

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 505**

Tuesday, March 15, 2022, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Tulsa, OK

MEMBERS PRESENT
Hutchinson, V. Chair
Dunkerley
Hicks
Tisdale

MEMBERS ABSENT
Charney, D. Chair

STAFF PRESENT
S. Miller
R. Jones
S. Kelvington

OTHERS PRESENT
K. Edenborough,
County Inspections

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 9th of March 2022 at 1:03 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Hutchinson called the meeting to order at 1:30 p.m.

Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

Minutes

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstains”; Charney “absent”) to **APPROVE** the Minutes of February 15, 2022 (No. 504).

UNFINISHED BUSINESS

2947- Travis Dunn

Action Requested:

Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record in an AG district (Section 330); and a **Variance** from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 16532 S 43rd E Ave

Presentation:

Travis Dunn, 16532 S 43rd East Ave, stated that he would like to waive the minimum area required to add a second dwelling to his property which is zoned AG. His lot is a little over 2 acres and the minimum requirement to add the second dwelling is 4 acres.

Mr. Hutchinson asked if he has spoken to his neighbors. Mr. Dunn replied that his wife has spoken to his next-door neighbor, and they are supportive of the request, and they are considering doing the same for their property. Mr. Hutchinson asked if it will be a single wide or double wide home added to the property. Mr. Dunn replies that it will be a double wide.

Mr. Hutchinson asked what the hardship for the variance request is. Mr. Dunn replies that the area is remote and on a dead-end road and the home will be accommodations for their aging parents. Mr. Hutchinson reviewed the requirements for the home that they are requesting, and Mr. Dunn replies that he is aware of those.

Interested Parties:

No interested parties.

Comments and Questions:

All members were in support of the variance were in favor of approving the minimum land requirement in an AG district but were not in favor of the variance from the all-weather parking surface requirement.

Board Action:

On **MOTION** of **Hicks**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; "aye" "abstentions"; Charney "absent") to **APPROVE** a **Variance** of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record in an AG district (Section 330) with the following conditions: the home must be skirted and tied down, meet DEQ requirements and the home will have its own utilities. The Board finds the hardship to be the property is in a remote area and on a dead-end road and the home will be for accommodations for their aging parents. On **MOTION** of **Hicks**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; "aye" "abstentions"; Charney "absent") to **DENY** the request for a **Variance** from the all-weather parking surface requirement (Section 1340.D). The Board finds 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:

S158.75 E560 SW SW NE SEC 28 17 13 2.04ACS, Tulsa County, Oklahoma

* * * * *

NEW APPLICATIONS:

2951- Rigoberto Gomez

Action Requested:

Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a **Variance** from the all-weather parking surface requirement (Section 1340.D)

LOCATION: 11201 North 41st Avenue East

Presentation:

Applicant not present.

Interested Parties:

No interested parties.

Comments and Questions:

All members were in support of a continuance until the next scheduled meeting.

Board Action:

On **MOTION** of **Hicks**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”, “aye” “abstentions”; none “absent”) to **Continue** to April 19, 2022 the requests for a **Special Exception** to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a **Variance** from the all-weather parking surface requirement (Section 1340.D), for the following property:

S244 N811 E427 W460 E/2 SE NW SEC 9 21 13 2.392ACS, Tulsa County, Oklahoma

2952 - Gawey Architects

Action Requested:

Modification of a previously approved site plan to permit a new Parish Hall, Parish Temple, Caretaker Residence, and an update to parking locations in the AG district (Section 1205).

LOCATION: 15710 S Peoria Ave

Presentation:

Mark Gawey, 15710 S Peoria Ave, stated that they are requesting a modification to a previously approved site plan. They have increased the parish hall to 7,000 sq ft and the building has moved more to the east of the property by approximately 100ft which places it closer to the existing temple. With this design they have moved the location of a future temple they intend to build. Mr. Gawey explained that they have also modified the parking on the site plans to fit the future modifications.

John Sames, 8336 S Lewis Ave #803, stated that he is a representative of the church, where he serves as a treasurer. Mr. Sames explained that they will be adding 30 new parking spaces and they will not be adding additional lights for the parking lot. They will be adding new carriage lights on the building near the doors. In regards to neighbor's concerns with a retention pond, Mr. Sames spoke to the Glenpool project manager and he has submitted a letter to the committee regarding this. The site plan does not have one included and they are not planning to build one. The church does not want the standing water on the property due to the liability and safety concerns. Mr. Sames addressed the concerns about the creek on the property and stated that the church has not done anything to impede the flow of the creek. They have cleaned it out over the years of rocks and debris. He noted that it is a dry creek and it only flows when it rains, but they have no intentions of retaining any water from the flow of the creek. Mr. Sames said the septic system they will use was previously excluded from the plans but they will be installing a septic system, not an aerated system and again stated they will not have a retention pond on the property.

Mr. Hutchinson asked what materials they will be using to build the structure. Mr. Sames and Mr. Gawey both replied that it will be made from all wood and it will match the existing structures on the property.

Interested Parties:

George Sharp, 1647 E 3rd St, stated that he is the neighbor to the west of the property and his main concern was the retention pond, which has been addressed. He does not understand why they are not doing their aerated system, which has been addressed. He was happy to hear that the church had revised their plans. He does feel like their plans for the property is a creeping situation and how they keep adding to the property. It used to be a small church, but added 150 parking spaces, and church services multiple days of the week.

Kurt Townsend, 1647 E 3rd St, stated that he is the son-in-law of Mr. Sharp. He wanted to confirm that the board received the photos that were submitted of the creek bed and the change to water flow to the Sharp's property. Mr. Townsend said that he was not prepared for the changes to the proposed site plans by the church, but is happy those items have been addressed, however he would still like to address the issue in regards to the flow of the creek. The Sharp family has owned their property for around 90 years and their concern is that the creek has been cut over the years and he disagrees that the church has disrupted the flow of the creek with the grass that has been planted and the clearing out of the rock bed. He asked the board to include a statement that would prevent the church from further impeding the flow of the water through the creek.

Erin Sharp, 15810 S Peoria Ave, stated that she lives on the property next to the church where the proposed home will be built for the church's caretaker. Ms. Sharp stated that she would like to know what the sq footage of the building will be and what will it be used for. She is concerned because the building will be built just outside of her bedroom. She is also concerned about the noise and light pollution. Ms. Sharp is a nurse and works crazy hours and appreciates and needs the solice of her home and her animals. She does not want that disrupted by construction and she also has safety concerns in regards to construction and who the builders will be.

Rebuttal:

Mr. Sames stated that the church has tried to be a good neighbor and he feels that they have not done anything to impede the flow of the creek onto the Sharp's property. He addressed the parking claim by saying they have far less parking than 150 spaces and they will not be adding any additional parking unless it is needed. Mr. Sames responded to Ms. Sharp's questions about the builder they will be using to build the barn by saying it will be a parish member that is a contractor and will be managing that project. Mr. Sames also replied that the building will be used to store equipment for mowing, and maintenance equipment for repairs on the property. He further added the barn will not be attached to the caretaker's home, but it will be a smaller size barn.

Comments and Questions:

Mr. Hicks questioned the requirements for the retention pond and said the applicant will need to comply with the county's codes.

Mr. Hutchinson stated that he was in support of the modification.

Mr. Dunkerley asked the applicant about a bridge that is shown on the property on one of the exhibits. Mr. Sames replied that it is just a small, wooden, pedestrain bridge that the priest uses to crossover to the chapel. Mr. Dunkerley asked the applicant for more information on how they maintain the creek on the property. Mr. Sames replied that the church cleans out debris and trash, and that they mow and rake the creek. They have their youth group clean it out once a month and that they have not made any permanent changes to the creek bed.

Mr. Tisdale ased what sewer they are using now. Mr. Sames replied that it is currently septic.

Mr. Sharp was allowed to speak again to the board and he wanted to make sure the church understands that it is illegal to stop the flow of the creek. He feels that they have done that.

The county staff and board had a conversation about the detention pond and if they are allowed to remove it. They agree that it will need to be determined by the county engineer and possibly through the permitting process.

Board Action:

On **MOTION** of **Hicks**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a **Modification** of a previously approved site plan to permit a new Parish Hall, Parish Temple, Caretaker Residence, and an update to parking locations in the AG district (Section 1205) per the site plan 4.13 of the agenda packet, with the following conditions: the detention area is removed (if allowed by the county engineer) and the site will have sewer services and not an aerated septic system.

The Board finds that the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code; for the following property:

N198 S461 E/2 NE SE LESS E24.75 FOR RD & LT 1 BLK 1, HOLY APOSTLES CHURCH, Tulsa County, Oklahoma

2953 - Lonnie Basse

Action Requested:

Modification of a previously approved Special Exception (CBOA-2738) to extend the time limitation and the variance from the all-weather parking requirement for a fireworks stand in a CS district (Section 310).

LOCATION: 11625 North 113th Avenue East

Presentation:

Lonnie Basse, 5401 W Skelly Dr, stated that he is asking the board to modify their current approval to sell fireworks during the 4th of July season. They have been selling fireworks from this location since 1969. He is seeking a 10-year approval on the parking and location.

Mr. Hutchinson asks if the applicant is asking to extend the time frame he is set up in that location. Mr. Basse replies no, he does not intend to extend the days of operation or hours.

Mr. Hutchinson stated that he would be comfortable to renew it for 5 years.

Interested Parties:

No interested parties.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a **Modification** of a previously approved Special Exception (CBOA-2738) to extend the time limitation and the variance from the all-weather parking requirement for fireworks stand in a CS district (Section 310), with the following conditions: the days and hours of operation remain the same as in CBOA-2738 and with an expiration date of 5 years from the approval date, March 2027. The Board finds that the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code; for the following property:

BEG SWC SW TH E347 N316 W347 S316 POB LESS BEG SWC SW SW SW TH N50 E30 SE28.28 S30 W50 POB & LESS BEG 50N SWC SW TH N266 E59 S225.89 CRV LF 39.30 E262.97 S65 W297 N30 NW28.28 W30 POB SEC 5 21 14 1.65ACS, WEDEL CENTRE, Tulsa County, Oklahoma

2954 - Jacob McClendon

Action Requested:

Use Variance to permit an Agricultural Use (Use Unit 3) to permit farming and raising farm animals in an RS Zoned District (Section 1203).

LOCATION: 6643 North Victor Avenue East

Presentation:

Jacob McClendon- 6643 N Victor Ave

Mr. McClendon stated that he is a partially disabled combat veteran and is buying property that has been in his family for over 80 years from his Mom. He has submitted building permits to build his tiny home and when the inspector came to the property he saw his small farm animals on the property. Mr. McClendon is seeking this use variance to permit his animals on his property.

Mr. McClendon has not spoken to his neighbors, but all three members to the south of his property are family and they do not have an issue with this request. He is surrounded by an agricultural area.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Dunkerley and Mr. Hutchinson support.

Mr. Tisdale supports, but would like to limit the number of animals.

Board Action:

On **MOTION** of **Tisdale**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Use Variance** to permit an Agricultural Use (Use Unit 3) to permit farming and raising farm animals in an RS Zoned District (Section 1203) per the conceptual plan 6.15 of the agenda packet, subject to the following conditions: Must keep the same number of animals; 3 pigs, 3 goats, and 5 chickens and their offspring until matured. The Board finds the hardship to be that the property location is mainly a rural, agriculture area. The Board finds 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:

S82 N132 N198 NW SW SW SE LESS W30 THEREOF FOR ST SEC 31 21 13 .565ACS, Tulsa County, Oklahoma

2955 - Jacob Snow

Action Requested:

Special Exception to allow Use Unit 26, Moderate Manufacturing, and Industry, to permit moderate-impact processing in an IL District (Section 1226); and a **Use Variance** to allow Use Unit 26, Moderate Manufacturing and Industry, to permit moderate-impact processing in an RS district (Section 1226).

LOCATION: 4918 West 21st Street South

Presentation:

Jacob Snow, 4918 W 21st St, stated that he is seeking a special exception to permit moderate impact processing in a light industrial zone and a variance because the west wall of his building sits in a residential district. They use a botanical extraction process and it is only for medical purposes. They use CO₂ for processing, but it is not a highly combustible process.

Mr. Snow has spoken to neighbors, one which was concerned with odors. Mr. Snow explained the process they use and assured them that any smell should not carry. He had another neighbor tour the facility and they do not have an issue.

Mr. Hutchinson asked Mr. Snow to explain the process they use for processing. He asked if there is any noise from the machinery. Mr. Snow explained that there is an air compressor, but it is enclosed in a room surrounded by cinder block and he further plans to place the air compressor in a cabinet to further reduce the sound. It is an electric air compressor, not gas powered.

Ms. Snow stated that he uses compressed CO₂. The CO₂ runs through their machine and into the extraction chamber and at super critical states CO₂ becomes a solvent and it is an excellent solvent for cannabis. After it goes through the extraction chamber, it then flows to a collection chamber and the CO₂ is bled off the collection chamber and reused for the next run. The spent biomass will be secured according to the regulations. They will not have foot traffic, trucks coming and going or any additional signage. They will not be open to the public.

Mr. Dunkerley asked where the odor comes from during the processing. Mr. Snow replied that it can come from transporting the bio material from a truck or vehicle into the facility, there may be some detectable odor within proximity, when the cannabis is shredded. They are not releasing any gases or any large venting, just the ventilation that is required to operate the CO₂ and they are working with the county on that.

Mr. Hicks asked how the product is delivered. Mr. Snow replied that they use a company vehicle that is secured and outfitted per OMMA regulations. Their hours of operations for manufacturing are 8 a.m.-8 p.m.

Interested Parties:

No interested parties.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Special Exception** to allow Use Unit 26, Moderate Manufacturing, and Industry, to permit moderate-impact processing in an IL District (Section 1226); per the conceptual plans 7.17 of the agenda packet. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and to **APPROVE** the request for a **Variance** to allow Use Unit 26, Moderate Manufacturing and Industry, to permit moderate-impact processing in an RS district (Section 1226). Per the conceptual plan 7.17 of the agenda packet. The Board finds the hardship to be that the property is surrounded with commercial and industrial around the building. The Board finds 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:

**E40 W110 N 2ACS E 5ACS NE NE NE LESS N50 FOR ST SEC 17 19 12 .20AC; BEG 165 W & 50 S
NEC NE S 214 W 55 N 214 E 55 TO BEG SEC 17 19 12, Tulsa County, Oklahoma**

2956 - Amy Hall

Action Requested:

Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record. (Section 330)

LOCATION: 16421 East 171st Street South

Presentation:

Amy Hall, 16421 E 171st St S, stated that her family lost their family home in a fire on March 1, 2021. They originally purchased the home 8 years ago so their Mom, who was recently diagnosed with cancer, could live with them. Her Mom is currently living in the smaller home on the property. They are seeking the variance to finish rebuilding the structure lost in the fire.

Interested Parties:

No interested parties.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330), finding the hardship to be rebuilding after the fire with the same use as before and the unique layout of the lot. The Board finds 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:

**PRT SW SW BEG SECR SW SW TH W502.775 N214.97 E502.775 S214.53 POB LESS S60 THEREOF
SEC 26 17 14 1.787ACS, Tulsa County, Oklahoma**

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:46 p.m.

Date approved: 4/19/20
David E. Crowley
Chair