

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 389  
Tuesday, October 16, 2012, 1:40 p.m.  
County Commission Room, Room 119  
County Administration Building  
500 South Denver Avenue

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

Charney, Chair	Draper	Miller	West, Co. Inspector
Dillard	Osborne, Secretary	Back	
Walker, Vice Chair		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11<sup>th</sup> day of October, 2012 at 11:21 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 1:40 p.m.

Mr. Charney explained to the applicants that there were only three board members present at this meeting, and if the applicants would like to postpone his or her hearing until the next meeting he or she could do so. If the applicants wanted to proceed with the hearing today it would be necessary for him or her to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants what they would like to do. The applicants stated that they would like to proceed with the hearing today.

Ms. Back explained 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 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Draper, Osborne "absent") to **APPROVE** the Minutes of September 18, 2012 (No. 388).

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**NEW APPLICATIONS**

**2442—Rob Walenta – Scissortail Farms**

**Action Requested:**

Special Exception to sell produce and goods (Use Unit 14) in an IM District (Section 910); Variance of the setback from centerline of abutting street from 100 feet to 50 Feet (Section 930). **Location:** 6305 North Laufen Drive East

**Presentation:**

No presentation was made; the applicant has withdrawn this case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board Action required in this case.

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**UNFINISHED BUSINESS**

**2438—David Woods**

**Action Requested:**

Variance from the requirement that a lot have a minimum of 30 feet of frontage on a public street or dedicated right-of-way (Section 207). **Location:** 5875 South 157<sup>th</sup> West Avenue

**Presentation:**

No presentation was made. The applicant requested a continuance to the November 20, 2012 Board of Adjustment meeting, because he is still working on obtaining neighbors signatures for the mutual access agreement.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Walker “aye”; no “nays”; no “abstentions”; Draper, Osborne “absent”) to **CONTINUE** the request for a **Variance** from the requirement that a lot have a minimum of 30 feet of frontage on a public street or dedicated right-of-way (Section 207) to November 20, 2012; for the following property:

**N220 E495 NE SW SW SEC 32 19 11 2.50ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2440—Alan Betchen**

**Action Requested:**

**Variance** of the maximum permitted floor area from 750 square feet to 1,200 square feet for detached accessory building in an RS district (Section 240.2.E). **Location:** 1018 North Willow Street West

**Presentation:**

**Alan Betchen**, 1018 North Willow, Tulsa, OK; stated he wants to build a 30’-0” x 40’-0” pole barn on the rear of the property. The lot is unique as it is 1-1/4 acres which is larger than the standard lot in an RS zone. The lot is also very narrow, 550’-0” x 100’-0”, so the building would be 300 or 400 feet from the actual frontage of the street.

Mr. Walker asked Mr. Betchen if his plans were to turn his property into an auto salvage similar to the property near his. Mr. Betchen stated that was not his plan, matter of fact, he has made great effort to clean up the property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Walker “aye”; no “nays”; no “abstentions”; Draper, Osborne “absent”) to **APPROVE** the request for a **Variance** of the maximum permitted floor area from 750 square feet to 1,200 square feet for detached accessory building in an RS district (Section 240.2.E), with the hardship being the peculiar long and narrow shape of the lot; for the following property:

**LT 9 BLK 22, CHARLES PAGE HOME ACRES SUB NO 3, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Case No. 2441—Victor Flores**

**Action Requested:**

**Variance** for a second dwelling unit on one lot of record (Section 208). **Location:** 7205 North 129<sup>th</sup> Avenue East

**Presentation:**

**Victor Flores**, 7205 North 129<sup>th</sup> East Avenue, Owasso, OK; he is building a shop and would like to have a small living area in the second story for his grandmother to use when she, or his family, is visiting. The building will be approximately 80'-0" x 30'-0" with approximately a 25'-0" x 30'-0" living area in the second story.

Mr. Charney asked Mr. Flores if the proposed building was to be used for storage and living quarters. Mr. Flores confirmed that it was.

**Interested Parties:**

**Trevor Baldwin**, 7251 North 129<sup>th</sup> East Avenue, Owasso, OK; stated that his concerns are if the variance were allowed today, that sometime in the future the proposed building on the subject property could become a rental property. At that point there is no recourse if this variance is approved and attached to the subject property. The area is a single-family residential neighborhood and people enjoy the character of the neighborhood and what it provides for the residents. The people in the area would like for neighborhood to remain a single-family neighborhood. Mr. Flores is a very good neighbor but Mr. Baldwin's concerns are long range. If the variance request were granted today, the proposed project could become rental property and that would change the character of the neighborhood.

Mr. Walker asked Mr. Baldwin if he objected to the proposed shop. Mr. Baldwin stated that he did not object to the shop because he, too, has a shop with a barn. He objects to the possibility of the property becoming a multi-family lot in a single-family neighborhood.

Mr. Dillard asked Mr. Baldwin if he was the spokesperson for the people that had signed the petition presented to the Board in the agenda packet. Mr. Baldwin stated that he was the neighborhood spokesperson.

Mr. Charney stated that in the past the Board has placed conditions on a property when granting a variance, and he asked Mr. West to state the type of conditions that can be placed on a property. Mr. West stated that in the past there have been conditions placed on a property where the addition can only be used by, or for, family members. But there is no way of tracking the use five or ten years in the future to make sure the condition is being enforced. The variance will go with the use of the land so if Mr. Flores were to sell the property the variance would still be with the property.

Mr. Charney asked Mr. West if a time limit were placed on the variance would it allow his department to take a second look at the property. Mr. West stated there have been time limits imposed and at the end of the time limit his department will go back to check whether the property is still in compliance.

**Rebuttal:**

Mr. Flores came forward and stated that the proposed living quarters was not going to have a kitchen so it could not be rented, but it will have a bathroom. Mr. Flores stated he understood the concerns of the neighbors about having a second family living on the property, and he stated he would not want that either.

Mr. Walker asked Mr. Flores to define the occasional visitor or occasional use of the living quarters. Mr. Flores stated that his grandmother visits once or twice a year for two or three weeks. Sometimes he has family for Thanksgiving or Christmas for a week.

Mr. West stated to Mr. Flores that when he inspected the subject building it is two-story building, with two bedrooms with a full bathroom upstairs and a full bathroom downstairs. Mr. Flores stated that he had installed a restroom near the shop area in the building, with a full bathroom downstairs and upstairs.

Mr. Dillard asked Mr. West if the subject building is already constructed, and Mr. West stated that it is. It is framed with only insulation and sheet rock to be installed. Mr. Walker stated that he did not like the three bathrooms inside the subject building. Mr. West stated there is approximately 1,500 square feet for the living quarters with an open single-story shop in the rear of the building.

Ms. Back asked the Board if the challenge was with the size or the amount of bathrooms in the subject building. What can the applicant do to satisfy the Board and the neighbors? Mr. Dillard stated that it did not make a difference, it is 1,500 square feet. There are errors of omission and errors of commission, and in this case there is an error of omission which taints his vote.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Charney, Dillard, Walker “aye”; no “nays”; no “abstentions”; Dillard, Osborne “absent”) to **DENY** the request for a Variance for a second dwelling unit on one lot of record (Section 208); for the following property:

**N145 W755 S/2 SW NW LESS W16.5 THEREOF FOR RD SEC 33 21 14 2.458ACS,  
OF TULSA COUNTY, STATE OF OKLAHOMA**

**2443—Wallace Engineering**

**Action Requested:**

Special Exception to permit Use Unit 4 in an RS District (Section 410). **Location:**  
North of the NW/c of North Yale and East Pine Street

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Brady Street, Tulsa, OK; stated this request is for an unmanned 32'-0" x 32'-0" one-story utility building for housing fiber optic communications network equipment for Cox Communications. The property is bound on the north by IL zoning, on the south by CH zoning, and to the west is RS-3 zoning which is a considerable distance away from the proposed project. The plan is to construct the building approximately 200'-0" away from the residences to the west, placing it close to the Yale frontage on the easterly portion of the lot.

Mr. Charney asked Mr. Beach if the building was going to have a generator. Mr. Beach stated that it would have a generator and that it would be in an enclosure designed to diminish the sound making the generator noise similar to traffic noise on Yale Avenue.

**Interested Parties:**

There were no interested parties:

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Dillard, Walker “aye”; no “nays”; no “abstentions”; Dillard, Osborne “absent”) to **APPROVE** the request for a Special Exception to permit Use Unit 4 in an RS District (Section 410), finding the special exception will not be injurious to the neighborhood or detrimental to the public welfare by virtue of its distance from the RS-3 zone and the fact that the generator is enclosed; for the following property:

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SAID SECTION TWENTY-EIGHT (28); THENCE N89°48'30"W AND ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-EIGHT (28) FOR A DISTANCE OF 348.16 FEET; THENCE N00°10'51"E FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 6 BLOCK 1 WEE RANCHO ADDITION; THENCE CONTINUING N00°10'51"E AND ALONG THE EAST LINE OF BLOCK 1 WEE RANCHO ADDITION FOR A DISTANCE OF 338.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°10'51"E AND ALONG THE EAST LINE OF LOT 1 BLOCK 1 AND LOT 1 BLOCK 3 WEE RANCHO ADDITION FOR A DISTANCE OF 74.00 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 3 WEE RANCHO ADDITION; THENCE S89°48'30"E FOR A DISTANCE OF 298.22 FEET; THENCE S00°11'20"W AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-EIGHT (28) FOR A DISTANCE OF 74.00 FEET; THENCE N89°48'30"W AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-EIGHT (28) FOR A DISTANCE OF 298.21 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 0.51 ACRES OR 22,067 SQUARE FEET, MORE OR LESS, OF TULSA COUNTY, STATE OF OKLAHOMA

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**NEW BUSINESS**

Ms. Back introduced Ms. Susan Miller, Manager of Development Services, at INCOG. Ms. Miller has her Master's Degree in Urban Planning and she grew up in the Tulsa area. She is from Oklahoma City where she was the Assistant Planning Director, and she also worked in the planning arena for Broward County, West Palm Beach, Florida. The Board welcomed Ms. Miller.

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**OTHER BUSINESS**

Discussion of the 2013 Board of Adjustment proposed meeting calendar.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Dillard, Osborne "absent") to **APPROVE** the 2013 Board of Adjustment meeting calendar as presented.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:22 p.m.

Date approved: 11/20/12  
David E. Charney  
Chair