AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, May 21, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338

Meeting No. 469

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of April 16, 2019 (Meeting No. 467).
2. Approval of Minutes of May 13, 2019 (Special Meeting No. 468).

UNFINISHED BUSINESS
None.

NEW APPLICATIONS

3. 2745—Brittney Walsh
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: 7438 East 181st Street South

4. 2746—Henry Tatum
Variance of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 330) to permit two dwelling units on one lot (Section 208).
LOCATION: 21109 West Coyote Trail South

5. 2747—Crown Castle USA, Inc.
Modification of a previously approved Special Exception to increase the height of a monopole antenna from 150 feet to 165 feet in an AG District (Section 320); Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG zoned lot (Section 1204.3). LOCATION: 9960 North Yale Avenue East

6. 2748—Edward Barclay
Use Variance to permit an Agricultural Use (Use Unit 3) in a RS District. LOCATION: 3930 South 51st West Avenue
7. **2749—Heather Craig**  
Variance of the required 30 feet of frontage to support a single-family dwelling in an AG District (Section 207). **LOCATION:** 14355 North Trenton Avenue East

8. **2750—Jerry Gordon**  
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:** 1327 East 181st Street South

9. **2751—Kathy Portley**  
Special Exception to permit a manufactured home in an RS District (Section 410). **LOCATION:** 3001 South 49th West Avenue

10. **2752—Tork Investments, LLC**  
Modification of a previously approved Special Exception (CBOA-2500) to extend the time limitation to permit a fireworks stand (Use Unit 2) in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 6035 West 40th Street South

11. **2753—Louis Schuette**  
Special Exception to allow a manufactured home in a non-conforming residential mobile home park in a RE District (Section 410, Table 1). **LOCATION:** 14211 West 17th Street South, Lot 6

12. **2754—Misty Douglass**  
Special Exception to allow a manufactured home in a RS District (Section 410). **LOCATION:** 5775 South 113th West Avenue

13. **2755—Eller & Detrich – Lou Reynolds**  
Use Variance to allow a wholesaling and warehousing use (Use unit 23) in an AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned District; Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3). **LOCATION:** 15601 West 19th 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.
LEGEND

Bixby Corporate Limits

CBOA-2745

16-13 02
BOARD OF ADJUSTMENT
CASE REPORT

STR:6302
CZM:67, 72
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Britney Walsh

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: 7438 E 181 ST S

PRESENT USE: Vacant


RELEVANT PREVIOUS ACTIONS:

Subject Property: none relevant

Surrounding Property:

CBOA-2534 May 19, 2015: The Board approved a variance from the minimum land area per dwelling unit requirement from 2.1 acres to 1 acre; a variance from the minimum lot area requirement from 2 acres to 1 acre; and a variance from the minimum lot width requirement from 150 feet to 118.6 feet in an AG District to permit a lot split (Section 330, Table 3), on property located at 7613 East 181st Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts agricultural zoning with agricultural and residential uses on the west, south, and east. It abuts a residential subdivision to the north which is zoned RE.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the Minimum Lot Area requirement and and a Variance of the minimum Land Area Per Dwelling Unit requirement on Tract “1” to allow a lot-split as shown on the attached site plan.

The applicant provided the following statement: “We would like to keep the pond fully contained on one lot.”

The applicant is attempting to split 5.22+ 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 proposed lot split will create two lots. Tract “2” will meet all
the Bulk and Area requirements in an AG District and Tract 1 will meet all the requirements except the Lot Area (minimum 2 acres) and Land Area per Dwelling Unit (2.1 acres per dwelling unit). The applicant is required to dedicate 50 feet of Right of Way which will leave Tract “1” with a Lot Area of 1.09 acres and a Land Area of 1.2 acres. Land Area is defined as The area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.

According to the Subdivision Regulations 10-060.6 B-2 When lots proposed to be split contain areas that do not comply with the street right-of-way requirements of the Major Street and Highway Plan, the lot split/adjustment may not be approved, except upon finding that one or more of the following conditions are met:

(a) Adequate assurances are in place to ensure that the needed right-of-way is dedicated.

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 1.09 acres; and a Variance to reduce the minimum land area per dwelling unit requirement in an AG district to 1.2 acres (Sec.330) to permit a lot split.

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

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.”
Mr. Younger stated that he cannot emphasize enough that there is a water issue in his backyard. There is a natural spring in one area and water flowing from another area so water and mud is an issue.

Erlk Nelson came forward and presented two pictures of the view from his front porch to show that he does not have a direct view of the neighboring garage. Mr. Nelson stated that Mr. Lusk’s garage is largely placed back in a wooded area and he has no view of it whatsoever from the side of his house.

Comments and Questions:
Mr. Walker stated that restrictive covenants are a legal matter between the people that own the property, and have nothing to do with the relief requested today. Mr. Younger has also purchased a part of another lot making his lot oversized making that a justified hardship. Mr. Walker stated that he could support this request due to the size of the lot.

Mr. Dillard stated that he is in agreement with Mr. Walker and does not see where it would detract from any home. Mr. Dillard stated that in his background the garage drawings presented to the Board, it is a mansion and he feels this will be good land use. Mr. Dillard stated he can support this request.

Mr. Hutchinson stated that he concurs with Mr. Dillard. Mr. Hutchinson does not think Mr. Younger will do anything that will degrade or devalue his property as well as the other properties.

Mr. Crall stated that the drainage issue in the rear is a special circumstance because the cost to take care of the issue would be prohibitive.

Board Action:
On MOTION of WALKER, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, 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 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); Variance of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2), with the hardship being the oversize of the basic lot and the drainage situation; for the following property:

LTS 2 & 3 LESS BEG SWC LT 2 TH NW215.31 E65 S180.66 CRV LF 30.25 POB BLK 4 & N315 W245 E905 N711.12 NE NE LESS N100 THEREOF SEC 30 19 12 1.209AC, STRATFORD ESTATES BLK 4, OF TULSA COUNTY, STATE OF OKLAHOMA

2534—Lance Price

Action Requested:
Variance from the minimum land area per dwelling unit requirement from 2.1 acres to 1 acre; Variance from the minimum lot area requirement from 2 acres to 1 acre;
Variance from the minimum lot width requirement from 150 feet to 118.6 feet in an AG District to permit a lot split (Section 330, Table 3). **LOCATION:** 7613 East 181st Street South, Bixby

**Presentation:**
Lance Price, 3223 East 146th Place, Bixby, OK; stated he owns 8.5 acres that he would like to separate. There is an existing house on one acre of the acreage and he would like to separate it from the remaining acreage.

Mr. Charney asked Mr. Price if he planned to split the other acreage into individual lots for more homes, if the Board were to approve this request. Mr. Price stated that he has no intentions of splitting the acreage apart because he is a believer in putting land back together rather than separating it.

**Interested Parties:**
Linda Greene, 21884 West 131st Street South, Sand Springs, OK; stated that she spoke with Mr. Price in the hallway today, and she now understands what Mr. Price is attempting to do with the subject property. Ms. Greene stated she is withdrawing her verbal request for the continuance.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of DILLARD, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Variance** from the minimum land area per dwelling unit requirement from 2.1 acres to 1 acre; **Variance** from the minimum lot area requirement from 2 acres to 1 acre; **Variance** from the minimum lot width requirement from 150 feet to 118.6 feet in an AG District to permit a lot split (Section 330, Table 3). This approval is not to presumed that it allows additional lot splits even though there is eight acres. The hardship is the peculiarity of the long narrow nature of the lot; for the following property:

**E/2 E/2 SW SE LESS E130 S385 THEREOF SEC 35 17 13 8.85AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2535—Ken Binkley**

**Action Requested:**
Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310); **Variance** of the all-weather surface requirement for parking (Section 1340.D). **LOCATION:** 9805 East 181st Street South, Bixby

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Aeril Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
ATTN:  JENNIFER VANDERJAGT  
APEX TITLE & CLOSING SERVICES  
3510 S. 79TH E. AVE  
TULSA, OK  74145  

Invoice Number:  0093185-IN  
Invoice Date:  6/12/2018  
918-794-5712  
APEX TITLE

BUYER:  WALSH, DAKOTA & BRITTANEOY  
LENDER:  ARVEST BANK  
INV REF NO:  18113557  
INVOICE SELLER:  LINDA JOYCE MULKEY  

DATE NEEDED:  6/1/2018  
A TRACT OF LAND IN GOVERNMENT LOT 2 AND THE NE/4 OF SECTION 2, TOWNSHIP 16 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF...(SEE DRAWING FOR COMPLETE LEGAL DESCRIPTION).

APEX TITLE  18-93185  
APEX TITLE/ARVB/FNT

MORTGAGE INSPECTION  
200.00

Invoice Total:  200.00

PLEASE REFER TO THIS INVOICE NUMBER WHEN PAYING ACCOUNT

TERMS:  NET 20  
PLEASE PAY FROM THIS INVOICE.
SURVEYOR’S CERTIFICATION:

I, Charles D. Cahill, Professional Land Surveyor No. 1470 in and for the State of Oklahoma, do hereby certify that the annexed exhibits were prepared by me. I further certify that the attached legal descriptions were prepared by me and to the best of my knowledge and ability are a true representation of the property as shown hereon.
**MORTGAGE INSPECTION REPORT**

This property lies in Zone "X-Unshaded" flood hazard area per F.I.R.A.M map number 4014302445L as last revised 10/16/12.

**LEGAL DESCRIPTION AS PROVIDED:**

A tract of land in governmental lot two (2) and the northwest quarter of section two (2), township sixteen (16) north, range thirteen (13) east of the Indian base and meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: in the beginning at a point on the north line of government (2) a distance of 383.39 feet west of the northeast corner thereof; thence 3 degrees 53'21" west for 383.39 feet; thence 247.58 feet to a point on the north line of said section 2; thence in 247.58 feet and across the north line of said section 2 for 383.39 feet to the point of beginning.

**SURVEYOR’S STATEMENT**

White Surveying Company, an Oklahoma Corporation, and the undersigned licensed professional land surveyor, under certificate of authorization (Registration Date: June 30, 2013), do hereby state that in our professional opinion the above inspection plat drawn, the sounding or located on the premises described, the foregoing plat, the above plat has been drawn by the undersigned licensed professional land surveyor. The plat is true to scale. The plat is to the best of our knowledge correct. The plat has been prepared for distribution purposes only for the mortgagee and is a land on survey map subject to all property owners being set. It is not to be used for legal purposes. For the establishment of fences, building or other improvements, such survey map is not intended to be used. The plat is not intended for distribution to the public. The plat is not intended for permanent record. The plat is not intended for real estate transactions.

**Witness**

LEWIS & CLARK SURVEYING COMPANY

**WITNESS:**

LEWIS & CLARK SURVEYING COMPANY

**LEWIS & CLARK SURVEYING COMPANY**

3.10
LEGAL DESCRIPTION: A tract of land in Government Lot 2 and the Northeast Quarter of Section 2, Township 16 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the North line of Government Lot 2 a distance of 383.39 feet West of the Northeast Corner thereof; thence S00°03'21"W for 592.83 feet; thence S89°43'48"W for 383.39 feet; thence N00°03'21"E for 592.83 feet to a point on the North line of said Section 2; thence N89°43'48"E and along the North line of said Section 2 for 383.39 feet to the Point of Beginning and containing 5.21765 acres more or less.
LEGAL DESCRIPTION: A tract of land in Government Lot 2 and the Northeast Quarter of Section 2, Township 16 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the North line of Government Lot 2 a distance of 566.78 feet West of the Northeast Corner thereof; thence S00°03'21"W for 310.00 feet; thence N89°43'48"E for 183.39 feet; thence S00°03'21"W for 282.83 feet; thence S89°43'48"W for 383.39 feet; thence N00°03'21"E for 592.83 feet; to a point on the North line of said Section 2; thence N89°43'48"E and along the North line of said Section 2 for 200.00 feet to the Point of Beginning and containing 170,431 Square Feet or 3.913 acres more or less gross.
From: Christina Harvey <c2b2@valornet.com>
Sent: Wednesday, March 20, 2019 11:12 AM
To: Chapman, Austin
Subject: IMG_0742.jpeg

Sent from my iPhone
LEGAL DESCRIPTION: A tract of land in Government Lot 2 and the Northeast Quarter of Section 2, Township 16 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the North line of Government Lot 2 a distance of 383.39 feet West of the Northeast Corner thereof; thence S00'03'21"W for 310.00 feet; thence S89°43'48"W for 183.39 feet; thence N00°03'21"E for 310.00 feet to a point on the North line of said Section 2; thence N89°43'48"E and along the North line of said Section 2 for 183.39 feet to the Point of Beginning and containing 56,850 Square Feet or 1.305 acres more or less gross.
HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Henry Tatum

ACTION REQUESTED: Variance of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 330) to permit two dwelling units on one lot (Section 208).

LOCATION: 21109 W COYOTE TL S

ZONED: AG

PRESENT USE: residential

TRACT SIZE: 1.77 acres

LEGAL DESCRIPTION: LT 4 BLK 1, HICKORY RIDGE ESTATES ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: none relevant

Surrounding Property:

CBOA-2289 February 19, 2008: The Board approved a variance of the minimum required land area per dwelling unit in an AG District (Section 330) from 2.1 acres to 1 acre to permit a second dwelling, on property located at 21311 Campbell Creek Rd.

CBOA-1248 April 19, 1994: The Board approved a variance to permit two dwelling units on one lot of record; a variance of lot area and a variance of land area per dwelling unit, on property located at 21125 Campbell Creek Road.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts agricultural zoning with scattered residential uses in all directions.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the lot area and land area per dwelling unit requirement in the AG district in order to permit two dwelling units on the site. As shown on the attached plan, the applicant has an existing mobile home on the lot and a new manufactured home will be placed behind that existing home. The new manufactured home appears to meet all of the other bulk and area requirements in an AG district.

The applicant provided the following statement: “In order to take care of disabled father, has had heart surgery and I would be caretaker on property.”
Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres in the AG district. The applicant is proposing two dwelling units on the 1.77-acre subject lot. To permit two homes on the site the permitted land area per dwelling unit must be reduced to .89+ acres (roughly ½ of the total acreage).

Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot...in an AG district, with the exception in the AG district that there be not more than two dwellings per lot.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to ________ (approve/deny) Variance to reduce the lot area and land area per dwelling unit requirement in an AG district to permit two dwelling units on one lot of record (Section 330).

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

• 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"
COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 333
Tuesday, February 19, 2008, 1:30 p.m.
Aaronson Auditorium
Tulsa Central Library
400 Civic Center

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, February 15, 2008 at 10:54 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Charney called the meeting to order at 1:32 p.m.

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

** * ***

MINUTES

On MOTION of Hutson, the Board voted 5-0-0 (Tyndall, Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; no "absences") to APPROVE the Minutes of January 15, 2008 (No. 332).

** * ***

NEW APPLICATIONS

Case No. 2289

Action Requested:
Variance of the minimum required land area per dwelling unit in an AG district (Section 330) from 2.1 acres to 1 acre to permit a second dwelling, located: 21311 Campbell Creek Road.

Presentation:
Jeremy Wahl, 21311 West Campbell Creek Road, proposed to move a second dwelling onto the subject property.
Comments and Questions:
Mr. Charney asked about the boundaries of the property with frontage on the curved road. Mr. Wahl acknowledged there is an extensive amount of frontage but was not certain he could claim it for gross land area. Mr. Walker noted a lot of mixed use in the area, and several properties have more than one dwelling. He added that the subject property has an inordinate amount of easement taken off of it.

Interested Parties:
Michael Ford, 2404 South Willow Avenue, Broken Arrow, Oklahoma, 74012, as the lender, was in support of the application.

Comments and Questions:
Mr. Cuthbertson heard someone mention a lot-split, and he stated they did not request enough relief for a lot-split.

Brenda Wahl, owner, 21311 West Campbell Creek Road, indicated they did not understand the difference in getting approval with or without a lot-split. The Board and staff explained it to her.

Board Action:
On Motion of Walker, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the minimum required land area per dwelling unit in an AG district (Section 330) from 2.1 acres to 1 acre to permit a second dwelling, finding the unique pie-shaped configuration and the extensive frontage, on the following described property:

LT 7 BLK 1 Hickory Ridge Estates Addn Tulsa County, State of Oklahoma

********

OTHER BUSINESS

Mr. Alberty informed the Board Members of the subjects to be covered at the TMAPC Training Session. He added that Mr. Iski would present information regarding refining motions.

********

On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to go into Executive Session regarding Case No. 2056.
Case No. 1247

Action Requested:
Variance to permit more than one dwelling on a lot of record, and a variance of land area and lot area per dwelling unit - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 9, located 4321 South 225th West Avenue.

Presentation:
The applicant, Harvey Lambert, 4321 South 225th West Avenue, Sand Springs, Oklahoma, requested permission to install a mobile home on his property, which will be used as a residence for his mother. A plot plan (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

Comments and Questions:
Mr. Alberty asked if the mobile home will align with the existing dwelling, and Mr. Lambert answered in the affirmative.

Mr. Alberty noted that the property across the street is zoned for mobile home use and, if the subject property had the same zoning classification, several mobile homes could be installed on the tract by right.

Protestants:
None.

Board Action:
On MOTION of ALBERTY, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye", no "nays", no "abstentions", Tyndall, "absent") to APPROVE a Variance to permit two dwelling units on a lot of record, and a variance of land area and lot area per dwelling unit - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 9; subject to a building permit and Health Department approval; finding that RMH zoned property across the street is permitted to develop at a greater density by right than that requested by the applicant; and finding that approval of the request will not be detrimental to the area; on the following described property:

Part of NW/4, beginning 1068.77' south of the NW/c thence east 534.85', south 317', west 531.80', north 317', Section 27, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 1248

Action Requested:
Variance to permit two dwelling units on one lot of record, variance of lot area and a variance of land area per dwelling unit - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 9, located 21125 Campbell Creek Road.

04.19.94:167(5)
Case No. 1248 (continued)

Presentation:
The applicant, Dyton Willis, Route 3, Box 480, Sand Springs, Oklahoma, requested permission to install a mobile home on his property to be used as a dwelling for his son. He explained that, due to his wife's illness, it is imperative that his son live nearby to assist in her care. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:
Mr. Walker asked if there are other lots in the area with two dwelling units, and he answered in the affirmative. He informed that there are numerous mobile homes in the area.

Protestants:
None.

Board Action:
On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays", no "abstentions"; Tyndall, "absent") to APPROVE a Variance to permit two dwelling units on one lot of record, variance of lot area and a variance of land area per dwelling unit - SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 9, per plan submitted, subject to the mobile unit being tied down and skirted; subject to a building permit and Health Department approval; and subject to the mobile home being occupied by family members only; finding that there are other tracts in the area with two dwelling units; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 5, Block 1, Hickory Ridge Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1249

Action Requested:
Variance of the required lot width, lot area and land area to permit a lot split - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located southwest corner of East 76th Street North and North Iroquois.

Presentation:
The applicant, Ralph Friend, 12103 East 29th Court, informed that he is proposing to acquire a lot split and sell a portion of his 2½-acre tract. He informed that there was a similar lot split on property to the south of the subject tract.

Protestants:
None.
CBOA-2746

Subject Tract

0 200 400 Feet

W 41st ST S
S CAMPBELL CREEK RD
W COYOTE TRL
S 209th W AVE

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.
Sales Center: #058 Oak Creek Home Center  
Home Description: Classic II 5806 18x78  3 Bed 2 Bath  
Overall Size: 18x78  Approx Sq Feet 1365

<table>
<thead>
<tr>
<th>Model Number:</th>
<th>005-CX5806</th>
</tr>
</thead>
<tbody>
<tr>
<td># Bedrooms:</td>
<td>3</td>
</tr>
<tr>
<td># Baths:</td>
<td>2</td>
</tr>
</tbody>
</table>

**BASE PRICE** 83781.00

- Crescent Edge on Countertops
- 2x4 End/Side Wall Construction 16” o.c.
- Flexible Commode Risers
- GE Dishwasher Installed
- Shiplap 15oz. Carpet by Shaw
- Brake for Fan w/Obi Switch (LR / MBed)
- 36x62 O.D. Residential Steel Door (Front w/St)
- Brake for Fan: LR, DR, Beds
- 36x62 O.D. Residential Steel Door (Rear w/St)
- Residential Rocker Light Switches
- Inter-Connected Smoke Alarms
- Wilsonart Laminate Countertops
- 20 AMP GFCI Receptacles
- Orange Peel Textured Ceilings
- 60” Fiberglass Tub/Shower (Per Plan)
- 48” or 60” Fiberglass Shower (Per Plan)
- Metal Faucets T/O
- Corner Boxes over Windows
- Wood Closet Shelving
- 8" St.Steel Kit Sink w/Single Pull Out

**Upgrades Included in This Quote**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>LED Ceiling Lights (per plan)</td>
<td>265.00</td>
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<tr>
<td>Tack Strip &amp; 1/2” Rebond Pad</td>
<td>195.00</td>
</tr>
<tr>
<td>Thick Panelized Passage Doors</td>
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<td>150# Door Hinges T/O</td>
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<tr>
<td>Utility Room Shelf</td>
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<tr>
<td>Shavlin-Williams Quality Paint</td>
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<tr>
<td>Brass or Chrome Shutoff Valves</td>
<td>195.00</td>
</tr>
<tr>
<td>Water Heater &quot;Safety Guard&quot; Drip Pan</td>
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<tr>
<td>Bathroom Exhaust Fans A/C Disconnect</td>
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<tr>
<td>18cf FF GE Refrigerator</td>
<td>250.00</td>
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<td>50 Gal. Electric Water Heater</td>
<td>250.00</td>
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<tr>
<td>Bedroom Ceiling Lights Intertherm Electric Upflow Furnace</td>
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<tr>
<td>Flat Ceilings Thru-out</td>
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<tr>
<td>China Lavy Sinks Line Entry, Kit, Baths &amp; Util</td>
<td>250.00</td>
</tr>
<tr>
<td>2” Faux Wood Mini-Blinds T/O</td>
<td>250.00</td>
</tr>
<tr>
<td>Nickel Passage Door Knobs</td>
<td>250.00</td>
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<tr>
<td>GE Standard Electric Range GE Standard Electric Range</td>
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<tr>
<td>Wood Molding &amp; Trim T/O</td>
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</table>

Home: 83781.00  
Upgrades 2830.00  
Factory Direct Price 86611.00

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**Quotation Details**

- **Model Number:** 005-CX5806
- **Bedrooms:** 3
- ** Baths:** 2
- **Base Price:** 83781.00
- **Upgrades:** 2830.00
- **Factory Direct Price:** 86611.00

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**Note:** Prices and specifications subject to change w/o notice (Sales Tax, Insurance & other fees TBD). Freight charges and other items have been customized for lot #058 Oak Creek Home Center.

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**Quote Only**

---

**THIS HOME HAS A 7-YEAR HOME GUARD PROTECTION PLAN**

This new home from Oak Creek is certified as being built to the HUD standards. 
**Confidential - Not to be disclosed or used without permission.**

---

**4.10**

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**Quote Only**
Picture of current residence - looking north from West Coyote Trail
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INTENTIONALLY

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SUBJECT TRACT

CBOA-2747

21-13 16
BOARD OF ADJUSTMENT
CASE REPORT

STR:1316
CZM:10
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Crown Castle USA, Inc.

ACTION REQUESTED: Modification of a previously approved Special Exception to increase the height of a monopole antenna from 150 feet to 165 feet in an AG District. (Sec. 320) and a Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG zoned lot (Section 1204.3)

LOCATION: 9960 N YALE AV E
ZONED: AG

PRESENT USE: Existing Telecommunications Tower
TRACT SIZE: 3.9 acres

LEGAL DESCRIPTION: BEG 1867.99N SECR SE TH W425.50 S215 W365.10 N330.60 E790.60 S115.60 POB SEC 16 21 13 3.90ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
CBOA-1492 March 18, 1997: The Board approved a special exception to permit a 150’ PCS monopole antenna in an AG District (Sec. 220. Height Exceptions – Use Unit 4) on property located at 9920 N. Yale Ave. (Subject property underwent a lot split and the new address is 9960 N. Yale Ave.)

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded on all sides by Agricultural zoning with residential uses on the north and east.

STAFF COMMENTS:

The applicant is before the Board requesting a Modification of a previously approved Special Exception to increase the height of the approved 150 foot monopole antenna to 165 feet in an AG District. Due to a lot split that occurred sometime after the approval, the applicant is also requesting a Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG zoned lot.

Antennas and Supporting Structures are classified under Use Unit 4 (Public Protection and Utility Facilities) and permitted in the AG district by Special Exception. A Special Exception is required as it is a use which is not permitted by right in the AG district because of potential adverse effects, but if controlled in the particular instance as to its relationship to the area may be permitted. A Special Exception was granted on March 18, 1997 for a 150-foot PCS monopole antenna. The following conditions applied: subject to the 150 feet PCS monopole antenna being located as specified by the
Additionally, Section 1204.3.C & E of the Code provides general standards for locating communication towers in any district. Some of the more notable requirements include:

1204.3.C.2.a: Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.

1204.3.C.4.: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

1204.3.C.6: All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 150 ft. used for residential purposes.

The plans indicate that the cell tower site will be enclosed by a chain link fence. The subject lot contains tree and vegetation coverage along the west and north boundaries which offers some shielding from the abutting residential properties.

1204.3.C.7.a: Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office, or agricultural zoned lot, excluding expressway rights of way zoned residential.

In the original application (CBOA-1492), the applicant did not ask for a Special Exception for the tower setback. According to the notes of the meeting, the monopole antenna would be placed in the middle of the property and lack 3’ on either side. The property went through a lot split after 1997 and according to the site plan, the monopole antenna no longer meets the required 110% setback. The 165-foot tower would need a setback of 181.5 feet. The property line to the west is 50 feet away and the property line to the south is 62 feet away according to the site plan.

The submitted site plan indicates that the requested modified tower height is 165 ft. The setback requirement is 181.5 ft. from an adjoining R, AG, or O zoned lot. The requirement was established for reasons including the creation of a fall zone and to minimize the impact of the tower on the low intensity zones. The submitted plan indicates that the proposed cell tower is less than 181.5 ft from the abutting AG zoned lot; therefore, the applicant has requested a special exception to modify the setback requirement.

1204.3.C.8: Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided however the Board may modify of waive the requirements by special exception

The applicant’s plans show that the tower site is enclosed by a chain-link fence.

Additionally, Section 1204.3.E provides the following:
1. **Factors to be considered in granting a special exception.** In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:
   a. Height of the proposed tower;
   b. Proximity of the tower to residential structures, residential district boundaries and existing towers;
   c. Nature of uses on adjacent and nearby properties;
   d. Surrounding topography;
   e. Surrounding tree coverage and foliage;
   f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
   g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation;
   h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
   i. Proposed ingress and egress;
   j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area;
   k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.
   l. Landscaping

2. **Collocation.** Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

3. **The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.**

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed communications tower will be non-injurious to the surrounding area.

**Sample Motion:**

"Move to _______ (approve/deny) a modification of a previously approved Special Exception to increase the height of a monopole antenna from 150 feet to 165 feet in an AG District. (Sec. 320); and a Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG lot on the west and south (Section 1204.3)."

_The Board considered each of the stated factors in Section 1204.3.E.1&2 of the Code and finds that the application complies with those requirements to the Boards satisfaction._

_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._"
Case No. 1491 (continued)

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; none “absent”) to CONTINUE Case No. 1491 to April 15, 1997, at 1:30 p.m., to enable the applicant to meet with abutting property owners and discuss a better proposed site.

Case No. 1492
Action Requested:
Special Exception to permit a 150’ PCS monopole antenna in an AG district. SECTION 220. HEIGHT EXCEPTIONS - Use Unit 4, located 9920 North Yale.

Presentation:
The applicant, Kris Doyle/Western Wireless, 7043 East 15th Street, submitted a site plan (Exhibit G-1) and stated the proposed site is away from residential structures. He explained that the subject property owner is adjacent to his mother’s property and she is in favor of this proposal.

Comments and Questions:
Mr. Alberty asked the applicant if it will be possible for the tower to setback 110% from the perimeter boundaries? He stated he is lacking 3’ on either side in meeting the 110% setback. He explained that he can set the monopole in the middle of the property and lack 3’ on either side.

Mr. Doyle asked the owner, Thomas Firestone, if there is a problem with placing the monopole site in the middle of his property? He stated that there will not be any problem with placing the proposed site in the middle of his property.

Interested Parties:
Thomas Firestone, 9920 North Yale, Sperry, stated his mother’s land is directly south and he is co-owner of the land. He explained that if the tower did fall it would be falling on his land, whether it is in the middle or in the original proposed site.

Johnnic Firestone, 2020 North Rosedale, Tulsa, stated she owns the land surrounding the subject property. She explained that there is 80 acres and it is all family owned and the family is in agreement with this application.

Board Action:
On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; none “absent”) to APPROVE a Special Exception to permit a 150’ PCS monopole antenna in an AG district. SECTION 220. HEIGHT EXCEPTIONS - Use Unit 4; subject to the 150’ PCS monopole antenna being located as specified by the applicant; subject to the removal if abandoned for 180 days; subject to the monopole tower being designed for collocation; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

N330.60’, E790.6’, S/2, NE/4, SE/4, Sec. 16, T-21-N, R-13-E, Tulsa County, Oklahoma, containing 6 acres more or less AND Part S/2, NE/4, SE/4, Sec. 16, T-21-N, R-13-E, being described as follows: Starting SE/c said Sec. 16; thence N00°07’48”W along the Ely line for 1,685.36’; thence S89°52’12”W for 690.60’ to the POB; thence continuing S89°52’12”W for 40.00’; thence N00°07’48”W for 40.00’; thence N89°52’12”E for 40.00’; thence S00°07’48”E for 40.00’ to the POB.
EXHIBIT A

Legal Description of Premises

The Property is legally described as follows:

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 SE/4) OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 13 EAST, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE NORTH 00°07'48" WEST ALONG THE EASTERLY LINE OF SECTION 16 FOR 1,685.36 FEET; THENCE SOUTH 89°52'12" WEST FOR 690.60 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 89°52'12" WEST FOR 40.00 FEET; THENCE NORTH 00°07'48" WEST FOR 40.00 FEET; THENCE NORTH 89°52'12" EAST FOR 40.00 FEET; THENCE SOUTH 00°07'48" EAST FOR 40.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

(Access Easement)

A 20 FOOT WIDE STRIP OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 SE/4) OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 13 EAST, TULSA COUNTY, STATE OF OKLAHOMA, THE CENTERLINE OF SAID 20 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE NORTH 00°07'48" WEST ALONG THE EASTERLY LINE OF SECTION 16 FOR 1,874.01 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 20 FOOT WIDE STRIP; THENCE SOUTH 89°52'12" WEST FOR 350.08 FEET; THENCE SOUTH 64°44'41" WEST FOR 376.11 FEET TO THE END POINT OF THE CENTERLINE OF SAID 20 FOOT WIDE STRIP OF LAND.
April 1, 2019

OK - TULSA COUNTY BOARD OF ADJUSTMENT
2 WEST 2ND STREET, SUITE 800
TULSA, OK 74103

RE: Special Exception Request to modify height on a communications tower located at:
9902 N. Yale Ave E., Sperry, OK, 74073
Crown Site Number: 826450 / Crown Site Name: Owasso West

Crown Castle USA Inc. ("Crown Castle") is submitting the attached Tulsa County Board of Adjustment application to modify the height of a telecommunications tower located at 9902 N. Yale Ave E., Sperry, OK 74073 in OK - TULSA COUNTY (the "Owasso West Tower").

Crown Castle proposes to modify the "Owasso West Tower" as follows:

**Crown Castle proposes to extend the height of the existing telecommunications tower from 150.0 feet to 165.0 feet with no changes to the ground space.**

**Itemized list of submittal documents:**
- Application
- Check # 19131 Amount $315.00
- Construction Drawings

Crown Castle is committed to working cooperatively with all jurisdictions around the country to secure expeditious approval of requests to modify existing personal wireless service facilities. If you should require more information, please do not hesitate to contact me with your questions.

Sincerely,

Chloe Kennedy
Chloe.Kennedy@crowncastle.com
(615) 771-1540

The Foundation for a Wireless World,
CrownCastle.com
NOTES:

MODIFICATION INSPECTION BRIEF

ITEM OF TOWER VISUAL ON SITE. CROWN DOC 

AS IN THE DOCUMENTATION BY CONSTRUCTION REPOS AND ADDITIONAL PERTINENT INSPECTION REPORT. SHALL BE PROCEEDED TO THE WI INSPECTOR FOR INCLUSION IN THE WI REPORT.

MODIFICATION INSPECTION REPORT.

SHALL BE CONDUCTED BY A CROWN APPROVED WI INSPECTOR WORKING FOR A CROWN APPROVED MSV ORDER SIZE CROWN CED-LSST-1073, "APPROVED MS VENDOR",

TO ENSURE THAT THE REQUIREMENTS OF THE WI ARE MET, IT IS VITAL THAT THE GENERAL CONTRACTOR (GC) AND THE WI INSPECTOR BEGIN COMMUNICATING AND COORDINATING AS SOON AS A PURCHASE ORDER (PO) IS RECEIVED, IT IS EXPECTED THAT EACH PARTY WILL BE IN READING OUT TO THE OTHER PARTY OF CONTRACT INFORMATION IS NOT KNOWN TO GC AND/OR INSPECTOR SHALL CONTACT THE CROWN POINT OF CONTACT (POC) FOR EVALUATION.

REFER TO CROWN CED-SOW-10107, "MODIFICATION INSPECTION BRIEF", FOR FURTHER DETAILS AND REQUIREMENTS.

SERVICE LEVEL COMMITMENT:

THE FOLLOWING RECOMMENDATIONS AND SUGGESTIONS ARE OFFERED TO ENHANCE THE EFFICIENCY AND EFFECTIVENESS OF DELIVERING AN MS REPORT:

- THE GC WILL PROVIDE A MINIMUM OF 2 REPAIR/SPOT NOTICE, PREFERABLY 10, TO THE WI INSPECTOR AS TO WHEN THE SITE WILL BE READY FOR THE MS TO BE CONDUCTED.
- THE GC WILL PROVIDE A MINIMUM OF 20 WORKFLOWS THROUGHOUT THE ENTIRE PROJECT.
- WHEN POSSIBLE, IT IS PREFERRED TO HAVE THE GC AND WI INSPECTOR ON-SITE SIMULTANEOUSLY FOR ANY OUTLINE WORKS PENDENT OR PRE-VISITING OPERATIONS.
- WHEN POSSIBLE, IT IS PREFERRED TO HAVE THE GC AND WI INSPECTOR ON-SITE DURING THE MS TO HAVE ANY MAJOR DEFICIENCIES CORRECTED DURING THE MS. THEREFORE, THE GC MAY CHOOSE TO COORDINATE THE MS TO ENSURE ALL CONSTRUCTION FACILITIES ARE AT THEIR DISPOSAL WHEN THE MS INSPECTOR IS ON SITE.

REQUIRED PHOTOS:

BETWEEN THE GC AND THE WI INSPECTOR THE FOLLOWING PHOTOGRAPHS, AT A MINIMUM, ARE TO BE TAKEN AND INCLUDED IN THE MS REPORT:

- CONSTRUCTION GENERAL SITE CONDITION (INCLUDING PHOTOGRAPIHS DURING THE REPAIR MODIFICATION INSTALLATION/REPAIR/INSPECTION JOB MATERIALS)
- SPECIFICATION/INSTRUCTION/NOTICE/CUES/CODE IMPLEMENTATIONS
- "PHOTOS OF ALL CRITICAL DETAILS"
- "PHOTOS OF ALL MODIFICATION INSTALLATION/REPAIR/INSPECTION MATERIALS"
- "PHOTOS OF ALL MODIFICATION INSTALLATION/REPAIR/INSPECTION MODIFICATIONS"
- "PHOTOS OF ALL MODIFICATION INSTALLATION/REPAIR/INSPECTION VENDORS"
- "PHOTOS OF ALL MODIFICATION INSTALLATION/REPAIR/INSPECTION MACHINERY"
- "PHOTOS OF ALL MODIFICATION INSTALLATION/REPAIR/INSPECTION SURFACE COATING REPAIRS"
- "PHOTOS OF ALL MODIFICATION INSTALLATION/REPAIR/INSPECTION POST CONSTRUCTION PHOTOGRAPHS"
- "FINAL IMFPORT CONDITION"

PHOTOS OF ELEVATED MODIFICATIONS TAKEN ONLY FROM THE CROWN SIDE SHALL BE CONSIDERED IMPOSSIBLE.

THIS IS NOT A COMPLETE LIST OF REQUIRED PHOTOS. PLEASE REFER TO CROWN DOCUMENT # CED-SOW-10107.

MODIFICATION INSPECTION NOTES:

GENERAL:

THE WI IS AN ON-SITE VISUAL AND HANDS-ON INSPECTION OF TOWER MODIFICATIONS INCLUDING ALL OF CONSTRUCTION REPORTS AND ADDITIONAL PERTINENT DOCUMENTATION PROVIDED IN THE GENERAL CONTRACT. THE WI IS TO ENSURE THE INSTALLATION PROCESS AND VALIDATION OF THE CONTRACTOR'S MODIFICATIONS, IN ACCORDANCE WITH APPLICABLE INDUSTRY STANDARDS AND AS DESIGNED BY THE ENGENEER OF RECORD (EOE).

NO DOCUMENT, CODE OR POLICY CAN PROVIDE THE SAME INFORMATION THAT MAY ARISE ACCIDENTALLY. THIS CHECKLIST IS INTENDED TO SERVE AS A SOURCE OF GUIDELINES IN ESTABLISHING GUIDELINES FOR MODIFICATION INSPECTION. THE WI IS TO CONFIRM INSTALLATION CONFIGURATION AND WORKSHOP ONLY AND IS NOT A REVIEW OF THE WIS DESIGN, PROOF, AND THE WI INSPECTOR REAFFIRM THEIR OWNERSHIP OF THE MODIFICATION DESIGN EFFECTIVENESS AND INTENSITY REQUIRED WITH THE EOE OF ALL TECHNIQUES USED BY THE WI INSPECTOR SHALL INSPECT THE WORK, CONFIRM, COMPLIANCE AND PROVIDE TO THE CROWN POINT IN CONFORMITY (CROWN POC) FOR EVALUATION.

ALL MTS SHALL BE CONDUCTED BY A CROWN APPROVED WI INSPECTOR WORKING FOR A CROWN APPROVED MSV ORDER SIZE CROWN CED-LSST-1073, "APPROVED MS VENDOR",

FOR MODIFICATION IN SÄELISHING OF INTENDED SOURCE MOUNTS, STEP BEAMS, CLIMBS AND PORTHOLES, CED-SOW-10107. THE WI INSPECTOR SHALL PROVIDE WRITTEN AND PHOTOGRAPHIC DOCUMENTATION TO THE WI INSPECTOR VERIFYING THAT ANY ON-SITE MODIFICATIONS AND/OR MODIFICATIONS COMPLIANT WITH THE COURSE STANDARDS SPECIFIC TO THE MODIFICATION INSTALLATION/REPAIR/INSPECTION.

CROWN CASTLE

BUILD 265405

2019 MODIFICATIONS TOWER REWORK FOR A 150' VALMONT MONOPOLE TOWER W/ A 15' EXT OWASSO WEST

CRD 694

PROJECT NUMBER: 2-12

NORTH FOR PERMISSIONS TD:

SCALE: 100-020-027

NONE
NOTES:

1. REQUIREMENTS SHOWN IN SDD PACKAGE ARE NOT INCLUDED.
2. ALL BOLTS SHALL BE HOT-DIP GALVANIZED ASTM A325 ASSEMBLIES, TO INCLUDE BOLT, HEX HOLE, NUT, AND SPLIT LOCK WASHERS, UNO. USE BEARING TYPE CONNECTIONS, TIGHTEN TO A SING H TIGHT CONDITION, UNO.
3. ALL SAE GRADE 5 BOLTS TO INCLUDE BOLT, HEX EYE NUT, AND SLIP LOCK WASHER, USE, USE BEARING TYPE CONNECTIONS, TIGHTEN TO A SING H TIGHT CONDITION, UNO.
4. ALL ASTM A490 BOLTS TO INCLUDE BOLT, HEX EYE NUT, AND SLIP LOCK WASHER, UNO. USE BEARING TYPE CONNECTIONS, TIGHTEN TO A SING H TIGHT CONDITION, UNO.
5. HAMMERS MAY BE USED FOR SPLIT LOCK WASHERS AS LOCKING MECHANISM FOR BOLTS, UNO.
7. U-BOLTS SHALL BE SNUG TIGHT, UNO.
8. ALL U-BOLTS TO INCLUDE 2- HEX HEAD NUTS AND 2- SPLIT LOCK WASHERS, UNO.
9. AN ASTM F1494 FLAT WASHER MUST BE USED WHERE SLOTTED HORIZONTAL HOLES ARE PRESENT. WHERE STANDARD HOLES ARE PRESENT FLAT WASHERS ARE NOT REQUIRED.
10. ASTM A194 2M HEX HEAD NUTS MAY BE SUBSTITUTED FOR ASTM A563 NUTS AND MUST BE USED WHEN USING ASTM A193 GRADE B FASTENERS.
11. ANY HARDWARE REMOVED FROM THE EXISTING TOWER MUST BE REPLACED WITH NEW HARDWARE OF EQUAL SIZE AND QUALITY, UNO.
12. ALL EXPOSED STRUCTURAL STEEL SHALL BE HOT-DIP GALVANIZED PER ASTM A155 / A155M OR A252, AS APPLICABLE. FIELD DRILLED OR CUT MATERIAL MUST BE PROTECTED WITH A TWO COAT HAMMERED ZINC RICH PAINT IN ACCORDANCE WITH EN-DUL-10149 TOWER PROTECTIVE COATINGS BULLETIN.
13. FOR NEW PLATE CONNECTIONS, EXISTING GALVANIZED STEEL PLATE (100% INSPECTED AT THE WORK SITE) SHALL CONFORM TO THE REQUIREMENTS OF ASTM A475, EXCEPT WHERE SPECIFIED OTHERWISE WITH FIELD APPROVAL.
14. ALL STRAND WIRE, EXCEPT GALVANIZED STEEL, MUST BE CAPABLE OF WITHSTANDING THE GRADE 1 BRIDGE STRAND REQUIREMENTS AND BE EQUIVALENTLY COMFORMED.
15. ALL SHOP WELDING TO BE DONE IN ACCORDANCE WITH AWS D1.1 STRUCTURAL WELDING CODE. ALL WELDING TO BE DONE BY AWS CERTIFIED WELDERS USING 6083X ELECTRODES, UNLESS NOTED OTHERWISE.
16. IT IS THE RESPONSIBILITY OF THE MATERIAL SUBMITTED TO BE CERTIFIED TO THE CERTIFICATE. ALL COMPONENTS USED IN THE GREAT H TENNESS SHALL BE FIELD VERIFIED.
17. ANY TESTING PERFORMED WITHOUT A PRE-FABRICATION MAPPING IS NOT TO BE PERFORMED AT THE SITE OF THE FABRICATOR, UNO.
18. ALL RIGGING PLANS AND METHODS, INCLUDING BUT NOT LIMITED TO, ERECTION PLANS, RIGGING PLANS, CLIMBING PLANS, AND RIGGING PLANS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONSTRUCTION, RESPONSIBLE FOR THE EXECUTION OF THE WORK CONTAINED HERIN AND SHALL MEET ANS/ASME A10.48 (LATEST EDITION). FEDERAL, STATE AND LOCAL REGULATIONS, AND ANY APPLICABLE INDUSTRY CONSORTIUM STANDARDS RELATED TO THE CONTRACTING CONSTRUCTION ACTIVITIES BEING PERFORMED. ALL RIGGING PLANS SHALL ADHERE TO ANS/ASME A10.48 (LATEST EDITION) AND CROWN STANDARD FORC 17-2013 INCLUDIING THE REQUIRED INVOLVEMENT OF A QUALIFIED ENGINEER FOR CLASS IV CONSTRUCTION TO CERTIFY THE SUPPORTING STRUCTURE. IN ACCORDANCE WITH THE ANS/ASME A10.48 (LATEST EDITION),
19. THE CLIMBING FACILITIES, SAFETY CABLES, AND ALL PARTS THEREOF SHALL MEET THE MANDATED AND/or MODIFIED TO THE EXPRESS WRITTEN APPROVAL OF THE ENGINEER OF RECORD.
20. TOLERANCES, UNLESS NOTED OTHERWISE, SHALL BE THE FOLLOWING: FLATNESS ± 1/2 DEGREE, DEWELS ± 0°.
TYPICAL NG2 BOLT DETAIL

NOTES:
1. ALL SHOP AND FIELD DRILLED HOLES SHALL BE NOMINAL 30mm DIAMETER, THE MAXIMUM HOLE DIAMETER PERMITTED IS 1-3/16".
2. NextGen2® COMPLETE ASSEMBLY SHALL BE MACHINED 5½ DEGREE COATED PER ASTM F2053 AS APPROPRIATE.
3. INSTALL PER MANUFACTURER'S INSTRUCTIONS.
NOTES:

PRE-INSTALLED FORGBolt® ASSEMBLY DETAIL

FORGBolt® INSTALLATION

FOLLOW ALL MANUFACTURER/DISTRIBUTOR RECOMMENDATIONS FOR INSTALLATION, TIGHTENING, AND INSPECTION.

1. FIELD DRILL HOLES TO 30 MM DIAMETER.
2. SELECT CORRECT BOLT SIZE FOR INSTALLATION GRIP (REFER TO TABLE).
3. INSERT BOLTS INTO MACHINED HOLES IN EXISTING SHAFT AND SHAFT REINFORCING PLATES AND SEAT THE HARDENED WASHER WTHHE FLANGE JUMP BOLT AGAINT THE OUTSIDE OF THE PLATE.
4. TIGHTEN NUT TO FINGER TIGHT.
5. TIGHTEN NUT TO PRETENSIONED CONDITION AND USE DTI TO SHOW PROPER INDICATION.
6. PROPERTY DOCUMENT AND INSPECT BOLT TIGHTENING PER PLANT REQUIREMENTS.

CROWN CASTLE
BU# 826450

2019 MODIFICATIONS
TOWER REWORK FOR A 150' VALMONT MONOPOLE TOWER W/ A 15' EXT
OWASSO WEST

DRAWN ON PRINTING 30A
SHEET NUMBER: 6 OF 12
PROJECT NUMBER: 2019-005-027
SCALE: 1/8" = 1'-0"

FORGBolt® MATERIAL: ASTM A325 AND PC8.8 (TENSILE STRESS, FU = 120 KSI MINIMUM)

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<th>GROUP A</th>
<th>FORGBolt® SIZE (MM)</th>
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<th>ESTIMATED WEIGHT EACH (LB)</th>
<th>GRIP RANGE (INCH)</th>
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<td>6.30</td>
<td>1.6</td>
<td>3/4 TO 1 1/2&quot;</td>
<td>--</td>
<td>GREEN</td>
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<tr>
<td>3</td>
<td>2</td>
<td>7.68</td>
<td>1.9</td>
<td>1-1/8 TO 2 1/2&quot;</td>
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<tr>
<td>4</td>
<td>2</td>
<td>10.24</td>
<td>2.6</td>
<td>2&quot; TO 3 1/2&quot;</td>
<td>SPICE BOLT</td>
<td>YELLOW</td>
</tr>
<tr>
<td>5</td>
<td>3</td>
<td>14.37</td>
<td>3.6</td>
<td>3 1/2 TO 5 1/2&quot;</td>
<td>FLANGE JUMP BOLT</td>
<td>ORANGE</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>17.32</td>
<td>4.3</td>
<td>5 1/8 TO 8 1/2&quot;</td>
<td>FLANGE JUMP BOLT</td>
<td>BLACK</td>
</tr>
</tbody>
</table>

NOTE: EACH GROUP A (A325/PC8.8) FORGBolt® ASSEMBLY SHALL HAVE A 'SQUIRTER' NUT THAT NOTE IS COMPATIBLE WITH A M20-M24 BOLT.
NOTES:
1. DO NOT WELD WITHOUT APPROVAL FROM THE ENG.
2. STUDS FOR MONOPOLE REINFORCEMENT MEMBER SHALL BE REQUIRED WHERE GAPS BETWEEN THE POLE SHAFT AND REINFORCING MEMBER EXIST AT FASTENER LOCATIONS. FOR INTERMEDIATE CONNECTIONS, THE MINIMUM STUD LENGTH AND WIDTH SHALL BE THE WIDTH OF THE REINFORCING MEMBER TO REINFORCE MEMBERS SHALL BE 12 GAUGE COLDSRCH. STACKING OF STUDS IS PERMITTED. FINISH STUDS AND HARDWARE STUDS ARE PERMITTED STACKED STUDS SHALL BE NO GREATER THAN 1/4" WITHOUT FOR APPROVAL.
4. ALL FLAT PLATE REINFORCEMENT IS TO BE INSTALLED CENTERED ON ITS DESIGNATED PLATE, UND.
5. SEE CUMBERLAND PARTS CATALOG (LATER EDITION) FOR PART DETAILS.
6. ON MULTIPLE POLES EXISTING SAFETY CLAMP IS OVERRIDDEN FLAT(FLAT) SKIN PLATES ARE NUMBERED COUNTERCLOCKWISE REFERENCE DOCUMENT END-03-10247 MONOPOLE CORRUGATED (LATER EDITION) TO DETERMINE CORRECT LABELING.

A MINIMUM OF 12- 15/16" FIELD DRILLED HOLES ARE REQUIRED FOR THESE MODIFICATIONS. HOLES MUST HAVE TWO COATS OF ZINC RICH PAINT PER NOTE 14 ON SHEET 3 BEFORE ASSEMBLY.
2019 MODIFICATIONS
TOWER REWORK FOR A 150' VALMONT MONOPOLE TOWER W/ A 15' EXT
OWASSO WEST

ELEV. 165'-0"
CONTACOR IS RESPONSIBLE FOR PROPERLY RELOCATING EXISTING LIGHTNING ROD TO TOP OF NEW EXTENSION

ELEV. 150'-0"
CONTRACTOR TO REPLACE SAFETY CLIMB SYSTEM WITH NEW FULL LENGTH SAFETY CLIMB SYSTEM PROVIDED BY TUF-TUG

NOTE: 1. 12'-15/16" FIELD DRILLED HOLES ARE REQUIRED.
CARE SHOULD BE TAKEN TO MAKE SURE VS-28378 SUPPORT WELDMENTS ARE INSTALLED LEVEL.

BOLT, 7/8" X 3 1/4" (2- PER VS-28378) (SEE NOTE 1 ON SHEET 8)

VS-28363 (REMOVE AFTER INSTALLING AND LEVELING VS-28278)

STEPBOLT, 3/4" X 9"

1" MAXIMUM PROJECTION

1 1/2" MINIMUM

CONTRACTOR IS RESPONSIBLE FOR PROPERLY RELOCATING EXISTING LIGHTNING ROD TO TOP OF NEW EXTENSION

VS-28360 W/ 2 - 1" 2H HEAVY HEX NUTS & 2 - 1" LOCK WASHERS (TYPICAL)

V-S-28340 W/ 6 - 1" 2H HEAVY HEX NUTS (TYPICAL)

VS-28360 NOT ShOWN FOR CLARITY

BOLT, 7/8" X 3 1/4" (2- PER VS-28360) (SEE NOTE 1 ON SHEET 8)
NOTES:
1. ALL CJP WELDS ARE TO BE INSPECTED VISUALLY AND WITH UT METHODS IN ACCORDANCE WITH AWS D1.1 STRUCTURAL WELDING CODE.
2. ALL FILLET WELDS ARE TO BE INSPECTED VISUALLY IN ACCORDANCE WITH AWS D1.1 STRUCTURAL WELDING CODE.

HSS 16.000" X 0.375" (ASTM A53 GRADE B) NEW STEP BOLT CUP (SEE SHEET 11)

PL 3/8" THICK (ASTM A572 GRADE 50) (TYPICAL)

24.5" ø PL 1 1/4" THICK (ASTM A572 GRADE 50)

SEE NOTE 2 TYPICAL

PL 3/8" THICK (ASTM A572 GRADE 50) (TYPICAL)

HSS 16,000" X 0.375" (ASTM A53 GRADE B)

NEW STEP BOLT CUP (SEE SHEET 11)

PL 1/4" THICK (ASTM A572 GRADE 50)

HSS 16,000" X 0.375" (ASTM A53 GRADE B)

NEW STEP BOLT CUP (SEE SHEET 11)

PL 1/4" THICK (ASTM A572 GRADE 50)

1 1/8" HOLE AND 1 1/4" 2H HEAVY HEX NUT (TYPICAL)

2 1/4" HEAVY HEX NUT

SEE NOTE 2 TYPICAL

2.5" ø PL 3/8" (ASTM A572 GRADE 50)

SEE NOTE 2 TYPICAL

6 - 1 1/8" HOLES ON AN 21.5" BOLT CIRCLE

1/2" CHAMFER (DO NOT WELD CHAMFER REGION)

SHAFT 16.000" X 0.375" (ASTM A53 GRADE B)

NEW STEP BOLT CUP (SEE SHEET 11)

SEE NOTE 2 TYPICAL

2.5" ø PL 3/8" (ASTM A572 GRADE 50)

SEE NOTE 2 TYPICAL

6 - 1 1/8" HOLES ON AN 21.5" BOLT CIRCLE

1/2" CHAMFER (DO NOT WELD CHAMFER REGION)

SHAFT 16.000" X 0.375" (ASTM A53 GRADE B)

NEW STEP BOLT CUP (SEE SHEET 11)

SEE NOTE 2 TYPICAL

2.5" ø PL 3/8" (ASTM A572 GRADE 50)

SEE NOTE 2 TYPICAL

6 - 1 1/8" HOLES ON AN 21.5" BOLT CIRCLE

1/2" CHAMFER (DO NOT WELD CHAMFER REGION)

SHAFT 16.000" X 0.375" (ASTM A53 GRADE B)

NEW STEP BOLT CUP (SEE SHEET 11)

SEE NOTE 2 TYPICAL

2.5" ø PL 3/8" (ASTM A572 GRADE 50)

SEE NOTE 2 TYPICAL

6 - 1 1/8" HOLES ON AN 21.5" BOLT CIRCLE

1/2" CHAMFER (DO NOT WELD CHAMFER REGION)

SHAFT 16.000" X 0.375" (ASTM A53 GRADE B)

NEW STEP BOLT CUP (SEE SHEET 11)

SEE NOTE 2 TYPICAL

2.5" ø PL 3/8" (ASTM A572 GRADE 50)

SEE NOTE 2 TYPICAL

6 - 1 1/8" HOLES ON AN 21.5" BOLT CIRCLE

1/2" CHAMFER (DO NOT WELD CHAMFER REGION)
NEW STEP BOLT CLIP WELDS ARE SUBJECT TO AWS D1.1 AND MUST BE INSPECTED BY A CWI. REFER TO DOCUMENT "ENG-STD-10069 GC CWI REQUIREMENT STANDARD" FOR CWI REQUIREMENTS...

2. STEP BOLT CLIPS SHALL BE SHIP WELDED.

3. STEP BOLT CLIPS SHALL BE WELDED IN PLACE PRIOR TO HOT DIP GALVANIZING THE WELDMENT.

4. CONTRACTOR SHALL USE ALL NEW STEP BOLTS AND HARDWARE.

5. CENTER TO CENTER STAGGERED SPACING SHOULD BE MATCHED TO EXISTING FIELD CONDITIONS. STAGGERED SPACING SHALL BE A MINIMUM OF 10" AND MAXIMUM OF 16", IN THE VERTICAL DIRECTION.

6. HORIZONTAL SPREAD IS NOT TO EXCEED 24".

7. STEP BOLT CLIPS SHALL BE SHOP WELDED.

8. STEP BOLT CLIPS SHALL BE WELDED IN PLACE PRIOR TO HOT DIP GALVANIZING THE WELDMENT.

9. CONTRACTOR SHALL USE ALL NEW STEP BOLTS AND HARDWARE.

10. CENTER TO CENTER STAGGERED SPACING SHOULD BE MATCHED TO EXISTING FIELD CONDITIONS. STAGGERED SPACING SHALL BE A MINIMUM OF 10" AND MAXIMUM OF 16", IN THE VERTICAL DIRECTION.

11. HORIZONTAL SPREAD IS NOT TO EXCEED 24".


13. STEP BOLTS SHALL BE INSTALLED USING DOUBLE NUTS. A STEP BOLT INSTALLED IN A STEP BOLT CLIP SHALL BE TURNED WITH THE OUTER NUT LOOSE UNTIL THE END OF THE STEP BOLT MAKES CONTACT WITH THE SUPPORTING MEMBER. THE OUTER STEP BOLT NUT SHALL THEN BE TIGHTENED TO A SNUG TIGHT CONDITION AND PRETENSIONED BY ROTATING THE OUTER NUT 1/3 TURN.

14. STEP BOLT CLIP HOLES SHALL BE SHOP DRILLED OR PUNCHED.

15. MINIMUM CLEAR WIDTH OF STEP BOLTS IS 4 1/2". MAXIMUM CLEAR WIDTH IS 7" FOR 3/4" DIAMETER STEP BOLTS.
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2748

STR: 9220
CZM: 45
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Edward Barclay

ACTION REQUESTED: Use Variance to permit an Agricultural Use (Use Unit 3) in an RS Zoned District.

LOCATION: 3930 S 51 AV W

ZONED: RS

PRESENT USE: Residential

TRACT SIZE: 4.50 acres

LEGAL DESCRIPTION: LTS 7 & 8 LESS S25 THEREOF & LESS BEG 50N SECR LT 7 TH S25 W25 NE35.35 POB FOR RD; W122.5 OF LT 3 & ALL LT 4, PARKS ACRES, WALKER HGTS

RELEVANT PREVIOUS ACTIONS:

Subject Property: CZ-470 April 2018: All concurred in approval of a request for rezoning a 4.62+ acre tract of land from RS to CS on property located on the northwest corner of West 41st Street South & South 51st West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS zoning to the north, east, and west with residential development. The subject tract to the south is zoned CS but is not developed at this time.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit an Agricultural Use (Use Unit 3) on a 4.5+ acre RS zoned lot. The applicant would like to keep horses on his property.

A Use Variance is required as the keeping/raising of horses for personal use, as stated by the applicant, is not a use permitted in an RS zoned district because of the potential adverse effects on neighboring properties. The keeping/raising of livestock must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: "Our property is not in a subdivision, but there is one about a mile away. The housing density is very low in the surrounding area. Given the environment, we feel that it is a hardship on the property that horses and poultry are banned. We ask that a Hardship Variance be assigned to the property that allows a limited number of these animals."

According to the submitted site plan, there is an existing barn and house on the property.
The Berryhill Land Use Plan identifies this property as Neighborhood Center on the Future Land Use Map. Neighborhood Centers are small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edge.

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

Conditions that may be considered include the number of horses and possible screening requirements.

Sample Motion:

"Move to ________ (approve/deny) a Use Variance to permit an Agricultural Use (Use Unit 3) for personal use on a 4.5 acre RS zoned lot.

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

Subject to the following conditions, if any: ________________________________.

Finding the hardship to be ________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."
The Lot-Split proposal is to split an existing Agriculture (AG) tract into three tracts. All tracts will meet the Bulk and Area requirements of the Tulsa County Zoning Code.

The Technical Advisory Committee met on February 15, 2018 and had the following comment. The County Engineer is requesting that 50' of right-of-way be dedicated along East 161st Street South, including any previously dedicated right-of-way.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends APPROVAL of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:
On MOTION of MILLIKIN, TMAPC voted 9-0-0 (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none “abstaining”; Dix, Doctor, “absent”) to APPROVE Lot Split LS-21114 per staff recommendation.

31. CZ-470 Thomas Barclay (CD 3) Location: Northwest corner of West 41st Street South and South 51st West Avenue requesting rezoning from RS to CS

STAFF RECOMMENDATION:
SECTION I: CZ-470

DEVELOPMENT CONCEPT: Rezone from RS to CS in order to permit the marketing and possible future development of commercial uses, as allowed in CS, for the subject lot. No specific uses are proposed at this time.

DETAILED STAFF RECOMMENDATION:

CS zoning is non injurious to the existing proximate properties and;

CS zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-470 to rezone property from RS/ to CS.

SECTION II: Supporting Documentation
RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Tulsa County District 9 plan designates the subject lot as being, Low Intensity within a Corridor along the Gilcrease Expressway. A new Berryhill Small Area Plan is currently being developed, which this lot would be located within, which will bring the plan for this area into a more up-to-date form.

Land Use Vision:

Land Use Plan map designation: Low Intensity / Corridor

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W 41st St S is designated as a Secondary Arterial. A new interchange between the Gilcrease Expressway expansion and W 41st St S is currently planned approximately ¼ mile from the subject lot.

Trail System Master Plan Considerations: The site is located within ¼ mile of the Gilcrease West Trail

Small Area Plan: Subject lot will be located within the Berryhill Small Area Plan, currently being developed.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject lot is currently vacant except for a barn and single-family home that appear to no longer be in use.

Environmental Considerations: None

Streets:

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<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
<td>W 41st St S</td>
<td>Secondary Arterial</td>
<td>100 feet</td>
<td>2</td>
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Utilities:
The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tr>
<td>North</td>
<td>RS</td>
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<tr>
<td>South</td>
<td>IR</td>
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<td>N/A</td>
<td>Vacant</td>
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<tr>
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<tr>
<td>West</td>
<td>RS</td>
<td>N/A</td>
<td>N/A</td>
<td>Single-Family</td>
</tr>
</tbody>
</table>

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

**Subject Property:** No relevant history.

**Surrounding Property:**

**CBOA-2612 January 2017:** The Board of Adjustment approved a special exception to allow auto repair and service (Use Unit 17) in the CS District (Section 710); and a variance of the screening requirement along the north lot line (Section 1217), on property located at the northeast corner of South 49th West Avenue and West 41st Street South.

**PUD-824/CZ-437 January 2015:** All concurred in approval of a proposed Planned Unit Development on a 21.85± acre tract of land; and approval of a request for rezoning from AG to RM-2/CG/PUD-824 on property located west of the southwest corner of West 41st Street South and South 49th West Avenue.

**CBOA-2352 November 2009:** The Board of Adjustment approved a special exception to permit a church use (Use Unit 5) in an IL district (Section 910), on property located west of the southwest corner of West 41st Street South and South 49th West Avenue.

**CBOA-2268 June 2007:** The Board of Adjustment approved a special exception, with conditions, to permit a fireworks stand, a pumpkin patch, and Christmas tree sales (Use unit 2) in a CS district; and approved a variance of the paving requirement to permit a temporary gravel driving surface, on property located west of the southwest corner of West 41st Street South and South 49th West Avenue.
The Board of Adjustment approved a special exception to allow an Electrical Contracting business in the CS district and denied a special exception to allow a gravel parking area, on property located at the southeast corner of South 49th West Avenue and West 41st Street South.

All concurred in approval of a request for rezoning a 40± acre tract of land from AG to CS/I/R/L for commercial and light industrial on property located on the southwest corner of West 41st Street South and South 49th West Avenue.

Mr. Covey asked staff if their determination was non-injurious to the surrounding properties.

Staff replied, based on the zoning to the south and east of the subject property and the Gilcrease Expressway will be .25 miles to the west of the subject property it seemed to be a good fit.

Mr. Lambert stated his street, South 51st West Avenue and South 55th West Avenue on the east side of the subject property are both residential streets. Mr. Lambert stated on his road most have 1 acre of land and it's a quiet rural neighborhood. Mr. Lambert stated he did not want to look out over this front yard and see the back of a commercial strip center. Mr. Lambert asked staff if there was a small area plan that was in process for the Berryhill area and if there is Mr. Lambert stated in his opinion rezoning land prior to that plan being completed is premature. Mr. Lambert stated all the homes on South 51st Street or aerobic systems and he is concerned about the water pressure. Mr. Lambert stated West 41st Street is a two-lane road and if you are there at 5:00 p.m. the light at the Gilcrease Expressway and West 41st Street will have traffic backed up past his road and having a commercial property there will just compound the problem. Mr. Lambert stated the CS zoning seems broad for this area because Berryhill gets smoke shops or tire shops, a Starbucks is not going to locate in this area. Mr. Lambert stated there are other neighbors here that are also against this application.

Mr. Covey asked Mr. Lambert if he was aware that all 4 corners of South 49th West Avenue is CS.

Mr. Lambert stated on the south west corner of 49th West Avenue, Red Fork Church of God bought that property to build a church but it was unable to sell the current church. He stated on the northeast corner there is a business now but it's about an acre away and he doesn't see any of that property. Mr. Lambert stated the subject property would go several hundred yards up his street.
Mr. Reeds asked Mr. Lambert if he was participating in the Berryhill Small Area Plan.

Mr. Lambert answered "no".

Mr. Covey stated he would encourage Mr. Lambert to get involved.

**Applicant's Comments:**

**Eddie Barclay** 3930 South 51st West Avenue, Tulsa, OK 74107

Mr. Barclay stated he and his brother Thomas Barclay own the subject property. Mr. Barclay stated everything on the southside of West 41st Street is industrial, Mr. Cody who owns the properties at West 41st Street and South 49th West Avenue has his property zoned commercial and that intersection is going to be a major corridor with the future development of the Gilcrease Expressway. Mr. Barclay said the zoning change is to CS and nothing more.

Mr. Covey asked the applicant what he planned to do with the subject property.

Mr. Barclay answered now it's just a zoning change with no plans to do anything with the property.

Mr. Covey asked if Mr. Barclay owned the property or was it under contract.

Mr. Barclay stated he and his brother have own the property and it has been in their family since 1962.

Mr. Covey asked staff to explain when the Berryhill Small Area Plan will be completed.

Staff stated this plan is in the beginning stages. There have not been any meetings yet and everyone in the plan area needs to be notified. Staff stated the absence of a Land Use Plan does not give staff or Commissioners enough to make decisions with because there is nothing to base a denial on and an approval you must look around to see some compatible land uses.

Mr. Covey stated as he looks at the map he can see both sides of this, he understands Mr. Lambert's argument and if Mr. Covey lived in that area he would probably argue the same thing. Mr. Covey stated everything south of West 41st is CS, CG or IR and staff is saying everything abutting West 41st will be zoned commercial after the Gilcrease Expressway is complete.

Mr. Reeds stated he would vote to deny this application now because the area is in transition and the Planning Commission doesn't know what the Small Area Plan will look like when completed.
Mr. Shivel stated with the current properties to the South of West 41st already zoned commercial he has every reason to believes that with the Gilcrease expansion the rest of West 41st will be all commercial soon and for this reason Mr. Shivel does not support a denial.

Mr. Ritchey stated if the application is denied to today this would not prevent the applicant from reapplying in the future. Mr. Ritchey stated this highway will not be built in a day. Mr. Ritchey stated he understands the time and cost associated with reapplying but the decision today does not prevent the applicant from reapplying after the Gilcrease completion.

Mr. Covey stated if TMAPC denied the application the applicant could appeal to the County. Mr. Covey stated there is a 6-month waiting period before he could file the application again.

TMAPC Action; 9 members present:
On MOTION of REEDS, TMAPC voted 4-4-1 (Covey, Krug, Reeds, Ritchey, “aye”; Fretz, Millkin, Shivel, Walker “nays”; Fothergill, “abstaining”; Dix, Doctor, “absent”) to DENY CZ-470 rezoning from RS to CS per staff recommendation.

TMAPC Action; 9 members present:
On MOTION of MIIIlKIN, TMAPC voted 4-4-1 (Fretz, Millkin, Shivel, Walker, “aye”; Covey, Krug, Reeds, Ritchey, “nays”; Fothergill, “abstaining”; Dix, Doctor, “absent”) to APPROVE CZ-470 rezoning from RS to CS.

Legal Description for CZ-470:
South 320 feet of lots 7 and 8, Parks Acres, Tulsa County, OK

32. Z-7424 Chris Hopper (CD 3) Location: West of the northwest corner of East Archer Street and South Hudson Avenue requesting rezoning from RS-3 to IM

STAFF RECOMMENDATION:
SECTION I: Z-7424

DEVELOPMENT CONCEPT: Rezone the east portion of the abandoned rail right of way for expansion of an auto salvage.

DETAILED STAFF RECOMMENDATION:
Subject Tract CBOA-2748

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

Aerial Photo Date: February 2018
House on property - looking west from South 51st Avenue West

Southside of property - looking west from South 51st Avenue West
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2749

STR:2330
CZM:6
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Heather Craig

ACTION REQUESTED: Variance of the required 30' of frontage to support a single-family dwelling in an AG District (Sec. 207)

LOCATION: 14355 N TRENTON AV E
ZONED: AG

PRESENT USE: AG/ Residential
TRACT SIZE: 10.44 acres

LEGAL DESCRIPTION: E/2 SW NE NW & W/2 SE NE NW & W30 E/2 NW NE NW SEC 30 22 13 10.436ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agricultural uses and zoning in all directions.

STAFF COMMENTS:

The applicant is requesting a Variance of the minimum frontage requirement of 30' on a public street or dedicated right-of-way to 0' in an AG District. The applicant currently owns a 10.44 acre piece of property that has the 30' of frontage on a public street. The applicant wishes to trade the narrow strip of frontage that leads to the larger lot at the back of the property in exchange for the use of a mutual access easement with the owner of the property to the north.

The applicant stated the following hardship: “The 30’ street frontage strip to our property has a steep drop-off from Hwy 20 and goes through a creek and steep up and down topography. The literal enforcement of the Code would result in hardship to the property as it would be extremely difficult to construct and maintain a roadway. Negotiated with neighbor to file legal easement in exchange for 30’ strip deeded to him.”

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 of the required 30' of frontage to support a single-family dwelling in an AG District (Sec. 207)
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: ____________________________.

Finding the hardship to be ________.

In granting a 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 variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.
Subject Tract

CBOA-2749

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

Aerial Photo Date: February 2018
March 20, 2019

KENNETH & HEATHER CRAIG NEW PROPERTY DESCRIPTION

THE EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) AND THE WEST-HALF (W/2) OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. SUBJECT TO MUTUAL ACCESS AND RECIPROCAL ROADWAY EASEMENT, RECORDED AS DOCUMENT #2019007049 AT THE TULSA COUNTY’S CLERK OFFICE.

WITNESS MY HAND AND SEAL:

Salvador Titone 3/20/19
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1460

[Signature]

[Stamp: Professional Land Surveyor, Oklahoma No. 1460]
March 20, 2019

FROM KENNETH & HEATHER CRAIG TO ROBERT & DONNA CRAIG

THE WEST 30.00 FEET OF THE EAST-HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF

WITNESS MY HAND AND SEAL:

[Signature]

SALVADOR TITONE DATE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1460
DEED EXHIBIT

ROBERT & DONNA CRAIG PROPERTY DESCRIPTION

THE WEST-HALF (W/2) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHWEST QUARTER (NW/4) AND THE EAST-HALF (E/2) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH RANGE THIRTEEN (13) EAST OF THE BISECTING MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; SUBJECT TO MUTUAL ACCESS AND RECIPROCAL ROADWAY EASEMENT RECORDED AS DOCUMENT #2019007049 AT THE TULSA COUNTY'S CLERK OFFICE.
WHEN RECORDED RETURN TO:
Brian R. Huddleston
Huddleston Law Offices
5103 S. Sheridan Road, PMB 160
Tulsa, Oklahoma 74145

MUTUAL ACCESS AND
RECIPIROCAL ROADWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: THAT, this Mutual Access And Reciprocal Roadway Easement (this “Agreement”) is entered into as of January 21, 2019, by Robert Lee Craig and Donna Charlene Craig, husband and wife, and Kenneth Wayne Craig and Heather Ann Craig, husband and wife.

WITNESSETH

WHEREAS, Robert Lee Craig and Donna Charlene Craig, husband and wife, hereinafter called “first party” is the owner of real property more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Access Easement No. 1");

WHEREAS, Kenneth Wayne Craig and Heather Ann Craig, husband and wife, hereinafter called “second party” is the owner of real property more particularly described on Exhibits "B" and “C” attached hereto and made a part hereof (the "Access Easement No. 2 and No. 3");

WHEREAS, first and second parties desire to enter into this private easement over the property shown on the Description Plat attached hereto as Exhibit “D” and provide for a common and mutual access and roadway for the tracts owned by the first and second parties, and the private easement over said property which provides mutual access to and from State Highway 20.

NOW, THEREFORE, in consideration of the mutual terms and provisions set forth below, the first party and second party hereby agree to this mutual and reciprocal easement, to-wit, as follows:

1. The parties hereto hereby grant each to the other and to their successors and assigns, a private roadway easement twenty (20) feet in width over and across the property shown on Exhibit “D” and as more particularly described in Exhibits “A”, “B” and “C”.

2. All roadways and driveways located on Exhibits “A”, “B” and “C” shall be utilized in common for the benefit of the entire property shown on Exhibit “D”.

3. This easement may be used by the parties hereto, their family members, guests, invitees, licensees, employees, contractors, and lessees.
4. If either party fences their property, gates shall be installed as necessary so that the other party’s free access is not impeded.

5. The easement roadway shall have a locked gate at the "Point of Beginning Access Easement No. 1" and the gate lock shall have a code known and accessible to the parties, their family members, guests, invitees, licensees, employees, contractors, and lessees.

6. The cost of repair and maintenance and upkeep of the easement, roadways, and gates, and any other repair necessitated by normal wear and tear and weathering, shall be paid by the second party. If the parties or their successors subsequently unanimously agree to pave the easement area, they shall select a mutually acceptable paving contractor to do the paving work. Any repair necessitated by abnormal or improper use of the private easement area by any party (or by any party’s family members, invitees, tenants or tenants’ family members or invitees) shall be the sole responsibility of such party, and shall be completed and paid for promptly at the request of the other party.

7. Arbitration of Disputes. Any dispute arising under this Agreement shall be resolved first by non-binding mediation, and if said mediation does not resolve the dispute, by arbitration in accordance with the provisions of the Oklahoma Uniform Arbitration Act (the “Arbitration Act”). Any party may initiate mediation or arbitration of a dispute by serving a written demand for mediation or arbitration on the other party. Upon service of a demand for mediation or arbitration, the parties shall confer and attempt to agree upon a single mediator or arbitrator to hear the dispute. If no mediator can be agreed upon within twenty (20) days, the matter shall automatically proceed to arbitration, and unless the parties have agreed in writing on an arbitrator within thirty (30) days after service of the demand for arbitration, any party may apply to the chief judge of the District Court for Tulsa County for the appointment of a single arbitrator to hear and determine the dispute. Any arbitration proceeding shall be governed by the Arbitration Act and judgment may be entered on the arbitrator’s award as provided in the Arbitration Act.

8. Approvals. When approval by any party is required hereunder, such approval will not be unreasonably withheld. Unless provision is made for a specific period of time, the period of time in which approval will be granted will be thirty (30) days, and if a party neither approves nor disapproves a proposed action within that period, the party will be deemed to have given such party's approval. If a party disapproves any action proposed by another party hereunder, such disapproval shall include a statement of the reasons for such disapproval in writing.
9. Notices. All notices, statements, demands, approvals and other communications given pursuant to this Agreement will be in writing and will be delivered in person or by certified or registered mail, postage prepaid to the parties at the addresses maintained by the parties on file with the office of the Tulsa County Assessor for delivery of ad valorem tax statements relating to above described property until such addresses are changed by notice.

10. Construction. Nothing herein contained shall constitute and no action by the parties will be deemed or construed by the parties or by any third party to create the relationship of principal and agent, or a partnership, joint venture or association between or among any of the parties hereto.

11. No Termination. No breach of this Agreement will entitle any party to cancel, rescind or otherwise terminate this Agreement. The foregoing limitation will not affect, in any manner, any other right or remedy which any party might have by reason of any breach of this Agreement.

The provisions of this Agreement shall be deemed to be real covenants running with the land and title to the property on the Description Plat attached hereto as Exhibit “D”, and the private easements herein granted shall be binding upon the successors and assigns of the undersigned parties.

EXECUTED this 25th of January 2019.

FIRST PARTY:

Robert Lee Craig

Donna Charlene Craig

SECOND PARTY:

Kenneth Wayne Craig

Heather Ann Craig
VERIFICATION

STATE OF OKLAHOMA )
COUNTY OF TULSA ) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 25th day of January, 2019, personally appeared Robert Lee Craig and Donna Charlene Craig, husband and wife, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

In WITNESS WHEREOF, I have hereeto set my hand and official seal, the date and year last hereinabove written.

[Signature]
Notary Public

My Commission Expires: January 15, 2020

VERIFICATION

STATE OF OKLAHOMA )
COUNTY OF TULSA ) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 25th day of January, 2019, personally appeared Kenneth Wayne Craig and Heather Ann Craig, husband and wife, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

In WITNESS WHEREOF, I have hereto set my hand and official seal, the date and year last hereinabove written.

[Signature]
Notary Public

My Commission Expires: January 15, 2020
EXHIBIT A

to

MUTUAL ACCESS AND

RECIPROCAL ROADWAY EASEMENT

ACCESS EASEMENT NO. 1:

A TRACT OF LAND BEING 20.00 FEET IN WIDTH CONTAINED WITHIN THE EAST-HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, THE CENTERLINE OF SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 88°46'45" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 863.59 FEET; THENCE SOUTH 1°13'15" EAST A DISTANCE OF 103.83 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY NO. 20; THENCE SOUTH 16°44'13" WEST A DISTANCE OF 37.87 FEET; THENCE SOUTH 4°09'14" WEST A DISTANCE OF 106.16 FEET; THENCE SOUTH 8°57'00" WEST A DISTANCE OF 98.32 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 34°32'30", A CHORD BEARING OF SOUTH 8°19'10" EAST, A CHORD DISTANCE OF 65.32 FEET FOR AN ARC LENGTH OF 66.31 FEET; THENCE SOUTH 25°35'29" EAST A DISTANCE OF 122.91 FEET; THENCE SOUTH 17°17'10" EAST A DISTANCE OF 145.50 FEET TO THE POINT OF TERMINATION, SAID POINT BEING ON THE SOUTH LINE OF SAID EAST-HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4). CONTAINING 11.541.7 square feet, or 0.27 acres, more or less. THE SIDELINES OF SAID TRACT TO BE SHORTENED OR EXTENDED AS REQUIRED AS TO CREATE A CONTIGUOUS BOUNDARY AT THE POINTS OF BEGINNING AND TERMINATION.

BEARINGS SHOWN HEREIN ARE BASED UPON THE NORTH LINE OF THE NORTHWEST QUARTER (NW/4) AS BEING SOUTH 88°46'45" WEST.
EXHIBIT B
to
MUTUAL ACCESS AND
RECIPIROCAL ROADWAY EASEMENT

ACCESS EASEMENT NO. 2:

A TRACT OF LAND BEING 20.00 FEET IN WIDTH CONTAINED WITHIN THE EAST-
HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHEAST QUARTER
(NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY (30), TOWNSHIP
TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND
MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S.
GOVERNMENT SURVEY THEREOF, THE CENTERLINE OF SAID TRACT BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST
CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 88°46'45" WEST,
ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF
863.59 FEET; THENCE SOUTH 1°13'15" EAST A DISTANCE OF 103.83 FEET TO A POINT
ON THE SOUTHERLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY NO. 20; THENCE
SOUTH 16°44'13" WEST A DISTANCE OF 37.87 FEET; THENCE SOUTH 4°09'14" WEST
A DISTANCE OF 106.16 FEET; THENCE SOUTH 8°57'00" WEST A DISTANCE OF 98.32
FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 110.00 FEET, A
CENTRAL ANGLE OF 34°32'30"., A CHORD BEARING OF SOUTH 8°19'10" EAST, A
CHORD DISTANCE OF 65.32 FEET FOR AN ARC LENGTH OF 66.31 FEET; THENCE
SOUTH 25°35'29" EAST A DISTANCE OF 122.91 FEET; THENCE SOUTH 17°17'10" EAST
A DISTANCE OF 145.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON
THE NORTH LINE OF SAID EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4)
OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4); THENCE SOUTH 17°17'10" EAST A DISTANCE OF 20.14 FEET; THENCE SOUTH
7°54'19" EAST A DISTANCE OF 83.77 FEET; THENCE SOUTH 7°18'47" EAST A DISTANCE
OF 114.47 FEET; THENCE SOUTH 17°13'52" EAST A DISTANCE OF 90.59
FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A
CENTRAL ANGLE OF 69°53'30", A CHORD BEARING OF SOUTH 17°42'50" WEST, A
CHORD DISTANCE OF 28.64 FEET FOR AN ARC LENGTH OF 30.50 FEET; THENCE
SOUTH 52°39'41" WEST A DISTANCE OF 47.48 FEET; THENCE SOUTH 65°43'59" WEST
A DISTANCE OF 57.42 FEET; THENCE SOUTH 73°51'28" WEST A DISTANCE OF 138.81
TO THE POINT OF TERMINATION, SAID POINT BEING ON THE WEST LINE OF SAID
EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHEAST
QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4), CONTAINING 11,663.58
SQUARE FEET, OR 0.27 ACRES, MORE OR LESS. THE SIDELINES OF SAID TRACT TO
BE SHORTENED OR EXTENDED AS REQUIRED AS TO CREATE A CONTIGUOUS
BOUNDARY AT THE POINTS OF BEGINNING AND TERMINATION.

BEARINGS SHOWN HEREIN ARE BASED UPON THE NORTH LINE OF THE
NORTHWEST QUARTER (NW/4) AS BEING SOUTH 88°46'45" WEST.
EXHIBIT C

to

MUTUAL ACCESS AND
RECIPROCAL ROADWAY EASEMENT

ACCESS EASEMENT NO. 3:

A TRACT OF LAND BEING 20.00 FEET IN WIDTH CONTAINED WITHIN THE EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, THE CENTERLINE OF SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 88°46'45" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 863.59 FEET; THENCE SOUTH 1°13'15" EAST A DISTANCE OF 103.83 FEET TO A POINT ON THE SOUtherLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY NO. 20; THENCE SOUTH 16°44'13" WEST A DISTANCE OF 37.87 FEET; THENCE SOUTH 4°09'14" WEST A DISTANCE OF 106.16 FEET; THENCE SOUTH 8°57'00" WEST A DISTANCE OF 98.32 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 34°32'30", A CHORD BEARING OF SOUTH 8°19'10" EAST, A CHORD DISTANCE OF 65.32 FEET FOR AN ARC LENGTH OF 66.31 FEET; THENCE SOUTH 25°35'29" EAST A DISTANCE OF 122.91 FEET; THENCE SOUTH 17°17'10" EAST A DISTANCE OF 145.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH LINE OF SAID EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4); THENCE SOUTH 17°17'10" EAST A DISTANCE OF 20.14 FEET; THENCE SOUTH 7°54'19" EAST A DISTANCE OF 83.77 FEET; THENCE SOUTH 7°18'47" EAST A DISTANCE OF 114.47 FEET; THENCE SOUTH 17°13'52" EAST A DISTANCE OF 90.59 FEET; THENCE SOUTH 13°50'37" EAST A DISTANCE OF 137.90 FEET; THENCE SOUTH 19°34'11" EAST A DISTANCE OF 113.75 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 22°41'10", A CHORD BEARING OF SOUTH S 8°13'50" E EAST, A CHORD DISTANCE OF 27.54 FEET FOR AN ARC LENGTH OF 27.72 FEET; THENCE SOUTH 3°07'03" WEST A DISTANCE OF 85.81 FEET TO THE POINT OF TERMINATION, SAID POINT BEING ON THE SOUTH LINE OF SAID EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4). CONTAINING 13,482.75 SQUARE FEET, OR 0.31 ACRES, MORE OR LESS. THE SIDELINES OF SAID TRACT TO BE SHORTENED OR EXTENDED AS REQUIRED AS TO CREATE A CONTIGUOUS BOUNDARY AT THE POINTS OF BEGINNING AND TERMINATION.

BEARINGS SHOWN HEREIN ARE BASED UPON THE NORTH LINE OF THE NORTHWEST QUARTER (NW/4) AS BEING SOUTH 88°46'45" WEST.
EXHIBIT D

to

MUTUAL ACCESS AND
RECIPROCAL ROADWAY EASEMENT
ZONING EXHIBIT

KENNETH & HEATHER CRAIG NEW PROPERTY DESCRIPTION

THE EAST-HALF (E/2) OF THE SOUTHWEST QUARTER (SW4) OF THE NORTHEAST QUARTER (NE4) OF THE NORTHWEST QUARTER (NW4) AND THE WEST-HALF (W/2) OF THE SOUTHWEST QUARTER (SW4) OF THE NORTHWEST QUARTER (NW4) OF THE NORTHWEST QUARTER (NW4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. SUBJECT TO MUTUAL ACCESS AND RECIPROCAL ROADWAY EASEMENTS, RECORDED AS DOCUMENT #2019007049 AT THE TULSA COUNTY'S CLERK OFFICE.

FROM KENNETH & HEATHER CRAIG TO ROBERT & DONNA CRAIG

THE WEST 30.00 FEET OF THE EAST-HALF (E/2) OF THE NORTHEAST QUARTER (NE4) OF THE NORTHWEST QUARTER (NW4) OF THE NORTHWEST QUARTER (NW4) OF SECTION THIRTY (30), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

SALVADOR TITONE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1460

1219 WEST TACOMA AVE
OKLAHOMA CITY, OK 73116
PHONE: (405) 947-7577
FAX: (405) 947-2051

PREPARED FOR: KENNETH & HEATHER CRAIG
CHECKED BY: ST
SURVEY BY: N/A
SURVEY DATE: N/A
JOB NUMBER: 181217.81
FILE NUMBER: 2213.30

SCALE: 1"=100'

HRAOK
PROFESSIONAL SURVEYORS

BEFORE YOU DIG
CONTACT OKLAHOMA
1-800-522-1543
EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN.
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BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2750

STR:6306
CZM:66, 65, 71
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Jerry Gordon

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: 1327 E 181 ST S
ZONED: AG

PRESENT USE: Vacant
TRACT SIZE: 10.68 acres

LEGAL DESCRIPTION: BEG NEC LT 4 TH S783.55 W1119.68 N774.78 E1116.75 TO POB LESS W518 THEREOF & LESS BEG 598.76W & 389.76S NEC LT 4 TH S399.97 W90 N389.04 TO POB & BEG 598.76W NEC GOV LT 4 TH S389.76 NW399.98 E90 TO POB SEC 6 16 13 10.682ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agricultural zoned lots with a smattering of residential homes on large acreages.

STAFF COMMENTS:

The AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. As shown on the submitted survey, the proposed lot split will create two lots. The applicant is required to dedicate 50 feet for right-of-way which will leave Tract "A" with a lot area of 1.58 acres and a land area of 1.85 acres. Land Area is defined as The area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.

In order to permit the lot split as proposed, the applicant is requesting a Variance to reduce the lot area to 1.58 acres and the land area per dwelling unit requirement to 1.85 acres on Tract "A".

According to the Subdivision Regulations 10-060.6 B-2 When lots proposed to be split contain areas that do not comply with the street right-of-way requirements of the Major Street and Highway Plan, the lot split/adjustment may not be approved, except upon finding that one or more of the following conditions are met:
(a) Adequate assurances are in place to ensure that the needed right-of-way is dedicated.

The applicant provided the following comments: "The property lines have been extended as far as possible to attain 2.1 acres without getting into ponds. Pond and levee need to stay in larger acreage so I can maintain."
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 1.58 acres; and a Variance to reduce the minimum land area per dwelling unit requirement in an AG district to 1.85 acres (Sec.330) to permit a lot split.

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

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

Aerial Photo Date: February 2018
PARENT TRACT LEGAL DESCRIPTION - AS PROVIDED - JTWD DDOC 2018097653

THE NORTH TWENTY (20) ACRES OF THE EAST PORTY (40) ACRES OF LOT FOUR (4), SECTION SIX (6), TOWNSHIP SIXTEEN (16), NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S 0°29'56" E ALONG THE EAST LINE OF SAID LOT 4 A DISTANCE OF 785.55 FEET; THENCE N 89°46'54" W A DISTANCE OF 1119.95 FEET;

THENCE N 9°41'15" W AND PARALLEL TO THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 774.75 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 6; THENCE N 89°44'31" W ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 1115.75 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE WEST 518 FEET OF THE ABOVE DESCRIBED TRACT OF LAND.

AND

A TRACT OF LAND IN LOT FOUR (4), SECTION SIX (6), TOWNSHIP SIXTEEN (16), NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S 9°49'31" W ALONG THE NORTH LINE THEREOF FOR 399.75 FEET TO THE POINT OF BEGINNING; THENCE S 1°14'19" E FOR 359.75 FEET; THENCE N 89°41'58" W FOR 399.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4; THENCE N 89°44'31" E ALONG SAID NORTH LINE FOR 90 FEET TO THE POINT OF BEGINNING;

SUBJECT TO AN INGRESS/EGRESS EASEMENT OVER THE NORTH 100 FEET THEREOF.

LESS AND EXCEPT THE FOLLOWING TRACT OF LAND:

A TRACT OF LAND IN LOT FOUR (4), SECTION SIX (6), TOWNSHIP SIXTEEN (16), NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S 89°44'31" W ALONG THE NORTH LINE THEREOF FOR 399.75 FEET TO THE POINT OF BEGINNING; THENCE S 1°14'19" E FOR 359.75 FEET TO THE POINT OF BEGINNING;

THENCE S 9°49'31" W FOR 399.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4; THENCE N 89°44'31" E ALONG SAID NORTH LINE FOR 90 FEET TO THE POINT OF BEGINNING.

TRACT "B" LEGAL DESCRIPTION - REMAINDER OF PARENT TRACT - 8.66 ACRES

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT FOUR (4), SECTION SIX (6), TOWNSHIP SIXTEEN (16), NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 4; THENCE SOUTH 00°29'56" E ALONG THE EAST LINE OF LOT 4 A DISTANCE OF 258.45 FEET;

THENCE SOUTH 89°46'54" W EST A DISTANCE OF 137.95 FEET;

THENCE NORTH 7°10'32" W EST A DISTANCE OF 194.30 FEET;

THENCE NORTH 89°34'40" W EST A DISTANCE OF 190.08 FEET;

THENCE NORTH 00°29'56" E ALONG THE NORTH LINE OF LOT 4 A DISTANCE OF 433.79 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 377,404.21 SQUARE FEET OR 8.66 ACRES.

BASIS FOR BEARINGS ARE ASSUMED USING THE NORTH LINE LOT 4 AS N 89°44'31" E.

SURVEYOR'S STATEMENT

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS EXHIBIT IS A TRUE AND ACCURATE REPRESENTATION OF THE EXISTING CONDITIONS AND THAT THE LEGAL DESCRIPTIONS CREATED BY THIS EXHIBIT AND SHOWN HEREIN WERE WRITTEN IN ACCORD WITH EXISTING RECORDS AND DO MATHEMATICALLY CLOSE.

WITNESS MY HAND AND SEAL THIS 21st DAY OF MARCH, 2019.

ANDY FRITZ, PLS
918.231.0575
FRITZLANDSURVEYING@GMAIL.COM
C.A. #5848
#5848

LOT LINE ADJUSTMENT PG.2

PART OF LOT 4, SEC. 6, T16N, R13E
TULSA COUNTY, OKLAHOMA

DATE: 03.21.19
APPROVED: PLS
SCALE: 1"=1'
PROJECT NO.: 18043

PREPARED BY: FRITZ LAND SURVEYING, LLC
2017 W. 51ST STREET, TULSA, OK 74132
PH: 918.231.0575
FRITZLANDSURVEYING@GMAIL.COM
C.A. # 5848 EXPIRES: 6-30-2020

DATE: 03.21.19
APPROVED: PLS
Tract "A" Lot Area
Sq footage 91,491.15
Width of Row 433.79
\[\frac{91,491.15}{50} = 21,698.5 \text{ sq ft}\]
1.58 acres

Tract "A" Land Area
Sq footage 91,491.15
\[\frac{91,491.15}{50} = 21,698.5 \text{ sq ft}\]
80,646.4
1.85 acres

LOT LINE ADJUSTMENT PG. 1
PART OF LOT 4, SEC. 6, T16N, R13E
TULSA COUNTY, OKLAHOMA

PREPARED BY: FRITZ LAND SURVEYING, LLC
2017 W. 91ST STREET, TULSA, OK 74132
PHONE: 918.231.6075
EMAIL: FRITZLANDSURVEYING@GMAIL.COM
C.A. # 5545 EXPIRES: 6-30-2020

SCALE: 1" = 150'
PREPARED: 03.21.19
DRAWN: AGF
APPROVED: PLB
PROJECT NO.: 18395
LEGEND
PL = PIPELINE
RW = RIGHT-OF-WAY
UC = UTILITY EASEMENT

LOCATION MAP
EAST 19th STREET SOUTH
SOUTHWEST AVENUE
BOARD OF ADJUSTMENT
CASE REPORT

STR:9216
CZM:35
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Kathy Portley

ACTION REQUESTED: Special Exception to permit a manufactured home in an RS District (Sec. 410)

LOCATION: 3001 S 49 AV W

ZONED: RS

PRESENT USE: Residential

TRACT SIZE: 0.8 acres

LEGAL DESCRIPTION: BEG 503.98N SWC SW TH N155 E224.50 S155 W224.50 POB SEC 16 19 12 .796ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts residential properties on large lots (1.25 acres plus) in all directions. It is located in a rural setting.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit a manufactured home on an RS zoned lot as illustrated in the attached plan. The applicant proposes to replace a removed traditional home on the subject property with a manufactured home.

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

The Berryhill Land Use Plan identifies this area as Existing Residential. The Existing Residential Neighborhood category is intended to preserve and enhance Berryhill's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city/county should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

9.2
Sample Motion:

"Move to _______ (approve/deny) a Special Exception to permit a manufactured home in an RS District (Sec. 410).

Approved per conceptual plan on page ______ of the agenda packet.

Subject to the following conditions (including time limitation, if any): _________.

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
CBOA-2751

Subject Tract

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

Aerial Photo Date: February 2018
Subject Tract

CBOA-2751

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

Aerial Photo Date: February 2018
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit A

- Google Aerial View of 3001 S. 49th W. Ave., Tulsa, OK 74107

- The home pictured was in poor condition, and was demolished in November 2018, and no longer exists on the property
Currently Zoned RS, and requires Special Exception for proposed single-wide manufactured home

- AG land nearby (Single-wide and Double-wide Manufactured Homes, Use By Right)
- Multiple similar single-wide manufactured homes within RS zone, and in proximity
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit C

“See attached Property Search, obtained from Assessor’s website page at tulsacounty.org”
**Assessor**

**JOHN A. WRIGHT**

---

**Property Search**

**Disclaimer**

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

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

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

---

**Quick Facts**

Account #: R99216921642330
Parcel #: 99216-92-10-42330
Status address: 3001 S 49 AV W TULSA 74107
Owner name: BROWN, TEMPLE
Fair cash (market) value: $68,700
Last year's taxes: $737
Legal description: Legal: BEG 503.98N SWC SW TH N155 E224.50 S155 W224.50 POB SEC 16 19 12 .796ACS

---

**General Information**

Status address: 3001 S 49 AV W TULSA 74107
Owner name: BROWN, TEMPLE
Owner mailing: 3002 S 49TH WEST AVE, TULSA, OK 74107
Address: TULSA, OK 74107
Land area: 0.80 acres / 34,798 sq ft
Tax rate: 108 [BERRYHILL]
Legal description: Legal: BEG 503.98N SWC SW TH N155 E224.50 S155 W224.50 POB SEC 16 19 12 .796ACS
Section: 16 Township: 19 Range: 12
Zoning: RES SINGLE-FAMILY DISTRICT [RS]

---

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*Estimated from 2018 millage rates*

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Images

Photo/sketch (Click to enlarge)

Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

Click to view this area on the Google Maps web page in a new window

John A. Wright — Tulsa County Assessor
Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103
Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org
Office hours: 8:00—5:00 Monday—Friday (excluding holidays)
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit D

"See attached 'Appendix A' of the Tulsa County Zoning Code, named COUNTY ZONING CODE, TULSA COUNTY OKLAHOMA, ADOPTED SEPTEMBER 15, 1980, BY RESOLUTIONS: 98254 AND 98255. AMENDMENTS UPDATED THROUGH MAY 10, 2018"
## Appendix A

### Tulsa County Zoning Code

#### Use Unit - Zoning Districts Summary

| Use Units | AG | AGR | RE | RS | RD | RMH | RMT | RMO | RM1 | RM2 | P | OL | OM | OMH | CS | CG | CH | CO* | IR | IL | IM | IH | FD |
|-----------|----|-----|----|----|----|------|-----|-----|-----|-----|---|----|----|-----|----|------|----|----|----|----|----|
| 1. Area-Wide Uses By Right | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Residential Treatment Center | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E | E |
| 6. Single-Family Dwelling | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 7. Duplex Dwelling | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 8. Multifamily & Similar Uses | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Community Group Home | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Nursing Home | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Monastery, Novitiate, Convent | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Townhouse | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 9. Mobile Home Dwelling | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 10. Off-Street Parking | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 11. Offices and Studios | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 12. Eating Places, Other Than Drive-Ins | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 13. Convenience Goods and Services | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 14. Shopping Goods and Services | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 15. Other Trades and Services | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 16. Mini-Storage | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 17. Automotive & Allied Activities | E | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 18. Drive-In Restaurants | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 19. Hotel, Motel, & Recreation | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 19(a). Selected Entertainment Establishments | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 21. Signs & Outdoor Advertising | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 22. Research and Development | X | E | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 23. Warehousing and Wholesaling | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 24. Mining & Mineral Processing | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 25. Light Manufacturing | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 26. Moderate Manufacturing | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 27. Heavy Manufacturing | E | E | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |

**X** = Use by Right  
**E** = Use by Exception  
* SITE PLAN APPROVAL REQUIRED  
3/95 Amended: April, 2011

County Appendix A-1
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
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Exhibit E

FEMA Flood Plane map dated 3-18-2019: NOT IN 100-YEAR FLOOD PLANE.
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
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Exhibit F

“See Attached Floor Plan”
UNMATCHED QUALITY. SERVICE AND PRICE.

THE GLORY, 3 BEDROOM/2 BATH
14x76, 1152 SQ FT

FREEDOM HOMES OF TULSA, 9516 E ADMIRAL PL, TULSA, OK, 918-728-2277
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit G

"See Attached Builder Specifications Sheet"
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**Packsages**

**Miscellaneous**

**Miscellaneous 2**
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit H

"See Attached Energy Smart Home Certificate"
ENERGY SMART EQUIPPED

THIS HOME MEETS THE REQUIREMENTS* FOR AN

ENERGY SMART HOME

- R33 Ceiling Insulation**
- R22 Floor Insulation
- R11 Wall Insulation
- Air Tight Construction
- Low-E Windows
- Energy Efficient Bulbs*

- Programmable Thermostat
- Sealed Duct Work
- Improved Air Filtration
- Energy Efficient Water Heater
- Thermo Mate-Line Gasket at Marriage Walls***

10/31/2018

SERIAL NUMBER

31673

MANUFACTURED DATE

* The elements listed are the minimum requirements, some homes may have additional features.
** Vaulted ceilings may have max value of R30.
*** Multi Section Homes
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit I

"See Attached Photographs of Home"
2019 Clayton TRU “The Glory”

14x76

3 bedroom / 2 bath

Energy Smart Home

R33 Blown-in Fiberlose Insulation in ceiling

R11 Rolled Insulation in walls

R22 Rolled Insulation in floor

Programable Thermostat

Vinyl Tilt-in Thermopane Windows

30-gallon High Efficiency Hot Water tank

Marine-grade OSB wrap with vinyl exterior siding
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49th W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit K

"See Attached Certificate of Liability Insurance"
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFFRS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Willis of Tennessee, Inc.
c/o 26 Century Blvd
P.O. Box 305191
Nashville, TN 37230191 USA

INSURED
CMI Homes, Inc.
P.O. Box 9790
Maryville, TN 37802

CONTACT NAME:
E-Mail: certificates@willis.com
PHONE: 1-877-945-7376
FAX: 1-888-467-2378

INSURER(S) AFFORDING COVERAGE

| INSURER A: National Union Fire Insurance Company | NAC #: 22222 |
| INSURER B: XL Insurance America Inc | 24554 |
| INSURER C: Commerce & Industry Insurance Company | 19410 |
| INSURER D: NAS - North American Specialty Insurance Co | 29876 |

CERTIFICATE NUMBER: W6888535

REVISION NUMBER:

COVERAGE:

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED

CERTIFICATE HOLDER

Evidence of Insurance

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# ADDITIONAL REMARKS SCHEDULE

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**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,**

**FORM NUMBER:** 25  
**FORM TITLE:** Certificate of Liability Insurance

**INSURER AFFORDING COVERAGE:** XL Insurance America Inc  
**POLICY NUMBER:** RW943525410  
**EFFECTIVE DATE:** 07/01/2018  
**EXPIRATION DATE:** 07/01/2019

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**INSURER AFFORDING COVERAGE:** NAS - North American Specialty Insurance Company  
**POLICY NUMBER:** EXS 2000368 03  
**EFFECTIVE DATE:** 07/01/2018  
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**TYPE OF INSURANCE:**

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ACORD 101 (2008/01)  
© 2008 ACORD CORPORATION. All rights reserved.
Tulsa County Board of Adjustment - Zoning Application for Temple Brown
Parcel Number: 99216-92-16-42330
Address: 3001 S. 49\textsuperscript{th} W. Ave,
Tulsa, OK 74107 (Berryhill, Tulsa County)

Exhibit J

Site Plan for 3001 S. 49\textsuperscript{th} W. Ave., Tulsa, OK 74107
BOARD OF ADJUSTMENT
CASE REPORT

STR:9220
CZM:45
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Melissa Torkelson

ACTION REQUESTED: Modification of a previously approved Special Exception (CBOA-2500) to extend the time limitation to permit a fireworks stand (Use Unit 2) in an AG District (Sec. 310); and a variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 6035 W 40 ST S
ZONED: AG

PRESENT USE: Vacant
TRACT SIZE: 6.85 acres

LEGAL DESCRIPTION: PRT SW SE SW BEG 50N & 338W SECR SW SE SW TH N286 E283 S60 E55 N402.08 W632.36 S610.30 E294.28 POB SEC 20 19 12 6.85ACS, PLEASURE ACREAGE 3RD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
CBOA-2500, May 2014: The Board approved a Special Exception to permit a fireworks’ stand (Use Unit 2) in an AG District (Section 310) for a time period of five years, on property located at 6035 W. 40th Street S.

ANALYSIS OF SURROUNDING AREA: The subject tract is south of a church which is located on the same parcel. The property abuts residential tracts on the north, west and south. There is a fire station to the south and east. On the East, the property abuts the corporate limits of Tulsa with OL/CS zoning and PUD-566.

STAFF COMMENTS:

Modification of a previously approved Special Exception (CBOA-2500) to extend the time limitation to permit a fireworks stand in an AG district (Section 310) and a variance from the all-weather parking surface requirement (Section 1340.D).

In 2014, the Board approved a Special Exception on the subject property to permit a temporary firework stand in the AG district, subject to a five-year time limit of operation until May 20, 2019 (CBOA-2500). The applicant is requesting that the Board modify the original approval to extend the allowed time period.

As this application is essentially a request to continue a use that has previously been approved on the property, testimony provided at the public hearing from neighboring property owners may aid the Board in determining if the use has in fact been compatible with the surrounding area.
The Site Plan submitted with the application proposes the stand will be located on the southern portion of the Berryhill Baptist Church’s property along W. 41st Street. Fireworks will be sold out of a 40' by 60' tent with a 40' semi used for storage. Parking will be located on the church’s parking lot and along the north/south service road located east of the tent. 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 from the all-weather parking surface requirement.

The applicant did not provide a request for a proposed schedule for operation of the fireworks stand, but fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks in a given year. The previously approved hours of operation were for a time period from June 15th to July 5th and December 15th to January 1st. The hours of operation were from 10:00 a.m. to 10:00 p.m. from June 15th through July 2nd, and the hours of operation were from 10:00 a.m. to 12:00 midnight on July 3rd and 4th.

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.

Sample Motion:

"Move to ________ (approve/deny) the requested Modification to extend the allowed time limit for a fireworks stand per the previously approved conditions in CBOA 2500; and a Variance from the all-weather parking surface requirement (Section 1340.D).

Approved per conceptual plan on page ______ of the agenda packet.

Subject to the following conditions (including time limitation, if any): ________.

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

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.”
Action Requested:
Special Exception to permit a fireworks stand (Use Unit 2) in an AG District (Section 310) for a time period from June 15th to July 5th and December 15th to January 1st. LOCATION: 6035 West 40th Street South

Presentation:
Melissa Torkelson, 1120 South 221st West Avenue, Sand Springs, OK; stated there is a slight alteration to the site plan that was presented to the Board. After speaking to the Pastor of the church, the parking will be located on the north/south service road to the east of the tent location. At this point the road is three lanes wide and it is actually a side road for the church, and there will be parking on the church grounds which is located north of the proposed location. This location has had firework stands in the past. This is a fund raising effort for the Berryhill Baptist Church Youth Department. The actual time the fireworks stand will be operational is about nine days versus the two and a half weeks that is requested. The fireworks operation will be under a tent with 24-hour surveillance required, and a semi-trailer for storing the product.

Mr. Dillard asked Ms. Torkelson if the church had given permission for the parking. Ms. Torkelson answered affirmatively.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of DILLARD, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to APPROVE the request for a Special Exception to permit a fireworks stand (Use Unit 2) in an AG District (Section 310) for a time period from June 15th to July 5th and December 15th to January 1st. The hours of operation is to be from 10:00 A.M. to 10:00 P.M. from June 15th through July 2nd, and the hours of operation will be 10:00 A.M. to 12:00 midnight on July 3rd and July 4th. This approval will be for a period of five years from today's date of May 20, 2014; for the following property:

SW SE SW LESS W30 & S50 E630 FOR STS SEC 20 19 12 8.822ACS, OF TULSA COUNTY, STATE OF OKLAHOMA
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2019-12 20
Aerial view looking north from 41st Street.

Looking northeast from W. 41st St. S. & S. 61st W. Ave.
Legal Description for Berryhill Baptist Church

The Southeast quarter of the Southwest quarter of the Southeast quarter of the Southwest quarter (SE/4 SW/4 SE/4 SW/4) of Section twenty (20), Township nineteen (19), North Range twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma
BOARD OF ADJUSTMENT  
CASE REPORT

STR:9109                                             Case Number: CBOA-2753
CZM:34
PD:

HEARING DATE: 05/21/2019  1:30 PM

APPLICANT: Louie Schuette

ACTION REQUESTED: Special Exception to allow a manufactured home in a nonconforming Residential Mobile Home Park in an RE District (Section 410 Table 

LOCATION: 14211 W 17 ST  ZONED: RE

PRESENT USE: Residential  TRACT SIZE: 1.34 acres

LEGAL DESCRIPTION: BEG 809N 429.83E 179SE SWC LT6 TH NE233.89 SE51.29 SE279.91 SW218 NWLY336.4 POB LESS .336AC FOR RD ON SW SEC 9 19 11 1.34ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1128, December 1992: The Board denied a special exception to allow a mobile home in a RE zoned district and an amended site plan approval, on property located at 14211 W. 19th St.

BOA-7165, January 1972: The Board of Adjustment approved a variance of Section 410 - Principal Uses Permitted in Residential Districts and Section 440 (2) - Mobile Homes - to permit maintaining eight pads and denied a request to increase the size of the mobile home park on the subject tract.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an existing non-conforming mobile home park. The properties surrounding the mobile home park are single-family residential dwellings. The Arkansas River abuts the property to the northeast.

STAFF COMMENTS:

The applicant is requesting a Special Exception to allow a manufactured home in a nonconforming Residential Mobile Home Park in a RE District (Section 410 Table 1)

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

Staff requested a copy of the letter from the county inspector which describes the property as a nonconforming use. It states that no legal nonconforming use shall be expanded. Section 1420-D
states "A nonconforming use of a building, or building and land in combination, if discontinued for 36 consecutive months or for 36 months during any four-year period, (except when governmental action impedes access to or the use of the premises) shall not thereafter be resumed."

In previous approvals for manufactured home use the Board has required the following conditions:

- DEQ approval
- Skirting
- Tie downs
- Building permit

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

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Action Requested:
Special Exception to allow a mobile home in an RE zoned district and for an amended site plan approval - Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9, located 14211 West 19th Street, Sand Springs.

Presentation:
The applicant, John Palzer, Route 4, Box 790 #1, Sand Springs, Oklahoma, requested permission to install a mobile home on his property at the above stated location. He informed that the proposed site abuts an existing mobile home park, which was approved for eight pads. He pointed out that some of the pads are vacant, and requested the new location for his son in lieu of one of the eight pads that were previously approved. Photographs (Exhibit E-2) were submitted.

Comments and Questions:
Mr. Alberty asked the applicant if he owns the property in question, and he replied that he is renting the land, but has the permission of the property owner to file the application.

Protestants:
Mr. Alberty informed that the Board has received several letters of protest (Exhibit E-4) and a petition of protest (Exhibit E-3) from area residents. He further noted that the Sand Springs Board of Adjustment has recommended denial (Exhibit E-1) of the application, and that the applicant be allowed 120 days to comply with Code requirements regarding the mobile unit.

Charles Laffoon, 1521 South 145th West Avenue, Sand Springs, Oklahoma, stated that the mobile home park was approved in 1972 for eight pads, and is opposed to the stacking of mobile homes at the proposed location.

Wayne Glenn, 14315 West 17th Street, Sand Springs, Oklahoma, informed that he made a substantial investment when he purchased property in the neighborhood, and suggested that the applicant utilize one of the existing 8 pads for his son’s mobile home.

Larry Glenn, Building Inspection, advised that a double-wide mobile installed at the proposed location would required proper elevation above the floodplain, and the applicant has not applied for a building permit or a floodplain elevation certificate.
Applicant's Rebuttal:
The applicant stated that he was not aware a building permit would be required, because eight mobile homes were previously approved on the property. He pointed out that the double-wide unit would confine the neighbors on either side if installed on one of the existing pads. Mr. Palzer pointed out that the mobile home park was in place before the homes in the area were built.

Additional Comments:
Mr. Gardner pointed out that the previous approval was for eight mobile homes on a designated portion of the property.

After Board discussion, Mr. Walker stated that he is familiar with the area, and approval of this application would actually be approving an expansion of the previously approved mobile home use in the area.

Board Action:
On MOTION of WALKER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception to allow a mobile home in an RE zoned district and an amended site plan approval - Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9; finding that the addition of the mobile home space would be an expansion of the original mobile home area, and would be detrimental to the conventional single-family homes in the area; on the following described property:

Commencing at a point 809.0' N of the SW/c of the NW/4 of the SW/4 of Section 9-19-11, Tulsa County, Oklahoma, thence S 89'49" E a distance of 429.83', thence S 56'28" E a distance of 10' to the POB, thence N 43'44'51" E a distance of 233.89', thence S 56'28" E a distance of 220.29', thence S 47'16" E a distance of 279.71', thence S 42'44" W a distance of 218.00', thence N 47'16" W a distance of 185.95', thence N 56'28" W a distance of 319.45' to the POB and Beg 809' N, 429.83' E, 96'SELY SW/c Lot 6, thence NE 328.89' SE 83', SW 328.89' NW03' POB, and all riparian rights and less south 50' for road on SW, Section 9m T-19-N, R-11-E, Tulsa County, Oklahoma.
Clarification:

7179

Remarks: Mr. Jones advised the Board that the Building Inspector's Department had requested that the motion in the Minutes of October 7, 1971 pertaining to application no. 7179 be clarified. He stated that residents of the area had complained that the signs are in excess of 130 sq. ft. in size, and were lighted by flashing lights.

Board Action: On MOTION of JOLLY, the Board (3-0) clarified the Minutes of application no. 7179 to show approval of two signs facing east and west on the face of the building containing 130 sq. ft. per sign, and prohibiting the installation of flashing lights to illuminate the sign. Illumination, if any, shall be by constant light in accordance with the terms of the Ordinance.

7165

Remarks: Mrs. Jean Harris, applicant, requested that the Board clarify the motion contained in the January 20, 1972 Minutes in regard to this case.

Mr. Gardner stated that the motion at that time was to approve the eight mobile homes already in existence, and that the balance of the application be denied. The motion should be clarified to determine whether or not it was intended that the applicant would be allowed to rearrange the mobile home pads on the lot which was approved without increasing the number of pads.

Board Action: On MOTION of HENDRICKS, the Board (3-0) clarified the motion for approval in January 20, 1972 Minutes to reflect approval of "eight mobile home units" rather than "housing units", and noted that it was not the intent of the Board to prohibit permanent residential structures from being built provided the applicant did not increase the number of mobile homes more than the existing 8, and further stated that the mobile homes be limited to Tract #2 as delineated on the exhibited plot plan.

Communication:

Board Action: On MOTION of JOLLY, the Board (3-0) referred a written communication from the Building Inspector (Exhibit "L-1") to the City Legal Department in order that they might determine the use classification necessary to accommodate the Oklahoma Committee on Household Employment, Inc.

3.16.72:104(20)
MEMBERS PRESENT  MEMBERS ABSENT  STAFF PRESENT  OTHERS PRESENT
Blankenship, Mrs. Cohen  Edwards  Linker, Legal Dept.
Hendricks  Jolly  Gardner  The Building Inspector's Dept. was not
Reeds, Chairman  7267 and 6987  Jones  represented.

Chairman Reeds called the meeting to order at 1:35 p.m. and declared a quorum present.

SPECIAL ITEMS:

7267 and 6987  Remarks:
The Chair advised the Board and any interested parties that applications no. 7267 and 6987 would not be heard this date. Due to improper advertising, both cases will be readvertised for the February 3, 1972 meeting, 1:30 p.m., Langenhein Auditorium, City Hall, Tulsa Civic Center.

Board Action:
On MOTION of Mrs. BLANKENSHP, the Board (3-0) continued applications no. 7267 and 6987 to the February 3, 1972 meeting, 1:30 p.m., Langenhein Auditorium, City Hall, Tulsa Civic Center and requested the Staff to readvertise at the Board's expense, Case No. 7267, and to readvertise 6987 at the expense of the applicant.

UNFINISHED BUSINESS:

7165  Action Requested:
Appeal (Section 1480 - Appeal from the Building Inspector) from a decision of the Building Inspector for refusing to permit the maintenance of a mobile home park in an RS-3 District on a tract located at 145th West Avenue and 15th Street.

Presentation:
Mr. Levy stated that consideration of the subject application was continued from the last meeting to allow the Legal Department to determine the date the tract came under the jurisdiction of the City of Tulsa. He advised the Board that the mobile home park was begun in the latter part of 1969 and it was their contention that the City of Tulsa did not have jurisdiction in this area until June 1970, when the new Zoning Ordinance went into effect.
Mr. Linker stated that the Legal Department had not received any evidence from Mr. Levy prior to the meeting denoting the date upon which the mobile home park use commenced. They therefore could not make a determination of the nonconforming status of the mobile home park.

Mr. Gardner advised the Board that according to a 1955 Zoning Jurisdiction Base Map, the subject tract was within the five-mile perimeter. Because of previous Court decisions concerning the TMAPC's extraterritorial jurisdiction, 1959 has been the date used in the five-mile perimeter to establish nonconforming uses.

Mr. Levy stated that since the use was not established until 1969, he wished to pursue the application on the basis of hardship.

Irwin Phillips, attorney for the protesters, stated that although the application covers three tracts, the use is actually confined to a small portion of one tract. He advised the Board that Mr. & Mrs. Harris moved one additional trailer onto the tract after notice to cease and desist had been issued by the Building Inspector, and the protesters strongly oppose approval of any increase in the use.

On MOTION of HENDRICKS, the Board (3-0) upheld the decision of the Building Inspector, and approved a Variance of Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Mobile Homes - to permit maintaining the eight (8) pads identified as "Exhibit A", and denied a request to increase the size of the mobile home park on the following described tract:

Tract 2: Commencing at a point 809.0' North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 9, Township 19 North, Range 11 East, Tulsa County, Oklahoma; thence South 89°-49' East, a distance of 429.83'; thence South 56°-28' East a distance of 10' to the point of beginning; thence North 43°-44'-51" East a distance of 233.89'; thence South 56°-28' East a distance of 220.29'; thence South 47°-16' East a distance of 279.71'; thence South 42°-44'-25" West a distance of 218.00'; thence North 47°-16' West a distance of 185.95'; thence North 56°-28' West a distance of 319.45' to the point of beginning; containing 2.58 acres, more or less.
On MOTION of HENDRICKS, the Board (3-0) approved a Variance (Section 730 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1470) to waive the setback requirements to permit construction of an addition to an existing building and conform to the existing building setback line in an IL District, subject to the plot plan submitted, on the following described tract:

Lot 5, Block 1, Utica Heights Addition to the City of Tulsa, Oklahoma.

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit operating a children's day nursery school in an RS-2 District on a tract located at 4901 South Fulton Avenue.

P. E. McDaniel advised the Board that the prospective purchaser of the tract proposes to operate a day nursery school which will be in operation 2 1/2 hours each morning and afternoon, five days a week. They plan to instruct a maximum of 20 children.

None.

On MOTION of Mrs. BLANKENSHIP, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit operating a children's day nursery school in an RS-2 District on the following described tract:

The South 109' of the North 289' of the West 200' of Lot 14, Block 2, Allen's Subdivision to the City of Tulsa, Oklahoma.

Appeal (Section 1480 - Appeal from the Building Inspector) from a decision of the Building Inspector for refusing to permit the maintenance of a mobile home park in an RS-3 District on a tract located at 145th West Avenue and 15th Street.

Mr. Levy advised the Board that this application had been continued to this meeting in order for the Legal Department to determine whether or not the property falls within the five-mile perimeter of the City limits of Tulsa.
Mr. Culver advised that the Legal Department had studied the matter and was of the opinion that the subject tract does fall within the five-mile perimeter of the City limits of Tulsa.

Presentation:

Mr. Levy stated that when Mr. Harris purchased the subject tract he was informed by a member of the Planning Commission Staff that the property had no zoning and could therefore be used by right as a mobile home park. In mid-1969 he began moving homes onto the tract and by June 1970, there were eight mobile homes in place. Since the tract had no zoning until July 1970 by virtue of the remapping and publication of the new Zoning Code, he maintained that the use was nonconforming and should be allowed to continue. He advised the Board that the applicant now wishes to expand the use and has also requested that the appropriate waivers be granted.

Protests:

Irwin Phillips, attorney representing the protesters, stated that their homes represent a substantial investment. The area is continuing to develop in single-family homes, and he stated that developers have had no problems securing adequate sewage and water facilities, etc. He advised the Board that the protesters also feared that the use would devalue their property.

Remarks:

Mr. Culver stated that it would not be necessary to determine the use of the property or its zoning prior to 1959 since all zoning prior to that time was found to be unconstitutional in the Jamil's case a few years ago. He stated however, that the Ordinance is very specific in regard to expansions of nonconforming uses and that the matter for consideration is whether or not the use of the subject tract is in fact nonconforming.

Mr. Gardner advised the Board that the property was zoned U-1C single-family residential prior to July 1, 1970 and the adoption of the New Zoning Code and has been zoned single-family residential since the establishment of the Planning Commission.

Board Action:

On MOTION of Mrs. BLANKENSHIP, the Board (3-0) continued application no. 7165 to the January 20, 1971 meeting, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow the staff, applicant, and Legal Department to determine whether or not the use of the subject tract is nonconforming and prepare a recommendation concerning development in the area.
Action Requested: Variance (Section 330 - Bulk and Area Requirements in AG Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the lot area requirements in an AG District to permit a lot-split on a tract located at 53rd West Avenue and 28th Street.

Presentation: Tom Archer, applicant, advised the Board that a number of lot-splits have been granted in the area which had only 100' frontage. The Planning Commission has approved this split with the requested 200' frontage, subject to the Board's approval.

Protests: None.

Board Action: On MOTION of HENDRICKS, the Board (3-0) approved a Variance (Section 330 - Bulk and Area Requirements in AG Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the lot area and frontage requirements in an AG District to permit a lot-split (L-12637) on the following described tract:

Beginning at the SE corner of W/2, SE/4, of Section 17, Township 19 North, Range 12 East; thence North 1,330.64' to the point of beginning; thence North 200'; thence West 289.45'; thence South 200'; thence East 289.45' to point of beginning, City of Tulsa, County of Tulsa, Okla.

Action Requested: Appeal (Section 1480 - Appeal from the Building Inspector) from a decision of the Building Inspector for refusing to permit the maintenance of a mobile home park in an MS-3 District on a tract located at 145th West Avenue and 15th Street.

Presentation: Louis Levy, attorney representing Mr. Donald E. Harris, submitted a map of the subject area to the Board (Exhibit "C-1"), and stated that the subject mobile home park is one of three mobile home parks existing in the area. Those parks have all been created during the last five to six years and share the area with scattered single-family homes.

The applicant is requesting that (1) a determination be made as to the jurisdiction of the City of Tulsa in this area, and (2) if the City of Tulsa has jurisdiction, approval of a variance to allow the operation of a mobile home park.
Prior to construction of the mobile home park in question Mr. Harris made inquiries to the Staff of the Planning Commission and the Building Inspector's office concerning the jurisdiction of the City in this area, and was informed that it had none. The matter has been brought to the attention of the Building Inspector who recently issued a cease and desist order. He added however, that the Hissom Memorial Center which is located Southeast of the subject tract, has never sought rezoning or Board of Adjustment approval, assuming that the area is not subject to the City's jurisdiction.

He quoted from Title 19 of the State Statute concerning County Planning and Zoning (Exhibit "C-2") which states that the City's jurisdiction extends to include all land within five-miles of the corporate limits of the municipality, excluding any other incorporated units, in this instance Sand Springs. He maintained that the five-mile perimeter as computed by the City Engineer (Exhibit "C-3") is based on an approximation derived by periodically marking points five-miles from the outermost limits and then connecting these points through the use of a compass. The result is a series of "half-moons" which are overlapping and include areas over which the City does not have legal jurisdiction. He stated that if computed correctly the subject tract would be eight (8) miles outside the City Limits and would not be subject to the Zoning Regulations of the City of Tulsa. He added that even as computed by the City Engineer the tract lacking only one block of being outside the five-mile perimeter.

Mr. Culver advised the Board that in order to make a determination, the Legal Department would need time to discuss the problem with the City Engineer.

An attorney for the protestants agreed to a continuance and stated that a determination could possibly be of help to them as well.

On MOTION of JOLLY, the Board (3-0) continued application No. 7165 to the December 16, 1971 meeting, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the City Legal Department might discuss the question of the City's jurisdiction in this matter with the City Engineer's office and submit an opinion at that time.
Note: Graphic overlays may not precisely align with physical features on the ground.
Mobile home park looking south from West 17th Street South

It appears that the client's manufactured home is the last one on the right.
Aerial picture looking north from West 17th Street

Looking north from West 17th Street
November 12, 2002

RE: Legal Nonconforming Use.

Janet Derichsweiler
1106 Country Club Rd.
McAlester, Oklahoma 74501

Driftwood Mobile Home Park.

This letter is to confirm our conversation on November 12, 2002. Ms. Derichsweiler the legal nonconforming use at Driftwood Mobile Home Park permits the existing (6) six mobile homes on the property. Located at 14211 West 17th Street. Tulsa County Zoning Code states if any (1) one of the (6) six existing mobile home are removed from said property, for a total of 36 consecutive months. No replacement shall be permitted back into Driftwood Mobile Home Park. At that time the legal nonconforming use for that mobile would cease and current zoning would be applied which is Residential Estates District or (RE) zoned. No legal nonconforming use shall be expanded.

If this office can be of any further assistance please call us, 596-5293.

Sincerely,

[Signature]

Terry West
Zoning Officer
From: Louie Schuette <louie.schuette@yahoo.com>
Sent: Wednesday, May 1, 2019 11:51 AM
To: Jones, Robi
Subject: RE: Board of Adjustment Case
Rental Agreement

Made this 15th day of March, by and between Louie Schuette (Tenant) and Feather LLC (Tenant)

If a premise is leased, the term is 24 months. The landlord agrees to rent to the tenant(s) the premises as and located at the following address:

1411 W 17th St. S, Lot #7 Sand Springs, Ok 74063

This property is rented or leased unfurnished.

Term of Agreement: The agreement begins 3/15/19
Monthly payment: $1000
Rental amount: $735.00
Occupied by ONLY:
Louie Schuette
Rent Due 1st of month

Tenant shall be entitled to use the premises as a residential unit only. Tenant shall maintain the premises in a safe and sanitary condition. Disposal of garbage/waste in proper containers. Storage of garbage is strictly prohibited. Tenant shall not make any alterations to the unit. Tenant is responsible for any alteration by their guests (inside or out).

Tenant: Landlord: Furnishes no utilities. All utilities must remain on during the entire term of the agreement.

Rent or Lease agreements require a 30 day written notice to terminate the agreement. (Prior to moving) Tenant agrees to return the premises to the landlord in good repair, and in a clean and sanitary condition.

Tenant agrees to assume all liability and hold landlord harmless for any injuries to persons or damage to property caused by tenant or their guests. Tenant agrees to pay attorney fees incurred by landlord in any lawsuit.

All personal property in the unit is at tenants' risk only, not the landlord's.

If tenant defaults on this agreement, it shall be lawful for the landlord (or agent) to re-enter and repossess the unit, or evict in the manner prescribed by law.
Late fees of $25.00 and $2.00 per day after the 5th of the month.

Tenant agrees to:
- Park only in designated parking areas.
- Keep yard mowed and clean.
- Pay for all damages after move in, (windows included)

In case of emergency call: Josh Copeland (918) 500-2379

Tenant has inspected the unit and accepts it in its present condition except as noted:

[Signatures]
To whom it may concern,

As a resident and property owner on w. 17th st. I would like to address some of the concerns I have with the permit in question. We received a notice that this application was filed on April 15th although the mobile home was moved onto the property on April 9th 2019. We were informed previously by the applicant that they had planned on building a conventional single family home on the property. At that time we discussed that any mobile home would have to replace an existing one on the property because of the stipulations with the non conforming RE district. We feel that is what should take place due to the delapitation of the other units on the property. We have lived in our home since December 2015 and the lot where this mobile has moved into was empty at the time and has been empty for some time beforehand. We were aware of the 36 month stipulations put on the property and this site in particular and we discussed that with the applicant. This mobile moving in was a shock to me after the discussion I had with the applicant. We are also aware that this is a flood plain and the amount of trash and debris that is left by the mobile park is horrendous. Most of the debris ends up on the Arkansas river bed. I have attached photos of the site and it’s condition. Thank You for your time.

Amber and Clifford Saylor
14113 w. 17th. S.
Sand Springs. OK 74063
918-902-4914
BOARD OF ADJUSTMENT
CASE REPORT

STR:9135
CZM:44
PD:

HEARING DATE: 05/21/2019 1:30 PM

APPLICANT: Misty Douglas

ACTION REQUESTED: Special Exception to allow a manufactured home in a RS District (Section 410)

LOCATION: 5775 S. 113th W Ave

ZONED: RS

PRESENT USE: Residential

TRACT SIZE: 0.59 acres

LEGAL DESCRIPTION: W150 N207 LT 5 LESS STREET BEG NWC LT 5 S207 E25 N207 W25 POB BLK 7, BUFORD-COLONY

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2217 June 2006: The Board approved a special exception to permit a manufactured home in an RS district, subject to paved parking, skirting, tie downs, and DEQ approval, on property located at 10717 West 57th Street South.

CBOA-1524 September 1997: The Board approved a special exception to allow a single-wide mobile home in an RS district per plan submitted, subject to tie downs and skirting, subject to the Health Department approval and a building permit, on property located at 10921 West 57th Street South.

CBOA-1329 February 1995: The Board approved a special exception to permit a mobile home in an RS district; and a variance to permit two dwelling units on one lot of record, subject to a building permit, Health Department approval, skirting and tie downs, on property located at 5735 South 107th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts a flea market to the north, single-family residential properties to the east and south, and HWY 97 to the west.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit a manufactured home in an RS district as illustrated in the attached plan. The applicant proposes to place a manufactured home on the subject property that is currently vacant. The applicant has not supplied any details regarding the
make and model of the manufactured home other than the dimensions and the proposed location of the dwelling.

A Special Exception is required as the proposed manufactured home is not permitted by right in the RS zoning district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The manufactured home must be found to be compatible with the surrounding neighborhood.

The subject property is located off HWY 97. The surrounding area contains mobile/manufactured homes as well as single-family homes. Additionally, the property to the north of the subject property is the site of a flea market. Tulsa County's permitting office considers double-wide mobile homes to be allowed by right. However, the applicant is proposing to place a 16' x 80' manufactured home on the property. The submitted site plan appears to meet all the required setbacks for an RS district.

The applicant should be advised by the Board that if approved, the manufactured home may be required to be tied down, skirted, receive DEQ approval, and that a paved surface for the parking area may be required.

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

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Case No. 2217

Action Requested:
Special Exception to permit a manufactured home in an RS District, located: 10717 West 57th Street South.
Mr. Cuthbertson brought to the attention of the Board members that a property owner, Lee Lover, from Riverside, California made a phone call in support of the application.

Presentation:
Jessie Pickens, 10717 West 57th Street South, Sand Springs, Oklahoma, proposed to clear the land and place a new single-wide mobile home. He stated there is water to the property.

Comments and Questions:
Mr. Walker noted this request is not out of character for the area. Mr. Charney stated it would be in harmony with the neighborhood and not injurious to it.

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

Board Action:
On Motion of Tyndall, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to APPROVE a Special Exception to permit a manufactured home in an RS District, subject to paved parking, skirting, tie downs, and DEQ approval, on the following described property:

W 185 ft. of Lot 1, Block 1, BUFORD-COLONY Tulsa County, State of Oklahoma

**********

Case No. 2218

Action Requested:
Special Exception to permit a manufactured home in an RS district (Section 410); a Variance of the side yard setback, abutting a street, from 25' to 5' (Section 430.1), located: 5911 South 72nd West Avenue.

Presentation:
Ron Bledsaw, 5911 South 72nd West Avenue, stated the mobile was already on site before he discovered the need for building permits and this relief. They have lived there for thirteen years. They have made a lot of improvements on the property. They contacted the neighbors and found they were in support. They would like to use the stick-built house on the property as a storage/accessory building. Letters were submitted to the Board (Exhibit F-1).
COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 208
Tuesday, September 16, 1:30 p.m.

County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT
Alberty, Chair
Looney
Tyndall

MEMBERS ABSENT
Eller
Walker
Beach
Huntsinger
Stump

STAFF PRESENT
Meeks, Building Inspection

OTHERS PRESENT

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, September 11, 1997, at 8:52 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:33 p.m.

MINUTES:
On MOTION of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, “aye”; no “nays”, no “abstentions”; Eller, Walker “absent”) to APPROVE the minutes of August 19, 1997, (No. 207).

NEW APPLICATIONS

Case No. 1524

Action Requested:
Special Exception to allow a single-wide mobile home in an RS district. SECTION 410, PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT - Use Unit 9, located 10921 West 57th Street South.

Presentation:
The applicant, Jimmy Morawitz, 10921 West 57th Street South, submitted a site plan (Exhibit A-1) and stated he would like a permit to place a new trailer on the subject property. He submitted photographs of single-wide trailers that are in the immediate area (Exhibit A-2).

Comments and Questions:
Mr. Alberty asked the applicant if this will be the only dwelling on his lot? He answered affirmatively.

Mr. Alberty asked the applicant if he has checked with the Health Department with regard to the sanitary sewer? Mr. Morawitz stated that he will be on a septic tank and he has checked with the Health Department on the sewer system.
Case No. 1524 (continued)

Mr. Alberfy asked the applicant if he was in agreement with using tie downs and skirting of the mobile home? He answered affirmatively.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberfy, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to APPROVE a Special Exception to allow a single-wide mobile home in an RS district.

SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICT - Use Unit 9, per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit, finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Buford Colony, Block 7, W 576.6' of Lot 2, Tulsa County, Oklahoma.

Case No. 1525

Action Requested:

Variation to allow 3 dwelling units on 1 lot of record. SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD - Use Unit 9, located 3913 South 137th West Avenue.

Presentation:

The applicant, George E. Helmers, 3913 South 137th West Avenue, submitted a site plan (Exhibit B-1) and stated that in 1984 he received a building permit for the existing trailer. He explained that he currently has three (3) dwelling units on the subject land and had three (3) dwelling units since 1984. He indicated that his daughter has purchased a double-wide trailer and would like to replace the single-wide trailer with the new trailer.

Comments and Questions:

Mr. Alberfy asked the applicant if he was before the Board in October 1982? He stated he wasn’t sure.

After discussion it was determined that the Board cases on record did not indicate that there was any action taken by the Board for the subject property.

Mr. Alberfy asked the applicant why he chose to have three (3) dwelling units on a single lot rather than split the lot? He stated that his kids live on the subject land and he prefers not to split the lot.

Mr. Alberfy announced that the City of Sand Springs Board of Adjustment looked at this case as a referral and voted unanimously for approval.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberfy, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Eller, Walker "absent") to APPROVE a Variance to allow 3 dwelling units on 1 lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 9; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the property owner does not want to split the land and would like to keep the land under one ownership; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:
Case No. 1329 (continued)

Comments and Questions:
Mr. Walker asked if there are two dwelling units on other tracts in the area, and Mr. Fry stated that the 10-acre tract to the south has three dwelling units.

Ms. Russell advised that AG zoning requires 2.2 acres per dwelling unit, and the applicant apparently needs that relief.

Mr. Gardner advised that the Board could consider the variance to permit two dwelling units at this time and continue the balance of the application to the next meeting.

Protestants:
None.

Board Action:
On MOTION of LOONEY the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Albert, "absent") to APPROVE a Variance to permit two dwelling units on one lot of record - SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6/9, and to CONTINUE the remainder of the application to March 21, 1995 to allow sufficient time to advertise for additional relief; per plan submitted; subject to a building permit and Health Department approval; finding that there are other tracts in the area with more than one dwelling unit, and that approval of the request will not be detrimental to the area; on the following described property:

Beginning 2164.47’ east NW/c, S/2, SW/4 then south 659.20’, east 197.04’, north 659.13’, west 197.13’ to POB, Section 13, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1329

Action Requested:
Special Exception to permit a mobile home in an RS zoned district and a variance to permit two dwelling units on one lot of record - SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS and SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6/9; located 5735 South 107th West Avenue.

Presentation:
The applicant, Dawanna Kellum, 5735 South 107th West Avenue, Sand Springs, Oklahoma, requested permission to install a mobile home on her aunt’s property.
Case No. 1329 (continued)

Comments and Questions:
Mr. Tyndall asked if there is an existing dwelling on the subject property, and the applicant answered in the affirmative.

Mr. Walker stated that he is familiar with the area and there are numerous lots with more than one dwelling unit.

Protestants:
None.

Board Action:
On MOTION of LOONEY the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, "absent") to Special Exception to permit a mobile home in an RS zoned district and a variance to permit two dwelling units on one lot of record - SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS and SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 6/9; subject to a building permit and Health Department approval; and subject to the mobile unit being skirted and tied down; finding that there are numerous tracts in the area with more than one dwelling unit, and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 8, Block 1, Buford Colony, less the south 25° thereof, Tulsa County, Oklahoma.

Case No. 1330

Action Requested:
Variance of the required 30' of frontage on a public street - SECTION 208. STREET FRONTAGE REQUIRED - Use Unit 9, located 16312 South Yale.

Presentation:
The applicant, Raymond Lomax, 16312 South Yale, was represented by his son, who requested that the variance of frontage be approved to permit a lot split. He informed that an access easement was approved in 1988, but it was not recorded and that approval has lapsed. A plat of survey (Exhibit E-1) was submitted.

Comments and Questions:
In reply to Mr. Walker, Mr. Lomax stated that he owns the entire tract. He explained that his residence is on the front portion of the property, and he intends to build a new home on the back lot. He added that his son will live in one home.
Looking northeast from 113th West Avenue
HEARING DATE: 05/21/2019 1:30 PM
APPLICANT: Lou Reynolds
ACTION REQUESTED: Use Variance to allow a wholesaling and warehousing use (Use Unit 23) in AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned districts; Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3).

LOCATION: 15601 W 19 PL S ZONED: AG, RS
PRESENT USE: Industrial TRACT SIZE: 6.35 acres

LEGAL DESCRIPTION: E.264 S1/2 S1/2 NW SW SEC.8-19-11; PRT NE SW BEG 1317.8E NWC SW SW TH N392 E267.3 S392 W267.3 POB SEC 8 19 11 2.41ACS; E208.2 N209.25 SW SW SEC 8 19 11 1AC; S198.1 N407.35 E208.2 SW SW LYING N RR SEC 8 19 11 .95AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
CBOA-111 September 1981: The Board denied a special exception (Section 1420 (f) – Nonconforming Use of Building or Buildings and Land in Combination); and approved a variance (Section 310 – Principal Uses Permitted in Agriculture Districts) to permit the erection of a 60' x 240' extension (addition) to a nonconforming manufacturing plant in an AG District, on property located at 15601 West 19th Place.

Surrounding Property:
CBOA-2712 August 2012: The Board approved a special exception to permit a 260 foot cell tower including the lightning rod (Use Unit 4) on AG zoned property; and a special exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots, on property located at 1725 South 161st West Avenue.

CBOA-2240 April 2007: The Board approved a variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres; and a special exception to permit a mobile home in an RS district, on property located at 15545 West 19th Place South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts an RS zoning district to the south with residential uses to the south and east. Vacant agricultural land abuts the property to the west and north.

STAFF COMMENTS:
The applicant is before the Board requesting a Use Variance to allow Wholesaling and Warehousing (Use Unit 23) in AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned districts. The applicant submitted a statement, Exhibit "B", that is attached to this case report.

(Summary) According to Exhibit “B”, the Use Variance is for Maxwell Oil Company.

"Maxwell Oil sells various industrial lubricants and racing fuels. Its products include hydraulic oils, cutting oils, engine cleaning solvents, antifreeze, and fuels. Its customers include the airport, auto shops, construction companies and other industrial businesses. Flatbed trucks deliver the products to Maxwell Oil in 5- and 55-gallon drums. The products are stored onsite until Maxwell Oil delivers them to the customer. There is an accessory office use and virtually no retail sales."

A Use Variance is required as wholesaling and warehousing (Use Unit 23) is not a use permitted in the AG or RS zoned districts due to potential adverse effects. The subject site is the previous site of a non-conforming manufacturing plant that was in operation from the late 1970s until approximately 2012.

1223.3 Use Conditions – The uses included in Use Unit 23, when located on a lot which is abutting the boundary of an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District. It is not clear if the entire property is fenced from the abutting R District so the applicant is asking for a Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3). The Board of Adjustment, as a special exception, may:

A. Modify or remove the screening requirement where existing physical features provide visual separation of uses.
B. Modify the screening requirement where an alternative screening will provide visual separation of uses.
C. Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped.
D. Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances and/or regulations.

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

Sample Motion:

“Move to _______ (approve/deny) a Use Variance to allow Wholesaling and Warehousing (Use Unit 23) in AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned districts”

Approved per the conceptual plan(s) shown on page(s) ______ of the agenda packet.

Subject to the following conditions, if any: ________________________________.

Finding the hardship to be _______.

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

"Move to _______ (approve/deny) a Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3)

Approved per conceptual plan(s) on page(s) _______ of the agenda packet.

Subject to the following conditions, 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.
Case No. 110 (continued)

State Bank and the Robinson's are asking the Board to approve the use of the property for 4 mobile homes.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Martin, Walker, Wines, Tyndall, Dubie, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit 4 mobile homes on one tract of land, on the following described property:

A portion of the NE/4 of Section 30, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

Beginning at a point 1,440 feet North and 1010 feet East of the Southwest corner of said NE/4; thence West 200 feet; thence North 736.74 feet; thence Southeast along the Coyote Trail, 205 feet; thence South 672.64 feet, to the point of beginning.

Case No. 111

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1680 - Request for an exception to permit the erection of a 60' x 240' building to allow an addition to a nonconforming manufacturing plant (oil field pumps) in an AG District; and, a

Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1420 (f) - Nonconforming Use of Building or Buildings and Land in Combination - Under the Provisions of Section 1670 - Request for a variance to permit the erection of a 60' x 240' building to allow an addition to a nonconforming manufacturing plant (oil field pumps) in an AG District. This property is located at 15601 West 19th Place.

Presentation:

A letter was submitted (Exhibit "C-I") by the City of Sand Springs as a follow-up pertaining to the Board of Adjustment's Case No. 111. They stated that they did not receive the referral hearing notice in time to place the request on the regular meeting agenda of September 8, 1981. They chose not to request a continuance on the application to this Board.

Joe Raymon, Office Manager of Rampart Division - 15601 West 19th Place, was present to address the Board and submitted a plot plan (Exhibit "C-2"). On November 1, 1977, the Rampart Division purchased this property which had manufacturing facilities (approximately 7,000 sq. ft.). It had a single-family house on it, which was used only as an office. On October 2, 1978, a building permit was obtained, even though it was not needed, to add approximately 4,000 sq. ft. to the facility. At that time, they wanted to add the additional 14,400 feet to enlarge the
Case No. 111 (continued)

warehouse and shipping and assembling areas. Mr. Raymon stated that there were businesses and industries along Highway #51 to the west of them, but none adjacent to them. There are single-family dwellings to the east and also to the south of this land. All the houses are on agriculture zoned land.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALE, the Board voted 5-0-0 (Martin, Walker, Wines, Tyn dall, Dubie, "aye"; no "nays"; no "abstentions") to deny the Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) and to approve a Variance (Section 310 - Principal Uses Permitted in Agricultural Districts) to permit the erection of a 60' x 240' extension (addition) to a nonconforming manufacturing plant in an AG District, on the following described property:

(Original) The East 264' of the S/2, S/2, NW/4, SW/4 of Section 8, Township 19 North, Range 11 East of the Indian Base and Meridian. (Brown) The North 209.25' of the East 208.2' of the SW/4 of the SW/4 lying North of the S.L. & S.F. Railroad. (Smith) Beginning at a point on the South line of the W/2, NE/4, SW/4 of Section 8, a distance of 1,317.8' East of the NW corner of the SW/4, SW/4 of Section 8; thence North and parallel to the West line of Section 8, a distance of 392.0' to a point; thence East and parallel to the South line of Section 8, a distance of 267.3' to a point; thence South and parallel to the West line of Section 8, a distance of 392.0' to a point on the South line of the W/2, NE/4, SW/4 of Section 8; thence West a distance of 267.3' to the place of beginning. (Brown II) The North 198.1' of the East 208.2' of the SW/4 of the SW/4 lying North of the S.L. & S.F. Railroad, in Tulsa County, Oklahoma.

Case No. 112

Action Requested:

Section 1660 - Interpretation - Request for a determination that the existing structure is a nonconforming use; and, an

Exception - Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Request for an exception to construct or move a building onto the premises for use as a dog grooming facility and storage; and, a

Variance - Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Request for a variance to permit a dog kennel and grooming facility in an AG District. This property is located between Peoria and Lewis Avenues on 161st Street South.

Presentation:

Mr. Dubie read a letter (Exhibit "D-1") from the City of Glenpool stating that the above mentioned Case No. 112 will appear before the Glenpool Board of Adjustment in public hearing on September 22, 1981, at 7:00 p.m., in the Glenpool City Hall. A letter was to be sent of the determined recommendations and a copy of the unofficial minutes.

9.25.81:13(7)
On MOTION of JOHNSTON, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston “aye”; no “nays”; no “abstentions”; Hutchinson “absent”) to APPROVE the request for a Variance to permit an accessory building to be located in the side yard (Section 420.2), subject to all other buildings on the site, except for the new shop, being removed prior to the occupancy of the new house which will come at a later time. The Board finds the hardship to be that the shop is already in existence. There is to be a privacy fence erected around the shop as described by the applicant; for the following property:

N331 S1338 E330 W/2 E/2 SE LESS W17.5 THEREOF FOR RD SEC 29 21 13 2.374ACs, OF TULSA COUNTY, STATE OF OKLAHOMA

2712—Cellco Partnership dba Verizon Wireless

Action Requested:
Special Exception to permit a 260-foot cell tower (Use Unit 4) on AG zoned property (Section 310 and Section 1204.3); Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots (Section 1204.3). LOCATION: 1725 South 161st West Avenue

Presentation:
David McGehee, 121 Village Boulevard, Madison, MS; stated he represents Verizon Wireless in partnership with Cellco. The proposal is for a 250-foot tall tower with a ten-foot lightning rod, ground cabinets and a fence. The area leased is 80'-0" x 80'-0" located on a 41-acre tract. The leased area is about 300 feet off 161st West Avenue and about 175 feet north of the property line. The leased area is in between a couple of heavy tree lines that will serve as a buffer. This site will fill in a coverage gap that exists west of Sand Springs. Mr. McGehee stated the tower is designed to hold any future tenants to help minimize towers in the area.

Mr. Charney asked Mr. McGehee if there was frequently co-location on Verizon towers. Mr. McGehee stated there are some.

Interested Parties:
There were interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to APPROVE the request for a
Special Exception to permit a 260 foot cell tower including the lightning rod (Use Unit 4) on AG zoned property (Section 310 and Section 1204.3), finding that the proposed use will not be injurious to the surrounding properties or detrimental to the public welfare; Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots (Section 1204.3), finding that by reducing the requirement will not imperil an actual structure within the fall range of the tower; for the following property:

PRT SW NW & NW SW BEG SWC SW NW TH N54.61 E1313.99 TO EL SW NW TH S54.61 TO SECR SW NW TH S ALG EL NW SW 994.29 TH W1314.90 TO WL NW SW TH N994.28 POB SEC 8 19 11 31.6472 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2714—Jakes Fireworks – Jason Wanetta

Action Requested:
Modification of a previously approved Special Exception (CBOA-2515) to extend the time limitation to permit a fireworks stand in an AG district (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: 17734 East 121st Street South

Presentation:
Jason Marietta, 1500 East 27th Terrace, Pittsburg, KS; stated there has been a fireworks stand for approximately ten years. The Board approved the stand in the past and it is now time to update that former approval.

Mr. Charney asked Mr. Marietta if there had been any complaints from the neighbors. Mr. Marietta stated that he has not received any complaints, and the two owners are in the audience today if the Board needs them to speak about the operation.

Mr. Charney asked Mr. Marietta to explain how the parking is handled currently. Mr. Marietta stated the lot is very solid. There is usually a semi-trailer parked on the lot loaded with product, and there has never been an issue even when it rains.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to APPROVE the request for a Modification of a previously approved Special Exception (CBOA-2515) to extend the time limitation to permit a fireworks stand in an AG district (Section 310); Variance of the...
COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 323
Tuesday, April 17, 2007, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, April 17, 2007 at 4:03 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

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MINUTES

On MOTION of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Dillard, Hutson "absent") to APPROVE the Minutes of March 20, 2007 (No. 322).

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UNFINISHED BUSINESS

Case No. 2240
Action Requested:
Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district (Section 410), located: 15545 West 19th Place South.
Presentation:
Mr. Cuthbertson stated staff requested a continuation of this case for advertisement with a correct legal. He reminded the Board that they approved this case previously before they discovered the error in the legal description. It was re-advertised with the correct legal. The applicant was not present.

Mr. Dillard arrived at 1:33 p.m.

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

Board Action:
On Motion of Tyndall, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to APPROVE a Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district on the following described property:

BEG NWC W/2 SE SW TH E275 S282 W135 S258.92 SW60.81 S163.25 NW31.41 NW70.17 N727.03 POB SEC 8 19 11 3.123ACS Tulsa County, State of Oklahoma

**********

Case No. 2242
Action Requested:
- Special Exception to permit a church in an AG district (Section 310), located: South of the Southwest corner of East 201st Street and South 2nd East Avenue.

Presentation:
The applicant, Johnnie Christian, was not present. Mr. Charney stated the Board would come back to this case later.

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NEW APPLICATIONS

Case No. 2255
Action Requested:
- Variance to permit two dwellings on a lot of record in an RS district (Section 208); to replace an existing dwelling, located 2448 South 57th Avenue West.

Presentation:
Louis Northrup, 2349 South 59th West Avenue, proposed to remove one existing structure and move in a 28' x 72' manufactured home. There is another existing
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2011
Looking west towards the back of the property from South 155th West Avenue

Looking west towards the back of the property from South 155th West Avenue (additional view)
Looking west towards the entrance to the property from West 19th Place South

Looking north into the entrance from West 19th Place South

13.14
Exhibit “B”

Applicant requests a principal use variance pursuant to Section 1670 of the Tulsa County Zoning Code (the “Code”) to permit wholesaling and warehousing (Use Unit 23) in an AG/RS District on property located at 15601 West 19th Place South (the “Property”).

The Property is the previous site of the Gorman-Rupp Ramparts Division, which manufactured various industrial pumps and pumping systems for the oil field. Gorman operated at this location from the late 1970s until approximately 2012, as a lawfully nonconforming manufacturing plant. In 1981, the County Board of Adjustment granted Gorman-Rupp a variance to expand its facility (Case No. CBOA-111), to approximately 30,000 SF.

The requested use variance is for Maxwell Oil Company. Maxwell Oil sells various industrial lubricants and racing fuels. Its products include hydraulic oils, cutting oils, engine cleaning solvents, antifreeze and fuels. Its customers include the airport, auto shops, construction companies and other industrial businesses. Flatbed trucks deliver the products to Maxwell Oil in 5- and 55-gallon drums. The products are stored onsite until Maxwell Oil delivers them to the customer. There is an accessory office use and virtually no retail sales.

The previous industrial use pre-dated the existing Code and was more intense than the proposed warehousing and wholesaling use. The existing building, with the 1981 approved expansion, has been on the Property since the late 1970s. Maxwell Oil has no plans to alter or expand the building.

Based on the aforementioned exceptional circumstances that are unique to the Property, i.e., the previous industrial use of the Property and existing building for over 30 years, the literal enforcement of the Code results in unnecessary hardship. Furthermore, due to the decreased intensity of the proposed warehousing use from the previous, long-time industrial use, the requested variance will not cause substantial detriment to the public or impair the spirit and intent of the Code.
Legal Description

PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION EIGHT (8), TOWNSHIP NINETEEN (19) NORTH, RANGE ELEVEN (11) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF SAND SPRINGS, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, ALSO KNOWN AS 15601 WEST 19TH PLACE, SAND SPRINGS, OKLAHOMA.