

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 348

Tuesday, May 19, 2009, 1:30 p.m.

Aaronson Auditorium

Tulsa Central Library

400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Dillard, Secretary
Tyndall
Walker

Charney, Vice Chair
Hutson, Chair

Alberty
Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, May 13, 2009 at 3:48 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Mr. Walker, Alternate for the Chair 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.

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MINUTES

On **MOTION** of **Dillard**, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** the Minutes of March 17, 2009 (No. 346).

On **MOTION** of **Tyndall**, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** the Minutes of April 21, 2009 (No. 347).

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Mr. Walker informed the parties present that only three of the five Board members were present. In order for an application to be approved it requires three votes. He gave the applicants the option to continue their cases to the next meeting date.

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NEW APPLICATIONS

Case No. 2324

Action Requested:

Variance of the minimum lot area required in an AG district from 2 acres to .96 acres and the minimum land area required in an AG district from 2.1 acres to .999 acres to permit a lot split to accommodate an existing dwelling (Section 330), located: West of Spring Street and 22nd Street.

Presentation:

Beth Langston, 201 East Main, Collinsville, Oklahoma, 74021, stated there is an existing home on the subject property. She described an L-shaped property with a garage adjacent to the subject property. The purchaser of the home wanted to buy the L-shaped property also. The requested variances are to permit a lot split.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Walker, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Hutson, Charney "absent") to **APPROVE** a Variance of the minimum lot area required in an AG district from 2 acres to .96 acres and the minimum land area required in an AG district from 2.1 acres to .999 acres to permit a lot split to accommodate an existing dwelling (Section 330), finding the hardship is the existing structure on the property that is surrounded by smaller lots and would not cause a negative impact on surrounding property owners; on the following described property:

SE NW NE Sec 30, Twnshp 22 Range 14, Tulsa County, State of Oklahoma

Case No. 2325

Action Requested:

Special Exception to permit a fireworks stand in an IL district (Section 910); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), located: 4415 East Pine Street.

Presentation:

Wayne Bridgeman, 1235 North Winston, Tulsa, Oklahoma, 74115, proposed to set up a tent for a fireworks stand. He asked for approval for the next ten years. They have gravel for temporary parking. He would like to operate it between Christmas and New Years and for the July 4th season. The expected closing time would be 10:00 or 11:00 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dillard** the Board voted 3-0-0 (Walker, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Hutson, Charney "absent") to **APPROVE** a Special Exception to permit a fireworks stand in an IL district (Section 910); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to closing at 11:00 p.m., and compliance with the state laws; approval for a period of ten years, on the following described property:

PRT SW SE BEG 50N SECR SW SE TH W226 NE242.74 E160 S233.59 POB
SEC 28 20 13 1.03AC, Tulsa County, State of Oklahoma

Case No. 2326

Action Requested:

Special Exception to permit a fireworks stand in an RS district (Section 410); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), located: 418 South 65th West Avenue.

Presentation:

Wayne Bridgeman, 1235 North Winston, Tulsa, Oklahoma, 74115, proposed to operate a tent fireworks stand on the subject property with gravel parking. He also asked to operate between Christmas and New Years and during the July 4th season for the next ten years.

Comments and Questions:

Mr. Walker asked if there is a curb cut from the street for a driveway.

Jason Jacobs, 5015 Robert E. Lee Terrace, Sand Springs, Oklahoma, 74063, indicated there is a curb cut and a gate for the drive.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** Special Exception to permit a fireworks stand in an RS district (Section 410); and a Variance of the paving requirement to permit a temporary parking area (Section 1340.D), subject to the term of five years; restricting the hours of operation to no later than 11:00 p.m.; finding it is an old neighborhood and a short term use, on the following described property:

LOT 26, LOT 27, BLK 1, BRUNER SUB, Tulsa County, State of Oklahoma

Case No. 2327

Action Requested:

Variance of the 30 ft. of frontage required on a public street to permit a lot split and dwellings in an RE district. (Section 207), located: 12184 North 75TH Avenue East.

Presentation:

Daniel Person, 16761 East 121st Place North, Collinsville, Oklahoma, proposed to split the property to sell one parcel and build a home on the other. The plans include an easement to allow access to the back parcel.

Comments and Questions:

Mr. Cuthbertson noted that an easement over the remainder of North 75th East Avenue from 126th East Avenue is proposed but no easement has been filed yet. Mr. Person could give an easement over his property, but he would have to obtain agreement of other property owners for an easement over their property. Mr. Tyndall asked who is maintaining the existing street now. Mr. Person replied that it has been maintained by each of the land owners since about 1958. Mr. Alberty explained the dilemma is that the applicant does not have legal right to use the road. At any time, the owner of the right-of-way could close it off. A mortgage company may not grant a mortgage based on the situation. He added that after approval from this Board it has to go to the TMAPC for approval of the lot split. Mr. Alberty stated this does not meet subdivision regulations.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** a Variance of the 30 ft. of frontage required on a public street to permit a lot split and dwellings in an RE district. (Section 207), subject to the filing of an easement of a minimum of 30 ft. wide to the publicly-dedicated street, finding the land-locked property in a wildcat subdivision established prior to 1980, on the following described property:

S/2 E/2 W/2 SW NE SEC. 2-21-13, Tulsa County, State of Oklahoma

Case No. 2328

Action Requested:

Variance of the 30 ft. of frontage required on a public street to permit a lot split and dwellings in an AG district (Section 207), located: 22626 West 51st Street South.

Presentation:

Larry Hrdlicka, 1220 North Florence, Claremore, Oklahoma, 74017, stated Mr. Tallent is a surveyor for the project. He stated he owns 57 acres in this section. There is a woman who leases 3 ½ acres of the property where she owns her home and has resided there for almost twenty years, since before he purchased the property. He allowed her to continue living there when he purchased the property. He spoke with her and her son about selling that portion of the property to her, so she would not lose her home when he sells his property. He proposed to obtain a lot split for this purpose.

Comments and Questions:

Mr. Walker noted he has easements. Mr. Hrdlicka replied that the landowner between his property and Coyote Trail agreed to give easements to the owner of the 3 ½ acres and to him.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** a Variance of the 30 ft. of frontage required on a public street to permit a lot split and dwellings in an AG district (Section 207), subject to the filing of easements to a publicly dedicated street; and as presented to create two lots only, a 3 ½ acre parcel, and the 50+ acres owned by the applicant; finding it is a landlocked property, on the following described property:

E/2 NE NE NE & E132 NW NE NE & SE NE NW & S/2 N/2NE SEC 33 19
10, Tulsa County, State of Oklahoma

Case No. 2329

Action Requested:

Special Exception to permit a manufactured home in the AG-R district (Section 310), located: 15003 North Trenton Avenue.

Presentation:

Jessie Caldwell, 15131 North Trenton Avenue, stated he and his wife own 20 acres. They have two deeds, one on the subject property and one on the property with their home. They proposed to live in the mobile home on the subject property while they build a home. They misunderstood the permitting information regarding temporary placement of the single-wide mobile home and found out after they moved it onto the property. The soil percolation test was approved. They contacted their neighbors to inform them of their plans. They submitted plans and signatures of neighbors in support (Exhibits A-1 and A-2).

Interested Parties:

Dee Huffman, 15004 North Trenton, Skiatook, Oklahoma, 74070, stated she obtained a petition of neighbors opposed to the application. She expressed concern for flooding onto her property by this project.

Doy Rains, 14901 North Trenton, Skiatook, Oklahoma, 74070, stated his concerns for storm drainage in the valley that would affect the whole area. He did not object to a two-year temporary placement of a mobile home.

Applicant's Rebuttal:

Mr. Caldwell responded that he had plans to haul dirt, and to direct drainage to a pond and a creek. He planned to skirt the mobile home. He submitted photographs (Exhibit A-3) to the Board.

Comments and Questions:

Mr. Dillard commented that the parking spaces must be paved with an all-weather surface. Mr. Cuthbertson stated the applicant will need a permit from the County Engineer to construct a driveway and culvert that would allow for the drainage.

Board Action:

On **Motion** of **Tyndall**, the Board voted 3-0-0 (Tyndall, Walker, Dillard "aye"; no "nays"; "abstained"; Charney, Hutson "absent") to **APPROVE** a Special Exception to permit a manufactured home in the AG-R district (Section 310), subject to meeting D.E.Q. requirements; paved parking; skirting; tie-downs; approval limited to two-years from May 19, 2009, on the following described property:

BEG 660N SECR NE SW TH W696.95 NWLY348.30 NELY387E624 S659.30
POB SEC 19 22 13, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 2:42 p.m.

Date approved: 6/16/09

Daniel E. Charney
Vice-Chair