

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 385
Tuesday, June 19, 2012, 1:30 p.m.
County Commission Room, Room 119
County Administration Building
500 South Denver Avenue

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Dillard	Charney, Chair	Back	West, Tulsa County
Osborne, Secretary	Draper	Sparger	
Walker, Vice Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14th day of June, 2012 at 9:55 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Walker called the meeting to order at 1:40 p.m.

Ms. Back explained the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney, Draper "absent") to **APPROVE** the Minutes of May 15, 2012 (No. 384).

UNFINISHED BUSINESS

None.

Mr. Walker 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. Walker 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.

NEW APPLICATIONS

Case No. 2431—Fred L. & Stacey Lee Murphy

Action Requested:

Variance to allow a detached accessory structure in an RS District to exceed 750 square feet. **Location:** 3729 South 60th West Avenue

Presentation:

Fred Murphy, 3729 South 60th West Avenue, Tulsa, OK; no presentation was made by the applicant but Mr. Murphy stated he was available for any questions from the Board.

Mr. Walker asked Mr. Murphy what he planned to do with the over-sized accessory building. Mr. Murphy stated that he has a couple of classic cars that are currently being stored in a rented storage unit and he would like to be able to store the cars on his property.

Mr. Osborne asked Mr. Murphy if the driveway was a paved surface that extended all the way to the location of the new building. Mr. Murphy answered affirmatively because the driveway used to circle around some oil tanks that were located on the property previous to his purchase of the property. Mr. Osborne asked what type of foundation would be in the new structure. Mr. Murphy stated that the floor would be a concrete.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 3-0-0 (Dillard, Osborne, Walker “aye”; no “nays”; no “abstentions”; Charney, Draper “absent”) to **APPROVE** the request for a Variance to allow a detached accessory structure in an RS District to exceed 750

square feet and not to exceed 1,000 square feet. The Board finds that the approval of this variance will not cause substantial detriment to the surrounding area. The Board finds the hardship to be the oversize lot which will allow the variance; for the following property:

LT 4 BLK 2, PLEASURE ACREAGE 3RD ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2432—Hugh Gordon

Action Requested:

Use Variance to allow a landscaping business (Use Unit 15) in the AG zone (Section 310, Table 1). Location: 1010 East 161st Street South

Presentation:

Hugh Gordon, 1233 West 111th Street, Jenks, OK; stated he purchased to property to pasture and raise a few head of cattle, board horses, and store some of his lawn and landscape business equipment during the off season. Some of the equipment would consist of bobcats that are used for snow removal, a tractor, and a few trailers. The rear of the building would be used to stable the horses. The front of the building would used as an office for the bookkeeping and the written estimates for his lawn and landscape business. The main business is located at 6935 East 38th Street, near 41st and Memorial, and he has 23 employees at this location. Mr. Gordon stated that he does not have any intention of employees working out of the subject site, because he does not want to pay for the extra gasoline usage and the employee drive time.

Mr. Osborne asked Mr. Gordon if the structure he had built was strictly for handling the administrative function of his lawn and landscape business. Mr. Gordon stated it was built for storage of equipment and to house cattle and horses. Mr. Osborne asked Mr. Gordon if it would become a storage facility for the vegetation used in his lawn and landscape business. Mr. Gordon stated that in the spring and fall he would store seasonal color plants at the subject site for about 30 days while it is being installed in the various contracted landscaping jobs.

Mr. Walker asked Mr. Gordon if there were any other landscaping businesses in his area. Mr. Gordon stated there is a landscape business operated by a fireman located near 153rd Street. About two houses down from the fireman is a lawn company which office out of the house and the equipment is stored on the lawn at that house. Around 16th Street and South Peoria there is another lawn business. There is a large greenhouse located on 171st Street between Elm and Elwood. There is a vineyard located near Elwood and 161st Street. Mr. Walker stated that he did not see any signs designating these businesses when he drove through the area for study on this case. Mr. Gordon stated that there were no signs for any of the businesses; he just knows by driving through the area every day and watching what is happening.

Mr. Gordon stated that he does not plan on placing a sign on the subject property because he and his wife would like to be able to move into the house located on the property in the future.

Mr. Osborne asked Mr. Gordon if the house was currently occupied. Mr. Gordon stated that it was not. The property was a foreclosure piece of property and he is in the process of updating and renovating the house.

Mr. Walker asked Mr. West what prompted his office to visit the property, thus requiring Mr. Gordon to appear before the Board of Adjustment. Mr. West stated it was the size of the building with the three offices and the back-to-back bathrooms, which appeared to be a business waiting to start up. When Mr. West questioned Mr. Gordon about the building he said it was to house his livestock, but the building has a concrete floor and livestock is not kept on concrete.

Mr. Gordon stated that the concrete portion is going to be used to store his business equipment, and the rear portion of the building is to house the livestock where there is no concrete flooring.

Mr. Osborne stated the subject property is zoned agricultural, and even with the amount of concrete, if it used to store equipment that is related to farming, it would be permitted. Mr. West agreed with Mr. Osborne but the office layout needed to be addressed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Walker stated that he is not inclined to support this request. He would not ask Mr. Gordon to demolish the building but he could see this growing into the head office for his lawn and landscaping business, which would upset the rural setting.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney, Draper "absent") to **CONTINUE** the request for a **Use Variance** to allow a landscaping business (Use Unit 15) in the AG zone (Section 310, Table 1) to July 17, 2012; for the following property:

E/2 E/2 NW NE SEC 25 17 12 10 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2433—Amanda Mancilla

Action Requested:

Variance to allow a second dwelling on one lot of record (Section 208); **Special Exception** to permit an existing mobile home in an RS district (Section 410).

Location: 5740 South 81st West Avenue

Presentation:

Amanda Mancilla, 5740 South 81st West Avenue, Tulsa, OK; stated she is requesting for the existing mobile home to stay on the lot of record because it is her grandparents' home, where they are currently residing. Her grandparents are in poor health and they require home health care. As their granddaughter she would like to be able to take care of them but she needs to have another mobile home on the lot near them to live in with her husband. She is requesting to have a double-wide set on the lot about 32 feet behind the existing mobile home. In her quest to obtain permission for the second mobile home Ms. Mancilla discovered that her grandparents had not completed the process for placing the existing mobile home on the land, so she would like to clear that up today also.

Mr. Osborne asked Ms. Mancilla if she and her husband planned on maintaining permanent residency on the lot in the future. Ms. Mancilla stated that she would like to be able to do that because she grew up on the land and wants to be able to stay on the land.

Mr. Osborne asked Ms. Mancilla if the existing driveway and carport was gravel. Ms. Mancilla answered affirmatively. Mr. Walker stated that the county requires the parking surface to be concrete or a hard surface.

Mr. Osborned asked Ms. Mancilla about the sewage or septic system for the property. Ms. Mancilla stated that she has received approval from the DEQ for a septic system that will handle both mobile homes.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney, Draper "absent") to **APPROVE** the request for a **Variance** to allow a second dwelling on one lot of record (Section 208); **Special Exception** to permit an existing mobile home in an RS district (Section 410) with the conditions that the mobile home itself adhere to the requirements of tie-downs, skirting and meet DEQ approval as well the requirements that are appropriate on the double wide be adhered to. A paved surface for the parking area must be provided or established. The Board finds that the variance and special exception be allowed to extend for a period not exceed ten years from today's date of June 19, 2012. The Board finds that it will not be injurious to the neighborhood. The hardship is the tract is under single family ownership and the lot is large enough to support the two mobile homes; for the following property:

S1/2 S1/2 SE NE SE LESS E.25' FOR ST. SEC 36 19 11 2.4 ACR, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

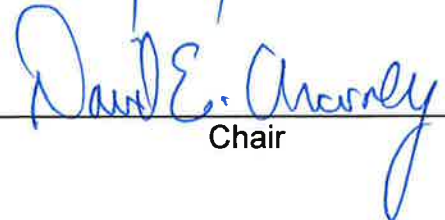
BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:23 p.m.

Date approved: _____

7/17/12


Chair