

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 279  
Tuesday, August 19, 2003, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

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

Tyndall	Alberty, Chair	Butler	West, Co. Inspector
Dillard, Secretary		Beach	
Walker, Vice Chair			
Hutson			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, August 13, 2003 at 2:33 p.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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**Case No. 2056**

**Action Requested:**

Special Exception under Section 310. Table 1, to permit dredging and removal and processing of sand, gravel and soil, and mineral processing under Use Unit 24. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24, located E side S 129<sup>th</sup> E. Ave. ¼-½ mile S E.141<sup>st</sup> St.

**Presented:**

Mr. Beach stated the applicant asked for a continuance to September 16, 2003.

**Charles E. Norman**, 2900 Mid-Continent Tower, stated the property is located in the fence line of Broken Arrow. By policy, when a case is within the fence line of another town, it is referred to their city board. The City of Broken Arrow has questions about the application and will hear the case on September 8, 2003.

**Board Action:**

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard and Hutson "aye"; no "nays"; no "abstentions"; Alberty "absent") to **CONTINUE** Case No. 2056 to the meeting on September 16, 2003, regarding the following described property:

Beg. at the SW/c NW/4 NW/4 of Section 16, T-17-N, R-14-E, and extending E 1,320.00', thence S a distance of 1,312.00' thence W a distance of 240.00'

extending N 1° E of true N a distance of 1,122.00', extending W a distance of 1,105.00', thence N a distance of 190.00' to the POB; AND Beg. at a point 1,085.00' E of the SW/c NW/4 of Section 16, T-17-N, R-14-E, thence 33.00' S along a line running 1° W of true S, extending W on a line 1° N of W a distance of 550.00' thence due S 1,290.00' thence E a distance of 1,845.00' to a point in the Arkansas River, then extending northward 1,300.00' along a line 30° E of north to a point in the Arkansas River, then extending northward 190.00' along a line 20° E of N to a point in the Arkansas River, thence 2,000.00' W to the POB; AND Beg. at a point 970.00' E of the SW/c of Section 16, T-17-N, R-14-E, thence E a distance of 1,110.00' to a point in the Arkansas River, then extending northward 1,350.00' along a line 13° E of N to a point in the Arkansas River, thence W a distance of 1,045.00' to a point on the W bank of the Arkansas River, then S a distance of 1,368.00' along a line running 15° W of S to the POB, Tulsa County, State of Oklahoma.

The Board members had a brief discussion with the interested parties to inform them about the City of Broken Arrow meeting.

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**MINUTES**

On **MOTION** of **Dillard**, the Board voted 3-0-1 (Walker, Tyndall, Dillard, "aye"; no "nays"; Hutson "abstained"; Alberty "absent") to **APPROVE** the Minutes of July 15, 2003 (No. 278).

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**UNFINISHED BUSINESS**

**Case No. 2046**

**Action Requested:**

Special Exception to modify a previously approved condition to extend time limit from two years to five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 524 N. 49<sup>th</sup> W. Ave.

**Presentation:**

The applicant was not present. The Board tabled the case until later on the agenda.

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**Case No. 2052**

**Action Requested:**

Variance of allowable accessory building in an RS zoned district from 750 square feet to 3,600 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions, located 2828 S. 49<sup>th</sup> W. Ave.

**Presentation:**

**Ted Cole**, 2828 S. 49<sup>th</sup> W. Ave., proposed to build a 40'x 60' pole barn for an arts and crafts studio, hobby collections, and personal storage. The property is 1.2 acres. He submitted a site plan and letters of support (Exhibits A-1, A-3). There will be electricity but no plumbing or living quarters. They have another shop 30' x 40' for repairing their own cars. The arts and crafts would not be for sale. They plan to finish the building with siding and shingles.

**Interested Parties:**

**Tom Willeby**, P.O. Box 451538, Grove, Oklahoma, stated the size of the proposed building is out of scale with the rest of the neighborhood. He submitted photographs of existing structures in the neighborhood (Exhibits A-2).

**Applicant's Rebuttal:**

Mr. Cole mentioned they have a 1200 square foot building existing on the property. They hired someone to build the new building and thought they could use an old building permit. When they discovered they needed a new permit they also made application to the Board of Adjustment for a variance of the size. Mr. Hutson asked for the hardship. Mr. Cole could not give a hardship regarding the land. Mr. Beach explained to the applicant what an acceptable hardship would be. Mr. Cole submitted photographs of surrounding properties (Exhibit A-4). He felt this project would be an improvement to the neighborhood.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 3-1-0 (Walker, Tyndall, Hutson "aye"; Dillard "nay"; no "abstentions"; Alberty "absent") to **DENY** a **Variance** of allowable accessory building in an RS zoned district from 750 square feet to 3,600 square feet, finding lack of a hardship, on the following described property:

The N 212.00' of the E 212.00' to the S 3 acres, E/2 NE/4 SE/4 SE/4 of Section 17, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 2055**

**Action Requested:**

Variance of required 40' rear yard to 6' to permit an accessory building. SECTION 320.2.A.2. ACCESSORY USES IN AGRICULTURAL DISTRICTS, Accessory Use Conditions, located 8429 E. 116<sup>th</sup> St. N.

**Presentation:**

**Raymond Willie**, 8429 E. 116<sup>th</sup> St., proposed to build a storage building for farm equipment, motor home and personal belongings. He stated the dimensions of the building would be 42' x 60 with a 20' x 60' extension on one end. He submitted a site plan and photographs (Exhibits B-1, B-2). He added that he has his own business and has a lot of equipment to place in it. Mr. Willie stated he has a 20' x 22' well house and another outbuilding about 20 years old.

**Comments and Questions:**

Mr. Walker asked for a hardship. He pointed out the location of the lateral lines, which take up a large area of the property.

**Interested Parties:**

**Sue Pickett**, 8500 E. 116<sup>th</sup> St. N., stated they live across the road and they have no objections. She pointed out it is pasture land.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Dillard "aye"; no "nays"; no "abstentions"; Alberty "absent") to **APPROVE** a **Variance** of required 40' rear yard to 6' to permit an accessory building, finding a pond and lateral lines restrict the area for building the new structure, on the following described property:

Part of the S/2 SE/4 SW/4 SW/4 of Section 1, T-21-N, R-13-E of the IBM, being more particularly described as follows, to-wit: Beg. at a point 660.97' and on the Section line, N 89°47' E of the SW/c of said Section 1; thence N 0°13'07" E a distance of 331.28' to a point; thence N 89°47'29" E a distance of 660.88' to a point; thence S 0°12'14" W a distance of 331.19' to a point on the S Section line; thence S 89°47' W a distance of 660.97' to the POB; AND the N/2 of the SE/4 SW/4 SW/4 of Section 1, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 2057**

**Action Requested:**

Variance of required lot area from 2 acres to 1.13. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; and a Variance of land area per dwelling unit from 2.1 to 1.13. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 16235 N. Peoria.

**Presentation:**

**Carlene M. Kaun**, 16235 N. Peoria, stated she has a house with 1820 square feet on the property. She proposed to create a smaller tract size that she could maintain.

**Interested Parties:**

**Lon Wise**, 16239 N. Peoria, informed the Board that when they bought the subject property, they were only allowed to buy residences with five acre tracts, and they bought the second tract of four acres. It is all in the same fence line. He submitted a site plan (Exhibit C-1).

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson “aye”; no “nays”; no “abstentions”; Alberty “absent”) to **APPROVE** a **Variance** of required lot area from 2 acres to 1.13; and a **Variance** of land area per dwelling unit from 2.1 to 1.13, finding the hardship to be the utility pipelines, on the following described property:

The W 725.50’ of the S 300.00’ of the S/2 N/2 SW/4 NW/4 of Section 18, T-22-N, R-13-E of the IBM; AND The S/2 N/2 SW/4 NW/4, less and except the W 725.50’ of the S 300.00’ thereof, in Section 18, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 2058**

**Action Requested:**

Variance of required frontage from 30’ to 0’ in an RS district to permit a lot split and existing tract. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 5292 W. 29<sup>th</sup> St.

**Presentation:**

**Michael D. Akin**, 5292 W. 29<sup>th</sup> St., stated they desire to split off an acre from a 7.9 acre tract. They propose to build a 50’ access easement to the corner of 29<sup>th</sup> Street and 53<sup>rd</sup> W. Ave., to access the one acre. They plan to put a home on the one acre, which is on a hill. He stated the hardship is the 6:1 slope except for the northern 330’ where it is a 1:11 slope.

**Comments and Questions:**

Mr. Walker asked if the current access was across a neighboring property. Mr. Akin replied they have a temporary building permit for the mobile home on the west side in Tract 3. The one story frame dwelling was probably built in the early 1900. They plan to remove it when his grandmother no longer needs it. He also has a grandmother living in the house on Tract 4. The proposed house would not be visible from the streets, or the neighbors on all four sides.

**Interested Parties:**

**Tom Willeby**, P.O. Box 451538, Grove, Oklahoma, stated he owns property adjacent to the subject property. He is in support and considers it an improvement to the area.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Hutson “aye”; no “nays”; no “abstentions”; Alberty “absent”) to **APPROVE** a **Variance** of required frontage from 30’ to 0’ in an RS district to permit a lot split and existing tract, finding the topography to be the hardship, on the following described property:

The SE/4 NW/4 SE/4 SE/4 and the E/2 SW/4 SE/4 SE/4 of Section 17, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 2059**

**Action Requested:**

Variance of the allowable 750 square feet for accessory building to 1,200 square feet. SECTION 240.2. YARDS, Permitted Yard Obstructions, located 5005 W. Brady.

**Presentation:**

**Andrew Ellwood**, 5005 W. Brady, proposed to build a 40’ x 30’ x 10’ garage. He submitted photographs of the property (Exhibits D-2). He has a shed, which he plans to tear down after he builds the garage. He reviewed the property and found that in two different areas he could not build because of the lateral lines. A site plans was provided (Exhibit D-1).

**Comments and Questions:**

Mr. Beach noted that it is an oversized lot.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Hutson “aye”; no “nays”; no “abstentions”; Alberty “absent”) to **APPROVE** a **Variance** of the allowable 750 square feet for accessory building to 1,200 square feet, subject to tearing down the existing shed after the new building is constructed, finding the lateral lines constrict the space in which to build, on the following described property:

Beg. 345.91 S and 330.35’ W NE/c SE NE; thence S 233.57’ NW 201.28’ N 150.60’ SE 170.79’ POB, 5-19-12, Tulsa County, State of Oklahoma.

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**Case No. 2046**

**Action Requested:**

Special Exception to modify a previously approved condition to extend time limit from two years to five years. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 524 N. 49<sup>th</sup> W. Ave.

**Presentation:**

The applicant did not arrive for presentation.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Dillard, Tyndall, Hutson “aye”; no “nays”; no “abstentions”; Alberty “absent”) to **DENY** without prejudice, on the following described property:

A certain tract of land located in Lot 1 of Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 24.75' S and 1,200' E of the NW/c of Lot 1, in Section 5, T-19-N, R-12-E; thence S and parallel with the W line of Lot 1, a distance of 320.00' to a point; thence E and parallel with the N line of Lot 1, a distance of 98.4' to a point, said point being 24.75' W of the E line of Lot 1; thence N and parallel with the E line of Lot 1, a distance of 330.00' to a point, said point being 24.75' W and 24.75' S of the NE/c of Lot 1; thence W and parallel with the N line of Lot 1, a distance of 99.25' to the POB.

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There being no further business, the meeting was adjourned at 2:49 p.m.

Date approved: \_\_\_\_\_

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Chair