TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 506

Tuesday, April 19, 2022, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room
Tulsa, Oklahoma

Members Present	Members Absent	Staff Present	Others Present
Charney, Chair		S. Miller	K. Edenborough,
Hutchinson, V. Chair		R. Jones	County Inspections
Dunkerley		S. Kelvington	
Hicks			
Tisdale			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14th of April at 8:50 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.

Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting as one board member was running late. He explained that if there happened to be only four board members, it would be necessary to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today, the application fails. Mr. Charney asked if anyone would like to continue their case and if they understood. Everybody nodded in understanding, and no one requested a continuance.

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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MINUTES

On **MOTION** of **Hutchinson,** the Board voted 4-0-0 (Charney, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstains"; Tisdale "absent") to **APPROVE** the Minutes of March 15, 2022 (No. 505).

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At 1:37 p.m., Mr. Tisdale entered the meeting.

UNFINISHED BUSINESS

DRAFT

2951 - Rigoberto Gomez

Action Requested:
Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D)
LOCATION: 11201 North 41st Avenue East

Presentation:
Belinda Barajas, 12268 South 305th East Avenue, Coweta, explained that she was there to translate for her husband. She stated that they wanted to have a small business operating a rodeo. She explained that they were new owners and would not operate the business the same way as the previous owners. They would have less traffic and the event would be safer.

Fernando Flores, 12268 South 305th East Avenue, Coweta, chose to speak for himself but would have his wife translate as necessary. He stated that they want to do things the right way and the music would end by 10:00 pm. They would be willing to hire a sheriff to control the people and they are willing to hire someone to pick up the trash from the street.

Mr. Charney asked for clarification on whether Mr. Flores was going to partner with the landowner, Mr. Rigoberto Gomez, and be the operator of the rodeo.

Mr. Flores answered affirmatively.

Mr. Charney asked Mr. Flores if he had previously operated the rodeo on this site.

Mr. Flores answered affirmatively.

Mr. Charney stated that Mr. Flores mentioned that he wanted to do various things differently this time than in the past such as hours of operation, security, trash clean up, and music. He explained that sometimes the board might want to see in writing a plan that is developed by the operator stating how they will attend to various things. He stated that not always, but sometimes, it could make a difference to the board in granting a special exception.

Mr. Flores requested that the Board give them a chance and that the traffic would not be the same as in the past. He stated that it is not going to be a huge rodeo but something they could control.

Mr. Hutchinson asked Mr. Flores if he had stated that he had operated the rodeo at the proposed site before.

Mr. Flores explained that he had operated other rodeos but not at that site. He had helped with other rodeos but was not head of the rodeo.

Mr. Hutchinson asked how often he wanted to hold rodeos at the site.

Mr. Flores explained that he did not have an exact schedule, but he did not think it would be more than once a month and probably not even that often.

Mr. Hutchinson asked him what his hours of operation would be.

Mr. Flores stated that they were thinking about starting around 11:00 a.m. or noon and the music would be turned off around 9:00 p.m.-10:00 p.m. He told the board that the music would not be too loud.

Mr. Hutchinson verified that the guests would be leaving at 10:00 p.m.

Mr. Flores answered affirmatively.

Mr. Hutchinson asked if he would limit the number of rodeo participants that come in. He did not know what size of a rodeo he would be having and if the number of participants would be capped.

Mr. Flores explained that Mexican rodeos are a bit different than American rodeos and they could have about fifty competitors.

Mr. Hutchinson asked how many people would show up to watch.

Mr. Flores stated that it could be about 200-250 people.

Mr. Tisdale asked if the rodeos were by invitation to the participants or could anyone sign up to participate.

Mr. Flores said they invite people for the competitions, and they would know their count about a week in advance. They would not know how many people would come out to enjoy the rodeo.

Mr. Hicks asked if he was going to have sole control of the operations of the rodeo or if his business partner would have a say on how he would operate the rodeo.

Mr. Flores stated that they were going to work together.

Mr. Hicks asked if his business partner would be able to have a concert or an event or some other non-rodeo type of event that he would not be involved in.
Mr. Flores stated that would not happen because they were going to have a contract.

Ms. Barajas said that the contract would have everything written up so they would have control of that.

Mr. Dunkerley asked Mr. Flores about their protocols and how they would handle safety matters and insurance issues associated with the risk of the rodeo.

Mr. Flores stated that if approved, they would get insurance and all the permits they needed. They want the rodeo to be safe.

Mr. Charney asked if it was important to the board to have higher security on staff to control both traffic ingress and egress, and the crowd control, and to make certain that it is cleaned up appropriately, would they commit to those things.

Mr. Flores answered affirmatively.

DRAFT

Interested Parties:

Cindy Parker, 11250 North 44th East Avenue, Sperry, stated that they are concerned with the safety aspect of the rodeo. She said that she had been a part of rodeos before, but everything was organized. She did not feel like this rodeo was very organized or had a written plan. She stated that she was concerned about safety, where people are going to park their vehicles and whether or not the applicant had written agreements with the property owners that own the land people would be using to access the rodeo. She would like to see all this in writing.

Mark Parker, 11250 North 44th East Avenue, Sperry, stated that he is concerned about safety and the changes that they are making to make it different than last time. He explained that there is only a single-lane gravel road into the property and last time they held rodeos there, the traffic was backed up and people would cross their property and park anywhere they wanted. He also stated that in the past, there was a problem with loud noise and the noise would last past midnight. He wants to know about building permits, whether they would have bathrooms on site, whether they would have medical personnel on site, and how the rules are going to be enforced. He would like to see the rules of operation.

Jon Hoffman, 11310 North 44th East Avenue, Sperry, stated that his property adjoins the rodeo grounds. He is concerned that since the previous rodeo misused their permit, this one will not be any different. He stated that the lines of traffic getting into and out of the rodeo were a big problem.

Warren Dickey, 11227 North Harvard Avenue, Sperry, explained to the board that in the past, the music was extremely loud, and the rodeo would play music late into the night. He also stated that he had a problem with the traffic and the trash. He described an incident where a six-year-old boy died on the property during a rodeo many years ago. He was a member of the fire department that handled the case that night. He stated that they had a difficult time getting to the scene because of the traffic.

Tom Baker, 3821 East 106th Street North, Sperry, stated that he believes that it would be a mistake to grant this application. They have had problems with the events that have happened on this property in the past. He is concerned about the traffic, the condition of the drive leading to the rodeo, the trash, and the loud noise.

Aaron Beats, 11552 North Lewis Avenue, Skiatook, stated that he lives two miles away and he can still hear the noise. He is a civil engineer and is concerned about the public transportation infrastructure and the potential for problems if the case is approved.

Daniel Quintero, 612 South Redwood Avenue, Broken Arrow, stated that the new operators want to do things right and cannot help what has happened in the past. He has agreed to let them park vehicles on his property. He is in support of the rodeo.

Troy Beats, 11505 North Lewis Avenue, Sperry, stated that he is concerned about enforcement of the rules if the rodeo is permitted.

Andrew Beats, 9831 North Lewis Avenue, Sperry, stated that he is concerned about having a rodeo in an area that is mostly agricultural and residential in nature.

DRAFT

Rebuttal:
Mr. Flores came forward and stated that he understood about the neighbors' concerns. He knows the previous people did it the wrong way, but he wants to be given a chance to do it the right way.

Comments and Questions:
The board discussed the case amongst themselves and concluded that they did not have enough information to make a decision right away. They invited the applicant back up to the stand to ask him if he would be able to provide more detailed plans, documents, and maybe even some drawings if they were to continue the case. They also stated that it would give him more time to potentially meet with the neighbors in good faith.

Mr. Flores answered affirmatively.

Staff stated that, because it is a Special Exception, he will be subject to platting if the rodeo is approved.

Board Action:
On **MOTION** of **Charney,** the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** to June 21, 2022 the requests for a Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from the all-weather parking surface requirement (Section 1340.D), for the following property:

W/2 SE NW LESS N396 & S768 E200 E/2 SE NW & S509 W427 E627 E/2 E/2 NW & W33 S377 E/2 SE NW SEC 9 21 13 15.197ACS; S244 N811 E427 W460 E/2 SE NW SEC 9 21 13 2.392ACS, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

DRAFT

2957 - Tom Neal

Action Requested:
Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and Variance of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3)
LOCATION: 601 S 65th W Ave

Presentation:
Tom Neal, 2957 East 11th Place, Tulsa, stated that he is the residential designer working on upgrading the existing duplex and single-family home on the property. He stated that the homes have been there since around 1935. They are considered non-conforming but because he is making changes to the property, they need to be in compliance with today's zoning code. Mr. Neal stated that the hardship is that the building are stone and have been in existence for a really long time.

Mr. Charney asked if the footprint of the homes would remain about the same.

Mr. Neal answered affirmatively.

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, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; "abstentions"; none "absent") **APPROVE** the request for a Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); a Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance of the required setback in the front yard and yard abutting a public street in the RS district (Sec. 430, Table 3) per the conceptual plan 3.11 of the agenda packet. The Board finds the hardship to be the age of the subdivision, the age of the structures, and the overall topography of the parcel. The Board finds 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. The Board also finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

LT 35, PARTRIDGE SUB, Tulsa County, State of Oklahoma

DRAFT

2958 - Joel Irvine

Action Requested:
Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); Variance of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208). **LOCATION:** 3117 W 111th St S

Presentation:
Joel Irvine, PO Box 793, Jenks; stated that he is requesting a variance to allow a second dwelling on the property for a "shop-dominium", which will be a 60-foot by 40-foot shop with half of it serving as a shop and the other half serving as living quarters. He stated that his parents are currently living on the property in a mobile home, but the goal is to move them into the new living quarters.

Mr. Charney asked if the existing trailer that the parents are currently living in would be removed once they move into the new living quarters.

Mr. Irvine answered affirmatively.

Mr. Hicks asked if the size of the lot is a little over two acres.

Mr. Irvine answered affirmatively.

Mr. Hicks asked if the main house is currently being built and what size it is.

Mr. Irvine stated that it is already under construction, and it is 2400 square feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:

Board Action:
On **MOTION** of **Hicks,** the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** the requests for a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record (Section 330); and a Variance of the land area per dwelling unit in the AG district to temporarily allow three dwelling units on one lot of record during construction (Section 330 and Section 208), per the conceptual plan 4.9 of the agenda packet and per the plan submitted at today's meeting, with the condition the trailer is to be removed within 60 days of the project being completed. The Board finds the hardship to be the size of the lot. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BEG 1557.83E SWC TH N450 E220 S450 W220 LESS S50 THEREOF SEC 27 18 12 2.02ACS, Tulsa County, State of Oklahoma

2959 - Jason Marietta

Action Requested:
Modification of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410).
LOCATION: East of the northeast corner of North 129th East Avenue & East 106th Street North

Presentation:
Jason Marietta, 1500 East 27th Terrace, Pittsburgh, Kansas; stated he was there to extend the time limitatation and approval for the gravel parking lot on a property he has used for a fireworks stand for about 15 years.

Mr. Charney asked if everything has operated without incident over the years and if everything else such as hours of operation would remain the same.

Mr. Marietta answered affirmativily.

Interested Parties:
No interested parties were present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **Charney**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Modification of a previously approved Special Exception (CBOA-2881) to extend the time limitation and variance from the all-weather parking requirement for a fireworks stand in a RE district (Section 410), with a 5-year time limit from the date the modification was approved. The Board finds the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code, for the following property:

NE NE NW NW LESS .13AC FOR RD SEC 16 21 14 2.37ACS, Tulsa County, State of Oklahoma

DRAFT

2960 - Wake Wireless

Action Requested:
Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a)
LOCATION: South of the southeast corner of East 146th Street North and North Yale Avenue

Presentation:
Wake Wireless requested a continuance until the next meeting on May 17, 2022 so that staff could add an additional request and send out new notices.

Interested Parties:
No interested parties were present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **Charney** the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** to the May 17, 2022 meeting the requests for a Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a), for the following property:

BEG 70S NWC SW TH E285 N70 E1035.37 S360.35 W1320.15 N290.35 POB LESS W16.5 FOR RD SEC 27 22 13 10.35ACS, Tulsa County, State of Oklahoma

DRAFT

2961 - Brett Batson

Action Requested:
Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record (Section 330, Table 3)
LOCATION: 11406 S 26th W Ave

Presentation:
Brett Batson, 8725 South College Place, Tulsa; stated that hae has owned the property for about seven and a half years and he wants to build another house on the property for his aging parents.

Mr. Charney asked for confirmation that it is a long and narrow property.

Mr. Batson agreed.

Mr. Dunkerley asked if the new house would be 900 square feet.

Mr. Batson answered affirmatively.

Interested Parties:
No interested parties were present.

Comments and Questions:
None.

Board Action:

On **MOTION** of **Charney,** the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the minimum lot area, land area per dwelling unit, and lot width in the AG district to permit two dwelling units on one lot of record (Section 330, Table 3) per the conceptual plans 7.12 and 7.13 of the agenda packet. The Board finds the hardship to be the configuration of the lot with a public roadway on two sides. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BEG 479.6S NEC SE NW TH W417.4 S104.35 E417.4 N104.35 POB LESS E30 FOR ST SEC 34 18 12 .93AC, Tulsa County, State of Oklahoma

DRAFT

2962 - Heath Conley

Action Requested:
Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); Use Variance to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district; and a Variance from the all-weather parking surface requirement (Section 1340.D)
LOCATION: East of the southeast corner of North Lewis Avenue & East 186th Street North

Presentation:
Heath Conley, 1515 West Archer Street, Tulsa; stated that they purchased the land knowing that it was zoned AG and they intended to put a shop on it. Their current business is located on West Archer and their lease is almost up so they are planning to move the business to the new property.

Mr. Charney verified that the applicant was needing to move from a pre-existing location to the new location in order to allow an unrelated exchange to occur.

Mr. Conley said yes and explained they had been looking for a new property for several years. He stated that they have a really unique niche product and they need a place where they can store some inventory outside, a showroom for ther clientele, and they also need a woodworking shop.

Mr. Charney asked if there would be a dwelling unit or living space in the shop.

Mr. Conley stated that there would be a washer and dryer, and a shower in the bathroom but there would not be living quarters. He stated that they own the lot behind this one and they would be building their personal home there.

Mr. Conley stated that they were also seeking a variance for the parking lot.

Mr. Hutchinson asked how many feet would the building be off the road.

Mr. Conley stated that it starts at 140 feet.

Mr. Hutchinson asked if they were wanting a variance from the all-weather parking for the surface where the vehicles would be parked.

Mr. Conley answered affirmatively.

Interested Parties:
Kevin Hendricks, 2854 East 186th Street North, Skiatook; stated that he is a neighbor and was concerned about noise pollution and he wanted to know more about the business.

Roger Hendricks, 18503 North Lewis Avenue, Skiatook; stated that he is concerned that the business would bring a negative impact on their quiet, peaceful neighborhood. The noise coming from the machines as well as the truck and heavy equipment could be a concern. He stated that he is also concerned about the impact the business could have to the air and the water quality.

DRAFT

Mr. Charney stated that he was going to need to leave the meeting due to a conflict with his schedule and Mr. Hutchinson would be in charge.

Mr. Charney left the meeting at 3:48 p.m.

Rebuttal:
Mr. Conley returned to the microphone. Mr. Conley explained that most of their stuff is Pr-Civil War ers. It's old barns that are mainly from the mid-1800s to the late 1800s. They treat wood-boring pests with a product called Tim-bor that is basically a boric acid you can buy off the shelf. It destroys the insect's digestive system and is non-toxic. It will not contaminate the creek.

Mr. Hutchinson asked about the hours of operation.

Mr. Conley stated that the hours are typically 8:00 a.m. to 4:00 p.m.

Mr. Hutchinson asked about the equipment and if it was all indoors.

Mr. Conley stated that most equipment was housed inside but there would be an LT40 sawmill that would be outside and occsionally they would use power washers or a chainsaw to wash or trim something outside.

Mr. Tisdale asked how they would dispose of waste materials.

Mr. Conley stated that they have a dumpster that they throw it in and someone comes to haul it away.

Comments and Questions:
None.

Board Action:
On **MOTION** of **Hutchinson,** the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Use Variance to permit Use Unit 15, Other Goods and Services, to allow a Woodworking Shop in an AG district (Section 1215); and a Use Variance to permit Use Unit 14, Shopping Goods and Services, to allow retail sales of reclaimed lumber in an AG district per the conceptual plans 8.7 and 8.24 of the agenda packet. The Board determined the hardship to be the size of the lot. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan;

On **MOTION** of **Hutchinson,** the Board voted 4-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **DENY** the request for a Variance from the all-weather parking surface requirement (Section 1340.D) for the following property:

BEG 659.98 E NWC GOV LT 2 TH S662.26 W660.13 S943.8 E1278.66 N1605.45 W617.98 POB LESS N25 THEREOF FOR RD SEC 05 22 13 36.737 ACS, 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 4:00 p.m.

APPROVAL

Chairperson: _____

Date: _____

DRAFT