

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 323
Tuesday, April 17, 2007, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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|---------------------|--------|-------------|---------------------|
| Charney, Chair | Hutson | Alberty | West, Co. Inspector |
| Dillard | | Butler | |
| Tyndall, Vice Chair | | Cuthbertson | |
| Walker, Secretary | | | |

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, April 17, 2007 at 4:03 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Dillard, Hutson "absent") to **APPROVE** the Minutes of March 20, 2007(No. 322).

UNFINISHED BUSINESS

Case No. 2240

Action Requested:

Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district (Section 410), located: 15545 West 19th Place South.

Presentation:

Mr. Cuthbertson stated staff requested a continuation of this case for advertisement with a correct legal. He reminded the Board that they approved this case previously before they discovered the error in the legal description. It was re-advertised with the correct legal. The applicant was not present.

Mr. Dillard arrived at 1:33 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district on the following described property:

BEG NWC W/2 SE SW TH E275 S292 W135 S258.92 SW60.81 S163.25
NW31.41 NW70.17 N727.03 POB SEC 8 19 11 3.123ACS Tulsa County, State
of Oklahoma

Case No. 2242

Action Requested:

Special Exception to permit a church in an AG district (Section 310), located: South of the Southwest corner of East 201st Street and South 2nd East Avenue.

Presentation:

The applicant, Johnnie Christian, was not present. Mr. Charney stated the Board would come back to this case later.

NEW APPLICATIONS

Case No. 2255

Action Requested:

Variance to permit two dwellings on a lot of record in an RS district (Section 208); to replace an existing dwelling, located 2448 South 57th Avenue West.

Presentation:

Louis Northrup, 2349 South 59th West Avenue, proposed to remove one existing structure and move in a 28' x 72' manufactured home. There is another existing

dwelling that faces 57th West Avenue. A photo was submitted (Exhibit A-1). The manufactured home would face West 25th Street. There were renters in the stick built home when he purchased the property and they allowed them to stay until he could present this case to the Board. He would live in the manufactured home.

Comments and Questions:

Upon questions from the Board, Mr. Northrup responded they have a septic tank with 385 ft. of lateral lines. He requested to set up the manufactured home as permanent with tie-downs and skirting. Mr. Charney asked staff for any comments. Mr. Cuthbertson replied that the property could be split, if they were not using septic, and meet the RS requirements because of the size of the tract.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance to permit two dwellings on a lot of record in an RS district (Section 208); to replace an existing dwelling, subject to skirting, tie-downs, DEQ approval, and paved parking surfaces, finding the size of the lot provides for compliance, on the following described property:

LT 5 BLK 3,SECOND WEST TULSA VIEW ACRES SUBTulsa County, State of Oklahoma

Case No. 2257

Action Requested:

Variance of the minimum required frontage on a public street from 30 ft. to 0 ft. to permit residential use (Section 207); and a Variance of the minimum average lot width in an AG district to permit a panhandle lot (Section 430), located: 11505 East 191st Street South.

Presentation:

Marsha Watkins, 11505 East 191st Street South, Bixby, Oklahoma, proposed to split eleven acres to two, five-acre tracts. She stated the hardship is that they only have 30 ft. of frontage on 191st Street. It is their driveway, which is about a quarter of a mile long that goes back to a ten-acre lot. They have almost completed building a home on proposed east lot, Tract 2. They have an interested party to purchase Tract 1 on the west, which would own the driveway and give them a mutual access easement. A site plan was provided (Exhibit C-1).

Comments and Questions:

Mr. Cuthbertson informed the Board this lot was created in 2004 with the requirement for the 30 ft. panhandle. Mr. Charney asked how water is served. Ms. Watkins stated the water line runs along the west side of the driveway. She added they received a letter from the water company that they can service another home with another water line. She stated it would be on a separate water meter. Mr. Walker asked if they planned to create any more lots. Ms. Watkins replied that they do not. Mr. Charney explained to her about obtaining a plat for subdividing property. He asked if they own the whole ten acres, to which she replied that they do.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the minimum required frontage on a public street from 30 ft. to 0 ft. to permit residential use (Section 207); and a Variance of the minimum average lot width in an AG district to permit a panhandle lot, as presented, finding the configuration of the land and the access road, on the following described property:

PRT SW BEG 660.32E SWC SW TH N1319.53 E30 S1319.51 W30 TO POB LESS S50 FOR RD & BEG 1320N & 660.1E SWC SW TH N660 E659.98 S660 W660.10 TO POB SEC 5 16 14 10.874ACS Tulsa County, State of Oklahoma

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Case No. 2258

Action Requested:

Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft. (Section 240.2.C), located: 4630 South 81st Avenue West.

Presentation:

David Cornelius, 4630 South 81st West Avenue, proposed to build an eight-foot fence around their property. He stated they have to be away from home much of the time. They want to provide privacy and security. They contacted all of the neighbors but one they could not reach. He found out he needed a permit for the barn he was building, but was advised they did not need one for the fence. They began to build the fence but stopped to obtain this relief.

Comments and Questions:

Mr. Walker spoke in support of the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft., finding the special exception 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:

S259 E337 N309 E831.40 SE SEC 25 19 11 2.004ACS Tulsa County, State of Oklahoma

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Case No. 2259

Action Requested:

Use Variance to permit horses in an RS district (Section 410); and a Variance of the maximum permitted square footage for a accessory buildings in an RS district from 750 sq. ft. to 2,077 sq. ft. (Section 240.2.E), located: 6041 West 46th Street South.

Presentation:

Kelly Payne, P.O. Box 9545, Tulsa, Oklahoma, stated they purchased the land in February. The existing house was half-way finished and they obtained a permit to finish construction of the house and a barn. The inspector informed them that the property was zoned residential, though all of the area appears to be AG by the uses. They were told to stop building, as the building was too large for residential zoning. They desire to finish the house and keep their two horses on the two acres. The aggregate square footage of the buildings is 2,077 sq. ft., of which 77 sq. ft. is housing a gas well and 1/2 of it is on the adjacent property. The barn is 40 ft. x 50 ft. for stalls, and storage for hay, a tractor, and other property. A building permit and site plan were provided (Exhibits B-1 and B-2).

Floyd Joe Payne, P.O. Box 9545, Tulsa, Oklahoma, stated they did not question the zoning of this property. They were issued a permit and started construction.

Ms. Payne noted horses, chickens and other farm animals on nearby properties. She stated they are one of the smallest tracts, with two and one-half acres.

Comments and Questions:

Mr. Charney asked if the neighbors were all close enough to receive notice. There were numerous property owners who received notice. Mr. Walker verified this area has always had the character of an AG district.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Use Variance to permit horses in an RS district (Section 410), not to exceed three horses at any one time, finding the surrounding area is agriculture.

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a Variance of the maximum permitted square footage for accessory buildings in an RS district from 750 sq. ft. to 2,077 sq. ft., finding the property is much larger than a residentially zoned lot and the barn is not oversized in proportion; and finding the size of the surrounding tracts, on the following described property:

N200 S526 W450 SE NW & E30 E/2 SE SW NW SEC 29 1912 2.521ACS
Tulsa County, State of Oklahoma

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to move into Executive Session.

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to Re-open the public hearing and to take action consistent with the discussions in the Executive Session.

Case No. 2242

Action Requested:

Special Exception to permit a church in an AG district (Section 310), located: South of the Southwest corner of East 201st Street and South 2nd East Avenue.

Presentation:

The applicant, Johnnie Christian, was not present. Mr. Cuthbertson stated the Board asked the applicant to site particular issues with a more specific site plan and represent the plan to the Board. It was continued twice, the last time was two months ago. The pastor contacted staff two weeks after the hearing and wanted to discuss the case, but did not leave a phone number to return his call.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **DENY** a Special Exception

to permit a church in an AG district (Section 310), without prejudice, due to lack of interest by the applicant, on the following describe property:

PRT W/2 SE SW BEG 500E & 150S NWC THEREOF TH W291S250 E291 N250
POB SEC 12 16 12 1.67AC Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:55 p.m.

Date approved: 05-15-07^{PB}

David E. Crowley
Chair