

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 266
Tuesday, July 16, 2002, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Tyndall	Butler	West, Zoning Insp.
Dillard, Vice Chair		Fernandez	Blakely, D.A.
Walker			
Hutson			

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Thursday, July 11, 2002 at 12:20 a.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:32 p.m.

MINUTES:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker Hutson "aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** the Minutes of June 18, 2002 (No. 265).

CONTINUANCES and CASES WITHDRAWN

Case No. 1984

Action Requested:

Amendment of an approved site plan to permit a 24' x 60' temporary classroom, and a permanent classroom addition, located 13413 E. 106th St. N.

Presentation:

Mr. Beach announced that the area where the temporary classroom was to be located was not included in the notice. Therefore, the notice is not valid and the case could not be heard until a future meeting.

Interested Parties:

One interested party was present and stated he would come back when the case comes before the Board again.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **CONTINUE** Case No. 1984 to a future meeting, for correct advertising of this case.

A tract of land that is part of the SE/4 SW/4 of Section 9, T-21-N, R-14-E, of the IBM, starting at the SW/c of the SE/4 SW/4 of said Section 9; thence N 88°44'40" E along the Sly line of said Section 9 for 390.00'; thence N 01°13'58" W and parallel with the Wly line of the SE/4 SW/4 for 71.42' to the POB of said tract of land; thence continuing N 01°13'58" W and parallel with the Wly line of said SE/4 SW/4 for 1002.52'; thence N 88°44'37" E for 593.73'; thence S 11°12'59" W, parallel with and 100.00' Wly of as measured perpendicular to the Wly right-of-way line of US-169 for 372.31' to the NE/c of Lot 1, Block 1, Owasso Freewill Baptist Church, thence S 88°44'37" W along the Nly line of said Lot 1 for 453.47' to the NW/c of Lot 1; thence S 01°13' 58" E along the Wly line of Lot 1 for 633.00' to the SW/c of Lot 1; thence S 83°02'02" W along the Nly right-of-way line of US-169 W exit ramp for 60.30' to the POB of said tract of land; AND a tract of land beg. at the SW/c of the SE/4 SW/4 of said Section; thence N 88°44'40" E and along the S line of said SE/4 SW/4 a distance of 175.93'; thence N 1°15'20" W a distance of 50.00'; thence N 83°01'52" E a distance of 215.16'; thence N 1°13'58" W a distance of 1002.52'; thence S 88°44'37" W a distance of 390.02' to the W line of the SE/4 SW/4; thence S 1°13'58" E a distance of 1073.93' to the POB; AND a tract of land beg. at a point 1073.93' N of the SW/c of the SE/4 SW/4 and on the W line of said SE/4 SW/4 thence N 88°44'37" E a distance of 983.75' to a point 100.00' W of and at a right angle to the W line of US-169; thence N 11°17'16" E a distance of 74.14'; thence N 3°15'37" E a distance of 605.72'; thence N 1°18'03" W a distance of 249.65'; thence S 88°44'37" W a distance of 1046.98' to a point on the W line of said E/2 SW/4; thence S 1°13'58" E a distance of 929.36' to the POB, Tulsa County, State of Oklahoma.

UNFINISHED BUSINESS

Case No. 1968

Action Requested:

Variance of the required 30' frontage on a public street to 0' for lot split. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located SE/c of W. 43rd St. & S. 61st W. Ave.

Mr. Beach reminded the Board this case was on the last agenda and the Board continued the case for the completion of a subdivision plat.

Presentation:

Stuart Arnold, 4403 S. 61st W. Ave., stated that Bryce and Associates were doing the preliminary plat. They informed him they needed a sketch plat first, so the subdivision plat is not completed. He informed the Board that he wants to build a house on Lot 1 and the plat really does not have any bearing on this application. He has obtained a lot split and the re-zoning has already been approved. A site plan was provided (Exhibit A-1).

Comments and Questions:

Mr. Alberty asked if he had a document for filing the easement. Mr. Arnold stated he had one for a 30' easement, not filed yet. Mr. Walker pointed out the need for the road to be brought up to specifications of the county before the county would maintain it. Mr. Alberty informed the applicant that he would have to maintain it if the county does not.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of the required 30' frontage on a public street to 0' for lot split, with condition for a 30' mutual access easement filed of record, finding there is not a way to dedicate the street except through filing of a mutual access easement, on the following described property:

Access Easement: The E 30' of the following tract of land: E/2 SE/4 SW/4 NW/4, Section 29, T-19-N, R-12-E, Tulsa County, State of OK; and the W 30' of the following tract of land: Tract A1: The N 200.00' of the S 526.00' W 450.00' SE/4 NW/4 of Section 29, T-19-N, R-12-E of the IBM, less and except the N 6.00' of the E 14.22' thereof; AND Tract B: the N 200.00' of the S 266.00' W 450.00' of the SE/4 NW/4 of Section 29, T-19-N, R-12-E, of the IBM; AND Tract C: 3 Tracts of land in the SE/4 NW/4 of Section 29, T-19-N, R-12-E of the IBM, being more particularly described as follow, to-wit: Beg. at a point 66.00' N of the SE/c of SE/4 NW/4; thence N a distance of 454.00' to a point; thence due W a distance of 884.00'; thence due N a distance of 300.00'; thence due W a distance of 435.78' to a point on the W line of said SE/4 NW/4; thence due S along the W line of said SE/4 NW/4 a distance of 754.00' to a point 66.00' N of the SW/c of said SE/4 NW/4; thence E and parallel to the S line of said SE/4 NW/4 to a point and POB; AND Beg. at a point 800.00' S of the NE/c and on the E line of said SE/4 NW/4; thence Wly parallel to the N line of said SE/4 NW/4 a distance of 884.00' to a point; thence Nly parallel to the E line of said SE/4 NW/4 a distance of 100.00' to a point; thence Ely parallel to the N line of said SE/4 NW/4 a distance of 884.00' to a point; thence Sly along the E line of said SE/4 NW/4 a distance of 100.00' to the POB; AND commencing at the NE/c of said SE/4 NW/4; thence S along the E line a distance of 500.00' to a point; thence W on a

line parallel to the N line of said SE/4 NW/4 a distance of 884.00' to the POB; thence continuing along said line a distance of 437.61'; thence N on a line parallel to the E line of said SE/4 NW/4 a distance of 100.00'; thence E and parallel to the N line of said SE/4 NW/4 a distance of 437.61'; thence S a distance of 100.00' to the POB, less and except the E 1291.61' of the N 100.00' of the S 615.00' of the N 1015.00' thereof, less and except: The N 200.00' of the S 526.00' of the W 450.00' of the SE/4 NW/4 and less and except the N 200.00' of the S 266.00' of the W 450.00' of the SE/4 NW/4 of Section 29, T-19-N, R-12-E, of the IBM, Tulsa County, State of OK.

Case No. 1972

Action Requested:

Variance of average lot width in the AG district from 150' to 144.64' and 150' to 111.84'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of required side yard in the AG district from 15' to 11'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area per dwelling unit from 2.1 acres to 1.93 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of lot area from 2 acres to 1.83 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 10316 E. 126th St. N.

Presentation:

Richard True, 10316 E. 126th St. N., stated the owners propose to place a doublewide mobile home on the property. The existing home needs a variance on the west side yard.

Comments and Questions:

Mr. Alberty stated that the lot width is what the Board is concerned about. Mr. Alberty asked about the site for the new home. Mr. True replied it would be on the backside of the property where the handle stops.

Interested Parties:

Steve Schuller, 500 OneOak Plaza, stated he represented John and Judy Dicks, the owners of the property to the south. They are opposed to the application. It is an AG zoned area, though in character is rural residential. Mr. Schuller indicated there was no hardship peculiar to this property. He stated this would increase the density of this area.

Applicant's Rebuttal:

Mr. True stated the neighbor to the east has two mobile homes and two septic systems on the same amount of property.

The Board went into review session.

landscaping as screening for the building. No industrial activity is involved, just personal storage.

Comments and Questions:

Mr. Walker asked if the house has any additions. The drawing on the sketch layout indicates there are fifteen feet out to the first lateral line and the applicant has managed to fit in a pool, a small covered area and a deck.

Fred Fegaly, 12711 E 134th St. S., stated it is rather tight. He explained when they put in the pool they moved all the lateral lines back to the east. There are huge elm trees that screen very well. Mr. Walker responded that the lateral lines could always be rerouted.

Mr. Walker questioned Mr. West about his findings. Mr. West stated the job was already done before he received a complaint and inspected the property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dillard**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** to permit a detached accessory building in the side yard, finding this is a replacement structure that was legal when it was originally built, on the following described property:

Lot 12, Block 2, Casa Real Estates, Tulsa County, State of Oklahoma.

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Case No. 1976

Action Requested:

Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 4413 S. 61st W. Ave.

Presentation:

Jeff Dykes, 4748 S. 31st W. Ave., proposes to build a home on the property. The road dedication ends on 61st W. Ave. about two hundred feet from the subject property.

Comments and Questions:

Mr. Alberty stated the zoning code requires access to a dedicated street to protect property owners, or at least a mutual access easement. Mr. Dykes stated he had a right-of-way easement that was filed at the courthouse. Mr. Alberty asked Mr. Dykes if he was confident he had satisfied the requirement with a valid instrument filed of record in the county courthouse. Mr. Dykes replied in the affirmative.

Interested Parties:

Windell Drake, 4401 S. 61st W. Ave., stated the existing road is his private drive and there is too much traffic on it. There is a drainage problem because the previous owner of the subject property dug culverts that do not allow water to flow through so the road washes out and flows into his front yard. The septic system overflows and has drained into his pond. Mr. Drake did not believe the easement is legally filed of record.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **CONTINUE** Case No. 1976 to the meeting on September 17, 2002, to allow him to meet with the neighbors regarding an easement that would benefit all of them, on the following described property:

Beg 600' S NE/c SE NW, thence W 884' N 165' W 407.61' N 35' E 1291.61' S 200' POB, Section 29, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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Case No. 1977

Action Requested:

Special Exception to allow a dog grooming business as a home occupation in an RS district. SECTION 420.1. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Uses Permitted – Use Unit 13, located 12743 S. 124th E. Ave.

Presentation:

Kathleen Delisle, 12743 S. 124th E. Ave., proposes to have a dog grooming home occupation in her garage. There was a complaint when she put up a sign, which she took down. Mr. West directed her to apply to the Board of Adjustment. She stated she did not board dogs. She limits herself to four dogs per day maximum. She cleans and disinfects thoroughly to prevent spreading diseases between animals. She went to the City of Broken Arrow and they recommended approval of this application (Exhibit D-1).

Comments and Questions:

Mr. Alberty asked if she was familiar with the code regarding a home occupation and she replied in the affirmative. Mr. West stated that he had inspected the operation and found it would be in compliance.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special**

Exception to allow a dog grooming business as a home occupation in an RS district, with a limit of four dogs per day, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 8, Block 9, Willow Springs Estates Addition, Tulsa County, State of Oklahoma.

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Case No. 1978

Action Requested:

Special Exception to permit baseball and football playing fields in an AG district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20; and a Variance to allow a non-all-weather surface for parking. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 13702 S. Garnett.

Presentation:

Byrne Webb, proposes to lease out the subject property for baseball and football practice fields. There are a limited number of practice fields in the Union School District and Bixby School District. The access for the site is on Garnett. The house that was on the property has been removed. There is a cell tower on the property. Most of the activity would be Monday through Friday from 5:30 p.m. to 9:00 p.m., spring through fall, no winter work. There would be lights on the fields.

Comments and Questions:

Mr. Albery determined from questioning Mr. Webb that this is a commercial venture that would generate revenue. He asked Mr. Webb for more information regarding the request for a variance of parking surface. Mr. Webb was concerned that an all-weather-surface could cause changes to the hydrology. He stated if it rains they would not be using the property. Mr. Webb added that the football fields might double for soccer fields also. Mr. Hutson asked about proximity to residences. Mr. Webb replied the closest residences are on 141st and there might be a mobile on the north of Haikey Creek. He described the work they have done to raise the elevation by two feet, created a compensatory storage pond to the north and provided swells for a better flow into Haikey Creek. They checked with the Corp of Engineers and found that this use would be approved for the floodway. There will not be any development. Mr. Dillard asked if there were plans for a snack shop or restroom facilities. Mr. Webb replied there would not be any facilities in the floodway, maybe a portable restroom unit.

Interested Parties:

Paul Fehrenbacher, 8324 E. 117th St., Bixby, Oklahoma, stated he is the President of Union Youth Football Association. The numbers of ball players continue to grow, while the number of practice fields is decreasing. He stated they

have not entered any negotiations with Mr. Webb regarding money. Several groups of soccer, lacrosse, and other ball teams have contacted them.

Lori Cole, 13220 S. Garnett, Broken Arrow, Oklahoma, stated she is on the small parcel of land across from the housing addition. She informed the Board that from 7:00 a.m. to 5:00 p.m. daily they are inundated with about ten dump trucks per hour from the sand company and Haikey Creek Sewage. The access to the housing addition is across the street from her home and her home is twenty-five feet from the street. She was concerned the visibility for traffic would be obstructed. She also expressed concern that the gas meter and gas line near the road.

Kim Worthington, 13504 S. Garnett Road, stated she is on the property north of the subject property on the other side of Haikey Creek. She had the same concerns as listed above and the water runoff in the flood plain. At least three times in the last year cars have lost control and ended up in their yard because of the condition of the road. They have asked the County to fix the road but they refuse to fix it as long as the trucks continue running.

Brett Worthington, 13400 S. Garnett, stated that yards of property are washed off into the creek. He was very concerned about the flooding problems.

Comments and Questions:

Mr. Alberty asked Mr. Worthington how playing fields without pavement or structures would increase the water flow. Mr. Worthington replied that he saw this same type of problem happen off of 131st.

Monte Carnes, 139 AG Hall, Stillwater, Oklahoma, stated he is the Division Engineer Facilities Coordinator for the Division of Agricultural Sciences and Natural Resources. He stated they have the property immediately to the west of the subject property, which is the experiment station. He informed the Board that the east end of their property is used for soybean research, the primary site in Oklahoma. He explained that soybeans are very sensitive to light. He submitted photographs (Exhibit E-1). The light makes a big difference in when the soybeans come to maturity. Additional light would interfere with the research, and there is no other place to relocate on this station. They have no objection to the use but to any additional lighting.

Joe McCormick, 601 Park Tower, 5314 S. Yale, stated he represented Carol Boles and Bert and Cheryl Boles. The Boles farm their land. He submitted photographs and a map (Exhibits E-2 and E-3). He noted the subject property is in a fragile area. He was concerned there has been a lot of digging and moving soil already. He pointed out that the applicant has laid soil on top of vegetation to build up the fields. He stated when you do this in a floodway it is just like pouring it on cardboard. When it rains the flooding will wash all of the soil onto his clients' property.

Mr. Walker left at 3:35 p.m., not to return to this meeting.

He indicated that they were operating without a permit, and even after they received notice they continued to operate. He predicted that the pit and ditches they built would become part of the creek, causing the water to flow backwards and erode the land. Mr. McCormick indicated the applicant had not stated a hardship, and there was no hardship.

Applicant's Rebuttal:

Mr. Webb responded there is a significant tree line that would block the lights. They plan to use anti-spill shields on the lights and they point north and south not east and west. There is a full forty acres between the field with lights and the soybean field. He informed the Board that a hydrology report was done on the property, and they are working with Ray Jordan and Terry West to plan everything in compliance. The dirt was moved with a development permit.

Board discussion ensued.

Board Action:

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Tyndall "absent") to **APPROVE** a **Special Exception** to permit baseball and football playing fields in an AG district, with conditions to limit lighting to the east 650' only, for two football fields on plan submitted; and the lights hooded to light the playing fields only, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and a **Variance** to allow a non-all-weather surface for parking, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

The E 55 acres of the N/2 SE/4 of Section 7, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

Chairman Alberty called a recess at 4:05 p.m.

Chairman Alberty called the meeting to order at 4:13 p.m.

Case No. 1980

Action Requested:

Use Variance to permit the keeping and raising of exotic animals in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. – Use Unit 3, located 309 S. 71st W. Ave.

Case No. 1982

Action Requested:

Special Exception to permit fireworks sales for the year beginning 2003, and to conduct year around sales of fruits and vegetables, pumpkins, Christmas trees and other seasonal merchandise. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2; and a Variance of all-weather surface. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 15764 W. Highway 51.

Presentation:

Charlie Choate, 1800 S. 165th W. Ave., Sand Springs, Oklahoma, proposes to use a portable building on wheels for open air sales of fruits and vegetables, Christmas trees and other seasonal merchandise. He said it would be easily moved at a moment's notice in case of flooding.

Comments and Questions:

Mr. West commented that there could be no permanent structure in the floodway.

Interested Parties:

Tony Woodlee, 1535 W. 21st St., stated he lives west of the subject property. He mentioned that eight to ten homes have been elevated in the last few years because of flooding. He commented there is no through access and the road is very narrow.

Rick Silvey, 2023 S. 159th W. Ave., Sand Springs, Oklahoma, stated when it floods in the area the water moves in swift currents. It has washed out his fence numerous times.

Janice Silvey, 2023 S. 159th W. Ave., stated she does not want to see commercial operations in the area. She is opposed to more traffic and public customers driving through.

Deann Taylor, 2007 S. 161st W. Ave., expressed concern regarding flooding in this area. She stated that the road could not handle much more traffic.

Applicant's Rebuttal:

Mr. Choate stated this property has been in the family for sixty years and he knows about the flooding. He added that he came up with this plan with the flooding problem in mind, to keep from causing any problems. He reminded the Board it is a small portable building, which will not be close to any of the neighbors. The land has been commercially zoned for fifteen to twenty years. Mr. Hutson asked if he planned to have year round sales. Mr. Choate replied it would be seasonal sales.

Board discussion ensued.

Board Action:

A **MOTION** made by **Hutson** to **APPROVE** a **Special Exception** to permit fireworks sales for the year beginning 2003, and to conduct year around sales of fruits and vegetables, pumpkins, Christmas trees and other seasonal merchandise; and a Variance of all-weather surface, finding the hardship to be the flood plain. The **Motion DIED** for lack of a second.

On **MOTION** of **Dillard**, the Board voted 3-0-0 (Alberty, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Tyndall "absent") to **CONTINUE** Case No. 1982 to the meeting on August 20, 2002, to allow time for the applicant to meet with the neighbors regarding the application, on the following described property:

A tract of land in the SW/4 SW/4 of Section 8, T-19-N, R-11-E, of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Commencing at the SE/c of SW/4 SW/4, thence N 1°12'48" W along the E line of said SW/4 SW/4 a distance of 24.75' to the POB; thence N 1°12'48" W a distance of 281.22' to the S right-of-way of SH-51; thence N 71°11'07" W along said right-of-way a distance of 5.70'; thence N 73°44'47" W along said right-of-way a distance of 599.55'; thence S 1°59'34" W a distance of 268.48'; thence S 89°56'20" E a distance of 208.72'; thence S 3°21'18" E a distance of 183.97'; thence N 89°47'14" E parallel to and 24.75' distance from the S line of said SW/4 SW/4 a distance of 376.79' to the POB.

Case No. 1983

Action Requested:

Variance of the required average lot width from 150' to 137.89' and 84' for lot split #19404. SECTION 207. STREET FRONTAGE REQUIRED and SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 18002 N. 93rd E. Ave.

Presentation:

Barbara Wall, 18002 N. 93rd E. Ave., Collinsville, Oklahoma, stated there is a mobile home on the front of the property for her mother and she proposes to place a doublewide mobile home on Tract A.

Interested Parties:

Melinda Gruner, 18010 N. 93rd E. Ave., expressed concern that the current home has sewage problems. She added that the odor of it sometimes overpowers the barnyard smells. She stated that if the second home had sewage problems it might contaminate her pond. The pond is an auxiliary stock pond for her sheep. She informed the Board that the applicant's family dogs killed one of her sheep. Ms. Gruner submitted photographs (Exhibit G-1) to the Board. She complained that she had to pick up a lot of trash from the neighbor's July 4th fireworks off of her property. She questioned how much more trash there would be with a second

family living there. She also mentioned that the creek holds water and wondered how they would get across to their home.

Geri Calhoun, 17920 N. 93rd E. Ave., stated she lives just south of the property. She commented there are only two privacy fences to block the subject property because of the trash and other problems on that property. She pointed out that the access road appears to run along her fence line. She complained that vehicles already speed down the dead end road, and she is concerned for her children's safety. She is opposed to increasing the density of the area.

Applicant's Rebuttal:

Ms. Wall has been cleaning up her parents' property since they could no longer keep up the property. She has made arrangements for things to be hauled off the property. She stated she has talked with several of the neighbors and they were in support of the application. Ms. Wall added that there are trees that would screen her home, even though some will be cleared for the easement. The contractor already has the plans for proper drainage and a road to cross the branch. She stated she has only been there one month and is doing her best to take care of things on the property.

Comments and Questions:

Mr. Dillard pointed out that the zoning code was recently changed to reduce required frontage and they are asking it to be reduced more. At some point they have to stop. Mr. Alberty noted there are no other lot splits in the area and this would be inconsistent with the character of the neighborhood.

Board Action:

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Alberty, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Tyndall "absent") to **DENY** a **Variance** of the required average lot width from 150' to 137.89' and 84' for lot split, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Tract A: A tract of land situated in the N/2 SE/4 of Section 1, T-22-N, R-13-E, more particularly described to-wit: Beg. at a point S 00°05'00" E a distance of 493.00' from the NW/c N/2 SE/4; thence E and parallel with the N line of said N/2 SE/4 a distance of 519.85' to a point; thence S 00°05'00" E a distance of 137.89' to a point; thence E and parallel with the N line of said N/2 SE/4 a distance of 805.55' to a point; thence S 00°05'00" E a distance of 30.00' to a point that is 660.89' N of the S line of said N/2 SE/4; thence W and parallel with the S line of said N/2 SE/4 a distance of 1325.40' to a point on the W line of said N/2 SE/4; thence N along said W line of N/2 SE/4 a distance of 167.89' to the POB; AND Tract B: A tract of land situated in the N/2 SE/4 of Section 1, T-22-N, R-13-E, more particularly described to-wit: Commencing at a point S 00°05'00" E a distance of 493.00' from the NW/c N/2 SE/4; thence E and parallel with the N line of said N/2 SE/4 a distance of 519.85; to the POB; thence S 00°05'00" E a

distance of 137.89' to a point; thence E and parallel with the N line of said N/2 SE/4 a distance of 805.55' to a point; thence N 00°05'00" W a distance of 137.89' to a point; thence W and parallel with the N line of said N/2 SE/4 a distance of 805.55' to the POB, all in Tulsa County, Oklahoma.

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OTHER BUSINESS

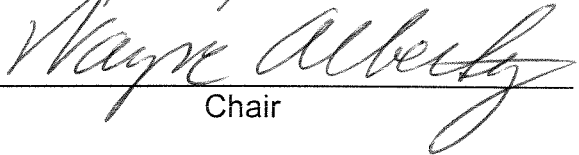
Dick Blakely, came before the Board to discuss CBOA Case No. 1877. It was a Special Exception to permit mining of sand and gravel and associated processing in an AG district, approved by the Board June 19, 2001. Some neighbors appealed the case to District Court under Case No. CJ-01-4244. The judge found the exception would operate to the detriment of the surrounding community and property owners. He stayed the issuance of the special exception. It is not known for sure whether the Holiday Sand Company will appeal this decision. There is no pressure for time right now should the Board decide to appeal. No action was taken.

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There being no further business, the meeting was adjourned at 5:35 p.m.

Date approved: _____

9/17/02



Chair