

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 443
Tuesday, April 18, 2017, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Hutchinson, V.Chair	Miller	Posh, Co. Inspector
Crall, Secretary		Moye	
Dillard		Sparger	
Johnston			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 13th day of April, 2017 at 10:21 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 **DILLARD**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the Minutes of March 21, 2017 (No. 442).

Mr. Charney explained to the applicants and interested parties that there were only four 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 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

2621—Stewart Collins

Action Requested:

Variance of the required lot area and land area per dwelling requirement in the AG District; Variance of the required lot width to permit a lot-split (Section 330, Table 3). LOCATION: 5319 West 31st Street

Presentation:

Stewart Collins, P. O. Box 250, Kiefer, OK; stated he represents Mrs. Loretta Holt in the proposed lot split. In 1998 the Board granted Mr. and Mrs. Holt to place a double wide manufactured home next door to their permanent dwelling. At that time a lot split was not required. Mr. Holt has since passed away and the property was intentionally meant to go to his son who moved into the manufactured home. The lot split is to allow the property with the manufactured home to go to his son and the property with the stick built house to go to his wife. Since Mr. Holt's passing the granddaughter has taken up residency in the manufactured home and they would like to purchase the portion of the property where the manufactured home is located. They cannot do this until they have a deed in their name for mortgage purposes thus the reason for the lot split. There has been a fence erected dividing the property into a 1.55 acre tract and the manufactured home is on 0.45 acres, and that is the logical split at this time. There are no houses built to the east or south of the subject property, and there is County property to the west where they are storing equipment.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the request for a Variance of the required lot area from 2 acres to 1.55 acres on Tract 1 and from 2 acres to .45 acres on Tract 2 in the AG District (Section 330); Variance of the minimum land area per dwelling unit from 2.1 acres to 1.55 acres on Tract 1 and from 2.1 acres to .45 acres on Tract 2 in the AG District to permit a lot-split, subject to the plan submitted. Based on the platted survey presented the Board finds the hardship to be the unique configuration of the land as it surrounds the curvature of the road and the pre-existing improvement on the lot having been there for 20 years; for the following property:

**2.01 ACS LYING S OF 50' WIDE CO ROAD E/2 E/2 N/2 NW NE SEC 20 19 12
2.01ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

NEW APPLICATIONS

2625—Tania Bledsoe

Action Requested:

Variance to permit more than two dwelling units on a single AG zoned lot (Section 208), **LOCATION:** 14225 North Yale Avenue

Presentation:

The applicant was not present. The Board moved the case to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

2626—Joe Ogden

Action Requested:

Special Exception to allow a fireworks stand in the CS District (Section 710).
LOCATION: 4612 East 106th Street North

Presentation:

Joe Ogden, P. O. Box 2505, Claremore, OK; stated that in November granted approval to storage buildings on the subject property and he was approached by another party about placing a fireworks stand on the corner. The stand would only be open during the dates the state allows in June/July and December/January. He has insurance for the fireworks stand pending the decision on today's request.

Mr. Charney asked if the access to the fireworks stand would be from 106th Street. Mr. Ogden answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston “aye”; no “nays”; no “abstentions”; Hutchinson “absent”) to **APPROVE** the request for a **Special Exception** to allow a fireworks stand in the CS District (Section 710). The hours of operation will be 11:00 A.M. to 11:00 P.M. during the dates of June 15th through July 6th and December 15th through January 2nd. The approval has approval for a time limit of five years, April 2022; for the following property:

LT 1 LESS BEG NEC LT 1 TH S100 SW33 N100 NE33 POB BLK 1, SPRINGER PARK, OF TULSA COUNTY, STATE OF OKLAHOMA

2627—Patsy R. Gay-Sitler

Action Requested:

Use Variance to allow for storage (Use Unit 23) of personal items in the RS District (Section 410). **LOCATION:** 5716 West 60th Street

Presentation:

Patsy Gay-Sitler, 2911 West 68th Street, Tulsa, OK; stated she and her brother granted the use of the land to the Oakhurst Volunteer Fire Department on August 6, 1997. They ceased to exist in 2013. She then attempted to establish a community center in the building but it did not come to fruition. She now has the property up for sale and has a buyer.

Interested Parties:

Kathy Correll, 8990 South Sheridan, Tulsa, OK; stated the subject property is under contract and she represents both the seller and the buyer. The buyer intends to use the building for storage of personal items.

Mr. Charney asked Ms. Correll if there would be any commercial storage or used for third parties to store items. Ms. Correll answered no.

Mr. Charney asked Ms. Correll if she had any negative feed back from any of the neighbors, especially the ones on either side of the subject property. Ms. Correll stated that the neighbors are thrilled that will not be an auto salvage on the property.

Mr. Johnston asked Ms. Correll if there will be anything stored outside of the building. Ms. Correll stated that as far as she knows it is all inside storage.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston “aye”; no “nays”; no “abstentions”; Hutchinson “absent”) to **APPROVE** the request for a

Use Variance to allow for storage (Use Unit 23) of personal items in the RS District (Section 410). There is to be no outside storage and there is to be no rental to third parties for storage uses. The building is to be used by the record owner for storage of personal items. The building has been in existence for 20 years and has been cleaned up, and the size of the lot will accommodate the storage purposes; for the following property:

LTS 7, 8 & 9, BLK 15, EAST ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2629—Chet Hiatt

Action Requested:

Special Exception to allow a mining and quarry operation in the AG District (Section 310, Table 1). **LOCATION:** East of the SE/c of 141st Street South and South 129th Avenue East

Presentation:

Chet Hiatt, 2000 East Atkinson, Pittsburg, KS; stated he is with Triad Environmental Services and he represents Watkins Sand. Watkins Sand currently operates a sand dredging operation in the river at the south end of 129th Street. They were before the Board in 2001 for a Special Exception to have the dredging operation in the AG District and the request was approved. Today's request is an extension of that operation to the east along the sand bar in the river. There is no expectation to increase production at the site, it is only an ongoing operation continuing operation as it has been since approximately 2009.

Mr. Charney asked Mr. Hiatt if the operation was moving to accommodate where the resource is located. Mr. Hiatt answered affirmatively.

Mr. Charney asked Mr. Hiatt if there was going to be any new equipment on the site. Mr. Hiatt stated there would be no new equipment.

Mr. Hiatt stated the nearest residence is approximately 4/10 miles away from the existing operation.

Mr. Charney asked Mr. Hiatt if the new location will be any closer to a residence than it is today. Mr. Hiatt answered no and stated the operation is in the middle of the river. Mr. Charney asked Mr. Hiatt if the equipment will be operating any closer to a residence than it is today. Mr. Hiatt stated the dredge itself is in the river but the processing will stay where it is located today.

Mr. Hiatt stated that he has seen comments from residents about the blasting, but there is no blasting in this operation because it is strictly a dredging operation. The water and sand are vacuumed into a pile and processed. To secure the permit to be able to extend the current permit Watkins will have to go through the Oklahoma Department of

Environmental Quality, the U. S. Corp of Engineers, Fish and Wildlife, the Oklahoma Archeological and Historical Society. In the past Watkins has worked with Fish and Wildlife for protection of threatened and endangered species. They has made agreements to suspended operations for periods of time during the nesting season. Mr. Hiatt stated there is no fuel stored at the site and haul trucks are parked at a separate location over night.

Mr. Charney asked Mr. Hiatt if the haul trucks will not be operating in any other location than they are today. Mr. Hiatt stated that it is correct and stated that Watkins operates a small number of trucks.

Interested Parties:

Frank Watkins, P. O. Box 687, Bixby, OK; stated he has gone to school to learn about the Least Tern so he is aware of their habits. As for the hail trucks, they are six wheelers and classified as 40-Ton. The trucks go back and forth once a day and are housed at 141st and Mingo using 141st to drive on.

Mr. Charney asked Mr. Watkins to explain to the Board about the trucks that load at his site. Mr. Watkins stated he uses five or six bobtail trucks, which are ten wheelers, and deliver to home builders exclusively. Mason sand is also sold to Apex, the rock quarry, because they use it in an asphalt mix. Mr. Watkins stated that he makes sure the trucks have insurance and are tarped or they cannot work for Watkins Sand. After that it is up to the City or law enforcement to monitor the trucks.

Mr. Dillard asked Mr. Watkins if trucks leave his location without being tarped. Mr. Watkins answered no. Mr. Watkins stated that he does the best he can but the drivers are independent contractors. There is a fine when a truck is caught without a tarp in use.

Mr. Charney asked Mr. Watkins if he sold his sand to third party contractors. Mr. Watkins answered affirmatively.

Mr. Charney asked Mr. Watkins about the hours of operation for the dredging and the hours of operation for loading the trucks. Mr. Watkins stated that his people punch the clock at 7:00 A.M. and start loading the trucks, and at 5:00 P.M. the people have to be off the clock, and he operated five days a week. He has not pumped in two years but there is another company in the area that operates differently.

Mr. Charney asked Mr. Watkins why he has not pumped in two years. Mr. Watkins stated that it is cheaper to use the six wheelers to bring out the material than it is to dredge.

Mr. Crall asked Mr. Watkins what he would guess the explosive sound the residents complained about is. Mr. Hiatt stated that not all the letters of complaint are firmly founded, but a lot of times people associate noises with the wrong operator. Mr. Hiatt stated that if there are explosions it has to be another operator.

Mr. Dillard asked Mr. Watkins if his company worked on Sundays or on any holidays. Mr. Watkins stated they do not work on Saturdays, Sundays or any holidays.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Special Exception** to allow a mining and quarry operation in the AG District (Section 310, Table 1), subject to a five year time limit, April 2022. There is to be no fuel storage on the subject site. The hours of operation are to be 7:00 A.M. to 5:00 P.M., Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site; for the following property:

E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC,, OF TULSA COUNTY, STATE OF OKLAHOMA

2625—Tania Bledsoe

Action Requested:

Variance to permit more than two dwelling units on a single AG zoned lot (Section 208), **LOCATION:** 14225 North Yale Avenue

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston “aye”; no “nays”; no “abstentions”; Hutchinson “absent”) to **CONTINUE** the request for a **Variance** to permit more than two dwelling units on a single AG zoned lot (Section 208) to the May 16, 2017 Board of Adjustment meeting; for the following property:

PRT SW & NW BEG SWC SW NW TH N965.59 E16.5 NE215.17 E564.73 N165 E698.55 S1321.40 W1320.51 POB LESS W16.5 S965.59 SW NW & N70 W285 NW

SW LESS W16.5 THEREOF FOR RD SEC 27 22 13 37.758ACS, COOPER
CROSSING, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:23 p.m.

Date approved: 5/16/17
David E. Honey
Chair