

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 411
Tuesday, August 19, 2014, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Dillard	Charney, Chair	Miller	West, Inspector
Hutchinson	Osborne, Secretary	Moye	D. Wilson, Legal
Walker, Vice Chair		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14th day of August, 2014 at 9:12 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 1:30 p.m.

Mr. Walker explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him 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. Walker asked the applicants if they understood and asked the applicants what they would like to do.

A female audience member stood and asked if there was a continuance requested, does that mean there will be four or five board members present. Mr. Walker stated there are frequently five board members present, but not always. The audience member wanted to know how far out the case would be scheduled if a continuance were requested. Mr. Walker stated the case could be scheduled for next month.

A male member of the audience stood up and stated that he is part of one of the cases to be heard today and he requests a postponement to Case BOA-02509. He would like to have at least four board members present.

Mr. Walker asked the audience member to be seated to allow Ms. Moye to read the rules and procedures for the meeting.

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney, Osborne "absent") to **APPROVE** the Minutes of July 15, 2014 (No. 410).

Mr. Walker stated now the Board will hear the request for rescheduling of Case BOA-02509 which is slated to be heard today. Mr. Walker requested the applicant or the applicant's representative to come forward.

NEW APPLICATIONS

2509—Sarah Poston

Action Requested:

Special Exception to allow the Oxford House to accommodate up to ten women and children in an RE District. This is requested as a reasonable accommodation under the Fair Housing Act (Section 410, Table 1). **LOCATION:** 749 West 97th Street South

Presentation:

Sarah Poston, Frederic Dorwart Lawyers, 124 East 4th Street, Tulsa, OK; stated she is the applicant. She requests that the case be heard today. The application was filed in early July and has already been delayed one month. She is prepared to proceed and sees no reason to delay presentation of the application.

Interested Parties:

Lonnie Hobbs, 755 West 97th Street, Tulsa, OK; stated this case activity has been going on since June 2013 he does not understand what another month's delay will matter. He requests a delay in the hearing of this case because he would like to have at least five members of the Board present.

Mr. Walker stated that there is no way of assuring anyone that there will be five Board members present in the month. Mr. Hobbs stated that he understands.

Marcia Allen, 9705 South Maybelle Avenue, Jenks, OK; stated she is representing her mother. Sometime in the next ten years her mother will be selling her home and she

found out about this after the fact, and she lives only three houses away. Her concern is that there is not adequate parking.

Mr. Walker stated that the Board is not hearing the case yet. The question on the floor is whether the case is to be heard or continued because of only three Board members being presiding today.

Ms. Allen stated that it concerns her that there was not much notice given in this case, which is after the house became a group home. Ms. Allen asked Mr. Walker to explain the voting procedure again.

Mr. Walker stated that the vote would require all three Board members to have a unanimous vote. If all three Board members vote no the request will be denied. If all three Board members vote yes the request will be approved. If there are two to one votes today, whichever direction assuming the motion is to approve the request, the motion will fail due to lack of majority vote, or three votes.

Ms. Allen stated that she and her mother do not fully understand what the request is. This is a four bedroom home and she feels she has been kept totally in the dark about this. The home is not being taken care of.

Mr. Walker stated that when the Board does hear the case he assured Ms. Allen that she will be well informed as to the request.

Mr. Dillard reminded Ms. Allen that she had not stated whether she is in favor of hearing the case or postponing the case. Ms. Allen stated that she is for continuing the case.

Mary Graham, 9867 South Maybelle Avenue, Jenks, OK; stated she has lived in the neighborhood for 30 years. She lived in Gregory Circle I and she was a homebuilder at the time. There is massive sewer problems in Gregory Circle I.

Mr. Walker stated the Board cannot hear about sewer problems at the moment. The Board wants to know whether she would like the case to be heard or to be continued. Ms. Graham stated that she wants to have the case continued.

Steven Polin, General Counsel for Oxford House, 3034 Tennyson Street, Washington, D.C. 20015; stated he wants to have the case heard today. He understands that many people have a lot to say about what is going to go on at the house, but the applicant is willing to continue today and see what happens. He does not see any reason for a delay in this case.

Comments and Questions:

Mr. Dillard stated the case should be postponed, because if the case is approved there will always be a problem because there were only three members to hear the case. If there are four or five Board members present to hear the case the applicant will receive his best shot, and it will allow the applicant 30 days to rectify any problems. By

postponing the hearing no one can stand before the Board and say they did not receive a fair shot. Give the applicant 30 days.

Mr. Hutchinson stated that the Board should postpone the hearing.

Mr. Walker stated that he would prefer to hear the case today.

Ms. Susan Miller stated this is a public hearing process, and there was a comment made about the application being taken in July. The applicant made the application intake date to be on the July agenda, but the applicant could not be in Tulsa so it was postponed to today's hearing. Nothing happened in July; the case sat in the office waiting for the this hearing date. Ms. Miller does not know what activity has happened between the applicant and the neighborhood, and she asked the applicant if they had met with the neighborhood. Ms. Sarah Poston stated that no, there have not been any formal meetings but there has been communications from the neighbors. Ms. Miller stated that it would probably help to have a neighborhood meeting between now and next month. The Oxford House will continue to operate as it is today for at least another month prolonging the situation that people are having concerns over.

Mr. Dillard stated that Ms. Miller just expressed his opinion. Another 30 days will allow the applicant a chance to visit and if they don't visit the Board has done everything they can.

Ms. Sarah Poston came forward. As the applicant she would request, for the same reason there was a problem with the July date co-counsel from Washington has other obligation on September 16th.

Mr. Walker asked what Ms. Sparger what the next available date would be if it is not September 16th. Ms. Sparger stated the next meeting would be October 21st. Ms. Poston stated that date would be agreeable.

Lori Hamilton Hobbs, 10226 South Sandusky Avenue, Tulsa, OK; she asked if the people would continue to live in the house until there is a decision reached. Mr. Walker answered affirmatively. Ms. Hobbs asked what would happen if the decision is appealed, would the occupants continue to live in the house. She disagrees with the majority, including her husband. They now have a contract on their house for the first time, because they have been telling people about the house next door. They have not been able to get a sale on the property and now they have a contract, and for the first time she did not tell them about the house next door being an Oxford House. She is supposed to close on the 29th so today would be the deciding factor. She would beg the Board to please not grant the request, because if it is approved she will need to call the potential buyers, pay all the charges pertaining to the house and she does not want to pay the people \$2,000.00. She stated that they have not been able to rent the house either. She does not know if she must disclose the information. She does not have an issue with what the Oxford House is doing but she needs to sell her house.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; Charney, Osborne “absent”) to **CONTINUE** the request for a **Special Exception** to allow the Oxford House to accomodate up to ten women and children in an RE District. This is requested as a reasonable accommodation under the Fair Housing Act (Section 410, Table 1) to the October 21, 2014 Board of Adjustment meeting; for the following property:

LT 6 BLK 2, GREGORY CIRCLE ACRES, SECTION 23, T-17-N, R-14-E, OF TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

2505—Brandon Osborn

Action Requested:

Variance to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207). **LOCATION:** 19624 West 57th Street, Sand Springs

Presentation:

Brandon Osborn, 216 West 42nd Street, Sand Springs, OK; stated that during the last meeting the Board had requested to have easement documents filed with the County. He spoke with the concerned party about the easement and received the document, but he also spoke with Counsel as the Board suggested. Counsel informed him the documents he had received would not resolve any issues and that he needs to have a signed deed on this matter. Mr. Osborn thought he would have everything resolved by now but he had to be out of town, so he would request a 30 day continuance.

Mr. Osborn asked the Board if they could give any advice on how to proceed. He did not want to say his Counsel is wrong but he wants to do things correctly. Mr. Dillard stated that attorneys have errors and omissions insurance, and if the attorney misses anything the insurance will fix it and make it right. Mr. Osborn thanked Mr. Dillard for his advice.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; none “absent”) to **CONTINUE** the request for a **Variance** to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207) for a period of 30 days, which would be the September 16, 2014 Board of Adjustment meeting; for the following property:

W/2 SW NE SE SEC 35 19 10 5ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2511—Bonnie Roberts

Action Requested:

Special Exception to allow a manufactured home in a RS District (Section 410, Table 1). **LOCATION:** 1424 East 71st Street North

Presentation:

Bonnie Roberts, 306 West 90th Place North, Sperry, OK; stated she wants to move closer to her family because she has health issues.

Mr. Walker asked if there were any other manufactured homes in the area. Ms. Roberts stated there are several, about ten, in the area.

Mr. Hutchinson asked Ms. Roberts if she would be installing a driveway. Ms. Roberts stated there is an existing gravel driveway, but it hasn't been used in quite awhile so the grass has grown up through the gravel.

Mr. West stated that there must be an all-weather parking surface for the manufactured home for parking a vehicle. Ms. Roberts stated that she would be parking her car on the gravel. Mr. West stated that the parking surface must be either concrete or asphalt.

Mr. Walker stated that the all-weather parking surface is now a requirement per the Zoning Code and is placed on all new applications. Ms. Roberts stated that she had planned on a carport structure for her car to protect it from the winter weather.

Ms. Roberts asked if she would need to have the parking surface in place before she moved the manufactured home onto the property. She informed the Board there is a slab in place for the manufactured home, and there is a sidewalk around it but she was not sure if there was enough concrete for a parking area. Mr. West stated that he could allow Ms. Roberts about 60 days to get the manufactured home set and receive the final inspection. Mr. West informed Ms. Roberts that the standard parking space is usually a 12 x 10 or a 12 x 9 space.

Mr. Dillard asked Mr. West to let Ms. Roberts know of the other requirements for the manufactured home. Mr. West stated there will be skirting, tie downs and the home is to be on the City of Tulsa sewer system. Ms. Roberts stated that the manufactured home is tied down and has skirting where it is located currently. Mr. West asked Ms. Roberts if she was moving the manufactured home from one location to the subject property. Ms. Roberts answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney, Osborne "absent") to **APPROVE** the request for a Special Exception to allow a manufactured home in a RS District (Section 410, Table 1) based upon the conditions discussed previously in the meeting; for the following property:

E 62.5 LOT 5 BLK 9, GOLDEN HILL ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

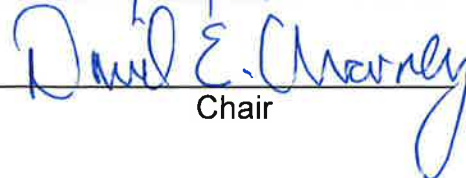
BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:03 p.m.

Date approved: _____

9/16/14


Chair