

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 307
Tuesday, December 20, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, December 15, 2005 at 1:15 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 **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of November 15, 2005 (No. 306).

NEW BUSINESS

Case No. 2184

Action Requested:

Special Exception to permit a manufactured home in an RS zoned district, located: 7524 North Trenton Avenue East.

Presentation:

Regina Powell, 7524 North Trenton Avenue, stated she purchased the subject property and moved a mobile home on the property. She removed two burned homes from the property and is in the process of improving the property.

Comments and Questions:

Mr. Hutson ascertained that she was directed to this board when she sought utility hook-ups. Ms. Powell informed the Board there were multiple mobile homes in the area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE**, a **Special Exception** to permit a manufactured home in an RS zoned district, subject to tie-downs, skirting, DEQ approval, and paved parking, on the following described property:

N 75 E 160 LOT 12 BLK 2, GOLDEN HILL ADDN, Tulsa County, State of Oklahoma

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Case No. 2185

Action Requested:

Variance of the rear yard requirement from 40 ft. to 20 ft.; Variance of the average lot width requirement from 150 ft. to 136 ft.; and a Variance of the minimum lot area and land area; all in an AG-R district (Section 330) to permit a lot split, located: 16738 North 117th Avenue East.

Presentation:

David Counts, 16606 North 117th East Avenue, Collinsville, Oklahoma, explained that he represented his father-in-law. They have two dwellings on the subject property and they need a lot-split. Also they proposed to sell a tract with a house on it.

Comments and Questions:

Mr. Cuthbertson informed the Board the average of the subject lot's width is 136 ft. He directed their attention to page 3.7 in the agenda packet to show the Board a clearer picture of how they want to split the property. Mr. Walker questioned the hardship. The applicant could not specify a hardship.

Interested Parties:

Beth Ann Langston, 105 East Main, Collinsville, Oklahoma, stated she is a real estate broker for Hometown Real Estate in Collinsville. She understood that the bank would not agree to the seller splitting off more land from their homestead property.

Paul Millspah, 16728 North 117th Avenue East, Collinsville, Oklahoma, stated he is the owner of the land.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **DENY** a **Variance** of the rear yard requirement from 40 ft. to 20 ft.; **Variance** of the average lot width requirement from 150 ft. to 136 ft.; and a **Variance** of the minimum lot area and land area; all in an AG-R district (Section 330) to permit a lot split, finding a lack of hardship.

And,

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to allow the application fee to be applied to a re-zoning or new BOA application, on the following described property:

S/2 NE SW SW LESS E50 FOR RD SEC 8 22 14, Tulsa County, State of Oklahoma

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Case No. 2186

Action Requested:

Variance of minimum lot area from 2 acres to .84 acres; and a Variance of the minimum land area per dwelling unit from 2.1 acres to .84 acres; to permit a lot split in an AG district (Section 330), located: 11802 East 136th Street North.

Presentation:

Rev. Kelvin Limbocker, 11802 East 136th Street North, Collinsville, Oklahoma, proposed to do a lot-split to separate the parsonage from the church property. They do not want to involve the parking lot in the lot-split. He added that a lot to the east has about the same amount of property as they would have with the parsonage.

Comments and Questions:

Mr. Cuthbertson suggested there is undeveloped land to the east that they could incorporate into the parcel with the parsonage to more closely comply with the zoning code. Rev. Limbocker replied that it would not be enough to comply with the code. Mr. Walker noted there was no hardship. Mr. Dillard suggested they could lease the property for a specified number of years. Mr. Alberty suggested they could re-zone.

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, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **DENY** a **Variance** of minimum lot area from 2 acres to .84 acres; and a **Variance** of the minimum land area per dwelling unit from 2.1 acres to .84 acres; to permit a lot split in an AG district (Section 330),

And,

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to allow the application fee to be applied to a re-zoning or new BOA application, on the following described property:

LT 1 BLK 1FAITH ASSEMBLY CHURCH, Tulsa County, State of Oklahoma

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Case No. 2187

Action Requested:

Special Exception to allow a manufactured home in an RS zoned district (Section 410), located: 1642 East 76th Street North.

Presentation:

Sandra James, 1642 East 76th Street North, Sperry, Oklahoma, stated they moved their mobile home on the property before they knew they had to come before the County Board of Adjustment. It is tied-down and the water meter has been connected. They plan to skirt the home.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an RS-zoned district (Section 410), subject to the requirements for tie-downs, skirting, DEQ approval, and paved parking, on the following described property:

LOT 14 BLK 1GOLDEN HILL ADDN, GOLDEN HILL ADDN SUB B1, Tulsa County, State of Oklahoma

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Case No. 2188

Action Requested:

Variance of lot area from 2 acres to 1.07 acres; variance of land area per dwelling unit from 2.1 acres to 1.16 acres to permit a lot split, located: 17620 North Memorial Drive East.

Mr. Cuthbertson pointed out to the Board there are three dwellings on this property. If they split out one acre, it would leave two dwellings on 3.4 acres, and would create a non-conforming use.

Presentation:

Travis Q. Foster, 7929 East 176 Street North, Collinsville, Oklahoma, stated he bought a mobile and paid to have utilities connected. When they attempted to file the deed they discovered it was not in compliance with the zoning code.

Comments and Questions:

Mr. Hutson noted there is enough property that they could purchase enough to comply with the code. He added there is no hardship. Mr. Hutson stated re-zoning would be the best solution. Mr. Dillard was concerned that the applicant obtained a building permit and was trying to follow the legal requirements. He felt that should be given consideration.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 3-1-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **DENY** a **Variance** of lot area from 2 acres to 1.07 acres; **Variance** of land area per dwelling unit from 2.1 acres to 1.16 acres to permit a lot split, for lack of hardship; and that the application fee be applied to the next application as in the previous similar cases, on the following described property:

S/2 SE SE SE LESS S16.5 & E33 THEREOF FOR RD SEC 2 22 13 4.506ACS,
Tulsa County, State of Oklahoma

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