

**City of Sand Springs
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
September 14, 2020 – 6:00 p.m.
City Council Chambers
100 E. Broadway
Sand Springs, OK 74063**

MEMBERS PRESENT: Michael Phillips, Chairperson, 2-0
Larry Johnston, Secretary, 2-0
Jerry Riley, 2-0
Dianne Dinkel, 2-0

MEMBERS ABSENT: None

OTHERS PRESENT: Brad Bates, City Planner/Neighborhood Services Director
Ken Boswell, Water and Wastewater Division Supervisor
Cynthia Webster, Recording Secretary

The Board of Adjustment met in a regular session on September 14, 2020, in Sand Springs City Hall, 100 E. Broadway, Sand Springs, Oklahoma, pursuant to the agenda filed with the City Clerk's office and posted at 2:15 p.m., on September 9, 2020, on the display board located at Sand Springs City Hall, 100 E. Broadway, Sand Springs, Oklahoma, 74063, and on the City of Sand Springs website www.sandspringsok.org.

1. Call to Order

Chairperson Michael Phillips called the meeting to order at the noted time of 6:00 p.m.

2. Attendance

Chairperson Phillips called for an individual roll call with members replying in the following manner: Mr. Johnston, here; Ms. Dinkel, here; Mr. Phillips, here; Mr. Riley, here.

3. Consider Approval of Minutes of BOA Meeting of August 10, 2020

The minutes of the August 10, 2020, regular Board of Adjustment meeting were presented for members' review and/or approval.

Mr. Johnston made a motion to approve the minutes of August 10, 2020. Ms. Dinkel seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

4. SSBOA-773

City Planner Brad Bates presented the staff report. The applicant is seeking a Special Exception to the Sand Springs Zoning Code, Section 7.02, Table 1, to allow Use Unit 25 (Light Manufacturing and Industry) in a CG (Commercial General) district. A Use Unit 25 will allow the applicant to perform automotive painting. City Planner Bates explained that applicant went before the Planning Commission earlier in the day and the Commission recommended that City Council approve the applicant's request to rezone from CS (Commercial Shopping) to CG. City Planner Bates also explained that Code Enforcement had discovered an unpermitted paint booth when an inspection of the property was conducted based on a citizen complaint. City Planner Bates stated that part of the citizen complaint was wrecked cars stored on the 41st Street side of the property and across the street in a neighboring parking lot. Applicant was able to present paperwork showing that he had permission to park in the cars in the neighboring lot. Discussion was held regarding "wrecked" vehicles vs. "inoperable" vehicles.

City Planner Bates stated that staff could support the Special Exception conditioned upon the approval from City Council approving the zoning change from CS to CG; approval from the Inspections Department verifying the safety and compliance of the paint booth; no inoperable vehicles stored on the 41st Street side of the property; and any other conditions that the Board desires.

Chairperson Phillips then called on speakers.

Applicant Derrick Grigsby, 20 W. 41st St., explained the history of the property and the former business relationship with the original owners, the Sullivan family.

Patty Dixon, 1213 N. Maple Ave., stated that she is a member of the Planning Commission, as well as City Council, and stated that the Planning Commission had recommended that City Council approve the zoning change. This process will allow applicant to get into compliance regarding his property.

William Sullivan, 2850 E. 72nd St., Tulsa, OK, stated that his family started the Sullivan's Body Shop business. Mr. Sullivan was concerned about the unpermitted paint booth and wrecked cars on the north and east side of the property.

JoAnn Sullivan, 42 W. 31st Ct., presented photos of wrecked vehicles stored on the property.

Valecia Grube, 20 W. 41st St., stated she is the operations manager for the body shop. Ms. Grube stated that all of the vehicles parked on the 41st St. side and the neighboring lot are operable. Ms. Grube stated that the fire marshal made a cursory inspection of the paint booth and found everything up to code.

Ms. Dinkel made a motion to approve SSBOA-773 conditioned upon approval from City Council of the rezoning from CS to CG; approval from the inspections department

verifying the safety and compliance of the paint booth; and no inoperable vehicles stored on the 41st Street side of the property. Mr. Riley seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

5. SSBOA-774

City Planner Bates presented the staff report. The applicant is seeking a Special Exception to the Sand Springs Zoning Code, Section 2.12.B.9, to allow a carport to encroach into the required front yard in a RS-3 (Residential Single Family High Density) district. Public Works has reviewed the application and has no issues.

Applicant, Steve Swinney, was present for questions. Mr. Swinney stated the carport will be a metal material in a color to match the house.

Mr. Riley made a motion to approve SSBOA-774 as presented. Mr. Johnston seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

6. SSBOA-775

City Planner Bates presented the staff report. The applicant is seeking a Special Exception to the Sand Springs Zoning Code, Sections 5.03.B.1.d and 5.03.B.1.g, to allow a 600 sf all-metal detached accessory building in addition to an existing 192 sf building on the property. City Planner Bates stated that by code, applicant would be allowed to construct a 767.60 sf building so applicant is over the allowance by less than 25 sf.

Applicant, Eddie Bruton, was present. Mr. Bruton stated that the exterior of the accessory building would be a metal material which is made to resemble lap siding.

Mr. Johnston made a motion to approve SSBOA-775, regarding Section 5.03.B.1.d, allowing a 600 sf building in addition to an existing 192 sf building. Ms. Dinkel seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

Mr. Johnston made a motion to approve SSBOA-775, regarding Section 5.03.B.1.g, allowing a metal, horizontal lap siding as depicted in the application photos. Ms. Dinkel seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, nay; Mr. Phillips, nay; Mr. Riley, nay. The motion did not carry at 1-3-0.

7. SSBOA-776

Ms. Dinkel stated that she would be recusing from hearing this matter and wanted to speak as an interested party as she lives within a 300' radius of the subject property. Ms. Dinkel agreed to leave the room when a motion was considered.

City Planner Bates presented the staff report. The applicant is seeking a Special Exception to the Sand Springs Zoning Code, 5.03.B.1.g, to allow a 720 sf all-metal detached accessory building in a RS-1 (Residential Single Family Low Density) district. City Planner Bates stated that by code, applicant would be allowed to construct a 750 sf accessory building in a RS-1 district. There is an existing building on the property that will be removed.

Applicant, Larry Van Winkle, was present. Mr. Van Winkle stated that he lives adjacent to the 17th hole of the golf course and would like the accessory building for additional personal property and vehicle storage. Mr. Van Winkle stated that he has 3 vehicles and is concerned about damage from an errant golf ball.

Dianne Dinkel, 122 Osage Ridge Dr., stated that she lives across the street from the subject property. Ms. Dinkel feels that an all-metal building is not appropriate for the area.

Mr. Phillips stated he would entertain motions and Ms. Dinkel left council chambers.

Mr. Johnston made a motion to deny SSBOA-776. Mr. Riley seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 3-0-0.

Ms. Dinkel returned to council chambers.

8. SSBOA-777

City Planner Bates presented the staff report. The applicant is requesting a Special Exception to the Sand Springs Zoning Code, Section 7.02.A.5, to allow relief from the exterior façade requirements on a commercial structure. City Planner Bates went over the requirements dictated by Code and the requested allowances by applicant. City Planner Bates stated that the exterior façade, although metal, is made to appear as a traditional siding material. City Planner Bates presented renderings of the proposed design.

A representative of the applicant, MedWise, LLC, was present for questions.

Mr. Johnston made a motion to approve SSBOA-777 as presented. Mr. Riley seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, nay; Mr. Riley, aye. The motion carried 3-1-0.

9. SSBOA-778

City Planner Bates presented a brief staff report and said he would defer to Ken Boswell, Water and Wastewater Division Supervisor. Mr. Boswell stated that per the City of Sand Springs Code of Ordinances, any property owner within 300' of a public sewer line must connect to that line. Mr. Boswell stated that he was contacted by applicant, Richard Taylor, who requested that he no longer be charged for city sewer service as he had installed a septic system and disconnected from the city sewer line. Mr. Boswell stated that his department inspected the line and found the line cut and uncapped. Additionally, no permits had been pulled for the installation of the septic system. The installer of the septic system is not licensed to work in the City of Sand Springs.

Mr. Boswell stated that there are three options. One is to require applicant to reconnect to the city sewer main. The second option is to allow applicant to disconnect but required to pay monthly sewer fees. The third option is to allow applicant to disconnect and not be required to pay monthly fees but only pay for the cost of capping the line and any associated permit fees.

Applicant Richard Taylor was present. Mr. Taylor stated that the line to the sewer main crosses Sand Creek and with the continued erosion of the creek, he has repaired the line six times. Mr. Taylor said the contractors had tried several different methods to keep the line from breaking but every time the creek floods and erodes, the line shifts and will eventually break. Mr. Taylor stated that the installer of the septic system told him that the firm had secured the necessary permits but the only paperwork actually received was from the DEQ permitting the septic system.

Brent Kellogg stated that the applicant is his father-in-law and he has personally worked on the line several times. Mr. Kellogg stated the home is about 230' or so from the main and goes through wooded terrain before it crosses Sand Creek. There is one other home in the subdivision that also crosses the creek but that home is empty.

Phil Nollan stated that he attends church with the applicant and is very familiar with the applicant's troubles over the years. Mr. Nollan suggests some sort of compromise.

Mr. Johnston made a motion to allow applicant to disconnect from the city sewer main and not be charged any monthly fees for sewer service. Ms. Dinkel asked Mr. Johnston to include the requirement that applicant be responsible for any associated capping and permit fees. Mr. Johnson agreed. Ms. Dinkel seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

10. SSBOA-779

City Planner Bates presented the staff report. The applicant is seeking a Special Exception to the Sand Springs Zoning Code, Section 2.12.B.9, to allow a carport to encroach into the required front yard in a RS-2 (Residential Single Family Medium Density) district. Applicant is proposing to install a single car carport over one side of his driveway, leaving the other side open for access to the detached garage in the back yard. Public Works has reviewed the application and has no comments.

Applicant was not present.

Ms. Dinkel made a motion to approve SSBOA-779 as presented. Mr. Riley seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

11. Meeting Dates

The Board is being asked to consider approval of the proposed meeting dates for calendar year 2021. Mr. Phillips stated that there should be a correction to the February meeting moving the date from the 15th to the 8th.

Ms. Dinkel made a motion to approve the meeting dates as corrected. Mr. Johnston seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

12. Election

The Board is being asked to elect a vice-chairperson due to the resignation of Merle Parsons.

Ms. Dinkel made a motion to nominate Jerry Riley for vice-chairperson. Mr. Johnston seconded the motion.

With no further discussion, Chairperson Phillips called for the vote recorded as follows: Mr. Johnston, aye; Ms. Dinkel, aye; Mr. Phillips, aye; Mr. Riley, aye. The motion carried 4-0-0.

13. **Director's Report**

City Planner Bates thanked the Board for their service and stated a replacement member will be considered by City Council at their meeting on October 28th.

14. **Adjournment**

There being no further business, the meeting adjourned at the noted time 7:27 p.m.

9/12/2020
Date

W. J. Johnston
FOR Larry Johnston, Secretary