

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**7:00 P.M., THURSDAY, DECEMBER 1, 2016**  
**COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET**  
**JENKS, OKLAHOMA**

Members Present

Steve Murtha  
Larry Hengst  
Paul Greek  
Gina Wilson

Members Absent

Shari Keathley

Staff Present

Robert Bell

The Jenks Board of Adjustment was called to order at 7:00 p.m. on Thursday, December 1, 2016, at Jenks City Hall by Paul Greek, and following a roll call a quorum was declared present.

Chairman Shari Keathley arrived at 7:01 p.m.

Chairman Shari Keathley requested a review of the minutes from August 4, 2016, Board of Adjustment meeting and asked if there were any corrections or omissions. There were no comments of corrections to the minutes of August 4, 2016. Chairman Shari Keathley declared the minutes approved as written.

**BOARD CASES**

1. JBOA-389 (2482) Request by Jeremy Cumming for approval of an Amendment to Special Exception BOA 300 to include dryers to the two automatic bays of the car wash facility approved under BOA 300 on property described as:

Lot 1, Block 1, Fox Run Extended, An addition to the City of Jenks.

General Location: 11105 S. Elm Street.

Robert Bell gave his Staff report, which was included in the Agenda packet, and an addendum to the Staff report that was handed out at the beginning of the meeting. There were several questions from Board members regarding the sound barrier wall. Jeremy and Rechelle Cumming addressed the Board and introduced themselves and told about their business. Jeremy Cumming explained the measures taken and cost incurred to reduce the noise since installing the blowers at the car wash. Chairman Shari Keathley opened the floor and asked if anyone wished to speak in favor of the proposal. No one came forward. Chairman Shari Keathley then asked if anyone wished to

speaking in opposition to the proposal. An attorney representing Brenda Tinker addressed the Board and stated that the noise from the dryers at the car wash are clearly unlawful and a nuisance.

The Board took a recess at 8:20 p.m. and returned at 8:26 p.m.

Brenda Tinker addressed the Board and expressed that she is distraught from the noise and explained how the noise has affected her life. Brenda Tinker handed out packets of information pertaining to times the blowers have gone off and decibel readings. Stacy Cordell addressed the Board and stated that one of the neighbors who has a hearing disability can even hear the dryers, and that the noise level is very loud. Jody Harris addressed the Board and expressed concern over the fence blocking the view from back yards and blocking sun to plants. Mike Light addressed the Board and stated that as a landlord for some of the patio homes in the neighborhood, the first question he's asked by renters is what the impact of the car wash is on the neighborhood. Chairman Shari Keathley asked Jeremy Cumming if he wished to rebut any of the citizen comments. Jeremy Cumming responded to comments made by citizens and Brenda Tinker's attorney and stated that he has taken 7 steps to reduce the noise. Brenda Tinker's attorney again addressed the Board to argue his points and dispute Jeremy Cumming's statements. Chairman Shari Keathley closed comments from the floor. The Board discussed the concerns and the potential for a study before more money is spent by Jeremy Cumming to remedy the noise issue, as well as whether or not the dryers can be operated until the wall is built and a Special Exception granted. Paul Greek made a motion to continue the item until the January meeting, for the hours of operation for the blowers be 8:00 a.m. to 8:00 p.m. or 8:00 a.m. to 7:00 p.m., get a licensed Engineer in the State of Oklahoma to work with the wall company to give the best estimate of what needs to be done. Robert Bell called Jeremy Cumming forward and said this is going to take your commitment. What is the length, height, width, the characteristics of the wall that need to be done to ensure that the wall meets with what everybody is trying to accomplish. What the Board is saying is that for them to rule on this application, there needs to be a supplemental report by a licensed engineer or someone who is licensed in the State of Oklahoma to deal with the sound issue and provide a supplemental report. The decibels have to be at 65 or less. The report needs to address what a reasonable expectation is in regard to the ambient noise as well so the Board can make a decision. Paul Greek asked Jeremy Cumming if he is acceptable with 8:00 a.m. to 7:00 p.m. and giving us a qualified report of what our expectations can be by our next Board meeting in January. Of course the engineer's aim will be 65 to 70 decibels. Is that acceptable to you? Jeremy Cumming replied that's acceptable to me. Paul Greek said that's my motion. Brenda Tinker's attorney spoke again requesting that the activity be stopped until the case was approved and conditions met. Robert Bell stated that this was a code enforcement issue and not a Board of Adjustment issue, and offered that Code Enforcement would continue the CE file, follow up with a demand letter that was dated for January 6. Should the application fail we will require an immediate stop order and be able to move to a direct Administrative Hearing or Zoning Violation order. This was acceptable to Mr. Rucker.

Chairman Shari Keathley said January 5 is our meeting, at which time the applicant will provide the supplemental report. Steve Murtha seconded. A roll call vote of members was taken as follows:

Steve Murtha	Yes
Larry Hengst	Yes
Paul Greek	Yes
Gina Wilson	Yes
Chairman Shari Keathley	Yes

Motion carried.

The preceding is a standard format for minutes of a very extensive and detailed Board of Adjustment Discussion. Copies of the audio for this meeting are available at Jenks City Hall through open records request procedures.

Adjournment. A motion was made to adjourn. Meeting adjourned at 9:55 p.m.