TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 417
Tuesday, February 17, 2015, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338
Tulsa, Oklahoma

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Charney, Chair	Walker, Vice Chair	Miller	West, Inspector
Crall		Moye	
Dillard, Secretary		Sparger	
Hutchinson			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12th day of February, 2015 at 10:03 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

Mr. Charney explained to the applicants that there were only four 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 three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants what they would like to do. Everyone nodded their understanding and no one requested a continuance.

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Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

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MINUTES

On **MOTION** of **DILLARD,** the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the Minutes of January 20, 2015 (No. 416).

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UNFINISHED APPLICATIONS

2524—Bruce Wilcox

Action Requested:
Variance from the requirement that a detached accessory building shall be located in the rear yard; Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2); Variance to permit a 1,200 square foot detached accessory building (Section 240.2.E). **LOCATION:** 5919 South 97th West Avenue, Sand Springs

Presentation:
Bruce Wilcox, 5919 South 97th West Avenue, Sand Springs, OK; stated he would like to replace an old building that he had razed, because his hobby is restoring antique items and flying remote control planes.

Mr. Charney asked Mr. Wilcox if his tract size was about 2 ½ acres. Mr. Wilcox answered affirmatively.

Mr. Hutchinson asked Mr. Wilcox if he had taken down all the old buildings or just one under discussion. Mr. Wilcox stated there is an old trailer house is going to be taken out and all the other old buildings will either be sold, moved or torn down.

Mr. Crall stated that he has a concern regarding the setback because it is less than half the distance to the road. He asked Mr. Wilcox if there was anyway the building could be moved back. Mr. Wilcox stated the cement floor has already been poured so he doesn't know how that could be done. Mr. Wilcox stated that he thought everything had been taken care of before the work started.

Mr. Crall asked Mr. Wilcox if he was saying that the builder or contractor is the responsible party for placing the pad too close to the road. Mr. Wilcox stated that is where the old building was so he thought it would be okay to place the pad in the same location.

Mr. Charney asked staff about the setback issue and what size of lot would it normally be applicable to. Mr. West stated that an RS normally has a setback that is half of the street right-of-way distance and an additional 25 feet is required, i.e., 30 foot wide street has a 55 foot setback. Mr. West stated that the old building was a legal non-conforming use, however, once the building was torn down a new building comes under the current zoning code.

Mr. Charney asked staff what is the size of the smallest permissible lot in RS. Mr. West stated it is 6,900 square feet.

Mr. Crall asked staff about the easement that is necessary, is it the entire setback? Mr. West stated that is how the 30 foot setback is calculated, because it would include the easement and the right-of-way to utilized by the utilities and the barditch. The RS District has an automatic 25 foot setback.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Variance to permit a 1,200 square foot detached accessory building (Section 240.2.E) given the peculiar nature and unusual factor of the large size of the lot. The lot is several times the standard RS minimal configuration. This approval will require the applicant remove all the existing buildings including the trailer house; for the following property:

BEG 670N SWCR SEC TH E330 S330 W330 N330 POB SEC 36 19 11, HILL TOP ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Variance to permit a detached accessory building to encroach upon the minimum building setback line (Section 420.2.A.2) given the existence of the previous building being in the same location and the rural nature of 97th West Avenue; for the following property:

BEG 670N SWCR SEC TH E330 S330 W330 N330 POB SEC 36 19 11, HILL TOP ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Variance from the requirement that a detached accessory building shall be located in the rear yard and/or side yard given the unusual and peculiar nature of the size of the lot and the location of the existing house coupled with the previous location of the old building; for the following property:

BEG 670N SWCR SEC TH E330 S330 W330 N330 POB SEC 36 19 11, HILL TOP ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

The Board chose to hear Case CBOA-2526 next to allow ample time for all interested parties to be heard for Case CBOA-2525.

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NEW APPLICATIONS

2526—Jim Coleman

Action Requested:
Variance of the required front setback in the RE District from 35 feet to 30 feet (Section 430.1). **LOCATION:** 264 South 257th West Avenue, Sand Springs

Presentation:
Jim Coleman, 610 North 256th West Avenue, Sand Springs, OK; stated he builds homes and develops property, and in this particular subdivision he has built almost all of the houses. The topography of the subdivision requires a house be built close to the setback line due to the slope of the land. Mr. Coleman referred to a drawing that had been presented to the Board in their agenda packet, which showed the subject house on the property with a curved street in front. Each end of the house did not encroach on the setback but the middle of the house had a slight encroachment which happened because of the curve of the road.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Variance of the required front setback in the RE District from 35 feet to 30 feet (Section 430.1). The hardship is the slight curvation of the road that does not allow for a straight survey line for the setback, and the unique nature of the curvature of the road and the rural nature of the lot; for the following property:

LT 32 BLK 1, THE BLUFFS, OF TULSA COUNTY, STATE OF OKLAHOMA

2525 – Alexander Pfalmer

Action Requested:
Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1). **LOCATION:** W of the SW/c of West 31st Street South & South 137th West Avenue, Sand Springs

Presentation:
Kevin Coutant, 2 West 2nd Street, Suite 700, Tulsa, OK; stated he represents Sue and Tom Warren, the owners of Meadow Lake Ranch. Meadow Lake is a bed and breakfast recreation operation that is located on a property south and east of the subject property, and is about 75 acres. It is a property that was acquired by the Warrens in 1999, and it was subject to a Special Exception that was granted in 2001 for the bed and breakfast with recreational uses. This is a facility that has grown over time, and before it was purchased by the Warrens it was a rock quarry that had been abandoned for quite awhile. The 75 acres is not the subject matter of this application, it is adjoining where the facilities are located. The subject matter of this application is an approximately 40'-0" x 60'-0" open air pavilion. The pavilion was built two or three years ago for use as part of the bed and breakfast operation for outdoor weddings and the like. It has been used fairly consistently. It is referred to in a number of materials as an amphitheater. It is a concrete slab, metal building, open air and not an actual theater. In the winter time there are heavy curtains hung to enclose the entire area to make it look more like a structure than a pavilion. The pavilion was built in a functional place for the operation of this enterprise but, unknowingly, it was built over the property line that exists between two properties owned by the Warrens. This is not a property ownership issue, it is a zoning issue. The Special Exception that was granted for the 75 acres where all the lakes are and the operation for the bed and breakfast recreation does not cover the 45 acres which is the outlying parcel that is the subject tract. This structure encroaches into the tract that is not zoned, which is AG without a Special Exception.

At this time Mr. Coutant referred to several maps that were contained in the Board's agenda packet to further define where the subject tract is in relation to the operational bed and breakfast recreation facility. The AG zoned tract is located south and east of the subject tract.

The operation has grown organically. There is fishing, tomahawk throwing, archery, hiking, BB shooting, and the pleasure of staying overnight at the bed and breakfast operation which is all part of the recreational use. The issue is the Special Exception to support the pavilion for weddings and events usage. It has been used for weddings and events for awhile. The news that the pavilion was partially located on property that did not have a Special Exception is what the application is for.

Mr. Coutant stated that the pavilion is commonly used for weddings. The weddings themselves are in a pastoral location on the grounds with receptions occurring in the pavilion. Sometimes there is amplified music and sometimes there is not. There is a policy that all music is to stop at 10:00 P.M. and it does. There is no lighting issue

because the only thing there is pathway lighting. Parking for the pavilion use is found on the 75 acre parcel so there is no driving to the subject parcel to park. It is a location that includes bales of hay and dividers that are appropriate for an archery range ad for tomahawk throwing. There are some tepees on the subject property as well. It is the policy of Meadow Lake that if there is going to be a caterer they are to have a license to sell alcoholic beverages. Security is required to be hired and on premises during the event. If there is going to be more than 100 people in attendance it is policy and it is enforced, with catering and alcoholic beverage service there must be private Security on the premises. There has been a lot done to make this operation is conducted in a responsible and neighbor friendly way. The neighbors have been concerned about the noise level of the amplified music. Some of the correspondence in the Board's packet refers to this. Mr. Coutant read a few lines from a letter from Chief of Police Daniel Bradley of Sand Springs which stated that Meadow Lake is not a problem area.

Mr. Charney asked Mr. Coutant if it was important to his client to have the entire 45 acres being discussed have the Special Exception granted or considered, or is it just the encroachment or the structure over the line? Mr. Coutant stated the application was made for the entire tract because that is the legal description that was available. But he is not standing before the Board saying it has to be all or nothing. If everything were equal it would be preferable to the applicant for the approval to cover the entire 45 acres, but if limiting the approval just to the southerly five acres is under consideration from this Board the approval would be accepted.

Mr. Crall stated that the original application was for a bed and breakfast and recreation area, so is it the contingent that it includes guided hunts and that it is already covered in the previously approved application. Mr. Coutant stated the applicant is not requesting any relief in regards to hunting because that is not being conducted on these properties. Mr. Crall asked if the applicant had permission to have weddings or is he trying to come back to receive permission. Mr. Coutant stated the existing relief on the 75 acres is for permitting weddings and events, and it the understanding of that is that having a pavilion for weddings and events would be permitted if it were entirely on the 75 acres. What the applicant is asking for is relief for weddings and events on the entire 45 acres.

Mr. Charney asked Mr. Coutant who Mr. Alexander Pfalmer is in this case. Mr. Coutant stated that Mr. Pfalmer is the business manager.

Interested Parties:

Natalie Hobson, 3302 South 137th West Avenue, Sand Springs, OK; stated she abuts the subject property. She is against the Special Exception request, and is against the current Special Exception on the 75 acres. The business has grown into a commercial business with day to day activities. During the months of March through October there are parties every weekend which are hours and hours long. She has made telephone calls to Tom Warren asking for relief and she receives no help. No one picks up the phone. Her back yard fence is connected to the subject property, and in the corner there is an archery range that actually faces her property. Mr. Crall asked her to come up to show them on the map the location she is speaking about. Mr. Charney stated

that Ms. Hobson showed the Board a structure that runs along the easterly boundary of the subject 45 acre tract.

Mr. Charney asked Ms. Hobson if she was the closest residential structure to the subject property. Ms. Hobson answered affirmatively.

Ms. Hobson stated that it is not just an occasional party. It is Friday, Saturday and Sunday, weekend after weekend. It is something she has grown to dread and it is very obnoxious. As the night goes on the music becomes louder, and she has observed hundreds of people right next to her fence at these parties. She does not understand how a full blown commercial business can be right next to her residence.

Mr. Dillard asked Ms. Hobson how many acres she owned. Ms. Hobson stated she owned 21 acres.

Daniel Hobson, 3302 South 137th West Avenue, Sand Springs, OK; stated he has attempted to reach out to Mr. Warren and has not received any feedback. He has invited him to his home to let him experience the noise. No one has replied to any of his requests. He does not feel there has been any reasonable effort to repair this situation that he has known about for about two years. He does not want to harm Meadow Lake Ranch. The bed and breakfast is fine because it does not interfere with the quiet enjoyment of his home but the parties do. As his wife, Natalie, stated they are weekend after weekend and as the crowd becomes more intoxicated the DJ's turn up the music, and despite the fact they are to shut down at 10:00 P.M. they last until 11:00 P.M. or midnight many times. He has called Mr. Warren and left messages for him. He has called Mrs. Warren and left messages for her. He stated that they are trying to work through this as neighbors and have received no response. Mr. Hobson stated that he had sent two certified letters and Mr. Warren had his manager respond, and they said they had approval for the events and that they would try to keep the music down but this was after a year and a half of attempts to reach the Warrens, He does not feel that is reasonable. He is not against business but when it causes harm to others he is against it. He and his wife did speak with the neighbors to get their opinions and received resounding support.

Teresa Hux, 14051 West 31st Street, Sand Springs, OK; stated she lives north of Meadow Lake. The noise does bother her and her family; at night she uses ear plugs. Her husband used to bow hunt on the property where the rock quarry is and the property was not trashed out because he would keep the trash picked up. She feels Mr. Warren went behind the scenes to obtain the subject property by going to the Longs, the previous owners, by telling them that her husband was trashing the property and having drunken parties and her husband does not drink. The Warrens told the Longs that if they would sell the property to him that he would clean it up and make sure that it would not happen anymore. She feels there was deception in the acquiring of this property. The reason she says all this is because Mr. Warren wants to have weddings and events. She would like to know what the other events are because she hears gun shots early in the morning before sunrise and late at night. She is concerned over the

gun shots with houses nearby. She feels there is a pattern of deception and is concerned over what Mr. Warren is going to do with the property. She has concern that this is going to be a growing thing to make it more commercialized.

Mr. Crall asked Ms. Hux if she was opposed to bow hunting on the property. Ms. Hux she is not opposed to bow hunting but that if it is close to houses, yes she is because there are young children in their yards.

Ginny Hobson, 14016 West 31st Street, Sand Springs, OK; stated she lives approximately 650 feet north of the pavilion. She also hears a lot of noise and sent a letter stating her objection to this. Ms. Hobson read a letter dated October 27, 2004 that she had received from a Mr. Davis because she thought it would give the Board a clear idea of the misrepresentation that has occurred. The letter expressed concerns over the commercial hunting operation, and Ms. Hobson stated that on the Warren's website there was hunting and gun ranges offered. The letter pointed out that the home owners wanted to maintain the property as a buffer from the enterprise and their properties. The letter stated that a hunting operation was a stretch from the bed and breakfast that had been presented when negotiating for the land. The letter stated that the Longs had offered to return the earnest money so they could maintain ownership of the land. She had no objections to a bed and breakfast going in that was to be used by church and youth groups or other organizations that would enjoy the land. She and the neighbors did not object to the original Special Exception for a bed and breakfast but have been more than disappointed at what has been allowed at Meadow Lake because it affects their quality of life and safety. The Sand Springs Chief of Police Bradley would not have heard of any complaints as the land is in an unincorporated area of Tulsa County, it is not in the Sand Springs jurisdiction. Approximately 15 years ago the neighbors came before the Board regarding a feed store with traffic concerns on 137th and the feed store request was denied. The neighborhood is in the same situation now, when there are approximately 100 cars leaving the subject facility, because there have been many accidents on that road and these 100 or so cars make even more dangerous. If the facility had been what Mr. Warren represented the neighbors would not be here today because there was never an objection to the bed and breakfast. The neighbors just want safety and the enjoyment of their homes.

Daniel Lee Hobson, 14061 West 31st Street, Sand Springs, OK; stated he chose his home's location for the quiet and beautiful; and he was one of the first families to build a house on the mountain. His main concern is safety because he has seven grandchildren and they like to wander the area. He hears gun fire day and night in the area. He feels that if Mr. Warren receives approval for this request he will pursue the other acreage. Mr. Hobson stated that Mr. Warren is very defiant and cannot be trusted. Mr. Hobson stated, as a personal comment, that he had a chance to meet Mr. Warren and he asked Mr. Warren what he planned to do with the property and Mr. Warren's answer was "whatever I damn well please". Mr. Hobson stated the conversation did not go any farther. Mr. Warren is an absentee neighbor because he is not there. The road that is 137th has no shoulders and safety is concern. Mr. Hobson stated he has been run off the road by seven foot wide trailers and there is no place to

go but the ditch. The road is dangerous. What Mr. Warren is doing on the subject property is going to multiply that danger.

Mr. Crall asked Mr. Hobson if the gunfire was coming from the west of his property. Mr. Hobson stated that it is coming from Mr. Warren's property to his son's property, and he has the 10 acres next to him (Mr. Daniel Lee Hobson). Mr. Crall asked Mr. Hobson if he was speaking about the subject property and not the previously approved property. Mr. Hobson stated they are coming from the bed and breakfast.

Mr. Charney asked Ms. Natalie Hobson to come back to the podium. Mr. Charney asked **Ms. Natalie Hobson** if the arrows that come into her yard come from the subject 45 acres. Ms. Hobson answered affirmatively. Mr. Charney asked Ms. Hobson if she had targets along her fence line. Ms. Hobson answered affirmatively. Mr. Charney if they were along her westerly fence line or her southerly fence line. Ms. Hobson stated they are on the west fence line in the corner behind her house.

Sherry Morris, 3032 South 137th West Avenue, Sand Springs, OK; stated she lives on the corner of 31st and 137th on 4 ½ acres which is approximately 675 feet away from the subject property. She is the third generation land owner of the property and she is disturbed about what she is hearing. She is concerned about the noise level and the traffic. Her major concern is the traffic because she has seen an increase in traffic on the road and it is a dangerous road. The road is not designed for a large volume of traffic. She has noticed that there is also an increase of trash along the road in the last 18 months. She is opposed to anything that is going to increase traffic on 137th West Avenue because it is under supervised and over used road.

Erik Baker, 512 Tyler Drive, Norman, OK; stated he is a former resident and business manager for Meadow Lake Ranch. At the time he lived approximately 900 feet west of the subject property. He believes the personal assault on his character as a former manager, from Mr. Dan Hobson, he would say that a subpoena of phone records would prove that he did respond to Mr. Hobson. He had numerous conversations with Mr. Hobson on the telephone and a few conversations in person. They were often times, especially his voice mails, erratic, offensive and exceptionally vulgar. Every conversation he had Ms. Natalie Hobson was pleasant. He did his best to be responsive to their concerns including shutting off power to more than one event. Also, to the elder Mr. Hobson, there was a church event on June 8, 2014 for Impact Life Center, and at that event the church group told him that Mr. Dan Hobson did come shout through the fence during normal daylight hours that the worship service was offending him. He thinks the Special Exception should be granted. The arrow range does not point toward the Hobson property, it is parallel to the western fence of the Hobson property and it is protected by round bales. Furthermore, he does not believe the arrows are dangerous as they are junior level Barnett children bows and get be obtained at Academy or Wal-Mart. If any of the arrows did go astray it was not under the supervision of Meadow Lake staff or range officers at the time. In response to the road he understands because he has had family members in accidents also, but this is not a hearing for a road that Tulsa County maintains. The trash cannot be attributed to

the Warrens or the guests of the property or the bed and breakfast or the events. The road was re-black topped recently and the speed limit is less than 40 miles per hour, and the Warrens cannot say that any one that has to go on or off the ranch property is causing any greater disturbance than those that take the road between Highway 51 and 41st Street, as it is one of the only roads that goes the entire distance and is heavily traveled. He did work with the guests to the best of his ability to shut down music. He scrapped a number of different DJs, black listed them and started an initiative to sign a contract with DJ Connections stating that they will honor the curfew or they will no longer be allowed on the premises.

Mr. Charney asked Mr. Baker what the remedy was for a nearby homeowner if there is an offending DJ. Mr. Baker stated that the power would be cut. Mr. Charney asked how, as an operator, he would make certain the rules were followed by the guests. Mr. Baker stated that he did nix several DJs, especially personal friends, because they did not want to upset friends. He would make it imperatively clear at every meeting he would have with a bride and groom, their family, their DJs, their party managers about the curfew regulations. He was also the point of contact every time the Sheriff's Department came out, and as it was already noted Sand Springs city police did not have jurisdiction over the ranch, Tulsa County Sheriff have jurisdiction and they are the ones that he spoke to. Tulsa County Sheriff told him on more than one occasion that based where the ranch is located in the country there was not a noise regulation, and the ranch was not breaking any rules. He thinks the accusations of gun shots he thinks are ridiculous, because someone that owns property adjacent to the ranch has semi-automatic weapon and they fired it regularly when he lived there. The other property owners, often, were proud of their second amendment right and they would shoot guns in their yards as well as there is no legal jurisdiction against doing so.

Mr. Charney asked Mr. Baker if he knew if there is a current rule or regulation that only a certain few DJs can operate on this property, or can anyone hire their own DJ to come onto the property. Mr. Baker stated that DJ Connection is the only DJ vendor that the ranch uses. Mr. Charney asked if someone could hire another DJ if they insisted on using someone else. Mr. Baker stated that they cannot. When he was in charge of the operation the noise restriction at 10:00 P.M., which was a verbal agreement, as well as limiting to one particular company cost the Warrens several different events.

Mr. Hutchinson asked Mr. Baker if he lived on site and if he knew if the current manager lived on site. Mr. Baker stated that he did live on site and to his understanding the current manager does live on site.

Mr. Crall asked Mr. Baker if he could give the Board some background on why the pavilion was placed in that particular spot or if it was already in existence when he started to work for the Warrens. Mr. Baker stated the pavilion was already in existence when he started. Mr. Crall asked if the archery range was already in existence when he started. Mr. Baker stated that the archery range was approximately two-thirds completed, and it is not a range but approximately a 25 foot area from starting line with metal dividers to a round bale that has an 18" thick archery target 2'-0" x 2'-0" in size

placed on the bale, as well as some archery animal targets. Mr. Crall asked Mr. Baker if he said there were no guided hunts on the property. Mr. Baker stated that he did not do hunts when he was at Meadow Lake. Mr. Crall asked if they were being performed at the premises at that time. Mr. Baker stated that there were not on the acres in question.

Mr. Charney asked Mr. Baker to clarify what he is saying when he says "the land in question" and if hunts ever occurred. Mr. Baker stated that the only hunts he was aware of were conducted on a 90 acre plot almost one mile north of Meadow Lake proper, almost on Highway 51 and 137th West Avenue.

Paula Brice, 3005 South 137th West Avenue, Sand Springs, OK; stated she lives about ½ mile north and on the east side of the entrance to the bed and breakfast. She is in support of her neighbors. When she first heard about the bed and breakfast coming into the area she thought it was nice. She will respectfully disagree with Mr. Baker, because there have been guided hunts on the subject property from the very beginning. She has seen pictures of groups that have come out to the property to hunt. The hunt may not be right on the 75 acres that is being discussed today but it is to the west, to the north and to the northwest of that area. She has seen an increase in trash, traffic and noise. She hears the music very late at night. The traffic increase is scary because there are now large delivery trucks. She is a nurse and is on call, and there are many times she leaves for work at two or three in the morning and has to contend with drunken drivers coming from the south. She is in agreement that the 45 acres in question should not be zoned as recreational or as a bed and breakfast with special events. The neighbors need a guideline as to what are the special events that the Warrens want to hold. Are those special events safe for the community? Are they safe for the Hobsons that live so close? She has seen arrows in their yard. The arrows may not be the heavy duty hunting arrows but one of their children could get hurt. All of the things the Warrens are asking for should not be allowed until guidelines are set as to the noise level, when it starts and stops how far events should be from people's homes.

Lotsee Spradling, 19402 West Highway 51, Sand Springs, OK; stated she lives about 3 ½ miles from the subject property, much closer as the crow flies. She knows both parties on either side of the subject property and they are all fine people. Her concern is that this might be more personal than zoning because she thinks there are personality conflicts happening. Living where she is used to be country but it is not any longer. When people move from town out to the country they have one expectation and rural America might be different than what they expected. She has a problem with people telling a land owner what to do with their own property. She does know that the lakes were originally strip pits from mining lime stone and it was a nasty mess; there was trash everywhere and dead animals. Everybody in the neighborhood used it with or without permission to hunt, hike, to hang around. Finally someone erected a cable across the area in an attempt to slow that down. The area has since been cleaned up. The road does have traffic. She did not want Highway 51 to go through her ranch. She has had a shot come through her house going through her daughter's bedroom door. These things are out of her control and she thinks they are out of Mr. Warren's control. There is hunting and poachers all over. There are people with guns trespassing on her

property. She would hate to see a business that is bringing in people and money be stopped. She has heard Discovery Land play their music at her house and never once complained. In order to have someone be a good neighbor a person has to be a good neighbor. Mr. Warren has always been a good neighbor to her. She hopes this can be settled amicably and would hate to see Mr. Warren's enterprise not be granted his relief.

Brandon Chow, 1905 South Desert Palm Avenue, Broken Arrow, OK; stated he is with DJ Connection. In 2014 the company did five to seven events at Meadow Lake Ranch. The company has a very strict shut down time of 10:00 P.M. The shut down time is actually in their agreement with Meadow Lake Ranch and they inform all their DJs about it because we do not want to be banned from Meadow Lake. He actually handles all the business that comes from Meadow Lake Ranch. He has personally been a DJ at two events at Meadow Lake in 2014. The DJs have been told to turn down the volume in the past and it was done instantaneously. Each one of the DJ gigs has a meter that rates the music going from green to red. Most of the venues they go to they turn the volume to the red level because that is what the client want. By agreement with Meadow Lake Ranch the DJs stay in the yellow or green level and that is quite a bit lower than any other venue. DJ Connection has tried to come up with several different methods of trying to seal in the noise, i.e., turning the speakers in a different direction or having curtains behind the DJ to prevent sound going toward the neighbors.

Randall Cornelius, 21301 West 191st Street, Kellyville, OK; stated he owns Mountain Creek Lodge and a large land owner. His lodge focuses primarily on weddings and events. The State of Oklahoma recognized the need for agri-tourism businesses so he switched his operation from cattle to the event operation. He has developed a facility that provides venues for weddings and events. He became acquainted with Tom Warren several years ago and got to know his operation. He modeled his operation after Meadow Lake Ranch because of the way it was operated and the structure that he had. The need for venues in the country is a growing industry. Subsequently the growth of the Meadow Lake Ranch business has precipitated the need for the pavilion. He recognizes the neighbor's issues and knows the personalities that can get involved. The subject property was probably in need of development before Tom Warren took over, and he has provided that valuable asset. It is unfortunate that people around growing operations like this have to be involved in it. He can attest that Tom Warren's operation is first class and very responsible.

Grady Vandiver, 14139 West 31st Street, Sand Springs, OK; stated he has heard music at his house but it wasn't bothersome enough for him to pursue where the music was coming from but it was coming from the general direction of Meadow Lake. Mr. Vandiver stated that he met Mr. Tom Warren and he has been very responsible. Mr. Warren has a large tract of land of the north side of him and he has commercial hunts on that property, and he has a shooting range on adjacent property to the 45 acres. Trespassing has always been an issue in the area and still is.

Ray Firey, 20102 West 61st Street, Sand Springs, OK; stated he lives west of Meadow Lake Ranch, and his family has been there for 101 years. He supports what the

Warrens have done with the property. He has witnessed trespassing and littering in the years prior to the Warrens purchasing the property. There has been a great improvement and the economic impact is important. He also operates an agri-tourism operation on his property and Mr. Warren has been a mentor to him. His operation has done wedding and birthday parties, and he has had DJ Connection provide music for the events. They are very professional in their operation and the music never seemed loud to him. He and his wife have also been entertainers at events and never received any complaints. Mr. Firey stated that Mr. Warren has been an asset to the community and he would like to see the issues resolved.

Tabor Warren, 3782 South 137th West Avenue, Sand Springs, OK; stated he lives on the northwest corner. He is a photographer and has shot photos at events at the ranch, and he worked 34 total events in 2014. He has three or four weddings scheduled for photography this year.

Mr. Charney asked if that was 34 events at the ranch. Mr. Tabor Warren stated he photographed 34 total events in 2014 with three of the events being on the ranch property.

Mr. Tabor Warren stated that he has two photos of two Golden Retrievers walking with children and the Hobsons on the ranch during the wedding. Mr. Tabor Warren stated this is the safest place he has been to for a photo shoot. He grew up on the ranch and he stated that he picked up boxes and bags of trash to clean the place up. He also grew up hunting game birds on the ranch. He is not aware of any hunting that takes place near the residences. He lived there with his wife and three children and there has never been an issue with the hunting.

Mr. Dillard asked Mr. Tabor Warren if he was related to the Tom Warren family. Mr. Tabor Warren answered affirmatively; he is Tom Warren's son.

Doc Geiger, 3701 South 57th West Avenue, Tulsa, OK; stated he has been a member at Meadow Lake for twelve years.

Mr. Crall asked what that meant. Mr. Geiger stated that there used to be hunting memberships sold and he is not sure if that is still being done.

Mr. Geiger stated that he has hunted primarily on what is called the lower 90 which is off Highway 51 and 137th West Avenue. There used to be rifle hunting in the lower 90 and about six years ago Tom Warren received a complaint from a neighbor about gun shots so he prohibited rifle hunting right after that telephone call. Now it is strictly archery hunting in the lower 90.

Rebuttal:

Kevin Coutant came forward. He regrets that this seemed to have a personal flavor to it and he does not want to contribute to that. Some of the personal character accusations seem to be on Tom Warren. For clarity, there has been no, is no, will not

be any gun shooting or hunting on the 45 acres. Archery, maybe, but no guns of any type. The arrow target practice area is modest. The Board has heard that there is approximately 25 feet from where the person stands toward where they shoot. It does not involve equipment that is threatening or scary. There is approximately 400 feet to the Hobson house, the property is adjacent but the house is approximately 400 feet away.

Mr. Crall asked Mr. Coutant if he meant the pavilion. Mr. Coutant stated that it is all together. There is the pavilion and the archery area aimed north is contiguous within approximately 30 feet of the back of the pavilion. The tomahawk area is west to that about 45 feet away and 100 feet away from the property line. The tomahawk range and/or archery range can be moved but that is not the big issue. It seems as though every problem in the neighborhood has the Meadow Lake Ranch name on it. If its traffic it is all traffic that comes from the subject location. If it is trash it is all trash that comes from the subject location. If there are drunks on the road it is drunks coming from the subject location, at least that is the suggestion. It is growing area of the community. There are churches that have lots of people that come and go. There is a bar at the end of 137th on Highway 51. It is not as if the only thing happening in this area is this project and that is not fair to suggest that is a rational way for the Board to consider these issues. Mr. Coutant thinks that the primary issue is the pavilion and the use of the Special Exception that is necessary to do that. All the rest of this is, he understands, is passionately held and he does not diminish the legitimacy of the concerns but that is not why the applicant is here. The applicant is here to have a decision made for the use of the land for the pavilion for weddings and events. There has been discussion of where the lighting is, where the parking is, which are issues that go to the land usage. The noise level is trickier and he does not have an air tight answer on that issue. Volume controls are conceivable. The hours of operation is a good hard stop and he would encourage the Board to do that. If the Board wants to say the 45 acres cannot be used for guns and hunting that is fine.

Mr. Hutchinson asked Mr. Coutant if Mr. Pfalmer still uses DJ Connection for the events. Mr. Coutant answered affirmatively.

Mr. Charney asked Mr. Coutant if the previous Special Exception that has been granted was for wedding and special events, or was it more focused on a bed and breakfast exception. Mr. Coutant stated the Board action approved a Special Exception to permit a bed and breakfast in an AG District and a Special Exception to permit a recreation area in an AG District in conjunction with a bed and breakfast.

Mr. Charney asked Mr. Coutant if recreational events were a broader group of things that are permitted, or are there some recreational events that would not have been permitted. Mr. Coutant stated that weddings and other events are ejusdem generis which is the general term; it is limited and defined by the specific weddings and other events like weddings. Events is a discreet word because everything could be an event. Clearly that is not the way the applicant interprets this application. This application is intended to consider the scope of the use of the pavilion. There are events that can use

the pavilion, i.e., family reunions, company picnics, church events and that is the event the applicant is talking about. Mr. Coutant stated that in his view the application that is being made is more restrictive because it is not as broad as all recreation, it is weddings and events like weddings that take place in a pavilion in a rural area; it is a subset of recreation.

Ms. Miller stated that this particular request for Use Unit 2 to permit weddings and other events, and there is a really limited list in the Code, that would be used, i.e., temporary open air activities such as carnival, Christmas tree sales, circus, construction facility off site, tent revival, which can include weddings or events. Mr. West stated that Use Unit 2 also covers the bed and breakfast.

Mr. Crall stated that most of the time when the Board is making a decision it is prior to something being built and the Board can actually ask if there is another option so all concerned parties are happier. Some of the people today are actually for the original bed and breakfast and now they are against it because of things they did not perceive. It is unfortunate that the pavilion is built already, but the nice thing is the applicant was able to try it out. There are a lot of people upset. Are there other options?

Mr. Coutant stated that the structure is there so the primary question is, what does the applicant need to do to make it work. There could be walls erected or a significant substance that would have a sound diverting effect on the north side of the pavilion.

Mr. Dillard stated that what he heard was that interpersonal skills are lacking and a lack of regard. An event is not shooting bows and arrows. An event is not throwing hatchets. The applicant could have eliminated some of the opposition if the applicant would have listened to the neighbors. There needs to be some interpersonal relationship worked out between the applicant and the neighbors or it will always be a contentious group. Mr. Coutant agreed that the interpersonal relationship could be a lot better in this context.

Mr. Coutant stated the applicant does not believe the arrows in the neighbor's yard could be from his archery target because of the way it is operated and the equipment that is used does not make any sense that the arrows are his. The bullet hole in the window is not disputable but it did not come from gun shooting on the subject property. There is a lot of gun shooting happening in the country. He is not disputing the need for interpersonal finesse, but the factual basis for it that somehow the applicant should have done something because he was doing something wrong does not seem to fit. Mr. Dillard stated that he would take exception, because if there are arrows right next to an archery range he would not think they came from the lower 90 acres, he would think they came straight from the archery range.

Mr. Charney asked Mr. Coutant if it were not for the encroachment he would be allowed to continue with the activities on the 75 acres. Mr. Coutant agreed.

Ms. Miller stated that on page 3.10 the size of the approved area could be taken into consideration. Mr. Charney stated if the legal description were to be narrowed to a smaller area, it might be helpful in giving the Board a comfort level in the fact there will not be any further encroachment of activity to the north.

Comments and Questions:
Mr. Charney could see the Board placing some restrictions on this to make the Board more comfortable and if Mr. Coutant and his client are in the situation to help the Board to develop those. If the Board were to continue this case for a 30 day period because this is a complex situation with a lot issues that have come before the Board, maybe some issues could be resolved in that time period.

Mr. Hutchinson stated that a continuance could help resolve some of the issues with meetings or the answering of telephone calls.

Mr. Dillard stated if this is going to be good for everyone everybody has to talk. The definition of a good decision is that everybody is a little bit unhappy.

Mr. Charney stated that he heard many legitimate concerns and he heard possible remedies to the majority of the concerns, and right now it is too spread out for him to put forth a motion.

Mr. Crall stated that if the Board denies this application it appears the majority of the problems go away. He would plead with the applicant and neighbors to come up with a solution because right now he is favoring a denial.

Board Action:
On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **CONTINUE** the request for a Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1) to the Board of Adjustment meeting on April 21, 2015 to allow the applicant time to address the issues, meeting with the neighbors, and present a limitation of the subject area; for the following property:

NW NW & N/2 N/2 N/2 SW NW LESS N50 THEREOF FOR RD SEC 21 19 11 43.48ACS, 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 3:52 p.m.

Date approved: 3-17-2015

Roland L Wellen
Chair