

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 283  
Tuesday, December 16, 2003, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

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

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, December 11, 2003 at 10:38 a.m., as well as in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Chair pro-tem Hutson called the meeting to order at 1:30 p.m.

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 2078**

**Action Requested:**

Special Exception to permit a single-family dwelling in a CG district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located: 8141 East 171<sup>st</sup> Street South.

**Presentation:**

Mr. Beach informed the Board that this property was found to be in the Bixby City Limits. The Board has no jurisdiction there. The case has been withdrawn. He added that staff recommends a full refund except for a newspaper notice. He suggested they might want to consider the refund at that time.

**Board Action:**

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Hutson, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Walker "absent") to **APPROVE** the recommended \$295.00 refund, regarding the following described property:

Beg. 417.42' E of the SW/c SW/4, thence N 263.39', thence E 122.40', thence S 263.39', thence W 122.40' to POB, less S 50.00' for road, Section 25, T-17-N, R-13-E, Tulsa County, State of Oklahoma.

**Case No. 2077**

**Action Requested:**

Special Exception to permit two dwelling units per lot of record in an AG-R district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Special Exception to permit a single-wide mobile home in an AG-R district of 2.5 acres. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 9, located: 11915 North 93<sup>rd</sup> East Avenue.

**Presentation:**

Mr. Beach advised the Board that the zoning code regarding the permit for two dwelling units per lot requires a variance not a special exception. He explained to the applicant that a variance requires more notice than a special exception.

**Connie Martin**, spoke up for the applicant, stating they made application by the instructions from INCOG and the Building Inspector’s Office. She added they did not know anything about this error. She asked the Board if there was any way to present the case today as it was difficult for them to attend this meeting.

Mr. Alberty suggested that the Board could hear the applicant’s presentation, though technically the variance cannot be acted on at this time. The Board agreed to hear the presentation in the order of the agenda.

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**MINUTES**

On **MOTION** of **Tyndall**, the Board voted 3-0-1 (Tyndall, Dillard, Hutson, "aye"; no "nays"; Charney "abstained"; Walker "absent") to **APPROVE** the Minutes of November 18, 2003 (No. 283).

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**NEW APPLICATIONS**

**Case No. 2075**

**Action Requested:**

Variance of the required 30’ frontage on a public street or right-of-way to 0’. SECTION 207. STREET FRONTAGE REQUIRED, located: 2204 S. 65<sup>th</sup> W. Ave.

**Presentation:**

**Gerry G. Thames**, 2202 S. 65<sup>th</sup> W. Ave., submitted photographs (Exhibit A-2). He explained to the Board they want to split the property evenly between him and his brother. He pointed out an elevation change that causes drainage from Chandler Park down to his property. Mr. Thames stated the hardship is the topography and drainage.

**Comments and Questions:**

Mr. Charney asked if there was any dispute among the family regarding this application. Mr. Thames replied they were in agreement.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Charney**, the Board voted 4-0-0 (Hutson, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 30' frontage on a public street or right-of-way to 0', with condition for an easement on southerly boundary of Tract C, conditioned upon the applicant obtaining an easement along the boundary of Tract C to provide access to his property, 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:

The S 128.92' of the N 256.92' excepting the Ely 10' of the following described property: the E/2 W/2 SE/4 NE/4 NE/4 and the E/2 SE/4 NE/4 NE/4, Section 18, T-19-N, R-12-E of the IBM, less and except the S 176.00' thereof; AND the N 128.92' of the S 228.92' excepting the Ely 10' of the following described property: the E/2 W/2 SE/4 NE/4 NE/4 and the E/2 SE/4 NE/4 NE/4, Section 18, T-19-N, R-12E of the IBM, Tulsa County, State of Oklahoma, less and except the S 176.00' thereof.

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**Case No. 2076**

**Action Requested:**

Variance of rear yard setback from required 20' to 5'; and a Variance to permit a detached accessory building in the required front yard, located: 6418 West Edison Street.

**Presentation:**

**Darrell Jones**, 6418 W. Edison, stated they discovered his house encroaches on the neighboring lot. He needs to clear the deed to sell his property. He has tried to buy that part of the other lot and allow for a five-foot clearance. The house was built in 1962.

**Jim Eaton**, 1901 N. 13<sup>th</sup> St., Broken Arrow, Oklahoma, stated he is the realtor. He offered to answer any questions the Board might have.

**Comments and Questions:**

Mr. Tyndall asked if there were any utilities running through that part of the property. Mr. Jones replied there are not any utilities there. Mr. Dillard asked if Mr.

Jones bought title insurance. Mr. Jones responded he has not been able to show proof of title insurance.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Tyndall**, the Board voted 4-0-0 (Hutson, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of rear yard setback from required 20' to 5'; and a Variance to permit a detached accessory building in the required front yard, 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:

Part of Lot 4, in Section 5, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, and being more particularly described as follow, to-wit: Beg. at the NW/c of Lot 4 and running S along the eastern most extremities of N 65<sup>th</sup> W. Ave. for a distance of 142.00'; thence E for 153.00'; thence N 142.00'; thence W on and along the Tulsa-Osage County line for 153.00' to the POB; And Beg. 142.00' S NW/c Lot 4 S 142.45' E 454.45' to Wly line N Sand Springs Road; thence Nly 352.45' W 493.00' S 142.00' W 153.00' POB, less Beg. 284.45' S and 264.25' E of NW/c Lot 4; thence NE 111.07' E 224.69' Sly 126.59' W 190.20' POB, Section 5, T-19-N, R-12-E.

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**Case No. 2077**

**Action Requested:**

Special Exception to permit two dwelling units per lot of record in an AG-R district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Special Exception to permit a single-wide mobile home in an AG-R district of 2.5 acres. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 9, located: 11915 North 93<sup>rd</sup> East Avenue.

**Presentation:**

**Connie Martin**, 11881 N. 93<sup>rd</sup> E. Ave., Collinsville, Oklahoma, stated they want to place a single-wide mobile home on her property for her grandmother for as long as she needs it. She submitted photographs and a petition of support (Exhibit B-3 and B-2). A site plan was provided (Exhibit B-1).

**Comments and Questions:**

Mr. Hutson asked if the home is already on the property. Ms. Martin stated it is on the property, and it was approved and connected to City of Owasso Water. Mr. Charney asked if the electric would be on a separate hook-up. Mr. Charney asked where the neighbors live that signed the petition. Ms. Martin informed him of the location of their properties.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 4-0-0 (Hutson, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an AG-R district of 2.5 acres, finding it 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; and **CONTINUE** to the meeting on January 13, 2003 for a variance to permit two dwelling units on one lot of record, on the following described property:

Tract 1, S 240.00' W 469.03' E 1,130.00' N/2 SE, Section 1, T-21-N, R-13-E, Tulsa County, State of Oklahoma.

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**Case No. 2079**

**Action Requested:**

Special Exception to allow a manufactured single-wide home in a RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located: 4993 South 63<sup>rd</sup> West Avenue.

**Presentation:**

**Sharon Daniels**, P.O. Box 979, Oakhurst, Oklahoma, stated she is the owner of the property. They propose to move a single-wide mobile home there for her daughter and son-in-law. She submitted a petition in support and photographs (Exhibits C-1 and C-2). There is one barn on the property.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 4-0-0 (Hutson, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a manufactured single-wide home in a RS zoned district, with conditions: for building permit, Department of Environmental Quality approval, and skirting; finding it 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,

Lot 8, Block 2, John Hale, Tulsa County, State of Oklahoma.

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**Case No. 2067**

**Action Requested:**

Request for refund.

**Presentation:**

Mr. Beach informed the Board that the application was processed fully before the applicant withdrew. Staff recommended a \$25.00 refund.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 4-0-0 (Hutson, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the recommended refund of \$25.00.

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**Assistant District Attorney, David Iske**, presented an explanation of the Court Decision regarding an appeal of a previous CBOA Case No. 1909.

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There being no further business, the meeting was adjourned at 2:32 p.m.

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

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Chair