

LEGEND

 Sand Springs Corporate Limits



CBOA-2843

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9121

CASE NUMBER: CBOA-2843

CZM: 43

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Mark Bales

ACTION REQUESTED: Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1)

LOCATION: 13609 W 41 ST S

ZONED: RE

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 5.19 acres

LEGAL DESCRIPTION: BEG 2310W SECR SE TH W330 N660 E330 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 5.189ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2772 October 2019: The Board approved a *Use Variance* to permit Use Unit 3, Agriculture, in a residential district, on property located at 13525 West 41st Street South.

CBOA-2682 June 2018: The Board approved a *Use Variance* to permit an Agriculture Use (Use Unit 3) to permit keeping/raising of livestock in an RE District; and a *Use Variance* to permit a Storage Use, Not Elsewhere Classified (NEC), Use Unit 23, in an RE District to permit a pole barn, on property located at 13103 West 40th Street South. (5-acre tract)

CBOA-690-B April 2014: The Board approved a Modification of a previously approved site plan for a church use in the RE district to permit a porch that extends 5'3" from building and to replace the green belt with a screening fence along the west of the property. Located: 13107 W 41st St S

CBOA-690-A March 2011: The Board approved a Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory. Located: 13107 W 41st St S

CBOA-1295 September 1994: The Board approved a Variance of the required setback from the centerline of the street from 85 ft to 77 ft to permit an existing church. Located: 13107 W 41st ST S

CBOA-690 September 1986: The Board approved a *Special Exception* to allow a church in a RE district and to allow a modular building to be used temporarily; AND the Board approved

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a *Variance* of the all-weather surface for parking to allow use of a gravel lot. Modular building and gravel lot limited to 2 years. Located: 13107 W 41st St S

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an area with residential and agricultural uses. The parcel to the east is the site of a Horticulture Nursery (CBOA-2772). There is a wooded area to the north and the west of the subject property and a large parcel, 5.95 acres, to the south of the subject property in the Sand Springs corporate limits which is zoned AG with a residential use.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1)

A Use Variance is required as Use Unit 3, Agriculture, is not a use permitted in a RE zoned district because of the potential adverse effects on neighboring properties. The agricultural use must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement, "*Current zoning prevents home-owner from having a home-based business.*"

According to the site plan provided by the applicant, the outside grow area will be 100' x 100' (10,000 sq. ft.). The applicant will have to follow all state laws required by Oklahoma Medical Marijuana Authority.

The parcel is located in the fenceline of Sand Springs and is included in their Comprehensive Plan. The plan calls for a Residential land use designation which can be viewed on the attached Land Use Map. The northwest corner of the property is located in the 100-year floodplain. The Sand Springs Comprehensive Plan was adopted in 2017. A public hearing is set before Tulsa Metropolitan Planning Commission on October 7, 2020 for consideration of adoption into the Tulsa County Comprehensive Land Use Plan.

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

Sample Motion:

"Move to _____ (approve/deny) a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1)

Approved 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."

Action Requested:

Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1). **LOCATION:** 13523 West 41st Street South

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated she represents the property owner Lauren Lee. This request is for a Use Variance to permit Use Unit 3 agriculture for a medical marijuana grow house. Ms. Lee lives on the property, it is her primary residence, and she would like to operate a small business on the property. The grow house is a small utility shed, 704 square feet; 16 x 44 in the rear yard.

Mr. Charney asked Ms. Cornett if the total tract is over 2 ½ acres, Ms. Cornett answered affirmatively.

Ms. Cornett presented photos of the subject shed and stated that the shed had recently been installed and it will be skirted in the future.

Mr. Crall asked Ms. Cornett if the shed is a portable building. Ms. Cornett answered affirmatively and stated that it will be skirted and on cinder blocks. Eventually the shed will be connected to electric and plumbing.

Ms. Cornett stated that Ms. Lee plans to install a six-foot wooden screening fence which would be an extension of the neighbor's screening fence. The fence will screen the shed from 41st Street. Ms. Cornett stated the area is mostly agricultural and the north half of the subject property is difficult topographically because there is a limestone ridge line that drops off about ten feet and slopes down to a creek. The back half of the subject property is unusable for residential purposes. The topography of the property creates the hardship for the property owner, and this is a rural area that has goats, horses, gardens, and large accessory buildings with equipment. The use is completely indoors and will have no effect on the neighbors.

Mr. Crall asked Ms. Cornett if there would be a dispensary at the facility. Ms. Cornett stated there would be no retail and no processing at the facility; it is purely a grow facility and harvest. Ms. Cornett stated the harvest would be every three or four months of about ten pounds each, and Ms. Lee would transport the product herself so there would be no traffic to the property.

Mr. Charney asked Ms. Cornett if she was saying there would be no commercial transport, and no noise associated with the process. Ms. Cornett answered affirmatively.

Mr. Charney asked Ms. Cornett if her client would be comfortable with a condition that the growing be restricted to the subject structure under discussion if the Board is

CBOA-2772

inclined to approve the request. Ms. Cornett stated the size of the structure is confined by the building code.

Mr. Charney asked staff if there is a limitation to the size of a building by the matter of right. Ms. Miller stated that in residential if the owner has a permit for agricultural use, there is a no limitation on the size because it is for agricultural use.

Lauren Lee, 13523 West 41st Street, Sand Springs, OK; stated that in the future she would like to bring in one shed and place it next to the subject shed. The buildings are small at 16 x 44 feet, and they are truly no bigger than the building her next-door neighbor has for equipment. She wants to start with one building and expand to two.

Mr. Hutchinson asked Ms. Lee if she would have grow lights and air conditioning in the building. Ms. Lee stated that everything is self-contained inside the building, and there would be grow lights in the building because there are no windows. The only thing that will be on the outside of the building is one air conditioning unit.

Mr. Hutchinson asked Ms. Lee if there would be a smell. Ms. Lee stated that if the proper carbon filtration system is not used there would be a smell. This is a small grow facility, so she is fully prepared to make sure there is no smell emitting from the building. The building is set 252 feet from the main road and over 300 feet from the nearest property.

Mr. Hutchinson asked Ms. Lee if she would have a dry room in her facility. Ms. Lee answered affirmatively. Ms. Lee stated there would be a veg room, a curing room and a flower room; it will all be self-contained. She will take the product from the shed directly to the car and deliver it to a dispensary. There will be no signage and there will be nothing on the outside to indicate what is being done on the property.

Mr. Crall asked Ms. Miller if the Board approves this request, did she say there is no limitation on how large this can be. Ms. Miller stated this is a broad Variance to permit an agricultural use, Use Unit 3, and that is the rule that applies to agricultural uses, that those type of buildings has no limitations. It can depend on how the Permit Office reviews the application, but she thinks it is fair to say that there is probably no limitation on size. Mr. Crall asked Ms. Miller if the Board could place limitations on the size. Ms. Miller answered affirmatively, but if the Board does not stipulate a size there may not be a limitation.

Ms. Lee stated that her intention has never to be a big grow operation; she did not start this trying to become one of the big guys. She only has 2.6 acres; she is truly a farmer doing what she loves.

Interested Parties:

There were no interested parties present.

CRQA-2772

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Comments and Questions:

Mr. Hutchinson stated that this case is unique because it is surrounded by AG. He thinks Tulsa County is very liberal in what they allow. If it is AG, IL, IM or IH then there can be grow facilities as a matter of right. In the residential, it changes his mind and with this case, because it is so rural, he could support the one building but he could not support two buildings.

Mr. Crall stated he is inclined to support the request.

Mr. Charney asked Ms. Cornett to come forward and state the hardship for the case. Ms. Cornett stated that the hardship is both the size and topography of the lot; the lot is more of an agricultural sized lot.

Mr. Dillard stated that the applicant should check with her accountant, because in a grow facility none of the expenses can be deducted; electricity, water, depreciation, etc. cannot be deducted because it is federally illegal. Therefore, they cannot take the proceeds to the bank, they cannot write anything off on their taxes, and until it is approved the applicant is taking a risk.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Use Variance** to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1), limiting the approval to the existing 704 square foot building. There is to be no commercial transport in or out of the property. The Board finds the hardship to be the size and topography, and the fact that it is a very deep parcel of land over 2 ½ acres that is surrounded by AG on virtually three of the four sides. 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; for the following property:

BEG 2145W SECR SE TH W165 N660 E165 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 2.594ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2773—Kyle Gibson

Action Requested:

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District to permit a lot split (Section 207).

LOCATION: East of the SE/c of South 145th East Avenue & East 161st Street South

2680—Justin Melton

Action Requested:

Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2); Variance to allow a detached accessory building in the front yard (Section 420.2). **LOCATION:** 4275 South 61st West Avenue

Presentation:

Justin Melton, 703 Tobago, Sand Springs, OK; stated he purchased three acres in the Berryhill area and having a house built on the property that is now about 80% complete. He would like to build a detached garage, so he could have a place to park his daughter's car, his boat, his four-wheeler, etc.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance to increase the allowable square footage for a detached accessory building(s) (Section 240.2); Variance to allow a detached accessory building in the front yard (Section 420.2). The Board finds the hardship to be the unique long shape of the subject lot being several hundred feet in depth; for the following property:

BEG 660S & 30E & 158.75S NWC NE NW TH S158.75 E634 N158.75 W634 POB SEC 29 18 12 2.31ACS, THE MEADOWS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

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2682—Joseph Hull

Action Requested:

Use variance to permit an Agriculture use (Use Unit 3) in an RE District; Use variance to permit a Storage use, Not Elsewhere Classified (NEC), (Use Unit 23) to permit a pole barn (Section 410). **LOCATION:** 13103 West 40th Street South

Presentation:

Joseph Hull, 1717 South Cheyenne, Tulsa, OK; stated he is the attorney for the applicant. This is a five-acre tract located at the corner of West 40th and 129th in the Prattville/Sand Springs area. The subject property is currently zoned RE and has no improvements on it currently. The property is surrounded by AG on the north and by RE on the south, west and east. The owners of the property are from Texas and they are moving here to take a new job. The owners would like to build a house on the

CBOA-2682

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property and raise their show goats. Most of the property owners in the area have pole barns and they are similar to what is being applied for. The property owners, both in the RE and the AG districts, have various types of animals. Mr. Hull stated that his clients would like to erect the pole before the house is built so they will have a place to store their belongings and their 12 goats will have a place. His clients will be here around the end of July, they plan on starting construction on the house by November 1st and think it will take 12 to 16 months to complete construction.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a **Use variance** to permit an Agriculture use (Use Unit 3) in an RE District; **Use variance** to permit a Storage use, Not Elsewhere Classified (NEC), (Use Unit 23) to permit a pole barn (Section 410), subject to the residential house and the pole barn permits to be obtained at the same time; for the following property:

W 330 OF N 660 OF S 1370 OF E/2 SE SEC 21-19-11, OF TULSA COUNTY, STATE OF OKLAHOMA

2683—Lonnie Basse

Action Requested:

Special Exception to permit a firework stand (Use Unit 2) in an AG District (Section 310); **Variance** of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** East of the NE/c of North 129th East Avenue and East 86th Street North

Presentation:

Lonnie Basse, 5401 West Skelly Drive, Tulsa, OK; stated the last time he came before the Board there was a five-year approval on this subject property. He would like to receive approval again to continue the firework stand.

Mr. Charney asked Mr. Basse if the City of Owasso or anyone else ever spoken to him about the stand. Mr. Basse answered no.

Interested Parties:

There were no interested parties present.

dredging/classifying system to amend the hours of operation to meet market demand to the June 17, 2014 County Board of Adjustment meeting; for the following property:

NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A. LT 2 SEC 16-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA

0690-B—New Life Tabernacle – Dan Switzer

Action Requested:

Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line. **LOCATION:** 13107 West 41st Street South

Presentation:

Dan Switzer, New Life Tabernacle, 13107 West 41st Street, Sand Springs, OK; stated the church wants to extend the porch on the existing building by 5'-3" to allow a covering for rain. They also want to replace a green belt that has been removed a long time ago with a fence. There is an existing fence but is barbed wire. The green belt had been removed several years ago with the neighbors permission, and now the neighbors would like to have a fence installed.

Mr. Charney asked staff to explain the green belt concept. Mr. West stated that originally there was a green belt, in 1996, on the original case's site plan. In 2011 it changed.

Mr. Walker stated that when the original application came before the Board the neighbors did not want the original area to turn into a concrete area. Therefore, they requested to have a green belt area between them and the church. Later the neighbors decided they did not need the green belt area. Mr. Switzer stated the church has a great relationship with the neighbors.

Interested Parties:

Rebecca Bengé, 13209 West 41st Street, Sand Springs, OK; stated she has no problem with the parking lot but she would like to have a wooden privacy fence installed. She and the Pastor of the church came to an agreement that the fence would be the length of the church parking lot. It has also been agreed that the church would maintain the fence and be responsible for the expense of installing the fence.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a

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Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line; for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S50 E/2 SW SE SE FOR RD SEC 21 19 11 2.348ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2497—Morton Building, Inc.

Action Requested:

Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). **LOCATION:** South of Highway 64/East 171st Street South between South Garnett Road & South 129th East Avenue

Presentation:

Scott Norvell, 7509 East 65th Street, Tulsa, OK; stated he is the Chairman and CEO of Blue Flame 47, Inc. and Pastor of the church. This is a small church which consists of about 75 people including many small children. The primary function of the church is that it is a ministry, and the ministry is provided throughout the world. The church purchased the land in December 2013, and plan to build a church with offices for the church. The congregation meets every Tuesday for services and hold prayer appointments on Friday and Saturday. They would like to have a gathering place where conferences twice per year. The average attendance of the conferences has been about 200 people. The conference are usually four days twice per year. These conferences have been held in the Garnett Road Church of Christ Green Country Event Center for the past four years. The church has been meeting on the subject property in a tent since the purchase. The church chose a design that would match the environment, so instead of a traditional church building it would be similar to a barn with a smaller building for the administrative offices and the prayer appointments. The smaller building would also be able to seat 150 people for dinner which would be used about twice a year.

Mr. Charney asked Mr. Norvell to elaborate about the proposed parking. Mr. Norvell deferred to Mr. Jeff Bonebrake.

Interested Parties:

Jeff Bonebrake, Morton Buildings, Inc., P. O. Box 1388, Muskogee, OK; stated that one of the desing goals is to make the church look like it fit into the area. The church requested that the buildings look like a farm house with a barn behind it. The parking is an issue that has yet to be determined. If it is possible a gravel surface would be preferable because the subject property is in a nonregulatory flood plain. It is proposed to have the front be have a concrete paved area for the handicapped with a paved entry way.

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she had hired did not know how to build a building and the structures are not sturdy or reliable. That is why she wants to use her existing garage. The privacy fence in the pictures will stay and be completed, taking down the temporary chain link fence.

Mr. Osborne asked about the dogs using the yard for their potty breaks, and Ms. Ferguson stated she did allow the dogs in the yard for their potty breaks and that she cleaned the yard at least once a day and occasionally three times a day.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a home occupation (dog grooming) in an AG district 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; for the following property:

W368.97 S295.17 SW SE SEC 1 17 14 2.5ACS OF TULSA COUNTY, OKLAHOMA

Case No. 0690-A-Dan Switzer

Action Requested:

Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory. **Location:** 13107 West 41st Street

Presentation:

Dan Switzer, 16907 West 58th Place South, Sand Springs, OK; he stated the church has grown and they want to raze the existing 30' x 112' building and replace it with an 80' x 100' family alliance center.

Mr. Osborne asked Mr. Switzer if the building was going to fit into the existing church area, and Mr. Switzer stated it would be a prefab building that would have a brick exterior around the bottom with a brick ledge to cosmetically match what exists. The new building is proposed to be moved back about eight feet to give the church a wider driveway.

Interested Parties:

There were no interested parties present.

CBOA-0690-A

Comments and Questions:

None.

Board Action:

On MOTION of DILLARD, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to APPROVE the Modification of a previously approved plan for a church use in the RE district to permit the replacement of an existing accessory, and is to obtain all proper permits; all for the following property:

BEG 660W SECR SE TH W330 N360 E330 S360 TO POB LESS S60 E/2 SW SE SE FOR RD SEC 21 19 11 IN TULSA COUNTY, OKLAHOMA

NEW BUSINESS:

None.

OTHER BUSINESS:

None.

BOARD COMMENTS:

None.

There being no further business, the meeting adjourned at 1:50 p.m.

Date approved: 4/19/11

David E. Gung
Chair

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Case No. 1294 (continued)

W. J. Robinson, 7008 Leameadow, Dallas, Texas, stated that he owns property across the street from the subject tract and is also concerned with future development of the property.

Comments and Questions:

Mr. Walker noted that there are other lots in the area that are smaller than one acre.

Mr. Alberty stated that he would be opposed to a subdivision created by future lot splits, but could support the application to split off of the existing house and one acre.

Board Action:

On MOTION of ALBERTY the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a Variance of the required lot area, land area per dwelling unit and lot width to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per survey submitted; finding that the dwelling is existing and there are smaller lots in the neighborhood; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

E/2, NW/4, Section 36, T-19-N, R-11-E of the IBM, Tulsa County, Oklahoma, less and except the W/2, W/2, NE/4, NW/4, Section 36, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1295

Action Requested:

Variance of required setback from the centerline of the street 85' to 77' to permit an existing church - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 13110 West 41st Street, Sand Springs.

Presentation:

The applicant, Dan Switzer, 13110 West 41st Street, Sand Springs, submitted a plot plan (Exhibit H-1) and noted that the church is in the process of constructing a new building on the subject property. He explained that, after the footings were poured, it was discovered that they could be over the building setback line as much as 8'. Mr. Switzer informed that other nearby development has been constructed at the requested setback.

09:20:94:172(11)

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Case No. 1295 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ELLER** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of required setback from the centerline of the street from 85' to 77' to permit an existing church - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; with a 77' setback from the centerline of 41st Street; finding that the requested setback is consistent with the area, and approval of the request will not be detrimental to the area; on the following described property:

Beginning 660' west of the SE/c SE/4, thence west 330', north 360', east 330', south 360' to POB, less south 50', E/2, SW/4, SE/4, SE/4 for road, Tulsa County, Oklahoma.

Case No. 1296

Action Requested:

Special Exception to permit a home occupation beauty shop/nail salon - **SECTION 440.B. HOME OCCUPATION**, located 6317 West 37th Street South.

Presentation:

The applicant, **Mary Alexander**, 6317 West 37th Street, requested permission to operate a nail salon as a home occupation. The applicant informed that she will be the sole operator of the shop and customers will be scheduled by appointment only.

Comments and Questions:

Mr. Alberty asked the applicant if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a home occupation beauty shop/nail salon - **SECTION 440.B. HOME OCCUPATION**; per Home Occupation Guidelines; subject to customers being scheduled by appointment only; finding the use to be compatible with the area; on the following described property:

East 220.86' of west 441.72' of N/2, N/2, S/2, NW/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

09:20:94:172(12)

Case No. 690

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RE District and to allow a modular building to be used for the church building temporarily.

Variance - Section 240.3 - Use of Yards in R Districts - Request a variance of the all-weather surface for parking to allow use of a gravel lot, located west of NW/c of West 41st Street South and 129th West Avenue.

Comments and Questions:

Mr. Jones submitted a letter (Exhibit E-1) from the City of Sand Springs which stated that no recommendation is being made on the application.

Presentation:

The applicant, Dan Switzer, Box 1346, Sand Springs, Oklahoma, stated that he is the pastor of the New Life Tabernacle and asked the Board to allow the location of a church building on the subject property. He informed that the temporary modular building will be 24' by 50' and will have central heat and air conditioning. Mr. Switzer stated that it will be used for 2 years and then replaced with a brick structure. He asked the Board to allow gravel parking to be used until a permanent structure is built.

Comments and Questions:

Mr. Walker asked the applicant to state the distance from the proposed church building to the nearest residence and he replied that the modular can be placed anywhere on the lot that will be agreeable to the neighbors.

Mr. Albery asked the applicant if the tract is vacant at this time and he informed that it is a vacant wooded lot.

Mr. Walker inquired as to the size of the congregation and Mr. Switzer stated that the modular building will seat approximately 80 people.

Protestants:

Vern Moore, Route 1, Sand Springs, Oklahoma, stated that he owns the property to the west of the subject tract. He voiced a concern that he was not notified of the meeting and pointed out that the property in question is not served by a city sewer and the soil does not percolate well. Mr. Moore stated that he has been burglarized several times and, in his opinion, the unattended church property would give thieves an opportunity to enter his property. He pointed out that drainage from the church property is directed toward his acreage and asked the Board to deny the application.

A petition of protest (Exhibit E-2) from area residents was submitted to the Board.

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Applicant's Rebuttal:

Mr. Switzer stated that the septic system will require Health Department approval and that there will be security lights installed on the property.

Interested Parties:

Louise Strout, stated that she is owner of the property in question and is planning to sell it for church use. She pointed out that, in her opinion, the Moore's property would be better protected if the brush was cleared from the lot. Ms. Strout stated that she lives in the area and feels a church is appropriate at this location.

Additional Comments:

Mr. Looney commented that he feels a church is compatible with the area and that security would be improved if the lot was cleared.

Mr. Alberty remarked that he is concerned with the temporary nature of the proposed building.

Mr. Tyndall stated that he would like to review a plot plan and see where the water run-off from the lot would be directed.

Mr. Edwards informed that the modular will be required to be placed on a permanent foundation.

Board Actions:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a church in an RE District and to allow a modular building to be used for the church building temporarily; and to APPROVE a Variance (Section 240.3 - Use of Yards in R Districts) of the all-weather surface for parking to allow use of a gravel lot; subject to a 2-year limitation on the use of the modular building and gravel parking area; subject to the entrance driveway being chained off when not in use and security lighting be provided; subject to filing of a plat and obtaining necessary permits; subject to the parking lot being properly screened and treated to prevent dusting; subject to Health Department approval; subject to proper right-of-way dedication; subject to applicant returning to the Board for approval of a site plan depicting a definite location of the modular building on the property; and subject to a green belt of undisturbed land being reserved between the parking lot and the property to the west; finding that a church will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

CRA 690

The SE/4 of Section 21, T-19-N, R-11-E of the IBM, Tulsa County: Beginning at a point 660' west of the SE/c of Section 21, west 330', north 360', east 330' thence south to the east line 360' to the Point of Beginning Containing 2.72, acres more or less, Tulsa County, Oklahoma.

Case No. 691

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required minimum lot area from 2 acres to 1.742 acres for an existing tract, located south of the SE/c of 136th Street North and Mingo Road.

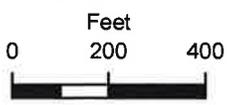
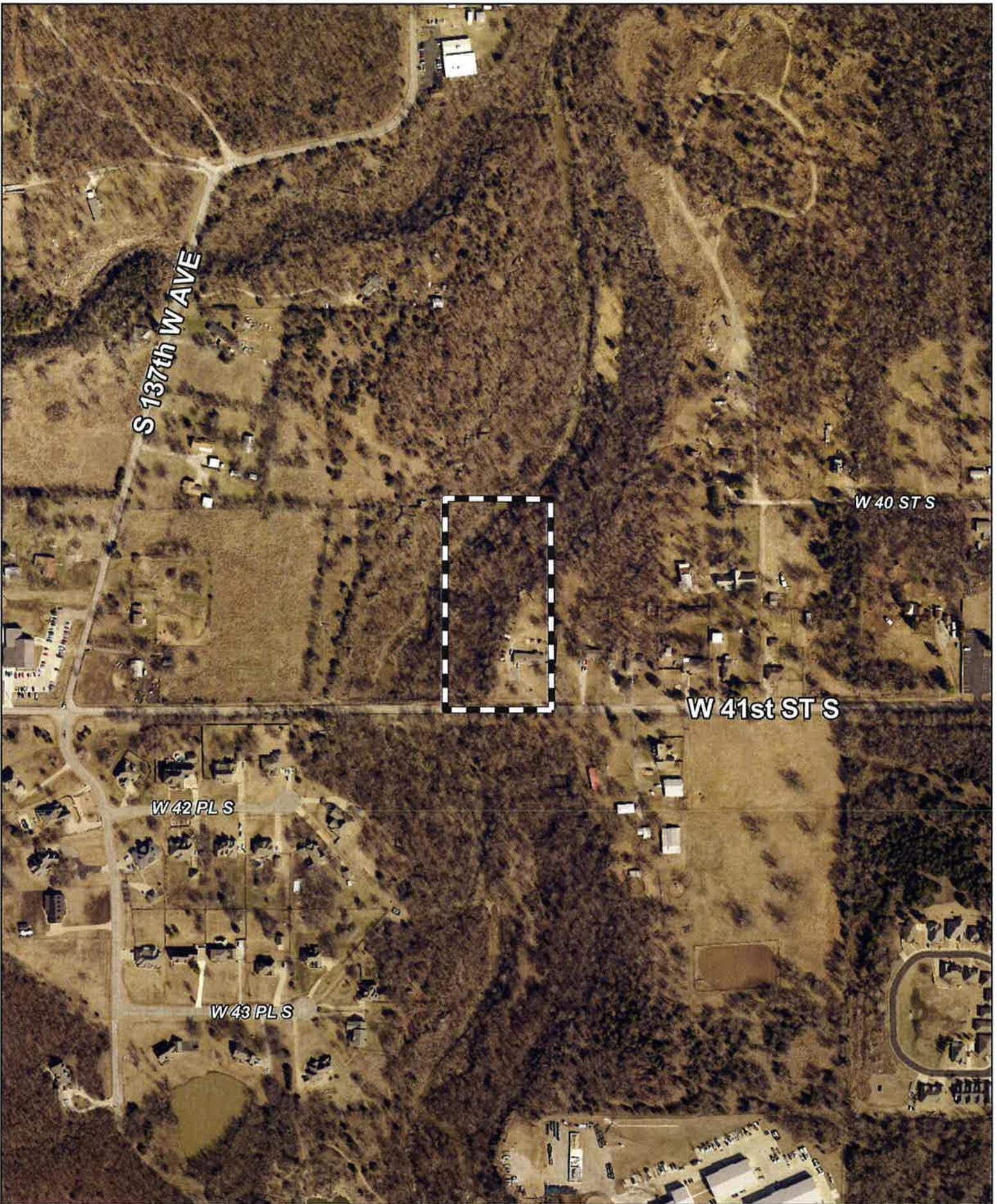
Presentation:

The applicant, George Upky, Route 3, Collinsville, Oklahoma, stated that he wants to construct a home on his land and does not have the required 2.5 acres. He informed that a mobile home is located on the property at this time, but will be removed. Mr. Upky stated that there are some lots in the area that are smaller than the subject property.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 330 - Bulk and Area requirements in Agriculture Districts - Use Unit 1206) of the required minimum lot area from 2 acres to 1.742 acres for an existing tract; finding that there are lots in the area that are smaller than the subject tract; on the following described property:

A parcel of land 230 feet North and South by 330 feet East and West, lying in Section Thirty-One (31), Township Twenty-Two (22) North, Range Fourteen (14) East of the Indian base and Meridian, more particularly described as follows, to-wit: Beginning 198 feet South of the Northwest Corner of said Section 31, thence 330 feet East, thence 230 feet South, thence 330 feet West, thence 230 feet North to the point of beginning, lying in Tulsa County, State of Oklahoma and containing 1.742 Acres, more or less.



Subject Tract

CBOA-2843

19-11 21

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

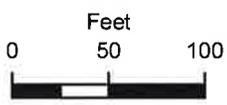
Aerial Photo Date: February 2018

2.19





W 41st ST S



Subject Tract

CBOA-2843

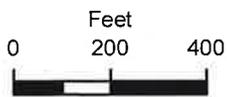
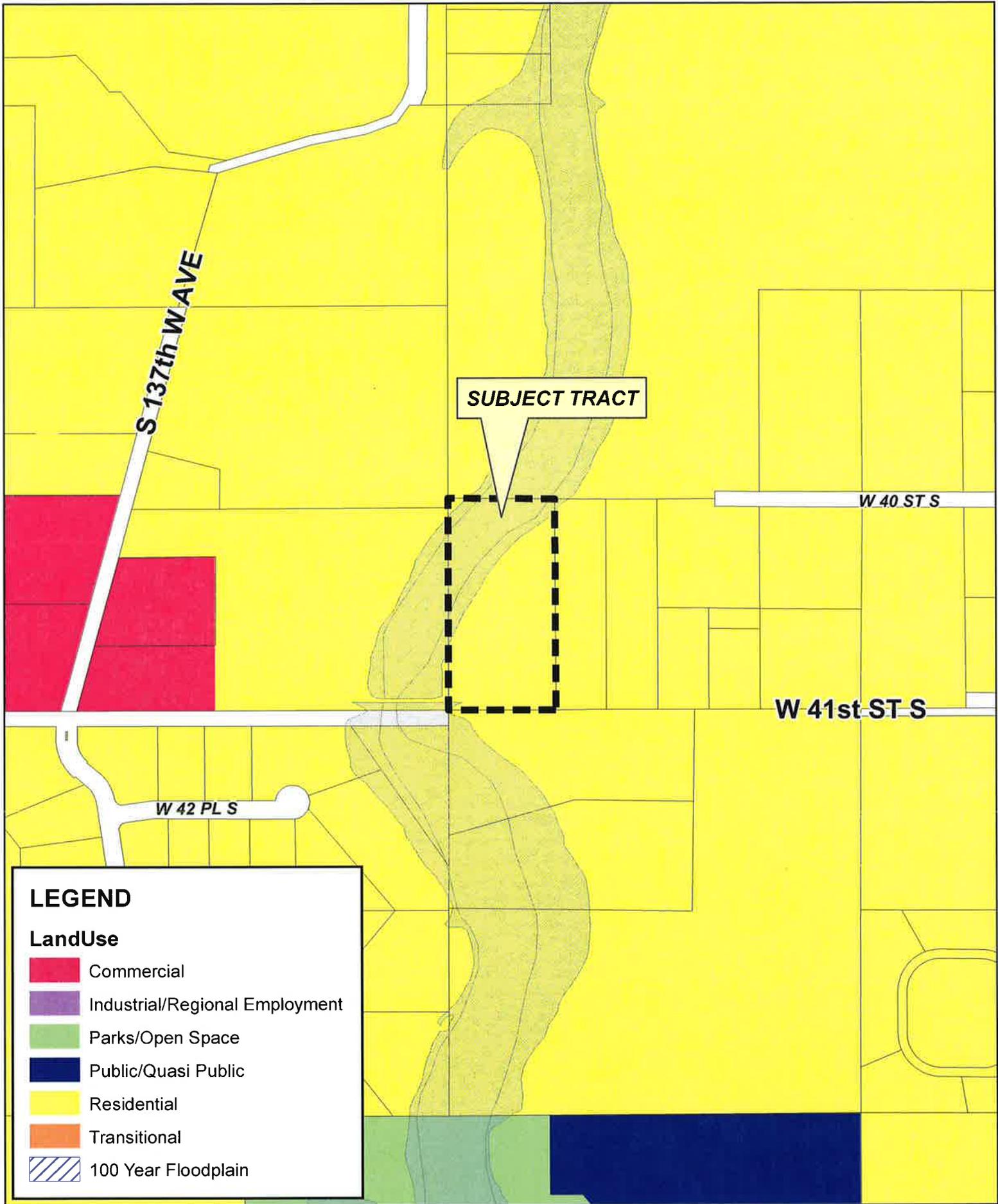
19-11 21

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

Aerial Photo Date: February 2018

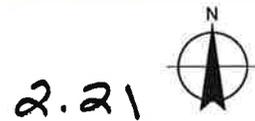
2.20





CBOA-2843

19-11 21



Sparger, Janet

From: Jones, Robi
Sent: Monday, August 31, 2020 8:36 AM
To: Sparger, Janet
Subject: FW: Case#CBOA-2843

Janet - Please print this and include it in the folder.

-----Original Message-----

From: AOL <thefireys@aol.com>
Sent: Friday, August 28, 2020 2:57 PM
To: Jones, Robi <rjones@incog.org>
Subject: Case#CBOA-2843

My name is John Firey. I own 4007 S 137th W Ave which joins 1369 W 41st St Sand Springs. (Case # CBOA 2843). They are applying for a variance to permit Unit 3, agriculture, for a horticulture nursery. I understand that they want to raise medical marijuana. I am strongly opposed to this in a residential neighborhood. In the event of a break-in or robbery they may come across our property. We feel this is the wrong kind of business for our neighborhood. Once again we strongly oppose this variance. Sincerely John Firey
Sent from my iPhone



Looking northwest from W. 41st St. S.



Looking north from W. 41st St. S.

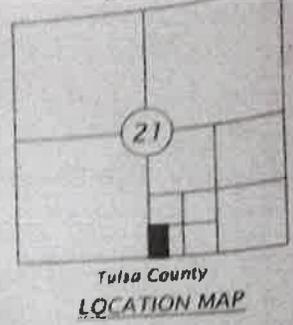


Looking west from W. 41st St. S.

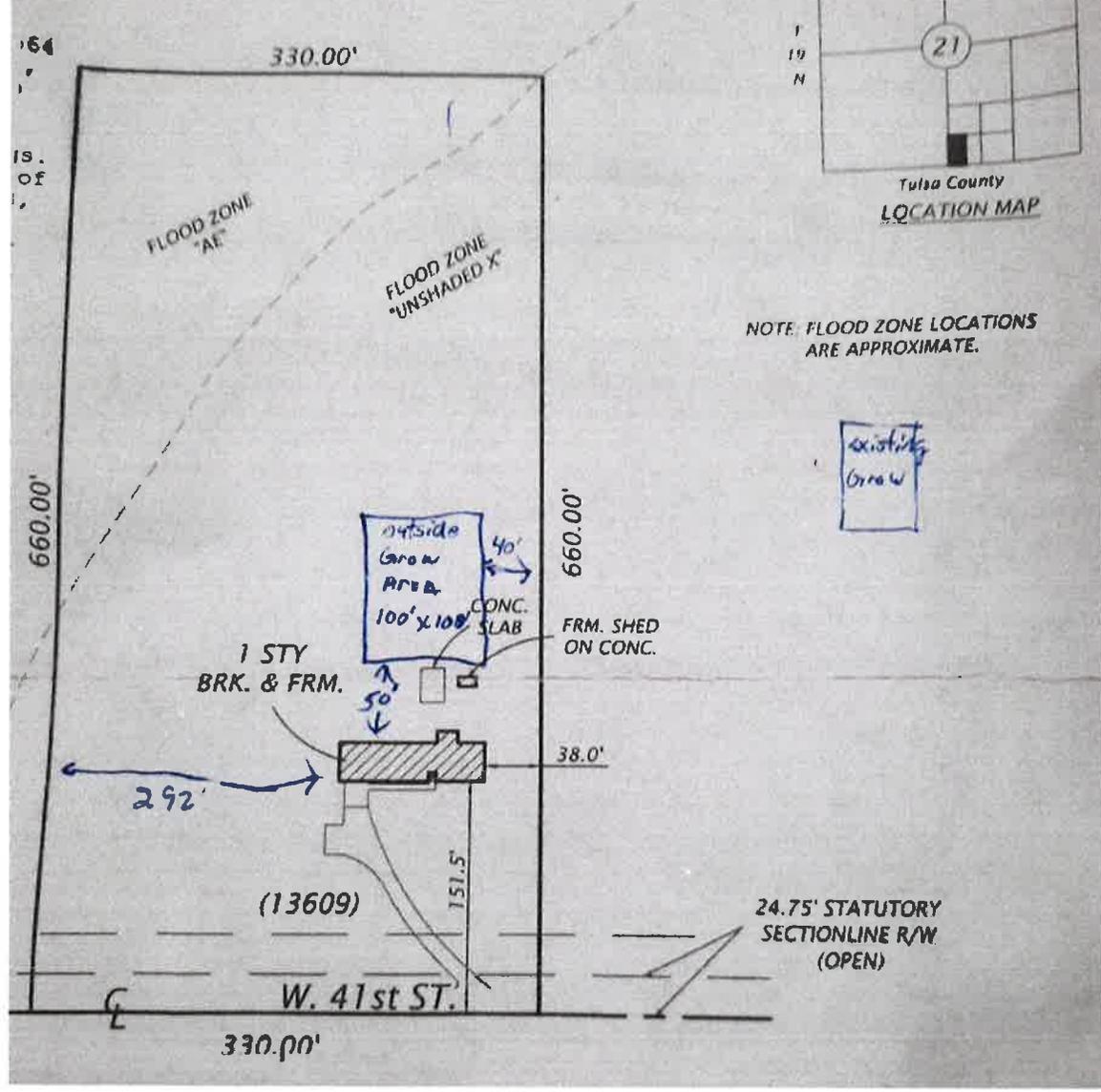


Looking east from W. 41st St. S.

... FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL
 IN FLOOD ZONE "AE" AREAS OF 100-YEAR FLOOD; BASE
 FLOOD HAZARDS FACTORS DETERMINED AS SHOWN ON FIRM
 DATED 8/3/09



NOTE: FLOOD ZONE LOCATIONS
 ARE APPROXIMATE.



existing
 Grow

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