

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 322
Tuesday, March 20, 2007, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, March 15, 2007 at 3:46 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of February 20, 2007(No. 321).

NEW APPLICATIONS

Case No. 2251

Action Requested:

Variance of the minimum lot area required in an AG district from 2 acres to .81 acres; a Variance of the minimum land area per dwelling unit required in an AG district from 2.1 acres to .81 acres; a Variance of the minimum average lot width required in an AG district from 150 ft. to 125 ft.; and a Variance of minimum street frontage in an AG district from 30 ft. to 0 ft.;to permit a lot split, located: 17777 East 171st Street

Presentation:

Marcus Durham, P.O. Box 33124, stated this application is for mortgage purposes. He emphasized the 320 ft. elevation on the property was a hardship and there was no public road. They proposed to build a home on a portion of 2.1 acres and did not want to obligate all 39 acres for the mortgage. He submitted photographs and other exhibits (Exhibits A-1 and A-2).

Comments and Questions:

Mr. Hutson asked more than once for an explanation of the reasons for the variances. Mr. Durham responded that in the 2.1 acres there is an 80 ft. elevation change and there is a road on the top and one at the bottom. They want to keep access to the public road. Mr. Walker responded that they could just give themselves an easement. Mr. Hutson found two of the variances to be unnecessary and added that they were creating a land locked piece of property. Mr. Hutson asked what they plan to do with the rest of the land. Mr. Durham replied they do not have plans for the rest of the property.

Interested Parties:

Dave Davis, 601 South Boulder, attorney, represented Mr. Durham. He stated this application does not create any disturbance to the area. He considered the hardship is the nature of the location, terrain and the current access to the property.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **DENY** Case No. 2251, finding a lack of hardship, on the following described property:

SW SW SEC 25-17-14, Tulsa County, State of Oklahoma

Case No. 2252

Action Requested:

Variance of the minimum Land Area per dwelling required in an AG district to permit a second dwelling on a 4 acre parcel (Section 330), located: 14301 East 136th Street North.

Presentation:

Carolyn Estep, 14301 East 136th Street North, proposed to build another house on the property.

Comments and Questions:

Mr. Hutson asked if they asked for this previously ten years ago. She replied they did not but it was the previous owner. They rent the existing house to a daughter.

Ms. Estep stated she works out of town a lot and stays in a 5th wheel trailer when she comes home. She added that it is not permanently parked there, but it is there most of the time. She stated there is a creek that runs in front of the property. Mr. Dillard stated the trailer needs to be parked on pavement for storage not living quarters. Mr. Tyndall noted some smaller lots in the area.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the minimum Land Area per dwelling required in an AG district to permit a second dwelling on a 4 acre parcel (Section 330), as requested, finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and finding the variance requested is minimal for the standards required; the creek that runs in the front of the property would make it difficult to comply with the strict interpretation of the code; with condition of approval for the RV to be stored on a suitable hard surface and not connected to permanent utilities for living purposes, on the following described property:

W346 E838.1 S516.6 SE SE LESS S16.5 THEREOF FOR RD SEC 28 22 14
Tulsa County, State of Oklahoma

Case No.2253

Action Requested:

Variance of the minimum frontage required from 30 ft. to 0 ft. to permit a residence in an AG district (Section 207), located: 14738 South 19th East Avenue.

Presentation:

Bill Frazier, 1424 Harris Drive, represented the applicants, Darren and Stacy Hasz. They proposed to build a 3,775 sq. ft. home. He submitted photographs, a petition and an easement of record (Exhibits B-1, B-2 and B-3). He stated that none of the neighbors opposed the application. He stated the record of easement was document #2007029513. He added this partial tract existed prior to 1980. He pointed out this is for there primary residence. There are fire hydrants available to the property and access for emergency vehicles.

Comments and Questions:

Mr. Walker asked for the size of the waterline.

Darren Hasz, 14738 South 19th East Avenue, stated the sellers placed 8" waterlines. Mr. Dillard asked the distance of the fireplugs from the property. Mr. Hasz stated one was 330 ft. and one is 80 ft.

Mr. Alberty was asked to comment on the case. He mentioned the first two cases were denied, as there was concern that it should be subdivided. Once an easement was filed of record as a private road, the County was held harmless of maintenance responsibilities. The owners would maintain the roadway easement. He stated that any further dividing of the lots would have to meet the subdivision regulations.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the minimum frontage required from 30 ft. to 0 ft. to permit a residence in an AG district (Section 207), as presented, with condition that no additional splitting of the property of any kind, without platting and following all subdivision regulations, on the following described property:

N/2 SW NW SE SEC 18 17 13 Tulsa County, State of Oklahoma

Case No. 2254

Action Requested:

Variance of the maximum permitted square footage for an accessory building in the RS district from 750 sq. ft. to 1,600 sq. ft. (Section 240.2.E), located: 5892 West 33rd Street South.

Presentation:

Larry Miller, 5892 West 33rd Street South, stated he built a house on four acres with plans for a garage/storage 30' x 40' building and a 10' x 40' side shed in the rear. He discovered this exceeds the maximum 750 sq. ft. accessory building permitted. He pointed out several accessory buildings of this size and larger in the neighborhood. He stated that to maintain this size of property he needs a tractor, mower, and other necessary tools. He needs the building to protect the equipment from the weather; provide security for his business and reduce the attractive nuisance factor for children.

Comments and Questions:

Mr. Tyndall asked if this was for storage of personal property only, not for any business use. Mr. Miller replied that was correct. Mr. Miller stated the garage is

too small for two cars. He has wood working tools that he would like to use in the building.

Interested Parties:

Frank Mason, 3315 South 61st West Avenue, stated the proposed building would be close to his property. He pointed out that the building would be near the size of his home and three other homes along his street. He added that he has not seen the plans for the building. He wanted to know the location and appearance. He stated he was not totally against the application, as he would like to build a shop behind his house in the future.

Applicant's Rebuttal:

Mr. Miller stated it would be a wood frame, metal building. He described it as white with a green roof like his home. He stated it would have a concrete foundation. It would have ten-foot sidewalls with a covered shed for the tractor with gravel floor.

Mr. Hutson commented on the larger land area and other similar size buildings in the neighborhood.

Board Action:

On **Motion of Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the maximum permitted square footage for an accessory building in the RS district from 750 sq. ft. to 1,600 sq. ft. (Section 240.2.E), as requested, finding it will not be a detriment to the neighborhood based on the land size, on the following described property:

LT 4 BLK 1 BERRYHILL ESTATES Tulsa County, State of Oklahoma

Case No. 2256

Action Requested:

Special Exception to permit antenna and supporting structures in an AG district (Section 310), located: 1458 East 106th Street North.

Presentation:

Joe Werlinger, 10614 Rockly Road, Houston, Texas, proposed to build two A.M. towers for an A.M. Radio Station they are moving to this area. They expect the FCC to grant permission in twenty days. The towers are 163 ft. each in height. They understand they would be in a flood zone so they obtained a hydrology report. They agree to comply with the hydrologist's recommendations and county requirements. They would raise their fences 18" off the ground. They would put an anti-climbing device on each tower. The tower would be considered hot with radio frequency running through it. They would not put lights on the towers. He

stated they would be willing to paint the towers if requested. They would plant grass after completion of the construction and maintain it. The transmitter building, 10' x 12', will be at the recommended flood height plus two feet as recommended by the County on concrete peers. If the towers cause any interference, the FCC requires they correct any of those problems with filters, within reason. The station will be 2,000 watts. Mr. Werlinger informed the Board that this kind of station cannot have collocation because of the power running through the tower structure.

Comments and Questions:

Mr. West stated that the County has received a copy of the hydrology report.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Special Exception to permit antenna and supporting structures in an AG district (Section 310), having considered the factors in Section 1204.3.C and E, find this application meets all of the requirements, as submitted, on the following described property:

N.1150' OF NW NW OR LT 1 SEC 18 21 13 Tulsa County, State of Oklahoma

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

Date approved: 4/17/07
David E. Charney
Chair