

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 441
Tuesday, February 21, 2017, 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	Dillard	Moye	West, Co. Inspector
Hutchinson, V.Chair	Johnston	Sparger	
Crall, Secretary			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 16th day of February, 2017 at 9:45 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.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Charney, Crall, Hutchinson, "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to **APPROVE** the Minutes of January 17, 2017 (No. 440).

Mr. Charney explained to the applicants and interested parties that there were only three board members present at this meeting, and if an applicant or an interested party 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 one or two board members voted no today the application would fail. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

UNFINISHED BUSINESS

2619—Windfall Woods, LLC

Action Requested:

Special Exception to allow wedding and corporate events (Section 310); Variance to allow a gravel parking area (Section 1340.D). LOCATION: 7305 West Cameron Street North

Presentation:

The applicant has requested a continuance to March 21, 2017.

Interested Parties:

There was one interested party present but he did not object to the continuance.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Charney, Crall, Hutchinson “aye”; no “nays”; no “abstentions”; Dillard, Johnston “absent”) to **CONTINUE** the request for a Special Exception to allow wedding and corporate events (Section 310); Variance to allow a gravel parking area (Section 1340.D) to the March 21, 2017 Board of Adjustment meeting; for the following property:

ALL THAT PRT GOV LT 3 LYING S OF OLD NORTH SAND SPRINGS RD & ALL THAT PRT GOV LT 5 & SE NW LYING S OF RD & E OF LINE BEG 1153E SWC LT 5 & EXT NTO SL OF RD & W OF LINE BEG SWC E/2 E/2 SE NW & EXT NTO NWC THEREOF & E/2 E/2 SE NW & W/2 W/2 SW NE LESS BE, FARM COLONY SUB, TWIN CITIES, OF TULSA COUNTY, STATE OF OKLAHOMA

2618—Branch Towers

Action Requested:

Special Exception to permit a temporary cell tower in an AG district; Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG lot on the east (Section 1204.3). LOCATION: West of the SW/c of East Ridge View Drive and North McKinley Avenue, Sand Springs

Presentation:

Mark Kesner, Branch Communications, 403 Windsor Road, Oklahoma City, OK; stated he represents AT&T only. Originally AT&T wanted to have a permanent tower on the subject property but at this point they only want a temporary tower adjacent to the large water tank at the request of the City of Sand Springs. With the temporary tower the setback is met because the tower will only be 80 feet in height and not the normal 120

feet. If the tower is taller than 80 feet it will need to go through the FAA process but AT&T does not have the time for that process. On March 1st Sand Springs wants to start a reburishment on the water tank. The area directly north and west of the water tank, the City of Sand Springs controls that portion in their long term lease. The AT&T equipment will be moved from the water tank over to the tower.

Mr. Charney asked Mr. Kesner in what period of time does he think AT&T will be off the tower. Mr. Kesner stated that AT&T cannot be there more than two years so that will be the absolute longest period of time, but he is thinking nine months to a year. The goal is to move the tower over and then build a permanent structure to the north in Osage County.

Mr. Charney asked Mr. Kesner if he thought he would need the nine months, twelve months or eighteen months to complete the project. Mr. Kesner stated that 18 months would be enough time to cover the time needed for the project.

Mr. Charney asked Mr. Kesner if the Special Exception for the setback was no longer needed because the tower is now 80 feet in height. Mr. Kesner 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, Crall, Hutchinson "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to **APPROVE** the request for a **Special Exception** to permit a temporary cell tower in an AG district. This approval is to be with the consent of the City of Sand Springs as represented to the Board and it is to be for no longer than an 18 month period, August 2018; for the following property:

SECTION 2-T19N-R11E

Lots Three (3) and Four (4), and the South Half (S ½) of the Northwest Quarter (NW ¼), and the West Half (W ½) of Lot Two (2), and the West half (W ½) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼), and the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Two (2), Township Nineteen (19) North, Range Eleven (11) East, Tulsa County, State of Oklahoma, (P/O Quit Claim Deed recorded in Book 4269, Page 1535, Deed Records of Tulsa County, Oklahoma),, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2620—Kyle Smalygo

Action Requested:

Variance of the required land area per dwelling unit in the AG District; Variance of the lot area in the AG District to permit a lot-split (Section 330, Table 3).

LOCATION: 9690 East 159th Street North, Collinsville

Presentation:

Kyle Smalygo, 123 North 7th Street, Collinsville, OK; stated the subject site is very close to his personal residence. This site is a very dense two mile square section west of Collinsville and the tracts are two acres and possibly five acre tracts. In the last four or five years the manufactured houses on these tracts have been removed and new constructed houses have been built on them. The larger tracts of ground are very attractive to a developer, unfortunately they are in Rural Water District #3 of Washington County therefore Washington County is leaning toward development to improve their infrastructure. In the short term the larger five acre tracts are being split into smaller tracts. He has received approval from RWD #3 to supply individual water meters to the tracts. Currently there is an inhabitable existing house and a barn that will be razed. There is a 30 x 40 metal building on the southern portion of the site and it will be left in place. The adjacent south property was split into four parcels about six months ago and all the neighbors expressed concerns to him. He reassured the neighbors that his request is more of a house keeping item. In a one mile radius of the subject site it is not uncommon to have this size lot for a home.

Mr. Charney asked Mr. Smalygo if he wanted to divide the subject five acres into three tracts. Mr. Smalygo answered affirmatively and he believes it is actually 5.8 acres. Mr. Smalygo stated that he has been told by the County that he would most likely be subject in the lot split process to dedicate additional right-of-way which he does not object to.

Mr. Charney asked Mr. Smalygo if all the lots would be accessed from Mingo Road or 97th Street. Mr. Smalygo stated all three lots meet the road frontage requirement along 97th Street. The middle and most southern tract will be required to have access from 97th Street and the north tract could be either or but mostly likely will be served from 97th Street as it currently is.

Mr. Charney asked Mr. Smalygo if he was going to have single family site built structures on the subject property. Mr. Smalygo 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, Crall, Hutchinson "aye"; no "nays"; no "abstentions"; Dillard, Johnston "absent") to **APPROVE** the request for a **Variance** of the required land area per dwelling unit in the AG District; **Variance** of the lot area in the AG District to permit a lot-split (Section 330, Table 3). There are to be no manufactured homes on the subject property and all houses on the subject property are to be site built residential construction. The applicant is to grant a right-of-way if necessary to the County with no cost to the County. The hardship is the configuration of the land; the length along Mingo Road and the shallow depth, and the lack of being able to subdivide the property according to city standards; for the following property:

E/2 NE SE SE LESS N25 THEREOF SEC 13 22 13 4.811AC, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 1:51 p.m.

Date approved: 3/21/17
David E. Chownley
Chair