

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 340
Tuesday, September 16, 2008, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, September 11, 2008 at 12:13 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 **Walker**, the Board voted 5-0-0 (Tyndall, Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; no "absences") to **APPROVE** the Minutes of August 19, 2008 (No. 339).

NEW APPLICATIONS

Case No. 2305

Action Requested:

Variance of the minimum land area per dwelling required in an AG district from 2.1 acres to 1.5 (Section 330) to permit two dwellings on a lot of record, located: 10500 North Yale Avenue.

Presentation:

Paul Woodum, 5617 East 96th Street North, Sperry, Oklahoma, stated he has two dwelling units on three acres. He was remodeling a house for his daughter and discovered he needed a variance for the two houses. The house off of Yale is occupied and the house to the rear of the property is unoccupied. He recently purchased the property to the south of the subject property with one house on three acres.

Comments and Questions:

Mr. Cuthbertson suggested the possibility of lot-split and lot combination to comply with the zoning code.

Interested Parties:

Henry North, 10429 North Yale Avenue, stated he and other neighbors have no qualms about this taking place, except that it should not be allowed because of the pre-existing structure. He added that they have no trouble with this one particular case that they be allowed to live there. He commented that it is a nice structure and it would be a shame to have to tear it down.

Betty Thomas, 10410 North Yale Avenue, stated that she and her husband have no objections to the first property. They opposed the second property having two residences. They want the area to remain AG.

Comments and Questions:

Terry West, County Inspector, noted in the minutes, it was stated that a garage was being built on the north side of the double-wide mobile, which encroaches in the side yard setback. This issue has not been addressed with a permit.

Interested Parties:

Patricia North, 10410 North Yale, expressed agreement with the two previous interested parties.

Mary Shepherd, 5617 East 96th Street North, Sperry, Oklahoma, stated she is the applicant's daughter who would live in the remodeled house. She asked the Board if she could live in the house temporarily until the other legal issues are decided.

Comments and Questions:

Mr. Walker did not find a hardship for the variance. Mr. Dillard noted the approval of the neighbors and that the home has been there for a number of years. He commented on the improvements Mr. Woodum has made. Mr. Hutson thought Mr. Cuthbertson made some good suggestions. Mr. Tyndall asked who lives in the house closest to Yale. Mr. Woodum stated he has a renter in that house. Mr. Tyndall asked about the double-wide trailer, to which Mr. Woodum replied it has been there since 1974.

Board Action:

On **Motion** of **Charney**, the Board voted 4-1-0 (Walker, Tyndall, Hutson, Charney "aye"; Dillard "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance of the minimum land area per dwelling required in an AG district from 2.1 acres to 1.5 (Section 330) to permit two dwellings on one lot of record, for six months, based upon the hardship of the existing structure and family need; the Board suggested to the staff that they apply as many fees as feasible from this effort to the next lot-split application, regarding the following described property:

S202 N640 E647 E/2 NE SEC 16 21 13 3ACS, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 2306

Action Requested:

Use Variance to permit a taxidermist (Use Unit 15) in an AG district (Section 301), located: Northeast corner of Highway 75 and West 211th Street.

Presentation:

Josh Hughes, P.O. Box 3018, Glenpool, Oklahoma, submitted photographs of his workmanship to the Board (Exhibit A-1). He proposed to build a taxidermy shop on 211th Street and put up a sign on the highway. He stated there was no other taxidermist within the immediate area. He informed the Board there are no houses in the immediate area. He has discussed the application with neighboring land owners and they did not oppose it. Mr. Hughes planned the hours of operation to be 9:30 a.m. to 7:00 p.m. and his peak work would be in deer season in November. He expected to have five to eight customers per day during November and on average two to three customers per day the rest of the year. He stated the air compressor would be the loudest tool he uses.

Comments and Questions:

Mr. Cuthbertson mentioned one phone call from an interested party that asked about disposal of waste. Mr. Hughes responded that there is very minimal waste and he planned to bury it in an area that would not be subject to overflow or runoff into any water system.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, to **APPROVE** a Use Variance to permit a taxidermist (Use Unit 15) in an AG district (Section 301), as requested, based on the building size 600 sq. ft. as requested, with conditions for the appropriate permits, and a sign as allowed by the code, with an exception that it is not required to pave parking and

allow well-packed gravel, finding the uniqueness of the use and the large size of the land in a rural setting.

Mr. Tyndall had a question on the motion regarding paved parking.

On **Amended Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Use Variance to permit a taxidermist (Use Unit 15) in an AG district (Section 301), as requested, based on the building size 600 sq. ft. as requested, with conditions for the appropriate permits, and a sign as allowed by the code, with an exception that it is not required to pave parking and allow well-packed gravel, finding the uniqueness of the use and the large size of the land in a rural setting; and this approval being in compliance with all of the components of the building code, it is amended to include the condition that the parking does not need to be concrete or asphalt but at least a well-packed gravel lot is all that would be required at this point, on the following described property:

SW LESS N360 W1320 & LESS BEG 360S NWC SW TH E98.2 S1210 SE127.5 S149.5 E170 S150 W125 S200 W50 S442.8 W125 N TO POB SEC 14 16 12 144.07ACS, Tulsa County, State of Oklahoma

OTHER BUSINESS

On **Motion of Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **Elect** Dana Hutson as Chair of the Tulsa County Board of Adjustment.

On **Motion of Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **Elect** David Charney as Vice Chair of the Tulsa County Board of Adjustment.

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **Elect** Gene Dillard as Secretary of the Tulsa County Board of Adjustment.

There being no further business, the meeting adjourned at 2:24 p.m.

Date approved: 10-21-08


Chair