

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 299
Tuesday, April 19, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, April 14, 2005 at 3:32 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 1:32 p.m.

* * * * *

Mr. Walker announced that only three members were present and offered to continue cases if the applicants preferred to wait for a full board at the next meeting.

* * * * *

MINUTES

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Charney and Hutson "absent") to **APPROVE** the Minutes of March 15, 2005 (No. 298).

* * * * *

Case No. 2151

Action Requested:

Request a use variance to allow a landscape/yard ornament business in an AG zoned district - Use Unit 23 and Use Unit 25, located: 3310 East 195th Street South.

Presentation:

The staff discovered an error in the advertising of this case. It would need to be continued to the next meeting, May 17, 2005 at the Aaronson Auditorium, Tulsa Central Library.

Mr. Charney arrived at 1:35 p.m.

Interested Parties:

The interested parties were informed of the date and change of the meeting place to the Aaronson Auditorium in the Tulsa Central Library for the next County Board of Adjustment.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **CONTINUE** Case No. 2151 to the meeting on May 17, 2005 for proper advertising, on the following described property:

S/2 SW NW & S/2 S/2 N/2 SW NW LESS TR BEG SW/c NW TH N500 E900
S500 W900 TO POB S9 16 13 15.675 ACS M/L Tulsa County, State of
Oklahoma

* * * * *

Case No. 2141

Action Requested:

Review and approval of a required site plan, located: West side of South Peoria Avenue, at approximately 157th Street South.

Presentation:

John Sames, 2418 East 25th Place, represented the Holy Apostles Church. He submitted a site plan (Exhibit A-1). They proposed to build in phases. This phase they proposed to build a multi-purpose building 60' X 40' and the church 80' x 50'. They intended to build parking spaces for 75 to 100 cars. The plans are to keep it as rural and pristine as possible with a lot of landscaping.

Comments and Questions:

Mr. Walker reminded Mr. Sames that the parking requirement is one parking space per 40 sq. ft. of sanctuary area. He asked if they planned to comply with that requirement. Mr. Sames replied they plan to comply. Mr. Walker reminded him there is a restriction of no parking in the required front yard. Mr. West pointed out that striping for parking spaces would have to be shown on the plans for a building permit.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Charney**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a required site plan for a church and accessory uses, with conditions: site plan to include precise

location of parking spaces per code requirement; and no improvements in the front yard area, on the following described property:

PRT NE SE BEG 336S & 24.75W NEC NE SE TH W661.26 S 525.96 E661.24 N525.96 TO POB LESS E24.75 FOR RD S EC 24 17 12 7.685ACS, Tulsa County, State of Oklahoma

..*.*.*.*.*.*

Case No. 2152

Action Requested:

A variance of the required street frontage on a public street or dedicated right-of-way from 30 ft to 0 ft in order to obtain a building permit to remodel an existing dwelling. (Section 207), located: 7618 East 164th Street North.

Presentation:

Robert J. Majka, Jr., represented his parents, Mr. and Mrs. Robert J. Majka, Sr., 7618 East 164th Street North, Collinsville, Oklahoma. They want to build an addition to the house and need access to a public road. There is a gravel road that is not maintained by the county.

Comments and Questions:

Mr. Walker noted this is a pre-existing condition.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of the required street frontage on a public street or dedicated right-of-way from 30 ft to 0 ft in order to obtain a building permit to remodel an existing dwelling. (Section 207), finding there is no other access to the subject property, on the following described property:

PRT SW NE BEG SWC NE TH E1319.84 N1321.04 W659.87S330.23 W659.89 S990.55 POB SEC 14 22 13 35.023ACS, Tulsa County, State of Oklahoma

..*.*.*.*.*.*

Case No. 2153

Action Requested:

Variance of street frontage requirement from 30' to 0' to permit a lot split. (Section 207), located: 18968 E. 64 Hwy.

Presentation:

Jim Ferris, 401 South Boston, Suite 1100, represented the applicant, Don Barrett. A neighbor deeded a two acre tract that is next to his existing property to him. The tract will have access through a tie deed to Highway 64. Mr. Ferris stated that some neighbors were concerned about some debris on Mr. Barrett's existing property. There is also some concrete in a creek adjacent to Mr. Barrett's property. Mr. Barrett has assured him that he would remove the concrete and debris within thirty days. He stated there would be no access to any roadway without this relief.

Interested Parties:

Larry Leonard, 1921 South Boston, stated the debris has not been removed from the applicant's existing property. He asked that any approval be granted after the debris on the property and concrete in the creek are removed.

Kitty Conley, P.O. Box 193, Leonard, Oklahoma, expressed concern that the debris and concrete has not been removed since he was notified by Terry West six months ago. She submitted photographs (Exhibit C-1) of a washing machine, freezer, mattresses and other debris dumped on the property.

Comments and Questions:

Mr. Charney asked if the main issue with the interested parties is that the lack of care of the property will increase after an approval is granted. Mr. Leonard replied that the applicant's existing property is in Wagoner County and the two-acre tract is in Tulsa County and abuts the other property. They have observed a significant increase in the number of items being dumped on the property in the last 90 days. They are concerned this will just increase more and onto the Tulsa County property.

Robert McBratney, 24145 East 191st Street South, Haskell, Oklahoma, stated that Mr. Barrett lived there before the neighbors, causing the constraints of access. He mentioned that when the creek is obstructed the water backs up and causes a mosquito problem and flooding of a hay meadow. The construction of the low-water cement bridge worked well to keep the water flowing. The concrete Mr. Barrett placed into the creek has obstructed it.

Applicant's Rebuttal:

Mr. Ferris responded that Mr. Barrett put the concrete blocks in to obtain access to his property when he was denied the use of the bridge by his neighbors. He thought he had removed a sufficient amount of the concrete blocks to comply with Mr. West's request. He agreed to remove the remaining concrete during a dry period and the debris in thirty days.

Mr. Charney asked about the need for a lot-split. Mr. Ferris replied the approval of the deed from the owner of the two acres is pending the lot-split from the rest of the 80 acres. Mr. Charney asked if he knew of no building permit to follow, to

which Mr. Ferris replied he did not. Mr. Ferris stated the applicant has a house on his existing property and the only point is to incorporate the two acres with the rest of his property. Mr. Dillard noted there was a picture of a mobile home in their materials and asked if there is a mobile home on the property. Mr. Ferris replied there is a mobile home that is occupied presently, but not on the two acres. Mr. West stated it is legally on the 6.2 acres. Mr. West stated his main concern is that the applicant finish cleaning out the creek, as there was still too much obstruction.

Mr. Alberty advised that the obstruction of the creek is unrelated to the request and would be addressed through compliance with the Flood Plain Regulations with the county. This is a technical requirement because the two acres cannot be left without access to a public street. The hardship is that he is attaching it to the six acres, which does have access. Mr. Charney indicated that the debris removal on the six acres is related and should be a condition of the motion.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **CONTINUE** this request for a Variance of street frontage requirement from 30' to 0' to permit a lot split. (Section 207), to the meeting on May 17, 2005, to allow time for removal of the debris from the land and clearing the obstruction from the creek, on the following described property:

E 1/2 SE SEC 36-17-14, Tulsa County, State of Oklahoma

..*.*.*.*.*.*

Case No. 2154

Action Requested:

Special exception to reduce the minimum setback distance of a residence from an oil and gas well to permit construction of a single family dwelling (Section 1224a.3.A), located: 8426 North Quebec.

Presentation:

Richard Padilla, 4195 South 69th West Avenue, stated that all of the wells in the development are plugged except for one. He stated it will be plugged and he submitted a letter from the Corporation Commission (Exhibit D-1). He added there are several homes that are built within 200 ft. of plugged wells in the surrounding neighborhood.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Charney**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Special**

Exception to reduce the minimum setback distance of a residence from an oil and gas well to permit construction of a single family dwelling (Section 1224a.3.A), finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 4 BLK 2COUNTRY CORNER ESTATES II, Tulsa County, State of Oklahoma

..*.*.*.*.*.*

There being no further business, the meeting was adjourned at 2:20 p.m.

Date approved: _____

Chair