

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 318  
Tuesday, November 21, 2006, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

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

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, November 16, 2006 at 2:26 p.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> 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.

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**MINUTES**

On **MOTION** of **Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** the Minutes of September 19, 2006 (No. 316).

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**UNFINISHED BUSINESS**

**Case No. 2232**

**Action Requested:**

Special Exception to permit a 120' monopole communications tower in an AG zoned district (Section 310); and a Special Exception to locate the communications tower and equipment within 30' of an adjoining AG district (Section 1204.3.C.7, located: 13108 East 131<sup>st</sup> Street South.

**Presentation:**

**R.L. Reynolds**, 2727 East 21<sup>st</sup> Street, requested to move his case down the agenda so he could meet with the neighbors present and address any issues they might have.

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**NEW APPLICATIONS**

**Case No. 2233**

**Action Requested:**

Variance of the maximum permitted square footage for a detached accessory building in an RS district to permit an 1,800 sq. ft. building (Section 240.2.E), located: 3305 South 65<sup>th</sup> West Avenue.

**Presentation:**

**Charles Patterson**, 3305 South 65<sup>th</sup> West Avenue, asked for relief for a larger accessory building to store a travel trailer and boats. He noted there are several other properties with oversized accessory buildings in the area.

**Comments and Questions:**

Mr. Tyndall asked if there would be any commercial activity or just personal storage. Mr. Patterson replied that it would be used only for personal use.. Mr. Cuthbertson asked how he would access the building with the travel trailer. Mr. Patterson replied that he owns the lot to the north also so he has access. Mr. Cuthbertson asked if the other two accessory buildings to the north are on the same lot. Mr. Patterson replied they are north of the lot on which he wants to place the new building. Mr. Cuthbertson wanted the applicant to know this is the only accessory building this relief will permit. Mr. Patterson remembered there is a small portable building on the lot that they intend to move.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a Variance of the maximum permitted square footage for a detached accessory building in an RS district to permit an 1,800 sq. ft. building (Section 240.2.E), finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; finding the applicant owns both lots, there are other large outbuildings in the area and one lot is five times larger than the minimum, on the following described property:

LT 2 BLK 2, BERRY HILL ACRES, Tulsa County, State of Oklahoma

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**Case No. 2234**

**Action Requested:**

Variance of the minimum street frontage required on a public road from 30 ft. to 0 ft. (Section 207); and a Variance of the required land area per dwelling from 2.1 ac. to 2 ac. (Section 330) to permit a lot split and a dwelling in an AG district, located: 14200 and 14326 South Harvard Avenue.

**Presentation:**

**Randy Even**, 14326 South Harvard Avenue, stated he owns the two parcels of land in the application today. He stated that enforcement of the code would cause an unnecessary hardship, as eight of the eleven parcels on the north and west sides of the subject property are out of compliance with the zoning code, setting precedence in the immediate area. The road easement on properties to the north and west accessing several of the lots sets precedence for the three proposed lots. He pointed out to the Board the area with specifics on a map. He supplied a map and a petition of support (Exhibits B-1, B-2). He stated he was cleaning up the creek for better drainage. He planned for a private drive with a gate. He pointed out the east property line contours to the creek. He proposed to make five lots out of the two parcels and build one bridge with the road easement. Mr. Hutson noted it appeared to be six lots. He indicated, if approved, he planned to obtain a hydrology study later.

**Comments and Questions:**

Mr. Cuthbertson referred to the applicants comments regarding the parcels to the north and west. He stated that those cases were regarding existing dwellings or existing lots, not to create new lots.

Mr. Alberty stated that Tulsa County has a subdivision plat process. The state law requires a subdivision plat to be filed on any creation of five or more lots or in any situation where there is public right-of-way to be dedicated. These kind of situations have occurred in the past and created problems. These issues are addressed during the platting process. The variance requires a hardship and he did not see one other than economic. The applicant will need to deal with numerous issues for this project. The process provides protection for the impact on the next owner and the neighboring properties this project.

**Interested Parties:**

**Terry West**, stated a major issue is crossing Posey Creek, which is a floodway. It would require a hydrology study.

**Applicant's Rebuttal:**

Mr. Even responded that this is a ten-acre, privately owned property. They can meet the requirements for a lot-split without coming to the Board. He stated this is a practical project for building one crossing over the creek instead of two. They

desire a secluded area and want to protect their home. The precedence has been set and they do not desire to create a subdivision. They have access to utilities and a road. He added that they do not intend to increase the density in this area.

Mr. West submitted photographs (Exhibit B-3) to the Board.

**Board Action:**

On **Motion of Tyndall**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **DENY** Case No. 2234, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

PRT NE BEG 663.6S NEC NE TH S429.1 W1076.36 N428.88 E1076.36 POB  
LESS BEG 872.65 NEC NE TH S200.1 W662.51 N200.1 E460.63 N26 E70.15  
S26 E131.73 POB SE, PRT NE BEG 872.6S NEC NE TH S200.1 W662.51  
N200.1E460.63 N26 E70.15S26 E131.73 POB SEC 17 17 13 3.09AC Tulsa  
County, State of Oklahoma

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**Case No. 2235**

**Action Requested:**

Variance of the required 30 ft. frontage on a public street to permit a residence in an AG district (Section 207), located: 1 mile south of Hwy 51, east of Campbell Creek Rd.

**Presentation:**

**Eric Keller**, 20711 East 31<sup>st</sup> Street, stated he owns 80 acres that does not touch the main right-of-way but it is at a section line. He proposed to obtain a permit to put a permanent residence there. Photographs and information per applicant were provided (Exhibits C-1 and C-2).

**Comments and Questions:**

Mr. Hutson asked how many houses are located there. Mr. Keller replied there are two homes but not on his section. Mr. Hutson noted he is land-locked. He asked for a building permit to construct a home on his property. He added that has a road easement down the section line that has been established since 1966. The section line has not been maintained to County standards. Mr. Alberty noted the resolution states the County has not maintenance responsibility to this portion of the section line. It would be Mr. Keller's responsibility.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required 30 ft. frontage on a public street to permit a residence in an AG district (Section 207), finding a resolution approved by the County to open the road and per the application, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

S/2 SW SEC 14 19 10, Tulsa County, State of Oklahoma

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**Case No. 2236**

**Action Requested:**

Variance of the required front yard from the centerline of 60th St. (from 55 ft. to 48 ft.) and of the required side yard abutting a street from the centerline of 65th W. Ave. (from 85 ft. to 47 ft.) to permit a mobile home on the lot (Section 430), located: 6429 West 60<sup>th</sup> Street.

**Presentation:**

**Tonia Kiddoo**, 6429 West 60<sup>th</sup> Street, proposed to place a mobile home on a lot next to her parent's property. There is an existing large building that cannot be moved and a one hundred year old tree are the hardships.

**Comments and Questions:**

Mr. Cuthbertson commented that the planned right-of-way widths are shown not actual. The 65<sup>th</sup> Avenue arterial is in an old part of the county that has not been widened.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a Variance of the required front yard from the centerline of 60th St. (from 55 ft. to 48 ft.) and of the required side yard abutting a street from the centerline of 65th W. Ave. (from 85 ft. to 47 ft.) to permit a mobile home on the lot (Section 430), per application, on the following described property:

W.81' OF S. 137.5 BLK-7, NEW TANEHA, Tulsa County, State of Oklahoma

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**Case No. 2232**

**Action Requested:**

Special Exception to permit a 120' monopole communications tower in an AG zoned district (Section 310); and a Special Exception to locate the communications tower and equipment within 30' of an adjoining AG district (Section 1204.3.C.7), located: 13108 East 131<sup>st</sup> Street South.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, provided a site plan (Exhibit A-1). He stated the materials previously provided showed where there is below standard service. The spacing of the towers is critical to the quality of service. There is a lot of activity in the area. They have discussed collocation with other companies and will have the capacity to accommodate collocation on this tower. They plan to pave the road to cut down on dust in the area. They also agreed to paint the tower sky blue to help camouflage. They will not need to light the tower.

**Interested Parties:**

**Hugh Bright**, 12969 East 131<sup>st</sup> Street, asked what type of screening is required. He stated he would not want to have large spotlights at the site. He expressed some concern for unknown health safety issues.

**Applicant's Rebuttal:**

Mr. Reynolds responded that they have used several types of screening depending on the case and they were willing to screen. There is very minimal lighting for the equipment room, not noticeable at a distance.

**Comments and Questions:**

Mr. Hutson expressed some concern over the distance from two property lines. Mr. Reynolds replied that it was driven by the leasor, as he would not allow them to locate at any other location on the property.

**Board Action:**

On **Motion of Tyndall**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a Special Exception to permit a 120' monopole communications tower in an AG zoned district (Section 310); and a Special Exception to locate the communications tower and equipment within 30' of an adjoining AG district (Section 1204.3.C.7), with conditions: no lights on the pole, paint the pole (sky blue), pave the road to the site, low wattage lights on building, screening fence, specifically a chain link fence with slats, and some vegetation outside the fence, 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:

W1/2 E1/2 NWNW SEC. 9-17-14, Tulsa County, State of Oklahoma

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**Case No. 2237**

**Action Requested:**

Variance of the minimum lot area (from 2 ac. to 1.2 ac.) and minimum land area per dwelling (from 2.1 ac. to 1.3 ac.) in an AG district to permit a lot split (Section 330), located: 16610 East 166<sup>th</sup> Street South.

**Presentation:**

**Fred Keas**, 7720 East 129<sup>th</sup> Street, Bixby, Oklahoma, represented the owners. He stated the owners came before the Board previously to add a second residence. The Leonard area has several properties with more than one dwelling on one lot.

**Interested Parties:**

**Melvin Cheatham**, P.O. Box 116, Leonard, Oklahoma, expressed support for the application. He stated he lives in this area.

**Board Action:**

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a Variance of the minimum lot area (from 2 ac. to 1.2 ac.) and minimum land area per dwelling (from 2.1 ac. to 1.3 ac.) in an AG district to permit a lot split (Section 330), per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT NW SW BEG NEC NW SW TH S716.60 W163.14 N679.29 NE149.15  
E19.14 POB SEC 26 17 14 2.62AC, Tulsa County, State of Oklahoma

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**OTHER BUSINESS**

**Approve 2007 County BOA Meeting Schedule**

**Board Action:**

On **Motion** of **Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** the 2007 Tulsa County Board of Adjustment Meeting Schedule, as presented.

There being no further business, the meeting adjourned at 2:50 p.m.

Date approved: 12-19-2006

  
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Chair

