

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 469
Tuesday, May 21, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

| | | | |
|---------------------|------------------|----------|--------------|
| Charney, Chair | Crall, Secretary | Miller | Tosh, County |
| Hutchinson, V.Chair | | R. Jones | |
| Dillard | | Sparger | |
| Johnston | | | |

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 16th day of May, 2019 at 1:10 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.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the Minutes of April 16, 2019 (No. 467).

On **MOTION** of **JOHNSTON**, the Board voted 3-0-1 (Charney, Hutchinson, Johnston "aye"; no "nays"; Dillard "abstains"; Crall "absent") to **APPROVE** the Minutes of May 13, 2019 (No. 468).

Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application fails. Mr. Charney asked if anyone

would like to continue their case and if they understood. Everybody nodded in understanding and no one requested a continuance.

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

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UNFINISHED BUSINESS

None.

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NEW APPLICATIONS

2745—Brittney Walsh

Action Requested:

Variance of the minimum lot area in the AG District (Section 330 Table 3);
Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split. **LOCATION:** 7438 East 181st Street South

Presentation:

Coy and Brittney Walsh, 800 East Natchez, Broken Arrow, OK; stated he would like to divide the five acres so his in-laws can live on a portion of the property. The reason for the Variance is so that one person may have control of the pond that is on the property. That would allow if one of the residences need to be sold the pond would not be argued over in the future.

Mr. Hutchinson asked Mr. Walsh if he had any plans of having more lot splits. Mr. Walsh stated that he did not.

Mr. Charney asked Mr. Walsh if he was aware of a statutory right-of-way on the front of his lot, on the northerly boundary. Mr. Walsh answered affirmatively. Mr. Charney asked Mr. Walsh if he was aware that the Board will need to require that some additional footage be dedicated along the front in order to have the lot split granted. Mr. Walsh answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Variance** of the minimum lot area in the AG District (Section 330, Table 3) to 1.09 acres; **Variance** of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split to 1.2 acres, subject to conceptual plan 3.14 of the agenda packet. The Board finds the hardship to be the unusual configuration of the land that is extraordinary and unique in regard to the drainage and the existing pond; it makes more sense to configure the land in a way that leaves the drainage structure intact in the event of a future sale. This Variance would not have been granted in the event that it would substantially be detrimental to the public good or impair the purpose, spirit or intent of the Code. The Board has found that it does not frustrate the designs of the purpose or the spirit or the intent of the Code by splitting the lot as requested; for the following property:

BEG 383.39W NEC GOV LT 2 TH S592.83 W383.39 N592.83 E383.39 TO POB SEC 2 16 13 5.218ACS,VILLAGE AT SPARTA, THE, OF TULSA COUNTY, STATE OF OKLAHOMA

2746—Henry Tatum

Action Requested:

Variance of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 330) to permit two dwelling units on one lot (Section 208).

LOCATION: 21109 West Coyote Trail South

Presentation:

Henry Tatum, 21109 West Coyote Trail, Sand Springs, OK; stated he has 2.7 acres and he would like to place a small mobile home on the back portion of the acreage.

Mr. Charney asked Mr. Tatum if the mobile home would be accessed by the same driveway. Mr. Tatum stated that it would not; there will be a driveway to the side of the main house.

Mr. Charney asked Mr. Tatum if the mobile home is for a family member. Mr. Tatum answered affirmatively; he and his wife would move into the small mobile home and his daughter would live in the existing house.

Mr. Charney asked Mr. Tatum about the retaining wall that will be between the existing house and the new mobile home. Mr. Tatum stated he erected the retaining wall to level the yard and help in the water runoff.

Mr. Charney asked Mr. Tatum if he had heard any objections from any of the neighbors. Mr. Tatum stated he not aware of any objections.

Mr. Hutchinson asked Mr. Tatum if the new mobile home would have its own septic system and utilities. Mr. Tatum answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Variance** of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 330) to permit two dwelling units on one lot (Section 208), subject to conceptual plan 4.13 of the agenda packet. The Board finds the hardship to be the unusual circumstances or nature of the lot, its slope and drainage require the placement of the new mobile home as depicted with the proper retaining wall necessary to allow the appropriate runoff of stormwater. These extraordinary conditions would not apply to other property in the district and the Variances to be granted will not cause substantial detriment to the public good or impair the purpose of the spirit and intent of the Code or the Comprehensive Plan. The mobile home is to have proper tie downs, proper health department approval, proper electrical hookup, and a hard surface parking pad; for the following property:

LT 4 BLK 1, HICKORY RIDGE ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2747—Crown Castle USA, Inc.

Action Requested:

Modification of a previously approved Special Exception to increase the height of a monopole antenna from 150 feet to 165 feet in an AG District (Section 320); Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG zoned lot (Section 1204.3). **LOCATION:** 9960 North Yale Avenue East

Presentation:

Chloe Kennedy, 370 Mallory Station Road, Suite 505, Franklin, TN; stated the company has a new carrier that would like to co-locate on the existing tower, and to accomplish their service goals they would like to be located at 165 feet. That height would be mutually beneficial to the company and the people in the surrounding area who have the carrier for service.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Modification of a previously approved Special Exception to increase the height of a monopole antenna from 150 feet to 165 feet in an AG District (Section 320); Special Exception to modify the required tower setback (110% of the tower height) from the adjoining AG zoned lot (Section 1204.3), subject to conceptual plan 5.22 of the agenda packet. 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:

**BEG 1867.99N SECR SE TH W425.50 S215 W365.10 N330.60 E790.60 S115.60 POB
SEC 16 21 13 3.90ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

2748—Edward Barclay

Action Requested:

Use Variance to permit an Agricultural Use (Use Unit 3) in a RS District.

LOCATION: 3930 South 51st West Avenue

Presentation:

Edward Barclay, 3930 South 51st West Avenue, Tulsa, OK; stated that his property is less than five acres and is zoned RS. It is his understanding that in the RS zoning he cannot have any livestock, horses or anything of that nature. Mr. Barclay stated that he would like to have three horses and a few chickens.

Mr. Charney asked Mr. Barclay if he had heard from the neighbors either to the east or to the west. Mr. Barclay stated that he spoke with the neighbor to the north and he has no objections. The neighbor to the west has small horses on his property, and the property to the east has no objections.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Use Variance to permit an Agricultural Use (Use Unit 3) in a RS District for personal

use on 4 ½ acre RS zoned lot, subject to conceptual plan 6.14 of the agenda packet. The Board has found the hardship to be that it is the intent of the property and it is a large tract land. The approval is for a maximum of three horses and a few poultry animals. Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, the structure or building involved the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary and exceptional conditions or circumstances do not apply generally to the 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, the spirit and intent of the Code or the Comprehensive Plan; for the following property:

North 320 feet of LTS 7 & 8, PARKS ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

2749—Heather Craig

Action Requested:

Variance of the required 30 feet of frontage to support a single-family dwelling in an AG District (Section 207). **LOCATION:** 14355 North Trenton Avenue East

Presentation:

Heather Craig, 14355 North Trenton Avenue, Skiatook, OK; stated the 30-foot street frontage strip to her 10-acre property goes through a creek bed and there are large old oak trees throughout the area. Due to this difficult topography the literal enforcement of the Code would result in a hardship to the land and make it difficult to construct a roadway to her home. There is no other legal right to the land so the landowner, her father-in-law, has agreed to and recorded a mutual access easement. Her father-in-law has requested to have the 30-foot strip back, that separates his property from his west field.

Mr. Charney asked Ms. Craig if she wants to establish the access easement a bit farther to the east to the existing strip that follows a meandering path. Ms. Craig answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a Variance of the required 30 feet of frontage to support a single-family dwelling in an AG District (Section 207), subject to conceptual plan 7.16 of the agenda packet. Given

that the easement was executed by the necessary partners to make it permanent speaks to maintenance and satisfies the Board's conditions. The Board has found that the hardship is the access in the standard manner with the topography makes it unreasonable; the topography, drainage, the existing trees make it unique and peculiar to the land. The Variance will not cause substantial detriment to the public good or impair the purposes, spirit or intent of the Code or Comprehensive Plan; for the following property:

**E/2 SW NE NW & W/2 SE NE NW & W30 E/2 NW NE NW SEC 30 22 13 10.436ACS,
OF TULSA COUNTY, STATE OF OKLAHOMA**

2750—Jerry Gordon

Action Requested:

Variance of the minimum lot area in the AG District (Section 330 Table 3);
Variance of the minimum land area per dwelling unit (Section 330 Table 3) to permit a lot split. **LOCATION:** 1327 East 181st Street South

Presentation:

Jerry Gordon, 12818 South Birch Street, Jenks, OK; stated he purchased 11 acres and would like to build a house on the subject property. The land at the north end is a small triangular piece and he would like to sell it since it does not benefit him. There are ponds on the property, and he needs to maintain those ponds himself, so he is pushed back as far as he can go.

Mr. Charney asked Mr. Gordon if he had any objection to the granting of the additional right-of-way on the northerly boundary of the property. Mr. Gordon stated that he does not. Mr. Charney stated that it pinched down the usable land because of the topography and the ponds on the property. Mr. Gordon stated that he wants to make sure that he maintains the ponds.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the minimum lot area in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split, subject to conceptual plan 8.7 of the agenda packet. The approval is contingent on the applicant dedicating the necessary right-of-way along the northerly portion of the property as required by Code. The Board has found the hardship to be the topography

and the ponds. It is such extraordinary or exceptional conditions or circumstances to other property in the same use district, and the Variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit or intent of the Code or the Comprehensive Plan; for the following property:

BEG NEC LT 4 TH S783.55 W1119.68 N774.78 E1116.75 TO POB LESS W518 THEREOF & LESS BEG 598.76W & 389.76S NEC LT 4 TH S399.97 W90 N389.04 TO POB & BEG 598.76W NEC GOV LT 4 TH S389.76 NW399.98 E90 TO POB SEC 6 16 13 10.682ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2751—Kathy Portley

Action Requested:

Special Exception to permit a manufactured home in an RS District (Section 410).

LOCATION: 3001 South 49th West Avenue

Presentation:

Kathy Portley, 9516 East Admiral Place, Tulsa, OK; stated the subject property is for her customer who could not attend today who like to have a manufactured home on the property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a Special Exception to permit a manufactured home in an RS District (Section 410), subject to conceptual plan 9.34 of the agenda packet. The approval is subject to the standard manufactured home conditions, referring to the listing that is on file at the permit office. The approval of the manufactured home is required to have a solid hard surface parking pad. The Special Exception is in harmony with spirit and intent of the Code and would not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG 503.98N SWC SW TH N155 E224.50 S155 W224.50 POB SEC 16 19 12 .796ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2752—Tork Investments, LLC

Action Requested:

Modification of a previously approved Special Exception (CBOA-2500) to extend the time limitation to permit a fireworks stand (Use Unit 2) in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 6035 West 40th Street South

Presentation:

Melissa Torkelson, 637 South 193rd West Avenue, Sand Springs, OK; stated she has been at the subject site for the last five years and the time has expired.

Mr. Charney asked Ms. Torkelson if she had ever received any complaints from the surrounding neighbors. Ms. Torkelson stated that she is not aware of any complaints.

Interested Parties:

Michael Hall, 5911 West 41st Street, Tulsa, OK; stated he is the Fire Chief for Berryhill. He is concerned about the quantity of approved Variances for fire works stands in the area.

Mr. Charney stated that when the Board analyzes the Special Exception it is important to know if anyone thought it would be injurious to the public welfare in any way.

Mr. Hall stated that this fire works stand has been more than satisfactory as far as the neighbors, but his question is the temporary structure, if there is a tent used. Mr. Charney stated that when the Board approves these requests, they do it with the understanding that they are temporary in nature, and there are time limits for the operation. To know there have been no problems in the past it is important for the Board to hear and to know that there are no objections from anyone.

Mr. Charney asked Ms. Torkelson about her hours of operation and when she plans to open the fire works stand. Ms. Torkelson stated that the State of Oklahoma allows her to sell starting June 15th through July 5th. However, through the years she has learned to shorten selling time frame, so she will open that location on June 26th and closing on July 5th. Ms. Torkelson stated that she does not set up a fire works stand for the New Year though the State of Oklahoma does allow that, but she would like to have that in her five-year time limit so if she wanted to sell, she could. Ms. Torkelson stated the stand will open at 10:00 A.M. to 10:00 P.M., June 15th through July 2nd, and 10:00 A.M. through midnight on July 4th and July 5th. Then the stand would open 10:00 A.M. to 10:00 P.M., December 27th through December 31st, and 10:00 A.M. to midnight on January 1st. She would also like to have another five-year time limit.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Modification** of a previously approved Special Exception (CBOA-2500) to extend the time limitation to permit a fireworks stand (Use Unit 2) in an AG District (Section 310); **Variance** from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plan 10.8 of the agenda packet. The Board has found the hardship to be that this stand is in an open area near a fire station and has never had any problems. The hours of operation approved are June 15th through July 2nd and July 5th, from 10:00 A.M. to 10:00 P.M., and on July 3rd and July 4th from 10:00 A.M. to 12:00 midnight. Also, the hours of operation approved are December 27th through January 1st, with the hours of operation from 10:00 A.M. to 10:00 P.M. from the 27th to the 31st and from 10:00 A.M. to 12:00 midnight on January 1st. The approval has a time limit of five years, May 2024. The Board finds 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. Finding of reasonable or 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 and exceptional conditions or circumstances do not apply generally to the other property in the same use district and 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 SW SE SW BEG 50N & 338W SECR SW SE SW TH N268 E283 S60 E55 N402.08 W632.36 S610.30 E294.28 POB SEC 20 19 12 6.85ACS, PLEASURE ACREAGE 3RD ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2753—Louis Schuette

Action Requested:

Special Exception to allow a manufactured home in a non-conforming residential mobile home park in a RE District (Section 410, Table 1). **LOCATION:** 14211 West 17th Street South, Lot 6

Presentation:

Louis & Misty Schuette, 14211 West 17th Street South, Lot 6, Tulsa, OK; stated that a couple of months ago he purchased a new mobile home, and since the site is in a mobile home park he did not think anything about it. Currently he is in a lease option to purchase the entire mobile home park, and he has lived in the park for about two years. He has fixed up the site and has put money into the place to beautify the park. Mr. Schuette stated that he had the mobile home placed on the lot, had the utilities turned on and was preparing to move in when he received a telephone call from the County telling him he could not move in, and that is why he is before the Board today.

Mr. Charney asked Mr. Schuette how many mobile homes were on the subject tract. Mr. Schuette stated that there are five total mobile homes at the park, but number one is not part of the property. All the mobile homes in the park are occupied with working people.

Mr. Charney asked Mr. Schuette where did the new mobile home go? Mr. Schuette stated that it was placed east of Lot 6.

Mr. Charney asked Mr. Schuette who the current record owner of the subject property. Mr. Schuette stated that it is Feather Investments, LLC.

Mr. Charney asked Mr. Schuette how long the other mobile homes have been at the park. Mr. Schuette stated that #2 was there since 1978 or 1975; #4 has been there since the 1990s; and #5 has been there since the 1980s; and the one he was living in has been there since the late 1990s.

Mr. Charney asked Mr. Schuette if an existing pad was in place at #6 when he moved the mobile home in. Mr. Schuette answered affirmatively. Mr. Charney asked Mr. Schuette if a mobile had previously been on pad #6. Mr. Schuette answered affirmatively.

Interested Parties:

Paula and John Patterson, 14443 West 17th Street South, Sand Springs, OK; stated that she and her husband have owned their property since the 1970s. At the time they purchased their property there were trailers on the subject property, and she was told by the neighbors that the owners of that time came to Board of Adjustment and they were told that if any of the trailers moved out another one could not be moved in. This trailer park has a history of asking for forgiveness and not permission. It has been income whereas everyone else lives on their own property. Ms. Patterson stated that she would not have a problem if one of the trailers was moved out and no new ones were moved in. Ms. Patterson stated that the community is a transient community because most of the mobile homes are rentals.

David Giles, 14440 West 17th Street South, Sand Springs, OK; stated that if this request is approved he would like to have six foot privacy fence erected around the park; east, west and south sides.

Mr. Charney stated that this type of request is often heard by the Board when they approve requests, and sometimes the Board places conditions on certain items. Those are factors that the Board take into account when approving a request.

Rebuttal:

Misty Schuette came forward and stated that when she and her husband first took over the mobile home park it was awful. Since they have had the mobile home park it has been different; it is quiet and maintained.

Mr. Charney asked Mr. Schuette if the mobile home on Lot #6 is going to be owner occupied by him. Mr. Schuette answered affirmatively and stated that it is to be his principal residence.

Mr. Schuette stated that his plans are to eventually move one of the mobile homes out of the park, but he cannot do it at the moment. Later, in five or ten years, he would like to come to the Board and request permission to build a house on the subject property.

Mr. Dillard asked Mr. Schuette if he currently had four tenants. Mr. Schuette answered affirmatively. Mr. Dillard asked Mr. Schuette if any of the tenants were family members. Mr. Schuette stated they were not.

Mr. Dillard asked Mr. Schuette what size the mobile homes are. Mr. Schuette stated that #2 is 14 x 60, #3 is 16 x 80, #4 is 16 x 60, #5 is 14 x 60 and the one he placed on #6 is 18 x 80.

Mr. Hutchinson asked Mr. Schuette which mobile home he is going to eliminate. Mr. Schuette stated he is going to eliminate #2 first because it is the oldest. Mr. Hutchinson asked Mr. Schuette about his time frame for the removal. Mr. Schuette stated that he plans to have it out in about five years.

Mr. Charney asked staff about the letter from Mr. Terry West, is he clarifying the non-conforming use. In the letter he states that the mobile home park has been in place for a very long time, and states that the grandfathering non-conforming concept evaporates after a three year hiatus. He does not see where the letter prevents the Board from granting a Special Exception but it necessitates the need for a Special Exception. Ms. Tosh stated that the non-conforming use was grandfathered in. When zoning came into effect in the late 1970s, people had uses that were never approved or had any type of action taken. Then these people tried to expand the use over the years because no one was stopping them from doing so. The subject trailer park had been a problem with mobile homes not being maintained and there had been a lot of complaints. That is how this request came to the Board today, because someone had moved in a mobile home and had the electric hooked up without permits. Mr. Charney stated that today's case is properly before the Board because the legal non-conforming use expired.

Mr. Charney asked Mr. Schuette if the Board requested that any one of the mobile homes be removed within a five year time period would he make the commitment to do so? Mr. Schuette answered affirmatively.

Mr. Dillard asked Mr. Schuette if he had skirted the new mobile home. Mr. Schuette stated that he has not yet, because he did not know if he was going to need to move the mobile home. Mr. Dillard asked Mr. Schuette if the Board made the condition that the mobile home had to be skirted would he make that commitment? Mr. Schuette answered affirmatively, and stated that the skirting has already been purchased.

Mr. Dillard asked Mr. Schuette if all the mobile homes in the park had been skirted. Mr. Schuette stating that there are two mobile homes that have rough skirting but he plans on replacing that skirting.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Special Exception** to allow a manufactured home in a non-conforming residential mobile home park in a RE District (Section 410, Table 1). The approval is conditioned on the fact that all DEQ requirements are met, i.e., skirting, tie downs, etc. There is to be a hard surface for a vehicle or vehicles. Within a five-year period one of the other existing units on the property will be removed. The applicant is to keep the entire park neat, mowed and existing debris is to be removed from the property within 60 days, and the applicant is to continue to keep the park free of debris. All units in the park are to be skirted. Finding that granting this 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 given the conditions the Board has imposed; for the following property:

BEG 809N 429.83E 179SE SWC LT6 TH NE233.89 SE51.29 SE279.91 SW218 NWLY336.4 POB LESS .336AC FOR RD ON SW SEC 9 19 11 1.34ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2754—Misty Douglass

Action Requested:

Special Exception to allow a manufactured home in a RS District (Section 410).

LOCATION: 5775 South 113th West Avenue

Presentation:

Misty Douglass, 5797 South 113th West Avenue, Sand Springs, OK; stated she would like to move a single-wide mobile home onto the subject property for her mother to live in.

Mr. Charney asked Ms. Douglass if she lived south on the ½ acre lot adjacent to the subject site in a stick built house. Ms. Douglass answered affirmatively.

Mr. Charney asked Ms. Douglass if she would commit to living with and comply with the DEQ requirements, have a hard surface parking for the vehicle, tie downs, skirting, etc. Ms. Douglass answered affirmatively.

Mr. Charney asked Ms. Douglass if any of her neighbors had expressed any disagreement to the request. Ms. Douglass stated that she spoke with her one neighbor that lives behind her and she has no objections.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Special Exception** to allow a manufactured home in a RS District (Section 410). The approval has the conditions that the applicant is to meet the standard DEQ requirements and have a hard surface parking. Finding this will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or detrimental to the public welfare; for the following property:

W150 N207 LT 5 LESS STREET BEG NWC LT 5 S207 E25 N207 W25 POB BLK 7, BUFORD-COLONY, OF TULSA COUNTY, STATE OF OKLAHOMA

2755—Eller & Detrich – Lou Reynolds

Action Requested:

Use Variance to allow a wholesaling and warehousing use (Use unit 23) in an AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned District; Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3). **LOCATION:** 15601 West 19th Place South

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Mr. Boyd Maxwell and he has the property under contract to purchase. The property is about 6.3 acres; two acres on the south end is residentially zoned and there are no buildings or improvements on that portion. About 4.3 acres on the north end has improvements. There is about 28,000 square foot business industrial type building and a 2,000 square foot house on that portion of the property. The house was built in the 1970s and a 14,000 square foot building was built about 1978. This was an oil field pump business for a large company. When the County Zoning Code was implemented the owner then came to the Board and received a Variance to expand the building to 28,000 square feet. Since that time, about 2012, the building was sold to Richard Watts Construction and that jeopardized the grandfathered in status because it was a different use. When the property was placed under contract it was realized that the applicant needed a Use Variance. Mr. Maxwell operates a business that is being condemned and is moving as a part of Gilcrease Expressway expansion. Mr. Maxwell supplies oil to cutting services

for technical machining and racing fuel. All of the product arrives at the site in 55-gallon drums and there are no storage tanks. The hardship for this Variance is that the property was used for industrial purposes prior to the Code, and after the Code went into effect a Variance was granted to expand the building to the current 28,000 square feet. The warehousing and wholesale portion is less than 10,000 square feet. The literal enforcement of the Code results in an unnecessary hardship. The Special Exception for the screening requirement is needed because there is fencing all around the property with a natural vegetative buffer. The distance between the building and any residential use is over 500 feet. The subject property is in an area where screening is not always a good thing and visibility is good thing in the area.

Mr. Charney asked Mr. Reynolds if he would acknowledge that at some point screening may be necessary should the footprint of the building be enlarged. Mr. Reynolds answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Use Variance to allow a wholesaling and warehousing use (Use unit 23) in an AG (Section 310, Table 1) and RS (Section 410, Table 1) zoned District; Special Exception to allow for a modification of the screening wall or fence requirement (Section 250.3), subject to conceptual plan 13.16 and the aerial photos on 13.11 of the agenda packet. The Board has found the hardship to be the historical zoning of the tract which permitted a more intense use than the current use being sought. If the building footprint is enlarged the owner is to come back to the Board to determine the screening requirement. 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. Finding 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:

E.264 S1/2 S1/2 NW SW SEC.8-19-11; PRT NE SW BEG 1317.8E NWC SW SW TH N392 E267.3 S392 W267.3 POB SEC 8 19 11 2.41ACS; E208.2 N209.25 SW SW SEC 8 19 11 1AC; S198.1 N407.35 E208.2 SW SW LYING N RR SEC 8 19 11 .95AC, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:04 p.m.

Date approved: _____

6/18/19


Chair