

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 366  
Tuesday, November 16, 2010, 1:30 p.m.  
County Commission Room  
County Administration Building, Room 119  
500 South Denver

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

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

Cuthbertson  
Sparger

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10<sup>th</sup> day, November, 2010 at 11:30 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of October 19, 2010 (No. 365).

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**NEW APPLICATIONS**

**Mr. Dillard entered the meeting at 1:35 P.M.**

**Case No. 2387-J. R. Donelson**

**Action Requested:**

Special Exception to permit church use (Use Unit 5) in an AG district (Section 310); and a Variance to permit an existing gravel parking lot (Section 1340.D).

**Location:** 16821 South 159<sup>th</sup> Avenue East

**Presentation:**

**J. R. Donelson**, 8410 East 111<sup>th</sup> Street South, Bixby, OK; stated there is presently a church facility on the subject property and has been in existence for approximately 56 years in the County. The church is proposing to build a new church facility behind the existing church facility and once the new facility is complete the older facility will be demolished. There is an existing gravel parking lot and the church would like to keep and continue to use the existing gravel parking lot in the AG district. The parking lot would not be a detriment to the landscape or the existing structures in the area.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **OSBORNE**, the Board voted 5-0-0 (Charney, Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit church use (Use Unit 5) in an AG district (Section 310);

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Charney, Dillard, Osborne, Tyndall, Walker, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance to permit an existing gravel parking lot (Section 1340.D); all for the following property:

**W210 N210 E765 SE SE SEC 27, T17, R14 OF TULSA COUNTY, OKLAHOMA**

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**Case No. 2388-Sheridan Homes, LLC**

**Action Requested:**

Variance of the required front yard in the RE district from 35 ft. to 33.4 ft. (Section 430) to permit an existing home. **Location:** 8275 North 72<sup>nd</sup> Avenue

**Presentation:**

**Kyle Smalygo**, 123 North 7<sup>th</sup> Street, Collinsville, OK; stated the home was constructed approximately one year ago. The person who bought the home is a veteran and purchased the home while it was still under construction. The VA financing does not require a mortgage inspection survey. The buyer requested to have a fence built and

the property pins could not be located due to the fact that the utility construction company that is working behind the home had removed the pins. When the pins were reinstalled they were placed incorrectly due to the elevation change in the lot and the pins are off about eight inches. During the construction of the home the owner changed the exterior of the home from stucco to native stone which added another eight inches.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the required front yard in the RE district from 35 ft. to 33.4 ft. (Section 430) to permit an existing home with the special circumstances being the extremely large lot, changed topography and the surveying error being minimal; for the following property:

**W/2 NE SW SEC 26, T21, R13 20 ACS OF TULSA COUNTY, OKLAHOMA**

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**Case No. 2389-Jaimie D. Ritchie**

**Action Requested:**

Variance of the maximum size permitted for a detached accessory building in the RS district (Section 240.2.E) to permit a 1,500 sq. ft. detached building. **Location:** 14503 West Alfalfa Lane South

**Presentation:**

**Jaimie and Emily Ritchie**, 14503 Alfalfa Lane, Sand Springs, OK; Mr. Ritchie stated he is wanting to build a 30 x 50 storage building with ten foot sidewalls to house pool supplies and equipment, lawn equipment, four-wheelers, tools, etc. Mr. Ritchie stated there are other large storage buildings in the area therefore he feels the proposed building would fit into the neighborhood. If the variance is granted Mr. Ritchie stated he would demolish the smaller storage building on the lot once the larger one is completed.

**Interested Parties:**

**Richard Connor**, 14509 West Alfalfa Lane, (P. O. Box 9255, Tulsa, OK), Sand Springs, OK; stated he lives four houses away from the applicant and he thinks a storage building the same size as the applicant's house should not be allowed just because he has too much stuff. Mr. Connor stated he has never complained to Mr. Ritchie about the overly cluttered yard but Mr. Connor said he moved out to a rural area so he would not be inundated with buildings. Mr. Connor also stated the only large storage building he is aware of in the neighborhood is right across the street from his house. Mr. Connor

stated he is afraid that if a 30 x 50 building is allowed to be built that it will eventually be used for something other than storage. Mr. Connor stated that there are parking problems in the area also; Mr. Ritchie and several others park and store vehicles in the grass and there doesn't seem to be a code or law to prevent it.

Mr. Osborne asked Mr. Ritchie how many square feet his home was and Mr. Ritchie stated the home was either 1,500 sq. ft. or 1,600 sq. ft.

Mr. Charney told Mr. Ritchie that when the Board is asked to grant a variance for a building that is twice the size of the allowable for the area the Board focuses upon a significant hardship that is not related to a need for storage. The hardship needs to be unique or peculiar to the land. Mr. Ritchie stated that he did not know of anything unique or peculiar to the land.

Mr. Charney asked Mr. Cuthbertson if the proposed building were to be 750 square feet would there be a need to come before the Board with an application for a variance. Mr. Cuthbertson stated only a building permit would be needed.

**Comments and Questions:**

Mr. Cuthbertson stated there is a County Zoning Code that addresses parking surfaces; a person cannot park in grassy areas, parking must be on an all weather surface whether the vehicle is operable or inoperable. The County Inspector can come to the site and cite the owner.

Mr. Terry West, Tulsa County Inspector, stated the code is Zoning Code Section 240.3. In an RS zoned district a vehicle is not allowed to be parked or stored on a non-all-weather surface in a front, side or rear yard.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Charney, Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **DENY** the Variance of the maximum size permitted for a detached accessory building in the RS district (Section 240.2.E) to permit a 1,500 sq. ft. detached building due to a lack of a demonstrated hardship; for the following property:

**LT 2 BLK 3, GARDEN SPOT ADDN, A SUBDIVISION IN TULSA COUNTY, OKLAHOMA**

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**Case No. 2390-James Michael Adkins**

**Action Requested:**

Use Variance to permit a pond (Use Unit 3) in an RS district behind a dwelling on the lot. **Location:** 5845 South 174<sup>th</sup> Avenue West

**Presentation:**

**James Adkins**, 16919 West 59<sup>th</sup> Street South, Sand Springs, OK; stated he wants to build a pond to help catch the water runoff that runs through the middle of the back yard of his home. Mr. Adkins stated he understands there are safety issues to be addressed and restrictions in place for a reason, but he does not think the pond disrupts the neighborhood because there is a ravine at the rear of his property. Mr. Adkins stated that once the pond is built and fills up with the runoff water there will be a spillway constructed to direct the pond overflow back to the original flow area in the ravine.

Mr. Charney asked Mr. Adkins if he would be willing to consult with the County inspector and a professional, registered engineering firm before the pond is constructed. Mr. Adkins answered that he would definitely want to address all safety issues therefore he would be agreeable to consulting with an engineering firm or the County inspector.

Mr. Osborne asked Mr. Adkins if there was a potential for development north of his house. Mr. Adkins stated the property to the north is about 400 to 500 acres which has been owned by one family for many years so he does not foresee any future development.

Mr. Osborne asked Mr. Adkins if the ravine was constantly flowing water or if it was a rain runoff. Mr. Adkins stated the ravine is a natural runoff in that area.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Use Variance to permit a pond (Use Unit 3) in an RS district behind a dwelling on the lot with the exceptional condition being the very unique topography of the land and the ravine on the rear of the lot and the pond being permitted to catch the stormwater; subject to fencing around the pond and an engineered spillway and dam that are approved by the County; for the following property:

**LT 6 BLK 1, PLEASANT OAKS IV, A SUBDIVISION IN TULSA COUNTY, OKLAHOMA**

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**NEW BUSINESS:**

None.

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**OTHER BUSINESS:**

None.

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**BOARD COMMENTS:**

None.

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

Date approved: 1/18/11

David E. Cherry  
Chair