

**TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 479**

Tuesday, February 18, 2020, 1:30 p.m.

Central Library

Pocahontas Greadington Learning & Creativity Center, Lower Level 2

400 Civic Center

Tulsa, OK

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

Charney, Chair

Dillard

Miller

Tosh, Co. Inspector

Hutchinson, V.Chair

R. Jones

Crall, Secretary

Sparger

Johnston

J. Wertin

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12th day of February, 2020 at 5:21 p.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.

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**MINUTES**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of January 21, 2020 (No. 478).

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting. If an applicant or an interested party 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 fails. Mr. Charney asked if anyone would like to continue their case and if they understood. Everybody nodded in understanding and no one requested a continuance.

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**UNFINISHED BUSINESS**

None.

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**NEW APPLICATIONS**

**2799—Ronald Dahl**

**Action Requested:**

Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23 – storage not elsewhere classified – in an AG District (Section 1223); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 3801 South 137th Avenue West, Sand Springs

**Presentation:**

**Ronald Dahl**, 14111 West 41st Street, Sand Springs, OK; stated he has a mini storage located at the subject address and he has purchased the land behind the property to extend the storage to include RVs and boats; open storage.

Mr. Charney asked Mr. Dahl why he is seeking a Variance from the all-weather parking surface. Mr. Dahl stated the property next door is a church and the run-off from their retention runs onto his property, and the gravel surface would allow for absorption of the water runoff.

Mr. Charney asked Mr. Dahl if customers would be pulling into the proposed RV and boat storage area. Mr. Dahl answered affirmatively.

Mr. Charney stated the reason for the hard surface requirement is to make certain there is ease of ingress and egress, and a gravel lot can end up being full of ruts and messy. Mr. Charney asked Mr. Dahl how he will install and maintain the gravel lot to make sure that does not happen. Mr. Dahl stated there is a paved road to the parking storage area and a contractor will remove the topsoil and lay gravel down. He plans to maintain the lot himself and if it becomes too much, he will contract the maintenance out.

Mr. Crall asked Mr. Dahl to explain the terminology “storage pad”. Mr. Dahl stated that it is a parking space. Mr. Crall asked Mr. Dahl if that means gravel will not cover the entire area. Mr. Dahl stated that gravel will cover the entire area.

Mr. Johnston asked Mr. Dahl if he planned to lay a separation material below the gravel to prevent the mud from rising up through the gravel. Mr. Dahl stated the contractor did ask him about the separation material and he had not planned on laying that down unless it is required.

Mr. Crall asked Mr. Dahl what type of fence will be installed around the property. Mr. Dahl stated that it will be a six-foot chain link fence.

Mr. Charney asked Mr. Dahl if he purchased the property from the church or from another party? Mr. Dahl stated he purchased the subject property from a private individual.

Mr. Charney asked Mr. Dahl if the church was aware of his plans for the subject property. Mr. Dahl answered affirmatively, and stated the church has no objections.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23 – storage not elsewhere classified – in an AG District (Section 1223); Variance from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plan 2.17 of the agenda packet. There is to be fencing installed as described by the applicant in his presentation and as shown on conceptual plan 2.17. The Board has found the hardship to be the unique rural nature of the land adjacent to the existing ministorage and is accessed from 41st Street. The applicant is to direct his contractor to compact the gravel to a standard commercially compaction and there is to be a separation fabric laid beneath the gravel; for the following property:

**A tract of land being a part of the Southwest Quarter (SW/4) of Section Twenty-One (21), Township Nineteen (19) North, Range Eleven (11) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; said tract of land being described as follows: COMMENCING at the Southwest Corner of said SW/4; Thence North 01°03’31” West along the Westerly line of said SW/4 for 708.70 feet to the Northwest corner of Bowles Acres’, a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Thence continuing North 01°03’31” West along said Westerly line for a field measured distance of 607.26 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4-SW/4) of said Section 21; Thence North 88°43’43” East along the Northerly line of said SW/4-SW/4 for 1800.00 feet to the County Road; Thence South 14°16’36” West along said County Road for 421.19 feet to the POINT OF BEGINNING of said tract of land; Thence South 88°40’42” West and parallel with the Southerly line of said SW/4 of Section 21 for 625.64 feet; Thence South 01°49’47” East for 200.01 feet to a point on the Northerly Line of said Bowles’ Acres subdivision; Thence North 88°40’42” East along said Northerly Line of Bowles’ Acres subdivision, said Southerly line being parallel with said Southerly line of said**

**SW/4 of Section 21 for 568.03 feet to the Northeast Corner of said Bowles' Acres subdivision and the County Road; Thence North 14°16'36" East along said County Road for 207.65 feet to the POINT OF BEGINNING of said tract of land LESS AND EXCEPT the Easterly 30.00 feet thereof reserved for Right-of-Way. Said tract of land contains 113,138 square feet or 2.597 acres, more or less, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2800—Kyle Whisenhunt**

**Action Requested:**

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** North of the NE/c of West Coyote Trail & South 209th West Avenue, Sand Springs

**Presentation:**

**Kyle Whisenhunt**, 4138 South 209th West Avenue, Sand Springs, OK; stated he has a 30-foot dedicated easement of record that arose from a sub-division platting long ago.

Mr. Charney asked Mr. Whisenhunt if the easement was on his property. Mr. Whisenhunt stated that it is between two of his properties.

Mr. Charney asked Mr. Whisenhunt if that easement will provide him legal access to and from his property. Mr. Whisenhunt answered affirmatively.

Mr. Charney asked Mr. Whisenhunt if he understood that the County has not accepted the long-ago dedication. Mr. Charney asked Mr. Whisenhunt if he has already purchased the land. Mr. Whisenhunt answered affirmatively and stated he has owned the property for 13 years.

Mr. Hutchinson asked Mr. Whisenhunt if he owned Tracts 1, 2 and 3. Mr. Whisenhunt answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207), subject to conceptual plan 3.10 of the agenda packet. The Board has found the hardship to be the fact that the applicant owns the other tract and it is a dedicated road that the County does not maintain. In

granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**W/2 N/2 N/2 N/2 NW SEC 26 19 10 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2801—Erin Herring**

**Action Requested:**

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** 11908 North Harvard Avenue, Skiatook

**Presentation:**

**Erin Herring**, 11926 North Harvard, Skiatook, OK and **Carl Osborn**, P. O. Box 105, Owasso, OK; Mr. Osborn stated that he is Ms. Herring's father and his daughter is requesting a Variance of the road frontage. Mr. Osborn stated that Ms. Herring purchased the subject property from her grandmother. There is an existing road with utilities that goes up to the property and to the other property on the south side.

Mr. Charney asked Mr. Osborn if there was going to be a house built on the subject property. Mr. Osborn answered affirmatively.

Mr. Charney asked Mr. Osborn if he understood that it is a private road and utility easement. Mr. Osborn answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207), subject to conceptual plans 4.9 and 4.10 of the agenda packet. The Board finds the hardship to be that this particular tract of land is inset off the publicly dedicated roadway, but it is compensated by an existing

roadway utility easement that has been on record for many years; for the following property:

**N/2 NW/4 NE/4 SE/4 of Section 5 T21N R13E, Tulsa County, Oklahoma, containing 5 acres more or less, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2802—Deanna Wooten**

**Action Requested:**

Special Exception to allow a carport in a required side yard in an RS District (Section 240.2-H); Variance to reduce the side setback for a carport in an RS District (Section 430, Table 3 and Section 420.2.A.2); Variance of the allowable square footage for an accessory building in an RS District (Section 240.2.E). **LOCATION:** 512 North Valley Drive West, Sand Springs

**Presentation:**

**Deanna Wooten**, 512 Valley Drive, Sand Springs, OK; stated she would like to install a carport for an RV. Ms. Wooten stated that she has been in touch with all of her neighbors and the neighbors have no objections to her proposal. Ms. Wooten stated she was also told that the RV port should be placed in the back, but she has lateral lines that she cannot build on top of.

Mr. Crall asked Ms. Wooten if the site was paved. Ms. Wooten stated that it is actually asphalt.

Mr. Hutchinson asked Ms. Wooten if there were any utilities on the side of the carport. Ms. Wooten answered no.

Mr. Johnston asked Ms. Wooten if the carport is open on all sides. Ms. Wooten answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Special Exception to allow a carport in a required side yard in an RS District (Section 240.2-H); Variance to reduce the side setback for a carport in an RS District (Section 430, Table 3 and Section 420.2.A.2); Variance of the allowable square footage for an accessory building in an RS District (Section 240.2.E), subject to conceptual plans 5.9 and 5.10 of the agenda packet. The Board has found the hardship to be the narrow lot and the limited

space between the houses and the side yard boundary. The Board has found this request will not be injurious to the neighborhood; for the following property:

**S90 LT 1 & S90 E53 LT 2 BLK 19, CHARLES PAGE HOME ACRES NO 2 & RESUB PRT B10-12, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2803—Martin Benson**

**Action Requested:**

Special Exception to permit Use Unit 2, area-wide special exception uses, for a temporary construction facility in the AG District (Section 1202). **LOCATION:** 5342 West Edison Street

**Presentation:**

**Martin Benson**, 6250 Industrial Boulevard, Edmond, OK; stated this is a request to place a concrete batch plant on the north side of the river for the north portion of the Gilcrease project, from the river up to Edison Street. The property is tree-lined on the boundaries of the property and batch plant site would stay 300 feet away from the tree line. There will be an erosion control fencing erected.

Mr. Charney asked Mr. Benson if there would be a gated ingress and egress. Mr. Benson answered affirmatively. Mr. Benson stated to the west of the subject site there is an Oklahoma Department Of Transportation (ODOT) facility and they have a gate, and there is a gate to the north of the subject property, and those gates will be utilized by the batch plant.

Mr. Charney asked Mr. Benson if he had heard any objections. Mr. Benson stated that he has not.

Mr. Charney asked Mr. Benson what his hours of operation would be. Mr. Benson stated that he will operate from 6:00 A.M. to 6:00 P.M., Monday through Saturday.

Mr. Hutchinson asked Mr. Benson how many years he expected this project to last. Mr. Benson stated that he estimates 2-1/2 years, but he would like to have a three-year Special Exception to allow for any delays.

Mr. Johnston asked Mr. Benson if this work will proceed prior to the work on the south side. Mr. Benson stated the work will be simultaneous.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Special Exception to permit Use Unit 2, area-wide special exception uses, for a temporary construction facility in the AG District (Section 1202), subject to conceptual plan 6.12 of the agenda packet. The hours of operation are to be 6:00 A.M. to 6:00 P.M., Monday through Saturday. The approval has a time limit of three years, February 2023. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**E551 GOV LT 2 LESS PRT BEG 28.7W SECR GOV LT 2 TH W15 N15 E15 S15 POB & LESS BEG SECR GOV LT 2 TH W28.70 N15 W15 S15 W506.79 N157.81 E550.67 S156.28 POB SEC 5 19 12 7.52ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2804—Lloyd Anderson**

**Action Requested:**

Variance of the maximum permitted floor area for a detached accessory building in an RS District (Section 240.2.E). **LOCATION:** 16434 West 56th Place South, Sand Springs

**Presentation:**

**Lloyd Anderson**, 16434 West 56th Place South, Sand Springs, OK; stated he would like to build a 1,200 square foot accessory building to be able to store his vehicles, lawn equipment, and his son-in-law’s side-by-side.

Mr. Charney asked Mr. Anderson if this building would be used only for his personal use. Mr. Anderson answered affirmatively.

Mr. Charney asked Mr. Anderson if he had spoke with his neighbors. Mr. Anderson answered affirmatively and stated that he is not aware of any objections.

Mr. Hutchinson asked Mr. Anderson what materials would he be using to construct the building. Mr. Anderson stated that it will be 29 gauge steel; 30 x 40 x 10 metal pole barn. Mr. Anderson stated that he plans to have the wainscot siding put on the building to make it look good in the neighborhood.

**Interested Parties:**

**Allen Pond**, 16420 West 56th Place, Sand Springs, OK; stated he lives two doors away and across the street from the subject property, and he has no objections to Mr. Anderson’s proposal.

**Comments and Questions:**

Ms. Tosh asked if Mr. Anderson had inquired about his neighborhood’s covenants.



Mr. Charney stated the Board does not normally study the private covenants in a subdivision, but staff is correct in suggesting as a courtesy to make certain that there are no recorded subdivision covenants, conditions or restrictions that impact the proposal. Even if the Board of Adjustment gives approval today there might be a private contractual covenant that would prevent this.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a **Variance** of the maximum permitted floor area for a detached accessory building in an RS District (Section 240.2.E), subject to conceptual plan 7.17 of the agenda packet. The accessory building is to be used for personal use only. The Board has found the hardship to be the extraordinary size of the platted lot compared to the vast majority of lots that are subject to the 750 square foot limitation. The Board has found this request will not be detrimental to the public welfare; for the following property:

**LT 2 BLK 2, PLEASANT OAKS ADDN II, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:27 p.m.

Date approved: 3-17-2020



Chair