

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 271
Tuesday, December 17, 2002, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Walker	Butler	West, Co. Inspec.
Dillard, Vice Chair		Beach	
Tyndall			
Hutson			

The notice and agenda of said meeting were posted, at the County Clerk's office, County Administration Building, Thursday, December 10, 2002 at 10:47 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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 4-0-0 (Alberty, Dillard, Tyndall, Hutson "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** the Minutes of October 15, 2002 (No. 269).

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Dillard, Tyndall, Hutson "aye"; no "nays", no "abstentions"; Walker "absent") to **APPROVE** the Minutes of November 19, 2002 (No. 270).

UNFINISHED BUSINESS

Case No. 2010

Action Requested:

Request for Reconsideration of a Variance of the required 30' frontage on a public street or dedicated right-of-way to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 2004 E. 171st St. N.

Presentation:

Mr. Beach reminded the Board that the County Board of Adjustment Rules and Procedures allow for any Board member who voted on the prevailing side of a

case, to make a motion to reconsider the case if the request is made during the same meeting or immediately following the meeting, provided the interested parties are still present or are notified by mail five days prior to the next meeting.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker "absent") to **Reconsider** Case No. 2010.

Presentation:

James Houpe, 18601 N. Lewis, Skiatook, Oklahoma, stated he is the land owner. He was not clear on why the application was denied. He owns 15 of the original 50 acres. There are two other land owners in the 50 acres that have received variances. The other two land owners purchased 15 and 20 acres, so he is the last one that needs a variance. He could not understand why the other land owners would get a variance but his would be denied. He submitted a document filed of record (Exhibit A-1) for road and utility easement from 168th St. N.

Comments and Questions:

Mr. Alberty explained to the applicant that the Board reviews applications to determine attempts to circumvent the ordinances or regulations. He pointed out the previous owner divided the property and did not follow the subdivision regulations with regard to platting. The public is not protected in such cases. The county cannot guarantee maintenance of streets, utilities, and drainage if people do not follow the approved guidelines. Mr. Alberty asked where the other two variances were that Mr. Houpe mentioned. Mr. Houpe indicated one was at 2001 E. 171st St. N. He pointed out the property on a map to the Board. Mr. Hutson asked how the lots were purchased. Mr. Houpe responded they were sold as fifteen acre unified tracts. He also indicated that the seller staked it out as five acre tracts, to sell as fifteen or twenty acres.

Comments and Questions:

Mr. Hutson raised the question of how to prevent any more subdivision. Mr. Beach responded that the subdivision regulations limit lot splits to four without a subdivision plat or if the subdivision involves a public street, it requires a plat. The property has already exceeded the four lot rule. Lots over five acres are not governed by the subdivision regulations and can be created by deed as these were created. Mr. Beach stated there is not a way to assure prevention of more subdivision. Mr. Beach submitted a document filed of record (Exhibit A-1) for road and utility easement from 168th St. N. He was not sure if it met the frontage requirement. There is no public street but there is some dedication of land to the public for access. Mr. Tyndall asked why only five of the fifteen acres was specified in the application. Mr. Houpe did not know. Mr. Hutson asked when the other variances were approved. Mr. Beach responded that he did not find any other variances approved in this immediate area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

Application for reconsideration failed for lack of a motion to approve.

E/2 NE NW SE Section 7, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

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Case No. 2014

Action Requested:

Variance to permit a detached accessory building of 2,400 square feet and to cover more than 20% of the required rear yard, located 5911 West 26th Street.

Presentation:

Jimmie L. Loman, 5911 W. 26th St., submitted letters of support (Exhibit B-2). He stated the purpose for the building is storage of personal belongings.

Comments and Questions:

Mr. Alberty noted the accessory building is about twice the size of the house and asked if he had a permit. Mr. Loman admitted to constructing the building without a permit. Mr. Loman stated it is not being used for commercial purposes.

Interested Parties:

There were no interested parties who wished to speak. Mr. Alberty read a letter of opposition (Exhibit B-1), which was not signed, indicating they thought a business was being operated in the building.

Comments and Questions:

Mr. Alberty stated it appears someone suspects he is running a business out of his building. Mr. Loman responded that he drives his company van home and parks in his driveway, but not in the building. Mr. West stated he did not have any reason to believe there was a business in operation on the site. Mr. Alberty asked Mr. Loman if he was not aware he needed a building permit. Mr. Loman replied that he was told there was no problem building in the county. Mr. Loman stated he has three antique vehicles to store in the building. Mr. Dillard noted that the building was constructed professionally and the neighbors were in support.

Board Action:

On **MOTION** of **Dillard**, the Board voted 3-1-0 (Tyndall, Dillard, Hutson "aye"; Alberty "nay"; no "abstentions"; Walker "absent") to **APPROVE** a **Variance** to permit a detached accessory building of 2,400 square feet and to cover more than 20% of the required rear yard, as presented, finding it has been constructed and the next door neighbors have no complaint, on the following described property:

Joyce Flowers, P.O. Box 9287, Tulsa, stated she has been a home educator for over twenty years. She has seen positive results in group study and plans to provide that in this setting. The children will come from homes where they are already taught by one or both parents. These children tend to be more self-disciplined because the home education curriculum stimulates motivation to study on your own. The classes she would tutor would be classes that students may need extra tutoring or require more expensive laboratory experience.

Board Action:

On **MOTION** of **Hutson**, the Board voted 3-1-0 (Alberty, Dillard, Hutson "aye"; Tyndall "nay"; no "abstentions"; Walker "absent") to **APPROVE** a **Special Exception** to permit a school facility in a RS district, per concept, with conditions for a maximum 1800 square feet; for use Monday through Friday; and a maximum limit of 20 students, finding it 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, on the following described property:

NW/c NE NW, thence S 660.00' E 665.00' N 330.00' W 620.00' N 330.00' W 40.00', to POB, less Beg. NW/c NE NW, thence S 660.00' E 25.00' N 660.00' W 25.00' POB for street.

There being no further business, the meeting was adjourned at 2:39 p.m.

Date approved: 1/21/03
Wayne Alberty
Chair

