

**CBOA-2925**

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**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9026

**CASE NUMBER:** **CBOA-2925**

**CZM:** 42

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 10/19/2021 1:30 PM

**APPLICANT:** Natosha Wallin

**ACTION REQUESTED:** Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum ~~lot area and~~ land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); and a Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

**LOCATION:** 20818 W COYOTE TL S

**ZONED:** AG-R

**FENCELINE:** Sand Springs

**PRESENT USE:** Residential/Agricultural

**TRACT SIZE:** 1.1 acres

**LEGAL DESCRIPTION:** TR 1A DONDONNA ACRES BEG 605.55S NWC NW TH S610.01 NE368.26 NW403.40 NWLY ON CRV 62.30 POB LESS PRT BEG 605.55S NWC NW TH SE300 NWLY ON CRV 253.2 S TO A PT W30 N610.01 POB SEC 26 19 10 1.10ACS,

**RELEVANT PREVIOUS ACTIONS:**

Subject Property: None relevant

Surrounding Property:

CBOA-2844 September 15, 2020: The Board approved a *Special Exception* to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an AG-R district, on property located at 20813 West Coyote Trail.

CBOA-1224 January 1994: The Board approved a *Special Exception* to permit a mobile home in an AG-R district, on property located at 20812 West Coyote Trail.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts AG zoning to the west and AG-R zoning to the north, east and south. Surrounding uses appear to be residential with some possible agricultural.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum ~~lot area and~~ land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330); and a Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a single-wide mobile home on the south side of the property. Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise

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placed on a lot with the exception in the AG district that there not be more than two dwellings per lot. Additionally, Section 330, Table 3 of the Code requires a minimum lot area of 1 acre and a minimum land area per dwelling unit of 1.1 acres in the AG-R district. The applicant is proposing two dwelling units on the 1.1-acre subject lot. The minimum lot area meets the code.

The applicant provided the following statement:

*"I am trying to do this the legal way. Safety for me and my son. We maintain our property and we mow the county easements. Since COVID, I cannot find a home for us with being single mom. Parents offered this idea."*

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) a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Variance of the minimum ~~lot area~~ and land area per dwelling unit to allow two dwelling units on a single lot of record in an AG-R District (Section 330).**

- *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"***

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

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

***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.***

needed to store equipment, mulch piles, etc. His grow will be on the very far southeast corner of 5 acres. When going west there is a creek and another 10 acres to the corner of 137th. When going north his friend lives about 10 acres away. Mr. Bales stated that his house sits so that there is nothing north or south of him and the wind blows predominately northward or southward. If the wind blows eastward his neighbors also grow and they don't mind the smell.

Mr. Crall asked Mr. Bales how many buildings he plans to have if they are 20 x 24 in size, because there could be a total of 20 buildings. Mr. Bales stated that he plans no more than six hoop houses.

Mr. Charney asked Mr. Bales what the building would be wrapped in. Mr. Bales stated that it is a very thick plastic similar to Visqueen.

**Comments and Questions:**

Mr. Hutchinson asked staff if the previous case that was approved next door to the subject property, if they choose to have an outside grow operation will they need to come before the Board? Ms. Jones answered affirmatively. Mr. Hutchinson stated he has an issue with this request because the grow will be outdoor. The request is for 10,000 square feet and the smell that is associated with growing sometimes has a tendency to hurt a resale value of neighbors.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 2-2-0 (Charney, Hutchinson, "aye"; Crall, Johnston "nays"; no "abstentions"; Dillard "absent") to **DENY** the request for a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1) finding that the proposed grow operation is located within a residential district; for the following property:

**BEG 2310W SECR SE TH W330 N660 E330 S660 POB & S25 VAC ST ADJ ON N SEC 21 19 11 5.189ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**MOTION FAILED**

**2844—Mark Bales**

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**Action Requested:**

Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1). **LOCATION:** 20813 West Coyote Trail South

**Presentation:**

**Mark Bales**, 13609 West 41st Street South, Tulsa, OK; stated the subject property building has been in existence for several years and used as a commercial business.

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This request is for an indoor grow facility. Mr. Bales stated he has two partners and the traffic will be less than what was there before because the building housed a former Port-A-Potty business so there were trucks coming and going constantly.

Mr. Charney asked Mr. Bales if there would be active selling, marketing or cultivation requiring third party employees from the facility. Mr. Bales answered no.

Mr. Hutchinson asked Mr. Bales about the square footage of the existing building. Mr. Bales stated the building is 3,000 square feet.

Mr. Hutchinson asked Mr. Bales how many plants did he anticipate having in the building? Mr. Bales stated there would be about 300 plants.

Mr. Hutchinson asked staff to explain the difference in the zoning, AG, AG-R and RE. Ms. Jones stated the R is residential and this property is zoned AG-R, which is an agricultural use with a residential bind, so the applicant must ask for a Special Exception for this use as opposed to a Use Variance.

Mr. Crall stated that the staff report says the hardship is because the zoning prevents relocation of the business; is this an existing business that is being relocated to the subject property? Mr. Bales answered affirmatively; there is an existing business located in Cherokee County currently.

Mr. Hutchinson asked Mr. Bales about the traffic after the plants are processed. Mr. Bales stated there would be no other traffic other than him and his two partners that come to the subject property.

Mr. Johnston asked Mr. Bales about the ventilation of the building. Mr. Bales stated there will be filters in the building, there will be no smell outside. Mr. Hutchinson asked if the County required ventilation for the building. Ms. Tosh stated the County requires ventilation and filtration for the building.

**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, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Special Exception to permit Use Unit 3, Agriculture, for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1), subject to conceptual plan 3.11 in the agenda packet. The grow facility is to be limited to the 3,000 square foot building currently located on the subject property. The building is to comply with all regulations by Tulsa County and the OMMA. Finding the Special Exception will be in

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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:

**PRT NW NW BEG 548.96S & 137.97SELY & 221.17SE NWC NW NW TH NE404.52 SE165.24 SW404.52 NW165.24 POB SEC 26 19 10 1.535ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2845—Sean Parchman**

**Action Requested:**

Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1). **LOCATION:** 1372 South 220th Avenue West

**Presentation:**

The applicant requests a continuance to October 20, 2020.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "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 October 20, 2020 Board of Adjustment meeting; for the following property:

**LT 12 & BEG SWC LT 12 TH SLY50.65 E APROX 206.30 N50 WLY206 BLK 8, CANDLESTICK BEACH, CANDLESTICK BEACH THIRD ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2846—DSK Investments, LLC**

**Action Requested:**

Use Variance to allow outdoor storage (Use Unit 23 – Warehousing and Wholesaling) in an RE District (Section 1223); 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 East 68th Street North

**Presentation:**

The applicant was not present.

Case No. 1224

Action Requested:

Special Exception to permit a mobile home in an Ag-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 20812 West Coyote Trail.

Presentation:

The applicant, **Reta Beiswenger**, 20812 West Coyote Trail, Sand Springs, Oklahoma, requested permission to install a 16' by 80' mobile home on the subject property. She informed that there was previously a mobile home on the lot; however, the old mobile has now been removed and Board approval is required to install the new unit. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Walker remarked that he is familiar with the area and pointed out that there are numerous mobile homes in the neighborhood.

Protestants:

Ms. Russell informed that a letter of protest has been received from **Lester Furr**, who noted that there are nice homes in the neighborhood and the installation of additional mobile homes will have a negative impact on property values.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Alberty, Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an Ag-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9; subject to the mobile being skirted and tied down; and subject to a building permit and Health Department approval; finding that a mobile home has been located on the property for several years, and approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

TR 1B Dondonna Acres, Beginning 1215.56 S NWC th E459.93 NW300 SW368.26 POB, and TR 2 Dondonna Acres, Beginning 1215.56S NWC NW th S210 E615.57 NW261.89 W459.93 POB, less W30 and TR Beg SECR thereof thence W approx. 10.25N approx. 14.26 SE approx. 17.75 POB, Section 26-19-10, Tulsa County, Oklahoma.



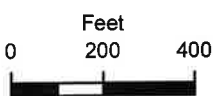
W CAMPBELL CREEK RD

W 43 ST S

W COYOTE TRL

S 209th W AVE

S 208 W AVE



Subject Tract

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

Aerial Photo Date: 2020/2021



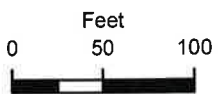
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S 209th W AVE

W COYOTE TRL



Subject Tract

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

Aerial Photo Date: 2020/2021



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