

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 440
Tuesday, January 17, 2017, 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

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12th day of January, 2017 at 9:32 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Hutchinson called the meeting to order at 1:43 p.m.

MINUTES

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the Minutes of December 20, 2016 (No. 439).

Mr. Hutchinson explained to the applicants and interested parties that there were only three board members present at this meeting, and if an applicant or an interested party 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 one or two board members voted no today the application would fail. Mr. Hutchinson asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

NEW APPLICATIONS

2618—Branch Towers

Action Requested:

Special Exception to construct a 120 foot monopole cell tower (Use Unit 4) and associated equipment shelter (Use Unit 4) in the AG District (Section 1204.3.E).

LOCATION: 1752 North McKinley Avenue, Sand Springs

Presentation:

The applicant has requested a continuance to February 21, 2017.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **CONTINUE** the request for a Special Exception to construct a 120 foot monopole cell tower (Use Unit 4) and associated equipment shelter (Use Unit 4) in the AG District (Section 1204.3.E) to the Board of Adjustment meeting on February 21, 2017; for the following property:

A tract of land lying and being a part of Lot 2 out of the NE/4 of Section 2, Township 19 North, Range 11 East of the Indian Base and Meridian as described in Bk 5590, Pg 169 Deed of record in Tulsa County, OK; said tract more particularly described as follows: Commencing at an original stone found for the NE/c of said NE/4; Thence SW on the N line of said NE/4, a distance of 1860.46 ft to a point on said N line; Thence SE perpendicular to said N line, a distance of 174.87 ft to a 1/2" Iron Rod with cap set for the NW/c said corner being the POB; Thence NE a distance of 40 ft to a 1/2" Iron Rod with cap set for th NE/c; Thence SE a distance of 60 ft to a 1/2" Iron Rod with cap set for the SE/c; Thence SW a distance of 40 ft to a 1/2" Iron Rod with cap set for the SW/c; Thence NW a distance of 60 ft the POB, containing 2400 sqaure feet of 0.055 acres more or less. Tulsa County, State of Oklahoma

2619—Windfall Woods, LLC

Action Requested:

Special Exception to allow wedding and corporate events (Section 310); Variance to allow a gravel parking area (Section 1340.D). **LOCATION:** 7305 West

Cameron Street North

Presentation:

This case cannot be heard today because one of the Board members present must abstain from voting on this case. Due to the abstention there would not be a quorum today for this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **CONTINUE** the request for a Special Exception to allow wedding and corporate events (Section 310); Variance to allow a gravel parking area (Section 1340.D) to the Board of Adjustment meeting on February 21, 2017; for the following property:

ALL THAT PRT GOV LT 3 LYING S OF OLD NORTH SAND SPRINGS RD & ALL THAT PRT GOV LT 5 & SE NW LYING S OF RD & E OF LINE BEG 1153E SWC LT 5 & EXT NTO SL OF RD & W OF LINE BEG SWC E/2 E/2 SE NW & EXT NTO NWC THEREOF & E/2 E/2 SE NW & W/2 W/2 SW NE LESS BE, FARM COLONY SUB, TWIN CITIES, OF TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

2610—Greg Harris

Action Requested:

Special Exception to permit weddings and events (Use Unit 2) in the AG District (Section 310, Table 1). **LOCATION:** North of the NE/c of East 166th Street North & North 129th East Avenue, Collinsville

Presentation:

Jeffrey Tuttle, Civil Engineer, 9714 East 55th Place, Tulsa, OK; stated he represents the applicant, Mr. Greg Harris. Mr. Tuttle took this case in the middle of December and then an emergency came up that called him out of town last month, and he apologized for the request for a continuance. Mr. Harris would like to have a building on the subject property to have weddings and corporate events. The subject property is a 20 acre tract and the building would be placed in the middle of the property. A year ago Mr. Harris presented this idea to the Board and received comments from the Board. Some of the issues have been resolved and Mr. Harris is willing to install a paved driveway and parking system. Mr. Harris is also willing to screen the property with a fence or

trees or plantings. Mr. Harris lives on the contiguous property on the south side. The subject property is zoned AG and is on a heavily traveled road, and the property is only two miles from the Collinsville city limits. Everything that is around the subject property is AG, but northward a ¼ mile away is the Washington County Rural Water District #3 water plant which is an industrial use. To the south is the Collinsville City Sewer Plant and that is less than ½ mile away. South of the sewer plant are two buildings that is the Collinsville Animal Shelter. One mile and across the street from the subject property is the Collinsville Street Maintenance Department and on the south side of that is a rendering plant and there is a manufacturing facility. All of these industrial buildings have gravel driveways and gravel parking.

Mr. Crall asked Mr. Tuttle if he was arguing in favor of gravel drives and gravel parking. Mr. Tuttle stated that he is not but he wanted to point out that previously when this proposal was objected to because of the gravel drive and gravel parking creating a lot of dust he is offering to do what nobody else in the area is doing. Mr. Harris is going to install asphalt. Not all the uses in the area are AG and the City of Collinsville is growing to the north on a heavily traveled route.

Mr. Hutchinson asked Mr. Tuttle about the hours of operation for the proposed event center. Mr. Tuttle stated that he was not sure, but weddings are usually in the late afternoon and early evening. All functions will be conducted inside the building and it will not be noisy. Mr. Tuttle stated that he presume the hours to be mid-afternoon to 10:00 P.M. about six times a year and probably on a Saturday or Sunday.

Mr. Crall asked Mr. Tuttle if he would be opposed to the Board placing restrictions on the request of six times a year and only until 10:00 P.M. Mr. Tuttle did not think Mr. Harris would object.

Mr. Hutchinson asked Mr. Tuttle about the music stating that the music is always a major concern of surrounding property owners and the Board. Mr. Tuttle stated the Board could require the music to be played inside the building. Mr. Tuttle stated that Mr. Harris is planning to erect a building that will hold at least 150 people so it should be of adequate size to have everything indoors.

Mr. Johnston asked Mr. Tuttle if receptions, weddings and everything is going to be held in the one proposed building. Mr. Tuttle answered affirmatively.

Interested Parties:

Debbie Lamberson Eastin, P. O. Box 578, Collinsville, OK; stated her main concern is noise. She would request the Board deny this request but should they choose to approve the request she requests the Board place all possible restrictions on the proposed operations. Ms. Eastin stated that she and her husband did meet with Mr. Harris and his statement at the time was not one of discussion or compromise but pointed out the water plant to the north. Ms. Eastin stated that Mr. Harris has said that it will not be any noisier than the water plant so she hired an acoustic specialist to determine what the current ambient noise level is. The reading was taken on a Friday

night, February 12th at 8:00 P.M. The average ambient noise level was 35 decibels and he compared it to the possible impact to the neighborhood, and the comparison was made against an event center that is in Bixby. When judging noise levels you look at what the noise level will be above the ambient noise level. The proposition put forth by Mr. Harris was that he was going to build a barn that did not show any inclusions of any noise reduction items. Mr. Harris did tell her that this proposal will start as a part time and occasional occupation but if he could he would leave his job and make it a full time occupation. In the discussion with Mr. Harris, he talked about proms among other events, and looked at alcohol, times, and a variety of other things. Ms. Eastin stated that the very least she would expect this Board to deny this request, or place very stringent guidelines on the proposal. The neighbors do not want outside events. They do not want festivals. The neighbors are tired of this. Ms. Eastin stated that what she and the neighbors' debate is whether this center can go into the agricultural area and it still be a peaceful place.

Diane Williams, 16961 North 130th East Avenue, Collinsville, OK; stated her property borders the subject property to the north and the proposed location of the building is approximately 250 feet from her property line. She and her husband purchased their property 14 years ago and shortly afterward began construction on their home. She and her husband enjoy the quiet and the privacy that it provides and as home owners want to protect their interest. Ms. Williams stated that Mr. Harris was granted a continuance last January so that he could visit with the neighbors and a few days before the February scheduled meeting he withdrew his application. Today Mr. Harris has brought this before the Board, and even though the Board encouraged Mr. Harris to meet with his neighbors he did not contact the neighbors before filing his application and did not contact the neighbors prior to this meeting. Because of this it gives the neighbors reason to doubt that Mr. Harris will be true to his word in the future. Some of the concerns of the impact of a commercial venue on a rural area include but limited to days and hours of operation, event use, the serving of alcohol and when it will be permitted, security, privacy, lighting, signage, noise abatement and the enforceability. Ms. Williams wonders what steps Mr. Harris will take to keep the event center from adversely impacting the neighbor's peace of mind, safety, and property of the people that live in the area. The neighbors simply ask the Board and Mr. Harris to consider their concerns.

Justin Schubert, 375 South Avenue E, Collinsville, OK; stated his property just north of and adjacent to Ms. Diane Williams land and within 750 feet of the proposed site. He would not have willingly purchased land next to a proposed or next to an established event center. He firmly believes because of the multitude of concerns, unclear or misleading intentions of this proposal and the blatant disregard to the Board's recommendations as outlined in the previous Board case recorded minutes is reason to deny Mr. Harris's request. There are numerous concerns with the proposed event center which is in a letter that will be given to the Board, but include traffic. Traffic is a concern because the increase will further deteriorate poorly maintained County road, 129th East Avenue. There are structurally deficient bridges on old Highway 169 and the undersized intersection of 129th and 166th Street North. The service of alcohol

continues to be a great concern because of a tragedy that could result from a wedding or a prom for the sake of profit is reason enough to consider the harm in this proposal. Should the Board approve the Special Exception what recourse does he or his neighbors have if Mr. Harris does not abide by the conditions placed by the Board. Mr. Shubert is concerned about what will happen if Mr. Harris sells the property. In his opinion Mr. Harris's ultimate intentions for the proposal are not well thought out, unclear or misleading. Mr. Shubert quoted comments made by the Board and stated in the approved minutes of the previous meeting. Today's meeting is two days short of one year when this process was started. Mr. Harris's inaction and lack of interest has resulted in no progress or an attempt to find an equitable solution with his neighbors in this matter. Mr. Harris's vision for the proposed event center is unfortunately not clear with the surrounding neighbors. Mr. Harris's willingness for respectful communication and transparency is non-existent at best. The neighbors feel that because of the multitude of concerns, unclear or misleading intentions of this event center proposal, and the blatant disregard to the Board's recommendation at the previous meeting that the Board in good conscience cannot grant this request.

Beth Ann Langston, 201 East Main, Collinsville, OK; stated the subject property is within a few hundred feet of a house that she is building to sell. In this area, within a few hundred feet of the subject property, there are hundreds of houses. Her personal home is located off Highway 169 and 5,280 feet from an event center. The event center is extremely loud and it absolutely is not conducive to the area to have an event center.

Rebuttal:

Jeffrey Tuttle came forward and stated that Mr. Harris had nothing to do with the continuance request in December 2016, it was only him. Mr. Tuttle stated that he trying to be sympathetic and understanding with the neighbors. This proposed site is not very far from Collinsville. There are only two things that drive or stop development, which are the availability of water and the availability of sewer. This area, not just the subject 20 acre tract, has both and it will not remain AG land forever. Development will come and the proposed site will be within the city limits of Collinsville. Compromises with the neighbors have been attempted.

Mr. Crall asked Mr. Tuttle if he knew of any attempt to contact the neighbors. Mr. Tuttle stated that he personally did not make any attempt. Mr. Crall asked Mr. Tuttle if he knew of any other attempts to contact the neighbors. Mr. Tuttle stated that he did not. Mr. Crall asked Mr. Tuttle if he knew of anything that might have been added since the last application that may relieve some of the concerns, i.e., sound proofing. Mr. Tuttle stated that he spoke with Mr. Harris last week and he was told that one of the complaints from a year ago was dust and gravel drives and gravel parking lots. Mr. Harris has stated that he is willing to pave the drives and the parking lot so there has been some attempt to compromise. Decibel levels and sound proofing was not discussed but Mr. Harris would be willing to do that if it is a requirement.

Mr. Hutchinson asked Mr. Tuttle if he thinks the subject area is going to grow. Mr. Tuttle answered affirmatively. Mr. Hutchinson asked Mr. Tuttle if he thought it would be

residential growth. Mr. Tuttle stated that residential growth does not typically happen right on section line roads and the subject area is a section line road and a major thoroughfare on the INCOG Master Street Plan. The existing farmettes will not be there forever because there will be residential there with some industry and commercial uses. Mr. Hutchinson asked Mr. Tuttle if he thought there would be more subdivisions than farmettes. Mr. Tuttle answered affirmatively. Mr. Hutchinson asked Mr. Tuttle that if more subdivisions were built doesn't he think more people would be upset about an event center being there. Mr. Tuttle stated that would depend on how it is built, operated and maintained.

Comments and Questions:

Mr. Crall stated that he is bewildered when the applicant wants the Board to place the restrictions on them because the Board really wants the applicant and the neighborhood to have discussions and decide what is an agreement. The Board then approves based on that but he is not seeing that in this case. Mr. Crall stated that he cannot support this request.

Mr. Johnston stated that he has had a lot of dealings with Dr. Shadley and he respects the noise level findings. Mr. Johnston stated that he will have a hard time supporting this request.

Mr. Hutchinson stated that he too has a hard time supporting the request. The more residential the area becomes the worse it will be. Based on what Mr. Tuttle has said, he thinks the area will grow residentially and Mr. Hutchinson stated that he is under the same belief. The residential growth will compound the problem if an event center is allowed. Mr. Hutchinson stated that he cannot support the request.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **DENY** the request for a **Special Exception** to permit weddings and events (Use Unit 2) in the AG District (Section 310, Table 1); for the following property:

N330 SW SW SEC 9 22 14; S/2 N/2 SW SW SEC 9 22 14 20 ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2612—Tommy Cody

Action Requested:

Special Exception to allow auto repair and service (Use Unit 17) in the CS District (Section 710); Variance of the screening requirement along the north lot line (Section 1217). **LOCATION:** 4815 and 4817 West 41st Street South

Presentation:

Rob Coday, Architect, 9131 East 77th Street, Tulsa, OK; stated the application is for a load escort service and will not be a mechanical garage. If there is any mechanical work performed it will be minor and it will be on company vehicles. The neighbor to the north has requested that a privacy fence not be erected because he likes to see over the area. There will be landscaping. Mr. Coday presented a letter from the neighbor on the north side requesting that a fence not be erected. The building is up and planned to be in compliance with the CS zoning but it is not the intended occupancy. If today's request is not approved the building will be used for something that is in compliance with the CS zoning.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the request for a Special Exception to allow auto repair and service (Use Unit 17) in the CS District (Section 710); Variance of the screening requirement along the north lot line (Section 1217). The Board has found the hardship is the fact that a screening wall would create a hardship for the neighbor; for the following property:

LT 7 LESS S15 THEREOF FOR RD BLK 1; LT 8 LESS S15 THEREOF & LESS W15 THEREOF FOR RD BLK 1, PARKS HGTS, OF TULSA COUNTY, STATE OF OKLAHOMA

2613—Cheryl Hoot

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RE District permanently (Section 410). **LOCATION:** 5008 East 96th Street North, Owasso

Presentation:

Cheryl Hoot, 8809 North 77th East Avenue, Owasso, OK; stated she is speaking on behalf of her mother. Her mother received a Special Exception five years ago to have

the manufactured home on the subject property so she could live next to her son. Now she would like to have permission to have the manufactured home on the property permanently.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home (Use Unit 9) in the RE District permanently (Section 410), 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:

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

2614—Ray Walters

Action Requested:

Variance of the 30 foot of frontage on a public right-of-way in the AG-R District to build a new dwelling (Section 207); Variance of the 15 foot side yard setback for an accessory building (Section 330). **LOCATION:** 20923 West Highway 51, Sand Springs

Presentation:

Ray Walters, 20923 West Highway 51, Sand Springs, OK; stated he would like to have a large shop and a mobile home that would be temporary for about three years to have time to build a house on the subject property.

Mr. Hutchinson asked Mr. Walters what his plans were for the shop. Mr. Walters stated the shop will be for personal use only.

Mr. Johnston asked Mr. Walters why he was requesting a Variance for the 15 foot setback. Mr. Walters stated it is because the road is a private road or private drive and it does not have access to a County maintained road. Mr. Johnston stated that his question is pertaining to the side yard setback. Mr. Johnston stated that unbeknownst to him he needed a permit to build the shop. The poles have already been erected and they are only 11 feet from the neighbor's fence. Mr. Johnston asked Mr. Walters how many poles had been erected. Mr. Walters stated there about ten poles already in the

ground and the rebar has been put in place. Mr. Johnston asked Mr. Walters if concrete had been poured. Mr. Walters stated there has been no concrete for the pad has been poured, just the pad for where the shop is.

Mr. Walter stated the property has had a mobile home on it about 30 years ago, and it does have a septic system.

Mr. Crall asked Mr. West to explain the 30 foot Variance request. Mr. West stated that for any type of dwelling or structure that will be used for a house there must be 30 feet of street frontage to a County maintained street or road. If the subject parcel actually touched Highway 51 there would not be an issue but it does not touch Highway 51.

Mr. Johnston asked Mr. Walters if he had taken on the responsibility of maintaining the private road. Mr. Walters stated the maintenance has been divided amongst several people living there and the agreement has been recorded with the Court.

Interested Parties:

John Johnson, 21015 West Highway 51, Sand Springs, OK; stated he owns the property just west of the subject property. The driveway is a shared driveway and it is maintained by all people that use it, so there is no problem there. Mr. Johnson stated that his problem is with the 15 foot setback. The reason people move to the country is to have elbow room and a 15 foot setback prevents any future problems being established.

Judith Thomas, 20229 West Highway 51, Sand Springs, OK; stated she lives south of Mr. Walters and have lived there for 31 years. There have been no issues with the driveway but there have been several instances regarding the 30 foot frontage. Many people have purchased the subject property only to find out they cannot get a building permit because of it. Ms. Thomas stated that she has a problem with the Variance request for the 15 foot setback. Ms. Thomas stated that Mr. Walters has not had a pin survey completed and to her knowledge Mr. Walters has been cutting trees on her property. The subject property is in the old growth region of Cross Timbers Forest and if Mr. Walters is allowed to do away with the 15 foot setback it will allow him to encroach further onto people's property. Ms. Thomas stated that the building is 11 feet away from the neighbor's fence but no one knows for certain where the property line is. Ms. Thomas stated that Mr. Walters has three acres to build his shop and his house on that would be within the current guidelines. Ms. Thomas stated that she does not see a valid hardship for this Variance other than he has already raised poles for the building. Does that allow him a Variance because he jumped the gun and started setting a building without a permit or survey?

Rebuttal:

Ray Walters came forward and stated the way he measured the land his neighbor's fence is on his property. If the neighbor's are so worried about having his property surveyed do they know where their property line is located? Mr. Walters denied removing trees from Ms. Thomas's property. In regards to the Variance request for the

shop, the pad has been built, everything has been leveled, rebar has been set in place, the poles are in the ground and the difference is only four feet. Mr. Walters stated that he had been told the setback was 10 feet and he doesn't know if that has changed.

Mr. Crall asked Mr. Walters who told him the setback was 10 feet. Mr. Walters stated that various people have told him that it is ten feet. His nephew, who builds shops for a living, even told him the setback was 10 feet. Mr. Crall stated that the nephew should have known that a permit was required too. Mr. Walters agreed, but he did not think he needed one living that far out.

Mr. Hutchinson stated that he personally would have had a survey performed to make sure he was not building on someone else's property before any money was spent. Mr. Walters stated that he should have done a lot of things, but his neighbor's utilities are on his property by 20 feet because he drilled into them when starting the shop. So if everyone is so worried about property lines why are the neighbor's utilities 20 feet over into his property and why does Ms. Thomas not have a survey on her property?

Mr. Crall stated that was shot across the bow and if no one knows where their property lines are it better be figured out. Mr. Walters agreed and stated that it will be the first thing he does, get a survey.

Candace Walters, P. O. Box 44, Sand Springs, OK; stated if there is a question about where the property lines are, there is barbed wire fence in place both on the west and south sides. That fence was in place when the land was purchased and she thinks if those property owners erected fence they would have determined where their property lines are.

Comments and Questions:

Mr. Crall stated that he had not been concerned over the four feet but now with the property lines being in question it is different. Now is the time for the applicant to stop all activity.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the request for a Variance of the 30 foot of frontage on a public right-of-way in the AG-R District to build a new dwelling (Section 207). The Board has found the hardship is that the applicant needs access to the highway, but there is a mutual access easement available. 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:

**E/2 E/2 SE SE BEG 800N SECR SE TH W330 N520 E330 S520 POB SEC 10 19 10
3.939AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

Comments and Questions:

Mr. Crall stated that if the building were complete he would have a hard time saying no, because the Board understands mistakes. But right now the situation has been caught in time to fix the problem. Mr. Crall stated that he understands this could be a little bit of an expense but the cost of upsetting neighbors is something that cannot be measured. Mr. Crall suggested the applicant hire a surveyor. At this point Mr. Crall stated that he cannot support this Variance request because it can be fixed without too much of a hardship on the applicant.

Mr. Hutchinson stated that he cannot support the request. He would recommend the applicant get a survey performed for protection, especially since he is that close to the property line.

Board Action:

On **MOTION of CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **CONTINUE** the request for a Variance of the 15 foot side yard setback for an accessory building (Section 330) to the Board of Adjustment meeting on March 21, 2017 to allow the applicant time to have a survey performed; for the following property:

**E/2 E/2 SE SE BEG 800N SECR SE TH W330 N520 E330 S520 POB SEC 10 19 10
3.939AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

2615—Lydia Scott

Action Requested:

Variance to allow two dwellings on one lot of record (Section 208); Special Exception to permit a manufactured home (Use Unit 9) in the RE District (Section 410). **LOCATION:** 11790 East 191st Street South, Bixby

Presentation:

Lydia Scott, P. O. Box 536, Bixby, OK; stated she would like to have a single wide mobile home placed on her father's property which is ten acres.

Mr. Hutchinson asked Ms. Scott if the mobile home was already placed on the property. Ms. Scott answered affirmatively.

Mr. Hutchinson asked Ms. Scott if her father was planning to have a lot split. Ms. Scott stated that she did not think there were any plans for a lot split.

Mr. Johnston asked Ms. Scott about a structure that appears on the aerial photo of the property. Ms. Scott stated that her father has a metal shed on the property from when he had an asphalt business and he used to park his trucks on the property.

Interested Parties:

Scott Owens, 11630 East 191st Street South, Bixby, OK; stated he is the neighbor west and closest to subject property and his front door faces the property. The mobile home is approximately 200 feet from his property line. His concern is that the trailer has already been placed, hooked up and they are living in it. He also has concerns about property values and the fact that there are three dwellings very close together. Mr. Owens stated that he has concerns about sewage drainage. The land has been zoned RE to protect the land owners.

Mr. Crall asked Mr. Owens if there were sewage problems with the other homes. Mr. Owens stated that there were not and he does not want any. He has a problem with the fact that things have not been done right and what kind of system is going to be installed. Where are the lateral lines going to go because there is not enough room because they are only about 200 feet from his property line. He does not want their sewage drainage let out onto his property.

Dan Riem, 11812 East 191st Street South, Bixby, OK; stated he lives on the property to the north of the subject property and just recently purchased his property because of the remoteness. He completed his 2,300 square foot house in October and he objects to the request because it will compromise the Residential Estate zoning. Mr. Riem has concerns about property values for himself and all the neighbors. The properties are zoned for one dwelling and it needs to stay that way.

Mr. Hutchinson asked Mr. West to explain the RE zoning. Mr. West stated that the RE zoning is large tracts of land for residential use. In regards to the sewage system, aerobic systems can handle subdivisions. Single wide mobile homes are not allowed in the RE zone but a double wide is allowed by right.

Rebuttal:

Lydia Scott came forward and stated that there is a possibility that the mobile home could be tied into her father's established lateral lines because his septic tank is large enough for the two dwellings.

Mr. Hutchinson asked Ms. Scott what she was using now. Ms. Scott stated she does not have anything currently because she does not have a lot of resources to have things done.

Ms. Scott stated the mobile home is not meant to be permanent because eventually there will be a house built elsewhere.

Mr. Hutchinson asked Mr. West if two dwellings are allowed on one septic system. Mr. West stated that DEQ would have to make that determination, because it depends on the lateral lines and septic tank.

Comments and Questions:

Mr. Crall stated that he has more concern about the legal ramifications of the current living conditions than he has about dwellings.

Mr. West stated the applicant is violation of the Zoning Code if she is currently living in the mobile home.

Mr. Johnston asked Mr. West what the definition of a mobile home is. Mr. West stated that a single wide is normally considered to have the ability of being moved in one body which is one unit that is normally 14 to 16 feet wide by 72 or 80 feet long. A double wide is a two section home that has a permanent foundation underneath it. A single wide is not permitted in any R zoned districts as a use by right.

Mr. Hutchinson stated that he cannot support this application. Mr. Johnston agreed.

Mr. Crall stated that if the Board approves this request there will be restrictions placed on it that will cost money and those restrictions are not cheap, i.e., sewer, parking pad, etc. Mr. Crall stated that he does know if the Board would be doing the applicant a favor if they approve it.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **DENY** the request for a Variance to allow two dwellings on one lot of record (Section 208); Special Exception to permit a manufactured home (Use Unit 9) in the RE District (Section 410); for the following property:

NW SE NW & W30 NE NW SEC 8 16 14 10.909ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Ms. Miller left the meeting at 3:15 P.M.

2616—Don Meador

Action Requested:

Variance of the allowable square footage for accessory buildings in the RS District from 750 square feet to 4,650 square feet (Section 240.2.E). **LOCATION:** 5452 South 67th West Avenue

Presentation:

Don Meador, 5452 South 67th West Avenue, Tulsa, OK; stated that he contracted for a new steel storage building in October and after difficulties with that contractor he was fired. That was when he found out that the contractor had no permits for the job and the concrete had already poured and the steel frame was in place.

Mr. Hutchinson asked Mr. Meador if the new building was 1,500 square feet in size. Mr. Meador answered affirmatively. Mr. Hutchinson asked Mr. Meador if the other existing buildings took the square footage to the 4,650 square feet. Mr. Meador answered affirmatively. Mr. Hutchinson asked Mr. Meador what size were the other buildings that were to be removed. Mr. Meador stated there are a 20 x 24, 20 x 20 and a 15 x 8 building that will be removed.

Mr. Crall asked Mr. Meador if all three of those structures had been figured into the total square footage. Mr. Meador stated that there were not. The existing accessory building, which is a garage, and the new building total 4,650 square feet. Mr. Meador stated there is an existing trailer house on the property that has been there for over 15 years and it is used for storage.

Interested Parties:

Russell Corey, 6715 West 56th Street, Tulsa, OK; stated he owns ten acres south of the subject property and has lived there about 30 years. He knows the applicant has a motorcycle shop and that they used to operate it out of their house. He has concerns about this being a business. The streets in the area are one lane and it is a dead end street. The property is not zoned for a business.

Mr. Hutchinson stated that if Mr. Meador were to do business out of the proposed structure the request would be entirely different. Mr. West confirmed that statement and stated that no type of business is allowed.

Kelly Knopp, 1126 South Frankfort Avenue, Tulsa, OK; stated she is before the Board on behalf of Clayton McDowell who is a neighbor. There are concerns about the use of the building and the track that is near the building that could be used for the motorcycles. Mr. McDowell is concerned about the building being used for a motorcycle business that was shut down. Mr. McDowell has horses and is concerned about the size of the building because it is inconsistent with the rural and residential nature of the property. The roads are not appropriate for a lot of travel.

Mr. Crall asked Ms. Knopp to explain her statement of a business recently shut down. Ms. Knopp stated there was a business, Kinetic Connection, which was shut down in December under the applicant's ownership.

Rebuttal:

Don Meador came forward and stated that he did not close his business but did relocate it to Okmulgee.

Kelly Knopp came forward and asked if the 10 feet noted on the site plan was in violation of the setback requirement for the accessory buildings. Mr. West stated that in the RS zone it is five feet.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney, Dillard “absent”) to **APPROVE** the request for a **Variance** of the allowable square footage for accessory buildings in the RS District from 750 square feet to 4,650 square feet (Section 240.2.E), finding the hardship to be the size of the property. The single wide mobile home and the other buildings are to be removed upon completion of the proposed building. The building is not to be used for business; for the following property:

LTS 14 THRU 55 BLK 36, NORTH TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA

2617—Andrew Steffey

Action Requested:

Variance to reduce the required building setback in an RE District from North Memorial Drive from 35 feet to 18.3 feet; **Variance** to reduce the required building setback from East 100th Street North from 35 feet to 24.6 feet to permit the existing house (Section 430). **LOCATION:** 10001 North Memorial Drive, Owasso

Presentation:

Andrea Steffey, 9105 North 182nd East Avenue, Owasso, OK; stated she that she currently has her house up for sale and there is some resistance with the mortgage lender about the house being built over the building line. The house is 16.7 feet over the west building line and 4.8 inches over the south building line. The house has been a dwelling for over 40 years but it existed as a barn which was built over 100 years ago. The house has had several different owners and mortgages without issue until now. Until the Variance request is approved the mortgage company will not allow transfer of ownership. A closing had been set for December but the mortgage company had a hang up about this issue so it has put off.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the request for a **Variance** to reduce the required building setback in an RE District from North Memorial Drive from 35 feet to 18.3 feet; **Variance** to reduce the required building setback from East 100th Street North from 35 feet to 24.6 feet to permit the existing house (Section 430). Finding the hardship to be that the house is existing and has existed for 40+ years; for the following property:

LT 10 BLK 2, HILL N DALE ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:36 p.m.

Date approved: _____

2/21/17

David E. Charney

Chair