

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 498**

Tuesday, September 21, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Tulsa, OK

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS

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

D. Wilkerson
Jones
Sparger
Siers

T. Tosh, County
Inspections
K. Edenborough,
County Inspections
James Rea, Legal
Adam Lancelot,
Legal

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 16th day of September, 2021 at 1:28 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.

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of August 17, 2021 (No. 497) with correction to motion for CBOA-2902.

NEW APPLICATIONS

2915—Erick Maupin

Action Requested:

Use Variance to allow Light Manufacturing Industry, Use Unit 25, to permit a medical marijuana processing facility in an RE District (Sections 1225 & 410).

LOCATION: 13101 East 66th Street North

Presentation:

The case was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

**S790 W/2 E/2 SW SW LESS W10 E361 N10 S26.5 E/2 SW SW & LESS S16.5 THEREOF
FOR RD SEC 33 21 14 5.858ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

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UNFINISHED BUSINESS

2900—Patricia Contreras

Action Requested:

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

Presentation:

Patty Contreras, 14225 North Yale Avenue, Tulsa, OK; stated she would like to have a venue in an existing 30 x 80 two-story barn. Downstairs there will be a kitchen area with a dining area, bathroom, changing rooms and a barn hallway, and upstairs will have a balcony on the outside where there could be ceremonies or small parties. The hours of operation would be Monday through Sunday, 10:00 A.M. to 1:00 A.M. with all celebrating ending at 12:00 midnight. At the parties there will be at least four security guards if there are more than 30 people in attendance and alcohol is being served, and for parties of 30 or less there would be no security, i.e., a child's party with no alcohol being served. The entire property has a 4-foot fence and around the barn there is another 4-foot fence. Food and alcohol will be provided by a catering company or a licensed bartender. The entrance to the property is on the west side so traffic would not be a concern for the neighborhood. The barn is insulated and there should be no issues with sound outside of the barn.

Mr. Charney asked Ms. Contreras if all music would be inside the barn and no amplifiers or music outside. Ms. Contreras answered affirmatively.

Mr. Hutchinson asked Ms. Contreras about the size of the balcony. **Patricia Contreras** came forward and stated the balcony is about 20 x 15. Mr. Hutchinson asked if the balcony was for a photo session. **Patty Contreras** came forward and stated it is a balcony for eye appeal, it is not for groups.

Mr. Hutchinson asked Ms. Contreras about what would be done if there was a complaint call placed about the noise level. Ms. Contreras stated she has given the neighbors telephone numbers and e-mail contact information, so if there are any issues it will be taken care of.

Mr. Hutchinson asked Ms. Contreras if she has plans of having a device at the building to record the decibel levels of the music at events. Ms. Contreras answered affirmatively.

Mr. Crall asked Ms. Contreras if she had stated that the venue would be open Monday through Sunday. Ms. Contreras answered affirmatively.

Mr. Crall asked Ms. Contreras about the four family dwellings that are on the property, two that are vacant and two that are temporarily occupied and asked if she intended to have anyone besides family living on the property once the venue is opened. **Patricia Contreras** answered no stating that only she and family live on the property.

Mr. Crall asked if she had spoken with the neighbors and did any of the neighbors express any concern. Ms. Contreras stated she did speak with the neighbors, provided them with an outline of the proposed business, provided them with contact information and no one expressed any concerns.

Mr. Charney asked Ms. Contreras if the paper she provided the neighbors contained the restrictions that she has expressed to the Board today. Ms. Contreras answered affirmatively.

Interested Parties:

Tonya Bledsoe, 14229 North Yale Avenue, Tulsa, OK; stated she has one of the properties. She came to the Board previously because when she purchased the property the dwellings existed, and she had to receive approval for the additional dwellings. Her husband has built a good report with the neighbors, and they call if there are any issues.

Mr. Hutchinson asked staff if a neighbor living in the city could contact the County if there are any issues. Ms. Tosh answered affirmatively.

Ms. Tosh stated there are four dwellings on the subject property and only two dwellings are allowed no matter the size of the property, and she asked who is living in the homes and how long will they be living in the home because the four dwellings would require Board action. **Tonya Bledsoe** stated she attended the Board and presented a Variance to the Board for the four homes that exist on the property, and it was approved.

Mr. Charney asked staff if the case that is before the Board today can proceed due to the conflict. **James Rea** stated the Board could include as a condition that the Variance that is on file, that the four houses comply with the Zoning Code or show proof that a Variance was approved by the Board of Adjustment.

Mr. Hutchinson asked Ms. Bledsoe if the four homes had been on the property for quite some time. Ms. Bledsoe answered affirmatively. Mr. Hutchinson stated that the property was originally a 640-acre tract and Ms. Bledsoe came before the Board for a remodel on one of the houses. Ms. Bledsoe stated that one house was a ranch hand house, another house was a gate house and then there were two main dwellings.

Comments and Questions:

None.

Board Action:

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

- All celebrations are to end at 12:00 midnight
- Music, party lights and all aspects of the event are to be turned off by midnight
- There are to be four security guards at an event if there are more than 30 people in attendance and alcohol is being served at the event
- If less than 30 people attend an event and there is no alcohol served there is no need for security guards
- The existing fencing is to remain as is
- The applicant and/or owners will not proactively sell food or alcoholic beverage but catering or bartending may be performed by a third party on the site
- All neighbors are to be provided contact information
- Any music will be played indoors, and the entire building is to be insulated, and sound tests are to be performed to make certain only a certain decibel level is audible outside of the building
- Staff is to provide documentation that there is a previous Board action, CBOA-2625, to permit the remodeling of one of the four dwelling units and that previous Board action is to bring into compliance all of the structures on the subject property.

The approval of the Variance request for the all-weather parking surface that is associated with the use will permit only the gravel areas that are in existence with no hard surface requirement. The Board finds the hardship to be the nature of the event center. It is sporadically used and the existence of the well compacted gravel lots serve the entire property there is no need for a hard surface requirement at this time. If there is additional gravel placed on the existing gravel lots or new parking lots installed there is to be a pervious material placed under the gravel; for the following property:

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

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NEW APPLICATIONS

2912—AAA Glass & Mirror

Action Requested:

Variance of the required 75-foot setback from an abutting AG District in an IL District (Section 930); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 4532 South 265th Avenue West

Presentation:

Terry Cline, 4532 South 265th West Avenue, Sand Springs, OK; stated the existing structure has a foundation that is 43 feet from the setback and has gravel parking.

Mr. Charney asked Mr. Cline if he wanted to build a new structure. Mr. Cline stated that the building is existing. When he purchased the property, his house was in Creek County but the structure was in Tulsa County and he started building before he realized he needed a permit.

Mr. Cline stated that the portion of the property that shows on the map to be 43 feet is actually a driveway.

Mr. Hutchinson asked Mr. Cline if it is the existing footing or if it is the foundation of the building which is located at 43 feet. Mr. Cline stated that it is the footing.

Mr. Hutchinson asked Ms. Tosh if the County will perform the final inspection on the building. Ms. Tosh answered affirmatively.

Mr. Hutchinson asked Mr. Cline if there was plumbing in the building. Mr. Cline answered affirmatively. Mr. Cline stated the septic system is existing but it was moved so the plumbing could be properly hooked up.

Mr. Hutchinson asked Mr. Cline if he was going to use the building for his business. Mr. Cline answered affirmatively, stating that this will be an additional office because the main office is very small.

Mr. Charney asked if there would be any manufacturing going on in the subject building. Mr. Cline answered no, stating this is strictly for an office.

Mr. Charney asked Mr. Cline if he had heard any comments from the neighbors. Mr. Cline stated that he has not.

Mr. Hutchinson asked Mr. Cline if he had a lot of customers come to his building. Mr. Cline stated that he does not.

Mr. Hutchinson asked Mr. Cline if he picked up the glass or if it is shipped in. Mr. Cline stated the glass is shipped in. Mr. Hutchinson asked Mr. Cline how often he had deliveries. Mr. Cline stated that he has a small box truck every morning and once a month there is a larger semi truck that comes in.

Mr. Charney asked Mr. Cline which side of the property is the setback to be reduced. Mr. Cline stated that it was on the north side which is where the driveway is located.

Mr. Charney asked Mr. Cline if he would be installing a new parking lot. Mr. Cline answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance of the required 75-foot setback from an abutting AG District in an IL District (Section 930); Variance from the all-weather parking surface requirement (Section 1340.D), subject to conceptual plan 3.15 in the agenda packet. The Board has found the hardship to be that a structure was formerly on the property and there are no close neighbors. If there is to be new gravel added to the existing parking lot, there will be a pervious material installed; for the following property:

SE SE SE NW LESS E25 THEREOF FOR RD SEC 30 19 10 2.311ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2913—Christopher & Rebecca Voight

Action Requested:

Variance to allow two dwelling units on a single lot of record in an AG-R District (Section 208); Special Exception to permit a mobile home in an AG-R District (Section 310, Table 1). LOCATION: 5801 South 155th Avenue West

Presentation:

Christopher Voight, 5801 South 155th West Avenue, Sand Springs, OK; stated his in-laws are retiring and they would like to have a mobile home on the back portion of the subject property, the property is 2.4 acres.

Mr. Charney asked Mr. Voight if the new mobile home would abut 153rd which is a publicly dedicated street. Mr. Voight answered affirmatively, stating the new address would be officially on 153rd and the property has already been zoned for ingress and egress.

Mr. Charney asked if there was 165 feet of frontage on that lot. Mr. Voight answered affirmatively.

Mr. Charney asked Mr. Voight if the 153rd ingress and egress was used for his primary residence. Mr. Voight answered no.

Mr. Charney asked Mr. Voight if the mobile home would be served by a septic system. Mr. Voight answered affirmatively.

Mr. Hutchinson asked Mr. Voight if the water and electric utilities would be available off 153rd. Mr. Voight answered affirmatively, stating they are available.

Mr. Hutchinson asked Mr. Voight if he had considered a lot split for the property. Mr. Voight stated that he wants to keep the entire property under his ownership.

Mr. Hutchinson asked Mr. Voight what his plans were for the future if something were to happen to his in-laws. Mr. Voight stated that he would like to keep the mobile home there for his children, and if he did sell the property, it would be included in the sale.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance to allow two dwelling units on a single lot of record in an AG-R District (Section 208); Special Exception to permit a mobile home in an AG-R District (Section 310, Table 1). The Board finds the hardship to be the unusual configuration of the lot being long and skinny with 165 feet of frontage that is serviced by a publicly dedicated road on both ends of the lot. The mobile home is to meet all DEQ requirements; tie downs, skirting and hard surface parking pad. There is to be a filter fabric laid under the new gravel for the driveway. 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:

S/2 S/2 SE NE SW LESS E25 & W25 THEREOF FOR RD SEC 32 19 11 2.31AC, OF TULSA COUNTY, STATE OF OKLAHOMA

2914—Joanna Ford

Action Requested:

Variance to permit a detached accessory building to exceed 750 square feet in the RS District (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS District (Section 420.2.A-2). **LOCATION:** 12833 South 121st East Avenue

Presentation:

Josh Ford, Ford Homes, Inc., 512 East Lindel Street, Broken Arrow, OK; stated he would like to build a 40 x 60 detached garage to store two motor homes and an enclosed trailer.

Mr. Charney asked Mr. Ford if the subject property has an existing house on it. Mr. Ford answered no stating that the property is in an older neighborhood that was developed in the 1960s or 1970s and the property was never built on.

Mr. Charney asked Mr. Ford if the accessory building would be the only structure on the subject property. Mr. Ford stated he is building a house on the lot and it will be an investment property and he has received a permit for the construction.

Mr. Charney asked Mr. Ford when he anticipated starting the construction of the house. Mr. Ford stated the slab has been poured and lumber is sitting on the ground to start construction. Mr. Ford stated that when the slab was poured, due to a language barrier with some of his workers, it was poured before the case was heard.

Mr. Charney asked Mr. Ford if he was saying the slab for the house and the slab for the shop was also poured. Mr. Ford answered affirmatively.

Mr. Crall asked Mr. Ford if he went through the permitting process for the house but not for the shop. Mr. Ford answered affirmatively stating he was told to come to the Board of Adjustment by the Tulsa County Permit Office for the shop; the pad was built and formed before he understood the process.

Mr. Charney asked Mr. Ford if there was going to be plumbing in the 40 x 60 building. Mr. Ford answered no.

Mr. Charney asked Mr. Ford if the accessory building was going to be for personal use. Mr. Ford answered affirmatively.

Mr. Charney asked Mr. Ford if the lease arrangement for the house would be separate but he would still have the right to go onto the subject property when he wished to retrieve his belongings out of the accessory building. Mr. Ford answered affirmatively.

Mr. Charney asked staff if the accessory building is deemed as being in the side yard of the subject property. Ms. Jones stated that it was looked at as a side yard when the

applicant first submitted their site plan. The original site plan showed it to be 27 feet from the rear property line but the slab for the accessory building was poured 10 feet from the rear property line.

Mr. Hutchinson asked Mr. Ford about the height of the house and the height of the accessory building. Mr. Ford stated the accessory building height will be 16 feet and the house height will be 18 or 19 feet.

Mr. Hutchinson asked Mr. Ford about the building materials for the accessory building. Mr. Ford stated the accessory building will be brick to match the house.

Joanna Ford, 512 East Lindel Street, Broken Arrow, OK; stated she and her husband drove the neighborhood and sent in about 15 pictures of the houses in the neighborhood and there are many accessory buildings in the neighborhood that are larger than 750 square feet, or there are multiple accessory buildings; she explained some of the pictures. She believes the covenants, if there were any, were broken a long time ago.

Mr. Charney explained the Board's duty in considering request, and one of the factors to be considered is the neighbors in the area. The Board has received e-mails commenting about the request, and the requested accessory building is larger than the primary dwelling, and that is causing angst amongst the closest neighbors.

Mr. Charney asked staff about their opinion on the existence of the accessory building being in the rear yard or the side yard. Ms. Jones stated the accessory building is in the side yard and the relief requested is from the side yard, but Ms. Tosh will explain how the County looks at the site.

Ms. Tosh stated the applicant would be sent to the Board for the relief from the side yard and once the relief is granted then the County would say an accessory building can be within 3 feet of a property line.

Mr. Charney asked Mr. Ford how far from the side neighbor is the existing slab. Mr. Ford stated that it is 10 feet from the property line and he would estimate that it is 50 feet from the house.

Mr. Charney asked Ms. Tosh what determines a side yard. Ms. Tosh stated that everything that is behind the back corner of the house is considered back yard and everything from there forward is considered side yard.

Mr. Charney asked Mr. Ford if part of the accessory building is in the side yard as Ms. Tosh just defined the side yard. Mr. Ford answered affirmatively.

Mr. Charney asked Mr. Ford about how far into the side yard does the accessory building encroach. Mr. Ford stated the accessory building is 10 feet off the rear property

line and 10 feet off the side property line, so it would be about half way beside the side of the house.

Mr. Hutchinson asked Mr. Ford if he would leasing the accessory building the same as he is leasing the house. Mr. Ford stated that the accessory building is for his personal use only for storage of personal items.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Crall thinks there is something he is missing in this request. The applicant has stated the plight of the neighborhood which is not a good one, stated they want to build a \$500,000 house that they do not want to live in but yet they want to store their personal items on the property. Mr. Crall stated that he does not know if he can support this because he feels there is something he is missing.

Mr. Tisdale agreed with Mr. Crall.

Mr. Charney stated that he is thankful to people that put capital at risk to improve a neighborhood. Whenever a large building is moved into a side yard next to a neighbor that gives him concern, first because of the location and second the size.

Mr. Hutchinson stated he can see building something in an area that is not the most desirable. This is an infill lot and this would help spark some new life into the neighborhood. He would rather see the accessory building attached to the house, but the good thing is the accessory building will be built from the same materials as the house; he understands the reasoning behind keeping the two structures separate.

Joanna Ford came forward and stated that she had thought about attaching the garage to the house but it is very expensive to attach a house to a garage with a breezeway. **Josh Ford** came forward and stated that if that is what is hindering this request he will attach the garage to the house with a breezeway.

Mr. Hutchinson stated if the garage were attached to the house then today's request would not be necessary. Ms. Tosh stated that it would be necessary for the attachment to be a part of the house, it's all connected, the roofline intertwines and all connected and it is literally a design function of the house then it could work.

Josh Ford came forward and stated that if he cannot build the 2,400 square foot accessory building he would ask for the side yard Variance to build a 750 square foot accessory building.

Mr. Charney suggested the case be continued to consider the options that were discussed today.

Ms. Tosh stated that a continuance may help with this request because there is a struggle with the use of the building. The primary use of a piece of property has to be the residential and by inference an accessory building is being requested for personal use. In this instance, the primary use that would be similar to a commercial storage unit. With a continuance this could be clarified because the Permit Office was told this was the Ford's personal house.

Josh Ford came forward and stated he is the owner of the house but a friend will be living there. When his son starts college, that is where his son will live.

Ms. Tosh stated the use is what she is concerned about and the legal aspect of what can be built on a piece of property for someone else to use.

Mr. Charney stated that this is new data and it sounds as though Staff and Counsel needs to study this request. He suggests this case be continued for 30 days.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the request for a Variance to permit a detached accessory building to exceed 750 square feet in the RS District (Section 240); Variance to allow a detached accessory building to be located in the side yard in an RS District (Section 420.2.A-2) to the October 19, 2021 Board of Adjustment meeting; for the following property:

LT 8 BLK 11, WILLOW SPRINGS ESTATES ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tisdale left the meeting at 3:13 P.M.

2916—Camran Durham

Action Requested:

Variance to permit three dwelling units on a single lot of record in an AG District (Section 208). **LOCATION:** 9001 West 51st Street South

Mr. Tisdale re-entered the meeting at 3:16 P.M.

Presentation:

Camran Durham, 9001 West 51st Street, Tulsa, OK; stated he would like to place a mobile home on his mother's 10-acre property. The issue, he thinks, is that only one house is allowed for every 2.4 acres and his brother has already moved a mobile home onto the property.

Mr. Charney asked Mr. Durham if the existing mobile home is on the east side of the property and he wants to place a mobile home on the west side of the property. Mr. Durham answered affirmatively.

Mr. Charney asked Mr. Durham if his mother would continue to own the entire piece of property. Mr. Durham answered affirmatively.

Mr. Hutchinson asked Mr. Durham if he would have his own utilities for the mobile home. Mr. Durham answered affirmatively.

Mr. Hutchinson asked Mr. Durham if the mobile home was a single wide. Mr. Durham answered affirmatively stating the mobile home is 16 x 68.

Mr. Crall asked Mr. Durham if the three homes were going to be concentrated in a 3 acre area of the 10 acres. Mr. Durham answered affirmatively.

Mr. Crall asked Mr. Durham how many feet there would be between the mobile home and the existing home. Mr. Durham stated that it would be about 30 yards.

Mr. Hutchinson asked Mr. Durham if he was correct in assuming that his mother did not want to sub-divide the 10-acre property. Mr. Durham answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to permit three dwelling units on a single lot of record in an AG District (Section 208). The Board finds the hardship to be the unusual configuration of the land, where the trees stand, the pond and the property is ten acres so it can accommodate three dwellings. The mobile home is to meet all DEQ requirements, have tie downs, skirting, a separate septic system, and there is to be a hard surface parking space; for the following property:

SW SE SW SEC 25 19 11 10ACS, Tulsa County, State of Oklahoma

2917—Don Gant

Action Requested:

Special Exception to permit a single-wide mobile home in an RS District (Section 410). **LOCATION:** 6512 West 60th Street South

Presentation:

Ray Green, 12900 – 600 Road, Inola, OK; stated his grandfather would like to move his mobile home on the subject property so he can be close to his daughter. There was a mobile home there before but it burned down a few years ago.

Mr. Charney asked Mr. Green if there were other manufactured homes in the area. Mr. Green answered affirmatively stating there are five.

Mr. Charney asked Mr. Green if he had been contacted by any of the neighbors regarding this request. Mr. Green stated he has not heard from any of the neighbors.

Mr. Charney asked Mr. Green if the sanitary sewer is existing. Mr. Green stated there is an existing sewer and water.

Mr. Charney asked Mr. Green if he understands that there will need to be a hard surface parking pad. Mr. Green stated that the plans are to have a pad for the truck and to have a patio.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Special Exception to permit a single-wide mobile home in an RS District (Section 410). The mobile home is to meet all DEQ requirements, have tie downs, skirting and a hard surface parking pad. The Board finds that 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:

LTS 5 6 BK 60, TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA

2918—Polly Nobles

Action Requested:

Special Exception to permit a single-wide mobile home in an RS District (Section 410); Variance of the rear yard setback from 20 feet in an RS District to permit a single-wide mobile home in an RS District (Section 430, Table 3). **LOCATION:** 802 West Katy Street

Presentation:

Johnny Davis, 4950 West 4th Street. Skiatook, OK; stated he represents Polly Nobles, his mother. There is an existing mobile home that has been on the property about 40 years and she would like to replace that mobile home with a new single wide mobile home for his sister to live in, which she is living in the old mobile home now. The lot is narrow and cannot accommodate a double wide mobile home. The new mobile home is two feet shorter than the existing mobile home.

Mr. Hutchinson asked Mr. Davis if the area is to be rezoned industrial or commercial in the future. Mr. Davis stated that he has been told the area will become commercial in the next few years but that has been worked on for the last 15 years. At one end of the block a house has been converted to an attorney's office and at the other end of the block a house has been converted into a thirft shop. Mr. Davis stated that if the area is rezoned he will have the mobile home moved and sell the property.

Interested Parties:

Tolise Hacker, 1115 Renaissance Drive, Sand Springs, OK; stated she owns several properties in the neighborhood, zoned residential and commercial. She knows the four year plan for Tulsa County and City of Sand Springs has designated this as commercial property. She feels that if this request is approved it will open up the neighborhood to bring in more mobile homes. This is the entrance to Sand Springs and the property is adjacent to the Wal-Mart property.

Mr. Charney asked Ms. Hacker if she represented any City of Sand Springs body, corporation or if she is a land owner. Ms. Hacker stated that she is not representing any Sand Springs body but she owned a child care center for 40 years located about a half block away from the subject property and the day care closed about 1 ½ years ago.

Mr. Charney asked Ms. Hacker if there other manufactured homes in the area. Ms. Hacker answered affirmatively stating there are two mobile homes and about 27 residential lots and 5 commercial lots in the neighborhood.

Mr. Charney asked Mr. Davis about the Variance request need. Mr. Davis stated the lot is very narrow and the mobile home can be adjusted west, and the lot is not rectangular, it has a small portion cut off on the east side. If the mobile home were to be pushed forward then he would need a Variance for the front yard.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Special Exception** to permit a single-wide mobile home in an RS District (Section 410), subject to conceptual plan 9.13 of the agenda packet. The mobile home is to meet all DEQ requirements, have tie downs, skirting, and there is to be a hard surface parking pad. 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:

PRT RES BEG SECR TH N TO NEC NW ON NL 177.05 TO HWY SW49.85 SE APP 190 POB, HALL'S GARDEN ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a **Variance** of the rear yard setback from 20 feet to 12.6 feet in an RS District to permit a single-wide mobile home in an RS District (Section 430, Table 3), subject to conceptual plan 9.13 of the agenda packet. The Board finds the hardship to be the unusual configuration of the lot. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

PRT RES BEG SECR TH N TO NEC NW ON NL 177.05 TO HWY SW49.85 SE APP 190 POB, HALL'S GARDEN ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2919—Phillip Bougio

Action Requested:

Special Exception to permit a single-wide mobile home in an RS District (Section 410). **LOCATION:** 4322 West 45th Street

Presentation:

Phillip Bougio, 4322 West 45th Street, Tulsa, OK; stated he had a house fire in March and now he is homeless. He has chosen a single wide mobile home, contracted to have a new septic system installed. The new mobile home is 16 x 76.

Mr. Charney asked Mr. Bougio if the previous home was a mobile home. Mr. Bougio answered no stating that it was a site built house that was built in 1935 and owned by his parents.

Interested Parties:

Joel Merrill, 4316 West 45th Street, Tulsa, OK; stated he is the neighbor to the east of the subject property and he is opposed to the proposed mobile home. He believes if the mobile home is allowed in, it will devalue properties in the neighborhood. Mr. Merrill stated there is one single wide mobile home in the entire neighborhood, within a square mile, and it will be removed once the lease has expired for the current occupant.

Mr. Charney asked Mr. Merrill if he lived in the neighborhood when the house that burned was there. Mr. Merrill answered affirmatively stating that the burned house is still standing.

Mr. Merrill stated that if the new mobile home is 76 feet long that will leave two feet on either side of the fence line and that means the new mobile home would have to be placed north to south instead of east to west. Mr. Charney stated the site plan that has been submitted reflects that.

Rebuttal:

Phillip Bougio came forward and stated there are two mobile homes in the neighborhood which are across the street. Mr. Bougio stated that he did not anticipate a house fire and right now he and his wife are living in their RV.

Mr. Johnston asked Mr. Bougio if he had fencing on the east and west sides of the property. Mr. Bougio answered affirmatively stating there is a section in the rear that needs to be repaired.

Mr. Merrill asked if the Board would confirm that the septic system will be replaced in its entirety, not repaired or patched because he has smelled the septic for ten years. Mr. Charney stated that the Board can confirm that the septic system will be DEQ certified and inspected to meet all requirements.

Mr. Charney asked Mr. Bougio if he had plans to replace the septic system. Mr. Bougio answered affirmatively.

Comments and Questions:

Mr. Hutchinson stated that most any other time he would be against this proposal but right now the world is in a different time era. He thinks the reason the Board has seen so many mobile homes come before them today is because of the price increases in today's market. Unfortunately that has caused people to investigate other avenues so he can support this request. He understands the neighbor's concern about resale value but he has also seen that a mobile home does not hurt a resale value. He does not think he would vote for something that would hurt someone else's resale value.

Mr. Crall thinks that as long as the mobile home and the property is well maintained he can support this request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the request for a Special Exception to permit a single-wide mobile home in an RS District (Section 410), subject to conceptual plan 10.10 of the agenda packet. The mobile home is to have a new septic or aerobic system installed and it will meet all DEQ requirements. The mobile home is to have tie downs, skirting, and a hard surface parking surface. The mobile home is to meet all requirements set by Tulsa County. 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:

W80 OF LT 1 BLK 2, YARGEE HOMESITE ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Mr. Charney announced that he must leave today's meeting but before leaving he wanted to announce that this is Mr. Larry Johnston's last Board of Adjustment meeting. Mr. Charney stated that it has been a pleasure to serve with Mr. Johnston. The Board needs more members with Mr. Johnston's temperament and his concern for third parties and concern of human beings. The Board has been lucky to have Mr. Johnston serve as a member. Mr. Charney presented Mr. Johnston with a Certificate of Appreciation.

Mr. Johnston thanked everyone.

Mr. Charney left the meeting at 4:00 P.M.

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NEW APPLICATIONS

2920—William D. & Barb McCalip

Action Requested:

Variance of the minimum land area per dwelling unit from 2.1 acres in the AG District to permit a lot line adjustment (Tract B); Variance of the minimum lot area from 2 acres in the AG District to permit a lot line adjustment (Tracts B & C); Variance of the minimum lot width from 150 feet in the AG District to permit a lot line adjustment (Tracts B & C); Variance of the rear and side setbacks in the AG District to permit a lot line adjustment (Tract B) (Section 330, Table 3).

LOCATION: 18707 & 18715 West 51 Highway South

Presentation:

William McCalip, 18725 West 51 Highway, Sand Springs, OK; stated he just wants to have the property line back to the way he always thought it was for over 20 years. He had the property surveyed and discovered that his driveway and fence is actually on his neighbor's property. He has spoke with the neighbor and he agrees to have the property line where everyone has thought it was for years; it was established when he moved there.

Mr. Hutchinson asked Mr. McCalip if all he was attempting to do is adjust the lot lines. Mr. McCalip answered affirmatively.

Mr. McCalip stated that when he moved in there was an established fence line and he refenced it and put his driveway down beside the fence, thinking it was the property line.

Interested Parties:

Preston Harp, 11522 West 64th Street, Sapulpa, OK; stated he is the owner of one of the properties and the trustee for his mother on the two properties that are on the east side. In 1983 or 1984 he received a Variance on the properties, and his grandfather purchased the property in the early 1960s. He and William are good neighbors and between themselves they determined to let the property line stay where the fence is. Mr. Harp stated that they both are gaining and subtracting land from one end to the other end on the property, and he has no issue with this request.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Variance of the minimum land area per dwelling unit from 2.1 acres in the AG District to permit a lot line adjustment (Tract B); Variance of the minimum lot area from 2 acres in the AG District to permit a lot line adjustment (Tracts B & C); Variance of the minimum lot width from 150 feet in the AG District to permit a lot line adjustment (Tracts B & C); Variance of the rear and side setbacks in the AG District to permit a lot line adjustment (Tract B) (Section 330, Table 3) as submitted. The Board has found the hardship to be that the property line has existed for many years. 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:

BEG 696.57W & 45.39N OF NEC SE SW TH SW140 S170 SE196.7 SW15 NW196.7 N170 SW96.7 N154 NE270.33 S235 TO POB SEC 12 19 10 1.243; BEG 696.57W & 289.61S NEC SE SW TH SW115 ALONG HWY 51 TO POB TH SW155.33 N416 NE96.7 S170 SE196.7 TO POB SEC 12 19 10 .902AC, OF TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

None.

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NEW BUSINESS

None.

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BOARD COMMENTS

None.

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There being no further business, the meeting adjourned at 4:09 p.m.

Date approved: _____

Chair