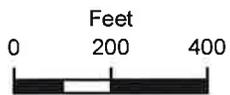


SUBJECT TRACT

LEGEND

- Owasso Corporate Limits
- Tulsa Corporate Limits



CBOA-2846

5.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1432

CASE NUMBER: CBOA-2846

CZM: 18

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: DSK Investments, LLC

ACTION REQUESTED: Use Variance to allow Outdoor Storage (Use Unit 23 - Warehousing and Wholesaling) in an RE District (Section 1223); and a Use variance to allow for an office use (Use unit 11 - Offices and Studios) to permit an office in an RE district (Section 1211).

LOCATION: 11505 E 68 ST N

ZONED: RE

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 1.16 acres

LEGAL DESCRIPTION: LT 6, JONESVILLE, OWASSO FENCE RESUB S/2 L2 & ALL L3-5 B1 JONESVILLE

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1471 December 1996: The Board approved a *Variance* of the required rear yard from 25' to 3' and the side yard from 15' to 3' to permit a detached accessory building; and a *Variance* of the maximum 750 SF for a detached accessory building to 2700 SF, on property located at 11617 East 68th Street North.

CBOA-1235 March 1994: The Board approved a *Variance* to permit two dwelling units per lot of record; and a *Variance* of the lot area and land area per dwelling unit, on property located at 715 East 131st Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts IL zoning with industrial type uses to the west and south. It abuts RE zoning with residential uses to the north and east.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to allow Outdoor Storage (Use Unit 23 - Warehousing and Wholesaling) in an RE District (Section 1223); and a Use variance to allow for an office use (Use unit 11 - Offices and Studios) to permit an office in an RE district (Section 1211).

The applicant supplied the following statement: "We are looking to use the back yard for fence storage and the house for office space. We will not be changing anything structural or make any permanent changes to the property. We want to stay in compliance with all safety and be courteous to all surrounding neighbors."

5.2

According to the submitted survey, the applicant is proposing to use the existing residence for office spaces and use the back of the property for outdoor storage.

A Use Variance is required as outdoor storage (Use Unit 23 – Storage, Not Elsewhere Classified) is not a use permitted in the RE district due to potential adverse effects. The subject property is abutted on the north and east by a single-family residential district. If approved, the applicant will be required to provide a screening wall or fence along the lot lines in common with the R district (1223.3 Use Conditions).

A Use Variance is required as an office use (Use Unit 11) is not permitted in a RE zoning district due to potential adverse effect.

The subject property is located within the fenceline of Owasso. The Tulsa County Comprehensive Land Use Plan (adopted July 2019) and the Owasso Comprehensive Plan (adopted in 2014 and amended in 2016 and 2018) designates the land use as Residential. This designation is meant to serve as a guide for planners and related decision-making bodies. It is possible that designated future land uses would remain viable over time or due to changes in the surrounding area, alternative land uses could prove more practical to the location.

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 (Use Unit 23 – Warehousing and Wholesaling) in an RE District (Section 1223); and a Use variance to allow for an office use (Use unit 11 – Offices and Studios) to permit an office in an RE district (Section 1211).

Finding the hardship to be _____.

Subject to the following conditions (if any): _____.

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. 1470 (continued)

Mr. Bricksey stated that the road is an undesignated road and it was not left to anyone when the property was platted. He further stated that the road has been under fence by the owner's of this property ever since it was platted. Mr. Bricksey explained that he has looked in the County records and it is not designated nor is it owned by the County. He indicated the road has been maintained by the owners of the property.

Mr. Alberty stated that Mr. Horner indicated he would not be building on the south 25' of the subject property so the issue of how the road is designated is mute.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit the aggregate of detached accessory buildings to exceed the maximum of 750 SF to permit a new building of 1200 SF for a total of 1520 SF. **SECTION 240.2.E. YARDS - Use Unit 6**; subject that the accessory building be used to house his automobiles as depicted in his presentation; subject to there being no commercial activity on this property; finding that the area is a mixture of CS, IL & RS districts and the property could be zoned IL based on the existing patterns, but the owner desires to maintain the property as RS district; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 12, Delaware Gardens, Tulsa County, Oklahoma.

Case No. 1471

Action Requested:

Variance of the required rear yard from 25' to 3' & side yard from 15' to 3' to permit a detached accessory building. **SECTION 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** and a Variance of the maximum 750 SF for a detached accessory building to 2700 SF. **SECTION 240.2.E. YARDS - Use Unit 6**, located 11617 E. 68th St. North.

Presentation:

The applicant, **Wayne E. Smothers**, 11617 East 68th Street North, submitted an application for a building permit (Exhibit D-1) and stated he would like to build a building to store his cars that he is rebuilding. He currently has 10 cars and needs this building to store them inside. Mr. Smothers stated he will be putting a fence around the back of the property.

Case No. 1471 (continued)

Comments and Questions:

Mr. Walker asked the applicant if he worked at a regular job other than rebuilding cars? He stated he works for a transmission shop.

Mr. Looney asked the applicant how many cars he would like to store? He stated he would store approximately 10 cars.

Mr. Looney asked the applicant if he planned on working on the cars in the proposed building? He stated he would work on his cars only, nothing commercial.

Mr. Alberty asked the applicant what type of material his building would be? He stated it will be a steel frame building the same color as his home (brown with white trim). He further stated the building will be 10' tall.

Mr. Walker stated that there is more square footage proposed than is necessary to store 10 cars and asked the applicant his intentions of such a large building? He stated he wanted to get the building approved for that size, but he may build smaller, it will depend on how much the Bank will loan him. He further stated that with a building that large he could store all of his parts as well as his cars.

Mr. Alberty asked the applicant if he discussed his proposal with his neighbors? He stated the neighbors are not against this application.

Mr. Alberty stated the area is zoned residential, however it is rural in nature. He further stated the applicant has one of the nicest houses on the block. The property owner to the west has a lot of outside storage, which almost appears to be a salvage operation.

Mr. Looney stated that because of the placement of the septic system and the pond, it creates a hardship in the rear yard and side yard.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 3' & side yard from 15' to 3' to permit a detached accessory building. **SECTION 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** and a **Variance** of the maximum 750 SF for a detached accessory building to 2700 SF. **SECTION 240.2.E. YARDS** - Use Unit 6; subject to there being no outside storage on the property; subject to there being no commercial activity within the property; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

12:17:96:199(8)

Case No. 1471 (continued)

W/2, of a tract of land in the S/2, SE/4, NW/4, SW/4, Sec. 32, T-21-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit: Beg. at the SE/c of said S/2, SE/4, NW/4, SW/4; thence N for 330.17'; thence W for 330.30'; thence S 330.17' to the S line of said SE/4, NW/4, SW/4; thence E 330.26' to the POB.

Mr. Alberty announced he will be abstaining from Case No. 1472.

Case No. 1472

Action Requested:

Special Exception to permit an existing residential and out-patient substance abuse treatment center, transitional living center & halfway house permanently and approval of conceptual master plan. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located NE/c 61st Street North & North Cincinnati.

Presentation:

The applicant, **N. Kay Bridger-Riley**, 8908 South Yale, Suite 230, submitted a site plan (Exhibit E-1), report with statistics (Exhibit E-2), and a letter of support (Exhibit E-4). Ms. Bridger-Riley stated she represents Freedom Ranch, which is a halfway house. She indicated that the center has done what was asked by the Board two years ago and now requests permanent zoning. Ms. Bridger-Riley explained that the Board instructed Freedom Ranch not to expand the building and it has not been expanded, but has been renovated. The following represents the criteria followed as set out by the Board: Security personnel in each cottage at night; highest resident population 122 and average 100; changed focus of program toward women clients. Ms. Bridger-Riley detailed that \$213,523.00 has been invested in the subject property and there are still improvements that need to be made. She indicated that \$170,800.00 improvements is currently underway. Ms. Bridger-Riley stated that this will bring the total investment to \$759,333.00 in the Turley Freedom Ranch. She commented that the Freedom Ranch has integrated well within the community and 70% of the staff are from North Tulsa. Seventy percent of the residents have family in the North Tulsa area. Ms. Bridger-Riley stated the staff to resident ratio is 1 staff person to every 3.4 residents. She further stated that Freedom Ranch is a non-profit Christian program, which specializes in drug and alcohol treatment. The Turley Freedom Ranch is for residents who are about to be returned to the community. The resident must qualify to be eligible for Freedom Ranch and must reach Community Security Status before coming to Freedom Ranch. Ms. Bridger-Riley detailed the various organizations that regulate Freedom Ranch: Department of Mental Health "DMH", Department of Corrections "DOC", American Correctional Association "ACA". She requested that the Board consider using the ACA, DOC and DMH regulations

Case No. 1234 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller "absent") to **APPROVE** a **Variance** to permit two dwelling units per lot of record, and a **variance** of the lot area and land area per dwelling unit - **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** and **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to a building permit and Health Department approval; finding a hardship demonstrated by the proximity of the subject property to an industrial use and the fact that there are numerous mobile homes in the area; on the following described property:

West 105' of Lot 8, Jonesville, a subdivision of Tulsa County, Oklahoma.

Case No. 1235

Action Requested:

Use Variance to permit office and storage of equipment in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 14, located 715 East 131st Street South.

Presentation:

The applicant, **Bob Farrell**, 611 East 146th Street, Glenpool, Oklahoma, stated that he is proposing to purchase the subject property for use as an office and storage. He informed that a landscaping business previously operated at this location. A petition of support (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

Comments and Questions:

In response to Mr. Walker, the applicant stated that he operates an electrical contracting business, and the major portion of his business consists of wiring new homes in the area.

Mr. Walker asked if poles and equipment are stored outside, and the applicant stated that he can store all equipment and material inside the building.

In reply to Mr. Walker, Mr. Farrell informed that he owns a trenching machine, which is stored inside. He stated that vehicles will also be parked inside the existing building.

Mr. Gardner advised that, if inclined to approve the use, specific conditions should be imposed concerning the outside storage of materials and equipment.

Mr. Tyndall stated that he is familiar with the property and the use is appropriate for the area. He noted that the building is existing and stated that he is supportive of the application, as presented.

Mr. Alberty remarked that he considers the contracting business to be a more intense use than the landscaping business that previously occupied the property.

Mr. Gardner stated that, based on the fact that a business has been operating on the property and the neighborhood is supportive of the operation, the use could be made compatible with proper conditions.

Case No. 1235 (continued)

Mr. Walker stated that he would not be supportive of the application if any materials are stored outside.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 2-2-0 (Looney, Tyndall, "aye"; Alberty, Walker, "nay"; no "abstentions"; Eller "absent") to **APPROVE** a **Use Variance** to permit office and storage of equipment in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 14; subject to no outside storage of materials, trailers or vehicles; subject to signage being limited to one 4' by 6' wall sign, with no lighting; subject to no expansion of the existing structure; and subject to no more than two tractor trailers temporarily on site for delivering supplies to the business.

The application was denied due to the lack of three affirmative votes.

A part of the SW/4, SE/4, Section 1, T-17-N, R-12-E of the IBM, being more particularly described as follows: Beginning at the SE/c of said SW/4, SE/4 of said Section 1; thence S89°45'27"W a distance of 330.18'; thence N0°00'29"W a distance of 1324.56'; thence N89°44'51"E a distance of 330.24'; thence S0°00'29"E a distance of 1324.61' to the POB, Tulsa County, Oklahoma.

Case No. 1236

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 6, located NE/c of 8th Road and Valley Drive, Sand Springs, Oklahoma.

Presentation:

The applicant, **Shirley Treat**, 1607 South 167th West Avenue, Sand Springs, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that the tract in question contains two existing dwellings. She explained that a lot split is being acquired in order to sell a portion of the land to the church that is located on abutting property.

Comments and Questions:

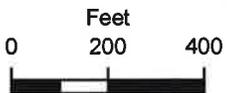
Ms. Russell informed that the applicant has applied for a lot split in Sand Springs and can comply with all requirements except for two dwellings units on one lot of record.

Mr. Walker stated that he is familiar with the area and finds the request to be reasonable.

Mr. Alberty remarked that only lot lines will be rearranged, and there will be no physical changes on the property.

Protestants:

None.



Subject
Tract

CBOA-2846

21-14 32

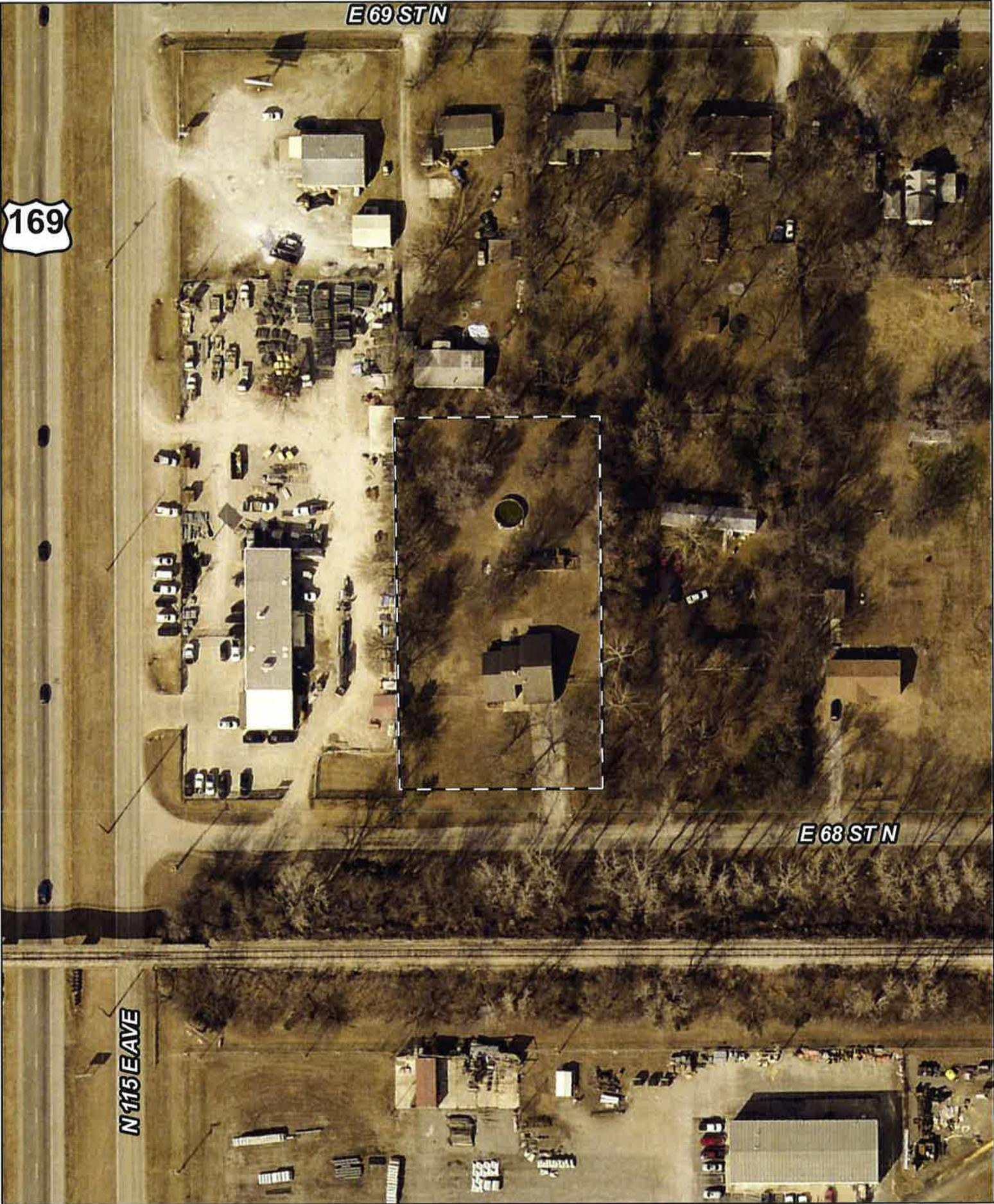
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 5.9



E69 STN

169



E 68 STN

N 115 E AVE



Subject Tract

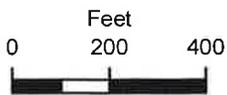
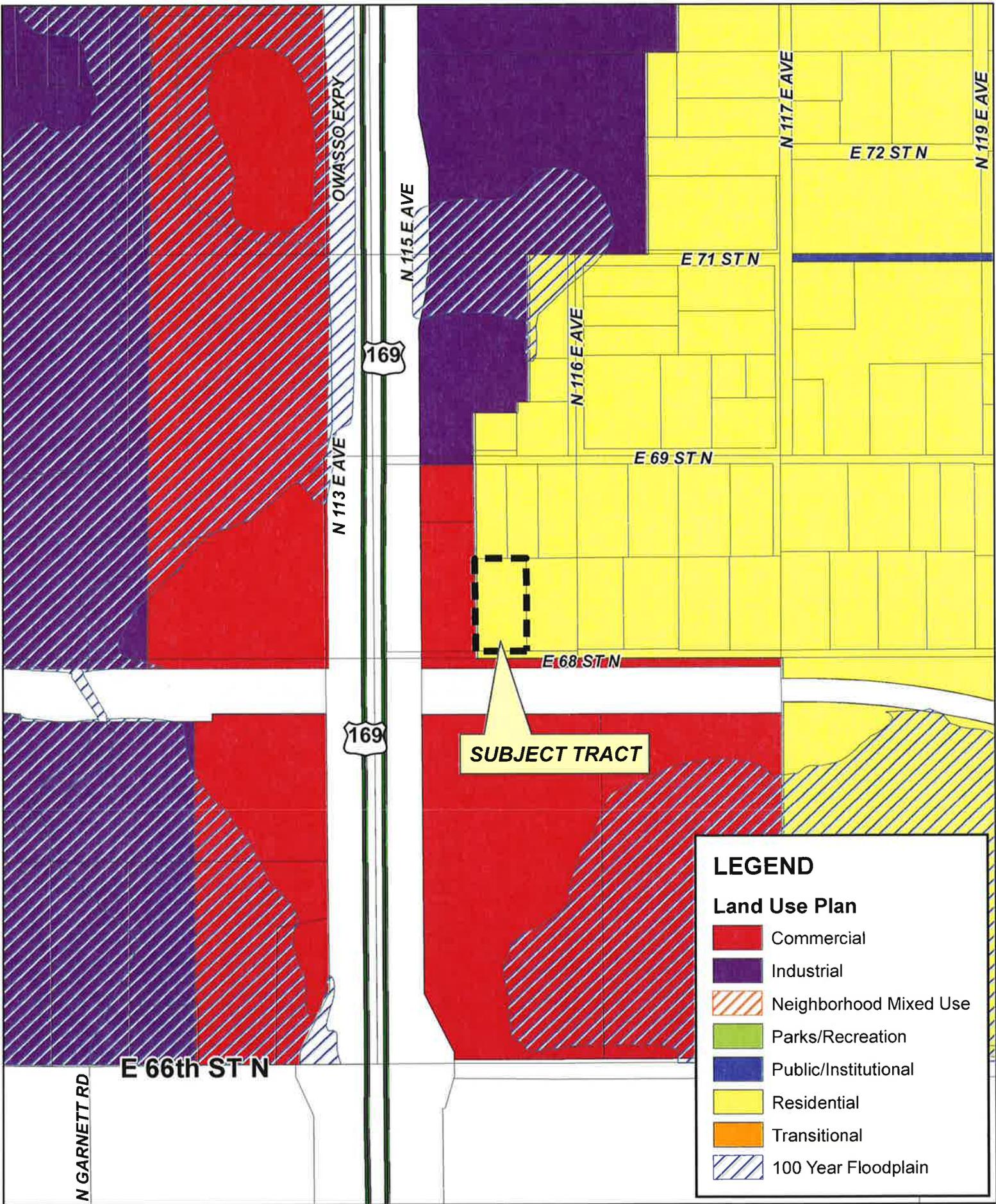
CBOA-2846

21-14 32

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

Aerial Photo Date: February 2018





CBOA-2846

21-14 32

5.11



Jones, Robi

To: Fritschen, Karl
Subject: RE: Board Case in Owasso Fenceline

From: Fritschen, Karl <kfritschen@CityOfOwasso.com>
Sent: Tuesday, September 8, 2020 8:20 AM
To: Jones, Robi <rjones@incog.org>
Subject: RE: Board Case in Owasso Fenceline

Robi,

I would require a minimum of a 6 foot opaque fence to screen the entire area where the cars are being stored or any other outdoor storage. I would also limit the number of cars, as it is zoned residential and really should not be turned into a salvage yard. In Owasso, we require all outdoor storage areas to be screened.

Thanks,

Karl A. Fritschen, MRCP, AICP, RLA
Planning Manager

200 S. Main
City of Owasso, OK 74055
918.376.1545

"the truth is out there"



From: Jones, Robi [<mailto:rjones@incog.org>]
Sent: Friday, September 04, 2020 3:36 PM
To: Fritschen, Karl
Subject: Board Case in Owasso Fenceline

Karl,

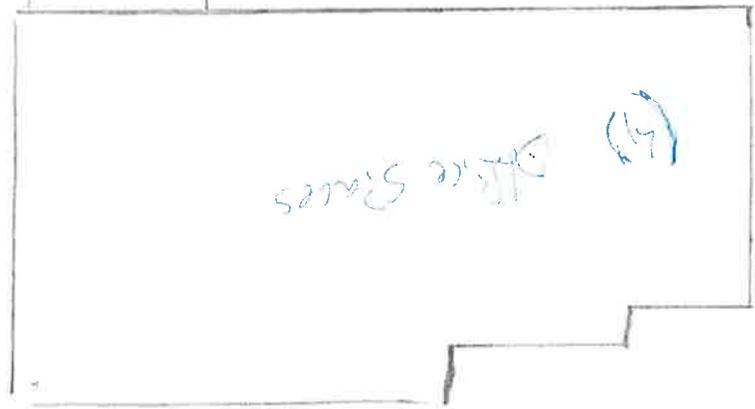
This case will be heard September 15th, 2020. It is for Owasso Fence to add offices and outdoor storage on the property they own to the east of their business. Please let me know if you would like to make comments to the Board.

5.13



Drive ways

11505 E 68th St N
Dundas Cr. 24055



Drive Stairs (4)

200'

Projected Storage Area

100'

200'

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