

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 319
Tuesday, December 19, 2006, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair	Dillard	Alberty	Iski, D.A.
Charney, Vice Chair		Butler	West, Co. Inspector
Tyndall		Cuthbertson	
Walker			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, December 14, 2006 at 2:15 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of November 21, 2006 (No. 318).

UNFINISHED BUSINESS

Case No. 2238

Action Requested:

Variance of Lot width from 150 ft to 144.25 ft on 3 lots (Section 430.1), located: 1,400 ft. north of the NW/c of the 136th St. N. and N. Mingo Rd.

Presentation:

Robbie Nees, owner of Intrinsic Development, 33000 Heritage Drive, Claremore, Oklahoma, stated the request for the variance. He explained to the Board that the County required them to construct a stub street instead of a cul-de-sac to the north for future development. That took 15 ft. of the road frontage from the subject lots. He stated they proposed to make the lots conform to the rest of the subdivision.

Interested Parties:

James Fletcher, 13808 North 97th East Avenue, Collinsville, Oklahoma, stated this development is in his front yard. He indicated that the applicant is asking for variances with financial hardships. He listed issues of damage to his property and aggravations caused by issues, such as trespassing.

Wendy Curlis, 9485 East 136th Street North, Collinsville, Oklahoma, stated she has not seen any specifics on his request. At the time of the hearing for a proposed zoning change, she sent a letter suggesting AG-R zoning. She expressed opposition to the application, stating the lots should be larger not smaller to be more consistent to the AG-R zoning.

Applicant's Rebuttal:

Mr. Nees indicated the County expects more development in the future and required the stub street.

Mr. Charney considered the variance of footage to be minimal. Mr. Walker referred to the staff report, which stated, "Having to provide a stub street to the north, as required in the subdivision process, is not the basis for a hardship." Mr. Walker did not see a hardship. Mr. Tyndall was supportive based on the minimal footage involved. Mr. Hutson noted that the three subject lots will be larger in square footage than most of the properties that are platted.

Board Action:

On **Motion of Charney**, the Board voted 3-1-0 (Tyndall, Hutson, Charney "aye"; Walker "nay"; no "abstentions"; Dillard "absent") to **APPROVE** a Variance of Lot width from 150 ft to 144.25 ft on 3 lots (Section 430.1), finding the peculiar nature of the property, including the length of the western boundary coupled with the required stub and vacant land to the north, on the following described property:

N/2 E/2 SE LESS N627.60 THEREOF & LESS E16.5 THEREOF FOR RD SEC 25 22 13 20.682ACS Tulsa County, State of Oklahoma

* * * * *

NEW APPLICATIONS

Case No. 2239

Action Requested:

Variance of required 2.1 acres per dwelling unit to permit two dwelling units on a tract of 3.38 acres (Section 330.), located: 4302 South 67th West Avenue.

Presentation:

Curtis Mathes, 4302 South 67th West Avenue, proposed to add a second dwelling for a family member on one lot. He informed the Board that the bedrooms were all on the second floor and not easily accessible to the elderly. He added that he could add-on to the existing house but they did not need more floor space.

Interested Parties:

Cyd Flemons, 4215 South 69th West Avenue, expressed concern that a mobile home would not be consistent with the neighborhood.

Mr. Cuthbertson responded to the comments of the interested party that they could place a mobile home by right in the AG zoning, but the issue is the density and land area per dwelling.

Charles Voss, 4100 South 67th West Avenue, expressed concern if it is temporary or permanent.

Applicant's Rebuttal:

Mr. Mathes stated he would be willing to agree to a temporary approval, though he did not really want that condition.

Mr. Hutson allowed Ms. Flemons to speak again. Ms. Flemons asked if the approval could be temporary and approved for the original use only.

Board Action:

On **Motion of Charney**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a Variance of required 2.1 acres per dwelling unit to permit two dwelling units on a tract of 3.38 acres (Section 330.), subject to the temporary use by Virginia Griffiths until she no longer resides there; finding the size of the tract is peculiar to the area; the heavily wooded nature of the property; and the existing septic fields, the proposed location is reasonable; on the following described property:

E 260 NW SE NE LYING S OF CO HIWAY SEC 30-19-12 Tulsa County, State of Oklahoma

Case No. 2240

Action Requested:

Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); Special Exception to permit a mobile home in an RS district (Section 410), located: 15545 West 19th Place South.

Presentation:

Sandra Bernard, 15545 West 19th Place South, Sand Springs, Oklahoma, proposed to place a mobile home on this large property for their son and his family. They have shared their plans with the closest neighbors and found them in support.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a Variance of the maximum permitted dwelling units in an RS district to permit two dwelling units on one lot of 1.25 acres (Section 206); and a Special Exception to permit a mobile home in an RS district (Section 410), finding the zoning would allow many more dwellings than two, but the desire is to keep it under the same ownership, on the following described property:

BEG NWC W/2 SE SW TH E275 S292 W135 S258.92 SW60.81 S163.25
NW31.41 NW70.17 N727.03 POB SEC 36 19 11 3.123ACS Tulsa County, State
of Oklahoma

On **MOTION of Charney**, the Board voted 4-0-0 to go into Executive Session.

On **MOTION of Charney**, the Board voted 4-0-0 to exit the Executive Session.

Mr. Cuthbertson announced the Board is out of Executive Session.

On **MOTION of Charney**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") that the Tulsa County Board of Adjustment await the court directive in Case No. 2056 to give an order for the Board to proceed in accordance with that court's order.

There being no further business, the meeting adjourned at 2:56 p.m.

Date approved: Feb. 20, 2007


Chair