

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 311
Tuesday, April 18, 2006, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair	Alberty	West, Co. Inspector
Charney, Vice Chair	Butler	
Dillard, Secretary	Cuthbertson	
Tyndall		
Walker		

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, April 13, 2006 at 10:58 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Hutson called the meeting to order at 1:31 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Walker**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of March 21, 2006 (No. 310).

UNFINISHED BUSINESS

Case No. 2204

Action Requested:

Special Exception to allow retail sales of farm produce in an AG zoned district Sect 320.1.2; and a Variance of the required hard surface parking to allow gravel parking for customers Sect. 240.3, located: 13031 North 143rd Avenue East.

Presentation:

Anna K. Harris, 13031 North 143rd East Avenue, Collinsville, Oklahoma, stated her attorney set up a meeting with Mr. Ramos. They signed an agreement (Exhibit A-1) that Ms. Harris would run her business. Mr. Ramos agreed not to protest her

request for a special exception and variance from the zoning code. He promised to encourage other neighbors in opposition to drop their protests. Mr. Ramos promised to cease the auto repair business and Ms. Harris promised to cease electronic surveillance of his property. Ms. Harris promised also to cease protest of his past activities that she considered violations of the zoning code. This agreement would be replaced by a more formal agreement. She added that she advised him on some gardening problems and they are now open to communication. He observed the cameras being removed.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to allow retail sales of farm produce in an AG zoned district Sect 320.1.2; and a Variance of the required hard surface parking to allow gravel parking for customers, finding the small incidence of sales, on the following described property:

N440 E/2 E/2 SE LESS W.16AC THEREOF FOR RD SEC 3322 14 6.500ACS
(TR 1 & 2 PH 1), Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No.2205

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in an AG district; and a Variance of the all-weather surface requirement for the parking area, located: 13412 East 106th Street North.

Presentation:

Brett Watson, 402 Victorian Drive, Pittsburg, Kansas, reminded the Board of the short time period they would use the property. He added the parking would be graveled to prevent autos from displacing mud onto the street. The hardship is that this is only a temporary use.

Comments and Questions:

Mr. Charney asked Mr. Watson if the application was approved if the lights would face north toward the church rather than south. Mr. Charney also would condition it with a 10:30 p.m. closing time with lights out. Mr. Watson responded that in the summer the sun sets later so there would not be much need for lighting. He also requested to stay open later on July 3rd and 4th, when they have a lot more business.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a fireworks stand (Use Unit 2) in an AG district, for a period of three years; and a Variance of the all-weather surface requirement for the parking area, finding the temporary nature of the special exception use, on the following described property:

N/2 NW NE NW LESS BEG NEC THEREOF TH W486.29 S50 SE488.97 N100
POB & LESS N16.5 W173.71 THEREOF FORRD SEC 16 21 14 4.102ACS,
Tulsa County, State of Oklahoma

Case No. 2206

Action Requested:

Special Exception to permit a cell tower in an RM-2 district; and a Special Exception of the required 110 percent distance from an R district, located: 6524 West Charles Page Boulevard South.

Mr. Cuthbertson noted to the Board that under staff review it was determined that the special exception of the required 110 percent distance from an R district was not necessary. Staff advised the special exception based on the residential district they were in but it should have been interpreted "from the next residential district", which was more than the 110% distance. The applicant has withdrawn that special exception.

Presentation:

Lou Reynolds, 2727 East 21st Street, represented Verizon Wireless for Mr. Kavanagh. He submitted photographs, a map and a site plan (Exhibits B-1, B-2 and B-3). It is an unusual location, as one-half of the site is on IM and one-half on RM-2 property. It would all be on the IM property but it would be on the levy. All the homes are 300' from the location for the tower. It is behind a commercial center. He reviewed the surrounding properties and their uses. This application is for a 150' monopole tower. He stated this tower would fill up a critical gap in Sand Springs and west Tulsa.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a cell tower in an RM-2 zoned district; and the applicant **withdrew** the request for a Special Exception of the required 110% distance from an R district, on the following described property:

NE NE LYING S OF U S HWY 64 LESS W569.11 & LESS TR BEG 279.73S & 26.46SW NEC NE TH SW ALG SL HWY 211.05 TH SE174.83 NE59.55 E81.06 TO PT 24.75W EL NETRIMBLE SUB, Tulsa County, State of Oklahoma

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Case No. 2207

Action Requested:

Variance of the land area per dwelling unit to permit two dwellings on a lot in an AG district, located: 16651 West 46th Street South.

Presentation:

Darrell Green, 16507 West 46th Street, Sand Springs, Oklahoma, proposed to split 5.5 acres for two dwellings. The neighbors are in support.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:


On **Motion** of **name**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the land area per dwelling unit to permit two dwellings on a lot in an AG district, with condition: for this family member only for as long as she needs it, finding it 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; and finding the location is on a dead end road, on the following described property:

E320 W640 N358 N/2 NW SE LESS S30 FOR RD SEC 30 19 11 2.41ACS, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 2:06 p.m.

Date approved: 5-17-06


Chair