CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of March 19, 2019 (Meeting No. 466).

UNFINISHED BUSINESS

2. **2728—Jennifer Lawson**
   Variance of the minimum required frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). **LOCATION:** South of the SW/c of West Wekiwa Road and South 193rd West Avenue

3. **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

4. **2741—Karen & Wayne Bridgeman**
   Special Exception to permit a 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

NEW APPLICATIONS

5. **2743—Derek Canady**
   Use Variance to allow sale of equipment trailers (Use Unit 17) in an AG District (Section 310, Table 1) for a period of six months. **LOCATION:** 9005 West 51st Street

6. **2744—Greg Ables**
   Variance of the minimum lot area in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split. **LOCATION:** 1384 East 163rd Place South
OTHER BUSINESS

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. Ringing/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.
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BOARD OF ADJUSTMENT
CASE REPORT

STR:9011
CZM:33
PD:

HEARING DATE: 04/16/2019 1:30 PM

APPLICANT: Jennifer Lawson

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

LOCATION: South of the SW/c of W. Wekiwa Rd. & South 193rd W. Ave. ZONED: AG

PRESENT USE: Agricultural TRACT SIZE: 7 acres

LEGAL DESCRIPTION: E231.66 W821.1 GOV LT 1 SEC 11 19 10 7AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2103 May 18, 2004: The Board approved a variance of the street frontage requirement from 30' to 0'; a variance of land area per dwelling unit from 2.1 acres to 1.99 acres; and a variance of the lot area from 2 acres to 1.99 acres, on property located at 1123 South 196th West Avenue.

CBOA-1024 December 17, 1991: The Board approved a variance of the required 30' of frontage on a public street to 0', on property located at the southwest corner of South 193rd West Avenue and West Wekiwa Road.

CBOA-898 June 20, 1989: The Board approved a variance of the required frontage on a public street from 30' to 0', on property located at west of the southwest corner of West Wekiwa Road and South 193rd West Avenue.

CBOA-246 August 20, 1982: The Board approved a variance of the minimum lot size from 2 acres to 1.2 acres; and a variance of land area per dwelling unit from 2.2 acres to 1.4 acres to permit a lot split, on property located two blocks west of South 193rd West Avenue and West Wekiwa Road.

CBOA-174 April 16, 1982: The Board approved a variance of the minimum lot and land area requirements in an AG district to permit a lot split, on property located at 19720 West 11th Street.
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded Agricultural zoned districts in all directions with scattered single-family homes.

STAFF COMMENTS:

New Staff Comments: The case was heard on February 19, 2019 and then continued until 4/16/2019 for the following: Mr. Hutchinson informed Ms. Lawson that she could postpone her case for 30 or 60 days to give her time to choose an area for a 30-foot easement that is connected to a County maintained road, or the Board can vote on her application now. Ms. Lawson stated that she would like a continuance to the April meeting.

As of 4/8/2019, I have not received any additional information about the easement.

Original Staff Comments: According to the attached survey, the existing parcel does not have frontage onto West Wekiwa Road (the nearest public street). The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street maintained by Tulsa County. The applicant is proposing to split the existing tract into 2 tracts; Neither Tract “1” nor Tract “2” will have 30 feet of frontage. To permit the proposed lot-split on the site the applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right of way from 30 ft. to 0 feet.

The totality of the parcel is located within the 500 year floodplain. A portion of the property is located within the 100-year floodplain.

The applicant provided this statement of hardship: "...because this land has been here forever and no roads nearby are county maintained."

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

Sample Motion:

"Move to ________ (approve/deny) a Variance to allow 0' of frontage on a public street in the AG district for Tract "1" and Tract "2". (Section 207)

• Finding the hardship(s) 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."
Case No. 2103

Action Requested:
Variance of street frontage requirement from 30' to 0'. SECTION 207. STREET FRONTAGE REQUIRED; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the lot area from 2 acres to 1.99 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located: 1123 South 196th West Avenue.

Presentation:
Charles Hope, 1123 S. 196th W. Ave., Sand Springs, Oklahoma, proposed to decrease his property ownership to two acres.

Comments and Questions:
Mr. Charney asked about legal access to Tract B. Mr. Hope informed them there is access from 196th according to his abstract. Mr. Hope added that he would have Sand Springs water but not access to the sewer line.

Interested Parties:
Bob Lawson, 19119 W. Wekiwa, Sand Springs, Oklahoma, stated his property is adjacent to the east. He has been developing his property and was in support of this application.

Board Action:
On Motion of Dillard, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of street frontage requirement from 30' to 0'; a Variance land area per dwelling unit from 2.1 acres to 1.99 acres; and a Variance of the lot area from 2 acres to 1.99 acres, finding the legal access easement is adequate for the 30' issue, as submitted, on the following described property:

Lot 5, Block 6, Charles Page Home Acres Sub. No. 1, Tulsa County, State of Oklahoma.

* * * * * * *
North 712.00' E 417.31' W 589.44' Government Lot 1, Tulsa County, State of Oklahoma.

* * * * * * * *

Case No. 2104

Action Requested:
Variance of street frontage from 150' to 88.80' and 135.67' to permit a lot-split, SECTION 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located: 6130 West 41st Street.

Presentation:
Daniel Smith, 6130 W. 41st St., stated he was applying for a lot-split. His business is on W. 41st St. and he has entered a contract with Taco Mayo Corp. pending this lot-split. Mr. Smith informed the Board that the two businesses have agreed to share the existing curb cuts.

Board discussion ensued.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On Motion of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney “aye”; no “nays”; no “abstentions”; no “absences”) to APPROVE a Variance of street frontage from 150' to 88.80' and 135.67' to permit a lot-split, with condition: the existing curb cut on W. 41st St. be used by the user of the split tract; and applicant show legal proof of access with the existing curb cut, finding this hardship, on the following described property:

Commencing at the SE/c of Lot 2, Block 1, Southwest Plaza Shopping Center, an addition to Tulsa County, State of Oklahoma, according to the recorded Plat No. 2754; thence due W along the S line of Lot 2, Block 1, a distance of 165' to the POB; thence W along the S line of Lot 2, a distance of 216.86'; thence due N 250' to a point; thence due E parallel with the N line of Section 29, a distance of 88.80' to a point; thence N 84°25'10" E a distance of 154.25' to a point on the W line of Lot 1, Block 1 of said Addition; thence S 00°05'57" W, a distance of 100' to the SW/c of said Lot 1, Block 1; thence due W, a distance of 25'; thence S, a distance of 165' to the POB.

* * * * * * *
Case No. 1058 (continued)
E/2, NE/4, SE/4, NE/4, Section 33, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1024

Action Requested:
Variance of the required 30' frontage on a public street or dedicated right-of-way - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6, located west of SW/c 193rd West Avenue and Wekiwa Road.

Presentation:
The applicant, Juanita Miller, was represented by Henry Miller, 19420 Wekiwa Road, Sand Springs, Oklahoma, who submitted a plot plan (Exhibit E-2), and stated that he is proposing to sell 2.6 acres in the northwest corner of his 15-acre tract. He pointed out that the subject property, which contains his home, does not have 30' of frontage on a public street. Mr. Miller explained that he was permitted to build his home on the property approximately 5 years ago, and the requirement was obviously overlooked at that time. He informed that the lot he intends to sell is located 265' from 193rd West Avenue, which is a dedicated road. He added that the east/west section line has been opened up from his gate on 193rd West Avenue, and will border the 2.5 acres that he is proposing to sell; however, the road will not be maintained by the County. A copy of the resolution opening the section line was submitted (Exhibit E-1).

Comments and Questions:
Mr. Alberfy informed that the Sand Springs Board of Adjustment has recommended approval of the application (Exhibit E-3); however, it was noted that the existing private driveway is in the right-of-way of the newly opened section line.

In response to Mr. Alberfy, Mr. Miller stated that he has constructed a private road to his home and assumed that the buyer of the 2.6 acres could use his road. He informed that the owner of a landlocked parcel of land to the west requested that the section line be opened up to allow access to that property. Mr. Miller stated that the recently opened road extends west 727' from 193rd West Avenue.

Mr. Alberfy asked Mr. Miller if he plans to sell other lots in the future, and he replied that he is proposing to sell only the 2.5 acres. He added that a mutual access agreement will be executed.

Mr. Jones informed that the property has frontage on a County road, but does not have frontage on a road maintained by the County.

Interested Parties:
Larry Abbott, a property owner at 193rd West Avenue and Wekiwa Road, voiced a concern that an environmental study has not been made to open up the section line road, and pointed out that any change in the roadway could have an adverse impact on the wetlands in the area.

In response to Mr. Alberfy, Mr. Abbott replied that he is not opposed to the variance request, but is not supportive of another dead-end road.
Applicant's Rebuttal:

Mr. Miller stated that he is requesting that the new property owner be permitted to use his existing driveway, and the opening of the section line is not an issue in this variance request. He pointed out that he only has 25' of frontage on 193rd West Avenue, but because of an error, he was granted a building permit approximately five years ago. Mr. Miller pointed out that this is the reason the case is before the Board at this time.

Mr. Walker pointed out that the property owner to the west is permitted to use Mr. Miller's road because it is located on the section line right-of-way.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance of the required 30' frontage on a public street or dedicated right-of-way to 0' - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6; per plan submitted; finding that the existing private roadway will be used to access the property; finding a hardship demonstrated by the fact that the land in question has access to an unimproved section line road that will not be maintained by the County if, and when, it is improved; and finding that the granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

The east 15 acres of Lot 1, Section 11, T-19-N, R-10-E, Tulsa, County.
Case No. 897 (continued)

In response to Mr. Looney, the applicant stated that the business has been in operation for approximately two years. Ms. McCollough informed that she is before the Board because there was a protest filed concerning the junk cars, which were not illegal when she moved to the property. Mr. Looney asked if the protest could be screened, and the applicant replied that screening would be difficult, because of the shared driveway.

Ms. McCollough stated that the property will probably be zoned commercial in the near future, and Mr. Jones pointed out that the property is designated as low intensity residential by the Sand Springs Comprehensive Plan, and a request for zoning that would allow the business in question would not be in conformance with that plan.

Board Action:

On MOTION of ALBERTY, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to DENY a Use variance (Section 310 Principal Uses Permitted in Agriculture Districts - Use Unit 1217) to allow for an automobile transmission repair business in an AG zoned district; finding that the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2 of Lot 4, less the south 50', Bowles Acres Addition, Tulsa County, Oklahoma.

Case No. 898

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage on a public street from 30' to 0' to allow for an existing lot, located 19510 West 12th Street.

Comments and Questions:

A letter (Exhibit D-1) from the City of Sand Springs recommending approval of the application was presented to the Board by Mr. Jones. He also noted that a portion of the property is located in a flood area.

Mr. Fields stated that he has had contact with the Corps of Engineers and the lot in question has been removed from the flood area.

Presentation:

The applicant, Betty R. Joyce, 5460 South 101st East Avenue, Tulsa, Oklahoma, stated that she acquired the subject property approximately five years ago, and is currently making plans to build a home. She explained that an easement to Wekiwa Road has been acquired, and the road is used by several property owners. She informed that she has been before the Sand Springs Board of Adjustment and requested approval of the variance request.
Case No. 898 (continued)

Comments and Questions:

Mr. Looney asked the applicant if she plans to live on the property, and she answered in the affirmative.

In the Sand Springs Board of Adjustment minutes supplied to the Board, Mr. Treadway informed that some of the lot splits in the area were obtained through the Sand Springs Regional Planning Commission, who traditionally accepted 30' easement-of-record as an acceptable access to property. Also, Mr. Ford pointed out that future problems could arise for the applicant in obtaining loans or mortgages if the property is sold.

Protestants: None.

Board Action:

On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage on a public street from 30' to 0' to allow for an existing lot; finding that easements have been granted between the subject property and Wekiwa Road to access the subject property; and finding that other properties in the area are serviced by similar private roads; on the following described property:

The west 208.64' of the east 417.3' of the west 589.44' of Government Lot 1, LESS the north 712' thereof, Section 11, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 899

Action Requested:

Special Exception - Section 320 - Accessory Uses Permitted in Agriculture Districts - Use Unit 1206 - Request a special exception for a home occupation to allow for a kennel in an AG zoned district, located north of NW/c of 129th East Avenue and 121st Street South.

Presentation:

The applicant, Jonathan Melton, was represented by Marlon Dyer, 319 West Washington, Broken Arrow, Oklahoma, who stated that the structure on the property has previously been used as a kennel, but has been abandoned. He pointed out that the only residence in the area is that of the applicant's mother, who lives to the east of the property, with vacant land being located to the south. Mr. Dyer stated that the owners of this property were present when the case was heard by the Broken Arrow Board of Adjustment, but did not object to the kennel if there is no expansion planned. He informed that the Mr. Melton's aunts own the property to the north of the kennel and support the use. A letter of support (Exhibit E-1) was submitted.
Case No. 242 (continued)

requested variance and suggested the neighborhood monitor the situation during the continuance period to see if the applicant opens the southern road.

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to continue consideration of Case No. 242 to September 17, 1982, at 9:00 a.m. in Room 119, Administration Building of the Tulsa County Court House.

Case No. 243

Action Requested:
Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request to allow a 30' x 50' garage in an RS Zoned District (1,500 sq. ft.). This property is located at 7140 North Peoria Avenue.

Presentation:
Dale Cooley, 7140 North Peoria Avenue, was present and submitted a plot plan (Exhibit "M-1") and a petition in support of the application signed by five (5) property owners in the subject area (Exhibit "M-2"). Mr. Cooley advised that he intends to build the proposed garage to store antique cars, boats, and his personal cars. He advised that he has talked to his neighbors and they have no objection to the request. The old garage will be torn down and a new structure erected.

Protestants: None.

Board Comments:
Mr. Martin asked if the new structure would be used for his own personal use only and Mr. Cooley answered in the affirmative.

Board Action:
On MOTION of WINES and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to allow a 30' x 50' garage in an RS Zoned District (1,500 sq. ft.), per plot plan, subject to a building permit being issued, to be used for personal use only, rather than commercial use, on the following described property:

The North 148.5' of the SE/4, SE/4, NE/4, lying East of the railroad, Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 246

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the minimum lot size from 2 acres to 1.29 acre and a variance of the land area from 2.2 acres to 1.4 acre to permit a lot-split. This property is located two (2) blocks west of 193rd Street and Old Wekiwa Road.

Presentation:
Juanita Miller was present and advised the Board that she intends to split the subject tract. The prospective buyer intends to purchase the house on 8.20.82:24(17)
the subject property, but does not want the full 2-1/2 acre tract.

Protestants: None.

Board Comments:
Mr. Alberty read a letter from the Sand Springs Board of Adjustment who recommended approval of the application (Exhibit "N-1").

Board Action:
On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot size from 2 acres to 1.20 acre and a variance of the land area from 2.2 acres to 1.4 acre to permit a lot-split, on the following described property:

The East 36.42' of the NW/4, of the NE/4 of Section 11, Township 19 North, Range 10 East, LESS and EXCEPT the North 777' thereof, and the West 1/2.13' of the NE/4 of the NE/4 of Section 11, Township 19 North, Range 10 East, LESS and EXCEPT the North 777' thereof, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 12:23 p.m.

Date Approved  

Sept. 17, 1982

Chairman
Case No. 158 (continued)

of Oklahoma, and the South 1,270' of the W/2, W/2, W/2, NE/4; and the East 12.5' of the North 1,370.00' of the W/2, W/2, W/2, NE/4, ALL in Section 33, Township 18 North, Range 14 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 174

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a Variance of the minimum lot and land area requirements in an AG District to permit a lot-split. This property is located at 19720 West 11th Street South.

Presentation:
David Raglin, 1002 Forest Drive, Sand Springs, Oklahoma, 74063, was present to address the Board requesting the lot-split so he can build his home on the subject property.

Mr. Martin read a letter from the Sand Springs Planning Commission and from the Minutes of their meeting on March 2, 1982, in which they recommended approval (Exhibit "C-1"). The lot-split on the 2.6 acre tract will create two lots, one to contain 1.5+ acres and the other to contain 1.1+ acres. Four conditions were placed on their recommendation which include: 1. A certified perk test being submitted for the 1.1+ acre lot, 2. a Variance being applied for and received from the Tulsa County Board of Adjustment for minimum required lot area (2.0+ ac.) and land area (2.2+ ac.) for both lots created, 3. a survey being conducted on the legal description for the property being adequate and acceptable to the Regional Planning Commission to determine the exact lot line dimensions for the lots to be created, and 4. language added to the deeds or filed by separate instrument to describe adequately a mutual access and utility easement providing permanent means of egress/ingress to both properties.

Protestants: None.

Board Action:
On MOTION of TYNDALL and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the minimum lot and land area requirements in an AG District to permit a lot-split (SSRL-46), subject to the above conditions stated by the Sand Springs Planning Commission, on the following described property:

The West 208.5' of the E. 244.92' of the NW/4 of the NE/4 of Section 11, Township 19 North, Range 10 East; LESS and EXCEPT the North 770' thereof, Tulsa County, Oklahoma.
Note: Graphic overlays may not precisely align with physical features on the ground.
To confirm my previous statement, I checked my maintenance maps as far back as 1978. In addition, I consulted my District 2 Superintendent. He said that the original sign was red, but that at some point in the past a non-County person replaced it with a green sign. There was never an intent by the County to change its designation. It should probably be made more clear as to its private status.

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Good morning Robi, sorry that you didn't get the permission to use writing I guess they went to Texas for Christmas so that will come later as far as S 196th west ave. we were all told by county that if the street sign is red its private, if green its public and this is a green street sign. Jennifer Lawson

On Tue, 12/18/18, Jones, Robi <rjones@incog.org> wrote:

Subject: RE: County Board of Adjustment
To: "BOB LAWSON" <helawson@prodigy.net>
Date: Tuesday, December 18, 2018, 3:29 PM

Jenifer,

I did not receive anything after we spoke. I was hoping to include something in writing that gives you permission to use the easements leading to W. Wekiwa Rd. I have found out the S. 196th West Avenue is a private road.
Thanks,

Robi Jones

Thanks,

Robi Jones

---

From: Harry Creech [mailto:hcreech@tulsacounty.org]
Sent: Tuesday, December 18, 2018 8:34 AM
To: Jones, Robi
Subject: RE: County Street

Robi—

Thanks for your inquiry. That is a private road (not on our maintenance system).

Regards,

Harry E. Creech
Asst. County Engineer
Tulsa County
Ray Jordan Admin. Bldg.
500 S. Denver
Tulsa, OK 74103
P: 918.596.5737
F: 918.596.5743

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From: Jones, Robi [mailto:rjones@incog.org]
Sent: Monday, December 17, 2018 3:31 PM
To: Harry Creech
Subject: County Street

Harry,

I am working on a County Board of Adjustment case and I need to know if South 196th West Avenue is a public street just south of W. Wekiwa Road. It is identified in our system but it shows that it is located on private property.

Thank you,

Robi

Robi Jones – Community Planner
2 West 2nd Street Ste. 800 | Tulsa OK 74103
ph: 918.579.9472 | fax: 918.579.9572
web: www.incog.org | email: rjones@incog.org
20' EASEMENT
The South 20.00 feet of the North 732.00 feet of the East 208.66 feet of the West 589.44 feet of Government Lot 1, Section 11, Township 19 North, range 10 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.
Contract

Agreement made this 11th day of October, 2018, between

Jeanne Allen ____________________________________________ and Brad Miller and Vanessa Miller ____________________________________________

The parties to this agreement, in consideration of the mutual covenants and stipulations set out, agree as follows:

Jeanne Allen, of Tulsa County in the State of Oklahoma, party of the first, hereinafter called "Grantor" and Brad Miller and Vanessa Miller, husband and wife, as joint tenants with right of survivorship, parties of the second part, hereinafter called "Grantee", for the sum of $500.00, the said Grantor hereby grants their heirs and assigns, all the following described real estate, situated in the County of Tulsa, State of Oklahoma, to wit:

A 20 feet roadway easement being the North 20 feet of the West 208.66 of the East 417.3 of the West 589.44 feet of Lot One (1) same being the Northeast Quarter of the Northeast Quarter (NE/4, NE/4) of Section Eleven (11), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Less the North 712 feet thereof.

SECTION I: INSTRUMENT AS ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this contract shall be valid or binding; this contract may not be enlarged, modified or altered except in writing signed by both parties and endorsed on this agreement.

SECTION II: EFFECT OF AGREEMENT

This agreement shall inure to the benefit of and be binding on the heirs, executors, assignees and successors of the respective parties.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

Jeanne Allen __________________________ Brad Miller & Vanessa Miller __________________________

Signature of First Party Signature of Second Party

Jeanne Allen Brad Miller & Vanessa Miller
Print Name of First Party Print Name of Second Party

1305 S 194th W Ave 1653 E. Angel Lane
Street Address of First Party Street Address of Second Party

Sind Springs, OK 74063 Cleveland, OK 74020
City/State/Zip City/State/Zip

UN101 Contract (06-17)
Contract

Agreement made this 7th day of October, 2018, between Janis Miller and Brad Miller and Vanessa Miller.

The parties to this agreement, in consideration of the mutual covenants and stipulations set out, agree as follows:

Janis Miller, of Tulsa County in the State of Oklahoma, party of the first, hereinafter called "Grantor" and Brad Miller and Vanessa Miller, husband and wife, as joint tenants with right of survivorship, parties of the second part, hereinafter called "Grantee", The said Grantor hereby grants their heirs and assigns, all the following described real estate, situated in the County of Tulsa, State of Oklahoma, to wit:

A 20 feet roadway easement of the North 732 feet of the East 208 66 feet of the West 569.44 feet of Government Lot 1, Section II Township 19 North, range 10 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

SECTION I: INSTRUMENT AS ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this contract shall be valid or binding; this contract may not be enlarged, modified or altered except in writing signed by both parties and endorsed on this agreement.

SECTION II: EFFECT OF AGREEMENT

This agreement shall inure to the benefit of and be binding on the heirs, executors, assignees and successors of the respective parties.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

Janis Miller
Signature of First Party

Brad Miller
Signature of Second Party

PRINT NAME OF FIRST PARTY

Print Name of First Party

Print Name of Second Party

Street Address of First Party

Street Address of Second Party

City/State/Zip

City/State/Zip

LP001 Contract (98-17)
Legend

- City of Tulsa Contours - 2 Feet
- Tulsa County Parcels
- Tulsa County Floodway (2017 update)
- Tulsa County Levee Protected Areas (2017 Update)
- Tulsa County 0.2 Percent Chance (500 Yr Flood) 2017 Update
- Tulsa County 0.1 Percent Chance (100 Yr Flood) 2017 Update
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2733

STR:9010
CZM:33
PD:

HEARING DATE: 04/16/2019 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 3/19/19 the case was continued until 4/16/19 due to only having 3 Board members present. Protestants were allowed to speak and their comments were recorded in the minutes. As of 3/20/2019, 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.

(3/19/19) 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. | 2733—Will Wilkins  
**Variance** to allow an accessory building to exceed 750 square feet in an RS District (Section 240). |
<table>
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<td>Continue</td>
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- Continue 3.19.19
- Corrected site plan, detailed site plan
- Driveway access, fencing
- Landscaping, any improvements

### OTHER BUSINESS

### NEW BUSINESS

### BOARD MEMBER COMMENTS

### ADJOURNMENT

If you require special accommodations pursuant to the Americans with Disabilities Act, please call 584-7526. Visit our website @ [www.incoq.org](http://www.incoq.org).

**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 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 Offices at 584-7526, if you require an official posted agenda.
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. Schmidt 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

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.
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:
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

Chair
Mr. Charney stated that since Mr. Osborn cannot present the Board with an easement, the Board might want to continue this case for 30 days 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

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
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:
LTS 2 & 3 BLK 8, 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 an 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.
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 ACQUIRED 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 ELY72.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

**********

NEW APPLICATIONS

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.

05/15/2012/#384 (9)

3.12
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

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

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT
Walker, Chair Alberty West, Co. Inspector
Hutson, Vice Chair Butler
Dillard, Secretary Cuthbertson
Tyndall
Charney

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

STATE OF OKLAHOMA  
SS

COUNTY OF TULSA  

William Wilkins and Melissa McEachern-Wilkins, being the sole owners of all interests, both legal and equitable, in the following described property, to-wit:

Lot Fifteen (15) Block Two (2) CANDLESTICK BEACH ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof

and

Lots Six (6) and Seven (7) Block Two (2) CANDLESTICK BEACH ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof;

hereinafter the "Combined Parcel", declare and covenant as follows:

1. The properties in the Combined Parcel shall not be sold, conveyed or mortgaged separate and apart from any of the other properties within the Combined Parcel; and

2. Any attempted sale, conveyance or mortgage of the properties within the Combined Parcel, separate and apart from any of the other properties within the Combined Parcel shall be void.

The covenants of this Declaration shall run with the land within the Combined Parcel and shall be binding on all parties or successors in interest having or acquiring any right, title or interest in any part thereof.

This Declaration is for the benefit of Tulsa County, Oklahoma which has standing to enforce its terms and may not be amended or terminated without approval from the Tulsa Metropolitan Area Planning Commission, or its successor agency, which shall include a finding that post-amendment/termination, then existing structures on the property meet all application Building Code requirements or satisfy Code Equivalencies.

It is further declared that the above described properties, for regulation purposes, shall be governed by the Building and Zoning Codes of Tulsa County, Oklahoma, as applicable, and the Subdivision and Development Regulations adopted by the Tulsa Metropolitan Area Planning Commission.

Signed and delivered this 1st day of January, 2022.

William Wilkins

Melissa McEachern-Wilkins

STATE OF OKLAHOMA  
SS

COUNTY OF TULSA  

Before me, the undersigned, a Notary Public in and for said County and State, on this day of Jan, 2022 personally appeared William Wilkins and Melissa McEachern-Wilkins to me known to be the identical persons who executed the foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written. My Commission Expires: Sept 18, 2022

This conveyance implements the lot split approved by the Tulsa Metropolitan Area Planning Commission in Lot Line Adjustment LLA- 69 in accordance with TMAPC Resolution 2764.979.

Allana Torres  
Notary Public - State of Oklahoma  
Commission Expires: Sept 18, 2022

TMAPC Official
AUTHORIZATION TO CONSTRUCT AN ON-SITE SEWAGE TREATMENT SYSTEM

Environmental Complaints and Local Services Division
P.O. Box 1677
Oklahoma City, OK 73101-1677
(405) 702-6100

Issued to: J Graves
Authorization #: 62181 System#: 0134805 Receipt #: Edoctus ID#

PROPERTY INFORMATION

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Finding Directions

INFORMATION FROM "REPORT FOR ON-SITE SEWAGE TREATMENT"

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<tr>
<th>Date Soil Test Conducted or Designed</th>
<th>Design Flow: Individual w/</th>
<th>Nitrogen Reduction Required (Yes or No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12/2015</td>
<td>4 bedrooms</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR Small Public System 250 gal/day</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type:</th>
</tr>
</thead>
</table>

AUTHORIZATION CONDITIONS

PURSUANT to 27A O.S. §§ 2-1-101 et seq., 2-6-103, and 2-6-403, J Graves is hereby granted this authorization to construct the system listed below on the above-described property:

- **Conventional Subsurface Absorption** system shall be installed based on the soil test results and design flow stated above and sized in accordance with OAC 252:641. If aerobic system is proposed and no soil profile performed, then system design must be based on Group 5 soil.

BY accepting this authorization, the installer of this system understands that:

- When it is an option, a septic tank with a subsurface absorption system is preferred due to low maintenance requirements.
- By issuing this authorization, DEQ does not guarantee that this system will function properly.
- The system must be installed in accordance with OAC 252:641 and the design standards on the above-described "Report for On-Site Sewage Treatment."
- This system must be inspected and approved by DEQ, or installed, self-inspected and approved by a certified installer before the installation can be backfilled and the system placed into operation.
- Only domestic sewage may be treated and disposed of in on-site sewage treatment systems.
- This sewage treatment system must be operated and maintained in compliance with the laws and regulations of the State and in such a manner as to prevent any deleterious effects to the environment.
- Corrective steps must be taken immediately when, in the opinion of the DEQ, the system is malfunctioning.

Amber Roberson
DEQ Representative

Employee ID Number

Date Issued

This on-site sewage treatment system is being installed in the jurisdiction of:

Regional Office at Tulsa
Phone Number: (918)293-1600 Fax Number: (918)293-1631
DEQ Form # 641-ATC
ON-SITE SEWAGE TREATMENT SYSTEM INSPECTION REPORT

Please print legibly or type.

LOCATION INFORMATION:

Owner's Mailing Address of Owner: Wilkens

Lot Address: 2152 14th st.

Mail Address: OK

Property Address: Same

Local Description: See note: 2

Elevation: from bsl 412 and 209 gals to setback to 217 from 20 to 60 ft east map on paper

Water System: ALTERNATIVE SYSTEM: YES

Type: Classification of water system: Collection

RESULTS: Soil Group: 3

Percolation Rate: 1 min DATE CONDUCTED: Design Only Date:

Complete all relevant information for each component installed, modified or repaired.

Notes

K. DEPLOYMENT OF SYSTEM

L. DESIGNER/INSTALLER STATEMENT

The designer/installer states that the designer/installer inspected and maintained the above-described on-site sewage treatment system in compliance with OAC 252:641.

S. SYSTEM INSPECTED BY DEQ ON (Date):

I. Final Inspection:

This system COMPASSES with OAC 252:641.

This system COMPLIES with OAC 252:641.

DEQ REVIEWED CERTIFIED INSTALLED'S FINAL INSPECTION

Date Inspected: 5-5-16 Date Received Inspection:

Employee #: 0478

DEQ: 2733

3.20
### Field Irrigation Distances

Record all applicable separation distances in feet.

<table>
<thead>
<tr>
<th>Water Supply</th>
<th>Flow Station</th>
<th>Lift Station</th>
<th>Ath</th>
<th>Pump Tank</th>
<th>Solid Pipe</th>
<th>Perforated Pipe / Chambers</th>
<th>Sprinkler Heads</th>
<th>Sprinkler Spray</th>
<th>Drip Irrigation Lines</th>
<th>Lago</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locate Water Supply:</td>
<td>12'</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>30'</td>
<td>N/A</td>
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<td>Public Water Supply:</td>
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<td>N/A</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Buildings:</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Other Structures:</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Waterline:</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>10'</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Property Line:</td>
<td>78'</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Irrigation/Stream:</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sump/Drain:</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Sketch

Sketch a detailed drawing of the system installation or modification in the box below. Make sure to differentiate between existing components and new or modified ones.

Not to Scale

### Remarks

- Waterline Not Installed At Time Of Installation

<table>
<thead>
<tr>
<th>Icon</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>T</td>
<td>Tank</td>
</tr>
<tr>
<td>L</td>
<td>Lift Station</td>
</tr>
<tr>
<td>T</td>
<td>Tunnel</td>
</tr>
<tr>
<td>O</td>
<td>Water Well</td>
</tr>
<tr>
<td></td>
<td>Distribution Line</td>
</tr>
<tr>
<td></td>
<td>Retention Structure</td>
</tr>
<tr>
<td></td>
<td>Absorption Line or Drip Line</td>
</tr>
</tbody>
</table>

3.21
Members of the Tulsa County Board of Adjustment

April 9, 2019

Thank you for taking the time to read this, I know its lengthy. I felt it necessary following the last meeting to address the comments and concerns of the neighbors that were allowed to present themselves without immediate rebuttal and will do so on a one by one basis here. But before addressing these issue and statements by others, I wanted to address the original application before you.

The comments and statements made to this point are simply hyperbole by a few homeowners that simply don’t want me to enjoy the same benefits they enjoy having in Candlestick Beach. The only matter before the Board of Adjustment is a variance of the allowed square footage for an accessory building from 750sf to 2000sf. There is no request or need before this Board for a variance in height or anything else beyond the allowable in an RS district. All other considerations are defined by the zoning code and are being adhered to in the design, location and placement of the accessory building on the lot. Adherence to the building code is the purview of the permitting and building inspections office.

Any violation of the CCRs is actionable by any individual homeowner in Candlestick Beach by bringing an action in district court. The zoning code does not address or provide for legal action by this Board or the County for violations of a neighborhood’s CCRs.

This Board, on 5 separate occasions, has previously found that such structures and requests for variances to accommodate them in size has been ‘harmonious and with the spirit of the neighborhood’ without exception. No such variance request has been denied to date in Candlestick Beach. The Board has also previously found that the combination of lots is relevant to the size of the building. All previous applications of this nature in the neighborhood have been for 2 combined lots. My application is supported by 3 combined lots. If the formula used to determine appropriate size of an allowable accessory structure is 750sf X #LOTS then the variance provided for in CBOA-2506 exceeded that allowance by 60sf, CBOA-2429 by 100sf and CBOA-2199 by 20sf. If following such a formula, 3 lots would allow for a variance of 2,250sf. The variance sought here is for 2,000sf for a structure that is no wider than the one allowed for in CBOA-2429 at 40’ wide as viewed from the street. I believe a single accessory building to be more in harmony and spirit with the neighborhood than multiple buildings. I have referenced the previous CBOA applications and their dispositions here:

<table>
<thead>
<tr>
<th>CBOA-2733</th>
<th>Var. from 750sf to 2,000sf</th>
<th>Pending</th>
<th>3 Lots Combo</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBOA-2508</td>
<td>Var. from 750sf to 900sf</td>
<td>Approved</td>
<td>07/15/2014</td>
</tr>
<tr>
<td>CBOA-2506</td>
<td>Var. from 750sf to 1,560sf</td>
<td>Approved</td>
<td>07/15/2014</td>
</tr>
<tr>
<td>CBOA-2429</td>
<td>Var. from 750sf to 1,600sf</td>
<td>Approved</td>
<td>05/15/2012</td>
</tr>
<tr>
<td>CBOA-2199</td>
<td>Var. from 750sf to 1,520sf</td>
<td>Approved</td>
<td>03/21/2006</td>
</tr>
<tr>
<td>CBOA-2144</td>
<td>Var. from 750sf to 900sf</td>
<td>Approved</td>
<td>01/18/2004</td>
</tr>
</tbody>
</table>
With regards to the purported requirements of a homeowners association and its ability to demand a review of my plans, a competent legal review of the land records has indicated that no such mandatory homeowners association exists in Candlestick Beach. No majority vote has ever been taken that would allow for the creation of a homeowners association under the CCRs of the development as required by Oklahoma State Statute. I have provided more detail below in the Sharon Borchers section of my letter.

Regarding the statements and concerns voiced at the previous meeting, I have opted to respond to each below and provide more factual context for your consideration.

Mary Robinson

Ms. Robinson expressed a concern that I would be running a business out of this accessory building and stated that she didn’t want to see large trucks of materials and equipment at this site. I am a home builder, moreover a general contractor, that does not have materials or equipment delivered to my home but to project sites. In the almost 3 years I have lived in my home, I have never had any equipment or materials delivered to my home related to my business. The fact that Ms. Robinson is concerned about a business being run out of a building is ironic given the fact that she does not have the same concern for her friend and immediately adjacent neighbor behind her running his wood crafts production business out of his home, where he hauls trailer loads of materials and stores them in his front and rear yard.

She also expressed a desire for us to locate the accessory building in the lot we own to the East of our dwelling. As stated before, that lot has our 550lf of lateral field line for septic running through it and impossible to build on. This is why we purchased and combined the lot behind us.

To back up her assertion that I run my business out of my home, she stated that my Facebook business listing has my home address. This is correct, as I operate a home office for billing and invoicing out of my home. But again, I do not have materials or equipment delivered to my house and would not given the nature of my business.

Ms. Robinson, like Mr. Steve Brown, lives approximately 350’ West from the site of the proposed accessory building. Her direction of travel in and out of the neighborhood does not take her in the direction of or passed the subject property.

Sharon Borchers

Mrs. Borchers stated she has been the treasurer of the Home Owners Association for 10 years and that I am threatening litigation against the homeowners association. She is correct, based on a legal review of the land records of Tulsa County for Candlestick Beach Addition, no homeowner's association was ever legally created or supported by a majority of the property owners of the neighborhood. At the first
meeting regarding this request for variance on 2/19/19, I delivered to Mrs. Borcher and Mr. Stotler a Letter of Demand drafted by my attorney for the production of any documents that would support the creation of a mandatory homeowners association for my neighborhood. A copy of that letter is attached here for your records. Despite being represented by counsel, neither he nor any officer of the purported association have provided one single document demonstrating the legal existence of a mandatory homeowners association for Candlestick Beach Addn. Therefore, I cannot and will not give credibility to an arbitrary building committee for a non-legal homeowners association.

It is important for all Board of Adjustment members to be mindful that any of my neighbors in Candlestick Beach Addition do have legal recourse through the district courts should I or anyone else attempt to violate any of the CCRs that were established for Candlestick Beach, and more immediately through a small claims action for declaratory and injunctive relief. After a thorough review, the accessory building we are proposing is in compliance with the CCRs.

It's interesting that Mrs. Borcher is now before this Board seeking a denial of my application for the very same thing she sought and was approved for in CBOA-2506 heard on 7/15/14. Here she sought a variance in size from 750sf to 1,560sf for accessory buildings. Instead of 1 single building, her property contains 3 accessory buildings and a greenhouse. Her newest accessory building also did not maintain the purported minimum masonry requirement that both she and Mr. Stotler said I would be required to have. I have addressed that issue further in my comments under Mr. Stotler. Additionally, the variance granted to Mrs. Borcher requires 97% of Candlestick Beach Addition property owners to drive passed their 1,520sf of accessory buildings that are located in their adjacent yard and along the main entry of the neighborhood. The necessary drive by such structures has not resulted in one person filing a complaint, claiming or suing over their property values being diminished or impacted the harmony or spirit of the neighborhood. Mrs. Borcher is located approximately 1.5 blocks West of the subject property and her direction of travel in and out of the neighborhood does not take her by the subject property.

![Images of buildings and a circle highlighting a specific area.]

Steve Brown

Mr. Brown alleged that I had changed the scope of the building 3 or 4 times. This is patently false. My application and the information provided to the neighborhood on the Facebook post has always stated that the building would be a 40x50 metal building. The only revision has been in the height, that through a redesign of the roof trusses, we were able to bring the height down almost 3’ to 19’ high at the gable top. Mr. Brown’s statement alleged that I was lying to this Board and again, this is patently false. As a home builder and developer, I must rely on the goodwill and relationship of working with honesty and integrity with the Board of Adjustment as future projects may require variances to be
brought before this very same body. I have had a good, honest, long working relationship with INCOG, the City of Tulsa BOA and TMAPC. I cannot and will not risk damaging these relationships despite the erroneous allegations made by Mr. Brown.

Additionally, Mr. Brown resides approximately 350’ from the location of the accessory building. His direction of travel into and out of the neighborhood will not take him passed the accessory building and his line of sight is not impacted at all by the location of the accessory building as its located over 300’ East of his home.

**Robert Stotler**

First, Mr. Stotler resides clear on the West side of Candlestick Beach, over 4½ blocks from the site of the accessory building. He claims to be the President of a homeowners association that has no legal standing to exist. While he maintains the right to file a district court action if I violate the CCRs, as any homeowner does, his false assertion that I must submit plans to an HOA Building Committee is not supported by the facts and borders on slander of title. Mr. Stotler stated that I was misleading the Board with my list of signatures in support of my application. He based this assertion on the fact that one homeowner, Mr. Jay Castoe, had signed both mine and the opposition's letters of support. However, I would remind the Board that Mr. Castoe attended the meeting on 2/19/19 and spoke in support of my application. He stated that he had been approached by Mr. Stotler and others in opposition to my application and was provided blatantly false and misleading information regarding the scope of the project and based on that, signed the opposition letter first. He then reached out to me, reviewed the plans and location scope and opted to sign the letter of support once he was provided factual and relevant information. He also addressed this in a letter submitted to the Board prior to the 2/19/19 meeting.

Mr. Stotler sought to assert that I was lying about why we needed a 40’ deep accessory building saying that the current RV trailer I have is nowhere near the 33’ I had told the Board I needed. He is correct, the current trailer is 21’ in length, however, what I had told the Board at the 2/19/19 meeting was that we intended to sell our current trailer to upgrade to a model that is 33’ in length to accommodate our growing family.

Mr. Stotler referenced the sign I have out front of my home, claiming it was a business sign that identified my home as a place of business. The sign simple states “Proudly Built by Novus Homes LLC” with a phone number. It is a piece of marketing material and nothing more, no different than a sign for a roofing company that recently completed a job, or painter, carpet installation, etc.

![Image of sign]

Mr. Stotler also tried to make the argument that my proposed accessory building did not meet the neighborhood CCRs minimum masonry requirements, stating that it should have 25% minimum.
However, the CCRs are clear, having been amended by a majority vote of property owners in 1972, that ‘dwellings’ must maintain a minimum 25% masonry exterior. While the original CCRs make a defined distinction between dwellings (homes) and outbuildings (accessory buildings), the amendment only references that dwellings must meet the minimum masonry requirement, not outbuildings.

It should also be noted by the Board that Mr. Stotler stated that no building committee existed when the last such variance was applied for (that would be BOA-2508 & 2506). Again, he is correct, and there has been no vote by the majority of property owners filed with Tulsa County Land Records that would indicate that any such building committee was to be created by an amendment to the CCRs. Therefore, how could I be required to submit plans to a building committee?

**Dennis Hastert**

Mr. Hastert stated his concern was looking at a metal accessory building. He asked why I could not build it on the lot to the West of my home, knowing full well I did not own that lot.

Following the meeting, I met with Mr. Hastert outside the hearing room. He again asked why I could not build it on another lot West of me or on the lot East of me. He stated he didn’t care what I was building, just didn’t want it across the street from his home but would have no problem if it was on any other lot. I explained to him that I didn’t own the lot West of me, though we had tried to acquire it from the property owner when we moved into the neighborhood 3 years ago. I asked why if he was so concerned about what was going to be built across the street from him, did he not move to purchase the lot that we ultimately did. It had been on the market for over a year prior to our offer to purchase.

In closing, my family moved to Candlestick Beach to enjoy the more rural aspects of the neighborhood and community. We appreciated the more laidback style of the neighborhood where we saw others that had similar buildings to the one we would one day want to build, as we made this our forever home. Life circumstances with the recent passing of my mother-in-law have only further necessitated the need for additional storage and garage space to accommodate her household goods and vehicles, as well as our own. We built our home in 2016 from the ground up, appraised at the highest valuation of any home in the neighborhood, making it a significant long-term investment. My wife and child have spent countless hours investing their time and money to beautify our home and particularly the rear yard into something we can be proud of and share with family, friends and neighbors. It is to that end that we would not seek to engage in a build or activity that would diminish in any way from the large, personal investment we have made here. If I believed for a minute that such an accessory building would lower mine or other’s property values, diminish anyone’s desire to live here or would impact our neighbors any more so than the already existing buildings scattered throughout the neighborhood, I would not build it. We simply seek to enjoy the same privileges that others, including those that are against our application, already enjoy in Candlestick Beach.

Respectfully,

Will Wilkins

21521 W 14th St S, Sand Springs, OK 74063
February 18, 2019

To Whom It May Concern:

I represent Mr. Will Wilkens, a neighbor of yours, who desires to build an out building on his property.

Given the recent events that have transpired, it has become necessary to review the standing of the Candlestick Beach Homeowners Association for the benefit and safety of my client. Such a review seeks to determine the legitimacy and existence of the Candlestick Beach Homeowners Association (CBHOA) under Oklahoma law as claimed by the current officers of the purported CBHOA.

Toward that end, as my client is a property owner of 3 lots within Candlestick Beach Addition as platted and filed with the Tulsa County Clerk, he hereby requests production of the following documents and instruments that purportedly created the ‘Candlestick Beach Homeowners Association’. All items listed as being ‘filed instruments’ are instruments to have been filed with the Tulsa County Clerk upon their execution to make them valid.

- Filed Amendment to the Certificate of Dedication for Candlestick Beach Addition (dated October 7, 1964) providing for the specific creation of a homeowners association and the recorded votes by 2/3rds of the property owners of record at the time;

- Copy of the vote and Tulsa County Clerk filing of 2/3rds of the property owners creating specifically the ‘Candlestick Beach Homeowners Association’;

- Any documents filed with the Oklahoma Secretary of State on behalf of the ‘Candlestick Beach Homeowners Association’; including but not limited to a non-profit entity filing of incorporation of Candlestick Beach Homeowners Association;
- Any documents filed with the Oklahoma Tax Corporation including any letters of approval for 'exempt' status;

- Any and all filed Internal Revenue Service (IRS) tax documents for the entity known as 'Candlestick Beach Homeowners Association' and a copy of any claimed 'exempt' status and its approval from the IRS. Under Section 528 – if claiming an 'exempt' status, provide the statement from Officers, including the Treasurer, that the operations of the social welfare organization (CBHOA) under such section operates 'for the benefit of all the residents of the community' at large and not just Candlestick Beach Addition or in lieu of such exempt status, provide the tax returns for CBHOA since inception;

- Filed Amendment or provision within the Certificate of Dedication that provides for the "transition" or conveyance of control from Candlestick Beach Property Owners Association to one 'Candlestick Beach Homeowners Association';

- Filed Amendment to the Certificate of Dedication or any instrument providing for anyone other than the original signers to the Certificate of Dedication (Mr. Jack Holland and Mr. Bill Landusau) as prescribed under Article E of the Certificate of Dedication to review 'the plans, specifications, plat plans and external design' of any structure, or the written and filed designation of their nominee;

- Filed Amendment to the Certificate of Dedication for Candlestick Beach Addition and copy of the vote by 2/3rds of the owners of record at the time, wherein language was revised or added to provide that 'out buildings' (as defined within the original Certificate of Dedication - Article I as a "trailer, basement, tent, shack, garage, barn, or other") were later defined as one and the same as 'dwellings' as defined in Article V(A);

- Filed Amendment to the Certificate of Dedication for Candlestick Beach Addition and copy of the vote by 2/3rds of the owners of record at the time whereby Article V(A) was revised to include 'out buildings' as requiring 50% stone or brick construction;

- Copy of all meeting dates and minutes of the general membership for the purported Candlestick Beach Homeowners Association since inception;

- Copy of all Addenda filed with the Tulsa County Clerk to the Certificate of Dedication executed by the purported Candlestick Beach Homeowners Association and their recorded votes by 2/3rds of the property owners of record at the time;

- Copy of the Candlestick Beach Homeowners Association General Liability
• Copy of the Candlestick Beach Homeowners Association’s Director's & Officer’s (D & O) Insurance Policy or any personal umbrella policy of the Board of Directors and officers under their separate homeowners policies, if any;

• The last audit performed for any monies collected by the Candlestick Beach Homeowners Association for any assessments collected under the Certificate of Dedication - Article R from all property owners in Candlestick Beach Addition;

Please collect and mail to the undersigned the requested documents within ten (10) days of receiving this letter. Mr. Wilkens wishes to resolve this matter short of litigation. If you have any questions please do not hesitate to contact the undersigned.

Respectfully,

Keith O. McAutor
KOM/dd
To Tulsa County Board of Adjustments:
RE: CBOA-2733

At the last meeting one of the board members advised Will Wilkins to submit his building plans to Home Owners Association. As of 4/9/19 he has not submitted his plans to the building committee, or to the President, Vice President, or Treasurer.

After the last meeting in March Will came up to Robert Stotler (President), Sharon Borchers (Treasurer), Steve Brown, Mary Robinson, Dennis Straight (concerned neighbors against the variance. He advised us that there was no Home Owners association any more. He tried to argue with us, and we advised him that there is a Home Owners association. I told him to please submit his plans.

Candlestick Beach Home Owners Association was started in 1964 and has always been active. In order to dissolve the HOA it would take a 2/3 vote of all the lot owners. It has never been done.

Please see the Certificate Of Good Standing with the State Of Oklahoma.

Please enter this into the record as proof that we are an active HOA.

Sincerely,

Robert Stotler
President
Candlestick Beach HOA

Date 4/9/19
CERTIFICATE OF GOOD STANDING
DOMESTIC NOT FOR PROFIT CORPORATION

I, THE UNDERSIGNED, Secretary of State of the State of Oklahoma, do hereby certify that I am, by the laws of said state, the custodian of the records of the state of Oklahoma relating to the right of certain business entities to transact business in this state and am the proper officer to execute this certificate.

I FURTHER CERTIFY that CANDLESTICK BEACH 1ST ADDITION HOME OWNERS ASSOCIATION whose registered agent is CANDLESTICK BEACH FIRST ADDITION HOME OWNERS ASSOCIATION, with its registered office at 1322 S 217TH WEST AVE SAND SPRINGS 74063 5141 USA Oklahoma is a Domestic Not For Profit Corporation duly organized and existing under and by virtue of the laws of the state of Oklahoma and is in good standing according to the records of this office. This certificate is not to be construed as an endorsement, recommendation or notice of approval of the entity's financial condition or business activities and practices. Such information is not available from this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the Great Seal of the State of Oklahoma, done at the City of Oklahoma City, this 21st day of March, 2019.

[Signature]
Secretary Of State
S. 213th W. AVE.

LOT 15
BLOCK 2

25' BLDG

1.5' ESMT

1.5' ESMT

42'-0"  40'-0"  20'-0"

102'-0"
LOT LINE ADJUSTMENT (LLA)

APPLICATION INFORMATION

RECEIVED BY: AC DATE FILED: 12/31/18 CASE NUMBER: 69

SUBJECT PROPERTY INFORMATION

ADDRESSES OR DESCRIPTIVE LOCATION: 15 Bk 2, 6 Bk 2 Candlestick Beach
LOT LINE ADJUSTMENT [ ] LOT LINE ADJUSTMENT (COMBINATION ONLY) [ ]
PRESENT USE: [ ] PRESENT ZONING: [ ] 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):

APPLICATION FEES (Make checks payable to INCOG)

TOTAL DUE: $150 RECEIPT NUMBER: 231055

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 tmapec.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: ______________________ CONDITIONS/COMMENTS: None
INSTRUMENTS RELEASED: 1/10/19
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
Building at 13255 South
214th W. Ave

Street View

214th W. Ave
Headed South

← North

https://mail.yahoo.com/d/folders/1/messages/35071/AApdbZvjkDvXGM1vAwN8D0LZ2Q:2?.partner=sbc&fullscreen=1
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
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.

13 th
Place
Street
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.
Case Number CBOA-2733

Steve York <woback@tribcsp.com>

Wed 2/13/2019 12:02 PM

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
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.

<table>
<thead>
<tr>
<th>NO.</th>
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<th>ADDRESS</th>
<th>PHONE</th>
<th>Email</th>
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<tr>
<td>01</td>
<td>Nikki Burns</td>
<td>31401 W 14th St S</td>
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<td>Greg Nichols</td>
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<td>03</td>
<td>Jay Casper</td>
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<td>Mary Robinson</td>
<td>21670 W 13th Pl</td>
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<tr>
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<td>Billy Robinson</td>
<td>21670 W 13th Pl</td>
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<td>Steven R Brown</td>
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<td>07</td>
<td>Hampton</td>
<td>1313 S 216 W Ave</td>
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<td>Forrest &amp; Ozark</td>
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<td>09</td>
<td>Scott Ward</td>
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<td>Patrick Adams</td>
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<tr>
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<td>Carrie Mooney</td>
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<tr>
<td>13</td>
<td>Richard Brock</td>
<td>21506 W 13th Pl</td>
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<td>14</td>
<td>Dennis Smith</td>
<td>21521 W 13th Pl S</td>
<td>918-527-7289</td>
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<tr>
<td>15</td>
<td>Vicki Smith</td>
<td>21521 W 13th Pl S</td>
<td>918-527-7293</td>
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TULSA COUNTY BOARD OF ADJUSTMENT
CASE NO. 2733
OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA COUNTY BOARD OF ADJUSTMENT.
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.

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<tr>
<td>01</td>
<td>Robert Shiller</td>
<td>1349 S. 22nd W. Ave</td>
<td>918-272-1962</td>
<td>robert.shiller@compton</td>
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<tr>
<td>02</td>
<td>Nick Borchers</td>
<td>1322 S. 21st W. Ave</td>
<td>918-908-2925</td>
<td><a href="mailto:borchers@compton.com">borchers@compton.com</a></td>
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<tr>
<td>03</td>
<td>Sharon Borchers</td>
<td>1322 S. 21st W. Ave</td>
<td>918-520-2383</td>
<td><a href="mailto:sharon.borchers@compton.com">sharon.borchers@compton.com</a></td>
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<td>Jerry Raney</td>
<td>1315 S. 21st W. Ave</td>
<td>918-381-1650</td>
<td><a href="mailto:jerry.raney@compton.com">jerry.raney@compton.com</a></td>
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<tr>
<td>05</td>
<td>Betty Raney</td>
<td>1311 S. 214th W. Ave</td>
<td>918-381-1630</td>
<td><a href="mailto:betty.raney@compton.com">betty.raney@compton.com</a></td>
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<tr>
<td>06</td>
<td>William Ragan</td>
<td>21859 W. 14th St.</td>
<td>918-760-5867</td>
<td><a href="mailto:william.ragan@compton.com">william.ragan@compton.com</a></td>
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</tbody>
</table>

3.45
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 became 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
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 <riones@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: riones@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
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
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'. We have provided our signature, address and phone number below.

<table>
<thead>
<tr>
<th>#</th>
<th>Signature</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ed Turetsky</td>
<td>1379 S. 24th W. Ave</td>
<td>918-606-1232</td>
</tr>
<tr>
<td>2</td>
<td>Mark Stute</td>
<td>1379 S. 24th W. Ave</td>
<td>918-230-0226</td>
</tr>
<tr>
<td>1</td>
<td>Ron &amp; Debbie Vandervek</td>
<td>1325 S. 214th St.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Marcia J. Jeremy Lucito</td>
<td>3140 1 W 13th Pl S</td>
<td>918-438-4849</td>
</tr>
<tr>
<td>2</td>
<td>Branden &amp; Kim Freeman</td>
<td>21405 1 W 13th Pl S</td>
<td>918-810-8428</td>
</tr>
<tr>
<td>5</td>
<td>Gayle Curtis</td>
<td>1333 S. 2154th</td>
<td>415-241-3187</td>
</tr>
<tr>
<td>3</td>
<td>Darren Donkowski</td>
<td>21901 W 13 P</td>
<td>918-688-5193</td>
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<tr>
<td>1</td>
<td>Marisol</td>
<td>21823 W 14th</td>
<td>918-526-4549</td>
</tr>
<tr>
<td>1</td>
<td>Brandon</td>
<td>1811 S 211 W Ave</td>
<td>415-380-3128</td>
</tr>
<tr>
<td>3</td>
<td>Will &amp; Melissa Wilkins</td>
<td>21521 W 14th st S</td>
<td>918-902-0760</td>
</tr>
</tbody>
</table>
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
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
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 Neighborhood 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
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
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)
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.

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<td>DIKKI BURNS</td>
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<td>918-440-3536</td>
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<td>2</td>
<td>GREG NICHOLS</td>
<td>2188 W 13th Pl S</td>
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<td>JAY Castor</td>
<td>1333 S 21st Ave</td>
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<td>Doug Robinson</td>
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<td>GAME Rapp</td>
<td>1309 S 21st Ave</td>
<td>918-991-1478</td>
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<tr>
<td>13</td>
<td>Richard Mock</td>
<td>21500 W 13th Pl S</td>
<td>918-520-6623</td>
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<td>14</td>
<td>Dennis Lee</td>
<td>21521 W 13th Pl S</td>
<td>918-527-7289</td>
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<td>15</td>
<td>Victor Bettles</td>
<td>21521 W 13th Pl S</td>
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<td>16</td>
<td>Steve York (Letter from Estate)</td>
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**Break Down of Signatures**

25 total lots

- 12 owners (owning 18 lots against)
- 1 owner (owning 5 lots signed both petitions)
- 1 owner (owning 2 lots - within 300' radius and 1 lot outside)
- 1 owner (owning 1 lot outside 300' radius)

2 signatures are from same house lot

3.64
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
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 became 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
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.

<table>
<thead>
<tr>
<th>NO.</th>
<th>FIRST AND LAST NAME</th>
<th>ADDRESS</th>
<th>PHONE</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Robert Shuller</td>
<td>1347 S 224th W Ave</td>
<td>918-277-1962</td>
<td><a href="mailto:robert.shuller@att.net">robert.shuller@att.net</a></td>
</tr>
<tr>
<td>02</td>
<td>Iron Borchers</td>
<td>1322 E 57th Ave</td>
<td>918-792-2625</td>
<td><a href="mailto:borchers@att.com">borchers@att.com</a></td>
</tr>
<tr>
<td>03</td>
<td>Sherae Borchers</td>
<td>1332 S 317th W Ave</td>
<td>918-592-2555</td>
<td><a href="mailto:sborchers@att.com">sborchers@att.com</a></td>
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<tr>
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<td>Jerry Raney</td>
<td>1315 S 214th W Ave</td>
<td>918-381-1650</td>
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<tr>
<td>05</td>
<td>Betty Raney</td>
<td>1311 S 214th W Ave</td>
<td>918-381-1630</td>
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<tr>
<td>06</td>
<td>William Aban</td>
<td>2185 W 14th St</td>
<td>918-760-5867</td>
<td></td>
</tr>
</tbody>
</table>

**BREAK DOWN OF SIGNATURES**

| 10 LOTS 5 TOTAL |
| 6 OWNERS (OWNING 10 LOTS OUTSIDE OF 300' RADUS) |
Novus Homes LLC

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

http://www.buzzfile.com/business/Novus-Homes-LLC-918-902-0760
Property Search

Disclaimer

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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

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<td>615 N CHEYENNE AV W TULSA 74106</td>
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<td>Owner name</td>
<td>EGDOF, TIFFANY &amp; LEE</td>
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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 | EGDOF, TIFFANY & LEE |
| Owner mailing address | TULSA, OK 741065121 |
| Land area | 0.19 acres / 8,322 sq ft |
| Tax rate | T-IA [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

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### Property Search

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### Quick Facts

- **Account #**: 54875901.000270
- **Parcel #**: 54875-99-10-00270
- **Situs address**: 21521 W 14 ST S SAND SPRINGS 74063
- **Owner name**: MCEARCHN-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**: MCEARCHN-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**: 28 [SAND SPRINGS]
  Subdivision: CANDLESTICK BEACH
- **Legal description**: Legal: LTS 6 & 7 BLK 2
  Section: 10 Township: 19 Range: 10
  Zoning: RES SINGLE-FAMILY DISTRICT [RS]

### Tax Information

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<td><strong>Most recent date</strong></td>
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*Estimated from 2018 millage rates*

### Values

- **Land value**: $19,500
- **Improvements value**: $195,500
- **Fair cash (market) value**: $215,000

### Exemptions claimed

- **Homestead**: —
- **Additional homestead**: —
- **Senior Valuation Limitation**: —
- **Veteran**: —

(Continued on next page)
Robert Stotler <robertstotler@att.net>
To: Will Wilkins
Cc: sb52806@aol.com, Robert Stotler

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 your 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 advise 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

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

Will
ilating or attempting to violate any such covenants and either to
ent him or them from so doing or to secure damages or other due
such violations. Invalidation of any one of these covenants by
ment or court order shall in no wise affect any of the other
visions, which shall remain in full force and effect.

A. All lots in the tract shall be known and described as residen-
tial 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 con-
structed 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 con-
struction is not disapproved within 30 days of the submission thereof,
such shall be deemed to have been approved. 

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.
BOARD OF ADJUSTMENT
CASE REPORT

STR:0328
CZM:29
PD:

HEARING DATE: 04/16/2019 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

PRESENT USE: Retail

ZONED: IL

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:

New Staff Comments: On 3/19/2019 the case was continued because the applicant was not present at the hearing. The case was continued until 4/16/2019.

Original 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.

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, Twpshp 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 1340.0), 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.
Interested Parties:
There were no interested parties who wished to speak.

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:
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

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

Aerial Photo Date: February 2018
Looking northwest from Pine St.

Looking north and east from Pine St.
Aerial view looking north of Pine St.

Looking northeast from Pine St.
Board of Adjustment
Case Report

Str: 9125
Czm: 44
Pd:

Hearing Date: 04/16/2019 1:30 PM

Applicant: Derek Canady

Action Requested: Use Variance to allow sale of equipment trailers (Use Unit 17) in an AG District (Section 310 Table 1) for a period of six months

Location: 9005 W 51 ST S

Zoned: AG

Present Use: Trailer Sales

Tract Size: 6.5 acres

Legal Description: SW SW SW LESS W231 SEC 25 19 11 6.50ACS,

Relevant Previous Actions:

Subject Property:

Cboa-2493 March 18, 2014: The Board approved a request for a Use Variance to permit equipment trailer sales (Use Unit 1) in an AG zoning district (Section 310, Table 1). The approval is subject to a five-year term that is to end on March 18, 2019. The days of operation will be Monday through Saturday with the hours of operation to be 9:00 a.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 1:00 p.m. on Saturday; delivery hours are to be the same as the hours of operation but there are to be no deliveries by semi-trucks. The products offered for sale are trailers only with no semi-trailers. There will be no repair work with the exception of warranty work or make-ready work on the trailers sold. The maximum number of trailers offered for sale will be 175. There will be one monument sign which is not to exceed 32 square feet of display surface area, and the sign will not be lit. There will be a single pole farm light near the center of the property not to exceed 30 feet in height. The maximum number of employees will be three, on property located at 9005 W. 51st St. S.

Cboa-1199 November 16, 1993: The Board approved a special exception to permit a home occupation and a variance to permit outside storage and sale of agricultural equipment. Use Unit 17; subject to the home occupation guidelines, except outside storage of farm implements; subject to a maximum of 9 implements being displayed at any given time; subject to no commercial business being operated on the property; and subject to the home occupation being restricted to the applicant only.

Analysis of Surrounding Area: The subject tract is abutted to AG zoning on all sides with single-family residential and agricultural uses.

Staff Comments:

5.2

REVISED/20/2019
The applicant is before the Board requesting a Use Variance to permit equipment trailer sales (UU17) in an AG zoning district for a period of six months. This property was before the Board in 2014 and received approval with a five year time limit which expired March 18, 2019. It was also before the Board in 1993 and received a Special Exception to operate a Home Occupation on the premises and a Variance to permit the outside storage and sale of agricultural equipment; subject to the Home Occupation guidelines; except outside storage and sale of farm implements; subject to a maximum number of 9 implements (farm implements only) being displayed at any given time; subject to no commercial business being operated on the property; and subject to the Home Occupation being restricted to the applicant only.

The applicant inherited the business from his father who in turn inherited it from his father and it is apparent the business has grown past what it was originally approved to operate under in 1993. The applicant is before the Board requesting a Use Variance to permit equipment trailer sales in the AG zoning district.

The applicant is only asking for a six month continuance. He has secured anther property to move the business to and is waiting for that property to be prepared.

If inclined to approve, the Board may consider any conditions they deem necessary to ensure the proposed Use Variance is not a substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. Conditions customary imposed by the Board in previous cases has pertained to: Days and Hours of Operation, Number of Items (Farm Implements and Trailers) for sale on display at any given time, the items for sale should be parked on an all-weather surface or apply for a Variance of the all-weather surface requirement for the parking and display of items (farm implements and trailers) for sale, and number and types of Signage allowed.

The applicant has stated as their hardship: “My father passed in July of 2016 and I have tried to find a new location since. We signed a new lease in August on 2018 but the new building has not been built yet due to the weather. We can’t move the business until the new location is completed.”

The Board is allowed to approve Variances only after determining that the following conditions exist:

1. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary hardship to the property. This does not include financial hardship to the applicant.
2. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
3. The Variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan.

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

In granting a Use Variance, 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 circumstances do not apply generally to other property in the same use district; and that the use 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.

5.3
Mr. Walker asked Ms. Back about the terminology "two dwellings on one lot of record" in the advertisement. Ms. Back stated that Ms. Erby does own Lots 1 and 2 in Block 3, but they are tied together.

Mr. Walker asked Ms. Erby if she knew that she would be required to have a concrete or asphalt parking pad. Ms. Erby stated that she was not aware of that condition. Ms. Erby asked if that meant the driveway needed to be concrete or asphalt. Mr. West stated that the driveway did not need to be concrete or asphalt but the place where a vehicle was going to be parked must be concrete or asphalt. Ms. Erby stated that her daughter did not have a car. Mr. West stated that did not matter, because at some point in time there will be a vehicle driven to the residence and that vehicle must have a concrete or asphalt pad to park on.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of OSBORNE, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to APPROVE the request for a Special Exception to permit manufactured home in an RS district (Section 410); Variance to allow two (2) dwellings on one lot of record (Section 208). This approval is subject to the new mobile home must meet all the DEQ requirements and receive all necessary permits. The mobile home is to have tie downs, skirting, and a concrete or asphalt parking surface on the subject lot; for the following property:

LTS 1 & 2 BLK 3, EAST TURLEY ADDN AMD B1&4-5&8, OF TULSA COUNTY, STATE OF OKLAHOMA

2493—Randall Canady

Action Requested:
Use Variance to permit equipment trailer sales (Use Unit 17) in an AG zoning district (Section 310, Table 1). LOCATION: 9005 West 51st Street South

Presentation:
Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents the applicant, Randall Canady. The property has been in Mr. Canady's family for many years, and in 1993 his father received relief from the Board to sell farm implements on the subject property. The area is slowly becoming developed but currently there is still little in the area. About 10 years ago Mr. Canady's father started selling trailers that are shown in exhibits in the Board's agenda packet. Mr. Canady's father passed away about 18 months ago and has since inherited the subject business. Mr. Reynolds explained several photos and the site plan in the Board's agenda packet. Mr. Reynolds stated the
zoning in the County is interesting because of the mix of uses. As a person travels west on 51st Street coming from West 49th Street, it is amazing how much commerce has grown along that street. There are several businesses tucked in that area. There are businesses being operated out of homes, wineries, farm businesses, just to name a few of the types of businesses in the area. When Mr. Canady realized he needed to come before the Board he visited with his neighbors, and several of his neighbors signed a petition in support of Mr. Canady's business. The subject business is not a large business. They sell about 40 trailers a month, and about ten of those trailers are sold from purchase orders with no one visiting the subject site. There is not a lot of traffic generated by the business. His operation is open Monday thru Saturday morning. There are no deliveries by semi-trucks, so it is an unobtrusive type operation. The only work that is performed at the site is some warranty work and some light-duty work. The business has been done as it is today for 10 to 15 years without any complaints. The products offered for sale are trailers only that can be pulled by a pick-up truck. The signage for the subject business would be limited to one monument sign with only 32 square feet of display area, and it would not be lit. There would be no more lighting added to the one single light pole that exists now. The maximum number of employees would be three. The hardship for the request is that the family owns 120 acres of land and to the west to the next section line road. The closest neighbor is about 300 feet away from the business. The family owns the house and the property on each side of the subject business. The construction of the trailers takes place in a barn that is at the rear of the subject property, which is about 350 feet away from the property line. There is not a lot of noise and not a lot of traffic coming and going, so it is a rural kind of business. Mr. Reynolds stated that he visited the site a couple of times for a couple of hours at a time, and drove past the subject business at least five times and there was never a customer on the site. Mr. Reynolds thinks he has proven this to be an unobtrusive business and with the support of the ten neighbors, he would respectfully request approval of today's Use Variance request.

**Interested Parties:**

Jack Broton, P. O. Box 471555, Tulsa, OK; stated this is a commercial use request. The only other commercial property in the area is a little barbecue place that has been there since he was a child. There have been a lot of beautiful homes built in the area. He would like to purchase Buford Colony piece by piece and have a commercial business there, because it is on the corner. He owns property west of the subject business which is about ¾ mile away. He purchased those 75 acres to rid the area of the existing mobile home park, because he did not want a mobile home park next to his property. If the Board thinks trailers need to be in this area then he will go back to the City and have a trailer park placed back on the land. He has tried to purchase the 40 acres to the west but Sand Springs is asking too much per acre, and the owner of the 40 acres to the south will not sell. When Mr. Canady, Sr. was alive he went to the Planning Commission of Sand Springs and presented a request for the trailers on the property and the Planning Commission denied his request. Unfortunately, the trailers stayed and nothing was done. To have these trailers strung out about 600 feet up and down the street is not what he wants to see next to his property. The area is beautiful.

03/18/2014/#406 (6)
and Tulsa County has expressed an interest in some his land for a park. There is a community garden in the area that is an asset to the area.

**Jeff Schwickerath,** 5802 West 51st Street, Tulsa, OK; stated he owns the property that is east of the subject property, about a mile away. He has a flea market and auction on that property. He also owns property on the north side of the road that the City of Sapulpa has annexed. He has owned this property for about 12 years, and has drove past Mr. Canady’s property for those 12 years. He disagrees with Mr. Brotton about the trailers being strung up and down the road. Mr. Canady has very nice fence and the trailers are set behind that fence. Mr. Canady’s property looks like a golf course year around and is always immaculate. Mr. Canady owns the property on each side of the subject business so there are no neighbors to be affected. In the area there is a race track next to his (Mr. Schwickerath) property, there is a dirt pit also next to his property, there is a church, there is a new farmer’s market going in at the top of the hill, and there is also another agricultural type business at the top of the hill. Mr. Canady’s business is a small and clean operation, and the property is not a detriment to the area. Mr. Canady is big supporter of the Berryhill Community and has a good clean business.

**Rebuttal:**

Lou Reynolds came forward and stated there is a world of difference between Mr. Canady’s business and a trailer park. Mr. Canady does not sell the kind of trailers that are placed in a trailer park, and there is no connection to that type of trailer. The property Mr. Brotton refers to is ½ mile north of Mr. Canady’s property. Mr. Reynolds stated there is a very limited purpose of the conditions that were presented to the Board by Mr. Canady, and this was an attempt to make the business of less value to another person and keep the business in the family. The conditions ensure the rural character of the business. Mr. Schwickerath presented the Board with a picture of a varied pallet of the neighborhood; there are all kinds of business on 51st Street.

Mr. Walker asked Mr. Reynolds about the three employees he mentioned earlier. Mr. Reynolds stated that one of the three employees is Mr. Canady.

Mr. Osborne asked Mr. Reynolds if the other two employees were family members. Mr. Reynolds stated they were not, though one is a relative but not a direct family member.

Mr. Walker stated that the Board’s initial approval was for a home occupation, and that does not include any employees. Mr. Reynolds stated that Mr. Canady did understand and know that, and that is why Mr. Canady is applying for the Use Variance so he could keep the business his father started so many years ago. The business has evolved and the home occupation classification would not apply today, thus the Use Variance request.

Mr. Osborne asked Mr. Reynolds if he was an attorney. Mr. Reynolds answered affirmatively. Mr. Osborne asked Mr. Reynolds if it was his stance that what Mr. Canady is doing on the site is not a commercial business. Mr. Reynolds stated it is a commercial business, and the home occupation was a commercial business in the
broader sense. In the zoning code there are home occupied business allowed in AG zones subject to some tight conditions. Mr. Osborne stated that he is struggling with the request because this does appear to be a commercial business with employees that are not part of the family. It appears that the applicant is in violation of a number of the items that were specified and approved items in the original variance. Mr. Reynolds confirmed that statement. Mr. Reynolds stated the applicant has not asked this to be a home business. The applicant has moved away from that concept and that is why he has requested a Use Variance. A home occupation business has not been the intent throughout this process. Mr. Osborne stated that what the Board originally approved and what has been going on on the property for a long period of time is far removed from anything this Board approved. Mr. Reynolds agreed and stated that is why the applicant has requested the Use Variance relief, to make the activity lawful. Mr. Osborne asked if the applicant had investigate the rezoning of the property. Mr. Reynolds stated that zoning is not something that is typically done, and he believes to zone the property commercial would be speculative in nature because the property does not have the hallmarks or characteristics of a typical commercial business or commercial enterprise. Mr. Osborne Mr. Reynolds to explain. Mr. Reynolds stated that by looking at the proposed hours of operations because 9:00 to 5:00 limits an operation. There are very few employees for the size of the operation. The limited amount of work that is performed. The limited lighting. All these things are not typically a commercial operation.

Ms. Back stated that in regards to the rezoning perspective, the property is surrounded on the north, east, south and a little on the west by AG. For the applicant to apply for a rezone, the application would not be supported by staff because the subject property is surrounded by agriculture.

Mr. Brotton came forward and stated that he loves his property and that is why he purchased it, and not done anything with it. He kept the land from being ruined by a lot of businesses. The businesses that referred to are about 4 or 5 miles away from the subject property. The area is country where people are building large beautiful homes not businesses.

Mr. Walker asked Mr. Reynolds if he would like to make a comment in relation to Mr. Brotton's rebuttal. Mr. Reynolds stated he would like the Board to study the photos presented to them in their packet, and they will see the area for what it truly is.

Comments and Questions:
Mr. Osborne stated that he understands the hardships the family is faced with but the hardship that must be presented in relation to the land and cannot be a family hardship. Cases similar to this have come before the Board where a family business had grown and become successful and simply outgrew the family farm then had to be moved to a location more appropriate. He would support this request for a five year term.
Mr. Dillard stated that he could support this request with a sunset of five years, and with the full understanding that this Board is not joking. In five years can be moved to more appropriate place or go back to selling only nine units.

Mr. Hutchinson stated he could support the request with the full understanding that this Board is not joking.

Mr. Walker stated that typically a person given years will wait until the fourth year before they start to do anything. He would support a three year term with no extension.

Board Action:
On MOTION of DILLARD, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to APPROVE the request for a Use Variance to permit equipment trailer sales (Use Unit 17) in an AG zoning district (Section 310, Table 1). This approval is subject to a five year term that is to end on March 18, 2019. The days of operation will be Monday through Saturday with the hours of operation to be 9:00 A.M. to 5:00 P.M. Monday through Friday, and 9:00 A.M. to 1:00 P.M. on Saturday; delivery hours are to be the same as the hours of operation but there are to be no deliveries by semi-trucks. The products offered for sale are trailers only with no semi-trailers. There will be no repair work with the exception of warranty work or make-ready work only on the trailers sold. The maximum number of trailers offered for sale will be 175. There will be one monument sign which is not to exceed 32 square feet of display surface area, and the sign will not be lit. There will be a single pole farm light near the center of the property not to exceed 30 feet in height. The maximum number of employees will be three; for the following property:

SW SW SW LESS W231 SEC 25 19 11 6.50ACs, OF TULSA COUNTY, STATE OF OKLAHOMA

2494—Taylor King

Action Requested:
Special Exception to allow an event center (Use Unit 5) in an IL District (Section 910). LOCATION: 4812 East 76th Street North

Presentation:
Taylor King, 2215 South Florence Avenue, Tulsa, OK; stated the property is located in the Cherokee Industrial Park where Whirlpool is now located. Just recently the Macy's Distribution Center has been brought into the park which is 1.3 million foot facility. The Cherokee Industrial Park is an important economic piece of the southwest side of Owasso. The land owners have five acres on the southwest corner of Whirlpool Avenue and 76th Street North. The owners purchased the property for a concrete company and do not need the full five acres. They would like to take the north part of the five acres, which front on 76th Street North, where there is an off-ramp for Highway 75 and erect an event center to serve the area. The event center would become an
NEW APPLICATIONS

Case No. 1199

Action Requested:
Variance to permit outside storage and sale of agricultural equipment - SECTION 310 PRINCIPAL PERMITTED IN AGRICULTURE DISTRICTS - Use Unit 5, located 9005 West 51st Street.

Presentation:
The applicant, C. T. Canady, 9005 West 51st Street, explained that he has lived on the 10-acre tract in question for approximately 28 years, and has been displaying some refurbished farm equipment for sale along the street frontage. He informed that he is not interested in operating an implement sales business, but merely wants to continue his hobby of refinishing and selling a limited number of farm implements. Mr. Canady stated that he was advised by the County inspector that he was not permitted by right to sell farm machinery at this location.

Comments and Questions:
Mr. Walker inquired as to the number of implements displayed on the property, and the applicant stated that he has had as many as nine pieces of equipment on display.

Mr. Fields informed that he investigated a complaint that equipment was being sold, and found the implements and the property to be in good repair.

Mr. Gardner advised that, based on the applicant's presentation, he is not requesting permission to conduct a regular business on the property, but the use seems to be more like a home occupation, except the implements are stored outside and not enclosed in a building.

Interested Parties:
Laurie Hixon stated that she lives in the area and is supportive of the application.

Board Action:
On MOTION of ALBERTY, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Special Exception to permit a home occupation - Section 320.1, and a variance to permit outside storage and sale of agricultural equipment - SECTION 440.B.3 Home Occupations - Use Unit 17; subject to the home occupation guidelines, except outside storage of farm implements; subject to a maximum number of 9 implements (farm implements only) being displayed at any given time; subject to no commercial business being operated on the property; and subject to the home occupation being restricted to the applicant only; finding that the limited sale and display of farm implements will not be injurious to the agricultural district, or violate the spirit and intent of the Code; on the following described property:

SW/4, SW/4, SW/4 of Section 25, T-19-N, R-11-E, Tulsa County, Oklahoma.
Subject Tract cBoA-2743

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Looking north into entrance

Looking NW at the property from W. 51st St. S.
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2744

STR: 7330
CZM: 66
PD:

HEARING DATE: 04/16/2019 1:30 PM

APPLICANT: Greg Ables

ACTION REQUESTED: Variance of the minimum lot area in the AG district (Section 330 Table 3) and a Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split.

LOCATION: 1384 E. 163rd Pl. S.  ZONED: AG

PRESENT USE: Agriculture  TRACT SIZE: 2.15 acres

LEGAL DESCRIPTION: S306.1 N/2 NW SW NW LESS W361 & N5 THEREOF SEC 30 17 13 2.049ACs,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-1922, December 18, 2001: The Board approved a variance of Section 330 to reduce minimum lot area from 2 acres to 1.42 acres and a variance to reduce minimum lot area from 2 acres to 1.6 acres to permit, on property located at 1630 E. 163rd Pl. S.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by agriculturally zoned properties in all directions with both agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the Minimum Lot Area requirement and a Variance of the minimum Land Area Per Dwelling Unit requirement to 1.1 acres on Tract “A” and Tract “B” to allow a lot-split as shown on the attached site plan.

The applicant provided the following statement: “In consideration of the lot split at 1384 E. 163rd Pl. S. – This is a 2.2 acre tract that currently has a barn on it that is designed like a house to help with the esthetics of the adjoining properties. In consideration of making this two 1.1 acre tracts, there are existing properties within a quarter mile radius of this property that are basically the same size as the requested lot split. There are existing properties that are no larger than 1.25 acres. We will be using an aerobic system for sewer and the 1.1 acres far exceeds the requirement for lot size when an aerobic system is used.”
The applicant is attempting to split 2.2± acres of land from the existing AG zoned parcel. Per Section 330 of the Code, the AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. The proposal will create two lots. The proposed tracts, Tract “A” and Tract “B”, will meet all the Bulk and Area requirements in an AG District except the Lot Area (minimum 2 acres) and Land Area per Dwelling Unit (2.1 acres per dwelling unit).

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

Sample Motion:

"Move to ________ (approve/deny) a Variance to reduce the minimum lot area in an AG district to 1.1 acres; and a Variance to reduce the minimum land area per dwelling unit requirement in an AG district to 1.1 acres (Sec.330) to permit a lot split.

Finding the hardship to be ________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."
Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of Walker, the Board voted 3-0-0 (Alberty, Walker, Hutson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to APPROVE a Special Exception to allow two dwelling units on one lot of record, with conditions for tie-downs, skirting, DEQ approval, and building permits, finding they would like to keep it under single ownership, and there is not sufficient frontage to do a lot-split, on the following described property:

Part of S/2 NE SE SE of Section 4, T-21-N, R-13-E, Beg. SE/c thence W to SW/c of said parcel, thence N to the NW/c of said parcel, thence E 330.00' to point on N line of said parcel, thence S 300.00', thence E 330', thence S 30.00' to POB AND the S/2 NE/4 SE/4 SE/4 of Section 4, T-21-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 1922**

Action Requested:
Variance of Section 330 to reduce minimum lot area from 2 acres to 1.42 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; and a Variance to reduce minimum land area from 2.2 acres to 1.6 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 1630 E. 163rd Pl. S.

Mrs. Fernandez stated that this property is in the Glenpool fence-line, but Glenpool declined to hear the referral case.

Presentation:
Scott Hargis, 1650 E. 163rd Pl. S., introduced himself to the Board.

Tasha Morgan, 1650 E. 163rd Pl. S., stated that they would like to purchase a portion of property owned by Mr. Hargis’ sister. They already maintain the property, use it for cattle and make payments on it.

Comments and Questions:
Mr. Alberty confirmed that they want a Variance for the reduction of the subject property. Mr. Hutson asked about access to the subject property. Mr. Hargis stated there is a gate for access. Mr. Hargis submitted a site plan (Exhibit C-1).

Interested Parties:
There were no interested parties who wished to speak.
Board Action:
On Motion of Walker, the Board voted 3-0-0 (Alberty, Walker, Hulson "aye"; no "nays", no "abstentions"; Dillard, Tyndall "absent") to APPROVE a Variance of Section 330 to reduce minimum lot area from 2 acres to 1.42 acres and a Variance to reduce minimum land area from 2.2 acres to 1.6 acres, as presented, finding there are other lots of similar size and it would qualify except for the AG zoning, on the following described property:

A part of the SW/4 NE/4 NW/4 of Section 30, T-17-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, now known as Lot 3, Block 1, Faulkenberry Estates, according to the recorded plat thereof being more particularly described as follows, to-wit: Beg. at a point 25' N of the SW/c of said SW/4 NE/4 NW/4 of Section 30, said point also being the SW/c of said Lot 3, Block 1, Faulkenberry Estates, thence N 0°08'48" W along the W line thereof for 233.85', thence N 88°23'22" E for 265.82', thence S 0°41'20" E for 240.71' to the S line of said Lot 3, thence S 89°52'02" W along the S line thereof for 268.01' to the POB.

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Case No. 1923
Action Requested:
Variance of the required lot width from 200' to 140'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6; a Variance of required lot area from 2.0 to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of required land area from 2.2 acres to 1.6 acres to allow lot-split #19322. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 14022 E. 136th St. N.

Mrs. Fernandez stated that the Collinsville plan for this area is low-intensity residential and Collinsville did not want to hear this referral case.

Presentation:
Melvin Flanary, 14022 E. 136th St. N., Collinsville, Oklahoma, stated he wanted to split his property in two tracts.

Comments and Questions:
Mr. Alberty asked how they handle their sewage. Mr. Flanary replied that they had a soil percolation test for a separate septic system. Mr. Alberty asked if the house would be stick built. Mr. Flanary replied in the affirmative.

Interested Parties:
There were no interested parties who wished to speak.
Subject Tract

CBOA-2744

17-13 30

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

Aerial Photo Date: February 2018
BRYAN C. SANDLIN
OKLAHOMA REGISTERED LAND SURVEYOR
P.O. BOX 1241, HUNTERSTON, OKLAHOMA 74437
OFFICE (918) 360-5079 (918) 360-1642

PLAT OF SURVEY

CUSTOMER: GREG ABLE
ORDER NO.: 19-03-02

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

SEARCHES SHOWN ARE BASED ON THE WEST SECTION LINE BEING DUE SOUTH.

FIELD WORK COMPLETED ON FEBRUARY 25, 2019.

NO CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE WAS PROVIDED AT THE TIME OF SURVEY.

LEGAL DESCRIPTION IS SHOWN ON SHEET NO. 2.

PROPERTY ADDRESS:
405 EAST 183RD PLACE SOUTH, BIXBY, OKLAHOMA

CERTIFICATION

I, BRYAN C. SANDLIN, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND SEAL THIS DATE
MARCH 11, 2019

BRYAN C. SANDLIN
OKLAHOMA REGISTERED LAND SURVEYOR 1483

SHEET 1 OF 2
Greg Ables
16355 S. Peoria
Bixby, OK 74008

In consideration of the lot split at 1384 E 163rd Place South.
This is a 2.2 acre tract that currently has a barn on it that is
designed like a house to help with the esthetics of the adjoining
properties.
In consideration of making this [2] 1.1 acres tracts, there are
existing properties within a quarter mile radius of this property
that are basically the same size as the requested lot split. There
are existing properties that are no larger than 1.25 acres.
We will be using an aerobic system for sewer and the 1.1 acres
far exceeds the requirement for lot size when an aerobic system
is used.

Thank you for your consideration...
Greg Ables
March 12, 2019

RE: 1384 E 163rd Place, Bixby, OK 74008

To Whom it May Concern:

This letter is stating that we do have water available at the above address. If you have any questions please call our office at (918) 299-4448.

Sincerely,

Gina McCall
CCRWD #2
CUSTOMER: GREG ABLE

ORDER NO.: 19-03-02

ORIGINAL LEGAL DESCRIPTION AS PROMIN:

THE SOUTH 363.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 NW/4 SW/4 NW/4) OF SECTION THIRTY (30), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE WEST 361.00 FEET THEREOF.

LEGAL DESCRIPTION TRACT "A":

A TRACT OF LAND IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 NW/4 SW/4 NW/4) OF SECTION THIRTY (30), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, THENCE SOUTH 56°10' W ALONG THE SECTION LINE, A DISTANCE OF 1,345.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST 163RD PLACE; THENCE ALONG SAID RIGHT OF WAY, NORTH 56°10' W A DISTANCE OF 361.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 56°10' W A DISTANCE OF 157.17 FEET;

THENCE NORTH 56°10' W A DISTANCE OF 305.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.1 ACRES MORE OR LESS.

LEGAL DESCRIPTION TRACT "B":

A TRACT OF LAND IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 NW/4 SW/4 NW/4) OF SECTION THIRTY (30), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, THENCE SOUTH 56°10' W ALONG THE SECTION LINE, A DISTANCE OF 1,345.34 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST 163RD PLACE; THENCE ALONG SAID RIGHT OF WAY, NORTH 56°10' W A DISTANCE OF 361.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 56°10' W A DISTANCE OF 157.17 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, FAULKENBERRY ESTATES;

THENCE SOUTH 56°10' W ALONG THE WEST LINE OF LOT 1, BLOCK 1, FAULKENBERRY ESTATES, A DISTANCE OF 305.93 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 NW/4 SW/4 NW/4); THENCE ALONG SAID SOUTH LINE NORTH 56°10' W A DISTANCE OF 157.19 FEET;

THENCE NORTH 56°10' W A DISTANCE OF 305.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.1 ACRES MORE OR LESS.
Looking east from E. 163rd Pl. S.

Looking west from E. 163rd Pl. S.