

**AGENDA**  
**Tulsa County Board of Adjustment**  
**Regularly Scheduled Meeting**  
**Tuesday, January 19, 2021, 1:30 p.m.**  
**Williams Tower I**  
**1 West 3rd Street, St. Francis Room**

**Meeting No. 490**

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment applicants and members of the public are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

**Attend in Person:** Williams Tower I, St. Francis Room, 1st Floor  
1 W. 3rd St., Tulsa, Oklahoma

**Attend Virtually:** <https://zoom.us/j/92295498127>

**Attend by Phone:** 1-312-626-6799 Meeting ID: 922 9549 8127

**Additional Directions:** During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

---

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of December 15, 2020 (Meeting No. 4898).

**UNFINISHED BUSINESS**

2. **2857—Rick Clark**  
Use Variance to allow storage of personal items (Use Unit 23 - Section 1223);  
Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

**The applicant requests a continuance to February 16, 2021.**

**NEW APPLICATIONS**

3. **2866—McKenzie K. Vermillion & Robert Hopper**  
Special Exception to permit a Horticulture Nursery in an AG-R District (Section 310, Table 1). **LOCATION:** 13818 North 92nd East Avenue
4. **2867—Michael Swaffer**  
Variance of the side setback from 15 feet in an AG District (Section 330, Table 3). **LOCATION:** 12815 North 143rd East Avenue
5. **2868—Jerry Gordon**  
Variance of the rear yard setback in an AG District to permit a pole barn (Section 330, Table 3). **LOCATION:** 1376 East 181st Street South
6. **2869—Elias Investments, LLC**  
Variance of the side setback from 15 feet to 10 feet in an AG District (Section 330, Table 3). **LOCATION:** 10762 North Sheridan Road East
7. **2870—Michael & Amy Thayer**  
Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District (Section 207). **LOCATION:** North and West of the NW/c of West 35th Street South & South 177th West Avenue
8. **2871—Peggy L. Warren**  
Variance of the minimum lot area and the land area per dwelling unit in the AG District to permit two dwellings on one lot (Section 330, Table 3). **LOCATION:** 5603 East 96th Street North

**OTHER BUSINESS**  
**NEW BUSINESS**  
**BOARD MEMBER COMMENTS**  
**ADJOURNMENT**

**Website:** [tulsaplanning.org](http://tulsaplanning.org)

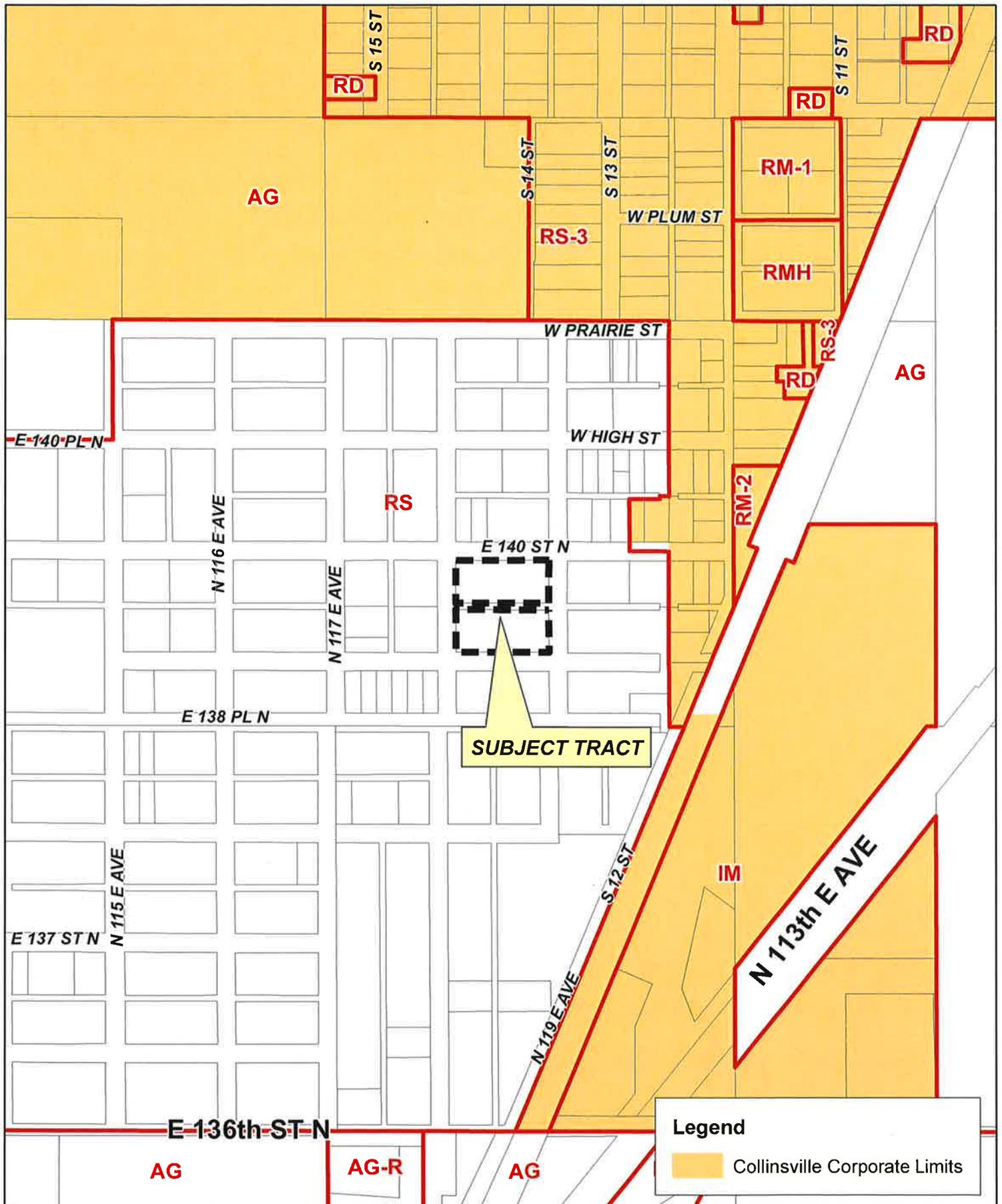
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

If you require special accommodations pursuant to the Americans with Disabilities Act, please call 918-584-7526.

**NOTE:** Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. *All electronic devices must be silenced* during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.

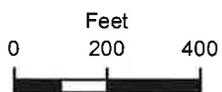
**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



**CBOA-2857**

2.1

22-14 29



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 2429

**CASE NUMBER:** CBOA-2857

**CZM:** 75

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** Rick Clark

**ACTION REQUESTED:** Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E)

**LOCATION:** 11802 E. 140<sup>th</sup> St. N.

**ZONED:** RS

**FENCELINE:** Collinsville

**PRESENT USE:** Vacant

**TRACT SIZE:** 1.93 acres

**LEGAL DESCRIPTION:** LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts RS zoning in all directions. It is located in a rural area with both residential uses and vacant properties.

**STAFF COMMENTS:**

**New Comments:**

The applicant has requested a continuance to the 2/16/2021 meeting. He is still working with the county to place a double-wide mobile home on the property. He has an existing right-of way that runs through his property, so he is also working with the county engineer's office to request that the right-of-way be closed. According to the new site plan, we will need to re-notice for the February meeting due to the applicant's request to place the accessory building in the front yard. It will require further action from the Board as accessory buildings are not allowed by right in the front or side yards. The Use Variance to allow storage of personal items will not be required as the new single-family dwelling unit would allow storage of personal items by right. The new request will be the following:

Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E); and Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

**Comments for 12.15.20:**

The case was continued 60 days, until 12/15/2020 to give the applicant time to make plans for the house he would build on the property and to submit a site plan showing the new residence.

2.2

The applicant has informed staff that he is looking into purchasing a double-wide manufactured home to place on the property. He is also planning to reduce the size of the accessory structure to approximately 1,600 square feet (see attached email).

**Original Comments:**

The applicant is before the Board requesting a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E).

A Use Variance is required because a storage facility (Use Unit 23) is a use that is prohibited in the RS district. As a safeguard for the surrounding neighborhood, the Code requires that a screening fence or wall be constructed along the lot line(s) in common with an R-zoned lot.

The applicant provided the following statement:

*"I purchased this property from my Parents to build a retirement living situation. I am 61 and am looking to retire on this piece of land in the next few years. The building currently being planned is solely to store personal items and to utilize for my retirement. At some point there will be a home built on this same property for my personal use within the next few years. The planned building is the minimum size requirement needed to hold my personal belongings. This space will also be utilized to allow remodel of my current home during the remodel proceedings.*

*The planned structure will be purposely hidden from view from the road. This is desirable feature to deter theft and keep privacy to a maximum.*

*The placement for the proposed building is as far south on the property as it can be placed due to terrain a terrain issue. The property features a steep hillside slope.*

*The properties surrounding this location are a diverse mix of metal buildings, houses, and farmland with livestock. Located within site of this property are multiple large, residential structures similar to the proposed building, all being used for similar situations.*

*There are no issues in the foreseeable future that would be a detriment to the surrounding property owners.*

*Also, properties surrounding this location are at least one acre and have houses built on them. It would not be feasible for residential tract development.*

*Located 0.4 miles and adjacent cross ways to the east from this property is a large metal structure. There are also two very large commercial businesses within a half a mile of this location that are far larger than this proposed personal use building."*

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures. According to the site plan, the proposed building will be 40' x 80' (3,200 SF).

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board may consider prohibiting outside storage of materials or personal items on the lot.

Sample Motion:

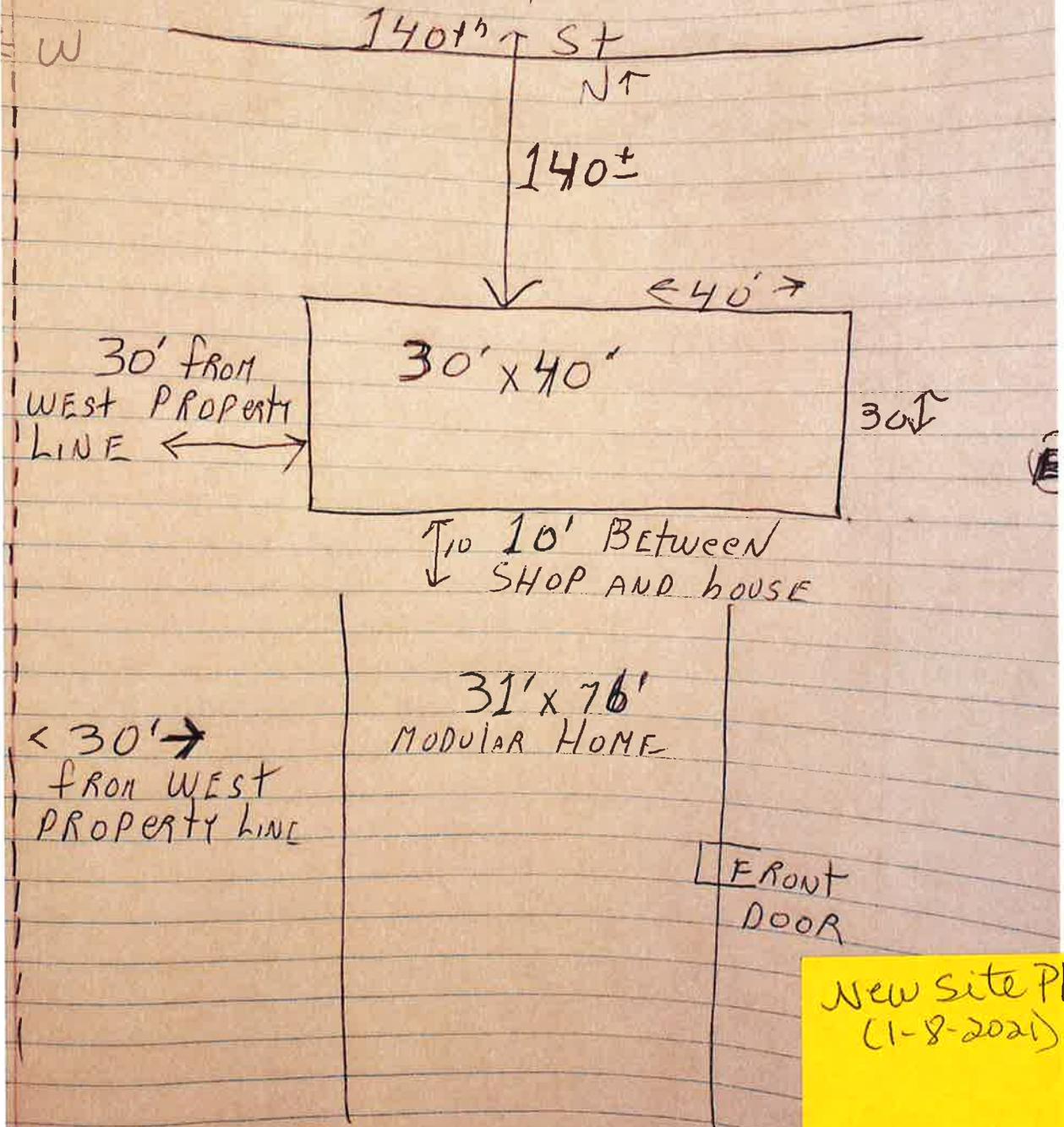
“Move to \_\_\_\_\_ (approve/deny) a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E)

Subject to the following conditions, if any: \_\_\_\_\_.

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

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

Rick Clark 918-371-3936  
CLARKRICK@yahoo.com



New site Plan  
(1-8-2021)

## Jones, Robi

---

**From:** Rick <clarkrick@yahoo.com>  
**Sent:** Thursday, January 7, 2021 3:24 PM  
**To:** Jones, Robi  
**Subject:** Re: CBOA-2857

I've called Mr Mills in the engineer's office. I was told he'd be back in a day or 2. Since this is Thursday afternoon I don't expect a return call until next week. I sent him an email. I called Lucky about this last Monday--he said he'd call me back in 1 hour--still waiting. I don't understand why no one mentioned this to me---I am the one who discovered it and brought it to the county's attention. And what is the point of sending in a site plan if I can't build here ? It is the only location on my 3 acres that is feasible.

On Thursday, January 7, 2021, 02:24:31 PM CST, Jones, Robi <rjones@incog.org> wrote:

Rick – I have checked with someone in my office about your land. You technically couldn't build over the right-of-way (ROW). You would need to close that ROW in order to build on it. They suggested talking to the county engineer's office about closing it. Their number is 918-596-5736. Let me know if you have any questions. I still need a copy of your site plan for the proposed home and accessory building.

Robi



**Robi Jones**

Community Planner

County Board of Adjustment Administrator

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

rjones@incog.org

## Jones, Robi

---

**From:** Rick <clarkrick@yahoo.com>  
**Sent:** Thursday, December 31, 2020 11:02 AM  
**To:** Jones, Robi  
**Subject:** Re: CBOA-2857

I submitted a request for a double wide this week to Lucky. I don't know what a lot combination is therefore I haven't applied for one. Do I need to ? My shop size will be sized down to approximately 1200-2000 square feet. I really need another extension into February so I can firm the details up. Is it possible ? I've been distracted due to the murder of my son on Thanksgiving and taking care of my elderly parents. Thank you for checking on me.

Sent from Yahoo Mail on Android

**On Thu, Dec 31, 2020 at 10:46 AM, Jones, Robi <rjones@incog.org> wrote:**

I am working on updating the case. Have you applied for a lot combination? Were you able to place a double-wide mobile home on the property?

Thanks,

Robi



**Robi Jones**

Community Planner

County Board of Adjustment Administrator

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

rjones@incog.org

FILE COPY

**2857—Rick Clark**

**Action Requested:**

Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items;  
Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

**Mr. Hutchinson recused and left the meeting at 3:53 P.M.**

**Presentation:**

**Rick Clark**, 10517 East 136th Street, Collinsville, OK; stated he purchased this three acres from his parents and wants to build his retirement home on the property; currently he lives a mile away. His plan and desire is to build a 40 x 80 pole barn for his own use to store building materials in to build the future house and there would be no commercial use. Mr. Clark stated he has spoken to four of the closest neighbors and they have no objections to this proposal. The only objection that he is aware of is the e-mail that was sent yesterday from a property to the south that no one lives in and no one has lived in it for about 20 years. The area is considered agricultural.

Mr. Charney stated that very often accessory buildings are accessory to a dwelling. The Board has often struggled with requests to build the accessory building first because it is not accessory to anything yet. Mr. Clark stated he lives a mile away and this will be a gradual process of transitioning his belongings. He may be doing the process in reverse order, but he really needs to have a place to store building materials and personal items.

Mr. Charney stated that if a building is accessory to a residence in a residentially zoned area on large tracts, he does not know if the Board has granted this to be done before the house.

Ms. Miller stated the Use Variance is to address that issue. A Use Variance is to allow the storage of personal items, so that addresses the fact that this would be storage. It is interesting that the second request is for an accessory building. Ms. Robi Jones stated that due to the size of the building the accessory building Variance had to be requested. Ms. Miller asked Ms. Jones if she had to request the Use Variance because there was not an existing house on the property. Ms. Jones answered affirmatively, that was the only thing that could be requested. Ms. Miller stated that even though this is not an accessory building it is still an RS District and that is a safe request if there is to be a future residence.

Mr. Clark stated that he would be wasting the Board's time and his money if he did not build a house on the property. He has no other use for the property other than to live on it. If he puts a building on it with the intent of reselling it, he thinks it would be a negative gain.

CBOA-2857

FILE COPY

Mr. Johnston stated that he does not know if he can be in favor of this request, but one point to be made is that the applicant could invest in a set of plans that show what he plans to build, present a site plan to show where the house and building are to be located, but he could not promise the Board would approve the request at that point. A financial commitment, even if it is toward a house plan, in showing how this would fit on the site overall would help.

Mr. Tisdale stated the concern he has the proximity of how close the applicant lives to the property now, there is no incentive to move quickly. He is not questioning the applicant's integrity but taking into consideration the proximity of the applicant's current residence.

Mr. Charney stated that normally when the Board approves accessory buildings that are larger the Board is provided the whole site plan; where does the house sit, where is the ingress and egress, what is the drive back to the accessory building in conjunction with the residence. What the Board has now is just an indication of how this particular 40 x 80 structure would be situated on the property. The Board is hesitant to grant a request for a building in a residential location not knowing where the building is actually placed, what it looks like, where the ingress/egress is in relation to the house and the building, etc.

Mr. Clark stated that he has already committed to a realtor to sell his existing house so he can pay for the new house and the new building. The only reason he has not fully committed is because he does not know how long it will take to sell his existing house, even the realtor says it is a great market.

Mr. Charney stated that an option might be a continuance so a site plan can be brought back to the Board for review.

**Interested Parties:**

**Angela Jackson and Richard Tanner**, 2417 Avenue M, Galveston, TX; stated she submitted an e-mail stating objections to the request. Ms. Jackson stated her father is the landowner to the south of the subject site. This appears to be a warehouse for storage that is much larger than the allowed. She does not want a warehouse in a residential area.

**Rebuttal:**

**Rick Clark** came forward and stated that the Tanner property has been vacant for at least 20 years and it is severely depleted. Mr. Clark stated that he does not understand how someone that has lived in Galveston for the last 29 years can have an objection to his request.

CBOA-2857

FILE COPY

**Comments and Questions:**

Mr. Johnston stated that if the Board approves this request and something happens to Mr. Clark or his situation and the house is never built, then what happens? That is a major concern. He would prefer Mr. Clark request a continuance.

Mr. Charney and Mr. Tisdale agreed.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-1 (Charney, Johnston, Tisdale "aye"; no "nays"; Hutchinson "abstaining"; Crall "absent") to **CONTINUE** the request for a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E) to the December 15, 2020 Board of Adjustment meeting; for the following property:

**LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Hutchinson re-entered the meeting at 4:21 P.M.**

\*\*\*\*\*

**OTHER BUSINESS**

**Review** and approval of the 2021 meeting schedule.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Crall absent) to **APPROVE** the 2021 calendar schedule for the Board of Adjustment meeting.

\*\*\*\*\*

## Jones, Robi

---

**From:** Rick <clarkrick@yahoo.com>  
**Sent:** Friday, November 13, 2020 10:45 AM  
**To:** Jones, Robi  
**Subject:** RE: Thanks and a question

I'm doing a hard search now for a double wide. I do think this is the way I'll go. Even if a modular may decrease in value I'm 61 so it's not a big issue. And if I go this route I'll downsize my pole barn smaller. 1200-1600 square feet. I really appreciate your inquiry

[Sent from Yahoo Mail on Android](#)

**On Fri, Nov 13, 2020 at 9:46 AM, Jones, Robi <rjones@incog.org> wrote:**

Have you made any decisions on putting in a double wide mobile home and building a smaller pole barn?

Robi



**Robi Jones**

Community Planner

County Board of Adjustment Administrator

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

rjones@incog.org

---

**From:** Rick <clarkrick@yahoo.com>  
**Sent:** Thursday, October 22, 2020 7:58 AM  
**To:** Jones, Robi <rjones@incog.org>  
**Subject:** Re: Thanks and a question

If I change gears & place a double wide and delay building a smaller pole barn (1600sf ?) what is the procedure ? There has never been a structure on site but water, electric & septic are in place. Again thank you for your assistance.

On Wednesday, October 21, 2020, 11:42:18 AM CDT, Jones, Robi <[rjones@incog.org](mailto:rjones@incog.org)> wrote:

In a residential zoning district, you can only have an accessory building up to 750 sq. ft. without going before the Board for a Variance. You can't have any size accessory building on the property as a stand-alone. We asked for the Use Variance in order to allow you to have a structure for storage. The Variance for size was an additional request to keep you from having to go before the Board again later to request a Variance for an accessory building over 750 sq. ft. I am not sure how 750 sq. ft. was determined. (It is 500 sq. ft. in most residential districts in the City of Tulsa.)

A double-wide mobile home is treated the same as a single-family home. It does not need approval from the Board.



**Robi Jones**

Community Planner

County Board of Adjustment Administrator

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

[rjones@incog.org](mailto:rjones@incog.org)

---

**From:** Rick <[clarkrick@yahoo.com](mailto:clarkrick@yahoo.com)>  
**Sent:** Wednesday, October 21, 2020 11:28 AM  
**To:** Jones, Robi <[rjones@incog.org](mailto:rjones@incog.org)>  
**Subject:** RE: Thanks and a question

I'm mistaken all the way around I guess. I thought one of the variances was for a size exemption due to no existing home on the property. So a size variance is required whether an existing home is there or not ? What is so special about 750sf ? I promise you I'm usually pretty sharp but the 750sf confuses me. Also just for education what are the requirements for a double wide modular ? My east neighbor has one.

[Sent from Yahoo Mail on Android](#)

**On Wed, Oct 21, 2020 at 11:20 AM, Jones, Robi**

**<rjones@incog.org> wrote:**

Rick,

You are not able to erect a 750 sq. ft. building without an existing home on the property. It is an accessory building and you would still need the Use Variance approval.

You can contact the Tulsa County Permit Department to make a complaint. Their number is 918-596-5293.



**Robi Jones**

Community Planner

County Board of Adjustment Administrator

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

[rjones@incog.org](mailto:rjones@incog.org)

---

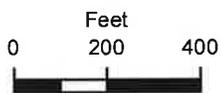
**From:** Rick <[clarkrick@yahoo.com](mailto:clarkrick@yahoo.com)>  
**Sent:** Wednesday, October 21, 2020 9:29 AM  
**To:** Jones, Robi <[rjones@incog.org](mailto:rjones@incog.org)>  
**Subject:** Thanks and a question

I appreciate your help. I'm aware I can erect a 750 square foot building without an existing home. I may be forced to do that for now. I believe it's unfair for the commission to expect me to sell my existing home before I'm issued a variance. But what hoops do I need to jump through for a 750 sq ft building ? I need to get something built before bad weather. Additionally who do I make a complaint to regarding dilapidated property with numerous abandoned vehicles ? I'm talking about the Tanner property. Since they're so concerned about the neighborhood they can lead by example. I wish to file a formal complaint with whatever code enforcement the county offers. It truly is an eyesore. Thank you again, Rick Clark

Sent from Yahoo Mail on Android



*Aerial view looking south onto the (approximate) subject property from E. 140th St. N.*



Subject Tract

**CBOA-2857**

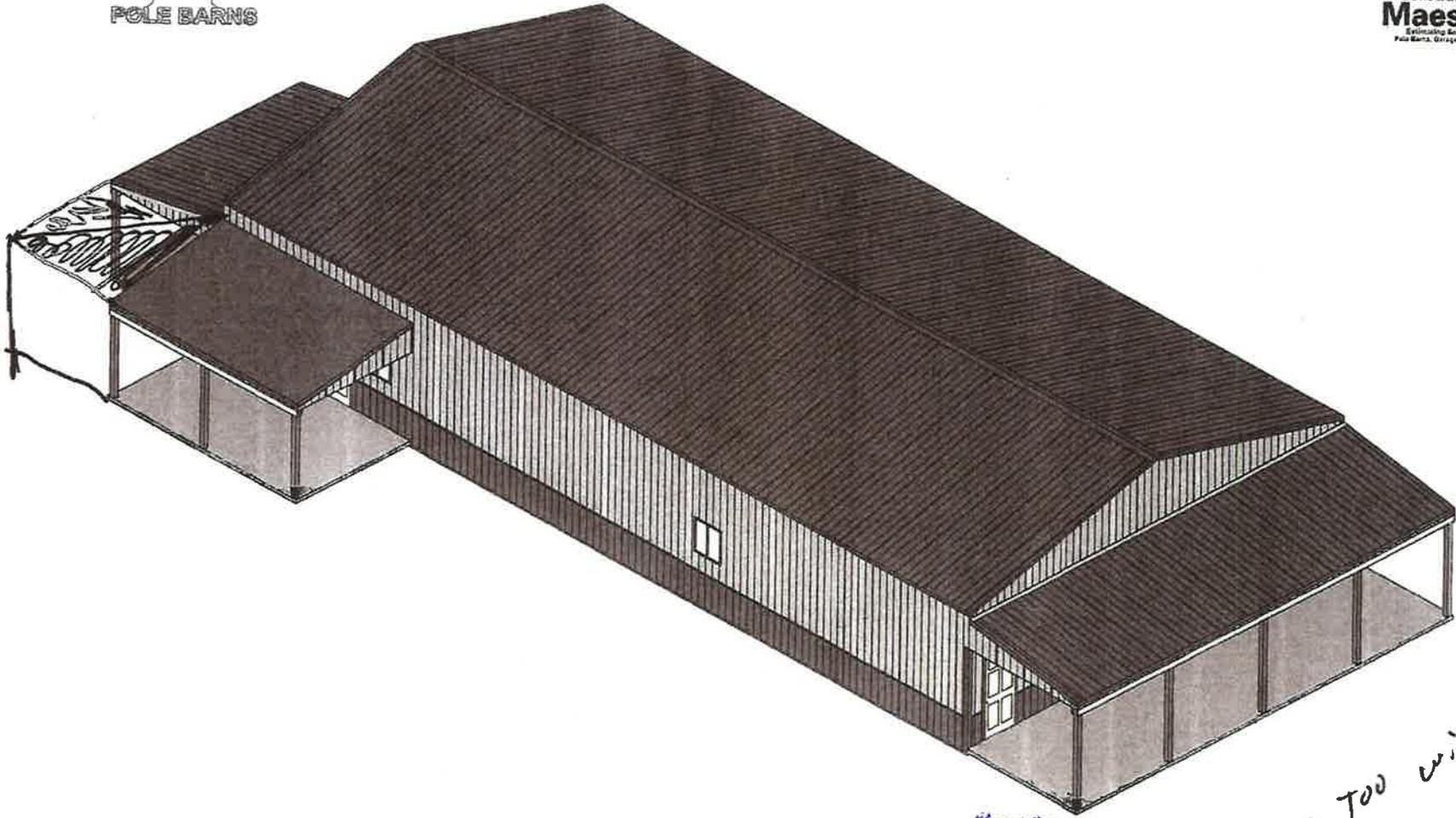
22-14 29

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

Aerial Photo Date: February 2018

2.16

N

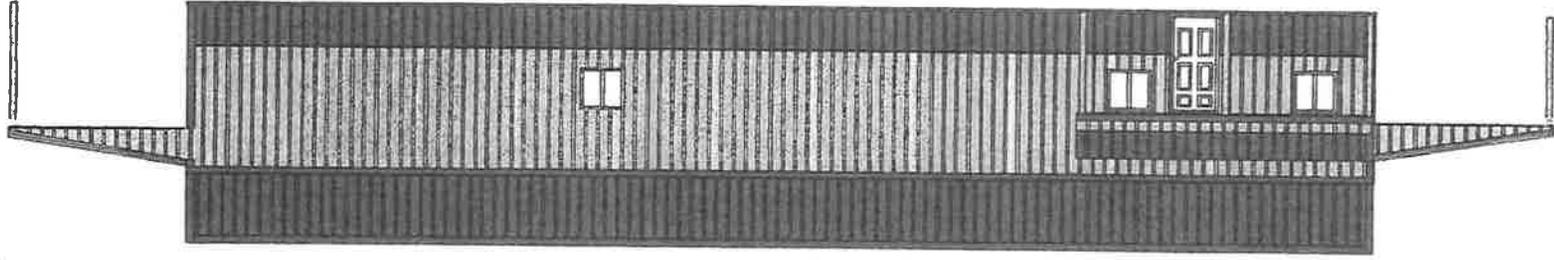


MOVE  
ENTRY  
DOOR  
WEST  
UNDER  
CANOPY

This lean too will only be  
20'  
centered on  
40' wall

2.17

lick Clark  
estimate Number: 117  
25/2020\*



EAST SIDE-FAVOR SIDE 2 ELEVATION

Maestro





## Jones, Robi

---

**From:** Rick <clarkrick@yahoo.com>  
**Sent:** Wednesday, September 23, 2020 11:16 PM  
**To:** Jones, Robi  
**Subject:** Clark variances

I drove around within a half mile of my property and found several apparent zoning violations. The single wide mobile home was just delivered yesterday (?) to 11426 E 137th St. It previously had a house on it. The photo of the 3 horses were taken from the spot I want to construct my pole barn looking east across our shared fence. Their home is a manufactured double wide. Roberts at 11914 E 140th St, zoned residential. Also in the photograph you can see the fire department (metal building), the Storm Safe Rooms company, J&K Equipment and Collinsville Livestock Sales. Please take these into consideration for my application, I will be sending more in the next few days. Thank you, Rick Clark





2.22.

## Sparger, Janet

---

**From:** RONALD JACKSON <ronjack18@hotmail.com>  
**Sent:** Monday, October 19, 2020 11:38 AM  
**To:** esubmit; riones@incog.org  
**Subject:** Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12<sup>th</sup> Street, Collinsville, Oklahoma

Subject: Use Variance to allow (Use Unit 23-Section 1223) storage of personal items; and variance to allow total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E) at 11802 E. 140<sup>th</sup> St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 3,200 square feet warehouse and required off street parking in the middle of this zoned residential (RS) neighborhood.

Use Unit 12-Section 1223 describes warehousing adjacent to a central business district, in industrial parks and port areas. These two lots are not abutting the boundary of our residential district. The lots are right in the middle of the neighborhood and have many residential homes surrounding the proposed site of the warehouse. At 3,200 square feet, the warehouse is 4.3 times larger than the 750 square feet limit. A screening wall will not block out the noise and disruption to the tranquility of our neighborhood.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

#### 400.1 General Provisions

The Residential Districts are designed to:

- A. Achieve the residential objectives of the Comprehensive Plan.
- B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
- D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

#### 400.3 Purposes of the RS Residential Single-Family District

The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting a 3,200 square feet warehouse with required driveways and parking will turn these lots into impervious land that will adversely affect the flow of rainwater onto and flooding my property.

I urge the board to deny Mr. Clark's variance application and allow our neighborhood to remain a residential area.

Thank you for your time and consideration,  
Richard P. Tanner  
2417 Avenue M  
Galveston Tx. 77550

Agent in Fact:  
Angela Jackson  
2417 Avenue M  
Galveston Tx. 77550  
713-927-0032

## Sparger, Janet

---

**From:** Jones, Robi  
**Sent:** Tuesday, October 20, 2020 8:45 AM  
**To:** David Charney; don.crall@tulsacc.edu; Don Hutchinson; William Tisdale; lwjslj@sbcglobal.net  
**Cc:** Miller, Susan; Sparger, Janet; ttosh@tulsacounty.org; James Rea  
**Subject:** FW: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

**From:** Rick <clarkrick@yahoo.com>  
**Sent:** Monday, October 19, 2020 11:24 PM  
**To:** Jones, Robi <rjones@incog.org>  
**Subject:** Re: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

Please enclose these photos of the abandoned home of the Tanner property. The roof appears to be in disrepair and the home has been empty many years. It appears the only objection has been by someone who doesn't take care of their own property and has grossly misrepresented my plans for my pole barn by calling it a warehouse



2.26



2.27



Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 1:29 PM, Rick  
<[clarkrick@yahoo.com](mailto:clarkrick@yahoo.com)> wrote:

The Tanner property has sat empty for longer than I can remember. 30 years ? And Mr Tanner is around 90 years of age and last time I talked with him approximately 2 years ago he was living in Sand Springs. There are numerous abandoned automobiles and equipment in disrepair. I strongly suspect the objection was sent by his daughter who I've been told lives in Galveston.

Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 1:11 PM, Jones, Robi  
<[rjones@incog.org](mailto:rjones@incog.org)> wrote:

This email arrived today and will be forwarded to the Board.



**Robi Jones**

Community Planner

County Board of Adjustment Administrator

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

[rjones@incog.org](mailto:rjones@incog.org)

---

**From:** RONALD JACKSON <[ronjack18@hotmail.com](mailto:ronjack18@hotmail.com)>

**Sent:** Monday, October 19, 2020 11:38 AM

**To:** esubmit <[esubmit@incog.org](mailto:esubmit@incog.org)>; [riones@incog.org](mailto:riones@incog.org)

**Subject:** Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12<sup>th</sup> Street, Collinsville, Oklahoma

Subject: Use Variance to allow (Use Unit 23-Section 1223) storage of personal items; and variance to allow total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E) at 11802 E. 140<sup>th</sup> St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 3,200 square feet warehouse and required off street parking in the middle of this zoned residential (RS) neighborhood.

Use Unit 12-Section 1223 describes warehousing adjacent to a central business district, in industrial parks and port areas. These two lots are not abutting the boundary of our residential district. The lots are right in the middle of the neighborhood and have many residential homes surrounding the proposed site of the warehouse. At 3,200 square feet, the warehouse is 4.3 times larger than the 750 square feet limit. A screening wall will not block out the noise and disruption to the tranquility of our neighborhood.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

#### 400.1 General Provisions

The Residential Districts are designed to:

- A. Achieve the residential objectives of the Comprehensive Plan.
- B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
- D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

#### 400.3 Purposes of the RS Residential Single-Family District

The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting a 3,200 square foot warehouse with required driveways and parking will turn these lots into impervious land that will adversely affect the flow of rainwater onto and flooding my property.

I urge the board to deny Mr. Clark's variance application and allow our neighborhood to remain a residential area.

Thank you for your time and consideration,

Richard P. Tanner

2417 Avenue M

Galveston Tx. 77550

Agent in Fact:

Angela Jackson

2417 Avenue M

Galveston Tx. 77550

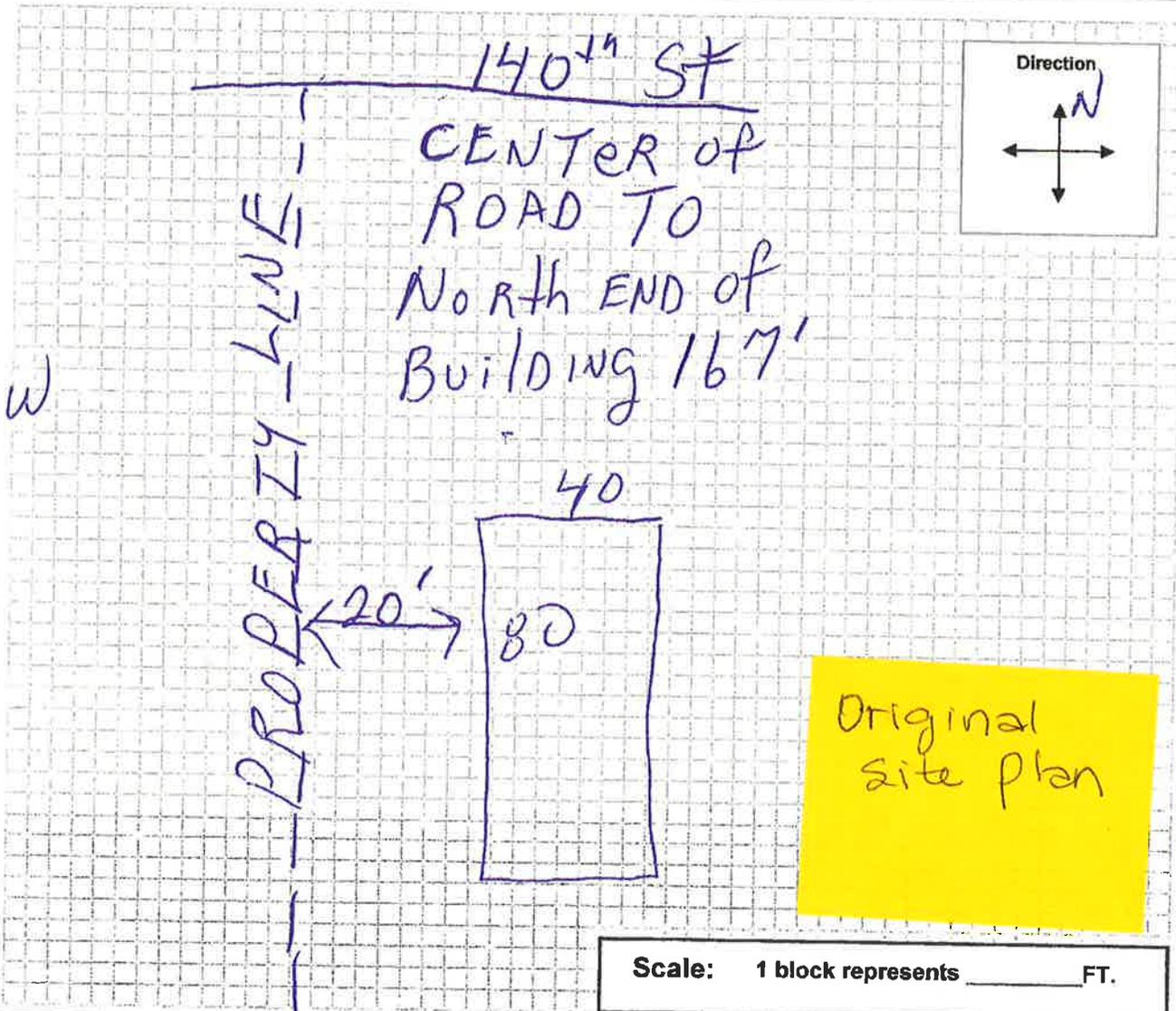
713-927-0032

CBOA-2857



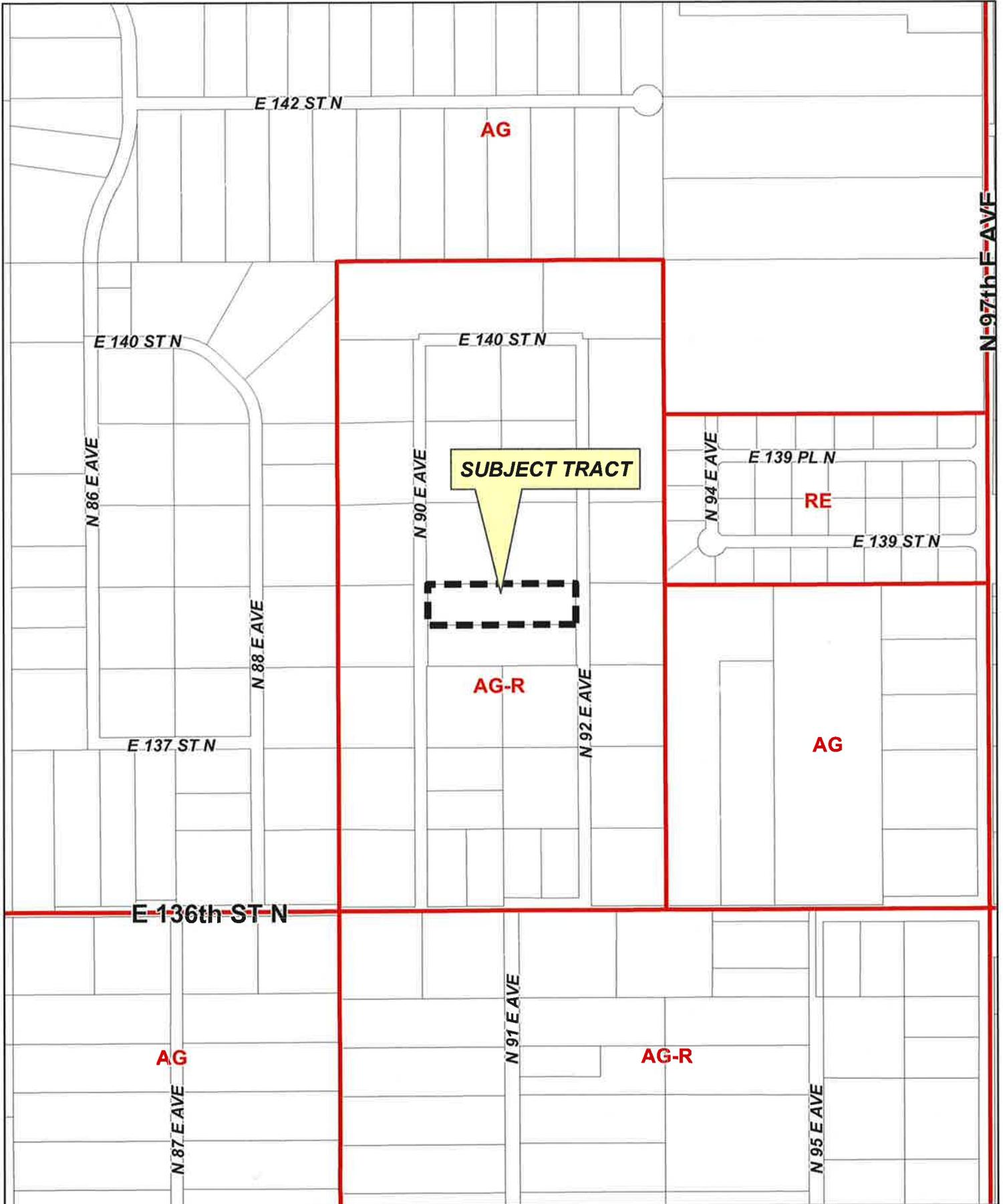
# Site Plan

Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Pole Barns, Garages & Decks



Name of Owner:		Phone: ( )	
Name of Agent: (If Applicable)		Phone: ( )	
Address of Property:		City:	State: Zip:
Zoned: NC	RA	RSA	RU1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RU2	RU3	C-1	C-2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	Parcel ID:		Legal Description Attached
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			(Y) (N)

"Rick Clark  
Estimate Number: 117  
8/25/2020"



**SUBJECT TRACT**

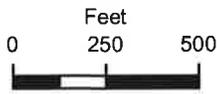
**AG-R**

**RE**

**AG**

**AG**

**AG-R**



**CBOA-2866**

**3.1**



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 2325

**CASE NUMBER:** CBOA-2866

**CZM:** 7

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** McKenzie K Vermillion / Robert Hopper

**ACTION REQUESTED:** Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

**LOCATION:** 13818 N 92 AV E

**ZONED:** AG-R

**FENCELINE:** Collinsville

**PRESENT USE:** Agricultural / Residential

**TRACT SIZE:** 2.28 acres

**LEGAL DESCRIPTION:** BEG 1160.63N & 329.71W SECR W/2 SE TH W659.41 N165.81 E659.4 S165.81 POB LESS W30 & E30 THEREOF FOR RD SEC 25 22 13 2.282ACS,

**RELEVANT PREVIOUS ACTIONS:** None relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG-R zoning with what appears to be mainly residential uses with some possibility of agricultural uses scattered throughout the area.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The site plan provided by the applicant, shows a 30' x 40' existing garage that would be utilized as the grow area. Accessory buildings in AG-R zoning are not restricted by size. Section 320.2 states that accessory buildings shall meet the minimum yard or building setback requirements which have been met in this instance according to the site plan.

The applicant has provided the following statement (a hardship is not required for a special exception): "Property is currently zoned for AG/Residential use and proposed use will be Ag in nature. There will be no imposed detriment to neighboring properties. State licensing and regulations allow for proposed use of land."

The parcel is located in the fenceline of Collinsville and is included in their Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan. The plans call for a Residential land use designation which can be viewed on the attached Land Use Map. The Collinsville Comprehensive

*3.2*

Plan was adopted in 2008 and The Tulsa County Comprehensive Land Use Plan was adopted in 2019. The Residential Designation is described below:

Residential – Residential land use includes single-family homes, duplexes, town houses, apartment units, and manufactured homes.

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

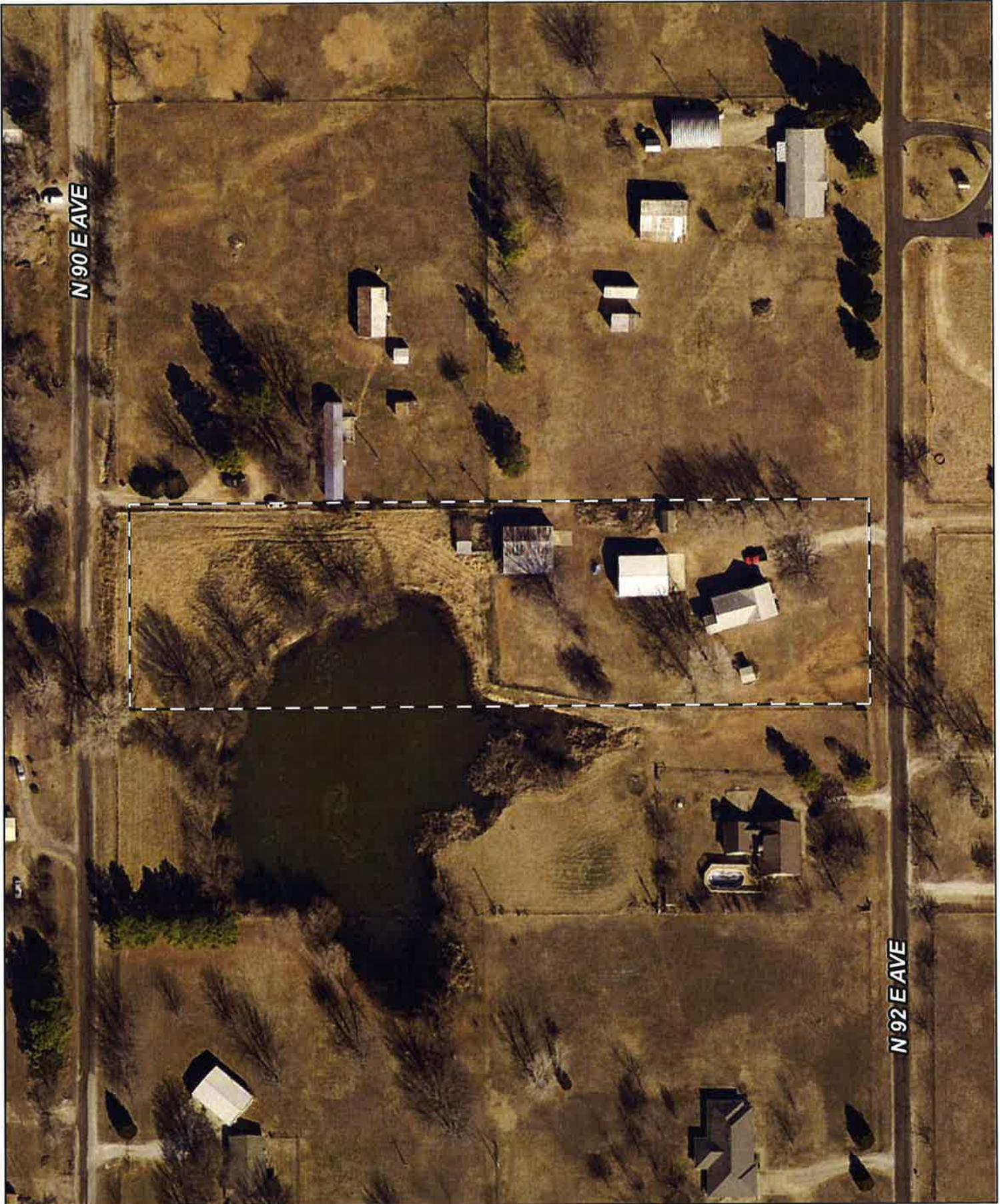
**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).*

*Approved per conceptual plan on page \_\_\_\_\_ of the agenda packet.*

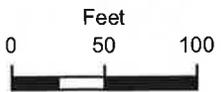
*Subject to the following conditions (including time limitation, if any): \_\_\_\_\_.*

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



N 90 EAVE

N 92 EAVE



Subject Tract

**CBOA-2866**

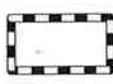
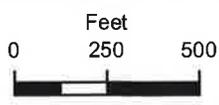
22-13 25

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

Aerial Photo Date: February 2018

3.4





Subject Tract

**CBOA-2866**

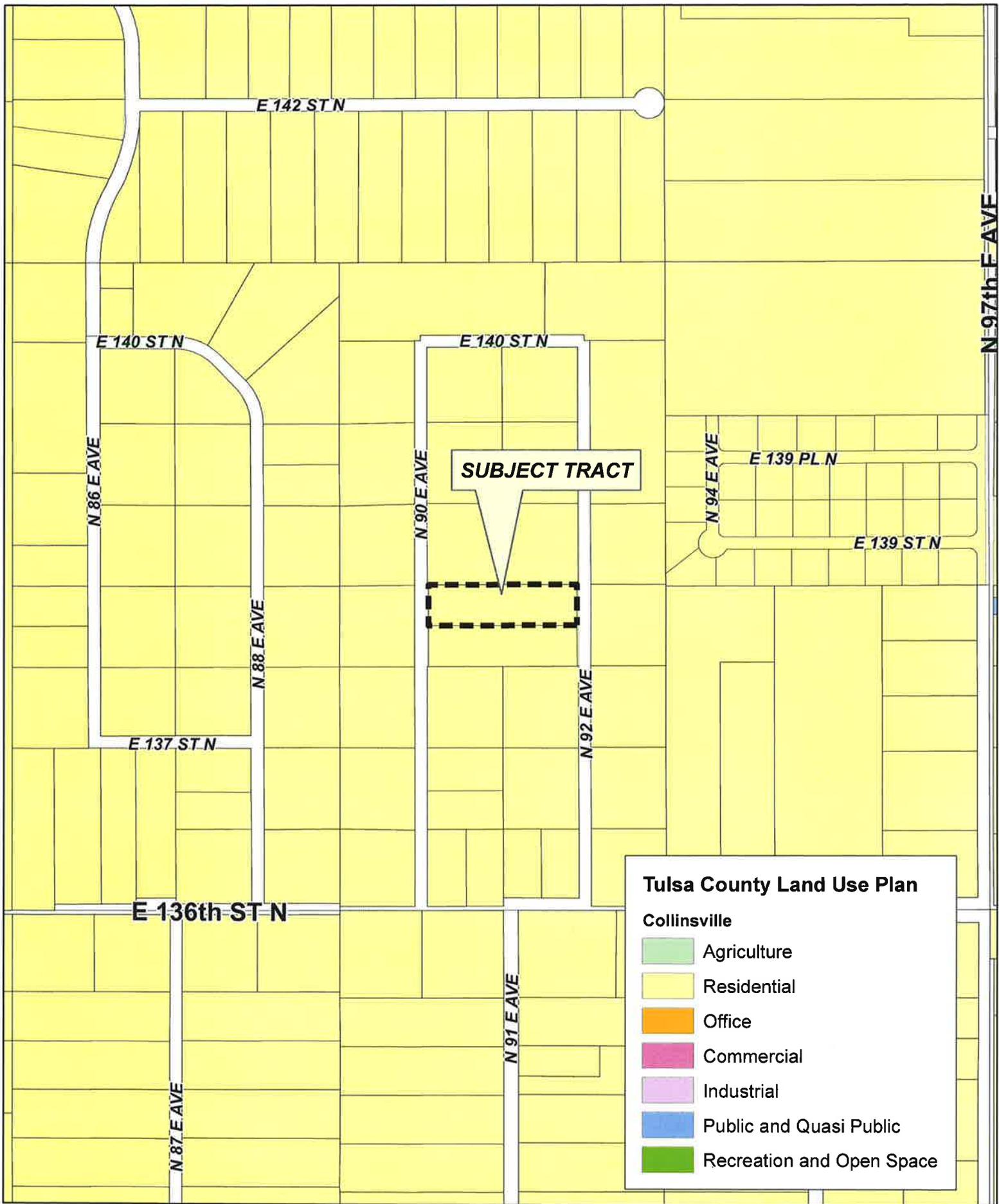
22-13 25

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

Aerial Photo Date: February 2018



3.5



**CBOA-2866**

22-13 25

3.6





*Looking west from N. 92nd E. Ave toward subject property*



*Looking west from N. 92nd E. Ave. toward site of proposed Horticulture Nursery*



*Looking north along N. 92nd E. Ave.*



*Looking south along N. 92nd E. Ave.*

# GROW BUILDING

## EXISTING BUILDING CONVERSION TO GROW BUILDING

13818 North 92<sup>nd</sup> East Avenue  
Collinsville, Oklahoma 74021  
Tulsa County

### index of drawings

#### architectural

A000 title sheet  
A001 project data & life safety  
A100 site plan  
A110 floor plan

### GENERAL NOTES:

- CONCRETE AT 'ACCESSIBLE' AREAS:  
LIMIT OF SLOPES:  
A. NO CROSS SLOPE TO EXCEED 2%.  
B. SLOPES AT DOORWAYS:  
12" 'HINGE' SIDE TO 24" LATCH SIDE, NO SLOPE.  
TOP OF WALKWAY SURFACE 'FLUSH' WITH FINISH FLOOR.  
DOOR FRONT 'OUT' 5'-0" MAXIMUM SLOPE OF 1%.  
C. MAXIMUM SLOPE OF WALKWAY DIRECTION OF TRAVEL IS 4%.  
D. NO STEPS.
  - DOORS:  
1010.1.9 DOOR OPERATIONS. Except as specifically permitted by this section, egress doors shall be readily operable from the egress side without the use of a key or special knowledge or effort.  
1010.1.9.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require tight grasping, light pinching or twisting of the wrist to operate.  
1010.1.9.2 Hardware height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.  
1010.1.9.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:
    - Places of detention or restraint.
    - In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
      - The locking device is readily distinguishable as locked.
      - A readily visible durable sign is posted on the egress side on or adjacent to the door stating:  
THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.  
The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
      - The use of the key-operated locking device is revocable by the building official for due cause.
  - 1010.1.9.5 Unlatching. The unlatching of any door or leaf shall not require more than one operation.
- VERIFY LOCATION OF SEPTIC TANK AND LATERAL LINES PRIOR TO CONSTRUCTION. PROTECT DURING CONSTRUCTION, AND DO NOT CONSTRUCT ANY PAVING OVER LINES WHICH INHIBITS FUNCTION OF LATERAL LINES.



rob coddy architect, llc  
p.a. lic. 528  
Hollis, OK 74021  
412 878 0874  
email: rob@robcoddy.com

### GROW BUILDING

13818 North 92<sup>nd</sup> East Avenue  
Collinsville, Oklahoma 74021

16 September 2020

## A000

# PROJECT DATA

## GROW BUILDING

**LEGAL DESCRIPTION:** Part of W/2 SE/4 Section 25, Township 22 North, Range 13 East, Tulsa County, Oklahoma

**ADDRESS:** 13818 North 92<sup>nd</sup> East Avenue  
Collinsville, Oklahoma 74021

**CODE:** IBC 2015  
IFC 2015  
TULSA COUNTY ZONING CODE

**CONSTRUCTION TYPE:** VB (SECTION 602.5 AND TABLE 601)

**OCCUPANCY:** U GROUP, SECTION 312.1, Agricultural Buildings

**AREA LIMITATIONS:** MIXED USE, S2 AND U  
MAXIMUM ALLOWABLE, TABLE 503: 5,500 SF  
U, MAXIMUM ALLOWABLE: 1,200 SF  
ACTUAL: 1,200 SF  
**BUILDING COMPLIES**

**STORIES:** TABLE 504.4, ONE ALLOWABLE, COMPLIES

**OCCUPANT LOAD:** TABLE 1004.1.1:  
WAREHOUSE: 1,200 SQ. FT./500 SQ. FT./OCC= 2.4 OCCUPANTS

**EGRESS REQUIRED 1005:** 0.2" X 2.4 OC = .48" REQUIRED  
32" PROVIDED, COMPLIES

**EXITS 1006.3.2(2):** ONE EXIT REQUIRED (TRAVEL DISTANCE LESS THAN 75')  
AND ONE PROVIDED.

**FIRE WALL:** NOT REQUIRED

**FIRE BARRIER WALL SECTION 707:** FIRE AREA SEPARATION NOT REQUIRED

**EXTERIOR WALLS:** SECTION 602.2: TABLE 602, VB CONSTRUCTION REQUIRES NO RATING  
WHEN SEPARATION IS GREATER THAN 10 FEET.

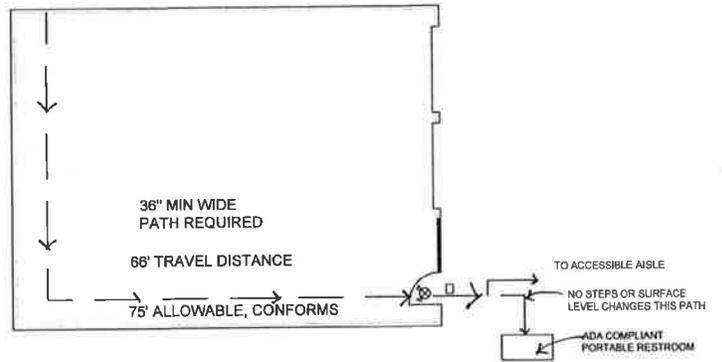
**PARAPETS:** NO PARAPET IS REQUIRED PER 706.11 EXCEPTION 1.

**STORIES WITHOUT OPENINGS:** 903.2.11.1: BUILDING CONFORMS (LESS THAN 1,500 SF).

**RESTROOM CALCULATIONS: TABLE 2902.1**  
WC: 1/100 OCC REQ'D, 1 PROVIDED WITH PORTABLE ADA COMPLIANT REST ROOM.  
LAV: 1/100 OCC REQ'D, NOT PROVIDED  
JAN. SK. 1 REQ'D, NOT PROVIDED

**SEPARATE FACILITIES, 2902.2**  
SEPARATE FACILITIES NOT REQUIRED PER EXCEPTION 2.

**HAZARDOUS MATERIAL:** OWNER ANTICIPATES NO HAZARDOUS MATERIAL STORAGE  
IN THIS FACILITY THUS NO NEED TO COMPLY WITH TABLE 307.7 (1) AND 406.6



**rob coday architect, llc**  
p.o. box 128  
klefer, ok 74041  
918 636 0574  
email: rcodayarch@yahoo.com

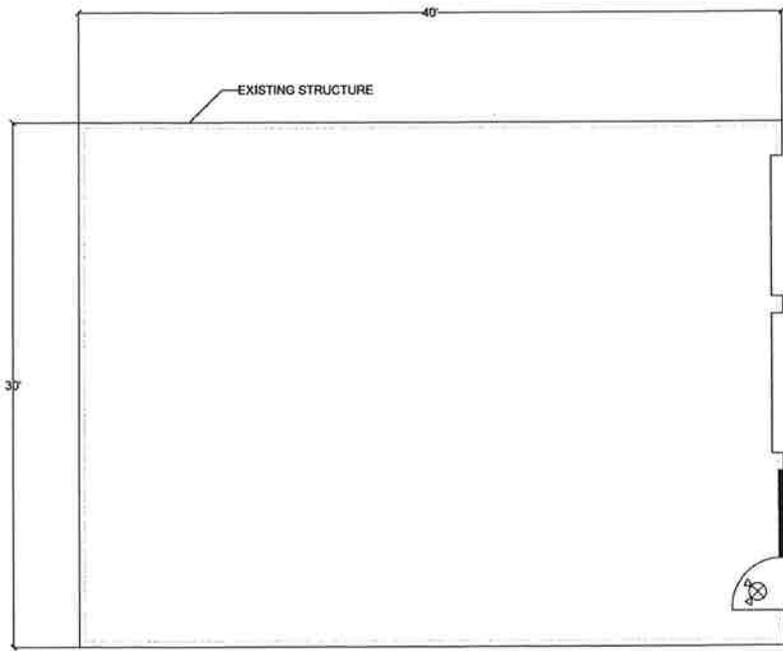
### GROW BUILDING

13818 North 92<sup>nd</sup> East Avenue  
Collinsville, Oklahoma 74021

15 September 2020

# A001

3.10

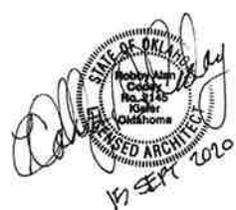


REMOVE OH DOOR; CONSTRUCT 2X4  
FRAMED WALL INFILL, SILL PLATE TREATED  
WITH METAL SIDING EXTERIOR, INTERIOR  
FINISH OUT PER BALANCE OF BUILDING

NEW DOOR: 3'-0" X 7'-0" X 1-3/4" HOLLOW  
METAL DOOR AND FRAME, ENTRY LOCKSET  
COMPLYING TO ADA, WEATHERSTRIP,  
CLOSER, THRESHHOLD W/ 1/2" MAX HEIGHT.  
DOOR TO HAVE EXIT/DUAL HEAD EMERGENCY  
LIGHT WITH BATTERY BACK AT INTERIOR AND  
EMERGENCY LIGHT WITH BATTERY BACKUP  
AT EXTERIOR.

NORTH  

 ① FLOOR PLAN  
 1/8" = 1'-0"



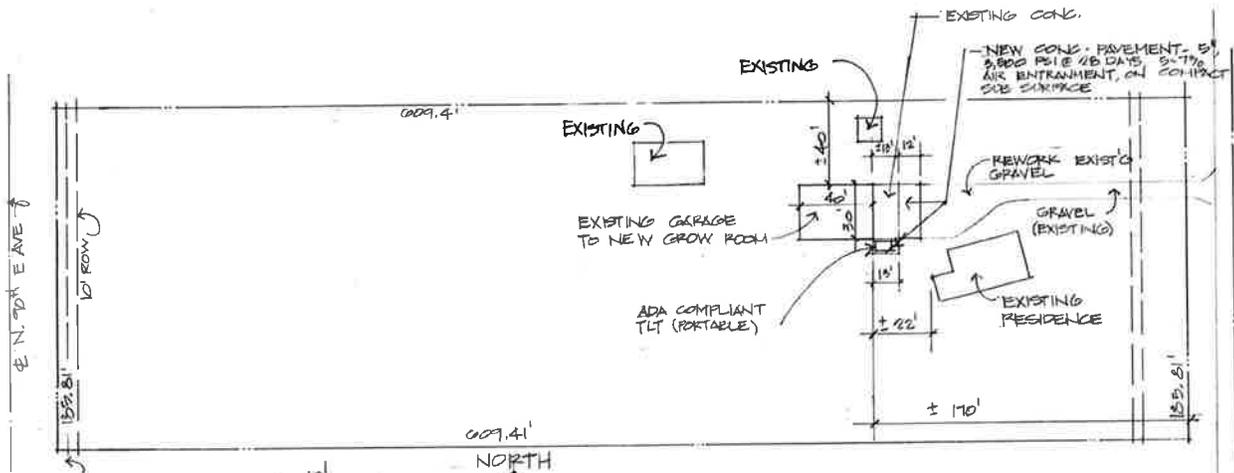
**rob coday architect, llc**  
 p.o. box 128  
 kiefer, ok 74041  
 918 636 0574  
 email: rcodayarch@yahoo.com

**GROW BUILDING**

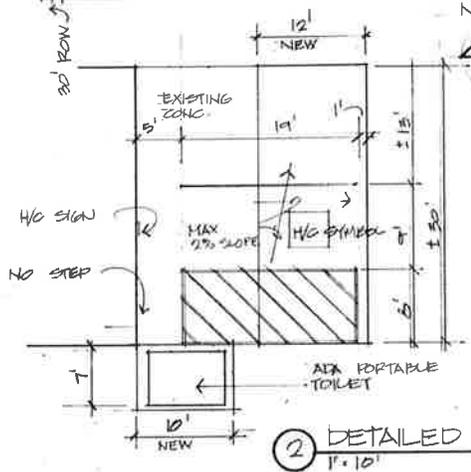
13818 North 92<sup>nd</sup> East Avenue  
 Collinsville, Oklahoma 74021

15 September 2020

**A110**



1 SITE PLAN  
P=50'



2 DETAILED SITE PLAN  
P=10'



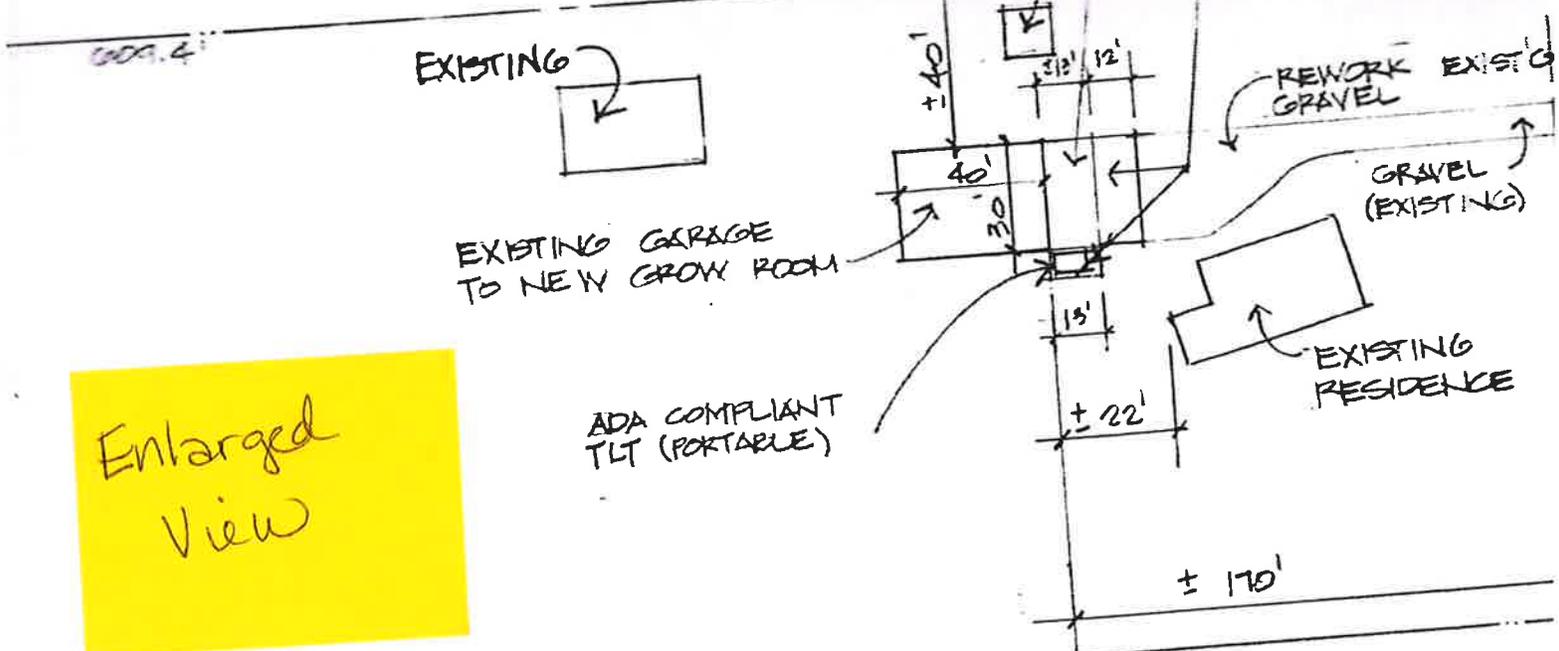
rob coday architect, llc  
 13818 North 62nd East Avenue  
 Collinsville, Oklahoma 74021  
 email: robcoday@robco.com

**GROW BUILDING**  
 13818 North 62nd East Avenue  
 Collinsville, Oklahoma 74021

15 September 2020  
**A100**

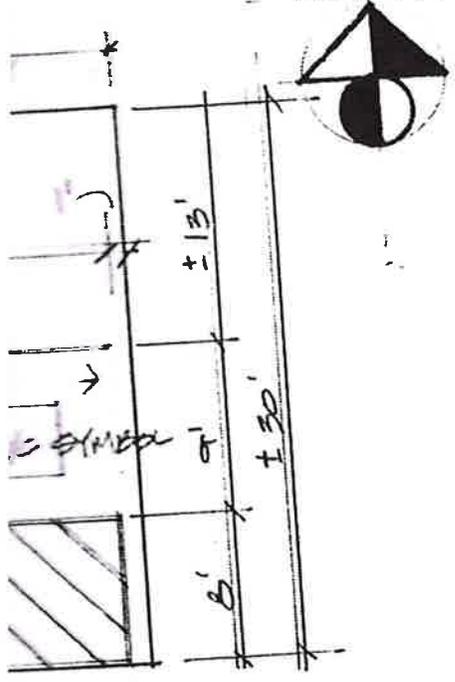
NEW CONCRETE  
3000 PSI (5 DAY)  
AIR ENTUMENT IN  
SIB SURFACE

EXISTING



Enlarged View

009.41' NORTH



1 SITE PLAN  
1" = 50'

2 DETAILED SITE PLAN  
1" = 10'

15 SEPT 2020

STATE OF OKLAHOMA

Professional Seal

OKLAHOMA LICENSED ARCHITECT

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**

E 131 ST N

ROGERS COUNTY  
ZONING  
UNAVAILABLE

SUBJECT TRACT

AG

N 143 E AVE

E 126th ST N

US-169 Overlay

CS

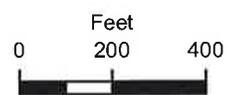
AG

N 145th E AVE

N MARIAN AVE

**LEGEND**

-  Collinsville Corporate Limits
-  Owasso Corporate Limits



**CBOA-2867**

4.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 2433

**CASE NUMBER:** CBOA-2867

**CZM:** 75

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** Michael Swaffar

**ACTION REQUESTED:** Variance of the side setback from 15 feet in an AG District (Sec. 330 Table 3).

**LOCATION:** 12815 N 143 AV E

**ZONED:** AG

**FENCELINE:** Collinsville

**PRESENT USE:** Residential

**TRACT SIZE:** 3.2 acres

**LEGAL DESCRIPTION:** S220 N1980 E/2 E/2 SE LESS W25 THEREOF FOR RD SEC 33 22 14 3.21AC (TR 9 PH 1),

**RELEVANT PREVIOUS ACTIONS:**

Subject Property: None relevant

Surrounding Property:

CBOA-2472 August 2013: The Board approved a *Variance* of the lot area per dwelling unit from 2.1 acres to .76 acres to allow a lot-split; and a *Variance* of the side yard setback from 15' to 0' on property located at 12857 North 143rd Avenue East.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning to the north, west, and south. Rogers County is to the east and it appears to be agricultural in use. The properties on N. 143<sup>rd</sup> East Avenue appear to be mainly residential in use with some possible agricultural uses scattered throughout the area.

**STAFF COMMENTS:**

The applicant is before the Board requesting a *Variance* of the side setback from 15 feet in an AG District (Sec. 330 Table 3). The Code requires a side yard setback of 15 feet in the AG District.

According to the site plan, the proposed accessory building will be 8'3" from the side setback and the size of the accessory building is 20' x 30'. The size of the accessory building is not limited in the AG district. There is an existing 20' x 30' shop located on the property and it is 6'8" from the side setback. It is unclear if the existing shop is legally non-conforming or not. The oldest aerial photography on Google Maps shows the existing shop was there in 1995.

The applicant has supplied the following statement of hardship: *"I believe that the variance in question will not cause detriment to the public good or impair the purpose of the zoning ordinance in that my neighbor is okay with the placement of the building."*

4.2

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

**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) a Variance of the side setback from 15 feet in an AG District (Sec. 330 Table 3).*

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

*Subject to the following conditions, if any: \_\_\_\_\_.*

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

*Finding 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.*

**LT 1 & ALL VAC SPRING ST ADJ ON N BLK 6, CHARLES PAGE HOME ACRES  
SUB NO 1, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Case No. 2472—Stephanie Martin**

**FILE COPY**

**Action Requested:**

Variance of the Land-Area per dwelling unit from 2.1 acres to .76 acres to allow a lot-split (Section 330, Table 3); Variance of the side yard setback from 15 feet to 0 feet (Section 330, Table 3). LOCATION: 12857 North 143<sup>rd</sup> East Avenue

**Presentation:**

**Stephanie Martin**, P. O. Box 68, Owasso, OK; stated she represents the land owners, Gene and Naomi Blood. They have owned the property since 1979, and at the time they purchased the property there was one mobile home on the property. In 2000 they moved another mobile home onto the property. Now the owners have reached a time in their life where they can no longer take proper care of the property and they have secured a buyer for the property. In 2004 they refinanced the property, paid for a survey, and was told that a lot-split would be done at that time. At a much later date it was discovered that the lot-split process was never finished. Now the owners want to due everything properly so they may sell the property if they want.

Mr. Draper asked about the mutual driveway that is mentioned in the Board's agenda packet. Ms. Martin stated there is a driveway on the property that is shared. Mr. Draper asked if there was a legal right for use of the driveway filed with Land Records. Ms. Martin there is not an agreement that has been recorded because it has never been an issue.

Mr. Bates stated that a mutual access agreement would be good, but the property does access to North 145<sup>th</sup> Street which is a dedicated roadway.

Mr. Charney asked if there has been any opposition from any of the neighbors. Ms. Martin stated that when she was taking pictures of the property a couple of the neighbors asked her questions, and they did not object.

Mr. Bates stated that staff had received a few calls and they were in support of the applicant's request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

FILE COPY

CBOA-02472

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Draper "aye"; no "nays"; no "abstentions"; Osborne, Walker "absent") to **APPROVE** the request for a **Variance** of the Land-Area per dwelling unit from 2.1 acres to .76 acres to allow a lot-split (Section 330, Table 3); **Variance** of the side yard setback from 15 feet to 0 feet (Section 330, Table 3), finding that there has been a long standing non-conforming use. The hardship is the long and narrow nature of the lot with some of the lots along the street being varying widths; for the following property:

**S220 N1320 E/2 E/2 SE LESS W25 THEREOF FOR RD SEC 33 22 14 3.21AC (TR 6 PH 1), OF TULSA COUNTY, STATE OF OKLAHOMA**

**Case No. 2473—Leon M. Kragel**

**Action Requested:**

**Variance** of the maximum permitted floor area for a detached accessory building in an RS district from 750 square feet to 1,500 square feet (Section 240.2.E).  
**LOCATION:** 2525 South 61<sup>st</sup> West Avenue

**Presentation:**

**Leon Kragel**, 2525 South 61<sup>st</sup> West Avenue, Tulsa, OK; stated he wants to replace the existing building and build a larger building in the same location. The building would be used to store his personal equipment.

Mr. Charney asked Mr. Kragel what type of building he was planning. Mr. Kragel stated that he plans to build a red-iron metal building that will be similar in color as the house.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Draper "aye"; no "nays"; no "abstentions"; Osborne, Walker "absent") to **APPROVE** the request for a **Variance** of the maximum permitted floor area for a detached accessory building in an RS district from 750 square feet to 1,500 square feet (Section 240.2.E). The hardship is the size of the lot which is long and deep, and several times the statutory zoning minimum of 6,900 square feet. This approval is subject to the site plan as submitted and there is to be no commercial use; for the following property:

**LT 7 BLK 5, SECOND WEST TULSA VIEW ACRES SUB, OF TULSA COUNTY, STATE OF OKLAHOMA**



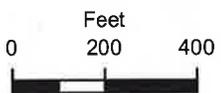
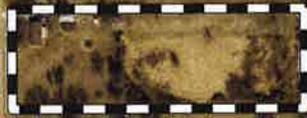
E 131 ST N

N 143 E AVE

E 126th ST N

N 145th E AVE

NIMARIAN AVE



**CBOA-2867**

22-14 33

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

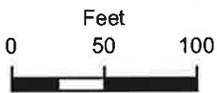
Aerial Photo Date: February 2018



4.6



N 143 E AVE



Subject Tract

**CBOA-2867**

22-14 33

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

Aerial Photo Date: February 2018



4.7



*Looking north onto subject property from N. 143rd E. Ave.*



*Looking northeast from N. 143<sup>rd</sup> E. Ave. toward location of the existing and proposed shops*



*Looking east from N. 143rd E. Ave. toward the northern property line*

# untitled map

untitled layer

 Property Line

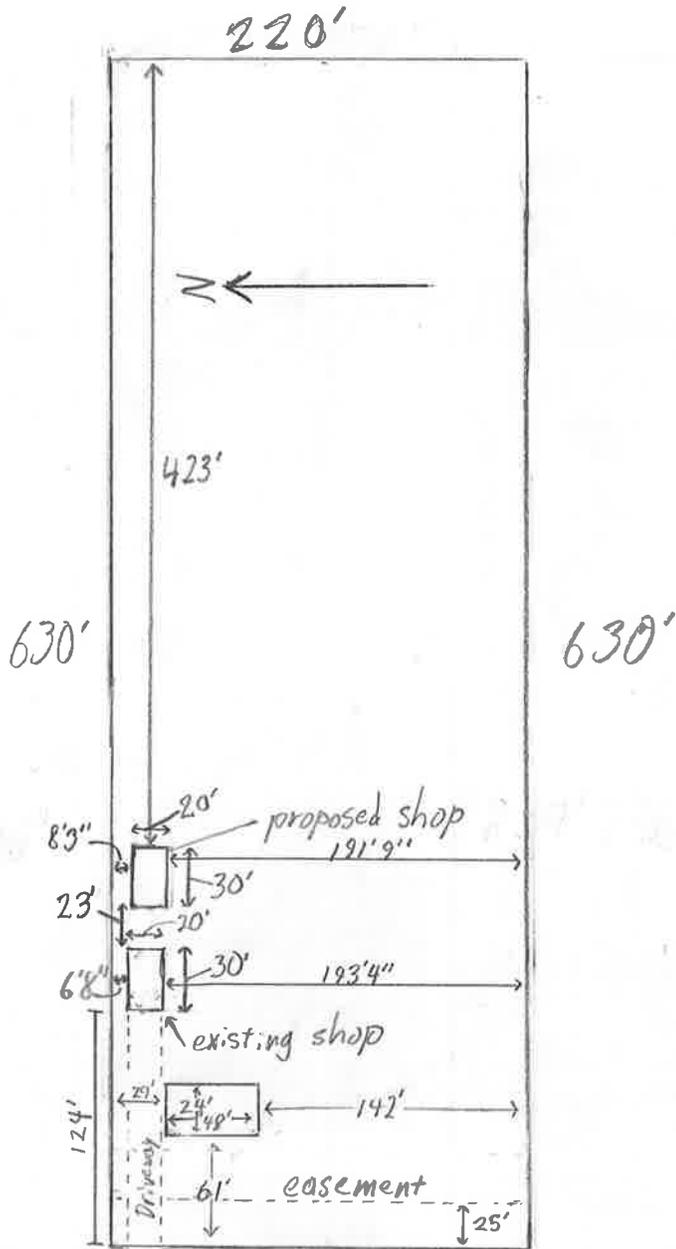


4.10

# Site Plan for 12815 N 143 E Ave

CBDA-2867

834' 9 5/8"

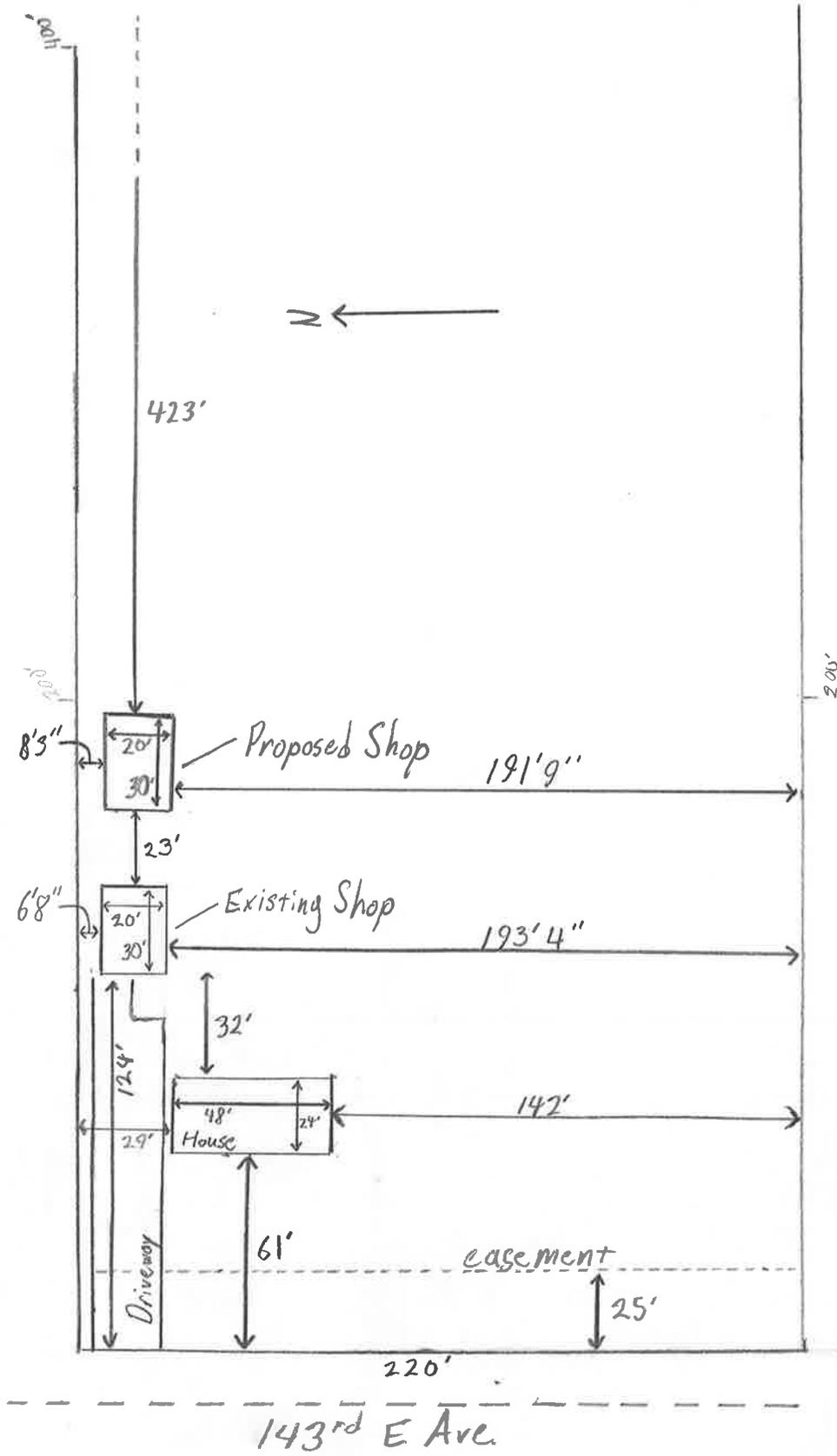


3.16 ac

scale - 1:1224 (1" = 0.25mm)

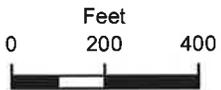
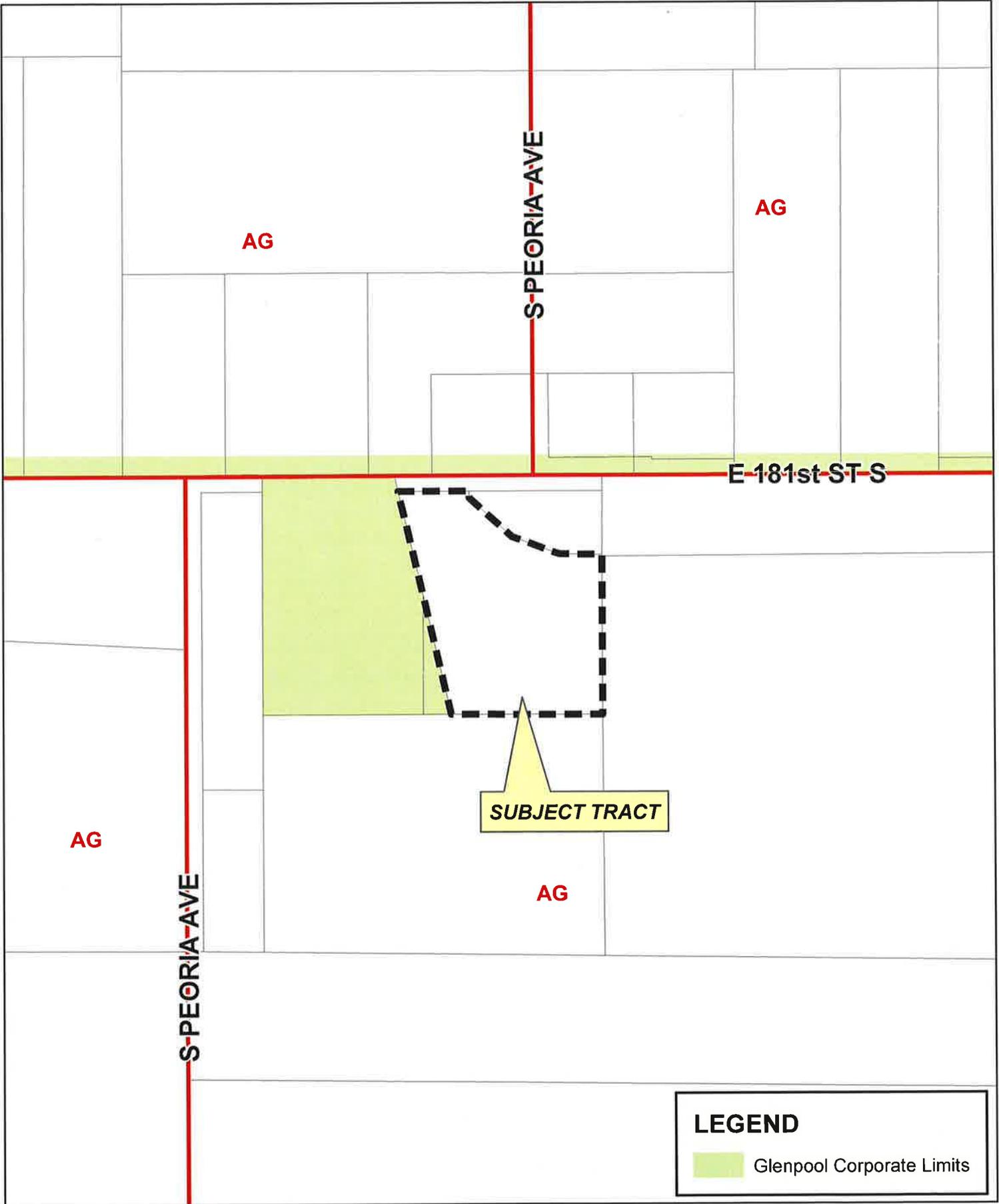
4.14  
pg 1

West end of 12815 N 143 E Ave.



scale - 1:612 (1" = 0.5mm)

4.12



**CBOA-2868**

16-13 06

5.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 6306

**CASE NUMBER:** CBOA-2868

**CZM:** 71

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** Jerry Gordon

**ACTION REQUESTED:** Variance of the rear yard setback in an AG District to permit a pole barn (Section 330 Table 3).

**LOCATION:** 1376 E 181 ST S

**ZONED:** AG

**FENCELINE:** Glenpool

**PRESENT USE:** Residential

**TRACT SIZE:** 8.38 acres

**LEGAL DESCRIPTION:** BEG 258.45S NEC GOV LT 4 TH S525.10 W511.67 NW799.95 TO PT ON NL GOV LT 4 E254.97 S78.80 SE189.08 SE164.30 E137.96 POB LESS N50 THEREOF FOR RD SEC 6 16 13 8.378ACS,

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

CBOA-2750 May 2019: The Board approved a Variance of the minimum lot area in the AG District; and a Variance of the minimum land area per dwelling unit to permit a lot split, on property located at 1327 East 181<sup>st</sup> Street South.

Surrounding Property: None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoning. The property to the west is within the city limits of Glenpool and appears to be residential. Properties to the north, east, and south appear to be a combination of residential and agricultural uses.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the rear yard setback in an AG District to permit a pole barn (Section 330 Table 3).

The Code requires a 40 ft rear yard setback in an AG district. The applicant has requested a variance to reduce the rear yard setback to 20 ft. to permit a 35' x 45' barn.

The applicant provided the following statement: *"My intent was to reskin existing barn build in 2005. Called to clear with County. Once started, barn was rotted so we were reframing over old structure not knowing about 40' easement min. Barn was finished in 3 days then I was notified of min. setback. It is sitting where it has been since 2005. I can't move it. There are no neighbors anywhere close."*

5.2

In May 2019, the parent tract was split into two parcels which required Board Action as one of the tracts did not meet the minimum land area and lot size in an AG district. The request was approved. The applicant split the parcel and retained ownership of the 8.23-acre tract. A single-family home was built on the property in 2019.

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

**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) a Variance of the rear yard setback in an AG District to permit a pole barn (Section 330 Table 3).*

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

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

that the easement was executed by the necessary partners to make it permanent speaks to maintenance and satisfies the Board's conditions. The Board has found that the hardship is the access in the standard manner with the topography makes it unreasonable; the topography, drainage, the existing trees make it unique and peculiar to the land. The Variance will not cause substantial detriment to the public good or impair the purposes, spirit or intent of the Code or Comprehensive Plan; for the following property:

**E/2 SW NE NW & W/2 SE NE NW & W30 E/2 NW NE NW SEC 30 22 13 10.436ACS,  
OF TULSA COUNTY, STATE OF OKLAHOMA**

**2750—Jerry Gordon**

**FILE COPY**

**Action Requested:**

Variance of the minimum lot area in the AG District (Section 330 Table 3);  
Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split. **LOCATION:** 1327 East 181<sup>st</sup> Street South

**Presentation:**

**Jerry Gordon**, 12818 South Birch Street, Jenks, OK; stated he purchased 11 acres and would like to build a house on the subject property. The land at the north end is a small triangular piece and he would like to sell it since it does not benefit him. There are ponds on the property, and he needs to maintain those ponds himself, so he is pushed back as far as he can go.

Mr. Charney asked Mr. Gordon if he had any objection to the granting of the additional right-of-way on the northerly boundary of the property. Mr. Gordon stated that he does not. Mr. Charney stated that it pinched down the usable land because of the topography and the ponds on the property. Mr. Gordon stated that he wants to make sure that he maintains the ponds.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the minimum lot area in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split, subject to conceptual plan 8.7 of the agenda packet. The approval is contingent on the applicant dedicating the necessary right-of-way along the northerly portion of the property as required by Code. The Board has found the hardship to be the topography

CBOA - 2750

FILE COPY

and the ponds. It is such extraordinary or exceptional conditions or circumstances to other property in the same use district, and the Variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit or intent of the Code or the Comprehensive Plan; for the following property:

**BEG NEC LT 4 TH S783.55 W1119.68 N774.78 E1116.75 TO POB LESS W518 THEREOF & LESS BEG 598.76W & 389.76S NEC LT 4 TH S399.97 W90 N389.04 TO POB & BEG 598.76W NEC GOV LT 4 TH S389.76 NW399.98 E90 TO POB SEC 6 16 13 10.682ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2751—Kathy Portley**

**Action Requested:**

Special Exception to permit a manufactured home in an RS District (Section 410).

LOCATION: 3001 South 49<sup>th</sup> West Avenue

**Presentation:**

**Kathy Portley**, 9516 East Admiral Place, Tulsa, OK; stated the subject property is for her customer who could not attend today who like to have a manufactured home on the property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home in an RS District (Section 410), subject to conceptual plan 9.34 of the agenda packet. The approval is subject to the standard manufactured home conditions, referring to the listing that is on file at the permit office. The approval of the manufactured home is required to have a solid hard surface parking pad. The Special Exception is in harmony with spirit and intent of the Code and would not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

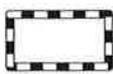
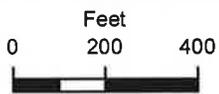
**BEG 503.98N SWC SW TH N155 E224.50 S155 W224.50 POB SEC 16 19 12 .796ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**



S PEORIA AVE

E 181st ST S

S PEORIA AVE



Subject Tract

**CBOA-2868**

16-13 06

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

Aerial Photo Date: February 2018



5.6

E 181st ST S



Subject Tract

**CBOA-2868**

16-13 06

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

Aerial Photo Date: February 2018

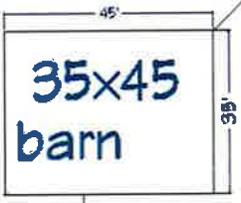


5.7

112'-2 5/16"

Home  
Built in  
2019

Barn  
Built in  
2005



63'-2 1/2"

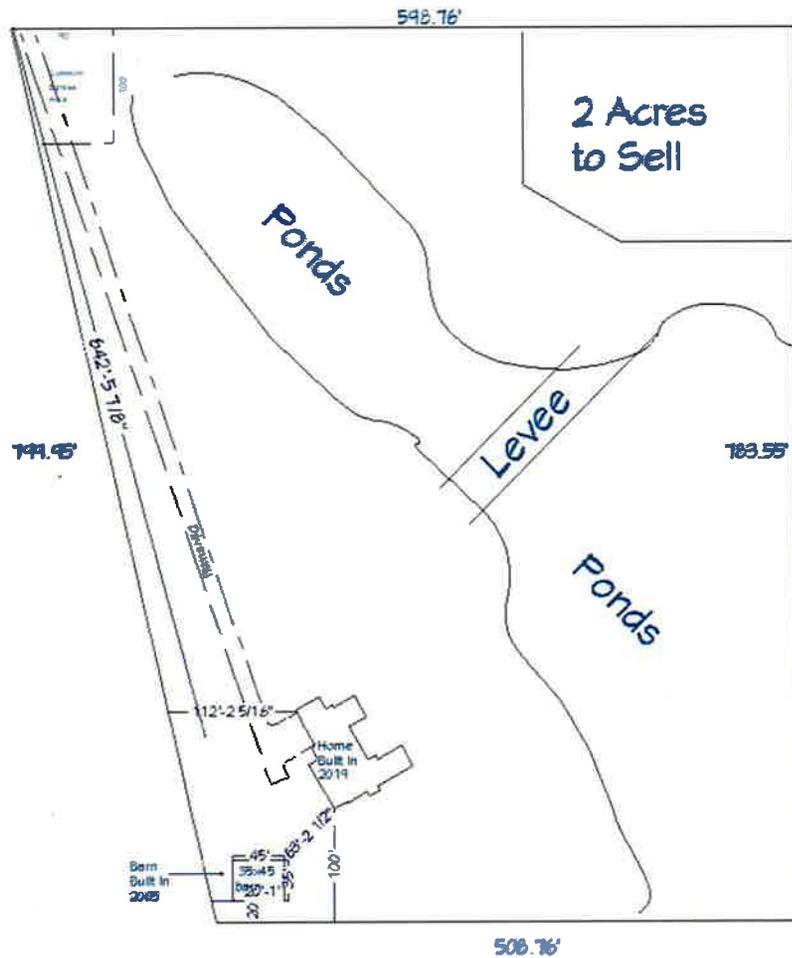
100'

20'-1"

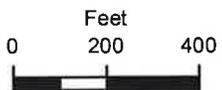
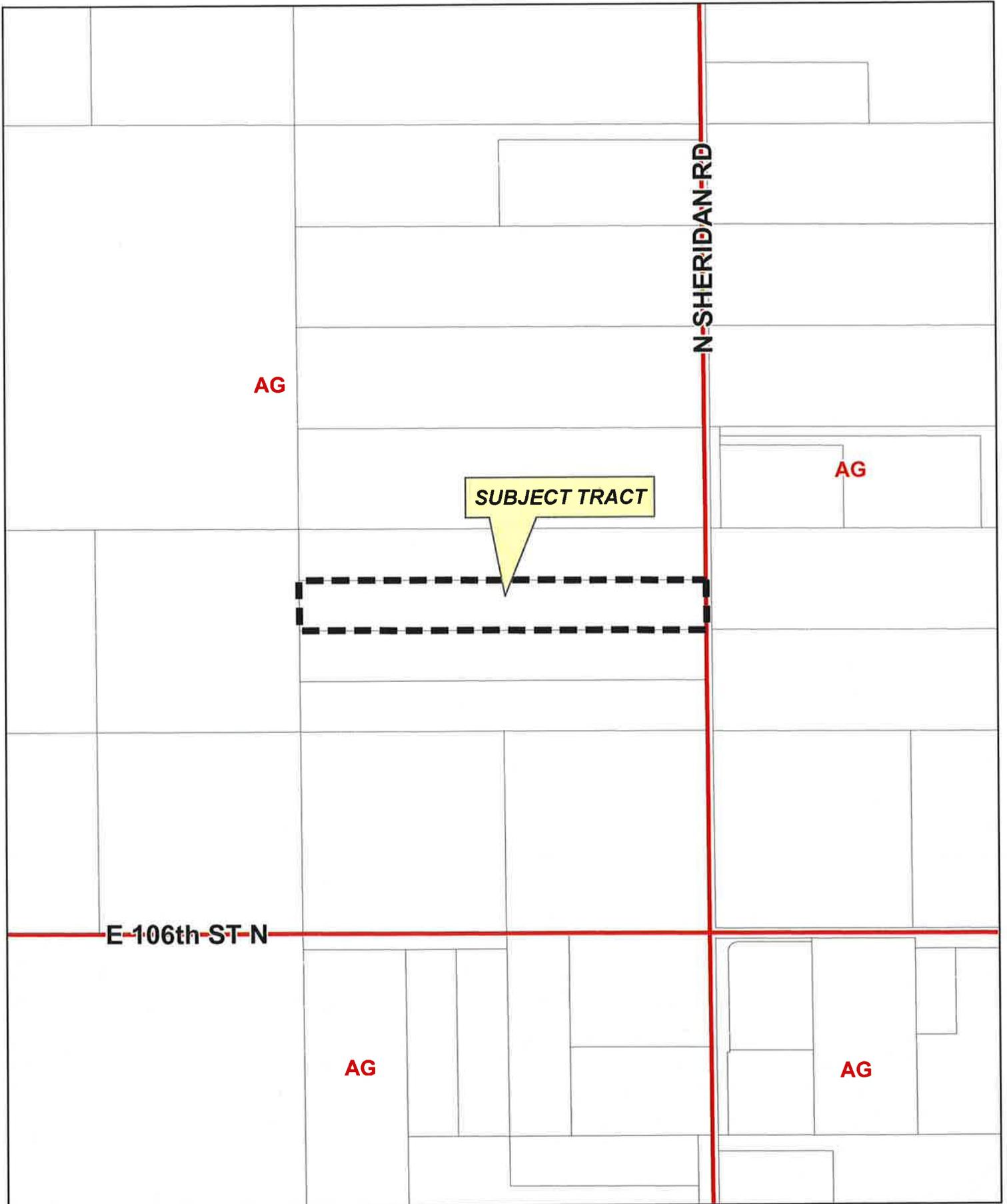
20'

# 1376 E. 181st St. So.

N



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



**CBOA-2869**

21-13 10

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1310

**CASE NUMBER: CBOA-2869**

**CZM:** 11

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** Elias Investments, LLC

**ACTION REQUESTED:** Variance of the side setback from 15 feet to 10 feet in an AG District (Sec. 330 Table 3).

**LOCATION:** 10762 N SHERIDAN RD E

**ZONED:** AG

**FENCELINE:** North Tulsa County

**PRESENT USE:** Horticulture Nursery

**TRACT SIZE:** 5 acres

**LEGAL DESCRIPTION:** S/2 N/2 N/2 SE SE SEC 10 21 13 5ACS,

**RELEVANT PREVIOUS ACTIONS:**

Subject Property: No relevant history

Surrounding Property:

**CBOA-2805 March 2020:** The Board approved a *Variance* of the required side yard setback from 15 feet in the AG district; and a *Use Variance* to allow Use Unit 25 for Industrial Light uses, on property located at 6312 East 106<sup>th</sup> Street North.

**CBOA-2759 May 2019:** The Board approved a *modification* of a previously approved site plan to include a storm shelter (CBOA-2678), on property located at 6441 East 106<sup>th</sup> Street North.

**CBOA-2732 February 2019:** The Board approved a *Variance* of the minimum lot width to permit a lot split, on property located north of the northeast corner of East 106<sup>th</sup> Street North and North Sheridan Road East.

**CBOA-2678 May 2019 (Remand):** The Board moved to confirm the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No 457 on June 19, 2019 along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in the matter, case no. CBOA-2678; and the Board moved to find that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious

6.2

to the neighborhood or otherwise detrimental to the public welfare, on property located at 6941 East 106<sup>th</sup> Street North.

**CBOA-2678 June 2018:** The Board approved a request for a *special exception* to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan as submitted at today's meeting; and approved the request for a *variance* of the all-weather surface material requirement for parking (Section 1340.D); the required parking spaces per Code will have hard surfaces, and the overflow parking spaces only will not be required to have hard surfaces, on property located at 6491 East 106<sup>th</sup> Street North.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoning with a mix of uses. There appears to be residential, agricultural, and some industrial uses in the area. The site further south on the northwest corner of E. 106<sup>th</sup> St. N. and N. Sheridan Rd. is an Early Childhood Learning Facility.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the side setback from 15 feet to 10 feet in an AG District (Sec. 330 Table 3). The Code requires a side yard setback of 15 feet in the AG District.

According to the site plan, the proposed accessory building will be 10' from the side setback and the size of the accessory building is 17.6' x 39'. The size of the accessory building is not limited in the AG district.

The applicant has supplied the following statement of hardship: *"We cannot expand to the west as the lateral lines are located west of the building...to expand to the north, the topography isn't suitable to allow for a building...to the east is the drive into the facility. The location of our overhead door, which faces south, doesn't allow for delivery of materials. We propose to relocate the overhead door from facing south to facing the east where we can deliver materials into the storage area from the existing drive. We will not have any egress on the south of the building."*

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

**Sample Motion:**

"Move to \_\_\_\_\_ (approve/deny) a Variance of the side setback from 15 feet to 10 feet in an AG District (Sec. 330 Table 3).

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

Subject to the following conditions, if any: \_\_\_\_\_.

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

*Finding 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.*

a two-story metal building is erected, it would be out of character for the neighborhood. Mr. Hutchinson stated the Board would like to see a presentation of what the building is actually going to be in height, the pitch of the roof, the interior layout, the outside look of the building, etc., so a vote can be on the building and not a blanket vote of a building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1) to the April 21, 2020 Board of Adjustment meeting to allow the applicant to present more detailed drawings and information on the project; for the following property:

**E 85.2 LOT 7 BLK 1, FAIRVIEW HGTS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**NEW APPLICATIONS**

**FILE COPY**

**2805—Align Design – Kyle Gibson**

**Action Requested:**

Variance of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); Use Variance to allow Use Unit 25 for Industrial Light uses (Section 1225). **LOCATION:** 6312 East 106th Street North

**Presentation:**

**Kyle Gibson**, 551 South Quaker Avenue, Tulsa, OK; stated his client has acquired three letters of approval from his neighbors, one from the east, one from the west and one from the southeast corner of 106<sup>th</sup> Street North and Sheridan. The neighbor to the west is the neighbor that is closest to the encroachment. The existing building was constructed to not impede with existing agriculture activities, as well as being built too closely to the pond. The existing accessory building is the structure that encroaches on the setback.

Mr. Hutchinson asked staff if the setback used to be five feet years ago? Mr. Walden stated that the setback used to be 15 feet total, five feet on one side and ten feet on the other side. There are quite a few properties in Tulsa County that are closer than the five feet.

CBOA-2805

FILE COPY

Mr. Gibson stated he does not have a rendering of the building, but it is hardy flat siding, shingle roof, 10-foot side walls, 16-foot ridge line and it looks like a house; matches the neighborhood. There is another building that is 13 feet to the east of the subject structure. The first building will be used as a dry room and the second building will be used for trimming and processing of the plants. There will be no solvents, CO2 or butane used. There will be ice baths and a sieve used in the processing, and that will be compacted into hash and it will be sold commercially.

Mr. Hutchinson asked Mr. Gibson if the trimming and cutting is what he means when he says processing? Mr. Gibson answered affirmatively and there would be storage while waiting for transport to a commercial entity.

Mr. Hutchinson asked Mr. Gibson what type of equipment will be used in the processing. Mr. Gibson stated that there will be tables, scissors, small electric lights, the sieve tray for collecting product but there will be no heavy equipment and no hazardous chemicals.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** of the required side yard setback from 15 feet in the AG District (Section 330, Table 3); **Use Variance** to allow Use Unit 25 for Industrial Light uses (Section 1225), subject to conceptual plan 3.26 of the agenda packet. The Board has found the hardship to be that the building exists and a pond that is very close by that is used by wildlife for nesting. Finding that by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT NE NE NE BEG 460W NEC THEREOF TH S659.83 W200.13 N659.84 E200.01  
POB SEC 15 21 13 3.031ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

subject to conceptual plan 4.15 of the agenda packet. The Board finds the hardship to be the existence of two structures on an unusually configured lot, with each currently having separate drives and separate septic fields. The renovation of the house on the future smaller lot be completed and maintained well. The existing carport on the larger lot will be allowed to have a gravel parking surface. 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:

**E 198 W 462 SE SE NE SEC 5-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2759—Eller & Detrich – Lou Reynolds**

**FILE COPY**

**Action Requested:**

Modification of a previously approved site plan to include a storm shelter (CBOA-2678). **LOCATION:** 6441 East 106<sup>th</sup> Street North

**Tracy Pipkin**, 7211 East 106<sup>th</sup> Street North, Owasso, OK; stood and stated that he has a procedural question before the case is heard. Mr. Charney allowed Mr. Pipkin to take the floor.

Mr. Pipkin stated that on June 19, 2018 Mr. Charney stated that “he was compelled to recuse himself from three items on the agenda, even though he did not have a financial or other interest in the decision being made that he or his business partners have holdings very nearby and he feels it is his duty to step aside. The standard is not that there be an actual conflict of interest or a monetary interest, sometimes even if there is a potential appearance of impropriety...”.

Mr. Charney asked if this case is the same intersection? Mr. Pipkin answered affirmatively. Mr. Pipkin stated that the case he is quoting is two lots over, the rodeo case.

Mr. Charney asked Mr. Pipkin to take a seat so he could make a comment. Mr. Charney stated there is only one case before the Board today and he knows the case before the Board today is the day care center. Mr. Charney stated he understands Mr. Pipkin's problem with his being on the Board for this today. Mr. Pipkin stood and stated there is another one.

Mr. Pipkin stated that the Code of Ethics states, “any reasonable person believing to be unbiased or impartial”, that is the question. Mr. Pipkin stated that in that same meeting Mr. Dillard misrepresented the facts in that case; the materials that were presented to

UBOA - 2759

FILE COPY

the Board were overwhelming in favor of support for that request at the time of that meeting. Mr. Dillard stated that they were balanced between the for and against, and that is no where near the case of the actual facts of what was going on. It could be that the Board only had a limited supply of information, he does not know, but he thinks it was overwhelming that it was more like ten to two, and there was a generic letter that indicated the day care was good.

Mr. Charney asked Mr. Pipkin if he was requesting that he recuse himself from the matter Mr. Reynolds is going to present to the Board today? Mr. Pipkin answered affirmatively. Mr. Charney thanked Mr. Pipkin for the request and stated that he understands the nature of the request, and he refuses to grant Mr. Pipkin's request and will sit in judgement on this matter.

Mr. Charney asked Mr. Dillard if he wished to recuse himself from the matter before the Board today? Mr. Dillard stated that he has no bias and he has not seen the property. He does not know anyone involved in the property.

Mr. Charney stated that he has spoken to the party's request relating to this request and thanked Mr. Pipkin for his appearance.

Mr. Charney stated there has been a request for two recusals, and he believes it was on matters that the Board has spoken to previously when the base case was before the Board. The Board is going to proceed to hear the case before them today, and he understands that it has to deal with the same precise property. Mr. Charney stated that he deems the Board to believe they are in full conformity with the Code of Ethics, and other Code requirement in the ability to make an impartial decision.

**Presentation:**

**Lou Reynolds**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he represents the Washington County Child Care Foundation. This case is regarding an amendment to the previous site plan the Board approved a year ago to include a storm shelter. The client intends to build a 1,165 square foot storm shelter adjacent to the facility. The storm shelter will be one-story high with the same exterior and accent material as the main building.

Mr. Charney asked Mr. Reynolds if the storm shelter would conform to the same architectural style of the principal structure. Mr. Reynolds answered affirmatively. Mr. Charney asked if there would any modification to the footprint of the building. Mr. Reynolds stated there would be no modification to the original building, it is just the site plan for a storm shelter.

Mr. Reynolds stated the storm shelter will have the capacity to hold all the children attending the day care, and maybe any parent picking up children. The storm shelter has been designed for the worst-case scenario.

CBOA - 2759

FILE COPY

Mr. Johnston asked Mr. Reynolds if the storm shelter will contain any other day-to-day use other than being just a storm shelter. Mr. Reynolds stated that at the present time it will not, but it might have some kind of use in the future; they are trying to be efficient with the shelter.

**Interested Parties:**

**Carl McCarty**, 10535 North Sheridan, Sperry, OK; stated he lives diagonal to the subject property. Now he has to back into his driveway to be able to get out because of the traffic on Sheridan. He found out this is a 501c3 facility and it is for rich kids, it is not for poor native American children like was presented. He has found out from the City of Owasso that this will mean the destruction of his house, because nothing about this day care center came across the City Council desk. Mr. McCarty stated that there will need to be a three-point turning at the facility, and his house will be destroyed to ease the traffic. Mr. McCarty stated that is a problem because he is on a fixed income and his house is older than the State of Oklahoma. This facility has dropped the value of his house because no one wants to live next to that traffic. Mr. McCarty stated this facility should have been built in the Sheridan Crossing neighborhood not in his neighborhood. There will be traffic problems at that location because when there are 200 cars at the four-way it will be dangerous. A 501c3 should never be used to profit rich kids, it should only be used for poor children.

Mr. Charney stated that the Board is present today on a very limited matter; the expansion of a previously approved site plan by adding a storm shelter. He understands that Mr. McCarty does not like the use on the corner and he thanked Mr. McCarty for his comments. The Board's focus today is whether the Board wishes to amend a site plan to allow a storm shelter and that is the focus today.

**Tracy Pipkin** came forward and stated he does not think this expansion is a good idea because he believes the Board has overstepped the bounds of what could be allowed. This would continue to go against the Zoning Code that indicates, which is to encourage and protect agricultural land, this does not do that. This furthers the wasteful scavenger development in rural areas. These are two specific items that the Board has ignored. Mr. Pipkin stated that he would be interested in understanding what the criteria for trying those two items. Mr. Pipkin stated that in CBOA-2569 Mr. Dillard stated, "this would change the resident's world ... cannot support the request". Mr. Pipkin stated nothing has changed since that hearing. Mr. Pipkin thinks his statement about being biased has already been proven that it already is. Again, the infrastructure for this is not congruent to the type of road and infrastructure that is there. There is no way to properly support additional construction. The neighborhood is adversely impacted by the noise pollution, light pollution, because the noise can be heard for miles away. This reduces wildlife and the road is disintegrating. There is no reason for a commercial environment to be in this residential area.

CBOA-2759

FILE COPY

**Rebuttal:**

Lou Reynolds came forward and stated this request will not increase any traffic. The entrance ramp is almost 60 feet from the intersection and the other entrance is 330 feet from the intersection.

Mr. Charney asked Mr. Reynolds if today's request does not increase the number of allowed children on the site, it is simply a storm shelter correct? Mr. Reynolds answered affirmatively.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Modification of a previously approved site plan to include a storm shelter (CBOA-2678). Finding 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:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**OTHER BUSINESS**

\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*

**BOARD COMMENTS**

None.

\*\*\*\*\*

There being no further business, the meeting adjourned at 2:44 p.m.

Date approved: \_\_\_\_\_

8/20/19  
\_\_\_\_\_  
Chair

several years. Mr. Allen stated that he knows about the standing water issue and he could install a culvert to drain the water.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** to reduce the minimum required street frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). The Board has found the hardship to be the access to the back acreage. The easement is to be filed of record and there is to be no more division of the tract; for the following property:

**PRT W/2 E/2 SW BEG SWC THEREOF TH N2640.55 E659.55 S1255.22 W629.13 S1385.32 W30 TO POB SEC 10 16 13 20ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2732—Dennis Knott**

**FILE COPY**

**Action Requested:**

**Variance** of the minimum lot width to permit a lot split (Section 330). **LOCATION:** North of the NE/c of East 106<sup>th</sup> Street North and North Sheridan Road East

**Presentation:**

**Dennis Knott**, 2405 South Sweet Gum, Broken Arrow, OK; stated he would like to split the property in a flag pole style because it is natural, primarily because there is a culvert that runs under North Sheridan that cuts into the center of the property. The tract in question is Tract 3; it falls short of the minimum lot requirement. He and his two sons would like to live on the property. The dividing line between Tract 2 and Tract 3 is the lowest point of the property where the water passes through it from the pasture to the north, that way both property owners could share in maintaining that area of drainage. The flag pole portion of the property is going to be a shared access, and he intends to create a mutual access document that will be attached to each property.

Mr. Dillard read a protestant's opposition letter, in the agenda packet, to the Board and the audience.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Dillard stated that this is right on the verge of a wildcat sub-division; three houses on this acreage, and the next person has three. If there is going to be that heavy of a

CBOA-2732

FILE COPY

density, then there needs to be planned water drainage or water retention for the area. He cannot support this request.

Mr. Crall stated that he thinks this prevents a wildcat subdivision. He would not have a problem supporting this request.

Mr. Hutchinson stated he could support this request as long as water drainage is addressed, and there are no future lot splits.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 3-1-0 (Crall, Hutchinson, Johnston "aye"; Dillard "nay"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** of the minimum lot width to permit a lot split (Section 330). The approval is subject to the County addressing stormwater runoff requirements, and there are no future lot splits. The Board finds the hardship that this is a large tract of land and the property can easily accommodate three houses; for the following property:

**S/2 S/2 NW SW LESS W16.5 THEREOF FOR RD SEC 11 21 13 9.875ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2733—Will Wilkins**

**Action Requested:**

**Variance** to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14<sup>th</sup> Street South

**Ms. Ulmer stated that the address on the agenda is listed as West of the NW/c of West 14<sup>th</sup> Street South and South 124<sup>th</sup> Avenue West; it should be South 214<sup>th</sup> Avenue West.**

**Presentation:**

**Will Wilkins**, 21521 West 14<sup>th</sup> Street South, Sand Springs, OK; stated he would like to build a 40'-0" x 50'-0" accessory building on the subject property located in Candlestick Beach. He has a total of one acre because he purchased three lots in the neighborhood and combined them into a single parcel. He is requesting relief to build a structure similar in design, size and scope to some that exist in the neighborhood in close proximity to his property. The purpose of the out building is for a camper, general storage and a workshop. The height of the structure will be 19'-0" at the peak gable, which is well under the 35-foot permissible by Code. His lot is 42,840 square feet creating a lot approximately 6.2 times the size of the minimum RS lot. The Code requirement was created in order to establish and maintain the desired development intensity and residential character of the district, specifically in terms of preserving openness between dwellings and other structures. He intends to maintain that

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Special Meeting No. 468**  
Monday, May 13, 2019, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Charney, Chair	Dillard	S. Miller
Crall, Secretary		Ulmer
Hutchinson, V.Chair		R. Jones
Johnston		Sparger

The notice and amended agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10<sup>th</sup> day of May, 2019 at 1:59 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.

\*\*\*\*\*

**MINUTES**

None.

\*\*\*\*\*

Ms. Ulmer read formerly called the case for the Board of Adjustment Public Hearing.

\*\*\*\*\*

**UNFINISHED BUSINESS**

**2678—Shane Edmondson – Remand**

**Action Requested:**

**Special Exception** to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center.

**LOCATION:** 6441 East 106<sup>th</sup> Street North

Mr. Charney asked Mr. Reynolds to come forward. Mr. Charney stated that he understands, from the directive from the District Court on the order of remand, that the Board is to consider submissions by the applicant related to certain paper copies.

**Presentation:**

**Lou Reynolds**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated that he is familiar with the order of remand and he has the paper copies for submission. Mr. Reynolds submitted his copies to the Board for review. Mr. Reynolds stated that this item was actually submitted to staff, but it did not make it into the packet that was distributed to the Court for the appeal, it was a clerical oversight. The copies are of the documents that were submitted new and were also submitted to staff right after the hearing which is shown on the attachment.

Mr. Charney asked Mr. Reynolds if the paperwork was his affidavit. Mr. Reynolds stated that it is the affidavit of Shane Edmondson who appeared at the hearing and the applicant that presented the documents.

Mr. Charney asked Mr. Reynolds if they were the identical documents that were presented at the hearing and shown on the poster boards as well at the time of the hearing. Mr. Reynolds answered affirmatively.

Mr. Charney asked Mr. Reynolds if there was anything else he would like the Board to consider in regard to the item being discussed today. Mr. Reynolds stated there was not.

**Interested Parties:**

There were interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board moved to **CONFIRM** the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in this matter, case no. CBOA-2678; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

Before the vote was taken: **Gregory Reilly**, Attorney at Law, 320 South Boston, Suite 200, Tulsa, OK; stood and stated that he would like to have the opportunity to review the documents with the people that were present at the public hearing.

Mr. Charney asked Mr. Reynolds if the affidavit had been submitted to Mr. Reilly. Mr. Reynolds stated that it had not. Mr. Charney asked Mr. Reynolds to submit the documents to Mr. Reilly.

Mr. Charney stated that in his judgment as Chair of the County Board of Adjustment the scope at this hearing was to be limited to a submission by the applicant related to the copies. It is his judgment that the applicant has done so and he would be in favor of the motion as recited by Mr. Hutchinson.

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-1 (Charney, Hutchinson, Johnston "aye"; no "nays"; Crall "abstains"; Dillard "absent") moving to **CONFIRM** the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in this matter, case no. CBOA-2678; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Charney stated that the next item on the agenda is a directive from the Court that the Board can determine for the record that the matter being discussed were consistent with the standard of review, which the Board normally applies to such cases. Mr. Charney asked if there was anyone that would like to make a motion to that effect, consistent with the Court's limited mandate to the Board the Chair would entertain such a motion.

On **MOTION** of **HUTCHINSON**, the Board moved to **FIND** that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we find 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; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

that would be working on Fridays and Saturdays, depending on the week. The counseling services is equine and animal assisted therapy; i.e., horses, dogs, goats, etc. Ms. Brown stated that she has spoken to two people that are north of the subject property and they have no objections to her request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Use Variance to allow for an office use (Use Unit 11) to permit a counseling service in an AG District (Section 310) with a maximum of three counselors to operate on site at one time; for the following property:

**TR BEG 25S & 7W NEC SW NE TH W30 S103 E7 S862 W1289.13 S326.93 E1318.72 N1228.84 W7 N63 POB SEC 9 21 13 10.570ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**NEW APPLICATIONS**

**2678—Shane Edmondson**

**Action Requested:**

Special Exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center; Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 6491 East 106<sup>th</sup> Street North

**Presentation:**

**Shane Edmondson**, 2910 East 88<sup>th</sup> Street South, Tulsa, OK; stated the subject site is located on the Northwest corner of 106<sup>th</sup> Street North and North Sheridan Road. Mr. Edmondson deferred his presentation.

**Dominique Lewis**, 13374 East 134<sup>th</sup> Street North, Collinsville, OK; stated she is the site director of the Delaware Child Development Center in Claremore. The facility is a full nurturing center. They teach the children to interact with nature. They will also serve freshly made from scratch food to the children.

CB01A-2678  
cont.

**Kelsey**, 1879 South Armstrong, Bartlesville, OK; stated she is the Director of Education and Training in Bartlesville. The Delaware Tribe has three campuses; Claremore, Owasso, and the main campus is located in Bartlesville. The facility believes in a natural environment for the children, so the structures are made of wood and there are agricultural animals for interaction, i.e., cows.

**Tina McClintic**, 419 South Moore, Dewey, OK; stated she is the Site Director in Bartlesville. The facility believes in a natural environment for the children. The proposed facility will have double fencing; a natural wood fence around the perimeter of the property with another natural wood fence around the play area. The facility is funded by the Head Start program and the Delaware Tribe. The hours of operation will be 7:00 A.M. to 6:00 P.M. The peak times for drop off and pick up are from 7:30 A.M. to 8:30 A.M. and 4:00 P.M. to 5:00 P.M. The proposed site will be built in two phases. The first phase will be for one building, and the second phase will be for a 1,000 square foot storm cellar.

**Shane Edmondson** came forward and stated the building setback will be a minimum of 50 feet from the street. There will be a one-way loop drive that will be at least 350 feet from the intersection for drop off and pick up. The drop off times for the children are staggered so there should be no traffic back up. The outside deliveries, i.e., food, will be made by small trucks two or three times a month. The building will be on an aerobic system. Grounds lighting and parking lot lighting will be the minimum allowed by the Code requirements thus not causing excessive light pollution.

**Interested Parties:**

**Tracy Pipkin**, 7211 East 106<sup>th</sup> Street North, Owasso, OK; stated he lives ½ mile east of the subject property. He thinks this project could be a good fit for the corner and for the area, but he does have concerns about traffic. On March 15, 2016 the Board denied a rodeo going in. On October 18, 2016 the Board denied an RV park going in. On March 6, 2017 the road was closed for repairs and it did not last; Mr. Pipkin showed pictures of poor road conditions in the area. The road is in need of repair again and that still has not been addressed. Mr. Pipkin stated that he has heard that 116<sup>th</sup> Street North and 86<sup>th</sup> Street North are to be widened and if that does happen the traffic will use 106<sup>th</sup> Street North to get to Owasso. If the widening project does happen it will only increase the traffic and cause major traffic concerns for this dangerous intersection.

**Carl McCarty**, 10535 North Sheridan Road, Sperry, OK; stated he is opposed to this request. Mr. McCarty stated that 106<sup>th</sup> Street North will not support any more traffic because it is the route the emergency services use to get to both hospitals in Owasso and it causes traffic jams. Mr. McCarty stated he is also concerned about property values decreasing if this request is approved.

**Bruce Hoover**, 10322 North Sheridan Road, Sperry, OK; stated he is opposed to this request. Mr. Hoover believes this proposal is not a good use for the property. Mr. Hoover stated that he too has major concerns about traffic, especially an increase in the traffic.

CB01A-2678  
cont.

**Charles Edwards**, 5911 East 106<sup>th</sup> Street North, Sperry, OK; stated he is opposed to this request. Mr. Edwards stated that he has concerns about fire and police protection in the area. There are thefts in the area and people are locking everything down and locking everything up because thievery has become rampant in the area, to the point that he had old metal piping stolen from his yard that was from a plumbing remodel in his house. Mr. Edwards stated that he is also concerned about the decrease in property values if this is allowed to go in.

**Debbie King**, 6804 East 106<sup>th</sup> Street North, Sperry, OK; stated her family has owned their land for over 80 years, and she has seen a lot of things happen in the area. Ms. King stated that she has serious concerns about traffic at that corner because it is very dangerous. People speed on the road, run the stop sign, and there have been serious wrecks. Ms. King believes that a commercial business and it is not the same as living in the country. Ms. King does not think this is a safe corner for children and she does not think it is a good fit for the area.

**Ken Heabardin**, 6250 East 106<sup>th</sup> Street North, Sperry, OK; stated the subject property is zoned as AG land and it is not intended to be for commercial use. Mr. Heabardin stated that he too has traffic concerns, because the road is not designed to handle large amounts of traffic and it is a dangerous corner.

**Shawn Penn**, 6410 East 106<sup>th</sup> Street North, Sperry, OK; stated this request is not a good fit for the neighborhood. He believes that property values will go down if this is allowed to be built. He also had concerns about the wildlife in the area because this proposal will be a danger to the area wildlife. Mr. Penn asked what will happen to his rights to hunt on his land if this center is allowed to be built and asked about his right to burn his trash on his land. Mr. Penn stated he is concerned about losing his personal rights if this center is allowed to go in.

**Mary Odom**, 10914 North Sheridan Road, Sperry, OK; stated she lives 1 ¼ mile North of the subject corner and has lived there over 40 years. During that time she thinks Sheridan Road has been resurfaced three times, and 106<sup>th</sup> Street has been resurfaced maybe once so the traffic concerns expressed are valid concerns. Ms. Odom stated that the picture she saw had 35 designated parking spaces so there must be a lot more people coming and going than what has been presented. Ms. Odom believes if this is approved this will open the door to more retail in the area and it would disrupt a style of living everyone is accustomed to.

**Les Riker**, 11051 North Sheridan Road, Sperry, OK; stated that he lives ½ mile north of the subject corner. Mr. Riker stated he has traffic concerns and light pollution concerns. There are many thefts in the area, so the center will eventually light up the grounds to deter theft. Mr. Riker stated if this request is approved it will be a stepping stone to other commercial businesses going in.

CB01A-2678  
cont.

**Jennifer Cyiza**, 398449 West 4000 Road, Ramona, OK; stated she lives on 50 acres and she uses Delaware Child Development Center in Bartlesville. There is research that shows that it is important for children to have spaces where they can explore and open play. The people who will use the child care center are people that live in the area and they are already using the streets. The center is not a commercial property; the center has utilized small animals and have bought in that area, so they can bring that environment more to families. Ms. Cyiza stated that it is important that children learn how to deal with and live with wildlife from the country setting. It is important that our children cherish the Oklahoma Prairie and that is what the center is trying to teach. Ms. Cyiza stated that a commercial business will be paying taxes and will help the infrastructure. This is an added value to the community because educational facilities make property values go up not down.

Mr. Charney reminded the audience that it is the Board's responsibility to focus on land usage. He understands where the public is coming from, but he wants them to understand that the Code demands that the Board focuses upon the existing zoning and what the new use will actually be on the subject property.

**Rebuttal:**

**Shane Edmondson** came forward and stated that by Code this use is not prohibited, but as a Special Exception each request is to be taken case by case as long as it fits within agricultural and fits in with the spirit of the Code. Mr. Edmondson stated that traffic concerns are valid concerns, and he has already been asked to see what the ability is to do the infrastructure improvement. Studies show that home values do increase with educational facilities in place. This is a non-profit organization solely for the use of children, so it is not a QuikTrip. The building is not on the corner, it is set back. There are two hospitals within three miles and there will be an emergency plan in place. All personnel will have to go through training to understand what the emergency procedures are if something does happen. Safety is the number one concern at the center. The property is rural but it is very close to a hospital so that is one of the reasons it was chosen. The center will need to meet Code to receive a permit to build, so engineering will be required, and water studies will be done. The wildlife will be disturbed, and they will move out. The property will be cleaned up and will be landscaped, and there will always be animals there. Mr. Edmondson stated that it would be dangerous to have a set up that could not handle the car flow, so studies have been done on the two existing facilities and that is how the flow was determined, and the parking spaces are by Code. Occupancy requires all the parking spaces that the facility may not need. Mr. Edmondson stated there is a need for this facility because there is a lack of child care in the area.

Mr. Dillard asked Mr. Edmondson who currently owns the subject property. Mr. Edmondson stated the Delaware Child Development Center owns the property. Mr. Dillard asked Mr. Edmondson if he had stated previously that the facility is a 501-C3. Mr. Edmondson answered affirmatively.

06/19/2018/#457 (7)

6.19

CBAA-2678  
cont.

**Carl McCarty** came forward and stated that the traffic has become a nightmare in the area so much so that he has to back into his driveway, so he can see the traffic when leaving his property.

Mr. Charney asked Mr. Edmondson why he sought a Variance on the hard surface requirement for parking. Mr. Edmondson stated the Variance was filed with the assistance of the INCOG staff. Ms. Ulmer stated there is overflow parking designated on the site plan that did not have all-weather surface parking, so the Variance request does not cover the entire parking, only the overflow parking.

**Comments and Questions:**

Mr. Johnston stated that he was undecided. This area is a corner lot and one day that corner will be something. This particular use it is close to residential and it will maintain the natural amenities for the neighborhood. Traffic is traffic.

Mr. Hutchinson stated that he can support the request. This is a ten-acre tract on a hard corner. In the Comprehensive Plan almost every hard corner is commercial, and this is the most less intrusive application that can go on the subject corner. This is a main thoroughfare, and the worst part about this is being the first application for the area regarding development.

Mr. Charney stated that he has lived in the Owasso area his entire life and cares immensely for the entire community. Virtually every corner within the Comprehensive Plan shows every corner as having a potential commercial use. Traveling eastward, outside the current city limit of Owasso, the overall Comprehensive Plan has gone almost to the Port and the corner have future commercial concepts designated. It is the planning norm, that the arterial streets will have some day some sort of commercial use. The concerns can be lumped into two categories. One is changing the more rural agricultural nature of the area, and the other is significant traffic concerns. Regarding traffic, there has been a lot of good occur with a new user that has significant capacity, and there are means by which to get that addressed.

Mr. Dillard stated when monetary values are looked at regarding property that is a supposition. Property values increase when there is an educational opportunity in the area, and that has been seen over and over. This will improve the area, but it will not improve the tax base. When people start using the facility it may cause the County Commissioners to study the intersection to make it better for the traffic, because there are medical facilities close by too.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a **Special Exception** to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan as submitted at today's meeting; for the following property:

CBA-2678  
cont.

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the all-weather surface material requirement for parking (Section 1340.D). The required parking spaces per Code will have hard surfaces, and the overflow parking spaces only will not be required to have hard surfaces; for the following property:

**SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

2679—Jason Jacobs

Action Requested:

Special Exception to permit a firework stand (Use Unit 2) in an CS District (Section 710); Special Exception to permit an automobile sales and service use (Use Unit 17) in a CS District (Section 710). LOCATION: 2404 South 265<sup>th</sup> West Avenue

Presentation:

**Sherry Jacobs**, 5050 E. Lee Terrace, Sand Springs, OK; stated she has owned the convenience store business since 1999. She would like to convert the area adjacent to the store into the automobile sales lot and place the firework stand on the side of the building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

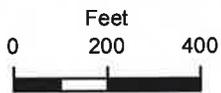
On **MOTION** of **CHARNEY**, to **APPROVE** the request for a Special Exception to permit a firework stand (Use Unit 2) in an CS District (Section 710); Special Exception to permit an automobile sales and service use (Use Unit 17) in a CS District (Section 710), subject to a five-year time limit, June 19, 2023; for the following property:

**PRT SW NE BEG 491.05N SWC NE TH N631.92 NELY435.36 SWLY338.99  
SW255.71 SWLY214.45 POB SEC 18 19 10 3.70ACS, OF TULSA COUNTY, STATE  
OF OKLAHOMA**



E 106th ST N

N SHERIDAN RD



Subject Tract

**CBOA-2869**

21-13 10

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

Aerial Photo Date: February 2018





*Looking west from N. Sheridan Rd.*



*Close-up of the location of the proposed add-on*

I, Tom Marquez , property owner of 10710 N Sheridan Rd Sperry, Ok 74073 grant my approval of a variance request from the existing 15' to 10' setback for my neighbor to my north on their south property line so that they can extend their building.

Tom Marquez

Tom Marquez

12-16-2020

Date

Utility Statement

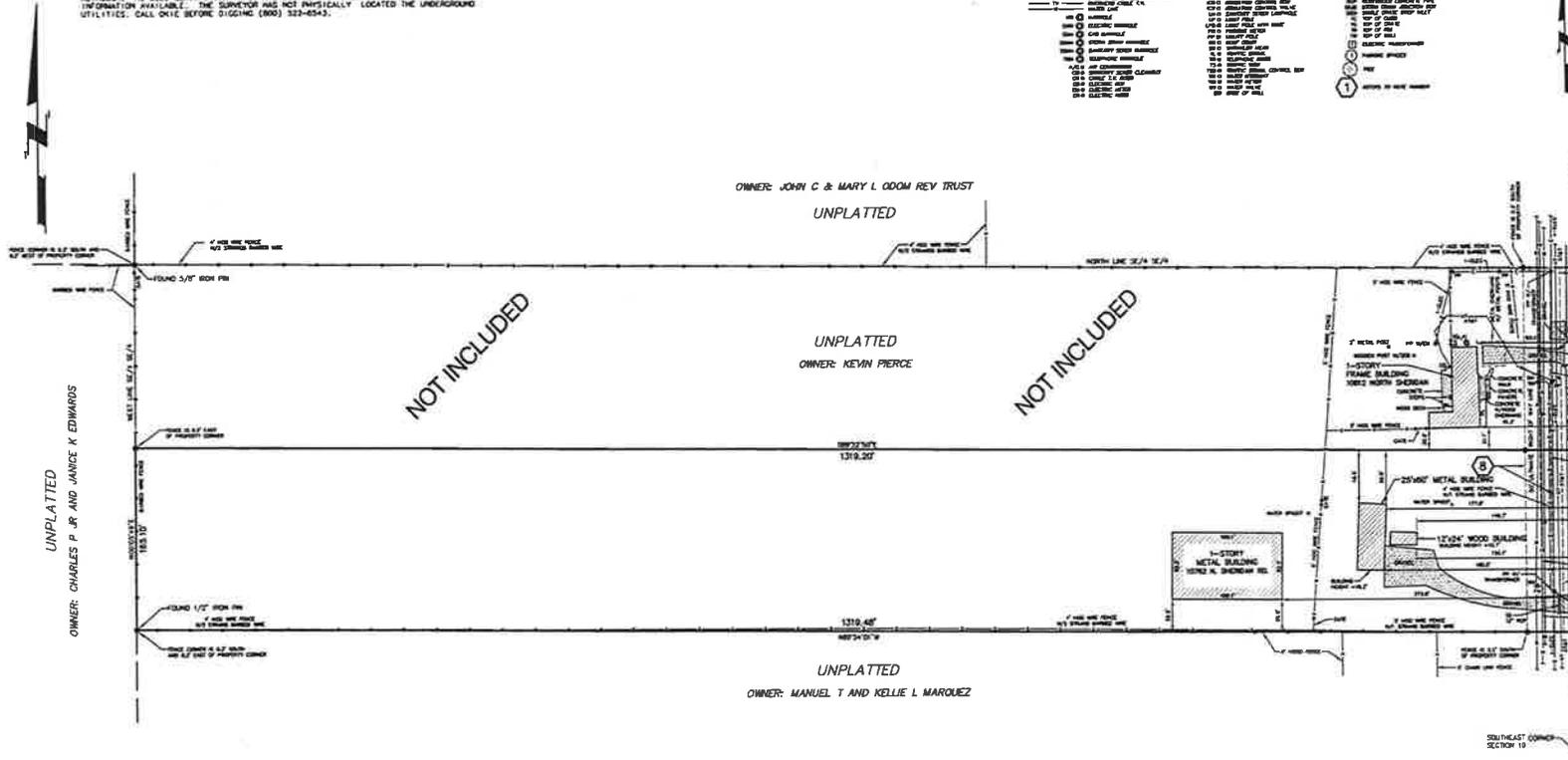
THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR IN ABANDON. THE SURVEYOR, FURTHER, DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT ARE IN THE EXACT LOCATION INDICATED; ALTHOUGH, HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE DATA IN AVAILABLE. THE SURVEYOR HAS NOT INSTANTLY LOCATED THE UNDERGROUND UTILITIES. CALL OTEC BEFORE DIGGING (800) 323-8543.

Legal Description

THE SOUTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (S1/2 N1/2 S1/4 SE1/4) OF SECTION TEN (10) TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASIN AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

Legend

- Legend table with symbols for various survey features like boundary lines, easements, and structures.



SCHEDULE B SECTION 2 EXCEPTION NUMBER...

Title Commitment Notes

- List of title commitment notes including statutory section line road right-of-way, easements, and encroachments.

Miscellaneous Notes

- Miscellaneous notes regarding easements, bearings, and property descriptions.

Certificate

Certificate text certifying the survey was made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA and NSPS Land Title Surveys.

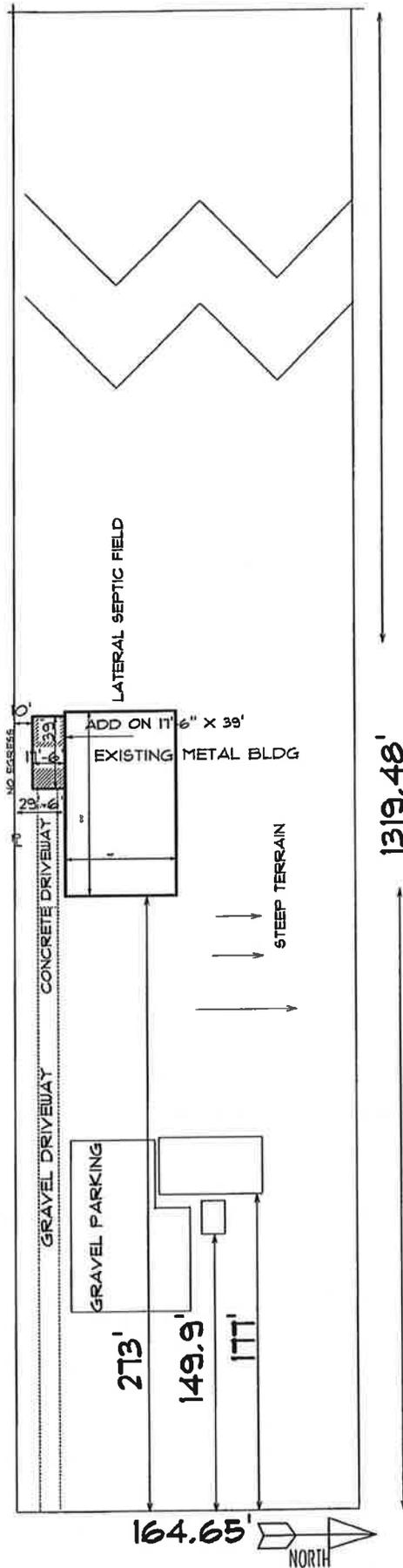


SACK AND ASSOCIATES, INC. signature and contact information.

ALTA/NSPS LAND TITLE SURVEY OF THE S/2 OF THE N/2 OF THE N/2 OF THE SE/4 OF THE SE/4 OF SECTION 10, T-21-N, R-13-E TULSA COUNTY, OKLAHOMA



Table with columns: NAME, TITLE, FIRM, DATE, and other project details.

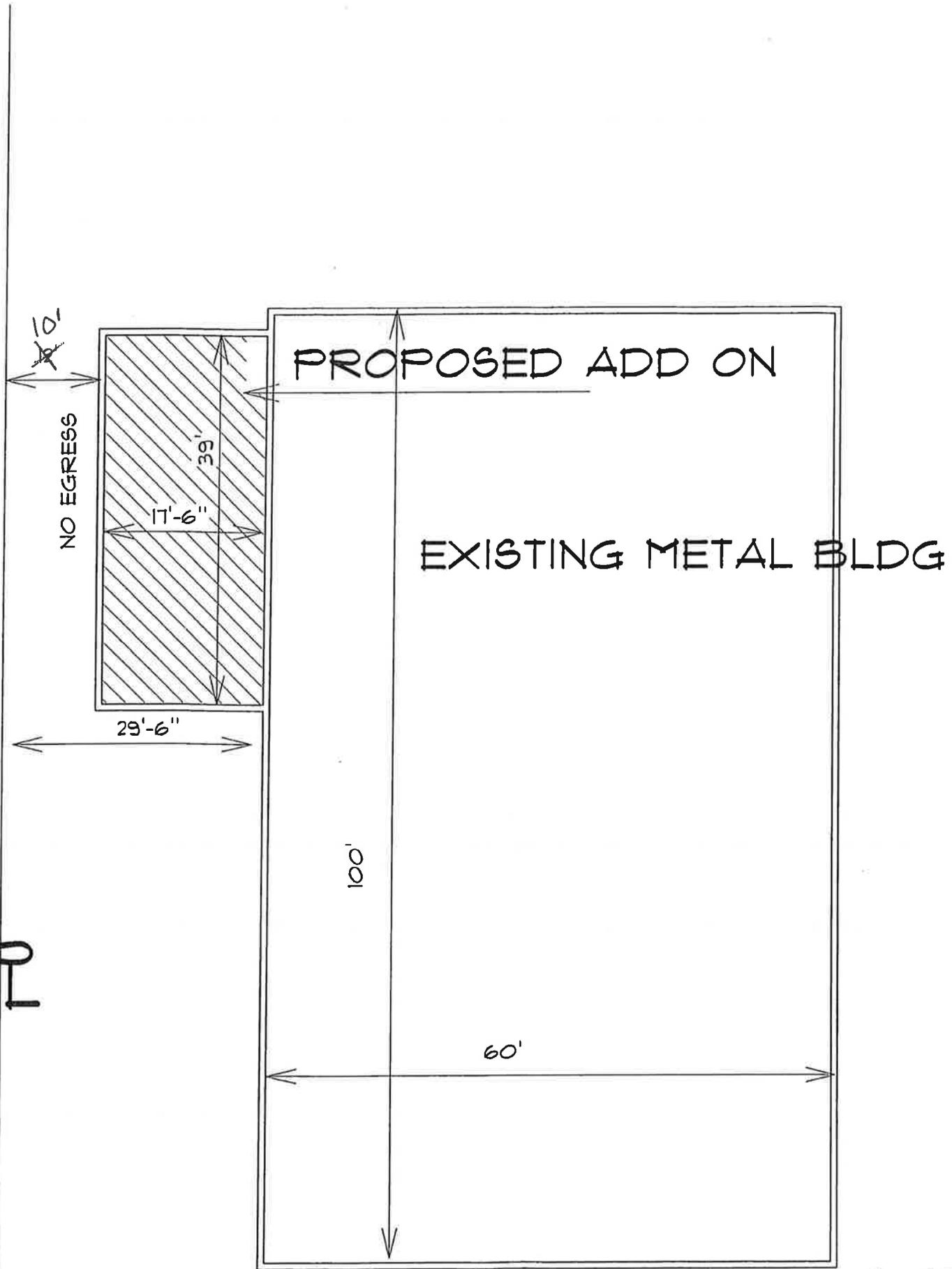


10762 NORTH SHERIDAN RD

NORTH SHERIDAN RD

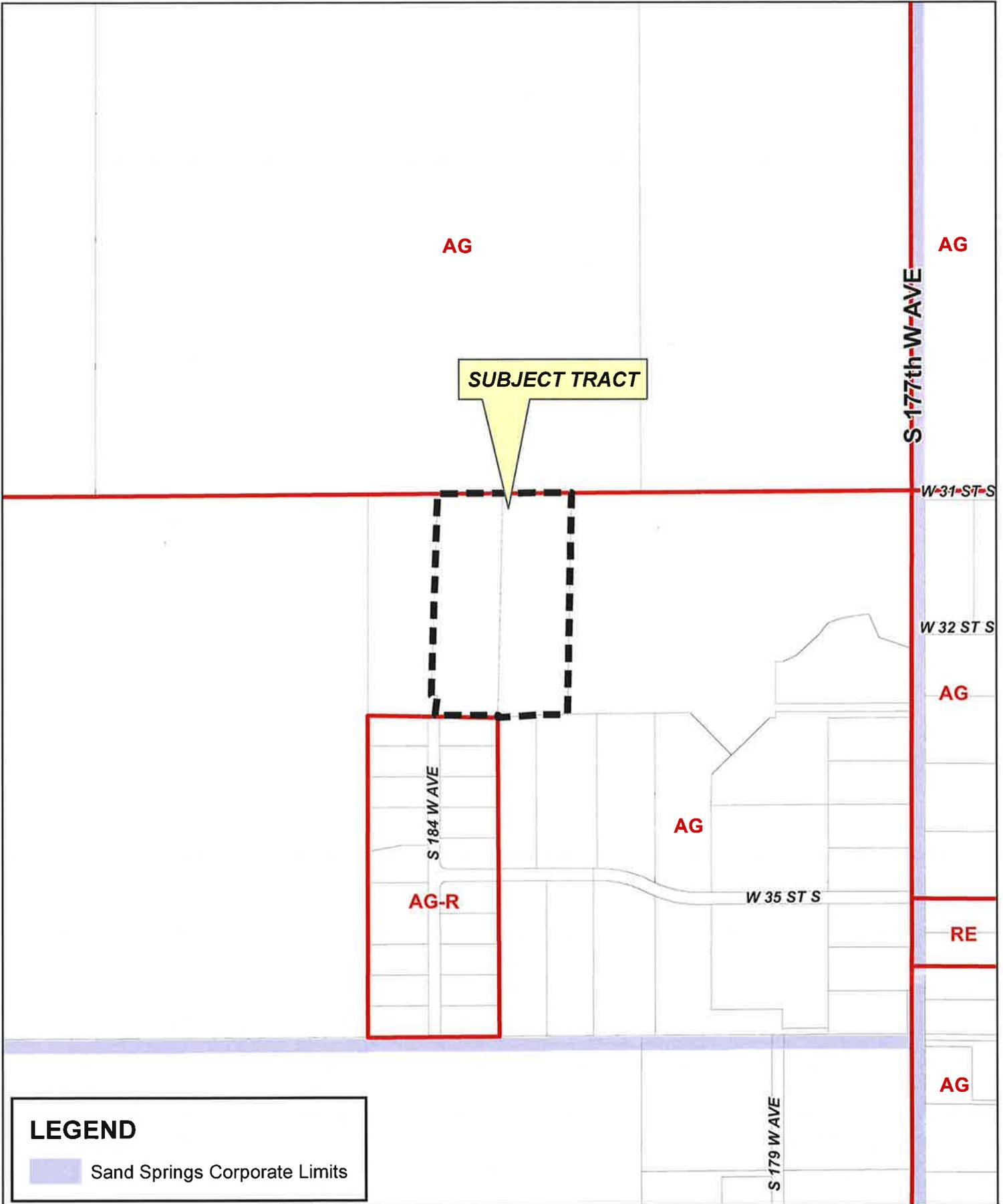
6.26

10



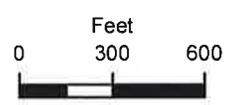
6.27

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



**LEGEND**

 Sand Springs Corporate Limits



**CBOA-2870**

19-10 24

7.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9024

**CASE NUMBER:** CBOA-2870

**CZM:** 42

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** Amy and Michael Thayer

**ACTION REQUESTED:** Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district (Section 207)

**LOCATION:** N. and W. of the NW/c of W. 35<sup>th</sup> St. S. & S. 177<sup>th</sup> W. Ave      **ZONED:** AG

**FENCELINE:** Sand Springs

**PRESENT USE:** Vacant

**TRACT SIZE:** 8.38 acres

**LEGAL DESCRIPTION:** PRT NE BEG 338E NWC NE TH E335 S1082.57 W323 NE96.48 NW30 N983.88 POB SEC 24 19 10 8.383ACS, TWILIGHT RIDGE

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning to the west, north, and east. It abuts AG-R zoning to the south. Uses appear to be a mixture of residential and agricultural.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district (Section 207)

The Code requires that any property intended to be utilized for residential purposes contain at least 30 ft of frontage on a public street. The Code attempts to ensure that each residentially used parcel has unfettered access and emergency access. The Code also attempts to prevent wildcat subdivisions.

According to the site plan provided by the applicant, the property is currently accessed through an Access and Utility Easement off South 184<sup>th</sup> West Avenue. The applicant is proposing a lot line adjustment that would create a 2.26-acre parcel and a 14.43-acre parcel. The larger parcel would still have 30 feet of frontage. The smaller parcel would have 0 feet of frontage however, it would still abut the easement. The site plan shows an Access and Utility Easement, and the applicant provided the attached copies of the recorded easement.

The applicant provided the following statement, *"The total property we own is 16.69 acres with 30 ft. of frontage. We plan to build a home on the property in 2021 and have submitted a lot line request. Our daughter and son-in-law would like to build on the property as well to be near family. We've had a survey done to show a lot line change to make the property 14.43 and 2.26 acres. We are requesting a frontage variance from 30 to 0 feet on the 2.26 acres so that our daughter and son-in-law can build on that piece of property. There is already an access and utility easement for the property, Doc. # 2018023087 filed 03/19/2018."*

7.2

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

**Sample Motion:**

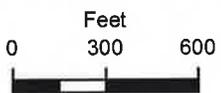
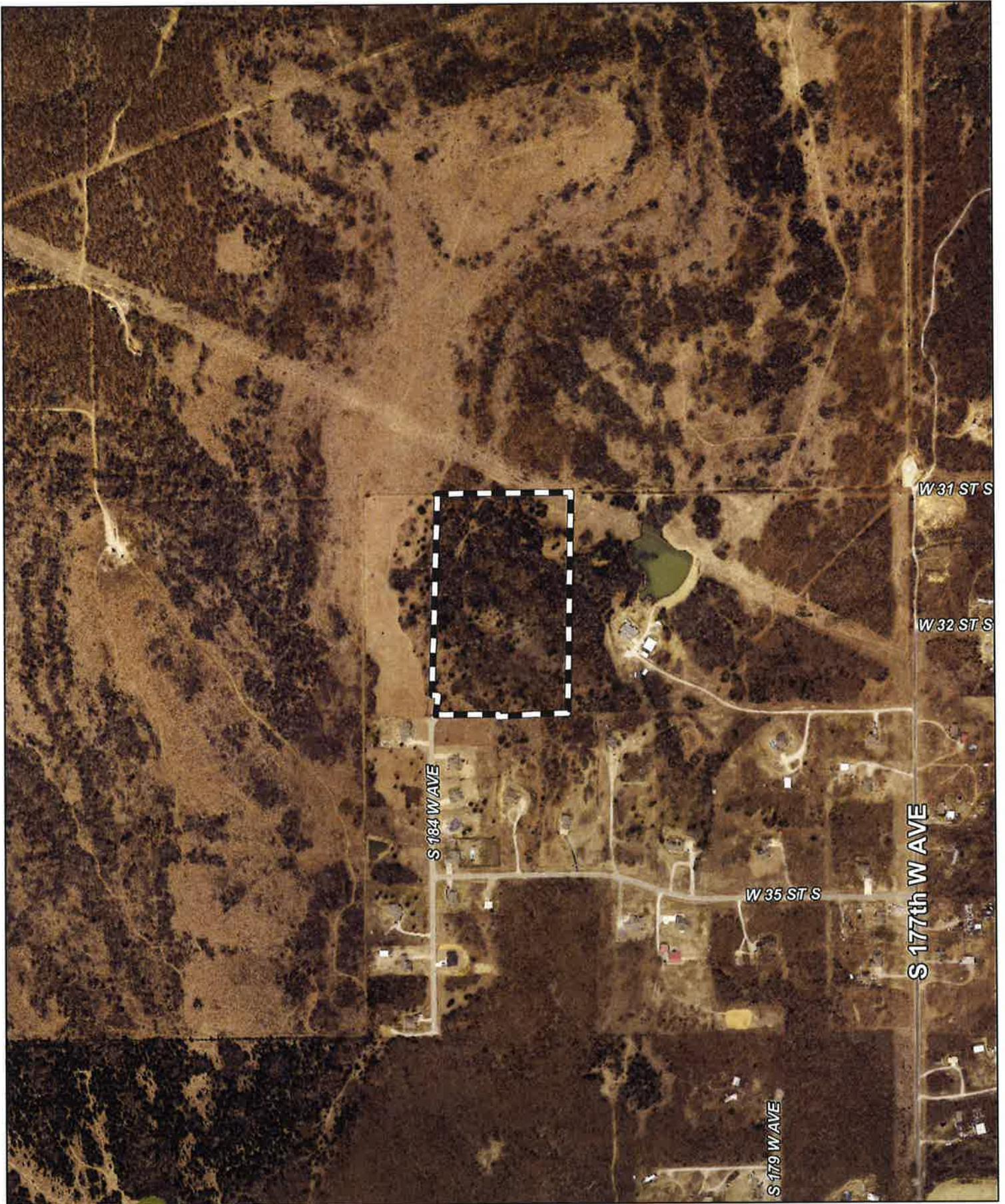
“Move to \_\_\_\_\_ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district (Section 207)

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

Subject to the following conditions, if any: \_\_\_\_\_.

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

*In granting a Variance, the Board must find 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.*



Subject Tract

**CBOA-2870**

19-10 24

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

Aerial Photo Date: February 2018

7.4





*Looking north at subject property from S. 184th W. Ave - Google Image 12-27-2018*



# CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063  
Phone: 918.246.2500 • sandspringsok.org

January 7, 2021

re: Water service availability for proposed lot split

To whom it may concern:

The City of Sand Springs has a 6 inch public main water line running north on the east side of 184<sup>th</sup> W Ave, Sand Springs, OK, terminating at the northwest corner of the current 3351 S 184<sup>th</sup> W Ave 1.01 acre lot. This water line is able to service a regular, domestic water tap (1 inch or smaller) each for both the proposed 2.26 acre lot split tract and the 14.43 acre remainder tract as described in the Outline for Lot Consolidation / Lot Split prepared by Winston D. Tallent, LS 1024, on December 14, 2020, for Mike and Amy Thayer, 3441 S 184<sup>th</sup> W Ave, Sand Springs, OK, part of NE/4 Sec. 24, T19N R10E, together with an Access and Utility Easement described as document 20180223087 filed with the Tulsa County Clerk office.

Ken Boswell  
Division Supervisor  
918-246-2692  
kwboswell@sandspringsok.org



**OUTLINE FOR LOT CONSOLIDATION / LOT SPLIT**

for

**MIKE & AMY THAYER PROPERTY**  
Part of NE/4 Sec. 24, T19N R10E  
Tulsa County, Oklahoma

**SHEET 1 OF 4 - DEPICTS AND DESCRIBES THE TWO PROPERTIES**

**SHEET 2 OF 4 - DEPICTS AND DESCRIBES THE COMBINED PROPERTY**

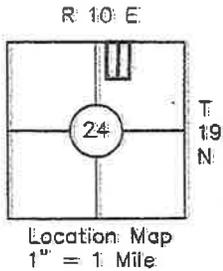
**SHEET 3 OF 4 - DEPICTS AND DESCRIBES THE PROPOSED LOT SPLIT**

**SHEET 4 OF 4 - DEPICTS AND DESCRIBES THE REMAINDER PROPERTY**

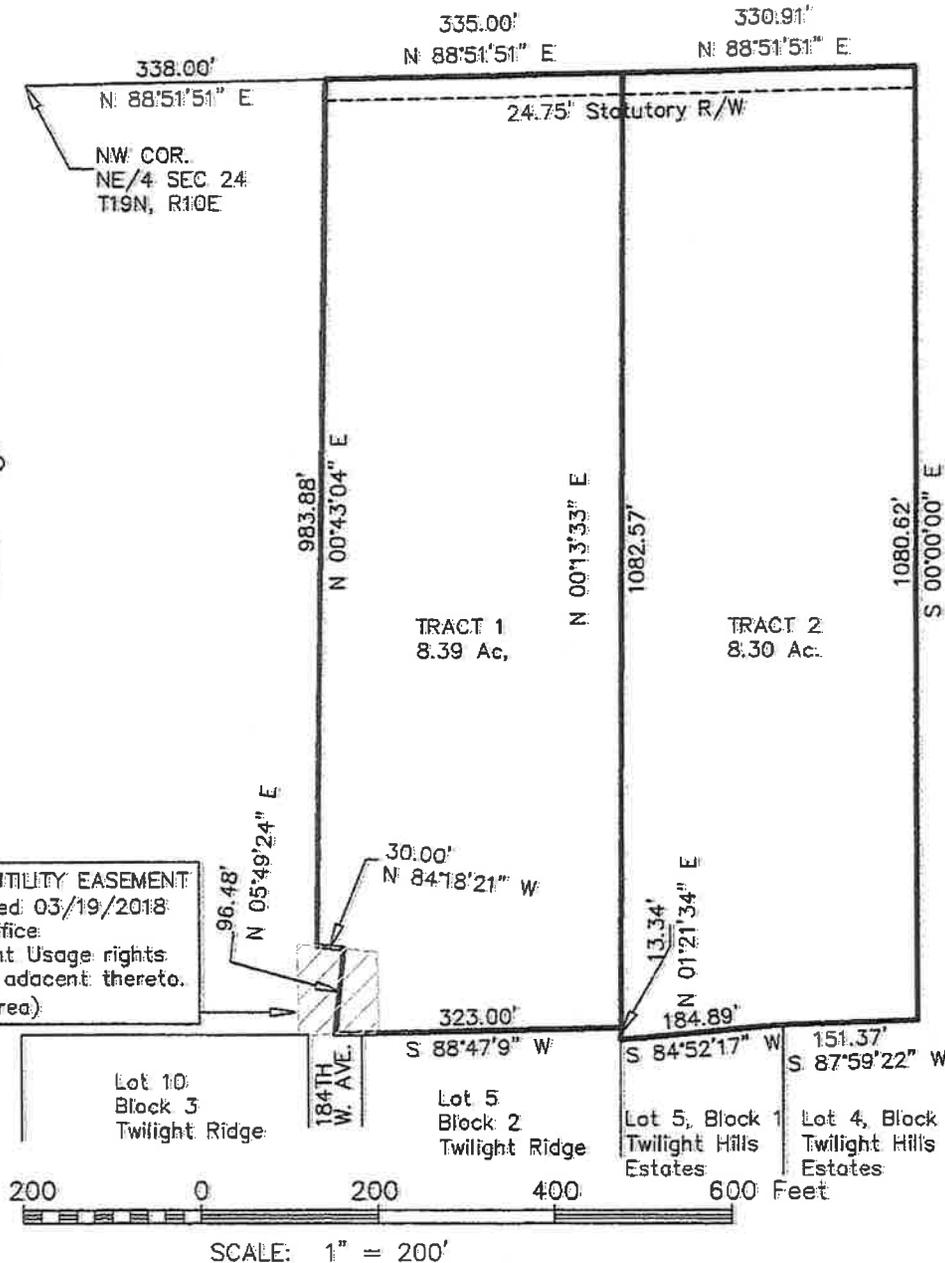
**SUPPLEMENTAL - FILED COPY OF CORRECTED ACCESS AND UTILITY  
EASEMENT Doc # 2018023087**



# DESCRIPTION EXHIBIT



Corrected ACCESS & UTILITY EASEMENT  
Doc. # 2018023087 filed: 03/19/2018  
Tulsa County Clerks' Office  
which creates Easement Usage rights  
to the Record Owners adjacent thereto.  
(Hatched Area)



## Tract 1 Description:

A part of the Northeast Quarter (NE/4) of Section Twenty-Four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said NE/4; thence North 88°51'51" East along the North line of said NE/4 a distance of 338.00 feet to the Point of Beginning; thence North 88°51'51" E along said North line a distance of 335.00 feet; thence South 00°13'33" West a distance of 1082.57 feet to the Northeast corner of Lot 5, Block 2 of TWILIGHT RIDGE, a subdivision in said NE/4; thence South 88°47'09" West along the North line of said subdivision a distance of 323.00 feet; thence North 05°49'24" East a distance of 96.48 feet; thence North 84°18'21" West a distance of 30.00 feet; thence North 00°43'04" East a distance of 983.88 feet to the Point of Beginning.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 20181004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

## Tract 2 Description:

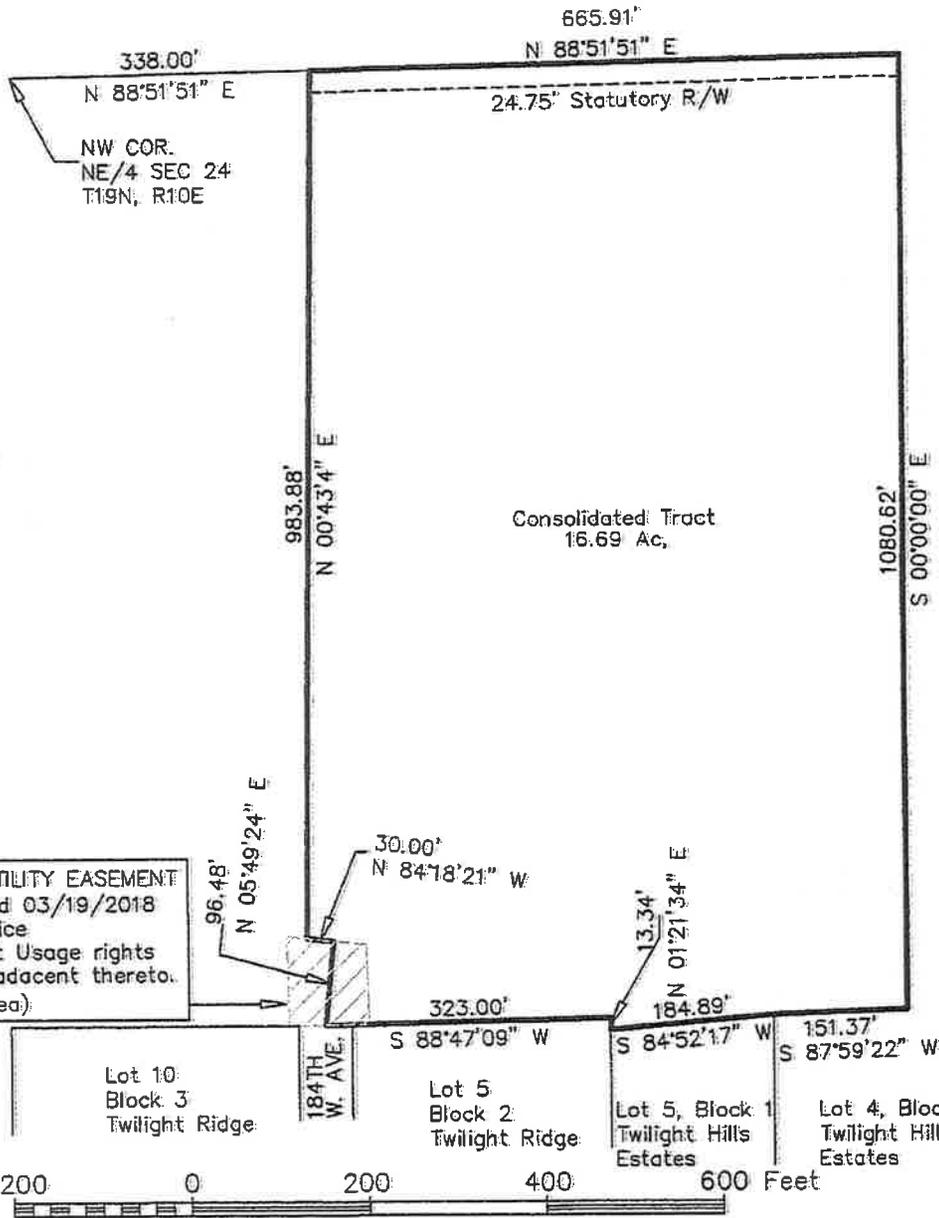
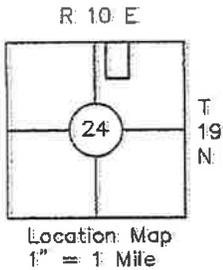
A tract of land in the Northeast Quarter (NE/4) of Section Twenty-four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said NE/4; thence North 88°51'51" East along the North line of said NE/4 a distance of 673.00 feet to the Point of Beginning; thence continuing North 88°51'51" East along said North line a distance of 330.91 feet; thence South 00°00'00" East a distance of 1080.62 feet to a point on the North line of Lot 4, Block 1, of "Twilight Hills Estates", a subdivision in the NE/4 of Section 24, according to the recorded Plat thereof; thence South 87°59'22" West along the North line of said Lot 4 a distance of 151.37 feet to the Northeast corner of Lot 5, Block 1, of "Twilight Hills Estates"; thence South 84°52'17" West a distance of 184.89 feet to the Northwest corner of said Lot 5; thence North 01°21'34" East a distance of 13.34 feet to the Northeast corner of Lot 5, Block 2, of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof; thence North 00°13'33" East along the Easterly line of that certain parcel recorded as doc. # 2018040591 in the office of the Tulsa County Clerk for a distance of 1082.57 feet to the Point of Beginning, containing 8.30 acres, more or less. Subject to Easements and Rights of Way of Record and Statutes.

THIS MAP OR PLAT MEETS OR EXCEEDS THE  
OKLAHOMA MINIMUM TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING, ADOPTED SEPTEMBER 17, 1993,  
REVISED JULY 25, 2013

6-2

# DESCRIPTION EXHIBIT



### Consolidated Description:

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said NE/4; thence North: 88°51'51" East along the North line of said NE/4 a distance of 338.00 feet to the Point of Beginning; thence continuing North 88°51'51" East along said North line a distance of 665.91 feet; thence South: 00°00'00" East a distance of 1080.62 feet to a point on the North line of Lot 4, Block 1, of "Twilight Hills Estates", a subdivision in the NE/4 of Section 24, according to the recorded Plat thereof; thence South: 87°59'22" West along the North line of said Lot 4 a distance of 151.37 feet to the Northeast corner of Lot 5, Block 1, of "Twilight Hills Estates"; thence South: 84°52'17" West a distance of 184.89 feet to the Northwest corner of said Lot 5; thence North 01°21'34" East a distance of 13.34 feet to the Northeast corner of Lot 5, Block 2, of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof; thence South 88°47'09" West along the North line of said Block 2 a distance of 323.00 feet; thence North: 05°49'24" East a distance of 96.48 feet; thence North: 84°18'21" West a distance of 30.00 feet; thence N 00°43'04" East a distance of 983.88 feet to the Point of Beginning, containing 16.69 acres, more or less. Subject to Easements and Rights of Way and Statutes.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

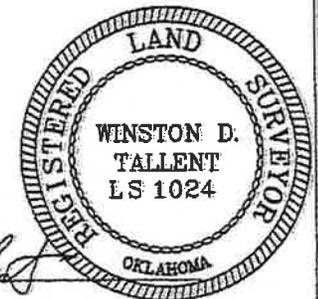
Corrected ACCESS & UTILITY EASEMENT  
Doc. # 2018023087 filed 03/19/2018  
Tulsa County Clerks Office  
which creates Easement Usage rights  
to the Record Owners adjacent thereto.  
(Hatched Area)

THIS MAP OR PLAT MEETS OR EXCEEDS THE  
OKLAHOMA MINIMUM TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING, ADOPTED SEPTEMBER 17, 1993,  
REVISED JULY 25, 2013

Prepared for Lot Consolidation and Lot Split consideration.  
WITNESS my hand and seal this 14th day of December 2020.

Sheet 2 of 4

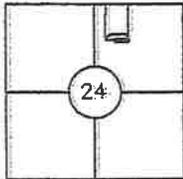
*Winston D. Tallent*  
Registered Land Surveyor



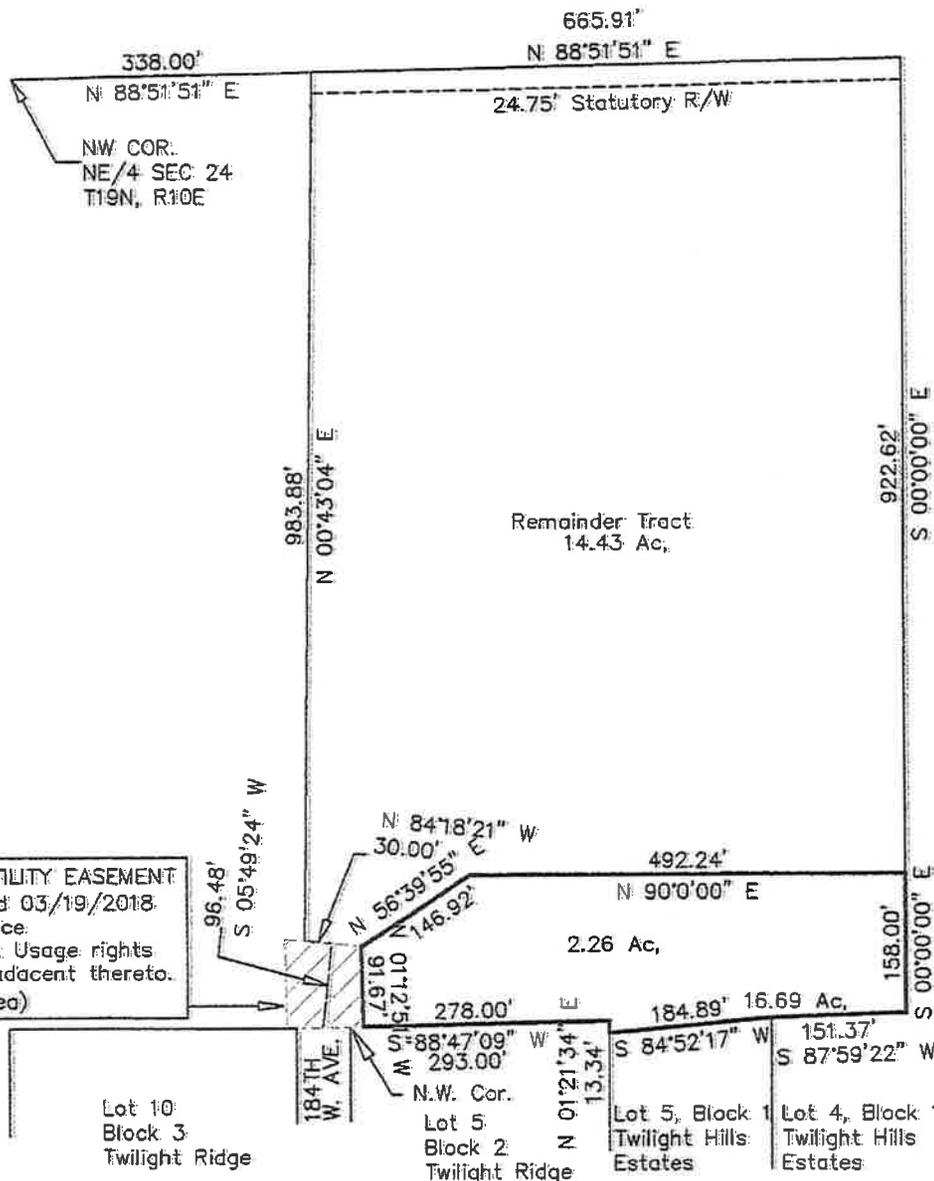
01.2

# DESCRIPTION EXHIBIT

R: 10 E



Location Map  
1" = 1 Mile.



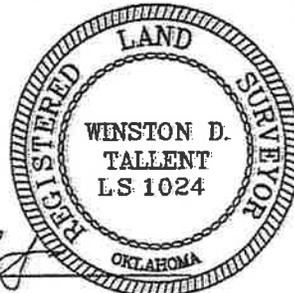
### Lot Split Tract Description:

A tract of land in the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Beginning at a point on the North line of Lot 5, Block 2 of "Twilight Ridge", a subdivision in the NE/4 of Section 24, Township 19 North, Range 10 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said point being 15.00 feet Easterly of the Northwest corner of said Lot 5; thence North 01°12'51" West a distance of 91.67 feet; thence North 56°39'55" East a distance of 146.92 feet; thence North 90°00'00" East a distance of 492.24 feet; South 00°00'00" E a distance of 158.00 feet to a point on the North line of Lot 4, Block 1, of "Twilight Hills Estates", a subdivision in the NE/4 of Section 24, according to the recorded Plat thereof; thence South 87°59'22" West along the North line of said Lot 4 a distance of 151.37 feet to the Northeast corner of Lot 5, Block 1, of "Twilight Hills Estates"; thence South 84°52'17" West a distance of 184.89 feet to the Northwest corner of said Lot 5; thence North 01°21'34" East a distance of 13.34 feet to the Northeast corner of Lot 5, Block 2, of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof; thence South 88°47'09" W along the North line of said Lot 5 a distance of 278.00 feet to the Point of Beginning, containing 2.26 acres, more or less. Subject to Easements and Rights of Way of record and statutes.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

Prepared for:  
Mike and Amy Thayer  
3441 South 184th West Ave.  
Sand Springs, Oklahoma  
918 688 9717



Prepared for Lot Consolidation and Lot Split consideration.  
WITNESS my hand and seal this 14th day of December 2020.

Sheet 3 of 4  
*Winston D. Talient*  
Registered Land Surveyor

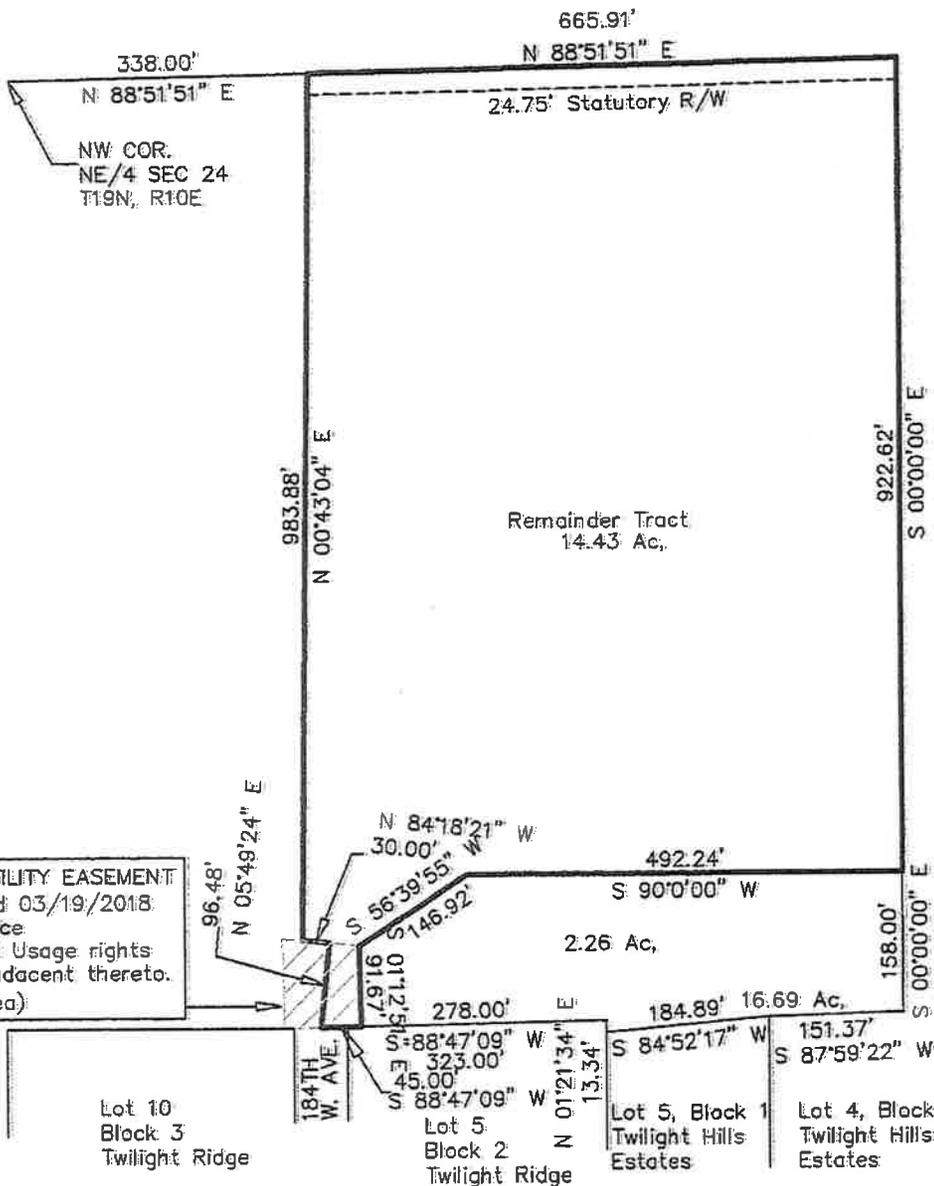
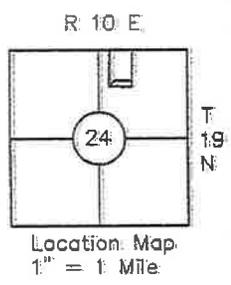
THIS MAP OR PLAT MEETS OR EXCEEDS THE OKLAHOMA MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING, ADOPTED SEPTEMBER 17, 1993, REVISED JULY 25, 2013.

Prepared by:  
Winston D. Talient  
P.L.S. 1024 OK  
3308 South 177th W. Ave  
Sand Springs, Oklahoma  
74063  
918 698 7755

Corrected ACCESS & UTILITY EASEMENT  
Doc. # 2018023087 filed 03/19/2018  
Tulsa County Clerks Office  
which creates Easement Usage rights  
to the Record Owners adjacent thereto.  
(Hatched Area)

# DESCRIPTION EXHIBIT

11.2



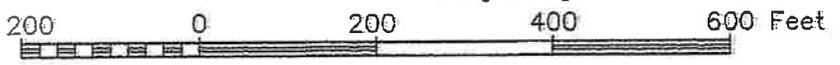
Corrected ACCESS & UTILITY EASEMENT  
Doc. # 2018023087 filed 03/19/2018  
Tulsa County Clerks Office  
which creates Easement Usage rights  
to the Record Owners adjacent thereto.  
(Hatched Area)

Remainder Tract Description:  
A tract of land in the Northeast Quarter (NE/4) of Section Twenty-four (24), Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit:  
Commencing at the Northwest corner of said NE/4; thence North 88°51'51" East along the North line of said NE/4 a distance of 338.00 feet to the Point of Beginning; thence continuing North 88°51'51" East along said North line a distance of 665.91 feet; thence South 00°00'00" East a distance of 922.62 feet to a point; thence South 90°00'00" West a distance of 492.24 feet; thence South 56°39'55" West a distance of 146.92 feet; thence South 01°12'51" East a distance of 91.67 feet to a point on the North line of Lot 5, Block 2 of "Twilight Ridge", a subdivision in the NE/4 of said Section 24, according to the recorded Plat thereof, said point being 15.00 feet Easterly of the Northwest corner of said Lot 5; thence South 88°47'09" West along the North line of said subdivision a distance of 45.00 feet; thence North 05°49'24" E a distance of 96.48 feet; thence North 84°18'21" West a distance of 30.00 feet; thence North 00°43'04" East a distance of 983.88 feet to the Point of Beginning, containing 14.43 acres, more or less. Subject to Easements and Rights of Way of Record and Statutes.

Together with an Access and Utility Easement benefiting subject property filed January 18, 2018 as document number 2018004768 in the office of the Tulsa County Clerk, corrected by Corrected Access and Utility Easement filed March 19, 2018 as document number 20180223087 in the office of the Tulsa County Clerk.

Prepared by:  
Winston D. Tallent  
P.L.S. 1024 OK  
3308 South 177th W. Ave  
Sand Springs, Oklahoma  
74063  
918 698 7755

Prepared for:  
Mike and Amy Thayer  
3441 South 184th West Ave.  
Sand Springs, Oklahoma  
918 688 9717

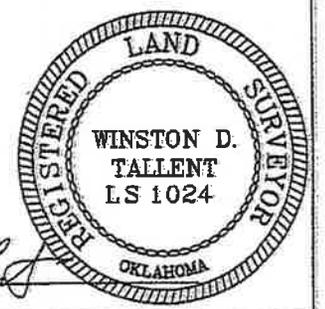


SCALE: 1" = 200'

THIS MAP OR PLAT MEETS OR EXCEEDS THE OKLAHOMA MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING, ADOPTED SEPTEMBER 17, 1993, REVISED JULY 25, 2013.

Prepared for Lot Consolidation and Lot Split consideration.  
WITNESS my hand and seal this 14th day of December 2020.

Sheet 4 of 4  
Winston D. Tallent  
Registered Land Surveyor





Tulsa County Clerk - Michael Willis

Doc # 2018023087 - Page(s): 3  
03/19/2018 12:30:46 PM  
Receipt # 18-14716  
Fee: \$ 17.00

Corrected  
**ACCESS AND UTILITY EASEMENT**

**THIS INDENTURE**, made this 19<sup>th</sup> day of March, 2018, between **WINSTON D. TALLENT and LINDA L. TALLENT, husband and wife**, parties of the first part, hereinafter called "Grantors" and the "**RECORD OWNERS**" of land lying North, East and West of the hereinafter legally described land referred to as the Easement Strip, party of the second part, hereinafter called "Grantees".

That the Grantors are owners of the legal and equitable title to land in Section 24, Township 19 North, Range 10 East, hereinafter legally described and referred to as the Easement Strip, for and in consideration of value received, the receipt of which is hereby acknowledged, Grantors do hereby grant and convey to Grantees, their heirs and assigns an access easement over the following described property, situated in Tulsa County, Oklahoma and described as follows:

Beginning at the Northeast corner of Lot 10, Block 3 of "Twilight Ridge " 2 Subdivision in the Northeast Quarter (NE/4) of Section 24, Township Nineteen (19) North, Range Ten (10) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded Plat No. 5967; thence S 88°47'09" W along the North line of said Lot 10 a distance of 15.00 feet; thence N 01° 12' 51" W a distance of 102.57 feet; thence S 84° 18'21" E a distance of 90.66 feet; thence S 01° 12' 51" E a distance of 91.67 feet to a point on the North line of Lot 5, Block 2 of said "Twilight Ridge " , said point being 15.00 feet Easterly of the Northwest corner of said Lot 5; thence S 88° 47' 09" W a distance of 75.00 feet to the Point of Beginning.

This easement is for the purpose of permitting access and maintenance of a private driveway, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and affording the aforesaid, their heirs, assigns, officers, agents, employees, and/or all persons under contract with them, the right to enter upon said premises and strip of land for the purpose of surveying, excavating for, constructing, operating, and maintaining such private driveway and utilities. Provided however, that the Grantors reserve the right to construct, maintain, operate, lay and relay any and all utilities, use the private drive, build a private drive, and grant additional access rights to these easements, as long as they do not restrict reasonable access to easement holders of property adjacent and contiguous to said Easement Strip.

Grantors reserve the option, and hereby put Grantees on notice of said option, to give a similar easement over the same Easement Strip to future grantees of land that is contiguous and adjacent to the Easement Strip.

Each Grantee of an easement over the Easement Strip shall maintain the road in proportion to the Grantee's use of the road as determined by linear feet. In the event contiguous and adjacent property owners about the North, West and East boundaries of the Easement Strip, each such owner shall share the proportionate cost of maintenance with the other owners of land adjacent and contiguous to the Easement Strip. (See attached Exhibit A for an example.)

3308 S. 177<sup>th</sup> W Ave Sand Springs, OK 74063

7.12

The Easement Strip will be maintained as a gravel drive, with bar ditches, suitable for vehicular travel. The cost of maintenance for the Easement Strip shall be solely determined by Grantors, their heirs or assigns. In the event any grantee of such easement does not wish to pay the established cost of maintenance, said grantee agrees to issue Grantors, their heirs and assigns a Release of Easement for the Easement Strip. If Grantors, their heirs and assigns, file suit to enforce this agreement, Grantees, their heirs and assigns, agree to pay all of Grantors attorney fees and costs. In the event Grantors do file suit to enforce this agreement, Grantors, in addition to monetary damages may elect, as a remedy, to terminate Grantees' easement granted herein.

Grantors reserve the option, and hereby put Grantees on notice of said option, to dedicate the area described as the Easement Strip to the Public. In the event such a dedication is made any existing easement, with corresponding duty of maintenance, related to such area shall cease to exist.

This easement runs with the land.

The servient estate for this easement is the Easement Strip.

IN WITNESS WHEREOF, the said Grantors, have hereunto set their hands the day and year above written.

\_\_\_\_\_

Winston D. Tallent  
WINSTON D. TALLENT

\_\_\_\_\_

Linda L. Tallent  
LINDA L. TALLENT

STATE OF OKLAHOMA )

) ss.

(Individual Acknowledgement)

COUNTY OF TULSA )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 19 day of March, 2018, personally appeared WINSTON D. TALLENT and LINDA L. TALLENT to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary acts and deeds for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

[Signature]  
Notary Public

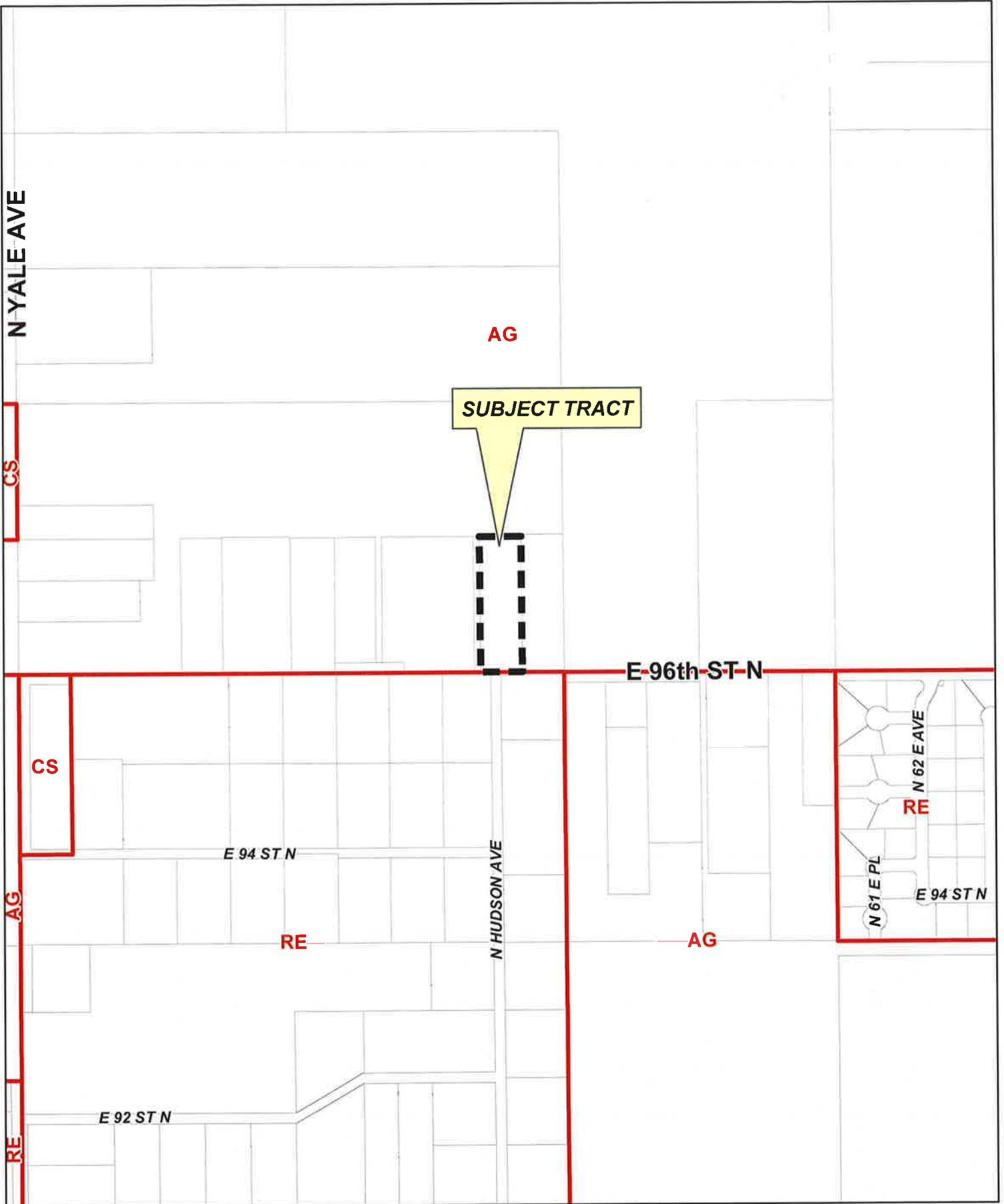
#101016321



My Commission expires: 11/13/21

Exhibit A

The basis for determining the specific share each easement user will pay will be dependent upon the length of the total easement and the number of easement users. For example, if the Easement Strip were 200 feet long and there is a grantee on the East, one on the West and one on the North, then the linear feet is 200 feet times 3 or 600 feet. If the East and West users had driveways 100 feet down the drive opposite each other (using the same 100 feet) each would be responsible for  $1/6$  and the one on the North would be responsible for  $4/6$ —which would be fair since the 3 of them use 100 feet ( $1/6^{\text{th}}$  each) and the Northern one uses the last 100 feet by himself ( $3/6$ ).



AG

SUBJECT TRACT

E 96th ST N

CS

E 94 ST N

N HUDSON AVE

RE

N 61 E PL

E 94 ST N

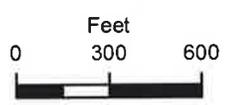
RE

AG

E 92 ST N

CBOA-2871

8.1



21-13 15



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 1315

**CASE NUMBER:** CBOA-2871

**CZM:** 11

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 01/19/2021 1:30 PM

**APPLICANT:** Peggy Warren

**ACTION REQUESTED:** Variance of the minimum lot area and the land area per dwelling unit in the AG district to permit two dwellings on one lot (Sec. 330 Table 3).

**LOCATION:** 5603 E 96 ST N

**ZONED:** AG

**FENCELINE:** N. Tulsa County

**PRESENT USE:** Agriculture

**TRACT SIZE:** 3.03 acres

**LEGAL DESCRIPTION:** S660 W200 E400 SE SW SEC 15 21 13 3.03ACS,

**RELEVANT PREVIOUS ACTIONS:**

Subject Property: None relevant

Surrounding Property:

CBOA-1119 October 1992: The Board approved a Variance of the required lot area from 2 acres to 1.25 acres and a variance of the land area from 2.2 acres to 1.25 acres to permit a lot split, on property located on the southside of East 96<sup>th</sup> Street North and west of North Sheridan Road.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning to the west, north, and east. It abuts RE zoning to the south. Surrounding properties appear to be mainly residential in nature with some agricultural/vacant uses in the area.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the minimum lot area and the land area per dwelling unit in the AG district to permit two dwellings on one lot (Sec. 330 Table 3). As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a double-wide manufactured home, (28' x 60') behind that existing home..

The applicant provided the following statement: *"I have purchased the property with a reverse mortgage. I am 71 years old with an enlarged aorta and I would be more secure if my granddaughter and family, as caretakers, live near me. My husband died 03/12/2019. There are trees around double-wide and is 100' behind my house."*

**Section 330, Table 3** of the Code requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres in the AG district. The applicant is proposing two dwelling

units on the 3.03-acre subject lot. To permit two homes on the site the permitted lot area and land area per dwelling unit would be reduced to 1.52+ acres.

**Section 208** of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot...in an AG district, with the exception in the AG district that there be not more than two dwellings per lot.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

**Sample Motion:**

**“Move to \_\_\_\_\_ (approve/deny) Variance of the minimum lot area and the land area per dwelling unit in the AG district to permit two dwellings on one lot (Sec. 330 Table 3).**

- **Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.**
- **Finding the hardship to be \_\_\_\_\_.**

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

# FILE COPY

## Case No. 1118

### Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to permit a lot split - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, located NW/c 41st St. and 257th W. Ave.

### Presentation:

The applicant, Mike Mason, was not present.

### Protestants: None.

### Board Action:

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to CONTINUE Case No. 1118 to the December 15, 1992 meeting.

## Case No. 1119

### Action Requested:

Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located S. side of 96th St. N. and W. of Sheridan.

### Presentation:

The applicant, Peggy Robinson, was represented by her daughter, Mary Lou Robinson. She informed her mother owns 20 acres, and they would like to split off 1 1/4 acres and have it on a separate deed in her name.

### Protestants: None.

### Comments and Questions:

Mr. Alberty asked why they did not wish to split off the required 2.2 acres, and Ms. Robinson informed there is a trailer on the east side of the property which has a lagoon system. If they made the property any larger, it would take in the lagoon area. She has had a perc test which indicated the lot would only have to be 1.25 acres. She informed they cannot make the lots any wider because they are required to have 200 feet of frontage for each of the dwellings on the lot. They are trying to avoid building a home with somebody else's septic system on the property.

Mr. Alberty asked if her hardship is that in order to comply with the ordinance it would involve another septic system which is already in existence, and Ms. Robinson informed that is correct.

Case No. 1119 (continued)

Mr. Jones informed that a lot split has been filed on this tract and the Technical Advisory Committee has recommended approval. If the Board is inclined to approve this case, approval needs to be subject to the Planning Commission approval of the filed lot split.

Board Action:

On MOTION of LOONEY, the Board voted 5-0-0 (Alberly, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to APPROVE a Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; subject to TMAPC lot split approval; subject to Health Department approval; finding the applicant cannot meet the lot area requirement, due to the location of a lagoon system which would prohibit an extension of the property to the rear and at the same time meet the 200' frontage requirement; on the following described property:

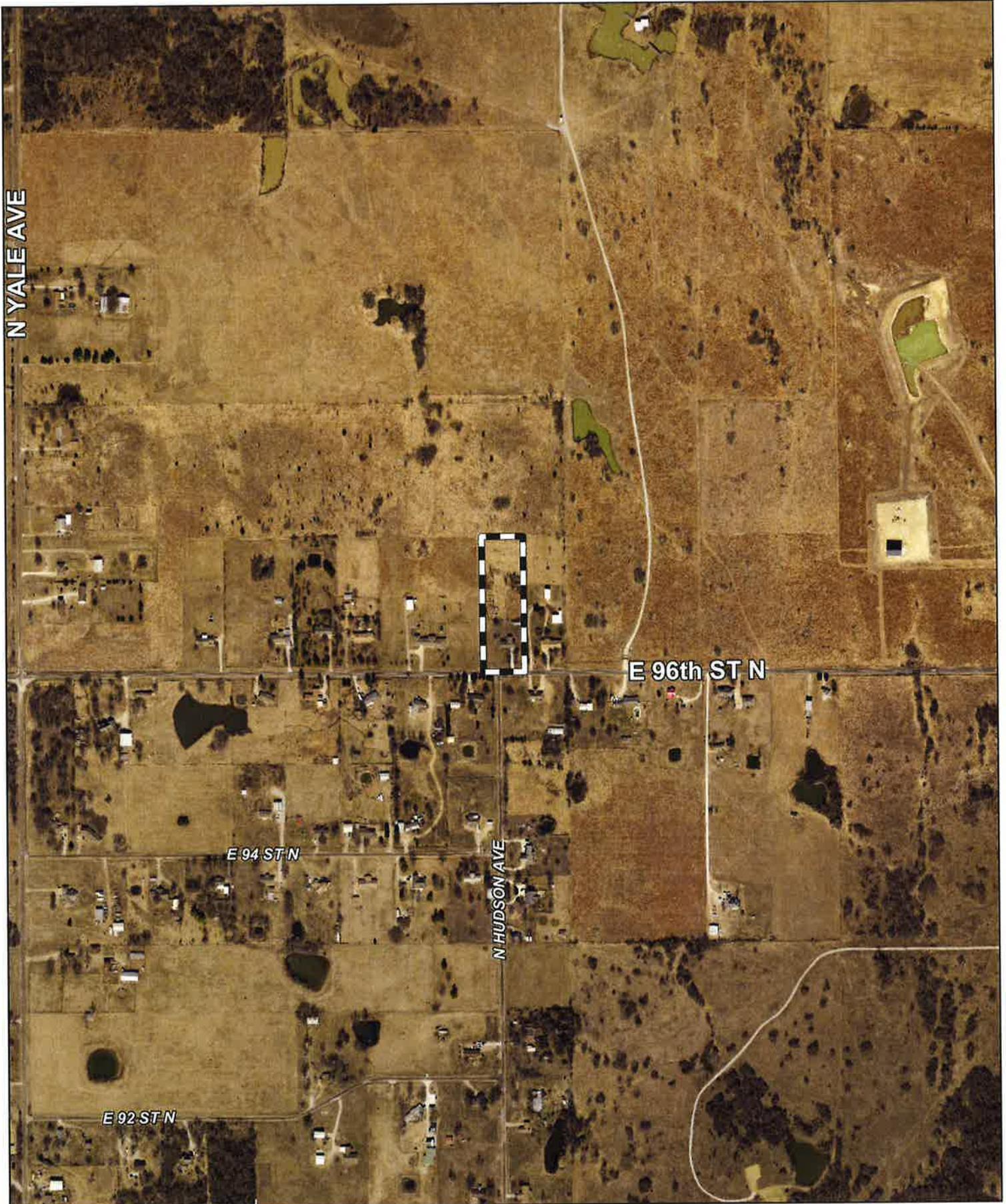
A tract of land containing a part of the W/2 of the NW/4 of the NE/4 of Section 22, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, being further described as follows: Commencing at the NW/c of said W/2 of NW/4 of NE/4, thence East, along the north line thereof, a distance of 200 feet to true point of beginning, thence south a distance of 272.25 feet, thence east a distance of 200.00 feet, thence north a distance of 272.25 feet to the north line of said W/2 of NW/4 of NE/4, thence west, along said north line, a distance of 200.00 feet to the point of beginning, containing 1.25 acres more or less.

Case No. 1120

Action Requested:

Variance of the required lot width from 200' to 150' - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variance of the required street frontage from 30' to 20' - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, located E. of the SE/c of 177 W. Ave. and Wekiwa.



N YALE AVE

E 96th ST N

E 94 ST N

N HUDSON AVE

E 92 ST N



Subject Tract

**CBOA-2871**

21-13 15

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

Aerial Photo Date: February 2018

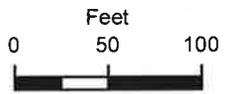


8.6



E 96th ST N

N HUDSON AVE



 Subject Tract

**CBOA-2871**

21-13 15

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

Aerial Photo Date: February 2018



8.7



*Looking north from E. 96<sup>th</sup> St. N. toward proposed site of 2nd dwelling unit*



*Looking north from the northeast corner of E. 96th St. N. & N. Hudson Ave.*



*Looking east from the northeast corner of E. 96th St. N. & N. Hudson Ave.*



*Looking west from the northeast corner of E. 96th St. N. & N. Hudson Ave.*

1513-SW

91315-13-15-56210

OKLAHOMA STATE DEPARTMENT OF HEALTH  
ENVIRONMENTAL HEALTH SERVICES  
OKLAHOMA CITY, OKLAHOMA 73152

91-210

- New Installation
- Existing Installation

- Serial or Case Number
- V.A.
  - F.H.A.
  - (Other) (V) X

*file*

INDIVIDUAL SEWAGE DISPOSAL SYSTEM  
INSPECTION REPORT

Name of Owner Dale Roden

Property Address Rt. 1 Box 620, Sperry, OK. 74073, Tulsa County, Oklahoma

Legal Description S. 660', W. 200', E. 400' SE 1/4 SW 1/4 Sec. 15-21-13

Finding Location 5603 E. 96<sup>th</sup> ST. N.  
(Blocks or miles from given point)

TYPE ESTABLISHMENT:  Living unit Bedrooms per unit 3  
 Other (Describe) Type \_\_\_\_\_ Estimated gallons of flow per day \_\_\_\_\_

SEPTIC TANK:  Precast  Poured in Place  12 Gauge Steel  Other \_\_\_\_\_

Location: Distance from well P.S. ft. Foundation 8 ft. Lot line 80 ft. Waterline 15<sup>+</sup> ft.

Design:  Circular Diameter \_\_\_\_\_ ft. Liquid depth \_\_\_\_\_ ft. Liquid capacity \_\_\_\_\_ gal.  
 Rectangular Length 217 ft. Width 442 ft. Liquid depth 425 ft. Capacity 1000 gal.  
Cover thickness 4 in.  Cover removable  Manhole

Baffles:  Vertical tee fittings  Slab type baffles  Concrete  Treated lumber  
 Outlet baffle acceptable depth below liquid level (12 inch minimum)

TILE ABSORPTION FIELD:  
Percolation Test Results: Number minutes 41 per one inch drop. Date 10-17-91  
Performed by Leonard Halbraith Title R.S. #44

Type soil:  Loam  Sandy loam  Clay  Sandy clay  Coarse sand or gravel  Hard pan  Rock  
 Distribution box  Retention Box  Tees, crosses and Ells

Absorption field distance from: Well P.S. ft. Foundation 20 ft. Lot Lines 31 ft. Waterline 20<sup>+</sup> ft.  
Number of absorption lines 4 Total length of Absorption Line 600'  
Trench width 24" Depth of Absorption Line from finished grade 12-15"  
Filter material:  Gravel (1/2 inch min.)  Broken stone (1/2 inch min.)  Other  
Depth filter material under tile 3 in. Depth over tile 3 in.

RESIDENTIAL LAGOON:  
Location: Property line \_\_\_\_\_ ft. Well \_\_\_\_\_ ft. Waterline \_\_\_\_\_ ft. Buildings \_\_\_\_\_ ft.  
Dikes: Top width \_\_\_\_\_ ft. Depth \_\_\_\_\_ ft. Slope: \_\_\_\_\_ ft. vertical \_\_\_\_\_ ft. horizontal  
Inside bottom dimensions \_\_\_\_\_ ft. by \_\_\_\_\_ ft. Approved fence \_\_\_\_\_  
Surface drainage excluded \_\_\_\_\_ Dikes sodded \_\_\_\_\_ Approved inlet \_\_\_\_\_  
Other secondary treatment \_\_\_\_\_ Describe \_\_\_\_\_

NOTE: Sketch layout of system on reverse side of this form. Installed by S.D. Henry (Mark)

REMARKS: Permit # 7263, Henry septic tank.

INSPECTION MADE BY:  
This on-site sewage disposal system has been constructed in compliance with the requirements of the State Board of Health.  
(has) (has not)

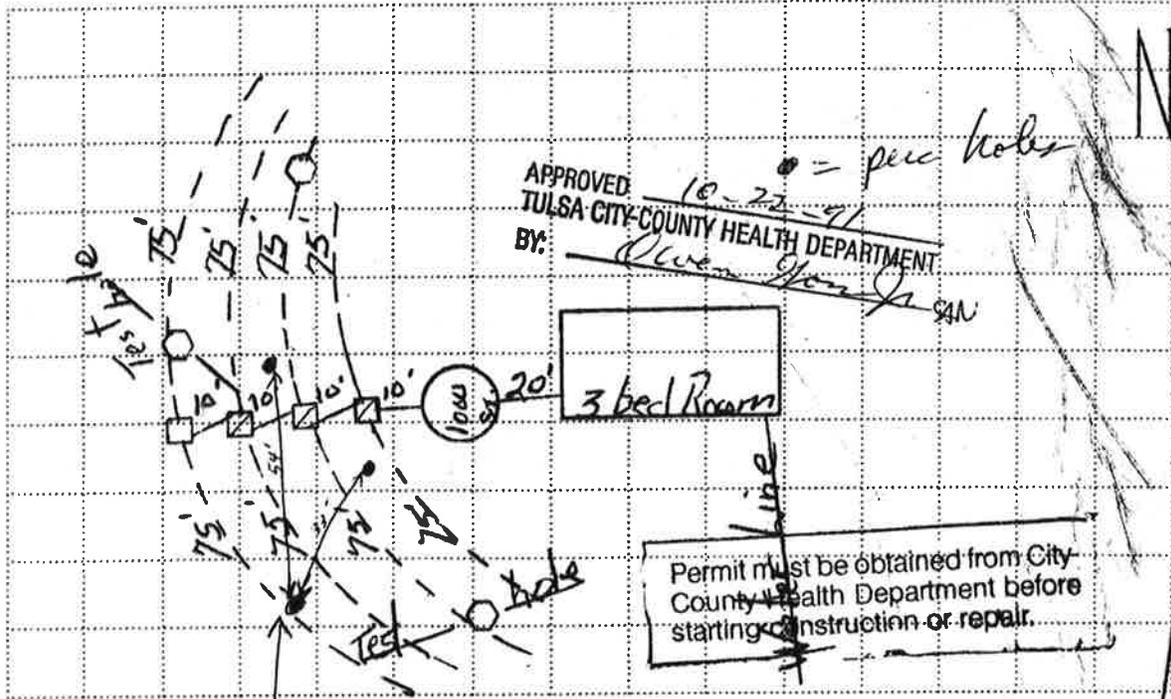
SIGNED: Dwain Ross Jr.  
TITLE OF OFFICIAL R.P.S. # 521

Date of Inspection 4-8 19 92

8.10

SKETCH LAYOUT OF LOT BELOW

SCALE: XX  
NOT TO SCALE: XX



THIS REPORT IS NOT THE FINAL INSPECTION  
DO NOT COVER SYSTEM UNTIL FINAL INSPECTION HAS BEEN MADE

Check list for lot plan:	Property Dimensions	Y	N	N/A	X	Structures	Y	N	N/A	X
	Streets	Y	N	N/A	X	Water Well/Lines	Y	N	N/A	X
	Sewage System Layout	Y	N	N/A	X	Bodies of Water	Y	N	N/A	X

Do distances between the proposed system and structures/water supplies on adjacent land comply with Bulletin 600 requirements  
Y X N

I have examined the above results of the percolation tests and other information developed in connection with this area. All construction shall be in accordance with ODH Bulletin No. 600 and/or ODH Bulletin No. 0587. It is my opinion that the tract described is

- Suitable for use of individual septic tank, liquid capacity of 1000 gallons with 600' feet of subsurface absorption system.
- Suitable for use of individual septic tank, liquid capacity of \_\_\_\_\_ gallons with a residential lagoon \_\_\_\_\_ feet by \_\_\_\_\_ feet at bottom dimensions.
- Unsuitable for use of individual sewage system.
- Unable to approve for certificate because form is incomplete. The following items need to be included before determination is possible.

Remarks: holes in this area have performed satisfactory with 600' of wk laterals.

Contractor expresses desire to install 600' even tho test indicate less.

Note: The design, construction and installation of each system shall be based upon specific conditions affecting each building lot. Lot plans showing layout of sewage system shall be reviewed and approved by the local health authority prior to start of construction.

To my knowledge the information presented on this document is true and accurate.

Signature Leonard L. Hallworth Title: Reg. No. Registered Sanitarian # 44  
Address 1214 N. Cherokee St. Claremore, Oklahoma 74017 Zip Code \_\_\_\_\_

8.11



## Property Search

### Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

### Quick Facts

<b>Account #</b>	R91315131561220
<b>Parcel #</b>	91315-13-15-61220
<b>Situs address</b>	5603 E 96 ST N SPERRY 74073
<b>Owner name</b>	WALKER, BILLIE
<b>Fair cash (market) value</b>	\$146,500
<b>Last year's taxes</b>	\$0
	Subdivision: UNPLATTED
<b>Legal description</b>	Legal: S660 W200 E400 SE SW SEC 15 21 13 3.03ACS
	Section: 15 Township: 21 Range: 13



### General Information

<b>Situs address</b>	5603 E 96 ST N SPERRY 74073
<b>Owner name</b>	WALKER, BILLIE
<b>Owner mailing address</b>	5603 E 96TH ST N SPERRY, OK 74073
<b>Land area</b>	3.03 acres / 132,000 sq ft
<b>Tax rate</b>	8B [SPERRY]
	Subdivision: UNPLATTED
<b>Legal description</b>	Legal: S660 W200 E400 SE SW SEC 15 21 13 3.03ACS
	Section: 15 Township: 21 Range: 13
<b>Zoning</b>	AGRICULTURE DISTRICT [AG]

### Tax Information

	2018	2019	2020
<b>Fair cash (market) value</b>	\$146,500	\$146,500	\$146,500
<b>Total taxable value (capped)</b>	\$146,500	\$146,500	\$146,500
<b>Assessment ratio</b>	11%	11%	11%
<b>Gross assessed value</b>	\$16,115	\$16,115	\$16,115
<b>Exemptions</b>	-\$16,115	-\$16,115	-\$16,115
<b>Net assessed value</b>	\$0	\$0	\$0
<b>Tax rate</b>	8B [SPERRY]		
<b>Tax rate mills</b>	112.26	112.25	111.57
<b>Estimated taxes</b>	\$0	\$0	\$0
<b>Most recent NOV</b>	November 23, 2008		

### Values

	2018	2019	2020
<b>Land value</b>	\$20,100	\$20,100	\$20,100
<b>Improvements value</b>	\$126,400	\$126,400	\$126,400
<b>Fair cash (market) value</b>	\$146,500	\$146,500	\$146,500

### Exemptions claimed

	2018	2019	2020
<b>Homestead</b>	✓	✓	✓
<b>Additional homestead</b>	-	-	-
<b>Senior Valuation Limitation</b>	-	-	-
<b>Veteran</b>	✓	✓	✓

### Tax detail (2020 millages)

	%	Mills	Dollars
<b>City-County Health</b>	2.3	2.58	\$0.00
<b>City-County Library</b>	4.8	5.32	\$0.00
<b>Tulsa Technology Center</b>	11.9	13.33	\$0.00
<b>Emergency Medical Service</b>	0.0	0.00	\$0.00
<b>Tulsa Community College</b>	6.5	7.21	\$0.00
<b>School Locally Voted</b>	23.8	26.58	\$0.00
<b>City Sinking</b>	0.0	0.00	\$0.00
<b>School County Wide Bldg</b>	4.6	5.15	\$0.00
<b>School County Wide ADA</b>	3.6	4.00	\$0.00
<b>School County Wide General</b>	32.3	36	
<b>County Government</b>	10.2	11.	

8.12

## Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Livable†	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Residential	Good	Average	1970	1,996 SF	1.0	Crawl Space	Frame Siding/ Brick/ Stone Veneer	Composition Shingle	2.0	Cool Air in Heat Ducts

## Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Nov 1, 2007	ORAND, THERESA	WALKER, BILLIE	\$146,500	Warranty Deed	2007127318
Jan 1, 2002			\$129,500	History	06678-00253

## Images

Photo/sketch  
(Click to enlarge)

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, METI, TomTom, 2012

[Click to view this area on the Google Maps web page in a new window](#)

John A. Wright — Tulsa County Assessor

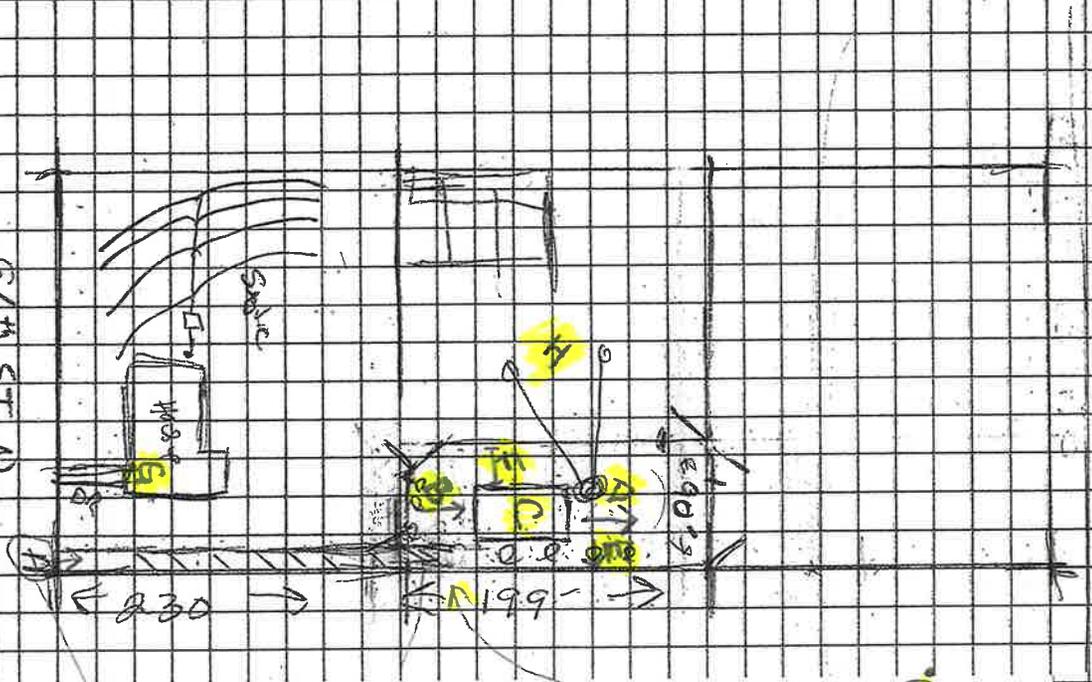
Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

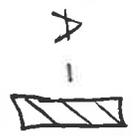
Office hours: 8:00–5:00 Monday–Friday (excluding holidays)



- A New driveway - 230'
- B. fence to Doublewide - 50'
- C. Double wide - 100' x 28'
- D. Double wide to fence 89'
- E. East fence to Doublewide 16'
- F. Double wide to W fence 48'
- G. House 2000 sqft
- H. Arabic sprinklers will be in field, west of Double wide



Trees -



gates -



1L8C-0000

