

COUNTY BOARD OF ADJUSTMENT
Meeting No. 114
Tuesday, November 21, 1989, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Tyndall Walker	Eller Looney	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 Wednesday, November 15, 1989 at 9:08 a.m.

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

MINUTES

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** the **Minutes** of October 19, 1989 (No. 113).

NEW APPLICATIONS

Case No. 935

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS zoned district, located 5912 North Norfolk.

Presentation:

The applicant, **Vivian Taft**, 21341 East 46th Street, Broken Arrow, Oklahoma, submitted a petition of support (Exhibit A-1), and requested permission to install a mobile home on her parents property at the above stated location. She explained that her parents home was in such bad repair that it was removed from the lot, and the mobile home will replace the old house as their residence.

Comments and Questions:

Mr. Alberty asked if there are other mobile homes in the area, and Ms. Taft replied that there is a mobile home down the street from her parents lot and another behind their property.

Case No. 935 (continued)

Mr. Alberty asked if the lot is vacant at this time, and the applicant replied that the mobile home has already been moved to the lot. She stated that she was not aware that permission was required to place the mobile on the lot until she made request for electrical service.

In response to Mr. Alberty, the applicant stated that the mobile home will be hooked to the City sewer line.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209) to allow a mobile home in an RS zoned district; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the immediate vicinity, and the granting of the request will not be detrimental to the neighborhood, or impair the spirit, purposes or intent of the Code; on the following described property:

Lots 7, 8 and 9, Block 11, Original Town of Turley, Tulsa County, Oklahoma.

Case No. 936

Action Requested:

Variance - Section 208 - One Single-Family per Lot of Record - Use Unit 1206 - Request a variance to allow two dwellings (mobile homes) on one lot.

Variance - Section 350 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206 - Request a variance of the 200' frontage to 165' and a variance of the 2 acre lot area to 1.25 acres, located NE/c 103rd Street North and 135th East Avenue.

Comments and Questions:

Mr. Jones informed that the TMAPC approved the lot split November 1, 1989, subject to Board of Adjustment approval.

Presentation:

The applicant, **David Duvall**, 11218 East 109th Street North, Owasso, Oklahoma, was represented by W. T. Tower, 10303 North 135th East Avenue, Owasso, Oklahoma, owner of the property in question. He informed that he is proposing to split his 2 1/2-acre tract and sell 1 1/4 acres to Mr. Duvall. He stated that the percolation test has been completed and approved.

Case No. 936 (continued)

Additional Comments:

Mr. Albery asked Mr. Tower to state the hardship for the variance requests, and he replied that he has reached an age where he can no longer maintain the property. He stated that there are other 1 1/4-acre lots in the immediate vicinity that have mobile homes already in place.

Mr. Duvall stated that he is proposing to rent the two mobile homes that will be placed on his lot.

Mr. Albery asked if there are other 1 1/4-acre lots in the area that have two mobile homes in place, and Mr. Duvall stated that there are several mobile homes that are on lots with less than one acre.

Mr. Gardner pointed out that the TMAPC approved the lot split, which would create two lots comparable to other lots in the area; however, these surrounding tracts only have one mobile home per lot.

Mr. Albery remarked that the density would be greatly increased if two mobile homes were installed on one lot containing 1 1/4 acres of land.

Mr. Tower requested that the Board approve the variance of frontage on the two lots, because he plans to sell one of the lots to another party if Mr. Duvall is not able to purchase the property.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Albery, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **DENY** a **Variance** (Section 208 - One Single-Family per Lot of Record - Use Unit 1206) to allow two dwellings (mobile homes) on one lot; and to **APPROVE** a **Variance** (Section 350 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206) of the 200' frontage to 165' and a variance of the 2 acre lot area to 1.25 acres; finding that the applicant failed to present a hardship that would warrant the granting of two dwellings on one lot of record; finding that there are other lots in the area with similar frontages and lot areas, but no lots that contain two dwelling units; on the following described property:

South 165' of the SE/4, NE/4, SE/4, NW/4, Section 16, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 937

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17 - Request a special exception to allow a Use Unit 17 (automobile sales) in a CS zoned district, located west of SW/c Charles Page Boulevard and South 77th West Avenue.

Presentation:

The applicant, **Lois Smith**, 1014 West 4th Street, Sand Springs, Oklahoma, was represented by **Lester Smith**, owner of the property in question. Mr. Smith stated that his two daughters are proposing to operate a used car business on the vacant lot.

Comments and Questions:

Mr. Alberty inquired as to other uses in the area, and Mr. Smith replied that there is a body shop on one side of the subject property and a washing machine repair shop on the other side.

In response to Mr. Alberty, Mr. Smith stated that the business will be open from 9:00 a.m. to 6:00 p.m., Monday through Friday. He informed that he is proposing to construct a metal building, approximately 24' by 24', to use for a sales office.

Mr. Walker remarked that he is familiar with the area, and there are other automotive related businesses surrounding the subject property.

Mr. Gardner advised that, if inclined to approve the application, the Board should limit the use to automobile sales, as there are numerous uses in Use Unit 17 that might not be appropriate for the area.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17) to allow automobile sales in a CS zoned district; subject to days and hours of operation being Monday through Saturday, 9:00 a.m. to 6:00 p.m.; and subject to no automobile repair, salvage use or outside storage of materials; finding that there are numerous automotive related business in the immediate vicinity, and the granting of the special exception request will not be detrimental to the area; on the following described property:

Lots 9 and 10, Block 1, Lake 2nd Subdivision, Tulsa County, Oklahoma.

Case No. 938

Action Requested:

Variance - Section 1420.A - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206 - Request a variance to expand a nonconforming airport facility by adding a hanger, located 12407 North 73rd East Avenue.

Presentation:

The applicant, **Donald Siemens**, 12407 East 73rd East Avenue, Collinsville, Oklahoma, submitted a plot plan (Exhibit B-1) and requested permission to construct an additional 60' by 60' hanger to house a recently purchased airplane and a travel trailer.

Comments and Questions:

Mr. Alberty asked Mr. Siemens if he has a private air strip on his property, and he replied that he has had a private airport at this location since 1958.

Mr. Jones pointed out that the property is a part of a legal nonconforming subdivision, and the tract in question is zoned residential, with the airport being an accessory use.

Mr. Tyndall asked the applicant if he has already constructed one hanger on the property, and he replied that he has one hanger, but has purchased a second airplane and is in need of additional storage space.

In response to Mr. Tyndall, the applicant stated that he does not intend to repair airplanes for the public, but might work on his aircraft.

Mr. Alberty asked the applicant if he plans to operate a commercial business on the tract, and he replied that the airport and storage facility will be for private use only.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** a **Variance** (Section 1420.A - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206) to expand a nonconforming airport facility by adding a hanger; per plot plan submitted; subject to private use only; finding that, although zoned for residential use, the airport and one existing hanger have been at this location for many years and have proved to be compatible with the neighborhood; on the following described property:

Beginning 678.2' south of the NW/c of Lot 2, or NW/4, NE/4 thence east 200.8', south 339.2, west 200.7, north 339.1 to the Point of Beginning, less west 25' for road, Section 2, T-21-N, R-13-E, a total of 1.36 acres, Tulsa County, Oklahoma.

Case No. 939

Action Requested:

Special Exception - Section 310 - Permitted Uses In the Agriculture Districts - Use Unit 1202 - Request a special exception to permit a cemetery in an AG zoned district, located 12th and Cleveland.

Comments and Questions:

Mr. Jones informed that Staff has not received a recommendation from Sand Springs concerning this case.

Presentation:

The applicant, **Alan Ringle**, 30 South Main, Sand Springs, Oklahoma, who submitted a plot plan (Exhibit C-1), explained that the Sand Springs cemetery and two abutting tracts have recently been purchased by the Stilbrook Corporation. He stated that the additional land has not been approved for cemetery use. It was noted by the applicant that one resident of the area has requested that screening be installed to separate her property from the cemetery. He suggested that a living screen be planted between the two properties, but stated that a wood fence could be installed if required by the Board.

Mr. Gardner asked if there is a perimeter access road along the eastern boundary, and the applicant replied that there will be a road approximately 30' wide between the grave sites and the residential property.

There was Board discussion concerning the previous Sand Springs Board of Adjustment hearing, and the applicant stated that the Sand Springs Board recommended approval of the application, subject to screening along the eastern residential boundary.

Mr. Walker commented that there is also an alley between the residences and the cemetery property.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** a **Special Exception** (Section 310 - Permitted Uses In the Agriculture Districts - Use Unit 1202) to permit a cemetery in an AG zoned district: subject to no grave sites being located within 30' of the east boundary of the cemetery; and subject to Sand Springs condition of approval requiring a living screen (shrubs) along the east boundary between the cemetery and the residences; on the following described property:

TRACT 1 - 10.67 Acres

A tract of land in the W/2 of Section 2, T-19-N, R-11-E, Tulsa County, Oklahoma, being more particularly described as follows:

Case No. 939 (continued)

Beginning at a point on a line 1280.00' north of the north line of the S/2, SW/4, Section 2, T-19-N, R-11-E, Tulsa County, Oklahoma, said point being 580.00' west of the east line of said SW/4, also said Point of Beginning being the NE/c of Woodland Cemetery Third Addition, Plat No. 2572, dated 1/13/65; thence N 89°37'16" W along the north lines of Woodland Cemetery Third Addition and Fourth Addition, Plat No. 4092, dated 4/8/81, a distance of 1026.00' to the NW/c of Woodland Cemetery, Fourth Addition to a set one-half inch iron pin; thence N 0°03'13" E along a line parallel to the west line of the Replat and Resubdivision of Block 3, Timber View Estates Addition, Plat 2440, dated 11/20/62, a distance of 100.00' to a set one-half inch iron pin; thence N 47°50'57" E a distance of 710.08' to a set one-half inch iron pin; thence S 89°37'16" E a distance of 500.00' to a set one-half inch iron pin; thence S 0°03'13" W along the prolongation of the west line of said Plat No. 2440 and said west line a distance of 580.00' to a set one-half inch iron pin to the Point of Beginning, containing 10.76 acres, more or less, Tulsa County, Oklahoma.

TRACT 2 - 10 Acres

A tract of land in the W/2 of Section 2, T-19-N, R-11-E, Tulsa County, Oklahoma, being more particularly described as follows:

Commencing at a point on a line 1280.00' north of the north line of the S/2, SW/4, Section 2, T-19-N, R-11-E, Tulsa County, Oklahoma, said point being 580.00' west of the east line of said SW/4, also said point being the NE/c of Woodland Cemetery Third Addition, Plat No. 2572, dated 1/13/65; thence N 0°03'13" E along the west line of the replat and resubdivision of Block 3, Timber View Estates Addition, Plat No. 2440 dated 11/20/62 a distance of 580.00' to the Point of Beginning; thence continuing N 0°03'13" E a distance of 301.53' to a set one-half inch iron pin; thence N 89°37'16" W parallel to the north line of Woodland Cemetery Third Addition and Fourth Addition, Plat No. 4092, dated 4/8/81 a distance of 1026.00' to a set one-half inch iron pin; thence S 0°03'13" W a distance of 781.53' to a set one-half inch iron pin; thence N 47°50'57" E a distance of 710.08' to a set one-half inch iron pin; thence S 89°37'16" E a distance of 500.00' to a set one-half inch iron pin to the Point of Beginning, containing 10.00 acres, more or less, Tulsa County, Oklahoma.

Case No. 940

Action Requested:

Special Exception - Section 1420(f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206 - Request a special exception to expand a nonconforming use to permit raising livestock and animals.

Variance - Section 240.2 - Permitted Yard Obstructions - Request a variance to the maximum 750 sq ft for detached accessory buildings, located 5801 South 113th West Avenue.

Presentation:

The applicant, **A. Clint Higgins**, PO Box 700898, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that he purchased the property in question in 1984. It was noted that the home was constructed in 1956 and the original owner had used the property for agriculture purposes, raising cows and horses and operating a kennel. Mr. Higgins explained that the kennel was in a deteriorated condition when he bought the property and was reconstructed on the existing pad. He pointed out that there was a period of time that the raising of livestock ceased, which prompted his request for the special exception. It was noted that the land to the west of the subject property is zoned for agricultural use, with the remainder of the property bordering residentially zoned areas. Mr. Higgins pointed out that the neighbor to the south has livestock, and the property owner to the north has previously raised pigs and horses.

Comments and Questions:

Mr. Alberty inquired as to the type of livestock that will be raised on the property, and the applicant replied that he is planning to keep one horse and two or three cows. He pointed out that the four-acre tract will not accommodate more than three or four animals. Mr. Alberty asked if the kennel is still in operation, and Mr. Higgins stated that the kennel is in operation, but is used only for breeding purposes. He informed that the kennel has 11 stalls with runs.

In response to Mr. Alberty, the applicant explained that there is a mobile office building on the property which was to be made permanent for use as an infirmary for ill dogs, but after the complaint was filed, all work was halted until this hearing. He informed that the mobile unit is 12' by 56'.

Mr. Jones noted that there are other accessory buildings on the property, and Mr. Higgins stated that there is a 24' by 24' storage building on the tract. The applicant stated that the house and storage building are located on Lot 12 and a portion of Lot 13, the kennel is on Lot 13, which is located in the middle of the property, and the proposed accessory building will be located on Lot 12. He informed that the livestock will be located on Lot 11 and the eastern half of Lots 12 and 13.

Case No. 940 (continued)

Protestants:

Mr. Alberty informed that the Board has received one letter (Exhibit D-3) of support from a nearby property owner.

A. C. Jordan, 5711 South 107th West Avenue, Tulsa, Oklahoma, stated that he is the preacher for the church located near the proposed pasture, and is opposed to pasturing of livestock near the church. He pointed out that the odor is offensive, and asked that, if inclined to approve the application, the Board require that all livestock be restricted to another portion of the property.

Paul Hillet, a member of the nearby church, requested that he is opposed to the livestock pasture being located near the church building.

Mr. Alberty noted that the State Department of Transportation has requested by letter (Exhibit D-2) that no permanent structures be erected within 150' of the centerline of present State Highway 97, as this highway will be widened to four lanes.

Applicant's Rebuttal:

Mr. Higgins stated that he is willing to confine all animals to the southern portion of Lot 12, which would help eliminate odor near the church.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** a **Special Exception** (Section 1420(f) Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206) to expand a nonconforming use to permit raising livestock and animals; and to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions) of the maximum 750 sq ft for detached accessory buildings; subject to the maximum number of animals on the property being one horse and three cows, with no stabling or grazing of animals on Lot 12; subject to the additional detached accessory building being no larger than 12' by 56', per plan submitted; and subject to Health Department approval and Building Permit; finding that the raising of livestock is prevalent in the area, and that the tract is large enough to support the additional accessory building; on the following described property:

Lots 12, 13 and 14, Block 6, Buford Colony, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date Approved

Wayne Alberty

Dec. 19, 1989

Chairman

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