

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 442
Tuesday, March 21, 2017, 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

Charney, Chair	Crall, Secretary	Miller	West, Co. Inspector
Hutchinson, V.Chair		Moye	
Dillard		Sparger	
Johnston			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 16th day of March, 2017 at 10:21 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 1:30 p.m.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-1 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the Minutes of February 21, 2017 (No. 441).

UNFINISHED BUSINESS

2614—Ray Walters

Action Requested:

Variance of the 15 foot side yard setback for an accessory building (Section 330).

LOCATION: 20923 West Highway 51, Sand Springs

Presentation:

Staff recommends the Board withdraw this application due to an unresponsive applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **WITHDRAW** the request for a Variance of the 15 foot side yard setback for an accessory building (Section 330) due to an unresponsive applicant; for the following property:

E/2 E/2 SE SE BEG 800N SECR SE TH W330 N520 E330 S520 POB SEC 10 19 10 3.939AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2619—Windfall Woods, LLC

Action Requested:

Special Exception to allow wedding and corporate events (Section 310); Variance to allow a gravel parking area (Section 1340.D). **LOCATION:** 7305 West Cameron Street North

Presentation:

The applicant has withdrawn this application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **WITHDRAW** the request for a Special Exception to allow wedding and corporate events (Section 310); Variance to allow a gravel parking area (Section 1340.D); for the following property:

ALL THAT PRT GOV LT 3 LYING S OF OLD NORTH SAND SPRINGS RD & ALL THAT PRT GOV LT 5 & SE NW LYING S OF RD & E OF LINE BEG 1153E SWC LT 5 & EXT NTO SL OF RD & W OF LINE BEG SWC E/2 E/2 SE NW & EXT NTO NWC THEREOF & E/2 E/2 SE NW & W/2 W/2 SW NE LESS BE, FARM COLONY SUB, TWIN CITIES, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2621—Stewart Collins

Action Requested:

Variance of the required lot area from 2 acres to 1.55 acres on Tract 1 and from 2 acres to .45 acres on Tract 2 in the AG District (Section 330); Variance of the minimum land area per dwelling unit from 2.1 acres to 1.55 acres on Tract 1 and from 2.1 acres to .45 acres on Tract 2 in the AG District to permit a lot-split.

LOCATION: 5319 West 31st Street

Presentation:

The applicant requests a continuance to the April 18, 2017 Board of Adjustment meeting due to additional relief needed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **CONTINUE** the request for a Variance of the required lot area from 2 acres to 1.55 acres on Tract 1 and from 2 acres to .45 acres on Tract 2 in the AG District (Section 330); Variance of the minimum land area per dwelling unit from 2.1 acres to 1.55 acres on Tract 1 and from 2.1 acres to .45 acres on Tract 2 in the AG District to permit a lot-split due to additional relief needed to the April 18, 2017 Board of Adjustment meeting; for the following property:

**2.01 ACS LYING S OF 50' WIDE CO ROAD E/2 E/2 N/2 NW NE SEC 20 19 12
2.01ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

2622—Sherrie Anderson

Action Requested:

Variance of the lot area and land area per dwelling unit requirement in an AG District; Variance of the minimum lot width requirement to permit a lot-split in an AG District (Section 330, Table 3). **LOCATION:** 12706 North 143rd Avenue East, Collinsville

Presentation:

Sherrie Anderson, 12015 East 110th Street North, Owasso, OK; stated her father owns the 2.1 acres which is the subject property and they would like to deed over have of the acreage to her brother so he can build a house.

Mr. Charney asked Ms. Anderson if the property would be split into two equal pieces of property. Ms. Anderson answered affirmatively.

Mr. Charney asked Ms. Anderson if there was currently only one residence on the property. Ms. Anderson answered affirmatively. Mr. Charney asked Ms. Anderson if there would be only one residence built on the second piece of property after the lot split. Ms. Anderson answered affirmatively and stated that a shop would also be built on the property.

Mr. Hutchinson asked Ms. Anderson how far off the property line would the shop be built. Ms. Anderson stated it would be 15 feet and would be within the setback.

Mr. Charney asked Ms. Anderson if she would be comfortable if the Board made the requirement that the proposed be a site built frame house. Ms. Anderson stated that the proposed house would be a modular home which would be constructed off site and brought in.

Mr. Charney asked Ms. Anderson if she knew if it was an actual modular home or if it was a manufactured home. Ms. Anderson stated that it would be a modular home because there will not be a title to the home like a manufactured home.

Ms. Anderson stated that there is a wide variety of houses in the area. There are single wide trailers, there are shanties, there are some really nice houses which were recently built, and there are some older houses.

Mr. Johnston asked Ms. Anderson to give her hardship for the request. Ms. Anderson stated the hardship is because of the size of the property.

Interested Parties:

Steven Loffer, 12604 North 143rd East Avenue, Collinsville, OK; stated he does not oppose this request. He has known his neighbors for about four years and they keep a very clean and well maintained piece of property.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the lot area and land area per dwelling unit requirement in an AG District; Variance of the minimum lot width requirement to permit a lot-split in an AG District

(Section 330, Table 3), finding the hardship to be the large lot configuration and the resulting lot still having sufficient size; for the following property:

S330.5 N661 E/2 W/2 SE SE LESS E25 THEREOF FOR RD SEC 33 22 14 2.314 ACS (TR20 PH 1), OF TULSA COUNTY, STATE OF OKLAHOMA

2623—Terry & Abby Sweet

Action Requested:

Variance of the minimum frontage requirement on a public street from 30 feet to 0 feet to permit a new residence (Section 207). **LOCATION:** 9037 North Memorial Drive

Presentation:

Abby Sweet, 8112 North 72nd East Avenue, Tulsa, OK; stated she would like to build a house on the subject property but it does not front Memorial Drive but does front an access easement. The property is 5.1 acres in size and the proposed house will be placed in the middle of the property. There is a legally recorded ingress/egress easement to the property, and this easement also services the property to the east. She has spoke to the neighbors and they do not have any problems with the request.

Mr. Dillard asked Ms. Sweet if her lender will accept the 20 foot easement because normally an easement is 30 feet. Ms. Sweet stated her lender will accept the 20 foot easement.

Interested Parties:

Debbie Soetaert, 9111 North Memorial Drive, Owasso, OK; asked the Board why there is a required 30 foot easement and what is the 30 feet for.

Mr. Charney stated that is normal and the Building Permit Office says a structure should face and be a part of or adjacent to a publicly dedicated street with at least 30 feet in front of the structure. However, land sometimes develops in unique ways and sometimes instead of a publicly dedicated street there is a private easement allowing access to a piece of property. So before a building permit is issued in that type of situation the Permit Office likes for the situation to be reviewed by the Board.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street from 30 feet to 0 feet to permit a new residence (Section 207), finding the hardship to be the lack of an

access to a publicly dedicated street and there is an access easement that services the property; for the following property:

TR BEG 655.96E & 20S NWC SW TH E349.12 S636.55 W349.12 N636.34 POB SEC 24 21 13 5.101ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2624—Tanner Consulting – Erik Enyart

Action Requested:

Variance to reduce the required lot width to 149 feet to permit a lot split (Section 330, Table 3). **LOCATION:** South of the SW/c of East 161st Street South and South Harvard Avenue

Presentation:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated he represents the owner of the subject 10 acre property, and the owner would like to subdivide the property into three lots. When a surveyor breaks down a section, which is supposed to be 640 acres and 5,280 feet long and width on all four sides, few if any sections are 5,280 feet. Some of them are larger and some are smaller. In this particular section when it is broke down into quarter sections, which the subject property is located in, it does not have a 160 acres. It is just short of that so when the amount is portioned out every little piece of property in the 160 acres comes up a little short than what the Code is written for. The Code and the Bulk-and-Area requirements are written based on a perfect 640 acre one square mile subdivision. When the mathmatics are applied to the subject property it is just short of 330 feet. The owner wants to make the subject property a flag lot and there are other flag lots in the area. The back lot has 30 feet of frontage onto Harvard, then the two other lots that have frontage on Harvard do not have the required 150 feet of frontage as prescribed in the zoning code, they are 23/100 of a foot short. The hardship in this case is unique to this property, and the other properties in this quarter section, in that there is not a true 160 acres to work with.

Mr. Charney asked Mr. Jones what the planned uses are for Tracts A, B and C. Mr. Jones stated they are planned for single family residential expensive houses.

Interested Parties:

Ramon Diaz, 2526 West New Orleans, Broken Arrow, OK; stated he owns the 10 acres to the south of the subject property. He is curious as to what this will mean for his property.

Mr. Charney stated that he does not think that this request affects Mr. Diaz's property or what can be done with the land. There will be no adverse affect to Mr. Diaz's property.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a **Variance** to reduce the required lot width to 149 feet to permit a lot split (Section 330, Table 3), finding the hardship to be the unusual quarter section land having less than the standard amount of linear footage required; for the following property:

N/2 N/2 SE NE SEC 29 17 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:05 p.m.

Date approved: 04/18/2017

David E. Charney
Chair