

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 328  
Tuesday, September 18, 2007, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Charney, Chair	Tyndall, Vice Chair	Alberty
Dillard		Butler
Hutson		Cuthbertson
Walker, Secretary		

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, September 13, 2007 at 2:31p.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m.

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

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**MINUTES**

On **MOTION** of Walker, the Board voted 4-0-0 (Walker, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** the Minutes of August 21, 2007(No. 327).

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**UNFINISHED BUSINESS**

**Case No. 2276**

**Action Requested:**

Special Exception to permit a fireworks stand in an CS district (Section 710), located: 17407 West 9<sup>th</sup> Street South.

**Presentation:**

The applicant was not present. The case was moved to the end of the agenda.

LT 4 BLK 3 WEKIWA HILLS, Tulsa County, State of Oklahoma

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**Case No. 2277**

**Action Requested:**

Special Exception to permit a fireworks stand in the RMH district (Section 410) and a Variance of the paving requirement for a parking area (Section 1340.D), located: 13565 North Old US-169 Highway East.

**Presentation:**

The applicant was not present. The case was moved to the end of the agenda.

THAT PT SW NE NW LYING E OF HWY LESS S 460' SEC. 32-22-14 Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 2279**

**Action Requested:**

Special Exception to permit a hair salon for a home occupation in an RS District (Section 440.B), located: 11729 East 128<sup>th</sup> Place South.

**Presentation:**

**Margo Gregory**, 11729 East 128<sup>th</sup> Place South, Broken Arrow, Oklahoma, proposed to open a one-chair beauty shop in her garage, as a home occupation. It would be open two to three days per week.

**Comments and Questions:**

In response to questions, Ms. Gregory informed the Board that when she applied for a permit she was advised to go to the Board of Adjustment. She has started preparing a space in the garage for the shop. The customers would come through a breezeway to a separate entrance for the shop. She would see customers during the day but would like to have customers one evening.

**Interested Parties:**

**Robert Roach**, 11453 East 128<sup>th</sup> Place South, Broken Arrow, Oklahoma, questioned the affect the shop would have on property values and enforcement. He brought up child safety, as this is the major street into the neighborhood. He was concerned for increased traffic and the possibility of setting a precedent. He referred to a letter from one of the residents regarding a disturbance from construction on the subject property. He submitted a petition of opposition (Exhibit A-1).

**Bonnie Mitchell**, 12807 South 117<sup>th</sup> East Avenue, Broken Arrow, stated this is a residential neighborhood without any businesses. She expressed concerns similar to the previous interested party. She was concerned about on street parking because it is not wide enough. She mentioned they do not have curbing on this street.

**Applicant's Rebuttal:**

Ms. Gregory felt the main concern about the traffic is the speed of the cars. She suggested speed bumps might help. One of the neighbors has a photo studio and she asked permission to take pictures of her house with a home occupation. She submitted photographs and a petition of support (Exhibits A-2 and A-3).

**Comments and Questions:**

In response to questions from the Board, Ms. Gregory stated she would not be open more than three days per week. She stated each customer takes from one to two hours. She stated twenty-five customers per week would be a full load. Mr. Dillard estimated that would be about eighteen cars per week. Mr. Charney reminded Ms. Gregory of the home occupation ordinances, including no employees, no sign exceeding two square feet and no on-street parking.

Mr. Charney permitted an interested party to ask a question.

**Carlene Wade**, 11707 East 128<sup>th</sup> Place South, Broken Arrow, asked if there were set hours of operation. Mr. Charney replied the Board has the power to set restrictions if they were to approve this application. She asked if the signatures of support are nearby neighbors, to which he replied he was not sure.

**Board Action:**

On **Motion of Hutson**, the Board voted 3-0-1 (Walker, Hutson, Charney "aye"; no "nays"; Dillard "abstained"; Tyndall "absent") to **APPROVE** a Special Exception to permit a hair salon for a home occupation in an RS District (Section 440.B), with conditions: limited to one chair; hours of operation 9:00 a.m. to 7:00 p.m.; as submitted, per home occupation ordinances, finding less than 500 sq. ft. for the use, no outside storage or display of materials, adequate off-street parking, no exterior alterations to the structure and no mechanical equipment; on the following described property:

LT 7 BLK 5 WILLOW SPRINGS WEST ADDN Tulsa County, State of Oklahoma

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**Case No. 2276**

**Action Requested:**

Special Exception to permit a fireworks stand in an CS district (Section 710), located: 17407 West 9<sup>th</sup> Street South.

**Presentation:**

The applicant was not present.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **DENY** Case No. 2276 without prejudice, on the following described property:

LT 4 BLK 3 WEKIWA HILLS, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 2277**

**Action Requested:**

Special Exception to permit a fireworks stand in the RMH district (Section 410) and a Variance of the paving requirement for a parking area (Section 1340.D), located: 13565 North Old US-169 Highway East.

**Presentation:**

The applicant was not present.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **DENY** Case No. 2277 without prejudice, on the following described property:

THAT PT SW NE NW LYING E OF HWY LESS S 460' SEC. 32-22-14 Tulsa County, State of Oklahoma

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**OTHER BUSINESS**

**Interpretation**

Interpretation of the Zoning Code to determine the classification of a pond in a platted residential district.

Mr. Cuthbertson informed the Board that Mr. West, County Inspector, could not attend the meeting and asked for a continuance.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **CONTINUE** this item to the meeting on October 16, 2007.

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**Election of Officers**

On **Motion** of **Hutson**, the Board voted 3-1-0 (Dillard, Hutson, Charney "aye"; Walker "nay"; no "abstentions"; Tyndall "absent") to maintain the current officer status: Chair, David Charney; Vice-Chair, John Tyndall; and Secretary, Roland Walker.

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**NEW BUSINESS**

**2008 County BOA meeting room schedule**

On **Motion** of **Dillard**, the Board voted 4-0-0 (Dillard, Hutson, Charney "aye"; Walker "nay"; no "abstentions"; Tyndall "absent") to adopt the 2008 Meeting Room Schedule as presented.

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There being no further business, the meeting adjourned at 2:14 p.m.

Date approved: 12/18/07

David E. Charney  
Chair

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