**Case Number:** CBOA-3072

**Hearing Date:** 07/18/2023 1:30 PM
(Continued from 06/20/26 & 06/26/2023)

**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**

**Applicant:** James Kent

**Property Owner:** KENT, JAMES A & LINDA D REVOCABLE TRUST

**Action Requested:** Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (Section 1340.D).

**Location Map:**

**Additional Information:**

**Present Use:** Renewal of fireworks stand

**Tract Size:** 0.86 acres

**Location:** 4503 S 49th W Ave

**Present Zoning:** IL,RS

**Fenceline/Area:** West Central Tulsa County

**Land Use Designation:** Rural Residential/Agricultural
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9228
CZM: 45

CASE NUMBER: CBOA-3072
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 07/18/2023 1:30 PM (Continued from 06/20/2023 & 06/26/2023)

APPLICANT: James Kent

ACTION REQUESTED: Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (Section 1340.D).

LOCATION: 4503 South 49 Avenue West

ZONED: IL,RS

FENCeline: West Central Tulsa County

PRESENT USE: Renewal of firework stand

TRACT SIZE: 0.86 acres

LEGAL DESCRIPTION: LT 24 BLK 1, BRIDGES THIRD SUB Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2707 August 2018: The Board approved a Special Exception to allow a fireworks stand (Use Unit 2) in a RS district and IL district; Variance of the all-weather surface material requirement for parking (Section 1340.D). Granted a 5 year time limit on approvals.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS and is currently vacant. It is bounded to the north by RS and to the east by RS/IL containing single-family residences and to the south and west by IL zoning containing Industrial uses.

STAFF COMMENTS:
The applicant is before the Board to request a Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (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 that they are requesting the variance due to the temporary nature of parking for a firework stand.

CBOA-3072 2.2
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 allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (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.
Subject Property looking East from S 49\textsuperscript{th} W Ave