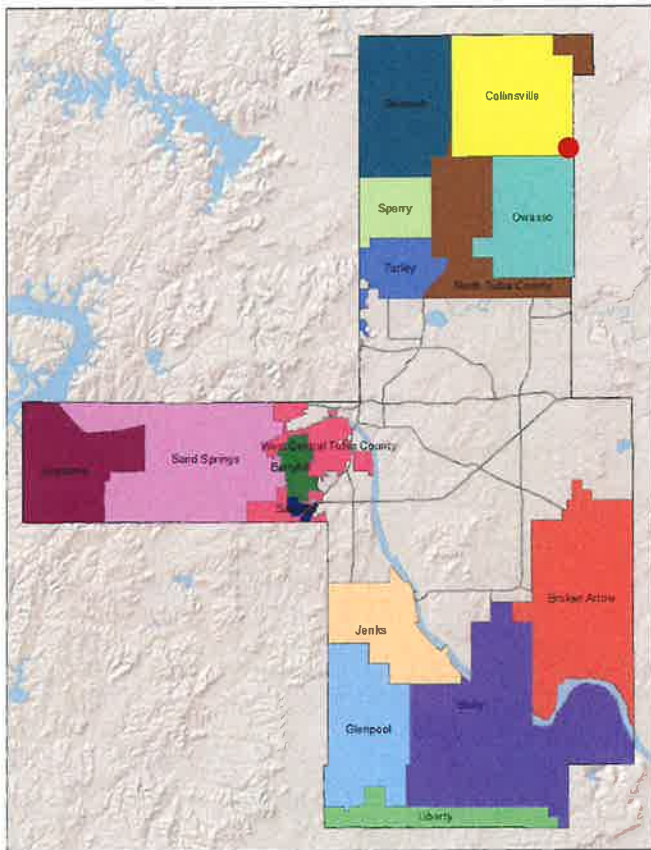
Owner and Applicant Information:

Applicant: Eric & Kimberly Loffer

Property Owner: LOFFER PROPERTIES LLC

Action Requested: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330)

Location Map:



Additional Information:

Present Use: Agriculture

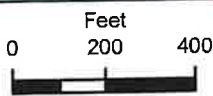
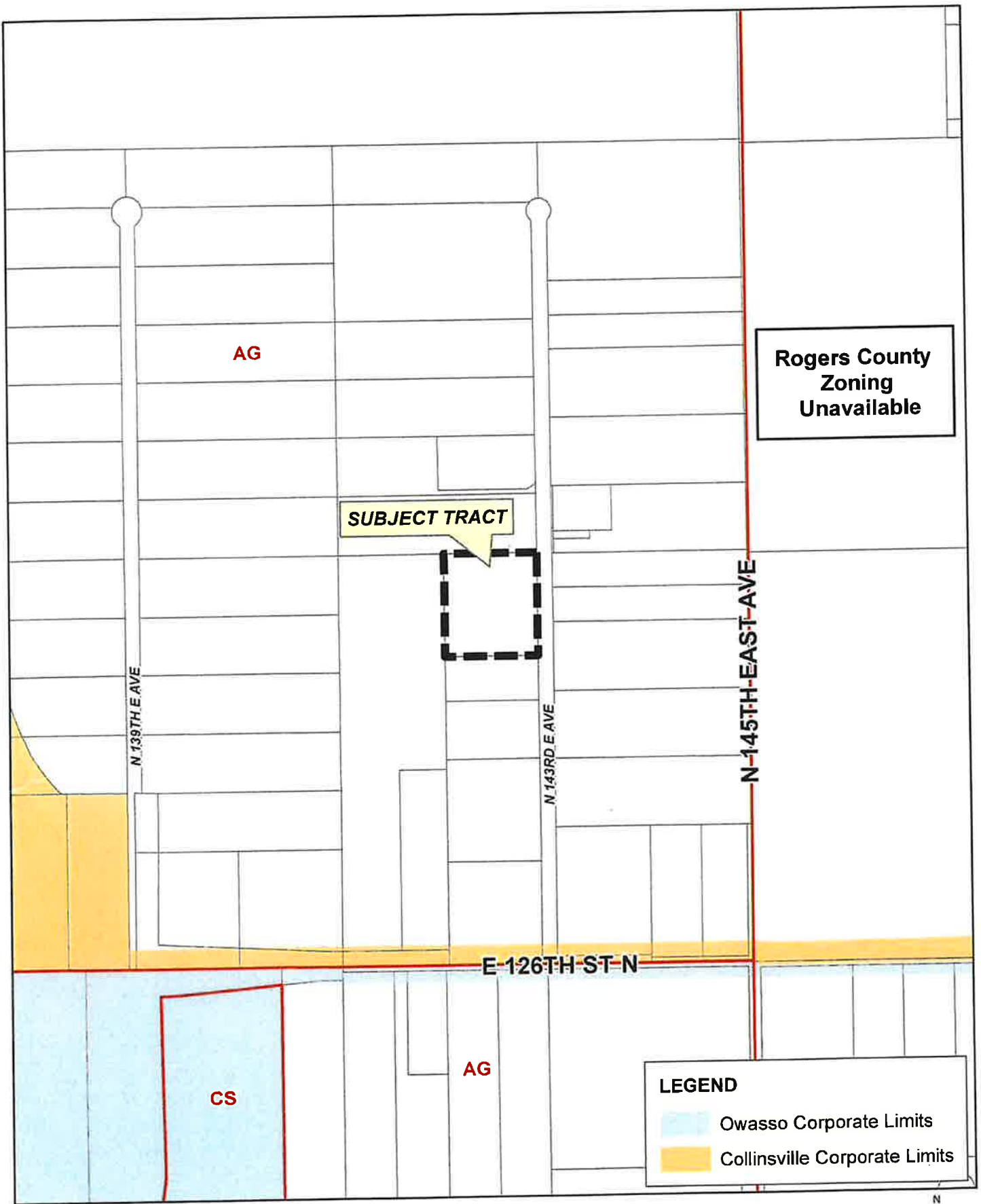
Tract Size: 2.31 acres

Location: 12802 N 143 AV E

Present Zoning: AG

Fenceline/Area: Collinsville

Land Use Designation: Residential



CBOA-2997
22-14 33



LEGEND

- Owasso Corporate Limits
- Collinsville Corporate Limits

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2433

CASE NUMBER: CBOA-2997

CZM: 75

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM (Continued from 09/20/2022)

APPLICANT: Eric & Kimberly Loffer

ACTION REQUESTED: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330)

LOCATION: 12802 N 143 AV E

ZONED: AG

FENCELINE: Collinsville

PRESENT USE: Agriculture

TRACT SIZE: 2.31 acres

LEGAL DESCRIPTION: N330.5 E/2 W/2 SE SE LESS E25 THEREOF FOR RD SEC 33 22 14 2.314ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2622 March 2017: The Board approved a Variance of the lot area from 2 acres and land area per dwelling unit from 2.1 to 1.41 and 1.09 acres; and a Variance of the minimum lot width from 150' to 144' to permit a lot-split in the AG district. (Section 330, Table 3)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family home and associated accessory structures. The surrounding lots are zoned AG and contain single-family residences and agricultural uses.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330).

The Tulsa County Zoning Code requires a minimum of 2 acres for each AG zoned lot and 2.1 acres per dwelling unit on an AG zoned lot. The applicant is proposing to split the existing subject lot into two lots of 1.159 acres each as illustrated in the Plat of Survey submitted by the applicant. A single-family home is proposed for each of the two resulting lots.

The applicant provided the statement "This is a unique parcel of 2.314 acres. It is a large lot with a lot of road frontage, over 330'. After a split, each lot will be over 50,000 sf. The existing house sits in the middle of the south proposed lot split. Each lot will have 165' of road frontage, giving an appearance of the frontage as it did for the neighbors property split to the immediate south of this property" (CBOA-2622)

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330).

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

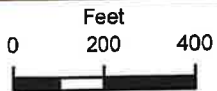


N 139TH E AVE

N 143RD E AVE

N 145TH EAST AVE

E 126TH ST N



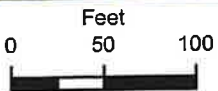
Subject Tract

CBOA-2997
22-14 33

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

Aerial Photo Date: 2020/2021





Subject Tract

CBOA-2997

22-14 33

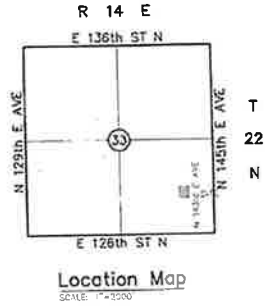
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



Plat of Survey Lot Split/Boundary

of
Part of E/2 W/2 SE/4 SE/4
Sec. 33, T-22-N, R-14-E
Tulsa County, Oklahoma

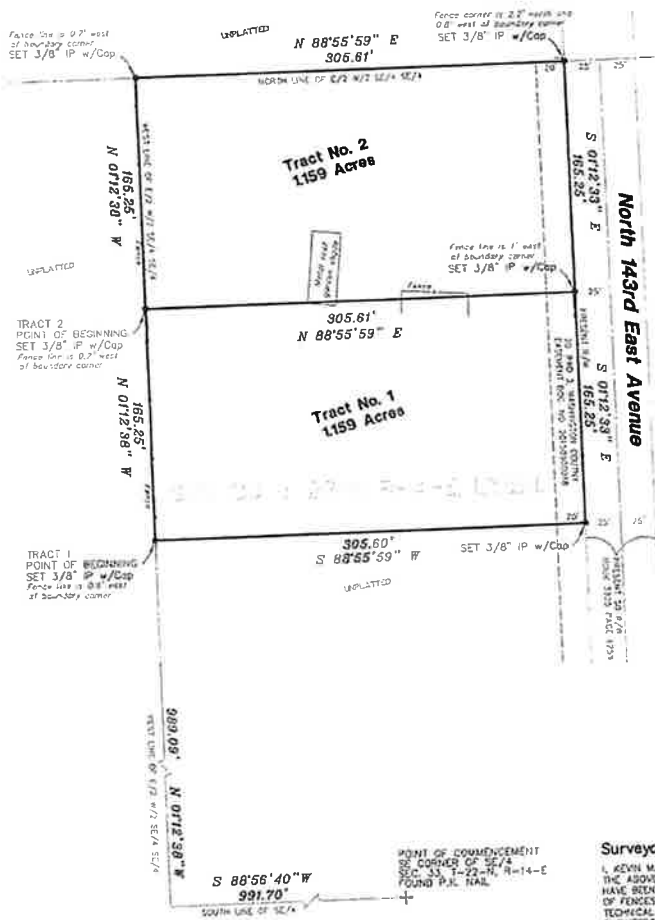


Scale: 1"=50'



Legend

IP IRON PIN
R/W RIGHT OF WAY
FENCE



Tract No. 2 – 1.159 Acre Legal Description (north tract)

A tract of land located in the East Half of the West Half of the Southeast Quarter of the Southeast Quarter (E/2 W/2 SE/4 SE/4) of Section Thirty-three (33) in Township twenty-two (22) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B. & M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

COMMENCING at the SE corner of the SE/4 of Sec. 33, T-22-N, R-14-E, I.B. & M.; THENCE S 88°56'40" W along the south line of said SE/4 a distance of 991.70 feet to the SW corner of the E/2 W/2 SE/4 of said SE/4; THENCE N 01°12'33" W along the west line of said E/2 W/2 SE/4 SE/4 a distance of 1154.34 feet to the POINT OF BEGINNING; THENCE N 01°12'38" W along the west line of said E/2 W/2 SE/4 SE/4 a distance of 165.25 feet to the NW corner of said E/2 W/2 SE/4 SE/4; THENCE N 88°55'59" E along the north line of said E/2 W/2 SE/4 SE/4 a distance of 305.61 feet to the present right-of-way of North 143rd East Avenue; THENCE S 01°12'33" E along the present right-of-way of North 143rd East Avenue a distance of 165.25 feet; THENCE S 88°55'59" W a distance of 305.61 feet to the POINT OF BEGINNING, and containing 1.159 acres, more or less.

Tract No. 1 – 1.159 Acre Legal Description (south tract)

A tract of land located in the East Half of the West Half of the Southeast Quarter of the Southeast Quarter (E/2 W/2 SE/4 SE/4) of Section Thirty-three (33) in Township twenty-two (22) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B. & M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

COMMENCING at the SE corner of the SE/4 of Sec. 33, T-22-N, R-14-E, I.B. & M.; THENCE S 88°56'40" W along the south line of said SE/4 a distance of 991.70 feet to the SW corner of the E/2 W/2 SE/4 of said SE/4; THENCE N 01°12'38" W along the west line of said E/2 W/2 SE/4 SE/4 a distance of 165.25 feet to the POINT OF BEGINNING; THENCE N 88°55'59" E a distance of 305.61 feet to the present right-of-way of North 143rd East Avenue; THENCE S 01°12'33" E along the present right-of-way of North 143rd East Avenue a distance of 165.25 feet; THENCE S 88°55'59" W a distance of 305.61 feet to the POINT OF BEGINNING, and containing 1.159 acres, more or less.

Surveyor's Statement

I, KEVIN M. NEWLUN, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A BOUNDARY SURVEY. THE ABOVE PLAT REFLECTS ALL INSTRUMENTS THAT HAVE BEEN DISCLOSED AND FURNISHED AT THE TIME OF SURVEY. NO OPINION IS VERGED AS TO THE CORRECTNESS OF FENCES OR ANY OTHER APPURTENANCES ON SAID PROPERTY. THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



BENCHMARK SURVEYING & LAND SERVICES, INC.
 KEVIN M. NEWLUN RLS # 1289
 APR. 7, 2023
 DATE OF CERTIFICATION

- Notes**
- THESE LEGAL DESCRIPTIONS WERE PREPARED BY KEVIN M. NEWLUN, OKLAHOMA LICENSED PROFESSIONAL SURVEYOR # 1289.
 - THE PROPERTIES DESCRIBED HEREON ARE WHOLLY CONTAINED WITHIN THE LEGAL DESCRIPTION IN THE WARRANTY DEED IN DOCUMENT No. 20118013083, TULSA COUNTY, OKLAHOMA, THAT WAS USED AS THE BASE DEED FOR THIS BOUNDARY SURVEY.
 - THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
 - ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN.
 - THE BEARING BASE FOR THIS SURVEY IS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83(1993).

REVISIONS	BY	DATE	FILE	2214.3322	SURVEY BY:	GC	DATE	06/02/2022
LAST FIELD W/OT	GC	6/1/22	FILE	32300	DRAWN BY:	TJB	SCALE:	1"=50'
			0000	8/401	CHECKED BY:	KMN	SHEET	3 OF



Case Number: CBOA-2998

Hearing Date: 10/18/2022 1:30 PM
(Continued from 09/20/2022)

Case Report Prepared by:

Jay Hoyt

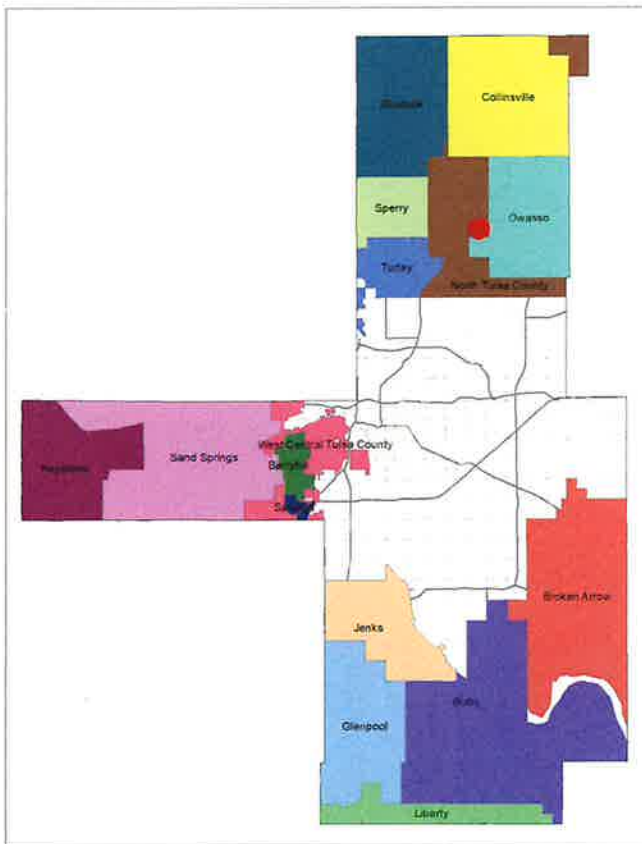
Owner and Applicant Information:

Applicant: Robert Parker

**Property Owner: SIMMONS HOMES
RESIDENTIAL GROUP LLC**

Action Requested: Variance to reduce the required street yard in the RS District (Sec. 430.1)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.21 acres



Location: 7301 E 89 PL N

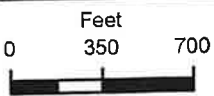
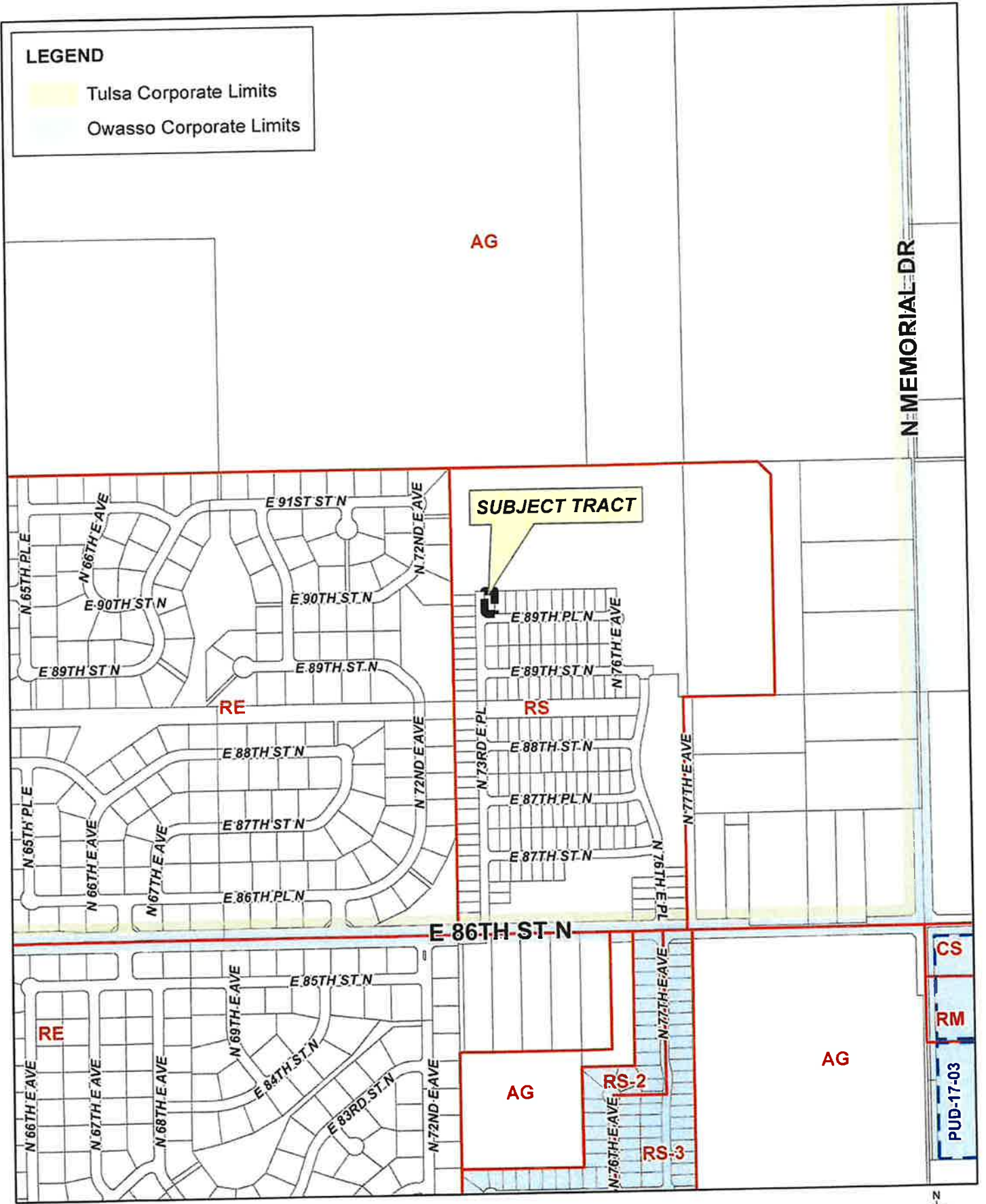
Present Zoning: RS

Fenceline/Area: North Tulsa County

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

LEGEND

-  Tulsa Corporate Limits
-  Owasso Corporate Limits



CBOA-2998

21-13 23



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1323

CZM: 17

CASE NUMBER: CBOA-2998

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM (Continued from 09/20/2022)

APPLICANT: Robert Parker

ACTION REQUESTED: Variance to reduce the required street yard in the RS District (Sec. 430.1)

LOCATION: 7301 E 89 PL N

ZONED: RS

FENCELINE: North Tulsa County

PRESENT USE: Residential

TRACT SIZE: 0.21 acres

LEGAL DESCRIPTION: LOT 1 BLOCK 2, MAGNOLIA RIDGE PHASE II Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS. The surrounding lots are zoned RS and contains single-family homes and a reserve area for the development.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to reduce the required street yard in the RS District (Sec. 430.1).

Per the Tulsa County Zoning Code, street yards abutting a non-arterial street are required to be a minimum of 25 ft. Per the plan provided by the applicant, the single-family home has been built 7 ½ ft over the required street setback. (Please note that the applicant's site plan does not denote the required 25 ft street yard setback along N 73rd E Pl. Also the applicants site plan calls out N 73rd E Pl as E 134th Ct S.) The applicant would need a reduction of the required street yard along N 73rd E Pl from 25 ft to 17 ½ ft.

The applicant provided the statement that the "Existing home built over the building line."

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

Sample Motion:

"Move to _____ (approve/deny) a Variance to reduce the required street yard in the RS District (Sec. 430.1)

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

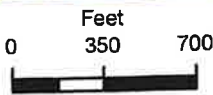
Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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



N MEMORIAL DR



Subject Tract

CBOA-2998
21-13 23

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021

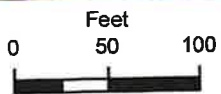




N 73RD E PL

E 89TH PL N

E 89TH ST N



Subject Tract

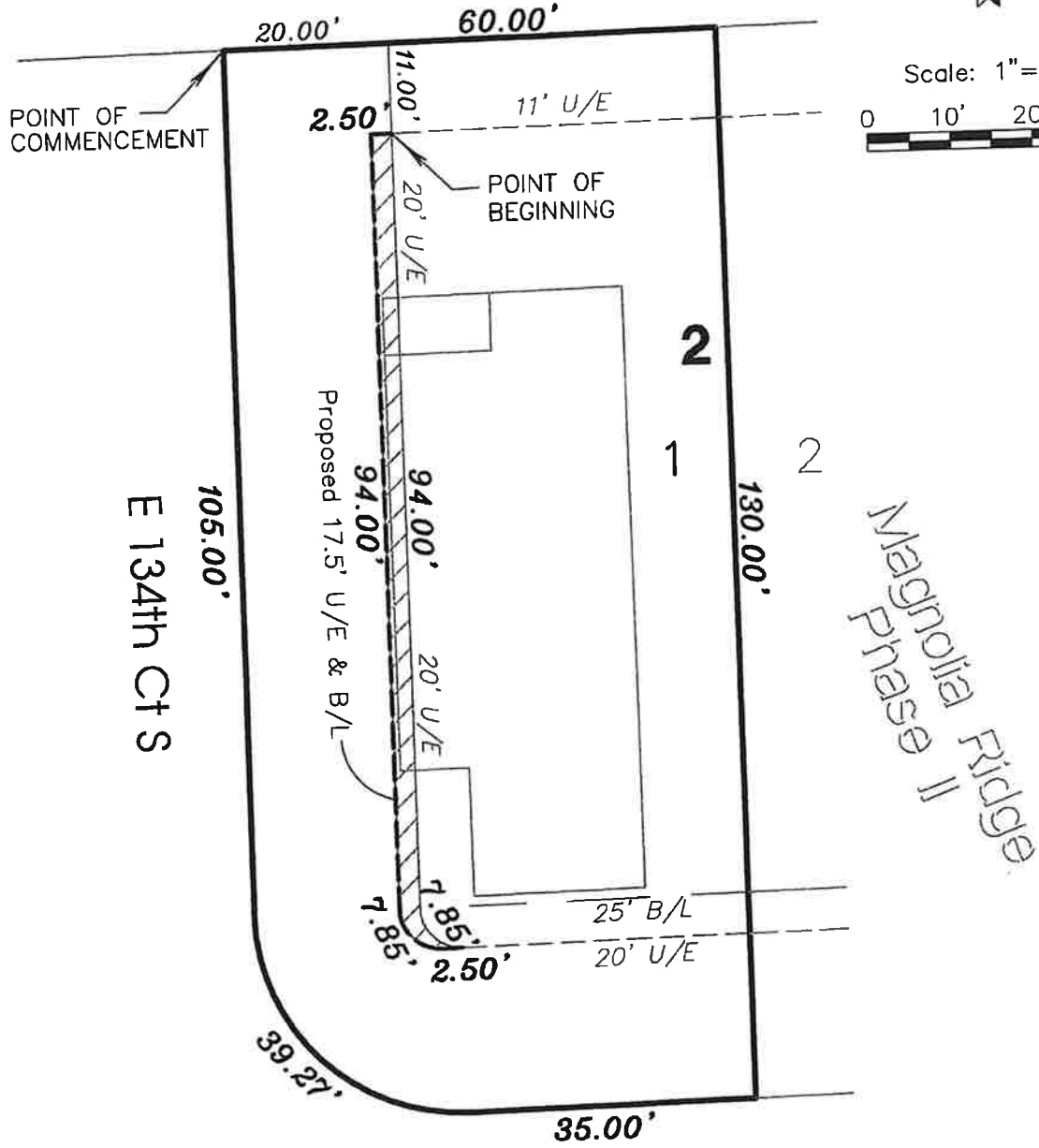
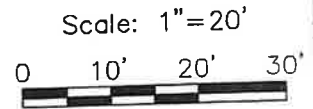
CBOA-2998
21-13 23

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

Aerial Photo Date: 2020/2021



**Lot 1 of Block 2
Magnolia Ridge Phase II
Tulsa County, Oklahoma
7301 E 89th Pl N**



E 89th Pl N

LEGAL DESCRIPTION EXHIBIT

Benchmark Surveying and Land Services, Inc.

P. O. BOX 1078
OWASSO, OK. 74055
C.A. NO. 2235

PHONE: (918) 274-9081
FAX: (918) 274-0807
EXP. DATE 6/30/24



Case Number: CBOA-3001

Hearing Date: 10/18/2022 1:30 PM

Case Report Prepared by:

Jay Hoyt

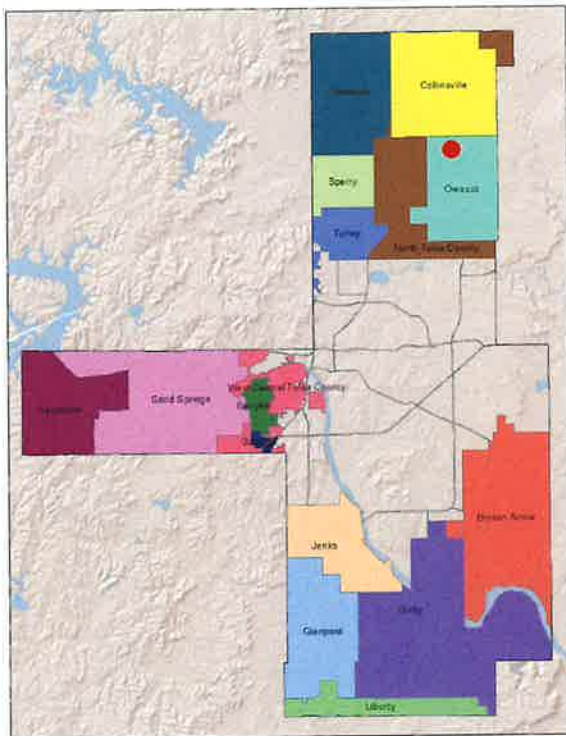
Owner and Applicant Information:

Applicant: Sarah Townsend

Property Owner: TOWNSEND, KATHLEEN DANIEL

Action Requested: Variance of the street frontage requirement in an AG-R district from 30 ft to 0 ft (Section 207)

Location Map:



Additional Information:

Present Use: Residential

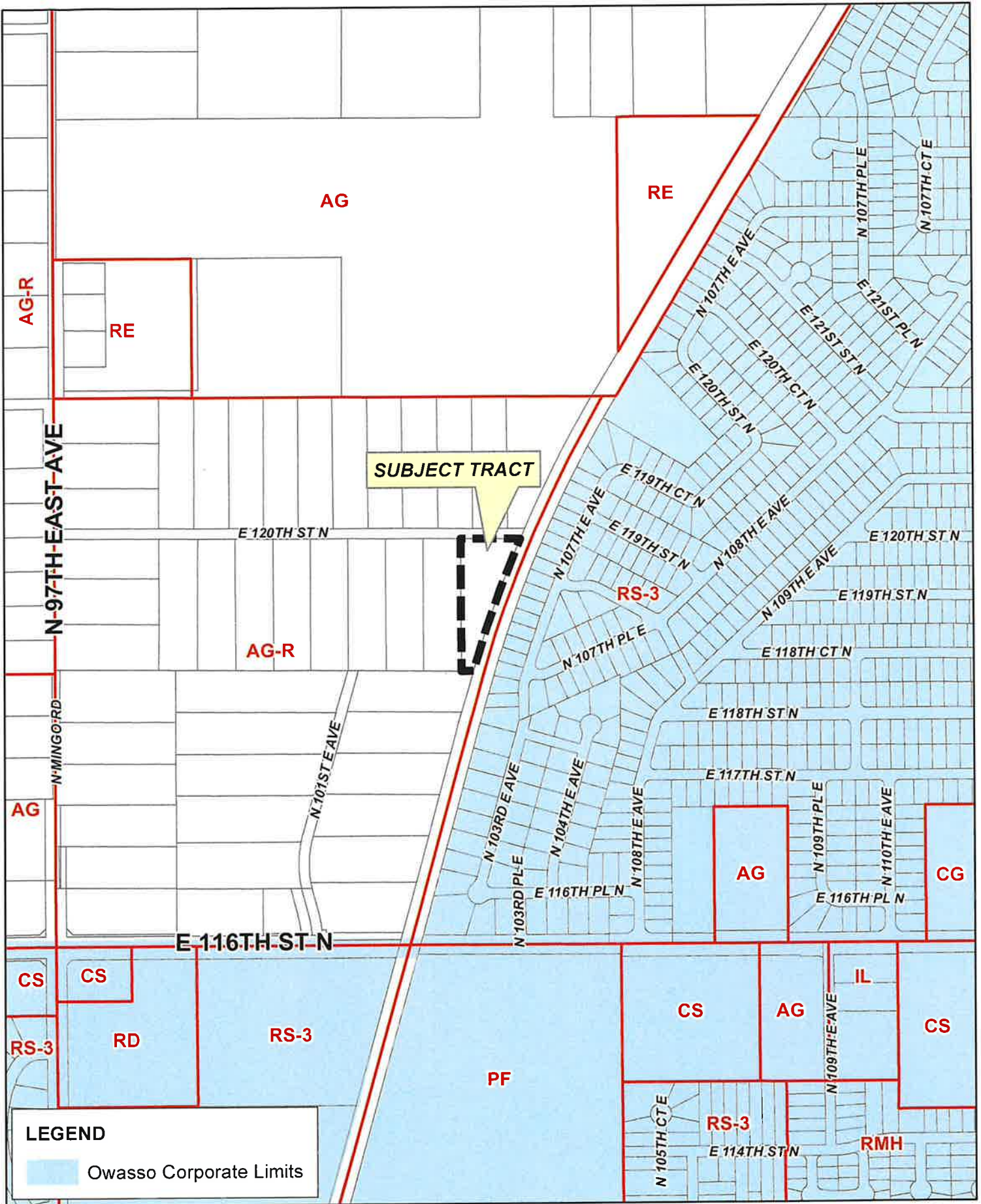
Tract Size: 2.53 acres

Location: 10316 E 120 ST N

Present Zoning: AG-R

Fenceline/Area: Owasso

Land Use Designation: Residential



CBOA-3001

21-14 06



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1406

CZM: 12

CASE NUMBER: **CBOA-3001**

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM

APPLICANT: Sarah Townsend

ACTION REQUESTED: Variance of the street frontage requirement in an AG-R district from 30 ft to 0 ft (Section 207)

LOCATION: 10316 E 120 ST N

ZONED: AG-R

FENCELINE: Owasso

PRESENT USE: Residential

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:

CBOA-2974 June 2022: The Board approved a Special Exception to permit a single-wide mobile home in an AG-R district (Section 310) and a Variance to permit two dwelling units on a single lot of record in the AG-R District (Section 208).

ANALYSIS OF SURROUNDING AREA: The subject tract is currently AG-R zoned and contains a single-family residence. It is surrounded to the north, west and south by AG-R zoned lots that contain single-family residences and agricultural uses and to the east by RS-3 zoned lots containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the street frontage requirement in an AG-R district from 30 ft to 0 ft (Section 207).

The applicant intends to split the existing lot as illustrated on the Lot Split Survey provided by the applicant. The proposed southern lot, labeled as Tract 2, would not have access to a public street, as required by the Tulsa County Zoning Code.

The applicant provided the following statement: "The lot of land is burdened by the railroad, causing tapering in width of the property. I recently went against the Board to allow a single-wide home to be put on the property as well as a variance to not meeting the width requirement. I need a variance for not meeting the frontage requirement due to the lot split putting my tract in the south part of 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 variance is compatible with and non-injurious to the surrounding area.

Sample Motion:

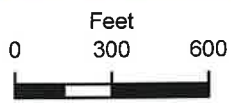
"Move to _____ (approve/deny) a Variance of the street frontage requirement in an AG-R district from 30 ft to 0 ft (Section 207)

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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



 Subject Tract

CBOA-3001

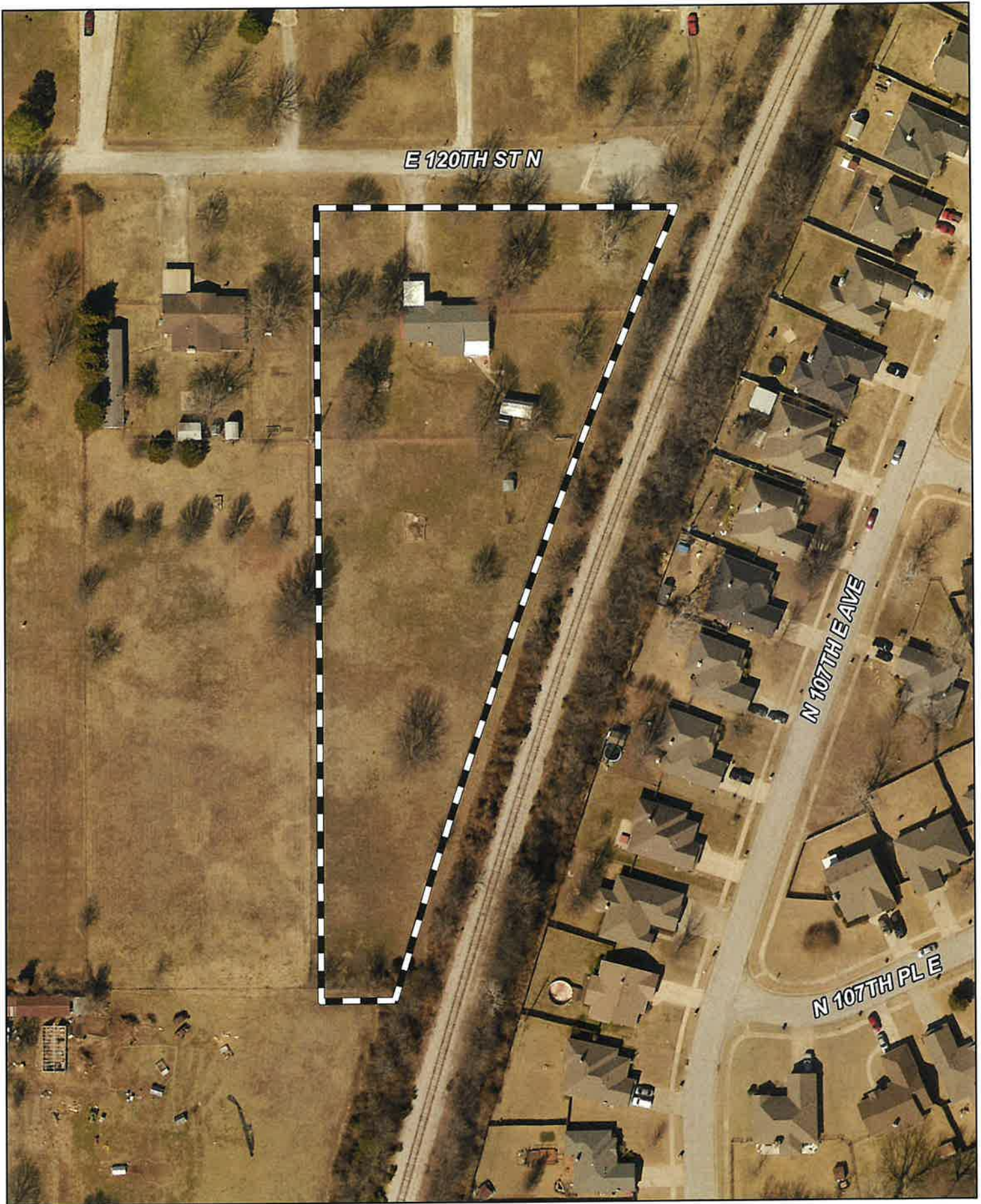
21-14 06

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

Aerial Photo Date: 2020/2021



CBOA-3001 7.5



E 120TH ST N

N 107TH AVE

N 107TH PL E



 Subject Tract

CBOA-3001

21-14 06

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

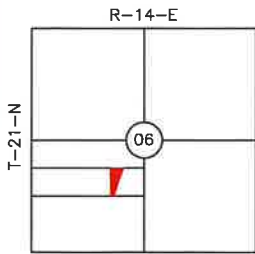
Aerial Photo Date: 2020/2021



CBOA-3001 7.6

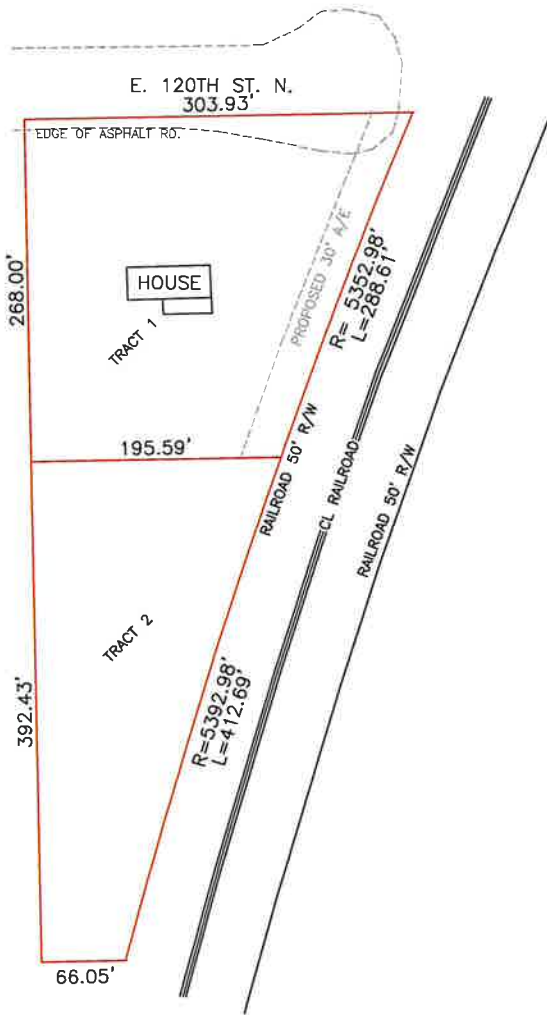
LOT SPLIT SURVEY

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

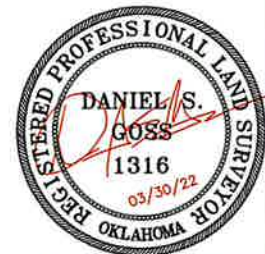
CERTIFICATE

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
 P.H. 19181371-0096
 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: 07/03/22	

CBOR-3001 7.7



Case Number: CBOA-3006

Hearing Date: 10/18/2022 1:30 PM

Case Report Prepared by:

Jay Hoyt

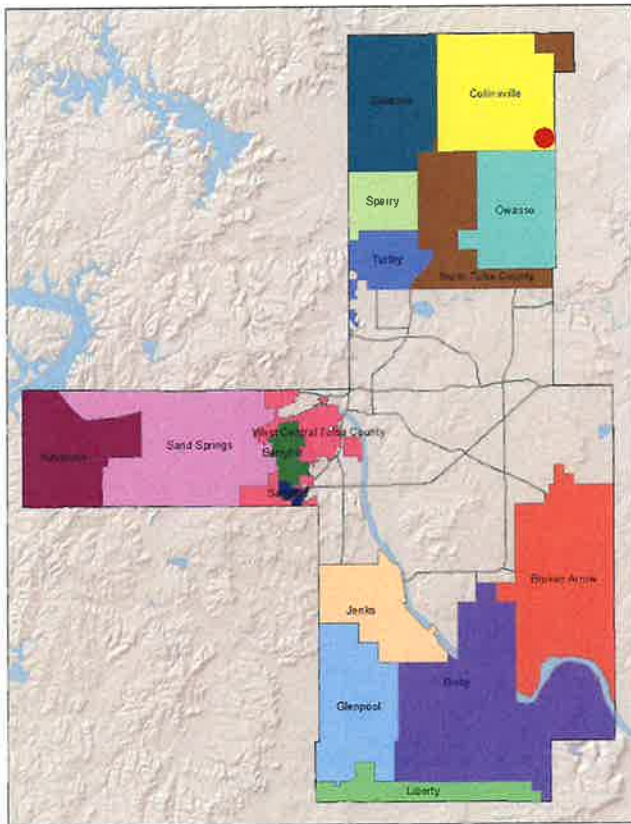
Owner and Applicant Information:

Applicant: Michael Ramos

Property Owner: RAMOS FAMILY TRUST

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

Location Map:



Additional Information:

Present Use: Residential

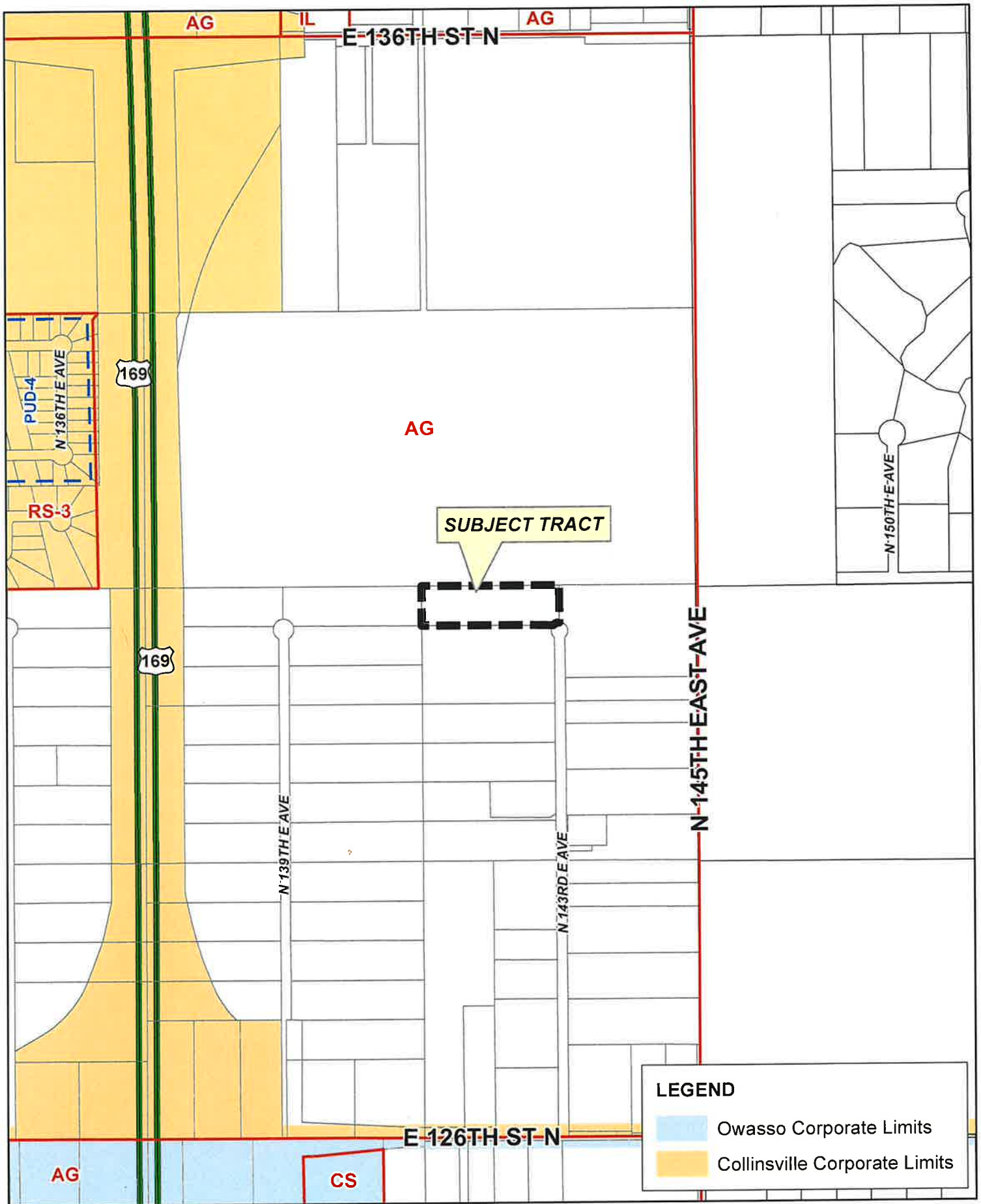
Tract Size: 2.87 acres

Location: 13030 N 143 AV E

Present Zoning: AG

Fenceline/Area: Collinsville

Land Use Designation: Residential



CBOA-3006

22-14 33

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2433

CZM: 75

CASE NUMBER: CBOA-3006

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM

APPLICANT: Michael Ramos

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

LOCATION: 13030 N 143 AV E

ZONED: AG

FENCELINE: Collinsville

PRESENT USE: Residential

TRACT SIZE: 2.87 acres

LEGAL DESCRIPTION: N188.68 W/2 E/2 SE SEC 33 22 14 2.87AC (TR 13 PH 1), Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2204 April 2006: The Board approved a Special Exception to allow retail sales of farm produce in an AG zoned district (Section 320.1.2) and a Variance of the required hard surface parking to allow gravel parking for customers (Section 240.3)

ANALYSIS OF SURROUNDING AREA: The subject tract is currently AG and contains a single-family residence and associated accessory buildings. It is surrounded to the north, south, east and west by AG zoned lots that contain single-family residences and agricultural uses.

STAFF COMMENTS:

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

The subject lot is 2.87 acres in size. The Tulsa County Zoning Code requires 2.1 acres per dwelling unit, which necessitates the requested variance if two dwelling units are to be placed on the lot. The applicant provided the following statement: "Granting this will not damage the integrity of the community. Other property owners have requested similar exemptions and been approved. The property has been sitting unused/vacant for years and allowing these exemptions will benefit the neighborhood and put the land to good use."

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

Sample Motion:

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

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

Finding 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 136TH ST N

169

N 136TH E AVE

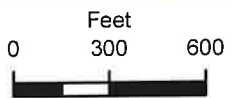
N 150TH E AVE

169

N 139TH E AVE

N 143RD E AVE

E 126TH ST N



Subject Tract

CBOA-3006

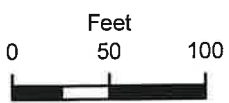
22-14 33

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

Aerial Photo Date: 2020/2021



CBOA-3006 8.5



Subject Tract

CBOA-3006

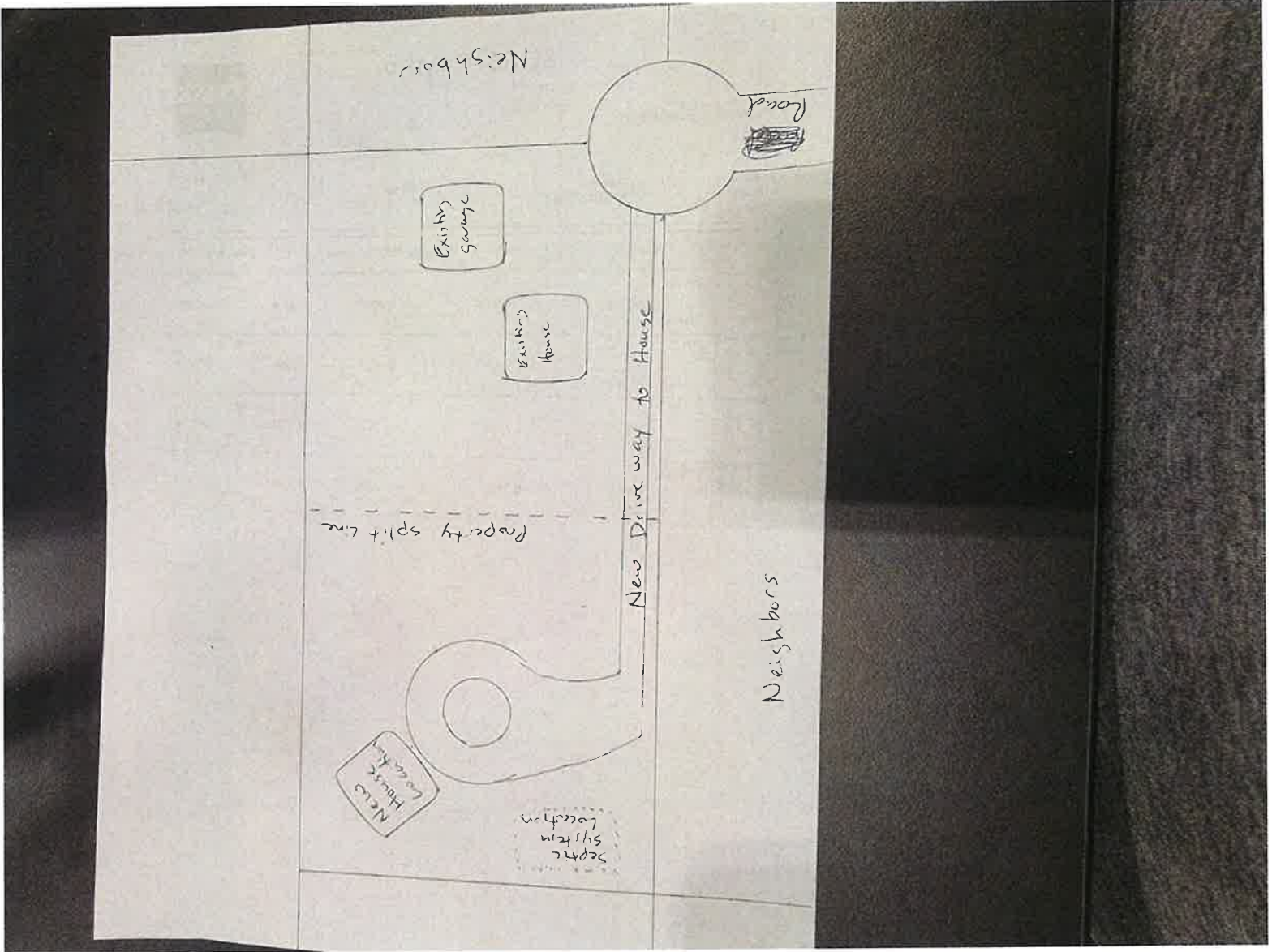
22-14 33

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

Aerial Photo Date: 2020/2021



CBOA-3006 8.6





Case Number: CBOA-3007

Hearing Date: 10/18/2022 1:30 PM

Case Report Prepared by:

Jay Hoyt

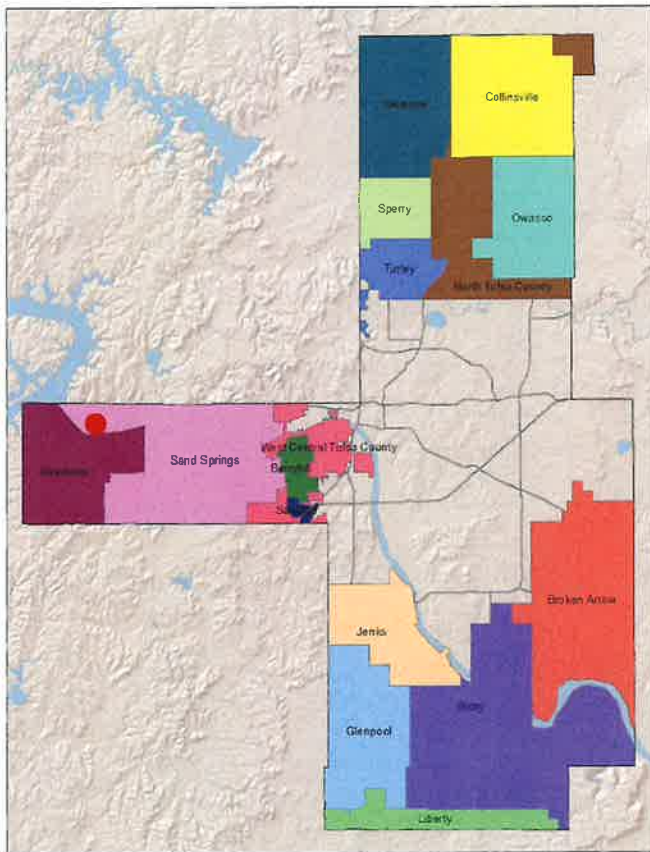
Owner and Applicant Information:

Applicant: Greg Nichols

Property Owner: NICHOLS, GREG & CHRYSTINA S

Action Requested: Variance of the allowable square footage for accessory building(s) in the RS district (Section 240.2.E)

Location Map:



Additional Information:

Present Use: Residential

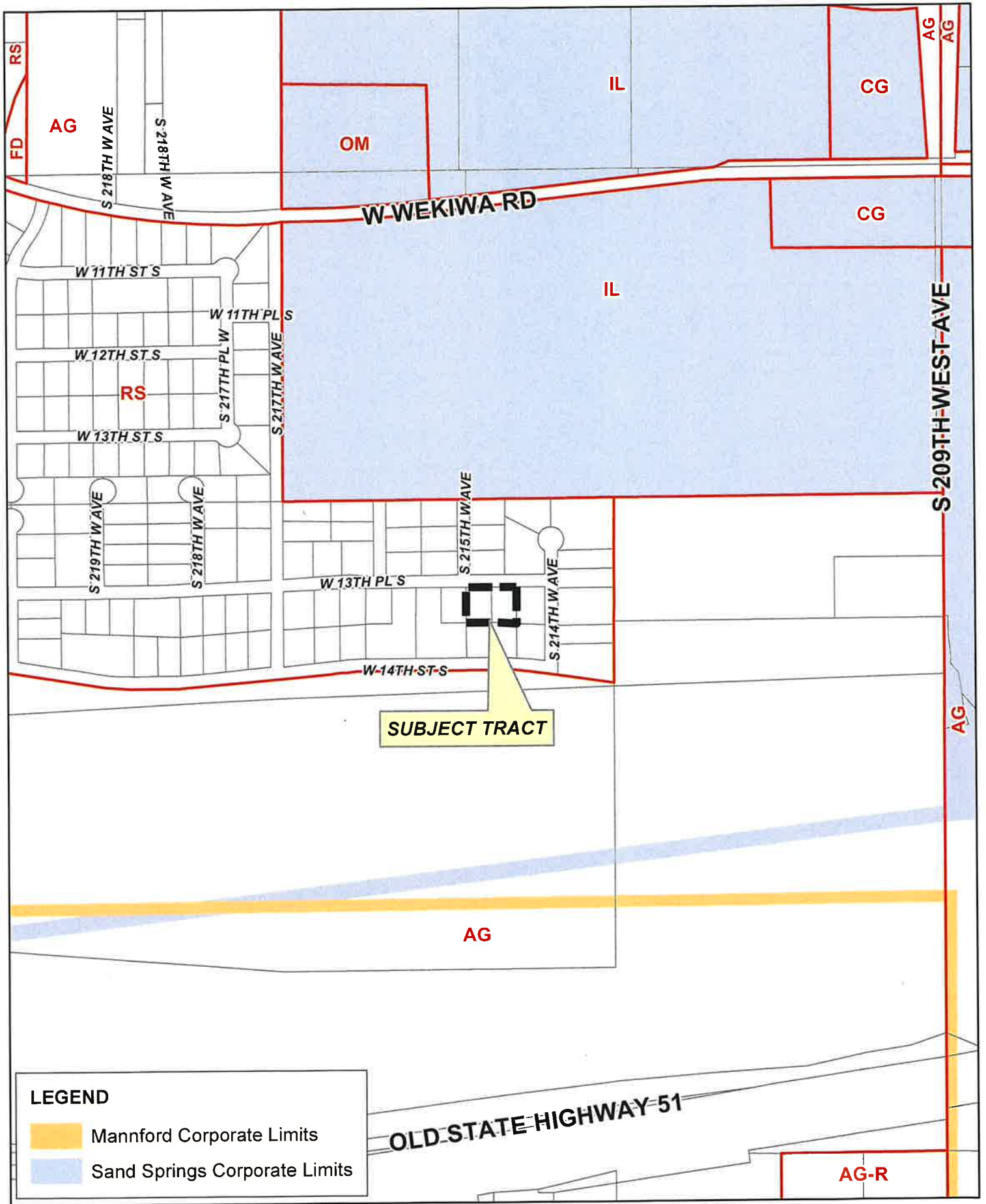
Tract Size: 0.66 acres

Location: 21488 W 13 PL S

Present Zoning: RS

Fenceline/Area: Sand Springs

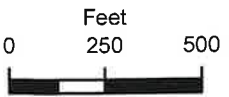
Land Use Designation: Residential



SUBJECT TRACT

LEGEND

- Mannford Corporate Limits
- Sand Springs Corporate Limits



CBOA-3007

19-10 10



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9010

CZM: 33

CASE NUMBER: CBOA-3007

CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 10/18/2022 1:30 PM

APPLICANT: Greg Nichols

ACTION REQUESTED: Variance of the allowable square footage for accessory building(s) in the RS district (Section 240.2.E)

LOCATION: 21488 W 13 PL S

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 0.66 acres

LEGAL DESCRIPTION: LT 13 BLK 2; LT 12 BLK 2, CANDLESTICK BEACH Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2733 April 2019: The Board approved a Variance to allow an accessory building to exceed 750 sf in an RS district (Section 240).

ANALYSIS OF SURROUNDING AREA: The subject tract is currently zoned RS and contains a single-family residence. The property is surrounded to the north, south, east and west by RS zoned lots containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the allowable square footage for accessory building(s) in the RS district (Section 240.2.E).

The applicant intends to construct a storage/workshop (50 ft x 60 ft) building adjacent to the existing single-family home. While the lot is shown as two lots on the applicants site plan and the case maps, the two lots have recently been combined so that the lot shown to contain the existing home and the lot proposed for the accessory building are now one lot.

The applicant has provided a letter of hardship that has been included with this report.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the allowable square footage for accessory building(s) in the RS district (Section 240.2.E).

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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



Subject
Tract

CBOA-3007

19-10 10

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

Aerial Photo Date: 2020/2021

CBOA-3007 9.5



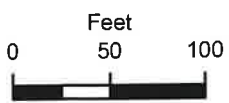


S 215TH WAVE

W 13TH PL S

S 214TH WAVE

W 14TH ST S



CBOA-3007

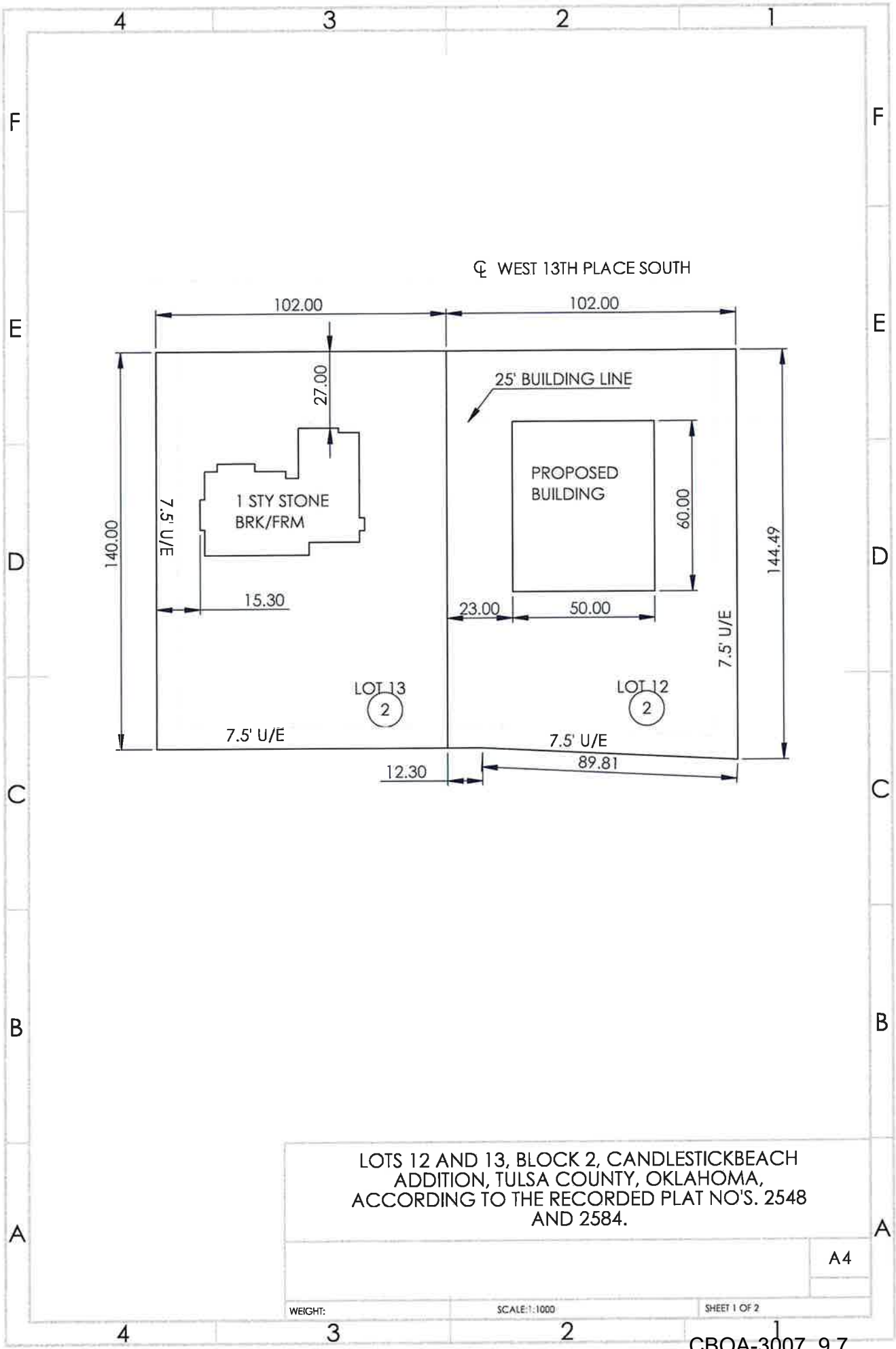
19-10 10

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

Aerial Photo Date: 2020/2021

CBOA-3007 9.6





LOTS 12 AND 13, BLOCK 2, CANDLESTICK BEACH
 ADDITION, TULSA COUNTY, OKLAHOMA,
 ACCORDING TO THE RECORDED PLAT NO'S. 2548
 AND 2584.

Variance request

21488 West 13th place South
Sand Springs, Ok

This letter is in support for my request for a variance for a 50' x 60' storage/work shop building on my vacant lot next to the address listed above. This space will be used for covered storage for my vehicle, boat, and other recreational vehicles. This space will also be a work shop for me to work on my hobbies.

Currently there are 3 similar buildings within eye sight of this location. There are also several households in the neighborhood with multiple out buildings, sheds, greenhouses, pool house etc. on one lot. My intent is to build one building large enough to house my truck, tractor, & boat in one building rather than parked in the yard. This extra space will provide plenty of space for my woodworking & taxidermy.

Due to some legal issue, there is currently not a neighborhood association.

Thank you for your consideration.

A handwritten signature in black ink, appearing to be 'J. J.', with a long horizontal flourish extending to the right.

Hoyt, Jay

From: rfgangm2@aol.com
Sent: Wednesday, October 05, 2022 6:27 AM
To: esubmit
Cc: rfgangm2@aol.com
Subject: Case # CBOA-3007

I am:
Ron VanLandingham
1325 S. 214 West Ave.
Sand Springs, OK.
74063

I see no reason why this variance request should not be approved. We live in a quaint neighborhood where there is no longer an HOA to prevent this.

Please approve this variance request.

Ron VanLandingham