

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 415**  
Tuesday, December 16, 2014, 1:30 p.m.  
Tulsa County Court House  
500 South Denver, Room 119

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

Charney, Chair  
Dillard  
Hutchinson  
Walker, Vice Chair

Miller  
Moye  
Sparger

West, County  
Inspections

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 11<sup>th</sup> day of December, 2014 at 9:16 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.

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**MINUTES**

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of November 18, 2014 (No. 414).

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**UNFINISHED BUSINESS**

None.

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**NEW APPLICATIONS**

**2520—Darin Frantz**

**Action Requested:**

Use Variance to permit a Veterinary Clinic (Use Unit 14) in an AG District (Section 310, Table 1). **LOCATION:** 2425 West Broadway Street North, Collinsville

**Presentation:**

**Darin Frantz**, 2425 West Broadway, Collinsville, OK; stated he and his wife have owned the veterinary clinic in Collinsville since 2008. The subject building has been on the property for approximately 40 years. Since the purchase the clinic has grown and he would like to build a new larger building in front of the existing building. There will still be a veterinary clinic in the new building and it will not operate any different. There will be a larger parking lot to accommodate clients.

Mr. Walker asked Mr. Frantz what the use of the building was when he purchased it. Mr. Frantz stated that it has been a veterinary clinic.

Mr. Charney asked Mr. Frantz about the neighbor to the east of the subject property. Mr. Frantz stated it is a rent house and is presently vacant, and has been for quite awhile. Mr. Charney asked Mr. Frantz about the neighbor to the west of the subject property. Mr. Frantz stated it is a business that refurbishes engines for aircraft. Mr. Charney asked Mr. Frantz if either party on either side of his property had objected to his request. Mr. Frantz stated that no one had voiced any objections.

Mr. Hutchinson asked Mr. Frantz if he was going to raze the existing building once the new building was complete. Mr. Frantz stated that he was not.

Mr. Charney asked Mr. Frantz if the new building would honor the setback lines. Mr. Frantz answered affirmatively.

Mr. Walker asked staff if a privacy fence on the west side would be required for the subject property. Mr. West stated a privacy fence would be required if the subject property was commercial abutting residential or agricultural, but the both properties are legal nonconforming uses and have been in existence for many years. Mr. Walker asked if a privacy fence on the east side would be required for subject property since there is an existing residence located there. Mr. West stated the property to the east is zoned AG and it is not a requirement but it could be a condition placed by the Board. Mr. Frantz stated that he plans on installing a privacy fence between his building and the residence, starting about halfway back in the depth of his building going toward the rear of the property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Dillard stated that he is happy without the requirement of a privacy fence because the neighbor had the opportunity to attend today's meeting and express any opinion he may have. Mr. Frantz has been a good neighbor and he is not changing the use of the building so if he wants to build a fence or not build a fence that would be fine. He just would not like to place a condition on the applicant forcing him to spend \$3,000 or \$4,000.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 3-1-0 (Charney, Hutchinson, Walker “aye”; Dillard “nay”; no “abstentions”; none “absent”) to **APPROVE** the request for an **Use Variance** to permit a Veterinary Clinic (Use Unit 14) in an AG District (Section 310, Table 1). The hardship is the existence of the long term nonconforming use of the existing building. The approval is subject to a privacy fence be erected on the eastern boundary between the subject property and the residential property; for the following property:

**BEG 565E NWC NE TH E161 S302 W161 N302 POB SEC 30 22 14 1.12AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2521—Erick Mauricio**

**Action Requested:**

**Variance** to permit two dwellings on one lot of record that does not meet the land area per dwelling unit requirement (Section 330, Table 3). **LOCATION:** 11601 East 126<sup>th</sup> Street North, Owasso

**Presentation:**

**Erick Mauricio**, 11601 East 126<sup>th</sup> Street North, Owasso, OK; stated there is an existing 900 square foot house on the subject property which he plans to remodel for himself. He would like to have the second home for his mother which will be approximately 2,800 square feet.

Mr. Charney asked Mr. Mauricio if the structure would be a new stick built structure and not a mobile home. Mr. Mauricio stated that it will be a newly constructed house and not a mobile home.

Mr. Hutchinson asked Mr. Mauricio if the existing electric line that runs across the property was going to cause any issues. Mr. Mauricio stated that it would not. Mr. Hutchinson asked Mr. Mauricio if he would be at least ten feet away from the electric line. Mr. Mauricio answered affirmatively.

Mr. Charney asked Mr. Mauricio if the lot was approximately 418 feet deep. Mr. Mauricio answered affirmatively.

**Interested Parties:**

**Jane Wittstock**, P. O. Box 1292, Owasso, OK; stated she lives just north of the subject property. She purchased the property 20 years ago because it is agriculture and surrounded by agriculture, and she wants to see it stay that way. She has livestock on her property and her concerns are that the more the land is developed it presents a risk to her livestock. She does not want to be pushed out.

Mr. Charney stated that the Board has never forced anyone to change the zoning on their land unless they sought the change. Whether today's application is to be granted or not, does not mean that the Board has the power or the desire to force a different use on Ms. Wittstock's land.

Mr. Walker stated that the subject property is in between Collinsville and Owasso, and he asked staff whose fence line was the subject property within. Mr. West stated the subject property is within the Collinsville fence line because it is north of 126<sup>th</sup> Street.

**Comments and Questions:**

Mr. Walker stated that this request is cutting the land use requirement in half, and two acres is not quite large enough for a single dwelling now there is a request for two dwellings.

Mr. Charney stated that if this were a city lot he might have a problem with the request but with nearly two acres he could support the request.

Mr. Dillard stated that there will be approximately 3,700 square feet of rooftop so he does not think it would be increasing the density of the area, because to the east of the subject property it is very intense use.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 3-1-0 (Charney, Dillard, Hutchinson "aye"; Walker "nay"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to permit two dwellings on one lot of record that does not meet the land area per dwelling unit requirement (Section 330, Table 3); for the following property:

**BEG SWC SE SW TH N418 E209 S418 W209 POB LESS .07AC FOR RD SEC 32 22 14 1.93AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2522—Adrian Diaz**

**Action Requested:**

**Variance** of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E). **LOCATION:** 12727 South 122<sup>nd</sup> East Avenue, Broken Arrow

**Presentation:**

**Adrian Diaz**, 12727 South 122<sup>nd</sup> East Avenue, Broken Arrow, OK; stated he is an auto hobbyist and the request is for an accessory building is so he can work on his hobby plus store his tools, hot rod and speed boat. His other hobbies are wood working and welding, and his wife is also a handyman. This building would be strictly for personal use. One of the reasons he purchased the house in October of 2013 is because of the size of the lot, and the fact that the house is set off to one side of the lot. There are shops throughout the neighborhood so it would not be out of character.

Ms. Miller stated that in addition to the Variance for the square footage there is also code language the speaks to a detached accessory building shall not be located in the front or side yard. This building is in fact going to be in the side yard. Mr. Diaz stated the building will be in the back yard. Ms. Miller asked if the building was going to be the east of the house. Mr. Diaz stated the building is going to be behind the fence line.

Mr. West stated that unfortunately by the County Code definition of the rear yard is anything from the rear of the house backward. Anything in line with the side of the house is considered the side yard.

Mr. Dillard asked Mr. Diaz if he would consider connecting the accessory building to his house. Mr. Diaz stated there is a septic tank just south of the house so he cannot attach the building to the house.

Mr. West stated the building can be allowed in the side yard it just requires the approval of a Variance to allow the building to be located there, and it must be advertised as such.

**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"; Walker "absent") to **CONTINUE** the request for a **Variance** of the allowed square footage for accessory buildings from 750 square feet to 1,200 square feet in the RS District (Section 240.2.E) to the meeting on January 20, 2015; for the following property:

**LT 11 BLK 7, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2523—Lisa Johnson**

**Action Requested:**

**Special Exception** to permit manufactured home (Use Unit 9) in an RE District (Section 410.Table 1). **LOCATION:** 7711 North Victor Avenue, Sperry

**Presentation:**

**Lisa Johnson**, 7711 North Victor Avenue, Sperry, OK; stated she purchased the five acres of land with the intent of placing a mobile home on it, but she did not check the zoning. When she filed for a permit she found the zoning to be RE. When she

purchased the land she saw an abandoned mobile home sitting near the road leading into the subject property. There is a junk yard to the south of the subject property and there is approximately eight RV trailers sitting on the property to the east, and to the north of the subject property there is a double wide mobile home. So it did not occur to her that she could not place a mobile home on it. She has cleaned up the property and had the abandoned well site taken care and cleaned up. She has spoke with the neighbors and they are all happy to have the property cleaned up, and they all know that she wants to have a mobile home on the property. None of the neighbors have a problem with the proposed mobile home, matter of fact, they have helped her clean up the property.

Mr. Dillard asked Ms. Johnson what size of mobile home she was planning to place on the property. Ms. Johnson stated that it is a 16 x 80 mobile home that has a home style metal roof on it with masonite siding that can be painted. She plans to place the mobile home in the middle of the property away from the road and away from the neighbors.

Mr. Hutchinson asked Ms. Johnson if had discussed the DEQ requirements for a mobile home to be placed on the property, i.e., the tie downs, skirting, the paved parking area. Ms. Johnson 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"; none "absent") to **APPROVE** the request for a Special Exception to permit manufactured home (Use Unit 9) in an RE District (Section 410.Table 1). The Board has found that the granting of the Special Exception will not be injurious to the neighborhood because of the agricultural setting surrounding the subject property; for the following property:

**S/2 NW SW SE SEC 30 21 13, 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 2:11 p.m.

Date approved: 1/20/15  
David E. Cherry  
Chair