AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday December 21, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 501

INTRODUCTION AND NOTICE TO THE PUBLIC

At this Meeting the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

Review and possible approval, approval with modifications, denial or deferral of the following:

1. Approval of Minutes of November 16, 2021 (Meeting No. 500).

Review and possible approval, approval with modifications, denial or deferral of the following:

UNFINISHED BUSINESS
None.

NEW APPLICATIONS

Review and possible approval, approval with modifications, denial or deferral of the following:

2. 2933—Kyle Gibson
Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330). LOCATION: 6312 East 106th Street North

3. 2938-Adam K Wilbourn
Use Variance Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215) LOCATION: 8632 East 112th Street North
4. **2939—Mike Black**  
Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2). **LOCATION:** 4363 South 73rd Avenue West

5. **2940—Edward and/or Tania Wilson**  
Special Exception to permit a single-wide mobile home in an RS district (Section 410). **LOCATION:** 3302 South 63rd Avenue West

6. **2941—Kyle Rampey**  
Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208). **LOCATION:** 3241 East 171st Street South

7. **2942—Nathalie Cornett**  
Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930) **LOCATION:** 2124 West 166th Street South

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

*Website:* tulsaplaning.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 the Tulsa Planning Office at INCOG. *All electronic devices must be silenced* during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.
**Case Number:** CBOA-2933  
**Hearing Date:** December 21, 2021

**Action Requested:** Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330).

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<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
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<tbody>
<tr>
<td>Robi Jones</td>
<td><strong>Applicant:</strong> Kyle Gibson</td>
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<td><strong>Property Owner:</strong> Garcia, Rafael</td>
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<tr>
<th><strong>Location Map:</strong></th>
<th><strong>Additional Information:</strong></th>
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<tr>
<td><img src="image" alt="Map" /></td>
<td><strong>Present Use:</strong> Residential/Agricultural</td>
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<td><strong>Tract Size:</strong> 3.03 acres</td>
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<td></td>
<td><strong>Location:</strong> 6312 East 106th Street North</td>
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<td><strong>Fenceline/Area:</strong> North Tulsa County</td>
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<th><strong>Present Zoning:</strong></th>
<th><strong>Land Use:</strong></th>
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<td>AG</td>
<td>Rural Residential/Agricultural</td>
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TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT

TRS: 1315                             CASE NUMBER: CBOA-2933
CZM: 11                              CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 12/21/2021 1:30 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330).

LOCATION: 6312 E 106 ST N            ZONED: AG

FENCeline: North Tulsa County

PRESENT USE: Residential/Agricultural        TRACT SIZE: 3.03 acres

LEGAL DESCRIPTION: PRT NE NE NE BEG 460W NEC THEREOF TH S659.83 W200.13 N659.84 E200.01 POB SEC 15 21 13 3.031ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2805 March 2020: The Board APPROVE the request for a Variance of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); Use Variance to allow Use Unit 25 for industrial light uses (Section 1225), subject to conceptual plan 3.26 of the agenda packet, on property located at 6312 East 106th Street North.

Surrounding Property:

CBOA-2759 May 2019: The Board approved a modification of a previously approved site plan to include a storm shelter (CBOA-2678), on property located at 6441 East 106th Street North.

CBOA-2678 May 2019 (Remand): The Board moved to confirm the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No 457 on June 19, 2019 along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in the matter, case no. CBOA-2678; and the Board moved to find that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious
to the neighborhood or otherwise detrimental to the public welfare, on property located at 6941 East 106th Street North.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning in all directions. The parcels to the west, south, and east appear to have residential uses. The tract to the north is the site of an early childhood center, see CBOA-2678.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225); and a Variance of the required side yard setback from 15 feet in the AG District (Section 330).

The Code requires a side yard setback of 15 feet in the AG District. According to the site plan, the proposed accessory building will be 6 feet from the property line and the size of the accessory building is 100’ x 30’. The use of the building is in connection with the horticultural nursery which is allowed by right in an AG district. The size of the accessory building is not limited in the AG district.

The applicant has supplied the following statement of hardship:

“**Existing greenhouses and agricultural sites dictate building being located near west lot line as to not prohibit agricultural production. Canada Goose nesting grounds near pond in the middle of lot also dictate current location of building. Refer to CBOA-2805.**”

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 Modification to a previously approved site plan for a medical marijuana processing facility in an AG district (Section 1225).*

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

*Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code.*

*Move to _______ (approve/deny) a Variance of the required side yard setback from 15 feet in the AG District (Section 330).*

*Finding the hardship to be __________.*
Finding 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."
a two-story metal building is erected, it would be out of character for the neighborhood. Mr. Hutchinson stated the Board would like to see a presentation of what the building is actually going to be in height, the pitch of the roof, the interior layout, the outside look of the building, etc., so a vote can be on the building and not a blanket vote of a building.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of Dillard, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney “absent”) to CONTINUE the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1) to the April 21, 2020 Board of Adjustment meeting to allow the applicant to present more detailed drawings and information on the project; for the following property:

E 85.2 LOT 7 BLK 1, FAIRVIEW HGTS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

***********
NEW APPLICATIONS

2805—Align Design – Kyle Gibson

Action Requested:
Variance of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); Use Variance to allow Use Unit 25 for Industrial Light uses (Section 1225). LOCATION: 6312 East 106th Street North

Presentation:
Kyle Gibson, 551 South Quaker Avenue, Tulsa, OK; stated his client has acquired three letters of approval from his neighbors, one from the east, one from the west and one from the southeast corner of 106th Street North and Sheridan. The neighbor to the west is the neighbor that is closest to the encroachment. The existing building was constructed to not impede with existing agriculture activities, as well as being built too closely to the pond. The existing accessory building is the structure that encroaches on the setback.

Mr. Hutchinson asked staff if the setback used to be five feet years ago? Mr. Walden stated that the setback used to be 15 feet total, five feet on one side and ten feet on the other side. There are quite a few properties in Tulsa County that are closer than the five feet.
Mr. Gibson stated he does not have a rendering of the building, but it is hardy flat siding, shingle roof, 10-foot side walls, 16-foot ridge line and it looks like a house; matches the neighborhood. There is another building that is 13 feet to the east of the subject structure. The first building will be used as a dry room and the second building will be used for trimming and processing of the plants. There will be no solvents, CO2 or butane used. There will be ice baths and a sieve used in the processing, and that will be compacted into hash and it will be sold commercially.

Mr. Hutchinson asked Mr. Gibson if the trimming and cutting is what he means when he says processing? Mr. Gibson answered affirmatively and there would be storage while waiting for transport to a commercial entity.

Mr. Hutchinson asked Mr. Gibson what type of equipment will be used in the processing. Mr. Gibson stated that there will be tables, scissors, small electric lights, the sieve tray for collecting product but there will be no heavy equipment and no hazardous chemicals.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Variance** of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); **Use Variance** to allow Use Unit 25 for Industrial Light uses (Section 1225), subject to conceptual plan 3.26 of the agenda packet. The Board has found the hardship to be that the building exists and a pond that is very close by that is used by wildlife for nesting. Finding 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; for the following property:

**PRT NE NE NE BEG 460W NEC THEREOF TH S659.83 W200.13 N659.84 E200.01 POB SEC 15 21 13 3.031ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**
Previously Approved Site Plan
3.26 of CBOA-2805
subject to conceptual plan 4.15 of the agenda packet. The Board finds the hardship to
be the existence of two structures on an unusually configured lot, with each currently
having separate drives and separate septic fields. The renovation of the house on the
future smaller lot be completed and maintained well. The existing carport on the larger
lot will be allowed to have a gravel parking surface. 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; for the
following property:

E 198 W 462 SE SE NE SEC 5-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA

2759—Eller & Detrich – Lou Reynolds

Action Requested:
Modification of a previously approved site plan to include a storm shelter (CBOA-
2678). LOCATION: 6441 East 106th Street North

Tracy Pipkin, 7211 East 106th Street North, Owasso, OK; stood and stated that he has
a procedural question before the case is heard. Mr. Charney allowed Mr. Pipkin to take
the floor.

Mr. Pipkin stated that on June 19, 2018 Mr. Charney stated that “he was compelled to
recuse himself from three items on the agenda, even though he did not have a financial
or other interest in the decision being made that he or his business partners have
holdings very nearby and he feels it is his duty to step aside. The standard is not that
there be an actual conflict of interest or a monetary interest, sometimes even if there is
a potential appearance of impropriety...”.

Mr. Charney asked if this case is the same intersection? Mr. Pipkin answered
affirmatively. Mr. Pipkin stated that the case he is quoting is two lots over, the rodeo
case.

Mr. Charney asked Mr. Pipkin to take a seat so he could make a comment. Mr.
Charney stated there is only one case before the Board today and he knows the case
before the Board today is the day care center. Mr. Charney stated he understands Mr.
Pipkin’s problem with his being on the Board for this today. Mr. Pipkin stood and stated
there is another one.

Mr. Pipkin stated that the Code of Ethics states, “any reasonable person believing to be
unbiased or impartial”, that is the question. Mr. Pipkin stated that in that same meeting
Mr. Dillard misrepresented the facts in that case; the materials that were presented to

06/18/2019/#470 (7)
the Board were overwhelming in favor of support for that request at the time of that meeting. Mr. Dillard stated that they were balanced between the for and against, and that is no where near the case of the actual facts of what was going on. It could be that the Board only had a limited supply of information, he does not know, but he thinks it was overwhelming that it was more like ten to two, and there was a generic letter that indicated the day care was good.

Mr. Charney asked Mr. Pipkin if he was requesting that he recuse himself from the matter Mr. Reynolds is going to present to the Board today? Mr. Pipkin answered affirmatively. Mr. Charney thanked Mr. Pipkin for the request and stated that he understands the nature of the request, and he refuses to grant Mr. Pipkin’s request and will sit in judgement on this matter.

Mr. Charney asked Mr. Dillard if he wished to recuse himself from the matter before the Board today? Mr. Dillard stated that he has no bias and he has not seen the property. He does not know anyone involved in the property.

Mr. Charney stated that he has spoken to the party’s request relating to this request and thanked Mr. Pipkin for his appearance.

Mr. Charney stated there has been a request for two recusals, and he believes it was on matters that the Board has spoken to previously when the base case was before the Board. The Board is going to proceed to hear the case before them today, and he understands that it has to deal with the same precise property. Mr. Charney stated that he deems the Board to believe they are in full conformity with the Code of Ethics, and other Code requirement in the ability to make an impartial decision.

**Presentation:**
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the Washington County Child Care Foundation. This case is regarding an amendment to the previous site plan the Board approved a year ago to include a storm shelter. The client intends to build a 1,165 square foot storm shelter adjacent to the facility. The storm shelter will be one-story high with the same exterior and accent material as the main building.

Mr. Charney asked Mr. Reynolds if the storm shelter would conform to the same architectural style of the principal structure. Mr. Reynolds answered affirmatively. Mr. Charney asked if there would any modification to the footprint of the building. Mr. Reynolds stated there would be no modification to the original building, it is just the site plan for a storm shelter.

Mr. Reynolds stated the storm shelter will have the capacity to hold all the children attending the day care, and maybe any parent picking up children. The storm shelter has been designed for the worst-case scenario.
Mr. Johnston asked Mr. Reynolds if the storm shelter will contain any other day-to-day use other than being just a storm shelter. Mr. Reynolds stated that at the present time it will not, but it might have some kind of use in the future; they are trying to be efficient with the shelter.

**Interested Parties:**

Carl McCarty, 10535 North Sheridan, Sperry, OK; stated he lives diagonal to the subject property. Now he has to back into his driveway to be able to get out because of the traffic on Sheridan. He found out this is a 501c3 facility and it is for rich kids, it is not for poor native American children like was presented. He has found out from the City of Owasso that this will mean the destruction of his house, because nothing about this day care center came across the City Council desk. Mr. McCarty stated that there will need to be a three-point turning at the facility, and his house will be destructed to ease the traffic. Mr. McCarty stated that is a problem because he is on a fixed income and his house is older than the State of Oklahoma. This facility has dropped the value of his house because no one wants to live next to that traffic. Mr. McCarty stated this facility should have been built in the Sheridan Crossing neighborhood not in his neighborhood. There will be traffic problems at that location because when there are 200 cars at the four-way it will be dangerous. A 501c3 should never be used to profit rich kids, it should only be used for poor children.

Mr. Charney stated that the Board is present today on a very limited matter; the expansion of a previously approved site plan by adding a storm shelter. He understands that Mr. McCarty does not like the use on the corner and he thanked Mr. McCarty for his comments. The Board’s focus today is whether the Board wishes to amend a site plan to allow a storm shelter and that is the focus today.

Tracy Pipkin came forward and stated he does not think this expansion is a good idea because he believes the Board has overstepped the bounds of what could be allowed. This would continue to go against the Zoning Code that indicates, which is to encourage and protect agricultural land, this does not do that. This furthers the wasteful scavenger development in rural areas. These are two specifics items that the Board has ignored. Mr. Pipkin stated that he would be interested in understanding what the criteria for trying those two items. Mr. Pipkin stated that in CBOA-2569 Mr. Dillard stated, “this would change the resident’s world ... cannot support the request”. Mr. Pipkin stated nothing has changed since that hearing. Mr. Pipkin thinks his statement about being biased has already been proven that it already is. Again, the infrastructure for this is not congruent to the type of road and infrastructure that is there. There is no way to properly support additional construction. The neighborhood is adversely impacted by the noise pollution, light pollution, because the noise can be heard for miles away. This reduces wildlife and the road is disintegrating. There is no reason for a commercial environment to be in this residential area.
Rebuttal:
Lou Reynolds came forward and stated this request will not increase any traffic. The entrance ramp is almost 60 feet from the intersection and the other entrance is 330 feet from the intersection.

Mr. Charney asked Mr. Reynolds if today’s request does not increase the number of allowed children on the site, it is simply a storm shelter correct? Mr. Reynolds answered affirmatively.

Comments and Questions:
None.

Board Action:
On MOTION of HUTCHINSON, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to APPROVE the request for a Modification of a previously approved site plan to include a storm shelter (CBOA-2678). Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code; for the following property:

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

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

OTHER BUSINESS

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NEW BUSINESS
None.

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BOARD COMMENTS
None.

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There being no further business, the meeting adjourned at 2:44 p.m.

Date approved: 8/20/19

Chair

06/18/2019/#470 (10)
TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Special Meeting No. 468
Monday, May 13, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

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

MEMBERS ABSENT

STAFF PRESENT
Dillard

OTHERS PRESENT
S. Miller
Ulmer
R. Jones
Sparger

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

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

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MINUTES
None.

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

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

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UNFINISHED BUSINESS

2676—Shane Edmondson – Remand

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

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

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

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

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

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

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

**Comments and Questions:**
None.

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

SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA
Additional photos showing flooding as a result of additional buildings and a previous variance granted to one building within the 15ft setback on the subject property.
I am protesting the application for a variance to the 15 ft set back. The previously approved variance and additional buildings on this site have caused major flooding to my property which is adjacent to the proposed application. Even after several thousand dollars of dirt work performed on my property, the problem continues and will get worse if the application is approved. In addition, the applicant has exceeded the permeable space allowance on the current property. Also, considerable light pollution will be created by additional greenhouses. Attached is a recent photo of the flooding concern.

Sincerely,

Tony Heaberlin
6108 and 6250 E 105th St. N.
Sperry, OK 74073
918-649-8324
**Case Number:** CBOA-2938  
**Hearing Date:** December 21, 2021

**Action Requested:** Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215).

**Case Report Prepared by:**  
Robi Jones

**Owner and Applicant Information:**  
**Applicant:** Adam Willbourn  
**Property Owner:** Wilbourn, Adam K & Kimberly Nazarman

**Location Map:**

**Present Zoning:** AG-R  
**Land Use:** Residential

**Location:** 8632 East 112th Street North  
**Fenceline/Area:** Owasso

**Additional Information:**  
**Present Use:** Residential  
**Tract Size:** 4.98 acres
LEGEND
- Owasso Corporate Limits
- Tulsa Corporate Limits

CBOA-2938
21-13 12
CBOA-2938 3.2

SUBJECT TRACT
AG-R
AG
PUD-855
PUD-14-01
RS
RE
E 116th ST N
N MEMORIAL DR
E 106th ST N
E 112 ST N
N 84 E AVE
E 106 ST N
N 94 E AVE
E 113 ST N
N 84 E AVE

0 300 600 Feet
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1312
CZM: 11

CASE NUMBER: CB0A-2938
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 12/21/2021 1:30 PM

APPLICANT: Adam Willbourn

ACTION REQUESTED: Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215).

LOCATION: 8632 E 112 ST N
ZONED: AG-R

FENCeline: Owasso

PRESENT USE: Residential
TRACT SIZE: 4.98 acres

LEGAL DESCRIPTION: LT 10 LESS BEG 155.38SE NEC TH SE158 N112.41 NW55.77 POB & PRT LOT 9 BEG NWC LOT 9 TH SE 155.38 NW31.10 NW128.13 SW15 POB BLK 2, COUNTRYSIDE ESTATES

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract AG-R zoning to the north, east and west. It abuts RS zoning to the south. Surrounding properties appear to be a mix of agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215). Use Unit 15 landscape business is not permitted by right or special exception in an AG-R district.

Use Unit 15 is described as trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements. A Dog Training Facility is classified as a Service Establishment.

The applicant provided the following statement,

“I started a small business using my property as an office and where we train our “Boot Camp” dogs. We have approximately 8 clients’ dogs at any given time.”

The applicant submitted a site plan showing an existing 70’ x 24’ accessory building and single-family home. The applicant stated the following on the site plan:

- No outdoor kennels
- All dogs housed in garage
- 8 dogs maximum
- No dogs free run the property
- Property is completely fenced in with a 5-foot welded panel pipe fence with electric gates on driveway.
If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the landscape business is compatible with the surrounding neighborhood.

Sample Motion:

“Move to ________ (approve/deny) a Use Variance to allow Use Unit 15 (Other Trades and Services) in an AG-R District for a Dog Training Facility (Section 1215).

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.
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
Thanks Robi, I will try to attend the meeting but if I can not, I am in support of the variance request. In my opinion they are just trying to live the American dream and they are not bothering anyone that I can see (certainly not me, but I live a few houses away, so maybe a direct neighbor has concerns). But as noted, I support the request based on what I know today.

Thanks, Matt

Matthew M. Slavin
Principal Network Consultant, Partner | Edgenet Consulting LLC
Mobile: +1.918.760.7129
EdgeNet Consulting LLC
24/7 Support - 1-888-204-6420, 1-919-388-8200

The applicant has been operating the Dog Training Facility at his home for some time. He does not have the permission to operate it in an AG-R district and a neighbor alerted the Inspections Department. In order to be in compliance with Tulsa Zoning Code, he is now going before the Board of Adjustment to seek approval. He is not asking for more than he is doing now but he needs the approval to continue to train dogs on his property. Let me know if you have any further questions. You are welcome to attend to meeting or send me a letter of opposition or support.

Robi Jones
Community Planner
County Board of Adjustment Administrator
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9472
rjones@incog.org
To: Jones, Robi <rjones@incog.org>

Subject: Question on CBOA-2938

Hi Robi,

This email is in reference to:
https://tulsaplanning.org/countyboa/cases/CBOA-2938.pdf

I am a homeowner in the same neighborhood as the owner of this request of a use variant, and I’m trying to understand the impact of this change. Does granting this variance give the owner of that property more rights to do certain things, like build or make changes that are outside of normal AG-R rules? I’m not necessarily opposed to this variance. As a matter of fact, I see no issue with it unless this request is somehow giving them rights to operate in a way that is outside of how they have been operating for the past year. Can you share what impact this variance, if granted, may have to the community? Or is this just for legal purposes (crossing T’s and dotting I’s) and has no impact on their operation or the neighborhood?

Thanks, Matt

Matthew M. Slavin
Principal Network Consultant, Partner
EdgeNet Consulting LLC
Mobile: 918-760-7129
Email: Matt.Slavin@EdgeNetConsulting.com
Web: www.EdgeNetConsulting.com
Looking northwest at subject property and surrounding neighbors.
No outdoor kennels.
All dogs are housed in garage.
8 dogs max
Dogs are worked 1-2 at a time
Ab dog free run the property

Property is completely fenced in with 5ft welded panel pipe fence. Electric gates on driveway.
**Case Number:** CBOA-2939  
**Hearing Date:** December 21, 2021

**Action Requested:** Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

### Case Report Prepared by:
Robi Jones

### Owner and Applicant Information:
- **Applicant:** Mike Black
- **Property Owner:** Concept Builders Inc.

### Location Map:

![Location Map](image)

### Additional Information:
- **Present Use:** Vacant
- **Tract Size:** 1.5 acres
- **Location:** 4363 South 73rd Avenue West
- **Fenceline/Area:** Sand Springs

### Present Zoning:
- **RS**

### Land Use:
- **Residential**
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9230
CZM: 45
CASE NUMBER: CBOA-2939
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 12/21/2021 1:30 PM

APPLICANT: Mike Black

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

LOCATION: 4363 S 73 AV W
ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: Vacant
TRACT SIZE: 1.5 acres

LEGAL DESCRIPTION: TRACT B: A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY (30), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AND MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER (NE/4); THENCE SOUTH 00°38'26" EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 1410.41 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°21'51" EAST, A DISTANCE OF 350.00 FEET; THENCE SOUTH 00°38'26" EAST, A DISTANCE OF 204.77 FEET; THENCE SOUTH 89°21'51" WEST, A DISTANCE OF 350.00 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER (NE/4); THENCE NORTH 00°38'26" WEST ALONG SAID WEST LINE, A DISTANCE OF 204.77 FEET TO THE POINT OF BEGINNING, WITH THE WEST 40 FEET DEDICATED FOR ROADWAY. CONTAINING 71,669.50 SQUARE FEET OR 1.65 ACRES. LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA NORTH STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE WEST LINE OF THE NE/4 OF SECTION 30 BEING SOUTH 00°38'26" EAST. THIS LEGAL DESCRIPTION WAS PREPARED ON APRIL 3, 2020 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1703 February 2000: The Board approved a Use Variance to allow AG uses on a parcel in the RS district, with the condition that it be limited to raising of horses and construction of a pole barn per the applicant’s presentation, on property located at 7123 West Skyline Drive.

Surrounding Property:

CBOA-2196 February 2005: The Board approved a Variance of the maximum Sq. Ft. permitted for an accessory building in an RS district, on property located at 7050 West 42nd Street.

CBOA-2183 November 2005: The Board approved a Variance of the maximum permitted square footage for an Accessory Building from 750 sq. ft. to 1240 sq. ft., as requested, with conditions for no commercial use on the property and that the proposed building match the basic architectural styling of the dwelling as presented in the record, finding the lot being one acre in size would allow for a larger building, located at 7286 W. 42nd St. S.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the north, east, and west. It abuts AG zoning to the west. Surrounding properties appear to have residential uses.
The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); and a Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-2)

Section 240.2.E permits accessory buildings in the RS district, however, the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor area. 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 applicant provided the following statement:

“A building of this size will increase security and aesthetics on the property by providing enough space to keep everything inside and out of sight of the neighbors and passing traffic and protect it from theft, and the weather. The accessory building has been sized to contain a travel trailer, tractor and attachments, a zero-turn mower and an assortment of tools for yard work, woodworking and auto and home repair and on occasion to park my pickup truck.

The proposed location of the accessory building is level with easy access to the house and should have 3 to 4 feet of rocky soil that can be excavated as needed for construction before solid rock is encountered. Further back on the property solid rock comes quickly to the surface and the ground surface begins sloping to the east. There is a visible rock ledge that runs north and south through the property along the tree line just east of the proposed building location. Recent excavation on the property to relocate an existing water line into the utility easement on the south side of the property and to install a septic tank on the lot adjoining to the south and on this lot to the north shows that there is 3 to 4 feet of rocky soil available before solid rock comes quickly to the ground surface. If the proposed building is moved into the rear yard solid rock will be encountered during construction and fill will be required to level the building site. Placement of fill under parts of the building will create a slope making access through an overhead door in the rear of the building impractical. The slope created by the fill will also make maintenance such as mowing, erosion prevention, and repairs more difficult and possibly even dangerous. There also are trees that will need to be removed if the building is moved into the rear yard and the rear yard viewing area of trees and wildlife will be reduced by the building.”

According to the site plan provided, the applicant is proposing to construct a 30’ x 40’ (1200 sq. ft.) accessory building at the rear of his property. The lot width is approximately 205 feet. The proposed accessory building is located in the side yard. Section 420.2.A.2 states that a detached accessory building shall not be located in the front or side yard therefore, the applicant is requesting a variance to allow a detached accessory building in the side yard.

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

Sample Motion:

“Move to ________ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS district. (Section 420.2.A-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 __________.

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

Discussion ensued. The Board clarified that the request is to allow the 'temporary' type building permanently.

Board Action:
On Motion of Charney, the Board voted 4-0-0 (Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Walker "absent") to APPROVE a Special Exception to permit a temporary 32 ft x 80 ft manufactured building for church classrooms in an AG-R zoned district, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

E317.5 N343 NE NE LESS N60 & E50 THEREOF SEC 24 18 14 1.737AC,
Tulsa County, State of Oklahoma

***********
NEW BUSINESS

Case No. 2196
Action Requested:
Variance of the maximum sq. ft. permitted for an accessory building in an RS district (Section 240.2.E), located:

Teresa Tosh, 20013 East 75th Court North, Owasso, Oklahoma, with Tulsa County Inspections, came to give the Board some background information regarding this request. She informed them that Mr. and Mrs. Lusk came to the County Inspections Office to request a building permit. The permit was granted in Stratford Estates, Lots 6 and 7. They inquired about building a larger accessory building in RS-zoning. They then asked about obtaining property behind their lots, which they did. She added that she instructed them to obtain a lot-split. Ms. Tosh stated they do not generally receive the lot-split paperwork in her office. She understood it was AG property and so did Mr. Lusk but it was RS. She issued a building permit for the 6,000 square foot accessory building based on an incorrect understanding. She responded to complaints regarding the building, assuring people that it was legal in AG-zoning. The County Inspections office has only paper maps rather than digital, which was part of the problem. Once she discovered the property was zoned RS, she informed Mr. Lusk that he needed to go to the County BOA.

Presentation:
Elza Ray Lusk, 7050 West 42nd Street, submitted exhibits for his case (Exhibits A-1, A-2, and A-6). They completed the building in February 2005. They needed it
for a shop and storage of a motor home and personal belongings. They have slightly over five acres. He pointed out that the accessory building is 350’ from the road and the house is 100’ from the road. The building is 65’ from the nearest lot line. It is an all metal building of quality construction. It is 60’ x 100’ with 13’ side walls and a 4/12 pitch roof. The plans were reviewed and approved. They selected earth tone colors for the exterior to look better in the area. He pointed out on a map that most property owners in the area were in support. They plan to plant evergreens and other landscaping around the accessory building beginning on the west side.

**Interested Parties:**

**Dewey Miller**, 6655 West 42nd Street, stated he is the developer at Stratford Estates. He encouraged the applicant to purchase the subject property from Mr. Bigby. They considered the surrounding properties and felt it would be a benefit to the neighborhood. The most recent property owners were informed of the building under construction. The shop has plenty of distance from the road and other homes. He described the building as high quality construction. Mr. Miller also mentioned that the applicant has been very open with the neighborhood about the project.

**Don Maynard**, 7134 West 42nd Street, submitted a photograph (Exhibit A-5) and stated he lives just west of the subject property. He stated that he has the best view of the property. He added they bought five acres of land with strict covenants. He would have protested the lot-split if he had known. He asked that now that it is built that it match the exterior materials on the house.

**Clark Andrew**, 7176 West 42nd Street, he stated the lot-split was approved in August 2004 and the minutes (Exhibit A-3) of the meeting indicated the property was RS. They object to the building. He added that landscaping would take time to mature to make good screening and also requested that the building materials of the accessory building match the neighborhood.

**Christy Andrew**, 7176 West 42nd Street, referred to a packet of information and photo previously sent to the Board (Exhibit A-4 and A-5). She objected to the size and color of the building easily visible from her home.

Mr. Andrew read part of the Stratford Estates covenants. He indicated that the land was attached to Stratford Estates and therefore it was part of Stratford Estates.

Mr. Cuthbertson submitted the TMAPC minutes, which have been referred to, (Exhibit A-3).

Mr. Miller interjected, that he offered the subject property or even half of it to Don Maynard up to the eleventh hour before the Lusks purchased it. Mr. Maynard did not indicate any interest in that property over a period of years. Ms. Flemings
added that Diane Fernandez, at INCOG, explained that the property was attached to the Stratford Estate lots to provide road frontage but in no way is it a part of Stratford Estates.

**Syd Flemings**, 4215 South 69th West Avenue, stated there was an agreement among the neighbors at one of there meetings in the summer that accessory buildings would be covered with materials that were up to the standards of Stratford Estates. She expected the Mr. and Mrs. Lusk would use an attractive façade. She objected to the appearance of the accessory building.

**Applicant’s Rebuttal:**

Mr. Lusk pointed out the properties around the subject property will be sold in the future and may or may not have covenants like Stratford Estates. They will not have a say on what is developed and built there. He assured the Board he had tried to do everything legally and correct and saw no ‘red flags’ until December. He planned to do some nice landscaping when they finish with the construction. He referred to his exhibits (Exhibit A-2), that include a list of neighbors in support of the application, a letter from Dewey Miller, and a map indicating neighbors in support.

Mr. Maynard asked to speak again. He asked if Mr. Lusk was going to plant mature trees because his understanding was that he would plant seedlings. He asked also if there were plans to increase the size of this building. Mr. Hutson replied if he wanted to add onto this building he would have to come before the Board again.

The Board discussed the application regarding several issues. The restrictive covenants have no binding affect on the additional 1.3 acres containing the accessory building. The lot-split and lot tie agreement exists and a mistake was made in permitting the large building. There are other less acceptable or compatible things that could have been built on this property. There are fast-growing attractive trees that could be planted that would help with screening. The building is built a good distance from other homes. It is not likely that the presence of this building would negatively impact the property values.

Mr. Charney asked the staff for guidelines regarding conditions for screening. Mr. Alberty responded that planting trees would have minimal impact in protecting the homeowners. He stated that the color of the building would make a difference. He added that the Board could condition the motion for screening to the greatest extent possible. They could require a landscape plan by a landscape architect.

Mr. Lusk indicated that painting the building would be difficult to maintain. He stated they did not include footing for brick work. He added that they selected colors that would blend well.
Board Action:
On Motion of Charney, the Board voted 4-0-0 (Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Walker "absent") to APPROVE a Variance of the maximum sq. ft. permitted for an accessory building in an RS district (Section 240.2.E), with a condition for reasonable landscaping, finding the size of the land, location compared to other RS lots in the subdivision; that such extraordinary or exceptional conditions or circumstances exist, and finding it will 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:

LT S 6 & 7 BLK 3 & A TRACT BEG SECRLT 7 TH S175.72 W333.14 N175.44 E334.61 POB SEC 30 19 12 1.346ACS STRATFORD ESTATES BLK 2, STRATFORD ESTATES BLK 3, Tulsa County, State of Oklahoma

Case No. 2197
Action Requested:
Use variance to allow museum/private club/retreat in RS district - variance of parking spaces and variance of hard surface parking Sec. 410 -1219.4 - 1340.D, located: 4521 West 41st Street South.

Presentation:
Randy Dittman, 4501 West 41st Street, stated they have lived there for 18 years. They established Cedar Rock Inn, a bed and breakfast on the subject property. They previously obtained approval from the BOA for a more restrictive bed and breakfast. They have received many requests for parties, reunions and such. Mr. Dittman also offered an alternative for the customary all-weather surface for parking (Exhibit B-1). They informed the neighbors of the application and have made themselves available if they have questions. He mentioned the widening of West 41st Street, which begins this coming summer, as supportive to the proposal. They have provided for right-of-way with a two-car wide cement drive. Mr. Dittman stated there is plenty of room to put in a couple of septic systems. He expects it will be good for property values and meet the need for gatherings in West Tulsa.

Interested Parties:
Linda Fitzgerald, President of the Southwest Chamber, 4315 South 27th West Avenue, expressed the support of the chamber. They do not have meeting places in west Tulsa and sited reasons why they needed them, including: Mainstreet OK, Route 66, and new urban development.

Pam Searcy, 1416 East 34th Street, architect for the project, stated she saw the grass paver system for parking, in use in Tucson, Arizona. She expressed her
Case No. 2183

Action Requested:
Variance of the maximum permitted square footage for an Accessory Building from 750 sq ft to 1240 sq ft, located: 7286 West 42nd Street South.

Presentation:
Johnny Perkins, 7314 West 36th Street, stated he requested the variance for more square footage to store personal items, a boat, camper, and four-wheeler. He stated the hardship was that when they bought the property they had the understanding that they could build the 1240 sq. ft. accessory building. They cleared the property to build a home and storage building. They have a one-acre lot. He spoke with several of the neighbors and they were in support. He added there are other barns to the west. A site plan was provided (Exhibit C-2).

Interested Parties:
Don Maynard, 7134 West 42nd Street, stated had he no issues with the building as long as it is not used for commercial uses and no commercial vehicles are parked in or around the building. He suggested 12 ft. sidewalls rather than the 15 ft. planned. Mr. Hutson responded to him that a 14 ft. door is much better than a 12 ft. door for moving an RV.

Christy Lewis, Andrew, 7176 West 42nd Street, expressed concern for a commercial use of the accessory building. They sent an email asking the applicant if the irrigation business was going to be moved into this building, but did not receive a reply (Exhibit C-1). She wanted some assurance that the building would be built in the style of the house.

Applicant's Rebuttal:
Mr. Perkins responded that he has a 6,000 square foot shop on 21st Street. He did not plan to use this accessory building for his business. He drives his company truck with his name on it and it will be parked at his home.

Board Action:
On Motion of Charney, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to APPROVE a Variance of the maximum permitted square footage for an Accessory Building from 750 sq ft to 1240 sq ft., as requested, with conditions for no commercial use on the property and that the proposed building match the basic architectural styling of the dwelling as presented in the record, finding the lot being one acre in size would allow for a larger building, on the following described property:

LT 1 BLK 3 STRATFORD ESTATES BLK 3, Tulsa County, State of Oklahoma

**********

There being no further business, the meeting adjourned at 2:35 p.m.
Case No. 1702 (continued)

Interested Parties/Protestants:
None.

Board Action:
On MOTION of ALBERTY, the Board voted 3-0-0 (Albery, Dillard, Walker "aye"; no "nays", no "abstentions"; Looney, Tyndall, "absent") to APPROVE a Special Exception to Section 410 to allow a singlewide mobile home in an RS zoned district, subject to standard conditions of tie-down, skirting, building permit and sanitation system approval, on the following described property:

S/2 Lot 4 and all Lot 5 less E 5' S/2 Lot 4 and less E 5' and less W 5' S 117' Lot 5 and less W 25' N 88' Lot 5, Block 1, Buford Colony, Tulsa County, Oklahoma.

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NEW APPLICATIONS

Case No. 1703

Action Requested:
Use Variance to allow AG uses on a parcel in the RS district, located at 7123 W. Skyline Dr.

Presentation:
Mr. Bruce stated the request is for use variance to allow a pole barn, and horses with the potential for other similar agricultural uses. The parcel contains a single-family residence, is in a residential district and is adjacent to agriculturally zoned areas to the south, west and northwest. A large lot residential area bounds it to the northeast and east.

The applicant, Jeff Bigby, P.O. Box 4193, Tulsa, Oklahoma, stated he owns the subject parcel. He stated that the neighbors have similar buildings to the one he wants to build.

Comments and Questions:
Mr. Stump asked if raising horses were the only agricultural activity, would the applicant be satisfied to have the variance limited to that purpose. Mr. Bigby replied he would agree to that.

Board Action:
On MOTION of ALBERTY, the Board voted 4-0-0 (Albery, Dillard, Walker, Looney "aye"; no "nays", no "abstentions"; Tyndall, "absent") to APPROVE a Use Variance to allow AG uses on a parcel in the RS district, with the condition that it be limited to raising of horses and construction of a pole barn per the applicant's presentation, finding the parcel is surrounded by AG zoned property, for the following described property:

02:15:00:237(3)
Case No. 1703 (continued)

Beg. at a point 1205.70' S of the NW/c of the NE of Section 30, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma; thence S 614.30'; thence E 640.00' to the centerline of Skyline Dr.; thence Ely along the centerline of said county road a distance of 423.50'; thence N 608.00' parallel to the W 1060.00' to the POB, with the W 40.00' dedicated for roadway and Beg. at a point 794.70' S of the NW/c of the NE of Section 30, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma; thence S 410.94'; thence E 1060.00'; thence N 410.94'; thence W 1060.00' to the POB, with the W 40.00' dedicated for roadway

Case No. 1704

Action Requested:
Special Exception to Section 410 to permit construction of a single-family dwelling in an RMH district, located at 4412 S. 203rd W. Ave.

Presentation:
Mr. Bruce stated that the subject parcel is something less than 1 acre in size and is located at the southeast corner of West Coyote Trail and South 203rd West Avenue. The parcel is one of three large lots zoned RMH (residential mobile home) at this location, a portion of a fourth is similarly zoned. The area to the west and across Coyote Trail is zoned AG, the lots to the east across 203 Ave are zoned RMH with AG land beyond. A portion of the lot to the south is zoned RMH with residential estate zoning beyond.

The applicant, Barbara Poteet, 4412 South 203rd West Avenue, stated that the parcel is one acre and a half, rather than less than one acre. A mobile home is now on the property and only until the house is built.

Interested Parties/Protestants:
None.

Board Action:
On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Dillard, Walker, Looney "aye"; no "nays"; no "abstentions"; Tyndall; "absent") to APPROVE a Special Exception to Section 410 to permit construction of a single-family dwelling in an RMH district, with the condition to remove the existing mobile home after completion of the home construction, 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 for the property described as follows:

Lot 1, Block 1, C Bar C Ranch First Addition, Tulsa County, State of Oklahoma
View behind house looking North during waterline relocation
ADDRESS
4363
ST: S. 73RD W. AVE.
LOT: B
BLOCK: UNPLATTED
SUBDIV: UNINCORP.
COUNTY: TULSA
STATE: OKLAHOMA

4363 SOUTH 73rd
WEST AVENUE

10 ft. L/W along North and South Property Line

Proposed 40' x 40' Accessory Building

Single Family Residence

Covered Patio

Open Patio

Garage

Driveway

40' ROADWAY DEDICATION

204.770'

75.0'

56.0 ft

72.5 ft

76.3 ft

12.0 ft

24.3 ft

10.0 ft
**Case Number:** CBOA-2940

**Hearing Date:** December 21, 2021

**Action Requested:** Special Exception to permit a single-wide mobile home in an RS district (Section 410).

**Case Report Prepared by:**
Robi Jones

**Owner and Applicant Information:**
**Applicant:** Edward and Tania Wilson
**Property Owner:** Edward and Tania Wilson

**Location Map:**

**Additional Information:**
**Present Use:** Property is a former residence but it has been vacated due to fire.

**Tract Size:** 0.32 acres

**Location:** 3302 South 63rd Avenue West

**Fenceline/Area:** Berryhill

**Present Zoning:** RS

**Land Use:** Existing Neighborhood
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9220                                      CASE NUMBER: CBOA-2940
CZM: 45                                      CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 12/21/2021 1:30 PM

APPLICANT: Edward Wilson

ACTION REQUESTED: Special Exception to permit a single-wide mobile home in an RS district (Section 410).

LOCATION: 3302 S 63 AV W                      ZONED: RS

FENCeline: Berryhill

PRESENT USE: Property is formerly a residence, vacated due to fire. TRACT SIZE: 0.32 acres

LEGAL DESCRIPTION: E/2 OF N 91 LT 20 BLK 2, BERRY HILL ACRES

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning with residential uses.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a single-wide mobile home in an RS district (Section 410). A special exception is required as the proposed mobile 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 mobile home must be found to be compatible with the surrounding neighborhood.

According to the site plan, the applicant is proposing to place a 70’ x 16’ mobile home in the center of the property. The home that was previously there was a single-family home that was destroyed by a fire.

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

Sample Motion:

"Move to _______ (approve/deny) a Special Exception to permit a single-wide mobile home in an RS district (Section 410).

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

Subject to the following conditions, 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.
12-5-2021

Tulsa County Board of Adjustments
c/o INCOG
2 West 2nd Street
Suite 800
Tulsa, Oklahoma 74103

PROTEST case # CBOA-2940

Dear Robi Jones and Tulsa Co Board of Adjustments,

My family owns the neighboring property to the proposed zoning change. We have owned this property for over 70 years. During this time, the neighborhood has been friendly with all our neighbors. We smile and wave when we see each other, and in many cases bring food when someone is sick or provide help when needed. We are a close nit community. Most of us own our homes. I’ve mentioned the above to provide a brief background for my objections to a trailer house being moved onto the recent vacant lot caused by a recent fire to the existing structure.

There is a very good reason why trailer houses are not zoned for this area. We all know that the quality of life is reduced immediately by their presence. They deteriorate immediately and initiate the area to slum conditions. Property values drop drastically. (low property values lower property taxes)

This lot is located only 1 block from Berryhill Schools. Most of the neighboring children walk to the school because it is so close. Slum conditions and children walking to school is a poor combination. I’m sure you wouldn’t want your child to be in danger walking to school?
The proposed lot requesting zoning change is a corner lot. This is an excellent location to build a house instead of moving in a trailer. Even a modest home would be welcomed and an asset to the community. We would support some person building a new home or even moving in an existing house. But a trailer house? No! No! No!

I apologize if I come across as rude but I feel I have no choice but to be very outspoken. I have a responsibility to protect my family, the value of my home, my community, my neighbor’s children and Berryhill Schools.

Sincerely,

Dennis Sadler (power of attorney for Betty Ray, my mom)

3304 South 63rd West Ave.

Tulsa, Oklahoma 74107

[Signatures]

Dennis Sadler

Betty L. Ray
12-5-2021

Tulsa County Board of Adjustments
C/O INCOG
2 West 2nd Street
Suite 800
Tulsa, Ok.  74103

Protest Case: **CBOA-2940**

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

[Signature]

Address:
3308 South 63rd West Ave
Tulsa OK  74107
12-5-2021

Tulsa County Board of Adjustments
C/O INCOG
2 West 2nd Street
Suite 800
Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

[Signature]

Address:
3197 So. 63 W Ave
Tulsa, OK 74107
12-5-2021

Tulsa County Board of Adjustments
C/O INCOG
2 West 2nd Street
Suite 800
Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

Address: 4127 W 53rd
TULSA, OKLAHOMA 74107
12-5-2021

Tulsa County Board of Adjustments
C/O INCOG
2 West 2nd Street
Suite 800
Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

[Signature]

Address: 3303 So 6391 Ave
Tulsa, Okla 74109
12-5-2021

Tulsa County Board of Adjustments
C/O INCOG
2 West 2nd Street
Suite 800
Tulsa, Ok. 74103

Protest Case: CBOA-2940

Greetings Tulsa Co. Board of Adjustments,

The above case number involves the re-zoning of the lot to allow a mobile home to be installed on the lot.

I am opposed to the re-zoning. There are obviously many reasons too numerous to mention for my opposition. Primarily allowing a trailer house in my community will lower property values to all of us who reside in the community. Please do not allow the wishes of one person to override the needs of many families.

Please dis-allow this zoning change.

Sincerely,

[Signature]
Desiree Krzmarzick

Address: 3330 S. 63rd West Ave.
Tulsa, OK. 74107
Case Number: CBOA-2941

Hearing Date: December 21, 2021

**Action Requested:** Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

**Case Report Prepared by:**
Robi Jones

**Owner and Applicant Information:**

Applicant: Kyle Rampey
Property Owner: Rampey, Kyle R & Kelley R

**Location Map:**

**Additional Information:**

Present Use: AG-R
Tract Size: 2.27 acres
Location: 3241 East 171st Street South
Fenceline/Area: Bixby

**Present Zoning:** AG-R

**Land Use:** Neighborhood Commercial
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7329                               CASE NUMBER: CBOA-2941
CZM: 66                                CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 12/21/2021 1:30 PM

APPLICANT: Kyle Rampey

ACTION REQUESTED: Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

LOCATION: 3241 E 171 ST S               ZONED: AG-R

FENCILINE: Bixby

PRESENT USE: AG-R                      TRACT SIZE: 2.27 acres

LEGAL DESCRIPTION: LOT 5 BLOCK 1, WOODWARD ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CZ-502 July 2020: All concurred in approval of a request for rezoning a 40+ acre tract of land from AG to AG-R on property located on the northwest corner of East 171st Street South and South Harvard Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoning to the west, north, and east. It abuts AG zoning to the south. Surrounding uses appear to be a mix of agricultural and residential.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

As shown on the attached plan, the applicant has an existing barn (60’ x 30’) with living quarters on the lot and is proposing to add a single-family home. Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot...with the exception in the AG district that there be not more than two dwellings per lot.

Section 330, Table 3 of the Code requires a minimum lot area of 1 acre and a minimum land area per dwelling unit of 1.1 acres in the AG-R district. The applicant is proposing two dwelling units on the 2.27-acre subject lot.

The applicant provided the following statement: “There was a barn/shop (metal building) built due to the sky-rocketing lumber prices. The shop has a bathroom and a sink. There is no bedroom, just future office space. We bought a travel trailer to sleep in and cook in. The dwelling we want to build is our home.”
If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

“Move to ________ (approve/deny) a Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

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

- Finding the hardship to be _______.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan”
CBOA-00521 February 1985: The Board of Adjustment approved a Special Exception to permit automobile sales in a CS zoned district, a Variance to permit open air storage within 30' of an R district, subject to a six-car limitation on the used car lot, and to continue the balance of the application until March 19, 1985 to allow the applicant time to re-advertise for additional relief, as relates to screening, hard surface, etc., on property located at 4339 West 61st Street.

CBOA-00317: The Board of Adjustment approved a Special Exception to allow a mobile home in an RS District and a Variance to allow two dwelling units on one lot of record, subject to Tulsa City-County Health Department, and, subject to the issuance of a building permit, on property located at 4345 West 59th Street.

CBOA-00133 December 1981: The Board of Adjustment approved an Exception to permit a mobile home in an RS District, subject to a 5-year time limitation and the Health Department's approval, on property located at 4001 West 61st Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On MOTION of REEDS, TMAPC voted 7-0-0 (Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, McArdor, Ray, "absent") to recommend APPROVAL of RM-1 zoning for CZ-501 per staff recommendation.

Legal for CZ-501:
BEG 3035W & 30N SECR SE TH W200 N340 E200 S340 POB LESS S5 FOR ST SEC 33 19 12 1.538ACS

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

10 CZ-502 Ryan McCartney (County) Location: Northwest corner of East 171st Street South and South Harvard Avenue requesting rezoning from AG to AG-R

STAFF RECOMMENDATION:
SECTION I: CZ-502

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to AG-R in order to construct single family residences with agricultural uses.
allowed. The site plan provided by the applicant shows the subject lot being divided into two 20 acres lots. If AG-R zoning is approved, it would allow lots with a minimum 1.1 acre area. These lots would be established as part of the platting process required with rezoning or if splitting the subject lot into more than four lots. The site is primarily located within the Rural Residential designation of the Tulsa County and City of Bixby Comprehensive Plans. The portions near the intersection of S Harvard Ave and E 171st St S contain areas of Neighborhood Commercial and Commercial designations. Given the current zoning of the area, current use and anticipated use, the proposal to rezone the subject lot to AG-R would be compatible with the development pattern of the area.

DETAILED STAFF RECOMMENDATION:

CZ-502 is non-injurious to surrounding proximate properties;

CZ-502 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-502 to rezone property from AG to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as “Rural Residential, Neighborhood Commercial, and Commercial.” See the description of this designation below as well as the attached Comprehensive Plan Map.

The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.

The Neighborhood Commercial designation denotes areas that provide goods and services to meet the frequent shopping needs of residents. Development shall have access to major roads and provide opportunities for walking and biking from nearby residential areas.
The Commercial designation denotes areas that create retail and commercial destinations for City residents, as well as others throughout the region. This designation may also support offices and business parks. Development shall have direct access to major roads and transit.

Land Use Vision:

Land Use Plan map designation: Rural Residential, Neighborhood Commercial, and Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 171st St S is designated as a Primary Arterial and S Harvard Ave is designated as a Secondary Arterial

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 currently contains a single family residence and agricultural uses with associated structures.

Environmental Considerations: None

Streets:

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<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<td>E 171st St S</td>
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<td>120 Feet</td>
<td>2</td>
</tr>
<tr>
<td>S Harvard Ave</td>
<td>Secondary Arterial</td>
<td>100 Feet</td>
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Utilities:

The subject tract has municipal water available. An ODEQ approved system will be required for sewer service.

Surrounding Properties:
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<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tr>
<td>West</td>
<td>RE-PUD-846</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Single Family</td>
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</table>

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

**CZ-496 January 2020:** All concurred in approval of a request to rezone a 272.68+ acre tract of land from RE/PUD-848 to AG-R for residential, on property located south and east of the southeast corner of East 161st Street South & South Lewis Avenue.

**PUD-848-A January 2020:** All concurred in approval of a proposed Major Amendment to Abandon a PUD on a 272.68+ acre tract of land, on property located south and east of the southeast corner of East 161st Street South & South Lewis Avenue.

**CZ-474/PUD-848 October 2018:** All concurred in approval of a request to rezone a 272.68+ acre tract of land from AG to RE and approval of a proposed Planned Unit Development for residential, on property located south and east of the southeast corner of East 161st Street South & South Lewis Avenue.

**CZ-460/PUD-846 July 2017:** All concurred in approval of a request to rezone a 30+ acre tract of land from AG to RE and approval of a
proposed Planned Unit Development for a Single-family subdivision, on property located west of the northwest corner of 171st Street South & South Harvard Avenue.

**CBOA-2631 May 2017:** The Board of Adjustment approved a Variance of the lot area and land area per dwelling unit and a Variance of the minimum lot width to permit a lot-split in the AG District, subject to the conceptual plan 5.8 in the agenda packet and that there will only be one dwelling per lot, finding the hardship to be the other lots in the area are of the same size or comparable in size and the applicant has 107 feet of frontage, on property located at 17219 South Harvard East. There us to be only one dwelling per lot.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

**Legal for CZ-502:**
SE/4 SE/4 Section 29 Township 17 N Range 13 E


**11. Z-7550 Wallace Engineering, Nicole Watts** (CD 1) Location: Northwest corner of East Apache Street and North New Haven Avenue requesting rezoning from AG to CG

**STAFF RECOMMENDATION:**

**SECTION I: Z-7550**

**DEVELOPMENT CONCEPT:** The applicant plans to develop the site in conjunction with the Tulsa Junior College. The site will be developed as a farm, market or community supported garden with food distribution and warehousing along with educational facilities. A farm, market, or Community Supported Garden is allowed in an AG and CG district however the food distribution and warehousing component of the concept requires CG zoning.

**DETAILED STAFF RECOMMENDATION:**

Z-7550 requesting rezoning to allow all uses in a CG district is consistent with the Regional Center Land Use designation in the Tulsa Comprehensive Plan and,
Subject Tract

CBOA-2941

17-13 29

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

Aerial Photo Date: 2020/2021

CBOA-2941 6.10
Note: Graphic overlays may not precisely align with physical features on the ground.
Site Plan

Lot 5, Block 1, Woodward Acres

145'

Lot size 2.25 Acres

Notes:

- Setback (house) = 158'
- Setback (barn) = 258'
- Setback (S. Boundary) = 15'
- Setback (W. Boundary) = 15'

Driveway: shared

Owner: "W" 175th, Lot 6

171st S.
**Case Number:** CBOA-2942

**Hearing Date:** December 21, 2021

**Action Requested:** Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930)

**Case Report Prepared by:**
Robi Jones

**Owner and Applicant Information:**

**Applicant:** Nathalie Cornett

**Property Owner:** Country Investments LLC & Sharp Mortgage

**Location Map:**

**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 8.81 acres

**Location:** 2124 West 166th Street South

**Fenceline/Area:** Glenpool

**Present Zoning:** IM

**Land Use:** US 75 Corridor
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7227  CASE NUMBER: CBOA-2942
CZM: 65  CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 12/21/2021 1:30 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930)

LOCATION: 2124 W 166 ST S  ZONED: IM

FENCENAME: Glenpool

PRESENT USE: Vacant  TRACT SIZE: 8.81 acres

LEGAL DESCRIPTION: The South 330.00 feet of the S/2 of the SE/4 of the NE/4, Less the East 156.70 feet thereof for U.S. Highway 75 purposes, situated in Section 23, T-17-N, R-12-E, Tulsa County, State of Oklahoma, and containing 8.81 acres, more or less.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CZ-519 October 2021: All concurred in approval of a request for rezoning a 7.78+ acre tract of land from AG to IM on property located on the northwest corner of West 166th Street South and Highway 75.

CBOA-1452 September 1996: The Board approved a Special Exception to allow a telecommunications tower 150’ in height, on property located south of 161st Street South and West of U.S. 75.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS-3 zoning to the west, CG zoning to the south and east, and IM zoning to the north. Surrounding uses appear to be either vacant land or industrial in nature.

STAFF COMMENTS:

The applicant is requesting a Variance of the required frontage in IM from 200' to 30' to permit a lot split. (Section 930). The Code requires that lots within the IM district contain a minimum frontage of 200’ when abutting an arterial and freeway service road. The applicant provided the following statement with their application:

“The Applicant requests a Variance of the street frontage requirement of Section 930 of the Tulsa County Zoning Code (the "Code") to permit a lot split in an IM district for property located at 2124 W. 166th Street S. (the "Property").
The Property is an 8.8 acre unplatted tract located on the west side of Hwy 75 between 161st and 171st Street. The owner desires to split the lot in order for a five (5) acre tract fronting Hwy 75 to be purchased and developed.

The Code requires 200 feet of street frontage in an IM District. The Property currently has 330 feet of frontage along Highway 75. The lot split will result in two tracts, the 5 acre tract with 300 feet of frontage and the remainder 3.8 acre tract, a flag lot, with 30 feet of frontage. The proposed flag lot configuration will preserve the use of the existing private road (W. 166th St.) as access to Hwy 75.

The remaining 3.8 acre tract is densely vegetated and the site of a cell phone tower, for which variance was approved in 1996 (the Property was recently rezoned from AG to IM and the IM zoning now allows the tower by right). A propane gas line also runs along the south boundary of the Property and a quarry operation is located directly west of the Property. The existing facilities on and around the Property are unique to the Property. Additionally, with 330 feet of total street frontage, the Property could not be split into any configuration that would meet the frontage requirements of the Code, thereby resulting in unnecessary hardship to the owner.

The Property is located in the Glenpool fence line and Glenpool’s Comprehensive Plan seeks to attract industrial and commercial growth along this portion of the Hwy 75 Corridor. The lot split configuration will allow the five (5) acres fronting Highway 75 to be developed in accordance with the ongoing and anticipated development pattern in the area while accommodating the existing infrastructure at the back of the tract. Based on the foregoing, the requested Variance will not cause substantial detriment to the public good or impair the spirit and intent of the Code or the Comprehensive Plan.”

The applicant proposes to split Tract ‘C’ from the parent tract (Tract “A”). The resulting split will create two parcels. Tract C will be 3.81 acres and Tract B will be 5 acres.

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

Sample Motion:

“Move to ________ (approve/deny) a Variance of the required frontage in IM from 200’ to 30’ to permit a lot split. (Section 930)

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.”
CBOA-2502 June 2014: The Board of Adjustment approved a Variance to permit the display surface area from 32 square feet to 378 square feet for an accessory identification sign in an AG District (Section 320.2.B.2); and approve a Variance for the sign height from 15 feet to 35 feet in an AG District (Section 320.2B.2), with the hardship being the fact that a 32 foot sign is posted next to a highway rendering it illegible by highway traffic, on property located at 7770 North Whirlpool Drive.

CBOA-1669 July 1999: The Board of Adjustment approved a Special Exception to permit a church and related school with a mandatory curriculum (Preschool and K-12) use in an AG and RE District, on property located at NW/c 76th Street North and Whirlpool Dr.

CBOA-1444 August 1996: The Board of Adjustment approved a Special Exception to permit a children’s day care in an AG zoned district, on property located at 4702 East 76th Street North.

CBOA-1399 February 1996: The Board of Adjustment approved a Special Exception to permit a church and school (K through 12) in an AG zoned district, on property located at 8050 North Yale Avenue.

CBOA-1200 November 1993: The Board of Adjustment approved a Variance to permit two dwelling units on one lot of record, on property located at 4702 East 76th Street North.

CBOA-535 January 1985: The Board of Adjustment approve a Variance to permit two dwelling units (one house, one mobile home) per lot of record in an Ag zoned district; subject to Health Department approval and a Building Permit; and subject to a five-year time limitation, on property located SE/c Hwy 75 & 76th Street North.

TMAPC Action; 6 members present:

Legal Description for CZ-522:
SW SW LESS S50 THEREOF FOR RD SEC 27 21 13 38,485ACS

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

12. CZ-519 Nathalie Cornett (County) Location: Northwest corner of West 166th Street South and Highway 75 requesting rezoning from AG to IM to permit industrial uses
STAFF RECOMMENDATION:
SECTION I: CZ-519

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IM to permit industrial uses. The site is immediately south of existing IM zoning. The Tulsa County Comprehensive Plan and the City of Glenpool Comprehensive Plan designate this site and the sites immediately north of the existing industrial zoned lots adjacent to the subject lot, as well as those to the east of US Highway 75 and those to the south as US 75 Corridor. This designation is intended to encourage industrial and commercial development along US Highway 75, which this proposed rezoning would be compatible with.

DETIALLED STAFF RECOMMENDATION:

CZ-519 is non-injurious to surrounding proximate properties;

CZ-519 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-519 to rezone property from AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the fenceline of the City of Glenpool and is designated as US 75 Corridor. The City of Glenpool Comprehensive Plan – The Glenpool 2030 Plan was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Glenpool 2030 PLAN was officially adopted (Resolution Number 10-07-01) on July 6, 2010 with an Interim Update adopted (Resolution Number 17013) on November 14, 2017. The Comprehensive Plan is meant to serve as the general policy guide for future physical and economic development of the City based on present and future needs.

Land Use Vision:

Land Use Plan map designation: US 75 Corridor

The following is language from the 2017 Supplemental Report from the Interim Update of the Glenpool 2030 Plan:
- The relatively underdeveloped US-75 Corridor from SH-67 (151st Street) south to 201st Street is incrementally being recognized and utilized for its commercial and light industrial potential.
- Glenpool is also seeking to attract industrial growth and business, as well as highway-oriented commercial and potential office development, as a part of its economic development program.

Areas of Stability and Growth designation: None

Transportation Vision:

Major Street and Highway Plan: US Hwy 75 is designated as a Freeway. The MSHP shows a potential Residential Collector running towards the western portion of the subject lot. No street currently exists in this area.

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, with a cellular tower located on the western side of the subject lot

Environmental Considerations: None

Streets:

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<th>Exist. Access</th>
<th>MSHP Design</th>
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<td>US Hwy 75</td>
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:
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<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<td>North</td>
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SECTION III: Relevant Zoning History

History:

**ZONING ORDINANCE:** Ordinance number 11841 dated June 26, 1970, established zoning for the subject property.

**Subject Property:**
**CBOA-1452 September 1996:** The Board of Adjustment approved a Special Exception to permit a telecommunications tower 150' in height; Use Unit 4; per plan submitted, on property located at South of 161st Street South and West of U.S. 75.

**Surrounding Property:**

**CZ-451 March 2017:** All concurred in approval of a request for rezoning a 30+ acre tract of land from AG to IM on property located S. Hwy 75 and W. 161st St. South.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 6 members present:**
On MOTION of WALKER, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend APPROVAL of the IM zoning for CZ-519 per staff recommendation.

**Legal Description for CZ-519:**
S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

***************
ON MOTION OF COMMISSIONER  
SECONDED BY COMMISSIONER  
AND UPON ROLL CALL CARRIED,  
THE FOLLOWING RESOLUTION WAS  
ADOPTED.

APPROVED  
11/15/2021  

RESOLUTION  

WHEREAS, pursuant to Title 19, Oklahoma Statutes, Section 863.13, et seq., the Board of County Commissioners is authorized to adopt regulations controlling the zoning of property within the unincorporated areas of Tulsa County; and

WHEREAS, on September 15, 1980, the Board of County Commissioners adopted regulations affecting the above referred to area; and

WHEREAS, Nathalie Cornett applied to the Tulsa Metropolitan Area Planning Commission, Zoning Application Number CZ-519 for a change of zoning regulations on the following described tracts:

S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

from its present AG zoning district classification to IM zoning district classification; and

WHEREAS, public hearing, pursuant to law, was held October 6, 2021, by the Tulsa Metropolitan Area Planning Commission on the above application.

NOW, THEREFORE, BE IT RESOLVED;

(1) That the application of CZ-519, dated August 13, 2021 is granted.

(2) That the zoning classification be changed to IM on the following described property:

S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

APPROVED AND ADOPTED THIS 15th DAY OF November, 2021

BOARD OF COUNTY COMMISSIONERS  
OF TULSA COUNTY, OKLAHOMA

By

ATTEST: County Clerk

CMF# 20212484
Case No. 1451 (continued)

**Board Action:**
On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to APPROVE a Variance to permit two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to the frame house being used as a residential accessory building (storage); subject to the building inspectors approval; finding that there are two dwellings existing on the property and the application is to replace one of the dwellings with a permanent built structure; finding the tract is over 5 acres in size and that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Beginning 859.8' N, SW/c, SW/4; thence E for 546.75'; thence S for 417.4'; thence W 546.75'; thence N 417.4' to POB, LESS W 25' for Road, Sec. 22, T-19-N, R-10-E, Tulsa County, Oklahoma.

**Case No. 1452**

**Action Requested:**
Variance to allow a telecommunications tower 150' in height. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located South of 161st Street South and West of U.S. 75.

**Presentation:**
The applicant, Earl Higgins/John Kirby, 11529 East Pine Street, submitted a site plan (Exhibit C-1) and stated he represents SW Bell. He indicated he would like to erect a telecommunications tower on Mr. Orcutt's property at approximately 116th Street South on the West side of Highway 75.

**Protestants:** None.

**Comments and Questions:**
Mr. Tyndall asked the applicant if it would take ten (10) acres to erect the telecommunications tower? Mr. Higgins answered negatively. He stated the telecommunications tower will be located on a 100' x 100' piece of property in the west corner of the property. He explained the site will be west of the Williams Brother's pipeline that runs across the property and west of Highway 75.

Mr. Higgins stated the site for the telecommunications tower is 930' from the highway right-of-way.
Case No. 1452 (continued)

In response to Mr. Beach, Mr. Higgins stated the property owner wanted to leave the frontage property available for highway commercial uses.

Board Action:
On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker "absent") to APPROVE a Special Exception to allow a telecommunications tower 150' in height. SECTION 220.C. HEIGHT EXCEPTIONS - Use Unit 4; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

The S 330' of SE/4, NE/4, Sec. 27, T-17-N, R-12-E, I.B.M., Tulsa County, Oklahoma.

Case No. 1453

Action Requested:
Principal Use Variance to permit a kennel in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 1c, located 2808 East 151st Street South.

Presentation:
The applicant, Norma K. Hendrix, 2808 East 151st Street South, Bixby, submitted a site plan (Exhibit D-1) and stated she would like a variance to permit her to have a dog kennel on her property.

Protestants: None.

Comments and Questions:
Mr. Tyndall asked the applicant if this request is for strictly a dog kennel and not exotic animals? She stated it will be strictly a dog kennel.

Mr. Alberty asked the applicant what breed of dogs and how many she would have in her kennel? Ms. Hendrix stated it will be a boarding kennel and she would like to keep 20 to 25 dogs for the future. She explained she will be starting with 10 runs presently. The applicant detailed that the facility will be indoor/outdoor with its own septic and lateral lines. She further detailed there will be heating and air. Ms. Hendrix indicated the dogs would not be outside late in the evening where it would cause a nuisance for other neighbors.
Exhibit “B”

The Applicant requests a Variance of the street frontage requirement of Section 930 of the Tulsa County Zoning Code (the “Code”) to permit a lot split in an IM district for property located at 2124 W. 166th Street S. (the “Property”).

The Property is an 8.8 acre unplatted tract located on the west side of Hwy 75 between 161st and 171st Street. The owner desires to split the lot in order for a five (5) acre tract fronting Hwy 75 to be purchased and developed.

The Code requires 200 feet of street frontage in an IM District. The Property currently has 330 feet of frontage along Highway 75. The lot split will result in two tracts, the 5 acre tract with 300 feet of frontage and the remainder 3.8 acre tract, a flag lot, with 30 feet of frontage. The proposed flag lot configuration will preserve the use of the existing private road (W. 166th St.) as access to Hwy 75.

The remaining 3.8 acre tract is densely vegetated and the site of a cell phone tower, for which variance was approved in 1996 (the Property was recently rezoned from AG to IM and the IM zoning now allows the tower by right). A propane gas line also runs along the south boundary of the Property and a quarry operation is located directly west of the Property. The existing facilities on and around the Property are unique to the Property. Additionally, with 330 feet of total street frontage, the Property could not be split into any configuration that would meet the frontage requirements of the Code, thereby resulting in unnecessary hardship to the owner.

The Property is located in the Glenpool fence line and Glenpool’s Comprehensive Plan seeks to attract industrial and commercial growth along this portion of the Hwy 75 Corridor. The lot split configuration will allow the five (5) acres fronting Highway 75 to be developed in accordance with the ongoing and anticipated development pattern in the area while accommodating the existing infrastructure at the back of the tract. Based on the foregoing, the requested Variance will not cause substantial detriment to the public good or impair the spirit and intent of the Code or the Comprehensive Plan.
LOT SPLIT PLAT
PARENT TRACT A

OWNER:
COUNTRY INVESTMENTS, LLC
CONTACT: LENSE RAMEY
PHONE: 918-636-6283

LEGEND
NE/4 NORTHEAST QUARTER
NW/4 NORTHWEST QUARTER
S/2 SOUTH HALF
N/2 NORTH HALF
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
ESMT EASEMENT

TULSA COUNTY
LOCATION MAP
FILE: Lramey-pipeline2
DATE: 10-14-2021

PARENT TRACT A
8.81 ACRES

PIPELINE RIGHT OF WAY EASEMENT
Book 2296, Page 251
TULSA COUNTY, OKLAHOMA

LEGAL DESCRIPTION
PARENT TRACT A
THE SOUTH 330.00 FEET OF THE S/2 OF THE SE/4 OF THE NE/4, LESS THE EAST 156.70 FEET THEREOF, FOR U.S. HIGHWAY 75 PURPOSES SITUATED IN SECTION 23, T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA AND CONTAINING 8.81 ACRES, MORE OR LESS.

EXHIBIT A
LOT SPLIT PLAT
TRACT B

OWNER:
COUNTRY INVESTMENTS, LLC
CONTACT: LENSE RAMEY
PHONE: 918-636-6283

LEGEND
NE/4 NORTHEAST QUARTER
NW/4 NORTHWEST QUARTER
S/2 SOUTH HALF
N/2 NORTH HALF
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
ESMT EASEMENT

TULSA COUNTY
LOCATION MAP
FILE: LRAMEY-Pipeline2
DATE: 10-14-2021

LEGAL DESCRIPTION
TRACT B

A PART OF THE FOLLOWING TRACT OF LAND;
THE SOUTH 330.00 FEET OF THE S/2 OF THE SE/4 OF THE NE/4, LESS THE EAST 156.70 FEET THEREOF, FOR U.S. HIGHWAY 75 PURPOSES SITUATED IN SECTION 23, T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 23, THENCE S 88°56'37" W A DISTANCE OF 156.70 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE N 1°07'09"W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE S 88°56'37"W A DISTANCE OF 726.00 FEET; THENCE N 01°07'09"W A DISTANCE OF 300.00 FEET; THENCE N 88°56'37"E, A DISTANCE OF 726.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 01°07'09"E ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.00 ACRES, MORE OR LESS.

EXHIBIT B
LOT SPLIT PLAT
TRACT C

OWNER:
COUNTRY INVESTMENTS, LLC
CONTACT: LENSE RAMEY
PHONE: 918-636-6283

LEGEND
NE/4 NORTHEAST QUARTER
NW/4 NORTHWEST QUARTER
S/2 SOUTH HALF
N/2 NORTH HALF
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
ESMT EASEMENT

TULSA COUNTY
LOCATION MAP
FILE: LAMEY-Pipeline2
DATE: 10-14-2021

TRACT C
3.81 ACRES

LEGAL DESCRIPTION
TRACT C

A PART OF THE FOLLOWING TRACT OF LAND;

THE SOUTH 330.00 FEET OF THE S/2 OF THE SE/4 OF THE NE/4, LESS THE EAST 156.70 FEET THEREOF, FOR U.S. HIGHWAY 75 PURPOSES SITUATED IN SECTION 23, T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEASTER CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 23, THENCE S 88°56'37" W A DISTANCE OF 156.70 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 AND THE POINT OF BEGINNING; THENCE S 88°56'37" W A DISTANCE OF 1163.15 FEET; THENCE N 01°06'22" W A DISTANCE OF 330.00 FEET; THENCE N 88°56'37" E A DISTANCE OF 457.08 FEET; THENCE S 01°07'09" E A DISTANCE OF 300.00 FEET; THENCE N 88°56'37" E, A DISTANCE OF 726.00 FEET TO A POINT ON THE WEST LINE OF U.S. HIGHWAY 75; THENCE S 01°07'37" E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.81 ACRES, MORE OR LESS.

EXHIBIT C