



Board of Adjustment

Case Number: CBOA-2943

Hearing Date: 01/18/2022 1:30 PM

Case Report Prepared by:

Robi Jones

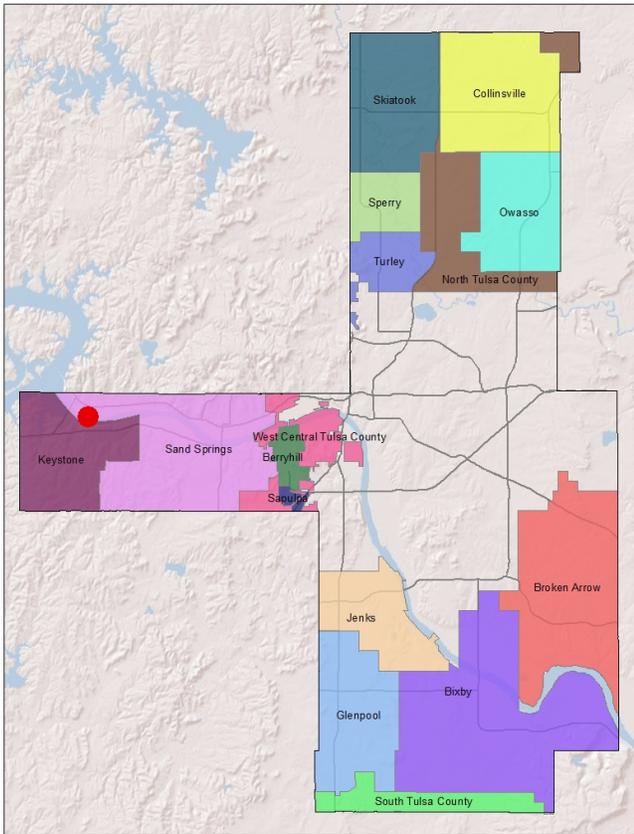
Owner and Applicant Information:

Applicant: Chris Lierly

Property Owner: Lierly, Christopher S & Bridget R

Action Requested: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240)

Location Map:



Tulsa County Comprehensive Land Use Map

Additional Information:

Present Use: Residential

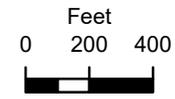
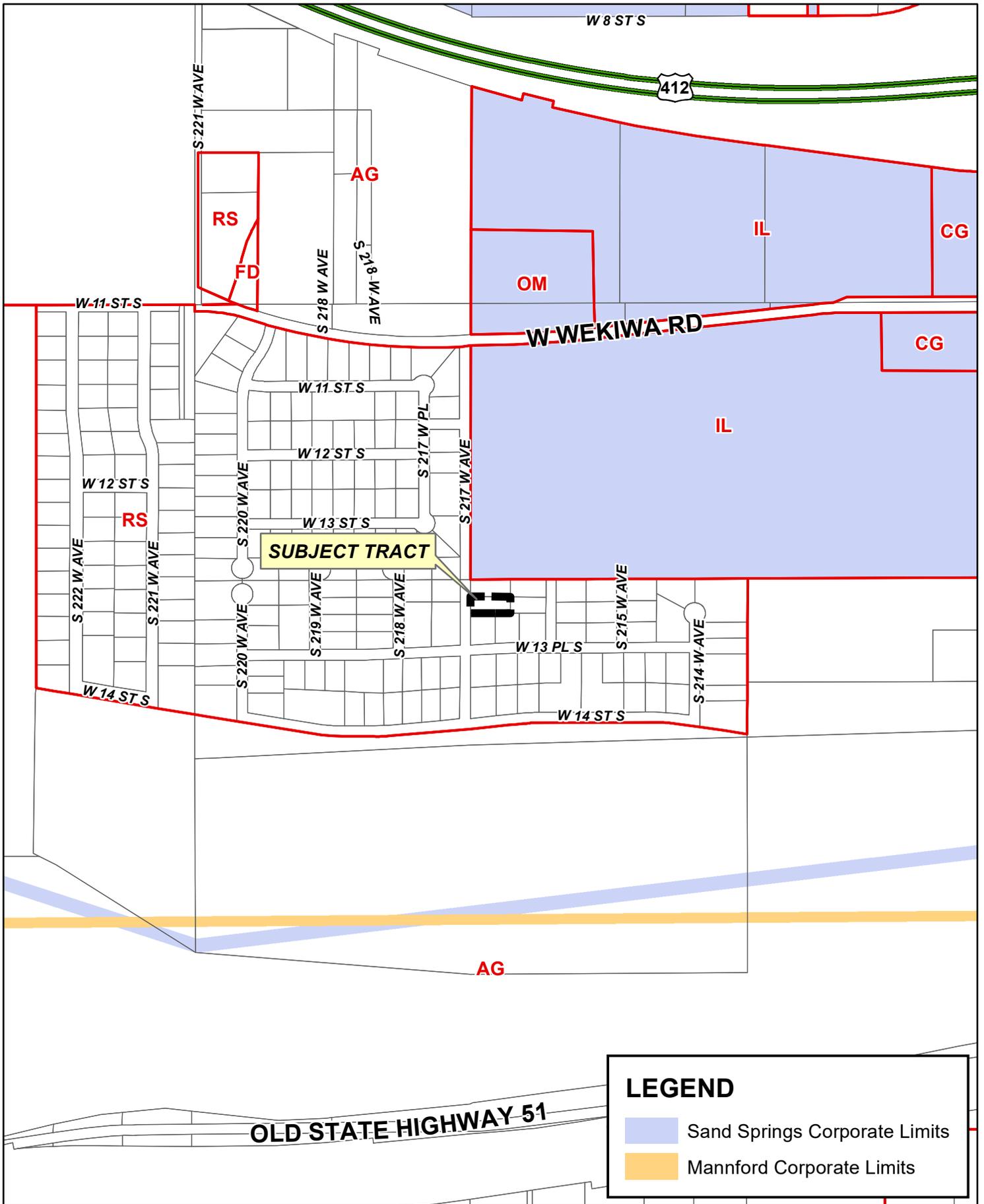
Tract Size: 0.33 acres

Location: 1315 S. 217th Ave. W.

Present Zoning: RS

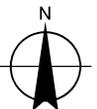
Fenceline/Area: Sand Springs

Land Use Designation: Residential



CBOA-2943

19-10 10



LEGEND

- Sand Springs Corporate Limits
- Mannford Corporate Limits

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9010

CZM: 33

CASE NUMBER: **CBOA-2943**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/18/2022 1:30 PM

APPLICANT: Chris Lierly

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240)

LOCATION: 1315 South 217th Avenue West

ZONED: RS

FENCELINE: Sand Springs

PRESENT USE: RS

TRACT SIZE: 0.33 acres

LEGAL DESCRIPTION: LT 6 BLK 5, CANDLESTICK BEACH

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-2733 March 2019: The Board approved the request for a Variance to allow a 40'-0" x 40'-0" accessory building with an additional ten-foot setback as shown on page 3.34 for the proposed accessory building. The building is to be ten feet off the southerly easement, on property located at 21521 West 14th Street South.

CBOA-2508 July 2014: The Board approved a variance to permit construction of a detached accessory building in a side yard located in an RS District; and a variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built on property located at 1333 South 215th West Avenue.

CBOA-2506 July 2014: The Board approved the request for a Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet, on property located at 1322 South 217th West Avenue.

CBOA-2429 May 2012: The Board approved a variance to permit a detached accessory structure in an RS District larger than 750 square feet; and a variance to permit a detached accessory structure in the side yard, on property located at 1325 South 214th West Avenue.

CBOA-2144 January 2005: The Board approved a variance of the allowable 750 square feet for an accessory building to allow a 900 square foot accessory building in an RS zoned district, on property located at 21609 West 14th Street South.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in a residential neighborhood surrounded by RS zoning.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240)

Section 240.2.E permits accessory buildings in the RS district, however, the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The applicant provided the following statement: *“I am seeking a building variance to build a 24 x 40 carport style building. I need this size so that I can fit both my home gym equipment and also my work tools. Half of the building will be used for our family workout facility while the other half will hold my tools and yard equipment. Both of these activities help me de-stress and give me a therapeutic outlet for the tension of work and everyday life I face. If granted this building should not cause any impairment to the current neighborhood. Several neighbors have similar metal style buildings look very professional and add character to the neighborhood. With this building I will be able to deconstruct our small building, that is aged, which I have been using to store lawn equipment.”*

According to the site plan provided, the applicant is proposing to construct a 24’ x 40’ (960 sq. ft.) accessory building at the rear of his property. It will be located in the rear yard. Section 420.2.A.3. states the following: Within the rear yard, a detached accessory building shall be located at least three feet from any interior lot line. The proposed accessory building complies with the three-foot setback requirement.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the proposed accessory buildings are compatible with and non-injurious to the surrounding area.

Sample Motion:

“Move to _____ (approve/deny) a Variance to permit a detached accessory building to exceed 750 square feet in the RS district. (Section 240)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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.”

2728—Jennifer Lawson

Action Requested:

Variance of the minimum required frontage from 30 feet to 0 feet in an AG District to permit a lot split (Section 207). **LOCATION:** South of the SW/c of West Wekiwa Road and South 193rd West Avenue

Presentation:

The application was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No action required by the Board; for the following property:

E231.66 W821.1 GOV LT 1 SEC 11 19 10 7AC, OF TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

2733—Will Wilkins

Action Requested:

Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Presentation:

William Wilkins, 21521 West 14th Street, Sand Springs, OK; apologized to the Board for being drawn into a civil spat regarding the legal standing of the Home Owner's Association which should have never been a factor. Mr. Wilkins presented documents to the Board in relation to the Home Owner's Association. Mr. Wilkins stated that he forwarded additional material for the Board's consideration last week plus copies of five other previous Board of Adjustment requests for similar action, and not one of the requests was denied. All have been found to conform to the harmony and spirit of the neighborhood. The materials for those requests were all the same, metal buildings. Mr. Wilkins stated that his request is for nothing more than what has been requested by the others, some of whom have been in protest of his application. The majority of the people that are in opposition to his request do not even drive by the subject property, and that majority that do have signed a letter of support. Mr. Wilkins stated that he only seeks to enjoy the same ranks and privileges of others in the neighborhood.

Mr. Charney asked Mr. Wilkins if there was any productive discussion between himself and any of the members who are in opposition in the intervening thirty days. Mr. Wilkins

stated that immediately following the last meeting he had a discussion with Mr. Dennis Strait and his only opposition is that he does not want to look at a metal building across the street. Mr. Wilkins stated the subject property was for sale for over a year and no one else seemed to want the property so he purchased it because he could not purchase the lot to the west of his house. Had he been able to do so he would have sought to have the building on that lot and Mr. Strait stated that he would not have had a problem with a metal building located on that property. Mr. Wilkins stated that he also spoke to Mr. Mock who owns the property behind him, and he does not want a metal building or any kind of accessory building on the property. Mr. Wilkins stated that he did speak with other interested people in his end of the neighborhood, and they are in support of his request to the best of his knowledge. Mr. Wilkins stated that past Board of Adjustment actions have allowed for such accessory structures approaching almost 1,600 square feet, with the largest being 1,560 square feet that was approved in 2014. Mr. Wilkins stated that if the Board feels it is necessary he would be willing to go down to 1,600 square feet, a 40 x 40 structure.

Mr. Charney stated that historically the Board does not delve into legitimacy or the legal documentation regarding to either HOAs or with regard to the precise construction of covenants. The Board does care about those but that is not what this Board has been charged to do whenever they accepted their appointments to the Board. The Board's inquiry is rather narrow and there are some legal tests that are before the Board that need to be examined and the Board does their best as a volunteer Board to see whether a particular application fits against the legal tests the Board is given. The Board only confines their inquiry to is what people in the neighborhood have to say and the Board does their best to apply the test to the request. The Board cares immensely about the legal tests. In regards to other applications that have come before the Board, they may be relevant to something in a matter but they are not binding or controlling on the Board. Facts differ in each case and the Board takes the information and makes as best a decisions as they can as a volunteer Board.

Mr. Charney stated the purpose in the last continuance in this case was to get a full Board to hear the case. Mr. Charney stated that Mr. Hutchinson was the Chair at the last meeting and he asked if there were any new comments or new information in this case that will make a difference.

Interested Parties:

Melissa Wilkins, 21521 West 14th Street South, Sand Springs, OK; stated she is Will Wilkins wife. She stated that in going through some of the previously approved structures that have been allowed in the neighborhood, one of those applications noted that there was a boat that had to be stored and a truck that was broken into. Those type of issues continue in the neighborhood and a large part of why they would like to have a building is because she has inherited a vehicle and has possession of all her mother's belongings and she needs storage for all this. Ms. Wilkins stated that she wants to be able to securely store her belongings on her property and to insure that they are not being stolen or vandalized. Ms. Wilkins stated that she has done a lot to maintain a beautiful landscaped yard and that will continue to the proposed accessory

building because it will be in her back yard. Ms. Wilkins stated that she has heard concerns about devaluation of surrounding property, and when she looks at some of the surrounding neighbors she is not doing anything to decrease home values that they have not already done to themselves and how they maintain their homes.

Steven Brown, 21607 West 13th Place, Sand Springs, OK; stated he has lived there for over 30 years and he has never been robbed or threatened. He does not want the Board to think the neighborhood is an outlaw community that everyone is worried about. Mr. Brown stated that Mr. Wilkins has stated that he has the majority of the people behind him and in favor of his request but there is documentation to prove that is not the case. This is a nice subdivision.

Rebuttal:

Will Wilkins came forward and stated he is not painting a lawless picture of his neighborhood, he knows it is not and that is why he moved there. He enjoys his community, however, there are cases where work trailers have been stolen and there are porch pirates. He is trying to find a way that he can safely secure his property, and not have it piled up in his yard because that will diminish property values. He wants a nice clean yard.

Mr. Charney asked Mr. Wilkins to state the hardship for his request. Mr. Wilkins stated that under the previous applications the hardship has always been stated "lot size in relation to accessory structure". It has always been predicated on two lots of similar size necessitates the ability to have a larger structure, to have ample storage and not make the lot look out of context with the neighborhood. By having a one acre parcel, which is three lots combined, this structure size he believes would be in harmony and the spirit of the neighborhood. Mr. Wilkins stated that in order to keep with the harmony and spirit of the neighborhood, the lot size demands a slightly larger structure.

Mr. Hutchinson asked Mr. Wilkinson if this would interfere with addresses in the neighborhood. Mr. Wilkinson stated that he cannot speak to addresses but all it does is add land area together, unless there is a reason for addressing the structure facing 13th Street, the actual mailing address would remain the same as it is now.

Mr. Hutchinson asked Mr. Wilkins if the shop were brought farther south along the easement, doesn't he think that would be more in context with the rest of the neighborhood? With the structure sitting out front and facing a different road it will not look like it is part of the Wilkins property. Mr. Wilkins stated that from the face of the asphalt to the face of where he would place the building is 73 feet. According to the site plan there is 67 feet from the front of the property line to the front of the building as displayed on the plan. Mr. Wilkins stated that he has a swimming pool in his backyard and he wants to maintain ground space for his children to be able to play.

Comments and Questions:

Mr. Dillard stated that in any approval it should be a win-win, and he does not think anything that this Board does will make everybody happy. There are personality

conflicts that have to be put aside so the Board can decide what is to be done on the land use for the property.

Mr. Hutchinson stated that the only way he could support this request is if the proposed building were placed back closer to the easement where it looks like it is part of the house and leaves enough room in the front in the event something ever happens.

Mr. Johnston stated that he drove the neighborhood and this particular building shown on Exhibit 3.52 is east of the Wilkins property, and in looking at the other applications that have been made he wonders why there were no other protestants at those cases. Why are there so many protestants regarding this request? The approved 1,560 square foot building is one of the larger buildings in the neighborhood, and it sits closer to the street and it is just east of the subject property. Mr. Johnston stated that he thinks if the proposed building were pushed back toward the easement and have access from the front of the existing house it would really be an accessory building to the property.

Mr. Charney stated that an accessory building is accessory to a residential structure in a residential neighborhood. If someone were driving on 13th Street the proposed building would not feel like an accessory building, potentially. To mitigate that, where does it get access from and potentially moving the building farther south.

Mr. Dillard stated that he sees a concession from the property owner in that he is willing to cut the size and is willing to move it back, with those two concessions he can support this request. Mr. Dillard stated that he does not have a problem with the applicant having access to the structure in both directions, from his house as well as from 13th Street.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to allow a 40'-0" x 40'-0" accessory building with an additional ten foot set back as shown on page 3.34 for the proposed accessory building. The building is to be ten feet off the southerly easement. The accessory building is compatible and non-injurious to the surrounding area. The Board has found the hardship to be that the applicant has three lots which is almost an acre in size, and it is an excess amount of square footage in the combined lot configuration, 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 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

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

UNFINISHED BUSINESS

FILE COPY

2733 – Will Wilkins

Action Requested:

Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Presentation:

No presentation was made by the applicant; he requested a continuance to the April 16, 2019 Board of Adjustment meeting.

Mr. Hutchinson stated that the Board will allow the interested parties to come forward to voice their opinion for the record in case they cannot attend next month's meeting.

Interested Parties:

Mary Robinson, 21670 West 13th Place, Sand Springs, OK; stated she does not want to continue this case because she two foster children, an ill aunt, and mentally challenged brother that she takes care of, and the children get out of school around the same time as this meeting. She moved to Candlestick Beach in 1991 and purchased one of the first houses that was built in the addition. There has never been anything that makes her fear that there would be semi-trucks or two-ton trucks coming into the neighborhood as Mr. Wilkins would have for his business. People in the neighborhood have sheds and buildings, and everyone in the community like it as it is. Ms. Robinson read an opposition letter from the York family who was unable to attend today's meeting. Ms. Robinson stated that there are people in the neighborhood that have businesses in their houses like selling Avon or a personal beautician. These are small businesses. Ms. Robinson stated that Mr. Wilkins has his home location address listed on the internet as his business, so the neighbors think that if he builds this large building that eventually he will house his business materials with business vehicles going through the neighborhood, though Mr. Wilkins has never told the neighbors any different. Ms. Robinson thinks the proposed building is too big and too much.

Sharon Borchers, 1322 South 217th West Avenue, Sand Springs, OK; stated she has taken off work for the last two meetings regarding this case and she thinks it is important that she attend these meetings though it is causing problems at work. Ms. Borchers has lived in Candlestick Beach I for seventeen years and for the last ten years she has been the Treasurer of the Candlestick Beach Home Owner's Association. At the last meeting the Board advised Mr. Wilkins to meet with the HOA to see if a

compromise could be reached, and as today she does not believe Mr. Wilkins has done so. The only correspondence the HOA has had is a three-page list of demands and threatening litigation from Mr. Wilkins attorney requesting HOA documents that could be had at the County Clerk's office. Ms. Borchers stated that as a long-time resident does not feel that Mr. Wilkins wants to work with the Home Owner's Association or the neighbors. Ms. Borchers stated she is offended that she and anyone else was accused of vandalizing Mr. Wilkin's property; the residents are not going to do that.

Steven Brown, 21607 West 13th Place, Tulsa, OK; stated he does not want to have this case continued because of his wife's medical issues. Mr. Brown stated that at the last meeting the Board asked Mr. Wilkins to present his site plan to them so dimensions could be seen and studied, and he is curious whether he has done so.

Ms. Jones stated there are two plans in the agenda packet on pages 2.19 and 2.20. Mr. Brown stated that the reason he asked is because Mr. Wilkins keeps changing his plans several times.

Mr. Brown stated that he is concerned about if Mr. Wilkins is approved for the Variance but he does not comply with the conditions given by the Board? Mr. Hutchinson stated that Ms. Tosh, the County Inspector, would be the enforcement officer that would enforce the conditions given by the Board. Ms. Tosh stated the building will need to be built according to the plans that are submitted. Ms. Tosh stated that whatever plans are submitted must be approved before the permit is issued, once the permit is issued the County will follow up to make sure the building is built appropriately, or the owner's electric will not be released.

Mr. Brown stated that he is concerned about the building being so big, that it will be hard to make it not look like a commercial building. The building is being placed so that Mr. Wilkins will need to drive around the block and use a driveway that has been placed next to a neighbor's house. He is also concerned about the proposed being right in the middle of the subdivision.

Robert Stotler, 1347 South 220th West Avenue, Sand Springs, OK; stated he has been the President of the Home Owner's Association for less than two years and he is against the continuance of this case. There are three Variances for buildings that were built in the neighborhood, and of those three Variances there is not one person that came to the Board to protest against them; today there five or six people in attendance and there are numerous signatures against the proposed building. There has not been one set of plans given to the building committee, which Mr. Wilkins is a member, and he knows he needs to do so. When an application is filed, staff publishes official public notices and informs nearby residents and neighborhood associations. Staff then receives appropriate plans and development policies to formulate the case study and staff analysis. Not one time on any of the Variances has the Neighborhood Association been notified; they find out through the grapevine. Mr. Stotler stated that he has spoken to Robi about notifying the Neighborhood Associations, and she does not know where a neighborhood association would go to register for a mailing list. In this case the Home

CBOA-2733

FILE COPY

Owner's Association did not know anything was being built because Mr. Wilkins never submitted plans. Mr. Stotler asked why the Home Owner's Associations in the County are not notified.

Ms. Miller stated the City of Tulsa has a Working in Neighborhoods Department that facilitates the registering of neighborhood associations for the City, and she does not think the County has anything like that. There is no one organizing or collecting that information for the County Board of Adjustment or INCOG to have. The information is not available for them to have.

Mr. Dillard stated the neighborhood is being notified because there are notices mailed to home owners within a 300-foot radius of a subject property is being notified. With that many people the Home Owner's Association is totally aware of it because there is nothing faster than word of mouth.

Mr. Stotler presented a graph that showed home owner's in favor of or not in favor of the proposed building and explained the shadings on the graph. Mr. Stotler stated that he researched Novus Homes and found the business address to be 615 North Cheyenne Avenue, but that house has been sold to another party. So, he did more searching and found Novus Homes listed at 21521 West 14th Street, Sand Springs, which is Mr. Wilkins home address; Mr. Wilkins has stated that he is not going to run a business out of that house and there is a sign in the front yard of Mr. Wilkins house promoting his business. Mr. Stotler presented a letter addressed to Mr. Wilkins from the Candlestick Beach Home Owner's Association, and he read the letter to the Board. Mr. Stotler read from the neighborhood covenants. Mr. Stotler stated that the proposed building is the same size as the houses that surround it, so it will be a giant building with a driveway on another street making it look like a stand-alone building. That is not harmonious for the neighborhood. Mr. Stotler stated that a hardship cannot be self-created, and he feels Mr. Wilkins created his own hardship when he purchased the two lots to build his house and the third lot, he purchased, for placing a 2,000 square foot building on creating his own hardship. The residents do not want a giant building in the middle of a neighborhood. Mr. Stotler referred to several photos of existing accessory buildings in the neighborhood that have brick on them, so they blend into the neighborhood. Mr. Stotler stated he inherited these problems and he is just trying to make it right for everyone in the neighborhood and trying to stop the brother-in-law deals from the past and get down to the rules and regulations.

Dennis Strait, 21521 West 13th Place, Tulsa, OK; stated he lives in front of the subject site for the proposed building. He is opposed to the continuance because this needs to be resolved. All the buildings in the area are houses, they are not commercial buildings and he is afraid that is what this will be. Mr. Strait stated that the driveway that Mr. Wilkins wants to install will be right in front of his house. Mr. Strait stated that he believes Mr. Wilkins has a lawn service to tend to his yard so the building is not needed for lawn equipment. He doesn't understand why the building isn't being built next to Mr. Wilkins house and facing the beach instead of facing someone's house. The proposed

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building will be what he sees when he looks out his front window, and he is afraid that he will be running his business out of it.

Mr. Hutchinson thanked the interested parties for their comments and stated the Board will keep them under advisement for the meeting next month.

Mr. Wilkins asked the Board if he would have an opportunity to speak directly to what the interested parties discussed today, and then continue the case? Mr. Hutchinson stated that he prefers not to, otherwise the entire case should be heard today. Mr. Wilkins consented.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney, Crall “absent”) to **CONTINUE** the request for a **Variance** to allow an accessory building to exceed 750 square feet in an RS District (Section 240) to the April 16, 2019 Board of Adjustment meeting with no further continuances; for the following property:

LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2734—Aloha Surface

Action Requested:

Variance to allow 0 feet of frontage on a public street to permit a lot split in an AG District (Section 207). **LOCATION:** 3800 East 171st Street South

Presentation:

Aloha Surface, 402 East 16th Street, Owasso, OK; stated the property is to be split according to a trust, and she is the trustee. The existing house will be razed. The property is 10 acres and it will be split into four pieces. The two rear pieces of property which will be 2-1/2 acres each, are not on 171st Street. One of the rear pieces will be sold to her niece, and a brother will have the other 2-1/2 acres in the rear. Ms. Surface stated that she has received permission from the water department to add three taps to the property. In general, the piece of property will stay together within the family, but because of the trust she has to split the property into four pieces. Ms. Surface stated there was a survey done allowing for access easements on both sides of the subject property, and there are driveways that do back to the rear properties.

density, then there needs to be planned water drainage or water retention for the area. He cannot support this request.

Mr. Crall stated that he thinks this prevents a wildcat subdivision. He would not have a problem supporting this request.

Mr. Hutchinson stated he could support this request as long as water drainage is addressed, and there are no future lot splits.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-1-0 (Crall, Hutchinson, Johnston “aye”; Dillard “nay”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a **Variance** of the minimum lot width to permit a lot split (Section 330). The approval is subject to the County addressing stormwater runoff requirements, and there are no future lot splits. The Board finds the hardship that this is a large tract of land and the property can easily accommodate three houses; for the following property:

S/2 S/2 NW SW LESS W16.5 THEREOF FOR RD SEC 11 21 13 9.875ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2733—Will Wilkins

FILE COPY

Action Requested:

Variance to allow an accessory building to exceed 750 square feet in an RS District (Section 240). **LOCATION:** 21521 West 14th Street South

Ms. Ulmer stated that the address on the agenda is listed as West of the NW/c of West 14th Street South and South 124th Avenue West; it should be South 214th Avenue West.

Presentation:

Will Wilkens, 21521 West 14th Street South, Sand Springs, OK; stated he would like to build a 40'-0" x 50'-0" accessory building on the subject property located in Candlestick Beach. He has a total of one acre because he purchased three lots in the neighborhood and combined them into a single parcel. He is requesting relief to build a structure similar in design, size and scope to some that exist in the neighborhood in close proximity to his property. The purpose of the out building is for a camper, general storage and a workshop. The height of the structure will be 19'-0" at the peak gable, which is well under the 35-foot permissible by Code. His lot is 42,840 square feet creating a lot approximately 6.2 times the size of the minimum RS lot. The Code requirement was created in order to establish and maintain the desired development intensity and residential character of the district, specifically in terms of preserving openness between dwellings and other structures. He intends to maintain that

openness as the lot it sits on has well more than the minimum required livability square footage. The Code requires that a detached accessory building shall not be located in the front or side yard or encroach upon the minimum setback building line. His structure's placement conforms to all of these as the structure will be located behind the dwelling on the property. He believes the addition of one structure of this size is more in harmony with the residential character of the neighborhood and in keeping with the Code than three or four separate smaller structures and carports in the middle of the large open lot. This was previously demonstrated as the hardship in Case #CBOA-02429 in 2012.

Mr. Hutchinson asked Mr. Wilkins if he planned on doing any commercial business out of the proposed building. Mr. Wilkins stated that he is not; he does not operate any business out of his house or out of the shop. The building will house a new camper and his wife's mother has passed away and her stuff will be stored there, plus personal lawn equipment. He does not want anything to sit outside of the building.

Mr. Hutchinson asked Mr. Wilkins what materials the building will be constructed from. Mr. Wilkins stated that it is a pole barn and will be two-tone metal to correspond with his house and be a modern ranch style. There will be two overhead doors; one 12'-0" and one 8'-0" in height.

Mr. Hutchinson asked Mr. Wilkins if the other buildings in the neighborhood are of the same structure. Mr. Wilkins answered affirmatively.

Interested Parties:

Robert Stotler, 1347 South 220th West Avenue, Sand Springs, OK; stated he is the President of the HOA for Candlestick Beach I. Mr. Stotler stated, as the President of the Candlestick Beach I President, he has heard that the residents are against the Variance. The signatures on the petition are from the residents within the 300-foot radius. Mr. Stotler stated that building plans were never submitted to Candlestick Beach I HOA for approval. Mr. Stotler stated that Mr. Wilkins is a builder and he knows that he has to submit his plans to the HOA Building Committee; Mr. Wilkins is a member of the Building Committee. Mr. Stotler stated that Mr. Wilkins made his application on January 23rd, and on February 9th he notified Mr. Wilkins via e-mail to submit his building plans to the Building Committee for approval. His response was to say that he would submit his plans on Monday, February 11th and they have never been submitted. Mr. Stotler stated that the owners have voiced their concerns stating that the proposed building is too big, no plans have been submitted to the Building Committee for approval and the building will not blend into the neighborhood. The building is 2,000 square feet and bigger than the minimum allowance for a house in this development. The houses around this proposed building are on the average 2,029.6 square feet and that means the building will be almost the same size as those houses. Mr. Stotler stated that he was asked by the home owners to develop a petition against the proposed building. The plans at the County are different than what was submitted to the County Board for the Variance. The largest building in the neighborhood built as an accessory building is 1,600 square feet. It does not harmoniously blend into the neighborhood; it looks like a

stand alone building complete with its own driveway. This building was supposed to look like a house in the middle of the lot with four feet of brick around the base on three sides with vinyl across the front. The building does not meet the guidelines the County approved; it was approved May 15, 2012. The County gave Mr. Wilkins six months to complete all the requirements. Mr. Wilkins referenced this building and two others in his Variance petition for his building at Candlestick Beach as being larger than 700 square feet. All three buildings were built before Candlestick Beach had a building committee, therefore, the President and Vice President approved these buildings. At the last election the home owners reinstated the Building Committee to oversee all new buildings and to ensure all new buildings conformed to the HOA covenant. There is nothing that can be done about the other accessory buildings, but we can have a say about future buildings being built in the neighborhood. This building is going to look like a commercial building on a lot in the middle of the neighborhood. The proposed building does sit in the Wilkins back yard, but it will be on a main street of the neighborhood and will look like a stand-alone commercial building. The building will be accessed from a main street, 13th Place. This building will not improve property values but will bring them down. This building will not harmoniously fit into the neighborhood.

Chris Burns, 21407 West 14th Street South, Sand Springs, OK; stated his concern is that he has not seen anything on the building; all he has been told is that it is a 2,000 square foot building. The other buildings that were previously approved were not completed as the owners were told they needed to be done. Mr. Wilkins' property is dead center of the block.

Ron Vanlandingham, 1325 South 214th Street, Sand Springs, OK; stated that his building was not built as it was approved. As he was installing the brick, he did contact the Building Committee, and he did not realize he had to come back before the Board of Adjustment to request a 42" brick wall instead of a 48" brick wall, and he did receive approval to cut the brick wall down because it looks better. The building committee also told him that he did not need to install the vinyl siding either. Mr. Vanlandingham stated that years ago he was the HOA President twice and the Vice President twice and he did send a letter explaining everything that goes on in the neighborhood. There is a ruling party, and if you are a part of that ruling party or part of the click, you can do anything you want to do. The elections are prearranged. There is not an honest vote. There are so many things wrong with what is happening in the neighborhood. If you stand against the ruling party, as he is doing now, you risk vandalism like the Wilkins have experienced. The Wilkins are good people and he does not see a problem with the proposed building. The covenant does not say anything about a home owner needing to submit building plans to the Building Committee before receiving an approval.

Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he has a 30'-0" x 30'-0" shop behind a metal fence and his residence backs up to a pasture. At this present time, he was opposed to the building until he spoke to Mr. Wilkins. When Mr. Wilkins told him that it would be over 60 feet from the main road and that the fence would encompass the front of the building so it looks like it will be tied together. Mr. Wilkins ensured that there would be landscaping done to make the property look nice.

Mr. Castoe stated the reason he has a fence around his property is because he likes junk; he is a junker and hides it from the neighborhood. If a person is worried about what their view is going to be, buy the property.

Dennis Strate, 21521 West 13th Place, Sand Springs, OK; stated he is the person that will be suffering the most because his kitchen window will look right out to this building. The plans he has seen showed three doors, two overhead garage doors and a personal door. The measurement he has is 23'-6" from the ground level to the peak and that is a tall building. Mr. Strate stated that his house is only about six months old and if he had known he was going to have this problem, he may have purchased that lot. He did not think anyone would approve building a building such as this in the neighborhood. He does not understand why the applicant does not build the building right next to his house because he has the lot to do so.

Rebuttal:

Will Wilkins came forward and stated that the plans that were submitted has had a change in the height because the truss was re-engineered to bring it down so the building will now be 19'-0" maximum height to the top of the gable peak; there will be 16'-0" side walls.

Mr. Crall asked Mr. Wilkins about the plans he keeps referring to because the Board does not have a copy of any plans. Mr. Wilkins stated he submitted a set of plans to the permit office.

Mr. Wilkins stated that when he first moved into the neighborhood he asked if there was a home owner's association and requested a set of by-laws if there was. What he received was an e-mail with a patch work of various instruments. As time has gone on, he is no longer on the Building Committee, and he told Mr. Stotler that he would no longer be on the committee because of issues, and he has now engaged an attorney to review the documents to support if there is in fact a HOA. In an HOA a certificate of declaration actually has to spell out within as a covenant that there will be an HOA created at a certain percentage of ownership interest transfer. That is not within the declaration. Therefore, his attorney cannot find information to support any of this. Mr. Wilkins stated that he has now served the officers of the association with a request of documents to support that. No matter what, under the declaration it makes a distinction between dwellings and out buildings; dwellings being houses with two-car garages and there is nothing in the declaration that says an out building is subject to review. The reason he did not build on the lot east of his house is because he had to install a septic system with 550 feet of lateral line that is maintained on that lot. The parcel of land that was chosen for the subject building was on the market for over a year and no one purchased it to protect any view. Mr. Wilkins stated that he is trying to be as giving as he can by moving the subject building to the back of the lot which will diminish any site lines from the street; it is 67'-0" back from the front of the property along 13th and it is well within the boundaries of the side lot lines.

Mr. Hutchinson asked Mr. Wilkins if he planned on erecting a fence around the building. Mr. Wilkins answered affirmatively. Mr. Wilkins stated the plan is to landscape with fruit trees and with landscaping in the front and down the sides.

Mr. Hutchinson asked Mr. Wilkins if he planned on installing wainscoting on the building. Mr. Wilkins stated that was not his intention because it does not fit the design of his house.

Mr. Johnston asked Mr. Wilkins what the easements between the house and the building contained. Mr. Wilkins stated those easements contain electrical utility lines, water lines and gas service.

Mr. Hutchinson asked Mr. Wilkins how he would be accessing the building. Mr. Wilkins stated there will be one concrete driveway off 13th to the main garage door.

Ms. Miller asked Mr. Wilkins if there would be a gate and a fence at this access point. Mr. Wilkins stated that his intention is to bring the fence in line with the neighbor's fence and will not screen the front of the building.

Mr. Crall stated that his concern is he keeps hearing the phrase "the intent is" but the Board does not have anything to see so they are trying to picture what the intent is but yet there is no documentation to show that. It would be nice to see what the building is, what is the fencing, what is the landscaping, and what is the intent. Mr. Wilkins stated that he would have provided it had it been requested.

Mr. Johnston asked Mr. Wilkins what the two smaller buildings located in the southwest corner of the lot that are not on the subject site. Mr. Wilkins stated that one is a small metal storage building and the other is a lean-to on the property next to his property that is owned by the York's

Mr. Johnston asked Mr. Wilkins why he did not build up to the utility easement. Mr. Wilkins stated that he wanted to keep a space for a garden, but he could pull the building back a little more off the street but that adds more driveway. He also wants yard space for his children to enjoy.

Mr. Johnston stated that he has two issues. One is that it seems like if the garage was moved southwest it would be tucked in closer to where the building is pulling it up to the setback requirement for the house. The other issue is because the site originally was intended to be a residential site, the accessory building is usually at the back of a residence not the side, and he is having a problem with it being placed as far out to the north as it is. Mr. Wilkins stated that the lot has been combined about a month ago, so it is one L shaped parcel. Under the Code, an accessory structure is not typically seen to the front or to the side of a dwelling, but as an L shaped lot the accessory building is now being placed on the back of the parcel. Mr. Johnston stated that to him this does comply as an accessory building.

CBOA-2733

Ms. Tosh stated that has also been the County's concern. When there is a lot combination, an accessory building would still sit to the back of the house and this is sitting on another street with another drive off that street.

Mr. Wilkins stated that he was allowed to combine the property into one parcel and the subject site is now considered the rear yard, and there are other buildings in the neighborhood that are similar.

Mr. Johnston asked Mr. Wilkins what the width of the building is. Mr. Wilkins stated the building is to be 40'-0" x 50'-0"; 40'-0" east to west and 50'-0" north to south.

Mr. Crall stated that all the questions the Board has asked would have been answered with a site plan, so the Board could actually see what is being discussed. Mr. Wilkins asked the Board if they would like to continue this for 30 days? Mr. Dillard asked Mr. Wilkins if he was requesting a continuance. Mr. Wilkins answered affirmatively.

Mr. Hutchinson suggested to Mr. Wilkins that he speak with the Home Owner's Association due to the animosity between the parties.

Mr. Johnston stated that he would like to see the building turned 90 degrees, see it pushed back to the southwest, see where the driveway access is going to be located, see where the fencing is going to be placed, and see what the landscaping plan is going to be. Mr. Wilkins stated that if he does turn the building 90 degrees and pull it back to the southwest, he will block any remaining view of the beach from his neighbor's house. Mr. Dillard stated that the applicant should do his best to see if the neighbors and the Home Owner's Association are in agreement with the proposed plans, and if they are, come back and the Board will look at the plans for consideration.

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 **CONTINUE** the request for a **Variance** to allow an accessory building to exceed 750 square feet in an RS District (Section 240) to the March 19, 2019 Board of Adjustment meeting to allow the applicant time to provide a site plan to the Board for consideration; for the following property:

LT 15 BLK 2; LTS 6 & 7 BLK 2, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS
None.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Osborne asked Mr. West if there were any requirements for gravel or paved parking. Mr. West stated that normally those requirements are waived because this is a temporary stand and an all-weather surface is not wanted at other times of the year.

Mr. Scmidt stated that there is a commercial business next to the stand and he allows the fireworks stand customers to use his parking lot.

Board Action:

On **MOTION of HUTCHINSON**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). The fireworks stand will be allowed to operate from June 15th to July 4th, opening at 8:00 A.M. and closing at 10:00 P.M. June 15th through July 2nd. Hours of operation for July 3rd and July 4th will be 8:00 A.M. to 12:00 midnight; for the following property:

**N273 NW SW SW LESS S223 N273 W195.34 & LESS BEG 273S & 195.34E NWC
NW SW SW TH N67.01 E462.96 S67.44 W462.66 POB FOR HWY SEC 24 22 12
2.39ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

250R

2058—Jay Castoe

FILE COPY

Action Requested:

Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). **LOCATION:** 1333 South 215th West Avenue

Presentation:

Jay Castoe, 1333 South 215th West Avenue, Sand Springs, OK; stated he would like to build a 30 x 30 detached shop beside his house. After the shop is constructed he would like install a 20 x 20 foot awning on the north side of proposed shop.

Mr. Charney asked if the awning is like a carport. Mr. Castoe answered affirmatively.

Mr. Walker asked Mr. Castoe what he would be using the shop for. Mr. Castoe stated that he has hobbies and that is where he will be for those hobbies.

Mr. Charney asked Mr. Castoe if he would working in the shop, doing any work of any sort for pay or commercial purposes. Mr. Castoe stated that he would not.

07/15/2014/#410 (8)

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CBOA-02508

Mr. Walker stated that Mr. Castoe has quite a bit of outside storage. Mr. Castoe stated there are two detached sheds and he plans to keep the metal shed. Mr. Castoe stated that he owns a 1929 Chevy that he wants to restore and two trailers. If he is working on his hobbies in the building he can place the trailers on the carport area to keep them out of the weather.

Mr. Hutchinson asked Mr. Castoe if the carport would be open. Mr. Castoe answered affirmatively.

Mr. Osborne asked Mr. Castoe if the three separate lots depicted in the drawing in the Board's agenda packet were tied together. Mr. Castoe answered affirmatively.

Ms. Miller asked Mr. Castoe if he had gone through the lot combination process. Mr. Castoe stated that he paid his fees and went through the process for the lot combination.

Mr. Charney asked Mr. Castoe if he had heard anything from the owner of the pasture near his property. Mr. Castoe stated that he has not heard anything from that owner. Mr. Charney asked if anyone around him had spoke to him about what he was wanting to do. Mr. Castoe stated that he had spoke to a couple of the neighbors and they do not have any problems with what he is proposing to do.

Mr. Osborne asked Mr. Castoe what the building is to look like. Mr. Castoe stated the building will be a metal red-iron building that will be matched to look like the other metal building on the property, and it will be close to matching the home.

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, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to permit the construction of a detached accessory building in a side yard located in an RS District (Section 420.2.A.2); Variance of the 750 square foot requirement for accessory units to allow a 900 square foot accessory building to be built (Section 240.2.E). The hardship for the Variances for the detached accessory building and open carport be placed in the side yard is the unusual configuration of the three lots that are tied together, as they run more north-south than they do east-west. The size of the lot is of such that an accessory building of that nature would not be out of character architecturally with the balance of the neighborhood. The new detached accessory building will have an open attached carport with a concrete floor. There is to be no commercial use; for the following property:

CBOA - 02508

LT 12-14 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

OTHER BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved:

Aug 19, 2014
R. L. Walker
Chair

Mr. Charney stated that since Mr. Osborn cannot present the Board with an easement, the Board might want to continue this case for a 30 day period to allow the applicant time to provide the Board with a satisfactory private road easement, or some sort of publicly dedicated roadway easement. Mr. Charney suggested that Mr. Osborn even seek legal counsel to make certain there is legal access to the subject property, because the Board needs the technical document.

Mr. Walker stated that Tulsa County does not accept a dedication to the road right-of-way unless the road is brought up to the County standards. Mr. Parsells stated that was too expensive to do so he stopped, and now the Board is discussing the middle of a wildcat subdivision. All of this generated by doing this wildcat subdivision, and that is why the 1987 request was nixed.

Mr. Charney stated this is an example of selling off five acre tracts without the engineering and corresponding road construction. He thinks rather than denying the applicant's request today, he would suggest this case for a 30 or 60 day period. This would allow the applicant to speak with everyone involved, starting with Mr. Parsells, and to seek legal counsel. He wants Mr. Osborn to understand what he is getting into and what is there before he invests in building a house. He also wants Mr. Osborn to understand the difference between a private roadway easement with maintenance responsibilities and a publicly dedicated roadway that has been accepted by the County.

Comments and Questions:

None.

Board Action:

On **MOTION** of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** 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) for a period of 30 days, which would be the August 19, 2014 Board of Adjustment meeting; for the following property:

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

2506—Richard Borchers

FILE COPY

Action Requested:

Variance of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E). **LOCATION:** 1322 South 217th West Avenue

Presentation:

Rich Borchers, 1322 South 217th West Avenue, Sand Springs, OK; stated he has an existing 24 x30 building, and had a portable building next to it with a carport. He has

07/15/2014/#410 (5)

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CBOA-02506

removed the carport and the portable building and he would like to erect an additional 24 x 35 metal building to store his boats, truck and gardening equipment.

Mr. Osborne asked Mr. Borchers if the new building was to be a garage. Mr. Borchers stated that it will basically be a work shop.

Mr. Charney asked staff if the existing building was non-conforming. Mr. West stated that a 750 square foot building is allowable in the rear yard, so the existing building is legal. The applicant needs relief for the second building.

Mr. Borchers stated that there are two lots and they are tied together. Mr. Walker stated that the drawing in the Board's agenda packet shows that the building is only five feet off the back. Mr. Borchers stated there is a 15 foot easement in the rear. Mr. Walker stated that the rear yard setback for the District is 20 feet. Mr. West stated that is for a dwelling. An accessory building can be within five feet of the property line.

Mr. Charney asked Mr. Borchers to describe the proposed building. Mr. Borchers stated that it will be like a carport but enclosed. He only wants to be able to keep his vehicles and garden equipment out of the weather.

Mr. Charney asked Mr. Borchers if any of his neighbors, especially the ones closest to the proposed building, have any objections to the proposal. Mr. Borchers stated that he is not aware of any objections. Mr. Charney asked Mr. Borchers if he had a chance to visit with the neighbors. Mr. Borchers stated that the letters were mailed out notifying the neighbors. Mr. Charney asked Mr. Borchers if he had talked to them. Mr. Borchers stated that he had not.

Mr. Walker stated that he had visited the site and Mr. Borchers has an immaculate place, and what he is proposing is going to be a great improvement. There are other properties in the area that are not as well kept as Mr. Borchers.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Charney, Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** of the allowed square footage for accessory buildings from 750 square feet to 1,560 square feet (Section 240.2.E) with the hardship being the oversized lot, two tied together, and the two lots forever joined together. The Board finds this will be harmonious and with the spirit of the neighborhood; for the following property:

CBOA-02506

FILE COPY

LTS 2 & 3 BLK 6, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

2057—Brent Schmidt

Action Requested:

Special Exception to permit a fireworks stand (Use Unit 2) in the AG District (Section 310, Table 1). LOCATION: E of the NE/c of North Cincinnati Avenue and Highway 20

Presentation:

Brent Schmidt, P. O. Box 255, Skiatook, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Charney asked Mr. Schmidt if he had a fireworks stand on the site before. Mr. Schmidt stated he has had one for the last two years. Last year he received a permit from the City of Skiatook, and this year when he tried to obtain a permit he found the site is County property. Mr. West issued a permit with provision that he appear before the Board of Adjustment.

Mr. Charney asked Mr. Schmidt if he has any problems with the ingress or egress from the site. Mr. Schmidt stated there have been no problems.

Mr. Charney asked Mr. Schmidt if he has received any complaints from the neighbors or anyone. Mr. Schmidt stated that he has not. One of the neighbors, to the east, did call because she was concerned about him erecting a building on the property.

Mr. Charney asked Mr. Schmidt when he wanted to have the fireworks stand operational. Mr. Schmidt stated that he wanted to have it for the 4th of July each year.

Mr. Charney asked Mr. Schmidt what were his hours of operation for the last couple of years. Mr. Schmidt stated that on the 3rd and 4th he has been open until midnight, and the rest of the time until 10:00 P.M. while opening at 7:00 or 8:00 A.M.

Mr. Charney asked if there was a residence or commercial business near the stand. Mr. Schmidt stated that it is a commercial business. The closest residence is to the east and about 1/8 mile away.

Mr. Osborne asked Mr. Schmidt how many days before the 4th of July did he open his stand. Mr. Schmidt stated that he normally opens about ten days prior to the 4th.

Mr. Charney asked Mr. Schmidt if he closed the stand on the 5th of July. Mr. Schmidt stated that he closes for the season on the night of the 4th.

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property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

FILE COPY

Case No. 2429—Ronnie VanLandingham

Action Requested:

Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). Location: 1325 South 214th West Avenue

Presentation:

Ronnie VanLandingham, 13255 South 214th West Avenue, Sand Springs, OK; stated he has joined two lots together. He has visited with all the neighbors and explained to them what he wants to do and why he wants to do it. The side yard variance request is because he has a GRDA non-active power line in the back yard with a 145'-0" easement so he cannot build anything in the back yard. The reason he wants to build a larger building, larger than 750 square feet, the building will have the appearance of a house in the middle of the lot instead of a small out-building in the middle of the lot. The building will be a steel building on a steel frame, with a four foot brick wall around three sides. There will also be vinyl siding across the front of the building. Eleven out of the twelve neighbors within the 300'-0" radius are in favor of his request being approved, and the twelfth neighbor lives about 250'-0" away from the subject property. The home owners association has also seen his proposed plan and they have given their approval for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the additional storage building in the backyard. Mr. VanLandingham stated that he had installed the carport to protect his boat but they are still deteriorating, and that is one of the reasons for the proposed building. The additional storage building was on the property when he purchased the house and he plans to demolish that building.

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CBOA-2943 1.25

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

CBOA-2429

FILE COPY

Board Action:

On **MOTION** of **OSBORNE**, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a **Variance** to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); **Variance** to permit a detached accessory structure in the side yard (Section 420.2.A.s). The new building is not to be larger than 1,600 square feet. The approval of the accessory structure in the side yard is due to the exceptional conditions placed upon the applicant due to restrictive easements on the property related to the existing powerline structures. The existing carport and storage facility on the property shall be demolished or removed no later than six months after the completion of the new building; for the following property:

Lots 3 and 4 BLK 3, CANDLESTICK BEACH, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2430—Glenn Harden

Action Requested:

Special Exception to allow a temporary mobile home in an AG District (Section 310);

Request to extend the time limit from two years to three years (Section 310.6).

Location: 16709 West 41st Street South

Presentation:

Glenn Harden, 16709 West 41st Street, Sand Springs, OK; stated that approximately 20 years ago his brother and wife bought the subject property. Mr. Harden, with his mother, then moved onto the property to live in a second mobile home. Since then his mother and his brother have passed away, and the brother's wife still lives on the property. Mr. Harden's sister-in-law currently lives in a double-wide mobile home on the property and has asked him to move back onto the property to help her. He would like to do so and move a mobile home into the spot where the second mobile home was previously located.

Mr. Charney asked Mr. Harden if there are other mobile homes in the area, and Mr. Harden stated that there are several. Mr. Charney then asked Mr. Harden if he knew of other lots in the area that held two mobile homes on the same lot. Mr. Harden was not quite sure if there were, but he thought there might be on the side road west of the property.

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 310
Tuesday, March 21, 2006, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair	Charney, Vice Chair	Butler	West, Co. Inspector
Dillard, Secretary		Cuthbertson	
Tyndall			
Walker			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, March 15, 2006 at 3:17 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

MINUTES

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the Minutes of February 21, 2006 (No. 309).

NEW APPLICATIONS

Case No. 2199

Action Requested:

Variance of the maximum permitted square footage for an accessory building in an RS district (Section 240.2.E), located: 1372 South 220th Avenue West.

Presentation:

Leo Croley, 1382 South 220th West Avenue, Sand Springs, Oklahoma, proposed to construct a building as an annex to the house for storage purposes. He submitted an application to combine his two lots to comply with the zoning code for the square footage of the building. He provided a petition of support, photographs and a letter of support (Exhibits A-1, A-2 and A-3).

FILED

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Comments and Questions:

Mr. Walker asked if utilities would be connected to the building. Mr. Croley replied they would only have electricity to the building, no plumbing or gas. He also explained they are building it with a second story for the storage because of the history of the river overflowing the banks. The windows are built high not lower like a house.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** a Variance of the maximum permitted square footage for an accessory building in an RS district (Section 240.2.E), subject to a lot combination of the two lots, and not to be used for a dwelling, finding the combination of the lots allows for the square footage of the building, on the following described property:

LT 12 BLK 8CANDLESTICK BEACH, Tulsa County, State of Oklahoma

Case No. 2200

Action Requested:

Special Exception to permit a child care facility (Use Unit 5) in an RS district; and a Variance of the 25 ft. building setback from an abutting R zoned property, located: 4840 West 45th Street South.

Presentation:

Shirley Kent, 4840 West 45th Street, proposed to open a child care facility. The existing accessory building is now used for storage but would be converted to a day care for up to twenty children. She pointed out there is easy access.

Comments and Questions:

Mr. Hutson noted the unanimous support of the neighbors. Mr. Hutson also commented the setback would be in compliance with the zoning code.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Hutson, "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVAL** a Special Exception to permit a child care facility (Use Unit 5) in an RS district; and a Variance of the 25 ft. building setback from an abutting R zoned property to the existing 7 ½ ft., finding this is a transitional neighborhood; when it was built it was

3.7

03:21:06:310 (2)

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 296
Tuesday, January 18, 2004, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

FILE COPY

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair
Hutson, Vice Chair
Dillard, Secretary
Tyndall
Charney

Alberty
Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Friday, January 14, 2004 at 1:30 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

MINUTES

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 21, 2004 (No. 295).

NEW APPLICATIONS

Case No. 2144

Action Requested:

Variance of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, 21609 West 14th Street South.

Presentation:

Larry Bush, 21609 West 14th Street South, Sand Springs, Oklahoma, stated he maintains the lawns at Candles Stick Beach. He needs storage space for the lawn equipment. The homeowners' association is in support of this application.

CBOA-2144

Comments and Questions:

Mr. Walker stated that it appeared the building is already built, and asked if they just wanted to add to the existing building. Mr. Bush replied that the building is already up and he needed relief to keep it this size. Mr. Walker asked for the hardship. Mr. Charney noted the lot is approximately 101' by 154', which is larger than most RS lots.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable 750 sq. ft. for an accessory building to allow a 900 sq. ft. accessory building in an RS zoned district, finding the increased land area, on the following described property:

LT 2 BLK 2 CANDLESTICK BEACH, Tulsa County, State of Oklahoma

Case No. 2145

Action Requested:

Variance of required rear yard setback from 40 feet to 15 feet to permit an accessory building in an AG district, SECTION 320.2.A.2 -- Use Unit 6, 580 South 221st Avenue West.

Presentation:

Jerry Oakes, 580 South 221st Avenue West, Sand Springs, Oklahoma proposed to move the accessory building fifteen feet from the rear property line. The presence of lateral lines, a natural run-off, and a 100 year old red oak tree are the hardship for this variance. He has spoken with the neighboring property owner and she is in favor of the application.

Comments and Questions:

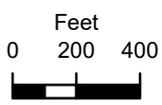
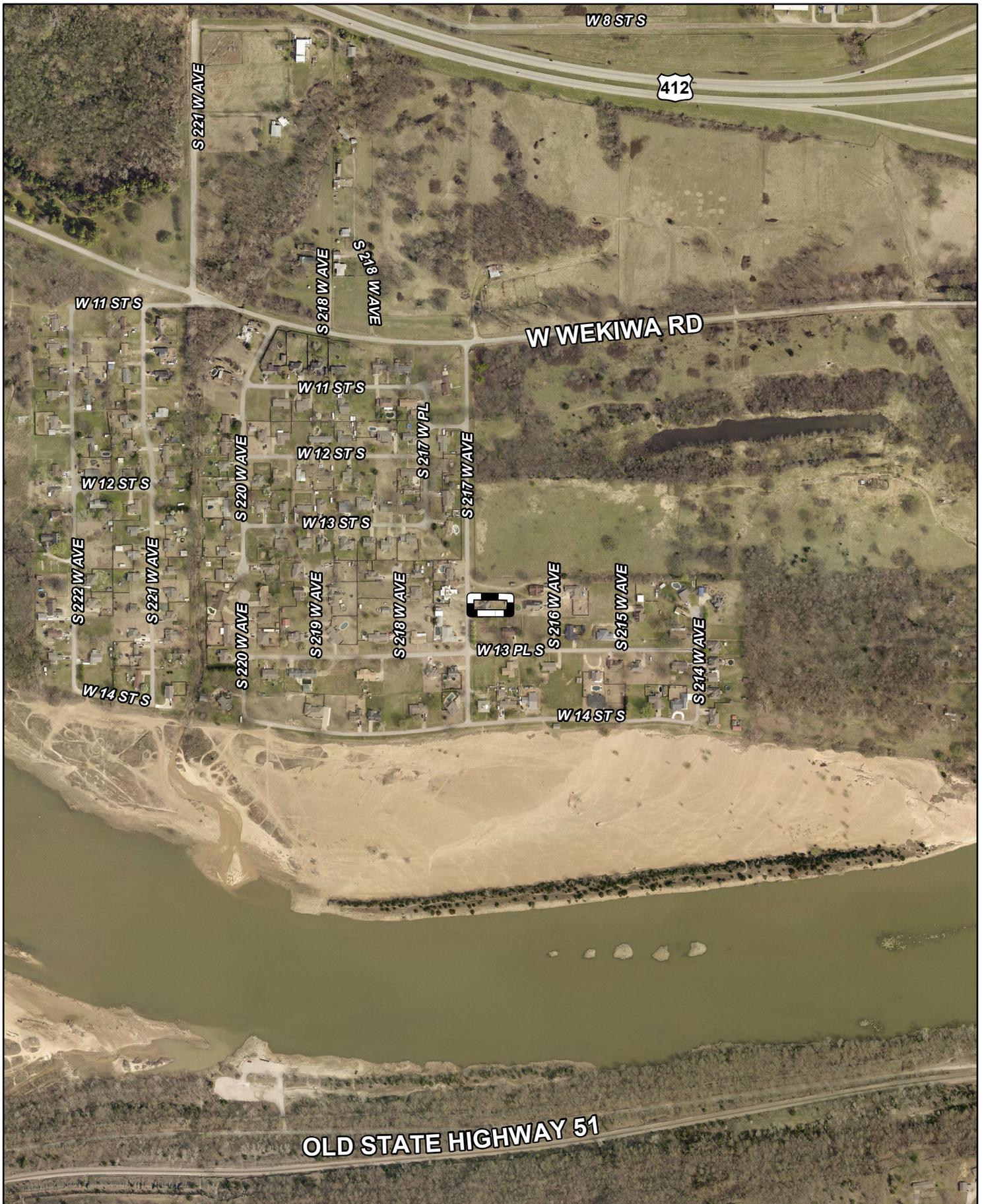
Mr. Tyndall asked the location of the utility lines. Mr. Oakes replied that the utilities are at the front of the house. Mr. Hutson asked for the difference in the elevation from the house to the proposed site of the building. Mr. Oakes replied there is about a six to eight foot drop.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Charney, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a



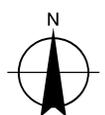
 Subject Tract

CBOA-2943

19-10 10

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

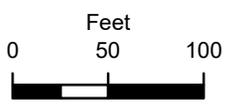


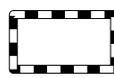


S 217 W AVE

S 216 W AVE

W 13 PLS



 **Subject Tract**

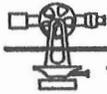
CBOA-2943

19-10 10

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021





WHITE SURVEYING COMPANY

9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-8924

REGISTERED LAND SURVEYOR'S INSPECTION PLAT FOR MORTGAGE LOAN PURPOSES

LEGEND

- ✕ FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B.L. BUILDING LINE
- O.B.L. OUTBUILDING LINE



1"=30'

INVOICE NO.: FTA 05-20436
MORTGAGOR: LIERLY, CHRISTOPHER S.

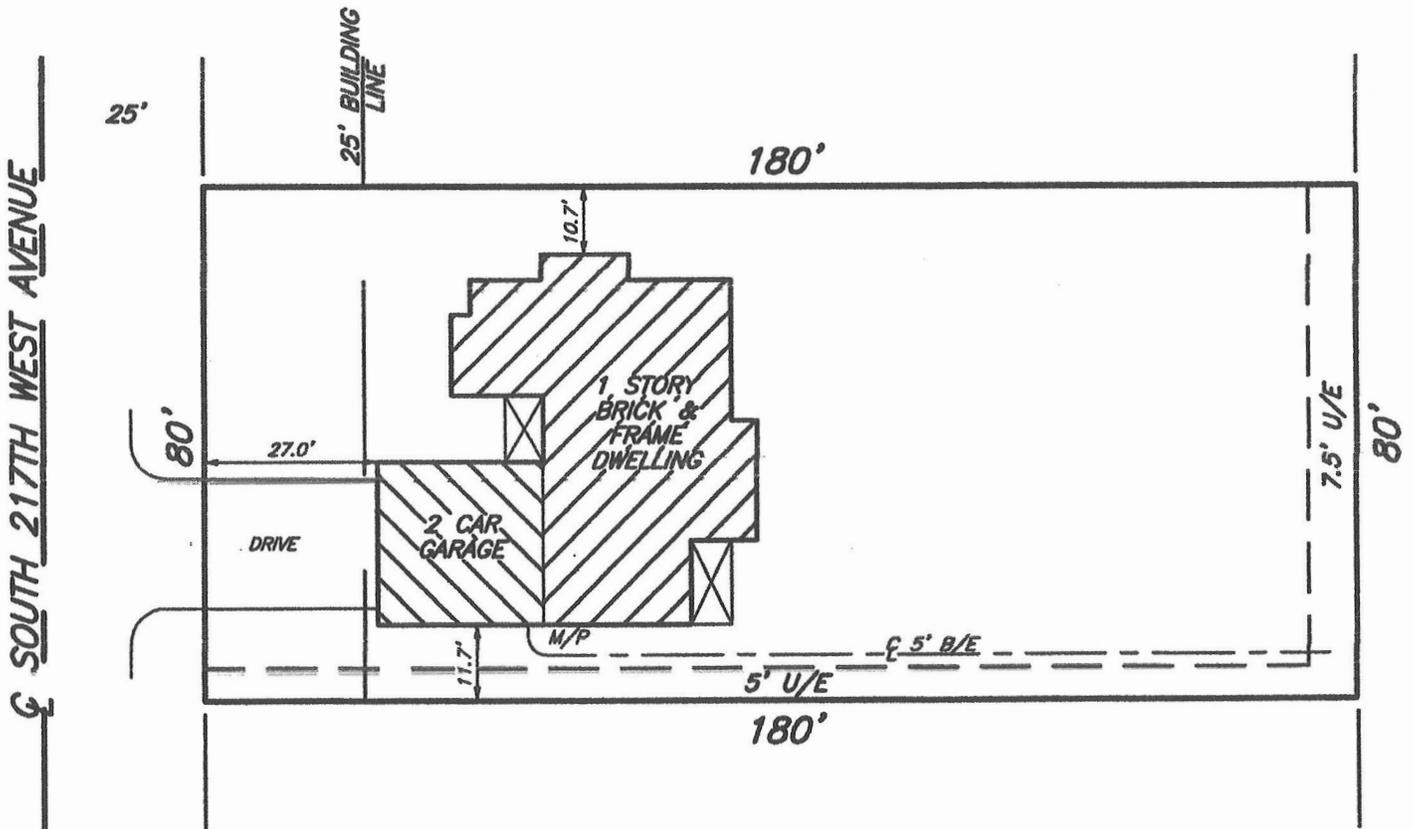
CLIENT: FIRSTTITLE AND ABSTRACT SERVICES, INC.
CITIMORTGAGE
COMMONWEALTH LAND TITLE INSURANCE COMPANY
37510

THIS PROPERTY LIES IN ZONE "X-SHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 405381 0315H, AS LAST REVISED 9/22/99.

CS

THE FOLLOWING RECORDED DOCUMENTS INCLUDE THIS PROPERTY:
ASSIGNMENT RECORDED IN BOOK 6762, PAGE 52,

Christopher S. Liery



PLAT NO. 2548

LEGAL DESCRIPTION AS PROVIDED:

LOT SIX (6), BLOCK FIVE (5), CANDLESTICK BEACH, ADDITION, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 2548 AND KNOWN AS 4745 SOUTH 217TH WEST AVENUE

CBOA-2943

1.33

7.5 U/E ←80'→

