

COUNTY BOARD OF ADJUSTMENT
Meeting No. 97
Tuesday, June 21, 1988, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Looney, Chairman Tyndall Walker		Gardner Jones Moore	Ron Fields, Building Inspection

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, June 17, 1988 at 12:48 p.m.

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

MINUTES

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Eller, Looney, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to **APPROVE** the **Minutes** of May 17, 1988 (No. 96).

UNFINISHED BUSINESS

Case No. 810

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG-R District.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two units on one lot of record, located 13204 North 95th East Avenue.

Presentation:

The applicant, Irene Hally, 13204 North 95th East Avenue, Collinsville, Oklahoma, was not present.

Case No. 810 (continued)

Comments and Questions:

Mr. Jones stated that the applicant is elderly and may have a problem getting transportation to the meeting. He informed that she was eager to have the requests approved and suggested that the Board continue the case once again and allow Staff time to contact the applicant by registered mail.

Protestants: None.

Board Action:

On MOTION of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 810 to July 19, 1988.

Case No. 816

Action Requested:

Appeal - Section 1650 - Appeals from the County Inspector - Use Unit 1225 - Request an appeal from the decision of the Building Inspector in not allowing for an existing scrap metal processing business in an RS zoned district.

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1227 - Request a use variance to allow for an existing scrap metal processing business in an RS zoned district, located 5785 South 100th West Avenue.

Presentation:

The applicant, L. L. Israel, was represented by Ina Ash, 2104 East 24th Street, Tulsa, Oklahoma, who asked the Board to continue Case No. 816 for 30 days, to allow the applicant additional time to retain counsel. Ms. Ash asked that the business be permitted to operate from 8:00 a.m. to 5 p.m. during the 30 day period. She informed that Mr. Israel's attorney withdrew from the case on Monday, June 20th, and that negotiations have been under way between Mr. Israel's attorney and the neighbors.

Comments and Questions:

Mr. Looney asked if progress has been made in the negotiations, and Ms. Ash replied that most of the issues have been worked out, except for the hours of operation.

Protestants:

Gary Clark, 5505 South 97th West Avenue, Sand Springs, Oklahoma, stated that he met with Mr. Munn, attorney for the applicant, on June 10th and there was a question as to work in the evenings and on holidays. He informed that Mr. Munn stated that he would again confer with the applicant, Mr. Israel, and attempt to work out the work schedule. Mr. Clark stated that when he contacted Mr. Munn again, he informed him that the schedule could not be worked out. It was noted by Mr. Clark that it is not uncommon to find debris littering the roads in the area, and he noticed a transmission in the street as he was travelling in the neighborhood last night. Mr. Clark asked the Board to deny the continuance.

Case No. 816 (continued)

Sue Gardner, 9920 West 61st Street, Sand Springs, Oklahoma, stated that pieces of metal fall from the trucks as they go over the railroad tracks, and the smoke and burning oil from the business pollute the air. She asked that the case be heard today.

A resident at 9917 West 57th Street, Sand Springs, Oklahoma, stated that several protestants have taken off work to attend the meeting, and asked that the continuance be denied. It was noted that the metal processing business does a large portion of the burning of materials after 7 p.m. in the evening.

Mr. Looney asked how many individuals had to leave their work place to attend the meeting, and four people stood.

L. B. Doyle, 5739 South 100th West Avenue, Sand Springs, Oklahoma, stated that his residence is 1 1/2 blocks to the north of the subject property and the smoke is so dense in that area he is unable to work outside. He asked that the issue be resolved as soon as possible.

Applicant's Rebuttal:

Ms. Ash stated that the neighbors and Mr. Israel were able to agree on 9 of the 11 conditions for operating the business. She stated that they were unable to come to an agreement on the days and hours of operation. Ms. Ash remarked that some air pollution was recently caused by the fact that Styrofoam was burned by mistake, but the business is monitored by Air Quality Control, as are other businesses of this type.

L. L. Israel, 5785 South 100th West Avenue, Sand Springs, Oklahoma, stated that there are two other businesses in the area that are comparable to his, and that it is likely to assume that some of the metal that falls along the roadway could come from trucks going to those locations.

Mr. Albery pointed out that it is customary to grant one continuance to either the applicant or the protestants in a case, and that a month is ample time to discuss and come to an agreement on the issue.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Albery, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** the applicant's request for a further continuance and to hear the case as it appears on the agenda.

Presentation:

Ms. Ash informed that the business in question has always employed a night crew and that the neighbors that are closest, and would be affected most, are not opposed to the operation. She stated that some of the protestants moved to the area after the business was in operation and should have located elsewhere if the operation was offensive. It was noted that days and hours of operation are longer when metal prices are high and additional employees are hired, but when prices are low, the business resumes normal working hours.

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Case No. 816 (continued)

Comments and Questions:

Mr. Looney asked Ms. Ash to address some of the issues that have been agreed upon by Mr. Israel and the residents of the neighborhood. Ms. Ash stated that Mr. Israel agreed to prohibit the use of 18-wheelers in the area, that all outside storage be contained inside the fence, that any scrap metal falling from trucks be picked up, and that EPA standards be met. She informed that Mr. Israel did not agree with the proposed hours of operation, the request that there be no shipping and receiving on the premises, or the request that the business be closed down in three years. Ms. Ash pointed out that the business would be forced to close immediately if they were not allowed to ship or receive goods. She stated that Mr. Israel requested that he be allowed to operate until 9:00 p.m.

Protestants:

Joseph Parise, 5760 South 97th West Avenue, Sand Springs, Oklahoma, pointed out that shipping and receiving for the business was previously conducted at another location, and that the operation has become too large for the residential neighborhood.

Gary Clark, 5505 South 97th West Avenue, Tulsa, Oklahoma, suggested that shipping and receiving be relocated to the previous location, and that the use is illegal in the residential area. He stated that there was no business activity there in 1967, and pointed out that the burden of proof is on the applicant, Mr. Israel. Mr. Clark remarked that the use has continued to escalate over a period of years.

Sue Gardner, 9920 West 1st Street, Sand Springs, Oklahoma, stated that she has lived in the area since childhood and that the blast from the furnace on the Israel property shakes her home. She pointed out that the present owner has not had continuous ownership of the property, but it was previously owned by his brother. Ms. Gardner stated that the business is operated differently than it was 20 years ago, and that the smoke emitted from the furnace drifts in the neighborhood causing breathing problems and a burning of the eyes.

J. C. Doyle, 9919 West 57th Street, Sand Springs, Oklahoma, stated that he has lived in the area for 35 years and the business in question has not been a problem until recently. Mr. Doyle informed that large trucks speed on the narrow streets and present a safety hazard. He remarked that the neighbors had agreed to operation standards presented to them by Mr. Munn, which stated that hours of operation for the business would be from 7:00 a.m. to 7:00 p.m. Mr. Doyle stated that the only issue that they did not agree on was the operation of the plant on holidays.

Case No. 816 (continued)

Applicant's Rebuttal:

Ms. Ash stated that the shipping and receiving has always been done at the present site. She informed that the business has grown since 1968, but has experienced limited growth since 1980, due to the lack of space. It was noted that the gas meter for the metal processing business was set in 1967. Ms. Ash stated that the furnace has never run in the middle of the night (after 7:00 p.m.).

Comments and Questions:

Mr. Walker asked if the business can operate at Mr. Israel's other location on 49th Street, and Ms. Ash replied that the present zoning does not include the operation of a melting furnace.

Mr. Alberty asked Mr. Gardner if the property in question was in the 5 mile zoning perimeter area prior to 1980, and he answered in the affirmative.

Mr. Fields advised that the County took jurisdiction over the area in 1980, but prior to that time the property in question was in the 5 mile zoning perimeter area, and under the City's jurisdiction.

Mr. Alberty remarked that the use should have been amortized and completely discontinued within a period of 5 years.

Mr. Gardner informed that Mr. Alberty's statement is correct, if there were no buildings that were used as part of the industrial operation, and any such buildings would be allowed to amortize at \$200.00 per year for the value of the buildings.

Mr. Looney asked if the replacement of the older building would have any bearing on the amortization issue, and Mr. Gardner pointed out that it is his opinion that voluntary removal of the original building would cause the applicant to lose the right to amortize the business over a longer period than 5 years.

Mr. Alberty stated that he finds the use to be totally in disregard of the Tulsa County Zoning Code.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **UPHOLD** the **Decision** of the Building Inspector (Section 1650 - Appeals from the County Inspector - Use Unit 1225) in not allowing an existing scrap metal processing business in an RS zoned district; and to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1227) to allow for the continuation of an existing scrap metal processing business in an RS zoned district; subject to the business ceasing operation within a 90 day period, beginning at this date; finding that the use is detrimental to the residential area and violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 5, Block 2, Hill Top Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 817

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 - Request a special exception to allow for a wrecker service (Use Unit 17) in a CS zoned district, located NE/c North Peoria Avenue and 71st Street North.

Presentation:

The applicant, **Floyd Simpson, 7101 North Peoria, Tulsa, Oklahoma**, stated that he purchased the wrecker business in question approximately two years ago and has stored cars on the premises since that time. He informed that a 6' privacy fence is in place around the storage lot, with cars inside the lot being disposed of about once each two months.

Comments and Questions:

Mr. Looney asked if the cars stored on the lot are wrecked, and Mr. Simpson replied that some are wrecked and some have been abandoned.

In response to Mr. Looney's inquiry as to the hours of operation, the applicant informed that the usual hours are from 8:00 a.m. to 8:00 p.m., with an occasional night call.

Mr. Looney inquired as to the number of cars stored on the property, and Mr. Simpson stated that he could have as many as 80 vehicles on the lot, but the usual count is between 35 and 40.

Mr. Looney asked what type of covering is on the lot, and Mr. Simpson replied that the entrance is made of a hard surface material, with the remainder of the lot being a grassy area.

Mr. Alberty asked if the use in question covers the entire CS area, and the applicant replied that the cars are parked on the north portion of the property, with a burned out house on the south portion. He informed that a large garage is also located on the lot.

Mr. Gardner informed that there are three properties at the southeast corner of 69th and Peoria, with the second and third properties recently being zoned CG by the County, and the northernmost property recommended for CG, therefore, a precedent has been set in the area for general commercial.

Case No. 817 (continued)

Mr. Alberty asked Mr. Gardner if the wrecker service would be allowed by right in a CG area, and he replied that a wrecker service would be permitted, but an impound lot, a salvage or a removal of automobile parts business would not be allowed.

Protestants:

Maxine Capps, 1822 North Xenophon, Tulsa, Oklahoma, stated that she and her sister Glenna Cooley Long, 7128 North Peoria, object to the hours of operation and the fact that disabled automobiles are parked on the corner lot outside the screening fence. She stated that there is a lot of screeching of tires and engine noise on the property during all hours of the day and night. Ms. Capps asked that a privacy fence be installed around the entire lot and that the noise level be lowered.

Johnny Faught, 2203 West 91st Street North, Tulsa, Oklahoma, stated that he is minister for the church to the east of the subject property. He informed that he has observed the lot when 90% of the space was filled with cars, and on occasion the noise of the engines disrupts classes on Sunday mornings and evenings.

Jeff Kirkham, 1727 East 73rd Street North, Tulsa, Oklahoma, stated that many illegal salvage yards are operating in the Turley area and suggested that businesses of this type be located away from homes and churches. Mr. Kirkham pointed out that this lot could become another salvage yard. He stated that the 80' by 80' screened impound lot will not accommodate 40 vehicles and asked the Board to deny the application.

Raymond Gorley, 1634 East 75th Street North, Tulsa, Oklahoma, stated that he was a protestant when Mr. Simpson was before the Board in 1983. He informed that all vehicles are not kept behind the screening fence and that there is a car on the property without wheels and on blocks. Mr. Gorley stated that he is concerned that the wrecker business will become a salvage business.

Applicant's Rebuttal:

Mr. Simpson stated that a protestant at the previous meeting wanted the business to operate from 8:00 a.m. to 5:00 p.m. and that it is impossible for a wrecker service to operate only during those hours. He stated that he would work with the surrounding property owners and attempt to keep the noise to a minimum. Mr. Simpson informed that he will move the car that has no wheels to another location.

Additional Comments:

Mr. Looney asked what limitations could be put on the hours of operation, and the applicant replied that he could close the business on Sunday.

Case No. 817 (continued)

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 **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for a wrecker service (Use Unit 17)* In a CS zoned district; on the following described property:

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

NOTE: Impounding of vehicles is Use Unit 23, which was not advertized for relief.

Case No. 818

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow two units on one lot of record, located 6011 South 65th West Avenue.

Presentation:

The applicant, **Mrs. Clifford Webber, Box 732, Oakhurst, Oklahoma**, requested that a second mobile home be allowed on her property. She informed that her daughter will be living in the mobile.

Comments and Questions:

Mr. Looney asked the applicant if the City sewer serves the property in question, and she answered in the affirmative.

Mr. Alberty pointed out that the oversized lot can easily accommodate two dwelling units.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, 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 for a mobile home in an RS zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow two units on one lot of record; subject to mobile being skirted and tied down; subject to the applicant obtaining a Building Permit and Health Department approval; finding a hardship demonstrated by the large size of the lot; and finding that there are other mobile homes in the area and the granting of the special exception request will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code; on the following described property:

Case No. 818 (continued)

Lots 10 - 13, Block 8, New Taneha Addition, Tulsa County,
Oklahoma.

Case No. 820

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwelling units on one lot of record in an AG zoned district, located 253rd West Avenue and 53rd Street South.

Presentation:

The applicant, **Robert Kame, Route 2, Box 502, Sand Springs, Oklahoma**, stated that he purchased the subject tract and installed two mobile homes. He informed that after he replaced one of the mobiles it was discovered that the second mobile home was not allowed on the tract. Mr. Kame stated that he and his wife are disabled and his son will live nearby to assist in the upkeep of the property.

Comments and Questions:

Mr. Looney inquired as to the type of sewage disposal on the property, and the applicant replied that one mobile has a lagoon for sewage disposal and one mobile is hooked up to a septic system.

In response to Mr. Looney's inquiry concerning access to the mobile on the back portion of the property, Mr. Kame replied that there is a circle driveway that serves both mobile homes.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two dwelling units on one lot of record in an AG zoned district; subject to Building Permit and Health Department approval; finding a hardship demonstrated by the large size of the tract; and finding that the granting of the variance request will not cause substantial detriment to the public good, or impair the purposes, spirit and intent of the Code; on the following described property:

The SE/4, SW/4, NE/4, NW/4, Section 32, T-19-N, R-10-E, Tulsa County, Oklahoma.

Case No. 821

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1207 - Request a variance of street frontage on a public street from 30' to 0' to allow for a lot split in an RS zoned district, located 6621 West Skyline Drive.

Comments and Questions:

Mr. Jones informed that it has been found that the property in question is located in an area that is outside Tulsa County jurisdiction, and cannot be heard by this Board.

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 **STRIKE** Case No. 821, finding that the property in question is located in an area that is not under the jurisdiction of Tulsa County.

Case No. 822

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' to allow for private access, located south and east of the SE/c of 131st Street and South Lewis Avenue.

Presentation:

The applicant, **Kelly Sample, 3404 East Admiral Court, Tulsa, Oklahoma**, informed that he owns five acres of land on South Lewis and is proposing to build a house on the property. He stated that the lot does not have street frontage on Lewis, but an easement has been obtained.

Comments and Questions:

Mr. Looney asked Mr. Sample if he owns the lot that has frontage on Lewis, and he replied that he does not own the tract on Lewis.

Mr. Gardner inquired if the easement has been filed of record, and the applicant answered in the affirmative.

Mr. Alberty asked Mr. Sample if he is aware that he will be responsible for maintaining the road to the property, and he replied that he is aware of that fact.

Protestants: None.

Case No. 822 (continued)

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 Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage from 30' to 0' to allow for private access; finding that the interior lot was purchased several years ago, with no access to a public street; and finding that an access easement to the west has since been obtained and filed of record; on the following described property:

The E/2, S/2, S/2, S/2, SW/4, NW/4 of Section 8, T-17-N, R-13-E, Tulsa County, Oklahoma, and the N/2, E/2, S/2, S/2, SW/4, NW/4 of Section 8, T-17-N, R-13-E of Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof; and the N/2, E/2, S/2, S/2, SW/4, NW/4, Section 8, T-17-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 823

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential districts Use Unit 1209 - Requests a special exception to allow for a mobile home in an RE zoned district, located 11056 East 99th Street North.

Comments and Questions:

Mr. Jones informed that the property in question is in the Owasso fence line, and although Owasso does not have a formal recommendation, the Planner requested that, if approved, the approval be subject to a Building Permit and Health Department approval.

Presentation:

The applicant, Ms. C. A. Sheldon, 11050 East 99th Street, Owasso, Oklahoma, requested permission to install a mobile home on the property at the above stated location.

Additional Comments:

Mr. Looney asked if there are other mobile homes in the area, and the applicant replied that there are no mobile homes on 99th Street. She informed that there is one travel trailer about 200' from her property.

Mr. Walker asked if the mobile home has already been placed on the lot, and Ms. Sheldon replied that it has been on the lot for approximately one month.

Mr. Tyndall inquired if there is another dwelling on the property, and the applicant replied that there is a garage, but no house.

Case No. 823 (continued)

In response to Mr. Alberty's inquiry as to the amount of property owned by the applicant, Ms. Sheldon informed that she also owns the lot to the west of the subject tract. The applicant informed that she and her husband previously operated a business on the property, but have now retired.

Protestants:

Bill Parker stated that he is representing his son who was not able to attend the meeting. He explained that the mobile home was moved in on a Saturday and his son called various agencies to protest, and they assured him that they would monitor the situation by the Sheldon's application for electric service. It was pointed out by Mr. Parker that Mr. and Ms. Sheldon made application to this Board after the mobile home had been installed on the property. Mr. Parker stated that the mobile is located adjacent to his sons property and he would not have purchased property there if he had been aware mobile homes would be allowed in the area.

Karen Scott, 11112 East 98th Street North, Owasso, Oklahoma, stated that she objects to the fact that the mobile home was moved in and set up without the residents of the area being informed. Ms. Scott stated that the property values of the homes in the neighborhood would be adversely affected by the presence of the mobile and asked the Board to deny the application.

Levada Flournoy, 10919 East 99th Street, Owasso, Oklahoma, stated that the street is only about two blocks long and there are no mobile homes. She informed that the property in question abuts a nice housing addition to the south and a mobile home would not be compatible with the area.

Applicant's Rebuttal:

Mr. C. A. Sheldon, 11050 East 99th Street North, Owasso, Oklahoma, stated that he lived in the house where Mr. Parker lives for approximately 15 years and recently bought a 1986 mobile home which is as nice as the house. He informed that a privacy fence is in place between the housing addition to the south and the property in question.

Additional Comments:

Mr. Alberty stated that, although he is sympathetic with the applicant's position, the established use in the neighborhood is permanent single family dwellings.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential districts Use Unit 1209) to allow for a mobile home in an RE zoned district; finding that the area has developed single family residential and there are no mobile homes in the neighborhood; and that the granting of the special exception request would be detrimental to the area and violate the spirit and intent of the Code; on the following described property:

Case No. 823 (continued)

A tract beginning at a point on the south line of the NE/4, SE/4 of Section 18, T-21-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the US Government survey thereof, said point being 575' west of the SE/c of said NE/4, SE/4, thence west 80', thence north 132', thence east 80', thence south 132' to the Point of Beginning; containing 0.24 acres, more or less, Tulsa County, Oklahoma.

Case No. 824

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1209 - Request a variance of the required street frontage from 30' to 0' to allow for a private access, located 16312 South Yale Avenue.

Presentation:

The application, Raymond K. Lomax, 16312 South Yale Avenue, Bixby, Oklahoma, stated that the property in question is an interior tract that will be accessed by an easement across the property with frontage on Yale Avenue. Mr. Lomax explained that he lives in the original home of his family, which is located on the front tract, and that he plans to construct a house on the back acreage at a later date.

Protestants: None.

Board Action:

On **MOTION** of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1209) of the required street frontage from 30' to 0' to allow for a private access; subject to filing of a mutual access easement; finding that the property in question is land locked and the owner will gain access to the public street across the tract to the east by mutual access agreement; on the following described property:

The W/2 of the south 200' of the NE/4, NE/4, Section 28, T-19-N, R-13-E, Tulsa County, Oklahoma.

Case No. 825

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq. ft. to 1800 sq. ft.

Variance - Section 430.1 - Bulk and Area Requirements - Use Unit 1206 - Request a variance to allow building across lot lines, located 6005 North Johnstown Avenue.

Case No. 825 (continued)

Presentation:

The applicant, **Leo Beeler, 6005 North Johnstown, Tulsa, Oklahoma,** stated that he rebuilds antique and classic automobiles and requested permission to construct an 1800 sq. ft. building to house the vehicles. He informed that the garage will be built between the two existing dwellings on the property.

Comments and Questions:

Mr. Walker inquired as to the number of automobiles that are being worked on at any given time, and the applicant replied that he is presently working on three cars.

Mr. Alberty asked Mr. Beeler if auto restoration is a business or a hobby, and he replied that he rebuilds cars as a hobby.

Mr. Walker asked if there will be outside storage of automobiles on the property, and the applicant replied that all storage will be inside the building.

Protestants: None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached residential accessory building from 750 sq. ft. to 1800 sq. ft.; and to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements - Use Unit 1206) to allow building across lot lines; subject to no commercial use on the property; subject to no outside storage of vehicles or parts; and subject to the number of antique or classic vehicles being worked on or stored be limited to three; finding a hardship demonstrated by the large size of the lot; and finding that restoring the classic cars is a hobby and not a business operation; on the following described property:

All of Block 18, Original Town of Turley Addition, Tulsa County, Oklahoma.

Case No. 826

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1215 - Request a use variance to allow for an existing wooden pallet business (manufacture and repair) in an AG zoned district, located 1/2 mile north of 7th Street, east of 81st West Avenue.

Case No. 826 (continued)

Presentation:

The applicant, **Randall Kelley, 1016 Birch, Sand Springs, Oklahoma,** was represented by Bob Restor, who stated that his client is not requesting approval of the application, but would like sufficient time to relocate the business in question. Mr. Restor informed that the City of Sand Springs has recommended (Exhibit A-1) that a period of 18 months be allowed for relocation of the operation. He suggested that this length of time given the applicant for moving the business could have been based on the fact that the area is sparsely populated and the fact that there are no furnaces or manufacturing processes involved. Mr. Restor explained that his client only repairs used pallets that are broken or need repairs. Photographs (Exhibit A-2) were submitted. He informed that the applicant is agreeable to installing a screening fence, or complying with any restrictions that will make the business less offensive during the relocation process. Mr. Restor stated that trucks load and unload on the site approximately 10 times during the day. It was noted that the pallets are visible from the road, but cannot be seen from the nearby church, due to the dense wooded area.

Comments and Questions:

Mr. Looney inquired as to the hours of operation for the business, and Mr. Restor replied that the business operates from 7:00 a.m. to 5:00 p.m., Monday through Friday.

Mr. Looney asked how long the business has been in operation on the site, and Mr. Restor informed that his client has been in business at the present location approximately four years.

Mr. Fields advised that the Electrical Inspector has informed him that the electrical wiring does not meet Code requirements and should be brought up to standard.

Protestants:

Bill Brelschi stated that he is on the Board of the Word of Life Fellowship Church, which is near the property in question. He remarked that 18 months seems to be an unusually long period of time for relocation of the business. Mr. Brelschi pointed out that some of the discarded materials are buried on the property and that a land fill operation seems to be in progress. He asked that the Board prohibit any type of land fill operation on the property.

Ms. John Cates, 7929 West 7th Street, Sand Springs, Oklahoma, stated that she has previously owned the property in question and that the applicant has built a barn on a portion of the road and left only a small trail to the cemetery. Ms. Cates explained that she still owns and lives on adjoining property and remarked that 18 months is an excessive amount of time to relocate the business.

Mr. Looney asked if there was a dump in the area, and Ms. Cates stated that it was closed 15 years ago and there is no evidence that a dump was ever there.

Case No. 826 (continued)

John Cates, 7929 West 7th Street, Sand Springs, Oklahoma, informed that his wife owns property abutting the subject tract and the applicant has damaged the fence by stacking pallets against it. He stated that he has requested that the pallets be moved away from the fence, but has had no cooperation from the applicant.

Applicant's Rebuttal:

Mr. Restor informed that his client can remedy the problems that have been stated by the protestants. He stated that Mr. Kelly will screen the business from the road and is aware of the fact that he will be required to clean up the area and will do so.

Mr. Looney asked Mr. Restor if his client can vacate the premises in a year, and he stated that he can probably move out in that length of time.

Mr. Tyndall asked if the property can be cleaned up in 90 days and moved out in one year.

In regard to the outside storage, Mr. Fields informed that 50,000 pallets are stacked on the property and also some old cars are stored on the tract.

Mr. Restor stated that the cars belong to the owner and arrangements are being made to remove them from the property.

Mr. Walker informed that he is familiar with the area and feels that the 18 month period recommended by the Sand Springs Board of Adjustment is a very lenient time. He stated that he would consider a period of 60 days for clean up of the property and one year to vacate the premises.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Use Variance** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1215) to allow for an existing wooden pallet business (manufacture and repair) in an AG zoned district; subject to pallets adjacent to 81st West Avenue being moved out of sight of passing vehicles, subject to all wiring on the property being brought up to County standards, subject to all land fill operations ceasing, subject to existing outside storage being screened from the private road to the east, and subject to all trash and inoperable automobiles being removed from the property, all within a 60 day period from this date; and subject to the business being completely removed from the site no later than one year from this date; finding that the wooden pallet business is detrimental to the area and approval of the use variance would violate the spirit and intent of the Code; on the following described property:

The west 362.5' of the north 330', NW/4, NW/4, SW/4, Section 6, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 827

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwellings (one house, one mobile home) on one lot of record, located 1/2 mile south of the SW/c 145th East Avenue and 151st Street North.

Presentation:

The applicant, Kelly Lechluder, 10610 South 145th East Avenue, Bixby, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that Staff has had no contact with Mr. Lechluder since the application was taken, and suggested that the case be continued to the July meeting.

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 **CONTINUE** Case No. 827 to July 19, 1988.

Case No. 829

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1219 - Request a variance to allow for two units (1 house, 1 mobile home) on one lot of record, located 2528 South 57th West Avenue.

Presentation:

The applicant, Derek Ballinger, 1006 1/2 North Main, Sand Springs, Oklahoma, requested permission to install a mobile home on his mother's property. He informed that he plans to get married and intends to use the mobile as a residence for his family. Mr. Ballinger stated that there are other mobile homes in the area.

Protestants: None.

Case No. 829 (continued)

Board Action:

On **MOTION** of **ELLER**, 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 for a mobile home in an RS zoned district; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1219) to allow for two units (1 house, 1 mobile home) on one lot of record; subject to a Building Permit and Health Department approval; finding that the two lots can easily accommodate two dwelling units; and finding that there are other mobile homes in the area, and the granting of the requests will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code; on the following described property:

Lots 2 and 3, Block 4, Second West View Acres Addition, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 821

Action Requested:

The applicant, Randy Marshall, requested a refund of filing fees.

Comments and Questions:

Mr. Jones informed that it has been found that the property in question is located in an area that is outside Tulsa County jurisdiction, and cannot be heard by this Board. He requested that the entire filing fee, in the amount of \$100.00, be refunded to the applicant.

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 **REFUND** the total filing fee, in the amount of \$100.00; finding that the property in question is outside Tulsa County jurisdiction.

Discussion and Consideration of County Board of Adjustment Rules of Procedure and Code of Ethics

Mr. Gardner informed that the following Rules of Procedure and Code of Ethics for the County Board of Adjustment have been submitted for the Board's consideration and adoption at the next meeting.

SECTION I - RULES OF PROCEDURE

A. Name

The name of this board shall be "Tulsa County Board of Adjustment", hereinafter referred to as the "Board".

Rules of Procedure and Code of Ethics (continued)

B. Membership

The Tulsa County Board of Adjustment shall consist of five members, who shall be appointed by the Board of County Commissioners. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause, by the appointing authority after notice, written charges and a public hearing. Three (3) consecutive absences from regular and/or special called meetings, or if absences totaling two-thirds (2/3) of the regularly called or special called meetings held during any six month period, is sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of September.

E. Quorum

Four members of the Board shall constitute a quorum for the conduction of any business.

F. General Procedures

1. The latest edition of Robert's Rules of Order shall govern all Board proceedings to which they are applicable and where they do not conflict with other adopted rules herein.
2. A second is required on all motions in order to bring the question to a vote of the Board.
3. Three (3) affirmative votes are required to approve a variance, special exception, or reverse a decision of the Building Inspector.
4. A timely request for a continuance from either the applicant, interested parties or protestants will be favorably considered if it is received by the INCOG Staff in writing no later than 12:00 p.m. on the Thursday preceding the public hearing and if it contains the reasons for said continuance.

Rules of Procedure and Code of Ethics (continued)

G. Public Hearing Procedures

1. The Board shall consider only public hearing items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.
2. In the event an applicant has not paid the legal advertising fees on or before the scheduled public hearing, the public hearing shall be continued to the next regularly scheduled meeting of the Board. If the required fees have not been paid prior to the continued public hearing, the Chairman shall declare the application insufficient and shall strike the request from public hearing.
3. During the public hearing the following order of business shall be followed:
 - a) Staff will announce the case by reading the item number, case number and applicant's name.
 - b) The Chairman will ask if the applicant is present and if there are any protestants or interested parties.
 - c) Staff will read the location of the subject tract and the action requested from the case report.
 - d) The applicant will be given time (not to exceed ten (10) minutes) to present his case.
 - e) Protestants and interested parties will be given a chance to speak (time not to exceed ten (10) minutes in total).
 - f) The applicant may be allowed time for rebuttal; however, the Board may make a motion at any point in time when they feel they have sufficient information to do so.
 - g) Exhibits given to the Board, by either applicant or protestant, will be kept and made a permanent part of the file.

H. Meetings

1. The Board shall meet on the third Tuesday of each month in a designated location in accordance with its approved calendar.
2. Special Public Hearing meetings may be held on approval by a majority vote of the Board. Such public hearings shall be held in the regular meeting place of the Board.
3. All meeting agenda must be posted 24 hours in advance of the meeting for all regularly scheduled hearings and 48 hours in advance of all special Board hearings.

Rules of Procedure and Code of Ethics (continued)
SECTION 11 - CODE OF ETHICS

A. Conflict of Interest

A Board Member to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of some public action should not be a participant in that action.

1. The possibility, not the actuality, of a conflict of interest should govern.
2. A Board Member experiencing a conflict of interest should declare he/she has a conflict, abstain from voting, and should refrain from any deliberations on the matter other than statements of fact. He should not discuss the matter privately with any fellow official for the purpose of influencing a decision thereon.

B. Release of Information

No Board Member or Staff Member shall use or transmit to others for private benefit any information derived from Board activities unless and until such information is made available to the public at large.

There being no further business, the meeting was adjourned at 3:57 p.m.

Date Approved

July 19, 1988

B. Wayne Alberty
for Chairman
Ron Looney