

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 432
Tuesday, May 17, 2016, 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
Crall, Secretary
Dillard
Johnston
Hutchinson, V.Chair

Miller
Moye
Sparger

West, Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12th day of May, 2016 at 9:12 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.

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

MINUTES

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of April 19, 2016 (No. 431).

UNFINISHED BUSINESS

2571—James Hansen

Action Requested:

Special Exception to permit Use Unit 5 (Community Service & Similar Uses) in the RS District (Section 410, Table 1). **LOCATION:** 6701 North Trenton Avenue East

Presentation:

James Hansen, 1064 Pruitt Drive, Oklahoma City, OK; stated that the plan has been minimized and revised which includes a single building. There will be a ten foot setback inside the fence to help mitigate the public from viewing the meditation.

Mr. Charney asked which boundary the setback was going to be inside the fence. Mr. Hansen stated that the building will be on the southern side midway between the east and west perimeters but will be closer to the southern boundary. The property is five acres and 330 feet wide.

Mr. Hansen stated that he had contacted the Tulsa County Traffic Management and spoke to Mr. Eddie Barclay about the capacity of Trenton Avenue to handle the possible future traffic. Mr. Barclay stated there would be no problem. Mr. Hansen stated he measured the width of Trenton Avenue and found it to be 18 feet wide which will allow two cars to pass one another. He attended the Golden Hills Community Association meeting, however, the officers, Mr. Nelson Sager, Mr. Jeff Kirkham and Ms. Denise Sager, were the only people that attended the meeting. After the meeting Rev. Ron, who operates the church/funeral home on 66th Street North, offered the WAT the use of their parking lot.

Mr. Charney asked Mr. Hansen if representatives from the applicant and from the community were at the meeting he attended. Mr. Hansen stated that Johnny, a representative of the applicant, is a resident of Tulsa and the others are officers from the Golden Hills Community Association.

Mr. Charney asked Mr. Hansen if the new site plan provided is an outline of the property and that it shows where the living structure is to be on the subject property. Mr. Hansen answered affirmatively. Mr. Charney asked if the balance of the site plan still remain as it was presented previously. Mr. Hansen stated that previously there were two structures, and there were buildings eliminated because the original site plan was a long vision plan. The new plan was scoped down to see if the use would be compatible. The parking lot and the outbuildings were eliminated from the original site plan to make single living unit for the monks.

Mr. Charney asked if a meditation center were going to be built right now. Mr. Hansen stated that the single structure was combined into living quarters for the monks and the meditation center.

Mr. Dillard asked Mr. Hansen if all he was asking for today is a 40 x 60 double wide mobile home. Mr. Hansen answered affirmatively. Mr. Dillard asked if there were going to be any outbuildings. Mr. Hansen stated there will be an 8 x 20 storage unit.

Mr. Charney asked if the old barn on the southerly boundary is going to be removed. Mr. Hansen answered affirmatively.

Mr. Charney asked Mr. Hansen if the revised site plan that is before the Board today is a request to use a 60 x 40 double wide as a home for the monks to live in and for people to visit the monks, and there is to be a storage unit on the 5 acre lot with no other planned structural improvements planned today. Mr. Hansen answered affirmatively.

Mr. Hutchinson asked staff if the applicant needs to bring a request to the Board to place a double wide on the subject property. Mr. West stated that the applicant would not but since the request was advertised for a Use Unit 5 he wanted this to be addressed so the public knows exactly how the property is going to be used. Mr. West stated that a double wide would be a use by right and the storage building would be an accessory to the principal and primary use which is the double wide. The double wide use is a permitted use in RS.

Mr. Charney stated that he believes the original Special Exception request is no longer before the Board. Mr. West stated that is correct.

Interested Parties:

John Carrigan, 6028 East 32nd Street, Tulsa, OK; stated the current plan is to use the double mobile home as a place for the monks to live and receive a few guests.

Mr. Charney stated that if there were festivals or large gatherings, as mentioned at the last meeting, this would put the subject property under a different use. If it becomes an organized community activity it will become another use. Mr. Charney asked Mr. Carrigan if he understood and Mr. Carrigan answered affirmatively.

Mr. Carrigan stated the house where the monks will be staying is just like a residential structure. If the monks were to have a birthday party or barbecue it would be the same as anyone else having such an event in the neighborhood. Mr. Carrigan stated the monks are quiet and people will hardly know they are there.

Mr. Charney stated that as in other faith communities if there are large weekly gatherings, as there are in other faith communities it is not something the Board would be approving. Mr. Charney asked Mr. Carrigan if he understood. Mr. Carrigan answered affirmatively.

Mr. Crall stated that he would like to hear the applicant or someone from that side to say that they do not need the church or religious use Special Exception, because Mr.

Hansen stated that he does not know that they have really changed what they intend to do other than scale the site plan down.

Mr. Carrigan stated that the vision is still the same. It is place for meditation. The property is going to be as natural as possible. The monks will still have visitors.

Mr. Crall asked Mr. Carrigan if he was saying the view would change but the use would not change. Mr. Carrigan stated that the monks must rely on the ladies of the community to cook for them or else they do not eat.

Mr. Charney asked Mr. West to speak about what the original request was. Mr. West stated that the original request was for a Use Unit 5, which covers church activities or community buildings or services taking place on the subject property. That is covered under the Special Exception request for the RS zoning. Mr. West stated that in his last meeting with the applicant he was informed that the temple and the station that was on the original site plan was all going away. The only thing there would be is a large double wide mobile home for the four or five monks to reside in with an occasional two or three visitors. Mr. West stated that he was told by the applicant that they would not change the rest of the property. Mr. West stated that he did explain the flood way that is located on the north portion of the property. Mr. West stated the use has totally changed with only having a double wide mobile home for four or five monks on the subject property. Mr. West stated that he did ask the applicant about the church use and he was told that may be in the future.

Mr. Charney asked Mr. Carrigan if he understood that if the Board were to approve the request as it was originally permitted using the current site plan, it would be restricted to the submitted site plan and that would not allow anyone to have the automatic right to build a meditation center or parking lot. Mr. Carrigan stated that he understood.

Mr. Dillard stated that Board would not be having this conversation if a person were coming in with a 40 x 60 mobile home, but because it was mentioned that there would be a religious use it brought it before the Board. The applicant has now gone back and capitulated by saying there would not be large gatherings but will only have someone from the community to come in once a day to feed the monks. Mr. Dillard stated that he does not see why the Board is discussing the Use Unit. Mr. West concurred and stated that he thought the public forum was needed so everyone would be informed of exactly how the subject property will be used. Mr. Dillard stated that because of the controversy Mr. West will be frequently visiting the subject property checking to make sure the applicant is not violating any Code.

Ms. Miller stated that this application is no longer relevant for the new site plan that has been submitted. So she believes that if the submitted site plan is the applicant's intent then the applicant should withdraw the today's request, and in the future they can resubmit an application. Mr. Dillard concurred.

Mr. Charney stated that if the use is going to be limited to what is submitted on the site plan, regardless if there is prayer happening inside or watching ESPN inside it does not really matter, there is no longer a need for a Special Exception. If the applicant were to withdraw today's request and then submit a site plan permit tomorrow for a double wide mobile home it would be granted as a matter of course. A female in the audience stood and stated that mobile homes are not allowed in their area because it states that on the property deeds. Mr. Charney stated that he does not see the need for the Special Exception any more.

Mr. Dillard stated that double wides are not considered mobile homes.

Mr. Crall stated that the best thing would be for the applicant to withdraw his request, and if not he would be willing to make a motion that the Board withdraw the application because of the latest submitted site plan.

Mr. Charney asked Mr. West if a person were to submit a site plan showing a 60 x 40 double wide structure and asked for permission to place it on the subject property, even if it is a manufactured home and not a on-site built home, as a matter of course would the County permit the manufactured home as a matter of right. Mr. West answered affirmatively. Mr. Charney stated that it is important for the Board to recognize because it is not something that the Board addresses but it is addressed in the Permit Office in reviewing a permit application.

Mr. Charney stated to the applicant that the Board is going to offer them the opportunity to withdraw today's request and proceed with the cleaning up of the land, placing one double wide manufactured home on it with one storage building. Or there may be a motion from the Board to strike this request because in the judgment of the Board there is no longer a need for the Special Exception based on the latest site plan submitted.

Don Cannon, 1405 East 68th Street North, Tulsa, OK; stated that he purchased his residence in 1989 and it states on his deed that no mobile homes because it is a residential neighborhood. Mr. Cannon stated that his house burned down in 1995. He was told that he could not bring a mobile home in for temporary living. He went to get his permit and was told no mobile homes or modular homes. Mr. West stated that would pertain to single wide mobile homes. Mr. Cannon stated that is not true because he wanted to install a double wide modular home. Mr. Cannon stated that he built a two-story log home. He stated that he knows what his deed states and if you cut a double wide in half is still a mobile home. This is a residential area not a trailer park. Mr. Cannon stated that he approved to allow the neighborhood behind to have a small car dealership and for 30 years there is nothing but junk in the back yard with 50 cars at least. Mr. Cannon stated that he approved for a minor recycling center across the street, Fraileys, and now that place is the busiest recycling facility in Oklahoma. Once a mobile home is approved then there will be two, three, four and then five acres full. He does not want to see his property value depreciated because of mobile homes.

Mr. Charney stated that the purview of the Board is that procedurally the Board sees a site plan submitted that does not fit with the Special Exception request that has been filed. There are some people in the audience that hear the current definition in Tulsa County of a mobile home that may be prohibited by either zoning or deed does not include a double wide manufactured home. That is not his (Mr. Charney) decision and it is not the Board's decision, but the County in their review and administration of that definition requirement has been analyzed. This vote does not speak to that but this vote does speak to a very narrow issue, and that is whether the Special Exception should be granted or be denied or whether it should be relevant anymore given the revised submitted site plan. Mr. Charney asked the applicant to come forward and asked if he wished to withdraw his request for a Special Exception and proceed with another route.

Mr. James Hansen asked if the Board is asking him if he wants the application along with the new site plan. Mr. Charney stated that the new submitted site plan no longer requires a Special Exception based upon on what staff has informed the Board about and the Board's knowledge. The site plan has a residential structure on it with a storage building. That no longer needs a Special Exception in the Board's judgment.

Mr. Hansen asked if the Board voted and denied him the privilege of the Special Exception being requested will he still have the option of doing what the Board has said can be done because there is no need for a Special Exception. Mr. Charney stated that is correct if the Board decides to take that vote. There may be a motion that moves to strike the application and not bring it to a vote because the site plan submitted does not require it. Mr. Charney asked Mr. Hansen if he wished to withdraw the application. Mr. Hansen stated that he would prefer to see this application play out. Mr. Charney asked Mr. Hansen if he had anything further to say. Mr. Hansen stated that he did not.

Comments and Questions:

Mr. Dillard stated that the Board does not make the laws. The Board only interprets the laws.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **STRIKE** (Withdrawn by the Board) the request for a Special Exception to permit Use Unit 5 (Community Service & Similar Uses) in the RS District (Section 410, Table 1) based on the revised site plan no longer indicates a requirement for the Special Exception. This will leave the applicant to proceed with his property in any manner that does not violate the Zoning Code; for the following property:

S 1/2 NW SE SW SEC 31-21-13, OF TULSA COUNTY, STATE OF OKLAHOMA

2574—Melisha K. Wallace

Action Requested:

Variance of the maximum size of a detached accessory building from 750 square feet to 1,600 square feet in the RS District (Section 240.2.E); Variance to allow a detached accessory building in the side yard (Section 420.2). **LOCATION:** 6537 North Rockford Avenue East

Presentation:

Melisha Wallace, 6537 North Rockford Avenue, Tulsa, OK; stated she would like to build a 40 x 40 shop. She and her husband petitioned the Tulsa Metropolitan Area Planning Commission (TMAPC) for a lot combination and it was approved on April 20th. The lot split has been recorded at the Tulsa County Court Clerk's office. The house was previously her mother-in-laws residence and she passed away three years ago. Since that time she and her husband have been making improvements to the house. There is currently no garage detached or attached to the house. They have recently moved from a three bedroom with a two-car garage house that had a 24 x 24 shop. Her husband collects cars and performs the family vehicle maintenance. The proposed shop would house his numerous tools, seven vehicles, a motorcycle, a dirt bike and a four wheeler. The proposed shop would also be used to store general household items and will not be used as a business. The proposed location on the side of the house instead of the rear is due to the topography of the land which slopes toward to creek. Utilities are located north side of the house. The house that use to exist at 6531 burned down and who ever cleaned up the debris buried it behind where the old house use to be located. Therefore she and her husband felt the proposed site was the most logical place to locate the shop.

Mr. Charney asked Ms. Wallace if the neighbor immediately south of her was one of the 12 that signed her consent petition. Ms. Wallace answered affirmatively. Mr. Charney asked if the neighbor directly across the street also signed the petition. Ms. Wallace stated that they did sign.

Mr. Crall asked Ms. Wallace how far off the south property line the proposed shop would be located. Ms. Wallace stated that it would be even with the front of the house and in the side yard it would be approximately 15 feet.

Interested Parties:

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, OK; stated he lives a few blocks north of the subject property. His concerns are that the building would ultimately become a commercial business, because so many applications of this nature for an oversized accessory building have become an auto related business. Mr. Kirkham stated this is a large 1,600 square foot building and right on the corner of 73rd Street North and Victor there is a nice house that is 300 square feet smaller than the proposed shop. The proposed accessory building is going to larger than the house it is to be the accessory to so it raises concern.

Nelson Sager, 1410 East 73rd Street North, Tulsa, OK; stated he is the former Fire Chief in Turley. Mr. Sager stated that as long as the proposed shop stays privately used he does not have a problem with the building.

Ron Robinson, 563 East 63rd Street North, Tulsa, OK; stated that the neighbors will be keeping an eye on the activity in the proposed shop and if anything goes awry there will be calls to the County Inspector.

Rebuttal:

Mr. Charney asked Ms. Wallace to come forward and asked her if she understood how important the private use of the proposed shop is to the Board. Ms. Wallace stated that she understood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, 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 maximum size of a detached accessory building from 750 square feet to 1,600 square feet in the RS District (Section 240.2.E). The hardship is the topography and the large lot size. There is to be no commercial activity in the proposed building and is to be used only for personal private use; for the following property:

N 126' LT 34 & BEG NWC LT 33 TH S 126' E 36' TH NW TO BEG BLK 2; S 74' OF W 36' LT 33 & S 74' LT 34 BLK 2, PHILLIPS FARMS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

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 a detached accessory building in the side yard (Section 420.2), finding that the proposed shop cannot be placed in the rear yard due to the topography of the lots. There is to be no commercial activity in the proposed building and is to be used only for personal private use; for the following property:

N 126' LT 34 & BEG NWC LT 33 TH S 126' E 36' TH NW TO BEG BLK 2; S 74' OF W 36' LT 33 & S 74' LT 34 BLK 2, PHILLIPS FARMS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2576—Timothy Lamb

Action Requested:

Special Exception to allow a manufactured home in the RM-2 District.

LOCATION: 7818 West 17th Street South

Presentation:

Timothy Lamb, 220 North Industrial Avenue, Sand Springs, OK; stated he would like to have a mobile home for him and his two daughters to live in.

Mr. Dillard asked Mr. Lamb if he was aware of all the restrictions that apply to the installation of a mobile home. Mr. Lamb answered affirmatively.

Mr. West stated that the requirements are that the mobile home be hooked up to a DEQ approved septic tank; have the mobile home tied down and skirted; and have an all weather parking surface for all vehicles. Mr. Lamb asked Mr. West about the time frame for the parking surface to be in place. Mr. West stated that it will usually take closing and inspections up to six months and at the end of the process there would have to be an all weather parking surface in place.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow a manufactured home in the RM-2 District. This approval requires the applicant to meet all DEQ and Tulsa County Zoning Code requirements. Finding the Special Exception 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; for the following property:

**E/2 TR 42 LT 7, BILLINGTON'S ACRE TRACTS, BILLINGTON ACRE TRACTS
RESUB TR43-44 L7, LAKE SUB, OF TULSA COUNTY, STATE OF OKLAHOMA**

2577—Jessica Austin

Action Requested:

Special Exception to permit a manufactured home in the AG-R District (Section 310, Table 1). **LOCATION:** 25503 West 47th Street South, Sand Springs

Presentation:

Jessica Austin, 25526 West 47th Street, Tulsa, OK; stated she would like to have a manufactured home to live in. She plans on brick it so it will look similar to a regular house.

Mr. Charney asked Ms. Austin if any of her neighbors had expressed any discontent with the proposed manufactured home. Ms. Austin stated that she is not aware of any concerns from the neighbors.

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 Special Exception to permit a manufactured home in the AG-R District (Section 310, Table 1). This approval is subject to meeting all DEQ and Tulsa Zoning Code requirements; for the following property:

E370 W765 N336 NW SW SEC 29 19 10 2.85ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2578—Sack & Associates – Red Sack

Action Requested:

Use Variance to allow outdoor storage and warehousing (Use Unit 23) on AG zoned lot. **LOCATION:** 2377 East 126th Street North, Skiatook

Presentation:

Ted Sack, Sack & Associates, P. O. Box 290570, Tulsa, OK; stated he represents the Taylors. The subject tract is on the northwest corner of 126th Street North and Lewis Avenue. The property was owned by International American Ceramics and for approximately 28 years they mined the property. They took material out of the hill and used that material to make tiles. The Taylors purchased the property when it came onto the market and have owned for about eight years. They have had the property removed from the mining list, have done terracing and landscaping to eliminate erosion over a four or five year period. Mr. Sack stated that now the Taylors would like to use the property for storage for their company, Signature Transportation. Their company is not a trucking company but they do accommodate that industry. From time to time they store materials for companies which are usually new items, i.e., new generators. The property is quite unique and the access to the subject property comes off 126th Street North on the west boundary going up to the top of the hill and down which is the same

road the Taylors want to use to access the property. Recently there has been a 5,000 square foot storage building built to house their equipment they had on the property. They would like to add another three 5,000 square foot buildings in the future. The property is very limited in the area that can be used for storage due to the topography and the terracing. A neighbor has called with concerns about the site line to the property and suggested a setback for the landscaped area of 150 feet and Mr. Sack's client has agreed to that. The remaining property will be used for home sites for the Taylors and possibly their daughter.

Mr. Charney asked Mr. Sack if the client is asking to build up to three 5,000 square foot buildings for indoor storage with unlimited outdoor storage on the 37.9 acre tract. Mr. Sack answered affirmatively.

Mr. Charney asked Mr. Sack if there was a platted subdivision to the south of the subject property. Mr. Sack stated there is a residential area to the east that is 12 five-acre tracts, but not to the south, and they have not been platted.

Mr. Hutchinson asked Mr. Sack if he had stated that there would be a 150 foot landscaping buffer instead of a 50 foot landscaping buffer. Mr. Sack stated that his client has agreed to a 150 foot landscaping buffer in the storage area with the balance of the property having a 50 foot landscaping buffer.

Interested Parties:

Kenda Woodburn, 12525 North Lewis Avenue, Skiatook, OK; stated she lives within 300 feet of the property line of the subject property. Ms. Woodburn stated that she has no objections to the residential AG housing because that is what is mainly in the area. All along 126th Street North is agricultural property with some residential. Ms. Woodburn stated that she is opposed to this request and her concerns are the entrances are on a hill. When vehicles use the entrance gravel from the driveway entrance is kicked out onto 126th Street North. Lewis Avenue dead ends at 126th Street North and there is a stop sign that requires a driver to make a left. After making the left is when the roadway starts climbing the hill and where the driveway meets the road. The road is not made for heavy truck traffic and Lewis Avenue is full of pot holes. Ms. Woodburn stated that she has had a number of neighbors complain about the noise from Highway 75 and they can hear the trucks braking from slowing down to enter the subject property. The neighbors thought that there would only be one or two large buildings and now it has been mentioned today that there will be four or five 5,000 square foot warehouses with 36 acres of outdoor storage. Ms. Woodburn stated that the current property owners have worked real hard to reclaim the property from the mines, which is great, but the applicant has already stated there would be equipment for resale sitting on a hill so what happens when it rains. Ms. Woodburn stated she is concerned about contamination in the runoff from the equipment stored outdoors. Ms. Woodburn stated that when the notice was sent out it stated the subject address to be on East 156th Street North. Most of the people thought the notice did not pertain to them because they did not look at the attached map, so some people did not have adequate time to attend today's meeting. Ms. Woodburn stated that Ms. Moyer did send

out a new notice showing the correct subject property address and she had to ask off from work to attend this meeting. Ms. Woodburn stated that she also has concerns about the bike riders and joggers that use 126th Street North, and on more than one occasion her neighbor's cattle has broke out of their fencing. MS. Woodburn stated that she is against this request.

Rebuttal:

Ted Sack came forward and stated that the storage of the equipment will usually be on a long term basis not on a short term so the traffic will be very light. Mr. Sack stated that his client told him it would be one or two trucks a week so there will not be a lot of vehicles on the road unlike when the property was being mined. Mr. Sack stated that the way the equipment will be stored and the way the land is terraced he does not think there will be any runoff issues. Most of the equipment will be stored inside and it is mostly new equipment. His client plans to landscape the property so some of the runoff will be taken care of by the vegetation.

Mr. Dillard asked Ms. Moyer if the surrounding properties require a 30 day notice. Ms. Moyer stated the time frame for notices is 15 days before the meeting day, and the re-notice was mailed on May 2nd which is 15 days before today.

Mr. Charney asked Mr. West if a site plan needs to be submitted to his office for a 5,000 square foot building. Mr. West stated that his office does see the site plans for that large of a building is seen in his office occasionally, but when the property is zoned AG the extent of his inquiry is whether the setbacks are being met.

Mr. Charney asked Mr. Sack if the outdoor storage sector is located in the middle third of the property. Mr. Sack stated that the outdoor storage is basically the area that was being mined. Mr. Charney asked Mr. Sack if the easterly quarter of the property which abuts the residential area is going to have storage on it. Mr. Sack stated there are some areas in that location but not very much. Where the terracing is being created the flat areas will be used for storage and it depends on the size of the equipment being stored as to where it is placed.

Mr. Hutchinson asked Mr. Sack if the 5,000 square foot building can be seen from 126th Street North. Mr. Sack's client, from the audience, stated that the building can be seen if a person is headed east but cannot be seen traveling west because the property is heavily wooded and the site is the north end of the property where it had been mined.

Kenda Woodburn came forward and stated that the 5,000 square foot warehouse is highly visible from 126th Street North and she believes the only place it isn't visible is when the road drops down over the hill. The building is up high and can be seen. It is not an ugly warehouse but there are going to be three more.

Marsha Taylor, 52601 South Elwood Avenue, Jenks, OK; stated that what she does in her profession is transportation. She works with oil companies and the oil companies do not want to invest millions of dollars to rebuild equipment to be placed in the field,

therefore, they are looking for places to store their equipment. That equipment may be a crated item. All of the equipment is new. It is not used. It is not for resale. This will be just a storage facility to accommodate the oil company's needs. The building will be totally enclosed and the buildings will be built as needed. Ms. Taylor stated that she hopes to build a house on the subject property and wants to be a good neighbor. The property will be kept nice. The land to the north is almost worthless. When the property was being mined there were nine or ten trucks a day coming and going. The property will be used for just storage, indoor and outdoor. Ms. Taylor stated that she has every intention on being a good neighbor.

Comments and Questions:

Mr. Dillard stated that he can support the request because the subject property is 120 acres and it will be a storage facility with a couple of trucks a week versus a mining facility with multiple trucks daily.

Mr. Johnston stated that with the previous use the new truck traffic will be less than the mining operation so he can support the request.

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 allow outdoor storage and warehousing (Use Unit 23) on AG zoned lot. The approval is with the condition that there be a 150 foot landscaping and fencing buffer along the easterly boundary of the storage area which is 37.93 acres. The hardship is the terracing and the topography of the land; for the following property:

SE NE & E/2 SE LESS S16.5 THEREOF FOR RD SEC 31 22 13 119.50ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:00 p.m.

Date approved: 6.21.16


Chair