

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 191
Thursday, April 18, 1996, 9:00 a.m.
(A Continuation of April 16, 1996, Meeting)
County Commission Room
Room 119
County Administration Building

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|------------------------|-----------------------|----------------------|-----------------------|
| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
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| Alberty Eller Looney, Chairman Tyndall Walker | None | Jones Gardner Huntsinger | Glenn, Building Inspection |
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The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, April 12, 1996, at 1:42 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Walker called the meeting to order at 9:01 a.m.

MINUTES:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of April 18, 1996 (No. 190).

UNFINISHED BUSINESS

Mr. Looney, Chairman, in at 9:05 a.m.

Case No. 1408

Action Requested:

Special Exception to permit dirt and sand mining in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24; located NW of East 86th Street and North Lewis Avenue.

Presentation:

The applicant, **James H. Burt, Jr.**, Rt. 1 Box 385, Sperry, represented by Johnnie Burt, submitted a building permit (Exhibit A-1) and stated she has owned the property for 3 years. She further stated the business excavates and sells dirt. she informed that the prior owner of the property did the same type of business.

Case No. 1408 (continued)

Comments and Questions:

Mr. Alberty announced the County Inspector brought this before the Board and asked the County Inspector to explain the nature of this application.

Mr. Glenn stated the applicant needed a special exception approved for mining in Tulsa County. He further stated the applicants have an Oklahoma Mining Permit. He advised the hearing is needed to clarify records and keep the applicant in compliance with zoning codes as well as State and FEMA regulations.

Mr. Alberty asked Mr. Glenn why this use is considered non-conforming, he responded the use has never been approved by the Board of Adjustments and the applicants need a special exception to operate and also to keep Tulsa County in compliance with FEMA regulations.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit dirt and sand mining in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24; finding the business has been in existence for over 15 years; finding this is appropriate use for the location; finding the approval of this request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

NW SW & NW NE SW & SW NE SW & SE NE SW ALL S of CREEK & SW SW LESS SE SW SW ALL LYING N & W OF CREEK, SEC. 20, T-21-N, R-13-E, Tulsa County, Oklahoma

Case No. 1409

Action Requested:

Use Variance to permit soil mining in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 24; located 14502 South Garnett.

Presentation:

The applicant, **Frank D. Watkins**, represented by Larry Colt 14503 South Garnett, submitted an application for a building permit (Exhibit B-1), Non-Coal Location Map (Exhibit B-2) and requested permission to continue mining for three (3) additional years. He stated the mining project started in 1982 and he estimates he will need an additional three (3) years to finish the project.

Comments and Questions:

Mr. Alberty requested the applicant's anticipated schedule for the project, he responded the project will be completed in three (3) years.

Mr. Alberty asked the applicant what his plans were when the project was finished, he responded it will be a 60 acre lake with an island in the middle.

Mr. Alberty asked the applicant how much truck traffic is generated from the site, he responded approximately 100 loads a day.

Protestants:

Joe McCormick, 601 Park Tower, 5314 South Yale, representing the protestants, Ray Bagwell and Eric Kiser who live near this project. He stated Mr. Bagwell owns the property that adjoins Mr. Colt's property. He submitted a photograph of the project (Exhibit B-3) and stated this is a strip pit. He explained the applicant applied for a water park several years ago and suggested this was a subterfuge to dig this project out. He further explained there are 100 trucks a day hauling dirt out from this site. He detailed the area looks bad, it causes dust and the large trucks are tearing up the roads. He commented the applicant is asking for zoning on an 80 acre tract and the mining application shows a request for an eight (8) acre tract. Mr. McCormick stated the applicant informed the Board he intends to mine out 60 acres. He stated the applicant has been mining illegally and reminded the Board the property is zoned residential. He further stated the mining will effect the adjacent owners property and cause it to cave in and erode. Mr. McCormick informed the Board the zoning Code states the Board shall consider potential environmental influences when an application is applied. He further informed the Board the Code states the Board shall establish appropriate protective covenants such as setbacks, screening, method of operation and he advised the Board this needs to be done to mitigate adverse affects on proximate land uses. Mr. McCormick stated his clients object to this variance and stated a variance requires a hardship. He further stated there has been no hardship suggested by the applicant in his application or presentation. He commented it is an inappropriate use for the area. Mr. McCormick stated his clients cannot use the adjoining properties for residential with a strip mine operating. He requested the Board to deny this application. He further requested the Board to consider the following conditions for approval if this application is to be considered: 1.) The zoning should conform with the mining application by approving it for 8 acres and not 80 acres; 2.) The setback requirements to be met from each property line; 3.) Build berms and greenbelts to hide the view; 4.) Limit the operation to no more than one (1) year. 5.) Surface restored with an appropriate surface. Mr. McCormick indicated the area is near the river and has a high water table. He stated when the mining company digs down they will hit water and there is no catch basin because it is already full of water. He respectfully requested the Board to deny this application.

Applicant's Rebuttal:

The applicant, Mr. Larry Colt, stated the mining had nothing to do with the waterpark application. He explained the waterpark was an idea to make a living, but the County requirements were too expensive and the waterpark was never developed. He further explained the waterpark would have been developed after the mining project was finished. He informed the Board he did not know that the mining was illegal and explained he applied for all of the State mining permits required. He explained a County official checking on the sewer plant nearby informed him he needed a variance to continue operation. He further explained he has 12' of free board and the lake will hold run off water. He told the Board the Mining Commission requires him to grade the remaining land and seed it when the project is done. He advised the Board the setback to the south, Mr. Cook's property, is 30' to 40', north setback is 60' to 70', east setback is 50'. He further advised the Board his neighbors have not complained and Mr. Cook irrigates his farm land from the lake as well as the east property owner. He stated Mr. Eric Kiser (protestant) fishes in the lake.

Additional Comments:

Mr. Looney asked the applicant what the Mining Act requirements are, he responded he did not know, he is the owner of the land and does not do the mining. He further responded Mr. Watkins is the owner of the mining company who is doing the actual mining.

In response to Mr. Looney, the applicant explained the mining company has never received any fines and the inspector reviews their progress every 8 acres to permit the mining company to continue the project.

Mr. Looney asked the applicant what the Mining Commission's view is on the lake remaining when the he project is finished, he commented they have never objected and the lake is what the mining company is building.

Mr. Looney asked the applicant to explain his hardship for this variance to be approved, he stated the project will not be done and the lake will not be finished.

Mr. Looney asked the applicant if he intends to build a waterpark, he responded negatively and stated his intends to have a 60 acre lake in his front yard. He informed the Board he could not afford to meet the requirements to build the waterpark.

Mr. Colt told the Board he has owned the land since 1980 and it is in a floodplain. He further commented the land south is in a floodplain as well, therefore it can never be developed for residential.

Case No. 1409 (continued)

Mr. Looney asked the applicant what his requirements are under a floodplain, the applicant responded you cannot fill the land or block the flow of water coming across your land. He recounted the 60 acres will result in a 12' retention for flood water.

Mr. Looney inquired the water level, the applicant informed the water table is approximately 14' low grade and stated the bottom of the pit is in the water table.

Mr. Alberty requested the applicant to explain the term 12' free board and stated he understands it to mean the average pool elevation to the top of the bank, the applicant affirmed the definition and responded the actual depth of the lake is 9' to 16'.

Mr. Walker asked the applicant if he had three (3) years left to mine and he asked the applicant after the three (3) years of mining is done, how much land area will be between the lake and the surrounding properties; he responded he does have three (3) years left to mine and the land area around the lake will remain as it is right now. He further responded the lake will not be enlarged.

In response to Mr. Looney, the applicant stated building berms will be against the floodplain requirements and he prefers to plant trees to improve the view of the project.

Mr. Walker asked the Staff if the property were zoned AG Agriculture would a variance be required or would it need a special exception? The Staff answered a special exception.

Mr. Tyndall explained if anyone tried to apply for residential permits in the area they would be denied due to the floodplain.

Mr. Alberty stated it is too late to determine if this project is appropriate for the area because it is basically completed. He further stated the Board's attitude should be how to correct this situation. He expressed the Board should approve the request with conditions.

Mr. Looney asked the Staff if the Board required berms, will it be adverse to the floodplain; Mr. Glenn responded berms would not be allowed.

Mr. Glenn advised the Board the mining project has a 4 - 1 slope on all perimeters and this is a standard slope in strip mining. He further advised the Board the setbacks are 50' on the east side, 30' to 40' on the north side and the south side he doesn't remember.

Case No. 1409 (continued)

Mr. Walker stated he does not agree with requiring several conditions for approval. He further stated Mr. Colt has already stated he will be planting trees, grading and seeding when the project is done. Mr. Walker pointed out that Mr. Colt lives on this land and none of his adjoining property owners are protesting about this project and so therefore, he could support the request with three year time limit.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Use Variance** to permit soil mining in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 24; finding a hardship exists due to the RS-zoning and if this property was zoned AG consistent with the surrounding property it would require a special exception as opposed to a variance; subject to mining limited to three (3) years; subject to mining limited to the following setbacks: 30' from the south property line, 60' from the north property line, 50' from the east property line and 400' from the west property line, which is the frontage facing Garnett Road; subject to the regulations with regards to seeding for reclamation by the State Mining Commission be adopted as a condition; subject to tree areas being planted on the perimeter as per land owner's suggestion; finding approval of the request will not be detrimental to the area or violate spirit and intent of the Code; on the following described property:

S/2, NW/4, Sec. 17, T-17-N, R-14-E, Tulsa County, Oklahoma

Case No. 1410

Action Requested:

Special Exception to permit a single wide mobile home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; located 6802 North Utica Avenue.

Presentation:

The applicant, **Rodney Gaston**, 6802 North Utica Avenue, submitted a plot plan (Exhibit C-1) but was not present at the meeting.

Comments and Questions:

Mr. Jones advised the Board that the Board could continue this application to the next meeting. He further advised that the Staff would contact the applicant of the new date and time if continued.

Mr. Walker stated the application is straight forward and preferred to act on the application today.

Case No. 1410 (continued)

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a single wide mobile home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted, subject to the Health Department's approval and a building permit, subjected to skirting and tie-downs; finding the approval of this request will not be detrimental to the area or violate the spirit and intent of the Code; located on described property:

S 104.3' of E 120', Tract 7, Whiteley and Orr 1st Addition, Tulsa County, Oklahoma.

Case No. 1411

Action Requested:

Special Exception to permit a mobile home in an RE zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; located 92nd Street North and Osage County Line.

Presentation:

The applicant, **Harold Vogt**, Route 2, Box 254, Sperry, submitted a plot plan and requested a special exception to place a mobile home on his property for his son to live in. He stated his property is zoned residential with agricultural surrounding it. He further stated several mobile homes are in the area, including two (2) across the street from his property. He indicated there will be one dwelling on this lot. He explained to the Board he is disabled and needs his son to live nearby to help take care of his property. He further explained that his property adjoins the subject lot

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RE zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to Health Department approval, tie downs installed and a building permit; finding the use to be appropriate for the area and that Mr. Vogt is disabled and needs his sons help managing his land; finding that approval of this request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

PRT SW NE BEG 1100 E NWC SW NE TH S 990 E 220 N 990 W 220 POB
23-21-12, Tulsa County, Oklahoma.

Case No. 1412

Action Requested:

Special Exception to permit a single-wide mobile home in an RS zoned district.

SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS and a Variance to permit 2 dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; located 1040 North Valley Drive.

Presentation:

The applicant, **Lee Roy Mayfield**, 1040 North Valley Drive, represented by Lola Mayfield, submitted a plot plan (Exhibit E-1), application for a building permit (Exhibit E-2) and a Sand Springs Board of Adjustment Letter (Exhibit E-3). Ms. Mayfield stated she bought her home in 1951. She further stated the lot is 100' x 350' and is cleared land. She stated she would like to move a 75' x 14' mobile home on the property for her granddaughter to live in. Ms. Mayfield related she needed her granddaughter's help to keep up with the land. She further related there are several mobile homes in the area. She advised that her granddaughter's mobile home will not be visible from the street or to the neighbors.

Protestants:

Mr. Robert A. Stottlemeyer submitted a letter opposing this application (Exhibit E-4).

Comments and Questions:

Mr. Walker advised the Board he was familiar with the area and stated the mobile home was an appropriate use. He verified other mobile homes are in the immediate area.

Mr. Looney informed the Board the Sand Springs Planning Commission approved the applicant's request.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** and a **Variance** to permit 2 dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to Health Department approval and a building permit, subject to tie-downs; finding the hardship is the size of the lot which is large and would permit more than one dwelling unit if not split thereby meeting the zoning requirements; and finding that approval of the request will not be injurious to the area or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 3, Block 25, Charles Page Home Acres #4, Tulsa County, Oklahoma.

Case No. 1413

Action Requested:

Special Exception to permit a 100' monopole communications tower in an IH zoned district. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; located 1928 South 49th West Avenue.

Presentation:

The applicant, **Kevin MacNeil**, represented by Wanda Anderson, 10830 East 45th Street, Suite 301, submitted a site plan (Exhibit F-1), plot plan (Exhibit F-3) and application for a building permit (Exhibit F-2). Ms. Anderson requested a special exception to erect a 100' monopole on a lot leased by Sprint Spectrum, L.P., for a PCS System.

Comments and Questions:

Mr. Looney questioned the Staff if the applicant needed to be before the Board, Mr. Gardner responded the County requires a hearing for any antenna structure over 60' in height.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a 100' monopole communications tower in an IH zoned district. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted; subject to 100' setback from any existing dwelling; finding the approval of this request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Part of the SE/4, SE/4, Sec. 8, T-19-N, R-14-E, Tulsa County, Oklahoma described as follows: Beginning at a point 7.25' N of the northerly right-of-way line of S.L.&S.F. RR and 614.16' W of E line Sec. 8; thence N and parallel to E line Sec. 8 for 624.40' to a point on the centerline of the existing levee; thence southeasterly along centerline existing levee for 379.23' to a point on the westerly right-of-way line of an existing spur track; thence southerly and southwesterly along said spur track right-of-way to POB.

Case No. 1414

Action Requested:

Special Exception to permit a 100' monopole communications tower in an IL zoned district. **SECTION 220.C. HEIGHT EXCEPTIONS** Use Unit 4; located 5601 West 61st Street.

Presentation:

The applicant, **Kevin S. MacNeil**, represented by Wanda Anderson, 10830 East 45th Street, Suite 301, submitted a site plan (Exhibit G-1) and an application for a building permit (G-2). Ms. Anderson requested a special exception to erect a 100' slim-line tower. She explained the base will be 5', the top is 31" with a lattice style tower. She further explained the tower is within the 100' setback requirement and does not require any guy-wires to support the tower.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a 100' slim-line communications tower with a 5' base and 31" top in an IL zoned district. **SECTION 220.C. HEIGHT EXCEPTIONS** Use Unit 4; per plan submitted, subject to the 100' setback of any existing dwelling; finding the approval of this request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Part of the SW/4, SE/4, Sec. 32, T-19-N, R-12-E, Tulsa County, Oklahoma
Beginning 20' E and 25' N of the SW/c said SE/4 thence N. 300', E 21', N
145', E 270', S 445', W 291' to POB.

Case No. 1415

Action Requested:

Special Exception to permit a contract construction company as a home occupation in an AG zoned district. **SECTION 320.1 ACCESSORY USES IN AGRICULTURE DISTRICTS**; In the alternative, a Use Variance to permit a contract construction as a principal use in an AG zoned district. **SECTION 310. PRINCIPAL USES IN AGRICULTURE DISTRICTS** - Use Unit 15; located 16108 South Peoria.

Presentation:

The applicant, **David Edens**, represented by Randy Piccard, 100 West 5th, Suite 610 Oneoak Building, submitted an application for a building permit (Exhibit H-1) and conditions to approve a variance (Exhibit H-2). Mr. Piccard stated Mr. Edens has been operating his business for approximately 10 years at this location. He explained the applicant owns 5 acres, most of which is used as residence and for horse pasture. He further explained there are two AG type buildings and a storage area used for the business. He advised Mr. Edens employs three field employees and one part-time office person. He explained the working hours of the operation are Monday through Friday, 8:30 a.m. to 5:30. He further explained workers are normally off site on jobs. He stated Mr. Edens upgraded his electrical outlets in the building and was told by the County Inspector he needed a Special Exception or a Use Variance. He detailed the equipment stored outside the barn to be two bobcats, possibly a backhoe used for trenching and a rack for storing pipe. Mr. Piccard stated the business is consistent with the area and pointed out there are commercial businesses surrounding the applicant's land.

Comments and Questions:

Mr. Tyndall stated he viewed the applicant's property and he does have some equipment stored outside. He further stated it is neat and clean, and doesn't look inappropriate for the area. He further stated there are other homes with large buildings outside in the area.

Mr. Walker related to the Board the use will be appropriate; however, there is a need to narrow how much outside storage and land is to be used for the business.

Mr. Glenn explained, from a Code Enforcement's standpoint it is very difficult to prove or disprove the number of employees. He suggested the Board deny the special exception and grant the use variance, which will give Mr. Edens what he needs to conduct his business.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **DENY** a **Special Exception** to permit a contract construction company as a home occupation in an AG zoned district. **SECTION 320.1 ACCESSORY USES IN AGRICULTURE DISTRICTS;** In the alternative; to **APPROVE** a **Use Variance** to permit a contract construction as a principal use in an AG zoned district. **SECTION 310. PRINCIPAL USES IN AGRICULTURE DISTRICTS** - Use Unit 15; per plan submitted; finding the corner under application could be rezoned for commercial use, which constitutes a hardship and that the applicant desires to operate his contracting business and also live on the property; subject to the following six (6) conditions submitted by the applicant: 1.) Present use: contract construction (foundation repair/steel pier drilling business). 2.) Tract size: 5 acres, most of which is used as residence and for horse pasture. Two AG type buildings and storage area used for business. 3.) Buildings: One metal barn type building housing equipment and two trucks; second metal building used for office (and used for tack for horses). 4.) Equipment: Band saw and welder kept in the main barn; other equipment stored on trucks which are off site during day and in barn after hours: Two bobcats, a back hoe or trenching machine and a trailer for hauling bobcats. Some pipe stored on site (which is cut and welded inside the barn). 5.) Normal days and hours of operation: M-F; 8:30 a.m. to 5:30 p.m., except on rain days, workers normally off-site on jobs. One office person who is part-time. 6.) Number of employees: three field employees and one part-time office person; subject to operation not expanding beyond the conditions submitted; finding this request is appropriate for the area; and finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

N/2, NE/4, NE/4, NE/4, Sec. 27, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1416

Action Requested:

Variance of the required frontage on a public street or dedicated right-of-way from 30' to 0' to permit construction of a new dwelling. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; located 15808 South 145th East Avenue.

Presentation:

The applicant, **Pete J. Matlock**, 8120 East 131st Street, submitted a plot plan (Exhibit I-2), a dedicated easement agreement (Exhibit I-3) and an application for a building permit (Exhibit I-1). Mr. Matlock stated he had six (6) acres of land in Leonard that he would like to build a house on.

Comments and Questions:

Mr. Looney asked the applicant if he currently enters on 145th, the applicant answered affirmatively.

In response to Mr. Looney, the applicant responded there is a dedicated easement agreement (Exhibit I-3) and there are three land owners responsible for the upkeep of the road.

Mr. Alberty asked the applicant if the lot exists or if he was trying to create a lot, the applicant responded there is a lot already in existence.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Variance** of the required frontage on a public street or dedicated right-of-way from 30' to 0' to permit construction of a new dwelling. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; finding a dedicated easement exists; finding that this approval will not be injurious to the area or impair the spirit, purpose and intent of the Code; on the following described property:

E 264' NW/4, SE/4, SE/4, AND 2 132' NE/4, SE/4, SE/4, Sec. 21, T-17-N, R-14-E, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 1398

Action Requested:

A request for refund of fees.

Case No. 1398 (continued)

Presentation:

The applicant, **Ronald D. Wood**, 942 Willow, Sand Springs, requests a refund.

Comments and Questions:

Mr. Jones informed the Board the applicant originally requested a variance of 30' of frontage on a public street. The application was processed and the applicant never attended the meeting. He further informed the Board it was continued two additional times and the applicant never attended. Mr. Jones stated the Staff later learned that the abutting property is owned by the same applicant and he therefore did not need the relief in question. Mr. Jones further stated the Staff is not in favor of refunding the fees for the following reasons: 1. The applicant applied voluntarily. 2. The Staff was not advised he owned the abutting property and therefore, the Staff did not know he didn't need the relief. 3. The Staff and Board continued the case to two additional meetings and the applicant never responded. Mr. Jones stated the Staff requests the refund request be denied.

Mr. Walker advised the Board that one of the postponements came as a result of Jo Fisher, representing Mr. Wood. He stated he did not believe Mr. Wood has a basis for a refund.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to **DENY** a request for refund of fees.

There being no further business, the meeting was adjourned at 10:26 a.m.

Date approved: May 21, 1996



Chairman