

AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, March 19, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

Meeting No. 466

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of February 19, 2019 (Meeting No. 465).

UNFINISHED BUSINESS

2. 2733—Will Wilkins

Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

NEW APPLICATIONS

3. 2734—Aloha Surface

Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240.2.E). **LOCATION:** 3800 East 171st Street South

4. 2735—American Promotional Events

Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years. **LOCATION:** 4221 East Pine Street North

5. 2736—American Promotional Events

Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years. **LOCATION:** 1504 North Yale Avenue East

6. **2737—American Promotional Events**
Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.
LOCATION: 701 West 41st Street South

7. **2738—American Promotional Events**
Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.
LOCATION: 11625 North 113th Avenue East

8. **2739—American Promotional Events**
Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.
LOCATION: 19214 East 91st Street South

9. **2740—American Promotional Events**
Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.
LOCATION: SW/c of East 101st Street South & South 129th Avenue East

10. **2741—Karen & Wayne Bridgeman**
Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.
LOCATION: 4515 East Pine Street North

11. **2742—Nick Dyer**
Special Exception to permit a single-family dwelling (Use Unit 6) in a CS District (Section 710). **LOCATION:** 20117 South Peoria Avenue East

OTHER BUSINESS

12. **Teresa Tosh**, County Inspector, to discuss the appeal process for an Appeal of a County Official's Administrative Decision.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

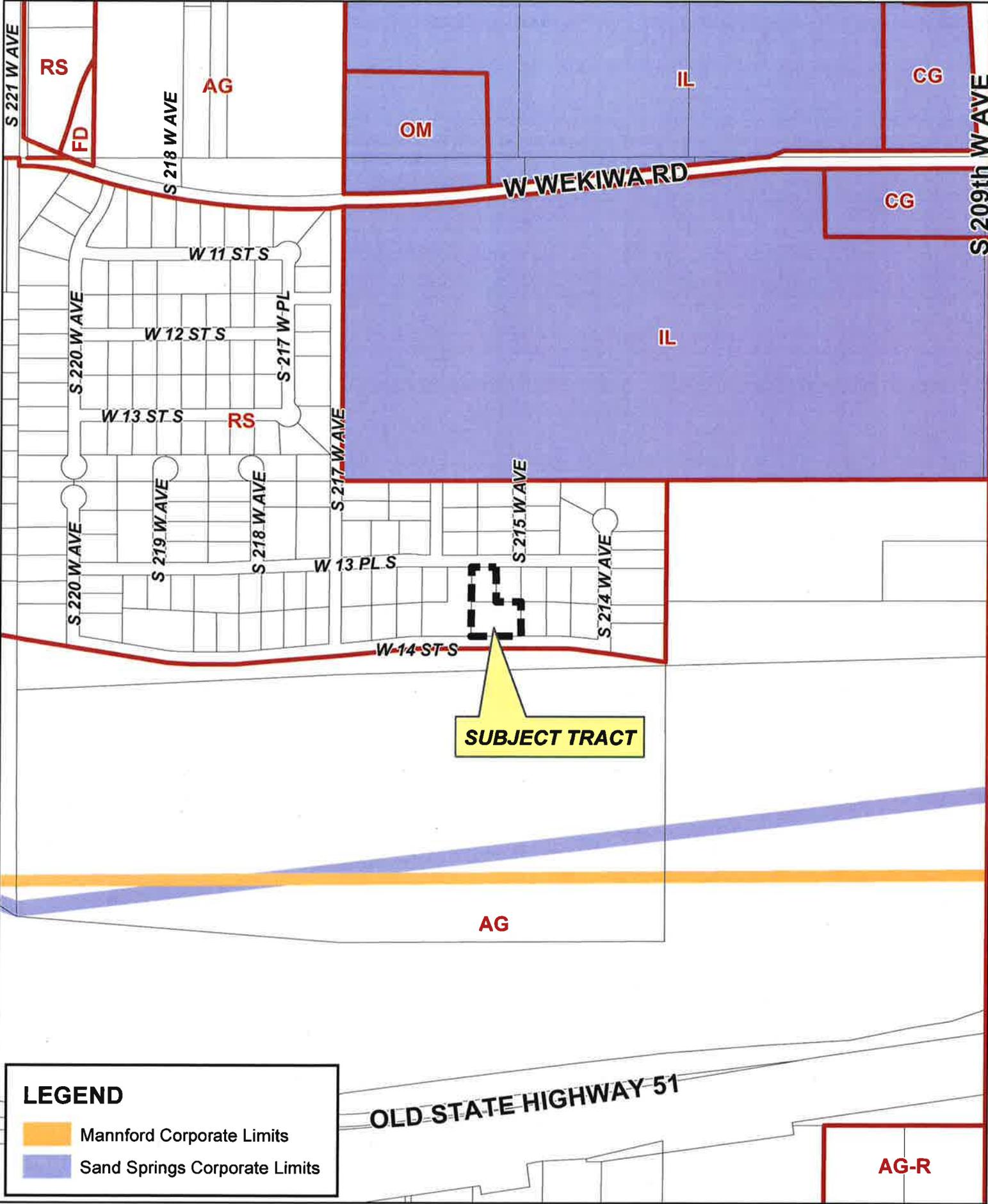
Website: www.countyoftulsa-boa.org

E-mail: esubmit@incog.org

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

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringling/sound on all electronic devices must be turned off during the Board of Adjustment meeting.

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



SUBJECT TRACT

LEGEND

- Mannford Corporate Limits
- Sand Springs Corporate Limits

OLD STATE HIGHWAY 51

AG-R

CBOA-2733

2.1



19-10 10



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:9010

Case Number: CBOA-2733

CZM:33

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Will Wilkins

ACTION REQUESTED: Variance to allow an accessory building to exceed 750 Sq. ft. in an RS Zoned District (Section 240.2.E)

LOCATION: 21521 W. 14th St. S.

ZONED: RS

PRESENT USE: residential

TRACT SIZE: 0.98 acres

LEGAL DESCRIPTION: LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2508 July 2014: The Board **approved** a *variance* to permit construction of a detached accessory building in a side yard located in an RS District; and a *variance* of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built, on property located at 1333 South 215th West Avenue.

CBOA-2506 July 2014: The Board **approved** a *variance* of the allowed square footage for an accessory building from 750 square feet to 1,560 square feet (Section 240.2.E) in a RS zoned District, on property located at 1322 South 217th West Avenue.

CBOA-2429 May 2012: The Board **approved** a *variance* to permit a detached accessory structure in an RS District larger than 750 square feet; and a *variance* to permit a detached accessory structure in the side yard, on property located at 1325 South 214th West Avenue.

CBOA-2144 January 2005: The Board **approved** a *variance* of the allowable 750 square feet for an accessory building to allow a 900 square foot accessory building in an RS zoned district, on property located at 21609 West 14th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an RS zoned neighborhood with a smattering of vacant lots and single-family homes. There is IL zoning just north of the neighborhood and agricultural zoning to the south and east of the neighborhood.

STAFF COMMENTS:

(New) Staff Comments: On 2/19/19 CBOA-2733 was continued until 3/19/19. The Board requested a corrected site plan, detailed site plan showing driveway access, fencing and landscaping. The applicant has provided a new detailed site plan and it is a part of this packet. The County Assessor's Office does not reflect that the declaration has been filed that combines lot 15 to lots 6 and 7, Block 2, Candlestick Beach. The Lot Combination was approved and stamped in our office on January 10, 2019.

Original Staff Comments: The applicant is requesting a Variance of the maximum allowable square footage for an accessory building the in an RS district to permit the construction of a 2000 sf accessory building (Section 240.2.E).

Section 240.2.E permits accessory buildings in the RS district up to 750 sf. of floor area regardless of the lot size. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

According to the applicant, their stated hardship is: "Excessively large lot – 750 square feet is too small for lot size. 2000 square feet would not be intrusive to surrounding lots, some of which contain accessories larger than 750 square feet."

According to the site plan submitted with the application the applicant is proposing to construct one 40' x 50' or 2000 sf. accessory building on the north side of the existing home. The parcel is part of a recent lot combination although our system does not show that the lots are combined at this time.

The subject property is located in an RS district with an AG district to the south. The proposed accessory building does not appear out of scale or character for the property in the surrounding neighborhood; however, the applicant did not provide elevations to show the height or architectural style of the proposed building.

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) Variance to allow an accessory building to exceed 750 sq. ft. in an RS Zoned District (Section 240.2.E).

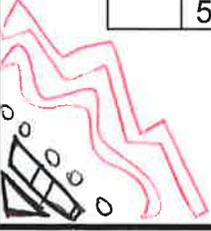
Finding the hardship to be _____.

In granting the Variances, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstance 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.

AGENDA



8.	<p><u>2733—Will Wilkins</u> <u>Variance</u> to allow an accessory building to exceed 750 square feet in an RS District (Section 240).</p> <p> <input type="checkbox"/> Continue _____ New Notice <input type="checkbox"/> <input type="checkbox"/> Approve _____ <input type="checkbox"/> Deny _____ Vote: _____ </p> <p>Conditions: _____</p> <p>_____</p> <p style="text-align: center;"> <i>• Continue 3.19.19</i> <i>• corrected site plan, detailed site plan</i> <i>• driveway access • fencing</i> <i>• landscaping any improvements</i> </p>	<p>West of the NW/c of West 14th Street South & South 124th Avenue West 214th</p> <p style="font-size: 1.2em;">21521 W. 14th St. S.</p>
	<u>OTHER BUSINESS</u>	
	<u>NEW BUSINESS</u>	
	<u>BOARD MEMBER COMMENTS</u>	
	<u>ADJOURNMENT</u>	
	<p>If you require special accommodations pursuant to the Americans with Disabilities Act, please call 584-7526. Visit our website @ www.incoq.org.</p>	
	<p>NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all <u>electronic devices</u> must be <u>turned off</u> during the Board of Adjustment meeting.</p>	
	<p>NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Offices at 584-7526, if you require an official posted agenda.</p>	



Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Osborne asked Mr. West if there were any requirements for gravel or paved parking. Mr. West stated that normally those requirements are waived because this is a temporary stand and an all-weather surface is not wanted at other times of the year.

Mr. Scmidt stated that there is a commercial business next to the stand and he allows the fireworks stand customers to use his parking lot.

Board Action:

On **MOTION of HUTCHINSON**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). The fireworks stand will be allowed to operate from June 15th to July 4th, opening at 8:00 A.M. and closing at 10:00 P.M. June 15th through July 2nd. Hours of operation for July 3rd and July 4th will be 8:00 A.M. to 12:00 midnight; for the following property:

N273 NW SW SW LESS S223 N273 W195.34 & LESS BEG 273S & 195.34E NWC NW SW SW TH N67.01 E462.96 S67.44 W462.66 POB FOR HWY SEC 24 22 12 2.39ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

250R

2058—Jay Castoe

FILE COPY

Action Requested:

Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). **LOCATION:** 1333 South 215th West Avenue

Presentation:

Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he would like to build a 30 x 30 detached shop beside his house. After the shop is constructed he would like install a 20 x 20 foot awning on the north side of proposed shop.

Mr. Charney asked if the awning is like a carport. Mr. Castoe answered affirmatively.

Mr. Walker asked Mr. Castoe what he would be using the shop for. Mr. Castoe stated that he has hobbies and that is where he will be for those hobbies.

Mr. Charney asked Mr. Castoe if he would working in the shop, doing any work of any sort for pay or commercial purposes. Mr. Castoe stated that he would not.

CBOA-02508

Mr. Walker stated that Mr. Castoe has quite a bit of outside storage. Mr. Castoe stated there are two detached sheds and he plans to keep the metal shed. Mr. Castoe stated that he owns a 1929 Chevy that he wants to restore and two trailers. If he is working on his hobbies in the building he can place the trailers on the carport area to keep them out of the weather.

Mr. Hutchinson asked Mr. Castoe if the carport would be open. Mr. Castoe answered affirmatively.

Mr. Osborne asked Mr. Castoe if the three separate lots depicted in the drawing in the Board's agenda packet were tied together. Mr. Castoe answered affirmatively.

Ms. Miller asked Mr. Castoe if he had gone through the lot combination process. Mr. Castoe stated that he paid his fees and went through the process for the lot combination.

Mr. Charney asked Mr. Castoe if he had heard anything from the owner of the pasture near his property. Mr. Castoe stated that he has not heard anything from that owner. Mr. Charney asked if anyone around him had spoke to him about what he was wanting to do. Mr. Castoe stated that he had spoke to a couple of the neighbors and they do not have any problems with what he is proposing to do.

Mr. Osborne asked Mr. Castoe what the building is to look like. Mr. Castoe stated the building will be a metal red-iron building that will be matched to look like the other metal building on the property, and it will be close to matching the home.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); **Variance** of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). The hardship for the Variances for the detached accessory building and open carport be placed in the side yard is the unusual configuration of the three lots that are tied together, as they run more north-south than they do east-west. The size of the lot is of such that an accessory building of that nature would not be out of character architecturally with the balance of the neighborhood. The new detached accessory building will have an open attached carport with a concrete floor. There is to be no commercial use; for the following property:

CBOA - 02508

LT 12-14 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved:

Aug 19, 2014

R. L. Walker

Chair

Mr. Charney stated that since Mr. Osborn cannot present the Board with an easement, the Board might want to continue this case for a 30 day period to allow the applicant time to provide the Board with a satisfactory private road easement, or some sort of publicly dedicated roadway easement. Mr. Charney suggested that Mr. Osborn even seek legal counsel to make certain there is legal access to the subject property, because the Board needs the technical document.

Mr. Walker stated that Tulsa County does not accept a dedication to the road right-of-way unless the road is brought up to the County standards. Mr. Parsells stated that was too expensive to do so he stopped, and now the Board is discussing the middle of a wildcat subdivision. All of this generated by doing this wildcat subdivision, and that is why the 1987 request was nixed.

Mr. Charney stated this is an example of selling off five acre tracts without the engineering and corresponding road construction. He thinks rather than denying the applicant's request today, he would suggest this case for a 30 or 60 day period. This would allow the applicant to speak with everyone involved, starting with Mr. Parsells, and to seek legal counsel. He wants Mr. Osborn to understand what he is getting into and what is there before he invests in building a house. He also wants Mr. Osborn to understand the difference between a private roadway easement with maintenance responsibilities and a publicly dedicated roadway that has been accepted by the County.

Comments and Questions:

None.

Board Action:

On **MOTION** of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the request for a **Variance** to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207) for a period of 30 days, which would be the August 19, 2014 Board of Adjustment meeting; for the following property:

W/2 SW NE SE SEC 35 19 10 5ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2506—Richard Borchers

FILE COPY

Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E). **LOCATION:** 1322 South 217th West Avenue

Presentation:

Rich Borchers, 1322 South 217th West Avenue, Sand Springs, OK; stated he has an existing 24 x30 building, and had a portable building next to it with a carport. He has

CBOA-02506

removed the carport and the portable building and he would like to erect an additional 24 x 35 metal building to store his boats, truck and gardening equipment.

Mr. Osborne asked Mr. Borchers if the new building was to be a garage. Mr. Borchers stated that it will basically be a work shop.

Mr. Charney asked staff if the existing building was non-conforming. Mr. West stated that a 750 square foot building is allowable in the rear yard, so the existing building is legal. The applicant needs relief for the second building.

Mr. Borchers stated that there are two lots and they are tied together. Mr. Walker stated that the drawing in the Board's agenda packet shows that the building is only five feet off the back. Mr. Borchers stated there is a 15 foot easement in the rear. Mr. Walker stated that the rear yard setback for the District is 20 feet. Mr. West stated that is for a dwelling. An accessory building can be within five feet of the property line.

Mr. Charney asked Mr. Borchers to describe the proposed building. Mr. Borchers stated that it will be like a carport but enclosed. He only wants to be able to keep his vehicles and garden equipment out of the weather.

Mr. Charney asked Mr. Borchers if any of his neighbors, especially the ones closest to the proposed building, have any objections to the proposal. Mr. Borchers stated that he is not aware of any objections. Mr. Charney asked Mr. Borchers if he had a chance to visit with the neighbors. Mr. Borchers stated that the letters were mailed out notifying the neighbors. Mr. Charney asked Mr. Borchers if he had talked to them. Mr. Borchers stated that he had not.

Mr. Walker stated that he had visited the site and Mr. Borchers has an immaculate place, and what he is proposing is going to be a great improvement. There are other properties in the area that are not as well kept as Mr. Borchers.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E) with the hardship being the oversized lot, two tied together, and the two lots forever joined together. The Board finds this will be harmonious and with the spirit of the neighborhood; for the following property:

CBOA-02506

FILE COPY

LTS 2 & 3 BLK 6, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

2057—Brent Schmidt

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). LOCATION: E of the NE/c of North Cincinnati Avenue and Highway 20

Presentation:

Brent Schmidt, P. O. Box 255, Skiatook, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Charney asked Mr. Schmidt if he had a fireworks stand on the site before. Mr. Schmidt stated he has had one for the last two years. Last year he received a permit from the City of Skiatook, and this year when he tried to obtain a permit he found the site is County property. Mr. West issued a permit with provision that he appear before the Board of Adjustment.

Mr. Charney asked Mr. Schmidt if he has any problems with the ingress or egress from the site. Mr. Schmidt stated there have been no problems.

Mr. Charney asked Mr. Schmidt if he has received any complaints from the neighbors or anyone. Mr. Schmidt stated that he has not. One of the neighbors, to the east, did call because she was concerned about him erecting a building on the property.

Mr. Charney asked Mr. Schmidt when he wanted to have the fireworks stand operational. Mr. Schmidt stated that he wanted to have it for the 4th of July each year.

Mr. Charney asked Mr. Schmidt what were his hours of operation for the last couple of years. Mr. Schmidt stated that on the 3rd and 4th he has been open until midnight, and the rest of the time until 10:00 P.M. while opening at 7:00 or 8:00 A.M.

Mr. Charney asked if there was a residence or commercial business near the stand. Mr. Schmidt stated that it is a commercial business. The closest residence is to the east and about 1/8 mile away.

Mr. Osborne asked Mr. Schmidt how many days before the 4th of July did he open his stand. Mr. Schmidt stated that he normally opens about ten days prior to the 4th.

Mr. Charney asked Mr. Schmidt if he closed the stand on the 5th of July. Mr. Schmidt stated that he closes for the season on the night of the 4th.

07/15/2014/#410 (7)

2.10

property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, 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; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

FILE COPY

Case No. 2429—Ronnie VanLandingham

Action Requested:

Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). Location: 1325 South 214th West Avenue

Presentation:

Ronnie VanLandingham, 13255 South 214th West Avenue, Sand Springs, OK; stated he has joined two lots together. He has visited with all the neighbors and explained to them what he wants to do and why he wants to do it. The side yard variance request is because he has a GRDA non-active power line in the back yard with a 145'-0" easement so he cannot build anything in the back yard. The reason he wants to build a larger building, larger than 750 square feet, the building will have the appearance of a house in the middle of the lot instead of a small out-building in the middle of the lot. The building will be a steel building on a steel frame, with a four foot brick wall around three sides. There will also be vinyl siding across the front of the building. Eleven out of the twelve neighbors within the 300'-0" radius are in favor of his request being approved, and the twelfth neighbor lives about 250'-0" away from the subject property. The home owners association has also seen his proposed plan and they have given their approval for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the additional storage building in the backyard. Mr. VanLandingham stated that he had installed the carport to protect his boat but they are still deteriorating, and that is one of the reasons for the proposed building. The additional storage building was on the property when he purchased the house and he plans to demolish that building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

CBOA-2429

FILE COPY

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a **Variance** to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); **Variance** to permit a detached accessory structure in the side yard (Section 420.2.A.s). The new building is not to be larger than 1,600 square feet. The approval of the accessory structure in the side yard is due to the exceptional conditions placed upon the applicant due to restrictive easements on the property related to the existing powerline structures. The existing carport and storage facility on the property shall be demolished or removed no later than six months after the completion of the new building; for the following property:

Lots 3 and 4 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2430—Glenn Harden

Action Requested:

Special Exception to allow a temporary mobile home in an AG District (Section 310);

Request to extend the time limit from two years to three years (Section 310.6).

Location: 16709 West 41st Street South

Presentation:

Glenn Harden, 16709 West 41st Street, Sand Springs, OK; stated that approximately 20 years ago his brother and wife bought the subject property. Mr. Harden, with his mother, then moved onto the property to live in a second mobile home. Since then his mother and his brother have passed away, and the brother's wife still lives on the property. Mr. Harden's sister-in-law currently lives in a double-wide mobile home on the property and has asked him to move back onto the property to help her. He would like to do so and move a mobile home into the spot where the second mobile home was previously located.

Mr. Charney asked Mr. Harden if there are other mobile homes in the area, and Mr. Harden stated that there are several. Mr. Charney then asked Mr. Harden if he knew of other lots in the area that held two mobile homes on the same lot. Mr. Harden was not quite sure if there were, but he thought there might be on the side road west of the property.

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 296
Tuesday, January 18, 2004, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

THIS COPY

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair
Hutson, Vice Chair
Dillard, Secretary
Tyndall
Charney

Alberty
Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, January 14, 2004 at 1:30 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

MINUTES

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 21, 2004 (No. 295).

NEW APPLICATIONS

Case No. 2144

Action Requested:

Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, 21609 West 14th Street South.

Presentation:

Larry Bush, 21609 West 14th Street South, Sand Springs, Oklahoma, stated he maintains the lawns at Candles Stick Beach. He needs storage space for the lawn equipment. The homeowners' association is in support of this application.

CBOA-2144

Comments and Questions:

Mr. Walker stated that it appeared the building is already built, and asked if they just wanted to add to the existing building. Mr. Bush replied that the building is already up and he needed relief to keep it this size. Mr. Walker asked for the hardship. Mr. Charney noted the lot is approximately 101' by 154', which is larger than most RS lots.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, finding the increased land area, on the following described property:

LT 2 BLK 2 CANDLESTICK BEACH, Tulsa County, State of Oklahoma

Case No. 2145

Action Requested:

Variance of required rear yard setback from 40 feet to 15 feet to permit an accessory building in an AG district, SECTION 320.2.A.2 -- Use Unit 6, 580 South 221st Avenue West.

Presentation:

Jerry Oakes, 580 South 221st Avenue West, Sand Springs, Oklahoma proposed to move the accessory building fifteen feet from the rear property line. The presence of lateral lines, a natural run-off, and a 100 year old red oak tree are the hardship for this variance. He has spoken with the neighboring property owner and she is in favor of the application.

Comments and Questions:

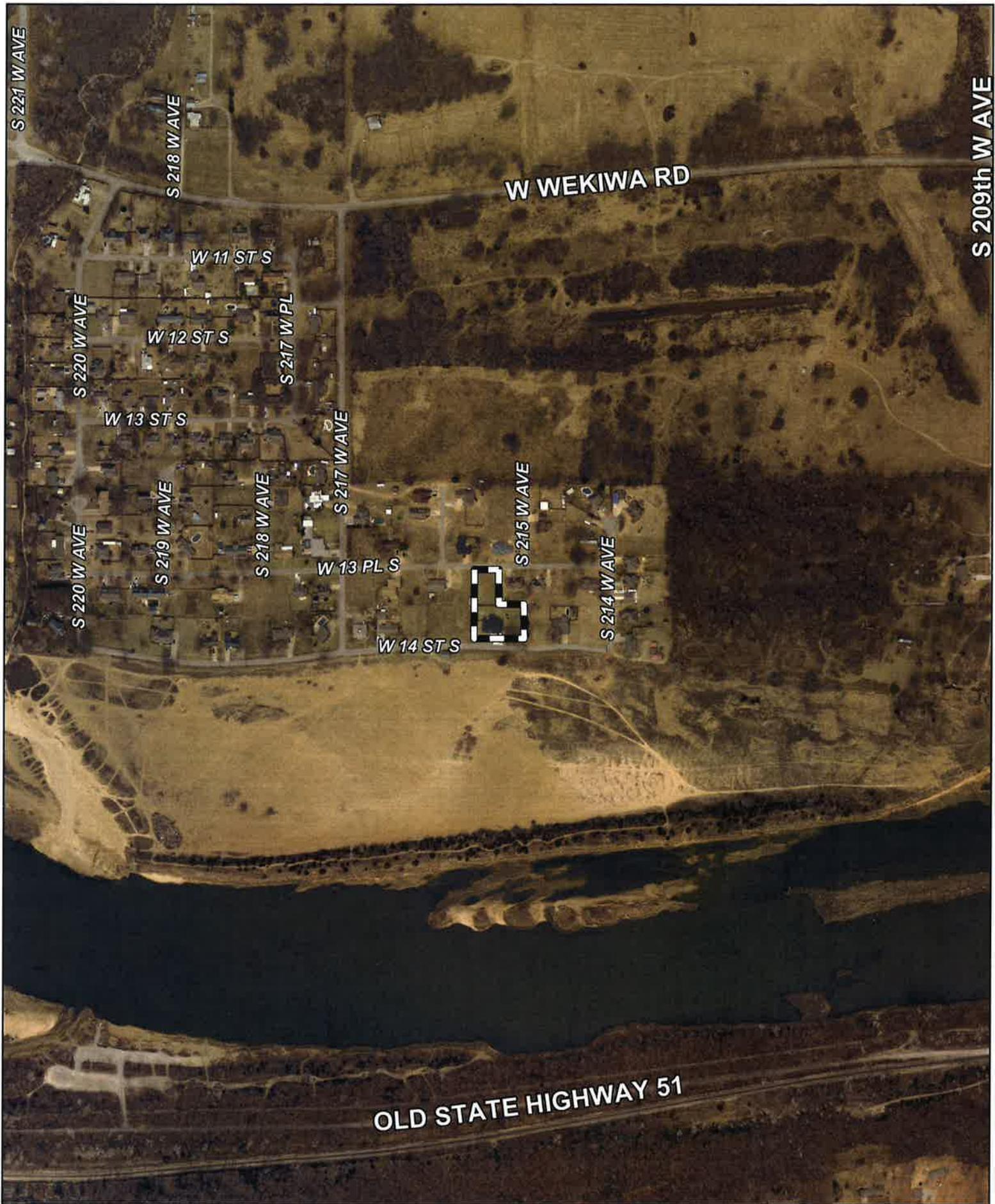
Mr. Tyndall asked the location of the utility lines. Mr. Oakes replied that the utilities are at the front of the house. Mr. Hutson asked for the difference in the elevation from the house to the proposed site of the building. Mr. Oakes replied there is about a six to eight foot drop.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a



S 221 W AVE

S 218 W AVE

W WEKIWA RD

S 209th W AVE

W 11 ST S

S 220 W AVE

W 12 ST S

S 217 W PL

W 13 ST S

S 217 W AVE

S 220 W AVE

S 219 W AVE

S 218 W AVE

W 13 PL S

S 215 W AVE

S 214 W AVE

W 14 ST S

OLD STATE HIGHWAY 51



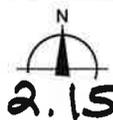
Subject Tract

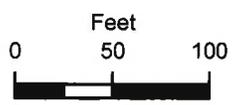
CBOA-2733

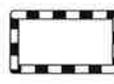
19-10 10

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

Aerial Photo Date: February 2018





 Subject Tract

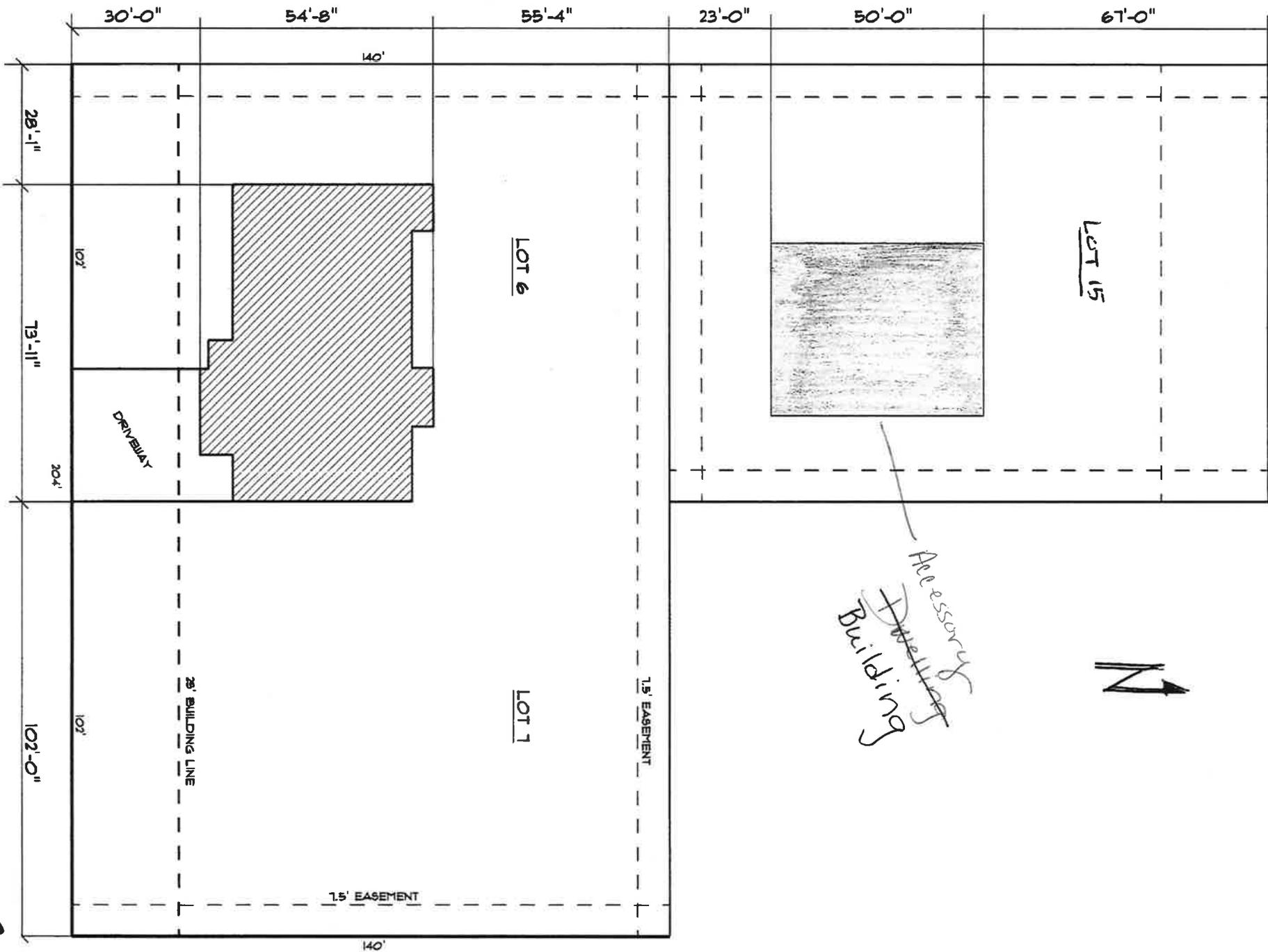
CBOA-2733

19-10 10

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

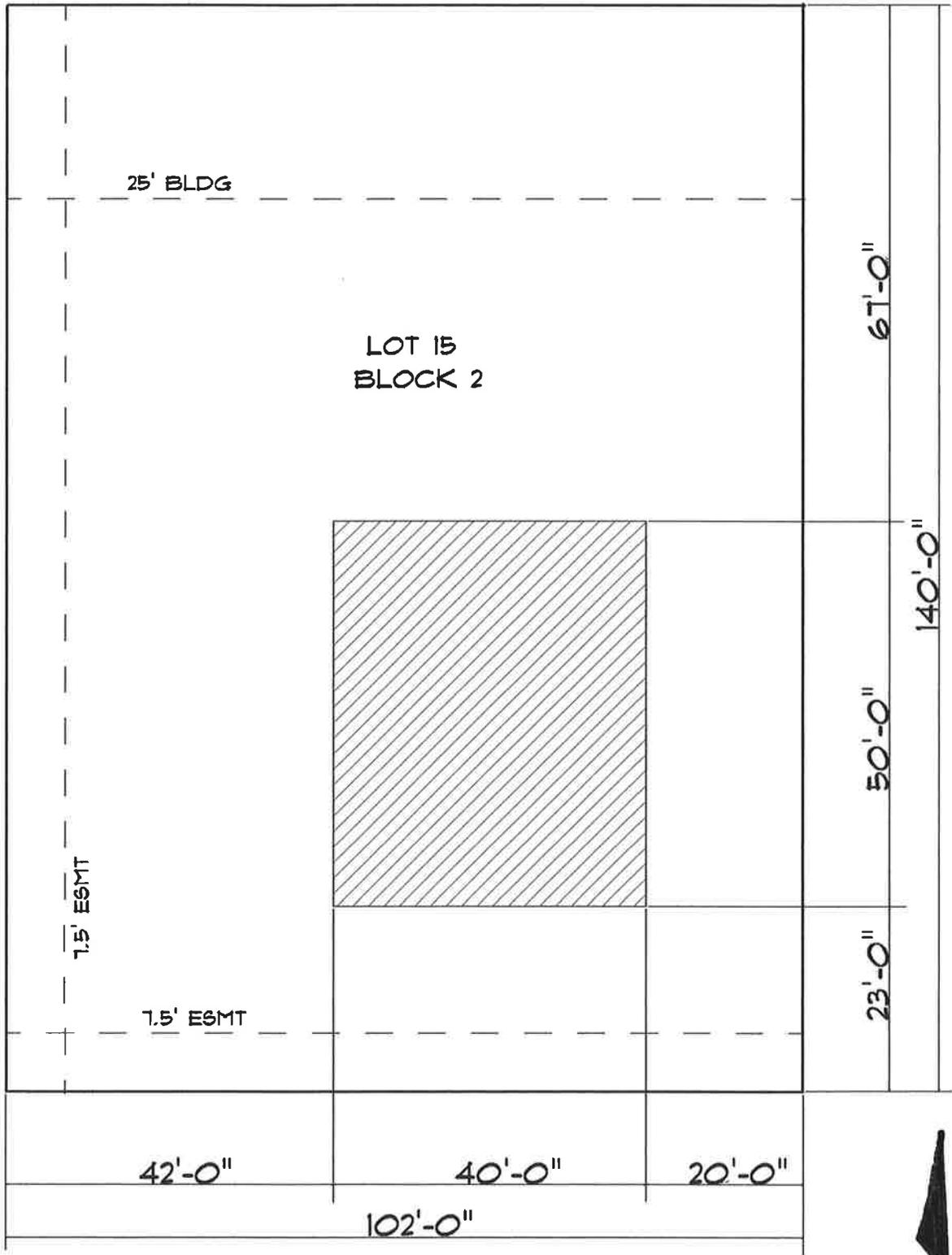
Aerial Photo Date: February 2018



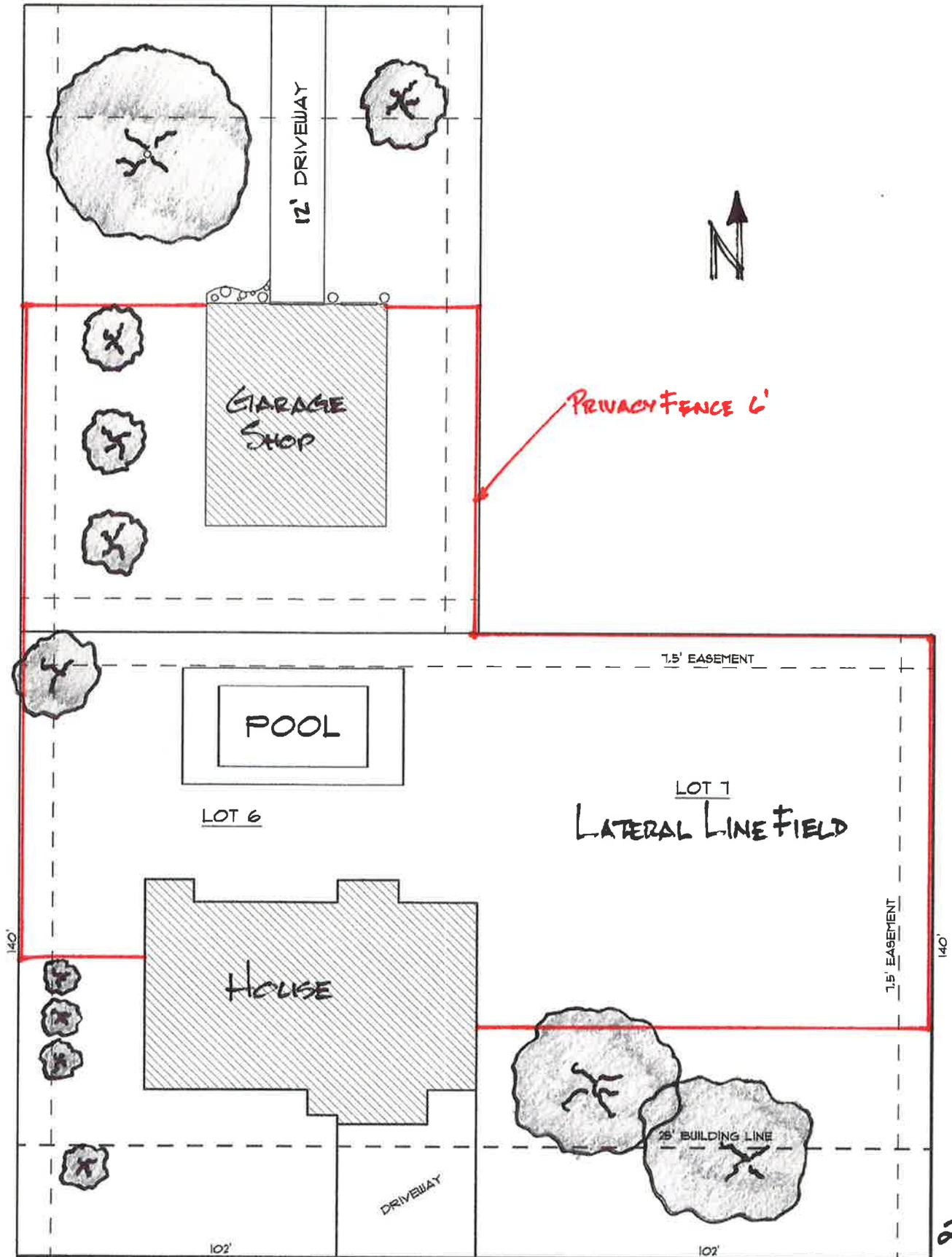


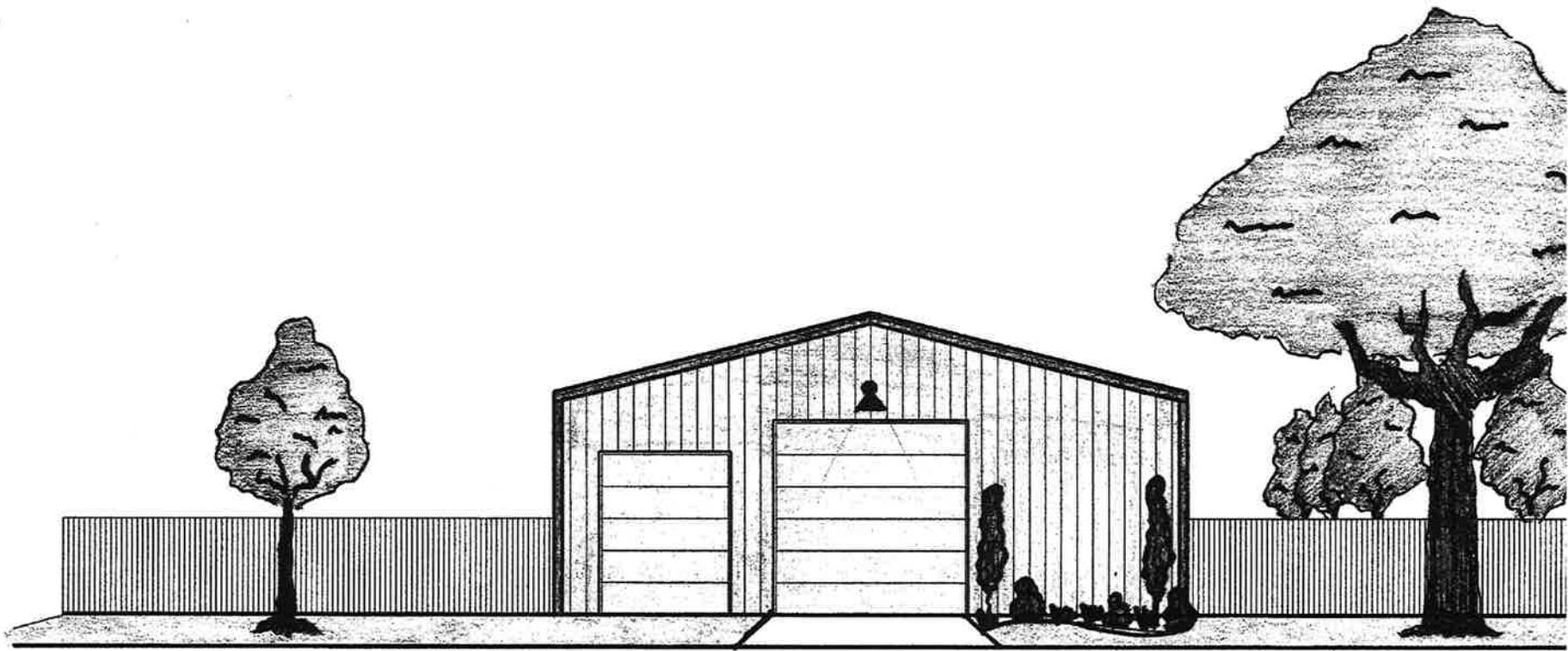
2.17

S. 213th W. AVE.



W. 13th St. S.





TULSA METROPOLITAN AREA PLANNING COMMISSION

INCOG - 2 West 2nd Street, Suite 800 - Tulsa, Oklahoma 74103 - (918) 584-7526 - FAX (918) 583-1024 - www.tmapc.org

LOT LINE ADJUSTMENT (LLA)

APPLICATION INFORMATION

RECEIVED BY: AC DATE FILED: 12/31/18 CASE NUMBER: 69
 CITY COUNTY REFERRAL CITIES: _____ RELATED CASE #: _____
 PUD/CO REFERENCE CASE: _____

SUBJECT PROPERTY INFORMATION

ADDRESSES OR DESCRIPTIVE LOCATION: Lt 15 Blk 2, Lt 6 & 7 Blk 2 Candlestick Beach
 LOT LINE ADJUSTMENT [] LOT LINE ADJUSTMENT (COMBINATION ONLY)
 PRESENT USE: _____ PRESENT ZONING: RS T-R-S: 9010
 CITY COUNCIL DISTRICT: _____ COUNTY COMMISSION DISTRICT: _____
 CITY WATER: _____ RURAL WATER DISTRICT: _____ WELL
 CITY SEWER _____ SEPTIC/AEROBIC SYSTEM

LETTERS FROM CITY UTILITIES OR RURAL WATER DISTRICTS ARE REQUIRED IF UTILIZING THOSE SOURCES.

MODIFICATION FROM SUBDIVISION AND DEVELOPMENT REGULATIONS REQUESTED (IF ANY):

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME <u>WILLIAM WILKINS</u>	NAME
ADDRESS <u>21521 W. 14TH ST. S.</u>	ADDRESS
CITY, ST, ZIP <u>SAND SPRINGS, OK 74063</u>	CITY, ST, ZIP
DAYTIME PHONE <u>918 902 0760</u>	DAYTIME PHONE
EMAIL <u>WWILKINS120@GMAIL.COM</u>	EMAIL
I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.	
SIGNATURE & DATE: <u>[Signature]</u> <u>12-31-18</u>	

DOES OWNER CONSENT TO THIS APPLICATION Y N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? OWNER

APPLICATION FEES (Make checks payable to INCOG)		
TOTAL DUE:	\$ 150	RECEIPT NUMBER: <u>231055</u>

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

SUBMITTAL REQUIREMENTS:

Survey Requirements (Involving Land Divisions) - A survey must accompany your application at the time of submission. All Lot Line Adjustments involving the division of land require a survey of the original parent tracts and clearly describing the actions wishing to be taken in the application. This document must be prepared and stamped by a licensed surveyor or engineer. Please refer to the Lot Line Adjustment Checklist available at tmapc.org or in our office for complete survey requirements.

Requirements (Combination Only)- Applications must include an exhibit clearly identifying the legal descriptions of the tracts wishing to be combined. Please be prepared to email the exhibits in an electronic word document if requested by TMAPC staff.

Documents should be no larger than 11 x 17 sized paper.

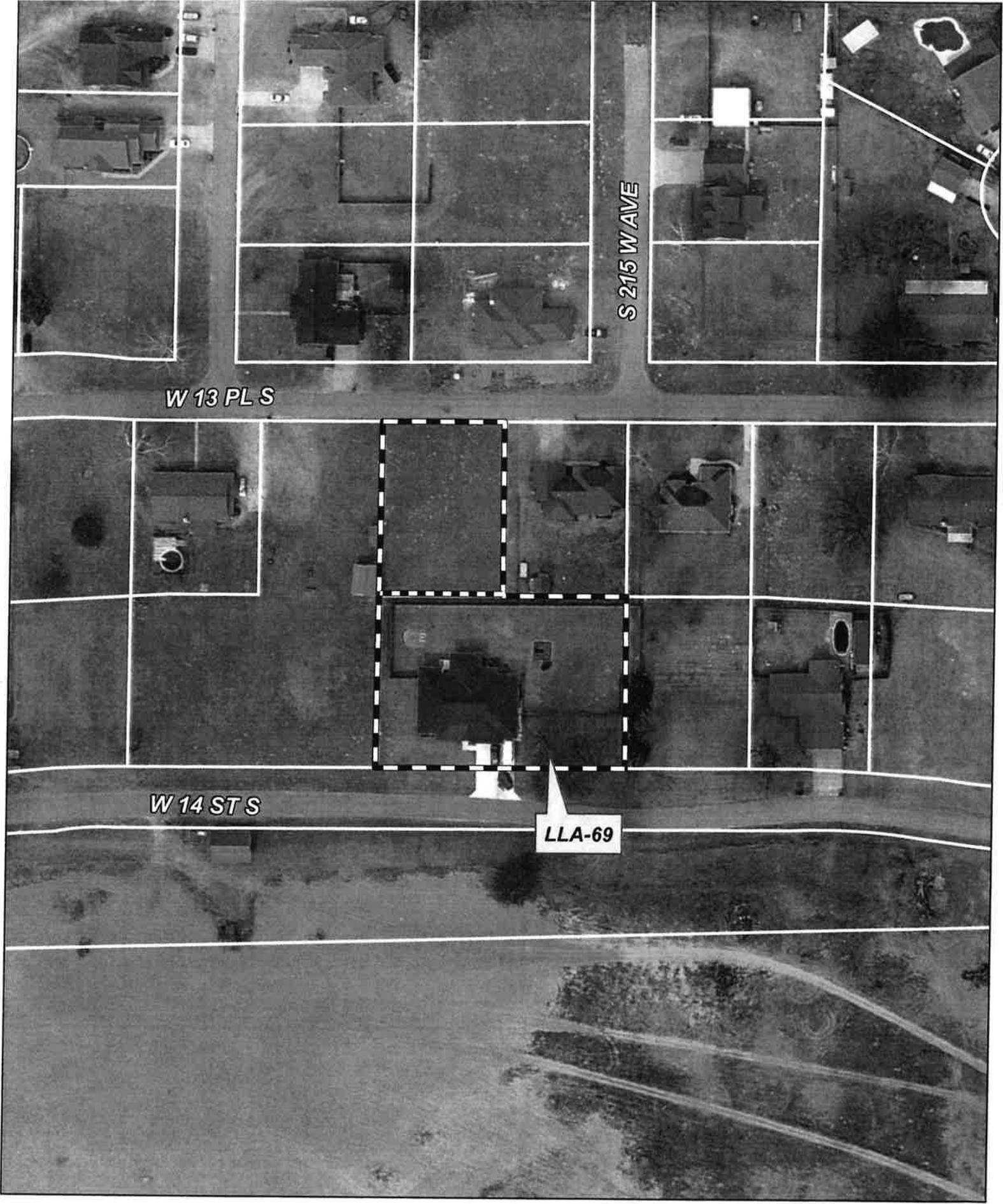
DISPOSITION

PAR RECOMMENDATION: _____ ADMINISTRATIVE/TMAPC ACTION: Approved DATE: 1/8/19

LAND USE ADMINISTRATOR SIGNATURE: [Signature]

CONDITIONS/COMMENTS: None

INSTRUMENTS RELEASED: 1/10/19

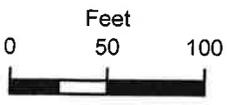


W 13 PL S

S 215 W AVE

W 14 ST S

LLA-69



 Subject Tract

LLA-69

19-10 10

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

Aerial Photo Date: February 2018



2.22

Back 20190209_161411.jpg

Building at 13255 South
214th W. Ave



Street view

214th W Ave
Hendep South

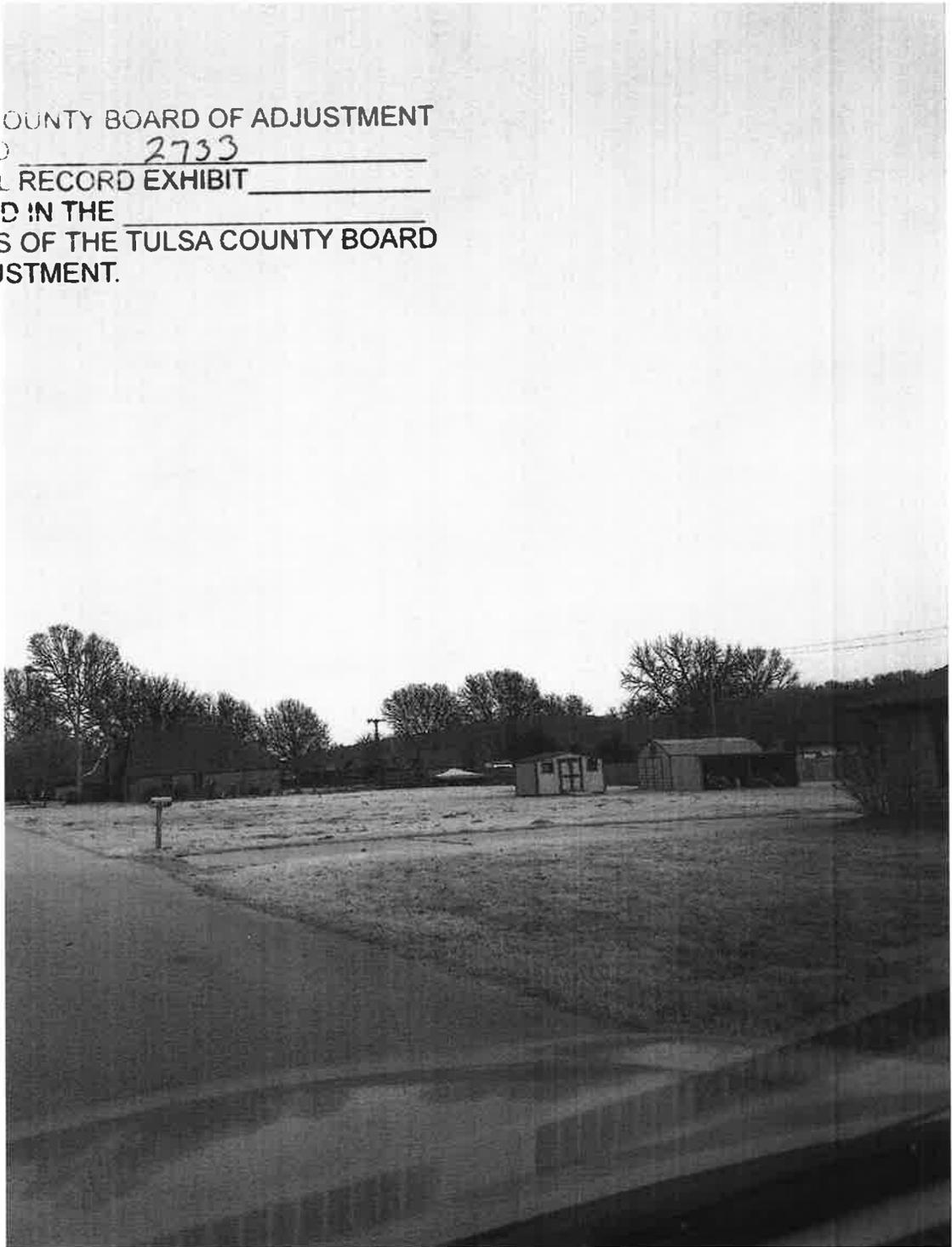
← North

2733 JUSTMENT
BOARD

13th
PLACE
Street View
Headed EAST

←
North

TULSA COUNTY BOARD OF ADJUSTMENT
CASE NO 2733
OFFICIAL RECORD EXHIBIT _____
ENTERED IN THE _____
MINUTES OF THE TULSA COUNTY BOARD
OF ADJUSTMENT.



TULSA COUNTY BOARD OF ADJUSTMENT
CASE NO. 2733
OFFICIAL RECORD EXHIBIT _____
ENTERED IN THE _____
MINUTES OF THE TULSA COUNTY BOARD
OF ADJUSTMENT.



13th
place
Street View
Aerped West

North
↓

Back yard
of
13255 South
214th W Ave.

TULSA COUNTY BOARD OF ADJUSTMENT
CASE NO. 2733
OFFICIAL RECORD EXHIBIT _____
ENTERED IN THE _____
MINUTES OF THE TULSA COUNTY BOARD
OF ADJUSTMENT.



BACK YARD
of 13255
South 214th W AVE



Case Number CBOA-2733

Steve York <woback@tribcsp.com>

Wed 2/13/2019 12:02 PM

To: rjones@incog.org <rjones@incog.org>; esubmit@incog.org <esubmit@incog.org>; Jay Castoe <sales@circleconsulting.com>; restor6146@sbcglobal.net <restor6146@sbcglobal.net>; woback@tribcsp.com <woback@tribcsp.com>; proveit@charter.net <proveit@charter.net>; bradyork1963@gmail.com <bradyork1963@gmail.com>; nickatane@yahoo.com <nickatane@yahoo.com>; angpa6@aol.com <angpa6@aol.com>;

1 attachments (418 KB)

021319-RejectionofVarianceLetter.pdf;

To all those to be concerned:

Please see the attached Letter and corresponding material in regard to our OBJECTION of Will Wilkins Variance Request, Case Number CBOA-2733

If any of you have any questions please feel free to get in touch with me, 307-277-8057.

Thank you,
Steve

2.28

Candlestick Beach 1 Neighbors

Copies

CBOA-2733

This petition is against the approval for a variance for Will Wilkins to build a 40 X 50 commercial building on his empty lot behind his house on west 13th place. This building will be situated on a main street in the middle of our neighborhood and will not blend in.

NO.	FIRST AND LAST NAME	ADDRESS	PHONE	Email
01	Dikki Burns	21407 W 14th St S	9184403536	
02	GREG NICHOLS	21488 W 13TH PL S	9187242866	
03	JAY Casfue	1333 S. 215th W Ave	918-246-2186	
04	Mary Robinson	21670 W 13th PL	918-971-8283	
05	Beely Robinson	21670 W 13th PL	918-348-0188	
06	Steven R Brown	21607 W 13th PL	918-671-2630	
07	D Hampton	1316 S 216 W Ave	918 636 2327	
08	Forrest Ozark	21609 W 14th	918-344-4627	
09	Scott Guard	21611 W 14th	918 261-7295	
10	PATRICK ADAMS	1308 S. 216th	918-855-3848	
11	Tom Rapp	1307 S. 216th W Ave	918-636-4306	
12	Garnie Rapp	1309 S. 216th W Ave	918-991-1478	
13	Richard Mack	21506 W 13th Pl.	918-520-6623	
14	Dennis R. State	21521 W. 13th Pl. Se	918-527-7289	
15	Vukic State	21521 W. 13th Pl S.	918.527-7293	
16				
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21	TULSA COUNTY BOARD OF ADJUSTMENT			
22	CASE NO. <u>2733</u>			
23	OFFICIAL RECORD EXHIBIT _____			
24	ENTERED IN THE _____			
25	MINUTES OF THE TULSA COUNTY BOARD			
26	OF ADJUSTMENT			
27				
28				
29				
30				

Candlestick Beach 1 Neighbors

CBOA-2733

This petition is against the approval for a variance for Will Wilkins to build a 40 X 50 commercial building on his empty lot behind his house on west 13th place. This building will be situated on a main street in the middle of our neighborhood and will not blend in.

NO.	FIRST AND LAST NAME	ADDRESS	PHONE	Email
01	Robert Stiller	1347 S. 22 th W. Ave	918-277-1962	robert.stiller@att.net
02	Ricky Borchers	1722 S. 21 st W. Ave	918-908-7925	rborchers@qol.com
03	Sharon Borchers	1322 S. 21 st W. Ave	918-520-2383	sb52806@aol.com
04	Jerry Raney	1311 S. 21 st W. Ave.	918-381-1630	
05	Betty Raney	1311 S. 21 st W. Ave	918-381-1630	
06	WILLIAM RAGAN	21859 W. 14 th St.	918-760-5867	
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STEVE YORK

1754 Custer Avenue, Casper Wy 822604 • (307) 277-8057 • woback@tribcsp.com

02/13/2019

Tulsa County Board of Adjustment
Robi Jones & Land Regulation Specialist
Two West Second Street, Suite 800
Tulsa, OK 74103

ATTN: All who will hear at Public Hearing & WILL WILKINS
RE: **REJECTION OF VARIANCE:** Will Wilkins, Case Number CBOA-2733

To those present who will hear:

Please consider this a strong NO from FIVE residents - ALL owners of the majority of the property you are requesting to butt up against.

Steve York = **NO!** 307-277-8057
Keith York = **NO!** 307-267-2416
Brad York = **NO!** 918-605-2451
John York = **NO!** 208-310-6751
Angie Pace = **NO!** 918-264-1067

As one of 5 owners of 21600 W. 13th Place, Sand Springs, OK 74063 and several of the surrounding lots at Candlestick Beach I speak for myself, my 3 brothers and my sister in expressing our devout disappointment in even a *suggestion* of an 'accessory building' of such size as presented to us on the attached materials.

Respectfully, we request this building to not be built in any way, shape or form at the intended location *or* at the intended, obtrusive and property value damaging size. We firmly demand that the current ordinances be upheld denying this variance request and leading to this building NOT coming to fruition and damaging the value of our property and lots as well as others'; not to mention aesthetically destroying the neighborhood tranquility and beauty.

Respectfully, Will Wilkins: you have quite a bit of room to the east of your home, yet, you obviously do not want this building right on YOUR doorstep either. We gracefully ask that you step down and do not decrease the value of our property, or the additional lots that Steve, Keith, Brad and John York and Angie Pace own and maintain at, and surrounding, 21600 W. 13th Pl. *If you would not build this building directly next to your home why would you even remotely consider that anyone else would want it now, or ever if the case was to be, next to their home or property?*

We are all 5 in agreement that any person who willingly and voluntarily damages the value of our property should be held monetarily responsible for the difference in the eventual, verifiable market value decrease - indefinitely. Please do not force a situation where an attorney must become actively involved here.

I feel I have been quite clear speaking for myself and my siblings, however, if you have any discrepancy or ambiguity in regard to the above statements please feel free to contact me at the above address, e-mail, or telephone number as I am more than happy to discuss this further and more in depth.



Jones, Robi

From: Will Wilkins <wwilkins120@gmail.com>
Sent: Monday, February 18, 2019 9:36 PM
To: Jones, Robi
Subject: Re: FW: Case Number CBOA-2733
Attachments: 20190214_085846_resized.jpg; 20190214_085722_resized.jpg; 20190214_085809_resized.jpg; 20190214_085640_resized.jpg; 20190214_085622_resized.jpg; PARTIAL CB1 PLAT.pdf; EPSON007.PDF

Good morning Robi. Attached please find a signature sheet of those in support of our request in the immediate area as well as a map showing their location and property owned in relation to the subject property for inclusion with the Boards packets for today's meeting. I have also included some photos of similar structures and others in the neighborhood. I will bring a copy with me as well.

Thank you very much.

Will Wilkins

On Wed, Feb 13, 2019, 2:49 PM Jones, Robi <rjones@incog.org> wrote:

Will,

I just wanted to let you know that we received this letter today. It will be part of the agenda packet at the meeting next week.

Robi

Robi Jones | Community Planner
2 West 2nd Street Suite 800 | Tulsa, Oklahoma 74103
ph: 918.579.9472 | email: rjones@incog.org

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

From: Steve York <woback@tribcsp.com>
Sent: Wednesday, February 13, 2019 12:02 PM

Subject: Case Number CBOA-2733

To all those to be concerned:

Please see the attached Letter and corresponding material in regard to our OBJECTION of Will Wilkins Variance Request, Case Number CBOA-2733

If any of you have any questions please feel free to get in touch with me, 307-277-8057.

Thank you,
Steve



2.34



2.35



2.36



2.37



EXISTING ROAD TO WERIMA ROAD



Property owners of 22 lots signed in support
(Incl owners of 4 lots on the West end of the subdivision)



Property owners in favor but would not sign

22 lots

February 17, 2019

We, the undersigned, as homeowners residing within Candlestick Beach Addition, do hereby sign this affidavit in support for Mr. & Mrs. Wilkins to build a shop at the requested size and square footage as proposed, to include only (1) outbuilding of a size not to exceed 2,000sf and 40'w X 50'd and a maximum height of 21'0." We have provided our signature, address and phone number below.

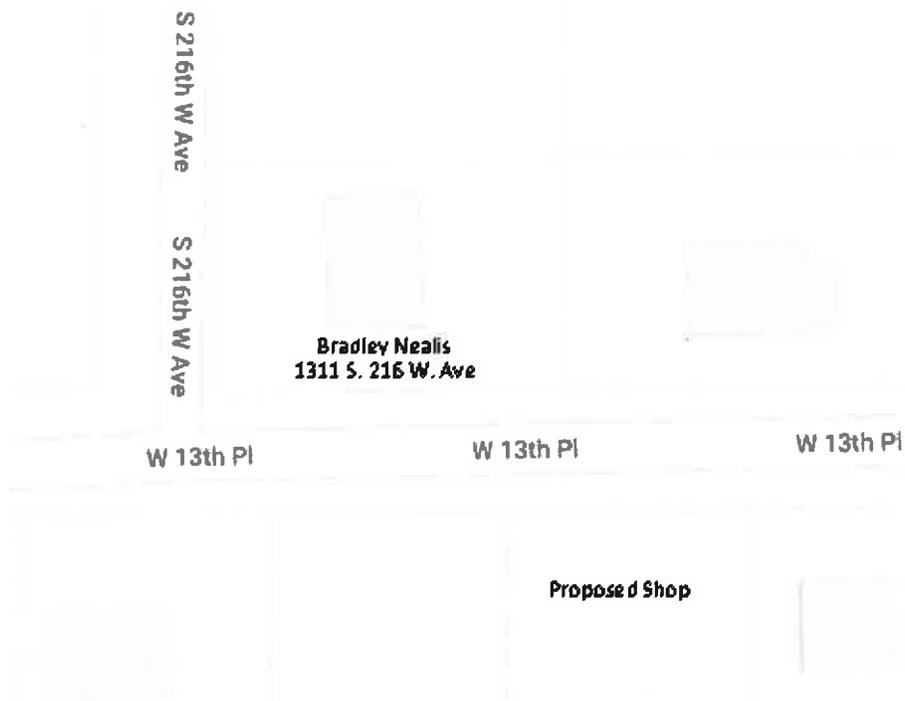
<u>#</u> <u>LOTS</u>	SIGNATURE	ADDRESS	PHONE
2	<u>Angela Santolucito</u>	<u>21415 W 14th St, Lindero</u>	<u>918-658-7147</u>
1	<u>Ed Turley</u>	<u>1379 S. 214th W. Ave</u>	<u>918-606-1232</u>
1	<u>RW [Signature]</u>	<u>1379 S. 214th W. Ave</u>	<u>918-230-0226</u> <u>405-812-1185</u>
2	<u>Ron & Debbie Vandenberg</u>	<u>1325 S. 214th ST.</u>	<u>918</u>
1	<u>Margie & Jeremy Lucito</u>	<u>21404 W 13th PLS</u>	<u>918-438-4249</u>
2	<u>Brandi & Kim MERRIMAN</u>	<u>21405 W 13th PLS</u>	<u>918-810-5428</u>
5	<u>[Signature]</u>	<u>1333 S. 215th</u>	<u>918-246-2186</u>
3	<u>Dianne & Don Lester</u>	<u>21904 W 13th</u>	<u>918-688-5193</u>
1	<u>[Signature]</u>	<u>21823 W 14th</u>	<u>918-520-4549</u>
1	<u>[Signature]</u>	<u>1311 S 214th W AVE</u>	<u>405-310-3123</u>
3	<u>Will & Melissa Wilkins</u>	<u>21521 W. 14th St. S.</u>	<u>918-902-0760</u> <u>2.39</u>

To whom it may concern,

It is in my opinion that Will Wilkins should be allowed to build a shop on the property caddie corner from my own home. It is my understanding that it will set off the road a ways and will be heavily landscaped. I do not believe that it will devalue our homes in any way and quite the contrary I believe it may actually raise the value of our homes. Due to that fact that it will raise his own property value consequently raising the value of ours. This is land he owns and land that he should be able to do with however he should so wish.

Thanks

Bradley Nealis



February 15, 2019

To: Members of the Board of Adjustment
From: Ron & Debbie VanLandingham
1325 S. 214th West Ave
Sand Springs, OK. 74063
Member of Candle Stick Beach HOA
Subject: Case Number: CBOA – 2733
Applicant: Will Wilkins

Dear Members of the Board of Adjustment,

I may or may not be able to attend the meeting scheduled for this case number, but I want to express our full support to allow Mr. and Mrs. Wilkins the opportunity to build their requested shop as submitted. I have been a long-standing neighbor in Candlestick Beach and also have a shop on my property similar to that requested by the Wilkins that was approved by this very body.

There has been a petition circulated by the acting officers of this homeowner's association stating they are against the Wilkins' building, the requested shop. Before the petition was circulated, some of the HOA officers were misleading the neighbors by stating untruths and misleading statements on our neighborhood Facebook by saying: "...I heard it's a commercial size building" and others were saying "he's going to run a business out of it."

While one of the HOA officers was going house to house circulating this petition, they misled the neighbors with untruths and misleading details in order to convince them to sign it and continued to do so on Facebook. This same HOA officer stated on Facebook that "In my opinion it is going to look like a commercial building in a residential neighborhood."

I believe the members of the Board of Adjustment should have a little more insight about our Candlestick Beach HOA. We have about 75 homes and it is a very nice neighborhood where most everyone gets along with each other, unless you cross or disagree with the "ruling party" or a member of their "clique."

If you disagree with them, ask for something they think is out of line, or say something they don't like, you can become an outcast and could become the victim of vandalism as the Wilkins have experienced in the past. The Wilkins' lawn has been burned and sprayed with grass killer, trash dumped in their yards and messages written and left on their vehicle stating they should move away or go back where they came from.

I have lived here for 11 years and I used to be part of this clique until I saw and heard things I wanted no part of. If you are a member of, or in good standing with them, you can do most anything you want to do regardless of the covenants. Many have told me they don't care about the covenants and will do what they want to regardless of the HOA. Structures and fences are

built without approval, known businesses are ran out of homes and nothing is ever said. HOA officer elections are pre-arranged before a vote is even taken. This is only to mention a few things.

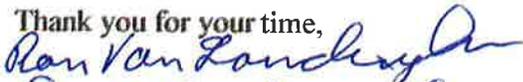
In closing, the Wilkins are a beautiful, kind and loving family and all they want to do is to get along with everyone. For some unknown reason the ruling party of this neighborhood has something against them and will do what they must to block anything they want to do.

The building the Wilkins want to build will not be an eyesore, will not block anyone's view, is positioned well back from the road front, and will be landscaped and fenced. It will not devalue anyone's home as evidenced by the other such shop structures in the neighborhood immediately around their requested one.

In fact, our neighborhood has seen an increase in new homes in the last few years, none of which appears to have been impacted by the other similar shops, with the latest new home just a few lots down from my own 40 x 40 shop. The Wilkins have invested what appears to be a considerable amount of money in their new home and I doubt they would do anything to risk decreasing the value of their own property.

I believe the Wilkins should get to enjoy the same rights and privileges as others of us here in our neighborhood. This is why I pray the members of this Board of Adjustments take these things into consideration and approve Mr. and Mrs. Wilkins' variance to build their shop.

Thank you for your time,




Ron and Debbie VanLandingham

Sparger, Janet

From: Steve York <woback@tribcsp.com>
Sent: Wednesday, February 13, 2019 12:02 PM
To: Jones, Robi; esubmit; Sales@circleconsulting.com; restor6146@sbcglobal.net; woback@tribcsp.com; proveit@charter.net; bradyork1963@gmail.com; nickatane@yahoo.com; angpa6@aol.com
Subject: Case Number CBOA-2733
Attachments: 021319-RejectionofVarianceLetter.pdf

To all those to be concerned:

Please see the attached Letter and corresponding material in regard to our OBJECTION of Will Wilkins Variance Request, Case Number CBOA-2733

If any of you have any questions please feel free to get in touch with me, 307-277-8057.

Thank you,
Steve

To Tulsa County Board members,

I would like to correct facts that were stated at the original meeting on February 18, 2019. Mr. Will Wilkins variance Cboa-2733.

Please see attached exhibits. They are all numbered.

- 1) Will Wilkins graph showing he had property owners of 22 lots signed in support of his variance, and he had property owners in favor but would not sign. Also included into his count were 4 owners on the west end of the subdivision. This graph counts more than just the people in the 300 foot radius.
- 2) Will Wilkins signature sheet that showing 5 OWNERS, OWNING 9 LOTS, 5 OWNERS, OWNING 8 LOTS THAT ARE OUT OF 300 FEET RADIUS, 1 OWNER, OWNING 5 LOTS (SIGNED BOTH PETITIONS)
- 3) Candlestick Beach 1 Neighbors graph showing 18 lot owners against, 8 lot owners in favor, one owner with 5 lots who signed both petitions, 4 lot owners who signed petition in favor, and one in favor but would not sign. ALL 5 LOTS ARE OUT OF 300 FEET RADIUS. 6 MORE LOTS AGAINST THAT ARE OUT OF THE 300 FEET RADIUS.
- 4) Candlestick Beach 1 Neighbors signature sheet. (12 owners, owning 18 lots against, 1 owner, owning 5 lots signed both petitions, 1 owner, owning 2 lots (1 within the 300 feet radius, and 1 lot outside the 300 feet radius), 1 owner, owning 1 lot outside the 300 feet radius. 2 signatures that are from the same household.
- 5) HAS 2 PAGES. THE LETTER FROM STEVE YORK. IT STATES THAT THERE ARE 5 OWNERS OF 21600 WEST 13TH PLACE AND ALL 5 OWNERS ARE AGAINST THE VARIANCE. Can you please read their letter to the board?
- 6) Candlestick Beach neighbors signature sheet showing 6 owners, owning 10 lots out of 300 feet radius against.
- 7) Tulsa County's mailing list for all lot owners within the 300 feet radius.
- 8) HAS 2 PAGES (Page 1) Novus Homes address showing the Business is located at 615 N. Cheyenne ave. Tulsa ok. 74106. (Page 2) the business address on Tulsa County Property Search. Showing this Home business address is a house that was sold on March 24,2017.
- 9) Has 4 pages (page 1) Novus Homes address is 21521 w 14th street south Sand Springs, Ok.74063. (Page 2) The business address on Tulsa county property search. Showing the Home business is located at his personal home here in Candlestick Beach 1 housing addition. This is where he has combined 3 lots and plans to put a 2000 square feet accessory building on one of his lots. (Page 3) Picture of his mail box and a sign in his front yard advertising his business. (page 4) Better picture of his business sign in front of his home.
- 10) Letter from Candlestick Beach 1 Home owners association to Will and Melisa Wilkins Stating they need to submit their building plans for their building to the Building Committee of Candlestick Beach Home owner's association. Will Wilkin's replied that he would be sending the plans on Monday, after he got some input from neighbors.

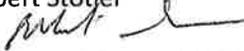
11) Paragraph E. It is a page from our covenants stating all buildings have to be approved by the building committee. Please be advised Will is one of the members of the Building Committee.

With all these documents that i have submitted to you to show he has misled the County Board for his variance. I ask for the Harmony of Candlestick Beach 1 Neighbor hood that you reject his variance.

He has counted signatures that were out of the 300 feet radius. He stated they were all within the 300 feet radius. He also told one of the commissioners that he was not going to be running a business on his property. I have given you proof he is already running his business out of his house. He has not submitted his plans to our Building committee for approval. To this date no one member of the HOA has seen the plans for this building.

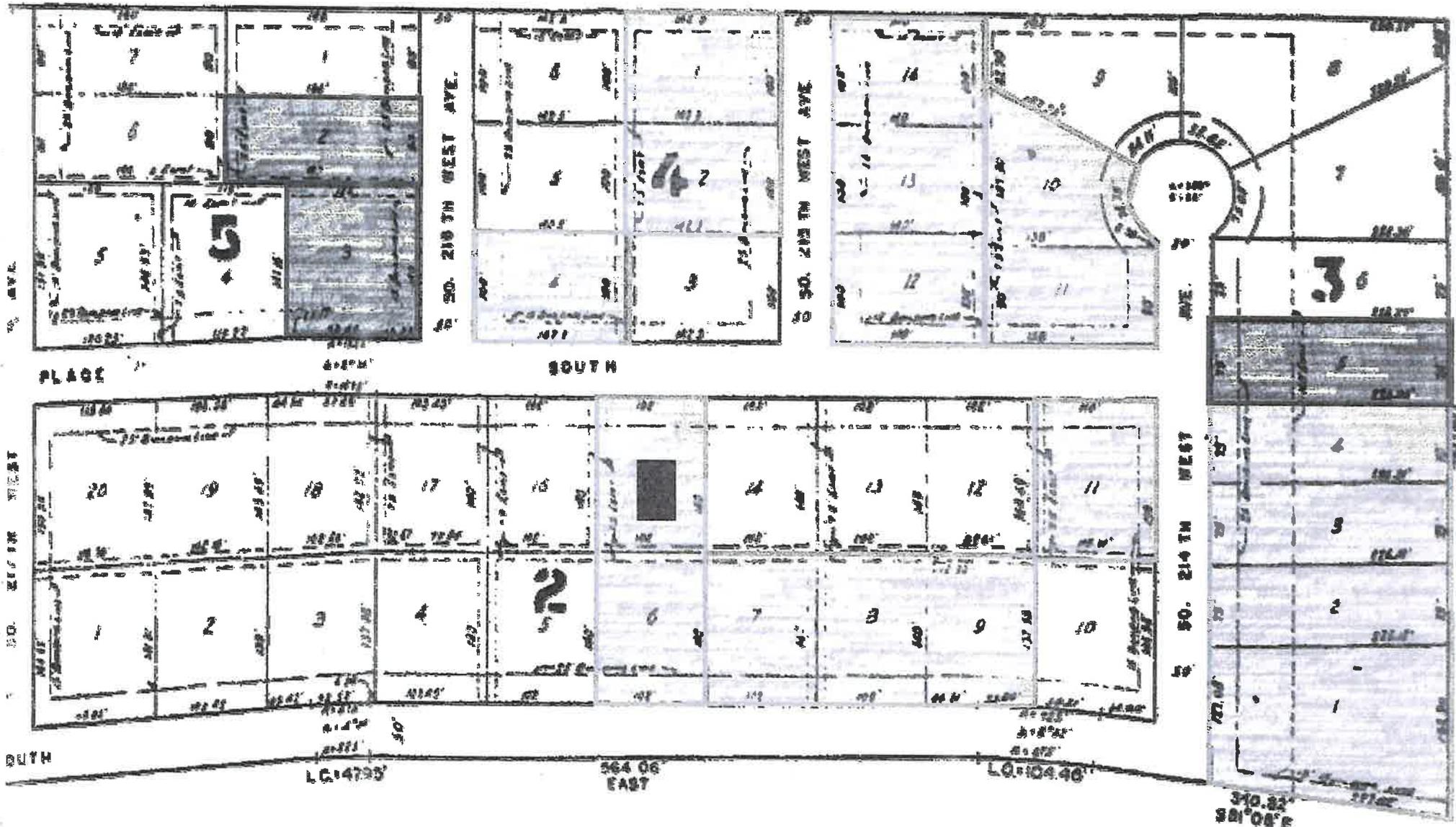
Thank you for your time,

Robert Stotler



Candlestick Beach 1 HOA President

EXISTING ROAD TO WERINGA ROAD



Property owners of 22 lots signed in support
(Incl owners of 4 lots on the West end of the subdivision)



Property owners in favor but would not sign

2.7c



22 lots total

owners (owning 9 lots for)

2

February 17, 2019

owners (owning 8 lots out of 300' roadway)
owner (owning 5 lot signed Bill Perkins)

We, the undersigned, as homeowners residing within Candlestick Beach Addition, do hereby sign this affidavit in support for Mr. & Mrs. Wilkins to build a shop at the requested size and square footage as proposed, to include only (1) outbuilding of a size not to exceed 2,000sf and 40' X 50' d and a maximum height of 21'0". We have provided our signature, address and phone number below.

#	SIGNATURE	ADDRESS	PHONE
1	Paul J. [Signature]	1379 S. 214th W. Ave	918-230-0006
1	Tom & Debbie [Signature]	1325 S. 214th ST.	405 812 1185
1	Margie & Tracy Lucio [Signature]	2144 W 15th Pl S	918-438-4049
2	Brandenburg Kim [Signature]	2145 W 12th Pl S	918-810-8428
5	[Redacted Signature]	[Redacted Address]	[Redacted Phone]
3	Donna D. [Signature]	2144 W 13th Pl	918-688-5193
1	[Redacted Signature]	2143 W 14th	918-520-4549
1	[Redacted Signature]	1311 S 214th Ave	405-300-3128
3	Will & Melissa Wilkins	21521 W. 14th St. S.	918-902-0760

3

BLACK LINE 300' RADIUS

2.48



PINK ARE PROPERTY OWNERS OF 18 LOTS THAT ARE AGAINST CBOA-2733 VARIANCE

GREEN ARE PROPERTY OWNERS OF 8 LOTS THAT ARE IN FAVOR OF CBOA-2733 VARIANCE

BLUE IS LOT OWNER OF 5 LOTS WHO SIGNED BOTH PETITIONS

YELLOW ARE PROPERTY OWNERS OF 5 OUTSIDE OF 300 FOOT RADIUS. (4 OF THESE LOTS SIGNED FOR THE VARIANCE. 2 DID NOT SIGN AT ALL, 6 SIGNED AGAINST THE VARIANCE)

Candlestick Beach 1 Neighbors

CBOA-2733

9

Copies

This petition is against the approval for a variance for Will Wilkins to build a 40 X 50 commercial building on his empty lot behind his house on west 13th place. This building will be situated on a main street in the middle of our neighborhood and will not blend in.

NO.	FIRST AND LAST NAME	ADDRESS	PHONE	Email
1 01	Dikki Burns	21407 W 14th St S	918 440 3536	
2 02	GREG NICHOLS	21488 W 13TH PL S	918 724 2866	
5 03	JAY Casfoc	1333 S. 215th W Ave	918 246 2106	
1 04	Mary Robinson	21670 W 13th PL	918-971-8283	
05	Boey Robinson	21670 W 13th PL	918-348-0188	
1 06	Steven R Brown	21607 W 13th PL	918-671-2630	
2 07	D Hampton	1316 S 216 W Ave	918 636 2327	
1 08	Forrest Ozark	21609 W 14th	918-344-4627	
1 out of AR 09	Scott Guard	21611 W 14th	918 261 7295	
1 in Board, 1 out Board 10	PATRICK ADAMS	1308 S. 216th	918-855-3848	
1 11	Tom Rapp	1307 S 216th W Ave	918-636-4306	
1 12	Garnie Rapp	1309 S. 216th W Ave	918-991-1478	
1 13	Richard Mack	21506 W 13th Pl.	918-520-6623	
1 14	Dennis R. Shate	21521 W. 13th Pl. Se.	918-527-7289	
15	Verkie Shate	21521 W. 13th Pl S.	918-527-7293	
5 16	Steve York (Letter from Estate)			

BREAK DOWN of Signatures
25 total Lots

- 12 OWNERS (OWNING 18 LOTS AGAINST)
- 1 OWNER (OWNING 5 LOTS Signed Both Petition)
- 1 OWNER (OWNING 2 LOTS - 1 WITHIN 300' RADIUS AND 1 LOT OUT)
- 1 OWNER (OWNING 1 LOT OUTSIDE 300' RADIUS)

2 SIGNATURES ARE FROM SAME HOUSE HOLD

5

Page 1

Case Number CBOA-2733

Steve York <woback@tribcsp.com>

Wed 2/13/2019 12:02 PM

To: rjones@incog.org <rjones@incog.org>; esubmit@incog.org <esubmit@incog.org>; Jay Castoe <sales@circleconsulting.com>; restor6146@sbcglobal.net <restor6146@sbcglobal.net>; woback@tribcsp.com <woback@tribcsp.com>; proveit@charter.net <proveit@charter.net>; bradyork1963@gmail.com <bradyork1963@gmail.com>; nickatane@yahoo.com <nickatane@yahoo.com>; angpa6@aol.com <angpa6@aol.com>;

1 attachments (418 KB)

021319-RejectionofVarianceLetter.pdf,

To all those to be concerned:

Please see the attached Letter and corresponding material in regard to our OBJECTION of Will Wilkins Variance Request, Case Number CBOA-2733

If any of you have any questions please feel free to get in touch with me, 307-277-8057.

Thank you,
Steve

STEVE YORK

1754 Custer Avenue, Casper WY 872604 • (307) 277-8057 • woback@tribcsp.com

5 02/13/2019
page 2

Tulsa County Board of Adjustment
Robi Jones & Land Regulation Specialist
Two West Second Street, Suite 800
Tulsa, OK 74103

ATTN: All who will hear at Public Hearing & WILL WILKINS
RE: **REJECTION OF VARIANCE:** Will Wilkins, Case Number CBOA-2733

To those present who will hear:

Please consider this a strong NO from FIVE residents - ALL owners of the majority of the property you are requesting to butt up against.

Steve York = **NO!** 307-277-8057
Keith York = **NO!** 307-267-2416
Brad York = **NO!** 918-605-2451
John York = **NO!** 208-310-6751
Angie Pace = **NO!** 918-264-1067

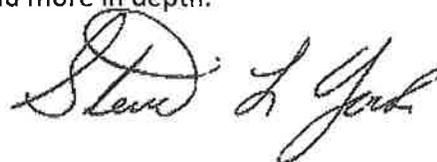
As one of 5 owners of 21600 W. 13th Place, Sand Springs, OK 74063 and several of the surrounding lots at Candlestick Beach I speak for myself, my 3 brothers and my sister in expressing our devout disappointment in even a *suggestion* of an 'accessory building' of such size as presented to us on the attached materials.

Respectfully, we request this building to not be built in any way, shape or form at the intended location *or* at the intended, obtrusive and property value damaging size. We firmly demand that the current ordinances be upheld **denying this variance request** and leading to this building NOT coming to fruition and damaging the value of our property and lots as well as others'; not to mention aesthetically destroying the neighborhood tranquility and beauty.

Respectfully, Will Wilkins: you have quite a bit of room to the east of your home, yet, you obviously do not want this building right on YOUR doorstep either. We gracefully ask that you step down and do not decrease the value of our property, or the additional lots that Steve, Keith, Brad and John York and Angie Pace own and maintain at, and surrounding, 21600 W. 13th Pl. *If you would not build this building directly next to your home why would you even remotely consider that anyone else would want it now, or ever if the case was to be, next to their home or property?*

We are all 5 in agreement that any person who willingly and voluntarily damages the value of our property should be held monetarily responsible for the difference in the eventual, verifiable market value decrease - indefinitely. Please do not force a situation where an attorney must become actively involved here.

I feel I have been quite clear speaking for myself and my siblings, however, if you have any discrepancy or ambiguity in regard to the above statements please feel free to contact me at the above address, e-mail, or telephone number as I am more than happy to discuss this further and more in depth.



Cc. Steve York, Jill York, Keith York, Brad York, John York, Angie Pace, Jay Castoe, Bob Restor

Candlestick Beach 1 Neighbors

6

CBOA-2733

This petition is against the approval for a variance for Will Wilkins to build a 40 X 50 commercial building on his empty lot behind his house on west 13th place. This building will be situated on a main street in the middle of our neighborhood and will not blend in.

NO.	FIRST AND LAST NAME	ADDRESS	PHONE	Email
1	01	Robert Stiller	1347 S. 22 nd W. Ave	918-277-1962 robert.stiller@att.net
2	02	Kirk Borchers	1722 S. 21 st W. Ave	918-908-2925 kborchers@qal.com
2	03	Sharon Borchers	1302 S. 21 st W. Ave	918-520-2383 sb528@aol.com
1	04	Jerry Raney	1311 S. 21 st W. Ave.	918-381-1630
1	05	Betty Raney	1311 S. 21 st W. Ave	918-381-1630
3	06	WILLIAM RAGAN	21859 W. 14 th ST.	918-760-5867

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- 29
- 30

BREAK DOWN OF SIGNATURES
10 Lots TOTAL
6 OWNERS (owning 10 lots
outside of 300' RAD. US)

ADAMS, PATRICK L
1308 S 216TH W AVE
SAND SPRINGS OK 74063

CBOA-2733

BROWN, STEVEN R & APRIL M
PO BOX 1128
SAND SPRINGS OK 74063-1128

CBOA-2733

BURNS, RIKKI
21407 W 14TH ST S
SAND SPRINGS OK 74063-8069

CBOA-273

Mailed Address
01/31/2019

CASTOE, JAY & PILAR
1333 S 215TH W AVE
SAND SPRINGS OK 74063-5151

CBOA-2733

CASTOE, JAY LESLIE & PILAR V
1333 S 215TH W AVE
SAND SPRINGS OK 74063

CBOA-2733

CASTOE, JAY LESLIE & PILAR V
1333 S 215TH W AVE
SAND SPRINGS OK 74063

CBOA-273

7

CASTOE, JAY LESLIE & PILAR V
1333 S 215TH W AVE
SAND SPRINGS OK 74063

CBOA-2733

CASTOE, JAY & PILAR
1333 S 215TH W AVE
SAND SPRINGS OK 74063-5151

CBOA-2733

HAMPTON, DENISE R & MICHAEL D
1316 S 216TH W AVE
SAND SPRINGS OK 74063

CBOA-273

HAMPTON, MICHAEL D & DENISE R
1316 S 216TH W AVE
SAND SPRINGS OK 74063

CBOA-2733

HORTON, JEREMY & BETHANIE
PO BOX 343
PRUE OK 74060

CBOA-2733

MCEACHERN-WILKINS, MELISSA
21521 W 14TH ST S
SAND SPRINGS OK 74063-8007

CBOA-2733

MERRIMAN, BRANDON D & KIMBERLY D
21405 W 13TH PL S
SAND SPRINGS OK 74063-8068

CBOA-2733

MOCK, RICHARD & SHARON
21506 W 13TH PL
SAND SPRINGS OK 74063

CBOA-2733

NEALIS, BRADLEY S & BRITNI GRAVES
1311 S 216TH W AVE
SAND SPRINGS OK 74063

CBOA-2733

NICHOLS, GREG & CHRYSTINA
21488 W 13TH PL S
SAND SPRINGS OK 74063-5145

CBOA-2733

NICHOLS, GREG & CHRYSTINA S
21488 W 13TH PL S
SAND SPRINGS OK 74063

CBOA-2733

OZARK, FORREST & DESIRAE
21609 W 14TH ST
SAND SPRINGS OK 74063

CBOA-2733

RAM DRILLING CO
C/O ELLIE LADUSAU
10920 E 83RD PL
TULSA OK 74133-5819

CBOA-2733

RAM DRILLING CO
C/O ELLIE LADUSAU
10920 E 83RD PL
TULSA OK 74133-5819

CBOA-2733

RAPP, JANIE M & AUBREY
COLLINSWORTH
PO BOX 2034
SAND SPRINGS OK 74063-1800

CBOA-2733

RAPP, THOMAS & JANIE M
PO BOX 1791
SAND SPRINGS OK 74063

CBOA-2733

ROBINSON, MARY TTEE
HAZEL O TAYLOR REV TR
21670 W 13TH PL S
SAND SPRINGS OK 74063

CBOA-2733

SAINT, ANGELA
21415 W 14TH ST
SAND SPRINGS OK 74063

CBOA-2733

SAINT, ANGELA
21415 W 14TH ST
SAND SPRINGS OK 74063

CBOA-2733

STRATE, DENNIS & VICKIE
21521 W 13TH PL S
SAND SPRINGS OK 74063-6378

CBOA-2733

THOMPSON, MARGIE & JEREMY LUCITO
21404 W 13TH PL S
SAND SPRINGS OK 74063-5145

CBOA-2733

WILKINS, WILLIAM & MELISSA
MCEACHERN-WILKINS
21521 W 14TH ST S
SAND SPRINGS OK 74063-8007

CBOA-2733

YORK, MARY K
700 W COLLINS DR STE 200B
CASPER WY 82601-2327

CBOA-2733

YORK, MARY K
770 W COLLINS DR STE 200B
CASPER WY 82601-2350

CBOA-2733

Novus Homes LLC



Action ▾

Contact Information

Novus Homes LLC
 615 N Cheyenne Ave
 Tulsa, OK 74106

Contact: William Wilkins
Title: Administrator
Phone: (918) 902-0760
Website:

Novus Homes LLC is the only company located at 615 N Cheyenne Ave, Tulsa, OK 74106

Map

Business Description

Novus Homes is located in Tulsa, Oklahoma. This organization primarily operates in the Single-family Housing Construction business / industry within the Construction - General Contractors & Operative Builders sector. This organization has been operating for approximately 12 years. Novus Homes is estimated to generate \$361,656 in annual revenues, and employs approximately 5 people at this single location.

Sector: Construction - General Contractors & Operative Builders
Category: Single-family Housing Construction
Industry: Single-family Housing Construction
SIC Code: 1521

Name: Novus Homes LLC
Year Founded: 2007
Engaged In:
 Manufacturing
 Importing
 Exporting

State of Inc: Oklahoma
Location Type: Single
Revenue: \$ 361,656
Employees Here: 5
Facility Size: N/A
** Revenue & Employees are estimates*

Demographics for Zipcode 74106

Percentage Population

page 1
 8

2.54

8

**Assessor
JOHN A. WRIGHT**

Property Search

PAGE 2 Please see BACK side

Disclaimer

~~Printed on 3/3/2019~~

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Quick Facts

Account #	R29450023512360
Parcel #	29450-02-35-12360
Situs address	615 N CHEYENNE AV W TULSA 74106
Owner name	EGDORF, TIFFANY & LEE
Fair cash (market) value	\$318,000
Last year's taxes	\$4,667
Legal description	Subdivision: NORTH TULSA Legal: S25 W111 LT 6 & PRT LT 7 BEG NWC LT 7 TH S49.15 CRV LF .85 E110.95 N50 W111 POB BLK 4 Section: 35 Township: 20 Range: 12



General Information

Situs address	615 N CHEYENNE AV W TULSA 74106
Owner name	EGDORF, TIFFANY & LEE
Owner mailing address	615 N CHEYENNE AVE TULSA, OK 741065121
Land area	0.19 acres / 8,322 sq ft
Tax rate	T-1A [TULSA] Subdivision: NORTH TULSA
Legal description	Legal: S25 W111 LT 6 & PRT LT 7 BEG NWC LT 7 TH S49.15 CRV LF .85 E110.95 N50 W111 POB BLK 4 Section: 35 Township: 20 Range: 12
Zoning	RES SINGLE-FAMILY HIGHER DENSITY DIST [RS4]; Historical Preservation District

Tax Information

	2018	2019
Fair cash (market) value	\$318,000	—
Total taxable value (capped)	\$318,000	—
Assessment ratio	11%	—
Gross assessed value	\$34,980	—
Exemptions	\$-1,000	—
Net assessed value	\$33,980	—
Tax rate	T-1A [TULSA]	—
Tax rate mills	137.34	—
Estimated taxes	\$4,667	—*
Most recent NOV	March 6, 2018	—

* Estimated from 2018 millage rates

Tax detail (2018 millages)

	%	Mills	Dollars
City-County Health	1.9	2.58	\$87.67
City-County Library	3.9	5.32	\$180.77
Tulsa Technology Center	9.7	13.33	\$452.95
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	5.2	7.21	\$245.00
School Locally Voted	22.4	30.72	\$1,043.87
City Sinking	16.1	22.14	\$752.32
School County Wide Bldg	3.7	5.15	\$175.00
School County Wide ADA	2.9	4.00	\$135.92
School County Wide General	26.2	36.05	\$1,224.98
County Government	7.9	10.84	\$368.34

Values

	2018	2019
Land value	\$15,000	—
Improvements value	\$303,000	—
Fair cash (market) value	\$318,000	—

Exemptions claimed

	2018	2019
Homestead	✓	✓
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

(Continued on next page)

2.55



NOVUS HOMES LLC

Robert Home Create



NOVUS HOMES LLC
@NovusHomes

- Home
- Reviews
- Photos
- Videos
- Posts
- About
- Community
- Info and Ads

Create a Page



Like Follow Share

Create Post



Write a post...

Photo/Video Tag Friends Check in

Photos



See All

Videos

Send message
No Rating Yet
page 1

Ask NOVUS HOMES LLC

- "Can I speak to an agent?" Ask
- "What areas do you serve?" Ask
- "Can I schedule a viewing?" Ask

Type a question...

Community

See All

- Invite your friends to like this Page
- 181 people like this
- 181 people follow this

About

See All



21521 W 14th St S (1.49 mi)
Sand Springs, Oklahoma 74063

Get Directions

(918) 902-0760

Typically replies within an hour
Send Message

Real Estate Developer · Contractor

Price Range \$\$

Suggest Edits

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J&J Chapman Constru...
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**Assessor
JOHN A. WRIGHT**

Page 9
2

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Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts	
Account #	R54875901000270
Parcel #	54875-90-10-00270
Situs address	21521 W 14 ST S SAND SPRINGS 74063
Owner name	MCEACHERN-WILKINS, MELISSA
Fair cash (market) value	\$215,000
Last year's taxes	\$2,733
Legal description	Subdivision: CANDLESTICK BEACH Legal: LTS 6 & 7 BLK 2 Section: 10 Township: 19 Range: 10



General Information	
Situs address	21521 W 14 ST S SAND SPRINGS 74063
Owner name	MCEACHERN-WILKINS, MELISSA
Owner mailing address	21521 W 14TH ST S SAND SPRINGS, OK 740638007
Land area	0.66 acres / 28,560 sq ft
Tax rate	2B [SAND SPRINGS]
Legal description	Subdivision: CANDLESTICK BEACH Legal: LTS 6 & 7 BLK 2 Section: 10 Township: 19 Range: 10
Zoning	RES SINGLE-FAMILY DISTRICT [RS]

Tax Information		
	2018	2019
Fair cash (market) value	\$215,000	—
Total taxable value (capped)	\$215,000	—
Assessment ratio	11%	—
Gross assessed value	\$23,650	—
Exemptions	\$0	—
Net assessed value	\$23,650	—
Tax rate	2B [SAND SPRINGS]	—
Tax rate mills	115.57	—
Estimated taxes	\$2,733	—*
Most recent NOV	March 5, 2019	—

* Estimated from 2018 millage rates

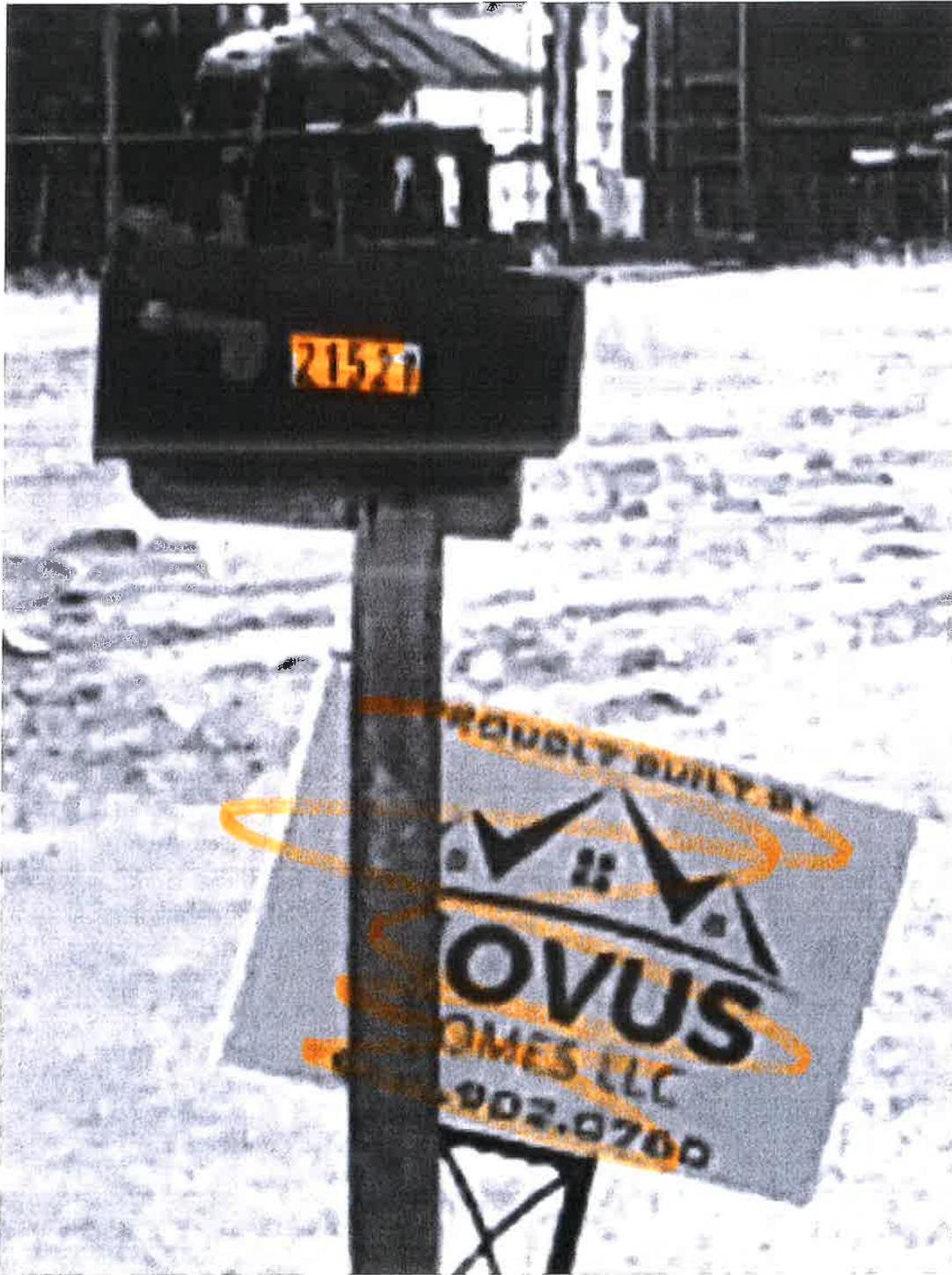
Values		
	2018	2019
Land value	\$19,500	—
Improvements value	\$195,500	—
Fair cash (market) value	\$215,000	—

Tax detail (2018 millages)			
	%	Mills	Dollars
City-County Health	2.2	2.58	\$61.02
City-County Library	4.6	5.32	\$125.82
Tulsa Technology Center	11.5	13.33	\$315.25
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	6.2	7.21	\$170.52
School Locally Voted	26.9	31.09	\$735.28
City Sinking	0.0	0.00	\$0.00
School County Wide Bldg	4.5	5.15	\$121.80
School County Wide ADA	3.5	4.00	\$94.60
School County Wide General	31.2	36.05	\$852.58
County Government	9.4	10.84	\$256.37

Exemptions claimed		
	2018	2019
Homestead	—	—
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

(Continued on next page)

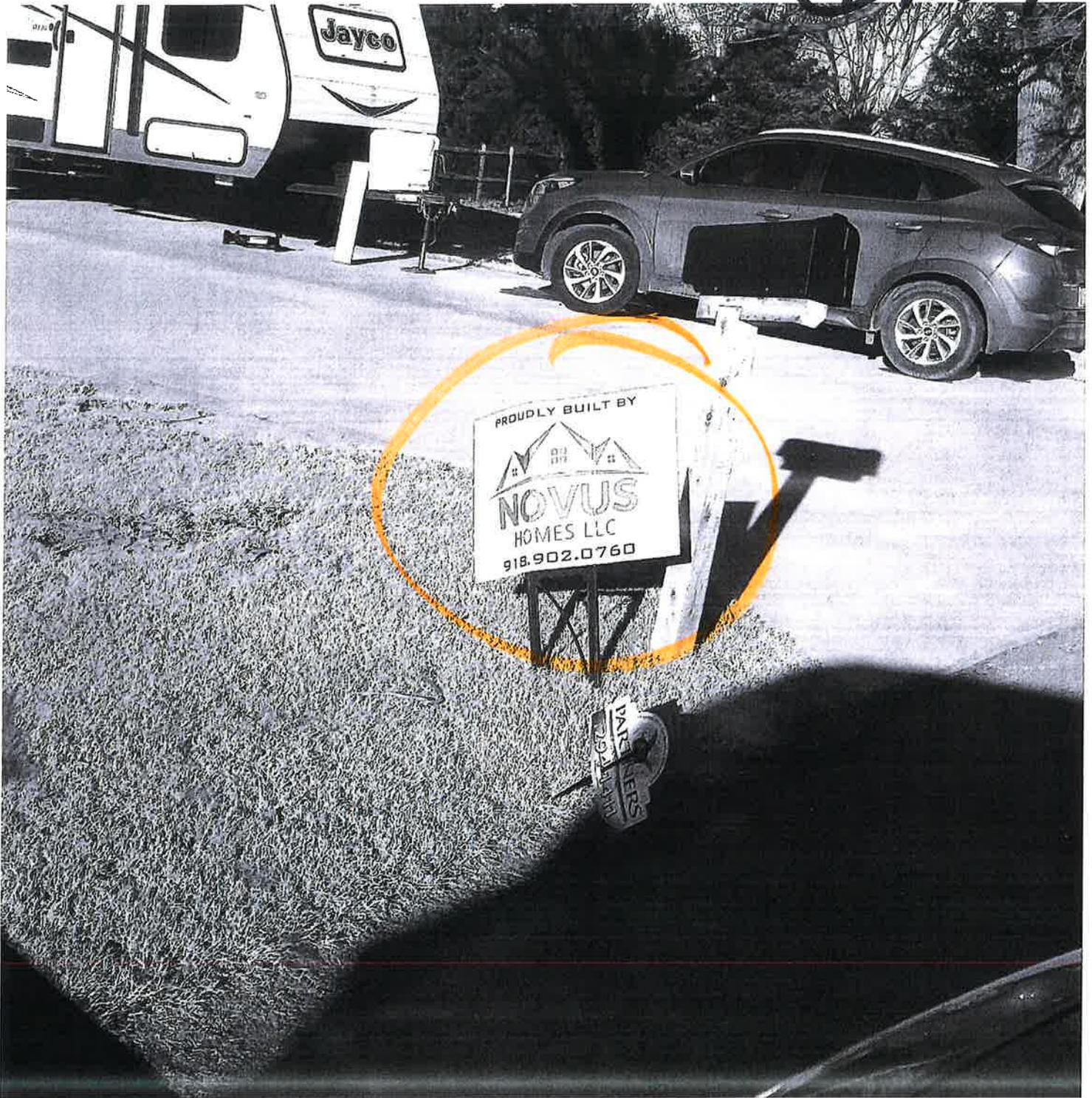
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PAGE
3

2.58

(9) page 4



2.59



Robert Stotler <robertstotler@att.net>
To: Will Wilkins
Cc: sb52806@aol.com, Robert Stotler

Feb 9 at 2:10 PM

Candlestick Beach Home Owners Association

1322 S. 21th West Ave Sand Springs Ok, 74063

President; Robert Stotler

Treasurer; Sharon Borchers

2/09/19

To: Will and Melissa Wilkins

I have heard of you intention to build a building on your lot (lot 15 block 2) in Candlestick Beach 1. Please be advised that per our covenants you will need to get approval from the building committee before you start your building. Please advice me when you get your approval of your plans. I will need to put a copy of the approval in your file with the Treasurer.

The building committee members are

*Will Wilkins at 21521 west 14th street Sand Springs , Ok, 74063 telephone number 918-902-0760
Rob Ragan 21859 west 14th street Sand springs , Ok, 74063 Telephone number 918-760-5867
Terry Stephens 21805 west 13th pl Sand Springs, Ok, 74063 Telephone number 918-625-1478*

*Sincerely,
Robert Stotler
Candlestick Beach 1 HOA President*



Will Wilkins <wwilkins120@gmail.com>
To: Robert Stotler
Cc: sb52806@aol.com

Feb 9 at 2:12 PM

I will be forwarding those plans out on Monday after having gotten some input from neighbors. Thanks Robert.

Will

2.60



#226254

violating or attempting to violate any such covenants and either to prevent him or them from so doing or to secure damages or other dues for such violations. Invalidation of any one of these covenants by agreement or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

A. All lots in the tract shall be known and described as residential lots. No structure shall be erected, altered, placed, or permitted to remain on any residential building lot other than a single family dwelling, and no more than one dwelling shall be placed upon any one lot.

B. No building shall be located nearer to the front line, nor nearer to the side street line, than the building lines shown on the Recorded Plat, and in any event, no building shall be located nearer than 10 feet to any side lot line.

C. The enclosed living area on the 8 foot or above level of each dwelling shall contain at least 1000 square feet, exclusive of porches and garages; provided, however, that any enclosed areas on the ground level shall not exceed 30% of the total enclosed living area on the 8 foot or above level.

D. Decks extending beyond the living area of the main structure shall be included on at least three sides of each residence, and shall be of such construction as to permit their use by foot traffic and other living activities. Deck areas must be at least 50% of the total living areas at the 8 foot or above level unless an exception is granted in writing by at least one of the undersigned, or by their nominee (or nominees) designated by the undersigned Owners.

E. No building, fence, wall or structure shall be erected or constructed on any lot unless and until the plans, specifications, plat plans and external design have first been approved in writing by at least one of the undersigned Owners, or by their nominee (or nominees) designated by the undersigned Owners of such proposed construction is not disapproved within 30 days of the submission thereof, such shall be deemed to have been approved. *Aldy. Committee*

F. Unless permission is given in writing by at least one of the undersigned Owners, or their nominee, to extend the construction time, all buildings must be completed within 6 months from the start of construction.

-continued-
6235

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AG

AG

SUBJECT TRACT

E 171st ST S

AG

AG

S HARVARD AVE

E 175 ST S

CBOA-2734

3.1

17-13 33



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:7333

Case Number: CBOA-2734

CZM:66

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Aloha Surface

ACTION REQUESTED: Variance to allow 0 feet of frontage on a public street to permit a lot split in an AG District (Sec. 207).

LOCATION: 3800 E 171 ST S

ZONED: AG

PRESENT USE: Residential

TRACT SIZE: 10 acres

LEGAL DESCRIPTION: E/2 W/2 NE NW SEC 33 17 13 10ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1622 January 1999: The Board **approved** a *variance* to permit two dwelling units on one 10-acre tract; and **denied** a *variance* of setback from an arterial street from 95 feet to 54 feet to permit a mobile home installation, on property located at 3800 East 171st Street South.

Surrounding Property:

CBOA-2631 May 2017: The Board **approved** a *variance* of the lot area and land area per dwelling unit; and a *variance* of the minimum lot width to permit a lot-split in the AG District (Section 330, Table 3), on property located at 17219 South Harvard East.

CBOA-1602 September 1998: The Board **approved** a *variance* of the required 30' frontage on a public street to 0' for 4 lots to permit construction on each lot, on property located at 175th Street and South Harvard Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoned parcels in all directions. The parcel to the east is a single family home on a large agricultural lot, the parcels to the north, west, and south appear to be vacant agricultural properties.

STAFF COMMENTS:

The applicant is requesting a **Variance** of the required 30 ft. minimum frontage on a public street or dedicated right-of-way to 0 ft. to permit a lot split. According to the attached survey the two new lots that would be created by the lot split, Tracts 3 and 4, do not have frontage onto East 171st Street South (a public street). According to Section 207 of the Tulsa County Zoning Code: "No lot shall

3.2

contain any building used in whole or in part for residential purposes unless such lot has a minimum of 30 ft. of frontage on a public street or dedicated right-of-way...".

As shown on the attached survey there will be a 30 ft. easement on the west side of Tract 1 which will provide access to Tract 3 and there will be a 30 ft. easement on the east side of Tract 2 which will provide access to Tract 4.

The applicant provided the following hardship: "Lot too long to split 4 ways so that each piece would have frontage to street."

Sample Motion:

"Move to _____ (approve/deny) **Variance** of the required 30 feet of frontage on a public street in an AG District (Section 207).

- Finding the hardship(s) to be _____.
- Subject to the following conditions _____.

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

Case No. 1622

Action Requested:

Variance to permit two dwelling units on one 10 acre tract. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9** and a Variance of setback from an arterial street from 95' to 54' to permit a mobile home installation. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located 3800 E. 171st St. S.

Presentation:

The applicant, **H. D. Surface**, 3800 E. 171st St. S., submitted a site plan (Exhibit D-1) and photos (Exhibit D-3) showing the house and the lateral lines.

Comments and Questions:

Mr. Bruce informed the Board that they are in receipt of a protest letter (Exhibit D-2).

Mr. Alberty asked the applicant if there is currently a stick built home on the property and the applicant responded affirmatively. Mr. Alberty asked if the applicant if wanting to put a mobile home on the property and if the mobile home will be for family or for commercial purposes. Mr. Surface responded by saying he would like to put a mobile home on the property for his son to live in. Right now there is no gas or electricity for the mobile home.

Interested Parties:

Mike Easley, 3310 E. 171st St. S., stated that he is concerned with the Board's policies and rules that state that the mobile home should be setback. Mr. Easley submitted photos (Exhibit D-4) of the mobile home and other properties in the area. Most of the families who live in the area, their home are their largest investment and have lived there for many years. The neighbors are upset about the condition of the trailer and about where it sits on the property. The neighbors want the mobile home moved back and the lot-split done properly. Mr. Easley mentioned that 171st Street may be widened in the future and the mobile home may have to be moved back then. There are several mobile homes in the area and they are all in much better condition that the subject mobile home.

Comments and Questions:

Mr. Alberty told Mr. Easley that mobile homes are a use by right in an Agriculture district and that the property contains more than the minimum lot size. Mr. Alberty asked Mr. Easley if his protest is mainly against the setback and Mr. Easley responded affirmatively.

Mr. Alberty stated that he has a real problem with the setback and he asked the applicant to explain why he is asking the Board for the setback.

Applicant's Rebuttal:

Mr. Surface pointed out that if they sit the mobile home back any further it will be sitting over lateral lines. Mr. Alberty stated that the applicant has ten acres of land and wants to know why the applicant can't move the trailer somewhere else on the land. Mr. Surface replied that the trailer will be too far from the road.

Ron Surface, 10126 S. Memorial, Suite C115, stated that the trailer's condition is happened when some kids broke the windows. As soon as they can, they will get the trailer fixed up. When they were informed about the permit process they just put everything on hold until they got the permitting straightened out.

Comments and Questions

Mr. Alberty asked the applicant if they are already hooked up to everything and the applicant responded affirmatively.

Mr. Alberty stated that one of the things that the Code tries to accomplish with setbacks is uniformity and view protection. Mr. Alberty informed the Board that he had a problem with the setback and he is less concerned about the two dwelling units because there is ten acres of land.

Mr. Walker and Mr. Tyndall agreed with Mr. Alberty's statement.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty Dillard, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance to permit two dwelling units on one 10 acre tract, finding that it meets the requirements of Section 1670.3 **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 9**

AND

DENY a Variance of setback from an arterial street from 95' to 54' to permit a mobile home installation. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, on the following described property:

E/2, W/2, NE, NW, Section 33, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

Action Requested:

Variance of the lot area and land area per dwelling unit; Variance of the minimum lot width to permit a lot-split in the AG District (Section 330, Table 3). **LOCATION:** 17219 South Harvard East

Presentation:

Judy Emmert, 3302 East 115th Street South, Tulsa, OK; stated she and her husband purchased the subject property with the intention of building their personal home and building their daughter a personal home on the property. The intention is to split the area so that upon their death their daughter could sell their property separately. Ms. Emmert stated that her house would be approximately 3,500 square feet and be built on Tract B and her daughter's house would be approximately 2,500 square feet and be built on Tract A.

Mr. Hutchinson asked Ms. Emmert to confirm that her house would be built on Tract B and her daughter's house will be built on Tract A. Ms. Emmert confirmed that was correct. Mr. Hutchinson asked Ms. Emmert about the existing old house on the property. Ms. Emmert stated that it was a little barn and at first she was going to raze it then decided she could make a place for her grandkids to go play. She has worked on it some and thought maybe she could make it a mother-in-law suite or a game room for the kids. The sewer lagoon in the rear will be taken out and the property will go onto a septic system. Ms. Emmert stated that they propose to lay a driveway down the middle of the property to show division between the two pieces of land.

Mr. Dillard stated that if there is going to be a driveway down the middle of the land Ms. Emmert will need to file for mutual access for both properties.

Mr. Hutchinson asked Ms. Emmert about the overhead electric line that goes across the property of Tract B. Ms. Emmert stated she has spoken to the electric company and they will bury that line for her at no cost.

Mr. Crall stated that a mother-in-law suite and a playroom for kids are entirely two different things, so they need to be addressed; a mother-in-law suite is a second dwelling place. Ms. Emmert stated the staff at INCOG told her she could have the two residences on the property but the Variance would allow her or daughter to sell the property separately. Ms. Emmert asked the Board to explain what they are talking about. Mr. Dillard stated Ms. Emmert is applying for two residences but when the two residences are built there will then be three residences on the property. The building considered a barn is considered a residence if it is a mother-in-law quarters because there is a kitchen and a bathroom.

Ms. Emmert stated she thought she would raze the barn but then thought it could be a game room type area for the kids. Or it could be an area for a guest to stay. Mr. Crall

CBOA-2631

FILE COPY

stated that the Board calls it a second residence even though the applicant is calling it a mother-in-law suite. Ms. Emmert stated it is not her intention but she does have it set up with a little kitchen in it and there is a back door to access her house. Mr. Cral stated the Board cannot go by intentions they have to go by definition.

Mr. Hutchinson stated that a lot depends on whether the applicant intends on the structure being a mother-in-law quarters or a game room.

Ms. Emmert stated she could connect the building to the house with a port-o-cochere if that would qualify it as a game room and a single dwelling. Mr. West asked Ms. Emmert if there was a bathroom in the structure. Ms. Emmert answered affirmatively. Mr. West stated the applicant is now getting into the definition of a dwelling with a kitchen, bathroom and sleeping area.

Ms. Emmert understands the Board wants to call the structure a dwelling but it is not a dwelling but an extension of her home as a place for the kids to play. Mr. Hutchinson stated if the structure is going to have a kitchen, a bathroom and sleeping quarters it will need to be attached to the house or get a separate Variance to have two dwellings on one lot depending on the vote for the matter that is before the Board right now. Mr. Dillard stated the structure being discussed will have to have ingress and egress as a dwelling.

Ms. Emmert asked the Board if there was something she could do so the structure will not be addressed as a second dwelling. Can taking down a wall that divides the structure make it a game room? Mr. Hutchinson stated the Board can address what is before them currently and depending on the decision a visit with Mr. West can help. If it is decided the structure is to be a separate dwelling that is a separate matter and the applicant will need to appear before the Board again. The Board cannot address the subject structure as a second dwelling today because the neighbors have not been notified.

Interested Parties:

Susan Wood, 17225 South Harvard, Mounds, OK; stated her property adjacent to the subject property. She bought her property and house because there was no one around and she bought it because she did not want to be around a development. Ms. Wood stated that she has been told that the applicant's son was going to live in the structure under discussion. She knows there has been a lot of renovation done to the structure, i.e., heat and air has been added. Ms. Wood asked the Board what the hardship is in this case.

Ms. Miller stated that if the applicant has the amount of acreage required, which the applicant does not in this case, the staff at INCOG can process a lot split. In this case, the applicant does not have the amount of acreage a Variance is required which requires a hardship to ultimately be able to split the property. The applicant needs a hardship in this case. A hardship is something that is typically unique to the physicality of the property and it not based on anything that is self imposed or financial.

CBA 2631

Rebuttal:

Judy Emmert came forward and stated that it is her intent to fix up the structure for the grandchildren and children to have a game room.

Comments and Questions:

Mr. Dillard stated that he cannot support the request. When they say there is air conditioning, a bathroom, a bedroom and a kitchen it is a house and that would make three houses on one property. If the applicant were to reapply showing they have attached structure under conversation today then the Board can do nothing. The applicant is splitting the property to allow another house on the property and he does not have a problem with the lot split. Mr. Hutchinson asked Mr. Dillard if he could support a lot split with one dwelling on each piece of property. Mr. Dillard stated he could but that is not what is before the Board today. The structure under discussion was a house, turned into a barn, and turned back into a house. There is air conditioning and there have been people living in it so he would say it is a house.

Mr. Crall agreed with Mr. Dillard. Mr. Crall stated that he is okay with the lot split as long as the applicant understands they are not receiving permission to have two houses on the property.

Mr. Hutchinson stated he can support the lot split with two dwellings but not three.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the lot area and land area per dwelling unit; Variance of the minimum lot width to permit a lot-split in the AG District (Section 330, Table 3), subject to the conceptual plan 5.8 in the agenda packet. There is to be only one dwelling per lot. Finding the hardship to be the other lots in the area are of the same size or comparable in size, and the applicant has 107 feet of frontage and it will not be injurious to the neighborhood; for the following property:

BEG 495S NWC NW NW TH E440 S281 W100 N13 W142 N52.23 W198 N POB LESS W50 THEREOF SEC 33 17 13 2.252AC, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 1601 (continued)

W 440' of the NW/4, SE/4, NE/4 of Section 25, T-17-N, R-12-E, Less the W 220' thereof, Tulsa County, Oklahoma.

Case No. 1602

Action Requested:

Variance of the required 30' frontage on a public street to 0', for 4 lots to permit construction on each lot. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 175th St. S. & Harvard

Presentation:

Becky Fugett, 8717 S. 72nd E. Ave., purchased the subject property at an auction in which the land was represented as being in two 15-acre tracts and two 13.9-acre tracts. She submitted a road maintenance agreement showing four owners having ¼ ownership in the road, recorded as Exhibit B-1. The road has been built and the applicant would like to keep it as a private road. Currently it is constructed to county standards with the exception of the asphalt. She indicated that there are plans to "chip and seal" the drive at a future date.

Interested Parties:

Vernoy Godwin, 17417 S. Harvard, stated that the 60' gravel easement runs 699' along his south fence line, which stirs up a lot of dust, and noted that his son has asthma. He would like the road built to county standards, which would also allow him access to the south of his property. The county road would have to be dust free and the drainage would be maintained.

Comments and Questions:

Mr. Beach explained that if the County agreed to accept this road, the property would have to be dedicated to the County, the applicant would have to build it to County standards, and the County would then maintain it.

Applicant's Rebuttal:

Ms. Fugett stated that Mr. Godwin's drive is gravel, and they are trying to keep the traveling on that roadway to a minimum. Mr. Godwin had approached her about using the road to access his south property, and they explained to him that that is part of their property.

Comments and Questions:

Mr. Looney asked if the four owners would be agreeable to resurfacing the road. Ms. Fugett stated that the road was recently completed. She explained that she was told that road needs time to settle, make sure there is sufficient gravel, and fill the potholes before the oil/chip is applied.

Case No. 1602 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **APPROVE** a Variance of the required 30' frontage on a public street to 0', for 4 lots to permit construction on each lot. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to a dust free surface be added to the west 692' within one year and that it be limited to these four lots finding that the land is unique on the following described property:

S/2, NW/4 Less N 630.06' and S 630.06' of W 692', Section 33, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1604

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district (temporary while house is being built). **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9**, 2749 S. 49th W. Ave.

Presentation:

Judith Morgan-Welch, 3820 S. 34th W. Ave., desires to move their mobile home to the subject property during the construction of their house.

Comments and Questions:

Mr. Looney asked when the expected completion date was and how far along the construction was. Mrs. Welch responded that she thought it would take over a year. She indicated that the foundation with pipes, septic tank and lateral lines have been installed, as well as, a perc test being completed.

Mr. Looney clarified that the mobile home would be removed after the completion of their house.

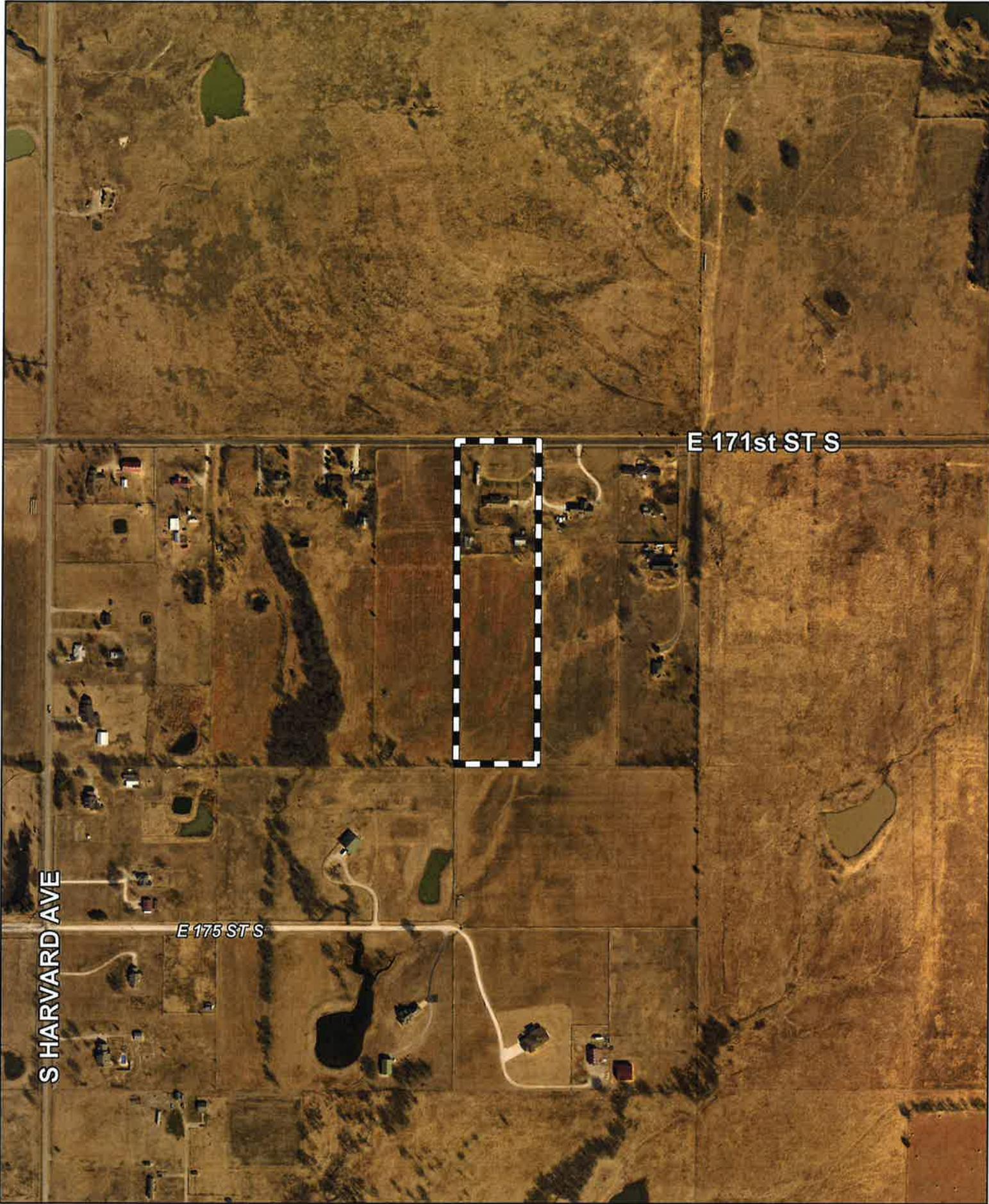
Interested Parties:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **APPROVE** a Special Exception to allow a manufactured home in an RS zoned district (temporary while house is being built). **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** for a time period of two years or until the completion of the new home within that two-year period on the following described property:

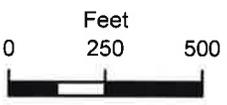
W 264', S/2, S/2, S/2 NW SW Section 16, T-19-N, R-12-E, Tulsa County, Oklahoma.



E 171st ST S

S HARVARD AVE

E 175 ST S



Subject Tract

CBOA-2734

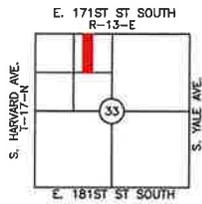
17-13 33

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

Aerial Photo Date: February 2018

3.11





LOCATION MAP
COUNTY: TULSA

BOUNDARY SURVEY & LOT SPLIT

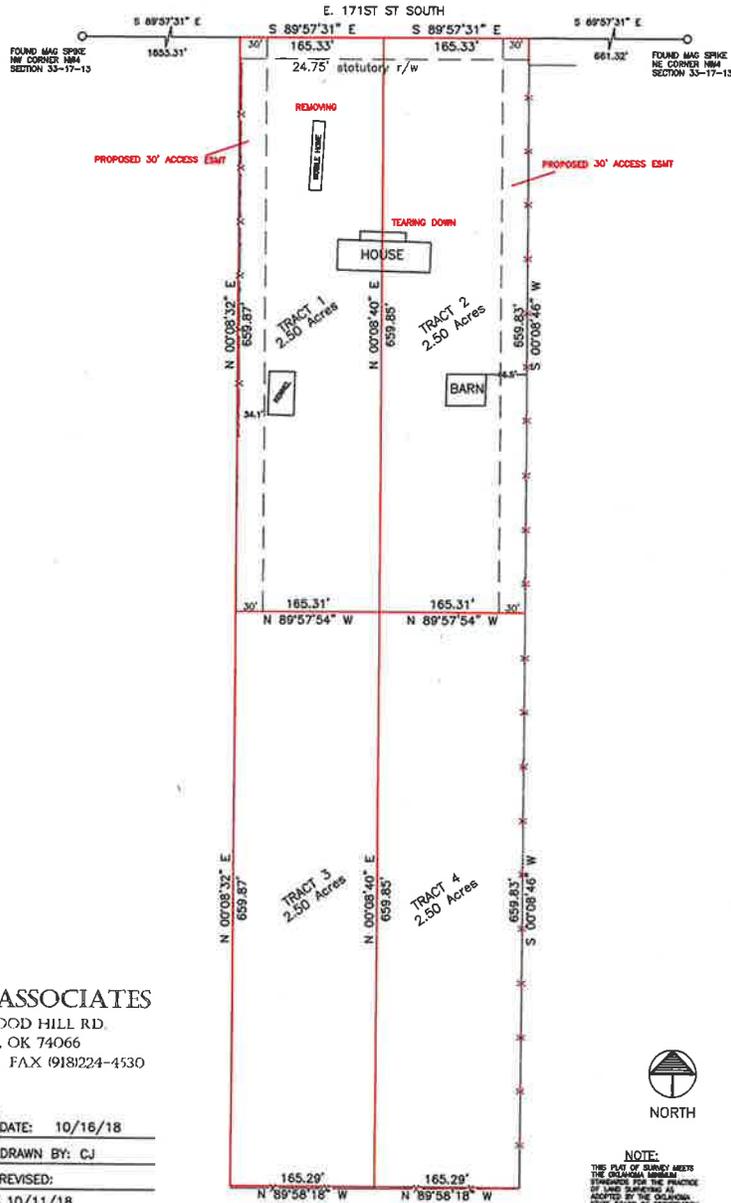
PREPARED FOR ALOHA SURFACE

BASIS OF BEARINGS:
GEODETIC NORTH



LEGEND

- SET IRON PIN W/ CAP L51316
- ▲ SET MAG NAIL W/ STRIKE L51316
- FOUND MONUMENT
- - - FENCE



D. GOSS & ASSOCIATES
12347 HEYWOOD HILL RD.
SAPULPA, OK 74066
PH: (918)371-0096 FAX (918)224-4530

Scale: NONE	DATE: 10/16/18
SURFACE	DRAWN BY: CJ
JOB # 13338	REVISED:
SITE LAST VISITED: 10/11/18	



NOTE:
THIS PLAN OF SURVEY MEETS THE OCLAMA MERRILL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OCLAMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

LEGAL DESCRIPTION

SEE ATTACHED

CERTIFICATE

I, DANIEL S. GOSS, A REGISTERED SURVEYOR BY THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ABOVE TRACT HAS BEEN SURVEYED UNDER MY DIRECT SUPERVISION, TO THE BEST OF MY KNOWLEDGE, THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY, NO UNDERGROUND UTILITIES WERE LOCATED, AND THERE ARE NO BUILDING ENCROACHMENTS THEREON EXCEPT AS INDICATED, AND THAT NO EFFORT WAS MADE TO RESEARCH FOR ANY EASEMENTS AT THE COUNTY CLERK OR OTHER RECORDS OFFICE.

WITNESS MY HAND AND SEAL THIS 16 DAY OF OCTOBER, 2018

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



3.12

ALOHA SURFACE

LEGAL DESCRIPTIONS

TRACT 1

The N2 W2 E2 W2 NE4 NW4 of Section 33, T17N, R13E, I.B.&M., Tulsa County, Oklahoma, containing 2.50 Acres, more or less... Legal Description prepared by: Daniel S. Goss PLS 1316. October 16, 2018

TRACT 2

The N2 E2 E2 W2 NE4 NW4 of Section 33, T17N, R13E, I.B.&M., Tulsa County, Oklahoma, containing 2.50 Acres, more or less... Legal Description prepared by: Daniel S. Goss PLS 1316. October 16, 2018

TRACT 3

The S2 W2 E2 W2 NE4 NW4 of Section 33, T17N, R13E, I.B.&M., Tulsa County, Oklahoma, containing 2.50 Acres, more or less... Legal Description prepared by: Daniel S. Goss PLS 1316. October 16, 2018

TRACT 4

The S2 E2 E2 W2 NE4 NW4 of Section 33, T17N, R13E, I.B.&M., Tulsa County, Oklahoma, containing 2.50 Acres, more or less... Legal Description prepared by: Daniel S. Goss PLS 1316. October 16, 2018

30 FEET ACCESS ESMT LEGAL

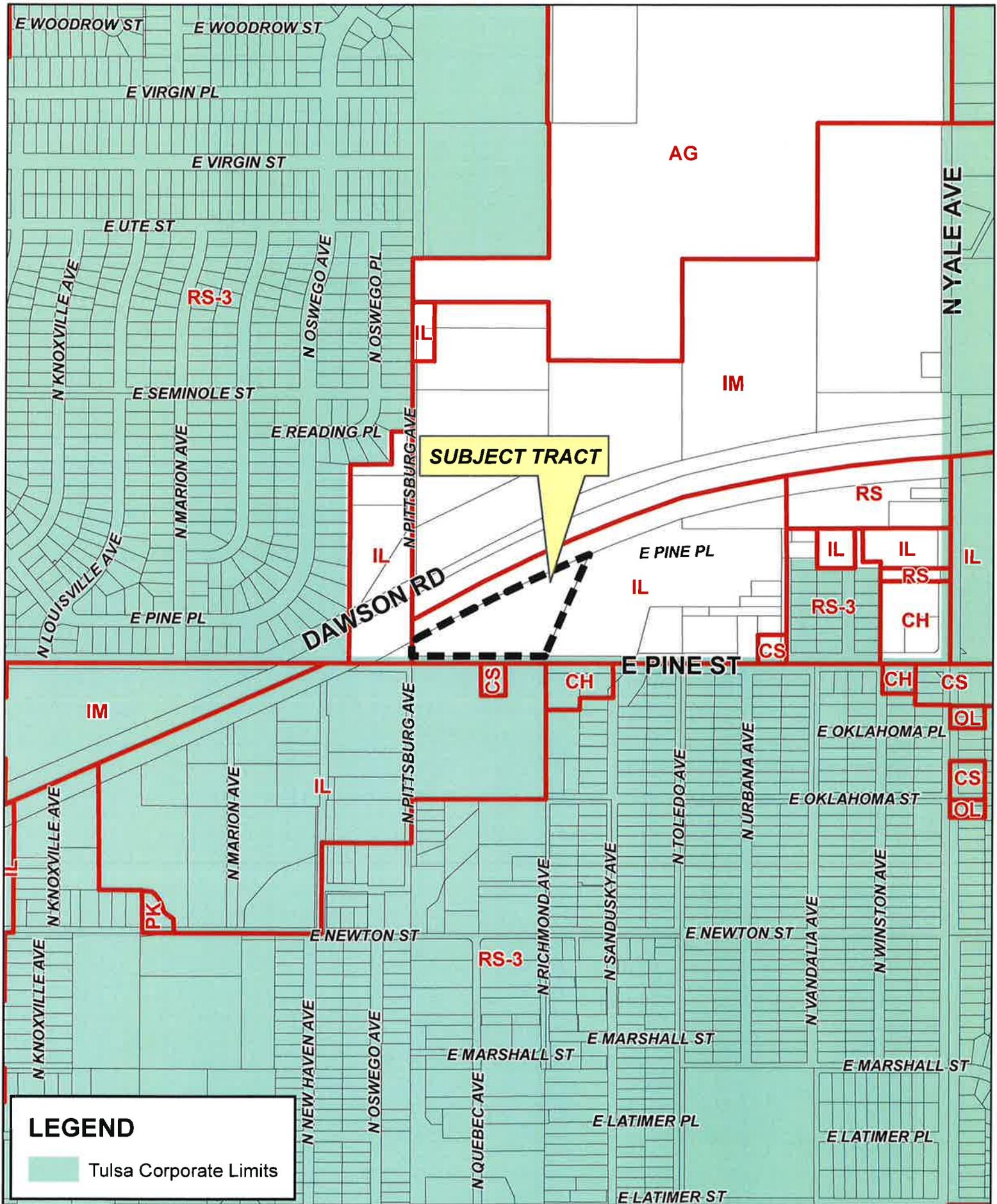
The West 30.00 feet of the N2 W2 E2 W2 NE4 NW4 of Section 33, T17N, R13E, I.B.&M., Tulsa County, Oklahoma, containing 2.50 Acres, more or less... Legal Description prepared by: Daniel S. Goss PLS 1316. October 16, 2018

30 FEET ACCESS ESMT LEGAL

The East 30.00 feet of the N2 E2 E2 W2 NE4 NW4 of Section 33, T17N, R13E, I.B.&M., Tulsa County, Oklahoma, containing 2.50 Acres, more or less... Legal Description prepared by: Daniel S. Goss PLS 1316. October 16, 2018



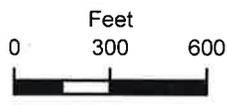
Aerial picture looking south from E. 171st St. S.



SUBJECT TRACT

LEGEND

Tulsa Corporate Limits



CBOA-2735

4.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:328

Case Number: CBOA-2735

CZM:29

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 4221 E PINE ST N

ZONED: IL

PRESENT USE: Lumberyard

TRACT SIZE: 4.89 acres

LEGAL DESCRIPTION: PRT SW SE BEG 35N SWC SW SE TH N97.35 TO A PT NO SELY RW OF SL & SF RR TH NE684.63 TH ON CRV RT274.77 SW568.49 W638.69 POB SEC 28 20 13 4.8928ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

No relevant history

Surrounding Property:

CBOA-2325 May 2009: The Board approved a special exception to permit a firework's stand in an IL District (Section 910); and a variance of the paving requirement to permit a temporary parking area (Section 1340.D) with conditions, on property located at 4415 East Pine Street.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an industrial developed area and is mostly surrounded by IL zoning except for one parcel to the south which is zoned CS.

STAFF COMMENTS:

The site plan submitted with the application proposes four fireworks stands located on the subject property. The subject tract has IL zoning. A Special Exception is required as the proposed fireworks stands are a use which is not permitted by right in the IL districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved gravel. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne

4.2

particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site. The applicant did not provide a hardship.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in an IL zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

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."

NEW APPLICATIONS

Case No. 2324

Action Requested:

Variance of the minimum lot area required in an AG district from 2 acres to .96 acres and the minimum land area required in an AG district from 2.1 acres to .999 acres to permit a lot split to accommodate an existing dwelling (Section 330), located: West of Spring Street and 22nd Street.

Presentation:

Beth Langston, 201 East Main, Collinsville, Oklahoma, 74021, stated there is an existing home on the subject property. She described an L-shaped property with a garage adjacent to the subject property. The purchaser of the home wanted to buy the L-shaped property also. The requested variances are to permit a lot split.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Hutson, Charney "absent") to APPROVE a Variance of the minimum lot area required in an AG district from 2 acres to .96 acres and the minimum land area required in an AG district from 2.1 acres to .999 acres to permit a lot split to accommodate an existing dwelling (Section 330), finding the hardship is the existing structure on the property that is surrounded by smaller lots and would not cause a negative impact on surrounding property owners; on the following described property:

SE NW NE Sec 30, Twnshp 22 Range 14, Tulsa County, State of Oklahoma

Case No. 2325

Action Requested:

Special Exception to permit a fireworks stand in an IL district (Section 910); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), located: 4415 East Pine Street.

FILE COPY

Presentation:

Wayne Bridgeman, 1235 North Winston, Tulsa, Oklahoma, 74115, proposed to set up a tent for a fireworks stand. He asked for approval for the next ten years. They have gravel for temporary parking. He would like to operate it between Christmas and New Years and for the July 4th season. The expected closing time would be 10:00 or 11:00 p.m.

Interested Parties:

There were no interested parties who wished to speak.

FILE COPY

Board Action:

On Motion of Dillard the Board voted 3-0-0 (Walker, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Hutson, Charney "absent") to **APPROVE** a Special Exception to permit a fireworks stand in an IL district (Section 910); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to closing at 11:00 p.m., and compliance with the state laws; approval for a period of ten years, on the following described property:

PRT SW SE BEG 50N SECR SW SE TH W226 NE242.74 E160 S233.59 POB
SEC 28 20 13 1.03AC, Tulsa County, State of Oklahoma

Case No. 2326

Action Requested:

Special Exception to permit a fireworks stand in an RS district (Section 410); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), located: 418 South 65th West Avenue.

Presentation:

Wayne Bridgeman, 1235 North Winston, Tulsa, Oklahoma, 74115, proposed to operate a tent fireworks stand on the subject property with gravel parking. He also asked to operate between Christmas and New Years and during the July 4th season for the next ten years.

Comments and Questions:

Mr. Walker asked if there is a curb cut from the street for a driveway.

Jason Jacobs, 5015 Robert E. Lee Terrace, Sand Springs, Oklahoma, 74063, indicated there is a curb cut and a gate for the drive.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Tyndall, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** Special Exception to permit a fireworks stand in an RS district (Section 410); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to the term of five years; restricting the hours of operation to no later than 11:00 p.m.; finding it is an old neighborhood and a short term use, on the following described property:



E WOODROW ST

E VIRGIN PL

E VIRGIN ST

E UTE ST

E SEMINOLE ST

E READING PL

E PINE PL

DAWSON RD

E PINE PL

E PINE ST

N YALE AVE

N KNOXVILLE AVE

N OSWEGO AVE

N OSWEGO PL

N PITTSBURG AVE

N MARION AVE

N LOUISVILLE AVE

N KNOXVILLE AVE

N MARION AVE

N PITTSBURG AVE

E NEWTON ST

E OKLAHOMA PL

E OKLAHOMA ST

N KNOXVILLE AVE

N NEW HAVEN AVE

N OSWEGO AVE

N RICHMOND AVE

N SANDUSKY AVE

N TOLEDO AVE

N URBANA AVE

E NEWTON ST

N VANDALIA AVE

N WINSTON AVE

E MARSHALL ST

E MARSHALL ST

E MARSHALL ST

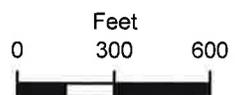
E LATIMER PL

N QUEBEC AVE

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E LATIMER PL

E LATIMER ST



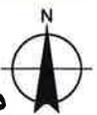
CBOA-2735

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

20-13 28

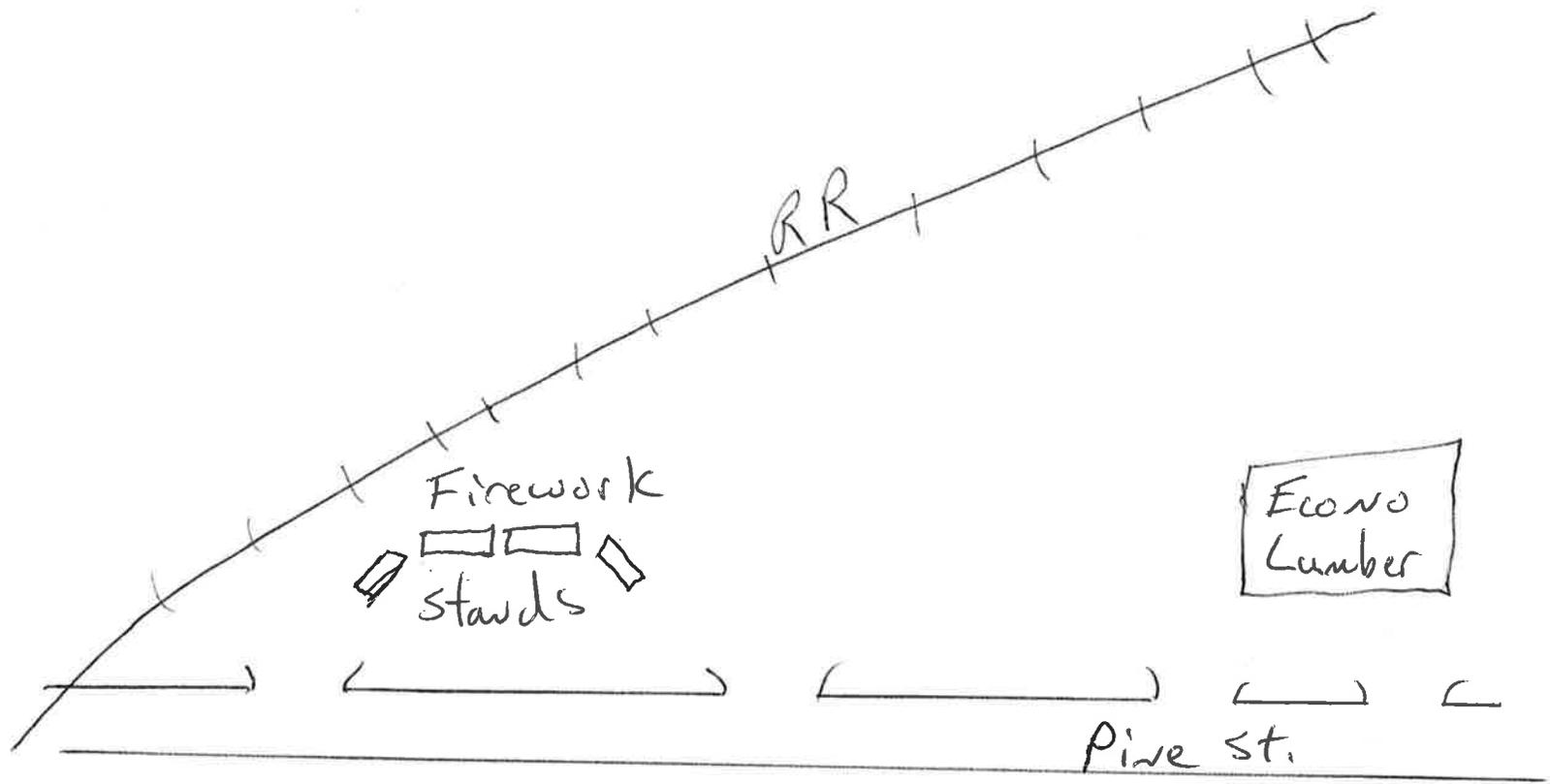
Aerial Photo Date: February 2018

4.6





4159 E. Pine
Tulsa, OK





Aerial view looking north towards the property



Looking northwest toward the area where the fireworks stands will be placed.

ECONOMY LUMBER COMPANY, INC.

4221 EAST PINE STREET
TULSA, OKLAHOMA 74115
918 835-4933 • FAX 835-4935

HARRY H. POARCH
President

March 4, 2019

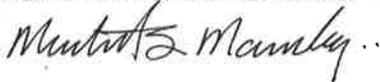
Reference: Board of Adjustment Hearing: Case CBOA-2735

FROM: Michael Manley

I have a commitment requiring me to be away on the date of the hearing, March 19, 2019. The purpose of this letter is to express my support for the approval of the requested exception.

- a. This is a small unusable piece of our property. The use for fireworks to be sold two weeks out of the year is a positive use.
- b. The noise pollution from the railroad tracks and constant trains moving past this piece of property creates a boundary on the north of our property. This once again, supports the use of fireworks being sold two weeks out of the year.
- c. I have been the manager at Economy Lumber for over 18 years. We have always allowed the applicant to sell fireworks on this corner of our property. The applicant has always made sure the grounds and the parking surface is maintained throughout the year. This is a positive in regards to the appearance of our property.

Section 1340.D for a period of 10 years should be granted, so when the applicant is selling fireworks, the customers have a solid all weather base to park and make their purchase.

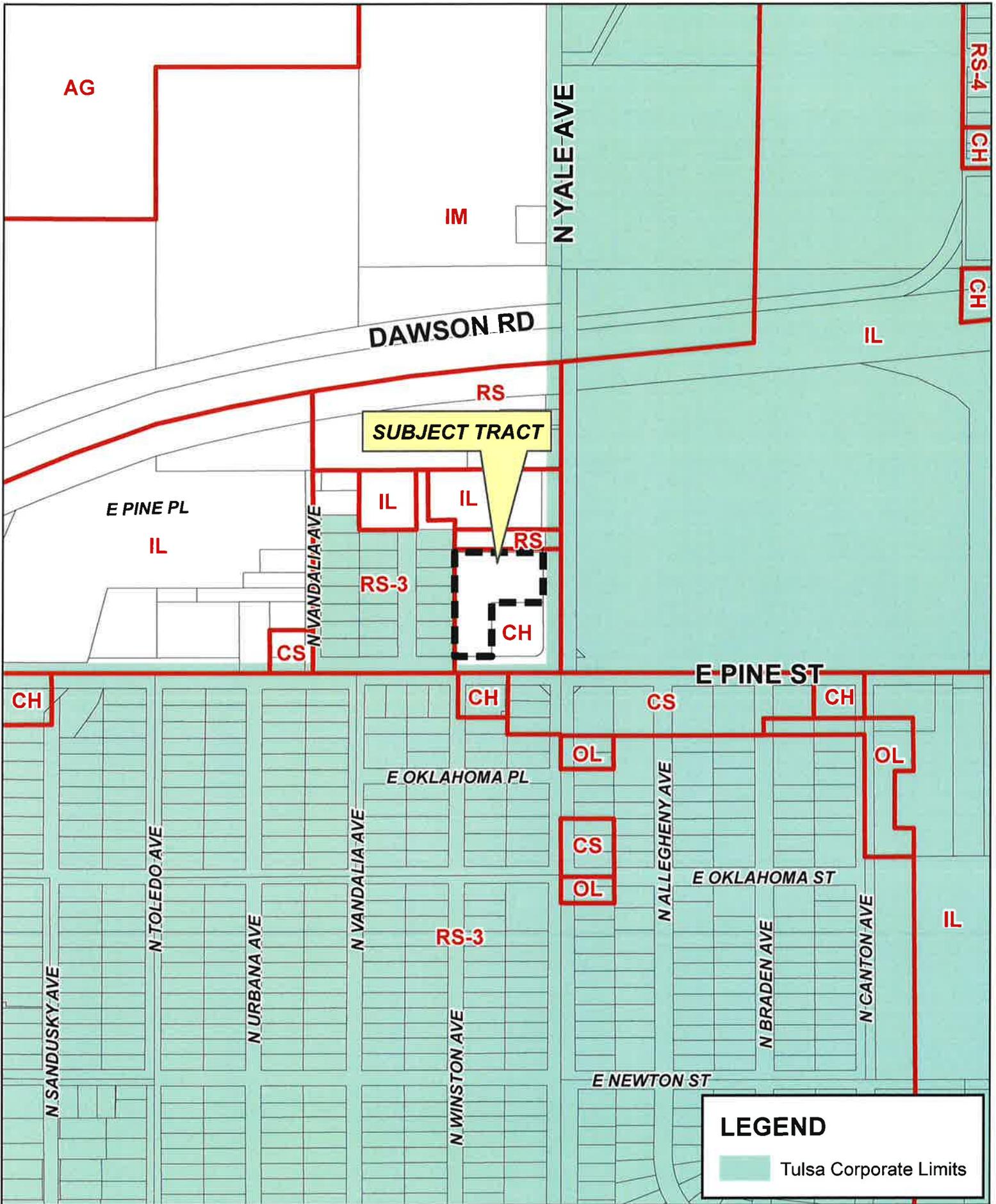


Michael S Manley – Manager
Economy Lumber Co Inc
4221 East Pine Street
Tulsa, OK. 74114
(P) 918-835-4933



SINCE 1934
QUALITY • SERVICE • INTEGRITY

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SUBJECT TRACT

LEGEND

Tulsa Corporate Limits



CBOA-2736

5.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:328

Case Number: CBOA-2736

CZM:29

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 1504 N YALE AV E

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 1.58 acres

LEGAL DESCRIPTION: BEG 348.16W & 50N SECR SE SE SE TH N338 E290.21 S163 W167 S175 W123.16 POB SEC 28 20 13 1.581ACS, WEE RANCHO ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

No relevant history

Surrounding Property:

CBOA-2704 July 2018: The Board **approved** a *special exception* to allow a fireworks stand (Use Unit 2) in a CS/IL District; and a *variance* of the all-weather surface material requirement for parking (Section 1340.D), on property located at 1510 N. Vandalia Avenue.

CBOA-2443 October 2012: The Board **approved** a *special exception* to permit Use Unit 4 in an RS District (Section 410) to permit an unmanned 32' x32' one-story utility building for housing fiber optic communications network equipment for Cox Communications, on property located north of the northwest corner of North Yale Avenue and East Pine Street.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS zoning to the north, RS-3 zoned property with residential development to the east which is in the City of Tulsa, and properties zoned CH and CS with commercial development to the south (across E. Pine St.) which are also located within the City of Tulsa. There is a CH zoned parcel on the northwest corner of E. Pine St. and N. Yale Ave which abuts the subject property.

STAFF COMMENTS:

The site plan submitted with the application proposes five fireworks stands located on the subject property. The subject tract has CH zoning. A Special Exception is required as the proposed fireworks

5.2

stands are a use which is not permitted by right in the CH districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved gravel. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in a CH zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

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."

2704—Sherry Barbour

Action Requested:

Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 1510 North Vandalia Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated this property has been a fireworks stand location for 75 years. Ms. Barbour stated that she leases the site from Mr. Martinez. It has a very hard packed parking area, and asked Mr. Martinez to bring in extra gravel to cut down on the dust.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the request for a Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). The hours of operation are to be June 17 to June 26th 9:00 A.M. to 9:00 P.M., June 27th to June 30th 9:00 A.M. to 10:00 P.M., and July 1st to July 4th 8:00 A.M. to 12:00 midnight. The approval will have a five-year time limit, July 2023. The Board finds this will not be injurious to the neighborhood; for the following property:

E 125 W 495 S 240 SW SE SE LESS S 50 FOR ST. SEC 28-20-13, WEE RANCHO ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2705—Sherry Barbour

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an RS District and IL District. **LOCATION:** 524 North 49th West Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated she has a fireworks stand at this location about 15 years. Prior to her having this location there was a fireworks stand there for about 20 years. There is parking in front of the fireworks stand and there is parking across the street. The land owner has six or seven parking spots in front of his shop the stand workers can park in, because there is usually no more than six adult volunteers at the stand at a time. The parking area in front of the stand is

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Dillard, Osborne "absent") to **DENY** the request for a **Variance** for a second dwelling unit on one lot of record (Section 208); for the following property:

**N145 W755 S/2 SW NW LESS W16.5 THEREOF FOR RD SEC 33 21 14 2.458ACS,
OF TULSA COUNTY, STATE OF OKLAHOMA**

2443—Wallace Engineering

FILE COPY

Action Requested:

Special Exception to permit Use Unit 4 in an RS District (Section 410). **Location:**
North of the NW/c of North Yale and East Pine Street

Presentation:

Jim Beach, Wallace Engineering, 200 East Brady Street, Tulsa, OK; stated this request is for an unmanned 32'-0" x 32'-0" one-story utility building for housing fiber optic communications network equipment for Cox Communications. The property is bound on the north by IL zoning, on the south by CH zoning, and to the west is RS-3 zoning which is a considerable distance away from the proposed project. The plan is to construct the building approximately 200'-0" away from the residences to the west, placing it close to the Yale frontage on the easterly portion of the lot.

Mr. Charney asked Mr. Beach if the building was going to have a generator. Mr. Beach stated that it would have a generator and that it would be in an enclosure designed to diminish the sound making the generator noise similar to traffic noise on Yale Avenue.

Interested Parties:

There were no interested parties:

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Dillard, Osborne "absent") to **APPROVE** the request for a **Special Exception** to permit Use Unit 4 in an RS District (Section 410), finding the special exception will not be injurious to the neighborhood or detrimental to the public welfare by virtue of its distance from the RS-3 zone and the fact that the generator is enclosed; for the following property:

BOA-02443

FILE COPY

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SAID SECTION TWENTY-EIGHT (28); THENCE N89°48'30"W AND ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-EIGHT (28) FOR A DISTANCE OF 348.16 FEET; THENCE N00°10'51"E FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 6 BLOCK 1 WEE RANCHO ADDITION; THENCE CONTINUING N00°10'51"E AND ALONG THE EAST LINE OF BLOCK 1 WEE RANCHO ADDITION FOR A DISTANCE OF 338.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°10'51"E AND ALONG THE EAST LINE OF LOT 1 BLOCK 1 AND LOT 1 BLOCK 3 WEE RANCHO ADDITION FOR A DISTANCE OF 74.00 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 3 WEE RANCHO ADDITION; THENCE S89°48'30"E FOR A DISTANCE OF 298.22 FEET; THENCE S00°11'20"W AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-EIGHT (28) FOR A DISTANCE OF 74.00 FEET; THENCE N89°48'30"W AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-EIGHT (28) FOR A DISTANCE OF 298.21 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 0.51 ACRES OR 22,067 SQUARE FEET, MORE OR LESS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

Ms. Back introduced Ms. Susan Miller, Manager of Development Services, at INCOG. Ms. Miller has her Master's Degree in Urban Planning and she grew up in the Tulsa area. She is from Oklahoma City where she was the Assistant Planning Director, and she also worked in the planning arena for Broward County, West Palm Beach, Florida. The Board welcomed Ms. Miller.



Subject Tract

CBOA-2736

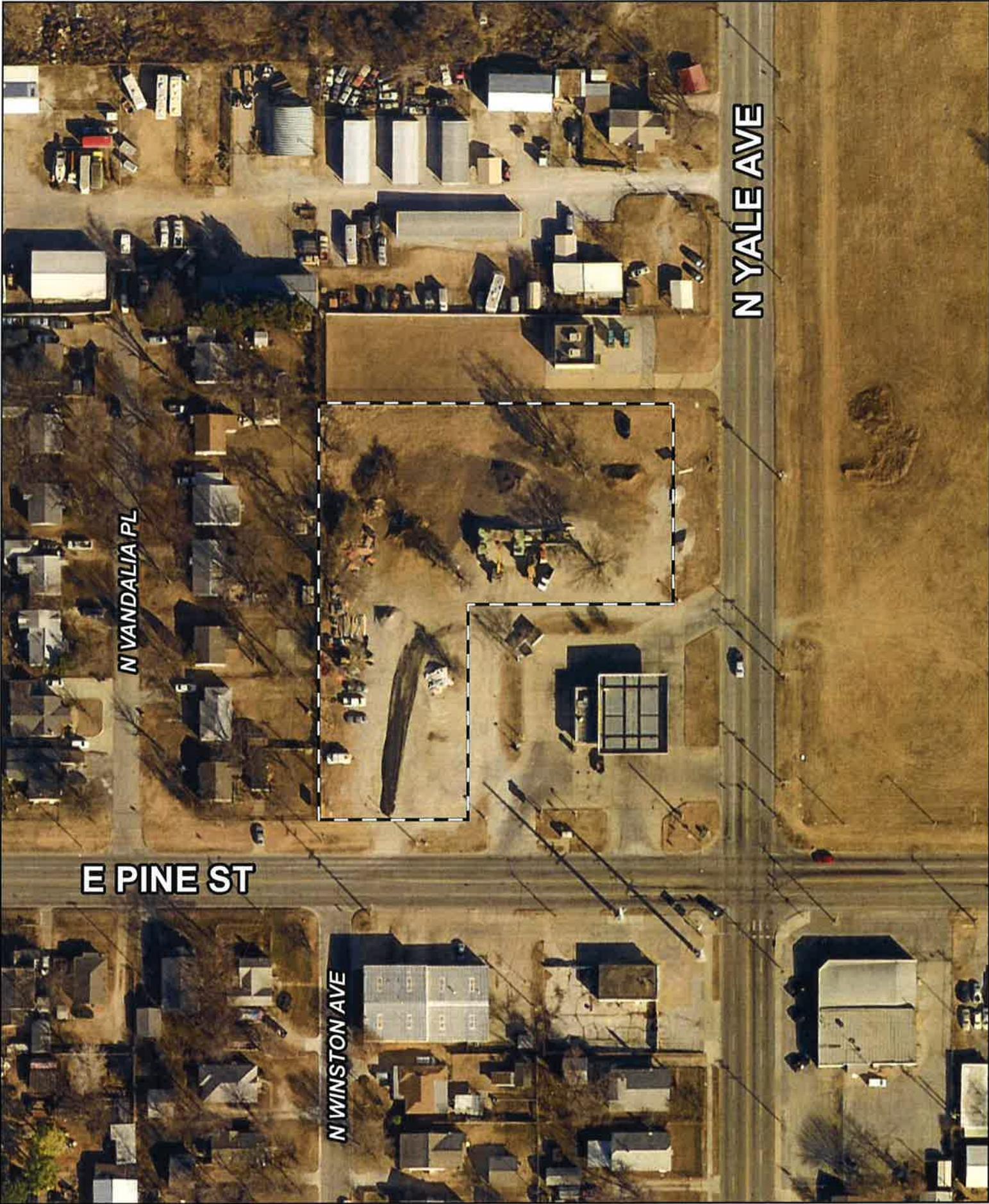
20-13 28

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

Aerial Photo Date: February 2018

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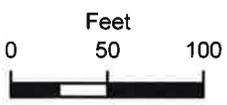


N YALE AVE

N VANDALIA PL

E PINE ST

N WINSTON AVE



Subject Tract

CBOA-2736

20-13 28

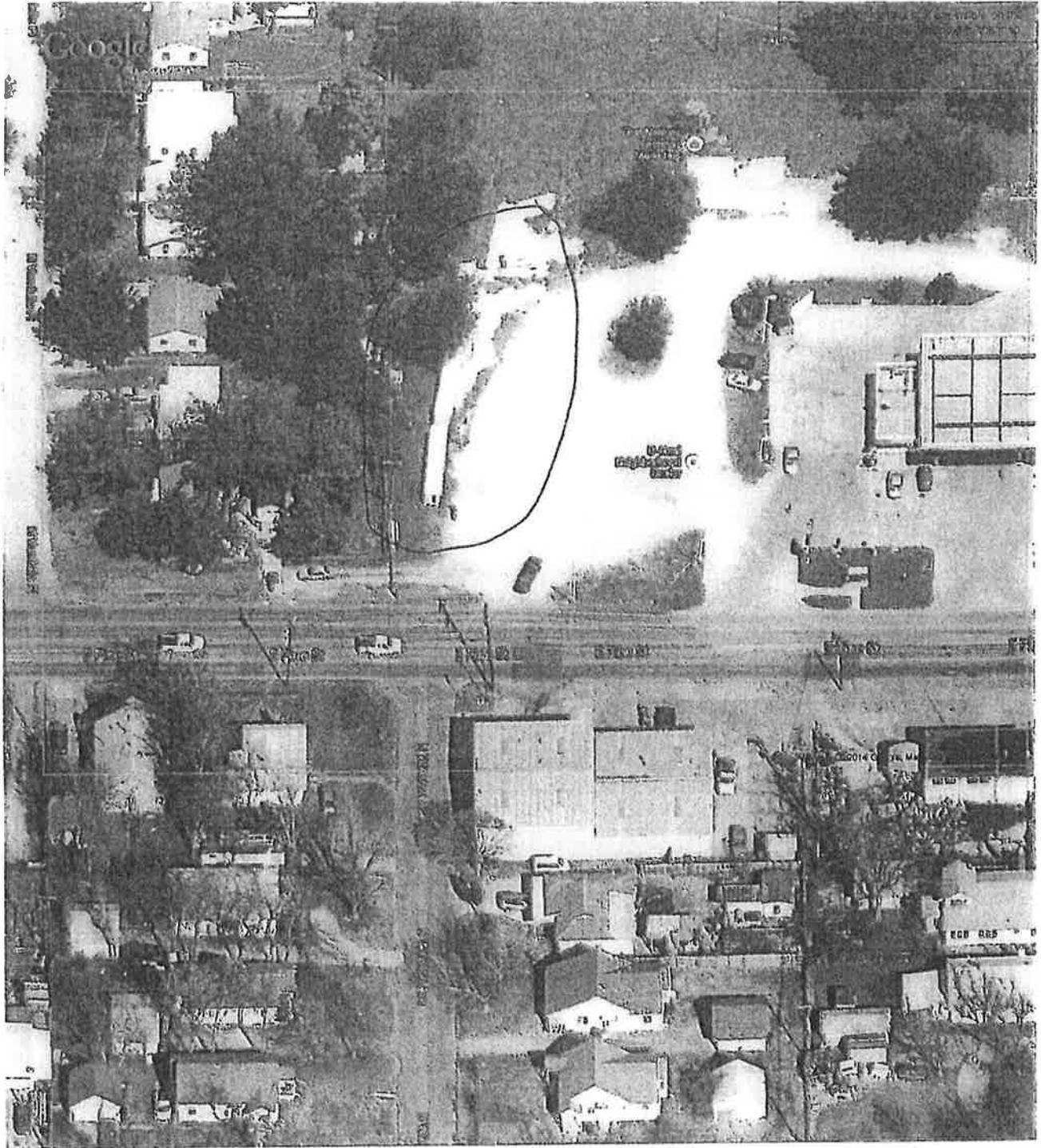
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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OK 0183





1504 N. Yale Av.
Tulsa, OK

Yale Av. E



E. Pine St.

5.10

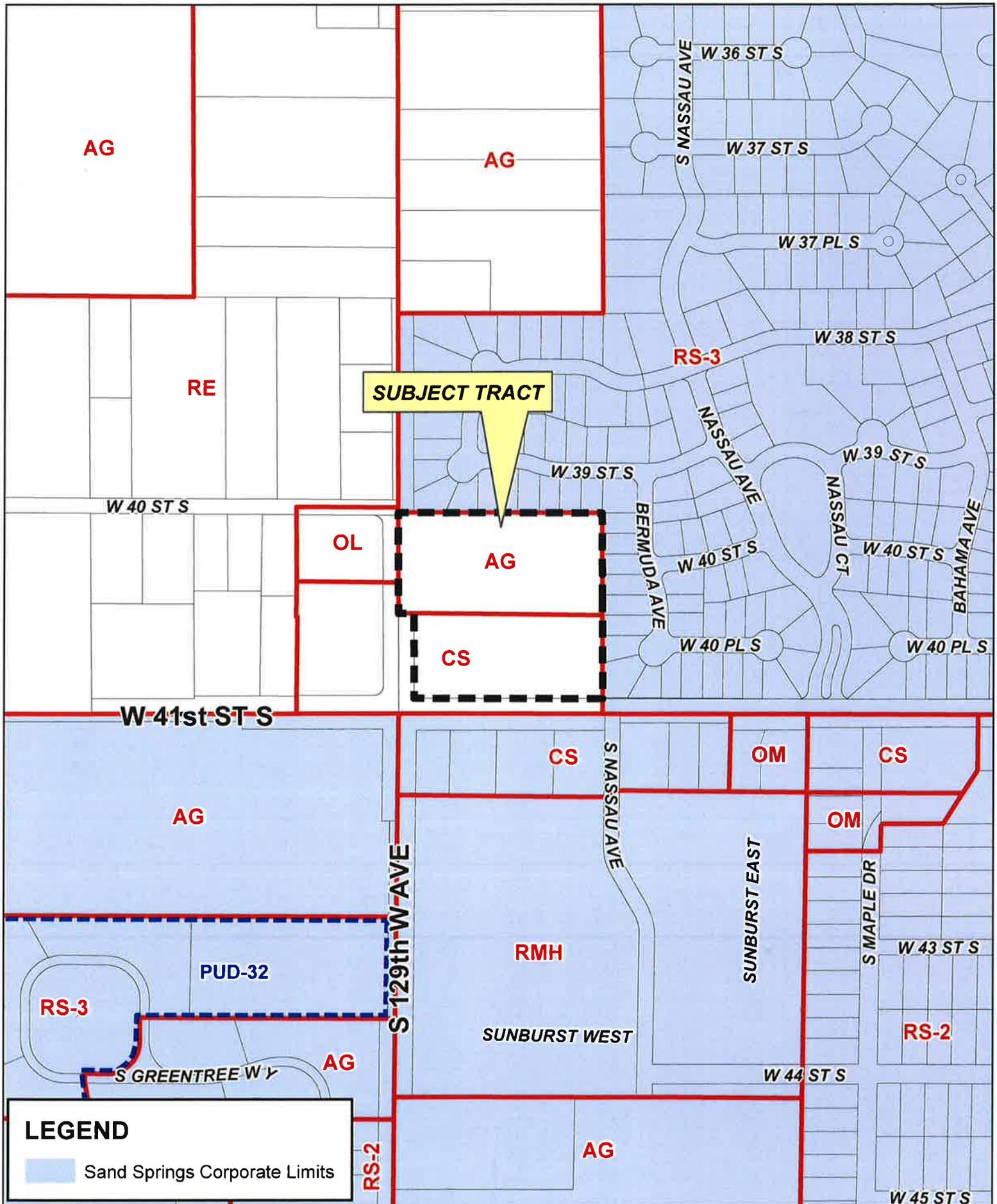


Looking northeast from E. Pine St.



*Aerial view looking at the northwest intersection of
E. Pine St. & N. Yale Ave.*

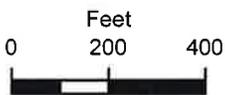
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SUBJECT TRACT

LEGEND

 Sand Springs Corporate Limits



CBOA-2737

19-11 22

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**BOARD OF ADJUSTMENT
CASE REPORT**

STR:9122

Case Number: CBOA-2737

CZM:44

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 701 W 41 ST S

ZONED: CS,AG

PRESENT USE: AG/Commerical

TRACT SIZE: 8.92 acres

LEGAL DESCRIPTION: SW SW SW LESS S50 & W50 N280 S330 FOR STS SEC 22 19 10 8.921ACS, TIMBERLING HOLLOW, SOONER MINI STORAGE, SOONER MINI STORGE EXT

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2710 September 2019: The Board noted the withdrawal of a request for a special exception on the subject property to permit a firework's stand.

Surrounding Property:

No relevant history

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and CS. It abuts residential development to the north and east. The parcels to the south are zoned CS and the two parcels to the west are zoned CS and OL.

STAFF COMMENTS:

The site plan submitted with the application proposes two fireworks stands located on the subject property. The subject tract has AG and CS zoning. A Special Exception is required as the proposed fireworks stands are a use which is not permitted by right in the AG/CS districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved gravel. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site. The applicant did not provide a hardship.

6.2

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in an AG/CS zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

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."

Special Exception to permit a fireworks stand (Use Unit 2) in an CS District (Section 710) to the October 16, 2018 Board of Adjustment meeting; for the following property:

LOT 8 BLK 2, BUFORD COLONY SECOND ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

FILE COPY

2710—Sandra Thomas

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in an AG/CS District.

LOCATION: 701 West 41st Street South

Presentation:

The application has been withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

SW SW SW LESS S50 & W50 N280 S330 FOR STS SEC 22 19 10 8.921ACS, SOONER MINI STORGE EXT, SOONER MINI STORAGE, TIMBERLING HOLLOW, OF TULSA COUNTY, STATE OF OKLAHOMA

2717—Eller & Detrich – Nathalie Cornett

Action Requested:

Special Exception to permit a fireworks stand in an AG District (Section 310);

Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: South of the SE/c of East 146th Street North & Highway 11

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated the subject property is located at the junction of Highway 11 and Highway 20, and the stand is located outside the corporate limits of Skiatook. The hours of operation will be 9:00 A.M. to 11:00 P.M., June 15th through July 2nd, and 9:00 A.M. to 12:00 midnight, July 3rd and July 4th. The applicant would like to have four stands and a fifth stand for storage



Subject Tract

CBOA-2737

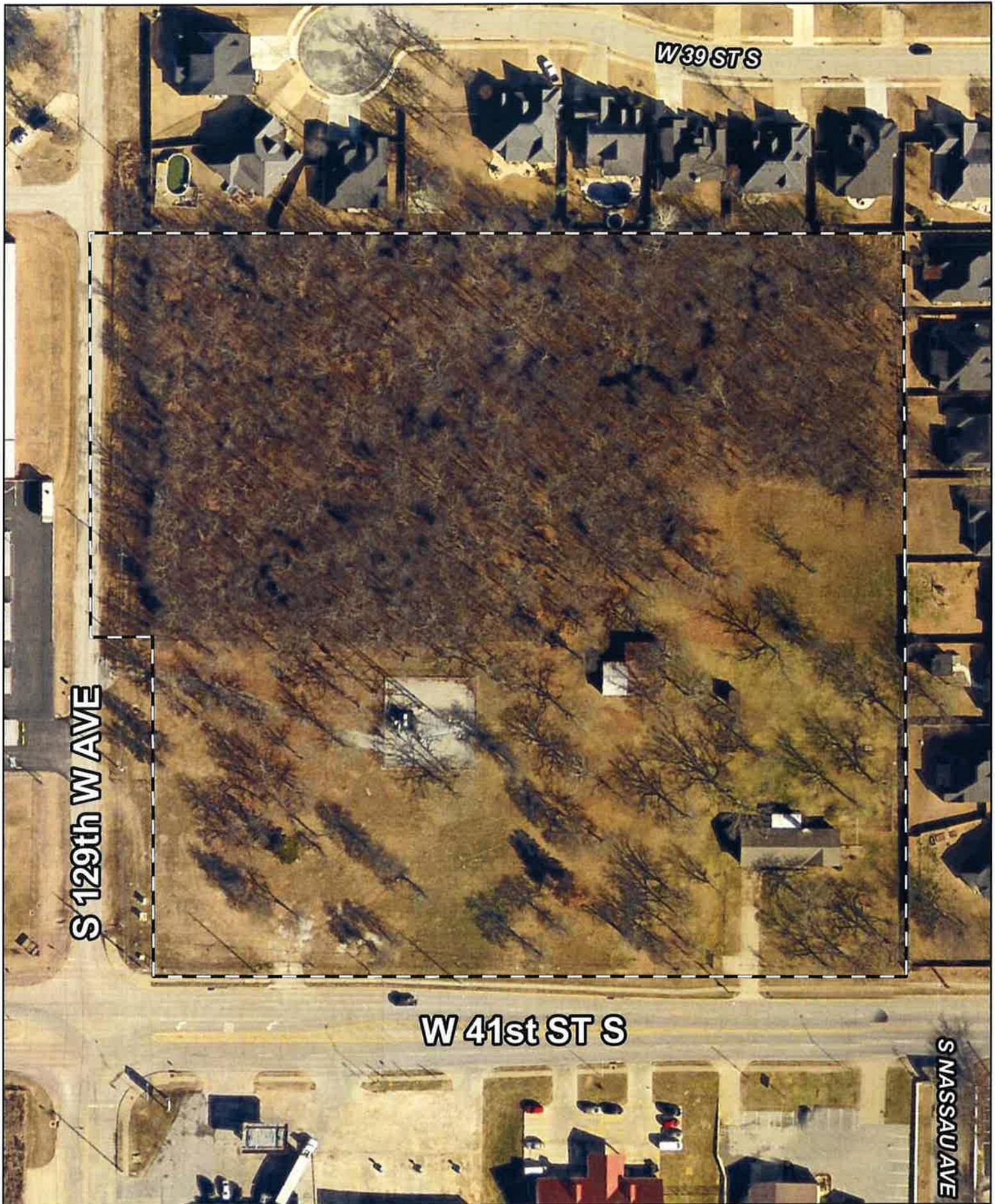
19-11 22

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

Aerial Photo Date: February 2018

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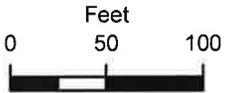


W39 ST S

S 129th W AVE

W 41st ST S

S NASSAU AVE



Subject Tract

CBOA-2737

19-11 22

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

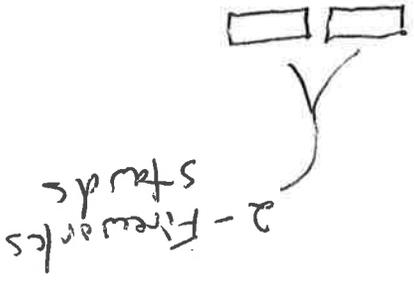
Aerial Photo Date: February 2018



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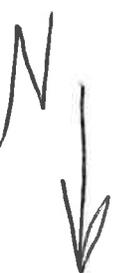
41st S.

House

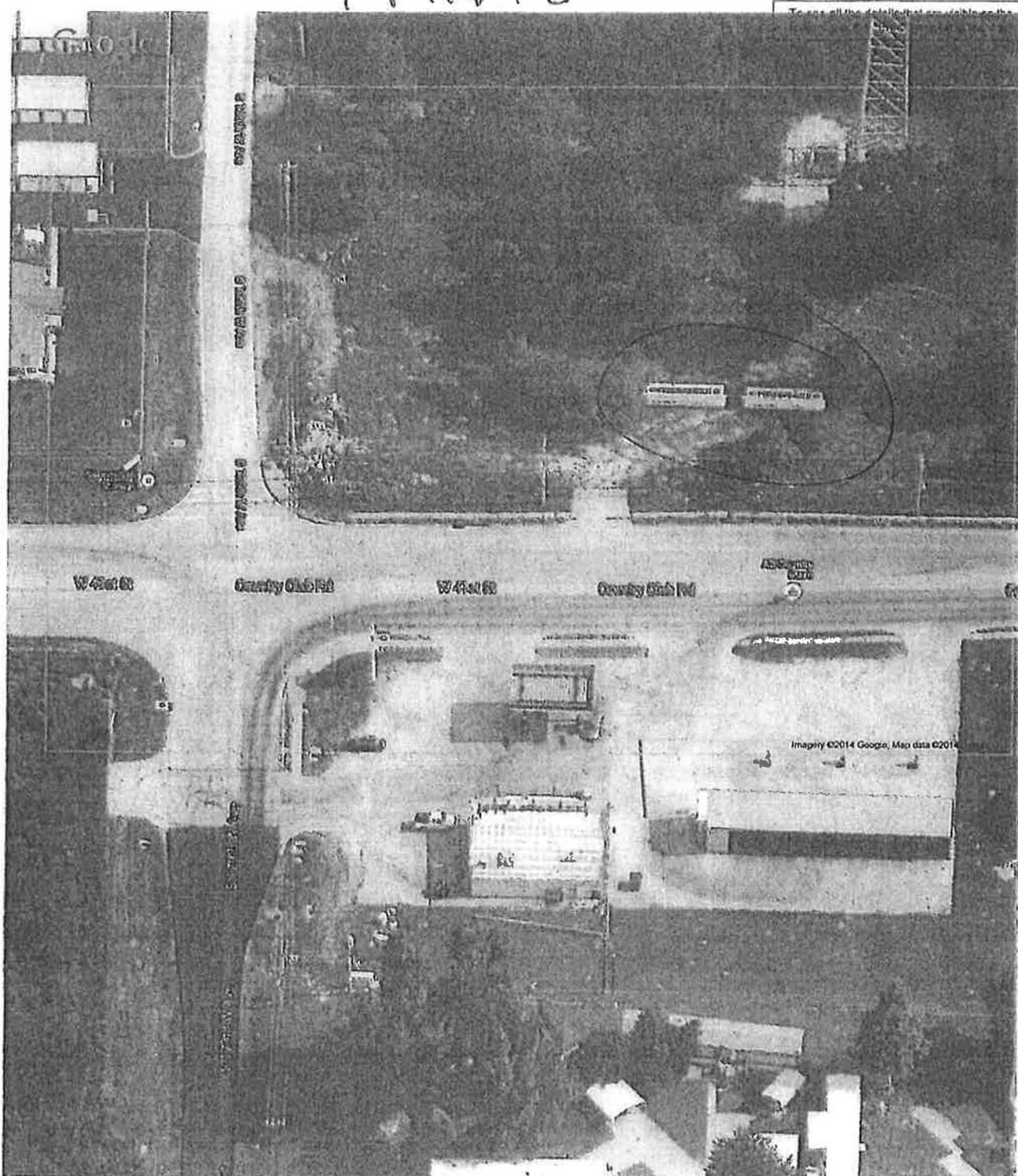


129th W. Av.

701 W. 41st.
Sand Springs, OK



Prattville OK 0143



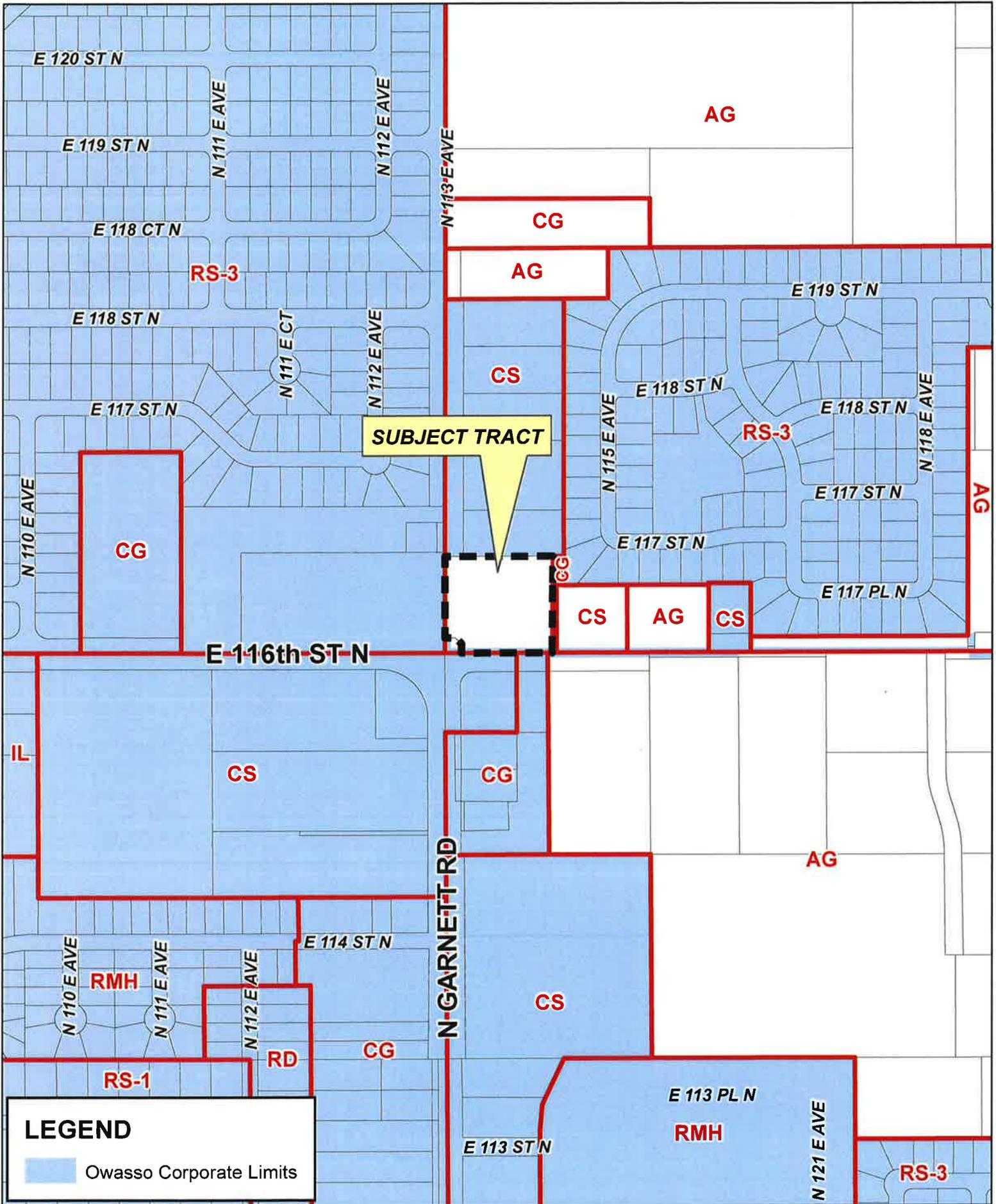


Looking northwest from W. 41st St.



*Aerial view of the northeast corner of W. 41st St. &
S. 129th W. Ave.*

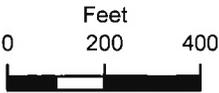
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SUBJECT TRACT

LEGEND

Owasso Corporate Limits



CBOA-2738

7.1

21-14 05



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:1405

Case Number: CBOA-2738

CZM:12

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 11625 N 113 AV E

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 2.46 acres

LEGAL DESCRIPTION: BEG SWC SEC E347 N316 W347 S316 POB LESS BEG SWC SW SW SW TH N50 E30 SE28.28 S30 W50 POB SEC 5 21 14 2.46ACS, WEDEL CENTRE

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1457 October 1996: The Board approved a special exception to allow auto sales in a CS zoned district, located on the subject property, the northeast corner of East 116th Street north and North Garnett Road.

Surrounding Property:

CBOA-2517 November 2014: The Board approved a special exception to permit a temporary fireworks stand in the AG District, on property located at 11400 East 116th Street North.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by commercial (CS & CG) zoning and development to the north, east and south. There is RS-3 zoning to the west and the property is the site of a church.

STAFF COMMENTS:

The site plan submitted with the application proposes one fireworks stands located on the subject property. The subject tract has CS zoning. A Special Exception is required as the proposed fireworks stands are a use which is not permitted by right in the CS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne

particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site. The applicant did not provide a hardship.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in a CS zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

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.”

FILE COPY

Case No. 1456 (continued)

Mr. Looney stated this application falls into the same category as Case No. 1455 and should be continued so that Staff can report on studies of telecommunication towers.

Mr. Alberty stated after hearing the case he could go along with a continuance, however, his vote will probably be against this application because it cannot be made compatible with the existing land use.

Mr. Walker agreed that he could support denial of this application also.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker "aye"; no "nays" no "abstentions"; no "absent") to **DENY** finding that the application is not compatible with the existing neighborhood and would be harmful to the spirit and intent of the Code; on the following described property:

S/2, SW, NW, NE, Less N25' thereof, Sec. 36, T-18-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1457

Action Requested:

Special Exception to allow auto sales in a CS zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 11601 North 113th East Avenue.

Presentation:

The applicant, **John McCoy**, 11601 North 113th E. Ave., submitted a plat of survey (Exhibit C-1), photographs (Exhibit C-2) and stated there is a vacant gas station on the subject property and he would like to sell cars on this lot. Mr. McCoy further stated that there is a Quik-Trip across the street and all the surrounding property is businesses.

Comments and Questions:

Mr. Walker asked the applicant if there would be any auto repairs done on site? He answered negatively.

Mr. Walker asked the applicant if he would be selling any accessories or heavy equipment? He stated he would be selling cars and trucks only.

Case No. 1457 (continued)

Mr. Walker asked the applicant what the size of the tract is? He stated there is a building that has approximately 100 SF and from the center of the building out to the center of the road it is 100'. He further stated the width of the property is approximately 125'. He indicated that he will be parking the cars out front and will have approximately 20 cars. Mr. McCoy stated the lot will be a small, neat car lot.

Mr. Walker asked the applicant if the front of the car lot is facing the west or south? He stated there is a front parking area that faces the west and that is where he plans to display the cars.

Mr. Looney asked the applicant what type of paving surface is on the lot? He stated it is a concrete surface.

Mr. Looney asked the applicant if the covered canopy is on the subject property? He answered affirmatively.

Mr. Alberty stated he is familiar with this area called "German Corner" and the subject property has been a service station with a canopy. He further stated the subject property has had numerous uses since the service station was vacated. Mr. Alberty indicated that three of the corners have CG zoning, which would permit automobile sales as a use by right. He stated that due to the fact that this was formerly an automotive use, then automotive sales will be entirely appropriate especially with the limitation of 20 cars.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, White "aye"; no "nays" no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to allow auto sales in a CS zoned district. **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, per plan submitted; subject to the limitation of a maximum of 20 cars; subject to no outside storage of auto parts or accessories; subject to no auto repair work done on site; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Beg SW/c, Sec. 5, T-21-N, R-14-E, Tulsa County, Oklahoma; TH E175, N265, W65, N30, W110, S295, POB.

to permit gravel parking (Section 1340.D), subject to a five year time limit of operation until November 2019; for the following property:

E/2 BEG NWC SE TH E353 S1271.73 NWLY360.9 N1197.13 POB LESS S50 FOR RD SEC 7 19 11 4.869ACS, RIVER VALLEY ESTATES AMD, OF TULSA COUNTY, STATE OF OKLAHOMA

2517—Jake's Fireworks, Inc.

FILE COPY

Action Requested:

Special Exception to permit a temporary fireworks stand in the AG District (Section 310). **LOCATION:** 11400 East 116th Street North, Owasso

Presentation:

Jason Marietta, 1500 East 27th Terrace, Pittsburg, Kansas; no formal presentation was made but the applicant was available for any questions.

Mr. Charney asked Mr. Marietta exactly where the fireworks stand is located. Mr. Marietta stated is at German Corner.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Special Exception to permit a temporary fireworks stand in the AG District (Section 310), subject to a five year time limit of operation until November 2019; for the following property:

LT 1 BLK 1, HOPE CHAPEL, OF TULSA COUNTY, STATE OF OKLAHOMA

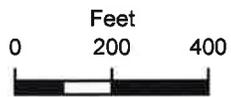
2518—Amanda Marks

Action Requested:

Variance to increase the permitted building height to 43 feet in an AG District (Section 330, Table 3). **LOCATION:** 1923 West 4th Street

Presentation:

Amanda Marks, 1956 North 177th West Avenue, Tulsa, OK; stated she is building a new home and is about 80% complete. The inspector just realized the height of the house is above the allowable height of 36 feet so she is before the Board to request a



Subject Tract

CBOA-2738

21-14 05

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

Aerial Photo Date: February 2018

2.7

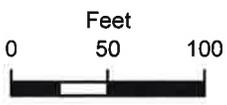


N GARNETT RD

N 115 E AVE

E 116th ST N

N 113 E AVE



Subject Tract

CBOA-2738

21-14 05

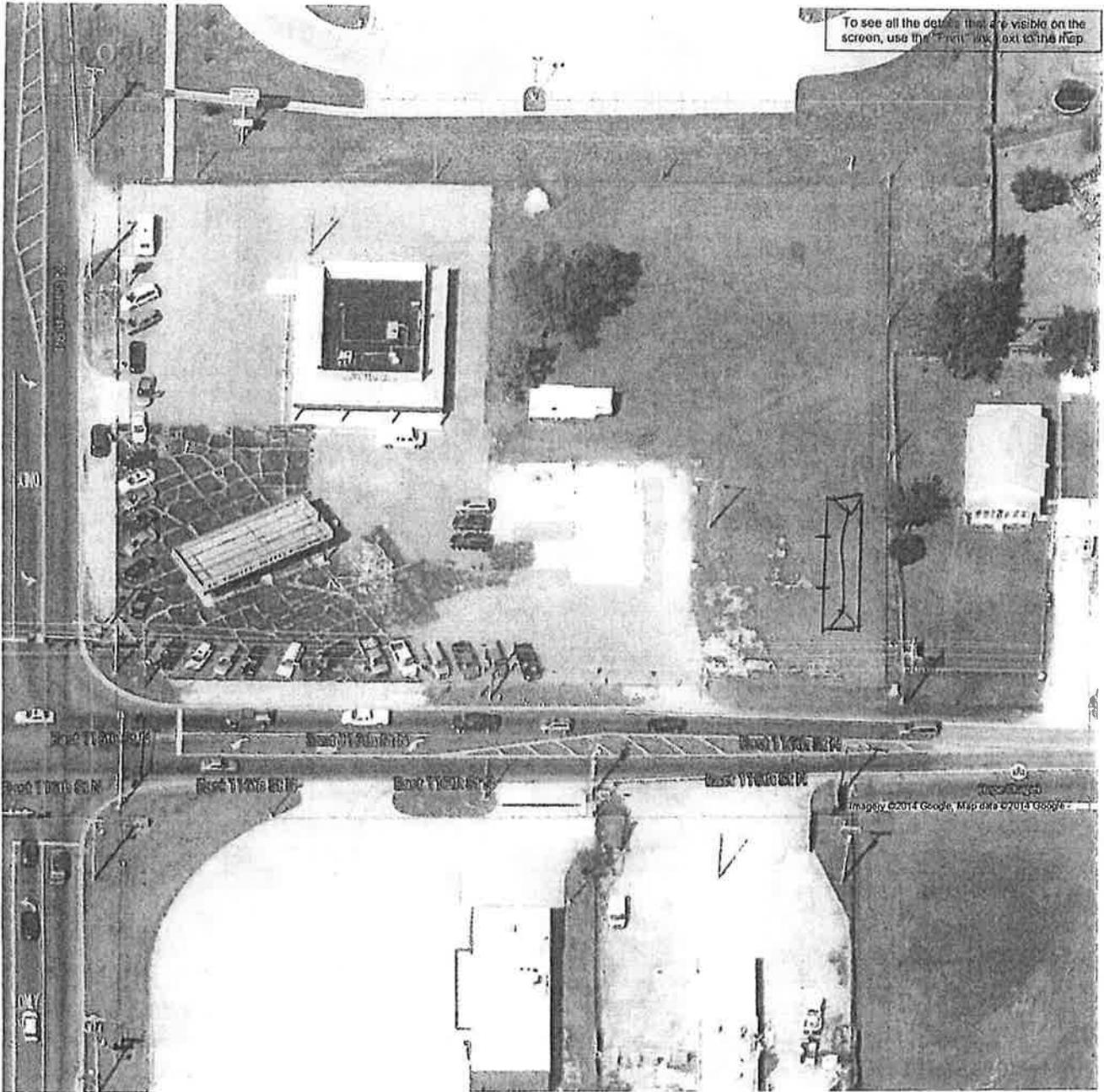
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

7.8



OK 0130



116th St. N.

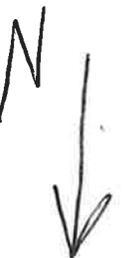
113 E. Av.

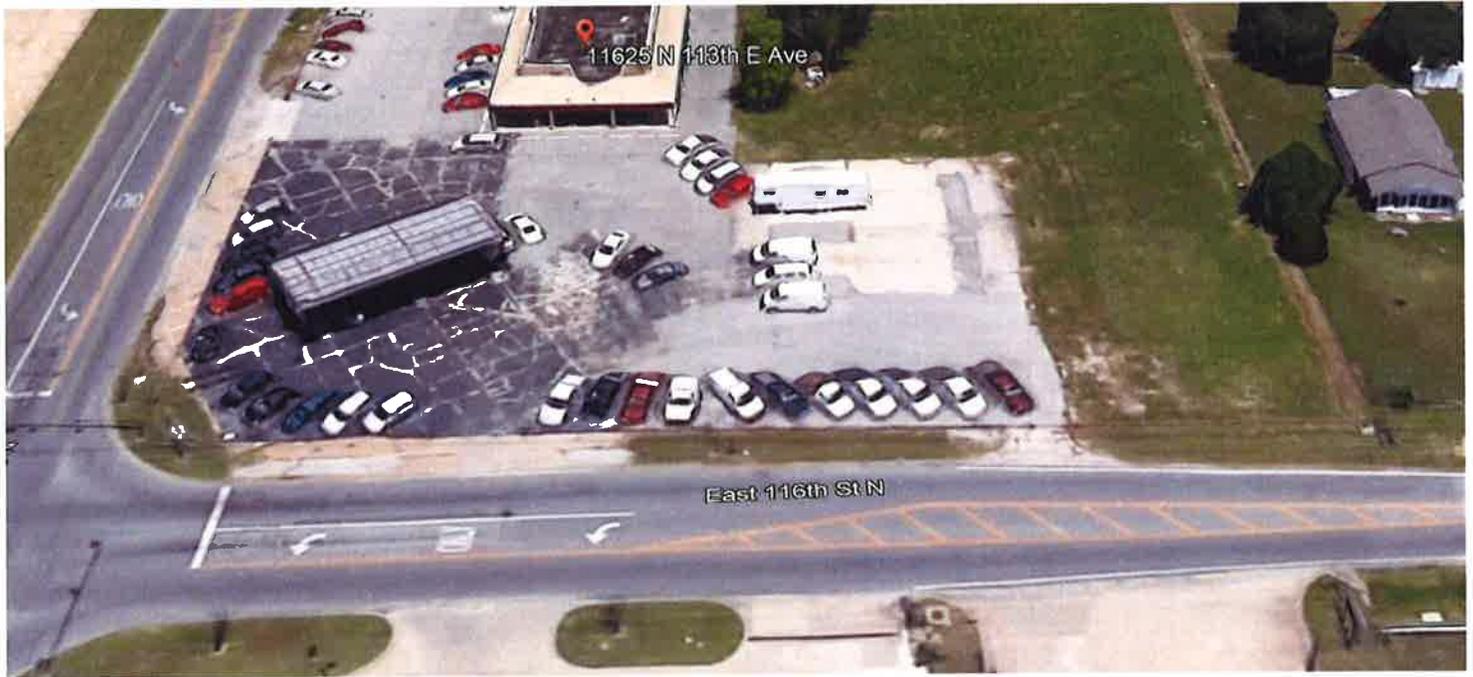
Bldg
Auto Shop

Fireworks Tent

7.10

11625 N. 113th E. Av.
Collinsville, OK



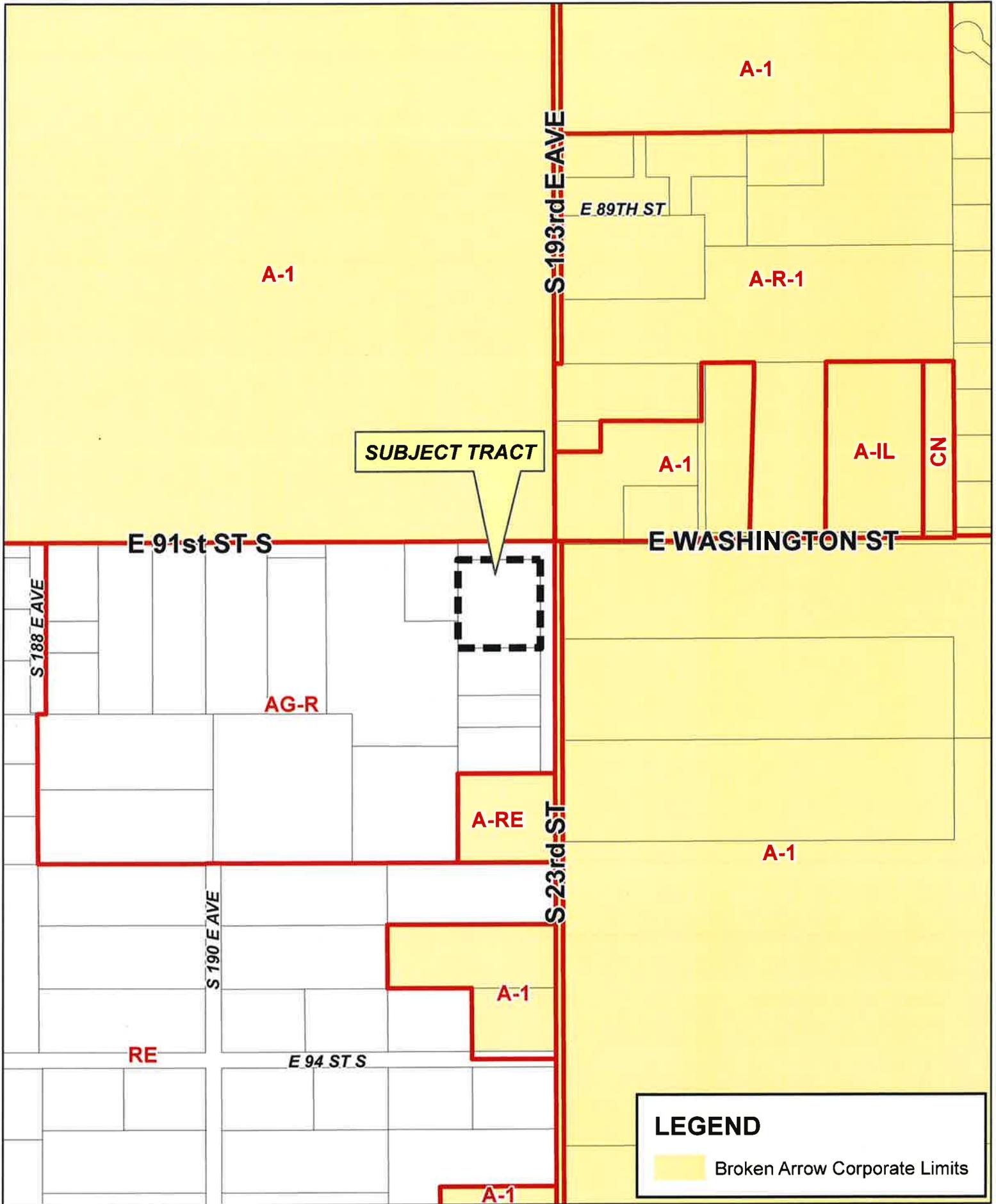


*Aerial view looking at the northeast corner of N. Garnett Rd.
& W. 116th St. N.*



Looking north on W. 166th St. N. towards the property.

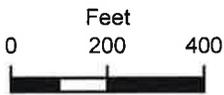
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SUBJECT TRACT

LEGEND

Broken Arrow Corporate Limits



CBOA-2739

18-14 24

8.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:8424

Case Number: CBOA-2739

CZM:59

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit fireworks stand (use unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 19214 E 91 ST S

ZONED: AG-R

PRESENT USE: Church

TRACT SIZE: 1.74 acres

LEGAL DESCRIPTION: E317.5 N343 NE NE LESS N60 & E50 THEREOF SEC 24 18 14 1.737AC,

RELEVANT PREVIOUS ACTIONS:

None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and located on church owned property. It is surrounded by agricultural zoning in all directions with mainly vacant agricultural property to the north and east and residential development to the west and south. Broken Arrow's jurisdiction lies north and east of the subject property.

STAFF COMMENTS:

The site plan submitted with the application proposes one fireworks tent located on the subject property. The subject tract has AG zoning. A Special Exception is required as the proposed fireworks stands are a use which is not permitted by right in the AG district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved and has a gravel surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site. The applicant did not provide a hardship.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

8.2

Sample Motion:

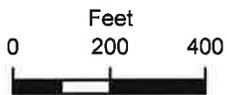
Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in an AG zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

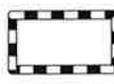
*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

Finding the hardship to be _____.

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



 Subject Tract

CBOA-2739

18-14 24

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

Aerial Photo Date: February 2018

8.4



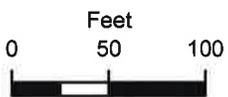


E 91st ST S

E WASHINGTON ST

S 193rd E AVE

S 23rd ST



Subject Tract

CBOA-2739

18-14 24

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

Aerial Photo Date: February 2018

8.5

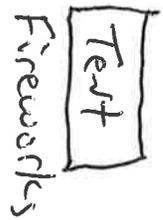
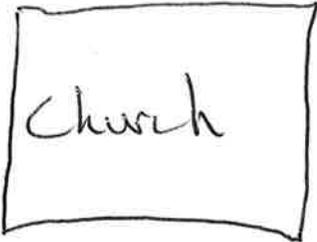




19214 E. 91st,
Broken Arrow, OK

193rd E. Av.

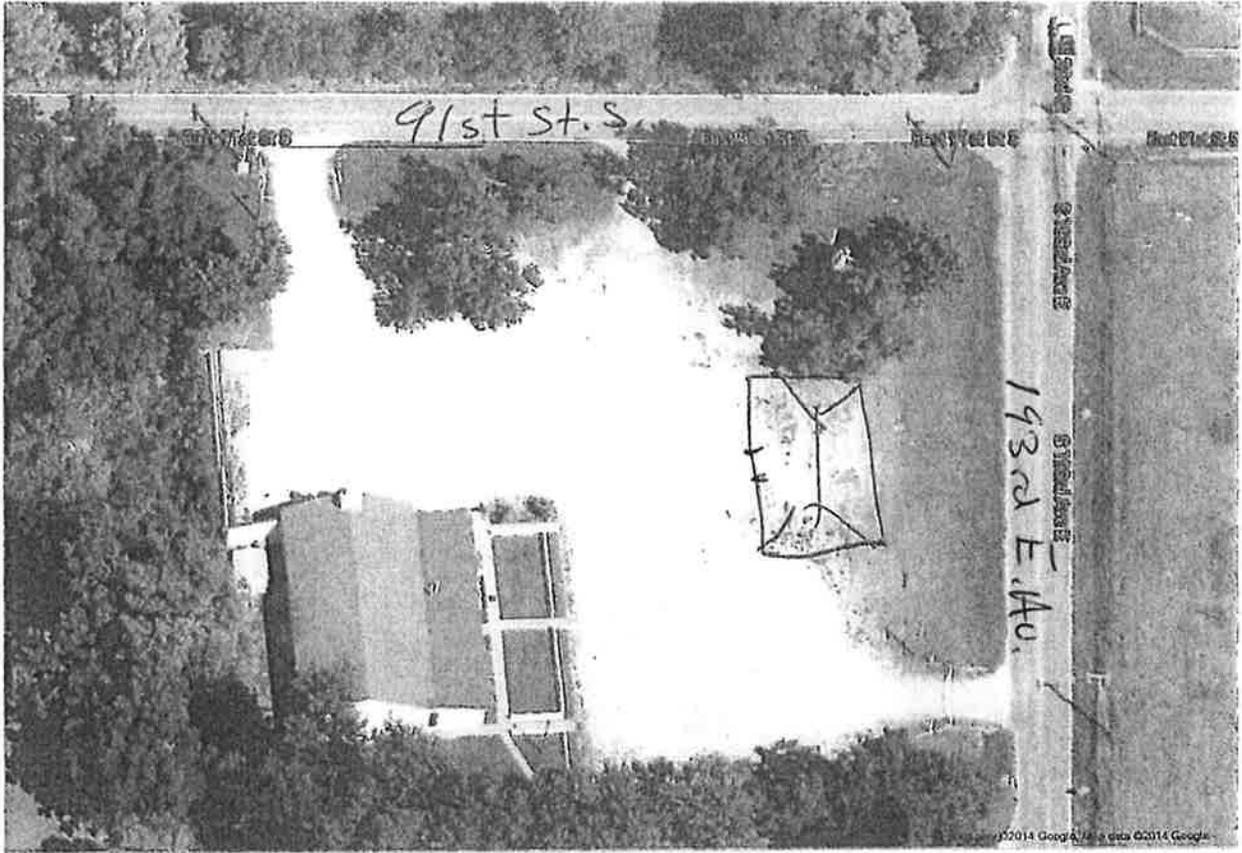
91st. S.



Broken Arrow OK 0592

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

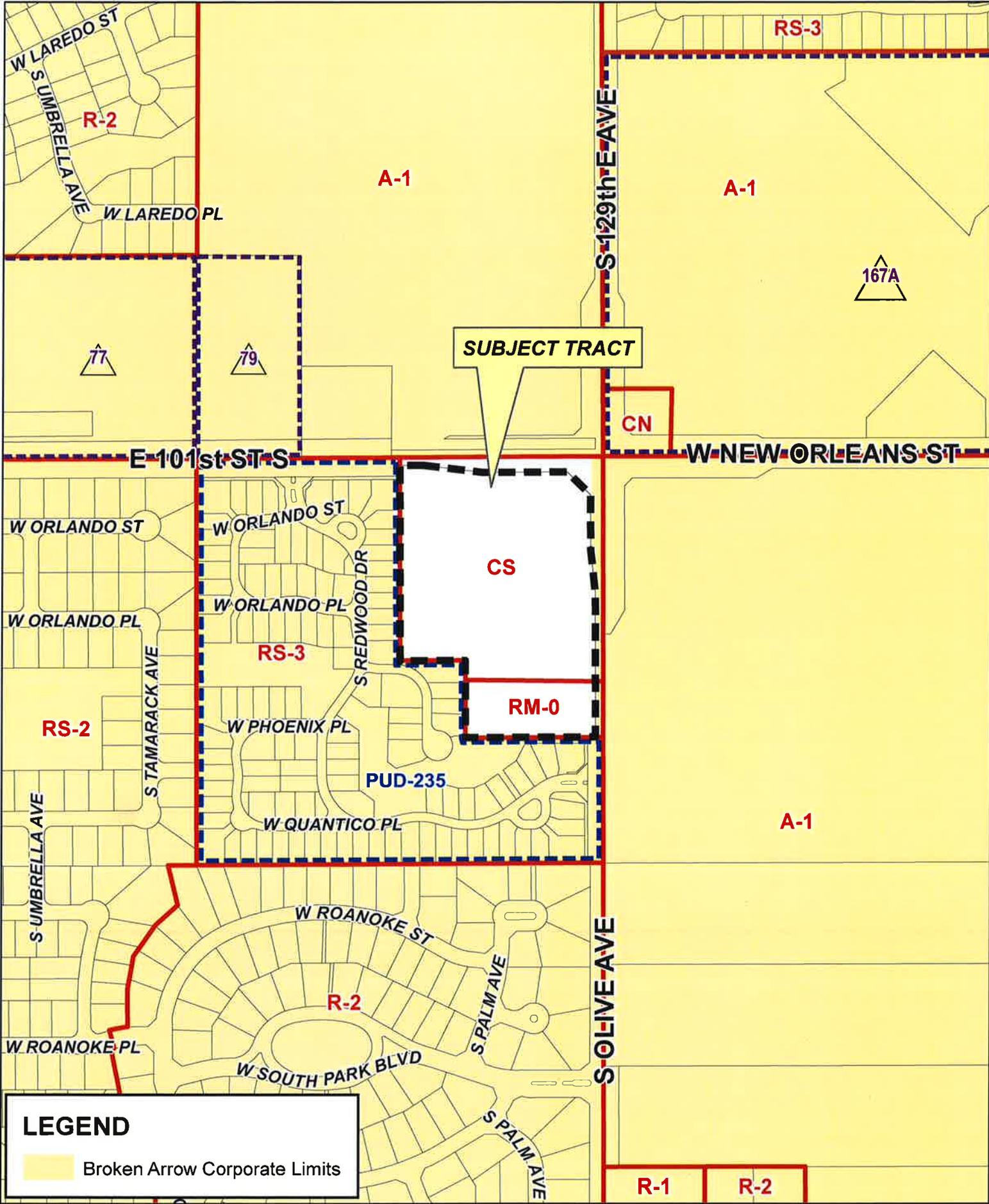




Looking slightly northwest from S. 193rd E. Ave



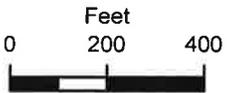
Aerial view of the southwest corner of S. 193rd E. Ave. & E. 91st St. S.



SUBJECT TRACT

LEGEND

Broken Arrow Corporate Limits



CBOA-2740

9.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:8429

Case Number: CBOA-2740

CZM:58

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Lonnie Basse

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: SW/c of E. 101st Street South & South 129th East Avenue **ZONED:** RM-0, CS

PRESENT USE: Commercial

TRACT SIZE: 11.68 acres

LEGAL DESCRIPTION: NE NE LESS N24.75 & W24.75 THEREOF & LESS BEG 24.75S & 24.75E
NEC NE TH S419.19 N140.83 N178.89 NW105.91 W273.88 WLY201.59 E564.21 TO POB& LESS
PRT NE NE BEG 659.77W NEC NE TH W659.77 S1321.49 E1319.87 N409.03 W448 N252
W211.85 N660.89 TO POB LESS N2, RABBIT RUN

RELEVANT PREVIOUS ACTIONS: No relevant history

ANALYSIS OF SURROUNDING AREA: The subject tract abuts agricultural property in the City of Broken Arrow to the north and east. It also abuts residential property in the City of Broken Arrow to the east and south.

STAFF COMMENTS:

The site plan submitted with the application proposes five fireworks stands located on the subject property. The subject tract has CS and RM-0 zoning. A Special Exception is required as the proposed fireworks stands are a use which is not permitted by right in the CS/RM-0 districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

The existing parking lot appears to be unpaved and has a gravel surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site. The applicant did not provide a hardship.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

9.2

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in a CS/RM-0 zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

Finding the hardship to be _____.

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



S 129th E AVE

E 101st ST S

W NEW ORLEANS ST

W LAREDO ST

S UMBRELLA AVE

W LAREDO PL

W ORLANDO ST

W ORLANDO ST

W ORLANDO PL

W ORLANDO PL

S REDWOOD DR

W PHOENIX PL

W QUANTICO PL

S UMBRELLA AVE

S TAMARACK AVE

W ROANOKE ST

W ROANOKE PL

S TAMARACK AVE

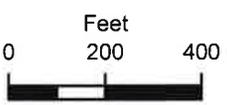
W SOUTH PARK BLVD

S PALM AVE

W TWIN OAKS ST

S PALM AVE

S OLIVE AVE



Subject Tract

CBOA-2740

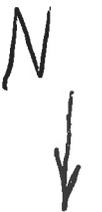
18-14 29

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

Aerial Photo Date: February 2018

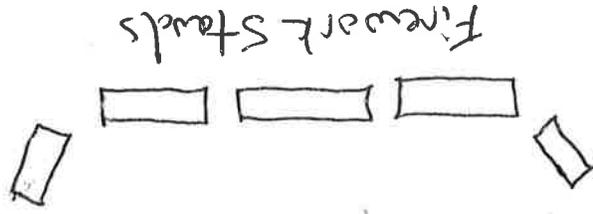
9.4





10102 S. 129th E. Av.
Broken Arrow, OK

1015ft.S.



129th E. Av.

9.5

Broken Arrow OK 0063

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



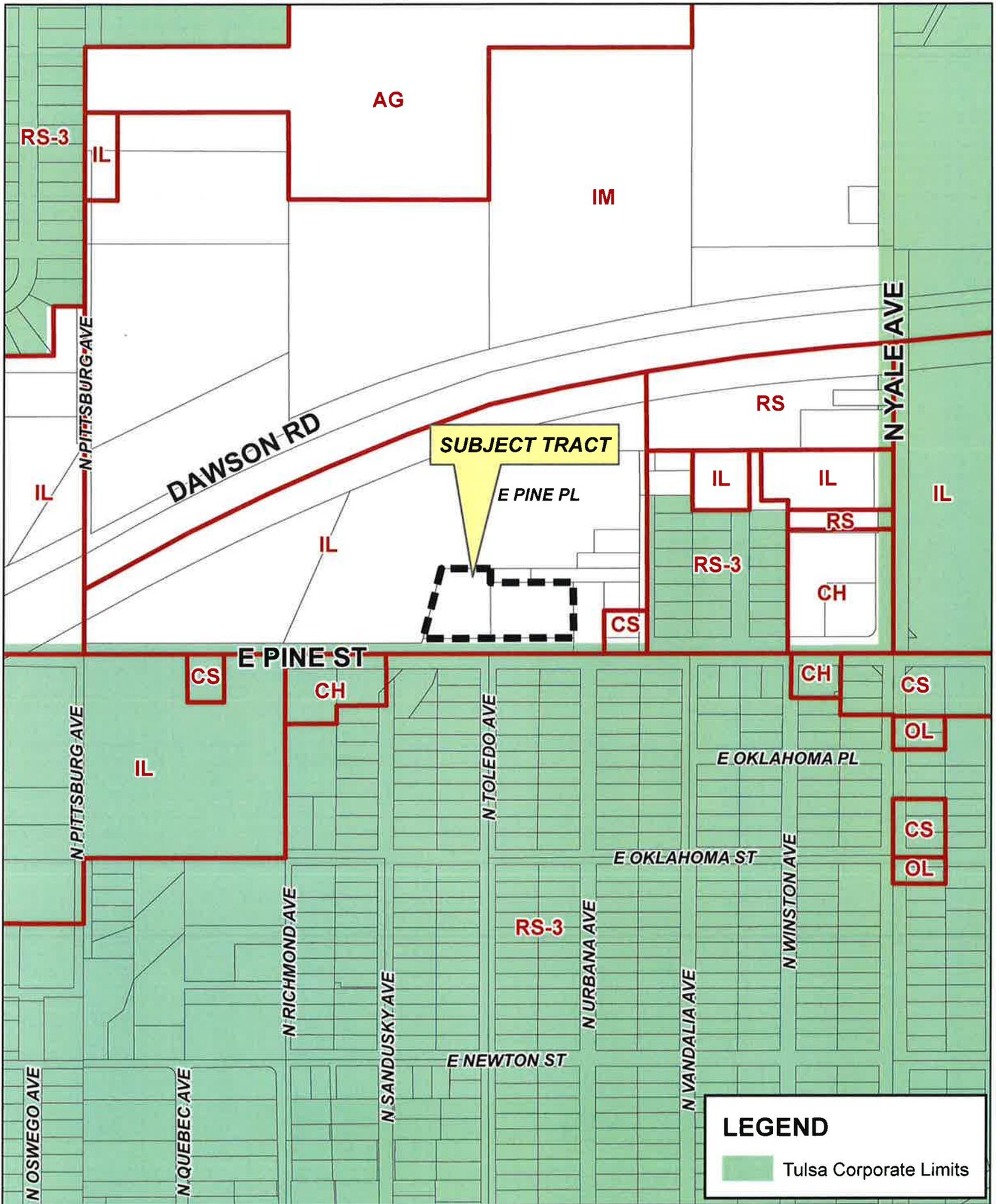


Looking southeast on E. 101st St. S.



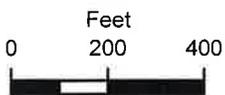
*Aerial view of the southwest corner of E. 101st St S. &
W. 129th E. Ave.*

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CBOA-2741

10.1



20-13 28



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:0328

Case Number: CBOA-2741

CZM:29

PD:

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Karen and Wayne Bridgeman

ACTION REQUESTED: Special Exception to permit fireworks stand (Use Unit 2) and a variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 4515 E PINE ST N

ZONED: IL

PRESENT USE: Retail

TRACT SIZE: 2.11 acres

LEGAL DESCRIPTION: W 270 S 240 SW SE SE LESS S 50 FOR ST. SEC 28-20-13; PRT SW SE BEG 50N SECR SW SE TH W226 NE242.74 E160 S233.59 POB SEC 28 20 13 1.03AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2325 May 2009: The Board approved a special exception to permit a fireworks stand in an IL District (Section 910); and a variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to closing at 11:00 p.m., compliance with the state laws and approval for a period of ten years, on property located at 4515 E. Pine St.

Surrounding Property:

CBOA-2704 July 2018: The Board approved a special exception to allow a fireworks stand (Use Unit 2) in a CS District and IL District; and a variance of the all-weather surface material requirement for parking (Section 1340.D). the hours of operation are to be June 17 to June 26th 9:00 a.m., June 27th to June 30th, 9:00 a.m. to 10:00 p.m., and July 1-4 8:00 a.m. to 12:00 mid-night. The approval has a 5-year time limit to July 2023, on property located at 1510 N. Vandalia Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts property to the north, east, and west that has industrial development and zoning in place. The property to the south is residential.

STAFF COMMENTS:

The site plan submitted with the application proposes a 30' x 40' fireworks tent located on the west side of the subject property. The subject tract has IL zoning. A Special Exception is required as the proposed fireworks stands are a use which is not permitted by right in the IL districts because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

10.2

The existing parking lot appears to be unpaved gravel. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site.

The applicant provided the following hardship: "We have been operating for 10 years / put gravel and packed it."

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks each year. The applicant did not submit proposed hours of operation or dates that the fireworks stands would be open. If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow fireworks stands (Use Unit 2) in an IL zoned district; Variance of the all-weather surface material requirement for parking (Section 1340.D).

*Subject to the following conditions (including time limitation and hours of operation, if any): _____.

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

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."

NEW APPLICATIONS

Case No. 2324

Action Requested:

Variance of the minimum lot area required in an AG district from 2 acres to .96 acres and the minimum land area required in an AG district from 2.1 acres to .999 acres to permit a lot split to accommodate an existing dwelling (Section 330), located: West of Spring Street and 22nd Street.

Presentation:

Beth Langston, 201 East Main, Collinsville, Oklahoma, 74021, stated there is an existing home on the subject property. She described an L-shaped property with a garage adjacent to the subject property. The purchaser of the home wanted to buy the L-shaped property also. The requested variances are to permit a lot split.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 3-0-0 (Walker, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Hutson, Charney "absent") to **APPROVE** a Variance of the minimum lot area required in an AG district from 2 acres to .96 acres and the minimum land area required in an AG district from 2.1 acres to .999 acres to permit a lot split to accommodate an existing dwelling (Section 330), finding the hardship is the existing structure on the property that is surrounded by smaller lots and would not cause a negative impact on surrounding property owners; on the following described property:

SE NW NE Sec 30, Twnshp 22 Range 14, Tulsa County, State of Oklahoma

Case No. 2325

Action Requested:

Special Exception to permit a fireworks stand in an IL district (Section 910); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), located: 4415 East Pine Street.

Presentation:

Wayne Bridgeman, 1235 North Winston, Tulsa, Oklahoma, 74115, proposed to set up a tent for a fireworks stand. He asked for approval for the next ten years. They have gravel for temporary parking. He would like to operate it between Christmas and New Years and for the July 4th season. The expected closing time would be 10:00 or 11:00 p.m.

FILE COPY

Interested Parties:

There were no interested parties who wished to speak.

FILE COPY

Board Action:

On Motion of Dillard the Board voted 3-0-0 (Walker, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Hutson, Charney "absent") to **APPROVE** a Special Exception to permit a fireworks stand in an IL district (Section 910); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to closing at 11:00 p.m., and compliance with the state laws; approval for a period of ten years, on the following described property:

PRT SW SE BEG 50N SECR SW SE TH W226 NE242.74 E160 S233.59 POB
SEC 28 20 13 1.03AC, Tulsa County, State of Oklahoma

Case No. 2326

Action Requested:

Special Exception to permit a fireworks stand in an RS district (Section 410); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), located: 418 South 65th West Avenue.

Presentation:

Wayne Bridgeman, 1235 North Winston, Tulsa, Oklahoma, 74115, proposed to operate a tent fireworks stand on the subject property with gravel parking. He also asked to operate between Christmas and New Years and during the July 4th season for the next ten years.

Comments and Questions:

Mr. Walker asked if there is a curb cut from the street for a driveway.

Jason Jacobs, 5015 Robert E. Lee Terrace, Sand Springs, Oklahoma, 74063, indicated there is a curb cut and a gate for the drive.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Tyndall, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** Special Exception to permit a fireworks stand in an RS district (Section 410); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to the term of five years; restricting the hours of operation to no later than 11:00 p.m.; finding it is an old neighborhood and a short term use, on the following described property:

2704—Sherry Barbour

Action Requested:

Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 1510 North Vandalia Avenue

Presentation:

Sherry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated this property has been a fireworks stand location for 75 years. Ms. Barbour stated that she leases the site from Mr. Martinez. It has a very hard packed parking area, and asked Mr. Martinez to bring in extra gravel to cut down on the dust.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the request for a Special Exception to allow fireworks stand (Use Unit 2) in a CS District and IL District; Variance of the all-weather surface material requirement for parking (Section 1340.D). The hours of operation are to be June 17 to June 26th 9:00 A.M. to 9:00 P.M., June 27th to June 30th 9:00 A.M. to 10:00 P.M., and July 1st to July 4th 8:00 A.M. to 12:00 midnight. The approval will have a five-year time limit, July 2023. The Board finds this will not be injurious to the neighborhood; for the following property:

E 125 W 495 S 240 SW SE SE LESS S 50 FOR ST. SEC 28-20-13, WEE RANCHO ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

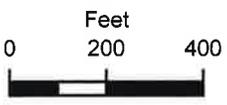
~~**2705—Sherry Barbour**~~

~~**Action Requested:**~~

~~Special Exception to allow a fireworks stand (Use Unit 2) in an RS District and IL District. **LOCATION:** 524 North 49th West Avenue~~

~~**Presentation:**~~

~~**Sherry Barbour**, 18622 South 62nd East Avenue, Bixby, OK; stated she has a fireworks stand at this location about 15 years. Prior to her having this location there was a fireworks stand there for about 20 years. There is parking in front of the fireworks stand and there is parking across the street. The land owner has six or seven parking spots in front of his shop the stand workers can park in, because there is usually no more than six adult volunteers at the stand at a time. The parking area in front of the stand is~~



 Subject Tract

CBOA-2741

20-13 28

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

Aerial Photo Date: February 2018



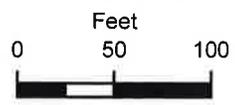


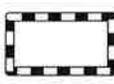
E PINE PL

E PINE ST

N TOLEDO AVE

N URBANA AVE



 Subject Tract

CBOA-2741

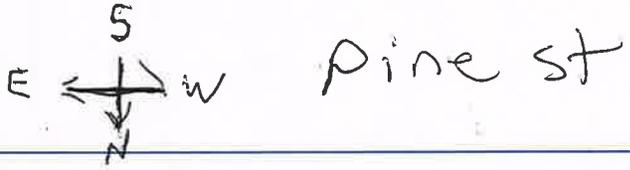
20-13 28

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

Aerial Photo Date: February 2018

10.8





Sandashy

Rin

Bridge

4515 E Pine

gate/gate

4515 E Pine

gate/gate

old Dawson side of pine st

W 2000

← SMC
MOTOR CO

30 x 40
tent

1 1/2
approx. 2 ACCESS
gravel lot

loading
Deck

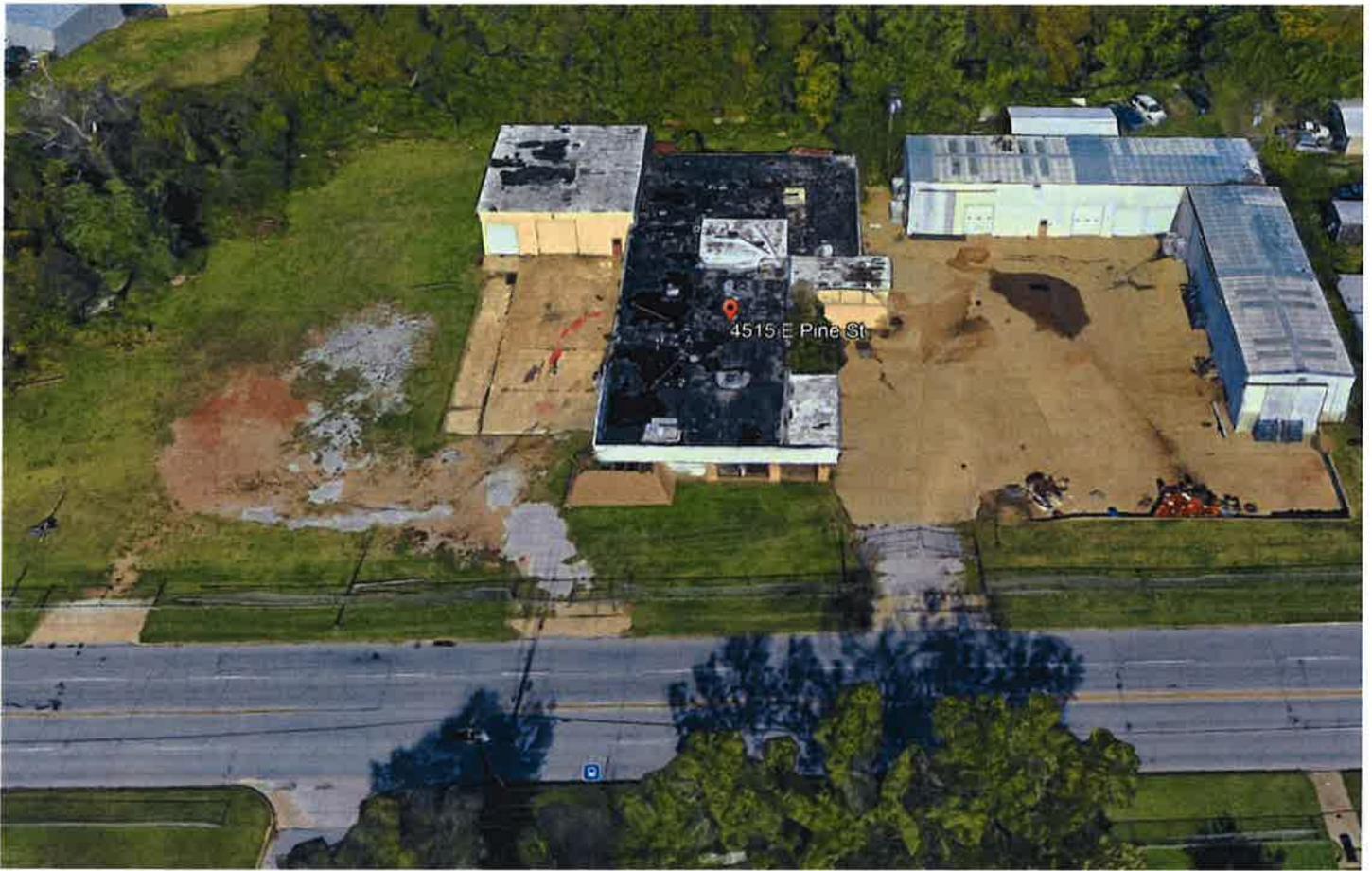
10.9



Looking northwest from Pine St.



Looking north and east from Pine St.

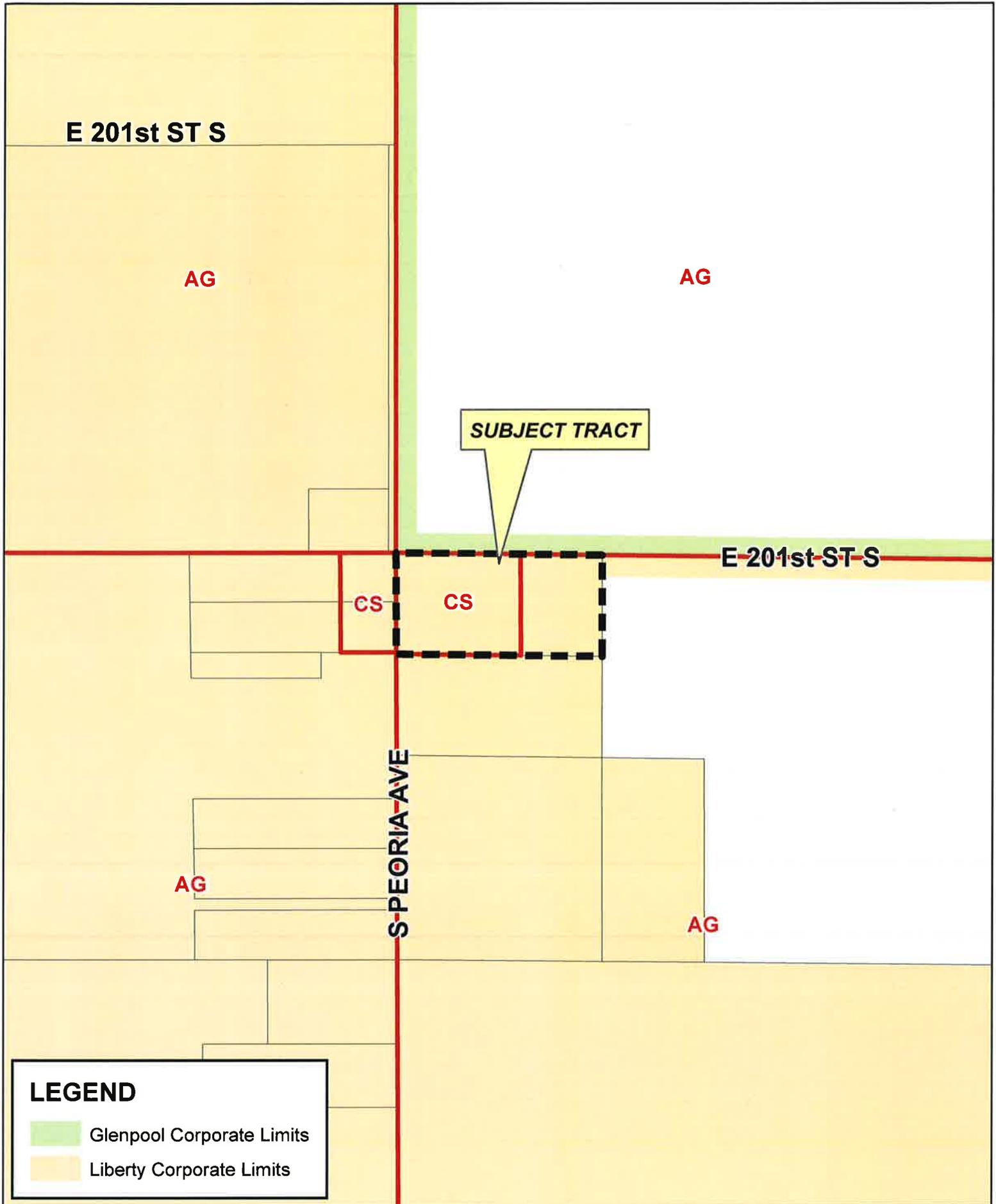


Aerial view looking north of Pine St.



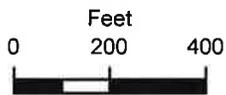
Looking northeast from Pine St.

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LEGEND

-  Glenpool Corporate Limits
-  Liberty Corporate Limits



CBOA-2742

11.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:6318
CZM:71, 70
PD:

Case Number: CBOA-2742

HEARING DATE: 03/19/2019 1:30 PM

APPLICANT: Nick Dyer

ACTION REQUESTED: Special Exception to permit a single-family dwelling (Use Unit 6) in a CS District (Section 710).

LOCATION: 20117 S PEORIA AV E

ZONED: AG, CS

PRESENT USE: Agricultural

TRACT SIZE: 5 acres

LEGAL DESCRIPTION: NW NW NW LESS S330 THEREOF SEC 18 16 13 5.00ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Property:

CBOA-2742 October 1984: The Board denied a special exception to permit a roofing contractor with outside storage in a CS zoned district, on property located at the southwest corner of East 201st Street South and South Peoria Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned both CS and AG. There is a single-family residence on a 5 acre lot to the south, agricultural development to the north and east, and property that appears to be residential to the west.

STAFF COMMENTS:

The applicant is requesting a Special Exception to allow for a single-family residence (Use Unit 6) to be permitted within a CS district. The property is located on a parcel with both CS and AG zoning. The applicant is proposing to build a Single-Family residential home on the property. It is the applicant's intent is to leave the existing structures, a barn and a shop, on the property.

A Special Exception is required as the proposed Residential Single-Family home is not permitted by right 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 Residential home must be found to be compatible with the surrounding area.

The subject property is located at the southeast corner of East 201st Street South and South Peoria Avenue. The surrounding area contains mainly agricultural uses with scattered residential on large lots.

11.2

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed single-family residence is compatible with the surrounding residential context.

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.

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to permit a roofing contractor with outside storage in a CS (pending) zoned district, located S. of SW/c of 201st Street and Peoria.

Presentation:

The applicant, Otto Dorris, Route 1, Box 365, Mounds, Oklahoma, 74047, was not present. Pictures were presented by Jack Edwards.

Protestants:

Jerry Schands, Route 1, Box 364, Mounds, Oklahoma, submitted a petition from surrounding landowners (Exhibit H-1) and informed that his property is adjacent to the subject property. He referred to the letter which was submitted with the petition (Exhibit H-1) and reiterated that he feels the outside storage of roofing materials will devalue his property. He submitted pictures of the business (Exhibit H-2) and stated that it is a hazard, because the subject property (where these materials are stored) is located next to an electrical substation which has caused fires in the past. Mr. Schands has lived on his property for twenty-five years and does not want to be a bad neighbor, but he feels that this type of use is not consistent with the surrounding uses. He informed that the applicant is not a landowner.

Comments and Questions:

Mr. Martin explained that the applicant had applied for the appropriate zoning, but he was granted CS instead of CG. In his opinion, someone must be concerned about the heavier use of the land. Mr. Alberty informed that the CS zoning has not been approved by the City Commission, and any motion by this Board must be contingent upon the approval of the zoning.

Mr. Martin asked Mr. Schands if he is in opposition to the CS zoning. Mr. Schands informed that he is in opposition to the mess that is on the property, not the zoning.

Mr. Martin noted that from the pictures presented, the applicant may tend to abuse outside storage privileges.

Mr. Martin asked Mr. Schands if the general untidiness of the property was his main concern. He explained that his mother has health problems which are affected by this type of outside storage, and that he is in total objection to the whole project.

There was discussion about the location of the protestant's property in relation to the subject property.

Mr. Martin noted that the applicant is asking the Board to grant relief until the zoning is approved.

Case No. 506 (continued)

Mr. Alberty explained that he feels the applicant should be allowed his right to speak before this public hearing, to which Mr. Schands replied that the applicant had the same opportunity he did. He informed that he worked a double shift in western Oklahoma yesterday in order to be here today and he would like to see action taken today.

Mr. Wines informed that when he drove by there yesterday, there were large stacks of shingles on the property and they should be removed.

Board Action:

On MOTION of TYNDALL and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to DENY a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1215) to permit a roofing contractor with outside storage in a CS (pending) zoned district; on the following described property:

The east 200' of the North 325', NE/4, NE/4, of Section 13, T-16-N, R-12-E, Tulsa County, Oklahoma.

Case No. 507

Action Requested:

Special Exception--Section 4410--Principal Uses Permitted in the Residential Districts--Use Unit 1206/09--Request an exception to allow a mobile home in an RS zoned district; and a

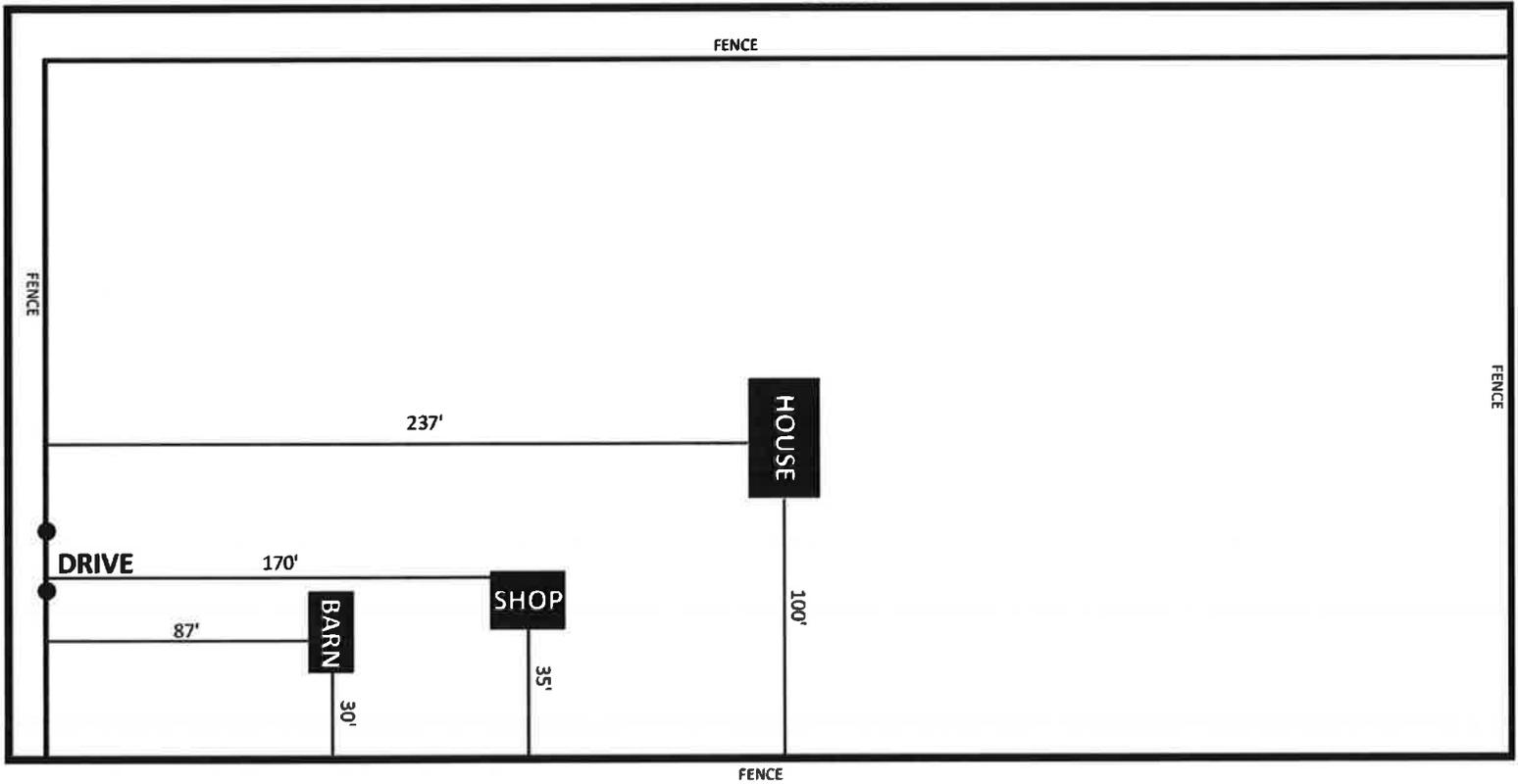
Variance--Section 208--One Single-Family Dwelling Unit per Lot of Record--Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located E. of NE/c of Quincy and 59th Street North.

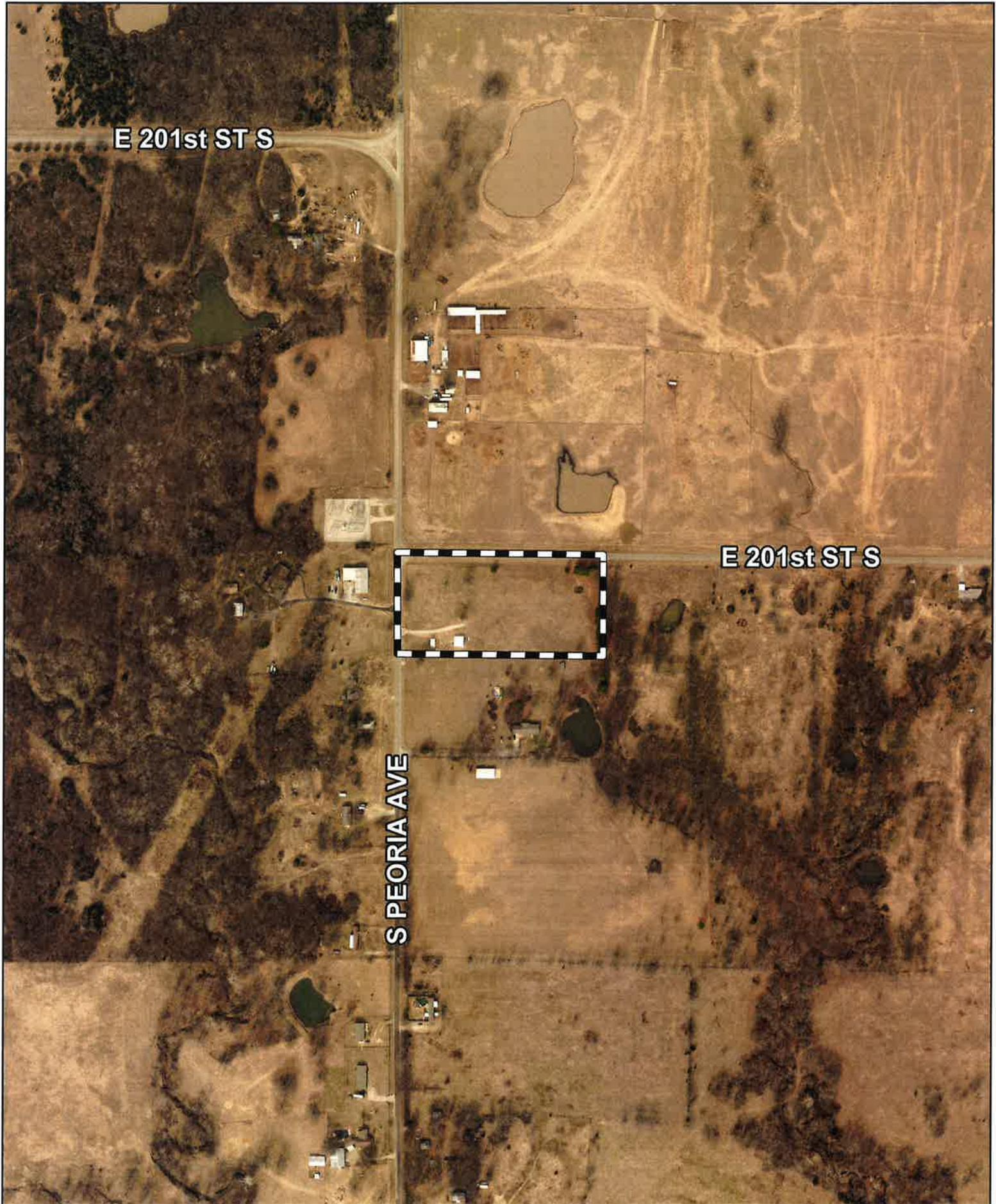
Presentation:

The applicant, Andrew Tune, 1415 E. 59th Street North, was represented by his grandson, Lonnie Hardin, 221 South Nogales, attorney. He explained that his grandfather is undergoing out-patient care daily at Hillcrest Medical Center and cannot be present at this meeting. He stated that his grandfather is 84 years old and requires 24-hour care at home, which his wife (also in her eighties) cannot provide. Mr. Tune's daughter, Virginia Kelly, is presently unemployed and is disabled. Since she has experience in nursing home care, having her live behind Mr. Tune's home would be advantageous to both (Ms. Kelly's home was sold under duress). Mr. Tune explained that the home sits on a lot that is a combination of four lots and is 165' deep (the north 5' is sewer easement) and 100' wide. The subject property is located in a low income area and there are domestic farm animals being raised on some of the

NICK and KIM DYER
20117 SOUTH PEORIA AVE.
MOUNDS, OK 74047

SOUTH 201ST STREET

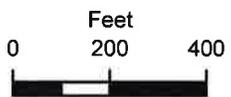




E 201st ST S

E 201st ST S

S PEORIA AVE



 Subject Tract

CBOA-2742

16-13 18

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

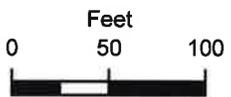
Aerial Photo Date: February 2018

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S PEORIA AVE

E 201st ST S



Subject Tract

CBOA-2742

16-13 18

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

Aerial Photo Date: February 2018

11.8





© 1978, D. J. ANDERSON
 1000 N. W. 11TH ST. MIAMI, FL 33136

PROJECT NO.	1000 N. W. 11TH ST.
DATE	11.10.78
SCALE	1/8" = 1'-0"
DESIGNED BY	D. J. ANDERSON
DRAWN BY	D. J. ANDERSON
CHECKED BY	D. J. ANDERSON

Zoning Map

20117 S Pineda Ave, Mounds, MO X

20117 S Pineda Ave

Measurement

Measurement Result

Clear

Press CTRL to enable snapping

1500

20100

20100

235'

CS

CS

100'

File was prepared by INCOG. Contact information

200ft

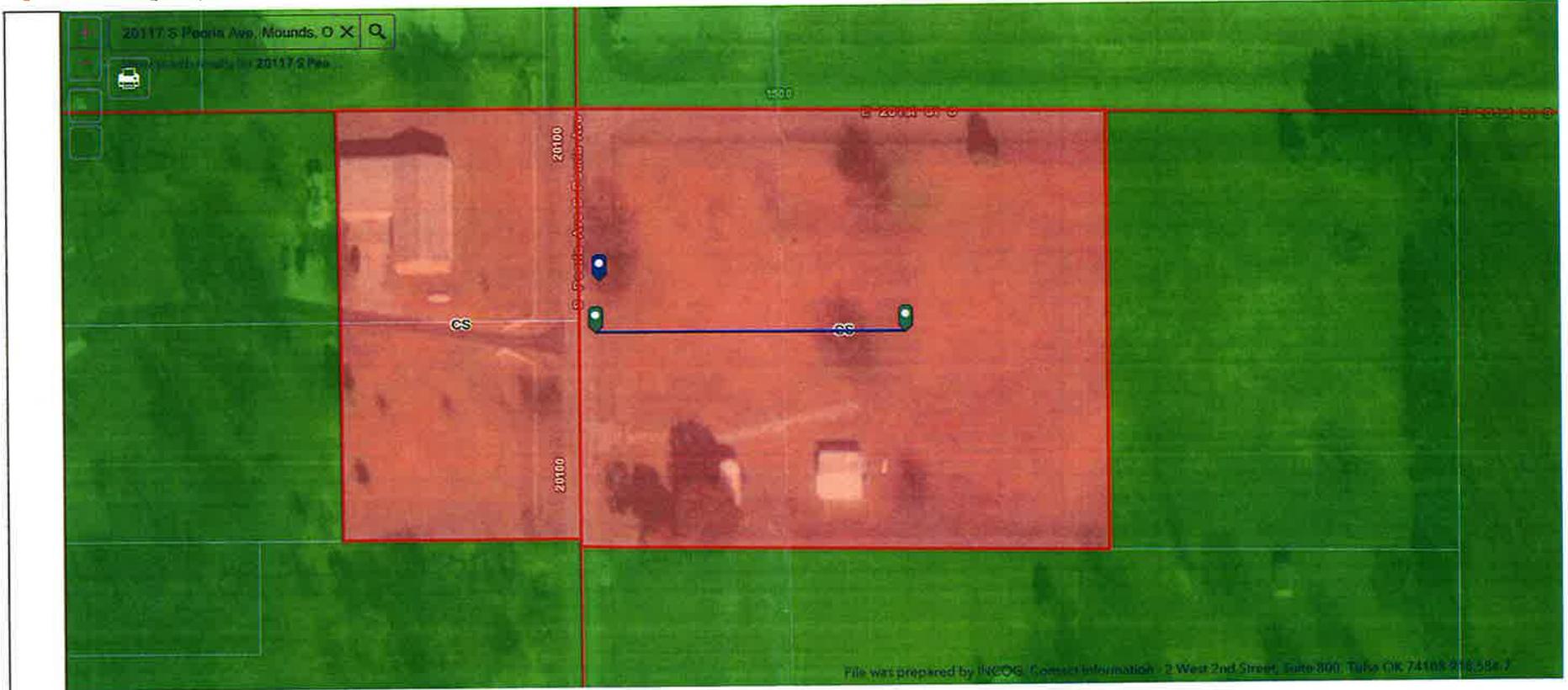
-95.982 35.872 Degrees

All rights reserved

11.11

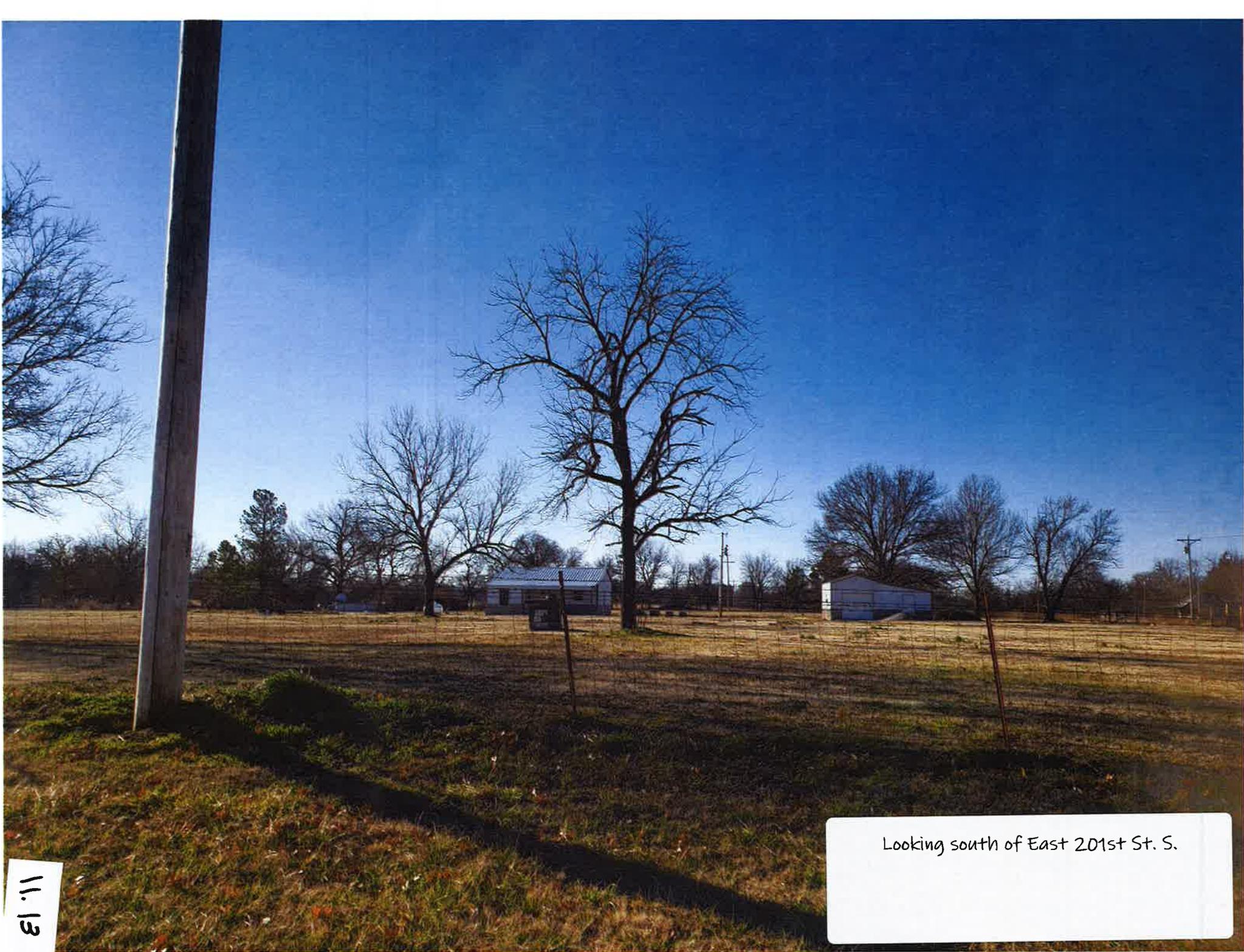
11.12

Zoning Map



100ft
-95.981 35.671 Degrees

All rights reserved



Looking south of East 201st St. S.

11.13

ITEM #12:

TERESA TOSH, COUNTY INSPECTIONS

**APPEAL OF A COUNTY OFFICIAL'S
ADMINISTRATIVE DECISION**

FEE SCHEDULE FOR TMAPC & BOARD OF ADJUSTMENT

I. ZONING MAP AMENDMENTS++

<i>ZONING CATEGORIES</i>	<i>BASE Fee</i>
A. Rural Intensity AG, AG-R	\$500.00
B. Any Other Zoning Districts (not noted below)	1000.00
1. Optional Development Plan	250.00
C. Mixed Use Zoning (MX) District	1250.00
D. Master Planned Development District and Development Plan (MPD)	1500.00
E. Corridor District and/or Development Plan (CO)	1500.00
F. Planned Unit Development (PUD) [County only]	1500.00
G. MAJOR Amendment to PUD/ CO/ MPD	1500.00
H. Abandonment of a PUD	500.00
I. Special Area Overlay (SA) District*	1500.00
J. Parking Impact Overlay (PI) District*	1500.00
K. Historic Preservation Overlay (HP) District*	1000.00
* Expansion of existing Overlay District	500.00

++ All applications require Notification Fees

II. OTHER ZONING RELATED FEES

A. MINOR Amendment to DEVELOPMENT Plans	(1 ST item)
1. Residential*	\$250.00
2. Non-residential*	500.00
*Each additional Amendment	100.00
B. DEVELOPMENT Plan Detail Site Plan	250.00
C. DEVELOPMENT Plan Landscape Plan	150.00
D. DEVELOPMENT Plan Sign Plan –up to 2	200.00
1. For each additional Sign	50.00
E. DEVELOPMENT Plan Minor Revisions (to Detail and Landscape plans)	50.00
F. Alternative Compliance to Landscape Plan	150.00
1. Minor Revision to AC Landscape Plan	50.00
G. Zoning letters	\$75.00
Zoning letters w/in a DEVELOPMENT PLAN	150.00
H. TMAPC Agenda Fee for which no fee is established	50.00
I. Zoning Ordinance Publication Fee:	
City	150.00
County	125.00
(for information only)	

III. COMPREHENSIVE PLAN

A. COMPREHENSIVE PLAN AMENDMENT	\$250.00
Newspaper fee	75.00 --G
~Written Notice & Postage applies	

IV. CITY and COUNTY BOARDS OF ADJUSTMENT CATEGORIES

<i>CATEGORIES</i>	<i>Fee</i>
A. Variances	
1. Residential, 1 ST variance	\$300.00
-Each additional Variance	50.00
2. Non-residential, 1 ST Variance	500.00
-Each additional Variance	100.00
3. Use Variance (County Only)	700.00
B. Special Exceptions	
1. Residential Use*	250.00
2. Manufactured Home Use	150.00
3. Extension of 1 yr. time limit Mf. Home (City only)	50.00
4. Non-Residential Use*	500.00
5. Other Special Exceptions*	250.00
*Each additional Special Exception	50.00
C. Administrative Adjustment	300.00
D. Verification of Spacing Requirement	
1. Family Day Care Homes	150.00
2. All others	250.00
E. Modification of Previously Approved Site Plan or Conditions	200.00
F. Appeal of Decision of Administrative Official	250.00
G. Appeal to District Court (County only)	100.00 Plus Court Costs
H. Agenda Fee	50.00
I. Reconsideration	
1. Request made after meeting	100.00
2. Processing fee if reconsidered	200.00

V. NOTIFICATION FEES

A. PUBLICATION IN NEWSPAPER

TMAPC	Platted	\$225.00 --A
	Unplatted 5 typed lines or less	250.00 --B
	Any over 5 typed lines	275.00 --C
BOA	Platted	60.00 --D
City and	Unplatted 5 typed lines or less	70.00 --E
County	Any over 5 typed lines	80.00 --F

B. SIGN(S) (each)

C. WRITTEN NOTICE & POSTAGE (300' radius)*	01 – 15	\$45.00
	15 – 50	1.00 each
	50 +	.75 each

*When in Osage County

*When in Wagoner County

12.2



Title 19. Counties and County Officers

Oklahoma Statutes Citationized

Title 19. Counties and County Officers

Chapter 19A - County Zoning and Planning

Section 863.21 - Appeals to County Board of Adjustment

Cite as: O.S. §. ___

Appeals to the county board of adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the county engineer in administering the county zoning regulations or building line and set-back regulations. Such appeals shall be taken within a period of not more than three (3) months, by filing written notice with the county board of adjustment and the county engineer, stating the grounds thereof. An appeal from the county board of adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The county board of adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the county engineer in the enforcement of the county zoning regulations.
2. To hear and decide requests for map interpretations or decisions on other special questions upon which it is authorized to pass by the regulations adopted by the board.
3. Where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this act would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

In exercising the above powers, such board of adjustment may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

In acting upon any appeal, such board of adjustment shall, in its consideration of and decision thereon, apply the principles, standards and objectives set forth and contained in all applicable regulations, ordinances and resolutions and in the master plan.

Historical Data

Laws 1955, HB 840, p. 172, § 21, emerg. eff. June 3, 1955.

Citationizer® Summary of Documents Citing This Document

Cite Name	Level
Oklahoma Supreme Court Cases	
Cite	Name
<u>2016 OK 113, 387 P.3d 333</u>	<u>MUSTANG RUN WIND PROJECT, LLC v. OSAGE COUNTY BD. OF ADJUSTMENT</u>
	Level
	Discussed at Length

Citationizer: Table of Authority

Cite Name Level

None Found.

~~The applicant shall furnish the names and mailing addresses of all owners of property within a 300 foot radius of the exterior boundary of the subject property, or in the case of a Minor Variance or Exception, the owners of abutting property of the subject property. Costs of publication shall be billed to the applicant.~~

SECTION 1640. FEES

An application for an appeal from the County Inspector or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the Board of County Commissioners of Tulsa County, Oklahoma.

SECTION 1650. APPEALS FROM THE COUNTY INSPECTOR

1650.1 General

An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureaus of the County affected, where it is alleged there is error in any order, requirement, decision or determination of the County Inspector in the enforcement of this Code.

1650.2 Notice of Appeal

An appeal shall be taken within ten days from the determination complained of by filing with the County Inspector and with the Clerk of the Board, a notice of appeal, specifying the grounds thereof. The County Inspector upon receipt of notice, shall forthwith transmit to the Clerk of the Board, certified copies of all the papers constituting the record of said matter. Upon receipt of the record the Clerk shall set the matter for public hearing.

1650.3 Board of Adjustment Action

The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the County Inspector.

1650.4 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the County Inspector from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated

in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown.

SECTION 1660. INTERPRETATION

- A. The Board shall interpret the text of this Code or the Official Zoning Map upon an appeal from a determination of the County Inspector after compliance with the procedural standards of Section 1650.
- B. Where a question arises as to the zoning district classification of a particular use, the Board of Adjustment, upon written request of the County Inspector may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing.

SECTION 1670. VARIANCES

1670.1 General

The Board of Adjustment upon application, and after hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this Code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this Code, or the Comprehensive Plan, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the Code will result in unnecessary hardship. The Board shall not vary any jurisdictional requirement, such as notice.

1670.2 Application

A request for a variance shall be initiated by the filing of an application with the Board and shall be set for public hearing by the Clerk in accordance with the rules established by the Board. The application for a principal use variance shall include information necessary to evaluate such request as the Board of Adjustment may adopt as rules of procedure for granting principal use variances.

1670.3 Board of Adjustment Action

The Board shall hold the hearing and upon the concurring vote of three members may grant a variance after finding:

- A. That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship.
- B. That such extraordinary or exceptional conditions or circumstances do not apply generally

to other property in the same use district.

- C. 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.

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

1670.4 Time Limitation on Variances

A variance which has not been utilized within three years from date of the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

SECTION 1680. SPECIAL EXCEPTION

1680.1 General

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

- A. Special Exception Uses as designated and regulated within the permitted use provisions of the zoning districts.
- B. Special Exception Uses as designated within Chapter 10, Floodway Zoning District.
- C. The change of a nonconforming use as provided in Section 1420(F), Chapter 14, Nonconformities.
- D. The restoration of a partially destroyed structure, containing a nonconforming use as provided in Section 1420(G), Chapter 14, Nonconformities.
- E. The restoration of a partially destroyed nonconforming structure as provided in Section 1450, Chapter 14, Nonconformities.
- F. The modification of a screening requirement, as provided in Section 240.2 and Section 250, Chapter 2, District Provisions: General.
- G. Off-Street Parking use of property located within a Residential District, when the property is abutting an Office, Commercial, or Industrial District.
- H. Reduction in the minimum setback distances as set forth in Section 1224(a).3 Use Conditions, for oil and gas wells and related storage tanks.
- I. Drilling of oil and gas wells located within residential subdivisions zoned AG, AG-R, RE

Code Violation Process

