

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 263
Tuesday, April 16, 2002, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Tyndall
Walker
Hutson
Dillard, Vice Chair

Butler
Fernandez
Beach

D. Blakely, Asst. D.A.

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Wednesday, April 10, 2002 at 10:38 a.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** the Minutes of March 19, 2002 (No. 262).

UNFINISHED BUSINESS

Case No. 1887

Action Requested:

Diane Fernandez stated this is a request for consideration of interpretation of the Board Action taken on July 17, 2001. The Board approved a variance of Section 208 limiting one single-family dwelling on a lot of record to permit two dwelling units on a tract of 2.29 acres in an AG district; and a variance to lot and land area requirements in an AG district, subject to a building permit and meeting all zoning requirements. As the agenda packet indicated, the staff had discussions with Ms. Sanders about splitting the property, because the applicant was requesting a lot-split. There was a question regarding the tract being under one ownership. Mrs. Fernandez added that Dick Blakely, District Attorney was present for legal counsel.

Mr. Alberty stated that this is not a hearing for the case. He added that the Board was limited to discussion of the previous Board Action.

Presentation:

Brenda Sanders, 3893 E. 86th St. N., Sperry, Oklahoma, stated she did not ask for this hearing. She felt that she understood the Board action at the July, 2001 hearing.

Comments and Questions:

Mr. Alberty reminded Ms. Sanders that he questioned her specifically in the July hearing about any plans to divide the property and she responded that they would keep the ownership in their name. Ms. Sanders responded that she believed her response was that they did not know what they were going to do with the property at the time. Mr. Alberty informed her that she would have needed other variances to get a lot-split. Mr. Alberty read the Board action from the July, 2001 hearing and Ms. Sanders agreed that was the action. He stated they did not approve a lot-split and she responded that she understood that. Ms. Sanders explained that she could not close on her construction loan unless there is a lot-split. Mr. Hutson stated the previous Board action is clear and Ms. Sanders agrees with the Board on the approval of two variances. Mr. Hutson explained that when someone wants relief for a lot-split, it is specifically presented in that way. Mr. Hutson pointed out that Ms. Sanders did not do that but asked for two dwellings on one lot. Mr. Hutson added that the Board was willing to approve her request, as long as the lot maintained single ownership. Ms. Sanders replied that it does maintain a single ownership. Mr. Hutson explained she would have to sell both houses at one time, with a lot-split she could sell each individual property separately, but as it is she cannot. Mr. Alberty informed the applicant that she would need to go to INCOG and tell them exactly what she wants to do and file a new application to the Board of Adjustment.

Board Action:

No motion was required.

Case No. 1945

Action Requested:

Variance of lot width of Tract 2 from 200' to 185'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 9; a Variance of the lot area of Tract 1 from 2 acres to 1.05 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of lot area of Tract 2 from 2 acres to 1.44 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area of Tract 1 from 2.2 acres to 1.325 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area of Tract 2 from 2.2 acres to 1.486 acres. SECTION 330. BULK AND AREA

REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard setback of Tract 1 from 85' to 75'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of rear yard setback of Tract 1 from 40' to 3' for storage building, from 40' to 2' for shop, and from 40' to 37' for garage. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 4204 E. 161st St. S.

Presentation:

Ms. Fernandez stated the applicant requested a Continuance to the next meeting.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1945 to the meeting on May 21, 2002, on the following described property:

The surface only of the N 370' of the E 350' of the W/2 NW/4 NE/4, Section 28, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

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Case No. 1946

Action Requested:

Special Exception to permit outdoor sales (fireworks) in an IL district for a period of five years. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS and SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 7209 N. U.S. 169.

Mrs. Fernandez pointed out that the staff comments note the Zoning Code for Tulsa County has been amended to allow a case to be considered on a case by case basis rather than just a thirty-day time period, effect immediately. This same request was heard and a variance granted for this use for thirty days last year.

Presentation:

Lonnie Basse, 5401 W. Skelly Drive, stated he works for OK Fireworks. They want to sell fireworks from June 15th through July 4th. He stated that everything would be the same as last year.

Comments and Questions:

Mr. Alberty asked if they were asking for approval for the next five years, and no sales during Christmas/New Years period. Mr. Basse agreed. Mr. Alberty asked if the stands would only be set up and taken down a little before and after the month of sales, and not left all year round. Mr. Basse replied that was correct.

Interested Parties:

There were no interested parties who wished to speak.

Presentation:

George Ronald Huelsenbeck, 4781 S. 230th W. Pl., stated he wants to put a mobile home on his property for his son. He stated his son's name is on the property also, and he does not want a lot-split. He added they have obtained a soil percolation test, for a separate septic system. He stated they would use the same water well.

Comments and Questions:

Mr. Alberty asked if he was aware they need a building permit. Mr. Huelsenbeck replied in the affirmative.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow two dwellings on one lot of record, on condition for DEQ approval, building permit, tie-downs, and skirting, finding this is common in the neighborhood; and it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

A tract of land located in the W/2 SE/4 of Section 28, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows, to-wit: Beg. at a point on the S line of Section 28, 850.00' E of the SW/c of said SE/4; thence N 1209.00' to the POB; thence W 315.00'; thence N 771.00'; thence E 565.00'; thence S 935.00'; thence W 250.00'; thence N 164.00' to the POB.

Mrs. Fernandez thanked the Board, Terry West, and Dick Blakely for their availability and assistance to her over the last two years. She announced to the Board that Jim Beach would be the staff person for the County Board beginning immediately.

There being no further business, the meeting was adjourned at 2:11 p.m.

Date approved: 5/21/02

Wayne Alberty
Chair