

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 270
Tuesday, November 19, 2002, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Dillard, Vice Chair
Walker
Hutson
Tyndall

Butler
Beach

West, Co. Inspections

The notice and agenda of said meeting were posted at the City Clerk's office, Friday, November 19, 2002 at 8:21 a.m., as well as, in the Office of INCOG, 201 W. 5th St., Suite 600 City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m.

MINUTES

The Minutes of October 15, 2002 (No. 269) will be presented for approval at the December 17, 2002 (No. 271) CBOA meeting.

NEW BUSINESS

Case No. 2009

Action Requested:

Variance of the required 30' frontage on a public street or dedicated right-of-way to 0' for a lot-split. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located E of NE/c W. 57th St. & 201st W. Ave.

Presentation:

Art Parcels, 2951 E. 56th Ct., stated he requested the variance to obtain a lot-split. He stated he put the 60' easements on record.

Comments and Questions:

Mr. Alberty noted that Mr. Parcels mentioned easements and questioned if he meant dedicated roadway. Mr. Parcels indicated that he offered the road as a

public roadway, but the County has not accepted it yet. After further questioning, Mr. Parcels responded that he has not looked into the County specifications since before 1980, and it is a gravel road. He is the developer of other tracts nearby that have been split. He stated that he has filed mutual access easements and submitted documentation (Exhibits A-1). Mr. Alberty pointed out the documents have not been stamped as filed. Mr. Parcels stated the copies were made before the filing.

Mr. Alberty asked Mr. Beach if there has been any relevant previous action. Mr. Beach responded there has not been any action on this property or within the same section.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION of Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required 30' frontage on a public street or dedicated right-of-way to 0' for a lot-split, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E/2 NE NW SE, Section 35, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

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Case No. 2010

Action Requested:

Variance of the required 30' frontage on a public street or dedicated right-of-way to 0'. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 2004 E. 171st St. N.

Presentation:

Jim Willingham, 107 E. 186th St. N., Skiatook, Oklahoma, stated he is the builder for the property owner. He added that he didn't know what was done in the division of the land. He understood that the original property was fifty acres and it was divided into five acre lots.

Comments and Questions:

Mr. Walker pointed out that the plat shows a 66' road right-of-way and a 33' road right-of-way, but it is not dedicated. Mr. Alberty noted that Lots 1-9 are not platted, making an illegal subdivision.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required 30' frontage on a public street or dedicated right-of-way to 0', finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E/2 NE NW SE Section 7, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

Case No. 2011

Action Requested:

Variance to allow two dwelling units on one 2.7 acre lot zoned AG. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located 3029 E. 151st St.

Presentation:

Olan Guthrie, 3049 E. 151st St., stated they need a variance for his son to place an 80' x 27' doublewide mobile home on the property. They propose to keep it there for three to four years on a temporary basis.

Interested Parties:

Rosemary Priest, 9208 N. 137th E. Ave., Owasso, Oklahoma, stated concern there are not other mobile homes in the area. There are several large homes around. She hoped that whatever doublewide is placed would be in keeping with the architecture and lay of the land so that it does not decrease the value of other homes and property nearby.

Applicant's Rebuttal:

Mr. Guthrie stated he could almost guarantee that it would not take away from anyone else's home.

Comments and Questions:

Mr. Alberty stated that the placement of a mobile home is not an issue, but the temporary basis might be. He added that no hardship was given other than personal. Mr. Walker stated he could not support the case because of insufficient land area for two dwelling units. He also noted the flat topography without anything crossing the property that would require relief. Mr. Hutson stated he found nothing peculiar about the land to cause a hardship. He continued that three years does not seem temporary to him.

Board Action:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** to

occupied by family members only, DEQ approval, building permit, and all other Code requirements, on the following described property:

Part SW NE, Beg. 700.00' E and 175.00' S NW/c SW NE, thence S 815.00' W 267.00' N 815.00' E 267.00' to a POB, less N 25.00' thereof, Section 23, T-21-N, R-12-E, Tulsa County, State of Oklahoma.

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Case No. 2013

Action Requested:

Variance of land area per dwelling unit from 2.1 to 1.47 acres to permit two dwelling units in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 16312 S. Yale Ave.

Presentation:

Raymond Lomax, 16312 S. Yale, Bixby, Oklahoma, stated the property is 600' deep. He added that the house is old and proposes to place a new mobile home on the property. Mr. Lomax stated there is still a mortgage on the house. He informed the Board that he would either move a family member in the old house or it would be vacant. There is a natural drainage bed across the property behind the house.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-1-0 (Alberty, Walker, Tyndall, Dillard "aye"; Hutson "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of land area per dwelling unit from 2.1 to 1.47 acres to permit two dwelling units in an AG district, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The E/2 of the S 200.00' NE/4 NE/4 of Section 28, T-17-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, subject to a 25.00' wide easement for ingress and egress over the S 30.00' thereof.

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OTHER BUSINESS

CBOA 2003 Meeting Schedule

Board Action:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Alberty, Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the CBOA 2003 Meeting Schedule as presented.

There being no further business, the meeting was adjourned at 2:20 p.m.

Date approved: 12/17/02

Wayne Alberty
Chair