

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 302
Tuesday, July 19, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair
Hutson, Vice Chair
Dillard, Secretary
Tyndall
Charney

Alberty
Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, July 14, 2005 at 3:36 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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MINUTES

On **MOTION** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of June 21, 2005 (No. 301).

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Case No. 2161

Action Requested:

Variance of the maximum square footage allowable for accessory buildings in an RS district (Section 240.2.E), located: 7105 West 1st Street South.

Presentation:

The applicant was not present. The Chair stated the case would be heard later on the agenda if the applicant arrived.

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Case No. 2166

Action Requested:

A Variance of the required 30 foot minimum frontage on a public street or dedicated right-of-way to 0 feet to allow access by a private easement (Section 207), located: 2012 East 207th Street South.

Presentation:

Lou Reynolds, 2727 East 21st Street, requested to continue to next month. The parties that met worked very hard to work out an easement with maintenance provisions. He just received it on arrival and has not had an opportunity to review it thoroughly. The marital status was not shown in execution and that could lead to problems.

Interested Parties:

Nancy Batt, HC63 Box 196, Eufala, Oklahoma, was opposed to a continuance. She was not opposed to the application. She expressed how her case, CBOA Case No. 2167) was related to this case and she could not afford to have the cases continued.

Comments and Questions:

Mr. Charney explained to Ms. Batt that it is commendable that all parties came to an agreement on the mutual access easement and worked so hard to document it. He stated there were some technical issues that could impair title to all the properties involved, and that the mutual access easement would have to be fine-tuned before being submitted.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 2166 to the meeting on August 16, 2005, on the following described property:

NE SW & NW SE & NE SE LESS E886.69 THEREOF SEC 1516 12 93.130ACS,
Tulsa County, State of Oklahoma

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Case No. 2167

Action Requested:

A Variance of the required 30 ft. minimum frontage on a public street or dedicated right-of-way to 0 ft. (Section 207)

Presentation:

The applicant was present. This case would be affected by the Board decision on Case No. 2166.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 2167 to the meeting on August 16, 2005, on the following described property:

N 663.0' of E 920.0' of N 40 ac of E/2 SW/4 & tract described as NW/4 SE/4 & portion of NE/4 SE/4 W of LN described as: BEG S LN NE/4 SE/4 pt N 89° 54' 28" W 886.69' frm SE crnr NE/4 SE/4; TH N 00° 37' 19" W to pt N LN of NE/4 SE/4 Sec 15, T 16 N, R 12 E of IB&M, Tulsa County, State of Oklahoma, & ing/egr esmnt to said prop 40' ROW, cntr described as: SE/4 Sec15, T16N, R12 E; TH N 89° 54' 39" W 512.53'; TH S 0° 37' 19" E 1297.28' to pt N LN S/2 SE/4 of Sec 15 & 25' ing/egr esmnt cntr ln described as: PT 20' S of NE crnr SE/4 of Sec15; TH N 89° 54' 39" W 512.53'; TH S 0° 37' 19" E 645.88' to POB; TH N 89° 54' 28" W 413.33' to pt E LN of above described trct.,Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 2165

Action Requested:

Use Variance to permit a welding shop (Use Unit 25) in an AG zoned district, located: 21902 West 8th Street.

Presentation:

Glenn Mayor, stated the address was changed from the one on the agenda to 913 South 221st West Avenue. He informed the Board he wanted to use his property for a welding shop. He submitted a site plan, photographs and a petition (Exhibits A-1, A-2 and A-3). He found the neighbors were in support. The shop is near a dead end and would not cause much traffic.

Comments and Questions:

In response to questions, Mr. Mayor replied that he has one employee on a part-time basis. He has one saw that causes some noise. There is a lot of highway noise already. The shop is 40' x 75'. He stated that 90% of his materials are going to be inside the shop. At that time he informed the Board he had materials in two semi-trailers on the property and some on the slab of a previous house. He added that he plans to clean it up and make the place look nice. He averages about four customers per week.

Mr. Alberty cautioned the Board that this type of use tends to grow and set a precedence for similar uses.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Charney**, the Board voted 4-1-0 (Walker, Tyndall, Hutson, Charney "aye"; Dillard "nay"; no "abstentions"; no "absences") to **APPROVE** a **Use Variance** to permit a welding shop (Use Unit 25) in an AG-zoned district, subject to conditions: no outside storage; all work inside building, no signage to advertise or direct customers to the business; limited to one employee; hours of operation limited to daytime hours; and approval limited to five years; per plan, finding the hardship to be it is located next to gas storage tanks and a busy highway, on the following described property:

BEG 440E NWC SE SW TH E220 S396 W220 N396 POB LESS .14AC TO U S A IN NEC SEC 3 19 10, Tulsa County, State of Oklahoma

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Case No. 2168

Action Requested:

Special exception to allow a church and accessory church uses in an RS district (Section 410), located: 4329 West 61st Street South.

Presentation:

Rome Pate, 3117 Bahama, Sand Springs, Oklahoma, proposed to build a 5,000 sq. ft. church with a 2,000 sq. ft. sanctuary. The land is vacant and they have cleaned up where people have dumped items.

Comments and Questions:

Mr. Walker informed Mr. Pate they would need a plat. Mr. Pate informed the Board the commercial property on the west is undeveloped and up for sale. The Board members advised him there are several reviews, regulations to follow, and this is just a first step in the process.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a church and accessory church uses in an RS district (Section 410), subject to a plat, as presented, on the following described property:

PRT SE SW BEG 3635W & 35N SECR SE TH W150 N335 E150 S335 POB TR 14 HOWARD TRACTS SEC 35 19 12 1.15ACS, Tulsa County, State of Oklahoma

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Case No. 2169

Action Requested:

Variance of the allowable size for an accessory building in an RS zoned district to permit a 1,280 sq. ft. building (240.2.E), located: 6621 West 51st Street South.

Presentation:

Les Reed, 11315 West 57th Place South, stated they are in the process of building a new home on the subject property. They proposed to build an accessory building, 32' x 40', behind the home with the same exterior materials.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable size for an accessory building in an RS zoned district to permit a 1,280 sq. ft. building (240.2.E), finding this is a large tract of property and by reason of this exceptional condition, which is peculiar to the land involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such exceptional conditions 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, on the following described property:

E 1/2 SW SE SE EXCEPT E 30 FOR RD SEC 30-19-12NORTH TANEHA, Tulsa County, State of Oklahoma

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Case No. 2170

Action Requested:

Variance of allowable size for an accessory building in an RS zoned district to permit a 1440 sq. ft. building (Section 240.2), located: 1805 East 56th Street North.

Presentation:

Ronald Evans, 47 Cedar Ridge Road, Broken Arrow, Oklahoma, proposed to build an accessory building to store a race car for the occupants of the house. He discussed the case with the neighbors and they did not find it objectionable.

Comments and Questions:

Mr. Tyndall asked if the building would be used for storage and not a shop. Mr. Evans replied they would work on the car. He added the building would not be used for a commercial shop.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of allowable size for an accessory building in an RS zoned district to permit a 1440 sq. ft. building (Section 240.2), with condition there are no commercial uses for third parties in this building, finding the lot size is four times the standard lot in the area, on the following described property:

BEG 50N & 107.8W SECR W/2 SW SE TH W TO R/W N UTICA PL TH N TO S LN CARR ADD E TO E LN W/2 SW SE S95 W107.8 S105 POB SEC 6 20 13 .635ACSCARR ADDN, Tulsa County, State of Oklahoma

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Case No. 2171

Action Requested:

Variance of average lot width from required 150 ft to 100 ft (Tract 1); a Variance of lot area from 2 acres to 0.57 acres (Tract 1, and 1.14 acres (Tract 2); and a Variance of land area from 2.1 acres to 0.57 acres (Tract 1) and 1.14 acres (Tract 2) for a Lot Split #19846, located: 8208 East 181st Street South and 8120 East 181st Street South.

Presentation:

Bryan Ketchum, 4521 East 181st Street South, stated his parents purchased 27 acres in 1972. He proposed a .57-acre tract to be permanently attached to a neighbor's property as well as a 1.14-acre tract to stand along East 181st Street South. He needed a lot-split to sell the properties.

Comments and Questions:

The applicant discussed the circumstances and measurements over a map of the property with the Board members. Mr. Ketchum explained that on Tract 2, when the land was purchased in 1972 there was a small house, and with an addition, it is about 2,300 sq. ft. It has a three-car garage and workshop. There is a two-inch white pipe fence around the perimeter of that property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of average lot width from required 150 ft to 100 ft (Tract 1); a **Variance** of lot area from 2 acres to 0.57 acres (Tract 1, and 1.14 acres (Tract 2); and a

Variance of land area from 2.1 acres to 0.57 acres (Tract 1) and 1.14 acres (Tract 2) for a Lot Split #19846, with condition that the 36' x 100' be combined, subject to the documented lot combination for Tract 1 and the Gilbert property, finding the configuration of the remaining tract lends itself to this division and was a defacto-lot-split many years ago by the uses, on the following described property:

W485 N930.5 NW NW LESS N250 W185 THEREOF & LESS N214 E100 W285 THEREOF SEC 1 16 13 8.81AC, PRT NW NW BEG 185E NWC NW TH S214 E100 N214 W100 POB SEC 1 16 13 .49ACS, Tulsa County, State of Oklahoma

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Case No. 2161

Action Requested:

Variance of the maximum square footage allowable for accessory buildings in an RS district (Section 240.2.E), located: 7105 West 1st Street South.

Presentation:

The applicant did not arrive.

Comments and Questions:

Mr. Cuthbertson explained this case is back before the Board because there was an advertising error. He added that the Board had approved similar requests.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the maximum square footage allowable for accessory buildings in an RS district (Section 240.2.E), finding the oversized lot, on the following described property:

N 1/2 LT 12 & W 20 S 1/2 LT 12 & N 1/2 LT 13 & E 1/2 S 1/2 LT 13 BLK 1, FARM COLONY SUB, TWIN CITIES, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 2:37 p.m.

Date approved: _____

Chair

