

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 414**  
Tuesday, November 18, 2014, 1:30 p.m.  
Tulsa County Court House  
500 South Denver, Court Room #507

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

Charney, Chair	Walker, Vice Chair	Miller	West, County
Dillard		Moye	Inspections
Hutchinson		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 13<sup>th</sup> day of November, 2014 at 10:47 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 1:40 p.m.

Mr. Charney explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded their understanding and no one requested a continuance.

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**MINUTES**

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the Minutes of October 21, 2014 (No. 413).

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**UNFINISHED BUSINESS**

None.

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## NEW APPLICATIONS

### 2512—Howard Perkins

#### Action Requested:

Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District. LOCATION: 8724 East 86<sup>th</sup> Street North, Owasso

#### Presentation:

**Howard Perkins**, 1912 West C Street, Jenks, OK; stated his client Mr. Burger received a citation for allegedly violating Use Unit 17 which is operating a salvage yard, Use Unit 23 which is warehousing, and Use Unit 27 which is heavy manufacturing. In addition to denying the facts, Mr. Burger simply does not operate a salvage yard, does not have any warehousing, and he does not operate any manufacturing. Mr. Burger does have a lot of stuff and some people would refer to it as junk. Basically, that is the nature of the property. Just recently Mr. Burger has entered into a contract of sale to sell the subject property to the Trinity Presbyterian Church and it is due to close at the end of December with Mr. Burger vacating the premises 60 days thereafter if all goes well.

Mr. Charney asked if the sale of the property is to a third party. Mr. Perkins answered affirmatively. Mr. Perkins stated that if that sale does not go through there is another party that is in line waiting for the property. Mr. Perkins stated that the property is filled with a lot of items that the public would call junk and it would look offensive to a lot of the neighbors but he does not sell auto parts from the property to make money. He does not have any warehousing. He has never received any money to store items. But all of this will be a moot point in about two or three months.

Mr. Charney asked Mr. Perkins if he was representing the applicant in the real estate transaction as well. Mr. Perkins stated that he is not. Mr. Charney asked Mr. Perkins for his professional opinion as to whether the sale of the property is to be completed. Mr. Perkins stated there is a signed contract of sale. Mr. Charney asked if the new owner would remove the stuff from the subject property. Mr. Perkins stated that it will be a requirement because the new owner is proposing to build a church on the top of the hill. Should the church's contract fail for whatever reason, there is a proposed apartment complex for the property.

Mr. Charney stated that when he was reading the case report there appeared to be efforts to advertise the subject property as Ron's Salvage. Mr. Perkins deferred to his client on this matter but did state his client stores a lot of things on the subject ten acres and it is not visually appealing. Mr. Charney asked Mr. Perkins if his client buys items and stores it on the property, and does he sell these items from his property. Mr. Perkins stated that he did not know, but he has hauled many cars to the metal recycling plant and sold them for scrap metal in his efforts to clean up the property.

Mr. Dillard stated that this has been advertised as Ron's Salvage so there has to be something there. Mr. Perkins stated that he, nor his client, know of any advertising as Ron's Salvage. Mr. Perkins stated that he had asked Mr. Burger where that came from and he stated that he did not run a salvage yard, and did not know where that came from.

**Interested Parties:**

**Ronald Burger**, 8724 East 86<sup>th</sup> Street North, Owasso, OK; came forward for questions from the Board.

Mr. Charney asked Mr. Burger if he had ever advertised or held himself out as a salvage yard. Mr. Burger stated that he had not. Mr. Burger stated that several years ago he was in the trucking business and that is when he initially met Mr. Terry West. He had planned to sell parts from old vehicles that he had and Mr. West informed him that he could not do that from the subject property. Mr. Burger stated that the only thing that could be construed as Ron's Salvage is that his business was Ron's Trucking, and the word salvage may have been added to the title by someone.

Mr. Charney asked Mr. Burger if he buys things and sells things from the subject property. Mr. Burger stated that he usually goes to the salvage yard in Sapulpa and buys burned cars, harvest the copper from the burned vehicle and then take that vehicle to the scrap metal yard.

Mr. Hutchinson asked Mr. Burger if he felt comfortable with contract of sale he has with the third party. Mr. Burger answered affirmatively.

Mr. Hutchinson asked Mr. Burger if it is to be his responsibility to clean up the subject property for the potential buyer. Mr. Burger answered affirmatively.

Mr. Charney stated that as a lifelong member of the Owasso community, he has always cared greatly about the front door, back door and side doors into the community. There has been a tremendous amount of expenditure recently on 86<sup>th</sup> Street North coming from the west, and he wants the applicant to know that he thinks it is important that those avenues are open to beauty for the Owasso community. Mr. Burger stated that on the 30<sup>th</sup> of December the deal will be done and the property will not be his any longer, and he will have 60 days to make sure the buildings are razed and everything is gone. Mr. Charney stated that he wanted Mr. Burger to understand that aesthetics are important to a community, and the underlying AG zoning is to be respected. If an independent third party inspector feels there is something being done on a piece of property that is not permitted by the Code it is his duty to act. Mr. Charney also let Mr. Burger know that his comments were appreciated by the Board.

**Dale DeBoer**, 8510 East 86<sup>th</sup> Street North, Owasso, OK; stated he lives three houses away from Mr. Burger. He thinks this property is a salvage yard. He sees things for sale sitting out front all the time. He is not opposed to the continuation of this case to see Mr. Burger can sell his property.

Mr. Charney asked Mr. DeBoer if he was related to the other parties in the audience that are interested in this application. Mr. DeBoer answered affirmatively and stated that they would agree to a continuation.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson "aye"; no "nays"; no "abstentions"; Walker "absent") to **CONTINUE** the request for an Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District to the January 20, 2015 Board of Adjustment meeting with no objection from the applicant and the interested parties; for the following property:

**NE NE NW LESS N50 THEREOF FOR RD SEC 25 21 13 9.247ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2515—Jake's Fireworks, Inc.**

**Action Requested:**

Special Exception to permit a fireworks stand in the AG District (Section 310); Variance to permit gravel parking (Section 1340.D). **LOCATION:** 17734 East 121<sup>st</sup> Street South

**Presentation:**

**Jason Marietta**, 1500 East 27<sup>th</sup> Terrace, Pittsburg, Kansas; stated he is before the #2515 and #2517 on today's agenda. These are both for renewals for the operation of a fireworks stand that each has been operating for approximately five years. Everything is to remain the same.

Mr. Charney asked Mr. Marietta if he had ever received any complaints from any of the neighbors in either case. Mr. Marietta stated that he had not.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Special Exception to permit a fireworks stand in the AG District (Section 310); Variance

to permit gravel parking (Section 1340.D), subject to a five year time limit of operation until November 2019; for the following property:

**E/2 BEG NWC SE TH E353 S1271.73 NWLY360.9 N1197.13 POB LESS S50 FOR RD SEC 7 19 11 4.869ACS, RIVER VALLEY ESTATES AMD, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2517—Jake’s Fireworks, Inc.**

**Action Requested:**

Special Exception to permit a temporary fireworks stand in the AG District (Section 310). **LOCATION:** 11400 East 116<sup>th</sup> Street North, Owasso

**Presentation:**

**Jason Marietta**, 1500 East 27<sup>th</sup> Terrace, Pittsburg, Kansas; no formal presentation was made but the applicant was available for any questions.

Mr. Charney asked Mr. Marietta exactly where the fireworks stand is located. Mr. Marietta stated is at German Corner.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson “aye”; no “nays”; no “abstentions”; Walker “absent”) to **APPROVE** the request for a Special Exception to permit a temporary fireworks stand in the AG District (Section 310), subject to a five year time limit of operation until November 2019; for the following property:

**LT 1 BLK 1, HOPE CHAPEL, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2518—Amanda Marks**

**Action Requested:**

Variance to increase the permitted building height to 43 feet in an AG District (Section 330, Table 3). **LOCATION:** 1923 West 4<sup>th</sup> Street

**Presentation:**

**Amanda Marks**, 1956 North 177<sup>th</sup> West Avenue, Tulsa, OK; stated she is building a new home and is about 80% complete. The inspector just realized the height of the house is above the allowable height of 36 feet so she is before the Board to request a

Variance to the 43 foot height. The plans were approved previous to this and the section that is 43 feet in height is a tower, so it is really a parapet wall at that height.

Mr. Charney asked if there was a dwelling unit or a bedroom in the tower. Ms. Marks stated there is not.

Mr. West stated that according to the residential Code 35 feet is the maximum height for a dwelling, and that is what brought this before the Board.

Mr. Dillard asked Ms. Marks if the house was being built on her 70 acres. Ms. Marks answered affirmatively.

Mr. Hutchinson asked Ms. Marks if there were any houses behind her, where her house would be blocking a view. Ms. Marks stated that she is on 70 acres at the top right above Lookout Mountain.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to increase the permitted building height to 43 feet in an AG District (Section 330, Table 3). The hardship is the peculiar nature of the tract size creating a circumstance that will support the Variance; for the following property:

**W/2 SW LESS BEG SWC TH N743.2 SE1304.6 W1068.9 POB SEC 4 19 11  
70.88ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2519—Kirk & Teressa Lee**

**Action Requested:**

**Special Exception** to permit a home occupation (hair salon) in a detached accessory building in an AG District (Section 320.1, Table 2). **LOCATION:** 5517 East 181<sup>st</sup> Street South

**Presentation:**

**Teressa Lee**, 5517 East 181<sup>st</sup> Street, Bixby, OK; stated this request is to have a hair salon in an accessory building at her home.

Mr. Charney asked if there were any residential neighbors near the detached accessory building. Ms. Lee stated there are no houses west of her and to the east there is a mobile home and a little house that are no longer viable.

Mr. Charney asked how many extra vehicles would there be coming and going in and out for the proposed business. Ms. Lee stated that right now the business is just getting started so it will be sporadic. She is doing this for her daughter who has just graduated college and she is just starting in business to start her career.

Mr. Dillard asked Ms. Lee if she or her daughter had read the conditions placed on a home occupation. Ms. Lee answered affirmatively. Mr. Dillard asked Ms. Lee if she understood the conditions. Ms. Lee answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Special Exception to permit a home occupation (hair salon) in a detached accessory building in an AG District (Section 320.1, Table 2), subject to the conditions that are standard in the zoning code placed on a home occupation business; for the following property:

**W/2 E/2 SE SW SEC 34 17 13 10AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW BUSINESS**

None.

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**OTHER BUSINESS**

**Refund Request for:**

**2516—Maria Martinez**

Variance to permit two dwellings on one lot of record (Section 208). **LOCATION:** 7502 North Peoria Avenue

The applicant withdrew the application and is requesting a refund of \$413.00.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Refund Request in the amount of \$413.00; for the following property:

**LT 7 BLK 1, DELAWARE GARDENS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:12 p.m.

Date approved: 12/16/14  
David E. Charney  
Chair