AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, June 18, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

Meeting No. 470

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of May 21, 2019 (Meeting No. 469).

UNFINISHED BUSINESS
None.

NEW APPLICATIONS

2. 2756—Jeremy Jones
   Use Variance to permit an Agricultural Use (Use Unit 3) in a RS District. **LOCATION:**
   3033 South 54th West Avenue

3. 2757—Matthew Gregory
   Variance of the required 30 foot of frontage to support a single-family dwelling in an
   AG District (Section 207). **LOCATION:** North and West of the NW/c of East 166th
   Street North & North Mingo Road

4. 2758—K. S. Collins
   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; Variance to reduce the side, rear and front setback requirements (Section 330,
   Table 3); Variance from the all-weather parking surface requirement (Section
   1340.D). **LOCATION:** 12848 East 122nd Street North

5. 2759—Eller & Detrich – Lou Reynolds
   Modification of a previously approved site plan to include a storm shelter (CBOA-
   2678). **LOCATION:** 6441 East 106th Street North
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.countyoftulsa-boa.org

E-mail: esubmit@incog.org

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

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

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

STR:9217
CZM:35
PD:

HEARING DATE: 06/18/2019 1:30 PM

APPLICANT: Jeremy Jones

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

LOCATION: 3033 S 54 AV W

PRESENT USE: Residential

LEGAL DESCRIPTION: BEG 344.24 N SECR SW SE TH W 479.38 NLY 100.06 E 475.42 S 100 TO POB SEC 17 19 12, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: none

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a rural residential area and abuts RS zoning with single-family homes on the north, east, and south. The area to the west is zoned agricultural with scattered residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit an Agricultural Use (Use Unit 3) on a 1.1+ acre RS zoned lot. The applicant would like to keep sheep and hens on his property.

A Use Variance is required as the keeping/raising of sheep and hens 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: "A majority of the surrounding properties are agricultural; the purpose of the hardship is not financial or for profit; this variance will not detrimentally affect surrounding properties; will not create a nuisance or increase traffic congestion – it is a hardship for teaching the care and conservation of two ewes on property and six hens to my daughters."

According to the submitted site plan, the sheep will be kept at the back of the property.

The Berryhill Land Use Plan identifies this property as Existing Neighborhood on the Future Land Use Map. The existing Neighborhood category is intended to preserve and enhance 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.
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 and type of livestock 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 1.1 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."
Feet

200

Subject
cBoA-2756

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

Tract 4000

19-12 17

CBOA-2756

19-12 17

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

Aerial Photo Date: February 2018
Looking northeast from South 54th West Avenue (CBOA-2756)
CBOA-2756 Use Variance Aerial Site Plan

1 – doghouse; 2 – shed; 3 – retaining wall

S 54th W Ave

Area for Sheep
BOARD OF ADJUSTMENT
CASE REPORT

STR: 2312
CZM: 3
PD:

HEARING DATE: 06/18/2019 1:30 PM

APPLICANT: Matthew Gregory

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

LOCATION: North and West of the northwest corner of E. 166th St. North & North Mingo Avenue

ZONED: AG

PRESENT USE: Residential

TRACT SIZE: 5.02 acres

LEGAL DESCRIPTION: BEG 1323.07W & 1321.42N SECR SE TH N660.71 E330.80 S660.65 W330.79 POB SEC 12 21 13 5.017ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: none

Surrounding Property:

CBOA-1333 March 1995: The Board approved a variance to permit two dwelling units on one lot of record (Section 208) – Use Unit 6; subject to Health Department approval and a building permit, on property located at 16840 North 97th East Ave (abuts the subject property on the east).

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded be agricultural uses in all directions. There is a sparse amount of homes in the area.

STAFF COMMENTS:

According to the attached survey the existing site does not have frontage onto E. 166th St. N. (a public street). The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street maintained by Tulsa County.

To permit construction of a new house on the site the applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right of way from 30 ft. to 0 ft. For the Board's review, the applicant has submitted a copy of the access easement that provides a 40-ft. easement to the subject tract from E. 166th St. N. The attached email states that the property owner, Robert Evans, has legal access to the easement.
The applicant stated the following: “Mr. Evans only has a 40’ wide easement leading to road frontage and wishes to build a home on his property.”

Sample Motion:

“Move to ______ (approve/deny) a Variance of the frontage requirement on a public street/dedicated right of way from 30 ft. to 0 ft. (Section 207).

- Finding the hardship(s) to be __________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.”
Case No. 1332 (continued)
Mr. Looney asked if hard surface parking will be installed, and the applicant answered in the affirmative.

Mr. Alberty noted that the land use appears to be compatible with the area and there is sufficient separation between the proposed development and the residences.

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 golf course in an AG zoned district - SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5; subject to the applicant submitting a detail site plan prior to development; subject to Health Department approval and a building permit; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

SW/4 and the S/2, NW/4, and W/2, SW/4, SE/4, Section 34, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1333

Action Requested:
Variance to permit two dwelling units on one lot of record - SECTION 208 - ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD - Use Unit 6, located 16840 North 97th East Avenue.

Presentation:
The applicant, Glen Just, PO Box 296, Collinsville, Oklahoma, requested permission to construct a second dwelling on a 10-acre tract. He informed that his mother-in-law will live in the home and the land will remain under one ownership.

Comments and Questions:
Mr. Alberty noted that the applicant has sufficient land area to split the tract and construct several dwellings.

Protestants:
None.
Case No. 1333 (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 APPROVE a Variance to permit two dwelling units on one lot of record - SECTION 208 - ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD - Use Unit 6; subject to Health Department approval and a building permit; finding that the tract contains sufficient land area to support more than one dwelling unit; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

SE/4, NE/4, SE/4, less .25 acre for roadway, Section 12, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1334

Action Requested:
Variance of the required 75' setback from an abutting AG zoned district to 25' to permit an addition to an existing building - SECTION 930 - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 23, located 13795 East 136th Street North.

Presentation:
The applicant, Rubin Hearn, PO Box 393, Collinsville, Oklahoma, requested permission to construct a 50' addition (north) across the rear portion of an existing warehouse building.

Comments and Questions:
Mr. Alberty inquired as to the distance from the east wall to the east property line, and the applicant stated that the wall is approximately 150' from the east boundary.

In reply to Mr. Alberty, Mr. Hearn stated that the new addition will be approximately 24' from the north property line.

Mr. Alberty asked the applicant if he has conferred with the County Building Inspector concerning the proposed construction, and he replied that he was advised at that office that a variance of the setback would be required.

In response to Mr. Alberty, Mr. Hearn stated that the building is used for an automotive exhaust warehouse.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

Subject Tract

CBOA-2757

22-13 12
Plat of Survey Boundary

Part of the NE/4 SE/4 & SE/4 SE/4
Sec. 12, T-22-N, R-13-E
Tulsa County, Oklahoma

Location Map
SCALE 1"=200'

Access Easement Legal Description
An access easement located in the North Half of the Southeast Quarter of the Southeast Quarter (N/2 SE/4 SE/4) of Section Twelve (12) of Township Twenty-Two (22) North and Range Thirteen (13) East of the Indian Base and Meridian (18.8M), according to the U.S. Government Survey; therefore, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the SE Corner of the SE/4 of Sec. 12, T-22-N, R-13-E, 18.8M; Thence S 88º19'25" E a distance of 1233.07 feet to the SW corner of the SE/4 of Sd 5/2 SE/4; Thence N 88º19'25" E a distance of 121.41 feet to the point of beginning; Thence N 01º31'51" W a distance of 50.00 feet; Thence N 88º44'18" W a distance of 50.00 feet to the point of beginning, and containing 0.00 acres, more or less.

Legal Description Tract 1
A tract of land located in the South Half of the Northeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Twelve (12) of Township Twenty-Two (22) North and Range Thirteen (13) East of the Indian Base and Meridian (18.8M), according to the U.S. Government Survey; therefore, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the SE corner of the SE/4 of Sec. 12, T-22-N, R-13-E, 18.8M; Thence S 88º19'25" E a distance of 1233.07 feet to the SW corner of the SE/4 of Sd 5/2 SE/4; Thence N 01º31'51" W a distance of 1231.42 feet to the point of beginning being the SW corner of the S/2 NE/4 of Sd 5/2 SE/4; Thence N 88º19'25" W a distance of 50.00 feet; Thence N 88º44'18" W a distance of 50.00 feet to the point of beginning, and containing 5.22 acres, more or less.

Legal Description Tract 2
A tract of land located in the South Half of the Northeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Twelve (12) of Township Twenty-Two (22) North and Range Thirteen (13) East of the Indian Base and Meridian (18.8M), according to the U.S. Government Survey; therefore, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the SE corner of the SE/4 of Sec. 12, T-22-N, R-13-E, 18.8M; Thence S 88º19'25" E a distance of 1233.07 feet to the SW corner of the SE/4 of Sd 5/2 SE/4; Thence N 01º31'51" W a distance of 1231.42 feet to the point of beginning being the SW corner of the S/2 NE/4 of Sd 5/2 SE/4; Thence N 88º19'25" W a distance of 50.00 feet; Thence N 88º44'18" W a distance of 50.00 feet to the point of beginning, and containing 5.22 acres, more or less.

Surveyor's Statement
L. Kevin M. Neumeier, a registered land surveyor in the State of Oklahoma hereby certifies that the above plat represents a boundary survey. The above plat reflects all instruments that have been disclosed and furnished at the time of survey. No opinion is herein to the ownership of fences or any other appurtenances on said property. This plat of Survey meets the minimum technical standards as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

Benchmark Surveying & Land Services, Inc.

January 22, 2009
DATE OF CERTIFICATION

Notes
1. This legal description was prepared by Kevin M. Neumeier, Oklahoma Licensed Professional Surveyor #1289.
2. This firm was not contracted to research easements or determinations of record. No attempt to research the County records or other public offices was performed by this firm. Therefore, easements may affect the subject tract that are not reflected by this plat.
Legal Description

40 foot wide Easement

A tract of land located in the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section Twelve (12) of Township Twenty-two (22) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SE corner of the SE/4 of Sec. 12, T-22-N, R-13-E, I.B.&M.; Thence S 88°39'32" W a distance of 1323.07 feet to the Point of Beginning being the SE corner of the SW/4 of said SE/4; Thence S 88°39'32" W along the south line of said SW/4 SE/4 a distance of 40.00 feet; Thence N 01°13'12" W a distance of 1321.43 feet to the north line of said SW/4 SE/4; Thence N 88°40'47" E a distance of 40.00 feet to the NE corner of said SW/4 SE/4; Thence S 01°13'12" E a distance of 1321.42 feet to the Point of Beginning, and containing 1.213 acres, more or less.

Basis of bearing is the Oklahoma State Plane Coordinate System.
Yes owner has Legal Access, actually the easement is owned by his Family. His 5.2 acre lot was deeded to him by his family for the purpose of building his home. The easement was put in by his dad just for this purpose.

On Thu, May 23, 2019 at 1:07 PM Jones, Robi <rjones@incog.org> wrote:

Matthew,

I am working on your case (CBOA-2757) and I have a question. Does the property owner have legal access to the easement? I have a description of the easement but I do not see a name on it. Also, do you have anything from the water district saying that they can provide services?

Thanks,

Robi
BOARD OF ADJUSTMENT
CASE REPORT

STR: 1405
CZM: 12
PD:

HEARING DATE: 06/18/2019 1:30 PM

APPLICANT: K.S. Collins

ACTION REQUESTED: Variance of the minimum lot area in the AG District (Section 330 Table 3); a Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split; a Variance to reduce the side, rear and front setback requirements (Section 330, Table 3); and a Variance from the all-weather parking surface requirement (Section 1340.D)

LOCATION: 12848 E 122 ST N
ZONED: AG

PRESENT USE: Residential
TRACT SIZE: 2.89 acres

LEGAL DESCRIPTION: E 198 W 462 SE SE NE SEC 5-21-14

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1963 June 2002: The Board approved a variance of land area per dwelling unit from 2.1 acres to 1.5 acres, finding other properties in the area with more than one dwelling per lot, on property located at 12848 East 122nd Street North.

Surrounding Property:

CBOA-2043 June 2003: The Board approved a variance of requirements of 2.1 acres land area per dwelling unit, finding that there are smaller lots in the area with two dwelling units, on property located at 12730 East 122nd Street North.

CBOA-724 March 1987: The Board approved a variance of the lot width from 200’ to 150’; a variance of the lot area from 2 acres to .79 acres; and a variance of the land area from 2.2 acres to .96 acres, all in order to permit a lot split, on property located at the northwest corner of 120th Street North and 129th East Avenue.

ANALYSIS OF SURROUNDING AREA:

The subject tract is located with an AG (Agricultural) District. All the property to the North, South, East and West is used in an agricultural/residential manner.
**STAFF COMMENTS:**

The applicant is attempting to split 2.89 acres of land in an existing AG zoned parcel. Per Section 330 of the Code, the AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres.

The proposal will create two lots; Tract 1 (2.39 acres) will meet the minimum lot area and land area per unit requirement of the AG district. Therefore, the applicant is not requesting a variance to reduce the minimum lot area or the minimum land area per dwelling unit requirement for Tract 1. However, the buildings on Tract 1 do not meet the setback requirements in an AG District so the applicant is asking for a variance of the side setback from the required 15 feet to 12.4 feet for the residential dwelling and a variance of the side setback of the accessory building from 15 feet to 8.9 feet.

According to the survey, the remaining tract (Tract 2) will be 0.5 acres and will not meet the minimum lot area (2 acres) or the minimum land area per dwelling unit (2.1 acres) requirement of the AG district. Therefore, the applicant is requesting a variance to reduce the minimum lot area in an AG district from 2 acres to 0.5 acres and the minimum land area per dwelling unit requirement from 2.1 acres to 0.5 acres to permit a lot split.

Tract 2 has an accessory building that will not meet the required setbacks. The applicant is asking for a variance of the side setback from 15 feet to 10.7 feet and a variance of the rear setback from 40 feet to 7.5 feet in order to permit a lot split.

The applicant proposes an unpaved (gravel) surface parking area. The Code requires all paving surfaces be paved to maintain a minimum level of aesthetics, but more importantly to control airborne particulates like dust and to control the tracking of dirt and mud onto public streets. The applicant is requesting a Variance of the all-weather surface material requirement for parking (Section 1340.D)

The applicant did not supply a hardship for the variances.

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 minimum lot area in the AG District (Section 330 Table 3); a Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split; a Variance to reduce the side, rear and front setback requirements (Section 330, Table 3); and a Variance from the all-weather parking surface requirement (Section 1340.D)

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

Board Action:
On MOTION of Walker, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to APPROVE a Variance of the required lot area from 2 acres to 1.6 acres on Tracts 5 and 6 combined; and a Variance of required land area from 2.1 acres to 1.716 acres, Tracts 5 and 6 combined for a lot-split, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Tract 5: A tract of land situated in the N/2 S/2 SW/4 NW/4 SE/4 of Section 6, T-19-N, R-10-E being more particularly described as follows: Commencing at the NE/c N/2 S/2 SW/4 NW/4 SE/4, thence N 89°54'57" W along the N line of said N/2 a distance of 120.00' to the POB; thence S 00°00'20" E a distance of 50.00'; thence N 89°54'57" W a distance of 366.52' to a point on the E right-of-way of Coyote Trail; thence N 17°54'28" E along the E right-of-way of Coyote Trail a distance of 52.52', to a point on the N line of said N/2; thence S 89°54'57" E a distance of 350.36' to the POB; Tract 6: Beg. 163.14' E of the SW/c N/2 SW/4 NW/4 SE/4 of Section 6, T-19-N, R-10-E; thence E a distance of 496.86'; thence N a distance of 110.00'; thence W a distance of 462.86'; thence S 17°02' W a distance of 115.03' to the POB, all in Tulsa County, State of Oklahoma.

Case No. 1963

Action Requested:
Variance of land area per dwelling unit from 2.1 to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 12848 E. 122nd St. N.

Presentation:
Lacreta Hill, 4917 E. Admiral Boulevard, proposes to place a mobile home on her son's property.

Comments and Questions:
Mr. Alberty asked Ms. Hill for a hardship for the variance. She replied that there is less than four acres as required by the code. Mr. Alberty noted there are other lots in the area with two dwellings per lot setting a precedent, to which Ms. Hill agreed.

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

On MOTION of Walker, the Board voted (5-0-0) (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of land area per dwelling unit from 2.1 to 1.5 acres, finding other properties in the area with more than one dwelling per lot, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

E 198.00' W 462.00' S 660.00' E 660.00' of NE/4, Section 5, T-21-N, R-14-E, of the IBM, less 25.00' for roadway, Tulsa County, State of Oklahoma.

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Case No. 1964

Action Requested:

Variance of the allowable 750 square feet for accessory building to 1,750 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located 16723 W. 56th Pl. S.

Presentation:

Martha Ann Witt, 16723 W. 56th Pl. S., Sand Springs, Oklahoma, stated the variance is to build a garage with a recreation room. The existing garage is too small for their vehicle. The proposed structure would have two larger garage doors. It would be located 170' off the road. A vehicle was stolen from their property, which is part of the reason for the application. She submitted a photograph (Exhibit A-1).

Comments and Questions:

Mr. Alberty asked if they planned any commercial business in the building. Mr. Arthur G. Witt, III, of the same address, replied that he is an electrical contractor, and he offices out of his house. He explained that all of his work is done on other sites. He added that he does not keep trucks or equipment at his home. Mr. Witt stated that the building would be for personal use only. Mr. Alberty asked if there are other similar size buildings in the neighborhood. Mr. Witt replied there is one larger building across the street. Mr. Witt noted that the parties present and in objection to the application, do not live on property adjoining his. The owners of the property abutting his are in support of the application.

Interested Parties:

Mr. Alberty mentioned the Board received a list of the restrictive covenants (Exhibit A-2) for the neighborhood from unnamed homeowners in Pleasant Oaks Addition.

Marita Bridges, 16427 W. 56th Pl. S., stated she opposes a metal building because the size is inappropriate in the neighborhood. She pointed out that the other building Mr. Witt referred to is a wood frame and brick building. She stated
the S line of said SW/4 NW/4 NW/4, thence W along said S line a distance of 169.5' to the SW/c of said SW/4 NW/4 NW/4, thence N along the W line of said SW/4 NW/4 NW/4 a distance of 660.4' to POB.

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Case No. 2042

Action Requested:
Special Exception to allow Use Unit 2 (fireworks stand) from June 25 through July 4 for the next ten years (2003 through 2012). SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 12901 E. 96th St. N.

Presentation:
Jason Marietta, 2311A W. 4th, Pittsburg, Kansas, stated he works with Brett Watson, the applicant. They propose to set up a fireworks stand across the street from one that has been used for the past twenty years. A local church group will be running the stand. They will use access from 96th or the service road.

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

Board Action:
On Motion of Walker, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to allow Use Unit 2 (fireworks stand) from June 25 through July 4 for the next ten years (2003 through 2012), finding it 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, on the following described property:

Beg. 196.00' E SW/c SW, thence N 466.66' SW 110.76' S 434.79' to SL SW thence E 106.00' POB less S 50.00' for road, Tulsa County, State of Oklahoma.

**********

Case No. 2043

Action Requested:
Variance of requirements 2.1 acres land area per dwelling unit. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 12730 E. 122nd St. N.

Presentation:
R.J. Simmons, 12730 E 122nd St. N., Collinsville, Oklahoma, proposed to place a mobile home on the property. He lives in the existing house on the property. He pointed out another lot in the neighborhood has a house and mobile home.
Comments and Questions:
Mr. Alberty questioned Mr. Simmons about a sewage system. Mr. Simmons indicated there would be a separate sewage system for the mobile home.

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

Board Action:
On Motion of Walker, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of requirements 2.1 acres land area per dwelling unit, finding there are smaller lots in the area with two dwelling units, on the following described property:

E 198.00' W 264.00' SE SE NE less N 25' for Street, Section 5, T-21-N, R-14-E, Tulsa County, State of Oklahoma.

Case No. 2044
Action Requested:
Special Exception to permit a mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Variance of required 5' side yard to permit placing the mobile across lot lines. SECTION 430.1. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, and RM Districts, located 5960 N. Rockford Ave.

Presentation:
Len Olejarz, P.O. Box 580853, Tulsa, submitted photographs (Exhibit B-1) which are examples of his projects. He wants to place a mobile home on the site and build additions to each end with one pitched roof. He proposed to place over two lot lines, involving lots 12, 13 and 14. This would be temporary until his home is built. He stated they would like to use the mobile for personal storage and home work shop after they build their permanent house.

Comments and Questions:
Mr. Hutson questioned Mr. Olejarz about the proposed stick built structure. Mr. Olejarz stated it would be about 1,200 square feet, at the south end of the property. The mobile home will be about 700 square feet.

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

Board Action:
On Motion of Walker, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special
COUNTY BOARD OF ADJUSTMENT
Meeting No. 82
Tuesday, March 17, 1987, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT
Alberty,
Chairman
Eller
Looney
Walker

MEMBERS ABSENT
Tyndall

STAFF PRESENT
Jones
Moore

OTHERS PRESENT
Jack Edwards,
Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, March 13, 1987 at 2:59 p.m.

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

MINUTES:
On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to APPROVE
the Minutes of February 17, 1987 (No. 81).

MINOR VARIANCES AND EXCEPTIONS

Case No. 724

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 150', a variance of the lot area from 2 acres to .79 acres and a variance of the land area from 2.2 acres to .96 acres, all in order to permit a lot split, located NW/c 120th Street North and 129th East Avenue.

Comments and Questions:
Mr. Jones informed that this case will be heard tomorrow by the Planning Commission and any action taken by the Board of Adjustment should be made subject to Planning Commission approval. He submitted a copy of the Technical Advisory Committee minutes and a recommendation for approval (Exhibit AA-1).

Presentation:
The applicant, Dillard Ridenour, 12817 East 120th Street North, Collinsville, Oklahoma, was represented by his wife, Mabel Ridenour, who explained that she and her husband had 6 1/2 acres of land at the above stated location and sold 1 acre with the existing house.
Case No. 724 (continued)

She stated that at the time of sale the attorney representing the real estate company overlooked the fact that a lot split had not been obtained. She informed that they have constructed a new home on the remaining property and are in need of the variance of the lot width on the portion that has been sold.

Additional Comments:

Mr. Alberty asked Ms. Ridenhour if she is aware of the conditions recommended by the Technical Advisory Committee, and she answered in the affirmative. She stated that a Verdigris Valley representative informed her that this company does not record utility easements at the Court House, but that she and her husband are agreeable to granting a utility easement.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use unit 1206) of the lot width from 200' to 150', a variance of the lot area from 2 acres to .79 acres and a variance of the land area from 2.2 acres to .96 acres, all in order to permit a lot split; subject to approval from the City-County Health Department for perk tests to allow septic tank systems; subject to a letter of approval from Washington County RWD #3 stating that water service is available to the subject tracts; subject to Planning Commission approval; and subject to a total of 50' on the east side of the subject tract being dedicated to Tulsa County as an easement for street right-of-way; finding that there are other lots in the area that are comparable in size to the lot in question; on the following described property:

The east 462' of the NE/4 of the NE/4 of the SE/4 of Section 5, T-21-N, R-14-E, Tulsa County, Oklahoma, Containing 7 acres, more or less, according to the U. S. Government Survey thereof, less and except existing 50' roadway on south and roadway on east.

Case No. 721

Action Requested:

Varianc - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206 - Request a variance of the land area from 2.2 acres to 1.0 acres, the lot area from 2 acres to .853 acres and the lot width from 200' to 127.825', all in order to permit a lot split, located north of NE/c of West 31st Street and 225th West Avenue.

Presentation:

The applicant, Clyde Sanford, was not present.
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
Looking southwest from East 122\textsuperscript{nd} St. N. (CBOA-2758)

Looking south onto the back property from East 122\textsuperscript{nd} St. N.
Looking southeast from East 122\textsuperscript{nd} St. N. (CBOA-2758)
Legal Description (Original Tract)

The East One hundred ninety-eight (198) feet of the West Four hundred sixty-two (462) feet of the South Six hundred sixty (660) feet of the East Six hundred sixty (660) feet of the Northeast Quarter (NE1/4) of Section Five (5), Township Twenty-one (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS the North 25 feet thereof for roadway.

Legal Description (Tract 1)

The East One hundred ninety-eight (198) feet of the West Four hundred sixty-two (462) feet of the South Six hundred sixty (660) feet of the East Six hundred sixty (660) feet of the Northeast Quarter (NE1/4) of Section Five (5), Township Twenty-one (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS the North 25 feet thereof for roadway. And less and except The East 168.00 feet of the North 129.64 feet thereof. Containing 2.39 acres.

Legal Description (Tract 2)

The East 168.00 feet of the North 129.64 feet of the East One hundred ninety-eight (198) feet of the West Four hundred sixty-two (462) feet of the South Six hundred sixty (660) feet of the East Six hundred sixty (660) feet of the Northeast Quarter (NE1/4) of Section Five (5), Township Twenty-one (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS the North 25 feet thereof for roadway. Containing 0.50 acres.
BOARD OF ADJUSTMENT
CASE REPORT

STR:1310
CZM:11
PD:

HEARING DATE: 06/18/2019 1:30 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Modification of a previously approved site plan to include a storm shelter (CBOA-2678)

LOCATION: 6441 E 106 ST N

ZONED: AG

PRESENT USE: under construction

TRACT SIZE: 10 acres

LEGAL DESCRIPTION: SE SE SE SEC 10 21 13 10ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2678 May 2019 (Remand): The Board moved to confirm the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No 457 on June 19, 2019 along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board’s motion approving the Special Exception in the matter, case no. CBOA-2678; and the Board moved to find that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we 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, on property located at 6941 East 106th Street North.

CBOA-2678 June 2018: The Board approved a request for a special exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan as submitted at today’s meeting; and approved the request for a variance of the all-weather surface material requirement for parking (Section 1340.D); the required parking spaces per Code will have hard surfaces, and the overflow parking spaces only will not be required to have hard surfaces, on property located at 6491 East 106th Street North.
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large AG zoned residential tracts.

STAFF COMMENTS:

The applicant is requesting a Modification of a previously approved site plan to include a storm shelter (CBOA-2678).

In 2018, the Board approved a request for a special exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan as submitted at that meeting. The applicant is requesting the Board to modify the original approval to include a storm shelter. As the attached floor plan depicts, the storm shelter would be in a separate building than the child development center.

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 is compatible with the surrounding area.

Sample Motion for Modification:

"Move to ________ (approve/deny) a Modification of a previously approved site plan to include a storm shelter (CBOA-2678).

Subject to the following conditions (if any): ________.

Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code."
**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Special Meeting No. 468**  
Monday, May 13, 2019, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

**MEMBERS PRESENT**  
Charney, Chair  
Crall, Secretary  
Hutchinson, V.Chair  
Johnston

**STAFF PRESENT**  
Dillard  
S. Miller  
Ulmer  
R. Jones  
Sparger

**OTHERS PRESENT**

The notice and amended agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 10th day of May, 2019 at 1:59 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

*****

**MINUTES**  
None.

*****

Ms. Ulmer read formerly called the case for the Board of Adjustment Public Hearing.

*****

**UNFINISHED BUSINESS**

2678—Shane Edmondson – Remand

**Action Requested:**  
**Special Exception** to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center.  
**LOCATION:** 6441 East 106th Street North

05/13/2019/#468 (1)
Mr. Charney asked Mr. Reynolds to come forward. Mr. Charney stated that he understands, from the directive from the District Court on the order of remand, that the Board is to consider submissions by the applicant related to certain paper copies.

**Presentation:**
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that he is familiar with the order of remand and he has the paper copies for submission. Mr. Reynolds submitted his copies to the Board for review. Mr. Reynolds stated that this item was actually submitted to staff, but it did not make it into the packet that was distributed to the Court for the appeal, it was a clerical oversight. The copies are of the documents that were submitted new and were also submitted to staff right after the hearing which is shown on the attachment.

Mr. Charney asked Mr. Reynolds if the paperwork was his affidavit. Mr. Reynolds stated that it is the affidavit of Shane Edmondson who appeared at the hearing and the applicant that presented the documents.

Mr. Charney asked Mr. Reynolds if they were the identical documents that were presented at the hearing and shown on the poster boards as well at the time of the hearing. Mr. Reynolds answered affirmatively.

Mr. Charney asked Mr. Reynolds if there was anything else he would like the Board to consider in regard to the item being discussed today. Mr. Reynolds stated there was not.

**Interested Parties:**
There were interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of HUTCHINSON, the Board moved to CONFIRM the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board’s motion approving the Special Exception in this matter, case no. CBOA-2678; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**
Before the vote was taken: **Gregory Reilly**, Attorney at Law, 320 South Boston, Suite 200, Tulsa, OK; stood and stated that he would like to have the opportunity to review the documents with the people that were present at the public hearing.

Mr. Charney asked Mr. Reynolds if the affidavit had been submitted to Mr. Reilly. Mr. Reynolds stated that it had not. Mr. Charney asked Mr. Reynolds to submit the documents to Mr. Reilly.

Mr. Charney stated that in his judgment as Chair of the County Board of Adjustment the scope at this hearing was to be limited to a submission by the applicant related to the copies. It is his judgment that the applicant has done so and he would be in favor of the motion as recited by Mr. Hutchinson.

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-1 (Charney, Hutchinson, Johnston "aye"; no "nays"; Crall "abstains"; Dillard "absent") moving to **CONFIRM** the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board’s motion approving the Special Exception in this matter, case no. CBOA-2678; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Charney stated that the next item on the agenda is a directive from the Court that the Board can determine for the record that the matter being discussed were consistent with the standard of review, which the Board normally applies to such cases. Mr. Charney asked if there was anyone that would like to make a motion to that effect, consistent with the Court’s limited mandate to the Board the Chair would entertain such a motion.

On **MOTION** of **HUTCHINSON**, the Board moved to **FIND** that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we 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; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**
Before the vote was taken, **Gregory Reilly** stood and asked to be recognized. Mr. Reilly stated that due process requires that if there is notice and opportunity to be heard at a special hearing that the people affected by that be given the opportunity to be heard on this motion.

Mr. Charney appreciated the comments given by Counsel for the appellant, normally, he couldn't agree more and he thinks the Board has a long history of wanting everyone to speak as much and as vehemently as they wish. Mr. Charney stated that it is his understanding, upon advice of Counsel, that the Board has a very limited scope and that the Court remanded this Board today for two very narrow issues. It is his understanding that those were the only two matters that the Board were to take, and there was to be no hearing, no testimony to be taken, no additional hearing to be incurred regards to the merits of the case or aspect at all, other than the two narrow matters that he understands the Court directed the Board to review upon remand. That is consistent on advice of Counsel. Mr. Charney asked Mr. Nolan Fields, Legal Counsel for the County Board of Adjustment, if that was the directive as he read it.

**Nolan Fields** stood and stated this directive is based on a Journal Entry that was joint between the parties and the Court signed off on. In commensurate, the narrow scope that the parties effectively crafted the Journal Entry and the Judge remanded it back for, and this is exactly what the Judge was asking for and it is being delivered.

**Gregory Reilly** stood and contested that. He thinks the word of the Court and the Journal Entry that was entered that this matter was to be set for a special hearing with notice and all other procedural requirements that are required with respect to a special public hearing.

**Nolan Fields** stated that in response there is no open meeting requirement for public comment at an open meeting. Commensurate with the Court's order and with the rules and procedures, it is the Chair's perrogative how this Board conducts such open meetings and hearings. Commensurate with the order from the Court, he believes the Board is proceeding correctly in that the Board is either approving or not approvals the findings that the Court laid out for them to review.

**Gregory Reilly** addressed the Chairman, he thinks there is a conflict of interest issue that needs to be addressed that has not been addressed at the outset with respect to his development in a location that is approximately two miles from the site of the proposed daycare. Mr. Reilly thinks that in 2016 the Chair gave an eloquent elaboration of what his standard was with respect to conflicts of interest and an appearance of inpropriety, and what a reasonable person believes if there is a conflict. Mr. Reilly believes there is a conflict and he believes there is an appearance of inpropriety in Mr. Charney presiding over this matter; there probably was at the time the original hearing took place and he would like to raise that issue.
Mr. Charney stated that he appreciates Mr. Reilly raising the issue for the record and for God and country to hear. He respects Mr. Reilly's duty for the need to do that. Mr. Charney stated that on advice on Counsel that this was remanded back to the Board for two very narrow issues. Mr. Charney stated that if he is wrong he would very much appreciate a Judge, and he is not acting in that capacity, this Board of four volunteers who are doing their very best to try and understand what the Judge directed the Board to do and his reading of that as the Chair, and the Counsel for this Board concurs in that reading, is that the Board is here for two very narrow matters. That is what was posted on the agenda. There were no matters on the agenda regarding the matters that have been brought up by Mr. Reilly. Mr. Charney does not believe he has the power to delve into those today, or that the Board has the power. He could be wrong but he does not think he is wrong. If he is wrong, he welcomes a Judge to send this back to the Board again and the Board will come back for another special meeting. Mr. Charney believes in people having full, complete and fair hearings. The Board tries to very narrowly determine, very narrowly address, what it believes the Court remanded. Mr. Charney appreciates the need to make the record and to state the things that have been stated, but he disagrees vehemently that there was any conflict of interest or that there was even a remote appearance. Based upon advice of Counsel, and what the Board believes was fairly addressed some time ago, he will honor the motion that is on the floor and that motion will be voted on.

On MOTION of HUTCHINSON, the Board voted 3-0-1 (Charney, Hutchinson, Johnston “aye”; no “nays”; Crall “abstains”; Dillard “absent”) moving to FIND that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we 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; for the following property:

SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

There being no further business, the meeting adjourned at 1:44 p.m.

Date approved: 5/21/19

Chair
that would be working on Fridays and Saturdays, depending on the week. The counseling services is equine and animal assisted therapy; i.e., horses, dogs, goats, etc. Ms. Brown stated that she has spoken to two people that are north of the subject property and they have no objections to her request.

**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, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to APPROVE the request for a Use Variance to allow for an office use (Use Unit 11) to permit a counseling service in an AG District (Section 310) with a maximum of three counselors to operate on site at one time; for the following property:

TR BEG 25S & 7W NEC SW NE TH W30 S103 E7 S862 W1289.13 S326.93 E1318.72 N1228.84 W7 N63 POB SEC 9 21 13 10.570ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2678—Shane Edmondson

**Action Requested:**
Special Exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center; Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 6491 East 106th Street North

**Presentation:**
Shane Edmondson, 2910 East 88th Street South, Tulsa, OK; stated the subject site is located on the Northwest corner of 106th Street North and North Sheridan Road. Mr. Edmondson deferred his presentation.

Dominque Lewis, 13374 East 134th Street North, Collinsville, OK; stated she is the site director of the Delaware Child Development Center in Claremore. The facility is a full nurturing center. They teach the children to interact with nature. They will also serve freshly made from scratch food to the children.
Kelsey, 1879 South Armstrong, Bartlesville, OK; stated she is the Director of Education and Training in Bartlesville. The Delaware Tribe has three campuses; Claremore, Owasso, and the main campus is located in Bartlesville. The facility believes in a natural environment for the children, so the structures are made of wood and there are agricultural animals for interaction, i.e., cows.

Tina McClintic, 419 South Moore, Dewey, OK; stated she is the Site Director in Bartlesville. The facility believes in a natural environment for the children. The proposed facility will have double fencing; a natural wood fence around the perimeter of the property with another natural wood fence around the play area. The facility is funded by the Head Start program and the Delaware Tribe. The hours of operation will be 7:00 A.M. to 6:00 P.M. The peak times for drop off and pick up are from 7:30 A.M. to 8:30 A.M. and 4:00 P.M. to 5:00 P.M. The proposed site will be built in two phases. The first phase will be for one building, and the second phase will be for a 1,000 square foot storm cellar.

Shane Edmondson came forward and stated the building setback will be a minimum of 50 feet from the street. There will be a one-way loop drive that will be at least 350 feet from the intersection for drop off and pick up. The drop off times for the children are staggered so there should be no traffic back up. The outside deliveries, i.e., food, will be made by small trucks two or three times a month. The building will be on an aerobic system. Grounds lighting and parking lot lighting will be the minimum allowed by the Code requirements thus not causing excessive light pollution.

Interested Parties:
Tracy Pipkin, 7211 East 106th Street North, Owasso, OK; stated he lives ½ mile east of the subject property. He thinks this project could be a good fit for the corner and for the area, but he does have concerns about traffic. On March 15, 2016 the Board denied a rodeo going in. On October 18, 2016 the Board denied an RV park going in. On March 6, 2017 the road was closed for repairs and it did not last; Mr. Pipkin showed pictures of poor road conditions in the area. The road is in need of repair again and that still has not been addressed. Mr. Pipkin stated that he has heard that 116th Street North and 86th Street North are to be widened and if that does happen the traffic will use 106th Street North to get to Owasso. If the widening project does happen it will only increase the traffic and cause major traffic concerns for this dangerous intersection.

Carl McCarty, 10535 North Sheridan Road, Sperry, OK; stated he is opposed to this request. Mr. McCarty stated that 106th Street North will not support any more traffic because it is the route the emergency services use to get to both hospitals in Owasso and it causes traffic jams. Mr. McCarty stated he is also concerned about property values decreasing if this request is approved.

Bruce Hoover, 10322 North Sheridan Road, Sperry, OK; stated he is opposed to this request. Mr. Hoover believes this proposal is not a good use for the property. Mr. Hoover stated that he too has major concerns about traffic, especially an increase in the traffic.
Charles Edwards, 5911 East 106th Street North, Sperry, OK; stated he is opposed to this request. Mr. Edwards stated that he has concerns about fire and police protection in the area. There are thefts in the area and people are locking everything down and locking everything up because thievary has become rampant in the area, to the point that he had old metal piping stolen from his yard that was from a plumbing remodel in his house. Mr. Edwards stated that he is also concerned about the decrease in property values if this is allowed to go in.

Debbie King, 6804 East 106th Street North, Sperry, OK; stated her family has owned their land for over 80 years, and she has seen a lot of things happen in the area. Ms. King stated that she has serious concerns about traffic at that corner because it is very dangerous. People speed on the road, run the stop sign, and there have been serious wrecks. Ms. King believes that a commercial business and it is not the same as living in the country. Ms. King does not think this is a safe corner for children and she does not think it is a good fit for the area.

Ken Heabardin, 6250 East 106th Street North, Sperry, OK; stated the subject property is zoned as AG land and it is not intended to be for commercial use. Mr. Heabardin stated that he too has traffic concerns, because the road is not designed to handle large amounts of traffic and it is a dangerous corner.

Shawn Penn, 6410 East 106th Street North, Sperry, OK; stated this request is not a good fit for the neighborhood. He believes the that property values will go down if this is allowed to be built. He also had concerns about the wildlife in the area because this proposal will be a danger to the area wildlife. Mr. Penn asked what will happen to his rights to hunt on his land if this center is allowed to be built and asked about his right to burn his trash on his land. Mr. Penn stated he is concerned about losing his personal rights if this center is allowed to go in.

Mary Odom, 10914 North Sheridan Road, Sperry, OK; stated she lives 1 ¼ mile North of the subject corner and has lived there over 40 years. During that time she thinks Sheridan Road has been resurfaced three times, and 106th Street has been resurfaced maybe once so the traffic concerns expressed are valid concerns. Ms. Odom stated that the picture she saw had 35 designated parking spaces so there must be a lot more people coming and going than what has been presented. Ms. Odom believes if this is approved this will open the door to more retail in the area and it would disrupt a style of living everyone is accustomed to.

Les Riker, 11051 North Sheridan Road, Sperry, OK; stated that he lives ½ mile north of the subject corner. Mr. Riker stated he has traffic concerns and light pollution concerns. There are many thefts in the area, so the center will eventually light up the grounds to deter theft. Mr. Riker stated if this request is approved it will be a stepping stone to other commercial businesses going in.
Jennifer Cyiza, 398449 West 4000 Road, Ramona, OK; stated she lives on 50 acres and she uses Delaware Child Development Center in Bartlesville. There is research the shows that it is important for children to have spaces where they can explore and open play. The people who will use the child care center are people that live in the area and they are already using the streets. The center is not a commercial property; the center has utilized small animals and have bought in that area, so they can bring that environment more to families. Ms. Cyiza stated that it is important that children learn how to deal with and live with wildlife from the country setting. It is important that our children cherish the Oklahoma Prairie and that is what the center is trying to teach. Ms. Cyiza stated that a commercial business will be paying taxes and will help the infrastructure. This is an added value to the community because educational facilities make property values go up not down.

Mr. Charney reminded the audience that it is the Board’s responsibility to focus on land usage. He understands where the public is coming from, but he wants them to understand that the Code demands that the Board focuses upon the existing zoning and what the new use will actually be on the subject property.

Rebuttal:
Shane Edmondson came forward and stated that by Code this use is not prohibited, but as a Special Exception each request is to be taken case by case as long as it fits within agricultural and fits in with the spirit of the Code. Mr. Edmondson stated that traffic concerns are valid concerns, and he has already been asked to see what the ability is to do the infrastructure improvement. Studies show that home values do increase with educational facilities in place. This is a non-profit organization solely for the use of children, so it is not a QuikTrip. The building is not on the corner, it is set back. There are two hospitals within three miles and there will be an emergency plan in place. All personnel will have to go through training to understand what the emergency procedures are if something does happen. Safety is the number one concern at the center. The property is rural but it is very close to a hospital so that is one of the reasons it was chosen. The center will need to meet Code to receive a permit to build, so engineering will be required, and water studies will be done. The wildlife will be disturbed, and they will move out. The property will be cleaned up and will be landscaped, and there will always be animals there. Mr. Edmondson stated that it would be dangerous to have a set up that could not handle the car flow, so studies have been done on the two existing facilities and that is how the flow was determined, and the parking spaces are by Code. Occupancy requires all the parking spaces that the facility may not need. Mr. Edmondson stated there is a need for this facility because there is a lack of child care in the area.

Mr. Dillard asked Mr. Edmondson who currently owns the subject property. Mr. Edmondson stated the Delaware Child Development Center owns the property. Mr. Dillard asked Mr. Edmondson if he had stated previously that the facility is a 501-C3. Mr. Edmondson answered affirmatively.
Carl McCarty came forward and stated that the traffic has become a nightmare in the area so much so that he has to back into his driveway, so he can see the traffic when leaving his property.

Mr. Charney asked Mr. Edmondson why he sought a Variance on the hard surface requirement for parking. Mr. Edmondson stated the Variance was filed with the assistance of the INCOG staff. Ms. Ulmer stated there is overflow parking designated on the site plan that did not have all-weather surface parking, so the Variance request does not cover the entire parking, only the overflow parking.

Comments and Questions:
Mr. Johnston stated that he was undecided. This area is a corner lot and one day that corner will be something. This particular use it is close to residential and it will maintain the natural amenities for the neighborhood. Traffic is traffic.

Mr. Hutchinson stated that he can support the request. This is a ten-acre tract on a hard corner. In the Comprehensive Plan almost every hard corner is commercial, and this is the most less intrusive application that can go on the subject corner. This is a main thoroughfare, and the worst part about this is being the first application for the area regarding development.

Mr. Charney stated that he has lived in the Owasso area his entire life and cares immensely for the entire community. Virtually every corner within the Comprehensive Plan shows every corner as having a potential commercial use. Traveling eastward, outside the current city limit of Owasso, the overall Comprehensive Plan has gone almost to the Port and the corner have future commercial concepts designated. It is the planning norm, that the arterial streets will have some day some sort of commercial use. The concerns can be lumped into two categories. One is changing the more rural agricultural nature of the area, and the other is significant traffic concerns. Regarding traffic, there has been a lot of good occur with a new user that has significant capacity, and there are means by which to get that addressed.

Mr. Dillard stated when monetary values are looked at regarding property that is a supposition. Property values increase when there is an educational opportunity in the area, and that has been seen over and over. This will improve the area, but it will not improve the tax base. When people start using the facility it may cause the County Commissioners to study the intersection to make it better for the traffic, because there are medical facilities close by too.

Board Action:
On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no “abstentions”; Crall "absent") to APPROVE the request for a Special Exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan as submitted at today’s meeting; for the following property:
On MOTION of HUTCHINSON, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to APPROVE the request for a Variance of the all-weather surface material requirement for parking (Section 1340.D). The required parking spaces per Code will have hard surfaces, and the overflow parking spaces only will not be required to have hard surfaces; for the following property:

SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2679—Jason Jacobs

Action Requested:
Special Exception to permit a firework stand (Use Unit 2) in an CS District (Section 710); Special Exception to permit an automobile sales and service use (Use Unit 17) in a CS District (Section 710). LOCATION: 2404 South 265th West Avenue

Presentation:
Sherry Jacobs, 5050 E. Lee Terrace, Sand Springs, OK; stated she has owned the convenience store business since 1999. She would like to convert the area adjacent to the store into the automobile sales lot and place the firework stand on the side of the building.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, to APPROVE the request for a Special Exception to permit a firework stand (Use Unit 2) in an CS District (Section 710); Special Exception to permit an automobile sales and service use (Use Unit 17) in a CS District (Section 710), subject to a five-year time limit, June 19, 2023; for the following property:

PRT SW NE BEG 491.05N SWC NE TH N631.92 NELY435.36 SWLY338.99 SW255.71 SWLY214.45 POB SEC 18 19 10 3.70ACS, OF TULSA COUNTY, STATE OF OKLAHOMA
Looking north from East 106th Street N. (CBOA-2759)
Exhibit “A”

The Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4 SE/4) of Section Ten (10), Township Twenty-one (21) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.