

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 538
Tuesday, December 17, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room

Members Present	Members Absent	Staff Present	Others Present
Charney, Chair	Tisdale	S. Tauber	Edenborough
Hutchinson, V. Chair		J. Hoyt	
Hicks		C. Pate	
Houston			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, December 11, at 2:08 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Hoyt read the rules and regulations.

After declaring a quorum present, Chairperson Charney called the meeting to order at 1:32 p.m.

On **MOTION of HOUSTON**, the Board voted 4-0-0 (Charney, Houston, and Hicks, all "ayes"; no "nays"; Hutchinson "abstained" and Tisdale "absent") to **APPROVE** the Minutes of November 19 (Meeting No. 537).

UNFINISHED BUSINESS

CBOA – 3232 Donna Savant

Action Requested:

Variance of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3) **Location:** 4617 E 171st St S

Presentation:

Donna Savant, 4617 East 171st Street South, Bixby, Oklahoma 74008, stated that they wanted to build a 10 by 20 foot carport to store their boat and travel trailers under. They want to build it 5 feet off the property line. The typical side yard setback is 15 feet. None of the neighbors have voiced any opposition to this plan.

Interested Parties

No interested parties were present.

Comments and Questions:

My Hoyt stated that in an AG district there are no limits on the number of accessory buildings in general. It is the setback that is the issue.

Mr. Charney stated that he could be in support of this request.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hutchinson and Hicks, all "ayes"; no "nays"; no "abstentions" and Tisdale "absent") to **APPROVE** the Variance of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3) to reduce the side yard setback from 15 feet to 5 feet. Finding the hardship to be the unique size of the 5-acre tract with a large amount of open area.

Finding 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 SW SE SE SEC 28 17 13 5AC

NEW APPLICATIONS

CBOA – 3233 Michael Daczewitz

Action Requested:

Variance to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district (Section 8.040-C.6) **Location:** 18617 W Hwy 51

Presentation:

Michael Daczewitz, 1861 West Highway 51, Sand Springs, Oklahoma 74063, stated that his mother has mobility problems and is unable to handle steps to get into a mobile home. He wanted to build something about 1,000 square feet for his parents to live in that is wheelchair accessible. All the utilities are in place where the old mobile home was located. It will have its own septic tank.

Interested Parties

No interested parties were present.

Comments and Questions:

Mr. Houston stated that he could support the request. Mr. Charney stated that he could also support the request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson and Hicks, all “ayes”; no “nays”; no “abstentions” and Tisdale “absent”) to **APPROVE** the Variance to permit an Accessory Dwelling Unit to exceed 750 sf in an AG district (Section 8.040-C.6) subject to the following conditions that it be 1,000 square feet and finding the hardship to be replacing a mobile home on a 3-acre site.

Finding 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:

**BEG 447.57W NWC SE SW TH S152.91 SWLY121.54 SW168.40 N570 E252 S280.39
POB SEC 12 19 10 2.961ACS, COUNTY OF TULSA, STATE OF OKLAHOMA.**

CBOA – 3234 Sherri Bacon

Action Requested:

Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3)

Location: 12935 N 143rd E Ave

Presentation:

Sherri Bacon, 12935 North 143rd East Avenue, Collinsville, Oklahoma 74021, stated that she had an existing mobile home, and she wants to replace it with a new mobile home.

Mr. Hutchinson stated that she must have hard surface parking for one car along with all the other requirements of County and DEQ.

Interested Parties

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Hicks, all “ayes”; no “nays”; no “abstentions” and Tisdale “absent”) to **APPROVE** Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) subject to the conditions that the existing home is being removed and a new home is going in its’ place, that there be tie downs, skirting, hard surface parking, and all DEQ requirements be met. Finding the hardship to be that the existing home has been there for many years, and this will improve the area.

Finding 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:

S110 N660 E/2 E/2 SE LESS W25 THEREOF FOR RD SEC 33 22 14 1.60AC, County of Tulsa, State of Oklahoma.

CBOA – 3235 Mindy James

Action Requested:

Variance of the lot area and lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) **Location:** 1530 E 163rd PI S

Presentation:

Mindy James, 1384 East 163rd Place South, Bixby, Oklahoma 74008, stated that they would like to split the land that they have which is over two-acres into one-acre tracts for her daughter. The house will be a stick-built house. The driveway will be over towards the existing house. They could put the driveway close to where the acres are going to be split if it is an issue. The construction period will be about 6-7 months.

Interested Parties

James and Judy Evers, 16418 South Rockford Avenue, Bixby, Oklahoma, 74008, stated that their driveway is close to the property line on Rockford Avenue. The character of the neighborhood of 163rd Place is significantly different than Rockford Avenue. Rockford Avenue is a dead-end street with 5 houses. 163rd Place is the only way to get to Rockford Avenue, if it is blocked by construction trucks, and heavy equipment and this will be a great imposition to those homeowners on Rockford. She was against this request.

James Evers stated that they bought the 2 acres to the west of their property to maintain the privacy and integrity of the neighborhood.

Rebuttal:

Mindy James stated that she heard their concerns. They want to build a nice home to add to the neighborhood, not devalue it. The noises from the construction will try to be kept down as much as possible. The neighbors did not have an issue when they were cleaning up the back part of the acreage with the equipment that was used for the clean-up. We have benefitted the neighborhood by cleaning up the mess. We could have all the construction traffic come off 163rd Place and not off Rockford. The property has been surveyed by a licensed surveyor.

Comments and Questions:

Mr. Hutchinson stated that he could support the request the way it stands. He does not have any issues, and they are being very neighborly by offering to make concessions to the construction access and moving the driveway. The construction will be temporary.

Mr. Charney stated that he thought it was very fair of the applicants to offer concessions. He could be supportive of this request.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hutchinson and Hicks, all “ayes”; no “nays”; no “abstentions” and Tisdale “absent”) to **APPROVE** the Variance of the lot area and lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) subject to the following conditions that the construction traffic be routed from 163rd to the subject tract, not from Rockford, that the driveway to the newly constructed home will be within 10 to 15 feet from the northernly boundary so that it is further away from the protestant's driveway. Following all other setback requirements and boundaries be honored and all the other standard building conventions be honored. The hardship would be the unique square nature of the tract and that there are other 1-acre tracts in the area.

Finding 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:

LT 2 LESS S21 THEREOF BLK 2 FAULKENBERRY ESTATES, County of Tulsa, State of Oklahoma.

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:38 p.m.

Date approved: 1/21/25
David E. Chaney Chair

