

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 327
Tuesday, August 21, 2007, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Dillard	Alberty	West, Co. Inspector
Hutson		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, August 16, 2007 at 9:42 a.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 Tyndall, the Board voted 3-0-0 (Tyndall, Hutson, "aye"; no "nays"; no "abstentions"; Dillard, Walker "absent") to **APPROVE** the Minutes of July 17, 2007 (No. 326).

UNFINISHED BUSINESS

Case No. 2274

Action Requested:

Special Exception to permit a manufactured home in an RS district (Section 410); Special Exception to permit an 8 ft. fence in the required front yard (Section 240.2.C); and a Use Variance to permit a residential accessory structure on a lot not containing the principal use, located: 5324 South 86th Avenue West.

Presentation:

Rocky Piotrowski, 5324 South 86th West Avenue, stated he placed a mobile home on the subject.

Mr. Walker arrived at 1:35 p.m.

He added he wants to construct an eight-foot fence for security and needs relief for a portable storage building. He informed the Board he has cleaned up the property and removed debris, a stick-built home and a mobile home. He pointed out there are numerous other single-wide mobile homes in the area. He submitted photographs (Exhibit A-1). When he applied for a building permit he was directed to go to the Board of Adjustment.

Comments and Questions:

Mr. Cuthbertson clarified that the Use Variance is to permit the 10' x 45' building on the northern lot. Mr. Charney asked how long that building has been on the property. Mr. Piotrowski replied that he moved it onto the property two or three months ago. Mr. Hutson commented that he would have two storage buildings basically side by side, 16 ft. apart. He responded to other questions, stating he does not currently live there. His father is planning to live there. He did not plan to conduct any business there. He needed personal storage space. His father has a wrecker service but does not conduct the business from his home. He is not licensed to store or impound any vehicles. Mr. Cuthbertson asked if the applicant owns the northern property. He stated if the lots were combined the Use Variance would not be necessary. Mr. Piotrowski stated that he and Jack Deramo own the two properties. Mr. Deramo owns the north lot and Mr. Piotrowski owns the south lot.

Interested Parties:

Carl Thompson, 8830 West 51st Street, stated he owns the property to the west of the subject property. He has a 1200 peach tree orchard. He described the neighborhood with very nice stick-built homes. He added there is a development of estate lots going in nearby also. Mr. Thompson described what he has seen on the subject property, including an eight-foot old board fence, and a multiple of vehicles going in there. There is a mobile home with an operating generator. It appears to be a salvage yard. He considers this inappropriate for the transition that is taking place in the neighborhood.

Comments and Questions:

In response to questions from the Board, Mr. Thompson did not want to say he objected to a mobile home but he did object to the look of a salvage yard. He agreed there has been a mobile home or two but all of the other homes he is familiar with are stick-built homes.

Interested Parties:

Culp Bend, 5114 ½ South 85th West Avenue, stated a wrecker has gone in and out of the property 102 times in the past 30 days. He pointed out they have a narrow residential street. He expressed concern about what they were putting behind the eight-foot fence. He stated sometimes the wrecker is hauling a vehicle. He noticed a man comes in every morning and leaves with the truck and brings it back at night. He submitted his record of wrecker use on the property (Exhibit A-2).

Peggy Camp, 5360 South 86th, stated she owns the property to the south of the subject property. She stated they obtained a permit for a single-wide mobile home on that property. She added there two others nearby, one of which is empty. She expressed concern for the fence and a wrecker going in and out.

Carol Knauss, 9220 West 51st Street, stated her property is not adjacent to the subject property but she has a good view of it from her home even over the fence.

Charles Aich, 5324 South 81st West Avenue, stated he is operating on a generator until he can get the utilities. He parks his wrecker there and stores his personal belongings in a truck. He had his home parked at the back of the property and it was vandalized and all of his property was stolen. He has downgraded his license for towing only. They will not store or impound any vehicles on the property. He stated his wrecker goes out every morning and returns in the evening. The other trucks will be emptied and removed when he obtains the relief from the zoning code. He assured the Board that all of his vehicles are tagged, insured and operable except for the Volkswagon that is inoperable. He stated that they want the fence because a tractor and a van were stolen and his home was vandalized.

Jeffery Deramo, 4942 Charles Page Boulevard, owner of the property to the north, stated the six-foot fence was constructed in 1980 or 1981. He added he has a 1950 pickup and a 1965 GMC, both were operable, but the radiators were stolen from both. He informed the Board he would move them. He informed the Board that he had a mobile home, which was vandalized and he removed it.

Nancy Thompson, 8830 West 51st Street, stated she was not aware of an eight-foot chain link fence.

Applicant's Rebuttal:

Mr. Piotrowski stated he was doing this to help his father because of his medical condition. He came to the Board to comply with the zoning code.

Mr. Cuthbertson reminded the Board that the eight-foot fence on the rear property line is allowed by right and it is not a part of the request. It is the fence in the required front yard that is at issue on both lots. Wreckers are not a permitted vehicle in an RS district. They cannot park a wrecker on the property, but a

wrecker can make visits. He added that all vehicles must be stored on pavement. He stated they cannot be dispatched from the property. He also mentioned all the buildings should have a permit and the shipping container must be moved behind the front yard property line.

Mr. Walker noted this is a mixed-use area. The property has a separate road and is separate from the new home development in progress. He was in support of a mobile home. Mr. Hutson and Mr. Charney were in agreement.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a Special Exception to permit a manufactured home in an RS district (Section 410), on the southern lot as described in the application, with conditions for skirting, tie-downs, DEQ approval, paved parking for vehicles; 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:

PRT SW NE BEG 660W NEC SW NE TH S90 E300 N90 W300POB SEC 36 19 11 0.62AC, BEG. 1130 N. SWC E 1/2 SW NE THE E. 300 N. 100 W.300 S 100 TO BEG. 36 19 11 .7 ACRES Tulsa County, State of Oklahoma

Mr. Charney asked for discussion on the eight-foot fence in the front yard. Mr. Tyndall indicated an eight-foot fence in the front yard would not be a deterrent to theft. Mr. Hutson agreed with him. Mr. Walker stated it does not lend to the residential character of the neighborhood.

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **DENY** a Special Exception to permit an 8 ft. fence in the required front yard (Section 240.2.C), finding it would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT SW NE BEG 660W NEC SW NE TH S90 E300 N90 W300POB SEC 36 19 11 0.62AC, BEG. 1130 N. SWC E 1/2 SW NE THE E. 300 N. 100 W.300 S 100 TO BEG. 36 19 11 .7 ACRES Tulsa County, State of Oklahoma

Mr. Charney asked for discussion on the Use Variance. Mr. Hutson stated the variance requires something unique to the property and he did not see anything unique. Mr. Walker noted that the hardship stated by the applicant was not a land use hardship.

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **DENY** a Use Variance to permit a residential accessory structure on a lot not containing the principal use,

finding it does not contain the principal use structure, on the following described property:

PRT SW NE BEG 660W NEC SW NE TH S90 E300 N90 W300POB SEC 36 19 11 0.62AC, BEG. 1130 N. SWC E 1/2 SW NE THE E. 300 N. 100 W.300 S 100 TO BEG. 36 19 11 .7 ACRES Tulsa County, State of Oklahoma

Mr. Walker stated that the Board found that a home-based wrecker service operating on this property. He added it is not allowed without a permit. The applicant would need to apply for approval to operate the business from this property.

NEW APPLICATIONS

Case No. 2276

Action Requested:

Special Exception to permit a fireworks stand in an CS district (Section 710) , located: 17407 West 9th Street South.

Presentation:

Mr. Charney announced the applicant asked for a continuance.

Board Action:

On **Motion** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **CONTINUE** Case No. 2276 to the meeting on September 18, 2007, on the following described property:

LT 4 BLK 3 WEKIWA HILLS, Tulsa County, State of Oklahoma

Case No. 2277

Action Requested:

Special Exception to permit a fireworks stand in the RMH district (Section 410) and a Variance of the paving requirement for a parking area (Section 1340.D), located: 13565 North Old US-169 Highway.

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **CONTINUE** Case No. 2277 to the meeting on September 18, 2007, on the following described property:

THAT PT SW NE NW LYING E OF HWY LESS S 460' SEC. 32-22-14 Tulsa County, State of Oklahoma

Case No. 2278

Action Requested:

Variance of the minimum frontage required on a public street from 30 ft. to 0 ft. (Section 207) to permit a residence, located: 16926 West 53rd Street South.

Presentation:

Howard Smith, 5106 North Key Point Drive, Sand Springs, stated he purchased thirty acres. There are two existing access streets, 33 ft. of ingress on one street, and seven ft. on the other. There are two residences off of 53rd Street. He submitted a letter from the fire department (Exhibit B-1), stating there would be no difficulty accessing the property.

Comments and Questions:

Mr. Charney asked if they had a legal, documented easement of access from a public road. Mr. Smith replied that they do, it is from 51st Street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a Variance of the minimum frontage required on a public street from 30 ft. to 0 ft. (Section 207) to permit a residence, finding this property being an otherwise land -locked property, not having a publicly dedicated road to it and existing prior to 1970; and no more than two dwelling units on the one thirty acre tract under application, on the following described property:

N/2 SE NW & SE SE NW SEC 31 19 11 30ACS OAK HAVEN ITulsa County, State of Oklahoma

Case No. 2280

Action Requested:

Variance to permit a second dwelling on an RS zoned lot (Section 206), located: 14318 East 58th Street North.

Presentation:

Carol Reeves, 14318 East 58th Street North, stated she wanted to obtain a lot-split for separation of the dwellings on individual lots. She pointed out there are two residents on the property across the street and other similar cases (Exhibit C-1).

Comments and Questions:

Mr. Charney confirmed there are 2.3 acres, plus right-of-way.

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 to permit a second dwelling on an RS zoned lot (Section 206), finding other lots with two dwelling units given the size of the property and not to allow the structure to be segregated on a lot of less than an acre, on the following described property:

BEG 656N 330.83W SECR SE TH N330 W330.83 S330 E330.83 POB LESS
N25 FOR RD SEC 4 20 14 2.317ACS Tulsa County, State of Oklahoma

OTHER BUSINESS

The Board decided they are not prepared to provide an interpretation at this time. They planned to continue with further research and discussion.

There being no further business, the meeting adjourned at 2:54 p.m.

Date approved: _____

9/18/07

David E. Charney
Chair

