

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 377  
Tuesday, October 18, 2011, 1:30 p.m.  
County Commission Room, Room 119  
County Administration Building  
500 South Denver Avenue

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

Charney, Chair	Osborne, Secretary	Alberty
Dillard	Walker, Vice Chair	Sansone
Tyndall		Sparger
		West

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 13<sup>th</sup> day, of October, 2011 at 10:24 a.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. Sansone read the rules and procedures for the County Board of Adjustment Public Hearing.

\*\*\*\*\*  
\*\*\*\*\*

**MINUTES**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Charney, Dillard, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of September 20, 2011 (No. 376).

\*\*\*\*\*  
\*\*\*\*\*

**UNFINISHED BUSINESS**

\*\*\*\*\*  
\*\*\*\*\*

**NEW BUSINESS**

\*\*\*\*\*  
\*\*\*\*\*

**Case No. 2411—Bruce Lyons**

**Action Requested:**

Variance to allow a 2nd residential dwelling on a lot containing less than 4.2 acres in an AG District (Section 330). **Location:** 11110 South 26<sup>th</sup> West Avenue

**Presentation:**

**Bruce Lyons**, 2224 West 81<sup>st</sup> Street, Tulsa, OK; stated he has owned and lived on the subject property for 20 years. He has two sons; one is living on the subject property and the second would like to live there also and that is the reason for the variance request. The current property is on a lagoon system and Mr. Lyons will have a new aerobic system installed if the variance request is granted.

**Interested Parties:**

**Chris Crain**, 11204 South 26<sup>th</sup> West Avenue, Sapulpa, OK; stated that he owns approximately two acres directly south of the subject property and does not object to the proposal by Mr. Lyons. In this area there are subdivisions quickly surrounding the subject property, and the lots in the subdivisions are less than a quarter acre in size. Mr. Crain believes Mr. Lyons's proposal of splitting his property into approximately 1-1/2 acre lot sizes is a great lot size for the area.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance to allow a second residential dwelling on a lot containing less than 4.2 acres in an AG District (Section 330). The Board finds the hardship to be that the lot is almost square in nature with excessive frontage and not exceptionally deep, and the applicant is to comply with aerobic system requirements, drainage requirements on the land; for the following property:

**E/2 S/2 N/2 E794.3 NE NW SEC 34 18 12 3.014ACS, OF TULSA COUNTY, OKLAHOMA**

**Case No. 2412—Gene Reeves**

**Action Requested:**

Variance of the 30 ft. of frontage required on a public street to permit a dwelling in an AG district (Section 207). **Location:** 3222 South 265<sup>th</sup> West Avenue

**Presentation:**

**Gene Reeves**, 3222 South 265<sup>th</sup> West Avenue, Sand Springs, OK; stated he needs a variance for the 30 foot easement because his property does not go all the way to the county road. The property on the east side of his land is owned by three people who

are living in California and he has contacted them to try to obtain the necessary the strip of land needed for the easement. Two of the three people are willing to sell either the strip of land or the entire 40 acres to Mr. Reeves. Mr. Reeves stated he does have a legal easement from his neighbor on the north side, which gives him access to the land. Mr. Reeves stated he wants to build a house on his land and would like to have access to the county road.

Mr. Dillard asked Mr. Reeves how he has been crossing the land. Mr. Reeves stated that he has just been crossing it.

Mr. Charney asked Mr. Reeves if he had obtained a legal easement to cross over the neighbors land to his property. Mr. Reeves stated that when he bought the property he was not aware that his land did not go to the county road. At that time the realtor told him that his only option was to go to 31<sup>st</sup> Street and have 31<sup>st</sup> Street opened as a county road. He did not want to go to that expense, so he built a road across the east property approximately 13 years ago, and in the interim he obtained easement from the neighbor on the north side.

Mr. Dillard asked Mr. Reeves if his lender had raised any questions about the easement to the property, and Mr. Reeves stated that he does not have a lender because he is not going to have a mortgage.

**Interested Parties:**

**B. J. Reeves**, 4626 South 265<sup>th</sup> West Avenue, Sand Springs, OK; stated that Coyote Trail winds throughout the area and his land is in area where Coyote Trail jogs and locks in his land.

**Comments and Questions:**

Mr. Charney asked Mr. Alberty if he would express his professional opinion on where an easement has been allowed to serve as the access to the publicly dedicated road, and an adequate legal document for the easement, has Mr. Alberty seen a case where there is no physical road in existence. Mr. Alberty stated that normally on the easement there is an improvement, and legal access is provided that meets the letter of the law. Mr. Reeves has all the liability. Assuming that he is unable to acquire the east side easement, then his access will have to be through the 30-foot unimproved area so Mr. Reeves is taking all the risk. The County is served by the fact that there is a 30-foot easement which provides legal access. Mr. West, Tulsa County Inspector, stated a permit could be issued based on Mr. Reeves's arrangement. Mr. Alberty then stated that what Mr. Reeves has currently is an alternate serving access to his property.

Mr. Charney suggested to Mr. Reeves that he seek counsel to see if, in another couple of years, he could obtain an easement by adverse possession otherwise if the home is to be sold in the future it is not marketable.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Tyndall "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the 30 ft. of frontage required on a public street to permit a dwelling in an AG district (Section 207), with the hardship being the unusual configuration of the land, the curvature of the Coyote Trail Road preventing access to the county road, the existence of legal access to the property by easement recorded of record, and with any peril to obtain access to the future house is assumed by the applicant; for the following property:

**N/2 NW LESS BEG 987.36S NEC NW TH W1320 S328.54 E1320 N329.12 POB & LESS BEG NEC NW TH W1320 S657.08 W1320 N658.24 POB SEC 19 19 10 52.276ACS, OF TULSA COUNTY, OKLAHOMA**

\*\*\*\*\*

**NEW BUSINESS:**

None.

\*\*\*\*\*

**OTHER BUSINESS:**

**2012 Meeting Schedule**

Review and consider the County Board of Adjustment 2012 meeting schedule.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Tyndall "aye"; no "nays"; no "abstentions") to **ACCEPT** the 2012 Meeting Schedule

\*\*\*\*\*

**BOARD COMMENTS:**

Mr. John Tyndall has served on the County Board of Adjustment since 1980 and has resigned his position on the County Board but will serve until his replacement is appointed. The Board members wished him well and let him know that his knowledge and expertise will be missed.

\*\*\*\*\*

There being no further business, the meeting adjourned at 2:04 p.m.

Date approved:

David E. Chung  
11/15/11  
Chair