

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 472**  
Tuesday, August 20, 2019, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

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

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

Miller  
R. Jones  
Sparger

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15<sup>th</sup> day of August, 2019 at 9:57 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

\*\*\*\*\*

**MINUTES**

On **MOTION** of **CRALL**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of June 18, 2019 (No. 470).

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 Minutes of July 16, 2019 (No. 469).

\*\*\*\*\*

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

\*\*\*\*\*

**UNFINISHED BUSINESS**

None.

\*\*\*\*\*

**NEW APPLICATIONS**

**2760—Dan Switzer**

**Action Requested:**

Special Exception to permit a Church Use (Use Unit 5) in a RE District to allow for the addition of a gymnasium to New Life Tabernacle (Section 410, Table 1).

**LOCATION:** 13007 West 41<sup>st</sup> Street South

**Presentation:**

**Dan Switzer**, 13107 West 41<sup>st</sup> Street, Sand Springs, OK; stated this request is for a family life center gymnasium next door to the church.

Mr. Charney asked Mr. Switzer how long the church had been at the subject location. Mr. Switzer stated that he has been the pastor for 36 years and the church has been there for about 24 years and this is the church's ninth building.

Mr. Charney asked Mr. Switzer if the building fronted 41<sup>st</sup> Street. Mr. Switzer answered affirmatively.

Mr. Hutchinson asked Mr. Switzer what size of building is the proposed building? Mr. Switzer stated that it will be 105'-0" x 90'-0".

Mr. Charney asked Mr. Switzer if the neighbors on either side of the site expressed any concerns to him. Mr. Switzer stated that they have not.

Mr. Hutchinson asked Mr. Switzer if the building would be open to the public. Mr. Switzer stated that there will be schedules for different things.

Mr. Johnston asked Mr. Switzer if the building would be constructed in one phase. Mr. Switzer answered affirmatively.

Mr. Johnston asked Mr. Switzer if the parking shown on the conceptual plan is in addition to the existing parking. Mr. Switzer answered affirmatively.

Mr. Johnston asked Mr. Switzer if the gymnasium would be used for anything other than athletic events. Mr. Switzer stated that it would also be used for weddings, showers, and youth events, but the gymnasium will not be open all the time.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **JOHNSTON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Special Exception** to permit a Church Use (Use Unit 5) in a RE District to allow for the addition of a gymnasium to New Life Tabernacle (Section 410, Table 1), subject to conceptual plan 3.15 of the agenda packet. 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:

**W/2 SE SE SE LESS S60 FOR ROAD & LESS TR BEG NEC W/2 SE SE SE TH W330 S250 E220 S14 SLY TO PT TH E120 N600 POB SEC 21 19 11 1.73AC, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2761—Hunter Sanders**

**Action Requested:**

Variance of the minimum lot area, minimum land area per dwelling unit, and minimum lot width in an AG District to permit a lot split (Section 330, Table 3).

**LOCATION:** 7370 East 106<sup>th</sup> Street North

**Presentation:**

**Hunter Sanders**, 7370 East 106<sup>th</sup> Street North, Owasso, OK; stated he would like to build another house for his family. Mr. Sanders stated that he built a house in 2013 while he was single, and it is a two-bedroom house with one bath. Now he is married, has a son and a dog and the family has outgrown the house. He would also like to have a third lot in the family for his wife’s parents to build a house on the lot.

Mr. Charney asked Mr. Sanders if he wanted to build one more house or two more houses on the subject property. Mr. Sanders stated that he would like to build two more houses total on the subject property.

Mr. Dillard stated this action is as close to a wildcat subdivision that a person can get. This would be three lots; Lot A would be 1.67 acres; Lot B would be 1.55 acres and Lot C would be 1.72 acres. The frontage is all under 150 feet; Lot A would be 135 feet; Lot B would be 125 feet and Lot C would be 139 feet. If it were not for family, he would be absolutely against this request. There are no neighbors here in protest so obviously they do not mind the lot split.

Mr. Hutchinson asked Mr. Sanders if he had checked with rural water to make sure water taps would be available to the lots. Mr. Sanders answered affirmatively.

Mr. Hutchinson asked Mr. Sanders if he was going to raze the existing barn. Mr. Sanders answered affirmatively.

Mr. Charney asked Mr. Sanders if Lots A and B would be sharing a single drive or will there be separate drives off 106<sup>th</sup> Street. Mr. Sanders stated that he would like to have separate drives for each one.

Mr. Charney asked Mr. Sanders to state his hardship for his request. Mr. Sanders stated that the land slopes and there are only certain areas that can be built on.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance of the minimum lot area, minimum land area per dwelling unit, and minimum lot width in an AG District to permit a lot split (Section 330, Table 3), subject to conceptual plan 4.16 of the agenda packet. The Board finds the hardship to be that this is a large tract of land. The existing barn is to be torn down. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT NE NW & NW NE BEG 16.5S NEC NE NW TH W324.93 S573.49 E399.02 N540 W74.09 TO PT ON EL NE NW N33.50 POB SEC 14 21 13 5.196ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2762—Jason Bornefeld**

**Action Requested:**

Variance of the allowable square footage for an accessory building in the RS District from 750 square feet to 1,200 square feet (Section 240.2.E). **LOCATION:** 11431 East 130<sup>th</sup> Street South

**Presentation:**

**Jason Bornefeld**, 11431 East 130<sup>th</sup> Street South, Broken Arrow, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Charney asked Mr. Bornefeld if the lot was about .83 acres. Mr. Bornefeld answered affirmatively.

Mr. Charney asked Mr. Bornefeld if there is an existing outbuilding on the property currently. Mr. Bornefeld stated there is not.

Mr. Charney asked Mr. Bornefeld if there were other outbuildings in the area. Mr. Bornefeld answered affirmatively.

Mr. Charney asked Mr. Bornefeld if he was going to build the building or have one brought on to the site. Mr. Bornefeld stated that he will have the building built on site by a professional company.

Mr. Charney asked Mr. Bornefeld if the building will be painted. Mr. Bornefeld stated that the building will have wainscoting on the outside and it will be painted with a shingled roof.

Mr. Hutchinson asked Mr. Bornefeld if he was going to use the building for residential purposes. Mr. Bornefeld stated that the building will be used for storing his tools and toolboxes and teaching his children how to work on cars and other projects, there will be no commercial use of the building.

Mr. Charney asked Mr. Bornefeld if he would access the building by extending his existing driveway on to the north. Mr. Bornefeld stated that to the west of the garage there is a patch of concrete for the driveway that extends, and there is a gate there that he will use for access to the building.

Mr. Hutchinson asked Mr. Bornefeld if he had visited with any of his neighbors. Mr. Bornefeld answered affirmatively. Mr. Bornefeld stated there is an accessory building three houses away that the Board approved for 1,200 square feet; that building is taller than he wants. Mr. Bornefeld stated there is another building nearby that was approved about eight years ago by the Board for 3,140 square feet.

**Interested Parties:**

**Ray Wilsdorf**, 11409 East 130<sup>th</sup> Street South, Broken Arrow, OK; stated he has lived in his house for 44 years and he is Mr. Bornefeld's neighbor. Mr. Wilsdorf stated the he fully supports Mr. Bornefeld request and just wanted the Board to know that he supports the request.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, 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 of the allowable square footage for an accessory building in the RS District from 750 square feet to 1,200 square feet (Section 240.2.E), subject to conceptual plan 5.13 of the agenda packet. The building is to be site built with a shingled roof and painted in attractive manner. The Board has found the hardship to be that it is a very deep large lot for the RE District and given the depth of the lot and the substantial width it will permit a larger accessory building without adversely affecting the neighborhood. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the Variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 10 BLK 6, WILLOW SPRINGS WEST ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2763—Steve Roberts**

**Action Requested:**

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** North of the NW/c of West 41<sup>st</sup> Street South & South 137<sup>th</sup> West Avenue

**Presentation:**

**Ryan Roberts**, 4316 South Rustic Road, Sand Springs, OK; stated his father, Steven Roberts, would like to have a new mobile home on the subject property where a previous mobile home used to be located and a where a house used to be located that burned down several years ago. The utilities are on the site. Mr. Roberts stated that his father does not have access to the black top, but there is an existing road that has been in place for about 100 years; his father and mother share the road and she has granted an easement to his father. Mr. Roberts stated that his mother would be his father's only neighbor.

Mr. Charney stated the easement does not have any language about how the road would be maintained after the parents are deceased, but it does not have to be legally binding. Mr. Charney suggested the applicant think about having the easement filed of record to take care of the future.

Mr. Hutchinson asked Mr. Roberts if he would have a problem, if the Board were to say no more lot splits without going through the platting process if the Board approves this request today. Mr. Roberts stated that he would not have a problem with that because he is not asking for a lot split now.

Mr. Dillard asked Mr. Roberts if he had any siblings. Mr. Roberts stated he has a twin brother and an older sister.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). The approval is conditioned on the easement that was exhibited in the agenda packet, or a similar easement, be filed of record before any permits are to be issued. The Board has found the unique nature of the land and the existing road away from a publicly dedicated right-of-way creates a hardship. In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**S1/2 NWSW SEC. 21-19-11, OF TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*  
\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*  
\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*  
\*\*\*\*\*

**BOARD COMMENTS**

None.

\*\*\*\*\*  
\*\*\*\*\*

There being no further business, the meeting adjourned at 2:21 p.m.

Date approved: 9-17-19

  
Chair