

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 400
Tuesday, September 17, 2013, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
County Commission Room, Room 119
500 South Denver

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

| | | | |
|--------------------|--------------------|---------|----------------------|
| Osborne, Secretary | Charney, Chair | Miller | Rains, Co. Inspector |
| Dillard | Walker, Vice Chair | Bates | |
| Draper | | Sparger | |

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12th day of September, 2013 at 9:44 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Secretary Osborne called the meeting to order at 1:35 p.m.

MINUTES

The minutes were not approved at today's meeting because Mr. Osborne abstain from the vote due to his absence at last month's meeting, leaving only two Board members to vote. Without quorum the minutes are under an automatic continuation to the October 15, 2013 Board of Adjustment meeting.

Mr. Osborne explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Osborne asked the applicants if they understood and asked the applicants want they would like to do. Two applicants stated that they would like to continue their hearing until the October meeting and one applicant stated he would like to be heard today.

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

UNFINISHED BUSINESS

Case No. 2474—Melissa Torkelson

Action Requested:

Special Exception to allow a Firework's Stand (Use Unit 2) in an IM District for 5 years (Section 910, Table 1). **LOCATION:** 4500 West 21st Street South

Presentation:

Melissa Torkelson, 17516 West 8th Street, Sand Springs, OK; the applicant requested to have her case continued to the October 15, 2013 because she would like to have a full Board present.

Mr. Osborne stated that he would need to recuse himself on this case therefore, the case must be continued to October 15, 2013 due to lack of voting quorum.

Interested Parties:

Grady Beeson, 4340 South 47th West Avenue, Tulsa, OK; stated he on the Board of Directors for the Berryhill Fire District and he is not listed as a speaker in this case but he would like to ask the Board a question regarding fireworks stands. The subject fireworks stand sits in the Berryhill Fire District and he does not understand why Ms. Torkelson needs a Special Exception. There are several fireworks stands located in Berryhill so he would like to know if those fireworks stands are in the wrong.

Mr. Osborne stated in order have a fireworks stand in an IM District, which is industrial zoning, a Special Exception is required to be approved. If anyone would have questions regarding the regulations on a fireworks stand he suggests they call the County Inspector's office for clarification.

Comments and Questions:

None.

Board Action:

No Board action can be taken at this time on this case due to lack of voting quorum and will automatically be **CONTINUED** to the October 15, 2013 Board of Adjustment hearing; for the following property:

NE NW SEC 16 19 12 -LESS N 50, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

Case No. 2478—Sam & Tracy Patton

Action Requested:

Special Exception to allow a duplex use in an RS district (Section 410, Table 1);

Variance to allow a second dwelling structure on a lot of record (Section 208).

LOCATION: 3302 South 65th Avenue West

Presentation:

Sam Patton, 6621 West 51st Street, Tulsa, OK; the applicant requested to have his case continued to the October 15, 2013 because he would like to have a full Board present. Mr. Patton would like to have more time to speak to his neighbors in light of the petition copy he received today.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 3-0-0 (Dillard, Draper, Osborne “aye”; no “nays”; no “abstentions”; Charney, Walker “absent”) to **CONTINUE** the request for a Special Exception to allow a duplex use in an RS district (Section 410, Table 1); Variance to allow a second dwelling structure on a lot of record (Section 208) to the October 15, 2013 Board of Adjustment hearing; for the following property:

E 1/2 S 1/2 S 1/2 NE SE NE SEC 19-19-12, BERRY HILL ACRES, YEAROUT ACREAGE, OF TULSA COUNTY, STATE OF OKLAHOMA

2477—Amanda Marks

Action Requested:

Variance of the minimum frontage requirement of 30 feet on a public street or dedicated right-of-way to 0 feet (Section 207). **LOCATION:** 1923 West 4th Street, Sand Springs

Presentation:

Amanda Marks, 11470 Shell Creek Road, Sand Springs, OK; stated she and her husband found the 70 acres but before the purchase they made certain they could obtain an easement because it is landlocked. Mr. Terry West directed her to come before the Board of Adjustment to receive approval for a Variance because the easement would have a connection a county maintained road. They have closed on the property and now she is requested approval of a Variance to build a home. The proposed driveway would connect to the property from 4th Street at the south end of the property.

Mr. Dillard asked Ms. Marks if she was aware that according to the access easement she could only split the property four times. Ms. Marks answered affirmatively and stated that she has no intentions of selling the land. She had that clause inserted into the easement agreement because she did not want to have the land split anymore than four times if she ever decided to sell the property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DRAPER**, the Board voted 3-0-0 (Dillard, Draper, Osborne "aye"; no "nays"; no "abstentions"; Charney, Walker "absent") to **APPROVE** the request for a **Variance** of the minimum frontage requirement of 30 feet on a public street or dedicated right-of-way to 0 feet (Section 207), finding that the property is essentially landlocked with no present 30 foot public street or dedicated right-of-way, and still will not have access to a public street or dedicated right-of-way after utilizing the mutal access easement; for the following property:

**W/2 SW LESS BEG SWC TH N743.2 SE1304.6 W1068.9 POB SEC 4 19 11
70.88ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

NEW BUSINESS

None.

OTHER BUSINESS

Review and approval of the proposed 2014 meeting dates for the County Board of Adjustment.

On **MOTION** of **OSBORNE**, the Board voted 3-0-0 (Dillard, Draper, Osborne "aye"; no "nays"; no "abstentions"; Charney, Walker "absent") to **APPROVE** the 2014 meeting dates for the County Board of Adjustment.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:04 p.m.

Date approved: 10/15/13

David E. Charney
Chair