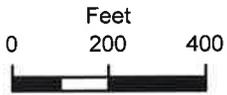


LEGEND

 Sand Springs Corporate Limits



CBOA-2799

19-11 21

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9121

CZM: 43

CASE NUMBER: CBOA-2799

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Ronald Dahl

ACTION REQUESTED: Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 3801 S 137 AV W

ZONED: AG

FENCELINE: Sand Springs

PRESENT USE: Vacant

TRACT SIZE: 2.6 acres

LEGAL DESCRIPTION: A tract of land being a part of the Southwest Quarter (SW/4) of Section Twenty-One (21), Township Nineteen (19) North, Range Eleven (11) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; said tract of land being described as follows: COMMENCING at the Southwest Corner of said SW/4; Thence North 01°03'31" West along the Westerly line of said SW/4 for 708.70 feet to the Northwest corner of Bowles Acres, a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Thence continuing North 01°03'31" West along said Westerly line for a field measured distance of 607.26 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4-SW/4) of said Section 21; Thence North 88°43'43" East along the Northerly line of said SW/4-SW/4 for 1800.00 feet to the County Road; Thence South 14°16'36" West along said County Road for 421.19 feet to the POINT OF BEGINNING of said tract of land; Thence South 88°40'42" West and parallel with the Southerly line of said SW/4 of Section 21 for 625.64 feet; Thence South 01°49'47" East for 200.01 feet to a point on the Northerly Line of said Bowles Acres subdivision; Thence North 88°40'42" East along said Northerly Line of Bowles Acres subdivision, said Southerly line being parallel with said Southerly line of said SW/4 of Section 21 for 568.03 feet to the Northeast Corner of said Bowles Acres subdivision and the County Road; Thence North 14°16'36" East along said County Road for 207.65 feet to the POINT OF BEGINNING of said tract of land LESS AND EXCEPT the Easterly 30.00 feet thereof reserved for Right-of-Way. Said tract of land contains 113,138 square feet or 2.597 acres, more or less AND E/2 LT 4 LESS S60 THEREOF.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-271 October 1982: The Board approved a *Variance* to locate two mobile homes and one house on a 20-acre tract, on property located north and west of 41st Street and 137th West Avenue (part of the subject property before the lot split).

Related to Subject Property:

CBOA-1691 November 1999: The Board approved a *Special Exception* to allow a min-storage in a CS district and a *Variance* to waive the all-weather surface until warm weather, subject to a building permit and all Code requirements met, subject to the all-weather surface being provided no later than June 30, 2000, located west of the northwest corner of W. 41st St. and S. 137th W. Ave. (The applicant will use this location as the entrance for the storage of boats and recreational vehicles on the subject property.)

Surrounding Property:

CBOA-2290 March 2008: The Board approved a *Special Exception* to permit a church use (Use Unit 5) in an AG district, on property located at 4008 South 137th Avenue West.

CBOA-897 June 1989: The Board denied a *Use Variance* to allow for an automobile transmission repair business in an AG zoned district, on property located at 14113 West 41st Street.

2.2

ANALYSIS OF SURROUNDING AREA:

The subject tract abuts AG zoned properties in all directions; in addition to AG, the subject property abuts CS zoning on the south. The CS zoned property is owned by the applicant and the mini-storage use is related to the present request, CBOA-2799. Additional surrounding uses include a church and single-family homes on large acreages.

STAFF COMMENTS:

The applicant is before the Board requesting a *Use Variance* to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a *Variance* from the all-weather parking surface requirement (Section 1340.D).

The applicant submitted the following statement: "Due to watershed, ground absorption is needed to prevent further pooling of water and run-off onto the adjacent property used for livestock."

According to the submitted survey, the applicant is proposing to use the subject property to store boats and recreational vehicles. This use is in connection with the mini-storage business located south of the subject tract. The storage area will be approximately 420' x 180' and will contain 65 storage pads. The storage area will be secured with fencing. Access will be from West 41st Street South and through the mini-storage business.

Since the storage pads will **not** be on an all-weather parking surface, the applicant is seeking a variance of the requirement of an all-weather parking surface. The Code requires all parking areas be paved with an all-weather material to maintain a minimum level of aesthetics, and to control air-borne particulates like dust.

The subject property was recently split from the parent tract, a 20-acre parcel. The applicant may be required to combine the subject tract with the CS zoned property, which is the location of the mini storage business.

A Use Variance is required as storage and warehousing (Use Unit 23) is not a use permitted in the AG district due to potential adverse effects.

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

SAMPLE MOTION:

"Move to _____ (approve/deny) a Use Variance to allow Outdoor Storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D).

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

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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

Case No. 270 (continued)

Mrs. Bullard, Donna Leverette's mother, was present stating that she did not receive notice of the hearing and lives close to the subject property. She stated that if the application is approved, that it will decrease property values and would set a precedent.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units per lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS District; provided the mobile home is used for the applicant's use only and not for rental purposes, subject to the Tulsa City-County Health Department's approval, and subject to the issuance of a building permit, on the following described property:

Lot 3, Block 2, Hilltop Addition, Tulsa County, Oklahoma.

Case No. 271

Action Requested:

Variance - Section 208 - One Single-Family Residence Per Lot of Record - Request to locate two mobile homes and 1 house on a 20-acre tract. This property is located north and west of 41st Street and 137th West Avenue.

Presentation:

Mrs. A. B. Sartors, P. O. Box 33, Sand Springs, Oklahoma, 74063, was present requesting permission to locate three dwellings on the subject property. Mr. and Mrs. Sartors reside in a house and one of their daughters reside in the mobile home on the subject tract. The applicant is requesting permission to locate another mobile home on the tract for another daughter to reside in because of financial reasons. The two daughters will also be able to care for their elderly parents by being permitted to reside on the same lot.

Protestants: None.

Board Comments:

Mr. Martin asked if there are other mobile homes in the area and Mrs. Sartors advised that there are about 6 mobile homes in the surrounding area.

The Board inquired about the septic system and Mrs. Sartors advised that a lagoon system would be put on the subject tract for the three dwellings.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Residence Per Lot of Record) to locate two mobile homes and one house on a 20-acre tract, subject to a lagoon system being put in and subject to the issuance of a building permit, on the following described property:

A tract of land beginning 708.7 feet North of the Southwest Corner of Section 21, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North 608.8', East

10 15 02.26(15)

Case No. 271 (continued)

1,800', Southwest 630.8'; thence West to the point of beginning, Tulsa County, Oklahoma.

Case No. 272

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate mobile homes in an RS District. This property is located at 11116 and 11132 East 139th Street North.

Presentation:

Mr. Walker read a letter from the Collinsville Board of Adjustment recommending approval of the application (Exhibit "D-1").

Neil Young, 301 South 22nd Street, was present stating that the subject property consists of three lots. There is a house on one lot and a mobile home on each of the other two lots. One of the mobile homes is vacant and the other is occupied at this time. The smallest lot in question is 22,620 square feet in size. There are presently 32 mobile homes in the Morrow Heights and Industrial Heights Additions. He requested that a time limit not be imposed because the mobile homes have been financed for 8 years and 14 years.

Protestants:

Ron Cates, 111 West 5th Street, was present representing Don Little, one of the property owners in the subject area, stating that he was concerned about the precedent that has presently been set in the area. He stated that this is a single-family area and if mobile homes are permitted, they should be located in mobile home parks.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate mobile homes in an RS District, on the following described property:

The West 132' of Block 15, and the North 145' of the East 156' of Block 15, Morrow Heights Addition, Tulsa County, Oklahoma.

Case No. 273

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow one mobile home and one single-family dwelling on one lot of record. This property is located at 10421 South 177th East Avenue.

Presentation:

Mr. Walker submitted a letter from the Broken Arrow Board of Adjustment requesting that the case be continued (Exhibit "E-1"). The applicant requested that the case be heard at this time.

Mrs. D. W. Kellams, 10421 South 177th East Avenue, was present requesting permission to allow a single-family dwelling and a mobile home on the 10-acre subject tract. Mr. and Mrs. Kellams reside in the house and their daughter and her husband will reside in the mobile home.

INTERESTED PARTIES COMMENTS:

Martha Cobb, stated that she owns the subject property with her sister. She explained that she wanted to do something to help the north side of Tulsa. She commented that the Victory Christian Center does good work and the family decided to donate the subject property to the center.

Billie Joe Dougherty, Pastor of Christian Victory Center, Inc., stated that the center would like to build out the entire plan quickly. He indicated that the residents in the subject area are in support of the proposal.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Walker aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** a Special Exception to allow a (Use Unit 5) community center/church in the AG district including children's nursery; chapel; counseling center; community center (recreation space, food & clothing distribution & nurse station), per site plan as presented, finding 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, on the following described property:

A part of NE/4 of Section 14, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the N boundary line of said Section 14, 810.00' W of the NE/c thereof, and 40.00' N of the NW/c of the Valley View Acres Addition, an addition in the City of Tulsa, thence S 0°12'00" W along the W boundary line of said Valley View Acres Addition a distance of 660.00'; thence due W a distance of 720.00'; thence N 0°12'00" E a distance of 660.00' to the N boundary line of said NE/4; thence due E along the N boundary of said NE/4 a distance of 720.00' to the point of beginning.

Case No. 1691

Action Requested:

Special Exception to allow a mini-storage in a CS district and a Variance to waive the all-weather surface until warm weather, located west of northwest corner West 41st Street & South 137th West Avenue.

Staff Comments:

Mr. Bruce stated that the subject parcel is approximately 5 acres in size (307' x 709') and is located west of the intersection of South 137th Avenue West and West 41st Street South. The parcel is recently zoned CS with AG zoning surrounding it. Residences are evident to the east and west with 41st St to the south and large lot residential uses beyond. The area to the north appears to be primarily vacant.

Mr. Bruce stated that the site plan indicates that the existing residence will remain, that several buildings will be removed, and that the storage facilities will be located to the northern portion of the site. The plan also indicates that the wall of the storage structures will be utilized as screening along the western boundary and along a significant portion of the northern boundary.

Comments and Questions:

Mr. Walker stated that he has known the applicant for several years.

Presentation:

Keith R. Schultz, 1411 West 41st Street, Tulsa, Oklahoma, submitted a site plan (Exhibit D-1) and stated that the subject property was recently rezoned CS. He indicated that he talked with the neighbors regarding the screening and the neighbors stated that there is no need for a fence.

Staff indicated that the Code did not require screening against the AG district.

Comments and Questions:

In response to Mr. Walker, Mr. Schultz stated that the subject area is planned to be commercial and the City of Sand Springs was in support of the subject property being zoned CS. Mr. Schultz indicated that there were no protestants during the rezoning hearing.

Mr. Looney asked the applicant how large the mini-storage would be. In response, Mr. Schultz stated that there will be between 80 to 100 units. Mr. Schultz stated that the largest unit would be 12' x 26' with a 10' door for boat storage and a 10' x 10' would be the smallest unit.

Mr. Schultz indicated that he will always live on the subject property as long as he owns it.

Mr. Alberty asked the applicant if the County Building Inspector has reviewed his plans. In response, Mr. Schultz answered negatively.

Mr. Schultz asked if he could build up to the property line on commercial property. In response, Mr. Stump answered affirmatively, providing that there are no easements or utility lines in the way.

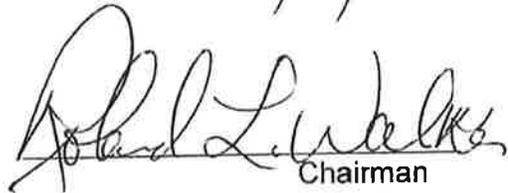
Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Dillard, Looney, Walker aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** a Special Exception to allow a mini-storage in a CS district and a Variance to waive the all-weather surface until warm weather, subject to a building permit and all Code requirements met, subject to the all-weather surface being provided no later than June 30, 2000, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and finding that the granted request will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Lot 4, Bowles Acres in the S/2 of the SW/4 of Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point 921.6' E of the SW/c of Section 21, T-19-N, R-11-E; thence N 708.7'; thence E 307.2'; thence S 708.7'; thence W 307.2' to the point of beginning.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date approved: 12/21/99


Chairman

Mr. Dillard noted in the Findings, it was indicated they would request a vote by roll call. The Recording Secretary called the roll and recorded the votes as follows:

1 Roland Walker, "aye";

2 John Tyndall, "aye";

3 Gene Dillard, "aye";

4 Dana Hutson, "aye";

and

5 David Chamey, Chair, was absent, **APPROVED** by a 4-0-0 vote, on the following described property:

Beg. at the SW/c NW/4 NW/4 of Section 16, T-17-N, R-14-E, and extending E 1,320.00', thence S a distance of 1,312.00' thence W a distance of 240.00' extending N 1° E of true N a distance of 1,122.00', extending W a distance of 1,105.00', thence N a distance of 190.00' to the POB; AND Beg. at a point 1,085.00' E of the SW/c NW/4 of Section 16, T-17-N, R-14-E, thence 33.00' S along a line running 1° W of true S, extending W on a line 1° N of W a distance of 550.00' thence due S 1,290.00' thence E a distance of 1,845.00' to a point in the Arkansas River, then extending northward 1,300.00' along a line 30° E of north to a point in the Arkansas River, then extending northward 190.00' along a line 20° E of N to a point in the Arkansas River, thence 2,000.00' W to the POB; AND Beg. at a point 970.00' E of the SW/c of Section 16, T-17-N, R-14-E, thence E a distance of 1,110.00' to a point in the Arkansas River, then extending northward 1,350.00' along a line 13° E of N to a point in the Arkansas River, thence W a distance of 1,045.00' to a point on the W bank of the Arkansas River, then S a distance of 1,368.00' along a line running 15° W of S to the POB, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 2290

Action Requested:

Special Exception to permit church use (Use Unit 5) in an AG district (Section 301), located: 4008 South 137th Avenue West.

FILE COPY

Presentation:

Wallace Wozencraft, 1619 South Boston, Tulsa, Oklahoma, stated they are developing a one story church with about 7,600 square feet. The sanctuary seating is for about 200 people. They plan to have a family life center, classrooms, and administrative offices. There will be ample parking to meet the zoning code. There will be a detention pond. The property is zoned AG.

CBOA 2290
cont.

Comments and Questions:

Mr. Hutson asked the size of the sanctuary. He responded 58' x 90' includes the baptistery, choir room, dressing room, and two small classrooms. Mr. Wozencraft also informed the Board that the neighbors have shown support.

Interested Parties:

There were no interested parties who wished to speak.

FILE COPY

Board Action:

On **Motion of Walker**, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** a Special Exception to permit church use (Use Unit 5) in an AG district (Section 301), finding it 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, on the following described property:

S/2 LT 5, BOWLES' ACRES; Tulsa County, State of Oklahoma

Case No. 2291

Action Requested:

Variance of the minimum required land area per dwelling unit from 2.1 acres to 2 acres (Section 330) to permit a lot split in the AG district, located: 14301 East 136th Street North.

Presentation:

Mike Marrara, 2001 South 114th East Avenue, Tulsa, Oklahoma, stated they needed the variance to obtain a lot-split. They proposed to have two dwellings on the property and were just short of the required 2.1 acres. He stated the size, and configuration of the property, plus a creek runs across the front, all of which are the hardship.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** a Variance of the minimum required land area per dwelling unit from 2.1 acres to 2 acres (Section 330) to permit a lot split in the AG district, finding the size of the tract is one tenth of an acre too small, being a minor difference of the requirement, on the following described property:

W346 E838.1 S516.6 SE SE LESS S16.5 THEREOF FOR RD SEC 28 22 14
Tulsa County, State of Oklahoma

Case No. 896 (continued)

Board Action:

On MOTION of ELLER, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1200) to allow for a mobile home in an RS zoned district; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two dwellings on one lot of record; subject to the mobile being skirted and tied down; and subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes in the immediate area, and the installation of the mobile will not be injurious to the neighborhood; on the following described property:

The East 50' of Lot 8, Block 7, Twin Cities Addition, Tulsa County, Oklahoma.

Case No. 897

Action Requested:

Use variance - Section 310 Principal Uses Permitted In Agriculture Districts - Use Unit 1217 - Request a use variance to allow for an automobile transmission repair business in an AG zoned district, located 14113 West 41st Street.

Comments and Questions:

Mr. Jones stated that Staff has received a letter (Exhibit C-1) from Sand Springs recommending denial of the application.

Presentation:

The applicant, Shirley McCollough, Route 2, Sand Springs, Oklahoma, stated that there was a complaint concerning the salvage cars on the back portion of her acreage. She pointed out that the property is zoned for agriculture; however, there is a meat processing business two doors away and a tree service business one-half mile to the west. It was noted by the applicant that the garage is detached from her house and one side is rented to the repair business, which constitutes approximately one-half of her income. She stated that the structure is located approximately 250' from 41st Street, and that she has discussed the business with the neighbor to the east, who is supportive of the repair business.

Comments and Questions:

Mr. Looney inquired as to the days and hours of operation, and Ms. McCollough stated that the business is customarily open from 8:00 a.m. to 5:00 p.m., Monday through Friday, but occasionally some work is done after those hours.

Mr. Looney asked if there is any outside work or storage of automobile parts, and she replied that all work is completed inside. She stated that the operator of the business does not have outside storage, and that the salvage cars belong to her son.

Case No. 897 (continued)

In response to Mr. Looney, the applicant stated that the business has been in operation for approximately two years. Ms. McCollough informed that she is before the Board because there was a protest filed concerning the junk cars, which were not illegal when she moved to the property. Mr. Looney asked if the property could be screened, and the applicant replied that screening would be difficult, because of the shared driveway.

Ms. McCollough stated that the property will probably be zoned commercial in the near future, and Mr. Jones pointed out that the property is designated as low intensity residential by the Sand Springs Comprehensive Plan, and a request for zoning that would allow the business in question would not be in conformance with that plan.

Board Action:

On **MOTION** of ALBERTY, the Board voted 3-0-0 (Alberty, Eller, Looney, "aye"; no "nays"; no "abstentions"; Walker, Tyndall, "absent") to **DENY** a Use variance (Section 310 Principal Uses Permitted in Agriculture Districts - Use Unit 1217) to allow for an automobile transmission repair business in an AG zoned district; finding that the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2 of Lot 4, less the south 50', Bowles Acres Addition, Tulsa County, Oklahoma.

Case No. 898

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage on a public street from 30' to 0' to allow for an existing lot, located 19510 West 12th Street.

Comments and Questions:

A letter (Exhibit D-1) from the City of Sand Springs recommending approval of the application was presented to the Board by Mr. Jones. He also noted that a portion of the property is located in a flood area.

Mr. Fields stated that he has had contact with the Corps of Engineers and the lot in question has been removed from the flood area.

Presentation:

The applicant, Betty R. Joyce, 5460 South 101st East Avenue, Tulsa, Oklahoma, stated that she acquired the subject property approximately five years ago, and is currently making plans to build a home. She explained that an easement to Wekiwa Road has been acquired, and the road is used by several property owners. She informed that she has been before the Sand Springs Board of Adjustment and requested approval of the variance request.



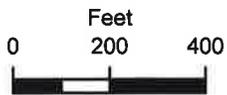
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S 137th W AVE

W 41st ST S

W 42 PL S

W 43 PL S



Subject Tract

CBOA-2799

19-11 21

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

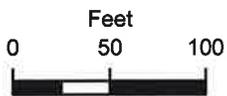
Aerial Photo Date: February 2018

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S 137th W AVE



Subject Tract

CBOA-2799

19-11 21

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

Aerial Photo Date: February 2018

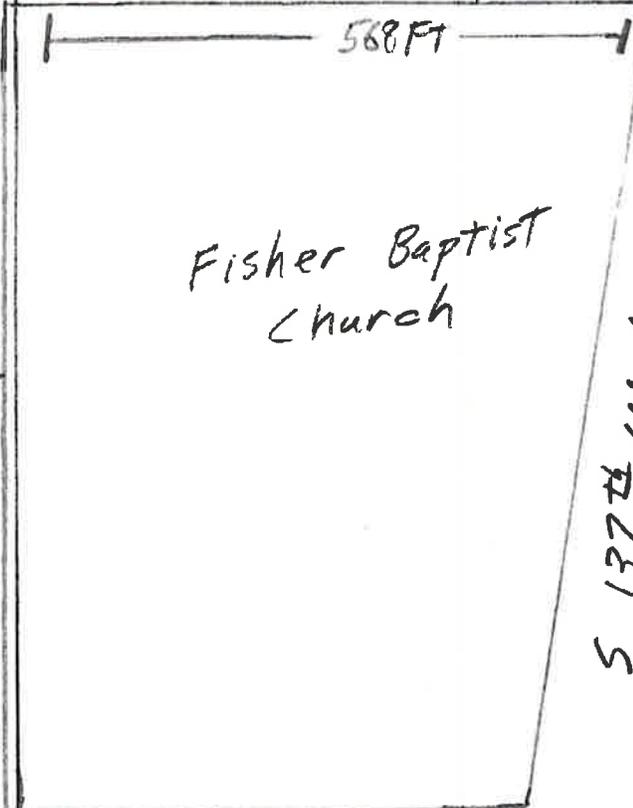
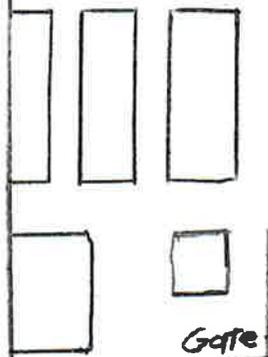
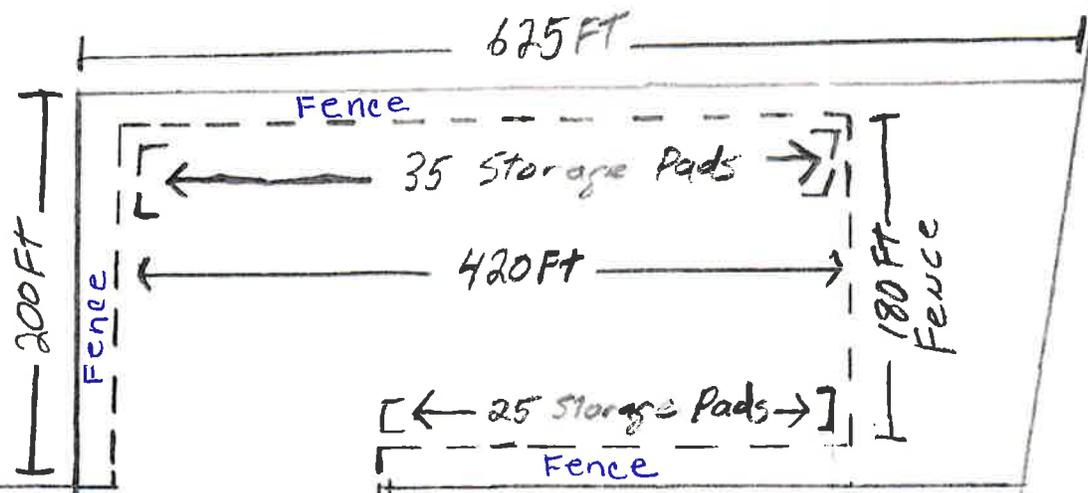
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Looking north into the Mini-Storage site from W. 41st St. S.

This driveway would provide access to the proposed storage of boats and recreational vehicles.



W 41st Street

CB0A-2799

2.17

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