

COUNTY BOARD OF ADJUSTMENT
Agenda (No. 140)
Tuesday, January 7, 1992, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Tyndall Walker	Looney	Jones Moore	Fields, Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Monday, January 6, 1992 at 12:57 p.m.

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

MINUTES:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of December 17, 1991 (No. 139).

NEW APPLICATIONS

Case No. 1060

Action Requested:

Appeal of the County Building Inspector's office to remove poultry - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 3, located 6300 Charles Page Boulevard.

Presentation:

The applicant, **John W. Hunt**, 2021 South Lewis, Suite 570, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Fields stated that his office received a complaint about the poultry, and an investigation found the property in question to be zoned CS, which does not permit the use.

Mr. Jones stated that Mr. Hunt, counsel for the owner of the property, informed him at the time the appeal was filed, that the use would be removed; however, Mr. Fields recently visited the property and found the poultry had not be moved.

After a telephone conversation with Mr. Hunt, Mr. Jones advised that his applicant is proposing to withdraw the appeal.

Board Action:

Chairman Alberty determined to **STRIKE** Case No. 1060 from the agenda, due to the fact that the applicant was not in attendance to present the appeal.

Case No. 1061

Action Requested:

Special Exception to permit a sand operation in an AG District -
Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS -
Use Unit 24, located East 121st Street South and Arkansas River.

Presentation:

The applicant, **Willis Tomsen**, 4990 East 114th Place South, Tulsa, Oklahoma, submitted a map depicting the site of the proposed operation (Exhibit A-1), and stated that he owns the land on both sides of River Road at this location. Mr. Tomsen explained that he is proposing to remove the sand from a sandbar that was created when the river channel shifted to the west. He pointed out that there are other sand mining businesses in the area along the river, and he has received a mining and dredging permit from the Corps of Engineers (Exhibit A-2). Mr. Tomsen informed that his sand operation will not interfere with the proposed sewer line along River Road, or any development that might occur in the area.

Comments and Questions:

Mr. Alberty asked if the sand will be mined with a dredge or front loader, and the applicant stated that the initial plan is to install a haul road and use a front loader to deposit sand directly into waiting trucks. He added that a dredge is not proposed at this time, since the large sandbar supplies sufficient sand for the operation.

In response to Mr. Alberty's question regarding access, Mr. Tomsen stated that he will revitalize an existing access road, and would be agreeable to County review and approval of the ingress/egress plans. The applicant explained that he has spoken to a County representative regarding the matter, and there was no interest at the County level, and he was then referred to someone in City Hall, who referred him to the County Board of Adjustment.

Interested Parties:

Ray Valentine, 5638 South Rockford, Tulsa, Oklahoma, stated that he owns land abutting the subject property on the north and west, and is not opposed to the sand removal operation, but is concerned with ingress and egress on the River Road. He pointed out that completion of the toll road will increase traffic in the area, and requested that the entrance be located in an area that will allow motorists to have a clear view of the trucks entering the road.

Protestants:

Charles Schuller, 4838 South 70th East Avenue, Tulsa, Oklahoma, stated that he owns a 26-acre tract that abuts Mr. Tomsen's property on the north. He submitted a copy of the application (Exhibit A-2) to permit sand removal and dredging on the subject property, and pointed out that this business could be detrimental to future development in the area. Mr. Schuller informed that a sewer line and

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road improvements (Exhibit A-4) are proposed, which would cause increased interest in residential development along the river. He stated that the operation of the sand business may not be detrimental to the area at this time, but it will hinder development after the sewer line and wider road are installed. He submitted letters of protest (Exhibit A-3) from **Don Craig** and **R.A. Burden**, who are property owners in the area. Mr. Schuller pointed out that Mr. Tomsen could mine sand farther to the south, which would move the operation away from his property line.

Charley Cousins, 4110 South Sandusky, Tulsa, Oklahoma, stated that his property is located east of the subject tract, and is concerned with the traffic problem that could be created by the establishment of the sand business. In addition, Mr. Cousins pointed out that the business would be detrimental to the future development of homes after the sewer line is installed; however, the property is not marketable at this time, and short-term operation of the business would not be objectionable.

Comments and Questions:

Mr. Alberty asked Mr. Cousins when the sewer line is to be installed, and he replied that installation of the line has been pending for several years.

Applicant's Rebuttal:

Mr. Tomsen stated that he owns more land in the area than anyone that has spoken today, and is greatly concerned with the future of the area. He stated that he is amenable to locating the access road anywhere that will be in the best interest of motorists traveling the River Road. Mr. Tomsen stated that the gate to the existing access road is approximately 300' south of Mr. Schuller's land.

Additional Comments:

Mr. Alberty asked the applicant how long he intends to operate the sand removal business, and he replied that he had considered mining sand approximately five or six years, or until development begins in the area. Mr. Tomsen stated that dredging is not being considered at this time, because of the expenditures involved in this type of operation.

Mr. Tyndall inquired as to the days and hours of operation, and Mr. Tomsen stated that he is proposing to sell sand every day during daylight hours.

Mr. Walker stated that he is supportive of the mining operation as an interim use for the property.

Mr. Alberty stated that the Board considers land use, and it appears that a temporary sand removal business at this location would not be detrimental to the area.

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Mr. Eller stated that he is supportive of a two-year time limitation on the sand removal operation.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a sand operation in an AG District for a period of 2 years only - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24; subject to the business operating during daylight hours, Monday through Saturday; subject to County Engineering approval of ingress and egress on the River Road; and subject to sand removal being completed with a front loader only, with no dredging permitted; finding that the temporary use, as presented, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

All that part of Government Lots 4 and 5 lying southwest of road, Section 33, T-18-N, R-13-N, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:38 p.m.

Date Approved

Feb 4, 1992


Chairman