

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 444**  
Tuesday, May 16, 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**

Charney, Chair  
Hutchinson, V.Chair  
Crall, Secretary  
Dillard  
Johnston

Miller  
Moye  
Sparger

West Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11<sup>th</sup> day of May, 2017 at 8:21 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.

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**MINUTES**

On **MOTION** of **DILLARD**, the Board voted 4-0-1 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; Hutchinson "abstaining"; none "absent") to **APPROVE** the Minutes of April 18, 2017 (No. 443).

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**UNFINISHED BUSINESS**

**2625—Tania Bledsoe**

**Action Requested:**

Variance to permit more than two dwelling units on a single AG zoned lot (Section 208), **LOCATION:** 14225 North Yale Avenue

**Presentation:**

**Tania Bledsoe**, 14225 North Yale, Collinsville, OK; stated she and her husband purchased the property October 2015. Currently there are four houses on the property

and they were there when they purchased the property. She would like to make improvements to two of the residences thus the need for a Variance.

Mr. Dillard asked Bledsoe if she planned on constructing a new house or is the Variance request just for the improvements to the existing houses. Ms. Bledsoe stated that it is just for the current houses and there will be no new construction.

Mr. Charney asked Ms. Bledsoe if all four houses were accessed from a driveway off Yale Avenue. Ms. Bledsoe answered affirmatively.

Mr. Charney asked Ms. Bledsoe if there was a driveway at the southerly end of the subject property near the pond. Ms. Bledsoe stated there is an access that goes to the houses that are behind her but it is not an actual driveway. The only driveway is from her gate that accesses all four houses on the subject property.

Mr. Hutchinson stated the subject property was formerly one large ranch and the main residence is 6,000 square feet and the other houses were ranch hand houses. The land has slowly been subdivided and that is why there are four residences on one driveway.

Mr. Charney asked Ms. Bledsoe if she would be willing to have the land platted if the Board made that a requirement should they decided to approve her Variance request. Ms. Bledsoe answered affirmatively. Mr. Dillard stated the pond is what causes the property to not have 37 acres of usable property and if it is subdivided it could be a wildcat subdivision. Ms. Bledsoe stated that she plans to keep the property just as it is and not construct anything new.

**Interested Parties:**

**Bob Bledsoe**, P. O. Box 913, Jenks, OK; stated he is Ms. Bledsoe's father-in-law. Mr. Bledsoe stated there are no plans for subdividing or developing the property. Mr. Bledsoe stated that much of the ranch has been sold, platted and turned into subdivisions but the remaining subject property is planned to remain as it is. At this point one of the structures will have extensive remodeling done to it.

**Comments and Questions:**

Mr. Hutchinson stated that he can easily support this request. A person cannot tell there are four structures on the subject property because of the lay of the land and the applicant is just rehabbing the land.

Mr. Charney agreed with Mr. Hutchinson and the fact that the structures were pre-existing.

**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 request for a Variance to permit more than two dwelling units on a single AG zoned

lot (Section 208). The Board finds the hardship to be the lay of the land and that the structures were pre-existing when the property was purchased. The approval is conditioned on the fact that the applicant cannot subdivide the property any further without a platting process; for the following property:

**PRT SW & NW BEG SWC SW NW TH N965.59 E16.5 NE215.17 E564.73 N165 E698.55 S1321.40 W1320.51 POB LESS W16.5 S965.59 SW NW & N70 W285 NW SW LESS W16.5 THEREOF FOR RD SEC 27 22 13 37.758ACS, COOPER CROSSING, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2628—Robert Myers**

**Action Requested:**

Use Variance to permit a dirt pit/mining operation (Use Unit 24) in the IL District (Section 910, Table 1). **LOCATION:** North of the NW/c of Highway 169 and 56<sup>th</sup> Street North

**Mr. Charney announced that he would need to recuse from this matter and one other agenda item. With this Mr. Charney deferred this case to the end of the agenda.**

**Presentation:**

No presentation was made at this time and the case was moved to the end of the agenda.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required at this time.

**2630—Josh Inda**

**Action Requested:**

Variance to permit open air storage on a CS zoned property within 300 feet of an abutting R District (Section 1214.3-A). **LOCATION:** East of SE/c of West 8<sup>th</sup> Street South and South 175<sup>th</sup> West Avenue

**Presentation:**

**Josh Inda**, 3 American Way, Shawnee, OK; stated he would like to have a retail store to sell metal building materials. This would be a set down yard for customers to pickup their building items and the retail store would be open to the public similar to Mueller, Inc. The metal building products will be manufactured in Shawnee, Oklahoma and the subject property will be a distribution site and sales office to help the public with their questions regarding their projects, i.e., metal roof, carport or a metal building. A lot of the people the company sells to are the do-it-yourself clientele. This location is a property where the materials will be brought in and the individuals will pick up their product. The materials will be brought in on a typical 16 foot flat bed trailer.

Mr. Charney asked Mr. Inda if the subject property was three lots in a platted subdivision. Mr. Inda answered affirmatively and the 300 foot radius from the R District splits the subject property in half.

Mr. Charney asked staff if the subject property was near a residential subdivision. Mr. West stated the subject property is within 300 feet of a residential subdivision but the Variance request is for the open air storage.

Mr. Charney asked Mr. Inda if there was a particular area within the three lots that most of the open air storage would be placed. Mr. Inda stated the subject property has been through a lot split and a lot combination on Lot 5. Lot 7, a portion of Lot 5 and Lot 3 have been combined and deeds are going through the process of being updated. All of Lot 6 and the remainder of Lot 5 is going to be a barrier from South 174<sup>th</sup> Street and the subject property will have access from West 9<sup>th</sup> Street and exit onto West 8<sup>th</sup> Street. The hours of operation will be 8:00 A.M. to 5:00 P.M., Monday through Friday.

Mr. Crall asked Mr. Inda if his product will be delivered to the subject property on a small truck. Mr. Inda stated the intention is to bring in a semi truck to restock materials but for the most part the subject property will be serviced by a goose-neck trailer.

Mr. Crall asked Mr. Inda if there were plans to install any type of barriers. Mr. Inda stated the plans are to erect a security fence or a privacy fence. The residents have expressed to him that they did not want the privacy fence to look too over bearing, but he will do whatever is required.

Mr. Charney asked Mr. Inda if there was a tree line that would shield the residential properties. Mr. Inda answered affirmatively. Mr. Charney asked Mr. Inda if he planned on any of the storage to be north of the tree line. Mr. Inda stated there are two tree

lines. There is one Lot 6 and that will not be removed, and the tree line on Lot 5 and Lot 7 will have at least half of the trees removed for ground preparation.

Mr. Johnston asked Mr. Inda if the fence would totally enclosed Lots 5 and 7. Mr. Inda stated the fence would totally enclose Lot 7 and a small triangle of the south corner of Lot 6. Mr. Charney stated the map being discussed is page 4.19 in the Board's agenda packet, which shows a red outline on some of Lot 7 and Lot 5 for the potential fence.

Mr. Charney asked Mr. Inda if he would be leaving the trees in the northeast corner of Lot 6. Mr. Inda answered affirmatively.

**Interested Parties:**

**Robert Franklin**, 17305 West 2<sup>nd</sup> Street, Sand Springs, OK; stated he about 1 ½ blocks from the subject property. Mr. Franklin stated that he has never met Mr. Inda and was informed by neighbors of the proposed use for the subject property. He asks the Board to oppose the Variance request because he believes it will affect property values and aesthetics. He believes the proposed yard will influence the wild life in the area. The road is also degenerated often and the neighbors struggle with 177<sup>th</sup> going toward the land fill and he believes the road will be damaged even farther with the trucks coming and going on a consistent basis.

**Robert Guinn**, 119 South 174<sup>th</sup> West Avenue, Sand Springs, OK; stated he lives in the Hillside Neighborhood which is adjacent to the subject property. He has lived in Sand Springs all his life and he and his wife are concerned about traffic and flooding issues. He knows Mr. West is very familiar with the area and there is a problem there right now. They are digging out the creek that runs next to the subject property now. He requests the Board to really study the curb cuts also because the area is on a real steep hill. The neighborhood is a quiet very well maintained neighborhood and that is why he chose to live in the area. He and the neighbors tolerate the land fill and has seen it grow from 50 trucks to over 300 trucks. He is also concerned about the future, should the applicant decide to sell the subject property. The tree line that is Lot 7 range in age of 150 to 200 years old. The area is really nice wild life area also. There will also be a flooding issue with the business below the subject property because when the curb is cut the street will become just like Keystone Dam.

Mr. Hutchinson asked Mr. Guinn where the land fill is located. Mr. Guinn stated the land fill is about four blocks away on the north side. There is a lot of semi-truck traffic that uses Highway 412 and they all exit on 177<sup>th</sup>. The traffic issues are bad and if there is an open storage facility allowed to go in he is concerned about the future if the applicant closes the business. Mr. Guinn believes there will be a lot of noise in the quiet neighborhood. Wekiwa III is a fairly new neighborhood, about 20 years old, and this is something that is very serious for the area.

Mr. Charney asked Mr. Guinn if West 8<sup>th</sup> Street was a curb and gutter street or if it is a bar ditch street. Mr. Guinn stated that it is a curb and gutter street. Mr. Guinn stated

that is not aware of a drainage proposal for the street when the subject property adds the curb cuts.

Mr. Charney asked Mr. West if there is a site plan required that addresses points of ingress and egress. Mr. West stated that Engineering will address the curb cut and any drainage that would be required.

Mr. Charney stated the Board understands everyone's concerns and the Board is sensitive to site planning as well as the land use. Part of the Board's focus is if the land use should be permitted or not, and Mr. Guinn raises a good point on how is the site plan going to be executed on the subject property. Even if the Board were to approve the the land use there is a significant opportunity for the County and it's Engineering Department to study how the site plan impacts the area.

Mr. Guinn thanked the Board for allowing him to speak because is passionate about the area and he moved there because it is a unique area. Mr. Guinn stated that the covenants in the deeds to the properties in the area it is stated that there are no privacy fences allowed and he has an issue with the proposed privacy fence.

Mr. Crall asked Mr. Guinn if he felt that he should be allowed to control which trees the applicant cuts down on his property. Mr. Guinn stated that he does not have the right to say the applicant cannot take the trees down, but he is concerned about what is going to happen to the area. There is about 40 feet of sand there because it is Arkansas River bottom land and when the trees are felled there will be even more drainage problems.

Mr. Johnston stated the subject property is zoned CS and he asked Mr. Guinn if he was aware that the applicant could build building on the subject property without coming before the Board. Mr. Guinn stated that he is not discussing buildings but is discussing open air storage. Mr. Johnston stated that to him the issue is visual more than anything else.

Mr. Charney stated that Mr. Guinn raises legitimate development issues, i.e., paving, buildings, structures. They are handled by an Engineering group that is different from the Land Use Planning at this Board. If there is going to be a lot more impervious area Mr. West will ensure there is a stormwater retention pond. Mr. Charney stated the Board is sensitive to the issues being raised but there are other engineering issues, i.e., curb cuts, site planning, stormwater retention. There is a good government overview of that separate and apart from whether the land use is permitted or not. Mr. Guinn stated that he worked with the State government all his life and that is where his fear is and why he is so passionate about this. He appreciates the Board and realizes they are doing their responsibilities but there are more concerns about this than what the Board is preparing to vote on. Mr. West has more than he can maintain and he cannot control the issues. Mr. Guinn asks the Board to give this serious consideration.

**Marlene Bass**, 17433 West 9<sup>th</sup> Street, Sand Springs, OK; stated her property is adjacent to and west of the subject property.

Mr. Charney asked Ms. Bass if her property was the automotive use business. Ms. Bass answered affirmatively.

Ms. Bass stated that she has concerns about the curb cut because the property is on the side of a hill and the drainage on 8<sup>th</sup> and 9<sup>th</sup> Street is awful. When the curb is cut the water coming down the hill will flood her business's back yard.

Mr. Crall asked Ms. Bass if 8<sup>th</sup> Street was the high point and if 9<sup>th</sup> Street was the low point. Ms. Bass answered affirmatively.

**Eric Engel**, 243 South 176<sup>th</sup> West Avenue, Sand Springs, OK; stated the subject property backs up to his property. His concerns are what type of aggregate is going to be used and the trees. There is a lot wind that comes off the viaduct and the trees create a wind break. If there is going to be exposed aggregate how much dust will there be. He also has concerns about truck traffic and flooding.

Mr. Charney asked Mr. Engel if he knew how much of an elevation drop there is between 8<sup>th</sup> Street and 9<sup>th</sup> Street. Mr. Engel stated that it is probably a 17 foot drop. Mr. Engel stated that he has a five foot culvert on the back side of his property and header walls to retain the water and that elevation is probably 36 to 50 feet. On the Osage County Line there are retention ponds and when they are full the water flows down the back side of his property and comes over the header walls.

**Rebuttal:**

**Josh Inda** came forward.

Mr. Charney asked Mr. West about a site plan for the proposed use because in the past the Board has requested a site plan prior to granting certain Variances to allow the Board to see the curb cuts, gravel parking, etc. Mr. West answered affirmatively. Mr. West stated that as far as all-weather surfaces and drainage issues they are a part of this case.

Mr. Charney asked Mr. Inda about a site plan for the proposed use and if he would prepare a site plan for the Board to review before a decision on the matter was rendered. Mr. Inda answered affirmatively. Mr. Inda stated that he asked the County Engineer if a site plan was needed and he was told no. Mr. Charney stated that Mr. Inda was probably told correctly by the Engineering Department but in certain circumstances there is a lot of things that come into play, more than just the standard matter.

Mr. Inda appreciates all the people that came to the meeting today because he believes it is important to be a good steward of the community. He understands the concerns about the trucks, but if it gets to the point where the business has that amount of truck

traffic he will need to move the location but he does not see the business getting to that point. In regards to the drainage issues, he agrees there are a lot of issues that need to be addressed which he will work on at some point in the future. Mr. Inda stated that he did speak to the County Engineer about the stormwater drainage plan because he believes he needs to work with the property as well as work with the neighbors. The stormwater drainage plan would also address the curb cut. Mr. Inda stated that he knows the water will flow through the open air storage and that is one of the reasons he was against erecting a building; a building will make it harder for the water to flow.

Mr. Johnston asked Mr. Inda if the south curb cut along 8<sup>th</sup> Street channels the water away from all the surrounding properties. Mr. Inda stated that he did not know but that is what he had been told. Mr. Johnston stated that he would like to see a site plan depicting where the water flows and the screening. Screening is going to be very important subject to this proposal. Mr. Charney stated that when people seek outside storage screening is important to the Board.

Mr. Dillard believes the Board needs to be more specific on the screening fence because of the deed restrictions because those limit what the applicant can do. Mr. Charney stated the covenants are for the residential district to the north not the commercial properties. Mr. West believes the CS zoned portion is not actually in Wekiwa Hills.

**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 **CONTINUE** the request for a **Variance** to permit open air storage on a CS zoned property within 300 feet of an abutting R District (Section 1214.3-A) to the July 18, 2017 Board of Adjustment meeting to allow the applicant to prepare a site plan that addresses points of ingress and egress, stormwater management, impervious surfaces, gravel versus concrete and the screening; for the following property:

**LT 7 BLK 3; LT 5 BLK 3; LT 3 BLK 3, WEKIWA HILLS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2631—Judy Emmert**

**Action Requested:**

**Variance** of the lot area and land area per dwelling unit; **Variance** of the minimum lot width to permit a lot-split in the AG District (Section 330, Table 3). **LOCATION:** 17219 South Harvard East



**Mr. Charney announced that he would need to recuse from this matter and deferred this case to the end of the agenda.**

**Presentation:**

No presentation was made at this time and the case was moved to the end of the agenda.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required at this time.

**2632—Lonnie Basse**

**Action Requested:**

Special Exception to permit temporary firework sales on RS zoned property (Section 410). **LOCATION:** 615 South 65<sup>th</sup> West Avenue

**Presentation:**

**Lonnie Basse**, 5401 West Skelly Drive, Tulsa, OK; stated he works for TNT Fireworks Company and the request is for a temporary fireworks stand at the listed address.

Mr. Charney asked Mr. Basse about the hours of operation, the parking area and the ingress and egress to the parking area. Mr. Basse stated the stand will be sitting on a hard surface and the parking will in front of the stand. The ingress and egress is from 65<sup>th</sup> West Avenue and the public will be pulling onto a hard surface because it is a commercial area.

Mr. Crall asked if he had a fireworks stand on the subject property before. Mr. Basse answered affirmatively.

Mr. Charney asked Mr. Basse about the hours of operation. Mr. Basse stated the stand would start selling June 20<sup>th</sup> and close July 5<sup>th</sup>, from 9:00 A.M. to 10:00 P.M. from June 20<sup>th</sup> to July 2<sup>nd</sup>. On July 3<sup>rd</sup> and 4<sup>th</sup> the hours of operation would be 8:00 A.M. to 12:00 midnight.

Mr. Hutchinson asked Mr. Basse if the people living in the double wide mobile home were going to be the managers of the stand. Mr. Basse answered affirmatively and stated they are the people that approached TNT about having a stand there.

Mr. Hutchinson asked Mr. Basse about the traffic for the stand. Mr. Basse stated that typically there is very little traffic until the afternoon of July 3<sup>rd</sup> and then the day of July 4<sup>th</sup>.

**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 temporary firework sales on RS zoned property (Section 410). The stand will be open from June 20<sup>th</sup> to July 5<sup>th</sup>. The hours of operation will be from 9:00 A.M. to 10:00 P.M. from June 20<sup>th</sup> through July 2<sup>nd</sup>. On July 3<sup>rd</sup> and July 4<sup>th</sup> the hours of operation will be from 8:00 A.M. to 12:00 midnight; for the following property:

**LT 37, PARTRIDGE SUB, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Charney recused himself from cases BOA-2628 and BOA-2631 and left the meeting at 2:33 P.M.**

**2628—Robert Myers**

**Action Requested:**

Use Variance to permit a dirt pit/mining operation (Use Unit 24) in the IL District (Section 910, Table 1). **LOCATION:** North of the NW/c of Highway 169 and 56<sup>th</sup> Street North

**Presentation:**

**Robert Myers**, 15360 State Highway 20, Skiatook, OK; stated the property is about 76 acres. The right of way goes by one house and he has not spoken to the resident, but there is an entry on the east side of the subject property and that is the planned point of entry. There is already a lot of truck traffic on 66<sup>th</sup> Street because of the rock crushing plant so he does not think traffic will be an issue.

Mr. Hutchinson asked Mr. Myers if the entire property was in a flood zone. Mr. Myers answered affirmatively.

Mr. Hutchinson asked Mr. Myers how far from the highway was the mining operation going to be. Mr. Myers stated it will be 25 feet from the property line on the highway side.

Mr. Myers stated the digging operation will be from the pond to the south but the entire 76 acres is being permitted because the owner wants it that way.

Mr. Hutchinson asked Mr. Myers if the mining operation will help with the flooding in the area. Mr. Myers thinks it will help a little.

Mr. Johnston asked Mr. Myers what the elevation difference is between the creek and the place where the digging will take place. Mr. Myers thinks it is about 30 feet.

Mr. Dillard asked Mr. Myers how large of a buffer has to be between the creek and the digging operation. Mr. Myers stated that there has to be 50 feet between the creek and the digging.

Mr. Johnston asked Mr. Myers if he digs as deep as the water table will allow. Mr. Myers answered affirmatively.

Mr. Crall asked Mr. Myers how long he thinks the digging operation will last. Mr. Myers believes it will be ten years. On average he will dig 600 to 800 loads in a month and one acre will yield about 4,000 loads.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Use Variance** to permit a dirt pit/mining operation (Use Unit 24) in the IL District (Section 910, Table 1), subject to conceptual plan 3.7. The Board has found the hardship to be the subject property is in a flood zone and cannot be used for anything else and this approval will make the land usable property. The approval is conditioned on the applicant acquiring all required permits and will be required to submit verification of all requisite permits and authorized Federal and State regulations to the County Permit Office; for the following property:

**PRT W/2 SEC BEG SWC NW SW TH N TO PT ON NWC NW SW N1316.06 E718.40 TO PT ON WL HWY R/W S1316.75 TO PT ON SL SW NW SE255 S TO PT ON SL NW SW W POB SEC 5 20 14 44.336 ACS AND PRT E/2 SEC BEG 950N & 172.20NW & 190.78NW & 193.23NW & 10.93NW & 36.68W SECR SE TH NW ALG CL BIRD CRK 106.67 NWLY165.63 N515.30 W296.24 NWLY ALG CL 834.51 NE80.54 NW110.03 N299.24 E365.89 S658.42 E TO PT NEC SE S TO PT ON SECR NE SE W POB SEC 6 20 14 30.28 AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2631—Judy Emmert**

**Action Requested:**

Variance of the lot area and land area per dwelling unit; Variance of the minimum lot width to permit a lot-split in the AG District (Section 330, Table 3). **LOCATION:**  
17219 South Harvard East

**Presentation:**

**Judy Emmert**, 3302 East 115<sup>th</sup> Street South, Tulsa, OK; stated she and her husband purchased the subject property with the intention of building their personal home and building their daughter a personal home on the property. The intention is to split the area so that upon their death their daughter could sell their property separately. Ms. Emmert stated that her house would be approximately 3,500 square feet and be built on Tract B and her daughter's house would be approximately 2,500 square feet and be built on Tract A.

Mr. Hutchinson asked Ms. Emmert to confirm that her house would be built on Tract B and her daughter's house will be built on Tract A. Ms. Emmert confirmed that was correct. Mr. Hutchinson asked Ms. Emmert about the existing old house on the property. Ms. Emmert stated that it was a little barn and at first she was going to raze it then decided she could make a place for her grandkids to go play. She has worked on it some and thought maybe she could make it a mother-in-law suite or a game room for the kids. The sewer lagoon in the rear will be taken out and the property will go onto a septic system. Ms. Emmert stated that they propose to lay a driveway down the middle of the property to show division between the two pieces of land.

Mr. Dillard stated that if there is going to be a driveway down the middle of the land Ms. Emmert will need to file for mutual access for both properties.

Mr. Hutchinson asked Ms. Emmert about the overhead electric line that goes across the property of Tract B. Ms. Emmert stated she has spoken to the electric company and they will bury that line for her at no cost.

Mr. Crall stated that a mother-in-law suite and a playroom for kids are entirely two different things, so they need to be addressed; a mother-in-law suite is a second dwelling place. Ms. Emmert stated the staff at INCOG told her she could have the two residences on the property but the Variance would allow her or daughter to sell the property separately. Ms. Emmert asked the Board to explain what they are talking about. Mr. Dillard stated Ms. Emmert is applying for two residences but when the two residences are built there will then be three residences on the property. The building considered a barn is considered a residence if it is a mother-in-law quarters because there is a kitchen and a bathroom.

Ms. Emmert stated she thought she would raze the barn but then thought it could be a game room type area for the kids. Or it could be an area for a guest to stay. Mr. Crall

stated that the Board calls it a second residence even though the applicant is calling it a mother-in-law suite. Ms. Emmert stated it is not her intention but she does have it set up with a little kitchen in it and there is a back door to access her house. Mr. Crall stated the Board cannot go by intentions they have to go by definition.

Mr. Hutchinson stated that a lot depends on whether the applicant intends on the structure being a mother-in-law quarters or a game room.

Ms. Emmert stated she could connect the building to the house with a port-o-cochere if that would qualify it as a game room and a single dwelling. Mr. West asked Ms. Emmert if there was a bathroom in the structure. Ms. Emmert answered affirmatively. Mr. West stated the applicant is now getting into the definition of a dwelling with a kitchen, bathroom and sleeping area.

Ms. Emmert understands the Board wants to call the structure a dwelling but it is not a dwelling but an extension of her home as a place for the kids to play. Mr. Hutchinson stated if the structure is going to have a kitchen, a bathroom and sleeping quarters it will need to be attached to the house or get a separate Variance to have two dwellings on one lot depending on the vote for the matter that is before the Board right now. Mr. Dillard stated the structure being discussed will have to have ingress and egress as a dwelling.

Ms. Emmert asked the Board if there was something she could do so the structure will not be addressed as a second dwelling. Can taking down a wall that divides the structure make it a game room? Mr. Hutchinson stated the Board can address what is before them currently and depending on the decision a visit with Mr. West can help. If it is decided the structure is to be a separate dwelling that is a separate matter and the applicant will need to appear before the Board again. The Board cannot address the subject structure as a second dwelling today because the neighbors have not been notified.

**Interested Parties:**

**Susan Wood**, 17225 South Harvard, Mounds, OK; stated her property adjacent to the subject property. She bought her property and house because there was no one around and she bought it because she did not want to be around a development. Ms. Wood stated that she has been told that the applicant's son was going to live in the structure under discussion. She knows there has been a lot of renovation done to the structure, i.e., heat and air has been added. Ms. Wood asked the Board what the hardship is in this case.

Ms. Miller stated that if the applicant has the amount of acreage required, which the applicant does not in this case, the staff at INCOG can process a lot split. In this case, the applicant does not have the amount of acreage a Variance is required which requires a hardship to ultimately be able to split the property. The applicant needs a hardship in this case. A hardship is something that is typically unique to the physicality of the property and it not based on anything that is self imposed or financial.

**Rebuttal:**

**Judy Emmert** came forward and stated that it is her intent to fix up the structure for the grandchildren and children to have a game room.

**Comments and Questions:**

Mr. Dillard stated that he cannot support the request. When they say there is air conditioning, a bathroom, a bedroom and a kitchen it is a house and that would make three houses on one property. If the applicant were to reapply showing they have attached structure under conversation today then the Board can do nothing. The applicant is splitting the property to allow another house on the property and he does not have a problem with the lot split. Mr. Hutchinson asked Mr. Dillard if he could support a lot split with one dwelling on each piece of property. Mr. Dillard stated he could but that is not what is before the Board today. The structure under discussion was a house, turned into a barn, and turned back into a house. There is air conditioning and there have been people living in it so he would say it is a house.

Mr. Crall agreed with Mr. Dillard. Mr. Crall stated that he is okay with the lot split as long as the applicant understands they are not receiving permission to have two houses on the property.

Mr. Hutchinson stated he can support the lot split with two dwellings but not three.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the lot area and land area per dwelling unit; Variance of the minimum lot width to permit a lot-split in the AG District (Section 330, Table 3), subject to the conceptual plan 5.8 in the agenda packet. There is to be only one dwelling per lot. Finding the hardship to be the other lots in the area are of the same size or comparable in size, and the applicant has 107 feet of frontage and it will not be injurious to the neighborhood; for the following property:

**BEG 495S NWC NW NW TH E440 S281 W100 N13 W142 N52.23 W198 N POB LESS W50 THEREOF SEC 33 17 13 2.252AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 3:10 p.m.

Date approved: 7-18-17

  
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Chair