

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 416
Tuesday, January 20, 2015, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Walker, Vice Chair	Miller	West, Inspector
Crall		Moye	
Dillard, Secretary		Sparger	
Hutchinson			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th day of January, 2015 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. Charney explained to the applicants that there were only four 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 three board members to constitute a majority and if two board members 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. Everyone nodded their understanding and no one requested a continuance.

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the Minutes of December 16, 2014 (No. 415).

UNFINISHED APPLICATIONS

2512—Howard Perkins

Action Requested:

Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District. **LOCATION:** 8724 East 86th Street North, Owasso

Presentation:

Howard Perkins, Attorney, 1912 West C Street, Jenks, OK; stated he is representing the property owner. At the last meeting on December 16, 2014 there was a unanimous decision to continue this case pending the sale of the subject property. There were two bidders for the property at that time, first being a church and the second being an individual. The church did not purchase the property because there were requirements they could not meet, however, the individual offered more money for the property and purchased the subject property. The sale was recently closed. The new owner has given the applicant 60 days to get everything off the property so a house can be built on the subject property. Mr. Perkins presented the documents of the sale to the Board for their review.

Mr. Charney asked Mr. Perkins if the buyer has agreed to and understands that he has only 60 days to clean up the property. Mr. Perkins answered affirmatively. Mr. Perkins did add that the applicant is removing the large items from the subject property and the buyer has agreed to remove the smaller items from the property.

Interested Parties:

There were interested parties present but no one came forward to speak.

Comments and Questions:

Mr. Charney suggested this case be continued for a 60 day period to make give the Board the assurance that everything the Board would like to see done is completed. Mr. Charney stated that if the Board were to agree to a continuance then at that hearing Mr. West could present his findings on the subject property and make a telephone call to Mr. Perkins of the outcome of the future meeting. That way the applicant and his attorney, and the interested parties would not need to attend the meeting.

Mr. Dillard stated that he liked the escrow agreement and the deed is in the documents so that should satisfy everyone involved.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **CONTINUE** the request for an

Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District to the March 17, 2015 Board of Adjustment meeting; for the following property:

NE NE NW LESS N50 THEREOF FOR RD SEC 25 21 13 9.247ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2522—Adrian Diaz

Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E); Variance to permit a detached accessory building in the side-yard (Section 402.2.A). **LOCATION:** 12727 South 122nd East Avenue, Broken Arrow

Presentation:

Adrian Diaz, 12727 South 122nd East Avenue, Broken Arrow, OK; stated he was before the Board on December 16, 2014, and at that meeting discovered that he also needed a Variance to permit the accessory building to be located in the side yard. The building will be used for his hobbies and to store his cars, fishing boat, etc. Mr. Diaz stated that he will keep the two trees in the rear yard.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, “aye”; no “nays”; no “abstentions”; Walker “absent”) to **APPROVE** the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E). The hardship is the size of the lot and the placement of the house on the lot. The use is to be no commercial activity in the building and it is to be used strictly for personal use. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 11 BLK 7, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Dillard, Hutchinson, "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the request for a Variance to permit a detached accessory building in the side-yard (Section 402.2.A) The hardship being the configuration of the house and how it is set on the subject property. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan ; for the following property:

LT 11 BLK 7, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

None.

NEW BUSINESS

None.

OTHER BUSINESS


None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 1:52 p.m.

Date approved: _____

2/17/15

Chair

01/20/2015/#416 (4)