

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 404**  
Tuesday, January 21, 2014, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 338

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

Dillard	Charney, Chair	Miller	West, Co. Inspector
Osborne, Secretary		Back	
Walker, Vice Chair		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 16<sup>th</sup> day of January, 2014 at 10:09 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

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**MINUTES**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of December 17, 2013 (No. 403).

The minutes for the November 14, 2013 meeting could not be approved due to lack of a voting quorum. The November 14, 2013 minutes will be presented for approval in the February 18, 2014 meeting.

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Mr. Walker explained to the applicants that there were only three board members present at this meeting. 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. Walker asked the applicants if they understood and asked the applicants what they would like to do. None of the applicants requested to have their cases continued to the next Board of Adjustment meeting and all nodded consent showing they understood Mr. Walker.

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Ms. Back read the rules and procedures for the County Board of Adjustment Public Hearing.

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**OTHER BUSINESS**

**1803-A—Holliday Sand & Gravel**

**Action Requested:**

Modification to a previously approved Special Exception for dredging/classifying system to amend the hours of operation. **LOCATION:** 14253 South 129<sup>th</sup> Avenue East

**Presentation:**

The applicant has withdrawn this application and has requested a refund of \$145.00.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Osborne, Walker “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Refund of \$145.00; for the following property:

**NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A. LT 2 SEC 16-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

## **2485—Cornelius Energy Partners, LLC**

### **Action Requested:**

Variance of the frontage requirement on an arterial street from 200 feet to 142 feet for a Lot-Split and from 200 feet to 172.14 feet for a Lot-Combination (Section 903, Table 1). **LOCATION:** 3437 West 21<sup>st</sup> Street South

### **Presentation:**

**Wayne Alberty**, 9302 North 129<sup>th</sup> East Avenue, Owasso, OK; stated he is representing Cornelius Energy Partners, Randy and Brian Cornelius. Cornelius Energy has bought a site to continue their operations in Tulsa County, and the site is in two parcels. The 106 foot parcel is an existing non-conforming lot. They would like to add an additional 106 feet to the west which would be a lot-split from an existing industrial development. The subject property is in IH zoning which is entirely industrial and petroleum related businesses. The primary use will be for off-loading tanker trucks into smaller storage tanks. The hardship is that there is an existing non-conforming lot that does not comply with the zoning code. There is no building construction on the subject property. The property will be attached through a lot combination.

### **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, Osborne, Walker “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Variance of the frontage requirement on an arterial street from 200 feet to 142 feet for a Lot-Split and from 200 feet to 171.14 feet for a Lot-Combination (Section 903, Table 1). The Board has found that the hardship is the fact that there are many irregularities in the frontage available in the area. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**THAT PT. W. 104.33'E. 437.86' SE SE SE LYING S. OF S.L.S.F. RR LESS S.50' FOR ST. SEC-9-19-12, BG. 33.75' N & 437.99' W. SE COR TH. W. 208.74'N.427' TO RY. ELY 209.1'S TO POB SEC-9-19-12, OF TULSA COUNTY, STATE OF OKLAHOMA**

## **2486—Jason Mock**

### **Action Requested:**

Variance of the required road frontage from 30 feet to 0 feet (Section 207).

LOCATION: 1535 South 161<sup>st</sup> Avenue West

### **Presentation:**

**Jason Mock**, 5209 South Skyline Drive, Sand Springs, OK; stated he has requested the Variance for a road easement.

Mr. Walker asked Mr. Mock if he had made arrangements for a mutual access easement. Mr. Mock stated he has a mutual access easement for the property to the east and it is on the deed to the property.

Mr. Osborne asked Mr. Mock what his intentions are for the subject property. Mr. Mock stated he is building a home on the property. Mr. Osborne asked if it is to be a single family home. Mr. Mock answered affirmatively. Mr. Osborne if there were any plans for any other homes or any subdividing of the property. Mr. Mock stated there are no such plans.

Mr. Dillard asked Mr. Mock if he had an attorney look at the access easement agreement. Mr. Mock answered affirmatively. Mr. Dillard asked Mr. Mock's attorney was comfortable with the agreement, and Mr. Mock stated that he thought his attorney approved of the easement. Mr. Dillard stated the reason he asked is because the easement agreement is typed and then in handwriting it is stated "the said easement to be defined as the south 25 feet of the tract", and he is under the impression that Mr. Mock was requesting 30 feet or more. Mr. Dillard stated he is not an attorney and suggested that Mr. Mock have his attorney look at the easement agreement again.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the required road frontage from 30 feet to 0 feet (Section 207). The Board has found there is ample acreage, 42.2 acres, for the access easement. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or

impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT GOV LTS 1 & 2 & PRT S/2 NE BEG 980.37E SWC NE TH N1410.51 TO HIGH BANK ARK RIVER TH SE ALG RIVER BANK 209.51 ELY641.52 ELY152.92 TH S1372.31 TO SL NE TH W1001.24 POB & APPROX 10L5478ACS RIPIAN RIGHTS PRT GOB LTS 1 & 2 ADJ ON N SEC 7 19 11 42.195ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2487—Danny Fleetwood**

**Action Requested:**

Special Exception to permit a manufactured home in an AG-R District (Use Unit 9); Variance to allow a second dwelling (Section 208). **LOCATION:** 11909 East 166<sup>th</sup> Street North

**Presentation:**

**Danny Fleetwood**, 11909 East 166<sup>th</sup> Street North, Collinsville, OK; stated he is presently living with his father. He is requesting the Special Exception to be able to move a manufactured home onto the property to be able to care for his father. He has sold his home in Owasso.

Mr. Walker asked Mr. Fleetwood what were the plans for the manufactured home after his father passes. Mr. Fleetwood stated the manufactured home would probably be moved to a lake front property, because there will be no reason to have multiple dwellings on the subject property.

Mr. Osborne asked Mr. Fleetwood if the proposed manufactured home would be tied into the existing septic system or sewer system. Mr. Fleetwood stated he will have a separate septic system installed for the proposed manufactured home.

Mr. Walker asked Mr. Fleetwood if the proposed manufactured home was going to used or new. Mr. Fleetwood stated the manufactured home will be a new purchase and is 18'-0" x 80'-0".

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home in an AG-R District (Use Unit 9); Variance to

allow a second dwelling (Section 208). The applicant must meet all DEQ requirements and there must be an all weather surface for parking. The manufactured home is to be removed within 90 days of the passing of the family member; for the following property:

**W264 E660 W2640 S659.6 SW LESS S30 THEREOF SEC 8 22 14 3.816ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2488—Sisemore, Weisz & Associates – Mark Capron**

**Action Requested:**

Special Exception to permit a manufactured home (Use Unit 9) in an RS District (Section 410). **LOCATION:** West of SW/c of West 59<sup>th</sup> Street South & South 39<sup>th</sup> Avenue West

**Presentation:**

**Mark Capron**, 6111 East 32<sup>nd</sup> Place, Tulsa, OK; stated he is before the Board today representing Sheliah Osburn. The subject property is currently vacant with 300 feet of frontage. Ultimately the intent of the property is to have a lot-split and create two properties. At this time the Special Exception is so the property owner can place a manufactured home on the property, while the other half of the property will be developed as a single family residence. The property is zoned RS and the Special Exception is needed to allow a manufactured home to be placed on the property.

Mr. Walker stated a manufactured home is different than a trailer, and asked Mr. West for clarification. Mr. West stated a single wide mobile home, by definition, is a Use Unit 9 requires a Special Exception in the RS. If it is a double wide mobile home it is a use by right. Today's request is referring to a single wide mobile home even though it is a manufactured home in terminology.

Mr. Osborne stated that by the aerial photo in the Board's agenda packet it appeared there are several other single wide mobile homes in the surrounding area. Mr. Capron stated that several single wide homes had been identified in the area.

Mr. Walker asked Mr. Capron if there were any other lots in the area the size of the subject property. Mr. Capron stated that in looking at the tax maps there are several.

Mr. Osborne asked Mr. Capron to expound on the mention of building a home on the lot. Mr. Capron stated there is one 300 foot wide tract currently, and the intent is to split that lot to place a manufactured home on the east portion of the lot. Ultimately the other half of the lot will be going to another member of the family, and it is his understanding that they will develop a regular single family dwelling on their portion. The applicant wanted to proceed with this process before proceeding with the lot-split.

**Interested Parties:**

**Bob Brewer**, 4705 South Sante Fe Avenue, Tulsa, OK; stated his wife inherited the other piece of property in the subject 300 feet, and he would like to start building a house on her side of the property in the future. He and his wife would not like a house trailer right next door to devalue the future house.

**Beverly Ramsey**, 6036 South 40<sup>th</sup> West Avenue, Tulsa, OK; stated she lives across the street from the subject property and has lived there for 17 years. She has a trailer across the street from her home, and it is a nice house. She has the house up for sale and a lot of people have looked at it but no one wants to purchase or live in the her house because of the mess at the trailer house. The trailer house is a rental property and she has called Mr. West concerning the trailer house. Therefore, she is protesting the addition of another trailer house in the neighborhood.

**Sheliah Osburn**, 1824 North Xanthus, Tulsa, OK; stated she is the person wanting to place the manufactured home on the subject property. Her parents have passed away and she and her sister inherited the land, and her brother lives on property to the east of the subject lot. At one time she was told by her brother-in-law that their portion of the inherited land was going to be sold and she let him know that she planned on placing a mobile home on her portion. She has spoke with Ms. Ramsey, and she understands her concerns because the people that live in the trailer house she mentioned is not being taken care of. She does not want to live like those people and she would not want to live across from those people because it is unsightly. All she wants is home on the land she inherited from her parents.

Mr. Osborne stated that in the aerial photo there appears to be two mobile homes on the lot to the east that is owned by Ms. Osburn's brother, and he asked Ms. Osburn to confirm this. Ms. Osburn answered affirmatively. She stated that her brother lives in one and the other is a rental.

**Rebuttal:**

Mr. Capron came forward. Mr. Capron stated the fact that this is a manufactured home is not the only issue. In this case it is going to be the person that owns the property and reside there. The property is not going to be a rental property. Some of the issues for the property to the south is an issue with is a concern with everyone that lives in the area. That is not a manufactured home issue but a lot of other issues. There are a lot of manufactured homes in the area and consistent with the neighborhood.

Mr. Dillard asked Mr. Capron how the title to the subject property is carried, is it one half undivided interest? Mr. Capron stated that it is his understanding, it is the intent to split the property where each sister will own the two halves. Each individual will own a half.

Mr. Dillard asked Mr. West how can the Board approve a request where the applicant owns only half of an undivided interest? Mr. West stated that he has not been presented such a situation in the past. Normally, the applicant owns the full tract and asks for approval for a Special Exception and then split the property. Mr. Capron stated

the applicant is requesting the Special Exception on the whole tract. Mr. Dillard asked if the Special Exception can be requested for the whole tract legally when the applicant does not own the whole tract? Mr. Capron stated he did not know how to answer that question because he is not an attorney.

Mr. Dillard suggested this case be continued to next month to allow the applicant to receive an attorney's opinion, because all interested parties must be involved in his opinion.

Ms. Miller stated there is a question on the application asking the applicant if the owner consented to the submittal of the application. She does not know if the lot-split needs to happen prior to the applicant's request.

Mr. Osborne stated that he is not an attorney but if there is a lot-split there would be clear ownership, and the owner can make a request. If there is not a lot-split there must be unanimous consent by all owners. It does seem that a lot-split would be required first.

Ms. Back suggested continuing this case two months to allow for the lot-split process if the applicant wants to or needs to do so. Mr. Capron asked to have the case continued to next month, and then if necessary ask for another continuance.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **OSBORNE**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Special Exception to permit a manufactured home (Use Unit 9) in an RS District (Section 410) to the February 18, 2014 Board of Adjustment meeting; for the following property:

**TR 21 BEG 2435 W & 370 N SE COR SE QTR TH W 300 N 335 E 300 S 335 TO BEG SEC 33-19-12, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**2489—Vera Atwell**

**Action Requested:**

Variance of the maximum size of a detached accessory building from 750 square feet to 1,320 square feet in an RS district (Section 240.2.E). **LOCATION:** 5025 & 5057 South 63<sup>rd</sup> Avenue West



**Presentation:**

**Randy Martindale**, P. O. Box 3522, Glenpool, OK; stated he is representing Ms. Vera Atwell. Ms. Atwell owns the two pieces of property as stated on the request. She is building a house on the front lot. On the second lot there was a house that she would like to build a three-car garage on using the existing foundation and stemwall. There will be 36 feet between the new house and the proposed garage which will be a concrete driveway.

Mr. Walker asked Mr. Martindale if the two separate lots had been tied together. Mr. Martindale stated that he had already completed that process about ten days ago.

Ms. Miller asked Mr. Martindale if he had been before the Planning Commission. Mr. Martindale stated he had been to INCOG. Ms. Miller asked Mr. Martindale if he had been to City Hall. Mr. Martindale stated that he and Ms. Atwell both went to City Hall.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the maximum size of a detached accessory building from 750 square feet to 1,320 square feet in an RS district (Section 240.2.E). The applicant will be using an existing foundation for a new three-car garage. There are to be no utilities in the garage except for electricity and no living quarters; for the following property:

**LT 9 BLK 2, JOHN HALE ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2490—David A. Center**

**Action Requested:**

Variance of the required yard abutting a street from 60 feet to 43 feet to permit an addition in an RE district (Section 430.1, Table 3). **LOCATION:** 4205 East 84<sup>th</sup> Street North

**Presentation:**

**David Center**, 208 East New Orleans Street, Broken Arrow, OK; stated he is representing the home owner, and she would like to add additional garage space onto her house. The only viable option is the side yard. The house is on a corner so there is street access on two sides. The owner has two driving children and the extra garage space is needed for the extra cars. The existing pool and pool equipment will be moved into the back yard to allow for the proposed garage addition.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the required yard abutting a street from 60 feet to 43 feet to permit an addition in an RE district (Section 430.1, Table 3), finding the hardship to be the unusual lay of the land and the existing pool; for the following property:

**LT 1 BLK 1, COUNTRY CORNER ESTATES II, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW BUSINESS**

None.

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**OTHER BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:29 p.m.

Date approved: 2/18/14

David E. Charney  
Chair