

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 274

Tuesday, March 18, 2003, 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

Painter, Co. Inspect.

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, Wednesday, March 12, 2003 at 2:55 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:31 p.m., and read the rules and procedures for conducting the meeting.

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MINUTES

On **MOTION** of Hutson, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** the Minutes of February 18, 2003 (No. 273).

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UNFINISHED BUSINESS

Case No. 2016

Action Requested:

Variance of the maximum size allowed for a detached accessory building from 750 square feet to 1500 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located NW/c 41st W. Ave. & W. 41st St.

Presentation:

Mr. Beach reminded the Board this case was continued to this meeting with condition to remove inoperable vehicles, to comply within sixty days and to inform the Board of the building materials.

Roger Smith, 5012 S. 33rd W. Ave., submitted photographs (Exhibit A-1) of the subject property. He added that he has been helping the applicant clean up the property. He informed the Board that everything has been taken care of.

Comments and Questions:

Mr. Alberty asked when the photos were taken. Mr. Smith replied he had them developed the day before, and the photographs were taken the day before or two days ago. Mr. Alberty asked how many cars are on the property. He replied there were four inoperable vehicles. Mr. Alberty asked if he understood correctly that there are only four inoperable vehicles, which Mr. Smith stated he was correct. When asked how many operable vehicles Mr. Smith stated there were four. Mr. Alberty asked if this is all that would be removed. Mr. Smith replied this is not all, only the tip of the ice berg. He added that the rest of the old barn is going to be taken down. He informed the Board that the applicant was on a job out of state. Mr. Hutson asked for the hardship. Mr. Smith did not offer a hardship.

Interested Parties:

Judy Taylor, 4112 S. 41st W. Ave., questioned the reason for the larger size building. She asked the Board to enforce the code and deny the application. She stated he did not take advantage of the sixty days to clean up the property, and did not begin until last week.

Odis Baker, 4315 W. 41st, pointed out the history of the property with too many vehicles indicates to him the property would not be cleaned up after BOA approval. He was opposed to the application.

Greg Davis, 4115 S. 41st W. Ave., and **C.L. Taylor**, 4112 S. 41st W. Ave., stated reasons as above for their opposition to the application.

Applicant's Rebuttal:

Mr. Smith stated there will not be any salvage left on the property.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **DENY** a **Variance** of the maximum size allowed for a detached accessory building from 750 square feet to 1500 square feet, finding no hardship, on the following described property:

Beg. 35.00' N and 25.00' W SE/c SE SW, thence N 400.00' W 167.60' S 400.00' E 167.60', POB, Tulsa County, State of Oklahoma.

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NEW APPLICATIONS

Case No. 2024

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 11328 E. 106th St. N.

Presentation:

Shirley West, 11328 E. 106th St. N., Owasso, Oklahoma, stated they propose to build another dwelling for a family member on the east end of the property. They do not want to split the lot.

Interested Parties:

Richard Franklin, 11525 E. 126th St. N., informed the Board that his and other homes are around 2,250 square feet. He was not in favor of a 500 square foot house being built there.

Comments and Questions:

Mr. Alberty assured him the house plans are for a much larger house.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** to allow two dwelling units on one lot of record, finding it will not 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:

A tract or parcel of land located in the N/2 NW/4 of Section 17, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at the NW/c of said Section 17; thence S along the W boundary of said Section 17, a distance of 330.00'; thence Ely and parallel to the N boundary of said Section 17, a distance of 660.00'; thence Nly and parallel to the W boundary of said Section 17, a distance of 330.00' to a point in the N boundary of said Section 17; thence Wly and along the N boundary of Section 17, a distance of 660.00' to the POB.

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Case No. 2028

Action Requested:

Variance of maximum 750 square feet of accessory building to permit 864 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located 1101 W. Wekiwa Rd. N.

Presentation:

Wayne Henderson, 1101 Wekiwa Rd., Sand Springs, Oklahoma, stated there is an existing 24' x 24' structure. He proposes to build another bay on it, which is 12' x 24'. The contractor informed him that the building would be more costly at the size he first selected because the materials are pre-cut. He submitted photographs of the building as it is, a projected picture of what it would look like, and photos of nearby similar buildings (Exhibit B-1). He plans to work his hobby; store personal items and Christmas decorations.

Comments and Questions:

Mr. Beach informed the Board that the property is not within the City of Sand Springs' fence line therefore they were not given a notice. Mr. Alberty asked if there would be any commercial activity in the building. Mr. Henderson assured him there would not be commercial use.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of maximum 750 square feet of accessory building to permit 864 square feet, with condition of no commercial activity, finding there are other buildings in the area of comparable size or larger, and finding the increase in size is fairly insignificant, on the following described property:

Lot 11, Block 4, Valley View Estates, Tulsa County, State of Oklahoma.

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Case No. 2029

Action Requested:

Variance of 40' rear yard setback to permit new dwelling. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6, located 13573 E. 170th St. S.

Presentation:

Sid Summers, 12310 S. 88th E. Ave., Bixby, Oklahoma, stated he is the contractor. The owner wants to get his house back further from the road. It is in a 100 year subdivision that did not develop well. The variance would be an interim action until the property is totally paid for and he vacates the plat. An aerial and map (Exhibit C-1) was provided.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of 40' rear yard setback to permit new dwelling, finding the hardship is that this action is in the interim until the plat can be vacated, on the following described property:

Lots 13-15, Block 24, Wealaka, Tulsa County, State of Oklahoma.

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Case No. 2030

Action Requested:

Variance of lot width from 150' to 138.86' to permit a lot split. (Lot split was by execution of judicial ruling.) SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, NE/c Weaver Rd. & S. 149th W. Ave.

Presentation:

Everett Rudluff, 4903 S 149th W. Ave., Sand Springs, Oklahoma, stated the relief requested to obtain a building permit. When previous owner died the 100 plus acres was divided up to the family. One deed had three legal descriptions and now they need to have it straightened out to make three separate deeds for tax purposes.

Carolyn Rudluff, 4903 S. 149th W. Ave., explained that the court approved a deed that included three separate legal descriptions, and shorted her some of her property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of lot width from 150' to 138.86' to permit a lot split, finding the hardship is the judicial ruling that created a lot 11.14' short of required lot size, on the following described property:

S/2 S/2 NE/4 SE/4 AND the W 160.00' of the SE/4 SE/4 and the N 440.13' of the SE/4 SE/4, less the W 480.00' thereof and the S/2 S/2 NE/4 SE/4 less the N 161.15' of the S 191.15' of Section 29, T-19-N, R-11-E, less and except the W 30.00' and the S 30.00' of the W 480.00' of the S/2 S/2 NE/4 SE/4 for roadway purposes, Tulsa County, State of Oklahoma.

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Case No. 2031

Action Requested:

Variance of the average lot width in an AG-R district from 150' to 142.6'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of the land area from 1.1 to .98 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of lot area from 1.0 acre to .88 acre for lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 4529 S. 208th W. Ave.

Presentation:

Andrea Fisher, 4913 W. 5th St., stated that because of the location of the house she needs a lot split.

Ray Burk, 4529 S. 208th W. Ave., stated he owns the property and he wants to give his daughter a place to put a mobile home. He lives in the existing house.

A letter from the City of Sand Springs was provided (Exhibit E-1).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of the average lot width in an AG-R district from 150' to 142.6'; a **Variance** of the land area from 1.1 to .98 acres; and a **Variance** of lot area from 1.0 acre to .88 acre for lot split, finding the hardship to be the location of the existing house, on the following described property:

Part of Tract 13, Don Donna Acres, Beg. 635' E and 52.26' N of SW/c, NW, thence E 300' N 304' W 300' S 304' to POB, less W 30' for right-of-way, Section 26, T-19-N, R-10-E, Tulsa County, State of Oklahoma

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Case No. 2032

Action Requested:

Variance of 30' street frontage requirement down to zero for lot split purposes. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located SW/c 75th E. Ave. & 126th St. N.

Presentation:

Mike Marrara, 9936 E. 55th Pl., stated he is with White Surveying Co. They have a client that wants to obtain a lot split of a five acre tract into two equal tracts. This would cause proposed tract one to have street frontage on N. 75th E. Ave., which is

not a publicly maintained street. They did not want to create a panhandle that would cut tract one from the existing access easement, and place an undue share of the maintenance on proposed tract two. There are about six tracts of two and one-half acres south of this that have access by the same private road. A revised site plan was provided (Exhibit D-1).

Interested Parties:

Pat Clardy, 2637 W. El Paso, Broken Arrow, Oklahoma, expressed her concern that this action would decrease the value of her property.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of 30' street frontage requirement down to zero for lot split purposes, subject to an easement, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan,

The N/2 E/2 W/2 of Gvmt. Lot 2, Section 2, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

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Case No. 2033

Action Requested:

Variance of 5 acre requirement for a mobile home park to 1.09 and 0.98. SECTION 430.2. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RMH District – Use Unit 6 and 9; and a Variance of setback from centerline of street of 30' to 26.3'. SECTION 280. STRUCTURE SETBACK FROM ABUTTING STREETS, located 10811 E. 136th Pl. N.

Presentation:

Mike Marrara, 9936 E. 55th Pl., stated this is not a mobile home development. The owner wants to split the property with the house on one lot and two mobile homes on the other lot. A letter from the County Engineer was provided (Exhibit F-1).

Interested Parties:

Robert Benford, 13711 N. 109th W. Ave., stated the subject property has been up for sale two or three times. When he considered buying the property it was presented to him as a mobile home park with five mobile home lots, which would produce revenue. There have been mobile homes moved in and out of the property. Mr. Alberty asked him if it would satisfy him to know that no other mobile homes are going to be brought onto the property. He would be satisfied.

Randy Wilkins, 13619 N. 109th W. Ave., stated it is an eyesore with trash all around. He would protest more mobile homes and such poor conditions again.

James Rainer, 10811 E. 136th Pl. N., stated he is buying the property from his father. The lender requires that the mobile just north of the house be removed. The house will remain. The two existing mobile homes on proposed tract two will remain, and the area will be cleaned up. The existing porch will be removed. He plans to have these changes made in the next thirty days.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of 5 acre requirement for a mobile home park to 1.09 and 0.98, the hardship is that it is not functioning as a mobile home park; and a **Variance** of setback from centerline of street of 30' to 26.3', with condition if the County decided to build a roadway the trailer would be removed from the right-of-way, and Tract 2 will have no more than the two existing mobile homes, as presented, the maximum number of dwellings on the total tract will be three, Tract 1 having the one existing home; and property cleaned up in 30 days, finding it will not 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:

Block 19, Industrial Heights Addition, Tulsa County, State of Oklahoma.

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Case No. 2034

Action Requested:

Variance of the allowable floor area for an accessory building from 750 square feet to 1,200 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6; located 2227 S. 63rd W. Ave.

Presentation:

Bobby Trolinger, 2227 S. 63rd W. Ave., proposes to build a storage building a little larger than allowed by the code, for personal storage of two vehicles, tools and other personal items. He stated there are several buildings in the area that are much larger than the one he proposes. He submitted photographs (Exhibit G-1) to show those buildings. He removed an old garage and a storage building.

Comments and Questions:

Mr. Dillard asked if any utilities would be hooked up to the building. Mr. Trolinger replied there would not be any plumbing, just electricity. Mr. Alberty asked if there would be any commercial activities to which the applicant replied there would not.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of the allowable floor area for an accessory building from 750 square feet to 1,200 square feet, finding there are several such buildings in the neighborhood, on the following described property:

S 100.00' Lots 5 and 6, Block 5, West Tulsa View Acres, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:01 p.m.

Date approved: _____

Chair