

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 342
Tuesday, November 18, 2008, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, November 13, 2008 at 9:34 a.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 **Dillard**, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** the Minutes of October 21, 2008 (No. 341).

NEW APPLICATIONS

Case No. 2305-A

Action Requested:

Variance of the minimum land area per dwelling required in the AG district from 2.1 acres to 1.88 acres per dwelling (Section 330) to permit a lot split; OR a Variance of the minimum lot width required in the AG district from 150 ft. to 134 ft. (Section 330) and a Variance of the minimum land area per dwelling required in the AG district from 2.1 acres to 2 acres (Section 330) to permit a lot split, located: 10428 North Yale Avenue and 10500 North Yale Avenue.

Mr. Cuthbertson explained this application is a new variation of a previous application, heard in September 2008. There are two alternatives submitted to accomplish the same thing. The Board approved the application to permit two dwellings on a lot of record in September for six months to give the applicant time to work out details to allow him to keep three dwellings on the two three-acre parcels. Staff and the applicant considered several scenarios and they concluded that because the property was platted such that the property extends to the center of the right-of-way and has limited width on the combined parcels there is no way they could equitably split the property into three parcels so they could meet all of the requirements in the AG district. The applicant was asked to come back with two scenarios, by which they could obtain relief from this Board and provide the most equitable split.

Presentation:

Paul Woodum, 5617 East 96th Street North, Sperry, Oklahoma, 74073, stated that two of the houses were on the properties when he purchased them. He applied for electrical permit for a garage. The County Inspector checked the property and found the other dwelling, a double-wide with garage on the same lot.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **DENY** a Variance of the minimum land area per dwelling required in the AG district from 2.1 acres to 1.88 acres per dwelling (Section 330) to permit a lot split;

And

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the minimum lot width required in the AG district from 150 ft. to 134 ft. (Section 330) and a Variance of the minimum land area per dwelling required in the AG district from 2.1 acres to 2 acres (Section 330) to permit a lot split, per site plan, finding it would not be injurious to the neighborhood and in compliance with the development standards of the neighborhood; and finding the existing buildings were constructed many years ago, and the application purchased on good faith; finding the variances are needed for all three lots, on the following described property:

S.202'N.842'E.647'E1/2 NE SEC 16 21 13, S202 N640 E647 E/2 NE SEC 16 21 13, Tulsa County, State of Oklahoma

Case No. 2311

Action Requested:

Special Exception to permit a church (Use Unit 5) in the AG district (Section 310); and a Variance of the requirement that parking shall be surfaced with an all-weather material (Section 1340.D), located: 7112 West 51st Street.

Presentation:

Keith Blake, 7100 West 51st Street, stated the property was purchased with existing buildings, which were built in late 1960's, according to the advice of bankers, realtor and developer. They made renovations turning a house into a church facility. Terry West contacted them regarding non-compliance. They petitioned the neighborhood one mile each direction on this street and found neighbors to be in support of this application (Exhibit A-1). This is not their permanent plan and plan to build on another portion of their property to the east for a more permanent facility. Reverend Blake stated they do not have a detailed site plan yet. He added they own three properties at this location.

Interested Parties:

Doreen Rison, 7374 West 51st Street, informed the Board that she owns the winery on the adjacent property approximately 1,000 ft. away. She wanted to protect her own interests. She did not object to the presence of the church.

Applicant's Rebuttal:

Reverend Blake stated they did not have an objection to the winery. He had already discussed the application and proximity with Ms. Rison.

Comments and Questions:

He responded to questions from the Board stating they have graveled parking, 65 ft. by 210 ft. to the north of the building. They did not intend this to be a permanent parking lot. Mr. West stated the engineers were concerned about the approach to West 51st Street being graveled because of the incline to the road. Reverend Blake pointed out how they designed it and that the line of sight is very good for exiting onto the street.

Board discussion ensued.

Board Action:

On **Motion of Walker**, 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 church (Use Unit 5) in the AG district (Section 310), 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 finding it is an agricultural rural area and should have minimal impact on the area;

And

On **Motion** of **Hutson**, the Board voted 3-1-0 (Walker, Tyndall, Hutson, "aye"; Dillard "nay"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the requirement that parking shall be surfaced with an all-weather material (Section 1340.D), with the limitation that parking lot be confined to the area that is already existing, per aerial photograph on page 3.5 of the agenda, with a hard surface approach to West 51st Street, finding the present location is temporary and the parking will be moved to a different location; finding the drive has existed for 30 years for residential use, on the following described property:

PRT NW NE BEG 581.05E SWC NW NE TH N698.82 E13.32NE206.89 S161.98
E555 S606 W738.95 POB SEC 31 19 12, Tulsa County, State of Oklahoma

Case No. 2312

Action Requested:

Special Exception to permit a manufactured home in an RS district (Section 410), located: 6502 North Utica Avenue.

Presentation:

Russell Orcutt, 6523 North Utica Avenue, represented his mother for this application. There has been a mobile home on the property for 30 years. It was removed and another of approximately the same size was moved in. Mr. West contacted the applicant to inform them that they need to move the mobile home back away 55 ft. from the road.

Interested Parties:

David Longley, 6504 North Utica, expressed concern that this would be only a few feet from his front yard. He did not think this was an improvement to the neighborhood.

Comments and Questions:

Mr. Cuthbertson stated that Mr. Orcutt would have to meet the 55 ft. setback from the centerline of Utica. He added that the 10 ft. wide trailer would leave 40 ft. between the trailer and back property line. Mr. Cuthbertson stated an RS district only requires a 20 ft. rear yard. Mr. Hutson stated he did not find a problem with this, neither did any of the other members.

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 district (Section 410), with conditions to comply with the 55 ft. setback from the centerline of Utica Avenue, for DEQ approval, tie-downs, skirting and paved parking, as presented, 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 the following described property:

BEG 491S & 151.77E NEC PHILLIPS FARMS TH E75 S130W75 N130 POB
LESS E3.07 THEREOF FOR RD SEC 6 20 13, Tulsa County, State of Oklahoma

Review for approval of the TCBOA 2009 Meeting Schedule

Board Action:

On **Motion** of Walker, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Tulsa County Board of Adjustment 2009 Meeting Schedule.

There being no further business, the meeting adjourned at 2:12 p.m.

Date approved: 12-16-2008


Chair

