

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 453**  
Tuesday, February 20, 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, 15<sup>th</sup> day of February 15, 2018 at 11:35 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.

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Mr. Charney stated that he has been informed by staff that there is a person in the audience that thinks the January minutes are accurate or reflective of the discussion at the last meeting regarding Case CBOA-2654. Mr. Charney stated this is the first time someone has ever questioned the minutes and that person does have the right to contest something that has been recorded. Mr. Charney stated that given the agenda he would request the approval of the minutes be deferred to the end of the agenda, so the Board can hear the party's perspective on the minutes. The minutes are not intended to be verbatim, but if there is a material error that needs to be addressed the Board would be happy to listen.

**David Polson**, President of Poulson Properties, 11933 East 510 Road, Claremore, OK; stated that he has requested a copy of the transcript and a copy of the tape but has not received it as of yet, so as far as being able to go item by item to compare what was actually said versus what was written in the minutes it would be difficult to do without a copy of the tape.

Mr. Charney suggested that Mr. Polson could file a request or motion under the Open Meeting or under the Freedom of Information Act, he is not sure what sort of documentation would be necessary to receive a transcription of the tape, it may be best

to defer that portion of the minutes and approve the minutes except for that item under discussion.

Mr. Polson stated that an appeal has been filed with Ms. Moyer, and he has been waiting on the transcript, so he can proceed further. Mr. Polson stated that he looked for the time of the meeting and the location, and a draft of the previous minutes was on line. He read through them and he does not think they accurately reflect everything that was discussed. Mr. Polson stated since this is going to be contested in District Court he would like to have them.

Mr. Charney stated that he and the Board will briefly listen to Mr. Polson's position. Mr. Polson stated that he does not have any more than that. Mr. Charney stated that if Mr. Polson wants to receive more data before continuing to the objection as to the minutes recording, then Mr. Polson may need to get that data. Mr. Polson stated that he just wants it noted that he has an objection to the way this one is written.

Mr. Charney stated that he did not have any objections or corrections to the minutes as stated, but he does not know if any other member of the Board did. If they did not he would accept a motion to approve the minutes as they were distributed, noting that there is a member of the audience, Mr. David Polson, objecting to the approval of the minutes. That does not impact the Board vote on the minutes, but it is worthy of it being in the minutes.

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**MINUTES**

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 Minutes of January 16, 2017 (No. 452).

Mr. Charney instructed the clerk to note that Mr. Polson is present at this meeting and requested a note be made in today's minutes that he objected to the form of the minutes as they were presented. Mr. Polson stated his objection is just on Case 2654. Mr. Charney stated that is correct.

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**UNFINISHED BUSINESS**

**2658—Steve 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 179<sup>th</sup> West Avenue and West 41<sup>st</sup> Street South

**Presentation:**

The application was withdrawn by the applicant.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required; 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**

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**NEW APPLICATIONS**

**2661—Brad Sherrill**

**Action Requested:**

Variance to permit a detached accessory building (pole barn) to exceed 750 square feet (Section 240). **LOCATION:** 16918 West 58<sup>th</sup> Place South

**Presentation:**

**Brad Sherrill**, 16918 West 58<sup>th</sup> Place South, Sand Springs, OK; stated he would like to actually build a stick built accessory garage, so it will look more like his house. The garage will be approximately 1,200 square feet. Mr. Sherrill stated that he is a car collector and works on them as a hobby, and the garage would be for storage for those cars. The garage will be for personal use and there will be no commercial use.

Mr. Charney asked Mr. Sherrill if the building will architecturally conform to the house. Mr. Sherrill answered affirmatively and stated the garage will have a shingled roof and siding just like the house.

Mr. Crall asked if the proposed garage is going to be on the same corner as the existing shed. Mr. Sherrill answered affirmatively.

**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 permit a detached accessory building to exceed 750 square feet (Section 240) as requested in conformity with the site plan that has been submitted. The outbuilding will be 1,200 square feet. The Board has found the hardship to be the unusual size and shape of the lot coupled with the underlying zoning; for the following property:

**LT 1 BLK 1, PLEASANT OAKS III, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2662—Greg Guerro**

**Action Requested:**

Special Exception to allow an Agritourism Facility (Use Units 5 and 20) in an AG District; Variance from the all-weather parking surface requirement (Sections 310 and 1340.D). LOCATION: North of 33<sup>rd</sup> West Avenue and East 36<sup>th</sup> Place South

**Presentation:**

**Greg Guerro**, 1120 South Boston Avenue, Suite 100, Tulsa, OK; stated that Agritourism is broadly defined as any operation or activity that brings people onto a farm or a ranch. The Oklahoma Department of Agritourism highlights some of the activities as trail riding, mazes, country stays, guest ranches, petting farms, bird watching, teachable moments, pumpkin picking, weddings, etc. The development plan submitted with the application highlighted the activities he would like to develop over time. These activities are consistent with the ones described by the Oklahoma Department of Agritourism. In addition, he would argue this venue is especially helpful to teach and celebrate the history of Tulsa and its development. Red Fork Mountain is uniquely well situated for teaching about this history. The focus for the planned activities is just below and around Channel 8 on 29<sup>th</sup> West Avenue, which is also known as Lookout Mountain Road. This is the best access road, the easiest to find, the least intrusive to the neighbors, and the topography is suitable. It is also closest to the historically significant places and views that he believes are the most helpful in learning about the history of Tulsa and its development. What is attractive about the subject property is its country agricultural aspect. The atmosphere of being in the country is not achievable if there are activities near existing houses, which is why it is helpful that there is a large parcel of agricultural land. The surrounding property to the east is industrial, to the north is a little industrial and primarily agricultural, to the south and to the west is primarily agricultural but there is a neighborhood on the east end of the south side of the old Red Fork District. There is a neighborhood on West 30<sup>th</sup> Street coming into the property on the far west side. Both neighborhoods have unique characteristics in that they have almost a country feel. What he is planning to do is not contrary to these neighborhoods

but complementary. Having a large piece of agricultural property where there are fun and exciting agritourism activities, he believes can provide a great deal of positive enthusiasm for the area. There are letters of support from Jeannie Cue, City Councilor and Karen Keith, County Commissioner. They have toured the property, looked at the plans, and spoke with constituents and have concluded the plan compliments the existing property, respects the character of the adjacent properties, and enhances the culture of southwest Tulsa. Mr. Guerro believes if the request is granted that it will truly enhance the area and add a nice amenity to the City of Tulsa. In regards to the request from the all-weather parking, it is made because dirt or gravel parking more consistent with the agricultural character of the land and the nature of the agritourism activity proposed.

Mr. Charney asked Mr. Guerro if the total tract was over 400 acres. Mr. Guerro answered affirmatively. Mr. Charney asked if there was a portion of the tract that would have the majority of the activities centered around or will there be bits and pieces of activities throughout most of the property. Mr. Guerro stated the area around Channel 8 is the east and west banks, and that the primary focus for the activities. There will be trails over the property for trail rides and possibly wagon rides. Mr. Guerro stated that when he filed his application he was advised to ask for anything that he might possibly want to do even though at this point many things are speculative. In regard to overnight lodging, there is a possibility of lodges or cabins or covered wagons with more of a unique bed and breakfast venue. Mr. Guerro stated that because there is so much land and so many places to choose from, if he moves forward with that plan, he does not think the neighbors will know anyone is there.

Mr. Dillard asked Mr. Guerro if agritourism meant there would be no motorcycles, no four-wheelers, etc., and does it mean it will all stay natural. Mr. Guerro stated that because of the historical activities that are being discussed, there will be four-wheelers that staff will use for transport. Mr. Guerro stated there is no desire for a motocross or anything of that nature because it is not consistent with what he is trying to do.

**Interested Parties:**

**Roy Heim**, 6303 South 30<sup>th</sup> West Avenue, Tulsa, OK; stated that he is retired law enforcement, was the President of the Southwest Tulsa Historical Society, and was involved of the development of Route 66 Village and developing a free park for visitors. Mr. Heim stated he has been involved with the planning of southwest Tulsa since 1984 and has been involved in a lot of community activities as far as planning and development for southwest Tulsa. Mr. Heim stated he is in favor of this request especially the natural parking area. He sees this as a great opportunity to keep it agricultural or natural, and he thinks it is very positive for this kind of activity to take place. The historical society has toured the property and Mr. Guerro has attended meetings with the historical society, and they are in favor of this proposal. The historical society members were excited to see the natural beauty of the area and go on the trails that have been created, and that a lot of the trash had been picked up. The historical society members stated that this will be a place where they can bring family members and guests. Mr. Heim stated that agritourism is a term that is not heard in Tulsa, and

there is a vision to develop the subject 400 acres into something that will compliment major activities that are being developed in Tulsa.

**Robert Young**, 4818 West 30<sup>th</sup> Street, Tulsa, OK; stated he thinks this project is a great idea. He spent many hours in the area that is being developed and he likes that many people will get to see this in a new way. His concern is the loss of privacy and the loss of the rural feel. He does not know how access will be given to the property and there are small children that play and ride their bikes on the road. Mr. Young thinks the proposal could also lessen the value of property because when he purchased his property that was the appeal, five minutes from downtown feeling like you were fifty miles from downtown.

**Linda Castlehest**, 3120 West 41<sup>st</sup> Street, Tulsa, OK; stated that she has really deep roots in the Red Fork area. Her family were builders of the area and she has always been a supporter of Red Fork and love the history and the area. Over the years she has seen the area be a dumping ground for things that range from old cars to mattresses. Mr. Guerro has cleaned up the area and bringing back the area to even better than it was. Ms. Castlehest stated that she believes the intent is to provide a secluded natural and historically oriented experience for people. This will be unique for Tulsa and will promote pride in Tulsa, particularly the west side.

**Dale Dyer**, 3530 South 37<sup>th</sup> West Avenue, Tulsa, OK; stated he owns about 1,000 acres of royalty interest in those hills. He owns the Sioux Land lease which was drilled in 1901 and the Route 66 park sits on part of the original lease, and he has been the operator since 1994 approximately. The biggest concern he has had over the years is people encroaching on the property, i.e., motorcycles, four-wheelers, etc. His concern is that he has worked at keeping people out, and he is not against progress, is that Inhofe Hill is a great place to see downtown Tulsa and the river valley. He would like to see the main focus be the east/west routes, Channel 8 Road, and 30<sup>th</sup> Street. There are plenty of places down in the valley to do the agritourism without affecting the hill directly. Mr. Dyer stated that he would like to see fence lines or something that would prevent people from hiking into the oil wells, and tank batteries are a problem.

**Nicholas Barton**, 2221 South 59<sup>th</sup> West Avenue, Tulsa, OK; stated he has 15 acres where the proposed event center and overnight camping is to be. He has concerns because the land is almost inaccessible down 26<sup>th</sup> Street. He has dirt bikes and four-wheel drives and he won't be on their land, but the proposed center may not like the noise he makes on his land. This is a pristine valley and is beautiful, but this proposal will ruin his view. Presently there is only one place on his property where he can build a house, and he has fire dangers to worry about.

Mr. Charney stated that the Special Exception and Variance that Mr. Guerro is seeking today does not have a direct link to what can and cannot be done on Mr. Barton's land and his standard property rights. Whatever Mr. Barton is legally permitted to do today, if the Board grants this request, Mr. Barton will legally be permitted to that tomorrow.

Mr. Barton stated that this proposal will be an issue in the spring. He welcomes commerce to the area, but this is a pristine valley, and he believes this is a step in the direction of making it not so pristine.

Mr. Crall asked Mr. Barton what he would prefer the land be used for. Mr. Barton stated that he would like to have it left alone. He is worried about them not leaving him alone. There will be neighbors there with noise all night on a pristine piece of property, and now he can sit out there and never hear another noise. There is a lot of wild life that will suffer for this proposal.

**John Fothergill**, 3410 South 73<sup>rd</sup> West Avenue, Tulsa, OK; stated he is an employee of the County, but he is here today as an individual. Mr. Fothergill stated that he has met Mr. Guerro and toured the property, and he thinks this operation will be a fine addition to this area of town. Mr. Fothergill thinks this will bring economic development to this part of town. Any time there is a destination attraction there are outside dollars brought in, and that is exactly what this area of town needs. Town West Center and Crystal City Shopping center owners are trying to figure out ways to get people to come to their places. Not too far from the subject property is Route 66 which is the Mother Road and a big attraction for everybody. Destination attractions, such as the proposed ranch, is how to keep people in Tulsa and spend their dollars here. Mr. Guerro could install a cement parking lot and not need to come before the Board of Adjustment, but he wants to keep the area more rustic and more authentic, so the best thing he could do is gravel. Mr. Fothergill agrees that a gravel driveway would be more appropriate in this type setting. At one time the subject property was destined to become a housing addition which would have ruin the wild west type situation that Mr. Guerro is looking at. Mr. Fothergill thinks Mr. Guerro's project will preserve it better than anything else that might be proposed. There are limitations, such as, water, sewer, fire protection, etc., but if it is kept agritourism there will be no need to worry about that. Mr. Fothergill thinks this is a good fit for this piece of property.

**Rebuttal:**

**Greg Guerro** came forward and stated that he agrees the area has a character to it because it is secluded in a certain way. Mr. Guerro stated that if he has overnight lodging or an event center in the future, where people need a place to park, that could increase traffic. He has been working on the property for seven years and what has been done thus far he believes he has done well. This project has to be done well or it shouldn't be done at all. He truly believes the project will enhance property values all around the subject property, especially if it is successful. This will not be like there is a shopping center or business office on the property. The valley is beautiful, and if he does anything to take away the appearance of the valley he has shot himself in the foot. Mr. Guerro stated that what he has done is enhance the area and opened it up in many areas. He will do anything to negate the value of the property.

Mr. Crall asked Mr. Guerro if there will be any shooting on the property. Mr. Guerro stated that shooting is not uncommon there, but he has no plans for commercial shooting unless in the future there is an enclosed firing range. Mr. Guerro stated there

is an interest in archery, and maybe a western re-enactment with proper cartridges. Safety is something he preaches all the time. If it is not safe he does not want to do it. Mr. Guerro stated that he does not want to impact wild life, but he believes what he has done has increased wild life because the more the better, up to a manageable point.

**Comments and Questions:**

Mr. Johnson stated he is excited about this proposal; he lives in the area.

Mr. Dillard stated he can support this request. It is limited agri business, which means no motorized, no firearms.

Mr. Hutchinson stated he can easily support this proposal.

Mr. Charney stated that he is excited about this project as well. Mr. Charney stated he does know the applicant and has done business with the applicant, and he has absolutely zero financial interest or any interest whatsoever in this project. Mr. Charney stated that in his opinion Mr. Guerro's integrity is impeccable. Mr. Charney stated that he would rather do business with someone that has a strong track record and history of doing what he says he will do with excellence.

**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 allow an Agritourism Facility (Use Units 5 and 20) in an AG District; **Variance** from the all-weather parking surface requirement (Sections 310 and 1340.D). There is to be no commercial activities involving motor bikes and/or four-wheel vehicles unless they are used ancillary to maintenance. There is to be no active commercial firearm application other than re-enactments. There is to be no drag strip, no go carts or go cart track, no miniature car tracks and no stadiums. The Board finds that such uses will not be detrimental to the surrounding neighborhood or injurious to the public health. The hardship for the Variance is the unique topography and location, and the management of storm water would be handled better if there is a parking surface that is more natural in nature and not a hard surface that would increase runoff; for the following property:

**S/2 NW NE SEC 22 19 12 20ACS; SE NW & ALL THAT PART SW NE & W/2 SE NE LYING W OF LINE BEG 330.8W SECR SW NE TH NELY615.1 NELY2159.1 TO PT 304W NEC W/2 NE NE SEC 22 19 12 79.272ACS; E/2 NE NW SEC 22 19 12; W/2 NW NW & PRT SW NW BG NWC NW TH E660.62 S1319.21 TO SECR W/2 NW NW TH E367.43 TO CL RD TH ALG CL SWLY CRV RT 246.51 SWLY CRV LF 294.42 SW547.27 SWLY & SLY CRV LF 81.05 TH W111.50 N678.30 TO NWC SW NW TH N1318.47 POB LESS ELY25 ADJ CL FOR RD SEC 22; E/2 NE LESS SW SE NE SEC 21 19 12 70ACS; SW SE SEC 16-19-12; N1/2 SE SW LESS W. 165' & LESS E.700' OF W. 865' OF S. 15' FOR RD. SEC-16-19-12; S1/2 SE SW LESS W. 165' & LESS N. 292' E. 745.89' W. 910.89' SEC 16-19-12; NW NE & NE NW LESS S.363'W. 330 SW NE NWSEC 21 19 12; SE NW LESS E30 N990 THEREOF FOR RD SEC 21 19 12**



39.32ACS; N/2 SW NE LESS W/2 N/2 N/2 SW NE & LESS W30 W/2 N/2 SW NE FOR ST SEC 21 19 12 14.773ACS; N/2 S/2 SW NE LESS BEG SWC N/2 S/2 SW NE TH N330 E30 S171.5 TH ON LF CRV 149.35 SE72.02 W164.53 POB SEC 21 19 12 9.53ACS; BEG SECR SW NW TH W175.34 TO CL RD TH ALG CL NLY129.5 NLY & NWLY CV LF 355.40 NW128.77 NWLY & WLY CV LF 493.12 SW306.64 SWLY NLY & NELY CRV RT 249.13 NE547.27 NELY CRV RT 294.42 NELY CRV LF 246.51 TO NL SW NW TH E293.28 TH S POB LESS WLY25 ADJ CL FOR, RED FORK, INSPIRATION HGTS, OF TULSA COUNTY, STATE OF OKLAHOMA

**2663—Robin Winter**

**Action Requested:**

Variance to allow a detached accessory building (pole barn) to extend into the side and front yard area (Section 420.2). **LOCATION:** 18700 East 93<sup>rd</sup> Street South

**Presentation:**

**Robin Winter**, P. O. Box 2948, Broken Arrow, OK; stated he would like to erect a pole barn to use like a garage for his vehicles, boat and semi. He would to erect it beside the house.

Mr. Charney asked Mr. Winter if his house is in a subdivision. Mr. Winter answered affirmatively. Mr. Charney asked Mr. Winter if he wanted the pole barn to be beside the house and not in the rear of the house. Mr. Winter answered affirmatively.

Mr. Charney asked staff if the size of the proposed pole barn was an issue along with the placement of the proposed pole barn. Mr. West stated the size is not an issue in the RE zoned district, it is just the location.

Mr. Charney asked Mr. Winter why he wants to erect the pole barn in the side yard rather than the rear yard. Mr. Winter stated it will be used for his vehicles and to place it in the back yard means a longer driveway and more gravel.

Mr. Johnston asked Mr. Winter if it is a carport. Mr. Winter stated that it is not a carport, it will actually be a pole barn.

Mr. Charney asked Mr. Winter if the structure will be enclosed on all four sides. Mr. Winter answered affirmatively.

Mr. Charney asked Mr. Winter if this was an oversized accessory building or an oversized garage. Mr. Winter answered affirmatively and stated that it will be 20 feet by 50 feet building.

Mr. Johnston asked staff if the proposed building were attached to the house would the applicant need to come to the Board? Mr. West stated if the proposed building were attached to the house the roof lines would need to make it look like it is actually a part of

the house, but because it is detached it cannot be in the side yard. Ms. Miller stated that if it were attached to the house the applicant would not need to come to the Board for relief.

Mr. Hutchinson asked Mr. Winter if the proposed building were a metal building. Mr. Winter answered affirmatively. Mr. Winter stated that it is a wooden framed building.

Mr. Johnston asked Mr. Winter what the maximum height of the building is. Mr. Winter stated the height will be close to 17 feet. Mr. Johnston asked Mr. Winter if the 17 feet was the entrance size. Mr. Winter stated the 17 feet will be at the peak. Mr. Johnston asked Mr. Winter if the semi was 14 feet in height. Mr. Winter stated that it is 13 feet in height.

Mr. Charney asked Mr. Winter if the building will have a pitched roof. Mr. Winter answered affirmatively.

**Interested Parties:**

**John Champlin**, 18920 East 93<sup>rd</sup> Street, Broken Arrow, OK; stated he lives south and east of Mr. Winter for almost 30 years, and he owns the house that abuts his property on the north and west side, which is 18609 East 93<sup>rd</sup> Street. Mr. Champlin stated that Mr. Winter builds the proposed building ten feet in front of his house with a pitched roof of 17 feet, 20 feet long it will overpower the 18609 property. It will alter the entire look and character of the neighborhood. There are other people in Snyder Acres that have out buildings but all of them are either at the rear of their property or at the side of their property closer to the rear where it is not interfering with any other residence. The proposed placement of the barn being ten feet in front of the house will place it about 28 feet from the property line, but it will produce an overpowering shadow in the living room of the house at 18609. Plus there will be a drainage or runoff problem for 18609. Mr. Champlin stated that he hopes to be able to sell 18609 but will probably not be able to sell it for its value if the Variance is approved simply because of the large building. Mr. Champlin stated that he has no problem with the proposed building if Mr. Winter would build it at the back of his house like his original plan. Mr. Champlin stated that he understands the only reason Mr. Winter wants to change his plan is because it won't cost as quite as much money for the driveway, and he does not think that is a good reason. Mr. Champlin stated that the proposed building needs to be erected where the zoning code will allow it to be built. Mr. Champlin asked the Board to allow Mr. Winter to build his building but to build it either at the corner of the back of his house or in a place closer to the back of his property where it is not overhanging a residence, because it will have a definite affect on the property value. The large building protruding into Mr. Winter's front yard will change the dynamics of the neighborhood.

**Rebuttal:**

**Robin Winter** came forward and presented a plan showing the proposed building where he would like to place it.

Mr. Dillard asked Mr. Winter if he was still proposing the ten feet in front of the house. Mr. Winter stated he would like to have the ten feet in the front. Mr. Dillard asked Mr. Winter if it were to create a squabble with the neighbor would he prefer to have the ten feet or would he prefer to move the building back and not have a squabble. Mr. Winter stated that he understands he can build behind his house but he would like to have the building along side of house. Mr. Winter stated that he believes it is Mr. Champlin's nephew that lives in 18609 and he discussed the proposed building with him, and the nephew said he would be okay with the proposed building if it were erected level with the house.

Mr. Dillard asked Mr. Winter if he would like to amend his petition to build the proposed building level with the house, or does he want to keep it ten feet in front of the house. Mr. Winter stated that he would like to have ten feet in front of the house. Mr. Winter stated that would enable him to have a door that he can enter from the side.

Mr. Winter stated the proposed building is not an eyesore and in fact he has invested in his property to make it look nice, and he does not think this would decrease the value of the neighborhood.

Mr. Charney stated that there are front yard concerns and there are side yard concerns and there are rear yard concerns. We might as a Board might feel differently if the proposed building were recessed more and not up front. That is one of the things the Board will discuss. Mr. Charney stated that the Board understands that it may be less convenient for him and that it might mean more driveway for him, but it may be less intrusive into the front yard which might be important to the Board.

**Comments and Questions:**

Mr. Johnston stated the hardship is economical.

Mr. Charney stated when the Board looks at granting Variances, if the reason is preferred to be one spot versus another is that it will be less driveway, less expensive or things of that nature the economic hardship is not something the Board can focus upon. The Board is to focus on matters that are unique to the topography or the shape of the land.

Mr. Hutchinson stated that he does not like the fact that the proposed building is in the front of the house, and it does not match the house. If it were matching the house it may not be as bad, but it is not matching.

Mr. Dillard stated he could support the request if the proposed building were flush with the front of the house so the Board were only approving the side yard and not the front yard. Mr. Dillard stated the applicant wants the best of both worlds and there is no hardship except for ten feet of driveway.

Mr. Crall stated that the shape of the land is definitely a hardship, but he cannot justify bringing the building ten feet out in front of the house. Mr. Crall thinks the space is

adequate to make the proposed building flush with the house, and he could support it if it were flush with the house.

Mr. Charney asked Mr. Winter to come forward. Mr. Charney stated that the request to bring the proposed building ten feet in front of the house is a stumbling block to the members of the Board. As Mr. Dillard stated, the Board can either vote on it as is or if the applicant would amend the request such as the front of the proposed is flush with the current front of the house, then it might make a difference to the Board. Mr. Charney asked Mr. Winter if that were the only way this request would be approved, and he is not saying that it will be because there still needs to be a vote, would he care state to the Board that he would like the Board to reconsider and make an amendment to the site plan where it is the same size building in the size yard. Mr. Winter stated he would consider it placing it parallel to the house.

Mr. Charney asked Mr. Winter if he would like to amend his site plan so the Board would consider the building if it were parallel to the front of the house and not in front of the house by ten feet as depicted. Mr. Winter stated that he would like to amend the site plan as to where the proposed building is not past the house. Mr. Charney thanked Mr. Winter and asked him to take a seat.

Mr. Charney offered Mr. Champlin an opportunity to one last statement. Mr. Champlin stated that by the proposed building being that close to the property line, he objects the height and size of the proposed building and thinks it should be built at the back of the house on the rear of his property. Mr. Champlin stated he would not want to accept anything else.

Mr. Charney asked for a motion or any comments for the amended petition stating the proposed 20 x 50 building will be even with the front of the house, in the side yard and does conform to the architecture of the dwelling.

Mr. Johnston stated that he still has a problem in supporting the request. He thinks it is too large and out of scale for the house, and it will be an eyesore. Mr. Johnston thinks it should be located farther back so that it would not impede the existing façade of the house. It might cost the applicant a little extra concrete but so be it.

Mr. Hutchinson stated that he agrees with Mr. Johnston. Mr. Hutchinson stated that he too thinks the proposed building should be farther back.

Mr. Charney stated that is where he tends to come down. He knows it is an unusually shaped lot but it still has adequate room to scoot the proposed building back to have less of an affect.

Mr. Crall stated that he could support the proposed building as long as it does not protrude forward.

Mr. Dillar agreed with Mr. Crall.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 3-2-0 (Charney, Hutchinson, Johnston "aye"; Crall, Dillard "nays"; no "abstentions"; none "absent") to **DENY** the request for a **Variance** to allow a detached accessory building (pole barn) to extend into the side area because of the amendment made by the applicant (Section 420.2) because of the scale as it is so large and tall relative to the house. Finding that there is no existing hardship; for the following property:

**LT 4 BLK 1, WASHINGTON LANE V, WASHINGTON LANE IV, SCHNEIDER'S ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2664—Benjamin Krasnyuk**

**Action Requested:**

**Variance** from the all-weather parking surface requirement (Section 1340.D).

**LOCATION:** South and East of the SW/c of West 56<sup>th</sup> Street South and South 45<sup>th</sup> West Avenue

**Presentation:**

**Natalie Rodriquez**, 2538 West 66<sup>th</sup> Place, Tulsa, OK; stated that basically at the subject address is an office on two acres. She would like to place gravel with asphalt millings on top to prevent dust, make it look clean and make it a good environment for the office.

Mr. Charney asked if the building was in existence. Ms. Rodriquez answered affirmatively. Mr. Charney asked if the building was currently being used as a business. Ms. Rodriquez stated that it will be used as an office. Mr. Charney asked Ms. Rodriquez what type of business would be in the building. Ms. Rodriquez stated that it will be used as a dispatch office for a trucking company.

Mr. Johnston asked if the 3" asphalt millings would be rolled in or just placed over the gravel. Mr. West stated that asphalt millings is old asphalt that is being repurposed and it is not rolled.

Mr. Hutchinson asked Ms. Rodriquez if currently the lot was just grass and dirt. Ms. Rodriquez answered affirmatively.

Mr. Charney asked Ms. Rodriquez if she would be leasing the property and if she was representing the owner. Ms. Rodriquez stated that Benjamin Krasnyuk owns it and she is his representative.

Mr. Charney asked Ms. Rodriquez if she had heard any complaints from owners or neighbors about the request. Ms. Rodriquez stated that she has not heard any objections.

Mr. Johnston stated that in his experience with this kind of parking area and it being of significant size, he has seen owners install a separation fabric below the gravel. Basically, what that does is keep the mud from coming up through the gravel after a period of time.

Mr. Crall asked Ms. Rodriguez how many people work in the facility. Ms. Rodriguez stated that currently there are three. Mr. Crall asked Ms. Rodriguez how large of a parking area will there be. Ms. Rodriguez stated the parking will be just for the building, but the whole lot is two acres.

Mr. Charney asked Ms. Rodriguez to come forward and to point out the area on the map where she is proposing to place the gravel and asphalt millings. Mr. Charney stated that Ms. Rodriguez pointed to an area that is just south of the drive and the existing building, maybe accommodating up to ten vehicles.

**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** from the all-weather parking surface requirement (Section 1340.D). The lot is to have eight inches of gravel and three inches of millings immediately south of the building with the intent that it be no more than area for approximately ten vehicles. This approval is for a period of five years, February 2023, and at that time the case will be reviewed. The hardship is that the overall tract is in excess of what is needed for the relatively small structure on the tract; for the following property:

**LT 5 6 BLK 3; LT 4 BLK 3; LT 3 BLK 3; LT 7 BLK 3; LT 8 BLK 3; LT 9 BLK 3; LT 10 BLK 3; LT 11 BLK 3; LT 1 BLK 4, DOCTOR CARVER, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2665—Bill Basore**

**Action Requested:**

**Special Exception** to allow a Dirt Pit (Use Unit 24 - Mining and Mineral Processing) in an AG District (Section 310). **LOCATION:** East of the SE/c of East 86<sup>th</sup> Street North and North Lewis Avenue East

**Presentation:**

**Bill Basore**, 15793 North 116<sup>th</sup> West Avenue, Skiatook, OK; stated the objective for the dirt pit is to build a large pond on the subject property. The dirt will be hauled off the property. The road going in and out of the property will be asphalt millings to control dust. Mr. Basore stated that he has applied for a permit from the Oklahoma Department of Mines and DEQ.

Mr. Hutchinson asked Mr. Basore how large the pond would be. Mr. Basore stated the pond will be 18 acres in size.

Mr. Charney asked Mr. Basore if he was digging the pond for the property owner and selling the dirt that is being extracted. Mr. Basore answered affirmatively.

Mr. Basore stated the property owner wants to build a wild life habitat like a nature preserve.

Mr. Dillard asked Mr. Basore where the 18 acres is located on the subject property. Mr. Basore came forward and pointed the area out on the map.

Mr. Charney asked Mr. Basore how he plans on keeping the dirt and mud contained to the subject property. Mr. Basore that he will water the road down for dust control, and there will be asphalt millings to control the dust on the haul road in and out.

Mr. Charney asked Mr. Basore how he builds the haul road. Mr. Basore stated that dump trucks will bring in asphalt millings and spread them down the drive, then a dozer will spread them and pack the millings in. With the heat and the sun the road should become hard almost like an asphalt drive and should be predominately dust free.

Mr. Dillard asked Mr. Basore how many years he expects this project to take. Mr. Basore stated that he estimates it to be approximately five years to remove 18 acres.

Mr. Charney asked Mr. Basore if the last 50 feet before coming to 86<sup>th</sup> Street North would be hard surface. Mr. Basore answered affirmatively.

Mr. Hutchinson asked Mr. Basore if the all of the property was in a flood zone. Mr. Basore answered affirmatively.

Mr. Basore stated that the pond will actually help the flooding situation, because the water will have some place to go.

Mr. Hutchinson asked Mr. Basore what his hours of operation will be. Mr. Basore stated he works from 7:00 A.M. to 5:00 P.M., Monday through Friday.

**Interested Parties:**

**James Masterson**, 2639 East 86<sup>th</sup> Street North, Sperry, OK; stated his concerns are the hours of operation and the dump truck traffic. It seems like there will be more

activity and 86<sup>th</sup> Street North is already busy. He is concerned about how deep the pond will be. Mr. Masterson wonders about the dust and dirt blowing in the southerly wind.

Mr. Charney asked Mr. Masterson where he lived in relation to the subject property. Mr. Masterson stated that he lives north and east of the subject property, west of Delaware.

Mr. Charney stated that there is always a concern about the ingress and egress points on 86<sup>th</sup> Street North being hard surface, or such that the majority of the mud is knocked off before that point. Mr. Charney also knows there are dust control requirements through DEQ and maybe the Department of Mines, and he would encourage the applicant to very sensitive to those concerns if this request is approved.

Mr. Masterson stated the applicant has already stated that the hours of operation were to be 7:00 A.M. to 5:00 P.M., and he asked who he would contact if he notices trucks coming and/or going after or before those hours. Mr. Charney stated that Mr. West is the County Inspector and he will want to know if there are any violations.

**Rebuttal:**

**Bill Basore** came forward.

Mr. Charney asked Mr. Basore if the Board were to grant this request will he make sure there is all the proper mitigation dust control would he accept that condition. Mr. Basore answered affirmatively. Mr. Basore stated that he will be happy to exchange telephone numbers with Mr. Masterson today so if there is an issue he can call, and Mr. Basore stated that he would take care of any issues.

Mr. Hutchinson asked Mr. Basore if he would have any problem with a five year limitatio on this request. Mr. Basore stated that he would not.

**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 Dirt Pit (Use Unit 24 - Mining and Mineral Processing) in an AG District (Section 310). The approval will have a five-year time limit, February 2023. The hours of operation are to be 7:00 A.M. to 5:00 P.M., Monday through Friday. The applicant is to have dust mitigation in place. The applicant is to meet all the DEQ and the Oklahoma Department of Mines requirements; for the following property:

**NW NW NW & SW NW NW ALL LYING N & W OF BIRD CREEK LESS N 130 NW NW NW LYING WEST OF BIRD CREEK FOR RD. SEC 29-21-13; W/2 NW LESS NW NW LYING W OF BIRD CREEK & LESS BEG NWC NW TH E1708.61 S60 W350 SW**



**APPROX211.99 W1158.60 N130 POB FOR RD SEC 29 21 13 67.63ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2666—Signature Series Homes**

**Action Requested:**

Variance to allow a detached accessory building (pole barn) to be built in the side yard (Section 420.2). **LOCATION:** 6108 East 127<sup>th</sup> Place North

**Presentation:**

The applicant was not present.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**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 **CONTINUE** the request for a Variance to allow a detached accessory building (pole barn) to be built in the side yard (Section 420.2) to the March 20, 2018 Board of Adjustment meeting; for the following property:

**LOT 5 BLOCK 3, CARRIAGE PARK, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 3:26 p.m.

Date approved: \_\_\_\_\_

3/20/18

David E. Anagnosty  
Chair