

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 394**  
Tuesday, March 19, 2013, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
County Commission Room, Room 119  
500 South Denver

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

Draper	Charney, Chair	Miller	West, Co. Inspector
Dillard	Osborne, Secretary	Bates	
Walker, Vice Chair		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14<sup>th</sup> day of March, 2013 at 10:38 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

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**MINUTES**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Draper, Dillard, Walker "aye"; no "nays"; no "abstentions"; Charney, Osborne "absent") to **APPROVE** the Minutes of February 19, 2013 (No. 393).

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Mr. Walker explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded affirmatively that they understood Mr. Walker, and no one asked to be continued to the next meeting.

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**UNFINISHED BUSINESS**

**Case No. 2438—David Woods**

**Action Requested:**

Variance from the requirement that a lot have a minimum of 30 feet of frontage on a public street or dedicated right-of-way (Section 207). **Location:** 5875 South 157<sup>th</sup> West Avenue

**Presentation:**

There was no presentation made. The applicant's attorney has requested this case be withdrawn due to the need of further investigation into mutual access for his client.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Draper, Dillard, Walker "aye"; no "nays"; no "abstentions"; Charney, Osborne "absent") to **APPROVE** the request to withdraw the request for a Variance from the requirement that a lot have a minimum of 30 feet of frontage on a public street or dedicated right-of-way (Section 207); for the following property:

**N220 E495 NE SW SW SEC 32 19 11 2.50ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**Case No. 2459—Istvan Balogh**

**Action Requested:**

Use Variance to permit Use Unit 13 in an AG District (Section 310). **Location:** 8302 West 51<sup>st</sup> Street South

**Presentation:**

**Istvan Balogh**, P. O. Box 52843, Tulsa, OK; stated he just purchased this property last year and he wants to be able to promote the agricultural and farming industry. He would like to have a farmer's market on the property and have an educational facility as well. He is currently working with Oklahoma State University and the State Department of Agriculture. The State Department of Agriculture has inspected the property and has approved the site for the proposed use. The State Department of Agriculture is waiting for his approved use variance application for the farmer's market. Oklahoma State University is helping him put the farmer's market together and the agricultural educational programs.

Mr. Walker asked Mr. Balogh to verify that his property is a little over three acres, and Mr. Balogh confirmed that it was. Mr. Walker asked Mr. Balogh if he was going to use the land to grow crops for the farmer's market to sell. Mr. Balogh stated that outside public producers will be invited to come to the farmer's market to sell their agricultural products, similar to the Cherry Street Market. Currently he is attempting to promote a business coalition for local business owners in the area to build up and improve the area. In the area, currently, there is a winery, a "pick your own" farm and a hydroponics farm adjoining his property. He has been in negotiations with the hydroponics farm to sell their produce at the proposed farmer's market.

Mr. Draper asked Mr. Balogh what his proposed hours of operation would be. Mr. Balogh stated that he would like to work up to operating seven days a week, from 8:00 or 9:00 a.m. to 5:00 p.m. Mr. Draper asked Mr. Balogh if he would have objections to a restriction placed on the hours of operation if the Board should vote to approve this application. Mr. Balogh stated that there are plans to have some functions in the evenings, i.e., site public visitations because it is going to be an educational facility as well. The educational portion is why he has been working with Oklahoma State University, and those classes would be held indoors and possibly in the evening.

Mr. Walker asked Mr. Balogh to state his hardship for the variance request. Mr. Balogh stated the property was sold to him with the understanding that it is zoned agricultural. The previous owner has been working with County Commissioner Karen Keith to find out why INCOG has the property designated as RE zoning. The title company even included part of another tract in his legal and he had to clear up that confusion. Currently he is permitted under the AG zoning and paying taxes on the land under the AG zoning, but INCOG has the property listed as RE zoning.

Mr. Walker asked Staff if a variance is required under the AG zoning. Mr. Bates stated that Mr. Balogh's proposal would be deemed as a Use Unit 13 by Tulsa County. If Mr. Balogh were to operate a farmer's market less than seven days a week it could possibly be classified under another use unit. But being a full time farmer's market or store, the request triggers a different use unit that is not allowed in the AG zoning, thus requiring a use variance. Mr. Balogh is currently scheduled to appear before the Planning Commission tomorrow to have his property rezoned to AG zoning. Mr. Bates stated that Mr. Balogh's hardship is that the property was sold to him as AG zoned after it had

been rezoned. He also has his building already built and it can only be used as a pole barn now and he was under the understanding that the building could be used as a farmer's market.

Ms. Miller stated that a farmer's market is not allowed in the AG zoning. Mr. Walker stated that the Board is considering this request as if the property were already zoned AG. Ms. Miller stated that Mr. Balogh purchased the land thinking it was AG zoned and with the intention of opening a farmer's market and a farmer's market is not allowed. Mr. Walker stated that a farmer's market would be allowed if it were not operated seven days a week.

Mr. Balogh stated that the primary function of the site will be the educational agricultural classes then the farmer's market. He would like to be able to sell feed for cattle and horses also as a feed store. Mr. Balogh stated that if the land were properly zoned RE, the topography of the land could not uphold residential. He has invested a lot of money is reshaping the land to make sure it is graded correctly. He has brought in approximately 20 truckloads of soil brought in to raise the grade. He has also paid AEP to bring the utility to the property because there are no utilities on the property, and will have other utilities brought to the property.

Mr. Balogh stated that he does not intend to operate a retail store seven days a week. The classes would be held seven days a week, and the classes are his main focus that is why he is working with Oklahoma State University and the State Department of Agriculture. A farmer's market would be open on the weekend.

Mr. Walker asked Mr. Balogh where the feed store would be located. Mr. Balogh stated the feed store would be there for customers that need certain types of bulk product, i.e., the Tulsa Herb Society purchases specific ground covers only at certain times of the year. He would consider that an occasionally stored bulk product. Mr. Balogh stated that he has a full time career and does not plan to be on the premises seven days a week nor does he want to hire someone to be on the property seven days a week. He does not have the intent to have a store seven days a week but he does want to have the ability to be there seven days a week for the educational classes.

Mr. Dillard stated that the agricultural business would only be active four or five months out of the year so he could support this application.

Mr. Bates stated that the Board approved a use variance in 2005 for the winery that in the neighborhood. They can cultivate, produce and sell wine on their property. Mr. Walker stated that was an accessory sales to the winery, and that was entirely different than this proposal.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Draper, Dillard, Walker “aye”; no “nays”; no “abstentions”; Charney, Osborne “absent”) to **APPROVE** the request for a **Use Variance** to permit Use Unit 13 in an AG District (Section 310). The hardship is that this is an accessory to agricultural zoning use and this approval is based upon the approval of the AG zoning. This approval will include a farmer’s market up to three days a week with instructional and educational use of the building seven days a week and as late as necessary; for the following property:

**BEG SECR SE TH N299.22 NW38.39 WLY CRV LF 214.36 CRV LF 196.56 SW84.69 WLY CRV RT 369.06 SW8.93 S4.69 E835.29 POB SEC 25 19 11 3.326AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Case No. 2460—Dewayne Corvin**

**Action Requested:**

**Use Variance** to allow (Use Unit 15) in an AG District to permit other trades and services (Section 310). **Location:** 3023 East 151<sup>st</sup> Street South

**Presentation:**

**Dewayne Corvin**, 3023 East 151<sup>st</sup> Street, Bixby, OK; stated he wants to operate a construction and roofing company in an AG zone. The City of Bixby has proposed the entire area convert to commercial zoning. The properties that are for sale in the area are being advertised and promoted as commercial properties. His business is a generational family construction business. The existing structure was a house and still has the appearance of a house. He has made a considerable amount of improvements to the property and could still be sold as a residential house if desired. He works with the high school and teaches alternative students a skill and how to be a good citizen. His son has been accepted by Oklahoma State University into Construction Management so he will be able to continue the family business to the next generation. He proposes the hours of operation to be 7:00 a.m. to 5:00 p.m., five days a week. On occasion there will be a job that will require the workers to arrive back at the shop a little later than 5:00 p.m. There is a paved driveway with paved parking on one side of the building. The proposed plan matches the long-term plan for the community and Bixby does not have a problem with the proposed plan.

**Interested Parties:**

**Donovan Cotner**, 3030 East 151<sup>st</sup> Street, Bixby, OK; stated he lives across the street from the Corvin’s business. All he wants to know is if there is a large flashing sign going to be erected. Mr. Walker stated the applicant has agreed not to have signage on the property.

Mr. Walker asked Staff if there will be required screening for this property. Mr. West stated that as long as everything is stored in the large accessory building on the property with no outside storage screening would not be required.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Draper, Osborne "absent") to **APPROVE** the request for a Use Variance to allow (Use Unit 15) in an AG District to permit other trades and services (Section 310). The hardship for this approval is the fact the property is presently zoned agricultural and it is in the Bixby Comprehensive Plan to become a future commercial corridor. The hours of operation will be from 7:00 a.m. to 6:00 p.m., five days a week. There is to be no outside storage. There is to be no signage for the business on the property; for the following property:

**S310 E210 W/2 SE LESS S50 THEREOF SEC 17 17 13 1.25AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW BUSINESS**

None.

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**OTHER BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:15 p.m.

Date approved: 4/16/13

David E. Charney  
Chair