

COUNTY BOARD OF ADJUSTMENT
Meeting No. 78
Tuesday, November 18, 1986, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall	Eller Walker	Gardner 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, November 14, 1986 at 1:15 p.m.

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

MINUTES:

On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE the Minutes of October 21, 1986 (No. 77).

UNFINISHED BUSINESS

Case No. 695

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a Use Variance to allow accessory uses to a tractor/trailer repair facility - parking, temporary storage and related equipment, located south of Southwest Boulevard, between 56th Street and 57th West Avenue.

Comments and Questions:

Mr. Jones informed that Mr. Young is present, but has requested that Case No. 695 be continued to December 16, 1986 to allow the applicant sufficient time to gather additional information.

Presentation:

The applicant, Terry Young, P.O. Box 3351, Tulsa, Oklahoma, stated that a protestant, Mr. McGrew, is present and is not opposed to the continuance.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to CONTINUE Case No. 695 until December 16, 1986.

11.18.86:78(1)

MINOR VARIANCES

Case No. 708

Action Requested:

Minor Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1203 - Request a minor variance of lot width from 200' to 184', of land area from 2.2 acres to 2.0 acres and of the lot area from 2 acres to permit a lot split, located south of the SW/c of 155th West Avenue and West 51st Street.

Comments and Questions:

Mr. Jones informed that the Sand Springs Board of Adjustment recommended approval of the lot split and the variance on November 11, 1986. A letter (Exhibit A-2) from the City of Sand Springs was submitted.

Presentation:

The applicant, Paul Ozbun, 8030 South 78th West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1) and stated that he is planning to construct a dwelling on Tract 4 and asked the Board to approve the request.

Board Action:

On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Minor Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1203) of lot width from 200' to 184', of land area from 2.2 acres to 2.0 acres and of the lot area from 2 acres to permit a lot split; per plot plan submitted; finding that there are other lots in the area that are similar in size; on the following described property:

A portion of the NE/4, NW/4, Section 32, Township 19 North, Range 11 East, Tulsa County, State of Oklahoma, more particularly described as follows:

Beginning at a point on the west line of the NE/4, NW/4, Section 32 a distance of 920.05 feet south of the northwest corner of the NE/4, NW/4; Section 32, thence easterly on a line parallel to the north line of the NE/4, NW/4, Section 32, a distance of 475.64 feet; thence in a southeasterly direction on a curve to the right having a radius of 2,500 feet a distance of 184.00 feet; thence westerly on a line parallel to the north line of the NE/4, NW/4, Section 32 a distance of 494.54 feet to a point on the west line of the NE/4, NW/4, Section 32; thence northerly on the west line of the NE/4, NW/4, Section 32 a distance of 182.96 feet to the point of beginning, containing 2.0 acres more or less, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 702

Action Requested:

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Units 1206/1209 - Request a variance to permit 2 dwelling units per lot of record (1 house and 1 mobile home), located approximately 1/4 mile north of the NE/c of Harvard and 86th Street North.

Presentation:

The applicant, Mereta Waymire, Route 1, Sperry, Oklahoma, was represented by her daughter, Cherita Shatwell, P. O. Box 75, Lawton, Oklahoma, who submitted a plot plan (Exhibit B-1) and asked the Board to permit her to place a mobile home on her mother's property. She informed that there are numerous mobile homes located in the area and that her mother is in poor health and is in need of her assistance.

Comments and Questions:

Mr. Alberty asked Ms. Shatwell if the mobile is on the property at this time and she replied that it is on the lot and that she was in the process of hooking it up to the utilities when it was discovered that a Building Permit would be required. She informed that a septic system has already been installed.

Mr. Alberty commented that the tract has sufficient frontage to split into more than 1 lot.

Mr. Alberty asked if the mobile home use will be temporary and Ms. Shatwell replied that she would like the mobile home to remain at the present location as long as her mother is living on the property.

Board Action:

On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record - Use Units 1206/1209) to permit 2 dwelling units per lot of record (1 house and 1 mobile home); subject to a Building Permit and Health Department approval; finding that the tract has sufficient frontage to split the property into more than 1 lot; on the following described property:

A tract of land beginning 1,476.03 feet north of the southwest corner of Section 21, Township 21 North, Range 13 East, extending 596.41 feet north; thence 220.41 feet east; thence 596.41 feet south; thence 220.74 feet west to starting point, Tulsa County, State of Oklahoma.

Case No. 703

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an RS District, located at 775 North Willow Street.

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit C-1) from the City of Sand Springs which recommended approval of the application.

Presentation:

The applicant, James Edwards, 113 Cleveland, Sand Springs, Oklahoma, asked the Board to allow the placement of a mobile home at the above stated location. He pointed out that he is in the process of tearing down an old house that is on the property. Mr. Edwards informed that he is planning to use the septic tank that serviced the older house that is being demolished.

Additional Comments:

Mr. Alberty inquired if the mobile home will be the only dwelling unit on the property and Mr. Edwards answered in the affirmative.

Mr. Alberty asked the applicant if there are other mobiles in the area. He informed that there is one adjacent to his property and many others in the neighborhood.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to permit a mobile home in an RS District; subject to the remaining portion of the existing house being removed; and subject to Health Department approval and a Building Permit; on the following described property:

Lot 30, Block 7, Charles Page Home Acres Subdivision No. 1,
Tulsa County, Oklahoma.

Case No. 704

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1203 - Request a use variance to allow animal raising (dairy) in an RS District, located on the NE/c of Delaware Avenue and 61st Street North.

Case No. 704 (continued)

Presentation:

The applicant, Frank Harkey, Route 1, Longton, Kansas, stated that he is the previous owner of the subject property. He informed that he moved to Kansas and when he was unable to sell the property, allowed a salvage yard to operate on the tract. Mr. Harkey informed that this use did not meet County requirements and the salvage business was closed. He stated that he then had an opportunity to sell the property, and believing it to be zoned AG, sold it to Mr. Fancher for that use. Mr. Harkey stated that the new owner has set up a dairy operation on the property and has discovered that the land is actually zoned RS. He noted that a large portion of the land to the east is located in the floodplain and construction is prohibited.

Comments and Questions:

Mr. Gardner pointed out that, prior to the new Zoning Code, which was adopted in 1970, all property was zoned residential because there was no agricultural zoning classification. The rezoning process in 1970 assigned residential zoning to the subject tract. He informed that all of the property to the east is zoned AG and much of the property in the area is used for agricultural purposes.

Mr. Alberty asked Mr. Harkey to state the size of the dairy operation and he replied that there are only 9 cows being milked at this time, but the dairy will accommodate a maximum of 12. He pointed out that the cows are pastured on the 160 acres to the east and will only be at the barn for 2 hours each day.

Mr. Alberty asked if there is a milk barn currently located on the property and the applicant answered in the affirmative.

Mr. Looney asked how long the barn has been on the property and the applicant replied that the barn is 30' by 40' and was built in 1969 or 1970.

Mr. Alberty inquired if the business has been in operation since 1970 and Mr. Harkey replied that the dairy has only been in operation since October of 1986.

Protestants:

Ray Bowers, 2721 East 61st Street North, Tulsa, Oklahoma, stated that he lives next door to the west and the dairy is only 100' from his home. He informed that a garage was in operation on the property and it has been turned into a milk barn. He stated that, if the dairy is allowed to remain, he will be forced to sell his property.

Mr. Alberty asked Mr. Bowers how long he has lived at the present location and he replied that he has been there since 1947, but will have to move because of the odor and flies caused by the cows.

Case No. 704 (continued)

Mr. Edwards asked what side of the barn the cows enter and Mr. Bowers informed that they enter on the west side next to his house.

W. H. Bowers, Langley, Oklahoma, stated that his deceased parent's property joins the subject tract on the west and feels that the location of the dairy barn will devalue the other property in the area.

Mr. Looney asked how far the barn is from the residence and he replied that it is approximately 350'.

Mr. Tyndall inquired if livestock is kept on his property and Mr. Bowers replied that there is none.

Interested Parties:

Les Fancher, 2708 East 61st Street North, Tulsa, Oklahoma, stated that the protestants were in support of the dairy when he purchased the property approximately 3 months ago. He informed that he is retired and is depending on the dairy business to supplement his income.

Mr. Looney asked Mr. Fancher if he lives on the property in question and he answered in the affirmative.

Mr. Alberty asked if there will be calves, as well as cows, on the property and Mr. Fancher informed that the calves are kept in stalls and there will never be more than 10 at any given time.

Mr. Edwards inquired if milk is sold out of the barn and Mr. Fancher informed that a milk truck collects the milk at the barn.

Mr. Gardner commented that the Board might want to review the operation and the neighborhood. He informed that the area is basically rural to the east of the subject tract.

Ms. Fancher stated that she spoke with Ms. Bowers before she and her husband purchased the property and she was in agreement with the operation. She pointed out that a privacy fence will be constructed if the neighbors want to be screened from the dairy operation.

Mr. Alberty and Mr. Looney both agreed that the applicant could be granted AG zoning if application was made to rezone the property, because of the size of the tract and the abutting AG zoning.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1203) to allow animal raising (dairy) in an RS District; subject to a maximum of 12 cows; subject to a maximum of 12 calves; subject to a 6' privacy fence being erected west of the barn lot near the property line for the

Case No. 704 (continued)

purpose of screening the barn and barn lot; subject to no cows being pastured on the subject property, and being brought to the barn for milking only; and subject to applicant supplying Staff with a plot plan depicting the location of the barn, house and screening fence; finding that the subject tract and adjoining areas to the north and east are predominately agricultural in nature and that the property in question could be downgraded to AG zoning by making application; on the following described property:

W/2, W/2, SW/4, NE/4 of Section 5, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 705

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG-R District, located at 5711 South 155th West Avenue.

Presentation:

The applicant, Nancy Logan, 5711 South 155th West Avenue, Sand Springs, Oklahoma, submitted a petition of support (Exhibit D-1) and asked permission for her son to place a mobile home on the subject property. She informed that the mobile will be located on the north 1 1/4 acres and a septic tank has been installed for sewage disposal. Ms. Logan pointed out that there are other mobile homes in the neighborhood.

Board Action:

On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG-R District; subject to Building Permit and Health Department approval; finding that there are other mobile homes located in the neighborhood; on the following described property:

East 330' of the N/2, S/2, SE/4, NE/4, SW/4, and S/2, S/2, N/2, SE/4, NE/4, SW/4 of Section 32, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 706

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS District, located south of the SW/c of 69th West Avenue and 4th Place.

Comments and Questions:

Mr. Alberty informed that Staff has received a letter (Exhibit E-1) from the applicant, Linda Jernigan, requesting that Case No. 706 be withdrawn. He stated that the applicant asked that the application fee be refunded, but Staff has processed the entire case, except for the hearing portion, and recommends that \$25.00 be refunded.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to WITHDRAW Case No. 706 and to REFUND the hearing portion of the application in the amount of \$25.00; finding that the application has been fully processed, except for the public hearing.

OTHER BUSINESS

Case No. 690

Action Requested:

Review of site plan for church use.

Presentation:

Dan Switzer, Box 1346, Sand Springs, Oklahoma, submitted a site plan (Exhibit F-1) for Board review.

Comments and Questions:

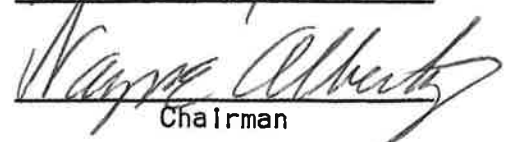
Mr. Alberty asked the applicant if Staff has reviewed the plan and he answered in the affirmative.

Board Action:

On MOTION of LOONEY, the Board voted 3-0-0 (Alberty, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Walker, "absent") to APPROVE the site plan as submitted for Case No. 690.

There being no further business, the meeting was adjourned at 2:40 p.m.

Date Approved

Dec. 16, 1986

Chairman