

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 350  
Tuesday, July 21, 2009, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

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

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, July 15, 2009 at 12:20 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

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

\*\*\*\*\*

**MINUTES**

On **MOTION** of Walker, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** the Minutes of June 16, 2009 (No. 349).

\*\*\*\*\*

**UNFINISHED BUSINESS**

**Case No. 2333**

**Action Requested:**

Special Exception to permit a home occupation (indoor baseball practice facility) in an AG district (Section 310); and a Variance of the maximum 500 sq. ft. of floor area permitted for use as a home occupation in a detached accessory building (Section 440), located: 3105 Campbell Creek Road.

**Presentation:**

**Josh Rutledge**, 3105 Campbell Creek Road, proposed to build a metal accessory building, 80' x 100' with a 16' sidewall height. He planned to use it for his children

as an indoor practice facility and their ball teams. He planned to rent the facility to other teams during inclement weather, for indoor practice. The planned hours for this use would be Monday through Friday, 4:00 p.m. to 9:00 p.m.; Saturday 9:00 a.m. to 9:00 p.m.; and Sunday 1:00 p.m. to 5:00 p.m. He did not expect a lot of business. The Board members, staff, County Inspector and the applicant discussed the recreational use under Use Unit 20 by special exception versus home occupation and variance.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Walker**, the Board voted 3-1-0 (Walker, Tyndall, Dillard, "aye"; Hutson "nay"; no "abstentions"; Charney "absent") to **APPROVE** a Special Exception to permit a home occupation (indoor baseball practice facility) in an AG district (Section 310); and a Variance of the maximum 500 sq. ft. of floor area permitted for use as a home occupation to permit a 12,000 sq. ft. detached accessory building (Section 440), per plan as submitted, finding the size of the property and building, which is primarily for personal use; and the home occupation limits the use; finding the Special Exception 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/2 NE NE LESS N30 THEREOF SEC 22 19 10, Tulsa County, State of Oklahoma

\*\*\*\*\*

**NEW APPLICATIONS**

**Case No. 2334**

**Action Requested:**

Variance of the maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1,250 sq. ft. (Section 240.2.E), located: 16701 West 16<sup>th</sup> Street.

**Presentation:**

**Dustin Harris**, 16701 West 16<sup>th</sup> Street, stated the need to store cars, mower and other personal possessions. He does not have a garage. He informed the Board that he has the lots tied of record by a lot-combination approved by the TMAPC.

**Comments and Questions:**

Mr. Walker asked about the 12 ft. door and 14 ft. sidewalls fo the proposed building. Mr. Harris stated he might want to put storage in the upper part. He had a vehicle that was tall, but he sold it. Mr. Walker noted that the entire neighborhood has a low profile and this would be the tallest structure in the area.

He added that the property next door has no trees or anything to help screen it. Mr. Harris informed the Board that the property in the rear, slopes down toward the river. He stated the building would be placed on a lower elevation. Mr. Hutson asked if the proposed building was a wood frame structure. Mr. Harris replied that it was and in a pole barn style. Mr. Hutson noted the plan shows a composition roof. Mr. Harris stated that it will be a metal roof.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Dillard**, the Board voted 3-1-0 (Tyndall, Dillard, Hutson, "aye"; Walker "nay"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the maximum permitted floor area for a detached accessory buiding in an RS district from 750 sq. ft. to 1,250 sq. ft. (Section 240.2.E), as submitted having the lots tied and finding that no development will abut the proposed building on the north; and that the land area far exceeds the minimum land area for the zoning district; per the amended plan with a metal roof and proposed side walls, on the following described property:

LT 9 and LT 10, BLK 2,RIVER VALLEY ESTATES AMDTulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 2335**

**Action Requested:**

Special Exception to permit a home occupation (Machine shop) in an AG district (Section 320.1); a Variance of the maximum 500 sq. ft. for a home occupation (Section 440.B.7), located: 10903 East 166<sup>th</sup> Street North.

**Presentation:**

**Steve Stout**, 10903 East 166<sup>th</sup> Street North, Collinsville, Oklahoma, proposed a small machine shop, for he and his wife to work with no outside employees. They were familiar with the home occupation restrictions and will comply with all except the 500 square foot requirement.

**Comments and Questions:**

Mr. Walker asked how much square footage would be used for the machine shop. Mr. Stout replied only a small portion. He wants to use it for indoor ball practice with his children and use it for extended-family gatherings. Mr. Alberty asked if he could keep the machine shop confined to 500 sq. ft., and he replied that he could not. He would need room to store the materials also. They make parts for exercise equipment. He stated the machine shop operation would generate virtually no traffic.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Walker**, the Board voted 3-1-0 (Walker, Tyndall, Dillard "aye"; Hutson "nay"; no "abstentions"; Charney "absent") to **APPROVE** a Special Exception to permit a home occupation (Machine shop) in an AG district (Section 320.1); a Variance of the maximum 500 sq. ft. for a home occupation (Section 440.B.7), to permit the proposed 6,000 square foot building; finding the hardship is the size of the building and property; that it is primarily for personal use; finding the Special Exception 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:

BEG 1045.25W SECR S/2 SE TH N1302.5 NW26.48 W299.8 S1319.63 E320  
POB LESS S30 FOR RD SEC 7 22 14 9.47ACS, Tulsa County, State of  
Oklahoma

\* \* \* \* \*

**Case No. 2336**

**Action Requested:**

Variance of the land area per dwelling unit to permit 2 dwellings on one lot of record in an AG district (Section 330), located: 3325 South 57<sup>th</sup> Avenue West.

**Presentation:**

**Steven Arterberry**, 3325 South 57<sup>th</sup> West Avenue, requested the variance to have the existing mobile home on the property with another dwelling. They have 3.8 acres. He pointed out the smoke shop on the right-of-way of 57<sup>th</sup> Street. He stated there is a one-half acre property with two houses near his property; next door there is a house and mobile home; and a lot of undeveloped property around the area.

**Comments and Questions:**

Mr. Walker noted the smaller lots across the road. He added that the mobile home cannot be seen from the road. Mr. Walker stated there are mixed uses in the area.

**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, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the land area per dwelling unit to permit 2 dwellings on one lot of record in an AG district (Section 330), finding the hardship is other smaller lots in the immediate area; finding the Special Exception will be in harmony with the spirit and intent of

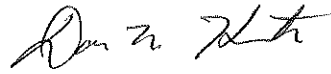
the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

W330 N475 SW NE LESS W50 FOR ST SEC 20 19 12 3.053ACS, Tulsa County, State of Oklahoma

\*\*\*\*\*

There being no further business, the meeting adjourned at 2:18 p.m.

Date approved: 8-18-09



Chair