

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 295
Tuesday, December 21, 2004, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair	Dillard, Secretary	Alberty	West, Co. Inspector
Hutson, Vice Chair	Charney	Butler	
Tyndall		Cuthbertson	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, December 16, 2004 at 12:10 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

MINUTES

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard, Charney "absent") to **APPROVE** the Minutes of November 16, 2004 (No. 294).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 2135

Action Requested:

Special Exception to permit a home occupation (computer research) in an RE district -- Section 440.B--Use Unit 6, located: 11610 East 69th Street North.

Presentation:

Franklin Davis, 11610 East 69th Street North, requested a continuance due to a quorum of three members only at this meeting.

Board Action:

Mr. Hutson made a Motion to **CONTINUE** Case No. 2135 to the meeting on January 18, 2005. The motion failed without a vote when Mr. Alberty informed the Board there was an Interested Party who wished to speak.

Interested Parties:

A woman (name unknown), stated there were several interested parties and this was the second time some of them took off work for this case. She asked if they could speak.

Comments and Questions:

Mr. Alberty suggested that the Board consider if this case qualifies as a home occupation, based on things that were brought before the Board last month.

Mr. Walker stated they understood Mr. Davis was asking to have a home occupation. He added that one of the requirements is there be no outside employees. He asked Mr. Davis if he had employees, which Mr. Davis replied in the affirmative. He added that he did not know about that requirement and he has been running this business at this location for five years. He stated that if he didn't know any of these neighbors and they didn't know what his business was they would not know he was running a business there. He indicated that it was not a detriment to the neighborhood. Mr. Walker informed him that the Board could not approve the application for a home occupation with outside employees.

Mr. Davis stated he wanted to withdraw his application, regarding the following described property:

W165 NW SE NW SW LESS N25 FOR RD SEC 32 21 14 1.15AC
JONESVILLE, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

Case No. 2132

Action Requested:

Special Exception of requirement that oil and gas wells and related storage tanks be located 200 feet or more from any residence -- Section 1224.a.3 -- Use Unit 1224a, located: Northwest Corner West Brady Street and North 53rd West Avenue.

Presentation:

Stephan Lee, 25012 West 49th Street, stated the Fire Marshall requires a 100' distance to any structure. He submitted a copy of the fire code per the Board's request (Exhibit A-1). They proposed to build homes on the subject property.

Comments and Questions:

Mr. Hutson noted that the Zoning Code requires a 200' distance from an oil/gas well to residential structures. Mr. West confirmed the 200' required distance. Mr. Lee pointed out on the aerial map where the well is located and where they want to build. Mr. Walker asked the size of the proposed lots. Mr. Lee replied that they

were not sure yet, it was still in the planning. Mr. Hutson noted the property is in AG-zoning. Mr. Hutson and Mr. Walker pointed out some possibilities for developing the property, considering platting, zoning change, roads, and size of lots. Mr. Alberty commented the distance was established for two reasons: safety and access for oil rig equipment.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard, Charney "absent") to **DENY** a **Special Exception** of requirement that oil and gas wells and related storage tanks be located 200 feet or more from any residence -- Section 1224.a.3 -- Use Unit 1224a, finding the request for a 100' distance without any proposals for safety issues was too extreme, on the following described property:

PRT SW NE BEG SECR N/2 SW NE TH W284 N383.45 E284S383.45 POB
LESS TR BEG 383.45N SECR N/2 SW NE THW284 S119 NE90 NELY225.46
N30 POB & LESS PRT BEG SECR N/2 SW NE TH N95 W20 CRV LF 117.95
CRV RT TO PT E TO POB SEC 5 19 12 1.97ACS, Tulsa County, State of
Oklahoma

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Case No. 2138

Action Requested:

Special Exception to permit a mobile home in the AG-R district; Variance to allow mobile home permanently. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9, 25609 W. 49th St. S.

Presentation:

Mary Goodman, stated she purchased the one and one-quarter acre property. She stated there was a mobile home on the property previously but without a building permit. Ms. Goodman added this is a new 16' x 80' mobile home.

Comments and Questions:

Mr. Walker stated the property is zoned AG-R, and if it was zoned AG she could do this by right. Mr. Hutson asked for the hardship to the variance.

Interested Parties:

Jim French, 4511 South 257th West Avenue, stated he lives adjacent to the subject property. He submitted a map and photographs (Exhibit B-1) showing his own property at the time of purchase and the improvements made since then. He was concerned because from past history the property has not been improved. He also mentioned concern regarding sewage problems.

Board Action:

On **MOTION** of **Hutson**, the Board voted 3-0-0 (Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard, Charney "absent") to **APPROVE** a **Special Exception** to permit a mobile home in the AG-R district, with a condition limiting the exception to two years; and to **DENY** a **Variance** to allow mobile home permanently, on the following described property:

PRT NW SW BEG 1323.20N & 210E SWC SW TH E185 N303. 35 W185 S303.35 POB SEC 29 19 10, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 2143

Action Requested:

Variance of Zoning Code Section 330, Land Area Per Dwelling Unit, from 2.1 acres per dwelling unit to 1.3 acres, located: 9019 East 142nd Street North.

Presentation:

Kathleen Oliver, 9019 East 142nd Street North, proposed to place a new 16' x 56' mobile home on the subject property as a second dwelling. It has siding and a composite roof. She submitted photographs of the subject and other properties (Exhibit C-1).

Comments and Questions:

Mr. Alberty stated it needs to meet the Bulk and Area Requirement for the variance. Ms. Oliver stated there are other mobile homes and lots with two dwelling units having separate mail boxes. They have already had a soil percolation test on the property.

Interested Parties:

Eileen Samples, stated she is the owner of the property and sister to Ms. Oliver. She is in support of the application.

Gary Bridges, 8921 East 122nd Street North, Collinsville, Oklahoma, stated he is opposed to the application. He added it is in conflict with the neighborhood covenants; it would decrease the value of his property; and it would set a precedent. He was concerned about increased sewage treatment. He did not want to see overcrowding in the neighborhood or the look of a trailer park. He mentioned two properties in the immediate area that are for sale as possible options for the applicants. He was not aware of any properties with more than one dwelling per lot.

Richard O'Conner, 8918 East 142nd Street North, Collinsville, Oklahoma, stated opposition to the application and to more than one dwelling per lot.

Applicant's Rebuttal:

Don Oliver, stated there is only one small house on the property and there are no other large accessory buildings. He has noted a property in the area with large accessory buildings and a junk yard. He pointed out it is on a dead end road.

Comments and Questions:

Mr. Hutson asked for a hardship. Ms. Oliver stated there was a slope to the topography.

Debbie Trotter, 2150 West 181st Street North, Skiatook, Oklahoma, stated she just recently inherited the property adjacent to the subject property. She offered to burn off and cover up the junk on her property at 9007 East 142nd Street North. Ms. Trotter added she would not be opposed to a second mobile on the back of the subject property.

Board Action:

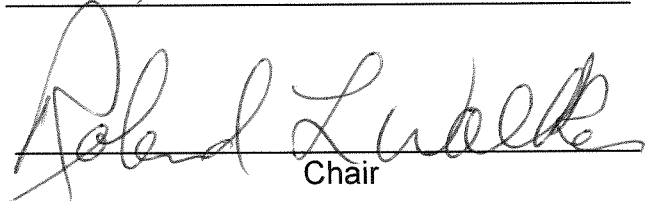
On **MOTION** of Tyndall, the Board voted 3-0-0 (Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard, Charney "absent") to **DENY** a **Variance** of Zoning Code Section 330, Land Area Per Dwelling Unit, from 2.1 acres per dwelling unit to 1.3 acres, finding a lack of hardship, on the following described property:

W168 E676 N/2 SW NE LESS S9 THEREOF SEC 25 22 132.51AC

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There being no further business, the meeting was adjourned at 2:40 p.m.

Date approved: 1-18-05


Chair

