

TULSA COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 379

Tuesday, December 20, 2011, 1:30 p.m.

Aaronson Auditorium

Tulsa Central Library

400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair
Osborne, Secretary
Walker, Vice Chair

Dillard
Tyndall

Alberty
Sansone
Sparger
West

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th day of December, 2011 at 10:31 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 1:35 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 2-0-1 (Charney, Walker "aye"; no "nays"; Osborne "abstaining") to **APPROVE** the Minutes of November 15, 2011 (No. 378).

UNFINISHED BUSINESS

None.

NEW BUSINESS

Mr. Charney explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today, the application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants what they would like to do. The applicants stated that they would like to proceed with the hearing today.

Case No. 2414—Ron & Deanna Oakley

Action Requested:

Special Exception to permit a mobile home dwelling in an R District (Section 410) and a Variance to permit a second dwelling unit per lot of record in an R District (Section 208). **Location:** 5008 East 96th Street North

Presentation:

Cheryl Hoot, 8809 North 77th East Avenue, Owasso, OK; stated she is speaking on behalf of her mother, Deanna Oakley. She became a widow in the past year and the home she currently resides in is not quite livable; therefore, Ms. Hoot would like to move her mother into a mobile home on her brother's property. The utilities are in existence for the proposed mobile home. There was a mobile home on the property in the past and the proposed mobile home would be placed in the same area.

Mr. Osborne asked Ms. Hoot what type of structures are currently on the property. Ms. Hoot stated there is a two-story frame home, a shop, and a small barn. Mr. Osborne asked Ms. Hoot if the previous mobile home was moved in to have living quarters while a newer home was being built, and Ms. Hoot stated that it was not. Mr. Osborne asked why the mobile home had been placed on the lot originally. Mr. Sansone stated that in 2006, there had been a request to place a mobile home onto the subject property while a home was to be built, but that home was never started so the mobile home was removed from the subject property.

Interested Parties:

Jennifer Roden Holmes, 9803 North Yale, Sperry, OK; stated she represents her father, Dale Roden who could not attend today's meeting due to illness. There are traditional built homes in the area and Ms. Holmes's father would like to see the homes continue to be traditionally-built homes. Mr. Roden built and sold several frame homes in the subject area and does not want to see mobile homes brought into the area. Ms. Holmes stated there are a couple of mobile homes in the area that have been there for quite awhile.

Mr. Alberty stated that the two existing mobile homes being referred to are in an AG district and thus there by right. Also, the subject property is 7.6 acres and it could be

split, which would answer the two dwelling question, but in this case the property owner seems to want to keep the tract intact.

Rebuttal:

Ms. Hoot stated the mobile home would be a new single-wide mobile home in the mid-price range. The size would be approximately 16'-0" wide by 70'-0" long with under-skirting, porches installed, vinyl siding, and a shingled roof.

Comments and Questions:

Mr. Charney asked the applicant if the Board were to grant today's request with a time limit as a condition, knowing that the time limit would require the applicant to come back before the Board of Adjustment and at the second appearance the request was denied, there would be no legal right to allow the manufactured home to remain on the property, would the applicant be willing to accept that condition? Ms. Hoot stated that with her mother's age it is not known how long she will be able to live by herself, so if that were to happen, then the mobile home would be sold and her mother would live somewhere else.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Charney, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a mobile home dwelling in an R District (Section 410) with a time limit of five years from the date of the permit issue. The applicant is to meet all DEQ requirements and the mobile home is to have tie-downs and be skirted. The parking and driving areas are to be hard surface material as required per code. 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; and

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Charney, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance to permit a second dwelling unit per lot of record in an R District (Section 208) with the stated hardship that the tract is of sufficient size and could be split and can hold two dwellings; for the following property:

PRT NW NW BEG 250E NWC NW TH E768.06 S440.4 W518.06 N24.62 W250 N415.78 POB SEC 22 21 13 7.624 ACS, CONVENIENT CENTER, OF TULSA COUNTY, STATE OF OKLAHOMA

2399-A—Patricia A. Evans

Action Requested:

Reconsideration of case #CBOA-2399, a Special Exception to allow a Home Occupation (Beauty Salon with 2 chairs) to permit 4 chairs total in the salon.

Location: 1703 East 56th Street North

Presentation:

Patricia A. Evans, 1906 East 61st Place North, Tulsa, OK; stated she came before the Board to receive a special exception for a home occupation business. At that time she was not aware, or did not remember, that she could only have two chairs in the beauty salon so now she is before the Board to request a total of four chairs. The beauty salon is her dream and she just wants to be able to take care of her family.

Mr. Charney asked Ms. Evans how the issue of two chairs versus four chairs came about. Ms. Evans stated the inspectors came for the final inspection of the building that she had built for the home occupation business, and the inspector noticed the four chairs.

Mr. Walker asked Ms. Evans why she needed four chairs if she is the only person working the business. Ms. Evans stated that her family, her son and daughter, is also in the beauty business and would be working in the salon with her. Mr. Walker asked Ms. Evans if the son and daughter that would be working in the salon with her also lived at home with her and Ms. Evans confirmed that they did live with her.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Alberty stated that Ms. Evans needs to understand that the daughter and son can only be a part of the business as long as they reside in the dwelling. Should they mature in age and move out, they would be disqualified from operating in that home occupation. It is very specific: the son and daughter cannot live someplace else, because if they do then what is being created is a business and that is not the intent.

Mr. Charney suggested to Ms. Evans that she consider a request for rezoning in the future, especially if her business grows and prospers.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 3-0-0 (Charney, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Reconsideration of case #CBOA-2399, a Special Exception to allow a Home Occupation (Beauty Salon with 2 chairs) to permit 4 chairs total in the salon, with only members living on the premises as part of the home occupation business. 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; for the following property:

**W220 S990 SW SE LESS W30 & S50 THEREOF FOR RD SEC 6 20 13 4.100ACS,
CARR ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

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

Date approved: 1/17/12
David E. Marney
Chair