

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 306
Tuesday, November 15, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair	Dillard, Secretary	Butler	West, Co. Inspector
Charney, Vice Chair		Cuthbertson	
Tyndall			
Walker			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, November 9, 2005 at 2:04 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

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MINUTES

On **MOTION** of **Tyndall**, the Board voted 3-0-1 (Walker, Tyndall, Hutson "aye"; no "nays"; Charney "abstained"; Dillard "absent") to **APPROVE** the Minutes of October 18, 2005 (No. 305).

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NEW APPLICATIONS

Case No. 2180

Action Requested:

Variance of the required lot area in AG district from 2.0 acres to 1.92 acres (Section 330) and a variance of the required setback for an accessory building in an AG district from 40 feet to 6 feet (Section 330) for a lot split (19894), located: 12614 North 129th East Avenue.

Presentation:

Blake Tice, 12614 North 126th Street, Collinsville, Oklahoma, informed the Board that recently they bought the subject property. At that time it was a five-acre tract. When the County acquired the right-of-way it diminished the property to less than five acres. They proposed to split the land, which would leave a 2.0 acre western

tract and a 1.92 acre eastern tract. They planned to build a home on the western tract and they want to keep the barn if possible.

Comments and Questions:

In response to questions from the Board Mr. Tice stated the barn is 10' X 30'. **Melissa Tice** explained to the Board that when the County took the right-of-way it left them with 3.92 acres and that is the hardship.

Mr. Charney recused himself from this case.

Mr. Walker noted this request would not be out of character for the neighborhood. He considered it an area in transition. He expressed concern about the setback for the barn.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 3-0-1 (Walker, Tyndall, Hutson, "aye"; no "nays"; Charney "abstained"; Dillard "absent") to **APPROVE** a **Variance** of the required lot area in AG district from 2.0 acres to 1.92 acres (Section 330); and **DENY** a **Variance** of the required setback for an accessory building in an AG district from 40 feet to 6 feet (Section 330) for a lot split (19894), with condition that the barn be moved, finding it would not be out of character for the neighborhood and it appeared to be an area in transition, on the following described property:

S/2 SE SE SE LESS S50 THEREOF FOR RD & LESS E50 THEREOF FOR RD
SEC 32 22 14 3.921ACS, Tulsa County, State of Oklahoma

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Case No. 2181

Action Requested:

Variance of the maximum permitted square footage for an accessory building from 750 sq. ft. to 1200 sq. ft. (Section 240.2.E), located: 916 West 4th Street.

Presentation:

Marvin Gramm, 914 West 4th Street, submitted a plat (Exhibit A-1). He stated he built a pole barn without a permit. It was almost finished when he was informed of the need for a building permit. He asked for the variance to increase the square footage. He explained it would be used for personal storage and would be well-built with doors and guttering. Photographs were provided (Exhibit A-2).

Comments and Questions:

Mr. Charney considered the size of the property 33,585 square feet in comparison to the size of the building. Mr. Tyndall noted the highway behind the property and nothing could be built behind it.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Charney**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of the maximum permitted square footage for an accessory building from 750 sq. ft. to 1200 sq. ft. (Section 240.2.E), finding the proximity to Highway 51 and the large size of the lot, as requested, on the following described property:

PRT NW SE BEG 1160.1 E NWC SE TH S447.8 E75 N447.8 W75 POB SEC 10
19 11 .77AC,Tulsa County, State of Oklahoma

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Case No. 2182

Action Requested:

Special Exception to permit UU17 (Overnight Campground for Recreational Vehicles) in CS District (Section 710), located: at or near 21101 Block of West 8th Street South.

Presentation:

Troy Norris, 1520 Lakeside Ridge, Sand Springs, Oklahoma, introduced his partner **Ted Jenkins**, who was also present. He stated the property is 2.5 acres and he submitted a packet of information and a conceptual plan (Exhibits B-1 and B-2). He pointed out Highway 412 and the layout of the property. They proposed to have 36 lots with paved pads for the vehicles. They planned for septic systems, landscaping, and a fence with rock pillars at the entries. The DEQ has approved septic for 36 lots in this plan. Mr. Norris informed the Board that Mr. Dunlap, with the City of Sand Springs, gave him a verbal approval of the plan. They want a clean and spacious look with easy access. They expect to have a variety of customers, with many who are located here while on temporary jobs.

Comments and Questions:

Mr. Tyndall questioned the reason for having a graveled drive. Mr. Norris replied that the only benefit was to start with a temporary gravel drive and after the initial business expenses were paid he could afford to pave. Mr. Tyndall asked about the septic system. Mr. Norris replied there are three 1,000 gallon tanks and about 1,000 ft. of septic line per tank. They would have 36 lots with 10' X 40' slabs to park vehicles, and sod each lot with good grass. Mr. Hutson asked Mr. Norris

about maximum time limitations for the park customers. Mr. Norris preferred not to limit the duration of customer parking.

Interested Parties:

Larry Sellers, 20913 West 8th Street, Sand Springs, Oklahoma, expressed concern for the drainage that flows through the middle of the subject property like a river. He explained the soil is sandy and is easily displaced by the rain. He described the need to yearly replenish gravel.

Applicant's Rebuttal:

Mr. Norris responded that the 2.5 acres is almost flat with a slight decline in elevation from the rear to the front of the property. They plan to plant grass to decrease the possibility of erosion.

Ted Jenkins, 242 Hinton, Mannford, Oklahoma, stated they had a contractor take a look at the land for preventative measures. They were told they would not have a problem.

Comments and Questions:

Mr. Walker considered it an appropriate use. Mr. Charney suggested a review of the conveyance issue, as there might be more water flowing through than they realize. He indicated an engineering study for the effect of a hundred-year flood would be wise. Mr. Tyndall expressed concern for a gravel drive with that many units in the park.

Board Action:

On **Motion** of **Charney**, the Board voted 3-1-0 (Walker, Hutson, Charney "aye"; Tyndall "nay"; no "abstentions"; Dillard "absent") to **APPROVE** a **Special Exception** to permit UU17(Overnight Campground for Recreational Vehicles) in CS District (Section 710), with conditions: for all-weather surface of drives, all construction plans approved by the County engineer and the County Inspections Department, before permits are issued, as requested, 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, on the following described property:

W 284.28 FT OF TRACT BEING PRT NE/4 SE/4 SEC 3, T-19-N, R-10-E DESCRBD AS FOLLOWS: POB IS LOCATED BY TRAVERSING FROM E 1/4 CORNER OF SEC 3, S00° 13'04"E 875.00 FT ALONG E SEC LN OF SEC 3; TH S 89°24'28"W 385.00 FT TO POB TH FROM POB S 89°24'28"W 605.00 FT TH S 00°11'07"E 389.11 FT TO ACCESS ROAD R-O-W TH ALONG R-O-W N 89°24'07" E 233.50 FT TH ALONG CIRCULAR CURVE TO LEFT AN ARC DIS 267.15 FT; SAID CURVE HAS RADIUS OF 522.958 FT AND AN INTERNAL ANGLE OF 29°16'11"; TH N60°07'56"E 133.92 FT TH N 256.92 FT TO POB SEC 3 19 10 2.539ACS, Tulsa County, State of Oklahoma

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Case No. 2183

Action Requested:

Variance of the maximum permitted square footage for an Accessory Building from 750 sq ft to 1240 sq ft, located: 7286 West 42nd Street South.

Presentation:

Johnny Perkins, 7314 West 36th Street, stated he requested the variance for more square footage to store personal items, a boat, camper, and four-wheeler. He stated the hardship was that when they bought the property they had the understanding that they could build the 1240 sq. ft. accessory building. They cleared the property to build a home and storage building. They have a one-acre lot. He spoke with several of the neighbors and they were in support. He added there are other barns to the west. A site plan was provided (Exhibit C-2).

Interested Parties:

Don Maynard, 7134 West 42nd Street, stated had he no issues with the building as long as it is not used for commercial uses and no commercial vehicles are parked in or around the building. He suggested 12 ft. sidewalls rather than the 15 ft. planned. Mr. Hutson responded to him that a 14 ft. door is much better than a 12 ft. door for moving an RV.

Christy Lewis Andrew, 7176 West 42nd Street, expressed concern for a commercial use of the accessory building. They sent an email asking the applicant if the irrigation business was going to be moved into this building, but did not receive a reply (Exhibit C-1). She wanted some assurance that the building would be built in the style of the house.

Applicant's Rebuttal:

Mr. Perkins responded that he has a 6,000 square foot shop on 21st Street. He did not plan to use this accessory building for his business. He drives his company truck with his name on it and it will be parked at his home.

Board Action:

On **Motion of Charney**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of the maximum permitted square footage for an Accessory Building from 750 sq ft to 1240 sq ft., as requested, with conditions for no commercial use on the property and that the proposed building match the basic architectural styling of the dwelling as presented in the record, finding the lot being one acre in size would allow for a larger building, on the following described property:

LT 1 BLK 3STRATFORD ESTATES BLK 3, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 2:35 p.m.

Date approved: _____

Chair