

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 448
Tuesday, September 19, 2017, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutchinson, V.Chair	Charney, Chair	Moye
Crall, Secretary		Sparger
Dillard		
Johnston		

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 14th day of August, 2017 at 8:09 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

MINUTES

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of August 15, 2017 (No. 447).

Mr. Hutchinson explained to the applicants and interested parties that there were only four board members present at this meeting. If an applicant or an interested party 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 three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Hutchinson asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

UNFINISHED BUSINESS

2637—Randy Scott

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in the CS District (Section 701); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 1000 North Garnett Road East

Presentation:

The applicant was not present. The Board chose to move this item to the end of the agenda to allow the applicant time for arrival.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

NEW APPLICATIONS

2643—John B. Wimbish

Action Requested:

Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 feet to 0 feet to permit a lot-split in the AG District (Section 207). **LOCATION:** East of NE/c of North Sheridan Road & East 156th Street North

Presentation:

John Wimbish, 5314 South Yale, #200, Tulsa, OK; stated he represents the Varela's who are the owners of the subject property. The subject property is about 220 feet wide and about 2,600 feet deep. The owner would like to split the subject lot three ways to be able to give it to his children or grandchildren.

Mr. Hutchinson asked Mr. Wimbish if he had contacted the water department to see if water would be available for the two extra lots. Mr. Wimbish stated that he has not because he is in the lot split process.

Mr. Hutchinson asked Ms. Moye if this would be considered a wild cat subdivision. Ms. Moye stated that it would not.

Mr. Hutchinson asked Mr. Wimbish if there would be three houses built or if there would be three mobile homes placed on the subject property. Mr. Wimbish stated that he does not know at this time.

Interested Parties:

Don Smith, 7013 East 156th Street North, Tulsa, OK; stated the agricultural districts are designed to encourage and protect the land until an orderly transition can occur for development. Mr. Smith stated that the subject area is experiencing rapid growth with new subdivisions that are being constructed, so the area is in transition. Mr. Smith stated that he does not believe these lots that are no longer intended for agricultural use should be approved for the requested Variance because it is not a worthy transition. Mr. Smith stated that he also objects to the 20 foot easement requested because it should be 30 feet at least. Mr. Smith stated that the subject acreage is next door to a 13 acre tract that is owned by the applicant's ex-wife and there is contemplation of possible lot splits there as well. The requested Variance is not in the spirit of the surrounding covenants and not in the spirit of the law therefore it is not a harmonious relationship to the surrounding neighbors. Mr. Smith stated he purchased his property with the knowledge that these laws were in place to protect him therefore he is asking the Board to deny this request.

Collin Swaingo, P. O. Box 492, Collinsville, OK; stated he lives directly north of the subject property and he is opposed to the proposed request. If the Board grants this requested Variance with no public street access what happens if the landowner decides to sell or vacate Tract 1 leaving two tracts that are land locked. To have land locked property can cause a lot of issues in the future.

Mr. Dillard stated that Tract 1 could not be vacated without the prior approval of the two other land owners because neighbors have a right to object.

Steve Boyer, 7051 East 160th Street North, Collinsville, OK; stated he lives in the subdivision south of the subject property. He read that a requested Variance needed a hardship and he would ask what that hardship would be.

Rebuttal:

John Wimbish came forward and stated this is not property that was bought, it is inherited property. His client feels that this is a reasonable use of the property and that it is not a hardship on anyone else in the area. His client is willing to provide access to the rear to make the property develop in a way that is consistent with all the other development, rules and regulations that are involved.

Comments and Questions:

Mr. Crall stated that the property used to be one piece of property and the hardship would be because the land is so long. He believes the land owner has considered everyone that might be affected so he could support the request.

Mr. Dillard stated that he could support the request with a 30 foot easement, because it is difficult for vehicles to pass one another on a 20 foot easement.

Mr. Johnston stated that the Board does not really know what the future use of the property will be but he could support the request also with a 30 foot easement.

Mr. Hutchinson stated he could support the request with a 30 foot easement.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 feet to 0 feet to permit a lot-split in the AG District (Section 207), subject to conceptual plan 3.5. The Board has found the hardship to be the layout of the land being a long narrow strip. The approval also requires a 30 foot easement to access all pieces of property; for the following property:

W220 E440 W880 E/2 NW SEC 23 22 13 13.333ACS, COBBLESTONE TRAIL, OF TULSA COUNTY, STATE OF OKLAHOMA

2645—James Hargess

Action Requested:

Variance to increase the permitted size of an accessory building in the RS District (Section 240.2). **LOCATION:** 6535 West Cameron Street North

Presentation:

James Hargess, 6535 West Cameron, Tulsa, OK; stated he has lived there for about 15 years. He would like to have the shop so he can clean up his yard. Currently there is an outbuilding and what is left of a carport that will be razed and the proposed shop will be placed at the rear of the yard. The proposed shop will be a wood shop and a place to store his pontoon boat.

Mr. Dillard asked Mr. Hargess if he would be doing any commercial business out of the building. Mr. Hargess stated that he would not.

Mr. Johnston asked Mr. Hargess if this building was going to be a metal building. Mr. Hargess answered affirmatively. Mr. Johnston asked Mr. Hargess if there were other metal buildings in the area. Mr. Hargess answered affirmatively but his neighbor's shop is concrete block with wood on the top.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance to increase the permitted size of an accessory building in the RS District (Section 240.2), subject to conceptual plan 4.9. The Board has found the hardship to be the large lot and it is large enough to accommodate the proposed building and it is screened from the adjacent neighbor, and there are other accessory buildings of this scale in the area; for the following property:

LT 4 BLK 1, TINGLEY ACRES, FARM COLONY SUB, OF TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

2637—Randy Scott

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in the CS District (Section 701); Variance of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 1000 North Garnett Road East

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney "absent") to **WITHDRAW** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the CS District (Section 701); Variance of the all-weather surface material requirement for parking (Section 1340.D). The applicant did not appear at the first meeting and has not appeared for today's meeting; for the following property:

W 370 OF E 403 OF S 620 OF N 1/2 NE SE SEC 18-21-14, COMBS ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:08 p.m.

Date approved: _____

10/17/17

David E. Cheney
Chair