



2:54 pm, May 09, 2024

**AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday May 21, 2024, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No. 531**

**Consider, Discuss and/or Take Action On:**

1. Approval of **Minutes** of April 16, 2024 (Meeting No. 530).

**UNFINISHED BUSINESS**

2. **CBOA 3156 - John Neffendorf**

**Action Requested:**

Variance of the all-weather surface material requirement for parking (Section 1340.D). **Location:** 1051 W 161st St S.

3. **CBOA 3151 – Anchor Stone**

**Action Requested:**

Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1). **Location:** S & E of E 151st St S & S Garnett Rd

**NEW APPLICATIONS**

4. **CBOA 3163 - Roberto Chacin**

**Action Requested:**

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 6640 N Trenton Ave

5. **CBOA 3164 - Kyle Tate**

**Action Requested:**

Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330). **Location:** 16355 S Peoria Ave

**6. CBOA 3165 - Brian Miller / Crimson Buildings**

Variance of the side setback from 15' to 10' in an AG district (Section 330).

**Location:** 4345 S 61st W Ave

**7. CBOA 3166 - Terrie Lynn McDowell**

**Action Requested:**

Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E). **Location:** 5422 S 67th W Ave

**8. CBOA 3167 - Melissa Torkleson**

**Action Requested:**

Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years. **Location:** 6001 W 41st St

**9. CBOA 3168 - Lou Reynolds**

**Action Requested:**

Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts; Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter. **Location:** 7303 W 7th St S

**10. CBOA 3169 - Jennifer Johnson**

**Action Requested:**

Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310). **Location:** 1611 E 161st St S

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [https://www.incog.org/Land\\_Development/land\\_main.html](https://www.incog.org/Land_Development/land_main.html)

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

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

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



## Board of Adjustment

**Case Number:** CBOA-3156

**Hearing Date:** 05/21/2024 1:30 PM  
(Continued from 04/16/2024)

**Case Report Prepared by:**

Jay Hoyt

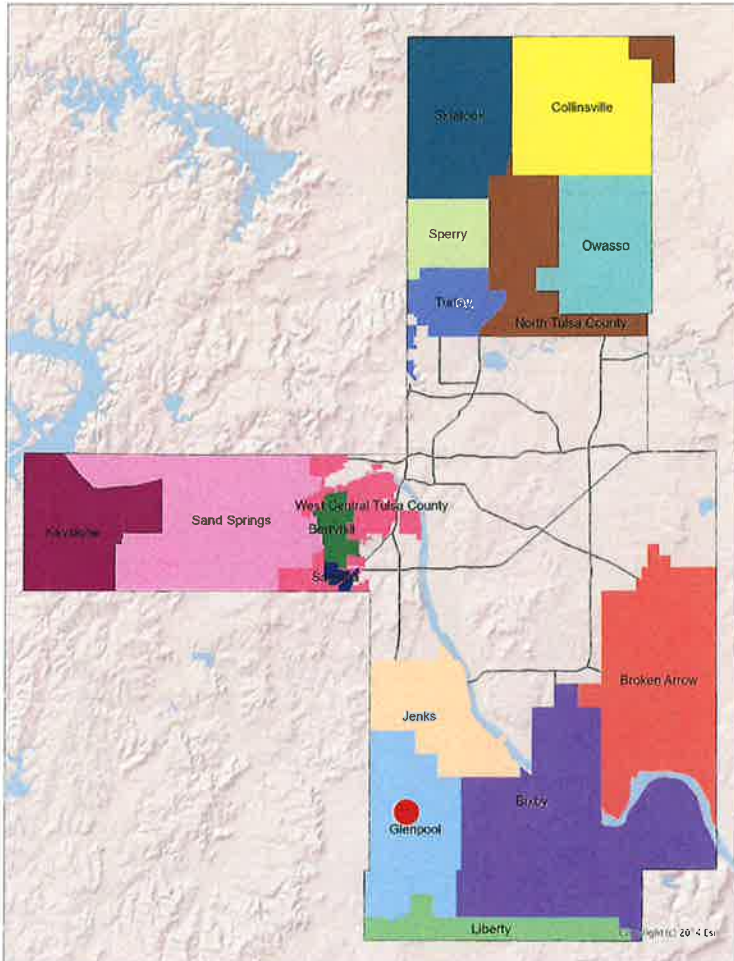
**Owner and Applicant Information:**

**Applicant:** John Neffendorf

**Property Owner:** Same

**Action Requested:** Variance of the all-weather surface material requirement for parking (Section 1340.D).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 6 acres

**Location:** 1051 W 161 ST S

**Present Zoning:** AG

**Fenceline/Area:** Glenpool

**Land Use Designation:** Suburban Residential



# **TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT**

**TRS:** 7223

**CZM:** 65

**CASE NUMBER:** **CBOA-3156**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM (Continued from 04/16/2024)

**APPLICANT:** John Neffendorf

**ACTION REQUESTED:** Variance of the all-weather surface material requirement for parking (Section 1340.D).

**LOCATION:** 1051 W 161 ST S

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Vacant

**TRACT SIZE:** 6 acres

**LEGAL DESCRIPTION:** S653.40 W400 W/2 SE SEC 23 17 12 6ACS

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**CBOA-3114 November 2023:** The Board approved a Use Variance to allow Use Unit 19 to permit a recreation center (Sec. 310).

### **Surrounding Properties:**

**CBOA-1270 June 1994:** The Board approved a Special Exception to permit a drive-through Christmas display to begin Thanksgiving week, Use Unit 2 (Section 310).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and is currently vacant. The tract is bounded to the North and East by AG zoning that is currently vacant, to the West by IL zoning that is currently vacant and to the South by RE zoning containing single-family residences and vacant land.

## **STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the all-weather surface material requirement for parking (Section 1340.D).

Section 1340.D of the Tulsa County Zoning Code requires that unenclosed off-street parking areas be surfaced with an all-weather material. The applicant is requesting a variance of that requirement to provide a parking area for a recreation center currently under construction. The recreation center use was approved by the Board on 11/21/2023 (CBOA-3114). The applicant intends to pave the parking area in the future but wishes to utilize the gravel in the meantime.

The applicant provided the statement "There are similar parking lots in the area and allowing this expense to be delayed in the future will help our business. This business has limited hours of use, so our parking lot won't sustain as much traffic as other businesses either."

*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 all-weather surface material requirement for parking (Section 1340.D).*

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

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

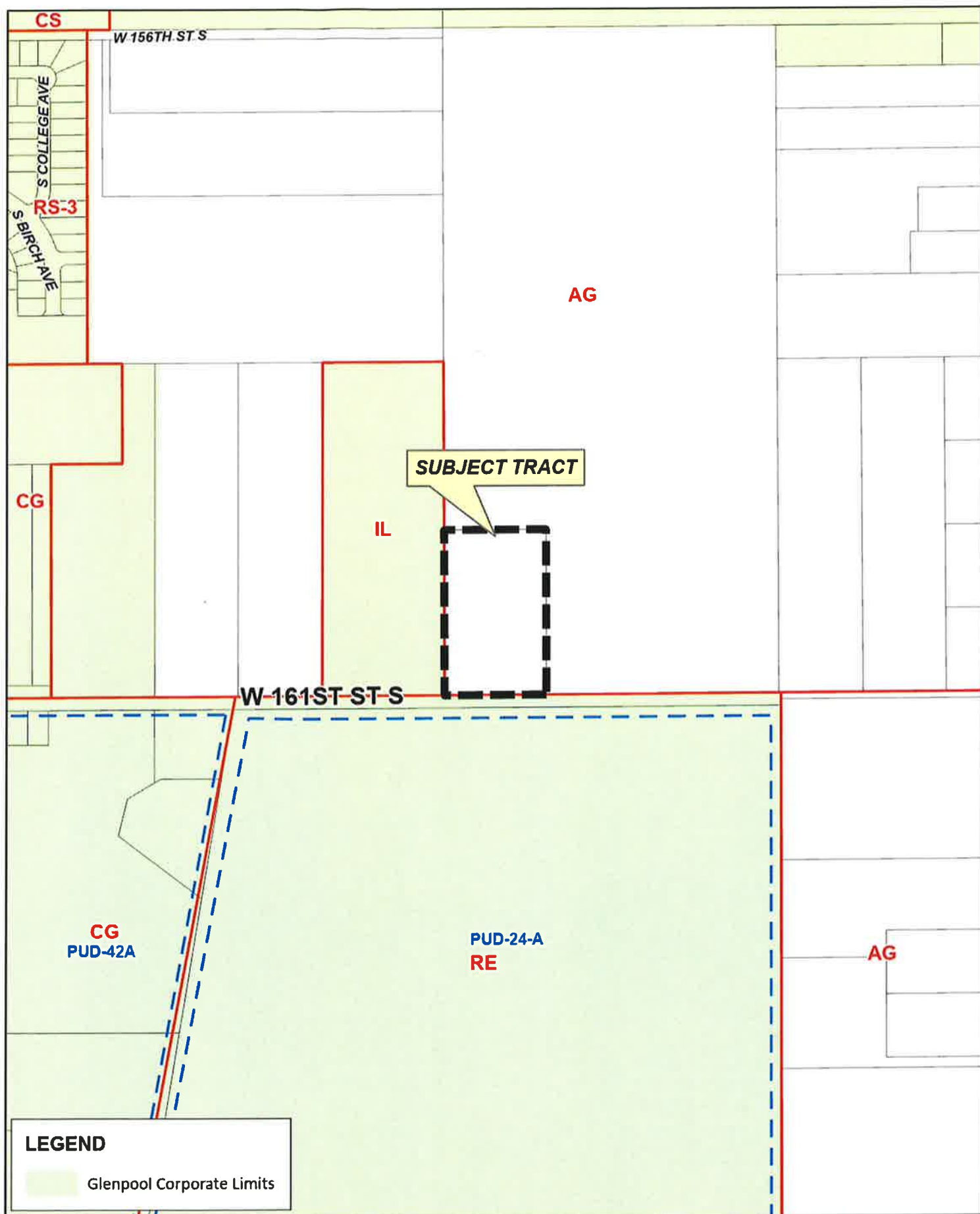
*Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not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



**Subject tract looking Northwest from W 161<sup>st</sup> St S**



**Subject tract looking North from W 161<sup>st</sup> St S**



**CBOA-3156**

17-12 23

CBOA-3156 2.5







W 166TH ST S

S COLLEGE AVE  
S PRAIRIE AVE

W 161ST ST S



Subject  
Tract

**CBOA-3156**

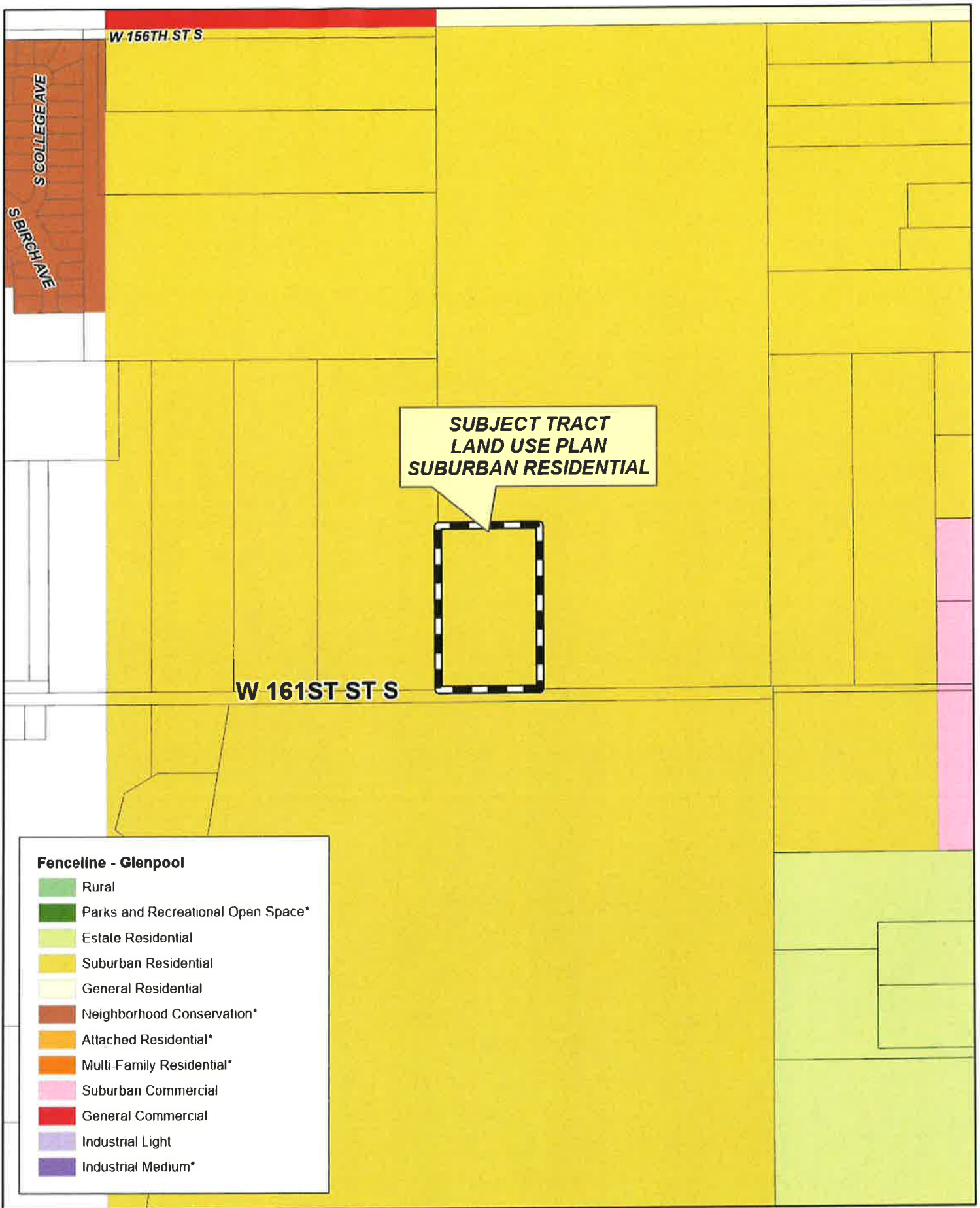
17-12 23

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

Aerial Photo Date: 2023

CBOA-3156 2.6



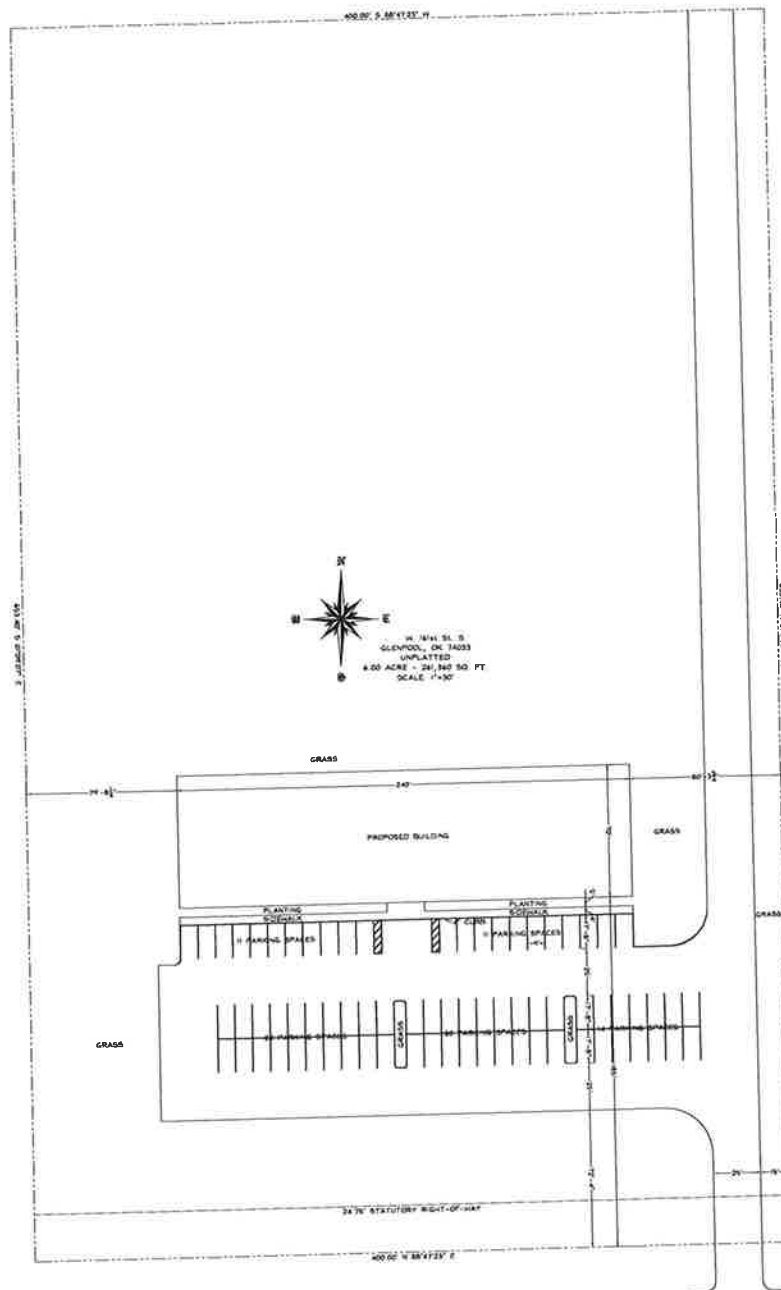


**CBOA-3156**

17-12 23

CBOA-3156 2.7





—W. 161st St. S.—

This design plan (Plan) has been prepared by Pinnacle Design (Pinnacle) without representation or warranty of any kind made by Pinnacle. The use of this Plan by the customer and any contractor working for the customer the customer is made subject to the following binding conditions: (i) Pinnacle shall have no liability whatsoever to customer or its/their contractor attributable to the Plan, and (ii) it is the responsibility of customer and its/their contractor to verify all specifications incorporated in the Plan before utilizing the Plan in connection with any construction activities. Local building codes vary and must be followed by the customer/contractor.

NOTES:

CROA-3156 2.8

CBOA-3156 2.8

**PINNACLE**  
HOMESERIES  
KEITH DALESSANDRO  
1112 S. Kalanchoe Ave.  
Tucson, AZ 85724  
520-885-1112

Broken Arrow, OK 74012  
918.641.3967  
kath@primacelodent.com  
www.primacelodent.com

MODEL #1  
OK RUN YB

**SQUARE FOOTAGE:**  
Entire:  
1st LIVING:  
2nd LIVING:

**TOTAL:**  
**GARAGE**  
**PORCH**  
**PATIO**

YORK  
LIVING  
TOTAL

DRAWING DATE: 11.16.23	REVISIONS: 11.13.23 11.16.23
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23-144  
ADDRESS:

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**SITE PLAN**

SCALE 1"=30'

SHEET  
C-1





**Case Number:** CBOA-3151

**Hearing Date:** 05/21/2024 1:30 PM  
(Continued from 03/19/2024 &  
04/16/2024)

**Case Report Prepared by:**

Jay Hoyt

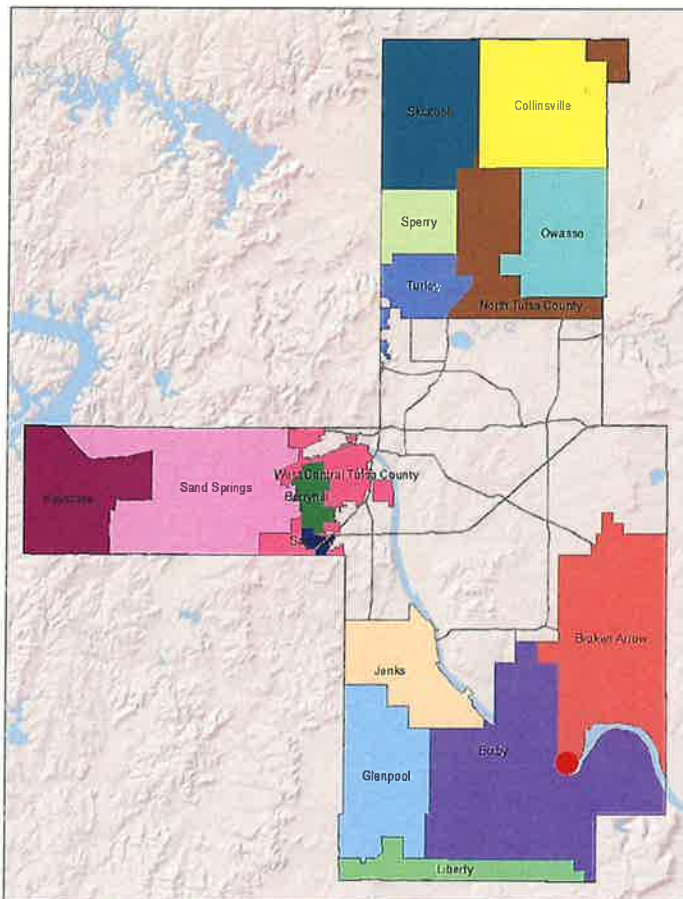
**Owner and Applicant Information:**

**Applicant:** Anchor Stone

**Property Owner:** CARTER, B F & CITY OF  
TULSA

**Action Requested:** Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 109.27 acres

**Location:** South and East of the  
intersection of E 151st St S & S Garnett  
Rd

**Present Zoning:** AG

**Fenceline/Area:** Broken Arrow

**Land Use Designation:**  
Greenway/Floodplain



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7420

**CASE NUMBER:** **CBOA-3151**

**CZM:** 68

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM (Continued from 03/19/2024 & 04/16/2024)

**APPLICANT:** Anchor Stone

**ACTION REQUESTED:** Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).

**LOCATION:** South and East of the intersection of E 151st St S & S Garnett Rd      **ZONED:** AG

**FENCELINE:** Broken Arrow

**PRESENT USE:** Vacant

**TRACT SIZE:** 109.27 acres

**LEGAL DESCRIPTION:** LTS 2 3 4 & W30 E/2 NE SEC 20 17 14 84.87AC; LT 6- OR PART SE SW SEC-20-17-14; LT 5 OR PART SW SE SEC 20-17-14, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tracts are zoned AG and currently vacant. The tracts are surrounded by vacant AG zoned land with the Arkansas River located along the southern boundary of the subject tracts.

**STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).

The applicant intends to utilize the subject tracts for sand extraction and processing. The sand will be extracted from along the Arkansas River along the southern portions of the subject tracts. Access to the tracts will be via a connection to E 151<sup>st</sup> St S.

A special exception is required as the proposed Use Unit 24 – Mining and Mineral Processing is a use which is not permitted by right but by exception in the AG district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding neighborhood.

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

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1).*

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

CBOA-3151 3.2

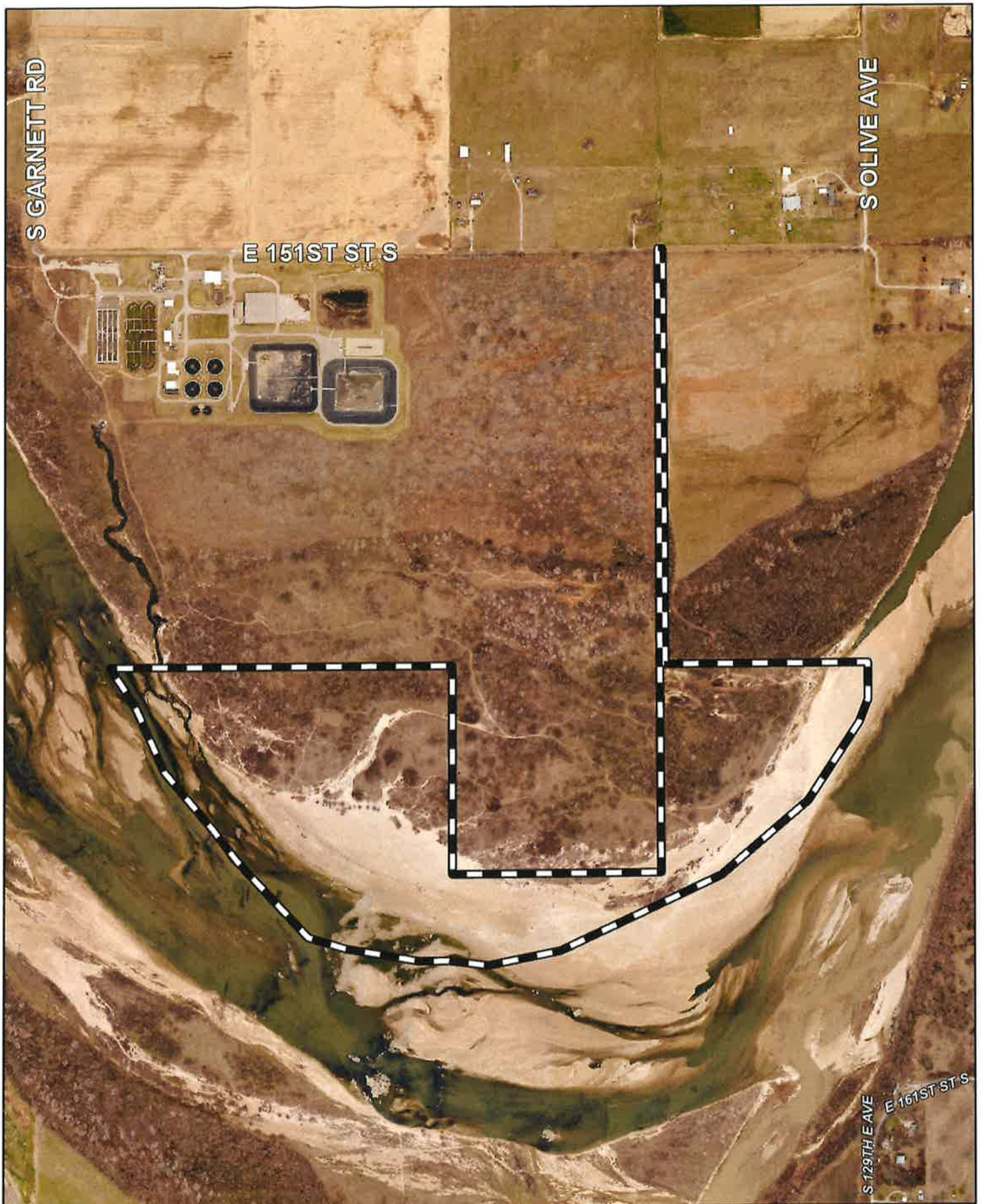
*In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*



Proposed access point to subject tracts looking South from E 151<sup>st</sup> St







S GARNETT RD

E 151ST ST S

S OLIVE AVE

S 129TH E AVE

E 161ST ST S

0 400 800  
Feet

**CBOA-3151**

17-14 20

CBOA-3151 3.6



## **SPECIAL EXCEPTION FOR A RELOCATED SAND PLANT**

### **Overview**

Anchor Stone Company is a Tulsa-based limestone and sand mining and processing company. Anchor has sand plants on the Arkansas River in Tulsa at 118th & Riverside, near Choska in Wagoner County, Coweta, and, for the past decade, the company has had a plant on the river at 141<sup>st</sup> and 129<sup>th</sup> East Avenue. The company also operates stone quarries in Owasso, Oklahoma and in Joplin and Jane, Missouri.

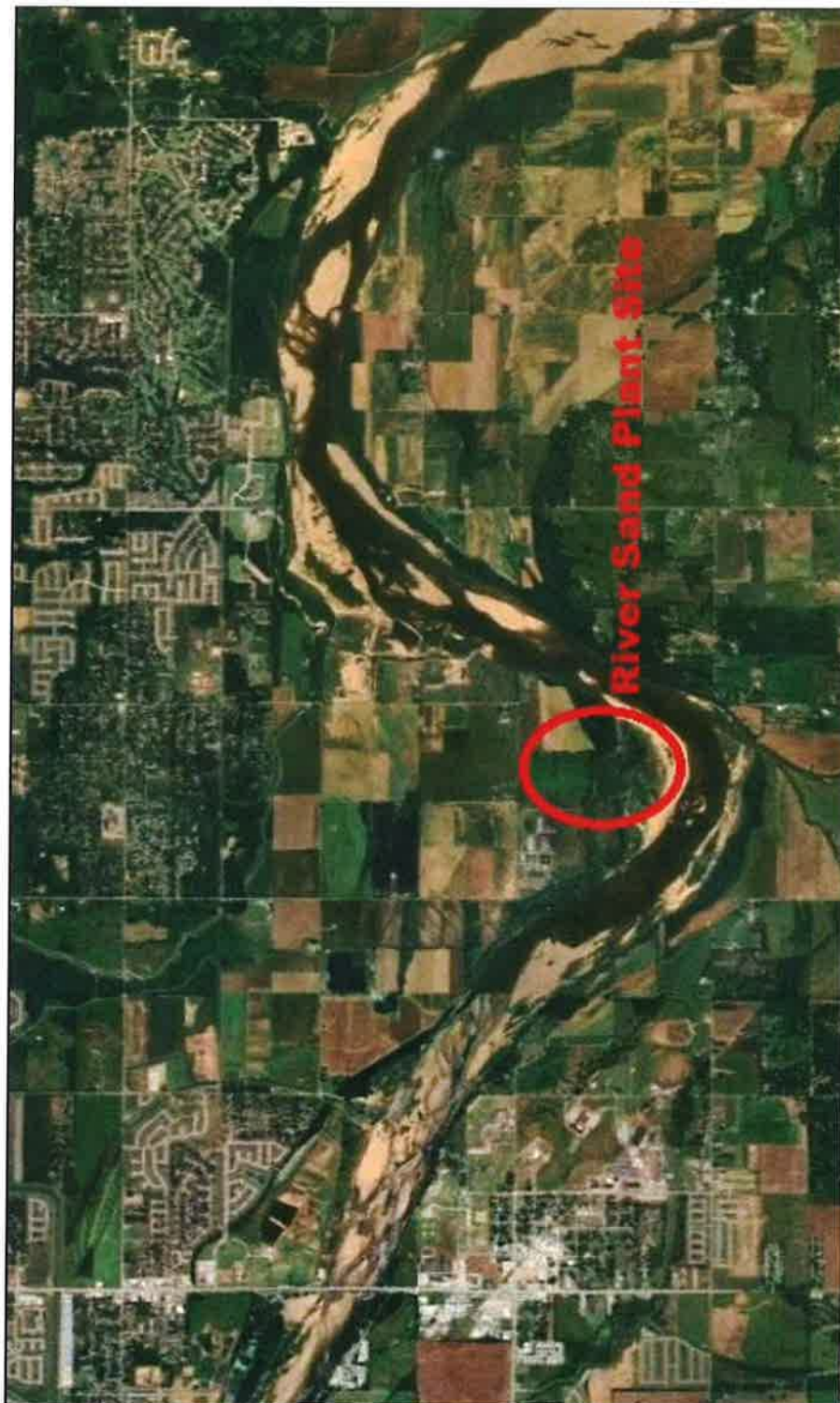
Anchor's sand business specializes in the extraction and sale of sand for use in concrete and asphalt. The company has been a major supplier for street and highway projects as well as industrial, commercial, and residential construction in the area. Major customers include Eagle Ready Mix, Dunham Asphalt, and Tulsa Asphalt.

### **A New Sand Plant Operation**

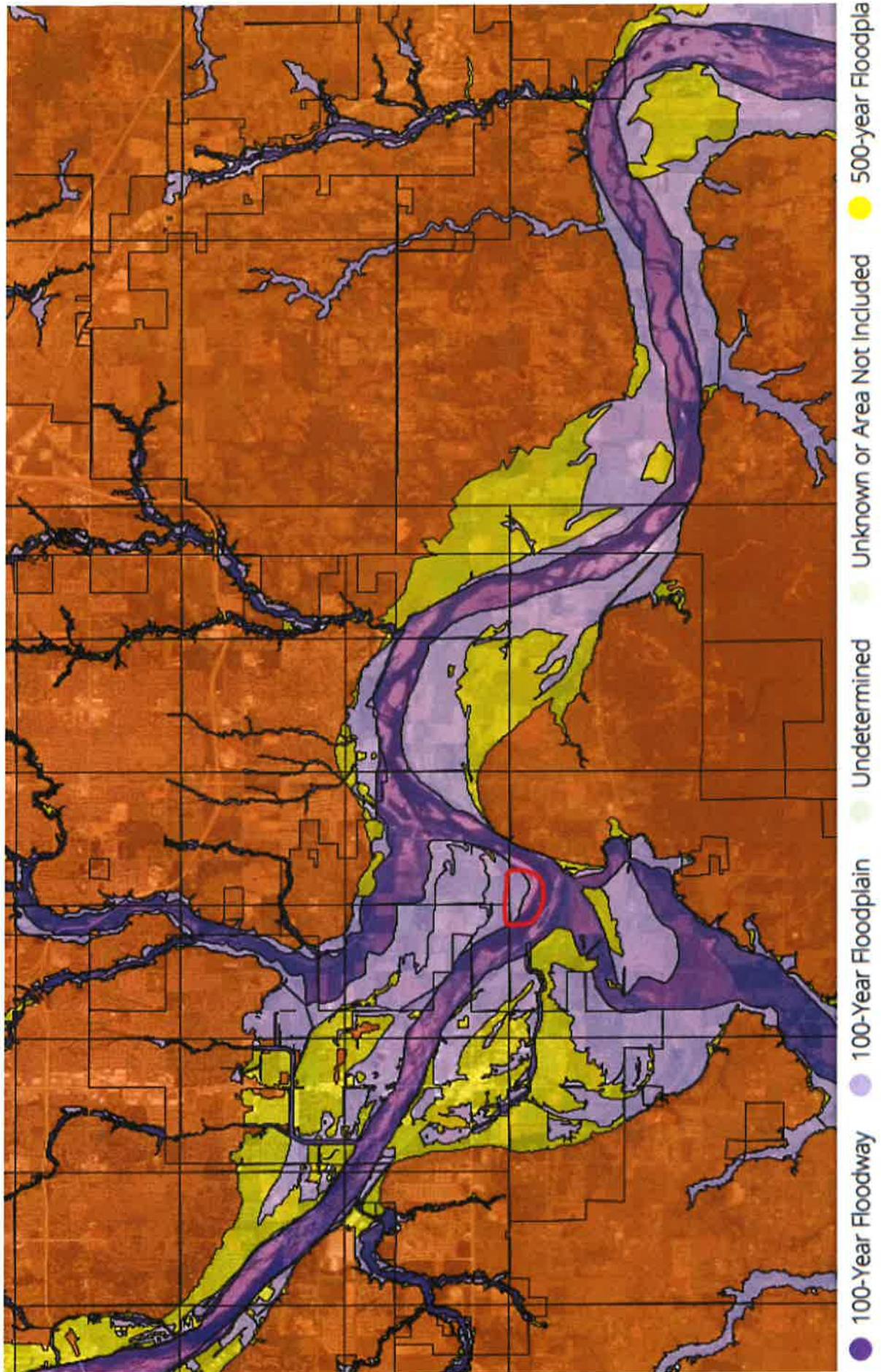
The grade of sand that Anchor sells, which is found in some river deposits but not in others, has been depleted at the site at 141<sup>st</sup> Street. Anchor has found additional deposits in the riverbed just south of the Haikey Creek Wastewater Treatment plant, on property owned by Mr. B. F. Carter. Consequently, we want to move our river sand plant to the Carter site, and we are applying to the Tulsa County Board of Adjustment for the same special exception to the AG zoning that was given to the downstream sand plant. Subject to the zoning, Anchor will apply for permits from the Bureau of Mines and approval from the Corps of Engineers. All leases and agreements will be subject to such zoning and permitting approval. However, the company's management believes that the operation will be approved, and we believe that operations could begin within six months after permitting is approved. Mr. Carter, the landowner on the river, has signed a lease with Anchor to allow extraction, processing, and truck transportation on his property.

The river sand plant will be open from 7AM to 5PM on weekdays. Occasional plant work will occur on weekends but with no truck hauling. The sand operation will require customer truck access south of 151<sup>st</sup> street (which also fronts the Haikey Creek treatment plant) for a hauling route that will encompass more than a half-mile in length. Carter's property includes a 30-foot-wide parcel from 151<sup>st</sup>, and a lease for an additional 70-feet of driveway has been approved by the City of Tulsa which is also subject to zoning and permitting. The driveway will be gated and fenced along its entire length. Given current market conditions and the current river deposit conditions, Anchor anticipates that the truck traffic count could be up to more than one-hundred loads per day.

















Subject Property

1000ft





**West toward sewage plant**



Drive south to the river





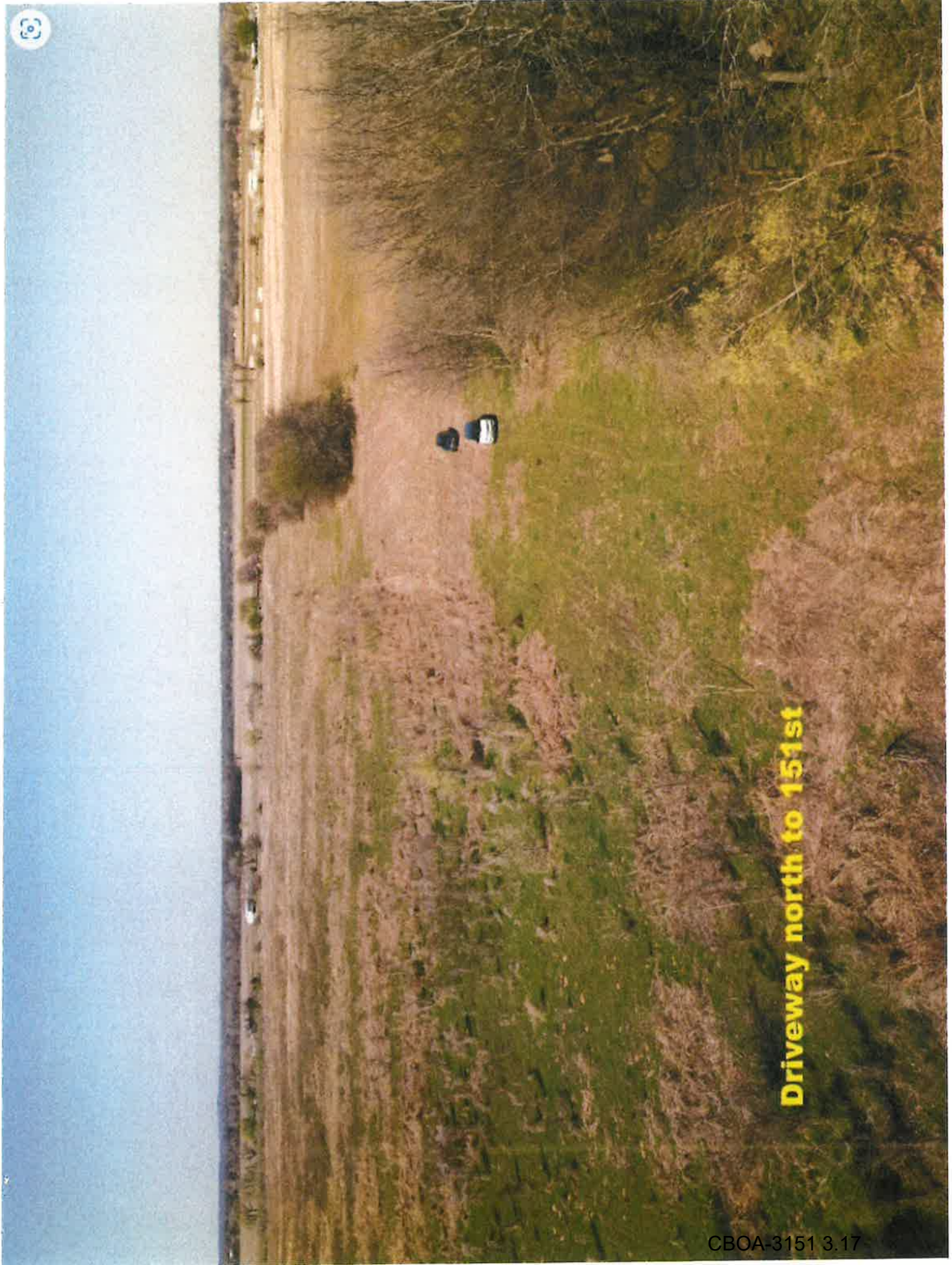
East to Roberts, O'Hara











**Driveway north to 151st**



## LANDMARK SURVEYING, L.L.C.

Brett King, L.S.  
245 South Taylor Street  
Pryor, Ok. 74361

PHONE 918-825-2804  
C.A. 4572 EXP. 6/30/2023

### **CITY OF TULSA PROPERTY LEGAL DESCRIPTION IN SECTION 20, TOWNSHIP 17 NORTH, RANGE 14 EAST, TULSA COUNTY, OKLAHOMA**

#### **CITY OF TULSA SURVEY DESCRIPTION**

The East 70.00 feet of the East Half of the West Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows: Beginning at a MAG nail at the Northeast corner of the East Half of the West Half of the Northeast Quarter, thence S 88°22'56" W along the North line of the East Half of the West Half of the Northeast Quarter a distance of 70.00 feet to a MAG nail; thence S 01°07'41" E 2638.55 feet to a ½" iron pin on the South line of the East Half of the West Half of the Northeast Quarter; thence N 88°46'42" E 70.00 feet to the Southeast corner of the East Half of the West Half of the Northeast Quarter; thence N 01°07'41" W 2639.05 feet to the point of beginning. Said tract contains 4.24 acres more or less and is subject to easements of record.

I certify that the above description was created by L.S. 1533 on November 18, 2023.

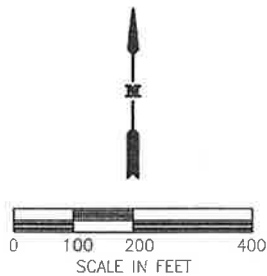
Witness my hand and seal this 18<sup>th</sup> day of November 2023.



# SURVEY PLAT

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



Legal description prepared by L.S. 1533 on November 18, 2023.

BASIS OF BEARINGS: OKLAHOMA STATE PLANE

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.

- ⊙ DENOTES FOUND IRON PIN AS NOTED
- △ DENOTES SET 60D NAIL
- ▽ DENOTES SET MAG NAIL W/FLASH
- DENOTES SET 1/2" IRON PIN W/CAP

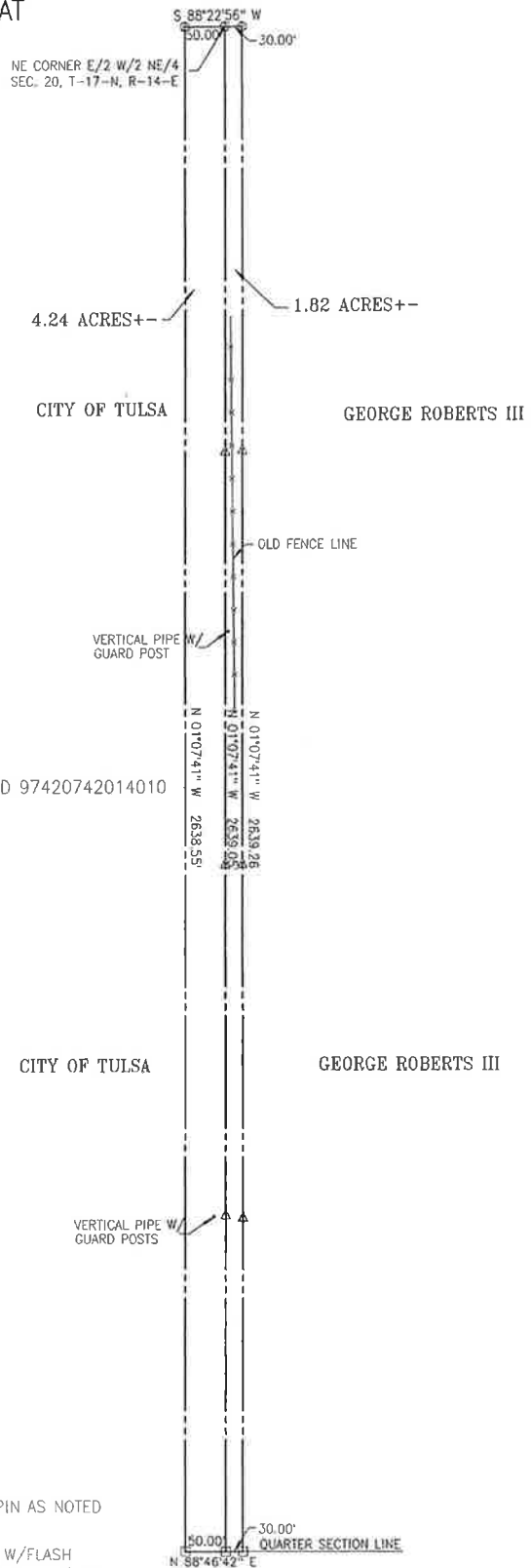
### CERTIFICATE

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 11th day of January, 2023.

Last visit to site was November 14, 2023.



Brett King--Land Surveyor

Copyright January, 2023

CBOA-31513-20

(Carter)

Lots 2,3,4,5, and 6 and the West 30 feet of the East Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma

(City of Tulsa)

The East 70.00 feet of the East Half of the West Half of the Northeast Quarter of Section 20, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a MAG nail at the Northeast corner of the East Half of the West Half of the Northeast Quarter, thence S 88°22'56" W along the North line of the East Half of the West Half of the Northeast Quarter a distance of 70.00 feet to a MAG nail; thence S 01°07'41" E 2638.55 feet to a ½" iron pin on the South line of the East Half of the West Half of the Northeast Quarter; thence N 88°46'42" E 70.00 feet to the Southeast corner of the East Half of the West Half of the Northeast Quarter; thence N 01°07'41" W 2639.05 feet to the point of beginning. Said tract contains 4.24 acres more or less and is subject to easements of record.

## Property Owner Information

1. Anchor Stone has a lease for the subject properties from B. F. Carter (see attached legal description)
2. Anchor Stone has a lease from the City of Tulsa for the 70' X 2,653' strip for roadway access to the Carter properties. Contact: Roger Acebo, City of Tulsa 918-596-9866 (see attached legal description)

May 1, 2024

David Charney, Chairman  
Tulsa County Board of Adjustments  
C/O INCOG  
2 West 2<sup>nd</sup> Street, Suite 800  
Tulsa, Oklahoma 74103

Jay Hoyt  
INCOG  
Tulsa Planning and Development  
2 West 2<sup>nd</sup> Street, Suite 800  
Tulsa, Oklahoma 74103

Special Exception application, Case CBOA 3151

Dear Mr. Charney and Mr. Hoyt,

This letter is to inform you that Mr. Malcolm Rosser is no longer the attorney for opposition land owners to the Special Exception Case CBOA 3151.

I would like to reiterate that the landowners of Bagwell, Eve Sue Rev Trust, represented by Susan Bevard Bagwell; O'Hara, Deborah Jo represented by Deborah O'Hara ; Cox, Melissa Marie Rev Trust, represented by Steven Cox; Roberts, George III ETAL, represented by Tom Austin; along with other nearby landowners; are in opposition to the Special Exception CBOA 3151.

As such we would like to inform you that the group mentioned above no longer retain the services of Malcolm Rosser, as our attorney for this case. Therefore, we sincerely request that the County Board of Adjustments make the final determination on conditions that will be imposed on Carter/Anchor should the application be approved. We do not have anyone available, other than myself, to represent the landowners in the approval of the condition. Negotiating with a seasoned attorney from my layman's position does not seem to be appropriate. Consequently, we are asking that the board make the decision regarding the conditions that will be approved regarding this applicant.

The conditions we propose are substantially the same as provided at the hearing of April 16<sup>th</sup>. We think these conditions will have a bearing on the quiet enjoyment of the landowners in the area of the sand and mining operation. They are attached as Exhibit "A".

Thank you for your consideration.

Sincerely ,

Tom Austin  
Representative of Roberts, George III ETAL  
C/O Madelon Roberts Austin  
8523 Fairway Green Drive  
Fair Oaks Ranch, Texas 78015

CC:

Deborah O'Hara      [d\\_ohara1@hotmail.com](mailto:d_ohara1@hotmail.com)  
Susan Bagwell        [sbevard@cbtulsa.com](mailto:sbevard@cbtulsa.com)  
Steve Cox             [cottagehealthcare@sbcglobal.net](mailto:cottagehealthcare@sbcglobal.net)

Exhibit "A"

Conditions imposed on B.F. Carter and Anchor Stone and Gravel Mining Company should they operate a Sand Mining operation as outlined the Tulsa County Board of Adjustment Application case number CBOA 3151.

Maximum, time limit of the Special Exception to be three 3 years. We have been told there is precedent regarding the granting of such an exception and we feel that an unlimited time period is not appropriate.

The property will be restored to its original condition, as if no mining operation had ever existed on the property before this application; at the end of the three year period.

Maximum number of truckloads of material allowed to be removed per day is forty (40).

Loading Hours for trucks: 7AM to 5PM  
Dredging/ heavy equipment operation on land and in the river. 7AM to 5PM

No trucks waiting to be loaded on 151<sup>st</sup> or 129<sup>th</sup> street.

All Trucks are to be covered with tarpaulins if any material is aboard the truck.

No vehicle will be allowed to have back up alarms.

Carter/Anchor will have the driveway off their ROW/leased road paved/widened for entryway on to 151<sup>st</sup> street. This work will be approved and built per specifications of the County of Tulsa Engineering Department.

A fence shall be erected, at the expense of B.F. Carter/Anchor, along the entire property line separating the Roberts property and the ROW/owned land of B.T. Carter. This fence line will provide some assurance of safety, liability and encroachment.

In addition, as an alternative Susan Bagwell has asked that you consider granting a six (6) month continuation of the case CBOA 3151 to give her adequate time to obtain engineering data that would allow her land and possibly other land to be removed from the existing 100 year flood plain. If the engineering data proves successful, it would improve farm values above those of sand mining.

FRANDEN | FARRIS | QUILLIN  
GOODNIGHT | ROBERTS + WARD

Tulsa Office

JENNIFER ARY BROWN  
JOSEPH R. FARRIS  
JASON GOODNIGHT ▲▲▲▲  
J. CHASE GORDON  
AARON M. HALL  
ALEXANDRIA G. MAYFIELD  
NATHAN G. PARRILLI  
KELSEY R. PAYTON ▲▲  
EMILY D. PEARSON  
CURTIS J. ROBERTS  
JILL J. WALKER-ABDOVEIS ∞ ▲  
JEREMY K. WARD ▲▲  
BRADY L. WILSON

Of Counsel

ROBERT A. FRANDEN  
PAULA J. QUILLIN  
BRYNNA SCHELBAR PHILLIPS ¥  
MARK A. WARMAN

Edmond Office

MILLICENT G. WOODLAND ¥

ATTORNEYS AT LAW

May 10, 2024

▲ Admitted in Arkansas  
◆ Admitted in Kansas  
# Admitted in Missouri  
¥ Admitted in Texas  
∞ Admitted in Washington  
Ω Admitted in New Mexico

Tulsa

Two West 2nd Street, Suite 900  
Tulsa, OK 74103-3123  
TELEPHONE (918) 583-7129  
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Fayetteville, AR 72701  
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Website

www.tulsalawyer.com

PLEASE DIRECT ALL MAIL TO  
THE TULSA ADDRESS

Tom Austin  
Via Email: [ntaustin@gvvc.com](mailto:ntaustin@gvvc.com)

Re: Anchor Stone Sand Plant Application to TCBOA

Dear Mr. Austin:

Thank you for visiting with me the other day. As we discussed, Mac Rosser also gave me a list of the desired "conditions" at the end of the last hearing. It is my understanding that you have sent a copy of this list to the TCBOA for its consideration.

Between now and the next hearing, I wanted to provide you with our position regarding the conditions that Mac identified. I will address each in the order as listed by Mac.

1. Maximum Trucks Per Day. We absolutely cannot agree to a maximum number of trucks per day that will come to the sand plant. The hours of operation and customer demands will necessarily resolve the number of trucks that can be handled per day. There are no other sand plants in the area which have such a limitation. I am sure you can imagine that if Anchor Stone had a max of "X" number of trucks per day, our customers would simply go to other sand plants rather than take the chance that they might not be able load sand at our plant on a particular day.

2. Time Limit. We also cannot agree to a time limit for the life of this plant. The amount of usable sand that is accessible from Mr. Carter's property will necessarily limit the duration of operation of the plant. There is, of course, a finite amount of usable sand from this area (just as there was from the other area sand plants). We do agree to loading hours between 7:00 a.m. and 5:00 p.m., Monday through Friday.



3. Loading Hours. Agreed.

4. Dredging. We also agree to dredging hours between 7:00 a.m. and 5:00 p.m., Monday through Friday. In certain high demand times, it may be necessary to dredge sand on Saturday, but if so, we would limit such dredging operations between 7:00 a.m. and 3:00 p.m. There will be no dredging or loading on Sunday.

5. and 6. Trucks in the Street/No Entry Until 7:00 a.m. Anchor intends to provide offroad space for up to 10 trucks (if not more) off 151<sup>st</sup> Street. Indeed, we may be able to construct the driveway so that the entire nearly one-half mile driveway can be opened early to accommodate any early bird customers. Operations, as noted above, will not commence before 7:00 a.m.

7. Tarping. All the trucks are always tarped.

8. Audible Back-up Alarm. New technology approved by the Mine Safety and Health Administration (MSHA) provides for a less intrusive backup alarm which has more of a buzzing sound. It is extremely unlikely that these backup alarms will be able to be heard by any of the residents in the area. MSHA is the primary oversight for the plant operations.

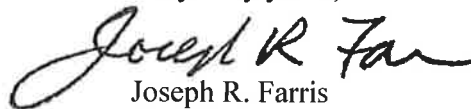
9. Noise. As to noise levels, the MSHA monitors noise and the plant will be in compliance with MSHA's regulations.

10. Street Widening. Unfortunately, at this point, the County has not been able to commit to the funding of this widening. However, Anchor has committed to the County to donate materials when and if the County secures funding for these operations.

11. Fencing. There will be fencing on both sides of Anchor's driveway along the entire length of the Roberts' property. Mr. Van Valkenburgh spoke at length with George Roberts about this nearly half-mile long fence.

12. Professional monitoring. This is unacceptable. As noted in our presentation, Anchor's operations will be monitored by the MSHA, Oklahoma Department of Mines, the Department of Environmental Quality, Environmental Protection Administration, and, of course, by the neighbors themselves.

Very truly yours,



Joseph R. Farris  
For the Firm

JRF/dg

cc: Tulsa County Board of Adjustment

## Hoyt, Jay

---

**From:** Jeri Townsend <jeritownsend@cox.net>  
**Sent:** Saturday, April 27, 2024 1:39 PM  
**To:** Hoyt, Jay  
**Subject:** Re: CBOA-3151

Hello again

I am sorry but my husband wanted me to make a point. He says almost every day he goes to work, a smaller truck weaves into his lane suddenly stopping traffic from being able to enter the intersection until they maneuver and if he falls into the ditch by the corners then they are stuck too! It gets OLD.

Thank you.

Jeri  
Sent from my iPhone

> On Apr 22, 2024, at 1:12 PM, Jeri Townsend <jeritownsend@cox.net> wrote:

>

> Thank you!

> Have a nice day.

> Jeri

> Sent from my iPhone

>

>> On Apr 22, 2024, at 9:19 AM, Hoyt, Jay <JHoyt@incog.org> wrote:

>>

>> Jeri,

>>

>> Your email will be forwarded to the Board for their consideration.

>>

>> Thank you,

>>

>> Jay Hoyt

>>

>> -----Original Message-----

>> From: Jeri Townsend <jeritownsend@cox.net>

>> Sent: Monday, April 22, 2024 9:18 AM

>> To: Hoyt, Jay <JHoyt@incog.org>

>> Subject: CBOA-3151

>>

>> As a resident impacted by this company's trucks and poor driving ability of their drivers, I request denial of this application. When combining poor infrastructure with improper vehicles utilizing the narrow roads, it causes way too many wrecks! Our corner is blocked way too often at 129th (Olive) and 121st street. They NEVER stop at this stop sign and many times I have been nearly hit and have had to run myself off the road due to their refusal to full stop at the signs or when the road is narrow without any shoulder to sway into and they are over the line nearly causing head on collisions!

>>

>> This company should have to go up to Memorial. Our one lane roads lacking any shoulder should not have semis loaded without safety and infrastructure in place.

**Hoyt, Jay**

---

**From:** Jeri Townsend <jeritownsend@cox.net>  
**Sent:** Monday, April 22, 2024 9:18 AM  
**To:** Hoyt, Jay  
**Subject:** CBOA-3151

As a resident impacted by this company's trucks and poor driving ability of their drivers, I request denial of this application. When combining poor infrastructure with improper vehicles utilizing the narrow roads, it causes way too many wrecks! Our corner is blocked way too often at 129th (Olive) and 121st street. They NEVER stop at this stop sign and many times I have been nearly hit and have had to run myself off the road due to their refusal to full stop at the signs or when the road is narrow without any shoulder to sway into and they are over the line nearly causing head on collisions!

This company should have to go up to Memorial. Our one lane roads lacking any shoulder should not have semis loaded without safety and infrastructure in place.

Jeri

Sent from my iPhone

**Hoyt, Jay**

---

**From:** Jennifer K Payne <jennifer@freshinkcr.com>  
**Sent:** Tuesday, April 16, 2024 9:32 AM  
**To:** Hoyt, Jay  
**Cc:** esubmit  
**Subject:** Stop CBOA-3151 Special Exception Application

**Importance:** High

This email is to voice **opposition** to the CBOA-3151 Special Exception for a Sand Mining Operation at 151<sup>st</sup> Street South between 129<sup>th</sup> East Avenue and Garnett Road.

Traffic from the existing sand operations in the area is already a problem, and the large dump trucks are tearing up the roads and bridges in the area. If you approve another sand mining business, this situation will become even worse. In addition, the dump trucks often cross the center line when they travel through the curving section of 129<sup>th</sup> East Avenue, which is very dangerous on this narrow two-lane road.

Please **do not** allow this situation to be amplified by enabling another sand mining operation. Thank you for your consideration.

*Jennifer Payne*

**Hoyt, Jay**

---

**From:** Treasa <treasa.sexton@yahoo.com>  
**Sent:** Tuesday, April 16, 2024 9:08 AM  
**To:** Hoyt, Jay  
**Cc:** esubmit  
**Subject:** CBOA-3151 Opposition

To whom it may concern:

As a resident of Tulsa County, residing in Willow Springs West between 121st & 131st South & Garnett/129th East, I strongly oppose the application for sand mining at 151st St South between 129th and Garnett Road!

The amount of dump trucks already destroying our 4 mile section of road has left our neighborhood surrounded by sub standard access roads and lays the burden on an already overwhelmed city/county road service crew.

Please keep me posted on the outcome of this.

We have resided in Willow springs for over 28 years and we desire to keep our neighborhood harmonious and add to it not take away from it!

Sincerely,  
Treasa Sexton  
Willow Springs West  
Tulsa County

Sent from my iPhone



**Hoyt, Jay**

---

**From:** RICK PAYNE <paynet@olp.net>  
**Sent:** Tuesday, April 16, 2024 8:49 AM  
**To:** Hoyt, Jay  
**Cc:** esubmit  
**Subject:** STOP CBOA-3151

**Importance:** High

Please STOP CBOA-3151 special exception application for the sand mining operation at 151<sup>st</sup> street south between 129<sup>th</sup> and Garnett Road.

The traffic is already bad, and the streets are getting worse due to the oversized trucks running from the existing sand plant. Approving this application will only magnify the problem.

Thank you for your careful consideration.

**Hoyt, Jay**

---

**From:** David Baxter <daveosu30@yahoo.com>  
**Sent:** Monday, April 15, 2024 7:05 PM  
**To:** Hoyt, Jay  
**Subject:** Objection to CBOA-3151

I am writing to object to the special exception application for sand mining operation at 151st south between 129 and Garnett road.

The infrastructure-bridges for such an exception is not acceptable for heavy loaded trucks and the traffic alone of 18 wheelers up and down these roads is unacceptable. They often speed on these roads and these are high traffic roads due to the expansion of home building out in this area and I do not see this as being safe.

David Baxter

Sent from my iPhone

## Hoyt, Jay

---

**From:** Carl Woltjer <woltjercw@gmail.com>  
**Sent:** Monday, April 15, 2024 8:09 PM  
**To:** Hoyt, Jay  
**Subject:** Mining permit

We live off of Garnett, and are against another mining operation, we have too many dump trucks on the road now, along with noise and dirt in the air.

Thanks for your consideration, Carl Woltjer 11807 E. 128th Street

**Hoyt, Jay**

---

**From:** Kerry Mose <kmose@cox.net>  
**Sent:** Monday, April 15, 2024 8:42 PM  
**To:** Hoyt, Jay  
**Cc:** esubmit  
**Subject:** CBOA-3151 Special Exception

To who it may concern,,

This email is to voice my opposition to application for sand mining operation at 151st between 129th and Garnett in Broken . There is already too much dump truck traffic tearing up the roads and going at unreasonable speeds. It is dangerous because it is so close to the school and several residential neighborhoods.

Please vote against this project it does not belong in this area.

Thank you!  
Kerry Mose  
918-636-6414  
Sent from my iPhone



**Hoyt, Jay**

---

**From:** John Mose <jmose@cox.net>  
**Sent:** Monday, April 15, 2024 8:55 PM  
**To:** Hoyt, Jay; esubmit  
**Subject:** CBOA-3151 Special Exception

Dear INCOG representative,

As a resident of the Park at Oak Grove at 131st and South Garnett I very adamantly oppose any expanded sand mining operation on 151st street South of our neighborhood. We already have many heavy trucks passing by from the current operation. Also, the heavy trucks coming by to/from the water treatment plant. The roads have taken a structural toll. And most importantly the proximity to our school adds to the traffic and is unsafe for our children. I'm sure there are many other locations to mine sand. I'd hope the powers that be would deny any further expansion of this operation in our backyard.

Sincerely,  
Dr. John Mose

**Hoyt, Jay**

---

**From:** Kim Worthington <Kim.Worthington@wilburnmasterson.com>  
**Sent:** Monday, April 15, 2024 11:16 PM  
**To:** Hoyt, Jay  
**Subject:** CBOA-3151 - Opposition Email to Anchor Stone's Application for Sand Mining Operation

This email is being sent to voice our **OPPOSITION** to CBOA-3151 Special Exception Application for Sand Mining Operation. We are residents that live on Garnett at 134<sup>th</sup> Street. This mining operation will be south of us by approximately 1 ½ miles, however all dump truck traffic has to come in and out of this area via Garnett, 129<sup>th</sup> E. Ave., or Mingo. We and our surrounding neighbors, on all three of these roads, have been struggling with excessive traffic from heavy dump trucks associated with the current existing and prior sand operations, sod field operations and the Tulsa County Sewer plant. This already excessive amount of very heavy dump trucks, which vary from regular-size dump trucks to 18 wheel semi dump trucks have not only continuously damaged the already severely deteriorating roadways but they pose significant risks to other drivers, bike riders and pedestrians. My elderly mother runs an in-home beauty salon out of our house. All of her clients are also elderly. Several of her clients, my mother herself, myself, my children, and their visiting friends have all had near-miss incidents with the speeding dump trucks when attempting to exit our driveway as well as when meeting trucks on the road. The roads are so bad and they are also very narrow two-lane roads that the trucks drive across the center line and they will not move over when you are approaching. I have known several people, including myself, who have had to run off the side of the road because the trucks will not move over. I have lived here for over 50 years, before the development of what is now several neighborhoods. The resulting extensive vehicle and pedestrian traffic from these neighborhoods and a school-run sports center near 141<sup>st</sup> and Garnett have only made the existing dump traffic even more dangerous than it used to be as there are now so many more regular vehicles, walkers, joggers, bikers and school-age children who are traveling these roads daily. There is a Bixby Elementary School on 131<sup>st</sup> between Garnett and 129<sup>th</sup> St. and kids ride their bicycles and travel in personal vehicles on these roads to reach that school.

The speed limit on Garnett is posted at 35 mph but there may as well not be a speed limit sign because it is not observed. We have endured speeding and extremely noisy trucks for years. I can hear the dump trucks coming, from inside my home, from almost a mile away. Some of course are louder than others. The company will stand before the board and advise you that they will ensure that their drivers will obey all rules of the road and that they encourage citizens to take truck numbers and call if you have a problem with any of the trucks or drivers. That however is not true. The drivers will state that they did not do anything that complaining sources say that they did and the company will stand by the word of the drivers. These drivers will then retaliate against those who lodge complaints by gearing down and jake-braking in front of your home, honking as they go by and driving even faster. The company will also stand before the board and state they will not load trucks before 7:00 a.m. as they have stated in the past. That however does not stop the trucks from coming at 6:00 a.m. and lining up ready to load. They also run pumps and dredgers all night long which can be heard from miles away. An operation running on a property this size will result in the potential of over 100 trucks per day for potentially 20-30 years hauling loads that weigh from 7 to 14 tons on roadways and bridges that are not capable of handling that kind of weight. The roadways and bridges over Haikey Creek on Garnett and 129<sup>th</sup> are the same bridges that have been in place, one since the 1940's and one since I believe the early 1970's. They were in no way designed to handle these types of loads on a continuous basis. Numerous attempts over the years to control the speeding of these trucks has seen little success. The County Sheriff's office does not have the manpower or time to patrol these trucks and if you do happen to get them to come out, as soon as one truck is aware that there is an officer patrolling, they immediately pass the word to all other trucks and they will slow

down, which results in the officer leaving within just a few minutes and then the trucks proceed right back to speeding the way they were.

This proposed mining operation will also cause environmental damage to the surrounding area as the Arkansas Riverbank and forestry are destroyed. There is extensive wildlife in the area, as they are running out of anywhere else to go, including numerous bald eagles who call this area home. They will all be affected by this project.

If you allow this project and the large increased number of trucks to run there will be an increase in accidents, home values will decrease and the roads and bridges will crumble. There is no such thing as a peaceful quality of life with the current excessively loud heavy dump truck traffic let alone adding to that. We can't even take a day off at home, sleep in and just enjoy being at home as you are awakened by the noise of the trucks themselves, their loud exhaust pipes, and rumbling gears, the rattling of our windows as they pass by and you cannot even hold a conversation with someone in your yard when they are passing. The disturbance caused by these trucks falls right into what disturbing the peace defined is pursuant to *Okla. Stat. tit. 21 § 1362 the willful or malicious disturbing of the peace and quiet of any person, neighborhood, town, or city by loud or unusual noise*. The covenant of quiet enjoyment promises that individuals can reside in a property peacefully, without undue disturbance from others. It shall also be an offense for any person at any time to willfully or maliciously disturb the public peace or quietude or the life, health or safety of any individual in any manner by making unnecessary or inappropriate noise; by any disorderly conduct thereby interrupting, disquieting or disrupting any lawful congregation...

We are entitled to the right of a peaceful quality of life and our County and its officials need to see that we receive that but not allowing any further noise and traffic that would result from this project.

**WE REQUEST THAT YOU PLEASE VOTE NO TO CBOA-3151.**

Kim and Bret Worthington  
13504 S Garnett Road  
Broken Arrow, OK 74011

**Hoyt, Jay**

---

**From:** Tom Sexton <tds6296@gmail.com>  
**Sent:** Tuesday, April 16, 2024 7:15 AM  
**To:** Hoyt, Jay  
**Subject:** CBOA-3151 Special Exception Application for Sand Mining Operation

To whom it may concern, I Tom Sexton am 100% against another sand company being started up south of my residence @ 11752 e 128th pl s Broken Arrow OK. As you are aware we already have a sand co. on south 129th e ave. that decimates the roads/intersections. The traffic on the two lane roads is already congested enough, not to mention the intersections of 121st s and Garnett and 121st s and 129th e ave (Olive) are already like driving over a set of unmaintained railroad tracks that jars your kidneys as you go in any direction. I am also concerned with the traffic congestion at 131st and Garnett due to the Bixby Elementary school having to deal with more traffic. I know the consensus is that the sand trucks will use 129th only, but you and I both know that would last less than a week before the trucks start using Garnett. Please take into consideration the residential areas that you are potentially signing up for this burden. I`m all for business and prosperity, but not at the expense of the roads getting worse than they already are, either via lack of street maintenance or heavier traffic flow. It`s already a two minute or longer ordeal to get thru a 4-way stop in the afternoon traffic without more large trucks to contend with. Thank you for your time and consideration in this subject matter. Tom S.



**Hoyt, Jay**

---

**From:** Don Fyler <dcfyler5@yahoo.com>  
**Sent:** Tuesday, April 16, 2024 7:21 AM  
**To:** Hoyt, Jay; esubmit  
**Subject:** Stop CBOA-3151

To whom it may concern

We are writing this concerning the CBOA-3151 Special Exception application for Sand Mining Operation at 151st St. and Garnett road.

We are in opposition to this mining operation in this location.

Our family lives in a neighborhood just to the North of the proposed site.

The roads are not set up to take on the additional traffic.

Please do not let this application pass.

Thank you

Sincerely  
Don & Cris Fyler

## CONDITIONS

Maximum trucks per day: 30

Time limit: 2 years

Loading hours: 7 a.m.-5 p.m. M-F

Dredging hours: 7 a.m.-5 p.m. M-F

No waiting in the street

No entry until 7:00 a.m.

Always tarped

No audible back-up alarms

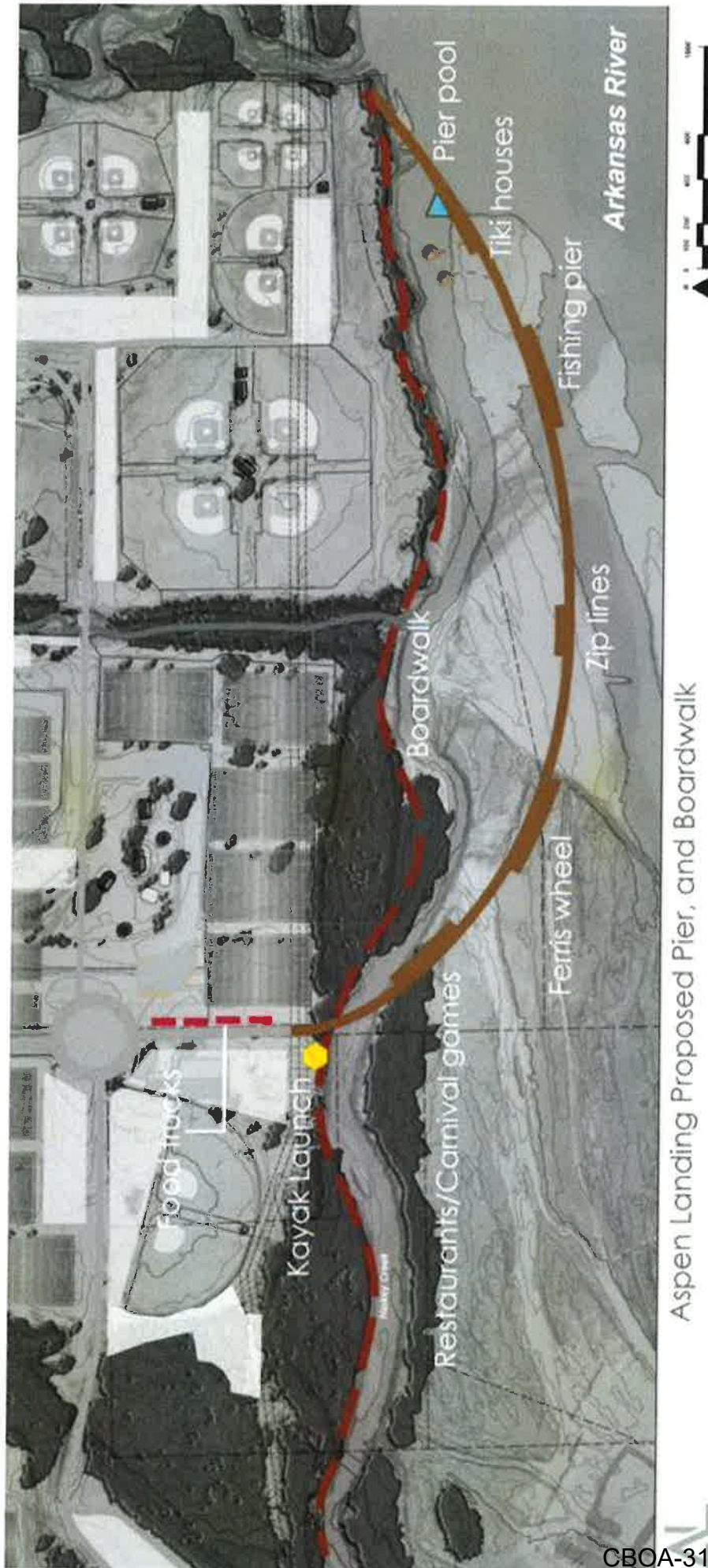
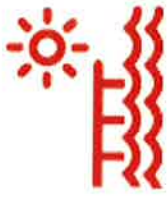
No additional noise above base level

Pay to widen 151<sup>st</sup>/129<sup>th</sup> E. Ave.

Fence along Roberts property

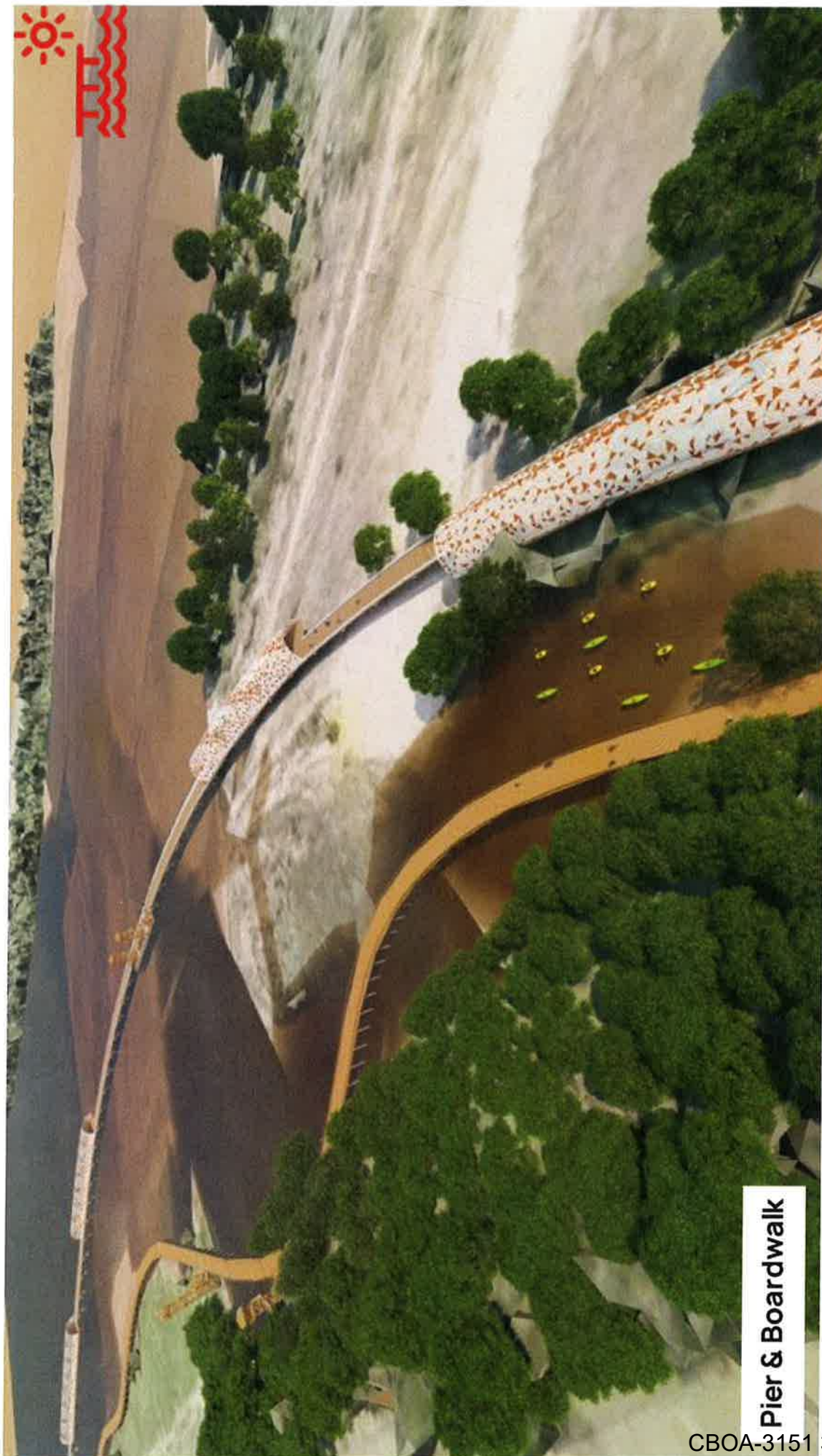
Pay for a monitor – Professional engineer who does no other work for Anchor; reports on a website.  
Operations can be shut down if conditions are not complied with.

TULSA COUNTY BOARD OF ADJUSTMENT  
CASE NO. CBOA-3151  
OFFICIAL RECORD EXHIBIT  
ENTERED IN THE 04/16/24  
MINUTES OF THE TULSA COUNTY BOARD  
OF ADJUSTMENT.



Aspen Landing Proposed Pier, and Boardwalk

CBOA-3151 3.41



Pier & Boardwalk

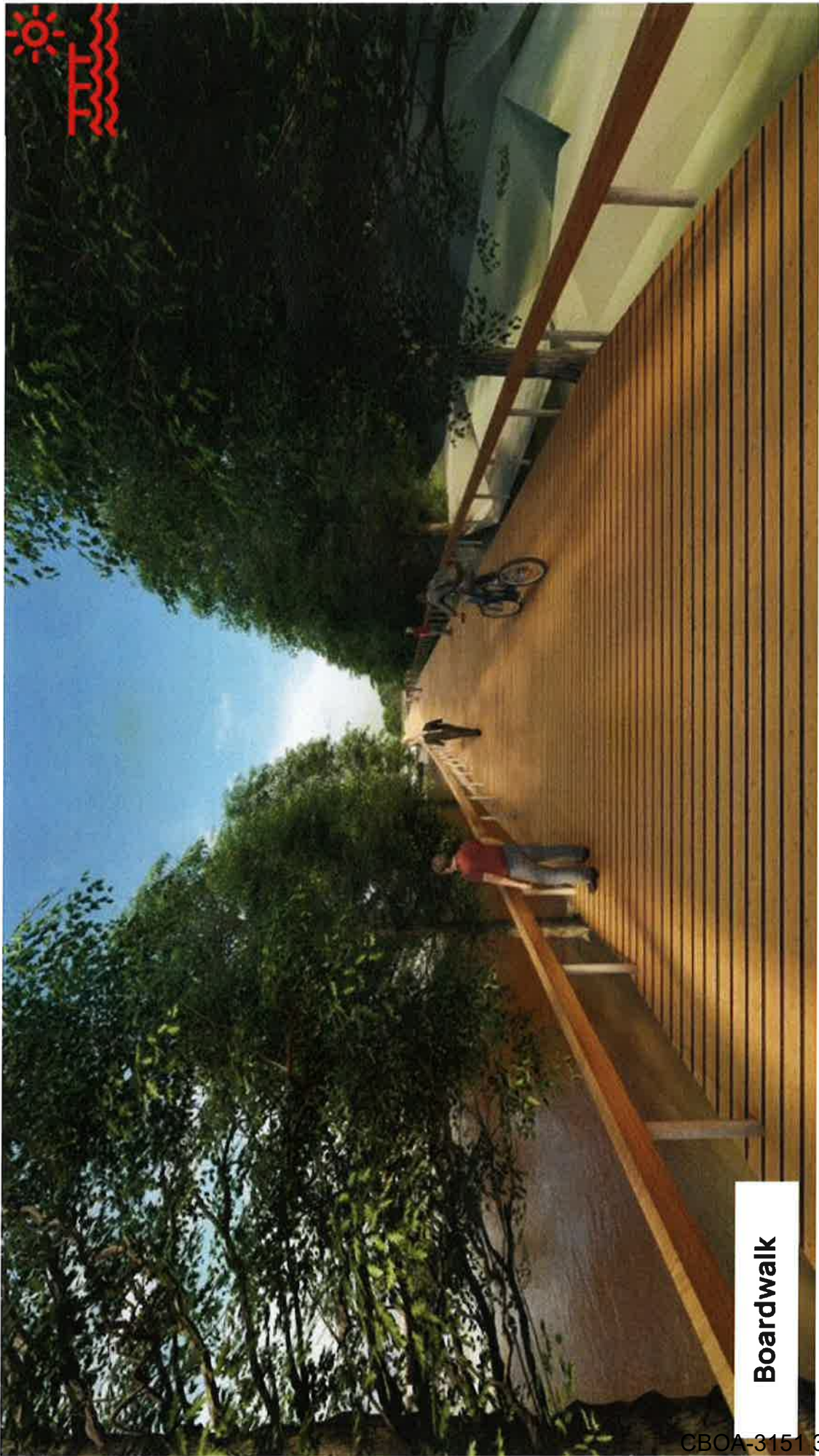
CBOA-3151 3.42





Pier & Boardwalk

CBOA-3151 3.43



**Boardwalk**

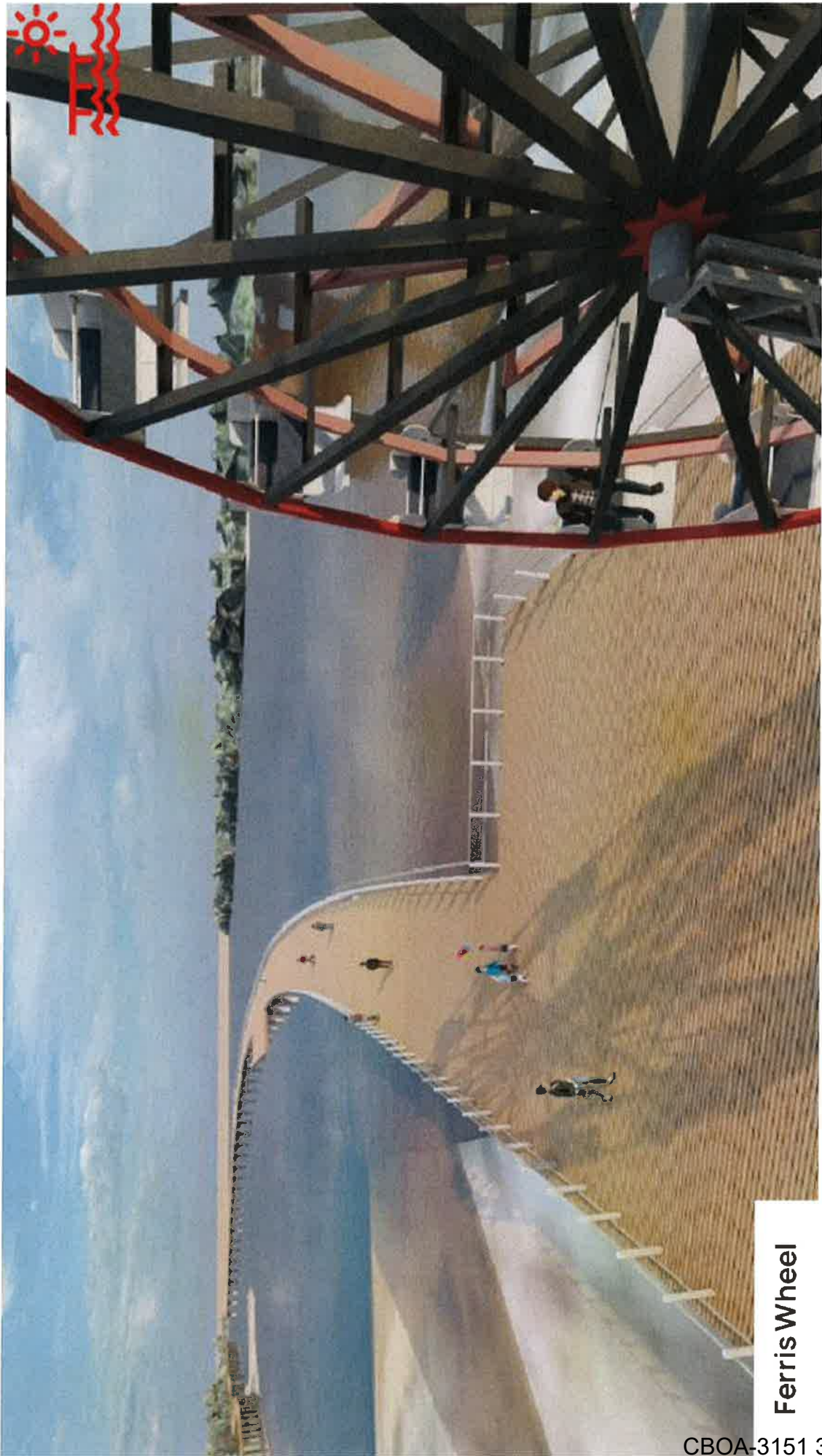
CBOA-31513.44





Carnival Games

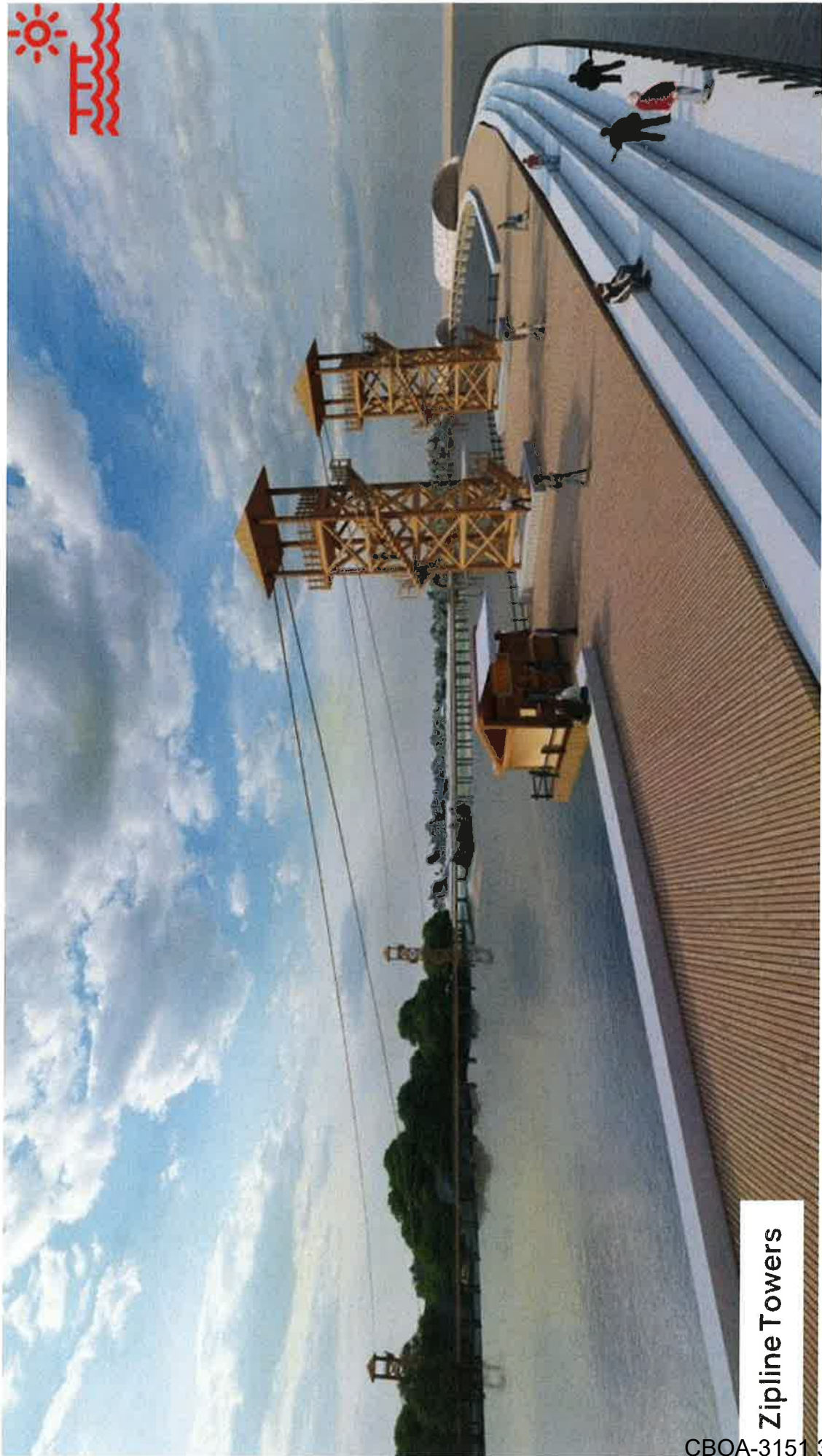
CBOA-31513.45



Ferris Wheel

CBOA-3151 3.46





Zipline Towers

CBOA-31513.47

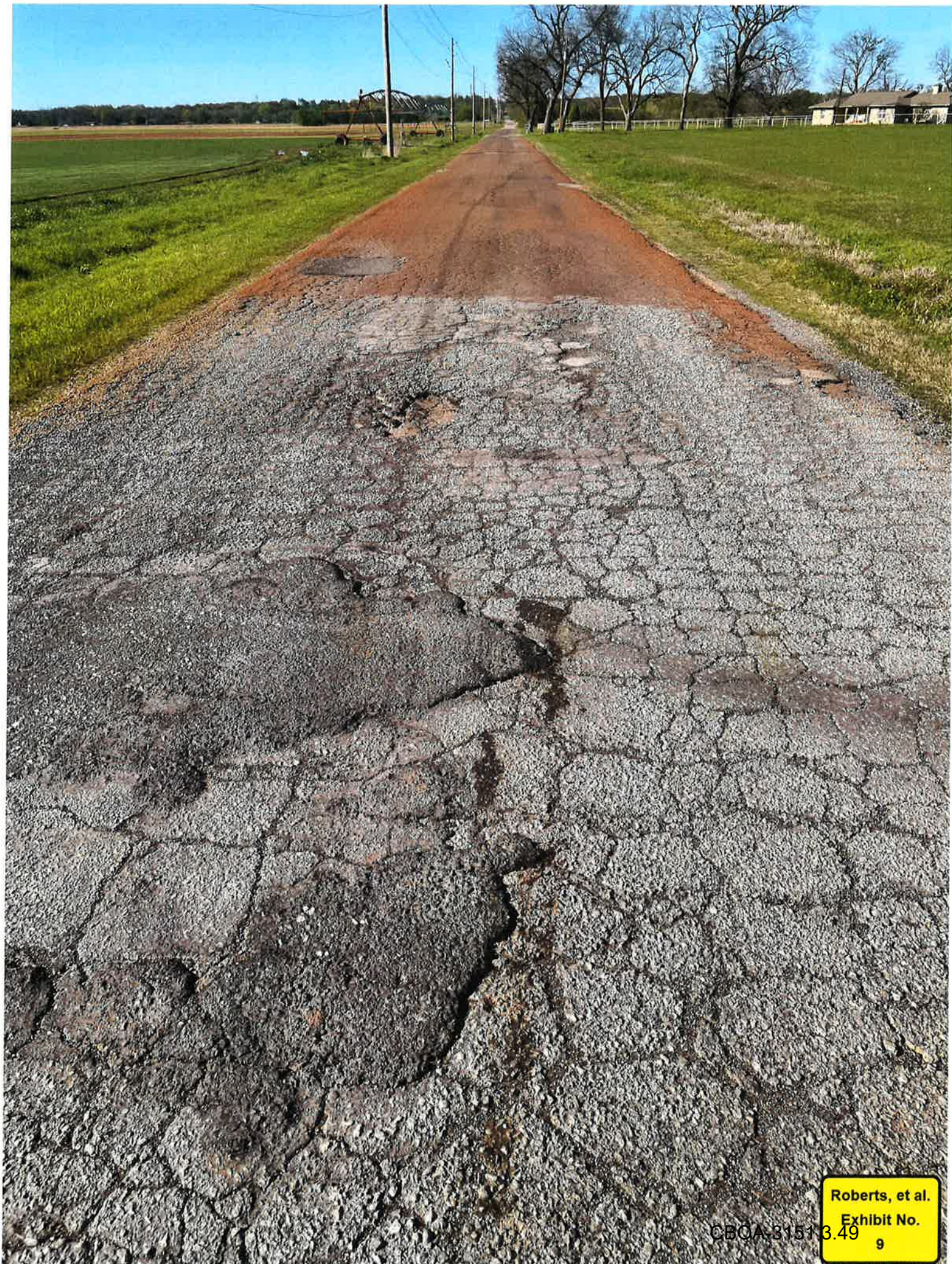




Roberts, et al.  
Exhibit No.

CBOA-31513.48 6





Roberts, et al.

Exhibit No.

CBOA-31513.49





Roberts, et al.  
Exhibit No.

CBOA-3151 3.50<sup>10</sup>





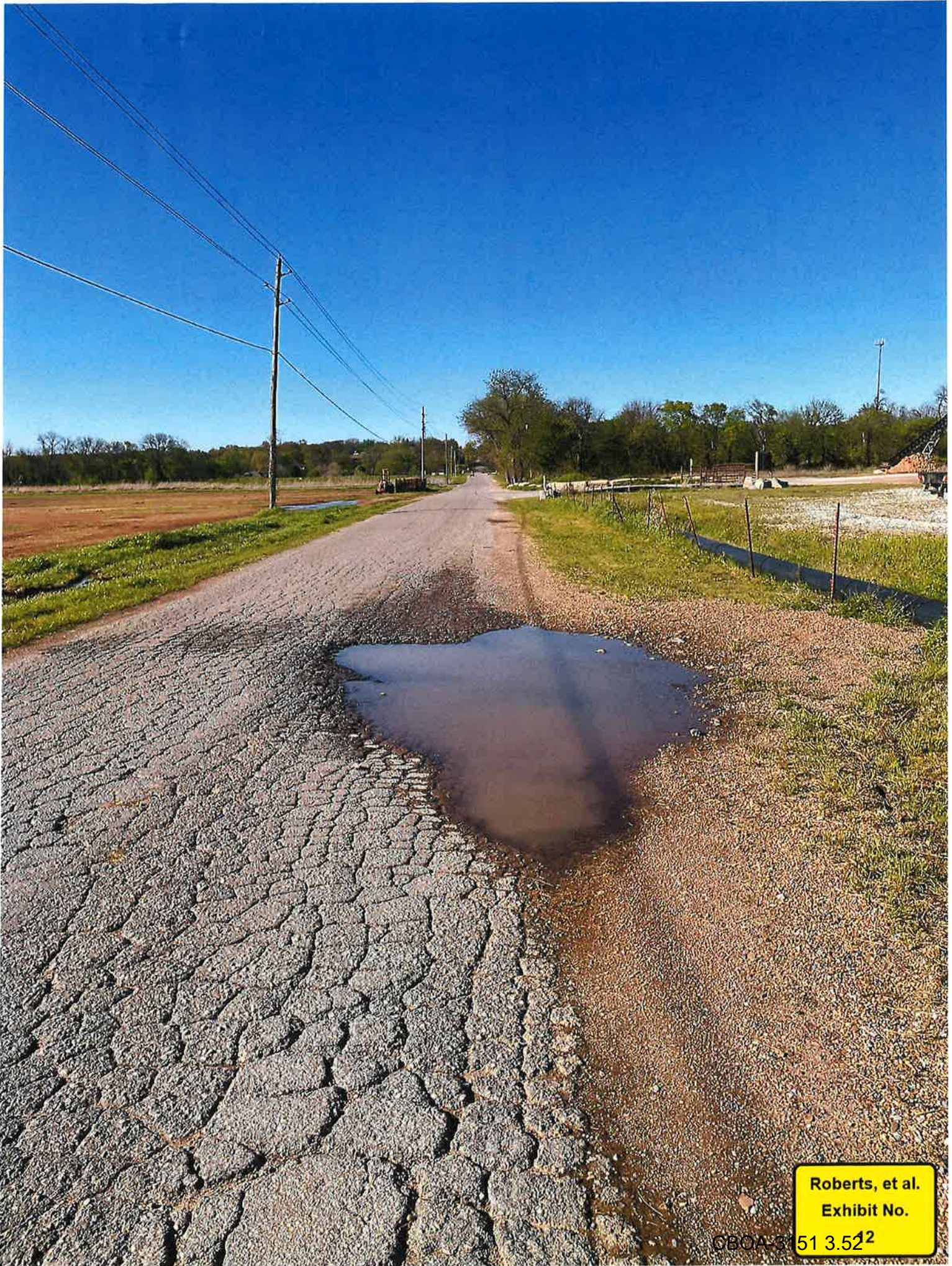
**ANCHOR**  
VOLUNTARY SAND PLANT  
DISPATCH 814-430-1000

PROTECTORS  
SAFETY AWARE  
2017

PROTECTORS  
SAFETY AWARE  
2014

Roberts, et al.  
Exhibit No.  
CBOA-3151 3.5111





Roberts, et al.  
Exhibit No.

CBOA-3151 3.52<sup>12</sup>









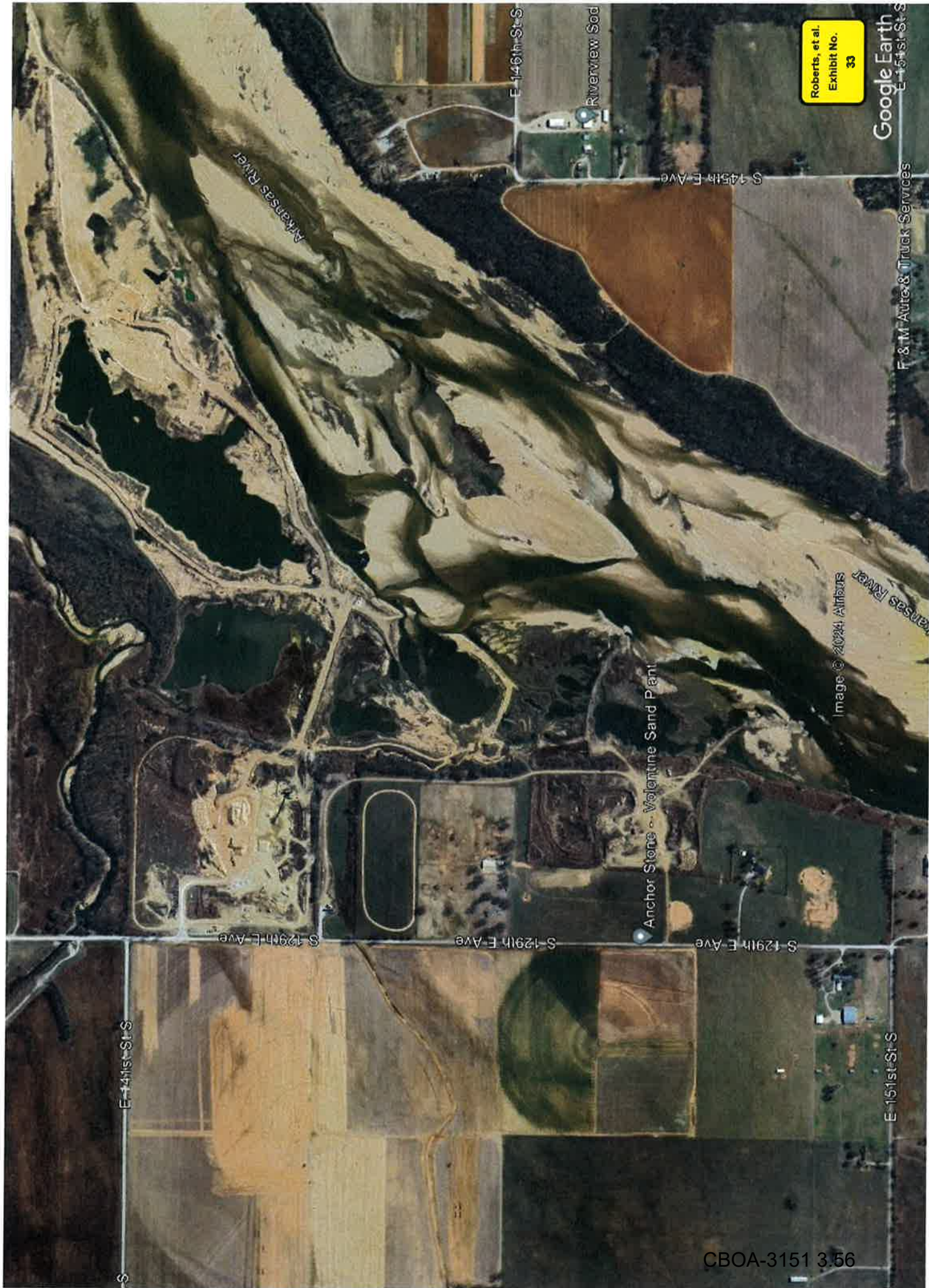




Roberts, et al.  
Exhibit No.

CBOA-3151 3.55 26





Roberts, et al.  
Exhibit No.  
33

Google Earth  
E 145th St

F & M Auto & Truck Services

Image © 2024 Airbus

Anchor Stone - Valentine Sand Plant

E 141st St

S 129th E Ave

S 129th E Ave

S 129th E Ave

E 151st St

S 145th E Ave

E 146th St

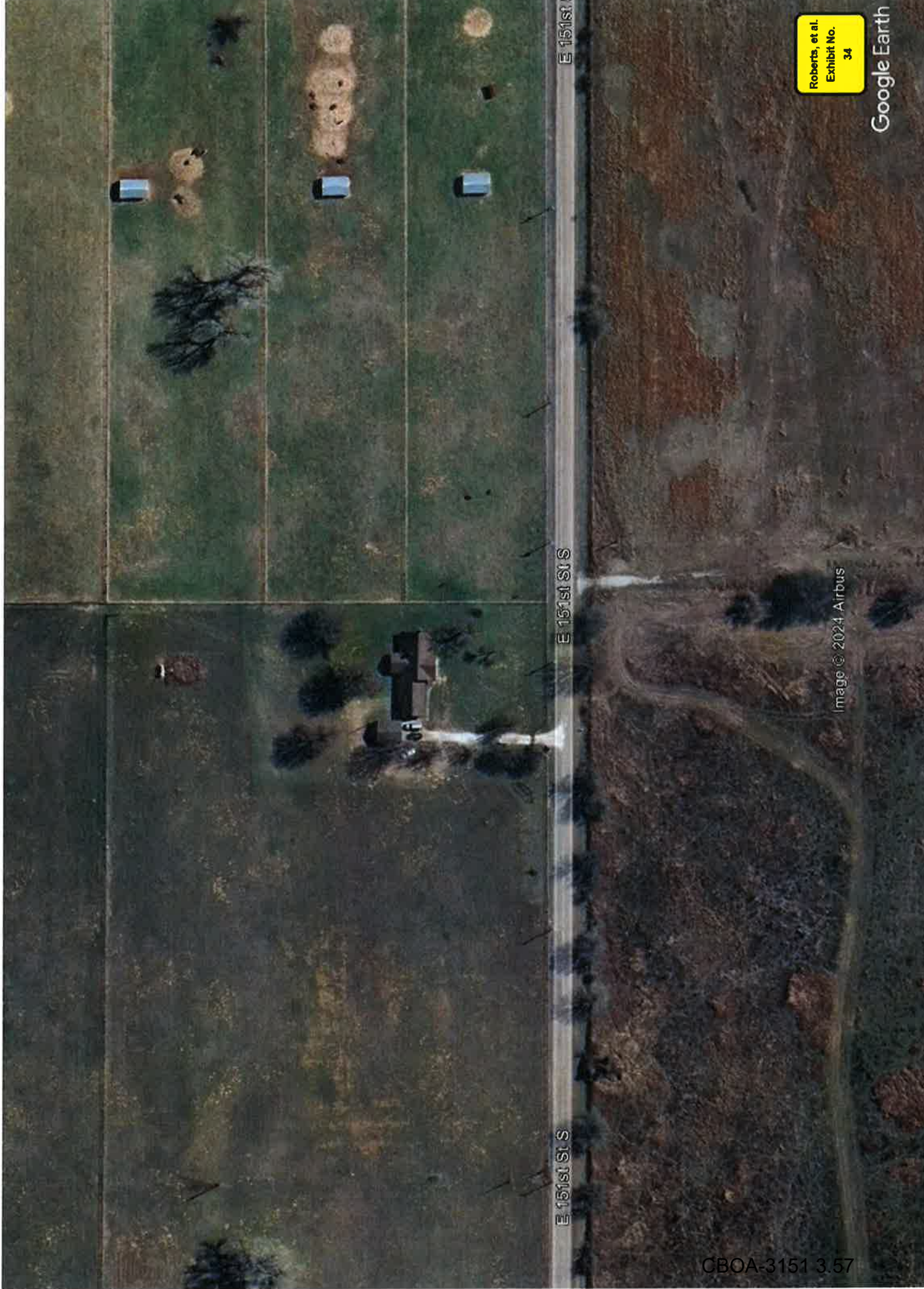
Riverview Sod

Arkansas River

Arkansas River

CBOA-3151 3.56



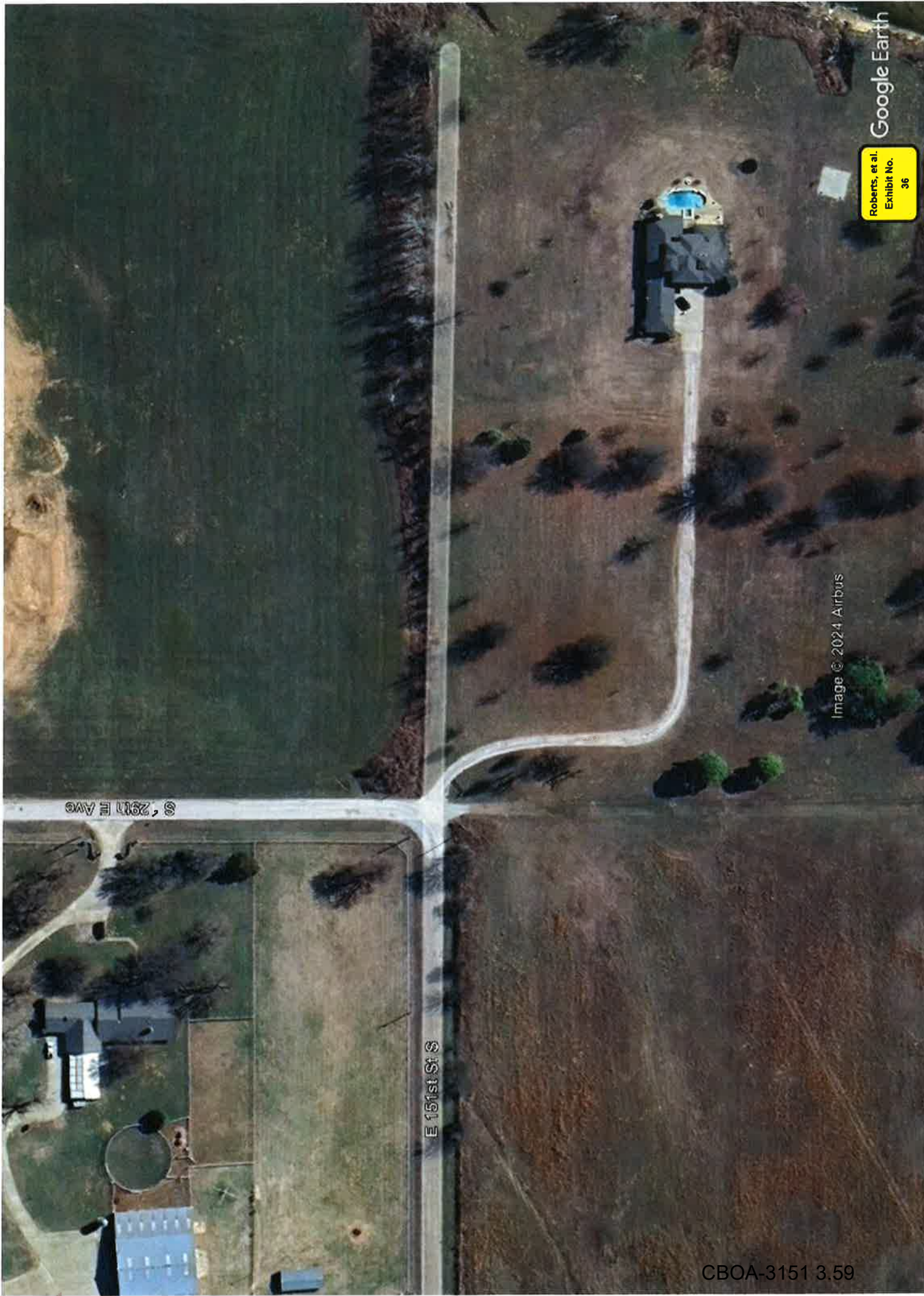






97421-74-21-52120-001 (7/2012)





Roberts, et al.  
Exhibit No.  
36

Image © 2024 Airbus





Indian Springs Baseball Complex

Broken Arrow Soccer Complex

W Stevenson St

Broken Arrow Adult Softball

Indian Springs Soccer Complex

Arkansas River Indian

Roberts, et al.  
Exhibit No.  
37

Image © 2024 Maxar Technologies

Arkansas River

Google Earth









Roberts, et al.  
Exhibit No.  
39

Google Earth



# Complaint Letter

March 16, 2024

**Deborah O'Hara**

15101 S. 129<sup>th</sup> East Ave.  
Broken Arrow, OK. 74011

Dear Sir or Madam,

I am sending this complaint letter to bring a profoundly serious matter to your notice. I have continuously requested for a thorough review of this matter from the Emergency Management office (Tulsa County, Broken Arrow), Army Corp of Engineers, Tulsa County, Tulsa County Commissioner's office, ICOG, OK Commission of Mining, Creek Nation, FEMA, OK State and Federal House and Senate Representatives. Unfortunately, even with my best efforts, I have not received any assistance nor has anyone attempted to review the matter explained below. I felt compelled to document my grievances formally, in hopes of finally soliciting the attention it warrants.

My property is located on the Arkansas River at 15101 S. 129<sup>th</sup> East Ave., Broken Arrow, Oklahoma 74011, which lies in Tulsa County. The area that my property is located in is a designated 100 Year flood zone, designated as AG. On Wednesday, March 6<sup>th</sup>, 2024, a representative, Chad Synder, from Anchor Stone left a message on my phone that stated they were planning to do something on the property just south of my home and wished to discuss how this would affect me. They mentioned they were going through the permitting process and wanted to explain their proposal. I did not return their call, but instead decided to discuss the matter with the Tulsa County permitting office.

On Friday, March 8<sup>th</sup>, 2024, I met with the permitting office to understand their process and to express my concerns. Specifically, the danger of flooding and the impact this would have on the natural topology and forestry along the river in the proposed permit location. In May 2019, the properties located around my property were flooded due to the Arkansas River breaching the embankment, overflow of the underground water table and the removal of the natural terrain along the river, specifically at the three sand plants to the north of my property. During that time, the water completely saturated the area for days. The street, 129<sup>th</sup>, Street South was completely underwater and closed off between 151<sup>st</sup> street from 141<sup>st</sup> street along 129<sup>th</sup>. While the levees just north of the Haikey Creek did protect the neighbors to the north of it, the water funneled into the Indian Springs Sports Complex which is located behind two sand plant operations. All residents along 129<sup>th</sup>, street south of the Haikey Creek areas had to evacuate, due to the high waters and unknown probability of risks.

In comparison, during the May 2019 flood, my property was still accessible and least impacted by the flooding, I attribute the cause to the existing contours of the terrain, the 200 acres of forestry, and the higher embankment that currently exists on proposed sand mining site.

Further, I wish to express other concerns with this sand plant proposal. I have owned my property for nearly 20 years and have numerous experiences and extensive insights that should be considered prior to any approval of the CBOA-3151 request. See the following below:

- Infrastructure

- The existing roadway on both 129<sup>th</sup> street and 151<sup>st</sup> street are built to allow for two vehicles to pass; one vehicle must pull off the road to allow safe passage on 129<sup>th</sup> from my home going north towards the Haikey Creek bridge.
- My fear is that the bridge is not built for the weight of trucks filled with sand and dirt. With the additional traffic caused by adding another sand plant, I believe could collapse the bridge. I have the same concern with many of the bridges along the affected arteries.
- The roads, 129<sup>th</sup>, 151<sup>st</sup>, 141<sup>st</sup>, and Garnett do not meet the secondary arterial standards as documented on the INCOG website. In fact, the site designated the road conditions as extremely poor.
- The roads not only support the residents and farmers within the area, but also the Haikey Creek Water Treatment Semi-trucks and their vehicles, all the Farm equipment and their vehicles, as well as the three existing sand plant semi-trucks, dump trucks, and their vehicles. Thus, causing the worsening of the existing potholes and damaging asphalt along the roads.
- This operation will involve additional heavy trucks on the roadways, leaving the homeowners and farmers with worsened road conditions to travel daily.
- The corner of 129<sup>th</sup> and 151<sup>st</sup> is a curved road and the location of my entrance into my property, the available asphalt for these large trucks to turn, is not an easy path. The truck tires often utilize my gravel drive to make the turn thus creating large ruts that I must drive through to enter in and out of my property onto the paved road.
- The current conditions of the curve have led to numerous vehicles missing the turn and crashing into my property thus taking out gates, powerlines, telephone poles, and fencing that require repair at my expense.
- There is no county drainage infrastructure along the roadways, it has been the responsibility of each landowner to manage their runoff from heavy rains. As a result, the runoff in front of the existing sand plants puddles about 2ft deep into the street along 129<sup>th</sup> Street.
- Road route from 151<sup>st</sup> along 129<sup>th</sup> to the creek turnpike (3.5 miles), include very old bridges along the route that are in poor condition. The City of Broken Arrow and Tulsa County have no existing plans to replace the road surfaces or bridges to support the additional trucks.
- The road route along Garnett from 151<sup>st</sup> to 131<sup>st</sup> (Jasper) (2.0 miles), has the same issues and the City of Bixby, Broken Arrow and Tulsa County have no existing plans to replace the road surface or bridges to support the additional trucks.
- The road route along 131<sup>st</sup> (Jasper) both east and west also have the same poor conditions, the City of Bixby and Broken Arrow do not currently have any existing plans to replace the road surface to support the additional trucks.
- Traffic Counts have grown over the past 5 years in this area, adding delays to commuters. Additional trucks on the roads will only worsen the road surfaces.



- The bridge between Garnet and Mingo on 131st, known as the White Church Creek Bridge failed inspection and had to be replaced summer 2023, commuters, school traffic including Bixby School busses were forced to take 3-mile detours to get to their destinations.
- Bixby East Intermediate and Elementary schools will be impacted by the additional truck traffic along 131<sup>st</sup> between 129<sup>th</sup> and Garnett.
- South Broken Arrow and Bixby have seen rapid growth in this area, adding to the need for improved infrastructure, unfortunately that is slow coming.
- Currently this area is seeking a floodplain risk review to change the zoning risk level from a 1% chance of flooding in this 100-year flood zone to a lower level, with the existing topology. The impact of the proposed sand plant should warrant thorough review regarding it's impact to the floodplain.
- The City of Broken Arrow plans to build a riverfront destination along the Arkansas River, (Aspen Landing, South Broken Arrow, which includes adding a road that exits from Indian Springs onto Olive St.). While this is years out, having the area remain a greenspace is what the voters asked for regarding this area.
- The City of Bixby plans to build a riverfront destination along the north and south side of the Arkansas River, with shops and restaurants. A sand plant operation would not be fitting for this setting.
- The INGOG Go Plan includes Trails running along the river through the proposed property greenspace. A sand plant would not create the quality of life experience that the community is expecting.
- There are no levees in the area along the river embankments, the existing natural elements are all that exist to keep the river on course. The proposed sand plant will remove the trees and natural environment and change the natural contours of this area. I expect this will change the level of severity and direction of flood waters when the river rises, putting the existing farms and homes in the area at risks of flood damage.
- I cannot drive my vehicle in a straight line at 35 MPH down 151<sup>st</sup> or 129<sup>th</sup>, because I must dodge the potholes or risk damaging my vehicle. The trucks won't stop or pull over. Forcing me to stop as they pass.
- Environment
  - The noise in the riverbed travels differently than across open land. During operations, the sand plant operation creates the sound of a dragster. The echo carries for miles, i.e. I can hear the cars crossing the Bixby bridge three miles away every morning starting at 6 AM due to the echo in the river channel. Having the operation next door would worsen the amount of noise.
  - The sand plant operation creates dust which blows around the area and finding its way into my HVAC. I have replaced two of three Air Conditioning units due to debris collecting in the blades after six years in operation.
  - The roadways get littered with trash from the drivers. Nails, hardware, and miscellaneous debris fall off the trucks as they travel the roads causing damage to my vehicle tires. From the time Anchor stone opened their business until they shut down operations, (4 years or so), I replaced tires on my car at least twice a year due to nails. After the operation shut down about three years ago, the problem went away.

- The forest on the proposed site is home to bald eagles, mountain lions, bobcats, deer, foxes, several types of birds, and other wildlife. Birdwatchers often visit my property to view the birds in their natural habitat. I have hosted wildlife rescue groups that released their rehabilitated eagles on my property. Removing the existing natural elements would disturb the lives of these animals.
- This area is one of the only remaining natural areas left along the north side of the Arkansas River in Tulsa County. The growth over the past 25 years has diminished much of the nature.
- Early morning, before the sand plant opens the trucks line up along the roads.
- When traveling behind the trucks leaving the sand plant, the debris hits your car. The trucks are difficult to pass due to the narrow road and difficult to see around. Therefore, you are stuck behind them for miles when commuting to work along 129<sup>th</sup> Street to the Creek Turnpike.
- Past Experience with Anchor Stone
  - Anchor Stone does not always stop their operations at 5PM or 6PM Monday through Friday, sometimes they do operate on weekends and at night.
  - One morning in the fall of 2019 or 2020, I woke up due to a loud banging sound, and beeping noise from a large backhoe at 5 AM. After the sun came out, I could see the vehicle tearing down a tree on the south end of my property along the embankment of the river. On my way to work, I stopped by their shop to discuss the matter and inform them I owned the land to the center of the river. They denied doing anything. Later they left a card in my mailbox and asked me to contact them. I met with them, and we looked at my embankment. They had dug out the riverbed, including several areas along my property and my neighbors'. They stated they could fix it and never did. A few days later I noticed they had also taken the 12"-18" boulders off the side of my embankment and placed them in a pile out in the center of the river on the sandbar in front of my property riverbed.
  - From 2005 to 2019 I had a private sandy beach year round. I could walk down to it and across it as far out as the center of the river. Since the time mentioned above the beach never returned. People will say that the river flow will replenish the sand, but it never did. I have no beach to walk out to.
- After Hours
  - On the weekends you can still hear the machines from the sand plant, they had previously committed to operating on weekdays only and did not comply with that commitment to the community.
  - At night, the sand plants turn on spotlights that shine into my bedroom directly. Between all the sand plants there are at least eight spotlights shining directly into the windows all night.
  - The sand plants operate fan boats, which are as loud as dragsters, and they continue to pass through my property both during daytime and nighttime hours, as late as midnight. These sand boats come down to my property and my neighbors and park at night. Then you can hear them splashing in the water like they are moving large objects around. They generally stay around for an hour or so, and after they leave you can hear the sound of a motor pumping something.



- Real Estate

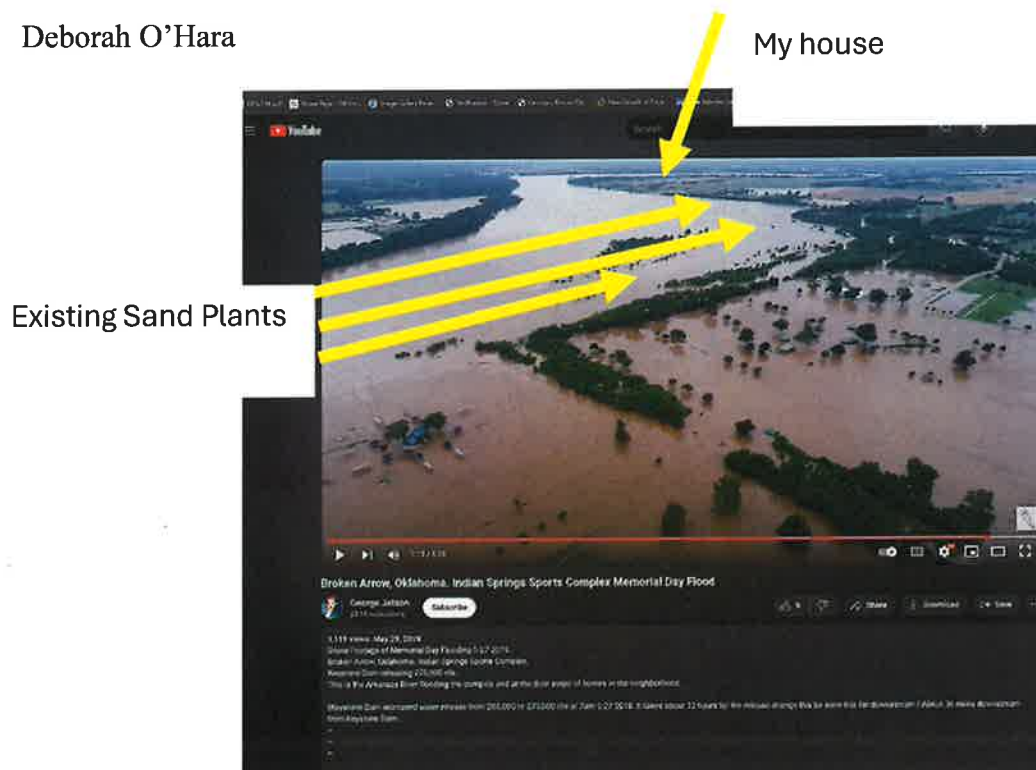
- I built my house in 2009 for about \$900k, the current market-value in AG zone is about \$1.2M. This proposed sand plant will depreciate the value greatly. No one would want to purchase next to this kind of operation.
- I built my house above the existing 100 year floodplain requirements, the May 2019 Flood was a test to assure the house was safe from damage. The river did breach, and water entered onto the property about 20' from the top of the embankment. However, I did not receive runoff from the property south of mine. If my property were to flood, the flood insurance would not cover the damage in full. My home is my life savings, and all the content is the story of my life. I will not be able to recover or replace in full.

Allowing approval of this operation is not only going to negatively affect my quality of life but will also affect the surrounding community. I do not believe a thorough review has been completed with all the stakeholder agencies weighing in on the possible effects this type of business will have to this area. Therefore, I request that you deny CBOA-3151.

I urge you to act on this complaint letter promptly. Your attention to this matter would be appreciated by myself and our community. And it would inevitably contribute to my quality of life and my overall experience with your office or agency. I look forward to seeing a productive resolution soon.

Sincerely,

Deborah O'Hara



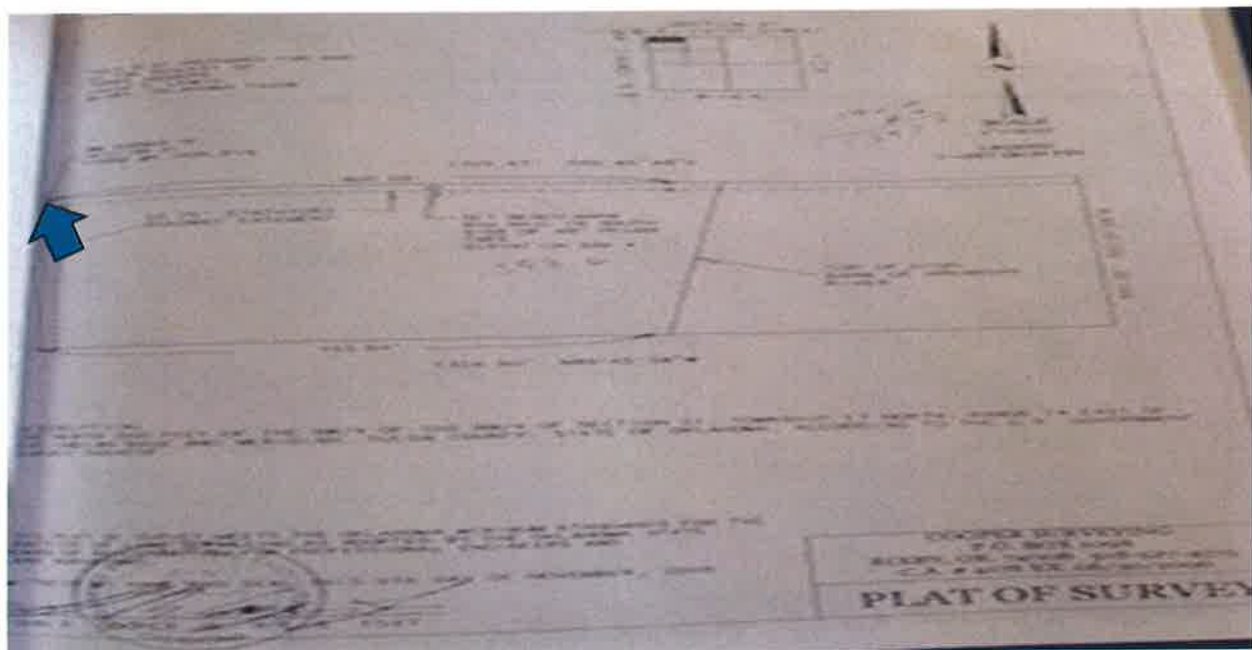
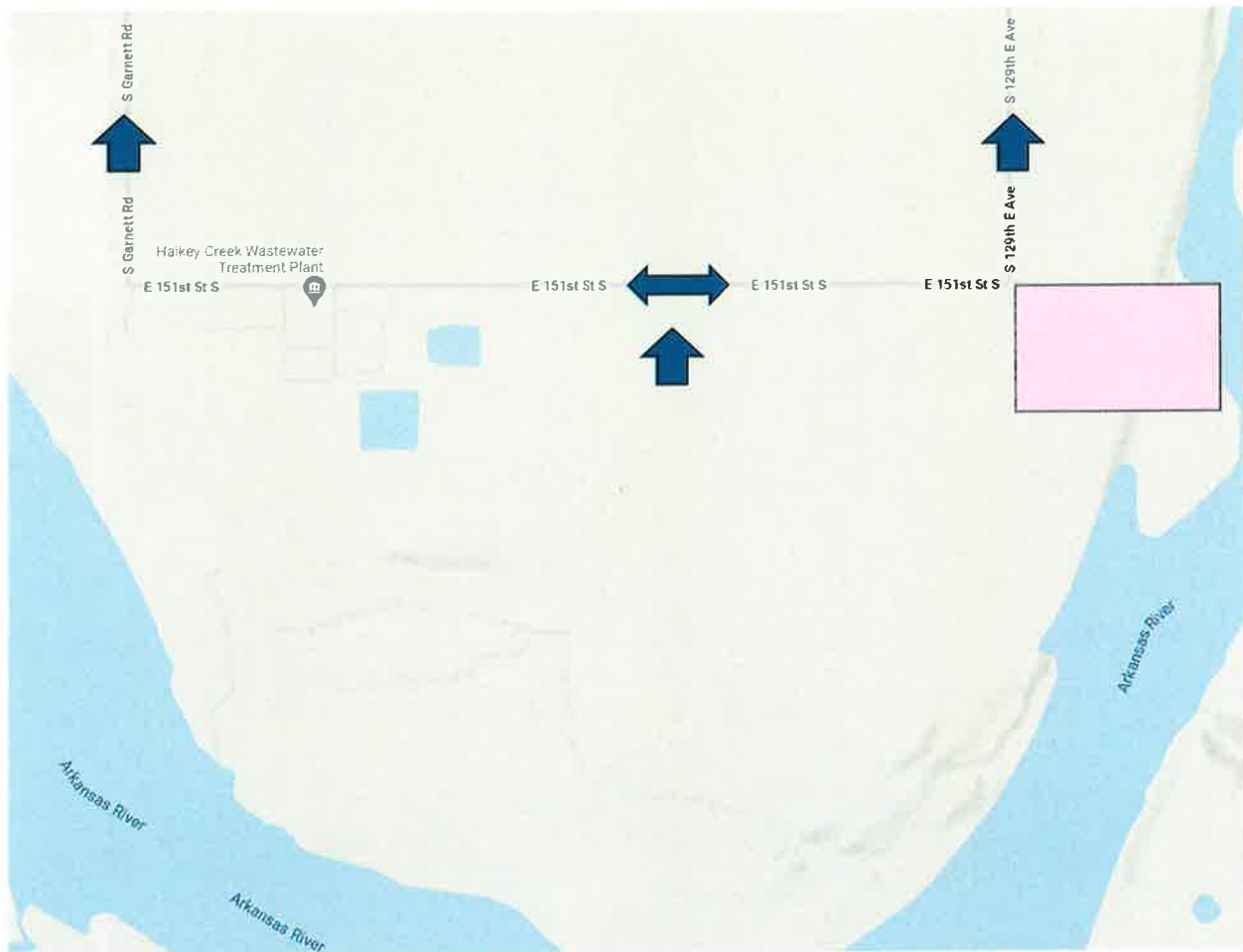


In front of existing Sand  
Plants after heavy rainfall on  
129<sup>th</sup> street southbound  
towards 151<sup>st</sup> street



May 2019 Flood,  
Arkansas River  
My property

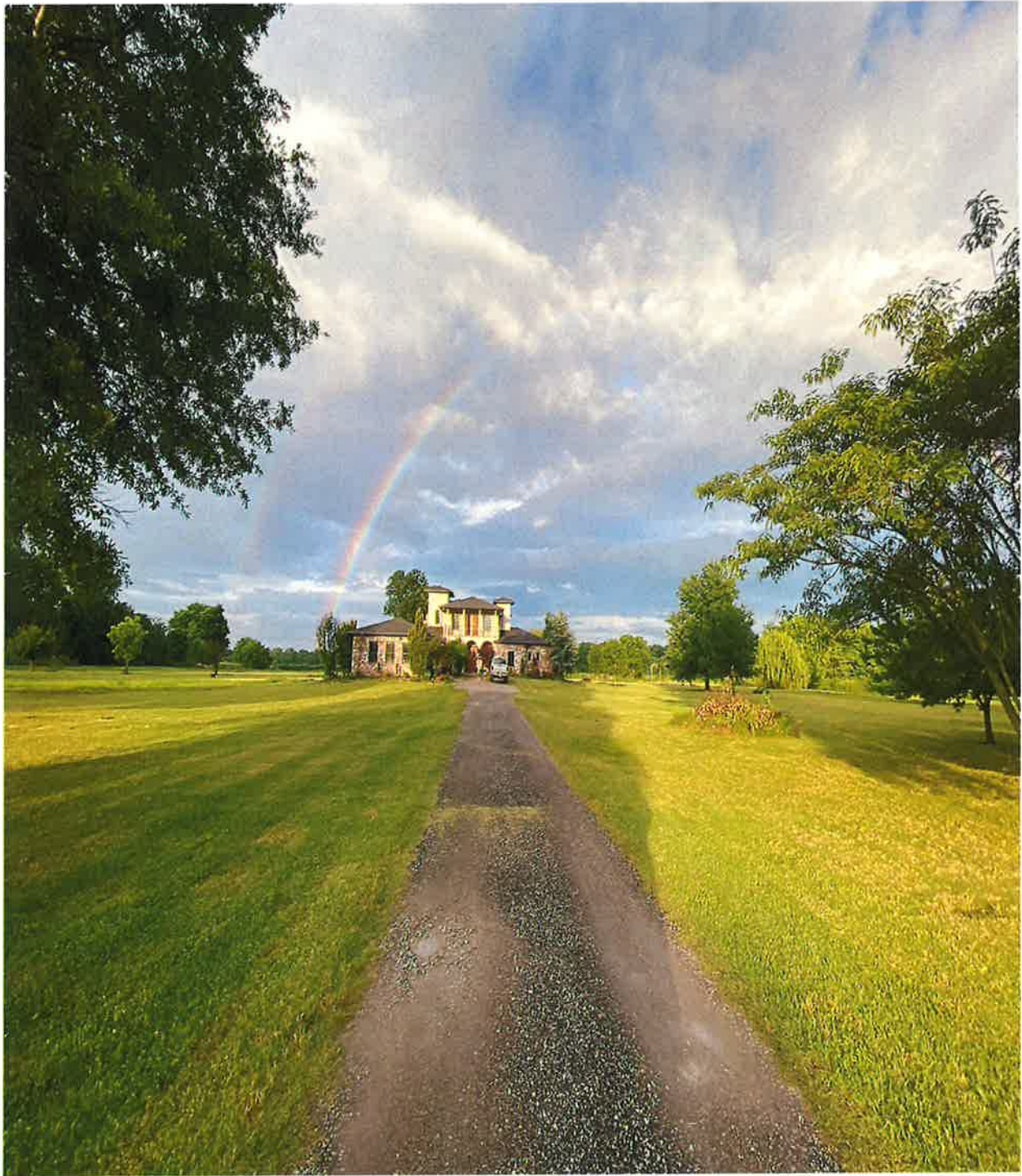



















CBOA-3151 3.74




DES-300.pdf Home Page - Click... Image Gallery Page... Verification - IDme George's Broom Co... New Growth - Expo... www.linkedin.com Evergreen Cottage... New House Plans... Guest Cabins with... New Tab Rawtr...

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1:19 / 1:18

### Broken Arrow, Oklahoma. Indian Springs Sports Complex Memorial Day Flood

 **George Jetson**  
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1,119 views · May 29, 2019

Drone Footage of Memorial Day Flooding 5-27-2019.  
Broken Arrow, Oklahoma. Indian Springs Sports Complex.  
Keystone Dam releasing 275,000 cfs.  
This is the Arkansas River flooding the complex and at the door steps of homes in the neighborhood.

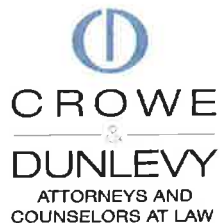
(Keystone Dam increased water release from 265,000 to 275,000 cfs at 7am 5-27-2019. It takes about 12 hours for the release change this be seen this far downstream.) About 36 miles downstream from Keystone Dam.

~  
~  
~



CBOA-31513.76





Malcolm E. Rosser IV  
Direct Tel: (918) 592-9855

mac.rosser@crowedunlevy.com

March 17, 2024

**VIA EMAIL**

Jay Hoyt  
INCOG  
2 West Second Street  
Suite 800  
Tulsa, OK 74103

Re: Tulsa County Board of Adjustment  
Case No. CBOA-3151

Dear Jay:

I am writing to follow up on our phone conversation of March 15. As I mentioned in that call, I am requesting that the referenced application, currently scheduled to be heard by the Tulsa County Board of Adjustment on March 19, 2024, be continued to April 16, 2024.

I was first contacted by several landowners in the area of this application on Thursday, March 14. As you might imagine, they have numerous questions and concerns. There are numerous technical issues which are involved in an application for sand and gravel mining operations in the Arkansas River.

One of the affected landowners, Deborah O'Hara, did not receive any notice at all. She lives at the corner of 151<sup>st</sup> Street and 129<sup>th</sup> East Avenue and thus would be significantly impacted by this application. She has not had time to evaluate the application. All of the affected landowners need more time to determine the effect that the proposed mining operation would have on their property and to prepare a response. For all those reasons, I request that the March 19 hearing be continued to April 16.

Very truly yours,

  
Malcolm E. Rosser IV  
For the Firm



March 18, 2024

Tulsa County Board of Adjustment  
Williams Tower I, St. Francis Room  
1 West 3<sup>rd</sup> Street  
Tulsa, OK 74103

INCOG  
c/o Jay Hoyt, Tulsa County Board of Adjustment Administrator  
175 E 2<sup>nd</sup> St., 4<sup>th</sup> Floor  
Tulsa, OK 74103

**Subject: CBOA-3151 Special Exception to permit Use Unit 24, Mining and Mineral Processing in an AG District (Section 310, Table 1)**

Dear Board Members:

On behalf of the City of Broken Arrow, I am providing comment on the above-referenced request for a Special Exception by Anchor Stone for a sand mining operation scheduled to be heard by the Tulsa County Board of Adjustment on Tuesday, March 19, 2024 at 1:30 p.m.

The City of Broken Arrow's objections to this request are summarized as follows:

- The project site of this request is within the City of Broken Arrow fence-line and may potentially be annexed into the city limits.
- The proposed mining and processing of raw materials use is not in conformance with the City of Broken Arrow Comprehensive Plan because it is in an area that is designated as Greenway/Floodplain.
- The City of Broken Arrow zoning districts in which the proposed use is permitted are not in conformance with the City of Broken Arrow Comprehensive Plan designation of Greenway/Floodplain.
- The site of the proposed sand mining operation is partially within a floodway and partially within a floodplain. The City of Broken Arrow does not permit development within a floodway or floodplain other than flood-tolerant land uses as cited in Section 25-317 (Stormwater Management Program) of the Broken Arrow Municipal Code (including parks, open space, golf course, parking lot, agricultural uses, and regional detention facilities).
- A Specific Use Permit is required for approval of mining and processing of raw material uses in the City of Broken Arrow. It is not likely that a Specific Use Permit request would be supported, should this property be annexed into Broken Arrow, given that the use is not in conformance with the Zoning Ordinance, Comprehensive Plan, and the Stormwater Management Program.
- The proposed sand truck daily traffic will impact the safety, noise and quality of life of Broken Arrow residents.



The subject property is located in an unincorporated area of Tulsa County that is within the fence-line of the City of Broken Arrow. As such, there is potential that this property may be annexed into the city limits in the future. The City is concerned that properties within the fence-line are not in conformance with the City of Broken Arrow Zoning Ordinance and the Future Development Guide of our Comprehensive Plan.

The Broken Arrow Zoning Ordinance allows the mining and processing of raw materials in Agricultural (A-1) and Industrial Heavy (IH) zoning districts with approval of a Specific Use Permit. The City of Broken Arrow uses a Land Use Intensity System (LUIS) to classify properties in the Future Development Guide that includes seven (7) levels of land use intensity. The LUIS system designates which zoning districts are allowed in each level to be in conformance with the Comprehensive Plan. According to the LUIS system, A-1 zoning is in conformance in Level 1, and IH is in conformance in Level 7. In addition to the seven (7) levels are land use areas designated as Greenway/Floodplain, Public Recreation, Private Recreation, and Public/Semi Public. The property that is the subject of this Special Exception request is designated as Greenway/Floodplain on the Future Development Guide. The proposed mining and mineral processing use on this site would not be in conformance with the Comprehensive Plan in the Greenway/Floodplain designated area.

The Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), indicates that a majority of this property is a floodway area and other portions of the site are in floodplain (see FIRM, Flood Insurance Rate Map Number 40143C0465L and 40143C0454L). Areas that are designated as floodway and floodplain within the City of Broken Arrow are zoned Floodplain District (FD) and are designated as Greenway/Floodplain in the Comprehensive Plan. Further, the proposed sand mining use is not designated as a permitted use outlined in the Stormwater Management Program (Section 25-317) of the Broken Arrow Municipal Code. Only flood-tolerant land uses such as parks, open space, golf course, parking lot, agricultural uses and regional detention facilities may be permitted in areas designated as floodway or floodplain. Therefore, the proposed sand mining use is not in conformance with the Zoning Code, the Comprehensive Plan, or the Stormwater Management Program.

The City of Broken Arrow also has safety and quality of life concerns due to the increased truck traffic that the proposed sand mining operation will have on residents and on our community. According to the information provided in the application packet, the sand will be extracted from along the Arkansas River along the southern portions of the subject tracts. Access to the tracts will be via a connection to E 151<sup>st</sup> St. S, should this request be approved. All area roadways that lead to the access (151<sup>st</sup> Street, 141<sup>st</sup> Street, Garnett, 129<sup>th</sup> Street) are two-lane roadways in this section of Broken Arrow. The additional volume of semi-truck traffic will increase the already-existing impact of sand mining operations on local traffic and roadways and increases concerns related to safety, noise and quality of life.

In closing, we have concerns that this Special Exception request is not in conformance with the Comprehensive Plan, has potential adverse effects on public safety and quality of life, and has potential adverse effects on proximate land uses, specifically, those on the City of Broken Arrow and within its fence-line. Accordingly, we recommend the Board deny the application.

Sincerely,

A handwritten signature in blue ink, reading "Michael L. Spurgeon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael L. Spurgeon,  
City Manager

Cc: Kelly Dunkerly, Tulsa County Commissioner  
Broken Arrow City Council  
Trevor Dennis, City Attorney  
Grant Rissler, Interim Community Development Director  
Jennifer Rush, Economic Development Director

MLS/jmr



**Hoyt, Jay**

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**From:** Becky Colt <becky@fmidr.com>  
**Sent:** Tuesday, March 19, 2024 8:47 AM  
**To:** esubmit  
**Subject:** Fwd: Reference CBOA-3151

Good morning,

My family and I are very much concerned with the possible sand plant and DO NOT want it to come forth.

There are eagles' nests, deer, and many other wildlife that live in that entire area. It would not be in the environment's best interest.

The road conditions are already bad, failure to secure loads that cause damage to roads and other vehicles, drivers that think they own the road because they drive a big truck.

There are already two sandpits down there and the two lane roads through residential areas aren't made for all that.

The elementary school children in the crossing zone is a huge concern as well.

We had zero notification about this and heard about it through the grapevine the day before the meeting, very unacceptable.

It would be injurious to the neighbors, and public welfare, and we just hope they reconsider it.

Thank you for your time and consideration.  
Becky Colt

**Hoyt, Jay**

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**From:** Russ Platten <edward.judy.platten@gmail.com>  
**Sent:** Monday, March 18, 2024 11:58 PM  
**To:** esubmit  
**Subject:** CBOA-3151

We are opposed to allowing this company to start mining on this property, and request that you deny this case.

Thank you.

Edward Russell Platten and Judith Ann Platten  
4302 W. Vicksburg Pl.  
Broken Arrow, OK



**Hoyt, Jay**

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**From:** Carey Martin <carey.martin40@yahoo.com>  
**Sent:** Tuesday, March 19, 2024 6:35 AM  
**To:** esubmit  
**Subject:** Sand Company, 151st and Garnet

We live down the street from two different sand companies and have experienced dangerous driving. An almost had an accident with me and my children from one of the trucks running a red light. The streets have been destroyed and are continuing to deteriorate because of the heavy trucks and single lanes with no curves Around our area. I also have concerns for my latchkey children who catch the bus every morning because I was told that they do not keep record of any of the truck drivers is a cash pick up only and no of the drivers or company they work for. The noise even with a new policy is constant and takes away from the purpose of purchasing in this area, peace,quiet,, and the sound of nature. We are opposed to the addition of any more sand companies in the Bixby/South Broken arrow area.

Sincerely,  
Damon & Carey Martin  
Hickory Hills

**Hoyt, Jay**

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**From:** Kyler Mehl <kmehl5015@gmail.com>  
**Sent:** Tuesday, March 19, 2024 7:48 AM  
**To:** esubmit  
**Subject:** OPPOSE CBOA-3151

My name is Kyler Mehl and I own a home in the area. I STRONGLY OPPOSE THE PASSING OF THIS MOTION. These trucks are dangerous and have had a history of being just that. They do not obey the rules of the road or any safety laws. I've been ran off the road several times, resulting in thousands of dollars to my cars. Our roads are also an issue. They are already crap and these trucks will make things worse. They will also impact our daily commute and this plan could potentially impact our property values. I strongly encourage not passing this. I was behind getting Holliday sands to go somewhere else with a petition raising over 1000 signatures and a record breaking hearing with over one hundred people in attendance. I will take this to the state level if need be. Do not pass this!!!

Kyler Mehl



**Hoyt, Jay**

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**From:** Brittany Fowler <brittfowler@live.com>  
**Sent:** Tuesday, March 19, 2024 8:09 AM  
**To:** esubmit  
**Subject:** CBOA-3151

Hello,

I'm writing this email today to oppose CBOA-3151. There are many reasons the sanding and mining company would be harmful. The roads are already in terrible condition and not meant to hold trucks of that capacity. Also, people driving their families in cars that have been known to run cars off the road in the past. The trucks are very loud, too big, and create more damage to the already horrible roads. Those single lane roads cannot handle more traffic getting to the major highways. This is terrible for the families that live around this area, including mine.

Brittany Fowler

**Hoyt, Jay**

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**From:** Lesa Hunter <lesahunter14@gmail.com>  
**Sent:** Monday, March 18, 2024 4:15 PM  
**To:** Hoyt, Jay  
**Subject:** Sand Plant Protest

My name is Regina A. Hicks and I live at 13330 S. 129th E. Avenue. I would like to say I'm in protest of a Sand Plant by Acre Stone being added to the several already existing sand plants in my area. The large trucks are tearing up our main street (129th) and most trucks drive way too fast by our homes. There are many children who live in our area and increased sand truck activity would definitely add to the safety concerns. In addition, the noise level is already very loud and more trucks would increase this problem. Furthermore, the addition of another sand plant and its trucks will not positively affect our property values.

Sincerely,

Regina A. Hicks  
Sent from my iPhone



March 13, 2024

Jay Hoyt  
Land Development Planner  
Tulsa County Board of Adjustments  
C/O INCOG, 2 W. Street, Suite 800  
Tulsa, Oklahoma 74103

Re: CBOA 3151

Dear Mr. Hoyt:

Enclosed, you will find the signed letter of opposition to CBOA-3151. You have already acknowledged the receipt of the emailed copy.  
Thank you for your consideration.

Sincerely,



Madelon Roberts Austin

March 12, 2024

Tulsa County Board of Adjustment  
C/o INCOG. 2 W. 2<sup>nd</sup> Street., Suite 800  
Tulsa, Oklahoma 74103

Re: Case # CBOA-3151, Special Exception to permit Use 24-Mining and Mineral Processing in an AG District (Section 310, Table 1)

Dear Sirs:

I, Madelon Roberts Austin, acting for and on behalf of the owners with land, (a legal description of land owned by George Roberts et al as Exhibit "A" containing 103 +/- acres is attached), located adjacent to the property owned by B.T. Carter to the South and the 30 foot right of way that B. T. Carter owns to the West side of our property, do object to the change as requested by Anchor Stone.

First of all, I am alarmed that you would give such a short notice to such an important issue. In addition, removing sand and minerals would more than likely reduce the value of the adjoining properties in that there would be constant truck traffic , dust and noise created by the mining operation that would impact the quite enjoyment of the land surrounding this property. The widening of the ROW for B.F. Carter with the city of Tulsa to 100 feet alone shows what to expect with regard to a mining operation. Constant, large trucks will be traveling to 151<sup>st</sup> street to leave the area. What department of the county will insure that 151<sup>st</sup> street is not destroyed when trucks leave the private ROW and enter onto that street. With regard to the lease of Tulsa county property, it sounds like that deal is already done before a permit is turned down or granted.

What has B.T.Carter provided to the County, that is a part of the application, that justifies changing the use of the land. That is supposed to be a part of the application as I understand the form and the adjacent landowners would like to see the justification. In addition, is this Special Exception got a time limit or is it granted forever?

Does the county control the clearing of this land for the ROW that exists and will be added to? Someone has already gone on to the Roberts property and cleared land for vehicles that was not approved. There never has been a fence separating the Roberts property from the B.F. Carter, because the ROW has not been unused for decades. If, for some reason this permitting is approved it is request that Anchor/Carter erect a fence separating their property from that of the Roberts along the entirety of the property line.

Does the permitting process take into consideration the flood plain as it pertains to this mining use and operation? Who makes that determination and has that determination been made already? The land in question for mining is at the bend in the Arkansas River, and I would like to know how the County insures that this mining operation does not interfere with the course of the river or the flood plain? Does the Tulsa County Engineer, Corp of Engineers, FEMA or the Oklahoma Flood Plain Manager have an interest in this application?



You only have to look at sand and gravel operations in the near vicinity of this property to see how the property is devastated after the removal of sand, gravel and other minerals is ceased. For these reasons and all the unanswered questions listed above we, as property owners adjacent to this land in question, are opposed to the granting of this Special Exception applied for by B.T. Carter.

Sincerely,

A handwritten signature in cursive script that reads "Madelon Roberts Austin". The signature is written in dark ink and is positioned below the word "Sincerely,".

Madelon Roberts Austin

**Exhibit "A"**

**Legal Description:**

The cultivated, cropland, tillable soil that is a portion of the following described parcels of land shown to be owned by George Roberts III ETAL, in Tulsa County, Oklahoma:

Tulsa County Treasurer's Office Parcel # 97420-74-20-00010 Legal description: E/2 NE LESS W30 THEREOF & LESS BEG 2418.22S NEC NE TH SW292.73 W1122.42 N443.26 NELY 1469.75 S871.88 POB SEC 201714

53.8 Acres

Tulsa County Treasurer's Office Parcel # 97421-74-21-51500 Legal Description: PRT GOV LT 4 BEG 1546.34S NWC NW TH NE345.25 SE278.02 SWLY 917.89 N871.88 POB SEC 21 17 14

6.18 Acres

Tulsa County Treasurer's Office Parcel # 97421-74-21-49520 Legal Description: GOV LTS 3 & 4 LESS N500 GOV LT 3 & LESS BEG 1546.34S NWC NW TH NE345.25 SE278.02 SWLY 917.89 N871.88 POB SEC 21 17 14

19.15 Acres

Tulsa County Treasurer's Office Parcel # 97420-74-20-05620 Legal Description: PRT SE NE BEG 2418.22S NEC NE TH SW292.73 W1122.42 N443.26 NELY1469.75 S871.88 POB SEC 20 17 14

23.94 Acres

Tulsa County Treasurer's Office Parcel # 97420-74-20-05500 Legal Description: PRT SE NE BEG SECR NE TH N TO PT 2418.22S NL NE SW292.73 E TO POB SEC 20 17 14

.483 Acres



**Hoyt, Jay**

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**From:** Susan Bevard-Bagwell <sbevard\_bagwell@yahoo.com>  
**Sent:** Monday, March 18, 2024 8:29 PM  
**To:** esubmit  
**Subject:** CBOA-3151 Hearing March 19th at 1:30

To the Board of Adjustment, County of Tulsa, Oklahoma:

I ask you to please deny the request for Special Exception to allow Anchor Stone to have a sand plant on S 151st St between Garnett & 129th East Ave, Broken Arrow, OK. I live off of 129th East Ave and this is not a suitable business for this residential/agricultural area. 129th East Ave is horrible and so bad in places, two vehicles can not pass, much less an 18 wheeler truck full of sand weighing over 80,000 pounds. The noise pollution from the equipment at other sand plants on 129th has been destructive to me being able to enjoy my property and this doesn't even include the noise from the trucks coming and going. Trucks hauling sand can't possibly shut down fast enough if a vehicle pulls out onto 129th East Ave in front of them when they are loaded with 80,000 pounds. Often times we have to listen to them jake breaking as well. There are numerous students walking to the school on 131st St and to the Dollar General on 131st, the additional truck traffic will not be safe for the students or the drivers as they couldn't stop fast enough if a child decided to run out in front of them and we all know kids don't pay attention to oncoming traffic like they should. This area is not suitable for such an industrial business, the roads cannot handle the additional large trucks and the neighbors shouldn't have to deal with this. Another sand plant will also cause my property values to go down; however, I am sure my property taxes will not go down. The area where the rock quarries and plants are north of Tulsa near Owasso/Catoosa have very nice, wide roads to accommodate the large trucks, we don't in the southwest section of Broken Arrow. Please, deny this request for a Special Exception.

Gary Bagwell

## Hoyt, Jay

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**From:** Susan Bevard-Bagwell <sbevard\_bagwell@yahoo.com>  
**Sent:** Tuesday, March 19, 2024 8:47 AM  
**To:** Hoyt, Jay; esubmit  
**Subject:** CBOA-3151  
**Attachments:** Riverbend Ranch 15088 S 129th E Ave.jpg

the 2nd picture if the house immediately across the street from the proposed sand plant as it was taken standing in front of the gate where the entrance will be to the plant. the 3rd picture is another home just to the left of the Kaiser property in the 2nd picture. The 4th, 6th photos show Riverbend Ranch and home at 15088 S 129th E Ave. The 5th photo shows Debra O'Hara's home on the corner. Please include these photos in the packet to the Board of Adjustments hearing this afternoon. More photos coming of additional homes and the narrowness of the road. Gary Bagwell



**Hoyt, Jay**

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**From:** Susan Bevard-Bagwell <sbevard\_bagwell@yahoo.com>  
**Sent:** Tuesday, March 19, 2024 8:54 AM  
**To:** Hoyt, Jay; esubmit  
**Subject:** Photos CBOA-3151  
**Attachments:** 20240319\_081930.jpg; 20240319\_081932.jpg; 20240319\_081958.jpg; 20240319\_082033.jpg; 20240319\_082128.jpg; 20240319\_082159.jpg; 20240319\_082244.jpg; 20240319\_082103.jpg

Please find photos of the 2 existing plants in operation currently on 129th East Ave along with pictures of the horrible road conditions on 129th East Ave. They may say these two plants are shut down as they are out of sand; however, in the photos you will see trucks coming and going from the plants this morning around 8:15am. Please make sure the Board of adjustments has all of the photos that I sent to this morning before 9:00 am. Thank you, Gary Bagwell











## Hoyt, Jay

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**From:** Susan Bevard-Bagwell <sbevard\_bagwell@yahoo.com>  
**Sent:** Tuesday, March 19, 2024 8:50 AM  
**To:** Hoyt, Jay; esubmit  
**Subject:** CBOA-3151

A new house being built across the street from Riverbend Ranch on 129th East Ave in 1st picture. Riverbend Ranch in two middle pictures. Another existing home on 129th East Ave across from Riverbend Ranch.







**Hoyt, Jay**

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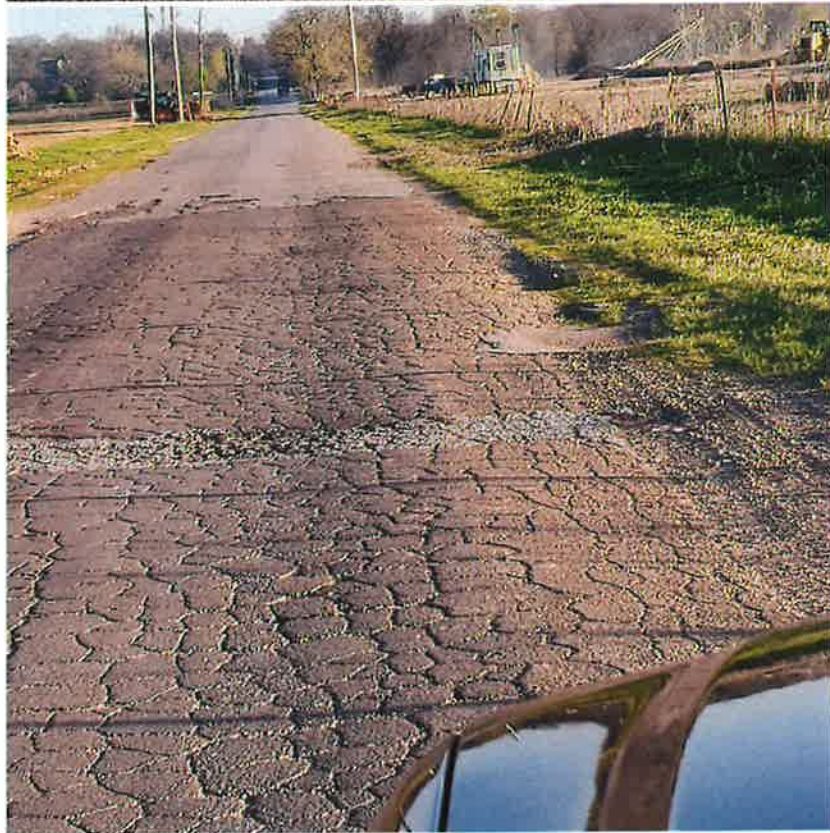
**From:** Susan Bevard-Bagwell <sbevard\_bagwell@yahoo.com>  
**Sent:** Tuesday, March 19, 2024 8:54 AM  
**To:** Hoyt, Jay; esubmit  
**Subject:** Photos CBOA-3151  
**Attachments:** 20240319\_081930.jpg; 20240319\_081932.jpg; 20240319\_081958.jpg; 20240319\_082033.jpg; 20240319\_082128.jpg; 20240319\_082159.jpg; 20240319\_082244.jpg; 20240319\_082103.jpg

Please find photos of the 2 existing plants in operation currently on 129th East Ave along with pictures of the horrible road conditions on 129th East Ave. They may say these two plants are shut down as they are out of sand; however, in the photos you will see trucks coming and going from the plants this morning around 8:15am. Please make sure the Board of adjustments has all of the photos that I sent to this morning before 9:00 am. Thank you, Gary Bagwell

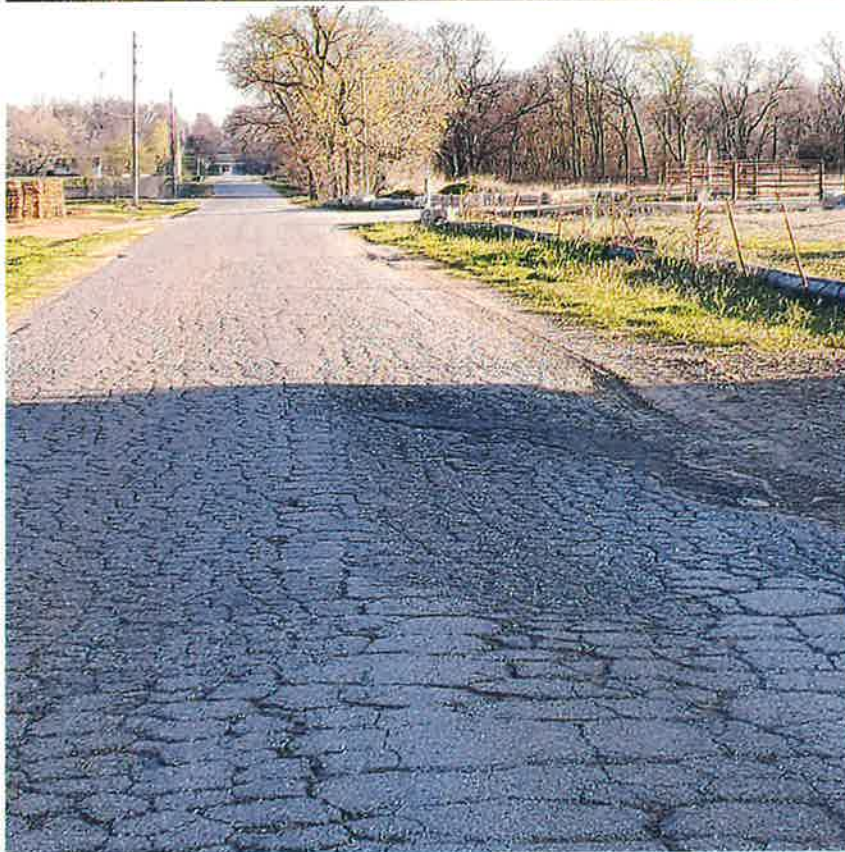
















**Hoyt, Jay**

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**From:** Sara Colt <sjc886@gmail.com>  
**Sent:** Tuesday, March 19, 2024 9:29 AM  
**To:** esubmit  
**Subject:** Opposing CBOA-3151

To whom it may concern:

I'm writing today in opposition to the proposed sand plant on 151st street between Garnett Rd and 129th in south Broken Arrow.

I believe this is a bad idea, for many reasons. First- the roads are already in terrible condition for miles around, due to all the dump trucks that already frequent the area. Many of which who fail to secure their loads, and fail to follow traffic laws.

There have been many people ran off the road by these trucks who have no regard for the 'little guy', who never even bothered to stop to see if the victims were ok. This caused damage to vehicles, which left the victims to pay for repairs.

There has been at least 1 instance that I know of where a dump truck ran off the road itself, causing extensive damage to a residents driveway and ditch/drainage area, and they did little to fix the damage, leaving the homeowner to put the work in and foot the bill for their ignorance.

There is an elementary school not far from the proposed site, on a street which already has more traffic than it can handle, including dump trucks. Increasing dump truck traffic on a street in front of an elementary school where kids are crossing to and from school is a recipe for disaster. Especially when the drivers have proven to be negligent in the past.

Second- destroying more land along the river will also destroy the habitat and food supply of a numerous amount of wildlife species who call it home, including many eagles who nest along that mile or so stretch of the river.

Third- allowing this business into the area is sure to drive down property value for hundreds of home and land owners nearby due to increased traffic, noise, and degradation of roads that are already in poor condition.

The proposing company will argue that there aren't many resident out there, and that it's not going to affect anybody, which simply isn't true. I understand that there aren't many residents in the immediate area, but the ones who do live there have been there for decades, my family included. My parents bought their acreage 40+ years ago and worked their butts off to pay it off and insure that the generations to come would be able to get away from the hustle and bustle of 'city life' and enjoy the peace that country life provides. For us all to have a spacious, wide open place to gather as a family.

My siblings and I had a wonderful, peaceful childhood there, and my children are currently getting a little piece of that themselves. My parents now get to sit back and enjoy the fruits of their labor. They get to watch their grandbabies and great-grandbabies run around and explore.

With the already increased traffic, some of that peace that they worked their lives to provide and maintain, has been disrupted. Adding hundreds of more trucks a week it's going to be incredibly disruptive to the peace of the current, lifelong residents of the area.

Expanding outward a little to a mile or two up the road(s), there are hundreds of residents and families who will be directly affected if this sand plant is allowed to proceed with plans. There will be increased noise, traffic, and major safety concerns due to the blatant disrespect for the safety of others shown by many of these dump truck drivers in the past.

There has been another proposed sand plant by Holliday sand a couple years back, that faced HUGE opposition by the residents and was ultimately denied. We all still feel the same way. Nothing has changed.

Unfortunately, this time people weren't notified of the proposed zoning change, and many of us only found out about this yesterday.

Money isn't everything. Unfortunately, that's all this company is concerned about. But to all of us residents who call this area home, this sand plant would be a ginormous encroachment on our feeling of peace and safety in and around our homes.

I implore you all to look at the bigger picture here, and take in the situation as a whole, and not just at the actual sand plant and piece of land itself.

Thank you for your time and consideration.

A very concerned neighbor and citizen,  
Sara Johnson



**Hoyt, Jay**

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**From:** Lucy Keltner <lucykeltner@yahoo.com>  
**Sent:** Tuesday, March 19, 2024 9:43 AM  
**To:** esubmit  
**Subject:** CBOA-3151

Concerning the motion to let Anchor Sand start mining at 151st and Garnett, we oppose this request. We live in Hickory Hills, 138th and 129th, and already have to constantly drive with dump trucks. They are ruining the roads, and continuously drive well over the 35mph limit. You can hear the noise inside the home and especially outside when you are trying to enjoy time with family. Please consider all the people this will affect and not just worry about the money. My husband and I both grew up in this neighborhood and moved back two years ago. The landscape has changed so much in the last 20 years, with most of the fault being the sand companies. They have displaced wildlife, caused driving and road issues, and we can hear them running the operation, which interferes with the quiet neighborhood we used to know. We have dealt with this for several years now and would like to not have it start all over again.

Thank you for your time.  
Lucy Keltner & Family  
Hickory Hills Neighborhood

Sent from my iPhone



**Case Number:** CBOA-3163

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

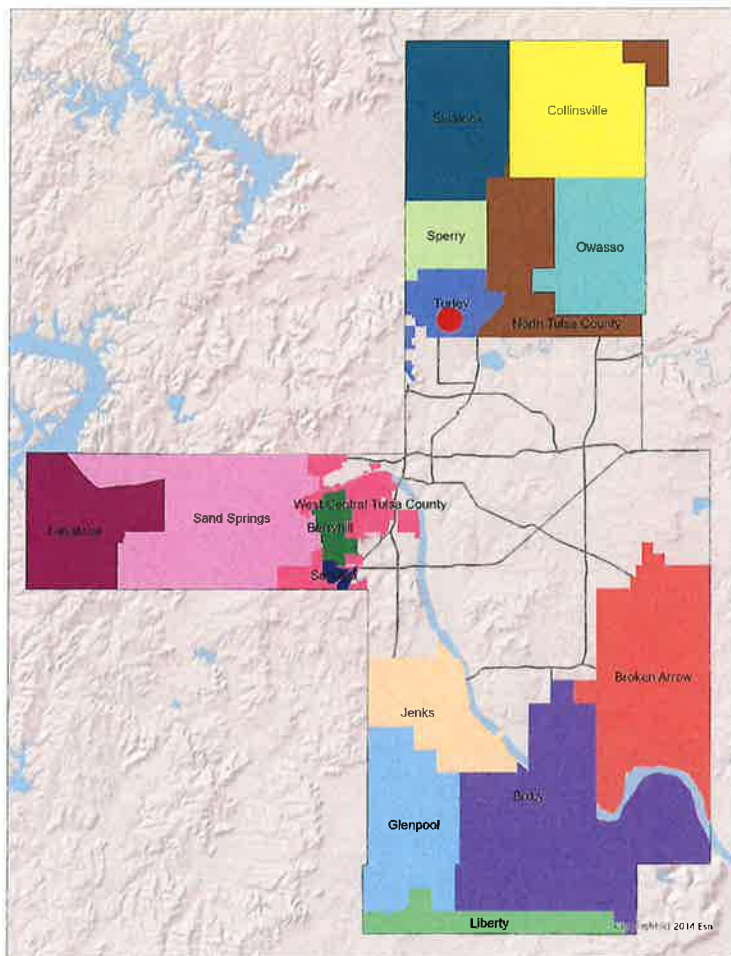
**Owner and Applicant Information:**

**Applicant:** Roberto Chacin

**Property Owner:** LEWIS, ALIYAH

**Action Requested:** Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 0.41 acres

**Location:** 6640 N TRENTON AV E

**Present Zoning:** RS

**Fenceline/Area:** Turley

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



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1331

**CZM:**

**CASE NUMBER:** CBOA-3163

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Roberto Chacin

**ACTION REQUESTED:** Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

**LOCATION:** 6640 N TRENTON AV E

**ZONED:** RS

**FENCELINE:** Turley

**PRESENT USE:** Residence

**TRACT SIZE:** 0.41 acres

**LEGAL DESCRIPTION:** S 90 N 200 LOT 1 BLK 12, GOLDEN HILL ADDN Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS and contains a single-family residence. The tract is surrounded by RS zoning containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

The RS district is limited to one dwelling unit per lot of record per Section 208 of the Tulsa County Zoning Code. The Tulsa County Zoning Code requires 8,400 sf of land area per dwelling unit. The subject tract contains 0.41 acres (17,860 sf) in area, so has enough land area to support two dwelling units.

The applicant did not provide a statement, but is intending to build a second dwelling on the lot to the west of the existing residence.

*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 to permit two dwelling units on a single lot of record in an RS district (Section 208).*

*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.*

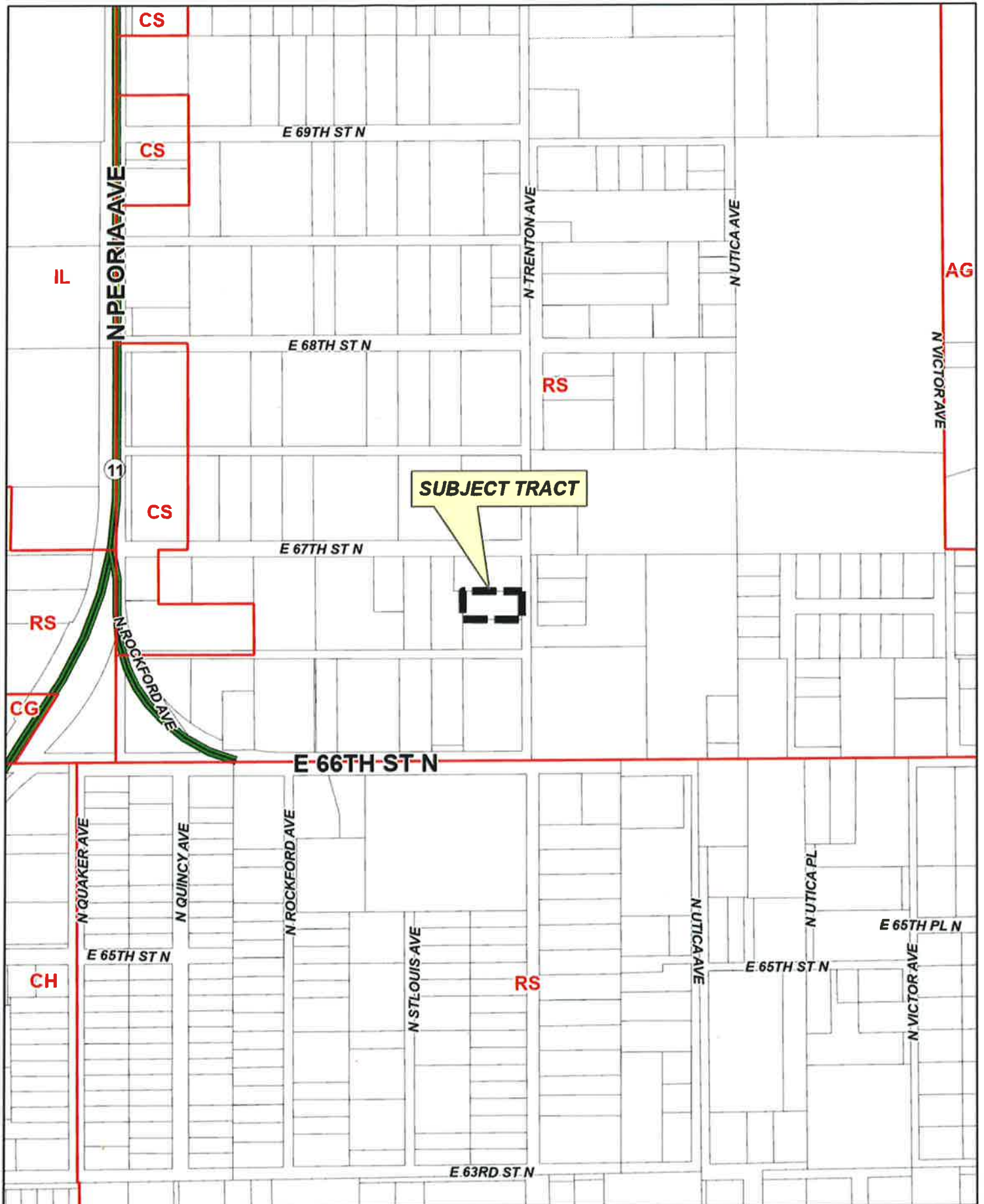


Subject tract looking West from N Trenton Ave



Subject tract looking Northwest from N Trenton Ave





SUBJECT TRACT

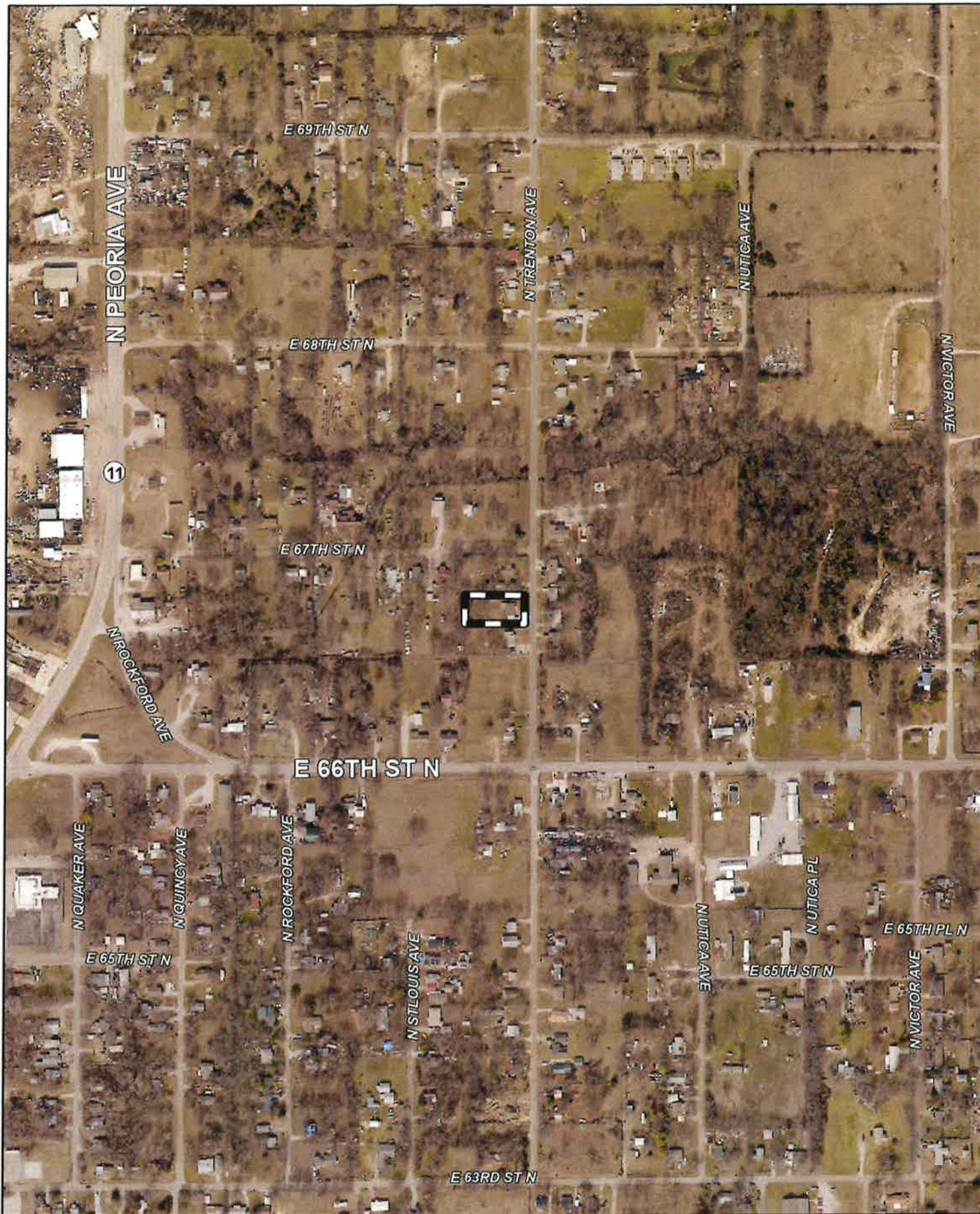
**CBOA-3163**

21-13 31

CBOA-3163 4.5







0 200 400  
Feet



Subject  
Tract

**CBOA-3163**

21-13 31

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

Aerial Photo Date: 2023

CBOA-3163 4.6







E 67TH ST N

N TRENTON AVE



0 50 100  
Feet



Subject  
Tract

**CBOA-3163**

21-13 31

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

Aerial Photo Date: 2023  
CBOA-3163 4.7







**Case Number:** CBOA-3164

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

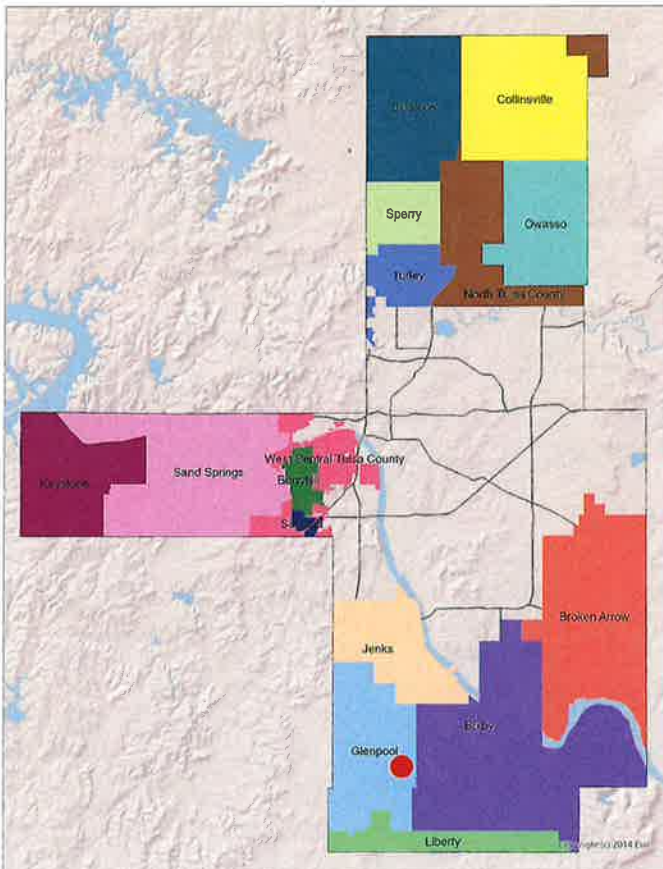
**Owner and Applicant Information:**

**Applicant:** Kyle Tate

**Property Owner:** TATE, KENNETH L TRUST

**Action Requested:** Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 2.15 acres

**Location:** 16355 S PEORIA AV E

**Present Zoning:** AG

**Fenceline/Area:** Glenpool

**Land Use Designation:** Rural

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7330

**CZM:**

**CASE NUMBER:** CBOA-3164

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Kyle Tate

**ACTION REQUESTED:** Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330).

**LOCATION:** 16355 S PEORIA AV E

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Residence

**TRACT SIZE:** 2.15 acres

**LEGAL DESCRIPTION:** W361 S306.1 N/2 NW SW NW LESS N5 & W50 FOR RD SEC 30 17 13 2.150ACS

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Property:**

**CBOA-2744 April 2019:** The Board approved a Variance of the minimum lot area in the AG district (Section 330, Table 3) and a Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split.

**CBOA-2978 October 2022:** The Board approved a 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).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains a single-family residence. The tract is surrounded by AG zoning containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330).

The applicant would like to split the existing 2.15 acre lot into two tracts, 1.28 acres and 0.87 acres in size as shown on the lot split exhibit included with this report. The 1.28 acre lot will contain the existing residence and the 0.87 acre lot would contain an existing shop. Since the shop would be on a lot by itself and not associated with a residence, it would be considered the primary use of the lot, which necessitates a Use Variance in order for the shop to be allowed to be used as the primary use of the lot.



The proposed 1.28 acre and 0.87 acre lots are smaller than the Tulsa County Zoning Code requirement of 2 acres per lot in the AG district. The 1.28 acre lot would also be smaller than the land area per dwelling unit requirement of the zoning code.

The applicant provided the statement that they are seeking the variances because they are needing to split the residence from the shop.

*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 Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330).***

***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 looking Southeast from intersection of S Peoria Ave and E 163<sup>rd</sup> PI S

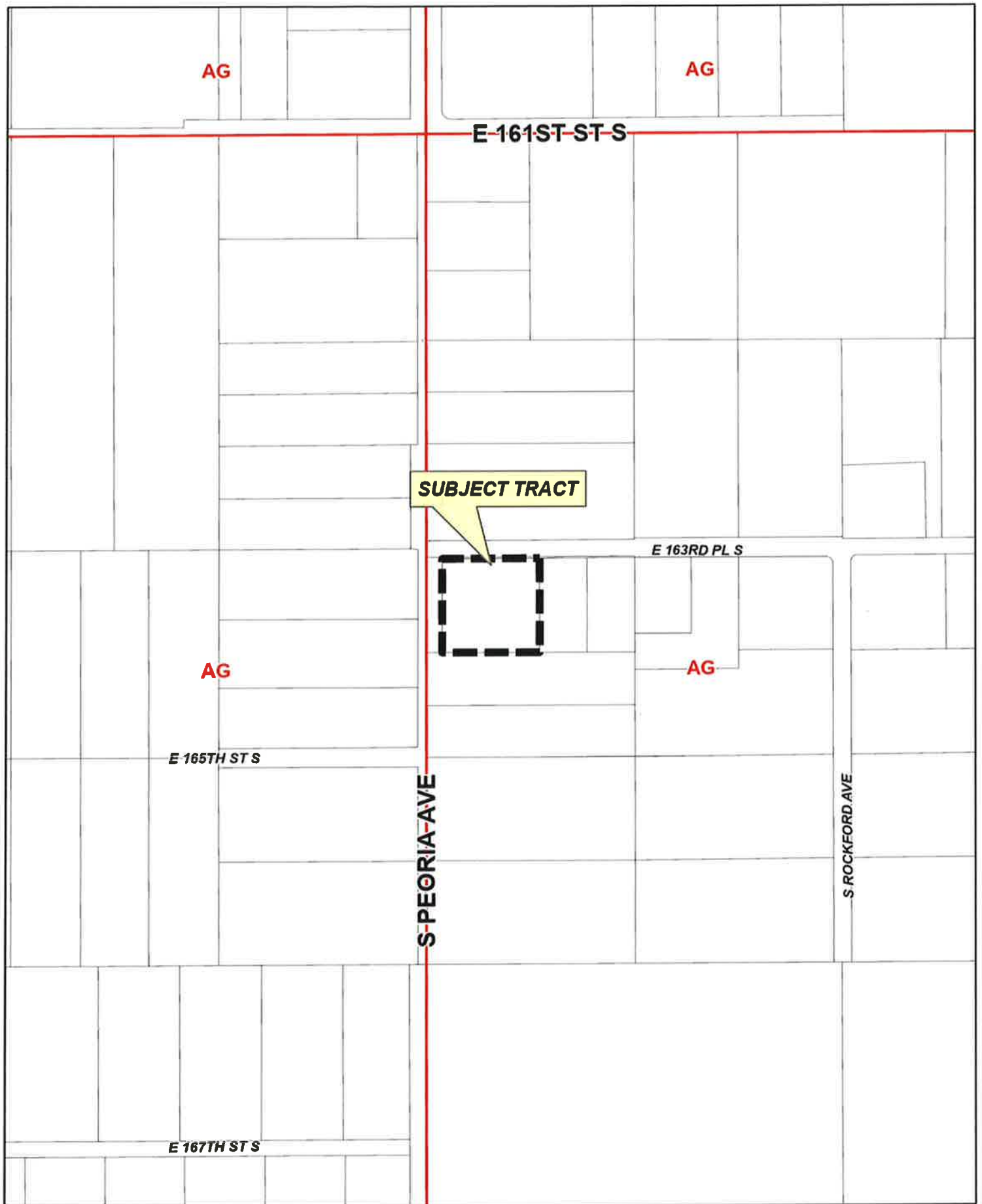


Subject tract looking South from E 163<sup>rd</sup> PI S





**Subject tract looking Northeast from S Peoria Ave**



**CBOA-3164**

17-13 30

CBOA-3164 5.6







0 Feet 200 400



Subject  
Tract

**CBOA-3164**

17-13 30

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

Aerial Photo Date: 2023

CBOA-3164 5.7







0 50 100  
Feet



Subject  
Tract

**CBOA-3164**

17-13 30

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

Aerial Photo Date: 2023  
CBOA-3164 5.8











## Board of Adjustment

**Case Number:** CBOA-3165

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

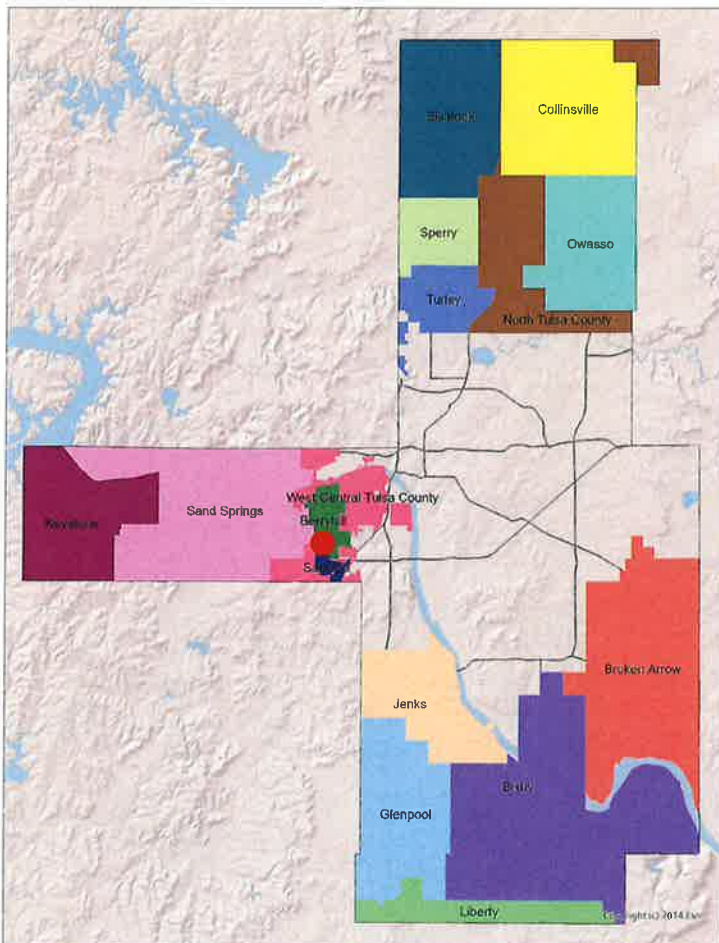
**Owner and Applicant Information:**

**Applicant:** Brian Miller / Crimson Buildings

**Property Owner:** Wendall Drake

**Action Requested:** Variance of the side setback from 15' to 10' in an AG district (Section 330).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 0.93 acres

**Location:** 4345 S 61 AV W

**Present Zoning:** AG

**Fenceline/Area:** Berryhill

**Land Use Designation:** Existing Neighborhood

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9229

**CASE NUMBER:** **CBOA-3165**

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Brian Miller / Crimson Buildings

**ACTION REQUESTED:** Variance of the side setback from 15' to 10' in an AG district (Section 330).

**LOCATION:** 4345 S 61 AV W

**ZONED:** AG

**FENCELINE:** Berryhill

**PRESENT USE:** Residence

**TRACT SIZE:** 0.93 acres

**LEGAL DESCRIPTION:** PRT SE NW BEG NWC SE NW TH S100 E435.75 N100 W435.75 POB LESS W30 THEREOF FOR ST SEC 29 19 12 0.93AC

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Property:**

**CBOA-1731 May 2000:** The Board approved a Variance of the average lot width of 200 ft to 155 ft, Variance of the minimum street frontage requirement of 30 ft to 0 ft, Variance of the minimum lot area of 2.2 acres to 1.58 acres.

**CBOA-2308 October 2008:** The Board approved a Special Exception to permit a home occupation in an AG district (Section 320.1); A Variance of the permitted floor area from 500 sf to 600 sf (Section 440.B.7) for a home occupation.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and contains a single-family residence. The tract abuts AG zoning to the East, South and West containing single-family residences and to the North by RS zoning containing single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the side setback from 15' to 10' in an AG district (Section 330).

Per the Tulsa County Zoning Code, the side yard setback in an AG district is 15 feet. The applicant would like to place an accessory building onto the subject tract that is closer to the side yard property line. They are requesting that the side yard setback be reduced to 10 feet.

The applicant proposes to build a 60 ft x 80 ft accessory building as shown on the site plan provided by the applicant. The building placement and variance request is due to a stream that flows through the subject tract, limiting where the building can be placed.



*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 side setback from 15' to 10' in an AG district (Section 330).*

*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.*

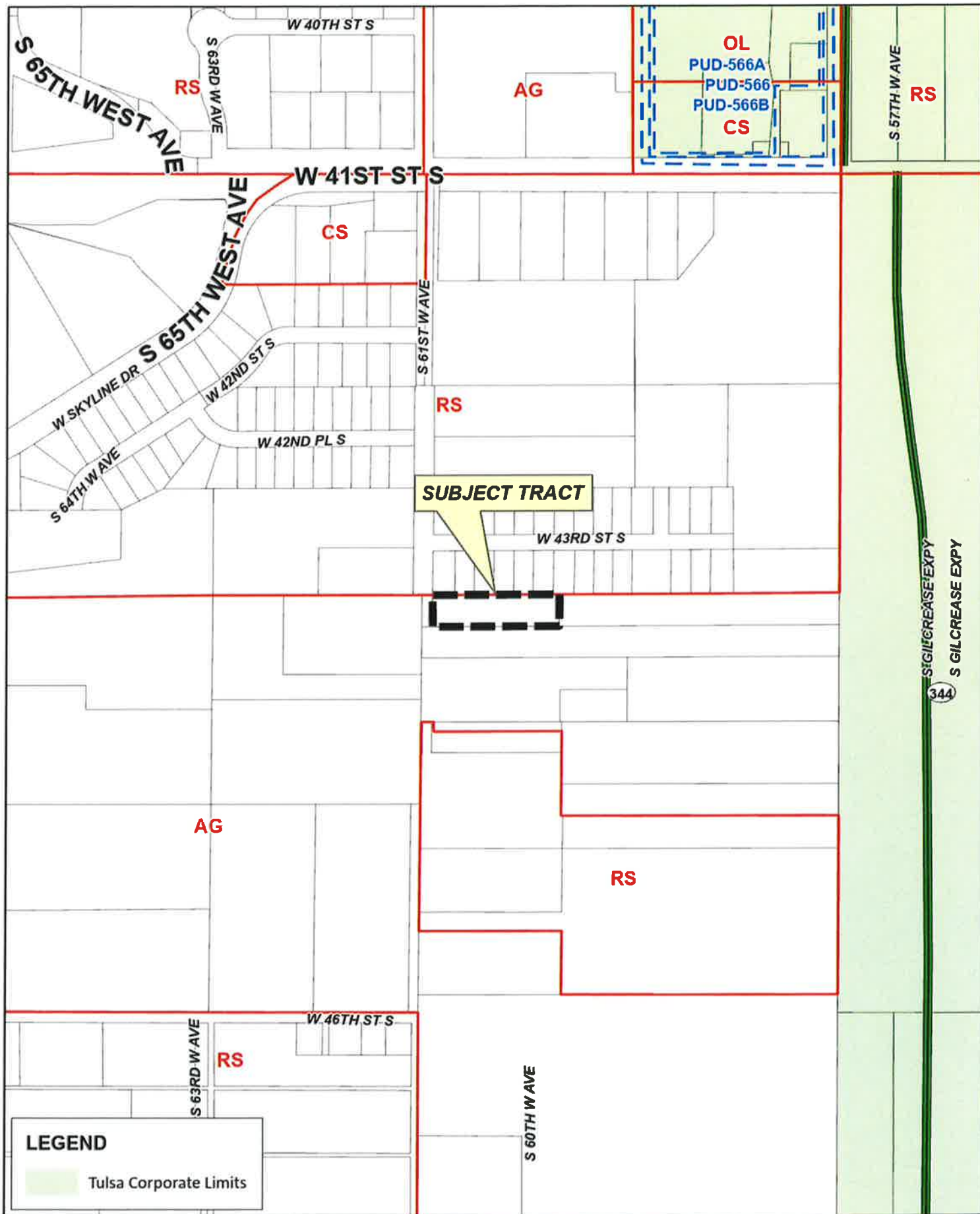


Subject tract looking East from S 61<sup>st</sup> W Ave



Subject tract looking Northeast from S 61<sup>st</sup> W Ave

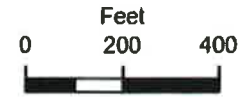




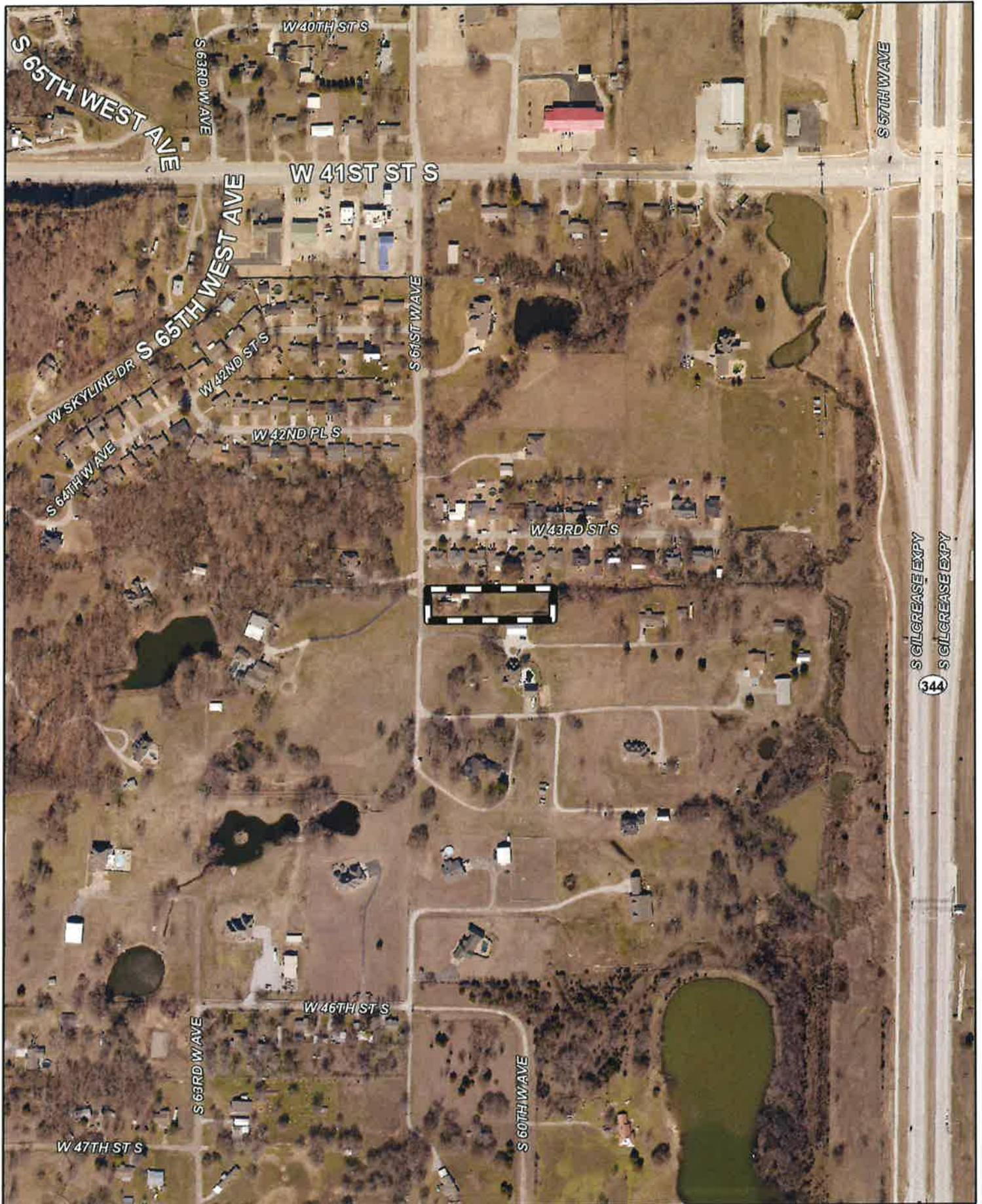
**CBOA-3165**

19-12 29

CBOA-3165 6.5







0 200 400  
Feet



Subject  
Tract

**CBOA-3165**

19-12 29

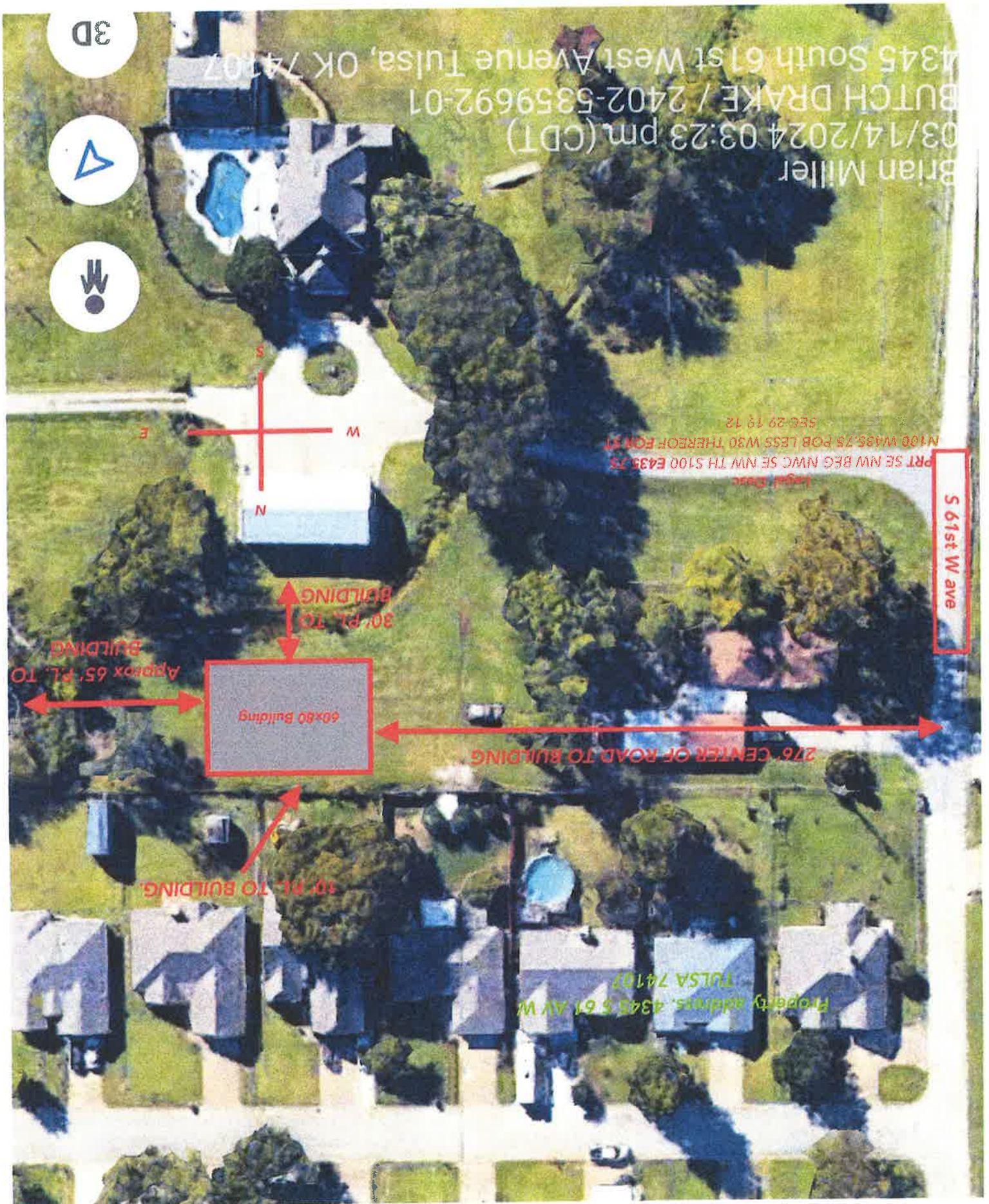
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2023

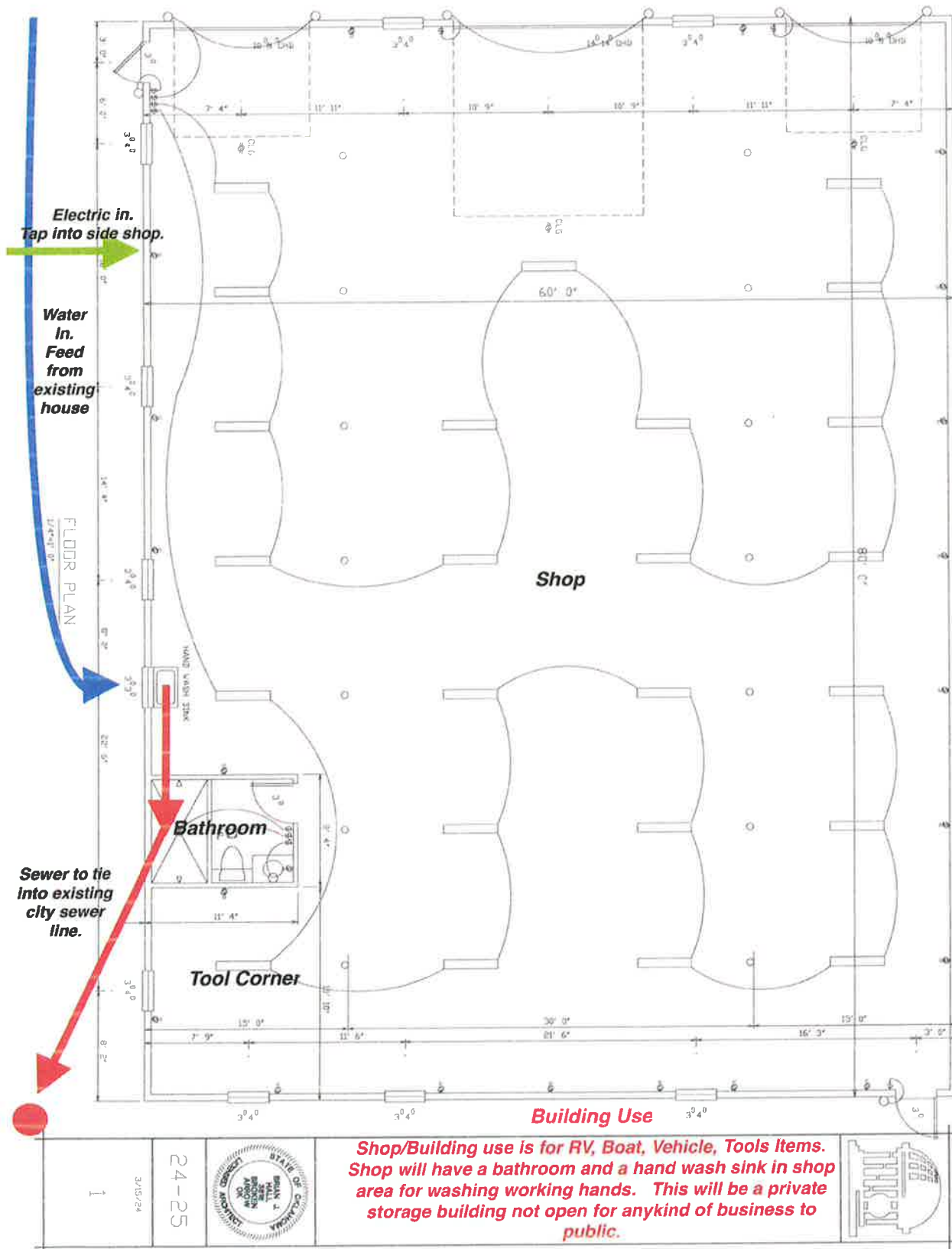
CBOA-3165 6.6















## Board of Adjustment

**Case Number:** CBOA-3166

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

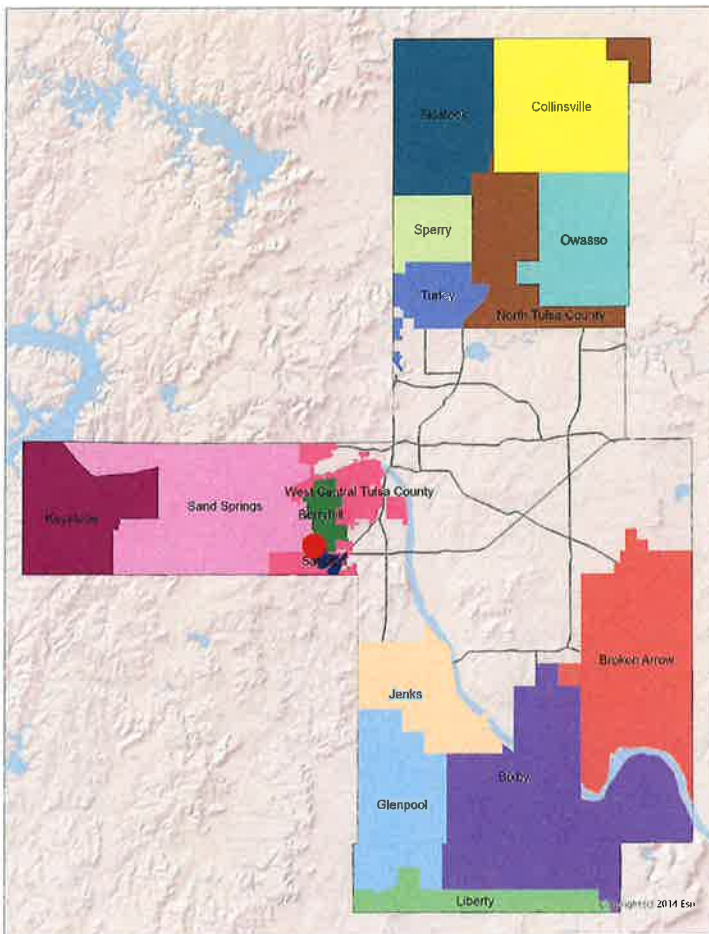
**Owner and Applicant Information:**

**Applicant:** Terrie Lynn McDowell

**Property Owner:** MCDOWELL, TERRIE L & CLAYTON LEE

**Action Requested:** Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E).

**Location Map:**



**Additional Information:**

**Present Use:** Residence

**Tract Size:** 0.64 acres

**Location:** 5422 S 67 AV W

**Present Zoning:** RS

**Fenceline/Area:** West Central Tulsa County

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

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9231

**CZM:**

**CASE NUMBER:** CBOA-3166

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Terrie Lynn McDowell

**ACTION REQUESTED:** Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E).

**LOCATION:** 5422 S 67 AV W

**ZONED:** RS

**FENCELINE:** West Central Tulsa County

**PRESENT USE:** Residence

**TRACT SIZE:** 0.64 acres

**LEGAL DESCRIPTION:** LTS 1 - 14 BLK 35, NORTH TANEHA Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding Property:**

**CBOA-2616 January 2017:** The Board approved a Variance of the allowable square footage for accessory buildings in the RS district from 750 sf to 4,650 sf to permit an addition (Section 240.2.E)

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS and contains a single-family residence. The tract is surrounded by RS zoning containing single-family residences and vacant land.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

The Tulsa County Zoning Code limits accessory buildings in the RS district to 750 sf. The applicant did not provide a plan or state the size of the proposed accessory building, but did provide the statement that they are in need of an accessory building larger than the allowed 750 sf on their 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 accessory building is compatible with and non-injurious to the surrounding area.*

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)*

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



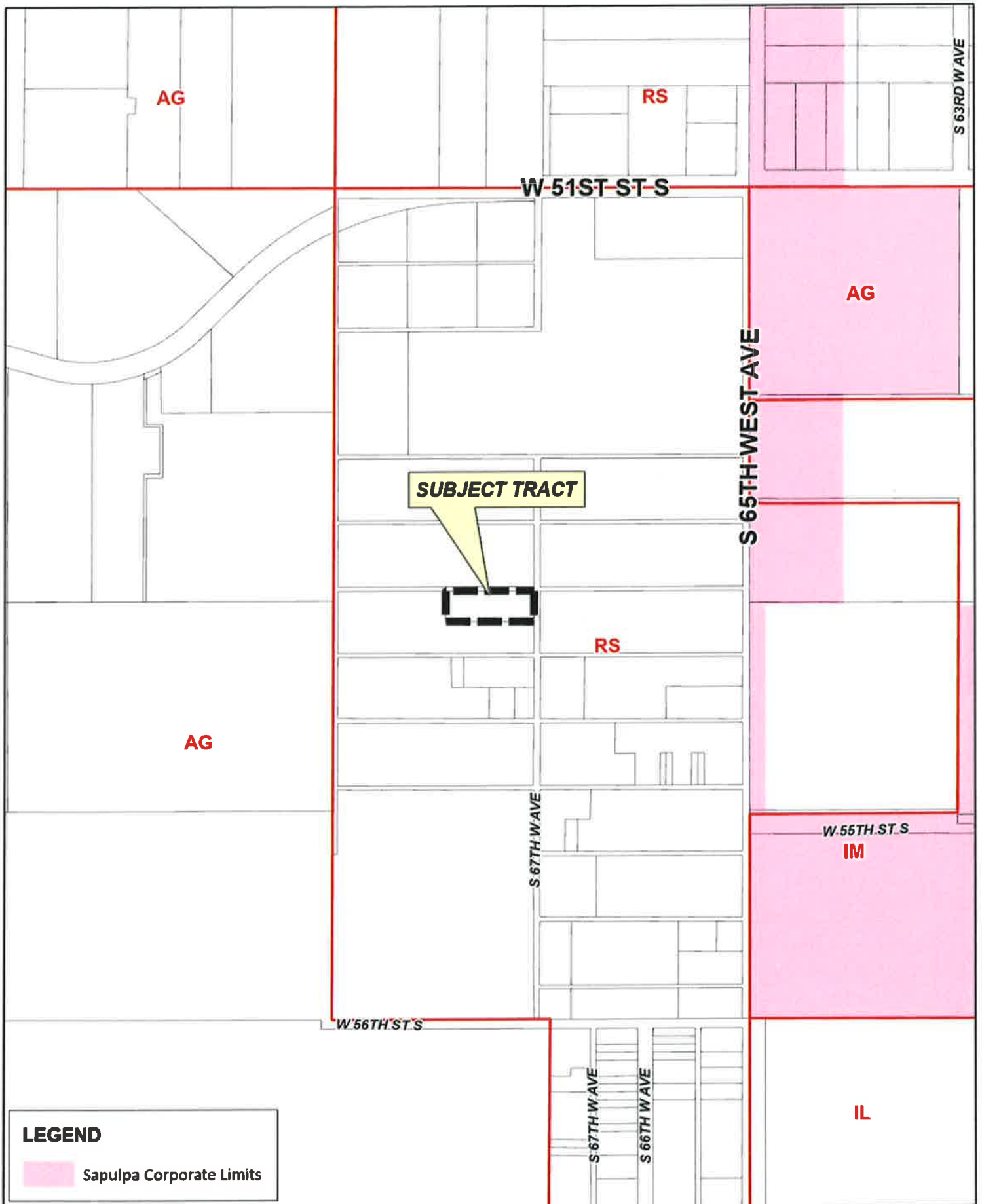
*Finding the hardship to be \_\_\_\_\_.*

*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 looking Northwest from entrance drive at the end of S 67<sup>th</sup> W Ave





**CBOA-3166**

19-12 31

CBOA-3166 7.5



0 200 400  
Feet



Subject  
Tract

**CBOA-3166**

19-12 31

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

Aerial Photo Date: 2023  
CBOA-3166 7.6







0 50 100  
Feet



Subject  
Tract

**CBOA-3166**

19-12 31

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

Aerial Photo Date: 2023

CBOA-3166 7.7







## Board of Adjustment

**Case Number:** CBOA-3167

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

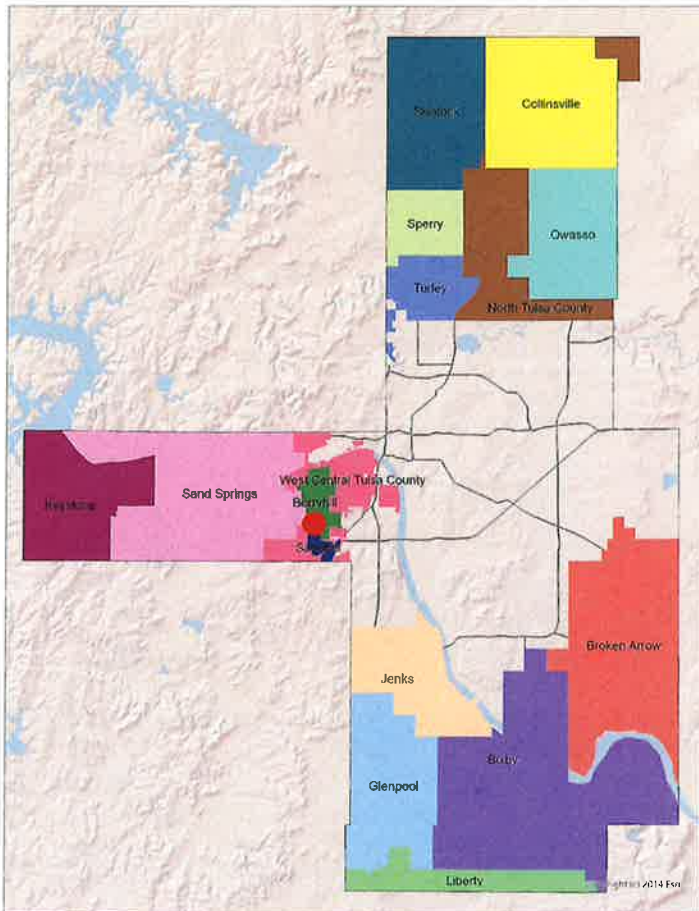
**Owner and Applicant Information:**

**Applicant:** Melissa Torkleson

**Property Owner:** BERRYHILL 41, LLC

**Action Requested:** Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years (Section 710).

**Location Map:**



**Additional Information:**

**Present Use:** Church/Vacant Lot

**Tract Size:** 6.85 acres

**Location:** 6001 W 41 ST S

**Present Zoning:** CS

**Fenceline/Area:** Berryhill

**Land Use Designation:** Neighborhood Center



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9220

**CASE NUMBER:** CBOA-3167

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Melissa Torkleson

**ACTION REQUESTED:** Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years (Section 710).

**LOCATION:** 6001 W 41 ST S

**ZONED:** CS

**FENCELINE:** Berryhill

**PRESENT USE:** Church/Vacant Lot

**TRACT SIZE:** 6.85 acres

**LEGAL DESCRIPTION:** PRT SW SE SW BEG 50N & 338W SECR SW SE SW TH N268 E283 S60 E55 N402.08 W632.36 S610.30 E294.28 POB SEC 20 19 12 6.85ACS, PLEASURE ACREAGE 3RD ADDN Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**CBOA-2500 May 2014:** The Board approved a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district (Section 310) for a time period of five years.

**CBOA-2752 May 2019:** The Board approved a Modification to a previously approved Special Exception (CBOA-2500) to extend the time limitation to permit a fireworks stand (Use Unit 2) in an AG district (Section 310) and a variance from all-weather parking surface requirement (Section 1340.D).

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned CS and contains a church. The site abuts RS zoning to the North, West and South containing single-family residences and to the East by AG zoning containing a fire station and OL/CS zoning (City of Tulsa) containing a retail establishment.

**STAFF COMMENTS:**

The applicant is before the Board to request a Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years (Section 710).

The subject tract where the applicant intends to place the fireworks stand has been use by the applicant for this purpose for the last 10 years.

A special exception is required as the proposed Use Unit 2 is a use which is not permitted by right but by exception in the CS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding neighborhood.

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

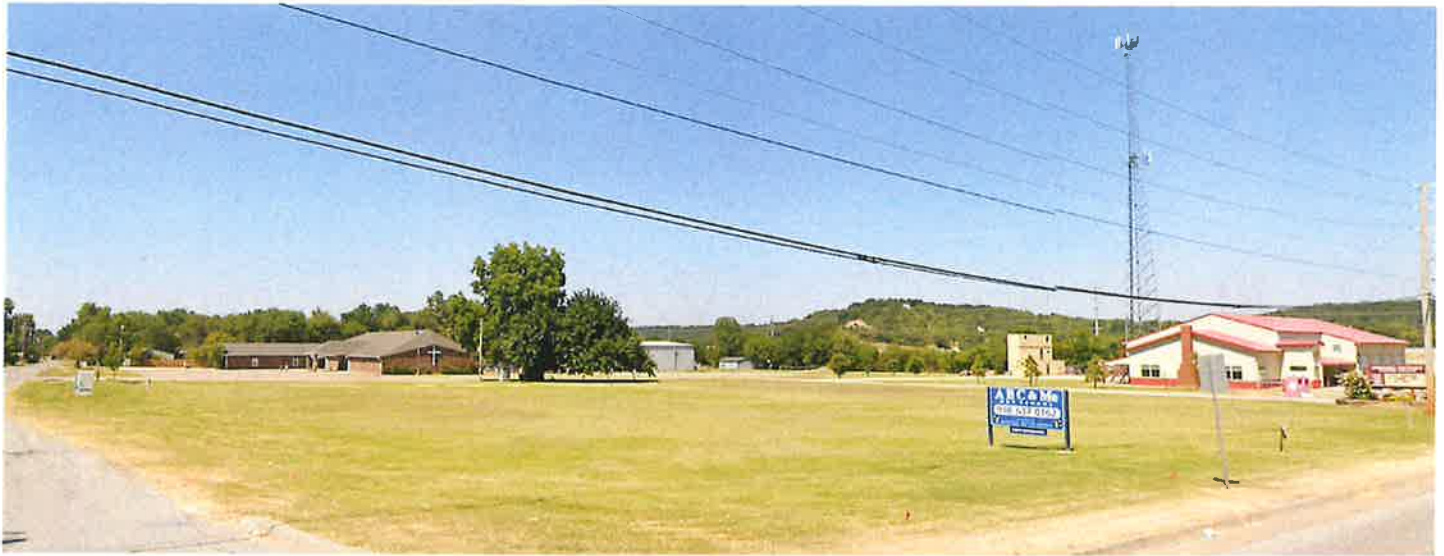
**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years (Section 710).*

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

*In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*





Subject tract looking Northeast from intersection of W 41<sup>st</sup> St S and S 61<sup>st</sup> W Ave



Subject tract looking Northwest from W 41<sup>st</sup> St S



Subject tract looking Southwest from S 61<sup>st</sup> W Ave









0 200 400  
Feet



Subject  
Tract

**CBOA-3167**

19-12 20

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

Aerial Photo Date: 2023

CBOA-3167 8.7



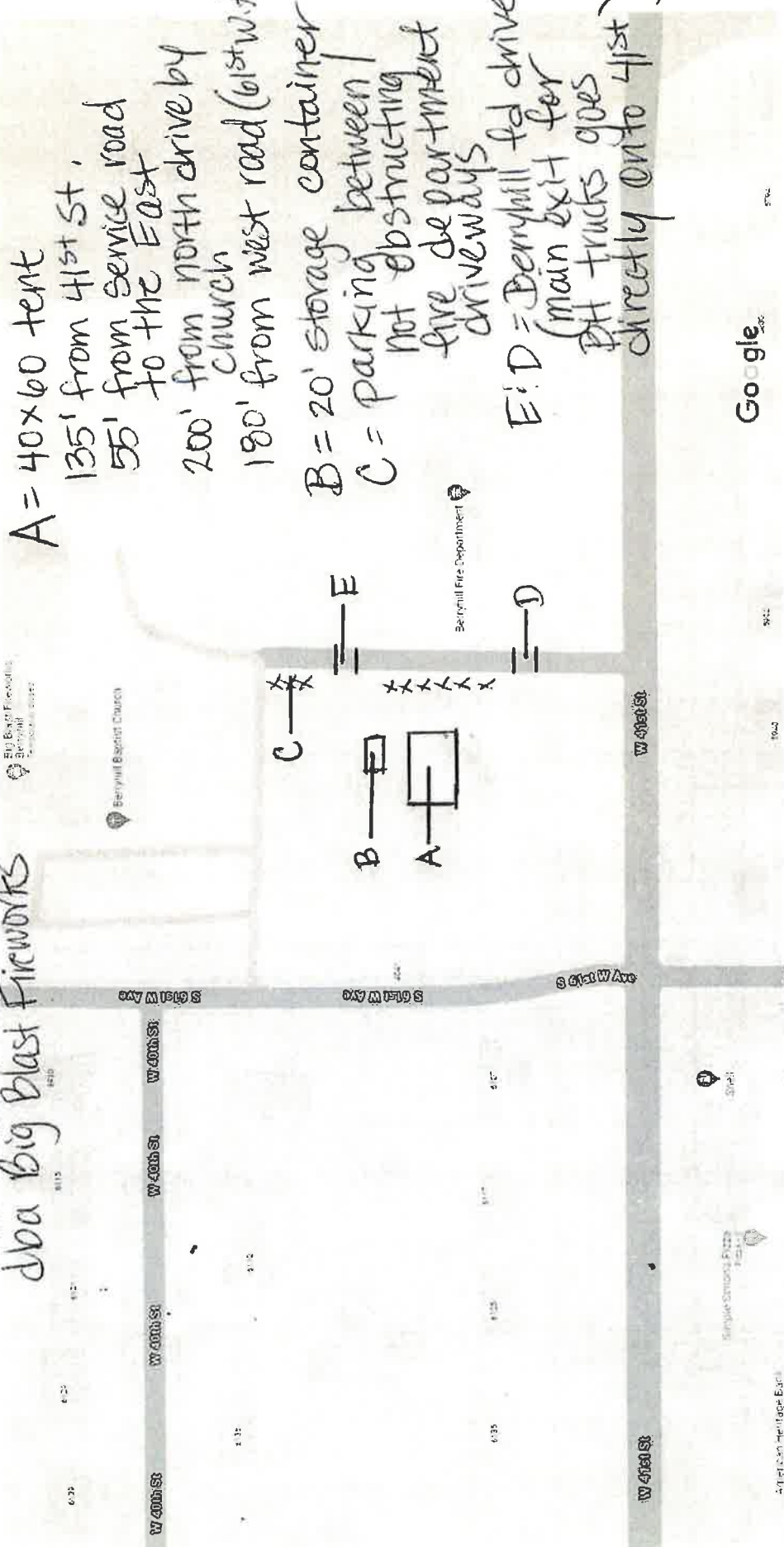


Tork Investments LLC  
dba Big Blast Fireworks

A = 40x60 tent  
135' from 41st St.  
55' from service road  
to the East  
200' from north drive by  
church  
180' from west road (61st W Ave)

B = 20' storage container  
C = parking between  
not obstructing  
fire department  
driveways

E: D = Berryhill fd drive  
(main exit for  
BH trucks goes  
directly onto 41st)





**Case Number:** CBOA-3168

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

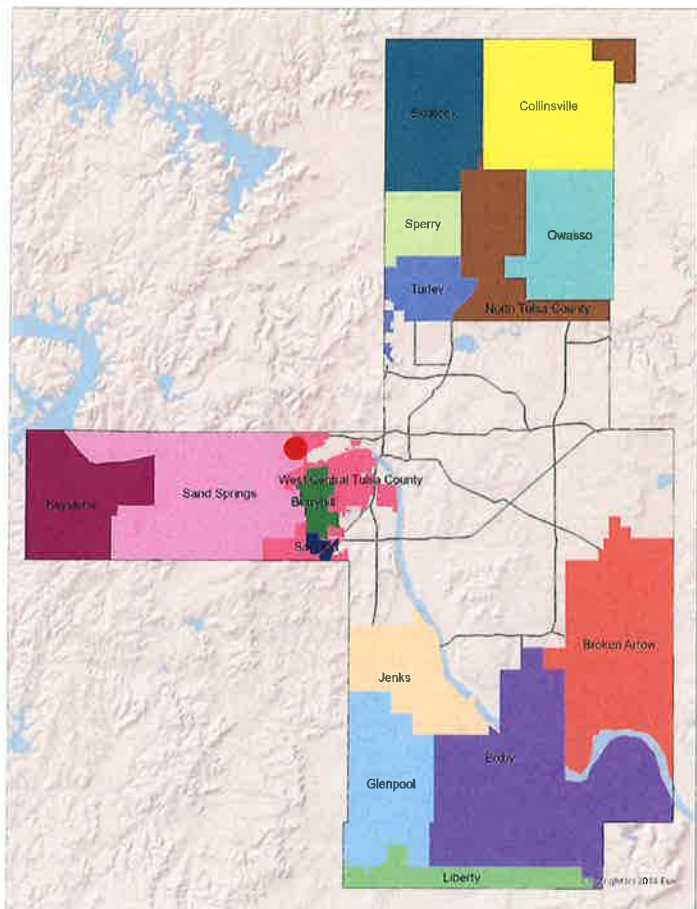
**Owner and Applicant Information:**

**Applicant:** Lou Reynolds

**Property Owner:** MJVA TRUST

**Action Requested:** Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts; Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter.

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 1.74 acres

**Location:** 7303 W 7 ST S

**Present Zoning:** RS,AG

**Fenceline/Area:** West Central Tulsa County

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



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9206

**CZM:**

**CASE NUMBER:** CBOA-3168

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts; Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter.

**LOCATION:** 7303 W 7 ST S

**ZONED:** RS,AG

**FENCELINE:** West Central Tulsa County

**PRESENT USE:** Residential

**TRACT SIZE:** 1.74 acres

**LEGAL DESCRIPTION:** BEG SECR SW TH W300 N425 E150 S345 E150 S80 POB SEC 06 19 12 1.739ACS, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS/AG and contains a single-family residence. The tract abuts vacant AG zoning to the North, AG zoning containing a commercial establishment to the West, RS zoning to the East containing single-family residences and CS zoning to the South containing an apartment complex.

**STAFF COMMENTS:**

The applicant is before the Board to request a Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts and a Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter.

The proposed Residential Treatment Center is to be utilized as part of a rehabilitation program for men ages 18-25 as outlined in Exhibit "B" provided by the applicant and utilize several existing buildings, as shown on the Conceptual Site Plan provided by the applicant.

A special exception is required as the proposed fireworks stand is a use which is not permitted by right but by exception in the AG and RS districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding neighborhood.

Section 1205.3(D) of the Tulsa County Zoning Code requires that a residential treatment center be not located on a lot within  $\frac{1}{4}$  mile (1,320 feet) from any other lot containing another residential treatment center, transitional living center, emergency or protective shelter, neighborhood group home, community group home or detention/correctional facility. The proposed residential treatment center is located approximately 1,014 ft from an emergency protective shelter, as shown on the map provided by the applicant.

The applicant provided an explanation of the proposed facility and reason the variance is being requested on Exhibit "B" included with this report.

On Thursday, March 28<sup>th</sup>, 2024 the applicant held a public meeting to discuss the proposal with the neighbors in the surrounding area. An example letter of the invitation to the meeting is included with this report, along with the sign-in sheet from that meeting.

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

**Sample Motion:**

*"Move to \_\_\_\_\_ (approve/deny) a Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts; Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter.*

*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 looking North from W 7<sup>th</sup> St S



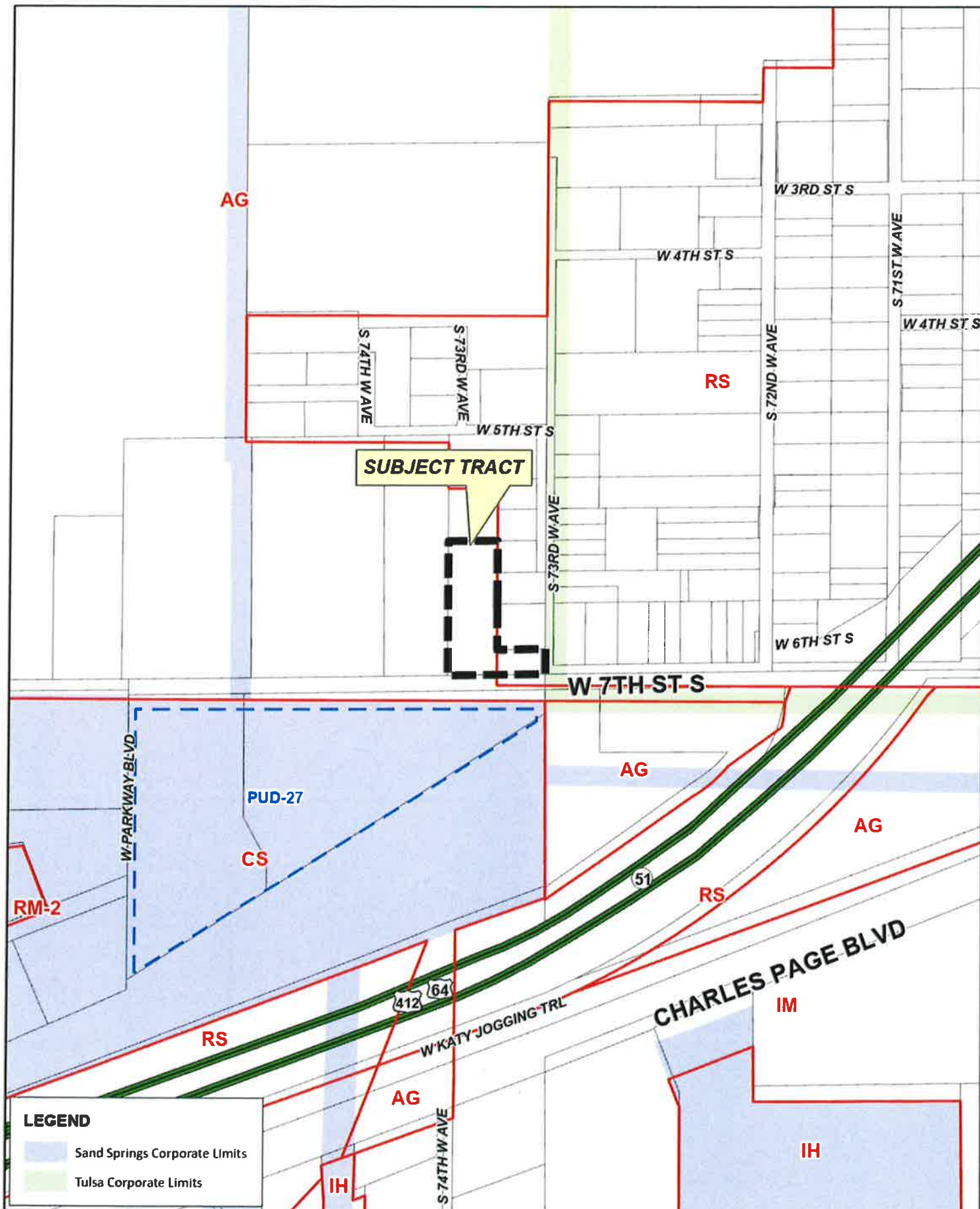
Subject tract looking Northwest from W 7<sup>th</sup> St S





Subject tract looking Northeast from W 7<sup>th</sup> St S





**LEGEND**

- Sand Springs Corporate Limits
- Tulsa Corporate Limits



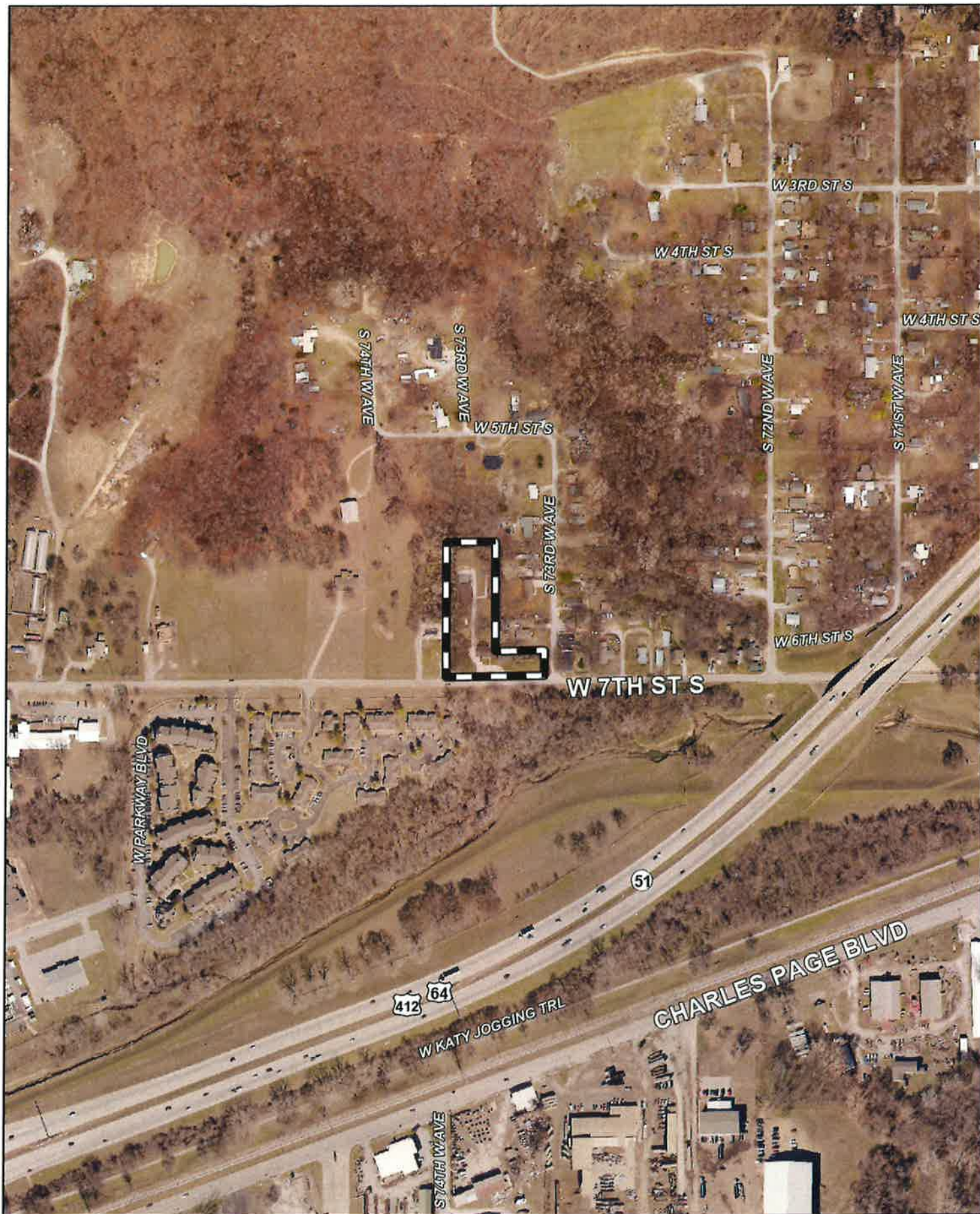
**CBOA-3168**

19-12 06

CBOA-3168 9.6







0 200 400  
Feet



Subject  
Tract

**CBOA-3168**

19-12 06

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

Aerial Photo Date: 2023  
CBOA-3168 9.7





### **Exhibit "A"**

A tract of land BEGINNING at the Southeast corner of the Southwest Quarter (SW/4) of Section Six (6), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence North 80 feet; thence West 150 feet; thence South 80 feet; thence East 150 feet to the POINT OF BEGINNING;

And

A tract of land BEGINNING one hundred fifty (150) feet West of the Southeast corner of the Southwest Quarter (SW/4) of Section Six (6), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence West 150 feet; thence North 425 feet; thence East 150 feet; thence South 425 feet to the POINT OF BEGINNING.

## **Exhibit "B"**

The Applicant requests (1) a Special Exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts, and (2) a Variance of Section 1205.3(D) of the Tulsa County Zoning Code (the "Code") to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter, for property located at 7303 W. 7<sup>th</sup> Street (the "Property").

The Property is approximately 1.75 acres located on the north side of West 7<sup>th</sup> Street. North and east of the Property are single family residences zoned AG and RS, south of the Property are the Sand Springs Apartments, zoned CS/PUD-27, and west of the Property is the Frontier Smoke Shop, zoned AG. Located on the Property is a 3,545 sq. ft. residence, along with five (5) accessory buildings to the rear (north) of the principal residence. The Property was previously utilized as a small campground for private retreats.

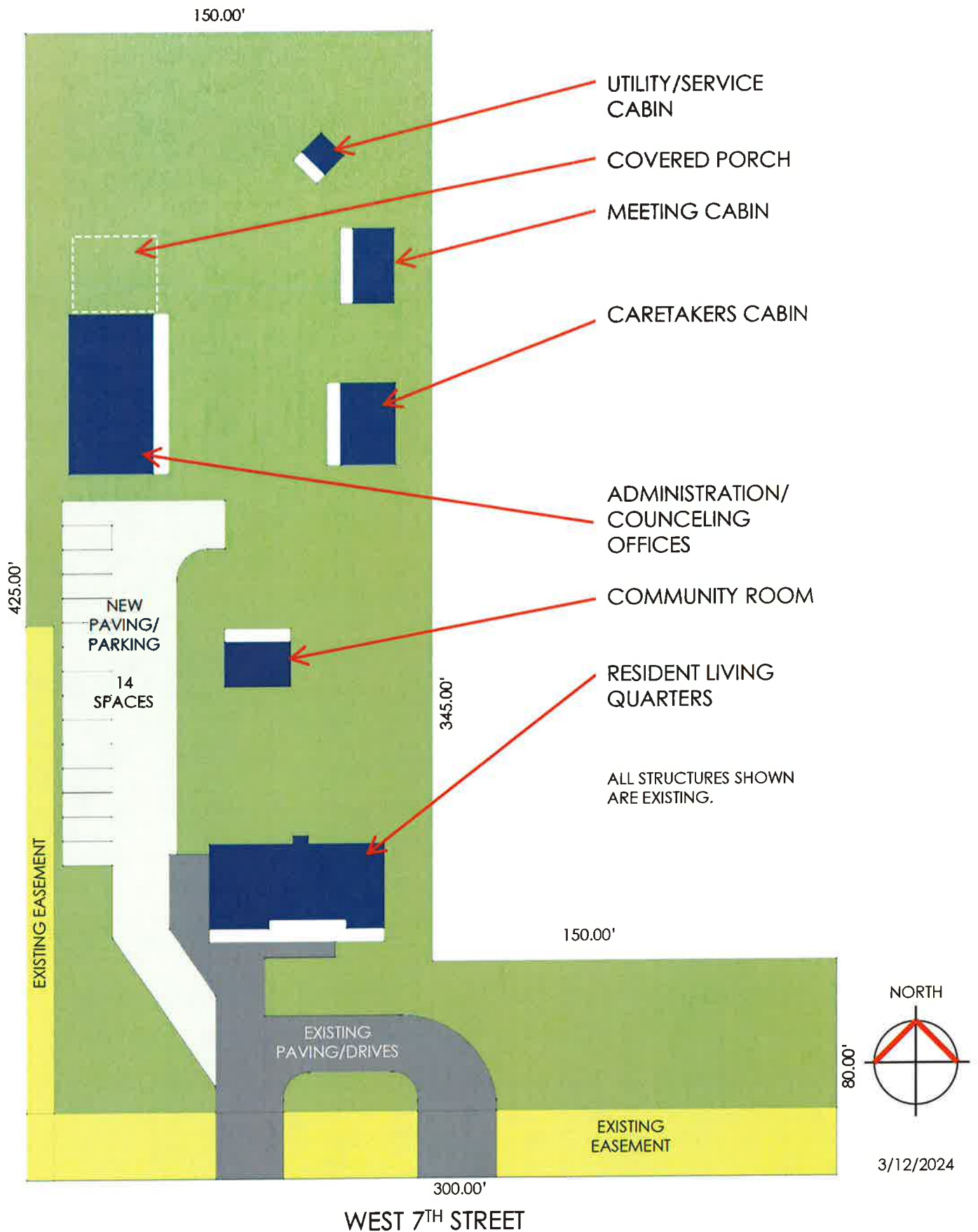
The proposed use of the Property is for the 1<sup>st</sup> Step Male Diversion Program, a rehabilitation program for men, ages 18-25, who are facing nonviolent charges in the criminal legal system. The Program's purpose is to redirect the lives of these justice-involved young men, diverting them away from potential incarceration by addressing the underlying causes of certain behaviors and providing the necessary skills to be a successful member of their community. Participants of the Program are individually selected and must demonstrate a desire and commitment to complete the Program, which is approximately 18-24 months. The residents are under the supervision of a Tulsa County judge and professional staff that provide counseling, therapy, career training, job placement, mentoring, life skills, and a sober living environment.

Fourteen (14) residents and a house manager will live in the principal residence on the Property. In addition to court supervision, the residents are monitored 24/7 by staff, ankle monitors, and a security system. Residents do not have personal vehicles and are subject to a 10:00 p.m. curfew. The accessory buildings will be used as classrooms for the skills classes and group therapy sessions, as well as for the Program's administrative offices. A Conceptual Site Plan is attached.

The Property is uniquely situated and offers all of the necessary amenities for the Program to operate on a single site in a single-family, residential environment, as opposed to an institutional environment. The use of the Property as a Residential Treatment Center by the Program will not be injurious to the neighborhood, particularly due to the strict application process for the non-violent program residents, security systems, and staff supervision. The Residential Treatment Center is a permitted use by Special Exception in the AG and RS districts and thus is in harmony with the spirit and intent of the Code.

In addition, the Applicant requests a Variance to permit the Program to be located within 1,320 feet (1/4 mile) of the Dayspring Villa Women's Shelter (the "Spring"). The Spring is located in Sand Springs city limits, approximately 1,014 feet (measured in a straight line from property line to property line) to the west of the Property. Due to the orientation and shape of the Property, which has a lot depth of 425 feet, the spacing requirement results in unnecessary hardship. The location of the actual facilities for the Spring and on the Property are separated by a 1/4 mile and accordingly, the Variance does not impair the spirit and intent of the Code.





## CONCEPTUAL SITE PLAN

7303 WEST 7<sup>TH</sup> STREET – TULSA, OK 74127

**1<sup>ST</sup> STEP MALE DIVERSION**

GH2 ARCHITECTS, LLC

CBOA-3168 9.10

200 ft





March 10, 2024

Tulsa County Board of Adjustments  
Mr. David Charney, Chairman  
c/o Jay Hoyt, INCOG  
2 West 2<sup>nd</sup> Street, Ste 800  
Tulsa, Oklahoma 74103

Re: CBOA-3168 – 1<sup>st</sup> Step Male Diversion Program

Dear Mr. Chairman and Members of the Board,

Thank you in advance for your time and consideration of this letter. I am writing to express my support and endorsement of the 1st Step Male Diversion Program in the sincere hope that you will consider its establishment within our community. As one of Tulsa County's District Judges working in the Criminal Division and directly with the program, I have seen firsthand the positive impact this program has had on a person's life and the positive change it brings to our community.

The 1<sup>st</sup> Step Male Diversion Program is designed for younger men with felony charges or otherwise facing significant legal issues and utilizes counseling, education and vocational training to assist in acquiring (and oftentimes teaching for the first time) the necessary skills to overcome criminal behaviors and strive towards leading satisfying and productive lives. By addressing underlying issues such as substance abuse, mental health concerns, and socioeconomic barriers, the program has been successful in reducing reoffending rates and improving the overall well-being of both participants and the community. Such programs are essential for our community as they target the root causes of crime and focus on rehabilitating and reintegrating individuals back into society.

The 1st Step Male Diversion Program exemplifies our community's fundamental principles of compassion, justice, and rehabilitation. By emphasizing programs that center on prevention and intervention, we as community leaders demonstrate our commitment to fostering a secure and prosperous community for all individuals. The program has maintained an outstanding safety record, due in part to rigorous safety measures such as house managers, security cameras, and GPS monitoring for all participants.

Approving the establishment of the 1st Step Male Diversion Program presents a significant opportunity to promote positive transformation and reduce crime rates within our community. Your endorsement of this program could greatly benefit numerous individuals and contribute to the overall improvement of our community's welfare.

Thank you for your time and your consideration, should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Guten".

David A. Guten  
District Judge



May 13, 2024

Tulsa County Board of Adjustment  
Mr. David Charney, Chairman  
c/o Mr. Jay Hoyt, INCOG  
2 West 2<sup>nd</sup> Street, Suite 800  
Tulsa, OK 74103

Re: CBOA-3168 – 1<sup>st</sup> Step Male Diversion Program

Dear Mr. Chairman and Members of the Board,

This letter is written in support of 1<sup>st</sup> Step Male Diversion Program and their expansion plans. I have witnessed firsthand the effectiveness of this program in the lives of many young men and their families.

In the 20 years that I have worked in the probation field, I have been a part of many programs and 1<sup>st</sup> Step Male Diversion Program is top tier. The staff care about the young men in this program and go above and beyond in their success. They encourage them, support their efforts, assist them with court and treatment directives, and hold them accountable when needed. This program turns lost, ill equipped boys into thriving, responsible young men that in return become productive citizens of the community. By expanding this program, many more lives would be positively impacted which would allow continued growth in serving the community.

Please consider approval of this expansion. We all have a responsibility in improving our community and 1<sup>st</sup> Step Male Diversion Program is upholding theirs by impacting these young men to be a success.

Respectfully,

Wendi Sullivan, Local Administrator  
Community Sentencing  
Oklahoma Department of Corrections





## **DISTRICT COURT OF THE STATE OF OKLAHOMA**

**SHARON K. HOLMES**  
DISTRICT JUDGE

**14TH JUDICIAL DISTRICT**  
TULSA COUNTY COURTHOUSE  
500 S. DENVER AVE.  
TULSA, OKLAHOMA 74103-3832

TELEPHONE (918) 596-5200  
FAX (918) 596-5402  
email: sharon.holmes@oscn.net

Dear Mr. Charney and Members of the Board:

I am writing to express my full support for the 1st Step Male Diversion Program and to request your approval for its establishment within our community. As a resident and advocate for positive change, I believe initiatives like this are essential for addressing the root causes of crime and promoting rehabilitation and reintegration of individuals into society.

The 1st Step Male Diversion Program is a resource and a beacon of hope for men who have encountered legal troubles. By offering counseling, educational opportunities, and vocational training, the program equips participants with the transformative skills and support they need to break free from cycles of criminal behavior and lead productive lives.

Furthermore, the program's focus on addressing underlying issues such as substance abuse, mental health challenges, and socioeconomic disadvantage is commendable. By addressing these factors, the program reduces recidivism rates and contributes to the overall well-being of participants and the community.

The 1st Step Male Diversion Program reflects our community's shared compassion, justice, and rehabilitation values. Investing in programs that prioritize prevention and intervention demonstrates our collective commitment to fostering a safe and thriving community for all residents. Finally, the 1<sup>st</sup> Step Male Diversion Program has a stellar safety record achieved by having house managers, security cameras, and GPS monitors on the participants.

Approving the establishment of the 1st Step Male Diversion Program is a significant step forward in promoting positive change and reducing crime rates in our community. With your support, this



**DISTRICT COURT OF THE STATE OF OKLAHOMA**

**SHARON K. HOLMES**  
DISTRICT JUDGE

**14TH JUDICIAL DISTRICT**  
TULSA COUNTY COURTHOUSE  
500 S. DENVER AVE.  
TULSA, OKLAHOMA 74103-3832

TELEPHONE (918) 596-5200  
FAX (918) 596-5402  
email: sharon.holmes@oscn.net

program has the potential to make a meaningful difference in the lives of many individuals and contribute to the overall well-being of our community.

Thank you for considering my support for the 1st Step Male Diversion Program. I trust that you will make the decision that best serves the interests of our community and its residents.

Sincerely,

*Sharon K. Holmes*



**Eller Detrich**  
*A Professional Corporation*

Philip J. Eller  
Kevin H. Wylie  
R. Louis Reynolds  
Daniel C. Cupps  
Andrew A. Shank  
Shanann Pinkham Passley  
Mac D. Finlayson  
Steven P. Flowers  
Kenneth E. Crump, Jr.  
Sloane Ryan Lile  
Nathalie M. Cornett  
Natalie J. Marra  
Jacob W. Purdum

*Of Counsel*  
Donald L. Detrich, *Retired*  
Jerry M. Snider  
Katherine Saunders, PLC  
Heidi L. Shadid  
Joshua M. Tietsort

*Telephone*  
(918) 747-8900

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*Facsimile*  
(918) 747-2665

*Writer's Direct Line*  
(918) 392-9400

*Writer's Direct Fax*  
(918) 392-9406

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

March 15, 2024

Ozzie Paul and  
Leslie Karen Eades  
7243 West 7th Street  
Tulsa, OK 74127

Re: First Step Male Diversion Program

Dear Mr. and Ms. Eades:

We represent the First Step Male Diversion Program in connection with the property at 7303 W. 7<sup>th</sup> Street, located on the north side of 7<sup>th</sup> Street, directly east of the Frontier Smoke Shop. The Program is under contract to purchase the Property. We intend to file an application with the Tulsa County Board of Adjustment in order for the Program to utilize the Property as a program residence and administrative offices.

I am writing to you to invite you to a meeting with the First Step Male Diversion Program team on **Thursday, March 28, 2024, at 6:00 p.m.**, which will be held at the Zion Community Church, located at 5400 Charles Page Boulevard, Tulsa, Oklahoma 74127.

[www.EllerDetrich.com](http://www.EllerDetrich.com)  
2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

CBOA-3168 9.16



March 15, 2024  
Page 2

On behalf of First Step Male Diversion Program, we hope to see you at the meeting and will make every effort to answer any questions you may have about the project. Again, we look forward to seeing you at the March 28<sup>th</sup> meeting.

Yours very truly,

ELLER AND DETRICH  
A Professional Corporation

A handwritten signature in black ink, appearing to read "R. Louis Reynolds".

R. Louis Reynolds



## SIGN-IN

### 1<sup>st</sup> Step Male Diversion Program NEIGHBORHOOD MEETING

March 28, 2024 6:00 P.M.

NAME	ADDRESS	E-MAIL
Wanda Graham	7229 W 4th Pl	
Wanda Stanley	445 S 42 W Ave	blonde wanda 55@yahoo.com
Linda Huh	449 S 74th W Ave	barbees12@gmail.com
Michael Parrish	" " "	
Cody Schunke & Hannah Schunke	607 S 73rd W Ave	
Jeff and Amanda Callen		
Vaughn Miller	7330 W 7th St	
Amber Ponder		Amber.p@thespringok.org
Dean Williams		
John Waldron		
Koyanga Jackson		Kj@touchfulsa.org
Kenneth Johnson		Teeow1971@hotmail.com

# SIGN-IN

1<sup>st</sup> Step Male Diversion Program  
NEIGHBORHOOD MEETING  
March 28, 2024 6:00 P.M.

NAME

ADDRESS

E-MAIL

Amy Tebow 7703 W. 7th St. tebow1971@hotmail.  
com

Nathalie Cornett 2727 E. 21<sup>st</sup> St.



**Hoyt, Jay**

---

**From:** Heather Burk <hburk2023@gmail.com>  
**Sent:** Sunday, May 12, 2024 6:57 PM  
**To:** esubmit  
**Subject:** Case # CBOA-3168

To whom it may concern,

I hope this email finds you well. I am writing to express my deep concern regarding the presence of a sober living facility in close proximity to our residential area, especially considering the number of young children residing here.

While I understand the importance of providing support and rehabilitation services to individuals recovering from substance abuse, the location of such facilities requires careful consideration, particularly when they are adjacent to areas heavily populated by families with young children.

The presence of a sober living facility in such close proximity to our homes poses various risks, including potential exposure of children to individuals undergoing treatment for substance abuse, increased foot traffic of unknown individuals in the area, and the possibility of disturbances or incidents that may arise from the operations of the facility.

It is essential to acknowledge that the safety and well-being of our children must be our top priority. As responsible members of this community, we must take proactive measures to ensure that our neighborhood remains a safe and secure environment for all residents, especially our most vulnerable members.

Therefore, I urge you to consider the gravity of this situation and take appropriate action to address it. This may include exploring options for relocating the sober living facility to a more suitable location that is not in such close proximity to residential areas, particularly those with young children.

Furthermore, the proximity of the facility may also pose logistical challenges and safety hazards, such as traffic congestion and disturbances during pick-up and drop-off times for school-going children.

I urge you to carefully reconsider the placement of the sober living facility and explore alternative locations that are more suitable and do not pose potential risks to the safety and well-being of our community's youngest members.

Thank you for your attention to this matter. I look forward to your prompt response and action on this important issue.

Sincerely, Heather Burk



## Board of Adjustment

**Case Number:** CBOA-3169

**Hearing Date:** 05/21/2024 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

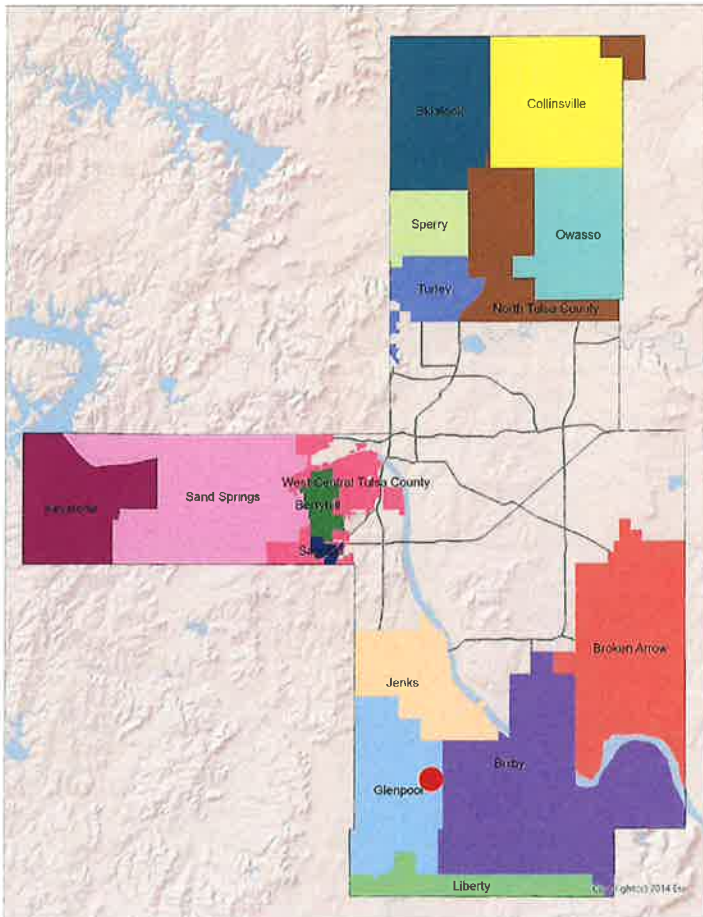
**Owner and Applicant Information:**

**Applicant:** Jennifer Johnson

**Property Owner:** Jennifer Johnson

**Action Requested:** Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Secion 310).

**Location Map:**



**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 2.27 acres

**Location:** 1611 E 161 ST S

**Present Zoning:** AG

**Fenceline/Area:** Glenpool

**Land Use Designation:** Rural

**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7319

**CASE NUMBER:** CBOA-3169

**CZM:**

**CASE REPORT PREPARED BY:** Jay Hoyt

**HEARING DATE:** 05/21/2024 1:30 PM

**APPLICANT:** Jennifer Johnson

**ACTION REQUESTED:** Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Secion 310).

**LOCATION:** 1611 E 161 ST S

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Vacant

**TRACT SIZE:** 2.27 acres

**LEGAL DESCRIPTION:** E200 S544.51 GOV LT 4 LESS S50 THEREOF FOR RD SEC 19 17 13 2.270ACS, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG and is currently vacant. The site is surrounded by AG zoning containing vacant land and single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board to request a Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Secion 310).

Use Unit 17 – Automotive and Allied Activities is not a use that is permitted by right or exception in the AG district, which parking of a recreational vehicle would fall under, necessitating the need for a Use Variance if one is intended to be parked and used on the subject tract. A Use Variance is required as the proposed use is not permitted by right in the AG district because of the potential adverse effects, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The proposed use must be found to be compatible with and non-injurious to the surrounding area.

The applicant intends to build a permanent home on the subject tract and would like to place an RV temporarily on the lot while the home is being constructed as outlined in the History and Hardship information provided by the applicant.

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

Sample Motion:

*"I Move to \_\_\_\_\_ (approve/deny) a Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Secion 310).*



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

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

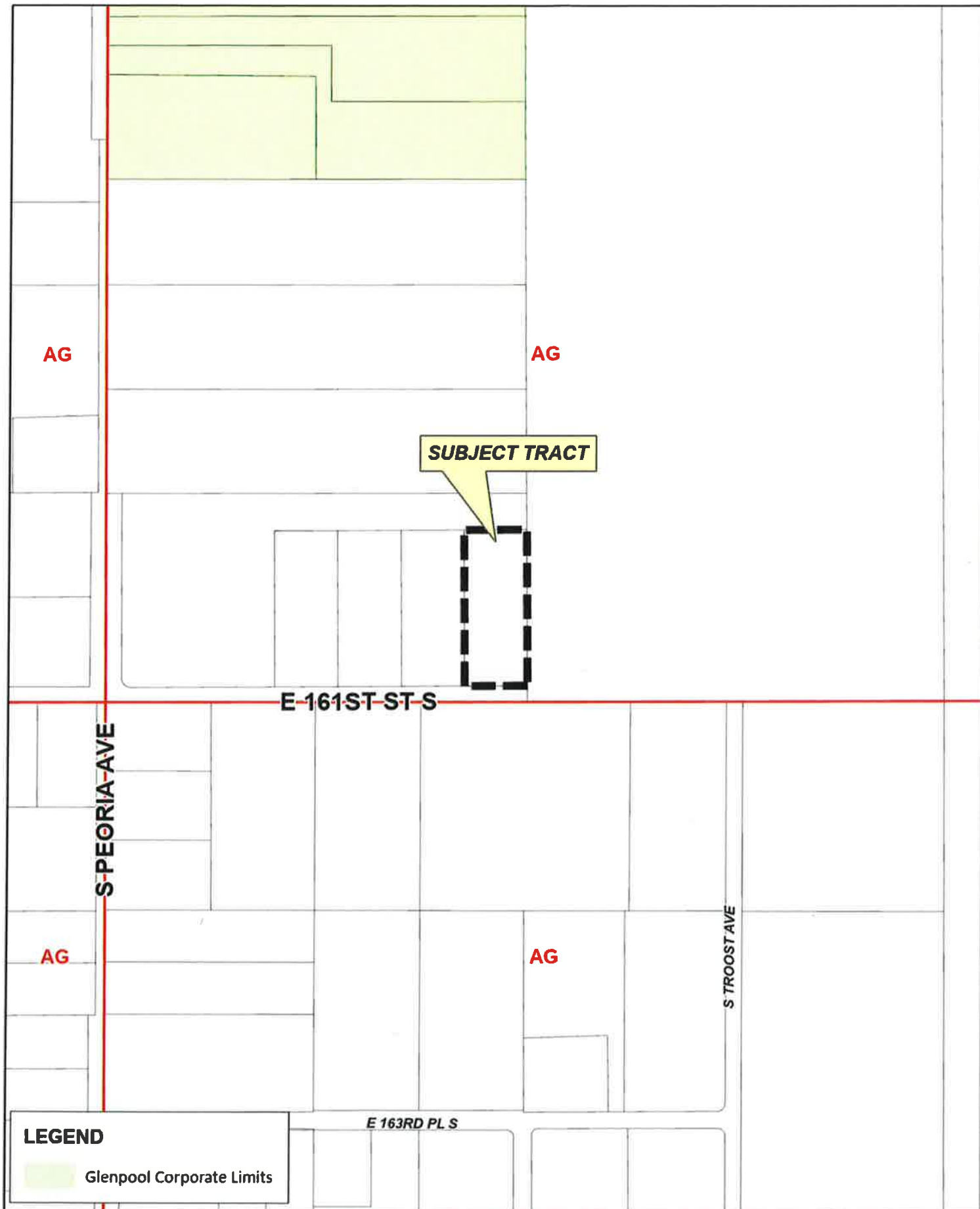
*Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do 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 looking North from E 161<sup>st</sup> St S



Subject tract looking Northeast from E 161<sup>st</sup> St S



**CBOA-3169**

17-13 19

CBOA-3169 10.5







E 161ST ST S

S PEORIA AVE

S STROOST AVE

E 163RD PL S

0 200 400  
Feet



Subject  
Tract

**CBOA-3169**

17-13 19

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

Aerial Photo Date: 2023

CBOA-3169 10.6



Information re: Board of Adjustment request to approve placement of electrical service for intention of RV while we (Jennifer and Aaron Johnson) build permanent home.

History and Hardship: My husband and I listed our prior home for sale in spring 2023. Our prior home was in Tulsa County, Bixby School district where our 13 and 15 year old children currently attend school since Kindergarten. Our original intentions were to immediately purchase a property within Bixby school district and build (what we hoped to be a modest sized) 'forever' home while temporarily staying with family. After listing our original home for sale, both of my husband's grandmothers were placed in nursing facilities and do not qualify for any state assistance for the monthly payments (which combined, are close to \$16k/month). Additionally, the same time that our home sold, unfortunately my husband's mother passed away unexpectedly, causing further financial strain. My father-in-law (Aaron's father) is aging and it has become apparent that he will not be able to continue to live independently in the foreseeable future. This past fall of 2023, my husband and I went ahead and purchased a 2.5 acre lot on the northeast corner of 161<sup>st</sup> Street S and Peoria . We love this location, the price was reasonable, and we were, and are, still very intent in our plan to build a home. However, given the increase in interest rates that occurred over the summer, coupled with the financial strain of two nursing home bills, as well as the strong desire to build a home that would also be able to house my father-in-law – we are unable, at this time to finance a home-build. My husband works as an accountant for a local business and I a mental health nurse at the VA. We have very good credit and a strong financial plan in place to allow us to finance and break-ground on a home build in early/spring of 2025, regardless if interest rates change. However, we very much wish to utilize our property as soon as possible.

We are asking to place our RV on property, temporarily, until the home is built. This would allow us to save additional monies, keep our children in their schools, and not continue to burden family who have been housing us. We understand that the aesthetics of an RV can be deterring to some, but are kindly asking for the Board's approval of this request, knowing that this would be temporary and that our goal and intention is to build a beautiful, permanent home. I have attached pictures and additional information below for your review. I am happy to answer any additional questions you may have of me or my husband. My husband and I very much appreciate and are grateful of the board's consideration of this request.



The pavilion we intend to build will look similarly, if not exactly, as pictured below. It will initially be used to shelter the RV, but would later be used as an outdoor gathering area for our family. Once the house is constructed, we would house the RV in a garage as it would then just be utilized for vacations.





Phase 1 of our intended plan, pending board approval. Culvert (permit received), road (grey), placement of pavilion (brown), RV water and electric hookups to provide living quarters until phase 2.



Phase 2 of intended plan, pending permits: Placement of home and garage (grey). RV then housed in garage. Pavilion utilized as outdoor area.



Phase 3 intended plan, pending compliance with easement (of utility lines) and permits: Placement of small barn (red), gardens (green), and small pond (blue).





Home plans currently being discussed for possible build will look similarly to the following and are approximately 3177 sq ft. We wish to modify to have an additional bedroom on the first floor (dining area and pantry) that would accommodate my father-in-law:

