

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 343
Tuesday, December 16, 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	Butler	West, Co. Inspector
Hutson, Chair	Walker	Cuthbertson	
Tyndall			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, December 10, 2008 at 3:49 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 1:32 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Charney**, the Board voted 3-0-0 (Tyndall, Charney, Hutson "aye"; no "nays"; "abstained"; Walker, Dillard "absent") to **APPROVE** the Minutes of November 18, 2008 (No. 342).

NEW APPLICATIONS

Case No. 2313

Action Requested:

Variance of the requirement that unenclosed off-street parking areas shall be surfaced with an all-weather material (Section 1340.D), located: 27295 W. Hwy 51.

Presentation:

Jim Coleman, 610 North 256th West Avenue, Sand Springs, Oklahoma, 74063, stated the subject property is in far west Tulsa County abutting the Creek County Line. The property is bordered on the south by State Highway 51 and on the north by the Burlington Northern Railroad track. The property is zoned CG, with the west tract planned as an RV Park. They plan to pave the pads for parking RV's and

automobiles. The east portion of the property would be used for storage of construction company equipment and there would be a building. He asked for a variance because the heavy equipment would be destructive to hard-surface parking.

Comments and Questions:

Mr. Hutson asked for which part of the property they were asking for a variance. Mr. Coleman replied the variance is for the east portion. He added that the property has not been subdivided at this time. He was open to a condition for the RV park property to comply with the code for hard-surface parking. He did not plan to pave the driving surfaces. Mr. Coleman stated there are three other RV parks in the area and they all have gravel drives. Mr. Tyndall asked if this is a permanent RV park, to which Mr. Coleman assured him it is. Mr. Coleman informed the Board he has a mini-storage project that is platted in Tulsa County. He stated the parking and all driving surfaces are hard surfaced. Mr. Cuthbertson mentioned the access to the property is from the state highway and may be a concern to the highway department. He added there is no site plan, showing the extent of gravel paving. Mr. Charney mentioned the need for a hardship for the variance. He was not finding a hardship. Mr. Coleman responded that he could make the entire property a construction site and it could all be gravel. He was not opposed to constructing hard surface access to the property. Mr. Hutson offered him a continuation to the January 2009 meeting to decide what he wants to do. Mr. Charney explained that the request was made for a four acre tract but the legal description is for eight acres.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 3-0-0 (Tyndall, Charney, Hutson "aye"; no "nays"; "abstained"; Walker, Dillard "absent") to **CONTINUE** Case No. 2313 to the meeting on January 20, 2009, for the applicant to submit a site plan of the entire property, on the following described property:

BEG 1207.31S NWC NW TH ELY ALG S R/W SL&SF RR 683.88 TH SLY25 ELY200 NLY25 ELY200 SLY50 ELY731.42 S210.67 TO N R/W HWY 51 TH WLY ALG R/W 1786.53 TO WL SEC TH N176.51 POB SEC 18 19 10, Tulsa County, State of Oklahoma

Case No. 2314

Action Requested:

Variance of the minimum average lot width required in the AG district from 150 ft. (Section 330) to permit a lot split, located: 16201 North Utica Avenue.

Presentation:

Dennis Seawright, 16201 North Utica Avenue, Skiatook, Oklahoma, proposed to split the 300 ft. lot. The frontage would be 150 ft. average per lot but they would need a panhandle for access. There is a dry-weather creek at the rear, a pond, and existing structures that would interfere with the code requirements. The strick-built house was built before 1980. They want to replace the single-wide mobile home with a double-wide.

Comments and Questions:

Mr. Charney recognized the hardships.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 3-0-0 (Tyndall, Charney, Hutson "aye"; no "nays"; "abstained"; Walker, Dillard "absent") to **APPROVE** a Variance of the minimum average lot width required in the AG district from 150 ft. (Section 330) to permit a lot split, as presented, finding the hardship to be the existing structure, topography, creek to the west and the easement to the east, on the following described property:

N/2 S/2 SW NE LESS N30 THEREOF & LESS W40 THEREOFFOR RD SEC 18
22 13, Tulsa County, State of Oklahoma

Case No. 2315

Action Requested:

Special Exception to permit a (Use Unit 2) cemetery in an AG district (accessory to an existing church) (Section 310), located: 15710 South Peoria Avenue.

Mr. Cuthbertson mentioned that the cemetery could not be considered as an accessory use, but rather as a second principal use.

Presentation:

George Michalopoulos, 2670 South Utica Avenue, proposed to put in a cemetery in the church yard. He explained this would not be a 'for profit' cemetery, but for parishioners and indigents as needed.

Comments and Questions:

Mr. Charney noted that the Board approved an application for the church to be constructed originally. Mr. Michalopoulos responded they are located in the middle of eight acres. The cemetery would be to the east and south of the church building, surrounded by a wrought iron fence.

Interested Parties:

Kursten Murray, 1515 South Utica, Tulsa, Oklahoma, represented Sharp Mortgage Company. His client owns about 700 acres on the west of the subject property. He indicated that this use has potential adverse affect on abutting property. He added the application did not provide a lot of detail. He requested the Board protect the surrounding properties in considering if this use is in harmony with the spirit and intent of the code and to protect the AG district until an orderly transition to urban development can be accomplished. He submitted an article, and map (Exhibits A-2, and A-3). He pointed out that developers are expected to begin projects in the area. Mr. Murray mentioned that South Peoria might be widened in the future. He expressed concerned should the church relocate and if the cemetery were enlarged.

Comments and Questions:

Mr. Charney commented that a cemetery is a less intensive use and asked how it is injurious.

Ben Herring, 15612 South Peoria, stated he owns the property to the north of the subject property. He stated he built a 1900 sq. ft. permanent residence. He gave a little history of property ownership. He was expecting the area to remain residential and then the church was built, and a mobile home was moved in. He complained that trash blows onto his pasture from the subject property. He informed the Board that his wife has a fear of living next to a cemetery. He questioned why the church did not put this in their original application if this is their common practice. He mentioned the three pipelines on along Peoria, two of which are in use.

Robert Ranford, 13150 Oak Street, Glenpool, Oklahoma, stated he recently purchased three acres south of the subject property. He looked for property a long time before he purchased this. He stated that his wife refused to build a home next to a cemetery. They don't object to construction of homes in the area.

Applicant's Rebuttal:

Mr. Michalopoulos responded that the mobile home is temporary until they build a stick-built parsonage. He stated the cemetery would be tastefully prepared. He indicated that other areas do not have decreased property values near a cemetery.

Comments and Questions:

Mr. Tyndall noted it was not a part of the original application for the church. Mr. Charney stated there was not enough information in the application. He added that it is a big project and requires a lot of planning and perpetual care. Mr. Hutson stated he could not support the application as submitted and the site plan is totally inadequate. He suggested the applicant should provide more information to the neighborhood for support.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Tyndall, Charney, Hutson "aye"; no "nays"; "abstained"; Walker, Dillard "absent") to **DENY** a Special Exception to permit a (Use Unit 2) cemetery in an AG district (accessory to an existing church) (Section 310), finding the special exception will not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, and insufficient site plan information, on the following described property:

LT 1 BLK 1,HOLY APOSTLES CHURCH, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:41 p.m.

Date approved: 1-20-09



Chair