AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, October 15, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

Meeting No. 474

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of September 17, 2019 (Meeting No. 473).

UNFINISHED BUSINESS
None.

NEW APPLICATIONS

2. **2770—Nancy Trevino**
   Special Exception to permit a manufactured home in an RS District (Section 410).
   **LOCATION:** 6025 West 61st Avenue South

3. **2771—Rupe Helmer Group – Alan Betchan**
   Variance to reduce the off-street parking requirements from 41 spaces to 30 spaces (Section 1214.4).
   **LOCATION:** 1504 North Yale Avenue East

4. **2772—Lauren Lee**
   Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1).
   **LOCATION:** 13523 West 41st Street South

5. **2773—Kyle Gibson**
   Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District to permit a lot split (Section 207).
   **LOCATION:** East of the SE/c of South 145th East Avenue & East 161st Street South

6. **2774—One Seed Orchards, LLC**
   Special Exception to permit Use Unit 3, Agriculture, in an Agriculture-Residential District (Section 310, Table 1).
   **LOCATION:** 12010 North 97th East Avenue

7. **2775—Johnnie Blaylock**
   Variance of the allowable square footage for accessory buildings in the RS District (Section 240);
   Variance to permit an existing accessory building in the front yard in the RS District (Section 420.2).
   **LOCATION:** 5613 South 113th West Avenue
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.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9232  
CZM: 45  
PD: 

Case Number: CBOA-2770

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: Nancy Trevino

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

LOCATION: 6025 W 61 ST S  
ZONED: RS

PRESENT USE: Vacant  
TRACT SIZE: 0.07 acres

LEGAL DESCRIPTION: LOT-15-BLK-12, NEW TANEHA

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2421 March 2012: The Board approved a special exception to allow a manufactured home in a RS District, on property located at 6037 West 61st Street South.

CBOA-2100: on 5.18.04 the Board APPROVED a Special Exception to permit a manufactured/mobile home in an RS District on property identified as 6033 S. 60th Avenue West.

CBOA-1858: on 5.15.01 the Board APPROVED a Special Exception to permit a single-wide mobile home in an RS District on property identified as 6032 S. 59th Avenue West.

CBOA-149: on 2.19.82 the Board APPROVED a Special Exception to permit a mobile home in an RS District on property identified as 6008 W. 60th St. S.

BOA-10913 March 1980: The Board of Adjustment approved a special exception to locate a mobile home in an RS-3 District for 1-year, with a removal bond required, on property located at 6024 South 60th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood surrounded by lots with residential uses.

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.

2.2

REVISED 9/26/2019
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.

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.

**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.
Relevant Previous Actions for CBOA-2770
2421—Damian Tobias

Action Requested:
Special Exception to allow a manufactured home in a RS district (Section 410).
Location: 6037 West 61st Street South

Presentation:
Damian Tobias, P. O. Box 352, Oakhurst, OK; stated there had been a house on the
property but it burned down and they replaced it with a manufactured home. The
existing garage will be replaced and the new building will be used for storage. Mr.
Tobias stated that he did not know he would need to request permission to place a
manufactured home on the subject property and that is why he is before the Board of
Adjustment today. He placed the manufactured home in line with the neighbor's
manufactured home because he could not see setting his in front or in back of the
neighbor's because he wanted it to be aesthetically pleasing to the area.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of OSBORNE, the Board voted 3-0-0 (Dillard, Osborne, Tyndall "aye"; no
"nays"; no "abstentions") to APPROVE the request for a Special Exception to allow a
manufactured home in a RS district (Section 410). This approval is subject to meeting
all the DEQ requirements, with skirting, tie downs, and a paved parking area. In
granting this special exception the Board finds that it will be in harmony with the spirit
and intent of the Code, and will not be injurious to the neighborhood; for the following
property:

LOTS-18-19-20-BLK-12, NEW TANEHA, OF TULSA COUNTY, STATE OF
OKLAHOMA

2422—Daniel M. and Joeleen V. Person

Action Requested:
Variance from the requirement that residential lots have a minimum of 30 feet of
frontage along a public street or dedicated right-of-way to permit a lot-split.
Location: 12184 North 75th Avenue East

Presentation:
Daniel Person, 12184 North 75th East Avenue, Collinsville, OK; stated he wants to split
the lot in half. There is an existing easement that has been in existence since 1966 and
feels this hearing is strictly a formality.
have the tent at this site. Mr. Presley assured him they would abide by the time limitation approved by the Board.

Mr. Beach stated there is a standing platting requirement on this property, since 1999. No building permits can be issued until this requirement is met.

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

Board Action:
On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson and Charney “aye”; no “nays”; no “abstentions”; no “absences”) to DENY a Special Exception to permit a temporary structural tent on previously approved church property, finding it would be difficult to enforce the code for the temporary and changeable conditions; and finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

Beg. at the NW/c of said the NW/4 NE/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, Less a tract described as follows, to-wit: A strip, piece or parcel of land lying in the NW/4 NE/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said parcel of land being described by metes and bounds as follows, to-wit: Beg. at the NW/4 NE/4; thence E along the N line of said NW/4 NE/4, a distance of 657.85'; thence S 00°19'12" E a distance of 460.02'; thence S 10°48'47" W a distance of 880.41' to a point on the S line of said NW/4 NE/4; thence W along said S line a distance of 476.96' to the SW/c of said NW/4 NE/4; thence N along the W line of said NW/4 NE/4, a distance of 1322.03' to the POB.

Case No. 2100
Action Requested:
Special Exception to allow a manufactured home 14' x 60' in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located: 6033 South 60th West Avenue.

Presentation:
Donna Seaton, P.O. Box 812, Oakhurst, OK, proposed to move a mobile home onto her property. Photographs were provided (Exhibit D-1).

Comments and Questions:
Mr. Walker noted the mobile is already on location with a lean-to added onto the home, and a detached garage. Ms. Seaton called it a shed. She explained that
there was a mobile home on the property previously and it burned down. She moved this one in to replace it. She was served a stop-work notice. Mr. Albery stated that the County Inspector believes there are two dwelling units on this property. Mr. Hutson asked if there was heat and air to the garage. Ms. Seaton replied the shed had electricity but not heat and air or water. Mr. West stated that the applicant indicated her son lived in the she when she applied for a permit. He added that it has a front door to it. She told the Board her son stayed in it a short time but does not live there now and they just use it for storage now.

Interested Parties:
There were no interested parties present who wished to speak. A letter of support was provided (Exhibit D-2).

Board discussion ensued.

Board Action:
On Motion of Charney, the Board voted 3-0-0 (Walker, Tyndall, Dillard, Hutson and Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to allow a manufactured home 14' x 60' in an RS zoned district, with conditions for general clean-up; the add-on completed to code or made into a deck without walls; skirting, and tie-downs, in 90 days from today, on the following described property:

Lot 19 and 20, Block 13, New Tanaha, Tulsa County, State of Oklahoma.

*********

Case No. 2101
Action Requested:
Special Exception to permit fireworks stand from June 15th to July 6th and from December 15th to January 2nd for a period of ten years. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2; and a Variance of all-weather parking. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located: 5522 West Skelly Drive.

Presentation:
Lonnie Bassey. 5401 W. Skelly Dr., stated the time has expired for a fireworks stand from the last approval by this Board. They need renewal of the relief.

Comments and Questions:
Mr. Walker noted that no problems have been reported regarding this property.

Interested Parties:
There were no interested parties present who wished to speak.
all-weather surface for temporary use. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 6520 Charles Page Blvd.

Presentation:
Jason Marietta, 2311A W. 4th, Pittsburgh, Kansas, stated he proposes to do the same as stated in the previous case but for fewer days. The landowner has approved. The gasoline pumps are over 100' away.

Comments and Questions:
Mr. Alberty asked if he would agree to the same conditions as the previous application. He responded in the affirmative.

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

Board Action:
On MOTION of Dillard, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Special Exception to permit fireworks sales from June 5 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in an IM district for a period of one year; and a Variance of all-weather surface for temporary use, with condition that buildings may be set up by June 15, 2001 and removed before August 1, 2001, and placed 30' from any existing structure, finding it is a temporary use and it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Beg. 279.73' S and 26.46' SW of the NE/c of NE, thence SW along the S line of hwy. 211.05' SE 174.83' NE 59.55' E 81.06' to point 24.75' W of E line of NE, thence N 215.81' to the POB, Section 7, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1857
Mr. Alberty determined that the subject property was outside of the Board's jurisdiction and the case was stricken from the agenda.

Case No. 1858
Action Requested:
Special Exception to permit a single-wide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, located 6032 S. 59th W. Ave.

Presentation:
Wanda Duke, 6032 S. 59th W. Ave., stated that they own the property and they have moved a mobile home onto the land. They are presently living in the mobile home.
They plan to demolish the stick-built home that exists there. They plan to move the mobile home onto the site of the stick-built home.

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

Board Action:
On MOTION of Hutson, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Special Exception to permit a single-wide mobile home in an RS district, allowing the two dwellings until the stick-built home is demolished, finding that 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:

Lots 21 through 24, Block 13, New Taneha, Tulsa County, State of Oklahoma.

Case No. 1859
Action Requested:
Special Exception to permit a single-wide mobile home in an RE district. SECTION 410, PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9, located 9375 N. Osage Dr.

Presentation:
George Evans, 9569 N. Osage Dr., stated they have removed an old house, put in a septic tank, and put in a new waterline. They propose to move in a mobile home.

Comments and Questions:
Mr. Alberty asked if the septic tank has been approved. Mr. Evans replied that the tank has been approved.

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

Board Action:
On MOTION of Dillard, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Special Exception to permit a single-wide mobile home in an RE district, with conditions for DEQ approval, building permit, skirting and tie-downs, finding that 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:

S 133' N 904.68' Gov't Lot 1, Section 23, T-21-N, R-12-E, Tulsa County, State of Oklahoma.
Case No. 160 (continued)

Board Action:
On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the frontage requirements and the area requirements in an AG District to allow a lot-split (L-15387) on the following described property:

The NW/2 of the SW/4 of the NW/4 of the N/4, Section 19, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 148

Action Requested:
Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Mobile Homes - Under the Provisions of Section 1680 - Exceptions - Request for an exception to permit a mobile home in an RS District located NE of 100th West Avenue and 158th Place.

Presentation:
Joseph Parise, 5760 South 97th West Avenue, was present to address the Board requesting that his mobile home be permitted on the subject property to care for his elderly father. Mr. Parise stated that the mobile home will be on a septic tank system.

Board Comments:
Mr. Walker asked if there were other mobile homes in the area and Mr. Parise advised that there were several in the surrounding area. He also added that he had talked to his neighbors who had no objections to the request.

Protestants: None.

Board Action:
On MOTION of WINES and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District, for a period of 5 years, on the following described property:

Lot 5, Block 3, Hill Top Addition to Tulsa County, Oklahoma.

Case No. 149

Action Requested:
Exception - Section 410 - Principal Uses Permitted In Residential Districts - Section 440 - Mobile Homes - Request for an exception to permit a mobile home in an RS District located at 6008 West 60th Street.
Case No. 149 (continued)

Presentation:
Philip Jones, P. O. Box 475, Oakhurst, Oklahoma, was present to address the Board requesting that the mobile home be placed on the subject tract.

Board Comments:
Mr. Walker asked if there were other mobile homes in the area and Mr. Jones advised that there are three (3) mobile homes in the immediate area.

Mr. Martin asked if the property was served by a sanitary system and Mr. Jones advised that there is a septic tank on the property which will be used.

Protestants: None.

Board Action:
On MOTION of WINES and SECOND by TYNDALL, the Board voted 4-0-0 (Martin Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Mobile Homes) to permit a mobile home in an RS District, on the following described property:

Lots 4 and 5, Block 12, New Taneha Addition to Tulsa County, Okla.

Case No. 150

Action Requested:
Special Exception - Section 310 - Principal Uses in the Agriculture District - Request to locate a church in an AG District; and a Variance - Section 330 - Bulk and Area Requirements in an Agricultural District - Variance of the frontage requirements in an Agriculture District from 200 feet to 175 feet located at 7200 Block of North Cincinnati Avenue.

Presentation:
L. G. Gardner, 1726 East 26th Place North, was present to address the Board on behalf of New Hope Baptist Church and submitted a plot plan (Exhibit "B-1").

Board Comments:
Mr. Martin asked how much area the church use would involve and the applicant advised that 3 acres would be used for church use.

Mr. Gardner advised that the church would align with the other buildings next to the proposed church. According to the Ordinance, the church would be required to setback 85' from the centerline of Cincinnati Avenue.

Protestants: None.

Board Action:
On MOTION of WALKER and SECOND by TYNDALL, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Dubie, "absent") to approve a Special Exception (Section 310 - Principal Uses in the Agriculture District) to locate a church in an AG District, and a Variance (Section 330 - Bulk and Area Requirements in an Agriculture District) of the frontage requirements in an Agriculture District from 200' to 175', per plot plan submitted, on the following described property:
10911 (continued)

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10911 to Thursday, March 20, 1980, Langenheim Auditorium, City Hall, Tulsa Civic Center.

10912

Action Requested:
Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the side yard requirements from 10' to 5' from one side yard at 6417 South Quebec Avenue.

Presentation:
Lee Reeh, 6735 South Atlanta Avenue, advised that he and his wife bought a lot in the Livingston Park Addition in order to build a home. Mr. Reeh stated that the plans are based on a side line clearance of 5' on each side of the house to the property line. Mr. Reeh has since found out that the requirement was 5' on one side and 10' on the other, and tried to redesign the house to meet the requirements. Mr. Reeh said his hardship is that he would have to spend a considerable amount of money to redesign his house to meet the yard requirements. He submitted a plot plan (Exhibit "K-1").

Protests: None.

Board Action:
On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 5', per plot plan submitted, on the following described tract:
Lot 3, Block 3, Livingston Park South Addition to the City of Tulsa, Oklahoma.

10913

Action Requested:
Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) - Request for permission to locate a mobile home in an RS-3 District at 6024 South 60th West Avenue.

Presentation:
Donna Rogers, 6024 South 60th West Avenue, stated that her mother will be moving onto the lot which she owns. Ms. Rogers also stated that there are other mobile homes in the area of the application.

Protests: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 3.6.80:305(13)

2.12
410 - Principal Uses Permitted in Residential Districts - Section 440.6-Mobile Homes) to locate a mobile home in an RS-3 District for 1-year, with a removal bond required, on the following described tract:

Lots 26 and 27, Block 12, New Taneha Addition to the City of Tulsa, Oklahoma.

Action Requested:
Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for permission to use property for church use, and a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the setback requirements from 25' to 5' from the Crosstown Expressway at the 500 Block of North Oxford Avenue.

Presentation:
Bill Morey, 1433 North Evanston Place, advised that he was Chairman of the Building Committee at The Faith Church of The Nazarene. Mr. Morey presented a plot plan (Exhibit "L-1") and stated that the Board approved the property directly to the north for church use subject to approval of a plot plan. Mr. Morey said his reason for the variance request is to permit more parking spaces and better visibility from the Crosstown Expressway.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use; and approve the plan; and denial of the Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 5' from the Crosstown Expressway, on the following described tract:

Beginning 94.2' South of the Northwest corner of Lot 3; thence South 33'; thence Northeast 161.84'; thence West 158.5' to the point of beginning; Lot 3, Block 14, Fairland Addition to the City of Tulsa, Oklahoma.

Action Requested:
Exception - (Section 410 - Principal Uses Permitted in Residential Districts - (Section 440.6 - Mobile Homes) - Request for permission to locate a mobile home in an RS-2 District; and a Variance - (Section 440.6 - Mobile Homes - Under the Provisions of Section 1670 - Variances) - Request for a variance to permit a mobile home on a lot that has a residence on it at 1654 East 66th Street North.
BOARD OF ADJUSTMENT  
CASE REPORT

STR:0328  
CZM:29  
PD:

Case Number: CBOA-2771

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Variance to reduce the off-street parking requirements from 41 spaces to 30 spaces (Section 1214.4)

LOCATION: 1504 N YALE AV E  
ZONED: CH

PRESENT USE: Commercial  
TRACT SIZE: 1.58 acres

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

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2736 March 2019: The Board approved a special exception to permit a fireworks stand (Use Unit 2); and a variance from the all-weather parking surface requirement for a period of 5 years, until March 2024, on property located at 1504 N. Yale Ave. East.

Surrounding Property:

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an area within the City of Tulsa but not within the corporate limits (Dawson Road Area). It abuts CH property to the south and partially to the east. It abuts RS to the north and RS-3 (City of Tulsa) to the west. There are many residential uses to the west with commercial and industrial uses found in the surrounding area.

STAFF COMMENTS:

The applicant is requesting a variance to reduce the off-street parking requirements from 41 spaces to 30 spaces (Section 1214.4) in the CH district to allow for a Shopping Goods and Services Establishment (Use Unit 14).

Section 1214.4 states that there must be 1 off-street parking spaces per 225 sq. ft. of floor area for an "All Other Uses" Establishment in Use Unit 14, Shopping Goods and Services. The proposed
establishment has a total square footage of 9,100 sq. ft. and per the Code would require 41 off-street parking spaces. As shown on the attached site plan the applicant is proposing 30 off-street parking spaces. To permit the parking area as submitted, the applicant is requesting a Variance to reduce the number of required parking spaces in the CH district (Section 1214.4) to allow for a Shopping Goods and Services Establishment (Use Unit 14).

The applicant stated to following as their hardship: “Per Section 1214.4, 41 parking spaces are required 1 per 225 SF. At 9,000 SF, we are required to provide 40. Plus 1 space due to being over the 9,000 SF mark. This lot size will allow us to provide not more than 30 in order to keep our lot line distances.”

Sample Motion:

“Move to _______ (approve/deny) a Variance to reduce the off-street parking requirements from 41 spaces to 30 spaces (Section 1214.4)

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.
Board Action:
On MOTION of DILLARD, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to APPROVE the request for a Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 5 years, March 2024; for the following property:

PRT SW SE BEG 35N SWC SW SE TH N97.35 TO A PT NO SELY R/W OF SL & SF RR TH NE684.63 TH ON CRV RT274.77 SW568.49 W638.69 POB SEC 28 20 13 4.8928ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2736—American Promotional Events

Action Requested:
Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 10 years.

LOCATION: 1504 North Yale Avenue East

Presentation:
Lonnie Basse, American Promotional Events, TNT Fireworks, 5401 West Skelly Drive, Tulsa, OK; stated that TNT Fireworks has been at this location since 1966.

Mr. Hutchinson asked Mr. Basse what his hours of operation are for this site. Mr. Basse stated that the stand opens June 20th and closes July 6th, 10:00 A.M. to 10:00 P.M.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of DILLARD, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to APPROVE the request for a Special Exception to permit fireworks stand (Use Unit 2); Variance from the all-weather parking surface requirement (Section 1340.D) for a period of 5 years, March 2024. The days of operation are to be from June 20th to July 6th. The hours of operation are to be 10:00 A.M. to 10:00 P.M. from June 20th through July 2nd and July 5th and July 6th, and 10:00 A.M. to 12:00 midnight July 3rd and July 4th; for the following property:

BEG 348.16W & 50N SECR SE SE SE TH N338 E290.21 S163 W167 S175 W123.16 POB SEC 28 20 13 1.581ACS, WEE RANCHO ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA
Board Action:
On MOTION of WALKER, the Board voted 3-0-0 (Charney, Dillard, Walker “aye”; no “nays”; no “abstentions”; Dillard, Osborne “absent”) to DENY the request for a Variance for a second dwelling unit on one lot of record (Section 208); for the following property:

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

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

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

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

Interested Parties:
There were no interested parties:

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 3-0-0 (Charney, Dillard, Walker “aye”; no “nays”; no “abstentions”; Dillard, Osborne “absent”) to APPROVE the request for a Special Exception to permit Use Unit 4 in an RS District (Section 410), finding the special exception will not be injurious to the neighborhood or detrimental to the public welfare by virtue of its distance from the RS-3 zone and the fact that the generator is enclosed; for the following property:
A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

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

*************

NEW BUSINESS

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

*************
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.
PRELIMINARY SITE PLAN
Tulsa, Ok (N.Yale & Pine)

*41 PARKING SPACES REQUIRED.
PARKING VARIANCE NEEDED.

- 18'x18' MIN CONCRETE PAD FOR DUMPSTER
- DUMPSTER ENCLOSURE
- BOLLARD
- 16'x16' CONCRETE PAD FOR DELIVERY AREA
- PERIMETER CURB
- EXISTING GRAVEL TO BE REMOVED
- LIGHT POLE
- EXISTING SIGN TO BE REMOVED
- TRANSITION 43.62'

LANDSCAPE AREA
CONCRETE PAVEMENT
STANDARD DUTY CONCRETE PAVEMENT
HEAVY DUTY CONCRETE PAVEMENT

AAB Engineering, LLC
Engineering Surveying Land Planning
PO Box 2165 Sand Springs, OK 74074
Office (918) 514-2333 Fax (918) 514-2338

3.9
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9121  
CZM: 43  
PD:

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: Lauren Lee

ACTION REQUESTED: Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1)

LOCATION: 13523 W 41 ST S

PRESENT USE: Residential

ZONED: RE

TRACT SIZE: 2.59 acres

LEGAL DESCRIPTION: BEG 2145W SECR SE TH W165 N660 E165 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 2.594ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2682 June 2018: The Board approved a Use Variance to permit an Agriculture Use (Use Unit 3) to permit keeping/raising of livestock in an RE District; and a Use Variance to permit a Storage Use, Not Elsewhere Classified (NEC), Use Unit 23, in an RE District to permit a pole barn, on property located at 13103 West 40th Street South. (5 acre tract)

CBOA-690-B April 2014: The Board approved a Modification of a previously approved site plan for a church use in the RE district to permit a porch that extends 5'3" from building and to replace the green belt with a screening fence along the west of the property. Located: 13107 W 41st St S

CBOA-690-A March 2011: The Board approved a Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory. Located: 13107 W 41st St S

CBOA-1295 September 1994: The Board approved a Variance of the required setback from the centerline of the street from 85 ft to 77 ft to permit an existing church. Located: 13107 W 41st ST S

CBOA-690 September 1986: The Board approved a Special Exception to allow a church in a RE district and to allow a modular building to be used temporarily; AND the Board approved a Variance of the all-weather surface for parking to allow use of a gravel lot. Modular building and gravel lot limited to 2 years. Located: 13107 W 41st St S

REVISED 10/1/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is located in an area with residential uses to the east and west. There is a wooded area to the north of the Subject property and a large parcel, 5.95 acres, to the south in Sand Springs corporate limits that is zoned AG with a residential use.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1).

A Use Variance is required as Use Unit 3, Agriculture, is not a use permitted in a RE zoned district because of the potential adverse effects on neighboring properties. The agricultural use must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the attached hardship which states the size of the accessory building is 704 square feet and will be used as a medical marijuana grow facility.

According to the site plan provided by the applicant, the detached accessory building will be in the rear yard which is permitted in RE districts and it is under 750 square feet, so it meets Code. It is 31 feet from the property line, the side setback in a RE district is 15 feet, it is meets Code as well.

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 permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1).

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."

4.3
2680—Justin Melton

Action Requested:
- Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2);
- Variance to allow a detached accessory building in the front yard (Section 420.2).

LOCATION: 4275 South 61st West Avenue

Presentation:
Justin Melton, 703 Tobago, Sand Springs, OK; stated he purchased three acres in the Berryhill area and having a house built on the property that is now about 80% complete. He would like to build a detached garage, so he could have a place to park his daughter’s car, his boat, his four-wheeler, etc.

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 Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2); Variance to allow a detached accessory building in the front yard (Section 420.2). The Board finds the hardship to be the unique long shape of the subject lot being several hundred feet in depth; for the following property:

BEG 6605 & 30E & 158.75S NWC NE NW TH S158.75 E634 N158.75 W634 POB SEC 29 18 12 2.31ACS, THE MEADOWS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2682—Joseph Hull

Action Requested:
- Use variance to permit an Agriculture use (Use Unit 3) in an RE District;
- Use variance to permit a Storage use, Not Elsewhere Classified (NEC), (Use Unit 23) to permit a pole barn (Section 410).

LOCATION: 13103 West 40th Street South

Presentation:
Joseph Hull, 1717 South Cheyenne, Tulsa, OK; stated he is the attorney for the applicant. This is a five-acre tract located at the corner of West 40th and 129th in the Prattville/Sand Springs area. The subject property is currently zoned RE and has no improvements on it currently. The property is surrounded by AG on the north and by RE on the south, west and east. The owners of the property are from Texas and they are moving here to take a new job. The owners would like to build a house on the
property and raise their show goats. Most of the property owners in the area have pole barns and they are similar to what is being applied for. The property owners, both in the RE and the AG districts, have various types of animals. Mr. Hull stated that his clients would like to erect the pole before the house is built so they will have a place to store their belongings and their 12 goats will have a place. His clients will be here around the end of July, they plan on starting construction on the house by November 1st and think it will take 12 to 16 months to complete construction.

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 permit an Agriculture use (Use Unit 3) in an RE District; Use variance to permit a Storage use, Not Elsewhere Classified (NEC), (Use Unit 23) to permit a pole barn (Section 410), subject to the residential house and the pole barn permits to be obtained at the same time; for the following property:

W 330 OF N 660 OF S 1370 OF E/2 SE SEC 21-19-11, OF TULSA COUNTY, STATE OF OKLAHOMA

2683—Lonnie Basse

Action Requested:
Special Exception to permit a firework stand (Use Unit 2) in an AG District (Section 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). LOCATION: East of the NE/c of North 129th East Avenue and East 86th Street North

Presentation:
Lonnie Basse, 5401 West Skelly Drive, Tulsa, OK; stated the last time he came before the Board there was a five-year approval on this subject property. He would like to receive approval again to continue the firework stand.

Mr. Charney asked Mr. Basse if the City of Owasso or anyone else ever spoken to him about the stand. Mr. Basse answered no.

Interested Parties:
There were no interested parties present.
dredging/classifying to amend the hours of operation to meet market demand to the June 17, 2014 County Board of Adjustment meeting; for the following property:

NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A. LT 2 SEC 16-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA

0690-B—New Life Tabernacle – Dan Switzer

**Action Requested:**
Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line. **LOCATION:** 13107 West 41st Street South

**Presentation:**
Dan Switzer, New Life Tabernacle, 13107 West 41st Street, Sand Springs, OK; stated the church wants to extend the porch on the existing building by 5'-3" to allow a covering for rain. They also want to replace a green belt that has been removed a long time ago with a fence. There is an existing fence but is barbed wire. The green belt had been removed several years ago with the neighbors permission, and now the neighbors would like to have a fence installed.

Mr. Charney asked staff to explain the green belt concept. Mr. West stated that originally there was a green belt, in 1996, on the original case's site plan. In 2011 it changed.

Mr. Walker stated that when the original application came before the Board the neighbors did not want the original area to turn into a concrete area. Therefore, they requested to have a green belt area between them and the church. Later the neighbors decided they did not need the green belt area. Mr. Switzer stated the church has a great relationship with the neighbors.

**Interested Parties:**
Rebecca Benge, 13209 West 41st Street, Sand Springs, OK; stated she has no problem with the parking lot but she would like to have a wooden privacy fence installed. She and the Pastor of the church came to an agreement that the fence would be the length of the church parking lot. It has also been agreed that the church would maintain the fence and be responsible for the expense of installing the fence.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of WALKER, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to APPROVE the request for a
Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3' from building and to replace the green belt with a screening fence along the west property line; for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S50 E/2 SW SE SE FOR RD SEC 21 19 11 2.348ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2497—Morton Building, Inc.

Action Requested:
Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). LOCATION: South of Highway 64/East 171st Street South between South Garnett Road & South 129th East Avenue

Presentation:
Scott Norvell, 7509 East 65th Street, Tulsa, OK; stated he is the Chairman and CEO of Blue Flame 47, Inc. and Pastor of the church. This is a small church which consists of about 75 people including many small children. The primary function of the church is that it is a ministry, and the ministry is provided throughout the world. The church purchased the land in December 2013, and plan to build a church with offices for the church. The congregation meets every Tuesday for services and hold prayer appointments on Friday and Saturday. They would like to have a gathering place where conferences twice per year. The average attendance of the conferences has been about 200 people. The conference are usually four days twice per year. These conferences have been held in the Garnett Road Church of Christ Green Country Event Center for the past four years. The church has been meeting on the subject property in a tent since the purchase. The church chose a design that would match the environment, so instead of a traditional church building it would be similar to a barn with a smaller building for the administrative offices and the prayer appointments. The smaller building would also be able to seat 150 people for dinner which would be used about twice a year.

Mr. Charney asked Mr. Norvell to elaborate about the proposed parking. Mr. Norvell deferred to Mr. Jeff Bonebrake.

Interested Parties:
Jeff Bonebrake, Morton Buildings, Inc., P. O. Box 1388, Muskogee, OK; stated that one of the desing goals is to make the church look like it fit into the area. The church requested that the buildings look like a farm house with a barn behind it. The parking is an issue that has yet to be determined. If it is possible a gravel surface would be preferable because the subject property is in a nonregulatory flood plain. It is proposed to have the front be have a concrete paved area for the handicapped with a paved entry way.
she had hired did not know how to build a building and the structures are not sturdy or reliable. That is why she wants to use her existing garage. The privacy fence in the pictures will stay and be completed, taking down the temporary chain link fence.

Mr. Osborne asked about the dogs using the yard for their potty breaks, and Ms. Ferguson stated she did allow the dogs in the yard for their potty breaks and that she cleaned the yard at least once a day and occasionally three times a day.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **OSBORNE,** the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker “aye”; no “nays”; no “abstentions”) to **APPROVE** the **Special Exception** to permit a home occupation (dog grooming) in an AG district 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; for the following property:

**W368.97 S295.17 SW SE SEC 17 14 2.5ACs OF TULSA COUNTY, OKLAHOMA**

**Case No. 0690-A-Dan Switzer**

**Action Requested:**

Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory. **Location:** 13107 West 41st Street

**Presentation:**

**Dan Switzer,** 16907 West 58th Place South, Sand Springs, OK; he stated the church has grown and they want to raze the existing 30' x 112' building and replace it with an 80' x 100' family alliance center.

Mr. Osborne asked Mr. Switzer if the building was going to fit into the existing church area, and Mr. Switzer stated it would be a prefab building that would have a brick exterior around the bottom with a brick ledge to cosmetically match what exists. The new building is proposed to be moved back about eight feet to give the church a wider driveway.

**Interested Parties:**

There were no interested parties present.
Comments and Questions:
None.

Board Action:
On MOTION of DILLARD, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker: “aye”; no “nays”; no “abstentions”) to APPROVE the Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory, and is to obtain all proper permits; all for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S50 E/2 SW SE SE FOR RD SEC 21 19 11 IN TULSA COUNTY, OKLAHOMA

NEW BUSINESS:
None.

OTHER BUSINESS:
None.

BOARD COMMENTS:
None.

There being no further business, the meeting adjourned at 1:50 p.m.

Date approved: 4/19/11

Chair

03/15/2011/#370 (4)
TSPY

Case 294 (continued)

J. Robinson, 7008 Leameadow, Dallas, Texas, stated that he owns property across the street from the subject tract and is also concerned with future development of the property.

Comments and Questions:

Mr. Walker noted that there are other lots in the area that are smaller than one acre.

Mr. Alberty stated that he would be opposed to a subdivision created by future lot splits, but could support the application to split off of the existing house and one acre.

Board Action:

On MOTION of ALBERTY the Board voted 4-0-0 (Alberty, Eiler, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance of the required lot area, land area per dwelling unit and lot width to permit a lot split - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6; per survey submitted; finding that the dwelling is existing and there are smaller lots in the neighborhood; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

E/2, NW/4, Section 36, T-19-N, R-11-E of the IBM, Tulsa County, Oklahoma, less and except the W/2, NE/4, NW/4, Section 36, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1295

Action Requested:

Variance of required setback from the centerline of the street 85’ to 77’ to permit an existing church - SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located 13110 West 41st Street, Sand Springs.

Presentation:

The applicant, Dan Switzer, 13110 West 41st Street, Sand Springs, submitted a plot plan (Exhibit H-1) and noted that the church is in the process of constructing a new building on the subject property. He explained that, after the footings were poured, it was discovered that they could be over the building setback line as much as 8’. Mr. Switzer informed that other nearby development has been constructed at the requested setback.
Case No. 1295 (continued)

Protests:
None.

Board Action:
On MOTION of ELLER the Board voted 4-0-0 (Alerty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance of required setback from the centerline of the street from 85' to 77' to permit an existing church - SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 5; per plan submitted; with a 77' setback from the centerline of 41st Street; finding that the requested setback is consistent with the area, and approval of the request will not be detrimental to the area; on the following described property:

Beginning 660' west of the SE/c SE/4, thence west 330', north 360', east 330', south 360' to POB, less south 50', E/2, SW/4, SE/4, SE/4 for road, Tulsa County, Oklahoma.

Case No. 1296

Action Requested:
Special Exception to permit a home occupation beauty shop/nail salon - SECTION 440.B. HOME OCCUPATION, located 6317 West 37th Street South.

Presentation:
The applicant, Mary Alexander, 6317 West 37th Street, requested permission to operate a nail salon as a home occupation. The applicant informed that she will be the sole operator of the shop and customers will be scheduled by appointment only.

Comments and Questions:
Mr. Alberty asked the applicant if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

Board Action:
On MOTION of ALBERTY the Board voted 4-0-0 (Alerty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Special Exception to permit a home occupation beauty shop/nail salon - SECTION 440.B. HOME OCCUPATION; per Home Occupation Guidelines; subject to customers being scheduled by appointment only; finding the use to be compatible with the area; on the following described property:

East 220.86' of west 441.72' of N/2, N/2, S/2, NW/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.
**Action Requested:**

- **Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205** - Request a special exception to allow a church in an RE District and to allow a modular building to be used for the church building temporarily.

- **Variances - Section 240.3 - Use of Yards In R Districts** - Request a variance of the all-weather surface for parking to allow use of a gravel lot, located west of NW/c of West 41st Street South and 129th West Avenue.

**Comments and Questions:**

- Mr. Jones submitted a letter (Exhibit E-1) from the City of Sand Springs which stated that no recommendation is being made on the application.

**Presentation:**

The applicant, Dan Switzer, Box 1346, Sand Springs, Oklahoma, stated that he is the pastor of the New Life Tabernacle and asked the Board to allow the location of a church building on the subject property. He informed that the temporary modular building will be 24' by 50' and will have central heat and air conditioning. Mr. Switzer stated that it will be used for 2 years and then replaced with a brick structure. He asked the Board to allow gravel parking to be used until a permanent structure is built.

**Comments and Questions:**

- Mr. Walker asked the applicant to state the distance from the proposed church building to the nearest residence and he replied that the modular can be placed anywhere on the lot that will be agreeable to the neighbors.

- Mr. Alberty asked the applicant if the tract is vacant at this time and he informed that it is a vacant wooded lot.

- Mr. Walker inquired as to the size of the congregation and Mr. Switzer stated that the modular building will seat approximately 80 people.

**Protestants:**

- Vern Moore, Route 1, Sand Springs, Oklahoma, stated that he owns the property to the west of the subject tract. He voiced a concern that he was not notified of the meeting and pointed out that the property in question is not served by a city sewer and the soil does not percolate well. Mr. Moore stated that he has been burglarized several times and, in his opinion, the unattended church property would give thieves an opportunity to enter his property. He pointed out that drainage from the church property is directed toward his acreage and asked the Board to deny the application.

A petition of protest (Exhibit E-2) from area residents was submitted to the Board.
Applicant's Rebuttal:
Mr. Switzer stated that the septic system will require Health Department approval and that there will be security lights installed on the property.

Interested Parties:
Louise Strout, stated that she is owner of the property in question and is planning to sell it for church use. She pointed out that, in her opinion, the Moore's property would be better protected if the brush was cleared from the lot. Ms. Strout stated that she lives in the area and feels a church is appropriate at this location.

Additional Comments:
Mr. Looney commented that he feels a church is compatible with the area and that security would be improved if the lot was cleared.

Mr. Alberty remarked that he is concerned with the temporary nature of the proposed building.

Mr. Tyndall stated that he would like to review a plot plan and see where the water run-off from the lot would be directed.

Mr. Edwards informed that the modular will be required to be placed on a permanent foundation.

Board Action:
On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow a church in an RE District and to allow a modular building to be used for the church building temporarily; and to APPROVE a Variance (Section 240.3 - Use of Yards in R Districts) of the all-weather surface for parking to allow use of a gravel lot; subject to a 2-year limitation on the use of the modular building and gravel parking area; subject to the entrance driveway being chained off when not in use and security lighting be provided; subject to filling of a plat and obtaining necessary permits; subject to the parking lot being properly screened and treated to prevent dusting; subject to Health Department approval; subject to proper right-of-way dedication; subject to applicant returning to the Board for approval of a site plan depicting a definite location of the modular building on the property; and subject to a green belt of undisturbed land being reserved between the parking lot and the property to the west; finding that a church will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:
Case No. 691

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required minimum lot area from 2 acres to 1.742 acres for an existing tract, located south of the SE/c of 136th Street North and Mingo Road.

Presentation:
The applicant, George Upky, Route 3, Collinsville, Oklahoma, stated that he wants to construct a home on his land and does not have the required 2.5 acres. He informed that a mobile home is located on the property at this time, but will be removed. Mr. Upky stated that there are some lots in the area that are smaller than the subject property.

Board Action:
On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 330 - Bulk and Area requirements in Agriculture Districts - Use Unit 1206) of the required minimum lot area from 2 acres to 1.742 acres for an existing tract; finding that there are lots in the area that are smaller than the subject tract; on the following described property:

A parcel of land 230 feet North and South by 330 feet East and West, lying in Section Thirty-One (31), Township Twenty-Two (22) North, Range Fourteen (14) East of the Indian base and Meridian, more particularly described as follows, to wit: Beginning 198 feet South of the Northwest Corner of said Section 31, thence 330 feet East, thence 230 feet South, thence 330 feet West, thence 230 feet North to the point of beginning, lying in Tulsa County, State of Oklahoma and containing 1.742 Acres, more or less.
Looking east on West 41st Street South  Image: Robi Jones, 10.6.19

Looking northwest toward subject property from W. 41st St. S.  Image: Robi Jones, 10.6.19
Looking north on W. 41st St. S. toward subject property  Image: Robi Jones, 10.6.19
Pursuant to Section 410 Table-1 and Section 1670 of the Tulsa County Zoning Code (the "Code"), Applicant requests a use variance to permit a medical marijuana grow facility (Use Unit 3) in an RE District at 13523 W. 41st Street S. (the "Property").

The Property is located on the north side of West 41st Street, about half a mile west of South 129th W. Ave. While the area east of S. 129th W. Ave. is a mix of commercial and residential uses, the area to the west quickly transitions to larger lots and agricultural uses. The Property abuts large swaths of AG Districts to the north and south, and is separated only by one (1) RE-zoned lot to the west from an AG District.

The Property is approximately 2.6 acres, exceeding the minimum bulk and area requirements of both the RE district and the AG district, on a long, shotgun-style lot with the residence located along West 41st Street. However, a majority of the Property is impractical for residential purposes due to the extreme topography at the north half of the lot, namely a cliff ridgeline that slopes steeply downward into Anderson Creek at the rear property line.

The proposed grow facility will be in an enclosed, temperature controlled, 704 sq. ft. building. The building has no windows and one door for entry and exit. The property owners who live in the residence will operate the on-site business. The grow facility will have a security system and motion sensor lights as required by state law, as well as a 6-foot wooden screening fence. The owners plan to grow approximately 10 lbs. of product every three (3) months. The product is transported in transport containers to licensed dispensaries and processors. No deliveries are made to the Property and there are no retail sales or customers.

Based on the size and elongated shape of the lot and difficult topography which are unique to the Property, enforcement of the Code results in unnecessary hardship. Additionally, the terrain on the rear half of the lot acts as an extension of the agricultural land directly north, where the proposed use would be permitted by right. The preservation of the agricultural character of the area and the small scale of the grow operation do not impair the spirit and intent of the Code and do not cause substantial detriment to the public good.
October 1, 2019

Tulsa County Board of Adjustment
c/o Robi Jones, INCOG
rjones@incog.org

Re: CBOA-2772 – 13523 W. 41st Street

Dear Members of the Board:

I live at 13609 W. 41st Street, next door to the west of Lauren Lee. Lauren has discussed her plans with me for a use variance for a medical marijuana grow facility. Our neighborhood is mostly rural and many neighbors have horses and goats or grow crops and vegetables. The grow facility will fit in with area and I fully support the variance needed for Lauren to operate her small business and would request the Board approve it. Thank you for your time and consideration.

Sincerely,

Mark Bales

Mark Bales
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: CBOA-2773

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district to permit a lot split. (Section 207)

LOCATION: E of the SE/c of S. 145th E. Ave. & E. 161st St. S.  ZONED: AG

PRESENT USE: Vacant/Agriculture  TRACT SIZE: 75 acres

LEGAL DESCRIPTION: E/2 NW LESS BEG NEC NW TH W330 S660 E330 N660 POB SEC 27 17 14 75ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2528 March 2015: The Board approved a variance of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D; Variance of the minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 acres); Variance of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), on property located at 15520 East 161st Street, Bixby.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoned residences and undeveloped lots.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to reduce the minimum required frontage on a public street or dedicated right-of-way from 30' to 0' (Sec. 207) to permit a Lot-Split. Section 207 of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following hardship: “The current zoning of the land is AG. For the property owner of the parent tract to maintain his land in the current zoning, access needs to remain under his ownership. Owner is willing to assign a 30' Mutual Access Easement to allow access to the two lots created from the lot split.”
The applicant is proposing to perform a lot-split of the existing 75 acre tract of property to create three tracts. Tract A will be 70 acres, Tract B will be 2.5 acres, and Tract C will be 2.5 acres. Tracts B and C do not have access to a public street or dedicated right-of-way. According to the survey the client submitted, the applicant will provide a Mutual Access Easement to Tracts B and C providing access to East 161st Street South.

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 frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district to permit a lot split. (Section 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.
Mr. Hutchinson stated that by the pictures in the Board's agenda packet there are two single wide mobile homes across the street.

Mr. Crall stated that the Board always appreciates a client coming to the Board first. His quandry is was Mr. McLaughlin given the opportunity to choose the correct housing and he did not. Or was everything so vague that he did not understand what was being told to him or asked of him.

Mr. West stated that he believes it is a misunderstanding. When the terminology "manufactured home" is used most people assume that every mobile home is a manufactured home. Once Mr. McLaughlin was advised that a single wide mobile home requires to go before the Board he immediately completed an application, he did not just try to get by with the offense.

Mr. Dillard asked Mr. West how all five lots could be tied together. Mr. West stated that Mr. McLaughlin would need to apply for a lot combination through INCOG. Mr. West suggested the Board could place the condition on an approval, if they are so inclined, to only allow one single wide mobile home on the five lots, that way in the future there would not be two, three or four mobile homes on the subject property.

Ms. Miller stated the Board could also impose a time limitation for the single wide mobile home, then the applicant would come back before the Board for an evaluation of the effects on the neighborhood. The lot combination process is a very simple process at INCOG.

Mr. Hutchinson asked Mr. West if the other three mobile homes were on a time limitation. Mr. West stated they should have been because they are in an RS District but it does not seem that they have, or had, a time limitation placed on them.

Board Action:
On MOTION of CRALL, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to APPROVE the request for a Special Exception to allow a manufactured home in the RS District (Section 410, Table 1), subject to all five lots being tied together through a lot combination. This approval will be for five years, March 2020. There is a requirement that of an all weather surface for the parking; for the following property:

LTS 9-13 BK 49, TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA

2528 – Fred Kerr

Action Requested:
Variance of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D (Section 207); Variance of the
minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 Acres); **Variance** of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), and Tract D (2.06 acres) (Section 330, Table 3). **LOCATION:** 15520 East 161st Street, Bixby

**Presentation:**
**Mitch Ingram,** 103 West Honolulu Street, Broken Arrow, OK; stated this relief is for a lot split to allow four lots for family. They would like to have the lot split to allow each family member to have land to build permanent stick and framed houses. On both sides of the lots there are single wide mobile homes, but they want to build permanent houses. The family has worked hard to clean up the land because it originally looked like a junk yard. The hardship for the land is that there is only 160 feet of frontage and in order to build a house on the front lot and requiring easements on each of the lots it would take 90 feet away just for the easements thus the request for only one 30 foot easement. On the east side of the property there are several irregular areas because the previous owner divorced causing a portion to be deeded to his ex-wife. In the rear, Tracts C and D, at least a third of the land is covered in a wooded creek area where building cannot be done.

Mr. Crall asked Mr. Ingram if an easement on the west of the property had been explored. Mr. Ingram answered affirmatively. He is friends with the western land owner and asked him if he could purchase some of the land for the easement and he is not interested in selling.

**Interested Parties:**
**Fred Kerr,** 13018 East 183rd Place South, Bixby, OK; stated the easement can be moved to either side of the property, so one straight line can be obtained on either side. He is Mitch Ingram's father-in-law and the property will be for his two daughters, a father-in-law and himself.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of **CRALL,** the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Variance** of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D (Section 207); **Variance** of the minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 Acres); **Variance** of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), and Tract D (2.06 acres) (Section 330, Table 3). The Board has found the hardship to be the irregular shape of the property and the flood area in the rear; for the following property:

E/2 E/2 NW NE LESS E170 N257 & LESS S522.72 N779.72 E100 THEREOF SEC 27 17 14 7.797AC$ OF TULSA COUNTY, STATE OF OKLAHOMA
Exhibit "A.1"
Lot Split

[19089 MYERS]
LOT SPLIT
8.27.2019
THIS PAGE

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BOARD OF ADJUSTMENT
CASE REPORT

STR:1301
CZM:11
PD:

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: One Seed Orchards LLC

ACTION REQUESTED: Special Exception to permit Use Unit 3, Agriculture, in an Agriculture-Residential District (Section 310, Table 1)

LOCATION: 12010 N 97 AV E         ZONED: AG-R

PRESENT USE: Residential         TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: TRACT D-S 165.52 N 662.08 E 661 N 1/2 SESEC. 1-21-13,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CZ-471 July 2018: All concurred in approval of a request for rezoning a 9.8+ acre tract of land from AG to RE on property located on the northeast corner of North 97th East Avenue and East 121st Street North.

CBOA-2316 January 2009: The Board of Adjustment denied a special exception to permit a manufactured home in the AG-R district (Section 310); and a variance to permit two dwellings on a lot of record (section 208), on property located south of North Mingo Road and East 120 Street North.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a large lot residential neighborhood with residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a special exception to permit Use Unit 3, Agriculture, in an Agriculture-Residential District (Section 310, Table 1)

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.
The attached site plan shows the areas in the rear of the house where the crops will be cultivated. No additional buildings will be erected. There is an 8-foot fence in the rear yard which is allowed by right in an AG-R zoned district.

The applicant has provided the following hardship: "Lack of ability to cultivate wholesale crops due to residential zoning."

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

Sample Motion:

"Move to _________ (approve/deny) Special Exception to permit Use Unit 3, Agriculture, in an Agriculture-Residential District (Section 310, Table 1)

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."
4. Necessary utilities and easements are in place and nothing further is required.

Staff recommends approval of the plat waiver with the following conditions:
1. If approved, the development standards for CO-4 must be recorded with the Tulsa County Clerk’s office.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action: 11 members present:
On MOTION of DIX, TMAPC voted 11-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to APPROVE the Plat Waiver CO-4 per staff recommendation.

19. CZ-471, Kevin Vanover (County) Location: Northeast corner of East 121st Street North and North Mingo Road requesting rezoning from AG to RE

STAFF RECOMMENDATION:

SECTION I: CZ-471

DEVELOPMENT CONCEPT: The applicant proposes to rezone the subject property from AG to RE to permit a new single-family, residential subdivision. The first phase of the proposed development would consist of four lots along N

DETAILED STAFF RECOMMENDATION:

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

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

Staff recommends Approval of CZ-471 to rezone property from AG to RE.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
Staff Summary: The subject lot is outside of Tulsa County Comprehensive Plan boundaries. It is located within the City of Owasso Comprehensive Plan boundary and is designated as Industrial/Regional Employment, however staff has spoken with the Community Development Director with the City of Owasso. He says that given the location of the lot and the difficulty of extending sewer to this area, he has no objection to the rezoning of the subject property.

Land Use Vision:

Land Use Plan map designation: N/A (County), Industrial/Regional Employment (Owasso)

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: N 97th E Ave (Mingo Rd) is designated as a Secondary Arterial. A residential collector is designated along the Northern boundary of the lot. No improvements currently exist along this proposed route.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land.

Environmental Considerations: None

Streets:

<table>
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<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<td>Secondary Arterial</td>
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Utilities:

The subject tract has municipal water available. Sanitary Sewer will be provided by individual septic systems for each lot.
Surrounding Properties:

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<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
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<td>AG-R</td>
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</tr>
<tr>
<td>West</td>
<td>AG-R</td>
<td>N/A</td>
<td>N/A</td>
<td>Single-Family</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

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

Subject Property:

The subject property was annexed into the city of Owasso in January, 2003.

While in the jurisdiction of Owasso, the property was rezoned from AG to RS-3 with a PUD overlay in May, 2004.

In 2011, property owners requested to be de-annexed from Owasso stating that they wanted to use the property as it was prior to annexation, which was primarily used for raising horses, and they had no intention of developing the property for single family homes.

On April 11, 2011, the Owasso Planning Commission and the Owasso City Council reviewed and approved the request and the property was de-annexed from the city limits of Owasso.

Surrounding Property:

CBOA-2316 January 2009: The Board of Adjustment denied a special exception to permit a manufactured home in the AG-R district (Section 310); and a variance to permit two dwellings on a lot of record (section 208), on property located south of North Mingo Road and East 120 Street North.

TMAPC COMMENTS:
Mr. Covey asked staff if the subject property was outside of Tulsa city limits.

Staff answered “yes”, its Tulsa County.
Mr. Covey asked if there was a Comprehensive Plan for this area.

Staff answered the subject property is covered by the Owasso Comprehensive plan and the development director in Owasso is fine with this rezoning.

INTERESTED PARTIES:

Sharie Moore 12047 North 97th East Avenue, Collinsville, OK 74021
Ms. Moore stated she lives south of the subject property. Ms. Moore stated she talked to all the neighbors on 120th Street which backs up to the subject property and most of the neighbors across the front of 97th East Avenue and they are concerned about the water runoff in this area causing flooding if this rezoning is approved. Ms. Moore stated the neighbors have not seen any plans for what is being proposed here and there was not a neighborhood meeting to talk about the plans. Ms. Moore stated most of the neighbors are elderly and could not come to meeting today in Tulsa. Ms. Moore stated the area has sewer problems and there is concern about sewer flow unless using aerobic system. Ms. Moore stated the neighbors would like to see footprints of the homes that would be built on the subject property and the price point. Ms. Moore stated the applicant wants to put half acre lots and all the homes in the area are 2.5 acres. Ms. Moore stated if the applicant is approved she would like to see a privacy fence with metal fence posts and screening trees. Ms. Moore stated the streets in this area need to be improved to accommodate the extra traffic this development would provide. Ms. Moore stated this property was for sale last year and didn't sell because it was agriculture instead of residential.

Mr. Covey stated this application is just for a rezoning to get it to residential and after that there will be other applications on this property but this is just for the rezoning. Mr. Covey stated if a subdivision is going to be built the plats will have to come back to the planning Commission and Tulsa County would have to look at the sewer issues and utilities in the area.

Staff stated as a point of information the rezoning would allow the applicant to do 4 lot splits and if that is the process used there would not be additional notice to the neighbors about those lot splits. Staff stated if they come back later to plat more of the property for a subdivision the neighbors would then receive a notice.

Applicant stated the subject property was annexed into Owasso and 20 acres was rezoned RS-3 at that time and 90 homes were planned for that area. The applicant stated if the RE is approved they are planning to split these lots as they are sold. Applicant stated a covenant has been created to carry with the lots that defines minimum building size and materials used to maintain the look and feel of the neighborhood. Applicant stated the lots will be served by aerobic systems and all are about an acre in size. Applicant stated the stormwater drains to the southeast and into a pond on the applicant's property. Applicant stated to Ms.
Moore that the City of Owasso is widening 116th Street and the intersection will be improved.

Mr. Ritchey asked what the AG-R zoning designation allowed. Mr. Ritchey stated the properties surrounding this one is AG-R.

Staff answered AG-R is large lot agricultural residential zoning.

Mr. Ritchey asked if that zoning designation was still offered.

Staff stated "yes".

Mr. Ritchey asked what the minimum lot size was in AG-R.

Staff answered "1 acre".

TMAPC Action; 11 members present:
On MOTION of MILLIKIN, TMAPC voted 10-0-1 (Covey, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; Dix, "abstaining"; none "absent") to APPROVE CZ-471 rezoning from AG to RE per staff recommendation.

Legal Description of CZ-471:
A TRACT OF LAND LYING IN THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW4) OF SECTION SIX (6), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

TO WIT:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4) SAID POINT ALSO BEING THE SOUTHWEST CORNER OF GOVERNMENT LOT 5; THENCE NORTH 00°06'48" WEST AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) FOR A DISTANCE OF 647.85 FEET; THENCE SOUTH 89°56'11" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 660.02 FEET; THENCE SOUTH 00°06'48" EAST FOR A DISTANCE OF 645.19 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 89°56'11" WEST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.80 ACRES.

************

Z-7439 Tanner Consulting, LLC (CD 2) Location: South of the southwest corner of West 81st Street and South Maybelle Avenue requesting rezoning from RS-3 to RS-4 with optional development plan

STAFF RECOMMENDATION:

SECTION I: Z-7439
NEW APPLICATIONS

Case No. 2316

Action Requested:
Special Exception to permit a manufactured home in the AG-R district (Section 310); and a Variance to permit two dwellings on a lot of record (Section 208), located: 11919 North Mingo Road.

Presentation:
David Worth, 11915 North 97th East Avenue, Collinsville, Oklahoma 74021, stated that he would like to move a mobile home onto his parent's property so that they can help him with his daughter while he is at work. He indicated that he helps his elderly parents with their property and home.

Comments and Questions:
Mr. Hutson asked Mr. Worth if he was advised by staff regarding the rules. In response, Mr. Worth answered affirmatively.

Mr. Hutson asked Mr. Worth if the mobile home is already in place. In response, Mr. Worth indicated that the mobile home has been moved in because he didn't know it was against the Zoning Code. He found out that he needed a permit when the mobile needed inspection.

Mr. Worth stated that if this is approved he would skirt the mobile home and build a deck on the front. His parent's driveway has enough space for parking his vehicle.

Mr. Walker asked if there are other mobile homes in the subdivision. In response, Mr. Worth indicated that there are three or four mobile homes in the subject area. Mr. Walker asked if there are other lots with two dwellings on one lot of record. In response, Mr. Worth indicated that there are several lots with two dwellings on one lot of record in the subject area.

Interested Parties:
Flynn Strickland, 11990 North 97th East Avenue, Collinsville, Oklahoma 74021, stated that the previous history on the staff report indicates two mobile home in the subject area and the trailers have been removed. He indicated that there are a couple of trailers on East 120th Street North and one is an older trailer that has not been kept up and there are a couple of new trailers along that street as well. These trailers were allowed in before the area had developed.

Mr. Strickland stated that he has moved into the area within the last five years and he understands that Mr. Worth's trailer is new and looks nice now, but the placement is more of an issue. He expressed concerns that the applicant may drive through the yard rather than the driveway. Mr. Strickland indicated that he is
opposed to the placement of the mobile home. He expressed concerns about his property value lowering. He suggested the mobile be placed behind the house or behind the shop it would then be easier for them to provide an access to it for parking and a pathway.

Bob Maynard, 11909 North 97th East Avenue, Collinsville, Oklahoma 74021, stated that he is north of the subject property and they are nice people. He is concerned about the mobile home and he is not in favor of it. He has lived in the subject area since 1979 and he is opposed to mobile homes in the subject area. There are nice homes being built in the subject area now and mobile homes deteriorate.

Angie Godfrey, 11804 North 97th East Avenue, Collinsville, Oklahoma 74021, provided a protest petition with signatures. Ms. Godfrey read the protest petition. She explained that when she purchased five acres ten years ago there were restrictions and she had to build a 1,750 square foot home. There are a few mobile homes in the area and they have been there for more than 15 years. Growth in the subject area has changed drastically and there are several subdivisions in the area with restrictions. Ms. Godfrey indicated that she is against the mobile home being on the subject property.

Rebuttal:
Mr. Worth stated that he doesn't know how much longer his parents have and living in the same house with his daughter and parents poses problems. He has lived on his own for too long to really live with his parents. The trailer may not be there for a long period of time. He doesn't believe the trailer is in a bad spot and can't be seen by the Godfrey's. In the spring and summer the trees will hide the trailer home from sight. There will be no driving across the lawn because he was raised that one doesn't drive through yards. Mr. Worth concluded that there is no more room to build in the subject area.

Discussion:
Mr. Hutson stated that the applicant could add on to his parent's home and not have to be in front of the Board. Mr. Worth indicated that he couldn't build on for the price he paid for a mobile home.

Mr. Walker stated that he doesn’t believe he can support this application because it doesn’t fit in the neighborhood. The neighborhood is trying to improve and there is new development in the subject area.

Mr. Cuthbertson stated that the Code requires 1.1 acres per dwelling unit in the AG-R district. They have enough land to split into two equal lots. He doesn’t believe the density is the problem as much as it is a manufactured home.

Mr. Tyndall stated that there is no hardship for the land and nothing unusual about it.
**Board Action:**

On Motion of WALKER, the Board voted 3-0-0 (Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Charney, Dillard "absences") to DENY, Special Exception to permit a manufactured home in the AG-R district (Section 310); and a Variance to permit two dwellings on a lot of record (Section 208) finding that the special exception will not be in harmony with the spirit and intent of the Code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, and finding that there is no hardship for the variance to permit two dwellings on a lot of record on the following described property:

S 220 W 496 S 1/2 N 1/2 SW SEC 6-21-14, Tulsa County, State of Oklahoma.

There being no further business, the meeting adjourned at 1:54 p.m.

Date approved: 2-17-09

[Signature]
Chair
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Property

Looking north from N. 97th E. Ave.  Image: Google Earth 2016

Looking south from N. 97th E. Ave.  Image: Google Earth 2016
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR:9135  Case Number: CBOA-2775
CZM:44
PD:

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: Johnnie Blaylock

ACTION REQUESTED: Variance of the allowable square footage for accessory buildings in the RS district. (Section 240) Variance to permit an existing accessory building in the front yard in the RS district. (Section 420.2)

LOCATION: 5613 S 113 AV W  ZONED: RS

PRESENT USE: Residential  TRACT SIZE: 5.06 acres

LEGAL DESCRIPTION: 5 AC TR BEING N420 OF W525 IN NW COR SW SEC 35 19 11

RELEVANT PREVIOUS ACTIONS:
Subject Property: None relevant

Surrounding Property:

CBOA-1524 September 1997: The Board approved a special exception to allow a single-wide mobile home in an RS District, on property located at 10921 West 57th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts Highway 97 on the west, an Industrial Light zoning district to the north with an industrial use, RS zoning districts to the east and south. The RS parcel to the east appears to be used for residential purposes and the RS parcel to the south appears to be used for both residential and commercial purposes.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the maximum size of a detached accessory building from 750 sq. ft. to an aggregate total of 5740 sq. ft. in an RS district (Section 240.2.E); and a Variance to allow a detached accessory building in the front yard (Sec.420.2).

According to the applicant their stated hardship is: "I am asking for this variance to allow an additional storage building on the said property for a few reasons. The lady that owns this property also owns the property next to this one to the south. Both properties are zoned residential and her intentions are to keep them looking like a nice park so to speak. She needs this building to store her equipment that is needed to maintain roughly 13 acres. The equipment needed is very expensive and she would like it to be in a secure place and not be outside to get weathered and ruin.

The property north of hers is roughly 5 acres as well and is zoned IL. There are really no residential properties around this 5-acre tract to affect. The properties west across highway 97 are all
Having this building where she would like to place it will be a short distance from her home and keep all the structures in a central location.”

According to the site plan provided with the application the applicant is proposing to construct a new 2000 SF detached accessory building in the rear of the property. Existing Detached Accessory Buildings have a total of 3,740 SF and are most likely legally non-conforming. Section 240.2.E states that in an RS District, detached accessory buildings may be located in a rear yard provided the accessory buildings in the aggregate do not cover more than 20% of the area of the rear yard or exceed 750 square feet of floor area, whichever is less. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The Code states that detached accessory buildings shall not be located in the front or side yard (section 420.2). According to the submitted conceptual plan, one of the existing accessory buildings is located in the front yard; the applicant has requested a Variance to allow the accessory building in the front yard. This is an attempt to clean-up the legally non-conforming status and bring it to current Code.

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

Sample Motion:

“Move to _______ (approve/deny) a Variance of the allowable square footage for accessory buildings in the RS district. (Section 240) Variance to permit an existing accessory building in the front yard in the RS district. (Section 420.2)

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 finds 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.
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

STAFF PRESENT
Beach
Huntsinger
Stump

OTHERS PRESENT
Meeks, Building Inspection

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. Alberty 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 (Alberty, 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:

Variance 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 has 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. Alberty 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. Alberty 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. Alberty 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 (Alberty, 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:
Looking east on S. 113th W. Ave. toward subject property  Image: Robi Jones, 10.6.19

Looking northeast on S. 113th W. Ave. toward subject property  Image: Robi Jones, 10.6.19
Looking northeast on S. 113th W. Ave. toward accessory building in front yard
Image: Robi Jones, 10.6.19

Looking north on S. 113th W. Ave. toward subject property
Image: Robi Jones, 10.6.19
Looking east toward the subject property from Highway 97 Image: Google Earth

Looking east toward the subject property from South 13th West Avenue. Image: Google Earth
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