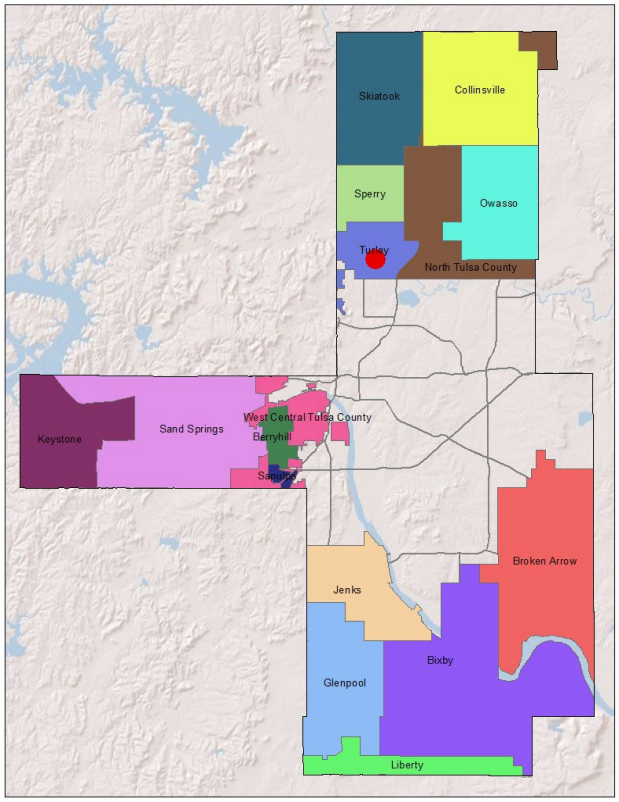
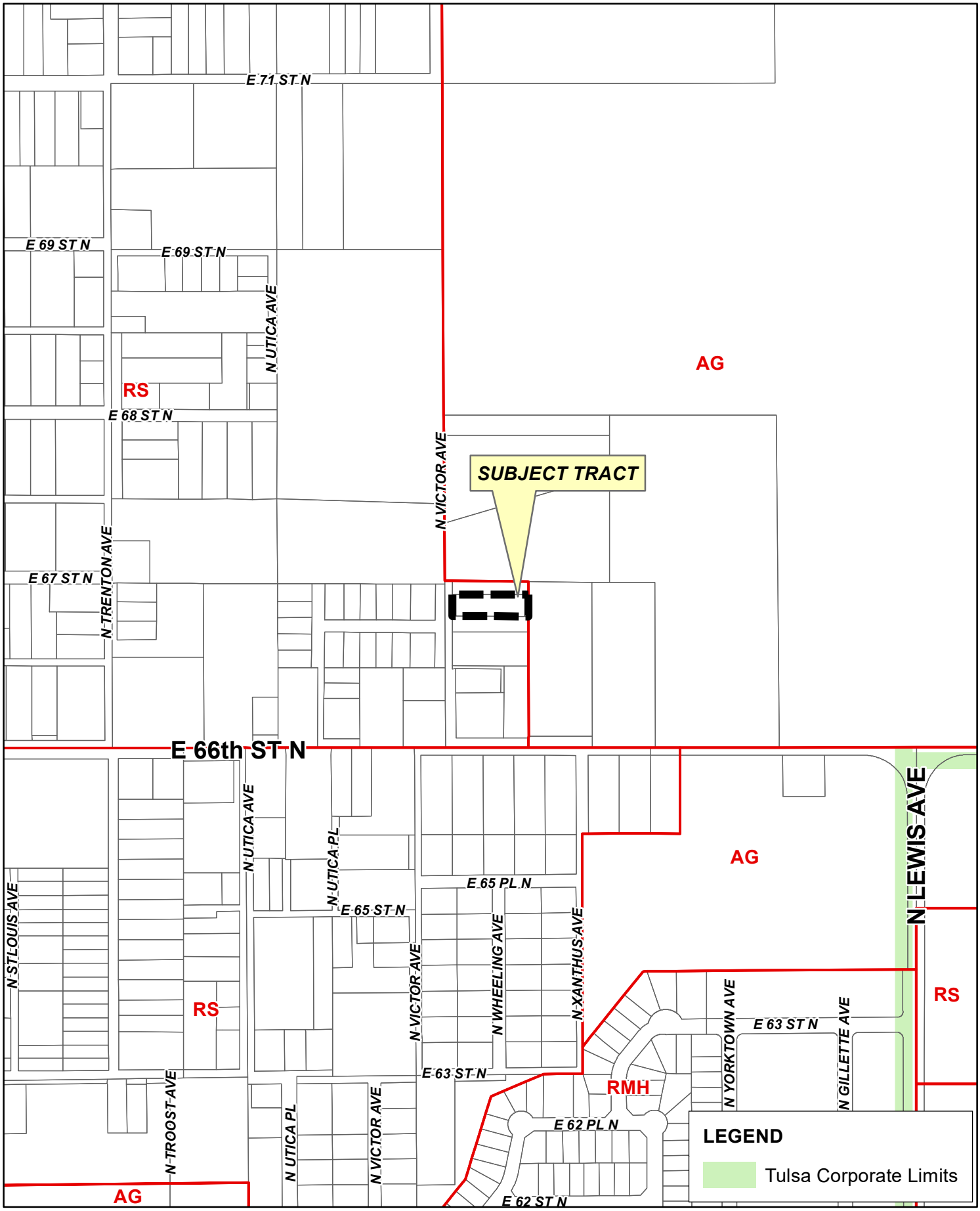
Board of Adjustment	**Case Number:** CBOA-2954 **Hearing Date:** 03/15/2022 1:30 PM
Case Report Prepared by: Robi Jones	**Owner and Applicant Information:** **Applicant:** Jacob McClendon **Property Owner:** KOSKINEN, MARY ROBERTA ANN
Action Requested: Use Variance to permit an Agricultural Use (Use Unit 3) to permit farming and raising farm animals in an RS Zoned District (Section 1203).	
Location Map:  Tulsa County Comprehensive Land Use Plan	**Additional Information:** **Present Use:** Residential **Tract Size:** 0.56 acres **Location:** 6643 N VICTOR AV E **Present Zoning:** RS **Fenceline/Area: Turley** **Land Use Designation: Rural Residential/Agricultural**



CBOA-2954

21-13 31

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1331 **CASE NUMBER:** CBOA-2954

CZM: 16 **CASE REPORT PREPARED BY:** Robi Jones

HEARING DATE: 03/15/2022 1:30 PM

APPLICANT: Jacob McClendon

ACTION REQUESTED: Use Variance to permit an Agricultural Use (Use Unit 3) to permit farming and raising farm animals in an RS Zoned District (Section 1203).

LOCATION: 6643 N VICTOR AV E **ZONED:** RS

FENCELINE: Turley

PRESENT USE: Residential **TRACT SIZE:** 0.56 acres

LEGAL DESCRIPTION: S82 N132 N198 NW SW SW SE LESS W30 THEREOF FOR ST SEC 31 21 13 .565ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1953 May 2002: The Board **approved** a *Special Exception* to allow a manufactured dwelling in an RS zoned district, on property located at 6643 N. Victor Avenue East.

Surrounding Property:

CBOA-2447 November 2012: The Board **approved** a *Use Variance* to allow for a funeral home (Use Unit 11) in an AG district, on property located at 1821 East 66th Street North.

CBOA-710 December 1986: The Board **approved** a *Special Exception* to allow a church, associated school and related uses in an AG district, on property located at 1821 East 66th Street North.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the north, west, and south. It abuts AG zoning to the east. Surrounding uses appear to be residential with a church to the east. The applicant has provided an exhibit listing the surrounding uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit an Agricultural Use (Use Unit 3) to permit farming and raising farm animals in an RS Zoned District (Section 1203).

A Use Variance is required as Use Unit 3, Agriculture, is not a use permitted in an RS zoned district because of the potential adverse effects on neighboring properties. The agricultural use must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: *"Disabled combat vet trying to raise small food animals."*

According to the site plan provided by the applicant, he would like to raise 5 chickens, 3 pigs, and 3 goats.

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 permit an Agricultural Use (Use Unit 3) to permit farming and raising farm animals in an RS Zoned District (Section 1203).

Approved 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. 1953

Action Requested:

Special Exception to allow a manufactured dwelling in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 6643 N. Victor.

Presentation:

Mary Thomas, 6643 N. Victor, proposed to put a mobile home on the property. A site plan was provided (Exhibit A-1). Photographs (Exhibit A-2)were submitted to the Board.

Comments and Questions:

Mr. Alberty reminded the applicant that they need DEQ approval for a sewage system. The applicant indicated they would be on the city sewer system. Mr. Alberty observed there are other mobile homes in the area. He asked if they desire to make it a permanent dwelling. The applicant replied in the affirmative. Mr. Alberty asked the applicant when they plan to tear down the existing structure. The applicant indicated it has been vacated and they are ready to tear it down.

Jim Cartwright, 6643 N. Victor, was present and helped present the case.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Hutson "absent") to **APPROVE** a ***Special Exception*** to allow a manufactured dwelling in an RS zoned district, with conditions to remove the existing dwelling unit within 120 days; and DEQ approval, tie-downs, skirting, and building permit, on the following described property:

S 82.00' N 132.00' N 198.00' NW SW SE, less W 30.00' for street, Section 31, T-21-N, R-13-E, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.*.

Case No. 1954

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; and a Variance to the requirement of 30' of frontage on a public road to 0'. SECTION 207. STREET FRONTAGE REQUIRED, located 913 W. 4th St.

Presentation:

Barbara J. King, 525 Ridge Dr., Sand Springs, submitted a letter (Exhibit B-2) from the Sand Springs Board of Adjustment. She stated that she would like to

N 432.7 E 565 SE SW NW SEC 33-21-14, OF TULSA COUNTY, STATE OF OKLAHOMA

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Case No. 2447—Crown Hill Funeral Home

Action Requested:
Use Variance to allow for a funeral home (Use Unit 11) in an AG District (Section 310, Table 1). **Location:** 1821 East 66th Street North

Presentation:
Michael McConnell, 2455 North Boston Avenue, Tulsa, OK; stated he would like to receive a license from the state funeral board to operate a full service funeral home. He would also like to have the ability to embalm. For the most part funeral homes do not perform their own in-house embalming because it is now outsourced. The state funeral board wants funeral homes to have the capability of doing so in case of a disaster or large emergency. He would like to be able to show and sell caskets and provide a price list for funeral services.

Mr. Charney asked Mr. McConnell if he was a prospective buyer or if he currently owned the property. Mr. McConnell stated that he has a lease with option to purchase and he does intend to purchase the building if he is allowed to use the funeral home. He has no reason to purchase the building without the use of the funeral home.

Mr. Charney asked Mr. McConnell if the site was served by sanitary sewer or septic system. Mr. McConnell stated the property is on sanitary sewer. Mr. Charney asked if Mr, McConnell knew if there is a sufficient infrastructure in place from to handle the embalming process. Mr. McConnell stated there is a sufficient infrastructure in place, and stated the state funeral board has seen the building several times. He has not been able to obtain the occupancy permit then the license for the funeral home. The Board of Adjustment is the last step in the process so that all the permits can be obtained and in place.

Mr. Draper asked Mr. McConnell if the existing church/school use intended to continue, or is the building intended to totally become a funeral home. Mr. McConnell stated there is a very large chapel on site and it has been used for weddings. There is no school, and at one time there was a church renting the chapel.

Mr. Charney asked Mr. McConnell if any of the surrounding neighbors has expressed any concerns in regards to the funeral home. Mr. McConnell stated that he has heard overwhelming support from the neighbors for the proposed project.

Interested Parties:
John Smaligo, 633 North Denver Avenue, Tulsa, OK; stated that he appeared before the Board of Adjustment several years ago in regards to a halfway house at the subject location. It was decided by the Board, very wisely, that the level of intensity of the type

BOA-2447

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of use did not fit the surrounding area. Mr. Smaligo mentioned the petition from the neighbors in the surrounding area, that they recognize this as an opportunity for this facility to be used in a positive way and a good bsuiness opportunity for the community. Mr. Smaligo stated that Mr. McConnell has gone out of his way to visit with some of the homeowners of the area and tell them about his plans. Mr. McConnell has been very open about this process and garnered quite a bit of support, which is well deserved. Mr. Smaligo encourages the Board to approve this application.

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, OK; stated he believes in Mr. McConnell. He believes that Mr. McConnell will do as he says he is going to do. He believes Mr. McConnell will continue to improve the subject property. He knows Mr. McConnell will be an asset to the community.

Comments and Questions:
Mr. West suggested that Mr. McConnell have the property platted, which would clean up the property for the County.

Board Action:
On **MOTION** of **CHARNEY,** the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; No "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Use Variance to allow for a funeral home (Use Unit 11) in an AG District (Section 310, Table 1). Finding that the peculiar nature of the structure as it is situated on the land has a limited potential use. This hardship will allow the Board to grant the use variance given the unusual nature of the structure on the site and the overall size of the property; for the following property:

W250 E/2 SW SW SE LESS S50 THEREOF FOR RD SEC 31 21 13 3.501ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2448—Larry D. Vaughan

Action Rrequested:
Variance to allow 1,500 square foot accessory building (pole barn) in an RS District (Section 240.2.E). **Location:** 4701 West 27th Street South

Presentation:
Larry Vaughan, 4701 West 27th Street South, Tulsa, OK; stated there is an existing 750 square foot pole barn that is approximately 40 years old and it is riddled with termites. He has attempted to make repairs to the barn but it is not cost effective. He would like to build a 1,500 square foot pole barn to the north of the existing barn and after the new structure is complete he will raze the old barn.

Interested Parties:
There were no interested parties present.

Case No. 709 (continued)

to DENY a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG-R District; finding that there are no mobile homes in the immediate neighborhood; and finding that a mobile home is not compatible with the residential character of the area; on the following described property:

East 519', south 210', north 630', NE/4, NE/4, Section 8, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 710

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1205 - Request a special exception to allow a church, associated school and related uses in an AG District, located east of NE/c 66th Street North and Victor Avenue.

Presentation:

The applicant, Northside Freewill Baptist Church, was represented by Curtis Linton, 1724 East 63rd Street North, Tulsa, Oklahoma, who explained that the church is planning to relocate and build a new facility on the property at the above stated location. He stated that a parsonage, which is his residence, has been constructed on the property adjoining the tract in question. Mr. Linton informed that the first story of the building will have approximately 22,500 sq. ft. of floor space, with an additional 7,000 sq. ft. being added at a later date. He stated that the church operates a day school and is a food bank distributor.

Comments and Questions:

Mr. Alberty asked what grades are taught in the school and Mr. Linton replied that classes are taught from kindergarten through high school, with an enrollment of approximately 40 children.

Mr. Alberty asked if the school will be conducted in the church, and Mr. Linton stated that the first phase of the construction will actually be a multi-purpose building which will be used for the school, worship services and other church related activities.

Mr. Looney inquired as to the school hours, and Mr. Linton informed that classes will begin at 8 a.m. and conclude at 3:30 p.m.

In answer to Mr. Alberty's inquiry, Mr. Linton informed that the present church membership is approximately 350 to 400. He stated that a new octagonal shaped auditorium will be constructed in the near future.

Case No. 710 (continued)

Mr. Alberty explained that the Board can approve church use at this time, but a site plan will have to be approved by the Building Inspector before construction begins.

Mr. Edwards informed that an Engineer Certificate will be required and Mr. Alberty pointed out that the applicant will also be required to acquire a plat, or obtain a waiver of that requirement.

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 **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1205) to allow a church, associated school and related uses in an AG District; subject to site plan approval by the Building Inspector; finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

West 250' of the E/2, SW/4, SW/4, SE/4 of Section 31, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 711

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use unit 1209 - Request a special exception to allow a mobile home in an RS District.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Request a variance to allow two dwellings per lot of record, located at 6141 North Utica Place.

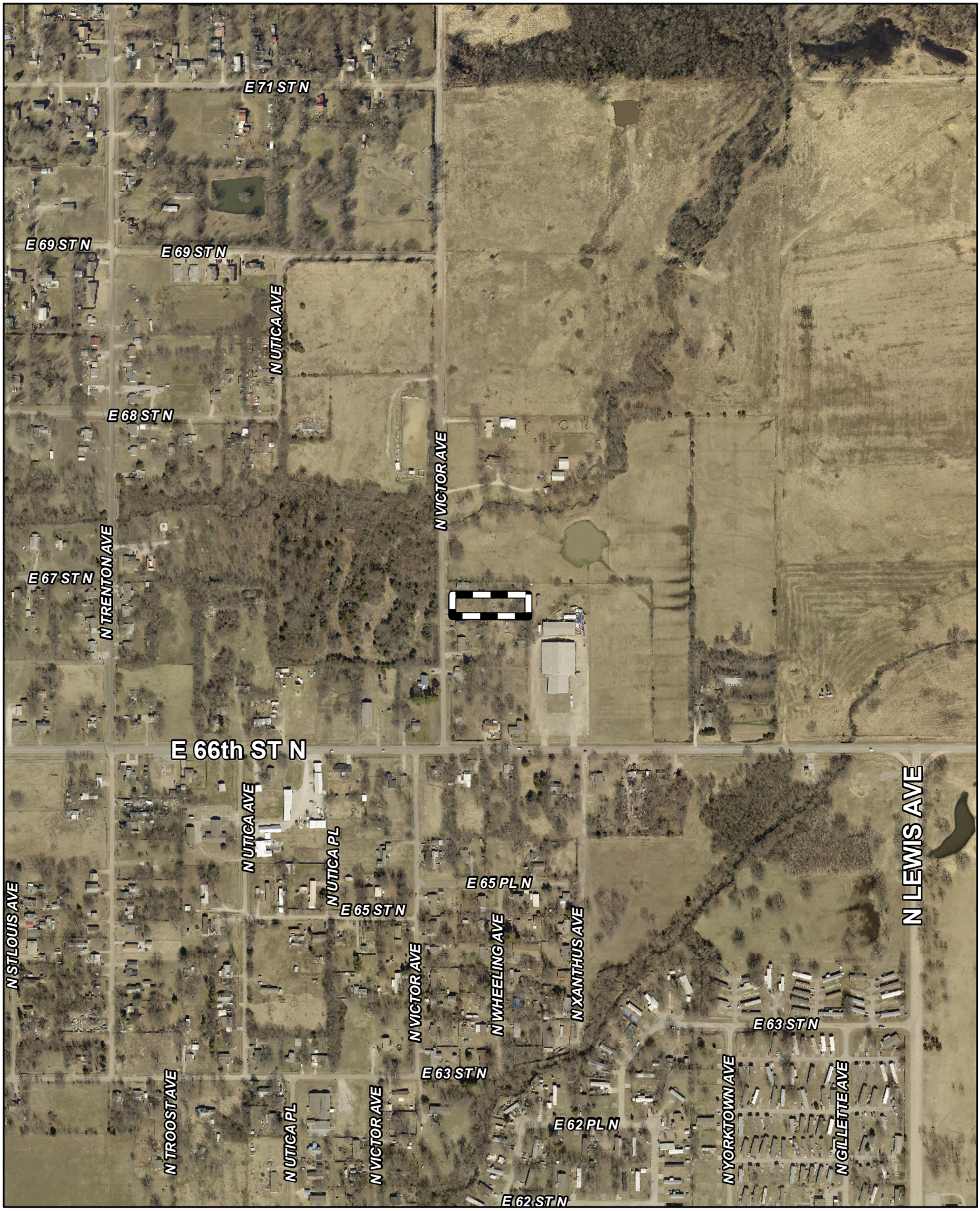
Presentation:

The applicant, Leroy Brown, 6141 North Utica Place, Tulsa, Oklahoma, stated that the proposed location for the mobile home in question is a 2 1/2 acre tract behind the houses in the area. He informed that he has constructed a bridge across the creek and has placed one dwelling on the back tract.

Comments and Questions:

Mr. Alberty asked the applicant if he intends to rent the trailer and he answered in the affirmative.

Mr. Walker inquired if there are trees along the creek to screen the view of the mobile home from the residences, and Mr. Brown replied that there are many trees along the creek bank.



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Subject Tract

CBOA-2954

21-13 31

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

Aerial Photo Date: 2020/2021

N

Feet
0 50 100

Subject Tract

CBOA-2954

21-13 31

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

Aerial Photo Date: 2020/2021

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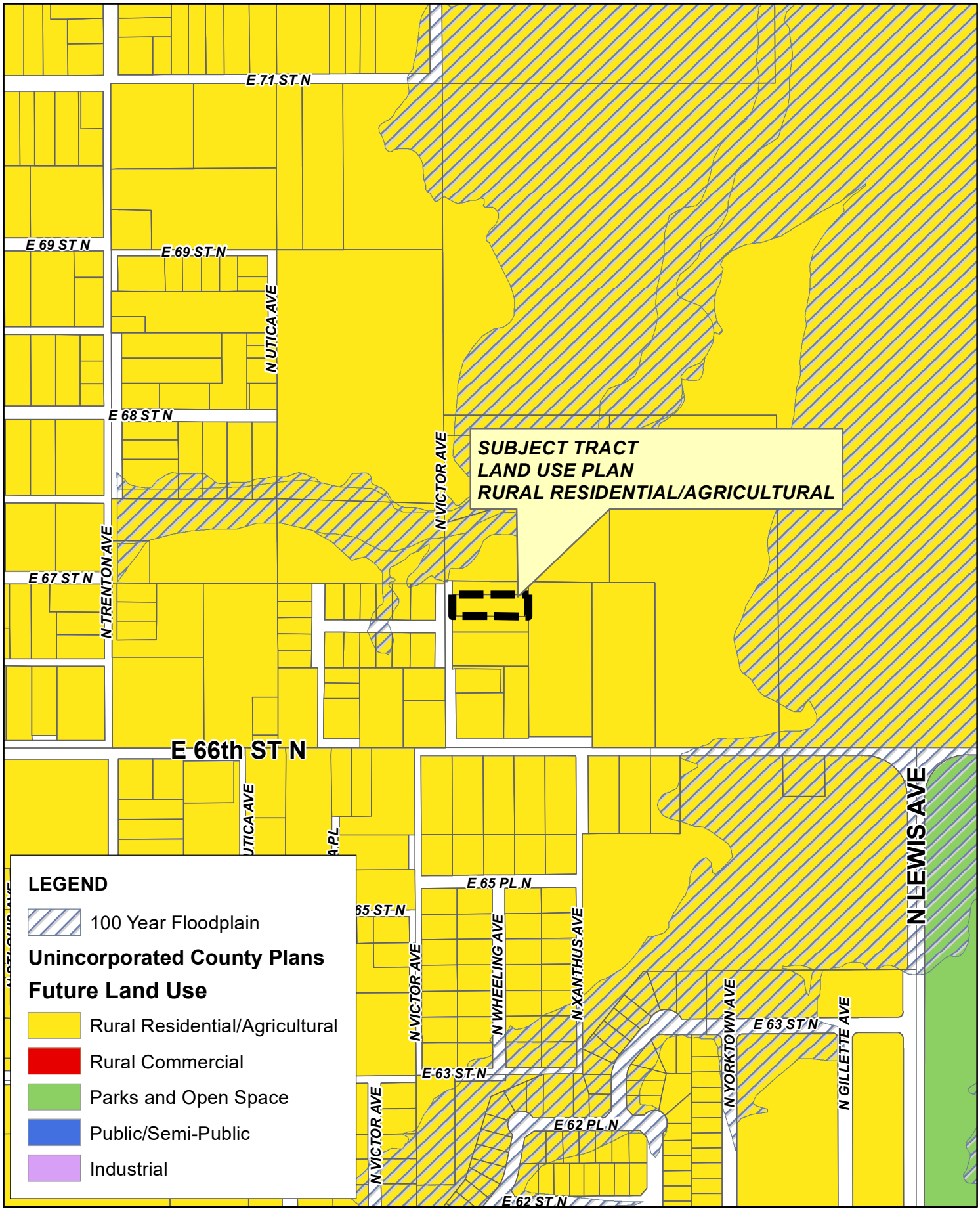

Feet
0 250 500

CBOA-2954

21-13 31

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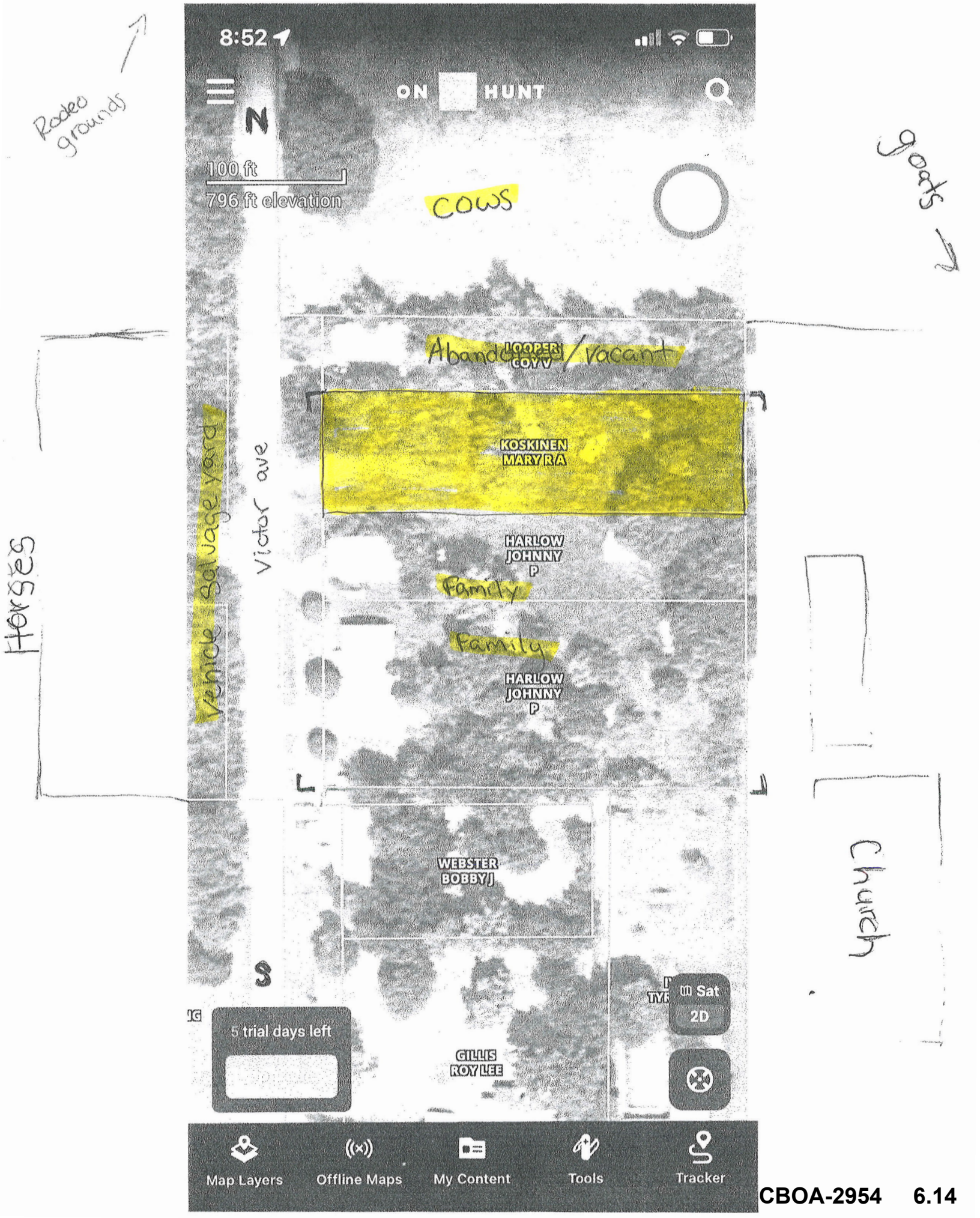
Looking east toward subject property *Google Earth 2022*

Looking south on N. Victor Ave. E. *Google Earth 2022*


Rodeo grounds
goats
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Abandoned / vacant
LOOPER COY V
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Victor ave
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family
family
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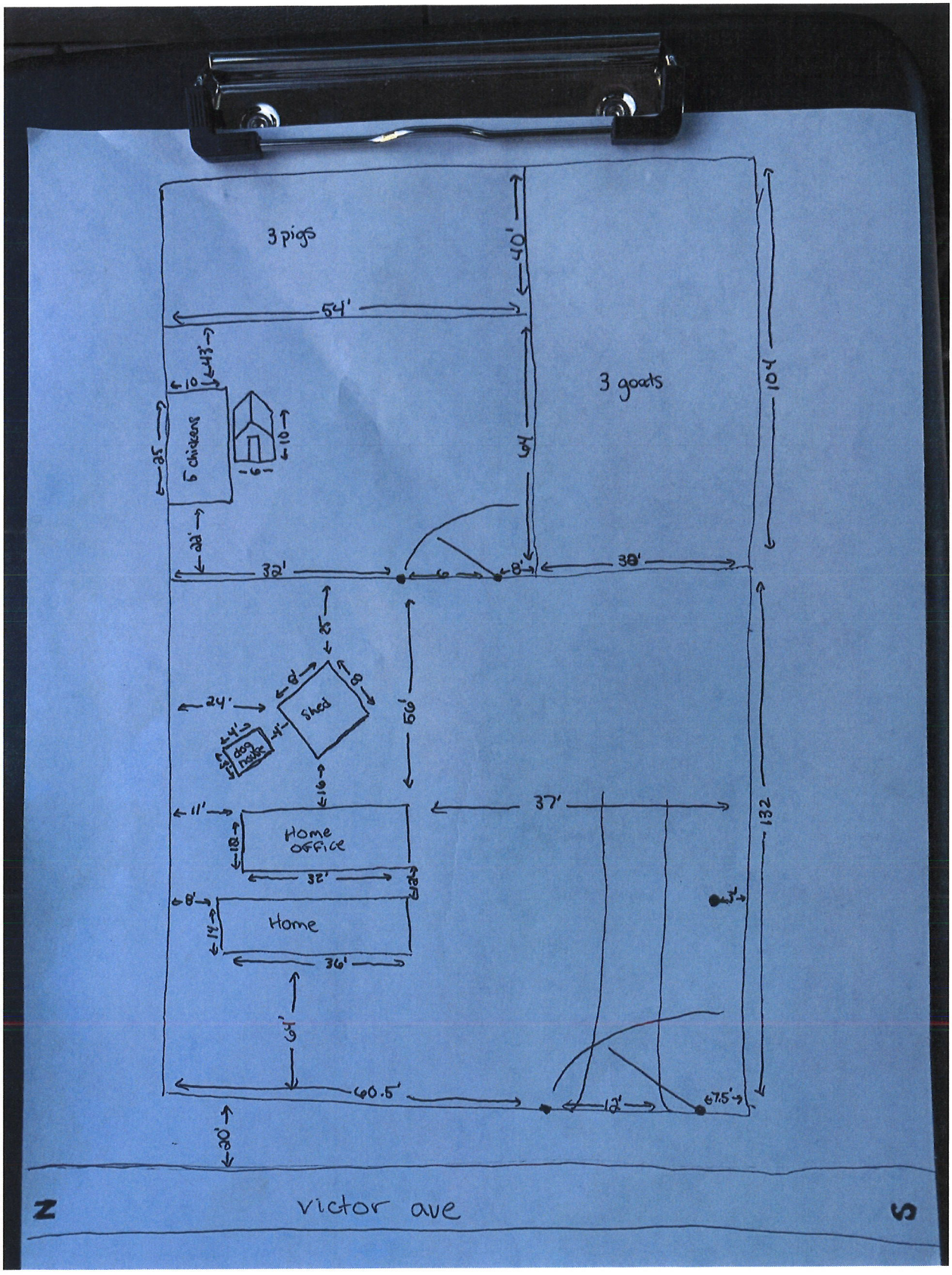
3 pigs
40'
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64
5 chickens
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38'
Shed
24'
56'
dog house
37'
132
Home office
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Home
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victor ave
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