

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 496**

Tuesday, July 20, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Tulsa, OK

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS

Charney, Chair
Hutchinson, V.Chair
Crall, Secretary
Johnston
Tisdale

S. Miller
R. Jones
Sparger
Chapman

T. Tosh, County
Inspections

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th day of July, 2021 at 1:44 p.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.

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

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of June 15, 2021 (No. 495).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2892—Charles Keeling

Action Requested:

Variance of the minimum lot area and land area per dwelling unit (Tract 1) in the AG District to permit a lotsplit (Section 330); Variance of the minimum land area per dwelling unit (Tract 2) in the AG District to permit two dwelling units on one lot of record (Section 330). **LOCATION:** 3928 South 179th Avenue West

Presentation:

Charles Keeling, 3928 South 179th West Avenue, Sand Springs, OK; stated his grand daughter would like to move to the country so he gave her two acres, but after the property was surveyed it was discovered that it is actually 1.84 acres or 23 feet shy of the required two acres. If he has to give his grand daughter the 23 feet that will place the property line right next to an existing house. The house is currently occupied by an 84 year old man and when he passes he will raze the house.

Mr. Hutchinson asked Mr. Keeling if he was speaking of the trailer house that the 84 year old resident lives in. Mr. Keeling answered affirmatively.

Mr. Hutchinson asked if the two dwelling units on one lot of record is on Lot 2, and the other lot is the one to go through a lot split. Mr. Keeling answered affirmatively stating that when it is complete he will have three acres and there will be two acres on the other side.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance of the minimum lot area and land area per dwelling unit (Tract 1) in the AG District to permit a lot split (Section 330); Variance of the minimum land area per dwelling unit (Tract 2) in the AG District to permit two dwelling units on one lot of record (Section 330). The Board has found the hardship to be the existing structures on the tract and the tract will be of sufficient size to handle the new dwelling unit. There is to be one dwelling unit of record on Tract 1. Upon abandonment of the mobile home located on the northern portion of Lot 2 that mobile home is to be removed leaving one house on Lot 2. 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:

N/2 E/2 W/2 SE SE LESS E30 THEREOF SEC 24 19 10 4.55ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2895—Nicholas Wooters

Action Requested:

Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 521 South 209th Avenue West

Presentation:

Nicholas Wooters, 18616 East 43rd Place South, Tulsa, OK; stated he would like to be able to use a no dust type gravel surface or asphalt millings. The property has a drive-thru coffee kiosk, a 12 x 30 building. The building sits on pillars with gravel underneath that, which was existing. Mr. Wooters stated he is concerned about pouring asphalt or concrete because he thinks it would cause pooling underneath the building because he would not be able to put the hard surface underneath the building.

Mr. Charney asked Mr. Wooters if the kiosk was adjacent to a service road for Highway 412. Mr. Wooters stated that it is actually the exit ramp for Highway 412; the northeast corner of 209th West Avenue and Highway 412.

Mr. Charney asked Mr. Wooters about the topography of the site as it exists today. Mr. Wooters stated there was existing gravel because of a fireworks stand located on the property. The land slopes slightly toward Highway 412.

Mr. Hutchinson asked Mr. Wooters if the coffee shop was open for business now. Mr. Wooters stated that it is not, this is the last step prior to opening.

Mr. Hutchinson asked Mr. Wooters if all the utilities were hooked up. Mr. Wooters answered affirmatively.

Mr. Hutchinson asked Mr. Wooters if it was a double side drive-thru? Mr. Wooters answered affirmatively.

Mr. Hutchinson asked Mr. Wooters what he anticipated the traffic flow to be for the site. Mr. Wooters stated the area is fairly busy, but he does not know how much business he will receive.

Mr. Hutchinson asked if the building had guttering and awnings. Mr. Wooters stated that there will be an awning on each side of the building, but there is no guttering currently.

Mr. Charney asked Mr. Wooters if he was leasing the site to a third-party operator and if he owned the subject property. Mr. Wooters stating he is leasing the property from Sand Springs Home and he and his wife will be the operators.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance from the all-weather parking surface requirement (Section 1340.D), subject to a fabric installation underneath the gravel or millings for the initial installation. The applicant has two years to install asphalt or concrete for the driving surface. The Board has found the hardship to be that it is a large tract of land. 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 NW SW BEG 1437.26N & 65E SWC SW TH N366.95 E261.08 S366.95 W261.08 POB LESS .09AC TO STATE SEC 2 19 10 2.11ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2896—Rick L. Portilloz

Action Requested:

Variance to permit a detached accessory building to exceed 750 square feet in the RS District. (Section 240). **LOCATION:** 5809 South 170th Avenue West

Presentation:

Rick Portilloz, 5809 South 170th West Avenue, Sand Springs, OK; stated the out building is sized as proposed for several reasons. There is a temporary wooden frame storage building that will be removed and the proposed building will replace it. The building will used to store lawn equipment, pool equipment, outdoor furniture, fitness equipment and wintering station for tropical plants that are placed around the pool in the summer. This proposed building would allow him to use the garage attached to the house as a garage for his cars.

Mr. Charney asked Mr. Portilloz if the building was 60 x 20. Mr. Portilloz answered affirmatively. The building will be a wooden frame, on a slab, siding will match the house and a composite roof to match the house.

Mr. Charney asked Mr. Portilloz if he had heard from any of the neighbors. Mr. Portilloz stated that he has heard no objections.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in the RS District. (Section 240), subject to conceptual plan 4.11 of the agenda packet. The existing storage building is to be razed. The new storage building is to conform to the dwelling in its architecture and paint color. The Board has found the hardship to be the lot is over sized and much larger than the standard city sized lot. 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:

LT 4 BLK 1, HIDDEN OAKS, OF TULSA COUNTY, STATE OF OKLAHOMA

2897—Tom Yohanan

Action Requested:

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District to permit a lot-split (Section 207).

LOCATION: 4375 South 157th Avenue West

Presentation:

Tom Yohanan, 4430 West Toledo Court, Broken Arrow, OK; stated he and his wife own about 700 acres of agriculturally zoned land in Sand Springs and he would like to build a retirement home and run cattle on the property he owns. With that in mind he would like to split a minimum of 2.1 acres from the 700 acres. According to the survey the lot is actually about 2.65 acres. The topography is very steep and so he split the lot away from the road and there would be an easement leading to the lot.

Mr. Charney asked Mr. Yohanan if the easement went to the publicly dedicated road. Mr. Yohanan answered affirmatively.

Mr. Charney asked Mr. Yohanan if he was getting mortgage financing. Mr. Yohanan answered affirmatively. Mr. Charney asked Mr. Yohanan if he wanted the mortgage to only cover the house itself. Mr. Yohanan answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District to permit a lot-split (Section 207), subject to conceptual plan 5.8 of the agenda packet. The Board has found the hardship to be the topography of the land which requires the structure to be set back significantly from the publicly dedicated road. There is to be a permanent perpetual easement imposed upon the larger tract that remains with access out to a publicly dedicated road. 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:

S/2 NE & SE NW LYING E OF COYOTE TRAIL SEC 29 19 11 111.6AC, Tulsa County, State of Oklahoma

2898—Darrell Moody

Action Requested:

Special Exception to permit a carport in an AG-R District (Section 240.2.H); Variance of the side setback in an AG-R District to permit a carport (Section 320.2-2 & Section 330, Table 3). **LOCATION:** 6492 North 134th Avenue East

Presentation:

Darrell Moody, 12017 South Forrest Place, Jenks, OK; stated he is building a house on the subject property and he would like to have a carport to place a motorhome under it, and maybe enclose the carport in the future. The carport will have the same color shingles as the house and the same structure has the house; it will be compatible with the house. Mr. Moody stated that his permit says “building” and he was told that he had to appear before the Board of Adjustment. Mr. Moody stated he spoke with his closest neighbor and there were no objections to his proposed project.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Special Exception to permit a structure in an AG-R District (Section 240.2.H); Variance of the side setback in an AG-R District to permit a structure (Section 320.2-2 & Section 330, Table 3), subject to conceptual plan 6.8 of the agenda packet. The structure is to conform to the architecture styling of the dwelling. The Board has found the hardship to be is that the oversized nature of the subject lot coupled with the fact that the dead-end street required the applicant to set his house back toward the southerly property line and drainage to the northwest. 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:

TR BEG 745.80W & 244.40S NEC NE NW TH S195 W248.60 N195 E248.60 POB LESS E25 THEREOF FOR RD SEC 4 20 14 1.001AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2899—Thomas Oliver

Action Requested:

Variance of the required rear yard setback from 40 feet to 8 feet in an AG District (Section 330). **LOCATION:** 6006 South 204th Avenue West

Presentation:

Thomas Oliver, 6006 South 204th West Avenue, Sand Springs, OK; stated that years ago he poured a 20 x 24 slab for his children to play basketball, and now that the children are grown, he would like to erect an enclosed metal building on that slab.

Mr. Charney asked Mr. Oliver if he had heard from any of his neighbors. Mr. Oliver stated that he has heard no objections.

Mr. Tidwell left the meeting at 2:36 P.M.

Mr. Crall asked Mr. Oliver about the size of the slab. Mr. Oliver stated it is 20'-0" wide by 24'-0" deep.

Mr. Charney asked Mr. Oliver if he would be erecting the building over the entire slab or just a portion of the slab. Mr. Oliver stated the building would be over the entire slab.

Mr. Tidwell re-entered the meeting at 2:38 P.M.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance of the required rear yard setback from 40 feet to 8 feet in an AG District (Section 330). The Board has found the hardship to be that the slab is existing and the topography of the subject property. 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:

LT 2 BLK 3, ROCK CREEK ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

2900—Patricia Contreras

Action Requested:

Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG District (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 14225 North Yale Avenue East

Presentation:

Staff requests a continuance to August 17, 2021.

Interested Parties:

There were no interested parties present.

Comments and Questions;

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **CONTINUE** the request for a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG District (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D) to the August 17, 2021 Board of Adjustment meeting; for the following property:

NW SW & N74.95 SW SW LESS W16.5 THEREOF FOR RD & LESS N70 E268.5 W285 NW SW SEC 27 22 13 41.317ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2901—Bryan Steffes

Action Requested:

Use Variance to allow Use Unit 11, Offices and Studios, to permit a General Business Office in a RS District (Section 1211); Use Variance to allow Use Unit 23, Warehousing and Wholesaling, Not Elsewhere Classified, to permit indoor storage in an RS District (Section 1223). **LOCATION:** 11400 West 56th Street South

Presentation:

Staff has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions;

None.

Board Action:

No Board action required; for the following property:

PRT NE SE BEG 260W NEC SE TH S300 W105 N300 E105 POB LESS N25 THEREOF FOR RD SEC 34 19 11 0.66AC, OF TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

None.

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NEW BUSINESS

None.

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BOARD COMMENTS

None.

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There being no further business, the meeting adjourned at 2:40 p.m.

Date approved: _____

Chair

DRAFT