

**TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 451**

Tuesday, December 19, 2017, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

**MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT**

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15<sup>th</sup> day of December, 2017 at 9:07 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 **HUTCHINSON**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall, Dillard "absent") to **APPROVE** the Minutes of November 14, 2017 (No. 450).

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Mr. Charney explained to the applicants and interested parties that there were only three 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 all three board members to constitute a majority and if one board member voted no today the application fails. Mr. Charney 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 requested a continuance.

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**NEW APPLICATIONS**

**2654—Richard Kosman**

**Action Requested:**

Variance of the minimum frontage requirement in the IM District to permit a lot-split (Section 930). **LOCATION:** South of the SW/c of West 51<sup>st</sup> Street South and South 49<sup>th</sup> West Avenue

**Presentation:**

The City of Sapulpa has requested a continuance to January 16, 2018 because the subject property is within Sapulpa’s fence line. Mr. Charney stated that the applicant has no objections to the requested continuance.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall, Dillard “absent”) to **CONTINUE** the request for a Variance of the minimum frontage requirement in the IM District to permit a lot-split (Section 930) to the January 16, 2018 Board of Adjustment meeting; for the following property:

**BEG 1321.53 S NEC NE TH S90 W1492.03 S901.36 W1158.65 N991.93 E2654.05  
POB SEC 32 19 12 29.480ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

**2647—T. J. Tucker**

**Action Requested:**

Use Variance to allow storage of personal items (Use Unit 23) (Section 410); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240). **LOCATION:** South of the SW/c of 51<sup>st</sup> West Avenue and 65<sup>th</sup> West Avenue

**Presentation:**

**T. J. Tucker**, 1705 East Hobson, Sapulpa, OK; stated in the previous hearing there was concern about the land owner and a neighbor working together to have a salvage yard.

That neighbor did have vehicles parked on the subject property and they have been removed. The property owner has spent over \$6,000.00 cleaning up the 13 acres to give it a nice appearance. The proposed building location has been changed and Mr. Tucker presented those plans to the Board for review because he had not given them to staff before today.

Mr. Charney asked Mr. Tucker if he had a meeting with the neighbors. Mr. Tucker stated that he had not any meetings with any of the neighbors, because he did not know if it was proper to do so. Mr. Charney stated that often the Board requests applicants or their representatives to have a meeting with the people around them to discuss the nature of the application. Mr. Charney asked Mr. Tucker if that had been suggested at the last hearing. Mr. Tucker stated the Board may have suggested a meeting, but he wasn't sure what he supposed to speak to them about.

Mr. Charney asked Mr. Tucker if the proposed building under discussion had been already built. Mr. Tucker stated that it has not. Mr. Tucker stated that he when he went to obtain a permit, Ms. Teresa Tosh informed him that the building was larger than the Code allowed.

Mr. Charney asked Mr. Tucker how the new site for the proposed differed from the previous application site plan. Mr. Tucker came forward and showed the Board the new location on the new site plan.

Mr. Charney asked Mr. Tucker if he is the owner of the subject property. Mr. Tucker stated that he is not the owner; he represents Jack Crissup. Mr. Charney asked Mr. Tucker if Jack Crissup is the owner of the subject property. Mr. Tucker answered affirmatively. Mr. Charney asked Mr. Tucker in what capacity he was appearing before the Board in this matter. Mr. Tucker stated that he is the builder for the proposed building plus he does a lot work for Mr. Crissup.

Mr. Charney asked Mr. Tucker if he was telling the Board that the subject property has been cleaned up between today and the last hearing date. Mr. Tucker stated the neighbor has scrap body parts on the subject property and once Mr. Crissup was told of this he contacted the neighbor, Coy White, and told him to remove everything.

Mr. Charney asked Mr. Tucker if the junk property had been removed from the subject property. Mr. Tucker answered affirmatively. Mr. Charney asked Mr. Tucker if there had been money spent cleaning up the property. Mr. Tucker answered affirmatively.

Mr. Charney asked Mr. Tucker about the buildings designated on page 2.15 in the agenda packet were representative of the type of building that is proposed. Mr. Tucker answered affirmatively. Mr. Tucker stated the proposed building will be a wood frame steel wrapped insulated building with a 14-foot side wall.

Mr. Hutchinson asked if the adjustment of the proposed building has gone from 2,400 square feet to 4,000 square feet. Mr. Tucker answered affirmatively.

Mr. Hutchinson asked staff if that would make any difference in the notice of this application. Ms. Miller stated the notice was generic, stating the applicant was exceeding the 750 square feet allowed by the Code.

Mr. Charney asked Mr. Tucker if the request was now for a 40 x 80 structure. Mr. Tucker answered affirmatively. Mr. Charney asked if the proposed building was to be 50 feet off the east property line and 60 feet off the southern property line. Mr. Tucker answered affirmatively.

Mr. Tucker stated the entry off 51<sup>st</sup> Street will be a recessed entry of about 60 feet due to safety concerns. There are no plans existing for that right now because of a culvert that exists.

Mr. Charney asked Mr. Tucker to explain what he means by a recessed entry. Mr. Tucker stated that a recessed entry is one that goes from a wide opening to a narrow inlet toward a gated area, so you can pull a truck and/or a trailer off the road completely.

Mr. Johnston stated that his concern before was how many homes will be built on the subject property. Mr. Tucker stated that Mr. Crissup has not decided. Mr. Crissup is not sure whether to take the property and have two or three houses on the property, or even five houses.

Mr. Charney asked Mr. Tucker whose personal items would be stored in the proposed building if there is no home. Mr. Tucker stated that the personal items would belong to Mr. Jack Crissup, because he is the land owner.

Mr. Tucker stated that he does this type of building all the time, and he always suggests to people to build the garage or shop first because it is a secure place to store the building materials and keep the materials out of the weather.

Mr. Charney stated that when the accessory building comes before the house is not the normal way the Board sees things done.

Ms. Miller stated that is the reason for the Use Variance request, because there is no existing residence to associate the building to. There will need to be a hardship for this request.

Mr. Charney asked Ms. Miller if this was a true Use Variance because there is no accessory building. Ms. Miller answered affirmatively.

Mr. Charney stated that a hardship is something other than a need for a building to store materials. It is normally an extraordinary or exceptional condition that generally does not apply to other properties in the same district, and that it is unique to the subject property, and that it will not cause detriment to the public good or impair the purposes or the spirit of the Code.

**Interested Parties:**

**James Jackson**, 6619 West 51<sup>st</sup> Street, Tulsa, OK; stated he lives across the street from where the proposed driveway will be installed. Mr. Jackson was concerned if the builder is a business partner with Mr. Coy White.

Mr. Charney asked Mr. Jackson why this concerned him. Mr. Jackson stated that he has video of Mr. White's other businesses, which this man is business partner with, and there are 50 cars on a parking lot and there is another business next door where Mr. White's name is on one business and Mr. Tucker's name is on the other. Mr. Jackson stated that he believes all that stuff that was removed will go right back on the subject property if this request is approved.

Mr. Charney stated that he understands, since he has seen business operations by the applicant that is not pleasant. The Board is to focus on the use of the proposed building on the subject property if there is a valid hardship. Mr. Charney asked Mr. Jackson if he has a fear that the applicant will junk up the subject property again. Mr. Jackson answered affirmatively.

Mr. Charney asked Mr. Jackson if the proposed building and its proposed use was bothersome to him and why is it. Mr. Jackson stated that it will be become a business, not a storage utility building and it will be immediately next door to him. Mr. Jackson stated that the applicant has already applied for a 1,700-square foot building and then built a 3,800-square foot house which was given five red tags. After that house was built there was a 1,700-square foot utility building. Mr. Jackson stated that he was not proactive on that building as he is being today, because he does not want to see a salvage there.

Mr. Johnston asked Mr. Jackson if there was a six-foot fence along the property line, would it give him visual privacy. Mr. Jackson stated that a six-foot fence would help the neighbors, but not him because he is west of the subject property.

**Dean Brant**, 6620 West 51<sup>st</sup> Street, Tulsa, OK; stated she is opposed to the request. This is a residential property. The applicant made the remark in October that if a house were built on the property there would be a need to have major dirt work done, so if there is a building built it also would need major dirt work done. Therefore, why not build a house first? Ms. Brant gave the Board pictures of the subject property showing the before and after the clean-up work was done.

Mr. Charney asked Ms. Brant if the property line where the proposed site for the proposed building will be is her property line. Ms. Brant stated that she does not know where the proposed site is on the subject property. Mr. Charney called Ms. Brant forward and showed her the proposed site.

Mr. Hutchinson asked Ms. Brant if she would be in favor of the proposed building if it were placed in a different location. Ms. Brant stated that she probably would be.

Ms. Brant stated that the applicant said the building was to store classic cars, and if that is so would the building need to be climate controlled? A climate controlled building will require utilities. Ms. Brant stated that she would prefer the house to be built before the accessory building. Ms. Brant asked the Board if the application is approved and junk cars start accumulating on the property what can be done. Mr. Charney stated that any time the Board approves a Use Variance, and someone does something later that violates the Code, that is the job of the County Inspector to inform the property owner that they are in violation. Therefore, the neighbors can call the County Inspector informing him of the wrongful use. Ms. Brant asked Mr. Charney what she would need to do to lodge a complaint. Mr. Charney stated there is a telephone number for the County Inspector's office and staff can provide you with that information.

**Olive Brant**, 2656 South Richmond Avenue, Tulsa, OK; stated that Dean Brant is her mother and she grew up in the house she lives in, and her father built it. Ms. Brant stated that her concerns are all the cars that are still on the property. There are cars in the front and there are cars in the back pasture. Ms. Brant wanted to know what the applicant was going to do with the huge piles of brush. Ms. Brant stated that if the Board approves this request she would like to have a privacy fence erected between the subject property and her mother's yard.

Mr. Hutchinson asked Ms. Brant if the cars in the pictures, that were taken by her, were on the neighbor's property. Ms. Brant answered affirmatively and stated that cars are in his front yard. Mr. Charney stated the cars that are on the hard corner, that are not subject to this proceeding, are not a focus of the Board. He does not know if there is any violation by the large number of vehicles in the yard.

**Valerie Douglas**, P. O. Box 607, Beggs, OK; stated her brother is Dale Robertson, he lives at 6740 West 51<sup>st</sup> Street, and he lives next door to her mother, Carolyn Pruitt. Her brother is having open heart surgery today, so she is going to be his spokesperson. Ms. Douglas stated that there has been thievery in the neighborhood and her brother and mother are afraid that if the building is built it will be broke into and she is opposed to the request.

**Carolyn Pruitt**, 6850 West 51<sup>st</sup> Street, Tulsa, OK; stated that she would like to know the new location of the proposed building. Mr. Johnston had Ms. Pruitt come forward and he showed her on the case map the proposed new location. Ms. Pruitt is concerned that the proposed building will be turned into a body shop instead of being for personal use, so she is opposed to the request.

**Rebuttal:**

**T. J. Tucker** came forward.

Mr. Charney asked Mr. Tucker if there were any vehicles still on the subject property today. Mr. Tucker stated there is one truck and a trailer, that is owned by Mr. Coy White, two days ago and he was asked to remove them. There were about 40 trailers

of scrap metal hauled off the property. Mr. Charney asked Mr. Tucker if the subject property owner owned the property on the hard corner. Mr. Tucker stated that he did not, it is owned by Coy White.

Mr. Charney asked Mr. Tucker to state his hardship for the Use Variance requested. Mr. Tucker stated the hardship would be that Mr. Crissup has a 300' x 200' building in Tulsa County near Bixby that is full. Mr. Crissup owns dozens of pieces of property throughout Tulsa and Mr. Coy White will not have access to the subject property.

Mr. Hutchinson asked Mr. Tucker if the applicant visited with any of the neighbors. Mr. Tucker stated that Mr. Crissup has not visited with any of the neighbors because he left that up to him.

Mr. Johnston asked Mr. Tucker who owned the building in Bixby that was mentioned earlier. Mr. Tucker stated that Mr. Crissup owns that building.

Mr. Tucker stated that he believes many of the neighbor's concerns are over things that were done by Mr. Coy White and not Mr. Jack Crissup.

**Comments and Questions:**

Mr. Johnston stated the proposed building is not residential looking. If it had a lower profile and located away from the neighbors it might be okay, but he has negative thoughts about this request.

Mr. Charney stated the Board is directed to use a test in finding a hardship for a Use Variance other than an economic hardship. He cannot find a legitimate hardship as the Code intended.

Mr. Hutchinson stated he has the same feelings as Mr. Johnston and Mr. Charney. If the house were built first he might not care if the building were 10,000 square feet. Mr. Hutchinson believes the house needs to be built first since the property is zoned RS.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall, Dillard "absent") to **DENY** the request for a Use Variance to allow storage of personal items (Use Unit 23) (Section 410); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240), finding a lack of a hardship and the fact that the subject property is in a residentially zoned area with no house currently on the property; for the following property:

**BEG 25S & 25W NEC E/2 NE TH S830 E1275 N410 E640 N410 E640 POB LESS W220 S410 & LESS N195 E470 FOR ST SEC 31 19 12 13.996ACS, NORTH TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2648—Eric Engel**

### **Action Requested:**

Use Variance to permit a landscaping business (Use Unit 15) on an OL zoned lot; Use Variance to permit storage, not elsewhere classified (NEC) (Use Unit 23) on an OL zoned lot (Section 610). **LOCATION:** SW/c of West 8<sup>th</sup> Street South & South 174<sup>th</sup> West Avenue

### **Presentation:**

**Eric Engel**, 243 South 176<sup>th</sup> West Avenue, Sand Springs, OK; stated when he was before the Board in October there were vehicles and lawn equipment that Mr. West told him he had to move. As of today, there is a backhoe, a trencher, his personal dump truck and a trailer on the property. Mr. Engel stated that he has not had an opportunity to get with the neighbor regarding this request due to conflicting schedules. Mr. Engel stated that the neighbor's house is 36 feet above grade and he would plant a living hedge. He purchased the subject property in good faith and it was sold to him for the use it is being used as today. Mr. Engel presented signed letters of support from neighbors and an aerial photo of the subject property.

Mr. Charney asked Mr. Engel if he stated that he did not visit with the neighbor between the first meeting in October and today's meeting. Mr. Engel answered affirmatively.

Mr. Engel read a letter of support that stated the subject tract fronts a street that serves as a collector street, and the property has been zoned as OL in years past. This zoning apparently was an intent to create a buffer between the more intensive land use to the south and the residential use up the hill. However, the traffic volume is quite low for such a collector street and given the proximity of the Osage County line and the landfill it has not and may never attract additional OL users. The other zoning class normally used as a buffer, low intensity multi-family, is not well suited because of the train and the lack of a sewer service. However, another simple method such as sheds or storage buildings should provide a reasonable amount of screening and be in harmony with the neighboring land uses. Mr. Engel sees no other means in the foreseeable future that represents a realistic way for the property to achieve real economic usefulness. The letter was signed by W. C. "Bill" White. Mr. Engel stated that Mr. Lily has built the same kind of building on an OL lot and he is proposing to build the same style building on the back of the subject property. When he purchased the property he told his realtor what he planned to do on the property and she told him "no issues". When it became an issue he went to the Zoning Commission and spoke with Mindi Marlow, and Ms. Marlow told him to simplify the situation he should install a fence between West 8<sup>th</sup> Street and his property, which has been done years ago. Mr. Engel stated that his business is a one-man show and at the end of the season is when he cleans up the property. Mr. Engel presented pictures to the Board of the type of building he is proposing, an open air storage facility, and its placement in relation to the neighbor.

Mr. Charney asked Mr. Engel if he has a landscaping and lawn service business. Mr. Engel answered affirmatively. Mr. Charney asked Mr. Engel if the place where he

operates and stores equipment is the lot zoned OL that he purchased thinking it permitted more uses than what is allowed. Mr. Engel answered affirmatively. Mr. Charney asked if he was asking for permission to operate his landscaping business on the subject property as well as to permit outside storage on the subject property. Mr. Engel answered affirmatively. Mr. Charney asked Mr. Engel if the Board were to grant his requests and placed a condition on it requiring screening on the northwest side would he be agreeable. Mr. Engel answered affirmatively.

**Interested Parties:**

**Hugh Lily**, 311 South 176<sup>th</sup> West Avenue, Sand Springs, OK; stated the last time he was here the Board asked the applicant to design a screening fence and to meet with him for discussion. Mr. Lily stated that he has not seen or heard anything from Mr. Engel about anything. Mr. Lily stated that he and Mr. Engel live 30 feet apart so he does not understand why they did not get together. Mr. Lily stated that Mr. West has been dealing with this situation for ten years with him. Mr. Lily presented pictures that were taken Sunday to the Board of the view of the subject property from his house. Mr. Lily stated that there are ten cars up and down the street and on the driveway, and there is still eight or ten junk pieces of cars and trucks on the back of the property that Mr. Engel stated is clear. Mr. Lily stated there have been several incidences with Mr. Engel over the years and Mr. West is still dealing with these issues.

**Josh Inda**, 3 American Way, Shawnee, OK; stated he owns a business that is located at 17427 West 9<sup>th</sup> Street which is south of the subject property. Mr. Inda stated that he is in favor of the requested Variance. Mr. Inda stated that with the property screening he would not object to the Use Variance. He was before the Board and granted permission to do the same thing Mr. Engel is asking, and he thinks it is a fair request.

**Stephanie Lily**, 311 South 176<sup>th</sup> West Avenue, Sand Springs, OK; stated when she and her husband purchased their property they were told that a large portion of the subject property was drainage easement, so it was basically a huge ravine. In the years past Mr. Engel has filled in the ravine, built a large retaining pond and now part of the road is sinking. Ms. Lily stated that she has concerns over the large rats, mice and feral cats that are always a problem when Mr. Engel starts moving his equipment. This is a real problem and she wants to know how Mr. Engel is going to stop that, because rats and mice carry disease.

**Rebuttal:**

**Eric Engel** came forward and stated that he has asked the Lily's to keep their cats on their property so they would not walk on his vehicles, and he was told to keep his garage door shut. Mr. Engel stated he does not have cats, does not have rats or mice because his property is clean. The topography of the subject property is an issue and a hardship for the Use Variance. There is no sewer system.

Mr. Charney asked Mr. Engel if he was saying that the lack of utilities and the unusual topography and the trees are unique and peculiar to the land. Mr. Engel answered affirmatively.

Mr. Charney asked Mr. Engel to come forward and look at the pictures presented to the Board by Mr. Lily. While Mr. Engel looked at the pictures he explained what the Board was seeing in the pictures.

Mr. Hutchinson asked Mr. Engel how soon he start building the proposed building if he is approved. Mr. Engel stated that he would start the building and fence immediately because his season is over.

Mr. Johnston asked Mr. Engel why he wants two buildings. Mr. Engel stated that Mr. Lily has an issue of looking at a bulldozer when he looks out his bedroom window, so one of the buildings would be a screening to place the equipment in. Mr. Johnston asked Mr. Engel if all the equipment would fit in the two buildings. Mr. Engel answered affirmatively.

**Comments and Questions:**

Mr. Johnston believes the proposed building needs to be closed on the neighbor's side and built with residential materials. Mr. Johnston stated if the storage building has a back facing north with no opening on that side, and provide screening. This is still a building whether the zoning is OL, Commercial or Office, it is still a building. The open side on the south side would give the openness the applicant needs. And the applicant should construct the building with residential materials so that it will blend with the residential setting as much as possible. In his view that becomes a building whether it is a commercial building or an office building. Mr. Johnston stated that is the compromise that he sees as a possibility.

Mr. Hutchinson agreed with Mr. Johnston.

Mr. Charney stated the applicant purchased the property thinking he had some rights for storage, and he respects that. The Board is constrained to making decisions on what the actual zoning does and does not permit. The property is classified as OL and there is no outside storage or landscaping as a matter of right. The Board is attempting to grant a Variance with appropriate screening where the residential nature of the area can be honored. Generally, when the Board receives that type of information they will have a precise site plan of the proposal. In the Board's dream world it would be nice to have the two neighbors to get together and have discussions if that is possible. It was suggested to do so by the Board and it did not happen. As a Board there seems to be circumstances that may be better for both the applicant and the interested party. The Board has continued this case once in an attempt to get that sort of agreement, now the Board has an option to continue this case once again for 30 days. The thing that would make this case easier on the Board is if the two parties would sit down and have a discussion. Mr. Charney would like to continue this case for another 30 days to see if the two parties can reach an agreement, and have the applicant bring in a proper site plan containing dimensions for everyone to review and study, and the site plan would be in the Board's agenda packet for the next meeting.

**Hugh Lily** came forward stated that he has no problem with the proposed building as long as Mr. Engel properly screens the area so nothing can be seen from his back porch or yard.

Mr. Charney encouraged both parties, Mr. Engel and Mr. Lily, to meet for serious discussion if this case is continued.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall, Dillard “absent”) to **CONTINUE** the request for a Use Variance to permit a landscaping business (Use Unit 15) on an OL zoned lot; Use Variance to permit storage, not elsewhere classified (NEC) (Use Unit 23) on an OL zoned lot (Section 610) to the January 16, 2018 Board of Adjustment meeting requiring a site plan to be submitted that addresses screening and other matters; for the following property:

**LT 2 & LT 3 BLK 2, WEKIWA HILLS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2652—Jerritt Basquez**

**Action Requested:**

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet to permit a lot-split in an RS District (Section 207).

**LOCATION:** 4403 South 61<sup>st</sup> West Avenue

**Presentation:**

**Jerritt Basquez**, 2574 East 139<sup>th</sup> Street South, Bixby, OK; stated a lot split application was approved for a residential home to be established in the future.

Mr. Charney asked Mr. Basquez if the future house would be setting way back from the publicly dedicated roadway. Mr. Basquez answered affirmatively.

Mr. Charney asked Mr. Basquez if had obtained an access easement. Mr. Basquez answered affirmatively. Mr. Basquez stated the easement is between his in-laws and the neighbor.

Mr. Charney asked Mr. Basquez if he would be one of the users of the easement or if he would be the sole user of the easement. Mr. Basquez stated the easement will be used by family for residential roadway.

Mr. Charney asked Mr. Basquez to come forward and explain the easement on an exhibit that is in the Board's agenda packet.

Mr. Charney asked Mr. Basquez how residences would be served by a series of private access easements. Mr. Basquez stated there would be one; he would own the 1.93 acres for one house.

Mr. Charney stated that he would want Mr. Basquez to make sure he has insurable legal access, if not to a publicly dedicated road, then to a broadly enough described other private access easement that gets him legal access to a public road.

**Interested Parties:**

**Terry Jech**, 4403 South 61<sup>st</sup> West Avenue, Tulsa, OK; stated the subject property is property that the applicant is proposing to buy from him. The access and egress the Board is concerned about is property that he owns, and he will submit an easement for the Basquez family as he has done for four or five other locations in the area. Mr. Jech stated the Basquez will have direct access to 61<sup>st</sup> West Avenue.

Mr. Charney stated the Board occasionally is hesitant to do easement into easement into easement for lots of houses, because it is getting around subdivision platting requirements.

Mr. Charney if the Board were to grant permission for this series of easements to provide legal access, the Board would not want another home being served off that easement without a sub-division plat. Mr. Jech stated the reason this is happening is because it is his daughter.

Mr. Charney asked Mr. Jech if there would be any more lot splits from the mother tract after this action. Mr. Jech stated there would not.

Ms. Miller stated that state statutes require when splitting a lot into more than four lots does require a subdivision plat.

Mr. Jech stated that his house is the original house on 180 acres of a farm that has been split several times.

Mr. Charney stated that well drafted perpetual mutual access easement is critical to the long-term evaluation of the property, and that is why the Board likes to see how an easement connects to a publicly dedicated road.

Mr. Charney asked Mr. Jech if there was any financing to be done on the subject property. Mr. Jech stated there was not.

Mr. Charney asked Mr. Jech if the other people that are served by this easement family members. Mr. Jech stated that none of them are.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall, Dillard “absent”) to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet to permit a lot-split in an RS District (Section 207), subject to the applicant submitting to staff a professionally prepared mutual access easement showing access from the subject property to some publicly dedicated road way that also has maintenance concepts with it; for the following property:

**BEG 700S NEC SE NW TH W884 N200 W407.61 N100 W30 S100 W 4.43 S295.51 E1326.28 N96.20 POB SEC 29 19 12 5.057ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2653—Joy Ward**

**Action Requested:**

Use Variance to allow an RV park (Use Unit 17) in an RS District (Section 410); Variance to allow parking on a non-all-weather surface (Section 1340.D).

**LOCATION:** South of the SE/c of Campbell Creek Road and Highway 51

**Presentation:**

**Jason Ward**, 3510 South Hunter Avenue, Sand Springs, OK; stated that currently the mobile home park has two sections, and it is strictly mobile homes. There is one in the park now that had a box installed for it, and he would like to do that same thing for the other spaces to allow RVs have the proper hook ups. There is an RV park north along Highway 51 and it is connected to the subject property.

Mr. Charney asked Mr. Ward if he wanted to have the RVs in the area that was previously zoned mobile home. Mr. Ward answered affirmatively.

Mr. Charney asked Mr. Ward if he was seeking expansion of the existing mobile home park because it is currently full. Mr. Ward stated that his parents built the mobile home park in the late 1970s, but over the years people traveling in RVs, workers that travel, and commuters are seeking a place to rent space for their RV.

Mr. Charney asked Mr. Ward how many RVs stay at the park for weeks at a time. Mr. Ward stated that almost all of the renters are long term.

Mr. Charney asked if there were 18 to 20 mobile homes in the mobile home park currently. Mr. Ward answered affirmatively. Mr. Charney asked how many additional manufactured homes would fit in the park. Mr. Ward stated there are some older mobile homes that he wants to remove because they are not worth the maintenance it would

require to make them good again. Once those are out he could slowly move the RVs into those spaces. Mr. Ward stated there are 26 spaces currently in the park with about 25 usable spaces.

Mr. West stated that RVs fall under Use Unit 17 and RVs are not a use by right even in a mobile home park.

Mr. Ward stated that mobile homes are very long and RVs are much smaller and a mobile home space can set two RVs.

Mr. Charney asked if there were setback requirements for this type of use? Ms. Miller stated that it is just RVs. Ms. Moyer stated the subject property is inside a PUD, and as part of the PUD there are no more than 27 units allowed so the applicant is limited by the PUD. Ms. Miller stated that it is hard to know if an RV is considered a unit, but she thinks the intent is still there; based on that intent there should probably be a PUD amendment.

Mr. Charney stated that the Board thinks in density and what is permitted, and in switching to a smaller unit there would be more density. If this grows to more than 27 dwelling units in that same space then staff may feel that they may want more than a Variance, they may want a formal amendment to allow density.

**Joy Ward**, 4206 South 137<sup>th</sup> West Avenue, Sand Springs, OK; stated that three acres on the corner are being utilized by RVs, which there are 26 spaces on three acres. The other part of the land is being utilized by mobile homes and one RV which was grandfathered in. There are 27 spaces in the mobile home park which is on seven acres. It will not be anymore dense than the three acres.

Mr. Charney stated it is relevant to the Board to know how many people were living in the park and how many will there be living there now. Staff may think it is wise to amend the overall PUD which is a different notice requirement and different legal standards. There may be a different type of dwelling unit on the land now, but it might be governed by the umbrella restriction of 27 dwelling units.

Ms. Ward stated that the spaces that are currently empty she would like to place two RVs in that space.

Mr. Charney stated that if the Board were to approve this request he would suggest that when she gets 27 units living in the old mobile home park area she make an application to amend the PUD to grow larger. The Board cannot unilaterally disregard the PUD restrictions.

Mr. Hutchinson asked Mr. Ward what type of septic system there is for the park. Mr. Ward stated that each mobile home lot has a septic tank underground, and the RV park has an aerobic system which recycles itself.

**Interested Parties:**

**Hank Wright**, 2222 South Campbell Creek Road, Sand Springs, OK; stated he has lived there since 1981 and lives directly across the street from the subject property. Mr. Wright stated the subject property falls under PUD-310 from February 1983. There is a condition of the PUD that a six-foot wood screening fence is to be erected and maintained on the western and north boundary. The existing fence is not in repair as the PUD requires, and Mr. Wright presented pictures. Mr. Wright stated there are several mobile homes that are also in disrepair. The fence as shown in the pictures has been that way for several years and every time he pulls in or out of his driveway he sees that fence. He would like to see the conditions of the PUD met before the Board approves today's request.

Mr. Charney asked Mr. Wright if the fence were replaced and kept in good repair would he have any objections to the requested use. Mr. Wright stated he is not sure, because there are mobile homes that are currently in the park that are not occupied, and the septic system needs to remain in working order. Mr. Wright stated that he would not have any objections to making the entire mobile home park an RV park if it were well maintained.

**Rebuttal:**

**Joy Ward** came forward that her plan is to clean up the park. Her husband built the mobile home park and worked it on the side. When her husband passed away the park has become rundown, but her two sons have taken over the park and want to make it nicer than it has ever been. Ms. Ward agrees that the screening fence needs to be replaced and she has plans on replacing it, because she wants the park to be nice so nice people will want to live there.

**Jason Ward** stated that he has acquired sections of fencing to start repairing the old fence.

Mr. Charney stated that there is a PUD requirement that if the Board approves today's request, he suggests that the PUD be reviewed for the conditions placed on the PUD. If there are abandoned and decrepit structures they should remove in a reasonable amount of time, because they are a public nuisance.

Mr. Charney asked Mr. Ward if a gravel road services the entire park. Mr. Ward answered affirmatively. Mr. Charney asked Mr. Ward if there were any cement parking pads at all. Mr. Ward stated there is asphalt from years ago but it is mainly crusher run gravel creating two spots for parking for each mobile home. Mr. Charney asked Mr. Ward if he maintained that crusher run surface. Mr. Ward stated that he can maintain it.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall, Dillard “absent”) to **APPROVE** the request for a **Use Variance** to allow an RV park (Use Unit 17) in an RS District (Section 410; **Variance** to allow parking on a non-all-weather surface (Section 1340.D). The approval is subject to the screening requirements set forth in the PUD be immediately addressed so the appearance be uniform. Within twelve months all the inoperable, unsightly existing mobile homes that are abandoned be removed from the property. An application of crusher run be applied to the roadway and the parking areas such that it will support standard vehicular traffic and the crusher run is maintained on a consistent basis. The hardship is the long-standing existence of this PUD; the market shift for the demand of RV units, and the unusual location of the tract land being right off a highway; for the following property:

**LT 1 BLK 1, COYOTE CANYON MOBILE HOME PARK, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2655—Dorothy Langlinais**

**Action Requested:**

**Variance** to reduce the minimum lot area per dwelling unit in an AG District to allow two dwelling units on a single lot (Section 330). **LOCATION:** 18019 South 161<sup>st</sup> Avenue East

**Presentation:**

**Todd Cole**, 18019 South 161<sup>st</sup> East Avenue, Bixby, OK; stated he is the domestic partner of the applicant. His partner’s mother is 80 years old and she is failing in health, so they would like to have the mother closer. They have purchased a brand new manufactured home to place on the subject property for the mother to live in.

Mr. Charney asked Mr. Cole if the subject property was located within the City of Bixby fence line. Mr. Cole stated that he is not sure because he does not know how that is determined. Mr. Cole stated that a cattle ranch backs up to his property, Tulsa County and Wagoner County water plant is actually in Wagoner County, 181<sup>st</sup> Street where Lake Bixhoma is located is where the Bixby water plant is across that street, and to the west is 161<sup>st</sup> Street where there is an empty field, and to the south there is a cattle ranch.

Mr. Charney stated this is the Tulsa County Board of Adjustment and the property is within the County but not necessarily within the existing corporate limits of a municipality. When working in the suburbs it is relevant to the Board what those suburbs feel about certain matters. Sometimes a City has a fence line that they can grow in to. A fence line is a legal term that the City has certain abilities to annex within the fence line if they choose to do so in the future.

Mr. Cole stated that he understands that the City of Bixby is preparing to spend money fixing up Lake Bixhoma, but from the lake his property cannot be seen. The water plant is probably the only structure that would be able to see the manufactured home because of where is proposing to place it. Mr. Cole does not think the water plant is manned, and if it is manned it is done so infrequently.

**Interested Parties:**

**Heather Vest**, Coldwell Banker Realtor, 8990 South Sheridan Road, Tulsa, OK; stated she represents a client who lives at 18120 South 172<sup>nd</sup> East Avenue.

Mr. Charney asked Ms. Vest where her client's property is located in relation to the subject property. Ms. Vest came forward and pointed it out to the Board members on a map.

Ms. Vest stated there are two properties currently under contract, and this endangers the property values. What was marketed is that the lots are in a beautiful area and there were no mobile homes near them, which is a question she was asked. Ms. Vest stated the approval of this Variance will have multiple implications. One is that this Variance will be permanent, and it would continue to devalue all the properties nearby. The clients for the two properties are preparing to purchase \$250,000 houses and this would devalue what they are preparing to build in the future. The Board has stated to approve a Variance there has to be a hardship that is special and unique not something for the individual. Ms. Vest does not think there would be a valid hardship in this case. There are multiple things that she is concerned about, because a lot of people that are looking to build and develop this area are looking at Bixhoma Lake. Ms. Vest also thought there had to be two acres per dwelling unit and the subject property is just a little over two acres, and has an existing structure on it.

Mr. Charney stated that when a person wants two dwelling units on a piece of land less than 2 ½ acres a Variance is required, and that is what is before the Board today. The subject property is zoned AG. The fact that it is a mobile home or not is not necessarily controlling the Board.

Ms. Vest asked the Board why the applicant did not request a lot split, so he could erect another dwelling unit. Mr. Charney stated there are various ways of approaching this situation, and the applicant sought a Variance.

Ms. Miller stated that the temporary nature of the request too is something that would not be conducive to a lot split.

Ms. Vest stated that once a mobile home is placed it costs a lot of money to remove it, so once it is there it is there. Mobile homes do devalue surrounding properties. These are properties that is bringing in a lot of tax revenue for Tulsa County and to Bixby. Things like this do impact other things that people are looking to build nearby.

**Robert Boone**, 18133 South 172<sup>nd</sup> East Avenue, Bixby, OK; stated he lives east and south from the subject property and has been there about 30 years. He is opposed to this request. All the houses are single family on residential lots.

**Pamela Boone**, 18133 South 172<sup>nd</sup> East Avenue, Bixby, OK; stated that she took a gift basket to the Cole's house, so she could meet them, and that is when she learned that they wanted to either install a mobile home or a tiny home on the property for the mother, because they did not want to drive to take care of her. Ms. Boone stated she is opposed to a mobile home going in on the subject property.

**Bryan England**, 18120 South 172<sup>nd</sup> East Avenue, Bixby, OK; stated that Ms. Vest is his realtor and he has the same concerns. It is not so much the second dwelling but the potential to lose a lot of money over a trailer house. He called the City of Bixby and asked if mobile homes were allowed. He was told that mobile homes could be no where other than an area zoned for a trailer park. He asked what would happen if someone did pull in mobile home and the City of Bixby told him they would not hook up the utilities. The potential of his buyers backing could be a substantial loss for him.

**Marcae Hilton**, City of Bixby, City Planner, 116 West Needles, Bixby, OK; stated the City of Bixby is planning to implement improvements up to \$1 million dollars in dedicated tax revenue on the proposed Lake Bixhoma Master Plan. The city is looking at a new sign and entry feature for Lake Bixhoma, and there is a strong possibility that it will be located within the property the City owns at the intersection. Technically the sign would be directly across the highway from the subject property for 181<sup>st</sup> Street. The City of Bixby plans to be very proactive regarding land use in that area, and areas where tax dollars are being spent to improve public facilities. The City is very excited about the momentum Bixby has currently; the City knows it is in a position for growth and there have been a lot of dollars approved for the improvements. The proposed Variance is in Tulsa County, but it is within the fence line of Bixby. The subject property is adjacent to City owned property and a platted subdivision, and it is within ¼ mile of Lake Bixhoma Estates which has very prominent houses. In the City of Bixby mobile homes are only allowed in AG areas through a Special Exception, and the City looks very critically at those areas where they are allowed. City staff generally does not recommend approval but in the Board of Adjustment City staff does not generally recommend one or the other. However, staff's comments would not be favorable for mobile homes. Mobile homes are allowed by right in a residential mobile home zoning, and the City has plenty of residential mobile home zoning areas in the City of Bixby. The City of Bixby does not see any hardship for the Variance, nor does the City see any of the six rules being applicable in this case. As of December 11, 2017 the City of Bixby Council approved a moratorium on granting water taps along Bixhoma Lake Road to satisfy ODEQ violations regarding water pressure. Ms. Hilton stated that in that whole area there is a lot of activity, but the City is not issuing water taps.

Mr. Charney asked Ms. Hilton if the area was in a rural water district or if was served by the City. Ms. Hilton stated that she was not sure who served the area.

Ms. Hilton stated the City of Bixby does not support a mobile home in this area. It is not the highest and best action on the subject property. Ms. Hilton stated that if the Board does find there is a hardship and the applicant does meet the requirements of a Variance, the City would ask that there be a site plan submitted with an elevation showing the type and style of mobile home. There are newer modular homes and newer living facilities that look more like a real home. The City would prefer the mobile home be placed in a different location, farther away from 181<sup>st</sup> Street and 161<sup>st</sup> Street, perhaps the northeast corner. If the applicant is approved for a Variance, the City of Bixby would ask they be required to provide opaque screening and access be denied along 181<sup>st</sup> Street. Ms. Hilton stated the City of Bixby is in the process of updating their Comprehensive Plan. Page 2 of the Comprehensive Plan, provided the Board, is what the Plan looks like now and page 3 is what it could look like in the future.

Mr. Johnston stated the applicant has stated that the proposed mobile home would be a temporary structure, and he asked Ms. Hilton how that would affect the City's plan. Ms. Hilton stated that once something has been installed it almost never is removed.

Mr. Hutchinson asked Ms. Hilton about her statement of no more water taps being issued because of DEQ and if the applicant's request were approved would he not be allowed a water tap. Ms. Hilton stated that is her understanding.

Mr. Hutchinson asked staff if the applicant would be required to have two separate water meters and electric meters. Mr. West stated that the applicant would be required to have separate utilities for each dwelling, so they cannot affect one another and independent of each other.

**Rebuttal:**

**Todd Cole** came forward and stated that on brief research, he found in Chapter 2, under General Provisions, Section 208, under Special Exception, agricultural land allows one dwelling per acre of land.

Mr. Charney deferred to staff for an answer. Ms. Miller stated that in AG there can be two dwellings, but the applicant must still meet the minimum lot area per dwelling unit. If the applicant had 4.5 acres he would not need to be appear before the Board of Adjustment.

Mr. Cole stated that Section 208 says "lot requirement per dwelling unit is one acre, except for agricultural land which what his property is zoned and approximately 2.5 acres, he believes Section 208 says he can have two dwellings. Ms. Miller stated that the Code states "no more than one single family dwelling or an AG District with the exception that there be no more than two dwellings".

Mr. Cole stated the City of Bixby stated they are not providing water taps, does that mean there is not going to be anymore construction. Mr. Charney stated the City of Bixby is letting the Board know that under the current state of affairs they are concerned

about capacity or pressure issues in a region. That may be a factor that affects the Board's decision today.

Mr. Cole stated that Bixby also said that if the Variance is allowed, they would like to have the mobile home moved to the north side of the property, because that is a more heavily traveled road than 181<sup>st</sup> Street. Mr. Cole stated that Bixby also mentioned screening requirements, but his lot is heavily wooded, so the mobile home would hardly be seen from Lake Bixhoma.

Mr. Hutchinson asked Mr. Cole to state his hardship for this Variance request. Mr. Cole stated the land is heavily wooded and rocky. The land cannot be farmed, and a person could not run cattle on it, so it's use as a dwelling for his elderly mother-in-law is the best use of the subject property. There are existing mobile homes in the area. If a mobile home cannot be placed on the subject property, then a \$1-million-dollar home is not going on the property. If the City of Bixby is going to invest \$1-million dollars into the land, then he will assume the water pressure issue will fix itself. Mr. Cole stated that he heard there is a doubt to the temporary status of the mobile home, but this request is for the life of his mother-in-law. He has lived in Bixby his whole life, and he loves the rural area and does not want to ruin that, he is just trying to do what he thinks is best for his mother-in-law and when she has passed the mobile home will be sold and removed.

#### **Comments and Questions:**

Mr. Charney stated he is struggling with the legal test of the hardship the Board needs to find to permit this use on the subject 2 ½ acre tract. It is not that he thinks this is not a worthwhile effort to help one's family, but he cannot make a motion to approve this request. Mr. Charney stated he places weight on a municipalities input, sometimes more than others depending on the geographical proximity and the nature of the future investment. There are lots of factors. Mr. Charney stated that he does not think there is a legal mechanism to approve today's request or to find a hardship.

Mr. Hutchinson stated that he agrees with Mr. Charney, and the fact that there are DEQ issues with the water pressure and no more water taps for now. He also has a very hard time supporting this request when a municipality is against the request, especially when the municipality is preparing to spend a large amount of money. He would rather see the applicant take the money he plans to spend on a mobile home and add a mother-in-law's quarters onto his house.

Mr. Johnston stated there are mobile home facilities in the area, and there may be one close enough that may work for the applicant.

#### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall, Dillard "absent") to **DENY** the request for a Variance to reduce the minimum lot area per dwelling unit in an AG District to allow two dwelling units on a single lot (Section 330) due to a lack of a hardship per the Code requirement; for the following property:

**PRT SW SW BEG SWC SW TH N330.66 E330.66 S330.66 W330.66 POB SEC 35 17  
14 2.51ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2656—Daniel Hollon**

**Action Requested:**

Appeal the determination of the neighborhood inspector regarding Use Unit 23 & Use Unit 27 and violation of the allowed uses on an RE zoned property (Section 240.3). **LOCATION:** 1226 South 262<sup>nd</sup> West Avenue

**Presentation:**

**Daniel Chris Hollon**, 1226 South 262<sup>nd</sup> West Avenue, Sand Springs, OK; stated the violation made reference to having too many vehicles parked in the front of his house. The vehicles that are being referred to are actually on the back acre lot of his house and his back yard. There are 10 to 12 vehicles parked there, and they are all his personal vehicles because he collects cars. Mr. Hollon stated there have been a couple of references to the fact that he is running a business out of his house, and he is not because his business is located at 98 Wilson Park Road in Sand Springs. Mr. Hollon stated he operates a vending business from that business address. Mr. Warren is the person who started all of this saying that he has an overflow from a car lot, and Mr. Hollon stated that he does not have a car lot and has never owned a car lot. Mr. Hollon stated that he spoke with Mr. West about a couple of vehicles that he does plan on removing from the property; one of which has already been removed and the other is on a trailer to be removed after the first of the year.

Mr. Charney asked Mr Hollon if he lived in a platted sub-division on a residential lot. Mr. Hollon answered affirmatively, and stated that it is a two-acre lot. Mr. Hollon stated that the rear acre he is keeping the cars on can never be built on because his lateral lines for his septic system run through over half of the lot.

Mr. Charney asked Mr. Hollon if he owned two lots in the sub-division. Mr. Hollon answered affirmatively.

Mr. Charney asked Mr. Hollon if his property was a single platted lot or is it two separate lots. Mr. Hollon stated that he does not know for certain.

Mr. Charney asked Mr. Hollon if he was appealing because he believes the vehicles are in his rear yard and not in the front yard. Mr. Hollon answered affirmatively.

Mr. Hollon stated that the violation cites the vehicles are parked in the front yard or adjacent yards or side yards. Mr. Hollon stated the lot is not his front yard and it is not his side yard, it is his back yard. However, his back yard is seen from the main road coming in.

Mr. Hollon presented letters from his neighbors on both sides and from across the street, and a letter from Mr. Warren who lodged the complaint, stating they do not care about the vehicles.

**Interested Parties:**

**Terry West**, Tulsa County Inspector, 633 West 3<sup>rd</sup> Street, Tulsa, OK; stated that with the property being located in a platted subdivision, Section 240.3 which refers to storing vehicles in the front or side yard. The section does not go into specifics by stating the rear yard, but this location is the front yard of 263<sup>rd</sup> of Lot 2.

Mr. Hollon agreed that could be said, but there is no door on that side of the house to indicate that would be the front of his house. There is no door on that side of the house.

Mr. West stated he received telephone calls about the storing of the vehicles, and he had the call investigated by the building inspector. The cars are being stored on the property in a platted sub-division. Mr. West stated that he counted 12 vehicles, and he did have a conversation with the applicant about removing the vehicles.

Mr. Charney asked Mr. West if the investigation was initiated by a citizen's complaint. Mr. West answered affirmatively.

Mr. Charney asked if there was a circle drive on the subject lot. Mr. West stated there is a circle drive off 263<sup>rd</sup>.

Mr. Charney asked Mr. West if the citation was issued from the Building Inspector's investigation finding too many vehicles on the lot. Mr. West answered affirmatively. Mr. West stated he used Use Unit 23 Storage NEC, not elsewhere classified; you cannot store iron in the County. Use Unit 27 falls under dismantled or salvage type vehicles and the storage of dismantled or salvage type vehicles is only allowed in Use Unit 27. Mr. West stated this is a residentially zoned district.

Mr. Hutchinson asked Mr. West how many cars are allowed in the residentially zoned district. Mr. West stated the Code states all vehicles must be on a hard surface, operable and tagged, but there is no actual number.

Mr. Charney asked Mr. West if there is a number that he uses at his discretion to determine when there is an excessive amount of vehicles. Mr. West answered affirmatively.

Mr. West stated if all the vehicles were tagged, had wheels and tires on them, and street ready he would not have a problem. But when vehicles are in disrepair, such as these, there is a problem.

Mr. Johnston asked Mr. West if the fact that the vehicles are parked on grass is not part of the issue. Mr. West stated Section 240.3 does not state that vehicles have to be on an all-weather surface, though City Code does require them to be on an all-weather

surface but in the County a lot of people do not have paved driveways. Mr. Johnston asked Mr. West if the County had that same requirement. Mr. West stated they do not.

**Rebuttal:**

**Daniel Hollon** came forward and stated that all the vehicles, with the exception of one, have tires and wheels on them; he is installing brakes on the one vehicle. There is one truck that was discussed has been removed and there is another vehicle that will be removed after the first of the year. The previous owners of the subject house, who never mowed the rear lot, scrapped several items on that lot and he keeps one of the old trucks so when finds the scrapped junk he throws stuff into it and when it the bed is full he removes the junk items from the property. The remainder of the vehicles are operable but he chooses to not drive them on a daily basis; he drives them periodically to his business. All the vehicles are not currently tagged but that can be arranged. Mr. Hollon stated the reason he does not park the vehicles at his shop is because people steal parts off them, where in his back yard it does not tend to happen.

Mr. Johnston asked Mr. Hollon if he had considered erecting a fence. Mr. Hollon stated that he spoke to Mr. West about erecting a fence or shrubbery. Mr. Hollon stated that all the letters presented, his neighbors to the west and the south do not have problems with the vehicles it just happens to be Mr. Warren.

Mr. Johnston asked Mr. Hollon if he spoke to Mr. Warren about the situation. Mr. Hollon stated he had sent Mr. Warren a letter, but he has not spoken to him personally.

Mr. Hollon stated he moved to the country for a reason, because he has lived in the city for many years, and his passion for old cars is why he moved to where he is. He has a passion to tinker with old cars; he does not want a trailer queen. As long as the vehicle is functional and operable that is all he cares about and goes after. Mr. Hollon stated he is willing to make as many people happy as best he can within reason financially.

Mr. Charney asked Mr. West if the citation enforcement is stayed temporarily depending the appeal outcome. Mr. West answered affirmatively.

Mr. Hollon stated that where the circle drive is located he would like to eventually erect a shop on the property so he will have a place to tinker with the cars. The reason nothing has happened up to this point is because of the location of the septic system and the lateral lines. There are a lot of issues to be taken into consideration before the shop can be addressed.

**Comments and Questions:**

Mr. Charney stated that he can understand why the inoperative cars lined up in a residential neighborhood, he can understand why an inspector says there is an issue. There seems to be a good faith effort by the citizen to make the situation better and he appreciates that. The Board's responsibility to review the propriety of issuing the citation, and what existed when the citation was issued.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall, Dillard “absent”) to **AFFIRM** the propriety of citation and to **DENY** the Appeal regarding the determination of the neighborhood inspector regarding Use Unit 23 & Use Unit 27 and violation of the allowed uses on an RE zoned property (Section 240.3). He would encourage the County Inspector to work with the appellant to see what level of curative work would satisfy the neighbor the lodged the complaint and the County Inspection Department; for the following property:

**LT 2 & 6 BLK 2, CIMARRON RUN, 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 5:08 p.m.

Date approved: \_\_\_\_\_

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Chair