

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 67  
Tuesday, December 17, 1985, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Wines	Walker	Jones Moore	Edwards, Building 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, December 13, 1985 at 1:21 p.m.

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

MINUTES:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE the Minutes of November 19, 1985 (No. 66).

UNFINISHED BUSINESS

Case No. 570

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance of the 200' lot width to 159' to permit a lot-split in an IM zoned district, located on the SE/c of 21st Street and 49th West Avenue.

Presentation:

The applicant, W. R. Miller, was represented by Allen Ringold, 2 South Main, Sand Springs, Oklahoma, who stated that his client was under the impression that he had the waivers needed to plat his property. He noted that one of the requirements is for a 25' right-of-way to be dedicated to the county on 49th West Avenue and 21st Street, and after this is subtracted from the lot dimensions, each lot has a 159' width. Mr. Ringold stated that TMAPC recommended platting after the lot size has been waived and the right-of-way dedicated. A description plat was submitted (Exhibit A-1).

Comments and Questions:

Mr. Alberty pointed out that the land owner relinquished ownership of the dedicated right-of-way and it becomes public property.

Case No. 570 (continued)

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Variance (Section 930 - Bulk and Area Requirements In the Industrial Districts - Use Unit 1225) of the 200' lot frontage on 21st Street to 159', and of the 200' lot frontage on 49th West Avenue to 190, to permit a lot split in an IM and IL zoned district; finding a hardship imposed on the applicant by the location of the tract in 2 zoning districts; on the following described property:

Beginning at a point 50.0' south and 24.75' east of the NW/c of Section 16, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County. Said point being on the east right-of-way line of 49th West Avenue and south right-of-way line of West 21st Street; thence south 89°53'17" east along said south right-of-way line of 21st Street a distance of 344.38' to a point; thence south 00°10'17" west and parallel to the east right-of-way line of said 49th West Avenue a distance of 705.4' to a point; thence north 89°53'17" west a distance of 344.38' to a point lying 24.75' east of the west line of said Section 16, said point also lying in the east right-of-way line of said 49th West Avenue; thence north 00°10'17" east along said right-of-way line a distance of 705.4' north to point of beginning. Containing 5.6 acres more or less.

Case No. 603

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1223 - Request a use variance to permit off-street parking of truck trailers used for storage.

Variance - Section 930 - Bulk and Area Requirements In the Industrial Districts - Use Unit 1223 - Request a variance of the required 75' setback from an abutting R district.

Variance - Section 1223.3 - Use Conditions - Use Unit 1223 - Request a variance of the required screening from an abutting R district.

Variance - Section 1350(c) - Use Unit 1223 - Request a variance of the required all-weather surface of off-street parking, located on the north side of 55th Place, east of 45th West Avenue.

Presentation:

The applicant, William Harrington, was not present, but requested by letter (Exhibit B-1) that Case No. 603 be continued until February 4, 1985.

Case No. 603 (continued)

Comments and Questions:

Mr. Jones informed that TMAPC recommended denial of the zoning change and the applicant has appealed that decision to the County Commission.

Protestants:

Mary Watson, 4408 West 55th Place, Tulsa, Oklahoma, informed that she lives across the street from the subject property and is opposed to the case being continued. Mr. Alberty explained that the County Commission will make the final decision on the request.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to CONTINUE Case No. 603 until February 18, 1985.

Case No. 615

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' frontage to 0' in order to permit a lot-split, located at 7107 North 129th East Avenue.

Presentation:

The applicant, Larry Udean, P.O. Box 627, Owasso, Oklahoma, stated that he is splitting his property in order to sell 2 tracts.

Comments and Questions:

Mr. Alberty asked the applicant if 71st Place North is a dedicated street. Mr. Udean replied that it is a private road and he has an easement from the owner.

Mr. Alberty asked the applicant to state the width of the easement and he replied that it is 50' wide.

Mr. Jones informed that TMAPC approved the lot-split on November 6, 1985.

Mr. Alberty asked Mr. Udean what the lot sizes would be. He replied that one tract would have 2 acres and the other would have 3 acres.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required 30' frontage to 0' in order to permit a lot-split; on the following described property:

Case No. 615 (continued)

South 320' of the SW/4, SW/4, NW/4, Section 33, T-21-N, R-14-E,  
Tulsa County, Oklahoma.

**Case No. 623**

**Action Requested:**

Special Exception- Section 410 - Principal Uses Permitted in R districts - Use Unit 5 - Request a special exception to allow for a church and related uses in an R district.

Variance - Section 1205.3(a) - Use Conditions - Use Unit 1205 - Request a variance of the lot area from 1 acre to .4 acre, located at 5948 South 59th West Avenue.

**Presentation:**

The applicant, B. G. Gutherie, 5935 South 59th West Avenue, Tulsa, Oklahoma, represented the Trinity Temple Church of God. He stated that the church would like permission to construct an educational building across the street from their auditorium.

Jack Edwards reviewed the plot plan and informed that the plans would need to be modified or additional variances requested.

**Board Action:**

On MOTION of TYNDALL and SECOND by LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to CONTINUE Case No. 623 until January 21, 1986, to allow the applicant to modify his plot plan or advertise for additional relief.

**NEW APPLICATIONS**

**Case No. 625**

**Action Requested:**

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

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow 2 single-family dwellings (1 existing residence & 1 proposed trailer) per lot of record, located at 1611 East 73rd Street North.

**Presentation:**

The applicant, Lonnie Roberts, 6520 North Quincy, Tulsa, Oklahoma, asked permission to move a mobile home next door to his dwelling. He explained that his brother had a stroke and it is necessary that he help care for him during the illness. Mr. Roberts stated that his home is located on 6 lots. An aerial photograph (Exhibit C-1) was submitted.

12.17.85:67(4)

Case No. 625 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if there are other mobile homes in the neighborhood and he answered that there are many mobiles in the area.

Mr. Wines asked Mr. Roberts if there is a city sewer line to the property and he answered in the affirmative.

Mr. Alberty asked the applicant if he intends to leave the trailer there permanently. He replied that he would probably replace the mobile with a permanent house when his brother no longer has a need for it.

Mr. Alberty asked Mr. Roberts if the neighbors are opposed to the location of a mobile home on the lot. He answered that he has discussed it with them and submitted a petition (Exhibit C-2) signed by property owners in the area who are supportive of the request.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Special Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to allow 2 single-family dwellings (1 existing residence & 1 proposed trailer) per lot of record; subject to occupancy of the mobile home being restricted to the applicant's brother only; subject to acquiring a Building Permit and Health Department approval; on the following described property:

Lot 7, Block 4, Golden Hill Addition, Tulsa County, Oklahoma.

Case No. 626

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 76', the land area from 2.2 acres to 1.25 acres, and the lot area from 2 acres to 1 acre in order to permit a lot split, located west of the SW/c of 141st Street and Harvard Avenue.

Comments and Questions:

Mr. Jones submitted a letter (Exhibit D-1) from the Bixby Board of Adjustment, recommending approval of the request, and stated that the Planning Commission is scheduled to hear this case December 18, and Staff has recommended approval of the lot split. He informed that the Technical Advisory Committee has also recommended approval.

12.17.85:67(5)

Case No. 626 (continued)

Presentation:

The applicant, Jess Bair, 3104 East 141st Street, Bixby, Oklahoma, submitted a plat of survey (Exhibit D-2) and explained that the 1.25-acre tract will be joined to an 8-acre tract immediately to the east. Mr. Bair stated that a 2-acre tract and a 4-acre tract will remain.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by WINES, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206) of the lot width from 200' to 76', the land area from 2.2 acres to 1.25 acres, and the lot area from 2 acres to 1 acre in order to permit a lot split; subject to TMAPC approval; on the following described property:

Commencing at the NE/c of Section 17;; T-17-N, R-13-E, thence south 89°51'00" west along the north line of Section 17, 1176.44' to P.O.B. thence south 663.50', south 89°51'20" west 290', north 0°03'07" east 1092.38', north 89°51'00" east 290', to P.O.B. containing 2 acres more or less.

Case No. 627

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1213 - Request a variance of the required 100' setback from the centerline of Southwest Boulevard to 50', and the required 100' setback on 65th West Avenue to 55', 6500 Southwest Boulevard.

Presentation:

The applicant, Barry Hacker, 314 Lincoln, Sand Springs, Oklahoma, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2), explained that a convenience store is proposed for the property in question. He informed that, during the processing of the Building Permit, it was discovered that a variance of the setback on Southwest Boulevard and 65th West Avenue was required. He asked the the Board if the setback on 65th West Avenue should be 80' instead of the 55', as stated in the variance request.

Mr. Alberty stated that, according to the plot plan submitted, the construction begins on the property line which is 22' from the curb line, or 30' from the centerline.

Mr. Hacker stated that the canopy and gas pumps are there and, in his opinion, can be located there.

Case No. 627 (continued)

Mr. Alberty informed that, if the canopy is attached, it is part of the principal structure and is required to be set back.

Mr. Alberty asked where the parking will be located and the applicant replied that it will be along Southwest Boulevard.

Mr. Alberty pointed out that, with only 30' being available, the applicant will not be able to access a 20' parking stall without backing out into Southwest Boulevard.

Mr. Alberty stated that, in his opinion, the size of the property is too small for the development.

Mr. Wines suggested that angle parking might be a solution to the parking problem.

Mr. Edwards asked the applicant if the building could be moved south. The applicant stated that he would comply with that request if he is allowed to utilize the alley, which is not open at this time, to gain access to the car wash.

Mr. Looney asked Mr. Alberty if an additional 5' would resolve the parking problem on the front of the building and he answered in the affirmative .

The applicant informed that the 5' can be gained by shifting the building and reducing the width of the sidewalk.

Protestants: None.

Board Action:

On MOTION of LOONEY and SECOND by TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1213) of the required 100' setback from the centerline of Southwest Boulevard to 50', and the reduced 100' setback on 65th West Avenue to 55'; subject to the building being moved 10' further to the south than indicated on the site plan; on the following described property:

Lots 10, 11 and 12, Block 6, New Taneha Addition, Tulsa County, Oklahoma.

Case No. 628

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 20 - The County Public Facilities authority seeks a special exception to permit the construction of an amateur league softball complex at a site formerly occupied by the Tulsa Speedway, located south of the SW/c of East 15th and South Yale Avenue.

12.17.85:67(7)

Case No. 628 (continued)

Presentation:

The applicant, Pat Lloyd, Manager of the Tulsa Fairgrounds, Box 4735, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) of the fairgrounds and explained that a site plan will be submitted at a later date. Mr. Lloyd informed that the softball complex will occupy a site formerly used by the Tulsa Speedway, with the season running from early April until November. He explained that the proposed softball field is similar to the Kendalwood complex in Glenpool, which has been sold and a new location is being sought for the operation. Mr. Lloyd stated that the noise level will be considerably less than the previous use and no games will be held after 10:30 p.m.

Comments and Questions:

Mr. Looney asked Mr. Lloyd to state the number of diamonds that will be on the property. He replied that 4 are proposed in the area where the speedway was located and 2 additional fields may be located in the area that served as a pit for the super modifieds. The grandstand seating will remain.

Mr. Alberty asked if the games could be conducted simultaneously, on the proposed fields and the Driller's field, without conflict. Mr. Lloyd said that, in his opinion, there will be no problem, since the noise level will not pose a problem for the semi-professional ball being played to the north and also, there would not be a traffic problem since most of the Driller fans enter from the north gate on 15th Street. Mr. Lloyd stated that there will be no games scheduled during the Tulsa State Fair.

Protestants: None.

Board Action:

On MOTION of TYNDALL and SECOND by LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Wines, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 20) to permit the construction of an amateur league softball complex at a site formerly occupied by the Tulsa Speedway; subject to there being no activities scheduled that will conflict with the Tulsa State Fair; subject to no fireworks demonstrations without prior approval; subject to no games beginning after 10:30 p.m. and all lighting be directed away from the perimeter; subject to loud speakers being used for the game announcements only; subject to the number of softball fields being no more than 6; on the following described property:

The west 900' of the east 960' of the north 1,400' of the south 2,100' of Section 9, T-19-N, R-13-E, Tulsa County, Oklahoma.

12.17.85:67(8)

There being no further business, the meeting adjourned at 3:50 p.m.

Date Approved 1-21-86

Wayne Alberty  
Chairman