AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday August 16, 2022, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 510

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 July 19, 2022 (Meeting No. 509)

UNFINISHED BUSINESS

2. 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
   (Applicant requests a Continuance to 10-18-22)

3. 2984 - Brian Brady
   Variance to permit a detached accessory building in the RS district to be greater
   than 750 sf of floor area (Section 240.2.E), Use Variance to allow Use Unit 23 in
   an RS district to permit outdoor storage (Section 410), a Variance from the all-
   weather parking surface requirement (Section 1340.D)
   Location: 5723 S 35th West Ave
NEW APPLICATIONS

4. 2986 - Charles Stewart
   Variance to permit a 5ft fence in the front yard of subject property (Section 250.1)
   Location: 703-705 N Willow Rd

5. 2987 - CRB Companies
   Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)
   Location: 7847 N 71st E Ave
   (Applicant requests a continuance to 9-20-22)

6. 2988 - Tradition Homes LLC
   Variance of the minimum land area per dwelling unit requirement from 2.1 acres to allow for 2 dwelling units on a 3.17-acre lot (Sec. 330) Location: 11974 S 121st E Ave

7. 2989 - Tradition Homes LLC
   Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208) Location: 17010 S Harvard Ave

8. 2990 - Nathan Hardage
   Special Exception to permit a permanent mobile home in an AG district (Sec 310) Location: 15061 E 181st South

9. 2991 - John Patrick Watkins
   Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) Location: 1341 South 271st W Ave

10. 2992 - Liliana Garcia
    Variance to reduce the required side yard in the RMH District from 5-feet to 2-feet (Sec. 430.2.A) Location: 1910 E. 62nd St. N.

11. 2993 - Kevin White
    Variance from the all-weather parking surface requirement (Section 1340.D). Location: 11418 W 59th St S

12. 2994 - Alissa Browning
    Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) Location: 17950 N Peoria Ave

13. 2995 – Joseph Farris
    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: NW/c of North 145th E. Ave. & E. 66th Street North
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

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.
Subject: FW: 1406 E 163rd Pl S Variance
Attachments: image001.png; image002.png; image003.png

From: Hoyt, Jay
Sent: Monday, August 01, 2022 4:34 PM
To: Tauber, Sherri <stauber@incog.org>
Subject: FW: 1406 E 163rd Pl S Variance

Sherri,

The applicant for CBOA-2978, which was continued by the Board to 8/16 has requested an additional continuance to 10/18.

Thank you,

Jay Hoyt

From: Vadim Balle <vadim.balev@gmail.com>
Sent: Monday, August 01, 2022 4:26 PM
To: Hoyt, Jay <jHoyt@incog.org>
Subject: Re: 1406 E 163rd Pl S Variance

Hi Jay, 10/18/22 would be great.

On Mon, Aug 1, 2022, 7:09 AM Hoyt, Jay <jHoyt@incog.org> wrote:

Vadim,

You can request a continuance for your case. The next Board of Adjustment meeting after the 9/20 meeting your case is currently scheduled for would be 10/18. Would you like to request a continuance to the 10/18 Board of Adjustment meeting or to a later date?

Thank you,
**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
TRS: 7330
CZM: 66

HEARING DATE: 08/16/2022 1:30 PM (Continued from 06/21/2022)

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

FENCeline: Glenpool

PRESENT USE: Residential

ZONED: AG

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."
We are James & Judy Evers. We own 4.4 acres with our home at 16418 S Rockford Ave, Bixby 74008. Mr. Balev's property backs up to ours. We, as his adjoining neighbor have MANY objections to a lot split or anything else he might request at this time. I did speak to him on the phone and asked him to get a dumpster for the trash along our fence line or at least put up a privacy fence. HE HAS DONE NOTHING!!!

If you observe our area and neighboring area you will see that whether small or large, new or old, EVERYONE keeps their property in suitable condition. Except for his, we have a very nicely kept and well valued neighborhood. There are 3 newly built homes next to him in which owners are appalled by the condition of his property.

We would like to attend the meeting, however we work and can not do so. It's unfortunate that the County does not better serve the community by having these meetings after 4pm so people can better attend, or at lest first thing in the morning so they don't miss extended time from work.

OBJECTIONS...
1. If they split that lot there is no way to even build a separate drive or road to access the property. There is nowhere to put access to get back there.

2. The house is in total disarray inside and out and not liveable for anyone.
3. He has offered multiple stories to you and neighbors regarding what he intends to do with the back lot if split. He told me he had no idea what they were going to do with it actually and not for years if anything. He told you that he wants to build a house for his mother. **They live in California and are only here trying to settle Ivan's estate which contains the house and land.** The multiple stories of the land split purpose do not add up.

4. It is obvious they intend to put a dumpy old trailer on that back property to live in since the house is not suitable to live in. **PLEASE SAY NO!!!**

5. Has anyone even checked to verify he owns this property? This property belonged to his father, Ivan who recently died. There is no way they could have settled his estate this quickly.

6. **How would they even get utilities and sewer back there?** Would Creek County RWD even approve a water tap and meter for there?

7. They can't maintain the trash and debris they throw outside now. **How are they going to maintain any new construction debris and trash for building another house?** Despite requests, he refuses to rent trash dumpsters for the trash in front nor for the trash up against our fence. I CAN NOT BELIEVE THE COUNTY DOES NOT REQUIRE HE DO THIS!!

8. **LAST BUT NOT LEAST THEY DEPRECIATE THE VALUE OF OUR PROPERTY!!** We are trying to sell and move this summer, however 2 realtors told us if we can not get them to remove their trash and debris from our fenceline (which is in a very visiable area) we should wait and hope the County will require them to contain the trash properly in a dumpster. THAT'S HOW BAD IT IS!!
9. **CAN YOU NOT TELL HIM NO TO THE SPLIT REQUEST UNTIL HE GETS HIS PROPERTY IN PROPER CONDITION AND NO LONGER INTRUDES UPON HIS NEIGHBORS LIVING CONDITIONS?** There has got to be some kind of code which requires him to at least put the trash on our property line into a dumpster, surely so??

I am attaching pics to demonstrate how these people live. You will see trash backed up against our fence line and their frontal property always contains trash and debris. I have tried to contact the Tulsa County Code Violation Dept but they never call me back. Other neighbors have had the same result, no return call.

Until recently they had dozens of sheep and goats. They fed them by throwing their full bags of garbage out in the yard for them to eat and scatter all over everyone else's property as well. This was their option to not paying for trash service like everyone else does. They had a huge Bull which broke thru our fence, damaged our property, chased our mini horses trying to horn spear them. You will see there are Sheriffs notes on having to come out multiple times about the unsanitary garbage trash everywhere, having too many sheep & goats for the property size, and their animals breaking our fence and coming onto our property. Their goats ate half of our round bale of hay which we purchased for our horses.

Current and past history proves that they do not value their property, nor have respect for anyone else's. If you allow them to split that lot it is only going to get worse!! Living in an AG area should not mean that people have no rules and can live in such a way. Neighbors who have paid much and worked hard for their property should not be depreciated and disrespected in this way! **WOULD YOU WANT HIM LIVING NEXT TO YOUR PROPERTY??**
Hello, my name is Judy Evers and our property adjoins 1406 E 163rd Pl S property in the above case. We live at 16418 S Rockford Ave. I have attached some up to date photos to illustrate the current situation.

In June 2022 I emailed copies of the trash and debris surrounding this property with details about the conflicting information we know to be true. I, and neighbors, are pleased to hear that you continued the application until August rather than approving it. Thank you for listening.

However, a month later the property is worse than ever. The trash and debris along his back fence line which adjoins ours has much more trash and debris piled against our fence. The additional trash appeared shortly after the June meeting. NOTHING has been removed or cleaned up, only more piled up there. Not a single trash dumpster has been there! If he wants to store trash, garbage, and debris on his property he should be required to contain it in trash containers or dumpsters. The trash and debris are encroaching our fence line worse than ever and the front of their house is worse than ever.

I, being in the construction industry for many years, understand the property renovation process is long and gruelling, but my neighbors and I do not understand why he is not required to contain it in dumpsters like any other construction project is required to avoid a fine. We have left messages for Tulsa County property inspection and enforcement and never received one return phone call. Furthermore, he does not even use a regular trash service to pick up his regular garbage weekly. So, where
do you think his food, toxic items, and regular household trash goes? It goes in the huge piles in front of his house and the enormous pile on our fence line. It often blows out into the street and onto neighbors property.

If you were to inspect the inside of the house you would likely condemn it. I wish an inspector would just go there and look inside it. The house has been repo'd multiple times and out of the 3 people who have lived there, none of them have been able to renovate the house to suitable living conditions.

He, being from out of state, may not realize that the land itself in the entire 4+ acres is worth much more than the house. His most financially sound action would be to not invest any money in the house and just sell for the land value without splitting it.

End result; he is depreciating our property value and our sale value. We had hoped to move and downsize this summer but were advised to wait until hopefully the county requires him to use dumpsters or clean it all up. If you look at the homes on his street they are fairly newly built homes and well kept up. If you look at the properties on our street you will see older homes but they are all well maintained and certainly do not have trash everywhere outside.

When we had out home re-roofed and new siding we were required to rent dumpsters for the construction debris both times. When the neighbors Hess family renovated there 2 properties on our street they had multiple dumpsters there. Never once did anyone experience visible trash or debris. **Why is he not required to do so?**

Thank you for your assistance to date, and I apologize for "running on" in this letter. We have just worked so hard to maintain our property
properly and it is so painful to see it depreciate in value due to someone else’s visibly abnormal way of living.

Sincerely,
Judy Evers
918-857-5197 cell phone
16418 S Rockford Ave, Bixby 74008
**Case Number:** CBOA-2984  
Continued from 07/19/2022  
**Hearing Date:** 08/16/2022 1:30 PM

**Case Report Prepared by:**  
Jay Hoyt

**Owner and Applicant Information:**  
Applicant: Brian Brady  
**Property Owner:** BRADY, PATRICK BRIAN

**Action Requested:** Variance to permit a detached accessory building in an RS district to be greater than 750 sf of floor area (Section 240.2.E), Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410), a Variance from the all-weather parking surface requirement (Section 1340.D)

**Location Map:**

<table>
<thead>
<tr>
<th>Additional Information:</th>
</tr>
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<tbody>
<tr>
<td>Present Use: Residential</td>
</tr>
<tr>
<td>Tract Size: 2.49 acres</td>
</tr>
<tr>
<td>Location: 5723 S 35 AV W</td>
</tr>
<tr>
<td>Present Zoning: RS, RS-3</td>
</tr>
<tr>
<td>Fenceline/Area: N/A</td>
</tr>
<tr>
<td>Land Use Designation: Rural Residential/Agricultural</td>
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</tbody>
</table>

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

TRS: 9233
CZM: 45

CASE NUMBER: CBOA-2984
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Brian Brady

ACTION REQUESTED: Variance of to permit a detached accessory building in an RS district to be greater than 750 sf of floor area (Section 240.2.E), Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410), a Variance from the all-weather parking surface requirement (Section 1340.D)

LOCATION: 5723 S 35 AV W
ZONED: RS,RS-3

FENCeline: N/A

PRESENT USE: Residential
TRACT SIZE: 2.49 acres

LEGAL DESCRIPTION: S90 W/2 LT 11 & ALL LT 14, CAMPBELL HILLS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2270 June 2007: The Board denied a Use Variance to permit an existing trucking establishment in an RS district (Section 410) and a Variance of the paving requirement to permit the existing gravel parking and loading surfaces (Section 1340 and 1350).

Surrounding Property: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract has been used as a trucking facility and is surrounded by RS to the north, south and west, which contain single-family residences and RS-3/PUD-483 to the east (City of Tulsa) containing a self-storage facility.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of to permit a detached accessory building in an RS district to be greater than 750 sf of floor area (Section 240.2.E), a Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410), and a Variance from the all-weather parking surface requirement (Section 1340.D).

This case was continued from 07/19/2022 to add the Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage and the Variance from the all-weather parking surface requirement to the original request to permit the detached accessory building.

The applicant has stated that the proposed accessory building would be used for storage of personal equipment and vehicles and will not be used for commercial purposes. For commercial uses, the site would need to be rezoned to an appropriate commercial zoning district.
The applicant provided the statement: “Allowed detached accessory building square footage needs to be bigger to allow for a 40’X60’ (2,400 sf) pole barn.

Sample Motions:

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

“Move to _______ (approve/deny) a Variance of to permit a detached accessory building in an RS district to be greater than 750 sf of floor area (Section 240.2.E)

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.

Sample Motion:

“Move to _______ (approve/deny) Use Variance to allow Use Unit 23 in an RS district to permit outdoor storage (Section 410)

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.”

Sample Motion:

“Move to _______ (approve/deny) a Variance of the paving requirement to permit the existing gravel parking and loading surfaces (Section 1340 and 1350).

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.
Subject: Board of Adjustment Case Number CBOA-2984 meeting Tuesday 7-19-2022 1:30 p.m.

Karen Keith – District 2 Tulsa County Commissioner
Jennie Richardson Cue – District 2 Tulsa City Councilor

I would like to invite our Commissioner and Councilor to come to the Board of Adjustment meeting.

Please see email dated 7-8-22 below to Mr. Hoyt and attached mailing from the Tulsa County Board of Adjustments. This applicant has ignored the order in 2007 where the board ruled against the applicant that they could not operate a business in an RS district. The previous Tulsa County Commissioner (Randi Miller) was present at that meeting. Now the business seems to be expanding. They have already built the building they are seeking a variance for and has already removed the house referenced on his plans from the property. On this parcel of land there is no longer a residential house on it, only numerous large Semi trucks. The person seeking the variance lives in Jenks.

Thank you in advance for your help or guidance.
The meeting is on July 19 at 1:30 p.m.

Leslie Davis
918-519-7641
rdavis153@cox.net

From: Leslie Davis
Sent: Friday, July 8, 2022 5:30 PM
To: jhoyt@incog.org
Cc: bcreagle@att.net; Leslie Davis
Subject: Board of Adjustment Case Number CBOA-2984 meeting Tuesday 7-19-2022 1:30 p.m.

Hello Mr. Hoyt,

We received a copy of a letter – Case number CBOA-2984 with reference to Mr. Brady seeking a variance for a detached accessory building in an RS district to be greater than 750 of the floor area. Mr. Brady’s hand written plans are a little misleading. They show a 2 story dwelling with 2 car garage and no building as requested before the board. The house has been demolished from the property and there is a building approximately 40 by 60 already built on the property.

We ask what this building is going to be used for?
The person requesting this variance lives in Jenks and does not live on the property. I don’t see a residential dwelling at all on this property. Randi Miller the former Tulsa County Commissioner before Karren Keith, had issued an order in 2007 ruled that no business could be permitted at this address.
The picture provided does not reflect the missing house or the increased number of trucks or the already constructed building.

Can you help me get answers to these questions.
What is the building going to be used for?
How is he allowed to operate a business in an RS District even trying to expand when he was ordered to stop in 2007 when this was brought before the board?

I would call or email Mr. Brady direct but I don’t know how it would be received since the 2007 ruling was against him and for the neighbors. (Thank goodness for Randi Miller on this one for looking out for the neighbors in an RS district.)
My phone number is 918-519-7641
I will look forward to you call or email.
Email: Rdavis153@cox.net
Email: BcReagle@att.net

Thank you
Leslie Davis, Milford and Bonnie Reagle
Hello my name is Scott Kaine, I own the house located at 3411 W 59th St. In regards to the variance request by my neighbor for a building I can attest to the fact that I have wanted to file a noise complaint for almost a decade because of all the Semi Truck traffic at all hours of the night but I always figured it was a zoned commercial property so I had no recourse.

I was surprised to find out that it is a residential zone, I can tell you, that is a fully run and operational business with trucks coming in and out at all times. I have a clear view from my bedroom window as they have lot lights usually but not always on full blast in their parking lot.

There is no way this has ever been used as a residential home in the 10 years I have been here. This is a business property based on the traffic and construction equipment that often comes through there.

"When you do things right, people won't be sure you've done anything at all." Scott Kaine The Bonnie Box http://www.TheBonnieBox.com
**Case Report Prepared by:**
Jay Hoyt

**Case Number:** CBOA-2986
**Hearing Date:** 08/16/2022 1:30 PM

**Owner and Applicant Information:**
**Applicant:** Charles Stewart
**Property Owner:** STEWART, CHARLES R

**Action Requested:** Variance to permit a 5 ft fence in the front yard of the subject property (Section 250.1)

**Location Map:**

![Location Map](image)

**Additional Information:**
- **Present Use:** Residential
- **Tract Size:** 1.47 acres
- **Location:** 703-705 N WILLOW RD W
- **Present Zoning:** RS
- **Fenceline/Area:** Sand Springs
- **Land Use Designation:** Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9109
CZM: 34

CASE NUMBER: CBOA-2986
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Charles Stewart

ACTION REQUESTED: Variance to permit a 5 ft fence in the front yard of the subject property (Section 250.1)

LOCATION: 703-705 N WILLOW RD W
ZONED: RS

FENCeline: Sand Springs

PRESENT USE: Residential
TRACT SIZE: 1.47 acres

LEGAL DESCRIPTION: LT 21 & S60 LT 22 BLK 7, CHARLES PAGE HOME ACRES SUB NO 1 Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family residence. The site is surrounded to the north, south, east and west by RS zoning containing single-family residences to the north, south and west and a church to the east.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance to permit a 5 ft fence in the front yard of the subject property (Section 250.1).

The Tulsa County Zoning Code limits the height of fences located in the required front-yard setback to 4 ft in height. The applicant is proposing to exceed this limitation by 1 foot.

The applicant submitted the following statement: “I have had many problems with my neighbor to the north, Ronald Dean Minton, who is currently in Tulsa County Jail for violating the protective order that my daughter has against him. I need the fence in front to keep him off of my property and I need the 5 ft for my large dog breeds.”

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

Sample Motion:

“Move to _______ (approve/deny) a Variance to permit a 5 ft fence in the front yard of the subject property (Section 250.1)

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.
Hi Jay,

Due to scheduling conflicts within our team, we would like to request our application for Special Exception for a 140 ft wireless communications tower, CBOA-2987, be continued to the 9/20/22 BOA meeting.

Thank you,

Kayla Kramer
CRB Companies LLC
7335 S Lewis Ave Ste 300
Tulsa OK 74136
918.851.9102 mobile
918.949.4557 fax
kayla.kramer@branchcomm.net

From: Hoyt, Jay <JHoyt@incog.org>
Sent: Tuesday, June 21, 2022 11:16 AM
To: Kayla Kramer <kayla.kramer@branchcomm.net>
Subject: RE: AT&T Communications Tower OKL00453 / Owasso 76th BOA submittal

OUTSIDE SOURCE

Kayla,

Sorry about that. I've corrected the application to reflect a height of 140'. Attached is the revised application.

Thank you,

Jay Hoyt

From: Kayla Kramer <kayla.kramer@branchcomm.net>
Sent: Tuesday, June 21, 2022 11:05 AM
To: Hoyt, Jay <JHoyt@incog.org>
Subject: RE: AT&T Communications Tower OKL00453 / Owasso 76th BOA submittal

Hi there,
**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**
Applicant: CRB Companies LLC
Property Owner: MCWILLIAMS, BRADLEY H

**Action Requested:** Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)

**Location Map:**

**Additional Information:**
Present Use: Vacant
Tract Size: 5 acres
Location: 7847 N 71 AV E
Present Zoning: AG
Fenceline/Area: Owasso
Land Use Designation: Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1326
CZM: 17
CASE NUMBER: CBOA-2987
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: CRB Companies LLC

ACTION REQUESTED: Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)

LOCATION: 7847 N 71 AV E
ZONED: AG

FENCILINE: Owasso

PRESENT USE: Vacant
TRACT SIZE: 5 acres

LEGAL DESCRIPTION: S/2 SE NE SW SEC 26 21 13 5ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2935 November 2021: The Board denied a Special Exception to permit a 145 ft. Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 310 and Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining AG zoned lots (Section 1204.3)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG with AG zoned properties to the north, south, east and west of the subject lot, with each utilized for single-family residences.

STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3).

The Board had previously denied a Special Exception request for the subject lot in November of 2021 to permit a 145 ft tower and a Special Exception to reduce the required tower setback from the adjoining AG zoned lots (CBOA-2935). The applicant is now requesting a Special Exception for a 140 ft tower and is not seeking a Special Exception for the tower setback.

Sample Motion:

"Move to _______ (approve/deny) a Special Exception to permit a 140 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3)"

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.
Case Number: CBOA-2988
Hearing Date: 08/16/2022 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Tradition Homes LLC
Property Owner: SMITH, CORBIN D

Action Requested: Variance of the minimum land area per dwelling unit requirement from 2.1 acres to allow for 2 dwelling units on a 3.17 acre lot (Sec. 330)

Location Map:

Additional Information:
Present Use: Residential
Tract Size: 3.17 acres
Location: 11974 S 121 AV E
Present Zoning: AG
Fenceline/Area: Broken Arrow
Land Use Designation: Urban Residential

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

TRS: 8432
CZM: 58

CASE NUMBER: CBOA-2988
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Tradition Homes LLC

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement from 2.1 acres to allow for 2 dwelling units on a 3.17 acre lot (Sec. 330)

LOCATION: 11974 S 121 AV E

ZONED: AG

FENCENAME: Broken Arrow

PRESENT USE: Residential

TRACT SIZE: 3.17 acres

LEGAL DESCRIPTION: PRT SE SW 2637.44E & 606.87N SWC SW TH W577.50 N240 E577.50 S240 POB LESS E33 FOR RD SEC 32 18 14 3.17ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG with AG zoned properties to the north, south, east and west of the subject lot, with each utilized for single-family residences.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the minimum land area per dwelling unit requirement from 2.1 acres to allow for 2 dwelling units on a 3.17 acre lot (Sec. 330).

Per the site plan provided by the applicant, an existing home on the lot will be utilized as a study/shop and a new home is proposed to be constructed on the lot.

The applicant provided the statement “One of the structures was a temporary residence while we built and is to be used as a study and shop after the home is built.”

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

Sample Motion:

“Move to _______ (approve/deny) a Variance of the minimum land area per dwelling unit requirement from 2.1 acres to allow for 2 dwelling units on a 3.17 acre lot (Sec. 330).

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.
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tbody>
<tr>
<td>Jay Hoyt</td>
<td>Applicant: Tradition Homes LLC</td>
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<td></td>
<td>Property Owner: BALLARD,</td>
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<td>CHRISTOPHER &amp; KEELEY</td>
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</tbody>
</table>

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

**Location Map:**

![Map of Tulsa County](image)

**Additional Information:**

- **Present Use:** Residential
- **Tract Size:** 2.78 acres
- **Location:** 17010 S HARVARD AV E
- **Present Zoning:** AG-R
- **Fenceline/Area:** Bixby
- **Land Use Designation:** Neighborhood Commercial

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

TRS: 7329
CZM: 66

CASE NUMBER: CBOA-2989
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Tradition Homes LLC

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

LOCATION: 17010 S HARVARD AV E

ZONED: AG-R

FENCeline: Bixby

PRESENT USE: Residential

TRACT SIZE: 2.78 acres

LEGAL DESCRIPTION: LOT 8 BLOCK 1, WOODWARD ACRES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CZ-502 June 2020: The Board of County Commissioners approved a zoning change from AG to AG-R for the subject lot and surrounding properties to the north, south and west. The property to the south contains a single-family residence. The properties to the north, west and east are vacant agricultural parcels.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG-R with AG-R zoned properties to the north, south and west of the subject lot and AG zoned parcels to the east, with each utilized for single-family residences.

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).

The subject lot is approximately 2.78 acres in size. The minimum land area per dwelling unit in the AG-R district is 1.1 acres, so the subject lot would contain enough land area to support the request for two dwelling units on the subject lot.

The applicant provided the following statement “Accessory building was just a temporary residence until the main home was constructed. Will be used as a shop and study going forward.”

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

Sample Motion:
*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.

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.
PRIVATE SUBDIVISION
Woodward Acres
A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SOUTH HALF (S/2) OF THE SOUTHEAST QUARTER (SSEQ) OF THE SOUTHEAST QUARTER (SSEQ) OF SECTION TWENTY-TWO (S22), TOWNSHIP SEVENTEEN (17T) NORTH, RANGE THIRTEEN (13R) EAST OF THE INDIAN BASE AND MERIDIAN ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Unplatted

Driveway Summary Table

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<thead>
<tr>
<th>Driveway</th>
<th>Location</th>
<th>Minimum Pipe Size</th>
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<td>Location 1</td>
<td>2/16 RD OR HP</td>
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<td>1-1/4 RD OR HP</td>
</tr>
<tr>
<td></td>
<td>Location 5</td>
<td>2/16 RD OR HP</td>
</tr>
</tbody>
</table>

NOTE: MINIMUM PIPE SLOPE 0.015

Owner / Developer
ODAR PROPERTIES, LLC
2122 WEST CHARLOTTE STREET
BROKEN ARROW, OK 74014
PHONE: (918) 607-0125
E-MAIL: KEVINJ@ODARPROPERTIES.COM

Surveyor
FINO AND Partners, LLC
201 WEST 10TH STREET
DURANT, OKLAHOMA 74701
PHONE: (580) 225-3291
E-MAIL: info@finosurveyors.com
C.A. 4105 EXP 10-31-2022

Engineer
WOODCOG ENGINEERING PLLC
P. O. BOX 1067
GILPIN, OKLAHOMA 74031
PHONE: (918) 234-2621
E-MAIL: info@woodcog.com
C.A. 4005 EXP 12-31-2023

Certificate
I hereby certify that all work shown is in conformance with the plans and specifications on file with the said City of Broken Arrow, and that the work has been performed in accordance with the standards set forth by the said City of Broken Arrow. This work is approved by the City of Broken Arrow, and the certificate is valid as of its issuance date.

Signature
[Signature]
[Date]
**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**
Applicant: Nathan Hardage
Property Owner: HARDAGE, MALCOLM GENE AND

**Action Requested:** Special Exception to permit a permanent mobile home in an AG district (Sec 310)

**Location Map:**

![Location Map](image)

**Additional Information:**
- **Present Use:** Residential
- **Tract Size:** 5.01 acres
- **Location:** 15061 E 181 ST S
- **Present Zoning:** AG
- **Fenceline/Area:** Bixby
- **Land Use Designation:** Rural Agriculture

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Tulsa County Comprehensive Land Use Plan

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CBOA-2990 8.1
REVISED 8/8/2022
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7434
CZM: 69

CASE NUMBER: CBOA-2990
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Nathan Hardage

ACTION REQUESTED: Special Exception to permit a permanent mobile home in an AG district (Sec 310)

LOCATION: 15061 E 181 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 5.01 acres

LEGAL DESCRIPTION: PRT E/2 SW BEG 661.55W SECR SW TH W331.53 N657.93 E331.74 S658.21 TO POB SEC 34 17 14 5.010ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence. The properties to the north and west are zoned AG and are vacant agricultural land. The property to the east is zoned AG and contains an existing barn structure. The properties to the south are zoned RE and contain single-family residences.

STAFF COMMENTS:
The applicant is before the Board to request a Special Exception to permit a permanent mobile home in an AG district (Sec 310).

Per the site plan provided by the applicant, the proposed mobile home will be located on the subject lot immediately to the south of the existing home on the property and is intended to be permanently placed on the lot.

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

Sample Motion:

"Move to _______ (approve/deny) a Special Exception to permit a permanent mobile home in an AG district (Sec 310)"

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.

CBOA-2990 8.3
Clayton homes

Best Home, Best Price
We offer a variety of options to make any house your own.

HOME FEATURES

- 1368 Sq/Ft
- 3 BED/2 BATH
- Flex Space
- Energy Smart
- Super Wide 18'
- Open Concept

The Balance

- Large Primary Bedroom
- Spacious Living Room
- Large Closets

The home center and floor plans shown all have starting prices within the price range indicated. Your local Home Center can quote you specific prices and terms of purchase for specific homes. Clayton homes is committed to product and process improvements. All home names, floor plans, specifications, dimensions, features, materials, availability and pricing shown are artist's renderings or estimates and are subject to change without notice or obligation. Dimensions are nominal and length and width measurements are from center wall to center wall. Starting prices include the home only, plus typical delivery and installation. Starting prices do not include other costs such as taxes, site fees, insurance premiums, filing or recording fees, land or improvements to the land, optional home features, optional delivery or installation services, wheels and sales, community or homeowner association fees, or any other items not shown on your Retailer Custom Agreement and related documents (your RCA). Your RCA will have the details of your purchase. 2022 Clayton. All rights reserved.
Case Report Prepared by:  
Jay Hoyt

Owner and Applicant Information:  
Applicant: John Watkins  
Property Owner: WATKINS, JOHN P

Action Requested: Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

Location Map:

Tulsa County Comprehensive Land Use Plan

Additional Information:  
Present Use: Residential  
Tract Size: 1.96 acres  
Location: 1341 S 271 AV W  
Present Zoning: RS  
Fenceline/Area: Keystone  
Land Use Designation: Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9007
CZM: 32

CASE NUMBER: CBOA-2991
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: John Watkins

ACTION REQUESTED: Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E)

LOCATION: 1341 S 271 AV W

ZONED: RS

FENCeline: Keystone

TRACT SIZE: 1.96 acres

PRESENT USE: Residential

LEGAL DESCRIPTION: LT 10 BLK 1, BLACKJACK COVE ESTATES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
Subject Property: None Relevant

Surrounding Property:
CBOA-2377 May 2017: The Board approved a variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sf to 1,020 sf (Section 240.2.E)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and contains a single-family residence. The lots to the north, south, east and west are zoned RS and contain single-family residences.

STAFF COMMENTS:
The applicant is before the Board to request a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E).

Per the site plan provided by the applicant, they intend to build a 30 ft x 40 ft pole barn (1,200 sf) on the subject lot. There currently exists another accessory building on the site, a portable boat shelter measuring 12 ft x 30 ft (360 sf).

The applicant provided that statement that reason they are seeking the Variance is they “Want to build a bigger pole barn.”

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

Sample Motion:

“Move to ________ (approve/deny) a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E).”

REVISED 8/8/2022
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.
**Board of Adjustment**

**Case Number:** CBOA-2992

**Hearing Date:** 08/16/2022 1:30 PM

**Case Report Prepared by:**

Jay Hoyt

**Owner and Applicant Information:**

**Applicant:** Liliana Garcia

**Property Owner:** ESPINOSA, JOSE LUIS ESPINOSA & LILIANA

**Action Requested:** Variance to reduce the required side yard in the RMH District from 5-feet to 2-feet (Sec. 430.2.A)

**Location Map:**

![Location Map](image)

**Tulsa County Comprehensive Land Use Plan**

**Additional Information:**

**Present Use:** Residential

**Tract Size:** 0.17 acres

**Location:** 1910 E 62 ST N

**Present Zoning:** RMH

**Fenceline/Area:** Turley

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

TRS: 0306
CZM: 22

CASE NUMBER: CBOA-2992

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Liliana Garcia

ACTION REQUESTED: Variance to reduce the required side yard in the RMH District from 5-feet to 2-feet (Sec. 430.2.A)

LOCATION: 1910 E 62 ST N

ZONED: RMH

FENCeline: Turley

PRESENT USE: Residential

TRACT SIZE: 0.17 acres

LEGAL DESCRIPTION: LT 8 BLK 5, SCOTTSDALE ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RMH and is utilized for a single-family residence. The lots to the north, east and west are zoned RMH and contain single-family residences. The lots to the south are zoned RS and contain single-family residences.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance to reduce the required side yard in the RMH District from 5-feet to 2-feet (Sec. 430.2.A).

According to the applicant, a mobile home was placed on the property, but was placed so that it encroached 3 feet into the required side yard setback. The applicant is seeking to reduce the side yard to 2 feet in order to bring the mobile home into compliance.

The applicant provided the statement “Didn’t know at the time we needed permits. Mobile home was parked by a company and we can’t move the trailer again, so we added additional space towards the west side.”

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

Sample Motion:

“Move to _______ (approve/deny) a Variance to reduce the required side yard in the RMH District from 5-feet to 2-feet (Sec. 430.2.A).

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

Subject to the following conditions, if any: ________________________________

CBOA-2992 10.3

REVISED 8/9/2022
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-2993  
**Hearing Date:** 08/16/2022 1:30 PM

**Case Report Prepared by:** Jay Hoyt

**Owner and Applicant Information:**  
*Applicant: Kevin White*  
*Property Owner: CANADY TRAILERS LLC*

**Action Requested:** Variance from the all-weather parking surface requirement (Section 1340.D).

**Location Map:**

![Tulsa County Comprehensive Land Use Plan](image)

**Additional Information:**  
*Present Use: Vacant*  
*Tract Size: 2.52 acres*  
*Location: 11418 W 59 ST S*  
*Present Zoning: IL*  
*Fenceline/Area: Sand Springs*  
*Land Use Designation: Industrial/Regional Employment*
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9134
CZM: 44

CASE NUMBER: CBOA-2993
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Kevin White

ACTION REQUESTED: Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 11418 W 59 ST S

ZONED: IL

FENCeline: Sand Springs

PRESENT USE: Vacant

TRACT SIZE: 2.52 acres

LEGAL DESCRIPTION: LT 2 BLK 1, PRATTVILLE INDUSTRIAL PARK SOUTH Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
Subject Property: None Relevant

Surrounding Property:

CBOA-2859 December 2020: The Board approved a Variance from the all-weather surface requirement (Section 1340.D) for the lot immediately to the south of the subject lot.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned IL and is currently vacant. The properties to the north, south and west are zoned IL and contain self-storage, industrial and other commercial uses. State Highway 97 lies immediately to the east and is zoned AG.

STAFF COMMENTS:
The applicant is before the Board to request a Variance from the all-weather parking surface requirement (Section 1340.D).

The Tulsa County Zoning Code requires all parking surfaces be paved with an all-weather surface so as to maintain a minimum level of aesthetics but more importantly to control air-borne particulates like dust and to control the tracking of dirt and mud onto public streets. The applicant has requested a variance to permit a gravel parking area.

The applicant provided the statement that they “Need road for storage on property.” Refering to the need for gravel drives to permit storage 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 is compatible with and non-injurious to the surrounding area.

Sample Motion:

“Move to ________ (approve/deny) 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.
Case Number: CBOA-2994

Hearing Date: 08/16/2022 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Alissa Browning
Property Owner: MANGOLD, BILLY J

Action Requested: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330)

Location Map:

Additional Information:
Present Use: Residential
Tract Size: 9.87 acres
Location: 17950 N PEORIA AV E
Present Zoning: AG
Fenceline/Area: Skiatook
Land Use Designation: Rural Residential

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

TRS: 2201
CZM: 1

CASE NUMBER: CBOA-2994
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Alissa Browning

ACTION REQUESTED: Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330)

LOCATION: 17950 N PEORIA AV E
ZONED: AG

FENCeline: Skiatook

PRESENT USE: Residential
TRACT SIZE: 9.87 acres

LEGAL DESCRIPTION: S/2 NE NE SE & S/2 NW NE SE LESS BEG SECR S/2 NE NE SE TH W50 N120 E50 S120 POB SEC 1 22 12 9.87ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and contains a single-family residence and associated accessory buildings. The lots to the north, south, east and west are zoned AG and contain single-family residences and agricultural land.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330).

Per the plan provided by the applicant, they intend to split off a portion of the subject lot in the northeast corner with an approximate area of 0.59 acres in order to place a single-family home on the proposed lot. This would leave the parent tract with approximately 9.38 acres in area.

The applicant provided the statement “This is the only usable piece of land we can purchase and the only size acreage we can afford currently.”

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

Sample Motion:

“Move to _______ (approve/deny) a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330).

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.
**Board of Adjustment**

**Case Number:** CBOA-2995  
**Hearing Date:** 08/16/2022 1:30 PM

**Case Report Prepared by:** Jay Hoyt

**Owner and Applicant Information:**  
**Applicant:** Joseph Farris  
**Property Owner:** ANCHOR STONE CO

**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:**

![Location Map](image)

**Additional Information:**  
**Present Use:** Agricultural/Residential  
**Tract Size:** 51.93 acres  
**Location:** NW/c of North 145th E. Ave. and E. 66th Street North  
**Present Zoning:** AG  
**Fenceline/Area:** Owasso  
**Land Use Designation:** Residential

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

TRS: 1433
CZM: 24, 18

CASE NUMBER: CBOA-2995
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 08/16/2022 1:30 PM

APPLICANT: Joseph Farris

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: NW/c of North 145th E. Ave. and E. 66th Street North
ZONED: AG
FENCeline: Owasso

PRESENT USE: Agricultural/ Residential
TRACT SIZE: +/- 51.93 acres

LEGAL DESCRIPTION: A tract of land in the Southeast Quarter (SE/4) of Section Thirty-three (33), 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, being more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence S 89°54'45"W along the South line of said Southeast Quarter a distance of 1,108.07 feet to the point of beginning; Thence continuing S 89°54'45"W a distance of 210.00 feet; thence N 0°02'05"E a distance of 1,039.97 feet; Thence N 89°55'00"E a distance of 210 feet; Thence S 0°02'05"E a distance of 1,039.93 feet to the point of beginning.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty-three (33), 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, being more particularly described as follows: Commencing at the Southeast corner of said SE/4; thence S 89°54'45" W along the South line of said SE/4 a distance of 1,318.07 feet to the point of beginning; Thence continuing S 89°54'45" W a distance of 210.00 feet; Thence N 0°02'05" E a distance of 1,039.98 feet; Thence N 89°55'00" E a distance of 210.00 feet; Thence S 0°02'05" E a distance of 1,039.97 feet to the Point of Beginning.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty Three (33), Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Commencing at the Southeast corner of said SE/4; thence S 89°54'45" W along the South line of said SE/4 a distance of 898.07 feet to the point of beginning; thence S 89°54'45" W a distance of 210.0 feet; thence N 00°02'05" E a distance of 1,039.95 feet; thence N 89°55'00" E a distance of 210.0 feet; Thence S 00°02'05" E a distance of 1,039.93 feet to the point of beginning, according to the Recorded Plat thereof.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty-Three (33), 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, being more particularly described as follows to-wit: Commencing at the South East corner of said Section 33; Thence S 88°39'38" W a distance of 867.26 feet to the point of beginning; thence S 88°39'38" W a distance of 30.00 feet; thence N 01°12'47" W a distance of 1,039.93 feet; thence S 88°40'08" W a distance of 1,752.65 feet; thence N 01°11'27" W a distance of 937.75 feet; thence N 88°38'00" E a distance of 1,323.32 feet; thence N 01°14'57" W a distance of 659.51 feet; thence N 88°37'30" E a distance of 1,322.65 feet; thence S 01°19'02" E a distance of 1,696.75 feet; thence S 88°54'16" W a distance of 669.31 feet; thence S 01°11'45" E a distance of 34.24 feet; thence S 88°39'51" W a distance of

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197.03 feet; thence S 01°12'46" E a distance of 910.77 feet; said tract containing 3,478,925.45 square feet or 79.87 acres more or less.

AND

A tract of land in the Southeast Quarter (SE/4) of Section Thirty-Three (33), 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, being more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence S 89°54'45" W along the South line of said Southeast Quarter a distance of 1,528.07 feet to the point of beginning; thence continuing S 89°54'45" W a distance of 210.00 feet; thence N 0°02'05" E a distance of 1,040.00 feet; thence N 89°55'00" E a distance of 210.00 feet; thence S 0°02'05" E a distance of 1,039.98 feet to the point of beginning.

LESS & EXCEPT: (Tract described in that certain original Mining Agreement between Cummins Land & Cattle Co., L.L.C. and Anchor Stone Co. dated May 14, 2013):

A tract of land that is part of the Southeast Quarter (SE/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian in Tulsa County, Oklahoma, and more particularly described as follows: Beginning at the Northeast corner of said Southeast Quarter (SE/4); thence S 00°00'30" E and along the East line of said Southeast Quarter (SE/4) a distance of 1172.47 feet; thence N 89°29'52" W a distance of 1035.24 feet; thence S 00°34'19" W a distance of 407.68 feet; thence N 89°50'50" W a distance of 99.79 feet; thence S 01°21'52" W a distance of 28.51 feet; thence N 89°59'13" W a distance of 596.09 feet; thence N 00°23'28" E a distance of 937.68 feet to a point on the north line of the South Half of the Northwest Quarter of the Southeast Quarter (S/2 NW/4 SE/4); thence N 89°56'07" E and along said North line a distance of 405.85 feet to a point on the West line of the East Half of the Southeast Quarter (E/2 SE/4); thence N 00°02'37" E and along said West line a distance of 659.67 feet to a point on the North line of the Southeast Quarter (SE/4); thence N 89°55'04" E and along said North line a distance of 1322.90 feet to the point of beginning. Said tract contains 2,048,703.32 square feet / 47.062 acres.

The bearing base for said tract is S 00°00'30" E along the East line of the Southeast Quarter (SE/4) of Section 33, Township 21 north, Range 14 East of the Indian Base and Meridian in Tulsa County, Oklahoma.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2651 November 2017: The Board denied a Special Exception to permit Mining and Mineral Processing (Use Unit 24) in an AG zoned district. This decision was appealed to District Court which reversed the denial October 2019 (CV-2017-1399, Cummings Land & Cattle Co., LLC v. Tulsa County Board of Adjustment, et al.) The Board read and accepted the Court’s decision November 2019 and approved the Special Exception.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and currently contains a mining operation on the eastern portions of the subject area, vacant agricultural land in the west and single-family residences in the southern portion. The surrounding lots are zoned AG. The lot to the east contains a mining operation. The lots to the north and west contain single-family residences and agricultural land. The lots to the south contain commercial/industrial uses as well as single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request 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 (Sec. 310, Table 1).

The applicant has indicated that they intend to continue the use of the subject area for a mining and mineral processing business.

A Special Exception is required as the proposed mining and quarrying of limestone is not permitted by right in an AG district due to potential adverse effect, but which if controlled in the instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed mining (dredging) and quarrying of sand use must be found to be compatible with the surrounding neighborhood.
Section 1224.3 states that the Board, in granting a mining and mineral processing use by Special Exception, shall consider potential environment influences, such as dust and vibration, and shall establish in the instance, appropriate protective conditions such as setbacks, screening, and method of operation, as will mitigate the adverse effect on proximate land uses.

Sample Motion:

“Move to _______ (approve/deny) 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 (Sec. 310, Table 1).

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.
BASIS OF BEARINGS: OKLAHOMA STATE PLANE

- DENOTES EXISTING FENCE CORNER
- DENOTES FOUND NAIL
- DENOTES SET 1/2" IRON PIN W/CAP
- DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN
AND USED HEREIN MEANS AN EXPRESSION OF
PROFESSIONAL OPINION REGARDING FACTS OF THE
SURVEY AND DO NOT CONSTITUTE A WARRANT
OR GUARANTEE, EXPRESSED OR IMPLIED.

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma,
of Landmark Surveying, C.A. 4572 6-30-23, of 245 South Taylor, P.O. Box 1139, Pryor, Oklahoma
(918-922-2804) do hereby certify that a careful survey of the following described property was made
under my supervision:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTIONS

Witness my hand and seal this 28th day of April, 2022.

Legal descriptions were prepared by L.S. 1533 on April 28, 2022.