

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 55
Tuesday, December 18, 1984, 1:30 p.m.
Room 119, Administration Building
500 South Denver, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT

Alberty
Martin, in at 1:40 p.m.
Tyndall
Walker
Wines

STAFF PRESENT

Gardner
Jones
Phillips

OTHERS PRESENT

Edwards, Inspections

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, December 14, 1984, at 10:25 a.m., as well as in the Reception area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:31 p.m.

MINUTES

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Martin, "absent") to APPROVE the minutes of November 20, 1984.

UNFINISHED BUSINESS:

Case No. 509

Action Requested:

Use Variance—Section 310—Principal Uses Permitted in the Agricultural Districts—Use Unit 1215—Request a variance to permit an existing nonconforming use (motor rewind) to be located in a new structure in an AG-R zoned district. (Board denied variance on 11/20/84).

Applicant is to prove that the nonconforming use has been in operation prior to September 15, 1980, located at 23770 Hound Dog Hollow Road.

Presentation:

The applicant, Benny Speaker, 23770 Hound Dog Hollow Road, submitted eight letters to the file indicating that the nonconforming use on his property (motor rewind) has been in operation prior to September 15, 1980 (Exhibits "A-1" through "A-8").

Protestants: None

Case No. 509 (continued)

Comments and Questions:

Mr. Edward informed the Board that a building is under construction.

Mr. Alberty explained that the building was denied for business use, and the applicant was encouraged to document the nonconforming use to allow him the right to continue the business in its present facility. Mr. Alberty stated that he is not inclined to support a business building that large (3200 sq. ft.) in an agriculturally zoned area. That size building would best be supported by IL zoning.

There was discussion about the Board's alternatives. Mr. Gardner explained that the Board can allow the applicant to continue the use of his property for the business without recending their former motion. He stated that the business could be confined to a building that is smaller than the one proposed (i.e. the existing commercial building). He suggested that they determine first if the use is nonconforming.

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") to ACCEPT the evidence supporting a nonconforming use on the subject property prior to September 15, 1979.

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-1-1 (Alberty, Tyndall, Walker, "aye"; Martin, "nay"; Wines, "abstaining") to DENY any use of the new 3200 sq. ft. building for business purposes; on the following described property:

The North 310' of the West 140' of the SW/4 of the SE/4 of Section 29, T-19-N, R-10-E, less the North 30', Tulsa County, Oklahoma.

Case No. 510

Action Requested:

Variance—Section 330—Bulk and Area Requirements in the Agricultural Districts—Use Unit 1206—Request a variance of the required 200' lot width to 30' to permit splitting of a tract in an AG zoned district, located 1/4 mile E. of NE/c of 41st Street and 171st West Avenue.

Presentation:

The applicant, Virginia Cannady, was represented by Carol Cooper, Synar Land Company, Inc., 4717 South Yale, Tulsa, Oklahoma, who submitted a topographical map (Exhibits "B-1") and a plat of survey (Exhibit "B-2") and explained that the applicant has contracted to sell the back 2 1/2 acres of the subject property. She referred to a letter from the Sand Springs Board of Adjustment (submitted by the Staff/Exhibit "B-3") and informed the Board that the condition suggested in the letter, regarding a 50' access to the 7.50 acre

Case No. 510 (continued)

tract, is not feasible. She explained that allowing a 50' access would decrease the buildable area due to the topography. She noted that they did not submit topographical maps to the Sand Springs Board of Adjustment.

Protestants: None

Comments and Questions:

Mr. Alberty explained that the lot split is not a problem, and the variance of the lot width is the issue before this Board. The Ordinance requires 200' on a dedicated public roadway. He informed that the Sand Springs Board of Adjustment suggested the access be 50' in case there is ever a need for a dedicated street on the property.

Mr. Martin questioned the necessity of action by this Board. He feels that the case should be heard again by the Sand Springs Board of Adjustment, since they did not have topographical maps at the first meeting. Mr. Gardner informed him that the County Board of Adjustment has to make the ultimate decision based on the facts they have, even though they normally follow the recommendations from the neighborhood community.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 4-1-0 (Alberty, Tyndall, Walker, Wines, "aye"; Martin, "nay"; no "abstentions") to **APPROVE** a Variance—Section 330—Bulk and Area Requirements in the Agricultural Districts—Under the provisions of Use Unit 1206) of the required 200' lot width to 30' to permit a lot split in an AG zoned district; on the following described property:

The west 30' of the W/2 of the W/2 of the SE/4 of the SW/4 and W/2 of the W/2 of SE/4 of the SW/4 less the South 426 feet thereof and less the West 30 feet thereof, all in Section 19, Township 19 North, Range 11 East of the I.B.M., Tulsa County, Oklahoma; and the South 426 feet of the W/2 of the W/2 of the SE/4 of the SW/4 less the West 30 feet thereof, in Section 19, Township 19 North, Range 11 East of the I.B.M., Tulsa County, Oklahoma.

Case No. 516

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1215—Request an exception to permit a roofing contractor with outside storage in a CS (pending) zoned district; and a

Request for refund of filing fees.

Presentation:

The applicant, Otto Dorris, Route 1, Box 365, Mounds, Oklahoma, 74047, explained that the case has been heard at a previous meeting

Case No. 516 (continued)

and it was continued to allow him time to develop and present a plot plan (Exhibit "C-1"). He explained that the building will be metal, instead of cinder blocks, as the plot plan designates.

Comments and Questions:

Mr. Martin asked if the plot plan addressed any of the concerns the Board has with the application. Mr. Gardner offered to clear up the issue by explaining that the protestant present at the last meeting stated he would not have a problem with the application if Mr. Dorris built a building on the subject property, instead of simply storing roofing materials on the property. The Board then requested that a plot plan be submitted to show the applicant's intentions. The Board suggested at that time that the building be placed on the front of the property and any outside storage of materials (such as wood shingles) be confined to the area behind the building. Another concern was that the building be an enclosed structure, rather than a "pole barn." This plot plan has addressed these issues.

Mr. Walker asked Mr. Dorris how long it will take him to have the proposed structure finished. Mr. Dorris stated that he could have it finished in six months. He explained that it would be a financial hardship, but it could be done.

Mr. Alberty noted that if the building is set back 50' from the centerline of 201st Street, it would be set off of the right-of-way, but there would be no setback. He asked Mr. Edwards if the Board should require an additional setback from the right-of-way, in case the section road should ever be opened. Mr. Edwards informed that the County Engineer had advised them that the road will not be opened because of the topo and water backup in the area.

Protestants:

Jerry Schanns, Route 1, Box 364, Mounds, Oklahoma, asked to see the plot plan. He informed that he had taken the opportunity to discuss his protest with the applicant, and has no further protest.

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") to APPROVE a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the provisions of Use Unit 1215) to permit a roofing contractor with outside storage in a CS (pending) zoned district; subject to the following conditions: strict adherence to the plot plan submitted; no outside storage to be stocked above the fenceline; that the building be metal with sides enclosed; that the building be completed by July 1, 1985; and subject to a Building Permit and Health Department approval; on the following described property:

The East 200' of the North 325', NE/4, NE/4, of Section 13, T-16-N, R-12-E, Tulsa County, Oklahoma.

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to DENY the request for a refund of filing fees.

Case No. 517

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Agricultural Districts—Use Unit 1206/09—Request a variance of the lot width from 200' to 132', of the lot area from 2 acres to 1.85 acres, and of the land area from 2.2 acres to 2 acres in order to permit a lot split in an AG zoned district, located E. of NE/c of 61st Street and 161st West Avenue.

Presentation:

The applicant, Phillip Copeland, Route 3, Box 169, Sand Springs, Oklahoma, informed that he is requesting a lot split so he can sell one of the lots. There are homes on each lot and each house has a separate septic system. He did not present a plan.

Protestants: None

Comments and Questions:

Mr. Alberty asked the applicant the width of the subject tract. Mr. Copeland informed that the width is 220'. He explained that he wants to split the property down the middle. Mr. Jones informed that the tract is actually 264' wide and the frontages will be 132'.

Mr. Jones informed that the case was withdrawn at an earlier date because the Health Department would not approve the well water and septic tanks on the same lot. After some investigation, they discovered that these lots can tap into City water (Creek County) across the street. The application was reinstated and the request before the Board today could be approved subject to Health Department and TMAPC approval. He informed that the TAC denied the request on the basis that the Health Department did not approve the water system.

There was discussion about the applicant's intentions as to tapping into the Creek County Water District. The applicant informed that he did not want to pay for that hookup until the lot split was approved, but he understands that it will be a condition of the approval.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section 930—Bulk and Area Requirements in the Agricultural Districts—Under the provisions of Use Unit 1906/09) of the lot width from 200' to 132', of the lot area from 2 acres to 1.85 acres, and of the land area from 2.2 acres

Case No. 517 (continued)

to 2 acres in order to permit a lot split (L-16307) in an AG zoned district; subject to Health Department approval and TMAPC approval; on the following described property:

East 264' of W/2, SE/4, SW/4, SW/4, of Section 32, T-19-N, R-11-E, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 520

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1206/09--Request an exception to permit an addition to an existing mobile home in an RS zoned district; and a

Variance--Section 208--One-Single Family Dwelling Per Lot of Record--Request a variance to permit two dwellings (1 house, 1 mobile home) per lot of record, located E. of NE/c of 105 W. Avenue and 61st Street.

Presentation:

The applicant, Alex Murray, 9955 West 61st Street, Sapulpa, Oklahoma, informed that there is a mobile home on the subject property at the present time. His parents live in the mobile home and the addition will be used as a living area. The addition is actually another mobile home which will be joined with the older one by a covered walkway (adjoining rooflines). He submitted a plot plan (Exhibit "D-1"). There is 27' between the house and the mobile home. The nearest mobile home is approximately 1/2 mile away.

Protestants: None

Comments and Questions:

Mr. Martin asked Mr. Murray why the second mobile home is necessary. Mr. Murray explained that his parents live in a 10' x 50' mobile home, and they need more "living" area.

Mr. Wines noted that this will be similar to a double-wide mobile home.

Mr. Martin explained the Board's position in being asked to allow a second mobile home on one lot of record. He explained that there should be a hardship presented. He asked if there are other mobile homes in the area. Mr. Murray informed that there are about seven mobile homes on 61st Street, and to the north there are two. The nearest one to the south is approximately 1/2 mile, and the nearest to the north is approximately the same.

Mr. Tyndall reiterated that the other mobile home is an addition to an existing mobile home and will only be one dwelling unit.

Case No. 520 (continued)

Mr. Murray explained that the first mobile home has a permit.

Interested Parties:

Mrs. Carolyn Murray, 9955 West 61st Street, explained that her husband's parents are getting old and need help with their daily routines. She explained that they received a permit for the first mobile home and were advised to acquire a permit for the addition.

Additional Comments:

Mr. Gardner explained that if two units are designed so that they appear to be modular, with pitched roofs, the Building Inspector could allow them in residential areas of agriculturally zoned districts. This is a similar type of use, since it will only be used as one dwelling and the rooflines will be connected.

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") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1206/09) to permit an addition to an existing mobile home in an RS zoned district; and a Variance (Section 208—One Single Family Dwelling per Lot of Record) to permit two dwellings (1 house, 1 mobile home) per lot of record; subject to the second mobile home being connected by a covered walkway; and subject to a Building Permit and Health Department approval; with the combined structure being used for one family dwelling only; on the following described property:

The West 337' of the East 760' of S/2, SW/4, SE/4, of Section 35, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 521

Action Requested:

Special Exception—(Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to permit automobile sales in a CS zoned (pending) district; and a

Variance—Section 1217.3—Automotive and Allied Activities—Request a variance to permit open air storage within 300' of an abutting R district, located at 4339 West 61st Street.

Presentation:

The applicant, Bill Ballard, Route 2, Box 177, Sapulpa, Oklahoma, informed the Board that he has owned the property for twenty-two years and had it zoned commercial after he bought it. He informed that he works for Rockwell, International at the present time, and hopes to finally use this car lot as his main source of income. He informed the Board that he has the support of his neighbors.

Case No. 521 (continued)

Protestants: None

Comments and Questions:

Mr. Gardner explained that the applicant thought he had commercial zoning and when he was making plans to use his property, he discovered that the rezoning did not show up on the remapping done in 1970. The entire lot was zoned CS sometime previous to the remapping and an application has been made to have the map updated. Any motion should be made subject to the zoning action taken by the County Board of Commissioners.

Mr. Alberty asked Mr. Ballard if there is a car lot on the property at the present time. Mr. Ballard informed that there are no cars on the lot, but it is ready to be used.

Mr. Alberty asked the Staff if any action by this Board will preempt the County's decision. He stated that he would feel better if the case was continued until the County takes action. He informed that there have been two remappings since this action was taken, and it was dropped off both times. Mr. Gardner informed that this action is pending, and is set on the agenda of the January 9, 1985 TMAPC meeting.

Mr. Wines asked what has been on the subject property all these years. Mr. Ballard informed that a grocery store has been on the property, but it is no longer in operation.

Board Action:

On MOTION of WINES and SECOND by ALBERTY, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to CONTINUE Case No. 521 until January 15, 1985.

Case No. 522

Action Requested:

Special Exception--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1202--Request an exception to permit a temporary weigh station to weigh refuse collection vehicles which use the Shell Creek Landfill, in an AG zoned district.

Presentation:

The application was made on behalf of the Tulsa Authority for Recovery of Energy (TARE). Knox McKee, SCS Engineering of Covington, Kentucky, explained that his firm was engaged as consultants to obtain vital data on solid waste generation in the greater Tulsa area. He submitted the specifics of the application in written form with pertinent characteristics of the proposed use (Exhibit "E-1"). He informed the Board that this request is for a limited time period. The weigh station is requested for a 14-month period, and then there will be a certain amount of time allowed for reclamation. He submitted a plot plan (Exhibit "E-2") and the dimensions and capacities for the Powell Self-Contained Portable

Case No. 522 (continued)

Scales (Exhibit "E-3"), as well as for the office trailer and the Toledo Concrete Deck Truck Scale (Exhibit "E-4"). He presented pictures for the Board's perusal.

Protestants: None

Comments and Questions:

The Staff submitted a letter from the Sand Springs Board of Adjustment recommending approval of the application (Exhibit "E-5").

There was discussion about what time period would be appropriate to allow the applicant time for the reclamation of the land.

Mr. McKee reminded the Board that the trailer will be attended six days a week.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to APPROVE a Special Exception (Section 310—Principal Uses Permitted in the Agricultural Districts—Under the provisions of Use Unit 1202) to permit a temporary weigh station to weigh refuse collection vehicles which use the Shell Creek Landfill, in an AG zoned district for a period of eighteen months; on the following described property:

Begin at the intersection of the west right-of-way line North 177th West Avenue and the centerline of West 8th Street South; proceed 750 feet north along the west right-of-way line of North 177th West Avenue to a point on the right-of-way, said point being the beginning point of the subject property; then west on the south line of the subject property at a 90° angle to the west right-of-way line 40'; then north on the west line of the subject property at a 90° angle to the south line of the subject property 215 feet; then east on the north line of the subject property at a 90° angle to the west line of the subject property 40' feet; then south on the east line of the subject property at a 90° angle to the north line of the subject property 215'; to the point of beginning of the subject property, located on a tract 750' north of West 8th Street and on the west side of 177th East Avenue, Section 1, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 523

Action Requested:

Variance—Section 330—Bulk and Area Requirements in the Agricultural Districts—Use Unit 1206—Request a variance of the lot width from 200' to 160'; of the lot area from 2 acres to 1 acre; and of the land area from 2.2 acres to 1.2 acres and 0 acres, all to permit a lot split in an AG zoned district; and a

Case No. 523 (continued)

Variance—Section 207—Street Frontage Required—Request a variance of the street frontage from 30' to 0' for a lot split, located W. of NW/c of 166th Street North and Garnett Road.

Presentation:

The applicant, Kay Martin, Route 1, Box 202, Collinsville, Oklahoma, was represented by her father-in-law, Ralph Martin, of the same address. He informed that he is the land owner and Kay has taken care of the applications for him. He stated that the reason for the request is so that he can deed each one of his sons one of these lots. He submitted a plot plan. There are two homes on the subject property, (one is his residence). The second home was built for his parents and because of the way it is situated, it requires that one of the lots be substantially smaller than the other two. There is an existing roadway and all three lots have had percolation tests approved.

Protestants: None

Comments and Questions:

Mr. Jones informed the Board that the Collinsville City Planner was contacted and has no comment on the application. It is the policy of the City of Collinsville that they not hear any referral cases unless they are in direct violation of their Comprehensive Plan.

Mr. Alberty asked Mr. Martin if he planned to file a legal document allowing mutual access to the third lot ("C") shown on the plot plan. Mr. Martin stated that he would. Mr. Alberty explained that it will not be a problem as long as the family members retain ownership of the lots, but it could be a problem if they are sold.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance (Section 330—Bulk and Area Requirements in the Agricultural Districts—Under the provisions of Use Unit 1206) of the lot width from 200' to 160', of the lot area from 2 acres to 1 acre and of the land area from 2.2 acres to 1.2 acres and 0 acres, all to permit a lot split (L-16324) in an AG zoned district; and a Variance (Section 207—Street Frontage Required) of the street frontage from 30' to 0' to permit the same lot split; subject to Health Department approval and Building Permit; and subject to a mutual access easement being prepared and filed to lot "C" on plot plan; and subject to TMAPC approval; on the following described property:

The east 320' of the West 1280' of the S/2, SE/4, Section 7, T-22-N, R-14-E, Tulsa County, Oklahoma.

Case No. 524

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1206—Request an exception to allow a mobile home in an RS zoned district; and a

Variance—Section 208—One Single-Family Dwelling per Lot of Record—Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located at 4710 West 41st Street.

Presentation:

The applicant, Alice Philpott, 4710 West 41st Street, explained that her grandson has been living with her and wants to have his own place. There are two other mobile homes in the area, but they are not in close proximity. She submitted a plot plan (Exhibit "G-1").

Protestants: None

Interested Parties:

Jackson and Lawrencie Glance, 4540 West 41st Street, Tulsa, Oklahoma, informed that they support this application.

Ms. Betty Lou Davies, 1256 North Allegheny, Tulsa, Oklahoma, informed that she is the applicant's daughter. She informed that her mother is aware that the mobile home will need a separate septic tank.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1206) to allow a mobile home in an RS zoned district; and a Variance (Section 208—One Single-Family Dwelling Per Lot of Record) to allow two dwelling units (1 house, 1 mobile home) per lot of record; subject to Health Department approval and Building Permit; and subject to the second dwelling unit being limited to a five-year time period; on the following described property:

The North 511' of Lot 1, Yargee Acres, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:50 p.m.

Date Approved

1-15-85


Chairman