

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 375
Tuesday, August 16, 2011, 1:30 p.m.
County Commission Room, Room 119
County Administration Building
500 South Denver Avenue

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11th day, of August, 2011 at 9:45 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Walker called the meeting to order at 1:33 p.m.

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

MINUTES

On **MOTION** of **OSBORNE**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of June 21, 2011 (No. 373).

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of July 19, 2011 (No. 374).

* * * * *

NEW BUSINESS

* * * * *

Case No. 2402—Esther Harger

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in a CS district (Section 701); and a Variance of the paving requirement for a temporary parking area (Section 1340.D). **LOCATION:** 21211 West 8th Street South

Presentation:

There was no presentation made; the staff has requested a continuance because there was a problem with the legal notification. The base map for INCOG's GIS system indicated a highway that was labeled incorrectly, and the item was pointed out to staff by an interested party.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in a CS district (Section 701); and a Variance of the paving requirement for a temporary parking area (Section 1340.D) to the meeting of September 20, 2011; for the following property:

N388.93 S438.93 W280 W/2 W/2 NE SE SEC 3 19 10 2.50ACS, OF TULSA COUNTY, OKLAHOMA

Case No. 2403—Lisa Jenkins

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in the CS district (Section 710). **LOCATION:** 893 South 177th Avenue West

Presentation:

There was no presentation made; the staff has requested a continuance because there

was a problem with the legal notification. The base map for INCOG's GIS system indicated a highway that was labeled incorrectly, and the item was pointed out to staff by an interested party.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the CS district (Section 710) to the meeting of September 20, 2011; for the following property:

BEG 1408.30S NWC SW TH E24.75 TO SLY R/W HWY 64 TH ALG R/W NE279.10 NE0.00 TH NELY CRV LF 223.40 NE290.62 S437.39 TO S R/W ABANDONED RR TH WLY ALG R/W 702.29 N117.83 POB SEC 6 19 11 5ACS, OF TULSA COUNTY, OKLAHOMA

Case No. 2406—Sherri Barrett

Action Requested:

Variance of the minimum land area required per dwelling unit in an AG district (Section 330) from 2.1 acres to 1.1 acres. **LOCATION:** 16870 West Wekiwa Road South

Presentation:

There was no presentation made; the staff has requested a continuance because there was a problem with the legal notification. The base map for INCOG's GIS system indicated a highway that was labeled incorrectly, and the item was pointed out to staff by an interested party.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Variance of the

minimum land area required per dwelling unit in an AG district (Section 330) from 2.1 acres to 1.1 acres to the meeting of September 20, 2011; for the following property:

ALL E310 W610 NW SE LYING SLY CL WEKIWA RD & ALL E310 W610 GOV LT 10 LYING N MEANDER LN SEC 6 19 11 2.306ACS, OF TULSA COUNTY, OKLAHOMA

UNFINISHED BUSINESS

Case No. 2399—Patricia Evans

Action Requested:

Special Exception to permit a home occupation (beauty salon) in an RS district (Section 420.1) and a Variance to permit a sign for the home occupation (Section 440.B.2). **LOCATION:** 1703 East 56th Street North

Presentation:

Patricia Evans, 1906 East 61st Place North, Tulsa, OK; stated her salon is currently being run out of her home and it is too small; therefore, she would like to transplant the business to this property, where her son is currently living.

Mr. Walker asked Ms. Evans what her plans were for the sign designating her business. Ms. Evans stated she would like a small sign located in the front of the house in the yard. Mr. Walker informed Ms. Evans the sign would need to be attached to the house to comply with the zoning code.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker “aye”; no “nays”; no “abstentions”) to **APPROVE** the Special Exception to permit a home occupation (beauty salon) in an RS district (Section 420.1) with the standard home occupation requirements. On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker “aye”; no “nays”; no “abstentions”) to **APPROVE** the Variance to permit a sign for the home occupation (Section 440.B.2) with the condition that the sign be attached to the house and to be 4'-0" x 4'-0" maximum size, 16 square

feet total display area. The hardship would be the proposed home occupation business is within 35 feet of a commercial area; for the following property:

W220 S990 SW SE LESS W30 & S50 THEREOF FOR RD SEC 6 20 13, OF TULSA COUNTY, OKLAHOMA

NEW BUSINESS

Case No. 2404—William Bonds

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in an RS district (Section 410). LOCATION: 6716 North Norfolk Place East

Presentation:

William Bonds, 6508 North Johnstown Avenue, Tulsa, OK; stated he is speaking on behalf of his father because his father cannot hear clearly. His father has purchased the subject property and would like to place a manufactured home on the property to live in. He has had the lot cleared and has completed all the city requirements to receive his building permit. He will have the home placed on the lot professionally and will have the home skirted and do everything to make the home look nice.

Mr. Walker asked Mr. Bonds if there were any other trailer houses in the area and Mr. Bonds stated there were trailer houses south of Norfolk Place but none on Norfolk Place.

Interested Parties:

William McCutchen, 6708 North Norfolk Place, Tulsa, OK; stated he grew up in the area and he has moved back to the area. He and the neighbors have tried to the best of their ability to clean up the area and keep it clean. If a trailer is allowed to be moved in he feels it will depreciate the property values of the street and of the area. He went around the neighborhood and collected signatures; 16 out 18 home owners signed the petition stating they did not want the mobile home on the subject property, and he presented the petition to the Board.

Mr. Osborne asked Mr. McCutchen if he knew of any mobile homes that had been on the street in the past and Mr. McCutchen stated that he could not recall any, and he had moved into the neighborhood when he was in the second grade.

Mike McCutchen, 6639 North Norfolk Place, Tulsa, OK; stated just purchased a house on North Norfolk Place. He is considering purchasing a couple more properties in the neighborhood, and he does not want a mobile home in his neighborhood. Mr.

McCutchen stated there is a mobile home park approximately one mile away from the subject property that the applicant can have his mobile home placed in. Therefore, he does not want a mobile home in the neighborhood.

Tonnia Walker, 6718 North Norfolk Place, Tulsa, OK; stated she owns a rental property that is directly north of the subject property, and has owned it for approximately 20 years. She and several of the neighbors are trying to clean up the area and the neighborhood is not an area where a mobile home would fit in. Ms. Walker thinks it would depreciate her property value and the others in the neighborhood.

Comments and Questions:

None.

Rebuttal:

Mr. Bonds stated the concerns of the area property owners are not accurate because there are old and wrecked cars throughout the neighborhood, along with junk scattered everywhere, including the house directly across the street from the subject property. Mr. Bonds stated the closest neighbors do not object to a mobile home being placed on the subject property. The trailer is new and is considered a 5/8 mobile home. It is not a single-wide nor is it a double-wide. Mr. Bonds stated a new mobile home would increase the looks of the neighborhood and increase the property values.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **DENY** the Special Exception to permit a manufactured home (Use Unit 9) in an RS district (Section 410), finding the Special Exception will not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG 1055.14 W & 687.34 N SEC SE TH N 166W 264.86 S 166 E 264.86 TO BEG SEC. 36-21-12, OF TULSA COUNTY, OKLAHOMA

2405—Bob Webster

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410); and a Variance to temporarily permit a second dwelling on a lot of record (Section 208). **LOCATION:** 1667 East 75th Street North

Presentation:

Bobby Webster, 2110 East 73rd Street North, Tulsa, OK; stated he has purchased an old house that was deteriorated. Since the purchase of the property Mr. Webster has torn down the house and cleaned up the lot. Now he would like to build a new house on

the property, but due to the high crime in the area, he wants to place a temporary eight-foot wide by 33-foot long travel trailer on the property to use as a construction office and security. He plans to have the trailer on the property for less than a year. Mr. Webster stated he owns several pieces of property in the area so he does have an interest in seeing the area cleaned up and made to look like it did originally.

Interested Parties:

Raymond Cavely, 1638 East 75th Place North, Tulsa, OK; stated he owns four lots in the neighborhood and he objects to a trailer house in the neighborhood because it will depreciate the property values even further than they have already fallen.

Warren Webb, 1647 East 75th Street North, Tulsa, OK; stated he owns three lots west of the subject property and his family has lived there for over 80 years. The Golden Hills Addition was built to be a housing addition, not to have trailer houses. Mr. Webb stated he objects to a trailer house being installed in the neighborhood. He and the neighbors are trying to bring property values back up to today's market standards. He does not want to have property values depreciated because of a trailer house being placed on the subject property and he does not want to live in a trailer park. He also objects to a house being brought into to be set on the lot, because there was a house brought in four years ago and it has become a junk yard even though it seems like to they have been working on the house. If Mr. Webster were given permission to bring in a house to set on the lot he would like to see a time limit of six months to a year issued to make the house livable and clean.

Rebuttal:

Mr. Webster stated he agrees with Mr. Cavely and Mr. Webb. He does not want to see property values depreciate. He purchases homes in the area, remodels them inside and outside, but he needs a construction trailer on the subject property because of the high crime in the area. Mr. Webster stated that if he does not have a construction trailer on the site that he can use for security also, he will have the copper plumbing stripped out of the structure as soon as it is installed and anything else that is of value would disappear.

Mr. Osborne asked Mr. Webster to clarify what he understood the presentation to be, a temporary trailer to be placed on the subject property for a fixed period of time while Mr. Webster is constructing another house or bringing in another house. Mr. Webster stated he would like to move in a solid two-bedroom house to remodel and update. Mr. Osborne asked Mr. Webster if the special exception for a manufactured home is for the temporary trailer while placing a fixed frame house on the subject property and Mr. Webster confirmed that it is.

Mr. Tyndall asked Mr. West what the difference was between a travel trailer and a construction trailer. Mr. West stated that a construction trailer normally has just an office and a bathroom with no sleeping quarters in which to be able perform business duties. A travel trailer or construction trailer being placed in an RS district, even though temporary, sets a precedent.

Mr. Walker asked Mr. West what the time limit is on a building permit, and Mr. West stated a building permit is open for an average of one year starting but an extension can filed for due to extenuating circumstances, i.e., the ice storm Tulsa had the past winter.

Mr. Osborne asked Mr. West if a construction trailer, as Mr. West described it, were to be placed on the subject property does it require a permit from the County or is it tagged on the construction permit. Mr. West stated the trailer would require a separate permit but they are normally on commercially-zoned construction property.

Mr. Dillard asked Mr. Webster if the person living in the travel trailer while construction is being performed would be paying rent, and Mr. Webster confirmed that rent would be paid. Mr. Dillard again asked Mr. Webster to confirm that the person living in the travel trailer and acting as security for the property would be paying rent and Mr. Webster gave affirmation.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 4-0-0 (Dillard, Osborne, Tyndall, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410) with a time limit of one year from today's date and the mobile home must be tied down, skirted, and meet all the DEQ normal and standard requirements; finding the Special Exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and a Variance to temporarily permit a second dwelling on a lot of record (Section 208) for one year from today's date with the reasoning being that it would create an unnecessary hardship to allow the construction materials on site to be exposed to theft and vandalism; for the following property:

LOT 36 BLK 1 A, GOLDEN HILL ADDN SUB B1, OF TULSA COUNTY, OKLAHOMA

NEW BUSINESS:

None.

OTHER BUSINESS:

None.

BOARD COMMENTS:

None.

There being no further business, the meeting adjourned at 2:45 p.m.

Date approved: _____

9/20/11

David E. Arney

Chair