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 December 20, 2022 (Meeting No. 514)
2. Approval of Minutes of January 17, 2023 (Meeting No. 515)

UNFINISHED BUSINESS

3. 3034 - Ron Sterling
   Action Requested:
   Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2) **Location:** 26121 W 27th St S (CD 2)

NEW APPLICATIONS

4. 3042 - Blas Gaytan
   Action Requested:
   Special Exception to permit an Open-Air Flea Market/ Swap Meet (Use Unit 2, Use Unit 14) in the IM District (Sec. 910, Table-1) **Location:** 5825 N. Mingo Rd. (CD 1)

5. 3043 - Jennifer Jennings
   Action Requested:
   Special Exception to permit a manufactured home in an RS district (Section 410).
6. 3044 - Steven Graves
Action Requested:
Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310). Location: 5403 S. 113th W. Ave. (CD 2)

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.
**Board of Adjustment**

**Case Number:** CBOA-3034

**Hearing Date:** 02/21/2023 1:30 PM
(Continued from 01/17/2023)

**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**

**Applicant:** Ron Sterling

**Property Owner:** STERLING, RON E & ROXANE

**Action Requested:** Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2)

**Location Map:**

![Location Map Image](image)

**Additional Information:**

**Present Use:** Residential

**Tract Size:** 1.25 acres

**Location:** 26121 W 27 ST S

**Present Zoning:** RE

**Fenceline/Area:** Keystone

**Land Use Designation:** Rural Residential/Agricultural

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CBOA-3034 3.1

REVISED 2/13/2023
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9018
CZM: 32

HEARING DATE: 02/21/2023 1:30 PM

APPLICANT: Ron Sterling

ACTION REQUESTED: Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2)

LOCATION: 26121 W 27 ST S

FENCENAME: Keystone

PRESENT USE: Residential

ZONED: RE

TRACT SIZE: 1.25 acres

LEGAL DESCRIPTION: LT 8 BLK 1, LAKE SUBURBAN ESTATES Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RE and is abutted by RE zoning to the east, west and south containing single-family residences as well as AG zoning to the north containing vacant agricultural land.

STAFF COMMENTS:
The applicant is before the Board to request a Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2).

The Tulsa County Zoning code (Section 420.2.A.2) prohibits accessory buildings in Residentially zoned districts from being constructed in the front or side yards of a residential lot. The applicant is proposing to finish construction of a 20’ x 30’ garage in the side yard of the subject lot, as illustrated by the site plan provided by the applicant, that was previously begun by the prior property owner.

The applicant has provided the statement “Property has an existing detached garage that has already passed final framing inspection 12-17-18 Permit # 19518. I purchased the property from Sharp Marle in September 2022. The property is unfinished and I am trying to renew the building permit.”

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed variance 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 a side yard in an RE zoned district (420.2.A.2)

Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet."
Subject to the following conditions, if any: ______________________

Finding the hardship to be ________

Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.
Case Number: CBOA-3042

Hearing Date: 02/21/2023 1:30 PM

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Blas Gaytan
Property Owner: GAYTAN LLC

Action Requested: Special Exception to permit an Open Air Flea Market/ Swap Meet (Use Unit 2, Use Unit 14) in the IM District (Sec. 910, Table-1)

Location Map:

Additional Information:
Present Use: Event Space
Tract Size: 41.17 acres
Location: 5825 N MINGO RD E
Present Zoning: IM
Fenceline/Area: Tulsa
Land Use Designation: Industrial
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 0406
CZM: 24

CASE NUMBER: CBOA-3042
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 02/21/2023 1:30 PM

APPLICANT: Blas Gaytan

ACTION REQUESTED: Special Exception to permit an Open Air Flea Market/ Swap Meet (Use Unit 2, Use Unit 14) in the IM District (Sec. 910, Table-1)

LOCATION: 5825 N MINGO RD E

ZONED: IM

FENCeline: Tulsa

PRESENT USE: Event Space

TRACT SIZE: 41.17 acres

LEGAL DESCRIPTION: N1156.9 BLK 1, NORTHEAST INDUSTRIAL DISTRICT Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2082 February 2004: Special Exception to permit a dance hall in an IM District.

CBOA-2427 March 2012: Special Exception to allow Use Unit 2 in an IM district to allow open air music festivals and a Variance from the requirement that parking for special events be on an all-weather surface.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned IM and is currently uses as event space. The site is abutted to the East, West and South by IM zoning containing Industrial uses and vacant land and to the North by IL and AG zoning containing a storage facility and vacant land.

STAFF COMMENTS:
The applicant is before the Board to request a Special Exception to permit an Open Air Flea Market/ Swap Meet (Use Unit 2, Use Unit 14) in the IM District (Sec. 910, Table-1).

A special exception is required as the proposed Open Air Flea Market/ Swap Meet is a use which is not permitted by right but by exception in the IM district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding neighborhood.

The site had been previously approved by the Board for a Special Exception to permit open air music festivals and received a variance of the requirement for an all-weather parking surface.
If inclined to approve the Board may consider the following conditions:

- Limiting the day and hours of operation.

Sample Motion:

"Move to _______ (approve/deny) a Special Exception to permit an Open Air Flea Market/ Swap Meet (Use Unit 2, Use Unit 14) in the IM District (Sec. 910, 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."
**Board of Adjustment**

**Case Number:** CBOA-3043  
**Hearing Date:** 02/21/2023 1:30 PM

**Case Report Prepared by:**  
Jay Hoyt

**Owner and Applicant Information:**  
**Applicant:** Jennifer Jennings  
**Property Owner:** JENNINGS, JENNIFER LYNN & JAMES R

**Action Requested:** Special Exception to permit a manufactured home in an RS district (Section 410).

**Location Map:**

![Location Map]

**Additional Information:**  
**Present Use:** Vacant  
**Tract Size:** 0.27 acres  
**Location:** 1110 E 59 PL N  
**Present Zoning:** RS  
**Fenceline/Area:** Turley  
**Land Use Designation:** Rural Commercial
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 0201
CZM: 21

CASE NUMBER: CBOA-3043
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 02/21/2023 1:30 PM

APPLICANT: Jennifer Jennings

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

LOCATION: 1110 E 59 PL N

ZONED: RS

FENCENAME:

PRESENT USE: Vacant

TRACT SIZE: 0.27 acres

LEGAL DESCRIPTION: LTS 20 THRU 22 BLK 12, TURLEY-ORIGINAL TOWN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2606 November 2016: Special Exception to allow a community group home for children (Use Unit 8) in an RS district (Section 410)

CBOA-935 November 1989: The Board approved a Special Exception to allow a manufactured home in an RS district (Section 410).

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is bounded to the East, West and South by RS zoning containing single-family residences and to the North by CH zoning containing a commercial business.

STAFF COMMENTS:
The applicant is before the Board to request a Special Exception to allow a manufactured home (Use Unit 9) in a RS district. (Section 410).

A special exception is required as the proposed mobile home is a use which is not permitted by right but by exception in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The mobile home must be found to be compatible with the surrounding neighborhood.

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

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

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

Subject to the following conditions, if any: ________________________________

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
**Board of Adjustment**

**Case Number:** CBOA-3044  
**Hearing Date:** 02/21/2023 1:30 PM

**Case Report Prepared by:**  
Jay Hoyt

**Owner and Applicant Information:**  
**Applicant:** Steven Graves  
**Property Owner:** SGJCC PROPERTY LLC

**Action Requested:** Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310).

**Location Map:**

**Additional Information:**  
**Present Use:** Vacant  
**Tract Size:** 1.38 acres  
**Location:** 5403 S 113 AV W  
**Present Zoning:** RS  
**Fenceline/Area:** Sand Springs  
**Land Use Designation:** Residential
HEARING DATE: 02/21/2023 1:30 PM

APPLICANT: Steven Graves

ACTION REQUESTED: Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310).

LOCATION: 5403 S 113 AV W

FENCeline: Sand Springs

PRESENT USE: Vacant

ZONED: RS

TRACT SIZE: 1.38 acres

LEGAL DESCRIPTION: N/2 LT 3 BLK 3; S/2 LT 3 BLK 3, BUFORD COLONY SECOND ADDN Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is currently vacant. It is surrounded by RS zoning to the North, South and East containing a combination of single-family residences and vacant land and to the West by Hwy 97, zoned AG with RM-2 and CG zoning to the West of 97 containing multi-family and commercial uses.

STAFF COMMENTS:

The applicant is before the Board to request a Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310).

The applicant is proposing to construct a metal building on the subject lot similar to the example they have provided for warehousing and automotive repair. The proposed uses would fall under Use Unit 23 – Warehousing and Wholesaling and use Unit 17 – Automobile and Allied Activities, which are not allowable uses in the RS district. This would require a use variance allowing Use Units 17 & 23 on the subject lot in order to permit the uses of the proposed building.

The applicant has stated that they the building is intended to be a 100x100 FT building divided into four sections, with office and warehouse space. The intended use is for the applicant to have one of the four sections for automotive repair and the other three sections rented out to other professionals such as residential or commercial contracting companies.

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

Sample Motion:
*Move to _______(approve/deny) a Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310).

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.
Near Exact Example of Building Project.

100' x 100' Length
16' Side Walls
20' @ the highest Peak

This would be the Street Side View.