

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 419
Tuesday April 21, 2015, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Crall	Charney, Chair	Miller	West, Inspector
Dillard, Secretary		Moye	
Hutchinson		Sparger	
Walker, Vice Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 16th day of April, 2015 at 9:17 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 four 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 three board members to constitute a majority and if two board members 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. Everyone nodded their understanding and no one requested a continuance.

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

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of March 17, 2015 (No. 418).

UNFINISHED APPLICATIONS

2525—Alexander Pflamer

Action Requested:

Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1). LOCATION: West of the SW/c of West 31st Street South and South 137th West Avenue, Sand Springs

Presentation:

Kevin Coutant, 2 West 2nd Street, Suite 700, Tulsa, OK; stated this case was before the Board a couple of months ago and there was quite a bit of discussion by the neighbors. This application involves the Meadow Lake Ranch requesting to have weddings and other events on the property. The Board encouraged the applicant at the last meeting to have a dialogue with the neighbors, and that has resulted in the neighbors retaining counsel, Nathan Cross. Mr. Coutant stated that because of the recent hiring of Mr. Cross he would request a continuance to the next meeting which will be in May.

Interested Parties:

Nathan Cross, 502 West 6th Street, Tulsa, OK; stated that he is joining in the request for a continuance in the spirit of moving forward with the healthy dialogue that has happened in the last two days. Mr. Cross stated that he does not represent all the neighbors but does represent the immediately adjoining property owners, the Hobsons.

Mr. Walker stated that he is happy to hear that there have been discussions and that there is a request for a continuance, because he lives across the street from the bed and breakfast and will be abstaining.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for Special Exception to permit weddings and other events (Use Unit 2) in an AG District (Section 310, Table 1) to the Board of Adjustment meeting on May 19, 2015; for the following property:

**NW NW & N/2 N/2 N/2 SW NW LESS N50 THEREOF FOR RD SEC 21 19 11
43.48ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

NEW APPLICATIONS

2530—Craig Chaffin

Action Requested:

Variance to allow a graphic design business (Use Unit 15) in an AG-R District.

LOCATION: 25004 West 49th Street South, Sand Springs

Presentation:

Staff is requesting a continuance to the May 19, 2015 Board of Adjustment due to additional relief needed for the case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker “aye”; no “nays”; no “abstentions”; Charney “absent”) to **CONTINUE** the request for a Variance to allow a graphic design business (Use Unit 15) in an AG-R District to the Board of Adjustment meeting on May 19, 2015; for the following property:

W/2 E/2 E/2 SE SW SEC 29-19-10, OF TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED APPLICATIONS

2512—Howard Perkins

Action Requested:

Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District. **LOCATION:** 8724 East 86th Street North, Owasso

Presentation:

The applicant was not present at this time. The applicant arrived after Mr. DeBoer gave his presentation and Mr. Walker called the applicant forward.

Ron Burger, 9201 North Delaware, Sperry, OK; stated that he has a few things left on the property like a trailer that he could not get moved. Realistically, the ground is pretty

bare. There is a chicken coop that needs to be taken away but nothing is there that pertains to the auto salvage that he supposedly had.

Mr. West stated that he had visited the subject property on the 17th and Mr. Burger had made a significant improvement but it is still not complete.

Mr. Hutchinson asked Mr. Burger if the current owners of the property were satisfied with the work that has been completed thus far. Mr. Burger stated that the last time he spoke to them they were satisfied, but today is the day that everything that is supposed to be completed for them also.

Mr. Dillard asked Mr. Burger if he was still going to forfeit quite a bit of money if the clean up is not done. Mr. Burger stated that he has not spoke to the current property owners about that, but he has called them. Mr. Burger stated that there is still an old mobile home on the property that needs to be moved but he has not been able to because of things he needs to do before a company will move it, i.e., pay the 2015 taxes on it for moving.

Mr. Crall stated that Mr. Burger has legally been cited for the conditions of the property and now may forfeit money so the threat of penalty and the threat of losing money has neither motivated Mr. Burger to complete the assigned project. Mr. Burger stated he has no excuses. Mr. Crall stated that if the Board does anything about this the Board members do not know if Mr. Burger will come back next month. Mr. Burger stated the project will be completed before the week is up because there is not that much left on the property. There are a couple of trailers and mobile home that needs to be moved, and realistically there is nothing on the ground that pertains to the citation.

Mr. Walker asked Mr. West if this sounded like a reasonable situation. Mr. West stated it does but it has been ongoing. Mr. West suggested allowing Mr. Burger until the end of April and then he can do a site visit to verify that everything has been cleaned up.

Mr. Hutchinson asked Mr. Burger if he had moved all the items to Sperry in Tulsa County. Mr. Burger stated that he did not, but admitted there would be some trailers being moved to Sperry. Mr. Burger stated there is only farm equipment in Sperry.

Interested Parties:

Lee DeBoer, 8622 East 86th Street North, Owasso, OK; stated that the applicant still has not cleaned up all of the property. The applicant does not work at cleaning the property all the time and when he does work on the property it is usually starting at three or four in the afternoon. The Board has given him an additional 30 days at the last meeting and even though he has hauled off a lot of items there is still a lot on the property.

Comments and Questions:

Mr. Hutchinson stated that he agrees with Mr. West, by giving Mr. Burger until the end of April and have Mr. West make a site visit. Then if nothing more is done take the next necessary step.

Mr. West stated that is where the issue enters into a different realm because the property has actually changed ownership. Mr. West stated that if nothing is done he will need to cite the owner.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for an Appeal determination of an Administrative Official that a Salvage Yard is operating in an AG District to the Board of Adjustment meeting on May 19, 2015. Thus allowing Mr. Burger until April 30, 2015 to complete the property clean up. The Board requested Mr. West to make a site visit prior to the May 19th meeting and present a report on the property's condition; for the following property:

NE NE NW LESS N50 THEREOF FOR RD SEC 25 21 13 9.247ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2531—Steve Younger

Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); Variance of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2). **LOCATION:** 6831 West 41st Place South

Presentation:

Steve Younger, 6831 West 41st Place, Tulsa, OK; stated the application is for a 40'-0" x 50'-0" RV garage and a 20'-0" x 20'-0" building in the rear yard. The 2,400 square feet figure is a little inflated and he is not sure the 20'-0" x 20'-0" building should even be on the application. Originally he wanted a 40'-0" x 50'-0" building so he could have an indoor basketball court/RV garage. But he thinks it would be easier for the Board to approved a 30'-0" x 50'-0" RV garage for the side of his house and in line with his house. The proposed garage will be 96 feet from the street and 84 feet away from the nearest lot. The proposed garage will match the façade of his house which is brick and will comply with the covenants. He will also have trees planted between his house and the closest lot. The location of the proposed garage is so that it will not be visible,

except for maybe the top, from the Nelson's property. Mr. Younger presented pictures to the Board for their review. Once the trees are planted or a barrier fence is erected the garage will not be visible from 69th West Avenue. The garage will not face the cul-de-sac, it will face west as his house does. Mr. Younger presented a picture of Mr. Johnny Perkin's RV garage which is brick with a shingled roof and it does not detract from the value of the Perkins property in his opinion. Mr. Younger stated that if he is approved today his proposed RV garage will be similar to the Perkins RV garage, brick with a shingled roof.

Mr. Walker asked Mr. Younger if the Perkins garage was attached to their house. Mr. Younger stated that it is not. Mr. Walker asked if the Perkins garage faced the street. Mr. Younger stated the Perkins garage faces 73rd West Avenue. Mr. Walker asked Mr. Younger if the Perkins had received approval from the home owner's association for the covenants. Mr. Younger stated there is not an HOA but there are some covenants. There are four blocks in Stratford and each block has its own covenant. There are a lot covenants being broken but the breaking of covenants is not what is under discussion today.

Mr. Younger stated that he purchased Lots 1 and 2 that are next to this property, and sold Lot 1. Then he did a Lot Split on Lot 2 and he kept about 68% of Lot 2 and added it to his existing property. The proposed RV garage will be partially on the newly acquired lot but it will mostly be on his .86 acre lot that he owned previous to the addition.

Mr. Walker stated that restrictive covenants do not impact the Board and does not make a determination for them. The Board looks at land use only.

Mr. Younger stated there are some people that are opposed to the proposed RV garage and some people in favor of it. Mr. Ray Lusk owns a 14,000 square foot house in the neighborhood and called with his support. Mr. Younger stated that Mr. Lusk even gave him some tips about the garage. Mr. Younger stated that Johnny Perkins is his friend and he believes he would support the building of the RV garage. Mr. Younger stated the Perkins would be the property looking straight at the garage and have the most view of it. Mr. Younger stated that there will always be someone objecting to something. But as time passes nobody cares if Johnny has his garage and nobody cares if Ray has his garage, it's funny as you a person lives through this that people want to complain for whatever reason. He wants to improve his property and make things better.

Mr. Hutchinson asked Mr. Younger if he was planning on a 30'-0" x 50'-0" RV garage and a 20'-0" x 20'-0" shed in the back. Mr. Younger stated that he understands he could have 24'-0" x 20'-0" because anything larger requires a Variance, and it is his mistake for putting the shed on the application. Mr. West stated that it still needs to be addressed because there is a maximum of 750 square feet which is a 25'-0" x 30'-0", and the applicant wants relief for the 50'-0" x 30'-0" also it is the combined square footage of the accessory buildings. Mr. Younger stated that he is at 1,900 square feet.

Interested Parties:

Dewey Miller, 6655 West 42nd Street, Tulsa, OK; stated he is the developer of Stratford Estates. Mr. Miller presented the Board with materials for his presentation. Mr. Miller showed a piece of paper stating it is the official plat for Stratford Estates and that there are six lots. All the lots are sold or occupied. Lots 3, 4, 5, and 6 have homes built on them. Lots 1 and 2 are vacant. A number of years ago the Youngers acquired Lots 1 and 2 from another individual. Subsequently, the Youngers who live on Lot 3 sold the property to the Ellen's that live on Lot 4. Mr. Miller presented a plat of the County of the property just east of the Youngers and that lies outside Stratford Estates. Over the years the Youngers purchased property from Dennis Sadler. Mr. Miller stated that Mr. Younger stated he would like to have the property behind his so he either build on it or know that no one is behind his property. As a developer he is more interested in the process and like to follow the process so the development has integrity and coherence. There are rules and regulations for Stratford Estates that Mr. Miller presented to the Board. Mr. Miller stated that the Youngers sold Lots 1 and 2 to the Ellen's. About a year ago after the sell of the lots there was a lot split, splitting Lot 2. Item #5 of the covenants specifically states that there is to be no lot splits unless it is approved by the developer. Mr. Miller stated that he understands the Board does not take covenants into consideration, but he is also under the impression that the Board does not take steps to undermine the covenants. If a Variance is granted on top of an existing error it will compound the issue because the developer has the wherewithall to either approve or disapprove of lot splits. The developer should more involved with the granting of Variances, and he has granted Variances. Mr. Perkins went through the process that is outlined in the covenants to receive his Variance. The Youngers received a set of covenants when they purchased the property and they signed them. Everybody else has adhered to the covenants and went through the necessary steps to receive a Variance. Mr. Miller stated that what took place in Mr. Lusk's case is that he recognized he did not want to adhere to the covenants so he bought an acre directly behind his house outside of Stratford Estates and built an RV garage. Everybody was under the opinion that the Youngers were going to do the same thing. Mr. Miller stated that he wants to maintain the integrity of Stratford Estates. At this point in time Lot 2 can be sold but it cannot be built on because the minimum square footage has been reduced to where it cannot have a septic system. Mr. Miller stated that the Youngers never spoke to him about a lot split. There are numerous steps through which a Variance can be granted. There is a mechanism within the covenants that would allow the Youngers to request a Variance through the people that live in Block 4. The Youngers should follow the described path that the covenants clearly lay out and receive a Variance based on pre-existing conditions. Mr. Miller hopes that the Board would respect what everyone else has gone through because these homes are hundreds of thousands of dollars. The Youngers can amend their convenants by going to their neighbors and then coming before the Board to request a Variance. The process has not been followed and there is no justice for what everyone else has gone through.

Rona Ellen, 6832 West 41st Place, Tulsa, OK; stated she lives on Lot 4 and she owns Lot 1 and a portion of Lot 2. She bought the lots before they purchased the house they are living in. She asked the Youngers to sell her Lot 2 so she could build a house. She

did not know the lots could not be split. The Youngers agreeably sold them a portion of the lot but would not sell the entire lot. She owns two lots in Block 4 and from her current lot from her front porch she can see where the Youngers would like to erect the RV garage. Ms. Ellen stated that the developer could not tell her anything about the proposed RV garage, i.e., the materials being used. The side the Youngers would like to build the RV garage is on the side of their house that has no windows so they will not have to visually see the garage except from their pool and backyard. Ms. Ellen stated that from her current home she have to stare at it, and from the home that she would like to build her kitchen window, pool patio, and outdoor kitchen will face it. That is something that she does not want to see. The trees the Youngers stated they have planted are one gallon trees currently and are tiny trees. Ms. Ellen stated the Youngers have a habit of letting their friends park their RVs in the cul-de-sac and they can be there for three days, and the Youngers have never discussed this with the neighbors. Ms. Ellen presented a picture to substantiate the statement. Ms. Ellen stated that she does not necessarily care about the size of the proposed RV garage but Mr. Younger has 2.73 acres for it.

Mr. Dillard stated that Ms. Ellen needs to speak with her attorney because everything she hears is not possible. Mr. Dillard stated that he can take some exception to some of the information that has been given, specifically on a lot split. Find out what can happen to that property by speaking to an attorney.

Ms. Ellen stated that she is asking the Youngers to stick to the covenants and place the proposed building behind their house. She thinks that RV garage would detract from future buyers of her home. She is sure that he could find a place in the rear of his property that does not have a drainage problem to build the garage.

Mr. Crall asked Ms. Ellen if she would agree that Mr. Younger has a drainage problem issue. Ms. Ellen stated that she does not think Mr. Younger has any more of a drainage problem than anyone else, and if a high spot had to be located it would be closer to Mr. Miller's house in the very back of the property. Ms. Ellen stated that Mr. Younger has already started putting in an access road in the cul-de-sac, he has rough grade gravel poured.

Linda Younger, 6831 West 41st Place, Tulsa, OK; stated that Ms. Ellen originally wanted to build her house a certain size, have chickens and goats, and build the house to the property line. Ms. Younger informed Ms. Ellen that she could not build as close to the property line as she wanted, and Ms. Ellen's response was "I guess you will have to sell me half of what you have". Ms. Younger stated that there are no covenants that are being enforced in the neighborhood, and her husband and Mr. Ellen should probably have done that but they did not think about it. They both agreed to split the lot and her husband agreed to sell part of the lot to her and her husband. Ms. Younger stated that she looks at Ms. Ellen's chickens and by the covenants there can not be any chickens. Ms. Younger stated that her port-co-chere faces the Ellen's chicken dump area and they have to smell it. Ms. Younger stated the Ellens did erect a nine foot fence, which is against the covenants, but they did so the chickens would not come into her yard any

longer. Ms. Younger stated that their houses are worth \$600,000.00 or more and she did not move there to look at chickens. She and her husband want to build something nice and the reason they did not want it behind the house is because they do not have road access. Ms. Younger stated that there is a river that comes through the property when it rains and Ms. Ellen does not own the property so she does not know. Ms. Younger stated that Ms. Ellen is concerned how an RV garage will look but she has chickens and a chicken coop.

Rebuttal:

Steve Younger came forward and asked the Board to look at page 5.10 in the packet. That page shows the drainage of 41st Street and all the water from the area funnels down to his house. There is no access to the rear area and he can't drive back there after it rains plus he can't afford to build a road. Mr. Younger stated that he had spoke to Mr. Dewey Miller about using Mr. Miller's driveway to access the area closer to Mr. Miller's house, and at one time Mr. Miller said yes and then at another time he said no.

Dewey Miller came forward and stated that there is a buildable area in the rear, but again as a developer it is the process that a person follows and it is the legal steps that are in place which everybody has adhered to at this point. When the process is not followed it opens up a lot of problems. He does not want to set a precedence of having someone else use his driveway, and if he should sell his house that places the future home owner in an awkward position.

Mr. Younger stated that Mr. Dewey Miller has done a good job since taking over the development from his father. Mr. Younger stated that Mr. Miller is bringing up some valid points on his side, but he is not enforcing the covenants. The covenants are not being enforced whatsoever, everybody is doing their own thing. Even he has chicken manure washing across his yard and he smells chickens in the summer time or after a rain he can live with that. There is no reason a nice garage can't be built because there is plenty of space next to the house, and it will only increase the value. Ms. Ellen complained about someone parking an RV in the cul-de-sac, but he thought the Wades were her friend as well. The Wades have parked there a few times but it is not going on all the time, and he can't believe she even brought that subject up. Mr. Younger stated that he does not know what Ms. Ellen is talking about when she mentioned one gallon plants, because he has not planted any plants.

Mr. Walker stated the Board is here to address the land use situation and that all the Board is going to address. Mr. Younger stated that he understands and offer his apology for bringing up the soap opera stuff.

Mr. Younger stated the land issue is that the garage will be approximately 100 feet from the street and Ms. Ellen's house if it is built.

Comments and Questions:

Mr. Crall stated the Board must determine if there is an exception to the rule, because Mr. Younger has extraordinary circumstances. No one has denied that he cannot build behind his house because he has a drainage issue.

Mr. Walker stated the hardship would be the drainage of the land is such that Mr. Younger would need to build someplace else other than behind the house. Mr. West stated the topography of the land would be a legitimate hardship.

Mr. Crall asked Mr. West if the topography is something that he would go out on. Mr. West stated no, unless he was asked to do so.

Mr. Dillard stated that any time he sees neighbors disgruntled as these are today, then a continuance should be made so they have a discussion. Mr. Dillard stated that if the proposed RV garage were next to his house he would not have a problem because Mr. Younger has much at risk in losing his house. In regards to the lot split, he heard a lot of BS and there should be a discussion with an attorney about lot splits. In the banking business, as well as every other business, every one is an expert real estate attorney but the neighbors really need to use an expert attorney that is willing to give an opinion and write a decision on it. The Youngers may decide to attach the proposed RV garage to their house and that puts it under a different criteria. Mr. Dillard stated he is in favor of a continuance for 30 days.

Mr. Hutchinson stated he agrees with Mr. Crall and Mr. Dillard, he thinks the neighbors should try to resolve the issues because the hardship of the drainage is valid. Mr. Hutchinson stated that he also thinks this case should have a continuance.

Mr. Walker stated the Board is here to look at land use. This about a Variance on a piece of property, whether it was done by the book or by the record or by the restricted covenants. That is for a civil court to decide. This Board is here to only address the land use. Is it inappropriate to erect a building on this acreage, and if there is a drainage problem that would be justification.

Mr. Crall asked the applicant if he thought harmony is possible because the Board likes harmony. Ms. Younger stated they have tried.

Mr. Younger stated that if the Board were to approve this request the next step for him would be to convince Mr. Dewey Miller that the garage is not a bad deal. Mr. Younger stated that he would not want to build the RV garage if everyone is going to be against it.

Mr. Dillard stated to Mr. Younger that harmony can be achieved, especially if it is going to hit everyone's pocketbook.

Ms. Ellen stated the Youngers never came to them to discuss the garage, and the first time she knew anything about it was when the notice in the mail arrived. Ms. Ellen

stated she asked her neighbor if they knew anything about it and they said they did not. Ms. Ellen stated that Mr. Younger only texted her husband last evening and it was a hostile text.

Mr. Walker stated the public portion of the meeting has been closed and the Board is not going to hear any more from the public. Mr. Walker asked the ladies to quit arguing amongst themselves. Mr. Walker stated the Board is going to make a decision. This case will either be continued or the Board will decide an outcome. Mr. Walker stated he would entertain a motion from a Board member.

Mr. Dillard stated that the neighbors need have some harmony and if that cannot be achieved the Board will make the decision whether the RV garage can or cannot be built. Mr. Dillard stated that maybe buying back the lot is an option. Mr. Dillard stated the developer is angry because he did not get to sell the lots, and that was messed up by the lot split which should not have been done. Mr. Dillard stated that is why he highly recommends everyone speaks to an attorney because everyone will see what happens to a piece of property when it is split improperly.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-1-0 (Crall, Dillard, Hutchinson "aye"; Walker "nay"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a **Variance** of the allowed square footage for accessory buildings from 750 square feet to 2,400 square feet to allow for two detached accessory buildings (Section 240.2.E); **Variance** of the requirement that detached accessory buildings must be located in the rear yard (Section 420.2.A.2) to the May 19, 2015 Board of Adjustment meeting; for the following property:

LTS 2 & 3 LESS BEG SWC LT 2 TH NW215.31 E65 S180.66 CRV LF 30.25 POB BLK 4 & N315 W245 E905 N711.12 NE NE LESS N100 THEREOF SEC 30 19 12 1.209AC, STRATFORD ESTATES BLK 4, OF TULSA COUNTY, STATE OF OKLAHOMA

2532 – Ralph Manry

Action Requested:

Special Exception to permit a dirt mine (Use Unit 24) in an AG District (Section 310, Table 1). **LOCATION:** West of the SW/c of North Highway 11 and East 176th Street North, Skiatook

Presentation:

Ralph Manry, 11908 North Cincinnati, Skiatook, OK; stated this is an existing dirt pit. The Department of Mines has approved everything and everything is legal.

Mr. Crall asked Mr. Manry how long he has been operating the dirt mine. Mr. Manry stated he started operating in December and he thought everything was approved.

Mr. West stated that Mr. Manry did not have the approval for the Use Unit 24 in the AG District; even though the Department of Mines issued a permit Mr. Manry must have local or County approval.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Special Exception** to permit a dirt mine (Use Unit 24) in an AG District (Section 310, Table 1). It has been operating and there seems to be no problems. All the permits and necessary paperwork has been presented; for the following property:

W/2 NW NE & LT 1 SEC 11 22 12, OF TULSA COUNTY, STATE OF OKLAHOMA

2533—Dudley Hearn

Action Requested:

Variance of the required setback from the centerline of South 263rd West Avenue from 85 feet to 58 feet (Section 330, Table 3). **LOCATION:** 821 South 263rd West Avenue, Sand Springs

Presentation:

Dudley Hearn, 821 South 263rd West Avenue, Sand Springs, OK; stated that on the side of his house there is Indian Electric power lines and there is ten feet on either side of the lines that he cannot do anything on. If he has to adhere to the 85 feet that would be the middle of his driveway and the backyard slopes down to the lake. Mr. Hearn presented pictures of his property to the Board.

Mr. Crall asked Mr. West what the chances are of Coyote Trail being expanded. Mr. West stated that Coyote Trail will remain as it is, and he does not foresee any expansion.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the required setback from the centerline of South 263rd West Avenue from 85 feet to 58 feet (Section 330, Table 3). The topography of the land is the hardship; for the following property:

PRT S/2 SW & S/2 SE BEG 1989.50W & 316.05N NEC S/2 SE SE TH W665.76 TO EL COYOTE TRAIL CRV RT 352.99 TO PT NL S/2 SE SE E591.89 S345 POB SEC 6 19 10 5.008ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2534—Lance Price

Action Requested:

Variance from the minimum land area per dwelling unit requirement from 2.1 acres to 1 acre; Variance from the minimum lot area requirement from 2 acres to 1 acre; Variance from the minimum lot width requirement from 150 feet to 130 feet in an AG District to permit a lot split (Section 330, Table 3). **LOCATION:** 7613 East 181st Street South, Bixby

Presentation:

Lance Price, 3223 East 146th Place, Bixby, OK; stated that in the pictures in the agenda packet shows the property in its original state when acquired it. Since the pictures were taken he has razed all the barns and cleaned up the property. He has installed a lot of pipe fencing also. There was a Variance approved for the original farm house by this Board and that Variance is similar to this request today because he wants to two properties to look identical. In the pictures there is an area that looks like a pond but it was actually the lagoon for the property and he has since installed a new aerobic system and filled in the lagoon. Mr. Price stated that the hardship for the Variance is that the property is very close to a flood plain and slopes downward.

Mr. Crall stated that if the property is split it will only leave 73 feet in frontage on 181st Street, and he asked the applicant if that is where he was considering building a house. Mr. Price stated that if he builds a house it will be placed back where the property widens.

Mr. Price stated that he also owns the house located on Tract 2 and his in-laws live in the house.

Mr. Dillard asked Mr. Price if he owned Tracts 1, 2, and 3. Mr. Price answered affirmatively.

Mr. Crall asked Mr. West how large of an easement is required. Mr. West stated there is a minimum of 30 feet.

Mr. Price stated that he was going to ask for the Variance to be either 120 feet or 118 feet wide because there are electric power poles which are depicted on page 8.9. If he can have 118 feet it would give the property a nice clean appearance and it will run parallel to the road which he plans to blacktop. In the spirit of attempting to maintain consistency with the property he would like to have 118 feet to make it aesthetically pleasing and symmetrical on the property.

Mr. Crall stated that he knows the subject property because it is around the corner from his property. Mr. Crall stated that personally he would not have a problem with the 118 feet because he understands what Mr. Price is talking about.

Mr. Price stated the party that owned the 40 acres, it was an old farm house, and that owner cut the 40 acres into five acre tracts which makes the tracts extremely narrow. An additional 12 feet would make a great difference.

Mr. Crall stated that he should have the County give him an easement for the 12 feet. Mr. West stated that would be an option.

Mr. Price stated that he would like to request a continuance to May 19, 2015 to change his Variance request to reflect the 118 feet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Variance from the minimum land area per dwelling unit requirement from 2.1 acres to 1 acre; Variance from the minimum lot area requirement from 2 acres to 1 acre; Variance from the minimum lot width requirement from 150 feet to 130 feet in an AG District to permit a lot split (Section 330, Table 3) to the May 19, 2015 Board of Adjustment meeting; for the following property:

E/2 E/2 SW SE LESS E130 S385 THEREOF SEC 35 17 13 8.85AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2535—Ken Binkley

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310); Variance of the all-weather surface requirement for parking (Section 1340.D).

LOCATION: 9805 East 161st Street South, Bixby

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310); Variance of the all-weather surface requirement for parking (Section 1340.D) to the May 19, 2015 Board of Adjustment meeting; for the following property:

E479.2 W849.7 LYING S OF MVRR LESS BEG 370.50E & 353.81N SWC SW TH N APR 128.67 SE APR 168.76 SW APR 119.19 POB & LESS S24.75 THEREOF FOR ST SEC 19 17 14 2.204ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:09 p.m.

Date approved: _____

5/19/15


Chair