

AG

S GARNETT RD

AG

SUBJECT TRACT

E 171st ST S

64

AG

AG

**LEGEND**

Bixby Corporate Limits

0 Feet  
350 700

**CBOA-2888**

17-14 32

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7432

**CASE NUMBER:** CBOA-2888

**CZM:** 68

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 05/18/2021 1:30 PM

**APPLICANT:** Ryan Strode

**ACTION REQUESTED:** Modification of a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

**LOCATION:** 12100 E 171 ST S

**ZONED:** AG

**FENCELINE:** Bixby

**PRESENT USE:** Church

**TRACT SIZE:** 37.95 acres

**LEGAL DESCRIPTION:** LOT 1 BLOCK 1, BLUEFLAME47 ADDITION

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

CBOA-2497 April 2014: The Board approved a *Special Exception* to allow a church with accessory uses (Use Unit 5) in an AG district. This approval will allow up to three buildings in an AG District as designated on a submitted site plan, subject to conceptual plans on pages 6.5 and 6.6. Construction is to be in accordance with the general conceptual site plan that has been provided the Board. The larger gathering building would be for church offices and the church ministries, and is to be used no more than twice a year, up to four or five days at a time, on property located south of Highway 64/East 171<sup>st</sup> St. S. between S. Garnett Road & South 129<sup>th</sup> East Avenue.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoning with what appears to be used for agriculture with a smattering of residential uses.

**STAFF COMMENTS:**

The applicant is requesting a Modification of a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

In 2014, the Board approved a request for a *special exception* to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). This approval allowed up to three buildings in an AG District as designated on a submitted site plan, subject to conceptual plans on pages 6.5 and 6.6 (see attached). The applicant is requesting the Board to modify the original approval to include a new 30,000 square foot building to the east of the existing building. The original approval was for three buildings with total square footage of 11,628.

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.

**Sample Motion for Modification:**

"Move to \_\_\_\_\_ (approve/deny) a Modification of a previously approved site plan (CBOA-2497) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

Subject to the following conditions (if any): \_\_\_\_\_.

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."

Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line; for the following property:

**BEG 660W SEC R SE TH W330 N360 E330 S360 TO POB LESS S50 E/2 SW SE SE FOR RD SEC 21 19 11 2.348ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2497—Morton Building, Inc.**

**FILE COPY**

**Action Requested:**

Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). LOCATION: South of Highway 64/East 171<sup>st</sup> Street South between South Garnett Road & South 129<sup>th</sup> East Avenue

**Presentation:**

**Scott Norvell**, 7509 East 65<sup>th</sup> Street, Tulsa, OK; stated he is the Chairman and CEO of Blue Flame 47, Inc. and Pastor of the church. This is a small church which consists of about 75 people including many small children. The primary function of the church is that it is a ministry, and the ministry is provided throughout the world. The church purchased the land in December 2013, and plan to build a church with offices for the church. The congregation meets every Tuesday for services and hold prayer appointments on Friday and Saturday. They would like to have a gathering place where conferences twice per year. The average attendance of the conferences has been about 200 people. The conference are usually four days twice per year. These conferences have been held in the Garnett Road Church of Christ Green Country Event Center for the past four years. The church has been meeting on the subject property in a tent since the purchase. The church chose a design that would match the environment, so instead of a traditional church building it would be similar to a barn with a smaller building for the administrative offices and the prayer appointments. The smaller building would also be able to seat 150 people for dinner which would be used about twice a year.

Mr. Charney asked Mr. Norvell to elaborate about the proposed parking. Mr. Norvell deferred to Mr. Jeff Bonebrake.

**Interested Parties:**

**Jeff Bonebrake**, Morton Buildings, Inc., P. O. Box 1388, Muskogee, OK; stated that one of the desing goals is to make the church look like it fit into the area. The church requested that the buildings look like a farm house with a barn behind it. The parking is an issue that has yet to be determined. If it is possible a gravel surface would be preferable because the subject property is in a nonregulatory flood plain. It is proposed to have the front be have a concrete paved area for the handicapped with a paved entry way.

CBOA - 02497

Mr. Charney asked Mr. Bonebrake about a third building that is on the proposed site plan. Mr. Bonebrake stated that the building is under consideration but it would be a building that is allowed by right because it would just be a parking garage.

Mr. Walker asked Mr. Norvell about the church membership and how many vehicles are typically at a service. Mr. Norvell stated the membership is about 75 and typically there is about 30 cars.

Mr. Hutchinson asked about the size of the property. Mr. Norvell stated the subject property is 302 acres. The church has people that have been cleaning up the property because there are about 1,200 pecan trees on the property.

Mr. West confirmed that about 200 acres of the subject property is a flood way, and if the applicant were to apply for a Variance on the parking the County would be happy.

Mr. Charney asked Mr. Norvell if had any problems setting the building back on the subject property to comply with the setbacks. Mr. Norvell stated he understood about the setbacks and had not problems with them.

**Garvin Henderson**, 1730 Highway 62 East, Ft. Gibson, OK; stated he owns property south and west adjacent to the subject property; 131 acres on the south side and 40 acres on the north side. He wants to know what the use will be for the area, not the building portion, because he does not want a cult to be allowed to move in.

**Dr. James Derby**, P. O. Box 178, Leonard, OK; stated he owns the land south of Highway 64 and east of 129<sup>th</sup> East Avenue, which is east of the subject property. This property has been in his wife's family before statehood. He is a retired geologist and an area farmer. He wishes the best to the Pastor and the church. He has seen families and children on the subject property, and they seem to be a nice group. He is concerned about this application because there seems to be something that does not ring true. Why would a small church need 300 acres to build on for which an exorbitant amount was paid?

Mr. Charney appreciates the doctor's concerns, but the Board tries to focus on whether the use itself, a church use, conforms.

Dr. Derby asked what accessory use is intended for the 300 acres. He has no problem with a church or the Morton Building plan, because it appears to be with tone of the neighborhood. There have been too many examples of things being done under the name of a church that become a public nuisance and a public hazard. The area is a wonderful community and he would hate to see anything happen to the community. Dr. Derby would urge the Board to place restrictions on what is being approved, that the application is being approved for exactly what the Pastor has described. There is no need for 300 acres for a twice year meeting of 200 people. Dr. Derby also questions the appropriateness of the site. According to the survey map the south portion of the

CBOA -02497

acreage is a designated flood plain, and the north portion is Flood Zone AE. He has twice seen the subject property under water higher than his waist.

Mr. Charney stated that the northwest corner of the subject property, about 400 feet, is not within the designated flood way according to the site plan provided. There are other bodies that speak to the appropriateness of granting building permits. This Board is focused upon the appropriateness of a use, yes or no. Whether a building permit is actually permitted on a given site is another professional's function, but not this Board. Mr. West confirmed Mr. Charney's statement.

Dr. Derby stated that he knows the portion of the land that is raised has been approved as a building site and there is a building on it. That area does not flood so why not build on that portion?

**Rebuttal:**

Mr. Scott Norvell came forward and stated that there is a fancy wood shed on the subject property, which is a temporary building and not a house. The shed is being used by he and his wife as a retreat prayer room. The only true plans the church has currently are the plans for the meeting place and the offices, which are in the proposal.

Mr. Charney asked Mr. Norvell if anyone was residing or spending the night in the shed. Mr. Norvell stated that no one is living on the subject property, nor are there any plans to have anyone living on the property.

Mr. Charney asked Mr. Bonebrake to confirm that all that is being sought today is the allowance of three church buildings to be located in the northwest portion of the property and seeking nothing other than the standard agricultural uses in the southwest corner of the property. Mr. Bonebrake answered affirmatively.

Mr. Norvell stated that he and his church members are Christians. He made an attempt to meet with the neighbors but there is no easy way to contact them. He used a realtor with McGraw to get the names, addresses and numbers of all the neighbors so contact could be made. He made contact with many of them, and they all wanted to know if the group were Christians. He feels that he responded to those questions effectively. The church is not out to control anyone and it is not out to build a commune. The use intentions are really for a church. For the large amount of land, traditionally the church trains internationally how to pray over land and a blessing of nations. He asked McGraw for a large tract of land with timber and water, and they found it. The church wants to be a good neighbor and take good care of the land.

Mr. Walker asked Mr. Norvell if the two conferences a year would take place within the church's buildings. Mr. Norvell answered affirmatively. Mr. Walker asked there would be any temporary structures installed during the conference times. Mr. Norvell stated that at this time the church does not see a need for temporary buildings once the permanent buildings are erected.

FILE COPY

CBOA-02497

W/2 NE & E/2 NW & W/2 SW LESS APROX 7.10 ACRES FOR ROW & NE SW & NW SE LESS THAT PART LYING S & E CL SNAKE CREEK & NE NE LESS TR LYING E CL SNAKE CREEK & LESS APROX 7.253 ACS FOR RD SEC 32 17 14 302.09ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

The next item was continued from the beginning of the agenda.

2495—Robert Myers

Action Requested:

Special Exception to allow for a Mining operation (Use Unit 24) in an AG District (Section 310). LOCATION: West of NW/c of Highway 11 and East 176<sup>th</sup> Street North

Presentation:

**Robert Myers**, R & V Trucking, 15360 State Highway 20, Skiatook, OK; he apologized to the Board but he had been waiting in Room 119 because his notice cited that room number. Mr. Charney extended the Board's apologies.

Mr. Myers stated that he has applied to the Board of Adjustment and to the Mining Commission to be able have a dirt mining operation on his property to sell the dirt. The Mining Commission has approved his application to them, and it should be received this week. He keeps a well maintained site with sloped banks, keep the roads maintained, and keep the dust factor down. Before he started on the subject property he checked with the adjoining land owners and there was only one person that actually lived in the area and no one stated they had any concerns over his proposal. Mr. Myers presented

Mr. Charney asked if the dirt was loaded on site with third party haulers. Mr. Myers stated the dirt was loaded on site onto his trucks.

Mr. Charney asked if the dirt would be sold to independent third parties. Mr. Myers answered affirmatively.

Mr. Osborne asked Mr. Myers if he had already began his operation. Mr. Myers stated that he started digging in June 2013 under a one year permit received from the Mining Commission. When he filed for his permanent mining permit he was informed by Mr. West that he needed to file for a Special Exception.

**Ms. Miller left the meeting at 4:36 P.M.**

CBOA-02497

Mr. Charney asked Mr. Norvell if today's request is approved per site plan, and then it is decided there is a superior site for the site plan, then will he be prepared to reappear before the Board? Mr. Norvell stated that he understands all of that because Mr. West was very helpful, and that is why the site was chosen.

Mr. Charney asked Mr. Norvell if he would have any problems with a condition limiting the conference meetings to only twice a year with only about 200 attendees. Mr. Norvell stated that he does not have any problems with that.

Ms. Back stated that in regards to the graveled parking area the applicant will need to come back before the Board with a Variance application if the applicant wants to change from an all weather surface, or they could request a continuance today to cover this thus allowing for the proper notifications.

Mr. Bonebrake asked Mr. West if a building permit would be approved with the parking issues not being decided. Mr. West stated the parking will be based on one parking space for every 40 square feet of sanctuary area. So the size of the sanctuary will dictate how many parking spaces are required. Mr. Bonebrake asked if the Permit Office must know whether it is pervious or impervious before construction can proceed. Mr. West stated that per code the parking area must be impervious at this time, unless a Variance is sought. Ms. Back stated that Mr. West's office would issue the permit under the assumption that the parking area is an all weather surface. Mr. Bonebrake asked, that with the understanding that it may be six months before the parking lot is started, if a Variance can be granted in the mean time. Mr. West answered affirmatively. Ms. Back stated the Mr. Norvell can make that application in that time span.

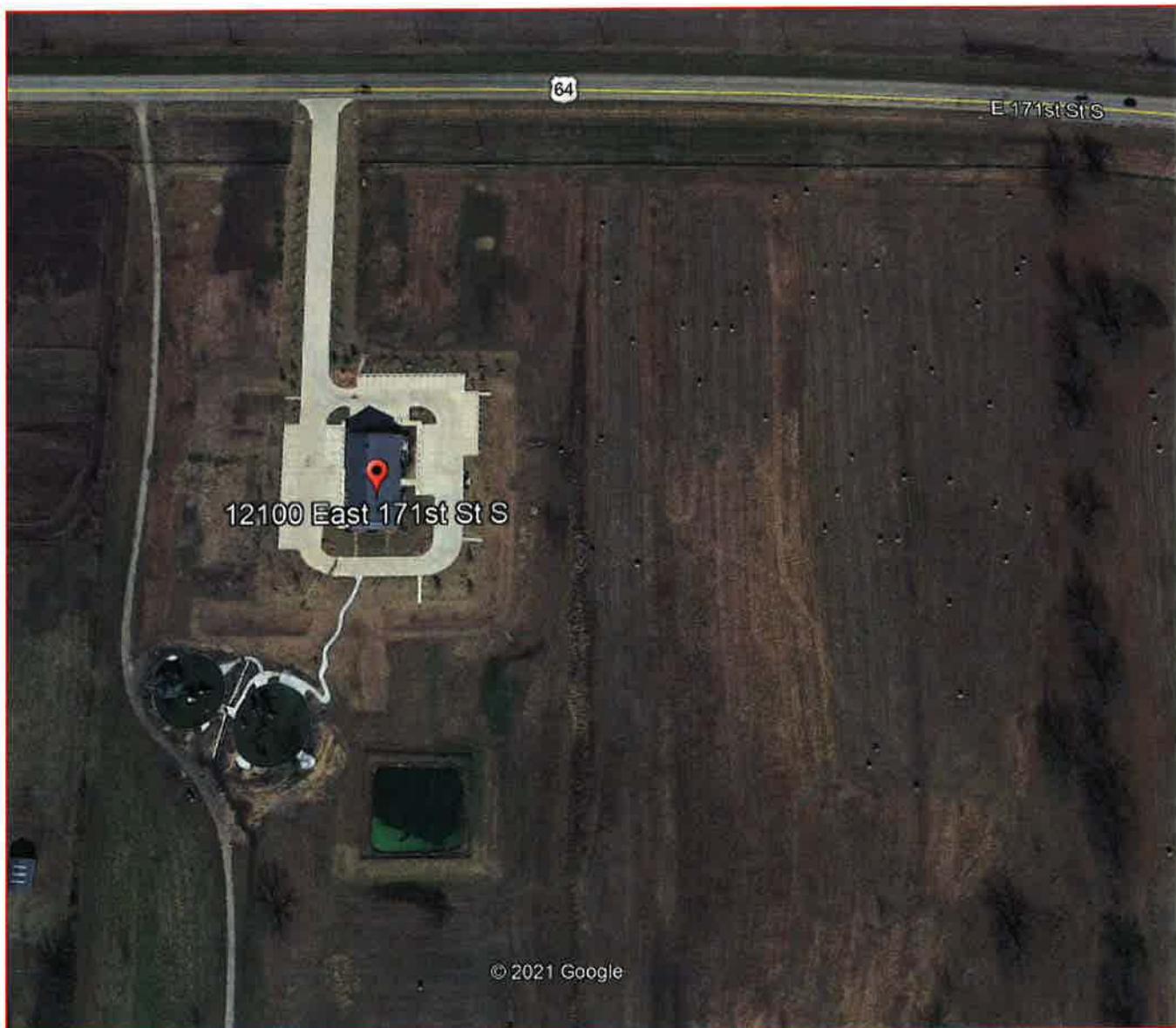
Mr. Charney asked Mr. Norvell what the church means when they say they are praying over the land, and what type of activities does that entail? Mr. Norvell stated there would be no noise other than maybe a very quiet whispering. There would be no chemicals or anything else that would be disposed. He cannot think of anything that in any way would be harmful. It is an assembly of or dispersing of people.

**Comments and Questions:**

None.

**Board Action:**

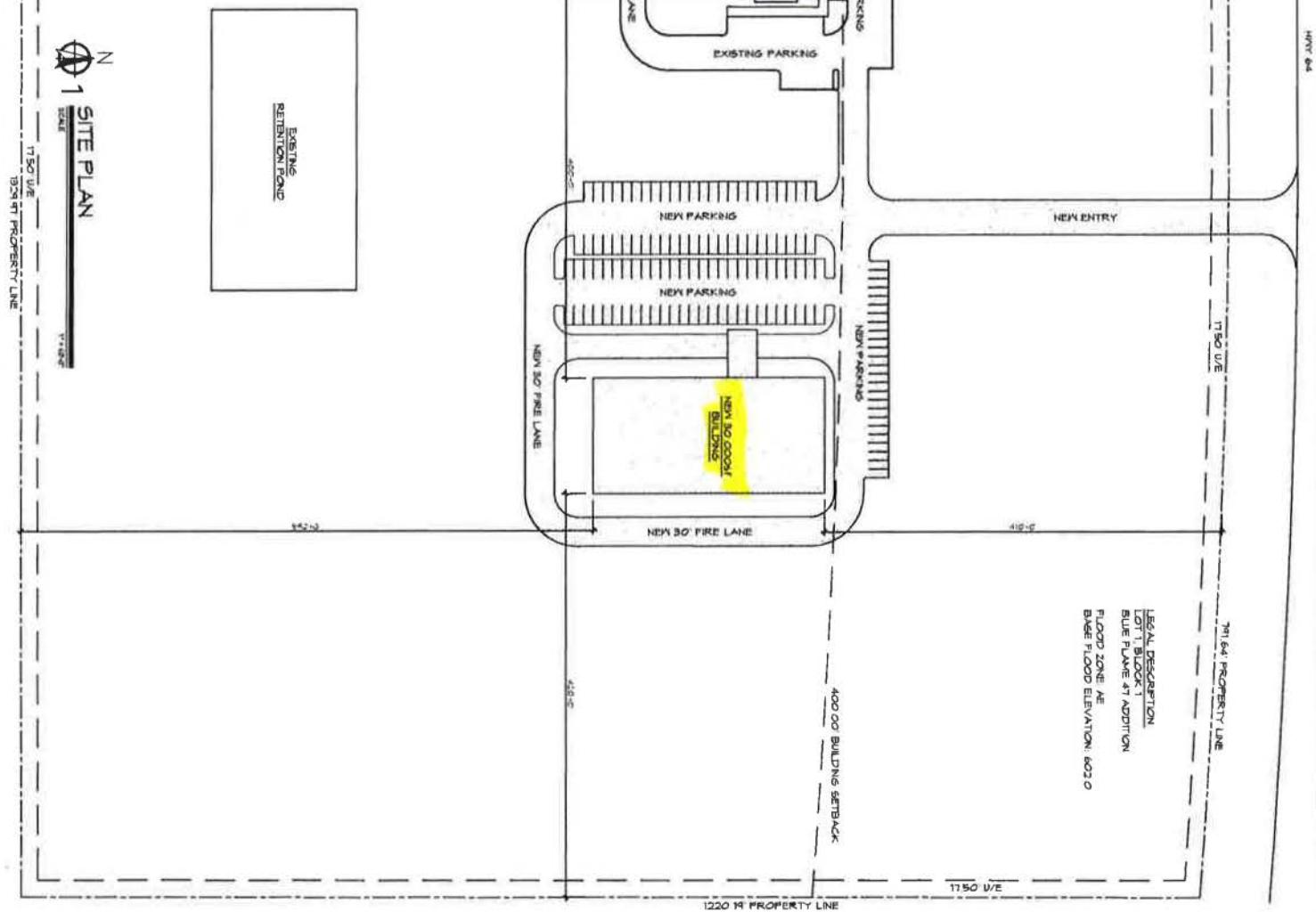
On MOTION of CHARNEY, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to APPROVE the request for a Special Exception to allow a Church with accessory uses (Use Unit 5) in an AG District (Section 310, Table 1). This approval will allow up to three buildings in an AG District as designated on a submitted site plan, subject to conceptual plans on pages 6.5 and 6.6. Construction is to be in accordance with the general conceptual site plan that has been provided the Board. The larger gathering building would be for church offices and the church ministries, and is to be used no more than twice a year, up to four or five days at a time. Finding that the Special Exception is not injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:



*Google Earth view of subject property on 11/10/2020.*

Proposed  
modification  
to site  
plan

N  
1 SITE PLAN  
1750' U/E  
1240.5' PROPERTY LINE  
1220.1' PROPERTY LINE  
1750' U/E  
1750' U/E  
1750' U/E  
1750' U/E

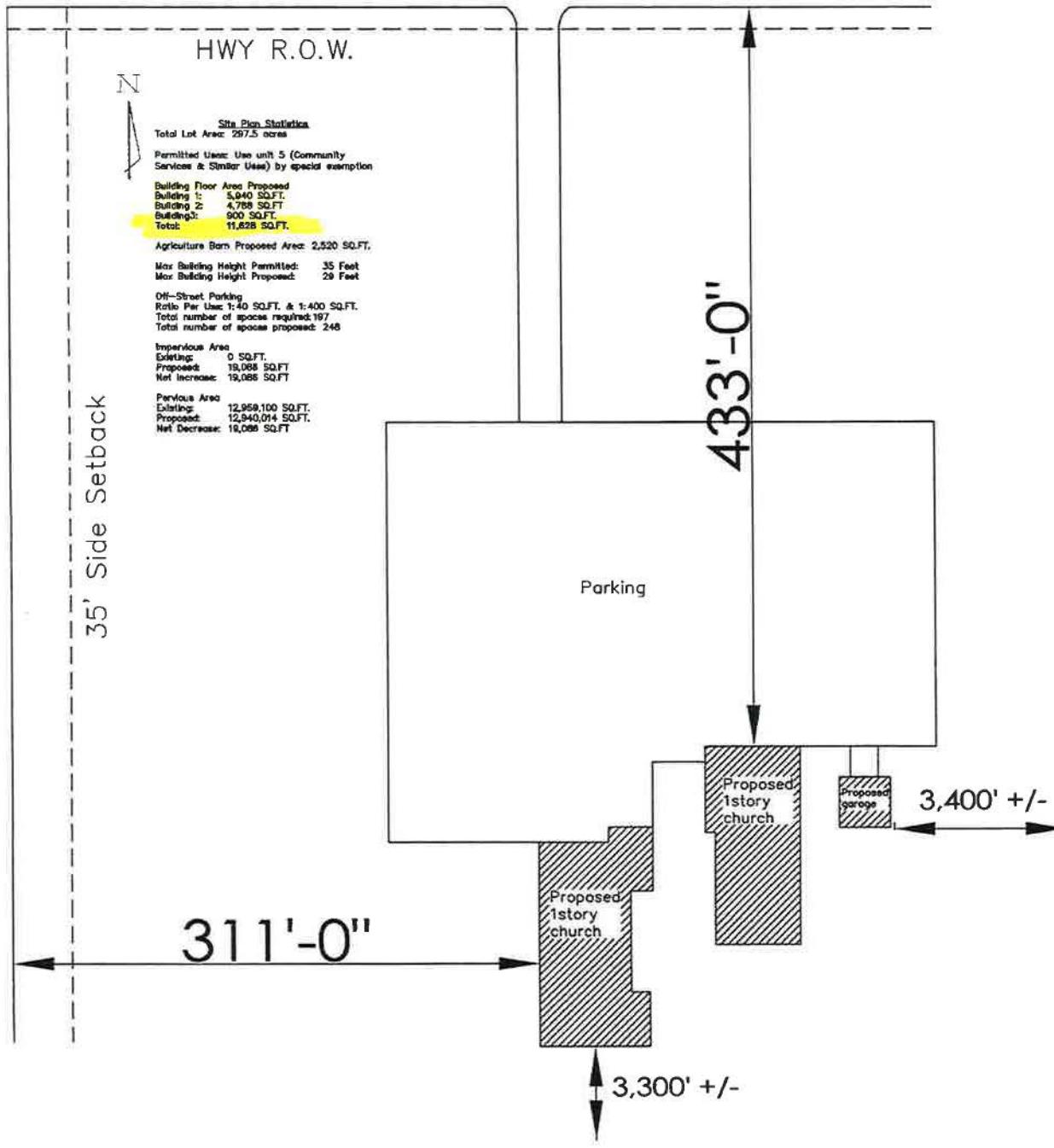


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SP1.0	SHEET	STRODE DESIGN	DESIGN & PLAN	RENDERING	Ryan Strode	918.537.4
PROPOSED SITE PLA	SCALE: AS NC	15 APRIL, 20	NO DATE Revision			

6.10

US HWY 64

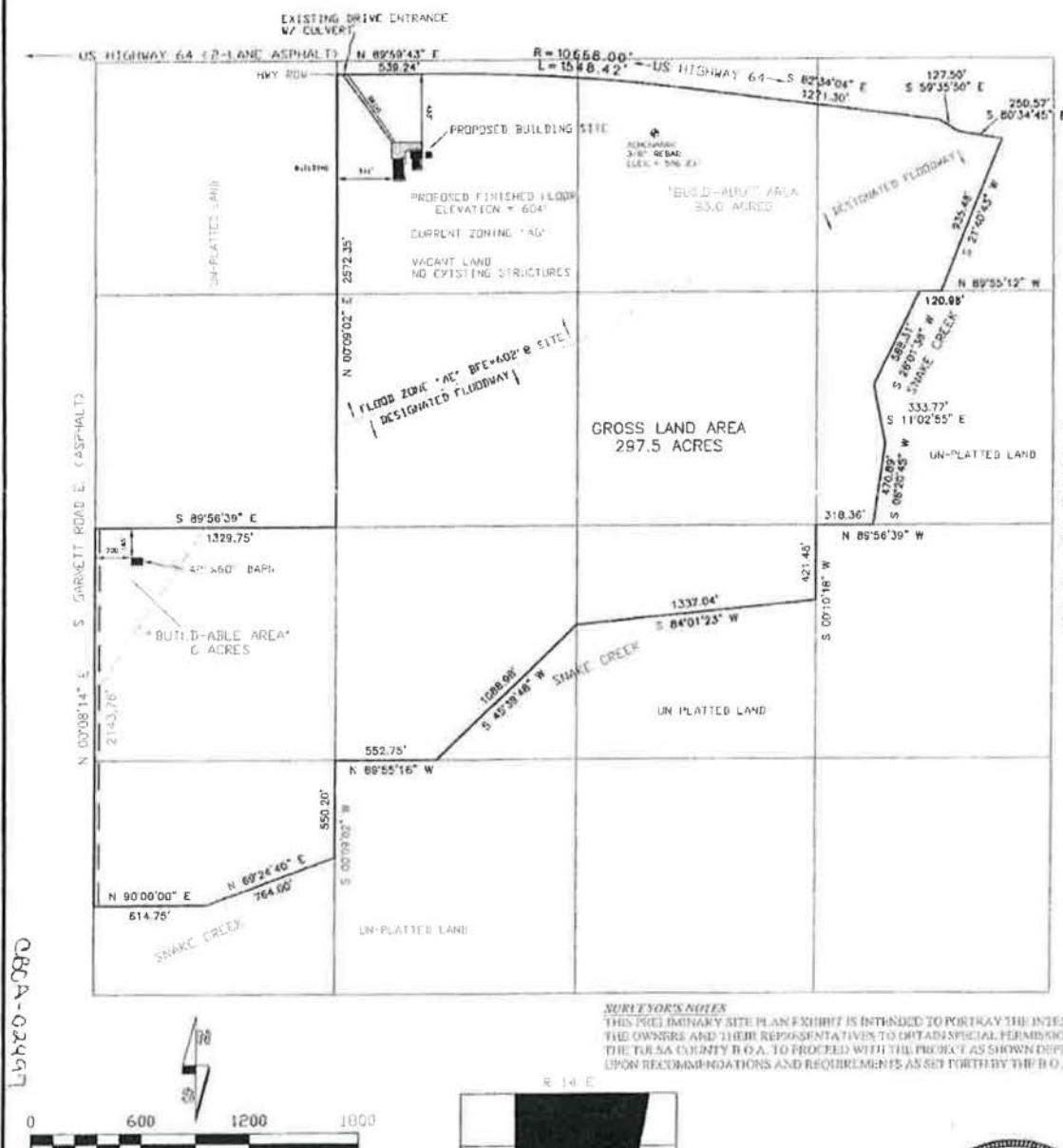


## SITE PLAN EXHIBIT

PROPERTY ADDRESS: 1011 RUBY, INC.

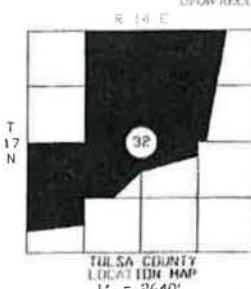
SURVEYOR'S CLIENT: BLUEFLAME 47, INC / MORTON BUILDINGS, INC.

LEGAL DESCRIPTION: A TRACT OF LAND SITUATED IN SECTION THIRTY-TWO (32), TOWNSHIP SIXTEEN (16) NORTH, RANGE FORTY-ONE (41) EAST OF THE INDIAN BASE AND MERIDIAN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NW<sup>1/4</sup> OF SAID SECTION 32; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID NW<sup>1/4</sup> A DISTANCE OF 1329.75 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE NW<sup>1/4</sup> OF SAID SECTION 32; THENCE NORTH 10°40'00" EAST ALONG THE WEST LINE OF THE W2 OF THE NW<sup>1/4</sup> A DISTANCE OF 252.35 FEET TO THE SOUTHWEST CORNER OF WAY LINE OF U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHWEST CORNER OF WAY LINE THE FOLLOWING CALLS, NORTH 89°39'03" EAST 339.24 FEET, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1844 FEET FOR AN ARC DISTANCE OF 1548.42 FEET WITH A CHORD BEARING OF SOUTH 85°46'22" EAST AND A CHORD DISTANCE OF 1547.95 FEET; THENCE 87°04'05" EAST 1271.30 FEET; THENCE SOUTH 55°32'30" EAST 1275.00 FEET; THENCE SOUTH 86°34'45" EAST 250.57 FEET TO THE CENTERLINE OF SNAKE CREEK; THENCE LEAVING SAID RIGHT OF WAY AND ALONG THE CENTERLINE OF SNAKE CREEK 300.1112 FEET WEST 89°55'12" E; THENCE SOUTH 11°03'55" EAST 335.77 FEET, THENCE SOUTH 06°40'45" WEST 470.49 FEET TO A POINT ON THE SOUTH LINE OF THE NW<sup>1/4</sup> SAID POINT BEING 1011 07 FEET WEST OF THE SOUTHEAST CORNER OF THE NW<sup>1/4</sup> OF SAID SECTION 32; THENCE NORTH 04°49'36" WEST ALONG SAID SOUTH LINE OF THE NW<sup>1/4</sup> A DISTANCE OF 318.36 FEET; TO THE SOUTHEAST CORNER OF THE SW<sup>1/4</sup> OF THE NW<sup>1/4</sup>; THENCE SOUTH 05°10'18" WEST 421.48 FEET TO THE CENTERLINE OF SNAKE CREEK; THENCE ALONG SAID CENTERLINE SOUTH 84°01'23" WEST 1337.04 FEET TO THE EAST LINE OF THE SW<sup>1/4</sup>; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 145°57'43" WEST 108.98 FEET TO A POINT ON THE SOUTHLINE OF THE NW<sup>1/4</sup> OF THE SW<sup>1/4</sup>; THENCE ALONG SAID SOUTHLINE NORTH 89°56'39" WEST 552.75 FEET TO THE NORTHEAST CORNER OF SW<sup>1/4</sup> OF THE SW<sup>1/4</sup>; THENCE SOUTH 108°00'27" WEST 350.20 FEET; THENCE SOUTH 169°34'50" WEST 264.00 FEET; THENCE NORTH 090°00'03" WEST 845.75 FEET TO A POINT ON THE WEST LINE OF THE SW<sup>1/4</sup> OF SECTION 32, SAID POINT BEING 502.5 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION 32; THENCE NORTH 01°08'14" EAST ALONG THE WEST LINE OF SAID SW<sup>1/4</sup> A DISTANCE OF 3143.76 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 287.5 ACRES AS SURVEYED.



L140-A-C

PREPARED BY:  
**FRITZ LAND SURVEYING, LLC**  
PO BOX 54372  
TULSA, OK 74155  
PH. 918.231.0575  
FRITZPLS@YAHOO.COM  
FLSH# 14018 BLUEFLAME 47 SITE PLAN



WITNESS MY HAND AND SEAL  
THIS 13TH DAY OF MARCH, 2014.



(BOA-2497  
Conceptual  
Plan)

6.12

S GARNETT RD

E 171st ST S

64



0 Feet  
350 700



Subject  
Tract

**CBOA-2888**

17-14 32

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

Aerial Photo Date: February 2018

6.13



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