

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 425
Tuesday October 20, 2015, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

| | | |
|---------------------|---------|-----------------|
| Charney, Chair | Miller | West, Inspector |
| Crall, Secretary | Moye | |
| Dillard | Sparger | |
| Hutchinson, V.Chair | | |
| Johnston | | |

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th day of October, 2015 at 9:59 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. Charney announced that Mr. Roland "Ron" Walker has retired from the County Board of Adjustment after 35 years. Mr. Walker has been the leader of the Board and has a wonderful demeanor and a great reputation for viewing things fairly and honestly. Mr. Walker has shared all his knowledge with Board members. Everyone is thankful for Mr. Walker's efforts and respectful of those efforts. Mr. Charney and the Board members thanked Mr. Walker for his years of service and presented him with a Certificate of Appreciation for his years of service and dedication, 1980 thru September 2015. Mr. Walker thanked everyone.

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

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-1 (Charney, Crall, Dillard, Hutchinson "aye"; no "nays"; Johnston "abstaining"; none "absent") to **APPROVE** the Minutes of September 15, 2015 (No. 424).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

25550—Roy D. Johnsen

Action Requested:

Special Exception to permit mining and quarrying (Use Unit 24) in the AG District (Section 310, Table 1). **LOCATION:** NW/c of North 145th East Avenue and East 66th Street North, Owasso

Presentation:

The applicant has withdrawn this application.

Interested Parties:

There were interested parties present but did not speak due to the withdrawal.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **ACCEPT** the applicant's request for withdrawal of the Special Exception to permit mining and quarrying (Use Unit 24) in the AG District (Section 310, Table 1); for the following property:

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 33, TOWNSHIP 21 NORTH, RANGE 14 EAST, OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, OKLAHOMA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE/4); THENCE S 00°00'30" E AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4) A DISTANCE OF 1172.47 FEET; THENCE N 89°29'52" W A DISTANCE OF 1035.24 FEET; THENCE S 00°34'19" W A DISTANCE OF 407.68 FEET; THENCE N 89°50'50" W A DISTANCE OF 99.79 FEET; THENCE S 01°21'52" W A DISTANCE OF 28.51 FEET; THENCE N 89°59'13" W A DISTANCE OF 596.09 FEET; THENCE N 00°23'28" E A DISTANCE OF 937.68 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (S/2 NW/4 SE/4); THENCE N 89°56'07" E AND ALONG SAID NORTH LINE A DISTANCE OF 405.85 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER

(E/2 SE/4); THENCE N 00°02'37" E AND ALONG SAID WEST LINE A DISTANCE OF 659.67 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE/4); THENCE N 89°55'04" E AND ALONG SAID NORTH LINE A DISTANCE OF 1322.90 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 2,048,703.32 SQUARE FEET / 47.032 ACRES. THE BEARING BASE FOR SAID TRACT IS S 00°00'30" E ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 33, TOWNSHIP 21 NORTH, RANGE 14 EAST, OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, STATE OF OKLAHOMA

2549—Sarah Poston

Action Requested:

Special Exception to allow the Oxford House to accommodate up to 8 women and children in the RE District (Section 410, Table 1). **LOCATION:** 749 West 97th Street South, Jenks

Presentation:

Sarah Poston, Fredric Dorwart Lawyers, 124 East 4th Street, Tulsa, OK; stated that one year ago the Board granted a Special Exception to allow Oxford House Holtzclaw, a house full of women supporting themselves and each other in recovery from drug and alcohol addiction. The Board found that the household was in harmony with the spirit and intent of the Tulsa County zoning code and not injurious to the neighborhood or otherwise detrimental to the public welfare. Today the application before the Board is for the Special Exception to become permanent, and she would urge the Board to vote in favor of that request. The application is for the Oxford House to continue to exist with a total of eight women and children. Last year the Board heard about how and the way the Oxford House operates and the nature of the family, and the fact that it has been recognized as a reasonable accommodation by municipal and local authorities to permit Oxford Houses to exist in single family neighborhoods.

Mr. Dillard asked Ms. Poston to give a quick synopsis of the Oxford House for the two new members on the Board. Ms. Poston stated that Oxford House is an international organization of houses that exist for people that are in recovery from drug and alcohol addiction. The houses are independent and democratically run households that exist in rented properties in single family neighborhoods. To be democratically run means there is no supervision, meaning there is no treatment per se from the outside as in case workers. Instead people are actively in recovery, live in the Oxford House and govern themselves by having household meetings, sharing duties of the household, and taking care of the property together. Oxford House exists in Oklahoma and continues to grow; as of today there are 81 houses in the state. This housing arrangement has proven extremely successful for people who are in recovery and need a stable, safe and supportive place to live.

Ms. Poston stated that the Board had a question last year about the maintenance of the Oxford House property, and Ms. Poston referred to pictures in a notebook that she has

presented to the Board. These pictures showed the before and current status of the property and the interior of the house. She also referred to letters that had been written by neighbors of the Oxford House.

Ms. Poston stated that the Board had also expressed a hope last year that the Oxford House would establish a friendly relationship with their neighbors. The house has just paid their annual dues to the neighborhood association. The house friendly report with each house on each side and across the street from them. There are women living in the house currently supporting themselves and supporting each other and taking care of their children. The women living there have been able to work on their own recovery and better their lives because of the stability the Oxford House has given them. Ms. Poston stated that the questions from the Board last year have been answered and she would request the Board to make the Special Exception to allow the Oxford House permanent where it is.

Mr. Charney stated that the Board is respectful and thankful for the good work that Oxford House does, and the Board felt differently last year. Last year the Board wanted to see if the Oxford House would be a good neighbor and not injurious to the neighborhood, and it looks like it has been accomplished by the residents. Mr. Charney asked Ms. Poston if she felt that the maintenance of the property has been caught up and will continue to go forward. Ms. Poston answered affirmatively. Ms. Poston stated there has been an improvement in the relations between the household and the landlord, they are working together to address different issues. There is also a culture of continuing to take care of the property.

Mr. Charney asked Ms. Poston if the Board were to permanently approve the Special Exception, will the umbrella organization continue to care about the maintenance. Ms. Poston stated that there is a member of the organization in attendance and she can speak to that if the Board would like to hear from her, but the umbrella organization does care a lot and it is part of the Oxford House mission that the houses not only be good places for the residents who live in them but that they are good for the families too.

Mr. Hutchinson asked Ms. Poston how many people are under the permanent application for Oxford House and how many are under the Special Exception. Ms. Poston stated that she is not familiar with the term permanent application but she can say that in Tulsa County this is the first complaint that they have ever had. In the City of Tulsa there is a host of Oxford Houses that have been established without any complaints or any zoning issues.

Interested Parties:

Laura Johnson, 1608 South Beech Avenue, Broken Arrow, OK; stated she is the outreach services representative for all the Oxford Houses in northeast Oklahoma. There are currently 36 houses in the area that she covers, 34 of which are in Tulsa County and two are in Rogers County. The subject property Oxford House is the only one that she is aware of that has had to go through the process of receiving a Special

Exception, and she has been with Oxford House as a resident and an employee for almost six years. The Board questioned the continued maintainance of the house, and the organization cares very deeply for all their houses. Not only for the neighborhoods that the houses are in but the cities in which they live. She will absolutely assure that it is a high priority to maintain the property that will make the City proud.

Mr. Dillard asked Ms. Johnson if she had received an complaints about the parking. Ms. Johnson stated she has not received any complaints regarding parking whatsoever.

Mr. Dillard asked Ms. Johnson how many times the police have been called to the house. Ms. Johnson stated that she is aware of one time in the past year, and that was due to a person that was not accepted at the Oxford House. Oxford House did file a complaint against that person.

Mr. Hutchinson asked Ms. Johnson how often she visited the house. Ms. Johnson stated that the visits are made as needed but there are chapter officers that make visits. The Oxford House Holtzclaw belongs to a chapter and there is a structure throughout the entire Oxford House Holtzclaw organization.

Mark Hurt, 725 West 99th Street, Jenks, OK; stated he is the treasurer for the neighborhood association and has been for approximately six years. Mr. Hurt stated that when the issue of the Oxford House first came up, he admits that at first he was taken aback because the person that purchased the property indicated that the house was to be a personal residence and never said anything to the neighborhood association about the intended use. With that being said, once the purpose and the organization were laid out to the neighborhood in the general meeting in 2014 the neighbors were impressed in regards to the safe guards and who would be allowed in the house and what the residents have to do to stay in the house. It made him proud to be able to assist in helping get their life back from an unfortunate circumstance. Primarily, the neighbors biggest objections were that they did not understand a lot about Oxford House and that was cleared up. Early on in the process, the overcrowding of the cars was an issue but that has not been issue because they seem to be doing a better job of using their driveway than some of the neighbors. Mr. Hurt stated the maintenance of the house has been very acceptable. The primary reason he is in attendance today is that he wants to insure that the eight limit is going to be upheld.

David Randolph, 745 West 99th Street, Jenks, OK; stated he believes everyone is in agreement that the Oxford House is a very good organization. He believes that eight is a good number and is acceptable to the neighbors. He does not see anything wrong with the conditions of the house and they are acceptable.

Wayne Powdrill, 755 West 97th Street, South, Jenks, OK; stated he is not opposition to the Oxford House but he thinks the part of the backyard still needs to be cleaned up. He lives on the west side of the Oxford House and his fence adjoins their fence, and there is just a little more clean up that needs to be done because there are still snakes and rats in that area.

Morgan Shannon, 710 West 97th Street, Jenks, OK; stated she is a current resident of the subject house. Ms. Shannon stated that there are people working on the outside and she will get in touch with them to make sure that everything is taken care of.

Adriene Pruett, 908 West Ivy Street, Jenks, OK; stated that Oxford House, especially the subject house, definitely changed her life. She has been in recovery for two years and was in Oxford for the same amount of time, and now she lives on her own. It was because of Oxford House that she was able to relearn domestic abilities like being a mother and taking care of a house. She owes her life to Oxford House and would not be where she is today without it.

Mr. Charney thanked everyone for attending today and having the courage to voice their opinions to the Board.

Comments and Questions:

Mr. Dillard stated that it is his opinion, especially after driving through the neighborhood, that the Board is being tougher on the Oxford House residents than some of the residents in the neighborhood that do not mow their grass or keep their property up.

Mr. Charney stated that he does not think the issues would have arisen except for the fact that the Board must deal with the Special Exception, and he believes the Board is on the right track. At the last meeting there were many people in attendance because there were questions and Mr. Charney believes the Board did their best to air those concerns. There was a provisional temporary approval and everyone has seen excellent work between the first meeting and today's meeting. He can support this Special Exception as permanent.

Board Action:

On **MOTION** of **CRALL**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to allow the Oxford House to accommodate up to 8 total occupants, women and children, in the RE District (Section 410, Table 1). 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:

LT 6 BLK 2, GREGORY CIRCLE ACRES, SECTION 23, T-17-N, R-14-E, OF TULSA COUNTY, STATE OF OKLAHOMA

2551—Toby Houston

Action Requested:

Special Exception to permit a mobile home (Use Unit 9) in the RS District (Section 410, Table 1); Variance to allow two dwellings on one lot of record (Section 208).

LOCATION: 1525 East 75th Street North

Presentation:

Toby Houston, 1525 East 75th Street North, Tulsa, OK; stated he moved his mother and her mobile home from Langdon, Utah. He did not know about the permits or any restrictions when he did this. The mobile home is on the property now and since she cannot move into it she is staying with him.

Mr. Charney asked Mr. Houston if there were other mobile homes in the area. Mr. Houston answered affirmatively. He stated that his neighbor has two mobile homes on his property making three residences on the neighbor's property, and there are other mobile homes in the area.

Mr. Charney asked Mr. Houston if he would be properly tying down the mobile home. Mr. Houston answered affirmatively.

Mr. Dillard informed Mr. Houston that the place where the car will be parked must be a hard all-weather surface. Mr. Houston stated the car is being parked on gravel. Mr. Dillard stated that gravel will not work for the parking. Mr. Charney stated that the entire driveway does not need to be a hard surface, it is just where the occupant's car is parked. Mr. West confirmed this and stated it will be checked when the applicant has the inspections.

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, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a mobile home (Use Unit 9) in the RS District (Section 410, Table 1), subject to the mobile home being tied down and skirted. There is to be a hard all-weather 8'-0" x 9'-0" surface for parking the occupant's vehicle. The hardship being the extraordinary size of the lot; for the following property:

E 100 LOT 10 BLK 2, GOLDEN HILL ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to allow two dwellings on one lot of record (Section 208). The hardship being the extraordinary size of the lot which will permit the second home; for the following property:

E 100 LOT 10 BLK 2, GOLDEN HILL ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Review and Approval of the 2016 Board of Adjustment meeting calendar.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the County Board of Adjustment 2016 meeting calendar dates as modified, change the June 14th date to June 21st.

NEW BUSINESS

None.

BOARD COMMENTS

Mr. Charney, on behalf of himself and the entire Board, welcomed Mr. Larry Johnston as the new member. Mr. Johnston will be filling Mr. Ron Walker's seat on the Board.

There being no further business, the meeting adjourned at 2:30 p.m.

Date approved: _____

11/17/15
Daniel E. Charney
Chair