

**COUNTY BOARD OF ADJUSTMENT**  
Agenda (No. 134)  
Tuesday, July 25, 1991, 1:30 p.m.  
(continued from July 16, 1991)  
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	Looney	Gardner Moore	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 Monday, July 22, 1991 at 10:13 a.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 June 18, 1991 (No. 133).

**UNFINISHED BUSINESS**

**Case No. 1024**

**Action Requested:**

Variance of the required lot area and land area in an AG zoned district to permit a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6.

Variance of the required 30' frontage on a public street or dedicated right-of-way - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located west of southwest corner 193rd West Avenue and Wekiwa Road.

**Presentation:**

The applicant, **Juanita Miller**, was not present.

**Comments and Questions:**

Mr. Gardner clarified that the lot split was previously denied by Sand Springs and the applicant was attempting to reconfigure the lots; however, Staff has had no further information on the status of the application. He stated that the case was continued in May and June and suggested that the Board strike it from the agenda.

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **STRIKE** Case No. 1024, due to the continued absence of the applicant.

## NEW APPLICATIONS

### Case No. 1032

#### Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located northeast corner 75th Street North and Owasso Avenue.

#### Presentation:

The applicant, **Marsha Hastings**, 1218 East 73rd Street North, Tulsa, Oklahoma, was represented by her husband, who requested permission to install a mobile home on his property for use as a permanent residence for his father.

#### Comments and Questions:

Mr. Alberty asked if a mobile home was previously located on the lot, and Mr. Hastings answered in the affirmative.

In response to Mr. Alberty's inquiry as to other mobile homes in the area, Mr. Hastings informed that there are many others in the area, and that his father's mobile will be permanently installed with skirting.

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 **Special Exception** to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to a Building Permit and Health Department approval; finding that there are numerous mobile homes in the area, and the granting of the request will not be injurious to the neighborhood; on the following described property:

Lot 6, Block 4, Delaware Gardens, Tulsa County, Oklahoma.

### Case No. 1033

#### Action Requested:

Variance to expand a nonconforming use (salvage yard) by the erection of a new building - **Section 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 27, located 5600 Southwest Boulevard.

#### Presentation:

The applicant, **Don Winningham**, 5600 Southwest Boulevard, Tulsa, Oklahoma, stated that he operates a nonconforming salvage business on the subject property, and requested permission to demolish an old existing building and replace it with a new 50' by 100' metal structure. He explained that the existing building has been at the current location since 1944 and was a part of an old motel complex. Mr. Winningham stated that the motel has been removed, and the removal of the remaining old building will help to upgrade the community.

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Comments and Questions:

In response to Mr. Gardner, the applicant stated that the old building is 40' by 60' and the new metal building will be 50' by 100'.

Mr. Gardner stated that the use is already there, and the Board will have to determine if the new building will be an improvement to the area. He pointed out that the old building can be amortized at \$200 per year, which would take place over a very long period of time.

In reply to Mr. Gardner's question concerning the overhead doors, Mr. Winningham stated that they will be on the north and south sides of the building.

Mr. Alberty inquired as to the use of the building, and the applicant stated that the building is used for the storage of parts and to disassemble automobiles.

In response to Mr. Alberty's question as to the hardship in this case, Mr. Winningham stated that he would not be permitted to rezone the property, and that he cannot build this building without Board of Adjustment approval, since that is considered expanding a nonconforming use. He pointed out that the new building would be on the front portion of the lot and would improve the appearance of the area.

Mr. Fields stated that the proposed location is the only portion of the lot that would be suitable for the building.

Mr. Alberty stated that the area is residential in character and the use is not compatible with the neighborhood. He pointed out that, if the building is not approved, the use would eventually disappear.

Mr. Walker pointed out that the use can remain as it is, or improvements could be made. He stated that he does not view the new building as an expansion, since some of the outside storage could be moved inside.

Mr. Eller stated that the salvage operation in its present condition is an eyesore; however, the new building would block the view from the street and would improve the appearance of the business.

Protestants: None.

Board Action:

On **MOTION** of ELLER, the Board voted 3-1-0 (Eller, Tyndall, Walker "aye"; Alberty, "nay"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to expand a nonconforming use (salvage yard) by the erection of a new building - **Section 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 27; subject to all salvage being located to the rear of the new building; subject to the existing building on the property being removed; and subject to overhead doors being located on the north and south sides of the

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new structure; finding that the existing salvage use to be nonconforming, and the value of the existing building would allow the use to exist for many years; and finding that that the approval of the variance request would not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 1, Block 1, Oakhurst Estates, Tulsa County, Oklahoma.

**Executive Session**

Discussion and possible action regarding **CBOA-913, Jerry Springer.**

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to go into **executive session** for discussion and possible action on County Board of Adjustment Case No. 913, Jerry Springer.

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DISMISS** the **Appeal** concerning Case No. 913, Jerry Springer.

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays"; no "abstentions"; Looney, "absent") to **ADJOURN** the **executive session**.

There being no further business, the meeting was adjourned at 2:38 p.m.

Date Approved

August 20, 1991

Wayne Alberty  
Chairman