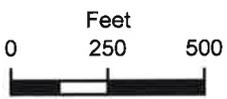


**SUBJECT TRACT**



**CBOA-2795**

9.1

21-12 36



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:**1236

**Case Number:** CBOA-2795

**CZM:**15

**HEARING DATE:** 01/21/2020 1:30 PM

**APPLICANT:** Kevin Watkins

**ACTION REQUESTED:** Use Variance to allow Overnight Campground for Recreational Vehicles, Use Unit 17, in an AG district (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D).

**LOCATION:** 1145 E 71 ST N

**ZONED:** AG

**PRESENT USE:** Vacant

**TRACT SIZE:** 3.74 acres

**LEGAL DESCRIPTION:** ALL THAT PRT SE SE NE LYING W RR R/W LESS S15 THEREOF FOR RD SEC 36 21 12 3.740ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None relevant

**Surrounding Property:**

**CZ-473 and PUD-847 September 2018:** The applicant **withdrew** a request for *rezoning* a 10± acre tract of land from AG to AG/CG/PUD-847 and a proposed *Planned Unit Development* on a 70± acre tract of land, for a mixed use development with the following concept:

City Lights Village will be a master planned, entry-level, affordable housing community. It will consist of single, double, and family occupancy cottages. The village will be home to neighbors lifted from homelessness as well as individuals/families living and working missionally alongside them.

on property located west of the northwest corner of North Peoria Avenue and East 66<sup>th</sup> Street North.

**CBOA-2434 August 2012:** The Board **approved** a *Use Variance* to permit auto crushing operation and accessory uses (not within enclosed buildings), and permitting existing buildings to be situated less than 100 feet from centerline of abutting secondary arterial street; and a *Special Exception* for modification or waiver of screening requirement along lot line abutting R-zoned District, on property located at 6834 – 7002 North Peoria Avenue.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning on the north, west, and south. The Osage-Prairie Trail abuts the property on the east. Properties east of the trail, appear to have both industrial and residential uses in RS and CS zoned districts

9.2

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Use Variance** to allow an Overnight Campground for Recreational Vehicles, Use Unit 17, in an AG district (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D).

The applicant provided the following statement: *“Would like to use property for something. Had cows on it but kids cut fence on trail and always got them out so, I think this would be a good use for it.”*

A **Use Variance** is required because an Overnight Campground for Recreational Vehicles, Use Unit 17, is not permitted in an AG zoning district due to potential adverse affect. The site plan provided by the applicant indicates that the Overnight Campground will be constructed in phases and will contain up to 35 pad sites after the last phase is completed. The pads will be located on the eastern boundary of the property.

The applicant proposes unpaved (gravel) parking spaces for additional vehicles to park on each pad site. The Code requires all paving surfaces be paved to maintain a minimum level of aesthetics, but more importantly to control air-borne particles like dust and to control the tracking of dirt and mud onto public streets. The applicant is requesting a **Variance** of the all-weather parking surface requirement (Section 1340.D).

**Sample Motion:**

**“Move to \_\_\_\_\_ (approve/deny) a Use Variance to allow Overnight Campground for Recreational Vehicles, Use Unit 17, in an AG district (Section 310); 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 \_\_\_\_\_.*

***In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.”***

\*\*\*\*\*  
\*\*\*\*\*

**UNFINISHED BUSINESS**

**Case No. 2434—Stephen Schuller**

**FILE COPY**

**Action Requested:**

Use Variance to permit auto crushing operation and accessory uses (not within enclosed buildings), and permitting existing buildings to be situated less than 100 feet from centerline of abutting secondary arterial street (Section 1670); Special Exception for modification or waiver of screening requirement along lot line abutting R-zoned District (Section 250.3). Location: 6834 - 7002 North Peoria Avenue

**Presentation:**

**Stephen Schuller**, Attorney, 1100 OneOk Plaza, 100 West 5<sup>th</sup> Street, Tulsa, OK; stated the property is located on the west side of North Peoria Avenue, which is State Highway 11 at the location of the subject property. The subject property is situated in an IL District between the old Midland Valley Railroad and North Peoria Avenue. Along the south boundary of the subject property is sided by a bike trail, and properties to the north and east are consistent with CS zoning with a couple of small RS districts tucked in. In April 1994 the County Board of Adjustment approved a use variance to permit a mobile auto crushing operation on the subject property that is extended to this day. The use variance had a two-year term and has been extended once or twice. The property owners apparently did not understand the process requirement for further approvals by the Board and did not come back before the Board of Adjustment. Now the term has expired. All the other conditions imposed by the County Board of Adjustment in 1994 have been complied with. This operation has been continuously conducted on the subject property for 18 years. The equipment in use is a mobile auto crushing machine and it is necessary to operate it outdoors because of its enormous size, plus the autos to be crushed must be lifted by forklift to place them in the machine and take them back out of the machine. After the crushing process is complete the autos are hauled off within a few hours or a few days because the owner's revenue is from the sale of the crushed vehicle. The owners are in the process of cleaning up the entire area. The use of the property is screened from view of the nearby residentially zoned property, which is the opposite side of North Peoria Avenue, except for the entry gates to the subject property. The subject property is also screened from the old railway and the bike trail. There are a few buildings on the north side of the property that have been in place for approximately 30 years, and the requisite setbacks from the abutting street line of North Peoria Avenue have not always been strictly observed. The locations of these buildings are consistent with the locations of other buildings along North Peoria Avenue in the vicinity of the property and in the neighborhood. These buildings house equipment and related accessory operations for the mobile auto crushing operation. One building is approximately 80 feet from the centerline of Peoria Avenue and another one is approximately 70 feet from the centerline of Peoria Avenue, but they have been in place

08/21/2012/#387 (3)

9.4

CBOA-2434

for approximately 30 years. The CS zoning districts in the area have intensive commercial uses. One the corner of 71<sup>st</sup> Street North and North Peoria Avenue there is a tire store with a salvage yard in the rear, which appears not to be screened because the salvage yard can be seen from the street. There is another automobile salvage yard in operation on the other side of North Peoria at 69<sup>th</sup> Street North. These are a couple of examples of the automobile and industrial uses that are common in this neighborhood. In addition, there is a motor vehicle crushing operation directly south of the subject property so it is not unusual in this neighborhood. There are also commercial businesses up and down Peoria Avenue in this area, and they generally consist of automotive repair, salvage, and a metal processing business. The subject property is a business that is similar to other business operations in the area, especially in the immediate vicinity of the subject property. With the existing screening in place along Peoria and the other borders of the property, with the conditions imposed by the Board in 1994, there is no harm to the surrounding neighborhood or the surrounding commercial or industrial areas. He would ask the Board for a modification of the screening requirement in order to eliminate it for the entry gates to the subject property. He would request the grant of the use variance, the same that was granted in 1994, for the continued operation of an existing mobile motor vehicle crushing operation and the accessory uses, and to not have the operation within enclosed buildings. He would also request the grant of the use variance to permit the well established buildings on the north end of the property be situated less than 100 feet from the centerline of North Peoria Avenue. He would request the grant of the special exception to modify the screening requirements so screening would be required at the driveway entrance.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DRAPER**, the Board voted 3-0-0 (Dillard, Draper, Walker "aye"; no "nays"; no "abstentions"; Charney, Osborne "absent") to **APPROVE** the request for a Use Variance to permit auto crushing operation and accessory uses (not within enclosed buildings), and permitting existing buildings to be situated less than 100 feet from centerline of abutting secondary arterial street (Section 1670); Special Exception for modification or waiver of screening requirement along lot line abutting R-zoned District (Section 250.3). The screening requirements are waived only for the current two points of access. The hardship for the subject property is that the buildings are existing non-conforming and the use is existing non-conforming because they were established before the regulatory Board of Adjustment was in effect; for the following property:

**NE/4 NE/4 SE/4 and N/2 SE/4 NE/4 SE/4 lying or situated East of Midland Valley Railroad Right of Way described in Quit-Claim Deed recorded in Book 6718/Page 2175, in Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma**

FILE COPY

CBOA-2434

(subject to adjacent highway/roadway dedications of record), OF TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*

**NEW APPLICATIONS**

**Case No. 2435—Clark Boyd**

**Action Requested:**

Special Exception to allow Fireworks Stand (Use Unit 2) in an AG District for five years (Section 310); Variance of all-weather surface for parking (Section 1340.D).

Location: 22423 West Coyote Trail

**Presentation:**

**Clark Boyd**, 22423 West Coyote Trail, Sand Springs, OK; stated he would like to have a fireworks stand as a fund raiser for the young people of his church, so they can make an annual trip to Mexico.

**Interested Parties:**

**Janny Simpson**, 22112 West Coyote Trail, Sand Springs, OK; stated she is opposed to the fireworks stand. The subject property is located near a very dangerous intersection, and she has had several feet of her pipe fence demolished by cars several times because of the configuration of the intersection. The neighbors have requested the Sheriff's Department patrol Coyote Trail to curtail the speeding. There was a traffic count taken and in a 24 hour period there were 1,530 cars that passed the intersection. The neighbors are also concerned about fire because the area is heavily wooded. The last two summers the area has been under a fire ban, and if there had been an active fireworks stand on the subject property there would have been the possibility of a fire. There is a fireworks stand that is six miles east, there is plenty of parking for that stand, and it is taken down almost immediately after the holiday. Mr. Boyd's stand has been sitting on his property for months and it is not attractive. The area residents have made, and are making, a great effort to keep their homes clean and attractive, and they do not want a detraction added, even temporarily, to the residential area.

**Rebuttal:**

Clark Boyd came forward and stated the fireworks stand is not attractive, but he has been told by the company that brought it to the property that he is on the list to have it removed, and it should be gone by tomorrow. He has lived on the property for approximately eight years, and he wants to have the fireworks stand only as a fund raiser for the July 4<sup>th</sup> holiday.

Mr. Draper asked Mr. West what enforcement restrictions could be placed on the fireworks stand if today's request were approved. Mr. West stated the Board would



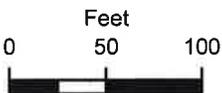
*Looking east along E. 71<sup>st</sup> St. N. – subject property is on the left*



*Looking northeast at the subject property from E. 71<sup>st</sup> St. N.*



**E71 STN**



**Subject Tract**

**CBOA-2795**

21-12 36

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

*Aerial Photo Date: February 2018*

9.8





E 76th ST N

N IROQUOIS AVE

N OWASSO PL

E 75 ST N

11

E 73 ST N

N TRENTON AVE



E 72 ST N

E 71 ST N

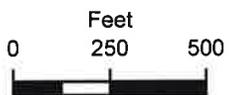
N PEORIA AVE

E 69 ST N

N NORFOLK PL

E 68 ST N

E 67 ST N



Subject Tract

**CBOA-2795**

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

21-12 36

Aerial Photo Date: February 2018

9.9



**Jones, Robi**

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**From:** Kevin Watkins <premierdirt@yahoo.com>  
**Sent:** Thursday, January 2, 2020 8:45 PM  
**To:** Jones, Robi  
**Subject:** Camp ground 71 st n

Yes we have water tap in place

There is a septic system on site from the house that was there.

Elect is at road and down the west side of property and have spoke with AEP

There no prob getting power.

I do know I will have to get w DEQ but thought I would wait till it was approved

Thanks for your time

KW

Sent from Yahoo Mail for iPhone

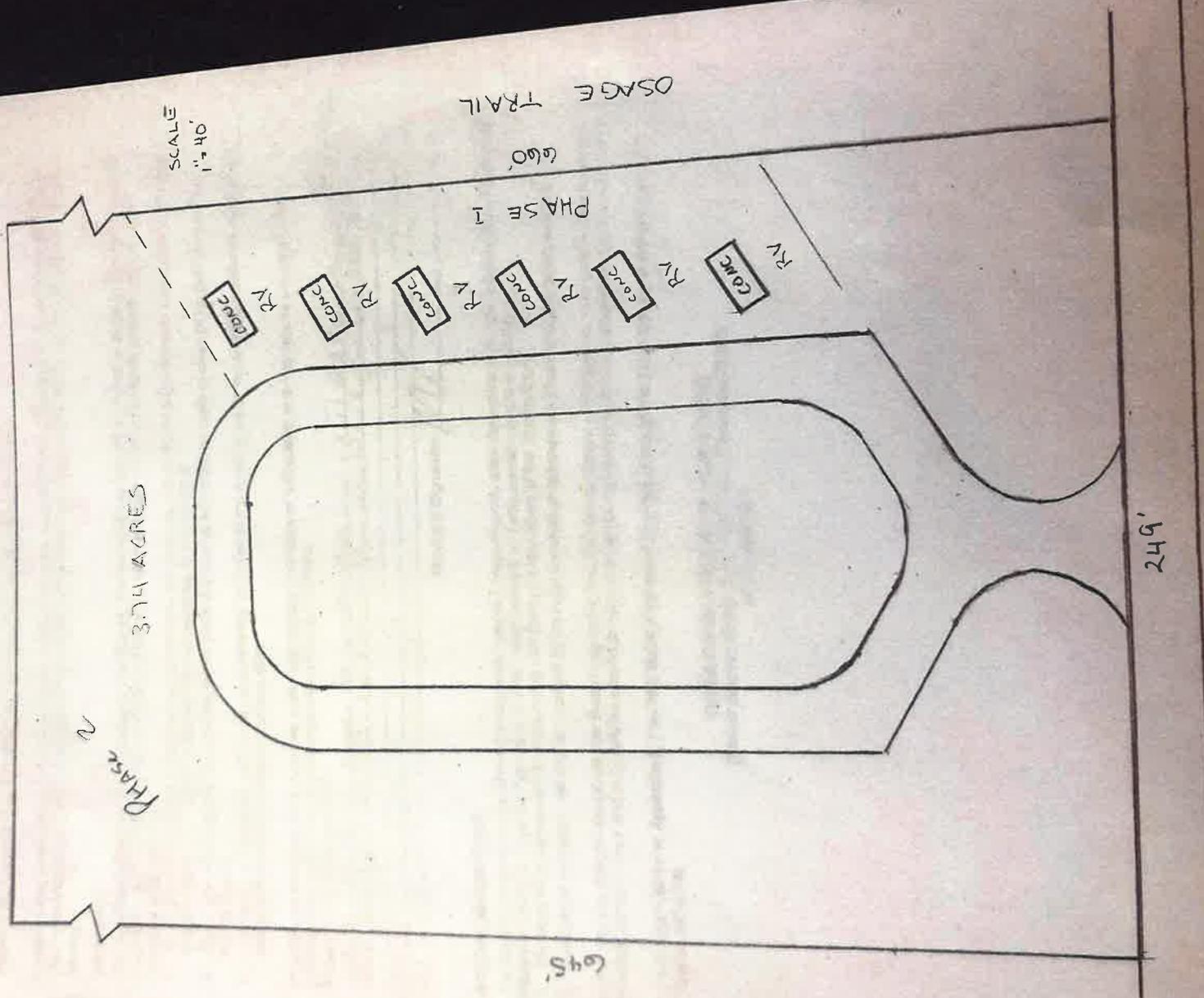
October 25, 2019

20067401

SEBRISKY

OK 740773

CBOA 2795



SCALE  
1" = 40'

3.74 ACRES

Phase 2

OSAGE TRAIL

640'

PHASE I

RV  
CONC

RV  
CONC

RV  
CONC

RV  
CONC

RV  
CONC

RV  
CONC

RV

249'

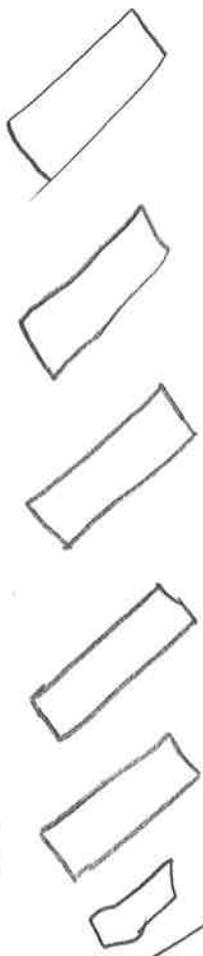
645'

2305

9.12

Drive

Phase 1  
6 to start



Drive TR 9.1

660

645

Phase 2  
35 spots  
Total

N