

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 515**

Tuesday, January 17, 2023, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room
Tulsa, Oklahoma

Members Present

Charney, Chair
Hutchinson, V. Chair
Hicks
Houston
Tisdale

Members Absent

Staff Present

S. Miller
S. Tauber
J. Hoyt

Others Present

Nicholas Williams,
Legal

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, January 12, at 3:25 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

* * * * *

Mr. Hoyt read the rules and procedures for the Board of Adjustment Public Hearing.

* * * * *

UNFINISHED BUSINESS

* * * * *

3014 - Claude Taylor

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Use Variance to allow Use Unit 19 to permit a recreation center (Sec. 310). **Location:** 12438 N Lewis Ave **(CD 1)**

Presentation:

Claude Taylor, 15109 East 110th Street North, Owasso, Oklahoma 74055, stated that the purpose for him coming today was to get a Variance for a second dwelling on his property. We are two miles from Highway 75. He bought six acres, sold two and a half to my best friend and they have two kids, our neighbors have four kids, our neighbors

behind this have five kids; the neighbors to the north of us has three kids; the neighbors next to my neighbors have a couple of kids also. My purpose of doing this is to have some type of center where all our kids can congregated and have fun. Whether it is winter, spring, fall or summer. That is really the reason why they are doing this is because we like to have our friends over. He is a big basketball person myself, so the Rec Center is more for just getting my family and friends together and just congregating nothing special. That is it.

Mr. Charney stated that Mr. Taylor had mentioned dwelling unit on this. There are two matters before us. One has to do with the land area per dwelling unit; the other is to allow a rec center use on an AG District. We treat those a bit differently. There are different tasks that we need to think about and information just to let you know. Sometimes it is important to us whenever we permit a use, such as this in an area that has no other such uses to know that there is no commercial intent. That is important to us whether you would be hosting tournaments or doing commercial activity, i.e. leasing court time. Many times, the Board would feel very differently than if someone said they wanted to store one of their prized vehicles or run an auto repair shop. We are going to focus on the use of that for the Rec Center before we speak to the other one. You mentioned kids to gather to work together play ball. Please tell us that there would be whether there would be any commercial use to it from your perspective.

Mr. Taylor stated that there would be no commercial use. His sole purpose is just to have a fun space for kids and our neighbors. Not all kids, just neighbors of all ages to participate. So that is it. No commercial use.

Mr. Hicks asked if he could elaborate what your purposes of the bedroom and closet bathroom on the second floor. What is your intent with that?

Mr. Taylor stated that if we have some family members over been drinking too much and do not want to drive home. We want to be able to cook there if we want to and provide a meal if we do not feel like using our main kitchen in the house. We are in the process of building a house now. It is under construction, and we have all the permits for it.

Mr. Tisdale asked if this was going to be a big play area.

Mr. Taylor stated that it is a fairly big area, it's about it's about 1600 square foot of a half court. It is a small area, but it will have like rock climbing for my kids. He is a big basketball fanatic and plays recreational all the time. He would like to get up, go out, and take some shots every now and then.

Mr. Charney asked if there was any intention for you to lease the bedroom out.

Mr. Taylor stated that it is strictly for family and friend usage on an occasional basis.

Mr. Hutchinson asked if it is going to look like a barn.

Mr. Taylor stated that it is a metal building.

Mr. Charney stated that sometimes it is important if our Board were to grant such items, that your site plan on page 1.6 shows a wind break or some screening of some trees on your site. Sometimes it is important to us to require such a windbreak or kind of a vegetative barrier of some sort between this and on your north boundary it shows various tree plantings over most the proposed site plan. Have you personally talked to any of your neighbors? Tell me the various conversations that you have had sometimes that's important.

Mr. Taylor stated that he did have an issue with one which is my next-door neighbor. She was aware that this is what he was trying to do. He clarified with her that this building is for all the kids use. At first, she was not on board, but he explained what they were doing. All the other neighbors are fine with it.

Mr. Charney stated that the Board did receive an email in our packet from Ms. Bishop and we have asked you about these. Is this part of a lot split application? Or is it because of the dwelling unit in the proposed rec building?

Mr. Hoyt stated that we have not received a lot split application.

Mr. Charney stated it is just land area for the dwelling unit that's contained within the rec center/barn. That is what triggered the need for the Variance of the land area.

Interested Parties:

Kendra Woodburn, 12525 North Lewis Avenue, Skiatook, Oklahoma, 74070, stated that she was not necessarily rec center, but she worked with the Boys and Girls Club many years, on and off and with different youth activities. You mentioned it is mainly for the youth of the area. There was no public transportation at all through here. The parents would be in charge of bringing the children or they would be walking from the respective homes. There are no sidewalks in here because it's all AG Zoned. It is a heavily trafficked road. The road itself is in bad shape. It is starting to be sold off into five-acre tracts. Part of my concern, though, is with this he would be wondering about security. If they are bringing in many youth to this. As Mr. Taylor mentioned, there is a possibility there that people might be imbibing too much and having to stay overnight. She is concerned about this. What would be the hours? What would be the security? There are problems sometimes. She would like to know how many adults will be on site when these children are actively playing and what the hours will be and what the numbers potential numbers may be. She was wondering about the long-term effects of approving this Rec Center as a rec center. She was worried about security and numbers and hours and noise and different things like that.

Rebuttal:

Mr. Charney stated that we have heard you state that there would be no commercial uses that there might be screening pursuant to the site plan, and that it is only for personal use occasionally. It is a dwelling unit, and it is not a nightly event. Talk to us a little bit about your thoughts on adult supervision. On site, whenever it is being done, and talk to us a little bit about hours of operation numbers, basically speaking to the things that you just heard, please.

Mr. Taylor stated that it is only as we are at home. The supervision is as home bases, our kids are only seven and four now. He has not thought further into it, but he did not expect that to be an issue because we are always around our kids. We like to be involved in pretty much every activity that they do, whether it's an outdoor or indoor. My wife and myself or even our best friends who live literally 100 feet from our property line, or our neighbors who are 100 feet from our property line. Any of us can be on site at any time. They do not have to walk on the road. But they do not have to access that street to get to it. Our property is the center of everything. Everybody's property attaches to ours. Our neighbor's property attaches to ours.

Mr. Hutchinson stated that Mr. Taylor probably is the one that put the name "rec center" on this. It is a place for you and your family, to play a little basketballs and whatever. If you happen to have a Super Bowl party and someone drinks too much. That is all it is.

Comments and Questions:

Mr. Charney stated that we have two matters before us. One is the use variance to allow use unit 19 to permit recreational activities. He would like to bring that one before our board first to speak to that. The chair would entertain a motion on that proposed use, then we can speak to the fact that it has a DU within it and the land area component. Any thoughts from members of our board on this, this basketball court in this building out behind their house?

Mr. Hutchinson stated that he was fine with it. He did not think it was a rec center. Like we think rec center is.

Board Action:

On **MOTION** of **HUTCHINSON**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and Use Variance to allow Use Unit 19 to permit a recreation center (Sec. 310), per the Conception Plans shown on page 1.6 of the Agenda packet, subject to the following conditions that this will have no commercial use and not consistent use as a dwelling unit, finding the hardship to be that this is on a large tract of land of 3.6 acres.

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:

PRT GOV LT 1 BEG 802.30S NEC NE TH W988.79 S266.79 E553.92 N237.16 E435 N30 POB LESS E50 THEREOF FOR RD SEC 6 21 13 3.659 ACS, CITY OF OWASSO, COUNTY OF TULSA, STATED OF OKLAHOMA.

3018 – Guadalupe Juan Varela

Action Requested:

Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410)

Location: 1725 E 66th St N (CD 1)

Presentation:

Adele Garcia, 2018 East 40th Place North, Tulsa, Oklahoma, 74110 stated that he was the son of **Guadalupe Juan Varela**, 1725 East 66th Street North, Owasso, Oklahoma 74110 stated that he was there to speak English for his mother and that they are trying to run a food truck/stand and serve authentic Mexican food for the community. That area does not have anything like it from what he has seen. She is a great cook. We were just trying to provide sustenance for other people and experience our culture.

Mr. Charney asked if he had a chance to speak with any of their neighbors in the area about this.

Mr. Garcia stated that he had not. His mother had spoken with a couple of the neighbors in the area. She used to run and operate this small little business and commercial business around the corner. Everybody approved. He is buying the property and she is staying in the residence right now.

Mr. Charney asked if they were planning for this food truck to be parked permanently on site.

Mr. Garcia stated that it is a basically a trailer so it can be moved around but that is where we plan to have it.

Mr. Charney asked if the food will be prepared there in the trailer and sold from the trailer on this corner lot.

Mr. Garcia stated that his mother has spoken to a few neighbors. They all love her food, and she has not really gotten any negative feedback, aside from the fact that the lights are on, at certain hours or so. The hours of operation are standard. She is open only part of the day, but that is about it. A lot of them have thanked her for being there. The hours of operation are standard from 11 a.m. until 8:00 p.m. She prepares everything in the morning, and then going back right after lunch. It's only her since it's a small business. Six to seven days a week.

Mr. Charney asked if it fair to say there would be no lights bothering neighbors after 8:00 p.m. The existence of lightning might be important.

Mr. Garcia stated that all the lights can be turned off at eight o'clock without an issue.

Mr. Houston asked where would this be sitting? Will it be down on the corner close to Sixth Street North?

Mr. Garcia stated that it would be right on the corner. So not on the driveway itself. It is on the corner. She added some gravel to the area. She is planning on adding gravel and making it to where we can use it for other needs if necessary. When it comes down to the driveway, she did add a place where customers can drive in and then easily pull out. It only fits one or two cars.

Mr. Houston asked in that the photograph we have of the trailer with two picnic tables, they are sitting on gravel, which is where it will be.

Mr. Charney stated that he would want them to know that that could be important to us if we were to grant this because we might have a comfort level with it being in location A but maybe not in location B possibly right at the street or something like that. If we were to approve this, there is a possibility it could be in accordance with the photographs presented to us which show picnic tables on gravel and this trailer are on gravel.

Mr. Hicks stated that it looks like there is a smaller brown building in the photograph. Is it a shed? What is the purpose of that?

Mr. Garcia stated that it is basically that is where they stored beverages and food containers that do not need to be refrigerated for preparation purposes. The air conditioning is there to keep the beverages cold.

Interested Parties:

Delmar Morris, 1816 East 66th Street, Tulsa, Oklahoma, 74130, stated that he wanted to keep it as residential because of the noise and traffic. We have enough traffic there. We do not need more. He wants to keep the sanctity of a residential section in there. People headed southbound on Victor their lights shine directly in our house.

Mr. Charney stated that you would rather not have this commercial use across the street from you.

Mr. Tisdale stated that you say you do not want it to cross the street from you but is there another location on their land and you are okay with.

Rebuttal:

Mr. Charney asked the applicants if they were operating for a while. Are there other locations in this neighborhood where you have thought of having this located?

Mr. Garcia stated we do know there is a big garage or some junkyard move a couple of houses down. They are also very noisy. She is running the business in an area about a half mile away from that spot, which is a commercial area.

Comments and Questions:

Mr. Tisdale stated that he was trying to wrap his head around that it is commercial. It is not going to have a lot of people. If trash is an issue and noise is an issue, he could understand it.

Mr. Hutchinson stated that he did not have a huge problem with it. His thought was that he would much rather see him do a lot split and have the other half commercial. 66th Street is a heavy traffic area, which would almost make it commercial anyway.

Mr. Tisdale stated that he was not certain where the food truck was located; if it was on 66th or Victor.

Mr. Charney asked Mr. Garcia if the access into the graveled area for the food truck was off 66th Street.

Mr. Garcia stated that when you are on 66th Street you turn right onto Victor and then turn into the property. The driveway is off Victor. There is only parking for four cars at the most. We have had a lot of family members and helped which is probably why in the past has been a lot of noises as well. A lot of family came in and pitched in labor overall to help get to the land to that how it is right now. She is my mother so he and his brothers are going to basically supply as much help to her as we possibly can.

Mr. Houston asked when they were open before, were you aware of trash issues.

Mr. Garcia stated that they were not. That is something that is easily remedied. It is quite simple. We have put in security systems, with cameras, that now allows to see what is going on outside of the house, first and foremost, since going back to it, she lives there by herself, so he wanted to make sure she is safe. Surveillance is one thing that he plans to implement and that is one thing that he can use to basically get that taken care of on his end.

Mr. Hicks stated that he was on the fence a little bit about food truck being approved, is a place where somebody brings the food truck, and then they leave. Where this really is not a food truck. This is a restaurant, and it is in a residential area. Have we in the past, done like approval for a period of time to see how it impacts in the neighborhood.

Mr. Charney stated that he was thinking the same thing. We have heard that trash could be an issue or noise could be an issue depending on how its operated. Given that there is sometimes we have done temporary for a year to see what it is like, sometimes we are hesitant to do that if a large capital investment is required, which is not the case, it is already there, and it is mobile. This one could be a good opportunity for us to, and he is sensitive to the folks that were here last time, and it came this time to say is this going to radically impact the neighborhood or not. To see if the hours of operation are honored. Also to see if they police the trash concept very carefully, and the parking, maybe we could consider having a one year time period to analyze it and allowing everyone to come back and say they didn't do a good job or they did a wonderful job.

Are there any thoughts on that on the length of time given that there was such a modest capital amount or no new capital needed? I don't think it's a problem to have a relatively short.

Mr. Hutchinson stated that if they made it three months, then they are going to do everything they can to make sure everything is good for three months. If it stretches out a year, they will just be alright. That way we would really know how it makes it happen.

Mr. Charney stated that he was glad we talked amongst ourselves, and he thought they might have stumbled upon a good middle ground that addresses our concerns because it can be very modest, depending on how it is operated, or it can be more intrusive. We just would not know but we would find out.

Board Action:

On **MOTION** of **CHARNEY**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”) to **APPROVE** a Use Variance to allow for a food truck (Use Unit 12) in an RS district. (Section 410), finding the hardship to be the unique configuration of this land on a hard corner from an arterial street larger than a standard city, subject to the following conditions, that it only be for one year period, and that we would request that applicant come back before us and that during said year that the hours of operation be limited between 11:00 a.m. and 8:00 p.m. with not light that would impact neighbors after 8:00 p.m., that there be significant trash receptacles placed near the food areas, and all trash in them and around the area cleaned daily.

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:

**PRT E/2 SE SE SE SW BEG SECR THEREOF TH N199.70 W165.21 S199.73
E165.21 POB SEC 31 21 13 .7574ACS, CITY OF TULSA, COUNTY OF TULSA,
STATE OF OKLAHOMA.**

3022 - Clifford Mordhorst

Action Requested:

Variance to permit three dwelling units on a single lot of record in an RS district (Section 208). **Location:** 3140 S 59th W Ave **(CD 2)**

Presentation:

Aaron Smith, 3742 Southwest Boulevard Tulsa, Oklahoma, 74107, stated that he was an employee there for Cliff Mordhorst as he could not make it today. He said to just say that. He bought that property with the three houses on it. He is trying to change it from a residential to a multifamily dwelling.

Mr. Charney stated that there are three dwellings on it, and they have been there for some time. Bear with us for just a moment, sir. It is not the intention of Mr. Mordhorst to add any additional dwelling units to this site. Do you know whether he is planning to renovate or rehabilitate them?

Mr. Smith stated that Mr. Mordhorst has just renovated all three properties and they are all up to the codes and this is where we come across as having the electric to hook up to the third home. They had all been vacant. He bought him a year and a half ago, maybe two years ago. They were horrible when he bought them. No dwelling units were added.

Mr. Charney asked if they were all on city sewer.

Mr. Smith stated that there was no sewer out there. They are all on septic tanks. For the one on the back right, it has a brand-new septic tank. That was part of the work that was done when he bought the property.

Mr. Charney asked Staff since they have got three dwelling units have apparently been there for some time vacant and now renovated and going to be back. On a half-acre piece of property, three separate septic systems. Let us suppose we have no problem with the grandfathering of the three existing homes. What are the thoughts on the DEQ regs for proper sewage disposal on all three on a half-acre.

Mr. Hoyt stated that he was not sure on the specifics for what an DEQ system would require. If they have that proper area, we would be fine with the split proposed.

Mr. Charney stated that if the DEQ was content with it, then we are content with it.

Mr. Hutchinson stated that he thought it was platted in 1978. The DEQ would allow up to 7000 square foot a lot on its own septic system.

Mr. Hoyt stated that he believes that was correct.

Mr. Charney stated that he wanted Mr. Smith and Mr. Mordhorst to know if we were to grant this because of the preexisting nature of it, it is still important to us that it comply with all the DEQ regulations. It will be your obligation to make sure it is.

Interested Parties:

James McMullin, 3130 South 59th West Avenue, Tulsa, Oklahoma, 74107 stated that because of the way our properties are labeled out there, he is two houses down from there. His concern was looking at the diagram with the property is we have three houses, but only two driveways. If these residents are not all vetted or getting along with each other, then they will have some type of conflict with them. The other concern he had was the septic use the land does not perk out there. Any new septic tanks need to be aerobic. To his knowledge, nothing has been dug up back there to put in that type of septic system for that area. Then also they do have power to two of the units that are both being currently being rented out. Originally that back house that they were trying to get power to that third house was fed from one of the other houses. Now they are trying to get that zoned. They could not have that as a third house. The neighbor that was directly to the north of them did move out as this project started, because he did not want these multi dwelling people in there. The current homeowner there she was unable to come today, but she expressed her concerns as well.

Mr. Charney stated that one thing he can speak to regarding the comments you made but any approval that we may or may not make. If this Board were to approve, it would be contingent upon permission from DEQ regarding either aerobic system or septic system that passes their regulations. If there needs to be something done specially DEQ will require that. Any motion would require that.

Mr. Hutchinson stated that The applicant said that they that all three buildings were in very rough shape. Now, they have all been cleaned up, dressed up, and look better from the neighborhood.

Mr. McMullin stated that they just did cosmetic type stuff, nothing structural or any of that type of stuff. They put it into new roofs on them because there were holes in the roofs.

Randy Martin, 3114 South 59th West Avenue, Tulsa, Oklahoma, 74104, stated that he lives about five houses north of the property in question. The main issue here is Mr. Mordhorst' s background. From his records of being a landlord and he has a lengthy record of issues other former residence/renters have called him a slumlord. He is a part of what you might call the Berryhill watchdog group. A couple of years ago, we met with Karen Keith and the Sheriff at the Berryhill Communities Center. It was over the increase with the drugs and the crime. The sheriff said most of the problems that we are having out there 90% of it is coming from rental properties, not from homeowners. We put together the watchdog group to over if we see any and Mr. Mordhorst has a duplex on 63rd West Avenue two blocks from this house. They had a drug dealer and thief renting there. They had police out their numerous times. Mr. Mordhorst bought a distressed property. We know the ones he has owned. Now he has bought these three

properties. The property was in terrible condition and, structurally, still is. It only throws off the property value because the buildings were in terrible shape. Our biggest concern is his history. We do not want that for our neighbor. We really are trying to clean up certain spots like this. He definitely stands out like a sore thumb as a bad landlord.

Comments and Questions:

Mr. Charney stated that whenever there is this much density and he feels pretty strongly about DEQ propriety on all of it. He would appreciate it if of each application that comes to you that there would be some corresponding evidence that the DEQ said this sewage disposal system for this particular house meets our approval. On the programming for the driveway, if we were sitting here approving this, we would normally want to know that everyone had DEQ approval. If we were to approve this, he would consider that there be a properly designated parking spot for the 1953 small house. They are three feet off the property line, that there be driveway programming on a site plan submitted as well to you that shows where the where the car has to be parked, and that there would be permanent ingress and egress for that vehicle in the programming of the parking and driveway for the front home. He thought that was a fair thing for us to request it whenever we're trying to look at this kind of density, even though we're grandfathering it in.

Mr. Hicks asked Staff, since all three were renovated, was he required to get a building permit for each area.

Mr. Hoyt stated that he should have been, but he had not been able to talk with Tulsa County permitting to find out of yet. They would require a non-permeable surface for parking such as asphalt or concrete in general.

Mr. Hutchinson stated that for him to get a Certificate of Occupancy, he is going to have to follow all their standards anyway.

My Hoyt stated that was correct, otherwise he would have to come back for a Variance.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”) to **APPROVE** a Variance to permit three dwelling units on a single lot of record in an RS district (Section 208) , per the Conceptual Plan shown on page 3.7 of the Agenda packet. The hardship being that there are some that this has been in existence for many, many decades. With the footprints in these buildings, on a lot that is larger than the standard city size lot is over a half-acre in size. But the special conditions would be as follows. Number one, that every dwelling unit has a certificate from the DEQ stating that there is an authorized and operable sewage disposal system given that there is no sanitary sewer to the to the property. The second condition would be that the dwelling unit that is three feet off the property line, have a dedicated hard surface parking area that is programmed in such a way to allow ingress and egress without interrupting or that cannot be blocked by the house in front of it with dedicated ingress and egress with no parking in the driveway

that would prevent their unfettered ingress and egress and the programming require that the third thing they could Staff, access the public records for permitting to make certain that appropriate permits, with this sort of density are pulled and they were properly permitted and inspections were accomplished in the renovation of the three homes.

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:

LT 20 BLK A, BERRY HILL GARDENS, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.

3025 - Jennifer Osborn

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 5311 S 107th W Ave **(CD 2)**

Presentation:

Matthew Scott Osborn, 5311 South 107 West Avenue, Sandy Springs, Oklahoma, 74063, stated that he was the husband of the applicant. It is both our property. We are building a shop with a one thousand square foot apartment for my elderly folks. My father is eighty-two and my mother is seventy-six. My father is in ill health. We sold their home last summer and they have been kind of staying with us. This would be about 100 feet off our house. It is a shop and then like I said 1000 square foot apartment for them to help us basically take care of them. It would be nice having them in here where we can take care of them.

Mr. Charney stated that if it were important to this Board to know that it would be for this additional dwelling unit (ADU) would be for family members only and not for commercial uses. Would that be okay with you as the applicant?

Mr. Osborn stated that was fine.

Mr. Houston asked what the purpose for the shop was.

Mr. Osborn stated that the shop is for my dad who is a former pro angler. He has two different boats. He also has a large amount of fishing and tackle gear, hunting, and fishing equipment. He also has an extra vehicle and motorcycle. It is just a hobby shop with no business or anything like that. It is a bigger garage than what we have on our house. We can store a lot of their stuff in there as well. So

Mr. Hicks asked if he knew about how big you are going to build it.

Mr. Osborn stated that the whole thing is 80 by 50, just a little under 1000 square foot and the rest will be the shop. He also pointed out that the shop has been approved and we got that all done. He thought for some reason there was a disconnect in there being an apartment on there. We were not trying to slip anything by we just it didn't get done in that one. So that's why we're here on the living Variance.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **HICKS**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Variance to permit two

dwelling units on a single lot of record in an RS district (Section 208), per the Conceptual Plans shown on page 5.6 of the Agenda packet, subject to the condition that there be no commercial use. Finding the hardship to be the area of land is large.

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:

**LOT 6 BLK 1; LOT 5 BLK 1; N100 LT 7 BLK 1, BUFORD COLONY SECOND ADDN,
CITY OF SAND SPRINGS, COUNTY OF TULSA, STATE OF OKLAHOMA.**

3026 - Alan Ringle

Action Requested:

Variance to allow a Chrysanthemum greenhouse (Use Unit 3) on RMH zoned property (Section 410) **Location:** 14109 W 56 St S **(CD 2)**

Presentation:

Alan Ringle, 5615 North State Highway 97, Sand Springs, Oklahoma, 74063, stated that he was with Ringle Planting and Surveying. The Kanotz are friends of ours from church, they were extending water service to their 60-year-old home and an old mobile home that was on the property. Part of this is in a floodplain in a very rural area in west southwest of Sand Springs and were shut down by the county at the time. About seven acres of the property is zoned RMH. About 1980, when the original zoning code was initiated in Tulsa County. This was just a line put on the map because there were twenty units there. There was one unit left and there was a house situated north of the one unit and then they have 14 acres. They are about half as AG and half is RMH. When they purchased the property, they relocated from out of state. Mrs. Kanotz is the director of horticulture at Philbrook. Mr. Kanotz is the preeminent grower of nursery cuttings for mums in the country and a supplier from all over, but it is just its mail order. There is no retail space there. They built the greenhouses in 2014 and have existed so far. It is a use by right in an agricultural unit, but because it's RMH, we must have an exception, even though it is a less use. We are requesting for them to continue that use. They have been on outdoor Oklahoma several times. They work a lot with the University of Oklahoma State University and their agricultural system also.

Mr. Charney asked if this requires the construction of a new facility or just the existing facility.

Mr. Ringle stated that it is the existing facilities.

Mr. Charney asked if we were to restrict it to flowers and uses of that nature or what if wanted to grow something that we did not necessarily want grown there.

Mr. Ringle stated that was not their intent.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Variance to allow a Chrysanthemum greenhouse (Use Unit 3) on RMH zoned property (Section

410); per the Conceptual Plan shown on page 5.6 of the Agenda packet; finding the hardship to be that is a nine acre track. It is a very rural area.

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:

**S880 E/2 E/2 SW NW & S880 E/2 W/2 E/2 SW NW LESS W40 THEREOF SEC 33 19
11 9.19ACS, City of Sand Springs, Tulsa County, State of Oklahoma**

Mr. Charney recused himself and left the meeting at 3:00 p.m.

3032 - Joshua Keech

Action Requested:

Variance of the minimum lot area and land area required and Variance of the minimum lot width from 150' in the AG district to permit a lot split (Sec 330).

Location: 6807 E 76th St N **(CD 1)**

Presentation:

Josh Keech, 6821 East 76th Street North, Owasso, Oklahoma, 74055, stated that they have three parcels right on this. We live right behind this house, and it is our rental property. All we are doing is splitting that to where right now for leasing purposes. We use the barn that is on the property and in the pasture, we have livestock. The purpose of the request for the Variance is just to legally separate that parcel to make it simpler for leasing now and then for future marketing of that property. The tenants that are in there now are interested in buying it. I would like to maintain the barn in the pastureland.

Mr. Hutchinson asked if instead of 150 feet it 30 foot would be.

Mr. Hoyt stated that 30 foot is that correct.

Mr. Hutchinson asked if he had spoken with any of his neighbors.

Mr. Keech stated that he had spoken to the two homes just to the west. They did call me when they got the letter just to ask what we were doing and so he explained it to them. The neighbors that live furthest west called and her only concern was that we were going to build a building right behind them which we have no intention to do.

Mr. Hutchinson stated that this lot split is track three that 1.7 acres.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-1 (Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; Charney "abstained") to **APPROVE** a Variance of the minimum lot area and land area required and Variance of the minimum lot width from 150' in the AG district to permit a lot split (Sec 330), per the Conceptual Plans shown on page 6.7 of the Agenda packet; find the hardship is the unique shape and the size of the property.

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 180.50W SECR SW SW TH W164 N389.83 W316.86 TO PT ON WL E/2 SW SW N132.66 E316.92 SE210.78 S389.86 POB LESS S60 THEREOF FOR RD SEC 26 21 13 2.455ACS, City of Owasso, County of Tulsa, State of Oklahoma.

Mr. Charney rejoined the meeting at 3:20 p.m.

* * * * *

NEW APPLICATIONS

* * * * *

3033 - Hess Law Firm

Action Requested:

Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) **Location:** 13216 N. 129th E Ave **(CD 1)**

Presentation:

Roger and Kyndra Salisbury, 13216 North 129 East Avenue, Collinsville, Oklahoma, 74021 stated that they are trying to get a building permit to get a house built on the property.

Mr. Charney asked if there is currently one structure on the property is that right.

Ms. Salisbury stated that there are two, but we are on a different parcel on the back of the property. We will be coming in off 136th Street. We do not have road frontage there; we have an easement that is on file.

Mr. Charney stated that because this tract is not itself fronted on a publicly dedicated to street were using to reduce the required street frontage. In lieu have access provided through a separate legal instrument affect the nature of this.

Mr. Charney asked if there currently an easement of record that allows access. Have you all already purchased the property?

Ms. Salisbury stated that it is family property.

Mr. Charney stated that sometimes we advise applicants that do this to make certain that this easement that we show of record, from a survey we see is satisfactory to you. That is not our job to do to be your counsel, but a lot of times, how does it speak to issues of maintenance, that it is perpetual, other co-users, things of that nature that you are satisfied with that especially if you are going to get lending on a structure. Mortgage Lending will require a very well worded document that speaks to those things. That may be in existence, and it may be perfect, and it may be exactly what you need. But sometimes we counsel applicants at this situation. If we sometimes are in our packet, sometimes we just see it depicted on a survey like this, but we will condition any grant we might make to this to the upon the existence of a properly recorded instrument that

gives you legal access from a publicly dedicated street to your property. On top of that, you want to review it carefully or have your counsel review it to make certain, otherwise when you go to get your financing, you could have a headache.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Hicks, Houston, Tisdale all “aye”; no “nays”; Hutchinson “abstained”) to **APPROVE** a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207), subject to the following condition that the subject tract be accessible since it is not accessible from a public and dedicated street that there would be a properly recorded easement of record giving the subject property perpetual access to and from a publicly dedicated street to the subject property that will be filed of record in the county land record. The hardship being that it is a large tract of ground that is set back from a publicly dedicated street and that the easement adequately connects the subject track to the public dedicated street even though it is set back from a considerable distance.

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:

S/2 N/2 NE & TR BEG SECR SE NE NW TH W528.67 N461.78 E528.69 S POB SEC 32 22 14 45.320ACS, CITY OF COLLINSVILLE, COUNTY OF TULSA, STATE OF OKLAHOMA.

3034 - Ron Sterling

Action Requested:

Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2) **Location:** 26121 W 27th St S **(CD 2)**

Presentation:

Applicant was not present.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstained”) to **Continue** a Variance to permit a detached accessory building in a side yard in an RE zoned district (420.2.A.2) until February 21, 2023.

LT 8 BLK 1, LAKE SUBURBAN ESTATES, CITY OF SAND SPRINGS, COUNTY OF TULSA, STATE OF OKLAHOMA.

3035 - Jacob Holmes

Action Requested:

Variance of the required side yard setback in an AG district (Section 330)

Location: 904 E 86th St N (CD 1)

Presentation:

Jacob Holmes, P.O. 2151, Owasso, Oklahoma, 74055, stated that he was there for a setback on the property line. The building has been there for four years. He has talked to my neighbors on both sides. They are the same family. We are landlocked there, but no issues from anybody.

Mr. Charney stated that that there is a detached accessory building that is right there that has been there for some time, and you are trying to get power to it is that what triggered the need for the Variance.

Mr. Holmes stated that his dad passed away a few years ago and it was all in probate. It is on the floodplain at the bottom of the property where the original house was. He has torn that down and he is going to invest money where there is not in the floodplain instead and build up there where the building is now. We are going to remodel the building to be at a pole barn style house.

Mr. Charney stated that he plans to leave the existing accessory dwelling where it is.

Mr. Holmes stated that was his intention. It still has value, and it is helpful to you as it is. Your neighbor to the to the west has no objection in that.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HICKS**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Variance of the required side yard setback in an AG district (Section 330) per the Conceptual Plans shown on page 9.7 of the Agenda packet with no conditions. Finding the hardship to be the accessory building has been there for a long, extensive time.

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:

TR IN NE NE BEG 1113.23W NEC NE NE TH S594 W220 N594 E220 POB SEC 25 21 12 3ACS, CITY OF SKIATOOK, COUNTY OF TULSA, STATED OF OKLAHOMA.

3036 - Abdual Almudalal & Deeann

Action Requested:

Use Variance to allow Outdoor Storage and Warehousing (Use Unit 23) on RS zoned lot (Section 410) **Location:** 5320 S. 83rd Ave W **(CD 2)**

Presentation:

Abdual Almudalal, 6864 34th Place, Tulsa, Oklahoma, 74107, stated that he is trying to get is a storage building on property that he has owned several years. The storage building is 12 by 12. He also needs a security light and a camera. He needs to eventually get power on the property. That is one of the reasons I asked him for the value.

Mr. Charney stated that 12 by 12 is a very small building.

Mr. Almudalal stated that it is temporary for now until he builds a house there. He just needs to store a few things.

Mr. Charney asked if any of your neighbors expressed any displeasure at this particular application. Understand, sir, that storage buildings may be permitted once the house is there. We are giving it a different use right now, which is a storage use because there is no house there yet. Is there a site plan of where it will be?

Mr. Hoyt stated that there was one that was sent, it should be the last page in your packet for this information.

Mr. Charney stated that in thinking forward with Staff, if a home does come from an application, he would have as a matter of right to build a home. If the setbacks are honored on this current unit, everything would be conforming from that point on.

Mr. Hoyt stated that was correct.

Mr. Charney stated he could not read from your site plan the setbacks. There are setback requirements from the lot lines that you would want to honor and be careful about, so that when you build your house on it, everything is appropriate. If we were to do it, we would say it is consistent with the site plan shown in our packet, but we do not see the setbacks. You will need to investigate with the County what setbacks you need to make certain your building is conforming.

Mr. Hutchinson asked if he was going to do any commercial use.

Mr. Almudalal stated that it was just a store building materials, stuff like that.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hicks stated that he did not have any issues with this.

Board Action:

On **MOTION** of **CHARNEY**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”) to **APPROVE** a Use Variance to allow Outdoor Storage and Warehousing (Use Unit 23) on RS zoned lot (Section 410), per the Conceptual Plans shown on page 10.6 of the Agenda packet; subject to the conditions that there be no commercial use and that it complies with all required setbacks from the adjacent boundaries. The hardship is the very large parcel that would a building of this size would be permitted as an accessory unit to a standard residence. The fact that the residence is not there now, is not critical to us so much is that the large nature of the subject tract, and how it is situated, provides the hardship that should allow us to grant the variance for warehousing use upfront.

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:

S/2 W/2 E/2 NW NE SEC 36-19-11, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.

3037 - Murray Adams

Action Requested:

Variance of the rear setback from 40 ft in the AG-R district (Section 310, Table 3). **Location:** 12822 E 107th St N **(CD 1)**

Presentation:

Murray Adams, 12822, East 207 Street North, Owasso, Oklahoma, 74055, stated that he was there to seek a variance on his rear setback to build a pole building.

Mr. Charney stated that he recalls there were some large existing trees and a septic field that kind of drove the location of this site. It is those unique items, both the tree structures and the existing septic field that compelled you to use this location.

Mr. Adams stated that the other areas would be a lot closer to the street and kind of detrimental to my neighbors view. He also had three letters here from my north neighbor, my west neighbor, and my South neighbor that says they do not have any problem with it.

Mr. Charney stated that those three letters of support are very helpful. If you want that we can take those well, we will have to keep them as Mr. Adams.

Mr. Hutchinson stated that the construction is going on right now. That is not because of a water line or sewer lines.

Mr. Adams stated that the City of Owasso has an intersection improvement project going there.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he could support this. He knows the area quite well. It is a big piece of land. He thought it was the ideal spot for it.

Board Action:

On **MOTION** of **CHARNEY**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Variance of the rear setback from 40 ft in the AG-R district (Section 310, Table 3), per the Conceptual Plan shown on pages 11.7 and 11.8 of the Agenda packet; finding the hardship to be the existing septic field coupled with the natural timber and trees that are on the site, compel the location of this building, to be located, as depicted in the site plan. That hardship compels us to allow the location as requested,

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:

**N325 E/2 SE SE SE LESS N25 & E50 THEREOF FOR RD SEC 8 21 14 1.928ACS,
CITY OF OWASSO, COUNTY OF TULSA, STATE OF OKLAHOMA.**

3038 - Raychel & Rusty Stamper

Action Requested:

Use Variance to allow (Use Unit 15) in an AG District to permit other trades and services (Section 310). Variance of the all-weather surface requirement for parking. (Section 1340.D) **Location:** 11716 N 97 E Ave **(CD 1)**

Presentation:

Rusty Stamper, 11716 North 97th East Avenue, Collinsville, Oklahoma, 74021 stated that they have lived at this property since 2006. Since living in this property, he has used the barn in the surrounding area to store materials, supplies, and equipment as a plumbing shop. All work is done off premises. He has two gentlemen that work for me. Our work hours are 8:00 to 5:00, normal working hours. They arrive gather truckloads of necessary material getting work truck and leave for the day. He is asking for the Variance to be able to continue to use that barn in the surrounding area to be able to use this plumbing shop, store the materials, and equipment section.

Mr. Charney asked if he had been using the barn in this capacity for many years. Is it supplies for plumbing operation that you own?

Mr. Stamper stated that was correct and that they do new residential construction.

Mr. Charney asked if the lot is graveled where your folks come in and park for the day. Sometimes it is important to us to know that it is well graveled.

Mr. Stamper stated that it was professionally done. They brought in the big rock to tamp down and then brought in smaller rock on top of it.

Mr. Charney asked if there is enough gravel surface to manage the lot that you to manage that vehicular traffic that is there daily.

Mr. Stamper stated that it was. He would prefer to be asphalt or something like that. But I've seen what's happened to other people's when they have bigger trucks or equipment that go over it and it just deteriorates into rock.

Mr. Charney asked if there were noises associated with it.

Mr. Stamper stated that only if we were loading something up to leave around 8:30 in the morning for 10 minutes.

Mr. Hutchinson asked what sparked this because he noticed that there are eleven neighbors that are against it.

Mr. Stamper stated that he was unsure of that, sir. We have had a great relationship with our neighbors. There is a gentleman here today that he lives next door to me. He has always looked to him as a father figure. This gentleman has come to me over the years and said you should do this or maybe you should do that. Or they can even help you do this or help you do that. He felt like we were making the property look nicer and making it to where it is functional, but also not a hindrance on any of the neighbors.

Mr. Charney asked if there was outside storage as well or is it all inside.

Mr. Stamper stated that there are two green storage containers that have been there now for almost two years. When his father passed, he had a plumbing company as well and he acquired what he had at when his shop closed. Those containers were on his premises. They are just used as storage.

Interested Parties:

David McAlvien, 11881 North 93rd East Avenue, Collinsville, Oklahoma 74021 stated that he was there because Variances on properties go to perpetuity unless you set a limit on them like you did earlier today. He found that out the hard way because when he bought my property, he was told there were no mobile homes allowed in the area, everything was single family AG. Then about two and a half years ago, my neighbor to the north they move doublewide yet based on a hardship various that was issued, maybe not by this panel, but by somebody 15 years ago. If this Variance is given, the next person could put a salvage yard in there anything that they want. In the meantime, Mr. Stamper has acquired cattle which he really liked seeing. But since he has moved in those two green storage containers have shown up. The buildings that you have drawn on your schematic, they are the ones that are hand drawn, at least for those structures have been added in the last seven, eight months. The amount of stuff continues to increase there. It has become unsightly from my angle. He had a couple of pictures in my pocket. These properties are 150 to 165 feet wide approximately. From my property line to theirs is 165 feet. That is the view from out around my barn. It has become almost a somewhat unsightly There is a lot of equipment and stuff there. He is not against anybody trying to make a living. But we're not growing hey and he is opposed to it. That's pretty much all I got to say.

Todd Godfrey, 311804 North 97th East Avenue, Collinsville, Oklahoma, 74021, stated he has the proper property directly to the north of this. He turned in a bunch of stuff to Mr. Hoyt. We are strongly opposed to it. The gravel has been built at so high that it has diverted all the runoff water on to me. He is opposed to the whole thing.

Mr. Charney stated to help me get a perspective here, one building has been there for, 15 or 18 years, and that one, was not a problem to you.

Mr. Godfrey stated that it was the whole thing is, there are delivery trucks to bring supplies. When he just had two trucks in the gravel was not built up, he did not have a problem with it. He was not against Mr. Stamper running his business with two trucks, but when you have several tracks, three or four track hoes, it has just turned into a

commercial property. He is opposed to that. He did not move out there to be in a commercial area. It zoned AG, which is what we use it for.

Mr. Charney asked if he had noticed a more intense use on it in the last year or two than previously.

Mr. Godfrey stated yes.

Mr. Hutchinson asked if he knew what prompted this as far as people calling in based on the number of neighbors around here.

Mr. Godfrey stated that it is not only affecting us and neighbors directly on the other side. It is that whole area that is zoned AG. What prompted it all was the gravel. When that was built, and all the water is being diverted to me, when we get a hard rain, my yard turns into a lake. We are glad he is growing a successful business; he just needs to take it somewhere else.

Charlie Gray, 11706 North 97th East Avenue, Collinsville, Oklahoma, 74021 stated that his house is directly next door. We share a fence. These are good people, but the only question he had got about this whole thing is kind of like Todd and other that do not really want too much business going on, but they are not bothering me on their business issue. What he wanted to know that if you grant their Variances are you going to change our zoning out there?

Mr. Charney stated that he appreciated his question. Let me let me make a couple of comments in response to your inquiry. If this board were to grant the requested Variance on this application of the Stampers, it does not change the zoning one bid on any adjacent piece. Sometimes people argue if you grant one, if there is another request, does it make it easier for the next one? That is not what you asked me? No, it is not. He wanted you to be aware we treat them all independent. We are not changing your zoning; it will not affect your zoning whatsoever. We try and look at these as is this AG district that exists today. Whenever someone wants to bring in a new use, and an AG district, like this business storage area, and he was very transparent about what he was doing there. Is that a use that should be allowed? Whenever there is an AG zoning all around it, we can analyze that, and whether to grant the Variance or not, but it is only on that tract and not another. Earlier a gentleman commented, does granting a use unit in fifteen to permit other trades and services. That does not permit a salvage to go on next door. That is a different use unit. Okay. There are specific use units and this one would not allow a salvage it might allow other sorts of storage activities. If it were not pipe it could be other sorts of storage concept, but it would not permit a salvage. Use unit 15 lists the sorts of things and it is generally storage in nature.

Mr. Gray stated that the main thing out there is the groundwater thing that we are downhill. Sometimes it slows the water down to the point where it backs up.

Michelle Heath, 11635 North Lewis Avenue, Skiatook, Oklahoma, 74070, stated that she came here for totally different reason until she heard Rusty speaking because she

thought it was presented a little bit different to myself and some of the neighbors that they were rezoning to commercial as far as like they might be building a business there. She has lived on that street for almost nine years, and she knows that Rusty is a plumber. They keep their property very clean. They have had that backhoe for years. They have been there for years. Some of the concerns that Todd has she did understand because there is lots of water in that area it stays wet. She thought that with rusty being a plumber he could install French drains out to the street when they do the expansion there and the city is putting in the new drain water system and things like that that might alleviate some of those issues. She thought that if it affects your neighbors, that was an issue. She does not have an issue as long as it is not affecting her, Charlie and Becky and those types of people, because they do keep up their property. If it is not turning into a commercial storefront business.

Mr. Charney stated that he did want to get caught in nuances here or semantics. When we think of a change of zoning, we think that there is that is a term of art, if you will. The underlying zoning is remaining AG. We are granting a Variance for a special specific use unit on this AG zone land. That is what is before us today, not to change the zoning in any area but we are being asked to permit a more intense use and even a commercial use one could call it is a look at other trades and services. It might be helpful for me to ask Staff so everyone can hear it. That if we did this board were to grant a Variance to allow us unit 15 to permit other trades and services would the sorts of uses that would be permitted in that use unit? He thought it is a fair question that maybe we should be familiar with it because he wanted to make certain he is not understating nor overstate. Can you do you have that in front of you or can you share with us in general terms?

Mr. Hoyt stated that he did not the specific use units in front of him, but you can limit it to the specific uses of the request, such as storage of plumbing materials under use Unit 15.

Ms. Miller stated that the uses were anywhere from general merchandizing, heating equipment, kennels, landscape contractor, industrial laundry, newspaper publishing, this is all over the place, printing, rug cleaners.

Mr. Charney stated that what he wanted to say that if it makes a difference to any member of our Board to limit it to the existing use that is there today for which he is seeking to make it legal, because he is in an AG district right now, we would have to affirmatively state that to alleviate the concern to the first gentleman that spoke about it would not want something to occur, that if you were to sell the property that would be there permanently, that would allow someone to come in with other uses. Is the applicant seeking a zoning change? No. Is the applicant seeking a Variance that would allow a commercial "ish" use on the property? Yes.

Ms. Heath stated that she heard that. This is something that the neighbors could work out. If the needs were met of Todd and discussed in an amicable way. She has Amazon come to my house four times a day for deliveries. It is the same type of trucks.

She thought that it was presented a little bit different to me. But now that she understood, she did not have a problem with them parking trucks over there if it does not negatively affect the neighbors surrounding him.

Mr. Godfrey stated that his fear is diminished. He searched hard to find a single-family AG county island. We are not within the City of Collinsville or Owasso. It is an oddball piece of ground in today's market, and it has a certain value to it because of that. Allowing these variances diminishes my value and that is my concern.

Rebuttal:

Mr. Stamper stated that he had a few pictures. He also had pictures after the rain. Mr. Todd, this whole area on his roof right here has a gutter that runs right out here pointing towards my property. There is no guttering on this side of the house. All his water that he pushes over onto my property. As you can see, there is nothing up against the rock, that land has not changed.

Mr. Charney asked if Mr. Todd was above him grade wise.

Mr. Stamper stated that it was close. He built his property up. His wife had stated that the pipe was everywhere. These are the pictures that were recently of the pipe that is on my property. Saying that my house is the eyesore. Here are some pictures of their equipment. The question about the delivery trucks, most of my stuff is delivered out to the site or he goes to the supply houses and buy it. There is a rare occasion when it is backordered material, and they bring it out. He would say that happens roughly once every three weeks. His wife likes to shop online, and we have four kids at home. So she spends a lot of her time instead of having to take the kids out the house. We do we get UPS, Amazon, and FedEx at our house that that has nothing to do with the company.

Mr. Charney asked if he was planning to build any new structures, new improvements out there is this variances granted.

Mr. Stamper stated that he was not. We recently had a carport that was constructed. My dad when he passed, he had a boat that had been a storage the boats been sitting outside for a while, so we did get a carport that the boat is under, another boat, and then the tractors that he uses are all stored in that building. These are the same tractors that are also used for moving hay, clearing trees, and everything else.

Mr. Charney asked that these two new green containers that you brought on site, do those contain plumbing equipment.

Mr. Stamper stated that was correct and he does not have plans for any additional ones.

Mr. Charney stated that if we were to put conditions on this Variance no further structures. Either containers or new warehouse, accessory structures, would that be condition acceptable to you?

Mr. Stamper stated he would accept that.

Mr. Hicks asked if he would okay if a limitation was placed that the amount of outside storage would not increase beyond what it is now.

Mr. Hutchinson stated that one of the questions he had was pertaining to the outdoor storage, your pictures are totally different than pictures in our packet. Do you know when these were taken. It says January 3.

Mr. Stampers stated that those are the same pipes are in that picture. It is just that they took the picture leaning over his fence.

Mr. Charney stated that you are in AG area. You are using a portion of your land, which is zoned AG to support your business operation. That is why your before is here today. How it is done, the manner in which it is done, the volume with which you store, the number of improvements, all that is relevant. People care about that because folks wanted to be more Ag in nature than business.

Any other questions of our applicant for members of our board? Who would like to ask anything of the applicant prior to closing the public comment portion?

Mr. Hutchinson asked if there was any way that you could store the PVC and stuff like inside one of the containers.

Mr. Stamper stated that he plans to do that. There was that space that is in between those two shipping containers that was the perfect length to do it. My forklift had an issue and so we did not get it up. But he has been planning on having my man helped me move it to where it's not by Mr. Todd fence, so it is stored away and outside.

Mr. Hutchinson stated that he did not have a problem with someone doing a business like yours, but you are almost your own worst enemy, because you are growing right.

Mr. Stamper stated that it was not so much that. He is still doing the same thing that he has always done. My father's passing added material. Usually, I would go up to the supply store, and he could just get the material that he wanted, when he wanted it. With COVID the bottleneck of supplies that happened we were having a really hard time getting material. So those are leftover pipe to where to slow down in those pipes have been set in there now for probably two, three months. But those are the reasons why we had so much more than usual.

Mr. Hutchinson stated that he would feel more comfortable if you did not have any outdoor storage. Even if we tried it out for six months or a year, to make sure everything flows a little bit better. Maybe you and your neighbor can get along. But we had better come up with some agreement. Because you have been there since 2006 and

everything has been fine. He thought that because you have been so successful it is causing more and more traffic. Then you start adding all the PVC pipe and this and that.

Mr. Stamper stated that he thought he had been making improvements.

Mr. Hutchinson stated that sometimes we have seen where someone has started a business such as yours and once it grew to a certain point, it is kind of your steppingstone to get to a commercial.

Mr. Stamper stated he did not need any more headaches. This is my niche. This is all he knows.

Mr. Hicks asked with the growth of your business do you foresee growth in employees.

Mr. Stamper stated that no he did not. He has the same amount of business he always has had. He has had the same number of employees for several years.

Mr. Tisdale stated that from his understanding of the increased material that is stored from your father's business that passed away, and not because of new growth.

Mr. Stamper stated that was correct.

Mr. Tisdale stated that was the clarification point there. It confuses me a little bit because the picture you show us is shows little.

Mr. Houston stated that the inherited items that are on your property are from your father's death. Are they still there?

Mr. Stamper stated that they were not inherited. He had to go through probate, get a family agreement to be able to purchase all the equipment. He has a couple of tractors there. But this is all stuff that we use, rotate, and try to use on normal basis. He is using the green containers have feed and stuff in it for our for our cattle. The containers have the contents of his dad's shop.

Mr. Godfrey stated that what would help would be to knock that gravel down. That gravel is 12 inches or so above my property. If he could fix it to where the drain would go back to where it used to be, but it's not going to because we have storage containers sitting there. And if you're talking about my downspout or my guttering, that water from my downspout or my guttering stays on me because it cannot draining. It's that high from the road all the way back.

Comments and Questions:

Mr. Tisdale stated that since he has been operating for 17 years, and that taking care of the gravel would bring a happy medium between the neighbors concern because it sounds like water runoff can be corrected anyway.

Mr. Hutchinson stated that would like to see when there was no outdoor storage on material. He can keep every bit of that equipment. They are saying it is all farm use. He would feel comfortable making sure all the outdoor storage materials stored inside. And they can get together and work on their terrain issue. We could revisit this six or eight months. In the past we have had where some businesses become so successful, that it is time to move on to an actual commercial use. He loved the fact that someone, the owner, properly started business, get it up and going, keep their overhead down until it grows to a certain point. It almost looks as though he is at that point where he has grown too much. Now, whether it has or not he did not know, because with his father's passing and equipment supplies that he bought.

Mr. Charney stated there have been many times where this board has allowed certain things where there was no outdoor storage of materials. If we didn't want materials stored outdoors, he understands there is equipment and that is a different matter. Could you store the materials that are there today and the materials that service your business at its current scale inside something with the existing footprint of buildings and structures?

Mr. Stamper stated that he could do that.

Mr. Charney stated that clarified your two questions are also something that. We have before said, if there is an issue regarding water drainage to say, we are going to try this for a six-month period, can you get with your neighbors? Let us see that we have truly moved things in. We do not have any outdoor storage and they have tried to try and address this drainage issue. It looks like it might have had something to do with the gravel or something to do with natural terrain.

Mr. Hutchinson stated that he has the equipment to address it. He was assuming the problem was there before the added gravel.

Mr. Charney stated that one option would be for the Board to vote to continue this journey for a period of six months. In the meantime, suggest to our applicant that there will be no outdoor storage, it would be cleaned up as nicely as one can, and that we work on the water issue. Then if it comes back to us, we can hear what we are going to hear from our audience members, we can hear from our applicant and see. We are not delaying any significant capital improvements because they're not going to be any.

Mr. Tisdale stated that he liked that idea because he thought that would allow the property owner to work with his neighbors in good faith like you've done 16 years.

Mr. Charney stated that we have had legitimate comments from neighbors who said we want to make certain generic diminishing the value of our property by a bunch of haphazard outdoor storage and we want to make sure our drainage is never adversely affected. We are going to give him the chance to address that. Based upon that, he could make a motion that we can continue this matter to our July agenda. And the board would make a motion on the chair and make a motion that the board continue this

matter with a directive to the applicant to consider an effort to have no more outdoor storage of materials. To work with his neighbor to address the grade issues that prevent that are currently causing stormwater backup. And if those two things get done in the next six months, we will place this back on the agenda, we will re-address where we are, and see if we have a comfort level at that point with continuing that actual grant of a Variance or not. Are you comfortable with that Mr. Hoyt? Do you can that you can accommodate that? That would be my motion. I will second. Now that we've seconded have a motion to override any discussion from members of our board. If anyone disagrees with that or thinks otherwise, now's the time to suggest something.

Mr. Tisdale stated he thought that was a fair approach this way.

Mr. Hicks asked if we wait until then. Do we wait until then to make other definitions about only plumbing business?

Mr. Charney stated that he thought so. That is why I wanted to do that. He felt like if we continue it, it gives us that power of times we have seen good faith effort to produce reliable results amongst neighbors.

Mr. Charney stated that this is a difficult one. We think that there may be a way to accommodate it. It may not we have no clue which way we have not signaled anything here other than we believe greatly in working with neighbors to try and get things resolved. And outdoor storage is important. If we confine it to the indoors we get some issues with neighbors resolved during drainage. It may put a different color on this for all of us. May not. We will see.

Board Action:

On **MOTION** of **CHARNEY**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **CONTINUE** a Use Variance to allow (Use Unit 15) in an AG District to permit other trades and services (Section 310). Variance of the all-weather surface requirement for parking. (Section 1340.D) until July 18, 2023.

A TRACT OF LAND IN S/2 SE BEG 724.17N SECR SE TH N200 W1210.66 S200 E1210.9 POB LESS E16.5 FOR RD SEC 1 21 13 5.483ACS, CITY OF COLLINSVILLE, COUNTY OF TULSA, STATE OF OKLAHOMA.

3039 - Justin Tate

Action Requested:

Special Exception to allow a manufactured home (Use Unit 9) in a RS district.
(Section 410) **Location:** 5812 N Madison Ave **(CD 1)**

Presentation:

Justin Tate, 6351 North Boulder Avenue, Tulsa, Oklahoma, 74126, stated that this is a special exception for a single wide mobile home; three bed, two bath. He was a single father who is trying to get custody of his daughter. He has another child on the way, and this would be my first property on my father's land.

Mr. Charney asked that if he had heard from any neighbor on either side of you about this or talked with any neighbor.

Mr. Tate stated that he had talked to his neighbor. They own both houses next to me and she is perfectly fine with it.

Mr. Charney asked if there some other single wide mobile homes in this area.

Mr. Tate stated that there are about six or so in the areas.

Mr. Charney stated that if it were important to this Board to tell you that we have certain things we must do we want you to require for example if we were to require skirting, we require proper tie downs, proper the DEQ connection to sanitary sewer or septic. There is a laundry list of things. Sometimes the most difficult one or sometimes maybe the most costly is there needs to be a hard surface where the vehicle is parked. There might be a little asphalt or concrete pad where we parked the vehicle, not the whole drive, but where the vehicle is parked. We want hard surface. We have learned over the years that if we do that it makes for a better long-term appearance and it wears better and lasts better and operates better.

Mr. Hicks asked is the picture of the mobile home in the packet, is it there now.

Mr. Tate stated that is on the property where he purchased it from.

Mr. Charney stated that any approval would be conditioned upon those proper skirtings, tie downs, porches, connected on a hard surface parking.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **HUTCHINSON**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstains”) to **APPROVE** a Special Exception to allow a manufactured home (Use Unit 9) in a RS district. (Section 410) per the Conceptual Plans shown on page 13.7 of the Agenda packet, subject to the following conditions that it meets Tulsa County and DEQ standards.

The Board finds that the requested 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:

LT 5, WHITTEN ADDN, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.

3040 - David Henke

Action Requested:

Variance for Temporary Gravel parking lot for seven buses during design and construction activities are underway on adjacent east lot which is owned by same owner (Section 1340) **Location:** W of NWC 106th St N and N Garnett Rd **(CD 1)**

Presentation:

John Watchorn, 614 East Mesa Drive, Broken Arrow, Oklahoma, 74012, stated that David Hankey is the civil engineer that he hired for this project.

Mr. Charney asked if he was with Revolutionary Investments Limited.

Mr. Watchorn stated that Revolutionary are the owners of this property, and they are the ones that we are going to be building this facilities that they propose, and we have gotten approval from the City of Owasso. Now the owners also own the tract of land butting right up to it. We need to try to eliminate the hardships that are placed upon them from the vandalism of their buses in the area.

Mr. Hoyt stated that they are constructing a facility on the lot adjacent to the east and they are requesting a temporary facility to park seven buses on gravel parking as opposed to asphalt parking just adjacent to the west to support the construction of the main site to the east. The site to the east is in the city limits of Owasso. This site is within Tulsa County. The City of Owasso has already approved the facility. They are just looking for the temporary parking right now in Tulsa County Proper.

Mr. Charney asked how long this temporary use last.

Mr. Watchorn stated that it I will tell you that it is probably going to be close to a year simply because we are going to have a privacy fence put around it and access from the other property with a gate. The buses are being vandalized just terribly across the Tulsa area. This company uses these buses and they're different entities hire them to move people across the country. They are out of California. They had fifty buses when COVID hit. Things are so costly, and they could not afford to park the buses. When COVID hit it was \$27,000 a month just for a little lot to park the buses. After the end of that year, they are going to take the fence down, take the gravel off

Mr. Charney stated that those of us in the area know this property. It is the front door to a hospital, a growing medical corridor, and we care a great deal about its continued aesthetic.

Mr. Watchorn stated that they are planning to build that bus garage close to the other the property, but we also have on the way. They are going to be two story on the front, down the east side, and then on the back, possibly a senior care facilities.

Interested Parties:

R. B. Caraway, 10920 North 149th East Ave, Owasso, OK 74055, stated that there is a creek runs but between his property and our property. He was a safety officer for our largest trucking company here in Tulsa. He wanted to know what he is planning to do to contain the diesel oil that is going to be coming from these buses to not go into that creek. His whole concern is the contamination of the creek.

Mr. Charney stated that he understood his concern. We want to make certain whether there is a method by which they can do that like is done on a construction site. We can speak to that serve for an 18-month period. We cannot speak to it permanently, right because that's the city.

Mr. Caraway stated that he was very familiar with the property and his design of what he is going to do from the City of Owasso side. In his meeting with the City the creek was brought up. Owasso said all they were doing was approving the use of the property there was not approving any construction or anything like that. The rest had to come from this Board.

Rebuttals:

Mr. Charney stated that they should think through what sort of silt fencing you could have.

Mr. Watchorn stated that they already had it with a control that he has built into around the gravel parking area where there the runoff will not run off. It can be built so that we utilize the skimming process with the fabrics if any oil were to come to the surface of that water and be able to retain it.

Mr. Charney stated that we will add this concern to a motion that he was about to make whenever he so rudely forgotten to call on this gentleman.

Comments and Questions:

Board Action:

On **MOTION** of **CHARNEY**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Variance for Temporary Gravel parking lot for 7 buses during design and construction activities are underway on adjacent east lot which is owned by same owner (Section 1340), per the Conceptual Plans shown on page 14.6; subject to the following conditions of a 18 month term after which this Variance will expire; in addition the engineer design the temporary gravel improvements and any grading so as to contain any contaminated runoff that might flow from the parking facility. It is the obligation of the applicant to ensure that the fencing and is removed after Variance expires. This must be incorporated into the grading and gravel planning.

Finding the hardship to be the nature of the use is such that it is temporary, on a long skinny piece of property immediately adjacent to an approved use.

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:

E220 E/2 SW SE LESS S16.5 FOR RD SEC 7 21 14 6.583ACS, MEADOWCREST, CITY OF OWASSO, COUNTY OF TULSA, STATE OF OKLAHOMA.

3041 - Todd Godfrey

Action Requested:

Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in an AG district (Section 1225) **Location:** 18216 N 97 Ave E (CD 1)

Presentation:

Todd Godfrey, 8917 North 120 East Avenue, Owasso, Oklahoma, 74021 stated that he had the cultivation facility there for going on two years. He had a dispensary and processing in Owasso that he sold. He wants to transfer his processing license for the location that was in Owasso to his cultivation facility. He was growing there, moving it to where the dispensary and processing was doing all the packaging and all that. He needs to continue those operations by moving it out there. As a cultivator he can package his products but only to a certain extent, more for wholesale purposes where he is trying to package and do pre-rolls there.

Mr. Hutchinson asked him to tell us about the equipment because each equipment will be different.

Mr. Godfrey stated that there are no combustibles. He does not deal with butane or any of that kind of extraction. It is just ice water and packaging flower. He has an ice machine and a freeze dryer. We make freeze dried edibles out of like strawberries.

Mr. Hutchinson stated that the industrial side of it is not industrial work. It is a minute machine and then the growing. He zoned an AG so it's just being able to have that by right.

Mr. Godfrey stated that we are always forced to have light manufacturing for the type of processing that I do and not heavy industrial. It is just very basic, like nothing is flammable, and it is not noisy.

Interested Parties:

None.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINS**, the voted Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** a Use Variance to allow Use Unit 25, Light Manufacturing Industry, to permit a medical marijuana processing facility in an AG district (Section 1225). Finding the hardship to be the minute machinery with no noise.

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:

**S/2 S/2 NE SE NE LESS 0.06AC RD SEC 1 22 13 2.44ACS, CITY OF OWASSO,
COUNTY OF TULSA, STATE OF OKLAHOMA.**

OTHER BUSINESS

None

NEW BUSINESS

None

BOARD MEMBER COMMENTS

None

There being no further business, the meeting adjourned at 4:38 p.m.

Date approved: 2/21/23

Donald E. Cherry Chair