

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 361  
Tuesday, June 15, 2010, 1:30 p.m.  
County Commission Room  
County Administration Building, Room 119  
500 South Denver

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Charney, Chair	Walker, Vice Chair	Alberty	West, Co. Inspector
Osborne, Secretary	Dillard	Cuthbertson	
Tyndall		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10<sup>th</sup> day, June, 2010 at 10:36 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 1:35 p.m.

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

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**MINUTES**

On **MOTION** of Tyndall, the Board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of May 18, 2010 (No. 360).

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**UNFINISHED BUSINESS**

**Case No. 2365-Verizon Wireless**

**Action Requested:** Special Exception to permit a communications tower in the AG district (Section 310)   **Location:** East of 3889 S. 265th W. Av.

**Presentation:** Ken Kerr, P. O. Box 1907, Oklahoma City, OK; the applicant's

representative stated primarily nothing had changed from the presentation made in April, 2010. The tower will require lighting per FAA requirements. The RF emissions will be within FCC standards. The tower will be at least 350 ft. away from any residence. Verizon has measured the distance from the proposed tower to the area residences. The least will be 343 ft. and the most will be 751 ft. away. The visual impact will be minimal with age because the steel will weather from a bright metal to a dull metal. This request is being made because the two towers currently servicing the area are overloaded, and Verizon wants to continue to provide adequate coverage in this area for customers.

**Comments and Questions:**

Mr. Charney confirmed that a denial of the Verizon application cannot be made due to health issues because federal legislation prohibits it, but the application can be denied due to other factors.

Mr. Tyndall stated he lives near a cell tower and it does not cause a problem for him because he does not concentrate on the tower.

Mr. Osborne stated he lives near high tension power lines and they do not cause a problem. He also stated that Verizon has done everything.

Mr. Charney stated there are very explicit and specific factors for the board's consideration in passing a decision on Verizon's proposed cell tower.

**Interested Parties:**

**John Boggs**, 26499 West 41<sup>st</sup> Street, Sand Springs, OK; stated there is a filed housing covenant which would prohibit this structure to be built due to its size.

Mr. Charney stated the board cannot consider covenants when making decisions.

**Angela Boggs**, 26499 West 41<sup>st</sup> Street, Sand Springs, OK; presented pictures of her concept of her house in relation to the proposed tower placement. Ms. Boggs also felt the 1996 study completed by the government was too early to predict the health concerns of emissions from cell towers on the public, because heavy cell phone use had just began in 1995, per government study.

**Jeffrey L. Revis**, 4014 South 265<sup>th</sup> West Avenue, Sand Springs, OK; stated the cell tower flashing light will interrupt his lifestyle. The proposed cell phone tower will also hinder his star gazing through a telescope with his brother.

**Applicant's Rebuttal:**

Mr. Kerr had no response.

**Board Action:**

On **MOTION** of **Charney**, board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a

communications tower in the AG district (Section 310) based on items found in Section 1204.3, Sub. 1, A through L.; 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, on the following described property:

**LT 4 BLK 1, BLUE STEM ACRES II**

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**Case No. 2369-Sack & Associates/Ted Sack**

**Action Requested:** Amendment to a previously approved site plan to permit an expansion to an existing church use in the AG district; Special Exception to permit a (Use Unit 2) cemetery in an AG district (Section 301) on an existing church property. **Location:** 15710 S PEORIA AV E

**Presentation:** No presentation made.

**Comments and Questions:**

Mr. Charney stated this case will need to be continued because Mr. Osborne has a close personal friendship with counsel for the applicant. Even though counsel is here pro bono, Mr. Osborne is going to recuse himself from voting on this case. There are only three board members present for this meeting and there must be three board members to act on a decision vote in any case before the board. Even with the continuance granted from the last meeting stipulating there will be no more continuances, the board is compelled to continue this case to the July 20, 2010. The board will make every effort to have all board members present at the next meeting.

**Interested Parties:**

**Ben Herring**, 15612 South Peoria Avenue, Bixby, OK; stated he feels the board is making a wrong decision in continuing this case to July because the May minutes have been approved as written with no correction, and this case is reflected in the May minutes stating this case will be heard at the June hearing with no further continuances.

**Board Action:**

On **MOTION** of **Charney**, the Board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **CONTINUE** the Amendment to a previously approved site plan to permit an expansion to an existing church use in the AG district; and the Special Exception to permit a (Use Unit 2) cemetery in an AG district (Section 301) on an existing church property until the next Board meeting on July 20, 2010 due to the eligibility of only two board members being able to vote; on the following described property:

**BEG 2885W & 370N SECR SE TH W150 N335 E150 S335 POB LESS S176.5 SEC 33  
19 12**

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**NEW APPLICATIONS**

**Case No. 02371-Ken Harrington**

**Action Requested:** Variance of the required yard from an abutting street (W. 31st St.) from 65 ft. to 41 ft. to permit a residence (Section 330). **Location:** 13710 W. 31<sup>st</sup> St.

**Presentation:** Ken Harrington, 6921 South 151<sup>st</sup> West Avenue, Sapulpa, OK; stated he wants to build a home for himself and is requesting the variance because of the county ditch that is next to the road and a pond located at the rear of the property.

**Comments and Questions:**  
None.

**Interested Parties:**

**William M. Black**, 13818 West 31<sup>st</sup> Street, Sand Springs, OK; his property corners south and west of Mr. Harrington's and the problem is the drainage on 31<sup>st</sup> Street, which is starting to deteriorate the lagoon. A variance is not going to repair the problem. The county has ignored the drainage problem but now if he were to build a home in the proposed location, the county will need to repair the drainage problem.

Mr. Charney stated in order for the board to grant a variance many items are considered, as in this case, the borrow ditch and topography.

The board encouraged Mr. Harrington and Mr. Black work together regarding the ditch and lagoon.

The board asked if the building permit provided stormwater requirements, and Mr. West, County Inspector, stated there is no stormwater provisions due to the size of the lot and the lot is not located in a flood hazard area.

**Applicant's Rebuttal:**

Mr. Harrington stated he did not know Mr. Black had any concerns with the property. He let the board know he was Civil Engineer and his proposed home construction does not and will not interfere with the drainage ditch, but he will work with Mr. Black.

**Board Action:**

On **MOTION** of Charney, the Board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance of the required yard from an abutting Street (W. 31st St.) from 65 ft. to 41 ft. to permit a residence (Section 330) finding the existing drainage ditch and topography of the lot are unique circumstances; on the following described property:

BEG 2885W & 370N SECR SE TH W150 N335 E150 S335 POB LESS S176.5 SEC 33  
19 12

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**Case No. 02372-Lou Reynolds**

**Action Requested:** Variance of the 30 ft. of frontage required on a public street to permit the construction of a dwelling in an AG district. (Section 207) on an existing land locked parcel. **Location:** South of the southwest corner E. 112th St. N. and N. 92nd E. Av.

**Presentation:** Lou Reynolds, 2727 East 21<sup>st</sup> Street, Tulsa, OK; represents the owners of the 10-acre tract that is now land-locked. The hardship is that the 10-acre tract is land-locked and has been for years.

**Comments and Questions:**

The board asked that an access easement be filed and established before any construction begins. Also there will be no future lot-split of the subject property and only one dwelling.

**Interested Parties:**

No interested parties present.

**Board Action:**

On **MOTION** of Charney, the Board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance of the 30 ft. of frontage required on a public street to permit the construction of a dwelling in an AG district. (Section 207) on an existing land-locked parcel with the condition that only one residence be constructed on the 10-acre tract and there will be no future lot-split as agreed on with Mr. Reynolds. The motion will also reflect the council has acknowledged there is a negotiated 30 ft. access to utility easement to provide access to the property; on the following described property:

SW NW SE SEC 12 21 13

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**Case No. 2373-Carl Adams**

**Action Requested:** Special Exception to permit a manufactured home in an RE district (Section 410); to replace an existing manufactured home. **Location:** 9507 N OSAGE DR

**Presentation:** Carl Adams, 9507 North Osage Drive, Sperry, OK; wants to replace a 30 year old manufactured home with a new mobile home.

**Comments and Questions:**

The board asked how long the existing manufactured home had been on the lot, and Mr. Adams stated since 1984.

The board asked if there were other existing manufactured homes in the area and Mr. Adams responded there were at least three.

**Interested Parties:**

No interested parties present.

**Board Action:**

On **MOTION** of **Osborne** the Board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception to permit a manufactured home in an RE district (Section 410) subject to the following conditions: the manufactured home is to meet DEQ approvals; tie-downs required; skirting required; parking spaces must be concrete or asphalt surfaces; and a building permit is to be obtained, 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; on the following described property:

**S208 N470.5 GOV LT 1 SEC 23 21 12**

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**Case No. 2374-Daniel Page**

**Action Requested:** Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E)

**Location:** 3961 W 59TH ST S

**Presentation:** **Daniel Page**, 3961 West 59<sup>th</sup> Street, Tulsa, OK; stated he is wanting to build a 30 x 60 building to house a tractor, lawn mower, boat, and a few cars that have been inherited.

**Comments and Questions**

The board confirmed the building would be placed at the rear of the lot and the land is a two-acre tract.

The board asked if Mr. Page had spoken with his neighbors and he confirmed he had.

The board asked if there were other buildings similar to this in the neighborhood and Mr. Page confirmed there were.

The board inquired about the height of the building and Mr. Page stated the wall height would be 12 ft. with a 14 ft. roof pitch.

**Interested Parties**

No interested parties present.

**Board Action**

On **MOTION** of **Charney** the Board voted 3-0-0 (Charney, Osborne, Tyndall “aye”; no “nays”; no “abstentions”) to **APPROVE** a Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,800 sq. ft. (Section 240.2.E) based upon hardship of the overall size of the lot, with the wall height to be no more than 12 ft. and an overall height of no more than 14 ft.; on the following described property:

**BEG 2470 W NE COR SE SE TH W 150 S 568.5 E 150 N 568.5 TO BEG SEC 33 19  
12**

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**Case No. 2375-Ron Johnson**

**Action Requested:** Special Exception to permit a home occupation (appliance repair) in an existing detached accessory building in the AG district (Section 320.1). **Location:** 2146 E 161ST ST S

**Presentation:** **Ron Johnson**, 2146 East 161<sup>st</sup> Street, Bixby, OK; stated he wants to have an appliance repair business in an existing 30’ x 60’ building. Mr. Johnson provided that he transports the appliances. All repairs would be performed inside the building.

**Comments and Questions**

The board asked Mr. Johnson if he had spoken to his neighbors about his appliance repair business and he stated he had and had performed some repairs for them.

The board asked about the building south of Mr. Johnson’s business and he stated he did not know what the business was, but it had heavy equipment and commercial trucks in and out of the area.

The board asked what the building was located to the west of Mr. Johnson and he thought it was a plumbing and air conditioner business.

**Interested Parties**

No interested parties present.

**Board Action**

On **MOTION** of **Tyndall** the Board voted 3-0-0 (Charney, Osborne, Tyndall “aye”; no “nays”; no “abstentions”) to **APPROVE** a Special Exception to permit a home occupation (appliance repair) in an existing detached accessory building in the AG

district (Section 320.1) with co-limits on the home occupation per code and no outside storage; on the following described property:

**BEG 290S NEC NW NE TH S370 W200 N660 E30 S290 E170 TO POB LESS N50 THEREOF SEC 30 17 13**

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**Case No. 2377-Kelly Coleman**

**Action Requested:** Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,020 sq. ft. (Section 240.2.E).

**Location:** 1334 S. 271st W. Av.

**Presentation:** Jan Coleman, P. O. Box 351, Mannford, OK; represents Kelly Coleman who has an existing pole barn and wants to add a 10 x 30 accessory building to the side of the existing pole barn to store lawn equipment, water craft, utility cart and other property.

**Comments and Questions**

The board confirmed the property is 2.57 acres, and the new addition would be no taller than the existing building.

**Interested Parties**

No interested parties present.

**Board Action**

On **MOTION of Charney** the Board voted 3-0-0 (Charney, Osborne, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,020 sq. ft. (Section 240.2.E), as shown on the drawings submitted. The hardship is the topography and the lot size; on the following described property:

**LT 9 BLK 1 ,BLACKJACK COVE ESTATES**

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**NEW BUSINESS:**

None

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**OTHER BUSINESS:**

None

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There being no further business, the meeting adjourned at 3:30 p.m.

Date approved: 7/20/10

David E. Crowley  
Chair