

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 421
Tuesday June 16, 2015, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Crall	Charney, Chair	Miller	West, Inspector
Dillard, Secretary		Moye	
Hutchinson		Sparger	
Walker, Vice Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11th day of June, 2015 at 9:27 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Walker called the meeting to order at 1:30 p.m.

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

Mr. Walker explained to the applicants that there were only four 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 three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. Everyone nodded their understanding and no one requested a continuance.

MINUTES

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the Minutes of May 19, 2015 (No. 420).

UNFINISHED BUSINESS

2525—Alexander Pflamer

Action Requested:

Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1). **LOCATION:** West of the SW/c of West 31st Street South and South 137th West Avenue, Sand Springs

Mr. Walker announced that he would be recusing on this case and Mr. Dillard has not arrived as of yet so this case will be moved further down the agenda.

Presentation:

The applicant was present and agreed to the delay.

Interested Parties:

There were interested parties present.

Comments and Questions:

None.

Board Action:

No action by the Board required on this case at this time.

2539—Branch Communications – Kayla Kramer

Action Requested:

Variance of the height requirement for cell towers in the AG District from 65 feet to 180 feet (Section 320.2.3). **LOCATION:** 6236 North Troost Avenue East

Ms. Moyer announced that she needed to make a correction to the staff report in the Board's agenda packet. In the staff report it states there is a church on the site but that is incorrect.

Presentation:

Kayla Kramer, 1516 South Boston Avenue, Suite 215, Tulsa, OK; stated this cell tower will allow at least three co-locators if not more. T-Mobile, the tenant, does comply with the FCC regulations. FAA does not required lighting for this tower.

Mr. Dillard arrived at 1:43 P.M.

Interested Parties:

Jonathan Rugg, 6226 North Quincy Avenue, Tulsa, OK; stated he lives across the street from the subject site. He has several concerns about this tower. He believes this tower will adversely affect his property value and he owns two pieces of properties in the area. He is concerned about the amount of pavement that will be required for a 30 foot road to the tower plus the site itself. The tower is being placed on a large parcel of land and it does not make sense other than economics that will only help T-Mobile while there is another site on the southwest corner of the subject property that is completely unoccupied and surrounded by commercial lands. The access for that corner would not be on a residential street. He also has concerns over the microwave radiation affects. He is opposed to this request.

Billie Roylene Tibbs, 6243 North Quincy Avenue, Tulsa, OK; stated her property is adjacent to the subject property. Her concern is the health factor, because the Cherokee School is just south of 61st Street and there are children that live in the area. She also understands that there was quite a sum of money paid for the subject site and she thinks it would only be fair since her property joins the subject site that she would receive a dividend also. Ms. Tibbs believes that this tower will devalue her property and she is opposed to this request.

Rebuttal:

Kayla Kramer came forward and stated there is no proof from any County Tax Appraiser that a cell tower declines market values of a property. Ms. Kramer offered to provide other appraisals that were performed if the interested parties would give her an e-mail address. The FCC Telecommunications in 1996 does not allow companies to design towers for zoning. In regards to the pavement, the driveway will be gravel which is what the Code allows and the compound will not be paved either. The parcel is a large parcel and that is why it was chosen to allow for the setbacks.

Mr. Hutchinson asked Ms. Kramer if there was going to be a fence around the compound. Ms. Kramer stated there will be a six foot chain link fence that will have razor wire around the top.

Comments and Questions:

Mr. Dillard stated that his property, which is at 85th and Sheridan, adjoins probably the largest cell tower in Tulsa. He has lived there for 25 years and the houses next to him are no less than 7,500 square feet that sell for \$750,000 to \$1 million so as for

decreasing property values the cell tower has not done so. The reception of his television or his cell phone has not diminished. His dog lived until she was 18 years of age. He has not seen any repercussions from the cell tower.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** of the height requirement for cell towers in the AG District from 65 feet to 180 feet (Section 320.2.3). The Board has considered each of the stated factors in Section 1204.3.E.1 & 2 of the Code and finds that the application complies with those requirements to the Board's satisfaction. The approval is subject to the cell tower compound be surrounded by a six foot chain link fence with razor wire around the top to discourage fence climbing. 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; for the following property:

PRT SE NW & PRT GOV LT5 BEG 299W & 20S NEC SE NW TH W93 S195 W156 N195 W322.5 S195.5 W217.5 N50.5 W277 N15 W145 S810 W145 S TO PT 311N SL NW E145 S311 E TO PT 299W SECR NW N POB SEC 6 20 13 33.401ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2525—Alexander Pflamer

Action Requested:

Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1). **LOCATION:** West of the SW/c of West 31st Street South and South 137th West Avenue, Sand Springs

Mr. Walker recused at 1:54 P.M.

Presentation:

Kevin Coutant, 2 West 2nd Street, Suite 700, Tulsa, OK; he represents Meadow Lake Ranch. This case has come before the Board a couple of times and it is to permit weddings and special events to be held at the pavilion that has been built on the subject property. There were many neighbors present at the previous meetings that expressed concerns regarding the operation and the pavilion. Expressed concerns were the amplified music, the visual impact and people aggregating around the property line, and the proximity of some of the events. The challenge that was given to the applicant following the last public hearing was to figure out a set of conditions that would be acceptable to all parties concerned, and that has been done. At this point Mr. Coutant read the conditions that would be suggested by all parties agreed upon. Mr. Coutant

stated the fact that the neighbors that were present at the previous meetings and are not in attendance today says a lot.

Interested Parties:

Dan Hobson, 3302 South 137th West Avenue, Sand Springs, OK; stated this has been a long process and he is very happy to have reached this compromise. His only goal was to have peace at his house and he hopes these conditions will grant them that peace. Mr. Hobson stated there is now communications between him and the owners of Meadow Lake Ranch and he is very excited about that. Mr. Hobson stated that he had sent out electronically different versions of the conditions to all the neighbors and asked for feedback. He did receive some feedback and he feels that everyone that was concerned was represented, and that is how the conditions presented today were drafted.

Mr. Crall asked Mr. West if the conditions presented by Mr. Coutant were enforceable. Mr. West stated that if they are included in the Minutes so they can be referred back to in the future, if needed.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-1 (Crall, Dillard, Hutchinson, "aye"; no "nays"; Walker "abstaining"; Charney "absent") to **APPROVE** the request for Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1). This approval is subject to the following conditions:

1. Applicant will move all activity areas on the subject property (archery, hatchet targets, etc.) away from the easterly neighbor's property line and be relocated not closer than 250 feet thereto with activities being directed away from such property line.
2. Applicant will enclose the existing pavilion with permanent construction, including ceiling, finished walls, insulated windows and doors and install heating and air conditioning. All walls and the ceiling will be insulated to at least R-13 insulation value.
3. All amplified music will be limited to the interior of the pavilion and will cease by 10:00 P.M.; pumps will only run during business hours, Monday through Friday, 9:00 A.M. to 5:00 P.M.
4. Any alcohol service will be ceased by 9:15 P.M., i.e., "last call".
5. Special Exception will be limited to the southerly five acres of the subject property.
6. No additional exterior lighting will be added with the exception of security lighting which will, in any event, be directed away from the neighbors to the north of the pavilion.
7. Armed security will be provided for any event at the pavilion which includes the service of alcohol or which involves 100 guests or more.

8. Application for any building permit required for the required site improvements will be submitted to the County of Tulsa and the construction of the required site improvements will be commenced by the Applicant as soon as reasonably possible but in no event later than thirty days after the granting of the Special Exception. All such improvements will be completed no later than ninety days following the granting of the Special Exception and the issuance of any required building permit.
9. Applicant will construct a new fence along easterly approximately 30 feet of new fence line as shown on the provided sketch (see INCOG case file for sketch). The balance of such new fence line and the new approximately 30 feet of fence will be finished to provide privacy with metal panels at least eight feet high.
10. Adherence to the agreed upon conditions will be enforceable by Tulsa County acting through the Tulsa County Code Enforcement office. Applicant and the area neighbors agree to maintain open communications regarding these conditions and the matters related thereto; for the following property:

**NW NW & N/2 N/2 N/2 SW NW LESS N50 THEREOF FOR RD SEC 21 19 11
43.48ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Walker re-entered the meeting at 2:10 P.M.

NEW APPLICATIONS

2540—Williams and Mary Rowe

Action Requested:

Variance of the required street frontage from 30 feet to 0 feet in an RE District (Section 207) to permit a lot-split. **LOCATION:** 4553 South 203rd West Avenue, Sand Springs

Presentation:

William Rowe, 4650 South 203rd West Avenue, Sand Springs, OK; stated he owns the subject property and the properties south and west of it. The property south from 41st Street all the property on the east side of the street are one acre lots, until the 4553 address and it is 2.8 acres. That abuts to his other 40 acres and he would like to have a green belt between the existing house at 4553, the pond and the adjoining woods. By doing this it will allow him to build a road from the cul-de-sac to the 40 acres; right now he is using a gravel utility easement. Mr. Rowe stated that his legal access currently is 208th West Avenue.

Mr. Walker asked Mr. Rowe if the existing house would be on the south or the north side of the lot split. Mr. Rowe stated it would be on the north side.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Walker stated that the hardship for this case would be that Mr. Rowe owns the adjoining land and is using an utility easement as a mutual access, and because of the layout of the existing tract he needs this action to take place for the lot split.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the required street frontage from 30 feet to 0 feet in an RE District (Section 207) to permit a lot-split. The hardship is the peculiar layout of the land. Finding that this will not impair or spirit of the Code; for the following property:

LT 3 LESS N18 THEREOF BLK 1, C BAR C RANCH SECOND ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2541—Victoria Martinez Pedraza

Action Requested:

Special Exception to permit a manufactured home in the RS District (Section 410).

LOCATION: E of the SE/c of South 65th West Avenue & West 4th Place South

Presentation:

Victoria Martinez Pedraza, 10202 East 43rd Street, Tulsa, OK; stated that where she currently lives there are a lot of problems, and she would like have her own land to move a manufactured home onto.

Mr. Walker asked Ms. Pedraza if she was purchasing the subject property. Ms. Pedraza answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Walker stated that this is a neighborhood in transition and he could support this request.

Mr. Dillard stated that he is familiar with the area and there are other manufactured homes in the area so he could support this request.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Special Exception to permit a manufactured home in the RS District (Section 410), subject to meeting all the DEQ requirements, i.e., tie downs, skirting, etc. The parking pad is to be either paved or asphalt surface; for the following property:

LT 20 & N 50' LT 31, PARTRIDGE SUB, OF TULSA COUNTY, STATE OF OKLAHOMA

2542—KRC Construction

Action Requested:

Variance to reduce the permitted building setback from an R District from 75 feet to 5 feet to permit an auto shop (Section 930). **LOCATION:** 4422 West 55th Place South

Presentation:

Keith Chrisman, KRC Construction, 210 North Grant, Sand Springs, OK; stated the Variance request is to allow the construction of a 5,000 square foot Lucas metal building on the subject property. The five foot setback would allow enough space to be to turn trucks and rigs around without getting onto the street, and the trucks will also be able to park without interfering with the street.

Mr. Walker stated the purpose of a setback is to protect the residential districts, and in a couple more years the houses there will probably fall over. This is area is converting to industrial and across the street there is another metal building with semi-trucks parked around it.

Mr. Hutchinson asked staff if it would be necessary to erect a privacy fence since the subject property does abut a residential lot. Mr. West stated the subject property should be screened since the west abutting property is still zoned residential.

Mr. Walker asked Mr. Christmas if there were plans for any outside storage. Mr. Chrisman stated there is zero need for outside storage.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Variance to reduce the permitted building setback from a R District from 75 feet to 5 feet to permit an auto shop (Section 930), subject to outside storage. The hardship is that the area is converting to industrial but still has small pockets of residential lots. There is to be a screening fence on the west; for the following property:

**LTS 7 & 8 BLK 5; LT 9 BLK 5; LT 11 BLK 5; LT 10 BLK 5, OPPORTUNITY HGTS,
OF TULSA COUNTY, STATE OF OKLAHOMA**

2543—Johnny Blaylock

Action Requested:

Variance of the allowed square footage for accessory buildings in the RS District from 750 square feet to 1,225 square feet (Section 240.2.E). **LOCATION:** 12106 East 131st Street South, Broken Arrow

Presentation:

Johnny Blaylock, 12106 East 131st Street South, Broken Arrow, OK; stated he would like to be able to clean up his yard by erecting a three car garage in the rear of his property. The garage he has currently is too small for him to park his large pickups in; a 1-Ton flatbed and a diesel truck. He plans to erect a privacy fence on the side of the house but it will be in front of the proposed garage, and will plant flowers in front of the fence for aesthetics.

Mr. Walker asked Mr. Blaylock about the portable buildings that are currently on the property. Mr. Blaylock stated there are two portable buildings; one will be removed and the other will be moved back to the side of the proposed garage and attached to make it look more barn like in appearance.

Mr. Blaylock stated that he would like to have a gate between the house and the proposed garage, and the east side of the proposed garage will be used for storage for his personal items, i.e., charcoal grill, lawnmower, etc.

Mr. Dillard asked Mr. Blaylock why he was going install a privacy fence because there is an existing chain link fence. Mr. Blaylock stated the chain link fence is going to be removed. Mr. Blaylock stated the County claimed 25 feet of his property to resurface the road and the chain link will come out then. Because of the loss of the 25 feet he is trying to move everthing back to make his house look better. Mr. Blaylock came forward and used a map from the Board’s agenda packet to show how the privacy fence and gate would be oriented with the house and yard.

Interested Parties:

Suzanne Rausch, 13125 South 121st East Avenue, Broken Arrow, OK; stated she lives directly west of where the proposed garage will be. She and her husband built their

house about seven years ago and in about 2012 Mr. Blaylock applied for a incorporation of his business, and it is listed as welding and car repair. Ms. Rausch stated that is what Mr. Blaylock does in the evenings and on the weekends. Ms. Rausch stated that her bedrooms are on the rear of her house and occasionally Mr. Blaylock starts early or works late, and they can hear it. She would like to be able to sell her house if she ever need to and having the proposed building next to her house will be a hardship on her.

Mr. Walker stated that, based on the zoning, the Board will specify no commercial work. Ms. Rausch brought forth a piece of paper that she said was Mr. Blaylock's incorporation paper that she obtained from the internet.

Rebuttal:

Mr. Blaylock came forward and stated that he would like to have a copy of the paper that was presented by Ms. Rausch because he has never applied for a corporation. Mr. Blaylock stated he does have a Federal Identification Number that he has had for many years. The Board allowed Mr. Blaylock to see and read the paper presented by Ms. Rausch.

Mr. Blaylock feels that Ms. Rausch has been singling him out, yet there is an approved 2,000 square foot garage immediately next to her house where the owner builds hot rods and cars. Across the street from Ms. Rausch another home owner works on hot rods and cars. Mr. Blaylock stated that he is doing what he can to survive by working five days a week at K C Automotive from 8:00 A.M. to 5:30 P.M. and he also does field service work and has for 30 years. If his neighbor or friend needs help he will help them. If the church calls asking for help he will help. If that is breaking the law he is sorry. He has lived in his house for 14 years and this is the only problem he has ever had.

Mr. Dillard asked Mr. Blaylock where K C Automotive is located. Mr. Blaylock stated that it is located at 131st and South Memorial, and he has worked there for ten years.

Mr. Blaylock asked the Board what he could do about a privacy fence that Ms. Rausch installed on his property, and he has a survey stating such. Mr. West stated that would be a civil lawsuit between the two property owners.

Mr. Blaylock stated that he has never met Ms. Rausch; she has never come to his house nor said anything to him about noise or anything else, though he has met and spoke with Mr. Rausch. Mr. Blaylock stated that he used to do ornamental iron work in his yard when the Rausch's were building their house and she never complained.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance

of the allowed square footage for accessory buildings in the RS District from 750 square feet to 1,225 square feet (Section 240.2.E), subject to no commercial activity can take place in the residential area. The hardship is an oversized lot that is almost an acre in size; for the following property:

PRT N/2 NE BEING PRT TR K N240 W200 E2345 N595 LESS N50 FOR RD SEC 8 17 14 .872AC, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:48 p.m.

Date approved: _____

8/18/15

David E. Cherner

Chair