

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 452
Tuesday, January 16, 2018, 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
Hutchinson, V.Chair
Crall, Secretary
Dillard
Johnston

Miller
Moye
Sparger

Terry West, County

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11th day of January, 2018 at 3:49 p.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.

MINUTES

On **MOTION** of **CRALL**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of December 19, 2017 (No. 451).

UNFINISHED BUSINESS

2648—Eric Engel

Action Requested:

Use Variance to permit a landscaping business (Use Unit 15) on an OL zoned lot;
Use Variance to permit storage, not elsewhere classified (NEC) (Use Unit 23) on an OL zoned lot (Section 610). **LOCATION:** SW/c of West 8th Street South & South 174th West Avenue

Presentation:

Eric Engel, 243 South 176th West Avenue, Sand Springs, OK; stated he spoke with Mr. Lily and has the site plan as the Board requested at the last meeting. Mr. Engel presented the site plan to the Board for review. Mr. Engel stated that he spoke with Mr. West to determine how best to place the proposed building on the subject property, so Mr. Lily would only see the 25 foot side instead of the longer 100 foot side. Mr. Engel is proposing to have a living fence on the property screening Mr. Lily's property.

Mr. Charney asked Mr. Engel if he had reviewed the presented site plan with Mr. Lily. Mr. Engel stated that he has not, because he just picked up the site plan from the engineering firm.

Mr. Charney asked Mr. Engel if he was committing to erecting a six-foot privacy fence along the southerly border for 168 feet in length. Mr. Engel answered affirmatively. Mr. Charney asked Mr. Engel if he would commit to erecting the 25 x 100 proposed building as shown on the presented plan. Mr. Engel answered affirmatively. Mr. Charney asked Mr. Engel if the 25 x 100 building would be enclosed on all sides. Mr. Engel answered affirmatively. Mr. Charney asked Mr. Engel if all storage for the landscaping business and the related storage would all be within the proposed building or would there still be storage outside. Mr. Engel stated there would be some outside storage for the sheer fact of the use of equipment, but he would have under a carport type structure.

Mr. Hutchinson asked Mr. Engel if there would also be a 24 length of privacy fence erected as shown on the site plan. Mr. Engel answered affirmatively.

Mr. Johnston asked Mr. Engel to elaborate about the covered storage area he had mentioned. Mr. Engel stated it would be located on the south corner of the proposed building. Mr. Johnston asked Mr. Engel if it would extend from the end of the building to the property line as extension of the building. Mr. Engel stated that it could possibly be that. Mr. Johnston asked if that structure would be open on all sides. Mr. Engel answered affirmatively.

Mr. Johnston thought the building would back up to the fence and that all the storage would be behind the building. Mr. Engel stated that the topography makes that difficult, because there is an approximate 36-foot drop off. Mr. Johnston asked if the building would be going onto a flat area of the property. Mr. Engel stated that it will be a flat area, but right now it is heavily wooded yet the flattest spot on the property. Mr. Johnston asked Mr. Engel how much fall he thought there is across the length of the proposed building. Mr. Engel stated that he estimates six feet. Mr. Johnston asked Mr. Engel if he would be losing the trees by placing the building in that area. Mr. Engel stated there would still be a line of trees on the north side, because he is only going to excavate the area where the building will be erected. Mr. Johnston asked Mr. Engel if the trees offered a visual block at this time of year. Mr. Engel stated the trees do because they are that thick.

Mr. Charney asked Mr. Engel if Mr. Lily had a copy of the site plan that was presented to the Board at this meeting. Mr. Engel stated that Mr. Lily did not. Mr. Charney stated that it is critical that Mr. Lily receive a copy. Mr. Engel presented Mr. Lily with a copy.

Interested Parties:

Hugh Lily, 311 South 176th West Avenue, Sand Springs, OK; came forward and presented new pictures of the subject area to the Board. Mr. Lily stated that there are eight vehicles parked on the grass, on the street and in Mr. Engel's driveway that he can see as he pulls into his driveway. Mr. Lily stated there are still ten vehicles parked behind the fence. Mr. Lily stated after the last meeting he and Eric spoke about the six foot privacy fence, and Eric agreed to have the fence completed by the 15th, but it is still not there. Mr. Lily stated that he has been going through this with Mr. Engel for the last six years.

Mr. Charney asked Mr. Lily if the six-foot privacy were erected and the 25 x 100 building were built in the area designated on the site plan, and the remaining storage was contained within a storage shed would he still object to the proposed use. Mr. Lily stated that will work as long as it gets done. Mr. Charney stated that if the Board approves this request and places conditions on the approval and the conditions are not satisfied Mr. Engel would be back in violation. Mr. Lily stated that he has been dealing with this for ten years. Mr. Charney stated that it is important to the Board that you and Mr. Engel speak like gentlemen should to each other and reach an agreement. The Board has been trying to get to that for 90 days now.

Rebuttal:

Eric Engel came forward.

Mr. Charney stated if the Board were to approve the Variance requests, it is important that the fencing be erected as described in the exhibit, which is a 24-foot section and a 168-foot section, and the four sided building be constructed and actually used for storage. Mr. Engel agreed.

Mr. Charney asked Mr. Engel he intends to build another building south of the currently proposed building. Mr. Engel stated that he plans a lean-to so that in the evening he can pull vehicles under. Mr. Charney stated the Board may condition an approval that the storage be placed underneath a structure instead of left haphazardly in the lot. Mr. Engel stated that is a fair request.

Mr. Johnston stated that he would specify the lean-to be the same width as the building depicted on the site plan, and that it not be built beyond the building set-back line, and be of similar roof open on the eastern side for ingress and egress. Mr. Engel stated the only side of the lean-to that would be open would be to the street side.

Mr. Charney stated that if outside storage becomes the norm again there will be another citation, and the Board has the ability to revoke the approval. Mr. Charney asked Mr. Engel if he understands this. Mr. Engel stated that he does understand.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Use Variance to permit a landscaping business (Use Unit 15) on an OL zoned lot; Use Variance to permit storage, not elsewhere classified (NEC) (Use Unit 23) on an OL zoned lot (Section 610). The approval is subject to the construction of a six-foot privacy fence for 168 feet on the southerly boundary and a 24-foot privacy fence on another boundary with the neighbor as depicted in the exhibit submitted by the applicant at today's meeting. There is to be construction of a storage building 25 x 100 feet enclosed on all four sides and doors for ingress and egress as located and depicted on the site plan provided by the applicant. There is to be no outside storage related to the landscape business, and any outside storage would only be permitted in an additional building, an open lean-to shed, located south of the four-sided building depicted on the exhibit provided by the applicant. There is a general prohibition of outside storage attached to this approval; the storage is to be located within one of the two structures. The Board finds the hardship to be the topography and neither the infrastructure, sanitary sewer, or roadways were designed for a more standard office use; for the following property:

LT 2 & LT 3 BLK 2, WEKIWA HILLS, OF TULSA COUNTY, STATE OF OKLAHOMA

2654—Richard Kosman

Action Requested:

Variance of the minimum frontage requirement in the IM District to permit a lot-split (Section 930). **LOCATION:** South of the SW/c of West 51st Street South and South 49th West Avenue

Presentation:

Richard Kosman, R K and Associates, 4815 South Harvard, Tulsa, OK; stated he represents the Tulsa Industrial Center. The Center has approximately 29 acres in Tulsa County and the only access to that property is with a City of Sapulpa right-of-way. The Industrial Center would like to set this land in two tracts with a common property line in the center. The existing right-of-way is 82.42 feet wide, and normally there is a fifty-foot right-of-way.

Mr. Charney asked if there is a current dedicated right-of-way. Mr. Kosman stated there is a current dedicated street right-of-way, though the roadway is not there.

Mr. Charney asked if a common mutual access agreement would work. Mr. Kosman stated that a roadway would have to be either asphalt or concrete and approved by the City of Sapulpa.

Mr. Kosman stated that he has met with the City of Sapulpa staff and discussed having a roadway built with one or possibly two driveways, but the road right-of-way width would need to be approved by the City of Sapulpa.

Interested Parties:

Nikki White, City of Sapulpa, 425 East Dewey, Sapulpa, OK; stated the City of Sapulpa has no objections to this request. There was some confusion as to whether the City of Sapulpa actually owned the right-of-way and the city's legal staff stated Sapulpa does own it.

Kevin Coutant, 2 West 2nd Street, Suite 700, Tulsa, OK; stated he represents the applicant as well. The drawing on page 3.5 displays a panhandle and is labeled Tract 2. The boxed in area, the southeast corner, of Tract 2 is not intended to be any part of this conversation and it does not appear on the Assessor's records. The property is clearly in unincorporated County of Tulsa, the entirety of the property. It abuts on the southerly boundary the City of Sapulpa. This right-of-way that provides primary access is in the City of Sapulpa and that is why the City of Sapulpa is involved. Whether there is one drive or two drives is ongoing conversation with the City of Sapulpa and there is a dedicated buyer for this.

David Polson, President of Poulson Properties, 11933 East 510 Road, Claremore, OK; stated and he owns the land that adjoins the subject property to the south. Mr. Charney asked Mr. Polson to come forward and show his piece of property on the map in the agenda packet. Mr. Polson stated that he spoke with Ms. Moyer earlier today, and the Board shall consider only public hearing items which have been properly advertised as required by law. The applicant is also to provide any updates or corrections to INCOG at least 25 days prior to the public hearing on the application. Mr. Polson stated that he sold the tract of land across the street from the subject property and it was filed of record on November 20th. Mr. Polson stated that when he spoke Ms. Moyer she was going to see if the purchaser had been notified.

Ms. Moyer stated that the purchaser had not been notified. Ms. Moyer stated the case was notified based on the Assessor's data provided. Mr. Polson stated that the purchaser has started construction so it is obvious that something is being done down the street.

Mr. Polson stated the original deed of dedication was signed on December 2, 2013. It has a sunset clause that says if the property should ever cease to be used for such purposes for a period of one year, said property shall revert back to the grand jury and the deed of dedication shall become null and void. Mr. Polson stated that he had a discussion with the City of Sapulpa before this application, and he talked to the City about building a warehouse and office in the area. About two or three weeks later he

received notification of the application to reduce the required lot frontage for the adjacent property owner. During this process, last week City of Sapulpa had a meeting with the applicant to discuss this. Mr. Polson stated that he had asked the City to let him know, and he attempted to reach Ms. White a couple of times about what happened. In the meantime, he noticed that in deed of dedication it calls out Range 13. Mr. Poulson stated the tract of land he owns is in Section 32, Township 19, Range 12. The deed of dedication says 321913. He spoke with Jennifer Fiddle, in the Assessor's office, and she stated that she had sent a letter to the City of Sapulpa in 2014 after the deed was filed to inform them that it was in the wrong township. The deed of dedication that would allow any right-of-way to the adjoining property owner cannot be given away.

Mr. Charney asked Mr. Polson if his position is that the City of Sapulpa does not own the right-of-way because of the reversionary clause, and in the original deed of dedication there was an error in the recitation of the range so it is invalid by virtue of that error. Mr. Polson answered affirmatively.

Mr. Charney asked Mr. Polson if the reversionary language was in the deed. Mr. Polson answered affirmatively and it is dated December 2, 2013. Mr. Polson stated that he has not had a chance to speak with Sapulpa.

Mr. Charney asked Mr. Polson if he was arguing that there is no legal access for this applicant because he owns the intervening property. Mr. Polson answered affirmatively. Mr. Polson stated that when the property was originally purchased in 2008 it was about 90 acres so there should be some platting done also. There was three tracts of land created and the panhandle that leads to 49th West Avenue was to be the access for the tract of land in the back. There have been three splits already and they are communicating a couple on the map, leaving a couple of pieces of land out that has not even been discussed.

Mr. Charney asked Mr. Coutant to come forward. Mr. Coutant came forward. Mr. Charney asked Mr. Coutant if it was client's position that there is an existing dedicated right-of-way that exists today, that allows legal access to his client's property. Mr. Coutant answered affirmatively. Mr. Charney asked Mr. Coutant for his opinion about Mr. Polson's statements. Mr. Coutant stated the deed of dedication, which the Board has a copy of, as to the range issue Mr. Polson is correct. On the first page, where there is a definition of a parcel located in Section, Township and Range it recites 13. Mr. Coutant stated that is described on Exhibit A. Even on the face of the document it says there is a generality, but the specific is over there on Exhibit A which contains meets and bounds description of the dedicated right-of-way but it also includes the spur that is under discussion, and it also contains a drawing of it. The specific description of this, and what it controls, is the one that is on the exhibit. The City of Sapulpa claims they own the property and he is satisfied with that as well. As to the sunset clause, the whole easement either rises or falls on the sunset clause. It is not bits and pieces as opposed to the whole easement. The spur in question, that provides the primary access, is being used for public utility purposes already and in place.

Mr. Charney asked staff, if there is an underlying title dispute on the subject ground can the Board proceed to act because that is a separate matter that the parties must take up amongst themselves. Ms. Miller answered affirmatively.

David Polson came forward and stated that an e-mail he received this morning at 10:30 from the City of Sapulpa, which was from Mr. Coutant to the City of Sapulpa regarding an e-mail on December 18th from Nikki White, states that it appears the City of Sapulpa does not have title to the stub street in question. The City of Sapulpa believes that Mr. Polson is the record owner. Mr. Charney thanked Mr. Polson for bringing that to the Board's attention. The City of Sapulpa Planner has stated that she has spoken with the City's legal staff and believes that now that the City of Sapulpa owns the property. Mr. Charney stated that he understands Mr. Polson has a contrary position, but this Board is not pining on that and Mr. Charney does not know if the Board can. Mr. Charney stated he understands Mr. Polson's right to contest the ownership of the land. This Board is attempting to analyze the request before them which is whether the amount of frontage heading into a publicly dedicated road can be reduced. If there are wrong facts on ownership it is generally a private matter between the citizens involved. This Board is only going to speak to the land use component.

Comments and Questions:

Mr. Dillard stated a Quit Claim Deed can be given to anything in Tulsa, and that just means that he is giving that person his interest. A Warranty Deed cannot be given unless it is owned by the person. This Board is just giving an opinion, like a Quit Claim Deed.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the minimum frontage requirement from 50'-0" to 41'-0" in the IM District to permit a lot-split (Section 930). The Board finds the hardship to be the unique shape and nature of the remnant tract within an abnormal panhandle configuration. The Board is making no finding on the disputed ownership of the subject parcel; for the following property:

**BEG 1321.53 S NEC NE TH S90 W1492.03 S901.36 W1158.65 N991.93 E2654.05
POB SEC 32 19 12 29.480ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

NEW APPLICATIONS

2657—Kyle Zickefoose

Action Requested:

Variance to allow 0 feet of frontage on a public street in the AG District (Section 207). **LOCATION:** West of the SW/c of East 165th Street South & South Peoria Avenue East

Presentation:

Kyle Zickefoose, 15608 South Elwood Avenue, Glenpool, OK; stated he has 3 1/3 acres that is on a family farm. There is a maintained gravel driveway that goes all the way to the barn where the family runs a hay business. He applied for a permit to build a house and he was told that he would need to asphalt that entire road in order to build his house. After receiving estimates, he determined that to asphalt that road it would cost more than his house. There are plans to asphalt that road in the future, but this Variance request will allow him to build his house now.

Mr. Charney asked Mr. Zickefoose if 165th Street South terminated before his property. Mr. Zickefoose stated that 165th terminates after his property, because it goes another 990 feet approximately.

Mr. Charney stated the County does not like to issue a building permit to build a house in front of the house when there is not a publicly dedicated road, unless there is a significant mutual access easement that gives the person ingress and egress to a County road. Mr. Zickefoose stated that everyone that lives on the subject road is family, and there is a house that was permitted to be built at the very end of the road.

Mr. Dillard asked Mr. Zickefoose if he was going to borrow money to build the house. Mr. Zickefoose answered affirmatively. Mr. Dillard stated that he does not think Mr. Zickefoose will be able to obtain financing.

Mr. Charney stated that when mortgage financing studies this and they see there is no publicly dedicated right-of-way, they will very often mandate what the County wants to see which a mutual access roadway or a dedicated easement that runs in front of the subject property.

Mr. Zickefoose stated he has a road easement agreement with all the people on the road. There are houses on the north and south side of the road, and he had to have that before he could even put the road in.

Mr. Charney asked Mr. Zickefoose if it was a filed mutual access easement of record that services all the property to the west of the termination of the County right-of-way. Mr. Zickefoose answered affirmatively. Mr. Zickefoose stated that when he wanted to build the barn he had to present that easement to mortgage lender and the loan was granted.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Variance** to allow 0 feet of frontage on a public street in the AG District (Section 207), subject to a right-of-way easement or a dedication easement running along the front of the subject property. The Board finds the hardship to be the unique inset configuration of the land; for the following property:

E220 W440 S/2 W/2 SE NE SEC 25 17 12 3.33ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Dillard left the meeting at 2:45 P.M.

Mr. Charney explained to the applicants and interested parties that there were only four board members present now, because Mr. Dillard had to leave this meeting. If an applicant or an interested party 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 and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

2658—Stever Arterberry

Action Requested:

Variance to permit more than one dwelling unit on a single RE zoned lot (Section 208); **Special Exception** to permit three manufactured housing units in a Residential Estate District (Section 410, Table 1). **LOCATION:** South of the intersection of South 179th West Avenue and West 41st Street South

Presentation:

Steve Arterberry, 3325 South 57th West Avenue, Tulsa, OK; stated he has lived in house for 26 years and the Gilcrease expansion has now taken his property. He purchased the 33 acres west of Prattville and it has over 600 feet of frontage. He would like to place three manufactured homes on the 33 acres for him and family.

Mr. Charney asked staff how many manufactured homes would be permitted on the subject property without a Special Exception request. Mr. West stated one manufactured home is allowed on a lot of record if it is a double wide mobile home. A double wide manufactured home would be allowed by right. A single wide mobile home requires a Special Exception.

Mr. Charney asked Mr. Arterberry if all three manufactured homes were going to be double wide manufactured homes. Mr. Arterberry answered affirmatively.

Mr. Charney stated that if the Board were to grant the Variance there would be no need for a Special Exception to permit the three manufactured homes so long as they are all double wide manufactured homes.

Mr. Arterberry stated that all the manufactured homes will be family dwellings, and there will be no rental property. The reason he is requesting a Variance is because this will be happening quickly and did not have time to do lot splits. Mr. Arterberry stated there are several manufactured homes in the area.

Mr. Charney asked if the three manufactured homes were going to be on septic. Mr. Arterberry answered affirmatively, and stated that two of the manufactured homes will be on septic and one manufactured home will utilize a lagoon.

Interested Parties:

Gina Cowley, 1408 South Denver, Tulsa, OK; stated she represents Jenny and Stephen Day; they are out of the country. Jenny and Stephen own the property next to the Arterberry property and they plan to build their dream home on their property in the next 12 to 18 months. The Days want the Board to know they are opposed to mobile homes next to them for aesthetic reasons.

Ms. Miller stated that a lot split would have been an easy process, so she is not sure why it was chosen to come before the Board of Adjustment. A lot split is not a lengthy process, it is not any longer than the process to come before the Board of Adjustment and it is not any more expensive.

Mr. Crall asked Ms. Miller if the Board should consider a continuance to allow the applicant to receive a lot split. Ms. Moyer stated to do that would lengthen this process because Mr. Arterberry would need to submit a lot split application. Ms. Miller stated that if the applicant went through the lot split process this application would not be needed.

Ms. Miller asked Mr. Arterberry who he spoke with regarding this process of the Special Exception and Variance. Mr. Arterberry stated he called Mr. West's office and was told that since all the property has to be purchased by May 1st, and he was told that because of the time it took for a lot split this would be the easier and speedier process. Mr. Arterberry stated that if he can go through the lot split process he will do that. Mr. West stated that he believes there was a misunderstanding, because when Mr. Arterberry called he stated he wanted to have three dwellings on his property.

Mr. Charney informed Mr. Arterberry that the lot split may be better for him, because then he will have a mortgagable tract. At some point the land will be sold and the title will be marketable to sell three separate tracts. A lot split makes more sense long term, and the family members would be more pleased with the end result.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **CONTINUE** the request for a Variance to permit more than one dwelling unit on a single RE zoned lot (Section 208); Special Exception to permit three manufactured housing units in a Residential Estate District (Section 410, Table 1) to the Board of Adjustment meeting on February 20, 2018; for the following property:

E/2 NE LESS S/2 S/2 S/2 E/2 NE SEC 25 19 10 70ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2659—Daniel Lamberson

Action Requested:

Variance to allow two dwelling units on a single lot of record that does not meet the lot area and lot area per unit requirement in an AG District (Section 208 and Section 330). **LOCATION:** 15112 East 171st Street South

Presentation:

Rick Oberlender, 10008 South 67th East Place, Tulsa, OK; stated he represents Daniel and Tina Lamberson. They own 1.6 acres south of Bixby and have lived there about 22 years. There is a small house on the front of the property and have outgrown that home. The Lamberson's would like to build a house on the back of the property and need a Variance to do so.

Mr. Charney asked Mr. Oberlender if he had heard from any of the neighbors regarding the project. Mr. Oberlender deferred to Mr. Lamberson.

Daniel Lamberson, 15112 East 171st, Bixby, OK; stated that he has spoken with each of the neighbors that adjoin the property, and they are all comfortable with the project.

Mr. Charney asked Mr. Lamberson if he would be seeking mortgage lending to build the proposed house. Mr. Lamberson answered affirmatively.

Mr. Hutchinson asked Mr. Lamberson what his plans are for the existing house. Mr. Lamberson stated the existing house will become a grandparent's home. Mr. Lamberson stated his parents are in their 80's and living in California, and eventually he would like to move them here.

Mr. Hutchinson asked Mr. Lamberson if the new house would be on its own separate utilities. Mr. Lamberson answered affirmatively and stated that the house will be on an aerobic system.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHISON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance to allow two dwelling units on a single lot of record that does not meet the lot area and lot area per unit requirement in an AG district (Section 208 and 330). The Board has found the hardship to be that it is a large tract of land; for the following property:

PRT NE NW BEG 330W NEC NE NW TH S333.5 W247 N333.5 E247 POB LESS N50 THEREOF FOR RD SEC 34 17 14 1.61ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2660—Jeani Jackson

Action Requested:

Use Variance to allow a General Contractor/Construction business (Use Unit 15) in an AG District; Variance from the all-weather parking surface requirement (Sections 310 and 1340.D). **LOCATION:** 15800 South 193rd Avenue East

Presentation:

Brent Page, 15800 South 193rd East Avenue, Tulsa, OK; stated he purchased the subject property three years ago and it is an existing ranch style residence. When the property was appraised his bank required a commercial appraisal to satisfy the bank's requirements. The appraiser thought the jurisdiction for the property was the City of

Broken Arrow. When Broken Arrow was consulted about the plans for the property they said as long as the property had ten vehicles or less that it would be acceptable to use as a light office. At that time he continued with the purchase and financing, and about a year ago he was converting the construction loan to permanent financing. The most favorable financing was to go through the Small Business Administration, so when SBA reviewed the finance packet they requested the property be rezoned from agricultural to commercial. After consulting with Mr. West it was thought it easier and better to have a Variance issued on the property.

Mr. Charney asked Mr. Page if he understood correctly that the property is zoned AG and he wants to run his construction business out of his house which is on approximately 17 acres. Mr. Page answered affirmatively. Mr. Page stated the property is on the Arkansas River. The property adjacent to him on the north side is a sign business, and the property just north of the sign company is a conceal carry weapons training course, and on the east side is Verdigris Valley Sod Farms and east of that is Sanders Nursery, and to the north is Holiday Sand and Gravel. Mr. Page stated that on all three sides of his property there are commercial businesses, but the subject property is zoned AG.

Mr. Page stated that as a rule his business does not have any visitors; his office is clerical and estimating. Mr. Charney asked Mr. Page if he did any construction work on site. Mr. Page stated that he did not. Mr. Charney asked Mr. Page if any heavy equipment was stored on site. Mr. Page stated there are two tractors on the property right now and a vehicle that does not run that he going to be removing. Mr. Page stated there is a barn on the back of the property near the river, and if a heavy piece of equipment had to be on the property he would park it in the barn.

Mr. Johnston asked Mr. Page if he was saying that nothing on the site is going to change if the Board should approve his request. Mr. Page answered affirmatively. Mr. Page stated that he raises quarter horses and there are seven horses on the subject property now.

Mr. Charney stated that it is important to the Board to know that there will be no construction on site. Mr. Page stated construction has changed a lot in the last 15 years, and most entities do not self perform a lot but do what is called construction management. Mr. Page stated his business is a contract administrator business.

Interested Parties:

Dema Wagoner, 15606 South 193rd East Avenue, Broken Arrow, OK; stated she lives on the Wagoner County side of the subject property, two blocks north. She received a notice in the mail so she decided to attend today because she did not know what was going on. Ms. Wagoner stated that she is aware of the businesses and commercial properties near her. Her concern was that part of the property was going to be sold to the sand and gravel company. Ms. Wagoner stated that she is now satisfied with what she has heard today.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Use Variance to allow a General Contractor/Construction business (Use Unit 15) in an AG District; Variance from the all-weather parking surface requirement (Sections 310 and 1340.D), subject to no heavy fabrication on site and no more than ten vehicles associated with the business on the site; for the following property:

BEG 189S NEC GOV LOT 6 TH S635 W1092.15 NW833.10 E270.07 S295 E374.89 N106 E570 TO POB SEC 24 17 14 16.866ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:25 p.m.

Date approved: 2/20/18
David E. Charney
Chair