

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 79  
Tuesday, December 16, 1986, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eiler Looney Tyndall 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 12, 1986 at 9:55 a.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 5-0-0 (Alberty, Eiler, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the Minutes of November 18, 1986 (No. 78).

**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.

**Presentation:**

The applicant, Terry Young, P.O. Box 3351, Tulsa, Oklahoma, stated he is representing Don Winningham, owner of the property in question. He noted that this application was before the Board in November and has been amended to delete the western most property, except the small strip beginning at the eastern edge of the existing building. He explained that a 6' screening fence will begin at the southeast corner of the western most building, proceeding in a straight line to a curve behind the remaining property.

Case No. 695 (continued)

**Comments and Questions:**

Mr. Alberty remarked that the case was continued at the last meeting to allow Staff to research the history of the subject property and asked that the findings be reported at this time, with Mr. Young's response following this report. Mr. Young stated that it is important that he inform the Board that the application has been modified and that trees will be planted outside the fence to soften the view from the McGrew home.

Mr. Alberty pointed out that a radius for the fence is shown on the drawing and asked Mr. Young to state that radius. The applicant informed that he does not have that information.

Mr. Jones submitted a packet (Exhibit A-1) containing information concerning the subject property. He informed that, based on aerial photographs, the tractor/trailer repair business operating on the property at this time is not a nonconforming use, but began sometime after 1980 when the County took jurisdiction. He further informed that the earliest study maps available, which were as far back as 1957, indicate that the subject property was zoned residential. Mr. Jones informed that the tract was still zoned residential in 1980, with the front portion being commercial. He stated that approximately 6 months ago the zoning was amended (CZ 149). Mr. Jones informed that a 5' strip of residential zoning is located on the west side of the existing auto salvage and a screening fence would be required along that line.

Mr. Young stated that Mr. Winningham owns the residential property to the west and that he would actually be screening one piece of his property from the other. He stated that he has in his file a copy of the Building Permit acquired in 1978 before the construction of the building on the property. He pointed out that this same building still exists at the present time.

Mr. Alberty asked if the permit includes the parking of tractor trailers on the property and Mr. Young stated that approval of the building for a storage facility should give the owner the right to utilize both the front and back yards. He informed that, concerning the nonconforming issue, in 1979 the Board of County Commissioners had the state statute changed to allow the County to undertake zoning and it was done because the Commissioners saw that there was no constitutional basis for the 5-mile perimeter. He asked the Board to allow his client to have full use of his property for the repair of tractor/trailers and related uses.

**Protestants:**

Dick Ostrander, 5906 South 58th West Avenue, Tulsa, Oklahoma, stated that just a few months ago TMAPC acted on a case concerning the location of the building on the property and stated that, in his opinion, the building was constructed illegally.

Case No. 695 (continued)

Mr. Edwards informed that the front portion of Mr. Winningham's property has been zoned commercial for many years.

Mr. Alberty explained that evidently the building encroached on other lots and recent TMAPC action rezoned the lots south of the former zoning line to include the building.

Mr. Ostrander stated that there has been a methodical plan to move the salvage operation south of the present zoning line. He asked the Board to deny the application.

Lawrence McGrew, 5821 South 58th West Avenue, Tulsa, Oklahoma, stated that he lives adjacent to the salvage business and trailers have been parked within 25' of his home and are parked approximately 60' away at this time. Mr. McGrew informed that the presence of these trailers prevent him from acquiring a Homeowner's Policy and asked the Board to deny the application. He informed that he already has trees on his property and is not interested in more trees being planted. He pointed out that fourteen additional trailers have been moved to the lot since the last Board of Adjustment Meeting.

**Applicant's Rebuttal:**

Mr. Young stated that his client did have a Building Permit for the construction of the building and asked the Board to allow the full use of Mr. Winningham's property for the business that is being conducted there at this time.

**Additional Comments:**

Mr. Alberty noted that the Building Permit reflects that 5 lots were zoned commercial and 2 were not (Lots 29 and 30).

Mr. Looney commented that these 2 lots were zoned commercial in recent TMAPC action.

Mr. Alberty pointed out that, in his opinion, the rezoning of the 2 lots by TMAPC was to allow the correction of an error that had been discovered. He further noted that Ms. Kempe confirmed in the discussion that the proposed recommendation would not allow the present storage of trailers. Mr. Alberty stated that he does not feel that the use is compatible with the residential area to the south and is opposed to the variance requested.

Mr. Walker stated that he has viewed the property and is also opposed to granting the variance.

**Board Action:**

On MOTION of WALKER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a Use Variance (Section 410 - Principal Uses Permitted in

**Case No. 695 (continued)**

Residential Districts - Use Unit 1217) to allow accessory uses to a tractor/trailer repair facility - parking, temporary storage and related equipment; finding that the use is not compatible with the residential neighborhood to the west and south; on the following described property:

Lots 21 - 23 and 29 - 35, Block 16, East Addition to New Taneha, Tulsa County, Oklahoma.

**MINOR VARIANCES**

**Case No. 707**

**Action Requested:**

Minor Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Request a minor variance of the lot width from 200' to 176.5', lot area from 2 acres to 1.16 acres, and land area from 2.2 acres to 1.63 acres, located SW/c North 145th East Avenue and 100th Street North.

**Comments and Questions:**

Mr. Jones informed that Staff received a letter (Exhibit B-1) from the applicant, Thomas Carpenter, requesting that Case No. 707 be withdrawn and the filing fee refunded. He pointed out that the application has been processed, except for the public hearing portion, and suggested that the \$25.00 be refunded to the applicant.

**Protestants:**

There was one protestant present in the audience, but he elected not to be recognized since the application is being withdrawn.

**NEW APPLICATIONS**

**Case No. 709**

**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 south SW/c 129th East Avenue and 116th Street North.

**Presentation:**

The applicant, Irene Rusk, 11428 North 129th East Avenue, Owasso, Oklahoma, submitted photographs (Exhibit C-1) and asked the Board to

Case No. 709 (continued)

allow her to locate a mobile home on approximately 2 1/2 acres which adjoins her property. She informed that her mother-in-law, who is a widow and presently lives in another town, will reside in the mobile. Ms. Rusk stated that she has talked with all of her neighbors and all but one of them support the application.

**Comments and Questions:**

Mr. Alberty asked Ms. Rusk if there is presently a dwelling located on the subject property, and she replied that the land is vacant.

Mr. Alberty inquired if there are other mobile homes in the area, and the applicant informed that there are no mobiles in the immediate area, but some are located approximately 1/2 mile to the south.

Mr. Looney asked the applicant to state the size of the mobile home, and she replied that the mobile is 14' by 70' and would have porches.

Mr. Jones informed that the property is located inside the Owasso fence line, but that City declined to hear the request and did not make a recommendation.

**Protestants:**

Gene Mortensen represented Mr. Sharp, who lives on 10 acres to the south of the applicant. He informed that the houses in the area are very nice single-family homes in the \$100,000 range and pointed out that a mobile home is not compatible with this neighborhood. Mr. Mortensen stated that the nearest mobile homes are approximately 1 mile away and are located on a ranch. He noted that his clients home is valued at approximately \$165,000 and feels that the location of the mobile in the area will decrease property values.

**Interested Parties:**

Lee Blackwell stated that he lives next door to the Rusk property and pointed out that he had a mobile home on his land approximately 10 years ago and is not opposed to the temporary location of the mobile home on the property in question.

**Applicant's Rebuttal:**

Ms. Rusk informed that the mobile homes in the area are located 1/2 mile down the road from her property and not 1 mile away as stated by Mr. Mortensen. She pointed out that the smaller houses were already in the area when the housing addition was constructed.

**Board Action:**

On MOTION of WALKER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent")

Case No. 709 (continued)

to **DENY** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG-R District; finding that there are no mobile homes in the immediate neighborhood; and finding that a mobile home is not compatible with the residential character of the area; on the following described property:

East 519', south 210', north 630', NE/4, NE/4, Section 8, T-21-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 710**

**Action Requested:**

Special Exception - Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1205 - Request a special exception to allow a church, associated school and related uses in an AG District, located east of NE/c 66th Street North and Victor Avenue.

**Presentation:**

The applicant, Northside Freewill Baptist Church, was represented by Curtis Linton, 1724 East 63rd Street North, Tulsa, Oklahoma, who explained that the church is planning to relocate and build a new facility on the property at the above stated location. He stated that a parsonage, which is his residence, has been constructed on the property adjoining the tract in question. Mr. Linton informed that the first story of the building will have approximately 22,500 sq. ft. of floor space, with an additional 7,000 sq. ft. being added at a later date. He stated that the church operates a day school and is a food bank distributor.

**Comments and Questions:**

Mr. Alberty asked what grades are taught in the school and Mr. Linton replied that classes are taught from kindergarten through high school, with an enrollment of approximately 40 children.

Mr. Alberty asked if the school will be conducted in the church, and Mr. Linton stated that the first phase of the construction will actually be a multi-purpose building which will be used for the school, worship services and other church related activities.

Mr. Looney inquired as to the school hours, and Mr. Linton informed that classes will begin at 8 a.m. and conclude at 3:30 p.m.

In answer to Mr. Alberty's inquiry, Mr. Linton informed that the present church membership is approximately 350 to 400. He stated that a new octagonal shaped auditorium will be constructed in the near future.

Case No. 710 (continued)

Mr. Alberty explained that the Board can approve church use at this time, but a site plan will have to be approved by the Building Inspector before construction begins.

Mr. Edwards informed that an Engineer Certificate will be required and Mr. Alberty pointed out that the applicant will also be required to acquire a plat, or obtain a waiver of that requirement.

**Board Action:**

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1205) to allow a church, associated school and related uses in an AG District; subject to site plan approval by the Building Inspector; finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

West 250' of the E/2, SW/4, SW/4, SE/4 of Section 31, T-21-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 711**

**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.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Request a variance to allow two dwellings per lot of record, located at 6141 North Utica Place.

**Presentation:**

The applicant, Leroy Brown, 6141 North Utica Place, Tulsa, Oklahoma, stated that the proposed location for the mobile home in question is a 2 1/2 acre tract behind the houses in the area. He informed that he has constructed a bridge across the creek and has placed one dwelling on the back tract.

**Comments and Questions:**

Mr. Alberty asked the applicant if he intends to rent the trailer and he answered in the affirmative.

Mr. Walker inquired if there are trees along the creek to screen the view of the mobile home from the residences, and Mr. Brown replied that there are many trees along the creek bank.

Case No. 711 (continued)

Mr. Alberty asked if the area floods and the applicant informed that he has lived on the property for more than 20 years and has had no flooding problem.

Mr. Alberty pointed out to Mr. Brown that he would be unable to place a mobile home in a floodplain, and he replied that he is aware of that restriction.

Mr. Alberty inquired as to the type of sewage disposal system proposed for the mobile home, Mr. Brown informed that a septic system will be installed.

**Protestants:** None.

**Board Action:**

On MOTION of WALKER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "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 District; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling Per Lot of Record) to allow 2 dwellings per lot of record; subject to a Building Permit and Health Department approval; and subject to floodplain regulations; finding that there are other mobile homes in the area; and finding a hardship demonstrated by the large size and irregular shape of the lot, with limited access; on the following described property:

Lot 7, Block 3, McBroom Addition, Tulsa County, Oklahoma.

**Case No. 712**

**Action Requested:**

Special Exception - Section 319 - 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 9322 East 136th Street North.

**Presentation:**

The applicant, Brian Griffin, 9322 East 136th Street North, Collinsville, Oklahoma, asked the Board to allow him to place a 14' by 60' mobile home on his property at the above stated location.

**Comments and Questions:**

Mr. Alberty inquired if there are improvements on the lot and the applicant replied that the lot is vacant except for utilities and a septic tank.



Case No. 712 (continued)

Upon Mr. Alberty's inquiry as to the presence of other mobile homes in the area, Mr. Griffin informed that there are approximately 8 mobiles in the neighborhood.

Protestants: None.

Board Action:

On MOTION of TYNDALL, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 319 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG-R District; subject to a Building Permit and Health Department approval; finding that there other mobile homes in the area and the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

- Part of the N/2, NE/4, Beginning 1110.91' east of the NW/c of N/2, NE/4, thence south 356.60', east 390.96', north 356.60, west 390.96' to the P.O.B., Section 36, T-22-N, R-13-E, Tulsa County, Oklahoma. 3.2 acres.

There being no further business, the meeting was adjourned at 2:49 p.m.

Date Approved

1-20-87

  
Chairman