

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 465
Tuesday, February 19, 2019, 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

Hutchinson, V.Chair	Charney, Chair	Miller	Tosh, County
Crall, Secretary		Ulmer	
Dillard		Sparger	
Johnston			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14th day of February, 2019 at 9:34 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 1:30 p.m.

MINUTES

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of December 18, 2018 (No. 463).

On **MOTION** of **JOHNSTON**, the Board voted 3-0-1 (Dillard, Hutchinson, Johnston "aye"; no "nays"; Crall "abstaining"; Charney "absent") to **APPROVE** the Minutes of January 15, 2019 (No. 464).

Mr. Hutchinson explained to the applicants and interested parties that there were only four board members present at this meeting. 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 two board members voted no today the application fails. Mr. Hutchinson asked if anyone would like to continue their case and if they understood. The audience nodded their understanding and no one requested a continuance.

Ms. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2730—Ricky Jones

Action Requested:

Variance to permit two dwelling units on a single lot of record (Section 208).

LOCATION: 12221 North 97th Avenue East

Presentation:

The application has been withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

**PRT GOV LTS 2,3&5 & PRT SE NW & PRT SW NE BEG 663.85N & 16.5E SWC NW
OR GOV LT5 TH N659.97 E2024.81 N1322.64 E349.28 S1322.44 E698.29 N861.64
E348.67 SE402.70 SE25.24 TO PT ON WL RR R/W SW2454.42 TO PT ON SL SE NW
W1237.11 N662.12 W1318.53 POB SEC 6, OF TULSA COUNTY, STATE OF
OKLAHOMA**

2728—Jennifer Lawson

Action Requested:

Variance of the minimum required frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). **LOCATION:** South of SW/c of Highway 64 and South 193rd Avenue West

Presentation:

Jennifer Lawson, 19420 Wekiwa Road, Sand Springs, OK; stated she has a lot of land that is not in use and she would like to sell it, but she needs to receive a Variance because it is not close to a public road. Ms. Lawson stated she has an application for easements on 196th Street which has a green street sign signifying that it is a county road.

Mr. Hutchinson stated the Board has received a letter from the County Engineering Department stating that it is a privately maintained road, and that someone changed the street sign to green. Mr. Hutchinson stated that typically a red street sign signifies a private road and a green street sign signifies a public road.

Ms. Lawson stated there are many houses on 196th West Avenue. There are utilities available, there is plenty of access to the property, and there is water and electric already ran to the subject property using a 30-foot easement on the north side of the property.

Mr. Hutchinson asked Ms. Lawson if she was wanting to split the original tract so that the second tract is 2.02 acres? Ms. Lawson stated that it is more like three acres, because she has been taxed on the land that is in the river.

Mr. Crall asked Ms. Lawson where the easement was filed. Ms. Lawson stated she has the easements, and they were shown to INCOG. Mr. Hutchinson asked if the easements had been filed of record at the Court House? Ms. Lawson stated that she would be doing that as soon as she receives approval for the Variance.

Mr. Johnston asked Ms. Lawson if the easement went all the way to the street, to 196th? Ms. Lawson answered affirmatively. Mr. Dillard asked if the easement was 20 feet. Ms. Lawson answered affirmatively. Mr. Hutchinson asked Ms. Lawson if she was speaking about the easement on the east side of the subject property. Ms. Lawson stated that it is not, and she came forward and pointed to page 3.14 of the agenda packet to show the easement. Mr. Johnston asked Ms. Lawson if the easement was 20 feet and extended from Tract 2 to the north end of Tract 1. Ms. Lawson answered affirmatively, and, stated there is another easement that runs in connection with that one.

Mr. Dillard asked Ms. Lawson if her property touched Wekiwa Road. Ms. Lawson stated that the whole piece of property does, almost seven acres. Mr. Dillard asked Ms. Lawson if she had been given access to cross the first five acres of land to get back to the two acres of land in question. Ms. Lawson stated there is one, but she has horse pasture there, the easement runs along the north end of the property that comes off 196th and Wekiwa Road but it is never used.

Mr. Hutchinson asked staff if Wekiwa Road is a County maintained road. Ms. Tosh answered affirmatively and stated that the new piece does not touch that road. Mr. Dillard stated that Ms. Lawson and the new owner will have to have an easement

across that property. Ms. Lawson stated that there are houses down there with addresses that are 196th West Avenue. Mr. Hutchinson stated that the County Engineer, Mr. Creech, checked his maintenance maps as far back as 1978 and in addition he consulted his District 2 Superintendent who said the original sign was red but at some point, in the past, a non-county person replaced the red sign with a green sign. There was never an intent by the County to change the designation. It should probably be made clearer as to its private status. Ms. Lawson stated she has lived there for 15 years and that sign has always been green. Mr. Hutchinson stated what the Board sees is what some people call a wildcat subdivision; people continue to subdivide private road areas and then want the County to maintain it when that road was not built to County standards. Ms. Lawson stated she understands that, but she does not know why it is not possible if the easement comes off 196th like everyone else there.

Mr. Hutchinson asked staff if 196th is a private road, and Ms. Tosh nodded affirmatively. Ms. Tosh stated that the easement will need to be 30 feet unless the Board approves a 20-foot easement.

Mr. Johnston asked Ms. Lawson if she was asking for a 20-foot easement on the north boundary of Tract 2, going west to 196th West Avenue. Ms. Lawson answered affirmatively. Mr. Johnston asked Ms. Lawson whose property that went through. Ms. Lawson stated that it went through the property of Jan Miller and another land owner.

Mr. Crall asked staff if the Board were to approve this would the subject property have an easement to a publicly maintained road? Ms. Tosh stated that it needs to be to a County maintained road. Mr. Crall stated that until Ms. Lawson can produce an easement to a publicly maintained road the Board should not even have this conversation. This should be something that is delayed until she receives an easement or maps out an easement to a publicly maintained road then she could come back for the Variance request. Ms. Lawson disagreed because everyone down there goes in and out of 196th, so how can it not be public? Mr. Crall informed Ms. Lawson that the Board cannot give someone else access to use her driveway. Ms. Lawson stated that she does not even know who owns that road; there are so many houses there that she does not know who owns the road.

Interested Parties:

Brad Miller, 1653 East Angle Lane, Cleveland, OK; stated the land he is trying to purchase is next door to his brother's land. He has easements for the east side of the property signed by both property owners that he would cross. The road he would come down is maintained by the eight or nine houses that are already there; money was collected about three years to have a dump truck come in and spread gravel because that road will never be maintained by the County.

Comments and Questions:

Mr. Crall does not think the Board can make a decision today, because of the easement issues.

Mr. Dillard concurred.

Mr. Hutchinson informed Ms. Lawson that she could postpone her case for 30 or 60 days to give her time to choose an area for a 30-foot easement that is connected to a County maintained road, or the Board can vote on her application now. Ms. Lawson stated that she would like a continuance to the April meeting.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a **Variance** of the minimum required frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207) to the April 16, 2019 Board of Adjustment meeting; for the following property:

E231.66 W821.1 GOV LT 1 SEC 11 19 10 7AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2729—Charles Shoaf, Jr.

Action Requested:

Variance of the rear and side yard setback in an AG District to permit a pole barn (Section 330). **LOCATION:** 2543 East 171st Street South

Presentation:

Charles Shoaf, 2543 East 171st Street, Mounds, OK; stated he would like to erect a 30'-0" x 40'-0" pole barn located in the corner of the property about six feet to eight feet off the property line.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

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 30'-0" rear yard setback and 15'-0" side yard setback in an AG District to permit a pole barn (Section 330), subject to conceptual plan 4.8. The Board has found the hardship to be that the applicant has a non-conforming AG lot. 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:

E277.2 S/2 SE SW SW LESS S60 THEREOF SEC 29 17 13 1.718AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2731—Brent Allen

Action Requested:

Variance to reduce the minimum required street frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). **LOCATION:** 5501 East 201st Street South

Presentation:

Brent Allen, 5501 East 201st Street, Bixby, OK; stated the subject property is 20 acres and he would like to split it into two ten-acre tracts. He owns a 30-foot strip of land that is about one acre and ¼ mile long off 201st Street to be able to access the 20 acres, which is why the survey shows a flag lot. Mr. Allen stated he has already received approval from the rural water district for another water tap for the property.

Interested Parties:

Tim Endicott, 1700 North 15th Street, Perry, OK; stated he is the adjoining land owner to the west, and he does not live on that property. His nephew takes care of the property and he wants to give permission for his nephew to speak on his behalf.

Richard Lee Moore, Jr., 207 West 211th Street South, Mounds, OK; stated he is an agricultural family and runs cattle, and his concerns are about a wildcat subdivision. His family obtained land in the Land Run, so his family has been in the area for a long time, and his wife's family has been there for over 100 years. There are problems with the road; the water backs up on his property because proper drainage was not installed. He is doing hay fields there and now there is water backed up onto the property, so he can image what it will be like with more than one person using the road. What happens in the future if someone purchases a portion of that property and decides to split it again?

Mr. Johnston asked Mr. Moore if there is a solution for the drainage problem. Mr. Moore stated that culverts could be laid in there, because the easement road now dams up the water into the pasture land. Mr. Johnston asked Mr. Moore if there was enough slope to the land to push the water away? Mr. Moore answered affirmatively and stated that if several 6" culverts were laid down and direct the water into the ditch.

Rebuttal:

Brent Allen came forward and stated there would not be a wildcat subdivision; it will just be two ten-acre tracts and the road exists for the current 20-acre tract and has for

several years. Mr. Allen stated that he knows about the standing water issue and he could install a culvert to drain the water.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Variance** to reduce the minimum required street frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). The Board has found the hardship to be the access to the back acreage. The easement is to be filed of record and there is to be no more division of the tract; for the following property:

PRT W/2 E/2 SW BEG SWC THEREOF TH N2640.55 E659.55 S1255.22 W629.13 S1385.32 W30 TO POB SEC 10 16 13 20ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2732—Dennis Knott

Action Requested:

Variance of the minimum lot width to permit a lot split (Section 330). **LOCATION:** North of the NE/c of East 106th Street North and North Sheridan Road East

Presentation:

Dennis Knott, 2405 South Sweet Gum, Broken Arrow, OK; stated he would like to split the property in a flag pole style because it is natural, primarily because there is a culvert that runs under North Sheridan that cuts into the center of the property. The tract in question is Tract 3; it falls short of the minimum lot requirement. He and his two sons would like to live on the property. The dividing line between Tract 2 and Tract 3 is the lowest point of the property where the water passes through it from the pasture to the north, that way both property owners could share in maintaining that area of drainage. The flag pole portion of the property is going to be a shared access, and he intends to create a mutual access document that will be attached to each property.

Mr. Dillard read a protestant's opposition letter, in the agenda packet, to the Board and the audience.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Dillard stated that this is right on the verge of a wildcat sub-division; three houses on this acreage, and the next person has three. If there is going to be that heavy of a

density, then there needs to be planned water drainage or water retention for the area. He cannot support this request.

Mr. Crall stated that he thinks this prevents a wildcat subdivision. He would not have a problem supporting this request.

Mr. Hutchinson stated he could support this request as long as water drainage is addressed, and there are no future lot splits.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-1-0 (Crall, Hutchinson, Johnston “aye”; Dillard “nay”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Variance** of the minimum lot width to permit a lot split (Section 330). The approval is subject to the County addressing stormwater runoff requirements, and there are no future lot splits. The Board finds the hardship that this is a large tract of land and the property can easily accommodate three houses; for the following property:

S/2 S/2 NW SW LESS W16.5 THEREOF FOR RD SEC 11 21 13 9.875ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2733—Will Wilkins

Action Requested:

Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Ms. Ulmer stated that the address on the agenda is listed as West of the NW/c of West 14th Street South and South 124th Avenue West; it should be South 214th Avenue West.

Presentation:

Will Wilkens, 21521 West 14th Street South, Sand Springs, OK; stated he would like to build a 40'-0" x 50'-0" accessory building on the subject property located in Candlestick Beach. He has a total of one acre because he purchased three lots in the neighborhood and combined them into a single parcel. He is requesting relief to build a structure similar in design, size and scope to some that exist in the neighborhood in close proximity to his property. The purpose of the out building is for a camper, general storage and a workshop. The height of the structure will be 19'-0" at the peak gable, which is well under the 35-foot permissible by Code. His lot is 42,840 square feet creating a lot approximately 6.2 times the size of the minimum RS lot. The Code requirement was created in order to establish and maintain the desired development intensity and residential character of the district, specifically in terms of preserving openness between dwellings and other structures. He intends to maintain that

openness as the lot it sits on has well more than the minimum required livability square footage. The Code requires that a detached accessory building shall not be located in the front or side yard or encroach upon the minimum setback building line. His structure's placement conforms to all of these as the structure will be located behind the dwelling on the property. He believes the addition of one structure of this size is more in harmony with the residential character of the neighborhood and in keeping with the Code than three or four separate smaller structures and carports in the middle of the large open lot. This was previously demonstrated as the hardship in Case #CBOA-02429 in 2012.

Mr. Hutchinson asked Mr. Wilkins if he planned on doing any commercial business out of the proposed building. Mr. Wilkins stated that he is not; he does not operate any business out of his house or out of the shop. The building will house a new camper and his wife's mother has passed away and her stuff will be stored there, plus personal lawn equipment. He does not want anything to sit outside of the building.

Mr. Hutchinson asked Mr. Wilkins what materials the building will be constructed from. Mr. Wilkins stated that it is a pole barn and will be two-tone metal to correspond with his house and be a modern ranch style. There will be two overhead doors; one 12'-0" and one 8'-0" in height.

Mr. Hutchinson asked Mr. Wilkins if the other buildings in the neighborhood are of the same structure. Mr. Wilkins answered affirmatively.

Interested Parties:

Robert Stotler, 1347 South 220th West Avenue, Sand Springs, OK; stated he is the President of the HOA for Candlestick Beach I. Mr. Stotler stated, as the President of the Candlestick Beach I President, he has heard that the residents are against the Variance. The signatures on the petition are from the residents within the 300-foot radius. Mr. Stotler stated that building plans were never submitted to Candlestick Beach I HOA for approval. Mr. Stotler stated that Mr. Wilkins is a builder and he knows that he has to submit his plans to the HOA Building Committee; Mr. Wilkins is a member of the Building Committee. Mr. Stotler stated that Mr. Wilkins made his application on January 23rd, and on February 9th he notified Mr. Wilkins via e-mail to submit his building plans to the Building Committee for approval. His response was to say that he would submit his plans on Monday, February 11th and they have never been submitted. Mr. Stotler stated that the owners have voiced their concerns stating that the proposed building is too big, no plans have been submitted to the Building Committee for approval and the building will not blend into the neighborhood. The building is 2,000 square feet and bigger than the minimum allowance for a house in this development. The houses around this proposed building are on the average 2,029.6 square feet and that means the building will be almost the same size as those houses. Mr. Stotler stated that he was asked by the home owners to develop a petition against the proposed building. The plans at the County are different than what was submitted to the County Board for the Variance. The largest building in the neighborhood built as an accessory building is 1,600 square feet. It does not harmoniously blend into the neighborhood; it looks like a

stand alone building complete with its own driveway. This building was supposed to look like a house in the middle of the lot with four feet of brick around the base on three sides with vinyl across the front. The building does not meet the guidelines the County approved; it was approved May 15, 2012. The County gave Mr. Wilkins six months to complete all the requirements. Mr. Wilkins referenced this building and two others in his Variance petition for his building at Candlestick Beach as being larger than 700 square feet. All three buildings were built before Candlestick Beach had a building committee, therefore, the President and Vice President approved these buildings. At the last election the home owners reinstated the Building Committee to oversee all new buildings and to ensure all new buildings conformed to the HOA covenant. There is nothing that can be done about the other accessory buildings, but we can have a say about future buildings being built in the neighborhood. This building is going to look like a commercial building on a lot in the middle of the neighborhood. The proposed building does sit in the Wilkins back yard, but it will be on a main street of the neighborhood and will look like a stand-alone commercial building. The building will be accessed from a main street, 13th Place. This building will not improve property values but will bring them down. This building will not harmoniously fit into the neighborhood.

Chris Burns, 21407 West 14th Street South, Sand Springs, OK; stated his concern is that he has not seen anything on the building; all he has been told is that it is a 2,000 square foot building. The other buildings that were previously approved were not completed as the owners were told they needed to be done. Mr. Wilkins' property is dead center of the block.

Ron Vanlandingham, 1325 South 214th Street, Sand Springs, OK; stated that his building was not built as it was approved. As he was installing the brick, he did contact the Building Committee, and he did not realize he had to come back before the Board of Adjustment to request a 42" brick wall instead of a 48" brick wall, and he did receive approval to cut the brick wall down because it looks better. The building committee also told him that he did not need to install the vinyl siding either. Mr. Vanlandingham stated that years ago he was the HOA President twice and the Vice President twice and he did send a letter explaining everything that goes on in the neighborhood. There is a ruling party, and if you are a part of that ruling party or part of the click, you can do anything you want to do. The elections are prearranged. There is not an honest vote. There are so many things wrong with what is happening in the neighborhood. If you stand against the ruling party, as he is doing now, you risk vandalism like the Wilkins have experienced. The Wilkins are good people and he does not see a problem with the proposed building. The covenant does not say anything about a home owner needing to submit building plans to the Building Committee before receiving an approval.

Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he has a 30'-0" x 30'-0" shop behind a metal fence and his residence backs up to a pasture. At this present time, he was opposed to the building until he spoke to Mr. Wilkins. When Mr. Wilkins told him that it would be over 60 feet from the main road and that the fence would encompass the front of the building so it looks like it will be tied together. Mr. Wilkins ensured that there would be landscaping done to make the property look nice.

Mr. Castoe stated the reason he has a fence around his property is because he likes junk; he is a junker and hides it from the neighborhood. If a person is worried about what their view is going to be, buy the property.

Dennis Strate, 21521 West 13th Place, Sand Springs, OK; stated he is the person that will be suffering the most because his kitchen window will look right out to this building. The plans he has seen showed three doors, two overhead garage doors and a personal door. The measurement he has is 23'-6" from the ground level to the peak and that is a tall building. Mr. Strate stated that his house is only about six months old and if he had known he was going to have this problem, he may have purchased that lot. He did not think anyone would approve building a building such as this in the neighborhood. He does not understand why the applicant does not build the building right next to his house because he has the lot to do so.

Rebuttal:

Will Wilkins came forward and stated that the plans that were submitted has had a change in the height because the truss was re-engineered to bring it down so the building will now be 19'-0" maximum height to the top of the gable peak; there will be 16'-0" side walls.

Mr. Crall asked Mr. Wilkins about the plans he keeps referring to because the Board does not have a copy of any plans. Mr. Wilkins stated he submitted a set of plans to the permit office.

Mr. Wilkins stated that when he first moved into the neighborhood he asked if there was a home owner's association and requested a set of by-laws if there was. What he received was an e-mail with a patch work of various instruments. As time has gone on, he is no longer on the Building Committee, and he told Mr. Stotler that he would no longer be on the committee because of issues, and he has now engaged an attorney to review the documents to support if there is in fact a HOA. In an HOA a certificate of declaration actually has to spell out within as a covenant that there will be an HOA created at a certain percentage of ownership interest transfer. That is not within the declaration. Therefore, his attorney cannot find information to support any of this. Mr. Wilkins stated that he has now served the officers of the association with a request of documents to support that. No matter what, under the declaration it makes a distinction between dwellings and out buildings; dwellings being houses with two-car garages and there is nothing in the declaration that says an out building is subject to review. The reason he did not build on the lot east of his house is because he had to install a septic system with 550 feet of lateral line that is maintained on that lot. The parcel of land that was chosen for the subject building was on the market for over a year and no one purchased it to protect any view. Mr. Wilkins stated that he is trying to be as giving as he can by moving the subject building to the back of the lot which will diminish any site lines from the street; it is 67'-0" back from the front of the property along 13th and it is well within the boundaries of the side lot lines.

Mr. Hutchinson asked Mr. Wilkins if he planned on erecting a fence around the building. Mr. Wilkins answered affirmatively. Mr. Wilkins stated the plan is to landscape with fruit trees and with landscaping in the front and down the sides.

Mr. Hutchinson asked Mr. Wilkins if he planned on installing wainscoting on the building. Mr. Wilkins stated that was not his intention because it does not fit the design of his house.

Mr. Johnston asked Mr. Wilkins what the easements between the house and the building contained. Mr. Wilkins stated those easements contain electrical utility lines, water lines and gas service.

Mr. Hutchinson asked Mr. Wilkins how he would be accessing the building. Mr. Wilkins stated there will be one concrete driveway off 13th to the main garage door.

Ms. Miller asked Mr. Wilkins if there would be a gate and a fence at this access point. Mr. Wilkins stated that his intention is to bring the fence in line with the neighbor's fence and will not screen the front of the building.

Mr. Crall stated that his concern is he keeps hearing the phrase "the intent is" but the Board does not have anything to see so they are trying to picture what the intent is but yet there is no documentation to show that. It would be nice to see what the building is, what is the fencing, what is the landscaping, and what is the intent. Mr. Wilkins stated that he would have provided it had it been requested.

Mr. Johnston asked Mr. Wilkins what the two smaller buildings located in the southwest corner of the lot that are not on the subject site. Mr. Wilkins stated that one is a small metal storage building and the other is a lean-to on the property next to his property that is owned by the York's

Mr. Johnston asked Mr. Wilkins why he did not build up to the utility easement. Mr. Wilkins stated that he wanted to keep a space for a garden, but he could pull the building back a little more off the street but that adds more driveway. He also wants yard space for his children to enjoy.

Mr. Johnston stated that he has two issues. One is that it seems like if the garage was moved southwest it would be tucked in closer to where the building is pulling it up to the setback requirement for the house. The other issue is because the site originally was intended to be a residential site, the accessory building is usually at the back of a residence not the side, and he is having a problem with it being placed as far out to the north as it is. Mr. Wilkins stated that the lot has been combined about a month ago, so it is one L shaped parcel. Under the Code, an accessory structure is not typically seen to the front or to the side of a dwelling, but as an L shaped lot the accessory building is now being placed on the back of the parcel. Mr. Johnston stated that to him this does comply as an accessory building.

Ms. Tosh stated that has also been the County's concern. When there is a lot combination, an accessory building would still sit to the back of the house and this is sitting on another street with another drive off that street.

Mr. Wilkins stated that he was allowed to combine the property into one parcel and the subject site is now considered the rear yard, and there are other buildings in the neighborhood that are similar.

Mr. Johnston asked Mr. Wilkins what the width of the building is. Mr. Wilkins stated the building is to be 40'-0" x 50'-0"; 40'-0" east to west and 50'-0" north to south.

Mr. Crall stated that all the questions the Board has asked would have been answered with a site plan, so the Board could actually see what is being discussed. Mr. Wilkins asked the Board if they would like to continue this for 30 days? Mr. Dillard asked Mr. Wilkins if he was requesting a continuance. Mr. Wilkins answered affirmatively.

Mr. Hutchinson suggested to Mr. Wilkins that he speak with the Home Owner's Association due to the animosity between the parties.

Mr. Johnston stated that he would like to see the building turned 90 degrees, see it pushed back to the southwest, see where the driveway access is going to be located, see where the fencing is going to be placed, and see what the landscaping plan is going to be. Mr. Wilkins stated that if he does turn the building 90 degrees and pull it back to the southwest, he will block any remaining view of the beach from his neighbor's house. Mr. Dillard stated that the applicant should do his best to see if the neighbors and the Home Owner's Association are in agreement with the proposed plans, and if they are, come back and the Board will look at the plans for consideration.

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 **CONTINUE** the request for a **Variance** to allow an accessory building to exceed 750 square feet in an RS District (Section 240) to the March 19, 2019 Board of Adjustment meeting to allow the applicant time to provide a site plan to the Board for consideration; for the following property:

LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:18 p.m.

Date approved: 3-19-19


Chair