

**COUNTY BOARD OF ADJUSTMENT**

Meeting No. 63  
Tuesday, August 20, 1985, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

| MEMBERS PRESENT                                     | MEMBERS ABSENT | STAFF PRESENT             | OTHERS PRESENT                 |
|---|----------------|---------------------------|--------------------------------|
| Alberty<br>Tyndall,<br>Chairman<br>Martin<br>Walker | Wines          | Gardner<br>Jones<br>Moore | Edwards, Building<br>Inspector |

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, August 16, 1985 at 10:28 a.m.

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

MINUTES:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the Minutes of July 16, 1985 (No. 62).

UNFINISHED BUSINESS

Case No. 571

Action Requested:

Special Exception - Section 1224 (a).3 - Use Conditions - Request an exception to permit an oil well and storage tanks closer than 200' from any residence in an AG zoned district, located south of SE/c of 146th Street North and Cincinnati.

Presentation:

The applicant, Gary Rotenberg, 300 East Long Lake Road, Bloomfield Hills, Michigan, informed the Board that oil storage tanks which were placed less than 200' from a mobile home park have been relocated. Mr. Rotenberg stated that the new location for the tank battery is now less than 200' from the home of S. A. Dove which would require the granting of the special exception. The applicant submitted a letter (Exhibit A-1) from Mr. Dove stating that he has given Mr. Rotenberg permission to drill an oil well and place storage tanks at the new location which is less than 200' from his home.

Comments and Questions:

Mr. Martin asked Mr. Rotenberg how far the oil well will be from Mr. Dove's house. The applicant answered that the oil well will be

Case No. 571 (continued)

located 128' from the residence which will comply with the rules of the Oklahoma Corporation Commission.

Mr. Gardner asked Mr. Rotenberg to mark the new position of the oil well and storage battery on the plot plan in order that the submitted exhibit (Exhibit A-2) would be representative of the new location.

Protestants: None

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 1224 (a).3 - Use Conditions) to permit an oil well and storage tanks closer than 200' from any residence in an AG zoned district; subject to the location of the oil well and tank battery being located as shown on the submitted plot plan; subject to Corporation Commission approval; on the following described property:

W 660' of the S/2, N/2, SW/4, NW/4, Section 25, T-22-N, R-12-E, Tulsa County, Oklahoma.

Case No. 572

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the 30' frontage to 0' to allow for a private street in an AG zoned district, located south of the SW/C or 121st Street and 129th East Avenue.

Presentation:

The applicant, Leonard Hendrickson, 12424 South 129th East Avenue, Tulsa, Oklahoma, stated that he has purchased approximately 16 acres and is attempting to sell a portion of the land to each of his 3 children. He pointed out that, after returning again to the Broken Arrow Board with a proposal for a panhandle configuration, the Board once again gave a recommendation for denial of the request. Mr. Hendrickson explained that he is not financially able to construct a road on the tract that will meet the county requirements. He stated that in the future he intends to use the proceeds from the sale of lots to his children to build a road that will be up to standard.

Comments and Questions:

Mr. Martin asked Mr. Hendrickson to state his specific problem at this time. The applicant replied that he is not able to procure building permits without the required roadway.

Mr. Walker asked the applicant if it would not be possible to use the proceeds from the sale of the lots to construct the needed

Case No. 572 (continued)

access street. Mr. Hendrickson answered that he is using money from the lot sales to finish his home that is located on the subject property.

Mr. Alberty stated that Broken Arrow has recommended denial and that he feels that it is the responsibility of the Board to uphold community development standards; therefore, he would not support the proposal of a sub-standard roadway on the tract.

Mr. Gardner noted that Mr. Hendrickson is starting a sub-division without dedication of a street. He informed that if the applicant filed a sub-division plat and dedication of the street was insured, and would be developed to County road standards, the county would then accept the roadway for maintenance. He noted that each lot in the city or county must have frontage on a dedicated street unless the Board grants approval of a private roadway.

Mr. Tyndall read a letter from the Broken Arrow Board (Exhibit B-1) recommending denial of the request for a private street.

Protestants:

Joe McCormick, 100 Tulsa Union Depot, Tulsa, Oklahoma, represented Art Morris, who owns the property to the west and sold the property in question to the applicant. Mr. McCormick stated that his client feels that the required street needs to be constructed on the tract, either now or at some specific time in the future.

Additional Comments:

Mr. Alberty asked Tom Rains, Assistant County Engineer, if the county would accept the street being constructed at some future date. Mr. Rains stated that he has known cases where a letter of intent for completion in 2 years was accepted. He stated that a road that is not built by county standards would not be maintained by the county.

Mr. Martin asked the applicant for a dollar figure that would build his road according to county specifications. Mr. Hendrickson stated that the cost would be approximately \$30,000 without the price of the land.

Mr. Edwards suggested that a performance bond might be feasible.

Mr. Gardner suggested that if the Board is inclined to accept a future date for completion of the street, a continuance of the case may be in order to allow the applicant to meet with the county and determine a solution.

Mr. Walker stated that, in his opinion, the applicant is attempting to get around simple planning procedures .

Case No. 572 (continued)

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 572 until September 17, 1985 to allow the applicant to confer with the County Engineer and County Building Inspector and work out a solution agreeable to the interested parties.

Case No. 576

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1209 - Request a variance of the bulk and area requirements to permit a lot split in an AG zoned district.

Variance - Section 207 - Street Frontage Required - Request a variance of the 30' street frontage to 0', located east of the NE/c of 201st Street and Elwood.

Presentation:

The applicant, Vicki Mashburn, requested that Case No. 576 be continued until Sept 17.

Comments and Questions:

Ricky Jones informed that this case was continued at the last meeting to allow TMAPC to hear the lot split. He stated that TMAPC took no action on the case.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 576 to September 17, 1985 to allow TMAPC to further review the case.

NEW APPLICATIONS

Case No. 580

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception to allow an antique store as a home occupation in an RS zoned district, located at 6329 West 39th Street.

Presentation:

The applicant, Zona VanArsdale, 6329 West 39th Street, Tulsa, Oklahoma, asked the Board to allow her to convert her garage into a shop for selling china by appointment. She stated that she has lived at the present location for the past 30 years. Ms. VanArsdale noted that she will not have employees or a sign for the business.

Case No. 580 (continued)

Comments and Questions:

Mr. Martin asked the applicant if there are restrictive covenants that would prohibit the operation of a business in the neighborhood. Ms. VanArsdale pointed out that there are no restrictions and that there are 2 beauty shops and a catering service in the area at this time.

Mr. Alberty asked the applicant approximately how many customers she expected to have in her shop each week. Ms. VanArsdale replied that she anticipated having about 10 customers each week.

Protestants: None.

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) to allow an antique store as a home occupation in an RS zoned district; subject to Home Occupation guidelines; finding that the operation of an antique store in the RS zoned district, as described, would not have a detrimental affect on the neighborhood; on the following described property:

E/2 of Lot 10, Block 1, Pleasure Acreage, Tulsa County, Oklahoma.

Case No. 581

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to permit existing mobile homes per lot of record in an AG zoned district, located at 11601 East 126th Street North.

Presentation:

The applicant, Mrs. D. H. Tate, 11601 East 126th Street North, stated that she would like to have 3 existing mobile homes located permanently on the subject tract. Ms. Tate stated that she has had the same tenants for the past 4 years.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to permit 3 existing mobile homes per lot of record in an AG zoned district; finding that the mobiles have been in place for 4 years and that the permanent location of the trailers would not be detrimental to the area; on the following described property:

Case No. 581 (continued)

A part of the SE/4 of the SW/4, Section 32, Township 22 North, Range 14 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the west line of the SE/4 of the SW/4 of said Section 32, said point being 418' north of the Sw corner of said SE/4 of the SW/4; thence north along the west line a distance of 418'; thence east and parallel to the south line of said SE/4, a distance of 418'; thence south and parallel to the west line of said SE/4, SW/4, a distance of 209'; thence west and parallel to the southline of said SE/4, SW/4, a distance of 209'; thence south and parallel to the west line of said SE/4, SW/4, a distance of 209'; thence west and parallel to the south line of said SE/4, SW/4, a distance of 209' to the point of beginning, containing 3 acres, more or less; and

Beginning at the SW/c of the SE/4, SW/4; thence north 418'; thence east 209'; thence south 418'; thence west 209' to the point of beginning, LESS .07 acre for road, Section 32, Township 22 North, Range 14 East, 1.93 acres.

Case No. 582

Action Requested:

Variance - Setion 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 3 dwellings (1 existing house, 2 proposed mobile homes) per lot of record in an AG zoned district, located 1/4 mile north of the NE/c of 177th West Avenue and 41st Street.

Presentation:

The applicant, Brenda Taylor, Route 3, Sand Springs, Oklahoma, asked permission of the Board to park 2 mobile homes at the above stated address. She informed that she and her brother intend to live on a portion of their father's 10 acres.

Protestants: None

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Variance (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209) to allow 3 dwellings (1 existing house, 2 proposed mobile homes) per lot of record in an AG zoned district; per Health Department approval; subject to only members of the immediate family living in the mobile homes; on the following described property:

N/2, N/2, NW/4, SW/4, Section 19, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 583

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206/09 - Request an exception to allow a mobile home in an RS zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to permit 2 dwellings (1 existing house, 1 proposed mobile ) per lot of record, located at 413 Ridge Drive.

Presentation:

The applicant, Doyle Evans, 523 Ridge Drive, Sand Springs, Oklahoma, requested permission to demolish an existing house at 413 North Ridge Drive and place a mobile next door to his mother-in-law's home. Mr. Evans said that his father-in-law is deceased and his wife would like to live nearby to care for her mother. He stated that the lot is owned by his mother-in-law and that there is a septic tank in place on the property.

Comments and Questions:

Mr. Alberty asked if there are other mobiles in the area and the applicant informed that there is one located just north of the subject tract on 4th and Ridge. Ricky Jones submitted a letter (Exhibit C-1) from Sand Springs which recommended approval of the request.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206/09) to allow a mobile home in an RS zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record) to permit 2 dwellings (1 existing house, 1 proposed mobile) per lot of record; finding that there are other mobiles in the older area and the granting of the request will not be injurious to the neighborhood; subject to conditions imposed by the town of Sand Springs (that the mobile be placed no closer to the street than the house which is now located on the lot; that the mobile home conform to County Codes; that the side yard setback remains the same as the old house); subject to Health Department and Building Inspector approval; subject to removal of the existing house at 413 North Ridge Drive; on the following described property:

West 139.2' of the north 120' of Lot 21, Block 19, Charles Page Home Acres No. 2, Tulsa County, Oklahoma.

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**Case No. 584**

**Action Requested:**

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to allow a beauty shop in an RS zoned district, located at 600 Industrial.

**Presentation:**

The applicant, Lana Brown, 600 Industrial Avenue, Sand Springs, Oklahoma, asked the Board to permit the operation of a beauty shop in her residence at the above stated address. The applicant informed that she has a two-story home and there would be a private entrance for the beauty shop. Ms. Brown stated that she would only be doing fingernails at this time.

**Comments and Questions:**

Mr. Walker asked the applicant if the parking for the beauty shop would be in front of the home and Ms. Brown answered in the affirmative.

Mr. Tyndall read a letter from Sand Springs (Exhibit D-1) recommending approval of the special exception for the beauty shop.

**Protestants: None.**

**Board Action:**

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) for a home occupation to allow a beauty shop in an RS zoned district; finding that the granting of the special exception will not be detrimental to the neighborhood; subject to Health Department and Building Inspector approval; and subject to requirements of the Town of Sand Springs; on the following described property.

Lot 8, Block 17, Charles Page Home Acres No. 2, Tulsa County, Oklahoma.

**Case No. 585**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to allow a pre-school day care center in an RS zoned district, located at 5631 North Elgin.

**Presentation:**

The applicant, Mona Walker, 4327 North Iriquois, Tulsa, Oklahoma, stated that she is requesting permission to operate a day care center for pre-school children from the ages of 2 to 5 years of age. The applicant noted that she intends to provide services for approximately 26 children and will be operating the center from



Case No. 585 (continued)

7:00 a.m. to 5:30 p.m. Ms. Walker informed that she will have 2 employees for the child care center.

Comments and Questions:

Mr. Martin stated that he is concerned with the congestion the operation of the day care center might cause in a residential area. The applicant stated that, in her opinion, the business would not impose an inconvenience on the neighborhood since transportation for the children is provided by the center.

Mr. Gardner asked the applicant if she intends to alter the existing house and have a sign. Ms. Walker informed that she wanted the center to be an extension of the home and would not change the exterior. The applicant stated that she planned to have a small sign.

Mr. Alberty asked Ms. Walker how large the proposed center would be. The applicant replied that there would be 848 sq. ft. of usable space.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a pre-school day care center in an RS zoned district; subject to no structural exterior alteration being made on the house; subject to the size of the advertising sign being no larger than 12 sq. ft.; subject to a 2 year limitation for the operation of a day care center on the property in question; subject to hours of operation being 7:30 to 5:30; subject to a maximum of 26 children; and subject to the applicant acquiring an occupancy permit; on the following described property:

Lot 26, Block 18, Suburban Hills, Tulsa County, Oklahoma.

Case No. 586

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request an exception to allow 2 dwellings per lot of record, located west of 72nd West Avenue and Easton Street.

Presentation:

The applicant, Carol Posson, 4301 West Edison, Tulsa, Oklahoma, asked the Board to permit the temporary location of a mobile home on

Case No. 586 (continued)

her 2 acre tract. Ms. Posson explained that her home burned and the mobile would provide a place to live during construction of a new house. She stated that the portion of the tract where the mobile would be placed has been raised 10'.

Comments and Questions:

Mr. Alberty asked Ms. Posson if the mobile would be hooked up to a city sewer. The applicant stated that the mobile would have a septic tank for sewage disposal.

Mr. Gardner asked if the mobile would be placed on the west side of the creek and the applicant replied that it would be to the west.

Ricky Jones submitted a copy of the Flood Hazard Review (Exhibit X-1) from the Tulsa County Inspector.

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record) to allow two dwellings per lot of record; finding that the temporary location of a mobile home would not be injurious to the area; subject to removal of the mobile at completion of the new home; subject to the mobile being located on the property no longer than 2 years; subject to approval from the Health Department and Building Inspector; on the following described property:

The east 535.35' of Block "Q" Farm Colony Subdivision, less the west 146.76' and less the following: Begin at the NE/c of said tract, thence South 110', West 256.75', North 110', East 256.75' to P.O.B., Tulsa County.

Case No. 587

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS zoned district, under the provisions of Section 1680, located south of the SE/c of 33rd Street and 65th West Avenue.

Presentation:

The applicant, Chuck Patterson, 3303 South 65th West Avenue, Tulsa, Oklahoma, stated that his father owns and lives on the subject tract and asked that he be permitted to place a mobile home on the lot. He informed that there had been a mobile parked on the property in 1972.

Case No. 587 (continued)

Comments and Questions:

Mr. Alberty asked Mr. Patterson if there are other mobile homes in the area. He informed that there are none on 65th West Avenue, but there are other mobiles located in the area.

Mr. Walker asked the applicant if he is in the construction business since there is machinery parked on the lot. Mr. Patterson answered that he owns dump trucks.

Mr. Walker noted that he has viewed the area and that there are very nice homes in the neighborhood.

Protestants:

Pearl Curtis, 3307 South 65th West Avenue, Tulsa, Oklahoma, submitted letters of opposition (Exhibit E-1) from neighbors to the south and photographs (Exhibit E-2) of the subject lot. She pointed out that she has lived at the present location for 30 years and is against the locating of a mobile home on the property. Ms. Curtis stated that the lot is very unsightly with junk cars and goats across the fence next to her home. She explained that the cars have been moved to the rear of the lot and some improvement has been made in cleaning up the area.

Additional Comments:

Mr. Martin and Mr. Walker agreed that, in their opinion, the area is not appropriate for a mobile home.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district, under the provisions of section 1680; on the following described property:

Lot 2, Block 2, Berryhill Addition, Tulsa County, Oklahoma.

OTHER BUSINESS

Site Plan Review No. 494

Presentation:

The applicant, Jim Ferguson, 2905 North Lee, Claremore, Oklahoma, submitted a plot plan (Exhibit F-1) for a proposed church. He stated that the sign for the church would be approximately 16' tall and 3' wide. Mr. Ferguson pointed out that the sanctuary for the church will be built at a future date.

Case No. 494 (continued)

Comments and Questions:

Mr. Gardner pointed out that the applicant should return to the Board with plans for the sanctuary before construction begins on that facility.

Mr. Edwards explained that the parking for the church has not been addressed since it is based on the square footage of the sanctuary.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE Site Plan No. 494; per plot plan submitted; subject to applicant returning to the Board with plans for the sanctuary before construction begins; subject to church sign not exceeding 32 sq. ft. in surface area; on the following described property:

West 165' of North 661'; of E/2, W/2, NE/4, SW/4, of Section 5, T-21-N, R-14-E, Tulsa County, Oklahoma.

Discussion of the 75' Height Limitation for Waffle House Restaurant, Case No. 373

Presentation:

Mr. Edwards stated that the Waffle House Restaurant asked the Board to allow them to construct an 85' sign instead of the 75' sign which has been previously approved. He noted that McDonald's has a 99' advertising sign in place at this time. Mr. Edwards informed that the restaurant also asked for permission to construct a 15' directional sign in the 25' setback area.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE increasing of the 75' Height Limitation for a sign at the Waffle House Restaurant to 85'; and to permit construction of a 15' directional sign in the 25' setback area; subject to a removal contract; on the following described property:

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

There being no further business, the meeting adjourned at 3:45 p.m.

Date Approved

9-17-85

  
Chairman

08.20.85:63(12)