

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 428**  
Tuesday January 19, 2016, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 338  
Tulsa, Oklahoma

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

Charney, Chair  
Crall, Secretary  
Dillard  
Johnston  
Hutchinson, V.Chair

Miller  
Moye  
Sparger

West, Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14<sup>th</sup> day of January, 2016 at 9:26 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 1:30 p.m.

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

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**MINUTES**

On **MOTION** of **CRALL**, the Board voted 3-0-2 (Charney, Crall, Hutchinson "aye"; no "nays"; Dillard, Johnston "abstaining"; none "absent") to **APPROVE** the Minutes of December 15, 2015 (No. 427).

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**UNFINISHED BUSINESS**

**2556—Shelby Oakley**

**Action Requested:**

Variance to reduce the required 30 feet of frontage on a public road or right-of-way to 0 feet (Section 207). **LOCATION:** SW of the SW/c of East 131<sup>st</sup> Street South and South Peoria Avenue, Glenpool

**Presentation:**

The applicant has requested a continuance to the February 16, 2016 Board of Adjustment meeting.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **CONTINUE** the request for a Variance to reduce the required 30 feet of frontage on a public road or right-of-way to 0 feet (Section 207) to February 16, 2016 Board of Adjustment meeting; for the following property:

**PRT NE BEG 826.4N SWC NE TH N165.27 E1321.55 S165.19 W1321.63 POB SEC 12 17 12 5.01ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2560—Greg Harris**

**Action Requested:**

Special Exception to permit weddings and events (Use Unit 2) in the AG District (Section 310, Table 1); Variance of the all-weather surface requirement for off-street parking areas (Section 1340.D). **LOCATION:** North of the NE/c of East 166<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue, Collinsville

**Presentation:**

**Greg Harris**, 16711 North 129<sup>th</sup> East Avenue, Collinsville, OK; stated he owns a 30 acre tract of land north of Collinsville and he would like to build a wooden barn for wedding events, church events or anything else. The barn would be erected on the back portion of his property and would be approximately 2,600 square feet. He has been told that the building would hold up to 175 people maximum. Currently he is working a full time job so this will not be a full time occupation. Mr. Harris stated that he is starting with this step to see if he could get the application approved.

Mr. Charney asked Mr. Harris if the 30 acres that he owns is contiguous to the 10 acres that is under consideration today. Mr. Harris stated there is 20 acres that is mapped off and then he has the 10 acres that is south of that. Mr. Charney asked Mr. Harris if it was the two 10 acres tracts that are side by side that are being considered today. Mr. Harris answered affirmatively and stated that he lives on the 10 acres to the south of the subject property.

Mr. Charney asked Mr. Harris if the subject property was in the Collinsville school district. Mr. Harris answered affirmatively.

Mr. Dillard asked Mr. Harris if he wants to start a church on the subject property or if he wanted to lease to churches for events. Mr. Harris stated that he does not want to start a church, but he does want to have small groups or youth events. Mr. Harris stated that his children attend Rejoice Christian School in Owasso and he would like to be able to let them hold their prom in the proposed barn. Mr. Dillard asked Mr. Harris if this would be something that he would do on a daily, weekly or monthly basis. Mr. Harris stated that it is not.

Mr. Charney stated there is potential for the Board to view this differently if it were something that was going to be every Friday and Saturday night. During a busy season that could be something that the Board would view differently than something that is very occasional. Mr. Harris stated that at this time he has a full time job but if it did become like that and thought he could make a living he would quit his job.

Mr. Crall asked Mr. Harris where his street would be coming into the property. Mr. Harris went to the Board and showed them on the map in their agenda packet where the street would be located on the south side with parking in the southeast corner.

Mr. Hutchinson asked Mr. Harris what his proposed hours of operation were to be. Mr. Harris stated that music would be in the barn only with a wedding outside, maybe. Mr. Harris stated that he would have everything shut down by 10:00 P.M. with clean up to follow afterward.

**Interested Parties:**

**Debbie Eastin**, 16817 North 134<sup>th</sup> East Avenue, Collinsville, OK; stated that most of the owners that live in the area do so for the benefit of the rural country. Her concern is not what he plans to do with the building right now, but what it could become in the future if

it is approved. She estimates that the occupation of the building could range between 133 to 275 people. Mr. Harris has stated that he does not want to do weekend events but should that change in the future, for him or any other owner, then the neighbors are looking at 200 to 500 people that are trafficking into the area. Outdoor events could be more with tents and other facilities. Most of the venues that Ms. Eastin has researched are seven days a week and the hours are 9:00 A.M. to 12:00 midnight, and for additional fees the event could be continued after midnight. Ms. Eastin asked if there would be alcohol allowed on the premises because that was not previously discussed. Anytime people consume alcohol at an event it is not like bar where it is an actual controlled environment. The neighbors are concerned about clean up and damage to property and fences. Ms. Eastin stated that her property is on the south or east side of the subject property. Ms. Eastin stated that there are 20 to 50 parking spaces on the subject property and there could be over 100 cars coming in over a weekend. Again, Mr. Harris has said this is a part time environment but what will it become should it change. The neighbors are not sure the about street or the local traffic's ability to handle the extra cars and there is no money in the budget for additional County improvements as far as patrols and emergency vehicles. Ms. Eastin stated that as far as she knows Tulsa County has no noise ordinances so for her there is no legal method for her to complain about the noise and have it controlled should it happen. Typically with the type of venue that is proposed there are outdoor paging systems, loud speakers and amplified music whether it is pre-recorded or live. Ms. Eastin grass, trees and wood do not absorb sound so it can go anywhere even it drops off incrementally. The neighbors would ask the Board to consider imposing conditions or a trial period if they cannot influence a denial from the Board. Ms. Eastin stated the driveway is proposed to go across the full length of the property in Tract 1 down to the southern portion so it is fairly large. Even though the area is rural unpaved roads create dust in dry periods. The dust can alter the vegetation by collecting on the leaves and plants. During the rainy season the sediment flows or moves with the water to nearby land, ditches, drives and streams. Ms. Eastin stated that the lay of the land drops off and moves down to the corner of the subject property so anything will wash into that corner. The neighbors have a concern regarding that corner. Ms. Eastin stated that she is under the understanding that the building has to have a loading berth and the guests will need to walk about 270 feet to the barn so she does see people with canes, walkers and disabilities easily maneuvering to the barn. There is no alternative way for the vehicles to move out of the parking lot if something becomes obstructive on the proposed road. Ms. Eastin stated that if the Board should choose to grant this request the neighbors would ask that an all weather surface be a part of the approval or that the parking be moved to the west side so the water flow would go into their ponds thus reducing the impact to the neighbors.

**Diane Williams**, 16961 North 130<sup>th</sup> East Avenue, Collinsville, OK; stated her property line is directly north of the subject property and the building will closer to her property. There are young families moving into the area and her concern is the alcohol consumption and the weddings. Ms. Williams stated that Mr. Harris may know the bride and groom but the other families are not known. Ms. Williams stated that if the Board

approves this request she would like to visit the possibility of a privacy fence or a type of privacy screening to block the view from the subject property into her property.

**Rebuttal:**

Mr. Greg Harris came forward and stated that in regards to the alcohol he has considered it, but at this point it would be allowed with a licensed bartender. Mr. Harris stated that his wife teaches at Rejoice Christian School and his children attend Rejoice, and he does not want a beer drinking party on the property so it becomes a problem it could become an alcohol free area. Mr. Harris stated that in regards to the dust and gravel he could get asphalt chips that cuts down on the dust and he has considered that, but everything in the area is gravel even half of the City parking lots are gravel. Mr. Harris stated that in regards to the runoff, there is a ditch between his property and the Eastins so the runoff would flow into the ditch and run out to 166<sup>th</sup> Street.

Mr. Charney asked Mr. Harris if the parking lot in the southeast corner will be lighted. Mr. Harris stated that it will with at least a couple of light poles and they would be lit when the property is in use.

Mr. Charney asked Mr. Harris if he would object to a trial period on this proposal because this is quite an investment. Mr. Harris stated that is why he is approaching this project in this manner; this is his first stop and he does not receive the zoning he will not pursue this any farther. He wants to do this first class or he does not want to do it. As far as a trial period that would depend on the length of the trial period because does not want to have the financial investment then is told in six months to shut the venue down.

Mr. Crall stated that this process is in part keeping the neighbors happy and once the request is denied the project is killed, so he would suggest finding what the neighbors concerns are. An investment in a barn does not want to be made only to find out that to keep the neighbors happy it is going to cost another \$100,000 this project may not be affordable. Or it may be that the neighbors can be please very easily. Mr. Harris stated that he understands.

Mr. Charney stated the legal test for the Board is to determine whether the proposed project is compatible with the surrounding area and in harmony with the existing zoning. It is hard for the Board to do that when there is a commercial use although it is recreational in nature. It is not that the law allows the neighbors to dictate what is to be done it has to be the Board's reasonable judgment against that standard. What neighbors think is relevant to the Board but it is not controlling. Mr. Harris stated that he is open to visiting with any of the neighbors.

Mr. Dillard stated that when a person lives in the country it is going to be dusty so that does not bother him. Mr. Dillard stated that he used to live in the country and when his neighborhood built a wooden privacy fence it was junk in a short period of time. Planting trees is a better solution but that is not going to be an overnight solution. Mr. Dillard stated he thinks the primary issue is the alcohol. When the presentation first started it was stated that the venue was going to be for school and/or church events and

weddings. Alcohol only fits with weddings and it would be a boring prom to be shut down at 10:00 P.M. so he does not think very many people would attend an event that would be shut down at 10:00 P.M. Mr. Dillard thinks Mr. Harris needs to be more realistic in this area.

Mr. Harris stated that he is open to delaying this for 30 days to allow him to visit with the neighbors if the neighbors are open to visit with him, so he would request a continuance.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the applicant's request for a Special Exception to permit weddings and events (Use Unit 2) in the AG District (Section 310, Table 1); Variance of the all-weather surface requirement for off-street parking areas (Section 1340.D) to the February 16, 2016 Board of Adjustment meeting; for the following property:

**N330 SW SW SEC 9 22 14; S/2 N/2 SW SW SEC 9 22 14 10ACS, IN TULSA COUNTY, STATE OF OKLAHOMA**

**2561—Smalygo Properties**

**Action Requested:**

Variance of the required building setback in the RE District from 35 feet to 25.9 feet (Section 430, Table 3). **LOCATION:** 8722 North 65<sup>th</sup> Place East, Owasso

**Presentation:**

**Kyle Smalygo**, Smalygo Properties, 123 North 7<sup>th</sup> Street, Collinsville, OK; stated this is a housekeeping item. This was custom house that was built and completed a few months ago. At the time of completion he was notified that the house extended over the side building setback. When the building permit was pulled and the construction site plan was made everything was being worked from a preliminary plat which can change. This particular preliminary plat changed to such a degree because, it is a corner lot, and in the preliminary plat stage there was only one address which meant the house had to face one direction. The difference between preliminary and final plats the corner was given two addresses allowing the house to be fit in either direction and the house was fit in the opposite direction which the house fit other than the side yard. The home was financed and the owner was able to close so this is something being done to give the homeowner satisfaction that in five or ten years if they choose to sell the house this issue has been cleaned up.

Mr. Charney stated that he knows the area well and knows the subdivision and he thinks this is a minimal encroachment and it will not be noticeable to the naked eye. This will happen occasionally in construction and there are some parties that are before the Board many times with such a request and Mr. Smalygo is not one of those builders.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** of the required building setback in the RE District from 35 feet to 25.9 feet (Section 430, Table 3). The hardship is that the subject property is a corner lot and the revised setbacks associated with the corner lot making it unique and peculiar to this application; for the following property:

**LOT 1 BLOCK 1, SHERIDAN CROSSING PHASE I, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:09 p.m.

Date approved: \_\_\_\_\_

2/16/16  
David E. Charney  
Chair