Case Number: CBOA-3068

Hearing Date: 06/26/2023 1:30 PM
(Continued from 06/20/2023)

Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Michael Grim
Property Owner: FELKINS ENTERPRISES LLC

Action Requested: Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410) and a Variance from the all-weather parking surface requirement (Section 1340.D).

Location Map:

Additional Information:
Present Use: Printing Service
Tract Size: 0.59 acres
Location: 9924 N GARNETT RD E
Present Zoning: RE
Fenceline/Area: Owasso
Land Use Designation: Transitional
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1418
CZM: 12

CASE NUMBER: CBOA-3068
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 06/26/2023 1:30 PM (Continued from 06/20/2023)

APPLICANT: Michael Grim

ACTION REQUESTED: Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410) and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 9924 N GARNETT RD E
ZONED: RE

FENCELINE: Owasso

PRESENT USE: Printing Service
TRACT SIZE: 0.59 acres

LEGAL DESCRIPTION: PRT NE SE BEG 347N SECR SE TH W190 S24 W90 N127 E280 S TO POB LESS E50 THEREOF FOR RD SEC 18 21 14 .593ACS, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RE and currently contains a printing service. To the north is a vacant lot zoned CS. To the south and west is RE zoning containing single-family residences. To the east are RS-3 zoned lots containing single-family residences.

STAFF COMMENTS:
The applicant is before the Board to request a Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410) and a Variance from the all-weather parking surface requirement (Section 1340.D).

A special exception is required as the proposed fireworks stand is a use which is not permitted by right but by exception in the RE district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding neighborhood.

Section 1340.D of the Tulsa County Zoning Code requires that unenclosed off-street parking areas be surfaced with an all-weather material. The applicant is requesting a variance of that requirement so that the existing gravel parking area may be used.

The applicant provided the statement “Because a firework stand is seasonal and temporary, we don’t want to asphalt or concrete in the drive/parking area. The drive and parking area is currently gravel.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed variance is compatible with and non-injurious to the surrounding area.
Sample Motion:

"Move to ________ (approve/deny) a Special Exception to permit a fireworks stand (Use Unit 2) in an RE district (Section 410) 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.