

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 37
Friday, August 19, 1983, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT

Alberty
Martin
Tyndall
Walker
Wines

STAFF PRESENT

Compton
Jones
Wiles

OTHERS PRESENT

J. Edwards,
Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, August 16, 1983, at 9:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Walker called the meeting to order at 9:00 a.m.

MINUTES:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve the Minutes of July 15, 1983 (No. 36).

UNFINISHED BUSINESS:

Case No. 347

Mr. Jones advised the Building Inspector requested that review of Case No. 347 be stricken from the agenda.

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to strike the review of Case No. 347 from the agenda.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 374

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a variance of lot area from 2 acres to .49 acre; a variance of land area from 2.2 acres to more or less .5 acre; and, a variance of the frontage requirements from 200 feet located north of the NE corner of 21st Street and 145th West Ave.

Presentation:

Elmo Harris, 16734 West 19th Place, Sand Springs, Oklahoma, wants to move a mobile on the subject property. The applicant does not own the land, but he is interested in buying it. He already has a contract for the driveway easement, and the perc test has already been performed.

Protestants: None.

Comments:

Mr. Jones submitted a letter from Pat Treadway, a Sand Springs City

Case No. 374 (continued)

Planner, which says they have heard the lot split and have given it approval (Exhibit "A-1"). Attached to the letter were the Minutes of July 19, 1983, Sand Springs Regional Planning Commission meeting.

Mr. Walker noticed that the lot has been existing for several years, and asked the Staff what the situation was.

The Staff informed the Board that a deed and abstract had already been prepared for this years ago, and now before the transfer of sale can be completed, an attorney caught in his title opinion that a lot split had not been approved years back when it should have been. They are correcting an existing situation.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of lot area from 2 acres to .49 acre, a variance of land area from 2.2 acres to more or less .5 acre; and, a variance of the frontage requirements from 200 feet, subject to the approval of the Health Department, on the following described property:

A tract of land located in the SW/4 of the SW/4 of Section 9, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to wit:

Beginning 915.0' North and 205.75' East of the Southwest corner of said Section 9; thence East and parallel to the South line of said Section 9, a distance of 205.75' to a point; thence North and parallel to the West line of Said Section 9, a distance of 105.75' to a point; thence West and parallel to the South line of said Section 9, a distance of 205.75' to a point; thence South along the West line of said Section 9, a distance of 105.75' to the Point and Place of Beginning, containing 1/2 acre, more or less.

Case No. 377

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - (Mobile Home Dwelling) - Use Unit 1209 - Request for an exception to permit a mobile home dwelling - Under the Provisions of Section 1680, located at 6409 North Quincy Ave.

Presentation:

The applicant, Sheila Brannan, was not present.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 377 to the September 16, 1983, meeting.

8.19.83:37(2)

Case No. 379

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of lot area and land area from required 2 acres and 2.2 acres respectively, to areas of 1 acres, more or less - Under the Provisions of Section 1670, located 3/4 of a mile north and west of the intersection of 209th West Avenue and Wekiwa Rd.

Presentation:

Larry Sellers, Rt. 1, Box 218, Sand Springs, Oklahoma, was given 5 acres of land, and he would like to sell one acre in order to be able to make a down-payment on a house. The applicant has had a perc test made on the lot. He submitted a plat of survey (Exhibit "B-1").

Protestants: None.

Comments:

Mr. Jones submitted a letter from Pat Treadway, a Sand Springs City Planner, which recommends approval of this variance (Exhibit "B-2"). Attached to the letter were the Minutes of the July 19, 1983, Sand Springs Regional Planning Commission meeting.

Board Action:

On MOTION of TYNDALL and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of lot area and land area from required 2 acres and 2.2 acres respectively, to areas of 1 acres, more or less - Under the Provisions of Section 1670, on the following described property:

A tract or parcel of land being a portion of the South 466.69' of the North 736.69' of the East 466.69' of the SE/4, NE/4, Section 3, Township 19 North, Range 10 East, Tulsa County, Oklahoma, being more particularly described as follows:

Beginning at a point 270' South 00°-02' East of the Northeast corner of the SE/4, NE/4, Section 3; thence South 89°-25'-00" West parallel with the North line of said SE/4, NE/4 a distance of 208.71'; thence South 00°-02'-00" East a distance of 206.71'; thence North 89°-25'-00" East parallel to the North line of said SE/4, NE/4 a distance of 208.71'; thence North 00°-02' West along the East line of said Section a distance of 208.71' to the Point of Beginning, containing 1.00 acre of land, more or less, subject to Easements and Rights-of-Way of Record and Statute.

Case No. 380

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agricultural Districts - Use Unit 1206 - Request for a variance of lot width from 200' to 173'; and a variance of lot area from 2 acres to 1.76 acres; and a variance of land area from 2.2 acres to 1.88 more or less acres to permit a lot split in an AG zoned District - Under the Provisions of Section 1670, located East of the SE corner of 159th Street North and Mingo Road.

Presentation:

Johnie Karnes, Route 1, Collinsville, Okla., has a contract on the subject property which has her home on it. In order for her to sell the property, she must have a lot split approved. The frontage of the property is a county maintained road that dead-ends. A perc test has been made on the property and the septic system is existing and working.

Protestants: None.

Comments:

Mr. Jones informed the Board he had just received a floodplain determination form from Jack Edwards which indicated the subject property is located within a recognized regulated floodway--no building permits at all can be issued for this property.

The applicant informed the parents of the people who are buying the property own the property on both sides of the subject property--the prospective buyers will eventually own the full 15 acres.

Mr. Edwards informed the applicant that she needs to go to the Building Inspector's Office and talk to them about the floodplain determination.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agricultural Districts - Under the Provisions of Use Unit 1206) of lot width from 200' to 173'; and a variance of lot area from 2 acres to 1.76 acres; and a variance of land area from 2.2 acres to 1.88 more or less acres to permit a lot split (L-15892) in an AG zoned District - Under the Provisions of Section 1670, on the following described property:

The East 173' of the West 730' of the North 20.91 acres of Lot 4, Section 18, Township 22 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, LESS and EXCEPT the South 185' thereof, and subject to a road easement reserved to the first party upon, over and across the North 30' of the East 46.39' thereof.

NEW APPLICATIONS:

Case No. 373

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request for an exception to permit a restaurant in an IL zoned District - Under the Provisions of Section 1680; and a Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request for an exception to allow motel use in an IL zoned District - Under the Provisions of Section 1680; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the 25-foot setback requirement for 58th Street to 5 feet as 58th Street is actually 2' wide and has deep drainage ditches - Under the Provisions of Section 1670; and a Variance - Section 1221 - Business Signs and Outdoor Advertising - Request for a variance to allow future motel to share applicants' double sign pylons for joint free-standing signs. This sign would be an off-premise sign, approximately 75 feet in height, for the motel and the motel would waive any additional free-standing on-premise signs - Under the Provisions of Section 1670, located at the SE corner of 49th West Avenue and West 58th Street.

Presentation:

Lee Counsellour, 2880 LBJ Suite #202, Dallas, Texas, informed the Board Waffle House Restaurants were the ones who are trying to put this development project together. The property is presently owned by McDonald's Corporation. The applicant submitted a site plan (Exhibit "C-1"). He informed that 58th Street is a deep and 50-foot wide drainage channel and it seems unlikely that it will ever be developed as a street. The applicant submitted 3 photographs (Exhibit "C-2") of what the sign would be like. The subject property is lower than the freeway and the existing height limitation makes no allowance for where the freeway grade is. The motel people understand that if this is approved, they cannot put a separate detached sign on their property--there can be only one double sign.

Protestants: None.

Comments:

The Staff has reviewed the plans and has no problems with requests the applicant has made.

Discussion ensued about the height of the McDonald's sign.

Board Action:

On MOTION of MARTIN and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1212) to permit a restaurant in an IL zoned District - Under the Provisions of Section 1680; and a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1219) to allow motel use in an IL zoned District - Under the Provisions of Section 1680; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the 25-foot setback requirement for 58th Street to 5 feet as 58th Street is actually 2' wide

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Case No. 373 (continued)

and deep drainage ditches - Under the Provisions of Section 1670; and a Variance (Section 1221 - Business Signs and Outdoor Advertising) to allow future motel to share applicants' double sign pylons for joint free-standing signs. This sign would be an off-premise sign, approximately 75 feet in height, for the motel and the motel would waive any additional free-standing on-premise signs-- Under the Provisions of Section 1670, this approval to be accompanied by a request that the Building Inspector make an investigation as to the height of the McDonald's sign and come back with a report, on the following described property:

The North 145' of Lots 4, 5, 6, 7, and 8, Block 3, Bozarth Acres Addition, Tulsa County, Oklahoma.

Case No. 375

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1209 - Request for a variance to locate a mobile home - Under the Provisions of Section 1670, and a Variance Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwellings on one lot of record - Under the Provisions of Section 1670, located at 1205 East 60th Place North.

Presentation:

Jack Lewis, Route 5, Box 244, Claremore, Oklahoma, would like to move a mobile home on the subject property due to medical reasons-- he is having some health problems. The subject property belongs to his father-in-law. There are other mobile homes in the area within a few blocks. The land is on sewer.

Protestants: None.

Interested Party: Ralph Gibson informed there are several trailers in the area of the subject property.

Comments:

Mr. Alberty informed the Board that the area is not really residential; it is a commercial area, but a lot of it has not developed commercially.

The applicant indicated that he would not mind being granted temporary use of the property just while he had his health problems.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 710- Principal Uses Permitted in the Commercial District - Under the Provisions of Use Unit 1209) to locate a mobile home - Under the Provisions of Section 1670, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwellings on one lot of record - Under the Provisions of Section 1670, with no time limit, on the following described property:

Lots 10, 11, 12 and 13, Block 1, of the Original Township of Turley, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - (Mining and Mineral Processing) - Use Unit 1224 - Request to mine limestone - Under the Provisions of Section 1680, located South of 21st Street South and East of Mud Creek Rd.

Presentation:

Mark Sherman, 320 South Boston, Suite 920, represented Hugh Thralls, who would like to initiate a limestone quarry operation out near Campbell Creek--Mud Creek. Mr. Sherman informed mining and quarrying is a permitted exception under AG zoning which is how the subject property is zoned. The proposed mining will involve stripping of a minimal overburden of top soil which is presently covering the limestone. Blasting will be required at times, and the aggregate will be transported to a crusher area, which will include a crusher and a screening operation to determine the size of the aggregate. This will involve the use of loaders and dump trucks. There will be a stock pile located on the property--this will be located away from the outcrop. The operation will not involve the pit operations that are now in existence in northeastern Tulsa County. This project will in essence just widen a valley on the Campbell Ranch, rather than leave pits.

There are certain problems involved in a mining operation that need to be dealt with--specifically, noise and dust pollution. Mr. Sherman stressed the remoteness of the area in which the mining would take place. The applicant presented photographs of the subject property and the surrounding area. Mr. Sherman informed the Board the nearest houses are located at least a quarter of a mile away from the proposed mining site. There is a stand of timber between where the stock pile will be located and the nearest houses. This will minimize any dust and noise pollution which may be created by the operation. The trees on the outcrop will have to be removed. The crusher will be located about halfway between the outcrop and Campbell Creek Road.

Protestants:

William Jackson, 917 Kennedy Building, owns property on either side of the subject property. To his knowledge, everything that has happened in this area has to do with residential applications. Mr. Jackson submitted petitions (Exhibit "D-1") with 195 signatures from residents in the area. Mr. Jackson informed if the application is 550 acres, it has to affect thousands of acres surrounding it.

Mrs. Pearl Baker, corner of 41st Street and Campbell Creek Road, is concerned with the health problems the mining would cause for members of her family who have asthma problems. She submitted a letter from the doctors (Exhibit "D-2") stating that her grandchildren would not be able to take the dust. There are many homes in the area of the subject property. She is concerned that the proposed operations would ruin the community and the wildlife in the area.

Mr. W. T. Jeffers, 1600 East 121st Street, Jenks, Oklahoma, is the president and chief executive officer of Discoveryland which is located adjacent to the subject property. He is very concerned with the adverse impact the proposed operation would have on Discoveryland which is the largest summer tourist attraction in the

Case No. 376 (continued)

State of Oklahoma. Discoveryland serves two purposes: (1) Provides year round activities with summer camp for the disadvantaged children and weekend motivational programs for youth, and (2) the amphitheater where the play, OKLAHOMA, is performed during the summer. Mr. Jeffers informed this proposal will destroy Discoveryland. He is concerned with the health problems the dust would cause in the area as well.

D. Willis, Rt. 3, Box 480, Sand Springs, Oklahoma, is concerned with damage blasting in the area will cause to the surrounding homes.

King Jackson, Rt. 3, Box 506, Sand Springs, Oklahoma, is concerned with problems blasting in the area will cause.

Mrs. McClellan, Rt. 3, Box 254, Sand Springs, Oklahoma, is concerned with the effects blasting will have on her modular home. She is also concerned with the dust problems the proposed operation will cause.

Comments and Questions:

Mr. Alberty asked the applicant if he had done anything in terms of a preliminary land use plan as far as how the property will be developed, including the remainder of the land not used for mining. Right now the land will be used as a buffer for the mining operation.

Mr. Wines was concerned about the maintenance of the road. It is presently maintained by the County of Tulsa--there has been heavy truck Traffic on the road due to oil and gas resources in the area.

Mr. Walker asked about the specific days and times of operation. The applicant informed him that any restrictions which the Board felt were needed to protect the residents from any undue problems would be honored. The blasting operations would be done at the time of day which would least interfere with the residents.

Mr. Walker asked what other approval had to be granted besides the approval of this Board. Mr. Sherman did not know of any other approval that was needed. The Board informed Mr. Sherman that they were sure there are requirements by the City and County Health Department which would have to be met.

Mr. Alberty informed he is concerned with this application. He is familiar with what has happened in the northeast Tulsa area--there has been a substantial impact in that area due to mining operations. He stated there probably has not been a comprehensive plan done on this area as far as the study of the land use and what might be appropriate. He would like the Staff to do some exhaustive investigation to determine what the appropriate use is for this area. The only development he has seen in the area is residential development. He said the nearby residences will be tremendously adversely affected by the proposed operation.

Applicant's Rebuttal:

Mr. Thralls plans to discontinue his plans, but he feels the case has been distorted way out of proportion. He informed there are procedures to keep the dust down. The crusher would have been portable and would have been at the bluff at the valley. His objective was to create a better economic arrangement for people who need to use limestone. Mr. Thralls requested that the case be withdrawn.

Case No. 376 (continued)

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to accept the applicant's request to withdraw Case No. 376.

Special Discussion:

Mr. Martin informed that he feels the application would have been denied and should have been denied had it not been withdrawn, but the action of the Board at this meeting probably would have been to continue the case in order to obtain objective evidence and provide time for a thorough study of the application.

Case No. 378

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - Request for an exception to locate a mobile home on a lot - Under the Provisions of Section 1680 and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwelling units per lot of record - Under the Provisions of Section 1670, located at 6033 North Lewis Avenue.

Presentation:

Ralph Gibson, 6033 North Lewis Avenue, informed the Board his daughter would like to move a mobile home on his lot. The lot is 360' by 100' and he just uses about 150' of it. There are other mobile homes in the area of the subject property--one next door and one directly behind the subject property. The land has sewer.

Protestants: None.

Comments:

The trailer to the north of the subject property had a time limit on it, but Mr. Jones informed the time limit was put on while the property was under the jurisdiction of the City Board of Adjustment.

Mr. Alberty informed the zoning on the map was not correct--the property is zoned RS rather than RS-2 which is shown on the map.

Board Action:

On MOTION of ALBERTY and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1206) to locate a mobile home - Under the Provisions of Section 1680, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwelling units per lot of record - Under the Provisions of Section 1670, with no time limit, on the following described property:

Lot 10, Block 1, Rodden Acres, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 10:26 a.m.

Date Approved 9-16-83

Robert L. Walker
Chairman