

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Special Meeting No. 514**

Tuesday, December 20, 2022, 1:30 p.m.

Williams Tower 1

1 West 3rd Street, St. Francis Room

Tulsa, Oklahoma

Members Present

Charney, Chair
Hutchinson, V. Chair
Hicks
Houston
Tisdale

Members Absent

Staff Present

S. Miller
S. Tauber
J. Hoyt

Others Present

Nicholas Williams,
Legal

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, December 14, 2022, at 2:39 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

* * * * *

Mr. Hoyt read the rules and procedures for the Board of Adjustment Public Hearing.

* * * * *

MINUTES

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Hicks, Hutchinson, Houston, Tisdale, "aye"; no "nays"; no "abstains"; no "absent") to **APPROVE** the Minutes of November 15, 2022 (No. 513).

* * * * *

NEW APPLICATIONS

2926-A - Nathalie Cornett

Action Requested:

Modification to previously approved conditions and site plan for CBOA-2926.

Location: 16700 S. 163rd East Ave. **(CD 3)**

Presentation:

Natalie Cornett, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma 74114, stated that she represented the property owner, Jonathan McCann. We are requesting a modification to the conditions of a Special Exemption that this Board previously approved in October of 2021. There were conditions listed in the minutes of that meeting. We would like to modify one of them and then clarify some of the other ones. The first one is we would like to increase the permitted number of guests from 50 to 100, in original condition was a maximum of fifty guests. Between then and now, after some additional market research, the property owner has learned that really 75 to 100 is a sweet spot for successful small wedding venue. In this case, the property is four acres, it was secluded, and has enough space, both from a structural standpoint as well as parking standpoint, to accommodate that increasing guest. So that is the simple one. The next one, she directed the Board to page 2.7 of Agenda packets, and that has been listed out five modifications and clarifications of the condition which was what all events will be held indoors. In the minutes and, in the Board's discussion of the previous meetings that were talked about a clergy person could have an external amplification for a ceremony, and then it concluded with all events will be held indoors. We want to clarify, and we are requesting that this Board approve that wedding ceremonies and photoshoots are permitted to be held outdoors or indoors. You should have a packet of photos to give you an idea of what she meant by an outdoor wedding. The first two photos you have are there to ceremony areas on the property. And those are those first two photos and there you can see it is just a concrete pad with a screening wall where the minister and the bride and groom would stand. We would like weddings to be permitted in these two areas outside as well as associated with photo shoots for after a wedding ceremony. The remainder of events such as the reception parties are catered sit down dinner, wedding related or not, we would still request and want to be held indoors. And the third photo in your packet shows what the indoor area reception area looks like. And it is a metal building and accommodates well over 100 people from a fire code standpoint. The next photo is sort of looking up and you can see the indoor reception area as well as a service building. That would be where a bar could be placed if someone needed to go get a drink and take it back to the reception or if they needed somewhere to stage if they're going to serve a meal, they could stage it in that area. And we are requesting that movement of people, staff, vendors, or guests between these areas between the outdoor reception area and indoors reception area. That is permitted. Obviously, it was a natural use of the property event venue that would be permitted and not considered an outdoor activity. The last photo is facing towards the rear of the property south. The following photos, the spacing from that building looking outwards towards the main road northeast. And you can see sort of how the path meanders up from the parking area which is down near the highway and works its way up to the wedding ceremony area and event area. So, we also are requesting for if a food truck comes it could be parked outside, do what a food truck does. And again, that would not be considered an outdoor activity. The same condition for clergy and music for the bride to walk down the aisle would be permitted in a small external amplification system. But other than that, no outdoor music, or speakers of any kind. The final two photos are really to give you a better sense of the topography of the site really lends itself to be a secluded area. It is tucked away into the back side of the hill. The property

owner has installed an additional screening on where an outdoor event would happen to further mitigate any potential noise issues. They do not have neighbors for quite some time as you had from west, and then to the east. To the west as you go down the hill, there is a house. So as far as mitigating noise or mitigating any disturbance outside of the site, we believe these conditions will continue to honor that spirit and kind of the code and will not be injurious to the neighborhood.

Mr. Hutchinson asked if he has been in operation thus far.

Ms. Cornett stated that he has not held any events. He may have had a family event or something in there but not any official wedding or anything that has been booked his intent was to he has been working on building all this out and then would like to start having from the spring when it warms up.

Mr. Houston asked on the photograph of the facility, are those like garage doors that are open and close.

Ms. Cornett stated that they are garage doors that open and can be opened either to allow outdoor or indoor events or to provide some airflow during the summer.

Mr. Houston stated that the only reason he was asking is during a reception if there is music those are all open still considering that to be indoors.

Ms. Cornett stated that she took his point and if the Board wanted to put a limit on the you know they could not be open after a certain hours or they would be required to be remain closed during indoor parties. Ideally, we would like to be able to open at least a couple of them but if there's a time limitation after you know 9 p.m. that all the garage doors need to be closed, they could agree to that.

Mr. Hutchinson asked if this venue had AC.

Ms. Cornett stated that yes it was. The 65 Chevy truck and other vehicles are strategically placed around the property for the rustic photo shoot opportunity.

Mr. Hicks asked if she knew where the food truck will station themselves.

Ms. Cornett stated that the drive is hard to see just because of the leaves right now, but there is a paved drive. It is manageable for food trucks to come up and park in the staging area. There is also as you come into the property off the highway, there is a gate and a parking pad in that area that they need to be able to park as well. He does have a lot of space she did not know exactly how many food trucks it takes to feed one hundred people.

Mr. Hicks stated that on your exhibit B, on page 2.7, on the first paragraph, it says "this is as originally approved in the Board Minutes in October 2021, events are permitted after midnight."

Ms. Cornett stated that was a typo. That should not be permitted, and we are not seeking to change that condition.

Mr. Charney stated that we can think of two different parts here. The first one is a true modification from 50 to 100. He did not think he had any problem with that. He vaguely remembered this coming before us. He thought that was a reasonable request. As far as these other items, he thought it was fine for amplification for clergy and music for the bride to walk down the aisle. That would be his perspective, we will see how others do they just want you to hear. The only one that that came to my mind was asked by another Board member, and that is regarding if our goal were to contain the music to the inside late, if every door were open on a hot August night, it would be tantamount to being outside. He thought that there may be some desire by the Board to limit the number of them or after a certain hour, they must be closed. If it is climate controlled inside, he hoped that would be palatable to your client. But he thought that was the theme that was important to us.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney asked if there should be a timeframe on the doors.

Mr. Hutchinson stated that they should limit it to 9:00 pm and if it is too hot, he was sure that they keep them closed anyway. But you may have a Spring 75-degree day and they want to raise in which he was fine with. Because our number one concern is always the noise level.

Mr. Charney stated that he would be fine with the 9:00 p.m. limit.

Mr. Tisdale stated that he was fine with that. The parking looks like it is a rough terrain on 2.8.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”); to **APPROVE** to Modification to previously approved conditions and site plan for CBOA-2926 in accordance with the provided Exhibit B in our packet, which lists the desired modifications with the only change to the Exhibit B list would be that the overhead doors on the subject building be closed if there is music playing inside after 9 pm.

The Board finds that the requested a Modification 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.

PRT W/2 SW BEG 881.6S NEC W/2 SW TH S500 W349 N500 E349 POB SEC 26 17 14 4AC, CITY OF BIXBY, COUNTY OF TULSA, STATE OF OKLAHOMA.

3017 - AAB Engineering, LLC

Action Requested:

Special Exception to allow a mini storage (use Unit 16) in a CS district (Section 710) **Location:** E of Hwy 75 and S of E 86th St N. **(CD 1)**

Presentation:

Alan Betchan, AAB Engineering, 200 N McKinley Ave, Sand Springs, OK 74063, stated that they are representing the landowners on this project. This is a request for a Special Exception authorization for self-storage use. This tract is bordered on the north by 86th Street, on the east by an arterial, and the west by highway 75. It is very much frontage property. There is a Dollar General site that was constructed on the corner. You may remember a few months ago he was before you are requesting a parking variance on that side. This is really all the land that surrounds the balance of that tract. In your packet, there is a Conceptual Development Plan that we have for the site. The intent with the tract is that the southern portion will ultimately be carved off for residential single family. The reason the request is for the entire parcel, as it sits today is there is some flexibility on where that line is going to lie between the residential and the commercial uses. Some of it is market condition for the storage user, and then the other half of it is just locked configuration. There is some concern with fire flows. In this area, there is a significant water line project that was undergoing. The single family has a more onerous requirements from the Fire Marshal than what would storage be. So that was still a little ways down the line. And we have not refined so that is we do not want you to hear me tell you that was exactly where those lines were because we would have brought as a separate zoning case. Today, what is before us just authorization for the entire parcel, which is already zoned CS. Anything other than that will be a down zoning from what is currently on the parcel. He thought that the request is straightforward.

Mr. Charney asked if there was a possibility that you might want the entire 20-acre site to be the mini storage use.

Mr. Betchan stated that that is what the request is but every intent from them that every discussion we have had is that that is an ambitious storage product that they do not think is supported. The intent is that single family will go along that Southern line. It is just not viable today, because of water restrictions. The nearest 12-inch line is still a mile away. There are some significant improvements that need to happen on 86th Street for that to be viable.

Mr. Hutchinson stated that they are installing a 12-inch water line from the south right now that can serve two big industrial buildings.

Mr. Betchan stated that he did not know the full scope of what was going on further south. He could say that we have had extensive conversations with the rural water district. There are a couple of pressure zones and a booster pump that is coming online that changes a lot of that western area. But the intent is that for fire flow to be met, anywhere from here to Highway 20 on the west side of 75 is bringing that 12-inch now

86th Street is critical to that because this is along the north side and then the west. This is where the crossover happens with the rural water district. There are water line crosses along the western property line which crosses the highway. So, it was critical with that 12-inch and from the fire flow perspective. We are getting close to the district's boundary so that may even be Tulsa Water further to the south. This is Washington 3. He thought as you get south, you are getting closer to some other water districts. Tulsa has lines that come up far north. But hear me tell you, that is by no means a definitive statement of where those are. He was just familiar with that line.

Mr. Hutchinson stated that your client is looking at between Dollar General and where the small pond is.

Mr. Betchan stated that if it were a concern of the Board that getting storage down against the existing residential district, we would be happy to entertain a restriction to say not within 300' of the southern boundary as requested. The intent is that it be residential, but that does not really conform to the zoning that you have out there today. It is CS all the way down. We were really torn on the application but knowing the line, that is where we went.

Mr. Charney stated that the Board will have another bite at the apple if you decide to come back in to have a residential opportunity there. That is what he thought we can maybe address it he could imagine.

Mr. Betchan stated that their thought and intent was that the rezoning would have to be a formal rezoning.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hicks asked if they should go ahead and denote the setback distance off the far south property line.

Mr. Charney stated that he was wondering if we could and except this. He sympathized that Mr. Betchan does not know his precise site plan. But if he were building it right up against the residential, he thought we would have some screening and lighting requirements.

Mr. Charney asked Mr. Betchan, can you come up to the podium for one quick question here for a moment. He understands that you would be back before us for some residential zoning, but we have our residential zone tract on your south boundary. Could your client live with this at this moment if we were to say less than except that southernly 300 feet.

Mr. Betchan stated that is exactly what he would suggest. In lieu of detailing out all those separation requiring the screening and separation requirements that you would

have, we would ask, just give us a standoff of 300 feet because he was confident it will be that understanding that today, there is an unrestricted CS parcel sitting right there and it will be 300 foot wide.

Mr. Charney stated that we have noticed there is no problem with limiting the legal description a bit.

Mr. Betchan stated that he thought the way he would request that it would be done is just accepting that it not allowed within the southern 300 feet thereof. It is still an exception on the whole parcel. With no storage allowed within three hundred feet.

Mr. Charney stated that he understood, and he appreciated your comments. Members of our Board, he thought that he could get comfortable with the lesson except this other than the 300 feet we would not permit them and historic views on the southerly 300 feet.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”); to **APPROVE** a **Special Exception** to allow a mini storage (use Unit 16) in a CS district (Section 710) per the Conceptual Plans shown on page 3.6 of the Agenda packet subject to no mini-storage less and except 300’ of the southern boundary.

The Board finds that the requested 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.

TRACT 2 LEGAL DESCRIPTION: A TRACT OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 NE/4 NE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 NE/4 NE/4); THENCE SOUTH 01°17’26” EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°17’26” EAST ALONG SAID EAST LINE, A DISTANCE OF 605.78 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 NE/4 NE/4); THENCE SOUTH 88°38’09” WEST ALONG SAID SOUTH LINE, A DISTANCE OF 918.73 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 113.79 FEET, A CHORD BEARING OF NORTH 19°32’38” EAST, A CHORD DISTANCE OF 11.10 FEET, AND A CURVE DISTANCE OF 11.10 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 18°14’59” EAST, A DISTANCE OF 344.17 FEET; THENCE

CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 816.21 FEET, A CHORD BEARING OF NORTH 10°07'32" EAST, A CHORD DISTANCE OF 230.69 FEET, AND A CURVE DISTANCE OF 231.47 FEET; THENCE NORTH 88°37'28" EAST, A DISTANCE OF 483.15 FEET; THENCE SOUTH 01°22'32" EAST, A DISTANCE OF 301.26 FEET; THENCE NORTH 88°37'52" EAST, A DISTANCE OF 220.41 FEET; THENCE NORTH 01°17'26" WEST, A DISTANCE OF 336.84 FEET; THENCE NORTH 77°56'33" EAST, A DISTANCE OF 50.90 FEET TO THE POINT OF BEGINNING. CONTAINING 397,373 SQUARE FEET OR 9.12 ACRES.

AND

TRACT 1 LEGAL DESCRIPTION: THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (S/2 NE/4 NE/4), LESS THAT PORTION OCCUPIED BY HIGHWAY RIGHT OF WAY, ALL IN SECTION TWENTY EIGHT (28), TOWNSHIP TWENTY ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4 NE/4; THENCE S01°17'21"E ALONG THE EAST LINE OF SAID NE/4 NE/4 A DISTANCE OF 660.14 FEET TO THE NORTHEAST CORNER OF SAID S/2 NE/4 NE/4; THENCE S88°36'09"W ALONG THE NORTH LINE OF SAID S/2 NE/4 NE/4 A DISTANCE OF 918.73 FEET TO THE EASTERLY RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT (TANGENT BEARS S17°44'14"W), SAID CURVE HAVING A RADIUS OF 1332.40 FEET AND A CENTRAL ANGLE OF 15°09'14" FOR AN ARC DISTANCE OF 352.40 FEET; THENCE 502°34'59"W ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 316.61 FEET TO A POINT ON THE SOUTH LINE OF SAID S/2 NE/4 NE/4; THENCE N88°34'36"E ALONG SAID SOUTH LINE A DISTANCE OF 1010.36 FEET TO THE SOUTHEAST CORNER OF SAID S/2 NE/4 NE/4; THENCE ND1°17'21"W A DISTANCE OF 660.14 FEET TO THE POINT OF BEGINNING. IN THE CITY OF OWASSO, COUNTY OF TULSA, STATE OF OKLAHOMA.

3018 - Guadalupe Juan Varela

Action Requested:

Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410) **Location:** 1725 E 66th St N **(CD 1)**

Presentation:

Applicant was not present.

Interested Parties:

Delmar Morris, 1816 East 66th Street North, Tulsa, Oklahoma, 74130.

Mr. Charney stated that we are going to continue this case one time to see if there was a reason why this applicant could not be here legitimate reason they will come back. January 17, 2023 is the next meeting. It is your choice, if you want to come back and tell us if it was hard for you to get out and come back in the middle of the winter.

Mr. Morris stated that he would come back on January 17, 2023.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all "aye"; no "nays"; no "abstains", Tisdale "absent"); to **Continue** a Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410) until January 17, 2023.

**PRT E/2 SE SE SE SW BEG SECR THEREOF TH N199.70 W165.21 S199.73 E165.21
POB SEC 31 21 13 .7574ACS, City of Tulsa, County of Tulsa, State of Oklahoma.**

3019 - Jimmy R. Harvey Jr.

Action Requested:

Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207). **Location:** N. 37th E. Ave. **(CD 1)**

Presentation:

Jimmy Ray Harvey Jr., 3517 East Virgin Street, Tulsa, Oklahoma, 74115, stated that he had 2.5 acres and he wanted to build a single dwelling home back off the roadway.

Mr. Charney asked if there was an existing structure on the property.

Mr. Harvey stated that not on the 2.5 acres, but there is a home on the 5-acre tract that his aunt owns.

Mr. Hicks asked if there was a dead end at the corner of the property.

Mr. Harvey stated that there was after his property.

Mr. Charney stated that sometimes we see these where there is no true dedicated road frontage. Does the seven-and-a-half-acre tract have a dedicated roadway in front of it?

Mr. Harvey stated that it does.

Mr. Hutchinson asked if this was a county-maintained road or is it a private road. If County, does the county maintain it?

Mr. Harvey stated that they had been told it was County, but he had not seen them out there maintaining it.

Mr. Charney stated that they might double check with our Staff here because he thought it makes a difference in the procedural posture of the case before us to decide.

Mr. Hicks asked if the sign that says 37 was if it was green or red.

Mr. Harvey stated that it was red.

Mr. Charney stated that might have been what made this bubble up in this fashion. What we often find is we have a private roadway there and sometimes we are comfortable with allowing development off a private roadway so long as we are comfortable that the person wanting to build this new improvements has legal access by some documents, and it is a private roadway that is meant to have some sort of service of record.

Mr. Hicks stated that on survey item number five, the property has legal access via driveway North 37th East Ave. to 86th Street North.

Mr. Hutchinson stated that on the plat survey it says a 50-foot road access.

Mr. Charney asked if that was road access. Can any member of our Staff see anything on that Plat of Survey that looks as though it is either a dedication or a previously recorded grant of access? It says 50-foot road access easement book and page number coming from 86th Street North heading to the north. It says gravel drive. Let me tell you our concerns, what we are trying to get our arms around is it was not uncommon for us to let someone with no publicly dedicated access to still build something if they are certain that there is legal access for you to get on a roadway back and forth. He did not know if we have anything before us that gives us that comfort with sometimes people will have an easement that shows it. Maybe there is a document that this road access easement is of record. That could be helpful.

Mr. Harvey stated that he must pay mutual roadway access easement and general utility easement.

Mr. Charney stated that is exactly what we might be needing to look at. We might look at it. It would be helpful for us to see it and see if it has an exhibit associated with it. Let me take one quick look at it. He would appreciate some Staff input. If we have a document this kind of it is a bit tough for me to discern from the legal to describe and the grantor grantees. He did not know who the parties were since he did not have the abstract of title to know who granted and who did not. In times before, sometimes we have granted if there is legal access for the property if the Staff would be comfortable, if the board happens to have a comfort level with this, provided this document or a later document is prepared that provides the legal access to the property. And usually, we say at a minimum of at least 30 feet is what we have required in the past. Then our approval of the application to be contingent upon that this may satisfy it may not with the Staff have a comfort level upon that contingent granting of approval on our part.

Ms. Miller stated that she would say that the County Engineers been really interested in these types of applications so, Mr. Hoyt has coordinated with him and he was not shy to come back and say which ones are a problem. On this would one he did not hear back.

Mr. Hoyt stated that the County Engineer felt they have legal access.

Mr. Charney stated that he thought we might say provided that legal access exists. We have no objection and kind of make it contingent upon that being in existence. The new structure that you are seeking a permit to build upon is the two-and-a-half-acre tract which sits just to the south of the five acre tract.

Mr. Houston stated that Mr. Harvey's aunt was residing there currently. Is that her egress and ingress on that same?

Mr. Harney stated yes that was her only way in and out.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he had a comfort level with the requests that they believe historically granted these if we felt that there is true legal access, and we have done it on smaller parcels, given the families involved, given that there appears to be somebody has been of record, he would be comfortable supporting it, contingent upon a document of record providing actual legal access to the property.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”); to **APPROVE** a Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207) per the Conceptual Plan, shown on page 5.6 of the Agenda packet, subject to the existence of an actual roadway easement, providing legal access to the applicant, from a publicly dedicated street to the subject two and a half acres that may already be in existence, it may not, but our motion is contingent upon that truly being in existence and recorded of record.

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

N660 S1320 W/2 E/2 W/2 E/2 SW & W/2 W/2 E/2 SW LESS BEG 823.23W & 661.39N SECR SW TH N220.46 W494.04 S220.50 E494.04 POB SEC 21 21 13 4.999 ACS; BEG 823.23W & 661.39N SECR SW TH N220.46 W494.04 S220.50 E494.04 POB SEC 21 21 13 2.501 ACS, IN THE CITY OF SPERRY, COUNTY OF TULSA, STATE OF OKLAHOMA.

3020 - Denny Fitzmorris

Action Requested:

Variance of the rear setback from 40 ft in the AG district;(Section 310, Table 3);

Variance of the side setback from 15 ft. in the AG district (Section 310, Table 3).

Location: 15717 S Yale Ave (CD 3)

Presentation:

Jackson Elsey, 15717 South Yale Ave., Bixby, Oklahoma, 74108, stated that he was representing Denny Fitzmorris because he was out of town. This request is regarding the two buildings. You can see on each side, there's a large barn shop. That there was smaller building in the very back. The shop was already there. It was a barn initially. There were horses on the property next door. He was just using it because we leased the property to keep our horses on. The lady that leased the property eventually sold it. The people who bought the property next was built the shop right parallel to that existing building about 15 feet on the other side. So, all he has done is turn the horse barn into a shop. The property owner on the other side is in the same situation. We can get written documentation from him, as well as the property owner on the rear. There is a waste lagoon. The building is a "she shed" from my mother. She does arts and crafts. So, neither property on either side uses or is necessarily against it. And we could get documentation from both. They are just existing structures. One was the plain barn, no floor, and the other was a building on skids. We just want to be able to finish and use them.

Mr. Charney asked what the reduction is they are seeking.

Mr. Elsey stated that the side was about seven feet, and the rear is about 10 to 11 feet.

Mr. Charney stated it was 40' to 10' and 15' to 7'.

Mr. Hicks asked if he was talking about shed #2 and shed #3, so there is a 5' dimension there.

Mr. Elsey stated that there are two fence lines there they do not use the property back there. He did not know if they put up the second fence line or if that was ours to be honest with you. There is a good 15 feet of property that is fenced before you hit from where the sheds are.

Mr. Hutchinson asked how long the sheds have been there.

Mr. Elsey stated that they were on skids, and he went in and created the floor.

Mr. Charney asked if you were estimating had the sheds been there a long time.

Mr. Elsey stated that the home was built sometime 60's or 70's.

Mr. Charney stated, so just bear with me for a moment thinking amongst ourselves here, we normally have a specific request to reduce the rear yard setback from 40 to blank and the side yard from 15 to blank. Because we do not want it right on the line, and we need to determine what your needs are. Maybe that is what the five foot is what you are suggesting it could very well be it was hard to tell.

Mr. Elsey stated that he was assuming that five foot was written on this and what the request is for.

Mr. Hutchinson stated that is a five-foot rear yard. They are calling this rear.

Mr. Elsey stated that is the rear. That is the very back of the property.

Mr. Charney stated that it says fifteen would need a variance to permit a zero-yard side setback. Has anyone talked to the neighbors on either side?

Mr. Elsey stated that they are in constant contact with them. He thought that he is in the same boat. He has got a sticker slapped on his shed when they were looking at ours, they saw his. He is in a similar situation that people on the backside, we are good friends with them, and that they use it for their little lagoon and is their wastewater. So, they do not use that area of the property at all.

Mr. Charney asked if he could tell the Board that you have spoken to them and that they do not object to this granting of this application.

Mr. Charney stated that sometimes we would like to hear you tell us.

Mr. Elsey stated that he has he has expressed no objection to the other owner.

Mr. Charney stated that it is from 40 to five and 15 to zero because the buildings have been there for so long.

Mr. Hutchinson asked if you do not need a permit if it is on skids. Wherever he moved it to concrete floor and changed everything.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated we have tracts two and a half acres and we have sometimes seen the need to encroach if something has been there. We have been accommodated.

Mr. Hutchinson stated he did not want them to be able to add on to only the current footprint.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”); to **APPROVE** a Variance of the rear setback from 40 ft in the AG district;(Section 310, Table 3); and a Variance of the side setback from 15 ft. in the AG district (Section 310, Table 3) per Conceptual Plans shown on page 6.7 and subject to only the current foot print cannot be enlarged. The 1st Variance is from 40 feet to 5 feet in the rear yard and the 2nd Variance is 15 feet to 0 feet in the side yard.

Finding the hardship to be the nature of the size of the tract, coupled with a long-standing nature of these structures having been there for an awfully long time, and only recently made a bit more permanent in their nature to improve them.

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

PRT SW BEG 1545N SWC SW TH N365 E330 S365 W330 LESS W30 FOR RD SEC 22 17 13 2.51AC, City of Bixby, County of Tulsa, State of Oklahoma.

3021 - Mark Hines

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RE district (Section 208). **Location:** 11711 E 68th St N **(CD 1)**

Presentation:

Mark Hines, 11711 East 68th Street North, Owasso, Oklahoma, 74055 stated that they trying to add a second dwelling for family only use. We have plenty of room in the front yard and that is where we are going to add it.

Mr. Charney stated that the size of the tract is 1.2 acres and there is currently a dwelling on that 1.2-acre tract. We want to make certain that we have a good understanding of exactly how the second dwelling will set in there.

Mr. Hines stated that it will be about the same size as his current dwelling which is 32 feet by 50 feet. It would be 1500 square foot house or a little more.

Mr. Hutchinson asked if he had considered doing a lot of split. Is there sewer there or is it septic.

Mr. Hines stated that there is no sewer there.

Mr. Charney asked if it will be a separate system than what the current structure is currently on.

Mr. Hines stated that was correct. It will have separate water and all utilities. It is for family and not a rental.

Interested Parties:

Jan Gaylord, 11618 East 69th Street North, Owasso, Oklahoma, 74055, stated that her property is northwest of Mr. Hines property. She would like to know how we would allow a trailer in there because in 2021, we tried to put a trailer on a second piece of property in the neighborhood. We were told it was not allowed in our neighborhood. A few years before that, somebody put a triple wide in and the County made them remove it. Then there was another one to put in on the south side of 72nd and 119th and they were made to remove it as well. Those were all two acre lots. They were made to remove them and ours was not allowed to be put in. She did not know how that could possibly be allowed now. My other question would be about an aerobic system would have to be in their front yard. She also is the neighborhood association president. Most of the people in our neighborhood are elderly. They are not here such as that email that you got from the Fisher family who are directly north stated. They said the same thing, they were not allowed. There was a time when there was no regulation there. When the zoning was amended by the county because we are in the Owasso fence line, but we are not in the Owasso city limits. They said there would be no mobile units in the area, whereas Mr. Hines was already there, he was grandfathered in as was a lady down the street from me. We do not want to set a precedent by starting this. The lots are too

small, especially if you look at that picture and where it wants to put the trailer in front of the trailer is a driveway. The big concern for us personally is that we are the lowest spot in the neighborhood. You will see that last week, one week ago today are according to the last page National Weather Service, we got point one four inch of rain, and that was what it does to our backyard. It drowns us. We have lived there since 1988, and we raised our family there. Now it was just her and her husband and we got that last week and we have been in a drought. You can imagine when it rains a lot it comes up on one side of our house within two feet of the cement foundation. We would really oppose adding something that was going to add more water. We have added dump truck loads of gravel in our backyard and dump truck of dirt in the backyard and one in the front yard and we added a fourth lateral line just about probably about 10 years ago. We still have this kind of problem. There is not really anything we can do about it.

Mr. Hutchinson asked if she was proposing a single wide or a double wide.

Ms. Gaylord stated that they were not sure yet. We wanted to see what we could put on there. Because we own the property and we were either going to possibly build a house on it, or a trailer on it to rent out for income as we get ready to retire. When we called about the utilities, they said no mobile homes were allowed in our neighborhood. We never got any further than that.

Mr. Hutchinson stated that a single wide is looked at differently than a double wide.

Mr. Charney stated that it is important that you raise critical issues regarding density regarding water, we hear you and those are things that he thought we would consider. Regarding your concern on whether this dwelling can be placed on there, he would want you to know that for years how we have treated a double wide mobile home. We need that to be conforming. We have not prohibited that. It is not a violation. It does not need special action from the Board of Adjustment to be permitted on a tract in a RE district. We would say it would not need special action if it were a double wide. If there were a vacant RE lot in this area and they were someone wanting to come in tomorrow without any permission at all, they could be they could place the double wide on there and not be in violation of our code. Sometimes things are not allowed because of the imposition of private covenants, but that does not seem to be the case here. Whatever the Board decides he wanted you to know a.) we care about what you are saying today, b.) we treat a double wide as not needing a Special Exception. We treat it as a standard home and does not fall within the mobile home definition. A single wide would require a special action by this Board to be permitted. It could have been another issue. He cared about her feeling like she had been hurt and understanding what her concerns were. We are trying to be as transparent as we can with you on how we approach these.

Ms. Gaylord asked if you guys approve this as a Board, will there be any follow up to make sure he does have a viable septic system.

Mr. Charney stated that when we do approve these that are contingent upon and the DEQ approved aerobic system, that'll be a condition to this.

Ms. Gaylord stated that since he has had the property, he has cleaned it up. It was very overgrown before.

Rebuttal:

Mr. Hines stated that he did not know we have an association. The county maintenance of the road stops where his property began. He did not have a problem with drainage in his yard.

Mr. Charney stated that one of the things that this board would consider whenever we are looking at increased density is we would want to make certain whoever does your site grading and there will be some that was necessary, that you give very special attention to where it is. There will be increased impervious ground as a result and the grading better be done to make certain it does not increase runoff on adjacent neighbors. That is important to us, and it would be critical to you as well. You have a publicly dedicated road to your property and that is what matters to us.

Comments and Questions:

Mr. Hicks stated that this is a RE district and as far as the square footage of the lot it would allow the two structures.

Mr. Charney stated that RE zoning allowed two structures and the minimum for an aerobic is a half-acre. Usually, they are 22,000 square foot lots, and they have that. When we increase density, we do care about things like drainage and a proper aerobic system. So, if our Board were inclined to grant an additional unit, we care a lot about the neighbor who says that there should not be increased flow on her. Maybe we could condition upon a grading of a pad site that flows back toward the south. If south is a public dedication and a railroad. He would think it'd be reasonable for us to request that the grading plan show stormwater caused by the new construction headed to the south and may cause some more grading and may cause more fills may cost more to get it done. He thought it was a reasonable request.

Mr. Hutchinson stated that there was a culvert running back below the railroad.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains"); to **APPROVE** a Variance to permit two dwelling units on a single lot of record in an RE district (Section 208) per the Conceptual Plan shown on page 7.7 of the Agenda packet and subject to the following conditions: it must have its own electricity, water, and septic and conforms with all Tulsa County rules and regulations; and drainage not to increase flow to the north.

Finding the hardship to be that this is a 45,000 square foot lot.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the

terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property

W/2 W/2 S344 W633.6 S/2 NE SW LESS S25 FOR RD. SEC. 32-21-14, CITY OF OWASSO, COUNTY OF TULSA, STATE OF OKLAHOMA.

Mr. Tisdale left the meeting at 2:47 p.m.

3023 - Mark Allen Adams

Action Requested:

Variance to reduce the side yard on the north side of the property from 15 feet to 8 feet in an AG-R district. (Section 330) **Location:** 5641 S 164th W Ave **(CD 2)**

Presentation:

Mark Allen Adams, 5641 South 164th West Avenue, Sand Spring, Oklahoma, 74063, stated that they want to add a 20-foot by 30-foot addition onto our home on the north side. We are asking for a Variance from 15 feet on the north side yard to eight feet.

Mr. Charney asked if he had heard anything from his neighbor to the north. Does he know his neighbor to the north?

Mr. Adams stated that he knew his neighbors and there have not been any complaints. The guy on the north side said he was perfectly fine with it. We want to put in a retaining wall with a French drain just in case there are any water issues.

Mr. Charney asked if that, in the site plan that we have here on 8.7, where it says new garage on the north side, you just want to make certain that it is okay with us to reduce that setback from 15 feet to eight? Will this conform to your dwelling? Tell me a little bit about the nature of what you are building.

Mr. Adams stated that it will conform. The face of it will be brick just like the rest of the house and there will be the siding on the north end. We will match the siding that was on the house. He and his wife are the only caregiver to my elderly father. The first phase is building the garage. The second phase, we want to build up and fit a master bedroom/ bathroom up above this area and part of the other house so that when we move him in with us, he will have our master bedroom and bath. We are going to put an office, master bedroom and bath upstairs.

Mr. Hicks asked how tall the retaining wall will be.

Mr. Adams stated that it will be about four foot and at the tallest about 38 to 40 inches. Then it tapers down on one end according to the grade.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he could support them. The house that is on the north side is far away from where the proposed addition will be. He has spoken with a neighbor who is not uncomfortable with it. He appreciated the fact that it is conforming to the dwelling.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all "aye"; no "nays"; no "abstains", Tisdale "absent"); to **APPROVE** a Variance to reduce

the side yard on the north side of the property from 15 feet to 8 feet in an AG-R district. (Section 330) per the Conceptual Plans shown on pages 8.7 through 8.9.

Finding the hardship to be the size of the lot and the house that is on the north side of the property.

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

LT 2 BLK 2, PLEASANT OAKS ADDN, CITY OF SAND SPRINGS, COUNTY OF TULSA, STATE OF OKLAHOMA.

3024 - Terry Hanzel

Action Requested:

Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts 2 & 3 (Section 330- Table 3) **Location:** 5560 E 191st St S
(CD 3)

Presentation:

Terry Hanzel, P.O. Box 1031, Okmulgee, Oklahoma, 74447 stated that he was asking for a Variance on the lot split on the lot width. We have a 10-acre tract of property that we purchased, and we are wanting to be able to deed over or see to our children the property to be able to build be out there with us, on that property. We are going to build on tract three, that was in your packet. The tract that is in question is tract two. When we originally purchased the land, we thought we were in compliance. When we did the math and the 30-foot easement to the front because the property itself, where he is going to build is 296-feet by 269-feet. We did not know that the 30-foot road would add length and make our lot width change. So, we are just asking for a Variance on that lot.

Mr. Charney asked if he is seeking three total structures on the 10 acres, or was he seeking two total structures.

Mr. Allen stated that there will be three tracts out of that 10 acres. Tract 1 at the front is within code. Tract three, which is within code. The only variance is on tract two.

Mr. Hutchison stated that the Variance on tract two is only because the panhandle changed the dimensions.

Mr. Charney stated that he understood what he was trying to do. Sometimes we would not want to do much more splitting than this, or we kind of have an allergy to it. If it gets much more than this, then there are issues of utilities, stormwater, things of that nature. Sometimes when we do something like this, we make it clear that if someday you would love your 4.90-acre tract to be a couple of other tracts we would want you to remember this discussion, even if he was not here. There tends to be an allergy to do it anymore than this without triggering some of the things some of the benefits that come along from a plat, which is expensive, which you would prefer not to do again.

Mr. Allen stated that it is not our intent. There are a limited number of tracts that could have been split off them under tract five years. We made sure at INCOG that we were within compliance. We have also checked with utilities. In one of the agreements, you would see a 10-foot utility easement down the whole property line. Essential Electric asked us to put that in not to expand to additional plot but just what they asked us to do, and we said fine. Water is accessible as well. We understand the spirit and we just appreciate you considering the middle ones.

Interested Parties:

No interested parties were interested.

Comments and Questions:

Mr. Hicks asked on tract two where it is thirty feet wide, is not the tract three 30 foot too.

Mr. Hutchinson stated that it is not the 30 feet, it is this area, whenever they add that panhandle, it changes the dimensions of the property terminology the average width, it changes the average width. We did receive a letter on this. He could support it and he would be more than happy to make a motion.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all “aye”; no “nays”; no “abstains”, Tisdale “absent”); to **APPROVE** a **Variance** of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts 2 & 3 (Section 330- Table 3) per the Conceptual Plan shown on page 9.7 in our Agenda packet. Finding the hardship to be because of the 30-foot Panhandle changes, the averages is still two-acre tract at some one thousand square foot.

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

LT 2 BLK 2, PLEASANT OAKS ADDN, CITY OF SAND SPRINGS, COUNTY OF TULSA, STATED OF OKLAHOMA.

Mr. Charney stated that there was a letter about that this violates a private restriction, which historically has been beyond our purview to litigate or decide or to address. He thought that if there is some private restriction or private commitment that has been violated, that was a matter between two private parties, we are only looking at it from the standpoint. He wanted both our applicants and all of us to understand from a pure land use planning standpoint, what they're seeking on a 10-acre tract is not out of the ordinary sort of thing we granted some frequency. So, he just wanted to make that note.

3025 - Jennifer Osborn

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 5311 S 107th W Ave **(CD 2)**

Presentation:

Applicant was not present.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **HUTCHINSON**, On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all “aye”; no “nays”; no “abstains”, Tisdale “absent”); to **Continue** a Variance to permit two dwelling units on a single lot of records in an RS district (Section 208) until January 17, 2023.

**LOT 6 BLK 1; LOT 5 BLK 1; N100 LT 7 BLK 1, BUFORD COLONY SECOND ADDN,
City of Sand Springs, County of Tulsa, State of Oklahoma.**

3027 - Gerado Rodriguez

Action Requested:

Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) **Location:** 9207 E 166th St N **(CD 1)**

Presentation:

Colin Winkley, P.O. Box 1386, Owasso, Oklahoma, 74055, stated that he was speaking on behalf of the applicant. The applicant currently lives on the property that is a 20-acre tract. He has resided there for roughly two years. There are three homeowners that share a road access to three different houses that are at the end of the north end of this gravel road that comes off on 166th. They have been permitted use and the owner of that parcel has no opposition to it. They went to file for the building permit, it was denied due to not having access to the documentation, we provided the workplace survey and through the Quick Claim Deed,

Mr. Charney stated that if you would tell us that, in your view, there is a there is legal access to the subject property that your client has brought before us today that there is legal access by virtue of a document or two that we that you presented me.

Mr. Winkley stated that they currently live in this 20-acre tract in a smaller home that was built there previously. They use the road daily along with two other homeowners.

Mr. Charney stated that it is a private drive. So, that is the reason for a request for a reduction on the street frontage requirement from 30 to zero. Is there a desire to build a home on this tract?

Mr. Winkley stated what we have done is filed for a building permit through Tulsa County. It was denied due to the fact of this little panhandle sliver. He is here to speak of his non opposition to the use of it.

Mr. Charney stated that he understood the nature of the request and it is helpful to look at those documents.

Interested Parties:

Robert Evans, 9221 East 166th St. North, Collinsville, Oklahoma, 74021, stated that he did not have any objections to them using the roadway if it is maintained and help me maintain it. He has spent close to \$5,000 on it. It has no adequate drainage of washes all the gravel out. He does pay taxes on the driveway. It is called an easement. He wanted to put all this on record. The people that owned that property beforehand should have made Mr. Rodriguez aware that it was landlocked and did not do so. The other homeowner that he has allowed to use the roadway, bought a 40-foot strip of his own that goes down to the driveway. In lieu of that, he allowed him to use the driveway as well. He did not have any objections to them using the roadway if everybody that uses it helps me.

Mr. Charney stated that sometimes our board is comfortable granting this reduction in street frontage that is sought by the applicant. We would like a document of record and he would really love a document of record number when it is not the same family, as we spoke of earlier, that speaks to issues like perpetual maintenance. There needs to be a specific grant. There is a reservation for a potential grant of easement and what you showed me. He wanted our applicant to recognize that our Board sees that. But again, it is hard for us to tell from a chain of title perspective that this provides what you are seeking. He still thought it was wise and it does not speak at all to maintenance obligations or anything of that nature. Sometimes our Board is comfortable granting these not unlike we did earlier, contingent upon, condition upon, you and he would suggest the third party that uses this as well, you all get together, go hire a competent real estate attorney that has experience gratitude easements, speak to it. There is a way for you all to be parties to this including your successors and assigns, and speak to issues of maintenance, repair, how you manage certain things, how you manage nonpayment. There are lots of little things that one should handle so that it will make your properties more marketable when you go to sell it if this document is done in a proper correct way. He thought it would be a good thing to do. He appreciated your candor and your willingness to be neighborly, you just want you want a proper document to be in order so that if you must go spend a few \$100 grading it reground it or whatever, you've got help.

Mr. Evans asked if we just draw up our own contract between three of us would that be sufficient.

Mr. Charney stated that he would say no. He would say we need something that speaks to the legal descriptions, recites who is in ownership, and to whom it is granted. He would strongly encourage you all to seek counsel. It is not a real expensive document to draft but it is very important that it be precise on who is granting it and who were the benefited parties, what parcels are benefited by it, and that it was perpetual in nature, and it speaks to different maintenance issues. He thought they should do it jointly. He would not want to spend any money on any structure, without having this tied down tightly.

Mr. Hutchinson stated that it is tied to the property and not to you as an individual person. It protects you in the future. It protects everybody in the future. The reason the county will not take this over is it was not built to the county specs. You almost get into what's called a Wildcat subdivision where someone comes in, they start trying to split and make more money without building things to the county specs without the platting process and all that. So that is why he did not think the county will ever take that road simply because of that.

Mr. Charney stated that he would want you to know the Board may be inclined to grant the application condition upon the execution of a three-party agreement, because he thought there were three parcels that benefited. It needs to have an attorney prepared document that speaks to the legal descriptions involved on all fronts, as well as including issues of maintenance. You heard the nature of our discussion. He respects

and understand that it appears that by a Quick Claim Deed, someone granted an associated easement. It is hard for us to tell whether that is on site, off site, and whether that person had the power to do it. We would not know any of that. We are going to make it contingent upon a newly negotiated or granted, executed, multi-party agreement that speaks to maintenance and easement rights going forward.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all “aye”; no “nays”; no “abstains”, Tisdale “absent”); to **APPROVE** a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) per the Conceptual Plan on page 11.6 of our Agenda packet, subject to the following conditions that our applicant enter into an agreement with the record owner of the subject driveway and anyone else using that driveway, granting perpetual access, perpetual legal access to your tract and that speaks to the reasonable maintenance responsibilities of each party.

Finding the hardship to be a large tract that is offset by several hundred feet from the publicly dedicated road.

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

S/2 NW SE SEC 12 22 13 19.977ACS, City of Collinsville, Tulsa County, State of Oklahoma

3028 - Donald LeBlanc

Action Requested:

Special Exception to permit use Unit 27 in an IM district to permit a wrecker service (Section 910) **Location:** 8015 S 81st W Ave **(CD 2)**

Presentation:

Donald LeBlanc, 28902 Blueridge Drive, Sand Springs, Oklahoma, 74063, stated that he and his brother own Metro Wrecker. We bought this property just over a year ago. We would like to expand. Right now, we are on with five different police agencies on the rotation for doing tows for wrecks in the roadway, and DUIs anything that police call for needing a vehicle removed from the roadway. We wanted to expand so we reached out to Sand Springs police department, and they had a stipulation that they needed a yard within five miles if he remembered correctly of their police station. So, he and his brother looked for a property that was suitable for this. We found this property that had a double wide trailer on it had burned down and it had a two years before that it had like a five hundred square foot home that all had also burned down. We bought this property cleaned up the property and then went through the process of having it rezone to what we thought was the appropriate zoning for having a wrecker service. We went to the zoning board, and it passed. It passed the City Council as well. What we are asking for is a Special Exception so we can have a wrecker service there so we can provide services for Sand Springs. We will be putting up a fence around the property and we are putting up a fence that you will not be able to see through because we do not want people to see wrecked vehicles in public view. We were we originally were one put up a steel fence until we got costs on that and that was very expensive like \$40,000 plus just to do 450 foot so what we came up with is doing a chain link and then doing privacy slats, so you can't see through the chain link. We want to do is park vehicles Sand Springs police and Oklahoma Highway Patrol any of those vehicles that they request in that area for us tow we would bring there, and they would be storage for about maximum 60 to 90 days. Most of the time if it is an auto wreck somebody has insurance, and we tow it most time the insurance picks them up within a week or two. We will not be working on anything there. It will be strictly vehicles being towed in.

Mr. Charney stated that he did see in our records where the Board of County Commissioners, not the City of Sand Springs just so we all know, agreed to unanimously approve the changes on it from RF-2 to IM.

Mr. Hutchinson asked how many vehicles the anticipate there.

Mr. LeBlanc stated that he was hoping for twenty to thirty vehicles.

Mr. Hicks asked if he had met with the neighbor that lives next to it.

Mr. LeBlanc stated that he had met with him several times and he was glad someone was going to clean up the property.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all “aye”; no “nays”; no “abstains”, Tisdale “absent”); to **APPROVE** a Special Exception to permit use Unit 27 in an IM district to permit a wrecker service (Section 910) per the Conceptual Plans shown on page 12.8 of the Agenda packet, subject to the following condition that they must put up an opaque fence.

The Board finds that the requested 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.

LT 9 BLK 4; LT 8 BLK 4; LT 7 BLK 4; LT 6 BLK 4, LAKE SUB, CITY OF SAND SPRINGS, COUNTY OF TULSA, STATE OF OKLAHOMA.

3029 - Phillip Ostrander

Action Requested:

Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) **Location:** 8716 E 156th St N **(CD 1)**

Presentation:

Phil Ostrander, 716 East 156th Street North, Collinsville, Oklahoma, 74021, stated what they are proposing is lot split. We have this, as you can see, in the picture, we have a L shaped piece of property. To make it equal work to be the minimum of two acres there would have to be very awkward property lines. The piece that we are wanting to split off, has 240 feet of frontage on 89th East Avenue so it is has frontage. Rural Water District up there has already approved us for a water tap, should we decide to put something on that property. He just asked for your approval of this variance.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that basically we keep the existing structure as it is, and it fronts on 156 St. Your tract two fronts on 89th East Avenue, and it would have only 1.61 acre, and it'll still leave us good size parcel 340 by 307.

Mr. Hutchinson stated even if we grant is the tract that will be on North 89th will look like it was part of the 89th group just because of even 1.69 acres that was still large tract.

Mr. Charney stated that he shared your analysis of it. He can be supportive of this.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all "aye"; no "nays"; no "abstains", Tisdale "absent"); to **APPROVE** a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) per the Conceptual Plan shown on page 14.6 of our Agenda packets.

Finding the hardship to be an unusually configured lot. That is an L shape that has publicly dedicated roadway fronting both parts of the L and that the resulting tract after being split will still have significant frontage along a publicly dedicated roadway. And that is the peculiar nature of this tract that would constitute a significant hardship to not allow the lot split.

The Board finds that the requested 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.

BEG 2017E NWC N/2 NW TH S570 E639 N240.01 W332 N330 W307 POB LESS N16.5 THEREOF & LESS E25 THEREOF SEC 24 22 13 5.592ACS, CITY OF COLLINSVILLE, COUNTY OF TULSA, STATE OF OKLAHOMA.

3030 - Amanda Metzger

Action Requested:

Variance of the maximum amount dwelling units on a single lot from 2 to 3 (Sec 208) **Location:** 16922 N 113th E Ave **(CD 1)**

Presentation:

Amanda Metzger, 16956 North 113th East Avenue, Collinsville, Oklahoma, 74021, stated that she had a 25-acre lot, and it has two dwellings already wanting to add a third. The land is plat split but not actually lot split yet. She is wanting it to be on what will be a five-acre tract. You have a drawing of how it is going to be plotted out in our head right now and how we plan the lot split in the future.

Mr. Charney asked if all these lots have frontage on Garnett.

Ms. Metzger stated that every one of them except the very back triangle. The back lot is kind of like a triangle. It has an easement, but we also know from Tulsa County that we cannot build on that land. We are okay with that.

Mr. Charney stated that there are two homes there today and you are wanting to have a third. On which of these tracts it will be the new house be on?

Ms. Metzger stated that it would be the one that is the furthest to the west and it will be a manufactured unit.

Mr. Hutchinson asked if this is your proposed future lot split, is the front single wide planning on staying there for now.

Ms. Metzger stated that it will eventually it will go away when my dad passes away.

Mr. Hutchinson asked why you have not decided to do the lots split first.

Ms. Metzger stated that her dad is old fashion, and he does not want a lot split and pay extra taxes. That is also why the third house is going to go behind the single wide so my brother can move into to help my father.

Mr. Charney stated that before additional dwelling units, he doubted that our Board would want to have any other dwelling units on this without some platting involved or further engineering done. He thought it was important that we say that as clearly as we can when people are seeking to divide up land with various dwelling units on it.

Ms. Metzger stated that if it goes through it will have its own electric, septic, and everything.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all “aye”; no “nays”; no “abstains”, Tisdale “absent”); to **APPROVE** a Variance of the maximum amount dwelling units on a single lot from 2 to 3 (Sec 208), per the Conceptual Plans shown on page 14.6 of the Agenda packet, subject to the following: 1. No more dwellings unless a lot split or platting. 2. Must have own electric, gas, water, and septic per Tulsa County Codes.

Finding the hardship to be that this is a 25-acre tract very peculiar in its dimensions.

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

S879 N/2 SE LYING NORTH & EAST KANSAS OKLAHOMA CENTRAL SOUTHWESTERN RR R/W LESS S402 E300 N/2 SE SEC 7 22 14 25ACS, City of Collinsville, Tulsa County, State of Oklahoma.

3031 - B + T Group

Action Requested:

Special Exception to permit a 190 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)

Location: 13051 N Memorial Dr **(CD 1)**

Presentation:

Connor Holloway, B&T Group, 1230 Cherry Creek Dr., Shepherd, Texas 77371, stated that he was there representing Verizon Wireless on behalf of Wanda Mae Robinson, the landowner. He was an experienced real estate specialist and over the years, he has provided service and connection with the development of a couple one hundred wireless telecommunication facilities, in various jurisdictions. He was there because we are proposing to build 190-foot telecommunications power and AG zoned district. We have designed this telecommunications filled facility to accommodate the colocation of multiple wireless service providers through added tower structural capacity and round space for additional equipment. This development embraces the County's planning objectives.

Mr. Charney stated that it is set into the interior of the subject tract, it looks a decent way he could not tell from the tiny print. It is well within the center of the tracts,

Mr. Holloway stated that was correct.

Mr. Charney asked if it met all the fall radius requirements of Code, or can you tell us what that is.

Mr. Holloway stated that we have 110% of the tower height, fall radius for that. He thought that this appears to easily satisfy that given if it was interior on the tract, if it falls just a little bit short 110%. We have designed it to have a 100-foot fall radius. The Code states it was 110% the height of the tower, this is 190 feet, which would be 209 feet that we would need. But we've designed the tower structurally to fall within 100-foot radius to kind of to compensate for that.

Mr. Charney stated that it has got a special perforation or something that falls down and not over.

Mr. Holloway stated that it is supposed to fall within itself. That is one of the stipulations that we have there, and it is shown in our plans. If you look at the front view, picture of the tower there in the plans, would you have it stipulated in there that it has 100-foot fall radius?

Mr. Charney asked if we were to condition our approval of this, the construction method, resulting in a fall radius of no more than 100 feet, you're okay with that. Because we would not want it falling into the North Memorial Drive.

Mr. Holloway stated that they were more concerned about the direction to the north. We had it initially further bound to the south. But there's a little creek that runs through there.

Mr. Charney stated that he was glad to know that there was technology that allows you to build it the way that it kind of crumbles upon itself. Did you hear anything from any neighbors?

Mr. Holloway stated that he did not.

Mr. Hutchinson asked if this was more of a monopole type of structure with no guy wires.

Mr. Holloway stated that there are no guy wires. It is not a monopole. It is a self-support tower. It does use a lattice material.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, , the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson, all "aye"; no "nays"; no "abstains", Tisdale "absent"); to **APPROVE** a Special Exception to permit a 190 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3), per the Conceptual Plans shown on pages 15.7 – 15.10, subject to following condition that the construction or method used allows for the tower if it falls to fall within 100 foot radius due to the nature of the construction method.

The Board finds that the requested 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.

The Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW/4 NW/4 SW/4) of Section Thirty-Six (36), Township Twenty-Two (22), Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, containing ten (10) acres, more or less.

OTHER BUSINESS

None

NEW BUSINESS

None

BOARD MEMBER COMMENTS

None

There being no further business, the meeting adjourned at 3:48 p.m.

Date approved: 2/21/23

David E. Charny Chair