

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 412**  
Tuesday, September 16, 2014, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119

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

Charney, Chair	Osborne, Secretary	Miller
Dillard		Moye
Hutchinson		Sparger
Walker, Vice Chair		

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11<sup>th</sup> day of September, 2014 at 10:10 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m. Mr. Charney dispensed of the reading of the meeting rules and procedures since there were no new presentations to be heard today.

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**MINUTES**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to **APPROVE** the Minutes of August 19, 2014 (No. 411).

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**UNFINISHED BUSINESS**

**2505—Brandon Osborn**

**Action Requested:**

Variance to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207). **LOCATION:** 19624 West 57<sup>th</sup> Street, Sand Springs

**Presentation:**

**Cynthia A. Phillips**, 207 North Main, Sand Springs, OK; stated she is an attorney representing the applicant in this case. The subject property sits south of what would

be West 57<sup>th</sup> Street and is paved for some distance. There are public right-of-way easements that have been filed with the County, which extends 57<sup>th</sup> Street. The property has been deeded to Tulsa County for a 30'-0" easement on the north side of the property line just east of the subject tract taking it all the way to the applicant's property. So there is public road access to his property that has been deeded to the County. In 1997 there was a warranty deed that created a 30'-0" easement on the north side which was to be used for a public road. There is a right-of-way dedicated to the public that is 30 feet wide across the subject property.

Mr. Charney asked if there was any intention to further split the subject tract, or will the applicant be building only one home, one structure, one residence on the subject tract. Ms. Phillips answered affirmatively.

Mr. Dillard asked Ms. Phillips if she were reading the abstract would she give him a clear title. Ms. Phillips stated that applicant had borrowed money from Tulsa Federal Credit Union, and they did have a title opinion from a separate attorney. She believes the public accesses are of public record and are sufficient for the Credit Union because they would be more strict for title purposes.

Mr. Walker asked if the County had to accept the easement that is offered to them, because this about the time the County quit accepting people dedicating right-of-ways without improving the road. The County started requiring the roads to be brought up to County standards, and this is what is called a "wildcat subdivision". It has existed for a long time.

Mr. Charney stated that his understanding is that a person can do the affirmative act of "dedicating to the public through an instrument" but it needs an affirmative act of acceptance for the dedication to truly be a publicly dedicated access.

Mr. Walker stated that based upon that he is willing to grant him access with zero road frontage, since it hasn't been accepted by the County. Therefore, the County has not been encumbered for road maintenance.

Ms. Phillips stated that the County code states that a person have a 30 foot dedicated right-of-way or public road on the property. This would go to the point of the easements or deeds that were given to the County in 2002.

Mr. Charney asked Ms. Phillips if she understood that if this is approved the Board would not be requiring the County to make improvements to the roadway. Ms. Phillips answered affirmatively.

Mr. Dillard asked Ms. Phillips if her client has title insurance. Ms. Phillips answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to **APPROVE** the request for a **Variance** to reduce the required 30 feet of frontage on a public road or right of way to 0 feet (Section 207). The paved road stops just to the west of the subject tract. This approval will not be injurious or detrimental to the public welfare; for the following property:

**W/2 SW NE SE SEC 35 19 10 5ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

None.

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**NEW BUSINESS**

None.

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**OTHER BUSINESS**

Review and approval of the 2015 meeting dates for the Tulsa County Board of Adjustment.

**Board Action:**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to **ACCEPT** the 2015 meeting dates for the Tulsa County Board of Adjustment as presented.

**Election of Officers:** Currently David Charney is Chair; Ron Walker is Vice Chair; Bryan Osborne is Secretary; Gene Dillard and Don Hutchinson Board members.

Mr. Bryan Osborne has presented a letter of resignation to the Board members and Mr. Ron Peters, County Commissioner via e-mail.

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to **NOMINATE** and **ACCEPT** Mr. David Charney as Chair for the 2014-2015.

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to **NOMINATE** and **ACCEPT** Mr. Ron Walker as Vice Chair for the 2014-2015 year.

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Osborne "absent") to **NOMINATE** and **ACCEPT** Mr. Gene Dillard as Secretary for the 2014-2015 year.

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**BOARD COMMENTS**

Mr. Dillard asked if there were any potential nominees for the open seat on the Board. Ms. Miller stated that she is not aware of any, but she will visit with Mr. Peters after this meeting or e-mail him.

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There being no further business, the meeting adjourned at 1:45 p.m.

Date approved: 10/21/14  
David E. Charney  
Chair