AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday June 21, 2022, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Meeting No. 508

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 May 31, 2022 (Meeting No. 507)

UNFINISHED BUSINESS

2. 2951 - Rigoberto Gomez
   Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D)
   LOCATION: 11201 North 41st Avenue East

NEW APPLICATIONS

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

3. 2969 – Clint Denney
   Variance to permit a detached accessory building to exceed 750 square feet in the RE district. (Section 240)
   LOCATION: 5163 East 94th Street North

4. 2970 – Watkin’s Sand Company
   Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).
LOCATION: East of the southeast corner of East 141st Street South and South 129th East Avenue

5. **2971 – Jonathan McAuley**  
Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).  
**LOCATION:** 200 West 46th Street North

6. **2973 – Casey Flickinger**  
Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3)  
**LOCATION:** 1739 East 181st Street South

7. **2974 – Sarah Townsend**  
Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).  
**LOCATION:** 10316 East 120th Street North

8. **2975 – Sarah Christensen**  
Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).  
**LOCATION:** 7530 West 41st Street South

9. **2976 – Billy Driver**  
Variance of the street frontage requirements in an AG district from 30’ to 0’ (Section 207). Variance of the minimum lot width requirement from 150 ft to permit a lot split in an AG district Tract 2 (Section 330 Table 3)  
**LOCATION:** 13455 East 66th Street North (Request for continuance to 7/19/22)

10. **2977 – Barrick Rosenbaum**  
Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).  
**LOCATION:** 13045 North Peoria Avenue

11. **2978 – Vadim Balev**  
Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).  
**LOCATION:** 1406 East 163rd Place South

12. **2979 – Nathalie Cornett**  
Use Variance to permit Medical Marijuana Processing (Use unit 26) in the AG District (Sec. 1226)
LOCATION: 7209 West 56th Street

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.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-2951  
**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**  
Robi Jones

**Owner and Applicant Information:**  
**Applicant:** Rigoberto Gomez  
**Property Owner:** GOMEZ, RIGOBERTO AND MARIA L

**Action Requested:** Special Exception to allow for a rodeo facility (Use Unit 20) in an AG district (Section 310); and a Variance of the all-weather parking surface requirement (Section 1340.D).

**Location Map:**  
![Tulsa County Comprehensive Land Use Plan]

**Additional Information:**  
**Present Use:** Vacant  
**Tract Size:** 25.19 acres  
**Location:** 11201 N 41 AV E  
**Present Zoning:** AG  
**Fenceline/Area:** North Tulsa County  
**Land Use Designation:** Rural Residential/Agricultural
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1309
CZM: 10
CASE NUMBER: CBOA-2951
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/31/2022 1:30 PM

APPLICANT: Rigoberto Gomez

ACTION REQUESTED: Special Exception to allow for a rodeo facility (Use Unit 20) in an AG district (Section 310); and a Variance of the all-weather parking surface requirement (Section 1340.D).

LOCATION: 11201 N 41 AV E
ZONED: AG

FENCeline: North Tulsa County

PRESENT USE: Vacant
TRACT SIZE: 25.19 acres

LEGAL DESCRIPTION: W/2 SE NW LESS N396 & S768 E200 E/2 SE NW & S509 W427 E627 E/2 E/2 NW & W33 S377 E/2 SE NW SEC 9 21 13 15.197ACS; S244 N811 E427 W460 E/2 SE NW SEC 9 21 13 2.392ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with what appears to be agricultural uses with a smattering of residential uses.

STAFF COMMENTS:

New Staff Comments: The case was continued to June 21, 2022, so that the applicant could create a more defined plan, discuss the plan with neighbors, and talk with staff to get a better understanding of the platting process. Staff has reached out to the applicant but has not received a response or any additional documents.

April Staff Comments: The case was continued to April 19, 2022, so that a re-notice could be sent out to inform surrounding neighbors of an additional parcel that was added to the request.

Original Staff Comments: The applicant is before the Board requesting a Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D).

The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel or dirt parking area on the site. The applicant provided the following statement related to the Variance request: “Hard to do concrete for drains.” According to the site plan, traffic will enter from East 116th Street North on an existing gravel driveway.

The site will include an outdoor arena, stands, kitchen, stalls, a building, and a house. According to the applicant, the site has been used for rodeos in the past. They do not have access to a public street. The
applicant is looking into whether there is a legal access easement. He is also reaching out to his neighbors to get letters of support.

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

Sample Motion:

“Move to _________ (approve/deny) a Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310);

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

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

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

“Move to _________ (approve/deny) a Variance from the all-weather parking surface requirement (Section 1340.D);

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.”
SUBJECT TRACT
LAND USE PLAN
RURAL RESIDENTIAL/AGRICULTURAL

LEGEND

100 Year Floodplain
Unincorporated County Plans
Future Land Use

- Rural Residential/Agricultural
- Rural Commercial
- Parks and Open Space
- Public/Semi-Public
- Industrial

CBOA-2951
21-13 09
From: Cindy O'Connor <cindy.mcimaging@gmail.com>
Sent: Tuesday, April 19, 2022 8:59 AM
To: esubmit <esubmit@incog.org>
Subject: Case #CBOA-2951

In the matter of Roberto Gomez at 11201 N 41 Av E, Special exception to allow for a rodeo facility and a variance of the all-weather parking surface requirement.

I object to this exception at this time. Mr. Gomez is requesting to allow for a rodeo in an area that is not equipped for that amount of traffic. In the past, rodeos were held at that location, which caused undue hardship for the area. The roads are not wide enough for the traffic such a facility will (and did) cause. The road leading to Mr. Gomez's property is a one lane dirt road, which only allowed slow movement of vehicles. This blocked the entrance to our property as well as to other's further west. It also resulted in massive trash on our road. The music was extremely loud into all hours of the night as well.

While I believe that homeowners should be allowed to manage their own property as they wish, I believe that the negative impact on our community should result in a denial at this time until these issues are resolved.

Cindy O'Connor
11908 N Oswego Ave
Sperry, OK 74073
918.406.6879
To Whom It May Concern,

I am writing to express my concern and opposition regarding the potential special exception to allow a rodeo facility in Use Unit 20 in an Ag district section 310 and a variance of the all-weather parking surface requirement (Section 1340.D).

My home is located at 10920 N. Harvard Sperry, OK, 3/8" mile distance SW from the proposed facility.

My opposition is due to past events that were held at section 310 whereby the PA announcements and music lasted until late hours, traffic stretched down the entire mile section of Harvard from 106th to 116th street, trash/debris was left on my property and along the roadways down Harvard and 116th street, the lack of security present when hundreds or thousands of persons were gathered, and one incident where I encountered intoxicated persons at the end of my driveway and had to repeatedly ask them to leave (they should not have been driving and were under the heavy influence of alcohol).

I respect Mr. Gomez and consider him to be a good neighbor. If he can provide details showing the frequency of the rodeo events, that proper security (Tulsa Sheriff’s Department) would be present and that the events would conclude by no later than 11 p.m. and that all trash/debris would be picked up down the nearby roads I may consider reversing my view.

Sincerely,

Joe Bridgeman
VP Sales
BridgePoint Electric Inc.

T: (918) 437-8395
C: (918) 636-2696
joe@bridgepointelectric.com
www.bridgepointelectric.com
April 19, 2022

RE: COBA-2951

Attention:

David Charney
Don Hutchinson
Kelly Dunkerley
William Tisdale
Michael Hicks

Dear Board of Adjustment Members,

This letter is in response to application COBA-2951 submitted by Rigoberto Gomez. The applicant would like to build a "rodeo" facility in an AG district with a special variance for the parking lot.

I live approximately one third of a mile due west of the facility at 11227 N. Harvard and am adamantly opposed its operation.

I am a recently retired (2021) firefighter with the Sperry Fire Department. I spent 25 years there and retired as the Asst Fire Chief. The fact there is one way in and one way out of this facility and that road (poorly graveled drive) is in extremely poor condition makes the operation unsafe for anyone who might attend and the general public as well. The roads and bridges are not designed for the type of traffic this rodeo drew in the past and based on the parking lot request the proposed traffic expected in the future.

A large portion of the property is within the bounds of the FEMA flood plain. The road into and out of the facility travels through the flood plain, with the road being loose gravel, traffic flow of this type is sure to affect water flow by disturbing natural vegetation that might normally help to soak up and restrict the natural water flow.
The operation of the proposed facility as in the past brought large, often rowdy crowds that at times bright with it late night shooting even after the late night music ended. I have as a memento a bullet removed from my roof and report filled with the Tulsa County Sheriffs Office.

The rodeo in the past brought extremely loud music, so loud a normal conversation couldn't be held in my back yard between two people. This grew and grew in frequency as the rodeo continued.

I firmly believe the citizens of Tulsa County have the fundamental freedom to a peaceful life. Free from the constant drum of amplified music that at times would last hours, from late mornings well into the night or early morning the next day. This rodeo in the part affected people for miles as 116th and at times N Harvard would become so congested passage was impossible.

With respect, I implore you to turn down the request of Mr. Gomez to operate the “rodeo” and let the citizens that live in north Tulsa County do so in peace.

Thank you.

Warren Dickey.

- Sonny Dickey
  Asst Chief
  Sperry Fire Dept
To whom it may concern,

My name is Chad Nissen and my family and I live at 12032 N New Haven Ave. My property is accessed by E 41st just on the north side of 116th, which is directly across from this proposed rodeo facility. I am only writing you this at such short notice because I nor any of my neighbors were notified of this or you would have many more emails or calls objecting to the allowance of this facility.

I am objecting because when a rodeo occurs, like it has many times before, people use our 41st e ave to park and are in and out of the road at all hours of the night. They leave their trash and damage the sides of the road from where their vehicles have been parked. My neighbors and I then have to clean up after said events.

Also, this rodeo facility is a safety hazard in itself, as the little boy was killed there not too long ago, and not to mention the amount of noise complaints and calls the Tulsa county Sheriff’s office receive or will receive regarding this facility.

This proposed rodeo facility is not in the best interest of surrounding neighbors and county residents, as it will bring unwanted traffic and unwanted trouble to the area. Please reconsider allowing this exception as no one wants the issues/trouble that will follow.

Thank you kindly,

Chad Nissen
Due to the potential for backlash and retaliation to me and my property, I am writing anonymously and I hope you can respect that.

This special exception should not be passed or approved

I've lived in my house for several decades and every rodeo is a major pain for me and the neighbors. Local homeowners, including myself, can't even get to their own houses due to the stalled line of traffic. Most every time he's had rodeos, traffic has been horrible on 116th and it backs up in both directions even onto Hwy 75 for several hours... yes, **hours of traffic backed up on a 2-lane main road and Hwy 75 (at least a half mile long or more at times)**. Numerous law enforcement people have had to be deployed to handle (unsuccessfully, I might add) the stalled procession of vehicles trying to get down a single lane dirt road back to the arena... **one way in/out**. This aspect alone is a major safety concern. The traffic is an **all afternoon & evening** nuisance and safety concern. Many times, traffic starts around noon and doesn't clear out until 10 or 11 PM, if we're lucky. Meanwhile, homeowners are stuck in their houses or in traffic for hours just trying to get home.

Additionally, the attendees use the time they are waiting in traffic to drink and then clean out the trash, and their recently emptied beer bottles, from their vehicles, which is then thrown anywhere/everywhere they please... and it's never cleaned up by the rodeo.

I also remember one time there was a rodeo accident there, and it took forever for the ambulance to get through the traffic back to the arena to help. They then called in a Life Flight that landed near the highway and had to shut down while waiting to get the victims back out. After several hours, the helicopter left without taking on any victims, as far as I could tell. I believe that was the time that a **child lost their life** there and none of the attendees would cooperate with the investigation.

Please do not pass this exception.

Thank you for your time and due diligence in this matter.

Concerned Neighbor

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I, John Hoffman, resident at 11310 No. 44th East Ave., Sperry, Ok., would like to voice my opposition to the Application to Allow for a rodeo Facility. As a resident for several years from about 2007 to Present, my property adjoins the proposed area.

In that time, the rodeo facility has been built and expanded. The previous events started as small gatherings on Sunday afternoons where it appeared that rodeo was the event. As time went on, more of the facility was built, and the events turned into full blown parties. It seems little emphasis was placed on the most on partying. My now deceased father-in-law was offered $10,000 to allow parking in his pasture...and that was before the event got large.

Tulsa County Sheriff’s were called out several times to complain about the noise going on into the night on Sunday and traffic on the highway, backed up for over a mile, North and South, and on 116th. The same both East and West. Almost each time they said, “Their Sergeant had checked, and they had a permit.” After we, my father-in-law and I, went to visit commissioner (then) John Smaligo for help, we found out that there was no permit, and Permits for such rodeo events were not even issued! We had been lied to for a couple of years by someone at the Sheriff’s Office.

Reports by my granddaughter’s boyfriend and several other people attest to it being more of a Fiesta than a Rodeo. Her boyfriend, who’s parents were from Mexico and had been inside said that it was $20.00 a head and cars were searched, and alcohol was confiscated, but there was plenty being sold by the promoter inside. Several times my father-in-law chased down and forced people running across our properties from the Highway to the event. One time I came home from eating in Town and found a 12-pack box of empty Corona bottles in my ditch along my driveway. I have also had reports that unless you are Latino or Hispanic, you weren’t welcome. Offering $10,000 for letting cars park and, as reported by a Deputy one night towards the last event, the band was $20,000 a night entertainer. Commissioner Smaligo said that he could not find where Tax had been paid for any events. It was during the Tulsa State Fair that we called the Commissioner and he sent the Sheriffs Department in ad that we the last time there was an event there.

The guy who was putting it on bought some property on 3rd Ave between 106th and 116th and tried to get zoning changed to start there again. It was denied. It was on the news also, I don’t remember the date, that there was going to be a hearing to allow a facility around 96th and Yale. It was denied also. Over the years there have been “Rodeos” held in several places, with people saying the music could be heard for over 2 miles away. I know for sure that the music rattled dishes in my cupboards from almost a Quarter-mile away. It went on until 10:30 pm and later on Sunday nights.

Also in the past, we came home after dark to several law enforcement vehicles back there and all cars leaving. A LifeFlight helicopter was coming in and a 9 year old (I believe) boy was taken away. He died due to his
injuries sustained by being stomped by a horse. The Sheriff's Spokesman was on the news later asking for anyone who knew the boy or who his parents were to come forward. No one had claimed him.

Commissioner Smaligo was going to look into permits issued for the structures and improvements that had been made. We never heard back on that. When we built out here, the permitting process was scrutinized very closely during all phases from the initial permit issuance to final inspection. I was told that if I or a contractor went ahead without approval, we would be required to tear down and wait for the inspector.

This “Special Exception to allow a Rodeo Facility” is several years late, as these proposed facilities have been here for several years already. And the 30 acres of parking was there previously and still did not allow for cars to get off the streets and highway. The promoter of the event never showed any concern for the neighbors, and I will not believe there will be any shown now.

If they want to hold a rodeo event, there are many rodeo facilities in the area and I'm sure they could be rented. With the history I have witnessed myself, and stories told of events prior to my moving here, there is a strong likelihood of the same stuff happening. Someone will eventually be killed on the highway from cars stopped and being run into. My property will be trespassed on and vandalized with trash. My peace will be stomped on by the music and lights that have been shined on my house before. There will be people killed in drunk driving accidents leaving the events. Tax money from legit events will be siphoned away to here, as Commissioner Smaligo realized.

If this Exception is made, the Board members will be responsible for it. Thus, I oppose The Exception.

Jon Hoffman

11310 No. 44th East Ave., Sperry Ok
Jones, Robi

From: Sam Bradley <sperryfd701@yahoo.com>
Sent: Monday, April 18, 2022 6:57 PM
To: Jones, Robi
Subject: Case # CBOA-2951

To whom it my concern. I live on Harvard between 106 an 116. I oppose the rezoning of 11201 N 41 east ave. The traffic an the trash and the music at 2 and 3 am are horrible. Please don't rezone this property.

Thank you for your time. Sam Bradley
April 18, 2022

RE: COBA-2951

Attention: David Charney
          Don Hutchinson
          Kelly Dunkerley
          William Tisdale
          Michael Hicks

Dear Board of Adjustment Members,

This letter is in response to application COBA-2951 submitted by Rigoberto Gomez. The applicant would like to build a “rodeo” facility in an AG district with a special variance for the parking lot.

This request by Mr. Gomez is self-serving with no regard for the families that live in the surrounding area. A rodeo arena was illegally operated in this area (until it was shut down) and caused several major problems.

1. One of the major issues was the noise it created. I live approximately less than 2 miles south of the proposed area and when the “rodeo” was in operation, it sounded like I was attending an outdoor concert. If you have done so already, research how loud noises (such as music or intercom systems) can affect livestock. I can’t imagine how this will affect the families in the immediate area!

2. The “Analysis of Surrounding Area” section of the case report references a smattering of residential uses. This analysis is very misleading. You must take into consideration that this area is zoned agricultural for a reason. Most homes in this area have between 2 – 80 acres each. If you look approximately 1 mile in each direction of the proposed site, you will find between 75-100 single family homes. If you feel this rodeo will not disrupt families, you are sorely mistaken.

3. This application is also requesting an exception to the all-weather parking surface requirement. What this means to me is the applicant is ok with having a gravel parking area with no regard for how the dust it creates will affect everyone in the area.

4. The amount of unwanted traffic in the area must be considered as well. The roads surrounding the proposed site are in disrepair and the additional traffic will only exacerbate the issue.

5. I’m sure you read the story about a 6-year-old boy who was killed during one of the rodeos. That is truly a tragedy. I refer to that incident because the emergency personnel in Sperry (firemen & paramedics) are voluntary. The law enforcement responsible for that area is the Tulsa County Sheriff’s Office. Without dedicated personnel patrolling the area it becomes a safety issue.

I’m sure Mr. Gomez will say all the right things to get this approved. What he won’t tell you is he gets the benefit of having a rodeo but doesn’t have to deal with the negative outcomes. He can come and go as he pleases. The families I referred to earlier are stuck with the repercussions. This will be a public nuisance and should not be approved.

Respectfully submitted

Gary D. Juby & Cheryl L. Juby
3296 E 96th St N
Sperry, OK
gcjuby@yahoo.com
From: ANTHONY <asfinnegan@msn.com>
Sent: Monday, April 18, 2022 12:40 PM
To: Jones, Robi <rjones@incog.org>

Subject: Rodeo Facility protest

Good afternoon,

I am e-mailing in protest of the rodeo facility approval request for 11201 N. 41st E. Ave.

Thank you,
Anthony Finnegan

Get Outlook for iOS
From: Diane Holcomb <ddrholcomb@yahoo.com>
Sent: Saturday, April 16, 2022 4:19 PM
To: esubmit <esubmit@incog.org>; Jones, Robi <rjones@incog.org>; James Holcomb <james.holcomb@gmail.com>; Laurie Holcomb <laurieholcomb@yahoo.com>
Subject: Re: CASE NUMBER: CBOA-2951 - OBJECTION

Sent from Yahoo Mail for iPhone

On Saturday, April 16, 2022, 2:51 PM, Diane Holcomb <ddrholcomb@yahoo.com> wrote:

Public Hearing: 04/19/2022–At 1:30 PM
Case Number: CBOA-2951

Hello,

Please record my objection to the case referenced above, Rodeo and Parking Facilities. I am unable to attend but own the 80 acres south and west of the requested zoning change area.

My acreage is currently listed for sale, and this zone change action would be detrimental to any possible offers.

Could you please confirm receipt of this email?

Thank you,

Diane D Holcomb, Trustee
Diane D Holcomb Trust

Sent from Yahoo Mail for iPhone
Find address or place
The operation of the proposed facility as in the past brought large, often rowdy crowds that at times bright with it late night shooting even after the late night music ended. I have as a memento a bullet removed from my roof and report filled with the Tulsa County Sheriffs Office.

The rodeo in the past brought extremely loud music, so loud a normal conversation couldn’t be held in my back yard between two people. This grew and grew in frequency as the rodeo continued.

I firmly believe the citizens of Tulsa County have the fundamental freedom to a peaceful life. Free from the constant drum of amplified music that at times would last hours, from late mornings well into the night or early morning the next day. This rodeo in the part affected people for miles as 116th and at times N Harvard would become so congested passage was impossible.

With respect, I implore you to turn down the request of Mr. Gomez to operate the “rodeo” and let the citizens that live in north Tulsa County do so in peace.

Thank you.

Warren Dickey.

Sonny Dickey
Asst Chief
Sperry Fire Dept
To whom it may concern,

My name is Chad Nissen and my family and I live at 12032 N New Haven Ave. My property is accessed by E 41st just on the north side of 116th, which is directly across from this proposed rodeo facility. I am only writing you this at such short notice because I nor any of my neighbors were notified of this or you would have many more emails or calls objecting to the allowance of this facility.

I am objecting because when a rodeo occurs, like it has many times before, people use our 41st e ave to park and are in and out of the road at all hours of the night. They leave their trash and damage the sides of the road from where their vehicles have been parked. My neighbors and I then have to clean up after said events.

Also, this rodeo facility is a safety hazard in itself, as the little boy was killed there not too long ago, and not to mention the amount of noise complaints and calls the Tulsa county Sheriff's office receive or will receive regarding this facility.

This proposed rodeo facility is not in the best interest of surrounding neighbors and county residents, as it will bring unwanted traffic and unwanted trouble to the area. Please reconsider allowing this exception as no one wants the issues/trouble that will follow.

Thank you kindly,
Chad Nissen
Due to the potential for backlash and retaliation to me and my property, I am writing anonymously and I hope you can respect that.

This special exception should not be passed or approved

I've lived in my house for several decades and every rodeo is a major pain for me and the neighbors. Local homeowners, including myself, can't even get to their own houses due to the stalled line of traffic. Most every time he's had rodeos, traffic has been horrible on 116th and it backs up in both directions even onto Hwy 75 for several hours... yes, hours of traffic backed up on a 2-lane main road and Hwy 75 (at least a half mile long or more at times). Numerous law enforcement people have had to be deployed to handle (unsuccessfully, I might add) the stalled procession of vehicles trying to get down a single lane dirt road back to the arena... one way in/out. This aspect alone is a major safety concern. The traffic is an all afternoon & evening nuisance and safety concern. Many times, traffic starts around noon and doesn't clear out until 10 or 11 PM, if we're lucky. Meanwhile, homeowners are stuck in their houses or in traffic for hours just trying to get home.

Additionally, the attendees use the time they are waiting in traffic to drink and then clean out the trash, and their recently emptied beer bottles, from their vehicles, which is then thrown anywhere/everywhere they please... and it's never cleaned up by the rodeo.

I also remember one time there was a rodeo accident there, and it took forever for the ambulance to get through the traffic back to the arena to help. They then called in a Life Flight that landed near the highway and had to shut down while waiting to get the victims back out. After several hours, the helicopter left without taking on any victims, as far as I could tell. I believe that was the time that a child lost their life there and none of the attendees would cooperate with the investigation.

Please do not pass this exception.

Thank you for your time and due diligence in this matter.

Concerned Neighbor
Case #: CBOA-2951

I, John Hoffman, resident at 11310 No. 44th East Ave., Sperry, Ok., would like to voice my opposition to the Application to Allow for a rodeo Facility. As a resident for several years from about 2007 to Present, my property adjoins the proposed area.

In that time, the rodeo facility has been built and expanded. The previous events started as small gatherings on Sunday afternoons where it appeared that rodeo was the event. As time went on, more of the facility was built, and the events turned into full blown parties. It seems little emphasis was placed on music and most on partying. My now deceased father-in-law was offered $10,000 to allow parking in his pasture...and that was before the event got large.

Tulsa County Sheriff's were called out several times to complain about the noise going on into the night on Sunday and traffic on the highway, backed up for over a mile, North and South, and on 116th. The same both East and West. Almost each time they said, "Their Sergeant had checked, and they had a permit." After we, my father-in-law and I, went to visit commissioner (then) John Smaligo for help, we found out that there was no permit, and Permits for such rodeo events were not even issued! We had been lied to for a couple of years by someone at the Sheriff's Office.

Reports by my granddaughter's boyfriend and several other people attest to it being more of a Fiesta than a Rodeo. Her boyfriend, who's parents were from Mexico and had been inside said that it was $20.00 a head and cars were searched, and alcohol was confiscated, but there was plenty being sold by the promoter inside. Several times my father-in-law chased down and forced people running across our properties from the Highway to the event. One time I came home from eating in Town and found a 12-pack box of empty Corona bottles in my ditch along my driveway. I have also had reports that unless you are Latino or Hispanic, you weren't welcome. Offering $10,000 for letting cars park and, as reported by a Deputy one night towards the last event, the band was a $20,000 a night entertainer. Commissioner Smaligo said that he could not find where Tax had been paid for any events. It was during the Tulsa State Fair that we called the Commissioner and he sent the Sheriffs Department in ad that we the last time there was an event there.

The guy who was putting it on bought some property on Ave between 106th and 116th and tried to get zoning changed to start there again. It was denied. It was on the news also, I don't remember the date, that there was going to be a hearing to allow a facility around 96th and Yale. It was denied also. Over the years there have been "Rodeos" held in several places, with people saying the music could be heard for over 2 miles away. I know for sure that the music rattled dishes in my cupboards from almost a Quarter-mile away. It went on until 10:30 pm and later on Sunday nights.

Also in the past, we came home after dark to several law enforcement vehicles back there and all cars leaving. A LifeFlight helicopter was coming in and a 9 year old (I believe) boy was taken away. He died due to his
injuries sustained by being stomped by a horse. The Sheriff's Spokesman was on the news later asking for anyone who knew the boy or who his parents were to come forward. No one had claimed him.

Commissioner Smaligo was going to look into permits issued for the structures and improvements that had been made. We never heard back on that. When we built out here, the permitting process was scrutinized very closely during all phases from the initial permit issuance to final inspection. I was told that if I or a contractor went ahead without approval, we would be required to tear down and wait for the inspector.

This "Special Exception to allow a Rodeo Facility" is several years late, as these proposed facilities have been here for several years already. And the 30 acres of parking was there previously and still did not allow for cars to get off the streets and highway. The promoter of the event never showed any concern for the neighbors, and I will not believe there will be any shown now.

If they want to hold a rodeo event, there are many rodeo facilities in the area and I'm sure they could be rented. With the history I have witnessed myself, and stories told of events prior to my moving here, there is a strong likelihood of the same stuff happening. Someone will eventually be killed on the highway from cars stopped and being run into. My property will be trespassed on and vandalized with trash. My peace will be stomped on by the music and lights that have been shined on my house before. There will be people killed in drunk driving accidents leaving the events. Tax money from legit events will be siphoned away to here, as Commissioner Smaligo realized.

If this Exception is made, the Board members will be responsible for it. Thus, I oppose The Exception.

Jon Hoffman
11310 No. 44th East Ave., Sperry Ok
To whom it my concern. I live on Harvard between 106 and 116. I oppose the rezoning of 11201 N 41 east ave. The traffic and the trash and the music at 2am and 3am are horrible. Please don’t rezone this property. Thank you for your time.

Sam Bradley
To Whom It May Concern,

I am writing to express my concern and opposition regarding the potential special exception to allow a rodeo facility in Use Unit 20 in an Ag district section 310 and a variance of the all-weather parking surface requirement (Section 1340.D).

My home is located at 10920 N. Harvard Sperry, OK, 3/8” mile distance SW from the proposed facility.

My opposition is due to past events that were held at section 310 whereby the PA announcements and music lasted until late hours, traffic stretched down the entire mile section of Harvard from 106th to 116th street, trash/debris was left on my property and along the roadways down Harvard and 116th street, the lack of security present when hundreds or thousands of persons were gathered, and one incident where I encountered intoxicated persons at the end of my driveway and had to repeatedly ask them to leave (they should not have been driving and were under the heavy influence of alcohol).

I respect Mr. Gomez and consider him to be a good neighbor. If he can provide details showing the frequency of the rodeo events, that proper security (Tulsa Sheriff’s Department) would be present and that the events would conclude by no later than 11 p.m. and that all trash/debris would be picked up down the nearby roads I may consider reversing my view.

Sincerely,

Joe Bridgeman
VP Sales
BridgePoint Electric Inc.

T: (918) 437-8395
C: (918) 636-2696
joe@bridgepointelectric.com
www.bridgepointelectric.com
April 19, 2022

RE: COBA-2951

Attention:

David Charney
Don Hutchinson
Kelly Dunkerley
William Tisdale
Michael Hicks

Dear Board of Adjustment Members,

This letter is in response to application COBA-2951 submitted by Rigoberto Gomez. The applicant would like to build a “rodeo” facility in an AG district with a special variance for the parking lot.

I live approximately one third of a mile due west of the facility at 11227 N. Harvard and am adamantly opposed its operation.

I am a recently retired (2021) firefighter with the Sperry Fire Department. I spent 25 years there and retired as the Asst Fire Chief. The fact there is one way in and one way out of this facility and that road (poorly graveled drive) is in extremely poor condition makes the operation unsafe for any who might attend and the general public as well. The roads and bridges are not designed for the type of traffic this rodeo drew in the past and based on the parking lot request the proposed traffic expected in the future.

A large portion of the property is within the bounds of the FEMA flood plain. The road into and out of the facility travels through the flood plain, with the road being loose gravel, traffic flow of this type is sure to affect water flow by disturbing natural vegetation that might normally help to soak up and restrict the natural water flow.
This is Mark A Parker, I called you this morning about sending the paperwork I had for case no CBOA-2951.
SPERRY - A child was killed when he was bucked off a horse that then stepped on him near Sperry on Sunday.

The 6-year-old boy, whose identity has not been released, was at a nonsanctioned rodeo in the 4400 block of East 116th Street North on Sunday evening, Tulsa County Sheriff's Sgt. Shannon Clark said.

Witnesses told paramedics and security officials that the boy was on a horse on the east side of the arena when the horse reared up and fell on the child, Clark said.

As the horse was standing up, it stepped on the boy's chest, Clark said.

Sperry police officers, firefighters and paramedics responded, and the child was flown to St. Francis Hospital in Tulsa, where he was pronounced dead, Clark said.
The boy was taken by Lifeflight helicopter to St. Francis Hospital in Tulsa where he was pronounced dead on arrival.

The name of the boy was not released, pending notification of next of kin.

Conversation

Start the conversation

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AcreValue provides value and crop history reports fields of farmland. Our utilization over 20 field-level macroeconomic data to value the value of an individual in California, Florida, Georgia, Indiana, Iowa, Kentucky, Minnesota, Nebraska, NY.
AcreValue provides valuation and crop history reports for fields of farmland. Our service utilizes over 20 field-level macroeconomic data variables to estimate the value of an individual parcel in California, Florida, Georgia, Indiana, Iowa, Kentucky, and other states.
A parcel with the following details:

- **Parcel ID**: CBOA-2951
- **ACREVALUE**: n/a
- **ACRES**: 0.7
- **NCCPI**: 58
- **OWNER**: WOODARD, KATHYRN E & STEVEN L (08/12/21)
- **OWNER ADDRESS**: Upgrade to view
- **SLOPE**: 0.4%
- **CARBON POTENTIAL**: $8 Learn More
- **LIST PROPERTY FOR SALE**: Connect with Land Pro
- **2020 CROPS**: 
  - [ ] Grain/Pasture

AcreValue provides value and crop history reports for fields of farmland. Our service utilizes over 20 field-level macroeconomic data variables to determine the value of an individual parcel in California, Florida, Georgia, Indiana, Iowa, Kentucky, and more.
AcreValue provides valuation and crop history reports for fields of farmland. Our valuation model utilizes over 20 field-level and macroeconomic data variables to determine the value of an individual parcel in California, Florida, Georgia, Indiana, Iowa, Kentucky, and beyond.
TULSA COUNTY, Oklahoma – A six-year old was crushed by a horse at a rodeo near Skiatook Sunday night.

According to the Tulsa County Sheriff's Office, the unidentified boy was sitting on a horse at the rodeo grounds in the 4400 block of East 116th Street North.

Deputies were told the horse reared up and fell backwards landing on top of the boy. While the horse was trying to stand back up, it is believed the horse stepped on the child's chest.
AcreValue provides value and crop history reports for fields of farmland. Our platform utilizes over 20 field-level macroeconomic data variables to estimate the value of an individual parcel, in California, Florida, Georgia, Indiana, Iowa, Kentucky, Missouri, and other states.
**Case Number:** CBOA-2969  
**Hearing Date:** 06/21/2022 1:30 PM

**Case Report Prepared by:**  
Jay Hoyt

**Owner and Applicant Information:**  
**Applicant:** Clint Denney  
**Property Owner:** NEW AGE HOMES LLC

**Action Requested:** Variance to permit a detached accessory building to exceed 750 square feet in an RE district. (Section 240)

**Location Map:**

![Location Map](image)

**Additional Information:**  
**Present Use:** Residential  
**Tract Size:** 1.65 acres  
**Location:** 5163 E 94 ST N  
**Present Zoning:** RE  
**Fenceline/Area:** North Tulsa County  
**Land Use Designation:** Rural Residential/Agriculture

Tulsa County Comprehensive Land Use Plan
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1322
CZM: 17

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Clint Denney

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in an RE district. (Section 240)

LOCATION: 5163 E 94 ST N

ZONED: RE

FENCISION: North Tulsa County

PRESENT USE: Residential

TRACT SIZE: 1.65 acres

LEGAL DESCRIPTION: BEG 845.37E & 440.40S NWC NW TH E172.69 S415.38 W172.69 N415.38 P0B SEC 22 21 13 1.647ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2444 November 2012: The Board approved a Special Exception to allow a manufactured home in an RE District on property located at 5205 E 94th St N

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RE zoning and residential uses.

STAFF COMMENTS:

The applicant is before the Board to request a Variance to permit a detached accessory building to exceed 750 square feet in an RE district (Section 240).

According to the site plan provided by the applicant, they propose to construct a 60’ X 40’ (2,400 sf) accessory building (Pool House/Garage) to the north of the existing home. The minimum side setback in the RE District is 15 ft. The site plan shows the proposed accessory building at 20 ft from the side lot line so meets this requirement.

The applicant provided the statement: “Need more storage area for tools & storage items. The large lot will accommodate this structure and be complementary to the home.”

Sample Motion:

*Move to ________ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in an RE District (Section 240).*
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.
Case Number: CBOA-2970
Hearing Date: 06/21/2022 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Property Owner: AFE COMPANY LLC

Action Requested: Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).

Location Map:

Additional Information:
Present Use: Ongoing Sand Mining Operation

Tract Size: 72.34 acres

Location: East of the southeast corner of East 141st Street South & South 129th East Avenue

Present Zoning: AG

Fenceline/Area: Broken Arrow

Land Use Designation: Greenway/Floodplain

Tulsa County Comprehensive Land Use Plan
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7416
CZM: 63

CASE NUMBER: CBOA-2970
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM


ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).

LOCATION: East of the southeast corner of East 141st Street South & South 129th East Avenue

ZONED: AG

FENCENAME: Broken Arrow

PRESENT USE: Ongoing Sand Mining Operation

TRACT SIZE: 72.34 acres

LEGAL DESCRIPTION: E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2629 April 2017: The Board approved a Special Exception to permit mining and quarry sand and gravel in an AG zoned district (Section 310)

Surrounding Property:

CBOA-1803-C April 2016: The Board approved modification to a previously approved special exception to permit dredging/classifying in the AG district permanently per the previously approved conditions of the County Board of Adjustment

CBOA-1803-B June 2014: The Board approved a modification to a previously approved Special Exception (CBOA-1803) for dredging/classifying system to amend the hours of operation with conditions. Located: 14253 S 129th Avenue

CBOA-2056 September 2003: The Board approved a Special Exception to permit dredging and removal processing of sand, gravel, and soil, and mineral processing Located: East of S 129th E Ave and South of E 141st Street

CBOA-1803 December 2000: The Board approved a special exception to permit mining and quarry of sand and gravel in an AG district with conditions. Located: 14253 S 129th Avenue
**ANALYSIS OF SURROUNDING AREA:** The subject tract is currently be utilized for sand and gravel mining. The subject tract is abutted by an existing AG zoned mining operation on the west. The Broken Arrow City Limits abuts the site on the north and contains R-1 zoned residential and a sports complex. AG zoning abuts the site on the east and south.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Section 310, Table 1).

In the previous approval (CBOA-2629) the Board established the following conditions. A time limit of five years. There was to be no fuel storage on the subject site. The hours of operation were to be 7:00 AM to 5:00 PM, Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed mining (dredging) and quarrying of sand is compatible with the surrounding neighborhood. Staff would encourage that the applicant be required to submit verification of all requisite approvals and permits from authorized federal and state regulating authorities to the County Permit Office.

**Sample Motion:**

"Move to ________ (approve/deny) Special Exception permit Use Unit 24, Mining and Mineral Processing for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Section 310, Table 1).

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

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

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare."
SUBJECT TRACT
LAND USE PLAN
GREENWAY/FLOODPLAIN

LEGEND

Broken Arrow
Future Land Use

- Level 1 - Rural Residential
- Level 2 - Urban Residential
- Level 3 - Transition Area
- Level 4 - Commercial/Employment Nodes
- Level 5 - Downtown Area
- Level 6 - Regional Employment/Commercial
- Level 7 - Major Industrial
- Greenway/Floodplain
- Public Recreation
- Private Recreation
- Public/Semi-Public
- 100 Year Floodplain
Mr. Dillard asked Mr. Watkins if his company worked on Sundays or on any holidays. Mr. Watkins stated they do not work on Saturdays, Sundays or any holidays.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to APPROVE the request for a Special Exception to allow a mining and quarry operation in the AG District (Section 310, Table 1), subject to a five year time limit, April 2022. There is to be no fuel storage on the subject site. The hours of operation are to be 7:00 A.M. to 5:00 P.M., Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site; for the following property:

E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC., OF TULSA COUNTY, STATE OF OKLAHOMA

2625—Tania Bledsoe

Action Requested:
Variance to permit more than two dwelling units on a single AG zoned lot (Section 208), LOCATION: 14225 North Yale Avenue

Presentation:
The applicant was not present.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston “aye”; no “nays”; no “abstentions”; Hutchinson “absent”) to CONTINUE the request for a Variance to permit more than two dwelling units on a single AG zoned lot (Section 208) to the May 16, 2017 Board of Adjustment meeting; for the following property:

PRT SW & NW BEG SWC SW NW TH N965.59 E16.5 NE215.17 E564.73 N165 E698.55 S1321.40 W1320.51 POB LESS W16.5 S965.59 SW NW & N70 W285 NW

04/18/2017/#443 (7)
Use Variance to allow for storage (Use Unit 23) of personal items in the RS District (Section 410). There is to be no outside storage and there is to be no rental to third parties for storage uses. The building is to be used by the record owner for storage of personal items. The building has been in existence for 20 years and has been cleaned up, and the size of the lot will accommodate the storage purposes; for the following property:

**LTS 7, 8 & 9, BLK 15, EAST ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

2629—Chet Hiatt

**Action Requested:**
Special Exception to allow a mining and quarry operation in the AG District (Section 310, Table 1). **LOCATION:** East of the SE/c of 141st Street South and South 129th Avenue East

**Presentation:**
Chet Hiatt, 2000 East Atkinson, Pittsburg, KS; stated he is with Triad Environmental Services and he represents Watkins Sand. Watkins Sand currently operates a sand dredging operation in the river at the south end of 129th Street. They were before the Board in 2001 for a Special Exception to have the dredging operation in the AG District and the request was approved. Today’s request is an extension of that operation to the east along the sand bar in the river. There is no expectation to increase production at the site, it is only an ongoing operation continuing operation as it has been since approximately 2009.

Mr. Charney asked Mr. Hiatt if the operation was moving to accommodate where the resource is located. Mr. Hiatt answered affirmatively.

Mr. Charney asked Mr. Hiatt if there was going to be any new equipment on the site. Mr. Hiatt stated there would be no new equipment.

Mr. Hiatt stated the nearest residence is approximately 4/10 miles away from the existing operation.

Mr. Charney asked Mr. Hiatt if the new location will be any closer to a residence than it is today. Mr. Hiatt answered no and stated the operation is in the middle of the river. Mr. Charney asked Mr. Hiatt if the equipment will be operating any closer to a residence than it is today. Mr. Hiatt stated the dredge itself is in the river but the processing will stay where it is located today.

Mr. Hiatt stated that he has seen comments from residents about the blasting, but there is no blasting in this operation because it is strictly a dredging operation. The water and sand are vacuumed into a pile and processed. To secure the permit to be able to extend the current permit Watkins will have to go through the Oklahoma Department of
Environmental Quality, the U. S. Corp of Engineers, Fish and Wildlife, the Oklahoma Archeological and Historical Society. In the past Watkins has worked with Fish and Wildlife for protection of threatened and endangered species. They have made agreements to suspended operations for periods of time during the nesting season. Mr. Hiatt stated there is no fuel stored at the site and haul trucks are parked at a separate location over night.

Mr. Charney asked Mr. Hiatt if the haul trucks will not be operating in any other location than they are today. Mr. Hiatt stated that it is correct and stated that Watkins operates a small number of trucks.

**Interested Parties:**

Frank Watkins, P. O. Box 687, Bixby, OK; stated he has gone to school to learn about the Least Tern so he is aware of their habits. As for the haul trucks, they are six wheelers and classified as 40-Ton. The trucks go back and forth once a day and are housed at 141st and Mingo using 141st to drive on.

Mr. Charney asked Mr. Watkins to explain to the Board about the trucks that load at his site. Mr. Watkins stated he uses five or six bobtail trucks, which are ten wheelers, and deliver to home builders exclusively. Mason sand is also sold to Apex, the rock quarry, because they use it in an asphalt mix. Mr. Watkins stated that he makes sure the trucks have insurance and are tarped or they cannot work for Watkins Sand. After that it is up to the City or law enforcement to monitor the trucks.

Mr. Dillard asked Mr. Watkins if trucks leave his location without being tarped. Mr. Watkins answered no. Mr. Watkins stated that he does the best he can but the drivers are independent contractors. There is a fine when a truck is caught without a tarp in use.

Mr. Charney asked Mr. Watkins if he sold his sand to third party contractors. Mr. Watkins answered affirmatively.

Mr. Charney asked Mr. Watkins about the hours of operation for the dredging and the hours of operation for loading the trucks. Mr. Watkins stated that his people punch the clock at 7:00 A.M. and start loading the trucks, and at 5:00 P.M. the people have to be off the clock, and he operated five days a week. He has not pumped in two years but there is another company in the area that operates differently.

Mr. Charney asked Mr. Watkins why he has not pumped in two years. Mr. Watkins stated that it is cheaper to use the six wheelers to bring out the material than it is to dredge.

Mr. Crall asked Mr. Watkins what he would guess the explosive sound the residents complained about is. Mr. Hiatt stated that not all the letters of complaint are firmly founded, but a lot of times people associate noises with the wrong operator. Mr. Hiatt stated that if there are explosions it has to be another operator.
Case Report Prepared by: Jay Hoyt

Owner and Applicant Information:
Applicant: Jonathan McAuley
Property Owner: TULSA DREAM CENTER INC

Action Requested: Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

Location Map:

Additional Information:
Present Use: Tulsa Dream Center
Tract Size: 10.08 acres
Location: 200 W 46 ST N
Present Zoning: AG
Fenceline/Area: Turley
Land Use Designation: Rural Residential/Agricultural

Tulsa County Comprehensive Land Use Plan
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 0214
CZM: 21

CASE NUMBER: CBOA-2971
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Jonathan McAuley

ACTION REQUESTED: Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

LOCATION: 200 W 46 ST N

FENCeline: Turley

PRESENt USE: Tulsa Dream Center

ZONED: AG

TRACTION SIZE: 10.08 acres

LEGAL DESCRIPTION: LT 1 BLK 1, TULSA DREAM CENTER

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2934 November 2021: The Board approved a request for a Modification to a previously approved site plan (CBOA-1690) to add additional building and splash pad Section 1205

CBOA-1690 November 1999: The Board approved a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children’s nursery; chapel; counseling center; community center (recreation space, food & clothing distribution, and nurse station), on property located at 46th and North Cincinnati.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the west and south. It abuts RS-3 zoning the north and east. The surrounding uses appear to be vacant or residential.

STAFF COMMENTS:

The applicant is requesting a Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

In 1999, the Board approved a request for a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children’s nursery; chapel; counseling center; community center (recreation space, food & clothing distribution, and nurse station) subject to the following condition:

• Per site plan as presented

In 2021, the Board approved a request for a modification to a previously approved site plan to add an additional building and splash pad, with no additional conditions imposed at the time.
The applicant is proposing to add a garage approximately 3,334 sf in area to the subject property.

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

Sample Motion for Modification:

"Move to _______ (approve/deny) a Modification to a previously approved site plan (CBOA-2934) to add a garage (Section 1205).
Subject to the following conditions (if any): ________.

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

CBOA-2971  5.4
**Action Requested:**
Modification to a previously approved site plan (CBOA-1690) to add an additional building and splash pad (Section 1205). **LOCATION:** 200 West 46th Street North

**Presentation:**
Mark Capron, Wallace Design Collective, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated in 1999 this development had a Special Exception approved with the site plan that was associated with that approval. The original request was approved per site plan and any time there is a change the application has to come back before the Board. Today the same development is before the Board, but a couple of things have changed; another building is being added for an indoor pool and a playground is being removed for a splash pad in the same area. This is only an expansion of services. The new building is a separate building and is east of the existing building.

Mr. Hutchinson asked Mr. Capron if there were going to be soccer or football fields, or if they already exist on the site. Mr. Capron stated the fields are to the west and are existing. Mr. Hutchinson asked Mr. Capron if the children on the fields would be able to go over to the splash pads. Mr. Capron answered affirmatively.

Mr. Hicks asked Mr. Capron if there were any plans to relocate the existing playground. Mr. Capron stated the playground is being replaced with the splash pad.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the request for a Modification to a previously approved site plan (CBOA-1690) to add an additional building and splash pad (Section 1205). 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:

**LT 1 BLK 1, TULSA DREAM CENTER, OF TULSA COUNTY, STATE OF OKLAHOMA**

11/16/2021 / #500 (8)
Case No. 1690

Action Requested:
Special Exception to allow a (Use Unit 5) community center/church in the AG district including children’s nursery; chapel; counseling center; community center (recreation space, food & clothing distribution & nurse station), located at 46th & North Cincinnati.

Staff Comments:
Mr. Bruce stated that the subject property is eleven acres in size (660’ x 720’) and is a portion of a larger ownership, which is located west of the northwest corner of North Cincinnati Avenue and 46th Street North. The subject property is bounded on the east by residential housing in the RS-3 district and on the south and west by AG zoning. He indicated that 46th Street North bounds the parcel on the north with residential housing in the RS-3 district beyond. The aerial photograph indicates the parcel to be vacant.

Mr. Bruce stated that the Information submitted by the applicant indicates that the proposed use is a community outreach in affiliation with Victory Christian Center. The proposed 48,000 (400’ x 120’) square foot structure would include space for children’s nursery, chapel, counseling center, recreation (basketball, volleyball, etc.), food and clothing distribution and a nurse’s station. The area north of the structure between it and 46th Street will include outdoor recreation space. Parking is proposed on both the north and south sides of the structure.

Mr. Bruce commented that the applicant has also indicated that the remainder of the ownership will be donated to Victory Christian Center in the event that the eleven-acre parcel is developed with the proposed uses. The staff’s understanding is that there is no intent to split the property at this time.

Presentation:
Bruce Edwards, 8411 South Toledo, Tulsa, Oklahoma, stated that he is representing Victory Christian Center, Inc. Stated that Victory Christian Center would like to have a Care Center on the north side of Tulsa. He explained that the church would help with food, clothing, counseling, medical and legal assistance for the poor and needed families. He indicated that the activities would be during the daytime and some inside activities in the evening hours.

Mr. Edwards explained that the current site of Victory Christian Center is approximately fifteen miles from the subject location and it is difficult for the individuals to make the trip to the current center. He stated that Victor Christian Center could meet the needs of the people on the north side better if the proposal is approved.

Mr. Edwards stated that the owners of the property approached the church and offered the subject property for the church’s use.
Comments and Questions:
Mr. Looney asked the applicant if the church will be expanding in the near future. Mr. Edwards stated that the expansion would depend on needs. Mr. Edwards proposed that a building measuring 100' x 120' would be built first and expand as if the need arises. Mr. Edwards indicated that part of the proposed building will be two-story for offices and distribution center.

Mr. Looney asked Mr. Edwards if the proposed building would have living quarters. In response, Mr. Edwards stated that at this time there are no plans for living quarters. Mr. Edwards explained that the center would like to be able to provide a refuge for anyone experiencing violence at home, but only a temporary shelter.

Mr. Walker asked the applicant if he plans to install a screening fence abutting the residential area. In response, Mr. Edwards stated that there will be a screening fence on the east side to provide sufficient separation. Mr. Edwards indicated that there will be a line of trees planted as well as the fence to add to the separation from the residential area.

Mr. Walker asked the applicant if there will be lighting for the outdoor recreation use area. Mr. Edwards stated that at this time there are no plans to install lighting and the outdoor recreation area would be a daytime activity.

Mr. Looney asked the applicant if there will be lighting on the parking area. Mr. Edwards answered affirmatively. Mr. Edwards indicated that he would be willing to cooperate with the neighbors regarding the lighting so that it will not be intrusive. Mr. Edwards stated that the parking lot will be a good distance from the residential area.

Mr. Walker asked Mr. Edwards what type of traffic volume he expects for the center. In response, Mr. Edwards stated that he does not perceive a great deal of traffic because the majority of the people served by the center do not own vehicles. Mr. Edwards commented that the traffic would be mostly the employees, delivery vehicles, etc.

Mr. Alberty stated that he is excited to see this application and he commended the Victory Christian Center. He concluded that he is in support of this application.
Case No. 1690 (continued)

INTERESTED PARTIES COMMENTS:
Martha Cobb, stated that she owns the subject property with her sister. She explained that she wanted to do something to help the north side of Tulsa. She commented that the Victory Christian Center does good work and the family decided to donate the subject property to the center.

Billie Joe Dougherty, Pastor of Christian Victory Center, Inc., stated that the center would like to build out the entire plan quickly. He indicated that the residents in the subject area are in support of the proposal.

Board Action:
On MOTION of ALBERTY, the Board voted 4-0-0 (Alberty, Dillard, Looney, Walker aye); no "nays", no "abstentions"; Tyndall "absent") to APPROVE a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution & nurse station), per site plan as presented, finding 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 the following described property:

A part of NE/4 of Section 14, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the N boundary line of said Section 14, 810.00' W of the NE/c thereof, and 40.00' N of the NW/c of the Valley View Acres Addition, an addition in the City of Tulsa, thence S 0°12'00" W along the W boundary line of said Valley View Acres Addition a distance of 660.00'; thence due W a distance of 720.00'; thence N 0°12'00" E a distance of 660.00' to the N boundary line of said NE/4; thence due E along the N boundary of said NE/4 a distance of 720.00' to the point of beginning.

Case No. 1691

Action Requested:
Special Exception to allow a mini-storage in a CS district and a Variance to waive the all-weather surface until warm weather, located west of northwest corner West 41st Street & South 137th West Avenue.
Case Number: CBOA-2973
Hearing Date: 06/21/2022 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:

Applicant: Casey Flickinger
Property Owner: SHAIN, ROBERT W TRUST

Action Requested: Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3)

Location Map:

Additional Information:
Present Use: Agricultural
Tract Size: 6.67 acres
Location: 1739 E 181 ST S
Present Zoning: AG
Fenceline/Area: Glenpool
Land Use Designation: Rural
The applicant is before the Board requesting a Variance of the minimum lot width in the AG district to permit a lot split. (Section 330, Table 3)

As shown on the attached surveys provided by the applicant, they propose to split the subject lot as shown and propose a minimum lot width of 70.68 ft as part of a lot split. Section 330, Table 3 of the Tulsa County Zoning Code limits the minimum lot width in the AG district to 150 ft.

The applicant did not provide a statement of hardship for this case.

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 of the minimum lot width in the AG district to permit a lot split in an AG district. (Section 330, Table 3)

- Subject to the following conditions (if any) ________________________________

- 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"
PLAT OF SURVEY

DESCRIPTION
A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AC  "US GOVERNMENT SURVEY" THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST (SW) CORNER OF SAID SECTION 31; THENCE N88°46'20"E A DISTANCE OF 1,987.64 FEET TO THE POINT OF BEGINNING; THENCE N01°13'40"W THENCE A DISTANCE OF 1,320.99 FEET; THENCE N88°46'20"E A DISTANCE OF 220.68 FEET; THENCE S01°13'40"E A DISTANCE OF 515.00 FEET; THENCE S88°46'20"W A DISTANCE OF 150.00 FEET; THENCE S01°13'40"E A DISTANCE OF 805.00 FEET; THENCE S88°46'20"W A DISTANCE OF 70.68 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 170,765.14 SQUARE FEET OR 3.9 ACRES MORE OR LESS.

CERTIFICATION

DATE OF LAST SITE VISIT JULY 7, 2021.

BIRD SURVEYING & DESIGN, PLLC
9020 NORTH 178TH EAST AVENUE
OKEECHOBEE, OK 74063
(918) 645-8302
CA 4454 EXP 6/30/2022

Robert E. Bird, PE, PLS
OK PE 1558
July 7, 2021
PLAT OF SURVEY

DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST (SW) CORNER OF SAID SECTION 31; THENCE N88°46'20"E A DISTANCE OF 2,058.32 FEET TO THE POINT OF BEGINNING; THENCE N01°13'40"W THENCE A DISTANCE OF 805.00 FEET; THENCE N88°46'20"E A DISTANCE OF 150.00 FEET; THENCE S01°13'40"E A DISTANCE OF 805.00 FEET; THENCE S88°46'20"W A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 120,750.00 SQUARE FEET OR 2.8 ACRES MORE OR LESS.

CERTIFICATION


DATE OF LAST SITE VISIT JULY 7, 2021.

BIRD SURVEYING & DESIGN, PLLC
9020 NORTH 175TH EAST AVENUE
OKLAHOMA CITY, OK 73166
(405) 645-8392
CA 4454 EXP 6/30/2022

ROBERT E. BIRD, P.E., PLS
OK PLS 1558
july 7, 2021

ROBERT E. BIRD
1558

PROFESSIONAL LAND SURVEYOR
Case Number: CBOA-2974
Hearing Date: 06/21/2022 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Sarah Townsend
Property Owner: TOWNSEND, KATHLEEN DANIEL

Action Requested: Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

Location Map:

Additional Information:
Present Use: AG-R
Tract Size: 2.53 acres
Location: 10316 E 120 ST N
Present Zoning: AG-R
Fenceline/Area: Owasso
Land Use Designation: Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1406
CZM: 12
HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Sarah Townsend

ACTION REQUESTED: Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record in the AG-R district (Section 208).

LOCATION: 10316 E 120 ST N

ZONED: AG-R

FENCED: Owasso

TRACT SIZE: 2.53 acres

PRESENT USE: AG-R

LEGAL DESCRIPTION: TR IN S/2 N/2 SW W OF RR LESS W1936 LESS N25 THEREOF SEC 6 21 14 2.53AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1382 October 1995: The Board approved a Special Exception to allow a manufactured home in an AG-R District on property located at 10148 E 120th St N and a variance to permit two dwelling units dwelling units on one lot of record.

ANALYSIS OF SURROUNDING AREA: The subject tract is AG-R zoned and is surrounded to the north, west and south by AG-R, and to the east by RS-3 in Owasso with the uses being residential.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208) and a Special Exception to permit a mobile home in an AG-R district (Section 310).

As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a single-wide mobile home on the south side of the property. 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 with the exception in the AG district that there not be more than two dwellings per lot.

The applicant did not provide a hardship statement.
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 Special Exception to permit a mobile home in an AG-R district (Section 310)."

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

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

"Move to ________ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an 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"
LOT SPLIT SURVEY
PREPARED FOR SARAH TOWNSEND
10316 E. 120TH ST. N.,
COLLINSVILLE, OK 74021
SBROYNNT@GMAIL.COM
918-760-0330

LEGAL DESCRIPTION
SEE ATTACHED

CERTIFICATE
I, DANIEL S. GOSS, A REGISTERED SURVEYOR BY THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS IS NOT A LAND OR BOUNDARY SURVEY AND THAT NO EFFORT WAS MADE TO RESEARCH FOR ANY OTHER EASEMENTS AT THE COUNTY CLERK OR OTHER RECORDS OFFICE.

THIS PLAT WAS PREPARED FOR LOT SPLIT PURPOSES ONLY, AS REQUIRED.

WITNESS MY HAND AND SEAL THIS 30 DAY OF MARCH, 2022

DANIEL S. GOSS P.L.S. NO. 1316, CA NO. 3932

D. GOSS & ASSOCIATES
12347 HEYWOOD HILL RD.
SAPULPA, OK 74066
PH: (918)373-6296
EMAIL: SURVEY@DGOS-ASSOCIATES.COM
WEBSITE: DGOS-SURVEY.COM

Scale: NO SCALE
DATE: 03/30/2022
TOWNSEND
DRAWN BY: CJ
JOB #: 13875
REVISED:
SITE LAST VISITED: 03/22/2022
LEGAL DESCRIPTION

PARENT TRACT:
A tract of land containing 2.69 acres described as being all of the South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof...(deed)

TRACT 1:
The North 268.00 feet of the South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof...containing 1.53 acres, more or less.

TRACT 2:
The South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4). LESS AND EXCEPT the North 268.00 feet thereof...containing 1.15 acres, more or less.

30’ ACCESS EASEMENT
The Easterly 30.00 feet of the North 268.00 feet of the South half of the North half of the Southwest quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, that lies West of the Westerly Right-of-Way line of the A.T. & S.F. Railway, LESS AND EXCEPT the West 1,936 feet of said South Half of the North Half of the Southwest Quarter (S/2 N/2 SW/4) of Section Six (6), Township Twenty-One (21) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof...containing 1.53 acres, more or less.
**Case Number:** CBOA-2975  
**Hearing Date:** 06/21/2022 1:30 PM  

**Case Report Prepared by:**  
Jay Hoyt  

**Owner and Applicant Information:**  
**Applicant:** Susan Christensen  
**Property Owner:** CHRISTENSEN, JONATHAN M & SUSAN M  

**Action Requested:** Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D),

**Location Map:**

**Additional Information:**  
**Present Use:** Mobile Home  
**Tract Size:** 5 acres  
**Location:** 7530 W 41 ST S  
**Present Zoning:** AG  
**Fenceline/Area:** Sand Springs  
**Land Use Designation:** Residential
TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT

TRS: 9230  
CZM: 45

CASE NUMBER: CBOA-2975
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Susan Christensen

ACTION REQUESTED: Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D),

LOCATION: 7530 W 41 ST S  
ZONED: AG

FENCeline: Sand Springs

PRESENT USE: Mobile Home  
TRACT SIZE: 5 acres

LEGAL DESCRIPTION: S/2 W/2 W/2 NE NW SEC 30 19 12 5AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is currently AG and is use as a single family residence. It is surrounded to the north, south, east and partially to the west by AG zoned properties. CS zoned properties also exist along the northwester portion of the subject lot.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant submitted the following statement: “Subject property receives runoff from the adjacent property to the south. Removal of topsoil and addition of commercially compacted gravel on subject property will provide absorption of water and prevent runoff. There is a paved road to the entrance of proposed open storage lot.”

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

SAMPLE MOTION:

“Move to ________ (approve/deny) a Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: ________________________________.

Finding the hardship to be __________.

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

Aerial Photo Date: 2020/2021
Easement as described in Abstract: ..."as a means of access and a way of ingress and egress to and from Tract II (subject property) for the use and benefit of the present owners, mortgagees and any future owners of Tract II, and their respective lessees, employees, contractors, customers, tenants, licensees and invitees in the full use of enjoyment of Tract II..."
**Case Number:** CBOA-2976

**Hearing Date:** 06/21/2022 1:30 PM

**Applicant has requested Continuance to 7/19/22**

**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**
**Applicant:** Billy Driver

**Property Owner:** DRIVER, BILLY D AND MONA C

**Action Requested:** Variance of the street frontage requirements in an AG district from 30' to 0' Tract 1 (Section 207). Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. Tract 2 (Section 330 Table 3)

**Location Map:**

**Additional Information:**
**Present Use:** Residential

**Tract Size:** 11.05 acres

**Location:** 13455 E 66 ST N

**Present Zoning:** AG

**Fenceline/Area:** Owasso

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

TRS: 1433
CZM: 18

CASE NUMBER: CBOA-2976
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Billy Driver

ACTION REQUESTED: Variance of the street frontage requirements in an AG district from 30' to 0' Tract 1(Section 207). Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. Tract 2(Section 330 Table 3)

LOCATION: 13455 E 66 ST N

FENCeline: Owasso

PRESENT USE: Residential

ZONED: AG

TRACT SIZE: 11.05 acres

LEGAL DESCRIPTION: SW NE SW & S35 W35 SE NE SW & W35 E/2 SE SW LESS S50 THEREOF FOR RD SEC 33 21 14 11.049ACS, MINGO HOLINESS ASSEMBLY OF GOD CHURCH

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG with AG zoning to the west and east, RS-3 zoning (Owasso) to the north and RE zoning to the south.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the street frontage requiremements in a AG district from 30 ft t0 0 ft (Section 207) and a Variance of the minimum lot width in the AG district to permit a lot split. (Section 330, Table 3)

As shown on the plans provided by the applicant, they propose to split the existing lot into two lots of 8.1 and 3.0 acres in size. Access to the lots would be per the 35 ft wide segment of the existing lot that extends to E 66th St N.

The applicant provided the following statement “We are hoping to acquire a lot split from Tulsa County with an easement variance on our property that our son and family currently lives. There is no easement property available for purchase.

The high cost of housing or land for a modular home seemed to be out of reach for them. If we can deed them a piece of our land at no cost to them makes it affordable for a modular permanent home and have our son near by to help us stay on the property as long as possible during our old age. We are in our seventies.

We also want to deed our other two children a fair and equal part of the property after we have passed.”
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 of the street frontage requirements in an AG district from 30 ft to 0 ft (Section 207) and a Variance of the minimum lot width in the AG district to permit a lot split in an AG district. (Section 330, Table 3)

- Subject to the following conditions (if any) __________________________________________

- 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*"
We are hoping to acquire a lot split from Tulsa County with an easement variance on our property that our son and family currently lives. There is no easement property available for purchase.

The high cost of housing or land for a modular home seemed to be out of reach for them. If we can deed them a piece of our land at no cost to them makes it affordable for a modular permanent home and have our son near by to help us stay on the property as long as possible during our old age. We are in our seventies.

We also want to deed our other two children a fair and equal part of the property after we have passed.

Bill Driver
Mona Driver
Hoyt, Jay

From: Siers, Dylan
Sent: Monday, June 13, 2022 7:55 AM
To: Hoyt, Jay
Subject: FW: Continuance on CBOA2976

-----Original Message-----
From: MONA DRIVER <cd1442owok@aol.com>
Sent: Monday, June 13, 2022 7:49 AM
To: Siers, Dylan <dsiers@incog.org>
Subject: Continuance on CBOA2976

Bill Driver asking for continuance on lot split hearing July 19 case # CBOA2976 Thanks Sent from my iPhone
Bill Driver is asking for continuance for July 19 Case Number CBOA 2976. Thanks. Sent from my iPhone.
Board of Adjustment

Case Number: CBOA-2977
Hearing Date: 06/21/2022 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Barrick Rosenbaum
Property Owner: ROSENBAUM, BARRICK & SHARI

Action Requested: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).

Location Map:

Additional Information:
Present Use: Vacant
Tract Size: 17.8 acres
Location: 13045 N. Peoria Ave
Present Zoning: AG
Fenceline/Area: Skiatook
Land Use Designation: Rural Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 2331
CZM: 6

CASE NUMBER: CBOA-2977
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Barrick Rosenbaum

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).

LOCATION: 13045 N. Peoria Ave.

ZONED: AG

FENCeline: Skiatook

PRESENT USE: Vacant

TRACT SIZE: 17.8 acres

LEGAL DESCRIPTION: E/2 SW NW OR E/2 GOV LT 2 SEC 31 22 13 17.8AC, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1854 May 2001: The Board approved a Variance of section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district and a Variance to street frontage required on a public roadway.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and residential and agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207).

The applicant provided the following statement: "No other access to property. No direct access to paved county road – must cross easement, another parcel owned by us, to unimproved section line to Peoria."

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0’ of frontage onto N Peoria Ave. The applicant intends to build a single-family home on the property.

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

“Move to ______ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207).

Finding the hardship to be ________.

Subject to the following conditions (if any) ____________________.

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.”
DIRECTIONS OF BEARING

THE WEST LINES OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-TWO (22), NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, OKLAHOMA, IN AN NORTH-NORTHWEST LINE PER THIS SURVEY.

PROPERTY DESCRIPTION


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SURVEYOR'S CERTIFICATION

I, R. B. WATSON JR., A REGISTRY CERTIFIED LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

R. B. WATSON JR.
CERTIFIED LAND SURVEYOR
OKLAHOMA STATE BOARD OF LAND SURVEYORS
1511 W GLENDALE AVENUE
TULSA, OKLAHOMA 74120
PHONE: (918) 623-6500
FAX: (918) 623-6502
WWW.SCHUMMER.COM

ASSOCIATE MEMBER OF THE MCLS
ASSOCIATE MEMBER OF THE WLS
ASSOCIATE MEMBER OF THE AASLM
Case No. 1854

Action Requested:
Variance of Section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD -- Use Unit 6, 9; and a Variance to street frontage required on a public roadway. SECTION 207. STREET FRONTAGE REQUIRED, located 13051 N. Peoria.

Presentation:
Troy Hurd, 13151 N. Peoria, moved a mobile on parents' property without a permit. He set it where he had one previously. When he went to get utilities he discovered he needed to go before the Board of Adjustment.

Comments and Questions:
Mr. Alberts asked if it was all family on the lot. Mr. Hurd responded in the affirmative. Mr. Dillard asked the size of the other two mobiles. Mr. Hurd replied that they are 14' x 65'.

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

Board Action:
On MOTION of Walker, the Board voted 4-0-0 (Alberts, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Variance of Section 208 one single-family dwelling or mobile home per lot of record to permit three dwelling units in an AG district; and a Variance to street frontage required on a public roadway, with conditions for DEQ approval, building permit, skirting and tie-downs, finding the property is large enough for more than three dwellings, on the following described property:


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

Case No. 1855

Action Requested:
Special Exception to permit fireworks sales from June 25 to July 4, 2001, from 9:00 a.m. to 9:00 p.m. in a CH district for a period of five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES -- Use Unit 2; and a Variance of all-weather surface for temporary use. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 5505 W. Skelly Dr.
Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Vadim Balev
Property Owner: BALEV, VADIM

Action Requested: Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

Location Map:

Additional Information:
Present Use: Residential
Tract Size: 2.69 acres
Location: 1406 E 163 PL S
Present Zoning: AG
Fenceline/Area: Glenpool
Land Use Designation: Rural
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7330
CZM: 66

CASE NUMBER: CBOA-2978
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Vadim Balev

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

LOCATION: 1406 E 163 PL S
ZONED: AG

FENCeline: Glenpool

PRESENT USE: Residential
TRACT SIZE: 2.69 acres

LEGAL DESCRIPTION: LT 1 LESS S277.20 THEREOF BLK 2, FAULKENBERRY ESTATES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2744 April 2019: The Board approved a Variance of the minimum lot area in the AG district and a Variance of the minimum land area per dwelling unit to permit a lot split.

ANALYSIS OF SURROUNDING AREA: The subject tract is currently zoned AG with AG zoning to the north, south, east and west, primarily used for single-family residential.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the Minimum Lot Area requirement and a Variance of the minimum Land Area Per Dwelling Unit requirement to 1 acre on Tract 1 and Tract 2 as well as a Variance to reduce the rear and side setbacks to allow a lot-split as shown on the attached site plan.

The applicant provided the following statement: "I would like to build my mother a house in the upcoming future. This way my mother can be in close proximity in order for me to help her as my father passed away."

The applicant is attempting to split 2.8+ acres of land from the existing AG zoned parcel into a 1.8 acre and 1 acre tract. Per Section 330 of the Code, the AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. The proposal will create two lots.
If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion:

“Move to ________ (approve/deny) a Variance to reduce the minimum lot area per dwelling unit in an AG district to 1 acre; and a Variance to reduce the minimum land area per dwelling unit requirement in an AG district to 1 acre and a Variance to reduce the rear setback to 10 ft and the side setback to 5 ft (Sec.330) to permit a lot split.

Finding the hardship to be ________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.”
Lot Split Exhibit Tract 1
A Part of Lot 1 Block 2
Faulkenberry Estates
Tulsa County, Oklahoma

Legal Description Tract 1:
LOT ONE (1) BLOCK TWO (2) FAULKENBERRY ESTATES LIE WITHIN THE SOUTH 27.10
FEET WIDE, LOCATED IN SECTION THIRTY-THIRD TOWNSHIP NORTHEAST QUARTER (1/4) NORTH
RANGE THIRTEEN (13) EAST, TULSA COUNTY, STATE OF OKLAHOMA.

Surveys' Certification:
MC BISENORE & ASSOCIATES, INC. HEREBY CERTIFY THAT THE SHEET REPRESENTS A SURVEY
PERFORMED UNDER OUR DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF OUR
KNOWLEDGE AND BELIEF AS OF THE DATE.

This plat of survey was prepared under the immediate supervision of and reviewed by the Surveyor of Record for professional engineers and land brokers for the State of Oklahoma.
REPRESENTED BY HAND AND SEAL, FIFTH DAY OF APRIL, 2003.

SISEMORE & ASSOCIATES
Surveying - Civil Engineering - Land Planning
6860 South Sheridan Road Phone: (918) 664-3500
Suite 210 - Tulsa, Oklahoma 74133 Fax: (918) 664-3503
C.A. No. 2427
www.sisemoreandassociates.com
Lot Split Exhibit Tract 2
A Part of Lot 1 Block 2
Faulkenberry Estates
Tulsa County, Oklahoma
Action Requested: Use Variance to permit Medical Marijuana Processing (Use unit 26) in the AG District (Sec. 1226)

Location Map:

Additional Information:

Present Use: Residential

Tract Size: 20.5 acres

Location: 7209 W 56 ST S

Present Zoning: AG

Fenceline/Area: W Central Tulsa

Land Use Designation: Rural Residential/Agriculture
TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT

TRS: 9231  
CZM: 45  

CASE NUMBER: CBOA-2979  
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/21/2022 1:30 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Use Variance to permit Medical Marijuana Processing (Use unit 26) in the AG District (Sec. 1226)

LOCATION: 7209 W 56 ST S  

ZONED: AG

FENCeline: W Central Tulsa

PRESENT USE: Residential  

TRACT SIZE: 20.5 acres

LEGAL DESCRIPTION: S/2 SW NE & N30 W730 E1360 N/2 SE SEC 31 19 12 20.503ACS, NORTH TANEHA Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1191 September 1993: The Board approved a Special Exception to permit a private airport in an AG zoned district. Located at 7272 W 51st St S.

CBOA-2949 February 2022: The Board approved a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 ft to 0 ft. Located West of the SWC W 51st St S & S 65th W Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract is currently zoned AG with a single-family residence and has AG zoning to the north, south and west and RS zoning to the east.

STAFF COMMENTS:

The applicant is before the Board requesting a Use variance to allow Use Unit 26, Moderate Manufacturing and Industry, to permit a medical marijuana processing facility in an AG district (Section 1226).

A Use Variance to allow Use Unit 26, Moderate Manufacturing Industry, is required as Use Unit 26 is not allowed by right in an AG district. According to the attached site plan, the proposed use will happen in the room in the northwest corner of the existing building and is 375 sf. The applicant has stated that the process will be entirely water based. Oklahoma Medical Marijuana Authority, OMMA, will require the proper licenses be approved and maintained for the applicant to process medical marijuana.
The applicant provided the following statement "Due to the small scale of the proposed use and the lack of any perceptible impact to the surrounding area, coupled with the large swath of existing industrial activity just a quarter of a mile to the east, the strict application of the Code results in unnecessary hardship to the Property owner. The Variance will not cause any detriment to the public good nor impair the spirit and intent of the code"

Sample Motion:

"Move to _______ (approve/deny) Use Variance to permit Medical Marijuana Processing (Use Unit 26) in the AG district (Section 1226).

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."
Exhibit “A”

The South Half (S/2) of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of Section Thirty-One (31), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, together with a private easement Thirty (30') feet in width for purposes of ingress and egress to the land above described, said easement to be over and across the North Thirty (30') feet of the West Seven Hundred Thirty (730') feet of the East Thirteen Hundred Sixty (1360') feet of the North Half (N/2) of the Southeast Quarter (SE/4), Section Thirty-One (31), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States Government Survey thereof.
Exhibit “B”

The Applicant requests a Use Variance from Section 310, Table 1 of the Tulsa County Zoning Code (the “Code”) to permit medical marijuana processing in an AG District at property located at 7209 W. 56th Street South (the “Property”).

The Property is located north and west of the intersection of Southwest Boulevard and South 65th West Avenue. The Property is surrounded on all sides by AG zoning except to the east which is zoned RS. Further east just a quarter mile, however, is IL and IM zoning which accommodate the moderate and heavy industrial uses along Southwest Boulevard (e.g., Oklahoma Forge, Heater Fabricators of Tulsa, Born Industrial Supply, among others). To the north is a vacant tract with plans for a residence to be constructed. The owners of the property to the north are currently the tenants at the Property while their house is completed; to the west is Our Farm, a local dairy and produce farm; to the South is agricultural land owned by the Applicant’s grandmother.

The Property owner desires to operate a small medical marijuana processing operation in the existing, 5,000 sf metal outbuilding located on the west side of the Property. The processing operation would occur in an approximately 375 SF enclosed area in the northwest corner of the building. The processing will be entirely water based. The product arrives frozen in authorized storage containers, where it is washed, sifted and freeze dried. The equipment will include up to 6 extraction washing machines, each about 26 pounds and 2’x3’ in size; a home freeze dryer, about 112 pounds and 1’x2’ in size, and a deep freezer. There will be 2 employees. Transport of product from local growers will occur 2-3 times per month. Because the product will be either frozen or submerged in water throughout the entire process, there will be virtually no detectable odor.

Due to the small scale of the proposed use and the lack of any perceptible impact to the surrounding area, coupled with the large swath of existing industrial activity just a quarter of a mile to the east, the strict application of the Code results in unnecessary hardship to the Property owner. The Variance will not cause any detriment to the public good nor impair the spirit and intent of the Code.
Carol Mulcare
5700 S 65th W Ave.
Case Number: CBOA-2979

I am writing this letter in support of Matthew Mulcare who is requesting a Use Variance for his property. He has explained the proposed business operation to me and I have no concerns giving my support for this Use Variance.