

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 341
Tuesday, October 21, 2008, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Vice Chair
Dillard, Secretary
Hutson, Chair
Tyndall
Walker

Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, October 15, 2008 at 3:23 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 5-0-0 (Tyndall, Charney, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; no "absences") to **APPROVE** the Minutes of September 16, 2008, 2008 (No. 340).

NEW APPLICATIONS

Case No. 2307

Action Requested:

Amendment to a previously approved plan; to permit the expansion of a church in the AG district, located: 11808 East 121st Street North, Tulsa, Oklahoma

Presentation:

David Qualls, 8550 West 157th Street North, Skiatook, Oklahoma, stated they propose to add a sanctuary (Exhibit A-1). The plans include a single-story and the required parking.

Ken Richards, 320 Ealum Avenue, Ketchum, Oklahoma, stated the sanctuary is 2,422 sq. ft.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** Amendment to a previously approved plan; to permit the expansion of a church in the AG district; per plan as shown on page 2.6 of the agenda; finding it would not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

W165 N661 E/2 W/2 NE SW LESS N30 THEREOF FOR RD SEC 5 21 14, Tulsa County, State of Oklahoma

Case No.2308

Action Requested:

Special Exception to permit a home occupation in an AG district (Section 320.1); A Variance of the permitted maximum floor area from 500 sq. ft. to 600 sq. ft. (Section 440.B.7) for a home occupation, located: 4401 South 61st Avenue West.

Presentation:

Wendell Drake, 4401 South 61st West Avenue, Tulsa, Oklahoma, stated he lives in the Berryhill area. He proposed a home occupation with a commercial kitchen. It would be 600 sq. ft. instead of 500 sq. ft. due to the requirements, including a commercial vent-a-hood. The home occupation will occur in ½ of an existing 1,200 ft. garage.

Comments and Questions:

Mr. Hutson mentioned requirements for no outside employees, no customer traffic on site, and no signs. Mr. Drake understood those requirements; and was agreeable to no more than five events per month.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a home occupation in an AG district (Section 320.1); finding the special exception 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;

Mr. Cuthbertson had a question on the motion, as to the Board's intention to approve a catering home occupation.

On **Amended Motion of Walker**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a catering business as a home occupation in an AG district (Section 320.1), with conditions for no outside employees; no customer traffic; no signage, finding the special exception 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 **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the permitted maximum floor area from 500 sq. ft. to 600 sq. ft. (Section 440.B.7) for a home occupation, in the existing detached structure; finding the space already exceeds the allowable area in the 1,200 sq. ft. building, on the following described property:

PRT SE NW BEG 200S NWC SE NW TH E653.7 S100 W217.9 S100 W435.8
N200 POB SEC 29 19 12 2.50ACS, Tulsa County, State of Oklahoma

Case No. 2309

Action Requested:

Variance of the maximum permitted square footage allowed for accessory buildings in the RS district from 750 sq. ft. to 2,717 sq. ft. (Section 240.2.E), located: 11752 East 128th Place South.

Presentation:

Tom Sexton, 11752 East 128th Place South, Broken Arrow, Oklahoma, proposed to build a shop for personal use in addition to existing buildings. He plans to store a collection of cars inside. His lot is 48,290 sq. ft., which would be 5.6 % coverage of the property.

Comments and Questions:

Mr. Walker asked why he needed 12 ft. sidewalls. Mr. Sexton responded that he would like a ten-foot door for access from neighboring property. He obtained permission to access his property. He would not be able to haul things in through his seven-foot carport. Mr. Sexton mentioned a number of his neighbors have larger structures. He stated he showed his neighbors the plans and they were in support.

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 maximum permitted square footage allowed for accessory buildings in the RS district from 750 sq. ft. to 2,717 sq. ft. (Section 240.2.E), as presented, finding the large size of the lot, on the following described property:

LT 8 BLK 4,WILLOW SPRINGS WEST ADDN, Tulsa County, State of Oklahoma

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Case No. 2310

Action Requested:

Special Exception to permit a home occupation in an AG district (Section 320) to permit a catering and cooking business; and a Variance to permit the business in a travel/concession trailer (Section 440.B.3), located: 913 East 161st Street North.

Presentation:

Mike Beard, 8345 South Pittsburg, represented the applicant, Ada Scott. She proposed to run a home occupation out of a concession trailer. The cooking would all be in the trailer and she would take it to other locations for business. The trailer would be parked on a paved pad on the home property, which is about 160 acres (Exhibit B-1). He indicated there would not be much traffic. He stated the parking spot would not be visible to the neighbors.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a home occupation in an AG district (Section 320) to permit a catering and cooking business; as presented, with conditions for no outside employees; no more customer traffic than ten per week; finding the special

exception 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; and

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance to permit the business in a travel/concession trailer (Section 440.B.3), based upon the peculiar circumstance of the large tract of land, 160 acres, finding the trailer will be parked on a concrete pad, and not be visible from the roadway or the neighbors and interior to the property, on the following described property:

E/2 SW & E/2 W/2 SW & NW SE & W/2 SW SE & N16.5 E/2 SE LESS .81AC
FOR RD SEC 13 22 12, Tulsa County, State of Oklahoma

OTHER BUSINESS

Approval of Amended Minutes May 20, 2008 (No. 336)

Mr. Cuthbertson informed the Board that a scribe's error was corrected and was presented for approval.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the **Amended Minutes** of May 20, 2008 (No. 336).

Proposed Zoning Code Amendment for Section 1690.

Mr. Cuthbertson informed the Board this item is for the Board to review. There is a process through which the applicant can appeal the Board's decision to District Court. The county legal department decided to improve the process.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **SUPPORT** the proposed Zoning Code Amendment for Section 1690.

Review and Approve TCBOA 2009 Meeting Schedule

Mr. Cuthbertson presented the proposed schedule.

Board Action:

On **Motion of Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the proposed TCBOA 2009 Meeting Schedule.

There being no further business, the meeting adjourned at 2:11 p.m.

Date approved: 11-14-08



Chair