

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 338
Tuesday, July 15, 2008, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Hutson	Alberty	West, Co. Inspector
Dillard	Tyndall, Vice Chair	Butler	
Walker		Cuthbertson	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, July 11, 2008 at 10:09 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Charney called the meeting to order at 1:35 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

NEW APPLICATIONS

Case No. 2297

Action Requested:

Special Exception to permit mini-storage use in the OL district (Section 610) to permit an existing storage building, located: 403 South 176th Avenue West.

Presentation:

Robert Nichols, 601 South Boulder, Tulsa, Oklahoma, 74119, asked for a continuance because of the absence of two Board members. He informed the Board there was an interested party present.

Interested Parties:

Sandy Franklin, 17305 West 2nd Street, Sand Springs, Oklahoma, 74063, stated she will not be able to attend the August meeting. She was opposed to the building being erected without a permit. She considered this a further deterioration of the neighborhood. She added that the property and building were not attractive. She asked that the Board consider the homeowners in the area when making their decision.

Comments and Questions:

Mr. Charney asked if Ms. Franklin would provide a written document expressing her thoughts on the application. He assured her it would be considered.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **CONTINUE** Case No. 2297 to the meeting on August 19, 2008, on the following described property:

LT 4 BLK 2, WEKIWA HILLS, Tulsa County, State of Oklahoma

Case No. 2299

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in an RE District (Section 410); and a Variance to allow two single-family homes on one lot of record (Section 208), located: 8707 East 98th Street North.

Presentation:

Marvin Baker, 200 North Elgin, Sperry, Oklahoma, 74073, described some history of the property. He stated that in order to legally have the two homes on the subject property they needed this relief.

Comments and Questions:

Mr. Dillard confirmed the applicant understood the code requirements for skirting, tie downs, paved parking and DEQ approval.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE** a Special Exception to permit a manufactured home (Use Unit 9) in an RE District (Section 410); and a Variance to allow two single-family homes on one lot of record (Section 208), for a time period of seven years, finding the large lot size is sufficient for both residences, subject to tie downs, skirting, paved parking and DEQ approval, on the following described property:

LT 8 BLK 4 HILL N DALE ACRES, Tulsa County, State of Oklahoma

Case No. 2300

Action Requested:

Special Exception to permit a 100 ft. monopole communications tower in the AG district (Section 310), located: 14003 East 116th Street North.

Presentation:

Matt Christianson, represented the applicant.

Comments and Questions:

Mr. Charney having offered applicants the opportunity to continue their cases to the next meeting, disclosed that he has properties in the area though not in the subject site itself. He has seen the Owasso staff statement on this application. Mr. Charney added that he has no objection to the statement. He offered to abstain if the applicant so wished, though he is glad to hear the case. Mr. Christianson wanted to proceed.

Mr. Christianson stated the site is at Crossroads Christian Center near Highway 169 and 116th Street North. It is within the fence line of the City of Owasso. He referred to the site plan in the agenda. The properties adjacent to the parent track are AG and commercial. The City of Owasso long-range plan calls for commercial development in the areas north and east. The plans are for a galvanized monopole without plans for it to be lighted. US Cellular plans to install six antennas at 97 ft. and it is built for collocation for three more installations. He referred to the site plans showing they meet all of the setback requirements. The tower is primarily for increased capacity. They considered collocation on other sites but it would not meet the needs for height for US Cellular. A site to the south would be too close to another US Cellular site. He informed the Board that Mr. Eric Wiles the Community Development Director, with the City of Owasso stated they have no objection to the proposed tower. He stated the height of the proposed tower is 100 ft. The proximity of the tower from residential structures and districts would be greater than 300 ft. with a large agricultural and commercial buffer now and in the future. The surrounding topography is essentially flat, tree cover and foliage is limited. The design of the tower is also buffered by church structures. The utility buildings and accessory structures will blend with the surrounding environment. Proposed ingress and egress would be from an existing gravel road that leads to a storage structure. This leased tract is small, 50' x 50'. There is no planned landscaping.

Comments and Questions:

Mr. Dillard asked about other screening, to which Mr. Christianson replied there would be fencing. Following further discussion, Mr. Christianson did not think the applicant would object to more landscaping if and when residential structures were built closer to the site.

Interested Parties:

Gary Tanner, 1210 South Detroit, Tulsa, Oklahoma, with US Cellular, stated they could bolt a wood privacy fence to the outside of the chain link fence if required.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE**, a Special Exception to permit a 100 ft. monopole communications tower in the AG district (Section 310), finding the application complies with the 11 factors per Section 1204.3.E, with condition for wood fence to be bolted to the exterior of the chain link fence, on the following described property:

LT 1 BLK 1, CROSSROADS CHRISTIAN CENTER, Tulsa County, State of Oklahoma

Case No. 2301

Action Requested:

Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E), located: 13135 South 121st East Avenue.

Presentation:

Lester Walters, 1002 South Powell, Wagoner, Oklahoma, 74467, stated the applicant purchased property in Broken Arrow. He stated that the size of the lot is about 1.2 acres. He planned to store some classic cars, and personal items. They proposed to use the same materials for the exterior of the accessory building as the house. He submitted a petition of the neighbors (Exhibit A-1), which were all in support. He has a privacy fence.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 3-0-0 (Walker, Dillard, Charney "aye"; no "nays"; no "abstentions"; Tyndall, Hutson "absent") to **APPROVE** a Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E), as submitted with the hardship being the size of the lot and the needs for storage; subject to exterior façade to match the house; no revenue generating business operated out of the accessory building, on the following described property:

Variance of the maximum size of a detached accessory building permitted in the RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E)

There being no further business, the meeting adjourned at 2:18 p.m.

Date approved: 8/19/08

David E. Cherry
Chair