

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 298
Tuesday, March 15, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair
Hutson, Vice Chair
Dillard, Secretary
Tyndall
Charney

Alberty
Butler
Cuthbertson

West, Co. Inspector
Iski, D.A.

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, March 10, 2005 at 3:31 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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Mr. Charney arrived at 1:32 p.m.

MINUTES

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of January 18, 2005 (No. 296).

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UNFINISHED BUSINESS

Case No. 2139

Action Requested:

Variance to allow a mobile home permanently, located: 25615 W. 49th St. S.

Presentation:

Brad Ferguson, 25615 West 49th Street South, submitted a packet of exhibits, including information of the new septic system. He informed the Board that everything the Board asked of him has been done.

Comments and Questions:

Mr. Walker reminded the Board that the Board heard this case previously. They approved a mobile home for two years with skirting and tie-downs; subject to a DEQ approval of a proper installation of sewage system and water to be approved by the County Inspector within sixty days from the date of that meeting. Mr. Charney stated that after reviewing the minutes of the previous hearing of this case; and that the adjacent owner was in support as long as the conditions were met, he was in support.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow a mobile home permanently, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

BEG 722S & 25E NWC SW S610 E185 N610 W185 LESS BEG 1627.4N & 25E SWC TH E185 N303.3 W185 S303.3 POB SEC 29 19 10, Tulsa County, State of Oklahoma

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Case No. 2148

Action Requested:

Variance of street frontage required per lot from 30' to 0' to enable a lot split (Section 207), located: 4221 South 78th West Avenue.

Mr. Cuthbertson referred to the staff comments that were written assuming that 78th West Avenue was a public road but it is not. The request will need to be applied to the entire lot. They propose to split the property into two tracts, west and east tracts. If the variance is approved then they will need a mutual access easement for both proposed lots.

Presentation:

Billy Frazier, 7710 West 41st Street, represented his mother, Mary Colebrook. They proposed to obtain a lot-split in order to sell two acres on the back of the property. They intended to attach it to the property to the north with the mini-storage facility and planned for it to be annexed into the City of Sand Springs. Mr. Frazier stated the hardship is that in the 1950's and 60's 78th West Avenue was used as a public street and split lots for building homes, but it is a privately maintained road. He informed the Board that they went to the City of Sand Springs first and were referred to Tulsa County for a lot-split. He explained that they have a legal access to the mini-storage on a paved road to the National Guard Armory.

Interested Parties:

William Hoover, 4221 South 78th West Avenue, stated he had agreed to sell his property to the applicant and to share a 30 ft. easement on the south side of his property for access.

Comments and Questions:

Mr. Charney asked what gave the property owners the right to use 78th West Avenue. Mr. Hoover stated a 40 ft. strip on four properties adjacent to 78th West Avenue was dedicated to the County but it would have to be brought to County standards to be dedicated as a public street. It has remained a private street with a red street sign that reads 78th West Avenue. Mr. Charney encouraged them to seek something of record that provides legal access. Mr. Hoover mentioned there are multiple water lines and electrical lines along that stretch of 78th West Avenue. Mr. Hoover asked the Board to approve the application.

Joyce Andrews, 4215 South 78th West Avenue, stated this stretch of South 78th West Avenue is a private road and most of it is on her property.

Comments and Questions:

Mr. Charney stated that it appeared there was a private easement granted and may have included a maintenance agreement a long time ago.

Board Action:

On **MOTION** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of street frontage required per lot from 30' to 0' to enable a lot-split (Section 207), with conditions for a mutual access agreement along the south boundary of the west tract; and an easement of record, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E 640 OF N 1/2 SE NW NW SEC 30-19-12, Tulsa County, State of Oklahoma

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Case No. 2149

Action Requested:

Variance of Land Area Per Dwelling Unit from the required 2.1 acres to 1.23 acres to permit two dwelling units on a 2.465 acre parcel in an AG district -- SECTION 330. Bulk and Area Requirements in the Agriculture Districts -- Use Unit 6, located: 11847 East 66th Street North.

Presentation:

Bob Lewis, P.O. Box 724, Owasso, Oklahoma, proposed to add a dwelling to his 2.465 acres. The existing house is on the northwest corner of the property. He proposed to place a doublewide mobile home on the property.

Comments and Questions:

Mr. Hutson asked how flooding affects his property. Mr. Lewis replied that it has flooded over the entrance of his driveway on 66th Street North. Mr. Walker asked about the property to the north with a body of water. Mr. Lewis responded that when the railroad and highway were built they moved dirt to build them up. He stated it fills up with water after heavy rains but it dries up.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Land Area Per Dwelling Unit from the required 2.1 acres to 1.23 acres to permit two dwelling units on a 2.465 acre parcel in an AG district -- SECTION 330. Bulk and Area Requirements in the Agriculture Districts -- Use Unit 6, based on the stormwater history of the area, on the following described property:

W184 S600 SE SW LESS S16.5 THEREOF FOR RD SEC 32 21 14 2.465ACS,
Tulsa County, State of Oklahoma

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Case No. 2150

Action Requested:

Approval of an amended site plan as approved by CBOA-1484 3-18-97. Expansion is for children's church facilities, located: 5161 East 171st Street South.

Presentation:

Bud Waldron, 9608 East 175th Street, proposed to follow the original conceptual plan and preliminary plat with the addition of a 3,500 sq. ft. children's church.

Interested Parties:

Lloyd Creekmore, P.O. Box 131, Jenks, Oklahoma, stated his wife owns the property to the east of the subject property. He understood the church was supposed to build a detention pond but it has not been built. He complained that the applicant in the last two months there was a sewage problem on the subject property and they had to pump it out and down the side of his wife's property.

Applicant's Rebuttal:

Pastor George Schaffer, P.O. Box 300, Leonard, Oklahoma, responded that the Board stipulated approval with the condition to build a detention pond if the sanctuary was built. They have not built the sanctuary yet. They have a lagoon system, not a septic tank, and did not have anything pumped out. They do not know from which property the sewage would have been drained. He informed the Board that the church has two pumps on the east side of the property and have not spilled out. They rebuilt a lake and it is all brand new. He stated that he was not contacted about any sewage issue, but he is open to talking with the interested party.

Comments and Questions:

Mr. Walker commented that the conceptual plan was approved with condition the applicant bring site plans to the Board for each phase of construction.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an amended site plan, as approved by CBOA-1484 3-18-97, for expansion for a children's church facilities, on the following described property:

LT 1 BLK 1, RESERVE A, RESERVE B, MIDWEST AGAPE CHAPEL ADDN
PRT RESUB QUAD CENTER, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 2:43 p.m.

Date approved: _____

Chair

Following an Executive Session, with a quorum present, Chair Walker reopened the public hearing and called the meeting to order on March 15, 2005, at 3:06 p.m.

Mr. Walker stated that the Board needed to take action regarding the upcoming settlement conference regarding Holtzen, et al v. TCBOA CJ-2001-6448, and future settlement conferences. He added that he would be willing to attend the settlement hearing, not to participate, but to observe for better ways to clarify motions made by the Board in the future.

Board Action:

On **MOTION** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") although the Board is respectful of the judge's request to participate in an early settlement program, the Board has been advised that the County Board of Adjustment is not empowered, and does not have the authority to negotiate after the appeal to District Court of a decision made by this Board; and they respectfully decline to negotiate their earlier ruling.

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to send the Chair to the settlement hearing regarding: Holtzen, et al v. TCBOA CJ-2001-6448 to observe for informational purposes only and report to the Board.

There being no further business, the meeting was adjourned at 3:10 p.m.

Date approved: _____

Chair