

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 363  
Tuesday, August 17, 2010, 1:30 p.m.  
County Commission Room  
County Administration Building, Room 119  
500 South Denver

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

Charney, Chair	Dillard	Alberty	West, Co. Inspector
Osborne, Secretary		Cuthbertson	
Tyndall		Sparger	
Walker, Vice Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10<sup>th</sup> day, August, 2010 at 8:33 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:35 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 **TYNDALL**, the Board voted 3-0-1 (Charney, Tyndall, Walker "aye"; no "nays"; Osborne "abstain") to **APPROVE** the Minutes of July 20, 2010 (No. 362).

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**NEW APPLICATIONS**

**Case No. 2382-Matthew B. Gibson**

**Action Requested:**

Variance of the required yard abutting an arterial street as measured from the centerline from 85 ft. to 67 ft. (Section 430). **Location:** 12808 East 128<sup>th</sup> Street South

**Presentation:**

**Matthew Gibson**, 13305 South 117<sup>th</sup> East Place, Broken Arrow, OK; stated he wants to expand his son's home for family growth. The house is bound by three streets; one is an arterial street and the other two are neighborhood streets. Mr. Gibson stated he had been approved for the same type of application in 1995, but due to unforeseen circumstances he had not been able to act on the approval. The house faces north on an east/west axis with the garage on the west side, therefore, the east side would be the most economical side to place the addition. Mr. Gibson stated if he is approved for the 530 sq. ft. expansion to the house the house would be uniform in size with the neighborhood.

The Board asked Mr. Gibson if he had received any objections from his neighbors and he stated he had none.

The Board asked Mr. Gibson if the proposed expansion would stay out of the 15 ft. utility easement, and Mr. Gibson said the expansion was proposed at 14 ft. with a 50 ft. distance from the road.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

The Board asked Mr. Gibson about his timeline for construction. Mr. Gibson stated the he is currently clearing out trees, and if approved he will start construction within a month.

Mr. Gibson informed the Board that he had not applied for a building permit as of yet because he wanted this request to be approved before he did so.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Charney, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the required yard abutting an arterial street as measured from the centerline from 85 ft. to 67 ft. (Section 430); finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 1 BLK 2, WILLOW SPRINGS PLAZA ADDN**

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## **Case No. 2383-Wekiwa Indian Baptist Church**

### **Action Requested:**

Special Exception to permit church use (Use Unit 5) in an AG district (Section 310); and a Variance of the minimum lot area and lot width for a church in the AG district from one (1) acre and a 100 ft. width (Section 1205.3) to permit an addition to an existing church. **Location:** 16940 West Wekiwa Road

### **Presentation:**

**Mike Marlow**, 23016 West 131<sup>st</sup> Street South, Sapulpa, OK; he stated the church wants to build a fellowship multi-purpose hall on the south side of the church. The hall will have a small kitchenette with the heating/air conditioning duct work overhead on the outside, and the electrical will be run underground. The church has been in existence for over 50 years and is built on a long narrow lot.

Mr. Charney asked Mr. Marlow if there had been any objections from the neighbors and Mr. Marlow stated all the neighbors were in favor of the proposed addition.

Mr. Walker asked Mr. Marlow where the lateral lines were located and he said they were behind and northwest of the existing structure.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

Mr. Osborne asked Mr. Cuthbertson about the church's gravel parking lot, and Mr. Cuthbertson stated it is legal non-conforming but not part of this request.

### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit church use (Use Unit 5) in an 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.

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the minimum lot area and lot width for a church in the AG district from one (1) acre and a 100 ft. width (Section 1205.3) to permit an addition to an existing church; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; all for the following property:

BEG NEC LT 9 TH S118 TO SL HWY TH SWLY WITH HWY 200 T B TH S200 SWLY  
WITH HWY 100 & N200 NELY WITH HWY 100 T B SEC 6 19 11

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**NEW BUSINESS:**

None.

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**OTHER BUSINESS:**

None.

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There being no further business, the meeting adjourned at 2:00 p.m.

Date approved: \_\_\_\_\_

9/21/10  
Dan E. Cheney  
Chair