**Case Number:** CBOA-2946

**Hearing Date:** 01/18/2022 1:30 PM

**Case Report Prepared by:** Robi Jones

**Owner and Applicant Information:**

**Applicant:** Jennifer Jefferson

**Property Owner:** LIVINGSTON, CHERYL JANE

**Action Requested:** Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

**Location Map:**

**Additional Information:**

**Present Use:** Residential

**Tract Size:** 2.26 acres

**Location:** 14603 S LEWIS AV E

**Present Zoning:** AG

**Fenceline/Area:** Bixby

**Land Use Designation:** Medium Density Residential

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

TRS: 7317
CZM: 61

CASE NUMBER: CBOA-2946
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Jennifer Jefferson

ACTION REQUESTED: Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 14603 S LEWIS AV E
ZONED: AG
FENCeline: Bixby

PRESENT USE: Residential
TRACT SIZE: 2.26 acres

LEGAL DESCRIPTION: PRT NW SW BEG 433.84S NWC NW SW TH S415 E525 N415 W525 POB LESS W50 & LESS N207.5 THEREOF SEC 17 17 13 2.26AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant
Surrounding Property:

CBOA-2897 July 2021: The Board approved a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a youth day camp in an AG District; and a Variance from the all-weather parking surface requirement with conditions, on property located at 14601 South Lewis Avenue East & 14775 South Lewis East.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning. There is IL zoning located nearby to the northwest. Surrounding uses appear to be a mix of residential, agricultural, and the related youth day camp to the north and south.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a Variance from the all-weather parking surface requirement (Section 1340.D).

A Special Exception is required as the proposed Youth Day Camp (Use Unit 5) is a use which is not permitted by right in the AG district because of potential adverse affects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The applicant submitted site plans indicating that there is a home with a detached garage located on the property and the applicant is proposing to construct a 65’ x 42’ barn east of the home to be
used in connection with the youth day camp located on properties to the north and south (Approved in July 2021 – CBOA-2891).

The proposed parking lot will have a gravel surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust. The applicant has requested a variance to allow a gravel parking area on the site.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

**Sample Motion:**

“Move to ________ (approve/deny) a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205).

Subject to the following conditions (including time limitation & hours of operation, if any):
__________________________.

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Move to ________ (approve/deny) a Variance from the all-weather parking surface requirement (Section 1340.D).

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.”
Mr. Hutchinson asked Mr. Thomas if his pre-rolls had the plastic tip. Mr. Thomas answered affirmatively.

Mr. Hutchinson asked Mr. Thomas if he was going to do any other type of light manufacturing. Mr. Thomas answered no.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of HUTCHINSON, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the request for a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in a CS District (Section 1225), subject to conceptual plan 2.11 of the agenda packet. The manufacturing is to be limited to the pre-rolls only. The Board has found the hardship to be that it is a very quiet operation. Finding 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; for the following property:

LOT 6 BLK 3, GOLDEN HILL ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2891—Jennifer Jefferson

Action Requested:
Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a youth day camp in an AG District (Section 1205); Variance from the all-weather parking surface requirement (Section 1340.D). LOCATION: 14601 South Lewis Avenue East & 14775 South Lewis Avenue East

Presentation:
Jennifer Jefferson, 14775 South Lewis Avenue, Bixby, OK; stated she owns and directs Eight Acre Summer Camp and it is the camp's 20th year. The program is outdoor based and is for elementary aged children. She has teachers and teacher assistants that work with her when the camp is open. She would like to expand the indoor area as an additional space for lunch and snack time or when it is raining.

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Mr. Charney asked Ms. Jefferson if there were two parcels involved in this request. Ms. Jefferson stated that 14775 is her home address and there is an additional lot that is not mentioned and she does not use, and the 14601 is her daughter's house.

Mr. Charney asked Ms. Jefferson where the increased activity is going to occur. Ms. Jefferson stated that it will take place at 14601.

Mr. Charney asked Ms. Jefferson if she had heard from any of the neighbors about her request. Ms. Jefferson stated that everyone is supportive. She has two neighbors that the children and staff walk across their driveway, and their concern was liability if a child is hurt. Ms. Jefferson stated she is adding an insurance rider naming those neighbors as insured to protect them.

Mr. Hutchinson asked Ms. Jefferson if she ran the camp only during the summer. Ms. Jefferson answered affirmatively stating that she is licensed through DHS for up to 120 children a day. She is also open during spring break, fall break and Christmas break. She averages about 80 to 100 children a day during the summer. She also has a cookout one night a year at the end of summer for the families. She does not want to increase the number of children but she does want more space for them. During the school year, camps are larger than ever before and there were 30 to 40 children a day.

Mr. Hutchinson asked Ms. Jefferson about her operating hours. Ms. Jefferson stated that her operating hours are 7:00 A.M. to 6:00 P.M. and those hours do not change.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the request for a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a youth day camp in an AG District (Section 1205); Variance from the all-weather parking surface requirement (Section 1340.D). The camp use will be during the summer and during school breaks when the children are out of school. The hours of operation will be 7:00 A.M. to 6:00 P.M with one evening allowed during the summer for a school event. The Board finds the hardship to be the large nature of the tract and temporary use of the parking areas, primarily in the summer months. 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. 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.

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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:

PRT NW SW BEG 908.84S & 50E NWC SW TH E1270 S411.16 W765 N381.16 W505 N30 TO POB SEC 17 17 13 7.569ACS; PRT SW BEG 938.84S & 50E NWC SW TH E505 S381.16 W244.50 N351.46 W260.50 N30 TO POB SEC 17 17 13 2.318ACS; S207.50 N641.34 W525 NW SW LESS W50 FOR RD SEC 17 17 13 2.262ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2893—Kenneth Johnson

**Action Requested:**
Use Variance to allow Use Unit 13, Convenience Goods and Services, to permit a medical marijuana dispensary in the AG District (Section 1213). **LOCATION:** 7703 West 7th Street South

**Presentation:**
Kenneth Johnson, 7703 West 7th Street, Tulsa, OK; stated he owns 52 acres and he started his business three years ago with the outdoor grow. He has enlarged the business and was before the Board last year to receive approval for processing. At the last meeting there were a couple of neighbors protesting the request but they are not in attendance today. He would like to enlarge his business again and would like to have a medical dispensary on the subject property. In the year since the Board approved the processing, the Sheriff's Department has never been called, there have been no ambulance runs, and there have not been any Fire Department runs. The medical dispensary would be in a 8'-0" x 40'-0" Conex building and he would like to be able to sell wholesale to the patients.

Mr. Charney asked Mr. Johnson if he currently grows and processes then takes that product to a different location to sell. Mr. Johnson stated that he has some dispensary customers that come to him; about 25 sales a week and he also delivers the products to dispensaries.

Mr. Charney stated that sometimes when he is reviewing a case in the rural area for possible approval the Board may feel that when the public is invited onto a site with a lot of ingress and egress traffic there are different thoughts about that because it is straying away from the AG use. Mr. Johnson stated that across the street there is a DVIS shelter and, if anything, some of the businesses that exist in the area have affected the rural area. The DVIS shelter has 3-4 police calls a week, there are ambulances and fire trucks that come to that site, there are 35-40 cars in the parking lot every day. Toward the west the City of Sand Springs stops at 10th Street, Tulsa County picks up at 7th Street and there is a new four-way stop at that corner because there are about 8,000 vehicles that go through that intersection daily; the rural area is not rural any longer and it is growing. The rural community is disappearing.

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Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
Barn
Proposed Eight Acres Camp Office
65'
42'

Gravel Parking

Residential Home
30'
54'

Detached Garage
30'
28'
Gravel Driveway

Easement
45'

14603 S Lewis Ave, Bixby, OK 74008

CBOA-2946 4.11
NOT to Scale