

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 339  
Tuesday, August 19, 2008, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, August 14, 2008 at 10:44 a.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> 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.

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**MINUTES**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Tyndall "absent") to **APPROVE** the Minutes of May 20, 2008, 2008 (No. 336).

On **MOTION** of **Walker**, the Board voted 4-0-0 (Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Tyndall "absent") to **APPROVE** the Minutes of June 17, 2008 (No. 337).

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Tyndall "absent") to **APPROVE** the Minutes of July 15, 2008 (No. 338).

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**UNFINISHED BUSINESS**

**Case No. 2297**

**Action Requested:**

Special Exception to permit mini-storage use in the OL district (Section 610) to permit an existing storage building, located: 403 South 176<sup>th</sup> Avenue West.

**Presentation:**

Mr. Cuthbertson informed the Board that the applicant withdrew this case per written request.

**Board Action:**

No action was necessary.

LT 4 BLK 2, WEKIWA HILLS, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 2302**

**Action Requested:**

Variance from the minimum required lot width, minimum lot area and minimum land area per dwelling unit to permit a lot-split (Section 330), located: 9340 North Cincinnati Avenue.

**Presentation:**

**Stephen Schuller**, 1100 ONEOK Plaza, Tulsa, OK, 74103, provided a map and aerial to the Board (Exhibits A-1 and A-2), noting the surrounding density and AG and RE zoning districts involved. The error of the placement of the existing home required a legal correction for an application for a proposed lot-split.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Walker**, the Board voted 4-0-0 (Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Tyndall "absent") to **APPROVE** a Variance from the minimum required lot width, minimum lot area and minimum land area per dwelling unit to permit a lot-split (Section 330); subject to filing a covenant on the balance of the five acres, to run with the land limiting the remainder parcel to one dwelling unit until re-zoned or platted; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district;

and that the variance to be granted 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:

N110 E240 N/2 NE SE NE SEC 23 21 12 Tulsa County, State of Oklahoma

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**Case No. 2303**

**Action Requested:**

Variance of the maximum floor area permitted for detached accessory buildings located in an RS district from 750 sq. ft. to 1,360 sq. ft. (Section 240.2.E), located: 6026 West 39<sup>th</sup> Street South.

**Presentation:**

**Frank Mathis**, 6026 West 36<sup>th</sup> Street South, described his large corner lot being larger than the average RS lot. He proposed to build a larger accessory building to store personal items near a gate in the rear of the property that opens onto church property. He noted the dumpster and utilities near the corner. A conceptual plan and elevation was provided to the Board (Exhibits B-1 and B-2).

**Comments and Questions:**

Mr. Charney stated he would need legal access to the church property. Board members informed Mr. Mathis that approval of the variance would not mean they are granting access to the church property. It was noted there are other similar size buildings in the neighborhood. Mr. Mathis was informed he would need to meet the required setbacks. Mr. Walker asked for the wall height. Mr. Mathis replied it would have a ten-foot wall height.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Charney**, the Board voted 4-0-0 (Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Tyndall "absent") to **APPROVE** Variance of the maximum floor area permitted for detached accessory buildings located in an RS district from 750 sq. ft. to 1,360 sq. ft. (Section 240.2.E), finding the large size of the lot, per conceptual plan and elevation as shown on pages 4.6 and 4.7 of the agenda, and approval makes no assumption for right of access to the church property, on the following described property:

LT 6 BLK 4, PLEASURE ACREAGE 3RD ADDN Tulsa County, State of Oklahoma

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**Case No. 2304**

**Action Requested:**

Variance of the minimum required frontage on a public street from 30 ft. to 0 ft. in order to permit a dwelling in the AG district (Section 207), located: 3908 South 252<sup>nd</sup> West Avenue.

**Presentation:**

**Jerry Holloway**, 3110 East 36<sup>th</sup> Street, submitted a packet of documents and photographs (Exhibit C-1). He proposed to use the property for residential with a mobile home. He indicated the road easements as referenced on the deeds and survey. The roads are shared with the neighbors.

**Comments and Questions:**

Mr. Charney suggested that Mr. Holloway should have an agreement of the easements documented between him and the neighbors for future building permits and sale of properties.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Hutson**, the Board voted 4-0-0 (Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Tyndall "absent") to **APPROVE** a Variance of the minimum required frontage on a public street from 30 ft. to 0 ft. in order to permit a dwelling in the AG district (Section 207), finding the existing landlocked property, represented to be served by easements, on the following described property:

PRT SE SW BEG 416.22N 235E SWC SE SW TH N534.94 E235 S532.96 W235 TO POB SEC 20 19 10, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 2:25 p.m.

Date approved: David Charney 9/16/08

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Chair