

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 124  
Tuesday, September 18, 1990, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty, Chairman Eller Tyndall Walker	Walker	Gardner Moore Richards	Dent, 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 Monday, September 17, 1990 at 12:25 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:00 p.m.

**MINUTES:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of August 21, 1990 (No. 123).

**Comments and Questions:**

Mr. Richards informed that he inadvertently omitted continued Cases No. 982 and 983 from the agenda. After discussion, it was the consensus of the Board that a special meeting will be held on September 27, 1990 to accommodate the two applicants, as the next scheduled meeting is approximately one month from this date.

**Case No. 986**

**Action Requested:**

Variance of the minimum lot frontage on a dedicated public street or right-of-way from 30' to 0' to permit construction of a residence - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 4336 South 73rd West Avenue.

**Comments and Questions:**

Mr. Richards stated that the Sand Springs Board of Adjustment (Exhibit A-1) recommended approval of the application.

Mr. Gardner informed that the improved road is not on the section line.

Case No. 986 (continued)

Mr. Alberty asked if 73rd West Avenue is improved, but not dedicated, and Mr. Gardner replied that it is not improved as a standard section line road.

**Presentation:**

The applicant, **Ray L. Weldon**, 6927 East Tecumseh, Tulsa, Oklahoma, was represented by **Ronnie Weldon**, who explained that he and his brother, Ray Weldon, have purchased 10 acres of land on an unimproved road. He stated that Commissioner Selph has agreed to furnish the equipment and manpower to improve the road if the materials are supplied; however, the property is accessed by a dirt lane at this time.

**Comments and Questions:**

Mr. Alberty asked the applicant if he was aware the property did not have road access at the time of purchase, and he replied that he was aware of the road situation. Mr. Weldon stated that he is positive that 37 1/2' is dedicated, and the east property owner has informed him that he would dedicate 30'.

In response to Mr. Alberty, Mr. Weldon stated that other landowners use the road to access their property.

Mr. Alberty asked if the private roadway easement is recorded, and he answered in the affirmative.

Mr. Alberty inquired as to the location of the easement across the front property to access the property to the west, and Mr. Weldon stated that a minimum of 30' will be located across the south side of the east lot. Mr. Alberty stated that a copy of the recorded easement will be required for the Building Inspector's office if the application is approved by the Board.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the minimum lot frontage on a dedicated public street or right-of-way from 30' to 0' to permit construction of a residence - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the filing in the Clerk's office of a 30' access easement along the southern boundary of the eastern lot (CBOA-987); and subject to Health Department and Building Inspector approval; finding a hardship imposed on the applicant by the long, narrow shape of the lot, and the fact that the road is not located on the section line; on the following described property:

W/2, N/2, N/2, SE/4, NW/4, Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 987**

**Action Requested:**

Variance of the minimum lot frontage on a dedicated public street or right-of-way from 30' to 0' to permit construction of a residence - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 4332 South 73rd West Avenue.

**Comments and Questions:**

Mr. Richards stated that the Sand Springs Board of Adjustment (Exhibit B-1) has recommended approval of the application.

Mr. Gardner informed that the improved road is not on the section line.

**Presentation:**

The applicant, **Ronnie Weldon**, 4838 Bahama Avenue, Sand Springs, Oklahoma, stated that he and Ray Weldon have purchased 10 acres of land on an unimproved road. He stated that Commissioner Selph has agreed to furnish the equipment and manpower for a road if the materials are supplied; however, the property is accessed by a dirt road at this time.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the minimum lot frontage on a dedicated public street or right-of-way from 30' to 0' to permit construction of a residence - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the filing of a 30' dedicated road easement with the Clerk's office (73rd West Avenue); and subject to Health Department and Building Inspector approval; finding a hardship imposed on the applicant by the fact that the improved area road was not constructed on the section line; on the following described property:

SE/4, NW/4, less S/2 and less S/2, N/2, and less W/2, N/2, N/2, Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 988**

**Action Requested:**

Special Exception to permit a salvage yard in an IM zoned district - **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27, located 4605 Dawson Road.

**Presentation:**

The applicant, **Bill Richards**, 7863 South 69th East Avenue, Tulsa, Oklahoma, agent for the owner, submitted a plot plan (Exhibit C-1), and explained that during the 1960's, 1970's and early 1980's an asphalt plant and construction company were operated on the

Case No. 988 (continued)

property. He stated that the tract has been used as a dirt, rock and construction material landfill during the last five years. Mr. Freeman requested that the purchaser of the land be allowed to use the property as an auto salvage yard in conjunction with his auto parts business. He pointed out that the property to the east has been used as an auto salvage yard for approximately 20 years, with the property to the north and west being owned by Acme Brick and used for manufacturing and storage. It was noted by the applicant that there is a greenbelt of trees between the Acme Brick property and the subject tract. He informed that the land across the road is unimproved.

**Comments and Questions:**

In reply to Mr. Alberty, the applicant stated that, although a portion of the property is located in the floodplain, much of the land has been elevated by soil that has been removed from the construction sites of stormwater detention facilities.

Mr. Gardner stated that the County Building Inspector has cited the owner for filling in the floodplain, and the requirements of that agency will have to be satisfied.

In response to Mr. Alberty, the applicant stated that he was unaware the landfill was illegal.

Mr. Dent stated that Mr. Fields made an onsite investigation of the operation and cited the owner because the fill dirt reached a height that was not authorized. He explained that the County Engineer required that the land fill be 6" below the existing retaining wall; however, the dirt is 4' to 5' above the wall in some areas and the overfill has altered the watercourse.

Ken Freeman, 8340 East 13th Street, Tulsa, Oklahoma, stated that he has conversed with the owner of the salvage yard to the east, and he is concerned with the landfill. He pointed out that the land to the east has low places that could be filled with dirt from the subject property. Mr. Freeman stated that he is attempting to resolve the overfill problem.

Mr. Alberty stated that any decision made by the Board would be subject to all County requirements.

Mr. Walker asked Mr. Freeman for a more detailed description of the proposed greenbelt, and he replied that he intends to clean up the property, leaving the existing trees, ponds and grassy areas. Mr. Freeman further noted that a new building will be constructed on the property and the salvage will be stored in rows, with access aisles to all materials.

In response to Mr. Walker, Mr. Gardner stated that the size of the tract requested is typical for a salvage operation.

Case No. 988 (continued)

Mr. Alberty stated that he is concerned with screening along Dawson Road, and Mr. Freeman said that he is not opposed to screening the area.

Mr. Gardner advised that, if inclined to approve the application, a screening fence constructed of uniform material should be required along Dawson Road.

**Interested Parties:**

**Tim Coppinger**, 7205 South 92nd Street, Tulsa, Oklahoma, who represented Acme Brick Company, stated they are in agreement with the application, subject to no contaminants flowing from the salvage yard into the creek between the two properties. He stated that they test this stream monthly.

**Applicant's Rebuttal:**

Mr. Freeman informed that the new \$150,000 facility will be in accordance with all EPA regulations, and that a storage tank will be installed for all automobile fluids.

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a salvage yard in an IM zoned district - **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27; subject to County Engineer approval as to filling in the floodplain; subject to 100' greenbelt being maintained on the north, east and west boundaries; subject to the installation of a 8' to 10' solid screening fence along Dawson Road, constructed of uniform material; and subject to Building Inspector and Health Department approval; finding that there is a similar salvage operation in the area; and that the granting of the request, as presented and regulated, will not be detrimental to the surrounding land uses; on the following described property:

SW/4, NE/4, SE/4 of Section 28, T-20-N, R-13-E of the Indian Base and Meridian in Tulsa County, Oklahoma, according to the United States Government Survey thereof, together with a tract described as follows: Beginning 660' west of the NE/c of the NE/4, SE/4, SE/4 of Section 28; thence west a distance of 660' to the NW/c of the said SE/4, SE/4, thence south 347.7' to the north line of the Tulsa County Highway; thence northeasterly along the north line of the Tulsa County Highway to its intersection with the west line of the said NE/4, SE/4, SE/4; thence north to the point and place of beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 989**

**Action Requested:**

Special Exception to permit two dwelling units on a single lot of record - **SECTION 206. NUMBER OF DWELLING UNITS ON A LOT** - Use Unit 9.

Special Exception to permit a mobile home as a dwelling unit on a permanent basis - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1043 Willow Street, Sand Springs, Oklahoma.

**Presentation:**

The applicant, **John Wolfe**, 1043 Willow Street, Sand Springs, Oklahoma, submitted a plot plan (Exhibit D-2), and explained that the lot in question is 400' deep, with one existing house toward the front portion of the property. He requested permission to install a mobile approximately 300' east of the front lot line, which will be occupied by his nephew. The applicant stated that the mobile unit will be skirted, tied down and will have a covered deck along the front. A letter from the Sand Springs Board of Adjustment (Exhibit D-1) recommended approval of the application.

**Comments and Questions:**

Mr. Alberty asked if there are other mobile homes in the area, and the applicant stated that there are several mobile units a short distance down the street from his residence.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit two dwelling units on a single lot of record - **SECTION 206. NUMBER OF DWELLING UNITS ON A LOT** - Use Unit 9; and to **APPROVE** a **Special Exception** to permit a mobile home as a dwelling unit on a permanent basis - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per site plan permitted; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area; and finding that the mobile in question will be located behind the existing dwelling, approximately 300' from the front boundary line of the property; on the following described property:

A strip or parcel of land situated in the SE/4, SE/4 of Section 4, T-19-N, R-11-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows to-wit: Commencing at the SE/c of Section 4, T-19-N, R-11-E; thence west on the south line of said Section 4, a distance of 861' to and intersecting a line parallel to and 400' east of the east right-of-way line of Willow Street in Charles Page Home Acres

Case No. 989 (continued)

Subdivision No. 3; thence north on a line parallel to the east right-of-way line of said Willow Street, a distance of 500' to the Point of Beginning; thence a distance 100'; thence west on a line parallel to the south line of said Section 4, a distance of 400' to a point of intersection with the east right-of-way line of said Willow Street; thence south on the east right-of-way line of said Willow Street, a distance of 100'; thence east on a line parallel to the south line of said Section 4, a distance of 400' to the Point of Beginning, Schedule B, containing 0.92 of an acre, City of Tulsa, Tulsa County, Oklahoma.

Case No. 990

Action Requested:

Variance of the maximum square footage of an accessory storage building from 750 sq ft to 1500 sq ft - SECTION 240.2.E. Permitted Yard Obstructions - Use Unit 6, located 5910 South 62nd West Avenue, Oakhurst, Oklahoma.

Presentation:

The applicant, **William Myres**, PO Box 278, Oakhurst, Oklahoma, requested permission to construct a metal storage building to house a 24' recreational vehicle. Mr. Myres stated that he is proposing to removed some existing buildings and consolidate all storage into one large building.

Comments and Questions:

Mr. Alberty asked if a business will be operated at this location, and the applicant stated that he does not operate a business, and that the building will only be used for personal storage of vehicles and equipment.

In response to Mr. Alberty, the applicant stated that he will remove the two existing storage buildings.

Mr. Dent requested that, if inclined to approve the application, the Board restrict the use to personal storage only, with no commercial activities permitted on the property.

Mr. Tyndall asked if the structure will be all metal, and the applicant answered in the affirmative.

Mr. Walker inquired as to the height of the building, and he required that it will only be tall enough to install a 12' door for the RV.

Protestants: None.

Case No. 990 (continued)

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the maximum square footage of an accessory storage building from 750 sq ft to 1500 sq ft - **SECTION 240.2.E. Permitted Yard Obstructions** - Use Unit 6; subject to the removal of the two existing storage buildings, and subject to the building being used for personal storage only, with no commercial activity; on the following described property:

Lots 28, 29 and 30, Block 4, New Taneha Addition, Tulsa County, Oklahoma.

**Case No. 991**

**Action Requested:**

Use Variance to permit a welding and sheet metal shop in an AG zoned district - **SECTION 1670. VARIANCES** - Use Unit 25, located 17901 East 131st Street South.

**Comments and Questions:**

Mr. Richards informed that Case No. 991 has not been heard by the Broken Arrow Board of Adjustment.

It was the consensus of the Board that the case should be continued to October 16, 1990 to allow sufficient time for Broken Arrow to make a recommendation on the proposed use.

**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 991 to October 16, 1990, to allow the Broken Arrow Board of Adjustment to hear the application.

**Election of Officers**

On **MOTION** of **TYNDALL**, the Board voted 3-0-1 (Eller, Tyndall, Walker, "aye"; no "nays"; Alberty, "abstaining"; Looney, "absent") to reelect **Wayne Alberty** as Chairman of the Tulsa County Board of Adjustment.

On **MOTION** of **ELLER**, the Board voted 3-0-1 (Alberty, Eller, Walker, "aye"; no "nays"; Tyndall, "abstaining"; Looney, "absent") to reelect **John Tyndall** as Vice President of the Tulsa County Board of Adjustment.

Election of Officers (continued)

On MOTION of ELLER, the Board voted 3-0-1 (Alberty, Eller, Tyndall, "aye"; no "nays"; Walker, "abstaining"; Looney, "absent") to reelect Roland Walker as Secretary for the County Board of Adjustment.

There being no further business, the meeting was adjourned at 2:20 p.m.

Date Approved

Oct. 16, 1998

Wayne Alberty  
Chairman