

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 155
Thursday, April 29, 1993, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Looney Tyndall Walker		Gardner Jones Moore	Glenn, Building Insp. Fields, Building Insp.

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, April 23, 1993, at 1:21 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of March 16, 1993 (No. 154).

UNFINISHED BUSINESS

Case No. 1143

Action Requested:

Variance to expand a nonconforming church by the addition of a fellowship hall - **SECTION 1420.A. NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION** - Use Unit 5, located 7712 West 14th Street.

Presentation:

The applicant, **Barry Hacker**, 1316 South 79th West Avenue, informed that the church in question is requesting permission to construct a fellowship hall. He noted that the addition will not increase the auditorium size, and will not require additional parking.

Comments and Questions:

In response to Mr. Alberty, Mr. Jones informed that the applicant could have requested a special exception to permit church use, but would need a variance of the one-acre minimum. He stated that, since the church is existing, the applicant opted to request a variance. Mr. Jones noted that the use is compatible with the area.

Case No. 1143 (continued)

Mr. Alberty advised that the Sand Springs Board of Adjustment (Exhibit A-2) is supportive of the application.

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** to expand a nonconforming church by the addition of a fellowship hall - **SECTION 1420.A. NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION** - Use Unit 5; per plan submitted; finding a hardship demonstrated by the fact that the church is existing; and finding that construction of the addition will not displace or require additional parking, and will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

Lot 13, Block 4, Second Lake Addition, Tulsa County, Oklahoma.

Case No. 1144

Action Requested:

Special Exception to permit church use in an RE District - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located south of the southwest corner of East 86th Street North and U.S. Highway 75.

Presentation:

The applicant, **Stephen D. Berry**, 1817 East 66th Street North, was represented by **Curtis Linton**, who stated that he was unable to attend the previous hearing concerning the subject property, and that he would like to address some of the issues presented at that time. In regard to the protestants concern regarding traffic generated by the church, Mr. Linton pointed out that Highway 75 is a busy highway and is closer to the protestants home than the proposed use. He stated that the protestants voiced a concern that the church would devalue their property, but it appears that the truck stop across the street would be more likely to have a negative impact than the church. Mr. Linton advised that a Health Department representative informed him that the church and school would require 7400' of lateral lines, or 3956' for the church, and a lagoon is also an alternative solution. Mr. Linton stated that the protestants had erroneous information concerning the failure of the soil to pass a percolation test. He stated that the existing 3"

Case No. 1144 (continued)

water line could not accommodate the previously proposed 17-house addition; however, it is adequate for the church. In regard to school use, Mr. Linton pointed out that the current enrollment is 142.

Comments and Questions:

Mr. Alberty stated that school use has not been requested and the Board cannot address that subject without further advertising.

Mr. Linton stated that only the church is proposed at this time; however, school use could be requested in the future.

Mr. Alberty informed that there were members of the Board present at the last meeting who have expressed a concern with school use at this location.

Mr. Alberty stated that the protestant contended that the existing roadway was not built in dedicated rights-of-way, and it appears that a survey would be required in order to make that determination.

Mr. Tyndall asked if the protestants from the previous meeting were notified of this hearing.

After discussion, Mr. Jones advised that the meeting was scheduled for April 20th; however, due to an error in the advertising process, it was changed to this date. He pointed out that a sign designating the new meeting date may not have been placed on the meeting room door on April 20th. He noted that the protestant was advised at the previous meeting that the case would be heard on April 20th, and did not receive further notification. Mr. Jones suggested that the application be continued to insure proper notification of all parties involved. He informed that the applicant is amenable to a continuance.

Protestants:

None.

Board Action:

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 1144 to May 18, 1993.

NEW APPLICATIONS

Case No. 1146

Action Requested:

Special Exception to permit a mobile home in an RS District, Use Variance to permit a convenience store in an RS District, and a Use Variance to permit truck storage in an R District - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Units 9, 13 and 23, located NE/c of South 264th West Avenue and West 17th Street.

Presentation:

The applicant, **Alice Sanches**, PO Box 9944, Tulsa, Oklahoma, stated that she purchased the property for commercial purposes, and is currently operating a convenience store. She requested permission to move a single-wide mobile home on the lot and continue the operation of the store. Ms. Sanches informed that she was told the property had a commercial zoning classification and that the store would be permitted. The applicant also requested permission to park three trucks on the premises. A petition of support (Exhibit - B-2) was submitted.

Comments and Questions:

In response to Mr. Alberty, the applicant informed that she has been operating the convenience store at this location for approximately two months. Ms. Sanches stated that a real estate office was previously operating on the lot, and she was not aware that the property was zoned residential.

Mr. Tyndall inquired as to the truck storage, and Ms. Sanches stated that she owns three trucks, which are only parked on the property when they are not on the road. She noted that the trailers are not stored at this location.

Mr. Alberty asked the applicant if the mobile home will be used for her residence, and she answered in the affirmative.

Mr. Walker inquired as to the size of the lot, and the applicant stated that she owns one acre.

In response to Mr. Looney, Ms. Sanches stated that the property has streets on three sides and does not have a screening fence.

Case No. 1146 (continued)

Protestants:

Pat Mackey, Route 3, Box 835, Sand Springs, Oklahoma, stated that she lives across the street from the subject property, and pointed out that she bought her lot because the area was residential. Ms. Mackey stated that she is not opposed to the mobile home or the convenience store if they are properly maintained, but cannot support truck parking on the lot. She pointed out that some of the trucks are left running all night, which is very disturbing to the neighbors.

In response to Mr. Alberty, Ms. Mackey informed that the lot in question was previously used as a sales office for lots in the area.

Theresa Henry, Route 3, Box 768, Sand Springs, Oklahoma, stated that she lives in an manufactured home across the street from the subject property. She pointed out that the convenience store is not a permanent structure and is actually a mobile home. Ms. Henry noted that the area is strictly residential, and she is opposed to the store and the trucks on the RS zoned lot. She remarked that the trucks have trailers attached, and the operation is detrimental to the neighborhood.

C. E. McMenamy, Route 3, Box 836, Sand Springs, Oklahoma, stated that he lives across the street from the use and is opposed to the application.

George Cook, Route 3, Box 834, Sand Springs, Oklahoma, stated that occasionally the trucks run during the night, and the subject tract is not an appropriate location for a convenience store and truck storage.

Photographs (Exhibit B-1) were submitted.

Additional Comments:

Mr. Alberty stated that he is not opposed to a mobile home for residential purposes; however, is not supportive of the convenience store operating from a mobile home or truck storage on the property.

Mr. Walker remarked that he is familiar with the area, and is not supportive of the application.

Mr. Tyndall stated that, although a petition of support was submitted, he is opposed to the use at this location.

Mr. Gardner advised that mobile units used for sales offices are temporary and customary for as long as lots in the subdivision are being sold.

Case No. 1146 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home for residential purposes in an RS District; to **DENY** a **Use Variance** to permit a convenience store in an RS District; and to **DENY** a **Use Variance** to permit truck storage in an R District - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Units 9; finding that mobile home use has been established in the area; and finding that a hardship has not been shown, as required by law, to grant a variance; and finding that truck storage and a convenience store are inappropriate for the residentially zoned area, and in violation of the spirit and intent of the Code; on the following described property:

Lot 1, Block 3, Keystone Manor Suburban Acres, Tulsa County, Oklahoma.

Case No. 1147

Action Requested:

Variance of the required setback from 55' to 31.7' to permit an existing dwelling - **Section 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2502 South 57th West Avenue.

Presentation:

The applicant, **Viola Sherburn**, 2502 South 57th West Avenue, submitted a plat of survey (Exhibit C-1) and explained that her home was constructed approximately 30 years ago and the garage extends 21' over the current required setback line. The applicant stated that she has sold the property and the variance is needed to clear the title.

Comments and Questions:

Mr. Alberty asked if there is sufficient distance to park a car between the curb and the garage, and Ms. Sherburn stated that there is just enough space to park a car in front of the garage.

In reply to Mr. Alberty, the applicant stated that there are numerous houses in the area that are as close to the street as the one in question.

Mr. Gardner advised that the County did not have building permits prior to 1976.

Protestants:

None.

Case No. 1147 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from 55' to 31.7' to permit an existing dwelling - **Section 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted, to clear the title; finding that the house was constructed prior to the adoption of County building requirements; and finding that there are numerous older homes in the area with similar setbacks; on the following described property:

Lot 2, Block 4, Second West Tulsa View Addition,
Tulsa County, Oklahoma.

Case No. 1148

Action Requested:

Special Exception to permit a mobile home in an RS District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 6033 South 60th West Avenue.

Presentation:

The applicant, **Donna Seaton**, PO Box 812, Oakhurst Oklahoma, submitted a plot plan (Exhibit D-1) and requested permission to install a mobile home on her property at the above stated location.

Comments and Questions:

Mr. Alberty asked if there are improvements on the property, and the applicant replied that the land is vacant.

Mr. Looney inquired as to the size of the mobile unit, and Ms. Seaton replied that she will install a double wide mobile home on the lot.

Mr. Alberty informed that a double wide mobile home is permitted by right; however, the placement of a single wide unit on the property requires Board approval.

Protestants:

None.

Case No. 1148 (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** to permit a mobile home in an RS District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to the mobile home being tied down and skirted; and subject to a building permit and Health Department approval; on the following described property:

Lots 19 and 20, Block 13, New Taneha in Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 1149

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 1014 Industrial Street.

Presentation:

The applicant, **Robert Tunnell**, 1011 Valley Drive, Sand Springs, Oklahoma, submitted a plot plan (Exhibit E-1, and requested permission to install a mobile home on vacant property.

Comments and Questions:

In response to Mr. Alberty, the applicant informed that the Sand Springs sewer will serve his property.

Mr. Alberty asked if the mobile home will be skirted and tied down, and the Mr. Tunnel answered in the affirmative.

Mr. Fields informed that an 85' setback from the centerline of the street is required at this location.

Protestants:

None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a Special Exception to permit a mobile home in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to the mobile being skirted and tied down; and subject to a building permit, Health Department approval

Case No. 1149 (continued)

and compliance with all setback requirements; finding the use to be consistent with the area; on the following described property:

Lot 21 East, Block 24, Charles Page Acre No. 4, Tulsa County, Oklahoma.

Case No. 1150

Action Requested:

Special exception to permit a church in an RS District; Variance of the required setback from the centerline of South Broadway from 50' to 40' to permit the expansion of an existing church; Variance of the all-weather surface requirement for parking to permit a gravel lot - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located NE/c of South Broadway and Tiger Avenue.

Presentation:

The applicant, **Carl Ketchum**, 1200 West Jasper, Broken Arrow, Oklahoma, explained that the church in question was erected many years ago in Leonard, Oklahoma, and at that time construction was permitted to extend up to the property line. He informed that an addition is proposed for youth activities, which will align with the existing building. A site plan (Exhibit F-1) was submitted.

Protestants:

None.

Board Action:

On MOTION of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Special Exception** to permit a church in an RS District, a **Variance** of the required setback from the centerline of South Broadway from 50' to 40' to permit the expansion of an existing church and a **Variance** of the all-weather surface requirement for parking to permit a gravel lot - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that church use is existing and is compatible with the neighborhood; and finding that there are numerous gravel parking lots in the area; and approval of the requests will not cause substantial detriment to the public good, or impair the spirit, purposes or intent of Code; on the following described property:

S/2 of Lots 8-11 and all of Lots 12-22, Block 29, Leonard Addition, Tulsa County, Oklahoma.

Case No. 1151

Action Requested:

Variance to permit three dwelling units per one lot of record - **Section 206. NUMBER OF DWELLING UNITS ON A LOT - Use Unit 9**, located 3715 South 177th West Avenue.

Presentation:

The applicant, **Leoma Moore**, 3715 South 177th West Avenue, was represented by **Carl Officer**, 6635 East Breeding, who explained that he has purchased a ten-acre tract and is proposing to have three residences on the property. He informed that he will occupy one dwelling, and the other two will be occupied by his two aunts and his mother (Exhibit G-1). Mr. Officer remarked that there are currently five mobile homes on the property. He explained that the two mobiles on the front portion of the tract and the two located toward the rear of the property have been attached. He pointed out that the rear unit is 700' from the road and is not visible because of the trees, and that he is proposing to refurbish all of the units. A plot plan (Exhibit G-5) was submitted.

Comments and Questions:

Mr. Gardner asked if there are only three dwellings on the lot at this time, and Mr. Officer answered in the affirmative.

Mr. Alberty pointed out that the tract has sufficient land area to split into four lots.

Mr. Officer stated that he, his mother and his aunts have combined their assets to purchased the acreage, and want it to remain as one lot of record.

Mr. Alberty asked if the residences will be occupied by family members only, and Mr. Office answered in the affirmative.

Protestants:

Jim Sohl, 3501 South 177th West Avenue, Sand Springs, Oklahoma, stated that he lives approximately 500' from the subject tract, and voiced a concern that the increase in density could set a precedent in the neighborhood. He submitted photographs (Exhibit G-3) of the existing mobile units. Mr. Sohl stated that the applicant has not presented a hardship that would warrant granting the variance request, and asked the Board to deny the application.

Mr. Alberty asked Mr. Sohl if he is aware that there are three mobile homes on a lot to the south of the subject tract, and he answered in the affirmative.

Case No. 1151 (continued)

Richard Harris, 17402 West 32nd Street, Sand Springs, Oklahoma, submitted a petition of opposition (Exhibit G-2) and informed that 86% of the residents that were contacted disapprove of the proposed use. He pointed out that the three mobile homes on one lot of record to the south of the subject tract were in place before Western Hills Ranchettes was platted. Mr. Harris stated that there are five mobile homes on the subject lot.

Additional Comments:

Mr. Alberty informed that the Sand Springs Board of Adjustment has advised by letter (Exhibit G-4) that they are not opposed to one mobile home per 3.3 acres. He informed that the letter stated that there were numerous property owners that were opposed to the unsightly appearance of the mobile units; however, the neighbor living nearest the subject property was not opposed to the application, if the four mobiles are refurbished and made into two units. Mr. Alberty stated that the Sand Springs Board advised that they are not supportive of the application.

Applicant's Rebuttal:

Mr. Officer stated that the protestants at the Sand Springs meeting referred to the use as a mobile home park and always talked about five mobile homes, instead of the three dwellings that are proposed. He stated that the mobiles will not be crowded, and the third unit is not visible. Mr. Officer informed that the land will easily support a septic system.

Additional Comments:

Mr. Fields advised that each mobile unit will be required to have a separate septic system.

It was the consensus of the Board that the tract has sufficient land area to accommodate three residences, and the applicant could request a lot split.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** to permit three dwelling units per one lot of record - **Section 206. NUMBER OF DWELLING UNITS ON A LOT - Use Unit 9**; per plot plan submitted; subject to compliance with County Code requirements; subject to four of the five mobile homes being tied together in such a manner as to result in a total of three dwellings only; subject to the units being skirted and tied down; subject to the mobile units being refurbished and in good repair; subject to occupants being family members only; subject to Health Department approval; and subject to the mobile

Case No. 1151 (continued)

homes to the rear of the property being attached and completely refurbished no later than April 29, 1994; finding that the tract has sufficient land area to accommodate three residences; and finding that a tract of land to the south has three dwelling units per lot of record, and approval of the request will not cause substantial detriment to the public good, or violate the spirit, purposes or intent of the Code; on the following described property:

Lot 10, Western Hills Ranchettes, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:25 p.m.

Date Approved

May 18

Wayne Albert
Chairman