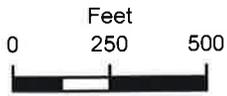


**LEGEND**

Owasso Corporate Limits



**CBOA-2797**

21-14 28

11.1



# BOARD OF ADJUSTMENT CASE REPORT

STR:1428  
CZM:18

Case Number: CBOA-2797

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

APPLICANT: Jordan Graham

ACTION REQUESTED: Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events center (Section 1202); a Variance from the all-weather parking surface requirement (Section 1340.D); and a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district (Section 207).

LOCATION: N. and E. of the NE/c of E. 76<sup>th</sup> St. N. & N. 129<sup>th</sup> E. Ave.

ZONED: AG

PRESENT USE: Agriculture

TRACT SIZE: 20 acres

LEGAL DESCRIPTION: N 1/2 NE SW SEC 28-21-14

## RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2344 September 2009: The Board **approved** a *Special Exception* to permit a church (Use Unit 5) in a RE zoned district, on property located at 13401 East 76<sup>th</sup> Street North.

CBOA-969 July 1990: The Board **denied** a *Use Variance* to permit a mini-storage business in a RE district; finding that a hardship was not demonstrated that would warrant the granting of the request, on property located at 17646 North 137<sup>th</sup> East Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts a RE zoned neighborhood on the south. Surrounding properties to the west, north, and east are all located within the corporate limits of Owasso. The subject tract abuts a RS-3 zoned neighborhood to the west, Owasso Golf and Athletic Club to the north, and agricultural land to the east.

## STAFF COMMENTS:

The applicant is before the Board requesting a *Special Exception* for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events center (Section 1202); a *Variance* from the all-weather parking surface requirement (Section 1340.D); and a *Variance* of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district (Section 207).



11.2

A Special Exception is required as the proposed use is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The proposed wedding and events center must be found to be compatible with the surrounding area.

The subject lot is located at the back of a large-lot rural neighborhood which is zoned RE. The proposed entry into the wedding and events center will be through the neighborhood. The applicant has indicated that there is an easement off East 79<sup>th</sup> Street North which provides access. Staff has reviewed the plat of Graceland Acres which does indicate 50 feet to be dedicated for a street between Lots 9 and 10 of Block 1. The street is not indicated in our mapping system and the gravel drive has not been maintained by the County. Staff has contacted the County Engineer and an employee that deals with records in the County Assessor's Office. They do not show that the street was ever vacated. After a complete historical research back to 1956 has been completed, the County Assessor's office indicated that they will correct the mapping and legal descriptions for lots 9 and 10 if an error has been made. According to the applicant, there is not a plan to build a home on the subject tract. Since the matter of the street has not been completely resolved at the time of this staff report, the request for the Variance of the minimum frontage requirement will remain.

The following was submitted by the applicant:

Variance Hardships:

- 1) A variance from the all-weather parking surface requirement:  
"There is a gravel parking lot on the property. This has been in place for years as we use and operate heavy machinery such as tractors and lawn equipment. The parking lot may be expanded but must remain gravel in order to operate the machinery without destruction to the ground surface."
- 2) A variance of the minimum frontage requirement on a public street:  
"The property is located towards the back of an establishment of homes and was sold as a piece of land that did not have street frontage. The property was originally Indian Allotment ground and we are the first owners since. The south easement is the road used to enter the property."

The applicant has submitted a conceptual site plan indicating that the site will contain off-street parking on a gravel lot. Photographs of the property were also submitted by the applicant.

The 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 intends to construct 70' x 40' (2800 SF) open structure on the site. The applicant should provide more information about the hours of operation and the anticipated amount of noise and traffic that the proposed wedding and events center will generate. According to the applicant, some of the intended uses include weddings, birthday parties, and yoga.

The subject property is within the fenceline of Owasso. The Tulsa County Land Use Plan, adopted July 2019, designates the Future Land Use as Residential. Please see attached note from the planning department at The City of Owasso.

The approval of a special exception will trigger the requirement to conform to the Subdivision and Development Regulations. Issues related to Right-of-Way dedication and storm water management would be addressed during the platting stage.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board may limit approval for a temporary period to establish a trial period.

**Sample Motion:**

***“Move to \_\_\_\_\_ (approve/deny) a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events center (Section 1202); a Variance from the all-weather parking surface requirement (Section 1340.D); and a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district (Section 207).***

***Finding the hardship to be \_\_\_\_\_.***

***Subject to the following condition(s), if any: \_\_\_\_\_.***

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

***Finding the hardship to be \_\_\_\_\_.***

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

***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.”***

agenda to give the applicant time to arrive. Mr. Cuthbertson stated that staff made contact with the applicant twice in the last month to inform the applicant she needed to be present for this meeting.

**Board Action:**

This case is regarding the following described property:

BEG 548.98S & 137.97 SELY CRV RT & 84.33SE NWC NWNW TH NE404.52  
SE302.09 SW404.52 NW302.09 POB SEC26 19 10, Tulsa County, State of  
Oklahoma

\*\*\*\*\*

**Case No. 2344**

**Action Requested:**

Special Exception to permit a church (Use Unit 5) in an RE zoned district (Section 410), located: 13401 East 76<sup>th</sup> Street North.

**Presentation:**

**Frank Plato**, 3525 South Toledo Place, Tulsa, Oklahoma, 74135, stated he is one of the elders of the church. As he informed the Board at the last meeting, he repeated that the majority of the membership has moved into the Owasso area. They proposed to relocate to better serve the membership. They have services Sundays, 10:30 a.m., 11:30, and 6:00 p.m., and Wednesdays at 7:00 p.m. The Board asked the applicant to submit a site plan, which he did (Exhibit A-1). They have two special event conferences lasting one-week each per year in addition to normal church services. They do not have a kitchen, gymnasium or meeting facility for other activities. The existing building would be exclusively used by the church. They proposed to use the existing structure until the new one is built.

**Comments and Questions:**

Mr. Charney asked about the access drive of 25 ft. in width off of 76<sup>th</sup> Street North. Mr. Plato stated there are two existing driveways, on 134<sup>th</sup> East Avenue. In answer to other questions, Mr. Plato stated they average about 60 people in attendance on Sundays. They average 20 to 25 vehicles on Sundays. They proposed to complete the construction of the new building in less than a year, and remove the existing house. Mr. Cuthbertson expressed concern for the hard surface parking during the interim. Mr. Plato responded there are alternative parking spaces near Highway 169. They have plans for hard surface parking on the subject property when the building is completed.

**Interested Parties:**

**Glennella Doss**, Lansing Business Park, 720 East Marshall, Tulsa, Oklahoma, 74106, stated that she is the attorney working with Mr. Plato and the church. The applicant chose to go to the Board first before approaching the neighborhood about the project. She expressed an understanding that neighborhoods in

09:15:09:352 (2)

11.5

CB01A-2344 (cont.)

general, are supportive of churches, as offering community service and adding to the benefits of the neighborhood. She stated they know the importance of giving the neighborhood opportunity to participate. Ms. Doss noted that a new facility would also be an additional improvement to the aesthetics of the neighborhood.

**Loretta Tittle**, 13331 East 76<sup>th</sup> Street North, did not think the church would have room to grow at this location. She noted there is only room for approximately six cars to park at this time. She mentioned the flooding in this area. Mr. Charney assured her that even though the Board could not address the flooding issues that the County Engineer would at the time of review in the platting process, if the Board approves this application. She also mentioned her concern that North 134<sup>th</sup> East Avenue is very narrow. She was not against the church building a new structure, but she felt the location was not suitable. A petition was submitted to the Board in opposition to the application (Exhibit A-2).

Mr. Cuthbertson interjected that she would receive notice for any future preliminary plat for this application, if it comes to that point.

**Applicant's Rebuttal:**

Mr. Plato assured the Board that they plan to comply with the zoning code and the County Engineer.

Mr. Alberty reminded the Board that if the church planned to use another property for parking, they would need to come back to the Board for relief to allow such a scenario. Mr. Cuthbertson added that the applicant might choose to pave a parking lot on the subject property, based on the size of the sanctuary, according to the code and the permitting process. The Board might want the applicant to come back with a revised site plan if they were uncomfortable with such an intermediate step.

Board discussion ensued.

**FILE COPY**

**Board Action:**

On **Motion of Walker**, the Board voted 4-0-0 (Walker, Tyndall, Osborne, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a Special Exception to permit a church (Use Unit 5) in an RE zoned district (Section 410), with conditions to construct a curb cut to access the property from 76<sup>th</sup> Street North for interim and future use; parking on hard surface only; temporary use of the existing structure for one year; per site plan submitted September 15, 2009, finding it is located in such a way that it should not be injurious to the internal neighborhood, on the following described property:

LT 7 BLK 2, GRACELAND ACRES, Tulsa County, State of Oklahoma

\*\*\*\*\*

09:15:09:352 (3)

11.6

**Case No. 2343**

**Action Requested:**

Variance of the 30 ft. of frontage required on a public street to permit a lot split in the AG district (Section 207), located: 14022 East 136<sup>th</sup> Street North.

Mr. Cuthbertson stated there should have been two requests on this application. The applicant actually applied for it, upon staff's advice, for two elements of relief to accommodate a lot split. The second element was a variance of the average lot width. In order to create two lots on the rear of the property, they need the variance of the average lot width. The second variance was included on everything except the advertisement, so it would need to be advertised for a future meeting.

**Presentation:**

**Richard Flannery**, 3308 Heritage Drive, Claremore, Oklahoma, 74019, stated this is the last piece of property to divide from the original property. He described the history of division of the property to different family members. He identified the large pond on the south end of the property as the limiting factor.

**Comments and Questions:**

Mr. Charney asked how many residences would be served by this 30 ft. wide access. Mr. Flannery replied there would be two. Mr. Hutson stated that a small subdivision was created without following the zoning code. This would be the fourth split.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of Walker**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Variance of the 30 ft. of frontage required on a public street to permit a lot split in the AG district (Section 207), finding this would be the fourth split of the property without any unique condition with the land, on the following described property:

E390 E/2 NW NE LESS E220 N520 THEREOF & LESS W140N520 THEREOF & LESS N50 THEREOF FOR RD SEC 33 22 14, Tulsa County, State of Oklahoma

\*\*\*\*\*

**FILE COPY**

**Case No. 2344**

**Action Requested:**

Special Exception to permit a church (Use Unit 5) in an RE zoned district (Section 410), located: 13401 E 76<sup>th</sup> Street North.

08:18:09:351 (6)

11.7

**Presentation:**

**Frank Plato**, 3525 South Toledo Place, Tulsa, Oklahoma, 74135, stated he is an elder at the church. He added that the majority of the membership has moved into the Owasso area. They proposed to relocate to better serve the membership. They have services Sundays, 10:30 a.m., 11:30, and 6:00 p.m., and Wednesdays at 7:00 p.m. They have an average of 28 to 30 parked cars on a given Sunday. They have two special event conferences lasting one-week each per year in addition to normal church services. They do not have a kitchen, gymnasium or meeting facility for other activities. The existing building would be exclusively used by the church. They sold the present facility more quickly than they expected so they do not have plans prepared for the new property. He stated they are aware of the need for a building permit, site plans, and other zoning code requirements.

**Interested Parties:**

**Loretta Tittle**, 13331 East 76<sup>th</sup> Street North, Owasso, Oklahoma, 74055, expressed concerns regarding drainage, flooding, the narrow road, numerous car accidents, and increased traffic.

**Applicant's Rebuttal:**

Mr. Plato stated if they could get the concept approved they would obtain a site plan and meet the zoning requirements for permits. He stated that their service times are during low traffic times on Sundays. He added there would be no need to direct traffic through the neighborhood.

FILE COPY

**Comments and Questions:**

Mr. Dillard stated it was premature for the applicant to bring the application to the Board without plans. Mr. Walker agreed the Board did not have anything to act upon. He suggested a continuance to give the applicant time to show the Board their plans. Mr. Charney was concerned that it is a platted residential lot, which calls for more detail and review. He suggested the church needs to know the required criteria before presenting an application to the Board.

**Board Action:**

On **Motion** of **Walker**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 2343 to the meeting on ~~September 18, 2009~~, as stated by error in the motion, the correct date is September 15, 2009, on the following described property:

LT 7 BLK 2, GRACELAND ACRES, Tulsa County, State of Oklahoma

Mr. Cuthbertson suggested the applicant might want to meet with the County Engineer, Ray Jordan, regarding storm water drainage and access to the property. He also suggested the applicant do some outreach to the neighborhood related to those issues.

08:18:09:351 (7)

## NEW APPLICATIONS

Case No. 969

### Action Requested:

Use variance to permit a mini-storage business - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 17, located 7646 North 137th East Avenue.

### Comments and Questions:

Mr. Richards informed that the Owasso Board of Adjustment (Exhibit B-2) has recommended denial of the application.

### Presentation:

The applicant, **Imogene Self**, 7646 North 137th East Avenue, Owasso, Oklahoma, was represented by her daughter, Sue Norwood, who submitted two plot plans (Exhibit B-1) for a proposed mini-storage business. She explained that several members of her family live in Graceland Acres, and that her mother's property consists of approximately two acres, with one existing single-family dwelling. Ms. Norwood stated that her mother is considering the construction of a mini-storage facility on the rear portion of the property, and that she will assist her mother in the business operation. She stated that the facility will be fenced and will have only one entrance and exit, which will allow all traffic to be controlled by an electronic computerized gate.

### Comments and Questions:

Mr. Alberty asked the applicant if she is aware that the requested business is an industrial/commercial type operation in a residential area, and she answered in the affirmative. Mr. Alberty pointed out that a hardship is required, which would demonstrate to the Board why the property is no longer suited for residential use.

Ms. Self stated that she does not have information that would substantiate the fact that the property cannot be used for residential purposes.

### Protestants:

**Maxine Thomas**, 7841 North 134th East Avenue, Owasso, Oklahoma, stated that she is the sister-in-law of the applicant, and also lives in Graceland Acres. She submitted a map and petition (Exhibit B-3) signed by homeowners in the area that are in opposition to the use variance. She remarked that she is protective of the quiet atmosphere of the neighborhood and is also opposed to the application. Ms. Thomas stated that there is a drainage problem in the area and some of the properties have standing water during rainy seasons. She stated that the subject property is well maintained and the mini-storage would probably be an attractive facility; however, a business would not be compatible with the residential neighborhood.

**Bob Bates** stated that he lives in the Graceland Addition, and many of the older residents are accustomed to walking in the neighborhood. He pointed out that additional traffic in the area would not be welcome.

Case No. 969 (continued)

In response to Mr. Alberty's inquiry, approximately 10 residents of the area indicated opposition to the application.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Use Variance** to permit a mini-storage business in an RE District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 17; finding that a hardship was not demonstrated that would warrant the granting of the request; and finding that the mini-storage business would not be compatible with the residential area; on the following described property:

Lot 9, Block 2, Graceland Acres Addition, Tulsa County, Oklahoma.

**Case No. 971**

**Action Requested:**

Variance to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9, located near Highway 51 and 186th West Avenue.

**Presentation:**

The applicant, **L. C. Forester**, Route 3, Box 946, Sand Springs, Oklahoma, stated that he currently resides in the existing house, and his daughter is proposing to place a second dwelling on the property to be used for her residence. Mr. Forester submitted a letter from his doctor (Exhibit C-2), and stated that he and his wife are in ill health and in need of continuing care. A location map (Exhibit C-1) was submitted by the applicant.

**Comments and Questions:**

Mr. Tyndall asked the applicant if the small lots to the west have dwelling units in place, and he replied that two of the lots have single-family dwellings, and the third lot is vacant.

Mr. Walker remarked that he is familiar with the neighborhood, and two dwellings, as proposed, would not be detrimental to the area.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwellings on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Units 6 and 9; finding that the lots to the west have less land area per dwelling than the property in question; on the following described property:

Beginning 447.57' west of the northeast corner of the SE/4 of the SW/4, thence south 185.91' to the north line of Highway 51; thence southwesterly 272.5', north 570', east 252'; thence south 280.39', Section 12, T-19-N, R-10-E, Tulsa County, Oklahoma, and being located in an AG Zoned District.



N 129th E AVE

E 84 ST N

N 133 E AVE  
N 134 E AVE

E 85 ST N  
N 136 E AVE

N 138 E AVE

E 83 ST N

N 80 E CT E 80 ST N

N 131 E AVE E 79 CT N

N 132 E AVE

N 130 E AVE

E 77 PL N

E 79 ST N

N 134 E AVE

E 78 ST N

E 77 CT N

N 137 E CT

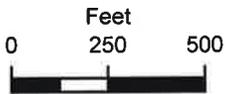
N 137 E AVE

N 140 E AVE

E 77 ST N

N 132 E AVE

E 76th ST N



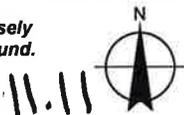
Subject Tract

**CBOA-2797**

21-14 28

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

Aerial Photo Date: February 2018





*Looking east from E. 79th St. N. – property entrance is on the left (north)*



*Looking northeast into property entrance from E. 79th St. N.*



11.13



11.14



11.15



11.16



11.17

Variance Hardships:

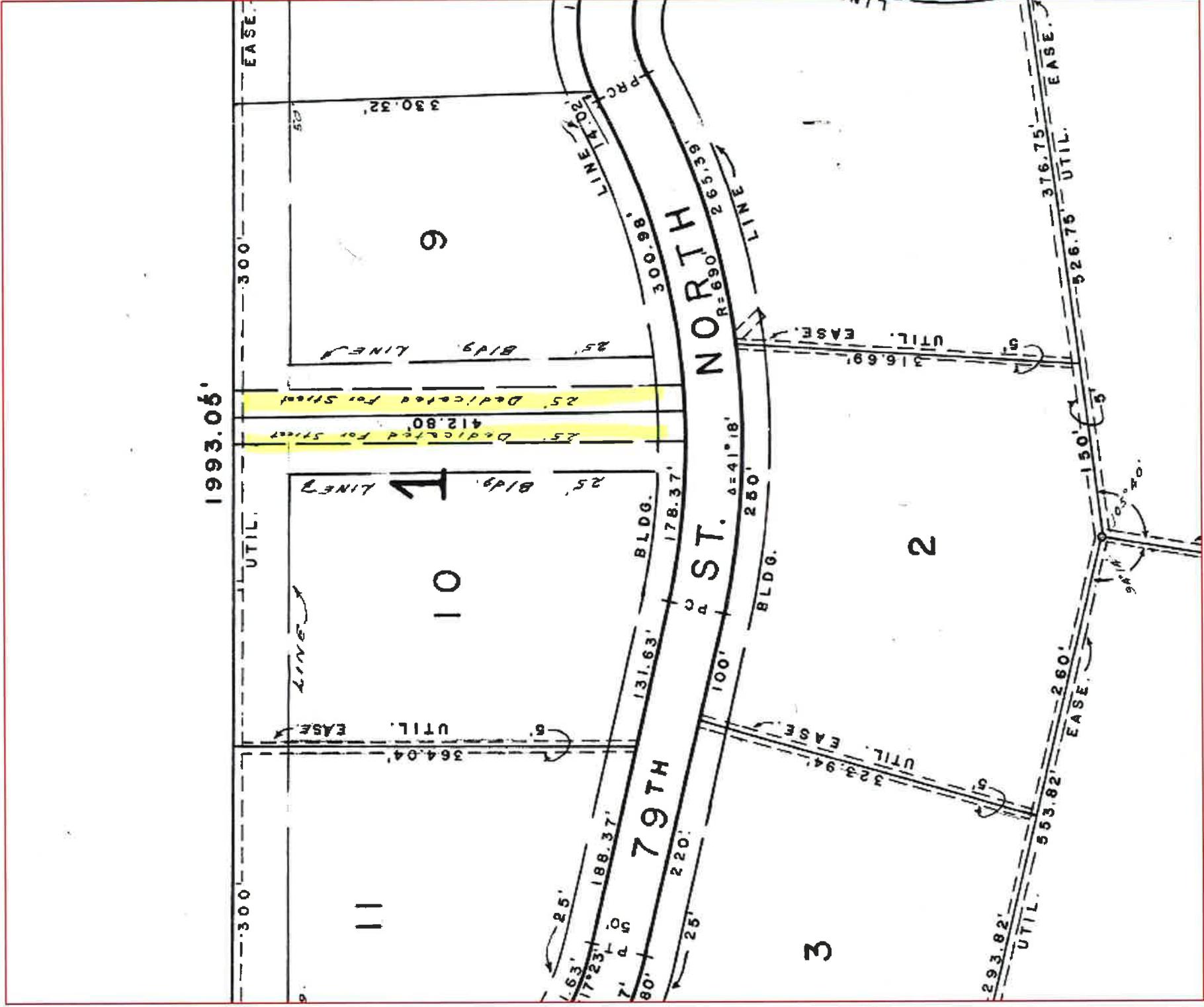
1) A variance from the all-weather parking surface requirement:

There is a gravel parking lot on the property. This has been in place for years as we use and operate heavy machinery such as tractors and lawn equipment. The parking lot may be expanded but must remain gravel in order to operate the machinery without destruction to the ground surface.

2) A variance of the minimum frontage requirement on a public street:

The property is located towards the back of an establishment of homes and was sold as a piece of land that did not have street frontage. The property was originally Indian Allotment ground and we are the first owners since. The south easement is the road used to enter the property.





OF  
GRACELAND, ACRES  
A SUB-DIVISION OF TULSA COUNTY

OKLAHOMA 293870

Being situated in the SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, and East  $\frac{1}{2}$ , SW<sup>1</sup>/<sub>4</sub>,  
SE<sup>1</sup>/<sub>4</sub>, and S $\frac{1}{2}$ , NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> and S $\frac{1}{2}$ , SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>,  
and E $\frac{1}{2}$  of SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> all in Section 28, Township 21 North,  
Range 14 East, Tulsa County, Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That We, James A. Nichols and Mary Ann Nichols, Husband and Wife, are the Owners of the following described Real Estate:

Being situated in the SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, and East  $\frac{1}{2}$ , SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, and S $\frac{1}{2}$ , NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> and S $\frac{1}{2}$ , SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, and E $\frac{1}{2}$  of SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> all in Section 28, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

That We have caused the same to be surveyed, staked and platted into Lots, Blocks and Streets, and the Recorded Plat thereof. And we hereby dedicate for Public Use, wherever the Streets and Avenues are shown on the above Plat, and do hereby guarantee clear title to all land so dedicated, and for the purpose of providing an orderly development of the entire tract, and for the purpose of providing adequate restrictive covenants for the mutual benefit of ourselves and our successors in title, to the sub-division of said tract, hereinafter referred to as lots, do hereby impose the following Restrictions and create the following Easements, to which it shall be incumbent to our successors to adhere.

PROTECTIVE COVENANTS.

These Covenants are to run with the land, and shall be binding on all parties or persons claiming under them until January 1st, 1981, at which time the said Covenants shall be automatically extended for successive periods of ten years, unless by a vote of a majority of the then Owners of the Lots, it is agreed to change said Covenants in whole or in part.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the provisions herein, it shall be lawful for any other person or persons, owning any real estate in said development of the sub-division to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such Covenant, and either prevent him or them from so doing, or to recover damages or other dues for such violation.

Invalidation of any of these Covenants by Judgment or Court Order shall in no way affect any of the other provisions, which shall remain in full force and effect.

1. All lots in the Tract shall be known and designated as Residential lots. No Structure shall be erected, altered, placed or permitted to remain on any Residential Lot Building Plot, other than a one detached single family dwelling, and a private garage for not more than three cars.
2. No building shall be located nearer to the front line, nor nearer to the side street line, than the Building lines shown on the Recorded Plat. No Building shall be located nearer than five feet to the side lot line, except that side line restrictions shall not apply to a garage or other subsidiary building located ninety feet or more from the front line. No residence or attached appurtenance shall be erected farther than Forty-Five feet from the front line.
3. No Residence or Structure shall be erected on any Building Plot, which has an area less than shown on the Recorded Plat.
4. No noxious trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become an annoyance or a nuisance to the neighborhood.
5. No Trailer, Basement, Tent, Shack, Barn erected in this Tract, shall at any time be used as a Residence permanently, nor shall any Structure of a temporary nature or character be used as a Residence.
6. No dwelling shall be erected on any Residential Lot in the Tract, the ground floor of the main structure of which, exclusive of one story porches and garage is less than 765 square feet.
7. Easements for all Utilities, sanitary and Storm Sewers, Installation, Operation and Maintenance affecting all Lots is hereby reserved for the use of the Public as shown on the Recorded Plat.
8. No open Trenches or Surface Openings shall be allowed on any lot in this tract. All lots must be served by Septic Tank Systems as approved by the City-County Health Department, and the Tulsa State Board of Health. The location and Construction of any private water supply must likewise be approved by the above mentioned Agencies.

WITNESS our hands this 9 day of July 1956.

*James A. Nichols*  
JAMES A. NICHOLS - Husband

*Mary Ann Nichols*  
MARY ANN NICHOLS - WIFE

ACKNOWLEDGMENT.

STATE OF OKLAHOMA )  
                                  ) SS  
COUNTY OF TULSA: )

Before me, the undersigned, a Notary Public in and for said State, personally appeared James A. Nichols and Mary Ann Nichols, Husband and Wife, to my known to be the identical persons who executed the within and foregoing Instrument on this 9th day of July 1956 and they acknowledge to me, that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF:

I have hereunto set my hand and seal this day and year last written.

My Commission Expires 12 Nov 1956.

*James A. Nichols*  
Notary Public

11.21

For: Mark Graham  
 7834 N. 134th E. Ave.  
 Owasso, OK. 74055

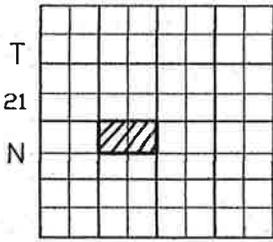
WATSON SURVEYING CO., INC.  
 401 E. ROGERS BLVD.  
 Skiatook, OK 74070  
 PHONE (918) 396-3214  
 C.A. #1058 EXP. 06/30/2005

#397-26

LEGEND

FENCE	---
SECTION LINE	---
WATER LINE	--W--W--
GAS LINE	--G--G--
ELECTRIC LINE	--E--E--
TELEPHONE LINE	--T--T--
SANITARY SEWER	--SS--SS--
EASEMENT LINE	---
IRON PIN	●

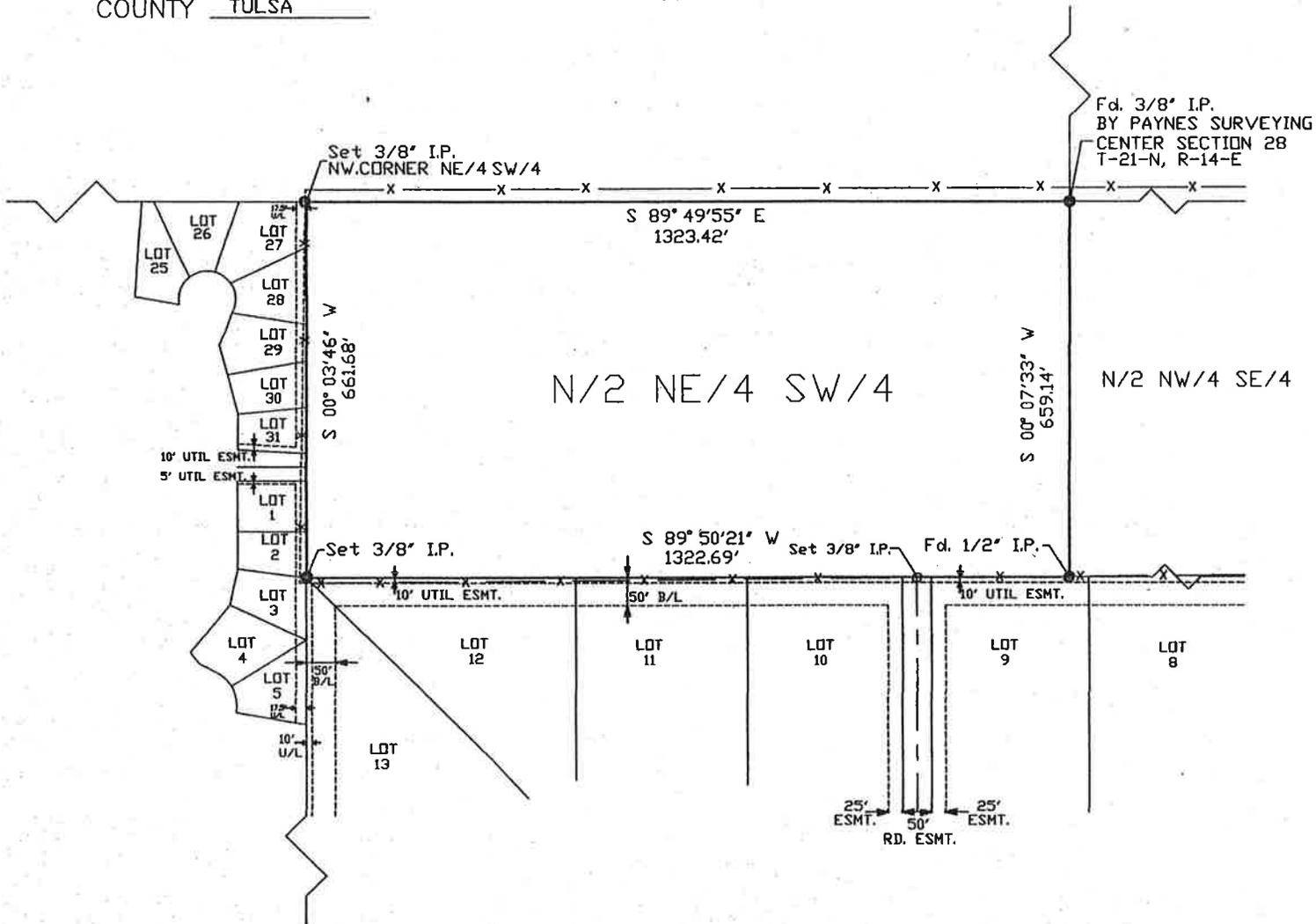
R 14 E



SECTION 28  
 COUNTY TULSA

PLAT OF SURVEY

SCALE 1" = 300'



PROPERTY DESCRIPTION

The North Half, Northeast Quarter, Southwest Quarter,  
 Section 28, Township 21 North, Range 14 East. (Recorded in Book  
 5848/2810).

11.22

PROPERTY DESCRIPTION

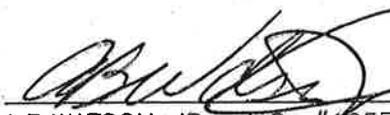
The North Half, Northeast Quarter, Southwest Quarter,  
Section 28, Township 21 North, Range 14 East. (Recorded in Book  
5848/2810).

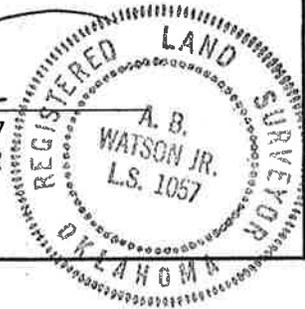
CERTIFICATE

The undersigned, a duly Registered Professional Land Surveyor in the State of Oklahoma, does hereby certify  
that the above plat is true and correct representation of the survey of the above described property.

Witness my hand and seal this 15TH day of JUNE, 2005.

THIS PLAT OF SURVEY MEETS THE  
OKLAHOMA MINIMUM STANDARDS FOR  
THE PRACTICE OF LAND SURVEYING  
AS ADOPTED BY THE OKLAHOMA  
STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND  
SURVEYORS.

  
A.B. WATSON JR. L.S. #1057  
REGISTERED LAND SURVEYOR







← easment

11.25



200 chairs = \$2,000  
20-25 tables

## Jones, Robi

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**From:** Fritschen, Karl <kfritschen@CityOfOwasso.com>  
**Sent:** Tuesday, January 14, 2020 2:37 PM  
**To:** Jones, Robi  
**Cc:** Dempster, Brian  
**Subject:** RE: County Board of Adjustment Cases

Thanks Robi for the notices.

I have discussed with some others and our comments are as follows.

### Case CBOA-2797: Wedding Venue

This facility lies within our residential land use category per our land use plan and is somewhat isolated. Considering the size of the tract and the AG zoning, the wedding venue would be viewed as an accessory use so we do not oppose it in that regard so long as a residential use is maintained on the property. Should the residential component be vacated, then it would be viewed as a change in use to commercial. However, we do have the following concerns that the Board should consider before rendering a decision.

- How will water service be provided? This is City of Owasso Water so any taps will need a permit and inspections by City personnel.
- How will wastewater be handled? If they are tapping into Owasso sewer, then annexation may be required as well as inspections.
- Will any easements be needed around the perimeter for public water service.
- The Board should consider traffic through the neighborhood. Maybe consider limiting hours of operation.
- Will noise be an issue? Again, maybe consider limiting hours of operation.
- How much site lighting will be needed and where will it be placed?

### Case CBOA-2793: Landscape Nursery

This facility lies within our residential land use category per our land use plan and is somewhat isolated. Though the tract is zoned RE it is 3.21 acres in size, so the use we feel does not pose a detriment to the adjoining residences given the size of tracts in this area. However, we do have the following concerns that the Board should consider before rendering a decision.

- What will be the hours of operation?
- Increased truck traffic carrying material and landscape plants may cause increase wear and tear on the road.
- Is this a retail or wholesale nursery?

Thank you Robi for allowing Owasso to comment on these two cases.

Regards,

Karl A. Fritschen, MRCP, AICP, RLA  
*Planning Manager*

200 S. Main  
City of Owasso, OK 74055  
918.376.1545

*"the truth is out there"*



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**From:** Jones, Robi [mailto:rjones@incog.org]  
**Sent:** Monday, January 13, 2020 11:35 AM  
**To:** Fritschen, Karl  
**Subject:** County Board of Adjustment Cases

Karl,

I am sending you a copy of the two Board of Adjustment cases we have in Owasso's fenceline. Let me know if you have any questions. If you get calls on either case, please give them my number and I will be happy to discuss it with them.

Robi

**Robi Jones**  
Community Planner  
County Board of Adjustment Administrator  
**Tulsa Planning Office**  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9472  
[rjones@incog.org](mailto:rjones@incog.org)



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## Jones, Robi

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**From:** Joe Wolfe <joe@my-firstcall.com>  
**Sent:** Tuesday, January 14, 2020 5:04 PM  
**To:** Jones, Robi  
**Subject:** CBOA-2797 – Statement to Board of Adjustment

Robi,

My name is Joe Wolfe, and I own property directly south and east of the property on which Jordan Graham is requesting special exceptions in Case Number CBOA-2797. I understand that the special exceptions requested would enable the property owner to use his property for a wedding and special events center. I have several concerns about the proposed use of the property:

The proposed use would cause an increase in traffic through Graceland Acres, a residential neighborhood which lies directly to the south of the applicant's property. The roads in Graceland Acres are deteriorating, and throughout the neighborhood, the roads are not wide enough for two cars to pass each other going opposite directions. If you need to pass a car coming opposite to you, you may have to pull into a neighbor's yard to allow the other car to pass. In addition, there are no streetlights in Graceland Acres, which would pose a major safety risk for additional drivers who are not familiar with the area. There are small children living in the neighborhood or often visiting relatives in the area, and the increased traffic would pose a hazard to them, as there are no sidewalks in Graceland Acres. If the applicant is proposing to use the property for weddings and special events, there will likely be intoxicated drivers using these streets which are narrow and without street lights. Any drivers who are drinking at the events center have to drive through a residential neighborhood to go to and from the events center. Finally, I have observed that there is no location for the applicant to install signage to direct drivers to the proposed special events center. The only places the applicant could put signage would be in a utility easement along 76<sup>th</sup> Street North or in a privately owned residential lot.

I would encourage all members of the Board of Adjustment to drive through the proposed area to see for themselves the lack of streetlights and conditions of the streets. The proposed use of the applicant's property would be potentially hazardous to those living in Graceland Acres, as the neighborhood is not suited to large volumes of traffic.

Thank you,

Joe

**Joe Wolfe**  
**President**

4125 S. Sheridan Road  
Tulsa, Oklahoma 74145  
TEL 918-665-1011  
FAX 918-665-3538

Tulsa \* Oklahoma City \* Springfield \* Dallas  
[Joe@My-FirstCall.com](mailto:Joe@My-FirstCall.com) \* [www.My-FirstCall.com](http://www.My-FirstCall.com)

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**[www.my-FirstCall.com](http://www.my-FirstCall.com)**

Thank you,

Joe

**Joe Wolfe  
President**

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Tulsa, Oklahoma 74145  
TEL 918-665-1011  
FAX 918-665-3538

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